

BYLAW NO. 99-2 Building Bylaw

The Council of the Town of St. Andrews, under the authority vested in it by section 59 of the Community Planning Act, enacts as follows:

Interpretation

1. In this bylaw,
 - (a) “alter” means, in relation to a building or structure, make any structural or other changes thereto which is not for the purpose of maintenance only;
 - (b) **“maintenance” means, in relation to a building or structure, any upkeep or repairs thereto performed personally by the owner, or similar upkeep or repairs performed under contract, which does not exceed \$3,000 (three thousand dollars).**

Any and all acts of upkeep or repairs must be reported to the Building Inspector prior to commencement to receive a building permit waiver, if applicable.
 - (c) “arterial and collector highways” means, respectively, highways so designated under the Highway Act;
 - (d) “dwelling” means a building, as defined in the National Building Code adopted by section 3, containing one or more dwelling units; and
 - (e) “street line” means the common line between a street and lot line.

Scope

2. The purpose of this bylaw is:
 - (a) To prescribe standards for the building, locating or relocating, demolishing, altering or replacing of a building or structure;
 - (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 conditions under which they may be issued, suspended, reinstated, revoked or renewed, their form and fees therefore.

Adoption of the Code

3. The National Building Code of Canada, 1995, is adopted by reference, as follows:
 - (a) Parts 1, 2, 7 and 8 thereof apply to all buildings,
 - (b) Parts 3, 4, 5 and 6 thereof apply to all buildings used for:
 - (i) Group A, Assembly Occupancies,
 - (ii) Group B, Institutional Occupancies, and
 - (iii) Group F, Division I, High Hazard Industrial Occupancies,
 - (c) All buildings exceeding 600 square meters in building area or exceeding 3 storeys in building height used for:
 - (i) Group C, Residential Occupancies,
 - (ii) Group D, Business and Personal Services Occupancies,
 - (iii) Group E, Mercantile Occupancies, and
 - (iv) Group F, Division 2 and 3, Medium and Low Hazard Industrial Occupancies,

- (d) Part 9 applies to buildings of 3 storeys or less in building height, having a building area not exceeding 600 square meters and which are used for:
 - (i) Group C, Residential Occupancies,
 - (ii) Group D, Business and Personal Services Occupancies,
 - (iii) Group E, Mercantile Occupancies, and
 - (iv) Group F, Medium and Low Hazard Industrial Occupancies,
- (e) This code applies both to site assembled and factory made buildings.

Appointment of Building Inspector

- 4. The Council shall appoint a building inspector who shall exercise such powers and perform such duties as are provided by this bylaw.

Building Permits

- 5. (1) A person shall not undertake or continue the building, locating or relocating, demolishing, altering or replacing of a building or structure unless a building permit therefore has been issued pursuant to this section. **A building permit is not required for work defined as “maintenance” or as outlined in Schedule A, but the said work must be reported to the Building Inspector prior to commencement.**
 - (a) **Council may from time to time amend, by resolution, Schedule “A” of this bylaw.**
- (2) A person seeking to obtain a building permit shall make application in writing to the building inspector, and such application shall
 - (a) be in a form prescribed by the Council;
 - (b) be signed by the applicant;
 - (c) state the intended use of the building;
 - (d) unless waived by the building inspector, include subject to subsection (7), 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 proposed use of each room or floor area,
 - (iii) the dimensions of the land on which the building is, or is to be situated.
 - (iv) the grades of the streets and sewers abutting the land mentioned in sub-clause (iii), and
 - (v) the position, height and horizontal dimensions of all buildings on, and those proposed to be located on, the land referred to. **(elevation of the first floor must be not less than 1 meter above the centerline of the street);**
 - (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 the compliance herewith.
- (3) where;
 - (a) an application mentioned in subsection (a) has been received; and
 - (b) the proposed work conforms with this and any other applicable bylaw;
- (4) A permit hereunder is issued on the condition that the work mentioned therein

- (a) is commenced within six months from the date of issue of the permit;
 - (b) is not discontinued or suspended in excess of one year or in such a manner that any exterior surface intended to be cladded pursuant to specifications mentioned in sub clause (iii) remains uncladded in excess of two 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.
- (5) where a person violates a condition mentioned in subsection (4), or any provision of this bylaw, the building inspector may, by written notice served personally on 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.
 - (6) where 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 conditions leading to the suspension are subsequently corrected, reinstate the suspended permit.
 - (7) specifications and scale drawings mentioned in subsection (2) for a building permit in respect of a building referred to in clause (d) of section 3 shall meet or exceed the standards of the National Building Code of Canada.

Responsibility of the Permit Holder

- 6. (1) where a building permit has been issued, the person named in the permit shall give 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 back filling of the excavation;
 - (c) notice of the completion of work described in the permit within 10 days of such completion; and
- (2) where tests of any materials are made to ensure conformity with the requirements of this bylaw, records of the test date shall be kept available for inspection during the carrying out of the work authorized.
- (3) the approval of plans or specifications, the issuing of a building permit or any inspections hereunder do not relieve a person of any duty or responsibility for carrying out works in accordance with this bylaw.

Documents on the Site

- 7. 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.

Tests

- 8. The building inspector may
 - (a) Direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted, at no costs to the municipality, where such

**SCHEDULE "A" TO BYLAW NO. 99-2
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Maintenance acts which do not require a building permit, but must be reported to the Building Inspector prior to commencement:

- Replacement of steps/decks of the same size and configuration,
- Replacement of doors and windows without changing the opening dimension,
- Replacement of exterior siding,
- Replacement of roofing material,
- Minor, non-structural interior renovations,
- Painting (exterior & Interior)

**SCHEDULE "B" TO BYLAW NO. 99-2
The Building Bylaw**

Building Permit Fees

\$	0.00	to	\$	500.00	=	\$	25.00
\$	501.00	to	\$	5,000.00	=	\$	50.00
\$	5,001.00	to	\$	15,000.00	=	\$	75.00
\$	15,001.00	to	\$	50,000.00	=	\$	100.00
\$	50,001.00	to	\$	99,999.00	=	\$	200.00
\$	100,000.00	+			=	\$	200.00
							plus \$1.00 per \$1,000.00 thereafter