

Considered at April 28, 2020 Special Council Meeting

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City of Port Moody Report/Recommendation to Council

Date: February 28, 2020
Submitted by: Planning and Development Department – Building, Bylaw, and Licensing Division
Subject: Housekeeping Amendments to the Building Bylaw

Purpose

To present housekeeping amendments to Building Bylaw, 2019, No. 3200 for Council's consideration.

Recommended Resolution(s)

THAT City of Port Moody Building Bylaw, 2019, No. 3200, Amendment Bylaw No. 1, 2020, No. 3238 (Housekeeping) be read a first, second, and third time as recommended in the report dated February 28, 2020 from the Planning and Development Department – Building, Bylaw, and Licensing Division regarding Housekeeping Amendments to the Building Bylaw;

AND THAT, as permitted by section 9 of Ministerial Order No. MO 83/2020, City of Port Moody Building Bylaw, 2019, No. 3200, Amendment Bylaw No. 1, 2020, No. 3238 (Housekeeping) be now adopted.

Background

Building Bylaw No. 3200 was adopted by Council in 2019. Since that time, staff have determined that a few minor edits are required to clarify requirements of the bylaw for all users.

Discussion

The attached amendment bylaw (**Attachment 1**) includes a few housekeeping amendments to requirements that were missed with the original bylaw. Items included are:

- Requirement for a 1.0-metre apron that surrounds a pool to facilitate rescue;
- Revised Schedules that are used as part of building permit application so they are branded like other documents use by the Building Division; and
- Re-numbering in section 18.1.

Other Option(s)

THAT the report dated February 28, 2020 from the Planning and Development Department – Building, Bylaw, and Licensing Division regarding Housekeeping Amendments to the Building Bylaw be received for information.

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Financial Implications

There are no financial implications associated with respect to this report.

Communications and Civic Engagement Initiatives

There is no external communications required with this report.

Council Strategic Plan Objectives

The recommendations in this report are consistent with Council's Strategic Plan for providing excellence in customer service.

Attachment(s)

1. The City of Port Moody Building Bylaw, 2019, No. 3200, Amendment Bylaw No. 1, 2020, No. 3238 (Housekeeping).

Report Author

Robyn MacLeod, RBO, CRBO

Manager of Building, Bylaw, and Licensing

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Report Approval Details

Document Title:	Housekeeping Amendments to Building Bylaw No. 3200.docx
Attachments:	- Attachment 1 - Draft City of Port Moody Building Bylaw, 2019, No. 3200, Amendment Bylaw No. 1, 2020, No. 3238 (Housekeeping).pdf
Final Approval Date:	Apr 21, 2020

This report and all of its attachments were approved and signed as outlined below:

Dorothy Shermer, Corporate Officer - Apr 9, 2020 - 1:59 PM

Rosemary Lodge, Manager of Communications and Engagement - Apr 9, 2020 - 1:59 PM

Paul Rockwood, General Manager of Finance and Technology - Apr 9, 2020 - 3:22 PM

André Boel, General Manager of Planning and Development - Apr 15, 2020 - 4:09 PM

Tim Savoie, City Manager - Apr 21, 2020 - 2:21 PM

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City of Port Moody

Bylaw No. 3238

A Bylaw to make housekeeping amendments to City of Port Moody Building Bylaw, 2019, No. 3200.

The Council of the City of Port Moody enacts as follows:

1. Citation

- 1.1 This Bylaw may be cited as "City of Port Moody Building Bylaw, 2019, No. 3200, Amendment Bylaw No. 1, 2020, No. 3238 (Housekeeping)".

2. Amendments

- 2.1 City of Port Moody Building Bylaw, 2019, No. 3200 is amended by replacing the following section 9.14:

"Every owner must give notice in writing to a *Building Official* and pay the non-refundable fee set out in the *Fees Bylaw* immediately upon any change in ownership or change in the address of the owner which occurs prior to the issuance of an occupancy permit."

with the following section 9.14:

"Every owner must give notice in writing to a *Building Official* and pay the non-refundable fee set out in the *Fees Bylaw* immediately upon any change in ownership or change in the address of the owner which occurs prior to the issuance of an occupancy permit or final building permit approval."

- 2.2 Bylaw No. 3200 is further amended by replacing the following section 17.2:

"A 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 1.2 metres and no openings greater than 100 mm at their greatest dimension."

with the following section 17.2:

"A pool, including a spa or hot tub must be completely surrounded by a 1.0m apron and 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 1.2m and no openings greater than 100mm at their greatest dimension."

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- 2.3 Bylaw No. 3200 is further amended by replacing the following section 18.1:

“In relation to the conservation of energy and the reduction of greenhouse gas emissions, the City incorporates by reference the *British Columbia Energy Step Code* in accordance with subsections 18.2 through 18.7.”

with the following section 18.1:

“In relation to the conservation of energy and the reduction of greenhouse gas emissions, the City incorporates by reference the *British Columbia Energy Step Code* in accordance with subsections 18.2 through 18.6.”

- 2.4 Bylaw No. 3200 is further amended by replacing the following section 12.62:

“The owner is responsible for securing construction site and buildings upon the receipt of an application for demolition permit from unauthorized entry until building lock up and establishment of final grades of the site.”

with the following section 12.62:

“When a permit is issued for construction or demolition, activities that may constitute a hazard to the public, will require a strongly constructed temporary fence, boarding or barricade not less than 1.8m high to be erected between the site or hazard and areas where the public has access or the open sides of a construction site or hazard area when and where required by the Building Official.”

- 2.5 Bylaw No. 3200 is further amended by replacing the existing Schedule 1, Schedule 2, Schedule 4, Schedule 5, and Schedule 6 with the following schedules attached to and forming part of this Bylaw:

- Schedule 1 – Owner Authorization;
- Schedule 2 – Owner’s Undertaking;
- Schedule 4 – Confirmation of Professional Liability Insurance;
- Schedule 5 – Stop Work Order; and
- Schedule 6 – Do Not Occupy.

3. Severability

- 3.1 If a portion of this Bylaw is found invalid by a court, it will be severed and the remainder of the Bylaw will remain in effect.

Read a first time this ___ day of ____, 2020.

Read a second time this ___ day of ____, 2020.

Read a third time this ___ day of ____, 2020.

Adopted this ___ day of ____, 2020.

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R. Vagramov
Mayor

D. Shermer
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3238 of the City of Port Moody.

D. Shermer
Corporate Officer

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City of Port Moody

BUILDING BYLAW, 2019, No. 3200

Schedule 1 – Owner Authorization

To whom it may concern:

Property Address: _____

Legal Description: _____

I am the owner, as defined in the current "Building Bylaw", of the above-referenced property and hereby authorize:

Representative / Contact: _____
(PRINT)

Tel. No.: _____ Cell No.: _____ Email: _____

Please check where applicable.

To represent me in an application for:

- ☐ Building Permit Application
- ☐ Demolition Permit Application

To obtain copies of:

- ☐ Building Permit Plans (Archive Copies) Owner's Information:

Owner's Name: _____
(PRINT)

Address: _____

Tel. No.: _____ Cell No.: _____ Email: _____

Date: _____ Signature: _____

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City of Port Moody Building¹³ Bylaw, 2019, No. 3200 Schedule 2 – Owner’s Undertaking

1. This undertaking is given by the undersigned, as the owner of the property described above, with the intention that it be binding on the owner and that the City will rely on same.
2. I confirm that I have applied for a building permit pursuant to “City of Port Moody Building Bylaw, 2019, No. 3200” (the “Bylaw”) and that I have carefully reviewed and fully understand all of the provisions of the Bylaw and in particular, understand, acknowledge, and accept the provisions describing the purpose of the Bylaw, the conditions under which permits are issued, the disclaimer of warranty or representation and the limited extent of the scope of the Bylaw and inspections thereunder.
3. Without in any way limiting the foregoing, I acknowledge fully that it is my responsibility to ensure compliance with the *Building Code* and the Bylaw whether any work to be performed pursuant to the permit applied for is done by me, a contractor, or a registered professional.
4. I am not in any way relying on the City or its *Building Officials*, as defined under the Bylaw, to protect the owner or any other persons as set out in Part 3 of the Bylaw and I will not make any claim alleging any such responsibility or liability on the part of the City or its *Building Officials*.
5. I hereby agree to indemnify and save harmless the City and its employees from all claims, liability, judgments, costs, and expenses of every kind which may result from negligence or from failure to comply fully with all Bylaws, statutes, and regulations relating to any work or undertaking in respect of which this application is made.
6. I am authorized to give these representations, warranties, assurance, and indemnities to the City.

Owner(s) Information

Name(s):

Address

Email:

Telephone number:

Cell number:

Owner(s) Authorization

This undertaking is executed by the owner this ____ day of _____, _____.

Owner 1 / Authorized Signatory Name (print):

Owner 1 / Authorized Signatory Signature:

Owner 2 / Authorized Signatory Name (print):

Owner 2 / Authorized Signatory Signature:

Witnessed by City Employee

Signed in the presence of

Witness Name (print)

Witness Signature:

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City of Port Moody

BUILDING BYLAW, 2019, No. 3200

Schedule 4 – Confirmation of Professional Liability Insurance

1. *This Confirmation letter must be submitted along with each BC Building Code Schedule A and Schedule B before issuance of a building permit. A separate Confirmation Letter must be submitted for each registered professional.*
2. *This Confirmation Letter must be submitted with each BC Building Code Schedule C after completion of the building but before a final inspection is made by the Building Official. A separate Confirmation Letter must be submitted for each registered professional.*
3. *Only an original Confirmation Letter, printed by the City or an unaltered photocopy of this document is to be completed and submitted.*

Attention: Building Official

Property Address: _____

Legal Description: _____

The undersigned hereby gives assurance that:

- a) I have fulfilled my obligation for insurance coverage as outlined in the City Building Bylaw, 2019, No. 3200;
- b) I am insured by a policy of insurance covering liability to third parties for errors and omissions in respect to the above project, in the amount of at least One Million Dollars (\$1,000,000.00);
- c) I have enclosed a copy of my certificate of insurance coverage indicating the particulars of such coverage;
- d) I am a registered professional; and
- e) I will notify the Building Official in writing immediately if the undersigned's insurance coverage is reduced or terminated at any time during construction.

Name (PRINT)

Signature

Address (PRINT)

Phone

Date

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City of Port Moody Building Bylaw, 2019, No. 3200

Schedule 5 – Stop Work Order

STOP WORK ORDER

YOU ARE HEREBY NOTIFIED that the City considers construction activity on this property in breach of its Building Bylaw, 2019, No. 3200.

FURTHER CONSTRUCTION SHALL NOT CONTINUE until satisfactory corrections have been made.

EVERY PERSON WHO FAILS TO COMPLY WITH THIS ORDER MAY, UPON CONVICTION FOR AN OFFENCE AGAINST SAID BYLAW, BE LIABLE TO A PENALTY AS STIPULATED IN THE BYLAW.

ADDRESS of PROPERTY

DATE

BUILDING OFFICIAL

NO PERSON MAY REMOVE, REVERSE, ALTER, COVER, OR IN ANY WAY TAMPER WITH THIS NOTICE WITHOUT AUTHORIZATION OF THE CITY.

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City of Port Moody Building Bylaw, 2019, No. 3200

Schedule 6 – Do Not Occupy

NO OCCUPANCY

YOU ARE HEREBY NOTIFIED that the City considers occupancy of this property to be a breach of its Building Bylaw 2019, No. 3200.

OCCUPANCY OF THIS PROPERTY IS PROHIBITED until further notice. EVERY PERSON WHO FAILS TO COMPLY WITH THIS ORDER MAY, UPON CONVICTION FOR AN OFFENCE AGAINST SAID BYLAW, BE LIABLE TO A PENALTY AS STIPULATED IN THE BYLAW.

ADDRESS of PROPERTY

DATE

BUILDING OFFICIAL

NO PERSON MAY REMOVE, REVERSE, ALTER, COVER, OR IN ANY WAY TAMPER WITH THIS NOTICE WITHOUT AUTHORIZATION OF THE CITY.