

MUNICIPALITY OF THE DISTRICT OF LUNENBURG

BUILDING CODE BY-LAW

Be it enacted by the Council of the Municipality of the District of Lunenburg, under the authority of the Nova Scotia Building Code Act, Chapter 46 of the Revised Statutes of Nova Scotia, 1989 and amendments thereto, as well as Regulations passed pursuant to the Building Code Act and any amendments thereto, as follows:

1. This By-law shall be known and cited as the “The Building Code By-law”

PART 2 DEFINITIONS

- 2.1 Unless otherwise defined herein, words in this By-law shall be interpreted according to definitions contained in the Building Code Act and the Regulations prescribed pursuant thereto.
- 2.2 In this By-law
 - (a) “Building Code Act” or “Act” means Chapter 46 of the Revised Statutes of Nova Scotia, 1989, the Building Code Act, as amended;
 - (b) “Building Inspector” means any person appointed to that position by the Council of the Municipality of the District of Lunenburg pursuant to Section 5 of the Building Code Act;
 - (c) “Municipality” means the Municipality of the District of Lunenburg; and
 - (d) “Nova Scotia Building Code Regulations” or “Regulations” refer to regulations made pursuant to Section 4 of the Building Code Act.

PART 3 APPLICATIONS

- 3.1 This By-law shall apply to the entire Municipality.
- 3.2 In addition to the requirements and provisions set out in this By-law, all requirements and provisions of the Nova Scotia Building Code Act and Nova Scotia Building Code Regulations shall apply to the entire Municipality.

PART 4 PERMITS

4.1 Required Permits

4.1.1 Footing Permit

A Footing Permit is required in areas governed by a Land Use By-law of the Municipality of the District of Lunenburg in which front yard, side yard, rear yard requirements and setback requirements are in place and for which a Building Permit is also required.

4.1.2 Building Permit

A Building Permit is required for all work that is within the Scope of the Nova Scotia Building Code Regulations, Article 1.2.1.1 and which is not exempt from the requirements of the Nova Scotia Building Code Regulations pursuant to Article 1.2.1.2.

4.1.3 Occupancy Permit

An **Occupancy Permit** is required:

- a) to allow the initial occupancy of a building or part thereof,
- b) when the occupancy classification of a building or part thereof is changed,
or
- c) to allow partial demolition or alteration of a building.

4.1.4 Demolition Permit

A Demolition Permit is required for the demolition of a building, portion of a building or any material part thereof.

4.2 Application Form

An application form must be completed in full before a footing permit, building permit, demolition permit or occupancy permit may be issued.

4.3 Application Fee Required

All applicable fees, as established in Schedule "A" of this By-law, must be paid in full before a footing permit, building permit, occupancy permit, or demolition permit may be issued.

4.4 Refund of Application Fee

Permit Fees paid pursuant to this By-law may be refunded if:

- a) the owner of the project notifies the Building Inspector, in writing and within six (6) months of the date of issue, that the project has not proceeded as far as the excavation stage and will not be proceeding. In such cases, the Building Permit will also be revoked, or
- b) the Building Inspector is unable to issue the Building Permit for which the application was made and the fees paid.
- c) Notwithstanding clause a) and b) the administration fee portion of the application fee, as noted in Schedule "A", shall be non-refundable.

[Amendments effective: August 18, 2009]

4.5 Permit Application

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 by including the Nova Scotia Land Information Management Service Parcel Identification Number (PID), or where this number does not exist, the assessment account number;

- (c) include plans and specifications as required by Section 2.3 of the National Building Code of Canada, which shall include:
 - i) building plans drawn to scale
 - ii) a site plan adequate to identify and locate the lot and determine distances of existing and proposed construction from lot lines, building separations and building locations and showing:
 - A) the dimensions and total area of the lot,
 - B) the location of the proposed and existing buildings on the lot and the relationship between the proposed building or structure and other buildings on the same or adjacent properties, indicating the distance from all property lines, the distances between buildings and the heights of buildings,
 - C) the width, location and nature of any easement affecting the property,
 - D) north point,
 - E) scale to which the plan has been drawn,
 - F) the name of public streets and / or private roads shown on the plan, and
 - G) the civic address for the property and adjacent properties,
- (d) state the value of the proposed work based upon materials and labour;
- (e) state the name, addresses and telephone numbers of the owner, architect, professional engineer or other designer, constructor and any inspection or testing agency that has been engaged to monitor the work or part of the work;
- (f) describe any special building systems, materials and appliances
- (g) be accompanied by an up to date plan of survey or location certificate prepared by a registered Nova Scotia Land Surveyor containing sufficient information regarding site and the location of the building in relation to the lot lines, where determined by the authority having jurisdiction as necessary to:
 - i) establish before construction begins that the regulations of the Building Code Act related to the site and location of the building will be complied with,
 - ii) to verify that, upon completion of the work, all such regulations have been complied with; or
 - iii) to verify prior to construction beyond the footing stage that any yard requirements required by a Land Use By-law and which formed the basis for the issuance of a Development Permit, have been complied with; and
- (h) such additional information as may be required by the authority having jurisdiction;

4.6 Withholding Certain Permits

- 4.6.1 A Building Inspector shall, if applicable, withhold a building permit until satisfied that the following permits have been issued:

- (a) a valid on-site sewage disposal permit issued by the Department of the Environment for the construction of a building requiring a new private on-site sewage disposal system;
 - (b) any permit required pursuant to the Public Highways Act;
 - (c) all approvals, with applicable fees paid in full, for the installation and hook-up of municipal sewer and water infrastructure;
 - (d) a heritage property permit/approval pursuant to the Municipal Heritage Property By-law, or Heritage Property Act of Nova Scotia;
 - (e) a Development Permit pursuant to a Land Use By-law;
- 4.6.2 A Building Inspector may withhold issuing a building permit until satisfied that any and all applicable requirements of the Municipality's By-law Respecting the Subdivision of Land have been complied with.
- 4.6.3 A Building Inspector may withhold issuing a demolition permit until satisfied that the building is not subject to the provisions of a by-law passed pursuant to the Municipal Heritage Property By-law or Heritage Property Act.

4.7 Permission to Proceed in Part

The issuance of a Partial Building Permit is subject to the restrictions and conditions as outlined in Article 1.4.1.11 of the Nova Scotia Building Code Regulations.

4.8 Temporary Building Permits

The issuance of a Temporary Building Permit is subject to the restrictions and conditions as outlined in Article 1.4.1.12 of the Nova Scotia Building Code Regulations.

4.9 Conditional Building / Conditional Occupancy Permit

The issuance of a Conditional Building Permit or a Conditional Occupancy Permit is subject to the restrictions and conditions as outlined in Article 2.5.1.5 of the Nova Scotia Building Code Regulations.

PART 5 INSPECTIONS

5.1 Required Inspections

The Building Inspector shall be notified a minimum of two(2) business days in advance to inspect for compliance with this By-law, the Nova Scotia Building Code Act and the Nova Scotia Building Code Regulation, at the following stages:

- (a) All construction other than those described in clause 5.1(b) and 5.1(c)
 - i) footings in place;
 - ii) the site before commencing backfilling of the laterally supported foundation, before a superstructure is placed on the foundation;
 - iii) the framing, roof and plumbing and mechanical,
 - iv) insulation and vapour barrier before wall framing is covered;
 - v) before occupancy ;

- (b) Mobile /Modular Homes conforming to 1.4.19 of the Nova Scotia Building Code Regulations
 - i) footings in place,
 - ii) (A) in the case of a mobile home, the site preparation, foundation installation and anchorage in accordance with CSA CAN3-Z240.10.1-94 “Recommended Practice for Site Preparation, Foundation and Anchorage of Mobile Homes”,
(B) in the case of a modular home site preparation and foundation,
 - (iii) installation and anchorage, and
 - (iv) before occupancy

- (c) Buildings Constructed Outside the Scope of Part 9 of the National Building Code:
 - i) of the intent to undertake construction that will be inspected and will be reviewed as per the appropriate Letter of Undertaking,
 - ii) of the intent to cover construction that has been ordered to be inspected by the Building Inspector before covering,
 - iii) at intervals deemed necessary by the Building Inspector based on the complexity of the building, and
 - iv) when construction has been completed so that a final inspection can be made; and

- (d) For Demolition:
 - i) at the commencement of the demolition work,
 - ii) at such intervals as are deemed necessary – and noted on, or attached to the Demolition Permit, by the Building Inspector
 - iii) when demolition has been completed, and
 - iv) when the demolition site has been covered over or reclaimed.

PART 6 COMING INTO FORCE

- 6.1 This By-law shall have effect from and after April 3, 2006 and all other Building By-laws previously passed by the Municipality will be there upon repealed.

SCHEDULE 'A'
Municipality of the District of Lunenburg
Building Permit Fees
[amended March 18, 2011]

Building Activity	Fee
Residential – New Construction - Group C	\$27.50 administration fee + \$0.10/square foot
Residential – Addition – Group C	\$27.50 administration fee + \$0.10/square foot
Residential – Renovations – Group C	\$27.50 administration fee + \$2.20 / \$1000 of value
Assembly – New Construction - Group A (Division 1-4)	\$44 administration fee + \$0.15/ square foot
Assembly – Addition – Group A (Division 1-4)	\$44 administration fee + \$0.15/ square foot
Assembly Renovations – Group A (Division 1-4)	\$44 administration fee + \$3.30 / \$1000 value
Institutional – New Construction - Group B Division 1&2	\$44 administration fee + \$0.15/ square foot
Institutional – Addition - Group B Division 1&2	\$44 administration fee + \$0.15/ square foot
Institutional – Renovations - Group B Division 1&2	\$44 administration fee + \$3.30 / \$1000 value
Business and Personal Service – New Construction - Group D	\$44 administration fee + \$0.15/ square foot
Business and Personal Service- Addition - Group D	\$44 administration fee + \$0.15/ square foot
Business and Personal Service – Renovation - Group D	\$44 administration fee + \$3.30 / \$1000 value
Mercantile – New Construction - Group E	\$44 administration fee + \$0.15/ square foot
Mercantile – Addition – Group E	\$44 administration fee + \$0.15/ square foot
Mercantile – Renovation – Group E	\$44 administration fee + \$3.30 / \$1000 value
Industrial – New Construction - Group F Division 1&2	\$44 administration fee + \$0.15/ square foot
Industrial – Addition - Group F Division 1&2	\$44 administration fee + \$0.15/ square foot
Industrial – Renovation - Group F Division 1&2	\$44 administration fee + \$3.30 / \$1000 value
Farm – New, Addition,	\$22 administration fee + \$0.03 / square foot
Farm – Renovation	\$22 administration fee + \$0.66 /\$1000 value
Storage Buildings – New, Addition - Group F3	\$16.50 administration fee + \$0.03 / square foot
Storage Building – Renovation - Group F3	\$16.50 administration fee + \$0.66 / \$1000 value
Decks - New, Addition	\$16.50 administration fee + \$0.03 / square foot
Decks – Renovation	\$16.50 administration fee + \$0.66 / \$1000 value
Demolition	\$22
Temporary structures (tents, air supported structures, office trailers, etc.)	\$44.00 administration fee
Temporary change of use	\$44.00 administration fee
Non-profit organizations	Only the administration portion of the fee for the applicable building activity as noted above.
Additional Fee that applies to all construction that has commenced without a Building Permit	\$55

Note: Some building activities do not require a building permit. For a list of these activities please contact the Building Department. [Amendments effective: August 18, 2009]

Municipal Clerk’s Annotation for Official By-law Book

Date of First Reading: February 8, 2011
Date of Advertisement - Notice of Intention: February 15, 2011
Date of Second Reading: March 8, 2011
Date of Advertisement of Passage of Amendments to By-law*: **March 18, 2011**

I certify that the amendments to this the “*Building Code By-law*” was adopted by Council and published as indicated above.

April Whynot-Lohnes, Municipal Clerk

Date

*** Effective date of the By-law unless otherwise specified in the text of the By-law**