

CONSOLIDATED VERSION OF
BY-LAW NO. 36, 36-1, 36-2, 36-3, 36-4, 36-5
BUILDING BY-LAW

*Original By-Laws and Amendments thereto are on file in the Office of the Village Clerk.
This document is for convenient reference purposes only.
Any questions should be forwarded to the Office of the Clerk.*

The Council of the Village of Salisbury under the authority vested in it by the Community Planning Act, R.S.N.B. 1973 c.C-12 enacts as follows:

Interpretation

1. In this By-law:

“**alter**” means to make change, structurally or otherwise, to a building or structure which is not for purposes of maintenance only;

“**building**” means a roofed construction or structure with solid exterior walls that is used or intended to be used as a shelter for persons, animals or chattels;

“**building inspector**” means an officer or employee of the corporation, appointed by Council, charged with the duty of enforcing the provisions of the Building By-Law;

“**Code**” means the National Building Code of Canada as adopted through an Order in Council or by a municipal council;

“**Commission**” means the Greater Moncton Planning District Commission;

“**demolish**” means to raze, level, ruin, wreck, destroy or tear down a building structure;

“**development officer**” means a District Planning Director or a Planning Officer appointed under subsection 7(3) of the Community Planning Act;

“**erect**” means to construct, build, assemble, locate or relocated building or structure and any physical operations preparatory to the construction, building, assembling, locating or relocating of the building or structure;

“**permit**” means a building permit or demolition permit, issued under this By-Law;

“**structure**” means a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

Scope

2. The purpose of this By-Law is:
 - (a) to prescribe standards for the building, erecting, locating or relocating, demolishing, structurally altering, repairing, replacing or any combination thereof, of a building or structure;
 - (b) to prohibit the undertaking or continuing of work mentioned in clause (a) in violation of standards prescribed hereby;
 - (c) to prescribe a system of permits for work mentioned in clause (a), their terms and conditions, the conditions under which they may be issued, suspended, reinstated, revoked and renewed, their form and fees thereof.

Adoption of Code

3. The National Building Code of Canada, 2005 Edition, is hereby adopted as the standard to which all work undertaken in the Village of Salisbury conform; and “Division A. Part 1. Compliance, Part 2. Objectives, Part 3. Functional Statements. Division B. Part 1. General” attached hereto as Schedule “A” forms part of this By-Law.

Amended January 26, 2009

Building Permits

4. (1) A person shall not undertake or continue the building, erecting, locating, relocating, demolishing, altering, structurally altering, repairing, replacing, or any combination thereof, of a building or structure unless a building permit has been issued pursuant to this section.
- (2) A person seeking to obtain a building permit shall make application in writing to the building inspector, and such application shall:
 - (a) be in a form prescribed by the development officer;
 - (b) be signed by the applicant;
 - (c) state the intended use of the building;
 - (d) unless waived by the building inspector, include, subject to subsection (7), copies in duplicate of the specifications and scale drawing of the building or structure with respect to which the work is to be carried out, showing:
 - (a) the dimensions of the building or structure,
 - (b) the proposed use of each room or floor area,
 - (c) the dimensions of the land on which the building or structure is, or is to be, situated,

- (d) the grades of the streets and sewers abutting the land mentioned in subclause (iii), and
- (e) the position, height and horizontal dimensions of all buildings or structures on, and those proposed to be located on, the land referred to;
- (e) set out the total estimated cost of the proposed work, including labour and materials; and
- (f) contain such other information as the building inspector may require for the purpose of determining compliance herewith.
- (g) if proposed work involves the traversing of street, curb, ditch, and or sidewalk adjacent to property by heavy equipment a damage deposit in the amount of (\$1,000.00) one thousand dollars.

Amended September 11, 2006

- (3) Where:
 - (a) an application mentioned in subsection (2) has been received; and
 - (b) the proposed work conforms with this and any other applicable by-law;the building inspector shall issue the building permit requested.
- (4) A permit hereunder is issued on the condition that the work mentioned therein:
 - (a) is commenced within six months from the date of issue of the permit;
 - (b) is not discontinued or suspended in excess of one year or in such manner that any exterior surface intended to be cladded pursuant to specifications and scaled drawings mentioned in paragraph (2)(d), remains uncladded in excess of two months; and
 - (c) is carried out, unless otherwise approved by the building inspector, in compliance with the specifications contained in the application for the permit.
- (5) Where a person violates any provision of this By-Law, the building inspector may issue orders pursuant to the provisions of section 93 of the Community Planning Act, R.S.N.B. 1973, c.C-12
- (6) Where a person fails to comply with an order mentioned in subsection (5), 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.

Responsibility of Permit Holder

5. The approval of plans or specifications, the issuing of a building permit or an inspections hereunder, do not relieve a person of any duty or responsibility for carrying out works in accordance with this By-Law.

Documents on the Site

6. During the carrying out of the work authorized by a permit, the person named therein shall keep posted in a conspicuous place on the property in respect of which the permit was issued:
 - (a) a copy of the building permit, and
 - (b) a copy of any plans and specifications approved by the building inspector.

Tests

7. The building inspector may:
 - (a) direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted, at no costs to the Municipality, where such evidence or proof is necessary to determine if any material, device, construction or foundation condition meets the requirements of this By-Law; and
 - (b) direct that a copy of the results of the tests referred to in clause (a) be made available for inspection during the carrying out of the work authorized to ensure conformity with the requirements of this By-law; and
 - (c) revoke, suspend or refuse to issue a building permit where, in his opinion, the results of the tests referred to in clause (a) do not meet the requirements of the By-Law.

Records

8. The building inspector shall keep 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 duties.

Copies of Code Available

9. The building inspector shall keep two copies of the adopted Code available for public use, inspection and examination.

Schedule of Fees

10. (1) Subject to Subsection (2), no permit shall be issued under this By-law until the permit fee has been paid to the Municipality in accordance with the amount as follows:

Where the total estimated cost of the work, including labour and materials, is for

(a) Building Permit fees for all construction:

- i) in the amount of \$2.50 per \$1,000.00
- ii) a minimum amount of \$25.00
- iii) a maximum of \$500.00

(b) Demolition Permit Fee:

- i) \$25.00 *Amended January 28, 2008*

- (2) Where the building inspector has reason to believe and does believe that an estimate mentioned in subsection (1) is unreasonable, he may refuse to issue a permit.

- (3) Failure to obtain a building permit prior to construction or demolition without the consent of the Building Inspector shall increase the applicable fee(s) to triple it's normal rate. *Amended July 23, 2007*

By-Law Repealed

11. By-Law No. 7A is repealed.