

STAFF REPORT

TO: PLANNING ADVISORY COMMITTEE
FROM: TIM LESLIE, SENIOR BUILDING OFFICIAL
DATE: April 18, 2013
SUBJECT: BUILDING CODE ACT BY-LAW REVIEW

ORIGIN

Staff's internal review of the Building Code Act By-Law and changes required as a result of amendments to the Nova Scotia Building Code Regulations.

RECOMMENDATION

It is recommended:

That Council approve amendments to the Building Code Act By-Law, as specified in Exhibit '1'.

BACKGROUND

The Nova Scotia Building Code Regulations (NSBCR) were amended, effective June 1, 2011, primarily to adopt the 2010 National Building Code of Canada. The regulations also added new requirements for additional inspections. The West Hants Building Code Act By-Law should be amended to incorporate these changes. In conjunction with these amendments, staff has taken the opportunity to review the entire Building Code Act By-Law and fee schedule. The last review was done in 2005.

DISCUSSION

Exhibit '1' shows the draft By-Law with all proposed additions and changes. The main amendments are described in the following sections.

Part 1 Definitions

Two new definitions have been added. "NSBCR" refers to the Nova Scotia Building Code Regulations, which define the inspection and permit process, as well as the authority of the Building Official. The second definition is for "tents and air supported structures".

Part 2 Application

Part 2.1 (a): Currently the By-Law specifies that a building permit is required for all accessory buildings regardless of size. Staff recommends that permits be required only for accessory buildings over 100 ft² (9.29m²) in area. This will eliminate extra paperwork and inspections on small sheds that can be delivered completed from the building suppliers.

Part 2.2: New clause allowing roofs to be resurfaced using the same material without requiring a permit.

Part 3 Permits

Parts 3.3 to 3.6: No substantive changes have been made to these sections dealing with location certificates and footings permits, but they have been reorganized and rewritten to help clarify the intent. Clause 3.5 now refers to the second inspection, rather than the first inspection, to reflect the fact that a pre footing inspection is required (see Part 4 Inspections). Clause 3.6 clarifies that the full building permit will be issued after the footings have been inspected and the location certificate, if required, has been approved.

Part 3.7: Correction of typographical error to change “occupation” to “occupancy”.

Part 4 Inspections

Part 4.1: Changed to reflect the wording of the NSBCR and allow for two additional inspections required for compliance to the Energy Code and provisions for underground plumbing. In addition, because of poor soil conditions that are prevalent in West Hants, a pre footing inspection has been added. This will allow these conditions to be identified and dealt with at an early stage, avoiding further expense to the owner.

Part 5 Permit Fees

Part 5.1: Proposed changes to the permit fee structure. For most project categories, staff is proposing an increase in the base fee as well as the rate per square foot. In addition, new fees are proposed for tents and air-supported structures and starting construction without a permit. Staff feels increased fees are warranted to help offset the cost of providing additional required inspections and to bring West Hants fees closer to the average charged by other municipal units.

When staff reviewed the fee schedules for 12 other Nova Scotia municipalities (see detailed survey results in Exhibit ‘3’), it was clear that West Hants fees are well below the average. Exhibit ‘2’ offers a simple way of comparing fees among these municipal units by showing the fees that would be charged for six typical projects: a new 1,200 ft² house valued at \$125,000; a residential renovation worth \$25,000; a new 2,000 ft² commercial building valued at \$200,000; a commercial renovation for \$75,000; a new 600 ft² accessory building valued at \$10,000; and a new 3,200 ft² agricultural building worth \$40,000. West Hants fees for all six sample projects were from eight to 94 percent below the average, with the greatest discrepancy being for the new agricultural and commercial renovation projects. Fees for the residential projects were also well below average. At \$70, the West Hants fee for the residential renovation project was 55 percent less than the average of \$108. The fee for the new house sample project worked out to \$140, with the average being \$181, a 29 percent difference.

Part 5.2: Under the current By-Law, the floor area of the basement is included in calculating permit fees only if the basement is finished. The reference to a finished basement should be deleted since with the new Energy Code in effect, all basements are insulated and now are considered finished.

Part 5.3: Updated to coincide with the proposed change in the fee schedule. If a permit application is withdrawn any time before the first inspection or if the application is either incomplete or denied, the permit fee will be refunded less a processing fee. Refunding only a portion of the permit fee is common in these situations.

Part 5.4: New clause to exempt the Municipality from paying permit fees.

Part 7 Connection to Municipal Sewer Or Storm Water Line

Part 7.1: Correction of terminology to change “invert” to “outlet”.

Part 7.2: New clause requiring backflow prevention device between building and storm water line.

Part 8 Repeal

Part 8.1: Repeals the current by-law.

PROCEDURE FOR ADOPTION

The *Municipal Government Act* requires that Council give by-laws two readings. While there is no requirement for a public hearing, a notice must be published in a newspaper at least 14 days prior to the second reading stating the intent of the By-Law, the date, time and location of the meeting when Council will consider it and where the By-Law may be inspected. After the By-Law is passed, it takes effect when the notice of approval is published in the newspaper. A certified copy of the By-Law must be sent to the Minister of Service Nova Scotia and Municipal Relations after publication, but ministerial approval is not required.

CONCLUSION

The West Hants Building Code Act By-Law was last reviewed in 2005 and now is in need of revisions to make it consistent with the Nova Scotia Building Code Regulations, to clarify wording, and to bring the fee schedule in line with permit fees in other municipalities. Staff has conducted a comprehensive review of the By-Law and is providing the attached draft to Planning Advisory Committee for discussion and a recommendation to Council. Once PAC is satisfied with the draft, it must be reviewed by the Municipal Solicitor prior to moving into the formal Council approval process.

Respectfully submitted,

Tim Leslie, Senior Building Official

**COMPARISON OF BUILDING PERMIT FEES FOR SAMPLE PROJECTS,
USING EXISTING AND PROPOSED FEE STRUCTURE**

| Sample Project | Res - New | Res - Reno | Comm - New | Comm - Reno | Accessory Bldg | New Agricultural |
|---|------------------|-------------------|-------------------|--------------------|-----------------------|-----------------------------|
| Value | \$125,000.00 | \$25,000.00 | \$200,000.00 | \$75,000.00 | \$10,000.00 | \$40,000.00 |
| Ft ² | 1,200 | N/A | 2,000 | N/A | 600 | 3,200 |
| Municipal Unit | | | | | | |
| Lunenburg County | \$147.50 | \$82.50 | \$344.00 | \$291.50 | \$34.50 | \$118.00 |
| Colchester | \$72.00 | \$250.00 | \$200.00 | \$750.00 | \$12.00 | |
| Cumberland | \$77.00 | \$255.00 | \$125.00 | \$755.00 | \$17.00 | \$197.00 |
| Annapolis County | \$145.00 | \$50.00 | \$325.00 | \$100.00 | \$61.00 | \$217.00 |
| Kings County | \$152.00 | \$75.00 | \$328.00 | \$185.00 | \$46.40 | \$512.80 |
| Pictou County | \$193.00 | \$75.00 | \$385.00 | \$175.00 | \$61.00 | \$217.00 |
| Inverness County* | \$50.00 | \$50.00 | \$75.00 | \$50.00 | \$50.00 | \$50.00 |
| Richmond County* | \$188.00 | \$82.50 | \$380.00 | \$207.50 | \$50.00 | \$276.00 |
| Victoria County* | \$188.00 | \$82.50 | \$380.00 | \$207.50 | \$50.00 | \$276.00 |
| Antigonish County* | \$188.00 | \$82.50 | \$380.00 | \$207.50 | \$50.00 | \$276.00 |
| East Hants | \$295.00 | \$150.00 | \$630.00 | \$850.00 | \$99.00 | \$203.00 |
| CBRM* | \$480.00 | \$67.50 | \$590.00 | \$132.50 | \$40.00 | \$820.00 |
| Average | \$181.29 | \$108.54 | \$345.17 | \$325.96 | \$47.58 | \$287.53 |
| West Hants (Existing) | \$140.00 | \$70.00 | \$290.00 | \$170.00 | \$44.00 | \$148.00 |
| % Below Average | 29% | 55% | 19% | 92% | 8% | 94% |
| West Hants (Proposed) | \$169.00 | \$87.50 | \$350.00 | \$212.50 | \$61.00 | \$217.00 |
| Increase | \$29.00 | \$17.50 | \$60.00 | \$42.50 | \$17.00 | \$69.00 |
| <p>Note: * indicates municipalities where a flat rate is used for permit fees. Inverness uses this method for all permits; Richmond, Victoria and Antigonish counties use it for accessory buildings; CBRM has a flat rate for new residential and accessory buildings.</p> | | | | | | |

Exhibit '3'

| | West Hants - Old | West Hants - New | Kings County | Victoria County | Annapolis County | Richmond County |
|---|--------------------------------|-------------------------------|-----------------------|------------------------|-------------------------|------------------------|
| RESIDENTIAL incl. community centres/churches/cottages | | | | | | |
| New construction and additions | \$20 + \$0.10/sq.ft. | \$25 + \$0.12/sq.ft. | \$20 + \$0.11/sq.ft. | \$20 + \$0.14/sq.ft. | \$25 + \$0.10/sq.ft. | \$20 + \$0.14/sq.ft. |
| Renovations | \$20 + \$2.00/\$1000 | \$25 + \$2.50/\$1000 | \$20 + \$2.20/\$1000 | \$20 + \$2.50/\$1000 | \$25 + \$1.00/\$1000 | \$20 + \$2.50/\$1000 |
| | | | | | | |
| COMMERCIAL | | | | | | |
| New construction and additions under 2,500 sq.ft. | \$50 + 0.12/sq.ft. | \$50 + \$0.15/sq.ft. | \$20 + \$0.154/sq.ft. | \$20 + \$0.18/sq.ft. | \$25 + \$0.15/sq.ft. | \$20 + \$0.18/sq.ft. |
| between 2,500 - 10,000 sq.ft. | | | | | | |
| between 10,000 - 49,000 sq.ft. | | | | | | |
| over 49,000 sq.ft. | | | | | | |
| Renovations | \$20 + \$2.00/\$1000 | \$25 + \$2.50/\$1000 | \$20 + \$2.20/\$1000 | \$20 + \$2.50/\$1000 | \$25 + \$1.00/\$1000 | \$20 + \$2.50/\$1000 |
| | | | | | | |
| ACCESSORY BLDGS. i.e. Sheds, Garages etc. | \$20 + 0.04/sq.ft. | \$25 + \$0.06/sq.ft. | \$20 + \$0.044/sq.ft. | \$50.00 | \$25 + \$0.06/sq.ft. | \$50.00 |
| | | | | | | |
| AGRICULTURAL - Barns and other Farm Buildings | \$20 + 0.04/sq.ft. | \$25 + \$0.06/sq.ft. | \$20 + \$0.154/sq.ft. | \$20 + \$0.08/sq.ft. | \$25 + \$0.03/sq.ft. | \$20 + \$0.08/sq.ft. |
| | | | | | | |
| Location or re-location of an existing structure/mobile home | \$50.00 | \$50.00 | | \$75.00 | \$50.00 | \$20 + \$0.14/sq.ft. |
| | | | | | | |
| Structural Repairs or Renovations to existing bldgs | \$20 + \$2.00/\$1000 | \$25 + \$2.50/\$1000 | | \$20 + \$2.50/\$1000 | \$25 + \$1.00/\$1000 | \$20 + \$2.50/\$1000 |
| | | | | | | |
| Non-structural Repairs or Renovations to existing bldgs | | | | | | |
| est. value \$1000 or less | No fee or permit required | No fee or permit required | | | | |
| est. value \$5000 or less | No fee, but permit required | \$25.00 | | | | |
| | | | | | | |
| RENEWAL or AMENDMENT of approved permit in force | \$0.00 | \$25.00 | | \$20.00 | | |
| | | | | | | |
| Occupancy Permits | No charge | No charge | | | | |
| Demolition Permits | \$20.00 | \$25.00 | \$30.00 | \$20.00 | \$25.00 | |
| Sign Permits | \$15.00 | \$25.00 | | | | |
| Swimming Pool Permits | \$25.00 | \$25.00 | \$50.00 | | | |
| Tents or Air Supported structures | | \$50.00 | | | | |
| Development Permits | | \$25.00 | | \$20.00 | | |
| Renewal of Permit | \$15.00 | \$25.00 | | | | |
| | | | | | | |
| Building without a permit | | \$50.00 + applicable fee's | | Double | | |

| | Inverness County | Pictou County | Antigonish County | CBRM | Colchester |
|---|------------------|----------------------|----------------------|----------------------|---------------|
| RESIDENTIAL incl. community centres/churches/cottages | | | | | |
| New construction and additions | \$50.00 | \$25 + \$0.14/sq.ft. | \$20 + \$0.14/sq.ft. | \$480.00 - New | \$0.06/sq.ft. |
| Renovations | \$50.00 | \$25 + \$2.00/\$1000 | \$20 + \$2.50/\$1000 | \$1.50/\$1000 | 0.1% of value |
| | | | | | |
| COMMERCIAL | | | | | |
| New construction and additions under 2,500 sq.ft. | \$75.00 | \$25 + \$0.18/sq.ft. | \$20 + \$0.18/sq.ft. | \$20 + \$0.25/sq.ft. | \$0.10/sq.ft. |
| between 2,500 - 10,000 sq.ft. | | | | | |
| between 10,000 - 49,000 sq.ft. | | | | | |
| over 49,000 sq.ft. | | | | | |
| Renovations | \$75.00 | \$25 + \$2.00/\$1000 | \$20 + \$2.50/\$1000 | \$20 + \$1.50/\$1000 | 0.1% of value |
| | | | | | |
| ACCESSORY BLDGS. i.e. Sheds, Garages etc. | \$50.00 | \$25 + \$0.06/sq.ft. | \$50.00 | \$40.00 | \$0.02/sq.ft. |
| | | | | | |
| AGRICULTURAL - Barns and other Farm Buildings | \$50.00 | \$25 + \$0.06/sq.ft. | \$20 + \$0.08/sq.ft. | \$20 + \$0.25/sq.ft. | |
| | | | | | |
| Location or re-location of an existing structure/mobile home | \$50.00 | \$75.00 | \$75.00 | \$200.00 | \$25.00 |
| | | | | | |
| Structural Repairs or Renovations to existing bldgs | \$50.00 | \$25 + \$2.00/\$1000 | \$20 + \$2.50/\$1000 | | |
| | | | | | |
| Non-structural Repairs or Renovations to existing bldgs | | | | | |
| est. value \$1000 or less | | | | | |
| est. value \$5000 or less | | | | | |
| | | | | | |
| RENEWAL or AMENDMENT of approved permit in force | | \$25.00 | | | |
| | | | | | |
| Occupancy Permits | | \$50.00 | | | |
| Demolition Permits | \$20.00 | \$20.00 | \$20.00 | \$50.00 | \$20.00 |
| Sign Permits | | | | | |
| Swimming Pool Permits | | \$50.00 | | | |
| Tents or Air Supported structures | | | | \$50.00 | |
| Development Permits | | | \$20.00 | | |
| Renewal of Permit | | | \$20.00 | \$25.00 | |
| Building without a permit | | | Double | | |

| | Municipality of Cumberland | Municipality of Lunenburg | East Hants |
|---|-----------------------------------|----------------------------------|------------------------|
| RESIDENTIAL incl. community centres/churches/cottages | | | |
| New construction and additions | \$5 + \$0.06/sq.ft. | \$27.50 + \$0.10/sq.ft. | \$175 + \$0.10/sq.ft. |
| Renovations | \$5 + 0.1% of value | \$27.50 + \$2.20/\$1000 | \$25 + \$5/\$1000 |
| COMMERCIAL | \$5 + \$0.06/sq.ft. | \$44 + \$0.15/sq.ft. | |
| New construction and additions | | | |
| under 2,500 sq.ft. | | | \$350 + \$0.14/sq.ft. |
| between 2,500 - 10,000 sq.ft. | | | \$550 + \$0.14/sq.ft. |
| between 10,000 - 49,000 sq.ft. | | | \$2550 + \$0.14/sq.ft. |
| over 49,000 sq.ft. | | | \$5050 + \$0.14/sq.ft. |
| Renovations | \$5 + 0.1% of value | \$44 + \$3.30/\$1000 | \$100 + \$10/\$1000 |
| ACCESSORY BLDGS. i.e. Sheds, Garages etc. | \$5 + \$0.02/sq.ft. | \$16.50 + \$0.03/sq.ft. | \$75 + \$0.04/sq.ft. |
| AGRICULTURAL - Barns and other Farm Buildings | \$5 + \$0.06/sq.ft. | \$22 + \$0.03/sq.ft. | \$75 + \$0.04/sq.ft. |
| Location or re-location of an existing structure/mobile home | | | |
| Structural Repairs or Renovations to existing bldgs | \$5 + 0.1% of value | | |
| Non-structural Repairs or Renovations to existing bldgs | \$5 + 0.1% of value | | |
| est. value \$1000 or less | | | |
| est. value \$5000 or less | | | |
| RENEWAL or AMENDMENT of approved permit in force | | | |
| Occupancy Permits | | | \$50.00 |
| Demolition Permits | \$0.00 | \$22.00 | \$20.00 |
| Sign Permits | | | |
| Swimming Pool Permits | | | \$25.00 |
| Tents or Air Supported structures | | \$44.00 | |
| Development Permits | | | |
| Renewal of Permit | | | \$25.00 |
| Inspection not ready when booked | | | \$50 .00 per occasion |
| Building without a permit | | \$55.00 plus fee's | |