

**Village of Cambridge-Narrows
By-law No. 11
BULIDING BY-LAW**

The Council of the Village of Cambridge-Narrows under the authority vested in it by section 59 of the *Community Planning Act* enacts as follows:

SECTION 1: TITLE

- 1(1) This By-law may be cited as the Village of Cambridge-Narrows Building By-law and it hereby repeals and replaces the former Building By-law No. 5 & 5.1.

SECTION 2: PURPOSE AND SCOPE

- 2(1) The purpose of this By-law is
- (a) to prescribe standards for the building, locating or relocating, demolishing, 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;
 - (c) to prescribe a system of permits for work mentioned in clause (a), their terms and conditions, the conditions under which they may be issued, suspended, reinstated, revoked and renewed, and;
 - (d) to prescribe fees for permits.
- 2(2) A permit is not required for the following:
- (a) Re-roofing;
 - (b) Painting;
 - (c) Plaster repairs;
 - (d) Drywall patching;
 - (e) Window replacement of the same size or smaller, excluding bedroom windows;

- (f) Insulating, finished floor replacement, wallpapering, replacing exterior cladding for residential properties only, eavestroughing, cosmetic decorations;
- (g) Fences less than 2.4 meters in height;
- (h) Repairing existing decks, landings or stairs.

SECTION 3: INTERPRETATION

- 3(1) The provisions of this By-law are severable. If any provision is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this By-law.
- 3(2) Nothing in this By-law shall relieve any person from the obligation to comply within the requirement of the Rural Plan, Subdivision By-law or any other by-law of the Village of Cambridge-Narrows in force from time to time, or the obligation to obtain any license, permit, authority or approval required under any By-law the Village of Cambridge-Narrows or Act or Regulation of the provincial or Federal Government. In the event of conflict between this By-law and any other Act or Regulation, the most restrictive obligation shall prevail.

SECTION 4: DEFINITIONS

In this By-law,

“accessory building” means a detached building located on the same lot as the main building or main use to which it is accessory, the use of which is naturally or customarily incidental or complementary to the main use of the land or building: not to be used for human occupancy.

“alter” means, in relation to a building or structure, to make any structural or other change thereto which is not for purposes of maintenance or cosmetic decoration only, and also includes any change in the purpose for which any land, building or structure is used (for example only, when a building formerly used as offices is changed to be used in part or in whole for a food service business, or when a single family residence is going to be in part rented out, and so become a two unit residence);

“building” means any structure used or intended to be supporting or sheltering any use or occupancy;

"Building Inspector" means the person appointed by the Royal District Planning Commission to administer and enforce this By-law for the Village of Cambridge-Narrows;

"Commission" means the Royal District Planning Commission, which was established as a district commission pursuant to Section 6 of the *Community Planning Act*;

"Code" means the current edition of the National Building Code of Canada;

"Council" means the Village of Cambridge-Narrows Council;

"Development", "Development Officer", and any other words therein defined have the meanings given to them in Section (1) of the *Community Planning Act*;

"lot" means any parcel of land which is contained as a separate lot description in a deed of land or as shown as an approved lot in an approved plan of subdivision filed in the registry of deeds.

"occupancy" means the use or intended use of a building or part thereof, for the support, shelter, housing or enclosure of persons, animals or chattels;

"Rural Plan" means the Village of Cambridge-Narrows Rural Plan;

"use" means the purpose for which land or a building or a structure, or any combination thereof is designed, arranged, erected, intended, occupied or maintained.

"Village" means the Village of Cambridge-Narrows

"width" means, in relation to a lot,

(a) where the side lot lines are parallel, the distance measured across the lot at right angle to such lines, or

(b) where the side lot lines are not parallel, the distance measured across the lot along a line parallel to a line joining the points at which the side lot lines intersect the street line, such parallel line being drawn through the point at which the line minimum setback required by By-law or regulation, intersects a line from the midpoint of and perpendicular to the line in which it is parallel

SECTION 5: ADOPTION OF BUILDING CODE

- 5(1) The National Building Code of Canada, current edition, adopted by the Province of New Brunswick, issued by the Associate Committee on the National Building Code, National Research Council, as amended from time to time shall apply as follows:
- (a) Parts 1, 2, 7 and 8 thereof apply to all buildings or structures;
 - (b) Parts 3, 4, 5 and 6 thereof apply to
 - (i) all buildings or structures used for
 1. assembly occupancies, classified as Group A in the Code;
 2. institutional occupancies, classified as Group B in the Code; and
 3. high hazard industrial occupancies, classified as Group F, Division I in the Code.
 - (ii) all buildings or structures exceeding six hundred (600) square metres in building area or exceeding three (3) storeys in building height used for
 1. residential occupancies, classified as Group C in the Code;
 2. business and personal services occupancies, classified as Group D in the Code;
 3. mercantile occupancies, classified as Group E in the Code;
 4. medium and low hazard occupancies, classified as Group F Division 2 and 3 in the Code.
 - (c) Part 9 of the Code applies to buildings or structures of three (3) stories or less in building height, having a building area not exceeding six hundred (600) square metres and which are used for
 - (i) residential occupancies classified as Group C in the Code,
 - (ii) business and personal service occupancies, classified as Group D in the Code,
 - (iii) mercantile occupancies, classified as Group E in the Code
 - (iv) medium and low hazard industrial occupancies, classified as Group F in the Code, and
 - (d) The Code applies to site assembled and factory made buildings or structures.

- 5(2) The Commission shall keep a copy of the Code available for public use, inspection and examination, at the Commission office during regular business hours.

SECTION 6: APPOINTMENT OF BUILDING INSPECTORS

- 6(1) The appointed Building Inspector and Development Officer shall exercise such powers and perform such duties as are provided by this By-law, in conjunction with Council.

SECTION 7: DEVELOPMENT, BUILDING, AND DEMOLITION PERMITS

General

- 7(1) No person shall undertake a development or activity as identified in the Village of Cambridge-Narrows Rural Plan without first acquiring a Development or Building Permit issued by the Development Officer/Building Inspector.
- 7(2) No Development Permit or Building Permit will be issued without the Development Officer's confirmation of compliance with the Rural Plan.
- 7(3) Where an owner intends to proceed to the building stage of a project within six months of the initial application for a development, one fee for both the Development Permit and Building Permit will apply as prescribed in Section 12.
- 7(4) A Development or Building 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 in such manner that any exterior surface intended to be clad or remains unclad in excess of six 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.
- 7(5) Except in the case of permits for the removal or demolition of a building, where the work for which a permit has been issued, has not commenced

within six months of the date of issuance, the Building Inspector may revoke the permit.

- 7(6) If for reasonable cause the activity or construction authorized by a permit issued herein is not commenced within six months, the Development Officer or Building Inspector, as the case may be, may at his/her discretion, on application, renew such permit with no additional cost.
- 7(7) Wherever the character of the proposed work requires technical knowledge, such as reinforced concrete, steel, timber construction, trusses and other methods, the Building Inspector may require that the plans and specifications be prepared, signed and sealed, and the construction supervised by an Architect or Engineer registered to practice in the Province of New Brunswick.
- 7(8) No person shall, by the issuing of a permit and the approval of plans or specifications or inspections made hereunder, be relieved of any duty or responsibility for carrying out works in accordance with this By-Law.

Development Permits

- 7(9) A person seeking a Development Permit only shall make application in writing to the Development Officer and such application shall
- (a) be in a form prescribed by the Commission;
 - (b) be signed by the owner of the subject lands or authorized agent;
 - (c) be accompanied by the appropriate fee prescribed in Section 12;
 - (d) state the intended use or purpose of the intended work, building or structure;
 - (e) contain such other information as the Building Inspector may require for the purpose of determining compliance with this By-law, the National Building Code of Canada, the Village of Cambridge-Narrows Rural Plan, and other applicable Regulations, and;
 - (f) be accompanied with a Watercourse and Wetland Alteration Permit from Department of Environment if any of the development is located within 30 metres of a wetland or watercourse, as defined by Regulation.
- 7(10) Where the application for a Development Permit involves a use that is subject to terms and conditions as set out in the Rural Plan, the Development Officer will consult with Council. The recommendations of

the Development Officer and the Council will be forwarded to the Commission for their consideration of appropriate terms and conditions to be attached to the approval of the Development Permit in accordance with section 34(5) of the *Community Planning Act*.

Building Permits

7(11) No person shall undertake or continue the building, locating or relocating, demolishing, altering or replacing of a building unless a Building Permit has been issued pursuant to this section.

7(12) 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 Commission;
- (b) be signed by the owner of the subject lands or authorized agent;
- (c) state the intended use of the building or structure;
- (d) be accompanied by the appropriate fee prescribed in Section 12;
- (e) set out the total estimated cost of the proposed work;
- (f) be accompanied by plans showing 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 dimensions and the proposed use of each room or floor area;
 - (iii) the location and dimension of each door and window;
 - (iv) foundation plan, floor plans;
 - (v) front, rear and side elevations; and
 - (vi) cross-section of building;
- (g) contain such other information as the Building Inspector may require for the purpose of determining compliance with this By-law , the National Building Code of Canada , the Village of Cambridge-Narrows Rural Plan, and other applicable Regulations, and;
- (h) affirm that the work will be done to the specifications of the National Building Code and other relevant By-laws, and that the applicant recognizes that this is his and/or his contractor's responsibility to ensure that the standards are indeed met.

- 7(13) In the case of buildings which exceed 600 square meters (6,485 square feet) in building area, exceed 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 specification are certified under the seal of an architect or professional engineer registered to practice in the Province of New Brunswick.
- 7(14) The issuance of a Building Permit will be withheld until the applicant can demonstrate possession of an approved on-site sewage disposal system assessment. The applicant can apply for this on-site sewage system assessment at any Public Health Office. The area inspector examines a test hole; an approval is signed on the application and a copy provided for the applicant. This copy the applicant should present as proof.
- 7(15) A permit issued pursuant to this By-law shall be valid for a maximum 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.
- 7(16) The issuance of a permit or the review of the drawings and specifications, or inspections 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 By-law.

Demolition Permits

- 7(17) A person seeking to obtain a Demolition Permit shall make application in writing to the Building Inspector and such application shall:
- (a) identify and describe in detail the work to be covered by the permit for which application is being made;
 - (b) state the name, address and telephone number of the person or firm who is to carry out the proposed demolition;
 - (c) describe the land on which the work is to be done by description that will readily identify and locate the lot, including, where possible, both the civic and subdivision lot number;
 - (d) describe manner and timeframe within which demolition debris will be removed from the site and identify the location where it will be dumped;
 - (e) the owner of a property upon which an open basement or excavation exists as a result of the demolition or destruction of a

structure or the expiry or revocation of a permit shall, at his own expense and without delay, backfill such basement or excavation with granular material to a level grade and maintain it so as not to be dangerous or unsightly;

- (f) If the proposed demolition is located within 30 meters of a watercourse or wetland, a Watercourse and Wetland Alteration Permit must be obtained from the Department of Environment;
- (g) be accompanied by the appropriate fee prescribed in Section 12;
- (h) contain such other information as the Building Inspector may require for the purpose of determining compliance with this By-law, the Village of Cambridge-Narrows Rural Plan, and other applicable Regulations.

7(18) Subject to Section 7(17), the Building Inspector shall issue the Demolition Permit requested, where an application under Section 7(11) has been received and the proposed work complies with this By-law, the Village of Cambridge-Narrows Rural Plan, and any other applicable Regulation.

SECTION 8: TEMPORARY BUILDINGS

8(1) Temporary buildings to be used in connection with construction work may be erected or installed without a permit but shall be removed immediately upon completion of the said work.

SECTION 9: DUTIES AND POWERS OF THE BUILDING INSPECTOR

9(1) The Building Inspector shall

- (a) administer this By-law;
- (b) keep the proper records of all applications received, permits and orders issued, inspections and tests made, and shall retain copies for all papers and documents connected with the administration of his/her duties, and;
- (c) keep a copy of the Code available for public use, inspection and examination.

9(2) The Building Inspector may:

- (a) enter upon any land, any building or premises at any reasonable time for the purpose of administering or enforcing this By-law;
- (b) cause a written order to be served upon the owner of any property directing him/her to correct any condition that constitutes a contravention of this By-law;
- (c) direct the tests of materials, devices, construction methods, structural assemblies or foundation conditions be carried out, or sufficient evidence or proof be submitted, at no cost to the Village, when such evidence or proof is necessary to determine if any material, device, construction or foundation conditions meets the requirements of this By-law;
- (d) revoke or refuse to issue a permit, where in his/her opinion, the results of the test referred to in section 9(2)(c) are not satisfactory;
- (e) may refuse to issue a Building Permit, when he/she has reason to believe and does believe that the estimate cost of work provided by the applicant is unreasonable, and;
- (f) revoke or refuse to issue a permit where in his opinion the work does not conform with this By-law and all other applicable By-laws, provincial Acts and Regulations, as determined by the Building Inspector.

SECTION 10: ENFORCEMENT

- 10(1) Where a person violates a condition mentioned in section 7, 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 permit, state the nature of the violation and order the cessation thereof, or compliance with the Code, within a reasonable time mentioned in the notice.
- 10(2) Where a person fails to comply with an order mentioned in subsection 10(1), the Building Inspector may suspend or revoke the Building Permit, or, with authorization of the Village, apply to the Court of Queen's Bench to have the order complied with, and may, if the conditions leading to the suspension are subsequently corrected, reinstate the suspended permit.

SECTION 11: RESPONSIBILITY OF PERMIT HOLDER

- 11(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) at least 24 hours notice when insulation and vapour barrier are completed, prior to any dry walling;
 - (d) notice of the completion of the work described in the permit within 10 days of such completion; and
 - (e) such other information as may be required hereunder.
- 11(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.
- 11(3) The approval of plan 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.
- 11(4) 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, and;
 - (b) a copy of any plans and specifications approved by the Building Inspector.

SECTION 12: SCHEDULE OF FEES

- 12(1) No Development Permit or Demolition Permit may be issued under this By-law until a fee of twenty-five dollars (\$25.00) has been paid. A Demolition Permit for a building over 58 square meters (625 square feet) in building area must have an additional fee of five dollars (\$5.00) per thousand dollars (\$1,000.00) of the total estimated cost of the demolition.

12(2) No Building Permit may be issued under this By-law until a fee of twenty-five dollars (\$25.00) plus five dollars (\$5.00) per thousand dollars (\$1000.00) of total estimate of cost of construction including labour and materials, has been paid.

12(3) Where both a Development Permit and Building Permit are required, only the fee for the Building Permit will apply.

READ FIRST TIME BY TITLE July 13 2009

READ SECOND TIME BY TITLE July 13, 2009

READ THIRD TIME AND ENACTED. August 10, 2009

Cheryl Appleby
Clerk

Rob Knight
Mayor

