

TITLE: Building By-law
SECTION: Operational Services
BYLAW NO: D-6

APPROVAL DATE: June 23, 2025

CAO Signature: 

This By-Law shall be known as By-Law Number D-6, and may be cited as the "Building By-Law". The Town's Authority to enact this By-Law comes from the Building Code Act, R.S., c. 46, s. 1.

PART 1 – DEFINITIONS

- 1.1 a) "authority having jurisdiction" means the Town Council of the Town of Amherst and its officials, acting pursuant to Section 5 of the Building Code Act.
- b) "Building Official" means a qualified individual as designated by the Nova Scotia Building Code Training and Certification Board (NSBCTCB).
- c) "Code" means Nova Scotia Building Code Regulations or National Building Code of Canada.
- d) "construct" means to do anything in the erection, installation, extension, relocation, material alteration or material repair of a building and includes the installation of a factory-made building fabricated or moved from elsewhere.
- e) "demolition" means the doing of anything in the removal of a building or any material part thereof.
- f) "material alteration" and "material repair" means the alteration or repair of a building which work is covered by the Building Code.
- g) "owner" means any person, firm or corporation controlling the property under consideration
- h) "location certificate" means a surveyed drawing containing the geographic location of the footings in relation to the property lines. Dimensions will be shown from the footing to the property lines.
- i) "occupancy permit" means an acceptable final inspection has been performed and occupancy has been granted, as per the scope of work as listed in the "Use Description" area of the building permit.
- 1.2 The definitions in Section 1.4.1.2(1) of Division A of the National Building Code and the Nova Scotia Building Code Regulation apply to this bylaw, unless otherwise defined.

PART 2 – PERMITS

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2.1 Application

- a) This by-law applies to the administration and enforcement of the Building Code Act in the design, construction, erection, placement and occupancy of new buildings, and the alteration, reconstruction, demolition, removal relocation, occupancy and change of occupancy classification of existing buildings and to the work necessary to correct unsafe conditions in existing buildings reported to the authority having jurisdiction of observed during an inspection.
- b) Any construction or condition that lawfully existed prior to the effective date of this bylaw need not conform to this by-law provided that such construction or condition does not constitute an unsafe condition in the opinion of the authority having jurisdiction.
- c) Where a building or any part thereof is altered, this by-law applies to the parts of the building that are altered.

2.2 A footing permit, building permit, occupancy permit and demolition permit shall be in the form as provided by the Building Official.

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

2.4 A building permit is valid for 12 months from the date of issuance and is renewable.

2.5 A building permit may be renewed within 30 days of expiration subject to the conditions set forth in Sub-Section 2.8 that an inspection discloses that the project may safely be continued.

2.6 A building permit that is renewed pursuant to Section 2.7 is provisional and subject to the following conditions:

- a) Work on the subject property must begin within thirty (30) days from the time the permit is renewed and shall reasonable and seriously continue until completion;
- b) A building permit may only be renewed once and the duration of the extension shall be based on the estimated completion date of the project;
- c) Any revised plans deemed necessary by the Building Official or required as a result of any change in the scope of the work are to be submitted to and approved by the Building Official prior to commencement of any work; and
- d) A fee for renewal is to be paid in accordance with the Town of Amherst User Fee Policy 3470-03, and as amended from time to time.

2.7 If any of the conditions set forth in Section 2.8 are not met or having been met are subsequently violated, the renewed building permit may be suspended or cancelled by the Building Official.

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- 2.8 An occupancy permit is required for all building permits as per the requirements of the Code. In addition, an occupancy permit shall require that the exterior of the building be completely finished.
- 2.9 Before issuing a demolition permit, the Building Official shall be satisfied that:
- a) the building is not subject to the provisions of a by-law passed pursuant to the Heritage Property Act;
 - b) the remaining structural integrity of a building will not be jeopardized if only a portion of a building is being demolished;
 - c) that a "Notice of Approval" has been filled out by the applicant and signed by the authority having jurisdiction for the Amherst Fire Department. See Appendix "A"; and
 - d) See Section 4.3 for inspection requirements.
- 2.10 A permit is required for a temporary structure, tent or air supported structure if:
- a) the area exceeds 30m² or more;
 - b) it will be occupied for more than three days;
 - c) the permit shall be posted on the structure and shall state the conditions and the date for which the permit is no longer valid;
 - d) the permit may be extended in writing by the Building Official
 - e) see Section 4.3 for inspection requirements.
- 2.14 A permit "at owners risk":
- a) may be issued at the risk of the owner, with conditions to ensure compliance with the Code, to excavate or to construct a portion of a building before all the plans of the project have been submitted or accepted, and
 - b) shall be clearly marked "at owner's risk".
- 2.15 Other Information Required:
- 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 face of the permit.

PART 3 – PERMIT FEES

- 3.1 Fees for permits shall be as prescribed in the Town of Amherst User Fee Policy, Policy 3470-03, and as amended from time to time.

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PART 4 – INSPECTIONS

- 4.1 The owner/agent of/for a building being constructed under the scope of Part 9 of the Code shall notify the Building Official to inspect for compliance with the Code at the following stages of construction as noted on the building permit by the Building Official:
- a) For most conventional styles of construction:
 - 1. Footings in place;
 - 2. ICF foundations to be inspected prior to placing any concrete in the forms;
 - 3. Foundation insulation is placed on exterior of foundation;
 - 4. Water/sewer/storm line connections between footing and property line prior to covering;
 - b) For mini homes (manufactured housing) site preparation, foundation installation and anchorage are to be in accordance with GSA Z240 MH and the inspection requirements are as follows:
 - 1. Pad preparation (if required)
 - 2. Anchorage inspection
 - 3. Water/sewer connection inspection, and
 - 4. Final inspection prior to occupancy.
 - c) For modular homes certified to CAN/CSA-A277-08 “Procedure for Factory Certification of Buildings” as complying with the technical requirements of this Code, the inspection requirements are for all site built components only and they include all relevant inspections as per Sub-Section 4.1.4.
- 4.2 Inspection requirements for a demolition permit are as follows:
- a) A final inspection to ensure that no debris has been left behind and that there are no unsafe conditions or damage caused as a result of the demolition.
- 4.3 Inspection requirements for a temporary structure, tent or air supported structure are as follows:
- a) Prior to any use or occupancy;
 - b) Final inspection once structure has been removed from site.
- 4.4 Location Certificates are required for all new main building construction. They are required once footings or pads have been put in place and prior to the footing inspection being performed. The Building Official will provide the permit holder instructions to continue the work once the required setbacks have been approved.
- a) The following will be excluded from the requirement of a location certificate:

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1. temporary buildings, and
 2. buildings not having a permanent foundation.
- 4.5 The Building Official shall be given a minimum of 24 hours notice to inspect the various stages of construction. Each stage of construction is to be complete in full prior to inspection, or no inspection will occur.
- 4.6 It is the responsibility of the permit owner (or their agent) to ensure that all required inspections are scheduled and that work does not proceed until such time as the Building Official gives written permission to proceed.

PART 5 – HOURS OF OPERATION

- 5.1 No person shall engage in construction or the operation of any construction equipment in connection with construction between the hours of 10:00 p.m. and 6:00 a.m. except where such construction or operation of equipment is on any highway, Town-owned street, sidewalk, or water or sewer utility.
- 5.2 Any person may make application to the Building Official to be granted an exemption from Part 5.1 of this Bylaw. 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 Official 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 Part 5.2 or in determining terms or conditions of the exemption, the Building Official 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; and
 - (f) any other factor 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 Any contravention of the terms or conditions of an exemption pursuant to Part 5.2

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shall constitute a contravention of this Bylaw. In addition to any other available remedies for such contravention, the Building Official may suspend or cancel an exemption.

PART 6 - PENALTIES

- 6.1 Every person who contravenes any provision of this By-law, the Building Code Act or the Nova Scotia Building Code Regulations is guilty of an offence and on summary conviction is liable to a fine of not less than five hundred dollars (\$500.00) and not exceeding twenty-five thousand dollars (\$25,000) or to imprisonment for a term of not more than one year or both as per the provision set forth in Section 19 of the Building Code Act.

EFFECTIVE DATE

This Bylaw shall come into effect from and after the date of publication.

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For Administrative Use Only:

ROLES AND RESPONSIBILITIES

| Building By-law D-6 Adoption | |
|-----------------------------------------------------------------|---------------|
| First reading: | May 26, 2025 |
| Notice of Intent: | May 27, 2025 |
| Second Reading: | June 23, 2025 |
| Notice of Publication and Effective Date of Bylaw: | July 9, 2025 |
| Notice to Service Nova Scotia & Municipal Relations: | July 11, 2025 |

VERSION LOG

| Bylaw Owner | Amendment Description | Council Approval Date |
|----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| Director of Planning & Economic Development, Fisher | Mostly housekeeping in nature, and to update definitions to align with the latest edition of the National Building Code of Canada and new Building Code regulations. | June 23, 2025 |

Minutes reference date: June 23, 2025 May 24, 2011 May 5, 2008