

RURAL MUNICIPALITY OF RITCHOT

BY-LAW NO. 14-2024

Being a by-law for the regulation of construction in the Rural Municipality of Ritchot.

WHEREAS The Building and Mobiles Homes Act has adopted the Manitoba Building Code as the minimum construction standard for the Province of Manitoba;

AND WHEREAS Section 4 of The Building and Mobile Homes Act, C.C.S.M. c.B93 states the following:

Municipal responsibility

4 Notwithstanding anything to the contrary in any other Act of the Legislature, each municipality unless excluded under clause 2(2)(c) shall adopt and enforce any building construction code or building construction standard adopted, established or prescribed under section 3 for the province or the municipality or the part of the province in which the municipality is situated, and may make such by-laws as are necessary for those purposes.

AND WHEREAS subsection 239(1) of the Municipal Act, CCSM c.m.225 provides as follows:

Municipal inspections and enforcement

239(1) If this or any other Act or a by-law authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or the building or other structure to be entered to carry out the inspection, remedy, enforcement or action,

- (a) enter the land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the Act or by-law;
- (b) request that anything be produced to assist in the inspection, remedy, enforcement or action; and
- (c) make copies of anything related to the inspection, remedy, enforcement or action.

NOW THEREFORE the Council of the Rural Municipality of Ritchot, duly assembled, enacts as follows:

SECTION I Title

This by-law shall be cited as the Rural Municipality of Ritchot Building By-law.

SECTION 2 Scope & Definitions

2.1 Scope:

2.1.1 This by-law applies to the whole of the Rural Municipality of Ritchot.

2.1.2 This by-law applies to administration and enforcement in the design, construction, erection, placement and *occupancy* of new *buildings*, and the *alteration*. reconstruction, demolition, removal, relocation, *occupancy* and change in *occupancy* of existing *buildings* and any requirements that are necessary to correct *unsafe conditions* in existing *buildings*.

2.1.3 The requirements of the *Code* are hereby adopted and shall apply to all work falling within the scope and jurisdiction of this by-law.

- 2.1.4 Any construction or condition that lawfully existed before the effective date of this By-law need not conform to the requirements of this by-law if such construction or condition does not constitute an *unsafe condition* in the opinion of *The Authority*.

2.2 Definitions:

- 2.2.1. The words and terms in italics in this by-law shall have the meaning prescribed in subsection 2.2.3 herein, and if no definition is provided herein, they shall have the meanings as prescribed in the *Code*. Should a word or term be defined in both this by-law and the *Code*, then the definition set forth in this by-law shall govern.

- 2.2.2. Definitions of words and phrases used in this by-law that are not specifically defined in the *Code* or in this subsection shall have the meanings that are commonly assigned to them in the context in which they are used in these requirements, considering the specialized use of terms within the various trades and professions to which the terminology applies.

- 2.2.3 Words and terms in italics in this by-law shall have the following meanings:

"Alteration" means a change or modification to an existing *building, structure*, or use which unless otherwise provided for herein, does not increase the exterior dimensions with respect to height and area.

"Audit" means a random review of design or construction work by the *authority having jurisdiction* to ascertain compliance with the *Code* and this by-law.

"Authority Having Jurisdiction" herein called **"The Authority"** means the Rural Municipality of Ritchot and, where the context requires, such building inspector or other authority lawfully appointed by the Rural Municipality of Ritchot to administer and enforce the provisions of this by-law.

"Builder" means a *person* who contracts with an *owner* or their agent to undertake a project.

"Building" means any *structure* used or intended for supporting or sheltering any use or *occupancy*.

"Code" means the Manitoba Building Code as established, adopted and revised from time to time under Section 3 of the Buildings and Mobile Homes Act.

"Council" means the council of the Municipality of Ritchot.

"Designer" means the *person* responsible for the design.

"Engineer" means a licensed Professional Engineer operating in the Province of Manitoba.

"Farm Building" means any *building* or *structure* existing or erected on land used primarily for agricultural activities, but does not include dwellings or mobile homes.

"Inspection" means an official examination or review of construction to confirm compliance with standards and or the *Code*.

"Occupancy" means the use or intended use of a *building* or part thereof for the shelter or support of *persons*, animals or property.

"Occupancy Permit" means a permit issued after the final inspection.

"Owner" means any *person*, corporation or firm controlling the property under consideration.

"Permit" means written permission or written authorization from *The Authority* in respect to matters regulated by this by-law.

"Person" means and includes any individual, corporation partnership, firm, joint venture, syndicate, association or trust, and any other form of entity or organization.

"RTM" means ready to move houses or *buildings* constructed in one location and moved to a different location.

"Structure" means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground.

"Unsafe Condition" means any condition that could cause undue hazard to the life or health of any *person* authorized or expected to be on or about the premises.

"Zoning By-Law" means the current Zoning By-Law of *The Authority*, and as revised from time to time.

"Valuation" shall mean the total monetary worth of all construction or work, including all painting, papering, roofing, electrical work, plumbing, permanent or fixed equipment, including any permanent heating, elevator equipment or fire sprinkler equipment, and all labour, materials and other devices entering into and necessary to the prosecution of the work in its completed form. No portion of any *building* including, mechanical, electrical and plumbing work, shall be excluded from the *valuation* for a *permit*.

SECTION 3 General

3.1 Application:

This by-law applies to the design, construction, erection, placement of new *buildings and structures*, and the *alteration*, reconstruction, demolition, removal, relocation, *occupancy*, change of use and change in *occupancy* of existing *buildings*.

3.2 Limited Application to Existing Buildings:

3.2.1 When a *building* or any part of it is altered or repaired, the *Code* applies to the parts of the *building* altered or repaired except that where in the opinion of *The Authority*, the *alteration* will affect the degree of safety of the existing *building*, the existing *building* shall be improved as may be required by *The Authority*.

3.2.2 The number of stories of an existing *building* or *structure* shall not be increased unless the entire *building* or *structure* conforms to the requirement of the *Code*.

3.2.3 The requirements of this by-law apply where the whole or any part of a *building* is relocated either within or into the area of jurisdiction of *The Authority*.

3.2.4 When the whole or any part of a *building* is demolished, the requirements of this by-law apply to the work involved in the demolition and to the work required to any parts remaining after demolition to the extent that deficiencies occurring or remaining after demolition require correction.

3.2.5 When a *building* is damaged by fire, flood, earthquake or other cause, the *Code*, the requirements of this by-law and the appropriate regulations under

the Fire Prevention Act, and the Manitoba Fire Code, apply to the work necessary to reconstruct damaged portions of the *building*.

3.2.6 When an *unsafe condition* exists in or about a *building*, the *Code*, the requirements of this by-law and the appropriate regulations in the Fire Prevention Act, and the Manitoba Fire Code shall apply to the work necessary to correct the *unsafe condition*.

3.2.7 When the *occupancy* of a *building* or any part of it is changed, the requirements of this by-law apply to all parts of the *building* effected by the change.

3.3 Exemptions:

3.3.1 These requirements do not apply to:

- (a) sewage, water, electrical, telephone, rail or similar systems located on a street or a public transit right of way;
- (b) public utility towers or poles, television and radio or other communication aerials and towers, except for loads resulting from those located on or attached to *buildings*;
- (c) flood control and hydroelectric dams and *structures*.
- (d) mechanical or other equipment and appliances not regulated in this by-law;
- (e) accessory *buildings* not greater than 11 square meters (120sq.ft) in *building* area subject to the concurrence of *The Authority*; or
- (f) a *farm building* under 600 square meters, other than a *farm building* used as a residence, an attached garage or carport.

3.4 Prohibitions:

3.4.1. Any *person* who fails to comply with any order or notice issued by any *Authority Having Jurisdiction*, or who allows a violation of the requirements of this by-law or of the *Code* to occur or to continue, contravenes the provisions of this by-law.

3.4.2. No *person* shall undertake any work or authorize or allow work to proceed on a project for which a *permit* is required unless a valid *permit* exists for the work to be done.

3.4.3. No *person* shall deviate from the accepted plans and specifications forming part of the *permit*, or omit or fail to complete, prior to *occupancy*, work required by the said accepted plans and specifications, without first having obtained the acceptance of *The Authority* to allow such deviation except for minor changes to accepted plans and specifications which, when completed would not cause a violation of the *Code* or other by-laws.

3.4.4 Where an *occupancy permit* is required by Section 4.2.3. herein, no *person* shall occupy or allow the *occupancy* of any *building*, or part thereof, or change the *occupancy*, unless a *building permit* application has been completed, and until an *occupancy permit* has been issued by *The Authority*.

3.4.5 No *person* shall knowingly submit false or misleading information to *The Authority*, concerning any matter relating to this by-law.

3.4.6 No *person* shall excavate or undertake work on, over or under public property, or erect or place any construction or work or store any materials thereon without receiving prior approval in writing from the appropriate government authority.

- 3.4.7 No *person* shall allow the ground elevations or the property boundaries of a *building* lot to be changed so as to place a *building*, or part of it, in contravention of the requirements of this by-law, unless the *building*, or part of it, is so altered, after obtaining the necessary *permit*, such that no contravention will occur because of the change of the property boundary or grades.

3.5 Mobile Homes and RTM's

- 3.5.1 Mobile homes and *RTM's* shall comply with the requirements of the *Code*, and the *Building and Mobile Homes Act*.
- 3.5.2 *The Authority* may require any or all of the following in respect to a mobile home or *RTM* sought to be located within the area of jurisdiction of *The Authority*:
- (a) the submission of a complete set of plans and specifications;
 - (b) the seal of an *Engineer* in respect to all *building* components requiring professional certification;
 - (c) submission of copies of any or all *permits* taken out for the mobile home or *RTM* in the location of its construction together with a copy of any or all *inspection* reports; and/or
 - (d) such *inspections* or certifications as *The Authority* may deem necessary in order to ensure compliance with the *Code* and this by-law.

3.6 Minimum Building Requirements

- 3.6.1 Concrete slab foundations for wood frame detached accessory *buildings* with an area of less than 50 square meters (538sq.ft.) shall be placed on a minimum of 150mm (6in.) compacted aggregate base, shall not be less than 125mm (5in.) thick and complete with a 10M reinforcing steel grid placed 450mm o.c. (18in.). Concrete slabs for buildings with an area of 50 square meters (538sq.ft.) to 70 square meters (753sq.ft.) shall be placed on a minimum of 150mm (6in.) compacted aggregate base, shall be a minimum of 150mm (6in.) thick with a 10M reinforcing steel grid placed 400mm o.c. (16in.) and shall include a thickened edge of a minimum 300mm (12in.) by 300mm (12in.) reinforced with 2x15M horizontal bars top and bottom continuous around the perimeter. Concrete shall have a minimum strength of 20 Mpa (3000 psi) after 28 days and shall have air entrainment of 5 to 8 percent. For a building area greater than 70 square meters (753sq.ft.), the foundation shall be designed by an *Engineer*.
- 3.6.2 *Building* design and *structures* not included in the *Code* shall be reviewed and approved by an *Engineer*. These include, but are not limited to:
- steel frame buildings
 - pole/post frame buildings
 - canvas shelters
 - ground and roof mount solar panel systems
 - below ground swimming pools
- 3.6.3 *Farm buildings* not requiring a *building permit* are subject to a Development Permit as per the *Zoning By-Law*, and applicable fees as per the current Fees and Charges By-Law.

SECTION 4 Permits

4.1 Application:

4.1.1 Except as otherwise allowed by *The Authority*, every application for a *permit* shall be in the form prescribed by *The Authority* and shall:

- (a) identify and describe in detail the work and *occupancy* to be covered by the *permit* for which the application is made;
- (b) describe the land on which the work is to be done by a description that will readily identify and locate the *building* lot;
- (c) state the *valuation* of the proposed work and be subject to the required fee as established from time to time by the current Fees and Charges By-law of *The Authority*;
- (d) include those plans and specifications set out in Schedule A hereto (unless otherwise waived by *The Authority*), and show the *occupancy* of all parts of the *building*;
- (e) state the names, addresses and telephone numbers of the *owners*, architect, *Engineer*, or other *designer*, *builder*, *person* and any *inspection* or testing agency engaged to monitor the work or part of the work; and
- (f) include such additional information as may be required by *The Authority*.

4.1.2 When an application for a *permit* has not been completed in conformance with the requirements of *The Authority* within six months after the date of filing, the application shall (unless otherwise extended by *The Authority*) be deemed to have been abandoned, and can only be reinstated by re-filing.

4.1.3 A *permit* shall expire and the right of an *owner* under the *permit* shall end if:

- (a) the work authorized by the *permit* is not commenced within six months from the date of issue of the *permit* and actively carried out after that, or
- (b) the work authorized under the *permit* is suspended for six months unless otherwise extended by *The Authority*.

4.1.4 A permit that has expired under 4.1.3 shall not be subject to the refund of permit fees.

4.1.5 Any revision to the original application described in article 4.1.1 shall be made in the same manner as for the original *permit*, or as may be required by *The Authority*.

4.1.6 Applications for *permits* may be filed, and *permits* may be issued to an *owner*, or to a *builder* or other properly authorized agent of the *owner* in a format acceptable to *The Authority*.

4.2 Permits:

4.2.1 Building Permits:

4.2.1.1 Except as permitted in Article 4.2.1.2 herein, unless a *building permit* has first been obtained from *The Authority*, no *person* shall commence or cause to be commenced:

- (a) the location, placement, erection or construction of any *building*, *structure* or portion thereof;
- (b) the addition, extension, improvement, *alteration* or conversion of any *building* or *structure*, or portion thereof;
- (c) the repair, rehabilitation, or renovation of any *building* or *structure*, or portion thereof;
- (d) underpinning of foundations;

- (e) the relocation or removal of any *building* or *structure*, or portion thereof;
- (f) the excavation of any land for any purpose of erecting or locating on or above it, any *building* or *structure*;
- (g) the installation, construction, renewal, *alteration* or extension of a mechanical system;
- (h) the installation, construction, *alteration* or extension of a spray paint operation, spray painting booth, dip tank or other special process;
- (i) the *alteration*, addition, erection or re-erection of signs as specified in the *Zoning By-Law*;
- (j) the installation of an above ground, or below ground swimming pool capable of containing 600mm(2ft.) or more depth of water;
- (k) the installation of roof mount or ground anchored solar panel systems.
- (l) installation of a wood burning appliance; or
- (m) the change of use or change of *occupancy* of any *building*, or part thereof.

4.2.1.2 A *building permit* is not required for:

- (a) patching, painting or decorating;
- (b) replacement of stucco, siding or shingles with the same material;
- (c) replacement of doors or windows when the opening is not altered;
- (d) replacement of landings and stairs if the opening is not altered;
- (e) construction of fences;
- (f) installation of cabinets and shelves;
- (g) a detached accessory storage *building* not greater than 11 square meters (120sq.ft.) in building area subject to the concurrence of *The Authority*; or
- (h) non-structural *alterations* or repairs where the value of such work is less than five thousand dollars (\$5,000.00).

4.2.1.3 Notwithstanding that a *building permit* is not required for the work described in Article 4.2.1.2., such work shall comply with the *Code* and the provisions of this or other applicable by-laws and the work shall not place the *building* or *structure* in contravention or further contravention of the *Code*, or this or any other by-law.

4.2.1.4 Before the issuance of a *building permit* for cases described in Subsection 5.1.22(1), the *owner* shall, unless *The Authority* waives such requirement, submit applicable Letters of Assurance in the forms prescribed by *The Authority*, which:

- (a) confirm that the *owner* has retained the necessary architects or *Engineers* for all the applicable disciplines, for professional design and *inspection*; and,
- (b) incorporate the architects' or *Engineer's* assurance of professional design and commitment for *inspection*.

4.2.1.5 Before the issuance of a *building permit* for a commercial *building*, any property that is being newly developed for a new *building* or any existing developed property that is being expanded, added to, or reconfigured for a *building* expansion, will be required, as part of the *building permit* requirements, to submit an engineering lot grading plan indicating geodetic *building* elevations, lot elevations, typical drainage patterns, parking lot elevations, and approach elevations to show that artificially collected and/or surface drainage will not adversely affect adjacent properties.

4.2.1.6 Where an application is made for the relocation of a *building* from a site outside the Municipality:

- (a) the application shall include a structural assessment report from an *Engineer*;
- (b) may be subject to a site inspection by *The Authority* prior to its relocation;
- (c) may be subject to conditions set by *The Authority*; and
- (d) shall be subject to *Council* approval.

4.2.2. Plumbing Permits:

4.2.2.1 Except as provided in sentence 4.2.2.2., no *person* shall construct, extend, alter, renew or repair or make a connection to a plumbing system unless a *permit* to do so has been obtained.

4.2.2.2 A plumbing *permit* is not required when a valve, faucet, fixture or service water heater is repaired or replaced, a stoppage cleared or a leak repaired, if no change to the piping is required.

4.2.2.3 When required by *The Authority*, the application shall also be accompanied by a plan that shows:

- (a) the location and size of every *building* drain, and of every trap and clean out fitting that is on a *building* drain;
- (b) the size and location of every soil or waste pipe, trap and vent pipe; and,
- (c) a layout of the potable water distribution system including pipe sizes and valves.

4.2.2.4. Service connections to the Municipal water and/or sewer system must be done by a qualified contractor, and the work must be inspected by the Authority.

4.2.3. Occupancy Permits:

Except as otherwise permitted herein, no *person* shall occupy, use or *permit* the *occupancy*, use or change the *occupancy* or use of any *building* or part thereof, for which an *occupancy permit* is required hereunder.

4.2.3.1 An *Occupancy Permit* is required from *The Authority* for:

- (a) the *occupancy* of any new *building* or *structure* or portion thereof except a single- family dwelling, a two-family dwelling or a multi-family dwelling without shared exit facilities;
- (b) the *occupancy* of any existing *building* or *structure* where an *alteration* is made thereto, except a single-family dwelling, a two-family dwelling or a multi-family dwelling without shared exit facilities;
- (c) a change from one Major *Occupancy* group to another or a change from one division to another within a Major *Occupancy* group in any existing *building* or *structure*, or part thereof;
- (d) a change from one use to another within the same division in a Major *Occupancy* group;
- (e) a change or addition of an *occupancy* classification of a suite in a *building*; and
- (f) a change from a use not previously authorized to a new use.

4.2.3.2 Before the issuance of an *occupancy permit*, the *owner* shall, unless *The Authority* waives such requirement, submit the applicable Letters of Certification in the form prescribed by *The Authority*, as attached hereto, confirming that the construction of the *building*, work or project conforms with the plans, specifications and related documents for which the *building permit* was issued.

4.2.3.3 *The Authority* may approve clearance for the issuance of an interim *occupancy permit*, being a permit allowing the partial occupancy of a building or structure, provided that such occupancy will not jeopardize life or property.

4.2.3.4 No change shall be made in the type of *occupancy* or use of any *building* or *structure*, which would place the *building* or *structure* in a different *occupancy* group, or divisions within a group, unless such *building* or *structure* is made to comply with the requirements of the *Code* for that *occupancy* group, or division within a group.

4.2.3.5 *The Authority* may issue a temporary *occupancy permit* for the use of a *building* or *structure* approved as a temporary *building* or *structure*.

4.2.3.6 A temporary *occupancy permit* shall be for a period not more than nine (9) months, but before the expiration of such period, the temporary *occupancy permit* may be renewed by *The Authority* for one successive nine-month period.

4.2.3.7 Notwithstanding apparent compliance with this by-law, *The Authority* may refuse to issue an *occupancy permit* if the *building*, *structure* or proposed use is to *The Authority's* knowledge in violation of the *Zoning By-Law*, the *Code* or any other by-law of *The Authority*.

4.2.3.8 An applicant for an *occupancy permit* shall supply all information requested by *The Authority* to show compliance with the by-law, the *Code*, and any other relevant by-laws of *The Authority*.

4.2.3.9 The required *occupancy permit* shall be displayed and maintained in a legible condition by the *owner* or his agent in a location acceptable to *The Authority*.

4.2.4 **Occupant Load**

4.2.4.1 Notwithstanding anything elsewhere contained in the *Code*, for each assembly room in a building or structure classified as a Group A Occupancy:

- (a) any change under the original permit under Group A Occupancy requires permission in writing granted by *The Authority*;
- (b) the Owner of the building or structure shall be responsible for keeping the actual occupant load within the allowable limits; and
- (c) the Owner of the building or structure shall display the Occupancy load place card in a location approval by *The Authority*.

4.2.5. **Demolition Permits:**

4.2.4.1 No *person* shall commence or cause to be commenced the demolition of any *building* or *structure*, or portion thereof, unless a demolition *permit* has first been obtained from *The Authority*.

4.2.4.2 The demolition of a *building* or *structure* shall be subject to the requirements of the *Code* and *The Authority*.

4.2.6 **General:**

4.2.5.1 No *permit* shall be assigned or transferred without the approval of *The Authority*.

SECTION 5 Duties, Responsibilities & Powers

5.1. Duties and Responsibilities of the Owner:

- 5.1.1 Every *owner* shall allow *The Authority* to enter any *building* or premises at any reasonable time for the purpose of administering and enforcing the requirements of this by-law.
- 5.1.2 Every *owner* shall obtain all *permits* or approvals required in connection with proposed work, prior to commencing the work to which they relate.
- 5.1.3 *Permits* for the construction, relocation, additions, or *alterations* to *buildings* or *structures*, will be subject to a deposit fee as set out in the Fees and Charges By-Law to ensure that to the satisfaction of *The Authority*:
 - (a) proper lot grades have been established;
 - (b) access is installed to Municipal specifications;
 - (c) curb stops are in good working order; and,
 - (d) all necessary *inspections* are completed and passed.
- 5.1.4 The aforementioned deposit shall be refunded in full to the payer of the deposit upon satisfactory completion and inspection of:
 - (a) final lot grading and landscaping within designated urban areas;
 - (b) Municipal infrastructures such as curbs, streets, sidewalks, curb stops etc;
 - (c) the building complies with the *Code*, elevations, and *permit* conditions; and,
 - (d) all necessary *inspections* are completed and passed.
- 5.1.5 The deposit shall be forfeited when:
 - (a) any *inspections* deemed required during the construction have been neglected, or left incomplete by the *owner* or *builder*;
 - (b) when a final *inspection* has failed by the Authority, and the *owner* or *builder* neglect deficiencies to be corrected;
 - (c) construction is not completed within 36 months from the issuance of the *permit*, including final grading and landscaping; and/or
 - (d) a *building* is occupied prior to *inspection* and *occupancy* approval.
- 5.1.6 It is the responsibility of the *owner* and/or builder to ensure all required *inspections* are scheduled with *The Authority* and completed at the appropriate intervals as identified by *The Authority*.
- 5.1.7 *The Authority* may deduct amounts from the deposit for any re-inspections at the rate specified in the fees by-law.
- 5.1.8 The reduction or forfeiture of a deposit may be appealed in writing within thirty days from the time of notification, to Council or designated sub-committee as per Section 6 of this by-law.
- 5.1.9 Every *owner* shall:
 - (a) ensure that the plans and specifications on which the issue of any *permit* was based are available continuously at site of the work for *audit* or *inspection* during working hours by *The Authority*, and that the *permit*, or true copy thereof, is posted conspicuously on the site during the entire execution of the work, and
 - (b) keep visible at all times during construction the street number of the premises in figures at least 6 inches (150mm) high and visible from the street or sidewalk.

- 5.1.10 Every *owner* shall give notice, if requested, to *The Authority* of dates on which he intends to begin work prior to commencing work on the building site.
- 5.1.11 Every *owner* shall give notice, if requested, to *The Authority* prior to commencing the work listing:
- (a) the name, address and telephone number of:
 - (i) the *builder* or other person in charge of the work;
 - (ii) the *designer* of the work;
 - (iii) the *person* reviewing the work; and
 - (iv) any *inspection* or testing agency engaged to monitor the work or part of the work.
 - (b) any change in or termination or employment of such persons during the course of the construction immediately that such change or termination occurs.
- 5.1.12 Every *owner* shall give notice in writing to *The Authority*:
- (a) immediately upon any change in ownership or change in the address of the *owner* occurs prior to the issuance of an *occupancy permit*;
 - (b) prior to occupying any portion of the *building* if it is to be occupied in stages; and
 - (c) of any such other notice as may be required by *The Authority*.
- 5.1.13 Every *owner* shall give such other notice to *The Authority* as may be required by the provisions of the *Code* or this by-law.
- 5.1.14 Every *owner* shall make, or have made at his own expense, the tests or *inspections* necessary to prove compliance with these requirements and shall promptly provide a copy of all such test or *inspection* reports to *The Authority* when and as required by *The Authority*.
- 5.1.15 Every *owner* shall provide an up-to-date survey of the *building* site when and as required by *The Authority*.
- 5.1.16 When required by *The Authority*, every *owner* shall uncover and re-cover at his own expense any work that has been covered contrary to an order issued by *The Authority*.
- 5.1.17 Every *owner* is responsible for the cost of repair of any damage to Municipal property or works located thereon that may occur as a result of undertaking work for which a *building permit* was or was not required. Such costs shall be deducted from the *permit* deposit with any additional costs over and above the deposit amount to be collected by way of taxes against the property.
- 5.1.18 Except in one and two family dwellings and their accessory *buildings*, every *owner* shall, where required, obtain an *occupancy permit* from *The Authority* before any:
- (a) *occupancy* of a *building* or part of it after construction, partial demolition or major *alteration* of that *building*; or
 - (b) change in the *occupancy* of any *building* or part of it.
- 5.1.19 Every *owner* shall require an *occupancy inspection* to be done of a single or multi family dwelling by *The Authority* prior to the *occupancy* of such *building* or *structure* and shall not occupy such *building* or *structure* prior to the completion of any necessary work required by *The Authority*, and an *occupancy* approval document has been provided to the *owner* and/or *builder* by *The Authority*.

- 5.1.20 The granting of a *permit* by *The Authority* shall not in any way relieve the *owner* of a *building* from full responsibility for carrying out the work or having it carried out in accordance with these requirements, including ensuring that the *occupancy* of the *building*, or any part of it, is in accordance with the terms of the *permit*.
- 5.1.21 When a *building* or part of it is in an *unsafe condition*, the *owner* shall immediately take all necessary action to put the *building* in a safe condition.
- 5.1.22 (1) Every *owner* who undertakes to construct or have constructed a *building* which:
- (a) has structural components falling within the scope of Part 4 of the *Code*,
 - (b) has structural components specifically requiring an *Engineer* design in accordance with the *Code*; or
 - (c) requires the use of fire-walls according to the *Code*;
- shall ensure that an architect, *Engineer* or both are retained to undertake professional design and *inspection* in accordance with the *Code*.
- (2) Professional design and inspection referred to in sentence 5.1.22(1) requires that an architect, *Engineer* or both be responsible:
- (a) for the design and that all appropriate plans, specifications and related documents meet the requirements of the *Code*. and the requirements of applicable acts, regulations and by-laws, and bear the seal or stamp of the registered professional, and
 - (b) for *inspection* of construction to ensure compliance with the design and the requirements of applicable acts, regulations and by-laws.
- (3) If the engagement of an *architect* or *Engineer* pursuant to Sentences 5.1.22(1) and (2) is terminated during the construction period, work shall be discontinued until a replacement has been appointed and approved by the *Authority Having Jurisdiction*.
- (4) The requirements of Sentences 5.1.22(1), (2), and (3) shall apply to a change in *occupancy*, an *alteration*, addition, reconstruction or the relocation of a *building* where and as required by *The Authority*.
- 5.1.23 Where the dimensions of a structural component are not provided in Part 9 of the *Code* for use in a *building* within the scope of that part, and such dimensions are to be determined on the basis of calculation, testing or other means of evaluation, the *owner* shall retain the services of an *architect* or *Engineer*.
- 5.1.24 Every *owner* who undertakes to construct, alter, reconstruct, demolish, remove or relocate a *building* shall provide supervision and coordination of all work and trades.
- 5.1.25 Every *owner* shall ensure that all materials, systems, equipment, and the like used in the construction, *alteration*, reconstruction or renovation of a *building* meet the requirements of applicable acts, regulations and by-laws for the work undertaken.
- 5.1.26 It shall be the *owner's* and/or *builder's* responsibility for waste management of construction debris and its removal from the site.

5.2 Duties and Responsibilities of the Builder:

- 5.2.1 Every *builder* shall ensure that all construction safety requirements of the *Code* and the Manitoba Workplace Safety and Health Regulations are complied with.
- 5.2.2 Every *builder* is responsible for ensuring that no excavation or other work is undertaken on public property, and that no *building* is erected or materials stored in whole or in part thereon without approval first having been obtained in writing from *The Authority*.
- 5.2.3 Every *builder* shall be responsible for all costs including legal costs incurred by *The Authority* seeking to enforce any requirements of the applicable acts, regulations and by-laws for the work undertaken and such costs shall be added to the property taxes of the *owner* to be due and payable in the same manner as ordinary taxes on the property.
- 5.2.4 Every *builder* is responsible jointly and severally with the *owner* for work undertaken.

5.3 Duties & Responsibilities of Authority Having Jurisdiction:

- 5.3.1 *The Authority* shall administer this by-law and shall have the powers of enforcement more particularly set out in Article 5.5 herein.
- 5.3.2 *The Authority* shall keep copies of all applications received, *permits* and orders issued, *inspections* and tests made, and of all papers and documents connected with the administration of the *Code* and this by-law for such time as required by the provisions of the Municipal Act
- 5.3.3 Where *The Authority* seeks to enforce any of the powers set out in Article 5.5.2 herein, *The Authority* shall issue in writing such notices or orders as may be necessary to inform the *owner* of the contravention of the *Code* or this by-law.
- 5.3.4 *The Authority* shall provide, when requested to do so, all reasons for refusal to grant a *permit*.

5.4 Duties and Responsibilities of the Designer:

- 5.4.1 When a *designer* is retained, the *designer* shall ensure that the design of the *building* conforms to the *Code*.
- 5.4.2 When an *Engineer* or architect are required by the *Code* or the requirements of this by-law, they shall do *inspections* to ensure that the construction conforms to the design and the *Code*.
- 5.4.3 Every *designer* is required to submit to *The Authority*:
 - (a) all information needed for review of the design;
 - (b) any changes to the design for which a permit has or may be issued;
 - (c) copies of all *inspection* reports for *inspections* done by the *designer* and others, and
 - (d) any other documentation or certification required by *The Authority*.
- 5.4.4 Every *designer* shall ensure that all materials, systems, equipment or related matter specified for the construction, *alteration*, reconstruction or renovation of a *building* meet the requirements of the *Code* and the requirements of applicable Acts, regulations and by-laws for the work to be undertaken.

- 5.4.5 If the responsible architect and/or *Engineer* withdraws from the project, he/she shall immediately advise *The Authority*.
- 5.4.6 Prior to the issuance of an *occupancy permit*, the responsible architect and/or *Engineer* shall, where required by *The Authority*, submit a Letter of Certification in the forms prescribed by *The Authority*.
- 5.4.7 The responsible architect and/or *Engineer* shall sign, date and seal all of the documents referred to in this article.

5.5 Powers of *The Authority*:

- 5.5.1 *The Authority* may enter any *building* or premises at any reasonable time to *audit* for compliance with the *Code* or the requirements of this by-law, or to determine if an *unsafe condition* exists.
- 5.5.2 *The Authority* is empowered to issue orders for:
 - (a) an *owner* or authorized agent to hold at specific stages of construction in order to facilitate an *audit* or *inspection*;
 - (b) a *person* who contravenes these requirements to comply with them within the time period that may be specified;
 - (c) work to stop on the *building* or any part of it if such work is proceeding in contravention of these requirements, or if there is deemed to be an *unsafe condition*;
 - (d) the removal of any unauthorized encroachment on public property;
 - (e) the removal of any *building* or part of it constructed in contravention of these requirements;
 - (f) the cessation of any *occupancy* in contravention of these requirements;
 - (g) the cessation of any *occupancy* if any *unsafe condition* exists because of work being undertaken or not completed, and
 - (h) correction of any *unsafe condition*.
- 5.5.3 *The Authority* may direct that tests of materials, equipment, 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, equipment, device, construction or foundation condition meets these requirements.
- 5.5.4 *The Authority*, may require an *owner* to submit, in addition to the information required in Article 4.1.1, a staking certificate and site plan, prepared by a registered land surveyor, architect or *Engineer*, as is appropriate to the work, and which shall contain sufficient information regarding the site and the location of any *building*;
 - (a) to establish before construction begins that all the requirements related to this information will be complied with;
 - (b) to verify that, upon completion of the work, all such requirements have been complied with.
- 5.5.5 *The Authority* may ask for any other documentation or tests deemed necessary at the expense of the *owner*.
- 5.5.6 Notwithstanding any other provisions herein, wherein the opinion of *The Authority* the site conditions, the size or complexity of a *building*, part of a *building* or *building* component warrant, or for any other reason, *The Authority* may require that the *owner* have the following done at his/her expense:
 - (a) the appropriate plans, specifications and related documents be reviewed by and bear the seal or stamp of an architect or *Engineer*, and

- (b) the work be inspected during construction by the architect or *Engineer* responsible for the work.
- 5.5.7 *The Authority* may issue a partial *building permit* with conditions, at the risk of the *owner*, with the necessary conditions to ensure compliance with these requirements and any other applicable regulations, to excavate or to construct a portion of a *building* before all the plans of the project have been submitted to *The Authority*.
- 5.5.8 *The Authority* may refuse to issue any *permit*:
- (a) whenever information submitted is inadequate to determine compliance with the provisions of these requirements,
 - (b) whenever incorrect information is found to have been submitted,
 - (c) that would authorize any *building* work or occupancy that would not be permitted by these requirements, or
 - (d) that would be prohibited by any other Act, regulation or by-law.
- 5.5.9 *The Authority* may revoke a *permit* by written notice to the *permit* holder if:
- (a) there is contravention of any condition under which the *permit* was issued,
 - (b) the *permit* was issued in error,
 - (c) the *permit* was issued on the basis of incorrect information, or
 - (d) the work is being done contrary to the terms of the *permit*.
- 5.5.10 *The Authority* may place a *valuation* on the cost of the work for the purpose of reporting. Such *valuation* shall take precedence over any *valuation* provided by the *owner*.
- 5.5.11 *The Authority* may issue an *occupancy permit*, subject to compliance with provisions to safeguard *persons* in or about the premises, to allow the *occupancy* of a *building* or part of it for the accepted use, before commencement or completion of the construction or demolition work.
- 5.5.12 When any *building*, construction or excavation or part of it is in an *unsafe condition*, as a result of being open or unguarded, or because of danger from fire or risk of accident because of its ruinous or dilapidated state, faulty construction, abandonment or other, and when due notice to correct such condition has not been complied with, *The Authority* may:
- (a) demolish, remove or make safe such *building*, construction excavation or part of it at the expense of the *owner* and may recover such expense in like manner as municipal taxes, and
 - (b) take such other measures as ~~he~~ may be considered necessary to protect the public.
- 5.5.13 Notwithstanding any other provisions herein, when in the opinion of *The Authority*, immediate measures need to be taken to avoid an imminent danger, *The Authority* may take such action as is appropriate, without notice and at the expense of the *owner*.
- 5.5.14 *The Authority* may withhold issuing an *occupancy permit* on completion of the *building* or part of the *building*, until the *owner* has provided letters to certify compliance with the Code, these requirements and the requirements of applicable Acts, regulations or by-laws.
- 5.5.15 *The Authority* may issue to the *owner* an order or notice in writing to correct any *unsafe conditions* observed in any *building*.

SECTION 6 Appeal

- 6.1 Any person aggrieved by any decision or order of *The Authority* as to the issuance of *permits*, the prevention of construction or *occupancy* of *buildings*, the demolition or removal of *buildings*, or *structures*, or any other matter herein may, within thirty (30) days from the date of the decision, appeal to the *Council*. All decisions or orders remain in effect during the appeal process.
- 6.2 *Council* may hear the appeal as a committee of the whole or by subcommittee especially established for this purpose.
- 6.3 Upon the hearing of an appeal, the *Council* may:
- (a) uphold, rescind, suspend or modify any decision or order given by *The Authority*;
 - (b) extend the time within which compliance with the decision or order shall be made; or
 - (c) make such other decision or order as in the circumstances of each case it deems just.
- 6.4 The decision or order of the *Council* upon being communicated to the appellant, shall stand in place of the decision or order against which appeal is made, and any failure to comply with the decision or order is an offense.

SECTION 7 Valuation

7.1 The *Authority Having Jurisdiction* may place a *valuation* on the cost of the work for the purpose of determining what *permit* fees are applicable.

7.2 The *valuation* to be shown of an application for a *building permit* shall mean the total monetary worth of all construction work, including all painting, papering, roofing, electrical and mechanical work, plumbing, permanent or fixed heating equipment, elevator equipment, fire sprinkler equipment, and any permanent equipment and all labour, materials and other devices entering into and necessary to the prosecution of the work in its completed form. No portion of any *building* including mechanical, electrical and plumbing work, shall be excluded from the *valuation* of the *building permit* because of any other *permits* required by any governing By-law, regulation or agency.

7.3 Notwithstanding the provisions of Sentence 7.2 above, the *valuation* for a *building permit* in the case of a removal or relocation, shall include the cost to move the *building*, excavation at the new site, cleaning and leaving the former site in the condition specified in this by-law or in the *Code*, and *alterations* or repairs to the *building*.

7.4 In the case of the erection, *alteration* or enlargement of any sign or encroachment, the *valuation* shall reflect the cost of any contract for the prosecution of the work with all contractors which shall include all labour costs, materials, and devices necessary to complete the work.

7.5 The determination of value or *valuation* shall be made by the *Authority Having Jurisdiction* and shall be the reproduction cost without depreciation and without regard to any loss occasioned from fire, used material, or other causes.

7.6 Every *owner*, architect, *engineer*, contractor or *builder*, having contracted for or having performed or supervised any work of construction, *alteration* or repairs on any land, or the agent of such person, shall give in writing over his signature when requested by the *Authority Having Jurisdiction* all the information in his power with respect to the cost of the work.

7.7 The *Authority Having Jurisdiction* may issue an *occupancy permit*, subject to the compliance with provisions to safeguard persons in or about the premises, to allow the

occupancy of the *building* or a part thereof for the approved use, prior to commencement or completion of the construction or demolition work.

SECTION 8 Offenses and Penalties

- 8.1 Any *person* who contravenes or disobeys, or refuses or neglects to obey
- (a) any provision of the *Code* or this by-law or any provision of any other by-law that, by this by-law, is made applicable; or
 - (b) any order or decision of the *Council* under Article 6 herein;

for which no other penalty is herein provided is guilty of any offence and liable, on summary conviction, to a fine not exceeding five thousand dollars (\$5,000.00), or in the case of an individual, to imprisonment for a term not exceeding six months or to both such fine and such an imprisonment

- 8.2 Where a corporation commits an offence against the *Code* or this by-law, each Director or Officer of the corporation who authorized, consented to, connived at, or permitted or acquiesced in, the doing of the act that constitutes the offence, is likewise guilty of the offence and liable, on summary conviction, to a fine not exceeding ten thousand dollars(\$10,000.00).
- 8.3 Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the *person* is guilty of a separate offence for each and every day that it continues.

SECTION 9 Repeal

- 9.1 By-law No. 15-2020 is hereby repealed.
- 9.2 The repeal of the by-law in the last preceding section mentioned shall not revive any by-law or any provision of any by-law repealed by them, nor shall the said repeal prevent the effect of any saving clause in the said by-law or the application of any of the said by-law or any other by-law or provision of law formerly in force to any transaction matter or thing anterior to the said repeal to which they would otherwise apply.
- 9.3 And the repeal of the said by-law should not affect:
- (a) any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal;
 - (b) any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever, respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal;
 - (c) any act, deed, right, title, interest, grant, assurance, registry, rule, regulation, contract, lien, charge, matter or thing had, done, made, acquired, established or existing at the time of such repeal;
 - (d) any office, appointment, commission, salary, allowance, security, duty or any matter or thing appertaining thereto at the time of such repeal
 - (e) any bond, note, debenture, debt, or other obligation made, executed, or entered into by the Corporation at the time of such repeal;
 - (f) shall and such repeal defeat, disturb, invalidate, or prejudicially affect any other matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.

DONE and PASSED as a by-law of the Municipality of Ritchot in the Province of Manitoba this 18th day of December, 2024.

Chris Ewen – Mayor

Mitch Duval – Chief Administrative Officer

Read a first time this 3rd day of December, 2024

Read a second time this 18th day of December, 2024

Read a third time and passed this 18th day of December, 2024

SCHEDULE "A"

By-Law No. 14-2024

List of Plans or Working Drawings to accompany applications for permits

- 1) Surveyed Site Plan and Staking Certificate
- 2) Floor Plans
- 3) Foundation Plans
- 4) Framing Plans
- 5) Roof Plans
- 6) Reflected Ceiling Plans
- 7) Sections and Details
- 8) Building Elevations
- 9) Heating, Ventilation and Air Conditioning Drawings
- 10) Plumbing Drawings
- 11) Lot Grading Plans
- 12) Other documentation required by the Authority