

BY-LAW NO. 114
TOWN OF GRAND BAY-WESTFIELD BUILDING BY-LAW
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The Council of the Municipality of Grand Bay-Westfield under authority vested in it by Section 59 of the *Community Planning Act*, enacts:

SHORT TITLE

1. This by-law may be cited as the Building By-law.

DEFINITIONS

2. In this by-law
 - (a) “alter” means, in relation to a building or structure, to make structural or other changes which are not for the purpose of maintenance only;
 - (b) “building” means any structure used or intended for supporting or sheltering any use or occupancy; and
 - (c) “occupancy” means the use or intended use of a building or part thereof for the shelter or support of persons, animals, or 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 therefor.

ADI Quality System Checks	
Project No.: (55) 5648-012.1	Date: 2009-April-08
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Reviewed By: Lydia Lewycky	

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 effected in any manner in whole or in part by a change of occupancy.

BUILDING INSPECTOR

6. The Council of the Town of Grand Bay-Westfield shall appoint a Building Inspector who shall exercise such powers and perform such duties as set out in this 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 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
 - (viii) such other information as the Building Inspector may require for the purpose of determining compliance with this and other by-laws.
- 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 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 to the Building Inspector:
- (a) at least 48 hours notice of the intention to start work authorized by the permit;
 - (b) at least 24 hours notice prior to backfilling of any foundation wall;
 - (c) notice of the completion of the work described in the permit within 10 days of such completion; and

- (d) such other information as may be required.
11. Where tests of any materials are made to ensure conformity with the requirements of the by-laws 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 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; and
- (b) a copy of the approved plans and specifications.

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 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 his 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.

COPIES OF CODE AVAILABLE

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

DETERMINATION OF PERMIT FEES

- 17(1). A Permit may not be issued until a fee has been paid to the Town.
The calculation of a fee is based on the true market value of the work. The method of determining the true market value of work will vary for new and existing buildings and structures.
- 17(2). Market Value of work – Relocation, Demolishment, Alteration, Addition or Replacement of existing buildings and structures

The estimated cost of the proposed work presented by the applicant (Section 7(3)(d)(vi)) should be accepted as the value of work. Where the Building Inspector has reason to believe that this estimated cost is unreasonable, he may refuse to issue the permit.

17(3). Market Value of Work – New Buildings and Structures

The usable area of a new building, as determined by the following criteria, is multiplied by an acceptable Building Cost Factor, the product being the market value of work.

Note: Building Cost Factors may vary from year to year. Current Building Cost Factor for 2001 is \$645 per square metre for residences and \$200 per square meter for garage, storage shed or allowable outbuildings located on the same lot as the subject residence. Future building cost factors shall be adjusted as per the annual Statistics Canada New Housing Price Index.

17(4). Usable Area Criteria:

- (a) Bungalow:
100% of the area (external L x W) of the main floor:
plus
50% of the finished basement area (internal L x W of affected rooms).
- (b) Two Stories:
150% of the area (external L x W) of the main floor:
plus
50% of the finished basement area (internal L x W of affected rooms).
- (c) Split Level:
100% of the area (external L x W) of the main floor:
plus
100% of the area (external L x W) of the upper sleeping area:
Plus
50% of the finished basement area (internal L x W of affected rooms).
- (d) Three Stories:
100% of the area (external L x W) of each of the floors.
- (e) Commercial & Industrial Buildings:
100% of the area (external L x W) including all floors, up to 2000 square feet. The Building Inspector shall determine a permit fee based on contract price for commercial and industrial buildings in excess of 2000 square feet (external L x W).

Rate Schedule

18. (a) \$10.00 for the first \$1,000 or part thereof;
(b) \$5.00 per \$1,000 for the next \$4,000; and
(c) \$4.00 per \$1,000 for the remaining amount.
(d) The above rate schedule shall be doubled if the Building is started without a Building Permit.

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19. This by-law No. 114, comes into effect on the date of filing in the Registry Office.
20. By-law No. 17, Town of Grand Bay Building By-law and amendments thereto are hereby repealed.

READ A FIRST TIME this 22nd day of June, 2009.

READ A SECOND TIME this 22nd day of June, 2009.

READ BY SECTION NUMBERS ON 27th day of July, 2009.

READ A THIRD TIME AND ENACTED this 27th day of July, 2009.

Sandra Gautreau
Town Manager (Clerk)

Grace Losier
Mayor

seal