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BEING A BY-LAW OF THE RURAL MUNICIPALITY OF CORNWALLIS to adopt the Manitoba Building Code.

WHEREAS Section 4 of the Building and Mobile Homes Act being Cap B93 of the Statutes of Manitoba provides in Section 4 thereof that a Municipality shall adopt and enforce any building construction code or building construction standard adopted, established and prescribed by the Act and may make such By-Laws as are necessary for those purposes,

AND WHEREAS the same Act provides in Section 14 thereof that any person who contravenes that Act is guilty of an offense and liable in summary conviction to a fine as provided for in the Act,

AND WHEREAS it is deemed advisable that the Manitoba Building Code be adopted as provided for in the said Act and that the other matters hereinafter dealt with be enacted,

AND WHEREAS Section 24 of the Planning Act of Manitoba provides that the enforcement and administration of a Building By-Law of a municipal body which is a member of a District Planning Board is or can be the responsibility of the District Board.

**SECTION 1 TITLE**

1.1 This By-Law shall be cited as "The Rural Municipality of Cornwallis Building By-Law."

**SECTION 2 SCOPE**

2.1 This By-Law applies to new and existing construction, including the construction, erection, placement, alteration, repair, renovation, demolition relocation, removal, occupancy or change in occupancy of any building or addition to a building, erection or structure situated within the Rural Municipality of Cornwallis save and except insofar as such classes of work permits and inspections are under the jurisdiction of the Minister pursuant to Section 4 (1) of the Building and Mobile Home Act.

2.2 This By-Law adopts the building construction codes and building construction standards adopted, established or prescribed under Section 3 of the Building and Mobile Homes Act. (Chapter B93 in the Continuing Consolidation of the Statutes of Manitoba.)

2.3 This By-Law establishes administrative requirements and procedures for the enforcement of the Manitoba Building Code.

2.4 This By-Law specifically recognises the provisions of Section 24 (1) of the Planning Act of Manitoba providing that the administration and enforcement of the Building By-Law of a Municipality within a Planning District is the responsibility of the District Board of that Planning District.

2.5 Pursuant to Section 24 (3) of the Planning Act of Manitoba this By-Law further authorizes the Development Officer of the Brandon and Area Planning District Board to issue Development Permits on behalf of the Rural Municipality of Cornwallis subject to the conditions and restrictions herein contained.

**SECTION 3 DEFINITIONS OF WORDS AND PHRASES**

3.1 For definition of words used in the By-Law that are not included in this section, reference should be made to a standard dictionary.

3.2 The words and terms defined in this section appear in Capitals and are underlined throughout the text of this By-Law.

3.3 The words and terms used in this By-Law have the following meanings:

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ALTERATION means a change or extension to any matter or thing or to any occupancy regulated by this By-law.

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 or equipment that receives or collects water, liquids of sewage and discharges water, liquids or sewage either directly or indirectly to a plumbing system.

APPROVED means approved by the authority having jurisdiction or the appropriate 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 Brandon and Area Planning District Board and any person appointed by it to administer and enforce this By-law and in the case of the issue of permits means the Development Officer of the Brandon and Area Planning District as authorized under paragraph 2.5 of this By-law.

BRANDON AND AREA PLANNING BOARD means the Board of the Brandon and Area Planning District as established pursuant to the Planning Act of Manitoba and pursuant to an Order in Council issued under the authority of the Lieutenant Governor in Council for the Province of Manitoba on January 23rd, 1980.

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 and stack vent at least 3 inches in size, and
- (d) conducts sewage, clear-water waste or storm water to a building sewer

BUILDING FARM means any building for the purpose of maintaining the operation of a farm so as to provide shelter for farm produce, animals and equipment. Commercial, industrial and residential buildings, shall not be construed as farm buildings.

BUILDING HEIGHT (in storeys) means the number of storeys contained between the roof and the floor of the first storey.

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

BUSINESS AND PERSONAL SERVICES OCCUPANCY means the occupancy or use of a Building or part thereof for the transaction of business or the rendering or receiving of professional or personal services.

CLEANOUT means an access provided in drainage and venting systems to provide for cleaning and inspection services.

CLEAR-WATER WASTE means water that does not contain sewage or storm water.

COMBUSTIBLE (as applying to an elementary building material) 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 an 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.

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

DWELLING UNIT means a room or suite of rooms operated as a housekeeping 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 the 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 the Code.

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 the Code and has structural stability to remain intact under fire conditions for the required fire-rated 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 the 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 10 lb. (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 10 lb. (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 of use of a building or part thereof by persons harboured or detained to receive medical care or treatment, or by persons involuntarily detained.

LIMITING DISTANCE means the distance from an exposing building face towards a property line, the centre line of a street, lane, 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 or part thereof for the displaying or selling of retail goods, wares or merchandise.

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

OCCUPANCY, MAJOR means the principal 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 principal 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 By-Law 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 pre-manufactured 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 a plumbing system.

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).

POTABLE means safe for human consumption.

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 property.

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 harboured or detained to receive medical care or treatment or are not involuntarily detained.

ROCK means that portion of the earth's crust which is consolidated, 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 of similar character, which:

- (a) is a structure or 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 designated.

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.

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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 the ceiling above it.

STOREY, FIRST means the storey with its floor closest to 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 danger or 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 a venting system.

VENTING SYSTEM means an assembly of pipes and fittings that connects a drainage system with outside air for circulation of air and the 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

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 By-Law.

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.

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.

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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.

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

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 authority having jurisdiction.

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

4.8 Any person who knowingly submits false or misleading information with regard to any of the provisions of this By-law contravenes this By-law.

#### SECTION 5 DUTIES AND RESPONSIBILITIES OF THE OWNER

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 by-law.

5.2 Every owner shall obtain all permits or approvals required in connection with the proposed work, prior to commencing the work to which they relate, and shall:

(a) pay a fee for each permit received in accordance with the schedule of fees approved by the Council of the Rural Municipality of Cornwallis, copy of said schedule of fees being attached to this by-law as Schedules "A" and "B".

(b) no permit shall be required, or fee charged, in the Rural Municipality of Cornwallis for the construction of a farm building other than a farm residence, but the owner is required to file a 'plot plan' with the Brandon and Area Planning District before commencing work on any such construction or moving in a building of this type.

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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 the 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 execution of the 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;

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.

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 occur prior to the completion of any work being undertaken that requires a permit.

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.

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 the 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 thereof, is in accordance with the terms of the occupancy permit or certificate of occupancy.

5.18 No permit or licence issued pursuant to this By-Law, nor 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.

5.19 When a building or part thereof is in an 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

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

6.2 Every constructor is responsible for ensuring that no 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 authority having jurisdiction.

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

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

7.1 The authority having jurisdiction is responsible for the administration and enforcement of the code and this By-Law.

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.

7.3 The authority having jurisdiction shall allow 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.

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 By-Law has been observed.

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

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

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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.

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, and
- (c) when work has been completed so that a final inspection can be made.

5.7 Every owner shall give 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.

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 By-Law.

5.9 TESTS

5.9.1 Every owner shall make or have made at his own expense tests or inspection 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.

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

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.

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 By-Law.

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.

5.14 Every owner shall obtain an occupancy permit as required by Section II 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.

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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 By-Law 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.

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

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 or this By-Law.

##### 8.2.1

8.2.1A The authority having jurisdiction is empowered to 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 By-Law, 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 to 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 its' opinion, has been constructed in contravention of the code or any by-law 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 respects 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.

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.

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.

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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 (558m<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 the 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 requirements of Article 8.5.1 above, where in the opinion of the authority having jurisdiction, any building requires the services, of an architect(s) and/or professional engineer(s), the architect(s) and/or professional engineer(s) shall perform all the services described in this subsection.

8.5.3 Where the construction of a building will not be supervised by the person(s) responsible for its design, the name and address of the person(s) 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(s) or of address whenever any such change takes place.

8.5.4.(1) Where the character of the proposed work requires technical knowledge for the preparation of drawings and specifications, as provided in Article 8.5.1, the drawings and specifications shall be prepared, signed and bear the seal of, and the construction inspected and certified by, an architect(s) and/or engineer(s) skilled in the appropriate section of the work concerned and entitled to practice in the Province of Manitoba.

8.5.4.(2) Prior to the issuance of a building permit, the responsible architect(s) and/or professional engineer(s) shall submit a letter to the authority having jurisdiction stating the extent of his/their responsibility for the inspection of construction to ensure conformity with the approved drawings and specifications and the applicable Sections of the By-Law.

8.5.4.(3) Prior to the issuance of an occupancy certificate or occupancy permit, the responsible architect(s) and/or professional engineer(s) shall, where required by the authority having jurisdiction, submit a letter stating:

That to the best of my/our knowledge the building was constructed in accordance with the approved drawings and specifications and requirements of the applicable Bylaws.

8.5.4.(4) The responsible architect(s) and/or professional engineer(s) shall seal and sign all the documents referred to in Sentences (2) and (3) above.

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

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 By-Law, to excavate or to construct a portion of a building before the entire plans of the whole project have been submitted or approved.

8.7 The authority having jurisdiction may issue a permit for the entire project conditional upon the 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.

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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, By-Law, act or regulation, 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 or District Board under this By-Law.

8.9 The authority having jurisdiction may revoke a permit if

- (a) there is a 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.

#### 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 or fixed heating equipment, elevator equipment, fire sprinkler equipment, and any permanent equipment and all labour, 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 By-Law, 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 cost 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.

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.

**8.12 Unsafe Condition.**

8.12.1 Any building or structure that is in an unsafe condition in that it is liable 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 paragraph 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 of a well, excavation or opening 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 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 paragraph 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.

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 and the necessary permits have been met.

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8.14 The Brandon and Mea Planning District Board or any of its employees charged with the enforcement of this By-Law 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 By-Law shall be defended by the legal representative of the Municipality until the final termination of the proceedings. In no case shall the Building Inspector or any of his assistants be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this By-Law and any office 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.

8.15 The authority having jurisdiction in special cases that in its opinion warrant it, may modify or vary any specified regulation where such modification or variation in its opinion will substantially accomplish the object of the regulation.

8.16 Any person who deems himself aggrieved by a decision of the authority having jurisdiction as to the issuance of a building permit, the prevention of the construction or occupation of a building or structure and the demolition or removal of a building or structure may appeal therefrom to the Municipality of Cornwallis.

8.17 ALTERATIONS AND ADDITIONS

8.17.1.(1) Where repairs or alterations to an existing building or structure are made necessary on account of damage by fire or other causes, and where such repairs and alterations excluding electrical or mechanical equipment exceed fifty percent (50%) of the replacement or market value of the building or structure prior to such damage, such repairs or alterations shall be considered a re-erection thereof and are prohibited unless the entire building or structure is made to conform with the requirements of this By-Law for new construction.

8.17.1.(2) Where repairs or alterations to an existing building or structure are made necessary on account of delapidation, and where such repairs or alterations excluding electrical or mechanical equipment exceed fifty percent (50%) of the replacement or market value of the building or structure at the time of application for a permit, such repairs or alterations shall be considered a re-erection thereof and prohibited unless the entire building or structure is made to conform with the requirements of this By-Law for new construction.

8.17.1.(3) Notwithstanding the provisions of Sentences (1) or (2) above, the authority having jurisdiction may permit variations from the regulations of this By-Law for those portions of the existing building or structure not being altered, or added to, where:

(a) the applicant shall provide evidence satisfactory to the authority having jurisdiction that said portions are structurally safe; and

(b) a special inspection has been made to determine the minimum variation to be permitted.

8.17.2. The number of storeys of an existing building or structure shall not be increased unless the entire building or structure conforms with the requirements of this By-Law except where an increase may be permitted in accordance with 8.17.1.(3).

8.17.3 Additions may be made to an existing building or structure where the maximum area for the combined area of the existing building or the structure and addition as set forth in Part 3 is not exceeded. Where the combined area of the existing building or the structure and permitted addition exceeds the maximum area allowed in Part 3, a fire wall of the required resistance rating shall separate the addition from the existing building or structure unless otherwise approved under 8.17.1.(3).

8.17.4. Notwithstanding the provisions of Article 8.17.1., where alterations or additions to an existing building or structure are to be made, the authority having jurisdiction may require selective compliance of the building or structure to the requirement of the code.

SECTION 9 TESTS AND CONSTRUCTION REVIEW

9.1 Tests

9.1.1 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.

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 stating the extent to which the construction conforms to the code.

SECTION 10 PERMITS

10.1 Permits and Certificates Required

Building Permit

10.1.1.(1) A permit is required whenever work regulated by the code 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 the 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 two hundred dollars (\$200.00) 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 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 a 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 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 requirements for the issue of an electrical permit shall be as set forth in the Manitoba Electrical Code.

#### Sign Permits

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.

#### 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 permits or certificates shall be accompanied by the required fee set out in Schedule "A" to this By-Law.

(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

10.1.1(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 Minister if required under the Building and Mobile Homes Act of Manitoba, when necessary; and

(2) An application for a building permit for the construction of a metal clad building or additions thereto 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

10.2.3.(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-waste pipe, trap and vent pipe, and



(c) a plan that shows a layout of the potable 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 frame work 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.

#### ~~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 practically suspended for a period of six (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 Schedule "A" ~~Section 2.11~~ 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 limiting distance beyond which the building or structure shall not extend 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 or structures moved from one location to another whether on the same property or not,
- (b) 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,
- (c) that all Municipal By-Laws and Provincial regulations be complied with, and
- (d) 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.

10.2.6 Notwithstanding the requirements of Article 10.3.1., every demolition permit is issued upon the condition that:

- (a) the demolition be commenced within 30 days of issuance of the permit; and
- (b) the demolition be actively carried out thereafter, and further, in the case of a one or two family dwelling, be completed within 30 days of commencement of work; and
- (c) the demolition be carried out in accordance with all provisions of this By-Law, and all provisions as described on the permit; and
- (d) all By-Laws of the Municipality of Cornwallis be complied with; and
- (e) no modifications to the approved method of demolition be made without the prior approval of the authority having jurisdiction

#### 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 By-Laws 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.

#### 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 a permit may proceed without assurance that the permit for the entire building will be granted. Work not covered by permit shall not be commenced.

## 10.6 Revisions to Permits

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

## 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 in accordance with Table 3.1.2.A. of the code:

- (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.

10.7.6 The building permit for a temporary building shall require the approval of the Chief of the Fire Department and the Medical Health Officer before issuance.

10.7.7 A temporary building shall not exceed one (1) storey in height.

10.7.8 A temporary building shall be permitted for a period of one year, on the condition that the owner shall remove the temporary building before the expiration of specified period of time.

10.7.9 The temporary building shall be properly maintained at all times by the owner.

10.7.10 The temporary building shall be subject to any other conditions that may be specified in the agreement.

10.7.11 Temporary buildings to be used in connection with construction work may be erected without entering into an agreement, or obtaining a permit, but shall be removed by the owner immediately upon completion of the construction work.

## 10.8 Fees

10.8.1 Permit fees shall be established by the authority having jurisdiction and are set forth in Schedule "A".

10.8.2 Inspection fees shall be established by the authority having jurisdiction and are set forth in Schedule "B".

## ~~SECTION 11~~ 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 Subsection 11.2 and 11.3.

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 in accordance with Schedule 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 a variation will substantially accomplish the objects of the code.

## 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 By-Laws.

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.

## 11.3 Application for Permit

11.3.1 To obtain any permit authorized herein the owner shall file an application in writing on a prescribed form.

11.3.2 All applications for permits shall be accompanied by the required fee.

## 11.4 Occupant Load

11.4.1 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 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~~

12.1.1.(1) This section provides regulations for:

- (a) the moving of an existing building or structure from a site within the Municipality of Cornwallis to another site;
- (b) the moving of an existing building or structure and the placing of same at another location on the same site; and
- (c) the demolition of a building or structure.

(2) Notwithstanding anything elsewhere contained in this By-Law, a building or structure to be moved onto a site in the Municipality of Cornwallis from a site outside said areas shall comply with the regulations of this By-Law for new construction.

12.1.2.(1) The removal or relocation of a building or a structure shall not be permitted unless all regulations of this By-Law for new construction are complied with unless otherwise approved under 8.17.1.(3).

(2) The demolition of a building shall be subject to the requirements of subsection 2.6 of Part 8 of the Code, and any other By-law of the Municipality

12.1.3 A building or structure shall not be removed or relocated, within the Municipality if the building or structure is in the opinion of the authority having jurisdiction.

- (a) in such a state of deterioration or disrepair, or is otherwise so structurally unsafe that it could not be moved without endangering persons or property or
- (b) structurally unsafe or will vary in appearance from the usual types of buildings at its new site to such extent as to lessen the desirability for building purposes of land in the immediate vicinity.

12.2 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 or buildings, or structures have been paid in full for the current year 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 buildings or structures demolished under Subsection 8 of this By-law.

12.3 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 condition 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 of located within the Municipality.

12.4 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

#### SECTION 13 APPEAL

13.1 An applicant has the right to appeal the decision of or action taken by the authority having jurisdiction to council.

#### SECTION 14 PENALTIES

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 By-law or any provision of any other by-law that, by this By-law, is made applicable to the municipality or made applicable to proceedings taken or things done under this By-law, or
- (b) any provision of any by-law, 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 (\$1,000.00) 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 ( ) By-law each Director or Officer of the corporation who authorized, consented to, lived at, or knowingly permitted or acquiesced in, the doing of the act that constituted the offence, is likewise guilty of the offence and liable, on summary conviction, to the penalty for which provision is made in 14.1.1.

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. APPEAL

15.1 An applicant has the right to appeal the decision of or action taken by the authority having jurisdiction to council.

~~SECTION 16 EFFECTIVE DATE~~

16.1 This By-Law shall come into effect when proclaimed.

16.2 That By-Law Numbers 994/75 and 1012/76 are hereby repealed.

DONE AND PASSED BY THE COUNCIL OF THE RURAL MUNICIPALITY OF CORNWALLIS

Duly assembled this SIXTEENTH day of MARCH A.D. 1981.

*[Signature]*  
REEVE

*[Signature]*  
SECRETARY-TREASURER

Read a first time SIXTEENTH day of MARCH A.D. 1981.

Read a second time SIXTEENTH day of MARCH A.D. 1981.

Read a third time SIXTEENTH day of MARCH A.D. 1981.

I, C. E. HeDOUGALL  
Secretary-Treasurer of the Rural  
Municipality of Cornwallis do hereby  
certify this to be a true and correct  
copy of By-law No. 1162/81  
of the Rural Municipality of Cornwallis  
as passed on the Sixteenth day of  
MARCH A.D., 19 81

*[Handwritten signature]*

**SCHEDULE A BY-LAW 1162/81  
RURAL MUNICIPALITY OF CORNWALLIS  
AMENDED JANUARY 17, 2017**

	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>PLANNING FEES</b>			
Permit Opening Fee Residential (Non Refundable)	50.00	50.00	60.00
Development Permit	127.00	130.00	130.00
Development Permit - Home Occupation	127.00	130.00	130.00
Development Permit: Phased Development	400.00	400.00	400.00
Development Permit: Urban Design Review	200.00	225.00	225.00
Urban Design Appeal	310.00	310.00	310.00
Subdivision Application	490.00	500.00	510.00
Subdivision Lot Fees (for each new lot created)	225.00	225.00	225.00
Subdivision Extend Conditional Approval or Certificate of Approval	225.00	225.00	235.00
Subdivision Re-issuing a Certificate of Approval	225.00	225.00	235.00
Minor Variance Order	160.00	165.00	170.00
Minor Variance Order - Following Commencement	320.00	330.00	340.00
Variance Order - Prior to Commencement (Base Fee)	550.00	575.00	600.00
Variance Order - Following Commencement (Base Fee x 2)	1,100.00	1,150.00	1,200.00
Variance Order - Increasing the density or intensity of use	775.00	775.00	800.00
Multiple Variance With Request(s)			
Base Fee plus each additional request	50.00	50.00	50.00
Multiple contiguous parcels with same request-base fee plus each parcel	25.00	25.00	25.00
Variance Extension Fee	120.00	120.00	125.00
Conditional Use Order (Base Fee) Brandon	775.00	775.00	775.00
Conditional Use Order (Base Fee) Cornwallis and Elton	575.00	595.00	595.00
Conditional Use Order-Following Commencement	(Base Fee x 2)	(Base Fee x 2)	(Base Fee x 2)
Conditional Use Order (sign)	260.00	265.00	270.00
Conditional Use Order (home occupancy)	310.00	310.00	320.00
Conditional Use Extension Fee	120.00	120.00	125.00
Zoning Amendment Application*	2,100.00	2,400.00	2,600.00
Secondary Plan Amendment Application*	1,800.00	1,800.00	1,800.00
Development Plan Amendment Application*	3,000.00	3,500.00	4,000.00
Neighbourhood Plan (new plan or amendment to existing plan)	1,500.00	1,500.00	1,750.00
Detailed Site Design Analysis	750.00	750.00	750.00
Master Plan	750.00	750.00	750.00
Revised Submission required recirculation		50% of Application Fee	
Advertising Deposit	1,000.00	1,000.00	1,000.00
Zoning Memoranda	85.00	85.00	85.00
Zoning Confirmation Letter	120.00	120.00	120.00
Outstanding Work Orders Letter	200.00	200.00	200.00
Certificate of Non-Conformity	120.00	127.00	130.00
Recirculation Fee Post Circulation*	120.00	120.00	125.00
Request for Special Meeting of Planning Commission	750.00	750.00	750.00
Mobile Sign	90.00	90.00	90.00
Radio Communications Facilities	1,170.00	1,205.00	1,215.00
<i>*Advertising deposit is required in addition to fee</i>			
<b>ADMINISTRATION FEES</b>			
Electronic Reports	75.00	75.00	75.00
Photocopying Charge (Per Page) (black & white only)	0.50	0.50	0.50
Deposit on Plans	100.00	100.00	100.00
Search for Plans/Records -per record	30.00	35.00	35.00
Copying of Plans - paper copy	75.00	85.00	85.00
Scanning of Plans - electronic copy	50.00	65.00	65.00
Obtaining Certificate of Title - per title	10% of cost of Title	10% of cost of Title	10% of cost of Title
Viewing of Survey	N/A	15.00	15.00
<b>MISCELLANEOUS FEES</b>			
By-Law Order Issuance Fee			
Zoning By-Law	1,000.00	1,000.00	1,000.00
Development Permit Deposit (Base Fee)	500.00	500.00	500.00
Or 10% of value of outstanding work if greater than Base Fee			
Presentation Request Fee - per event	150.00	150.00	150.00

**SCHEDULE A BY-LAW 1162/81  
RURAL MUNICIPALITY OF CORNWALLIS  
AMENDED JANUARY 17, 2017**

	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>BUILDING PERMIT</b>			
Permit Opening Fee Residential (Non Refundable)	50.00	50.00	60.00
Permit Opening Fee Non-Residential (Non Refundable)	10% cost of construction	10% cost of construction	10% cost of construction
Construction Value Under \$3,000 (Base Fee)	127.00	130.00	130.00
Construction Value \$3,000 - \$5,000,000			
Base Fee Plus	10.00/1000	10.00/1000	10.25/1000
<b>Note: Reduced rate applies only to portion of construction value over \$5,000,000</b>			
Construction Value over \$5,000,000			
Base Fee Plus	6.00/1000	6.00/1000	6.00/1000
Single Family and Two Family Dwellings (finished & unfinished)			
Base Fee Plus	0.29/sq.ft.	0.31/sq.ft.	0.31/sq.ft.
Condo - per condo unit Base Fee Plus	10.00/1000	10.25/1000	10.25/1000
Single Family Dwelling - basement development	127.00	130.00	130.00
Detached Accessory Building	127.00	130.00	130.00
Mobile Home (Location)	127.00	130.00	130.00
Temporary Building	127.00	130.00	130.00
Occupancy Permit	127.00	130.00	130.00
Open Patio Deck	80.00	85.00	85.00
Swimming Pool/Hot Tub	75.00	75.00	75.00
In-ground Swimming Pool	127.00	130.00	130.00
Solid Fuel Burning Appliance	90.00	90.00	90.00
Sign Permits	127.00	130.00	130.00
Interim Occupancy Fee	150.00	150.00	175.00
Fines	Variable	Variable	Variable
Splitting of Permit - after the fact	254.00	260.00	260.00
Additional Dwelling Unit Fee	127.00	140.00	140.00
Occupancy Certificate	127.00	130.00	130.00
Heating/Ventilation System for Part 9 residential	127.00	130.00	130.00
Alteration/Reconfiguration of Heating/Ventilation System	127.00	130.00	130.00
Permit Renewal - Residential	\$127+\$10.00/\$1000 of outstanding cost of construction	\$130+\$10.00/\$1000 of outstanding cost of construction	\$130+\$10.25/\$1000 of outstanding cost of construction
<b>DEMOLITION OR REMOVAL PERMITS</b>			
Single Family/Two Family	175.00	200.00	200.00
Accessory Buildings-no permit to rebuild	85.00	85.00	90.00
Accessory Buildings- in conjunction with permit to rebuild	50.00	55.00	55.00
All Other Residential, commercial, industrial, educational & institutional	350.00	400.00	450.00
Per Building Storey	127.00	130.00	130.00
Plus Per Sq Ft of Building Footprint	0.06	0.06	0.06
<b>PLUMBING PERMITS</b>			
Minimum Plumbing Permit (1-3 fixtures)	63.00	63.00	63.00
Each Fixture above three fixtures	21.00	22.00	22.00
All Floor Drains	21.00	22.00	22.00
Grease or Oil Interceptor	69.00	69.00	69.00
Neutralizing and Dilution Tanks or Pit	69.00	69.00	69.00
Sewer/Water Installation	80.00	80.00	80.00
RTM/Mobile Home Hookup	80.00	80.00	80.00
Replacement of Existing Pipes (per fixture)	21.00	22.00	22.00
New Construction Sump Pit/Pump	21.00	22.00	22.00
New Construction Backwater Valve	21.00	22.00	22.00
All Other Sump Pump/Backwater Valve	127.00	130.00	130.00
Roof Drain	21.00	22.00	22.00



**SCHEDULE A BY-LAW 1162/81  
RURAL MUNICIPALITY OF CORNWALLIS  
AMENDED JANUARY 17, 2017**

	2016	2017	2018
<b>VACANT &amp; DERELICT BUILDINGS BY-LAW</b>			
Residential Boarded Building Permit	2,000.00	2,000.00	2,000.00
Commercial Boarded Building Permit			
Base Fee - First Year	2,000.00	2,000.00	2,000.00
Residential/Commercial Boarded Building Permit (Subsequent to First Year)			
Base Fee Plus Rate Per Additional Year	1,500.00	1,500.00	1,500.00
(ex - Year 3 = Base plus \$1,500 x 2 = \$5,000)			
(ex - Year 4 = Base plus \$1,500 x 3 = \$6,500)			
Vacant Building Inspection Fee (1st Year)	254.00	260.00	260.00
Vacant Building Inspection Fee (Renewal after 1st year)			
Orders Not Required	500.00	500.00	500.00
Vacant Building Inspection Fee (Renewal after 1st year)			
Orders Required	1,000.00	1,000.00	1,000.00
Remediation Fee (per hour) (Coordination Services Only)	85.00	90.00	90.00
Vacant & Derelict Building By-Law Order Issuance Fee	1,000.00	1,000.00	1,000.00
<b>MISCELLANEOUS FEES</b>			
Inspection Fees - Plumbing & Building			
Inspection Fee (up to four consecutive hours)	280.00	280.00	280.00
Each Additional Hour (or portion thereof)	85.00	90.00	90.00
Travel Expense	cost plus 10%	cost plus 10%	cost plus 10%
Additional Inspection or Re-inspection	127.00	130.00	130.00
Call Back	85.00	90.00	90.00
By-Law Order Issuance Fee			
Building Safety & Property Standards By-Law	1,000.00	1,000.00	1,000.00
Building By-Law	1,000.00	1,000.00	1,000.00
Stop Work Order Issuance Fee	1,000.00	1,000.00	1,000.00
Cease to Occupy Order	1,000.00	1,000.00	1,000.00
Change of Plans Requiring Additional Review - Residential	254.00	260.00	260.00
Change of Plans Requiring Additional Review - Non Residential	500.00	500.00	500.00
Permit Transfer or Assignment Fee	127.00	130.00	130.00
Copies of Inspection Reports and/or Plan Reviews			
Prior to Certificate of Occupancy	50.00	55.00	55.00
After Issuance of Certificate of Occupancy	25.00	30.00	30.00
Alternative Solutions Review			
One (1) Hour minimum charge	85.00	90.00	90.00
Each additional hour (or part thereof)	85.00	90.00	90.00
Project Inquiry Meeting Request - per project/property			
First Request	no charge	no charge	no charge
Second Request (per hour or part thereof)	75.00	75.00	75.00
Third and Additional Request (per hour or part thereof)	100.00	100.00	100.00
Confirmation of Closed Permit Letter	85.00	85.00	85.00