

MOVE a Building or Mobile/Modular home

Bylaw 4832

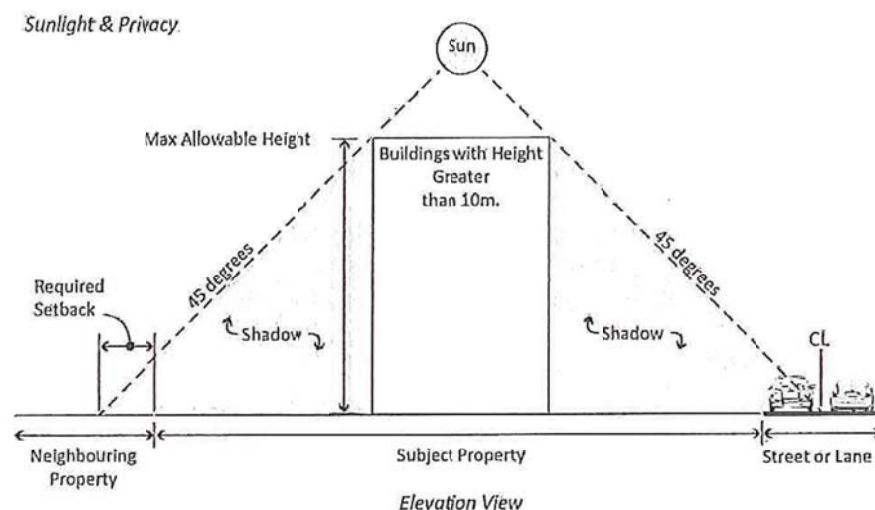
COMMUNITY CARE FACILITY	means any facility licensed or having an interim permit under the <i>Community Care and Assisted Living Act</i> or related regulations, including hospice, all facilities providing residential care for three or more children, youth, adults, or seniors, and all other facilities caring for three or more children who are not related to the operator by blood or marriage. This includes: Group Day Care, <i>Family Day Care</i> , Nursery School and Child Minding Facilities, Facilities for Out of School Care, Specialized Day Care Facilities and Facilities for Residential Care for Children.
COMMUNITY GARDEN	means a non-commercial facility for the cultivation of fruits, flowers, vegetables, or ornamental plants.
CONTRACTOR'S SHOP	means an enclosed space <i>used</i> for the housing and/or operating of machinery, the provision of services, the fabrication of <i>building</i> -related products, interior storage, and may include the contractor's business <i>office</i> and exterior storage.
CONVENIENCE STORE	means a commercial <i>retail</i> outlet not exceeding 200 m ² (2153 ft ²) in gross <i>retail</i> floor area selling food, beverage and other household convenience items for off-site consumption.
COUNCIL	means the City Council of the City of Port Alberni.
COVERAGE	means the combined area covered by all <i>buildings</i> or <i>structures</i> , including <i>accessory buildings</i> and carports, on the <i>lot</i> , or any projecting portions thereof, measured at the height of the lowest <i>storey</i> above <i>grade</i> , but excluding: canopies, <i>marqueses</i> and sun shades, eaves and gutters, fire escapes, steps and similar projections; calculated as a percentage of the <i>lot area</i> .
DENSITY BONUSING	means premiums and/or bonuses over the permitted <i>gross floor area</i> , according to criteria established in this Bylaw, in exchange for the provision of desirable characteristics and/or amenities as negotiated with the City.
DORMITORY	means a <i>building</i> or portion thereof in which <i>sleeping units</i> are provided and/or rented by an institution, agency or industry, and which is regulated and maintained by such body. It may include commercial dining facilities.
DRIVE-IN/DRIVE-THROUGH	means a commercial establishment with facilities for accommodating and servicing customers travelling in motor vehicles, where customers remain in their vehicles and obtain goods. Does not include car washing, drive-in theatres, or gasoline service stations.
DRUG PARAPHERNALIA	means equipment supporting the consumption of illegal drugs.
DWELLING	means a <i>building</i> or portion thereof in which the <i>principal use</i> is a home or residence for one or more persons, but does not include any <i>hotel</i> , <i>motel</i> , <i>motor hotel</i> , trailer, institution or a mobile/manufactured home less than 5 meters (16.4 feet) in width, exclusive of carports, verandas, cabanas, porches, stairways or any other extension whatsoever.

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6.18 Sunlight Protection and Privacy

In the case of a *building* having a height greater than 10 m (32.8 ft) situated in an A, R, GH or P zone, no portion of such *building* or *structure* shall project above a plane defined by lines extending towards the *building* or *structure* from all points at ground level from the neighbouring property's required *setbacks* or along the centre line of any *street* or *lane* parallel to and abutting the northerly *lot* line of the site on which the *building* or *structure* is situated and inclined at an angle of 45 degrees to horizontal.



6.19 Minimum Dwelling Unit Width

6.19.1 The minimum *dwelling* unit width for all Single Family residences or two family dwellings shall be 5 m (16.4 ft) in width or depth, except for *mobile home* units located within the MH1 Mobile and Modular Homes zone.

6.19.2 Measurement of *dwelling* unit width shall be from the outside surface of an exterior wall and the centre line of a *party wall*.

6.20 Minimum Setback from Provincial Highway No. 4 (Johnston Road)

Development immediately adjacent to Provincial Highway No.4 (Johnston Road and River Road) requires approval of the Ministry of Transportation and Highways for purposes of legislation under their jurisdiction.

6.21 Adult Retail Store

Adult retail stores shall not be located within 0.5 km radius of a day care, school or church.

6.22 Secondary Suites

Secondary suites:

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Part 1 Compliance

Section 1.1. General

1.1.1. Application of this Code

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- 1) This Code applies to any one or more of the following:
 - a) the design and construction of a new *building*,
 - b) the *occupancy* of any *building*,
 - c) the change in *occupancy* of any *building*,
 - d) an *alteration* of any *building*,
 - e) an addition to any *building*,
 - f) the demolition of any *building*,
 - g) the reconstruction of any *building* that has been damaged by fire, earthquake or other cause,
 - h) the correction of an *unsafe condition* in or about any *building*,
 - i) all parts of any *building* affected by a change in *occupancy*,
 - j) the work necessary to ensure safety in parts of a *building*
 - i) that remain after a demolition,
 - ii) that are affected by, but that are not directly involved in *alterations*, or
 - iii) that are affected by, but not directly involved in additions,
 - k) the installation, replacement, or *alteration* of materials or equipment regulated by this Code,
 - l) the work necessary to ensure safety in a relocated *building* during and after relocation,
 - m) safety during construction of a *building*, including protection of the public,
 - n) the design, installation, extension, *alteration*, renewal or repair of *plumbing systems*, and
 - o) the *alteration*, rehabilitation and change of *occupancy* of heritage *buildings*.
- 2) This Code does not apply to:
 - a) *sewage*, water, electrical, telephone, rail or similar public infrastructure systems located in a *street* or a public transit right of way,
 - b) utility towers and poles, television and radio or other communication aerials and towers, except for loads resulting from those located on or attached to *buildings*,
 - c) mechanical or other equipment and *appliances* not specifically regulated in these regulations,
 - d) flood control and hydro electric dams and structures,
 - e) accessory *buildings* less than 10 m² in *building area* that do not create a hazard,
 - f) temporary *buildings* such as construction site offices, seasonal storage *buildings*, special events facilities, emergency facilities, and such similar structures as authorized by the authority having jurisdiction,
 - g) factory built housing and components certified by a Standards Council of Canada accredited agency, prior to placement on the site, as complying with Canadian Standards Association Standard A277, "Procedure for Certification of Factory Built Houses," or CAN/CSA-Z240 MH Series, "Mobile Homes," but this exemption does not extend to on site preparations

(*foundations*, *basements*, mountings), interconnection of modules, connection to services and installation of *appliances*, and

- h) those areas that are specifically exempted from provincial *building* regulations or by federal statutes or regulations.

3) This Code applies both to site-assembled and factory-built buildings. (See Appendix A.)

4) *Farm buildings* shall conform to the requirements in the National Farm Building Code of Canada 1995.

5) The Alternate Compliance Methods for Heritage Buildings in Table A-1.1.1.1. in Appendix A may be substituted for requirements contained elsewhere in this Code.

1.1.1.2. Application to Existing Buildings

1) Where a *building* is altered, rehabilitated, renovated or repaired, or there is a change in *occupancy*, the level of life safety and *building* performance shall not be decreased below a level that already exists. (See Appendix A.)

1.1.1.3. Responsibility of Owner

1) Neither the granting of a *building* permit nor the approval of the relevant drawings and specifications nor inspections made by the authority having jurisdiction shall in any way relieve the owner of such *building* from full responsibility for carrying out the work or having the work carried out in full accordance with the requirements of the British Columbia Building Code.

Section 1.2. Compliance

1.2.1. Compliance with this Code

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1) Compliance with this Code shall be achieved by

- a) complying with the applicable acceptable solutions in Division B (See Appendix A), or
- b) using alternative solutions that will achieve at least the minimum level of performance required by Division B in the areas defined by the objectives and functional statements attributed to the applicable acceptable solutions (See Appendix A).

2) For the purposes of compliance with this Code as required in Clause 1.2.1.1.(1)(b), the objectives and functional statements attributed to the acceptable solutions in Division B shall be the objectives and functional statements referred to in Subsection 1.1.2. of Division B.

1.2.2. Materials, Appliances, Systems and Equipment

1.2.2.1. Characteristics of Materials, Appliances, Systems and Equipment

1) All materials, *appliances*, systems and equipment installed to meet the requirements of this Code shall possess the necessary characteristics to perform their intended functions when installed in a *building*.

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18.5 Where a building permit for a single family dwelling has been issued, the owner may apply for a certificate to occupy the Building prior to completion of construction, which certificate may be withheld until the Building or part thereof complies with the health and safety requirements of this Bylaw and any other applicable enactment.

18.6 Where a change in the occupancy of a Building or portion thereof is proposed, no Certificate of Occupancy will be issued until the Building Official is satisfied that no reduced level of safety will result.

19. Retaining Structures

19.1 A Registered Professional shall undertake the design and conduct field reviews of the construction of a retaining Structure greater than 1.5 meters in height. Sealed copies of the design plan and field review by means of letters of assurance in the form of Schedules B-1, B-2, and C-B referred to in Section 2.6 of Part 2 of the Building Code for all retaining Structures greater than 1.5 meters in height shall be submitted to a Building Official prior to the issuance of a permit.

20. Relocation

20.1 No person shall:

20.1.1 Move or cause to be moved any Building or Structure from one parcel to another without first obtaining a permit;

20.1.2 Move or cause to be moved any Building or Structure unless it has been determined to the satisfaction of the Building Official that the Building or Structure meets the requirements of the Building Code and any enactments; or the applicant provides plans and specifications to the satisfaction of the Building Official detailing any and all upgrading required to meet the requirements of this Bylaw and any enactments after the Building or Structure is moved to a new site; or

20.1.3 Relocate a residential Building or part of it to another parcel of land within the City unless it can be shown that the residential Building, once reestablished on this new site, will have an assessed value not less than 1¼ times the average assessed values of all residential Buildings situated within 50 metres of the site or parcel of land to which the Building is to be moved.

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- 20.2** A person who applies for a permit to move a Building or Structure or part of it either within or into the City shall deposit with the Building Official a certified cheque or other financial security in the amount of Two Thousand Dollars (\$2,000.00) payable to the City, issued in a form satisfactory to the Director of Finance to ensure that the Building shall be completely re-erected on the new site within twelve months of the date of issuance of the permit. If the Building or Structure or part of it is not completed within the specified time, the Building Official may send a written notice to the owner stating that the Building does not comply with this Bylaw or other enactment and direct the owner to remedy the non-compliance within thirty days from the date of service to the notice. If the non-compliance is not remedied within the period of thirty days, the certified cheque or other security in the sum of Two Thousand Dollars (\$2,000.00) shall be forfeited to the City.
- 20.3** Every person relocating a Building or Structure from a site within the City shall ensure that the site shall be left in a neat, clean and safe condition after the removal.

21. Demolitions

- 21.1** No person shall demolish a Building without first obtaining a permit.
- 21.2** Every person making application for a permit to demolish a Building shall, as part of his application, provide the Building Official with satisfactory evidence that:
- 21.2.1** No unsafe condition will be created or permitted; and that
 - 21.2.2** The site of the demolition will be left in a safe, neat condition, free from debris and compatible with neighbouring properties to the satisfaction of the Building Official.
 - 21.2.3** Sewer and storm drain connections shall be securely capped and sealed at the edge of the demolition excavating in conformance with the "Subdivision and Development Bylaw", Bylaw No. 4130" and that:
 - 21.2.4** The Building Official is provided 48 hours prior notice to facilitate removal of the water meter.

22. Plumbing

- 22.1** Except as hereinafter provided, no plumbing shall be installed, altered or repaired until a permit to do so has first been obtained pursuant to this Bylaw.