


BUILDING REGULATIONS

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by section 414 (1) (d) of the Municipalities Act, 1999, chapter M-24, the Town of Conception Bay South has made the following Regulations.



Stephen Tessier
MAYOR

1. TITLE

These Regulations may be cited as the “Town of Conception Bay South Building Regulations”.

2. INTERPRETATION

In these Regulations:

- (a) **“Regulations”** means the Town of Conception Bay South Building Regulations.
- (b) **“Act”** means the Municipalities Act, 1999.
- (c) **“Applicant”** means the person who submits an application.
- (d) **“Architect”** means an architect registered to engage in the practice of architecture under the Statutes of Newfoundland and Labrador, Chapter A-15.
- (e) **“Building”** means a
 - i. A structure, erection, alteration or improvement place on, over or under land or attached, anchored or moored to land,

- ii. Mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial or similar uses, and
 - iii. A part of and fixtures on or attached to buildings referred to in subsections i. and ii.
- (f) **“Building Inspector”** means any person designated to administer and/or enforce these regulations.
- (g) **“Council”** means the Town Council of Conception Bay South.
- (h) **“Department”** means the Community Development Department of the Town.
- (i) **“Fence”** means railing, wall, line of posts, wire, gate, boards or other similar substances used to separate or divide any parcel of land or part thereof from any other parcel of land or part thereof immediately adjacent thereto or to establish a property boundary.
- (j) **“Professional Engineer”** means an engineer registered to engage in the practice of engineering under the Statutes of Newfoundland and Labrador, 2008, Chapter E-21.1.
- (k) **Town”** means the Town of Conception Bay South.

3. APPLICATION

These Regulations shall apply within the boundaries of the Town.

4. PERMIT

- (a) No person shall carry out any building unless a permit has been issued by the Town.
- (b) A permit is required for:
- i. All new construction and extensions, additions, structural changes affecting loadbearing members, floor layout changes, subsidiary units, and the relocation of existing buildings;

- ii. All repairs to or renovations of existing buildings;
 - iii. The removal, destruction or demolition of any building or part thereof;
 - iv. The construction, alteration or repair of a fence;
 - v. The clearing or grubbing of land; and
 - vi. The construction of parking areas.
- (c) An occupancy permit is required prior to the occupancy of a building or portion thereof that has:
- i. Been erected;
 - ii. Been extended, repaired or relocated;
 - iii. Been vacant for a period of 6 months or greater; or
 - iv. Changed the use for which an existing building is or was last occupied.
- (d) All building shall be carried out in accordance with these regulations, conditions stated on the permit and any other bylaw or regulations enacted by the Town.

5. APPLICATION FORMS

- (a) The applicant shall submit to the Town a completed and signed application form in the manner prescribed by the Town.
- (b) The following shall be submitted to the Department with the application form:
- i. Duplicate copies of complete plans and specifications outlining the project in clearly legible detail; or
 - ii. A full description and specifications for repairs without structural alteration.

- (c) When required by the National Building Code of Canada, legislation or the Department, plans and specifications submitted with an application shall bear the authorized seal and signature of a Professional Engineer or Architect registered in the Province of Newfoundland and Labrador.
- (d) The Department may refer any application to such other agencies, jurisdiction or departments for review and approval as is deemed necessary or as required by law prior to granting a permit.

6. FEES

- (a) No permit shall be issued unless all property, business, water and sewer taxes applicable to the property are paid in full.
- (b) Any person who owes outstanding payments or fines to the Town relating to the issuance of a violation notice or summons shall not be entitled to a permit until such time as all such outstanding fines have been paid in full.
- (c) The appropriate fees for all permits shall be established by Council as part of the annual approval of the Schedule of Rates and Fees approved pursuant to the Act.
- (d) A permit will be automatically deemed invalid if funds are not available to pay the fee or if a cheque is returned to the Town because there are insufficient funds to pay the fee.
- (e) All fees shall be paid prior to the issuance of a permit.
- (f) Payment of fees shall not be construed as approval to start construction.

7. APPROVAL

- (a) The application, plans and supporting documents shall be reviewed by the Department and if found to be in conformity with these regulations and all other applicable legislation, the Department may issue a permit for the work proposed upon receipt of the appropriate permit fee.

- (b) The Department may, upon granting a permit, impose such conditions as may be necessary to fulfill the requirements of these regulations. Such conditions or requirements shall be outlined in writing.
- (c) No person shall carry out any work on a building within the Town unless a permit has been issued. All work shall be carried out in accordance with these regulations, any condition attached to a permit and any bylaw or regulation enacted by the Town.
- (d) The Department may issue a permit for the construction of a portion of a building when plans for that portion have been submitted and approved before the plans for the entire project have been reviewed and approved.
- (e) A copy of the permit shall be kept posted in a conspicuous place at the location of the project for the duration of the work.
- (f) All permits issued by the Department under the provisions of these Regulations shall expire one year from the date of issue, unless otherwise noted on the permit.

8. RENEWAL

A permit must be renewed if construction is not complete within the time period prescribed on the permit.

The Town reserves the right to refuse to renew a permit.

9. REVOCATION

The Department may revoke a permit for the following reasons:

- (a) Failure by the applicant or builder to comply with these regulations;
- (b) Failure to comply with any condition attached to the permit;
- (c) Where the permit was issued in error or was issued contrary to the applicable regulations or was issued on the basis of incorrect information;
or

- (d) Where, in the opinion of the Department, the continuance of work becomes dangerous to life or property.

10. INSPECTIONS

- (a) When required by the Department, work shall be inspected by a Professional Engineer or Architect registered in the Province of Newfoundland and Labrador who shall submit a declaration certifying that the work has been carried out in accordance with approved plans, specifications, the National Building Code of Canada, the Fire Code of Canada and any other ancillary codes.
- (b) No inspections will be performed and further construction cannot proceed until a real property report prepared by a Land Surveyor licensed to practice in the Province of Newfoundland and Labrador has been received and approved by the Building Inspector.
- (c) The Town will establish the top of concrete elevation for buildings. The real property report must confirm that the top of concrete elevation meets the elevation established by the Town.
- (d) Applicants must ensure that the following inspections are requested, carried out and approved by the Building Inspector before the subsequent stage of construction or work is started:
 - i. Backfill and weeping tile connection;
 - ii. Under slab plumbing;
 - iii. Under slab vapour/soil barrier;
 - iv. Framing inspection;
 - v. Insulation and vapour barrier;
 - vi. Occupancy;
 - vii. Landscape.

- (e) Requests for inspections made under section 10 (d) shall be made at least two working days prior to the day required.
- (f) A fee, as approved as part of the annual Schedule of Rates and Fees may be imposed upon the applicant, payable prior to the next stage of construction, if the Building Inspector is required to repeat a stage inspection because the previous stage was not completed properly or deficiencies noted were not corrected.
- (g) During any inspection, the Building Inspector will list any deficiencies that are noted on a Deficiency Notice and a copy of the Deficiency Notice will be issued to the applicant.
- (h) Any and all portions of a building for which a permit has been issued shall be made available for inspection as deemed necessary by the Building Inspector.

11. PLANS

- (a) A copy of the approved plans, specifications or engineering certifications shall be kept at the location of the project, and made available to the Building Inspector, for the duration of the work.
- (b) No person shall erase, alter or modify any plans or specifications upon which a permit has been granted by the Department unless the Department has approved such changes.

12. DEMOLITION

- (a) Prior to issuance of a demolition permit the Town will require:
 - i. That the Town's water and sewer services be turned off and capped at the main;
 - ii. That the utilities are cut and all services wires removed;
- (b) Removal of all foundation and footings if applicable;

- (c) Erection of fencing or barriers surrounding the building to be demolished to restrict public access to the site during the demolition of the building;
- (d) Disposal of all materials in an approved waste disposal facility;
- (e) Treatment by a pest control company, if applicable; and
- (f) Backfilling and site grading to be completed with suitable material, grading to match existing surrounding grades and providing a suitable ground cover such as sodding or seeding, unless otherwise permitted by the Department.
- (g) Persons who demolish a building, which is attached to another building(s), shall ensure the attached building is made weather tight and structurally sound in the opinion of the Department. Engineered demolition plans will be required when adjoining buildings may be structurally affected, when a building is greater or equal to three (3) storeys in height or exceeds 600 square meters in size or when required by the Department.
- (h) That all work be carried out in accordance with legislated requirements of all applicable authorities.

13. SITE STANDARDS

- (a) The applicant and builder shall keep the project site in a clean condition and shall remove all rubbish and debris in a timely fashion.
- (b) Immediately following the completion of any work under a permit, or the revocation or expiration of any permit, the applicant shall remove from the site where such work is being done, all unused building materials, all construction trailers or buildings and all debris and rubbish, and shall restore the site to a clean condition.
- (c) If the Building Inspector deems a project site to be unclean or unsightly, the Town may carry out the requirements of this section and levy all costs against the property.
- (d) Excavated material shall not extend beyond the subject property. Excavated material cannot be placed or stored on any street or public property without written approval by the Town.

14. CIVIC NUMBERING

- (a) Civic numbering shall be assigned by the Director of Engineering and Public Works or designate. Identifying a building or structure with a civic number is mandatory and will be required by the Town to be placed when notified it is missing.
- (b) Where it is determined by a Building Inspector or the Fire Department that the assigned civic number cannot be easily read from the street, the civic number shall be posted on the structure and shall also be posted at the end of the access driveway.
- (c) A civic number shall be displayed on the main building of each property in a conspicuous location and displayed in a visually suitable manner, such that:
 - i. It is in Arabic numerals;
 - ii. Civic number shall be displayed in a horizontal orientation;
 - iii. The colour of the numerals shall clearly contrast with the background upon which the numbers are displayed;
 - iv. The minimum character size of numerals on residential properties shall be a minimum of 15 centimeters;
 - v. The bottom of the numerals on residential properties shall be a minimum of 1.2 meters above grade;
 - vi. The minimum character size of numerals on non-residential properties shall be 25 centimetres;
 - vii. The bottom of the numerals on non-residential lots shall be a minimum of 2.13 meters above grade;
 - viii. Director of Engineering and Public Works or designate may, by written notice, require the property owner to remove any number which is displayed that is not its civic number, the owner must comply with such notice within seven (7) days of receiving notification.

15. OCCUPANCY PERMIT

- (a) No building erected, constructed, changed, altered, extended or repaired shall be occupied in whole or in part until an Occupancy Permit has been issued.
- (b) The following shall be required prior to the issuance of an Occupancy Permit:
 - i. Where required by the Department, a letter from a professional engineer or architect registered in the Province of Newfoundland and Labrador confirming that all electrical, structural, civil and mechanical work was constructed in accordance with the National Building Code of Canada and associated ancillary codes including the National Fire Code and Life Safety Code as amended from time to time and to submitted plans;
 - ii. A final electrical certificate if electrical work has been undertaken on the building;
 - iii. Posting of the civic number of the building;
 - iv. A final building inspection by a Building Inspector; and
 - iv. Other such plans, information, certifications and specifications as may be required by the Department.
- (c) Site grading shall be completed prior to issuance of an occupancy permit and must meet the following requirements:
 - i. A grading certificate, prepared by a Land Surveyor licensed to practice in the Province of Newfoundland and Labrador, must be submitted for lots within an approved subdivision, and approved by a Town Building Inspector. Grading must be as per pre-approved subdivision grading plan, if applicable;
 - ii. A positive grade must be maintained on all sides of the foundation;
 - iii. No ponding of water is permitted;

- iv. Slopes shall have a maximum vertical slope ratio of 2:1 otherwise a retaining wall shall be required;
 - v. Retaining walls are to be constructed in accordance of the Town's Fencing Regulations, Section 25 – Retaining Walls;
 - vi. Site grading cannot negatively affect adjoining properties;
 - vii. A Building Inspector can require a grading certificate for any lot should it be deemed necessary; and
 - viii. Any other requirement that that the Building Inspector may require to ensure life safety.
- (d) The Department may issue an Occupancy Permit with conditions provided there is no immediate life safety, accident or health hazards present in the opinion of the Department.
- (e) The Department may refuse to issue an Occupancy Permit if:
- i. Final approvals from other agencies, jurisdictions or departments have not been obtained;
 - ii. Outstanding deficiencies are not corrected;
 - iii. The building is insufficiently finished, whether for reasons of safety, appearance, water supply, sanitation, wind and water tightness, or for any other reason relevant to the degree of completion of construction which may render the building unsuitable for use or occupancy; or
 - iv. Applicable fees have not been paid.
- (f) No change shall be made in the use or occupancy of any building or any part thereof until the Department has issued a permit for the proposed occupancy.

- (g) Any change of occupancy requires submission of a completed application form detailing the intended use of the property and, if required by the Department, duplicate copies of complete floor plans.
- (h) A change of occupancy shall be subject to the requirements of these Regulations and any other applicable legislation and regulations.

16. APPLICABLE CODES

- (a) The National Building Code of Canada and its supplements are hereby declared to be and shall be taken as part and parcel of these Regulations as if the same were repeated herein in full, as amended from time to time pursuant to the provisions of the Act. Successive future editions of the National Building Code shall replace the current code in effect.
- (b) The National Fire Code and its supplements are hereby declared to be and shall be taken as part and parcel of these Regulations as if the same were repeated herein in full, as amended from time to time pursuant to the provisions of the Act. Successive future editions of the National Fire Code shall replace current code in effect.
- (c) The Life Safety Code being Document 101 of the National Fire Code Standards of the National Fire Protection Association (USA) is hereby declared to be and shall be taken as part and parcel of these regulations as if the same were repeated herein in full, as amended from time to time pursuant to the provisions of the Act. Successive future editions of the Life Safety Code shall replace the current code in effect.
- (d) The National Plumbing Code of Canada and its supplements are hereby declared to be and shall be taken as part and parcel of these Regulations as if the same were repeated herein in full, as amended from time to time pursuant to the provisions of the Act. Successive future editions of the National Plumbing Code shall replace the current code in effect as of the effective date of the issuance of the successive edition of the Code by the Canadian Commission on Building and Fire Codes.
- (e) The Development Regulations, Fence Regulation and/or any other municipal regulation or standard regulating or controlling engineering and/or building in force in the Town shall apply.

- (f) Nothing in these regulations shall exempt any person from complying with the requirements of any regulation or bylaw in force in the Town or from obtaining any license, permission, permit, authority or approval required by any statute or regulation of the Province of Newfoundland and Labrador or the Government of Canada.

17. PENALTIES

Every person who is guilty of an offence under these Regulations or who acts in contravention of or fails to comply with any provision therefor, or neglects or refuses to do so:

- (a) Shall be subject to an order under section 404 (1) (e) of the Municipalities Act, 1999;
- (b) Shall be liable to penalties as stipulated in accordance with section 420 of the *Municipalities Act, 1999*; or
- (c) Shall be subject to a violation notice issued under section 421.1 (1) of the *Municipalities Act, 1999*; or
- (d) Shall be issued a ticket under the Provincial Offenses Act in accordance with section 421.1 of the *Municipalities Act, 1999*.

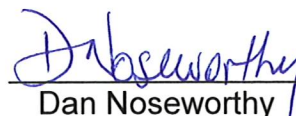
18. EFFECTIVE DATE

These Regulations shall come into effect on the 12th day of July, 2017.

In witness whereof the Seal of Conception Bay South has been affixed hereto and these Regulations have been signed by the Mayor and the Chief Administrative Officer on behalf of Council on this 13 day of July, 2017.



Stephen Tessier
Mayor



Dan Noseworthy
Chief Administrative Officer