

Cape Breton Regional Municipality

Building By-law

By-law No. B-300

A BY-LAW TO PRESCRIBE & PROVIDE FOR CERTAIN ASPECTS OF PERMITS, APPLICATIONS, AND INSPECTIONS ASSOCIATED WITH CONSTRUCTION

NOW THEREFORE the Municipal Council of the Cape Breton Regional Municipality, under the authority of vested in it by the *Municipal Government Act*, SNS 1998, c. 18, the *Nova Scotia Building Code Act*, RSNS 1989, c. 46 and amendments thereto, as well as regulations passed pursuant to the *Nova Scotia Building Code Act* and any amendments thereto, hereby adopts the following By-law:

This Bylaw shall be known as the “Building By-law “and may be cited as the “Building By-Law, No. B-300, 2022”.

WHEREAS Any person planning to carry out any form of construction in this municipality is governed by the extensive provisions of the Provincial statute known as the Building Code Act and the Regulations promulgated pursuant to that Act and shall therefore be responsible to make themselves aware of all relevant provisions contained therein

Section 1. Definitions

All words not defined in this By-Law have the same meaning as in the *Nova Scotia Building Code Act* and the Regulations prescribed thereunder.

- (a) “architect” means a member or licensee of the Nova Scotia Association of Architects;
- (b) “building area” means the total area of all floors in a building based on the gross exterior dimensions of a building or addition;
- (c) “building official” means those qualified individuals appointed by Council of the Cape Breton Regional Municipality to administer and enforce the requirements of the *Nova Scotia Building Code Act* and Regulations.
- (d) “construct” means to do anything in the erection, installation, extension, relocation, material alteration or material repair of a building and includes the installation of a factory-made building fabricated or moved from elsewhere;
- (e) “demolition” means the doing of anything in the removal of a building or any material part thereof;
- (f) “full bathroom”, in the case of a single detached dwelling, means a room containing three or more plumbing fixtures;

- (g) “non-structural repair permit” means any work of a non-structural nature to a value not exceeding \$10,000.00 including but not limited to:
 - i. removing and replacing roofing with similar materials,
 - ii. removing and replacing cladding with similar materials,
 - iii. replacement or repair of drywall or other interior finish,
 - iv. installation of additional insulation or replacement of insulation,
 - v. replacement of a furnace or boiler,
 - vi. installation or replacement of an air-conditioning unit or heat pump,
 - vii. replacement of windows or doors provided there is no change in location or size of the window or door and the structural support for the opening is not affected,
 - viii. installation or replacement of cabinets, shelving, millwork, or flooring,
 - ix. waterproofing or damp proofing of foundation walls or repair/replacement of foundation drainage,
 - x. replacement or installation of a new plumbing fixture that does not increase the hydraulic load of the drainage system or require alterations to an existing water distribution system or drainage system.
- (h) “occupancy” or “occupancy classification” means the use or intended use of a building, as defined in the Building Code;
- (i) “owner” includes a person controlling the property under consideration, and also includes *prima facie* the assessed owner of the property;
- (j) “plumbing fixture” means any water-supplied appliance connected to a plumbing fixture, but does not include a roof or floor drain, hot water tank or dishwasher;
- (k) “professional engineer” means a member or licensee of the Association of Professional Engineers of the Province of Nova Scotia;
- (l) “tent and air supported structures permit” shall include any tent, air supported structure or other membrane structures, erected or located;

Section 2. Interpretation

All relevant definitions are contained in either the *Nova Scotia Building Code Act* or the associated Regulations. All other interpretation will be in accordance with the Interpretation Act, RSNS 1989, c 235.

Section 3. Permits

- 3.1 A building permit shall be in accordance with the form approved by the Manager of Building Services.
- 3.2 Every application for a permit shall identify and describe in detail the work and occupancy to be covered by the permit for which application is made.

- 3.3 Every application for a building permit shall be accompanied by two complete sets of building plans containing sufficient information to show that the proposed work will conform to the Building Code. One set of building plans must be paper, and the other set of building plans must be digital.
- 3.4 Building plans shall be drawn to scale and indicate the nature and extent of the work proposed in enough detail so as to determine compliance with the National Building Code of Canada.
- 3.5 Building plans that must be submitted include (but are not limited to):
- site plan
 - foundation plan
 - floor plans
 - elevations
 - structural plans
 - mechanical plan including heating, air conditioning, plumbing, electrical and fire protection
- 3.6 In addition to Subsection 3.5, every application for a mobile home that does not contain a Canadian Standards Association number must include
- Manufacture information
 - Model number
 - Serial number
 - Year Built
 - Heating type
 - Number of Bedrooms
 - Number of plumbing fixtures
 - Floor area
- 3.7 Site plans required for new construction or additions should describe the land on which the work is to be done by an up-to-date plan of the lot certified by a Nova Scotia Land Surveyor that the lot has been surveyed in the manner required by the *Nova Scotia Land Surveyors Act* and the regulations made hereunder, adequate to identify and locate the lot and determine setback lines, building separations, and building locations, and containing the following information.
- (a) the Land Information Management Service Property Identity Number of the lot;
 - (b) the name of the owner of the land;
 - (c) a location map, drawn to a scale not smaller than 1:50,000 with the same orientation as the lot;
 - (d) the length of the boundary lines of the lot including the length of arcs and chords, points of curvature and radius in the case of curved lines;
 - (e) the dimensions and total area of the lot;
 - (f) the location of the proposed and existing buildings on the lot and the relationship between the proposed building or structure and other buildings on the same or adjacent properties,

indicating the distance from all property lines, the distances between buildings and the heights of the buildings;

- (g) the width, location and nature of any easements or rights-of-way affecting the lot;
 - (h) if a lot is on a registered plan of subdivision, the date on which the final plan of subdivision was certified with all revisions to be identified, dated and initialed;
 - (i) north point;
 - (j) the scale to which the plan is drawn;
 - (k) the names of existing and proposed public streets or highways or private roads shown on the plan;
 - (l) the civic address number for the property and adjacent properties;
 - (m) location of all existing and proposed curb cuts.
- 3.8 The survey plan may be waived and substituted by a Land Information property map with the lot number when, by calculation of the building official, spatial separation distances are complied with and property is more than one (1) acre in area.
- 3.9 Prior to the approval of any foundation for new construction or additions beyond the footing stage, and before foundation work begins, a plan showing the location of the building footings on the lot, certified by a Nova Scotia Land Surveyor that the installed footings have been surveyed in relation to the lot in the summer required by the *Nova Scotia Land Surveyors Act* and Regulations hereunder, must be provided.
- 3.10 An application for building permit shall include plans and specifications as required by the Building Code and show the occupancy of all parts of the building including existing conditions for change of use or renovations.
- 3.11 An application shall state the valuation and area in square metres of the proposed work and be accompanied by the required fee outlined in CBRM Fee Policy: Planning, Development and Building.
- 3.12 An application shall state the names, addresses and telephone numbers of the owner, architect, professional engineer or other designer and the constructor.
- 3.13 An application shall show a drainage plan indicating the surface drainage pattern for the proposed site.
- 3.14 An application for a building permit for the construction of a building requiring a new private sewage disposal system shall require a copy of a valid on-site sewage disposal system, before the application for building permit may be accepted for approval.

- 3.15 An application for a building permit for the construction of a building requiring a Road Access Permit from the Province of Nova Scotia, shall require a copy of a valid Access Permit, before the application for building permit may be accepted for approval.
- 3.16 When an application for a permit has not been completed in conformance with the requirements of the By-Law within (30) days after it is filed, the application may be deemed to have been abandoned by the Building Official.
- 3.17 A building permit for a residential building project shall be valid for (12) twelve months only from the date of issuance and a non-residential permit shall be valid for (24) months only from the date of issuance.
- 3.18 A permit that has expired in accordance with Subsection 3.15 may be renewed within 30 days of expiration at the discretion of the Building Official and subject to the conditions set forth in Subsection 3.18 and provided there has been no change made to the Building Code, Cape Breton Regional Municipality Land Use By-Law or any other by-law of the Cape Breton Regional Municipality that would affect compliance with the Code and/or the by-laws and provided that all By-Laws, regulations, standards and codes can be complied with and an inspection discloses that the project may safely be continued.
- 3.19 A permit that is renewed pursuant to Subsection 3.17 is provisional and subject to the following conditions:
- (a) Work on the subject property must begin within thirty (30) days from the time the permit is renewed and shall reasonably and seriously continue until completion.
 - (b) A person applying for a permit to be renewed shall provide to the building official a progress schedule which includes the completion date of the work.
 - (c) Any revised plans deemed necessary or required as a result of any change in the scope of the work are to be submitted to and approved by the Building Official prior to commencement of any work.
 - (d) A fee for renewal of the permit is paid in accordance with CBRM Fee Policy: Planning, Development and Building.
- 3.20 If any of the above conditions are not met or having been met are subsequently violated, the renewed permit may be suspended or cancelled at the sole discretion of the Building Official.
- 3.21 In addition to the permit requirements of the *Nova Scotia Building Code Act* and Regulations, a building permit is required for:
- (a) all accessory buildings greater than 100 Sq/ft in area; *and*
 - (b) non-structural alterations and repairs in excess of \$10,000 in value as may be determined by the Building Official for any of the following:
 - (i) removing and replacing roofing with similar materials,
 - (ii) removing and replacing cladding with similar materials,
 - (iii) replacement or repair of drywall or other interior finish,
 - (iv) installation of additional insulation or replacement of insulation,
 - (v) replacement of a furnace or boiler,

- (vi) installation or replacement of an air-conditioning unit or heat pump,
- (vii) replacement of windows or doors provided there is no change in location or size of the window or door and the structural support for the opening is not affected,
- (viii) installation or replacement of cabinets, shelving, millwork, or flooring,
- (ix) waterproofing or damp proofing of foundation walls or repair/replacement of foundation drainage,
- (x) replacement or installation of a new plumbing fixture that does not increase the hydraulic load of the drainage system or require alterations to an existing water distribution system or drainage system.

- 3.21 Before issuing a building permit, a complete application shall be filed with the Chief Building Official.
- 3.22 Before issuing a building permit, where required, the Chief Building Official shall be satisfied that a development permit has been issued pursuant to any Land Use By-Law of the Cape Breton Regional Municipality.
- 3.23 Before issuing a building permit or a demolition permit the Chief Building Official shall be satisfied that the building is not designated pursuant to the *Heritage Property Act*, or, if it is subject to the *Heritage Property Act*, that necessary permission has been obtained.

Section 4 Inspections

- 4.1 The authority having jurisdiction shall be notified and given an opportunity to inspect:
- (a) the footings prior to placement of the foundation;
 - (b) the foundation before backfilling, and before a superstructure is placed on a foundation;
 - (c) basement floor slab insulation
 - (d) the framing, roof, underground and rough plumbing, heating, ventilation
 - (e) insulation before interior wall coverings is installed, and
 - (f) before occupancy.

Section 5 Plumbing Permits

- 5.1 No connection shall be made with a common public sewer, and no construction, reconstruction, or extension of any plumbing or private sewage disposal system or any part thereof shall be commenced until a permit to do so have been obtained from the building official.
- 5.2 Plumbing permits are required for all plumbing work covered under the scope of the *Nova Scotia Building Code Act* and Regulations and shall be done in accordance with the National Plumbing Code of Canada.

- 5.3 Applications for permits and all work carried out may only be made by a qualified licenced journeyman plumber on the forms prescribed.
- 5.4 Plumbing permits are not required to repair or replace any old fixture, tap or drain with a new one (to be used for the same purpose), to force out stoppages, to repair leaks or to relieve frozen pipes or fittings.
- 5.5 Every application with respect to both commercial and residential projects of four (4) units or greater) shall be accompanied by a plumbing working drawing of the proposed work, showing the size and location of the house drain and any traps and inspection pieces thereon and a schematic section showing the size of all the soil and water pipe with the size and location of branch connections and all necessary pipes and traps. Drawings for single detached dwellings and two-unit dwellings not required.
- 5.6 No deviation from a working drawing, as accepted, shall be made without the approval in writing of the Chief Building Official of the CBRM.

Section 6 Other Permits

- 6.1 A permit for a tent, air supported or other types of structures when intended for temporary use:
 - (a) shall state the date after which and the conditions under which the permit is no longer valid;
 - (b) may be extended in writing by the chief building official;
 - (c) shall be posted on the building.
- 6.2
 - (1) A permit may be issued by the Building Official of the Cape Breton Regional Municipality at the risk of the owner, with conditions to ensure compliance with the Building Code, to excavate or to construct a portion of a building before all the plans of the project have been submitted or accepted.
 - (2) The permit shall be clearly marked "At Owner's Risk".
- 6.3
 - (1) Should a permit be issued for part of a building, the holder of the permit may proceed, but without any assurance that the permit for the entire building will be granted.
 - (2) Any permit issued for part only of a building shall be clearly marked as for part only, and shall also indicate that a permit for the entire building is not assured.
- 6.4
 - (1) A permit for a whole project may be issued by the Building Official of the CBRM conditional upon the submission of additional information prior to commencing the work for which the information is pertinent, provided that the information is of such a nature that withholding the permit until the information was available would delay the work unreasonably.
 - (2) The condition shall be set out on the face of the permit.

6.5 (1) A final occupancy permit, as well as an inspection and approval, shall be required to allow the initial occupancy in accordance with the requirements of the *Nova Scotia Building Code Act*. Such permit shall be issued within twelve (12) months of substantial completion of the building as determined by the building official.

(2) The Building Official 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 thereof for the accepted use, prior to commencement or completion of the construction work where the application is of such a nature that no unsafe condition exists and that withholding of the permit would be unreasonable.

Section 7 Demolition Permits

7.1 No demolition of a building, portion of a building, or other structure shall take place until a demolition permit has been issued.

7.2 An application for a demolition permit shall be completed and all prescribed fees, outlined CBRM Fee Policy: Planning, Development and Building, be submitted before any demolition permit is issued.

7.3 Every application for a demolition permit shall set out in detail the precautions to be taken to ensure that no person is exposed to undue risk. Precautions shall include (but are not limited to) provisions for fencing, barricades, covered way, fire safety and vehicular traffic.

7.4 A demolition permit shall state the date on which work is to commence and the date on which demolition will be completed, the method of demolition and the place of disposal for debris.

7.5 Demolition sites, upon completion of the demolition, shall be left in a safe and neat condition to the satisfaction of the building official.

7.6 Every owner is responsible for the costs of any damage to public property or works that may occur as a result of any demolition.

Section 8 Permit Fees

8.1 The Scale of Fees for permits shall appear in CBRM Fee Policy: Planning, Development and Building.

Section 9 Severability

If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

Section 10 Previous By-laws Repealed

By-law No. B – 300, cited as the Cape Breton Regional Municipality Building By-law S-4 and all amendments thereto are hereby repealed.

PASSED AND ADOPTED by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipality held on March 8th, 2022 and as amended on November 14, 2023.

AMANDA M. MCDOUGALL-MERRILL
MAYOR

CHRISTA DICKS
MUNICIPAL CLERK

***THIS IS TO CERTIFY** that the attached is a true and correct copy of the Building By-law of the Cape Breton Regional Municipality including amendments to November 14, 2023.*

CHRISTA DICKS, MUNICIPAL CLERK

Publication Date: March 12, 2022
First Reading: January 24, 2022
Second (Final) Reading: March 8, 2022

Amendment 1
Publication Date: November 22, 2023
First Reading: September 26, 2023
Second (Final) Reading: November 14, 2023