

MUNICIPALITY OF THE DISTRICT OF YARMOUTH

**BUILDING BY-LAW
B-028-91**

Effective Date:
April 25, 1991

BE IT RESOLVED by the Municipal Council of the Municipality of the Municipality of the District of Yarmouth 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, R.S.N.S. 1989, c. 46.

Part 1 - Definitions

1. This By-law may be cited as the Municipality of the Yarmouth Building By-law.
2. In this By-law,
 - (a) “applicant” means the owner or his agent, appointed in writing;
 - (b) “architect” means a member or licensee of the Nova Scotia Association of Architects;
 - (c) “building” means a building as defined from time to time by the Building Code;
 - (d) “Building Code” means the regulations made pursuant to Section 4;
 - (e) “clerk” means the clerk of the Municipality;
 - (f) “Committee” means the Nova Scotia Building Advisory Committee established by this Act;
 - (g) “construct” means to do anything in the erection, installation, extension, relocation, material alteration or material repair of a building and includes the installation of a factory-made building fabricated or moved from elsewhere;
 - (h) “council” means the council of a municipality;
 - (i) “demolition” means the doing of anything in the removal of a building or any material part thereof;
 - (j) “inspector” means a person appointed as an inspector pursuant to Section 5;

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- (k) “Minister” means the Minister of Municipal Affairs;
- (l) “municipality” means a city, an incorporated town or a municipality of a county or district;
- (m) “National Building Code of Canada” means the National Building Code issued by the National Research Council;
- (n) “National Research Council” means the Associate Committee on the National Building Code of the National Research Council of Canada;
- (o) “occupancy” or “class of occupancy” means the use or intended use of a building, as defined in the Building Code;
- (p) “owner” includes a person controlling the property under consideration, and also includes prima facie the assessed owner of the property whose name appears on the assessment roll prepared in accordance with the Assessment Act;
- (q) “permit” means a permit issued pursuant to this Act;
- (r) “professional engineer” means a member or licensee of the Association of Professional Engineers of the Province of Nova Scotia;
- (s) “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 which has a monetary value of more than \$2,000;
 - ii) is a repair or alteration to the structure of a building.
- (t) “superstructure” means that part of a building above the foundation.

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

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shall be appended in Schedule "A", annexed hereto.

2.2.1 Every application for a permit shall:

- identify and describe in detail the work and occupancy to be covered by the permit for which application is made,
- describe the land on which the work is to be done by a description that will readily identify and locate the building lot,
- include the plans and specification as required by the Building Code and show the occupancy of all parts of the building,
- state the valuation and square footage of the proposed work and be accompanied by the required fee, and
- 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 months after it is filed, the application shall be deemed to have been abandoned.

2.2.3 A permit is valid for six months from the date of issue and is renewable.

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

- accessory buildings greater than ten square meters in building area (107.6 square feet).

2.4 An occupancy permit is required:

- a) to allow the occupancy of a building or part thereof, or
- b) when the occupancy of a 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.

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

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- 2.6.1 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 Yarmouth.
- 2.6.2 Before issuing a demolition permit, the authority having jurisdiction shall be satisfied that the building is not subject to the provisions of the By-law passed pursuant to the Heritage Property Act.
- 2.6.3 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.
- 2.6.4 A permit for a temporary building:
- shall state the date after which the conditions under which the permit is no longer valid,
 - may be extended in writing
 - shall be posted on the building
- 2.6.5.1 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.
- 2.6.5.2 Any permit issued for part only of a building shall be clearly marked as for part of a building shall be clearly marked s for part only, and shall also indicate that a permit for the entire building is not assured.
- 2.6.6.1 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.
- 2.6.6.2 The permit shall be clearly marked "At Owner's Risk"
- 2.6.7.1 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

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was available would delay the work unreasonably.

2.6.7.2 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:

- \$7.50 plus \$.07 per square foot excluding unfinished basements for residential buildings, community centres and churches.
- \$7.50 plus \$.03 per square foot for shed, shell warehouses, garages, barns and other farm buildings.
- \$7.50 plus \$.11 per square foot for other non-residential uses.

Part 4 - Inspections

4.1 An authority having jurisdiction shall be notified 48 hours in advance of when inspection is desired, and given an opportunity to inspect at the following stages of construction:

- when the foundation is in place and before backfilling and before a superstructure is place on a foundation;
- when the building exterior shell is completely framed (i.e. outside walls and roof framed) and before any interior wall cavities are filled with insulation or enclosed;
- when interior framing, rough plumbing, and insulation are being installed and prior to any interior wall coverings installed; and
- prior to occupancy

Part 5 - Coming Into Force

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

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BE IT RESOLVED by the Warden and Councillors of the Municipality of the District of Yarmouth that :

By-law No. 15 of the By-laws of the Municipality of the District of Yarmouth is hereby amended and the following substituted thereof;

Part 3 - Permit Fees

New Construction and Additions:

- \$7.50 plus \$.07 per square foot excluding unfinished basements for residential buildings, community centres and churches.
- \$7.50 plus \$.03 per square foot for shed, shell warehouses, garages, barns and other farm buildings.
- \$7.50 plus \$.11 per square foot for other non-residential uses.

Certification

THIS IS TO CERTIFY that the amendments to Part 3, Permit Fees of By-law No. 15 is a true copy of the resolution passed at a duly called meeting of the Municipal Council of the Municipality of the District of Yarmouth, held at Yarmouth, NS on Wednesday, the 24th day of April, A.D., 1991.

Dated at Yarmouth, Nova Scotia this 25th day of April A.D., 1991

William R. Scott
William R. Scott
Municipal Clerk Treasurer

Filed in the Office of the Minister of Municipal Affairs this 2nd day of July, 1991.

Brian Young
Brian Young
Minister of Municipal Affairs