

RURAL MUNICIPALITY OF STE ANNE

Building By-Law No. 09-2017

BEING a by-law for the regulation of construction
in The Rural Municipality of Ste Anne

WHEREAS The Rural Municipality of Ste Anne is empowered by The Buildings and Mobile Homes Act, CCSM, c.B93, to, by by-law, 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 Rural Municipality of Ste Anne, duly assembled, enacts as follows:

SECTION 1 - TITLE

1.1 This by-law may be cited as "The Rural Municipality of Ste Anne Building By-law";

SECTION 2 - SCOPE

2.1 This by-law applies to the whole of the Rural Municipality of Ste Anne;

2.2 This by-law applies to new and existing construction, including the design, construction, erection, placement, repair, renovation, demolition, relocation, removal, occupancy or change in occupancy of any building, erection, or structure or addition to a building, erection or structure;

2.3 This by-law adopts the building construction codes and building construction, standards contained in The Manitoba Building Code as adopted, established and prescribed under Section 3 of The Building and Mobile Homes Act (which code shall be hereinafter be referred to as "the Code");

2.4 This by-law is intended to and does establish the administrative requirements and procedures for the enforcement of the Code;

2.5 This by-law does not apply to:

- (a) farm buildings other than those used as residences, attached garages and carports and detached garages;
- (b) public works located on a street or on public transit right-of-way;
- (c) public utility towers and poles, television and radio or other communication aerials and towers, except for loads resulting from those located on or attached to buildings;
- (d) flood control and hydro electric dams and structures or mechanical or other equipment and appliances not specifically regulated in the Code, or
- (e) an accessory building not greater than 200 sq. ft. in building area unless it should in the opinion of the building inspector create a hazard.

SECTION 3 - DEFINITIONS OF WORDS AND PHRASES

3.1 Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the words and expression in the Code;

3.2 The words and terms used in this by-law shall have the following meanings:

Building: means

- (a) a building or structure used or to be used for dwelling, public or commercial purposes, or a combination of all or any of those purposes, or
- (b) a prefabricated building or structure of the kind described in clause (a), or
- (c) a mobile home;

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Farm Building: means any building or structure situated on a farm and used for the purpose of operating the farm. Commercial, industrial and residential buildings (including attached garages and carports) shall not be construed as farm buildings;

Building inspector: means

- (a) the person appointed by Council to administer and enforce this by-law, or
- (b) in the event the Municipality should in the future form part of a Planning District, the person or persons appointed as development officers by the Board of the District to administer and enforce this by-law;

Person: means any person, firm, partnership, cooperative, body corporate or politic and shall be deemed to include the plural where the context so requires;

Renovation: means the reconstruction of all or part of the interior or exterior or both of an existing building where there is no structural reconstruction, alteration or enlargement of the building;

Repair: means work done to an existing building for the purpose of maintenance and not amounting to a renovation;

Structure: means anything constructed or erected with a fixed location on or in the ground or attached to something having a fixed location on or in the ground that shall include but not be limited to the following: mobile homes, walls, fences, signs, billboards, poster panels, light standards, swimming pools, air conditioners, heating and cooling units, pulse furnaces, satellite dishes.

SECTION 4 - PROHIBITIONS

- 4.1 Any person who fails to comply with any order or notice issued by any authority having jurisdiction, or who allows a violation of the Code to continue, contravenes the provisions of this by-law;
- 4.2 No person shall work or authorize or allow work to proceed for which a permit is required unless a valid permit exists for the work to be done;
- 4.3 No person shall deviate from the accepted plans and specifications forming part of the permit or omit or fail to complete prior to occupancy, work required by the said accepted plans and specifications without first having obtained the acceptance of change;
- 4.4 No person shall occupy or allow the occupancy of any building or part thereof or change the occupancy unless the owner has obtained an occupancy permit or a certificate of occupancy as required by section 8 hereof;
- 4.5 No person shall cause, allow or maintain any unsafe condition with respect to the construction, reconstruction, demolition, alteration, relocation or occupancy of a building or structure;
- 4.6 No person shall knowingly submit false or misleading information in connection with any application or other matter under this by-law.

SECTION 5 - DUTIES AND RESPONSIBILITIES OF THE OWNER

- 5.1 Every owner shall allow the building inspector to enter any building or premises at any reasonable time for the purpose of administering and enforcing the Code and this by-law;
- 5.2 Every owner shall obtain all permits, acceptances and approvals required in connection with the proposed work prior to commencing the work to which they relate;
- 5.3 Drawings and Specifications: Every owner shall ensure that plans and specifications are available at the time of application for permit, for inspection and approval by the building inspector. The building permit or a true copy thereof is to be posted on the site during the entire execution of the work;

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5.4 Notices:

- (a) Every owner shall give notice to the building inspector of the dates on which he intends to begin work prior to commencing work on the building site;
- (b) Every owner shall give notice to the building inspector:
 - i) of intent to do work that has been ordered to be inspected during construction;
 - ii) of intent to cover work that has been ordered to be inspected prior to coverings; and
 - iii) when work has been completed so that a final inspection can be made;
- (c) Every owner shall give notice in writing to the building inspector immediately of any change in ownership or change in the address of the owner that occurs prior to the issuance of an occupancy permit or certificate of occupancy;
- (d) Every owner shall give such other notice to the building inspector as may be required by the provisions of the Code or this by-law and shall comply in all respects with this by-law and the Code;

5.5 Every owner shall provide an up-to-date building location certificate or staking certificate of the building site, prepared by a Manitoba Land Surveyor licensed to practice in Manitoba, when and as required by the building inspector;

5.6 When required by the building inspector, every owner shall uncover and replace at his own expense any work that has been covered contrary to the provisions of this by-law and the Code;

5.7 Every owner is responsible for the cost of repair of any damage to public property or works located therein that may occur as a result of the undertaking of work for which a permit was required by this by-law;

5.8 No person shall deviate from the requirements of the conditions of the permit without first obtaining from the building inspector permission to do so and such permission shall be in writing except for minor changes which conform to the Code.

SECTION 6 - DUTIES AND RESPONSIBILITIES OF THE CONSTRUCTOR

- 6.1 Every constructor or his designated agent shall ensure that all construction safety requirements of the Code are complied with;
- 6.2 Every constructor or his designated agent, including building and plumbing contractors, 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;
- 6.3 Every constructor or his designated agent is responsible jointly and severally with the owner for any work actually undertaken.

SECTION 7 - BUILDING PERMITS

- 7.1 (1) **Building Permits mandatory:** No excavation shall be made nor shall any construction work be undertaken, nor any building or structure relocated unless and until a permit has first been had and obtained from the Municipality;
- (2) A building permit shall be in writing;
- (3) A building permit shall be obtained from the Municipality by the owner or his agent for the excavation, erection, alteration, reconstruction, removal, relocation, addition or installation to any building or structure prior to the commencement of any work;

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- 7.2 (1) Application for a building permit: An application for a building permit shall be made in writing and shall be signed by the owner thereof or his duly authorized agent and shall contain a declaration by the owner or his duly authorized agent that the information contained in such application is true;
- (2) An application for a building permit shall include written confirmation of review and approval of sketch or plans by the building inspector for works proposed in the application for building permit;
- (3) An application for a building permit shall set forth fully the particulars of the location, breadth, height, materials to be used in construction and intended use of the building to be erected, altered or relocated and the estimated value of such new building or alteration when completed (exclusive of the value of the land upon which the same is situate);
- (4) An application for a building permit shall include the name of the owner, architect (when required by the Council), building mover or builders engaged in the work and such other information as may be reasonably required by the building inspector or the Council to ensure compliance with the Code and this by-law;
- 7.3 A building permit is not required for:
- (a) patching, painting or decorating;
 - (b) replacement of stucco, siding or shingles with suitable material;
 - (c) replacement of doors or windows when the opening is not altered;
 - (d) replacement of open landing and stairs;
 - (e) construction of fences;
 - (f) installation of cabinets and shelves;
 - (g) a detached accessory storage building not greater than 200 sq. ft. in building area;
 - (h) non-structural alterations or repairs where the value of such work is less than Five Thousand (\$5,000.00) Dollars;
- 7.4 (1) Granting of Building Permits: The Municipality shall not issue a permit if the work proposed in the plans and specifications is not in conformity with the requirements of this by-law, the Code, The Public Health Act, any planning scheme, any development plan or basic planning statement in force and effect in the Municipality and the provisions of The Planning Act of Manitoba, CCSM Cap. P80. No permit shall be issued unless all required fees (e.g. water/sewer connection fees, etc.) in connection with the issuance of the building permit have been paid in full;
- (2) The approval of drawings and or specifications in the issuance of a permit shall not in any way relieve the owner from full responsibility for carrying out any work in accordance with the provisions of the by-law and the Code.
- (3) Conditions of approval may be imposed on any permit including, but not limited to, lot grading, elevations, deadlines, development agreements and placement of structures.
- a) Should the applicant wish to appeal an elevation condition imposed on their permit, a detailed engineers study will be required to be presented to Council for their consideration.

SECTION 8 - OCCUPANCY PERMITS/CERTIFICATE OF OCCUPANCY

- 8.1 Occupancy permits mandatory: Every owner shall obtain an occupancy permit or certificate of occupancy from the building inspector 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;
- 8.2.1 Occupancy Permits: The building inspector shall not issue an occupancy permit unless the building meets the requirements of this by-law, the Code, The Public Health Act, any planning scheme, development plan, basic planning statement in force or in effect in the Municipality, the provisions of The Planning Act and the required fees have been paid in full.

By-Law No. 09-2017**SECTION 9 - PLUMBING PERMITS**

- 9.1 (1) Plumbing permits mandatory: Except as provided in subsection (2), no plumbing system shall be constructed, extended, altered, renewed or repaired, nor shall a correction be made to a sewer unless a permit to do so has first been had and obtained;
- (2) A permit is not required for minor repairs such as replacing a valve, faucet, fixture or when a surface water heater is repaired or replaced, a stoppage cleared or a leak repaired;
- 9.2 (1) Application for a plumbing permit: Every application for a plumbing permit shall be made on a form provided and shall be signed by the owner or his agent and shall contain a certificate certifying that the information contained in the application is true;
- (2) An application for a permit shall contain or be accompanied by such plans, specifications and other information as may be required to determine whether the proposed work complies with all the provisions of this by-law and the Code;
- (3) An application shall show the name of the plumber by whom the work is to be done, the exact location of the building concerned, including the street, lot, block and plan number, and when required by the building inspector, a plan drawn legibly to scale showing the proposed plumbing system and the location of the building with reference to the street, sewer or sewage disposal system to which it is intended to connect the plumbing system;
- 9.3 (1) Granting of plumbing permits: The Municipality shall not issue a plumbing permit unless the proposed work is in conformity with the requirements of this by-law, the Code, The Public Health Act and any other relevant provincial regulation or statute relating to plumbing and unless and until all required fees have been paid in full;
- (2) Neither the granting of a permit nor the approval of plans and specifications nor inspections made by the building inspector shall in any way relieve the owner from full responsibility for carrying out the work in strict conformance with the provisions of this by-law and the Code.

SECTION 10 - DEMOLITION PERMITS

- 10.1 This section applies to residential and commercial buildings only. The Municipality may request an application for a permit to remove or demolish a building or structure shall. The Municipality may request that such an application contain one or more of the following:
- (a) a description of the building or structure giving the existing location;
 - (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 Municipality;
 - (d) a plot plan of the site to be occupied by the building or structure if located within the Municipality; and
 - (e) that all current and tax arrears be paid in full prior to issuance of the permit;
- 10.2 The owner, or his 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 of and/or remove their service;
 - (b) upon completion of the removal and demolition, put the site in a safe and sanitary condition to the satisfaction of the authority having jurisdiction.

By-Law No. 09-2017**SECTION 11 - PENALTIES**

- 11.1 **Building or plumbing permit limitations:** Any building or plumbing permit issued by the Municipality under the provisions of this by-law may be revoke if active work pursuant thereto has not started within twelve (12) months of the date thereof or within such further time as the building inspector may upon application or upon direction from Council or the Board of the District as the case may be, therefore allow.

SECTION 12 - PERMIT FEES

- 12.1 **Permit fees:** Permit fees shall be made payable to the Municipality and deposited with the Chief Administrative Officer prior to the issue of the permit.
- (1) Building Permit Fees: (as per attached Schedule "A")
 - (2) Plumbing Permit Fees: (as per attached Schedule "A")

SECTION 13 - THE BUILDING INSPECTOR

- 13.1 **Appointment of building inspector:** Where the Municipality does not form part of a Planning District, the Council shall appoint a building inspector for the Municipality at such salary and for such period as may be determined by a by-law or resolution in that behalf;
- 13.2 **Duties of the building inspector:** The Building Inspector shall:
- (1) Examine into the condition of all buildings in said Municipality proposed to be built, altered, repaired or relocated in said Municipality, pursuant to a permit as aforesaid and to see that the provisions of The Public Health Act, the Code, any planning scheme, zoning by-law, development plan or basic planning statement in force and effect in the Municipality, of The Planning Act and this by-law are properly carried out;
 - (2) Keep proper records of all applications and plan received, inspections and tests made, permits and orders issued, and shall retain copies of all reports and documents connected with his duties;
 - (3) Examine and process plans and specifications submitted with applications for permits;
 - (4) Enter and inspect any building or premises at any reasonable time;
 - (5) Give notice in writing to the owner or his agent of any dangerous or unsafe condition that exists on the premises;
 - (6) Prohibit the occupancy of the premises if the provisions of health, zoning, safety and fire regulations effective in the Municipality have not been adhered to;
 - (7) Inspect the construction and reconstruction of all buildings;
- 13.3 **Powers of the building inspector:** The building inspector may:
- (1) Enter any building or premises necessary for the performances of his duties;
 - (2) Revoke or suspend a permit if:
 - (a) construction is not started within a period of 12 months from the date of issuing the permit;
 - (b) construction is discontinued for a period of one year;
 - (c) there is a violation of any condition under which the permit was issued;
 - (d) any alteration or deviation from the deposited plans and specifications is made without authority;

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- (3) Refuse a building, plumbing or occupancy permit if the requirements of the by-law have not been met;
- (4) Require the owner or his agent to produce any required written clearance from any Department of Government before a permit is issued;
- (5) Order the person receiving the building permit to take all proper precautions for the guarding of any excavations, the public highway, streets and sidewalks, and from preventing the placing of material, equipment or scaffolding on the highways, streets or sidewalks in any manner that would, in the opinion of the building inspector, constitute an inconvenience or menace to traffic or pedestrians and for the protection of the public generally;
- (6) Upon the completion of the work, require the holder of the permit to immediately remove all building material, equipment, scaffolding and rubbish from the streets, sidewalks and boulevards and to clean and repair and leave in good condition and repair the streets, sidewalks and boulevards as the same were in before the permit was issued;
- (7) Upon noticing commencement of works in the Municipality where no building or development permit has been issued, make a personal visit to the building site and advise the owner of the requirements of the by-law, and if the construction conforms with the Code and the Ste. Anne Zoning By-law, issue the necessary permit and collect the applicable fees in accordance with Section 15.1 of this by-law.

SECTION 14 - UNSAFE BUILDINGS

- 14.1 **Building Inspector to Report:** In the event the building inspector is of the opinion that a building, structure or other premises is by reason of its ruinous, dilapidated, unsafe, or unprotected condition, dangerous to the public safety, he shall immediately report to Council and provide full details of the apprehended danger to public safety;
- 14.2 **Determination of Council:** Where as a result of the report from the building inspector or otherwise, Council is of the opinion that a building, structure or other premises is by reason of its ruinous, dilapidated, unsafe, or unprotected condition, dangerous to the public safety, the Council may make an order respecting the building, structure or premises in accordance with the provisions of the Municipal Act L.M. 1996, c.58;
- 14.3 **Building Inspector to Enforce:** If the owner does not comply with an order made by Council aforesaid within the period specified in the order, the building inspector shall carry out the order or cause it to be carried out in accordance with the provisions of The Municipal Act;
- 14.4 **Emergency Action:** Where, in the opinion of the Council, an unoccupied building is so ruinous, unsafe, or dilapidated as to be dangerous, or likely to cause injury to a person or damage to property, the Municipality may promptly take such reasonable emergency action as is required to eliminate or minimize the hazard in accordance with the provisions of The Municipal Act;
- 14.5 **Accounts to be kept:** The building inspector shall keep an account of the expense of putting the building or property in safe condition or expense of removing or demolishing a building in contravention of any by-law and any monies received from the sale of such building as provided for in The Municipal Act and thereafter deliver an accurate account to the Chief Administrative Officer of the Municipality;
- 14.6 Any such costs incurred after deducting any credit due to the owner, mortgagee or other person entitled thereto, shall form a lien and charge against the land concerned and may be collected as taxes in arrears in accordance with the provisions of The Municipal Act;
- 14.7 **Approval of Council:** Nothing shall be incumbent upon the building inspector to enforce any part of this by-law without first obtaining approval from Council;

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14.8 Demolition: The provision of this by-law relating to demolition or removal of a building by Council are not intended to derogate from the authority of Council pursuant to Section 232 of The Municipal Act.

SECTION 15 - OFFENCES AND PENALTIES

15.1 Any person who commences any excavation, construction, renovation, relocation or demolition of any building or structure without first having obtained the necessary permit shall be charged double applicable permit fees to those assessable had he originally applied for permit prior to works. In addition there will be a \$25.00 building inspector visit fee for each infraction;

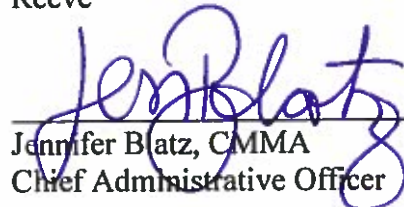
15.2 Any person who contravenes or disobeys, or refuses or neglects to obey any provision of the Code or this by-law for which no other penalty is herein provided, is guilty of any offence and liable, on summary conviction, to a fine not exceeding Five Thousand (\$5,000.00) Dollars for each day that the offence continues.

16. That By-Law 3-2009 is hereby repealed.

DONE AND PASSED by the Council of the Rural Municipality of Ste. Anne, in Council duly assembled in Ste. Anne, Manitoba, this *10th* day of *January, 2018*.



Art Bergmann
Reeve



Jennifer Blatz, CMMA
Chief Administrative Officer

Read a first time this *13th* day of *December, 2017*.
Read a second time on this *10th* day of *January, 2018*.
Read a third time on this *10th* day of *January, 2018*.

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Building Permit
Fee Schedule "A" to By-Law 09-2017

New Homes (bungalows & bi-levels)	
Additions to homes	
4-season Sunroom	
Attached Garage	\$0.45/sq.ft.
Commercial Buildings.....	\$0.30/sq.ft.
2 nd plus Floors above Bungalow/house or garage	\$0.30/sq.ft.
Covered porches, Verandahs, Decks & Gazebos; 3-season Sunrooms	\$0.20/sq.ft.
Detached garages, Accessory Buildings/Sheds (incl Foundation).....	\$0.25/sq.ft.
Prefabricated homes (RTM's to be moved off-site).....	\$0.25/sq.ft.
Decks (unenclosed).....	\$0.10/sq.ft.
Detached Solar Panel Installations	\$0.10/sq.ft.
Relocation Fee (any building moved into RM of Ste. Anne)	\$0.10/sq.ft.
Includes: RTM's, Modular Homes, Mobile Homes, Older Homes & Res. Accessory Bldgs	
Structural Renovations	\$0.15/sq.ft.
Or Renovations over \$5,000 in value	
Foundations only (otherwise included in permit costs).....	\$0.10/sq.ft.
Plumbing Fee	\$0.02/sq.ft.
Applicable to each floor with running water incl. garages	(up to a maximum of \$75.00)
In-floor heating is exempt	
Building Plan Review	\$85.00
Final Inspections.....	\$100.00
Development Permit (Res.#101-10).....	\$35.00
Farm Bldgs.	\$50.00
Private Pools & Hot tubs (including decking & fencing) (Res.#101-10).....	\$200.00
(Building Permit = \$175.00 + Development Permit = \$25.00)	
Building Permit Deposit (Res.#290-16)	\$500.00 or equal to the cost of permit, whichever is lesser.
To be refunded once all conditions of permit approval have been met including building inspection requirements.	