

## Municipality of the County of Colchester

### Chapter 30: Building Code By-law

**BE IT RESOLVED** by the Municipal Council of the Municipality of the County of Colchester that the Building By-law be amended by deleting the current By-law text and substituting the following text 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 – Definition

- 1.1 The Municipality of the County of Colchester hereby adopts the definitions as set out in the *Building Code Act*, S.N.S. 1986, Chapter 3 (“the Act”) and the Regulations under this Act (“the Regulations”).
- 1.2 “Authority having jurisdiction” means the Municipality’s Building Inspectors.

#### Part 2 – Permits

- 2.1 Before a permit is issued, an applicant must complete and sign an application form, in the form prescribed from time to time by the authority having jurisdiction.
  - 2.1.1 Before a permit is issued the applicant shall:
    - 2.1.1.1 Identify and describe in detail the work and occupancy to be covered by the permit for which the application is made,
    - 2.1.1.2 Describe the land on which the work is to be done by a description that will readily identify and locate the building lot,
    - 2.1.1.3 Include plans and specifications as required by the Building Code and show the occupancy of all parts of the building,
    - 2.1.1.4 State the valuation and square footage of the proposed work,
    - 2.1.1.5 State the names, addresses and telephone numbers of the owner, architect, professional engineer or other designer and constructor,
    - 2.1.1.6 Bring in a completed “Property and Owner Identification” form, available from the Municipality, if the applicant is not the owner of the land,
    - 2.1.1.7 When the application for a building permit is for the construction of a building requiring a new on-site sewage disposal system, provide a copy of a valid on-site sewage disposal system permit issued by the Department of Environment,
    - 2.1.1.8 In the case of the construction of new buildings or structures requiring a permit under the *Public Highways Act*, provide a copy of the permit which has been obtained,

- 2.1.1.9 In the case of the construction of a new building or structures requiring a driveway off a street owned and maintained by the Municipality of the County of Colchester, acquire a permit from the Municipal Engineer for the County of Colchester,
  - 2.1.1.10 Describe and provide information on any special building systems, materials and appliances,
  - 2.1.1.11 Provide any other information which may be required by the Act or the Regulations, as amended from time to time, and any other information which may be reasonably and lawfully requested by the authority having jurisdiction.
- 2.1.2 When an application for a permit has not been completed in conformance with the requirements of this By-law six (6) months after it is filed, the application shall be deemed to have been abandoned.
- 2.1.2.1 The applicant shall be notified in writing thirty (30) days prior to abandoning the application that further information is required to complete the application.
  - 2.1.2.2 After the six (6) month period has elapsed, upon receipt of a written request by the applicant only half of the total permit fee paid to the Municipality will be returned to the applicant, following a written request from the applicant. No refunds will be issued after twelve (12) months from the date that an application is filed.
- 2.1.3 A permit is valid for 1 year from the date of issue and can be renewed for one (1) additional year at no charge.
- 2.2.1 Before issuing a building permit, the authority having jurisdiction shall be satisfied that a development permit has been issued pursuant to any area of the Municipality which is subject to a land use by-law.
- 2.2.2 Before issuing a building permit, the authority having jurisdiction shall be satisfied that the application is consistent with or not subject to the provisions of a by-law passed pursuant to the *Heritage Property Act*.
- 2.3.1
- 2.3.1.1 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,
  - 2.3.1.2 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.
- 2.3.2
- 2.3.2.1 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,

2.3.2.2 The permit shall be clearly marked "At Owner's Risk".

2.3.3

2.3.3.1 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 was available would delay the work unreasonably,

2.3.3.2 The condition shall be set out on the face of the permit.

### **Part 3 – Fees**

3.1 The applicant shall pay all required fees as specified in Schedule "A" annexed hereto, with the exception that Volunteer Fire Departments or Emergency Service Providers registered with the Municipality shall be exempt from the obligation of paying fees:

3.2 The fees referred to in Schedule "A":

3.2.1 Shall be paid at the time of application for a permit or no later than two (2) business days following the date that the application was submitted, and

3.2.2 Shall be paid by cash, debit or cheque made payable to the Municipality of the County of Colchester or in other form acceptable to the Municipality.

3.3 No applications for building permits or demolition permits will be processed without payment.

3.4 If the applicant decides to have the Municipality cancel the permit the applicant may request in writing a refund of half of the total fee paid to the Municipality for the permit. No refunds will be issued after twelve (12) months from the date that an application is filed.

3.5 Upon the Municipality cancelling a permit, the applicant shall not be permitted to proceed with any construction, demolition and/or occupancy for which a permit would be issued under this By-law until such time as a new permit is obtained by the applicant.

### **Part 4 – Inspections**

4.1 For the sake of clarity, the purpose of the requirement that inspections be completed at the various stages of construction described in this clause is to carry out inspections of each stage of construction in accordance with the Regulations. The authority having jurisdiction shall be notified twenty-four (24) hours in advance and given an opportunity to inspect at the following stages of construction:

4.1.1 When the footings are in place,

4.1.2 When the subfloor plumbing is in place,

- 4.1.3 When the subfloor and foundation insulation are in place,
- 4.1.4 When the foundation is in place, prior to backfill,
- 4.1.5 *Except* for mobile and modular homes:
  - 4.1.5.1 When the framing, roof, and plumbing and mechanical systems are in place,
  - 4.1.5.2 When the insulation and vapour barrier are in place, and before the wall framing is covered,
- 4.1.6 For mobile and modular homes:
  - 4.1.6.1 When the superstructure installation and anchorage systems are in place,
  - 4.1.6.2 When the foundation insulation and vapour barrier are in place, before the wall framing is covered, and plumbing connections are made below the first floor,
- 4.1.7 before occupancy.

## **Part 5 – General**

- 5.1 In addition to such authority as is specifically provided herein, the authority having jurisdiction is hereby authorized by the Municipality to exercise any powers or authority available to an authority having jurisdiction under the Act, the Regulations or the Building Code, as amended from time to time.

## **Part 6 – Coming Into Force**

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

**AMENDMENT FILED WITH MINISTER - November 5, 1990**  
**AMENDMENT FILED WITH MINISTER - July 9, 1998**  
**AMENDMENT FILED WITH MINISTER – January 21, 1999**  
**AMENDMENT FILED WITH MINISTER – March 25, 2015**  
**AMENDMENT FILED WITH MINISTER – February 10, 2020.**

This By-law does not require the approval of the Minister but shall be filed in the office of the Minister, pursuant to Section 7(2) of the Building Code Act, S.N.S. 1986, c.3.

## Schedule "A"

The applicant shall pay the following fees to the Municipality at the time of application for a building or demolition permit:

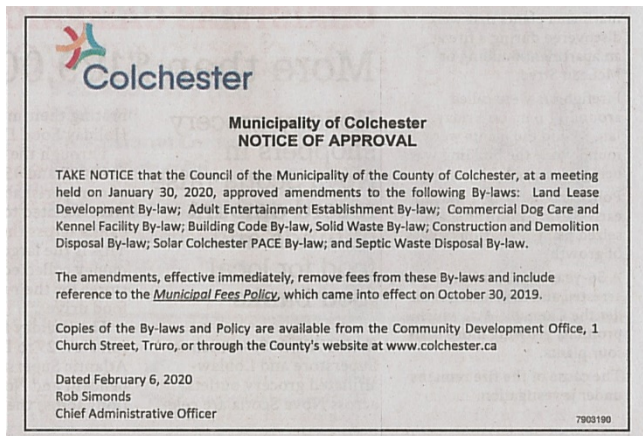
- (a) all permit fees, licenses and other charges referred to in this By-law will be set out in the Municipal Fees Policy approved by Municipal Council.

THIS IS TO CERTIFY, that amendment to Chapter 30 – Building Code By-law was duly approved at a duly called meeting of the Municipal Council of the Municipality of the County of Colchester, duly convened and held on the 30<sup>th</sup> day of January, A.D., 2020.

**GIVEN** under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 10<sup>th</sup> day of February, A.D., 2020.

Rob Simonds

Municipal Clerk



I, Rob Simonds, Municipal Clerk of the Municipality of the County of Colchester, do hereby certify that the adjacent Notice of Approval is a true copy of the Notice of Approval of Chapter 30 – Building Code By-law, duly advertised in the Thursday February 6, 2020 issue of the Truro News.

Given under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 10<sup>th</sup> day of February 2020.

Rob Simonds

Municipal Clerk

*First Reading: October 30, 2019  
Notice of Intent: January 9 and 16, 2020  
Second Reading: January 30, 2020  
Notice of Approval: February 6, 2020*