

Town of Sackville

By-law No 266

A By-law Relating to Buildings in the Town of Sackville

Council of the Town of Sackville, under authority vested in it by section 62 of the *Community Planning Act, SNB 2017, c 19*, hereby enacts as follows:

1 Definitions

1.1 In this by-law all words shall have the meaning or meanings which are assigned to them in accepted English dictionaries except for words which are defined in the Town of Sackville Zoning By-law or as follows:

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

“Building Inspector” means an individual appointed by the Council of the Town of Sackville who shall exercise such powers and perform such duties as are provided by this By-law.

"code" means the National Building Code of Canada, 2010 edition including any amendments and revisions subsequently issued.

2 Scope

2.1 The purpose of this By-law is

- a) to prescribe standards for the building, locating, demolishing, altering or replacing of a building;
- b) to prohibit the undertaking or continuing of work mentioned in a) in violation of standards prescribed hereby; and
- 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, their form and fees.

3 Adoption of Code

3.1 The National Building Code of Canada, 2010 edition, including any amendments and revisions subsequently issued, except for Part 5, Environmental Separations, and Part 8, Safety Measures at Construction and Demolition Sites, is hereby adopted as the standard to which all work undertaken in the Town must conform.

3.2 Notwithstanding section 3.1, no penalty clause or any administrative procedure contained in the Code is adopted.

3.3 The Building Inspector shall keep a copy of the Code available for public use, inspection and examination during regular business hours.

3.4 The Town of Sackville hereby adopts the Barrier-Free Design Building Code Regulation, being Regulation 2011-61 under the *Community Planning Act*.

3.5 Despite section 3.4, the requirement to provide barrier free parking spaces in the Barrier-Free Design Building Code Regulation does not apply in the Downtown Business District under the Town of Sackville Zoning By-Law, unless parking is proposed or required.

4 Prohibition

4.1. A person shall not undertake or continue any work unless:

- a) the work conforms with the Code;
- b) the work conforms with this by-law and all other applicable by-laws;
- c) a permit has been issued pursuant to this by-law.

5 Exemptions

5.1 Notwithstanding subsection 4.1c), a person shall be exempted from obtaining a permit when:

- a) an Electrical Waiver has been issued pursuant to section 6.0 herein;
- b) the proposed work is of the following nature:
 - i) maintenance of heating equipment, ventilation or electrical equipment in all buildings provided that such maintenance does not affect fire maintenance separation or fire dampers;
 - ii) recreational structures such as playground equipment, but not buildings or similar construction; or
 - iii) retaining walls less than 1 m (3 ft) in height from the top of the wall to the lowest adjacent surface;

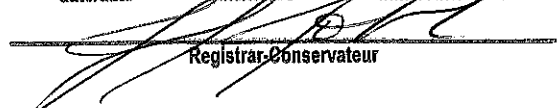
5.2 the proposed work is in a building containing only a single unit dwelling and complementary accessory buildings, and the work consists of:

- i) re-roofing of a non-structural nature;
- ii) painting;

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is registered or filed in the
Westmorland
County Registry Office,
New Brunswick

J'atteste que cet instrument est
enregistré ou déposé au bureau
de l'enregistrement du comté de
Westmorland
Nouveau-Brunswick

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Registrar/Conservateur

- iii) replacement of floor covering;
- iv) replacing doors, provided they are in the same type, location and size;
- v) replacing exterior floor decking where such repairs are the same type and configuration as that being repaired;
- vi) plaster and drywall repairs;
- vii) electrical maintenance;
- viii) installation of gutters or downspouts;
- ix) installation of storm doors and shutters;
- x) refacing or replacing kitchen cabinets; or
- xi) repairing or reinstalling cosmetic interior trim;

6 Electrical Waiver

6.1 Notwithstanding subsection 4.1c), an Electrical Waiver may be issued in place of a building permit when the work is solely of an electrical nature, and:

- a) is not part of a fire alarm or life safety system;
- b) does not impact any structural aspect of the building;
- c) does not impact the exterior wall assembly or the building envelope, any fire walls, fire separations, or fire rated materials, fire rated assemblies by conduit penetrations or otherwise; and
- d) there is no change in use or intensification of use.

6.2 For the purposes of section 6.1, electrical work includes but is not limited to mast repairs, service upgrades from fuse panels to breaker panels, service panel upgrades to a maximum of 400 amp service, or similar work.

6.3 An owner or electrician seeking to obtain an Electrical Waiver shall provide a copy of the electrical permit application to the Building Inspector and shall pay the fees as prescribed herein.

7 PERMIT APPLICATION PROCESS

7.1 A person seeking to obtain a permit for all work shall make an application in writing to the Building Inspector and shall comply with section 8 where applicable and shall pay any applicable fees as prescribed herein at the time of making the application.

7.2 The permit application referred to in section 7.1 shall be made through an application on a form prescribed by the Building Inspector and such application shall include:

- a) the name, contact information and signature of the applicant;
- b) the name, contact information of the person performing the work;
- c) the location of the property and a landowner declaration if the applicant is not the property owner;
- d) the intended use of the building and the description of the work to be performed;
- e) the total estimated cost of the proposed work;
- f) a description of the intended use of the building or structure;
- g) unless waived by the Building Inspector, copies in duplicate of the specifications and legible scale drawings of the site and building or structure with respect to the proposed work to be carried out indicating:
 - i) the front yard, rear yard, side yard and where applicable, the flankage yard, as defined in the Town of Sackville Zoning By-Law;
 - ii) existing municipal and private service easements, underground electrical, telephone, gas, cable, and all other public utility easements;
 - iii) a drainage plan as required under the Town of Sackville Zoning By-law, acceptable to the Town Engineer
 - iv) any other information required to show conformity of the Site Plan with the Building, Subdivision and Zoning By-Laws;
 - v) the position, height and dimensions of all buildings or structures on, and those proposed to be located on the land referred to;
 - vi) the proposed use and area of each room on each floor of the building or structure;
 - vii) full cross section and stair detail, relevant wall section(s), window size(s) including unobstructed window opening for bedrooms and deck detail(s);

- viii) roof truss layout and shop drawings bearing the seal and signature of a Professional Engineer;
- ix) engineered floor truss layout and shop drawing(s) bearing the seal and signature of a Professional Engineer, if applicable;
- x) engineered lintel or beam design bearing the seal and signature of a Professional Engineer; and
- xi) where construction is on lands unknown to have been backfilled, the results and recommendations of a soil investigation bearing the seal and signature of a Geotechnical Professional Engineer registered or licensed to practice in the Province of New Brunswick;
- xii) such other information as the Building Inspector may require for the purpose of determining compliance with this or any other bylaw;
- xiv) where the work involves plumbing, a signed plumbing permit;
- h) copies, if applicable, of an onsite septic system approval, Wellfield Protection Area exemption, Watershed Protection Area exemption and a Watercourse and Wetland Alteration Permit.

8 Special Application Requirements

8.1 All plans and specifications provided in a permit application shall be certified under the seal and signature of an Architect in the case of architectural plans, or a Professional Engineer licensed or registered to practice in the Province of New Brunswick in the applicable engineering discipline, where the work involves the construction of, or the addition to, a building which:

- a) exceeds 600 square metres (6458 sq. ft) in gross building area or exceeds 3 storeys in building height; or
- b) is used for Group A Assembly, Group B institutional, Group F-1, Division 1, high hazard industrial occupancy.

8.2 An application for a demolition permit shall include the provincially approved location where any demolition debris will be disposed of.

9 Issuance of a Permit

9.1 Upon receipt of a complete application pursuant to section 7, and upon receipt of payment of all fees required by this by-law, the Building Inspector shall within a reasonable time issue a permit, provided that:

- a) the proposed work complies with this and all other applicable by-laws;
- b) the development officer has approved the work pursuant to subsection 108(1) of the *Community Planning Act, SNB 2017, c 19*.

9.2 A permit issued pursuant to this by-law shall be valid for a period of one year from issuance after which time the permit shall be deemed null and void, unless it is renewed by the Building Inspector.

9.3 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 bylaw, and all other applicable laws.

10 Tests

10.1 The Building Inspector may:

- a) direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted, at no costs to the municipality, where such evidence or proof is necessary to determine if any material, device, construction or foundation condition meets the requirements of this By-law; and
- b) revoke, suspend or refuse to issue a building permit where, in their opinion, the results of the tests referred to in clause a) are not satisfactory.

11 Records

11.1 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 their duties. Records shall be retained and disposed of in accordance with the Provincial Regional Service Commission Records Authority Guidelines.

12 Revocation of a Permit

12.1 A permit issued pursuant to section 9 may be revoked by the Building Inspector if the work described in the permit is:

- a) not commenced within 6 months from the date of issuance;
- b) discontinued or suspended for a period in excess of 6 months;

- c) contrary to the specifications contained in the application or the Code, and the owner, upon being given notice by the Building Inspector, fails to make the necessary changes within the time prescribed;
- d) contrary to this by-law or any other applicable Town by-law;
- e) contrary to the work carried out.

13 Responsibilities of the Permit Holder

13.1 Every permit holder shall give the Building Inspector:

- a) at least 48 hours notice of the intention to start work authorized by the permit;
- b) give 24 hours notice and make all arrangements to allow for the Building Inspector to carry out a minimum of four inspections of the work where applicable, as follows:
 - i) an inspection prior to any backfilling of a foundation;
 - ii) a framing inspection on structural components;
 - iii) an vapour barrier installation; and
 - iv) a final inspection;

13.2 Every permit holder shall:

- a) keep posted in a conspicuous place on the property a copy of the permit;
- b) keep a copy of the drawings and specifications approved by the Building inspector on the property in respect of which the permit was issued;
- c) be responsible for the cost of repairing any damage that may occur to Town owned property as a result of undertaking the work described in the permit;
- d) where the permit holder amends or changes any information provided in an application pursuant to sections 7 and 8, said amendment or change shall be immediately filed with the Building Inspector and is subject to the approval process pursuant to section 9.

14 Open Foundations and Excavations

14.1 The owner of a property upon which an open foundation or excavation exists as the result of demolition or destruction of a building, when new construction is not to proceed without delay, shall forthwith, backfill such open foundation or excavation to grade or when new construction is to proceed without delay, shall forthwith erect in a neat and professional manner an enclosure constructed of good materials, without openings, at least 1.8 metres in

height, around the perimeter of such open foundation or excavation and shall maintain the same so as not to become dilapidated or unsightly until construction has proceeded to a stage where the open foundation or excavation is no longer a danger.

15 Enforcement

- 15.1 The Building Inspector is responsible for the enforcement and administration of this By-law.
- 15.2 Where a person violates a condition mentioned in subsection 9.1, 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 within a reasonable time mentioned in the notice.
- 15.3 Where a person fails to comply with an order mentioned in subsection 15.2, the Building Inspector may suspend or revoke the building permit and may, if the conditions leading to the suspension are subsequently corrected, reinstate the suspended permit.

16 Fees

- 16.1 In this section “total estimated cost” means the total monetary worth, as determined by the Building Inspector, of all proposed work, including all painting, papering, roofing, electrical work, plumbing, permanent heating and ventilation equipment, elevator equipment, fire sprinkler equipment and all labour, materials and other devices necessary to the completion of the proposed work.
- 16.2 All applicable fees for applications under this By-law shall be calculated in accordance with the fees listed in Schedule “A” of this By-law. The fees set out in Schedule “A” form part of this By-law, and are hereby approved by Council. Schedule “A” may be amended by Motion of Council.
- 16.5 Notwithstanding anything contained in this by-law, where an application for a permit has been made after work has begun, the fee therefore will be two times that provided for in Schedule “A”.
- 16.6 Notwithstanding anything contained in this by-law, an application for a permit for work to be carried out by the Town, on property owned by the Town, shall be exempt from the requirements of section 16.

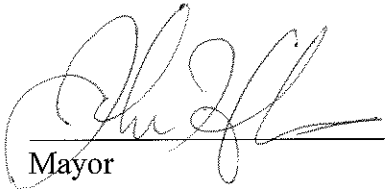
17 By-law Repealed

17.1 By-law No.46 entitled "BUILDING BY-LAW", enacted on February 9th 1981, and all amendments thereto, is hereby repealed.


Read a first time this 11th day of March, 2019.

Read a second time this 8th day of April, 2019.

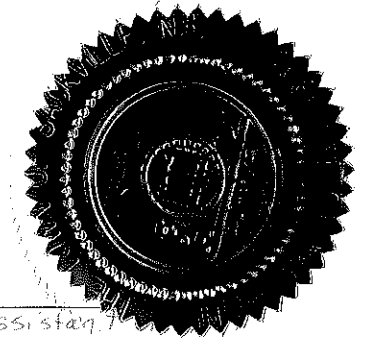
Read a third time and enacted this 8th day of April, 2019.



Mayor



Clerk Acting Assistant



Schedule "A"
Effective April 8th, 2019

1. The fee for a building permit shall be set as follows:
 - a) Residential:
 - i) total estimated cost \$1-\$999 = \$25.00
 - ii) total estimated cost over \$1,000 = \$25 + \$5 per \$1,000 of the total estimated cost.
 - b) All other, which shall include commercial, institutional, industrial and Multiple Unit Residential:
 - i) total estimated cost \$1-\$999 = \$25.00
 - ii) total estimated cost over \$1,000 = \$25 + \$7.50 per \$1,000 of the total estimated cost.
2. The fee for an Electrical Waiver shall be \$25.00.
3. The fee for a demolition permit shall be \$25.00.

Please note that the fee for a permit doubles if an application for a permit is made after work has begun.

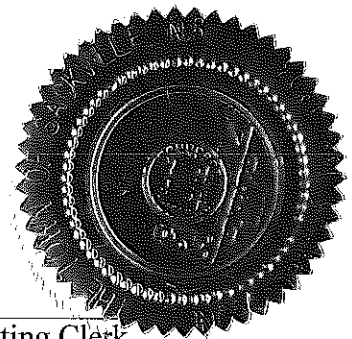
SOLEMN DECLARATION

I, **Elizabeth Hartling**, of the Parish of Sackville, in the County of Westmorland and the Province of New Brunswick, Clerk, **DO SOLEMNLY DECLARE:**

- 1. **THAT** I am the **Acting Assistant Clerk** of the Town of Sackville, a Municipal Corporation, and have personal knowledge of the facts herein declared;
- 2. **THAT** the requirements of Section 110 of the *Community Planning Act* have been complied with in respect of **By-law No 266 A By-law Relating to Buildings in the Town of Sackville**, which was passed by the Council of the Town of Sackville on April 8th 2019.

AND, I make this solemn declaration conscientiously believing it to be true, and knowing that is the same force and effect as if made under oath and by virtue of the *Evidence Act*.

Declared before me at the)
Town of Sackville, County of)
Westmorland, and the)
Province of New Brunswick,)
This 15 day of April,)
A.D., 2019.)
)
)
)
Donna Beal)
Commissioner of Oath)



[Signature]
Assistant Acting Clerk

DONNA BEAL
Commissioner of Oaths for N.B.
My Commission Expires Dec. 31, 2022