

SUMMARY

The Gas Bylaw provides for the inspection of natural gas installations by the City. It also sets the fees payable for gas permits and special inspections.

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CITY OF KELOWNA

BYLAW NO. 9316

REVISED: November 28, 2011

**CONSOLIDATED FOR CONVENIENCE TO INCLUDE
BYLAW NO. 10483**

A bylaw to regulate gas work and the use of gas equipment in the City of Kelowna in accordance with the provisions of Safety Standards Act, SBC 2003, Chapter 39.

WHEREAS pursuant to Sections 5 and 6 of the Safety Standards Act, SBC 2003, Chapter 39 the Municipal Council of the City of Kelowna may enter into an administrative agreement with the minister responsible for the Safety Standards Act to administer provisions of the Act and the Regulations;

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

PART 1 - SHORT TITLE

1.1 This Bylaw may be cited for all purposes as the “City of Kelowna Gas Bylaw No. 9316”.

PART 2 - DEFINITIONS

2.1 In this bylaw the following words and terms have the meanings set out in the Safety Standard Act SBC 2003, Chapter 39 and Regulations passed pursuant thereto as amended or re-enacted from time to time:

B.C. Natural Gas And Propane Code, Field Safety Representative, Gas, Gas-Fitter, Provincial Safety Manager, Regulated Work, Vent.

“Act” means the Safety Standards Act, SBC 2003, Chapter 39, as amended or re-enacted from time to time;

“Gas Equipment” means anything used or designated to be used in connection with gas and includes piping, appliances, fuel containers and vents;

“Gas Work” means the installation, alteration, repair, or maintenance of gas equipment and any related construction work:

- (a) in a fully detached dwelling serviced by an individual service meter and supplied with gas at a pressure of 14.0 kPa gauge or less, and
- (b) in any premises other than a fully detached dwelling, if the premises are supplied with gas at a pressure of 14.0 kPa or less and the total load for the individual meter is 120KW or less;

BL10483 added the following:

“Homeowner” means the registered owner of a single family dwelling and applicants’ primary residence.

“Homeowner Permit” must be a Single Family Dwelling applicants primary residence. Application to include a completed data sheet and declaration.

BL10483 amended the following:

“Local Safety Manager” means:

- (a) Building & Permitting Manager, or
- (b) his designate, or
- (c) as appointed by Council.”

“Permit” means written authorization issued by a *safety officer* pursuant to the provisions of Section 6 of this Bylaw to perform gas work;

“Regulations” means the Safety Standards General Regulation and the Gas Safety Regulation as amended or re-enacted from time to time;

“Safety Officer” means:

- (a) the Inspections Supervisor, or
- (b) Plumbing and Gas Inspector.

PART 3 - GENERAL REGULATION

3.1 Nothing in this Bylaw relieves a person from the obligation to comply with the *Act*, *Regulations*, or other applicable legislation.

PART 4 - PROHIBITIONS

4.1 (a) No person may do any *gas work* without a *permit* for such work unless exempted by the *Regulations* enacted pursuant to the Act;

- (b) No person may do gas work except in accordance with:
 - (i) the *Act*;
 - (ii) the *Regulations*;
 - (iii) this Bylaw;
 - (iv) the terms and conditions of permit or order issued pursuant to this Bylaw;
 - (v) any directives that may be made by the *Provincial Safety Manager* pursuant to the *Act*; and
 - (vi) standards of care, skill and workmanship normally provided by a knowledgeable and experienced gas fitter performing similar work;
- (c) After *gas work* has been done on *gas equipment*, no person may conceal the *gas equipment* upon which the work was done without the written authorization of a *safety officer*;
- (d) No person may do any work at variance with the description, plans and supporting documents for the work for which a *permit* has been issued unless the *safety officer* has authorized the change in writing;
- (e) No person may submit false or misleading information in relation to a *permit* or an application for a *permit* under this Bylaw; and
- (f) No person may obstruct the *safety officer* in the execution of his duties under the *Act*, *Regulations*, or this Bylaw;

PART 5 - POWERS OF THE SAFETY OFFICER

- 5.1. (a) In addition to the powers set out in this Bylaw, a *safety officer* has the Powers of a *safety officer* under the *Act* and *Regulations*;
- (b) A *safety officer* may keep records of applications received, permits and orders issued, inspections and tests made, and may retain copies of all papers and documents connected with the administration of this Bylaw;
- (c) A *safety officer* may enter any premises at a reasonable time for the purpose of inspecting the gas equipment at, kept, or used there;

(d) Where a *safety officer* determines that the *gas work*, whether in progress or completed, does not conform with the *Act, Regulations*, or this Bylaw, or is dangerous to a person or property, a *safety officer* may order the owner of, or person in charge of, the *gas work* or both:

- (i) to stop the *gas work*; or
- (ii) to do work to bring the *gas work* into compliance with the *Act, Regulations* and this Bylaw; or
- (iii) both (i) and (ii)

within the time stated in the order;

(e) Where a *safety officer* determines that *gas equipment* does not conform to the *Act, Regulations* or this Bylaw, or is dangerous to a person or property, a *safety officer* may order the owner or person in charge of the *gas equipment* or both:

- (i) to discontinue the use or operation of the *gas equipment* or any activity that could make the use of the *gas equipment* unsafe;
- (ii) to do work to bring the *gas equipment* into compliance with the *Act, Regulations* and this Bylaw;
- (iii) to disconnect the *gas equipment*; or
- (iv) any combination or all of (i), (ii) and (iii),

within the time stated in the order;

(f) In the event of fire, storm or other emergency, a *safety officer* may order the owner or person in charge of *gas equipment* or both, to disconnect or remove the *gas equipment* within the time stated in the order if, in the opinion of a *safety officer*, life or property is likely to be endangered by the existence or operation of such *gas equipment*;

(g) A *safety officer* may order the owner of any property on or in which there are any unused *gas equipment* to remove the same within the time stated in the order;

(h) An order issued pursuant to this Bylaw may be served by:

- (i) attaching a copy of the order on the premises where the *gas work* is being done or *gas equipment* is located; or

- (ii) by serving a copy of the order on the owner, occupier of the premises or persons in charge of the *gas work* or *gas equipment*;
- (i) A *safety officer* may revoke a *permit* if:
 - (i) there is a violation of any provisions of the *Act, Regulations*, this Bylaw, the terms and conditions of a *permit*, an order issued by a *safety officer*; or
 - (ii) it is determined that information declared on the permit application is false or misleading.

PART 6 - PERMITS

- 6.1
- (a) The application for a gas *permit* must be in the form prescribed by the local *safety manager* and must be signed by the applicant;
 - (b) An applicant for an installation *permit* for a gas system or proposed gas system must, if required by a safety officer, provide drawings in support of the application and pay any required fees;
 - (c) The application for a gas *permit* shall be valid for six (6) months unless a *safety officer*, upon written request, gives written consent to an extension of the application. The extension shall not exceed six (6) months;
 - (d) A *safety officer* may issue a *permit* for *gas work* following the review of a completed application if the *safety officer* determines that:
 - (i) all required information has been submitted;
 - (ii) the proposed *gas work* will comply with the requirements of the *Act, the Regulations* and this Bylaw;
 - (iii) the *gas equipment* to be installed or affected by the work will comply with the requirements of the *Act, the Regulations* and this Bylaw; and
 - (iv) the appropriate fee has been paid;
 - (e) The *permit* may be issued subject to such terms and conditions as a *safety officer* deems necessary to ensure compliance with the *Act, Regulations* and this Bylaw;
 - (f) Subject to Section 6 (g) the fees payable for *permits* and inspections are set out in Schedule "A" of this Bylaw;

- (g) If any *gas work* for which a *permit* is required by this Bylaw has been commenced before a safety officer has issued a *permit*, the *permit* applicant for the proposed installation shall pay double the fee prescribed and set out in Schedule "A" to this Bylaw;
- (h) A *safety officer* may refuse to issue a *permit* for *gas work* if the existing *gas equipment* on the premises does not conform to the provisions in the *Act*, *Regulations*, or this Bylaw;
- (i) Every *permit* is issued upon the condition that:
 - (i) the work must commence within six (6) months from the date of issuance of the *permit* and must be completed within two (2) years of the date of issuance of the *permit*; and
 - (ii) once the work has started, it must be carried out actively without suspension;
- (j) The *permit* shall lapse if either of the conditions in subsection (i) is not met, unless a *safety officer* gives written consent to a work interruption or construction time extension, neither of which shall exceed six (6) months.

PART 7 - INSPECTIONS

- 7.1 (a) On the completion of and before covering each phase of *gas work* under an installation *permit*, the holder of the *permit*, the *gas fitter* or the *field safety representative* that represents the holder of the *permit*, must immediately inform a *safety officer* that the work has been performed in accordance with the *Act* and request an inspection;
- (b) On final completion of the *regulated work* authorized by a *permit*, the holder of the *permit* must immediately complete a notification of completion, installation or alteration form and mail or deliver the completed form to a *safety officer*;
 - (c) Unless otherwise provided in the installation *permit*, if the holder of an installation *permit* complies with section (a) and (b), an installation *permit* issued for regulated work in respect of a gas system is sufficient authorization for the use of the gas system;
 - (d) Sub-section (c) does not apply to a homeowner who performs regulated work under this section.

PART 8 - VIOLATIONS

- 8.1 (a) Every person who:

- (i) violates;
- (ii) causes, authorizes or permits any act or thing to be done in violation of;
or
- (iii) neglects or refrains from doing any act or thing required to be done by

any provisions of the *Act, Regulations*, this Bylaw, terms or conditions of the permit, or order of *safety officer* commits an offence and is liable to a fine of not less than \$250 and not more than \$2000 for each offence.

- (b) Each day that a violation is permitted to exist shall constitute a separate offence.

PART 9 - REPEAL

- 9.1 “The City of Kelowna Gas Bylaw No. 6206-88”, and all amendments thereto are hereby repealed.

PART 10 - EFFECTIVE DATE OF BYLAW

- 10.1 This bylaw shall come into force and effect and is binding on all persons upon the date of adoption.

Read a first, second and third time by the Municipal Council this 8th day of November, 2004.

Adopted by the Municipal Council of the City of Kelowna this 15th day of November, 2004.

“Ron Cannon”

Acting Mayor

“Stephen Fleming”

Deputy City Clerk

SCHEDULE "A"

SURVEYS

- | | | |
|----|---|---------|
| 1. | Survey of plans or designs, each hour or portion of an hour | \$60.00 |
|----|---|---------|

PERMITS - RESIDENTIAL

Note: A gas piping only permit requires that the line be capped or plugged and be pressure tested. An installation permit is required for the connection and firing of appliances.

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| 2. | Residential permit fees for installation, alteration or replacement. | |
| | (a) FOR A SINGLE FAMILY DWELLING: | |
| | (i) installation of one or two appliances including vent and gas piping | \$75.00 |
| | (ii) each additional appliance including vent and gas piping | \$40.00 |
| | (iii) alteration of existing venting or gas piping only | \$75.00 |
| | (iv) new installation of venting or gas piping only | \$75.00 |
| | (v) replacement of any gas appliance | \$75.00 |
| | (vi) Homeowner Permit: Must be a Single Family Dwelling | \$75.00 |
| | | Fees as above |

PERMITS - COMMERCIAL INSTALLATIONS

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|----|---|----------|
| 3. | Permit fees for installation, alteration and replacement for commercial installations, other than single family dwellings | |
| | (i) Installation or replacement including venting and gas piping up to and including 150, 000 BTU's | \$75.00 |
| | (ii) Installation or replacement including venting and gas | \$150.00 |

Consolidated Bylaw No.9316 – Page 14 – Schedule “A”
piping between 150, 000 BTU’s and 409,600 BTU’s

(iii)	Temporary heating appliances, and the piping connecting them per site with an input to a max of 409,600 BTU’s	\$150.00
(iv)	Installation or alteration of venting only	\$75.00
(v)	Installation or alteration of piping only	\$75.00

SPECIAL INSPECTIONS

4. Special inspection fees are determined as follows:
 - a) for an inspection of an appliance or installation of a gas system for which the required permit was not taken out, a **double permit fee** will be applied
 - b) for an inspection conducted outside regular business hours, **\$86.00** per hour or portion of an hour, **\$602.00 per day**, with a minimum fee **\$129.00**, plus reasonable and necessary expenses incurred by the inspector

RE-INSPECTIONS

5. Where, due to non-compliance with the provision of the **B-149 Gas Code**, unsatisfactory workmanship or **work** not ready when inspection called for, or more than two inspections are necessary, then each inspection after the second inspection, a fee of \$150.00 will be charged.