

Municipality of Norfolk Treherne

BUILDING By-Law No. 89-2022

BEING A BYLAW of the Municipality of Norfolk Treherne to provide for the adoption of The Manitoba Building Code, (the "Code") as hereinafter defined, and to establish administrative requirements and procedures for the enforcement of the Code, to be known as the "Building Bylaw";

WHEREAS the Municipality of Norfolk Treherne is empowered by *The Buildings and Mobile Homes Act*, (the "Act") as hereinafter defined, to adopt the Code pursuant to bylaw;

AND WHEREAS it is deemed expedient and in the public interest to adopt the Code and establish requirements and procedures for enforcement of the Code as well as all applicable building and safety standards;

NOW THEREFORE the Council of the Municipality of Norfolk Treherne, duly assembled, enacts as follows:

PART A: SCOPE, DEFINITIONS AND APPLICATION

Section 1: Scope

- 1.1 This Bylaw applies to the whole of the Municipality of Norfolk Treherne..
- 1.2 This Bylaw applies to administration and enforcement in the design, construction, erection, placement, and occupancy of new building and structures, and the alteration, reconstruction, demolition, removal, relocation, occupancy and change in occupancy of existing building and structures and any requirements that are necessary to correct unsafe conditions in existing building and structures.
- 1.3 The requirements of the Code shall apply to all work falling within the scope and jurisdiction of this Bylaw and the National Plumbing Code.
- 1.4 This by-law adopts building construction codes and building construction standards for new construction. Any construction or condition that lawfully existed before the effective date of this bylaw need not conform to the requirements of this bylaw if such construction or condition does not constitute an unsafe condition in the opinion of the authority having jurisdiction.

Section 2: Definitions

- 2.1 The words and terms in this Bylaw shall have the meanings prescribed in subsection 2.3, 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 bylaw and the Code, then the definition set forth in this bylaw shall govern.

- 2.2 Definitions of words and phrases used in this bylaw that are not specifically defined in the Code or in subsection 2.3 shall have the meanings that are commonly assigned to them 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.

- 2.3 Words and terms used in this bylaw have the following meanings:

ALTERATION means a change or extension to any matter or thing or to any occupancy regulated by this bylaw

AUDIT means a random review of design or construction work by the authority having jurisdiction to ascertain compliance with the Code and this bylaw

AUTHORITY HAVING JURISDICTION means the South Central Planning District and, where the context requires, such Development Officer/Building Inspector or other authority lawfully appointed to administer and enforce the provisions of this bylaw

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

CONTRACTOR means a person who contracts with an owner or their authorized agent to undertake a project and includes an owner who contracts with more than one person for the work on a project or undertakes the work on a project or any part thereof.

COUNCIL means the municipal Council of the Municipality of Norfolk Treherne.

FINAL INSPECTION means the last inspection to be made on the construction under development. It is to include all plumbing and building inspection reports, water/sewer connection permit, culvert/access permit and verification and yard/site elevation confirmation.

MUNICIPALITY means the municipal corporation of the Municipality of Norfolk Treherne.

PERMIT means permission or authorization in writing from the authority having jurisdiction in respect to matters regulated by this policy.

PERSON means any person, firm, partnership, cooperative, corporation, or government and shall be deemed to include the plural where the context so requires.

RELOCATION means the moving of an existing building or structure from one location to another location on the same property.

REMOVAL means the moving of an existing building from one property to another property.

RENOVATION means the reconstruction of all or part of the interior or exterior or both of an existing building where there is no structural reconstruction, alteration, or enlargement of the building.

REPAIR means work done to an existing building for the purpose of maintenance and not amounting to a renovation.

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

SIGN means any writing (including letter or word), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), flag (including banner or pennant), or any other figure of similar character which:

- a) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building
- b) Is used to announce, direct attention to, or advertise, and
- c) Is visible from outside a building

STOREY, FIRST means the storey with its floor closest to grade and having its ceiling more than 6 ft. above grade

STRUCTURE means anything constructed or erected with a fixed location on or in the ground or attached to something having a fixed location on or in the ground.

VALUATION means 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 completion of the work.

Section 3: Application

Application Generally:

- 3.1 This bylaw 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.

Limited Application to Existing Buildings:

- 3.2 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, 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.
- 3.3 The number of storeys of an existing building or structure shall not be increased unless the entire building or structure conforms to the requirements of the Code.

- 3.4 The requirements of this bylaw 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.
- 3.5 When the whole or any part of a building is demolished, the requirements of this Bylaw 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.
- 3.6 When a building is demolished by fire, earthquake or other cause, the Code, the requirements of this Bylaw and the appropriate regulations under The Fire Prevention Act (Manitoba), and The Manitoba Fire Code, apply to the work necessary to reconstruct damaged portions of the building.
- 3.7 When an unsafe condition exists in or about a building, the Code, the requirements of this bylaw and the appropriate regulations in *The Fire Prevention Act* (Manitoba) and The Manitoba Fire Code, shall apply to the work necessary to correct the unsafe condition.
- 3.8 When the occupancy of a building or any part of it is changed, the requirements of this bylaw apply to all parts of the building or structure affected by the change.

Section 4: Exemptions

- 4.1 The requirements in Section 3, do not apply to the following buildings and structures:
 - a) Sewage, water, electrical, telephone, rail or similar systems located on a street or a public transit right of way
 - b) Public utility towers and 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, or mechanical or other equipment and appliances not specifically regulated in the Code
 - d) An accessory building not greater than 10 square metres (108 square feet) in building area, or
 - e) A farm building, other than a farm building used as a residence, an attached garage or carport
- 4.2 For buildings with an area greater than 600 sq m (6458 ft) or of a class for which permits are administered by the province, an application must be made to the Office of the Fire Commissioner.
- 4.3 An exemption under this Section does not preclude the need obtain a development permit from the authority having jurisdiction, where required under the Zoning Bylaw.

Section 5: Mobile Homes/Manufactured Homes, Modular Homes and RTMs

- 5.1 Mobile homes, modular homes and RTMs shall comply with the requirements of the applicable Code.
- 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 Municipality of Norfolk Treherne:

- 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 mobile home, modular 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 policy.

Section 6: Prohibitions

- 6.1 Any person who fails to comply with any order or notice issued by the authority having jurisdiction, or who allows a violation of the requirements of this bylaw or of the Code to occur or to continue, contravenes the provisions of this bylaw.
- 6.2 No person shall work or authorize or allow work to proceed for which a permit is required unless a valid permit exists for the work to be done.
- 6.3 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 change from the authority having jurisdiction, except for minor changes to accepted plans and specifications which, when completed would not cause a violation of the Code or other bylaws.
- 6.4 No person shall occupy or allow the occupancy of any building or part thereof or change the occupancy unless the owner has obtained an occupancy permit issued by the authority having jurisdiction.
- 6.5 No person shall cause, allow, or maintain any unsafe condition with respect to the construction, reconstruction, demolition, alteration, relocation or occupancy of a building or structure.
- 6.6 No person shall knowingly submit false or misleading information in connection with any application or other matter under these policies.
- 6.7 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 authority having jurisdiction.
- 6.8 No person shall allow the ground elevations of a building lot or site to be changed so as to cause surface water to flow or drain towards any other building or property.
- 6.9 No person shall restrict or intend to restrict surface water flows or drain its natural course.
- 6.10 No person shall allow the property boundaries of a building lot to be so changed as to place a building or part thereof, in contravention of the Code, unless the building or part thereof is so altered, after obtaining the necessary permit, so that no contravention will occur as a result of the change of the

property boundary.

PART B: PERMITS

Section 7: General

Requirement for Permits

- 7.1 No person shall work, or authorize, or allow work to proceed without a permit on a project for which a permit is required.
- 7.2 All applications for permits shall be accompanied by the required fee, as set out in the Schedule of Fees.

Application for Permits

- 7.3 To obtain any permit authorized by this bylaw, the applicant shall file with the authority having jurisdiction, an application in accordance with this bylaw.
- 7.4 Except as otherwise allowed in writing by the authority having jurisdiction, every applicant, in submitting an application for a permit 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) Include plans and specifications, unless otherwise approved in writing, and show the occupancy of all parts of the building:
 - d) State the valuation of the proposed work and submit the required fee
 - e) State the names, mailing addresses, email addresses, and telephone numbers of the owner, architect, professional engineer, or other designer and constructor
 - f) Such additional information as may be required by the authority having jurisdiction (e.g. Location Certificate, Survey, Status of Title, etc).
 - g) Contain a declaration by the owner or their duly authorized agent that the information contained in such application is true. A letter of authorization must be provided if the owner is not the person applying for the permit
- 7.5 When an application for a permit has not been completed in conformance with the requirements of the authority having jurisdiction within six (6) 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 a new application and paying all required fees.

Conditions of a Permit

7.6 Every permit is issued upon the condition:

- a) That the construction shall be carried out in accordance with all provisions of the Code, this bylaw, and all provisions as described on the approved plans and the permit, including anticipated completion date which shall be the permit expiry date, being one year from date of issuance, unless otherwise determined by the authority having jurisdiction
- b) That pegs, stakes, lines and other marks approved by the authority having jurisdiction be located on the building site so as to establish the line or limiting distance beyond which the building or structure shall not extend as specified on the permit, and shall be accurately maintained until construction has been approved and commenced. Such markings shall be provided by the owner for the erection of a new building or structure, extension or addition to existing buildings or structures moved from one location to another whether on the same property or not
- c) That all municipal by-laws, provincial, and federal regulations be complied with
- d) That the owner shall promptly submit to the authority having jurisdiction copies of all changes ordered which may alter any condition or requirement of the Code, and a set of the revised plans showing these changes, accompanied with all associated fees as set out in the Schedule of Fees.

7.7 No permit shall be issued until the authority having jurisdiction is satisfied that it has received all necessary information to justify the issuance of such permit and that all required fees (e.g. water/sewer connection fees, etc.) in connection with the issuance of the building permit have been paid in full.

7.8 No permit shall be issued prior to the approval of a development permit by the authority having jurisdiction (where a development permit is required under the Zoning Bylaw).

7.9 All work carried out under a permit issued prior to the effective date of amended requirements to the Code shall be completed in accordance with the previous Code requirements and any special conditions described on the permit and approved plans.

7.10 No person shall deviate from the approved plans and specifications forming a part of the permit, or omit or fail to complete, prior to occupancy, work required by the said approved plans and specifications without first providing adequate documentation to the authority having jurisdiction for approval in writing.

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

Approval In Part

- 7.12 When, in order to expedite work, approval of a portion of the building is desired, prior to the issuance of a permit for the whole building, application shall be made for the whole building and complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the authority having jurisdiction.
- a) In the case of single occupancy buildings, the partial approval may be made only for the foundation and the building, and
 - b) In the case of multiple occupancy buildings, the partial approval may be made only for the foundation, superstructure and interior development.
- 7.13 Should a permit be issued for part of a building, the issuance of such a permit shall be granted without assurance that a permit for the entire building will be granted and at the sole risk of the applicant. Work not covered by a permit shall not be commenced.

Revisions to Permits

- 7.14 After issuance of the permit, application may be made for revision of the permit, and such applications shall be made in the same manner as for the original permit, or as may be required by the authority having jurisdiction.

Permit Expiration

- 7.15 Work authorized by a permit shall be completed within twenty-four (24) months from the date of permit issue. 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 twelve (12) 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 by the Applicant for six (6) months, unless otherwise extended by the authority having jurisdiction.
 - c) The work authorized under the permit is not completed within twenty-four (24) months from the date of permit issue, unless otherwise extended by the authority having jurisdiction.
- 7.16 Extensions cited in subsection 7.15 (b) and (c) above may be authorized for an additional twelve (12) months by an application for extension to the authority having jurisdiction.
- 7.17 Any work not completed by the deadline of the original permit issue, or by the extension, shall incur a penalty, as per the Schedule of Fees, unless otherwise authorized by the authority having jurisdiction.

Additional Fees

- 7.18 All requests for inspections required in addition to a regular inspection or which are necessary to be conducted outside regular office hours shall be accompanied by the required fee as set out in the Schedule of Fees
- 7.19 Notwithstanding the provisions of Part F (Penalties), where the applicable permit has not been applied for and obtained prior to the commencement of the actual work, through neglect or for some other reason, the fees shall be double the normal rate for the permit issued.

Valuation

- 7.20 The authority having jurisdiction reserves the right to adjust or place a valuation on the cost of the work.
- 7.21 The valuation to be shown on a permit shall mean the total monetary worth, of all construction and work. No portion of any building, including mechanical, electrical and plumbing work, shall be excluded from the valuation of the permit because of any other permits required by an governing bylaw, regulation or agency.
- 7.22 Notwithstanding the provisions of subsection 7.21 above, the valuation for a 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 the code and alterations or repairs for the building.
- 7.23 The determination of valuation shall be made by the authority having jurisdiction for the reproduction cost without depreciation and without regard to any loss occasioned from fire, used material and other causes.
- 7.24 Every owner, architect, professional engineer, constructor 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 their signature, when required by the authority having jurisdiction, all the information in their power with respect to the cost of the work. The owner, or other authorized person, is required to provide for inspection to the authority having jurisdiction, upon request, any contract pertaining to the work for the purpose of obtaining an accurate valuation of the work to be performed.

Plans and Specifications

- 7.25 Sufficient information shall be submitted with each application for a permit to enable the authority having jurisdiction to determine whether or not the proposed work will conform to the Code and whether or not it may affect adjacent property.
- 7.26 When required by the authority having jurisdiction, plans and specifications shall be provided.

- 7.27 A site plan that is acceptable to the authority having jurisdiction shall clearly indicate the nature and extent of the work or proposed occupancy in sufficient detail to establish, that when completed, the work and the proposed occupancy will conform to the Code and other relevant Municipal bylaws and provincial regulations.
- 7.28 Site plans shall show:
- a) Street names, lot dimensions, civic address, legal description and north arrow
 - b) Dimensions and location of all proposed buildings and structures, including accessory structures
 - c) Dimensions from building to property lines (building to building if applicable) and adjacent existing buildings
 - d) Dimensions and location of existing and proposed approaches, driveways and vehicle parking areas
 - e) Dimensions and location of registered easements
- 7.29 The plans and specifications on which the issue of the permit was based shall be available continuously at the site of the work during working hours for inspection by the authority having jurisdiction.

Section 8: Building Permits

Building Permit Required

- 8.1 A Building Permit must be applied for and received from the authority having jurisdiction prior to any of the following work being proceeded with:
- a) The 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 of any building or structure, or portion thereof
 - d) The erection, construction or installation of a sign
 - e) The excavation of any land for any purpose of erecting or locating on or above it any building or structure
 - f) Any permanent private or semi-private swimming pools (in or above ground), hot tubs, fish ponds and similar structures with a minimum depth of 2 feet
- 8.2 If there is work on more than one detached building on a site, a separate building permit shall be applied for and obtained for each detached building.
- 8.3 All such work shall comply with the Code and the provisions of this and other applicable Bylaws and the work shall not place the building or structure in contravention or further contravention of the Code or this or any other bylaw.

- 8.4 Notwithstanding subsection 8.1, a building permit is not required for the following work:
- a) Replacement of stucco, siding or shingles (with the same material);
 - b) Replacement of doors and windows when the size of opening is not altered;
 - c) Construction of fences (as long as they are constructed inside the property line and conform to Zoning Bylaw height restrictions);
 - d) Patching, painting and decorating;
 - e) Installation of cabinets and shelves;
 - f) Installation and replacement of sidewalks;
 - g) Construction of accessory building and sheds less than 10 square metres (108 square feet) provided that it does not create a hazard to neighbouring properties and meets the setbacks set out in the Zoning Bylaw;
 - h) Non-structural alterations or repairs.

Section 9: Plumbing Permits

- 9.1 Any person wishing to construct, extend, alter, renew or repair a plumbing system or make a connection to public water/sewer shall first apply for, and obtain, a Plumbing Permit from the Authority Having Jurisdiction.
- 9.2 Notwithstanding subsection 9.1, 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.
- 9.3 Every application for a plumbing permit shall be accompanied by a specification or description of the proposed work.
- 9.4 When required by the authority having jurisdiction, the application shall also be accompanied by:
- a) A plan that shows the location and size of every building drain, and of every trap and clean-out fitting that is on a building drain;
 - b) A sectional drawing that shows the size and location of every soil-or-waste pipe, trap and vent pipe;
 - c) A plan that shows a layout of the potable water distribution system including pipe sizes and valves.
- 9.5 When a plumbing permit is required, only Licensed Utility Contractors are allowed to connect to municipal water/sewer systems.
- 9.6 The authority having jurisdiction shall not issue a plumbing permit unless the proposed work is in conformity with the requirements of these policies, the Code, *The Public Health Act* and any other relevant provincial regulation or statute relating to plumbing and unless and until all required fees have been paid in full.

- 9.7 Neither the granting of a permit, nor the approval of plans and specifications, nor inspections made by the building inspector, shall in any way relieve the owner from full responsibility for carrying out the work in strict conformance with the provisions of these policies and the Code.

Section 10: Occupancy Permit

- 10.1 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:
- 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 multi-family dwelling without shared exit facilities);
 - c) For 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) For a change from one use to another within the same Division in a Major Occupancy group with results in an increase in the occupancy load;
 - e) For a change or addition to an occupancy classification of a suite in a building;
 - f) For a change from a use not previously authorized to a new use.
 - g) Until the required fees have been paid in full.
- 10.2 The authority having jurisdiction shall not issue an Occupancy Permit unless the building meets the requirements of this bylaw, the development plan, the zoning bylaw in force or in effect in the Municipality, and the provisions of the Code.
- 10.3 Deposit fees should be released once the Occupancy Permit is approved by the authority having jurisdiction. If a property is occupied before an Occupancy Permit is granted, the deposit fees shall be forfeited.
- 10.4 Notwithstanding apparent compliance with this bylaw, the authority having jurisdiction may refuse to issue an Occupancy Permit if the building, structure, or proposed use is, to the knowledge of the authority having jurisdiction, in violation of a zoning bylaw, or any other bylaw of the Municipality.
- 10.5 An applicant for an Occupancy Permit shall supply all information requested by the authority having jurisdiction to show compliance with this bylaw and any other relevant bylaws of the Municipality.
- 10.6 A required Occupancy Permit shall be displayed and maintained in a legible condition by the owner or the owner's agent in a location acceptable to the Municipality.

Interim Occupancy Permit

- 10.7 The authority having jurisdiction may issue an interim Occupancy Permit for a partial use of a building or structure listed under section 10.1, subject to any conditions imposed by the authority having jurisdiction.
- 10.8 No change shall be made in the type of occupancy or use of any building or structure listed under section 10.1, which would place the building or structure in a different occupancy group, unless such building or structure is made to comply with the requirements of the Code for that occupancy group.
- 10.9 The duration on the interim occupancy shall be left to the discretion of the authority having jurisdiction and the completion time be written on the permit.

Temporary Occupancy Permit

- 10.10 The authority having jurisdiction may issue a temporary occupancy permit for the use of a building or structure listed under section 10.1 that is approved as a temporary building or structure.
- 10.11 A temporary occupancy shall be for a period not more than six (6) months, but before the expiration of such period, may be renewed by the authority having jurisdiction for two further six (6) month periods.

Section 11: Demolition, Removal and Relocation Permits

- 11.1 The demolition of any building or structure, or portion thereof, shall not be commenced unless application has been submitted to and a demolition permit has first been obtained from the authority having jurisdiction. Demolition must be completed and the site cleaned up within 60 days of commencement of demolition.
- 11.2 The removal or relocation of any building or structure, or portion thereof, shall not be commenced unless application has been submitted to and a removal or relocation permit, as appropriate, has first been obtained from the authority having jurisdiction.
- 11.3 Before a permit to demolish, remove, or relocate a building or structure is issued, the authority having jurisdiction may require that the application for permit contain one or more of the following:
 - a) A description of the building or structure giving the existing location, construction materials, dimensions, building height and area;
 - b) A legal description of the existing site;
 - c) A legal description of the site to which it is proposed that the building or structure is to be moved if located within the Municipality;
 - d) A plot plan of the site to be occupied by the building or structure if relocated within the Municipality.

- 11.4 The owner (or their agent) of a site from which a building or structure is to be demolished, removed or relocated shall:
- a) Notify the gas, electric, telephone and water service companies or utilities to shut off and/or remove their service
 - b) Set up such barriers as the authority having jurisdiction deems necessary in order to protect the public and adjacent properties from any damage or nuisance during demolition, failing which, the authority having jurisdiction shall be entitled to issue a stop work order in connection with the demolition
 - c) Upon completion of the demolition, removal, or relocation, return the site to a safe and sanitary condition to the satisfaction of the authority having jurisdiction, including the removal of all foundations, where required, all building waste material, and all other rubble to the appropriate solid waste management facility.
- 11.5 A building or structure shall not be removed or relocated, within the Municipality, or moved into the Municipality from any area outside of the Municipality if the building or structure, in the opinion of the authority having jurisdiction:
- a) Is in such a state of deterioration or disrepair, or is otherwise so structurally unsafe that it could not be moved without endangering persons or property
 - b) Will vary in appearance from the usual types of buildings at its new site to such extent as to lessen the desirability for building purposes of land in the immediate vicinity.
- 11.6 All pre-owned buildings proposed to be moved inside the Municipality will be required to be approved by the authority having jurisdiction, prior to its relocation.

Section 12: Electrical Permits

- 12.1 The requirements for the issue of an electrical permit shall be as set forth in The Manitoba Electrical Code and such permits shall be obtained from or in a manner approved by Manitoba Hydro

Section 13: Permits for Temporary Buildings

- 13.1 Notwithstanding anything contained elsewhere in this by-law or in the Code, a permit for a temporary building may be issued by the authority having jurisdiction, authorizing for a limited time only, the erection and existence of a building or part thereof for an occupancy which because of its nature, will exist for a short time under circumstances which warrant only selective compliance with the Code.
- 13.2 No person shall erect or place a temporary building without first obtaining a development permit from the South Central Planning District Board, and the required building permit.

- 13.3 A permit for a temporary building shall state the date after which, and the condition under which, the permit is no longer valid.
- 13.4 A display home or display cottage may also be classified as a temporary building.
- 13.5 A permit for a temporary building shall be posted on the building.

Section 14: Permits for Signs

- 14.1 No alteration, addition, or any erection or re-erection of signs, including any of the accessories, shall be made unless the owner (or the agent) of the building or site upon which such sign is erected, has applied for and obtained a permit from the authority having jurisdiction.

PART C: GENERAL PROVISIONS

Section 15: Unsafe Conditions

- 15.1 When a building or part thereof is in an unsafe condition, the owner shall immediately take all necessary action to put the building in a safe condition. All buildings or structures, existing and new, and all parts thereof shall be maintained in a safe condition. All devices, or safeguards which are required by the Code in a building or structure when erected, altered or repaired, shall be maintained in good working order. The owner or their designated agent shall be responsible for the maintenance of such building or structures.
- 15.2 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 of collection of taxes, and
 - b) Take such other measures as may be considered necessary to protect the public.
- 15.3 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 16: Plumbing

- 16.1 Where a plumbing permit is required, the system shall not be put into use until it has been inspected.
- 16.2 All new plumbing systems are subject to testing pursuant to the Manitoba Plumbing Code as determined by the authority having jurisdiction.
- 16.3 The owner/plumbing contractor shall:
 - a) Notify the authority having jurisdiction and the Municipality when the work is complete and ready to be inspected or tested; and
 - b) Furnish any equipment, material, power or labour that is necessary for inspection or testing.
- 16.4 If any part of a plumbing system is covered before it has been inspected and accepted by the authority having jurisdiction, it shall be uncovered upon request by the authority having jurisdiction.
- 16.5 If any part of a plumbing system is not accepted by the authority having jurisdiction after it has been inspected or tested, the owner shall make any alteration or replacement that is necessary, and the work shall be subjected to further inspection or testing.

Section 17: Tests and Construction Review

- 17.1 All tests required by the authority having jurisdiction shall be conducted according to the appropriate methods found in the standards listed in the Code. In the absence of such standard test methods, the authority having jurisdiction may specify the test procedures to be followed.
- 17.2 Laboratory tests shall be conducted by a laboratory acceptable to the authority having jurisdiction.
- 17.3 Where tests of any materials are made to ensure conformity with the requirements of the Code and this By-law, records of the test date shall be kept available by the owner for inspection during the construction of the building and for such period thereafter as required by the authority having jurisdiction.
- 17.4 During construction, any general review by an architect or engineer that is required by the Code shall be performed to the standards satisfactory to the authority having jurisdiction.
- 17.5 Upon completion of the work for which review was required, a report shall be submitted to the authority having jurisdiction by the architect or engineer stating what was reviewed and, where applicable, what was not reviewed, and stating the extent to which the construction conforms to the Code.

PART D – Duties, Responsibilities & Powers

Section 18: Duties And Responsibilities of the Owner

18.1 The owner shall:

- a) Obtain any required permits and comply with all pertinent provisions of Part B (Permits)
- b) Ensure payment of all fees imposed by provisions of this bylaw
- c) Ensure no unsafe condition exists or will exist because of any work being undertaken or not completed
- d) Engage an architect or professional engineer as determined by the Code
- e) Ensure all timelines imposed by a permit or the authority having jurisdiction are met
- f) Ensure every statement made and all information provided in any form, application, record or return prescribed or required under this by-law or the Code is true and factual
- g) Provide the authority having jurisdiction with access, as authorized by subsection 23.9
- h) Ensure that the plans and specifications on which the issue of the building permit was based are available continuously at the site of the work for audit or final inspection during working hours by the authority having jurisdiction
- i) Obtain permission in writing from the authority having jurisdiction, for any deviation from the requirements of the conditions of the permit

18.2 The owner shall provide:

- a) Notice in writing to the authority having jurisdiction, prior to commencing the work or installing signage, stating the dates on which work is expected to begin and be completed
- b) Notice in writing to the authority having jurisdiction, prior to commencing the work, listing the name, address, and telephone number of:
 - (i) The constructor or other person in charge of the work
 - (ii) The architect or professional engineer reviewing the work
- c) Notice in writing to the authority having jurisdiction of any change in the employment of persons referred to in subsection (b) during the course of the construction, immediately upon such change of employment occurring
- d) Notice in writing to the authority having jurisdiction:
 - (i) Immediately upon any change in ownership or change in the address of the owner occurring prior to the issuance of a certificate of occupancy; and
 - (ii) Prior to occupying any portion of the building if it is to be occupied in stages
- e) Such other notice to the authority having jurisdiction as may be required by the provisions of the Code or this bylaw, and
- f) When required by the authority having jurisdiction, a letter to certify compliance with the requirements of the Code and of any permits required.

- 18.3 The granting of a permit, the approval of the drawings and specifications, or audits or final inspections made by the authority having jurisdiction, shall not in any way relieve the owner of a building or sign from full responsibility for carrying out the work or having the work carried out and for maintaining the building or sign in accordance with the requirements of the Code including ensuring that the occupancy of the building, or any part thereof, is in accordance with the terms of the certificate of occupancy.
- 18.4 The owner shall give notice in writing to the authority having jurisdiction:
- a) Of intent to do work that has been ordered to be audited or inspected during construction
 - b) Of intent to cover work that has been ordered to be audited or inspected prior to covering, and
 - c) When work has been completed so that a final inspection can be made.
- 18.5 If an up-to-date Surveyor's Staking Certificate or Surveyor's Building Location Certificate prepared by a Manitoba Land Surveyor is required by the authority having jurisdiction, it shall contain sufficient information regarding the site and the location of any building thereon:
- a) To establish before construction begins that all requirements of the Code will be complied with, and
 - b) To verify upon completion of the work that all such requirements have been complied with.
- 18.6 Every owner shall make or have made, at their own expense, tests or inspections as necessary to prove compliance with the Code, and shall promptly file a copy of all such test or inspection reports with the authority having jurisdiction.
- 18.7 To the extent that is possible, all tests required by the authority having jurisdiction shall be carried out by the owner in accordance with recognized standard test methods. In the absence of such standard test methods, the authority having jurisdiction may specify the test procedure to be followed.
- 18.8 Where tests of any materials are made to ensure conformity with the requirements of the Code, records of the test data shall be kept available by the owner or their agent for inspection during the construction of the building and for such period thereafter as required by the authority having jurisdiction.
- 18.9 When required by the authority having jurisdiction, every owner shall uncover and replace at their own expense, any work that has been covered contrary to an order issued by the authority having jurisdiction.
- 18.10 Every owner is responsible for the cost of repair of any damage to public property or works located thereon that may occur as a result of undertaking work for which a permit was required by this bylaw.
- 18.11 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, or
 - c) Requires the use of firewalls according to the Code
- 18.12 Shall ensure that an architect, professional engineer or both are retained to undertake professional design and inspection.

Section 19: Duties And Responsibilities of the Architect or Professional Engineer

- 19.1 Where any building requires the services of an architect and/or professional engineer, the architect and/or professional engineer shall perform all the services described in this subsection.
- 19.2 Where the character of the proposed work requires technical knowledge for the preparation of drawings and specifications, as provided in the Code, the drawings and specifications shall be prepared, and the construction inspected and certified by, an architect and/or professional engineer skilled in the appropriate section of the work concerned and entitled to practice in the Province of Manitoba.
- 19.3 Prior to the issuance of a permit, the responsible architect and/or professional engineer shall submit a letter to the authority having jurisdiction stating the extent of their responsibility for the inspection of construction to ensure conformity with the approved drawings, the Code, specifications and the applicable sections of this by-law.
- 19.4 The responsible architect and/or professional engineer shall sign, seal, and date all the documents referred to in subsections 19.2 and 19.3.
- 19.5 The structural members of a building shall be designated as provided for in Part 4 of the Code by a professional engineer entitled to practice in the Province of Manitoba and competent in the specific field of design undertaken.

Section 20: Duties and Responsibilities of the Constructor and Plumber

- 20.1 Every constructor is responsible jointly and severally with the owner for any work undertaken in respect of Part B (Permits) and Part C (General Provisions).
- 20.2 Every constructor shall ensure that all construction safety requirements of the Code are complied with, and responsibility for notifying the proper authority of any safety violations and/or concerns rests solely with the constructor or designated agents. The authority having jurisdiction may notify the proper authority if a safety violation has taken place.
- 20.3 The plumbing contractor shall ensure the plumbing system is in compliance with all related provisions of this by-law and the Code.

- 20.4 Every constructure 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 appropriate government authority.

Section 21: Duties and Responsibilities of the Authority Having Jurisdiction

- 21.1 The authority having jurisdiction shall administer, interpret and enforce the provisions of this bylaw and the Code, where applicable.
- 21.2 The authority having jurisdiction will review every application for a permit to determine whether or not the proposed work will conform to the Code and whether or not it may adversely affect adjacent property.
- 21.3 The authority having jurisdiction may affix plumbing inspection approval stickers as required by the Code.
- 21.4 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.
- 21.5 The authority having jurisdiction shall accept any construction or condition that lawfully existed prior to the effective date of the Code provided that such construction or condition does not constitute an unsafe condition.
- 21.6 The authority having jurisdiction shall issue, in writing, such notices or orders as may be necessary to inform the owner where a contravention of the Code or this bylaw has been observed.
- 21.7 The authority having jurisdiction shall issue to the owner an order or notice in writing to correct any unsafe condition observed in any building.
- 21.8 The authority having jurisdiction shall provide, when requested to do so, all reasons for refusal to grant a permit.
- 21.9 The authority having jurisdiction shall answer such relevant questions as may be reasonable with respect to the provisions of the Code or this bylaw when requested to do so, but except for standard design aide shall refrain from assisting in the layout out of any work and from acting in the capacity of an engineering or architectural consultant.
- 21.10 The authority having jurisdiction shall issue a permit to the owner, constructor or agent, when, to the best of their knowledge, the applicable conditions as set forth in the Code have been met.

Section 22: Powers of the Authority Having Jurisdiction

- 22.1 The authority having jurisdiction is authorized to issue all permits and orders necessary for the administration and enforcement of the Code and this bylaw, and shall carry out the duties of the authority having jurisdiction set forth herein.
- 22.2 The authority having jurisdiction reserves the right to adjust or place a valuation on the cost of the work. Such valuation shall take precedence over any valuation provided by the owner.
- 22.3 The authority having jurisdiction may authorize an extension to the permit expiration date provided for in subsection 7.16 where, as determined by the authority having jurisdiction, the work is proceeding at a satisfactory rate and uncontrollable circumstances are delaying the work.
- 22.4 The authority having jurisdiction is empowered to issue orders for:
- a) A person who contravenes the Code or this bylaw to comply with the Code or this bylaw, within the time period specified
 - b) Work to stop on the building or any part of it, if such work is proceeding in contravention of the Code or this bylaw, or if there is deemed to be an unsafe condition
 - c) The removal of any unauthorized encroachment on public property
 - d) The removal of any building or part of it constructed in contravention of the Code or this bylaw
 - e) The cessation of any occupancy in contravention of the Code or this bylaw, or if any unsafe condition exists because of work being undertaken or not completed
 - f) The correction of any unsafe condition.
- 22.5 The authority having jurisdiction may refuse to issue any permit:
- a) When information submitted is inadequate to determine compliance with the Code and this bylaw
 - b) When incorrect information is found to have been submitted
 - c) That would authorize any building work or occupancy that would not be permitted by the Code or this bylaw that would be prohibited by any Act, regulation or bylaw.
- 22.6 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 on the basis of incorrect information
 - d) The work is being done contrary to the terms of the permit.
- 22.7 The authority having jurisdiction may require an owner to make or have made tests or inspections as necessary to prove compliance with the Code and this by-law and to provide a full copy of all

such test or inspection reports to the authority having jurisdiction within the specified timeline. The expense of such tests or inspections is the responsibility of the owner.

- 22.8 The authority having jurisdiction may establish timelines within which results and actions required by this bylaw must be taken. all such timelines must be provided to the owner in writing.
- 22.9 The authority having jurisdiction shall be permitted to enter any building or property at any reasonable time for the purposes of administering or enforcing the Code or this bylaw.
- 22.10 The authority having jurisdiction may authorize a permit for a temporary building in accordance with section 13.
- 22.11 The authority having jurisdiction may authorize the complete or partial demolition or removal, at the expense of the owner, a building which is deemed by the authority having jurisdiction to be constructed in contravention of the code or any bylaw and to provide that the cost of such demolition or removal as certified by the authority having jurisdiction, may be added to the taxes on the land occupied by such building and collected as other taxes.
- 22.12 The authority having jurisdiction may by written notice, require the owner of a building or other person acting for the owner in respect thereof, to comply within a specified period of time to have the building made to conform to the code in such respects as are specified in the notice. Omission to give such notice, however, shall not prevent the owner or other person from being prosecuted for breach of the Code.
- 22.13 The authority having jurisdiction may create any forms or other documents as deemed necessary for the efficient application of the provisions of this by-law. This may include, without limitation, such documents as permit applications, permits, permit placards, certificate of occupancy, and stop work order. All documents created and in use shall be readily available to the general public.

PART E: RIGHT OF APPEAL

Section 23: Right of Appeal

- 23.1 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.
- 23.2 Council may hear the appeal as a committee of the whole or by subcommittee especially established for this purpose.
- 23.3 Upon 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

23.4 The decision or order of the Council, upon being communicated to the appellant, shall stand in place of the decisions or order against which appeal is made, and any failure to comply with the decision or order is an offense.

PART F: PENALTIES

Section 24: Penalties

- 24.1 Any person who contravenes, or does not comply, or improperly complies, or only partly complies with any provision of this bylaw or related Regulation, commits an offence and is 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.
- 24.2 Where a corporation commits an offense contrary to this bylaw or the Code, each Director or Officer of the corporation who authorized, consented to, knowingly permitted, acquiesced or was willfully blind with respect to the doing of the act that constitutes the offense, is likewise guilty of the offense and liable, on summary conviction, to a penalty for which provision is made in above subsection 24.1.
- 24.3 Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the offender is guilty of a separate offense for each day it continues.
- 24.4 Nothing in this bylaw reduces or eliminates the obligation of any person to comply with the requirements of statutes or regulations of the Manitoba Legislature, other Municipal Bylaws, or relevant Codes.

PART G: SEVERABILITY, REPEAL AND ENACTMENT

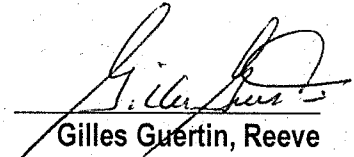
Section 25: Severability, Repeal and Enactment

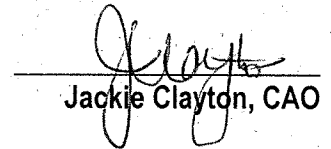
- 25.1 Should any section or part of this by-law be declared to be invalid, it is the intent of Council that it would have passed all other portions of this bylaw independent of the elimination of any such portion as may be declared invalid.

- 25.2 Treherne Building Bylaw No. 592 84 and RM of South Norfolk Bylaw 2416 97 are hereby repealed.
- 25.3 The repeal of the bylaws noted in subsection 25.2 shall not revive any bylaw or any provision of any bylaw repealed by them, nor shall the said repeal prevent the effect of any saving clause in the said bylaws or the application of any of the said bylaws or any other bylaw or provision of law formerly in force to any transaction matter or thing anterior to the said repeal to which they would otherwise apply

DONE AND PASSED by the Council of the Municipality of Norfolk Treherne duly assembled this 29th day of November, 2022.




Gilles Guertin, Reeve


Jackie Clayton, CAO

Read a first time this 8th day of November, 2022
Read a second time this 29th day of November, 2022
Read a third time this 29th day of November, 2022