

Building By-Law

VILLAGE OF MCADAM

BY- LAW NO. 56

A BUILDING BY-LAW

The Council of the Village Of McAdam pursuant to Section 59 of the Community Planning Act enacts as follows:

SECTION 1: TITLE

1(1) This By-Law may be cited as the Building-By law.

SECTION 2: INTERPRETATION

2(1) In this By-Law

“Building” means any structure used or intended for supporting or sheltering any use or occupancy;

“Code” means the latest edition of the National Building Code of Canada, including any amendments, revisions, and errata thereto;

“Council” means the Council of the Village Of McAdam

“Dwelling” means a building, as defined in the Code adopted by section 5, or any portion thereof, containing one or more dwelling units;

“dwelling, one family” means a dwelling containing one dwelling unit;

“dwelling, two family” means a dwelling containing two dwelling units;

“dwelling, three family” means a dwelling containing three dwelling units;

“dwelling, multiple” means a dwelling containing four or more dwelling units;

“Habitable Room” means the space within a dwelling, in which living functions are normally carried on, and includes, but is not limited to, living rooms, dining rooms, kitchens, bathrooms, dens and recreation rooms, storage rooms, workshops, and recreational rooms located in a

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basement or cellar;

“Lot” means a parcel of land or two or more adjoining parcels of land held by the same owner and used or intended to be used as the site for a building or structure or an appurtenance thereto;

“Structure” means anything constructed or erected on or below the ground, or attached to something on the ground and includes all buildings;

“Total estimated cost” means the total monetary worth as determined by the Building Inspector of all proposed work including all painting, tapering, roofing, electrical work, Plumbing, permanent heating equipment, elevator equipment, fire sprinkler equipment and all Labour, materials and other devices necessary for the completion of proposed work;

“Village” means in the Village Of McAdam;

“Work” means the building, locating, or relocating, demolishing, altering, repairing or replacing or any combination thereof of a building or structure.

SECTION 3: APPLICATION

3(1) This By-Law is effective in the Village Of McAdam.

SECTION 4: SCOPE

4(1) The purpose of this By-Law is:

(a) To prescribe standards for the building, locating, or relocating, demolishing, altering, structurally altering, repairing or replacing, or any combination thereof, of a building or structure; and

(b) To prohibit the undertaking or continuing of work mentioned in subsection *4(1), (a)* in violation of standards prescribed in this By-Law; and

(c) To prescribe a system of permits for work mentioned in subsection *4(1), (a)*, their terms

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and conditions, the conditions under which they may be issued, suspended, reinstated, revoked, and renewed, their form and fees thereof.

SECTION 5: ADOPTION OF THE CODE

5(1) *The National Building Code of Canada*, in its latest edition, including any amendments, revisions and errata subsequently issued, is hereby adopted as the standard to which all work undertaken in the Village must conform. Notwithstanding the aforementioned, no penalty clause or administrative procedure contained in the National Building Code of Canada is adopted.

5(2) This By-Law and the Code applies to site assembled and factory made buildings and structures.

SECTION 6: APPOINTMENT OF BUILDING INSPECTOR

6(1) The Council shall appoint a Building Inspector who shall exercise such powers and perform such duties as are required to administer and enforce this By-Law and as are designated pursuant to the Community Planning Act.

SECTION 7: BUILDING PERMIT

7(1) A person shall not undertake or continue the building, locating or relocating, demolishing, altering, structurally altering, repairing or replacing, or any combination thereof, of a building or structure unless:

(a) The work conforms with the Code;

(b) The work conforms with this By-Law and all other By-Laws of the Village as well as all other applicable Acts and Regulations of the Province of New Brunswick; and

(c) A building permit therefore has been issued pursuant to this section.

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7(2) A person seeking to obtain a building permit for any work shall make application in writing to the Building Inspector and such application shall:

(a) Be in a form provided by the Building Inspector;

(b) Be completed and signed by the applicant;

(c) State the address of the property upon which the work is to be completed and state the name and address of the person performing the work;

(d) State the intended use of the building or structure;

(e) Unless waived by the Building Inspector, include copies in duplicate of the specification and scale drawings of the building or structure and a site plan of the property with respect to which the work is to be carried out, showing:

(i) The dimensions of the property and the building or structure;

(ii) The proposed use of each room or floor area;

(iii) A foundation plan, floor plans, details, elevations and cross sections of the building or Structure showing size dimensions and descriptions of materials to be used;

(iv) On the site plan, the dimensions of the land on which the building or structure is, or is to be, situated, and the grades of the streets and sewers abutting the subject property; and

(v) The position, height, horizontal dimensions and geodetic elevations of all buildings or Structures on, and those proposed to be located on, the land referred to;

(f) Set out the total estimated cost of the proposed work;

(g) Contain such other information as the Building Inspector may require for the purpose of

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determining compliance herewith; and

(h) In the case of buildings which exceed 600 square meters in building area or three storeys in building height, or which are used for assembly, institutional, or hazardous industrial or commercial purposes, no permit shall be issued unless the plans and specifications are certified under the seal of an architect or professional engineer registered to practice in the Province of New Brunswick.

7(3) No person shall be required to obtain a building permit for:

- (i)** Non-Structural repairs;
- (ii)** Replacement of existing decks, roofing, sidings, landings, stairs or verandas,
 - (A)** Where such replacement is of the same configuration as that item being replaced, except as required to meet the National Building Code, and
 - (B)** Where such replacement conforms to the requirements of By-Law No. 7(1), the Village Of McAdam Zoning By-Law.
- (iii)** Installation of eavestroughing, down spouts, storm windows, storm doors; or
- (iv)** Installation of cosmetic decorations including, but not limited to, shutters, paneling, wallpapering, ceramic tile and finished flooring, to the interior or exterior of a building.

7(4) Where an application mentioned in subsection 7(2) has been received, and

(a) The proposed work conforms with this By-Law and all other applicable By-Laws of the Village Of McAdam and all Acts and Regulations of the Province of New Brunswick;

(b) There are no unresolved financial or other matters between the applicant for the permit or the property owner and the Village;

(c) The Development Officer has approved the work pursuant to subsection 8(1) of the

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Community Planning Act, R.S.N.B 1973, c-12;

*The Building Inspector shall issue the building permit requested

7(5) A permit issued pursuant to subsection 7(4) shall be deemed revoked by the Building Inspector if the work described in the permit is:

(a) Not commenced within 6 months from the date of issuance;

(b) Discontinued or suspended for a period in excess of one year;

(c) Contrary to the Code;

(d) Contrary to this By-Law or any other applicable Village By-Law or any Act or Regulation of the Province of New Brunswick as determined by a Building Inspector; or

(e) Contrary to the work carried out.

7(6) Where the permit holder amends or changes any information provided in an application, the said amendment or change must be filed with the Building Inspector and will be subject to review and approval pursuant to this By-Law.

SECTION 8: LOT SIZES

8(1) Where a lot is serviced by both a water system for public use and a sewer system for public use, the lot shall meet the requirements as stipulated for the appropriate zone in the Village Of McAdam Zoning By-Law.

SECTION 9: LOCATION OF BUILDINGS AND STRUCTURES ON A LOT

9(1) All buildings and structures shall be located on a lot in accordance with the front, rear and side yard setback requirements of the Village Of McAdam Zoning By-Law.

SECTION 10: LOT OCCUPANCY

10(1) All Buildings and structures shall meet the lot occupancy requirements as stipulated in the

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appropriate zone of the Village Of McAdam Zoning By-Law.

10(2) Civic numbers shall be displayed on all main buildings in such a manner that the civic number is clearly visible from the street.

SECTION 11: SEWAGE DISPOSAL

11(1) Sewage from a building or structure shall be discharged into the municipal sewage system unless approval for another system is granted by the authority of the McAdam Village Council.

SECTION 12: OPEN CELLARS AND EXCAVATIONS

12(1) The owner of a property upon which an open cellar or excavation exists as the result of demolition or destruction of a building or structure, when new construction is not to proceed without delay, shall forthwith following such demolition or destruction, backfill such cellar or excavation to grade.

12(2) The owner of a property upon which an open cellar or excavation exists as the result of demolition or destruction of a building or structure, when new construction is to proceed without delay, shall forthwith following such demolition or destruction, erect in a neat and workmanlike manner a wall constructed of good materials, without openings, at least 1.8 meters in height, around the perimeter of such cellar or excavation and shall maintain the same so as not to become dilapidated or unsightly until construction has proceeded to a stage where the cellar or excavation is no longer a danger.

SECTION 13: RESPONSIBILTIES OF THE PERMIT HOLDER

13(1) The owner of the property affected by a building permit and the permit holder, if different, Shall:

(a) Permit the Building Inspector to enter upon any property or building or structure at all

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reasonable times for the purpose of making any inspection that is necessary for the administration or enforcement of this By-Law;

(b) Obtain, where applicable, from the appropriate authority, permits relating to building, zoning, water and sewage, plumbing, signs, street occupancy, electricity, highways and all other permits required in connection to the proposed work;

(c) Give at least two full working days notice to the Building Inspector of the intention to start work on the building site;

(d) Give one full working days notice to the Building Inspector prior to the placement of any foundation footings.

(e) Give one full working days notice to the Building Inspector where a foundation wall below land surface has been placed before any backfilling of the excavation has been carried out;

(f) Give two full working days notice to the Building Inspector for a pre-drywall inspection consisting of a structural, insulation and vapor barrier inspection;

(g) Give notice to the Building Inspector within 10 days of completion of the work described in the permit; and

(h) Not deviate from this By-Law or from the conditions of a permit or omit work that is required by this By-Law or other conditions of the permit.

13(2) Where tests of any materials are made to ensure conformity with the requirements of this By-Law, records of the test data shall be kept available for inspection during the construction of the building and for such a period thereafter as required by the Building Inspector.

13(3) The approval of plans or specifications, the issuing of a building permit or any inspections hereunder do not relieve a person of any duty or responsibility for carrying out works in accordance with this By-Law.

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SECTION 14: DOCUMENTS ON THE SITE

14(1) During the carrying out of any work authorized by a permit issued pursuant to this By-Law, the property owner and the permit holder, if different from property owner shall, on the property in respect of which the building permit was issued:

- (a)* Keep posted in a conspicuous place a copy of the Building Permit or a poster or placard in lieu thereof; and
- (b)* Keep a copy of any plans and specifications approved by the Building Inspector.

SECTION 15: DUTIES OF THE BUILDING INSPECTOR(S)

15(1) The Building Inspector shall:

- (a)* Administer and enforce this By-Law;
- (b)* Keep proper records of all applications received, permits and orders issued, inspections and tests made, and shall retain copies of all papers and documents connected with the administration of his/her duties; and
- (c)* Keep one copy of the Code available for public inspection.

SECTION 16: POWERS OF THE BUILDING INSPECTOR(S)

16(1) The Building Inspector may:

- (a)* Enter any property, building or premises at any reasonable time for the purpose of administering or enforcing this By-Law;
- (b)* Cause a written order to be served upon the owner of any property directing them to correct any condition that constitutes a contravention of this By-Law;
- (c)* Direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or that sufficient evidence or proof be submitted at the

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expense of the property owner, where such evidence or proof is necessary to determine whether the material, device, construction or foundation condition meet the requirements of this By-Law;

(d) Revoke or refuse to issue a permit, where in the opinion of the building inspector, the results of the tests referred to in subsection *16(1)(c)* are not satisfactory; and

(e) Revoke or refuse to issue a building permit where in the opinion of the Building Inspector the work does not conform with this By-Law and all other applicable By-Laws, and Acts and Regulations of the Province of New Brunswick.

16(1.1) When ever any work is being done in violation of the provisions of this By-Law or in variance with the terms of any permit issued for such work, the Building Inspector may order all work on the job stopped until such violation or variance is eliminated and any work or installation made in violation of this By-Law corrected, and on the making of such order the permit under which such work is purported to be done shall be suspended.

16(1.2) No work shall be done in violation of an order made pursuant to section *16(1.1)*, except as may be necessary to prevent injury or damage to persons or property and as approved by the Building Inspector.

16(1.3) If within 30 days of making of an order pursuant to section *16(1.1)* any such violation or variance is eliminated and any work or installation made in violation of this bylaw is corrected, the Building Inspector shall reinstate the permit provided, however, that if such violation or variance is not eliminated and such work or installation is not corrected within the set time, the Building Inspector shall revoke the permit.

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16(1.4) The holder of a revoked permit must apply for a new permit in the manner provided in this By-Law and must pay the fees required for the issuance of such new permit.

SECTION 17: FEES

17(1) No permit shall be issued hereunder until the applicable fees set out in this By-Law have been paid to the Village.

17(2) (a) Applicable fees shall be as follows:

Whereas the total estimated cost of the work including both labor and materials is;

i) In an amount not exceeding \$1,000.00 - \$25.00

ii) In an amount exceeding \$1000.00 - \$50.00

iii) All buildings to be demolished, the permit fee shall be \$5.00

(b) When a building or structure has been started, in progress or completed prior to a building permit being issued, and is therefore in violation of this by-law appropriate action will be taken as stipulated in the by-law. If the building or structure is determined to meet all the required standards and regulations, a building permit may be issued provided the appropriate fee has been paid in full.

a) In an amount not exceeding \$1000.00 - \$100.00;

b) In an amount exceeding \$1000.00 - \$200.00;

c) All buildings to be demolished, the permit fee shall be \$25.00.

17(3) Where the Building Inspector has reason to believe and does believe that an estimate mentioned in subsection *17(2)* is unreasonable, he/she may refuse to issue a permit.

17(4) Unless waived by a building inspector, where an application for a permit is made and the work described therein involves a new foundation or construction or foundation extensions, a permit for such construction shall be issued on the condition that the construction of the building or

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addition shall not proceed beyond foundation stage unless the building inspector of the Village of McAdam has received and approved a Surveyor's Real Property Report.

- 17(5)* A Surveyor's Real Property Report, as mentioned in subsection *17(4)* shall show the distances from the outer walls of the foundation to the property boundary lines and the geodetic elevations at the top of the foundation walls, and shall be signed by a New Brunswick Land Surveyor or Professional Engineer before being received and considered by the building inspector of the Village Of McAdam. The Surveyor or Professional Engineer shall certify that the top of the foundation wall elevation(s) are consistent with the foundation wall elevation(s) as shown on the building permit plot plan to a tolerance of +/- 100 mm.
- 17(6)* Every person who applies for a permit to which subsection *17(4)* applies shall deposit the sum of \$500.00 with the Village in the form of cash, certified cheque or money order.
- 17(7)* The deposit of \$500.00 shall be forfeited if the applicant has not arranged for all inspections required by Village By-Laws to be carried out, or corrected all deficiencies identified by the Building Inspector, or if the Village has determined that activity by the applicant has resulted in damage to adjacent municipal infrastructure, as outlined in subsection *17(9)*.
- 17(8)* The deposit mentioned in *17(6)* or such portions as the Public Works Supervisor deems appropriate, shall be forfeited to the Village of McAdam if, after completion of the work, a determination is made that activity by the applicant has damaged the adjacent municipal infrastructure.

Damage to the adjacent municipal infrastructure includes but is not limited to damaged asphalt, cracked sidewalks, dented or destroyed road signs, cracked or broken water and sewer pipes, and damaged curb stops. If the cost of repairs exceeds the deposit, the additional cost shall be a debt owed to the Village Of McAdam by the permit holder and the property

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owner jointly and severally.

17(9) Notwithstanding the deposit mentioned in subsection *17(6)*, at the discretion of the Public Works Supervisor, a separate or larger deposit may be required to ensure protection of or repair damage to public infrastructure in relation to any particular building permit application.

SECTION 18: REPEAL AND TRANSITION

18(1) By-Law No.27, A Building By-Law and amendments thereto adopted on June 13, 1993 is hereby repealed.

18(2) The repeal of By-Law No.27, A Building By-Law of the Village Of McAdam, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

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READ FIRST TIME: _____

READ SECOND TIME: _____

**READ THIRD TIME
AND ENACTED:** _____

MAYOR FRANK CARROLL

CLERK ANN DONAHUE