

UNOFFICIAL OFFICE CONSOLIDATION – FOR REFERENCE ONLY



**TOWN OF RIVERVIEW
BY-LAW # R300 – 10 -1**

BUILDING BY-LAW
(Consolidated to Include Amendments 300-10-2 and 300-10-3)

BE IT ENACTED by the Council of the Town of Riverview under the authority vested in it by the Community Planning Act, R.S.N.B., 1973, c. C-12, as follows:

1. Definitions

In this By-Law:

“alter” means to make any change, structurally or otherwise, in a building or structure which is not for purposes of maintenance only;

“building” means any structure used or intended for supporting or sheltering any use or occupancy;

“building inspector” means an officer or employee of the corporation, appointed by Council, charged with the duty of enforcing the provisions of the Building By-Law;

“code” means the National Building Code of Canada as adopted through an Order in Council or by a municipal council;

“commission” means the Greater Moncton Planning District Commission;

“critical elevation” means critical elevation as defined in Town of Riverview Zoning by-law;

“demolish” means to raze, level, ruin, wreck, destroy or tear down, in whole or in part, a building or structure;

“development officer” means a District Planning Director or a Planning Officer appointed under subsection 7(3) of the Community Planning Act;

“engineer” and **“professional engineer”** mean a person who is a member or licensee of the Association of Professional Engineers and Geoscientists of New Brunswick;

“engineered solution” means engineered solution as defined in Town of Riverview Zoning by-law;

“erect” means to construct, build, assemble, locate or relocate building or structure and any physical operations preparatory to the construction, building, assembling, locating or relocating of the building or structure;

“permit” means a building permit or demolition permit, issued under this By-law;

“structure” means anything constructed or erected on, above, or below the surface of the ground, or attached to something on the ground and includes all buildings;

2. Scope

The purpose of this By-Law is:

- (a) to prescribe standards for the building, erecting, locating or relocating, demolishing, structurally altering, repairing, replacing or any combination thereof, of a building or structure;
- (b) to prohibit the undertaking or continuing of work mentioned in clause (a) in violation of standards prescribed hereby;
- (c) to prescribe a system of permits for work mentioned in clause (a), their terms and conditions, the conditions under which they may be issued, suspended, reinstated, revoked and renewed, their form and fees therefore.

3. Adoption of Codes

- 3.1 The National Building Code of Canada, in its latest edition, except for section 3.8, Barrier-Free Design, is hereby adopted as the standard to which all work undertaken in the Town of Riverview shall conform.
- 3.2 The Barrier-Free Design Building Code Regulation – Community Planning Act in its latest edition, hereby adopted as the standard to which all work undertaken in the Town of Riverview conform.

4. Building Permit Application Process

- 4.1 A person shall not undertake or continue the building, erecting locating, relocating, demolishing, altering, structurally altering, repairing, replacing, or any combination thereof, of a building or structure unless a building permit has been issued pursuant to this section.
- 4.2 An owner seeking to obtain a permit for all work shall make an application in writing to the Building Inspector and shall comply with section 5 where applicable and shall pay the deposits and fees as prescribed herein at the time of making the application.
- 4.3 The permit application referred to in section 4.1 shall be made on a form prescribed by the Building Inspector and such application shall include:
 - (1) the name and address of the owner, telephone number, and where applicable, fax number and e-mail address;
 - (2) the name and address of the person performing the work, telephone number, and where applicable, fax number and e-mail address;
 - (3) the location of the property upon which the work is to be performed, civic number, street name, lot number and property identification number;
 - (4) the description of the work to be performed;
 - (5) the total estimated cost of the proposed work;
 - (6) a description of the intended use of the building or structure;
 - (7) unless waived by the Building Inspector, copies in duplicate of the specifications and legible scale drawings of the site and building or structure with respect to the proposed work to be carried out indicating:

- (a) the geodetic elevation of the basement floor, attached garage slab elevation where applicable, and the top of all the foundation walls;
 - (b) the front yard, rear yard, side yard and where applicable, the flankage yard, as defined in the Town of Riverview Zoning By-Law;
 - (c) the foundation's critical elevation;
 - (d) the proposed finished land elevation at each corner of the property and foundation wall;
 - (e) the driveway location and its slope from the property line adjacent to the road right-of-way;
 - (f) the geodetic elevation of the finished grade of the centreline of the road where it meets the extended centreline of any driveway;
 - (g) existing municipal and private service easements, underground electrical, telephone, gas, cable, and all other public utility easements;
 - (h) any physical feature that may impede drainage such as accessory buildings and structures, and natural vegetation such as large trees or landscape gardens;
 - (i) any proposed finished land elevations that indicate the existence and functionality of swales or other drainage elements, including private catch basins;
 - (j) any other information required to show conformity of the Site Plan with the Building, Subdivision and Zoning By-Laws;
 - (k) the position, height and dimensions of all buildings or structures on, and those proposed to be located on the land referred to;
 - (l) the proposed use of each room on each floor area of the building or structure;
 - (m)
 - (i) full cross section and stair detail, relevant wall section(s), window size(s) including unobstructed window opening for bedrooms and deck detail(s);
 - (ii) roof truss layout and shop drawings bearing the seal and signature of a Professional Engineer;
 - (iii) engineered floor truss layout and shop drawing(s) bearing the seal and signature of a Professional Engineer, if applicable;
 - (iv) engineered lintel or beam design bearing the seal and signature of a Professional Engineer; and
 - (v) where construction is on lands known to have been backfilled or of questionable conditions, the results and recommendations of a soil investigation bearing the seal and signature of a Geotechnical Professional Engineer registered or licensed to practice in the Province of New Brunswick;
 - (n) such other information as the Building Inspector may require for the purpose of determining compliance with this or any other by-law;
- (8) (a) where a site plan is required pursuant to subsection (7) herein, it shall be prepared in conformity with the Registered Drainage Plan;

- (b) where there is no Registered Drainage Plan, or the site plan is not in conformity with the Registered Drainage Plan then an Engineered Solution is required;
- (9) where the work involves plumbing, a signed application for a plumbing permit; and
- (10) where the application is for a moving permit, proof of a two million dollar liability insurance policy with the Town of Riverview as a co-insured.

5. Special Application Requirements

- 5.1 Where an application for a permit is made and the work described therein involves new foundation construction for a single unit dwelling, a two-unit dwelling, or a semi-detached dwelling, a permit for such construction shall be issued on the condition that the construction of the building shall not proceed beyond the foundation stage unless the Development Officer has received and accepted a Foundation Report Form and a pre-backfill inspection has been completed.
- 5.2 A Foundation Report Form, as described in section 5.1 shall show:
 - (1) the geodetic elevation of the lowest point on the top of the front foundation wall;
 - (2) the geodetic elevation of the lowest point on the top of the side foundation walls;
 - (3) the geodetic elevation of the lowest point on the top of the rear foundation wall;
 - (4) where applicable, the geodetic elevation of the lowest point of the edge of the attached garage slab;
 - (5) the critical elevation of the foundation;
 - (6) the minimum geodetic basement floor elevation;
 - (7) the front yard setback, being the shortest distance between the front lot line and the main building;
 - (8) the side yard setbacks, being the shortest distance between each side lot line and the main building;
 - (9) where applicable, the flankage yard setback, being the shortest distance between the flankage lot line and the main building;
 - (10) the rear yard setback, being the shortest distance between the rear lot line and the main building; and
 - (11) the geodetic elevation of the finished grade of the centreline of the road where it meets the extended centreline of any driveway.
- 5.3 When the foundation and lot grading are complete, the owner shall provide the Building Inspector with a Surveyor's Real Property Report, and in any case no later than 12 months following the issuance of a building permit herein which shall include:
 - (a) the actual building setbacks, being the distances from the outer walls of the foundation to the property boundary lines;

- (b) the geodetic elevation of the four corners of the property;
 - (c) the geodetic elevations of the land where it meets the outer walls of the main building;
 - (d) the geodetic elevations of the lowest point on the top of each of the foundation walls;
 - (e) the critical elevation;
 - (f) the basement floor elevation;
 - (g) where applicable, the geodetic elevation of the lowest point of the edge of the attached garage slab;
 - (h) the driveway location and its slope from the property line;
 - (i) the geodetic elevation of the finished grade of the centreline of the road where it meets the extended centreline of any driveway;
 - (j) existing municipal and private service easements, underground electrical, telephone, gas, cable, and all other public utility easements;
 - (k) any physical features such as accessory buildings and structures, and natural vegetation such as large trees or landscape gardens;
 - (l) the location and geodetic elevation of any swales; and
 - (m) in the case of a development where an engineered solution is required, any and all data points required to confirm that the engineered solution has been fully complied with.
- 5.4 Where the Foundation Report Form or Surveyor's Real Property Report Form is inconsistent with the Site Plan referred to in subsection 4.2(7), except for building location, or with the Registered Drainage Plan, the owner shall provide an engineered solution.
- 5.5 A report referred to in section 5.2 or 5.3 shall be signed by a New Brunswick Land Surveyor licensed to practice in the Province of New Brunswick before being received and considered by the Development Officer. The Land Surveyor or Professional Engineer further certifies that:
- (1) the top of the foundation wall elevation(s) are consistent with the foundation wall elevation(s) as shown on the building permit Site Plan to a tolerance of no more than 100 mm (4 inches) above or below the required elevation; and
 - (2) in the case of a report referred to in section 5.4, the lot grading is consistent with the lot grading as shown on the building permit Site Plan to a tolerance of no more than 150 mm (6 inches) above or below the required elevation.
- 5.6 Notwithstanding this or any other by-law an engineered solution is not required when waived by the Director of Engineering and Works or their designate.
- 5.7 An application for a demolition permit shall include the provincially approved location where any demolition debris will be disposed of.

6. Issuance of Permit

- 6.1 Upon receipt of a complete application pursuant to section 4, and upon receipt of payment of all fees and deposits required by this by-law, the Building Inspector shall within a reasonable time issue a permit, provided that:
- (1) the proposed work complies with this and all other applicable by-laws;
 - (2) the development officer has approved the proposed work pursuant to subsection 81(1) of the Community Planning Act, R.S.N.B. 1973, Chapter 12.
- 6.2 A permit issued pursuant to this by-law shall be valid for a period of one year from issuance after which time the permit shall be deemed null and void, unless it is renewed by the Building Inspector.
- 6.3 The issuance of a permit or the review of the drawings and specifications, or inspections made by the Building Inspector during construction of the work shall not relieve the permit holder from full responsibility for carrying out the work in accordance with the requirements of this by-law, and all other applicable laws.

7. Revocation of Permit

- 7.1 A permit issued pursuant to section 4 shall be revoked by the Building Inspector if the work described in the permit is:
- (1) not commenced within 6 months from the date of issuance;
 - (2) discontinued or suspended for a period in excess of 6 months;
 - (3) contrary to the specifications contained in the application or the Code, and the owner, upon being given notice by the Building Inspector, fails to make the necessary changes within the time prescribed;
 - (4) contrary to this by-law or any other applicable town by-law;
 - (5) contrary to the work carried out.
- 7.2 Where a permit is revoked pursuant to subsection 6.1(1), or where an application for a permit is not completed within 6 months, or is withdrawn, and no work has been commenced, the Building Inspector shall retain 50% of the application fees up to a maximum of \$1,000.00.

8. Responsibility of Permit Holder

The approval of plans or specifications, the issuing of a building permit or and inspections hereunder, do not relieve a person of any duty or responsibility for carrying out works in accordance with this By-Law.

9. Documents on the Site

During the carrying out of the work authorized by a permit, the person named therein shall keep posted in a conspicuous place on the property in respect of which the permit was issued:

- (a) a copy of the building permit, and
- (b) a copy of any plan and specifications approved by the building inspector.

10. Tests

The building inspector may:

- (a) direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted, at no costs to the Municipality, where such evidence or proof is necessary to determine if any material, device, construction or foundation condition meets the requirements of this By-law; and
- (b) direct that a copy of the results of the tests referred to in clause (a) be made available for inspection during the carrying out of the work authorized to ensure conformity with the requirements of this By-law; and
- (c) revoke, suspend or refuse to issue a building permit where, in his opinion, the results of the tests referred to in clause (a) do not meet the requirements of this By-law.

11. Records

The building inspector shall keep proper records of all applications received, permits and orders issued, inspections and tests made, and shall retain copies of all papers and documents connected with administration of his duties.

12. Copies of Code Available

The building inspector shall keep two copies of the adopted Code available for public use, inspection and examination.

13. Schedule of Fees

- 13.1 Subject to Subsection (2), no permit shall be issued under this By-Law until the permit fee has been paid to the Municipality in accordance with the amount as follows:

Where the total estimated cost of the work, including labour and materials, is for:

- (a) Single family, two family dwellings, residential repairs/additions and accessory buildings; the permit fee shall be \$6.00 per \$1,000 of estimated cost with a minimum permit fee of \$25.00;
- (b) All other construction; the permit fee shall be \$7.50 per \$1,000.00 of estimated cost with a minimum permit fee of \$25.00.
- (c) Demolition, the permit fee shall be \$25.00.

- 13.2 Where the building inspector has reason to believe and does believe that an estimated cost mentioned in subsection (1) is unreasonable, he may refuse to issue a permit.

- 13.3 Where an application for a permit has been made after work has begun, the fee therefore will be two times that provided for in this section.

14. Repeal of Existing By-Laws

Building By-Law 8 and By-Law #R300-10 an amendment to Building By-Law 8 and all other building by-laws in effect in the municipality on the coming into force of this by-law are repealed.

ORDAINED AND PASSED the 14th day of June , 2010.

Mayor

Town Clerk

First Reading: April 26, 2010
Second Reading: June 14, 2010
Third Reading: June 14, 2010
Amendment 300-10-2 read third time and enacted: September 12, 2011
Amendment 300-10-3 read third time and enacted: September 9, 2013

Original By-Laws and amendments thereto are on file in the Office of the Town Clerk. This document is for convenient reference purposes only. Any questions should be forwarded to the Office of the Town Clerk.