

**BY-LAW NO. 044**

**A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING  
BUILDING**

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## BY-LAW NO. 044

### A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING BUILDING

The Council of the town of Quispamsis under the authority vested in it by Section 59 of the Community Planning Act of New Brunswick, enacts as follows:

1. TITLE

A. This By-law may be cited as the town of Quispamsis Building By-law.

2. DEFINITIONS

A. In this By-law, words used which are not defined herein but are defined in the National Building Code, shall have the same meaning as defined therein:

- i. **“accessory dwelling unit”** means a dwelling unit which is secondary to the principal dwelling unit, is contained in the basement or cellar of the same building and which does not exceed seventy five percent (75%) of the floor area of the basement. An accessory dwelling unit is commonly referred to as a Basement Apartment;
- ii. **“alter”** means make a structural change to a building or structure such as an addition to the area or height or the removal of a part thereof, or any change thereto such as construction of, cutting into or removal of any wall, partition, column, beam, joist, floor or other support, or a renovation or remodeling of a building or structure or any part thereof for a use other than the present use;
- iii. **“building”** means any assembly used or intended for supporting or sheltering any use or occupancy;
- iv. **“building inspector”** means such person as may be appointed by Council to act as Building Inspector and such person designated to act in the capacity of Building Inspector in his/her absence;
- v. **“code”** means the latest edition of the National Building Code of Canada as adopted by the Province of New Brunswick and all amendments thereto;
- vi. **“council”** means the council of the town of Quispamsis;
- vii. **“critical elevation”** means the lowest point on a foundation wall where surface water would first enter the building, and more specifically means the lower of:
  - a. the lowest point of the top of the foundation wall;

- b. the lowest point of any opening or depression in the foundation wall, including the basement windows, doorways or other non-watertight openings, but excluding basement windows equipped with window wells in conformity with the Code;
- viii. **“development officer”** means the municipal planning officer appointed by Council under Section 16(1) of the Community Planning Act of New Brunswick;
- ix. **“engineered solution”** means a drainage plan, stamped and signed by a qualified Professional Engineer or a qualified Professional Technologist skilled in the work concerned and licensed to practice in the Province of New Brunswick, providing for drainage and surface water management adequate to prevent surface water from entering any main building and not negatively impact drainage on adjacent properties during any precipitation event up to and including a 100-year return period for a 24-hour duration;
- x. **“maintenance”** means upkeep which is a cosmetic non-structural repair;
- xi. **“manufactured home”** means a transportable, single or multiple-section single-family dwelling certified by an accredited certification body, as complying with CAN/CSA Series Z240 MH Series “Manufactured Homes” at the time of manufacture prior to placement on site, comprising not more than one storey, and which is ready for occupancy once set-up in accordance with manufacturer-recommended installation instructions is complete. For the purposes of administering this By-law, manufactured homes shall include buildings commonly referred to as mobile or mini-homes located in mobile home parks or a Land Leased Community;
- xii. **“modular home”** means one or more finished sections of a complete dwelling built in a factory for transport to a site for installation on a permanent concrete foundation, and certified to CSA Standard A277 “Procedures for the Factory Certification of Buildings”, by an accredited certification body, at the time of manufacture, prior to placement on site. For the purposes of administering this By-law, “finished” means fully enclosed on the exterior and interior but does not necessarily include interior painting, taping, installation of cabinets, floor covering, fixtures, heating systems, or complete exterior finishes;
- xiii. **“occupancy”** means the use, or intended use, of a building or part thereof, for the shelter or support of persons, animals or property;
- xiv. **“owner”** means the beneficial owner, and where applicable, means the owner of the fee simple or if such property is held subject to a mortgage, it means the owner of the equity of redemption and if title shall be held in joint tenancy or tenancy in common, it means each of such owners jointly and severally;
- xv. **“person”** means any individual, firm, company, association, institution, society, corporation or group;
- xvi. **“public property”** means property owned by the town of Quispamsis including roads and streets whether provincially designated or not;

- xvii. **“stormwater conveyance system”** means drainage ditches and swales or berms, or storm sewer systems approved by the town of Quispamsis used for the controlled movement of surface water run-off that is the result of natural precipitation;
- xviii. **“structure”** means an assembly other than a building or a power or a telephone pole or lines;
- xix. **“town”** means the town of Quispamsis, a municipality in the county of Kings and the Province of New Brunswick;
- xx. **“town engineer”** means the registered professional engineer holding the position of Director of Engineering and Works for the town of Quispamsis duly appointed by Council, pursuant to Section 74(3) of the Municipalities Act of New Brunswick.
- xxi. **“use”** means the purpose for which land or a building or a structure, or any combination thereof is designed, arranged, erected, intended, occupied or maintained.

### 3. APPLICATION

#### A. Where:

- i. a building is built, this By-law applies to the design and construction of the building;
- ii. the whole or any part of a building is located or relocated, this By-law applies to all parts of the building whether relocated or not;
- iii. the whole or any part of a building or structure is demolished, this By-law applies to any and all remaining part(s) and to the work involved in the demolition;
- iv. a building is altered, this By-law applies to the whole building except that the By-law applies only to the part or parts being altered if the part not being altered is completely self-contained with respect to the facilities and safety measures required by this By-law;
- v. the occupancy of a building is changed, this By-law applies to all parts of the building affected by the change;
- vi. a structure is built, this By-law applies to the design and construction of the structure;
- vii. a structure is altered or enlarged this By-law applies to the design and construction of the alteration or enlargement.

4. ADOPTION OF BUILDING CODE

- A. Except as may be otherwise stated in this By-law, the provisions of the Code shall apply.
- B. Notwithstanding Subsection 4(A) herein, no penalty clause or any administrative procedure contained in the Code is adopted.

5. RESPONSIBILITY OF PERMIT HOLDER

- A. No person, by the issuing of a permit, the approval of plans or specifications or inspections made hereunder, is relieved of any duty or responsibility for carrying out works in accordance with this By-law.
- B. The proposed work must conform to this By-law and any other applicable By-law, Provincial or Federal Act or Regulation made under such Acts.
- C. The work for which a Building Permit has been issued shall be carried out in conformance with the Code.

6. APPOINTMENT OF BUILDING INSPECTOR

- A. Council shall appoint a Building Inspector who shall exercise such powers and perform such duties as are provided by this By-law.
- B. The Building Inspector may designate persons to perform such duties of the Building Inspector as he/she may prescribe and while doing so the designate shall have all the powers the Building Inspector would have when carrying out those duties.

7. BUILDING PERMITS

- A. No person shall commence or continue the building, locating, relocating, maintenance, demolishing, altering or replacing of a building or structure or any of the work referred to in Section 3, or any part thereof, unless a Building Permit therefore has been issued pursuant to this Section.
- B. A person seeking to obtain a Building Permit shall make application in writing to the Building Inspector, and such application shall:
  - i. be in a form prescribed by the Building Inspector;
  - ii. state the name and address of the owner, telephone number, and where applicable, fax number and e-mail address;
  - iii. state the name and address of the person performing the work, telephone number, and where applicable, fax number and e-mail address;

- iv. identify the location of the property upon which the work is to be performed by way of civic number and street name, lot number, and parcel identifier (PID);
- v. be signed by the applicant and property owner if they are not the same person;
- vi. state the description of the work to be performed;
- vii. state a description of the intended use of the building or structure;
- viii. unless waived by the Building Inspector, include copies in duplicate of the specifications and legible scale drawings of the building or structure, and a Site Plan with respect to which the proposed work is to be carried out showing:
  - a. the dimensions of the land on which the building or structure is, or is to be, situated;
  - b. the geodetic elevation of the basement floor, attached garage slab elevation where applicable and the top of all the foundation walls;
  - c. the front yard, rear yard, and side yard as defined in the town Zoning By-Law;
  - d. the foundation's critical elevation;
  - e. the proposed finished land elevation at each corner of the property and foundation wall;
  - f. the driveway location and its slope from the property line adjacent to the road right-of-way;
  - g. the geodetic elevation of the finished grade of the centreline of the road where it meets the extended centreline of any driveway;
  - h. the proposed geodetic elevations of the finished land elevation of mid-points along the property line;
  - i. existing municipal and private service easements, telecommunications, underground electrical, cable, and all other public utility easements;
  - j. any physical feature that may impede drainage such as accessory buildings and structures, and natural vegetation such as large trees or landscape gardens;
  - k. any proposed finished land elevations that indicate the existence and functionality of swales or other drainage elements, including catch basins and drainage ditches within the street right-of-way;
  - l. the dimensions of the building or structure;
  - m. the proposed use of each room or floor area including any proposed

accessory dwelling units contained within the building;

- n. the grades of the streets and sewers abutting on the land referred to in Subsection 7(B)(viii)(a) herein;
  - o. the position, height and horizontal dimensions of all buildings or structures on the land referred to in Subsection 7(B)(viii)(a) herein, and all buildings or structures which are proposed to be constructed thereon;
  - p. typical building or structure profile views, relevant wall section details, window and door sizing, and engineered roof truss and floor truss system sealed and signed by a qualified Professional Engineer skilled in the work concerned and licensed to practice in the Province of New Brunswick; and
  - q. the names, credentials or qualifications of the individuals who prepared the specifications and drawings of the building or structure.
- ix. set out the total estimated cost of the proposed work;
- x. be accompanied by proof of:
- a. a sewer permit application as prescribed by the latest edition of the Town's Sewerage Utility By-law or a Department of Health on-site septic approval;
  - b. a water service permit application as prescribed by the latest edition of the Town's Water Utility By-law, where applicable; and
  - c. culvert installation request form and payment for the installation of a driveway culvert, where applicable.
- xi. contain such other information as the Building Inspector may require for the purpose of determining compliance of the building, structure, and/or Site Plan with this By-law, or any other applicable By-law, and whether or not the permit should be granted.
- C. In the case of buildings or parts thereof which exceed six hundred (600) square metres in building area or three (3) storeys in building height, no permit shall be issued unless the plans and specifications, including all civil engineered site work and connections to municipal infrastructure, are certified under the seal of an Architect or a qualified Professional Engineer skilled in the work concerned and licensed to practice in the Province of New Brunswick.
- D. Subject to Section 9 herein, the Building Inspector shall issue the Building Permit requested where an application under Subsection 7(B) herein has been received, the requirements of this By-law have been met and the proposed work conforms to this By-law and any other applicable By-law.

- E. In the case of manufactured homes or modular homes, the following additional provisions shall apply for the purposes of obtaining a Building Permit:
- i. Manufactured homes: the property owner shall provide a detailed foundation and anchorage drawing, a certificate of compliance with the Canadian Standards Associations CAN/CSA Z240 MH Series “Manufactured Homes” at the time of manufacture, and the name and address of the manufacturer;
  - ii. Modular homes: the applicant shall provide a detailed foundation and anchorage drawing, a certificate of compliance with the Canadian Standards Associations CAN/CSA A277 at the time of manufacture, and the name and address of the manufacturer;
  - iii. Existing manufactured homes: a Building Permit for the repair of or maintenance to an existing building shall require a letter of approval from the property owner, and may, where structural integrity or an increase in living space is involved, be subject to a certification process for the purposes of ensuring compliance with the Canadian Standards Associations CAN/CSA Z240 MH Series “Manufactured Homes” at the time of manufacture.
- F. Where a Site Plan is required pursuant to Subsection 7(B)(viii) herein,
- i. the plan shall be prepared in conformity with a Subdivision Drainage and Lot Grading Plan filed with the town;
  - ii. unless waived by the Building Inspector or Development Officer, the plan shall be prepared by, and bear the seal and signature of a licensed New Brunswick Land Surveyor, a qualified Professional Engineer or a qualified Professional Technologist skilled in the area of work concerned and licensed to practice in the Province of New Brunswick;
  - iii. the plan shall accompany the Building Permit application and the content therein shall be presented in a format similar to that prescribed in Schedule “B” attached hereto, with due regard given to the recommended guidelines;
  - iv. where there is no Subdivision Drainage and Lot Grading Plan filed with the town, or the Site Plan is not in conformity with a filed Subdivision Drainage and Lot Grading Plan, then an engineered solution shall be required;
  - v. where an application for a Building Permit is submitted and the work described therein involves new foundation construction for a single-unit dwelling, a two-unit dwelling or semi-detached dwelling, a permit for such work shall be issued on the condition that the construction of the building shall not proceed beyond the foundation stage until a pre-backfill inspection has been completed and the work is found to be in conformity with the Site Plan submitted;

- vi. construction beyond foundation stage shall be permitted only upon approval from the Building Inspector based on confirmation that the top of foundation wall elevation(s) as constructed are consistent with the top of foundation wall elevation(s) shown on the Building Permit Site Plan to a tolerance of no more than one hundred (100) millimetres above or below the required elevation;
  - vii. where the pre-backfill inspection of the building foundation identifies a discrepancy of more than one hundred (100) millimetres above or below the required top of foundation wall elevation(s) as shown on the approved Building Permit Site Plan, then a Foundation Report Form shall be required and shall show such information as prescribed in Schedule "C" attached hereto;
  - viii. where the person named in the permit or the owner chooses to forego the submission of a Foundation Report Form as prescribed in Subsection 7(F)(vii) herein, then the owner shall provide an engineered solution;
  - ix. where an inspection of the lot grading by the Building Inspector or his/her designate identifies a discrepancy of more than one hundred fifty (150) millimetres above or below the required elevation as shown on the approved Building Permit Site Plan, then the owner shall provide an engineered solution; and
  - x. Where a Foundation Report Form is inconsistent with the Site Plan referred to in this section, (except for the building location with respect to setbacks) or with a filed Subdivision Drainage and Lot Grading Plan, the owner shall provide an engineered solution.
- G. All Foundation Report Forms and engineered solutions shall be submitted to the Building Inspector for review and approval by the Building Inspector or his/her designate. Construction shall not proceed beyond the stage at which the Foundation Report Form or engineered solution was required until written confirmation allowing continuation of the work is issued by the Building Inspector to the owner.
- H. Notwithstanding Subsection 7(F) herein, where an approved Site Plan exists for a property undergoing a foundation alteration or extension, the Building Inspector may waive the foregoing Site Plan submission requirements.
- I. All new buildings shall be placed or erected on a foundation such that a finished floor elevation of the first storey is at least one (1) metre above the final centerline grade of the street, unless a variance is granted by the Planning Advisory Committee or the Development Officer.
- J. The Foundation Report Form shall bear the seal and the signature of a New Brunswick Land Surveyor or a qualified Engineer skilled in the work concerned and licensed to practice in the Province of New Brunswick before being received and considered by the Building Inspector or his/her designate.
- K. Notwithstanding this By-law and/or any other By-law, an engineered solution is not

required when waived by Town Engineer or his/her designate.

- L. Surface water drainage or foundation drainage shall not discharge directly unto an adjacent property but be directed into an approved stormwater conveyance system, or in the case of eavesthrough downspouts shall discharge at grade onto a splash pan approximately one (1) metre from the building.
- M. Where the construction is on property known to or suspected of having been backfilled, the results and recommendations of a soil investigation bearing the seal and signature of a Geotechnical Professional Engineer licensed to practice in the Province of New Brunswick shall accompany the Building Permit application and Site Plan.
- N. Where the construction is on property known to or suspected of having been used for the disposal of building construction debris, no permit shall be issued until such time as a soil investigation and written report bearing the seal and signature of a Geotechnical Professional Engineer licensed to practice in the Province of New Brunswick is received by the Building Inspector confirming:
  - i. removal of all debris within the proposed building footprint area and any additional area as deemed necessary by the Building Inspector or Development Officer;
  - ii. the disposal of such debris in a provincially approved disposal site; and
  - iii. the site is rehabilitated to a state capable of supporting the construction for which a Building Permit has been requested.

## 8. DEMOLITION PERMITS

- A. No person shall commence to demolish any building or part(s) thereof without having first obtained a Demolition Permit from the Building Inspector.
- B. A person seeking to obtain a Demolition Permit shall make application in writing to the Building Inspector and such application shall:
  - i. be in a form prescribed by the Building Inspector;
  - ii. state the name and address of the owner, telephone number, and where applicable, fax number and e-mail address;
  - iii. state the name and address of the applicant, telephone number, and where applicable, fax number and e-mail address;
  - iv. be signed by the applicant and property owner, if they are not the same person;
  - v. describe in detail the work to be covered by the permit for which application is being made;
  - vi. state the name, address, and telephone number of the person or firm who is to

- carry out the proposed demolition;
  - vii. identify the location of the demolition site by way of civic number and street name, and parcel identifier (PID);
  - viii. describe the manner and timeframe within which demolition debris will be removed from the site and disposed of in a provincially approved location;
  - ix. state the provincially approved location where all demolition debris will be disposed of; and
  - x. state any other information requested by the Inspector as needed to evaluate whether the application is in compliance with the provisions of this By-law, the Code, any other By-laws, or any applicable Provincial or Federal Statute or Regulation.
- C. Subject to Section 9 herein, the Building Inspector shall issue the Demolition Permit requested, where an application under Subsection 8(B) herein has been received and the proposed work conforms to this By-law and any other applicable By-law.
- D. A person who wishes to reconstruct on a property on which a building or structure has been demolished shall make application for a Building Permit in accordance with this By-law.

9. PERMIT CONDITIONS

- A. A Building Permit or Demolition Permit, or the renewal thereof, is issued on the condition that the work is:
- i. started within six (6) months from the date of permit approval;
  - ii. not discontinued or suspended for a period of more than six (6) months;
  - iii. carried out in compliance with the specifications contained in the application, unless otherwise approved by the Building Inspector; and
  - iv. completed within twelve (12) months of date of permit approval where the construction is not of the type referred to in Subsection 7(C) herein.
- B. Where the work for which a Building Permit or Demolition Permit has been issued is not subject to Subsection 7(C) herein, and the work is not completed within a period of one (1) year from the original date of permit approval, the applicant must:
- i. apply for a permit renewal; and
  - ii. upon approval of the permit renewal by the Building Inspector, pay a processing fee as prescribed in Schedule "A" attached hereto.

- C. Where the Building Inspector receives an application for a Building Permit to authorize works for which no standards are provided by this By-law, he/she shall:
  - i. refer the application to the Council; and
  - ii. if the Council approves the application, issue such permit.
- D. The Council may, in approving an application under Subsection 9(C) herein, prescribe such standards as may be deemed necessary by the Council to ensure public health, safety and welfare.
- E. Notwithstanding Subsection 9(B) herein, a Building Permit or Demolition Permit shall be limited to a single renewal. Failure to complete the work for which a Building Permit or Demolition Permit renewal has been issued in accordance with the conditions of this By-law shall result in the forfeiting of the refundable deposits to the Town, as collected and held in accordance with Section 13 herein and Schedule "A" attached hereto.

10. DUTIES OF BUILDING PERMIT HOLDER

- A. Where a Building Permit has been issued, the person named in the permit shall:
  - i. permit the Building Inspector to enter upon any property or building at all reasonable times for the purpose of making any inspection that is necessary for the administration or enforcement of this By-law;
  - ii. obtain, where applicable, from the appropriate authority, permits relating to building, zoning, water and sewage, plumbing, signs, street occupancy, electricity, telecommunications, highways, and all other permits required in connection with the proposed work;
  - iii. where the provisions of Subsection 7(C) herein do not apply, give to the Building Inspector sufficient notice as described below, exclusive of Saturdays, Sundays and holidays, for inspection purposes:
    - a. forty-eight (48) hours prior to placement of foundation footing;
    - b. forty-eight (48) hours prior to any backfilling of the foundation wall;
    - c. forty-eight (48) hours notice of placement of water service lines and connection to municipal system;
    - d. forty-eight (48) hours notice of placement of sewer service lines and connection to municipal system;
    - e. forty-eight (48) hours notice for the purposes of a pre-drywall inspection prior to the installation of insulation and after plumbing, ventilation and electrical rough-in is completed; and

- f. notice of the completion of the work described in the permit within ten (10) days of such completion for purposes of a final inspection prior to occupancy; and
  - g. notice required under Subsection 10(A)(iii) herein, shall be deemed received by the Building Inspector upon the delivery or provision of a verbal or written confirmation of receipt from the Building Inspector or his/her designate to the permit holder.
- iv. For the purposes of Subsection 10(A)(iii) herein, require written approval from the Building Inspector after each inspection, prior to proceeding with the next phase of construction.
- v. where the provisions of Subsection 7(C) herein are applicable:
- a. ensure satisfactory inspection reports from a qualified Architect(s) and/or a qualified Professional Engineer(s) skilled in the work concerned and licensed to practice in the Province of New Brunswick are provided to the Building Inspector. The inspection reports shall confirm that the building, as constructed, is in conformance with the building plans and specifications, and any amendments thereto, as filed with the Town, and in compliance with the Code;
  - b. provide the Building Inspector with adequate notice to permit sufficient inspections necessary to ensure that the building and its structural components as identified at the time of the permit application, are constructed in conformance with the building plans and specifications, and any amendments thereto, as filed with the Town, and in compliance with the Code;
  - c. provide the Building Inspector with adequate notice to permit the recording of the location and piping size of water and sewer servicing lines from the connection with the municipal system to the property line;
  - d. ensure paper and electronic copies of the Record drawings for all civil engineered site work and connections to municipal infrastructure are submitted to the Building Inspector. The Record drawings in paper format shall be signed and stamped by a qualified Professional Engineer skilled in the work concerned and licensed to practice in the Province of New Brunswick. The electronic version shall mirror exactly each individual page of the signed and stamped paper prints submitted as Record drawings. The electronic copy shall be submitted in digital file formats as chosen by the Town; and
  - e. submit all inspection reports and Record drawings requested by the Town are to be submitted prior to the release of any refundable deposits collected and held in accordance with the Section 13 herein and Schedule "A" attached hereto.
- vi. where tests of any materials are made to ensure conformity with the

- requirements of this By-law, keep records of the test data available for inspection during the carrying out of the work authorized;
- vii. construct the building, site, and connections to municipal infrastructure in accordance with the plans and specifications filed with the Building Inspector or amendments thereto approved in advance by the Building Inspector; and
  - viii. provide the Building Inspector with such other information as may be required under this By-law.
- B. Any and all testing that has to be carried out in reference to the building materials, construction methods, soil conditions or workmanship shall be the responsibility of the permit holder. All test results shall be stamped by a qualified Professional Engineer skilled in the work concerned and licensed to practice in the Province of New Brunswick as being accurate and forwarded to the Building Inspector in writing, in a form other than by facsimile or electronic transmission.
- C. Throughout completion of the work authorized by a permit issued pursuant to this By-law, the person named therein shall keep:
- i. posted in a conspicuous place on the property in respect of which the permit was issued, a copy of the Building Permit or Demolition Permit; and
  - ii. a copy of any plans and specifications approved by the Building Inspector on the property in respect of which the permit was issued.
- D. The person named in the permit shall ensure the construction site is maintained and left in a clean and neat condition with all construction debris disposed of in a provincially approved site.
- E. In the course of site preparation and construction, the permit holder shall ensure there is no burning of materials.
- F. Blasting or use of explosive devices shall not be permitted.
- G. The person named in the permit shall be responsible for any repair cost associated with damage to any adjoining property or public property as a result of undertaking the work described in the permit.
- H. The person named in the permit shall ensure the civic number assigned to the property by the Building Inspector or his/her designate is displayed in accordance with the latest edition of the town of Quispamsis Numbering of Buildings By-law.
- I. The person named in the permit shall ensure a driveway culvert, where required by the Town, is installed to the satisfaction of the Town Engineer or his/her designate.

11. DUTIES OF DEMOLITION PERMIT HOLDER

- A. A person who has been granted a Demolition Permit shall:
- i. permit the Building Inspector to enter upon the property in respect of which the permit was issued at any and all reasonable times for the purpose of making any inspection that is necessary for the administration or enforcement of this By-law;
  - ii. ensure that all materials from the building(s) or structure(s) being demolished are taken to a provincially approved disposal site and are not buried on the property on which the demolition has taken place;
  - iii. ensure that any debris deposited on public property, such as streets, sidewalks, or drainage ditches, as a result of the demolition or transporting thereof to the disposal site, is removed and disposed of as set out in Subsection 11(A)(ii) herein;
  - iv. ensure that any adjoining property is not damaged;
  - v. ensure that the property in respect of which the permit was issued is left in a clean and neat condition;
  - vi. not use blasting or explosive devices in connection with the demolition; and
  - vii. be responsible for any repair costs associated with damage to any adjoining property or public property as a result of the work described in the permit.

12. DUTIES AND POWER OF THE BUILDING INSPECTOR

- A. The Building Inspector:
- i. subject to the following, shall administer this By-law;
  - ii. where Subsection 7(C) herein is not applicable shall:
    - a. review plans as filed;
    - b. conduct a site inspection of the proposed foundation footing location for the purposes of a foundation and surface water drainage assessment;
    - c. conduct a pre-backfill inspection consisting of a foundation inspection prior to any backfilling;
    - d. conduct inspection of the stormwater water conveyance system, lot grading and drainage, and foundation drainage system;
    - e. with the exception of modular homes, conduct a pre-drywall inspection prior to the installation of insulation and after plumbing, ventilation and electrical rough-in is completed;

- f. conduct inspection of water and sewer service laterals and their connection to the municipal system; and
  - g. conduct a final inspection prior to occupancy and issue a Final Inspection Certificate.
- iii. where Subsection 7(C) herein is applicable:
- a. review plans as filed;
  - b. shall conduct sufficient inspections necessary to ensure that the building is constructed in conformance with the building plans and specifications, and any amendments thereto, as filed with the Town, and in compliance with the Code;
  - c. shall record the location and piping size of water and sewer servicing lines from the connection with the municipal system to the property line;
  - d. shall receive and file certified copies of building plans and specifications required under Subsection 7(C) herein; and
  - e. shall receive and file certified copies of the civil engineered site plans and specifications required under Subsection 7(C) herein, and shall be responsible for the review for that portion of work from connections with the municipal system to the property line.
- iv. notwithstanding Subsection 12(A)(ii) herein, in the case of manufactured homes:
- a. shall receive and file certificate of compliance with CAN/CSA Series Z240 MH Series “Manufactured Homes” at the time of manufacture;
  - b. shall receive and review the site plan; and
  - c. conduct inspection of the stormwater conveyance system, lot grading and drainage, foundation drainage system, and final inspection for manufactured homes installed on an individual lot not located in a mini or mobile home park subdivision or in a similar land leased community.
- v. shall maintain 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; and
- vi. shall keep a copy of the Code available for public use, inspection and examination during regular business hours.

- B. The Building Inspector may:
- i. cause a written order to be served upon the owner or owners of any property directing they correct any condition that constitutes a contravention of this By-law;
  - ii. direct that tests of materials, devices, construction methods, structural assemblies or soil or foundation conditions be made, or sufficient evidence or proof is necessary to determine whether the material, device, construction or soil or foundation condition meets the requirements of this By-law; and
  - iii. revoke, suspend or refuse to issue a permit where, in his/her opinion:
    - a) the results of the tests referred to in Subsection 12(B)(ii) herein are not satisfactory;
    - b) the work was not commenced within six (6) months from the date of approval;
    - c) the work was discontinued or suspended for a period in excess of six (6) months;
    - d) the work was contrary to the specifications contained in the application or the Code, and the owner, upon being given notice by the Building Inspector, fails to make the necessary changes within the time prescribed; and/or
    - e) the work is contrary to this By-law or any other applicable By-law of the town of Quispamsis.
  - iv. make an order prohibiting the covering or enclosing of construction work pending an inspection
  - v. for the purposes of inspection, order that the construction work be uncovered if,
    - a. the construction work was covered or enclosed contrary to an order made under Subsection 12(B)(iv) herein;
    - b. a notice under Subsection 10(A)(iii) herein was not received;
    - c. in cases where a notice under Subsection 10(A)(iii) herein is received, the period of time is prescribed by this By-law did not elapse before the work was covered or enclosed;
    - d. the work has been carried out without a Building Permit being issued pursuant to this By-law; or

- e. the building inspector has reasonable grounds to believe that the construction has not been constructed in compliance with this By-law, or any other applicable By-law.

13. FEES AND REFUNDABLE DEPOSIT REQUIREMENTS

- A. No permit or waiver may be issued under Section 7, Section 8, or Section 15 herein until the fees and/or refundable deposits set out in Schedule “A” have been paid in full to the Town.
- B. All applicable refundable deposits shall be returned to the person named in the official receipt of deposit with the Town, unless otherwise directed by the person named therein, provided:
  - i. all inspections and work has been carried out as required by this By-law in a reasonable time. For the purpose of administering this By-law, reasonable time means work is completed within one (1) year from date of permit approval or, where deemed necessary by the Building Inspector, one (1) year from date of permit approval and a single renewal;
  - ii. municipal property or infrastructure, or adjacent private property has not been damaged;
  - iii. all construction debris has been disposed of in a provincially approved disposal site;
  - iv. the Building Inspector or designate has completed all necessary inspections to confirm that foundation wall elevations and lot grading are in conformance with the Site Plan submitted or an approved engineered solution;
  - v. the civic number assigned to the property by the Building Inspector or designate is displayed in accordance with the town of Quispamsis Numbering of Buildings By-law;
  - vi. where required by the Town, a driveway culvert has been installed to the satisfaction of the Town Engineer or his/her designate; and
  - vii. a Final Inspection Certificate has been issued by the Building Inspector for the property.
- C. The permit fee may be fifty-percent (50%) refunded within six (6) months from the date of approval provided no work has been completed under the permit. Upon being refunded by the Town, the permit shall be deemed to be cancelled.
- D. Where work requiring a permit under this By-law has been commenced by anyone prior to the issuance of a Building Permit, the fees prescribed herein shall be doubled.
- E. Failure of compliance with the requirements of this By-law shall result in a deposit being forfeited to the Town.

**14. EXEMPTIONS**

- A. Notwithstanding the provisions of Subsection 7(A) herein, a person shall be exempt from obtaining a Building Permit for:
- i. maintenance where the work does not impact on safety, egress, access, or drainage, examples of which include:
    - a. replacement of roofing shingles;
    - b. painting;
    - c. replacement of finished floor covering;
    - d. changing interior doors, provided they are the same type, location and size;
    - e. plaster and drywall repairs;
    - f. wallpaper installation;
    - g. electrical maintenance;
    - h. installation of gutters or downspouts;
    - i. installation of storm doors and shutters;
    - j. re-facing or replacing kitchen cabinetry;
    - k. the installation of cosmetic interior trim; or
    - l. replacement of siding;
  - ii. placement of a temporary car shelter erected after October 1<sup>st</sup> of any year and removed prior to April 30<sup>th</sup> of the following year;
  - iii. work where an Electrical Waiver has been issued pursuant to Section 15 herein; or
  - iv. retaining walls less than one (1) metre in height from top of the wall to the lowest adjacent surface.

**15. ELECTRICAL WAIVER**

- A. Notwithstanding the provisions of Subsection 7(A) herein, an Electrical Waiver may be issued in place of a Building Permit when the work is solely of an electrical nature, and:
- i. is not part of a fire alarm or life safety system;
  - ii. does not impact any structural aspect of the building;
  - iii. does not impact the exterior wall assembly or the building envelope, any fire walls, fire separations, or fire rated materials, fire rated assemblies by conduct penetrations or otherwise; and
  - iv. there is no change in the use.
- B. For the purposes of Subsection 15(A) herein, electrical work includes but is not limited to

most repairs on residential units, service upgrades from fuse panels to breaker panels, service panel upgrades to a maximum of four hundred (400) amperage service, or similar work.

- C. An owner seeking to obtain an Electrical Waiver shall make an application in writing, in a form prescribed by the Building Inspector, to the Building Inspector and shall pay the fees as prescribed in Schedule “A” attached hereto.

16. ENFORCEMENT

- A. Where any person violates:
  - i. any condition mentioned in Subsection 9(A) herein;
  - ii. any condition imposed in Subsection 9(D) herein; or
  - iii. 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, order the cessation thereof and stating the nature of the violation.

- B. Where any person fails to comply with an order under Subsection 16(A) herein, the Building Inspector may suspend or cancel the Building Permit or Demolition Permit, and may, if the conditions leading to the suspension are subsequently corrected, reinstate the suspended permit.
- C. Any person who violates a provision of this By-law commits an offence punishable under Part II of the Provincial Offences Procedure Act as a Category B offence.

17. SEVERABILITY

- A. If any part of this By-law shall be held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this By-law.

18. BY-LAWS REPEALED

- A. Building By-law No 022 and all amendments are hereby repealed;
- B. The repeal of By-law No. 022, a By-law of the Municipality of Quispamsis Respecting Building, shall not affect any By-law infraction, 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 Agreement completed, existing or pending at the time of repeal.

19. EFFECTIVE DATE

A. This By-law comes into effect on the date of final enactment thereof:

**READ FIRST TIME: May 18, 2010**

**READ SECOND TIME: September 21, 2010**

**READ THIRD TIME AND ENACTED: October 5, 2010**

SEAL

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

**SCHEDULE "A"**  
**PERMIT FEES AND REFUNDABLE DEPOSITS**

1. PERMIT AND WAIVER FEES

- A. In the case of Residential, Commercial, Industrial, and Institutional Construction:
- i. a fee of ten dollars (\$10) per thousand dollars (\$1,000) of construction value or any portion thereof on the first five thousand dollars (\$5,000) of construction value; and
  - ii. a fee of six dollars (\$6.00) for each additional thousand dollars (\$1,000) of construction value or portion thereof in excess of five thousand dollars (\$5,000); and
  - iii. in the case of accessory buildings having a floor space of twenty (20) square metres or less, and/or any accessory building valued at two thousand dollars (\$2,000) or less, the sum of twenty dollars (\$20).
  - iv. in the case of a Demolition Permit, a fee of:
    - a. twenty dollars (\$20) where the estimated cost of the demolition work is up to and including one thousand dollars (\$1,000);
    - b. one hundred dollars (\$100) where the estimated cost of the demolition work is more than one thousand (\$1,000) up to and including five thousand dollars (\$5,000); and
    - c. five hundred dollars (\$500) where the estimated cost of the demolition work exceeds five thousand dollars(\$5,000).
- B. There shall be no fee charged for a permit issued on any detached construction which does not exceed five (5) square metres in area and three hundred dollars (\$300) in value.
- C. The construction value shall be that value as determined by the Building Inspector to be the estimated cost of the building or structure excluding land value.
- D. Electrical Waiver fee shall be twenty dollars (\$20).
- E. In the case of Building Permit or Demolition Permit renewal issued in accordance with Subsection 9(B) herein, the processing fee shall be three hundred dollars (\$300).

2. REFUNDABLE DEPOSITS

- A. In the case of Residential construction:
- i. a refundable deposit equal to one percent (1%) of estimated cost of work to a maximum of two thousand dollars (\$2,000); and

- ii. where any one (1) person has multiple building permits with the Town;
  - a. the total refundable deposits held by the Town shall not exceed five thousand dollars (\$5000); and
  - b. where the total refundable deposits held by the Town is five thousand dollars (\$5000), all or any portion of the refundable deposit may be transferable to additional permits to fulfill refundable deposit requirements provided:
    - (i) a Refundable Deposit Transfer Form has been submitted and approved by the Building Inspector; and
    - (ii) a Final Inspection Certificate has been issued for the property for which a refundable deposit release and transfer is requested.
- B. In the case of building construction where Subsection 7(C) herein is applicable:
  - i. a refundable deposit equal to one percent (1%) of estimated cost of work.

## SCHEDULE "B"

### Sample Building Permit Site Plan and Preparation Guidelines

1. Where Subsection 7(C) herein does not apply the following sample Building Permit Site Plan and preparation guidelines may be used to aid in the preparation of a site plan for Building Permit application purposes:

A. Building Permit Site Plan

#### Sample Building Site & Lot Grading Plan (TYPICAL\*)

PID# \_\_\_\_\_ Lot # \_\_\_\_\_ Plan # \_\_\_\_\_

Subdivision Lot Grading Plan Attached

The critical elevation of this building as defined by the Building By-Law is \_\_\_\_\_ metres.  
 Name of Owner / Agent (Please Print) \_\_\_\_\_  
 We certify and acknowledge responsibility for maintaining lot drainage in compliance with the  
 Subdivision Drainage and Lot Grading Plan and this Site Plan.  
 Signature Owner / Agent X \_\_\_\_\_ Dated \_\_\_\_\_

**LEGEND**

FY = Front Yard    SY = Side yard    RY = Rear Yard    BFE = Basement Floor Elevation

FGL1, 2 . . . = Proposed Finished Grade, each corner of lot ( minimum 4 points )

FGB1, 2 . . . = Proposed Finished Grade, land at each corner of main building ( excluding garage ) ( minimum 4 points )

TFW1, 2 . . . = Top of Foundation Wall, each corner ( minimum 4 points )

SD1, 2 . . . = Geodetic Elevation of swale / ditch ( minimum 2 points )

DTH1, 2 . . . = Geodetic Elevation of center line of drainage ditch along property line.

GS = Lowest point of edge of garage slab ( if applicable )

CR = Elevation of the crown of the road at the point where it intersects the extended centerline of the driveway.

SP1, 2 . . . = Proposed Finished Grade at 2m from foundation wall around perimeter of main building.

\* This schematic represents a generalized site plan. Actual site plans shall be drawn to a scale of 1 : 250 and shall accurately represent the specific lot and building to be built. All elevations to be Geodetic and in metres.

SCALE	N.T.S.	DWG. No.	BSiteGradeP
REV.	-	DWG. No.	1 of 1
DRWN	LRV	DATE	April 28/10
SAMPLE BUILDING SITE AND GRADING PLAN (Typical*)			
TOWN OF QUISPAMISIS P.O. BOX 21085 QUISPAMISIS NEW BRUNSWICK E2E 4Z4			

**SCHEDULE “B” Continued**  
**Sample Building Permit Site Plan and Preparation Guidelines**

- B. To aid in the development of the Site Plan, the following preparation guidelines should be followed:
- i. a minimum height two hundred (200) millimetres of top of foundation wall above grade;
  - ii. minimum slope of five percent (5%) away from foundation for at least one decimal five (1.5) metres (i.e., 15mm per 300mm);
  - iii. minimum slope of one decimal five percent (1.5%) on the remainder of the lot (approx. 5mm to 300mm);
  - iv. a minimum depth of one hundred fifty (150) millimetres for all swales;
  - v. where a swale is located in its entirety on a single property, a minimum distance of zero decimal six (0.6) metres is to be maintained from the top edge of the back slope to the nearest adjacent property line;
  - vi. surface drainage is to be directed away from window wells, exterior stairwells and decks;
  - vii. the maximum driveway slope shall not exceed ten percent (10%); and
  - viii. downspouts from an eavestrough system shall discharge at grade onto a splash pad at least one (1) metre from the building.

**SCHEDULE “C”**  
**Foundation Report Form Requirements**

1. Foundation Report Form

A. A Foundation Report Form, as referred to in Subsection 7(F)(vi) herein shall show:

- i. the geodetic elevation of the lowest point on the top of the front foundation wall;
- ii. the geodetic elevation of the lowest point on the top of the side foundation walls;
- iii. the geodetic elevation of the lowest point on the top of the rear foundation wall;
- iv. where applicable, the geodetic elevation of the lowest point of the edge of the attached garage slab;
- v. the critical elevation of the foundation;
- vi. the minimum geodetic basement floor elevation;
- vii. the front yard setback, being the shortest distance between the front lot line and the main building;
- viii. the side yard setbacks, being the shortest distance between each side lot line and the main building;
- ix. the rear yard setback, being the shortest distance between the rear lot line and the main building; and
- x. the geodetic elevation of the finished grade of the centreline of the road where it meets the extended centreline of any driveway.