

THE RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW NO. 96-98

Being a By-Law of the Rural Municipality of East St. Paul to provide for the power and authority of the Development Officer or Building Inspector and to provide fees to be paid for permits for the erection, repair, removal, or demolition of buildings.

WHEREAS Section 301(6)(a) of the Municipal Act provides that a building inspector appointed under Section 161 may exercise all the powers and authorities set out in The Buildings and Mobile Homes Act, of an inspector or other like officer referred to therein, and for providing for fees to be paid to the inspector by the owners or occupants of premises inspected by him, or by persons applying to him for permits for the erection, repair, removal, or demolition of buildings;

AND WHEREAS the Council of the Rural Municipality of East St. Paul deems it expedient and in the best interests of the Rural Municipality of East St. Paul to set out the power and authority of the Development Officer or Building Inspector and provide for fees to be paid for the erection, repair, removal, or demolition of buildings;

NOW THEREFORE the Council of the Rural Municipality of East St. Paul, in Council duly assembled, enacts as follows:

1. THAT the definitions, regulation permits, and fee schedules are set out in Schedule "A" attached to this By-Law.
2. THAT according to Section 58(1) of The Planning Act, the Development Officer be authorized to grant or refuse, in his discretion of a minor variation not to exceed 10% of the requirements of the Rural Municipality of East St. Paul Zoning By-Law or Planning Scheme governing front, side, rear or any other yard.
3. THAT where a fee is required for an application, the application shall be treated as incomplete for processing until the fee is paid and no work shall be performed on said application until fee is paid.
4. THAT By-Law No. 96-41 is hereby rescinded.

DONE AND PASSED by the Council of the Rural Municipality of East St. Paul duly assembled, in East St. Paul, this 17th day of December, A.D. 1996.

Originally Signed by Phil Rebeck

Reeve

Originally Signed by Janet Nylén

Secretary – Treasurer

Read a first time this 17th day of December, A.D. 1996

Read a Second time this 17th day of December, A.D. 1996

Read a Third time this 17th day of December, A.D. 1996

SCHEDULE "A" TO BY-LAW NO. 96-98  
ENACTED BY THE COUNCIL OF  
THE RURAL MUNICIPALITY OF EAST ST. PAUL

---

FOR THE ADMINISTRATION  
OF  
THE MANITOBA BUILDING CODE

**BUILDING BYLAW  
SCHEDULE "A" TABLE OF CONTENTS**

	Page
SECTION 1	TITLE..... 5
SECTION 2	SCOPE..... 5
SECTION 3	DEFINITIONS OF WORDS AND PHRASES..... 6
SECTION 4	PROHIBITIONS..... 12
SECTION 5	DUTIES AND RESPONSIBILITIES OF THE OWNER..... 13
SECTION 6	DUTIES AND RESPONSIBILITIES OF THE CONTRACTOR..... 16
SECTION 7	DUTIES AND RESPONSIBILITIES OF THE AUTHORITY HAVING JURISDICTION..... 17
SECTION 8	POWERS OF THE AUTHORITY HAVING JURISDICTION..... 18
SECTION 9	TEST AND CONSTRUCTION REVIEW..... 23
SECTION 10	PERMITS..... 24
SECTION 11	OCCUPANCY..... 30
SECTION 12	REMOVAL, RELOCATION OR DEMOLITION OF A BUILDING..... 31
SECTION 13	LICENSING..... 33
SECTION 14	PENALTIES..... 35
SECTION 15	EFFECTIVE DATE..... 35
APPENDIX A	PERMIT FEES..... 36
APPENDIX B	INSPECTION FEES..... 38
APPENDIX C	LICENSING FEES..... 41

## BUILDING BYLAW

### SECTION 1 TITLE

**SUBSECTION 1.1.** This Bylaw may be cited as “Building Bylaw”

### SECTION 1 SCOPE

**SUBSECTION 2.1.** This Bylaw applies to the construction, erection, placement, *alteration, repair, renovation, demolition, relocation, removal, occupancy* or change in *occupancy* of any *building* or premises in the Municipality of East St. Paul.

**SUBSECTION 2.2.** This Bylaw adopts the *building construction codes* and *building* construction standards adopted, established or prescribed under section 3 of The Buildings and Mobile Homes Act. (Chapter B93 in the continuing Consolidation of the Statutes of Manitoba.)

**SUBSECTION 2.3.** This Bylaw establishes administrative requirements and procedures for the enforcement of the Manitoba Building Code.

## SECTION 3 DEFINITIONS OF WORDS AND PHRASES

**SUBSECTION 3.1.** For definition of words used in this Bylaw that are not included in this section, reference should be made to a standard dictionary.

**SUBSECTION 3.2.** The words and terms defined in this section appear in italics throughout the text of this Bylaw.

**SUBSECTION 3.3.** The words and terms used in this Bylaw have the following meanings:

***Adopting governmental body*** means The Rural Municipality of East St. Paul

***Alteration*** means a change or extension to any matter or thing or to any occupancy regulated by this Bylaw.

***Appliance*** means

- (a) A device to convert fuel into energy, and includes all components, controls, wiring and piping required to be part of the device by the applicable standard referred to in the *code*, or
- (b) A receptacle of equipment that receives or collects water, liquids or *sewage* and discharges water, liquids or *sewage* either directly or indirectly to a plumbing system.

***Approved*** means approved by the *authority having jurisdiction*

***Assembly occupancy*** means the *occupancy* or the use of a *building*, or part thereof, by a gathering of persons for civic, political, travel, religious, social, educational, recreational or like purposes, or for the consumption of food or drink.

***Authority having jurisdiction*** means the *Development Officer*.

***Building*** means any structure used or intended for supporting or sheltering any use or occupancy.

***Building area*** means the greatest horizontal area of a *building* above *grade* within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of *firewalls*.

***Building drain*** means the nominally horizontal piping, including any *offset* that:

- (a) Is located
  - i. completely below the lowest *storey*, or
  - ii. completely in the lowest *storey*,
- (b) is at least 4 inches in *size*.
- (c) is connected at its upstream end to a *soil* or waste stack vent at least 3 inches in *size*, and
- (d) conducts *sewage*, *clear-water* waste or *storm water* to a *building sewer*.

**Building height** (in storeys) means the number of storeys contained between the roof and floor of the first storey.

**Building sewer** means a pipe that is connected to a *building drain* 3 ft. (0.91) outside a wall of a *building* and that leads to a public sewer or a *private disposal system*.

**Building and personal services occupancy** means the *occupancy* of use of a *building* or part thereof for the transaction of business of the rendering or receiving of professional or personal services.

**Cleanout** means an access provided in *drainage* and *venting system* to provide for cleaning and inspection services.

**Clear-water waste** means water that does not contain *sewage* or *storm water*.

**Code** means The Manitoba Building Code.

**Combustible** (as applying to an elementary building) means that such material fails to conform to the latest edition of CSA B54.1, "Determination of Non-Combustibility in Building Materials".

**Constructor** means a person who contracts with an *owner* or his authorized agent to undertake a project, and includes any *owner* who contracts with more than 1 person for the work on a project or undertakes the work on a project or any part thereof.

**Deep foundation** means a *foundation unit* that provides support for a *building* by transferring loads either by end-bearing to a *soil* or *rock* at considerable depth below the *building*, or by adhesion or friction, or both, in the *soil* or *rock* in which it is placed. *Piles* are the most common type of *deep foundation*.

**Development Officer** means an appointee of the *Adopting Governmental Body*.

**Drainage system** means an assembly of pipes, fittings, fixtures, and appurtenances that is used to convey *sewage*, clear water waste or storm water to a *private sewage disposal system*, but does not include *subsoil drainage pipes*.

**Dwelling unit** means a room or suite of rooms operated a house-keeping unit, used or intended to be used as a domicile by 1 or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

**Excavation** means the space created by the removal of *soil*, *rock* or fill for the purposes of construction.

**Exposing building face** means that part of the exterior wall of a *building* which faces one direction and is located between ground level and the ceiling of its top *storey*, or where a *building* is divided into *fire compartments*, the exterior wall of a *fire compartment* which faces one direction.

**Fire compartment** means an enclosed space in a *building* that is separated from all other parts of a *building* by enclosing construction providing a *fire separation* having a required *fire-resistance rating*.

**Fire protection rating** means the time in hours or fraction thereof that a *closure*, window assembly or glass block assembly will withstand the passage of flame when exposed to fire under specified conditions of test and performance criteria, or as otherwise prescribed in this Bylaw.

**Fire-resistance rating** means the time in hours or fraction thereof that a material or assembly of materials will withstand the passage of flame and the transmission of heat when exposed to fire under specified conditions of test and performance criteria, or as determined by extension or interpretation of information derived therefrom as prescribed in this Bylaw.

**Fire Separation** means a construction assembly that acts as a barrier against the spread of fire and may not be required to have a *fire-resistance rating* or a *fire –protection rating*.

**Firewall** means a type of *fire separation* of *non-combustible construction* which subdivides a *building* or separates adjoining *buildings* to resist the spread of fire and which has a *fire-resistance rating* as prescribed in this Bylaw and has structural stability to remain intact under fire conditions for the required fire-rating time.

**Fixture** means a receptacle, appliance, apparatus or other device that discharges *sewage* or *clear-water waste* and includes a floor drain.

**Foundation** means a system or arrangement of *foundation units* through which the loads from a *building* are transferred to supporting *soil* or *rock*.

**Foundation unit** means one of the structural members of the foundation of a *building* such as a footing, raft or *pile*.

**Grade**(as applying to the determination of *building height*) means the average level of finished ground adjoining a *building* at all exterior walls, as determined by *authority having jurisdiction* (see *storey, first*).

**High hazard occupancy** (see *industrial occupancy, high hazard*).

**Industrial Occupancy, high hazard** (Group F, Division 1) means an *industrial occupancy* containing sufficient quantities of highly *combustible* and flammable or explosive materials which, because of their inherent characteristics, constitute a special fire hazard.

**Industrial Occupancy, medium hazard**(Group F, Division 2) means an *industrial Occupancy* in which the *combustible* content is more than 10lb (4.5 kg) or 100, 000 Btu/Sq. Ft. (1 135 600 kJ/m<sup>2</sup> of floor area and not classified as *high hazard industrial occupancy*.

**Industrial Occupancy, low hazard** (Group F, Division 3) means an *industrial occupancy* in which the *combustible* content is not more than 10lb (4.5 kg) or 100, 000 Btu/sq.ft. (1 135 600 kJ/m<sup>2</sup>) of floor area.

**Institutional Occupancy** means the occupancy or use of a *building* or part thereof by persons harbored or detained to receive medical care or treatment, or by person involuntarily detained.

**Limited distance** means the distance from an *exposing building face* towards a property line, the centre line of a *street*, land, public thoroughfare or an imaginary line between 2 *buildings* on the same property, measured at right angles to the *exposing building face*.

**Low hazard industrial occupancy** (*see industrial occupancy, low hazard*).

**Manitoba Electrical Code** means the Regulation(s) prescribed under Section 28 of the Manitoba Hydro Act respecting standards of wiring and other electrical facilities.

**Medium hazard industrial occupancy** (*see industrial occupancy, Medium hazard*).

**Mercantile occupancy** means the *occupancy* or use of a *building* of part hereof for the displaying or selling of retail goods, wares or merchandise.

**Occupancy** means the use or intended use of a *building* of part thereof for the shelter or support of persons, animals or property.

**Occupancy, major** means the principle *occupancy* for which a *building* or part thereof is used or intended to be used, and shall be deemed to include the subsidiary *occupancies* which are an integral part of the principle *occupancy*.

**Occupant load** means the number of persons for which a *building* or part thereof is designed.

**Offset** means the piping that connects the ends of 2 pipes that are parallel.

**Owner** means any person, firm or corporation controlling the property under consideration.

**Permit** means permission or authorization in writing by the *authority having jurisdiction* to perform work regulated by this Bylaw and, in the case of an occupancy *permit*, to occupy any *building* or part thereof.

**Pile** means a slender *deep foundation* made of materials such as wood, steel or concrete or combination thereof, which is either premanufactured and placed by driving, jacking, jetting or screwing or cast-in-place in a hole formed by driving, excavating or boring. (Cast-in-place bored *piles* are often referred to as caissons in Canada.)

**Plumbing contractor** means a person, corporation or firm that undertakes to construct, extend, alter, renew or repair any part of plumbing system.

**Potable** means safe for human consumption.

**Private sewage disposal system** means an *approved* privately owned plant for the treatment and disposal of *sewage* (such as a septic tank with an absorption field).

**Private water supply system** means an assembly of pipes, fittings, valves, equipment and appurtenances that supplies water from a private source to a *water distribution system*.

**Relocation** means the moving of an existing *building* from one location to another location on the same property.

**Removal** means the moving of an existing *building* from one property to another.

**Renovation** means the reconstruction of all or part of the interior or exterior, or both, of an existing building, where there is no structural reconstruction, *alteration* or enlargement of the *building*.

**Repair** means work done to an existing *building* for the purpose of maintenance and not amounting to a *renovation*.

**Residential occupancy** means the *occupancy* or use of a *building* or part thereof by persons for whom sleeping accommodation is provided but who are not harbored or detained to receive medical care or treatment or are not involuntarily detained.

**Rock** means that portion of the earth's crust which is consolidate, coherent and relatively hard and is a naturally formed solidly bonded, mass of mineral matter which cannot readily be broken by hand.

**Sanitary drainage system** means a *drainage* system that conducts sewage.

**Service water heater** means a device for heating water for plumbing services.

**Sewage** means liquid waste that contains animal, mineral or vegetable matter.

**Sign** means any writing (including letter or word), pictorial representation (including illustration or decoration), Emblem (including device, symbol or trade mark), flag (including banner or pennant), or any other figure or similar character, which:

- (a) is a structure of any part thereof, or is attached to, painted on, or in any other manner represented on a *building*,
- (b) is used to announce, direct attention to or advertise, and
- (c) is visible from outside a *building*.

**Size** means the nominal diameter by which a pipe, fitting, *trap* or other similar item is commercially designed.

**Soil** means that portion of the earth's crust which is fragmentary, or such that some individual particles of a dried sample may be readily separated by agitation in water, it includes boulders, cobbles, gravel, sand, silt, clay and organic matter.

**Soil-or-waste pipe** means a pipe in a *sanitary drainage system*.

**Storey** means that portion of a *building* which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it. That portion between the top of such floor and ceiling above it.

**Storey, first** means the *storey* with its floor closest to the *grade* and having its ceiling more than 6 ft. (1.8m) above *grade*.

**Storm water** means water that is discharged from a surface as a result of rainfall or snowfall.

**Street** means any highway, road, boulevard, square or other improved thoroughfare 30 ft. (9.1m) or more in width, which has been dedicated or deeded for public use, and is accessible to fire department vehicles and equipment.

**Subsoil drainage pipe** means a pipe that is installed underground to intercept and convey subsurface water.

**Trap** means a fitting or device that is designed to hold a liquid seal that will prevent the passage of gas but will not materially affect the flow of a liquid.

**Trap dip** means the lowest part of the upper interior surface of a *trap*.

**Trap seal** means the vertical distance between the *trap dip* and the *trap weir*.

**Trap weir** means the highest part of the lower interior surface of a *trap*.

**Unsafe condition** means any condition that could cause undue hazard to life limb or health of any person authorized or expected to be on or about the premises.

**Vent pipe** means a pipe that is part of *venting system*.

**Venting system** means an assembly of pipes and fittings that connects a *drainage system* with outside air for circulation of air and protection of *trap seals* in the *drainage system*.

**Water distribution system** means an assembly of pipes, fittings, valves and appurtenances that conveys water from the *water service pipe* or *private water supply system* to water supply outlets, *fixtures*, *appliances* and devices.

**Water service pipe** means a pipe that conveys water from a public water main or private water source to the inside of the *building*.

## SECTION 4 PROHIBITIONS

**SUBSECTION 4.1.** Any person who fails to comply with any order or notice issued by the *authority having jurisdiction*, or who allows a violation of the *code* to continue, contravenes the provisions of this Bylaw.

**SUBSECTION 4.2.** No person shall work or authorize or allow work to proceed on a project for which a *permit* is required unless a valid *permit* exists for the work to be done.

**SUBSECTION 4.3.** No person shall deviate from the *approved* plans and specifications forming a part of the *building permit*, or omit or fail to complete, prior to *occupancy*, work required by the said *approved* plans and specifications, without first having obtained in writing the approval of the *authority having jurisdiction* to do so.

**SUBSECTION 4.4.** No person shall occupy or allow the *occupancy* of any *building*, or part thereof, unless the *owner* has obtained an *occupancy permit* from the *authority having jurisdiction*.

**SUBSECTION 4.5.** No person having authority in the construction, *reconstruction*, *demolition*, *alteration*, *removal*, *relocation* or *occupancy* of a *building* shall cause, allow or maintain an *unsafe condition*.

**SUBSECTION 4.6.** No person shall excavate or undertake work on, over or under public property, or erect or place any construction or work or store any materials thereon, without approval having first been obtained in writing from the appropriate government authority.

**SUBSECTION 4.7.** No person shall allow the property boundaries of a *building* lot to be so changed as to place a *building* or part thereof in contravention of the *code* or the zoning bylaw or lot grade bylaw unless the *building* or part thereof is so altered, after obtaining the necessary *permit* or lot grade so that no contravention will occur as a result of the change of the property boundary of *approved grades*.

**SUBSECTION 4.8.** Any person who knowingly submits false or misleading information contravenes this Bylaw.

## SECTION 5 DUTIES AND RESPONSIBILITIES OF THE OWNER

**SUBSECTION 5.1.** Every *owner* shall allow the *authority having jurisdiction* to enter any building or premises at any reasonable time for the purpose of administering and enforcing the *code* and this Bylaw.

**SUBSECTION 5.2.** Every *owner* shall obtain all *permits* or approvals required in connection with proposed work prior to commencing the work to which they relate.

**SUBSECTION 5.3.** Every *owner* shall:

- (a) ensure that the plans and specifications on which the issue of the *building permit* was based are available continuously at the site of work for inspection during working hours by the authority having jurisdiction, and that the permit, or true copy thereof, is posted conspicuously on the site during the entire execution of work.
- (b) keep visible at all times during construction the street number of the premises in figures at least three (3) inches high and visible from the street or sidewalk.

**SUBSECTION 5.4.** Every *owner* shall give notice to the *authority having jurisdiction* of the dates on which he intends to begin work prior to commencing work on the *building site*.

**SUBSECTION 5.5.** Every *owner* shall give notice in writing to the *authority having jurisdiction*, prior to commencing the work, listing

- (a) the name, address and telephone number of
  - i. the *constructor* or other person in charge of the work.
  - ii. the engineer or architect reviewing the work, and
  - iii. any inspection or testing agency engaged to monitor the work.
- (b) any change in or termination of employment of such persons during the course of the construction immediately that such change or termination occurs.

**SUBSECTION 5.6.** Every *owner* shall give notice to the *authority having jurisdiction*

- (a) of intent to do work that has been ordered to be inspected during construction.
- (b) of intent to cover work that has been ordered to be inspected prior to covering,
- (c) when work has been completed so that a final inspection can be made.

**SUBSECTION 5.7.** Every *owner* shall notice in writing to the *authority having jurisdiction*.

- (a) immediately that any change in ownership or change in the address of the *owner* occurs prior to the issuance of an *occupancy permit*, or certificate of *occupancy*, and
- (b) prior to occupying any portion of the *building* if it is to be occupied in stages.

**SUBSECTION 5.8.** Every *owner* shall give such other notice to the *authority having jurisdiction* as may be required by the provisions of the *code* or this Bylaw.

## **SUBSECTION 5.9. TESTS**

**5.9.1.** Every *owner* shall make or have made at his own expense tests or inspections as necessary to prove compliance with the *code*, and shall promptly file a copy of all such test or inspection reports with the *authority having jurisdiction*.

**5.9.2.** To the extent that is possible all tests required by the *authority having jurisdiction* shall be carried out by the *owner* in accordance with recognized standard test methods. In the absence of such standard test methods the *authority having jurisdiction* may specify the test procedure to be followed.

**5.9.3.** Where tests of any materials are made to ensure conformity with the requirements of the *code*, records of the test data shall be kept available by the *owner* or his agent for inspection during the construction of the *building* and for such period thereafter as required by the *authority having jurisdiction*.

**SUBSECTION 5.10.** Every *owner* shall provide an up-to-date survey of the *building* site when and as required by the *authority having jurisdiction*.

**SUBSECTION 5.11.** When required by the *authority having jurisdiction*, every *owner* shall uncover and replace at his own expense any work that has been covered contrary to an order issued by the *authority having jurisdiction*.

**SUBSECTION 5.12.** Every *owner* is responsible for the cost of repair of any damage to public property or works located thereon that may occur as a result of undertaking work for which a *permit* was required by this Bylaw.

**SUBSECTION 5.13.** No *owner* shall deviate from the requirements of the conditions of the *permit* without first obtaining from the *authority having jurisdiction* permission in writing to do so.

**SUBSECTION 5.14.** Every *owner* shall obtain an *occupancy permit* or certificate of *occupancy* from the *authority having jurisdiction* prior to any

- (a) *occupancy* of a *building* or part thereof after construction, partial demolition or *alteration* of that *building*, or
- (b) change in the major *occupancy* of any *building* or part thereof.

**SUBSECTION 5.15** Every *owner* shall ensure that no *unsafe* condition exists or will exist because of the work being undertaken or not completed, should *occupancy* prior to the completion of any work being undertaken that requires a *permit*.

**SUBSECTION 5.16.** When required by the *authority having jurisdiction*, every *owner* shall provide a letter to certify compliance with the requirements of the *code* and of any *permits* required.

**SUBSECTION 5.17** The granting of a *permit*, the approval of the drawings and specifications or inspections made by the *authority having jurisdiction*, shall not in any way relieve the *owner* of a *building* from full responsibility for carrying out work or having the work carried out and for maintaining

the *building* in accordance with the requirements of the *code*, including ensuring that the *occupancy* of the *building*, or any part requirements of the *code*, including ensuring that the *occupancy* of the *building*, or any part thereof, is in accordance with the terms of the *occupancy permit* or certificate of *occupancy*.

**SUBSECTION 5.18.** No *permit* or license issued pursuant to this Bylaw, no approval of plans or specifications of work done or to be done in connection with a *sign* or any inspection of such work shall relieve the permittee, licensee or *owner* of the *sign* from full responsibility for the carrying out of the work and maintaining the *sign* in accordance with the *code*.

**SUBSECTION 5.19.** When a *building* or part thereof is in and *unsafe condition*, the *owner* shall immediately take all necessary action to put the *building* in a safe condition. All *buildings* or structures, existing and new, and all parts thereof shall be maintained in a safe condition. All devices, or safeguards which are required by the *code* in a *building* or structure when erected, *altered*, or *repaired*, shall be maintained in good working order. The *owner* or his designated agent shall be responsible for the maintenance of such *building* or structures.

## SECTION 6 DUTIES AND RESPONSIBILITIES OF THE CONSTRUCTOR

**SUBSECTION 6.1.** Every *constructor* shall ensure that all construction safety requirements of the *code* are complied with.

**SUBSECTION 6.2.** Every *constructor* is responsible for ensuring that *excavation* or other work is undertaken on public property, and that no *building* is erected or materials stored in whole or in part thereon without approval first having been obtained in writing from the appropriate government authority.

**SUBSECTION 6.3.** Every *constructor* is responsible jointly and severally with the *owner* for any work actually undertaken.

**SUBSECTION 6.4.** The responsible architect and or professional engineer shall sign, date and seal all the documents referred to in Subsection 6.1, 6.2 and as aforesaid.

**SUBSECTION 6.5.** For the purpose of this section, the term review shall mean the inspection during construction to determine whether or not the construction conforms to the design and the bylaw.

**SUBSECTION 6.6.** Every contractor or his designated agent, including building and plumbing contractors, shall ensure that all work is carried out in accordance with this by-law, the Code and all provisions as described on the permit and accepted drawings and specifications.

**SUBSECTION 6.7.** Every contractor or his designated agent shall give notice to the authority having jurisdiction.

- (a) of intent to do work that has been ordered to be inspected during construction;
- (b) of intent to cover work that has been ordered to be inspected prior to covering; and
- (c) when work has been completed so that a final inspection can be made.

**SUBSECTION 6.8.** When required by the authority having jurisdiction, the contractor or his designated agent shall provide a statutory declaration that his work was completed in accordance with the accepted plans, specifications and requirement of the Code and this by-law.

## **SECTION 7 DUTIES AND RESPONSIBILITIES OF THE AUTHORITY HAVING JURISDICTION**

**SUBSECTION 7.1.** The *authority having jurisdiction* is responsible for the administration and enforcement of the *code* and this Bylaw.

**SUBSECTION 7.2.** The *authority having jurisdiction* shall keep copies of all applications received, *permits* and orders issued, inspections and tests made, and of all papers and documents connected with the administration of the *code* and this By-law for such time as other regulations require.

**SUBSECTION 7.3.** The *authority having jurisdiction* shall accept any construction or condition that lawfully existed prior to the effective date of the *code* provided that such construction or condition does not constitute an *unsafe condition*.

**SUBSECTION 7.4.** The *authority having jurisdiction* shall issue in writing such notices or orders as may be necessary to inform the *owner* where a contravention of the *code* or this Bylaw has been observed.

**SUBSECTION 7.5.** The *authority having jurisdiction* shall issue to the *owner* an order or notice in writing to correct and *unsafe condition* observed in any *building*.

**SUBSECTION 7.6.** The *authority having jurisdiction* shall provide, when requested to do so all reasons for refusal to grant a *permit*.

**SUBSECTION 7.7.** The *authority having jurisdiction* shall answer such relevant questions as may be reasonable with respect to the provisions of the *code* or this Bylaw when requested to do so, but except for standard design aids shall refrain from assisting in the laying out of any work and from acting in the capacity of an engineering or architectural consultant.

**SUBSECTION 7.8** The *authority having jurisdiction* shall issue a *permit* to the *owner, constructor* or agent, when, to the best of his knowledge, the applicable conditions as set forth in the *code* have been met.

## SECTION 8 POWERS OF THE AUTHORITY HAVING JURISDICTION

**SUBSECTION 8.1.** The *authority having jurisdiction* may enter any *building* or premises at any reasonable time for the purpose of administering or enforcing the *code* of this Bylaw.

**SUBSECTION 8.2.1.** The *authority having jurisdiction* is empowered or order

- (a) a person who contravenes the *code* to comply with the *code* within the time period specified.
- (b) work to stop on the *building* or any part thereof if such work is proceeding in contravention of the *code* or this Bylaw, or any condition under which the permit was issued, or if there is deemed to be an *unsafe condition*. Upon issuance of order to stop work, work shall be immediately stopped. The stop work order shall be in writing and shall be given to the *owner* of the property involved, or the *owner's* agent, or to the person in charge personally, and shall state the conditions under which work may be resumed.
- (c) the *removal* of any unauthorized encroachment on public property.
- (d) the *removal* of any *building* or part thereof constructed in contravention of the *code*.
- (e) the cessation of any *occupancy* in contravention of the *code*, and
- (f) the cessation of any *occupancy* if any *unsafe condition* exists because of work being undertaken or not completed.

**8.2.2.** The *authority having jurisdiction* may authorize the complete or partial demolition or *removal* at the expense of the *owner* thereof, a *building* which, in his opinion, has been constructed in contravention of the *code* or any bylaw and to provide that the cost of such demolition or *removal* as certified by the *authority having jurisdiction* may be added to the taxes on the land occupied by such *building* and collected as other taxes.

**8.2.3.** The *authority having jurisdiction* may by written notice, require the *owner* of a *building*, or other person acting for the *owner* in respect thereof, to comply within a specified period of time to have the *building* made to conform with the *code* in such respect as are specified in the notice. Omission to give such notice, however, shall not prevent any *owner* or other person from being prosecuted for breach of the *code*.

**SUBSECTION 8.3.** The *authority having jurisdiction* may direct that tests of materials, equipment, 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, equipment, device, construction or *foundation* condition meets the requirements of the *code*.

**SUBSECTION 8.4.** The *authority having jurisdiction* may require any *owner* to submit an up-to-date plan of survey prepared by a registered land surveyor which shall contain sufficient information regarding the site and the location of any *building*

- (a) to establish before construction begins that all requirements of the *code* in relation to this information will be complied with, and
- (b) to verify upon completion of the work that all such requirements have been complied with.

## **SUBSECTION 8.5.**

**8.5.1.** Except in the case of a *building* 3 storeys or less in height, having *building* area not exceeding 6,000 square feet (588m<sup>2</sup>) and which is to be used for Residential, Business and Personal Service, Mercantile, and Medium and Low Hazard Industrial Occupancies, the *owner* shall appoint an architect(s) and/or engineer(s) entitled to practice in the Province of Manitoba, skilled in the appropriate section of work concerned, which consultant(s) shall be responsible for the preparation of drawings and specifications and for the inspection of construction to ensure conformity with the drawings, specifications and the applicable sections of the *code*.

**8.5.2.** Notwithstanding the above, where in the opinion of the *authority having jurisdiction* any *building* requires the service of a consultant, to ensure conformance with the *code*, the *owner* shall appoint such a consultant to perform all the services described above.

**8.5.3.** Where the construction of a *building* will not be supervised by the person responsible for its design as provided for in Part 4 of the *code*, the name and address of the person who will supervise the construction shall be submitted with the application to build and notice shall be given to the *authority having jurisdiction* of any subsequent change of said person or of address whenever any such change takes place.

**8.5.4.** Where the character of the proposed work requires technical knowledge, such a reinforced concrete, steel, timber construction, trusses and others, the *authority having jurisdiction* may require that the plans and specifications be prepared and sealed, and the construction inspected by an engineer entitled to practice in the Province of Manitoba.

**8.5.5.** The structural members of a *building* shall be designed as provided for in Part 4 of the *code* by an engineer certified to practice in the Province of Manitoba and competent in the specific field of design undertaken.

**SUBSECTION 8.6.** The *authority having jurisdiction* may issue a *permit* at the risk of the *owner*, with conditions if necessary to ensure compliance with the *code* and any other applicable regulation or bylaw, to excavate or to construct a portion of a *building* before the entire plans of the whole project have been submitted or *approved*.

**SUBSECTION 8.7.** The *authority having jurisdiction* may issue a *permit* for the entire project conditional upon submission, prior to commencing work thereon, of additional information not available at the time of issuance, if such data are of secondary importance, and are of such nature that the withholding of the *permit* until its availability would unreasonably delay the work.

**SUBSECTION 8.8.** The *authority having jurisdiction* may refuse to issue any permit

- (a) whenever information submitted is inadequate to determine compliance with the provisions of the *code*, or
- (b) whenever incorrect information is submitted, or

- (c) that would authorize any *building* work or *occupancy* that would not be permitted by the *code*, or
- (d) that would be prohibited by any other standard, bylaw, act or regulations, or
- (e) to any person who has failed within a specified period of time to remedy a defect in construction under a *building permit* previously issued to him, after having been notified that such defect exists; or
- (f) where, in his opinion, the results of the tests referred to in section 9 are not satisfactory, or
- (g) to any person who has failed to pay any fees due and owing to the municipality under this Bylaw.

**SUBSECTION 8.9**            The *authority having jurisdiction* may revoke a *permit* if

- (a) there is contravention of any condition under which the *permit* was issued,
- (b) the *permit* was issued in error, or
- (c) the *permit* was issued on the basis of incorrect information.

**SUBSECTION 8.10.            VALUATION**

**8.10.1.** The *authority having jurisdiction* may place a value on the cost of the work for the purpose of determining *permit* fees to be applicable.

**8.10.2.** The valuation to be shown on a *building permit* shall mean the total monetary worth, of all construction of work including all painting, papering, roofing, electrical work, plumbing, permanent equipment or fixed heating equipment, elevator equipment, fire sprinkler equipment, and any permanent and all labor, materials and other devices entering into and necessary to the prosecution of the work in its completed form. No portion of any *building* including mechanical, electrical and plumbing work, shall be excluded from the valuation of the *building permit* because of any other *permits* required by any governing bylaw, regulation or agency.

**8.10.3.** Notwithstanding the provisions of Article 8.10.2. above, the valuation for a *building permit* in the case of a *removal*, or relocation shall include the cost to move the *building*, *excavation* at the new site, cleaning and leaving the former site in the condition specified in the *code* and *alterations* or *repairs* to the *building*.

**8.10.4.** In the case of the erection, *alteration* or enlargement of any *sign* or encroachment, the valuation shall reflect the cost of any contract for the prosecution of the work with all contractors which shall include all labour costs, materials, and devices necessary to complete the work.

**8.10.5** The determination of value or valuation shall be made by the *authority having jurisdiction* and shall be the reproduction costs without depreciation and without regard to any loss occasioned from fire, used material or other causes.

**8.10.6.** Every *owner*, architect, engineer, contractor or builder, having contracted for or having performed or supervised any work of construction, *alteration* or *repairs* on any land, or the agent of such person, shall give in writing over his signature when requested by the *authority having jurisdiction* all the information in his power with respect to the cost of the work.

**SUBSECTION 8.11.** The *authority having jurisdiction* may issue an *occupancy permit*, subject to compliance with provisions to safeguard persons in or about the premises, to allow the *occupancy* of a *building* or a part thereof for the *approved* use, prior to commencement or completion of the construction or demolition work.

**SUBSECTION 8.12. UNSAFE CONDITIONS**

**8.12.1** Any *building* or structure, that is, in an *unsafe* condition in that it is able to fall, or to cause an explosion or to cause damage or injury to any person or property, or, in that it constitutes a fire hazard, or, that in the case of a well, *excavation*, or opening, is not properly covered or guarded, or that, in the opinion of the *authority having jurisdiction* is so dilapidated, out of *repair*, or otherwise in such condition, that it is a trap for persons or animals, shall not be allowed to remain in such condition but shall be demolished, removed, guarded, or put in a safe condition, to the satisfaction of the *authority having jurisdiction*.

**8.12.2.** If, in the opinion of the *authority having jurisdiction* a *building* or structure is in an *unsafe condition* or a well, *excavation*, or opening is not properly covered or guarded, as set out in Sentence 8.12.1. above, the *authority having jurisdiction* may serve a written notice on the owner, occupier, agent, or person in charge of the *building* or structure, or of a well, *excavation* or opening, by registered mail or personal notice to the last known address describing the *building* or structure, or the well, *excavation* or opening, by requiring him to have it demolished, guarded, covered, or put in safe condition forthwith to the satisfaction of the *authority having jurisdiction*.

**8.12.3.** Without affecting any other remedy that the municipality may have on default of compliance with a notice given under articles 8.12.2. and 8.12.5. the *authority having jurisdiction* may, in the case of a *building* or structure cause the same to be demolished, removed or put in a safe condition, and in the case of a well, *excavation* or opening, to have the same covered, guarded, or put in a safe condition, as may be deemed expedient and necessary, and that the cost of the work may be recovered by the municipality by summary process of law, and shall also be a lien upon the *building* or structure and the materials thereof and upon the lot or parcel of land occupied by the said *building* or structure or by the said well, *excavation* or opening, and that the cost, when certified by the *authority having jurisdiction* may be added to the taxes on the land or on the building or structure, and may be collected in the same manner as other municipal taxes are collected.

**8.12.4.** Where, upon noncompliance with any notice given under articles 8.12.2. and 8.12.5., the *authority having jurisdiction* causes the *building* or structure to be demolished, the municipality may sell the material, fixtures, and other salvage therefrom and apply the price received therefrom towards paying the cost of the demolition and the balance, if any, shall be applied toward paying any taxes owing in respect to the property, after encumbrances, and lien holders, if any, in the order of their priority and the surplus, if any, shall be paid to the owner of the property.

**8.12.5.** Where the *authority having jurisdiction* is unable, as set forth in article 8.12.2. to locate the *owner*, occupier, agent, or person in charge of the *building* or structure, or of a well, *excavation* or opening, or in cases where service as aforesaid is impracticable, the unsafe notice shall be posted by affixing two copies thereof in a conspicuous place on the premises; and such procedure shall be deemed the equivalent of personal notice.

**SUBSECTION 8.13.** Before issuing an *occupancy permit*, the *authority having jurisdiction* may require the *owner* to provide letters to certify that the requirements of the *code*, *land* and the necessary *permits* have been met.

**SUBSECTION 8.14.** The Building Inspector or any of his assistants charged with the enforcement of this Bylaw while acting for the municipality shall not thereby render themselves liable personally, and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their official duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties and under the provisions of this Bylaw shall be defended by the legal representative of the municipality until the final termination of the proceedings. In no case shall the action, suit or proceeding that may be instituted in pursuance of the provisions of this Bylaw and nay officer of the Inspections Department, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his official duties in connection therewith.

## **SECTION 9 TESTS AND CONSTRUCTION REVIEW**

**SUBSECTION 9.1.** All required tests of materials shall be conducted according to the appropriate methods found in the standards listed in the *code*, or in the absence of these, as specified by the *authority having jurisdiction* or other authority acceptable to him.

**9.1.2.** All tests shall be conducted and reports thereon prepared at the expense of the *owner*.

**9.1.3.** Laboratory tests shall be conducted by a laboratory acceptable to the *authority having jurisdiction*.

### **SUBSECTION 9.2. CONSTRUCTION REVIEW**

**9.2.1.** Whenever general review, during construction, by an architect or engineer is required by the *code*, such review shall be to standards satisfactory to the *authority having jurisdiction*.

**9.2.2.** Upon completion of the work for which review was required, a report shall be submitted to the *authority having jurisdiction* by the architect or engineer stating what was reviewed and, where applicable, what was not reviewed, and stating the extent to which the construction conforms to the *code*.

## SECTION 10 PERMITS

### SUBSECTION 10.1. PERMITS AND CERTIFICATES REQUIRED

#### Building Permit

- 10.1.1. (1)** A *permit* is required whenever work regulated by the code, this bylaw or the zoning bylaw is to be undertaken.
- (2)** An *owner*, agent or person in charge shall not commence or cause to be commenced:
- (a) the erection or construction of any *building* or structure, or portion thereof;
  - (b) the addition, extension, improvement, *alteration* or conversion of any *building* or structure, or portion thereof;
  - (c) the *repair* of any *building* or structure, or portion thereof;
  - (d) the relocation or removal or demolition of any building or structure, or portion thereof;
  - (e) the *excavation* of any land for any purpose of erecting or locating on or above it, any *building* or structure;

unless the required *permit* has first been obtained from the *authority having jurisdiction* as hereinafter provided, except in the case of painting or decorating, or in the case of minor repairs not exceeding one thousand dollars (\$1000.00) in value, where matters affecting health and safety are not involved.

**(3)** Notwithstanding the provisions of section 14, any *owner*, agent or person in charge, who commences work without first having obtained a *permit* therefor, is guilty of an offence and shall be liable, on a summary conviction, to a fine not less than \$25.00 for each day such work is continued without a *permit*.

#### Plumbing Permit

**10.1.2. (1)** Except as provided in Sentence (2), a *plumbing system* shall not be constructed, extended, altered, renewed or *repaired* or a connection made to sewer unless a *permit* to do so has been obtained. Interim authority to commence, pending delivery of a *permit*, may be given in writing by the *authority having jurisdiction*.

**(2)** A *permit* is not required when a valve, faucet, *fixture*, or *service water heater* is *repaired* or replaced, a stoppage cleared or a leak *repaired* if no change to the piping is required.

**(3)** A *permit* shall be issued only to a home *owner* to do work on a single family *dwelling unit* owned and occupied or to be occupied by himself, or to a *plumbing contractor* who meets the qualifications that are prescribed by the municipality in which the *code* is enforced.

#### Certificate of Plumbing Inspection Approval

**10.1.3.** when a *plumbing system* has been completed and has been *approved*, the *authority having jurisdiction*, when requested, shall issue a certificate of plumbing inspection approval to the *owner* and to the *plumbing contractor*.

## Electrical Permit

**10.1.4.** The issuance of an electrical permit shall be as set forth in the *Manitoba Electrical Code*. The requirements and inspections shall be under the authority of Manitoba Hydro.

## Sign Permit

**10.1.5.** No *alteration*, or addition or any erection or re-erection of *signs* including any of the accessories shall be made unless the *owner* of the *building* or site upon which such *sign* is erected or his agent, has obtained a *permit*.

**10.1.6.** *Permits*, in addition to the *permits* required in this subsection with respect to *building* components and services, may be required by the *authority having jurisdiction*.

## SUBSECTION 10.2. APPLICATION FOR PERMIT

**10.2.1. (1)** To obtain any *permit* or certificate authorized herein the *owner* shall file an application in writing on a prescribed form.

**(2)** All applications for *permit* or certificates shall be accompanied by the required fee specified in Appendix A.

**(3)** An application for a *permit* may be deemed to have been abandoned six months after the date of filing, unless such application has been proceeded with.

## Building Permits

**10.2.2. (1)** Except as otherwise allowed by the *authority having jurisdiction*, every application for a *building permit* shall

- (a) identify and describe in detail the work and *major occupancy* to be covered by the *permit* for which application is made.
- (b) describe the land on which the work is to be done, by a description that will readily identify and locate the *building lot*,
- (c) include plans and specifications, unless otherwise approved by the *authority having jurisdiction*, and show the occupancy of all parts of the building,
- (d) state the valuation of the proposed work, and be accompanied by the required fee, and
- (e) state the names, addresses and telephone numbers of the *owner*, architect, engineer or other designer and *constructor*.
- (f) include proof of approval from the appropriate *authority having jurisdiction* when necessary, and

**(2)** An application for a *building permit* for the construction of a metal clad *building* or additions hereto shall have the approval of the *authority having jurisdiction* before the *permit* is issued, except that such approval is not required for the use of factory finished cladding.

## Plumbing Permits

**10.2.2. (1)** Every application for a plumbing *permit* shall be accompanied by a specification or description of the proposed work.

**(2)** When required by the *authority having jurisdiction*, the application shall also be accompanied by

(a) a plan that shows the location and *size* of every *building drain*, and of every *trap* and *cleanout* fitting that is on a *building drain*,

(b) a sectional drawing that shows the *size* and location of every *soil-or-waste pipe*, *trap* and *vent pipe*, and

(c) a plan that shows a layout of the *portable water distribution system* including pipe *sizes* and valves.

## Sign Permit

**10.2.4.** The application for a *sign permit* shall:

(a) be made on the prescribed form,

(b) include in duplicate a plot plan showing the *street* lines or other boundaries of the property upon which it is proposed to erect such *sign* and location thereof upon the property in relation to the other structures upon such property and upon the premises immediately adjoining, and

(c) when required, in duplicate, complete drawings and specifications covering the construction of the *sign* and its supporting framework and other information with respect to the *building* upon which it is proposed to locate the *sign* as to determine whether the structure of such *building* will carry the additional loads and stresses imposed thereon by the erection of the *sign* without exceeding the stress requirements. Such drawings shall in all cases have marked thereon in figures the height of such *building*.

## SUBSECTION 10.3. CONDITIONS UNDER WHICH PERMITS ARE ISSUED

**10.3.1.** A *permit* shall expire and the right of an *owner* under the *permit* shall terminate if

(a) the work authorized by the *permit* is not commenced within six (6) months from the date of issuance of the *permit* and actively carried out thereafter, or

(b) work is suspended for a period of 6 (6) months.

**10.3.2.** Where an inspection is requested and it is necessary that the inspection be conducted outside of regular office hours or conducted during office hours in addition to a regular inspection, a fee shall be charged as provided for in Appendix B, in addition to the required *permit* fees.

**10.3.3.** The permittee shall at those stages of construction that may be indicated on the *permit* request an inspection from the inspections department of the municipality before proceeding further with construction.

**10.3.4. (1)** Every *building permit* is issued upon the condition:

(a) that pegs, stakes, lines and other marks approved by the *authority having jurisdiction* be located on the *building* site so as to establish the line or *limited distance* beyond which the *building* or structure shall not extent as specified on the *permit*, and shall be accurately maintained during the

course of construction and until *occupancy* has been *approved*. Such markings shall be provided for the erection of a new *building* or structure, extension or addition to existing *buildings* or structures, or for buildings and structures moved from one location to another whether on the same property or not,

(b) that development agreement drainage requirements have been satisfied

(c) that the construction shall be carried out in accordance with all provisions of the *code*, and all provisions as described on the *building permit* and *approved plans*,

(d) that all municipal bylaws and provincial regulations be complied with, and

(e) that the *authority having jurisdiction* shall get copies of all changes ordered which may alter any condition or requirement of the *code*, and a set of the revised plans showing these changes.

(2) All work being carried out under a *building permit* issued prior to the effective date of the *code* shall be completed in accordance with the previous *code* requirements and any special conditions described on the *building permit* and *approved plans*. If work does not proceed at a satisfactory rate, in the opinion of the *authority having jurisdiction* the *building permit* may be cancelled, in which case a new *building permit* shall be obtained before work is continued and all subsequent work shall comply with the provisions of the *code*.

**10.3.5.** Where a *plumbing permit* has been issued, no departure shall be made from the specification, description, plan or sectional drawing unless written permission is obtained from the *authority having jurisdiction*.

#### **SUBSECTION 10.4. PLANS AND SPECIFICATIONS**

**10.4.1.** Sufficient information shall be submitted with each application for a *permit* to enable the *authority having jurisdiction* to determine whether or not the proposed work will conform to the *code* and whether or not it may affect adjacent property.

**10.4.2.** When required by the *authority having jurisdiction*, plans and specifications shall be provided.

**10.4.3.** Plans drawn to scale upon paper, cloth or other substantial material shall be clear and durable, and shall indicate the nature and extent of the work or proposed *occupancy* in sufficient detail to establish that when completed the work and the proposed *occupancy* will conform to the *code* and other relevant municipal bylaws and provincial regulations.

**10.4.4. (1)** Site plans shall be referenced to an up-to-date survey and, when required to prove compliance with the *code*, a copy of the survey shall be submitted to the *authority having jurisdiction*.

(2) Site plans shall show when required by the *authority having jurisdiction*

(a) by dimensions from property lines, the location of the proposed building,

(b) the similarly dimensioned location of every other adjacent existing building on the property and

(c) existing and finished ground levels to an established datum at or adjacent to the site.

**10.4.5.** in lieu of separate specifications, the *authority having jurisdiction* may allow the essential information to be shown on the plans, but in no case shall such terms as “in accordance with the *code*”, “legal”, or similar terms be used as substitutes for specific information.

#### **SUBSECTION 10.5. APPROVAL IN PART**

**10.5.1.** When in order to expedite work, approval of a portion of the *building* is desired prior to the issuance of a *permit* for the whole *building* application shall be made for the complete *building* and complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the *authority having jurisdiction*.

**10.5.2.** Should a *permit* be issued for part of a *building* the holder of such *permit* may proceed without assurance that the *permit* for the entire *building* will be granted. Work not covered by *permit* shall not be commenced.

#### **SUBSECTION 10.6. REVISIONS TO PERMITS**

**10.6.1.** After issuance of the *permit*, application may be for revision of the *permit*, and such applications shall be made in the same manner as for the original *permit*.

#### **SUBSECTION 10.7. PERMIT FOR A TEMPORARY BUILDING**

**10.7.1** Notwithstanding anything contained elsewhere in the *code* a *permit* for a temporary *building* may be issued by the *authority having jurisdiction*, authorizing for a limited time only the erection and existence of a *building* or part thereof for an *occupancy* which because of its nature, will exist for a short time under circumstances which warrant only selective compliance with the *code*. No person shall erect or place a temporary *building* without first entering into an agreement with the *authority having jurisdiction* and obtaining the required building *permit*.

**10.7.2.** A *permit* for a temporary *building* shall state the date after which and the condition, under which the *permit* is no longer valid.

**10.7.3. (1)** A temporary *building* shall be permitted only for the following major *occupancy* classifications:

- (a) All Divisions, Group A;
- (b) Group D; and
- (c) Group E.

**(2)** A display home or display cottage may also be classified as a temporary *building*.

**10.7.4.** A *permit* for a temporary *building* may be extended provided permission in writing is granted by the *authority having jurisdiction*.

**10.7.5** A *permit* for a temporary *building* shall be posted on the *building*.

**SUBSECTION 10.8. FEES**

**10.8.1.** *Permit fees and all procedures and conditions applicable thereto shall be established by the authority having jurisdiction and are set forth in Appendix A of this Bylaw.*

**10.8.2.** *Inspection fees and all procedures and conditions applicable thereto shall be established by the authority having jurisdiction and are set forth in Appendix B of this Bylaw.*

## SECTION 11 OCCUPANCY

### SUBSECTION 11.1. REQUIREMENTS FOR OCCUPANCY

**11.1.1.** No *owner*, agent or person in charge shall occupy a *building* or part thereof or change the *occupancy* without first obtaining an Occupancy Permit or Certificate of Occupancy as set forth in Subsections 13.2 and 13.3.

**11.1.2.** No change shall be made in the type of *occupancy* or use of any *building* or structure, which would place the *building* or structure in a different Group of *occupancy*, unless such *building* or structure is made to comply with the requirements of the *code* for that Group.

**11.1.3.** An inspection of a site shall be made prior to the issuance of an Occupancy Permit or a Certificate of Occupancy and a fee shall be charged in accordance with Appendix A.

**11.1.4.** Every *building* or structure that requires an Occupancy Permit or a Certificate of Occupancy shall comply with the construction requirements for the Major Occupancy Group to be housed therein, except that the *authority having jurisdiction* may approve an Occupancy Permit or a Certificate of Occupancy for an existing *building* or structure which varies in a minor respect from the regulations of the *code*, where in his opinion, such variation will substantially accomplish the objects of the *code*.

### SUBSECTION 11.2. OCCUPANCY PERMIT

**11.2.1.** 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 where that *building* or structure is located on land subject to zoning bylaws.

**11.2.2.** The *authority having jurisdiction* may approve clearance for the issuance for an Interim Occupancy Permit, being a *permit* allowing the partial *occupancy* of a *building* or structure, provided that such *occupancy* will not jeopardize life or property.

### SUBSECTION 11.3. CERTIFICATE OF OCCUPANCY

**11.3.1.** A Certificate of Occupancy is required for a *building* or structure located on any land other than that set forth in 11.2.1.

- (a) for any new *building*, except a single-family dwelling and a two family dwelling.
- (b) for any existing *building* or structure where an *alteration* or addition is made thereto except for a single-family dwelling and a two-family dwelling
- (c) For a change from one Major Occupancy Group to another or a change from one Division to another within a Major Occupancy Group of any existing *building* or structure, or part thereof; and
- (d) for a change from one use to another within the same Division in a Major Occupancy Group which results in an increase in the *occupant load*.

**11.3.2.** *Authority having jurisdiction* may issue an interim Certificate of Occupancy, being a certificate allowing the partial *occupancy* of a *building* or structure, provided that such *occupancy* will not jeopardize life or property.

**SUBSECTION 11.4. APPLICATION FOR PERMIT OR CERTIFICATE**

**11.4.1.** To obtain any *permit* or certificate authorized herein the *owner* shall file an application in writing on a prescribed form.

**11.4.2.** All applications for *permits* or certificates shall be accompanied by the required fee specified in Appendix A.

**SUBSECTION 11.5. OCCUPANT LOAD**

**11.5.1.** Notwithstanding anything elsewhere contained in the *code*, for each assembly room in a *building* or structure classified as a Group A *Occupancy*,

(a) the *authority having jurisdiction* shall furnish an *Occupant Load* Placard which can be easily read from a distance of twenty (20) feet stating the maximum allowable *occupant load* as determined by the *code*.

(b) the *owner* of the *building* or structure shall be responsible for keeping the actual *occupant load* within the allowable limits.

(c) the *owner* of the *building* or structure shall display the *occupancy load* Placard in a location approved by the *authority having jurisdiction*.

## **SECTION 12 REMOVAL, RELOCATION, OR DEMOLITION OF A BUILDING**

**SUBSECTION 12.1.** Upon application for a *permit* to demolish, *relocate*, or *remove* a *building* or structure, the applicant shall submit a statement that the taxes upon the land and *building* of *buildings*, or structures have been paid in full, and that the land and *building* or *buildings*, or structures have not been sold for taxes, and if so sold, have not been redeemed. This provision shall not apply to the *buildings* or structures demolished under Section 10 of this Bylaw.

**SUBSECTION 12.2.** The *authority having jurisdiction* may request that an application for a *permit* to *remove*, *relocate* or demolish a *building* or structure shall contain one or more of the following:

- (a) a description of the *building* or structure giving the existing location, construction materials, dimensions, number of rooms and conditions of exterior and interior.
- (b) a legal description of the existing site,
- (c) a legal description of the site to which it is proposed that the *building* or structure is to be moved if located within the municipality, and
- (d) a plot plan of the site to be occupied by the *building* or structure if located within the municipality.

**SUBSECTION 12.3.** The *owner*, or his agent, of a site from which a *building* or structure is to be *removed* or demolished shall:

- (a) notify the gas, electric, telephone and water service companies or utilities to shut off and/or remove their service;
- (b) plug the *sewer* line with a concrete stopper eight (8) feet outside the property line, and
- (c) upon completion of the *removal* or demolition, put the site in a safe and sanitary condition to the satisfaction of the *authority having jurisdiction*.
- (d) decommission all wells in accordance to the Manitoba Water Resources regulations and Municipal Bylaw.

## **SUBSECTION 13 LICENSING**

### **SUBSECTION 13.1. PLUMBING CONTRACTOR LICENCE**

**13.1.1.** Every person, firm or corporation desiring to carry on the business of placing, installing, maintaining, repairing, or replacing a *plumbing system* shall be described as a *plumbing contractor*, and the person or some member of the firm or some official of the corporation shall apply in writing to the *authority having jurisdiction* for a license as a *plumbing contractor*.

### **SUBSECTION 13.2 QUALIFICATIONS FOR LICENCE**

**13.2.1.** Every person or persons so to be licenced as a *plumbing contractor* must either be himself a qualified plumber under The Apprenticeship and Tradesmen's Qualifications Act or employ a sufficient number of persons so qualified under the said Act.

**13.2.2.** Subject to Article 13.2.1. an additional examination for a *plumbing contractor* may be required when requested by the *authority having jurisdiction*.

### **SUBSECTION 13.3. APPLICATION FOR LICENCE**

**13.3.1.** Every application for a *plumbing contractor's* licence shall give the name and business of the applicant.

**13.3.2.** if the applicant is a partnership, the application shall contain the names and addresses of the partners of the firm.

**13.3.3.** If the applicant is a corporation, the names and addresses of the corporation officers and their corporate titles shall be shown.

### **SUBSECTION 13.4. LICENCE FEE**

**13.4.1.** The fee for a *plumbing contractor's* licence shall be as specified in Appendix C for the year or fraction thereof for which the same is taken out.

**13.4.2.** All *plumbing contractor's* licences shall expire on the last day of December next ensuing and for each ensuing year such person shall pay the annual fee specified in Appendix C.

### **SUBSECTION 13.5. RENEWAL OF A LICENCE**

**13.5.1.** *Plumbing contractor's* licences shall not be transferable and must be renewed each year prior to the first day of February shall preclude the *plumbing contractor* from obtaining a renewal licence and he shall thereafter be required to qualify for a new licence.

**SUBSECTION 13.6.** Every person licensed shall give immediate notice to the *authority having jurisdiction* of any change in his place of business or in the case of any firm of its dissolution of, in case of a corporation, of any change in persons holding corporate offices.

**SUBSECTION 13.7.** Every *plumbing contractor* granted a *plumbing contractor's* licence shall post the said licence in a conspicuous place in the place of business of the said contractor.

**SUBSECTION 13.8.** Every *plumbing contractor* shall be responsible for the work of his employees.

**SUBSECTION 13.9.** The *authority having jurisdiction* may revoke, cancel or suspend a *plumbing contractor's* licensee who violates any of the provisions of the *code* or municipal requirements.

**SUBSECTION 13.10.** A *plumbing contractor's* license may be issued to a commercial or industrial establishment when this firm has a steadily employed journeyman plumber or person who in the opinion of the *authority having jurisdiction* is qualified to perform such work.

## SECTION 14 PENALTIES

### SUBSECTION 14.1. OFFENCES AND PENALTIES

- 14.1.1.** Any person who contravenes or disobeys, or refuses or neglects to obey,  
(a) any provision of the *code* or this Bylaw or any provision of any other bylaw that by this Bylaw, is made applicable to the municipality or made applicable to proceedings taken or things done under this Bylaw, or  
(b) any provision of any bylaw, regulations, or order enacted or made by the municipality,

for which no other penalty is herein provided, is guilty of an offence and liable, on summary conviction, to a fine not exceeding one thousand dollars (\$1000.00) in the case of an individual or five thousand dollars (\$5,000.00) in the case of a corporation, or, in the case of an individual, to imprisonment for a term not exceeding six months or to both such a fine and such an imprisonment.

**14.1.2.** Where a corporation commits an offence against this Bylaw each Director or Officer of the corporation who authorized, consented to, connived at or knowingly permitted or acquiesced in, the doing of the act that constitutes the offence, is likewise guilty of the offence and liable, on summary conviction, to the penalty for which provisions is made in 14.1.4.

**14.1.3.** in addition to 14.1.1 and 14.1.2. any person or corporation may be required to observe or perform such terms and conditions as a magistrate may impose.

**14.1.4.** Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person is guilty of a separate offence for each day it continues.

## SECTION 15 EFFECTIVE DATE

**SUBSECTION 51.1.** This Bylaw shall come into effect when proclaimed by the *Adopting governmental body*.

**SUBSECTION 15.2.** Any person who carries out work under the terms of this Bylaw after its adoption but before its effective date, may do so, but all such work shall comply entirely with the *code*.

APPENDIX "A"  
TO SCHEDULE "A" TO BY-LAW NO. 96-98

A.1	<u>BUILDING PERMIT FEES</u>	
	<u>Valuations</u>	
	\$0-\$1,000	\$50.00
	(plus \$5.00 on each additional \$1,000 valuation or part thereof)	
A.1.1	Removal or relocation of any building or structure or structure or part thereof	\$50.00
A.1.2.	Demolition of any building of structure thereof	\$20.00
A.1.3.	Temporary Placement Fee (per month)	\$25.00
A.2	<u>PLUMBING PERMIT FEES</u>	
A.2.1	Rough-in each fixture outlet (including floor drain)	\$9.00
A.3	<u>OCCUPANCY PERMIT FEES</u>	
A.3.1	Occupancy Permit (where no other permit is required and where the nature of the occupancy is changed)	\$50.00
A.3.2	No fee is required for an Interim Occupancy Permit or an Occupancy Permit for new construction where a building permit has been issued	
A.3.3	Temporary Occupancy Permit	\$50.00
A.3.4	Copy of Occupancy Permit	\$20.00
A.4	<u>PERMIT REFUNDS</u>	
A.4.1	Where a permit is surrendered for cancellation the holder of the permit is entitled to a refund of the fee paid by him for the permit less:	\$50.00
A.4.2	On commercial and industrial the Plan Examination Fee will be retained by the office plus the initial \$50.00	

A.5 PENALTY FEES

A.5.1 Where a permit has not been obtained prior to the commencement of the actual work, through neglect or for some other reason the FEES SHALL BE TRIPLE THE NORMAL RATE

A.5.2 Notwithstanding the other fees of this by-law the following fees are applicable to all permits

- (i) Where the work is not ready for inspection at the time for which the inspection was called an additional fee of \$40.00 shall be payable, and;
- (ii) For each inspection for examination for installation where defects or omissions were found at a previous inspection the fee may be \$30.00.

**APPENDIX "B"**  
**TO SCHEDULE "A" TO BY-LAW NO. 96-98**

- A.1.1 Where an inspection of a building or structure not provided for by a permit, it is requested and conducted during office hours, the fee shall be \$30.00 per hour or fraction thereof, plus travelling expenses at \$.35 per km
- A.1.2 Any inspection conducted outside of regular office hours, the fee shall be \$55.00 per man hour or fraction thereof, plus travelling expenses at \$.35 per km.

B.1	<u>BUILDING VALUE</u>	<u>Per Square Foot</u>
	Buildings with basement	\$75.00
	Second Floor	\$50.00
	Basement	\$25.00
	Grade Beams and Piles	\$25.00
B.1.1	Basement finishing	\$25.00
B.1.2	Attached garages	\$25.00
B.1.3	Detached garages and large accessory buildings (under 120 sq. ft. no fee)	\$15.00
B.1.4	Open deck or porch	\$4.00
B.1.5	Enclosed deck or porch	\$10.00
B.1.6	R.T.M. Outside of District - regular permit fee - plus	\$75.00

- C.1 COMMERCIAL AND OTHERS
- C.1.1 Commercial, Industrial, etc. as per contract price
- C.1.2 Swimming pools, deck and fencing as per contract price

C.1.3	Sign permit fees		
	(a)	facia sign	\$50.00
	(b)	free standing sign	\$50.00
	(c)	roof sign	\$50.00
	(d)	projecting sign	\$50.00
	(e)	awning, canopy, marquee sign	\$50.00
	(f)	signs not specified above	\$50.00

C.1.4 Signs (mobile) 1-90 days \$50.00

C.1.5 Development Permit Fees \$50.00

D.1.1 PERMIT EXAMINATION FEES

Fee shall \$.55 per \$1,000.00 of total valuation

D.1.1 A plan of examination fee is not required in respect of a valuation of less than \$75,000.00

E.1 MICELLANEOUS FEES

E.1.1 Rezoning Amendments plus advertising costs, posting, etc. plus all costs and information including picture \$750.00

E.1.2 Development Plan Amendments plus advertising costs, posting etc. plus all costs and information including picture \$750.00

E.1.3 Conditional Use plus advertising costs, posting, etc. plus all costs and information including picture \$175.00

E.1.4 Variations plus advertising costs, posting etc. plus all costs and infarction including picture \$175.00

E.1.5 Zoning Memorandums (Residential) \$35.00  
(Commercial) \$75.00

Request for a letter to confirm zoning regulations on property \$35.00

E.1.6 SUBDIVISION COSTS

Charge per newly created lot	\$100.00
Deposit Fees (1-5 lots)	\$500.00
(6-10 lots)	\$1,000.00
(11-20 lots)	\$1,000.00
(21 + lots)	\$5,000.00
Lot Grade Deposit	As Per By-Law
Contribution to Nuisance Ground Reserve	As Per By-Law
Waste Water Sewer Connection	As Per By-Law
Water Connection Permit	As Per By-Law
Lot Grade Inspection Fee & Deposits	As Per By-Law
Crossing Permit	As Per By-Law
Culvert Deposit	As Per By-Law
Building Permit Deposit	As Per By-Law
Well Inspection	As Per By-Law
Final Inspection	As Per By-Law

F.1 DOCUMENT FEES

F.1.1 Building Permit Reports (monthly)	\$75.00/ann
Building Permit Reports (weekly)	\$200.00/ann
Photocopies (\$.50 per page)	
F.2 Zoning By-Law Books	\$50.00
F.3 Development Plan Books	\$50.00

**APPENDIX "C" TO SCHEDULE "A"  
TO BY-LAW NO. 96-98**

LICENSING FEES

A.1. PLUMBING CONTRACTOR'S LICENSING FEES

A.1.1 Licence fee for the first year of issuance or fraction thereof \$25.00

A.1.2 Subsequent annual licence renewal fee \$15.00

A.1.3 Licence fees shall be paid within 30 days of the due date. Licence fees not paid within 30-day period shall have an additional amount added to the fee at the rate of \$5.00 per month of portion thereof.

A.1.4 Notwithstanding Sentence C.1.3 hereof:

- (a) failure by the owner or his agent to pay the licence fee within the period of 30 days shall constitute a violation of this By-Law, and
- (b) the authority having jurisdiction may waive the additional fee charge.