

Town of Hampton

BY-LAW NO. 95-123

BUILDING BY-LAW

The Council of the Town of Hampton, under the authority vested in it by section 59 of the Community Planning Act, enacts as follows:

Interpretation

1. In this By-law,
 - a) "alter" shall mean, in relation to a building or structure, make any structural or other change thereto which is not for purposes of maintenance only;
 - b) "dwelling" shall mean a building, as defined in the Code adopted by section 3, containing one or more dwelling units; and
 - c) "street line" shall mean the common line between a street and a lot.

Scope

2. The purpose of this By-law is
 - a) to prescribe standards for the building, locating or relocating, demolishing, altering or replacing of a building or structure;
 - b) to prohibit the undertaking or continuing of work mentioned in clause (a) in violation of standards prescribed hereby; and
 - 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 therefor.

Adoption of Code

3. The National Building Code of Canada, latest edition, is adopted by reference, as follows:
 - a) Parts 1, 2, 7 and 8 thereof apply to all buildings:
 - b) Parts 3, 4, 5 and 6 thereof apply to all buildings used for:
 - i) Group A, Assembly occupancies,
 - ii) Group B, Institutional occupancies, and
 - iii) Group F, Division I, high hazard industrial occupancies,
 - c) all buildings exceeding 600m² in building area or exceeding three (3) storeys in building height used for:
 - i) Group C, residential occupancies,
 - ii) Group D, business and personal services occupancies,
 - iii) Group E, mercantile occupancies, and
 - iv) Group F, Division 2 and 3, medium and low hazard industrial occupancies,

- d) Part 9 applies to buildings of three (3) storeys or less in building height, having a building area not exceeding 600m² and which are used for:
 - i) Group C, residential occupancies,
 - ii) Group D, business and personal services occupancies,
 - iii) Group E, mercantile occupancies, and
 - iv) Group F, medium and low hazard industrial occupancies.
- e) This code applies both to site assembled and factory made buildings.

Appointment of Building Inspector

- 4. The Council shall appoint a building inspector who shall exercise such powers and perform such duties as are provided by this By-law.

Building Permits

- 5. a) A person shall not undertake or continue the building, locating or relocating, demolishing, altering or replacing of a building or structure unless a building permit therefor has been issued pursuant to this section.
 - b) A person seeking to obtain a building permit shall make application in writing to the building inspector, and such application shall
 - i) be in a form prescribed by the Council;
 - ii) be signed by the applicant;
 - iii) state the intended use of the building or structure;
 - iv) unless waived by the building inspector include, subject to subsection (5), copies in duplicate of the specifications and scale drawings of the building with respect to which the work is to be carried out, showing:
 - aa) the dimensions of the building,
 - ab) the proposed use of each room or floor area,
 - ac) the dimensions of the land on which the building is, or is to be situated,
 - ad) the grades of the streets and sewers abutting the land mentioned in subclause (ac), and
 - ae) the position, height and horizontal dimensions of all buildings on, and those proposed to be located on, the land referred to;
 - v) set out the total estimated cost of the proposed work; and
 - vi) contain such other information as the building inspector may require for the purpose of determining compliance herewith.
- c) Where:
 - i) an application mentioned in subsection (b) together with the appropriate fee has been received; and
 - ii) the proposed work conforms with this and any other applicable By-law; the building inspector shall issue the building permit requested.

- d) A permit hereunder is issued on the condition that the work mentioned therein
 - i) is commenced within six months from the date of issue of the permit,
 - ii) is not discontinued or suspended in excess of one year or in such manner that any exterior surface intended to be clad pursuant to specifications mentioned in subsection (b) remains unclad in excess of two months, and
 - iii) is carried out, unless otherwise approved by the building inspector, in compliance with the specifications contained in the application for the permit.
- e) Where a person violates a condition mentioned in subsection (d), or any provision of this By-law, the building inspector may, by written notice served personally on or sent by registered mail to the person named in the permit, state the nature of the violation and order the cessation thereof within a reasonable time mentioned in the notice.
- f) Where a person fails to comply with an order mentioned in subsection e), the building inspector may suspend or revoke the building permit and may, if the conditions leading to the suspension are subsequently corrected, reinstate the suspended permit.
- g) Specifications and scale drawings mentioned in subsection (b) for a building permit in respect of a building referred to in clauses b), c) and d) of section 3 shall not be considered by the building inspector unless they are certified under the seal of an architect or professional engineer registered to practice in the Province of New Brunswick.
- h) Where a person undertakes or continues the building, locating or relocating, demolishing, altering or replacing of a building without having first obtained a Building Permit hereunder, he shall be liable, unless waived by the Building Inspector, for payment of a fine in the amount of \$25.00 for each and every day all and during which the said infringement of this by-law may be maintained or continued.

Responsibility of Permit Holder

- 6. a) Where a building permit has been issued, the person named in the permit shall give to the building inspector
 - i) at least 48 hours notice of the intention to start work authorized by the permit;
 - ii) at least 24 hours notice of the placement of a foundation wall below land surface prior to any backfilling of the excavation;
 - iii) notice of the completion of the work described in the permit within 10 days of such completion; and
 - iv) such other information as may be required hereunder.
- b) Where tests of any materials are made to ensure conformity with the requirements of this By-law, records of the test data shall be kept available for inspection during the carrying out of the work authorized.
- c) The approval of plans or specifications, the issuing of a building permit or any inspections hereunder do not relieve a person of any duty or responsibility for carrying out works in accordance with this by-law.

Documents on the Site

7. 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, or a poster or placard in lieu thereof; and
 - b) a copy of any plans and specifications approved by the building inspector.

Tests

8. 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) revoke, suspend or refuse to issue a building permit where, in his opinion, the results of the tests referred to in clause (a) are not satisfactory.

Records

9. 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 the administration of his duties.

Copies of Code Available

10. The building inspector shall keep a copy of the adopted Code available for public use, inspection and examination.

Fees

11. Subject to subsection (2), no permit may be issued hereunder until the fee, as prescribed from time to time by Council and set out in a schedule, attached hereto as Schedule "A", has been paid to the municipality.

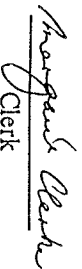
By-Law Repealed

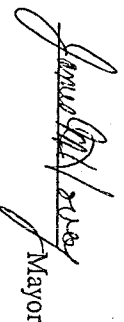
12. By-law No.15 enacted on June 22, 1973, and all amendments thereto, is hereby repealed.

READ FIRST TIME: January 10, 1995

READ SECOND TIME: January 10, 1995

READ THIRD TIME March 14, 1995
AND ENACTED:


Clerk


MAYOR