



**Niverville
Building
By-law
No. 870-24**

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**Town of Niverville
Building By-law 870-24**

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 municipality 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 By-laws as are necessary for those purposes;

AND WHEREAS subsection 239(1) of The Municipal Act provides as follows:

Municipal inspections and enforcement

239(1) If this or any other Act or a By-law authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or the building or other structure to be entered to carry out the inspection, remedy, enforcement or action,

- (a) enter the land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the Act or by-law;
- (b) request that anything be produced to assist in the inspection, remedy, enforcement or action; and
- (c) make copies of anything related to the inspection, remedy, enforcement or action.

AND WHEREAS it is deemed expedient and in the public interest to adopt the said Code and establish such standards;

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

SECTION 1: TITLE

- 1.1 This By-law shall be cited as the Niverville Building By-law.

SECTION 2: SCOPE AND DEFINITIONS

2.1 Scope

- 2.1.1 This By-law applies to the entire Town of Niverville.
- 2.1.2 This By-law 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.

2.2 Definitions

- 2.2.1 The words and terms in this By-law shall have the meaning prescribed in subsection 2.2.3 herein, and if no definition is provided 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 outlined 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 use of terms within the various trades and professions to which the

terminology applies.

2.2.3 Words and terms in this By-law shall have the following meanings:

Act	means The Buildings and Mobile Homes Act of the Province of Manitoba, as amended;
Alteration	means a change or modification to an existing building, structure, or use which, unless otherwise provided for herein, does not increase the exterior dimensions concerning height and area;
Approved	means approved by the Designated Officer;
Audit	means a random review of design or construction work by the Designated Officer to ascertain compliance with the Code and this By-law;
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, animals, and equipment. Commercial, industrial, and residential buildings shall not be construed as farm buildings;
CAO	means the Town's Chief Administrative Officer;
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 duly elected Council of the Town of Niverville;
Designated Officer	means the person appointed by the Chief Administrator Officer to enforce and administer all or part of the provisions of this By-law;
Dwelling Unit	means a building or portion of a building designed or used for residential occupancy by a single-unit, including cooking, eating, living, sanitary and sleeping facilities.
Municipal Act	means The Municipal Act of the Province of Manitoba, as amended from time to time.
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 any person, corporation or firm who has any right, title estate or interest in land or buildings other than that of a mere occupant, lessee, tenant or mortgagee;
Permit Holder	means any person, corporation or firm who has obtained a permit from the Town;
Person	means and includes any individual, corporation partnership, firm, joint venture, syndicate, association or trust, and any other form of entity or organization;
Performance Agreement	means an agreement between the Town and the applicant for a building permit entered into before the granting of the permit, where the

Designated Officer 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 Designated Officer 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;

Permit	means the written permission or written authorization from the Town with respect to matters regulated by this By-law;
Planning Act	means The Planning Act of the Province of Manitoba, as amended from time to time.
Relocation	means the moving of an existing building from one location to another location on the same property.
Removal	means the moving of an existing building from one property to another property.
Renovation	means the reconstruction of all or part of the interior or exterior, or both, of an existing building, where there is no structural reconstruction, alteration or enlargement of the building.
Repair	means work done to an existing building for the purpose of maintenance and not amounting to a renovation.
Structure	means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground and including any interpretation of the terms in the Code;
Temporary Building	means an incidental building or structure for which a permit has been issued for a limited time only;
Town	means the incorporated municipal entity in accordance with The Municipal Act known as the Town of Niverville;
Unsafe Conditions	means any condition that could cause undue hazard to the life, limb or health of any person authorized or expected to be on or about the premises; and
Zoning By-law	means the current Zoning By-law of the Town, and as revised from time to time.

SECTION 3: GENERAL

3.1 Application Generally

- 3.1.1 This By-law applies to the administration and enforcement in the design, construction, erection, placement and occupancy of new buildings and structures, and the alteration, reconstruction, demolition, removal, relocation, occupancy and change in occupancy of existing building and structures and any requirements that are necessary to correct unsafe conditions in existing building and structures.
- 3.1.2 The requirements of the Code are hereby adopted and shall apply to all work falling within the scope and jurisdiction of this By-law.
- 3.1.3 Any construction or condition 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 Designated Officer.

- 3.1.4 The permit holder and the property owner are responsible for ensuring all required inspections are completed at the appropriate intervals identified by the Town.

3.2 Limited Application to Existing Buildings and Structures

- 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 the opinion of the Designated Officer, the alteration will affect the degree of safety of the existing building, the existing building shall be improved as may be required by the Designated Officer.
- 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 requirement of the Code.
- 3.2.3 The requirements of this By-law apply where the whole or any part of a building is relocated either within or into the area of jurisdiction of the Designated Officer.
- 3.2.4 When the whole or any part of a building or structure is demolished, the requirements of this By-law apply to the work involved in the demolition and to the work required to any parts remaining after demolition to the extent that deficiencies occurring or remaining after demolition require correction.
- 3.2.5 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 Fires Prevention and Emergency Response Act CCSM c. F80, and the Manitoba Fire Code, apply to the work necessary to reconstruct damaged portions of the building.
- 3.2.6 When an unsafe condition exists in or about a building, the Code, the requirements of this By-law and the appropriate regulations in The Fires Prevention and Emergency Response Act, and the Manitoba Fire Code, shall apply to the work necessary to correct the unsafe condition.
- 3.2.7 When the occupancy of a building or any part of it is changed, the requirements of this By-law apply to all parts of the building or structure affected by the change.

3.3 Exemptions

- 3.3.1 The general requirements in Section 3 do not apply to:
- a) sewage, water, electrical, telephone, rail or similar systems located on a street or a public transit right of way;
 - b) public utility towers or poles, television and radio or other communication aerials except for loads resulting from those located on or attached to a building;
 - 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 108 square feet in building area; and
 - f) A farm building less than 600 m² in size other than a building or structure used as a dwelling unit and is used for the farming operations and where the significant portion of the inhabitant's income is directly or indirectly produced from the farming operations.

3.4 Prohibitions

- 3.4.1 Any person who fails to comply with any order or notice issued by the Designated Officer or who allows a violation of the requirements of this By-law or of the Code to occur or continue to contravene the provisions of this By-law.
- 3.4.2 No person shall 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 approved plans and specifications forming a part of the permit, or omit or fail to complete, prior to occupancy, work required by approved plans and specifications, without first having obtained in writing the approval of the Designated Officer 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 Where an occupancy permit is required by Sub-Section 4.16 herein, no person shall occupy or allow the occupancy of any building, or part thereof, or change the occupancy,

unless and until an occupancy permit has been issued by the Designated Officer.

- 3.4.5 No person having authority in the construction, reconstruction, demolition, alteration, removal, relocation or occupancy of a building shall cause, allow or maintain any unsafe conditions.
- 3.4.6 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 approval having first been obtained in writing from the Designated Officer or appropriate government authority.
- 3.4.7 No person shall allow the ground elevations or the property boundaries of a building lot to be so changed as to place a building or part thereof in contravention of the Code unless the building or part thereof is so altered, after obtaining necessary permits, so that no contravention will occur as a result of the change of the property boundary of a building or approved grades.
- 3.4.8 Any person who knowingly submits false or misleading information contravenes this By-law.

SECTION 4: PERMITS

- 4.1 All applications for permits shall be accompanied by the required supporting documents and fees, including but not limited to any development fees, or impact fees to be paid by a developer or permit holder as required by any other relevant By-laws of the Town, an Agreement with the Town or a Development Agreement.

- 4.2 A permit is required whenever work that is regulated by the Code is to be undertaken.

4.3 Building or Development Permits

- 4.3.1 Except as permitted in Subsection 4.3.2 herein, unless a building or development permit or permission has first been obtained from the Designated Officer, no person shall commence or cause to commence:

- 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 development of a previously unfinished basement;
- d) the repair, rehabilitation, or renovation of any building or structure, or portion thereof;
- e) underpinning;
- f) the relocation or removal of any building or structure, or portion thereof;
- g) the excavation of any land for any purpose of erecting or location on or above it, any building or structure; or
- h) the installation, construction, repair, renewal, alteration or extension of a mechanical system;

unless the required permit has first been obtained from the Designated Officer or unless the Designated Officer approves that no permit is required.

- 4.3.2 A permit is not required for:

- a) patching, painting or decorating;
- b) replacement of stucco, siding or shingles with the same material;
- c) replacement of doors or windows when the opening is not altered;
- d) replacement of open 4ft by 5ft landing and stairs;
- e) construction of fences;
- f) installation of cabinets, shelves or flooring replacement;
- g) a detached accessory or structure no greater than 108 square feet in building area but may be required at the discretion of the Designated Officer; or
- h) a concrete pad which is not to serve as the foundation or floor of any structure.

- 4.3.3 Notwithstanding that a permit is not required for the work described in Subsection 4.3.2, such work shall comply with the Code and the provisions of this, and other applicable By-

law(s), and the work shall not place the building or structure in contravention or further contravention of the Code or this or any other By-law.

4.3.4 Before the issuance of a permit for cases described in Subsection 4.3.1, the permit holder shall when required by the Designated Officer, submit Letters of Assurance in the form of which is acceptable to the Designated Officer, which:

- a) confirm that the permit holder has retained the necessary architect(s) or engineer(s) for all the applicable disciplines, for professional design and inspection; and
- b) incorporate the architect's or professional engineer's assurance of professional design and commitment for inspection.

4.3.5 Before the issuance of a building permit, for cases in which a professional design is not required, the permit holder shall, unless the Designated Officer waives such requirement, submit a Letter of Assurance in the form acceptable to the Designated Officer confirming that the permit holder will ensure that the building will be constructed in accordance with the Code.

4.3.6 Where a Security Deposit is required for a building or development permit, the conditions governing the process and eligibility for return of the Security Deposit are set out in Schedule "A".

4.3.7 Where a Damage Deposit is required for any other permits where work is being completed in or near municipal property, the terms and conditions shall be determined by the Designated Officer.

4.3.8 Before the issuance of a Building or Development Permit, all fees shall be paid in full as set out in the Town of Niverville Fees & Charges Fees By-law.

4.4 Development Permit

4.4.1 All structures being constructed or altered that require a Part 3 Building Permit under the Code must apply for the Part 3 Building Permit from the Town's Part 3 Building Permit provider in effect at the time, in addition to obtaining a Development Permit from the Town.

4.5 Application for Permit

4.5.1 To obtain any permit, an application shall be filed electronically or in writing on a prescribed form and accompanied by all required supporting documentation.

4.5.2 An application for a permit may be deemed to have been abandoned six (6) months after the date of filing unless such application has been processed with the Town and required payment has been made. Abandoned applications are subject to the payment of an Administrative Fee by the applicant. Applications that have been abandoned must be re-submitted in the same manner as an original application, and subject to all fees required for the permit. Applications are subject to the fees in effect at the time the permit is paid for or as otherwise determined by a Development Agreement.

4.5.3 Except otherwise allowed by the Designated Officer, every application for a building or development permit shall:

- a) identify and describe in detail the work and major occupancy to be covered by the permit for which the application is made;
- b) describe the land on which the work is to be done, by a description that will readily identify and locate the building lot;
- c) include plans and specifications, unless otherwise approved by the Designated Officer;
- d) state the names, addresses and telephone numbers of the permit holder;
- e) include proof of approval from the Designated Officer when necessary;
- f) include the valuation which means the total monetary worth, of all construction of work, including all roofing, electrical work, plumbing, permanent or fixed heating equipment, elevator equipment, fire sprinkler equipment, and any permanent equipment and all labour, 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 of the

building permit because of any other permits required by any governing By-law, regulation or agency. The cost of the lot is not included in the valuation. Notwithstanding the provisions noted above, the items to include in the valuation for a building permit in the case of a removal or relocation shall be determined by the Designated Officer on a case-by-case basis.

- 4.5.4 Applications for permits must be accompanied by all required fees as per the Town's Fees and Charges By-law.
- 4.5.5 Where a permit card is issued with a permit, permit holders must post the permit card during construction so that it is visible to the public.
- 4.5.6 Applications for permits must be approved by the Designated Officer and all required fees paid before work can commence.

4.6 Rush Service

- 4.6.1 An applicant may request rush service to process an application/permit, which when approved, would accelerate the turnaround time to less than two (2) business days of processing.
- 4.6.2 Applicants requesting rush service must ensure all required documentation satisfactory to the Designated Officer in their sole discretion, is submitted with the application/permit request.
- 4.6.3 Eligibility for rush service is limited to applications for building permits, development permits, variance, and conditional use applications. Exclusions for rush service are permits that require development agreements and engineering.
- 4.6.4 For conditional use and variance applications, the rush service pertains to preparing necessary advertising and does not remove any conditions for public hearings and advertising timelines as required under The Planning Act.
- 4.6.5 The fee for rush service is in addition to the standard fees customarily charged.
- 4.6.6 The Designated Officer will review all requests for rush service and will notify the applicant on a case-by-case basis if rush service is not possible.

4.7 Permit Application Conditions

- 4.7.1 A permit shall expire and the rights of a permit holder under the permit shall terminate if:
 - a) the work authorized by the permit is not commenced within twelve (12) months from the date of issuance of the permit and actively carried out thereafter; or
 - b) work is suspended for a period of twelve (12) months; or
 - c) extensions for permits have not been obtained from the Designated Officer before the permit expires; or
 - d) the permit has not been cancelled before the 12 months from the date of issuance, in which case the permit may be refunded at the discretion of the Designated Officer less the cost of the Administrative Fee; or
 - e) the work authorized by the permit has not been completed within 24 months from the date the permit was issued, where no Security Deposit was paid; or
 - f) the work authorized by the permit where a Security Deposit was paid, has not been completed by the expiration date of the Security Deposit.
- 4.7.2 Extensions for permits with a Security Deposit may be granted by the Designated Officer, and requests are subject to the procedures outlined in Schedule A, and require the permit holder to pay the fee for an extension as outlined in the Town's Fees and Charges By-law.
- 4.7.3 Extensions for permits without a Security Deposit may be granted by the Designated Officer, subject to the permit holder submitting a request to the Town prior to the expiry of the permit and where required, paying the appropriate fee as outlined in the Town's Fees and Charges By-law.
- 4.7.4 Every building permit or development permit is issued upon the conditions:
 - a) that the construction shall be carried out in accordance with all provisions of the Code, and all provisions as described on the building permit, plan review, and approved plans;
 - b) that all Town and provincial By-laws and regulations will be complied with;
 - c) that the Designated Officer shall get copies of all changes ordered which may alter any

condition or requirement of the Code for Town By-laws, and a set of the revised plans showing these changes and the permit holder shall not commence with the changes unless the changes have been approved by the Designated Officer and fees associated with changes to the permit have been remitted to the Town; and

- d) that the permit holder, at those stages of construction which are indicated on the permit, ensures that the required inspections by the Designated Officers are completed before proceeding further with construction.

4.7.5 No permit shall be assigned or transferred unless signed authorization is received from the assignor or transferor and the assignee or transferee agrees to the re-assignment or transfer, subject to the approval of the Designated Officer. The Designated Officer may accept or refuse the reassignment or transfer of a permit from one person to another.

4.7.6 After a permit is invoiced or issued, an application may be made for a revision of the permit, and such application shall be made in the same manner as for the original permit and subject to, at a minimum, an Administrative Fee and subject to any other fees and approvals as determined by the Designated Officer.

4.7.7 Fees paid for permits that have expired due to the conditions noted in subsection 4.7.1 shall be determined to be forfeited with no refund available to the permit holder.

4.8 Engineering Requirements

4.8.1 No permit will be issued until all Town engineering requirements such as elevation lot grading plans, or any other permits or plans deemed necessary by the Town Engineer have been approved.

4.8.2 All work being carried out under the building or development permit issued prior to the effective date of the Code shall be completed in accordance with the previous Code requirements and any special conditions described on the building permit and approved plans. If work does not proceed at a satisfactory rate, in the opinion of the Designated Officer, the building permit may be cancelled, in which case a new building permit shall be obtained before work is continued and all subsequent work shall comply with the provisions of the Code, and all applicable By-laws.

4.9 Plans and Specifications

4.9.1 Sufficient information shall be submitted with each application for a permit to enable the Designated Officer to determine whether or not the proposed work will conform to the Code and all applicable Town By-laws and whether or not it may affect adjacent properties.

4.9.2 When required by the Designated Officer, plans and specifications shall be provided.

4.9.3 Plans drawn to scale upon paper, shall be clear and durable, and shall indicate the nature and extent of the work in sufficient detail to establish that when completed the work will conform to the Code and other relevant municipal By-laws and provincial regulations.

4.9.4 When required by the Designated Officer, the permit holder shall ensure that the site plan refers to an up-to-date survey, and when required, to prove compliance with the Code, an original copy of the survey shall be submitted to the Designated Officer.

4.9.5 Site plans shall show when required by the Designated Officer:

- a) dimensions from property lines, the location of the proposed building and any projections, the similarly dimensioned locations of every other adjacent existing building on the property; and/or
- b) all requirements as per the Town's Zoning By-law.

4.9.6 In lieu of separate specifications, the Designated Officer may allow the essential information to be shown on the plans, but in no case shall such terms as "in accordance with the Code", "legal", or similar terms be used as substitutes for specific information.

4.9.7 Elevation Sheets when required by the Designated Officer, shall show existing and finished ground levels to an established datum at or adjacent to the site.

4.10 Foundation Permit (limited eligibility)

4.10.1 When to expedite work, approval of a foundation permit is desired prior to the issuance of a permit for the whole building, an application may be made for the full building permit and

all conditions for the issuing of a full building permit must be met, including the provision of all supporting documentation and plans, and where required, an executed Development Agreement, and any other supporting documents required by the Designated Officer.

- 4.10.2 Eligibility for a foundation permit is limited to commercial developments or multi-unit residential buildings with multi-units defined as having five or more residential dwelling units.
- 4.10.3 Fees for foundation permits in addition the basic administration fee for each permit, are calculated at 20 percent of the total building permit fee with the balance of the fee due either upon:
 - a) Beginning of any construction on top of the foundation; or
 - b) Six months from the date the foundation permit is issued, whichever condition comes first.
- 4.10.4 The permit holder must enter into an Agreement with the Town whereby the balance of the outstanding permit fees, if any, that remains after the identified time frame as described in Subsection 4.10.3, will be applied to the property taxes of the subject lands.
- 4.10.5 Should a foundation permit be issued for part of a building, the permit holder may proceed without assurance that the permit for the entire building will be granted. Work not covered by the foundation permit shall not be commenced.
- 4.10.6 An approved foundation permit shall allow for construction up until the framing/capping of the main floor with trusses.

4.11 Permit for a Temporary Building

- 4.11.1 Notwithstanding anything contained elsewhere in the Code a permit for a temporary building may be issued by the Designated Officer, authorizing for a limited time, only the erection and existence of a building or part thereof for an occupancy which because of its nature, will exist for a short time under circumstances which warrant only selective compliance with the Code. No person shall erect or place a temporary building without first entering into an agreement with the Designated Officer and obtaining the required permit.
- 4.11.2 A permit for a temporary building shall state the date after which the permit is no longer valid and the building must be removed.
- 4.11.3 A permit for a temporary building may be extended provided permission in writing is granted by the Designated Officer.
- 4.11.4 A permit for a temporary building shall be posted on the building.

4.12 Removal, Relocation, or Demolition of a Building or Structure

- 4.12.1 No person shall commence or cause to be commenced the removal, relocation or demolition of any building or structure, or portion thereof unless a Demolition Permit or exemption has first been obtained from the Designated Officer.
- 4.12.2 Upon application for a permit to demolish, relocate or remove a building or structure, the applicant, if required by the Designated Officer, shall submit a statement that the taxes upon the land and building or buildings, or structures have been paid in full, and that the land or buildings, or structures have not been sold for taxes, and if so sold, have not been redeemed.
- 4.12.3 The Designated Officer may request that an application for a permit to remove, relocate or demolish a building or structure include one or more of the following:
 - a) a description of the building or structure giving the existing location, construction materials, dimensions, number of rooms and condition of exterior and interior;
 - b) a legal description of the existing site;
 - c) a legal description of the site to which it is proposed that the building or structure is to be moved if located within the Town;
 - d) a site plan showing where the building or structure will be located, if located within the Town;
 - e) a description of the route that will be taken to move the building or structure;
 - f) approvals from Manitoba Infrastructure, Manitoba Hydro and/or Bell MTS;
 - g) Access Over Town Property Agreement;

- h) Pre-inspection report from the Designated Officer including pictures of the building or structure if being moved into or to a new location within the Town; and
- i) Any other document required to assess the eligibility of the building or structure if being moved into or to a different location within the Town.

4.12.4 The owner or permit holder of a site from which a building or structure is to be removed or demolished shall:

- c) Pay all required fees related to the moving or removing of a building or structure;
- d) notify the gas, electric, telephone and water service companies or utilities to shut off and/or remove their service;
- e) decommission all existing sewer and water lines as required by the Designated Officer; and
- f) upon completion of the removal or demolition, put the site in a safe and sanitary condition to the satisfaction of the Designated Officer.

4.13 RTMs

4.13.1 RTMs shall comply with the requirements of the Code.

4.13.2 The Designated Officer may require any or all the items noted in subsection 4.12.3 for locating a RTM within the Town.

4.14 Pools, Hot Tubs, and Similar Structures

4.14.1 No person shall construct or install a private pool, hot tub, or similar structure capable of holding a water depth of greater than 2 feet without first obtaining a building permit to do so in accordance to this By-law and any other permits that may be required by the Designated Officer, the Province of Manitoba or any other regulatory body having authority.

4.14.2 Hot tubs that have a lockable cover that meets the requirements of the Code are exempt from requiring a permit from the Town but must still meet all the setback requirements as noted in the Zoning By-law.

4.14.3 Every permit application for the construction of a private pool, hot tub or similar structure shall be accompanied by all required plans and specifications as required by this By-law, the authority having jurisdiction, the Code and any other requirements that the Authority feels necessary at the time of application.

4.14.4 Pools, hot tubs, and associated equipment shall comply with the requirements of the Code and Zoning B-law for fencing and setbacks.

4.14.5 Discharge water from a private pool, hot tub, or similar structure including filter backwash must be discharged to a wastewater sewer system; collected and removed for disposal by a licensed wastewater hauler; or discharged on to the property if the water remains fully within the property until it evaporates. Discharge water shall not be discharged onto any street, lane, ditch, body of water or any other area outside the boundaries of the property unless permission has been granted in advance by the Designated Officer.

4.15 Signs, Antenna Structures, and Solar Collectors

4.15.1 Signs, antenna, and solar collector structures shall comply with all applicable Zoning By-law requirements.

4.15.2 Where the Zoning By-law indicates permits are required for signs, antenna and solar collector structures, a permit must be applied for and issued by the Designated Officer prior to construction.

4.15.3 All signs, antenna and solar collector structures shall maintain clearances from electrical power and communication lines and other structures as required by the appropriate authority.

4.15.4 A clearance of at least 1 m shall be maintained between poles and other fixtures lawfully erected and any part of a sign, antenna or solar collector installation and its accessories.

4.15.5 The Designated Officer may refuse to issue a sign, antenna, or solar collector permit if, in their opinion, the sign or antenna structure or solar collector installation may interfere

or otherwise obstruct traffic lights, or in any way interfere with visibility from the street.

- 4.15.6 Any existing sign, antenna, or solar collector which is deemed unsafe by the Designated Officer from the standpoint of fire safety, structural safety or location may be ordered to be made safe or removed.
- 4.15.7 A permit is not required for the changing of removable parts of signs that are designed to be changed, or the repainting of sign poles, cabinet/sign box framing, display matter although such work shall comply with the applicable Zoning By-law.

4.16 Occupancy Permits

- 4.16.1 An occupancy permit may be required:
 - a) for any new building, or for any existing building or structure where an alteration or addition is made thereto; or
 - b) to allow the occupancy of a building or part thereof; or
 - c) when the occupancy of a building or part thereof is changed where that building or structure is located on land subject to Zoning By-laws; or
 - d) under the terms of a Development Agreement; or
 - e) for a change which results in an increase in occupant load.
- 4.16.2 The Designated Officer may approve clearance for the issuance of an Interim Occupancy permit, being a permit allowing the partial occupancy of a building or structure, provided that such occupancy will not jeopardize life or property.
- 4.16.3 The Designated Officer may issue an occupancy permit, subject to compliance with provisions to safeguard persons in or about the premises, to allow the occupancy of the building or a part thereof for the approved use, prior to commencement or completion of the construction or demolition work.
- 4.16.4 Before issuing an occupancy permit, the Designated Officer may require the permit holder to provide letters to certify that the requirements of the code and the necessary permits have been met.
- 4.16.5 No change shall be made in the type of occupancy or use of any building or structure, which would place the building or structure in a different Group of occupancy, unless such building or structure is made to comply with the requirements of the Code for that Group.
- 4.16.6 An inspection of a building shall be made prior to the issuance of an Occupancy Permit.
- 4.16.7 Every building or structure that requires an Occupancy Permit shall comply with the construction requirements, except that the Designated Officer may approve an Occupancy Permit for an existing building or structure which varies in a minor respect from the regulations of the Code, where in their opinion, such a variation will substantially accomplish the objects of the Code.
- 4.16.8 The occupancy permit is included with the cost of the building permit. Should partial occupancy be requested, an additional fee will apply.
- 4.16.9 Where the Code, By-laws or the Designated Officer determine that an Occupancy Permit is required, no person shall move furniture, stock or goods, inventory, accessory equipment, or personal belongings into a newly constructed structure without receiving an Occupancy Permit from the Town.

4.17 Occupancy Load

- 4.17.1 Notwithstanding anything elsewhere contained in the Code, for each assembly room in a building or structure classified as a Group A Occupancy:
 - a) any change under the original permit under Group A Occupancy requires permission in writing granted by the Designated Officer;
 - b) the Permit holder of the building or structure shall be responsible for keeping the actual occupant load within the allowable limits; and
 - c) the Permit holder of the building or structure shall display the Occupancy Load place card in a location approved by the Designated Officer.

SECTION 5: DUTIES, RESPONSIBILITIES AND POWERS

5.1 Permit Holder

- 5.1.1 Every permit holder shall allow the Designated Officer to enter any building or premises at any reasonable time for the purpose of administering and enforcing the Code and this By-law.
- 5.1.2 Every permit holder shall obtain all permits or approvals required in connection with proposed work, prior to commencing the work in which they relate.
- 5.1.3 Every permit holder shall:
- a) ensure that the plans and specifications on which the issue of the permit was based are available continuously at the site of the work for inspection during working hours by the Designated Officer, and that the permit, or true copy thereof, is posted conspicuously on the site during the entire execution of the work;
 - b) keep visible at all times during construction the civic number of the premises in figures at least three (3) inches high and visible from the street or sidewalk.
 - c) give such other notice to the Designated Officer as may be required by the provisions of the Code or this By-law;
 - d) provide an original signed and sealed copy of a current survey of the building site or staking certificate prepared by a legal surveyor authorized to work in the Province of Manitoba, when and as required by the Designated Officer;
 - e) when required by the Designated Officer, uncover and replace at their expense any work that has been covered contrary to an order issued by the Designated Officer;
 - f) ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed, should occupancy occur prior to the completion of any work being undertaken that requires a permit;
 - g) when required by the Designated Officer, shall provide a letter to certify compliance with the requirements of the Code and of any permits required;
 - h) when a building or part thereof is in an unsafe condition, immediately take all necessary actions to put the building in a safe condition. All buildings or structures, existing and new, and all parts thereof shall be maintained in a safe condition. All devices, or safeguards which are required by the Code in a building or structure when erected, altered or repaired, shall be maintained in good working order. The permit holder shall be responsible for the maintenance of such building or structures;
 - i) where required, obtain an occupancy permit from the Designated Officer prior to any occupancy of a building or part thereof after construction, partial demolition or alteration of that building, or change in the major occupancy of any building or part thereof;
 - j) shall provide supervision and co-ordination of all work and trades when undertaking to construct, alter, reconstruct, demolish, remove or relocate a building;
 - k) be responsible for waste management of construction debris and its removal;
 - l) be 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 permit was required by this By-law;
 - m) ensure that all required inspections are completed at the appropriate intervals as identified by the Designated Officer; and
 - n) not deviate from the requirements of the conditions of the permit without first obtaining from the Designated Officer's permission in writing to do so and paying any required fees.
- 5.1.4 When granting a permit, the approval of the drawings and specifications or inspections made by the Designated Officer, shall not in any way relieve the Owner of a building or the permit holder from full responsibility for carrying out the work or having the work carried out and for the maintaining the building in accordance with the requirements of the Code, including ensuring that the occupancy of the building, or part thereof, is in accordance with the terms of the occupancy permit, if required.

5.2 Designated Officer

5.2.1 The Designated Officer is responsible for the administration and enforcement of the Code and this By-law.

5.2.1 The Designated Officer shall:

- a) keep copies of all applications received, permits and orders issued, and inspections made, and of all papers and documents connected with the administration of the Code and this By-law for such time as other regulations require;
- b) accept any construction or condition that lawfully existed prior to the effective date of the Code provided that such construction or condition does not constitute an unsafe condition or contravenes some other By-law or regulation;
- c) issue in writing such notices or orders as may be necessary to inform the permit holder where a contravention of the Code or this By-law has been observed and requires that such contravention be rectified;
- d) issue to the Permit holder an order or notice in writing to correct any unsafe condition observed in the building;
- e) provide, when requested to do so, all reasons for refusal to grant a permit;
- f) answer such relevant questions as may be reasonable with respect to the provisions of the Code or this By-law when requested to do so, except for standard design aids, shall refrain from assisting in the laying out of any work and from acting in the capacity of an engineering or architectural consultant; and
- g) issue a permit to the permit holder, when to the best of its knowledge, the applicable conditions as set forth in the Code and other relevant By-laws of the Town have been met.

5.3 Powers of the Designated Officer

5.3.1 The Designated Officer may enter any building or premises at any reasonable time to audit for compliance with the Code for this or any other By-law or to determine if an unsafe condition exists.

5.3.2 The Designated Officer is empowered to issue orders for:

- a) a person who contravenes the Code to comply with the Code within the time period specified;
- b) A permit holder to hold at specific stages of construction in order to facilitate an audit or inspection;
- c) a Stop Work Order on the building or any part thereof if such work is proceeding in contravention of the Code or this By-law, or any condition under which the permit was issued, or if there is deemed to be an unsafe condition. Upon issuance of a Stop Work Order, work shall be immediately stopped. A Stop Work Order shall be in writing and shall be given to the permit holder of the property involved or the owner and shall state the conditions under which work may be resumed;
- d) the removal of any unauthorized encroachment on public property;
- e) the removal of any building or part thereof constructed in contravention of the Code;
- f) the cessation of any occupancy in contravention of the Code;
- g) the cessation of any occupancy if any unsafe condition exists because of work being undertaken or not completed; and
- h) the correction of any unsafe condition.

5.3.3 The Designated Officer may:

- a) authorize the complete or partial discharge or removal at the expense of the permit holder or owner thereof, a building which, in their opinion, has been constructed in contravention of the Code or any other relevant By-laws of the Town and to provide that the cost of such demolition or removal as certified by the Designated Officer may be added to the taxes on the land occupied by such buildings;
- b) by written notice, require the permit holder of a building, or owner in respect thereof, to comply within a specified period of time to have the building made to conform with the Code in such respects as specified in the notice. Omission to give such notice, however, shall not prevent any permit holder or owner from being prosecuted

- for breach of the Code;
- c) direct that tests of materials, equipment, devices, construction methods, structural assemblies, or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the permit holder, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or foundation condition meets the requirements of the Code;
 - d) ask for any other documentation or tests deemed necessary at the expense of the permit holder;
 - e) require any permit holder to submit a current plan of survey prepared by a registered land surveyor complete with seal and signature which shall contain sufficient information regarding the site and the location of any building:
 - i. to establish before construction begins that all requirements of the Code in relation to this information will be complied with, and
 - ii. to verify upon completion of the work that all such requirements have been complied with.
- 5.3.4 Notwithstanding any other provisions herein, wherein the opinion of the Designated Officer the site conditions, the size or complexity of a building, part of a building or building component warrant, or for any other reason, the Designated Officer, may require that the permit holder have the following done at their expense:
- a) the appropriate plans, specifications and related documents be reviewed by and bear the seal or stamp of an architect or engineer; and
 - b) the work be inspected during construction by the architect or engineer responsible for the work.
- 5.3.5 The Designated Officer may issue a permit at the risk of the permit holder with, if necessary, conditions to ensure compliance with the Code, these requirements and any other applicable regulations or by-laws, to excavate or to construct a portion of a building before all the plans of the project have been submitted to the Designated Officer or approved.
- 5.3.6 Except in the case of buildings covered under Part 9 of the Code, the permit holder shall appoint an architect(s) and/or engineer(s) entitled to practice in the Province of Manitoba and approved by the Town, skilled in the appropriate section of the work concerned, which consultants(s) shall be responsible for the preparation of drawings and specifications and for the inspection of construction to ensure conformity with the drawings, specifications and the applicable sections of the Code.
- 5.3.7 Notwithstanding the above, where in the opinion of the Designated Officer any building requires the services of a consultant approved by the Town, to ensure conformance with the Code, the permit holder shall appoint such a consultant to perform all the services described above.
- 5.3.8 Where the character of the proposed work requires technical knowledge, such as reinforced concrete, steel, timber construction, trusses and other, the Designated Officer may require that the plans and specifications be prepared and sealed, and the construction inspected by an engineer entitled to practice in the Province of Manitoba.
- 5.3.9 The structural members of a building shall be designed as provided for in Part 4 of the Code, by a Town approved engineer.
- 5.3.10 The Designated Officer may issue a permit for the entire project conditional upon the submission, prior to commencing work thereon, of additional information not available at the time of issuance, if such data are of secondary importance, and are of such nature that the withholding of the permit until its availability would unreasonably delay the work.
- 5.3.11 The Designated Officer may refuse to issue any permit:
- a) whenever information submitted is inadequate to determine compliance with the provisions of the Code or Town By-laws;
 - 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 the Code;
 - d) that would be prohibited by any other standard, By-law, Act or regulation;

- e) to any person who has failed within a specified period of time to remedy a defect in construction under a building permit previously issued to them, after having been notified that such defect exists;
 - f) where in the Designated Officer's opinion, the results of the tests referred to in Subsection 5.3.3 are not satisfactory;
 - g) to any person who has failed to pay any fees due and owing to the Town under this By-law; or
 - h) to any permit holder or owner or for any property that has an existing Outstanding Work Order.
- 5.3.12 The Designated Officer may revoke a permit by written notice to the permit holder if:
- a) there is a contravention of any condition under which the permit was issued;
 - b) the permit was issued in error;
 - c) the permit was issued on the basis of incorrect information; or
 - d) the work is being done contrary to the terms of the permit.
- 5.3.13 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 its ruinous or dilapidated state, faulty construction, abandonment or other state, and when notice to correct such condition has not been complied with, the Designated Officer may:
- a) demolish, remove or make safe such building, construction excavation or part of it at the expense of the permit holder and may recover such expense in like manner as municipal taxes;
 - b) take such other measures as may considered necessary to protect the public; or
 - c) issue to the permit holder an order or notice in writing to correct any unsafe conditions observed in any building.
- 5.3.14 Notwithstanding any other provisions herein, when, in the opinion of the Designated Officer, immediate measures need to be taken to avoid imminent danger, the Designated Officer may take such action as is appropriate, without notice and at the expense of the permit holder.
- 5.3.15 The Designated Officer may withhold issue of an Occupancy Permit on completion of the building or part of the building, until the permit holder has provided letters to certify compliance with the Code, these requirements and the requirements of applicable Acts, regulations or By-laws.
- 5.3.16 **Unsafe Conditions**
- 5.3.16.1 Any building, or structure, that is, in an unsafe condition in that it is liable to fall, or to cause an explosion or to cause damage or injury to any person or property, or, in that it constitutes a fire hazard, or, that in the case of a well, excavation, or opening, is not properly covered or guarded, or that, in the opinion of the Designated Officer is so dilapidated, out of repair, or otherwise in such condition, that it is a trap for persons or animals, shall not be allowed to remain in such condition but shall be demolished, removed, guarded, or put in a safe condition, to the satisfaction of the Designated Officer.
- 5.3.16.2 If in the opinion of the Designated Officer a building or structure is in an unsafe condition or a well, excavation, or opening is not properly covered or guarded as set out in Subsection 5.3.16.1 above, the Designated Officer may serve written notice on the permit holder or owner in charge of the building or structure, or of a well, excavation or opening, by registered mail or personal notice to the last known address describing the building or structure, or guarded, covered or put in safe condition within the timeline set by and to the satisfaction of the Designated Officer.
- 5.3.16.3 Without affecting any other remedy that the Town may have on default of compliance with a notice given under Subsection 5.3.16.2 and 5.3.16.5 the Designated Officer may, in the case of a building or structure cause the same to be demolished, removed or put in a safe condition, and in the case of a well, excavation or opening, to have the same covered, guarded or put in a safe

condition as may be deemed expedient and necessary, and that the cost of the work may be recovered by the Town by adding it to the taxes on the land or on the building or structure, and may be collected in the same manner as other municipal taxes are collected.

5.3.16.4 Whereupon noncompliance with any notice given under Subsection 5.3.16.2 and 5.3.16.5, the Designated Officer causes the building or structures to be demolished, the Town may sell the material, fixtures, and other salvage therefrom and apply the price received therefrom towards paying the cost of the demolition and the balance, if any, shall be applied towards paying any taxes owing in respect to the property, after encumbrances, and lien holders, if any, in order of their property and the surplus, if any, shall be paid to the permit holder or owner of the property.

5.3.16.5 Where the Designated Officer is unable, as set forth in Subsection 5.3.16.2, to locate the permit holder or owner in charge of the building or structure, or of a well, excavation or opening, or in cases where service as aforesaid is impracticable, the unsafe notice shall be posted by affixing two copies thereof in a conspicuous place on the premises; and such procedure shall be deemed the equivalent of personal notice.

5.3.16.6 The Designated Officer charged with the enforcement of this By-law while acting for the Town shall not thereby render them liable personally, and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their official duties. Any suit instituted against any Designated Officer or employee because of any act performed by them in the lawful discharge of their duties and under the provision of this By-law shall be defended by the legal representative of the Town until the final termination of the proceedings. The Designated Officer of the Town, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of their official duties in connection therewith.

5.3.17 Construction Review

5.3.17.1 Whenever general review during construction by an architect or engineer is required by the Code or the Town, such review shall be to standards satisfactory to the Designated Officer.

5.3.17.2 Upon completion of the work for which a review was required, a report shall be submitted to the Designated Officer by the architect or engineer stating what was reviewed, and where applicable, what was not reviewed, and stating the extent to which the construction conforms to the Code.

SECTION 6: APPEAL

6.1 Any person aggrieved by any decision or order of the Designated Officer as to the issuance of permits, the prevention of construction or occupancy of building, the demolition or removal of building, or structures, or any other matter herein may, within thirty (30) days from the date of the decision, appeal to the Chief Administrative Officer. All decisions or orders remain in effect during the appeal process.

6.2 Upon the hearing of an appeal, the Chief Administrative Officer may:

- a) uphold, rescind, suspend or modify any decision or order given by the Designated Officer;
- 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.

6.3 The decision or order of the Chief Administrative Officer 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 offense.

SECTION 7: OFFENCES AND PENALTIES

7.1 Offences and Penalties

7.1.1 Subject to the By-law Enforcement By-law or a By-law implemented under the authority of the Provincial Offences Act, any person who contravenes or disobeys, or refuses or neglects to obey:

- a) Any provision of the Code, the Niverville Zoning By-law, the Town of Niverville Standards For Design and Construction of Public Works, this By-law or any provision of any other By-law that, by this By-law, is made applicable to the Town or made applicable to proceedings taken or things done under this By-law; or
- b) Any provisions of any By-law, 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 the Town's By-law Enforcement By-law, to an administrative penalty.

7.1.2 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 offence and liable, under the Town's By-law Enforcement By-law.

7.1.3 In addition to 7.1.1 and 7.1.2 above, any person or corporation may be required to observe or perform such terms and conditions as a magistrate may impose.

7.1.4 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.

7.1.5 Any permit holder and/or contractor who commences work prior to obtaining the required permits contained within this By-law may at the discretion of the Designated Officer, be levied an administrative penalty of double the permit fee (excluding security deposits) in addition to paying for their original permit, and may be subject to additional fines for non-compliance.

SECTION 8: REPEAL

8.1 This By-law repeals By-Law No. 3, 237-85, 311-88, and 791-18 as well as any amending resolutions passed or schedules amended with these By-laws.

8.2 The repeal of the By-laws in section 8.1 shall not revive any by-law or any provision of any by-law repealed by them, nor shall the said repeal prevent the effect of any saving clause in the said by-law or the application of any of the said by-law or any other by-law or provision of law formerly in force to any transaction matter or thing anterior to the said repeal to which they would otherwise apply.

8.3 The repeal of By-law No. 791-18 shall not affect:

- a) any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal;
- b) any action, suit, judgement, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever, respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal;
- c) any act, deed, right, title, interest, grant, assurance, registry, rule, regulation, contract, lien, charge, matter or thing had, done, made, acquired, established or existing at the time of such repeal;
- d) any office, appointment, commission, salary, allowance, security, duty or any matter or thing appertaining thereto at the time of such repeal;
- e) any bond, note, debenture, debt, or other obligation made, executed, or entered into by the Municipality at the time of such repeal;
- f) disturb, invalidate, or prejudicially affect any other matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.

SECTION 9: AMENDMENTS

9.1 Any schedules attached to this By-law may be amended by resolution of Council.

SECTION 10: EFFECTIVE DATE

10.1 This By-Law shall come into force and take effect on January 1, 2025.

10.2 Any person who carries out work under the terms of this By-law after its adoption but before its effective date may do so, but all such work shall comply entirely with the Code and Town By-laws.

Done and passed by the Council of the Town of Niverville in regular session assembled this 17th day of December 2024 A.D.

TOWN OF NIVERVILLE

Per: 
Mayor

Per: 
Chief Administrative Officer

Read a first time this 3rd day of December 2024 A.D.

Read a second time this 17th day of December 2024 A.D.

Read a third time this 17th day of December 2024 A.D.

**BY-LAW 870-24
SCHEDULE "A"
Security Deposits**

A refundable security deposit fee will be charged on all new permit applications (except accessory and renovation permits where the Designated Officer's discretion for requirement will apply). The Designated Officer will consider factors including residency, service requirements and/or impact on property drainage. Any eligible security deposit will be refunded to the permit holder upon a satisfactory release being provided by the Designated Officers, subject to compliance within the required deadlines.

Property owners need to apply to the Town **in advance** for permission to use public property for access/egress purposes.

Time Limit on Refund – The security deposit is forfeited when construction including all required inspections (both internal and external) are not satisfactorily completed by October 31st of the year specified on the Town of Niverville Security Deposit form.

Two one-year extensions are available at a cost specified in the Town's Fees and Charges By-law per extension, and extension requests must be applied for by **October 15th** (or first day following if a statutory holiday or weekend) of the year of expiration (only one extension is granted at a time).

No further time extensions will be considered and this is not appealable to Council. It is the permit holder's responsibility to allow enough time for correcting potential deficiencies when planning for their final inspections, to ensure that they are able to satisfactorily complete all required inspections before their permit deadline.

Inspections include (but are not limited to):

- a. Assessing possible damages caused to the curbs, drainage ditches and street;
- b. Utility inspections;
- c. Lot and building elevations confirmed with engineered design
 - Sewer Inspection
 - Curb stop valve operational
 - Perching or Garage Pad Elevation – PRIOR to pouring of concrete
 - Water meter successfully installed
 - Damages to road in front of residence have been repaired and mud removed (and on side for corner lots)
 - Damages to curbs have been repaired
 - All damages to public drain have been repaired
 - Driveway – doweling into concrete curb with epoxy dowels
 - Driveway – width within Town allowances – Variance _____
 - Driveway – location of curb stop
 - Elevation – Initial Lot Elevation Staking
 - Elevation – Pre-Landscaping inspections
 - Elevation – Final Grade landscaping (topsoil/sod)
 - Any damages to municipal infrastructure
 - Other
- d. Final landscaping and/or restoration requirements as per applicable agreement;
- e. Town of Niverville – Final Inspections Requirements (General)
 - Sewer inspection to confirm line grade and proper sand backfill around the main connection prior to trench infill
 - Initial garage pad elevation grade – garage pad elevation will be marked on basement wall in the middle of the garage
 - Second garage pad elevation inspection – completed once foundation has been formed but prior to pouring of concrete.
 - Water meter installation & water service activation*** *Billing starts as soon as meter is installed****

- Prior to hard surfacing of driveway
 - Initial lot elevation staking
 - Pre-landscaping grade elevations (after rough grade, before final landscaping)
 - Final lot grade elevations as per diagram provided at time building permit was obtained.
 - Other
- f. Inspections outlined on Form "A" (Inspection Requirements)
- g. Inspections outlined on Form "B" (Final Occupancy Checklist)

Inspections must be satisfactorily completed within the required deadlines to be considered eligible for any refund of the security deposit. Occupancy permits will only be issued upon request.

All structure(s) must comply with the Manitoba Building Code and applicable municipal regulations.

Due to seasonal weather challenges, **exterior final inspections** by Designated Officers will only be conducted between **May 1 and October 31**. Final inspection arrangements must be made a minimum of 7 business days prior to October 31st. Permit applicants need to keep this in mind when working through the deadlines for receiving a refund for the Security Deposit.

The permit applicant is the party who is responsible for arranging for final inspections with the Designated Officers, and this responsibility cannot be transferred to a third party. Permit holders should contact the Town Office to confirm with whom inspections should be booked.

Damages to municipal infrastructure will be repaired with cost being deducted from the security deposit. A statement outlining damages and repairs will be provided to the permit applicant. In the event the contractor desires to carry out the repairs to municipal infrastructure, arrangements with Engineering or Operations personnel will need to be made in advance of any work commencing. Engineering or Operations personnel will advise if a Town approved contractor must be used for the repairs. Repairs must be completed to the satisfaction of the Designated Officer in their sole opinion.

In the event damages to municipal infrastructure amount to any dollar value greater than the security deposit, an invoice will be sent by the Town to the titleholder for additional fees plus an administration fee. This invoice must be paid within thirty (30) days of the invoice date otherwise, it will be placed upon the property taxes of the property(s) in question. If the security deposit is forfeited by the applicant, the cost to remedy the outstanding deficiencies may be collected by the Town by adding them to the property(s) taxes of the property in question, and the titleholder and its successors in title will not object to the said addition.

Re-inspections - If a re-inspection is required due to: (1) non-compliance, (2) not ready for agreed inspection time or, (3) no-show by the builder/homeowner/permit or contract holder, the cost of the supplementary inspection will be charged as per the rates currently in effect with the fee being deducted from any eligible security deposit.

Missed inspections – when work has been covered and the inspector is unable to perform or complete the required inspection as per the conditions of the issued permit, the inspection fee will be charged as per the rates outlined in the Town's Fees and Charges By-law, with the fee being deducted from any eligible security deposit or invoiced to the permit holder, if the security deposit doesn't cover the amount of the inspections.

Arrangements for final inspections by the Designated Officer must be made a minimum of 7 business days prior to the expiry of the permit.

The permit applicant is the party who is responsible for arranging final inspections with the Designated Officer(s), and this responsibility cannot be transferred to a third party.

Permit holders should contact the Town Office to confirm with whom inspections should be booked.

BY-LAW 870-24

SCHEDULE "A" – FORM A

INSPECTION REQUIREMENTS

24 HOUR NOTICE (except for Final/Occupancy inspection,
which requires a minimum of 7 business days advance notice)

	1	2	3	4	5	6	7	8	9	10
HOUSES & DUPLEXES	•	•	•	•	•	•	•	•	•	•
ATTACHED GARAGE		•	•				•	•		•
DETACHED GARAGE			•				•	•		•
ACCESSORY BUILDINGS							•			
ADDITIONS	•	•		•		•	•	•	•	•
RENOVATIONS							•			•
BASEMENT DEVELOPMENT							•			
READY TO MOVE						•	•	•		•
REPAIRS										•
REPAIR GARAGES/WORKSHOPS	•	•	•			•	•	•		•
WAREHOUSE		•	•			•	•	•		•

1. **Foundation** – prior to pouring concrete and all steel in place.
2. **Grade Beam** – prior to pouring and all steel in place.
3. **Garage Floor** – prior to pouring and all steel in place.
4. **Basement Floor** – drain pipe installed, base prepared and poly in place.
5. **Plumbing in Basement** – underground plumbing complete prior to covering up pipes.
6. **Plumbing on Main Floor** – prior to insulating.
7. **Framing** – when framing is complete and prior to insulating.
8. **Insulating and Poly** – insulation installed and poly caulked prior to covering walls
9. **Back Fill Inspection.**
10. **Final/Occupancy** – inspection requires a minimum of 7 business days advance notice – when all work is complete prior to occupancy.

Please contact the Building Inspector if discrepancies are found in the elevation information.
Any change in elevation requires prior approval from the Building Inspector.

BUILDING INSPECTOR

BEN FUNK

204-371-6636 (cell) – Text Preferred

funkben@gmail.com

BY-LAW 870-24

SCHEDULE "A" – FORM B

Building Inspector Final Occupancy Check List

Exterior

- ☐ Lighting at all exterior doors
- ☐ Driveway and approach installed
- ☐ Proper grading of lot away from building
- ☐ Downspout extensions/splash pads away from building
- ☐ All stairs and/or exits installed
- ☐ Handrails and railing (decks/landings over 24") installed
- ☐ Exterior finishes on building completed

Comments

Interior

- ☐ Self-closer on house to garage door
- ☐ Handrails/guardrails on all stairs (brackets @ 4' centers)
- ☐ Smoke detectors on each floor level including all bedrooms
- ☐ Fresh air returns in all rooms
- ☐ Egress windows in all bedrooms
- ☐ Water shut valve on water closets
- ☐ All sinks to have traps c/w cleanouts
- ☐ Bathroom and kitchen ventilation Including HRV
- ☐ Bridging complete
- ☐ Radon seal at slab perimeter – penetrations
- ☐ Basement wall insulation R-20 & vapor barrier (drywall on SM)
- ☐ Deadbolts installed on all exterior doors
- ☐ House-garage wall 5/8 fireguard and heat sensor
- ☐ Back water valve and cleanouts accessible
- ☐ Future plumbing rough in capped
- ☐ H.W.T relief valve and discharge pipe
- ☐ H.W.T. shut-off
- ☐ Water service shut-off
- ☐ Lawn service shut-off or frost free
- ☐ Sump pump c/w check valve and discharge pipe
- ☐ All fixtures trapped
- ☐ Water pipe supported properly
- ☐ Lawn service vacuum breakers
- ☐ House numbers displayed

Date of Final Inspection: _____

Inspector: _____

Address: _____

Roll #: _____ Permit #: _____