

# BY-LAW NO. 413 (CONSOLIDATED WITH AMENDMENTS)

## A BUILDING BY-LAW

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### Incorporating By-law Nos.:

413 (June 18, 2009)

413-A (March 19, 2015)

**BE IT ENACTED** By the Mayor and Councillors of the Town of Oromocto, under the authority vested in it by Section 59 of the Community Planning Act, as follows:

### 1. INTERPRETATION

In this By-Law:

- a. "**Authority Having Jurisdiction**" means the Building Inspector;
- b. "**Building**" means any structure used or intended for supporting or sheltering any use or occupancy;
- c. "**Building Inspector**" means the person designated by Town of Oromocto Council, or his/her designate(s), to enforce this by-law;
- d. "**Code**" means the latest edition of the National Building of Canada as adopted by the Province of New Brunswick and all amendments thereto;
- e. "**Maintenance**" means upkeep which is a cosmetic non-structural repair;
- f. "**Designer**" means a Professional Engineer or Architect licensed to practice in the Province of New Brunswick;
- g. "**Permit**" means a building permit issued pursuant to this by-law;
- h. "**Public Works**" means the construction of utility lines and water and sewer piping within an easement or street right-of-way. This includes transformers, switchers, hydrants, manholes and pumps that form part of the municipal system;
- i. "**Sign**" means any display of advertisement, placard, billboard or other form or means or device whatsoever of public notice or announcement whether erected, placed or painted;
- j. "**Structure**" means any assembly constructed or erected that is fixed to or supported by the soil or by any other building or structure;
- k. "**Town**" means the Town of Oromocto;
- l. "**Work**" means the building, locating, relocating, demolishing, altering, structurally altering, repairing or replacing or any combination thereof, of a building, structure or sign.

### 2. SCOPE

- a. The purpose of this by-law is:
  - i) to prescribe standards for the building, locating or relocating, demolishing, altering, structurally altering, repairing or replacing, or any combination thereof, of a building, structure or sign;
  - ii) to prohibit the undertaking or continuing of such work in violation of standards prescribed by this by-law; and
  - iii) to prescribe a system of permits for such work, their terms and conditions, the conditions under which they may be issued, suspended, reinstated, revoked

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and renewed, their form and the fees to be paid.

- b. This by-law applies to any building or any part thereof that has been affected in any manner in whole or in part by a change in occupancy or use.

**3. ADOPTION OF CODE**

- a. The latest edition of the National Building Code of Canada, as adopted by the Province of New Brunswick including any amendments thereto, is hereby adopted as the standard for all work undertaken in the Town.
- b. The Town shall keep one copy of the adopted Code available for public use, inspection and examination during regular business hours.

**4. BUILDING PERMIT PROCESS**

a. Permit Required:

- i) A person shall not undertake or continue the building, locating or relocating, demolishing, altering or replacing of a building, structure or sign unless a building permit has been issued by the Building Inspector.
- ii) A building permit is not required for the following:
  - (1) maintenance work valued at \$2,000 or less (see Interpretation);
  - (2) retaining walls less than 1 metre in height from the top of wall to the lowest adjacent surface;
  - (3) signs exempted by the Town Zoning By-Law;
  - (4) recreational structures such as play equipment, poles such as flag, clothesline, power and communication; and
  - (5) Public Works

b. Permit Application:

- i) A person seeking to obtain a building permit shall submit the following:
  - (1) application form prescribed by the Town completed in full;
  - (2) where necessary, two copies of legible scaled drawings and specifications;
  - (3) all applicable deposits and fees; and
  - (4) all other information required by the Building Inspector.
- ii) The site and building or structure drawings shall include the following:
  - (1) dimensions of the property and the building or structure and location of same on said property;
  - (2) proposed final lot grading including geodetic elevations of grade at perimeter of foundation and elevation of top of foundation walls;
  - (3) elevations of the streets and sewer services abutting the property;
  - (4) height and views of each building or structure face;
  - (5) dimensions and proposed use of each room or area of building or

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structure; and

(6) any other information that the Building Inspector may require for the purpose of determining compliance with the by-law.

iii) The drawings and specifications for buildings or structures or any component thereof that fall under Part 3 and/or Part 4 of the National Building Code shall be stamped and sealed by a professional engineer or architect skilled in the work concerned and licensed to practice in the Province of New Brunswick.

c. Permit Fees:

i) Council shall adopt, and may from time to time amend by resolution, a fee schedule to be appended to the By-Law as Schedule "A". (By-law 413-A/Enacted March 19, 2015)

ii) No permit may be issued under section 4 herein until the fees set out in Schedule "A" have been paid in full to the town. (By-law 413-A/Enacted March 19, 2015)

d. Surveyor Real Property Report:

i) Where an application for a permit is submitted and the work described therein involves new foundation construction or foundation extensions, a permit for such construction shall be issued on the condition that the construction of the building or addition shall not proceed beyond the foundation stage unless the Building Inspector has received and approved a Surveyor's Real Property Report.

ii) The Surveyor's Real Property Report shall show the distances from the outer walls of the foundation to the property boundary lines, the geodetic elevations at the top of each level of the foundation wall(s), the geodetic elevations at the property corners, mid point of each property line and at the bottom of any drainage swale and shall be signed by a New Brunswick Land Surveyor before being received and considered by the Building Inspector.

iii) Where an appropriate Surveyor's Report exists for a property undergoing a foundation alteration or extension, the Building Inspector may waive the above requirement.

e. Deposits:

i) In the case of new buildings and additions constructed, or renovations exceeding twenty thousand dollars (\$20,000), every person who applies for a permit shall submit to the Town a deposit equal to one and one half percent (1.5%) of the total estimated cost of the work to a maximum of deposit of six thousand dollars (\$6000). (By-law 413-A/Enacted March 19, 2015)

ii) The deposit shall be returned to the applicant provided:

(1) where applicable, construction does not proceed beyond the foundation stage until the Surveyor's Report has been submitted and approved by the Town;

(2) any improper location and elevation of the foundation has been corrected;

(3) all inspections and work has been carried out as required by this by-law in a reasonable time; and

(4) municipal property or infrastructure has not been damaged.

iii) If municipal property or infrastructure is damaged, the deposit or a portion thereof shall be used to cover the cost of repairs by Town forces. If the cost of repairs exceeds the deposit, the additional cost shall be a debt owed to the Town

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by the permit holder and/or property owner.

- iv) Where applicable, a water and sewer deposit/fee shall accompany the application for building permit as defined by the Town administration policies.
- v) Where an applicant has not met with the terms of subsection 4€(ii) within 2 years of the date of the expiration of the building permit, the said deposit will be deemed to be forfeited to the Town. (By-law 413-A/Enacted March 19, 2015)

f. Permit Issuance:

- i) Upon receipt of a complete application as mentioned in Section 4 and the determination by the Building Inspector that the proposed work conforms to this by-law and any other applicable by-law and/or regulation, a building permit shall be issued.
- ii) A permit issued pursuant to this by-law shall be valid for a period of one year from date of issuance after which time the permit shall be null and void, unless extended or renewed by the Building Inspector. A building permit may be deemed null and void if work has not commenced within six (6) months from the date of issuance.
- iii) A permit may be revoked by the Building Inspector if the work is contrary to that described in the permit and the Code.
- iv) The issuance of a permit or the review of the drawings and specifications or inspections made by the Building Inspector shall not relieve the permit holder or owner from full responsibility for carrying out the work in accordance with this by-law and/or other applicable by-laws and regulations.
- v) The work shall not commence until a building permit has been issued.

#### 5. RESPONSIBILITY OF PERMIT HOLDER

- a) Every permit holder shall give to the Building Inspector sufficient notice as defined below, exclusive of Saturdays, Sundays and holidays, for inspection purposes:
  - i) 24 hours prior to placement of foundation footings;
  - ii) 24 hours prior to backfilling of foundation;
  - iii) 24 hours prior to interior sheathing of walls and ceilings; and
  - iv) 48 hours prior to occupancy.
- b) The permit shall be posted in a conspicuous place on the property for a minimum of 10 days and a copy of the approved drawings and specification shall be kept on the property throughout the duration of the work.
- c) The permit holder is responsible for any repair costs associated with Town owned property damaged as a result of undertaking the work described in the permit.
- d) Where a building permit is issued for a building or structure or a part thereof and is designed to Part 3 and/or Part 4 of the Code, the permit holder and/or the owner shall provide to the Building Inspector written confirmation from the designer that, in accordance with Subsection 2.6 of the Code, the construction was found to be in conformance with the design.
- e) The permit holder and/or owner shall not deviate from this by-law or from the conditions of a permit or omit work that is required by this by-law or the conditions of the permit. The permit holder and/or owner is responsible to ensure that all work meets the

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requirements of the by-law, notwithstanding that a permit has been issued for the work and the drawings and specifications have been approved by the Building Inspector and inspections have been performed.

**6. RESPONSIBILITY OF BUILDING INSPECTOR**

- a) The Building Inspector shall administer and enforce this by-law.
- b) The Building Inspector shall keep copies of all applications received, permits and orders issued, inspections and tests made and all documents connected with the administration of this by-law.
- c) The Building Inspector may issue in writing, such notices or orders to inform the owner where a contravention of this by-law has been observed. The order may specify the corrective action to be completed within a reasonable time or may order the cessation of the work.
- d) The Building Inspector, when deemed necessary, may require the testing of materials, devices, systems, construction methods, structural assemblies or foundation conditions, or require sufficient proof of same at no cost to the Town, where such evidence or proof is necessary to determine compliance with the requirements of this by-law.
- e) The Building Inspector may answer relevant questions as may be reasonable with respect to the provisions of this by-law, except for standard design aids, but, shall refrain from assisting in the laying out of any work and from acting in the capacity of a designer.
- f) The Building Inspector shall issue a building permit to the owner or agent when to the best of knowledge, the applicable requirements of this by-law and any other applicable by-law/regulations have been met.
- g) The Building Inspector is not required to inspect work to which Part 4 of the Code applies.
- h) The Building Inspector is authorized, under Section 92 of the Community Planning Act to enter any property or building at a reasonable time for inspection purposes necessary to administer or enforce this by-law.

**7. REPEAL OF PREVIOUS BY-LAW**

By-Law No. 303 "A Building By-Law", read the third time and enacted on 23 September 1992, and all amendments thereto is hereby repealed.

<b>READ FIRST TIME BY TITLE ONLY:</b>	16 April 2009
<b>READ SECOND TIME IN ITS ENTIRETY:</b>	21 May 2009
<b>READ THIRD TIME BY TITLE ONLY FOR ENACTMENT:</b>	18 June 2009

*(Sgd) A Wayne Carnell*  
A Wayne Carnell  
ADMINISTRATOR/CLERK

*(Sgd) Fay L Tidd*  
Fay L Tidd  
MAYOR

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**SCHEDULE "A"**

(By-law 413-A/Enacted March 19, 2015)

**PERMIT FEES**

- 1) The required permit fee is based on the "total estimated cost" of the work. The "total estimated cost" means the total monetary worth of all construction or work involved in the project including wall finishes, miscellaneous structures, roofing, electrical, plumbing, HVAC equipment, elevator equipment, fire sprinkler equipment and all labour, materials and other devices necessary to complete the work.
- 2) The permit fees are as follows:
  - (i) In the case of a temporary shelter, an accessory building under 10m<sup>2</sup> and a fence under 30 linear metres = \$20.00;
  - (ii) Projects valued up to and including \$5,000 = \$40.00; and
  - (iii) Projects valued over \$5,000 = \$7.50 per thousand or part thereof.
- 3) The permit fee may be 50% refunded within 6 (six) months from date of issue provided no work has been completed under the permit. Upon being refunded by the Town, the permit shall be deemed to be cancelled.
- 4) Notwithstanding anything herein, where work requiring a permit under this by-law has been commenced by anyone prior to the issuance of such permit, the above fees shall be tripled.
- 5) Where the Building Inspector believes that the "total estimated cost" is too low, the cost shall be based on the following minimum construction costs per square metre.

Home Construction	Main Floor	\$969/m <sup>2</sup> (\$90/ft <sup>2</sup> )
	Second Floor	\$517/m <sup>2</sup> (\$48/ft <sup>2</sup> )
	Finished Basement	\$452/m <sup>2</sup> (\$42/ft <sup>2</sup> )
	Unfinished Basement	\$260/m <sup>2</sup> (\$24/ft <sup>2</sup> )
	Garage	\$323/m <sup>2</sup> (\$30/ft <sup>2</sup> )
	Decks	\$162/m <sup>2</sup> (\$15/ft <sup>2</sup> )
Multi-Residential (each floor)		\$646/m <sup>2</sup> (\$60/ft <sup>2</sup> )
Commercial Construction		\$904/m <sup>2</sup> (\$84/ft <sup>2</sup> )
Industrial Construction		\$517/m <sup>2</sup> (\$48/ft <sup>2</sup> )