

## MUNICIPALITY OF THE DISTRICT OF WEST HANTS – BUILDING CODE ACT BY-LAW

(Approved by Council - April 11, 2006)

### PART 1 DEFINITIONS

- 1.1 All words in this By-law have the same meaning as in the Building Code Act and the regulations prescribed pursuant thereto and where not so defined shall have the meaning as set forth herein:
- (a) “accessory building” means a subordinate building on the same lot as the main building, devoted exclusively to an accessory use, but does not include a building attached in any way to the main building, a building located completely underground or a motor vehicle, truck body, transport trailer or any part thereof;
  - (b) “Act” means the *Building Code Act*, R.S.N.S., 1989, c. 46;
  - (c) “authority having jurisdiction” means the Council of the Municipality of the District of West Hants and its officials, acting pursuant to Section 5 of the *Act*;
  - (d) “footing” means that portion of the support system that transmits loads directly to the soil;
  - (e) “main building” means the building on a lot in which the principal use of the lot is carried out; and
  - (f) “material alteration” and “material repair” means work that is done in the alteration or repair of a building, which work is covered by the Building Code, and which:
    - (i) is a non-structural repair or alteration regardless of its value, or
    - (ii) is a repair or alteration to the structure of the building.

### PART 2 APPLICATION

#### *Developments requiring a permit*

- 2.1 In addition to the permit requirements of the Building Code, a building permit is required for:
- (a) all accessory buildings; and
  - (b) interior and exterior non-structural material alterations and material repairs having monetary value in excess of \$1,000.00.

#### *Application form*

- 2.2 Before a permit is issued, an applicant must complete an application form to be provided by the authority having jurisdiction.
- 2.3 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 including the unique parcel identifier (PID), assessment account number, and 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;
  - (e) state the names, addresses and telephone numbers of the owner, architect, professional engineer or other designer and constructor and any inspector or testing agency that has been engaged to monitor the work or any part of the work;
  - (f) describe any special building systems, materials and appliances; and
  - (g) such additional information as may be required to enable the authority having jurisdiction to determine compliance with the Building Code.

*Incomplete applications*

- 2.4 When an application for a permit has not been completed in conformance with the requirements of this by-law within six months after it is filed, the application shall be deemed to have been abandoned.

**PART 3 PERMITS**

*Permit expiry*

- 3.1 A permit is valid for one year from the date of issue and is renewable annually provided the application complies with all requirements of this By-law.

*Compliance with other by-laws and regulations*

- 3.2 Any permit may be withheld until the Building Official is satisfied that the provisions of the *Building Code Act, Municipal Government Act*, any regulations and by-laws enacted pursuant thereto including any Land Use By-law, Subdivision By-law, Sewer By-law, the *Heritage Property Act* and any regulations and by-laws enacted pursuant thereto and any applicable development agreement have been complied with.

*Footings permit*

- 3.3 A footings permit authorizes the applicant to commence construction to the point of the first inspection as specified in Part 4.

*Location certificates*

- 3.4 A location certificate showing the location of the footings on the lot and certified by a Nova Scotia Land Surveyor shall be provided for every new main building.
- 3.5 The requirement for a location certificate may be waived by the authority having jurisdiction where the lot area is greater than three (3) acres.
- 3.6 Notwithstanding clauses 3.4 and 3.5, where construction is proposed within five (5) feet (1.5 m) of the setback that is required under any Land Use By-law applicable in the Municipality of the District of West Hants, the authority having jurisdiction may require a location certificate for additions, accessory buildings or new main buildings on lots over three (3) acres in order to be satisfied that the construction complies with the Land Use By-law and Building Code.

*Building permit*

- 3.7 A building permit shall not be issued until:
- (a) the footings have been installed to the satisfaction of the Building Official; and
  - (b) the location certificate, if required, has been approved by the authority having jurisdiction.

*Occupancy permit*

- 3.8 An occupancy permit is required:
- (a) to allow the initial occupancy of a building or a part thereof;
  - (b) when the occupancy classification of a building or part thereof is changed; or
  - (c) to allow for occupation after the partial demolition or alteration of a building.
- 3.9 The Building Official shall withhold an occupancy permit until satisfied that the owner has posted a valid civic number as required by the Municipality of the District of West Hants Civic Addressing By-law

*Demolition permit*

- 3.10 No demolition permit shall be issued unless the application form indicates the method and proposed site for the disposal of the demolition material.

*Permit for temporary use*

- 3.11 A permit for a temporary building:
- (a) shall state the date after which, and the conditions under which, the permit is no longer valid; and
  - (b) may be extended provided permission in writing is granted by the authority having jurisdiction.

*Permits for Part Only*

- 3.12 Before issuing a building permit, a complete application shall be filed with the authority having jurisdiction; where, however, in order to expedite work, approval of a portion of the building is desired prior to the issuance of a permit for the whole project, application shall be made for the complete project, and complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the authority having jurisdiction
- 3.13 A permit, clearly marked "At Owner's Risk", 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.
- 3.14 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
- 3.15 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.
- 3.16 A permit for a whole project may be issued conditional upon the submission of additional information provided that the information is of such a nature that withholding the permit until the information was available would delay the work unreasonably.

*Occupancy permit for part of a building*

- 3.17 Upon application by the owner, the authority having jurisdiction may issue an occupancy permit for all or part of a building prior to completion of the work for which a building permit was issued provided:
- (a) no unsafe condition exists or will exist because of the work being undertaken or not completed; and
  - (b) the exterior structure and exterior appearance of the building has been completed to such a state as to present an attractive exterior finish.
- 3.18 Such occupancy permits may be issued for specified time periods either with or without conditions including time periods for completion of the work.

*Amending an approved permit in force*

- 3.19 Any revision or changes to the work to be covered by a permit shall require an application for an amended permit

*Conditions not being met*

- 3.20 If any condition attaching to a permit is not met within the stated period of time, the permit then shall automatically be void.

**PART 4 INSPECTIONS**

- 4.1 The authority having jurisdiction shall be notified by the owner or contractor verbally or otherwise at least 48 hours in advance and given the opportunity to inspect at the following stages of construction:
- (a) for buildings being constructed under the scope of Part 9 of the Code:
    - (i) footings in place;
    - (ii) the site before commencing backfilling of the laterally supported foundation, before a superstructure is placed on the foundation;
    - (iii) the framing, roof, and plumbing and mechanical;
    - (iv) insulation and vapour barrier before wall framing is covered; and
    - (v) before occupancy.
  - (b) for mobile and modular homes conforming to Section 1.4.1.9 of the Code:
    - (i) footings in place;
    - (ii) in the case of a mobile home, the site preparation, foundation installation and anchorage in accordance with CSA CAN3-Z240.10.1-94 "Recommended Practice for Site Preparation, Foundation, and Anchorage of Mobile Homes"; or in the case of a modular home, site preparation and foundation;

- (iii) installation and anchorage; and
- (iv) before occupancy.
- (c) for buildings being constructed outside the scope of Part 9 of the Code:
  - (i) of the intent to undertake construction that will be inspected and will be reviewed as per the appropriate Letter of Undertaking required by the Code;
  - (ii) of intent to cover construction that has been ordered to be inspected by the authority having jurisdiction before covering; and
  - (iii) when construction has been completed so that a final inspection can be made.
- (d) for all buildings, at intervals deemed necessary by the authority having jurisdiction based on the complexity of the building

**PART 5 PERMIT FEES**

5.1 Fees for permits shall be as follows:

Class of Project	Fee
New construction of, and additions to, residential buildings, community centres, cottages and churches	\$20.00 + \$0.10/sf
New construction of, and additions to, commercial, industrial and other buildings not otherwise specified	\$50.00 + \$0.12/sf
New construction of, and additions to sheds, decks, storage buildings, garages, barns, and other farm, forestry or fishing buildings not designed for human occupancy	\$20.00 + \$0.04/sf
Repairs, renovations or alterations to all existing buildings	\$20.00 + \$2.00 per \$1,000 of value of construction; however, there shall be no fee for non-structural repairs, renovations or alterations where the estimated value of construction is less than \$5,000.00
Relocation of mobile homes and mini-homes where there is no finished basement	\$50.00
Erection of a sign	\$15.00
Demolition of building/structure	\$20.00
Renewal or amendment of an approved permit in force, where construction has not commenced	\$15.00
Renewal or amendment of an approved permit in force, where construction has commenced	No charge

5.2 For the purposes of calculating permit fees, square footage shall be based on:

- (a) for buildings intended for human occupancy, the gross floor area of the building; the floor area of a basement shall be included only if it will be a finished basement; or
- (b) for buildings not intended for human occupancy, the gross floor area of the main floor.

5.3 Fees, less a \$20.00 processing charge, shall be refunded where the application was not completed, was denied, or was withdrawn after the permits were issued and before construction has commenced.

**PART 6 PRESSURE REGULATING VALVE**

6.1 Everyone who connects or causes to be connected a water line from a building to the municipal water line shall connect to this line a water regulating valve which shall be located after the water meter and before the first water fixture and a backflow/back siphonage device.

**PART 7 CONNECTION TO MUNICIPAL SEWER**

7.1 Everyone who connects or causes to be connected to a municipal sewer line from a building to the municipal sewer line shall install a backflow prevention device to this line if the invert of the building sewer line at the building is below the street grade adjacent to the building provided that the requirements of the National Plumbing Code are met.

**PART 8 REPEAL**

8.1 The Building Code Act By-law passed by the Council of the Municipality of the District of West Hants on the 16th day of June, A.D. 1999 and filed at the office of the Department of Municipal Affairs is hereby repealed.

I, Dwight M. Bennett, C.A.O. and Municipal Clerk-Treasurer of the Municipality of the District of West Hants, do hereby certify that the foregoing is a true copy of the Building Code Act By-law duly passed at a duly called meeting of the Municipal Council of the Municipality of the District of West Hants duly convened and held on the 11<sup>th</sup> day of April, A.D., 2006 and published in the Hants Journal, a newspaper circulating in the Municipality on the 1<sup>st</sup> day of June, A.D., 2006.

**GIVEN** under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 6 day of June, A.D., 2006.

First Reading: March 14, 2006

Second Reading: April 11, 2006

  
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**DWIGHT M. BENNETT, C.A.O**  
**MUNICIPAL CLERK-TREASURER**