

**MUNICIPALITY OF THE DISTRICT OF ARGYLE**

**BY-LAW #17**

**BUILDING**

1. This By-Law shall apply to all Municipal Districts.
2. No person shall erect, alter or repair any building or cause the same to be done in any district or area to which this By-Law applies without first obtaining a written permit therefor from the Municipal Clerk or the By-Law Enforcement Officer or the Building Inspector if one should be appointed.
3.
  - (a) Where a person is erecting, altering or repairing any building and the cost thereunder is under the sum of Five Thousand (\$5000.00) Dollars there shall be no necessity of obtaining a building permit.
  - (b) Where the value of the proposed alterations or repairs to a residential premise is over Two Thousand (\$2000.00) dollars the application for a building permit shall be accompanied by a payment of Ten (\$10.00) Dollars
  - (c) Where an application for a building permit is for the erection of a new residential premises then the application shall be accompanied by a payment of Ten (\$10.00) Dollars.
  - (d) Where an application is made for a building permit for the erection, alteration or repair of any commercial or industrial property, which said erection, alteration or repair is over the sum of Two Thousand (\$2000.00) Dollars, the application shall be accompanied by a payment of the sum of Fifteen (\$15.00) Dollars.
  - (e) Where an application is made for a building permit for the erection, alteration or repair of any public school or institution there shall be no necessity of any payment.
4. The Council may by resolution annually appoint a Building Inspector.

5. When a Building Inspector has been appointed, he shall perform the following duties.
  - (a) Keep the records of all matters coming before him and make annual reports of his work to Council.
  - (b) Examine every building in course of construction or alteration or repair.
  - (c) Examine every building reported to be in an unsafe condition.
  - (d) Record every violation of this By-Law, stating the nature of such violation and the locality in which the violation occurred, the name of the owner of the building, the name of the architect or master mechanic employed, and any other matters which he thinks should be recorded, and
  - (e) All other duties imposed on him by this or any other By-Law of the Municipality or any Statute or Regulation of the Province of Nova Scotia.
6. A Building Inspector, or Municipal Clerk, when there is no building inspector, may refuse to issue a permit where the proposed building, alteration or repair does not conform to the requirements of this or any other By-Law or Regulation of the Municipality or any Statute or Regulation of the Province of Nova Scotia.
7.
  - (a) The Building Inspector, or the Municipal Clerk, where there is no inspector, shall not issue a building permit unless the written permission of the Board of Health of the Municipality to install or construct a well or sewage disposal system has been obtained.
  - (b) No person shall install or construct a well or sewage disposal system unless the owner of the property on which the well or sewage disposal system is to be installed or constructed, has obtained a permit for the digging or drilling of that well or sewage disposal system from the local Board of Public Health.
8. The Municipality of the District of Argyle hereby adopts the National Building Code of Canada, 1975, as published by the Associate Committee on the National Building Code of the National Research Council of Canada, excepting;

- a) In subsection 1.3.2. of Section 1.3 of Part 1 in the definition of “authority having jurisdiction” the words “and any person authorized by him to administer this By-Law:
- b) Subdivision 2.4.17 of Section 2.4 of Part 2.
- c) In subsection 2.7.13 of Section 2.7 of Part 2 the words “and may recover such expense in like manner as municipal taxes” in lines 2 and 3 of clause (a).
- d) Subsection 2.12.1 of Section 2.12 of Part 2.
9. The Council also hereby adopts the Canadian Heating, Ventilating, and Air Conditioning Code, 1975; Canadian Plumbing Code, 1975; Canadian Construction Safety Code, 1975; Span Tables for Wood Joists, Rafters, Trusses, and Beams, 1975.
10. Subsection 2.4.1 of Section 2.4 and Subsection 2.7.1 of Section 2.7 of Part 2 of the Building Code are amended by inserting immediately after the words “authority having jurisdiction” in lines one thereof the following words “ and any other employees of the Municipality who administer or enforce the building regulations under the direction of the building inspector”
11. The appropriate values of Table 2.2.3.A of the Building Code for the Municipality of the District of Argyle are as follows:

<b>CANADIAN HEATING, VENTILATING, AND AIR-CONDITIONING CODE 1975</b>		
1. January 2.5% Design Temperature	(°F) 9	2.3.2.
2. January 1% Design Temperature	(°F) 5	2.3.2.
3. July 2.5% Design Dry-bulb Temperature	(°F) 73	2.3.2.
4. July 2.5% Design Wet-bulb Temperature	(°F) 68	2.3.2.
5. Annual Total Degree-days Below 65F 7340		

<b>CANADIAN PLUMBING CODE 1975</b>		
6. Maximum Fifteen-Minute Rainfall	(in.) 0.5	4.10.4.

<b>NATIONAL BUILDING CODE OF CANADA 1975</b>		
7. Maximum One-Day Rainfall	(in.) 4.5	4.1.7.5.

8. Annual Total Precipitation	(in.) 49	
9. Maximum Snow Loan on the Ground	(psf) 55	4.1.7.1
10. Wind Effects: Probability 1/10	8.6	4.1.8.1.(3)
Probability 1/30	10.7	4.1.8.1.(3)
Probability 1/100	13.1	4.1.8.1.(3)
11. Seismic Zone	2	4.1.9.1.(4)
12. Horizontal Design Ground Acceleration	(a) .04	4.1.9.1.(4)

12. (a) A person who violates a provision of this By-Law or a provision of any code adopted in this By-Law is guilty of an offence and for each such offence is liable to a penalty of not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1000.00) Dollars and in default of payment to imprisonment for a period of not less than fifteen days nor more than three months.

(b) Ever day during which any such contravention or failure to comply continues shall be deemed a fresh offence.

13. All other building By-Laws heretofore passed by the Municipality are hereby repealed.

## **BUILDING CODE ACT**

**BE IT RESOLVED** by the Municipality of the District of Argyle, Council of the Municipality of the District of Argyle, that the following by-law be enacted and that the clerk file a copy in the office of the Minister of Municipal Affairs, pursuant to Section 7 of the Building Code Act, S.N.S. 1986, c.3.

### **PART 1- DEFINITIONS**

(a) “material alteration” and “material repair” means work that is done in the alteration or repair of a building which:

- i) Is a non structural repair or alteration which has a monetary value of more than two thousand (\$2000.00) dollars;
- ii) Is a repair or alteration to the structure of a building;

(b) All other terms defined by the Building Code Act S.N.S. 1986 c,3 or the regulations made thereunder have in this by-law, the same meaning as defined in the said Act or regulations.

### **PART 2- PERMITS**

2.1. A building permit, occupancy permit and demolition permit shall be in the forms set out in Schedule “A” annexed hereto.

2.2. Before a permit is issued, an applicant must complete an application form, which shall be appended in Schedule “ A” annexed hereto.

2.2.1. 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 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, and

(e) State the names, addresses, and telephone numbers of the owner, architect, professional engineer or other designer and constructor.

2.2.2. When an application for a permit has not been completed in conformance with the requirements of this by-law within six (6) months after it is filed, the application shall be deemed to have been abandoned.

2.2.3. A permit is valid for six (6) months from the date of issued and is renewable.

2.3.1. Before issuing a building permit, a complete application shall be filed with the authority having jurisdiction.

2.3.2. In addition to the permit requirements of the Regulations, a building permit is required for:

- Accessory buildings greater than twenty square meters in building area (215.2 square feet).

2.3.3. An occupancy permit is required:

(a) to allow the occupancy of a building or part thereof, or

(b) when the occupancy of the building or part thereof is changed.

Upon application by the owner, an authority having jurisdiction may issue an occupancy permit for all or part of a building prior to the completion of work for which a building permit was issued, where no unsafe condition exists or will exist because of the work being undertaken or not completed.

2.4.1. Before issuing a building permit, the authority having jurisdiction shall be satisfied that a development permit has been issued pursuant to the Land Use By-Law of the Municipality of the District of Argyle.

- 2.4.2. Before issuing a demolition permit, the authority having jurisdiction shall be satisfied that the building is not subject to the provisions of a by-law passed pursuant to the Heritage Property Act.
- 2.4.3. The authority having jurisdiction may, in the case of the construction of new buildings or structures, withhold a building permit until satisfied that any permit required pursuant to the Public Highways Act has been obtained.
- 2.4.4. Before issuing a building permit, the authority having jurisdiction shall be satisfied that a valid on site septic permit required pursuant to the Health Act has been obtained, OR that such a permit is not required pursuant to the Health Act.
- 2.4.5. A permit for a temporary building:
- (a) shall state the date after which the conditions under which the permit is no longer valid.
  - (b) May be extended in writing,
  - (c) Shall be posted on the building
- 2.4.6. (a) 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.
- (b) 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.
- 2.4.7. (a) a permit 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.
- (b) the permit shall be clearly marked “At Owner’s Risk”
- 2.4.8. (a) A permit for a whole project may be issued conditional upon the submission of additional information prior to commencing the work for which the information is

pertinent, provided that the information is of such a nature that withholding the permit until the information was available would delay the work unreasonably.

(b) the condition shall be set out on the face of the permit.

### **PART 3- PERMIT FEES**

3.1. Fees for permits shall be:

New Construction and Additions:

\$5.00 plus .06 per square foot excluding unfinished basements for residential buildings, community centers and churches;  
.02 per square foot for sheds, shell warehouses, garages, bras, and other farm buildings;  
.10 per square foot for other non-residential uses

Repairs and Alterations:

\$5.00 plus \$1.00 per \$1,000.00 estimated valuation

Permit Renewals:

NIL

Occupancy:

NIL

Demolition

\$20.00

### **PART 4- INSPECTIONS: (Amendment approved July 9/96)**

4.1. The authority having jurisdiction shall be notified forty-eight (48) hours in advance of when the inspection is desired by the permit holder, and given an opportunity to inspect at the following stages of construction:

- (a) (i) Footings
- (ii) Before commencing backfilling of the foundation and before a superstructure



is placed on the foundation, or,

(iii) in 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” and

- (b) (i) except for mobile homes and modular homes, the framing, roof and plumbing
- (ii) insulation and repair barrier before wall framing is covered, and

(c) before occupancy.

#### **PART 5- COMING INTO FORCE**

5.1. This by-law shall have effect from and after April 1, 1987.

THIS IS TO CERTIFY that the by-law of which the foregoing is a true copy was duly passed at a duly constituted meeting of the Council of the Municipality of the District of Argyle, held on the 23<sup>rd</sup> day of March, A.D. 1987.

GIVEN under the hand of the Clerk and under the corporate seal of the said Municipality of the District of Argyle, this 9<sup>th</sup> day of April, A.D., 1987.

Jerry P. Doucet

Clerk

**Chief Administrative Officer's Annotation for Official By-Law Book**

Date of First Reading	
Date of Advertisement of Notice of Intent to Consider	
Date of Second Reading	
Date of Advertisement of Passage of By-Law	
Date of Mailing to Minister a Certified Copy of By-Law	
Effective Date of By-Law	
I certify that this Building By-Law #17 was adopted by Council and published as indicated above.	
_____	_____
Warden	Date
_____	_____
Chief Administrative Officer	Date