NOTICE OF PUBLICATION

Building By-law

NOTICE IS HEREBY GIVEN that Amherst Town Council, at a meeting held on May 24, 2011, adopted a new Building By-law, D-6.

The new by-law repeals and replaces the Town of Amherst Building By-law approved by Council on January 31, 2008.

In addition to the numerous administrative changes such as new definitions and editorial corrections, there are a number of significant changes, including:

- Authority for the Inspector to require a licensed plumber;
- Ability to extend a permit past the 12 month time period;
- Clarify that re-roofing, re-siding and replacing windows/doors do not require a permit;
- Clarify that an occupancy permit is required and that the exterior of a building must be completed;
- Authority to require a sign-off by the Fire Chief prior to demolition;
- Authority to require a permit for large tents and air supported structures;
- Clarify items that require an inspection (all required in National Building Code).

Copies of the new by-law may be inspected at the office of the Town Clerk, Confederation Memorial Building, Ratchford Street, during regular business hours. The by-law can also be viewed on the Town's web page at www.amherst.ca

THIS IS TO CERTIFY that the foregoing is a Notice of Publication regarding the adoption of the above Town of Amherst Building By-Law as published in the local newspaper on June 9, 2011.

GIVEN under the hand of the Town Clerk and under the seal of the Town of Amherst this 9th day of June 2011.

Gregory D. Herrett, CA
Town Clerk and Chief Administrative Officer

TOWN OF AMHERST

Building Bylaw D-6

This By-Law shall be known as By-Law Number D-6, and may be cited as the "Building By-Law". The Town's Authority to enact this By-Law comes from the Building Code Act, R.S., c. 46, s. 1.

PART 1 – DEFINITIONS

1.

a) "authority having jurisdiction" means the Building Official appointed by the Town Council ~~of~~ for the Town of Amherst pursuant to Section 5 of the Building Code Act.

b) "Building Official" means a qualified individual as designated by the Nova Scotia Building Code Training and Certification Board (NSBCTCB).

c) "Code" means Nova Scotia Building Code Regulations or NSBCR.

d) "construct" means 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.

e) "demolition" means the removal of a building or any material part thereof.

f) "material alteration" and "material repair" means the alteration or repair of a building which work is covered by the Code.

g) "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.

h) "location certificate" means a surveyed drawing containing the geographic location of the footings in relation to the property lines. Dimensions will be shown from the footing to the property lines.

i) "occupancy permit" means an acceptable final inspection has been performed and occupancy has been granted, as per the scope of work as listed in the "Use Description" area of the building permit.

PART 2 – PERMITS

2.1 Before issuing a building permit, the Building Official shall be satisfied that a development permit, if required, has been issued pursuant to the Land Use Bylaw of the Town of Amherst.

2.2 A footing permit, building permit, occupancy permit and demolition permit shall be in the form as provided by the Building Official.

2.3 Before a permit is issued, an applicant must complete an application form, as provided by the Building Official.

2.4 Every application for a permit shall:

a) identify and describe in detail the work and 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 proposed building;

c) include plans and specifications as required by the Building Official and show the occupancy of all parts of the building;

d) state the valuation and cumulative area of the proposed work and be accompanied by the required fee;

e) state the names, addresses and telephone numbers of the owner, architect, professional engineer, other designer and constructor; and

f) the Building Official may require proof that the plumber is a qualified licensed journeyman (either Red Seal or Province of Nova Scotia)

2.5 When an application for a permit has not been completed in conformance with the requirements of the Bylaw within six months after it is filed, the application shall be deemed to have been abandoned.

2.6 A building permit is valid for 12 months from the date of issuance and is renewable.

2.7 A building permit may be renewed within 30 days of expiration subject to the conditions set forth in Sub-Section 2.8 and that an inspection discloses that the project may safely be continued.

2.8 A building permit that is renewed pursuant to Section 2.7 is provisional and subject to the following conditions:

a) Work on the subject property must begin within thirty (30) days from the time the permit is renewed and shall reasonably and seriously continue until completion;

b) A building permit may only be renewed once and the duration of the extension shall be based on the estimated completion date of the project;

c) Any revised plans deemed necessary by the building official or required as a result of any change in the scope of the work are to be submitted to and approved by the Building Official prior to commencement of any work; and

d) A fee for renewal is to be paid in accordance with the town of Amherst User Fee Policy 3470-03, and as amended from time to time.

2.9 If any of the conditions set forth in Section 2.8 are not met or having been met are subsequently violated, the renewed building permit may be suspended or cancelled by the Building Official.

2.10 The Code applies, but a building permit is not required for:

a) Accessory buildings not greater than 20 square meters (215.2 square feet) in area;

b) Interior and exterior non-structural material alterations and material repairs with a monetary value of five thousand dollars or less;

c) Replacement or installation of a new plumbing fixture that does not increase the hydraulic load of the drainage system or require alterations to an existing water distribution system or drainage system;

d) Siding replacement provided that there are no structural changes or repairs required regardless of cost;

e) Roof covering replacement provided that there are no structural changes or requires required regardless of cost;

f) Window and door replacement provided that there are no structural changes or repairs required regardless of cost.

2.11 An occupancy permit is required for all building permits as per the requirements of the Code. In addition, an occupancy permit shall require that the exterior of the building be completely finished.

2.12 Before issuing a demolition permit, the Building Official shall be satisfied that:

a) the building is not subject to the provisions of a by-law passed pursuant to the Heritage Property Act;

b) the remaining structural integrity of a building will not be jeopardized if only a portion of a building is being demolished; and

c) that a ""Notice of Approval" has been filled out by the applicant and signed by the authority having jurisdiction for the Amherst Fire Department. See Appendix "A"

d) See Section 4.3 for inspection requirements.

2.13 A permit is required for a temporary structure, tent or air supported structure if:

a) the area exceeds 30 m^2 or,

b) it will be occupied for more than three days

c) the permit shall be posted on the structure and shall state the conditions and the date for which the permit is no longer valid

d) the permit may be extended in writing by the Building Official

e) see Section 4.4 for inspection requirements.

2.14 A permit "at owner's risk":

a) may be issued at the risk of the owner, with conditions to ensure compliance with the Code, to excavate or to construct a portion of a building before all the plans of the project have been submitted or accepted; and

b) shall be clearly marked "at owner's risk"

2.15 Other Information Required:

a) 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 pertinent, provided that the information is of such a nature that withholding the permit until the information was available would delay the work unreasonably;

b) The condition shall be set out on the face of the permit.

PART 3 – PERMIT FEES

3.1 Fees for permits shall be as prescribed in the Town of Amherst User Fee Policy, Policy 3470-03, and as amended from time to time.

PART 4 – INSPECTIONS

4.1 The owner/agent of/for a building being constructed under the scope of Part 9 of the Code shall notify the Building Official to inspect for compliance with the Code at the following stages of construction as noted on the building permit by the Building Official:

a) For most conventional styles of construction:
   1. Footings in place
   2. ICF foundations to be inspected prior to placing any concrete in forms

3. Foundation insulation is placed on exterior of foundation
4. Water/sewer/storm line connections between footing and property line prior to covering
5. Foundation before backfilling
6. All under-slab water/sewer connections
7. Basement floor slab insulation (if required)
8. Prior to placing concrete over a hydronic heating system
9. Framing inspection once all rough-in work is complete including plumbing, electrical, ventilation and heating
10. Insulation/vapor barrier inspection prior to covering
11. Final inspection prior to allowing occupancy.

b) For mini homes (manufactured housing) site preparation, foundation installation and anchorage are to be in accordance with CSA Z240 MH and the inspection requirements are as follows:

1. Pad preparation (if required)
2. Anchorage inspection
3. Water/sewer connection inspection, and
4. Final inspection prior to occupancy

c) For modular homes certified to CAN/CSA-A277-08 "Procedure for Factory Certification of Buildings" as complying with the technical requirements of this Code, the inspection requirements are for all site built components only and they include all relevant inspections as per Sub-Section 4.1.1.

4.2 The owner of a building being constructed outside the scope of Part 9 of the Code shall notify the Building Official:

a) of the intent to undertake construction that will be inspected and will be reviewed as required by Article 2.1.1.5.,2.1.1.6., or 2.1.1.7., of the Nova Scotia Building Code Regulations;

b) of intent to cover construction that has been ordered to be inspected by the Building Official before covering;

c) at intervals deemed necessary by the Building Official based on the complexity of the building; and

d) when construction has been completed so that a final inspection can be made.

4.3 Inspection requirements for a demolition permit are as follows:

a) a final inspection to ensure that no debris has been left behind and that there are no unsafe conditions or damage caused as a result of the demolition.

4.4 Inspection requirements for a temporary structure, tent or air supported structure are as follows:

a) prior to any use or occupancy;

b) Final inspection once structure has been removed from site.

4.5 Location Certificates are required for all new main building construction. They are required once footings or pads have been put in place and prior to the footing inspection being performed. The Building Official will provide the permit holder instructions to continue the work once the required setbacks have been approved.

a) The following will be excluded from the requirement of a location certificate:

1. temporary buildings, and

2. buildings not having a permanent foundation.

4.6 The Building Official shall be given a minimum of 24 hours notice to inspect the various stages of construction. Each stage of construction is to be complete in full prior to inspection, or no inspection will occur.

4.7 It is the responsibility of the permit owner (or their agent) to ensure that all required inspections are scheduled and that work does not proceed until such time as the Building Official gives written permission to proceed.

PART 5 – HOURS OF CONSTRUCTION

5.1 No person shall engage in construction or the operation of any construction equipment in connection with construction between the hours of 10:00 p.m. and 6:00 a.m. except where such construction or operation of equipment is on any highway, Town-owned street, sidewalk, or water or sewer utility.

5.2 Any person may make application to the Building Official to be granted an exemption from Part 5.1 of this Bylaw. Any exemption so granted shall:

a) specify a time period of not greater than three days during which the exemption shall be effective; and

b) Shall include such terms and conditions as the building Official deems appropriate, which may include a requirement that the applicant provide advance notice to abutting land owners or tenants of the hours of the construction or operation of construction equipment to occur in accordance with the exemption.

5.3 In deciding whether or not to grant an exemption under Part 5.2 or in determining terms or conditions of the exemption, the Building Official shall give consideration to:

a) the volume, nature, duration and consistency of noise emission from the construction or operation of construction equipment;

b) the proximity and nature of abutting or adjacent land uses;

c) the proposed hours of operation;

d) the nature and degree of any inconvenience to adjacent or abutting land owners;

e) the reason for the requested exemption, and the effect on the applicant if the exemption is not granted; and

f) any other factor relevant to balancing the interests of the applicant in the proposed activity against the interests of those persons who might be disturbed by the proposed activity.

5.4 Any contravention of the terms or conditions of an exemption pursuant to Part 5.2 shall constitute a contravention of this Bylaw. In addition to any other available remedies for such contravention, the Building Official may suspend or cancel an exemption.

PART 6 – PENALTIES

6.1 Every person who contravenes any provision of this By-law, the Building Code Act or the Nova Scotia Building Code Regulations is guilty of an offence and on summary conviction is liable to a fine of not less than five hundred dollars ($500.00) and not exceeding twenty-five thousand dollars ($25,000.00) or to imprisonment for a term of not more than one year or both as per the provisions set forth in Section 19 of the Building Code Act.

PART 7 – REPEAL

7.1 The Town of Amherst Building By-Law D-6 as amended by Council May 5, 2008 and filed with the Minister of Service Nova Scotia and Municipal Affairs on January 31, 2008 is hereby repealed.

Clerk's Annotation for Official By-Law Book

Date of First Reading: 26 April 2011

Date of Notice of Intent to Consider: 10 May 2011

Date of Second Reading: 24 May 2011

*Date of Advertisement/Notice of Publication: 9 June 2011

Date of mailing to Minister a certified copy: 9 June 2011

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

Chief Administrative Officer — Date: 9 June, 2011

*Effective Date of the By-Law unless otherwise specified in the text of the By-Law.

Appendix "A"

Amherst Fire Department

NOTICE OF APPROVAL FOR DEMOLITION PERMIT

Name and address of Owner(s)_____

_____

What is being demolished? _____

When is/are the proposed date(s) of the demolition? _____

Location of demolition: _____

Reason for the demolition: _____

Method of demolition: _____

Disposal area: _____

Permit Conditions:

1. Provide protection of adjacent buildings
2. Provide access for firefighting
3. Portable fire extinguishers to be available at all times
4. Maintain at least one egress route
5. All services to building must be disconnected
6. Remove all sources of fuel for heating equipment
7. Combustible refuse to be moved to a safe location
8. Provide dust control
9. All debris to be removed from site
10. _____
11. _____
12. _____

All demolition sites are to be maintained as per the requirements of Section 5.6 of the National Fire Code and Part 8 of the National Building Code.

Signature of Applicant: _____ Dated: _____

The Authority Having Jurisdiction (AHJ) for the Amherst Fire Department gives approval for the demolition of the above noted property.

Signature of AHJ: _____ Dated: _____

Note:
A copy of the signed Notice of Approval must be delivered to the Building Official in order for the demolition permit to be issued.