

BY-LAW# 25
BUILDING BY-LAW

BE IT RESOLVED by the Council of the Municipality of the County of Inverness that the following By-law be enacted and that the Clerk forward three copies of it to the office of the Minister of Municipal Affairs pursuant to Section 7 of the *Building Code Act*. S.N.S., 1986, c.3.

PART 1 - TITLE

This By-law may be cited as the "Building By-law" and shall apply to the whole of the Municipality of the County of Inverness.

PART 2 - DEFINITIONS

"Accessory Building" means a subordinate building or structure on the same lot as the main building and devoted exclusively to an accessory use, but does not include a building;

"Authority having jurisdiction" means the Municipality of the County of Inverness;

"Building" means a building as defined from time to time by the Building Code of Canada;

"Building Inspector" means any person authorized by the Municipality to administer and enforce the provisions of this By-law;

"Building Code" means the regulations made pursuant to Section 4 of the *Building Code Act*, S.N.S., 1986, c.3, as amended from time to time;

"Building Code of Canada" means the National Building Code issued by the National Research Council;

"Clerk" means a Clerk of the Municipality;

"Construct" means to do anything in the erection, installation, extension, relocation, material alteration or material repair of a building and includes the installation of a factory made building fabricated or moved from elsewhere;

"Council" means the Council of the Municipality of the County of Inverness;

"Demolition" means the doing of anything in the removal of a building or any material part removed thereof;

"Excavation" means the removal of topsoil or the alteration of grade related to the erection of a structure upon any parcel of land;

"Inspector" means a person appointed as an Inspector pursuant to Section 5(2) of the *Building Code Act*, S.N.S., 1986, c.3;

"Material alteration" and "material repair" means work that is done in the alteration or repair of a building which work is covered by the Building Code and which:

- (a) is a non-structural repair or alteration which has a monetary value of not more than TWO THOUSAND (\$2,000.00) Dollars;

- (b) is the replacing of an existing roof not exceeding the value of TWO THOUSAND FIVE HUNDRED (\$2,500.00) Dollars, or,
- (c) is a repair or alteration to the structure of the building;

“Municipality” means the Municipality of the County of Inverness;

“Occupancy” or “class of occupancy” means the use or intended use of a building as defined in the Building Code;

“Owner” includes a person controlling the property under consideration, and also includes prima facie, the assessed owner of the property whose name appears on the Assessment roll prepared in accordance with the *Assessment Act*;

“Permit” means a permit issued pursuant to this By-law;

“Plumbing System” means a drainage system, a venting system, and a water system, or parts thereof;

“Regulations” means the regulations in force from time to time pursuant to Section 4 of the *Building Code Act*;

“Structural alteration” and “structural repair” means any repair or renovation which would affect the structural integrity of a building;

“Value” means the estimated market value of the construction work upon its completion.

PART 3 - APPLICATION AND ADMINISTRATION

3.1 Where

- (a) a building is built, this By-law applies to the design and construction of the building;
- (b) the whole or any part of a building is located or relocated, this By-law applies to all parts of the building whether relocated or not;
- (c) the whole or any part of the building is demolished, this By-law applies to any remaining part and to the work involved in the demolition;
- (d) a building or structure is materially or structurally altered, this By-law applies to the whole building or structure except that the By-law applies only to part of the building or structure if the unaltered part is completely self contained with respect to the facilities and safety measures required by this By-law;
- (e) the whole or any part of a building is repaired or replaced, this By-law applies to all parts of the building and to the work involved in the repairing or replacing.

3.2 Except as may otherwise be stated in this By-law, the provisions of the *Provincial Building Code Regulations*, as amended from time to time, shall apply.

- 3.4 The granting of a permit or the approval of the drawings and specifications, or inspections made by the Building Inspector during erection of the building shall not relieve the owner of such building from full responsibility for carrying out the work in accordance with the requirements of this By-law.
- 3.5 No person or company shall commence any construction or excavation without having first having obtained a Building Permit from the Building Inspector, except that no Building Permit shall be required for non-structural repairs and renovations not exceeding the value of \$2,000.00, replacing an existing roof not exceeding the value of \$2,500.00, or accessory buildings not greater than twelve (12) square metres or fences less than two (2) metres in height.

PART 4 - GENERAL REQUIREMENTS

- 4.1 Nothing in this By-law shall exempt any person or company from obtaining any license, permission, permit, authority or approval required by any other By-law or Regulation of the Municipality or any statute or regulation of the Province.
- 4.2 Where the provisions of this By-law conflict with those of any other Municipal or Provincial regulation, by-law or code, the higher or more stringent requirements shall prevail, except that the provisions of a development agreement or land use by-law pursuant to a municipal planning strategy shall always prevail.

PART 5 - BUILDING PERMITS

- 5.1 A building permit, occupancy permit and demolition permit shall be in the forms set out in Appendix "B" annexed hereto.
- 5.2 Before a permit is issued, an applicant must complete an application form in the form which shall be appended in Appendix "B" annexed hereto.
- 5.2.1 Every application for a permit shall:
- (a) Identify and describe in detail the work and occupancy to be covered by the permit for which application is made.
 - (b) Describe the lot 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 as required by the Building Code and show the occupancy of all parts of the building.
 - (d) State the valuation and square meterage (square footage) of the proposed work and be accompanied by the required fee.
 - (e) State the property as well as the names, addresses, and telephone numbers of the owner, architect, professional engineer or contractor who is to carry out the proposed construction.
 - (f) State any other information requested by the Building Inspector as needed to evaluate whether the application is in compliance with the provisions of this By-law, the *Building Code Act*, the *Regulations*, the Municipality's land use by-laws, development agreements, *Nova Scotia Health Regulations*, or the *Public Highway Act*.

- 5.2.2 When an application for a permit has not been completed in conformance with the requirements of this By-law within six months after it is filed, the application shall be deemed to have been abandoned.
- 5.2.3 A permit is valid for one (1) year from the date of issue and is renewable.
- 5.3 In addition to the permit requirements of the *Regulations*, a building permit is required for:
- (a) Accessory buildings greater than twelve (12) square metres in building area;
 - (b) Installation of siding over an existing exterior finish; or
 - (c) Replacing an existing roof.
- 5.4 Before issuing a building permit, a complete application shall be filed with the authority having jurisdiction.
- 5.5 This authority having jurisdiction may, in the case of construction of new buildings or structures, withhold a building permit until satisfied that any permit required pursuant to the *Public Highways Act* and/or the *Nova Scotia Health Regulations* has been obtained.
- 5.6 A permit for a temporary building:
- (a) shall state the date after which the conditions under which the permit is no longer valid;
 - (b) may be extended in writing; and
 - (c) shall be posted on the building.
- 5.7 Should a permit be issued for part of a building, the holder of the permit may proceed with the work, but without any assurance that the permit for the entire building will be granted.
- 5.8 Any permit issued for only part of a building shall be clearly marked as for part only, and shall also indicate that a permit for the entire building is not assured.
- 5.9 A permit may be issued at the risk of the owner, with conditions to ensure compliance with the Building Code, to excavate or to construct a portion of a building before all the plans of the project have been submitted or accepted.
- 5.9.1 The permit shall be clearly marked "At Owner's Risk".
- 5.10 A permit for a whole project may be issued conditional upon the submission of additional information prior to commencing the work for which the information is pertinent, provided that the information is of such a nature that withholding the permit until the information was available would delay the work unreasonably.
- 5.11 (a) Whenever any work is being done in violation of the provisions of this By-law, or in variance with the terms of any permit issued for such work, the Building Inspector may order all work on the job stopped until such violation or variance is eliminated and any work or installation made in

violation of this By-law corrected, and on the making of such order the permit under which such work is purported to be done shall be suspended.

- (b) Such stop order, if oral, shall be followed by a written stop order within three (3) days.
- (c) No work shall be done in violation of such stop order, except as may be necessary to prevent injury or damage to persons or property and is approved by the Building Inspector.
- (d) If, within thirty (30) days of the making of such stop order, any such violation of variance is eliminated, and any work or installation made in violation of this By-law is corrected, the Building Inspector may reinstate the permit provided, however, that if such violation or variance is not eliminated and such work or installation is not corrected within the said time, the Building Inspector may revoke the permit.
- (e) The holder of a revoked permit must apply for a new permit in the manner provided in this By-law and must pay the fees required for the issuance of such new permit.

PART 6 - DEMOLITION PERMITS

6.1 No person shall commence to demolish any building or part thereof without having first obtained a Demolition Permit from the Building Inspector.

6.2 Every application for a Demolition Permit shall:

- (a) Identify and describe in detail the work to be covered by the permit for which application is made.
- (b) State the name, address, and telephone number of the person or firm who is to carry out the proposed demolition.
- (c) Describe the land on which the work is to be done by description that will readily identify and locate the lot, and should, where possible, include both civic number and subdivision lot number.
- (d) Describe the manner and timeframe within which demolition debris will be removed from the site and identify the location where it will be dumped.
- (e) State any other information requested by the Inspector as needed to evaluate whether the application is in compliance with the provisions of this By-law, the *Building Code Act*, the *Regulations*, the Municipality's land use by-laws, any applicable development agreement, the *Health Act* R.S.N.S. 1989, c.195, or the *Public Highways Act*.

PART 7 - OCCUPANCY PERMIT

7.1 No person shall occupy any building erected after the coming into force of this By-law without having obtained an Occupancy Permit from the Building Inspector.

- 7.2 The Building Inspector shall not issue an Occupancy Permit under this Part respecting any building until:
- (a) a final building permit has been issued therefore;
 - (b) such building and site conforms to the provisions of the applicable land use by-law or development agreement of the Municipality;
 - (c) such building is equipped with adequate sanitary facilities, adequate water supply, adequate means of egress and smoke alarms as required by the *Regulations*;
 - (d) in the case of any building to which Part 4 of the National Building Code of Canada applies, the Building Inspector is in receipt of a construction completion certificate in the form appended as Schedule "B" to this By-law, duly executed by a professional engineer or architect, as appropriate under legislation governing the practice of those professions.
- 7.3 No person shall change or cause to be changed the occupancy of any building located in an area where no municipal planning strategy and land use by-law applies, until an Occupancy Permit has been issued by the Building Inspector permitting the change in occupancy of such building.
- 7.4 No person shall occupy or cause to be occupied any vacant building or part thereof to which a notice of unsafe condition has been attached by the Building Inspector under the provisions of Subsection 1 of Section 10 of Chapter 81 of the Acts of Nova Scotia, 1957, as amended, until an Occupancy Permit has been issued by the Building Inspector permitting such building to be occupied.

PART 8 - PERMIT FEES

- 8.1 The fees to be charged for permits shall be in accordance with the scale of fees as prescribed in Appendix "A" as amended from time to time.
- 8.2 Where a building permit has been issued in error by the Municipality, the Building Inspector may authorize that a refund of the total fee be paid the applicant. Upon payment by the Municipality of such refund, the permit shall be deemed to be cancelled.
- 8.3 The person to whom a building permit has been issued may within thirty (30) days of the issuance of such permit apply for a refund of 50% of the fee paid hereunder provided no work has been done under the permit. Upon payment by the Municipality of such refund, the permit shall be deemed to be cancelled.
- 8.4 Notwithstanding anything herein contained, where work requiring a permit under this By-law has been commenced by anyone prior to the issuance of such permit, the fees prescribed herein shall be doubled.
- 8.5 Notwithstanding anything herein contained, the maximum fee charged for a permit shall be as prescribed in Appendix "A".

PART 9 - POWERS OF THE BUILDING INSPECTOR

9.1 The Building Inspector may:

- (a) enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-law;
- (b) cause a written order to be served upon the owner of any property directing the owner to correct any condition that constitutes a contravention of this By-law;
- (c) direct that tests of materials, 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, device, construction or foundation condition meet the requirements of this By-law;
- (d) revoke or refuse to issue a permit where, in his/her opinion, the results of the tests referred to in clause (c) are not satisfactory.

PART 10 - INSPECTIONS

10.1 The authority having jurisdiction shall be notified and given an opportunity to inspect at the following stages of construction:

- (a) The site before commencing backfilling a foundation, and before a super structure is placed on a foundation;
- (b) The framing, roof, plumbing and insulation before wall framing is covered;
- (c) Before occupancy.

10.2 The Building Inspector shall make every reasonable effort to carry out inspections within forty-eight (48) hours of being notified, excluding non-working days. Failure to do so, however, shall not be deemed to relieve an applicant from having the necessary inspections completed pursuant to Section 10.1.

PART 11 - PENALTY

11.1 Every person or company which fails to comply with the provisions of this By-law is guilty of an offence and is subject to the penalty provisions of the *Building Code Act*.

PART 12 - COMING INTO FORCE

12.1 All former Building By-laws passed by Council are hereby repealed and this By-law substituted therefore.

APPENDIX "A"**Building Permit Fee Structure**

Residential Construction	\$15 + \$0.15 p.s.f.
Mobile Homes	\$75.00
Commercial/Institutional Construction	\$15 + \$0.12 p.s.f.
Industrial Construction	\$15 + \$0.09 p.s.f.
Community Halls/Non Profit Organizations	\$200.00 Maximum
Additions/Alterations/Garages/ Barns/Accessory Buildings	\$15 + \$2.50 per \$1,000
Demolition Permit	\$15.00
Occupancy Permit	Nil
Refund for Unused Permit (If application for refund is made within 30 days of permit issuance.)	50% of Permit Fee
Permit Renewal Fee	\$15.00
All Construction/Repairs/Alterations Commenced Without Benefit of Permit	Double the standard fee

APPENDIX "B"

BUILDING

PERMIT

MUNICIPALITY OF THE COUNTY OF INVERNESS

P.O. Box 179, Port Hood, Inverness Co., N.S. B0E 2W0

Tel: (902) 787-2274 - Fax: (902) 787-3110

Issued to:

For:

Conditions:

This card must be placed in a conspicuous place on the premises before work is started.

Please notify the Building Inspector at:

787-2274

when the following are ready for inspections:

1 - Foundation & Drainage (Before backfill)

☐

2 - Ready for Drywall

☐

3 - Completed House

☐

Date:

Expires:

Building Inspector:

DEMOLITION

PERMIT

MUNICIPALITY OF THE COUNTY OF INVERNESS

P.O. Box 179, Port Hood, Inverness Co., N.S. B0E 2W0

Tel: (902) 787-2274 - Fax: (902) 787-3110

Issued to:

For:

Conditions:

OCCUPANCY

PERMIT

MUNICIPALITY OF THE COUNTY OF INVERNESS

P.O. Box 179, Port Hood, Inverness Co., N.S. B0E 2W0

Tel: (902) 787-2274 - Fax: (902) 787-3110

Issued to:

For:

Conditions:

APPLICATION

No.

FOR:

TO

BUILDING PERMIT

- ☐ ERECT ☐ DEMOLISH ☐ REPAIR
☐ LOCATE ☐ REBUILD ☐ RELOCATE
☐ ADD ☐ ALTER ☐ CHANGE USE

DEVELOPMENT PERMIT

DATE		REC'D	
ESTIMATED VALUE OF CONSTRUCTION		PERMIT FEE	
RECEIPT NO	DATE	INIT	19

APPLICANT	ADDRESS	PHONE
OWNER	ADDRESS	PHONE
BUILDER	ADDRESS	PHONE
PROJECT LOCATION		
TYPE OF PROJECT (SPECIFY)		
PROPOSED USE OF LAND AND BUILDING	ASSESSMENT OR P I D #	
PRESENT USE OF LAND AND BUILDING		

REMARKS			
IS THIS AN APPROVED LOT? <input type="checkbox"/> YES <input type="checkbox"/> NO			
Name of Subdivision			
Owner of Land			
Lot No	Plan No		
Date Approved	Registration No		
Dimensions of Lot	Area of Lot		
MUNICIPAL WATER?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	IF NO, WHAT TYPE?
MUNICIPAL SEWER?	<input type="checkbox"/>	<input type="checkbox"/>	
PUBLIC STREET?	<input type="checkbox"/>	<input type="checkbox"/>	
Foundation Material	Size		
Footings Material			
Size			

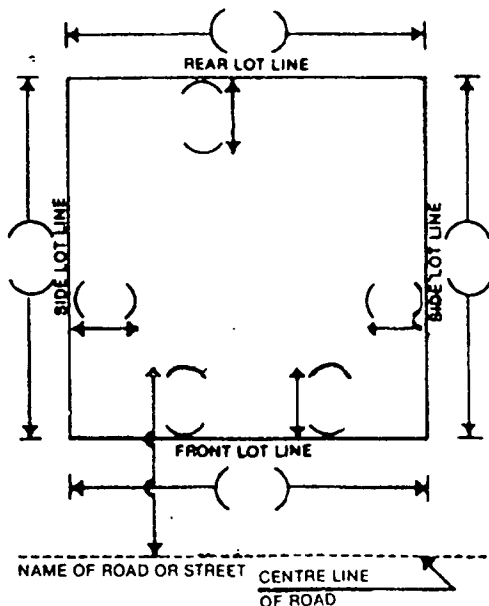
PLOT PLAN

PLEASE SHOW LOCATION, SIZE AND OUTLINE OF ALL BUILDINGS, EXISTING AND PROPOSED, TO BE LOCATED ON THE PROPERTY IN THE AREA BELOW AND GIVE ALL APPLICABLE DIMENSIONS OF THE BUILDING, THE ADDITIONS, THE LOT AND YARD DISTANCES. THE NAMES OF ANY ABUTTING STREETS SHOULD ALSO BE SHOWN.

Building Size _____ x _____

Lot Size _____ x _____

Distance From Centre Line of Hgwy. _____ Ft



SPECIFICATIONS NOT REQUIRED IF INCLUDED ON PLANS SUBMITTED

No Floor Joists 1st	Size	Length	Clear Span	Spacing
No Floor Joists 2nd	Size	Length	Clear Span	Spacing
Size of Rafter	Ceiling Height	Size of Wall Studding	Construction to Begin 19	
Flue Type (e.g. Prefab)	Roof Type (e.g. Pitch)			
Material	Material (e.g. 3 in 1 Shingles)			

Documents Supplied	Yes	MUNICIPALITY OF THE COUNTY OF INVERNESS P.O. Box 179 Port Hood, Inverness Co., N.S. B0E 2W0 Tel (902) 787-2274 Fax (902) 787-3110
Copy of Deed	<input type="checkbox"/>	MUNICIPALITY OF THE COUNTY OF RICHMOND P.O. Box 120, Arichat, Richmond Co., N.S. B0E 1A0 Tel (902) 226-2400 Fax (902) 226-1510
Building Plans	<input type="checkbox"/>	MUNICIPALITY OF THE COUNTY OF VICTORIA, P.O. Box 370 Baddeck, Victoria Co., N.S. B0E 1B0 Tel (902) 295-3231
Specifications	<input type="checkbox"/>	TOWN OF PORT HAWKESBURY, P.O. Box 2201, 609 Church St., Port Hawkesbury, N.S. B0E 2V0 Tel (902) 625-1572 Fax (902) 625-1559
Site Plan	<input type="checkbox"/>	
Survey Plan	<input type="checkbox"/>	
Fee	<input type="checkbox"/>	

IMPORTANT: READ DECLARATION BELOW, THEN SIGN

I DO SOLEMNLY DECLARE

- That I am an authorized agent of the owner/the owner named in the application for a permit hereto attached
- That the statements herein contained in the said application are true and made with a full knowledge of the circumstances connected with the same
- That the plans and specifications submitted are prepared for the construction or alteration of the building or buildings described
- That the plot plans submitted correctly set out the dimensions and the area of the lands described in the said application, and the relation of the location of the proposed building to the street line and all other property lines
- That I know of no reason why the permit should not be granted to me in pursuance of the said application, and making this declaration conscientiously believing it to be true, I hereby make application for a

DEVELOPMENT BUILDING PERMIT

(Signature)

OCCUPANCY PERMIT

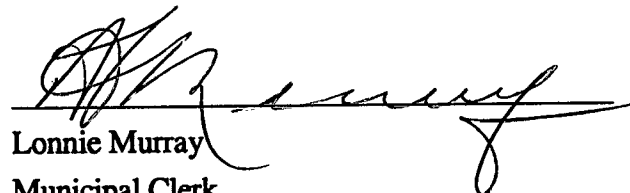
(Signature)

THE SECTION BELOW IS FOR OFFICE USE ONLY

ZONING	DISTRICT	OTHER
Date Sent to Health 19	Date Sent to Trans 19	Date Sent to Public Works 19
Approved	Approved	Approved
YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
PROPERTY NO	CHANGE OF USE	
OTHER CONDITIONS		
OCCUPANCY PERMIT NO		
DATE ISSUED		
DEVELOPMENT PERMIT NO		
DATE ISSUED		
BUILDING PERMIT NO		
DATE ISSUED		
APPROVED BY		
Building Inspector	Development Officer	

This is to certify that the By-Law of which this is a true copy was duly passed at a duly called meeting of the Municipal Council of the County of Inverness held on the 10th day of July, 1995.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this 13th day of July, 1995.



Lonnie Murray
Municipal Clerk

Filed in the office of the
Minister of Municipal Affairs
this 31st day of July,
1995.



Sandy Jolly
Minister of Municipal Affairs