

**VILLAGE OF SUSSEX CORNER**

**BUILDING BYLAW**

**# 120 - 12**

The Council of the Village of Sussex Corner under the authority vested in it by Section 59 of the *Community Planning Act*, enacts as follows:

**Section 1: Title**

1(1) This bylaw may be cited as the “Village of Sussex Corner Building Bylaw”.

**Section 2: Application**

2(1) This bylaw applies exclusively to the Village of Sussex Corner as described by Section 111(2) of Regulation 85-6, under the *Municipalities Act*.

**Section 3: Interpretation**

3(1) Nothing in this bylaw shall relieve any person from the obligation to comply within the requirements of the Rural Plan, Subdivision Bylaw or any other bylaw of the Village of Sussex Corner in force from time to time, or the obligation to obtain any license, permit, authority or approval required under any bylaw of Sussex Corner or act or regulation of the Provincial or Federal Government. In the event of conflict between this bylaw and any other act or regulation, the most restrictive obligation shall prevail.

**Section 4: Scope**

- 4(1) The purpose of this bylaw is
- (a) to prescribe standards for the building, locating or relocating, demolishing, altering or replacing of a building;
  - (b) to prohibit the undertaking or continuing of work mentioned in clause (a) in violation of standards prescribed hereby; and
  - (c) to prescribe a system of permits for work mentioned in clause (a), their terms and conditions, the condition under which they may be issued,

suspended, reinstated, revoked and renewed, their form and fees thereof.

## **Section 5: Definitions**

5(1) In this bylaw

“alter” means, in relation to a building or structure, make any structural change thereto which is not for the purposes of maintenance only.

“building” means a roofed erection with solid exterior walls which is used or intended as a shelter for persons, animals or chattels

“Building Inspector” means the person appointed by the Village of Sussex Corner to administer and enforce this Bylaw for the Village of Sussex Corner;

“Code” means the current edition of the National Building Code of Canada;

“Council” means the Village of Sussex Corner Council

“lot” means any parcel of land that is contained as a separate lot description in a deed of land or as shown as an approved lot on an approved plan of subdivision filed in the registry of deeds;

“Planning Commission” means the Royal District Planning Commission or any successive body that assumes legislative authority

“storey” means that portion of a building included between the surface of a floor and the surface of the floor next above it, or if there is no floor above it, then that portion between the surface of a floor and ceiling above it.

“Rural Plan” means the Village of Sussex Corner Rural Plan;

“use” means the purpose for which land or a building, or any combination thereof, is designated, arranged, erected, intended, occupied, or maintained;

“Village” means the Village of Sussex Corner

## **Section 6: Adoption of the Code**

6(1) The current edition of the National Building Code of Canada, as adopted by the Province of New Brunswick, is adopted by reference, as follows:

(a) Parts 1, 2, 7 and 8 apply to all buildings;

(b) Parts 3, 4, 5 and 6 apply to

- (i) all buildings used for Assembly, Institutional, and High Hazard Industrial Occupancies; and
  - (ii) all buildings exceeding 600 m in building area or exceeding 3 storeys in building height used for Residential, Business and Personal Services, Mercantile or Medium and Low Hazard Industrial Occupancies; and
- (c) Part 9 applies to buildings of 3 storeys or less in building height, having a building area not exceeding 600 m and used for Residential, Business and Personal Services, Mercantile or Medium and Low Hazard Industrial Occupancies.

### **Section 7: Appointment of Building Inspection Services**

- 7(1) The Village Council has authorized the Planning Commission to exercise such powers and perform such duties of building inspection as are provided in this bylaw.

### **Section 8: Building Permits**

- 8(1) A person shall not undertake or continue the building, locating or relocating, demolishing, altering or replacing of a building unless a building permit thereof has been issued pursuant to this section.
- 8(2) A person seeking to obtain a building permit shall make application in writing to the Building Inspector, and such application shall be available at the Planning Commission office and the Village Office; and shall
- (a) be signed by the applicant;
  - (b) be accompanied by the appropriate fee prescribed in Section 13;
  - (c) state the intended use of the building;
  - (d) unless waived by the Building Inspector, include copies in duplicate of the specifications and scale drawings of the building with respect to which the work is to be carried out, showing:
    - (i) the dimensions of the building,
    - (ii) the dimensions of the property on which the building is, or is to be, situated,

- (iii) the grades of the streets and sewers abutting the land mentioned in sub-clause (ii), and
- (iv) the position, height and horizontal dimensions of all buildings on, and those proposed to be located on, the land referred to;
- (e) set out the total estimated cost of the proposed work; and
- (f) contain such other information as the Building Inspector may require for the purpose of determining compliance herein.

8(3) When

- (a) an application mentioned in subsection (2) and conforming therewith has been received; and
- (b) the proposed work conforms with this and any other applicable bylaws of the Village of Sussex Corner, made there under;

the Building Inspector shall issue the building permit requested.

8(4) A permit hereunder is issued on the condition that the work mentioned therein:

- (a) is commenced within six (6) months from the date of issue of the building permit,
- (b) is not discontinued or suspended in excess of one (1) year or in such manner that any exterior surface intended to be cladded remains uncladded in excess of two (2) months, and
- (c) is carried out, unless otherwise approved by the Building Inspector, in compliance with the specifications contained in the application for the permit.

8(5) When a person violates a condition mentioned in subsection (4), or any provision of the bylaw, the Building Inspector may, by written notice served personally, or sent by registered mail to the person named in the permit, state the nature of the violation and order the cessation thereof within a reasonable time mentioned in the notice.

8(6) When a person fails to comply with an order mentioned in subsection (5), the Building Inspector may suspend or revoke the building permit and may, if the condition leading to the suspension is subsequently corrected, reinstate the suspended permit.

### **Section 9: Responsibility of Permit Holder**

- 9(1) When a building permit has been issued, the person named in the permit shall give to the Building Inspector:
- (a) at least 48 hours notice of the intention to start work authorized by the permit;
  - (b) at least 24 hours notice of the placement of a foundation wall below land surface prior to any backfilling of the excavation;
  - (c) notice of the completion of the work described in the permit within 10 days of such completion; and
  - (d) such other information as may be required by the Building Inspector.
- 9(2) When tests of any materials are made to ensure conformity with the requirements of this bylaw, records of the test data shall be kept available for inspection during the carrying out of the work authorized.
- 9(3) The approval of plans or specifications, the issuing of a permit or any inspections hereunder do not relieve a person of any duty or responsibility for carrying out work in accordance with this bylaw.

### **Section 10: Documents on the Site**

- 10(1) During the carrying out of the work authorized by a permit, the person named therein shall keep posted in a conspicuous place on the property in respect of which the permit was issued:
- (a) a copy of the building permit, or a poster or placard in lieu thereof; and
  - (b) a copy of any plans and specifications approved by the Building Inspector.

### **Section 11: Duties of the Building Inspector**

- 11(1) The Building Inspector shall:
- (a) administer this bylaw;
  - (b) keep the proper records of all applications received, permits and orders issued, inspections and tests made, and shall retain copies of all papers and documents connected with the administration of his/her duties; and

- (c) keep a copy of the code available for public use, inspection and examination.

### **Section 12: Powers of the Building Inspector**

12(1) The Building Inspector may:

- (a) enter any building or premises at any reasonable time for the purpose of administering or enforcing this bylaw;
- (b) direct that tests of material, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof is necessary to determine whether the material, device, construction foundation condition met the requirements of this bylaw;
- (c) revoke or refuse to issue a permit, where in his/her opinion, the results of the test referred to in clause (b) are not satisfactory;
- (d) refuse to issue a building permit, when he/she has reason to believe and does believe that the estimated cost of work provided by the applicant is unreasonable; and
- (e) revoke or refuse to issue a permit where in his opinion the work does not conform with this Bylaw and all other applicable Bylaws, provincial Acts and Regulations, as determined by the Building Inspector.

### **Section 13: Fees**

13(1) The schedule of fees for the issuance of a building permit shall be as follows:

- (a) The fee for a building permit shall be \$25.00 plus \$5.00 for each \$1,000.00 of the estimated cost of construction including both labor and materials; however
- (b) When the estimated cost of construction including both labor and materials is less than \$2,500.00 and is performed on a building containing a maximum of two (2) dwelling units, no person shall be required to obtain a building permit for:
  - (i) non-structural repairs; and / or
  - (ii) installation of eavestroughing, downspouts, storm windows, storm doors; and / or

- (iii) installation of cosmetic decorations including, but not limited to, shutters, paneling, wallpapering, ceramic tile and finished flooring, to the interior or exterior of a building.

**Section 14: Enactment**

14(1) This bylaw shall come into full force and take effect and be binding on all persons as of and from the date filed at the Registry office.

14(2) Upon the final enactment of this bylaw, the following bylaws shall be repealed:

- # 56-00 Building Bylaw
- # 65-01 Amendment to Building Bylaw # 56-00
- # 117-12 Amendment to Building Bylaw # 56-00

READ A FIRST TIME June 19, 2012

READ A SECOND TIME June 19, 2012

READ A THIRD TIME AND ENACTED July 17, 2012

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CLERK

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MAYOR