

Town of Truro – Bylaws

Subject:	Building (Building Code Act)
Bylaw Number:	B180-003
Approval Date:	September 2, 2003
Departments:	Planning & Development, Finance

BE IT RESOLVED by the Town Council of the Town of Truro that the following Bylaw be enacted and that the Clerk file a copy in the office of the Minister of Environment and Labour pursuant to Section 7 of the *Building Code Act*, RSNS, 1989, c46.

The Town of Truro hereby adopts the Provincial Building Code, Provincial Building Code Regulations and amendments as adopted by the Province from time to time.

Definitions

- 1.1 The Town of Truro hereby adopts *Building Code Act*, RSNS, 1989, c46, 8.2 and the Regulations under this Act.
- 1.2 In this Bylaw:
 - 1.2.1 “Construction” includes erection, alteration, repair, dismantling and demolition of structures and includes structural maintenance, hammering, land clearing, moving of earth, rock or felled trees, rock breaking, grading excavating, the laying of pipe or conduit whether above or below ground level, working with concrete, alteration or installation of any equipment, the structural installation of construction components or materials in any form whatsoever, the placing or removing of any construction related materials and includes any related work, but does not include blasting;
 - 1.2.2 “Construction Equipment” means any equipment or device designed and intended for use in construction or material handling including but not limited to air compressors, air tracks, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, backhoes, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders and other material handling equipment.

Permits

- 2.1 A building permit, occupancy permit and demolition permit shall be in the forms as prescribed from time to time.
- 2.2 Before a permit is issued, an applicant must complete an application form.

2.2.1 Every application for a permit shall:

- (a) Identify and describe in detail the work and occupancy to be covered by the permit for which applicant is 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 as required by Section 2.3 of the *Provincial Building Code* and show the occupancy of all parts of the building;
- (d) State the valuation and square footage of the proposed work and be accompanied by the required fee; and
- (e) State the names, addresses and telephone numbers of the owner, architect, professional engineer or other designer and constructor.

2.2.2 When an application for a permit has not be completed in conformance with the requirements of this Bylaw within six months after it is filed, the application shall be deemed to have been abandoned.

2.2.3 A building permit is valid for one year from the date of issue and is renewable upon written request (and payment of fee) prior to expiration.

2.2.4 A demolition permit is valid for thirty (30) days from the date of issue and is renewable for an additional thirty (30) day period upon written request and payment of fee prior to expiration.

2.3 Before issuing a building permit, a complete application duly executed shall be filed with the authority having jurisdiction.

2.3.1 Before issuing a building permit the authority having jurisdiction shall be satisfied that a development permit has been issued pursuant to the Land Use Bylaw of the Town of Truro.

2.3.2 Before issuing a demolition permit the authority having jurisdiction shall be satisfied the building is not subject to the provisions of a Bylaw passed pursuant to the *Heritage Property Act*.

2.3.3 A permit for a temporary building:

- (a) Shall state the date after which and the conditions under which, the permit is no longer valid;

- (b) May be extended upon written request prior to expiration date and payment of fee;
 - (c) Shall be posted on the building.
- 2.3.4 (a) Should a permit be issued for part of a building, the holder of the permit may proceed, but without any assurance that the permit for the entire building will be granted;
- (b) Any permit issued for part only a building shall be clearly marked as for part only, and shall also indicate that a permit for the entire building is not assured.
- 2.3.5 (a) A permit may be issued at the risk of the owner, with conditions to ensure compliance with the *Provincial Building Code*, to excavate or to construct a portion of a building before all the plans of the project have been submitted or accepted;
- (b) The permit shall be clearly marked “At Owner’s Risk”.
- 2.3.6 (a) 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;
- (b) The condition shall be set out on the fact of the permit.

Inspection

3.1 The authority having jurisdiction shall be notified a minimum of forty-eight (48) hours in advance and given an opportunity to inspect at the stages of construction as indicated in the *Provincial Building Code* Regulations.

Permit Fees

4.1 Fees for permits shall be as follows:

Permit Type		Fee
Administration Fee		\$25.00*
Construction	Residential	\$0.06 per ft ²
	Non-Residential	\$0.10 per ft ²
Renovation	Residential	Less than 1000 ft ²
		Over 1000 ft ²
		\$25.00
		\$50.00

		Over 5000 ft2	\$250.00
	Non-Residential	Less than 1000 ft2	\$100.00
		Over 5000 ft2	\$250.00
Demolition	Residential		\$25.00
	Non-Residential		\$100.00
Repair			\$25.00
Sign Requiring Building Permit			\$25.00
Permit Renewal	Residential up to 4 units	Non-Residential up to 600m2	\$100.00**
Occupancy Deposit	Residential-5 Units or more	Non-Residential 600m2 or more	\$500.00**
Temporary Structure			\$50.00
Minimum Fee			\$25.00
Permit Cancellation			75% of fee refunded

**New Construction Only*

***Returned upon issuance of Occupancy Permit*

Hours of Construction

5.1 No person shall:

- (a) Use or operate construction equipment; or
- (b) Engage in construction or the operation of any equipment in connection with construction;

Between the hours of 10:00 p.m. and 6:30 a.m., except where such construction or operation of equipment is on any highways, or Town-owned streets, sidewalks or water or sewer utilities.

5.2 Any person may make application to the Building Inspector to be granted an exemption from Section 5.1 of this Bylaw. The Building Inspector may refuse to grant the exemption or may grant the exemption applied for or any exemption of lesser effect. Any exemption so granted shall:

- (a) Specify a time period of not greater than three days during which the exemption shall be effective; and

- (b) Shall include such terms and conditions as the Building Inspector deems appropriate, which may include a requirement that the applicant provide advance notice to abutting land owners or tenants of the hours of the construction or operation of construction equipment to occur in accordance with the exemption.
- 5.3 In deciding whether or not to grant an exemption under Section 5.2 or in determining terms or conditions of the exemption, the Building Inspector shall give consideration to:
- (a) The volume, nature, duration and consistency of noise emission from the construction or operation of construction equipment;
 - (b) The proximity and nature of abutting or adjacent land uses;
 - (c) The proposed hours of operation;
 - (d) The nature and degree of any inconvenience to adjacent or abutting land owners;
 - (e) The reason for the requested exemption, and the effect on the applicant if the exemption is not granted;
 - (f) Any other factors relevant to balancing the interests of the applicant in the proposed activity against the interests of those persons who might be disturbed by the proposed activity.
- 5.4 Compliance with this Bylaw shall not permit the applicant to violate the Town of Truro Noise Bylaw.
- 5.5 Any contravention of the terms or conditions of an exemption pursuant to Section 5.2 shall constitute a contravention of this Bylaw. In addition to any other available remedies for such contravention, the Building Inspector may suspend or cancel an exemption.
- 5.6 Any person who contravenes Section 5.1 or the terms or conditions of an exemption granted pursuant to Section 5.2 is punishable on summary conviction by a fine of not less than \$500 and not more than \$5,000 and to imprisonment of not more than 6 months imprisonment in default of payment thereof.

Continuing into Force

- 6.1 This Bylaw shall have effect from and after the 6th day of September, 2003.