

BUILDING CODE ACT BY-LAW

PART 1 DEFINITIONS

- 1.1 All words in this By-Law have the same meaning as in the Nova Scotia Building Code Act and the Regulations prescribed pursuant thereto and where not so defined shall have the meaning as set forth herein:
- (a) "accessory building" means a subordinate building on the same lot as the main building, devoted exclusively to an accessory use, but does not include a building attached in any way to the main building, a building located completely underground or a motor vehicle, truck body, transport trailer or any part thereof;
 - (b) "Act" means the *Building Code Act*, R.S.N.S., 1989, c. 46 as amended;
 - (c) "authority having jurisdiction" means the Council of the Regional Municipality of Windsor and West Hants and its officials, acting pursuant to Section 5 of the *Act*;
 - (d) "Building Code" means the National Building Code of Canada as amended;
 - (e) "footing" means that portion of the support system that transmits loads directly to the soil;
 - (f) "main building" means the building on a lot in which the principal use of the lot is carried out;
 - (g) "material alteration" and "material repair" mean work that is done in the alteration or repair of a building which is covered by the Building Code, and which:
 - (i) is a non-structural repair or alteration regardless of its value, or
 - (ii) is a repair or alteration to the structure of the building; and
 - (h) "NSBCR" means the Nova Scotia Building Code Regulations.

PART 2 APPLICATION*Developments requiring a permit*

- 2.1 In addition to the permit requirements of the NSBCR, a building permit is required for:
- (a) accessory buildings greater than 9.29 m² (100 ft²) in area;
 - (b) interior and exterior non-structural material alterations and material repairs having monetary value in excess of \$1,000.00; and
 - (c) swimming pools more than 610 mm. (24 in.) deep.

BUILDING CODE ACT BY-LAW

No Permit for roof resurfacing

2.2 No building permit is required to resurface a roof with the same material.

Application form

2.3 Before a permit is issued, an applicant must complete an application form provided by the authority having jurisdiction.

2.4 Every application for a permit shall:

- (a) identify and describe in detail the work and occupancy to be covered by the permit for which application is made;
- (b) describe the land on which the work is to be done by including the unique parcel identifier (PID), assessment account number, and a description that will readily identify and locate the building lot;
- (c) include plans and specifications as required by the Nova Scotia Building Code Regulations and show the occupancy of all parts of the building;
- (d) state the valuation and square footage of the proposed work and be accompanied by the required fee;
- (e) state the names, addresses and telephone numbers of the owner, architect, professional engineer or other designer and constructor and any inspector or testing agency that has been engaged to monitor the work or any part of the work;
- (f) describe any special building systems, materials and appliances; and
- (g) such additional information as may be required to enable the authority having jurisdiction to determine compliance with the Building Code.

Incomplete applications

2.5 When an application for a permit has not been completed in conformance with the requirements of this By-Law within six months after it is filed, the application shall be deemed to have been abandoned.

PART 3 PERMITS*Permit expiry*

3.1 A permit is valid for one year from the date of issue and is renewable annually provided the application complies with all requirements of this By-Law.

Compliance with other By-Laws and regulations

3.2 Any permit may be withheld until the Building Official is satisfied that the provisions of the Building Code Act, Municipal Government Act, any regulations and By-Laws enacted pursuant thereto including any Land Use By-law, Architectural Design Manual, Subdivision By-law, Sewer By-law, the Heritage Property Act and any

BUILDING CODE ACT BY-LAW

regulations and By-laws enacted pursuant thereto and any applicable development agreement have been complied with.

Location certificates and footings permits

- 3.3 A location certificate showing the location of the footings on the lot and certified by a Nova Scotia Land Surveyor shall be provided for every new main building except where the lot area is greater than three (3) acres (1.2 hectares).
- 3.4 Notwithstanding clause 3.3, in any case where construction is proposed within 1.52m (5.0 ft.) of the setback that is required under any Land Use By-Law applicable in the Regional Municipality of Windsor and West Hants, the authority having jurisdiction may require a location certificate for additions, accessory buildings or new main buildings in order to be satisfied that the construction complies with the Land Use By-Law and Building Code.
- 3.5 Where a location certificate is required under this by-law:
- (a) a footings permit shall be issued that authorizes the applicant to commence construction to the point of the second inspection as specified in Part 4; and
 - (b) no building permit shall be issued until the footings have been installed to the satisfaction of the Building Official and the location certificate has been approved by the authority having jurisdiction.

Occupancy permit

- 3.6 An occupancy permit is required:
- (a) to allow the initial occupancy of a building or a part thereof;
 - (b) when the occupancy classification of a building or part thereof is changed; or
 - (c) to allow for occupancy after the partial demolition or alteration of a building.
- 3.7 The Building Official shall withhold an occupancy permit until satisfied that the owner has posted a valid civic number as required by the Regional Municipality of Windsor and West Hants Civic Addressing By-Law.

Demolition permit

- 3.8 No demolition permit shall be issued unless the application form indicates the method of demolition and proposed site for the disposal of the demolition material.

Permit for temporary Building or Occupancy

- 3.9 A permit for a temporary building or occupancy permit:
- (a) shall state the date after which, and the conditions under which, the permit is no longer valid; and
 - (b) may be extended provided permission in writing is granted by the authority having jurisdiction.

BUILDING CODE ACT BY-LAW

Permits for Part Only

- 3.10 Before issuing a building permit, a complete application shall be filed with the authority having jurisdiction. Where, however, in order to expedite work, approval of a portion of the building is desired prior to the issuance of a permit for the whole project, application shall be made for the complete project, and complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the authority having jurisdiction.
- 3.11 A permit, clearly marked "At Owner's Risk", may be issued at the risk of the owner, with conditions to ensure compliance with the Building Code, to excavate or to construct a portion of a building before all the plans of the project have been submitted or accepted.
- 3.12 Should a permit be issued for part of a building, the holder of the permit may proceed, but without any assurance that the permit for the entire building will be granted.
- 3.13 Any permit issued for part only of a building shall be clearly marked as for part only and shall also indicate that a permit for the entire building is not assured.
- 3.14 A permit for a whole project may be issued conditional upon the submission of additional information provided that the information is of such a nature that withholding the permit until the information was available would delay the work unreasonably.

Occupancy permit for part of a building

- 3.15 Upon application by the owner, the authority having jurisdiction may issue an occupancy permit for all or part of a building prior to completion of the work for which a building permit was issued provided:
- (a) no unsafe condition exists or will exist because of the work being undertaken or not completed; and
 - (b) the exterior structure and exterior appearance of the building have been completed to such a state as to present an attractive exterior finish.
- 3.16 Occupancy permits issued under section 3.15 may be issued for specified time periods either with or without conditions including time periods for completion of the work.

Amending an approved permit in force

- 3.17 Any revision or changes to the work to be covered by a permit shall require an application for an amended permit.

*BUILDING CODE ACT BY-LAW**Conditions not being met*

3.18 If any condition attaching to a permit is not met within the stated period the permit then shall automatically be void.

(See Appendix Note A-2.1.1.11 (3) NSBCR)

PART 4 INSPECTIONS

4.1 The authority having jurisdiction shall be notified by the owner or contractor verbally or otherwise at least 48 hours in advance and given the opportunity to inspect at the following stages of construction:

- (i) for a building being constructed under the scope of Part 9 of the Building Code at the following stages of construction:
 - (a) prior to pouring footings;
 - (b) footings in place;
 - (c) subfloor plumbing;
 - (d) subfloor and foundation insulation;
 - (e) pre-backfill;
 - (f) except for manufactured and modular homes;
 - (i) the framing, roof, plumbing, and mechanical systems;
 - (ii) insulation and vapour barrier before wall framing is covered, or
 - (g) for manufactured and modular homes;
 - (i) superstructure installation and anchorage systems,
 - (ii) foundation insulation and vapour barrier before wall framing is covered, and plumbing connections below the first floor, and
 - (h) before occupancy.
- (ii) for a building being constructed outside the scope of Part 9 of the Building Code at the following stages of construction:
 - (a) of the intent to undertake construction that will be inspected and will be reviewed as per the appropriate Letter of Undertaking required by Article 2.1.1.5., 2.1.1.6., or 2.1.1.7. of the NSBCR;
 - (b) of intent to cover construction that has been ordered to be inspected by the authority having jurisdiction before covering;
 - (c) at intervals deemed necessary by the authority having jurisdiction based on the complexity of the building; and
 - (d) when construction has been completed so that a final inspection can be made.

(See Appendix Note A-2.1.1.11(3) NSBCR)

BUILDING CODE ACT BY-LAW

PART 5 PERMIT FEES

- 5.1 An applicant for a building, occupancy or demolition permit shall pay the fees prescribed by Council by policy.
- 5.2 For the purposes of calculating permit fees, square footage shall be based on:
- (a) for buildings intended for human occupancy, the gross floor area of the building, including the floor area of a basement; or
 - (b) for buildings not intended for human occupancy, the gross floor area of the main floor.
- 5.3 Fees, less a nominal processing charge established by Council, shall be refunded where the application was not completed or was denied or withdrawn after the permits were issued and before construction has commenced.

PART 6 CONNECTION TO MUNICIPAL WATER

- 6.1 Everyone who connects or causes to be connected a water line from a building to the municipal water line shall connect to this line a water regulating valve which shall be located after the water meter and before the first water fixture and a backflow/back siphon device.

PART 7 CONNECTION TO MUNICIPAL SEWER OR STORM WATER LINE

- 7.1 Everyone who connects or causes to be connected a sewer line from a building to the municipal sewer line shall install a backflow prevention device to this line provided that the requirements of the National Plumbing Code are met.
- 7.2 Everyone who connects or causes to be connected to a municipal storm water line from a building perimeter footing drain must install a backflow prevention device between the building and municipal storm water line. Water leaders from roof drains are not to be connected to the municipal storm water line unless no other means of diverting roof water away from the building or adjoining properties is practical.

PART 8 REPEAL

- 8.1 The Building Code Act By-law passed by the Council of the Municipality of the District of West Hants on June 20, 2013 as amended to November 14, 2019 is hereby repealed.

BUILDING CODE ACT BY-LAW

- 8.2 The Building Code Act By-law passed by the Council of the Town of Windsor on February 25, 2014 is hereby repealed.

I, Rhonda Brown, Municipal Clerk of the Region of Windsor and West Hants Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the Region of the Windsor and West Hants Municipality at a meeting duly called and held on the **22nd** day of **September, 2020**.

R. N. Brown
Municipal Clerk

By-law Adoption	
First Reading:	July 28, 2020
Notice Published:	August 29, 2020
Second Reading & Approval	September 22, 2020
Final Publication	October 3, 2020
Notice to Municipal Affairs	October 5, 2020
Description: Initial approval of the Building Code Act By-law, RB-001, which includes the repeal of the Building Code Act By-laws of the former Municipality of the District of West Hants and Town of Windsor.	