

**BUILDING BY-LAW  
B-028-91**

Effective Date:  
April 25, 1991

**BE IT RESOLVED** by the Council of the Municipality of the District of Yarmouth that the following By-law be enacted and that the CAO file a copy with the office of the Minister of Environment and Labour or The Minister responsible for the Building Code Act pursuant to Section 7 of the Building Code Act, R.S.N.S. 1989, c. 46.

**Part 1 - Short Title**

1. This By-law may be cited as the Municipality of the Yarmouth Building By-law.

**Part 2 – Definitions**

In this By-law, unless otherwise defined herein, definitions contained in the Building Code Act, Nova Scotia Building Code Regulations and National Building Code of Canada apply to this By-Law.

- a) “**applicant**” means the *owner* or his or her agent, appointed in writing by the *owner*;
- b) “**architect**” means a member or licensee of the Nova Scotia Association of *Architects*;
- c) “**authority having jurisdiction**” means any person appointed as the *building* official;
- d) “**building**” means a *building* as defined by the National *Building* Code of Canada;
- e) “**building official**” means a person appointed as a *building* official under section 5 of the Act;
- f) “**CAO**” means the Chief Administrative Officer of the Municipality;
- g) “**construct**” means to do anything in the erection, installation, extension, relocation, *material alteration* or material repair of a *building* and includes the installation of a factory-made *building* fabricated or moved from elsewhere;
- h) “**demolition**” means the doing of anything in the removal of a *building* or any material part thereof;
- i) “**material alteration**” and “material repair” means work that is done in the alteration or repair of a *building* which work is covered by the *Building* Code, and which:
  - i) is a non-structural repair or alteration which has a monetary value of more than \$5,000;
  - ii) is a repair or alteration to the structure of a *building*.

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- j) “**National Building Code of Canada**” means the National *Building Code* issued by the *National Research Council*;
- k) “**National Research Council**” means the Associate Committee on the National *Building Code* of the *National Research Council* of Canada;
- l) “**occupancy**” or “**class of occupancy**” means the use or intended use of a *building*, as defined in the National *Building Code* of Canada;
- m) “**owner**” includes a person controlling the property under consideration, and also includes prima facie the assessed *owner* of the property whose name appears on the assessment roll prepared in accordance with the Assessment Act;
- n) “**permit**” means a *permit* issued pursuant to *The Act*;
- o) “**professional engineer**” means a member or licensee of the Association of Professional Engineers of the Province of Nova Scotia;
- p) “**superstructure**” means that part of a *building* above the foundation;
- q) “**The Act**” means the Nova Scotia *Building Code Act*.

**Part 3 - Permits**

3.1 Every Application for a *permit* shall:

- Identify and describe in detail the work and *occupancy* to be covered by the *permit* for which application is made,
- Describe the land on which the work is to be done by a description that will readily identify and locate the *building* lot,
- Include the plans and specification as required by the *Building Code* and show the *occupancy* of all parts of the building,
- State the valuation and square footage of the proposed work and be accompanied by the required fee, and
- State the names, addresses and telephone numbers of the *owner*, *architect*, professional engineer or other designer and constructor.

3.2 When an application for a *permit* has not been completed in conformance with the requirements of this By-Law within six months after it is filed, the application shall be deemed to have been abandoned.

3.3 A *permit* as valid for twelve months from the date of issue and is renewable at the discretion of the *authority having jurisdiction*.

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- 3.4 In addition to the *permit* requirements of the Regulations, a *building permit* is required for *material alterations*.
- 3.5 Before issuing a *building permit*, a complete application shall be filed with the *authority having jurisdiction*.
- 3.6 Before issuing a *building permit*, the *authority having jurisdiction* shall be satisfied that a development *permit* has been issued pursuant to the Land Use By-Law of the Municipality.
- 3.7 Before issuing a *demolition permit*, the *authority having jurisdiction* shall be satisfied that the *building* is not subject to the provisions of a By-Law passed pursuant to the Heritage Property Act.
- 3.8 The *authority having jurisdiction* may, in the case of the construction of new *buildings* or structures or additions to existing structures, withhold a *building permit* until satisfied that any *permit* required pursuant to the Public Highways Act has been obtained.
- 3.9 Any *permit* issued for part only of a *building* shall be clearly marked as for part of a *building* shall be clearly marked for part only, and shall also indicate that a *permit* for the entire *building* is not assured. This *permit* shall be clearly marked "At Owner's Risk".
- 3.10 A *permit* for a whole project may be issued conditional upon the submission of additional information prior to commencing the work for which the information is of such a nature that withholding the *permit* until the information was available would delay the work unreasonably. The condition shall be set out on the face of the *permit*.

**Part 4 – Permit Fees**

- 4.1 Fees for *permits* shall be levied in accordance with the Municipalities fees policy.
- 4.2 No refund will be issued for abandoned *permits*.

**Part 5 – Inspections**

- 5.1 The *authority having jurisdiction* shall be notified 48 hours in advance of when an inspection is desired, and given an opportunity to inspect at the stages of construction required by *the Act*.
- 5.2 The *authority having jurisdiction* may require additional inspections depending upon the complexity of the construction.

**Part 6 – Offences**

- 6.1 Offences for violations of this By-Law shall be in accordance with *The Act*.

**Part 7 – Coming Into Force**

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7.1 This By-Law shall have effect from and after April 1, 1987.

**CAO's Annotation For Official By-Law Book**

Date of first reading: August 10, 2011

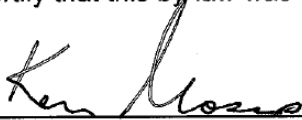
Date of advertisement of Notice of Intent to Consider: August 23, 2011

Date of second reading: September 14, 2011

\*Date of advertisement of Passage of By-Law: September 27, 2011

Date of mailing to Minister a certified copy of By-Law: September 28, 2011

I certify that this by-law was adopted by Council and published as indicated above.



CAO

September 14, 2011

Date

**Date last reviewed: August 10, 2011**

**Date of last amendment: August 10, 2011**