



### MUNICIPALITY OF EAST HANTS BYLAW NUMBER P-900-1, AN AMENDMENT TO BYLAW P-900 BUILDING BYLAW

WHEREAS Section 7 of the Building Code Act enables the Council of the Municipality to make a Bylaw not inconsistent with the Act or the Building Code Regulations.

BE IT ENACTED by the Council of the Municipality of East Hants, as follows:

#### 1. SHORT TITLE

1.1. This bylaw shall be known as the Building Bylaw.

#### 2. DEFINITIONS

2.1. Unless otherwise defined herein, definitions contained in the Building Code Act, Nova Scotia Building Code Regulations, and Nova Scotia Building Code also apply to this Bylaw.

2.2. In this Bylaw:

- (a) **“Building Official”** means any person appointed to that position by the Council of the Municipality of the District of East Hants pursuant to the Building Code Act.
- (b) **“Commercial Construction Site”** means a construction site where the use of the property containing the construction site, following the completion of the construction work, will be either a multiple unit dwelling over four units, or a commercial/institutional building over 230 m<sup>2</sup>, or a combination of both.
- (c) **“Construction Fence”** means a fence required to be erected on a commercial construction site under the provisions of this Bylaw.
- (d) **“Owner”** includes a person controlling the property under consideration, and also prima facie the assessed owner of the property whose name appears on the assessment role prepared in accordance with the Assessment Act;
- (e) **“Building Code Act”** or **“Act”** means Chapter 46 of the Revised Statutes of Nova Scotia, 1989, the Building Code Act;
- (f) **“Nova Scotia Building Code Regulations”** or **“Regulations”** refer to





regulations made pursuant to Section 4 of the Building Code Act.

### 3. APPLICATION

This Bylaw shall apply to the entire Municipality of the District of East Hants.

### 4. PERMITS

- 4.1 An application form shall be completed in full before a building permit, demolition permit, or occupancy permit is issued.
- 4.2 All applicable fees, as established in the Municipal Fees Policy, shall be paid in full before a building permit, occupancy permit, or demolition permit, is issued.
- 4.3 Every application for a permit shall require the minimum information, as per the Building Code Regulations, and in addition the following shall be required:
  - (a) email address (if available);
  - (b) a plot plan showing the location and size of the proposed structure on the lot and indicating the distance from all property lines and existing structures;
  - (c) all fees associated with the application;
  - (d) such additional information as may be required by the authority having jurisdiction.
- 4.4 When an application for a permit has not been 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 and shall be closed.
- 4.5 A permit is valid for two (2) years from the date of issue and may be renewed upon written request for a period not to exceed one (1) year.
- 4.6 Building permits are not required for the following, although the Building Code shall still apply:
  - (a) accessory buildings, not used for human habitation, not greater than 20





- square metres in building area;
- (b) interior and exterior non-structural material alterations and material repairs with a monetary value of ten thousand dollars (\$10,000) or less.

4.7 A Building Official may, if applicable, withhold a building permit until satisfied that the following requirements have been met:

- (a) a notification for an on-site sewage system, as per Nova Scotia Environment Regulations, has been received for the construction of a building requiring a new private sewage disposal system;
- (b) any applicable permit or permission issued by Nova Scotia Transportation and Infrastructure Renewal or the Municipal Traffic Authority, or any legal access over a private road or through a right-of-way easement, for access to the property;
- (c) permission from the appropriate authority for construction of a structure within a designated watershed;
- (d) all approvals, with applicable fees paid in full, for the installation and hook-up of Municipal water and sewer infrastructure;
- (e) a Certificate of Appropriateness from the Municipal Heritage Officer;
- (f) any required approval to alter or demolish a Municipal Heritage Property in accordance with the Heritage Property Act.
- (g) a valid development permit issued by the Municipal Development Officer.
- (h) A Construction Fence has been installed on a Commercial Construction Site where Municipal water and/or wastewater services are available and when the Commercial Construction Site is located adjacent to a residential building, sidewalk, walkway, pathway, or other pedestrian link, and shall be installed in accordance with the following provisions:
  - i) the construction fence shall be erected and in place on the property prior to the commencement of construction work;
  - ii) shall be erected on the property around the perimeter of the construction site so as to fully enclose the construction site;
  - iii) shall be a minimum height of 1.8 m;
  - iv) shall be built of wood, chain link, or welded-wire panels;
  - v) shall be built to deter entry to the site by unauthorized persons;





- vi) shall be maintained and kept in a sturdy and upright position and shall at all times be well anchored and secure; and
- vii) the Building Official may authorize modifications to the construction fencing provisions, where satisfied that the proposed modifications meet the intentions of this bylaw and do not compromise public safety.

4.8 A Building Official may withhold issuing a building permit until satisfied that any and all applicable regulations of the East Hants Bylaw Respecting Lot Grading and Drainage, Maitland Heritage Conservation District Plan and Bylaw, Heritage Property Act, East Hants Land Use Bylaw, East Hants Subdivision Bylaw and/or a Development Agreement have been complied with.

4.9 A Building Official shall withhold an occupancy permit until satisfied that the following have been completed:

- (a) the owner has posted a valid civic number as required by East Hants Bylaw P-800, Civic Addressing Bylaw;
- (b) a Certificate of Installation has been received for an on-site sewage system, where applicable;
- (c) all requirements under the Bylaw Respecting Lot Grading and Drainage have been adhered to;
- (d) the owner has installed a backflow prevention device on the Municipal water service where required by the Municipality;
- (e) the owner has installed a backwater valve on the Municipal sewer service where required by the Municipality.

## 5. INSPECTIONS

5.1 Every owner shall notify the Building Official at least 48 hours in advance to inspect for compliance with the Bylaw, the Building Code Act and corresponding Regulations.

## 6. REPEAL AND REPLACE





The previous version, and all other versions of the Building Bylaw, are repealed and replaced by this bylaw.

I, Kim Ramsay, CAO & Municipal Clerk of the Municipality of East Hants, hereby certify that the above noted bylaw was passed at a meeting of the East Hants Municipal Council on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Kim Ramsay  
CAO & Municipal Clerk

Bylaw Adoption	
First Reading:	March 29, 2017
Notice of Publication:	April 12, 2017
Second Reading and Enactment:	April 26, 2017
Final Publication:	May 10, 2017
Notice to Service Nova Scotia & Municipal Relations:	May 10, 2017

Bylaw Adoption - Amendment P-900-1 (P-900)	
First Reading:	
Notice of Publication:	
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Final Publication:	
Notice to Service Nova Scotia & Municipal Relations:	





Version Number	Amendment Description	Council Approval Date
1.0	Building Bylaw	June 22, 2005
2.0	Bylaw P-900, Building Bylaw - Updated Bylaw name and number system. Updated references and names of provincial departments. Updated Municipal requirements for cross-connection valves. Removal of fee chart.	April 26, 2017
3.0	Bylaw P-900-1 - Added provisions for construction site fencing.	

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