

**Town of Hartland**

**Building By-Law**

**By-Law No. B-48**



Building By-Law  
Town of Hartland  
Table of Contents

<b>1.0</b>	<b>TITLE .....</b>	<b>1</b>
<b>2.0</b>	<b>SCOPE .....</b>	<b>1</b>
<b>3.0</b>	<b>INTERPRETATION / DEFINITIONS .....</b>	<b>1</b>
<b>4.0</b>	<b>ADOPTION OF CODE.....</b>	<b>2</b>
<b>5.0</b>	<b>APPOINTMENT OF BUILDING INSPECTOR.....</b>	<b>2</b>
<b>6.0</b>	<b>BUILDING PERMITS .....</b>	<b>2</b>
<b>7.0</b>	<b>EXEMPTIONS .....</b>	<b>4</b>
<b>8.0</b>	<b>RESPONSIBILITY OF PERMIT HOLDER.....</b>	<b>4</b>
<b>9.0</b>	<b>DOCUMENTS ON THE SITE.....</b>	<b>4</b>
<b>10.0</b>	<b>TESTS .....</b>	<b>4</b>
<b>11.0</b>	<b>RECORDS .....</b>	<b>5</b>
<b>12.0</b>	<b>COPIES OF CODE AVAILABLE .....</b>	<b>5</b>
<b>13.0</b>	<b>OPEN BASEMENT OR EXCAVATION .....</b>	<b>5</b>
<b>14.0</b>	<b>FEES .....</b>	<b>5</b>
<b>15.0</b>	<b>REPEAL .....</b>	<b>5</b>

**TOWN OF HARTLAND**  
**BY-LAW NO. B-48**  
**BUILDING BY-LAW**

The Council of the Town of Hartland under authority vested in it by Section 59 of the *Community Planning Act* enacts as follows:

**1.0 TITLE**

- (1) This By-Law may be cited as "The Town of Hartland Building By-Law".

**2.0 SCOPE**

- (1) The purpose of this By-Law is:
  - (a) to prescribe standards for the design, construction, locating or relocating, demolishing, altering, repairing or replacing of a building or structure;
  - (b) to prohibit the undertaking or continuing of work mentioned in Clause (a) in violation of standards prescribed herein; and
  - (c) to prescribe a system of permits for work mentioned in Clause (a), the conditions under which they may be issued, suspended, reinstated, revoked or renewed, their forms and the fees therefore.

**3.0 INTERPRETATION / DEFINITIONS**

- (1) In this By-Law

**"alter"** means, in relation to a building or structure, to make any structural or other change thereto which is not for the purposes of maintenance only.

**"building"** means any structure used or intended for supporting or sheltering any use or occupancy;

**"building inspector"** means the Building Inspector appointed by the Council of the Town of Hartland to enforce this by-law.

**"Code"** means the edition of the National Building Code of Canada, referenced in this by-law;

**"Council"** means the Council of the Town of Hartland;

**"Development Officer"** means the development officer as defined in the *Community Planning Act*.

**"lot"** means a parcel of land or two or more adjoining parcels held by the same owner used or intended to be used as the site for a building or an appurtenance thereto, whether or not such lot is shown on a filed subdivision plan or is the subject matter of a separate deed or a separate description in a deed.

**"structure"** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls, signs, fences exceeding 2 metres (6.56 feet) in height and other similar erections. It does not include utility lines or poles, traffic control devices, pavement, curbs, sidewalks, or statutory notices.

**“total estimated cost”** means the total monetary worth as determined by the Building Inspector of all proposed work including all painting, tapering, roofing, electrical work, plumbing, permanent heating equipment, elevator equipment, fire sprinkler equipment and all labour, materials and other devices necessary for the completion of the proposed work;

**“work”** means the building, locating or relocating, demolishing, altering, repairing or replacing or any combination thereof of a building or structure.

#### **4.0 ADOPTION OF CODE**

- (1) The *National Building Code of Canada 2005*, is adopted by reference as follows:
  - (a) Parts 1, 2, and 3 of Division A apply to all buildings covered in the Code.
  - (b) Parts 1, 7, and 8 of Division B apply to all buildings.
  - (c) Parts 3, 4, 5 and 6 of Division B apply to all buildings described in Article 1.1.1.1 of the Code and:
    - i) classified as post-disaster buildings,
    - ii) used for major occupancies classified as
      - a) Group A, Assembly occupancies,
      - b) Group B, Care or detention occupancies, or
      - c) Group F, Division 1, High hazard industrial occupancies, or
    - iii) exceeding 600 square meters in building area or exceeding three storeys in building height used for major occupancies classified as:
      - a) Group C, Residential occupancies,
      - b) Group D, Business and personal services occupancies,
      - c) Group E, Mercantile occupancies, and
      - d) Group F, Divisions 2 and 3, medium and low hazard Industrial occupancies.
  - (d) Part 9 of Division B applies to all buildings described in Article 1.1.1.1. of the Code, of 3 stories or less in building height, having a building area not exceeding 600 square meters, and used for major occupancies classified as
    - i) Group C, Residential occupancies,
    - ii) Group D, Business and personal services occupancies,
    - iii) Group E, Mercantile occupancies, or
    - iv) Group F, Medium and Low hazard industrial occupancies.
  - (e) Parts 1 and 2 of Division C apply to all buildings covered in the Code.
  - (f) The code applies both to site assembled and factory made buildings.

#### **5.0 APPOINTMENT OF BUILDING INSPECTOR**

- (1) The Council shall appoint a building inspector who shall exercise such powers and perform such duties as are provided by this By-law.

#### **6.0 BUILDING PERMITS**

- (1) A person shall not undertake or continue the building, locating or relocating, demolishing, altering or replacement of a building or structure unless:
  - (a) the work conforms with the Code,
  - (b) the work conforms with this by-law and all other applicable by-laws, Provincial Acts and Regulations, as determined by the building inspector; and;

- (c) a permit has been issued pursuant to this by-law.
- (2) 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 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 or structure with respect to which the work is to be carried out, showing:
    - i) the dimensions of the building or structure,
    - ii) a cross-section, foundation and floor plans, details and elevations of the building or structure showing size, dimensions, and description of material to be used;
    - iii) the proposed use of each room or floor area,
    - iv) the dimensions of the land on which the building or structure is, or is to be, situated,
    - v) the grades of the streets and sewers abutting the land mentioned in subclause (iv), and
    - vi) the position, height and horizontal dimensions of all buildings or structures on, and those proposed to be located on, the land referred to.
  - (e) set out the total estimated cost of the proposed work; and
  - (f) contain such other information as the building inspector may require for the purpose of determining compliance herewith.
- (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-laws; and
  - (c) the development officer has approved the work pursuant to section 81(1) of the Community Planning Act, R.S.N.B. 1973, c. C-12;
- 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 the issue of the building permit;
  - (b) is not discontinued or suspended in excess of one year; and
  - (c) is carried out, unless otherwise approved by the building inspector, in compliance with the specifications contained in the application for the building 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 served personally on, or sent by registered mail to the person named in the building permit, state the nature of the violation and order the cessation thereof within a 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 conditions leading to the suspension are subsequently corrected, reinstate the suspended permit.
- (7) Specifications and scale drawings mentioned in subsection (2) for a building permit in respect of a building referred to in clause (b) of section 4 shall not be considered by the building inspector unless they meet or exceed the standards of the National Building Code.
- (8) In the case of buildings which exceed 600 square metres in building area or 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 specifications are certified under the seal of an architect or professional engineer registered or licensed to practice in the Province of New Brunswick.

## **7.0 EXEMPTIONS**

- (1) Notwithstanding section 6 (1), a person shall be exempted from obtaining a permit for work valued at less than one thousand and five hundred dollars (\$1,500.00) when the work is performed on a building that contains a maximum of 2 dwelling units;
- (2) For the purposes of section 7.0 (1) the exemption is only applicable when the work is of the following nature:
  - (a) non-structural repairs;
  - (b) repairing existing decks, verandas, landings or stairs where such repairs are of the same type and configuration as that item being repaired, except as required to comply with the Code and this by-law;
  - (c) installation of eavestroughing, downspouts, storm windows, storm doors; or;
  - (d) installation of cosmetic decorations including, but not limited to, shutters, paneling, wallpapering, ceramic tile and finished flooring, to the interior or exterior of a building.

## **8.0 RESPONSIBILITY OF PERMIT HOLDER**

- (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 the work authorized by the permit;
  - (b) at least 48 hours notice of the placement of a foundation wall below land surface prior to any back filling of the excavation;
  - (c) at least 72 hours notice of completion of the structural work and prior to the installation of the interior wall finish;
  - (d) notice of the completion of the work described in the permit within ten days of such completion;
  - and
  - (e) such other information as may be required hereunder.
- (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.
- (3) The approval of plans or specifications, the issuance 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.

## **9.0 DOCUMENTS ON THE SITE**

- (1) During the carrying out of the work authorized by a building permit, the person named therein shall keep posted in a conspicuous place on the property in respect of which the building permit was issued:
  - (a) a copy of the building permit, or a poster or placard in lieu thereof; and
  - (b) a copy of any plans and specifications approved by the building inspector.

## **10.0 TESTS**

- (1) The building inspector may:

- (a) direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence of proof be submitted, including the ability to require the applicant to provide a qualified on-site inspector, at no costs to the municipality, where such evidence or proof is necessary to determine if any material, device, construction or foundations meets the requirements of this by-law; and
- (b) revoke, suspend or refuse to issue a building permit where, in the opinion of the building inspector the results of the tests referred to in Clause (a) are not satisfactory.

**11.0 RECORDS**

- (1) 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.

**12.0 COPIES OF CODE AVAILABLE**

- (1) The building inspector shall keep one copy of the adopted National Building Code available for public use, inspection and examination.

**13.0 OPEN BASEMENT OR EXCAVATION**

- (1) 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 or place a floor upon the foundation and maintain it so as not to be dangerous or unsightly.

**14.0 FEES**

- (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:

	<u>Schedule</u>	
(a) in an amount of \$ 0 to \$5,000		\$ 25
(b) in an amount of \$ 5,001 to \$ 15,000		\$ 50
(c) in an amount over \$15,001		\$ 50 plus \$ 3,00 per \$1000 or part thereof.

- (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.

**15.0 REPEAL**

- (1) By-law No. B-13A , Town of Hartland Building By-law, enacted on December 5, 1983, and all amendments thereto, is hereby repealed.

READ FIRST TIME: February 2, 2009

READ SECOND TIME: February 2, 2009

READ THIRD TIME AND ENACTED: March 9, 2009

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Mayor

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Town Clerk