



Village of New Maryland
Building By-law
By-law No. 06-2020

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SCHEDULE "A" Schedule of Fees

**VILLAGE OF NEW MARYLAND
BUILDING BY-LAW
BY-LAW NO. 06-2020**

WHEREAS the *Community Planning Act S.N.B. 2017, c.19* (“the Act”) was proclaimed and came into force January 1, 2018,

AND WHEREAS under Section 141 of the *Community Planning Act S.N.B. 2017, c. 19*, the “former Act” means the Community Planning Act, chapter C-12 of the Revised Statutes, 1973,

AND WHEREAS under Section 144 of the Act, a by-law made under the authority of the former Act that was in force immediately before the commencement of this section shall be deemed to have been made under the Act and is valid and continues in force until amended or repealed, to the extent that it is not inconsistent with this Act or a statement of provincial interest.

AND WHEREAS the Council for the Village of New Maryland proposes amendments to Building By-law No. 06-2016,

THEREFORE, BE IT ENACTED by the Council of the Village of New Maryland under the authority vested in it by the *Community Planning Act, S.N.B. 2017, c.19*, as follows:

The Council of the Village of New Maryland under the authority vested in it by the *Community Planning Act, S.N.B. 2017, c.19*, and amendments thereto, enacts as follows:

1.0 TITLE

- 1) This by-law may be cited as “The Village of New Maryland Building By-law”.

2.0 DEFINITIONS

- 1) In this by-law:

Authority having jurisdiction means the Building Inspector.

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

Building Inspector means a person designated by the Council of the Village of New Maryland to enforce this by-law.

Code means the latest edition of the *National Building Code of Canada* as adopted by the Province of New Brunswick, including any amendments, revisions, and errata thereto.

Council means the Village Council of the Village of New Maryland.

Development Officer means the municipal planning director or municipal planning officer, where one has been appointed under Section 10 and Section 152 of the Community Planning Act.

Dwelling means a building, as defined in the Code adopted by Section 5, or any portion thereof, containing one or more dwelling units.

Dwelling, one family means a dwelling containing one dwelling unit.

Dwelling, two family means a dwelling containing two dwelling units.

Dwelling, three family means a dwelling containing three dwelling units.

Dwelling, multiple means a dwelling containing four or more dwelling units.

Dwelling unit means a room or suite of two or more rooms designed or intended for use by an individual or family, in which culinary facilities and sanitary conveniences are provided for the exclusive use of such individual or family.

Habitable room means the space within a dwelling, in which living functions are normally carried on, and includes, but is not limited to, living rooms, dining rooms, kitchens, bathrooms, dens and recreation rooms, storage rooms, workshops and recreational rooms located in a basement or cellar.

Lot means one parcel of land described in a deed, transfer, or subdivision plan, used or intended to be used as the site for a building or structure or an appurtenance thereto.

Structure means anything constructed or erected on or below the ground, or attached to something on the ground, and includes all buildings.

Total estimated cost means the total monetary worth, as determined by the Building Inspector, of all proposed work including all painting, wall covering, roofing, electrical work, plumbing, permanent heating equipment, elevator equipment, fire sprinkler equipment and all labour, materials and other devices necessary for the completion of the proposed work.

Village means the Village of New Maryland.

Work means the constructing, locating or relocating, demolishing, altering, repairing or replacing, or any combination thereof, of a building, structure or sign.

3.0 APPLICATION

- 1) This by-law is effective in the Village of New Maryland.

4.0 SCOPE

- 1) The purpose of this by-law and accompanying Schedule is:
 - (a) To prescribe standards for the building, locating or relocating, demolishing, altering, structurally altering, repairing or replacing, or any combination thereof, of a building or structure;
 - (b) To prohibit the undertaking or continuing of work mentioned in Section 4,1) (a) in violation of standards prescribed in this by-law; and
 - (c) To prescribe a system of permits for work mentioned in Section 4,1) (a); their terms and conditions; the conditions under which they may be issued, suspended, reinstated, revoked and renewed; their form and fees thereof.

5.0 ADOPTION OF THE CODE

- 1) The *National Building Code of Canada*, in its latest edition, as adopted by the Province of New Brunswick, including any amendments, revisions and errata subsequently issued, is hereby adopted as the standard to which all work undertaken in the Village must conform. Notwithstanding the aforementioned, no penalty clause or administrative procedure contained in the *National Building Code of Canada* is adopted.
- 2) Pursuant to Section 62 of the *Community Planning Act*, the *Barrier-Free Design Building Code Regulation 2011-61*, and amendments thereto, is hereby adopted.
- 3) This by-law and the Code apply to site assembled and factory made buildings and structures.

6.0 APPOINTMENT OF BUILDING INSPECTOR(S)

- 1) The Council may appoint Building Inspectors who shall exercise such powers and perform such duties as are required to administer and enforce this by-law and as are designated pursuant to the *Community Planning Act*.

7.0 BUILDING PERMIT

- 1) A person shall not undertake or continue the building, locating or relocating, demolishing, altering, structurally altering, repairing or replacing, or any combination thereof, of a building or structure unless:
 - (a) The work conforms to the Code;
 - (b) The work conforms with this by-law and all other by-laws of the Village as well as all other applicable Acts and Regulations of the Province of New Brunswick; and
 - (c) A building permit therefore has been issued pursuant to this section.
- 2) A person seeking to obtain a building permit for any work shall make application in writing to the Building Inspector and such application shall:
 - (a) Be in a form provided by the Building Inspector;
 - (b) Be completed and signed by the applicant;
 - (c) State the address of the property upon which the work is to be completed and state the name and address of the person performing the work;
 - (d) State the intended use of the building or structure;
 - (e) Unless waived by the Building Inspector, include copies in duplicate of the specification and scale drawings of the building or structure and a site plan of the property with respect to which the work is to be carried out, showing:
 - (i) The dimensions of the property and the building or structure;
 - (ii) The proposed use of each room or floor area;
 - (iii) A foundation plan, floor plans, details, elevations and cross sections of the building or structure showing size dimensions and descriptions of materials to be used;
 - (iv) The roof truss layout and shop drawings bearing the seal and signature of a Professional Engineer;
 - (v) The engineered floor truss layout and shop drawings bearing the seal and signature of a Professional Engineer;
 - (vi) The engineered lintel or beam designs bearing the seal and signature of a Professional Engineer;
 - (vii) On the site plan, the dimensions of the land on which the building or structure is, or is to be, situated, all easements and the grades of the streets and sewers abutting the subject property; and
 - (viii) The position, height, horizontal dimensions and geodetic elevations of all buildings or structures on, and those proposed to be located on, the land referred to;
 - (f) Set out the total estimated cost of the proposed work;
 - (g) Contain such other information as the Building Inspector may require for the purpose of determining compliance herewith; and
 - (h) In the case of buildings which exceed 600 square metres in building area or three storeys in building height, or which are used for assembly, institutional, or hazardous industrial or commercial purposes, no permit shall be issued unless the plans and specifications are certified under the seal of an architect or professional engineer registered to practice in the Province of New Brunswick.
- 3) When work valued at less than the amount prescribed in Schedule "A" attached hereto is performed on a structure containing a maximum of two dwelling units, no person shall be required to obtain a building permit for:
 - (a) Non-structural repairs;

- (b) Repair of existing decks, landings, stairs or verandas:
 - (i) Where such repair is of the same configuration as that item being repaired, except as required to meet the National Building Code, and
 - (ii) Where such repair conforms to the requirements of the Village of New Maryland Zoning By-law;
 - (c) Installation of eavestroughing, downspouts, storm windows, storm doors;
 - (d) Installation of cosmetic decorations including, but not limited to, shutters, panelling, wall covering, ceramic tile and finished flooring, to the interior or exterior of a building;
 - (e) Plaster and drywall repairs;
 - (f) Retaining walls less than 1 metre in height from the top of the wall to the lowest adjacent surface;
 - (g) Recreational structures such as playground equipment, but not buildings or similar construction;
 - (h) Changing interior doors, provided they are the same type, location and size;
 - (i) Maintenance of heating equipment, ventilation or electrical equipment provided that such maintenance does not affect fire separations or fire dampers; and
 - (j) Signs that are exempted from requiring a permit by the Village Zoning By-law.
- 4) A person shall be exempted from the requirements of 7, 1) (c) when:
- (a) An electrical waiver has been issued by the Building Inspector when the work is solely of an electrical nature and:
 - (i) Is not part of a fire alarm system;
 - (ii) Does not impact any structural aspects of a building; and
 - (iii) Does not impact the exterior wall assembly or the building envelope, any firewall, fire separation, fire rated materials or assemblies by conduit penetration or otherwise.
- 5) Applicants seeking to obtain an electrical waiver shall make an application in writing to the Building Inspector and shall pay the fee prescribed herein.
- 6) Where an application mentioned in Section 7, 2) has been received, and
- (a) The proposed work conforms to this by-law and all other applicable by-laws of the Village of New Maryland and all Acts and Regulations of the Province of New Brunswick;
 - (b) There are no unresolved financial or other matters between the applicant for the permit or the property owner and the Village;
 - (c) The Development Officer has approved the work pursuant to Section 108(1) of the *Community Planning Act*; and;
 - (d) A plumbing permit has been issued by the Province of New Brunswick if the work described therein involves plumbing,
- the Building Inspector shall issue the building permit requested.
- 7) A permit issued pursuant to Section 7, 6) is issued on the condition that work described in the permit:
- (a) Is commenced within six months from the date of issuance;
 - (b) Is not discontinued or suspended for a period in excess of six months or in such manner that the exterior surface intended to be clad remains unclad in excess of two (2) months;
 - (c) Complies with the Code;
 - (d) Complies with this by-law or any other applicable Village By-law or any Act or Regulation of the Province of New Brunswick as determined by the Building Inspector; or
 - (e) Is consistent with the work carried out.
- Otherwise the Building Inspector, at his/her discretion, may revoke the permit.
- 8) Where the permit holder amends or changes any information provided in an application, the said amendment or change must be filed with the Building Inspector and will be subject to review and approval pursuant to this by-law.

- 9) No building shall be demolished without:
- (a) The owner or owner's agent first applying for and acquiring a demolition permit and paying the fees prescribed in Schedule "A" attached hereto; and
 - (b) An application for a demolition permit shall include the provincially approved location where any demolition debris will be disposed of.

8.0 LOT SIZES

- 1) Where a lot is serviced by both a water system for public use and a sewer system for public use, the lot shall meet the requirements as stipulated for the appropriate zone in the Village of New Maryland Zoning By-law.

9.0 SIZE OF DWELLINGS AND DWELLING UNITS

- 1) No dwelling may be placed, erected or altered unless it has a minimum total floor area in relation to the number of bedrooms as follows:

Number of Bedrooms in Dwelling	Number of Square Metres of Floor Area
Bachelor	28
1	35
2	53
3	63
4	82
5	82 plus 9 m ² for each bedroom in addition to the first four bedrooms

- 2) For the purposes of this section, floor area does not include garages, carports, porches, verandas, breezeways, approach halls or, except for those completely contained in a dwelling unit, stairways.

10.0 LOCATION OF BUILDINGS AND STRUCTURES ON A LOT

- 1) All buildings and structures shall be located on a lot in accordance with the front, rear and side yard setback requirements of the Village of New Maryland Zoning By-law.

11.0 LOT OCCUPANCY

- 1) All buildings and structures shall meet the lot occupancy requirements as stipulated in the appropriate zone of the Village of New Maryland Zoning By-law.
- 2) Civic numbers shall be displayed on all main buildings in such a manner that the civic number is clearly visible from the street.

12.0 SEWAGE DISPOSAL

- 1) Sewage from a building or structure shall be discharged into the municipal sewage system.

13.0 OPEN CELLARS AND EXCAVATIONS

- 1) The owner of a property upon which an open cellar or excavation exists as the result of demolition or destruction of a building or structure, when new construction is not to proceed without delay, shall forthwith following such demolition or destruction, backfill such cellar or excavation to grade.
- 2) The owner of a property upon which an open cellar or excavation exists as the result of demolition or destruction of a building or structure, when new construction is to proceed without delay, shall forthwith following such demolition or destruction, erect in a neat and workmanlike manner a wall constructed of good materials, without openings, at least 1.8 metres in height, around the perimeter of such cellar or excavation and shall maintain the same so as not to become dilapidated or unsightly until construction has proceeded to a stage where the cellar or excavation is no longer a danger.

14.0 RESPONSIBILITIES OF THE PERMIT HOLDER

- 1) The owner of the property affected by a building permit and the permit holder, if different, shall:
 - (a) Permit the Building Inspector to enter upon any property or building or structure at all reasonable times for the purpose of making any inspection that is necessary for the administration or enforcement of this by-law;
 - (b) Obtain, where applicable, from the appropriate authority, permits relating to building, zoning, water and sewage, plumbing, signs, street occupancy, electricity, highways and all other permits required in connection with the proposed work;
 - (c) Give at least two full working days' notice to the Building Inspector of the intention to start work on the building site;
 - (d) Give one full working day's notice to the Building Inspector prior to the placement of any foundation footings;
 - (e) Give one full working day's notice to the Building Inspector where a foundation wall below land surface has been placed and before any backfilling of the excavation has been carried out;
 - (f) Give two full working days' notice to the Building Inspector for a pre-drywall inspection consisting of a structural, insulation and vapour barrier inspection;
 - (g) Give notice to the Building Inspector within 10 days of completion of the work described in the permit; and
 - (h) Not deviate from this by-law or from the conditions of a permit or omit work that is required by this by-law or other conditions of the permit.
- 2) Where tests of any materials are made to ensure conformity with the requirements of this by-law, records of the test data shall be kept available for inspection during the construction of the building and for such a period thereafter as required by the Building Inspector.
- 3) The approval of plans or specifications, the issuing of a building permit, or any inspections hereunder do not relieve a person of any duty or responsibility for carrying out works in accordance with this by-law.
- 4) Where the building permit has been issued for new building construction or for an addition or renovation to an existing building or structure, the permit holder must have on site during the entire construction, a dumpster which has been rented at the expense of the permit holder. Under no circumstances shall building refuse be left at the curb for regular garbage pickup.
- 5) It is the responsibility of the permit holder to keep a construction site (as noted in Section 14, 4)) free of building debris at all times.
- 6) The owner of the property for which a building permit has been issued, shall be responsible for the cost of repairing any damage that may occur to any Village owned property as a result of undertaking work described, or in conjunction with the permit.

15.0 DOCUMENTS ON THE SITE

- 1) During the carrying out of any work authorized by a permit issued pursuant to this by-law, the property owner and the permit holder, if different from the property owner shall, on the property in respect of which the building permit was issued:
 - (a) Keep posted in a conspicuous place a copy of the building permit or a poster or placard in lieu thereof; and
 - (b) Keep a copy of any plans and specifications approved by the Building Inspector.

16.0 DUTIES OF THE BUILDING INSPECTOR(S)

- 1) The Building Inspector shall:
 - (a) Administer and enforce this by-law;
 - (b) Keep proper records of all applications received, permits and orders issued, inspections and tests made, and shall retain copies of all papers and documents connected with the administration of his/her duties; and
 - (c) Keep one copy of the Code available for public inspection.

17.0 POWERS OF THE BUILDING INSPECTOR(S)

- 1) The Building Inspector may:
 - (a) Enter any property, building or premises at any reasonable time for the purpose of administering or enforcing this by-law;
 - (b) Cause a written order to be served upon the owner of any property directing them to correct any condition that constitutes a contravention of this by-law;
 - (c) Direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or that sufficient evidence or proof be submitted at the expense of the property owner, where such evidence or proof is necessary to determine whether the material, device, construction or foundation condition meets the requirements of this by-law;
 - (d) Where a building permit is issued for a building or structure or a part thereof and is designed to Part 3 and/or Part 4 of the Code, in accordance with the administrative procedures of the Code, the permit holder and/or owner shall provide the Building Inspector written confirmation from the designer that the construction was found to be in conformance with the design;
 - (e) Revoke or refuse to issue a building permit where, in the opinion of the Building Inspector, the results of the tests referred to in Section 17, 1) (c) are not satisfactory; and/or
 - (f) Revoke or refuse to issue a building permit where, in the opinion of the Building Inspector, the work does not conform to this by-law and all other applicable by-laws, and Acts and Regulations of the Province of New Brunswick.
- 2) Whenever any work is being done in violation of the provisions of this by-law or in variance with the terms of any permit issued for such work, the Building Inspector may order all work on the job stopped until such violation or variance is eliminated and any work or installation made in violation of this by-law corrected, and on the making of such order the permit under which such work is purported to be done shall be suspended.
- 3) No work shall be done in violation of an order made pursuant to Section 17, 2), except as may be necessary to prevent injury or damage to persons or property and as approved by the Building Inspector.
- 4) If within 30 (thirty) days of the making of an order pursuant to Section 17, 2), any such violation or variance is eliminated and any work or installation made in violation of this by-law is corrected, the Building Inspector shall reinstate the permit; however, if such violation or variance is not eliminated

and such work or installation is not corrected within the set time, the Building Inspector shall revoke the permit.

- 5) The holder of a revoked permit must apply for a new permit in the manner provided in this by-law and must pay the fees required for the issuance of such new permit.

18.0 FEES

- 1) No permit may be issued hereunder until the applicable fees and deposits set out in this by-law have been paid to the Village.
- 2) With regard to fees and deposits:
 - (a) Council may adopt, and from time to time amend by resolution, a fee and deposit schedule to be appended to the by-law as Schedule "A";
 - (b) Where the Building Inspector has reason to believe and does believe that the applicant's total estimated cost of construction is unreasonable, he/she may refuse to issue the building permit;
 - (c) An application for a building permit for work to be carried out on a property owned by the Village shall be exempt from the fee requirements of Section 18, 1); and
 - (d) Where work requiring a building permit under this by-law has commenced by anyone prior to the issuance of a permit, the fees prescribed herein shall be doubled.
- 3) Unless waived by the Building Inspector, where an application for a building permit is made and the work therein involves a change of use or change of occupancy, a construction deposit mentioned in Section 18, 6) shall be submitted by the Applicant.
- 4) Unless waived by the Building Inspector, where an application for a building permit is made and the work described therein involves new foundation construction or foundation extensions, a permit for such construction shall be issued on the condition that the construction of the building or addition shall not proceed beyond the foundation stage unless the Building Inspector of the Village of New Maryland has received and approved a Surveyor's Real Property Report.
- 5) A Surveyor's Real Property Report, as mentioned in Section 18, 4) shall show the distances from the outer walls of the foundation to the property boundary lines and the geodetic elevations at the top of the foundation walls, and shall be signed by a New Brunswick Land Surveyor or Professional Engineer before being received and considered by the Building Inspector of the Village of New Maryland. The Surveyor or Professional Engineer shall certify that the top of the foundation wall elevation(s) are consistent with the foundation wall elevation(s) as shown on the building permit plot plan to a tolerance of +/- 100 mm.
- 6) Every person who applies for a permit to which Section 18, 3) and/or Section 18, 4) applies shall submit a construction deposit with the Village in the amount prescribed in Schedule "A" attached hereto, in the form of cash, certified cheque or money order.
 - (a) The construction deposit will be refunded to the applicant subject to the following conditions:
 - (i) If the Surveyor's Real Property Report reveals that the foundation has been placed in compliance with the requirements of the Zoning By-law for the Village of New Maryland;
 - (ii) If construction of the building has not proceeded beyond the foundation stage prior to a Surveyor's Real Property Report having been submitted to and approved by the Building Inspector;
 - (iii) If the applicant, without obtaining a variance, rectifies any improper location of the foundation; and
 - (iii) If work has been carried out as required by the Village By-laws.

- 7) (a) A portion of the deposit, in the amount of \$500.00, shall be forfeited to the Village if:
- (i) The Surveyor's Real Property Report reveals that the foundation has not been placed in compliance with the requirements of the Zoning By-law for the Village of New Maryland; or
 - (ii) The construction proceeds beyond the foundation stage and a Surveyor's Real Property Report has not been submitted to or approved by the Building Inspector of the Village of New Maryland; or
The Surveyor's Real Property Report or Professional Engineer notes that the top of the foundation wall elevation(s) are inconsistent with the elevation(s) established from the lot grading plan and as shown on the building plot plan and exceed the tolerance of ± 100 mm. In which case, the property owner shall provide the Building Inspector an engineered solution to resolve the inconsistency.
- (b) Any and all portions of the construction deposit shall be forfeited if the applicant has not arranged for all inspections required by Village By-laws to be carried out, or corrected all deficiencies identified by the Building Inspector, or if the Village has determined that activity by the applicant has resulted in damage to adjacent municipal infrastructure, as outlined in Section 18, 8).
- 8) The construction deposit mentioned in Section 18, 6), or such portions as the Public Works Supervisor and/or the Building Inspector deems appropriate, shall be forfeited to the Village of New Maryland if, after completion of the work, a determination is made that activity by the applicant has damaged the adjacent municipal infrastructure.

Damage to the adjacent municipal infrastructure includes, but is not limited to, damaged asphalt, cracked sidewalks, dented or destroyed road signs, cracked or broken water and sewer pipes, and damaged curb stops. If the cost of repairs exceeds the deposit, the additional cost shall be a debt owed to the Village of New Maryland by the permit holder and the property owner, jointly and severally.

19.0 REPEAL AND TRANSITION

- 1) By-law No. 06-2016, The Village of New Maryland Building By-law and amendments thereto, adopted on June 15, 2016, is hereby repealed.
- 2) The repeal of By-law No. 06-2016, The Village of New Maryland Building By-law, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

Read First Time: November 18, 2020
(By Title Only)

Read Second Time: November 18, 2020
(By Title Only)

Read Third Time: December 16, 2020
(By Summary Only)

Read Final Time: December 16, 2020
(By Title Only) AND ENACTED:

(Sgd.) Judy Wilson-Shee
MAYOR
Judy Wilson-Shee

(Sgd.) Cynthia Geldart
CLERK
Cynthia Geldart

Schedule "A"

Schedule of Fees and Deposits

Pursuant to Section 18, 2) of the Village of New Maryland Building By-law each applicant shall, at the time of application for a building permit, demolition permit, or electrical waiver, pay the applicable fee as set out below:

Service Description	Applicable Fee
Building Permit Fees ¹	\$20 initial fee + \$7.25 for every \$1,000 (or part thereof) of the total estimated cost of construction
Electrical Waiver ²	\$30
Curb Cut Fee	\$85 per metre
Demolition Permit	\$80
Property File Search	\$125 plus \$50 per additional hour
Construction Deposit	\$1,500
Estimated Value of Construction Referred to in Section 7.3) of this by-law	\$2,500

¹ Should the Building Inspector have reason to believe that the applicant's total estimated cost of construction for the project is unreasonable, he/she may refuse to issue the permit.

² Electrical permits will not be issued by the Province of New Brunswick unless a building permit, or a building permit waiver, has first been issued by the Municipality.

(e.g., The Village would issue an electrical waiver in a situation where the resident proposed to conduct electrical work described in Section 7, 4) of the Building By-law, but conduct no other work that would invoke the need for a building permit.)