

VILLAGE OF HARVEY

Revised By-Laws of the Village of Harvey, 1980

By-Law 82-8

BULDING BY-LAW

The Council of the Village of Harvey, under the authority vested in it by Section 59 of the Community Planning Act, enacts as follows:

Interpretation

1. In this By-Law, “alter” means, in relation to a building or structure, may any structural or other change thereto which is not for purposes of maintenance only.

Scope

2. The purpose of this By-Law is
  - (a) To prescribe standards for the building, locating, or relocating, demolishing, altering, structurally altering, repairing, or replacing or any combination thereof, of a building or structure;
  - (b) To prohibit the undertaking or continuing of work mentioned in clause (a) in violation of standards prescribed hereby; and
  - (c) To prescribe a system of permits for work mentioned in clause (a), their terms and conditions under which they may be issued, suspended, reinstated, revoked and renewed, their form and fees therefore.

Adoption of Code

3. The National Building Code of Canada, 1990, is adopted by reference as follows:
  - (a) Parts 1,3,5,7 and 8 thereof apply to all buildings or structures:

(b) Parts 3,4,5 and 6 apply to:

- (i) All buildings and structures used for
  - (a) Assembly occupations, classified as Group A in the Code,
  - (b) Institutional occupancies, classified as Group B in the Code, and
- (ii) All buildings or structures exceeding six hundred square metres in building area or exceeding three stories in building height used for
  - (a) Residential occupations, classified as Group C in the Code,
  - (b) Business and personal services occupancies, classified as Group D in the Code,
  - (c) Mercantile occupancies classified as Group E in the Code, and
  - (d) Medium and low hazard occupancies, classified as Group F, Divisions 2 and 3 in the Code;

(c )Part 9 applies to all buildings or structures of three stories or less in building height, having a building area not exceeding six hundred square metres and which are used for

- (i) Residential occupations, classified as Group C in the Code,
- (ii) Business and personal services occupancies, classified as Group D in the Code,
- (iii) Mercantile occupancies classified as Group E in the Code, and

(iv) Medium and low hazard occupancies, classified as Group F, in the Code, and

(d ) The code applies to site assembled and factory made buildings or structures.

Appointment of Building Inspector

4. The Council shall appoint a building inspector who shall exercise such powers and perform such duties as are provided by this By-Law.

Building Permits

5. (1) A person shall not undertake or continue any work mentioned in clause 2(a) hereof unless a building permit therefore has been issued pursuant to this section.

(2) A person seeking to obtain a building permit shall make an 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;

(d) Unless waived by the building inspector, include, subject to subsection (7), 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 subclause (iii) and
- (v) The position, height, and horizontal dimensions of all buildings on, and those proposed to be located on, the land referred to;

(3) Where

- (a) An application mentioned in subsection (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.

(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 year or in such manner that any exterior surface intended to be cladded pursuant to specifications mentioned in subclause (iii) and remains uncladded 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.

(5) Where a person violates a condition mentioned in subsection (4), or any provision of this By-Law, the building inspector may, by written notice service personally or sent by registered mail to the person named in the permit, state the nature of the violation and order the cessation thereof with reasonable time mentioned in the notice.

(6) Where a person fails to comply with an order mentioned in subsection (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.

(7) Specifications and sale drawings mentioned in subsection (2) for a building permit in respect of a building referred to in clause (b) of section 3 shall not be considered by the building inspector unless they are certified under the seal of an architect or professional engineer registered to practice in the Province of New Brunswick or in the province of his residence.

(8) Notwithstanding subsection (1), it shall not be necessary to obtain a building permit to undertake or continue any of the following work:

- (a) All types of re-roofing;
- (b) All types of re-siding;
- (c) Replacement of existing decks, landings, stairs, and verandahs, provided the replacement is the same size as the original;
- (d) Repairs to foundation walls, including drain tile;
- (e) Installation of eavestrophing, downspouts, storm windows and storm doors;
- (f) General interior and exterior cosmetic decorations such as installation of shutters, paneling, wall papering, painting, flooring, and installation of ceramic tile;
- (g) All types of re-insulation; and
- (h) Non-structural repairs of a cost less that \$1,500.00

Responsibility of Permit Holder

6. (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 backfilling 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.
  
- (2) Where tests of any materials are made to ensure conformity with the requirements of the By-Law, records of the test data shall be kept available for inspection during the carrying out of the work authorized.
  
- (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.

Documents on the Site

7. 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 place thereof; and
  - (b) A copy of any plans and specifications approved by the building inspector.

8. The building inspector may
  - (a) Direct that test of materials, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted, at no costs to the municipality, 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.

Records

9. 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.

Copies of Code Available

10. The building inspector shall keep two copies of the adopted Code available for public use, inspection and examination.

Fees

11. (1) Subject to subsection (2), no permit may be issued hereunder until the fee set out in the schedule below has been paid to the municipality.

Where total estimated cost of the work, including both labour and materials, is

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|---|---|--------|
| (a) In an amount not exceeding \$500.00 | - | \$3.00 |
| (b) In an amount exceeding \$500.00     | - | \$6.00 |

(2) Where the building inspector has reason to believe and does believe that an estimate mentioned in subsection (1) is unreasonable, he may refuse to issue the permit.

This By-Law consolidated as of November 19, 1996.

This original By-Law being Chapter 13 is to be filed at the Harvey Village Office under By-Laws in alphabetical order.