

VILLAGE OF FREDERICTON JUNCTION

BY-LAW Number 2014-01

BUILDING BY-LAW

The Council of the Village of Fredericton Junction pursuant to Section 59 of the *Community Planning Act* as follows:

SECTION 1: TITLE

- 1 (1) This By-law may be cited as the Building By-Law 2014-01 and hereby repeals all former Building By-Laws.

SECTION 2: INTERPRETATION

- 2 (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 purposes of maintenance only;

“code” means the National Building Code of Canada, 2005, and any amendments thereto;

SECTION 3: APPLICATION

- 3 (1) This By-Law is effective in the Village of Fredericton Junction

SECTION 4: SCOPE

- 4 (1) The purpose of the By-Law is:

- (a) to prescribe standards for the building, locating or relocating, demolishing, altering or replacing of a building or structure;
- (b) to prohibit the undertaking, or continuing, of work mentioned in paragraph (a) in violation of standards prescribed hereby; and
- (c) to prescribe a permit system of development and building for work mentioned in paragraph (a), their terms and conditions, the conditions under which they may be issued, suspended, reinstated, revoked and renewed, their form and fees thereof;

- (d) to prescribe fees for development and building permits.

SECTION 5: ADOPTION OF THE CODE

5(1) *The National Building Code of Canada 2005* which prescribes standards for the building, locating or relocating, demolishing, altering or replacing of a building or structure is adopted by reference as follows:

- (a) Part 1 – Scope and Definitions;
- (b) Part 2 – General Requirements;
- (c) Part 3 – Fire Protection, Occupant Safety and Accessibility;
- (d) Part 4 – Structural Design;
- (e) Part 5 – Environmental Separation;
- (f) Part 6 – Heating, Ventilating and Air-Conditioning;
- (g) Part 7 – Plumbing Services;
- (h) Part 8 – Safety Measures at Construction and Demolition Sites; and
- (i) Part 9 – Housing and Small Buildings.

5(2) Section 5(1) does not apply to accessory structures not designed for overnight accommodation and with a total floor area of less than 58.06 square meters

SECTION 6: APPOINTMENT OF BUILDING INSPECTORS

6 (1) The Council may appoint building inspectors whom, under the direction of the Council, shall exercise such powers and perform such duties as are provided by this By-Law.

SECTION 7: PROHIBITION

7 (1) A person shall not undertake or continue the building, location or relocating, demolishing, altering or replacing of a building or structure unless a development and a building permit therefore has been issued pursuant to this By-Law.

7 (2) A person seeking to obtain a development and building permit shall make application in writing to the Village Clerk who shall forward the application to the development officer and building inspector and such application shall:

- (a) be in a form prescribed by the Council;
- (b) be signed by the applicant;
- (c) describe the development or state the intended use of the building or structure as the case may be;
- (d) where deemed necessary by the building inspector, include duplicate copies 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) the proposed use and dimensions of each room;
 - (iii) the dimensions of the land on which the development or building structure is to be situated;
 - (iv) the grades of the streets and sewers abutting the land mentioned in sub-paragraph (iii), and
 - (v) the position, height and horizontal dimensions of all buildings or structures on, or proposed to located on, the land referred to;
- (e) set out the estimated cost of the proposed work;
- (f) contain such other information as the development officer or the building inspector may require for the purpose of determining compliance with other By-Laws,
- (g) where the permits are required, be accompanied by the appropriate permit issued by the proper authority;

EXEMPTIONS

- (h) no person shall be required to obtain a building permit for:
 - (i) non-structural repairs,
 - (ii) replacement of existing decks, landings, stairs or verandahs,

- (A) where such replacement is of the same configuration as that item being replaced, and
 - (B) where such replacement conforms to the requirements of the Municipal Zoning By-Law,
- (iii) installation of eavestroughing, downspouts, storm windows, storm doors or,
 - (iv) 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.

7 (3) Where

- (a) an application mentioned in subsection (2) has been received; and
- (b) the proposed work conforms with this By-Law and any other applicable By-Laws, the Development Officer and Building Inspector shall issue the development and building permit requested.

7 (4) A development and building permit issued pursuant to subsection (3) shall be subject to the following conditions:

- (a) the work mentioned in the development and building permit shall be commenced within six (6) months from the date of issue of the development and building permit;
- (b) the work mentioned in the development and building permit shall not be discontinued or suspended for a period in excess of one (1) year; and
- (c) the work mentioned in the development and building permit shall be carried out, unless otherwise approved by the Building Inspector, in compliance with the specifications contained in the application for the development and building permit.

7 (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 development and building permit and may, if the violation leading to the suspension is subsequently corrected, reinstate the suspended development and building permit.

7 (6) Where a person fails to comply with an order mentioned in subsection (5), the Building Inspector may suspend or revoke the development and building permit and may, if the violation leading to the suspension is subsequently corrected, reinstate the suspended development and building permit.

SECTION 8: RESPONSIBILITY OF THE PERMIT HOLDER

- 8 (1) The owner of any property affected by a development and building permit shall:
- (a) permit the Development Officer and the Building Inspector to enter upon the property or building at all reasonable times for the purpose of making any inspection necessary for the administration or enforcement of the By-Law
 - (b) obtain, from the appropriate authority, all necessary permits relating to building, zoning, water and sewerage, plumbing, signs, street occupancy, electricity, highways and all other permits required in connection with the proposed work;
 - (c) give at least 48 hours notice to the Village Clerk, who shall forthwith notify the Building Inspector of the intention to start work on this building site;
 - (d) give at least 48 hours notice to the Building Inspector where a foundation wall below land surface has been placed and before any backfilling of the excavation has been carried out;
 - (e) give at least 48 hours notice to the Building Inspector once framing is complete and before installation of drywall
 - (f) give written notice to the Building Inspector within ten (10) days of completion of the work described in the permit.

8 (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 construction of the building and for such a period thereafter as required by the appropriate codes.

8 (3) The approval of plans 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 and all appropriate codes.

SECTION 9: DOCUMENTS ON THE SITE

- 9 During the carrying out of the work authorized by a development and building permit, the person named therein shall keep posted in a conspicuous place on the property in respect of which the development and building permit was issued
- (a) a copy of the development and building permit or a poster or placard in lieu thereof; and

- (b) a copy of any plans and specifications as requested by the Building Inspector.

SECTION 10: DUTIES OF THE BUILDING INSPECTOR

10 (1) The Building Inspector shall:

- (a) administer this By-Law;
- (b) 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/her duties at the Village Office; and
- (c) keep one copy of the Code at the Village Office available for public use, inspection and examination.

SECTION 11: POWERS OF THE DEVELOPMENT OFFICER AND THE BUILDING INSPECTOR

11 (1) The Development Officer and the Building Inspector may;

- (a) enter 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 the By-Law;
- (c) direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, device, construction or foundation condition meet the requirements of the By-Law; and
- (d) revoke or refuse to issue a permit, where in his/her opinion, the results of the tests referred to in clause (c) are not satisfactory.

SECTION 12: FEES

12 (1) No permit may be issued hereunder until the fee set out in section 12 (2) and 12 (3) has been paid to the municipality.

12(2) (a) Based on the total estimated value of the project, including both labour and materials

- (i) less than \$15,000 in value - \$10.00 permit
- (ii) \$15,000 and greater in value - \$10.00 for the first \$15,000 plus \$1.00 per additional thousand or part thereof

(b) Where the building inspector has reason to believe that an estimate mentioned in 12(2)(a) is unreasonable, he/she may refuse to issue the permit until proof of the contrary is provided by the applicant or the estimate is revised and determined to be reasonable by the building inspector

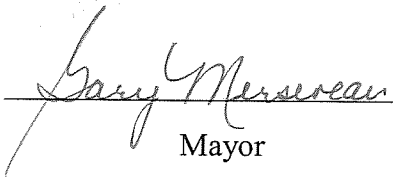
SECTION 13: EFFECTIVE DATE

This By-Law shall come into force upon enactment.

READ FIRST TIME: May 12, 2014

READ SECOND TIME June 9, 2014

READ THIRD TIME AND ENACTED June 9, 2014



Mayor



Clerk