

BUILDING BY-LAW No. 08-2021

RURAL MUNICIPALITY OF LA BROQUERIE

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**RURAL MUNICIPALITY OF LA BROQUERIE
BUILDING BY-LAW NO: 08-2021**

BEING a By-law of the Rural Municipality of La Broquerie to regulate and control new and existing construction, including the construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, occupancy or change in occupancy of a building, erection or structure or an addition to a building, erection or structure and enforcement of the building/demo permit system;

WHEREAS the Rural Municipality of La Broquerie is empowered by The Building Mobile Homes Act, CCSM, c.B93 to, by by-law, adopt The Manitoba Building Code;

AND WHEREAS it is deemed expedient and in the public interest to adopt the said Code and establish such standards;

AND WHEREAS the Rural Municipality of La Broquerie wishes to adopt the code and to enact a by-law to provide for the administration and enforcement of the code;

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

SECTION 1 - Title

1.1 This By-Law may be cited as “The Rural Municipality of La Broquerie Building By-Law”.

SECTION 2 - Scope

- 2.1. This by-law applies to the whole of the Rural Municipality of La Broquerie.
- 2.2 This by-law applies to the administrative requirements, procedures and enforcement for The Manitoba Building Code as adopted, established and prescribed under Section 3 of the Building and Mobile Homes Act.
- 2.3 The requirements of the Code are hereby adopted and shall apply to all work falling within the scope and jurisdiction of this by-law.
- 2.4 This by-law applies to the design, construction, erection, placement and occupancy of new buildings. It also applies to 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.

SECTION 3 - Definitions

3.1 Unless otherwise expressly provided or unless the context otherwise requires, words and definitions in this by-law have the same meaning as the words in the Code.

“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” Means the Rural Municipality of La Broquerie and, where the context requires, such building inspector or other authority lawfully appointed by the Rural Municipality of La Broquerie to administer and enforce the provisions of this by-law.

“Building” Means a structure used or intended to be used in 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 Building and Mobile Homes Act, The Manitoba Fire Code or The Manitoba Plumbing Code.

“Council” Means the municipal council of the Rural Municipality of La Broquerie.

“Modular Home Dwelling” means a building assembly or system of building sub-assemblies manufactured in its entirety, or in substantial part, off-site and transported to the point of use for installation on-site, with or without other specified components, as a finished building or as part of a finished building in accordance with CSA building regulations. Modular homes need not have electrical, plumbing, heating, ventilation, insulation, or other service systems, but when such systems are installed at the off-site manufacture or assembly point, they shall be deemed a part of such building or system of building assemblies. Modular homes do not include open frame construction which can be completely inspected on-site.

“Occupancy Permit” Means a permit issued after the Final Inspection.

“Owner” Means the registered owner of the land or an applicant on behalf of the owner of the land.

“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 moved to a different location.

“Shall” Where the word “shall” is used in this By-Law, the policy is considered mandatory.

“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 and includes buildings, agricultural waste storage facilities, lagoons, landfill sites, and others.

“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 4 - GENERAL

4.1 Application Generally:

This by-law applies to 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.

4.2 Limited Application to Existing Buildings:

4.2.1 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 having jurisdiction, 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 having jurisdiction.

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

4.2.3 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 having jurisdiction.

- 4.2.4 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.
- 4.2.5 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.
- 4.2.6 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.
- 4.2.7 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 affected by the change.

4.3 Exemptions:

- 4.3.1 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) Any accessory buildings not greater than 13.94 metres (150 square feet) in building area with no roof extensions subject to the concurrence of the authority having jurisdiction.

4.4 Prohibitions:

- 4.4.1 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.
- 4.4.2 No person shall undertake any work 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.
- 4.4.3 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 having jurisdiction 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.
- 4.4.4 Where an occupancy permit is required by Section 5.2.3 herein, no person shall occupy or allow the occupancy of any building, or part thereof, or change the occupancy unless and until occupancy permit has been issued by authority having jurisdiction.
- 4.4.5 No person shall knowingly submit false or misleading information to the authority having jurisdiction concerning any matter relating to this by-law.

- 4.4.6 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.
- 4.4.7 No person shall allow the ground elevations or the property boundaries of a building lot to be changed to place a building, or part of it in contravention of the requirement 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.

4.5 Mobile Homes and RTM's:

- 4.5.1 RTM's shall comply with the requirements of the Code. Mobile homes shall conform to CAN/CSA Standard Z240 MH Series. Modular homes shall be constructed within a facility certified by CSA to the CSA Standard A277.
- 4.5.2 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) The seal of an Engineer licensed in the Province of Manitoba in respect to all building components requiring professional certification.
 - C) Submission of copies of any or all permits taken out for the RTM in the location of its construction together with a copy of any or all inspection reports. In the absence of permits an engineer's inspection report and certification that the RTM complies with code is required. For mobile home and modular homes, evidence of current CSA certification of the manufacturing facility in which it was manufactured.
 - D) Such inspections or certifications as the authority having jurisdiction may deem necessary to ensure compliance with the Code and this by-law.

SECTION 5 - PERMITS

5.1 Application:

- 5.1.1 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 known as a site plan.
 - C) State the valuation of the proposed work and be accompanied by the required fee as set out in the Fees and Charges By-law and any amendments hereto.
 - D) Include those plans and specifications set out on "Schedule A" hereto (unless otherwise waived by the authority having jurisdiction) and show the occupancy of all parts of the building.
 - E) Lot Grade Permit to establish, maintain and regulate proper lot grades on building lots that will provide good drainage away from buildings for the benefit of property owners as set out in Policy No. P-01 and any amendments hereto.
 - F) State the names, addresses and telephone numbers of the owners, architect, professional engineer or other designer, constructor and any inspection or testing agency engaged to monitor the work or part of the work.
 - G) Include such additional information as maybe required by the authority having jurisdiction.
- 5.1.2 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 filing.

5.1.3 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.
- B) The work authorized under the permit is suspended for six months unless otherwise extended by the authority having jurisdiction.
- C) The work authorized under the permit is not substantially completed within 18 months of the permit issuance, or other reasonable timeframe as considered necessary in consideration of the scale of the project permitted, in the opinion of the authority having jurisdiction.

5.1.4 Any revision to the original application described in Section 5.1.1 shall be made in the same manner as for the original permit.

5.1.5 Applications for permits may be filed, and permits may be issued to an owner, or to a constructor or other property authorized agent of the owner given that evidence of such authorization is provided to the authority having jurisdiction in writing from the owner.

5.2 Permits

5.2.1 Building Permits:

5.2.1.1 Except as permitted in Section 5.2.1.2 herein, unless a building 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.
- L) The alteration, addition, erection, or re-erection of a sign.

5.2.1.2 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) Construction of fences provided the fence is erected completely within the property line.
- E) Installation of cabinets and shelves.
- F) A detached accessory storage building not greater than 13.94 square metres (150 square feet) in building area with no roof extensions.
- G) Non-structural alterations or repairs.

5.2.1.3 Notwithstanding that a building permit is not required for the work described in Section 5.2.1.2., 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.

5.2.1.4 Before the issuance of a building permit for cases described in Subsection 6.1.17(1), the owner shall (unless the authority having jurisdiction waives such requirement) submit Letters of Assurance in the forms set out in Schedules B and C, as attached hereto, which:

- A) Confirm that the owner has retained the necessary architects or professional engineers for all the applicable disciplines, for professional design and inspection.
- B) Incorporate the architects' or professional engineers' assurance of professional design and commitment for inspection.
- C) Confirm that the owner has retained a coordinating design professional to ensure compliance with the Manitoba Energy Code for Buildings (when applicable).

5.2.1.5 Before the issuance of a building permit, for cases in which professional design is not required, the owner shall (unless the authority having jurisdiction waives such requirement) submit a Letter of Assurance, in the form set out in "Schedule D" as attached hereto, confirming that the owner will ensure that the building will be constructed in accordance with the Code.

5.2.2 Plumbing Permits:

5.2.2.1 Except as provided in Section 5.2.2.2., 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.

5.2.2.2 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.

5.2.2.3 When required by the authority having jurisdiction, 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.
- C) A layout of the potable water distribution system including pipe sizes and valves.

5.2.3 Occupancy Permits:

Except as otherwise permitted herein, no person shall occupy or 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.

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

- A) The occupancy of any new building or structure or portion thereof including a single-family dwelling, a two-family dwelling, or a multi-family dwelling.
- B) The occupancy of any existing building or structure where an alteration is made thereto, including a single-family dwelling, a two-family dwelling, or a multi-family dwelling.
- C) For a change from a 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) For a change from one use to another within the same division in a Major Occupancy group which results in an increase in the occupant load.
- E) For a change or addition of an occupancy classification of a suite in a building.

- F) For a change from a use not previously authorized to a new use.
- G) the occupancy of any newly constructed or renovated building or structure or portion thereof that are subject to Part 3 of the Code.

- 5.2.3.2 Before the issuance of an occupancy permit, the owner shall (unless the authority having jurisdiction waives such requirement) submit Letters of Assurance in the form set out in the applicable "Schedules D and E", 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.
- 5.2.3.3 The authority having jurisdiction may issue an Interim Occupancy Permit for a partial use of a building or structure subject to any conditions imposed by the authority having jurisdiction.
- 5.2.3.4 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.
- 5.2.3.5 The authority having jurisdiction may issue a Temporary Occupancy Permit for the use of a building or structure approved as a temporary building or structure.
- 5.2.3.6 A Temporary Occupancy Permit shall be for a period not more than six (6) months, but before the expiration of such period, the Temporary Occupancy Permit may be renewed by the authority for a further six months period.
- 5.2.3.7 Notwithstanding apparent compliance with this by-law, the authority having jurisdiction may refuse to issue an Occupancy Permit if the building, structure, or proposed use is to the authority having jurisdiction's knowledge in violation of a Zoning by-law, or any other by-law of the authority having jurisdiction.
- 5.2.3.8 An applicant of an 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 of the authority having jurisdiction.
- 5.2.3.9 In any public building, 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.

5.2.4 Demolition Permits:

- 5.2.4.1 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 having jurisdiction.
- 5.2.4.2 The demolition of a building or structure shall be subject to the requirements of the Code.

5.2.5 General:

- 5.2.5.1 No permit shall be assigned or transferred without the written consent of the authority having jurisdiction.
- 5.2.5.2 For every dwelling containing more than one dwelling unit, a fee equal to the Municipality's current Lot Development fees must be submitted to the Municipality in recognition of services to be provided. These fees will be charged on the

number of dwelling units above those paid for the time of the lot creation.

SECTION 6 - DUTIES, RESPONSIBILITIES & POWERS

6.1 Duties and Responsibilities of the Owner:

- 6.1.1 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.
- 6.1.2 Every owner shall obtain all permits or approvals required in connection with proposed work, prior to commencing the work to which they relate.
- 6.1.3 Every owner shall:
 - A) Ensure that the plans and specifications on which the issue of a permit was based are available continuously at 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 in figures at least 3 inches (75MM) high and visible from the street or sidewalk.
- 6.1.4 Every owner shall give notice to the authority having jurisdiction of dates on which he intends to begin work prior to commencing work on the building site.
- 6.1.5 Every owner shall before commencing the work, give notice in writing to the authority having jurisdiction, prior to commencing the work, listing:
 - A) The name, address and telephone number of:
 - i) The constructor or other person in charge of the work;
 - ii) The designer of the work;
 - iii) The person reviewing the work;
 - 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 construction immediately that such change or termination occurs.
- 6.1.6 Every owner shall give sufficient notice to the authority having jurisdiction:
 - A) Of intent to work that the authority having jurisdiction has directed may be subject to audit during construction;
 - B) Of intent to cover work that the authority having jurisdiction has directed may be subject to audit during construction;
 - C) When work has been completed and before occupancy.
- 6.1.7 Every owner shall give notice in writing to the authority having jurisdiction:
 - A) Immediately upon any change in ownership or change of address of the owner occurs prior to the issuance of an Occupancy Permit.
 - B) Of any such other notices as may be required by the authority having jurisdiction.
- 6.1.8 Every owner shall give such other notice to the authority having jurisdiction as may be required by the provisions of the Code or this by-law.
- 6.1.9 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 having jurisdiction when and as required by the authority having jurisdiction.

- 6.1.10 Every owner shall provide an up-to-date survey of the building site when and as required by the authority having jurisdiction.
- 6.1.11 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.
- 6.1.12 Every owner is responsible for the cost of repair of any damage to public property or works located thereon that may occur because of undertaking work for which a building permit was or was not required.
- 6.1.13 Every owner shall, where required, obtain an occupancy permit from the authority having jurisdiction before any:
 - A) Occupancy of a building or part of it after construction, partial demolition, or alteration of that building.
 - B) Change in the occupancy of any building or part of it.
- 6.1.14 Should occupancy occur before the completion of any work being undertaken, every owner shall ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed.
- 6.1.15 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 the terms of the permit.
- 6.1.16 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.
- 6.1.17 (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 a professional engineer design in accordance with the Code.
 - C) Requires the use of firewalls according to the Code.
 - D) Shall ensure that an architect, professional engineer, or both are retained to undertake professional design and inspection.
- (2) Professional design and inspection referred to in Subsection 6.1.17 (1) requires that an architect, professional 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 that bear the seal or stamp of the registered professional.
 - 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 professional engineer pursuant to Subsections 6.1.17 (1) and (2) is terminated during the construction period, work shall be discontinued until a replacement has been appointed.
- (4) The requirements of Subsections 6.1.17(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 having jurisdiction.

- 6.1.18 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 based on calculation, testing or other means of evaluation, the owner shall retain the services of an architect or professional engineer.
- 6.1.19 Every owner who undertakes to construct, alter, reconstruct, demolish, remove, or relocate a building shall provide supervision and coordination of all work and trades.
- 6.1.20 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.
- 6.1.21 Every owner shall ensure all waste management is removed from the property in an environmental manner.

6.2 Duties and Responsibilities of the Constructor:

- 6.2.1 Every Constructor shall ensure that all work is carried out in accordance with this by-law, the Code, Provincial laws and regulations, and all provisions as described on the permit and accepted drawings and specifications.
- 6.2.2 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 from the authority having jurisdiction.
- 6.2.3 Every Constructor is responsible jointly and severally with the owner for work actually taken.
- 6.2.4 Every constructor shall ensure that all backfill material meets the MB Code Section 9.12.3.

6.3 Duties and Responsibilities of Authority Having Jurisdiction:

- 6.3.1 The authority having jurisdiction shall administer this by-law and shall have the powers of enforcement more particularly set out in Section 6.5 herein.
- 6.3.2 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.
- 6.3.3 Where the authority having jurisdiction seeks to enforce any of the powers set out in Section 6.5.2 herein, the authority having jurisdiction 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.
- 6.3.4 The authority having jurisdiction shall provide, when requested to do so, all reasons for refusal to grant a permit.

6.4 Duties and Responsibilities of the Designer:

- 6.4.1 When a designer is retained, the designer shall ensure that the design of the building conforms to the Code.
- 6.4.2 When a professional engineer or architect is 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.
- 6.4.3 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) Copies of all inspection reports for inspections done by the designer and others.
 - D) Any other documentation or certification required by the authority having jurisdiction.
- 6.4.4 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.
- 6.4.5 If the responsible architect and or professional engineer withdraw from the project, he shall immediately advise the authority having jurisdiction.
- 6.4.6 Prior to the issuance of an occupancy permit for Multi Family dwellings, the responsible architect and/or professional engineer shall, where required by the authority having jurisdiction submit a certificate stating: "The construction has been reviewed under my supervision in accordance with recognized professional inspection standards, and that to the best of my/our knowledge the structure was constructed in accordance with the accepted drawings and specification and requirements of the applicable by-laws."
- 6.4.7 The responsible architect and/or professional engineer shall sign, date and seal all the documents referred to in this Section.

6.5 Powers of Authority Having Jurisdiction:

- 6.5.1 The authority having jurisdiction may enter any building or premises at any reasonable time to audit for compliance with the Code or these requirements, or to determine if an unsafe condition exists.
- 6.5.2 The authority having jurisdiction is empowered to issue orders for:
 - A) An owner or authorized agent to hold a specific stage 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.
 - H) Correction of any unsafe condition.

- 6.5.3 The authority having jurisdiction 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.
- 6.5.4 The authority having jurisdiction may require an owner to submit, in addition to the information required in Section 5.1.1, and 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.
 - B) To verify that, upon completion of the work, all such requirements have been complied with.
- 6.5.5 The authority having jurisdiction may ask for any other documentation or tests deemed necessary at the expense of the owner.
- 6.5.6 Notwithstanding any other provisions herein, wherein the opinion of the authority having jurisdiction 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 having jurisdiction, 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 professional engineer.
 - B) The work be inspected during construction by the architect or professional engineer responsible for the work.
- 6.5.7 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, to excavate or to construct a portion of a building before all the plans of the project have been submitted to the authority having jurisdiction.
- 6.5.8 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.
 - D) That would be prohibited by any other Act, regulation, or by-law.
- 6.5.9 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.
 - C) The permit was issued based on incorrect information.
 - D) The work is being done contrary to the terms of the permit.
- 6.5.10 Permit fees and all procedures and conditions applicable thereto shall be established by the authority having jurisdiction and are set forth in the most current Municipal Fees and Charges By-law.
- 6.5.11 The authority having jurisdiction 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.

- 6.5.12 When any building, construction or excavation or part of it is in an unsafe condition, because 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 they may consider necessary to protect the public.
- 6.5.13 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.
- 6.5.14 The authority having jurisdiction 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.
- 6.5.15 The authority having jurisdiction may issue to the owner an order or notice in writing to correct any unsafe conditions observed in any building.

SECTION 7 - OFFENCES AND PENALTIES:

- 7.1 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.
 - B) For which no other penalty is herein provided is guilty of any offense and liable, on summary conviction, to a fine not less than five hundred dollars or double the permit fee, not exceeding five thousand dollars (\$5,000.00).
- 7.2 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, the doing of the act that constitutes the offence, is likewise guilty of the offences and liable, on summary conviction, to the penalty for which provision is made in Subsection 7.1 aforesaid.
- 7.3 Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person is guilty of a separate offence for each day it continues.

SECTION 8 - APPEAL:

- 8.1 Any person aggrieved by any decision or order of the authority having jurisdiction, 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 Designated Officer. All decisions or orders remain in effect during the appeal process.
- 8.2 The Development Officer shall present at a planning committee for consideration.
- 8.3 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.
 - C) Make such other decision or order as in the circumstances of each case it deems just.
 - D) The decision or order of the Council upon 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 9 - REPEAL:

- 9.1 By-law No.05-2015 thereto, be and the same are hereby repealed.
- 9.2 The repeal of the by-law in the last proceeding 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-laws 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 effect:
- 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, suite, 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 of thing appertaining hereto 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.

SECTION 10 – SCHEDULES:

- 10.1 Any Schedule attached to this by-law may be amended via Council resolution.

DONE AND PASSED as by-law of the Rural Municipality of La Broquerie at the Village of La Broquerie in the Province of Manitoba this 22nd day of September 2021.

Lewis Weiss,
Reeve

Anne Burns
Chief Administrative Officer

Read a First Time this 8th day of September, 2021.

Read a Second Time this 22nd day of September, 2021.

Read a Third Time this 22nd day of September, 2021.

**Rural Municipality of La Broquerie
Schedule "A" to By-Law No. 08-2021**

Plans and Specifications to accompany applications as required by the authority having jurisdiction may include the following:

- 1) The Site Plan with an up-to-date survey of the building site
- 2) Building Location Certificate
- 3) Floor Plans
- 4) Foundation Plans
- 5) Framing Plans
- 6) Roof Plans
- 7) Sections and Details
- 8) Heating, Ventilation and Air Conditioning Drawings
- 9) Plumbing Drawings
- 10) Sewer Connection Drawings

Rural Municipality of La Broquerie
Schedule “B” to By-Law No. 08-2021
Pursuant to Subsection 5.2.1.4 of the Building By-law

Note: To be submitted prior to issuance of a Building Permit. The Information provided is relied upon by the authority having jurisdiction.

ASSURANCE OF RETENTION OF PROFESSIONAL

RE: Design and Inspection of Construction by a Professional engineer or architect, known as the “Prime Consultant”

Date: _____

Rural Municipality of La Broquerie
123 rue Simard Street, Box/C.P. 130
La Broquerie, Manitoba R0A 0W0

Dear Sir or Madam

RE: _____
Address of Project _____
Legal Description of Project _____

The undersigned has retained as the Prime Consultant,

To undertake and/or coordinate the design and inspections of the applicable registered Professionals required for this project to ascertain that the design will comply, and Construction of the project will substantially conform in all material respects with the current Building Code and other applicable safety standards, except the construction safety aspects.

As used herein, inspections shall mean such reviews of the work at the project site and at fabrication locations, where applicable, as the registered professional, based on professional discretion, considers necessary to ascertain that the work conforms in all respects to the plans and supporting documents prepared by the registered professional for which the permit is issued by the municipality for the project. This includes keeping records of all site visits and any corrective action taken as a result thereof.

The owner and the prime consultant will notify the Authority Having Jurisdiction in writing prior to any intended termination of or by the prime consultant. It is understood that work on the above project will cease as of the effective date of such termination, until such time as a new appointment is made.

The owner hereby certifies that all required Municipal and Provincial Permits and other required authorizations will be obtained prior to the commencement of construction.

<u>Prime Consultant’s Information</u>	<u>Owner’s Information</u>
Prime Consultant’s Name _____	Owner’s Name _____
Prime Consultant’s signature _____	Owner’s signature _____
Address _____	Date _____
Occupation (affix Coordinating Professional’s seal here)	Title of Agent (if applicable) _____
	Address _____
	The Corporate Seal of _____
	Was hereunto affixed in the presence of _____
	Print name of witness _____

The above must be signed by the owner or the owner’s appointed agent. The signature must be witnessed by the prime consultant. If the owner is a company, the corporate seal of the company must be affixed to the document in the presence of its duly authorized officers. The officers must also sign, setting forth their positions in the company. The prime consultant is to be registered in the Province of Manitoba as a member in good standing in the Association of Architects or the Association of Professional Engineers.

Rural Municipality of La Broquerie
Schedule “C” to By-Law No. 08-2021
Pursuant to Subsection 5.2.1.4 of the Building By-law

Note: To be submitted prior to the issuance of a Building Permit. Separate form to be submitted by each registered professional. The information provided is relied upon by the Authority Having Jurisdiction

ASSURANCE OF PROFESSIONAL DESIGN AND COMMITMENT FOR INSPECTION

Rural Municipality of La Broquerie
123 rue Simard Street, Box/C.P. 130
La Broquerie, Manitoba
R0A 0W0

Date: _____

Dear Sir/Madam:

RE: _____
(Address of Property)

(Legal Description of Project)

The undersigned hereby gives assurance that the design of the (initial applicable item/items)

- _____

ARCHITECTURAL
- _____

STRUCTURAL
- _____

MECHANICAL
- _____

PLUMBING
- _____

FIRE SUPPRESSION SYSTEMS
- _____

ELECTRICAL
- _____

GEOTECHNICAL – Temporary
- _____

GEOTECHNICAL – Permanent

Components of the project as shown on the plans and supporting documents prepared by this registered professional conform to all the applicable requirements of all applicable acts, regulations and by-laws. Further, the undersigned will be responsible for inspections of the above referenced components during construction.

The undersigned also assures competence in the necessary fields of expertise to undertake the project based on training, ability and expertise in the appropriate professional and technical disciplines.

As used herein, inspections shall mean such reviews of the work at the project site and at fabrication locations, where applicable, as the registered professional, based on professional discretion, considers necessary to ascertain that the work conforms in all respects to the plans and supporting documents prepared by this registered professional for which the building permit is issued by the municipality for the project. This includes keeping records of all site visits and any corrective action taken as a result thereof.

The undersigned also undertakes to notify the Authority Having Jurisdiction in writing as soon as practical if their contract for inspection is terminated at any time during construction.

Name (please print)

Date

Signature

Address and Phone Number

If the Registered Professional is a member of a firm, complete the following:

I am a member of the firm And I sign this letter on behalf of myself and the firm

(Print name of Firm)

NOTE: The above letter must be signed by a registered professional who is registered in the Province of Manitoba as a member in good standing in the Association of Architects or the Association of Professional Engineers.

Rural Municipality of La Broquerie
Schedule “D” to By-Law No. 08-2021
Pursuant to Subsection 5.2.1.5 of the Building By-law

Note: To be submitted prior to issuance of a Building Permit. The information provided is relied upon by the authority having jurisdiction

LETTER OF ASSURANCE

Date: _____

Rural Municipality of La Broquerie
123 rue Simard Street, Box/C.P. 130
La Broquerie, Manitoba R0A 0W0

Dear Sir/Madam:

RE: _____
(Address of Property)

(Legal Description of Property)

The undersigned agrees to undertake and/or coordinate the design review of this project in order to ensure that the design will comply, and construction of the project will conform in all respects with all applicable acts, regulations and by-laws.

The owner hereby certifies that all required Municipal and Provincial Permits and other required authorizations will be obtained prior to the commencement of construction.

Designer’s Information

Owner’s Information

Name (Please Print)

Owner’s Name (Please Print)

Signature

Owner’s or Owner’s appointed agents
Signature

Address

Date

Occupation

Address

Certification of License

The Corporate Seal of

was hereunto affixed in the presence of

Print name and office of signatory
Affix Owner’s Corporate Seal Here

Note: The above must be signed by the owner or the owner’s appointed agent. If the owner is a company, the corporate seal of the company must be affixed to the document in the presence of its duly authorized officers. The officers must also sign, setting forth their positions in the company.

Rural Municipality of La Broquerie
Schedule “E” to By-Law No. 08-2021
Pursuant to Subsection 5.2.3.2 of the Building By-law

Note: To be submitted after completion of the project but prior to official occupancy. Separate form to be submitted by each registered professional. The information provided is relied upon by the authority having jurisdiction

ASSURANCE OF PROFESSIONAL INSPECTION AND COMPLIANCE

Date: _____

Rural Municipality of La Broquerie
123 rue Simard Street, Box/C.P. 130
La Broquerie, MB R0A 0W0

Dear Sir or Madam :

RE: _____
(Address of Property)

(Legal Description of Property)

I hereby certify that I have fulfilled my obligation for inspection as outlined in the following previously submitted letters;

SCHEDULE B ASSURANCE OF RETENTION OF PROFESSIONAL

SCHEDULE C ASSURANCE OF PROFESSIONAL DESIGN AND COMMITMENT FOR INSPECTION

Based on such inspections the following aspects of the project conform in all respects with the plans and supporting documents, including all amendments thereto, prepared by this registered professional for which a permit was issued by the municipality for the project. **(Initial applicable item/items)**

_____	Coordination of Design and Inspection
_____	Architectural
_____	Structural
_____	Mechanical
_____	Plumbing
_____	Fire Suppression Systems
_____	Electrical
_____	Geotechnical – temporary
_____	Geotechnical – permanent

I hereby enclose the final design plans and supporting documents prepared by this registered professional for the above referenced Project. I further certify that there are no outstanding Municipal or Provincial approvals, permits or other requirements pertaining to the use or occupancy of this project.

Name (Please Print)

Signature

Date

Address and Phone number

If the Registered Professional is a member of a firm, complete the following:

I am a member of the firm _____
(Please print name of firm)

And I sign this letter on behalf of myself and the firm.

Note: The above letter must be signed by a registered professional who is registered in the Province of Manitoba as a member in good standing in the Association of Architects or the Association of Professional Engineers.