

848

Registry Office County of York. This instrument has been compared with respect to the date, and the names of the parties only with the purported original thereof which was registered as number 848 in book page on the 5 day of Feb 1991

TOWN OF NACKAWIC

BY-LAW NO. 13-(90)

A BUILDING BY-LAW

The Council of the Town of Nackawic under the authority vested in it by section 59 of the community planning act, enacts the following:

TITLE

This By-Law may be cited as the Building By-Law and hereby repeals By-Law 13 and its amendments prior to the enactment date of this By-Law.

INTERPRETATION

1. In this by-law "authority having jurisdiction" means the Building Inspector for the Town of Nackawic and "work" means the building, locating or relocating, demolishing, altering, structurally altering, repairing or replacing, or any combination thereof, of a building or structure.

BUILDING CODE

2. (1) Such issue of the National Building Code of Canada as the Lieutenant-Governor in Council may, by Order-in-Council, designate, is hereby incorporated by reference and is deemed to form a part of this by-law.

(2) Notwithstanding subsection (1) of this section, no penalty clause or any administrative procedure contained in the National Building Code of Canada is adopted.

(3) Two copies of the said Code shall be filed in the Nackawic Town Hall and be there kept available for public use, inspection and examination.

2.1 (a) Where an application for a building permit is made and the work described therein involves new foundation construction, a building permit for such construction shall be issued on the condition that the construction of the building shall not proceed beyond the foundation stage unless inspected and approved by the building inspector of the Town of Nackawic. Foundation shall not be backfilled until inspected by the building inspector for proper drainage and water proofing.

BY-LAW NO. 13-(90)

PAGE 2

(b) Where a variance from the requirements of By-Law No. 51-90, The Zoning By-Law for the Town of Nackawic, is granted by the Planning Advisory Committee subsequent to the placement of a foundation, the sum of \$50.00 shall be charged to the applicant.

3. 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 a 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 altered or structurally altered, this By-Law applies to the whole building or structure except that the By-Law applies only to part 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.

3.1 Where the following work is performed on a structure containing a maximum of two dwelling units, no person shall be required to obtain a building permit:

(1) Nonstructural repairs;

(2) Replacement of existing decks, landings, stairs or verandahs

(a) where such replacement is of the same configuration as that item being replaced;

(b) where such replacement conforms to the requirements of By-Law No. 51-90, A Zoning By-Law;

BY-LAW NO. 13-(90)

PAGE 3

(3) Installation of eavestroughing, downspouts, storm windows, storm doors; or

(4) Installation of cosmetic decorations including, but not limited to, shutters, panelling, wallpapering, ceramic tile and finished flooring, to the interior or exterior of a building.

RESPONSIBILITY OF THE OWNER

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.

PROHIBITIONS

5. (1) No person shall commence or continue any of the work referred to in Section 3 unless the owner of the building to be constructed, or in respect of which the work is to be carried out, has obtained a building permit.

(2) No person shall commence or continue any part of the work referred to in Section 3, for which part a permit is required by this By-Law, unless he has obtained a permit to carry out that part of the work.

(3) No person shall commence or continue any part of the work referred to in Section 3 in respect of which a permit is required under any other By-Law unless he has obtained a permit under that By-Law.

BUILDING PERMITS

6. (1) Subject to subsections (2) and (4) and clause (d) of Section 10, where

(a) an application has been made, and

(b) the proposed work set out in the application conforms with this By-Law and all other applicable By-Laws,

The Building Inspector shall issue the permit for which the application is made.

BY-LAW NO. 13-(90)

PAGE 4

- (2) Every permit is issued upon
- (a) the condition that construction is to be started within six months from the date of issuing of the permit;
 - (b) the condition that construction is not to be discontinued or suspended for a period of more than one year;
 - (c) such other conditions as the Building Inspector may consider advisable to meet the requirements of this By-Law.
- (3) An application for a permit shall
- (a) be made in the form prescribed by the Building Inspector;
 - (b) be signed by the applicant;
 - (c) state the intended use of the building;
 - (d) unless waived by the Building Inspector, include copies in duplicate of the specifications and scale drawings of the building with respect to which the work is to be carried out showing:
 - (i) the dimensions of the building;
 - (ii) the proposed use of each room or floor area;
 - (iii) the dimensions of the land on which the building is, or is to be situated;
 - (iv) the grades of the streets and sewers abutting the land referred to in sub-clause (iii); and
 - (v) the position, height and horizontal dimensions of all buildings on the land referred to in sub-clause (iii) and all buildings which it is proposed to be constructed thereon;

BY-LAW NO. 13-(90)

PAGE 5

(e) set out the total estimated cost of the proposed work;

(f) contain such other information as the Building Inspector may require for the purpose of determining compliance herewith;

(g) where plumbing is required, be accompanied by an a plumbing permit.

(4) In the case of buildings which exceed 600 square metres in building area or three storeys in building height or which are used for assembly, institutional or hazardous industrial or commercial purposes, no permit shall be issued unless the plans and specifications are certified under the seal of an architect or professional engineer registered to practice in the Province of New Brunswick.

(5) If the construction authorized by a permit issued herein is not commenced within the time provided in subsection (2) hereof, the Building Inspector may renew such permit and such renewal shall, for purposes of this By-Law, be deemed to be a new permit.

(6) (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 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.

BY-LAW NO. 13-(90)

PAGE 6

(d) If, within thirty days of the making of such stop order, any such violation or 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, 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.

DUTIES OF THE OWNER

7. (1) Every owner of property shall:

(a) permit the Building Inspector to enter upon any property or building at all reasonable times for the purpose of making any inspection that is necessary for the administration or enforcement of this By-Law;

(b) obtain, where applicable, from the appropriate authority, permits relating to building, zoning, water and sewage, plumbing, signs, street occupancy, electricity, highways and all other permits required in connection with the proposed work;

(c) give at least 48 hours notice to the Building Inspector of the intention to start work on the building site;

(d) give notice to the Building Inspector where a foundation wall below land surface has been placed and before any backfilling of the excavation has been carried out; and

(e) give written notice to the Building Inspector within 10 days of completion of the work described in the permit.

BY-LAW NO. 13-(90)

PAGE 7

(2) Where tests of any material are made to ensure conformity with the requirements of this By-Law, records of the test data shall be kept available for inspection during the construction of the building and for such a period thereafter as required by the Building Inspector.

DOCUMENTS ON SITE

8. The person to whom a permit is issued shall, during construction, keep

(a) posted in a conspicuous place on the property in respect of which the permit was issued a copy of the building permit or a poster or placard in lieu thereof; and

(b) a copy of the approved drawings and specifications referred to in clause (d) of subsection (3) of Section 6 on the property in respect of which the permit was issued.

DUTIES OF THE BUILDING INSPECTOR

9. The Building Inspector shall:

(a) administer this By-Law; and

(b) 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.

POWERS OF THE BUILDING INSPECTOR

10. 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 him to correct any condition that constitutes a contravention of this By-Law;

BY-LAW NO. 13-(90)

PAGE 8

(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 conditions meet the requirements of this By-Law;

(d) revoke or refuse to issue a permit where in his opinion the results of the tests referred to in clause (c) are not satisfactory.

FEES

11. (1) No permit shall be issued under Section 6 until the fee set out in the Schedule below has been paid to the Town of Nackawic.

(2) In this section "total estimated cost" means the total monetary worth, as determined by the Building Inspector, of all proposed work, including all painting, papering, roofing, electrical work, plumbing, permanent heating equipment, elevator equipment, fire sprinkler equipment and all labour, materials and other devices necessary to the completion of the proposed work.

SCHEDULE

Where the cost of the proposed work is:

- a) in an amount not exceeding \$300.00, a fee of \$3.00
- b) in an amount exceeding \$300, but not exceeding \$600, a fee of \$4.00
- c) in an amount exceeding \$600, but not exceeding \$1,000, a fee of \$5.00
- d) for each \$1,000 or fraction thereof in excess of \$1,000 an additional fee of \$1.00
- e) Maximum charge for each such permit, \$50.00

(3) Where a building permit has been issued in error by the Town, the Building Inspector may authorize that a refund of the total fee be paid the applicant. Upon payment by the Town of such refund, the permit shall be deemed to be cancelled.

OPEN CELLARS AND EXCAVATIONS

12. (a) The owner of a property upon which an open cellar or excavation exists as the result of demolition, destruction of a building, when new construction is not to proceed without delay, shall forthwith following such demolition or destruction, backfill such cellar or excavation to grade; and

(b) The owner of a property upon which an open cellar or excavation exists as the result of demolition or destruction of a building, when new construction is to proceed without delay, shall forthwith following such demolition or destruction, erect in a neat and workmanlike manner a wall constructed of good materials, without openings, at least 1.8 metres and shall maintain the same so as not to become delapidated or unsightly until construction has proceeded to a stage where the cellar or excavation is no longer a danger.

ACCESSIBILITY

13. (1) All multi-storey dwellings containing 13 or more units and equipped with an elevator shall have all units accessible to and usable by the physically handicapped and all such dwellings without elevators shall have one level accessible to and usable by the physically handicapped.

(2) This section does not apply to single family dwellings, multi-family dwellings containing less than 13 units, and row housing.

14. Any person who violates a provision of this By-Law is guilty of an offence and is liable on summary conviction to a fine.

15. (1) By-Law No. 13, A Building By-Law and its amendments of the Town of Nackawic prior to this date are hereby repealed.

BY-LAW NO. 13-(90)

PAGE 10

(2) The repeal of By-Law No. 13, A Building By-Law of the Town of Nackawic, or its amendments shall not affect any penalty, forfeiture or liability, incurred before such repeal, or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

CERTIFICATION


This is to certify that By-Law No. 13-(90) "A Building By-Law" has been enacted by the Town Council of the Town of Nackawic and that said By-Law was:

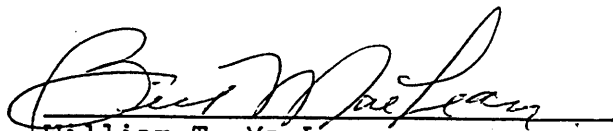
Read for the first time on September 4, 1990

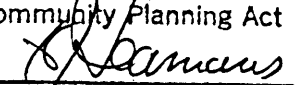
Read for the second time on September 4, 1990

Read for the third time and enacted on November 5, 1990

and that said readings have been carried out in accordance with the provisions of Section 12 of the Municipalities Act and the amendments thereto.


Steven P. Hawkes, Mayor


William T. MacLean
Clerk

APPROVED Pursuant to s. 69 Community Planning Act  Minister of Municipal Affairs <u>Dec 6, 1990</u> Date
