

CITY OF STEINBACH

By-Law No. 2105

BEING A BY-LAW of the City of Steinbach to provide for the adoption of the Manitoba Building Code, and to establish administrative requirements and procedures for the enforcement of said Code, to be known as the "Building By-Law".

WHEREAS The City of Steinbach is empowered by *The Buildings and Mobile Homes Act* of the Province of Manitoba, the *Manitoba Plumbing Code*, and the National Fire Code, by by-law to adopt the Manitoba Building Code;

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 City of Steinbach, duly assembled, enacts as follows:

SCOPE

This By-Law applies to the whole City.

This By-Law applies to new and existing construction, including the design, construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, occupancy or change in occupancy of any building or structure or addition to a building or structure.

The building construction codes or building construction standards adopted in whole or in part adopted by the Lieutenant Governor in Council by regulation pursuant to section 3 of the Act are hereby adopted by the City pursuant to section 4 of the Act and the said codes and standards incorporated into and form part of this By-Law.

SECTION 1: DEFINITIONS

Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this By-Law have the same meaning as the same words and expressions in the Act or as defined in the Code.

Act means *The Buildings and Mobile Homes Act* of the Province of Manitoba, as amended from time to time.

Alteration means a change or extension to any matter or thing or to any occupancy regulated by this By-Law.

Approved means approved by the authority having jurisdiction.

Authority Having Jurisdiction means the City of Steinbach and its designated agents

City means the City of Steinbach.

Code means the Manitoba Building Code of the Province of Manitoba, as amended from time to time.

Constructor means a person, including building, mechanical and plumbing contractors, who contract with an Owner or his or her authorized agent to undertake a project, and includes an Owner who contracts with more than one (1) person for the work on a project or undertakes the work on a project or any part thereof.

Dwelling Unit means a building or portion of a building designed or used for residential occupancy by a single-family, including cooking, eating, living, sanitary and sleeping facilities.

Municipal Act (The) 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, firm or corporation controlling the property under construction.

Permit means permission or authorization in writing by the authority having jurisdiction to perform work regulated by this By-Law and, in the case of any occupancy permit, to occupy any building of part thereof.

Planning Act (The) means *The Planning Act* of the Province of Manitoba, as amended from time to time.

Plumbing contractor means a person, corporation or firm that undertakes to construct, extend, alter, renew or repair any part of the plumbing system.

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.

Sign means any writing (including letter or word), pictorial representation (including device, symbol or trade mark), flag, (including banner or pennant), or any other figure of similar character, which:

- a) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building,
- b) Is used to announce, direct attention to, or advertise, and
- c) Is visible from outside a building.

Structure means anything constructed or erected with a fixed location or in the ground or attached to something having a fixed location on the ground and including any interpretation of the terms in the Code.

Unsafe condition means any condition that could cause undue hazard to life, limb or health of any person authorized or expected to be on or about the premises.

SECTION 2: PROHIBITIONS

2.1 Any person who fails to comply with any order or notice issued by the authority having jurisdiction, or who allows a violation of the Code to continue, contravenes the provisions of this By-Law.

2.2 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.

2.3 No person shall deviate from the approved plans and specifications forming a part of the building permit, or omit or fail to complete, prior to occupancy, work required by the said approved plans and specifications, without first having obtained in writing the approval of the authority having jurisdiction to do so.

2.4 No person shall occupy or allow the occupancy of any building, or part thereof, unless the owner has obtained an occupancy permit from the authority having jurisdiction.

2.5 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.

2.6 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 appropriate governmental authority.

2.7 No person shall allow 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 or approved grades.

2.8 Any person who knowingly submits false or misleading information contravenes this By-Law.

SECTION 3: DUTIES AND RESPONSIBILITIES OF THE OWNER

3.1 Every Owner shall allow the authority having jurisdiction to enter any building or premises at any reasonable time for the purpose of administering and enforcing the Code and this By-Law.

3.2 Every Owner shall obtain all permits or approvals required in connection with proposed work, prior to commencing the work in which they relate.

3.3 Every Owner shall:

- a) ensure that the plans and specifications on which the issue of the building permit was based are available continuously at the site of the work for inspection during working hours by the authority having jurisdiction, and that the permit, or true copy thereof, is posted conspicuously on the site during the entire execution of the work; and
- b) keep visible at all times during construction the street number of the premises in figures at least three (3) inches high and visible from the street or sidewalk.

3.4 Every Owner shall give notice to the authority having jurisdiction of the dates on which he intends to begin work prior to commencing work on the building site.

3.5 Every Owner shall give notice in writing to the authority having jurisdiction, prior to commencing the work, listing the name, address, and telephone number of:

- a) the Constructor or other person in charge of the work;
- b) the engineer or architect reviewing the work;
- c) any inspection or testing agency engaged to monitor the work; and
- d) any change in or termination of employment of such persons during the course of the construction immediately that such change or termination occurs.

3.6 Every Owner shall give notice to the authority having jurisdiction:

- a) of intent to do work that has been ordered to be inspected during construction;
- b) of intent to cover work that has been ordered to be inspected prior to covering; and
- c) when work has been completed so that a final inspection can be made.

3.7 Every Owner shall give notice in writing to the authority having jurisdiction:

- a) immediately that any change in ownership or changes in the address of the Owner occurs prior to the issuance of an occupancy permit; and
- b) prior to occupying any portion of the building if it is to be occupied in stages.

3.8 Every Owner shall give such other notice to the authority having jurisdiction as may be required by the provisions of the Code or this By-Law.

3.9 Every Owner shall make or have made at his or her own expense test or inspections as necessary to prove compliance with the Code, and shall promptly file a copy of all such tests or inspection reports with the authority having jurisdiction.

3.10 To the extent that is possible all tests required by the authority having jurisdiction shall be carried out by the Owner in accordance with recognized standard test method. In the absence of such standard test methods the authority having jurisdiction may specify the test procedure to be followed.

3.11 Where test of any materials are made to ensure conformity with the requirements of the Code, records of the test data shall be kept available by the Owner or his or her agent for inspection during the construction of the building and for such a period thereafter as required by the authority having jurisdiction.

3.12 Every Owner shall provide an original signed and sealed copy of a current survey of the building site when and as required by the authority having jurisdiction.

3.13 When required by the authority having jurisdiction, every Owner shall uncover and replace at their expense any work that has been covered contrary to an order issued by the authority having jurisdiction.

3.14 Every Owner is 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.

3.15 No Owner shall deviate from the requirements of the conditions of the permit without first obtaining from the authority having jurisdiction permission in writing to do so.

3.16 Every Owner shall obtain an occupancy permit from the authority having jurisdiction prior to any:

- a) occupancy of a building or part thereof after construction, partial demolition or alteration of that building, or
- b) change in the major occupancy of any building or part thereof.

3.17 Every Owner shall 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.

3.18 When required by the authority having jurisdiction, every Owner shall provide a letter to certify compliance with the requirements of the Code and of any permits required.

3.19 When granting of a permit, the approval of the drawings and specifications or inspections made by the authority having jurisdiction, shall not in any way relieve the Owner of a building, the permittee, or Constructor 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.

3.20 No permit or license issued pursuant to this By-Law, no approval of plans or specifications of work done or to be done in connection with a sign or any inspection of such work shall relieve the permittee, licensee or Owner of the sign from full responsibility for the carrying out of the work and maintaining the sign in accordance with the Code.

3.21 When a building or part thereof is in an unsafe condition, the Owner shall immediately take all necessary action 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 Owner or his or her designated agent shall be responsible for the maintenance of such building or structures.

SECTION 4: DUTIES AND RESPONSIBILITIES OF THE CONSTRUCTOR

4.1 Every Constructor shall ensure that all work is carried out in accordance with this By-Law, the Code, and all provisions as described on the permit and accepted drawings and specifications.

4.2 Every Constructor shall ensure that all construction safety requirements of the Code are complied with.

4.3 Every Constructor shall give written notice to the Authority Having Jurisdiction

- a) of intent to do work that has been ordered to be inspected during construction;
- b) of intent to cover work that has been ordered to be inspected prior to covering; and
- c) when work has been completed so that a final inspection can be made.

4.4 Every Constructor is responsible for ensuring that no excavation or other work is undertaken on public property, and that no building is erected or materials stored in whole or in part thereon without approval first having been obtained in writing from the appropriate government authority.

4.5 Every Constructor is responsible jointly and severally with the Owner for any work actually undertaken.

SECTION 5: DUTIES AND RESPONSIBILITIES OF THE AUTHORITY HAVING JURISDICTION

5.1 The Authority Having Jurisdiction is responsible for the administration and enforcement of the Code and this By-Law.

5.2 The Authority Having Jurisdiction shall keep copies of all applications received, permits and orders issued, inspections and tests 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.

5.3 The Authority Having Jurisdiction shall 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.

5.4 The Authority Having Jurisdiction shall issue in writing such notices or orders as may be necessary to inform the Owner where a contravention of the Code or this By-Law has been observed and requiring that such contravention be rectified.

5.5 The Authority Having Jurisdiction shall issue to the Owner an order or notice in writing to correct any unsafe condition observed in the building.

5.6 The Authority Having Jurisdiction shall provide, when requested to do so, all reasons for refusal to grant a permit.

5.7 The Authority Having Jurisdiction shall 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, but 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.

5.8 The Authority Having Jurisdiction shall issue a permit to the Owner, Constructor or agent, when to the best of its knowledge, the applicable conditions as set forth in the Code and other relevant by-laws of the City have been met.

SECTION 6: POWERS OF THE AUTHORITY HAVING JURISDICTION

6.1 The Authority Having Jurisdiction may enter any building or premises at any reasonable time for the purpose of administering or enforcing the Code or this By-Law.

6.2 The Authority Having Jurisdiction is empowered to order:

- a) a person who contravenes the Code to comply with the Code within the time period specified.
- b) 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 Owner of the property involved, or the Owner's agent, or to the person in charge personally, and shall state the conditions under which work may be resumed;
- c) the removal of any unauthorized encroachment on public property;
- d) the removal of any building or part thereof constructed in contravention of the Code;
- e) the cessation of any occupancy in contravention of the Code, and
- f) the cessation of any occupancy if any unsafe condition exists because of work being undertaken or not completed.

6.3 The Authority Having Jurisdiction may authorize the complete or partial discharge or removal at the expense of the Owner thereof, a building which, in his or her opinion, has been constructed in contravention of the Code or any other relevant by-laws of the City and to provide that the cost of such demolition or removal as certified by the Authority Having Jurisdiction may be added to the taxes on the land occupied by such buildings.

6.4 The Authority Having Jurisdiction may by written notice, require the Owner of a building, or other person acting for the 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 are specified in the notice. Omission to give such notice, however, shall not prevent any Owner or other person from being prosecuted for breach of the Code.

6.5 The Authority Having Jurisdiction may 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 Owner, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or foundation condition meets the requirements of the Code.

6.6 The Authority Having Jurisdiction may require any Owner 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:

- a) to establish before construction begins that all requirements of the Code in relation to this information will be complied with, and
- b) to verify upon completion of the work that all such requirements have been complied with.

6.7 Except in the case of buildings covered under Part 9 of the Code, the Owner shall appoint an architect(s) and/or engineer(s) entitled to practice in the Province of Manitoba and approved by the City of Steinbach, 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.

6.8 Notwithstanding the above, where in the opinion of the authority having jurisdiction any building requires the services of a consultant approved by the City, to ensure conformance with the Code, the Owner shall appoint such a consultant to perform all the services described above.

6.9 Where the construction of a building will not be supervised by the person responsible for its design as provided for in Part 4 of the Code, the name and address of the person who will supervise the construction shall be submitted with the application to build and notice shall be given to the Authority Having Jurisdiction of any subsequent change of said person or of address whenever any such change takes place.

6.10 Where the character of the proposed work requires technical knowledge, such as reinforced concrete, steel, timber construction, trusses and other, the Authority Having Jurisdiction 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.

6.11 The structural members of a building shall be designed as provided for in Part 4 of the Code, by a City approved engineer.

6.12 The Authority Having Jurisdiction may issue a permit at the risk of the Owner, with conditions if necessary to ensure compliance with the Code and any other applicable regulations or By-law, to excavate or to construct a portion of a building before the entire plans of the whole project have been submitted or approved.

6.13 The Authority Having Jurisdiction 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 unreasonable delay the work.

6.14 The Authority Having Jurisdiction may refuse to issue any permit:

- a) whenever information submitted is inadequate to determine compliance with the provisions of the Code;
- b) whenever incorrect information is 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 him/her, after having been notified that such defect exists;
- f) where in its opinion, the results of the tests referred to in Section 9 are not satisfactory;
- g) to any person who has failed to pay any fees due and owing to the municipality under this By-Law; or
- h) to any person or for any property that has an existing Outstanding Work Order.

6.15 The authority having jurisdiction may revoke a permit if:

- a) there is a contravention of any condition under which the permit was issued;
- b) the permit was issued in error; or
- c) the permit was issued on the basis of incorrect information.

SECTION 7: VALUATION

7.1 The Authority Having Jurisdiction may place a value on the cost of the work for the purpose of determining permit fees to be applicable.

7.2 The valuation to be shown on a building permit shall mean the total monetary worth, of all construction of work, including all painting, papering, 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.

7.3 Notwithstanding the provisions of Section 7.2 above, the valuation for a building permit in the case of a removal or relocation, shall include the cost to move the building, excavation at the new site, cleaning and leaving the former site in the condition specified in the Code and alterations or repairs to the building.

7.4 In the case of the erection, alteration or enlargement of any sign or encroachment, the valuation shall reflect the cost of any contract for the prosecution of the work with all contractors which shall include all labour costs, materials, and devices necessary to complete the work.

7.5 The determination of value or valuation shall be made by the Authority Having Jurisdiction and shall be the reproduction cost without depreciation and without regard to any loss occasioned from fire, used material, or other causes.

7.6 Every Owner, architect, engineer, contractor or builder, having contracted for or having performed or supervised any work of construction, alteration or repairs on any land, or the agent of such person, shall give, in writing over their signature when requested by the Authority Having Jurisdiction all the information in his or her power with respect to the cost of the work.

7.7 The Authority Having Jurisdiction may issue an occupancy permit, subject to the 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.

SECTION 8: UNSAFE CONDITIONS

8.1 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 Authority Having Jurisdiction 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 Authority Having Jurisdiction.

8.2 If in the opinion of the Authority Having Jurisdiction 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 Section 8.1 above, or the Authority Having Jurisdiction may serve written notice on the Owner, occupier, agent or person 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 Authority Having Jurisdiction.

8.3 Without affecting any other remedy that the municipality may have on default of compliance with a notice given under Section 8.2 and 8.5 the Authority Having Jurisdiction 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 municipality by summary process of law, and shall also be a lien upon the building or structure and the materials thereof and upon the lot or parcel of land occupied by the said building or structure or by the said well, excavation or opening, and that the cost when certified by the Authority Having Jurisdiction may be added 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.

8.4 Where upon noncompliance with any notice given under Section 8.2 and 8.5, the Authority Having Jurisdiction causes the building or structures to be demolished, the municipality 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 Owner of the property.

8.5 Where the Authority Having Jurisdiction is unable, as set forth in Section 8.2, to locate the Owner, occupier, agent, or person 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.

8.6 Before issuing an occupancy permit, the Authority Having Jurisdiction may require the Owner to provide letters to certify that the requirements of the code and the necessary permits have been met.

8.7 The Building Inspectors or any other Designated Officer charged with the enforcement of this By-Law while acting for the City shall not thereby render them liable personally, and there 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 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 City until the final termination of the proceedings. In no case shall the Building Inspector or any Designated Officer of the City, 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.

SECTION 9: TESTS & CONSTRUCTION REVIEW

Tests

9.1 All required test of materials shall be conducted according to the appropriate methods found in the standards listed in the Code, or in the absence of these, as specified by the Authority Having Jurisdiction or other authority acceptable to them.

9.2 All tests shall be conducted and reports thereon prepared at the expense of the Owner.

9.3 Laboratory tests shall be conducted by a laboratory acceptable to the Authority Having Jurisdiction.

Construction Review

9.4 Whenever general review, during construction, by an architect or engineer is required by the Code or the City, such review shall be to standards satisfactory to the Authority Having Jurisdiction.

9.5 Upon completion of the work for which review was required, a report shall be submitted to the Authority Having Jurisdiction 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 10: PERMITS

Permits and Certificates Required

10.1 A permit is required whenever work is regulated by the Code is to be undertaken.

Building Permit

10.2 An Owner, agent or person in charge shall not commence or cause to be commenced:

- a) the 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 repair of any building or structure, or portion thereof;
- d) the relocation or removal or demolition of any building or structure, or portion thereof; or the excavation of any land for any purpose of erecting or locating on or above it, any building or structure;

unless the required permit has first been obtained from the Authority Having Jurisdiction or unless the Authority Having Jurisdiction approves that no permit is required.

Plumbing Permit

10.4 A plumbing system shall not be constructed, extended, altered, renewed or repaired or a connection made to a sewer unless a permit to do so has been obtained by a licensed plumber. Interim authority to commence, pending delivery of a permit, may be given in writing by the Authority Having Jurisdiction.

10.5 A permit is not required when a valve, faucet, fixture or service water heater is repaired or replaced, a stoppage cleared or a leak repaired if no change to the piping is required.

Electrical Permits

10.6 The requirements for the issuance of an electrical permit shall be as set forth in the Manitoba Electrical Code.

Sign Permits

10.7 An Owner, agent or person shall not commence or cause to be commenced the construction, erection, alteration, repair, other than normal maintenance, or relocate any sign, except those exempted under this By-Law unless the required sign permit has been first obtained. All signs require separate permits regardless if shown on site plan of building and /or structure.

10.8 An application for the approval of a sign shall provide the following information:

- a) the street and street number of the building or structure to which the sign is, or is to be attached, or the legal description of the site on which the sign is to be located;
- b) the sign surface area and copy area of the sign, drawn to scale, giving all dimensions, plus the supporting members;
- c) the maximum height and clearance of the sign;
- d) the dimension of the wall surface of the building to which the sign is to be attached;
- e) a site plan, drawn to scale, shows the proposed location of the sign in relation to the boundaries of the site and the dimensions of the building and/or the site upon which it is to be situated. In the case of projecting signs the width of the area over which it projects;
- f) size and location of all signs of the same classification existing on the premise and/or building; and
- g) structural, footing details and material specifications for the proposed signs.

10.9 No alteration or addition to any erection or re-erection of signs including any of the accessories shall be made unless the Owner of the building or site upon which such sign is erected or his or her agent has obtained a permit.

10.10 All free-standing signs exceeding eight (8) feet in height above the adjacent finished ground shall be structurally designed by a professional engineer entitled to practice in the Province of Manitoba and approved by the City.

SECTION 11: APPLICATION FOR PERMIT

11.1 To obtain any permit the Owner, constructor, or permittee shall file an application in writing on a prescribed form.

11.2 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 City.

Building Permits

11.3 Except otherwise allowed by the Authority Having Jurisdiction, every application for a building permit shall:

- a) identify and describe in detail the work and major occupancy to be covered by the permit for which application 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 authority having jurisdiction, and show the occupancy of all parts of the building;
- d) state the names, addresses and telephone numbers of the Owner, architect, engineer or other designer and constructor; and
- e) include proof of approval from the authority having jurisdiction when necessary.

11.4 An application for a building permit for the construction of a metal clad building or additions thereto shall have the approval of the Authority Having Jurisdiction before the permit is issued, except that such approval is not required for the use of factory finished cladding.

Plumbing Permits

11.5 Every application for a plumbing permit shall be accompanied by a specification of the proposed work.

11.6 When required by the Authority Having Jurisdiction, the application shall also be accompanied by:

- a) a plan that shows the location and size of every building drain, and of every trap and cleanout fitting that is on a building drain;
- b) a sectional drawing that shows the size and location of every soil-or-waste pipe, trap and vent pipe, and
- c) a plan that shows a layout of the potable water distribution system including pipe size and valves.

Sign Permit

11.7 The application for a sign permit shall:

- a) be made on the prescribed form;
- b) include in duplicate a plot plan showing the street lines or other boundaries of the property upon which it is proposed to erect such signs and location thereof upon the property in relation to the other structures upon such property and upon the premises immediately adjoining;
- c) when required, in duplicate, complete drawings and specifications covering the construction of the sign and its supporting framework and other information with respect to the building upon which it is proposed to locate the sign as to determine whether the structure of such building will carry the additional loads and stresses imposed thereon by the erection of the sign without exceeding the stress requirements. Such drawings shall in all cases have marked thereon in figures the height of such buildings.

Permit Application Conditions

11.8 A permit shall expire and the right of an Owner under the permit shall terminate if:

- a) the work authorized by the permit is not commenced within six (6) months from the date of issuance of the permit and actively carried out thereafter, or
- b) work is suspended for a period of six (6) months.

11.9 The permittee shall at those stages of construction that may be indicated on the permit request an inspection from the Building Inspectors of the City before proceeding further with construction.

11.10 Every building 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 City and provincial By-laws and regulations be complied with;
- c) that the authority having jurisdiction shall get copies of all changes ordered which may alter any condition or requirement of the code, and a set of the revised plans showing these changes; and
- d) that the Owner, constructor, permittee, at those stages of construction which are indicated on the permit, ensure that the required inspections by the authority having jurisdiction are done before proceeding further with construction.

Engineering Requirements

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

11.12 All work being carried out under the building 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 Authority Having Jurisdiction 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-law.

11.13 Where a plumbing permit has been issued, no departure shall be made from the specification, description, plan or sectional drawing unless written permission is obtained from the Authority Having Jurisdiction.

Plans and Specifications

11.14 Sufficient information shall be submitted with each application for a permit to enable the Authority Having Jurisdiction to determine whether or not the proposed work will conform to the Code and all applicable City by-laws and whether or not it may affect adjacent properties.

11.15 When required by the Authority Having Jurisdiction, plans and specifications shall be provided.

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

11.17 Site plans shall be referenced 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 Authority Having Jurisdiction.

11.18 Site plans shall show when required by the Authority Having Jurisdiction:

- a) by dimensions from property lines, the location of the proposed building,
- b) the similarly dimensioned locations of every other adjacent existing building on the property;
- c) existing and finished ground levels to an established datum at or adjacent to the site; and
- d) all requirements as per the City's Zoning By-Law.

11.19 In lieu of separate specifications, the Authority Having Jurisdiction 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.

Approval in Part

11.20 When in order to expedite work, approval of a portion of the building is desired prior to the issuance of a permit for the whole building application shall be made for the complete building and complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the Authority Having Jurisdiction.

11.21 Should a permit be issued for part of a building the holder of such permit may proceed without assurance that the permit for the entire building will be granted. Work not covered by permit shall not be commenced.

Revisions to Permit

11.22 After issuance of the permit, application may be made for revision of the permit, and such application shall be made in the same manner as for the original permit.

Permit for a temporary building

11.23 Notwithstanding anything contained elsewhere in the Code a permit for a temporary building may be issued by the Authority Having Jurisdiction, 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 Authority Having Jurisdiction and obtaining the required building permit.

11.24 A permit for a temporary building shall state the date after which the condition, under which the permit is no longer valid.

11.25 A permit for a temporary building may be extended provided permission in writing is granted by the Authority Having Jurisdiction.

11.26 A permit for a temporary building shall be posted on the building.

Fees

11.27 Permit fees, and all other applicable fees shall be established by the Authority Having Jurisdiction as set forth in this By-Law or any other relevant by-laws, resolutions, or fee schedules of the City.

11.28 All applications for permits shall be accompanied by the required fees, including but not limited to any development fees, or impact fees to be paid by a developer or owner as required by any other relevant by-laws of the City.

11.29 Where a permit has not been applied for and obtained prior to commencement of the actual work, the permit fees shall be double the normal rate for the work done up to the date the permit is issued.

SECTION 12: OCCUPANCY

12.1 No Owner, agent or person in charge shall occupy a building or part thereof or change the occupancy without first obtaining an Occupancy Permit as set forth in Section 11.

12.2 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.

12.3 An inspection of a site shall be made prior to the issuance of an Occupancy Permit.

12.4 Every building or structure that requires an Occupancy Permit shall comply with the construction requirements for the Major Occupancy Group to be housed therein, except that the Authority Having Jurisdiction 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 his or her opinion, such a variation will substantially accomplish the objects of the Code.

Occupancy Permit

12.5 An occupancy permit is required:

- a) for any new building, or for any existing building or structure where an alteration or addition is made thereto;
- b) to allow the occupancy of a building or part thereof,
- 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.
- d) for a change from one Major Occupancy Group to another or a change from one Division to another within a Major Occupancy Group of any existing building or structure, or part thereof, and

- e) for a change from one use to another within the same Division in a Major Occupancy Group which results in an increase in occupant load.

12.6 The Authority Having Jurisdiction 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.

Occupant Load

12.7 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 Authority Having Jurisdiction;
- b) the Owner of the building or structure shall be responsible for keeping the actual occupant load within the allowable limits; and
- c) the Owner of the building or structure shall display the Occupancy load Place card in a location approval by the Authority Having Jurisdiction.

SECTION 13: REMOVAL, RELOCATION OR DEMOLITION OF A BUILDING

13.1 Upon application for a permit to demolish, relocate or remove a building or structure, the applicant 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. This provision shall not apply to buildings or structures demolished under Section 10 of this By-Law.

13.2 The Authority Having Jurisdiction may request that an application for a permit to remove, relocate or demolish a building or structure shall contain 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 City; and
- d) a plot plan of the site to be occupied by the building or structure if located within the City.

13.3 The Owner, or agent of a site from which a building or structure is to be removed or demolished shall:

- a) notify the gas, electric, telephone and water service companies or utilities to shut off and/or remove their service;
- b) plug the sewer line with a concrete stopper eight (8) feet outside the property line and decommission all existing sewer and water lines as required by the City Engineer; and
- c) upon completion of the removal or demolition, put the site in a safe and sanitary condition to the satisfaction of the Authority Having Jurisdiction.

SECTION 14: PENALTIES

Offences and Penalties

14.1 Subject to the Administrative Penalty 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 or this By-Law or any provision of any other by-law that, by this By-Law is made applicable to the City or made applicable to proceedings taken or things done under this By-Law; or

b) any provision of any by-law, regulations, or order enacted or made by the City,

For which no other penalty is herein provided, is guilty of an offence and liable to a fine not exceeding \$1,000.00 in the case of an individual or \$5,000.00 in the case of a corporation.

14.2 Where a corporation commits an offense against this By-Law each person who is authorized, consented to, connived at, or knowingly permitted or acquiesced in, the doing of the act that constitutes offence, is likewise guilty of the offense and liable to the penalty for which provision is made in 14.1.

14.3 Where the contravention, refusal, neglect, omission, or failure, continues for more than one day the person is guilty of a separate offense for each day it continues.

SECTION 15: EFFECTIVE DATE


15.1 THAT this By-Law shall come into effect when proclaimed by the Authority Having Jurisdiction.

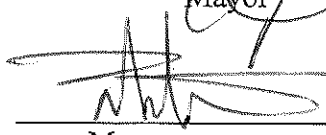
15.2 THAT any person who carries out work under the terms of this By-Law after its adoption but before its effective date may do so, but all such work shall comply entirely with the Code.

15.3 THAT By-Law No. 670 is hereby repealed.

DONE AND PASSED in Council duly assembled, this 3rd day of July 2018.

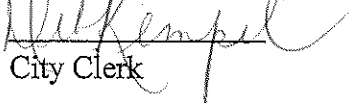
Read a first time this 19th day of June, 2018.
Read a second time this 3rd day of July, 2018.
Read a third time this 3rd day of July, 2018.



Mayor


Manager

Certified copy of By-Law 2105, given third reading on the 3rd day of July, 2018.



City Clerk