

## The Building By-law # 2023 - 04

Pursuant to Section 171 and 172 of the Municipal Government Act, BE IT ENACTED by the Council of the Town of Digby as follows:

- 1** This By-law shall be known as the Building By-law.
- 2** It shall apply to all buildings within the Town of Digby.
- 3** The Nova Scotia Building Code Act and Regulations and the National Building Code of Canada are hereby made as a part of this by-law.
- 4 In this by-law;**
  - a. "Applicant" means the property owner or their agent, consented to in writing by the owner;
  - b. "Building" means a building as defined by the National Building Code of Canada;
  - c. "Building Inspector" means the building inspector for the Town of Digby;
  - d. "Development Officer" means the Development Officer of the Town of Digby.
  - e. "Municipality" means the Town of Digby
  - f. "Owner" means a person controlling the property under consideration, and also prima facie includes the assessed owner of the property whose name appears on the assessment role prepared in accordance with the Assessment Act;
  - g. "Structure" means anything that is erected, built, or constructed of parts joined together or any such section fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls and signs and also fences exceeding six (6) feet (1.83 Metres) in height.
- 5 Permits**
  - a. An application form as prescribed from time to time by the Municipality, must be completed in full before any permit is issued.
  - b. All applicable fees as set out in the Town of Digby Development Control and Planning Application Fees By-Law # 2011-02 must be paid in full before any permit is issued.
  - c. Every Application for a permit shall:
    - i. identify and describe in detail the work and occupancy to be covered by the permit for which the application is made;
    - ii. Describe the land by including the Nova Scotia Information Management Parcel Identification Number (PID) or such description that will readily identify and located the building lot;
    - iii. Include plans and specifications, as required by the National Building Code of Canada;

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- iv. State the valuation of the proposed work based on material and labour, and be accompanied by all required fees as set out in the Town of Digby Development Control and Planning Application Fees By-Law # 2011-02
  - v. State the names, addresses and telephone number of the owner, architect, professional engineer, or other designer, contractor and any inspection or testing agency that has been engaged to monitor the work or any part of the work;
  - vi. Describe any special building systems, materials, and applications;
  - vii. Include any such information as may be required by the Building Inspector or Development Officer.
- d. Per the Building Code Act and Regulations, the Building Inspector may place a value on the cost of work, based on an accepted costing standard, for the purpose of determining the applicable permit fee.
  - e. No Permit shall be issued unless and until the application has been completed, signed, submitted and approved.
  - f. When an application for a permit has been submitted and has not been completed or is not in conformance with this By-law it shall be deemed to be abandoned after six months from the date it was submitted and no fees shall be refunded.
  - g. Any Permit issued pursuant to this bylaw is valid for one year from the date of issuance, but may be renewed prior to one year provided all applicable provisions have been met.
  - h. A permit is issued for specific work and does not include any additional work not included in the application for the permit. A permit may be revoked by the Building Inspector or Development Officer as allowed under Section 57 of the Building Code Regulations.

### **6 Development Permit**

A Development Permit shall be obtained from the Development Officer by the Owner or their agent when required by the Town of Digby Municipal Planning Strategy or the Town of Digby Land Use Bylaw

### **7 Building Permit**

- a. A building permit shall be obtained from the Building Inspector by the owner or their authorized agent for the excavation, alteration, re-construction of any building or part of any building which it is proposed to construct and for any addition or alteration to a building.
- b. Consent must be provide in writing (letter, Email or applicable form) to the Building Inspector by the Owners of the property, if a contractor or agent is acting on their behalf.

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- c. A Building Permit is valid for one year from the date of issue and may be renewed upon written request at no cost.
- d. A building Permit may be withheld until the Building Inspector is satisfied that, where applicable:
  - i. A development Permit has been issued pursuant to the provisions of the applicable Land Use By-Law for the Municipality;
  - ii. Any applicable Development Agreement provisions are being followed;
  - iii. A valid on Site Sewage disposal System permit has been issued by the Department of Environment and Climate Change for the construction of a building requiring an onsite sewage disposal system;
  - iv. An appropriate permit(s) has been issued by the Town of Digby Public Works or Nova Scotia Public Works for access to the property within the vicinity of a Town owned street or Provincial Highway.
  - v. All approvals have been obtained with applicable fees paid in full for the installation and connection of Municipal sewer infrastructure;
  - vi. Any other regulation that may apply has been satisfied.
- e. Building Permits are not required for the following, although the Building Code and, where applicable, Development Permits shall apply:
  - i. Accessory Building, not used for Human habitation, where no power is required, and not greater than 144 sq. ft. and one storey in height only;
  - ii. Ground Level Patios, walkways, and other forms of landscaping;
  - iii. interior and exterior non-structural materials alterations and material repairs with a monetary value of five thousand dollars (\$5,000) or less;
- f. In Addition to the requirements in the Nova Scotia Building Code Regulations, a Building Permit shall be obtained for:
  - i. A change of use or tenant in buildings other than residential occupancy, regardless of the extent of construction being undertaken;
  - ii. Creation of additional units.

### **8 Demolition Permit**

- a. A Demolition Permit shall be obtained from the Development Officer and the Building Inspector by the owner or their agent before any demolition of a building or part of a building.
- b. Consent must be provided in writing (letter, Email or applicable form) to the Building Inspector by the Owners of the property, if a contractor or agent is acting on their behalf.
- c. An Application for a Demolition Permit shall include a description of the location or locations where the debris will be disposed.
- d. Immediately after demolition the site shall be cleaned and all debris removed to the satisfaction of the building inspector.
- e. All provincial and federal regulatory requirements must be met.

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### **9 Occupancy Permit**

- a. An Occupancy Permit shall be obtained from the Building Inspector by the owner or their agent before any occupancy of a building
- b. Consent must be provided in writing (letter, Email or applicable form) to the Building Inspector by the Owners of the property, if a contractor or agent is acting on their behalf.
- c. An Occupancy shall not be issued for any building or part thereof unless a valid Building Permit is in effect.
- d. A civic number must be posted before an Occupancy Permit is issued.
- e. Except for a change of a residential tenant, no person shall occupy a building after a change of use or tenant, including any change in the number of either commercial or residential units without first obtaining an Occupancy Permit.
- f. An Occupancy Permit may be withheld until the Building Inspector is satisfied that the provisions of the Land use bylaw, any development Agreement and any other regulations or by By-laws enacted have been complied with.
- g. To issue an Occupancy Permit must receive in writing from the owner or their representative all certificates of compliance from various testing groups, including electrical, and septic, provincial and Federal agencies, and identified service providers all to be identified on the Building Permit at the time of Issuance.

### **10 Inspections**

- a. Every owner, or their representative, shall notify the Building inspector at least forty-eight (48) hours in advance to inspect for compliance with this By-law, the approved Development Permit the Building Code Act, and the Building Code Regulations, which may be changed from time to time.
- b. The Building Inspector may require additional inspections depending upon the complexity of the construction.

### **11 Conflicts**

Where a provision of this By-law conflicts with the provision of another By-law in force within the Town, the provision that establishes the higher standards to protect the health, safety, and welfare of the general public shall prevail.

### **12 Coming into Force**

This Bylaw shall have effect from and after the date of the approval notice published in the local paper

### **13 Repeal**

The Building By-law # 2015 – 02 is hereby repealed and replaced by this By-Law.

**THE BUILDING BY-LAW # 2023-04**

**Clerk's Annotation for Official Bylaw Book**

Date of First Reading: January 2, 2024

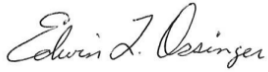
Date of Advertisement of Notice of Intent to Consider: January 10, 2024

Date of Second Reading: February 6, 2024

\*Date of Advertisement of Passage of Bylaw: February 14, 2024

Date of mailing to Minister a Certified copy of bylaw: February 20, 2024

I certify that this Town of Digby Building Bylaw # 2023-04 was adopted by Council and published as indicated above.



Edwin T. Ossinger, CAO. Clerk

February 7, 2024

Date

\* Effective date of the bylaw unless otherwise specified in the text of the Bylaw.

