THE TOWN OF NIVERVILLE
BYLAW 791-18
BUILDING BYLAW

Being a Bylaw of the Town of Niverville to regulate and control the use of new and existing buildings and structures, including the construction, placement, alteration, repair, renovation, demolition, relocation, removal and the erection of a structure or addition to a building.

WHEREAS, Section 3(c) of *The Municipal Act*, provides that the purpose of a Town is to develop and maintain a safe and viable community;

AND WHEREAS *The Building and Mobile Homes Act*, Section 4, provides that each Municipality shall adopt and enforce the building construction codes and building construction standards adopted, established or prescribed under Section 3 of the said Act, and may make such bylaws as are necessary for those purposes;

AND WHEREAS Council is of the opinion that a bylaw should be passed setting forth the fees to be charged by the Town;

NOW THEREFORE the Council of the Town of Niverville, duly assembled, hereby enacts as follows:

Section 1 **GENERAL**

.1 This Bylaw establishes administrative requirements and procedures for the enforcement of the Manitoba Building Code and such other Codes prescribed under Section 3 of *The Building and Mobile Homes Act.*

.2 The Code does not apply to:

a) Public works located on a street or on a public right-of-way; or
b) Public utility towers and poles, television and radio or other communications aerials and towers, except for loads resulting from those located on or attached to buildings; or
c) Flood control and hydro electric dams and structures or mechanical or other equipment and appliances not specifically regulated in the Code.
d) A farm building less than 600 m^2 in size, other than a farm building used as a residence or an attached garage or carport.

.3 It is the responsibility of the building permit holder AND property owner to ensure all required inspections are completed at the appropriate intervals as identified by the Town.

Section 2 **DEFINITIONS**

For definition of words used in the Bylaw that are not included in this section, reference should be made to the Code.

Building: means any structure used or intended for supporting or sheltering any use of occupancy.

Building, Farm: means any building for maintaining the operation of a farm to provide shelter for farm produce, animal, and equipment. Commercial, industrial and residential buildings, shall not be construed as farm buildings.

Building Permit: means a document prepared and issued by the Town to administer this Bylaw as set out in Section 3.

Code: means the Manitoba Building Code;

Council: means the duly elected Council of the Town of Niverville;

Person:	means a partnership, body corporate, or politic, and shall be deemed to include the plural where the context requires, and the heirs, executors, administrators or assignee.
Performance Agreement:	means an agreement between the Town and the applicant for a building permit entered into prior to the granting of the permit, where the Council may stipulate such conditions and restrictions upon the excavation, erection, alteration, relocation, reconstruction removal, repairs, additions, installations and exterior appearance as are deemed necessary for the protection of the public interest. In all such cases, the Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection wherewith are being and will be complied with.
Structure:	means anything constructed or erected which requires location in or on the ground or attached to something having a location on the ground.
Town:	means the incorporated municipal entity in accordance with *The Municipal Act* known as the Town of Niverville.
Town Inspector(s):	means the person appointed by the Council to administer and enforce this Bylaw as set out in Section 5.2.

Section 3 **BUILDING PERMITS**

.1 .1 Building Permit mandatory: No exceptions shall be made nor shall any construction work be undertaken nor any building or structure moved unless a permit has been granted.

.2 A written Building Permit shall be obtained from the Town office, by the owner or his agent for the excavation, erection, alteration, reconstruction, removal, repair, addition or installation to any building or structure, prior to the commencement of any work.

.3 No building or structure shall be moved out of or brought into the Town of Niverville from outside of the limits of or from a location inside the Town of Niverville, to a location within the Town, without first obtaining written approval from Town Inspector(s), then Council followed by a building permit from the Town Office.

.4 All buildings permitted to be moved into or within the Town shall only be moved in compliance with and has received written approval from Manitoba Infrastructure and the Town and shall supply and maintain necessary traffic control during such moving.

.5 Where a building or structure is to be moved over, upon or along a highway, written clearance from Manitoba Hydro and Bell MTS must be produced by the applicant or his agent prior to being issued a permit.

.6 The Town may grant a party the permission to temporarily use public property or rights-of-way to store and/or place materials, equipment and/or gain access to private property. These requests must be made in writing and would require prior written authorization from the Town.

.2 Application for a Building Permit: The application for a permit to erect, repair, alter, or relocate a building or structure shall be in writing, signed by the owner thereof or by his duly appointed agent. Such application shall set forth fully the particulars of the location, breadth, height, materials to be used in construction, and intended use of the building to be erected, repaired, altered or moved and the estimated value of such new building or repairs or alterations when completed (exclusive of the value of the land upon which the same is situated), the name of the applicant, owner, or building mover, who are engaged in the work and such other information as the Town Inspector(s), Developer and/or Council may require.

.3 Granting of Building Permits: The applications, plans and specifications filed by an applicant for a building permit shall be examined by the Town Inspector(s) and if the work proposed in the plans and specifications are in conformity with the requirements of this bylaw, the Code, the Niverville Zoning Bylaw and any other Provincial Regulations or statues, the Town shall issue the building permit when the required fees have been paid in full and written authorization has been provided from applicable parties. Nothing shall be incumbent upon the Town to issue any building permit without first obtaining directions from Council as necessary.

.4 Alterations to Plans and Specifications: Any alterations to approved plans and specifications may only be made upon the written approval of the Town Office.

.5 Building Occupancy: No person shall receive an occupancy permit and no one under his authority or on his behalf shall be entitled to occupy such building if, in the opinion of the Town Inspector(s) and Town Office, the work done or to be done is in contravention of this bylaw, the Code, the Niverville Zoning Bylaw, Niverville Construction Standards and any other Provincial Regulations or statues.

.6 Occupancy Permits: No person shall move furniture, stock or goods, inventory, accessory equipment, or personal belongings into a newly constructed structure without receiving from the Town Office an Occupancy permit. The Occupancy Permit is included with the cost of the building permit. Should partial occupancy be requested, an additional fee will apply.

.7 Building Permit Limitations: Any building permit issued by the Town Office under the provisions of this bylaw may subject to Section 6.1(b), be revoked if active work pursuant thereto has not commenced within twelve (12) months of the date thereof or within such further time as the Town Inspector(s) may upon applications or upon direction from Council allow.

.8 The approval of drawings and/or specifications and the issuance of a permit for the erection, alteration or repair of a building shall not in any way relieve the owner from full responsibility for carrying out the work in accordance with the provisions of the Bylaw, the Code, the Niverville Zoning Bylaw, Niverville Construction Standards and any other Provincial Regulations or statues.

.9 Security Deposits: full or partial deposits are forfeited when:

.1 any inspections deemed required during the construction process have been neglected, omitted or left incomplete for any reason; or

.2 when Final Inspection has failed by the Town Inspector(s); or

.3 construction is not completed within twenty-four (24) months from the time of payment of the permit, unless a twelve (12) month written extension is obtained in writing prior to the deadline from the Town; or

.4 the garage pad elevation is greater or less than three (3) inches from the required grade as set by the Developer and/or Town

Section 4 **PERFORMANCE AGREEMENT**

.1 Removal and Relocation of Buildings: Prior to the demolition or movement of any building or structure into, from, or within the Town, a performance agreement may be entered into with Council by the owner or his agent assuming financial responsibility for any damages incurred during or resulting from this action.

Section 5 **TOWN INSPECTOR(S)**

.1 Appointment of a Town Inspector(s): the CAO with the authorization of Council shall appoint a Town Inspector(s) for the Town at such a rate and for such a period as may be determined by Bylaw or Resolution.

.2 Duties of the Town Inspector(s): The Town Inspector(s) shall:

.1 Examine the condition of all premises and buildings in the Town and all buildings proposed to be built, repaired, altered or moved in the Town, pursuant to a permit as aforesaid and to see that the provisions of the Code, the Niverville Zoning Bylaw, Niverville Construction Standards and this bylaw are properly carried out;

.2 Examine the public infrastructure and elevations present, required and/or planned for all buildings proposed to be built, repaired, altered or moved in the Town, pursuant to a permit as aforesaid and to see that the provisions of the Code, the Niverville Zoning Bylaw, Niverville Construction Standards and this bylaw are properly carried out;

.3 Keep proper records of all applications and plans received, inspections and tests made, permits and orders issued, and shall retain copies of all reports and documents connected with his duties;

.4 Examine and process plans and specifications submitted with applications for permits;

.5 Enter and inspect any building or premises at any reasonable time;

.6 Give notice in writing to the owner or his agent, of any dangerous or unsafe condition that exists on the premises;

.7 Prohibit the occupancy of the premises if the provisions of development agreements, health, zoning, safety and fire regulations effective in the Town have not be adhered to;

.8 Inspect the construction or reconstruction of all buildings;

.9 Issue Stop Work Orders to building permit holders who in the opinion of the Town Inspector(s) are in contravention of the Code, the Niverville Zoning Bylaw, Niverville Construction Standards and this bylaw, the Code, the Niverville Zoning Bylaw, Niverville Construction Standards and any other Provincial Regulations or statues;

.1 Before removing a building or structure, the owner thereof shall have at least fourteen (14) days written notice in the form of an Order from the Town Inspector(s) or Bylaw Enforcement Officer requiring him to put the building or property in a safe condition or remove the building or structure.

If in the opinion of solely the Town, the building, structure or by-product of the on-going construction is an immediate concern to surrounding property or life as per 6.1.8 of this Bylaw, the requirement for notice is hereby waived and the cost of remedy will be charged by the Town as a debt due from the property owner;

.10 Upon failure of any person to comply with the request of the Town Inspector(s) or Bylaw Enforcement Officer to put any building or property in a safe condition as directed, Council or Designated Officer may authorize the Town to undertake the work at the cost of the property owner(s) to do all things required to place any such building or property in a safe condition, so as to prevent it becoming a danger to the surrounding property or a danger to life. The cost of remedy will be charged by the Town as a debt due from property owner; and

.11 The Town Inspector(s) or Bylaw Enforcement Officer shall keep an account of the expense incurred to eliminate the danger to public safety and/or property in contravention of a bylaw and the Town, upon receiving such account and description of land upon which such building is situated, shall enter the amount thereof against the property in the same manner as tax against the property, in addition to any other remedy for recovery.

Section 6 **POWERS OF THE TOWN INSPECTOR(S)**

.1 The Town Inspector(s) has the authority to:

.1 Enter any building or premises necessary for the performance of his duties.

.2 Revoke or suspend a permit if:

.1 Construction is not started within a period of twelve months from the date of issuing the permit;

.2 Construction is discontinued for a period of one year;

.3 There is a violation of any condition under which the permit was issued;

.4 Any alterations or deviations from the deposited plans and specifications without authority.

.3 Refuse a building permit if the requirements of Section 3.3 have not been met.

.4 Require the owner or his agent to produce written clearance from all departments of Government before a permit is issued.

.5 Order the person receiving a building permit to take all proper precautions for the guarding of any excavations, highways, streets and sidewalks, and from preventing the placing of material, equipment or scaffolding on or over any public property or right-of-way in any manner that would, in opinion of the Town Inspector(s), constitute an inconvenience or menace to the public.

.6 If granted permission to use public property, once work has been completed, require the holder of the permit to immediately remove all building material, equipment, scaffolding and rubbish from public property or right-of-way so as to clean and repair, sidewalks, culverts and boulevards to the same or better condition they were in before the permit was issued.

.7 Request the owner, his agent or other person having charge of or in possession of a building or structure which, in the opinion of the Town Inspector(s) or Town's Bylaw Enforcement Officer, by reason of age, fire, decay, accident or risk to the lives of the citizens, to put the same at once in a safe condition or to entirely demolish the same.

.8 Nothing shall be incumbent upon the Town Inspector(s) or Bylaw Enforcement Officer to enforce any part of this bylaw without first obtaining approval from Council.

Section 7 **APPEALS**

.1 The owner of the property and/or building permit holder, shall have the right of appeal from the decisions of the Town Inspector(s) as to, Stop Work Orders, prevention of the erection, repairing or occupation of building and the putting into a safe condition or the removal of buildings, structures or property. Appeals will be heard and determined by the Council or by any Committee thereof to be appointed by Council. Any appeals must be filed in writing with the Chief Administrative Officer within fourteen (14) days of the Order issued against the property. Council or an appointed Committee shall hear and determine any such appeal no later than the next

following regular meeting of Council or the tenth day after filing the notice of appeal, whichever shall be the later date. The decision of the Council that comes out of any such appeal shall be in writing to property owner and/or building permit holder. The decision of Council or appointed Committee is final.

Section 8 **OFFENCES AND PENALTIES**

.1 Any person who contravenes or disobeys, or refuses or neglects to obey

.1 Any provision of the Code, the Niverville Zoning Bylaw, the Niverville Construction Standards, this bylaw or any provision of any other bylaw that, by this bylaw, is made applicable to the Town or made applicable to proceedings taken or things done under this bylaw; or

.2 Any provisions of any bylaw, regulations, or order enacted or made by the Town for which no other penalty is herein provided, is guilty of an offence and liable, under the procedures laid out within Bylaw 778-17 (Municipal Bylaw Enforcement), to an administrative penalty.

.2 Where a corporation commits an offence against the Code or this bylaw, 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 offence and liable, under Bylaw 778-17.

.3 In addition to .1 and .2 above, any person or corporation may be required to observe or perform such terms and conditions as a magistrate may impose.

.4 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.

.5 Schedule A (Fee Schedule) is amendable by resolution of Council.

.6 Any owner and/or building permit holder and/or contractor who commences work prior to obtaining the required permits contained within this Bylaw shall be levied an administrative penalty of double the permit fee (excluding security deposits) in addition to paying for their original permit.

Section 9 **TRANSITIONAL**

.1 This Bylaw shall come into force and effect the day after third reading has been given.

.2 Offences & Penalties and Schedule A shall come into force and take effect on January 1st, 2019.

.3 Permits approved prior to this effective date shall follow the rates approved under 427-93 and amendments thereto.

.4 That Bylaws 427-93 and 235-85 are hereby repealed.

Done and passed by the Council of the Town of Niverville in regular session assembled this 16th day of October 2018 A.D.

Town of Niverville

Per: _____
Mayor

Per: _____
Chief Administrative Officer

Read a first time this 2nd day of October 2018 A.D.
Read a second time this 2nd day of October 2018 A.D.
Read a third time this 16th day of October 2018 A.D.

SCHEDULE A
FEE SCHEDULE
Updated August 18, 2020
Updated February 15, 2022
Updated July 19, 2022
Updated December 20, 2022

1. Sewer Permit Fees — $ 35.00 **plus** *inspections*
   A. Sewer Connection Inspection (per) — $ 50.00
   B. Where a connection is made to the sewer main a damage deposit of $ 2,000.00 is required, refundable within 90 days of completion of connection; if damages are in excess an invoice will be sent and due within 30 days. If invoice remains unpaid, balance due will be placed on property taxes.
   C. Sewer connection to a sewer manhole requires prior written approval of Operations Manager.

2. Occupancy Permit
   A. Where the nature of the occupancy is changed and where no other permit is required. — $ 50.00
   B. When partial occupancy is requested and a permit has been taken out. — $ 50.00

3. Zoning Violations
   That authority be hereby granted to the designated staff to grant or refuse at their discretion minor variations as per limits of *The Planning Act* and the following regulations:
   A. Variation fees for all buildings and structures, **pre-construction**:
      1. Minor Tolerance: — $ 200.00 (see C)
      2. Major Tolerance: — $ 500.00 (see D)
   B. Variation fees for all buildings and structures, **after construction has begun**:
      1. Minor Tolerance: — $ 500.00 (see C)
      2. Major Tolerance: — $ 1,000.00 (see D)
   C. A **minor** variation tolerance shall not exceed fifteen (15) percent (according to *The Planning Act*).
   D. A **major** variation tolerance would be in excess of fifteen (15) percent and requires Council approval.

4. Conditional Use Application Fee — $ 300.00
   A. Post-Use without Approved Conditional Use in Place
      i. Single Family Residential — $ 500.00
      ii. Commercial / Industrial — $ 900.00

5. Zoning or Development Bylaw Amendments — $ 1,500.00
   Includes cost of advertising.

6. Administrative Review (as per policy D3-13) — $ 250.00

7. Zoning Memorandum — $ 35.00
   NOTE: opinion will be granted only on a true original copy of a surveyor's certificate being provided.

8. Tax Certificate — $ 35.00

9. Development Permit Fee
   A. Structure with a footprint less than 6,458 sq. ft. — no charge
   B. Structure with a footprint more than 6,458 sq. ft. or larger, or higher than three (3) stories, or a public meeting place — $ 35.00 **plus** $ 0.05 / sq. ft.

10. Standard Home Inspection Rates
    A. Single Family Home — $ 750.00
    B. Duplex — $ 1,270.00
    C. 3 Plex — $ 1,520.00

D. 4 Plex	$ 1,740.00
E. 5 Plex	$ 2,280.00
F. 6 Plex	$ 2,510.00
G. 7+ units	As determined by the Building Inspector

11. Building Permit Fee shall be:	$ 35.00 **plus** inspection **plus**
A. A single storey building:	$ 0.10 / sq. ft.
B. A bi-level residential home:	
i. Main Floor:	$ 0.10 / sq. ft.
ii. Finished Secondary Floor:	$ 0.05 / sq. ft.
C. For multi-storey buildings:	
i. Main floor:	$ 0.10 / sq. ft.
ii. Each additional floor:	$ 0.05 / sq. ft.
D. For multi-story residential buildings:	
i. All floors	$ 0.10 / sq. ft.
E. Finished Basements:	$ 0.06 / sq. ft.
F. Commercial / Industrial:	
i. Main Floor General Use (less than 6,450 sq. ft. footprint)	$ 0.10 / sq. ft.
ii. Office Space (less than 6,450 sq. ft. footprint)	$ 0.10 / sq. ft.
iii. Each additional floor (less than 6,450 sq. ft. footprint)	$ 0.05 / sq. ft.
iv. Residential on Second Storey & Above	$ 0.10 / sq. ft.
G. Sunroom / Screened-in Porch	$ 0.06 / sq. ft.
H. Secondary Suites:	$ 0.10 / sq. ft.
I. Master Bedroom on 2nd Floor above Garage	$ 0.10 / sq. ft.

12. Accessory Building Permit Fees shall be:	$ 35.00 **plus** inspections **plus**
A. Square footage of building	$ 0.06 / sq. ft.

13. Renovations (improvements to building)	$ 35.00 **plus** inspections **plus**
A. Square footage of project in basement	$ 0.06 / sq. ft.
B. Square footage of project on main floor	$ 0.10 / sq. ft.
C. Square footage of project on 2nd floor & up	$ 0.05 / sq. ft.
D. Sunroom / Screened-in Porch	$ 0.06 / sq. ft.
E. Secondary Suites	$ 0.10 / sq. ft.
F. Master Bedroom on 2nd Floor above Garage	$ 0.10 / sq. ft.

14. Deck Permit (attached or free standing)	$ 35.00 **plus**
A. Inspections	$ 50.00 / inspection

15. Demolition Permit	$ 35.00 **plus**
A. Sewer Abandonment Inspection (if applicable)	$ 50.00 / inspection
B. Sewer Cap Damage Deposit	

16. Driveway Permit (if not requested with Building Permit)	$ 35.00 **plus**
A. Inspections	$ 50.00 / inspection

17. Portable Garages (Annual Fee)	$ 125.00

18. Inspection Fees	
A. Standard	$ 50.00
B. Additional (at request of property owner)	$ 60.00
C. No Show (property owner / builder does not attend or prepared)	$ 100.00
D. Re-Inspection	$ 100.00
E. Missed Inspection (work has been covered and inspector is unable to perform or complete the required inspection as per the conditions of the issued permit)	$ 500.00
F. Public Right of Way Crossing (per inspection)	$100.00

19. Damage Deposits

A. Single-unit Residential	$ 2,500.00
B. Multi-unit Residential	As per Development Agreement
C. Niverville Business Park (max $ 10,000)	$ 2,500.00 per ½ acre
D. Using Town Property for access/egress to private property	$1,000
E. Other	As determined by Designated Officer

20. Curb Cuts	$ 35.00 **plus**
A. 2 Inspections	$ 50.00 / inspection
B. Security Deposit	$1,000.00
21. Pool/Hot tub**/Water Features Permits	$ 35.00 **plus**
A. 1 Inspection	$ 50.00 / inspection
22. 24 hour advance notification must be given to affected residents for planned (non-emergency) water shut off – penalty for non-compliance	$1,000.00 per event

**** All inspections are subject to GST.***

*****permit not required for hot tub installation when it is inside a house***