

Town of Woodstock

Building By-Law
July 2008

By-Law No. R-302

TABLE OF CONTENTS

TABLE OF CONTENTS.....i

SECTION 1: TITLE1

SECTION 2: INTERPRETATION1

SECTION 3: SCOPE2

SECTION 4: ADOPTION OF THE CODE2

SECTION 5: APPOINTMENT OF BUILDING INSPECTOR3

SECTION 6: BUILDING AND DEVELOPMENT PERMITS.....3

SECTION 7: RESPONSIBILITIES OF THE PERMIT HOLDER.....7

SECTION 8: POWERS OF THE BUILDING INSPECTOR(S)9

SECTION 9: COPY OF CODE AVAILABLE.....10

SECTION 10: RECORDS.....10

SECTION 11: DOCUMENTS ON THE SITE.....10

SECTION 12: ALTERNATIVE REGULATIONS FOR THE REHABILITATION OF EXISTING BUILDINGS ..10

SECTION 13: OCCUPANCY PERMITS.....11

SECTION 14: DEMOLITION AND RELOCATION12

SECTION 15: FEES13

SECTION 16: WAIVER.....15

SECTION 17: REPEAL AND TRANSITION15

**TOWN OF WOODSTOCK
BY-LAW NO. 08-xxx
A BUILDING BY-LAW**

The Council of the Town of Woodstock under the authority vested in it by Section 59 of the *Community Planning Act*, enacts as follows:

SECTION 1: TITLE

- 1(1) This By-Law may be cited as the Town of Woodstock Building By-Law.
- 1(2) In this By-law the word "shall" is mandatory and not permissive. Words used in the present tense shall include the future; words used in the singular number shall include the plural; words used in the male gender shall include the female gender and words used in the plural number shall include the singular. The word "used" shall include "intended to be used", "arranged" and "designed". All other words shall carry their customary meaning except for those defined hereinafter.

SECTION 2: INTERPRETATION

- 2(1) In this By-Law:

“alter” means, in relation to a building or structure to make any structural or other change thereto which is not for the purposes of maintenance only;

“building” means any structure used or intended for supporting or sheltering any use or occupancy;

“building, accessory” means a detached subordinate building, not used for human habitation, located on the same lot as the main building, structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure;

“Code” means the 1995 edition of the National Building Code of Canada, including any amendments, revisions, and errata thereto;

“Council” means the Council of the Town of Woodstock;

“dwelling” means a building, as defined in the Code adopted by Section 4, containing one or more dwelling units;

“mobile home” means a transportable, single or multiple section dwelling unit certified by Canadian Standards Association prior to placement on the site as complying with the CAN/CSA-Z240 Series “Mobile Homes” at the time of manufacture;

“modular home” means a finished section or sections of a complete dwelling unit built in a factory for transport to the site for installation certified by Canadian Standards Association prior to placement on the site as complying with the CSA Standard A277-M-01 (Procedures for Certification of Factory Built Houses);

“owner” means the person shown as the registered owner of the land in the records of the Carleton County Registry Office and includes the agent of such person, the contractor(s) engaged by the owner to undertake a project, and also any person having a contract to purchase the property;

“permit, building” a permit that is issued and monitored until the completion of a building or structure by the Town Building Inspector. In order to receive and retain a building permit, a building or structure must meet all applicable requirements of all Town of Woodstock’s By-laws, the National Building Code and any other applicable Provincial and Federal regulations;

“permit, development” a permit that is associated with zoning requirements as opposed to building code requirements. An owner or developer must show that the proposed development is in compliance with By-law No. Z-301, Town of Woodstock Zoning By-Law. Once a development permit is issued, an application for a Building Permit can be submitted;

“qualified professional” means a person who is registered or licensed to practice in the work concerned in the Province of New Brunswick as a Professional Engineer or Architect;

“structure” means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls and signs, fences exceeding 2 m (6.56 ft) in height and other similar erections. It does not include utility lines or poles, traffic control devices, pavement, curbs, sidewalks, or statutory notices;

“total estimated cost” means the total monetary worth as determined by the Building Inspector of all proposed work including all painting, tapering, roofing, electrical work, plumbing, permanent heating equipment, elevator equipment, fire sprinkler equipment and all labour, materials and other devices necessary for the completion of the proposed work;

“Town” means the Town of Woodstock;

“work” means any construction duty or function regulated by these regulations, carried out on or about a construction site or on, in or about a building or part thereof;

SECTION 3: SCOPE

- 3(1) The purpose of this By-Law is:
- (a) to prescribe standards for the building, locating or relocating, demolishing, altering, structurally altering, repairing or replacing, or any combination thereof, of a building or structure.
 - (b) to prohibit the undertaking or continuing of work mentioned in subparagraph 3(1)(a) in violation of standards prescribed in this By-Law; and
 - (c) to prescribe a system of permits for work mentioned in subparagraph 3(1)(a), their terms and conditions, the conditions under which they may be issued, suspended, reinstated, revoked and renewed, their form and fees thereof.
- 3(2) This By-Law applies to the design, construction, occupancy of new buildings and structures, the alteration, reconstruction, demolition, removal, relocation, occupancy of existing buildings and structures, and the work necessary to correct unsafe conditions reported or observed during building inspection except as otherwise provided herein.

SECTION 4: ADOPTION OF THE CODE

- 4(1) *The National Building Code of Canada 1995*, with the exception Part 5 “Environmental Separations” and Part 8 “Safety Measures at Construction and Demolition Sites”, is hereby adopted in relation to all buildings and structures for which standards are therein prescribed, except as allowed by Section 12 of this By-Law.

SECTION 5: APPOINTMENT OF BUILDING INSPECTOR

- 5(1) The Council shall appoint a Building Inspector who, shall exercise such powers and perform such duties as are required to administer and enforce this By-Law, Maintenance and Occupancy Standards for the Residential Properties, Swimming Pool Enclosures and other by-law enforcement as deemed necessary and as are designated pursuant to the *Community Planning Act*.

SECTION 6: BUILDING AND DEVELOPMENT PERMITS

- 6(1) A person shall not undertake or continue the building, locating or relocating, demolishing, altering, structurally altering, repairing or replacing, or any combination thereof, of a building or structure unless:
- (a) the work conforms to the Code;
 - (b) the work conforms with this By-Law and all other By-Laws of the Town as well as all other applicable Acts and Regulations of the Province of New Brunswick; and
 - (c) a building permit therefore has been issued pursuant to this section.
- 6(2) A person seeking to obtain a building or development permit for any work shall make application in writing to the Building Inspector and such application shall:
- (a) identify and describe in detail the work and occupancy to be covered by the permit for which application is made;
 - (b) be in a form provided by the Building Inspector;
 - (c) be completed and signed by the applicant;
 - (d) state the address of the property upon which the work is to be completed;
 - (e) state the intended use of the building or structure;
 - (f) unless waived by the Building Inspector, include copies in duplicate of the specification and scale drawings of the building or structure and a site plan of the property with respect to which the work is to be carried out, showing:
 - (i) the dimensions of the property and the building or structure,
 - (ii) the proposed use of each room or floor area,
 - (iii) a foundation plan, floor plans, details, elevations and cross sections of the building or structure showing size dimensions and descriptions of materials to be used,
 - (iv) on the site plan, the dimensions of the land on which the building or structure is, or is to be, situated, and the grades of the streets and sewers abutting the subject property, and
 - (v) the position, height and horizontal dimensions of all buildings or structures on, and those proposed to be located on, the land referred to;
 - (g) set out the total estimated cost of the proposed work;
 - (h) contain such other information as the Building Inspector may require for the purpose of determining compliance herewith; and
 - (i) in the case of buildings which exceed 600 square metres in building area or three storeys in building height or which are used for assembly, institutional, or hazardous industrial or commercial purposes, no permit shall be issued unless the plans and specifications are

certified under the seal of an architect or professional engineer registered to practice in the Province of New Brunswick;

- (j) describe any special building systems, materials and appliances;
- 6(3) A permit is not required for the following;
- (a) public works located on a street;
 - (b) normal maintenance as defined in Table 6.0 herein;
 - (c) maintenance of heating equipment, ventilation or electrical equipment in all buildings provided that such maintenance does not affect fire maintenance separations or fire dampers
 - (d) recreational structures such as playground equipment but not buildings or similar construction;
 - (e) demolition of buildings of less than 10 m² (108 ft²) in building area;
 - (f) fences less than 2.44 m (8 ft) in height; and
 - (g) retaining walls less than 1 m (3 ft) in height from the top of the wall to the lowest adjacent surface.
 - (h) accessory buildings not greater than 10 m² (108 ft²) in building area constructed for the personal use of a residential homeowner or tenant of a single or two-family dwelling;
- 6(4) The following are exempt from code inspections:
- (a) sewerage water, electrical, telephone, rail or similar systems located above, below or on an area which has been dedicated or deeded for public use;
 - (b) public utility towers and poles, television and radio or other communication aerials, except for loads resulting from those located on or attached to buildings;
 - (c) flood control, dams for public water supply, hydroelectric dams and their related structures (not excluding buildings);
 - (d) mechanical or other equipment and appliances not specifically regulated by the Code;
 - (e) above or below ground bulk storage tanks not regulated by the Code, the National Farm Building Code of Canada, or any other applicable Provincial or Federal regulation(s);
 - (f) free-standing signs;
 - (g) fences;
 - (h) retaining walls or exterior steps not attached to, and forming part of, a building's construction;
 - (i) excluding any on-site construction, modular homes and mobile homes built and certified to the requirements of the Canadian Standards Association; and
 - (j) tents under 100 m² (1076 ft²).
 - (k) subject to a development permit, an accessory building less than 55 m² (592 ft²).

- 6(5) An Electrical Waiver may be issued in place of a building permit when the work is solely of an electrical nature, and:
- (a) is valued at less than one thousand and five hundred dollars (\$1,500.00);
 - (b) is not part of a fire alarm or life safety system;
 - (c) does not impact any structural aspect of the building;
 - (d) does not impact the exterior wall assembly or the building envelope, any fire walls, fire separations, or fire rated materials, fire rated assemblies by conduit penetrations or otherwise; and;
 - (e) there is no change in use or intensification of use.
- 6(6) For the purposes of section 6(5) electrical work includes but is not limited to mast repairs on residential units, service upgrades from fuse panels to breaker panels, service panel upgrades to a maximum of 200-amp service, or similar work.

In order to clarify the exemptions for normal maintenance Table 6.0 is provided below.

Table 6.0 - Exemption from Building Permit: Normal Maintenance Activities		
Description of the Work	Single- Family, Duplex, Semi-detached, and Row Houses Permit Required	Other Buildings Permit Required
1. Re-roofing	No	Yes
2. Combustible siding - wood or vinyl	No	No
3. Non combustible siding - aluminium, brick, stucco	Yes	Yes
4. Painting	No	No
5. Panelling / Drywall (no new partitions)	No	Yes
6. Furnace replacement	Yes	Yes
7. Ceramic Tile	No	No
8. Plaster, drywall repairs (except fire separations)	No	No
9. Window replacement	Yes – if change in window size	Yes – if change in window size
10. Structural repairs (sagging floor or roof, wall bulge)	Yes	Yes
11. Insulating (except foamed plastic on interior walls)	No	No
12. Replacement of floor covering	No	No
13. Wallpaper	No	Yes
14. Electrical maintenance	No	No

Table 6.0 - Exemption from Building Permit: Normal Maintenance Activities		
Description of the Work	Single- Family, Duplex, Semi-detached, and Row Houses Permit Required	Other Buildings Permit Required
15. New wood stoves or repairs	Yes	Yes
16. Installation of gutter or downspout	No	No
17. Damp proofing, water proofing	No	No
18. Insulating an existing exterior foundation wall (except insulated form systems)	No	No
19. Installing drain tile to existing foundation	Yes	Yes
20. Storm windows, storm doors and shutters	No	No

- 6(7) Where an application mentioned in subsection 6(2) has been received, and when
- to the best of his/her knowledge, the applicable conditions set forth in this By-Law for obtaining a permit have been met; and
 - the Development Officer has approved the work pursuant to subsection 81(1) of the *Community Planning Act*, R.S.N.B. 1973, c. C-12; and
 - all fees and deposits required have been paid;
- the Building Inspector shall issue the building permit requested.
- 6(8) A permit issued pursuant to subsection 6(7) shall be deemed revoked by the Building Inspector if the work described in the permit is:
- not commenced within six months from the date of issuance;
 - discontinued or suspended for a period in excess of 12 months or in such a manner that any exterior surface intended to be cladded pursuant to specifications mentioned in 6(2)(f)(iii) remains uncladded in excess of 6 months;
 - contrary to the Code, contrary to this By-Law or any other applicable Town By-Law or any Act or Regulation of the Province of New Brunswick as determined by the Building Inspector.
- 6(9) Where a person violates a condition mentioned in subsection 6(7), or any provision of this By-Law, 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(10) Where a person fails to comply with an order mentioned in subsection (8), 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.
- 6(11) Specifications and scale drawings mentioned in subsection (2) for a building permit in respect of a building used for a Group A, Assembly occupancy; Group B, Institutional Occupancy, or Group F Division I, high hazard industrial occupancy as defined by the National Building Code of Canada; shall not be considered by the Building Inspector unless they meet or exceed the standards of the

National Building Code.

- 6(12) Where the permit holder amends or changes any information provided in an application, the said amendment or change must be filed with the Building Inspector and will be subject to review and approval.
- 6(13) A tent or air supported structure that is larger than 100 m² (1076 ft²) shall not be erected until a permit has been obtained.
- 6(14) The Building Inspector may issue an occupancy permit if he/she is satisfied that a tent or air supported structure complies with the standards of the By-Law.
- 6(15) The permit for a tent or air supported structure is renewable every twelve (12) months provided the tent or air supported structure complies with the standards of the By-Law that are in effect at the time of request for renewal.

SECTION 7: RESPONSIBILITIES OF THE PERMIT HOLDER

- 7(1) A permit holder shall, as a condition of a permit and in accordance with Section 93 of the *Community Planning Act*, comply with all orders, notices, and requests issued by the Building Inspector.
- 7(2) Permit holders and occupants, shall in accordance with Section 92 of the *Community Planning Act*, allow the Town Building Inspector to enter any building or premises or part thereof owned or occupied by them at any reasonable time for the purpose of administering and enforcing this By-Law.
- 7(3) A permit holder, prior to commencing any work, shall obtain all permits or approvals required by this By-Law and any other approval required by Provincial or Federal legislation.
- 7(4) Where a building permit has been issued, owner of the property affected by a building permit and the permit holder, if different, shall give to the building inspector sufficient notice as provided below to have the Town carry out the following inspection process:
 - (a) at least 48 hours notice of the intention to start work authorized by the permit;
 - (b) at least 24 hours notice prior to the placing of the concrete into the footing forms
 - (c) at least 24 hours notice of the placement of a foundation wall below grade prior to backfilling of the foundation;
 - (d) at least 24 hours notice prior to the backfilling of the service trench;
 - (e) at least 24 hours notice of the completion of the structural framing;
 - (f) at least 24 hours notice prior to the covering of wall and ceiling insulation and vapour barriers;
 - (g) at least 24 hours notice the completion of interior finishes and the installation of HVAC equipment and fire protection systems;
 - (h) notice of the completion of the work described in the permit within 10 days of such completion; and
 - (i) such other information as may be required.
- 7(5) Time periods outlined in subsection (4) above regarding the provision of notice for an inspection are exclusive of Saturdays, Sundays, New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, New Brunswick Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and days that are holidays for municipal employees under the Town's collective agreements.
- 7(6) Where a building permit has been issued, owner of the property affected by a building permit and the permit holder, if different, shall:
 - (a) permit the Building Inspector to enter upon any property or building or structure at all reasonable times for the purpose of making any inspection that is necessary for the administration or enforcement of this By-Law;

- (b) obtain, where applicable, from the appropriate authority, permits relating to building, zoning, water and sewage, plumbing, signs, street occupancy, electricity, highways and all other permits required in connection with the proposed work;
 - (c) obtain the required inspections under this by-law; and
 - (d) not deviate from this By-Law or from the conditions of a permit or omit work that is required by this By-Law or other conditions of the permit.
- 7(7) Where tests of any materials are made to ensure conformity with the requirements of this By-Law, records of the test data shall be kept available for inspection during the construction of the building and for such a period thereafter as required by the Building Inspector.
- 7(8) 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 work in accordance with this By-Law.
- 7(9) Subject to Section 4 it is a condition of obtaining a building permit for a building to which Part 3 and or Part 4 of the Code applies that an owner who intends to construct or have constructed such a building shall provide to the Building Inspector written confirmation on a form provided by the Building Inspector from a qualified professional wherein the qualified professional certifies to the Building Inspector that the building has been designed in accordance with Part 3 or Part 4 except where exempted by the Building Inspector.
- 7(10) It is a condition of a building permit referred to in subsection 7(9) that the owner shall not occupy the building or permit the occupation of the building or the portions to which Part 4 applies until he has provided to the Building Inspector written confirmation from a qualified professional wherein the qualified professional certifies to the Building Inspector that in accordance with subsection 2.6 of the Code, the construction of the building or the portion to which Part 3 or Part 4 applies was found to be in general conformity with the design confirmed by a qualified professional pursuant to the provisions of subsection 7(6), and the Building Inspector has issued an occupancy permit or a temporary occupancy permit.
- 7(11) Notwithstanding anything else within this and other applicable by-laws in the Town of Woodstock, an owner or tenant shall obtain an occupancy permit from the Building Inspector prior to any:
- (a) subject to section 13, occupancy of a building or part thereof after the construction partial demolition or alteration of that building; or
 - (b) change in the occupancy of any building or part thereof.
- 7(12) Every permit holder shall, prior to commencing the work, give notice in writing to the Building Inspector of:
- (a) the name, address and telephone number of
 - (i) the constructor or other person(s) in charge of the work,
 - (ii) the designer of the work,
 - (iii) the qualified professional performing the Field Review of Construction,
 - (iv) any inspection or testing agency engaged to monitor the work or part of the work
 - (b) any change in or termination of employment of such person(s) during the course of the construction in writing, as soon as practical but not later than 72 hours of such change, or termination occurs.
- 7(13) It is a condition of a building permit that an owner shall not cover over work for which standards are provided in this by law nor shall an owner place concrete into the footing forms until the work and the site have been inspected and approved by a Town Inspector.

SECTION 8: POWERS OF THE BUILDING INSPECTOR(S)

- 8(1) The Town Building Inspector is authorized to exercise the power given under Section 92 of the *Community Planning Act* to enter at all reasonable times upon any property or building within the Town for the purpose of making any inspection that is necessary for the administration or enforcement of this By-Law.
- 8(2) The Building Inspector may:
- (a) enter any property, building or premises at any reasonable time for the purpose of administering or enforcing this By-Law;
 - (b) cause a written order to be served upon the owner of any property directing them to correct any condition that constitutes a contravention of this By-Law;
 - (c) direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or that sufficient evidence or proof be submitted at the expense of the property owner, where such evidence or proof is necessary to determine whether the material, device, construction or foundation condition meet the requirements of this By-Law;
 - (d) revoke or refuse to issue a permit, where in the opinion of the Building Inspector, the results of the tests referred to in sub paragraph 8(2)(c) are not satisfactory.
 - (e) revoke or refuse to issue a building permit where in the opinion of the Building Inspector the work does not conform with this By-Law and all other applicable By-Laws, and Acts and Regulations of the Province of New Brunswick.
 - (f) require an owner to uncover work that has been covered over in violation of subsection 7(13) of this by law.
- 8(3) Whenever any work is being done in violation of the provisions of this By-Law or in variance with the terms of any permit issued for such work, the Building Inspector may order all work on the job stopped until such violation or variance is eliminated and any work or installation made in violation of this bylaw corrected, and on the making of such order the permit under which such work is purported to be done shall be suspended.
- 8(4) No work shall be done in violation of an order made pursuant to section 8(3), except as may be necessary to prevent injury or damage to persons or property and as approved by the Building Inspector.
- 8(5) If within 30 days of the making of an order pursuant to section 8(3) any such violation or variance is eliminated and any work or installation made in violation of this bylaw is corrected, the Building Inspector shall reinstate the permit provided, however, that if such violation or variance is not eliminated and such work or installation is not corrected within the set time, the Building Inspector shall revoke the permit.
- 8(6) A permit may be issued to an owner to excavate or to construct a portion of a building before the entire plans of the whole project have been submitted or accepted, and conditions may be set out on the permit. Such a permit may be issued if the information that is not available does not relate to health or safety issues.
- 8(7) A conditional permit may be issued for an entire project even though the owner has not provided all of the required information. Such a permit may be issued if the information that is not available does not relate to health or safety issues.
- 8(8) The Building Inspector may answer such relevant questions as may be reasonable with respect to the provisions of this by-law when requested to do so but except for standard design aids shall

refrain from assisting in the laying out of any work and from acting in the capacity of an engineering or architectural consultant.

SECTION 9: COPY OF CODE AVAILABLE

- 9(1) The Building Inspector shall keep one copy of the adopted Code available for public use, inspection and examination.

SECTION 10: RECORDS

- 10(1) The Building Inspector shall keep the proper records of all applications received, permits and orders issued, inspections and tests made, and shall retain copies of all papers and documents connected with the administration of his/her duties for a period of 7 years.

SECTION 11: DOCUMENTS ON THE SITE

- 11(1) During the carrying out of any work authorized by a permit issued pursuant to this By-Law, the property owner and the permit holder, if different from property owner shall, on the property in respect of which the building permit was issued shall
- (a) keep a copy of the building permit or a poster or placard in lieu thereof posted in a conspicuous place on the site during the entire execution of the work; and
 - (b) keep a copy of any plans and specifications approved by the Building Inspector.

SECTION 12: ALTERNATIVE REGULATIONS FOR THE REHABILITATION OF EXISTING BUILDINGS

- 12(1) The Building Inspector may, with respect to existing buildings, allow work that in his/her opinion provides a level of safety that is not less than the level that is provided by the standards in this By-Law.
- 12(2) Documents referred by the Code and the National Fire Code including N.F.P.A 101, N.F.P.A. 101A, and Guidelines for Application of Part 3 of the National Building Code to Existing Buildings may where applicable be considered by the Building Inspector in evaluating the repair, renovation, change of use, or occupancy of existing buildings.
- 12(3) Interim revisions or guides published by the National Research Council for use with the Code may be considered as equivalents as provided by section 2.5 of the Code.
- 12(4) Fire escapes and exterior stairs may be constructed in existing buildings provided that the applicable conditions of the Code are complied with by the owner, and:
- (a) except as provided in clause (b) herein the height of guards on exterior exit stairs or fire escapes shall be no less than 920 mm (36 in.) measured vertically to the top of the guard from a line drawn through the outside edges of the stair nosings and 1070 mm (42 in.) around landings;
 - (b) the height of guards on exterior stairs and landings more than 10 m (33 ft.) above adjacent ground level shall not be less than 1500 mm (60 in.) measured vertically to the top of the guard from a line drawn through the outside edges of the stair nosings;

- (c) all combustible material except chemically preserved wood must be painted before erection and at least once every three 3 years thereafter.

SECTION 13: OCCUPANCY PERMITS

- 13(1) An occupancy permit is required:
 - (a) to allow the initial occupancy of a building or part thereof; and
 - (b) when the occupancy of a building or part thereof is changed.
- 13(2) An application for an occupancy permit alone shall be made at least thirty (30) days before such occupancy shall begin.
- 13(3) It is the duty of the owner to display the occupancy permit in a prominent position in the entrance of the building, and at all times to keep such certificates in a legible condition.
- 13(4) Notwithstanding the requirements of subsection 13(3), for each assembly room of buildings classified as Group A Occupancy, the Building Inspector shall furnish in addition to the occupancy permit, a placard stating the maximum allowable occupant load as determined by this By-Law. The owner of the building shall post the placard in the room and shall keep the actual load within the limits specified.
- 13(5) A conditional temporary occupancy permit may be issued with respect to a building or occupancy in which not all of the work has been completed if the completed work meets the standards of this By-Law and the work that remains does not relate to health or safety issues. The time within which the work must be completed shall be stated on the temporary permit. Such permits may be renewed for periods not exceeding thirty (30) days. No part of a building shall be occupied under a temporary occupancy permit for more than eighteen (18) months.
- 13(6) If requested by the Building Inspector, the following information may be required prior to the issuance of an occupancy permit for an existing building for which there is not a current building permit:
 - (a) a certification by the owner or his agent that the building conforms to the approved plans and the applicable requirements of this By-Law and shall show the date of completion;
 - (b) classification of the building as to types of occupancies;
 - (c) number of storeys;
 - (d) gross floor area of each floor and the allowable live loads for each floor;
 - (e) the number and location of exit doors and exit stairways;
 - (f) location of approved sprinklers and standpipes when required;
 - (g) the occupant load permitted;
 - (h) the distances from lot lines; and
 - (i) in the case of existing buildings, certified floor loadings submitted under the seal of a Professional Engineer or Architect or as otherwise required, and a site plan showing the dimensions of the land, ownership, the position of the existing buildings relative to property lines and adjacent buildings on the same property, and the height of all buildings.

- 13(7) The Building Inspector shall Issue an occupancy permit to an applicant:
- (a) in the case of a building, or a portion of a building that is in existence at the time of the application and for which there is not a current building permit, after he/she has inspected the building or the portion of a building that is identified on the application and he/she is satisfied that the standards of the By-Law have been met subject to the requirements of subsection 13(6); and
 - (b) in the case of a building or a portion of a building for which there is a current building permit after he/she is satisfied that the work carried out under the permit meets the standards of the By-Law.
- 13(8) Every permit holder shall give notice in writing to the Building Inspector:
- (a) as soon as any change in ownership or change in the address of the owner(s) occurs prior to the issuance of an occupancy permit; and
 - (b) prior to occupying any portion of the building if it is to be occupied in stages.

SECTION 14: DEMOLITION AND RELOCATION

- 14(1) No person shall demolish or cause the demolition of a building or structure within The Town of Woodstock without first obtaining a permit to do so from the Building Inspector.
- 14(2) No person shall relocate or cause the relocation of a building or structure into or within The Town of Woodstock without first obtaining a permit to do so from the Building Inspector.
- 14(3) No building or structure shall be removed or relocated if the Building Inspector determines it is:
- (a) in such a state of deterioration, or otherwise so structurally unsafe that it cannot be moved without posing danger to those involved; or
 - (b) structurally unsafe or unfit for the proposed site and use at a new location within the Town of Woodstock.
- 14(4) An application for a permit to demolish or relocate a building or structure shall be on a form provided by the Building Inspector. The applicant shall provide to the Building Inspector such plans specifications and information as the Building Inspector may require.
- 14(5) It is a condition of obtaining a permit for demolition work that a deposit shall be delivered to the Building Inspector at the time of obtaining a permit. The deposit shall be by way of cash or certified cheque or performance bond in favour of The Town of Woodstock and shall be in the amount set out in Section 15(9) herein. The full amount of the deposit shall be returned to the applicant if the applicant completes all of the work to the satisfaction of the Building Inspector less an amount equal to the value of any damage that may have been caused to Town property during the work. The Building Inspector may waive the requirement for a deposit at their discretion.
- 14(6) It is a condition of obtaining a permit for demolition work or relocation work that the owner shall before obtaining the permit provide to the Building Inspector satisfactory proof that he/she carries insurance of such a kind and in such an amount as the Building Inspector may require.
- 14(7) It is a condition of a permit for demolition work or relocation work that the owner shall cause the commencement of the relocation or demolition within seven (7) days of the date of the issuance of the permit, or on or before the commencement date specified by the Building Inspector in the permit. The Building Inspector may cancel the permit in the event that this condition is not complied with.

- 14(8) It is a condition of a permit for demolition work, or relocation work, that the work of demolition or relocation shall be completed within the time specified in the permit. The Building Inspector may cancel the permit in the event that this condition is not complied with.
- 14(9) It is a condition of a permit for demolition work or relocation work that the owner causes all services to the building to be disconnected prior to the start of demolition. The disconnection work includes the permanent sealing of the sanitary sewerage connection near the entrance of the building.
- 14(10) It is a condition of a permit for demolition work that the owner shall cause barricades to the satisfaction of the Building Inspector to be erected to prevent the public from entering the area affected by the demolition work.
- 14(11) It is a condition of a permit for demolition work or relocation work that the owner shall ensure that in the filling of basements or large recesses only brick mortar and concrete shall be permitted such fill to be covered by at least 30 centimetres (12 inches) of clean fill. All wood, debris, and rubbish shall be removed from the site or disposed of in a manner satisfactory to the Building Inspector.
- 14(12) It is a condition of a permit for demolition work or relocation work that the owner shall cause all temporary obstructions relating to the work to be removed and all damage to sidewalks roads and other public property to be repaired to the satisfaction of the Building Inspector.
- 14(13) It is a condition of a permit for demolition work or relocation work that the owner shall ensure that any excavation or cellar that remains after a demolition or relocation is not left in a condition that it is dangerous or unsightly to the public.
- 14(14) It is a condition of a permit for demolition work or relocation work that the owner shall cause all conditions of the permit to be complied with and shall cause the property to be cleaned to the satisfaction of the Building Inspector. The Building Inspector shall not return the deposit unless and until he is satisfied that the conditions have been complied with and the site is clean. Failure to properly clean the site within thirty (30) calendar days from the date when the demolition or removal was to have been completed shall be sufficient cause to allow the Town to clean the site and to deduct the cost of such work from the deposit money before returning any balance to the applicant. It is a condition of the permit that the owner shall reimburse the Town for any extra costs that it reasonably incurs in cleaning the site
- 14(15) It is a condition of a permit for demolition work or relocation work that the owner shall not allow a structure or part of it to be left in such a condition that it constitutes or may constitute a danger to the public.
- 14(16) It is a condition of a permit for demolition work that an owner who intends to salvage material from the building described in the permit must provide such fire protection to the property on which the building is located herein called the demolition site as the Fire Chief of The Town of Woodstock may prescribe in writing.
- 14 (17) It is a condition of a permit for demolition work that if the Fire Department of The Town of Woodstock is required to extinguish a fire on a demolition site and the permit holder has not provided all of the fire protection for the site that the Fire Chief had prescribed then the Town may deduct the costs incurred in extinguishing the fire from the deposit given to the Town at the time the permit was obtained.

SECTION 15: FEES

- 15(1) Subject to subsection (5), no permit may be issued hereunder until the fee set out in the subsection 15(5), along with all required deposits, have been paid to the Town.
- 15(2) The valuation that is shown on building permit applications shall mean the total monetary worth of all construction or work involved in the project including all wall finishes, miscellaneous structures,

- roofing, electrical work, plumbing, permanent equipment, fire sprinkler equipment, and any permanent equipment and all labour, materials and other devices incorporated into and necessary to the execution of the work in its completed form.
- 15(3) No portion of any building or structure for which a permit is required, including mechanical, electrical and plumbing work, shall be excluded from the valuation of a building permit because of any other permits required by any governing by-law or agency.
- 15(4) Where the applicant is unable to provide the value of the construction/renovation at the time he/she makes the application, the Building Inspector may assign a value of such construction.
- 15(5) Valuation of fees shall be as follows:
- (a) Building Permit: \$ 2.50 for each \$1,000 of the total estimated cost of the work or fraction thereof, but in any case not less than \$ 25.00 plus deposit as outlined in Section 15(9).
 - (b) Demolition Permit: \$ 25.00 plus deposit as outlined in Section 15(9).
 - (c) Temporary Structures including tents, air supported structures and garden centres: \$ 25.00
 - (d) Sign Permit: \$ 25.00
 - (e) Where the Building Inspector has reason to believe and does believe that an estimate mentioned in 15(5)(a) is unreasonable, he may refuse to issue the permit.
- 15(6) Unless waived by the Building Inspector, where an application for a permit is made and the work described therein involves new foundation construction or foundation extensions, a permit for such construction shall be issued on the condition that the construction of the building or addition shall not proceed beyond the foundation stage unless the Building Inspector has received and approved a Surveyor's Real Property Report.
- 15(7) A Surveyor's Real Property Report, as mentioned in subsection 15(6) shall show the distances from the outer walls of the foundation to the property boundary lines and the geodetic elevations at the top of the foundation walls, and shall be signed by a New Brunswick Land Surveyor or Professional Engineer before being received and considered by the Building Inspector. The Surveyor or Professional Engineer shall certify that the top of the foundation wall elevations(s) are consistent with the foundation wall elevation(s) as shown on the building permit plot plan to a tolerance of +/- 100 mm (3.94 in.).
- 15(8) Every person who applies for a permit to which subsection 15(5)(a) applies shall deposit the sum of \$1000 with the Town in the form of cash, certified cheque or money order. This will be refunded subject to the satisfactory completion of all inspections required by the Town By-Laws and compliance with subsection 15(10) and 15(11).
- 15(9) Every person who applies for a permit to which subsection 15(5) applies shall deposit the sum of \$1000 with the Town in the form of cash, certified cheque or money order.
- (a) The deposit, in the amount of \$500.00, will be refunded to the applicant subject to the following conditions:
 - (i) the Surveyor's Real Property Report reveals that the foundation has been placed in compliance with the requirements of By-law No.Z-301, A Zoning By-Law for the Town of Woodstock;
 - (ii) construction of the building has not proceeded beyond the foundation stage prior to a Surveyor's Real Property Report having been submitted to and approved by the Building Inspector; and
 - (iii) the applicant, without obtaining a variance, rectifies any improper location of the foundation.

- 15(10) The \$1000 deposit required under Section 15(9) shall be forfeited to the Town if:
 - (a) The applicant has not arranged for all inspections required by Town By-Laws to be carried out, or corrected all deficiencies identified by the Building Inspector; or
 - (b) If the Town has determined that activity by the applicant has resulted in damage to adjacent municipal infrastructure. Damage to the adjacent municipal infrastructure includes but is not limited to damaged asphalt, cracked sidewalks, dented or destroyed road signs, cracked or broken water and sewer pipes, and damaged curb stops. If the cost of repairs exceeds the deposit, the additional cost shall be a debt owed to the Town of Woodstock by the permit holder and the property owner jointly and severally.
- 15(11) Notwithstanding the deposit mentioned in subsection 15(9), at the discretion of the Public Works Supervisor, a separate or larger deposit may be required to ensure protection of or repair damage to public infrastructure in relation to any particular building permit application.
- 15(12) Every person who applies for a permit to which subsection 15(5)(b) applies shall deposit the sum of as outlined below with the Town in the form of cash, certified cheque or money order. This will be refunded subject to the satisfactory completion of all inspections required by the Town By-Law
 - (a) Garage or accessory building \$ 50
 - (b) Cost estimate less than \$2,000 \$ 500
 - (c) Cost estimate between \$2,000 and \$ 10,000 \$ 500 + 5% of estimated cost
 - (d) Cost estimate over \$ 10,000 10% of estimated cost.
- 15(13) The holder of a revoked permit must apply for a new permit in the manner provided in this By-Law and must pay the fees required for the issuance of such new permit.
- 15(14) Where an application for a permit has been made after work has begun, the fee will be twice that provided for in Section 15(5).

SECTION 16: WAIVER

- 16(1) Notwithstanding the terms of this by-law, the Town of Woodstock or its building inspector shall not be held liable for any mishaps or damages resulting from poor workmanship, faulty material or unsafe construction practice to which they are not aware of.

SECTION 17: REPEAL AND TRANSITION

- 17(1) By-Law No. 41-A, A Building By-Law adopted on April 24, 1984 and all amendments thereto is hereby repealed.
- 17(2) The repeal of By-Law No. 41-A, A Building By-Law of the Town of Woodstock, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

READ FIRST TIME: xxxxx, 2008

READ SECOND TIME: xxxxx, 2008
(in its entirety)

READ THIRD TIME
AND ENACTED:

xxxxx, 2008

Mayor

Director of Administrative Services