

RURAL MUNICIPALITY OF PIPESTONE

BUILDING BY-LAW NO. 2008/06

SECTION 1

Title

- 1.1 This by-law may be cited as the R.M. of Pipestone Building By-law.

SECTION 2

Scope & Definitions

2.1 *Scope:*

- 2.1.1 This by-law applies to the whole of the R.M. of Pipestone.

- 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, and any requirements that are necessary to correct unsafe conditions in existing buildings.

- 2.1.3. The requirements of the Manitoba Plumbing And Building Codes are hereby adopted and shall apply to all work falling within the scope and jurisdiction of this by-law.

2.2 *Limited Application to Existing Buildings:*

- 2.2.1 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 in the opinion of the authority having jurisdiction, the alteration will affect the degree of safety of the existing building. Then the existing building shall be improved as may be required by the authority having jurisdiction.

- 2.2.2 The number of stories of an existing building or structure shall not be increased unless the entire building or structure conforms with the requirements of the Code.

- 2.2.3 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 the authority having jurisdiction.

- 2.2.4 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 be done to parts remaining after demolition.

- 2.2.5 When a building is damaged by fire, 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.

2.2.6 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.

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

2.3 Exemptions:

2.3.1 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 hydro electric dams and structures.
- (d) mechanical or other equipment and appliances not regulated in this by-law.
- (e) accessory buildings not greater than 10 square meters (100sqft) in building area subject to the concurrence of the authority having jurisdiction.
- (f) a farm building, other than a farm building used as a residence, an attached garage or carport.

2.4 Definitions:

2.4.1 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.

"*Aud*" means an on review of design or construction work by the authority having jurisdiction to ascertain compliance with the Code and this by-law

"*Building*"

"*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 municipal council of the R.M. of Pipestone.

"*Permit*" means written permission or written authorization from the authority having jurisdiction 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 being houses or buildings constructed in one location and intended to be moved to a different location
- "Valuation"** means the total monetary worth of all construction or work. Including all painting, papering, roofing, electrical work, plumbing, permanent or fixed equipment, and any permanent heating, elevator equipment, or fire sprinkler equipment, and all labour, materials and other devices entering into and necessary to 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 Prohibitions:

- 3.1.1.** No person shall undertake any work or authorize or allow work to proceed on a project for which a permit is required without a valid permit for the work.
- 3.1.2.** 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.
- 3.1.3.** No person shall deviate from the accepted plans and specifications forming part of the permit, unless having first obtained acceptance from the authority having jurisdiction, to allow such deviation. This requirement dose not apply to minor changes of the accepted plans and specifications, that when completed would not cause a violation of the Code or other by-laws.
- 3.1.4** 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 and until an occupancy permit has been issued by authority having jurisdiction.
- 3.1.5** No person shall knowingly submit false or misleading information to the authority having jurisdiction concerning any matter relating to this by-law.
- 3.1.6** 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 authority.

3.2 *Mobile Homes, Modular Homes and RTM's*

3.2.1 Mobile Homes, Modular Homes and/or RTM's shall comply with the requirements of the Code.

3.2.2. The authority having jurisdiction may require any or all of the following in respect to a Mobile Home, Modular Home or RTM sought to be located within the area of jurisdiction of the authority having jurisdiction:

- (a) the submission of a complete set of plans and specifications;
- (b) 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;
- (d) such inspections or certifications as the authority having jurisdiction may deem necessary in order to ensure compliance with the Code and this by-law.

SECTION 4

Permits

4.1 *Application:*

4.1.1 Except as otherwise allowed by the authority having jurisdiction, every application for a permit shall be in the form prescribed by the authority having jurisdiction 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 accompanied by the required fee as set out on Schedule A hereto; and,
- (d) state the names, addresses and telephone numbers of the owners, architect, professional engineer or other designer, constructor and any other contact information that may be required by the authority having jurisdiction.
- (e) include a diagram illustrating the final site grade and proposed drainage of the site, unless deemed unnecessary by the authority having jurisdiction. The site grade and proposed drainage system for all principle buildings and structures shall be approved by the authority having jurisdiction prior to the start of construction.
- (f) Include the appropriate fee as set by the Planning District.

- (g) include any such additional information as maybe required by the authority having jurisdiction

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

4.1.3. Any revision to the original application described in article 4.1.1 shall be made in writing and submitted to the authority having jurisdiction for approval.

4.1.4. Applications for permits may be filed, and permits may be issued to an owner, or other properly authorized agent of the owner, at their risk.

4.2 Permits:

4.2.1 Building/Development Permits:

4.2.1.1 Except as permitted in Article 4.2.1.2 herein, unless a building/development permit has first been obtained from the authority having jurisdiction, no person shall commence or cause to be commenced:

- (a) the location, placement, erection or construction of any building or 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;
- (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 location on or above it, any building or structure;
- (g) the installation, construction, repair, 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; or
- (i) the alteration, addition, erection or re-erection of a sign.

4.2.1.2 A building / Development 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 open landing and stairs;
- (e) construction of fences;
- (f) installation of cabinets and shelves;

- (g) a detached accessory storage building not greater than 10 square meters(100sqft) in building area;
- (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/development 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.

4.2.2 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 having jurisdiction, the application for a plumbing permit 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.

4.2.3 Occupancy Permits:

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

4.2.3.2 An application for an Occupancy Permit shall be made in writing to the Authority having Jurisdiction.

4.2.3.3 An Occupancy Permit is required from the authority having jurisdiction for:

- (a) the occupancy of any new building or structure or portion thereof.
- (b) the occupancy of any existing building or structure where an alteration or renovation has been made thereto,
- (c) a change from one Major Occupancy to another Major Occupancy, a change from one division to another division within a Major Occupancy, or for a change from one use to another use within the same division of a Major Occupancy in any existing building, structure or part thereof;

- (d) for a change or addition of an occupancy classification of a suite in a building;
and
- (e) for a change from a use not previously authorized to a new use.

4.2.3.4 An occupancy permit is not required for:

- a) A single family dwelling
- b) A multi family dwelling without shared exit facilities (multi-plex)

4.2.3.5 Notwithstanding Clause 4.2.3.4 a final inspection must be done by the authority having jurisdiction.

All conditions listed on the final inspection report must be met by the owner, to ensure occupant health, safety and comfort prior to occupying the single or multi family dwelling.

4.2.3.6 The authority having jurisdiction may issue an Interim Occupancy Permit for the full or partial use of a building or structure subject to any conditions deemed necessary by the authority having jurisdiction.

4.2.3.7 A Temporary Occupancy Permit shall be for a period of not more than six (6) months, but before the expiration of such period, the Temporary Occupancy Permit may be renewed by the authority having jurisdiction for two further six months periods.

4.2.3.8 Notwithstanding apparent compliance with this by-law, the authority having jurisdiction may refuse to issue an Occupancy Permit if in the opinion of the authority having jurisdiction the building, structure or proposed use is in violation of any by-law or act.

4.2.3.9 An applicant for a Occupancy Permit shall supply all information requested by the authority having jurisdiction to show compliance with the by-law and any other relevant by-laws.

4.2.3.10 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 having jurisdiction.

4.2.4. Demolition Permits:

4.3.1 No person shall commence or cause to be commenced the demolition or removal of any building or structure, or portion thereof, unless a Demolition Permit has first been obtained from the authority having jurisdiction

4.3.2 The demolition of a building or structure shall be subject to the requirements of the Code, and any other by-laws of the municipality.

4.3.3 The owner of the site or his agent, on which a building or structure is to be removed or demolished shall;

- a) Notify the utility companies to shut off and /or remove their services

- b) Remove any septic or holding tank that may be on the property and plug the remaining sewer line with a concrete stopper eight (8) feet outside the property line
- c) Upon the completion of the removal and/or demolition, put the site back into a useable condition to the satisfaction of the authority having jurisdiction.

4.2.5 General:

4.2.5.1 No permit shall be assigned or transferred without the written consent of the authority having jurisdiction.

4.2.5.2 A permit shall expire and the right of an owner under the permit shall end if

- (a) the work or occupancy 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 or occupancy authorized under the permit is suspended for six months unless otherwise extended by the authority having jurisdiction.

SECTION 5

Duties, Responsibilities & Powers

5.1. Duties and Responsibilities of the Owner:

5.1.1 Every owner shall allow the authority having jurisdiction 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. Every owner shall:

- (a) ensure that the plans and specifications on which the issue of any permit was based are available continuously at the site of the work for audit or inspection during working hours by the authority having jurisdiction, and that the Permit, or true copy thereof, is posted conspicuously on the site during the entire execution of the work.
- (b) keep visible at all times during construction the street number of the premises.

5.1.4 Every owner shall give sufficient notice to the authority having jurisdiction

- (a) of intent to begin work.
- (b) of intent to cover work that the authority having jurisdiction has directed may be subject to audit during construction; and
- (c) when work has been completed and before occupancy.

5.1.5 Every owner shall give notice in writing to the authority having jurisdiction

- (a) immediately upon a change in ownership or a change in the owner's address.
- (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 having jurisdiction.

5.1.6 Every owner shall make, or have made at his own expense, any tests, surveys or inspections necessary to prove compliance with these requirements or any other by-law or regulation, and shall promptly provide a copy of all such tests or inspections when and as required by the authority having jurisdiction.

5.1.7 When required by the authority having jurisdiction, every owner shall uncover and re-cover at his own expense any work that has been covered contrary to an order issued by the above authority.

5.1.8. Every owner is responsible for the cost of repair of any damage to public property or works that may occur as a result of undertaking work for which a building permit was or was not required.

5.1.9. Except in one and two family dwellings and their accessory buildings, every owner shall, where required, obtain an occupancy permit from the authority having jurisdiction..

5.1.10. Every owner who undertakes to construct, alter, reconstruct, demolish, remove or relocate a building shall provide supervision and coordination of all work and trades.

5.1.11. 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.

5.1.12 The granting of a permit by the authority having jurisdiction 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 this by-law and terms of the permit.

5.2 *Duties And Responsibilities Of The Constructor:*

5.2.1 Every Constructor shall ensure that all construction safety requirements of the Code are complied with.

5.2.2 Every Constructor 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.

- 5.2.3.** Every Constructor is responsible jointly and severally with the owner for work actually taken.

5.3 *Duties and Responsibilities of the Designer:*

- 5.3.1** When a designer is retained, the designer shall ensure that the design of the building conforms to the Code.
- 5.3.2** When a professional engineer or architect is required by the Code or the authority having jurisdiction, they may do inspections to ensure that the construction conforms to the design and the Code.
- 5.3.3** Every designer is required to submit to the authority having jurisdiction:
- (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) any other documentation or certification required by the authority having jurisdiction.
- 5.3.4** 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 any applicable Acts, regulations and by-laws.
- 5.3.5** If the responsible architect and or professional engineer withdraws from the project, he shall immediately advise the authority having jurisdiction.
- 5.3.6** The responsible architect or engineer shall submit any documents that may be requested by the authority having jurisdiction.
- 5.3.7.** The responsible architect and/or professional engineer shall sign, date and seal all of the documents referred to in this article.

5.4 *Duties & Responsibilities of Authority Having Jurisdiction:*

- 5.4.1** The authority having jurisdiction shall administer this by-law and shall have the powers of enforcement more particularly set out in Article 5.5 herein.
- 5.4.2** The authority having jurisdiction 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
- 5.4.3** Where the authority having jurisdiction seeks to enforce any of the powers set out in Article 5.5.2 herein, the authority having jurisdiction shall issue in writing such notices or orders as may be necessary to inform the owner or constructor of the contravention of the Code or this by-law.
- 5.4.4** The authority having jurisdiction shall provide, when requested to do so, all reasons for refusal to grant a permit.

5.5 Powers of Authority Having Jurisdiction:

5.5.1 The authority having jurisdiction may enter any building or premises at any reasonable time to audit for compliance with the Code, these requirements, or to determine if an unsafe condition exists.

5.5.2 The authority having jurisdiction is empowered to issue orders:

- (a) to hold at specific stages of construction in order to facilitate an audit or inspection;
- (b) for a person who contravenes these requirements or the code to comply with them.
- (c) for work to stop on the building or any part of it if such work is proceeding in contravention of these requirements or the code.
- (d) for the removal of any unauthorized encroachment on public property, or of any building or part of constructed in contravention of these requirements;
- (e) for the cessation of any occupancy in contravention of these requirements;
- (f) for correction of any unsafe condition.

5.5.3 The authority having jurisdiction, may require an owner to submit, in addition to the information required in Article 4.1.1, an up-to-date plan or survey, prepared by a registered land surveyor, architect or professional 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; and
- (b) to verify that, upon completion of the work, all such requirements have been complied with.

5.5.4 Notwithstanding any other provisions herein, where in the opinion of the authority having jurisdiction, the site conditions, size or complexity of a building or part of a building, or for any other reason. The authority having jurisdiction may require that the owner at their expense have the following done:

- (a) the appropriate plans, specifications and related documents be reviewed by and bear the seal or stamp of an architect or professional engineer, responsible for the work, and
- (b) the work be inspected during construction by the said architect or professional engineer.

5.5.5 The authority having jurisdiction may issue a building permit at the risk of the owner with, if necessary, conditions to ensure compliance with these requirements and any other applicable regulations.

5.5.6 The authority having jurisdiction 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.

5.5.7 The authority having jurisdiction 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, or
- (c) the permit was issued on the basis of incorrect information,
- (d) the work is being done contrary to the terms of the permit.

5.5.8. The authority having jurisdiction may place a valuation on the cost of the work for the purpose of determining permit fees. Such valuation shall take precedence over any valuation provided by the owner.

5.5.9 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 having jurisdiction 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 consider necessary to protect the public.

5.5.10 Notwithstanding any other provisions herein, when, in the opinion of the authority having jurisdiction, immediate measures need to be taken to avoid an imminent danger, the authority having jurisdiction may take such action as is appropriate, without notice and at the expense of the owner.

SECTION 6

Appeal

6.1 Time Limits

Any person aggrieved by any decision or order of the authority having jurisdiction 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 fifteen (15) 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

Council may hear the appeal as a committee of the whole or by subcommittee especially established for this purpose.

6.3 Upon Hearing

Upon the hearing of an appeal, the Council may:

- (a) uphold, rescind, suspend or modify any decision or order given by the authority having jurisdiction;

- (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;
- and 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

Offenses and Penalties

7.1 *Offenses*

7.1.1 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 offense 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.

7.2. *Directors & Officers*

- 7.2.1.** Where a corporation commits an offense against the *Code* or this by-law, each Director or Officer of the corporation who authorized, consented to, connived at, or knowingly permitted or acquiesced in, the doing of the act that constitutes the offense, is likewise guilty of the offenses and liable, on summary conviction, to the penalty for which provision is made in Subsection 7.1 aforesaid.

7.3. *Continuing Offences*

- 7.3.1** Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person is guilty of a separate offenses for each day it continues.

7.4. *Penalty for working without Permit*

- 7.4.1** The cost to obtain a permit for work that requires a permit, after said work has begun may be double the original permit cost.

SECTION 8

Fees

8.1 *Fees to be set*

- 8.1.2** Fees for permits are to be set by the Dennis County Planning District.

SECTION 9

Repeal

9.1 By-Law No. 23-95 is hereby repealed..

SECTION 10

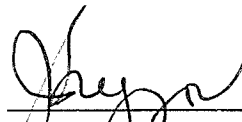
Effective Date of By-law

10.1 This by-law shall come into force and effect on the day following the date of third reading being given by Council.

DONE AND PASSED in Council assembled at the Council Chambers of the R.M. of Pipestone, in the Province of Manitoba, this 8th day of May, 2008



Reeve



Chief Administrative Officer

Read a first time this 10th day of April, 2008.

Read a second time this 8th day of May, 2008.

Read a third time this 8th day of May, 2008.