

BY-LAW # 26

TOWN OF MULGRAVE

BUILDING BY-LAW

## BUILDING BY-LAW

BE IT RESOLVED by the Town Council of the Town of Mulgrave that the following By-Law be enacted and that the Town Clerk file a copy in the Office of the Minister of Municipal Affairs pursuant to Section 7 of the Building Code Act, S.N.A. 1986, c.3.

### PART 1 DEFINITIONS:

All words defined in the Building Code Act, the Provincial Building Code, the regulations and amendments thereto shall prevail.

### PART 2 PERMITS:

- 2.1 A building permit, occupancy permit and demolition permit shall be in the forms set out in Schedule "A", annexed hereto.
- 2.2 Before a permit is issued, an applicant **MUST** complete an application form, which shall be appended in Schedule "B", annexed hereto.
  - 2.2.1. 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 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 as required by the Building Code and show the occupancy of all parts of the building.
    - d. state the valuation and square footage of the proposed work and be accompanied by the required fee, and
    - e. state the names, addresses and telephone numbers of the owner, architect, professional engineer or other designer and constructor.
  - 2.2.2. When an application for a permit has not been completed in conformance with the requirements of this By-Law within six (6) months after it is filed, the application shall be deemed to have been abandoned.
  - 2.2.3. A permit is valid for one year from the date of issue and is renewable.

- 2.3 In addition to the permit requirements of the regulations, a building permit is required for:
- (a) fences over two meters (6.56 feet) in height
  - (b) swimming pools - both in ground and above ground with a greater depth than .91 meters (3 feet)
  - (c) all buildings greater than (10) ten square meters (107.6 square feet) in building area

2.3.1. Building Permits are not required for:

- (a) accessory buildings not greater than (10) ten square meter (107.6 square feet) in building area
- (b) fence less than two (2) meters (6.56 feet) in height
- (c) where construction value is less than \$2,000,000.
  - i.e. - installation of siding over an existing exterior finish
  - installation of storm windows
  - replacing an existing roofing surface
  - ground level patios and walkways
  - interior and exterior non-structural repairs

2.3.2. An application for a building permit for the construction of a building requiring a new on-site sewage disposal system shall be accompanied by the results of an application for an on-site sewage disposal system permit.

2.3.3. An application for a building permit for the construction of a building requiring Town water and sewer services shall be accompanied by written permission for connections to the aforementioned services.

2.3.4. Before issuing a Demolition Permit, the authority having jurisdiction shall be satisfied that the Building is not subject to the provisions of the Heritage By-Law passed pursuant to the Heritage Property Act.

2.4.1. The granting of a permit, the approval of the drawings and specifications or inspections made by the authority having jurisdiction, shall not in any way relieve the owner of a building from full responsibility for carrying out the work or having it carried out in accordance with the Building Code, including ensuring that the occupancy of the building, or any part thereof, is in accordance with the terms of any occupancy permit.

2.4.2. Every constructor and owner who is unable to continue work owing to

bankruptcy or other cause, is responsible for ensuring that no unsafe condition remains at the site of the work.

- 2.4.3. Where any failure occurs which causes or has the potential to cause injury or loss of life, the authority having jurisdiction may require the owner or his/her representative to submit a report stating:
- (a) the name and address of the owner of the building.
  - (b) the address or location of the building involved in the failure
  - (c) the name and address of the constructor
  - (d) the nature and details of the failure
- 2.5 The authority having jurisdiction may, in the case of the construction of new buildings or structures, withhold a building permit until satisfied that any permit required pursuant to the Public Highways Act has been obtained.
- 2.6.1 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
- 2.6.2. (a) Should a permit be issued for part of a building the holder of the permit may proceed, but without any assurance that the permit for the entire building will be granted.
- (b) Any permit issued for part only 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.
- 2.6.3 (a) 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.
- (b) The permit shall be clearly marked "AT OWNER'S RISK".
- 2.6.4 (a) 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 nature that withholding the permit until the information was available would delay the work unreasonably.
- (b) The condition shall be set out on the face of the permit.

### PART 3 PERMIT FEE SCHEDULE

For the purpose of this By-Law, the schedule of PERMIT FEES SHALL be as follows:

- (a) \$5.00 (non-refundable) plus \$0.06 per square foot for residential buildings, community centres and churches, EXCLUDING unfinished basements;
- (b) \$5.00 (non-refundable) plus \$0.10 per square foot for commercial and industrial buildings;
- (c) \$5.00 (non-refundable) plus \$0.02 per square foot for sheds, shell warehouses, garages, barns and other farm buildings;
- (d) \$5.00 (non-refundable) plus 0.1% of value for alterations and repairs;
- (e) \$5.00 (non-refundable for Demolition Permits for building area and less than 2 storey's in building area less than 2 storey's in building height and \$20.00 for all other Demolition Permits.
- (f) NO CHARGE - Occupancy Permit.

### PART 3 INSPECTION:

The authority having jurisdiction shall be notified twenty-four (24) hours in advance and given an opportunity to inspect at the following stages of construction:

- (a) the foundation backfilling and before a superstructure is placed on a foundation.
- (b) the framing, roof, plumbing, and insulation complete before interior wall coverings are installed.
- (c) before occupancy and upon final completion.

THIS IS TO CERTIFY that the By-Law of which the foregoing is a true copy, was duly passed at a duly called meeting of the Town Council of the Town of Mulgrave, held on the 10<sup>th</sup> day of July, A.D., 1989.

GIVEN under the hand of the Clerk and under the Corporate \*Seal of the Town of Mulgrave, this 27<sup>th</sup> day of November, A.D., 1989.

Gary MacIsaac  
CLERK-TREASURER