

BYLAW NO. R-4

BUILDING BYLAW

The Council of the Village of Bath pursuant to Section 59 of the Community Planning Act, enacts as follows:

SECTION 1: TITLE

1(1) This Bylaw may be cited as the Building Bylaw

SECTION 2: INTERPRETATION

2(1) In this Bylaw

“Alter” means, in relation to a building or structure, to make any structural or other change thereto which is not for purposes of maintenance only;

“arterial and collector” means roadways so classified under the “Municipal Plan”;

“code” means the latest edition of the National Building Code of Canada, including any amendments, revision, and errata thereto;

“dwelling” means a building, as defined in the Code adopted by Section 5, or any portion thereof, containing one or more dwelling units;

“lot” means a parcel of land or two or more adjoining parcels of land held by the same owner and used or intended to be used as the site for a building or structure or an appurtenance thereto;

“one family dwelling” means a dwelling containing one dwelling unit;

“two family dwelling” means a dwelling containing two dwelling units;

“three family dwelling” means a dwelling containing three dwelling units;

“multiple dwelling” means a dwelling containing four or more dwelling units;

“width” means, in relation to a lot, the horizontal distance measured along a public street. Where a lot abuts two streets, the lesser lot line shall be deemed the lot frontage. Width, in relation to a lot other than a standard rectangular lot, means

- a) where the side lines are parallel, the distance between the side lot lines as measured across the lot along a line drawn at right angles to the side lot lines; or
- b) where the side lot lines are not parallel, the distance between the side lines as measured across the lot along a line drawn,
 - (i) parallel to a line joining the points at which the side lot lines intersect the limits of the abutting streets, and
 - (ii) through the point at which the line of minimum setback intersects a line drawn perpendicular to and through the mid-point of the line referred to the subparagraph above.

SECTION 3: APPLICATION

3(1) This By-law is effective in the Village of Bath

SECTION 4: SCOPE

4(1) The purpose of this Bylaw is:

- (a) to prescribe standards for the building, locating or relocating, demolishing, altering or replacing of a building or structure;
- (b) to prohibit the undertaking or continuing of work mentioned in paragraph (a) in violation of standards prescribed hereby; and
- (c) to prescribe a system of permits for work mentioned in paragraph (a) , their terms and conditions, the conditions under which they may issued, suspended, reinstated, revoked and renewed, their form and fees thereof.

SECTION 5: ADOPTION OF THE CODE

5(1) The National Building Code of Canada, in its latest edition, including any amendments, revisions and errata subsequently issued, is hereby adopted as the standard to which all work undertaken in the Village must conform.

5(2) Notwithstanding section 5(1), no penalty clause or any administrative procedure contained in the National Building Code of Canada is adopted.

5(3) The Village shall keep one copy of the Code available for public use, inspection and examination at Village Office during regular business hours.

SECTION 6: APPOINTMENT OF BUILDING INSPECTORS

6(1) The Council may appoint building inspectors who, under the direction of the Council, shall exercise such powers and perform such duties as are provided by this Bylaw.

SECTION 7: BUILDING PERMIT

7(1) A person shall not undertake or continue the building, locating or relocating, demolishing, altering or replacing of a building or structure unless a building permit therefore has been issued pursuant to this section.

7(2) A person seeking to obtain a building permit shall make application in writing to the building inspector having jurisdiction in the area where the land involved is located in such application shall:

- (a) be in a form prescribed by the 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 copies in duplicate of the specification and scale drawings of the building or structure with respect to which the work is to be carried out, 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 on which the building or structure is, or is to be situated,
 - (iv) the grades of the streets and sewers abutting the land mentioned in subparagraph (iii), and
 - (v) the position, height and horizontal dimensions of all buildings or structures on, and those proposed to be located on, the land referred to;
- (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 application for a plumbing permit issued by the Province of New Brunswick;
- (h) 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.
- (i) when work valued at less than Fifteen Hundred Dollars (\$1500.00) is performed on a structure containing a maximum of two (2) dwelling units, no person shall be required to obtain a building permit for:
 - (i) non structural repairs,
 - (ii) replacement of existing decks, landings, stairs or verandas replaced,
 - (iii) installation of eavestroughing, down spouts, storm windows, storm doors, or
 - (iv) installation of cosmetic decorations including, but not limited to, shutters,

paneling, wallpapering and finished flooring, to the interior or exterior of a building.

SECTION 8: SPECIAL APPLICATION REQUIREMENTS

8(1) All plans and specifications provided in a permit application referred to in section 7(2) shall be certified under the seal of an Architect or a Professional Engineer registered to practice in the Province of New Brunswick where the work involves the construction of, or the addition to, a building which

(A) exceeds 600 square metres in building area or 3 storeys in building height;

or;

(B) is used for assembly, institutional, hazardous industrial or commercial purposes.

8(2) Where an application for a permit is made and the work described therein involves new foundation construction or foundation extensions, a permit for such construction shall be issued on the condition that the construction of the building or addition shall not proceed beyond the foundation stage unless the Development Officer of the Village of Bath has received and provided a Surveyor's Real Property Report.

8(3) A Surveyor's Real Property Report, as described in Section 8(2) shall show the distances from the outer walls of the foundation to the property boundary lines and the geodetic elevations at the top of the foundation walls, and shall be signed by a New Brunswick Land Surveyor before being received and considered by the Development Officer of the Village of Bath. The Surveyor or Professional Engineer further certifies that the top of the foundation wall elevation(s) are consistent with the foundation wall elevation(s) as shown on the building permit plot plan to a tolerance of +/- 100 mm.

8(4) Every person who applies for a permit to which subsection 8(2) applies shall deposit the sum of two hundred dollars(\$200.00) with the Village in the form of cash, certified cheque or money order.

8(5) The deposit mentioned in subsection 8(4) shall be forfeited to the Village if:

- (1) the building location certificate reveals that the foundation has not been placed in compliance with the requirements of Bylaw No. 19, The Zoning Bylaw for the Village of Bath;
- (2) the construction proceeds beyond the foundation stage a building location certificate has not been submitted to or approved by the Development Officer of the Village of Bath;
- (3) the Surveyor Real Property Report or Professional Engineer notes that the top of the foundation wall elevation(s) are inconsistent with the elevation(s) established from the lot grading plan and as shown on the building permit plot plan and

exceed the tolerance of +/- 100 mm. In this case, an engineered solution is required.

8(6) Where a variance from the requirements of Bylaw No. 19 The Zoning Bylaw for the Village of Bath, is granted by the Development Officer, or the Planning Advisory Committee, subsequent to the placement of a foundation, the sum of two hundred dollars (\$200.00) from the deposit mentioned in Section 8(4) shall be forfeited to the Village of Bath and the remainder of the deposit shall be returned to the applicant.

8(7) the deposit mentioned in Section 8(4) hereof shall be returned to the applicant where;

- (1) the building location certificate reveals that the foundation has been placed in compliance with the requirements of Bylaw No. 19 The Zoning Bylaw for the Village of Bath;
- (2) construction of the building has not proceeded beyond the foundation stage prior to a building location certificate having been submitted to and approved by the Development Officer of the Village of Bath;
- (3) the applicant, without obtaining a variance, rectifies any improper location of the foundation;
- (4) an inspection of the municipal infrastructure adjacent to the property including curbing, sidewalk and paving does not show any damage which could have occurred during the work,

and;

- (5) all inspections required by this bylaw have been carried out.

8(8) The deposit mentioned in subsection 8(4) and section (9) or such portion as the Manager deems appropriate, shall be forfeited to the Village of Bath if, after completion of the work a determination is made that the activity has damaged the adjacent municipal infrastructure. Damage to the adjacent municipal infrastructure includes but is not limited to cracked sidewalks, dented or destroyed road signs, and cracked or broken water and sewer pipes. The funds so appropriated shall be applied to the cost of repairing the infrastructure. If the cost of repairs exceeds the deposit, the additional cost shall be a debt owed to the Village of Bath by the permit holder and the property owner.

8(9) Notwithstanding the deposit mentioned in subsection 8(4), at the discretion of the Manager, a separate or larger deposit may be required to ensure protection of or repair damage to public infrastructure in relation to any particular building permit application.

8(10) Where an application for a permit is made and the work described therein involves plumbing, the application for a plumbing permit or satisfy any terms and conditions assigned by the Plumbing Inspector pursuant to Bylaw

8(11) (1) No building shall be demolished without the owner or the owner's agent first applying for and acquiring a demolition permit.

- (2) an application for a demolition permit shall include the provincially approved location(s) at which any demolition debris will be placed.

SECTION 9: ISSUANCE OF PERMIT

9(1) Upon receipt of a complete application pursuant to section 7, and upon receipt of payment of all fees and deposits required by this bylaw, the building inspector shall within a reasonable time issue a permit, provided that:

- (A) the proposed work complies with this and all other applicable Village bylaws, and all Acts and Regulations of the Province of New Brunswick as determined by the building inspector;
- (B) there are no unresolved financial or other matters between the permit holder or property owner and the Village related to the work described in the permit,

and;
- © the development officer has approved the work pursuant to Section 81(1) of the Community Planning Act, R.S.N.B. 1973 Chapter 12.

9(2) A permit issued pursuant to this bylaw shall be valid for a period of one year from issuance after which time the permit shall be deemed null and void, unless it is renewed with the permission of the Building Inspector.

9(3) The issuance of a permit or the review of the drawings and specifications, or inspections made by the Building Inspector made by the Building Inspector during construction of the work shall not relieve the permit holder from full responsibility for carrying out the work in accordance with the requirements of this bylaw.

10. REVOCATION OF PERMIT

10(1) A permit issued pursuant to section 9 shall be deemed revoked by the Building Inspector if the work described in the permit is:

- (A) not commenced within six months from the date of issuance;
- (B) discontinued or suspended for a period in excess of six months;
- (C) contrary to the Code;

or;

(D) contrary to this bylaw or any other applicable Village bylaw, or any Act or

Regulation of the Province of New Brunswick as determined by the building inspector;

and;

(E) contrary to the work carried out.

10(2) Where a person violates a condition mentioned in subsection 10(1) or any provision of this By-Law, the building inspector may, by written notice served personally on or sent by registered mail to the person named in the building permit, state the nature of the violation and order the cessation thereof within reasonable time mentioned in the notice.

10(3) Where a person fails to comply with an order mentioned in subsection 10(1), the building inspector may suspend or revoke the building permit and may, if the violation leading to the suspension is subsequently corrected, reinstate the suspended building permit.

SECTION 11: LOT SIZES

11(1) No building or structure may be built, located or relocated, altered or replaced on a lot unless the lot meets the requirements of this section.

11(2) Where a lot is serviced by both a water system for public use, the lot shall meet the requirements as stipulated for the appropriate zone in the Village of Bath Zoning Bylaw.

11(3) Where a lot is serviced by a sewer system for public use, and not by a water system for public use, the lot shall have and contain the minimum requirements as stipulated in the Village of Bath Zoning Bylaw.

SECTION 12: SIZE OF DWELLINGS AND DWELLING UNITS

12(1) No dwelling may be placed, erected or altered unless it has a minimum total floor area as stipulated in the Village of Bath Zoning Bylaw.

SECTION 13: LOCATION OF BUILDINGS AND STRUCTURE ON A LOT

13(1) All buildings and structures shall be located on a lot in accordance with the front, rear and side yard setback requirements of the appropriate designation in the Village of Bath Zoning Bylaw.

SECTION 14: LOT OCCUPANCY

14(1) All buildings shall meet the lot occupancy requirements as stipulated in the appropriate zone of the Village of Bath Zoning Bylaw.

SECTION 15: SEWAGE DISPOSAL

15(1) Sewages shall be discharged into the municipal sewage system, or

15(2) into a private system which has been approved by the New Brunswick Department of Health.

SECTION 16: PARKING STANDARDS

16(1) Off street vehicular parking spaces shall be provided in accordance with the standards required in the Village of Bath Zoning Bylaw.

16(2) Except for parking spaces for motel patron, no parking space is permitted nearer than two (2) metres from a wall containing windows to habitable rooms.

SECTION 17: LOADING STANDARDS

17(1) Off street spaces shall be provided for loading for every building or structure used for any purpose involving the use of vehicles for the receipt or distribution of materials, in accordance with the standards of the Village of Bath Zoning Bylaw.

SECTION 18: ENCLOSURES FOR SWIMMING POOLS

18(1) 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.

SECTION 19: OPEN CELLARS AND EXCAVATIONS

19(1) 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.

SECTION 20: RESPONSIBILITY OF THE PERMIT HOLDER

20(1) The owner of the property affected by the building permit 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 Bylaw.
- (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 at least 24 hours 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 at least 24 hours notice to the Building Inspector before any structural framing is to be covered with interior finish, and
- (f) Give written notice to the Building Inspector within ten (10) days of completion of the work described in the permit.

20(2) Where tests of any materials are made to ensure conformity with the requirements of this Bylaw, 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.

20(3) The approval of plans or specifications, the issuing of a building permit or any inspections hereunder do not relieve a person of any duty or responsibility for carrying out working in accordance with this Bylaw.

20(4) Where the building permit has been issued for a new building construction or for an addition or renovation to an existing structure (either residential or commercial) the permit holder must have on site during the entire construction, a dumpster which has been tented at the expense of the permit holder. Under no circumstances may building refuse be left at the curb for regular garbage pick up.

20(5) It is the responsibility of the permit holder to keep a construction site (as noted in section 17(4) free of building debris at all times.

SECTION 21: DOCUMENTS ON THE SITE

21(1) During the carrying out of the work authorized by a building permit, the person named therein shall keep posted in a conspicuous place on the property in respect of which the building permit was issued.

- (a) a copy of the building permit or a poster or placard in lieu thereof, and
- (b) a copy of any plans and specifications approved by the building inspector.

SECTIONS 22: DUTIES OF THE BUILDING INSPECTOR

22(1) The Building Inspector shall:

- (a) administer this Bylaw
- (b) keep the 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/her duties; and
- (c) keep one copy of the code available for public use, inspection and examination.

SECTION 23: STOP WORK ORDERS

23(1) Whenever any work is being done in violation of the provisions of this bylaw, 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 bylaw corrected, and on the making of such order the permit under which such work is purported to be done shall be suspended.

23(2) No work shall be done in violation of such stop work order, except as may be necessary to prevent injury or damage to persons or property and is approved by the Building Inspector.

23(3) If, within, 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 bylaw is corrected, the Building Inspector shall 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 shall revoke the permit.

23(4) The holder of a revoked permit must apply for a new permit in the manner provided in this bylaw and must pay the fees required for the issuance of such new permit.

SECTION 24: FEES

24 (1) Subject to subsections (2), (3), (4), and (5), no permit may be issued hereunder until the fees set out in section 21 (20, 21(3), 21(4) , and 21(5) have been paid to the municipality.

24 (2) Applicable fees shall be as follows:

- (a) Based on the total estimated costs of the work, including both labor and materials, \$40.00 for the first \$15000.00 plus \$2.50 for every additional thousand of estimated construction cost, tax included.
- (b) Where the building inspector has reason to believe and does believe that an estimate mentioned in 21(2) (a) is unreasonable, he/she may refuse to issue the permit.

24 (3) Where the proposed work involved heavy equipment traversing municipal infrastructure adjacent to the property, the applicant must deposit with the village the sum of \$100.00 in the form of cash, certified cheque or money order. This deposit will be

refunded if an inspection of the municipal infrastructure adjacent to the property including curbing, sidewalk, and paving does not show any damage which could have occurred during the work, and all inspections required by this bylaw have been carried out.

24 (4) Notwithstanding the deposit mentioned in subsection 21(3), at the discretion of the Building Inspector and Village Engineer, a separate or larger deposit may be required to ensure protection of or repair damage to public infrastructure in relation to any particular building permit application.

24(5) Where an application for a building permit involves work to a structure required as a result of an emergency situation such as a sewer back up or natural disaster, any required fees may be waived at the discretion of the Building Inspector.

SECTION 25: FINES

25(1) Pursuant to Section 95 of the Community Planning Act, a person who violates or fails to comply with any provision of this bylaw commits an offence punishable under part II of the Provincial Offences Procedures Act as a Category B Offence.

26. Bylaw No. 27 Building Bylaw , passed on August 13, 2007 is hereby repealed.

READ FIRST TIME _____ **July 13, 2009**

READ SECOND TIME _____ **July 13, 2009**

READ THIRD TIME AND ENACTED _____ **August 10, 2009**

SIGNED: _____
Mayor

Clerk