



MUNICIPALITY OF THE DISTRICT OF CLARE

BUILDING BY-LAW

PART 1- DEFINITIONS

- 1.1 **"Authority Having Jurisdiction"** means the Council of the Municipality of the District of Clare and its inspectors, acting pursuant to Section 5 of the *Building Code Act, R.S., C. 46, S.1*;
- 1.2 **"Construct"** means to do anything in the erection, installation, extension, relocation, material alteration or material repair of a building, and includes the installation.
- 1.3 **"Demolition"** means the doing of anything in the removal of a building or any material part thereof.
- 1.4 **"Material Alteration"** and **"Material Repairs"** means work that is done in the alteration or repair of a building.
- 1.5 **"Commercial Property"** means property that is assessed as commercial property in accordance with the *Assessment Act* of Nova Scotia.
- 1.6 **"Owner"** includes a person controlling the property under consideration, and also *prima facie* the assessed owner of the property whose name appears on the assessment role prepared in accordance with the *Assessment Act*.
- 1.7 **"Accessory Building"** means a subordinate building or structure devoted exclusively to an accessory use on the same lot as the main building.
- 1.8 **"Accessory Use"** means a use, other than human habitation, of land or a building or structure which is not the main or secondary use of the land, building or structure on a lot and which is naturally or customarily incidental and complementary to the main use of the land or the main use being conducted in the main building or structure on the lot.
- 1.9 All other terms defined by the *Building Code Act*, or the regulations made thereunder, have in this by-law the same meaning as defined in the said *Act* or regulations.

PART 2 – PERMITS

- 2.1 A building permit, development permit, occupancy permit or demolition permit is required as per the Nova Scotia Building Code Regulations.
- 2.2 Before a permit is issued, an applicant must complete an application form, as per Schedule "A" annexed hereto.
- 2.3 Every application for a permit shall:
- a) Identify and describe in detail the work and occupancy to be covered by the permit for which the application is made;
 - b) Describe the land by including where Nova Scotia property mapping exists, the unique Parcel Identification (PID), or where mapping does not exist, the assessment account number, and a description that will readily identify and locate the building lot;
 - c) Include plans and specifications as required by the *Building Code Act* and show the occupancy of all parts of the building;
 - d) State the valuation and square footage of the proposed work and be accompanied by the required fee.
 - e) State the names, address and telephone numbers of the owner, architect, professional engineer, or other designer, constructor and any inspection or testing agency that has been engaged to monitor the work or part of the work;
 - f) Describe any special building systems, materials and appliances.
- 2.4 When an application for a permit has not been completed in conformance with the requirements of this by-law within six (6) months after it is filed, the application shall be deemed to have been abandoned.
- 2.5 A permit is valid for a period of one (1) year from the date of issue and may be renewed for a fee as set out in Schedule "B", section c). A permit shall not be renewed unless it complies with and meets all the requirements of the *Building Code Act* or the regulations made thereunder at the time that such renewal is sought.
- 2.6 A building permit is not required for:
- a) Accessory buildings not greater than 215.2 square feet in area and 1 storey in height;
 - b) All other scenarios as identified in Section 1.2.1.2 (2) of the Nova Scotia Building Code Regulations.

- c) An uncovered entry deck / landing no greater than 42 square feet and no more than 2 feet above ground level.
- 2.7 The authority having jurisdiction shall, before issuing a building permit, be satisfied that, where required, a development permit has been issued pursuant to the Land Use By-Law.
- 2.8 Before issuing a demolition or building permit, the authority having jurisdiction shall be satisfied that the building is not subject to the provisions or a by-law passed pursuant to the *Heritage Property Act*.
- 2.9 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.
- 2.10 Before issuing a building permit, the authority having jurisdiction shall be satisfied that a valid on-site sewage disposal system permit issued by the Nova Scotia Department of Environment has been obtained, where required.
- 2.11 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.
- 2.12 A permit for a temporary building:
 - a) Shall state the date after which the condition and under which the permit is no longer valid;
 - b) May be extended in writing;
 - c) Shall be posted on the building.
- 2.13
 - 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) 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.

- 2.14 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) The permit shall be clearly marked "At Owner's Risk".
- 2.15 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) The condition shall be set out on the face of the permit.

PART 3 – FEES

- 3.1 Fees for building permits shall be as fixed by policy made by Council pursuant to Section 49 of the Municipal Government Act.
- 3.2 A certified copy of the said policy shall be affixed to this by-law as Schedule “B”. In the event that the fee so fixed is changed, a certified copy of the new policy shall be affixed in place of the previous one.

PART 4 – INSPECTIONS

- 4.1 The authority having jurisdiction shall be notified and given an opportunity to inspect at the following stages of construction:
- a) Footings in place;
 - b) The site before commencing backfilling of the laterally supported foundation, before a superstructure is placed on the foundation. In the case of a mobile home, installation as per the required CSA standard;
 - c) The framing, roof, plumbing and mechanical;
 - d) Insulation and vapour barrier before the interior of the walls are finished;
 - e) Before occupancy.

PART 5 – PENALTIES

- 5.1 Any person who fails to comply with an order issued by the Authority Having Jurisdiction under this Building By-Law or Section 12 of the *Building Code Act* or otherwise commits an offence under the *Building Code Act* or this Building By-Law is liable to the penalties in section 19 of the *Building Code Act*.

PART 6 – REPEAL

All former Building By-Laws and any amendments thereto of the Municipality of the District of Clare are hereby repealed.



Schedule "A"

- ☐ Application for Development and Building Permit
- ☐ Application for Development Permit
- ☐ Relocation Permit
- ☐ Demolition Permit

In order to complete your application, our office will require the following information returned to our office:

Required

- ☐ Site Plan (showing side, front, rear yard distances, driveway and well)
- ☐ Building Plan(s)
- ☐ Fees
- ☐ Assignment of Agent
- ☐ Primary Heating Source Type _____ ☐ Alternate heating source type _____
- ☐ Department of Transportation completed Minister's Consent for Building and Access to Property
- ☐ Department of Environment, ☐ on-site septic system or ☐ comments on the proposed development
- ☐ Municipality of the District of Clare, Public Works, Sewer Permit
- ☐ Right-of-way access, description if required
- ☐ Other, (specify)

Once the above noted information is received, further information may be required to complete the application and you will be notified at that time.

Date: _____

Signature: _____
Development Officer

or

Building Inspector

Schedule “B”

Municipality of the District of Clare Policy Relating to Building Permit Fees

It shall be a policy of the Council of the Municipality of the District of Clare that the fees for building permits shall be as follows:

- a) A minimum permit fee of no less than \$25.00 shall apply in all instances.
- b) Structural repairs, alterations, relocation and new foundations:
 - Permit fees for structural repairs and alterations:
 - 25.00 plus \$1.00 per \$1,000 of estimated value of construction
 - Relocation permits:
 - Accessory buildings
 - \$25.00 if from within municipal boundaries
 - \$0.12 per square foot if from outside municipal boundaries
 - Buildings for commercial use
 - \$0.17 per square foot
 - All other buildings
 - \$0.15 per square foot
 - New foundations: \$50.00
- c) New construction and additions:
 - Residential: \$0.15 per square foot of floor area
 - Barns, garages and sheds:
 - \$0.12 per square foot of floor area
 - Commercial and all other non-residential uses not provided for herein: \$0.17 per square foot.
 - Covered decks: \$0.15 per square foot
 - Non-covered decks: \$25.00
- d) Building permit renewal fee: \$25.00