

BY-LAW 61

BY-LAW 61 A BY-LAW RESPECTING BUILDING

The Council of the Village of McAdam, under authority vested in it by the Community Planning Act, R.S.N.B. (2017), and amendments thereto, hereby makes the following by-law:

Definitions

1 In this By-law

“accessory structure” means a structure located on the same lot as the main building, structure or main use to which it is accessory, the use of which is naturally or customarily incidental or complementary to the main use of the land, building or structure but does not include a structure designed for public congregation;

“Act” means the *Community Planning Act*;

“National Building Code of Canada” means version of the National Building Code of Canada referenced in the *National Building Code Designation Regulation – Metric Conversion Act*, reg. 90-128.

Purpose

2 The purpose of this By-law is

- (a) to prescribe standards for the building, locating or relocating, demolishing, altering or replacing of a building or structure, in the Village of McAdam
- (b) to prohibit the undertaking or continuing of work mentioned in paragraph (a) in violation of standards prescribed under paragraph (a),
- (c) to prescribe a system of development and building permits for work mentioned in paragraph (a), the terms and conditions under which development and building permits may be issued, suspended, reinstated and revoked, and
- (d) to prescribe fees for development and building permits.

Adoption of Code

3 With the exception of section 8, the remainder of *National Building Code of Canada 2010* sections are adopted by reference for the purposes of prescribing standards for the building, locating or relocating, demolishing, altering, structurally altering, repairing or replacing of a building or structure.

Exemption from Code

4 The following **accessory** buildings and structures are exempt from the application of the Code:

- (a) accessory structures not designed for overnight accommodation with a total floor area of less than 56 square metres (600 square feet),
- (b) a pre-manufactured structure, such as a modular home or mini-home, that has not been structurally altered since the time it was originally fabricated and evidence exists that it met CAN/CSA A277.

Prohibition

5 A person shall not undertake or continue the building, locating or relocating, demolishing, altering or replacing of a building or structure unless

- (a) subject to section 4, the building, locating or relocating, demolishing, altering or replacing of the building or structure conforms with the Code as adopted under section 3,
- (b) a development and building permit has been issued under this By-law,

Application for a development and building permit

6(1) A person seeking to obtain a development and building permit shall make application in writing to the development officer or building inspector, as the case may be, having jurisdiction in the area where the land involved is located and such application shall:

- (a) be made on a form provided by the Village of McAdam or the regional service commission, as the case may be;
- (b) be signed by the applicant;
- (c) describe the development or state the intended use of the building or structure, as the case may be;
- (d) unless waived by the development officer or building inspector, include copies in duplicate of the specifications and scale drawings of the development or the building or structure with respect to which the work is to be carried out, showing
 - (i) the dimensions of the development or building or structure,

- (ii) the proposed use of each room or floor area of the building or structure,
- (iii) the dimensions of the property on which the development or building or structure is, or is to be, situated,
- (iv) the grades of the streets and sewers abutting the land mentioned in subparagraph (iii), and
- (v) the position, height and horizontal dimensions of all buildings or structures on, and those proposed to be located on, the land referred to;
- (vi) set out a reasonable total estimated cost of the proposed work; and
- (vii) contain such other information as the development officer or building inspector may require for the purpose of determining compliance with this By-law.

6(2) Subject to subsection 14(3), a development and building permit shall be issued where

- (a) an application referred to in subsection (1) has been received, and
- (b) the proposed work conforms with this By-law.

6(3) A development and building permit shall be issued by either a development officer or a building inspector.

Conditions

7 A development and building permit shall be subject to the following terms and conditions:

- (a) the work mentioned in the development and building permit shall be commenced within six months from the date of issue of the development and building permit;
- (b) the work mentioned in the development and building permit shall not be discontinued or suspended for a period in excess of one year; and
- (c) the work mentioned in the development and building permit shall be carried out, unless otherwise approved by the development officer or building inspector, as the case may be, in compliance with the specifications contained in the application for the development and building permit.

Responsibility of permit holder

8(1) Where a development and building permit is issued, the person named in the development and building permit shall give to the building inspector

- (a)* at least forty-eight hours notice of his or her intention to start the work authorized by the development and building permit,
- (b)* notice of the placement of a foundation wall below the land surface at least twenty-four hours prior to any backfilling of the excavation,
- (c)* notice of the completion of the structural work at least twenty-four hours prior to the covering of any framing,
- (d)* notice of the completion of the work described in the development and building permit within ten days of such completion, and
- (e)* such other information as may be required under this By-law.

8(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 carrying out of the work authorized.

8(3) The approval of plans or specifications, the issuing of a development and building permit or any inspections under this By-law do not relieve a person of any duty or responsibility for carrying out works in accordance with this By-law.

Inspections

9 Where a permit has been issued building inspector shall inspect the building, locating or relocating, demolishing, altering, or replacing of a building or structure.

Documents on the site

10 During the carrying out of the work authorized by a development and building permit, the person named in the development and building permit shall keep posted in a conspicuous place on the property in respect of which the development and building permit was issued

- (a)* a copy of the development and building permit building permit or a poster or placard in lieu of the development and building permit, and
- (b)* a copy of any plans and specifications approved by the development officer or building inspector, as the case may be.

Tests

11(1) The building inspector may

(a) 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 if materials, devices, construction methods, cost estimates, structural assemblies or foundation conditions meet the requirements of this By-law, and

(b) revoke, suspend or refuse to issue a development and building permit where, in opinion of the building inspector, the results of the tests referred to in paragraph (a) do not meet the requirements of this By-law.

11(2) The building inspector shall reinstate the development and building permit when the materials, devices, construction methods, cost estimates, structural assemblies or foundation conditions meet the requirements of this By-law.

12 The building inspector shall keep proper records of all applications received, development and building permits issued and inspections and tests made and shall retain copies of all papers and documents connected with the administration of the duties of a building inspector.

Copy of Code

13 The building inspector shall keep one copy of the Code available for public use, inspection and examination.

Fees

14(1) The fee for a development and building permit for a building or structure to which the Code applies is \$25.00 plus \$5.00 for each one thousand dollars of the estimated construction cost of the building or structure.

14(2) The fee for a development and building permit for a building or structure which is exempted from the application of the Code under section 4 is \$50.00.

14(3) Where the development officer or the building inspector, as the case may be, is of the opinion that the estimated cost of construction of the building or accessory structure provided by an applicant is unreasonable, the development officer or building inspector may refuse to issue the development and building permit.

Repeal

15 The McAdam Building By-Law 58, and the and amendments thereto, are hereby repealed.

Read the first time this XXth day of March, A.D. 2020.

Read the second time this XXth day of March, A.D. 2020.

Read the third time this XXth day of April, A.D. 2020.

Ken Stannix, Mayor

Ann Donahue, Clerk

DRAFT

I, **Ann Donahue**, of the Village of McAdam, in the County of York and Province of New Brunswick, Village Clerk, DO SOLEMNLY DECLARE:

1. THAT I am the Village Clerk of the Village of McAdam, a municipal corporation, and have personal knowledge of the facts herein declared.
2. THAT the requirements of Section 62 of the *Community Planning Act* have been complied with in respect to By-law No. 61, being the Building By-law for the Village of McAdam.

AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act*.

DECLARED before me at the Village of McAdam, in the County of York and Province of New Brunswick, this XX day of April A.D. 2020.

COMMISSIONER OF OATHS

Ann Donahue, Clerk