

## MUNICIPALITY OF THE DISTRICT OF SHELBURNE

BE IT RESOLVED that the Council of the Municipality of the District of Shelburne, under the authority vested in it by the *Municipal Government Act*, S.N.S. 1998, c. 18, the *Building Code Act*, R.S.N.S. 1989, c. 46 including any amendments thereto, and specific empowering provisions of the *Regulations* promulgated pursuant to the *Building Code Act*, wishes to adopt the following by-law:

### BY-LAW NUMBER B-100

#### A BY-LAW TO PRESCRIBE & PROVIDE FOR CERTAIN ASPECTS OF PERMITS, APPLICATIONS, FEES AND INSPECTIONS ASSOCIATED WITH CONSTRUCTION

##### **SHORT TITLE**

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

##### **NOTICE TO ALL**

2 Any person planning to carry out any form of construction in this municipality is governed by the extensive provisions of the Provincial statute known as the *Building Code Act* and the *Regulations* promulgated pursuant to that Act and shall therefore be responsible to make themselves aware of all relevant provisions contained therein.

##### **INTERPRETATION**

3 All relevant definitions are contained in either the Nova Scotia *Building Code Act* or the associated *Regulations*. All other interpretation will follow accepted principles as applied by the Courts of this Province.

##### **APPLICATIONS AND PERMITS**

4 Every building permit application shall contain the following minimal information called for per Article 1.4.1.3. of Section 1.4 of the *Regulations* pursuant to the *Building Code Act*(NS):

- a) Identify and describe in detail the work and occupancy to be covered by the permit for which the application is made;
- b) Describe the land by including, where Nova Scotia property mapping exists, the unique Parcel Identifier (PID) OR, where said mapping does not exist, the assessment account number and a description that will readily identify and locate the building lot;
- c) Include plans and specifications as required by Division C, Subsection 2.2.2 of the Nova Scotia Building Code;
- d) State the valuation of the proposed work and be accompanied by the required fee;
- e) State the names, addresses and telephone numbers of the owner, architect, professional engineer, or other designer, constructor and any inspection or testing agency that has been engaged to monitor the work or part of the work;

- f) Such other information as may be reasonably required by the authority having jurisdiction in order to determine compliance with the *Building Code Act* and Regulations;
- g) Consent must be provided to the *authority having jurisdiction* in writing (letter, e-mail or assignment of agent form), by the owner of the property, should require a contractor or agent to apply for, pick-up and/or be responsible for the building/demolition permit on their behalf; and
- h) No permit shall be issued unless and until the application therefore has been completed, signed, submitted and approved.

5 Per Sentence (2) of Article 1.4.1.1. of the Regulations pursuant to the *Building Code Act* (NS), the *authority having jurisdiction* may place a value on the cost of the work, based on an accepted costing standard, for the purpose of determining the applicable permit fee.

6 Any permit application which has not been completed within six (6) months of the date that it was filed is deemed to have been abandoned.

### **OTHER APPROVALS**

7 a) Per Sentence (3) of Article 1.4.1.1. of the Regulations pursuant to the *Building Code Act* (NS), the *authority having jurisdiction* may, if applicable, withhold the issuance of a *building permit* until satisfied that there is a valid on-site sewage disposal system *permit* issued by the Department of Environment (NS) for the construction of a *building* requiring a new *private sewage disposal system*; or

b) A letter from a qualified person stating that the land is suitable for a *sewage disposal system* should one be required to be installed at a later time.

### **PERMIT FEES**

8 Fees for Permit(s) issued under this By-law shall be as outlined in the Fees policy of the Municipality of The District of Shelburne.

### **AUXILIARY PERMIT PROVISIONS**

9 Any permit issued pursuant to this by-law is valid for one (1) year from date of issuance, but may be renewed, provided the provisions of Section 9 have been met.

10 A permit for a temporary building shall state the date after which the permit is no longer valid which shall be not longer than 12 months after issuance and any such permit may be extended by letter from the authority having jurisdiction, upon written request.

11 The issuance of a partial building permit provides no assurance that the permit for the remainder of the said building will be approved.

12 Refusal to issue a permit is covered by the *Building Code Act* and Regulations there under, including but not limited to: Subsection 9 (1) of the Act and Articles 2.5.1.6 and 2.5.1.9 of the Regulations.

13 A permit may be issued conditional on certain things being done, but only as allowed per Article 2.5.1.5 of the Regulations.

14 A permit may be revoked or cancelled, but only as allowed per Article 2.5.1.7 of the Regulations.

## INSPECTIONS AND NOTICES OF SAME

15 The *owner* of a *building* for which a permit has been issued shall notify the *authority having jurisdiction* to inspect for compliance with the *Nova Scotia Building Code* and shall provide *such* notice a minimum of forty-eight (48) hours prior to the desired date of inspection and such notice shall be provided at each of the stages of construction listed in Sentence (1) of Article 2.1.1.1 of the *Regulations* made pursuant to the *Nova Scotia Building Code Act* – as amended from time to time or at other stages as the *authority having jurisdiction* requests.

## REPEAL

16 The **Building By-law** (named B-9) passed by the Council of the Municipality of the District of Shelburne on the 23<sup>rd</sup> of July, 2007 and filed with the office of the Minister responsible for Municipal Affairs on the 12<sup>th</sup> day of October, 2007, is hereby repealed and the **Building By-law #9** passed by the Council of the Municipality of the District of Shelburne on the 27<sup>th</sup> day of April, 2009 and filed with the office of the Minister of Labour and Workforce Development on the 29<sup>th</sup> day of June, 2009, is hereby repealed, and, in addition, any Building By-law passed by the Council of the Municipality of the District of Shelburne since that time, whether or not filed with the any Minister's office, is also hereby repealed.

Date – First Reading: June 28, 2010

Date – Notice, in paper, to Public: July 6, 2010

Date – Second Reading: July 26, 2010

**Adopted by the Council of the Municipality of the District of Shelburne**

the 26<sup>th</sup> day of July, 2010.

Clerk (Sign) \_\_\_\_\_

Clerk (Print): Penny Smith Date: August 9, 2010

Date – mailed 3 certified copies of by-law to SNS&MR: August 9, 2010

Stamped filed with Minister responsible for Service Nova Scotia & Municipal Relations

Date: \_\_\_\_\_

Stamped filed with Minister of Nova Scotia Labour & Workforce Development:

Date: October 15, 2010

\*Date – ad re of passage of by-law: February 22, 2011

\*Effective Date of by-law unless otherwise specified in the text of the by-law

THIS IS TO CERTIFY that the foregoing is a true copy of a by-law passed at a duly convened meeting of the Council of the Municipality of the District of Shelburne, held the 26<sup>th</sup> day of July, 2010.

Given under the hand of the Clerk and under the seal of the Municipality of the District of Shelburne this 9<sup>th</sup> day of August, 2010.

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Ms. Penny Smith  
Municipal Clerk

- pg. 5 of the Building By-law – June 28, 2010 -