

**BY-LAW NO. 2005-04
VILLAGE OF DOAKTOWN
BUILDING BY-LAW**

The Council of the Village of Doaktown, under authority vested in it by Section 59 of the *Community Planning Act*, enacts as follows:

INTERPRETATION

1. In this By-Law:

- (a) **Alter** means a structural change to a building 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 change to or closing of any means of egress.
- (b) **Building** means a structure, in, on or under the ground whether temporary or permanent and includes an accessory building.
- (c) **Building, accessory**, means a detached subordinate building, not used for human habitation, except where permitted in the zoning provisions, located on the same lot as the main building, structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the land, building or structure;
- (d) **Council** means the Council of the Village of Doaktown.
- (e) **Development** means the erecting, placing, relocating, removing, demolishing, altering, repairing or replacing of a building or structure other than utility poles and wires, traffic control devices or statutory Notices.
- (f) **Structure**, means a combination of materials which forms a construction that is intended to be safe and stable, other than a building, or a power or telephone pole.

SCOPE

2. The purpose of this By-Law is:

- (a) to prescribe standards for the development of any building or structure;
- (b) to prohibit the undertaking or continuing of work mentioned in Clause (a) in violation of standards prescribed herein; and
- (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 or renewed, their forms and the fees Thereof.

ADOPTION OF CODE

3. The National Building Code of Canada, in its latest edition along with any and all revisions, is hereby adopted as the standard to which all work undertaken in the municipality must conform, except as otherwise allowed in this by-law.

APPOINTMENT OF BUILDING INSPECTOR

4. The Council shall appoint a building inspector who shall exercise such powers and perform such duties as are provided for in this By-Law.

BUILDING PERMITS

5. (1) A person shall not undertake or continue the development of a building or structure unless a building permit therefore has been issued pursuant to this section.

(2) Notwithstanding 5 (1) a building permit is not required for regular maintenance of a building or structure, which includes painting, replacement of siding, roofing or windows.

(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 Council;
 - (b) be signed by the owner or agent;
 - (c) state the use intended for the building or structure; and
 - (d) unless waived by the building inspector, include, subject to subsection (7), copies in duplicate of the specifications and scale drawings of the building or structure with respect to which the work is to be carried out, showing:
 - (i) the dimension of the building or structure,
 - (ii) the proposed use of each room or floor area,
 - (iii) the dimension of the land on which the building is, or is to be, located,
 - (iv) 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; and
 - (f) contain such other information as the building inspector may require for the purpose of determining compliance herewith.

- (3) Where,
 - (a) an application mentioned in sub-section (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.
- (4) A building permit hereunder is issued on the condition that the work mentioned therein,
 - (a) is commenced within six months from the date of the issue of the building permit;
 - (b) is not discontinued or suspended in excess of one year; and
 - (c) is carried out, unless otherwise approved by the building inspector, in compliance with the specifications contained in the application for the building permit.
- (5) Where a person violates a condition mentioned in sub-section (4), or 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 building permit, state the nature of the violation and order the cessation or alteration of work thereof within a reasonable time mentioned in the notice.
- (6) Where a person fails to comply with an order mentioned in sub-section (5), the building inspector may suspend or revoke the building permit and may, if conditions leading to the suspension are subsequently corrected, reinstate the suspended permit.
- (7) The work mentioned in the building permit shall be carried out, unless otherwise approved by the building inspector, in compliance with the specifications contained in the application for the building permit.

RESPONSIBILITY OF PERMIT HOLDER

6. (1) Where a building permit has been issued, the person named in the permit shall give to the building inspector:
 - (a) at least 48 hours notice of the intention to start the work authorized by the permit;
 - (b) at least 48 hours notice of the placement of a foundation wall below land surface prior to any back filling of the excavation;
 - (c) at least 72 hours notice of completion of the structural work and prior to the installation of the interior finish;
 - (d) notice of the completion of the work described in the permit within ten days of such completion; and
 - (e) such other information as may be required hereunder.

10. The building inspector shall keep one copy of the adopted National Building Code available for public use, inspection and examination.

FEES

11. (1) Subject to sub-section (2), no permit may be issued hereunder until the fee set out in the schedule below has been paid to the municipality;
- (a) Two dollars and fifty cents (\$2.50) per thousand dollars (\$1000.00), or part thereof, of the estimated value of the work including labour and materials and subject to the approval of the building inspector, but in any case not less than twenty five dollars (\$25.00);
 - (b) \$25.00 for accessory buildings and structures, swimming pools, fences, signs; and
 - (c) \$25.00 for demolition of a structure or building.
- (2) Where the building inspector has reason to believe and does believe that an estimate mentioned in sub-section (1) is unreasonable, he/she may refuse to issue the permit.

BY-LAW REPEALED

12. By-Law No. 82-2, Village of Doaktown Building By-law, adopted June 2, 1982, is hereby repealed.

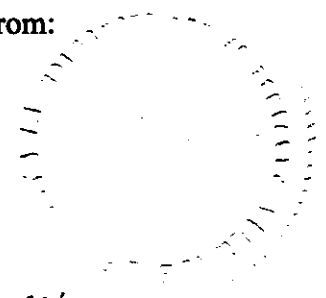
ENACTMENT

13. This By-Law shall come into effect on the date of the enactment there from:

READ THE FIRST TIME BY TITLE: November 9, 2005

READ THE SECOND TIME BY TITLE: November 9, 2005

READ IN ITS ENTIRETY IN COUNCIL: December 14, 2005


Marilyn E. Krue
CLERK

Charles E. Stewart
MAYOR

VILLAGE OF DOAKTOWN

- (2) Where tests of any materials are made to ensure conformity with the requirements of this By-Law, records of the test data shall be kept available for inspection during the carrying out of the work authorized.
- (3) The approval of plans or specifications, the issue of a building permit or any inspections hereunder, do not relieve a person of any duty or responsibility for carrying out works in accordance with this By-law.
- (4) For buildings built under Part 4 and/or Part 9 of the National Building Code, a letter of completion which ensures that the building or part thereof was constructed as per the design must provided by the designer (architect or licensed engineer) to the Building Inspector at the completion of the work.

DOCUMENTS ON THE SITE

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

TESTS

8. The building inspector may
 - (a) direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence of proof be submitted, including the ability to require the applicant to provide an on-site inspector, at no costs to the municipality, where such evidence or proof is necessary to determine if any material, device, construction or foundations meets the requirements of this By-Law; and
 - (b) 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 this By-law.

RECORDS

9. 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/her duties.

COPIES OF CODE AVAILABLE