

Town of Yarmouth  
**BUILDING CODE BYLAW**

Effective: May 18<sup>th</sup>, 1983 – Amended: December 8<sup>th</sup>, 2022  
TOY 13



BE IT RESOLVED by the Town Council of Yarmouth that Building Bylaw #13, passed by the Town Council on the 17th day of March, 1987 and approved by the Minister of Municipal Affairs on the 26th day of June, 1987, is hereby repealed and the following By-law is enacted in its place and that the Town Clerk file a true copy of this By-law with the Minister of Service Nova Scotia and Municipal Relations, pursuant to S.7(1) of the Building Code Act, Chapter 46, R.S.N.S., 1989.

**1.0 Definitions**

**1.1** This bylaw shall be known and cited as the “Building Code Bylaw”.

**1.2** Words not defined in this bylaw have the same meaning as in the Building Code Act and the Building Code Regulations.

**1.3** In this bylaw:

- a. “Act” means the Building Code Act and any amendments thereto;
- b. “Agent” means a person appointed in writing who is authorized to act on behalf of an owner;
- c. “Building Official” means the authority having jurisdiction appointed pursuant to Section 5 of the Act;
- d. “Building Code” means the regulations made pursuant to Section 4 of the Act;
- e. “Manufactured Home” means a single or multiple section manufactured dwelling unit that is designed and built, in accordance with CSA CAN3-Z240 Series;
- f. “Owner” includes a person controlling the property under consideration, and also the assessed owner of the property whose name appears on the Registry of Deed;
- g. “Total Cost of Construction Value” means the total value of all project constructions contracts between the owner and the general contractor and subcontractors exclusive of taxes. The total cost of construction value shall include all installed architectural, structural, electrical and mechanical services but does not include land value. Where either only some or no contracts have been signed, the total cost of construction value will be determined by the Building Official upon either an estimate or project costs submitted by the applicant to the Building Official, or the cost of similar work undertaken within the town; and
- h. “Town” means the Town of Yarmouth.

## **2.0 Permits**

- 2.1** A Building Permit and a Demolition Permit are valid for a period of one (1) year from the date of issue.
- 2.2** A Building Permit shall be required for renovations to residential properties with total cost construction value greater than five thousand dollars (\$5,000).
- 2.3** If, within that one (1) year period no work has taken place and the owner has contacted the Town requesting a refund of the application fee, a refund will be provided minus an administration fee to cover expenses incurred by the Town.
- 2.4** If, within ninety (90) calendar days of the expiration date of a Building Permit, renewal is requested by the owner, a renewal shall be granted for a one (1) year period retroactively effective on the expiration date subject to payment of the renewal fee.
- 2.5** If a Building Permit has been expired for more than ninety (90) calendar days, the Building Permit will be cancelled. To complete any outstanding work on the project, a new Building Permit application shall be completed, and an application fee paid. The application fee will be calculated based on the total construction cost value of the outstanding work to be completed on the project.

## **Applications**

- 2.6** Before a Building Permit or Demolition Permit is issued, the applicant shall complete an application form and provide all documents requested by the Building Official which may include:
- a. Municipal Development Permit;
  - b. confirmation of compliance with the Heritage Property By-law of the Town;
  - c. the application fee.
- 2.7** To authorize an agent for the purpose of making an application for a permit, the owner shall complete a Property Ownership Assignment of Agent form.
- 2.8** When an application for a permit has not been completed in conformance with the requirements of this Bylaw within six (6) months after it is filed, the application shall be deemed to have been abandoned.
- 2.9** A permit may be issued at the risk of the owner, with conditions to ensure compliance with the Building Code, to excavate or to construct a portion of a building before all the plans of the project have been submitted or accepted.
- a. The permit shall be clearly marked "At Owner's Risk".
- 2.10** A permit for a whole project may be issued conditional upon the submission of additional information prior to commencing the work for which the information is pertinent, provided that

the information is of such a nature that withholding the permit until the information was available would delay the work unreasonably.

- a. The condition shall be set out on the face of the permit.

### **Demolition Permit**

- 2.11** Before issuing a Demolition Permit, the Building Official shall be satisfied that the property is not listed in the Town's Heritage Property Register.
- 2.12** During demolition, the owner shall ensure safety measures at the site are in accordance with Part 8 of the National Building Code.
- 2.13** Immediately following demolition, the owner shall:
  - a. Ensure that all services are capped, marked with stakes and inspected by the Public Works Department; and
  - b. Immediately clean the property and remove all debris and other material in accordance with Section 15 of the Municipal Government Act and Town of Yarmouth Solid Waste Resource By-law; and
  - c. Ensure all utility service providers have been contacted and necessary approvals are granted; and
  - d. Once the demolition is complete call the Building Official for a Final Inspection; and
  - e. Deposits will be refunded upon inspection and approval by the Public Works staff.

### **Occupancy Permit**

- 2.14** An Occupancy Permit is provided to the Owner at the conclusion of a successful Final Building Inspection for the purpose of confirming that the work has been done in accordance with the terms of the Building Permit and is consistent with the applicable regulations.
- 2.15** If an Occupancy Permit is required for a building or structure for which the Building Permit has been cancelled or expired, the Building Official may inspect the building or structure for the purpose of issuing an Occupancy Permit where:
  - a. the owners or agent requests an inspection in writing; and
  - b. a Building Permit has previously been issued for the subject building or structure; and
  - c. the inspections required as per the Building Permit have been completed and records of said inspections are available; and
  - d. the Occupancy Permit inspection fee has been paid.
- 2.16** The Building Code in effect, at the date of issuance of the Building Permit, shall be applied for all such inspections.
- 2.17** An Occupancy Permit will not be issued for any building shown on the assessment roll to exist prior to the coming into effect of the Building Code Act on April 1<sup>st</sup>, 1987.

- 2.18** If an Occupancy Permit is required for a building or structure for which no Building Permit was issued, the Building Official shall require an application form to be completed, fees paid, and the code of the day will apply.

### **Inspections**

- 2.19** Every applicant shall give a minimum of two (2) business days in advance of a required inspection to schedule an appointment with the Building Official, any inspections by the Official shall be done pursuant to the Building Code Act regulations.

- 2.20** Required inspections shall be listed on the Building Permit, and may consist of:

- a. Footing Inspection - conducted when the footings are placed, and the forms have been removed.
- b. Foundation Inspection Prior to Backfill – conducted after the foundation is installed and damp proofed with drain tile in place.
- c. Underground Plumbing Inspection – conducted after sub-slab plumbing is installed.
- d. In Floor Heating – conducted before slab is poured.
- e. Rough-in Plumbing Inspection – conducted when plumbing has been installed, but before insulation is placed in the walls. This is often done at the same time as the framing inspection.
- f. Rough-in Mechanical Inspection – conducted when mechanical ventilation has been installed. This is often done at the same time as the framing inspection.
- g. Framing Inspection – conducted when all framing is complete and all windows are installed. The building must be weather tight.
- h. Insulation and Vapour Barrier Inspection – conducted when all insulation and vapour barrier is installed.
- i. Final Inspection and / or Occupancy Issued.

### **3.0 Permit Fees & Refunds**

The fees required under this By-law shall be in accordance with the Planning Department Schedule of Fees Policy.

### **4.0 Coming into Force**

This Bylaw shall have effect from and after the date of the approval notice published in the local paper.

**Clerk's Annotation for Official Bylaw Book**

Date of Adoption: May 18<sup>th</sup>, 1983

New Bylaw Adopted: April 1<sup>st</sup>, 1987

New Bylaw Adopted: December 20<sup>th</sup>, 2005

Date of Approval of Amended Bylaw: June 2<sup>nd</sup>, 2015

Date of Approval of Amended Bylaw: January 14<sup>th</sup>, 2021

Date of Approval of Amended Bylaw: December 8<sup>th</sup> 2022, 2022 (2.20 i)

I certify that this 'Building Code Bylaw' was adopted by Council as indicated above.

Town Clerk:

Date:

**Amended**

Date of First Reading	December 10 <sup>th</sup> , 2020
Notice of Intent to Consider	December 30 <sup>th</sup> , 2020 & December 6 <sup>th</sup> , 2021
Date of Second Reading	January 14 <sup>th</sup> , 2021
Date of Publication	January 27 <sup>th</sup> , 2021

**Amended**

Date of First Reading	September 8 <sup>th</sup> , 2022
Notice of Intent to Consider	November 23 <sup>rd</sup> , 2022
Date of Second Reading	December 8 <sup>th</sup> , 2022
Date of Publication	January 4 <sup>th</sup> , 2023