

BY-LAW NO. 4-99

BUILDING BY-LAW

The Council of the town of Rothesay, under authority vested in it by Section 59 of the Community Planning Act, R.S.N.B. (1973) Chapter C-12, and amendments thereto, enacts as follows:

1) NAME:

This By-Law may be cited as the 'Rothesay Building Bylaw'.

2) SCOPE:

The purpose of this By-Law is to:

- 2.1 prescribe standards for the building, locating or relocating, demolishing, repair, renovation, altering or replacing of a building or structure;
- 2.2 prohibit the undertaking or continuing of work mentioned in clause (a) in violation of standards prescribed hereby; and
- 2.3 prescribe a system of permits for work mentioned in clause (a), their terms and conditions, the conditions under which the permits may be issued, suspended, reinstated, revoked and renewed, their form and fees therefor.

3) DEFINITIONS:

In this By-Law,

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

"building inspector" means the person appointed by Council in accordance with the Municipalities Act, to administer this By-Law;

4) ADOPTION OF CODE

4.1 The National Building Code of Canada, is adopted by reference, as follows:

- (a) Parts 1, 2, 7 and 8 thereof apply to all buildings;
- (b) Parts 3, 4, 5, and 6 thereof apply to all buildings used for major occupancies classified as:
 - i) Group A, Assembly occupancies,
 - ii) Group B, Institutional occupancies,
 - iii) Group F, Division I, high hazard industrial occupancies; and
 - iv) all buildings exceeding 600 square meters in building area or exceeding 3 storeys in building height used for major occupancies classified as:
 - (1) Group C, residential occupancies,

- (2) Group D, business and personal services occupancies,
 - (3) Group E, mercantile occupancies, and
 - (4) Group F, Divisions 2 and 3, medium and low hazard industrial occupancies.
- (c) Part 9 applies to buildings of 3 storeys or less in building height, having a building area not exceeding 600 square meters and which are used for major occupancies classified as:
- i) Group C, residential occupancies,
 - ii) Group D, business and personal services occupancies,
 - iii) Group E, mercantile occupancies, and
 - iv) Group F, Divisions 2 and 3, medium and low hazard industrial occupancies.

4.2 The National Building Code of Canada applies both to site assembled and factory made buildings.

4.3 The following standard publications are adopted by reference and shall apply as if written out herein in full:

- (a) Canadian Housing Code,
- (b) Canadian Plumbing Code,
- (c) Canadian Standards Association,
- (d) American Water Works Association, and
- (e) American Society for Testing Materials.

4.4 Reference to Standards or Codes shall mean the latest edition of such publication adopted by the Province of New Brunswick and published at the date of submission of the application for a building permit.

5) APPOINTMENT OF BUILDING INSPECTOR

5.1 The Council shall appoint a Building Inspector who shall exercise such powers and perform such duties as are provided by this By-Law.

6) BUILDING PERMITS

6.1 A person shall not undertake or continue the building, locating or relocating, demolishing, altering, renovating or replacing of a building or structure unless a building permit therefor has been issued pursuant to this section.

6.2 A person 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 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, subject to Section 8), 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 mentioned in sub-clause (iii), and
 - (v) the position, height and horizontal dimensions of all buildings on, and those proposed to be located on, the land referred to in sub-clause (iii);
 - (vi) set out the total estimated cost of the proposed work; and
 - (vii) contain such other information as the building inspector may require for the purpose of determining compliance herewith.

6.3 Where;

- (a) an application mentioned in Section 6.2 has been received; and
 - (b) the proposed work conforms with this and any other applicable By-Law;
- the Building Inspector shall issue the Building Permit requested.

6.4 A permit hereunder is issued on the condition that the work mentioned therein:

- (a) is commenced within six 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 the exterior surface intended to be clad pursuant to specifications mentioned in Section 6.2(d) remains unclad in excess of two months, and
- (c) is carried out, unless otherwise approved by the Building Inspector, in compliance with the specifications contained in the application for the permit.

6.5 Where a person violates a condition mentioned in Section 6.4, or any provision of this By-Law, the Building Inspector may, by written notice served personally or sent by registered mail to the person named in the permit, stating the nature of the violation, order the cessation of the violation within a reasonable time mentioned in the notice.

6.6 Where a person fails to comply with an order mentioned in Section 6.5, the Building Inspector may suspend or revoke the building permit and may, if the conditions leading to the suspension are subsequently corrected, reinstate the suspended permit.

6.7 Specifications and scale drawings mentioned in Section 6.2(d) for a building permit in respect of a building referred to in Section 6.3(b) shall not be considered by the Building Inspector unless they meet or exceed the standards of the National Building Code.

7) RESPONSIBILITY OF THE PERMIT HOLDER

7.1 Where a building permit has been issued, the person named in the permit 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 of the placement of a foundation wall below land surface prior to any back-filling of the excavation;
- (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 hereunder.

7.2 Where tests of any materials 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 carrying out of the work authorized.

7.3 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 works in accordance with this By-Law.

8) DOCUMENTS ON SITE

8.1 During the carrying out of the work authorized by a permit, the person named therein shall keep posted in a conspicuous place on the property in respect of which the 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.

9) TESTS

9.1 The Building Inspector may:

- (a) direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted, at no cost to the town of Rothesay, 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.

10) RECORDS

10.1 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 for a period of no less than ten (10) years.

11) COPIES OF CODE AVAILABLE

11.1 The Building Inspector shall keep a copy of the adopted codes available for public use, inspection and examination.

12) FEES

12.1 Council shall adopt, and may from time to time amend by resolution, a fee schedule to be appended to this By-Law as Schedule "A".

12.2 Subject to subsection (1), no permit may be issued hereunder until the fee set out in the Schedule "A" has been paid to the town of Rothesay.

13) BY-LAWS REPEALED

13.1 All By-Laws, rules and regulations hereby passed, adopted and observed by Councils of the former town of Rothesay; particularly By-Law #59 and all schedules attached thereto, and the former Villages of East Riverside-Kingshurst; particularly By-Law 9-77 and all amendments and schedules attached thereto, Fairvale; particularly By-Law #86 and all schedules attached thereto, and Renforth; particularly By-Law 17-91 and all schedules attached thereto, are hereby repealed.

EFFECTIVE DATE

This By-Law comes into effect on the date of final enactment thereof.

FIRST READING BY TITLE	8 February	1999
SECOND READING BY TITLE	8 February	1999
READ IN ENTIRETY	8 March	1999
THIRD READING BY TITLE AND ENACTED	8 March	1999

MAYOR

CLERK