



## Village of New Maryland

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2 August 2022

Re: *Village of New Maryland Building By-law No. 06-2022*

The undersigned, being the Clerk of the Village of New Maryland, hereby certifies under seal of the Village of New Maryland that the attached *Village of New Maryland Building By-law No. 06-2022* is a true and exact copy and conforms to the original document enacted by the Council for the Village of New Maryland on July 20, 2022.

Cynthia Geldart,  
CAO/Clerk

Seal:





I certify that this instrument  
is registered or filed in the  
York  
County Registry Office,  
New Brunswick

J'atteste que cet instrument est  
enregistré ou déposé au bureau  
de l'enregistrement du comté de  
York  
Nouveau-Brunswick

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K. Matt  
Registrar-Conservateur

Village of New Maryland  
Building By-law  
By-law No. 06-2022

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**VILLAGE OF NEW MARYLAND  
BUILDING BY-LAW  
BY-LAW NO. 06-2022**

WHEREAS the *Building Code Administration Act*, S.N.B. 2020, Chapter 8 ("the Act") was proclaimed and came into force on February 1, 2021,

AND WHEREAS the Council for the Village of New Maryland proposes amendments to Building By-law No. 06-2020,

**THEREFORE, BE IT ENACTED** by the Council of the Village of New Maryland under the authority vested in it by the *Building Code Administration Act*, S.N.B. 2020, Chapter 8, the *Community Planning Act*, S.N.B. 2017, Chapter 19., and the *Local Governance Act*, S.N.B. 2017, Chapter 18, and respective amendments thereto, 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:

**Accessory Building** means a detached subordinate building, not designed or used for human habitation or public congregation, located on the same lot as a main building, structure or use to which it is accessory, and the use of which is normally incidental and complementary to the main use of the land, building or structure.

**Alternative Solution** means an alternative solution as defined in the Code.

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

**Building Inspector** means a person so appointed by the Council of the Village of New Maryland under the *Local Governance Act*, S.N.B., 2017, c.18 to enforce this by-law.

**Building Permit** means a permit issued pursuant to this by-law that pertains to work.

**Code** means the *National Building Code of Canada* adopted by the Province of New Brunswick via *NB Regulation 2021-2* under the *Building Code Administration Act*, S.N.B., 2020, c.8 and respective amendments thereto, and includes all revisions, errata and corrections to errata issued from time to time.

**Change of Occupancy** means a change of use or intended use of a building or part of a building for which it was originally categorized with respect to the occupancy classifications of the Code, even if there is no construction or alteration anticipated.

**Council** means the mayor and councillors of the Village of New Maryland.

**Demolish** means to do anything in the removal of a building or a material part of a building.

**Demolition Permit** means a permit issued pursuant to this by-law that pertains to demolition work.

**Designer** means a member in good standing with the association of Professional Engineers or Architects licensed to practice in the Province of New Brunswick.

**Development Officer** means a development officer as defined in the *Community Planning Act*, S.N.B. 2017, c.19.

**Development Permit** means a permit issued pursuant to this by-law that pertains primarily to land-use requirements. Work permitted under a development permit is not subject to Code inspections.

**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.

**Electrical Waiver** means a document that authorizes a licensed electrical contractor to perform work without obtaining a building permit or development permit as required under the Electrical Installation & Inspection Act.

**Grading Plan** means a grading plan or lot grading plan prepared by a professional engineer that has been associated to a lot pursuant to the *Village of New Maryland Stormwater Management Policy*.

**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.

**Land Surveyor** means a member in good standing with the association of New Brunswick Land Surveyors authorized under the Land Surveyors Act to practice land surveying in the Province of New Brunswick.

**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.

**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 a person who holds title to real property and includes a person who has entered into an agreement to purchase real property.

**Permit** means any permit issued pursuant to this by-law.

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

**Professional Engineer** means a member in good standing with the association of Professional Engineers and Geoscientists of New Brunswick and registered or licensed to practice engineering in the Province of New Brunswick.

**Public Works Supervisor** means the Supervisor of the Village of New Maryland Public Works Department and/or their authorized representative;

**Sign** means any display of advertisement, placard, boarding, billboard or other form or means or device whatsoever of public notice or announcement, whether erected, pasted or painted, and any such form or means or device intended, suitable or adaptable for such purpose whether or not it is at the time used for such purposes.

**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 building, locating, relocating, demolishing, altering, structurally altering, repairing or replacing, change of occupancy or any combination thereof, of a building, structure or sign.

### 3.0 SCOPE

- 1) This by-law applies to the design, locating, construction, and occupancy of new buildings and structures, and the alteration, repair or replacement, structurally altering, demolition, relocation and occupancy of existing buildings and structures, or any portion of existing buildings and structures, or any combination thereof in the Village of New Maryland, except as otherwise provided herein.
- 2) Without limiting the generality of subsection 3, 1), where a building or structure or any part thereof is altered or repaired, this by-law applies to the parts of the building or structure that are to be altered or repaired, and to any other part of the building or structure that are affected by the alterations or repairs.
- 3) Without limiting the generality of subsection 3, 2), this by-law applies to any building or structure or any part thereof that has been affected in any manner in whole or in part by a change of occupancy.

### 4.0 PURPOSE

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

### 5.0 ADOPTION OF CODES

- 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 minimum standard to which all work undertaken in the Village must conform.
- 2) The *National Energy Code of Canada for Buildings*, in its latest edition, as adopted by the Province of New Brunswick, including any amendments, revisions and errata subsequently issued, is hereby adopted.
- 3) The *Barrier-Free Design Building Code Regulation 2021-3*, in its latest edition, as adopted by the Province of New Brunswick, including any amendments, revisions and errata subsequently issued, is hereby adopted.
- 4) This by-law and the Code apply to site assembled and factory-made buildings and structures.

- 5) The Village shall keep one copy of the adopted Code available for public use, inspection and examination during regular business hours.

#### **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 *Building Code Administration Act*.

#### **7.0 PROHIBITIONS**

- 1) A person shall not undertake or continue any work unless:
  - (a) A building permit or development permit has been issued pursuant to this by-law;
  - (b) The work under a building permit conforms with the *Code*;
  - (c) The work conforms with this by-law, all other applicable by-laws of the Village as well as all other applicable Acts and Regulations of the Province of New Brunswick, and
  - (d) The work complies with the terms and conditions of the building permit or development permit.
- 2) A person shall not undertake or continue to demolish a building or structure unless:
  - (a) A demolition permit has been issued pursuant to this by-law.
  - (b) The demolition work conforms with the standards prescribed in this by-law; and
  - (c) The demolition work conforms with all other applicable by-laws and with the terms and conditions of the demolition permit.

#### **8.0 EXEMPTIONS**

- 1) Notwithstanding subsection 7, 1) a person shall be exempted from requiring a permit for the work, listed in this section.
- 2) When work is performed on a structure containing a maximum of two dwelling units, no person shall be required to obtain a building permit or development permit for:
  - (a) Non-structural repairs and maintenance work valued at less than the amount prescribed in Schedule "A" attached hereto, or if such work is deemed by the Building Inspector not to have any health or safety implications with regard to the Code;
  - (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 eaves troughing, downspouts, storm windows, storm doors;
  - (d) Re-facing or replacing kitchen cabinets in their same configuration, and the 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, painting, or masonry re-pointing;
  - (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; or

- (j) Signs that are exempted from requiring a permit by the Village Zoning By-law.
- 3) A person shall be exempted from the requirements of 7, 1) (a) when:
  - (a) An electrical waiver has been issued by the Building Inspector in place of a building permit when the work is solely of an electrical nature and:
    - (i) Is not part of a fire alarm or life safety system;
    - (ii) Does not impact any structural aspects of a building;
    - (iii) Does not impact the exterior wall assembly or the building envelope, any fire walls, fire separations, fire rated materials or fire-rated assemblies by conduit penetration or otherwise; and
    - (iv) Does not involve a change of use or change of occupancy as defined in this by-law.
- 4) Applicants seeking to obtain an electrical waiver shall make an application in the form prescribed by the Building Inspector and shall pay the fee prescribed herein.
- 5) For the purposes of subsection 8, 3), electrical work includes mast repairs on residential units, service upgrades from fuse panels to breaker panels and service panel upgrades to a maximum of 400-amp service.
- 6) The Building Inspector shall accept an application for an electrical waiver and issue an electrical waiver when:
  - (a) The information submitted appears to be adequate to determine compliance with the provisions of this by-law;
  - (b) The full application fee has been received by the Building Inspector; and
  - (c) The proposed work meets the standards of the Zoning By-law.

## 9.0 BUILDING PERMIT APPLICATION

- 1) A person seeking to obtain a building permit for any work shall make application in writing to the Building Inspector and pay the prescribed fee in Schedule 'A', attached hereto. Such application shall:
  - (a) Be in a form prescribed by the Building Inspector;
  - (b) Be completed and signed by the applicant;
  - (c) State the property identifier number, civic number and street name of the property upon which the work is to be completed and state the names, e-mail addresses, telephone numbers, and complete mailing addresses of the registered property owner, applicant and the person performing the work;
  - (d) Identify and describe in detail all proposed work and the building occupancy;
  - (e) Unless waived by the Building Inspector, include copies in duplicate of the specifications, complete dimensioned and legible 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 locations of all existing and proposed buildings or structures on the property, and their distance from each other and the property lines;
    - (ii) The locations and dimensions of driveways and other access locations;
    - (iii) The locations and dimensions of existing or proposed driveway culverts;
    - (iv) The direction of stormwater flow and the location and grade of surface drainage features;
    - (v) A site servicing plan showing the locations and elevations of water, sanitary and storm services;
    - (vi) 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;
    - (vii) The proposed use of each room or floor area;



- (viii) Include all details relating to Division B, Section 9.36 of the Code for the proposed work, where applicable;
  - (ix) The roof truss layout and shop drawings bearing the seal and signature of a Professional Engineer;
  - (x) The engineered floor truss layout and shop drawings bearing the seal and signature of a Professional Engineer;
  - (xi) The engineered lintel or beam designs bearing the seal and signature of a Professional Engineer;
  - (xii) The site plan, shall be referenced to a current plan of survey that has been certified by a registered New Brunswick Land Surveyor and a copy of such survey shall be filed with the Village unless this requirement is waived because the Building Inspector is able, without having a current plan of survey, to determine whether the proposed work conforms to the Village by-laws, the Code and any other applicable law; and
  - (xiii) 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) If the drawings and specifications for buildings or structures or any component thereof fall under Part 3 and/or Part 4 of the National Building Code; such documents shall be stamped and sealed by a professional engineer or architect skilled in the work concerned and licensed to practice in the Province of New Brunswick.
  - (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.
  - (l) Contain such other information as the Building Inspector may require for the purpose of determining compliance herewith;
- 2) The Building Inspector may refuse to accept an application if any of the submitted documents are deemed to be incomplete or insufficient at the time of application as per subsection 9, 1).
  - 3) When the Building Inspector or applicant is aware of indicators that the soils of the lot may be unsuitable for the proposed work, a soils report stamped, signed and dated by a professional engineer, indicating that the soil conditions of the lot are suitable for the proposed work, or what additional measures need to be taken to make the soils suitable for the proposed work, shall be provided.
  - 4) If required by the Building Inspector, a completed form entitled "Confirmation of Commitment by Owner" and "Field Review Commitment" shall be submitted by the architect and appropriate professional engineers of record for the disciplines required.
  - 5) If required by the Building Inspector, the application shall be accompanied by a signed acknowledgement of the owner, on the required form that an architect or professional engineer, or both, have been retained to carry out the general review of the work.
  - 6) If required by the Building Inspector, the application shall be accompanied by a signed statement of the architect or professional engineer, or both, on the required form undertaking to provide general review of the work.
  - 7) On completion of the construction of a building, the Building Inspector may require the person who is responsible for the construction submit to the Building Inspector a set of plans of the building or structure as constructed.
  - 8) All plans and specifications provided to the Building Inspector pursuant to this by-law or the Code or otherwise required are the property of the Village and will be disposed of or retained in accordance with provisions of the *Building Code Administration Act* and Village policy.

- 9) The Building Inspector may post a notice against the property on the New Brunswick Land Gazette Registry until such time that all required inspections have been conducted, all deficiencies have been corrected and no other unresolved matters are outstanding in relation to the work.
- 10) Where an Alternative Solution is proposed for authorization as prescribed under the Code, the owner shall file the following information to the Building Inspector:
  - (a) An application in a form prescribed by the Building Inspector;
  - (b) A description of the proposed material, system or building design for which authorization under the Code is requested;
  - (c) Supporting documentation demonstrating that the proposed material, system or building design will provide the level of performance required by the Code; and
  - (d) Payment of the required fee in accordance with Schedule 'A'.

#### **10.0 DEMOLITION PERMIT APPLICATION**

- 1) A person seeking to obtain a demolition permit for a building or structure, or part thereof, shall make application in writing to the Building Inspector and pay the prescribed fee in Schedule 'A', attached hereto. Such application shall:
  - (a) Be in a form prescribed by the Building Inspector;
  - (b) Be completed and signed by the applicant;
  - (c) State the property identifier number, civic number and street name of the property upon which the demolition is to be completed and state the names, e-mail addresses, telephone numbers, and complete mailing addresses of the registered property owner, applicant and the person performing the work;
  - (d) Identify and describe in detail all proposed work;
  - (e) Identify the municipal or private services to be abandoned or removed;
  - (f) Identify the provincially approved location where any demolition debris will be disposed of;
  - (g) Unless waived by the Building Inspector, include 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 locations of all existing and proposed buildings or structures on the property, and their distance from each other and the property lines;
    - (ii) The locations and dimensions of driveways and other access locations;
    - (iii) The locations and dimensions of existing or proposed driveway culverts;
    - (iv) The locations and dimensions of municipal or private services to be abandoned or removed; and
  - (h) Set out the total estimated cost of the proposed work.

#### **11.0 DEVELOPMENT PERMIT APPLICATION**

- 1) A person seeking to obtain a development permit for any work shall make application in the form prescribed by the Development Officer and such application shall:
  - (a) Be completed and signed by the applicant;
  - (b) State the property identifier number, civic number and street name of the property upon which the development is to be completed and state the names, e-mail addresses, telephone numbers, and complete mailing addresses of the registered property owner, applicant and the person performing the work;
  - (c) State the intended use or purpose of the work;
  - (d) Unless waived by the Development Officer, include copies in duplicate of the dimensioned 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 and all applicable setbacks to property lines, all easements and the grades of the streets and sewers abutting the subject property; and
    - (ii) Elevations drawings of the building or structure showing size dimensions;
    - (iii) 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;
  - (e) Set out the total estimated cost of the proposed work; and
  - (f) Contain such other information as the Development Officer may require for the purpose of determining compliance herewith.
- 2) The following work carried out under a development permit is exempt from application of the Code and inspections thereof:
- (a) An accessory building with a total floor area that is not greater than 27.0 square metres;
  - (b) Excavation of pits and quarries;
  - (c) Retaining walls greater than 1 metre in height from the top of the wall to the lowest adjacent surface;
  - (d) Swimming pools and their enclosures, and hot tubs; and
  - (e) Signs.

## 12.0 ISSUANCE OF PERMITS

- 1) Where an application mentioned in Sections 9, 10 and 11, and the fees prescribed in Schedule 'A' attached hereto, have been received, and
- (a) The proposed work appears to conform 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 proposed work does not conflict with any local government services easements or public utility easements;
  - (d) The Development Officer has approved the work pursuant to Section 108(1) of the *Community Planning Act*; and;
  - (e) A plumbing permit has been issued by the Province of New Brunswick if the work described therein involves plumbing,
- the Building Inspector or the Development Officer, as applicable, shall issue the permit requested.
- 2) A permit issued pursuant to this section 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 in the case of a building permit;
  - (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.
- 3) 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.

13.0 PERMIT CANCELLATION AND REFUNDS

- 1) In the case of withdrawal, abandonment of an application, the refusal, or revocation of an application for a permit, fees may be fully or partially refunded depending on the stage of review of the application, and at the discretion of the Village Treasurer.
- 2) A person to whom a permit has been issued may apply in writing to the Building Inspector for cancellation of the permit. A refund of a portion of the fee may be considered only if the work for which the permit was issued has not commenced. The amount of the refund will be at the discretion of the Village Treasurer.

14.0 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.

15.0 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 <sup>2</sup> 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.

#### **16.0 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.

#### **17.0 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.

#### **18.0 SEWAGE DISPOSAL**

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

#### **19.0 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.

#### **20.0 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 real 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) Provide the Building Inspector with the date on which work on the building site is to commence;
  - (d) Give one full working days' notice to the Building Inspector prior to the placement of any foundation footings;
  - (e) Give one full working days' 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 one full working days' notice to the Building Inspector prior to the placement of a foundation slab;
  - (g) Give two full working days' notice to the Building Inspector for a framing inspection;
  - (h) Give two full working days' notices to the Building Inspector prior to the placement of interior sheathing of walls and ceiling;
  - (i) Give notice to the Building Inspector within 10 days of completion of the work described in the permit, and;
  - (j) 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.

- (k) Provide written notice within 72 hours, to the Building Inspector of any change in ownership or the change and/or termination of employment of a person acting on behalf of the owner referred to in section 9 of this by-law.
- 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 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.
- 7) An owner or person acting on behalf of the owner shall ensure a copy of the building permit, demolition permit or development permit, as the case may be, is posted in a prominent place on the premises before the construction, demolition or development work begins and the permit shall remain posted until the completion of the work.

#### **21.0 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.

#### **22.0 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.

#### **23.0 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 as authorized by the *Building Code Administration Act*;
  - (b) Be accompanied and assisted by a person who has special or expert knowledge;

- (c) Conduct tests, make inquiries, and take samples, measurements, photographs or video recordings considered necessary;
  - (d) Perform any other duty or power prescribed by this by-law or a regulation;
  - (e) 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;
  - (f) 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;
  - (g) May answer relevant questions as may be reasonable with respect to the provisions of this by-law, except for standard design aids, but shall refrain from assisting in the laying out of any work and from acting in the capacity of a designer or engineering or architectural consultant;
  - (h) 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;
  - (i) Revoke or refuse to issue a building permit where, in the opinion of the Building Inspector, the results of the tests referred to in subsection 23, 1) (f) are not satisfactory; and/or
  - (j) 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 subsection 23, 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 subsection 23, 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.

#### **24.0 OFFENCES AND PENALTIES**

- 1) A person who violates or fails to comply with a provision of a building by-law or a regulation commits an offence punishable as a category offence in accordance with the applicable provisions of the *New Brunswick Building Code Administration Act* and/or the *New Brunswick Community Planning Act*.

## 25.0 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 subsection 25, 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 occupancy, a construction deposit mentioned in subsection 25, 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 subsection 25, 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 elevations(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 subsection 25, 3) and/or subsection 25, 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
    - (iv) If work has been carried out as required by the Village By-laws.
- 7) 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 subsection 25, 8).



- 8) The construction deposit mentioned in subsection 25, 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.

#### **26.0 PARTIAL INVALIDITY OF THE BY-LAW**

- 1) If any section, subsection, sentence, clause or phrase of this by-law is for any reason held to be invalid by the decision of any Court of competent jurisdiction, this decision shall not affect the validity of the remaining portions of this by-law.

#### **27.0 REPEAL AND TRANSITION**

- 1) By-law No. 06-2020, The Village of New Maryland Building By-law and amendments thereto, adopted on December 16, 2020, is hereby repealed.
- 2) The repeal of By-law No. 06-2020, 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.

28.0 PREVIOUS APPROVALS

- 1) Despite the repeal of By-law 06-2020:
- (a) Nothing in this by-law will prevent the work for which a permit was issued prior to the coming into force of this by-law, but the time limits associated with the permit continue to apply;
  - (b) Applications for permits submitted prior to the coming into force of this by-law shall be dealt with under the provisions of By-law 06-2020.


Read First Time: 16 March 2022  
(By Title Only)

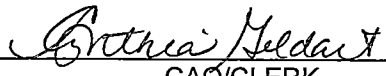
Read Second Time: 16 March 2022  
(By Title Only)

Advertised as to content on the Village of New Maryland website in accordance with the *Local Governance Act*, S.N.B. 2017, Chapter 18: 23 June 2022

Read Third Time: 20 July 2022  
(By Summary)

Read Final Time: 20 July 2022  
(By Title Only) AND ENACTED:

  
MAYOR  
Judy Wilson-Shee

  
CAO/CLERK  
Cynthia Geldart

SEAL:



Schedule “A”

Schedule of Fees and Deposits

Pursuant to Section 25 of the Village of New Maryland Building By-law each applicant shall, at the time of application for a building permit, demolition permit, development permit or electrical waiver, pay the applicable fee as set out below:

Service Description	Applicable Fee
Building Permit Fees <sup>1</sup>	\$20 initial fee + \$7.25 for every \$1,000 (or part thereof) of the total estimated cost of construction
Electrical Waiver <sup>2</sup>	\$30
Curb Cut Fee	\$110 per metre
Demolition Permit	\$80
Property File Search	\$125 plus \$50 per additional hour
Development Permit	\$50
Construction Deposit	\$2,000
Estimated Value of Construction Referred to in Section 8 of this by-law	\$5,000

<sup>1</sup> 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.

<sup>2</sup> 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 8 of the Building By-law; but conduct no other work that would invoke the need for a building permit.)