

VILLAGE OF MIDWAY

BYLAW NO. 290

A Bylaw for the administration and enforcement of the "Building Code" as established by the Lieutenant Governor in Council pursuant to Section 693 of the "Municipal Act", R.S.B.C. 1996, being Chapter 323.

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- A. **WHEREAS** The Municipal Act authorizes the Village, for the health, safety and protection of persons and property to regulate the construction, alteration, repair or demolition of buildings and structures by bylaw;
- B. **AND WHEREAS** the Province of British Columbia has adopted a building code to govern standards in respect of the construction, alteration, repair and demolition of buildings in municipalities and regional districts in the Province;
- C. **AND WHEREAS** it is deemed necessary to provide for the administration of the building code;

NOW THEREFORE the Council of the Village of Midway, in open meeting assembled, enacts as follows:

SECTION 1 TITLE

- 1.1 This bylaw may be cited for all purposes as the "Village of Midway Building and Plumbing Bylaw No. 290, 1997."
- 1.2 This bylaw is enacted under the authority of Section 694 of the "Municipal Act" for the purpose of enforcing the subjects contained in subsections (a)(b)(c)(d)(e)(h) and (k) along with regulations as established by the Lieutenant Governor in Council pursuant to Section 693 of the "Municipal Act" R.S.B.C., 1996 being Chapter 323 of the Revised Statutes of British Columbia, 1996.

SECTION 2 PURPOSE OF BYLAW

- 2.1 This bylaw, shall, notwithstanding any other provision herein, be interpreted in accordance with this subsection.
- 2.2 This bylaw is enacted and retained for the purpose of regulating construction within the Village in the general public interest. The activities undertaken by or on behalf of the Village pursuant to this bylaw are for the sole purpose of providing a limited and interim spot checking function for reasons of public health and safety. It is not contemplated nor intended, nor does the purpose of this bylaw extend;
 - 2.2.1 To the protection of owners, owner/builders or builders from economic loss;
 - 2.2.2 To the assumption by the Village of any responsibility for ensuring the compliance by an Owner, his representatives or any employees, contractors or design professionals retained by him, with the current edition of the British Columbia Building Code, the requirements of this bylaw or any other applicable codes or standards;

SECTION 2 PURPOSE OF BYLAW

- 2.2.3 to providing to any person a warranty of design or workmanship with respect to any building or structure for which a building permit is issued under this bylaw;
- 2.2.4 to providing a warranty or assurance that construction undertaken pursuant to building permits issued by the Village is free from latent, or any defects.

SECTION 3 PERMIT CONDITIONS

- 3.1 A permit is required whenever work regulated by this bylaw is to be undertaken.
- 3.2 Neither the issuance of a permit under this bylaw nor the acceptance and/or review of plans, drawings or specifications and/or supporting documents, nor any inspections made by or on behalf of the Village shall in any way relieve the Owner and/or his Agents from full and sole responsibility to perform the work in strict accordance with this bylaw, the current edition of the British Columbia Building Code and all other codes, standards and applicable enactments.
- 3.3 It shall be the full and sole responsibility of the Owner (and where the Owner is acting through an agent, the Agent) to carry out the work in respect of which the permit was issued in compliance with the current edition of the British Columbia Building Code and this bylaw and all other applicable codes and standards and enactments.
- 3.4 Neither the issuance of a permit under this bylaw nor the acceptance and/or review of plans, drawings or specifications and/or supporting documents, nor any inspections made by or on behalf of the Village constitute in any way a representation, warranty, assurance, or statement that the current edition of the British Columbia Building Code, this bylaw or any other applicable codes, standards or enactments have been complied with.
- 3.5 No person shall rely upon any permit as establishing compliance with the bylaw or assume or conclude that the bylaw has been administered or enforced according to its terms. The person to whom the building permit is issued and his or her agents are responsible for making such determinations.

SECTION 4 DELETED

SECTION 5 DEFINITIONS

- 5.1 **"ACCESSORY"** means customarily incidental the permitted use of land, buildings, or structures located on the same lot;
- "AGENT"** includes a person, firm or corporation representing the owner, by designation or contract; and interalia includes a hired tradesman and contractor who may be granted permits for work within the limitation of his licence.
- "A.C.N.B.C."** means the Associate Committee on the National Building Code.
- "AUTHORITY HAVING JURISDICTION"** means the Council of the Village of Midway and the employees authorized by the Council that have the authority over the subject that is regulated.
- "BUILDING"** means any structure used or intended for supporting or sheltering any use or occupancy.
- "BUILDING CODE"** means the current edition of the British Columbia Building Code.
- "CONSTRUCT"** means erect, repair, alter, add, demolish, remove, excavate and shore.
- "CONSTRUCTION"** means erection, repair, alteration, enlargement, addition, demolition, removal and excavation.
- "COUNCIL"** means the Council of the Village of Midway.
- "LAND TITLE OFFICE"** means the Land Title Office situated in Kamloops, Province of British Columbia.
- "OWNER"** means any person, firm, or corporation controlling the property under consideration.

SECTION 5 DEFINITIONS

"MEDICAL HEALTH OFFICER" means the Medical Health Officer appointed pursuant to the Health Act;

"MOBILE HOME" means a transportable, factory-built single family-dwelling unit that is:

- a) Designed to provide year-round living accommodation for one family; and
- b) able to be connected to utility services; and
- c) exempted under section 1.1.2.2(1)(g) of the British Columbia Building Code; and
- d) in conformity with the CAN/CSA-Z240 MH Series; and
- e) manufactured prior to June 1, 1998; and
- f) a minimum of 2.4 metres in width and a maximum of 4.5 metres in width; and
- g) a minimum of 50m² in gross floor area

"NATURAL BOUNDARY" means the visible high-water mark of any lake, river, or stream, or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself.

"PERSON" means and includes any individual, corporation, partnership, firm, association, society or party.

"REAL PROPERTY" means real property as defined in the "Municipal Act".

"VILLAGE" means the Village of Midway.

SECTION 6 PROVISIONS

6.1 The current National Building Code where referenced, British Columbia Building Code, British Columbia Plumbing Code and any future edition, revisions, amendments and supplements as ordered by provincial regulation, are incorporated into and form part and parcel of this Bylaw.

6.2 Except as otherwise provided in Subsection 6.3 where:

- (a) a building is built, this Bylaw applies to the design and construction of the building;
- (b) the whole or part of a building is moved, this Bylaw applies to the part moved and to any remaining part affected by the change;
- (c) the whole or part of a building is demolished, this Bylaw applies to the demolition and to any remaining part affected by the change;
- (d) a building is altered, this Bylaw applies to the alterations and to all parts of the building affected by the change;
- (e) repairs are made to a building, this Bylaw applies to such repairs;
- (f) the class of use or occupancy of a building or part thereof is changed, the Bylaw applies to all parts of the building affected by this change;
- (g) a building or structure is damaged by fire, flood, earthquake or other causes, this bylaw applies to the repair or demolition of all parts of the building or structure whether damaged or not;
- (h) a plumbing system is constructed, extended, altered, renewed, or a connection made to a sewer or sewage disposal system, this Bylaw shall apply;
- (i) a heating system is connected to a chimney or flue except a solid fuel appliance this Bylaw shall apply;
- (j) a support structure under the Condominium Act is to be constructed, this Bylaw applies to the design and construction of the support structure;

SECTION 6 PROVISIONS

- (k)(i) where a mobile home or double wide is placed on property within the Village of Midway this Bylaw applies to on-site preparations (foundations, basements, additions, interconnection of modules, connections of services and installation of other components such as chimneys, fireplaces and wood burning appliances);
 - (ii) all other aspects of the mobile home are exempt from the requirements of this Bylaw provided the mobile home is certified as complying with the Canadian Standards Association, Standard Z240. This exemption also applies to factory built housing certified by the Canadian Standards Association prior to placing on-site, as complying with the Canadian Standards Association, Standard A277.
- 6.3 (a) This Bylaw does not apply to one-storey buildings less than 46 m² (500 sq.ft.) in ground area used or intended for:
- (i) agricultural or horticultural purposes, or
 - (ii) animal raising, or;
 - (iii) poultry raising.
- (b) This Bylaw does not apply to non-structural repairs valued at less than two thousand, five hundred (\$2,500.00) dollars as determined by the Building Inspector made to buildings used or intended for:
- (i) single family houses;
 - (ii) private garages or residential accessory buildings;
 - (iii) agricultural or horticultural purposes;
 - (iv) animal raising, or;
 - (v) poultry raising.
- (c) This Bylaw does not apply:
- (i) when a fixture, valve or faucet is repaired or replaced, a stoppage cleared or a leak repaired if no change in the piping is required.

SECTION 7 GENERAL PROVISIONS

- 7.1 Metric units are used for all measurements in this Bylaw with the approximate equivalent of those units in currently used units of Imperial measures are shown in brackets following each metric measurement and such bracketed figures are included for convenience only and do not form part of this Bylaw.
- 7.2 The use, siting, and size of all buildings shall conform to any zoning bylaw applicable to the land on which the building is to be situated, constructed, repaired, altered or moved.
- 7.3 No building permit shall be issued if the work is in contravention of any statute, regulation or bylaw in effect for the location.

SECTION 8 SEVERABILITY

- 8.1 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

SECTION 9 APPLICATION

- 9.1 This Bylaw shall apply to the Village of Midway.

SECTION 10 PROHIBITION

- 10.1 No person shall commence or continue any work provided for in Section 6.2 or related to building unless he has a valid and subsisting permit issued by the authority having jurisdiction.
- 10.2 No person shall occupy or use any building or part thereof contrary to the terms of any permit, notice or certificate given by the authority having jurisdiction.

SECTION 10 PROHIBITION

- 10.3 No person shall, unless authorized by the authority having jurisdiction, alter, deface, cover, remove or in any way tamper with any notice or certificate posted upon or affixed to any building pursuant to any provisions of this Bylaw.
- 10.4 No person shall do any work that is at variance with the description, plans and specifications for the building, structure, work or thing for which a permit has been issued, unless such change has been approved by the authority having jurisdiction.
- 10.5 No person shall interfere with or obstruct the entry of the authority having jurisdiction acting in the conduct of administration of the Bylaw.

SECTION 11 DUTIES

- 11.1 The authority having jurisdiction may:
- (a) administer this Bylaw;
 - (b) keep records of any application received, permits and orders issued, inspections and tests made and shall retain copies of all papers and documents connected with the administration of this Bylaw.
 - (c) establish whether or not any method or type of construction or material used in the construction of any building conforms with the requirements and provisions of the Building Code;
 - (d) issue occupancy permits as set out in "Appendix B" or issue final inspection reports in lieu of when he is satisfied construction is in substantial compliance with this Bylaw.

SECTION 12 POWERS

- 12.1 The authority having jurisdiction may:
- (a) ensure that employees or persons charged with administration of this Bylaw carry proper identification;
 - (b) enter at all reasonable times, upon any property subject to the regulations of the Council, in order to ascertain whether such regulations or directions are being obeyed.
 - (c) direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted, at the expense of the owner, where such evidence or proof is necessary to determine whether the material, devices, construction of foundation meets the requirements of this Bylaw. The records of such tests shall be kept available for inspection during the construction of the building.
 - (d) direct written notice, or by attaching a placard to the premises, the correction of any condition, where in the opinion of the authority having jurisdiction, such condition violates the provisions of this Bylaw, order the cessation of work that is proceeding in contravention of this Bylaw.

SECTION 13 PERMITS

- 13.1 Where:
- (a) an application has been made; and,
 - (b) the proposed work set out in the application conforms with this Bylaw and all other applicable Bylaws of the authority having jurisdiction and further, does not contravene any Provincial or Federal statute or regulation; and,
 - (c) the applicant for a permit has paid the fee prescribed and as set out in "Schedule C" attached hereto;

the authority having jurisdiction may issue the permit for which the application is made.

SECTION 13 PERMITS

- 13.2 (a) Neither the issuance of a permit under this bylaw nor the acceptance and/or review of plans, drawings or specifications and/or supporting documents, nor any inspections made by or on behalf of the Village shall in any way relieve the Owner and/or his Agents from full and sole responsibility to perform the work in strict accordance with this bylaw, the current edition of the British Columbia Building Code and all other codes, standards and applicable enactments.
- (b) It shall be the full and sole responsibility of the Owner (and where the Owner is acting through an agent, the Agent) to carry out the work in respect of which the permit was issued in compliance with the current edition of the British Columbia Building Code and this bylaw and all other applicable codes and standards and enactments.
- (c) Neither the issuance of a permit under this bylaw nor the acceptance and/or review of plans, drawings or specifications and/or supporting documents, nor any inspections made by or on behalf of the Village constitute in any way a representation, warranty, assurance, or statement that the current edition of the British Columbia Building Code, this bylaw or other applicable codes, standards or enactments have been complied with.
- (d) No person shall rely upon any permit as establishing compliance with the bylaw or assume or conclude that the bylaw has been administered or enforced according to its terms. The person to whom the building permit is issued and his or her agents are responsible for making such determinations.
- 13.3 Every permit is issued upon the condition that:
- (a) the work is to be started within six months from the date of issuing the permit;
- (b) the work is not to be discontinued or suspended for a period of more than one year;
- (c) the permit shall lapse in the event that either of the conditions in (a) or (b) above is not met;
- (d) the permit shall lapse in any event, 18 months after date of issue;
- (e) an additional fee as set out in "Schedule C", shall be paid if the permit is renewed;
- 13.4 The application referred to in Subsection 4 shall:
- (a) be made in the form prescribed by the authority having jurisdiction;
- (b) be signed by the owner;
- (c) state the intended use of the building;
- (d) include as exhibits, copies in duplicate of the specifications and scale drawings of the building with respect to which work is to be carried out, showing:
- (i) dimensions of the building;
- (ii) the proposed use of each room or floor area;
- (iii) the dimensions and the legal description of the land on which the building is situated or is to be situated;
- (iv) the grades and elevations of the streets and sewers abutting the land referred to in clause (iii) when required by the authority having jurisdiction;
- (v) the position, height and horizontal dimensions of all buildings on the land referred to in clause (iii);
- (vi) a survey of the building site by a British Columbia Land Surveyor, when required by the authority having jurisdiction;
- (vii) the technical information specified in other parts of this Bylaw required to be included on the drawings relating to those parts;
- (viii) such other information as is necessary to illustrate all essential features of the design of the building;
- (ix) plot plan showing location of all buildings and their distances from all property lines, other buildings, any water courses or lakes, location of septic tank and tile field and location of highway access.

SECTION 13 PERMITS

- 13.5 When required by the authority having jurisdiction, the application shall also be accompanied by;
- (a) a plan that shows the locations and size of every building drain and of every trap or inspection piece that is on a building drain, and of every soil or waste pipe, trap and vent pipe;
 - (b) the plans and specifications shall be submitted in the form and quantities required by the authority having jurisdiction and shall have this information available for examination and bear the name and address of the designer; and
 - (c) contain any and all other information necessary to establish compliance with this Bylaw.
- 13.6 (a) Every application submitted for a permit to erect a building subject to the provisions of Part 3 of the National Building Code shall conform to the following, before a permit is issued:
- (i) prior to the issuing of a permit, application must be made to the authority having jurisdiction for both a Sanitary Sewer Connection and Water Connection application and pay the required fee; where connection to a sanitary sewer is not possible or proposed see Section 15 (1)(d)
 - (ii) all drawings for the project shall bear the seal and signature of a member of the Architectural Institute of British Columbia and/or Association of Professional Engineers of British Columbia, Proof of Liability Insurance is required when Certification is required by a Professional Engineer.
 - (iii) the individual drawings shall have the professional seal affixed thereto and shall be qualified as to architectural, structural, civil, mechanical and electrical, so that it is clearly understood which professional disciplines have been properly designed and detailed;
 - (iv) a letter shall be provided to the authority having jurisdiction prior to issuing a building permit, certifying that members of the appropriate professional disciplines have been retained to provide professional services during construction. A standard form letter is available for this purpose;
 - (v) during construction, copies of inspection reports prepared by the professional Engineer and/or the Architect shall be sent to the authority having jurisdiction if requested;
 - (vi) where schedules B1, B2 and C are provided for a project, they shall be accompanied by proof of Liability Insurance for the duration of the project.
- (b) The authority having jurisdiction may require of any plans submitted, regardless of building code classifications as to use and occupancy, the seal and signature of a member of the Architectural Institute of British Columbia or the Association of Professional Engineers of British Columbia before they are accepted for a building permit, if:
- (i) the site conditions require special foundation design, drainage design or other engineering consideration;
 - (ii) the proposed building is not of standard wood frame construction;
 - (iii) the proposed building or structure is of a category requiring professional design, such as reinforced concrete and masonry, structural steel, heavy timber, tilt up or other special construction where schedules B1, B2 and C are provided for a project, they shall be accompanied by proof of liability insurance for the duration of the project.
- 13.7 The authority having jurisdiction may revoke a permit and issue a "stop work order" here there has been a violation of:
- (a) any condition under which the permit is issued;
 - (b) any provision of the Building Code;
 - (c) any breach of this Bylaw or other applicable Bylaws of the authority having jurisdiction.

The revocation and "stop work order" shall be in writing and shall be transmitted to the holder of the permit by registered mail and shall be deemed to have been received by the permit holder three (3) days after posting.

SECTION 13 PERMITS

- 13.8 The authority having jurisdiction may issue a permit for the construction of a phase of a building before the plans and specifications for the whole building have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the Bylaw. The issuance of the permit, notwithstanding, the requirements of this Bylaw, apply to the remainder of the building, as if the permit had not been issued.
- 13.9 It shall be unlawful for any permit holder under this Bylaw, to depart from the plans and specifications without the approval of the authority having jurisdiction, who may require the submission of amended plans and specifications showing such departure. The approval of the authority having jurisdiction must also be obtained for any addition to or replacement of, any plumbing in the case of the alteration or repair of any existing building.
- 13.10 The authority having jurisdiction may issue a permit for the erection or placement of a temporary building, structure or shelter, and such permit shall specify when the temporary building, structure or shelter shall be removed. The application for such permit shall contain the information required by this Bylaw or such additional information as required by the authority having jurisdiction.
- 13.11 Where a building permit has been issued for a single family residence, the owner may apply for a permit to occupy the building prior to completion of construction, which permit may be withheld until the building or part thereof complies with this Bylaw and with the health and safety requirements of the Bylaws of the authority having jurisdiction or the provisions of any Provincial or Federal Statutes.

SECTION 14 RESPONSIBILITY OF THE OWNER

- 14.1 Neither the granting of a permit nor the approval of the drawings and specifications nor inspections made by the authority having jurisdiction during the erection of the building shall in any way relieve the owner from full responsibility for carrying out the work in accordance with the requirements of this Bylaw, the application for permit, the plans, specifications and materials filed herewith and in accordance with good and proper building practice.
- 14.2 The issuance of a building permit does not in any way relieve the owner from the responsibility of determining that the building site is safe and will not be affected from flooding water (caused by surface run-off or otherwise).
- 14.3 The owner shall determine, before construction commences and incorporate within the building plans submitted, the property climatic information for building design as included in "Climatic information for Building Design in Canada", Supplement #1 to the National Building of Canada 1980, referred to in Subsection 19.1.
- 14.4 Any owner of property for which a permit is issued shall be responsible for the costs of repair of any damage to the Village of Midway property that occurs as a result of the work covered by the permit.

SECTION 15 DUTIES OF THE OWNER

- 15.1 Every owner shall:
- (a) permit the authority having jurisdiction to enter any building or premises at any reasonable time for the purpose of administering this Bylaw;
 - (b) obtain where applicable from the authority having jurisdiction, permits relating to demolition, excavation, building, repair of buildings, zoning, change in classification of occupancy, sewers, water, plumbing, signs, canopies, awnings, marquees, blasting, street occupancy, electricity, buildings to be moved and all other permits required in connection with the proposed work prior to the commencement of such work;

SECTION 15 DUTIES OF THE OWNER

- 15.1 (c) in all cases where it is proposed to conduct the waste from plumbing fixtures, trade waste or surface or roof water to a public sewer, ascertain such public sewer is at a sufficient depth and of a capacity to receive such discharge and also to arrange the plumbing to suit the location of the connection provided for the lot by the owner of the sewer facility having jurisdiction.
- (d) where connection to an approved sanitary sewer system is not possible or proposed, the owner shall obtain and present to the Building Inspector a Sewage Disposal Permit which has been approved by the authority having jurisdiction and:
- (i) has not been appealed during the designated appeal period; or
 - (ii) if appealed, has been disposed of in a manner which is satisfactory to the appeal body.
- (e) where it is desired to connect a building or storm sewer with any building or storm sewer extension, furnish such information as the authority having jurisdiction may require to show that the proposed sewers will be laid at such depth and in such a position as to connect the property with the building or storm sewer extension;
- (f) obtain where applicable, highway or street access permit to the property;
- (g) determine Agricultural Land Reserve limitations and Provincial Flood Plain restrictions. (refer to the Village of Midway's Flood Plain Management Bylaw No. 293, 1998)
- (h) give at least 72 hours notice to the authority having jurisdiction and request his inspection of the work:
- (i) after the forms for footings and foundations are complete, but prior to placing of any concrete therein;
 - (ii) after removal of formwork from a concrete foundation and installation of perimeter drain tiles and damp-proofing, but prior to back-filling against foundation;
 - (iii) when framing and sheathing of the building are complete including fire-stopping, bracing, chimney, duct work, plumbing, but before any insulation, lath or other interior or exterior finish is applied which would conceal such work;
 - (iv) before a building drain, sanitary or storm sewer is covered, and if any part of a plumbing system is covered before it is inspected it shall be uncovered if the authority having jurisdiction so directs and when considered necessary, underground building drains, branches, storm drains and sewers shall be retested after the completion of all back-filling and grading by heavy equipment;
 - (v) after the building or portion thereof is complete and ready for occupancy, but before occupancy takes place of the whole or a portion of the building.

SECTION 16 DOCUMENTS ON SITE

- 16.1 The owner or applicant to whom a permit is issued shall, during construction, keep:
- (a) posted in a conspicuous place on the property in respect of which the permit is issued, the building permit or copy in lieu thereof, and;
 - (b) a copy of the drawings and specifications on the property in respect of which the permit was issued.

SECTION 17 EQUIVALENTS

- 17.1 The provisions of this Bylaw are not intended to limit the appropriate use of materials, equipment or methods of construction not specifically authorized herein. An owner desirous of providing an equivalent material, equipment or methods of construction not specifically authorized herein must present to the authority having jurisdiction sufficient evidence to satisfy the authority having jurisdiction that the proposed equivalent will provide the level of performance required by this Bylaw.

SECTION 18 MOVING PERMITS

18.1 Moving buildings:

- (a) the moving of any building into or within the Village of Midway requires a permit to do so;
- (b) on receipt of an application to move, the building shall be inspected to ensure it will comply with all applicable codes and Bylaws. No moving permit shall be issued where a building, in its new location, because of age and/or appearance, may downgrade surrounding property values.

SECTION 19 CLIMATIC DATA

19.1 Climatic data used for the design of buildings in the Village of Midway:

<u>Design element</u>	<u>Design Value</u>						
January 2 1/2% design dry bulb temperature	-20 0C						
January 1% design dry bulb temperature	-22 0C						
July 2 1/2% design dry bulb temperature	35 0C						
July 1/2% design wet bulb temperature	20 0C						
Annual total degree-days below	18 0C - 4,046						
Maximum fifteen minute rainfall	9 mm						
Maximum one day rainfall	37 mm						
Annual total precipitation	447 mm						
Ground snow load, snow component S(s)	55 PSF						
Ground snow load, rain component S(r)	4 PSF						
Hourly wind pressure, 1/10	0.26 KPA						
Hourly wind pressure, 1/30	0.36 KPA						
Hourly wind pressure, 1/100	0.48 KPA						
Seismic Data	<table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;"><u>Z_a</u></td> <td style="text-align: center;"><u>Z_v</u></td> <td style="text-align: center;"><u>V</u></td> </tr> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> <td style="text-align: center;">0.05</td> </tr> </table>	<u>Z_a</u>	<u>Z_v</u>	<u>V</u>	1	1	0.05
<u>Z_a</u>	<u>Z_v</u>	<u>V</u>					
1	1	0.05					

SECTION 20 RIGHT OF APPEAL

20.1 Appeals to any decision made pursuant to this Bylaw shall be governed under the provisions of Section 693.1 of the "Municipal Act".

SECTION 21 PENALTY

21.1 Any person who violates the provisions of this Bylaw or the Building & Plumbing Code is liable on summary conviction, to a penalty not exceeding One Thousand (\$1,000.00) Dollars and also to the costs of prosecution.

21.2 Each day during which such violation is continued shall be deemed to constitute a new and separate violation, except where the court otherwise orders.

SECTION 22 APPENDIX

22.1 Schedule 'A', 'B' and 'C' are attached to and form part of this Bylaw.

SECTION 23 REPEAL

- 23.1 (a) Bylaw No. 74, 1979 cited as the "Village of Midway Building Bylaw";
- (b) Bylaw No. 149, 1985 cited as the "Village of Midway's Building Bylaw No. 74, amendment Bylaw No. 149."
- (c) Bylaw No. 261, 1995 cited as, "Village of Midway's Building Bylaw No. 74, 1979" Amendment Bylaw 261.

are hereby repealed.

READ A FIRST TIME this 2nd day of March , 1998.

READ A SECOND TIME this 2nd day of March , 1998.

READ A THIRD TIME this 2nd day of March , 1998.

RECONSIDERED AND FINALLY PASSED AND ADOPTED this 23rd day of March , 1998.

MAYOR

CLERK

I hereby certify this to be a true and correct copy of Bylaw No. 290, being a bylaw to administer and enforce the Building Code.

CLERK

VILLAGE OF MIDWAY

**SCHEDULE 'C'
TO BY-LAW 290**

A. BUILDING PERMIT FEES

The Schedule of fees to be charged for the issuance of a permit under this Bylaw is as follows:

Declared or Assessed Value.

The permit fee for the construction, reconstruction, addition, extension, alteration and repair of any buildings or any other work requiring a permit and not specifically listed here;

Minimum Fee.....\$40.00

\$8.00 per \$1,000.00 or portion thereof.

The fee for each plumbing fixture, which includes all traps and hot water tanks shall be:

\$10.00 per fixture when issued in conjunction with a Building Permit or

\$10.00 per fixture plus \$75.00 flat rate when issued separately from a building permit.

B. NON-REFUNDABLE APPLICATION FEE

Every permit application shall include a non-refundable application fee:

Actual Permit Fee up to \$10,000.00 of construction cost;

* \$ 50.00 for each application \$10,000.00 to \$50,000.00;

* \$150.00 for each application valued over \$50,000.00.

* This fee will be applied against the cost of the permit.

C. RELATED BUILDING PERMIT FEES

Re-inspection Fee.....\$75.00

Demolition Fee.....\$50.00

Moving permit.....\$75.00

Temporary Building Permit.....\$75.00**

Mobile Home or Modular Home Placement.....\$75.00**

Minimum Inspection Fee.....\$50.00

**Plus construction values of new work on-site such as foundations, basements, additions and plumbing.

D. BUILDING PERMIT REFUNDS

Where a Permit has been issued pursuant to this Bylaw and construction has not commenced:

* 75% of the permit fee may be refunded upon application for the cancellation of the permit;

* No refund in the amount of less than \$50.00 shall be made.

* Applications for refunds must be received within 12 months of permit issuance.

E. NOTICE ON TITLE

Administrative charge to remove.....\$200.00

Adopted by the Council of the Village of Midway, March 18, 2002.