

BE IT ENACTED - by the Council of the Municipality of the District of Digby, pursuant to authority contained in the *Municipal Government Act*, as follows:

**BUILDING BY-LAW
#2023-01**

- [1] This By-Law shall be known as the Building By-Law.
- [2] This By-Law shall apply to the entire Municipality.
- [3] The Nova Scotia Building Code Act and Regulations, and the National Building Code of Canada, are hereby made a part of this By-Law.

Definitions

- [4] Unless otherwise defined herein, definitions contained in the Nova Scotia Building Code Act, the Nova Scotia Building Code Regulations, and the National Building Code of Canada, also apply to this By-Law.
 - (a) "Applicant" means the property owner or his or her agent, consented to in writing by the owner;
 - (b) "Building" means a building as defined by the National Building Code of Canada;
 - (c) "Building Inspector" means the Building Inspector(s) for the Municipality of the District of Digby;
 - (d) "Development Officer" means the Development Officer for the Municipality of the District of Digby;
 - (e) "Municipality" means the Municipality of the District of Digby;
 - (f) "Owner" means a person controlling the property under consideration, and also prima facie includes the assessed owner of the property whose name appears on the assessment role prepared in accordance with the Assessment Act.

Permits

- [5] An application form, as prescribed from time to time by the Municipality, must be completed in full before any permit is issued.
- [6] All applicable fees, as set out in the Fees Policy for the Municipality, must be paid in full before any permit is issued.
- [7] Every application for a permit shall:

- (a) Identify and describe in detail the work and occupancy to be covered by the permit for which the application is made;
- (b) Describe the land by including the Nova Scotia Information Management Parcel Identification Number (PID) or such description that will readily identify and locate the building lot;
- (c) Include plans and specifications, as required by the National Building Code of Canada;
- (d) State the valuation of the proposed work based on material and labour, and be accompanied by all required fees as set out in the Fees Policy;
- (e) State the names, addresses and telephone number of the owner, architect, professional engineer, or other designer, contractor and any inspection 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 applications;
- (g) Include any such additional information as may be required by the Building Inspector or Development Officer.

[8] Per the Building Code Act and Regulations, the Building Inspector may place a value on the cost of the work, based on an accepted costing standard, for the purpose of determining the applicable permit fee.

[9] No permit shall be issued unless and until the application has been completed, signed, submitted, and approved.

[10] When an application for a permit has been submitted and has not been completed or is not in conformance with this By-Law, it shall be deemed to have been abandoned after six months from the date it was submitted and no fees shall be refunded.

[11] Any permit issued pursuant to this By-Law is valid for one year from the date of issuance, but may be renewed prior to one year provided all applicable provisions have been met.

[12] A permit is issued for specific work and does not include any additional work not included in the application for the permit. A permit may be revoked by the Building Inspector or Development Officer as allowed under Section 57 of the Building Code Regulations.

Development Permit

[13] A Development Permit shall be obtained from the Development Officer by the owner or his or her agent when required by the Municipality Municipal Planning Strategy or the Land Use By-Laws for the Municipality.

- [14] Consent must be provided in writing (letter, email, or applicable form) to the Development Officer by the owner(s) of the property, if a contractor or agent is acting on their behalf.

Building Permit

- [15] A Building Permit shall be obtained from the Building Inspector by the owner or his or her authorized agent for the excavation, alteration, construction, or re-construction of any building or part of any building.
- [16] Consent must be provided in writing (letter, email, or applicable form) to the Building Inspector by the owner(s) of the property, if a contractor or agent is acting on their behalf.
- [17] A Building Permit is valid for one year from the date of issue and may be renewed upon written request at no cost.
- [18] A Building Permit may be withheld until the Building Inspector is satisfied that, where applicable:
- (a) A Development Permit has been issued pursuant to the provisions of the applicable Land Use By-Law for the Municipality;
 - (b) Any applicable Development Agreement provisions are being followed;
 - (c) Provisions of the Heritage Property Act are being followed;
 - (d) A valid on-site sewage disposal system permit has been issued by the Department of Environment and Climate Change for the construction of a building requiring a new private sewage disposal system;
 - (e) An appropriate permit(s) has been issued by the Nova Scotia Department of Public Works for access to the property, or for construction within the vicinity of a Provincial Road or Highway;
 - (f) All approvals have been obtained, with applicable fees paid in full, for the installation and connection of municipal sewer infrastructure;
 - (g) Any other regulation that may apply has been satisfied.
- [19] Building Permits are not required for the following, although the Building Code and, where applicable, Development Permits, shall still apply:
- (a) Accessory building, not used for human habitation, where no power is required, and not greater than 144 square feet and one storey in height only;
 - (b) Ground level patios, walkways, and other forms of landscaping;
 - (c) Interior and exterior non-structural material alterations and material repairs with a monetary value of five thousand dollars (\$5,000.00) or less.

- [20] In addition to the requirements in the Nova Scotia Building Code Regulations, a Building Permit shall be obtained for:
- (a) A change of use or tenant in buildings other than residential occupancy, regardless of the extent of construction being undertaken;
 - (b) Creation of additional units.

Demolition Permit

- [21] A Demolition Permit shall be obtained from the Building Inspector by the owner or his or her agent before any demolition of a building or part of a building.
- [22] Consent must be provided in writing (letter, email, or applicable form) to the Building Inspector by the owner(s) of the property where the building is located if a contractor or agent is acting on their behalf.
- [23] An application for a Demolition Permit shall include a description of the location or locations where the demolition debris will be disposed.
- [24] Immediately after demolition the site shall be cleaned and all debris removed to the satisfaction of the Building Inspector.
- [25] All provincial and federal regulatory requirements must be met.

Occupancy Permit

- [26] An Occupancy Permit shall be obtained from the Building Inspector by the owner or his or her authorized agent before any occupancy of a building.
- [27] Consent must be provided in writing (letter, email, or applicable form) to the Building Inspector by the owner(s) of the property, if a contractor or agent is acting on their behalf.
- [28] An occupancy shall not be issued for any building or part thereof unless a valid Building Permit is in effect.
- [29] A Civic Number must be posted before an Occupancy Permit is issued.
- [30] Except for a change of a residential tenant, no person shall occupy a building after a change of use or tenant, including any change in the number of either commercial or residential units, without first obtaining an Occupancy Permit.
- [31] An Occupancy Permit may be withheld until the Building Inspector is satisfied that the provisions of any applicable Land Use By-Law, the Heritage Property Act, any applicable Development Agreement, and any other regulations or By-Laws enacted have been complied with.

[32] To issue an Occupancy Permit, the Building Inspector must receive in writing from the owner or their representative all certificates of compliance from various testing groups, including electrical and septic, provincial and federal agencies, and identified service providers, all to be identified on the Building Permit at the time of issuance.

Inspections

[33] Every owner, or their representative, shall notify the Building Inspector at least forty-eight (48) hours in advance to inspect for compliance with this By-Law, the Building Code Act, and the Building Code Regulations, which may be changed from time to time.

[34] The Building Inspector may require additional inspections depending upon the complexity of the construction.

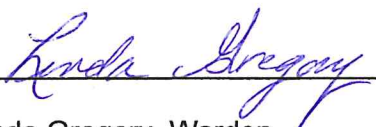
Repeal

[35] Municipal By-Law Relating to Building Code Act, and any amendments thereto, of the Municipality of the District of Digby, and the Development Control and Planning Applications Fees By-Law #2009-01, and any amendments thereto, of the Municipality of the District of Digby, are hereby repealed.

Certification

This is to certify that the foregoing is a true copy of a By-Law passed at a duly convened meeting of the Council of the Municipality of the District of Digby, held the 28th day of March, 2023.

Given under the hands of the Warden and Chief Administrative Officer and the seal of the Municipality of the District of Digby this 28th day of March, 2023.



Linda Gregory, Warden



Jeff Sunderland
Chief Administrative Officer

FIRST READING
“NOTICE OF INTENT” PUBLICATION
SECOND READING
MINISTERIAL APPROVAL
FORWARDED TO MINISTER
DATE OF PUBLISHING

FEBRUARY 28, 2023
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