

TOWN OF FLORENCEVILLE-BRISTOL
BY-LAW NO. 14
BUILDING BY-LAW

Be it enacted by the Council of the Town of Florenceville-Bristol under authority vested in it under Section 62 of the *Community Planning Act*, Chapter 19, R.S.N.B. 2017 and amendments thereto replaces the Building By-law enacted October 12, 2010 with the following by-law:

1.0 TITLE, APPLICATION AND DEFINITIONS

- 1.1 By-law No. 14, The Town of Florenceville-Bristol Building By-law, is hereby adopted.
- 1.2 This By-law may be cited as "The Town of Florenceville-Bristol Building By-Law".
- 1.3 This By-law applies within the Town of Florenceville-Bristol municipal boundaries as outlined in Regulation 85-6 under the *Municipalities Act*.
- 1.4 The legislative provisions and schedules below form an integral part of this By-law.

2.0 INTERPRETATION

2.1 Metric Measurements

For the purposes of convenience, the measurements contained in this By-law include both Metric and Imperial, of which only the Metric numbers shall be the measurements formally adopted in this By-law. Measurements may be abbreviated in the following manner:

- (a) metres or m;
- (b) feet or ft;
- (c) square metres or m²;
- (d) square feet or ft²;
- (e) inches or in;
- (f) centimetres or cm; and
- (g) millimetres or mm.

2.2 Interpretation in this By-law

In this By-law:

- (a) the words "shall" and "must" are mandatory and not permissive;
- (b) the word "may" is to be construed as permissive and empowering;
- (c) the word "required" is to be construed as a compulsory obligation;
- (d) words used in the present tense shall include the future;
- (e) words used in the singular number shall include the plural and words used in the plural number shall include the singular;

- (f) words using masculine gender include feminine gender and words using feminine gender include masculine gender; and
- (g) words in either gender include corporations.

2.3 The Use of Italics and Underlining

- 2.3.1 The use of italics in the Building By-law identifies words that have specific definitions under Section 1.2 and is intended to make the By-law easier to use and shall not be considered to impact the *use*, intent, implication, application or definition of any word contained within this By-law.
- 2.3.2 Should a word with a definition under Section 1.2 of this By-law not be italicized, or vice versa, it shall not impact the required compliance with any standard, provision or requirement of this By-law.
- 2.3.3 Words that have been underlined and italicized indicate a specific piece of Federal or Provincial legislation.

2.4 Definitions

In this By-law, words used which are not defined herein but are defined in the National Building Code of Canada, shall have the same meaning as defined therein:

“ACCESSORY BUILDING OR STRUCTURE”

Means a detached *building* or *structure* not used for human habitation, the *use* of which is naturally customarily incidental and subordinate to, or exclusively devoted to the *main use*, *building* or *structure* and located on the same *lot* therewith and shall also mean and include a detached *private garage* or detached *carport* but which does not include children’s play *structures* or patios and decks associated with a *dwelling*.

“AISLE”

The area used by motor vehicles for access to and from all off-street *parking spaces*, but does not include an access or egress *driveway*.

“ALTER OR ALTERATION”

Means, as applied to a *building* or *structure* or part thereof:

- (i) a change or rearrangement in the structural parts or means of egress;
- (ii) an enlargement, whether by extending the side, front or rear of a *building* or *structure*;
- (iii) by increasing the *height*; and/or
- (iv) in the moving from one location or position to another.

"ARTERIAL STREET"

Means a *street* or *road* with the primary function to move large volumes of through traffic with limited direct access to adjacent *development*.

“BUILDING”

A *structure* having a roof supported by columns or walls or supported directly on the foundation and used for the shelter or accommodation of *persons*, animals or goods.

“BUILDING INSPECTOR”

Means the *Building Inspector* appointed by *Council*.

“BUILDING PERMIT”

A permit that is issued and monitored until the completion of a *building* or *structure* by the *Town’s Building Inspector*. In order to receive and retain a *building permit*, a *building* or *structure* must meet all applicable requirements of all *Town By-laws* to receive approval from the *Building Inspector*.

“CODE”

Means the most recently adopted *National Building Code* of Canada, including any amendments, revisions and errata subsequently issued thereto.

"COLLECTOR STREET"

Means a *street or road* with the functions of providing land access and traffic movement as equal importance.

“COMMUNITY PLANNING ACT”

Synonymous with ‘the Act’ and means the *Community Planning Act*, Chapter 19, R.S.N.B. 2017 and any amendments thereto.

"DEVELOPER"

Means an individual or corporation seeking to obtain a variance, a rezoning or the approval of a *building permit*, a subdivision plan, or who enters into a subdivision agreement with the *Town*.

“DEVELOPMENT”

Means *development* as defined in the *Community Planning Act*, Chapter 19, R.S.N.B. 2017 and amendments thereto.

"DEVELOPMENT OFFICER"

Means the *Development Officer* appointed by *Council*.

“DRIVEWAY”

Means that portion of a *lot* used to provide vehicular access from a *street* to a *parking space, aisle*, or to an off-street parking or loading area located on the same *lot*.

“DWELLING”

A *building* designed for residential occupancy and contains one or more *dwelling units* but which does not include a recreational vehicle, hotel or motel.

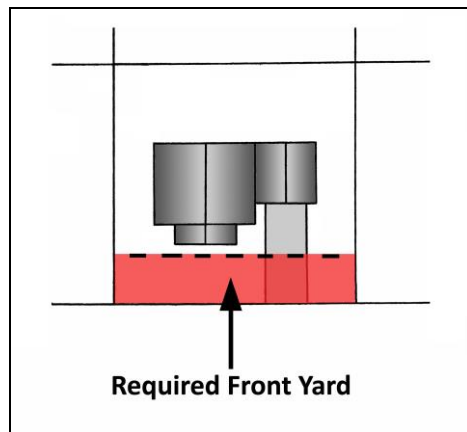
“DWELLING UNIT”

One or more rooms *used* or intended to for use by one or more individuals living as a single housekeeping unit, with a separate kitchen and sanitary facilities provided for the exclusive *use* of such individuals and with a private entrance from outside the *building* or from a common hallway or stairway inside.

“FRONT YARD”

A *yard* extending across the full width of a *lot* between the front lot line and the nearest wall of any main *building* or *structure* on the *lot*; and “required front yard” or “minimum front yard” means the minimum distance required by the Zoning By-law between the front lot line and the nearest main wall of any *building* or *structure* on the *lot*.

Figure 1.1: Example of Required Front Yard



“GRADE”

Means the finished level of the ground at the exterior walls of a *building* or *structure*.

“HEIGHT”

Means in relation to a *building* or *structure*, the vertical distance as measured from mean grade to the highest point of such *building* or *structure* but does not include:

- (a) towers associated with a fire station;
- (b) ornamental roof construction features including towers, steeples or cupolas; and
- (c) mechanical features such as air conditioning units or similar features.

“LOADING SPACE”

An off-street space or berth on the same *lot* as a *building* or contiguous to a *building* or group of *buildings*, for the temporary parking of a *commercial vehicle* while loading and unloading merchandise or materials and which is connected to a public street by an appropriate access.

“LOT”

A parcel of land or two or more adjoining parcels held by the same owner used or intended to be *used* as the site for a *building* or an appurtenance thereto, whether or not such lot is shown on a filed subdivision plan or is the subject matter of a separate deed or a separate description in a deed.

“MAINTENANCE”

Means upkeep that is a cosmetic, non-structural repair.

“MEAN GRADE”

Is the average elevation of the finished ground level around the exterior walls of a *building* or *structure*.

“MULTIPLE-UNIT DWELLING”

Synonymous with ‘apartment building’ and means a *building* or portion thereof, other than a rowhouse, hotel or motel, containing four (4) or more *dwelling units*.

“OCCUPANCY”

Means the *use*, or intended *use*, of a *building* or part thereof, for the shelter or support of persons, animals or property.

“OWNER”

Means the beneficial *owner*, and where applicable, means the owner of the fee simple or if such property is held subject to a mortgage, it means the *owner* of the equity of redemption and if title shall be held in joint tenancy or tenancy in common, it means each of such *owners* jointly and severally.

“PARKING SPACE”

Means an area for the temporary parking, or storage of motor vehicles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a *street* or highway by means of *driveways*, *aisles*, and or maneuvering areas.

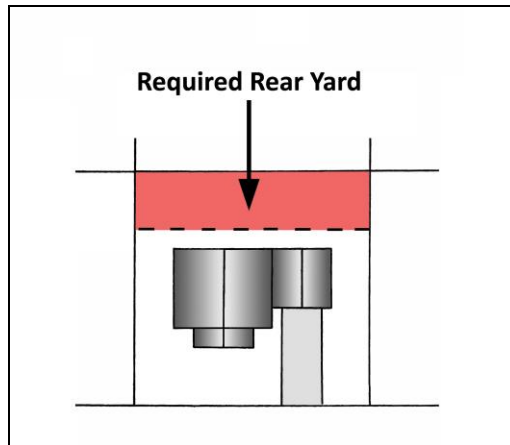
“PERSON”

Includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee, or agent, and the heirs, executors, or other legal representatives of a *person* to whom the context can apply according to law.

“REAR YARD”

A *yard* extending across the full width of a *lot* between the *rear lot line* and nearest wall of any main *building* or *structure* on the *lot*; and “required rear yard” or “minimum rear yard” means the minimum distance required by the Zoning By-law between a rear lot line and the nearest main wall of any *building* or *structure* on the *lot*.

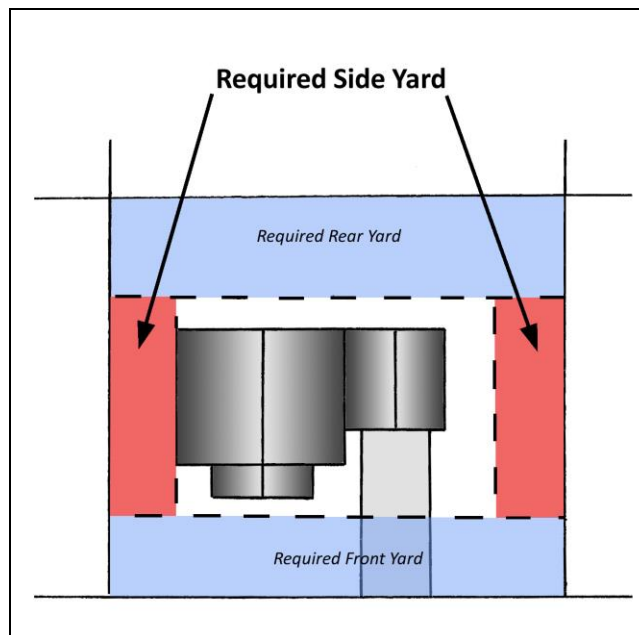
Figure 1.2 : Example of Required Rear Yard



“SIDE YARD”

A yard extending between the *front yard* and the *rear yard* between a side lot line and the nearest main wall of any *building* on the *lot*; and ‘required side yard’ or ‘minimum side yard’ means the minimum distance required by the Zoning By-law between a side lot line and the nearest main wall of any *building* or *structure* on the *lot*.

Figure 1.3: Example of Required Side Yard



“SINGLE-FAMILY DWELLING”

Means a detached *building* or portion thereof, other than a tourist home, a mobile or mini-home, travel trailer, or recreation vehicle designed and is used exclusively for residential purposes by one (1) family.

"STOREY"

Means that portion of a *building* included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

"STREET OR ROAD"

Means the whole and entire right-of-way of every highway, road, or road allowance vested in the Government of Canada, Province of New Brunswick, or the Town of Florenceville-Bristol.

"STRUCTURE"

Means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls, signs, fences exceeding 2 m (6.56 ft) in height and other similar erections. It does not include utility lines or poles, traffic control devices, pavement, curbs, sidewalks, or statutory notices.

"SWIMMING POOL"

A tank or other *structure*, including inflatable pools and artificially created bodies of water, at least in part, the container of which is constructed of cement, plastic, fiberglass, concrete or similar materials, located outdoors, having a depth of water greater than 0.5 m (1.6 ft) and intended primarily for bathing, swimming, or diving, but does not include a natural, dug or dammed pond primarily intended for aesthetic or agricultural purposes.

"TOWN"

Means the Town of Florenceville-Bristol.

"LOT WIDTH"

Means:

- (i) where the *side lot lines* are parallel, the distance measured across the *lot* at the *street line*;
or
- (ii) where the *side lot lines* are not parallel, the distance measured across the *lot* at the required *front yard*.

"WORK"

Means the *building*, locating or relocating, demolishing, *altering*, structurally *altering*, repairing or replacing, or any combination thereof, of a *building* or *structure*.

3.0 SCOPE

3.1 The purpose of this By-law is:

- (a) to prescribe standards for the building, locating or relocating, demolishing, altering, repairing, or replacing, or any combination thereof, of a *building* or *structure*;
- (b) to prohibit the undertaking or continuing of *work* mentioned in section 3.1(a) in violation of standards prescribed hereby; and
- (c) to prescribe a system of permits for *work* mentioned in section 3.1(a), their terms and conditions, the conditions under which they may be issued, suspended, reinstated, revoked and renewed, their form and fees therefore.

4.0 ADOPTION OF CODE

4.1 Except as may be otherwise stated in this By-law, the provisions of the most recent version of the *National Building Code of Canada* shall apply.

4.2 Notwithstanding section 4.1, no penalty clause or administrative procedure contained in the *National Building Code of Canada* is adopted.

5.0 APPOINTMENT OF BUILDING INSPECTORS

5.1 *Council* may appoint a *Building Inspector* who, shall exercise such powers and perform such duties as are provided by this By-law.

6.0 DUTIES OF THE BUILDING INSPECTOR

6.1 The *Building Inspector* shall:

- (a) administer this By-law;
- (b) 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 or her duties; and
- (c) keep one (1) copy of the *Code* available for public use, inspection, and examination.

7.0 POWERS OF THE BUILDING INSPECTOR

7.1 The *Building Inspector* may:

- (a) enter any *building*, *structure* or premises at any reasonable time for the purpose of administering or enforcing this By-law;
- (b) cause a written order to be served upon the *owner* of any property directing him or her to correct any condition that constitutes a contravention of this By-law;
- (c) direct that tests of materials, devices, 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, device, construction or foundation condition meet the requirements of this By-law; and

- (d) revoke or refuse to issue a permit where in his or her opinion the results of the tests referred to in section 7.1(c) are not satisfactory.

8.0 BUILDING PERMIT

8.1 A *person* shall not undertake or continue the *building*, locating or relocating, demolishing, *altering* or replacing of a *building* unless a *building permit* therefore has been issued pursuant to this section. No *building permit* shall be issued until the fee set out in Section 18 has been paid to the Town of Florenceville-Bristol.

8.2 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 applicant who shall be the *owner* of the property or by his duly authorized agent;
- (c) state the intended use of the *building* or *structure*;
- (d) unless waived by the *Building Inspector*, include copies in duplicate of the specification and scale drawings of the *building* or *structure* with respect to which the work is to be carried out showing:
 - (i) the dimensions of the *building* or *structure*;
 - (ii) the proposed use of each room or floor area;
 - (iii) the dimensions of the land on which the *building* is, or is to be, situated;
 - (iv) the grades of the *streets* and sewers abutting the land mentioned in subparagraph (iii); and
 - (v) 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*;
- (f) contain such other information as the *Building Inspector* may require for the purpose of determining compliance herewith;
- (g) in the case of *buildings* or *structures* which exceed 600 m² (6,458.3 ft²) in building area or 3 *storeys* in *building height*, or which are used for assembly, institutional, hazardous industrial or commercial purposes, no *building permit* shall be issued unless the plans and specifications are certified under the seal of an Architect or a Professional Engineer registered or licensed to practice in the Province of New Brunswick;
- (h) when work valued at less than fifteen hundred (\$1,500.00) is performed on a *building* or *structure* containing a maximum of two (2) *dwelling units*, no *person* shall be required to obtain a *building permit* for:
 - (i) non-structural repairs;

- (ii) replacement of existing decking surface, or non-structural components of a deck, verandas, landings or stairs where such replacement is of the same type and configuration as that item being repaired, except as required to bring existing structures including stairs and railings to comply with the *Code* and this By-law;
- (iii) installation of eavestroughing, downspouts, storm windows, storm doors; or
- (iv) installation of cosmetic decorations including, but not limited to, shutters, paneling, wallpapering, ceramic tile and finished flooring, to the interior or exterior of a *building* or *structure*.

8.3 A Building Permit is not required for any of the following:

- (a) replacement of existing windows or doors with the same size windows or doors
- (b) replacement of roof shingles or cladding
- (c) installation or replacement of vinyl siding on any structure. All other siding installations would require a Building Permit
- (d) painting interior or exterior of a building or structure
- (e) install kitchen, bathroom or laundry cabinets where the plumbing or electrical are not being altered
- (f) interior damp-proofing of a basement (exterior damp-proofing requires a permit)
- (g) replacement or installation of drywall or plaster
- (h) replacement or installation of insulation

8.4 Where an application mentioned in section 8.2 has been received and the proposed work conforms with this and any other applicable By-law, code, or provincial regulation, the *Building Inspector* shall issue the *building permit* requested.

8.5 A *building permit* issued pursuant to section 8.4 shall be subject to the following conditions:

- (a) the *work* mentioned in the *building permit* shall be commenced within six (6) months from the date of issue of the building permit;
- (b) the *work* mentioned in the *building permit* shall not be discontinued or suspended for a period in excess of one (1) year; or in such manner that any exterior surface intended to be cladded pursuant to specifications mentioned in section 8(2) remains uncladded in excess of two (2) months; and
- (c) the work mentioned in the *building permit* shall be is carried out, unless otherwise approved by the *Building Inspector*, in compliance with the specifications contained in the application for the *building permit*.

8.6 An Electrical Waiver may be issued in place of a building permit when the work is solely of an electrical nature, and:

- (a) does not impact any structural aspect of the building;

- (b) does not impact the exterior wall assembly or the building envelope, any fire walls, fire separations, or fire rated materials, fire rated assemblies by conduit penetrations or otherwise; and;
 - (c) there is no change in the building use
- 8.7 Where a person violates a condition mentioned in section 8.5 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 thereof within a reasonable time mentioned in the notice.
- 8.8 Where a *person* fails to comply with an order mentioned in section 8.6, the *Building Inspector* may suspend or revoke the *building permit* and may, if the conditions leading to the suspension are subsequently corrected, reinstate the suspended *building permit*.

9.0 RESPONSIBILITY OF THE PERMIT HOLDER

9.1 The holder of the *building permit* shall:

- (a) allow the *Building Inspector* to enter upon any property, *building* or *structure* at all reasonable times for the purpose of making any inspection that is necessary for the administration or enforcement of this By-law;
 - (b) obtain, where applicable, from the appropriate authority, permits relating to *building*, zoning, water and sewage, plumbing, signs, street occupancy, electricity, highways and all other permits required in connection with the proposed *work*;
 - (c) give at least forty-eight (48) hours notice to the *Building Inspector* of the intention to start *work* on the *building* site;
 - (d) give at least twenty-four (24) hours notice to the *Building Inspector* where a foundation wall below land surface has been placed and before any backfilling of the excavation has been carried out;
 - (e) give written notice to the *Building Inspector* within ten (10) days of completion of the *work* described in the *building permit*; and
 - (f) provide such other information as may be required hereunder.
- 9.2 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 construction of the *building* or *structure* and for such a period thereafter as required by the *Building Inspector*.
- 9.3 The approval of plans or specifications, the issuing of a *building permit* or any inspections hereunder do not relieve the owner of any duty or responsibility for carrying out *works* in accordance with this By-law.
- 9.4 Where the *building permit* has been issued for new *building* construction or for an addition or renovation to an existing *structure* (either residential or commercial), the *building permit*

holder must have on site during the entire construction, a dumpster which has been rented at the expense of the *building permit* holder. Under no circumstances may *building* refuse be left at the curb for regular garbage pickup.

- 9.5 It is the responsibility of the *building permit* holder to keep a construction site, as noted in section 9.4, free of *building* debris at all times.
- 9.6 Where a *building permit* has been issued, the owner is not relieved of any duty or responsibility of obtaining any additional permits as required by any provincial or federal act or regulation.

10.0 DOCUMENTS ON THE SITE

- 10.1 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 and a copy of any provincial permits issued, or a poster or placard in lieu thereof; and
 - (b) a copy of the plans and specifications approved by the *Building Inspector*.

11.0 LOT SIZES

- 11.1 No *building* or *structure* may be built, located or relocated, *altered* or replaced on a lot unless the *lot* meets the requirements as stipulated for the appropriate zone in the Town of Florenceville-Bristol Zoning By-law.

12.0 LOCATION OF BUILDINGS AND STRUCTURES ON A LOT

- 12.1 All *buildings* and *structures* shall be located on a *lot* in accordance with the minimum *front*, *rear* and *side yard* requirements of the appropriate zone of the Town of Florenceville-Bristol Zoning By-law.

13.0 LOT OCCUPANCY

- 13.1 All *buildings* shall meet the lot occupancy requirements as stipulated in the appropriate zone of the Town of Florenceville-Bristol Zoning By-law.

14.0 SEWAGE DISPOSAL

- 14.1 Sewage shall be discharged into the municipal system, or into a private system that has been approved by the New Brunswick Department of Health.

15.0 PARKING AND LOADING STANDARDS

- 15.1 Off-street vehicular *parking spaces* shall be provided in accordance with the standards required in the Town of Florenceville-Bristol Zoning By-law.

15.2 Off-street *loading spaces* shall be provided for loading for every *building* or *structure* used for any purpose involving the use of vehicles for the receipt or distribution of materials, in accordance with the standards stipulated in the Town of Florenceville-Bristol Zoning By-law.

16.0 ENCLOSURES FOR SWIMMING POOLS

16.1 Enclosures for *swimming pools* shall be provided in accordance with the standards stipulated in the Town of Florenceville-Bristol Zoning By-law.

17.0 OPEN CELLARS AND EXCAVATIONS

17.1 The *owner* of a property upon which an open cellar or excavation exists, for any reason, as the result of demolition or destruction of a *building* or *structure*, when new construction is not to proceed without delay, shall forthwith following such demolition or destruction, backfill such cellar or excavation to *grade*.

18.0 FEES

18.1 Subject to sections 18.2, 18.3, 18.4 and 18.5, no *building permit* may be issued hereunder until the fees set out in sections 18.2, 18.3, 18.4 and 18.5, have been paid to the Town.

18.2 Applicable fees shall be administered as outlined in the Town's User Fee Policy.

18.3 The total cost of the *work* outlined in section 18.2 includes both materials and labour.

18.4 Where the *Building Inspector* has reason to believe and does believe that an estimate mentioned in section 18.2 is unreasonable, he / she may refuse the *building permit*.

18.5 Where the proposed *work* involves heavy equipment traversing municipal infrastructure adjacent to the property, the applicant must deposit with the *Town* the sum of five hundred dollars (\$500.00) in the form of cash, certified cheque or money order. This deposit will be refunded if an inspection of the municipal infrastructure adjacent to the property including curbing, sidewalk and paving does not show any damage which could have occurred during the *work*, and all inspections required by this By-law have been carried out.

18.6 Notwithstanding the deposit mentioned in subsection 18.5, at the discretion of the *Building Inspector*, a separate or larger deposit may be required to ensure protection of or repair damage to public infrastructure in relation to any particular *building permit* application.

18.7 Where an application for a *building permit* involves *work* to a *structure* required as a result of an emergency situation such as a sewer backup or natural disaster, any required fees may be waived at the discretion of the *Building Inspector*.

19.0 FINES

19.1 Any person who violates a provision of this By-law is guilty of an offence and is liable on summary conviction to a fine of not less than twenty-five (\$ 25.00) and not more than one hundred dollars (\$100.00) for each day the offence continues.

20.0 REPEAL

20.1 All by-laws inconsistent or in conflict with this by-law are repealed.

READ A FIRST TIME: February 11, 2020

READ A SECOND TIME: February 11, 2020

READ A THIRD TIME AND ENACTED: March 10, 2020

Mayor

Town Clerk

By-Law No. 14, A By-Law respecting Building repealed and amended October 8, 2019 is hereby repealed.