

BY-LAW #13
BUILDING BYLAW

BE IT RESOLVED by the Town Council of Yarmouth that Building Bylaw #13, passed by the Town Council on the 17th day of March, 1987 and approved by the Minister of Municipal Affairs on the 26th day of June, 1987, is hereby repealed and the following By-law is enacted in its place and that the Town Clerk file a true copy of this By-law with the Minister of Service Nova Scotia and Municipal Relations, pursuant to S.7(2) of the Building Code Act, Chapter 46, R.S.N.S., 1989.

Part 1 - Definitions

1.1.1. For the purposes of these By-laws, words shall be defined as they are defined in the Building Code Act and Building Code Regulations, and in addition:

(a) “applicant” shall mean the owner or his agent, appointed in writing.

(b) “material alterations or material repair” shall mean work that is done in the alteration or repair of a building, 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
or

(ii) is a repair or alteration to the structure of a building.

Part II - Permits

2.1.1. A building permit, occupancy permit and demolition permit shall be in a form as established by the Town of Yarmouth from time to time.

2.2.1. Before consideration is given to the issuing of a building permit, the applicant must provide the building inspector with:

(a) a completed application form,

(b) a Municipal Development Permit,

(c) confirmation of compliance with the Heritage Property By-law of the Town,

(d) the application fee.

- 2.2.2.** Before consideration is given to the issuing of a demolition permit, the applicant must provide the building inspector with:
- (a)** a completed application form,
 - (b)** confirmation of compliance with the Heritage Property By-law of the Town,
 - (c)** confirmation of secure shut off of water and sewer services, where applicable, and
 - (d)** the application fee.
- 2.2.3.** Before consideration is given to the issuing of an occupancy permit, the applicant must provide the building inspector with:
- (a)** a completed application form,
 - (b)** a Municipal Development Permit,
 - (c)** the application fee.
- 2.2.4.** Before an application shall be considered, where an application form 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.
- 2.2.5.** A permit is valid for one year from the date of issue.
- 2.3.1.** In addition to the requirements for building permits as prescribed in the Building Code Act and the Building Code Regulations, a building permit is required for:
- (a)** “accessory” buildings greater than one hundred (100) square feet,
 - (b)** non-structural alterations or repairs which have a monetary value of more than \$5,000.
- 2.4.1.** An Occupancy Permit is required:
- (a)** to allow the occupancy of a building of part thereof, or
 - (b)** where the occupancy of a building or part thereof is changed.
- 2.5.1.** A partial occupancy permit may be issued for all or part of a building prior to the completion of work for which a building permit was issued, where no unsafe condition exists or will exist because of the work being undertaken or not completed.

- 2.5.2.** (1) Should a permit be issued for part of a building, the holder of the permit may proceed, but without any assurance that the permit for the entire building will be granted.
- (2) Any permit issued for part only of a building shall be clearly marked as for part only, and shall also indicate that a permit for the entire building is not assured.
- 2.6.1.** A permit for a temporary building shall state the date after which the permit is no longer valid.
- 2.7.1.** (1) A permit may be issued at the risk of the owner, with conditions to ensure compliance with the Building Code, to excavate or to construct a portion of a building before all the plans of the project have been submitted or accepted.
- (2) The permit shall be clearly marked “At Owner’s Risk”.
- 2.7.2.** (1) 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.
- (2) The condition shall be set out on the face of the permit.
- 2.7.3.** Building permits shall be issued pursuant to the Building Code Act and in conformity with the Fire Safety Act.
- 2.7.4.** Every applicant shall give at least 24 hours notice requesting an inspection by the building inspector, any inspections by the Inspector shall be done pursuant to the Building Code Act regulations.
- 2.7.5.** The owner shall give to the Building Inspector written notice of any change in agent.
- 2.7.6.** When an inspector gives a stop order, the order shall contain sufficient information to specify the nature of the contravention and its location.

Part III - Permit Fees

- 3.1** Fees for permits shall be paid when a completed application form is filed under this By-law, and shall be in the amount as specified by Council by resolution.

Part IV - Coming Into Force

- 4.1** This By-law shall have effect from and after the date of the approval notice published in the local paper.

By-law adopted	May 18, 1983
New By-law adopted	April 1, 1987
New By-law adopted	December 20, 2005