

By-law No. PD-011: BUILDING BY-LAW

The Council of the Municipality of Grand Bay-Westfield under authority vested in it by and Section 5(1) of the *Building Code Administration Act*, 2020 C.8 enacts as follows:

TITLE

1. This By-law may be cited as the Town of Grand Bay-Westfield Building By-law.

DEFINITIONS

2. In this By-law,

- i) **"Building Inspector"** means Building Inspector as defined in the *Building Code Administration Act*.
- ii) **"Code"** means the National Building Code adopted by reference in the Regulations under the *Building Code Administration Act*, including all revisions, errata, and corrections as issued from time to time.
- iii) **"Construct"** means to do anything in the erection, installation, extension, or material alteration, or repair of a building and includes the installation of a building unit fabricated or moved from somewhere else.
- iv) **"Constructor"** means a person constructing a building and includes a contractor and subcontractor.
- v) **"Demolish"** means to do anything in the removal of a building or a material part of a building.
- vi) **"Municipality"** means the Town of Grand Bay-Westfield.
- vii) **"Permit Holder"** means a person; or corporation, or a person who is acting on behalf of a person or corporation, who holds title to real property, and includes a person or corporation who has entered into an agreement to purchase the real property.

SCOPE

3. The purpose of this by-law is:

- a) to prescribe standards for the building, locating or relocating, demolishing, altering, structurally altering, repairing or replacing, or any combination thereof, of a building or structure;
- b) to prohibit the undertaking or continuing of such work in violation of standards prescribed by this by-law;
- c) to control the location, design, and construction of retaining walls and fences; and;
- d) to prescribe a system of permits for such work, their terms and conditions, the conditions under which they may be issued, suspended, reinstated, revoked and renewed, their form and the fees, therefore.

APPLICATION

- 4(1). The requirements and standards herein apply to the design, construction, and occupancy of new buildings and structures, and the alteration, reconstruction, demolition removal, relocation, and occupancy of existing buildings and structures, except as otherwise provided herein.
- 4(2). The requirements of the Provincially adopted National Building Code of Canada and amendments thereto are hereby adopted and shall apply to all buildings and structures within the Town of Grand Bay-Westfield except as otherwise exempted.
- 4(3). The requirements of the Provincially adopted National Fire Code of Canada and amendments thereto are hereby adopted and shall apply to all buildings and structures within the Town of Grand Bay-Westfield except as otherwise exempted.

LIMITED APPLICATION TO EXISTING BUILDINGS

- 5(1). Where a building or a part thereof is altered, this by-law applies to the parts of the building that are to be altered.
- 5(2). This by-law applies when the whole or any part of a building is relocated either within or into the Municipality.
- 5(3). This by-law applies to the work involved in the demolition of a building and to work which the Building Inspector orders to be done to correct defects remaining after the demolition.
- 5(4). This by-law and the appropriate regulations in the Provincially adopted National Fire Code of Canada and amendments thereto apply to the work necessary to reconstruct any part of a building or structure which has been damaged by fire, earthquake, or any other cause.
- 5(5). This by-law and the appropriate regulations in the Provincially adopted National Fire Code of Canada and amendments thereto apply to any work necessary to correct an unsafe condition in or about a building or structure.
- 5(6). This by-law applies to any building or any part thereof which has been affected in any manner in whole or in part by a change of occupancy classification of the Code.

BUILDING INSPECTOR

- 6(1). The Council of the Town of Grand Bay-Westfield shall appoint a Building Inspector under the *Local Governance Act*, SNB 2017, c 18, who shall exercise such powers and perform such duties as set out in this by-law.
- 6(2). The Building Inspector shall issue a building permit or a demolition permit, if the following conditions are fulfilled:

By-law No. PD-011: BUILDING BY-LAW

- (a) the owner or person acting on behalf of the owner makes an application in accordance with the Building By-law;
- (b) the Development Officer has granted an approval with respect to the work, under subsection 108(1) of the *Community Planning Act, SNB 2017, c 19*; and
- (c) the construction work conforms with:
 - i) the Code;
 - ii) standards prescribed by the Building By-law;
 - iii) terms and conditions of the building or demolition permit
- (d) the owner or a person acting on behalf of the owner pays the fees prescribed by the Building By-law.

BUILDING PERMITS

- 7(1). A person or corporation shall not undertake or continue the building, locating or relocating, demolishing, altering, or replacing of a building or structure unless a building permit has been issued.
- 7(2). A permit is not required for the following: re-roofing, painting, plaster repairs, drywall patching, window replacement of the same size or smaller, insulating, floor replacement, wallpapering, or replacing existing exterior cladding for residential properties only, subject to approval of exterior cladding type as it relates to fire separation requirements;
- 7(3). A person or corporation seeking to obtain a building permit shall make application in writing to the Building Inspector and such application shall:
 - (a) be in a form prescribed by Council;
 - (b) be signed by the applicant;
 - (c) state the intended use of the building or structure;
 - (d) unless waived by the Building Inspector, include 2 copies of the specification and scale drawings, along with electronic copies of the work showing:
 - (i) the dimensions of the building or structure;
 - (ii) the proposed use of each room or floor area;
 - (iii) the dimensions of the land upon which the building is or is to be situated;
 - (iv) the grades of the streets and sewers abutting the land;
 - (v) the position, height, and horizontal dimensions of all building on, and those proposed to be situated on, the land referred to;
 - (vi) the estimated cost of the proposed work including labour and materials;
 - (vii) exterior finish of the structure; and

By-law No. PD-011: BUILDING BY-LAW

- (viii) such other information as the Building Inspector may require for the purpose of determining compliance with this and other by-laws;
 - (ix) names of all contractors, architects, engineers or designers as the case may be, that will perform work with respect to the building or demolition permit;
 - (x) the name of all inspection or testing agencies engaged to monitor the work or part of the work.
- 7(4). Where a proper application has been received and the proposed work conforms with this and other applicable by-laws, the Building Inspector shall issue the building permit and return to the applicant one (1) set of plans stamped "Building Permit Number [to be inserted] Town of Grand Bay-Westfield."
- 7(5). A permit is issued on the condition that the work:
 - (a) is commenced within six (6) months from the date of issue of the permit;
 - (b) is not discontinued or suspended in excess of one (1) year or in such manner that any exterior surface intended to be cladded remains uncladded in excess of six (6) months; and
 - (c) is carried out in compliance with the specifications contained in the application for the permit.
- 8. Where a person violates a condition or any provision of this by-law the building inspector may, by written notice, state the nature of the violation and order the correction within a reasonable time period.
- 9. Where a person fails to comply with an order the Building Inspector may suspend or revoke the building permit. If the conditions leading to the suspension are subsequently corrected, the Building Inspector shall reinstate the suspended permit.

RESPONSIBILITY OF THE PERMIT HOLDER

- 10. The Permit Holder shall give written notice to the Building Inspector, including Permit number, civic address and property identification number (PID):
 - (a) at least 48 hours' notice of the intention to start work authorized by the permit;
 - (b) at least 24 hours' notice of completion of footings and foundations, prior to backfilling of any foundation wall;
 - (c) notice of the completion of the work described in the permit within 10 days either of such completion or before occupation of the building; and
 - (d) other information as may be required.

By-law No. PD-011: BUILDING BY-LAW

11. Where tests of any materials are made to ensure conformity with the requirements of the by-law, records of the test data shall be kept available for inspection during the carrying out of the work authorized.
12. The approval of the plans or specifications, the issuing of a building permit or any inspections do not relieve a person of any duty or responsibility for carrying out works in accordance with this by-law. Neither the Town of Grand Bay-Westfield nor the Building Inspector may be deemed liable as a result of faulty design, improper construction or inadequate materials, whether or not such have been inspected or approved by the Building Inspector.

DOCUMENTS ON SITE

13. The Permit Holder shall keep posted:
 - (a) a copy of the building permit in a conspicuous place on the property until completion of the work; and
 - (b) a copy of the approved plans and specifications are made available to the Building Inspector on the premises during working hours.

TESTS

14. The Building Inspector may:
 - (a) direct the tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence of proof be submitted, at no cost to the Town of Grand Bay-Westfield where such evidence or proof is necessary to determine if any material, device, construction or foundation condition meets the requirements of this by-law; and
 - (b) revoke, suspend or refuse to issue a building permit where, in their opinion the results of the tests referred to in clause (a) are not satisfactory.

RECORDS

15. The Building Inspector shall keep proper records of all applications received, permits and orders issued, inspections and tests made, and shall retain copies of all papers and documents connected with the administration of his duties for a period of no less than seven (7) years from the date of completion of the work.

COPIES OF CODE AVAILABLE

16. The Building Inspector shall keep one copy of the Provincially adopted National Building Code of Canada and National Fire Code of Canada available for the public use.

DETERMINATION OF PERMIT FEES

17. A permit may not be issued until a fee has been paid to the Town. The calculation of a fee is based on the estimated construction cost of the work to be performed.

RATE SCHEDULE

18. The fee for a building permit or a demolition permit shall be:
- (a) for a building permit, \$25.00 plus \$5.00 per \$1,000, and
 - (b) for a demolition permit, \$25.00
 - (c) The above rate schedule shall be doubled if the work is started without a building permit or a demolition permit.

OFFENCES AND PENALTIES

- 19(1). A person who violates or fails to comply with a provision of this Building By-law commits an offence punishable as a category F offence under Part 2 of the *Provincial Offences Procedures Act*, SNB 1987, c P-22.1, and
- a) despite subsection 56(6) of the *Provincial Offences Procedure Act*, the minimum fine that may be imposed by a judge in respect of an offence under this subparagraph (1) shall be \$1000;
 - b) if an offence under sub section (1) continues for more than a day,
 - i) the minimum fine that may be imposed is the sum of (A) \$1,000, and B) the minimum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues after the first day; and
 - ii) the maximum fine that may be imposed is the maximum fine set by the *Provincial Offences Procedure Act* for a category F offence multiplied by the number of days during which the offence continues.
- 19(2). A person who violates or fails to comply with a provision of the regulations in respect of which a category has been prescribed under paragraph 22(1)(n) of the *Building Code Administration Act* an offence of the category prescribed by regulation.
- 19(3). A person who does any of the following commits an offence punishable as a category E offence:
- (a) obstructs or interfere with a building inspector who is carrying out or attempting to carry out an inspection; and
 - (b) violates or fails to comply with an order of a building inspector.

By-law No. PD-011: BUILDING BY-LAW

- 19(4). When a person violates or fails to comply with an order under section 19(3)(b) and is convicted of an offence in respect of the violation or failure, the court imposing the conviction may order the person to comply with the order under section 19(3)(b).
- 19(5). A person who violates or fails to comply with an order of the court under subsection 19(4) commits an offence punishable as a category F offence.
- 19(6). For the purposes of Part 2 of the Provincial Offences Procedure Act, a person who does any of the following commits an offence punishable as a category B offence:
- (a) violates or fails to comply with section 13; and
 - (b) violates or fails to comply with subsection 10.

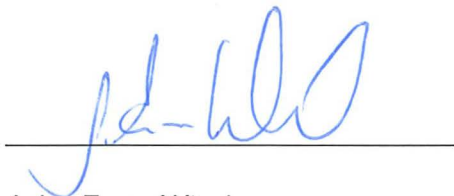
READ A FIRST TIME by title this 14th day of November, 2023.

READ A SECOND TIME by title this 14th day of November, 2023.

READ A THIRD TIME by summary and ENACTED on this 27th day of November, 2023.

This By-law comes into force on the date of final passing thereof.

SIGNED AND APPROVED this 27th day of November, 2023.



John Enns-Wind
CAO / Clerk



Brittany Merrifield
Mayor

I certify that this instrument
is registered or filed in the

Kings
County Registry Office,
New Brunswick

J'atteste que cet instrument est
enregistré ou déposé au bureau
de l'enregistrement du comté de

Kings
Nouveau-Brunswick

2023-12-20 12:55:03 44556612
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Registrar-Conservateur