BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ALONSA TO ESTABLISH A BUILDING BY-LAW.

# **SECTION 2** Scope & Definitions

# 2.1 Scope:

- 2.1.1. This By-law applies to the whole of the Rural Municipality of Alonsa.
- 2.1.2 This By-law applies to administration and enforcement in the design, construction, erection, placement and occupancy of new buildings, and the alteration, reconstruction, demolition, removal, relocation, occupancy and change in occupancy of existing buildings and any requirements that are necessary to correct unsafe conditions in existing buildings.
- 2.1.3 The Requirements of the *Code* are hereby adopted and shall apply to all work falling within the scope and jurisdiction of this By-law.
- 2.1.4 Any construction that lawfully existed before the effective date of this By-Law need not conform to the requirements of this By-law if such construction or condition does not constitute an *unsafe condition* in the opinion of the *authority having jurisdiction*.

### 2.2 Definitions:

- 2.2.1 The words and terms in italics in this By-law shall have the meaning prescribed in subsection 2.2.3 herein, and if no definition is herein they shall have the meanings as prescribed in the *Code*. Should a word or term be defined in both this By-law and the *Code*, the definition set forth in this By-law shall govern.
- 2.2.2 Definitions of words and phrases used in this By-law that are not specifically defined in the *Code* or in this subsection shall have the meanings that are commonly assigned to them in the context in which they are used in these requirements, considering the specialized us of terms within the various trades and professions to which the terminology applies.
- 2.2.3 Words and terms in italics in this By-law shall have the following meanings:

"Audit"

means a random review of design or construction work by the authority having jurisdiction to ascertain compliance with the Code and this By-law.

"Authority Having Jurisdiction"

means The Rural Municipality of and, where Alonsa context requires such building inspector authority lawfully other The Rural appointed by of Municipality Alonsa to enforce administer and the provisions of this By-Law.

"Code"

means the Manitoba Building Code as established, adopted and revised from time to time under Section 3 of the Buildings and Mobile Homes Act.

"Council"

means the municipal council of The Rural Municipality of Alonsa.

"Permit"

means written permission or written authorization from the authority having jurisdiction in respect to matters regulated by this By-law.

"Person"

means and includes any individual, corporation, partnership, firm, joint venture, syndicate, association, or trust and any other form of entity or organization.

"RTM"

means ready to move houses being houses or *buildings* constructed in one location and moved to a different location.

"Valuation"

shall mean the total monetary worth of all construction or work, including all painting, papering, work, roofing, electrical plumbing, permanent or fixed including equipment, any elevator permanent heating, sprinkler fire equipment or labour, and all equipment, materials and other devices

entering into and necessary to the prosecution of the work in its completed form. No portion of any building including, mechanical, electrical and plumbing work, shall be excluded from the valuation for a permit.

#### **SECTION 3** General

# 3.1 Application Generally:

This By-law applies to the design, construction, erection, placement and *occupancy* of new *buildings* and the *alteration*, reconstruction, demolition, removal, relocation, *occupancy* and change in *occupancy* of existing *buildings*.

# 3.2 Limited Application to Existing Buildings:

- 3.2.1 When a *building* or any part of it is altered or repaired, the *Code* applies to the parts of the *building* altered or repaired except that where in opinion of the *authority having jurisdiction*.
- 3.2.2 The number of *storeys* of an existing *building* or structure shall not be increased unless the entire *building* or structure conforms to the requirements of the *Code*.
- 3.2.3 When a *building* is damaged by fire, earthquake or other cause, the *Code*, the requirements of this By-law and the appropriate regulations under the Fire Prevention Act, and the Manitoba Fire Code, apply to the work necessary to reconstruct damaged portions of the *building*.
- 3.2.4 When an *unsafe condition* exists in or about a *building*, the *Code*, the requirements of this By-law and the appropriate regulations in the Fire Prevention Act, and the Manitoba Fire Code, shall apply to the work necessary to correct the *unsafe condition*.

#### 3.3 Exemptions:

- 3.3.1 These requirements do not apply to:
  - a) sewage, water, electrical, telephone, rail or similar systems located on a street or public right of way.

- b) public utility towers or poles, television and radio or other communication aerials and towers, except for loads resulting from those located on or attached to *buildings*.
- c) flood control and hydroelectric dams and structures.
- d) mechanical or other equipment and appliances not regulated in this By-law.
- e) accessory buildings not greater than 10 meters in the building area subject to the concurrence of the authority having jurisdiction.
- f) a farm building, other than a farm building used as a residence, an attached garage or carport.

#### 3.4 Prohibitions:

- 3.4.1 Any person who fails to comply with any order or notice issued by any *authority having jurisdiction*, or who allows a violation of the requirements of this By-law or *Code* to occur or to continue, contravenes the provisions of this By-law.
- 3.4.2 No person shall undertake any work or authorize or allow work to proceed on a project for which a *permit* is required unless a valid *permit* exists for the work to be done.
- 3.4.3 No person shall deviate from the accepted plans and specifications forming part of the *permit*, or omit or fail to complete, prior to occupancy, work required by the said accepted plans and specifications, without first having obtained the acceptance of the *authority having jurisdiction* to allow such deviation except for minor changes to accepted plans and specifications which, when completed would not cause a violation of the *Code* or other By-laws.
- 3.4.4 No person shall knowingly submit false or misleading information to the *authority having jurisdiction* concerning any matter relating to this By-law.
- 3.4.5 No person shall excavate or undertake work on, over or under public property, or erect or place any construction or work or store any materials thereon without receiving prior approval in writing from the appropriate government authority.

3.4.6 No person shall allow the ground elevations or the property boundaries of a *building*, or part of it, in contravention of the requirements of this By-law, unless the *building*, or part of it, is so altered, after obtaining the necessary *permit*, such that no contravention will occur because of the change of the property boundary or grades.

# 3.4 Mobile Homes and RTM's:

- 3.5.1 Mobile homes and/or RTM's shall comply with the requirements of the *Code*.
- 3.5.2 The *authority having jurisdiction* may require any or all of the following in respect a mobile home or RTM sought to be located within the area of jurisdiction of the *authority having jurisdiction:* 
  - a) the submission of a complete set of plans and specifications;
  - seal of an Engineer licensed in the Province of Manitoba in respect to all building components requiring professional certification;
  - submission of copies of any or all permits taken out for the mobile home or RTM in the location of its construction together with a copy of any or all inspection reports;
  - d) such inspections or certifications as the authority having jurisdiction may deem necessary in order to ensure compliance with the Code and this By-Law.

## **SECTION 4** Permits

#### 4.1 Application:

- 4.1.1 Except as otherwise allowed by the *authority having jurisdiction*, every application for a *permit* shall be in the form prescribed by the *authority having jurisdiction* and shall:
  - a) identify and describe in detail the work and occupancy to be covered by the *permit* for which the application is being made;
  - describe the land on which the work is to be done by a description that will readily identify and locate the building lot;

- c) state the *valuation* of the proposed work and be accompanied by the required fee as set out on Schedule A hereto; and;
- d) include those plans and specifications set out on Schedule B hereto (unless otherwise waived by the *authority having jurisdiction*), and show the *occupancy* of all parts of the *building*;
- e) state the names, addressed and telephone numbers of the owners, architect, professional engineer or other designer, constructor and any inspection or testing agency engaged to monitor the work or part of the work;
- f) include such additional information as maybe required by the *authority having jurisdiction*.
- 4.1.2 When an application for a *permit* has not been completed in conformance with the requirements of the *authority having jurisdiction* within six months after the date of filing, the application shall (unless otherwise extended by the *authority having jurisdiction*) be deemed to have been abandoned, and can only be reinstated by refilling.
- 4.1.3 A *permit* shall expire and the right of an owner under the *permit* shall end if:
  - a) the work authorized by the *permit* is not covered commenced within six months from the date of issue of the *permit* and actively carried out after that or;
  - b) the work authorized under the *permit* is suspended for six months unless otherwise extended by the *authority having jurisdiction*.
- 4.1.4 Any revision to the original application described in article 4.1.1. shall be made in the same manner as for the original *permit*.
- 4.1.5 Applications for *permits* may be filed, and *permits* may be issued to an *owner*, or to a *constructor* or other properly authorized agent of the *owner*.

#### 4.2 Permits:

- 4.2.1.1 Except as permitted in Article 4.2.1.2 herein, unless a building permit has first been obtained from the authority having jurisdiction, no person shall commence or cause to be commenced:
  - a) the location, placement, erection or construction of any building or structure or portion thereof;
  - b) the addition, extension, improvement, alteration or conversion of any building or structure, or portion thereof;
  - c) the repair, rehabilitation, or *renovation* or any building or structure, or portion thereof;
  - d) underpinning;
  - e) the relocation or removal of any *building* or structure, or portion thereof;
  - f) the excavation of any land for any purpose of erecting or location on or above it, any building or structure;
  - g) the installation, construction, repair, renewal, *alteration* or extension of a mechanical system;
  - the installation, construction, alteration or extension of a spray paint operation, spray painting booth, dip tank or other special process; or
  - i) the *alteration*, addition, erection or re-erection of a sign.

#### 4.2.1.2 A building permit is not required for:

- a) patching, painting or decorating;
- b) replacement of stucco, siding or shingles with the same material;
- replacement of doors or windows when the opening is not altered;
- d) replacement of open landing and stairs;

- e) construction of fences;
- f) installation of cabinets and shelves;
- g) a detached accessory storage building not greater than 10 meters (8' x 10') in building area;
- h) non-structural alterations or repairs where the value of such work in less than five thousand dollars (\$5,000.00)
- 4.2.1.3 Notwithstanding that a *building permit* is not required for the work described in Article 4.2.1.2, such work shall comply with the *Code* and the provisions of this or other applicable By-laws and the work shall not place the *building* or structure in contravention of further contravention of the *Code* or this or any other By-law.
- 4.2.1.4 Before the issuance of a building permit, for cases in which professional design is not required, the owner shall (unless the authority having jurisdiction waives such requirement) submit a Letter of Assurance, in the form set out in Schedule C attached hereto, confirming that the owner will ensure that the building will be constructed in accordance with the Code.

#### 4.2.2 General:

4.2.5.1 No permit shall be assigned or transferred without the written consent of the *authority having jurisdiction.* 

# **SECTION 5** Duties, Responsibilities & Powers

# 5.1 Duties and Responsibilities of the Owner:

- 5.1.1 Every *owner* shall allow the *authority having jurisdiction* to enter any *building* or premises at any reasonable time for the purpose of administering and enforcing the requirements of this By-law.
- 5.1.2 Every *owner* shall obtain all *permits* or approvals required in connection with proposed work, prior to commencing the work to which they relate.

#### 5.1.3 Every owner shall:

- a) ensure that the plans and specifications on which the issue of any *permit* was based are available continuously at site of the work for *audit* or *inspection* during working hours by the *authority having jurisdiction*, and that the *Permit*, or true copy thereof, is posted conspicuously on the side during the entire execution of the work.
- Keep visible at all times during construction the street number of the premises in figures at least
  inches (75 mm) high and visible from the street or sidewalk.
- 5.1.4 Every *owner* shall give notice to the *authority having jurisdiction* of dates on which he intends to begin work prior to commencing work on building site.
- 5.1.5 Every *owner* shall before commencing the work, give notice in writing to the *authority having jurisdiction*, prior to commencing work, listing:
  - a) the name, address and telephone number of:
    - the constructor or other person in charge of the work;
    - ii. the designer of the work;
    - iii. the person reviewing the work; and
    - iv. any *inspection* or testing agency engaged to monitor the work or part of the work.
  - b) any change in or termination or employment of such persons during the course of the construction immediately that such a change or termination occurs.
- 5.1.6 Every owner shall give sufficient notice to the authority having jurisdiction:
  - a) of intent to begin work that the *authority* having jurisdiction has directed may be subject to *audit* during construction,
  - b) of intent to cover work that the *authority* having jurisdiction has directed may be subject to *audit* during construction,
  - c) when work has been completed and before occupancy.

- 5.1.7 Every *owner* shall give such other notice to the *authority having jurisdiction* as may be required by the provisions of the *Code* or this By-law.
- 5.1.8 Every *owner* shall make, or have made at his own expense, the tests or *inspections* necessary to prove compliance with these requirements and shall promptly provide a copy of all such test or *inspection* reports to the *authority having jurisdictions*.
- 5.1.9 Every *owner* shall provide an up-to-date survey of the *building* site when and as required by the *authority* having jurisdiction.
- 5.1.10 When required by the *authority having jurisdiction*, every *owner* shall uncover and re-cover at his own expense any work that has been covered contrary to an order issued by the above authority.
- 5.1.11 Every *owner* is responsible for the cost of repair of any damage to public property or works located thereon that may occur as a result of undertaking work for which a *building permit* was or was not required.
- 5.1.12 Should *occupancy* occur before the completion of any work being undertaken, every *owner* shall ensure that no *unsafe condition* exists or will exist because of the work being undertaken or not completed.
- 5.1.13 The granting of a permit by the *authority having jurisdiction* shall not in any way relieve the *owner* of *building* from full responsibility for carrying out the work or having it carried out in accordance with these requirements, including ensuring that the *occupancy* of the *building*, or any part of it, is in accordance with the terms of the *permit*.
- 5.1.14 When a *building* or part of it is in an *unsafe condition*, the *owner* shall immediately take all necessary action to put the *building* in a safe condition.
- 5.1.15 (1) Every *owner* who undertakes to construct or have constructed a *building* which;
  - a) has structural components falling within the scope of Part 4 of the *Code*,

- b) has structural components specifically requiring a *professional engineer* design in accordance with the *Code*, or
- c) requires the use of *firewalls* according to the *Code*, shall ensure that an *architect*, *professional engineer* or both are retained to undertake professional design any inspection.
- 5.1.16 Where the dimensions of a structural component are not provided in Part 9 of the *Code* for use in a *building* within scope of that part, and such dimensions are to be determined on the basis of calculation, testing or other means of evaluation, the *owner* shall retain the services of an *architect* or *professional engineer*.
- 5.1.17 Every *owner* who undertakes to construct, alter, reconstruct, demolish, remove or relocate a *building* shall provide *supervision* and co-ordination of all work and trades.
- 5.1.18 Every *owner* shall ensure that all materials, systems, equipment, and the like used in the construction, *alteration*, reconstruction or renovation of a *building* meet the requirements of applicable acts, regulation and By-laws for the work undertaken.

#### 5.2 Duties and Responsibilities of the Constructor:

- 5.2.1 Every *Constructor* shall ensure that all construction safety requirements of the *Code* are complied with.
- 5.2.2 Every *Constructor* is responsible for ensuring that no excavation or other work is undertaken on public property and that no *building* is erected or materials stored in whole or in part thereon without approval first having been obtained in writing from the Council.
- 5.2.3 Every *Constructor* is responsible jointly and severally with the *owner* for work actually taken.

#### 5.3 Duties and Responsibilities of the Designer:

- 5.3.1 When a *designer* is retained, the *designer* shall ensure that the design of the *building* conforms to the *Code*.
- 5.3.2 When a *professional engineer* or *architect* is required by the *Code* or the requirements of this By-law, they shall do *inspections* to ensure that the construction conforms to the design and the *Code*.

- 5.3.3 Every *designer* is required to submit to the *authority* having jurisdiction:
  - all information needed for review of the design;
  - any changed to the design for which a permit has or may be issued;
  - c) copies of all inspection done by the designer and others, and
  - d) any other documentation or certification required by the *authority having jurisdiction*.
- 5.3.4 Every *designer* shall ensure that all materials, systems, equipment or related matter specified for the construction, *alteration*, reconstruction or renovation of a *building* meet the requirement of the *Code* and the requirements of applicable Acts, regulation and By-laws for the work to be undertaken.
- 5.3.5 If the responsible architect and/or professional engineer withdraw from the project, he shall immediately advise the authority having jurisdiction.
- 5.3.6 The responsible *architect* and/or *professional engineer* shall sign, date and seal all of the documents referred to in this article.

#### 5.4 Powers of Authority Having Jurisdiction:

- 5.4.1 The authority having jurisdiction may enter any building or premises at any time to audit for compliance with the Code or these requirements, or to determine if an unsafe condition exists.
- 5.4.2 The *authority having jurisdiction* is empowered to issue orders for:
  - a) an *owner* or authorized agent to hold at specific stages of construction in order to facilitate an *audit* or *inspection*;
  - b) a person who contravenes these requirements to comply with them within the time period that may be specified;
  - work to stop on the building or any part of it if such work is proceeding in contravention of these requirements, or if there is deemed to be an unsafe condition;

- d) the removal of any unauthorized encroachment on public property;
- e) the removal of any building or any part of it constructed in contravention of these requirements;
- f) the cessation of any occupancy in contravention of these requirements;
- g) the cessation of any occupancy if any unsafe condition exists because of work being undertaken or not completed, and
- h) correction of any unsafe condition.
- 5.4.3 The authority having jurisdiction may direct that tests materials, equipment, devices, of construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or foundation condition meets these requirements.
- 5.4.4 The authority having jurisdiction, may require an owner to submit, in addition to the information required in Article 4.1.1., an up-to-date plan or survey, prepared by a registered land surveyor, architect or professional engineer, as is appropriate to the work, and which shall contain sufficient information regarding the site and the location of any building.
  - a) to establish before construction begins that all the requirements related to this information will be complied with; and
  - b) to verify that, upon completion of the work, all such requirements have been complied with.
- 5.4.5 The *authority having jurisdiction* may ask for any other documentation or testes deemed necessary at the expense of the owner.
- 5.4.6 Notwithstanding any other provisions herein, wherein the opinion of the *authority having jurisdiction* the size or complexity of a building, part of a building or *building* component warrant, or for any other reason, the *authority having jurisdiction*, may require that the *owner* have the following done at his/her expense:

- a) the appropriate plans, specifications and related documents be reviewed by and bear the seal or stamp of an *architect* or *professional engineer*, and
- b) the work be inspected during construction by the *architect* or *professional engineer* responsible for the work.
- 5.4.7 The authority having jurisdiction may issue a building permit at the risk of the owner with, if necessary, conditions to ensure compliance with these requirements and any other applicable regulation to excavate or to construct a portion of a building before all the plans of the project have been submitted to the authority having jurisdiction.
- 5.4.8 The *authority having jurisdiction* may refuse to issue any permit
  - a) whenever information submitted is inadequate to determine compliance with the provisions of these requirements,
  - b) whenever incorrect information is found to have been submitted,
  - c) that would authorize any building work or occupancy that would not be permitted by these requirements, or
  - d) that would be prohibited by any other Act, regulation or By-Law,
- 5.4.9 The *authority having jurisdiction* may revoke a permit by written notice to the permit holder if;
  - a) there is contravention of any condition under which the permit was issued,
  - b) the permit was issued in error, or
  - c) the permit was issued on the basis of incorrect information,
  - d) the work being done is contrary to the terms of the permit.
- 5.4.10The *authority having jurisdiction* may place a *valuation* on the cost of the work for the purpose of determining permit fees. Such *valuation* shall take precedence over any valuation provided by the *owner*.
- 5.4.11 The authority having jurisdiction may issue an occupancy permit, subject to compliance with provisions to safeguard persons in or about the premises, to allow the occupancy of a building or part of it for the accepted use, before commencement or completion of the construction or demolition work.

- 5.4.12 When any building, construction or excavation or part of it is in an unsafe condition, as a result of being open or unguarded, or because of danger from fire or risk of accident because of it ruinous or dilapidated state, faulty construction, abandonment or other, and when due notice to correct such condition has not been complied with, the authority having jurisdiction may:
  - a) demolish, remove or make safe such building, construction, excavation or part of it at the expense of the *owner* and may recover such expense in like manner as municipal taxes, and
  - b) take such other measures as he may consider necessary to protect the public.
- 5.4.13 Notwithstanding any other provisions herein, when, in the opinion of the *authority having jurisdiction*, immediate measures need to be taken to avoid an imminent danger, the *authority having jurisdiction* may take such action as is appropriate, without notice and at the expense of the *owner*.
- 5.4.14The authority having jurisdiction may withhold issuing an occupancy permit on completion of the building or part of the building, until the owner has provided letters to certify compliance with the Code, these requirements and the requirements of applicable Acts, regulations or by-laws.
- 5.4.15The *authority having jurisdiction* may issue to the *owner* an order or notice in writing to correct any *unsafe* conditions observed in any *building*.

## SECTION 6 Appeal

- 6.1 Any person aggrieved by any decision or order of the authority having jurisdiction as to the issuance of permits, the prevention of construction or occupancy of buildings, the demolition or removal of buildings, or structures, or any other matter herein may, within fifteen (15) days for the date of the decision, appeal to the Council. All decisions or orders remain in effect during the whole appeal process.
- 6.2 Council may hear the appeal as a committee of the whole or by subcommittee especially established for this purpose.
- 6.3 Upon the hearing of an appeal, the Council may:

- a) uphold, rescind, suspend or modify any decision or order given by the *authority having jurisdiction*;
- b) extend the time within which compliance with the decision or order shall be made; or
- c) make such other decision or order as in the circumstances of each case it deems just;

and the decision or order of the Council upon being communicated to the appellant, shall stand in place of the decision or order against which appeal is made, and any failure to comply with the decision or order is an offence.

## **SECTION 7** Offences and Penalties

- 7.1 Any person who contravenes or disobeys, or refuses or neglects to obey;
  - a) any provision of the Code or this by-law or any provision of any other by-law that, by this by-law, is made applicable; or
  - b) any order or decision of the Council under Article 6 herein;

for which no other penalty is herein provided is guilty of any offence and liable, on summary conviction, to a fine not exceeding five thousand dollars (\$5,000.00), or in the case of an individual, to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

- 7.2 Where a corporation commits an offence against the *Code* or this by-law, each Director or Officer of the corporation who authorized, consented to, connived at, or knowingly permitted or acquiesced in, the doing of the act that constitutes the offence, is likewise guilty of the offences any liable, on summary conviction, to the penalty for which provision is made in Subsection 7.1 aforesaid.
- 7.3 Where the contravention, refusal, neglect omission, or failure, continues for more than one day, the person is guilty of a separate offence for each day it continues.
- 8.1 THAT By-Law No. 1369 be repealed.

**DONE AND PASSED** as a By-Law of the Rural Municipality of Alonsa, at the Hamlet of Alonsa, in the Province of Manitoba, this <u>15th</u> day of <u>January</u> A.D. 2014.

THE RURAL MUNICIPALITY OF ALONSA

Reeve

Pamela Sul

**Chief Administrative Officer** 

Given First Reading This <u>24<sup>th</sup></u> Day of <u>October</u> A.D. 2013

Given Second Reading This <u>24<sup>th</sup></u> Day of <u>October</u> A.D. 2013

Given Third Reading This 15<sup>th</sup> Day of January A.D. 2014

# SCHEDULE "A"

This is Schedule "A" to By-Law No. 1491

# respecting

"Classes of Permit and Permit Fees"

# The MINIMUM PERMIT FEE for all construction is \$100.00.

Residential Buildings		Fees
a)	Basic fee up to a value of \$50,000	\$100.00
b)	Construction value of \$50,000 and ov	er \$150.00
Mileage and hourly rate will be charged for a second inspection if initial		
inspection does not meet the Building Inspectors requirements.		
PENALTY FEES		
Where a permit has not been obtained prior to the commencement of		
the actual work, through neglect, or for some other reason, the fees shall		
be <b>double</b> the normal rate for the work done up to the date the permit is		
issued.		
INS	PECTION FEES	\$30.00/hour plus mileage
Mile	eage	\$0.50/km

# **SCHEDULE "B"**

This is Schedule "B" to By-Law No. 1491

# respecting

# List of Plans or Working Drawings to Accompany Applications for Permits

- 1. The Site Plan
- 2. Floor Plans
- 3. Foundation Plans
- 4. Framing Plans
- 5. Roof Plans
- 6. Reflected Ceiling Plans
- 7. Sections and Details
- 8. Building Elevations
- 9. Electrical Drawings
- 10. Heating, Ventilation and Air Conditioning Drawings
- 11. Plumbing Drawings