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## AGENDA - COMMITTEE OF THE WHOLE

Tuesday, April 25, 2023 @ 6:00 PM

In the City Hall Council Chambers | 4850 Argyle Street, Port Alberni, BC

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*The following pages list all agenda items received by the deadline [12:00 noon on the Wednesday before the scheduled meeting]. A sample resolution is provided for most items in italics for the consideration of Committee members. For a complete copy of the agenda including all correspondence and reports please refer to the City's website [portalberni.ca](http://portalberni.ca) or contact the Director of Corporate Services at 250.720.2823 or by email [danielle\\_leurebourg@portalberni.ca](mailto:danielle_leurebourg@portalberni.ca) or the Deputy City Clerk at 250.720.2822 or by email [sara\\_darling@portalberni.ca](mailto:sara_darling@portalberni.ca)*

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### A. **CALL TO ORDER & APPROVAL OF THE AGENDA**

1. Recognition of unceded Traditional Territories.
2. Late items identified by Committee members.
3. Late items identified by the Corporate Officer.
4. Notice of Video Recording (live-streaming and recorded/broadcast on YouTube)

*That the agenda be approved as circulated.*

### B. **ADOPTION OF MINUTES** - Page 3

1. Minutes of the meeting held at 6:00 pm on March 20, 2023, as presented.

### C. **DELEGATIONS**

### D. **UNFINISHED BUSINESS**

### E. **STAFF REPORTS**

1. **Council Code of Conduct Policy 3002-01** - Page 8  
Report dated April 13, 2023 from the Director of Corporate Services providing a Council Code of Conduct policy for consideration.

*THAT Committee of the Whole recommend Council approve Council Code of Conduct Policy 3002-01.*

2. **Council Procedures Amendment Bylaw No. 5082, 2023** - Page 14  
Report dated April 13, 2023 from the Director of Corporate Services providing a Council Procedures Bylaw amendment for consideration.

*THAT Committee of the Whole recommend Council consider "Council Procedures Amendment Bylaw No. 5082, 2023" for three readings.*

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3. **City of Port Alberni Building Bylaw No. 5077** - Page 48  
Report dated April 14, 2023 from the Manager of Planning providing a Building Bylaw for consideration.

*THAT Committee of the Whole recommend Council consider "City of Port Alberni Building Bylaw NO. 5077" for three readings.*

**F. CORRESPONDENCE**

**G. NEW BUSINESS**

**H. QUESTION PERIOD**

**I. ADJOURNMENT**

*That the meeting adjourn at      pm.*

**MINUTES OF THE COMMITTEE OF THE WHOLE**  
**Monday, March 20, 2023 @ 6:00 PM**  
**In the City Hall Council Chambers | 4850 Argyle Street, Port Alberni, BC**

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Present: Mayor S. Minions  
Councillor D. Dame  
Councillor J. Douglas  
Councillor D. Haggard  
Councillor C. Mealey  
Councillor T. Patola  
Councillor C. Solda

Staff: M. Fox, Chief Administrative Officer  
S. Smith, Director of Development Services | Deputy CAO  
D. Leurebourg, Director of Corporate Services  
A. McGifford, Director of Finance  
R. Dickinson, Director of Engineering and Public Works  
R. Macauley, Deputy Director of Finance  
P. Deakin, Manager of Economic Development  
J. Pelech, Manager of Information Technology

Gallery: 19 (8 attendees through webinar)

**A. CALL TO ORDER & APPROVAL OF THE AGENDA**

The meeting was called to order at 6:00 PM.

*MOVED AND SECONDED, THAT the agenda be approved as printed and circulated.*

**CARRIED**

**B. ADOPTION OF MINUTES**

*MOVED AND SECONDED, THAT the minutes of the meeting held at 6:00 pm on March 6, 2023 be adopted, as presented.*

**CARRIED**

**C. DELEGATIONS**

**D. UNFINISHED BUSINESS**

**1. "City of Port Alberni 2023 – 2027 Financial Plan Bylaw No. 5075, 2023"**

The Director of Finance provided members of the Committee with a verbal overview, of the changes made to date and invited any further questions or requests for clarification from members of the Committee.

**Attachments**

- i. "City of Port Alberni 2023-2027 Financial Plan Bylaw No. 5075, 2023" [incl. details]
- ii. Summary of Questions & Answers | Dated March 16, 2023

Members of the Committee commented/questioned as follows:

- Correspondence received around fire smart funding and why none is included in the budget?  
*The ACRD provides service through the Alberni Valley Emergency Planning Service area and Fire Smart funding is done through the ACRD (grants and Regional District taxation).*
- Parks maintenance line 2715 and 27230 – Parks upgrading were underspent by approximately \$315,000.  
*The unspent funding would become part of the annual surplus for 2022, then allocated to reserves. Council may provide direction to use surplus in the current or future financial plans.*
- When do we anticipate to have the Surplus balance for 2022?  
*It is anticipated that the surplus will come forward at the April 11th RCM.*
- When will we expect the Parks master plan and Westport Park report to come to Council?  
*Within the Parks masterplan and with the OCP, it is a great time to look at the entire need in the community for our park infrastructure and set the City-wide plan moving forward. The specific date of the report remains to be determined with Parks, Recreation and Heritage.*

**E. PUBLIC INPUT/QUESTION PERIOD**

**M. Alroos**

- Q1. Walkway was locked on the weekend (Somass frontage), install a few benches and ensure it is open to access.
- Q2. Park at the Corner of Redford and 10<sup>th</sup> Ave - would like to see finished - I would be happy with the works. Suggested a sculpture.
- Q3. Blue Economy - Visiting Navy ships were unable to have a third at the Port. Would like to see the City work with the Port Authority to upgrade the port to allow this in the future.
- Q4. Would like to see the dry dock progressing.
- Q5. Would like to see the roads paved when undersurface work is undertaken.

**A. Prochenska**

- Q1. Why has there been a decrease of 71% in the youth activities programming in this current financial plan?  
*While the one item has decreased there is increased programming in other areas. The City is also looking to work with all levels of government to seek funds to have a comprehensive youth strategy in a regional approach.*

**C. LeGare**

- Q1. Softball field conditions require improvements, there is water damage. City fields are not fully functional compared to other communities.  
*Youth softball fields are being reviewed in future year budgets with the focus on the two baseball fields in 2023. Staff will be bringing forward a report on the plan for softball field maintenance going forward.*

**R. Fraser**

- Q1. \$650,000 in the Financial Plan for the Somass site, what are the planned works within that budget?

*There will be the security, grant remediation (our share of grant work) to seek Certificate of Compliance with the Province, consulting fees for development partner process work, cleanup and project management to allow the salvage of items at the site.*

- Q2. Project management at the Somass Mill site, was this awarded, if so to who and how much?  
*Bowerman Construction was the successful proponent of the RFP 024-22 - Project Management Services for the Demolition and Salvage of the Somass Mill Site, the RFP was awarded based criteria with the RFP, work is done on an as needed basis. This is included in the \$650,000 funding allocated to the Somass site.*
- Q3. Why are we not putting banners up on Johnston Road? Nothing has been put up since 2017.  
*Follow up on this item is required by the Director of Parks, Recreation and Heritage.*

**R. Smith**

- Q1. What is the process for stating names and address when approaching Council with questions?  
*The procedures bylaw requires people to identify themselves, as the City makes updates this will be considered. Council and Committees do not prevent members of the public from speaking if they do not state their address.*

- Q2. Statement: Many have missed ball over the past few years because of COVID and the ball field work should be funded this year.  
*Council could direct or look at the Growing Communities Fund. Council needs additional information in order to add to the FP if it is to be done in 2023. Surplus, is another option available.*

*MOVED AND SECONDED, THAT Committee of the Whole recommend to Council to consider funding softball field maintenance in the 2023-2027 Financial Plan.*

**CARRIED**

*MOVED AND SECONDED, THAT Committee of the Whole recommend to Council to have Growing Community Fund requests brought to Council, along with the letter and criteria for funding, as staff are aware of them.*

**CARRIED**

**K. LeGare**

- Q1. Who would be undertaking the report to Council (related to the Softball fields)?  
*Director of Parks, Recreation and Heritage.*

**B. Kanngiesser**

- Q1. Am I correct that the above budgets will complete the trail/walkway/path from Victoria Quay, the Pemberton and Gertrude intersection improvements, the improved path in Roger Park and the connection to the Scott Kenny Trail. Plus, will build a trail from Roger Park to Roger Street along the railway track?
- Q2. Will there be directional signs placed along Roger Street to guide pedestrians to/from Victoria Quay to close this loop trail?
- Q3. At a previous Council meeting, plans were shown for a path to connect Harbour Quay to Tyee Landing in the vicinity of the Train Station, Railway tracks and Fisherman's Harbour. Is this project anywhere in the Capital planning for 2023 and beyond?
- Q4. With these new trail plans and the existing trails in the City, where in the operating budget is the necessary increased budget allocation to maintain these trails?
- Q5. Where does the "Accord" or other in lieu of taxes from the Port Authority show up on the financial Plan?
- Q6. I support your plan to maintain the same Percent Tax Share from 2022 to 2023.
- Q7. I note that the City levied taxes (General Municipal, Debt and VI Library) for the Average Single Family Residence will rise by 7.05%. Sadly, I am not among the average. Our Assessment increased 19.9% and the City taxes will rise by 15.9% from \$2421 to \$2806. However, I am not complaining; that amount for the privilege of residing in the City of Port Alberni and enjoying all the services and amenities provided is OK. I simply look to Council to spend these dollars prudently for the benefit of the citizens.
- Q8. Council must plan ahead for the expected significant decline in the Major Industry and Light Industry assessment totals. These categories will lose the assessed values of the Somass properties and likely soon the APD properties.
- Q9. The 2023 Major Industry Assessment is \$87,615,800 and Light Industry is \$20,284,200. As these have not decreased from 2022, I assume these assessments include the former Somass properties which the City now owns. Are any 2023 taxes from the Somass properties included in the Heavy Industry Tax share of \$5,185,814 or Light Industry share of \$703,624?

**P. Ribbins**

- Q1. What is the purpose of the upgrades at the Train Station? What type of business is going in the building?
- To enable a lease of the space that draws more into the area, the City is working with the preferred submission for the Train Station and can't speak to the details of the situation at this time.*

**M. Alroos**

- Q1. Is there planned work to be done on the water tower at the Train Station?  
*At this time no specific work has been identified for the water tower, if work has been identified that would be brought to Council for consideration.*

**R. Smith**

- Q1. Presumed the water tower was a part of the project and believed it has fallen by the wayside.  
*The building was assessed and upgrades to the water tower were not identified to be brought forward at this time.*
- Q2. Why has the trail report been brought forward by the Engineering Department and not PRH?  
*Capital Projects of this nature are often undertaken by the Engineering Department, the work planned was best suited to be performed within Engineering Services to support PRH on this file. Parks will own the maintenance in the end.*
- Q3. It was stated that all Directors would be present at the Budget meetings, that is not the case tonight?

**Joseph Leskosek**

- Q1. Tree damage from City trees, is this being looked at? Future Claims funding? City should look at the whole street with recommendation.  
*The City follows best practices and recommendations from our insurers and has insurance to address any liabilities in our service delivery.*

**R. Smith**

- Q1. Can we have a pie chart as seen in the annual tax notice during budget presentations?

**F. CORRESPONDENCE**

*The Director of Corporate Services summarized correspondence to the Committee as follows:*

- a. L. Jardin | Roger Creek Trail extension [Scott Kenny Trail]
- b. R. Fraser | Creek Maintenance

**G. ADJOURNMENT**

*MOVED and SECONDED, THAT the meeting adjourn at 7:43 pm.*

**CARRIED**

CERTIFIED CORRECT

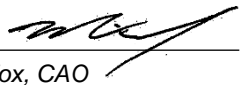
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Mayor

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Corporate Officer

Date: April 13, 2023  
File No: 3950-20  
To: Mayor & Council  
From: M. Fox, CAO  
Subject: Council Code of Conduct Policy 3002-01

|   |                                     |  |
|---|-------------------------------------|--|
| Prepared by:<br><b>D. LEUREBOURG</b><br>DIRECTOR OF CORPORATE<br>SERVICES | Supervisor:<br><b>M. Fox</b><br>CAO | CAO Concurrence:<br><br>M. Fox, CAO |
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## RECOMMENDATION[S]

*THAT Committee of the Whole recommend Council approve Council Code of Conduct Policy 3002-01.*

## PURPOSE

The purpose of this report is to provide Council the opportunity to review the Council Code of Conduct Policy.

## BACKGROUND

Council is required to consider a code of conduct within 6 months of its first Regular Council meeting following an election. The UBCM Model Code of conduct was briefly reviewed and presented at the January 23, 2023 Regular Council meeting. At that time Council determined to engage a consultant to facilitate a workshop for Council to review the Code of Conduct. The workshop was held March 23, 2023 and was led by Jerry Berry of JB Consultants Ltd.

The *Community Charter* outlines: "Requirement to consider code of conduct

- 113.1 (1) Within 6 months after its first regular council meeting following a general local election, a council must decide
- (a) whether to establish a code of conduct for council members, or
  - (b) if a code of conduct for council members has already been established, whether it should be reviewed.
- (2) Before making a decision under subsection (1), the council must
- (a) consider the prescribed principles for codes of conduct,
  - (b) consider the other prescribed matters, if any, and
  - (c) comply with the prescribed requirements, if any, including requirements respecting public notice or consultation.



- (3) If the council decides, under subsection (1), not to establish a code of conduct or review an existing code of conduct, it must make available to the public, on request, a statement respecting the reasons for its decision.

#### Reconsideration of decision respecting code of conduct

- 113.2 (1) If a council decides, under section 113.1, not to establish a code of conduct or review an existing code of conduct, the council must reconsider that decision before January 1 of the year of the next general local election.
- (2) In a reconsideration under subsection (1), the council must
- (a) consider the prescribed principles for codes of conduct,
  - (b) consider the other prescribed matters, if any, and
  - (c) comply with the prescribed requirements, if any, including requirements respecting public notice or consultation.
- (3) If the council confirms the decision that is the subject of the reconsideration, the council must make available to the public, on request, a statement respecting its reasons for confirming the decision."

The workshop consisted of a thorough review of good governance principles and the UBCM Model Code of Conduct and associated Guide. The foundational principles guided the discussion and were incorporated into the draft Code of Conduct Policy.

The foundational principles include:

1. Integrity
2. Respect
3. Accountability
4. Leadership and Collaboration

The workshop contemplated additional policy and bylaw changes that would support the Code of Conduct and its foundational principles to facilitate the business of Council. Key recommendations around changes to the procedures bylaw were identified as being crucial to supporting the good governance role of Council and the conduct of meetings. These changes will be presented and discussed separately.

#### **ALTERNATIVES/OPTIONS**

1. *Committee of the Whole recommend Council adopt the Code of Conduct as presented.*
2. *Committee of the Whole make further recommendations to Council to consider to incorporate into the policy, such as enforcement mechanisms or additional policies contemplated in the Model Code of Conduct.*

3. *Committee of the Whole recommend Council not establish a Code of Conduct under Section 113.2 of the Community Charter and reconsider that decision before January 1, 2026.*
4. *Committee of the Whole recommend further facilitated workshops.*

## **ANALYSIS**

The Model Code of Conduct provides all the required foundational principles of a Code of Conduct under the *Act*, and is drawn from best practice. The UBCM Model Code of Conduct forms the foundation of the proposed Council Code of Conduct Policy. The guiding principles were strongly supported in the workshop.

Council may further review and revise the Code of Conduct in the future to ensure that it continues to meet the needs of Council.

While it is an option for Council to decide not to have a Code of Conduct, this is not recommended. A Code of Conduct is a municipal governance best practice and provides a mechanism for Council to address specific areas of misconduct not specifically outlined in the *Act*.

## **IMPLICATIONS**

*Community Charter* Section 113.1 and 113.2 (See above).

## **COMMUNICATIONS**

No formal communications are required, but staff have shared the Committee of the Whole's intent to consider the Code of Conduct policy on social media and could advertise for the May 8<sup>th</sup> Regular Council meeting as well.

## **BYLAWS/PLANS/POLICIES**

Draft Council Code of Conduct Policy 3002-01.

## **SUMMARY**

The attached policy has been prepared following a workshop on Council Code of Conduct led by Jerry Berry of JB Consultants Ltd. The focus of the workshop was on the best practices around good governance and the foundational principles found within the UBCM Model Code of Conduct.

## **ATTACHMENTS/REFERENCE MATERIALS**

1. Draft Policy 3002-01 Council Code of Conduct
2. UBCM Model Code of Conduct  
[https://www.ubcm.ca/sites/default/files/2022-10/Policy\\_Model\\_COC\\_Aug2022\\_UPDATED.pdf](https://www.ubcm.ca/sites/default/files/2022-10/Policy_Model_COC_Aug2022_UPDATED.pdf)
3. UBCM Code of Conduct Guidebook  
<https://www.ubcm.ca/sites/default/files/2021-08/Forging%20the%20Path%20to%20Responsible%20Conduct.pdf>

# POLICY No. 3002-1 | Council Code of Conduct

Approved:

Resolution No.:

Date of Last Review:

CITY OF  
PORT ALBERNI



## PURPOSE

As local elected representatives ["members"], we recognize that responsible conduct is essential to providing good governance for the City of Port Alberni.

We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being an active participant in ensuring that these foundational principles, and the standards of conduct set out below, are followed in all of our dealings with every person, including those with other members, staff, and the public.

## SCOPE

This Code of Conduct applies to the members of the City of Port Alberni. It is each member's individual responsibility to uphold both the letter and the spirit of the Code of Conduct in their dealings with other members, staff and the public.

Elected officials must conduct themselves in accordance with the law. This Code of Conduct is intended to be developed, interpreted and applied by members in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the bylaws and policies of the local government, the common law and any other legal obligations which apply to members individually or as a collective council.

## FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT

1. **Integrity** – means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honourable.
2. **Respect** – means having due regard for others' perspectives, wishes and rights; it also means displaying deference to the offices of local government, and the role of local government in community decision making. Conduct under this principle is demonstrated when a member fosters an environment of trust by demonstrating due regard for the perspectives, wishes and rights of others and an understanding of the role of the local government.

3. **Accountability** – means an obligation and willingness to accept responsibility or to account for one's actions. Conduct under this principle is demonstrated when council or board members, individually and collectively, accept responsibility for their actions and decisions.
4. **Leadership and Collaboration** – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Conduct under this principle is demonstrated when a council or board member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

## STANDARDS OF CONDUCT

**Integrity:** Integrity is demonstrated by the following conduct:

- Members will be truthful, honest, and open in all dealings, including those with other members, staff and the public.
- Members will ensure that their actions are consistent with the shared principles and values collectively agreed to by the council.
- Members will follow on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.
- Members will direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequences of those decisions.
- Members will behave in a manner that promotes public confidence in all of their dealings.

**Respect:** Respect is demonstrated through the following conduct:

- Members will treat every person with dignity, understanding, and respect.
- Members will show consideration for every person's values, beliefs, experiences and contributions to discussions.
- Members will demonstrate awareness of their own conduct, and consider how their words or actions may be, or may be perceived as, offensive or demeaning.
- Members will not engage in behaviour that is indecent, insulting or abusive. This behaviour includes verbal slurs such as racist remarks, unwanted physical contact, or other aggressive actions that are harmful or threatening.

**Accountability:** Accountability is demonstrated through the following conduct:


- Members will be responsible for the decisions that they make and be accountable for their own actions and the actions of the collective council.
- Members will listen to and consider the opinions and needs of the community in all decision-making, and allow for appropriate opportunities for discussion and feedback.
- Members will carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions.

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**Leadership and Collaboration:** Leadership and collaboration is demonstrated through the following conduct:

- Members will behave in a manner that builds public trust and confidence in the local government, including considering the different interests of the people who make up the community.
- Members will consider the issues before them and make decisions as a collective body. As such, members will actively participate in debate about the merits of decision, but once a decision has been made, all members will recognize the democratic majority, ideally acknowledging its rationale, when articulating their opinions on a decision.
- Members will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other members and staff to provide their perspectives on relevant issues.
- As leaders of their communities, members will calmly face challenges, and provide considered direction on issues they face as part of their roles and responsibilities while empowering their colleagues and staff to do the same.
- Members will recognize, respect and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with and among other members, staff and the public.
- Members will recognize the importance of the role of the chair of meetings, and treat that person with respect at all times.

Date: April 17, 2023  
File No: 3900-02-5082  
To: Mayor & Council  
From: M. Fox, CAO  
Subject: Council Procedures Amendment Bylaw No. 5082, 2023

|   |                                     |  |
|---|-------------------------------------|--|
| Prepared by:<br><b>DANIELLE LEUREBOURG</b><br>DIRECTOR OF CORPORATE<br>SERVICES | Supervisor:<br><b>M. Fox</b><br>CAO | CAO Concurrence:<br><br>M. Fox, CAO |
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#### **RECOMMENDATION[S]**

*THAT Committee of the Whole recommend Council consider "Council Procedures Amendment Bylaw No. 5082, 2023" for three readings.*

#### **PURPOSE**

The purpose of this report is to summarize recommended changes to the Procedures Bylaw to support good governance principles and the conduct of Council business in accordance with the Council Code of Conduct, and to introduce the bylaw for further discussion.

#### **BACKGROUND**

Council adopted *Council Procedures Bylaw, 2013, Bylaw No. 4830* in 2013 and has amended the bylaw four times. At a workshop to discuss the Code of Conduct held March 23, 2023, there were discussions around the Procedures Bylaw and how it ties closely with Council Code of Conduct. Good governance and effective meeting management were topics that led to further discussions around current practices under the Procedures Bylaw.

As part of discussions around good governance, the need to strike the appropriate balance between democratic accountability and efficient decision making, as well as public input and decision making was addressed. As a result of these discussions, it was highlighted that Regular Council meetings should be focused on Council making decisions. Committee of the Whole meetings were identified as a more suitable format for public input opportunities and for introducing new items for discussion and debate. It was also discussed that other opportunities for public engagement outside of Committee of the Whole meetings should be sought, though these are not covered under the Procedures Bylaw.

Further, discussions around correspondence were highlighted with a focus on having items that are administrative or operational in nature not included on Regular Council meeting agendas but rather having them referred to, and addressed directly by, staff. Council will continue to be informed of inquiries and responses as they come in. Further, Council members may bring forward items of correspondence to Council or Committee meetings if it is felt further discussion is warranted.

### ***Summary of Changes:***

Delete Section 11(4) and replace it with the following:

#### **Section 11. Attendance of Public at Meetings**

- (4) Despite Section 11(1), the Mayor or the Presiding Member may expel or exclude from the meeting a person in attendance at the meeting in accordance with Section 133 of the *Community Charter*.

The purpose of this amendment is to align the provision with the *Community Charter*. The provision outlines the ability of the Chair to expel individuals who are not conducting themselves respectfully or appropriately in meetings.

Delete Section 16(1) and replace it with the following:

#### **Section 16. Order of Proceedings and Business**

- (1) The agenda for Regular Council meetings contains the following matters in the order in which they are listed below:
  - Approval of Agenda, including introduction of late items;
  - Adoption of Minutes;
  - Delegations;
  - Unfinished Business;
  - Staff Reports;
  - Bylaws;
  - Correspondence for Action;
  - Proclamations;
  - Informational Correspondence;
  - Report from In-Camera;
  - Council Reports;
  - New Business;
  - Question Period;
  - Adjournment

The purpose of this change was to remove Public Input period from Regular Council meetings. Public input period will remain in Committee of the Whole meetings and other less formal opportunities for public engagement will be sought.

Delete Section 22 and replace it with the following:

#### **22. Question Period**

- (1) At the conclusion of the proceedings of Regular Council meetings and Committee of the Whole meetings, the Mayor or presiding member shall provide time for the public to ask questions of Council or Committee on decisions or recommendations made during the course of the meeting.
- (2) If an answer cannot be readily provided, the Mayor or presiding member may refer the public to the appropriate department or committee for response.

The purpose of this change is to focus questions received during Question Period at both Council Meetings and Committee of the Whole meetings on the decisions of Council during the course of the meeting.

Delete Section 24(3) and replace it with the following:

**24. Correspondence and Referrals**

- (3) Councillors may request that a particular item of correspondence be referred to a City department, be brought forward to a Regular Council meeting, or Closed meeting of Council if appropriate, for discussion at any time. As well, Council may refer any item of correspondence included on an agenda to a City department as it deems appropriate.

Under the current bylaw, items of correspondence that are administrative in nature are not included on Council agendas, though they may be addressed to Council. In these incidents, administration will provide a response to the individual. The correspondence and the response from administration will still be circulated to Council. The proposed change emphasizes that a Council member may request that an item of correspondence that was handled by administration and circulated to Council for information be brought forward to a Council or Committee meeting for further discussion.

Add new Section 41 as follows and renumber subsequent sections in the bylaw accordingly:

**41. Order of Proceedings and Business at Committee of the Whole**

- (1) The agenda for Committee of the Whole meetings contains the following matters in the order in which they are listed below:
  - Approval of Agenda, including introduction of late items;
  - Adoption of Minutes;
  - Delegations;
  - Public Input Period;
  - Unfinished Business;
  - New Business and Staff Reports;
  - Correspondence;
  - Question Period;
  - Adjournment.

The purpose of adding this section is to identify the order of business at Committee of the Whole meetings. Specifically, it identifies opportunities for public input period and question period to be included in the order of business.



Remove Section 19, replace with new section 42 as follows and renumber subsequent sections in the bylaw accordingly:

#### **42. Public Input Period**

Members of the public may address Council in relation to those items included on the meeting agenda during the Public Input Period.

- (1) A maximum of four speakers for no more than three minutes each will be accommodated.
- (2) The presiding member will ask for a show of hands from those wishing to speak and will invite speakers one at a time to come forward to the podium.
- (3) Speakers must identify themselves for the record and may only speak once at the Public Input Period.
- (4) Speakers may not address items that are not on the agenda, items that refer to concluded Public Hearings or to Public Hearings progressing through a public participation process.
- (5) Council or Committee member may ask or answer questions of a member of the public who is addressing the Committee, but must not enter into debate.
- (6) The presiding member may refer members of the public to the appropriate department or committee for response.

The purpose of this change is to move public input periods to Committee of the Whole meetings and focus public input period comments on items of business that are included on the agenda before Council. Committee of the Whole and Council may consider providing opportunities for more than four individuals to speak or adjust the time allotted to speakers under subsection (1). The wording of subsection (1) is the same as the previous version.

#### **ALTERNATIVES/OPTIONS**

1. *THAT Committee of the Whole recommend Council consider "Council Procedures Amendment Bylaw No. 5082, 2023" for three readings.*
2. *Committee of the Whole may make further recommended changes prior to the bylaw being brought forward for first reading. Some areas that Committee of the Whole may want to discuss further include:*
  - *Changes to limits on speakers for question period and public input period (number of speakers, amount of time given to speak, opportunity to speak more than once at a meeting, etc);*
  - *Further changes or clarifications on correspondence and referrals;*
  - *Inclusion of electronic participation options for members of the public at Committee of the Whole meetings.*
3. *Committee of the Whole may recommend that all changes to the procedures bylaw be brought forward at one time. Further changes identified for future discussion include:*
  - *Incorporation of a summer break for Council (i.e no meetings in the month of August, only one meeting in each of July and August, etc). Discussion around December holiday break.*
  - *Electronic participation*
    - *Consideration as to whether chair must be present or if they can act as chair if attending electronically.*
    - *Removal of four meeting electronic attendance per year limit.*

- *Removal of Proclamations – Section 157 (optional for council to make proclamations)*
  - *Remove any potential conflicts around proclamations (values, politically sensitive issues, etc.)*

## **ANALYSIS**

- OPTION 1** Captures the priority changes discussed at the workshop around the purpose of Council meetings vs. Committee of the Whole meetings and how Council wants to engage with the public at both meetings. The changes reflect best practices around the orderly conduct of meetings and good governance principles. It does not address all possible changes that could be made to the Procedures Bylaw, but a future amendment can be brought forward to address those.
- OPTION 2:** Committee of the Whole may debate and recommend other changes to the bylaw than those proposed. The proposed changes address areas that were discussed at the workshop, but Council may have further thoughts around the specific provisions around public input and correspondence.
- OPTION 3:** Would allow for a fulsome amendment to the Procedures Bylaw where all changes are brought at one time. This would warrant further Council discussion and would likely delay the implementation of the desired changes to the public input and correspondence areas of the Procedures Bylaw.

## **IMPLICATIONS**

These changes align with the *Community Charter* and *Local Government Act*, as well as best practices for the conduct of meetings. Staff compared the provisions with a number of municipalities that take the same approach with public input opportunities and management of correspondence.

## **COMMUNICATIONS**

The City is required to provide public notice prior to adopting an amendment to the Procedures Bylaw. This will be advertised in the newspaper in accordance with the *Act*. Further, the discussion at Committee of the Whole of this item was highlighted on Social Media.

## **BYLAWS/PLANS/POLICIES**

*Council Procedures Bylaw, 2013, Bylaw No. 4830*

## **SUMMARY**

The proposed changes align with discussions around good governance and meeting conduct highlighted at Council's Code of Conduct workshop. The changes amend how Council engages the public at Council and Committee of the Whole meetings. The most significant changes are to use of public input periods and question periods to focus on items on the agenda for the meeting so that Council's engagement and decision making can be focused on the business of the day and their strategic priorities. The public are able to engage with Council at Regular meetings and Committee of the whole Meetings, they will receive prompt responses to correspondence that are operational in nature, and Council will continue to be apprised of the correspondence and responses. Other less formal opportunities for public engagement will also be provided, though these are not captured under a Council's procedures bylaw. These might include open houses, public surveys, etc.

**ATTACHMENTS/REFERENCE MATERIALS**

- *Council Procedures Amendment Bylaw No. 5082, 2023*
- *Council Procedures Bylaw, 2013, Bylaw No. 4830*

C: *M. Fox, CAO*  
*S. Smith, Deputy CAO | Director of Development Services*  
*A. McGifford, Director of Finance*  
*W. Thorpe, Director of Parks, Recreation and Heritage*  
*R. Dickinson, Director of Engineering*

# CITY OF PORT ALBERNI

## BYLAW NO. 5082

### A BYLAW TO AMEND COUNCIL PROCEDURES BYLAW, 2013, BYLAW NO. 4830

The Municipal Council of the City of Port Alberni in Open Meeting Assembled Enacts as follows:

1. **Title**

This Bylaw may be known and cited for all purposes as the "**Council Procedures Amendment Bylaw No. 5082, 2023**"

2. **Amendments**

"Council Procedures Bylaw, 2013, Bylaw 4830" is hereby amended as follows:

(a) By deleting Section 11(4) and replacing it with the following:

**11. Attendance of Public at Meetings**

- (4) Despite Section 11(1), the Mayor or the Presiding Member may expel or exclude from the meeting a person in attendance at the meeting in accordance with Section 133 of the *Community Charter*.

(b) By deleting Section 16(1) and replacing it with the following:

**16. Order of Proceedings and Business**

- (1) The agenda for Regular Council meetings contains the following matters in the order in which they are listed below:
- Approval of Agenda, including introduction of late items;
  - Adoption of Minutes;
  - Delegations;
  - Unfinished Business;
  - Staff Reports;
  - Bylaws;
  - Correspondence for Action;
  - Proclamations;
  - Informational Correspondence;
  - Report from In-Camera;
  - Council Reports;
  - New Business;
  - Question Period;
  - Adjournment.

(c) By deleting Section 22 and replacing it with the following:

**22. Question Period**

- (1) At the conclusion of proceedings of Regular Council Meetings and Committee of the Whole Meetings, the Mayor or presiding member shall provide time for the public to ask questions of Council or Committee on decisions or recommendations made during the course of the meeting.
- (2) If an answer cannot be readily provided, the Mayor or presiding member may refer the public to the appropriate department or committee for response.

(d) By deleting Section 24(3) and replacing it with the following:

**24. Correspondence and Referrals**

- (3) Councillors may request that a particular item of correspondence referred to a City department, be brought forward to a Regular Council meeting, or Closed meeting of Council if appropriate, for discussion at any time. As well, Council may refer any item of correspondence included on an agenda to a City department as it deems appropriate.

(e) By adding new Section 41 as follows and renumbering subsequent sections accordingly:

**41. Order of Proceedings and Business at Committee of the Whole**

- (1) The agenda for Committee of the Whole meetings contains the following matters in the order in which they are listed below:
  - Approval of Agenda, including introduction of late items;
  - Adoption of Minutes;
  - Delegations;
  - Public Input Period;
  - Unfinished Business;
  - New Business and Staff Reports;
  - Correspondence;
  - Question Period;
  - Adjournment.

- (f) By deleting Section 19 and adding new Section 42 as follows and renumbering subsequent sections accordingly:

**Section 42 – Public Input Period**

Members of the public may address Council in relation to those items included on the meeting agenda during the Public Input Period.

- (1) A maximum of four speakers for no more than three minutes each will be accommodated.
- (2) The presiding member will ask for a show of hands from those wishing to speak and will invite speakers one at a time to come forward to the podium.
- (3) Speakers must identify themselves for the record and may only speak once at the Public Input Period.
- (4) Speakers may not address items that are not on the agenda, items that refer to concluded Public Hearings or to Public Hearings progressing through a public participation process.
- (5) Council or Committee member may ask or answer questions of a member of the public who is addressing the Committee, but must not enter into debate.
- (6) The presiding member may refer members of the public to the appropriate department or committee for response.

**READ A FIRST TIME** this \_\_\_\_ day of \_\_\_\_\_, 2023.

**READ A SECOND TIME** this \_\_\_\_ day of \_\_\_\_\_, 2023.

**READ A THIRD TIME** this \_\_\_\_ day of \_\_\_\_\_, 2023.

**PUBLIC NOTICE PROVIDED PURSUANT TO SECTION 94 OF THE  
COMMUNITY CHARTER.**

**FINALLY ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

---

Mayor

---

Director of Corporate Services



## **CITY OF PORT ALBERNI**

### **Council Procedures Bylaw, 2013, Bylaw No. 4830**

**(with amendments to March 26, 2018)**

**Consolidated for convenience only**

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

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

**Bylaw No. 4860 - adopted February 10, 2015**

**Bylaw No. 4895 - adopted March 14, 2016**

**Bylaw No. 4938 - adopted June 12, 2017**

**Bylaw No. 4961 - adopted March 26, 2018**

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**BYLAW NO. 4830**

**COUNCIL PROCEDURE BYLAW 2013**

**Consolidated to Include Bylaws No. 4860, No. 4895,  
No. 4938 and No. 4961**

**A BYLAW TO GOVERN THE PROCEEDINGS OF COUNCIL**

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## CITY OF PORT ALBERNI

### BYLAW NO. 4830

#### A BYLAW TO GOVERN THE PROCEEDINGS OF COUNCIL

**WHEREAS** Section 124 of the *Community Charter* requires that council must, by bylaw, establish the general procedures to be followed by council and council committees in conducting their business;

**THE MUNICIPAL COUNCIL OF THE CITY OF PORT ALBERNI IN OPEN MEETING  
ASSEMBLED ENACTS AS FOLLOWS:**

#### PART 1 – INTRODUCTION

1. **Title**

This Bylaw may be known and cited for all purposes as the "**Council Procedures Bylaw, 2013, Bylaw No. 4830**".

2. **Definitions**

In this Bylaw,

**"City"** means the City of Port Alberni;

**"City Hall"** means Port Alberni City Hall, located at 4850 Argyle Street, Port Alberni, British Columbia;

**"City Web Site"** means the information resource found at an internet address provided by the City;

**"Committee"** means a standing, select or other committee of Council;

**"Corporate Officer"** means the City Clerk for the City;

**"Council"** means the Council of the City of Port Alberni;

**"Mayor"** means the Mayor of the City;

**"Presiding Member"** means the member presiding over the meeting and may be the Mayor, the Acting Mayor or in the absence of both, the member chosen by the Council to preside over the meeting.

**"Public Notice Posting Places"** means the Notice Board in the upper lobby of City Hall and the City Web Site.

### **3. Application of Rules of Procedure**

- (1) The provisions of this Bylaw govern the proceedings of Council, and all standing and select committees of Council, as applicable.
- (2) In cases not provided for under this Bylaw, the current edition of Robert's Rules of Order Newly Revised, apply to the proceedings of Council, and Council committees to the extent that those Rules are:
  - applicable in the circumstances, and
  - not inconsistent with provisions of this Bylaw or in the *Community Charter*.

### **4. Quorum of Council**

The Council of the City of Port Alberni shall consist of a Mayor and six Councillors. The Quorum shall consist of four members present.

## **PART 2 - COUNCIL MEETINGS**

**Bylaw #4961 amendment: By deleting Section 5 (1) and replacing it with the following:**

### **5. Inaugural and Organizational Meetings**

- (1) Following a general local election, the first Council meeting must be held on the first Monday in November in the year of the election.
- (2) If a quorum of Council members elected at the general local election has not taken office by the date of the meeting referred to in subsection (1), the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.
- (3) In each year in which a general local election is not conducted, Council will hold an organizational meeting on the first Monday in December for the purpose of confirming appointments, designating the next year's regular meeting schedule and other business as deemed appropriate by Council.

### **6. Time and Location of Meetings**

- (1) All Council meetings must take place at the Council Chambers within City Hall except when Council resolves to hold meetings elsewhere.
- (2) Regular Council meetings must
  - be held on the second and/or the fourth Monday of each month as scheduled;
  - begin at 2:00 pm or 7:00 pm as scheduled;
  - be adjourned no later than 3 hours after being called to order unless Council resolves to proceed beyond that time in accordance with Section 32, and
  - when such meeting falls on a statutory holiday, be held on the next day City Hall is open following which is not a statutory holiday;

**Bylaw #4860 amendment added:**

- include a scheduled 10 minute break at a convenient time mid-way through the meeting.
- (3) Regular Council meetings may:
- be cancelled by Council, provided that two consecutive meetings are not cancelled; and
  - be postponed to a different day, time and place by the Mayor, provided the Corporate Officer is given at least 2 days written notice.
- (4) Special Meetings:
- A special meeting, being a meeting other than a statutory, regular or adjourned meeting, may be called by the Council at a meeting of Council, or at any time by the Mayor, or upon request, in writing, of two or more members of the Council.
  - Two or more members of Council may call a special meeting when the Mayor is absent, or in the event the Mayor, within 24 hours after receiving the written request mentioned above refuses or neglects to call the special meeting. The special meeting must be held within 7 days after the day upon which the request was received by the Mayor.

**7. Notice of Council Meetings**

- (1) In accordance with Section 127 of the *Community Charter*, Council must prepare annually at its inaugural or organizational meeting, a schedule of the dates, times and places of regular Council meetings for the following year and must make the schedule available to the public by posting it at the Public Notice Posting Places.
- (2) In accordance with Section 127 of the *Community Charter*, Council must give notice annually on or before January 31<sup>st</sup> of the time and duration that the schedule of Regular Council meetings will be available beginning on January 1<sup>st</sup> in accordance with Section 94 of the *Community Charter*.
- (3) Where revisions are necessary to the annual schedule of Regular Council meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a Regular Council meeting.

**8. Notice of Special Meetings**

- (1) Except where notice of a Special Meeting is waived by unanimous vote of all Council members under Section 127(4) of the *Community Charter*, a notice of the date, hour and place of a Special Council Meeting must be given at least 24 hours before the time of meeting, by

- posting a copy of the notice at the Public Notice Posting Places, and
  - providing one copy of the notice for each Council member.
- (2) The notice under subsection (1) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

**Bylaw #4860 amendment added new Section 9 and re-numbered subsequent sections including references to same:**

## **9. Closed Special Meetings**

1. Closed Special Meetings may be scheduled prior to the commencement of a Regular Meeting with sufficient notice as outlined in Section 8 of this Bylaw, or at other such times as mutually convenient to the majority of Council, or with the passing of a resolution prior to the closing of a Meeting to the public, stating the fact that the Meeting or future Meeting is to be closed and the basis under Section 90 of the Community Charter on which the meeting is to be closed.

2. **Release of In-Camera Resolutions and Information**

Council may, by resolution passed by a majority vote of the members of Council present, release to the public portion of a Council Meeting, any or all of the written material provided to a closed Special Meeting or any or all of the Resolutions passed at such closed Special Meeting, subject to the Freedom of Information and Protection of Privacy Act.

The release of confidential deliberations and information shall not be made public unless specific authorization to do so has been given by Council resolution adopted at a duly constituted Meeting by a majority of the members of Council present. Unauthorized disclosure of such confidential information is deemed to be improper conduct.

## **PART 3 - DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR**

**Bylaw #4961 amendment: By deleting Section 10 (1) and replacing it with the following:**

## **10. Acting Mayor**

- (1) At its inaugural or organizational meeting, Council must from amongst its members, designate Councillors to serve on a rotating basis as the member responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant for the following year.
- (2) Each Councillor designated under Section 10(1) must fulfill the responsibilities of the Mayor in his or her absence.

- (3) If both the Mayor and the member designated under Section 10(1) are absent from the Council meeting, the Council members present must choose a Councillor to preside at the Council meeting, pursuant to Section 13(2).
- (4) The member designated under Section 10(1) or chosen under Section 10(3) has the same powers and duties as the Mayor in relation to the applicable matter.

## **PART 4 - COUNCIL PROCEEDINGS**

### **11. Attendance of Public at Meetings**

- (1) Except where the provisions of Section 90 of the *Community Charter* apply, all Council meetings must be open to the public.
- (2) Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with Section 92 of the *Community Charter*.
- (3) This section applies to all meetings of the bodies referred to in Section 93 of the *Community Charter*, including without limitation:
  - standing and select committees,
  - Court of Revision,
  - Board of Variance,
  - advisory bodies established by Council.
- (4) Despite Section 11(1), the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under Section 9 may expel or exclude from a Council meeting a person in accordance with Section 26(8).

### **12. Minutes of Meetings to be Maintained and Available to Public**

- (1) Minutes of the proceedings of Council and its committees and commissions must be:
  - legibly recorded,
  - certified as correct by the Corporate Officer, and
  - signed by the Mayor or other member presiding at the meeting or at the next meeting at which the minutes are adopted.
- (2) Minutes of the proceedings of Council and its committees and commissions shall record:
  - The place, date and time of meeting;
  - The names of the Presiding Member or members and record of the attendance of the members;
  - Motions of the meeting without note or comment.

- (3) Subject to subsection 12(4), and in accordance with Section 97(1)(b) of the *Community Charter*, minutes of the proceedings of Council must be open for public inspection at City Hall during its regular office hours.
- (4) Subsection 12(3) does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under Section 90 of the Community Charter.

### **13. Calling Meeting to Order**

- (1) As soon after the time specified for a Council meeting as there is a quorum present, the Mayor, if present, must take the Chair and call the Council meeting to order. However, where the Mayor is absent, the Councillor designated as the member responsible for acting in the place of the Mayor in accordance with Section 10 must take the Chair and call such meeting to order.
- (2) If a quorum of Council is present but the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under Section 10 does not attend within 15 minutes of the scheduled time for a Council meeting:
  - the Corporate Officer must call to order the members present, and
  - the members present must choose a member to preside at the meeting.

### **14. Adjourning Meeting Where No Quorum**

If there is no quorum of Council present with 15 minutes of the scheduled time for a Council meeting, the Corporate Officer must

- (1) record the names of the members present, and those absent, and
- (2) adjourn the meeting until the next scheduled meeting.

### **15. Agenda**

- (1) Prior to each Regular Council meeting, the Corporate Officer must prepare an Agenda setting out all the items for consideration at that meeting, noting in short form a summary for each item on the agenda.
- (2) The deadline for submissions by Council, staff and the public to the Corporate Officer of items for inclusion on the Regular Council meeting Agenda must be 12 noon on the Wednesday prior to the meeting, or in the event the municipal offices are closed for a public or civic holiday, such next earlier day as the municipal offices shall be open.
- (3) The Corporate Officer must make the agenda available to the members of Council and the public by 5 p.m. on the Thursday afternoon prior to each Regular meeting.

- (4) Council must not consider any matters not listed on the Agenda unless a new matter for consideration is properly introduced and approved by resolution of Council as a late item pursuant to Section 16(1).
- (5) If the Council makes a resolution under Section 15(4), information pertaining to late items must be distributed to the members.

## **16. Order of Proceedings and Business**

**Bylaw #4860 amendment replaced order of proceedings as follows:**

- (1) The agenda for all Regular Council meetings contains the following matters in the order in which they are listed below:
  - Approval of Agenda, including introduction of late items;
  - Adoption of Minutes;
  - Public Input
  - Delegations;
  - Unfinished Business;
  - Staff Reports;
  - Bylaws;
  - Correspondence for Action;
  - Proclamations;
  - Informational Correspondence;
  - Report from In-Camera;
  - Council Reports;
  - New Business;
  - Question Period;
  - Adjournment.
- (2) Particular business at a Council meeting must in all cases be taken up in the order in which it is listed on the agenda unless otherwise resolved by Council.

## **17. Duties of Presiding Member**

Without limiting the authority under Section 132 of the *Community Charter*, it shall be the duty of the presiding member:

- (1) to open the meeting of Council by taking the chair and calling the members to order,
- (2) to put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result,
- (3) to decline to put to vote motions which infringe the rule of procedure,
- (4) to restrain the members, within the rules of order, when engaged in debate,



- (5) to enforce on all occasions the observance of order and decorum among the members,
- (6) to call by name any member persisting in breach of the rules or order of the Council, thereby ordering the member to vacate the Council Chamber,
- (7) to authenticate, by his signature when necessary, all bylaws, resolutions, and minutes of the Council,
- (8) to inform the Council, when necessary or when referred to for the purpose, on a point of order or usage,
- (9) to represent and support the Council, declaring its will, and implicitly obeying its decisions in all things,
- (10) to ensure that the decisions of Council are in conformity with the laws and bylaws governing the activities of the Council,
- (11) to terminate the meeting when the business is concluded,
- (12) to adjourn the meeting without question in the case of grave disorder arising in the Council Chamber.

## **18. Voting at Meetings**

- (1) The following procedures apply to voting at Council meetings:
  - (a) when debate on a matter is closed, the presiding member must put the matter to a vote.
  - (b) when the presiding member is putting the matter to a vote under paragraph (a) a member must not:
    - cross or leave the room,
    - make a noise or other disturbance, or
    - interrupt the voting procedure under paragraph (a) unless the interrupting member is raising a point of order;
  - (c) after the presiding member finally puts the question to a vote under paragraph (a), a member must not speak to the question or make a motion concerning it;
  - (d) the presiding member's decision about whether a question has been finally put is conclusive;
  - (e) whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand;
  - (f) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative;

- (g) when the question under consideration contains distinct propositions, upon request of any member, the vote upon each proposition shall be taken separately; and
- (h) if the vote of the members present at a Council meeting at the time of the vote are equal for and against a motion, the motion is defeated.

(2) Recorded Votes

A member of Council may request their vote be recorded **prior** to the question being called. Once the debate has concluded, the Mayor will ask each member in turn whether they vote for or against the motion and will then declare the result of the vote. In the case of a recorded vote, each member's name and the vote shall be recorded in the minutes.

**19. Public Input Period**

Members of the public may address Council on topics of relevance during the Public Input Period.

- (1) A maximum of four speakers for no more than three minutes each will be accommodated.
- (2) The presiding member will ask for a show of hands from those wishing to speak and will invite speakers one at a time to come forward to the podium
- (3) Speakers must identify themselves for the record and may only speak once at the Public Input Period.
- (4) Speakers may not address items that refer to concluded Public Hearings or to Public Hearings progressing through a public participation process.

**20. Delegations**

- (1) All delegations requesting permission to appear before Council shall submit a written request to the Corporate Officer to address the members of Council, including a written brief outlining their intended presentation, by the deadline stated in Section 15(2).
- (2) A maximum of three delegations will be permitted unless otherwise authorized by the Mayor.
- (3) Where written application has not been received by the Corporate Officer as prescribed in Section 20(1), an individual or delegation may address the meeting if approved by a 2/3 vote of the members present.
- (4) Each address shall be limited to 10 minutes and be restricted to the topic as included on their written submission. Additional time may be available, at the discretion of the Chair, for answering questions from members of Council.

- (5) The Corporate Officer may schedule delegations to another Council meeting or advisory body as deemed appropriate according to the subject matter of the delegation.
- (6) The Corporate Officer may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of Council. If the delegation wishes to appeal the Corporate Officer's decision, the information must be distributed under separate cover to Council for their consideration.

## **21. Notice of Motion**

- (1) Any Council member may give a "Notice of Motion" respecting an item which he or she intends to present by either:
  - a) giving a copy of such motion to the Corporate Officer during a meeting of the Council and upon the member being acknowledged by the Chair, the Notice of Motion being read to the meeting; or
  - b) by verbally stating the intent of the Notice of Motion which shall be confirmed in writing by the Corporate Officer.
- (2) A copy of the motion presented under Section 21(1) (a) or (b) shall appear in the Minutes of that meeting as a "Notice of Motion". The Corporate Officer shall place the motion on the Agenda of the next Council meeting, or other future meeting designated by the member bringing forward the Notice of Motion, for consideration.

**Bylaw #4895 amendment: By deleting Section 22 (1) and replacing it with the following:**

## **22. Question Period**

- (1) At the conclusion of the proceedings, the Council members shall provide time to answer inquiries from the media and any member of the public on any topic of relevance to the City. If an answer cannot immediately be provided, the Chair shall provide a response at the next meeting. The Chair shall determine, if necessary, when sufficient discussion has taken place.

## **PART 5 – PETITIONS AND COMMUNICATIONS**

### **23. Proper Form**

All communications and petitions intended to be presented to Council shall be legibly written, typed or printed, signed by at least one person and shall be dated and include a contact phone number or valid address before being accepted.

## **24. Referrals**

- (1) Communications addressed to Council which relate to matters that fall within the scope of responsibility of a particular City department may be referred by the Corporate Officer directly to that department.
- (2) If a matter is referred under Section 24(1), a copy of the communication shall be copied to each member of the Council and the City Manager. An acknowledgement shall be provided to the writer on receipt of the communication.
- (3) A right of appeal from any referral under Section 24(1) may be made to the City Manager who shall determine the final disposition of the matter. As well, Council may refer any item of correspondence as it deems appropriate.

## **25. Points of Order**

- (1) Without limiting the presiding member's duty under Section 132(1) of the *Community Charter*, points of order shall be raised at the time the breach of order occurs. After the motion has been discussed, it is too late to raise the question as to whether it was in order for the Chair to entertain the motion, unless the motion is in violation of the law.

## **PART 6 – RULES OF CONDUCT AND DEBATE**

## **26. Conduct and Debate**

- (1) A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.
- (2) Members must address the presiding member by that person's title of Mayor, Acting Mayor, or Councillor.
- (3) Members must address other non-presiding members by the title Councillor.
- (4) No member must interrupt a member who is speaking except to raise a point of order.
- (5) If more than one member speaks, the presiding member must call on the member who, in the presiding member's opinion, first spoke.
- (6) Members who are called to order by the presiding member:
  - must immediately stop speaking,
  - may explain their position on the point of order, and
  - may appeal to Council for its decision on the point of order in accordance with Section 132 of the *Community Charter*.

- (7) Members speaking at a Council meeting
- must use respectful language,
  - must not use offensive gestures or signs,
  - must speak only in connection with the matter being debated,
  - may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded, and
  - must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding member and Council in connection with the rules and points of order.
- (8) If a member does not adhere to subsection (7), the presiding member may order the member to leave the member's seat, and
- if the member refuses to leave, the presiding member may cause the member to be removed by a peace officer from the members seat, and
  - if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.
- (9) A member may require the question being debated at a Council meeting to be read at any time during the debate if that does not interrupt another member who is speaking.
- (10) The following rules apply to limit speech on matters being considered at a Council meeting:
- a member may speak more than once in connection with the same question only
    - with the permission of Council, or
    - if the member is explaining a material part of a previous speech without introducing a new matter;
  - a member who has made a substantive motion to the Council may reply to the debate;
  - a member who has moved an amendment, the previous question, or an instruction to a committee may not reply to the debate;
  - a member may speak to a question, or may speak in reply, for longer than a total time of 10 minutes only with the permission of Council.

## **PART 7 – MOTIONS**

### **27. Motions Generally**

- (1) Council may debate a vote on a motion only if it is first made by one Council member and then seconded by another.
- (2) Motions other than routine motions (including motions to adopt a report, receive and file, to refer to a Committee or an Official, to introduce or pass a bylaw, or adjourn) and any amendments to motions shall be seconded before being debated or put from the chair.

- (3) A motion that has been seconded shall be read by the Mayor or Corporate Officer before debate, if so requested by any member of Council.
- (4) With the permission of Council, a motion may, at any time before decision or amendment, be withdrawn by the mover.
- (5) When a question is under consideration, no motion shall be received except for the following:
  - (a) to refer
  - (b) to amend
  - (c) to adjourn
  - (d) to lay on the table
  - (e) to move the previous question
  - (f) to postpone to a certain time
  - (g) to postpone indefinitely
- (6) The several motions in 27(5) shall have precedence in the order in which they are named.
- (7) A motion made under subsections 5(c) to (g) is not amendable or debatable.
- (8) Council must vote separately on each distinct part of a question that is under consideration at a Council meeting if requested by a Council member.

## **28. Motion to Commit**

Until it is decided, a motion made at a Council meeting to refer to committee precludes an amendment of the main question.

## **29. Motion for the Main Question**

- (1) In this section, “main question”, in relation to a matter, means the motion that first brings the matter before the Council.
- (2) At a Council meeting, the following rules apply to a motion for the main question, or for the main question as amended:
  - if a member of Council moves to put the main question, or the main question as amended, to a vote, that motion must be dealt with before any other amendments are made to the motion on the main question; and
  - if the motion for the main question, or for the main question as amended, is decided in the negative, the Council may again debate the question, or proceed to other business.

### **30. Amendments Generally**

- (1) A Council member may, without notice, move to amend a motion that is being considered at a Council meeting.
- (2) An amendment may propose removing, substituting for, or adding to the words of an original motion.
- (3) Amendments shall be decided upon before the main question is put to a vote.
- (4) An amendment may be amended once only.
- (5) An amendment that has been negative by a vote of Council cannot be proposed again.
- (6) A Council member may propose an amendment to an adopted amendment.
- (7) The presiding member must put the main question and its amendments in the following order for the vote of Council:
  - (a) a motion to amend a motion amending the main question;
  - (b) a motion to amend the main question, or an amended motion amending the main question if the vote under subparagraph (a) is positive;
  - (c) the main question.

### **31. Reconsideration**

- (1) A motion/resolution which was adopted or defeated may be reconsidered by Council provided that the resolution has not had the assent of the electors, has not been reconsidered under this Section or Section 131 of the *Community Charter*, and has not been acted upon by an officer or agent of the Municipality.

A reconsideration motion:

- (a) must be brought forward by a member who voted on the prevailing side of the motion, or by any member who was absent during the original vote;
  - (b) may be seconded by any member;
  - (c) must be brought forward at the next meeting of Council after the original vote, or in the case of when a member was absent at the time of the original vote, at the next meeting to which this member is able to attend;
  - (d) must receive a majority vote of Council for it to be adopted;
  - (e) if defeated, and the outcome being that the resolution is preserved unchanged, the same resolution may not be brought back before Council for six (6) months from the date of the latest vote, except with two-thirds consent of all the members of Council.
- (2) Each resolution or reading of a bylaw may be reconsidered under the provisions of Section 31(1).
- (3) Notwithstanding Section 31(2), once a bylaw is finally adopted, it may not be reconsidered except in accordance with Section 131 of the *Community Charter*.

- (4) Notwithstanding Section 31(2), resolutions for third reading or final adoption of an Official Community Plan Bylaw or Zoning Bylaw shall not be reconsidered.

### **32. Privilege**

- (1) In this section, a matter of privilege refers to any of the following motions:
- fix the time to adjourn;
  - adjourn;
  - recess;
  - raise a question of privilege of the Council;
  - raise a question of privilege of a member of Council.
- (2) A matter of privilege must be immediately considered when it arises at a Council meeting.
- (3) For the purposes of subsection (2), a matter of privilege listed in subsection (1) has precedence over those matters listed after it.

### **33. Adjournment**

- (1) Council may continue a Regular Council meeting after 10:00 pm only by an affirmative vote of 2/3 of the Council members present.
- (2) A motion to adjourn the Council or to adjourn the debate shall always be in order, but if such motion is negative, no second motion to the same effect shall be made until some intermediate business or matter has been disposed of.
- (3) Subsection (2) does not apply to either of the following motions:
- a motion to adjourn to a specific day;
  - a motion that adds an opinion or qualification to a preceding motion to adjourn.

## **PART 8 - BYLAWS**

### **34. Copies of Proposed Bylaws to Council Members**

A proposed bylaw may be introduced at a Council meeting only if a copy of it has been delivered to each Council member at least 24 hours before the Council meeting, or all Council members unanimously agree to waive this requirement.



### **35. Form of Bylaws**

A bylaw introduced at a Council meeting must:

- be printed;
- have a distinguishing name;
- have a distinguishing number;
- contain an introductory statement of purpose;
- be divided into sections;

### **36. Reading and Adopting Bylaws**

- (1) When considering a proposed bylaw the presiding member of a Council meeting shall:
  - have the Corporate Officer read a synopsis of the proposed bylaw and then
  - request a motion that the proposed bylaw be read;
- (2) The readings of the bylaw may be given by stating its title and object.
- (3) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- (4) Subject to Section 882 of the *Local Government Act* each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present.
- (5) In accordance with Section 135 of the *Community Charter* Council may give up to three readings of a proposed bylaw at the same Council meeting.
- (6) Despite Section 135(3) of the *Community Charter* and in accordance with Section 890(9) of the *Local Government Act*, Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

### **37. Bylaws Must be Signed**

After a bylaw is adopted, and signed by the Corporate Officer and the presiding member of the Council meeting at which it was adopted, the Corporate Officer must have it placed in the City's records for safekeeping and endorse upon it:

- the City's corporate seal,
- the dates of its readings and adoption; and
- the date of Ministerial approval or approval of the electorate if applicable.

## **PART 9 – COMMITTEES**

**Bylaw #4938 amendment added (by adding new Section 9 as follows and renumbering subsequent sections accordingly):**

### **38. Going into Committee of the Whole**

- (1) At any time during a council meeting, Council may by resolution go into Committee of the Whole.
- (2) In addition to subsection (1), a meeting, other than a standing or select committee meeting, to which all members of Council are invited to consider but not to decide on matters of the City's business, is a meeting of Committee of the Whole.

### **39. Notice for Committee of the Whole meetings**

- (1) Subject to subsection (2) a notice of the day, hour and place of a Committee of the Whole meeting must be given at least 24 hours before the time of the meeting by:
  - a. posting a copy of the notice at the Public Notice Posting Places; and
  - b. leaving a copy of the notice for each Council member in the Council member's mailbox at City Hall.
- (2) Subsection (1) does not apply to a Committee of the Whole meeting that is called, in accordance with section 38, during a Council meeting for which public notice has been given under section 6 or 7.

### **40. Agenda**

The Corporate Officer must:

- (1) Prepare an agenda setting out all items for consideration at each meeting, except for a Committee of the Whole Meeting called in accordance with s.38(1);
- (2) Make the agenda available to the public and Council at least 24 hours before the time of the meeting by posting a copy of the agenda at the Public Notice Posting Places

### **41. Minutes of Committee of the Whole meetings to be maintained and available to public**

- (1) Minutes of the proceedings of Committee of the Whole must be
  - a. legibly recorded,
  - b. certified by the Corporate Officer,

- c. signed by the member presiding at the meeting, and
- d. open for public inspection in accordance with section 97(1)(c) of the *Community Charter* [other records to which public access must be provided].

#### **42. Presiding members at Committee of the Whole meetings and Quorum**

- (1) The Mayor or the member designated under section 10 shall preside in a Committee of the Whole meeting.
- (2) If both the Mayor and the member designated under section 10 are absent, the members of Council attending a meeting of Committee of the Whole must appoint a presiding member for the meeting.
- (3) The quorum of Committee of the Whole is the majority of Council members.

#### **43. Points of order at meetings**

The presiding member must preserve order at a Committee of the Whole meeting and, subject to an appeal to other members present, decide points of order that may arise.

#### **44. Conduct and debate**

- (1) The following rules apply to Committee of the Whole meetings:
  - a. a motion is not required to be seconded;
  - b. a motion for adjournment is not allowed during discussion or debate of a motion;
  - c. a member may speak any number of times on the same question, as long as they are presenting new information, questions or perspectives;
  - d. a member must not speak longer than a total of 10 minutes on any one question.

#### **45. Voting at meetings**

- (1) Votes at a Committee of the Whole meeting must be taken by a show of hands if requested by a member.
- (2) The presiding member must declare the results of voting.

#### **46. Reports**

- (1) Committee of the Whole may consider reports and bylaws only if
  - a. they are printed and the members each have a copy, or
  - b. a majority of the Council members present decide without debate that the requirements of paragraph (a) do not apply.
- (2) A motion for Committee of the Whole to rise and report to Council must be decided without debate.
- (3) The Committee of the Whole's reports to Council must be presented by the Corporate Officer.

#### **47. Rising without reporting**

- (1) A motion made at a Committee of the Whole meeting to rise without reporting
  - a. is always in order and takes precedence over all other motions,
  - b. may be debated, and
  - c. may not be addressed more than once by any one member.
- (2) If a motion to rise without reporting is adopted by Committee of the Whole at a meeting constituted under section 38(1), the Council meeting must resume and proceed to the next order of business.

#### **48. General Duties of Standing Committees**

The general duties of all the standing committees of the Council shall be as follows:

- (1) To consider and report to Council from time to time, or whenever desired by the Council and as often as the interest of the City may require, on all matters referred to them by the Mayor or Council or coming within their purview, and to recommend such action by Council in relation thereto as they, the Committee, deem necessary or expedient.
- (2) To carry out the instructions of the Council expressed by resolution in regard to any matter referred by the Council to any Committee for immediate action thereupon, but in such cases the instructions of the Council shall be specific and the Committee shall report its action in detail at the next meeting of the Council thereafter.

#### **49. Duties of Select Committees**

- (1) Select committees must consider, inquire into, report, and make recommendations to Council about the matters referred to the committee by Council.
- (2) Select committees must report and make recommendations to Council at the next Council meeting unless Council specifies a different date and time.
- (3) A select committee shall, on completion of its assignment or on submitting its report to the Council, be automatically dissolved.

#### **50. Schedule of Committee Meetings**

- (1) At its first meeting after its establishment a standing or select committee must establish a regular schedule of meetings.
- (2) The chair of a committee may call a meeting of the committee in addition to the scheduled meetings or may cancel a meeting.

#### **51. Notice of Committee Meetings**

- (1) Subject to subsection (2), after the committee has established the schedule of committee meetings, including the times, dates and places of the committee meetings, notice of the schedule must be given by:
  - posting a copy of the schedule at the Public Notice Posting Places;  
and
  - providing a copy of the schedule to each member of the committee.
- (2) Where revisions are necessary to the annual schedule of committee meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a committee meeting.
- (3) The Chair of a committee must cause a notice of the day, time and place of a meeting called under Section 40(2) to be given to all members of the committee at least 12 hours before the time of the meeting.

#### **52. Attendance at Committee Meetings**

Council members who are not members of a committee may attend the meetings of the committee.

#### **53. Quorum**

The quorum for a committee is a majority of all its members.

#### **54. Conduct and debate**

- (1) The rules of the Council procedure must be observed during committee meetings, so far as possible and unless as otherwise provided in this Bylaw.
- (2) Council members attending a meeting of a committee, of which they are not a member, may participate in the discussion only with the permission of a majority of the committee members present.
- (3) A motion made at a meeting of a committee is not required to be seconded.

#### **55. Voting at Meetings**

Council members attending a meeting of a committee of which they are not a member must not vote on a question.

**Bylaw #4895 amendment added (by adding new Section 10 as follows and renumbering subsequent sections accordingly):**

### **PART 10 - GENERAL**

#### **56. Electronic Participation in Meetings**

- (1) Provided the conditions set out in Subsection 128(2) of the *Community Charter* are met, a member of Council or a Council Committee who is unable to attend at a Regular, Special, or Council Committee meeting, may participate in the meeting by means of electronic or other communication facilities.
- (2) A member participating in a Council or Council Committee meeting electronically may do so for a maximum of four meeting days per calendar year.
- (3) The Presiding Member at a Council or Council Committee meeting must not participate electronically in that meeting.
- (4) If the electronic or other communication facilities fail or malfunction during a meeting, the meeting may be continued without the member who is participating electronically, assuming there is still a quorum without that member, or adjourned.
- (5) A member participating electronically by audio means only must indicate his or her vote verbally.
- (6) A member attending a Council or a Council Committee meeting electronically must notify the Corporate Officer or designate of his or her intention to participate in the meeting electronically at least 60 minutes prior to commencement of the meeting.
- (7) A member participating in a Council or Council Committee meeting electronically is deemed to be present at the meeting as though he or she were physically present.

- (8) The Corporate Officer shall record in the minutes of a Council meeting the members present, including the member(s) participating electronically.
- (9) At any Council or Council Committee meeting where a member is attending electronically, the addition of on table written reports shall not be permitted, unless the item can be supplied to the member attending electronically in advance of the meeting, and providing all other requirements are met.

## **PART 11 - GENERAL**

### **57. Severability**

If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

### **58. Notification of Amendment**

This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with Section 94 of the *Community Charter*.

### **59. Repeal**

City of Port Alberni Council Procedure Bylaw No. 4547 and its associated amendments are hereby repealed.

**READ A FIRST TIME THIS 9<sup>TH</sup> DAY OF DECEMBER, 2013**

**READ A SECOND TIME THIS 9<sup>TH</sup> DAY OF DECEMBER, 2013**

**READ A THIRD TIME THIS 9<sup>TH</sup> DAY OF DECEMBER, 2013**

**PUBLIC NOTICE PROVIDED PURSUANT TO SECTION 94 OF THE *COMMUNITY CHARTER* THIS 19<sup>TH</sup> DAY OF DECEMBER 2013 AND 2<sup>ND</sup> DAY OF JANUARY, 2014**

**FINALLY ADOPTED THIS 13<sup>TH</sup> DAY OF JANUARY, 2014.**

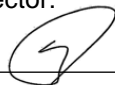
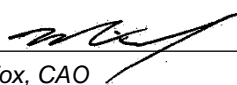
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**Mayor**

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**Clerk**

Date: April 14, 2023  
File No: 3900-02-5077  
To: Mayor & Council  
From: M. Fox , CAO  
Subject: City of Port Alberni Building Bylaw No. 5077, 2023

|   |  |  |
|---|--|--|
| Supervisor:<br><b>M. Wade</b><br>Marianne Wade<br>Manager of Planning | Director:<br><br>S. Smith, Dir. of<br>Development Services  <br>Deputy CAO | CAO Concurrence:<br><br>M. Fox, CAO |
|---|--|--|

#### RECOMMENDATION

*THAT the Committee of the Whole recommend Council consider “City of Port Alberni Building Bylaw No. 5077, 2023” for three readings.*

#### PURPOSE

The draft bylaw outlines Building Bylaw regulations, procedures, and fees. Staff are seeking Committee comments and referral of the bylaw to Council for consideration of three readings.

#### BACKGROUND

Currently the City has Building Bylaw No. 4577 adopted May 23, 2006 and consolidated to July 25, 2016. There have been many updates to the BC Building Code and the Introduction of the Step Code since the time of adoption and consolidation including the 2018 BC Building code updates and now the BC Building Code updates that will be effective as of May 2023.

Municipal Insurance Association British Columbia (MIABC), in conjunction with the Building Officials Association British Columbia (BOABC) , Professional Associations and Lidstone and Company developed a model building bylaw for small and urban municipalities in 2018. Staff has consulted with Lidstone on the new Building Bylaw based upon small cities model bylaw. In addition, staff have conducted research on cities of similar size, including the ACRD to review fees for the Appendix A of the draft City of Port Alberni Building Bylaw No. 5077.

Offence fees for offences to the Building Bylaw are identified in the Offence Bylaw No. 4929 . These ticketing fees will be reviewed separately, any increases to these fees will form a separate amending bylaw to the Offence Bylaw No. 4929.



## ALTERNATIVES/OPTIONS

1. *That the Committee of the Whole recommend Council consider “City of Port Alberni Building Bylaw No. 5077, 2023” for three readings.*
2. *That Committee provide an alternative direction to staff.*
3. *That Committee take no action.*

*Staff recommend Option #1*

## ANALYSIS

### Step Code

In 2017, the province of British Columbia established the Energy Step Code Council to support the successful implementation of the BC Energy Step Code and the market transition to net-zero energy ready buildings. A representative of the province of British Columbia’s Building and Safety Standards branch chairs the Council. Government, industry, and utility stakeholders serve as Council representatives. The BC Energy Step Code describes itself on its website as:

“The Energy Step Code Council, an advisory body, supports local governments and industry as both begin putting the BC Energy Step Code to work. It serves as a “bridge” between governments, industry, and utilities, to identify and resolve implementation issues, provide support and resources, and ensure local governments use the regulation prudently.”

BCBC 2018 Revision 5, effective May 1, 2023 brings in new energy targets for simple buildings (Part 9) to meet Step Code 3 and for complex buildings (Part 3) to meet Step Code 2 targets. Staff held a workshop on November 17, 2022 at the Echo Centre where approximately 70 people in the construction and building industry attended to have the changes highlighted for them, where technical experts were present to explain and answer questions. The information has been made available on the City’s [letsconnectpa.ca](https://letsconnectpa.ca) site and a mail out was undertaken to the City’s list of builders, contractors and associated professionals.

The draft Building Bylaw has incorporated these regulations in alignment with revisions to the BCBC 2018 enacted through Ministerial Order No. BC 2023.

### Fees

There has been no update to the building permit fees since 2006. Staff have consulted with the City’s building consultant on fees in other municipalities and across the province to finalize the fees in Schedule A of this Bylaw. In addition, the review of procedures and processes has identified a number of fees that the City was not collecting for and has incorporated these into the fee schedule. Staff have incorporated a damage deposit fee for public lands. Further, staff have identified best practice tools for establishing construction value of simple or complex buildings that will be used to calculate building permit fees.

The impact of the proposed increase in fees based upon the following building types are illustrated in the table below:

| Building Type          | Value of Construction | Current fee | Proposed Fee |
|------------------------|-----------------------|-------------|--------------|
| Garage                 | \$30,000              | \$210       | \$310        |
| Single Family Dwelling | \$500,000             | \$2,474     | \$3,600      |
| Larger Single Family   | \$750,000             | \$3,036     | \$5,350      |

The impact of the proposed building permit fees for Multi-family or complex building , are best illustrated by using a 2022 building permit fee for a 63-unit apartment building . The construction value of this build in 2022 was \$10, 206,000.00 which resulted in a building permit fee of \$23, 812. The proposed new building permit fee would be \$72, 066.

### IMPLICATIONS

The proposed Building Bylaw No. 5077 will align with MIABC Model Building Bylaw templates, recent BC Building code updates, Ministerial orders and B.C. Energy Step Code well updating fees that are among the lowest in the province. These increased fees will provide cost recovery for staff time and City resources.

### COMMUNICATIONS

This is an administrative bylaw and does not require public notice or a public hearing. Staff are seeking comment from Committee members if they wish staff to consult with the building industry prior to bringing the bylaw before Council for Consideration. Generally, this Bylaw would be given first, second and third reading at one Council meeting and be brought back for adoption at the following Council meeting.

### BYLAWS/PLANS/POLICIES

Responds to Ministerial orders and aligns with BC Building Code updates from 2018 to today's date.

The proposed Building Bylaw No. 5077 responds to the following Council Strategic Priorities:

#### 3. Provide and maintain quality services

### SUMMARY

Staff are seeking feedback from the Committee on the proposed Building Bylaw No. 5077 and request that the Committee of the Whole recommend Council consider City of Port Alberni Building Bylaw No. 5077 for three readings.

### ATTACHMENTS/REFERENCE MATERIALS

- Draft "City of Port Alberni Building Bylaw No. 5077, 2023".

C: D.Leurebourg, Director of Corporate Services  
R. Dickinson, Director of Engineering and public Works  
A. McGifford, Director of Finance

J:\Engineering\Planning\bylawsfor update\Building Bylaw No.5077\Cow\Draft Building Bylaw No.5077 report

**City of Port Alberni**  
**BUILDING BYLAW NO. 5077**

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## City of Port Alberni

### BUILDING BYLAW 2018, NO. 5077

#### A Bylaw for Administration of the Building Code and Regulation of Construction

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GIVEN that the City Council

- A. may by bylaw regulate, prohibit and impose requirements in respect to buildings and structures under sections 8(3)(g) and (l) of the *Community Charter* for the following under section 53(2):
  - (a) the provision of access to a building or other structure, or to part of a building or other structure, for a person with disabilities;
  - (b) the conservation of energy or water;
  - (c) the reduction of greenhouse gas emissions;
  - (d) the health, safety or protection of persons or property;
- B. is enacting this bylaw to regulate construction and administer the British Columbia *Building Code* in Port Alberni in accordance with the *Community Charter* and the *Building Act*;
- C. has employed trained building officials for the purposes of this bylaw;

NOW THEREFORE the Council of the City of Port Alberni enacts as follows:

#### **PART 1: TITLE**

##### **Citation**

- 1.1 This bylaw may be cited as “Building Bylaw 2018, No. 5077”.

#### **PART 2: PURPOSE OF BYLAW**

- 2.1 Despite any other provision in this bylaw, this bylaw must be interpreted in accordance with this Part.
- 2.2 Every permit issued under this bylaw is issued expressly subject to the provisions of this Part.

- 2.3 This bylaw is enacted to regulate, prohibit and impose requirements in regard to *construction* in the City in the public interest.
- 2.4 The purpose of this bylaw does not extend to
- (a) the protection of *owners, designers* or *constructors* from economic loss;
  - (b) the assumption by the City 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 the *owner*, with the *building code*, the requirements of this bylaw, or other applicable enactments, codes or standards;
  - (c) providing any person a warranty of design or workmanship with respect to any *building* or *structure* for which a *building permit* or *occupancy permit* is issued under this bylaw;
  - (d) providing any person a warranty or assurance that *construction* undertaken under *building permits* issued by the City is free from latent, or any, defects; or
  - (e) the protection of adjacent real property from incidental damage or nuisance.

### **PART 3: SCOPE AND EXEMPTIONS**

#### **Application**

- 3.1 This bylaw applies to the geographical area of the City and to land, the surface of water, air space, *buildings* or *structures* in the City.
- 3.2 This bylaw applies to the design, construction or *occupancy* of new *buildings* or *structures*, and the *alteration*, reconstruction, demolition, removal, relocation or *occupancy* or change of use or *occupancy* of *existing buildings* and *structures*.
- 3.3 This bylaw does not apply to
- (a) except as set out in Part 11 [*Retaining Walls*] of this bylaw, a fence;
  - (b) an accessory *building* with a floor area of less than 10 square metres;
  - (c) a trellis, an arbour, a wall supporting soil that is less than 1.22 metres in height, or other similar landscape *structures* on a parcel zoned for single-family *residential occupancy* uses under the City's zoning bylaw;
  - (d) a *building* or *structure* commonly known as "Canadian Standards Association Z240 MH series, Z241 series or A277 series", except as regulated by the Building Code.



## Limited Application to Existing Buildings

- 3.4 Except as provided in the *building code* or to the extent an *existing building* is under *construction* or does not have an *occupancy permit*, when an *existing building* has been *constructed* before the enactment of this bylaw, the enactment of this bylaw is not to be interpreted as requiring that the *building* must be *reconstructed* and *altered*, unless it is expressly so provided by this or another bylaw, regulation or statute.
- 3.5 This bylaw applies if the whole or any part of an *existing building* is moved either within or into the City, including relocation relative to parcel lines created by subdivision or consolidation. Part 12 applies to *building* moves.
- 3.6 If an *alteration* is made to an *existing building* the *alteration* must comply with this bylaw and the *building code* and the entire building must be made to comply with this bylaw and the *building code*, but only to the extent necessary to addresses any new infractions introduced in the remainder of the building as a result of the *alteration*.
- 3.7 If an *alteration* creates an *addition* to an *existing building*, the *alteration* or *addition* must comply with this bylaw and the *building code* and the entire building must be made to comply with this bylaw and the *building code*, but only to the extent necessary to address any new infractions introduced in the remainder of the building as a result of the *alteration* or *addition*.

## PART 4: PROHIBITIONS

- 4.1 A person must not commence or continue any *construction*, *alteration*, *excavation*, *reconstruction*, *demolition*, *removal*, *relocation* or *change* the use or *occupancy* of any *building* or *structure*, including other work related to construction
- (a) except in conformity with the requirements of the *building code* and this bylaw; and
  - (b) unless a *building official* has issued a valid and subsisting *permit* for the work under this bylaw.
- 4.2 A person must not *occupy* or *permit* the *occupancy* of any *building* or *structure* or part of any *building* or *structure*
- (a) unless a subsisting *final inspection notice* has been issued by a *building official* for the *building* or *structure* or the part of the *building* or *structure*; or
  - (b) contrary to the terms of any *permit* issued or any notice given by a *building official*.
- 4.3 A person must not knowingly submit false or misleading information to a *building official* in relation to any *permit* application or construction undertaken pursuant to this bylaw.

- 4.4 Except in accordance with this bylaw, including acceptance of revised plans or supporting documents, a person must not erase, alter or modify plans and supporting documents after the same have been reviewed by the *building official*, or plans and supporting documents which have been filed for reference with the *building official* after a *permit* has been issued.
- 4.5 A person must not, 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 or affixed to a *building* or *structure* pursuant to this bylaw.
- 4.6 A person must not 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 authorized in writing by a *building official*.
- 4.7 A person must not interfere with or obstruct the entry of a *building official* or other authorized official of the City on property in the administration of this bylaw.
- 4.8 A person must not *construct* on a *parcel* unless the civic address is conspicuously posted on the front of the premises or on a sign post so it may be easily read from the public highway from which it takes its address.
- 4.9 A person must not contravene an administrative requirement of a *building official* made under section 6.6 or any other provision of this bylaw.
- 4.10 A person must not change the use, *occupancy* or both of a *building* or *structure* or a part of a *building* or *structure* without first applying for and obtaining a *building permit* under this bylaw.

## **PART 5: PERMIT CONDITIONS**

- 5.1 A *permit* is required if work regulated under this bylaw is to be undertaken.
- 5.2 Neither the issuance of a *permit* under this bylaw, nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the City will in any way
  - (a) relieve the *owner* (and if the *owner* is acting through an *agent*, the *agent* of the *owner*) from full and sole responsibility to perform the work in respect of which the *permit* was issued in strict compliance with this bylaw, the *building code*, and all other applicable codes, standards and enactments;
  - (b) constitute a representation, warranty, assurance or statement that the *building code*, this bylaw or any other applicable enactments respecting safety, protection, land use and zoning have been complied with; or

- (c) constitute a representation or warranty that the *building or structure* meets any standard of materials or workmanship.
- 5.3 No person shall rely on any *permit* as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms.
- 5.4 Without limiting section 5.2(a), it is the full and sole responsibility of the *owner* (and if the *owner* is acting through a representative, the representative of the *owner*) to carry out the work in respect of which the *permit* was issued in compliance with the *building code*, this bylaw and all other applicable codes, standards and enactments.

## **PART 6: POWERS OF A BUILDING OFFICIAL**

### **Administration**

- 6.1 Words defining the authority of a *building official* are to be construed as internal administrative powers and not as creating a duty.
- 6.2 A *building official* may
  - (a) administer this bylaw, but owes no public duty to enforce or administer this bylaw;
  - (b) keep records of applications received, *permits*, notices and orders issued, inspections and tests made, and may retain copies of all papers and documents connected with the administration of this bylaw;
  - (c) establish or require an *owner* to establish whether a method or type of construction or material used in the construction of a *building or structure* complies with the requirements and provisions of this bylaw and the *building code*; and
  - (d) direct that tests of materials, equipment, devices, construction methods, structural assemblies or *foundations* be carried out, or that sufficient evidence or proof be submitted by the *owner*, at the *owner's* sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or *foundation* condition complies with this bylaw and the *building code*.

### **Refusal and Revocation of Permits**

- 6.3 A *building official* may refuse to issue a *permit* if the proposed work will contravene the requirements of the *building code* or the provisions of this or any other bylaw of the City, and must state the reason in writing.
- 6.4 A *building official* may revoke a *permit* if, in their opinion, the results of tests on materials, devices, construction methods, structural assemblies or *foundation* conditions

contravene the *building code* or the provisions of this bylaw, or both, or if all *permits* required under this bylaw have not been obtained.

### **Right of Entry**

- 6.5 Subject to section 16 of the *Community Charter*, a *building official* may enter on property at any time to ascertain whether the requirements of this bylaw are being met.

### **Powers**

- 6.6 Subject to applicable enactments, a *building official* may by notice in writing require
- (a) a person who contravenes any provision of this bylaw to comply with that provision within the time ordered;
  - (b) an *owner* to stop work on a *building* or *structure*, or any part of a *building* or *structure*, if the work is proceeding in contravention of this bylaw, the *building code*, or any other enactment of the City or other applicable enactments, or if there is deemed to be an *unsafe condition*, and may enter on property to affix or post a stop work order in the form prescribed by the *building official*;
  - (c) an *owner* to remove or prevent any unauthorized encroachment on a public parcel, a statutory right of way or easement, or a setback or yard required under an enactment;
  - (d) an *owner* to remove any *building* or *structure*, or any part of a *building* or *structure*, *constructed* in contravention of a provision of this bylaw;
  - (e) an *owner* to have work inspected by a *building official* prior to covering;
  - (f) an *owner* to uncover any work that has been covered without inspection contrary to this bylaw or an order issued by a *building official*;
  - (g) a person to cease any *occupancy* in contravention of a provision of this bylaw;
  - (h) a person to cease any *occupancy* if any *unsafe condition* exists because of work being undertaken but not complete and where the *building official* has not issued a final inspection notice for the work;
  - (i) an *owner* to correct any *unsafe condition*; and
  - (j) an *owner* to correct any work that contravenes this bylaw, the *building code*, or any other enactment.
- 6.7 Every reference to “*owner*” in section 6.6 includes a reference to the *owner’s* agent or *constructor*.

6.8 Every person served with a notice under this Part must comply with that notice

- (i) within the time ordered, or
- (ii) if no time is ordered, immediately.

## **PART 7: OWNER'S RESPONSIBILITIES**

### **Permit Requirements**

7.1 Subject to Part 10 of this bylaw, every *owner* must apply for and obtain a *permit*, prior to

- (a) *constructing*, repairing or *altering* a *building* or *structure*, including a *pool* or *retaining wall*;
- (b) moving a *building* or *structure* into or within the City;
- (c) demolishing a *building* or *structure*;
- (d) *occupying* a new *building* or *structure*;
- (e) *constructing* a masonry fireplace or installing a wood-burning appliance or chimney, whether attached to, part of or detached from a *building*.
- (f) changing the use or *occupancy* of a *building*,

unless the works are the subject of another valid and subsisting *building permit*.

7.2 Every *owner* must ensure that plans submitted with a *permit* application bear the name, phone number, address and email address of the *designer* of the *building* or *structure*.

### **Owner's Obligations**

7.3 Every *owner* must

- (a) comply with the *building code*, the requirements of this bylaw and the conditions of a *permit*, and must not omit any work required by the *building code*, this bylaw or the conditions of a *permit*;
- (b) ensure that all *permits*, all plans and specifications and supporting documents on which a *permit* was based, all municipal inspection certificates, and all professional *field reviews* are available at the site of the work for inspection during working hours by the *building official*, and that all *permits* are posted conspicuously on the site during the entire execution of the work; and
- (c) prior to the issuance of a *building permit*, execute and submit to the City an *owner's* undertaking in the form, where required by the *building official*.

- 7.4 Every *owner* and every owner's *agent*, must carry out *construction* or have the *construction* carried out in accordance with the requirements of the *building code*, this bylaw and other bylaws of the City and none of the issuance of a *permit* under this bylaw, the review of plans and supporting documents, or inspections made by a *building official* or a *registered professional* shall relieve the *owner*, or his or her *agent*, from full and sole responsibility to perform the work in strict accordance with this bylaw, the *building code* and all other applicable codes, standards and enactments.
- 7.5 Every *owner* must allow a *building official* to enter any *building* or premises at any reasonable time to administer and enforce this bylaw. Every *owner* to whom a *permit* is issued must, during construction,
- (a) post the civic address on the property so that it may be easily read from the public highway from which the property takes its address; and
  - (b) post the *permit* on the property so that it may be easily read from the public highway from which the property takes its address.

### **Damage to Municipal Works**

- 7.6 Every *owner* to whom a *permit* is issued is responsible for the cost to repair any damage to municipal works or land that occurs during and arises directly or indirectly from the work authorized by the *permit*.
- 7.7 In addition to payment of a security deposit under sections 10.8 to 10.14, every *owner* must pay to the City, within 30 days of receiving an invoice for same from the City, the cost to repair any damage to public property or works located on public property arising directly or indirectly from work for which a *permit* was issued.

### **Demolition**

- 7.8 Prior to obtaining a *permit* to demolish a *building* or *structure*, the *owner* must
- (a) provide to the City a vacancy date;
  - (b) pay capping and inspection chamber installation fees as set out in the City's bylaws governing waterworks and sewer; and
  - (c) ensure that all municipal services and other services are capped and terminated at the property line in a City standard inspection chamber and valve arrangement.
- 7.9 Every *owner* must ensure that, on completion of all demolition procedures, all debris and fill are cleared and the *site* is levelled or graded, or made safe if levelling and grading are not possible.

## Notice

- 7.10 Every *owner* must, at least 48 hours prior to commencing work at a *building site*, give written or online notice to a *building official* of the date on which the *owner* intends to begin such work.
- 7.11 Every *owner* must give written or online notice to a *building official* of any change in or termination of engagement of a *registered professional*, including a *coordinating registered professional*, during construction, within 24 hours of when the change or termination occurs.
- 7.12 If an *owner* or a *registered professional* terminates the engagement of a *registered professional*, including a *coordinating registered professional*, the *owner* must terminate all work under a *building permit* until the *owner* has engaged a new *registered professional*, including a *coordinating registered professional*, and has delivered to a *building official* new letters of assurance.
- 7.13 Without limiting sections 10.30 to 10.37, every *owner* must give at least 48 hours' online or written notice to a *building official*
- (a) of intent to do work that is required or ordered to be corrected during *construction*;
  - (b) of intent to cover work that is required under this bylaw to be, or has been ordered to be, inspected prior to covering; and
  - (c) when work has been completed so that a final inspection can be made.
- 7.14 Every *owner* must give notice in writing to a *building official* and pay the non-refundable fee set out in Appendix A immediately upon any change in ownership or change in the address of the *owner* which occurs prior to the issuance of an *occupancy permit*.
- 7.15 Every *owner* must give such other notice to a *building official* as may be required by the *building official* or by a provision of this bylaw.

## PART 8: OBLIGATIONS OF OWNER'S CONSTRUCTOR

- 8.1 Every *constructor* must ensure that all *construction* is done in compliance with all requirements of the *building code*, this bylaw and all other applicable, codes, standards and enactments.
- 8.2 Every *constructor* must ensure that no *excavation* or other work is undertaken on public property, and that no public is disturbed, no *building* or *structure* erected, and no materials stored thereon, in whole or in part, without first having obtained approval in writing from the appropriate authority over such public property.

- 8.3 For the purposes of the administration and enforcement of this bylaw, every *constructor* is responsible jointly and severally with the *owner* for all work undertaken.

## **PART 9: REGISTERED PROFESSIONAL'S RESPONSIBILITIES**

### **Professional Design and Field Review**

- 9.1 The provision by the *owner* to the City of letters of assurance in accordance with the requirements of the *building code* shall occur prior to
- (a) the pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building*, or
  - (b) a final inspection for a *simple building* in circumstances where letters of assurance have been required in accordance with the requirements of the *building code*, in which case the *owner* must provide the City with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *building code*.
- 9.2 If a *registered professional* provides letters of assurance in accordance with the *building code*, they must also provide proof of professional liability insurance to the *building official*.

### **Requirement for a Registered Professional**

- 9.3 The *owner* must retain a *registered professional* to provide a *professional design* and plan certification and letters of assurance in the form of Schedules A, B, C-A and C-B referred to in subsection 2.2.7, Division C, of the *building code*, in respect of a *permit* application
- (a) prior to the pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building*, or
  - (b) prior to a final inspection for a *simple building* in circumstances where letters of assurance have been required in accordance with the requirements of the *building code*, in which case the *owner* must provide the City with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *building code*;
  - (c) except for garages, carports and garden structures, *foundation* and *excavation* components of new *simple buildings* and *additions* greater than 55 square metres to *simple buildings* in accordance with the *building code*;
  - (d) a *building* that is designed with common egress systems for the occupants and requires the use of *firewalls* in accordance with the *building code*;



- (e) prior to *alterations* to a *building*, or to a structural component of a *building* described in paragraph (b);
- (f) for a *building* in respect of which the *building official* determines that site conditions, size or complexity so warrant in the interests of safety of persons or protection of property under the *building code*;
- (g) if the *building* envelope components of the *building* fall under Division B Part 3 of the *building code*, the *building* contains more than two dwellings, or if the *building* envelopes do not comply with the prescriptive requirements of Division B Part 9 of the *building code*; and
- (h) for a parcel of land on which a *building* or *structure* is proposed if the *building official* believes the parcel is or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, and the requirement for a *professional design* is in addition to a requirement under Division 8 of Part 3 of the *Community Charter*
  - (i) for a report certified by a professional engineer with experience in geotechnical engineering that the parcel may be used safely for the use intended, and
  - (ii) that the plans submitted with the application comply with the relevant provisions of the *building code* and applicable bylaws of the City.

9.4 The *building official* may require any *registered professional* carrying out the *professional design* and *field review* required under section 9.3 to provide evidence that they have experience and expertise in respect of the *professional design* and *field review* of the context and scope required.

### **Professional Plan Certification**

- 9.5 The letters of assurance in the form of Schedules A and B as referred to in subsection 2.2.7, Division C, of the *building code* referred to in sections 9.1 and 9.3 are relied upon by the City and *its building officials* as certification that the design and plans to which the letters of assurance refer comply with the *building code*, this bylaw and other applicable enactment.
- 9.6 Letters of assurance must be in the form of Schedules A and B referred to in subsection 2.2.7, Division C, of the *building code*.
- 9.7 For a building permit issued for the construction of a *complex building*, the building official shall provide the *owner* with a notice that the *building permit* is issued in reliance on the certification of the *registered professional* that the *professional design* and plans

submitted in support of the application for the *building permit* comply with the *building code* and other applicable enactments. Any failure on the part of the building official to provide the *owner* with the notice will not diminish or invalidate the reliance by the City or its *building officials* on the *registered professionals*.

- 9.8 If a *building permit* is issued for a construction of a *complex building*, the *permit* fee is reduced by 10% of the fees payable under Appendix A to this bylaw, up to a maximum reduction of \$500.00 (five hundred dollars).

## **PART 10: BUILDING APPLICATION REQUIREMENTS**

### **Requirements Before Applying for a Building Permit**

- 10.1 Prior to issuance of a *building permit*, the *owner* must satisfy the following requirements or conditions:
- (a) the *owner* must apply for and obtain a development permit if the *building* or *structure* is in an area designated by the City's Official Community Plan as a development *permit* area;
  - (b) the *owner* must ensure that the proposed *building* or *structure* complies with all bylaws of the City, except to the extent a variance of a bylaw is authorized by a development *permit*, development variance permit or order of the Board of Variance;
  - (c) an approving officer must have approved the subdivision plan that, once registered, would create the parcel on which the proposed *building* or *structure* will be *constructed*, and the subdivision plan must have been registered in the Land Title Office;
  - (d) the *owner* must provide evidence to the *building official* showing that the person applying for the *building permit* is either the *owner* of the parcel that is the subject of the proposed *building permit*, or is the *agent* of the *owner*, in which case, the *agent* must provide the name and contact information of the *owner*;
  - (e) if the parcel that is the subject of the *building permit* application is not intended to be connected to the City's sewage disposal system, the *owner* must apply for and obtain approval from the City and other applicable public authorities for an alternate *private sewage disposal system*;
  - (f) if the parcel that is the subject of the *building permit* application is not intended to be connected to the City's waterworks system, the *owner* must apply for and obtain approval from the City and other applicable public authorities for an alternate water supply system;

- (g) if the parcel that is the subject of the *building permit* application is not intended to be connected to The City's storm water drainage system, the *owner* must apply for and obtain approval from the City and other applicable public authorities for the alternate storm water drainage and detention system; and
- (h) if all on site and off site works and services required by a City bylaw or other enactment have not been completed in accordance with the enactments, the *owner* must enter into a completion agreement with the City and deliver to the City letters of credit or cash security for completion of the works and service.

### **Building Permit Applications for Complex Buildings**

10.2 An application for a *building permit* with respect to a *complex building* must

- (a) be made in the form prescribed by the *building official* and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (b) be accompanied by the *owner's* acknowledgement of responsibility and undertaking and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (c) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
- (d) include a *building code* compliance summary including the applicable edition of the *building code*, such as without limitation whether the building is designed under Part 3 or Part 9 of the building code, *major occupancy* classification(s) of the *building*, *building area* and *building height*, number of streets the *building* faces, and *accessible* entrances, work areas, washrooms, firewalls and facilities;
- (e) include a copy of a survey plan prepared by a British Columbia land surveyor;
- (f) include a site plan prepared by a *registered professional* 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 *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
  - (iv) the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel;
  - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse;

- (vi) north arrow;
- (vii) if applicable, location of an approved *existing* or proposed private or other alternative sewage disposal system, water supply system or storm water drainage system;
- (viii) zoning compliance summary;
- (ix) the location, dimensions and gradient of parking and parking access;
- (x) proposed and *existing* setbacks to property lines;
- (xi) natural and finished grade at *building* corners and significant breaks in the building plan and proposed grade around the *building* faces in order to ascertain *foundation* height;
- (xii) first storey floor elevation;
- (xiii) location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
- (xiv) line of upper floors;
- (xv) location and elevation of curbs, sidewalks, manholes, and service poles;
- (xvi) location of *existing* and proposed service connections;
- (xvii) location and species of all trees greater than 10 centimetres in diameter;
- (xviii) location of top bank and water courses;
- (xix) access routes for firefighting;
- (xx) *accessible* paths of travel from the street to the *building*;
- (xxi) geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the City's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation,

except that the *building official* may waive, in whole or in part, the requirements for a site plan, if the *permit* is sought for the repair or *alteration* of an *existing building* or *structure*;

- (g) include floor plans showing the dimensions and uses and *occupancy* classification of all areas, including: 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; fire separations; plumbing fixtures; structural elements; and stair dimensions;

- (h) include a cross-section through the *building* or *structure* in sufficient detail and locations to illustrate *foundations*, drainage, ceiling heights and constructions systems;
- (i) include elevations of all sides of the *building* or *structure* showing finish details, roof slopes, windows, doors, natural and finished *grade*, spatial separations and ridge height to comply with the *building code* and to illustrate that the *building* or *structure* conforms with the City zoning bylaw and development permit;
- (j) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* conforms to the *building code*;
- (k) include all other requirements of sections 2.2.1, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.9, Division C of the *building code*;
- (l) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal *permits*, highway access *permits* and ministry of health approvals;
- (m) include a letter of assurance in the form of Schedule A referred to in subsection 2.2.7 Division C, of the *building code*, signed by the *owner*, or a signing officer if the *owner* is a corporation, and the *coordinating registered professional*;
- (n) include letters of assurance in the form of Schedule B referred to in subsection 2.2.7 Division C, 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*;
- (o) include two sets of drawings at a suitable scale of the design prepared by each *registered professional* containing the information set out in (g) to (k) of this section; and
- (p) include illustration of any slopes on the subject parcel that exceed 30%.

10.3 In addition to the requirements of section 10.2 of this bylaw, a *building official* may require the following to be submitted with a *permit* application for the construction of a *complex building* if 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*, in accordance with the City's subdivision and development servicing bylaw;

- (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 *building code* and other bylaws and enactments relating to the *building* or *structure*.

### **Building Permit Applications for Simple Buildings**

10.4 An application for a *building permit* with respect to a *simple building* must

- (a) be made in the form prescribed by the *building official* and 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 undertaking and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (c) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
- (d) include a copy of a survey plan prepared by a British Columbia land surveyor except that the *building official* may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
- (e) include a site plan 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 *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
  - (iv) the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel;
  - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse;
  - (vi) north arrow;
  - (vii) if applicable, location of an approved *existing* or proposed alternative private or other sewage disposal system, water supply system or storm water drainage system;
  - (viii) the location, dimensions and gradient of parking and parking access;

- (ix) proposed and *existing* setbacks to property lines;
- (x) natural and finished grade at *building* corners and datum determination points;
- (xi) *first storey* floor elevation;
- (xii) location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
- (xiii) line of upper floors;
- (xiv) location and elevation of curbs, sidewalks, manholes and service poles;
- (xv) location of *existing* and proposed service connections;
- (xvi) location and species of all trees greater than 10 centimetres in diameter;
- (xvii) location of top bank and water courses;
- (xviii) access routes for firefighting;
- (xix) *accessible* paths of travel from the street to the *building*;
- (xx) zoning compliance summary; and
- (xxi) the geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the City's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation,

except that for a *simple building* the *building official* may waive, in whole or in part, the requirements for a site plan, if the *permit* is sought for the repair or *alteration* of an *existing building*;

- (f) include floor plans showing the dimensions and uses of all areas, including: 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;
- (g) include a cross-section through the *building* illustrating *foundations*, drainage, ceiling heights and construction systems;
- (h) include elevations of all sides of the *building* showing finish details, roof slopes, windows, doors, the *grade*, the maximum *building height* line, ridge height, spatial separations and natural and finished *grade* to comply with the *building code* and to

illustrate that the *building* or *structure* conforms with the City zoning and development permit;

- (i) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* or *structure* substantially conforms to the *building code*;
- (j) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal *permits*, highway access *permits* and Ministry of Health approvals;
- (k) except for garages, carports and garden structures located on land, include a *foundation* and *excavation* design prepared by a *registered professional* in accordance with the *building code*;
- (l) include geotechnical letters of assurance, in addition to a required geotechnical report, if the *building official* determines that the site conditions so warrant;
- (m) include two sets of drawings at a suitable scale of design including the information set out in (f) to (i) of this section; and
- (n) include a *building code* compliance summary including the applicable edition of the *building code*, such as, without limitation, whether the *building* is designed under Part 3 or Part 9 and compliance with article 2.2.2.1(2), Division C of the *building code*.

10.5 In addition to the requirements of section 10.4 of this Part, if a *project* involves

- (a) two or more *buildings*, the gross floor areas of which in the aggregate total more than 1000 square metres;
- (b) two or more *buildings* that will contain four or more dwelling units; or
- (c) otherwise if the complexity of the proposed *building* or *structure* or siting circumstances warrant,

a *building official* may require the following be submitted with a *permit* application for the construction of each *simple building* in the *project*:

- (d) a section through the site showing grades, *buildings*, *structures*, parking areas and driveways;
- (e) a roof plan and roof height calculations;
- (f) structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a *registered professional*;



- (g) letters of assurance in the form of Schedule B referred to in Division C of the *building code*, signed by a *registered professional*; and
- (h) any other information required by the *building official* or the *building code* to establish substantial compliance with this bylaw, the *building code* and other bylaws and enactments relating to the *building* or *structure*.

### **Site and Location Information**

10.6 Without limiting sections 10.2(f) or 10.4(d) of this Part, the *building official* may in writing require an *owner* to submit an up-to-date plan or survey prepared by a registered British Columbia land surveyor which contains sufficient information respecting the site and location of any *building* to

- (a) establish, before *construction* begins, that all the provisions of this bylaw in relation to this information will be complied with;
- (b) verify, on completion of the *construction*, that all provisions of this and other applicable bylaw have been complied with;
- (c) in relation to an *existing building*, substantiate its location, size, including appurtenances whether above, at or below ground level, relative to the site or its relationship to neighbouring grades; and
- (d) in relation to *construction* of a new *building*, or *addition* to an *existing building*, prior to and after the placement of concrete for *foundations* and footings, show the *elevation* at proposed top of concrete on all *building* elevations and at all significant changes of elevation to substantiate its size, location and elevation,

and every person served with a written requirement under this section must comply with the requirement.

### **Building Permit Fee**

10.7 Before receiving a *building permit* for a *building* or *structure*, the *owner* must first pay to the City

- (a) the *building permit* fee prescribed in Appendix A; and
- (b) any fees, charges, levies or taxes imposed by the City and payable under an enactment at the time of issuance of the *building permit*.

## Security Deposit with Building Permit Application

- 10.8 An applicant for a *building permit* must pay to the City, at the time of the application, the security deposit as prescribed in Schedule A of this bylaw.
- 10.9 The security deposit sum set out in section 10.8 of this Part
- (a) covers the cost borne by the City to maintain, restore or replace any public works or public lands which are destroyed, damaged or otherwise impaired in the carrying out of the work referred to in any *building permit* held by the applicant;
  - (b) covers the cost borne by the City to make the site safe if the *permit* holder abandons or fails to complete the work as designated on the *permit*;
  - (c) serves as the security deposit for provisional *occupancy* when the final inspection notice makes provision for a security deposit; or
  - (d) serves as a security deposit to effect compliance with any condition under which the *permit* was issued.
- 10.10 The security deposit or applicable portion must be returned to the applicant
- (a) when the *building official* is satisfied that no further damage to public works or public lands will occur;
  - (b) when the inspections required by this bylaw are complete and acceptable to the *building official*; and
  - (c) when the conditions or provisions of a provisional certificate of *occupancy* are completed to the satisfaction of the *building official*;
- only if the applicant has requested the return of the security.
- 10.11 Any credit greater than the amount of the security deposit used by the City for the purposes described in sections 10.9 of this Part will be returned to the *permit* holder unless otherwise so directed by the *permit* holder. Any amount in excess of the security deposit required by the City to complete corrective work to public lands, public works, or the site is recoverable by the City from the *permit* holder, the *constructor* or the *owner* of the property.
- 10.12 If the proposed work includes *excavation* or construction on lands within 10 metres of works or services owned by the City, the *owner* must deliver to the *building official* a signed agreement in a form prescribed by the City's Public Works Superintendent under which the *owner* acknowledges and agrees that any damage to municipal works or services arising from the construction associated with the *building permit* will be repaired

by the *owner* at its expense and to the satisfaction of the Public Works Superintendent, and the *owner* must deposit with the City security in accordance with sections 10.8.

10.13 Any *application* or *permit* that was opened prior to the adoption of this bylaw and that has not been closed to the satisfaction of the *building official* within two years of the date of being opened expires on the earlier of:

(a) seven years from the date on which the *permit* was opened; or

(b) sixty days after adoption of this bylaw.

10.14 Any security or other deposits held by the City shall be forfeited and paid to the City as a fee for the cost of closing open applications or permits where an application or a permit expires prior to the owner receiving a final inspection report, a final occupancy permit or an extension of its effective date.

### **Permit Fee Refunds**

10.15 No fee or part of a fee paid to the City may be refunded if construction of the *building* has started.

10.16 A *building permit* or other *permit* fee may be partially refunded as set out in Appendix A, only if

(a) the *owner* has submitted a written request for a refund;

(b) the *building official* has certified a start has not been made on the construction of the *building* or *structure*; and

(c) the *permit* has not expired.

10.17 A *building permit* or other *permit* fee is not refundable after the *permit* has been extended under section 10.48 of this Part.

### **Design Modification**

10.18 If an issued *building permit* or other *permit* is active and the *owner* proposes modification to the *building* design whereby the value of the work does not increase or the value of the work decreases, the *owner* must pay to the City a *building permit* fee based on the plan review hourly rate set out in Appendix A.

### **Construction Before Permit Issued**

10.19 The *building permit* or other *permit* fee is doubled for every *permit* application if construction commenced before the *building official* issued a *permit*, to a maximum of \$10,000.00.

## **Expiration of Application for a Permit**

- 10.20 A *building permit* or a mechanical *permit* application expires 180 days from the date a complete application is received under this Part if the *building permit* or mechanical *permit* is not issued by the application expiration date, unless the *permit* is not issued only due to delays caused by the City.

## **Issuance of a Building Permit**

### **10.21 If**

- (a) a completed application in compliance with sections 10.2 and 10.3 or sections 10.4 and 10.5 of this Part, including all required supporting documentation, has been submitted;
- (b) the *owner* has paid all applicable fees set out in Appendix A and has provided security in accordance with section 10.8 of this Part;
- (c) the *owner* or his or her representative has paid all charges and met all requirements imposed by any other statute or bylaw;
- (d) the *owner* has retained a professional engineer or geoscientist if required under this bylaw;
- (e) the *owner* has retained an architect if required under this bylaw; and
- (f) no covenant, agreement, resolution or regulation of the City requires or authorizes the *permit* to be withheld,

the *building official* must issue the *permit*, in the form prescribed by the *building official*, for which the application is made, and the date of issuance is deemed to be the date the City gives written notice to the *owner* that the *permit* is ready to be picked up by the *owner*.

- 10.22 Despite section 10.21, the *building official* may refuse to issue a *permit* when the *owner* has been notified of a violation of this bylaw about the construction of another *building* or *structure* by the *owner*.

## **Compliance with the Homeowner Protection Act**

- 10.23 If the application is in respect of a *building* that includes, or will include, a *residential occupancy* governed by the *Homeowner Protection Act*, the *building permit* must not be issued unless the *owner* provides evidence under section 30(1) of the *Homeowner Protection Act*, that the proposed *building*

- (a) is covered by home warranty insurance; and

(b) the *constructor* is a licensed “residential builder” as defined in that Act.

10.24 Section 10.23 of this Part 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*.

10.25 Every *permit* is issued subject to the *owner* and *constructor* maintaining compliance with the *Homeowner Protection Act* and negotiations under it during the term of the *permit*.

### **Partial Construction**

10.26 If a site has been *excavated* under a *building permit* for *excavation* issued under this bylaw and a *building permit* is not subsequently issued or a subsisting *building permit* has expired under section 10.47, but without the construction of the *building* or *structure* for which the *building permit* was issued having commenced, the *owner* must fill in the *excavation* to restore the original gradients of the site within 60 days of being served notice by the City to do so.

10.27 If a *building permit* has expired and partial construction has progressed, with no extension requested of the *building official* under section 10.48, permanent type fencing with privacy screen complying with the City’s Zoning Bylaw, must be erected around the *building* site for protection to the public.

### **Conditions of a Building Permit**

10.28 A *building permit* or an application for a *building permit* that is in process may not be transferred or assigned until the *owner* has notified the *building official* in writing, the *building official* has authorized the transfer or assignment in writing and the *owner* has paid the non-refundable fee required under Appendix A. The transfer or assignment of a *building permit* is not an extension of a *building permit*.

10.29 The review of plans and supporting documents and issuance of a *building permit* do not prevent the *building official* from subsequently requiring the correction of errors in the plans and supporting documents, or from prohibiting *building* construction or *occupancy* being carried on when in violation of this or another bylaw.

### **Inspections**

10.30 If a *registered professional* provides letters of assurance in accordance with this Part, the City will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to this bylaw and the *building code* as assurance that the construction substantially conforms to the design, plans and specifications and that the construction complies with the *building code*, this bylaw and other applicable enactments respecting safety.

- 10.31 Despite section 10.30 of this Part, a *building official* may attend the site from time to time during the course of construction to ascertain that the *field reviews* are taking place and to monitor the *field reviews* undertaken by the *registered professionals*.
- 10.32 A *building official* may attend periodically at the site of the construction of *simple buildings* or *structures* to ascertain whether the work is being carried out in substantial conformance with the *building code*, this bylaw and any other applicable enactments concerning safety.
- 10.33 For all work in respect of *simple buildings* the *owner* must give at least 72 hours' notice to the City when requesting an inspection and must obtain an inspection and receive a *building official's* written acceptance of the following aspects of the work prior to concealing them
- (a) after demolition, the grading of and removal of debris from the site;
  - (b) *excavation*, within 24 hours of the start of *excavation*;
  - (c) *foundation* and footing forms, before concrete is poured;
  - (d) prior to inspection under section 10.33(e), plumbing located below the finished slab level;
  - (e) the preparation of ground, including ground cover when required, perimeter insulation on inside of concrete *foundation* walls and reinforcing steel;
  - (f) after inspection under section 10.33(e) hydronic heating pipes and below slab insulation;
  - (g) installation of rough-in plumbing before it is covered;
  - (h) installation of *building* services before being covered;
  - (i) rough in of factory built chimneys and fireplaces and solid fuel burning appliances;
  - (j) framing, sheathing, fire stopping (including drywall in fire separations), bracing, chimney and ductwork, rough wiring, rough plumbing, rough heating, gas venting, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work;
  - (k) insulation and vapour barrier;
  - (l) *construction* of an exterior deck if the deck serves as a roof;
  - (m) on-site *constructed* tubs or showers and tub or shower trap tests;

- (n) the installation of wall sheathing membrane, externally applied vapour or air barrier, stucco wire or lath, and flashings, but prior to the installation of exterior finishes which could conceal such work; and
  - (o) the *health and safety aspects of the work* and the conservation, GHG emission reduction and accessibility aspects of the work when the *building* or *structure* is substantially complete, ready for *occupancy* but prior to *occupancy*.
- 10.34 A *building official* will only carry out an inspection under section 10.33 if the *owner* or the *owner's agent* has requested the inspection online or in writing in accordance with this bylaw.
- 10.35 Despite the requirement for the *building official's* acceptance of the work outlined in section 10.33, if a *registered professional* provides letters of assurance, the City 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 aspects of the construction referenced by those letters of assurance substantially conform to the *design*, plans and specifications and that the construction complies with the *building code*, this bylaw and other applicable enactments respecting safety.
- 10.36 No person may conceal any aspect of the work referred to in section 10.33 of this bylaw until a *building official* has *accepted* it in writing.
- 10.37 For work in respect of *complex buildings*, the *owner* must
- (a) give at least 48 hours' online or written notice to the City when requesting a preconstruction meeting with the *building official* prior to the start of construction, and the *owner* or his or her representative must ensure that the *coordinating registered professional*, the *constructor*, as well as representatives of major trades, are in attendance;
  - (b) give at least 48 hours' online or written notice to the City when requesting a pre-occupancy coordinated by the *coordinating registered professional* or other *registered professional* to have the *owner*, the *constructor* and the *registered professionals* demonstrate to the *building official* and Fire Services the compliance with the *health and safety aspects of the work*, the coordination and integration of the fire and life safety system, applicable City requirements and other enactments respecting safety and the conservation, GHG emission and accessibility aspects of the work; and
  - (c) cause the *coordinating registered professional*, at least 48 hours prior to the pre-occupancy coordinated site review coordinated by the *coordinating registered professional*, to deliver to the *building official* the Confirmation of Required

Documentation described in this *bylaw*, complete with all documentation in a hard covered three ring binder and in digital pdf format on a memory stick.

### **Stop Work Order**

- 10.38 The *building official* may direct the immediate suspension or correction of all or a portion of the construction on a *building* or *structure* by attaching a stop work order notice on the premises whenever it is found that the work is not being performed in accordance with the requirements of the *building code*, any applicable bylaw of the City or the applicable provisions of the *Homeowner Protection Act*.
- 10.39 The *coordinating registered professional* may request, in writing, that the *building official* order the immediate suspension or correction of all or a portion of the construction on a *building* or *structure* by attaching a stop work order notice on the premises. The *building official* must consider such a request and, if not acted upon, must respond, in writing, to the *coordinating registered professional* and give reasons.
- 10.40 If a *registered professional's* services are terminated, the *owner* must immediately stop any work that is subject to his or her *design* or *field review* and the *building official* is deemed to have issued a stop work order under section 10.38.
- 10.41 The *owner* must immediately, after the posting of a notice under section 10.38, secure the construction and the lands and premises surrounding the construction in compliance with the safety requirements of every statute, regulation or order of the Province or of a provincial agency and of every applicable bylaw of the City.
- 10.42 Subject to section 10.38, no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in section 10.38 until the stop work order notice has been removed by the *building official*.
- 10.43 The notice referred to in section 10.38 must remain posted on the premises until that which is contrary to the enactments has been remedied.

### **Do Not Occupy Notice**

- 10.44 If a person occupies a *building* or *structure* or part of a *building* or *structure* in contravention of this bylaw, a *building official* may post a Do Not Occupy Notice in the form prescribed by the *building official* on the affected part of the *building* or *structure*.
- 10.45 If a notice is posted under section 10.44, the *owner* of a parcel on which a Do Not Occupy Notice has been posted, and every other person, must cease *occupancy* of the *building* or *structure* immediately and 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*.



## **Inspection and Other Fees**

10.46 In addition to the fees required under other provisions of this bylaw, the *owner* must pay the non-refundable fee set out in Appendix A for

- (a) a second and each subsequent re-inspection where it has been determined by the *building official* that due to non-compliance with the provisions of this bylaw or due to non-complying work, more than one site visit is required for any required inspection;
- (b) a special inspection during the City's normal business hours to establish the condition of a *building*, or if an inspection requires special arrangements because of time, location or construction techniques; and
- (c) inspection required under this bylaw which cannot be carried out during the City's normal business hours.

## **Permit Expiration**

10.47 Every *permit* is issued on the condition that the *permit* expires and the rights of the *owner* under the *permit* terminate if the *permit* is not closed within two years of the date of issuance of the permit, or

- (a) the work authorized by the *permit* is not commenced within 180 days from the date of issuance of the *permit*;
- (b) work is discontinued for a period of 180 days;
- (c) the work is not completed within two years of the date of issuance of the *permit*.

## **Permit Extension**

10.48 A *building official* may extend the period set out under section 10.47 for only one period, not to exceed twelve months, if construction has not been commenced or has been discontinued due to adverse weather, strikes, material or labour shortages, other similar hardship beyond the *owner's* control, or if the size and complexity of the construction warrants, if

- (a) application for the extension is made at least 30 days prior to the date of *permit* expiration; and
- (b) the non-refundable fee set out in Appendix A has been paid.

## **Building Permit Revocation**

10.49 The *building official* may revoke a *building permit* if there is a violation of

- (a) a condition under which the *permit* was issued; or
  - (b) a requirement of the *building code* or of this or another bylaw of the City,
- such *permit* revocation must be in writing and sent to the *permit* holder by signature mail to, or personal service on, the *permit* holder.

### **Building Permit Cancellation**

- 10.50 A *building permit*, or a *building permit* application, may be cancelled by the *owner*, or his or her *agent*, on delivery of written notification of the cancellation to the *building official*.
- 10.51 On receipt of the written cancellation notice, the *building official* must mark on the application, and a *permit* if applicable, the date of cancellation and the word "cancelled".
- 10.52 If the *owner*, or his or her *agent*, submits changes to an application after a *permit* has been issued and the changes, in the opinion of the *building official*, substantially alter the scope of the work, design or intent of the application in respect of which the *permit* was issued, the *building official* may cancel or amend the *permit* and mark on the *permit* the date of cancellation or amendment and the word "cancelled" or "amended".
- 10.53 If a *building permit* application or *permit* is cancelled, and construction has not commenced under the *permit*, the *building official* must return to the *owner* any fees deposited under Appendix A, less
- (a) any non-refundable portion of the fee; and
  - (b) 15% of the refundable portion of the fee.

### **Occupancy**

- 10.54 No person may occupy a *building* or *structure* or part of a *building* or *structure* until a final inspection notice has been issued by a *building official*.
- 10.55 A final inspection notice will not be issued unless
- (a) all letters of assurance have been submitted when required in accordance with this bylaw;
  - (b) all aspects of the work requiring inspection and acceptance pursuant to sections 7.11 to 7.16 of Part 7 of this bylaw have both been inspected and *accepted* or the inspections and acceptance are not required in accordance with this bylaw;

- (c) the *owner* has delivered to the City as-built plans of works and *services* in digital format as required by the City;
- (d) the *owner* has provided to the City a *building* survey prepared by a British Columbia Land Surveyor showing the *building* height, size, location and elevation determined in accordance with the City's land use regulations;
- (e) all other documentation required under applicable enactments has been delivered to the City; and
- (f) the *owner* has delivered to the City as-built drawings of the *building* or *structure* in digital format as required by the City.

10.56 When a *registered professional* provides letters of assurance in accordance with this bylaw, the City will rely solely on the letters of assurance when issuing a final report authorizing *occupancy* as assurance that the items identified on the letters of assurance substantially comply with the *design*, the *building code*, this bylaw and other applicable enactments respecting safety.

10.57 A *building official* may issue a final inspection notice for partial *occupancy* of a portion of a *building* or *structure* under construction when

- (a) that portion of the *building* or *structure* is self-contained and provided with essential services respecting *health and safety aspects* of the work, and if applicable, accessibility, GHG emissions and conservation; and
- (b) the requirements set out in section 10.55 have been met with respect to it.

10.58 A final inspection notice may not be issued unless

- (a) all letters of assurance and the Confirmation of Required Documentation described in this bylaw have been submitted when required in accordance with the requirements of this bylaw;
- (b) all aspects of the work requiring inspection and review pursuant to Part 9 and sections 10.30 through 10.37 of this bylaw have both been inspected and *accepted*;
- (c) the *owner* has executed and delivered to the City every agreement, instrument or form required by the City in relation to the work or the site; and
- (d) all required offsite works respecting safety have been completed.

### **Temporary Buildings**

10.59 Subject to the bylaws of the City and orders of Council, the *building official* may issue a *building permit* for the erection or placement of a *temporary building* or *structure* for *occupancy* if

- (a) the *permit* is for a period not exceeding one year; and
- (b) the *building* or *structure* is located in compliance with the City's zoning bylaw, built in compliance with the *building code* and this bylaw, and connected, as required by enactments, to City utility services.
- (c) application for the extension of a *temporary building* permit may be made prior to the one-year period is complete for consideration by Director of Development Services.

10.60 An application for a *building permit* for the erection or placement of a *temporary building* or *structure* must be made in the form of a temporary *permit* application in the form prescribed by the *building official*, signed by the *owner* or *agent*, and must include

- (a) plans and supporting documents showing the location and *building height* of the *building* or *structure* on the parcel;
- (b) plans and supporting documents showing construction details of the *building* or *structure*;
- (c) a statement by the *owner* indicating the intended use and duration of the use;
- (d) plans and supporting documents showing the proposed parking and loading space;
- (e) a written description of the *project* explaining why the *building* is temporary;
- (f) a copy of an issued development *permit*, if required;
- (g) in the case of a manufactured *building*, a CSA label in respect of manufacture and, without limitation, a Quonset or other steel *building* must be certified in accordance with CSA Standard A660;
- (h) a report or drawing by an engineer, architect or designer confirming compliance with the *building code*, this bylaw, the City's zoning bylaw and other applicable bylaws;
- (i) security in the form of cash or a letter of credit for 10% of the value of the *temporary building*, which security
  - (i) may be used by the City to remove the *building* after one year of the date of the final inspection required under this bylaw; or

- (ii) must be returned to the *owner* if the *owner* removes the *temporary building* within one year of the date of the final inspection of the *temporary building* required under this bylaw; and
  - (j) in the case of a *temporary building*, information to comply with article 1.1.1.1(2)(f), Division C of the *Building Code*.
- 10.61 Before receiving a *building permit* for a *temporary building* or *structure* for occupancy, the *owner* must pay to the City the applicable *building permit* fee set out in Appendix A.
- 10.62 A *permit fee* for a *temporary building* or *structure* is not refundable.

### **Sanitary Facilities**

- 10.63 During the time a *building permit* has been issued and remains valid under this bylaw, the *owner* must provide on the parcel of land in respect of which the *permit* has been issued, sanitary facilities for the disposal of human waste from individual persons who enter on the parcel in relation to the work referred to in the *permit*, which facilities must be accessible and unlocked when not occupied while work is being carried out on the parcel under this bylaw, and every sanitary facility that is not connected to a
  - (a) sanitary sewer; or
  - (b) septic disposal system approved under the *Health Act*,by plumbing that complies with the *Building Code* and this bylaw, must be provided, at all times the facility is required under this bylaw, with toilet paper, a locking door for privacy, and ventilation, and must be kept in sanitary condition without leaking beyond the facility and without overflowing within the facility. Such facilities must be located so as not to create a nuisance to neighbouring parcels or highways.

## **PART 11: RETAINING WALLS AND GRADES**

- 11.1 No person may construct, or structurally repair, a *retaining wall* without a *building permit*.
- 11.2 Except as certified by a professional engineer with expertise in geotechnical engineering registered in the province of British Columbia, fill material placed on a parcel, unless restrained by permitted *retaining walls*, must not have a surface slope exceeding a ratio of one linear unit vertically to two linear units horizontally.
- 11.3 Without limiting section 11.2, no person may occupy a *building* unless the finished *grade* complies with all applicable enactments.

## **PART 12: BUILDING MOVE**

- 12.1 No person may move a *building* or *structure* into or within the City
- (a) except where certified by a *registered professional* that the *building*, including its *foundation*, will substantially comply with the current version of the *building code*; and
  - (b) a *building permit* has been issued for the *building* or *structure*.

### **PART 13: NUMBERING OF BUILDINGS**

- 13.1 Immediately upon issuance of a *building permit* governing the *construction, alteration* or repair of a *building*, or prior to and during the *occupancy* of a *building*, the *owner* or occupant must display the address number assigned to it by the City
- (a) on or over the entrance to the *building* or where landscaping or *structures* obscure the visibility of a *building* entrance from the adjacent highway, on the *building* property within sight of the adjacent highway; and
  - (b) until such time as the *building* is removed from the site or has been demolished.
- 13.2 Despite section 13.1, the City's Director of Engineering may renumber or alter the assigned numbers in respect of any *building* on any parcel, including those already in existence or numbered.
- 13.3 Without limiting sections 13.1 or 13.2, the *building official* must, on the issuance of a *building permit*, designate a house number or set of house numbers related to the *building* authorized by the *permit*. The *owner* or occupier must post the number or numbers on the site immediately after obtaining the *building permit* and keep the numbers posted in a conspicuous location at all times during construction.
- 13.4 Without limiting sections 13.1 through 13.3, on issuance of an *occupancy permit*, the *owner* or occupier of the parcel must affix the numbers permanently in a conspicuous place on the *building* such that the number is visible from an adjacent highway that is not a lane.

### **PART 14: POOLS**

#### **Swimming Pool Permit and Fencing**

- 14.1 Without limiting section 5.1 of this bylaw, a person must not construct, or structurally repair, a swimming *pool* without a valid *building permit*.
- 14.2 A swimming *pool*, including a spa or hot tub must be enclosed within a fence constructed without footholds or grips that children may use to climb into the enclosed area, having a

minimum height of 1.85 metres, a maximum height of 2.4 metres, and no openings greater than 100 mm at their greatest dimension.

### **Pool Gate**

- 14.3 Access through a fence enclosing a swimming *pool*, spa or hot tub must be only through a self-closing and self-latching gate designed and constructed or installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the swimming *pool*, spa or hot tub side of the gate.

### **Spa or Hot Tub Lid**

- 14.4 In lieu of a fence, a spa or hot tub may be covered with a locking cover, which would prevent unauthorized access to the water.

### **Maintenance**

- 14.5 A person may not use or *occupy* a swimming *pool*, including a spa or hot tub unless the *owner* or *occupier* of property on or in which a *pool*, spa or hot tub is located maintains every fence or cover required under sections 14.2 to 14.4 in good order. and without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks or broken or binding members.

### **Leaks or Other Failures**

- 14.6 A person may not obtain a valid and subsisting *building permit* for or use or *occupy* a swimming *pool* without first delivering to the *building official* at the time of the *building permit* application an opinion of a *registered professional* that the *design* of the *pool* will not cause or result in leaks or other failures of the *pool*.

## **PART 15: ENERGY CONSERVATION AND GHG EMISSION REDUCTION**

- 15.1 In relation to the conservation of energy and the reduction of greenhouse gas emissions, the District incorporates by reference the British Columbia Energy Step Code in accordance with sections 15.2 through 15.4.
- 15.2 A *building* regulated by Part 3 of the *Building Code* must be designed and constructed to meet the minimum performance requirements specified in Step Two of the Energy Step Code or as updated through the BC Building Code.
- 15.3 A *building* regulated by Part 9 of the *Building Code* must be designed and constructed to meet the minimum performance requirements specified in Step Three of the Energy Step Code or as updated through the BC Building Code.

**PART 16: ANY *BUILDING* CONSTRUCTED UNDER A PERMIT ISSUED AS OF MAY 1<sup>ST</sup> 2023 MUST INCLUDE A BUILDING ENERGY LABEL POSTED PRIOR TO ISSUANCE OF OCCUPANCY PERMIT. ACCESS ROUTE FOR FIRE VEHICLE**

- 16.1 Prior to the issuance of a *building permit* for a *building* under Part 9 of the *building code*, the *owner* must satisfy the *building official* that the *building* or *structure* for which the *permit* is issued will be served by a fire access route.

**PART 17: OFFENCES**

**Violations**

- 17.1 Without limiting Part 4 of this bylaw, every person who
- (a) violates a provision of this bylaw;
  - (b) *permits*, suffers or allows any act to be done in violation of any provision of this bylaw; and
  - (c) neglects to do anything required to be done under any provision of this bylaw,
- commits an offence and on summary conviction by a court of competent jurisdiction, the person is subject to a fine of not more than \$10,000.00, or a term of imprisonment not exceeding three months, or both, in addition to the costs of prosecution. Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.
- 17.2 Every person who fails to comply with any administrative requirement issued by a *building official*, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- 17.3 Every person who commences work requiring a *building permit* without first obtaining such a *permit* must, if a Stop Work notice is issued and remains outstanding for 30 days, pay an additional charge as outlined in Appendix A of this bylaw.

**Deemed Offence**

- 17.4 An *owner* is deemed to have knowledge of and be liable under this bylaw in respect of any construction on the parcel the *owner* owns and any change in the use, *occupancy* or both of a *building* or *structure* or part of a *building* or *structure* on that parcel.
- 17.5 No person is deemed liable under section 18.4 who establishes, on a balance of probabilities, that the construction or change of use or *occupancy* occurred before he or she became the *owner* of the parcel.
- 17.6 Nothing in section 18.5 affects



- (a) the City's right to require and the *owner's* obligation to obtain a *permit*; and
- (b) the obligation of the *owner* to comply with this bylaw.

## **Ticketing**

- 17.7 The offences in Offence Bylaw No. 4929 Schedule A are designated for enforcement under s. 264 of the *Community Charter*.
- 17.8 The following persons are designated as bylaw enforcement officers under section 264(1)(b) of the *Community Charter* for enforcing the offences in Offence Bylaw No. 4929 *building officials*, fire inspectors and persons designated by Council as bylaw enforcement officers.
- 17.9 The words or expressions set forth in Offence Bylaw No. 4929 are authorized pursuant to s. 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in the description column in Schedule A.
- 17.10 The amounts appearing in Offence Bylaw No. 4929 Schedule A Column A1, A2, and A3 are the fines established pursuant to s. 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

## **PART 18: INTERPRETATION**

### **Definitions**

- 18.1 In this bylaw

*accepted* means reviewed by the *building official* under the applicable provisions of the *building code* and this bylaw;

*addition* means an *alteration* to any building which will increase the total aggregate floor area or the *building height* (in storeys), and includes the provision of two or more separate *buildings* with openings between each other for intercommunication;

*agent* includes a firm, corporation or other person representing the *owner*, by written designation or contract, and includes a hired tradesperson or *constructor* who may be granted a *permit* for work within the limitations of his or her licence;

*alternative solution* means an alternative solution authorized under the *building code*;

*alteration* means a change, repair or modification of the *construction* or arrangement of or use of any *building* or *structure*, or to an *occupancy* regulated by this bylaw Architects Act  
means the Architects Act RSBC 1996, c. 17;

*building code* means the *British Columbia Building Code* as adopted by the Minister responsible under provincial legislation, as amended or re-enacted from time to time;

*building official* means the person designated in or appointed to that position by the City, and includes a building inspector, plan checker, plumbing inspector gas inspector, or electrical inspector designated or appointed by the City, and for certainty the *building official* is the “building inspector” referred to in the *Community Charter and Local Government Act*;

*complex building* means:

(a) a *building* used for a *major occupancy* classified as:

- (i) *assembly occupancy*;
- (ii) *care occupancy*;
- (iii) *detention occupancy*;
- (iv) *high hazard industrial occupancy*,
- (v) *treatment occupancy*; or
- (vi) *post-disaster building*,

(b) a *building* exceeding 600 square metres in *building area* or exceeding three storeys in *building height* used for a *major occupancy* classified as:

- (i) *residential occupancy*;
- (ii) *business and personal services occupancy*;
- (iii) *mercantile occupancy*; or
- (iv) *medium and low hazard industrial occupancy*,

*coordinating registered professional* means a *registered professional* retained pursuant to the *building code* to coordinate all design work and field reviews of the *registered professionals* required for a development;

*construct* includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, *excavate* or shore;

*constructor* means a person who *constructs*;

*Engineers and Geoscientists Act* means the *Engineers and Geoscientists Act* RSBC 1996, c. 116;

*existing*, in respect of a *building*, means that portion of a *building constructed* prior to the submission of a *permit* application required under this bylaw;

*foundation* means a system or arrangement of *foundation* units through which the loads from a *building* are transferred directly to supporting soil or rock and includes any portion of the exterior walls of a building that lie below the finished grade immediately adjacent to the building;

*GHG* means greenhouse gas;

*health and safety aspects of the work* means design and construction regulated by Parts 3, 4, 5, 6, 7, 8, 9 and 10, Division B, of the *building code*; and subject to Parts 1 and 2 in relation to Parts 3 through 10, Division B;

*owner* means the registered *owner* in fee simple, or an *agent* duly authorized by the *owner* in writing;

*permit* means permission or authorization in writing by the *building official* to perform work regulated by this bylaw and, in the case of a final inspection notice, to occupy a *building* or part of a *building*;

*pool* means a *structure* or *constructed* depression used or intended to be used for swimming, bathing, wading or diving which is designed to contain water and has a depth, at any point, exceeding 0.6 m, including an in-ground *pool* and hot tub;

*professional design* means the plans and supporting documents bearing the date, seal or stamp, and signature of a *registered professional*;

*project* means any construction operation;

*retaining wall* means a *structure* exceeding 1.2 metres in height that holds or retains *soil* or other material behind it and requires professional engineering;

*simple building* means a *building* of three storeys or less in *building height*, having a *building area* not exceeding 600 square metres and used for a *major occupancy* classified as

(a) *residential occupancy*;

(b) *business and personal services occupancy*;

- (c) *mercantile occupancy*;
- (d) *medium hazard industrial occupancy*; or
- (e) *low hazard industrial occupancy*,

*structure* means a *construction* or portion of *construction*, of any kind, whether fixed to, supported by or sunk into land or water, except landscaping, fences, paving and retaining *structures* less than 1.2 meters in height;

*temporary building* includes a sales office, construction office or a *structure* in which tools are stored during construction of a *building* or other *structure*;

*value of the work* means that amount that is calculated as follows:

- (a) for construction of a *building* containing a *residential occupancy* that is served by only one stove, or two stoves if permitted as an auxiliary and secondary *residential occupancy*, the greater of
  - (i) the declared *value of the work*; or
  - (ii) the value calculated using a method from Marshall Swift, an appraiser or another valuation method approved by the building official;
- (b) for all other construction, the greater of
  - (i) the declared *value of the work*; or
  - (ii) the value calculated using a method from Marshall Swift, an appraiser, or another valuation method approved by the building official.

## 18.2 In this bylaw the following words and terms have the meanings

- (a) set out in section 1.4.1.2 of the *building code* as of the date of the adoption of this bylaw: *accessible assembly occupancy, building, building area, building height, business and personal services occupancy, care occupancy, constructor, coordinating registered professional, designer, detention occupancy, excavation, field review, firewall, first storey, grade, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, post disaster occupancy, private sewage disposal system, registered professional, residential occupancy, treatment occupancy or unsafe condition*;
- (b) subject to this bylaw, set out in the Schedule to the *Community Charter*: *assessed value, highway, land, occupier, parcel, public authority, service and soil*; and

- (c) subject to this bylaw, set out in section 29 of the *Interpretation Act*: *may, must, obligation, person, property, writing, written* and *year*.
- 18.3 Every reference to this bylaw in this or another bylaw of the City is a reference to this bylaw as amended to the date of the reference.
- 18.4 Every reference to
  - (a) the *building code* is a reference to the current edition as of the date of issuance of the *building permit*; and
  - (b) a section of the *building code* is a reference to the applicable successor sections, as the code or section may be amended or re-enacted from time to time.
- 18.5 Definitions of words and phrases used in this bylaw that are not included in the definitions in this Part have the meanings commonly assigned to them in the context in which they are used in this bylaw, considering the specialized use of terms with the various trades and professions to which the terminology applies.

## Appendices

18.6 Appendix A are attached to and form part of this bylaw.

## Severability

18.7 If a section, subsection, paragraph, subparagraph or phrase of this bylaw is for any reason declared invalid by a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this bylaw.

## PART 19: REPEAL

**20.1 BUILDING REGULATION BYLAW NO. 4915, 2016, AS AMENDED, IS REPEALED.**

## PART 20: IN FORCE

20.1 This bylaw comes into force on *[INSERT DATE, UNLESS INTENT IS TO COME INTO FORCE ON ADOPTION]*.

READ A FIRST TIME this \_\_\_\_ day of \_\_\_\_\_, 2023.

READ A SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2023.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2023.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2023.

Mayor \_\_\_\_\_

Corporate Officer\_\_\_\_\_

**City of Port Alberni**  
**BYLAW 2018, No. 5077**

**Appendix A – Fees**

| <b>Building permit</b>   | <b>FEES</b>  |
|--|--|
| 1) Base Fee  | \$100.00   |
| 2) Plus, per \$1,000 of valuation, or portion thereof If a building permit is issued for a construction under the supervision of a Coordinating Registered Professional, the permit fee is reduced by 10% of the fees payable under this Bylaw, up to a maximum reduction of \$500.00. | \$7.00   |
| <b>Renewal of lapsed building permit</b>   |  |
| (a) Base fee   | \$100.00   |
| (b) Plus, per \$1,000 of valuation, or portion thereof   | \$9.50   |
| <b>Excavation and/or Foundation permit for Part 3 buildings</b>  | \$1,330.00 plus 1/3 the cost of the final building permit fee (plus applicable development cost charges) |
| <b>Plumbing permit – per fixture</b>   |  |
| (a) Base fee   | \$65.00  |
| (b) Per fixture  | \$10.00  |
| <b>Fire sprinkler system – per fixture</b>   |  |
| (a) Base fee   | \$65.00  |
| (b) Per sprinkler  | \$2.00   |
| <b>Re-inspections (first inspection no charge)</b>   | \$100.00   |
| <b>Inspection – outside normal City business hours – per hour</b>  | \$200.00   |
| <b>Compliance inspection of existing buildings application</b>   |  |
| (a) Up to 600 sq. m  | \$100.00   |
| (b) Over 600 sq. m   | \$400.00   |
| <b>Transfer of building permit to new owner or update to owner's address</b>   | \$100.00   |
| <b>Plan check deposit – non-refundable</b>   |  |
| (a) % of building permit fee   | 15%  |
| (b) Minimum fee  | \$100.00   |
| This payment will be reduced from the final building permit issuance fees.   |  |
| <b>Submission of new plans after plan review that include major changes that result in more than three hours of staff time to review, additional fees per hour of staff time may be applicable.</b>  | \$150.00   |

|   |  |
|---|--|
| <b>Installation of solid fuel burning appliance</b>   | \$100.00   |
| <b>Demolishing a building</b>   |  |
| (a) Fee   | \$100.00   |
| (b) Bond fee  | \$500.00   |
| <b>Siting of a manufactured building</b>  |  |
| (a) For construction between \$30,000 and \$200,000   | \$300.00   |
| (b) For construction over \$200,000   | \$600.00   |
| <b>Retaining walls – greater than 1.2 meters in height</b>  | \$150.00   |
| <b>Moving a building</b>  | \$200.00   |
| <b>Temporary building refundable security deposit This will be refunded in full upon removal of the temporary building.</b>   | 10% of Construction Value  |
| <b>Report on equivalency with BC Building Code</b>  | \$200.00   |
| <b>Where any work has started prior to the issuance of a building permit</b>  |  |
| (a) % of permit fee otherwise payable   | 200%   |
| (b) Maximum penalty   | \$10,000.00  |
| <b>Inspection or plan review not covered by other categories – per hour of staff time</b>   | \$75.00  |
| <b>Removal of Section 57 Notice on Title</b>  | \$500.00   |
| <b>Single family/two family dwelling – bonding against damage to the city street and final site servicing/grading</b>   | \$2,000.00   |
| <b>Multi-residential/commercial/industrial/institutional – bonding against damage to City Street and final site servicing/grading This fee is not applicable when the Owner has entered into a Works and Services agreement and provided necessary bonding</b>                  | \$2,000.00 or \$110.00 per metre of frontage whatever is greater |
| <b>Refunds – as a % of total building permit fees (excluding plan check deposit fee)</b>  |  |
| (a) Prior to excavation or commencement of construction   | 85%  |
| (b) After initiation of construction including foundation<br>Any development cost charges paid as part of a building permit are non-refundable.   | 0%   |
| <b>Land title search</b><br><b>This fee does not cover any other documents such as Covenants, Rights of Ways, etc. The cost of retrieving these from the LTSA shall be borne by the applicant. Land title searches are only completed as part of an application submission.</b> | Fees are as per the LTSA charges                                 |
|   |  |
| <b>Note: Fees will increase annually at the rate of the CPI unless the bylaw is amended</b>   |  |



## **City of Port Alberni**

### **BYLAW 2018, No. 5077**

#### **Appendix B – Value of Work**

For building permit applications for multi-family dwellings (three or more units), mixed-use, commercial, industrial, institutional, and all other categories not addressed above, at the discretion of the City, the value of construction shall be based on the contract price together with a reasonable allowance for extras or, where there is no contract price, the cost estimated by a Building Official of construction of the building according to the plans submitted in support of the permit application. The City reserves the right to use the Marshall Swift or other industry databases such as Altus or Butterfield Consultants to calculate the total construction cost, at its discretion.