

THE RURAL MUNICIPALITY OF PINEY
BY-LAW NO. 113/2016

A BY-LAW TO PROVIDE FOR THE ADOPTION OF PROVINCIAL CODES,
THE APPOINTMENT OF A BUILDING INSPECTOR, AND THE
ADMINISTRATION AND ENFORCEMENT OF THE BUILDING AND
DEVELOPMENT PERMIT SYSTEM.

The Council of the Rural Municipality of Piney in meeting duly assembled at Vassar, Manitoba enacts as a by-law the following:

Background and purpose

1. *The Rural Municipality of Piney Zoning By-law* regulates the construction of buildings and requires that development permits be obtained before such work may be carried out.
2. Under *The Buildings and Mobile Homes Act* the municipality is required to adopt and enforce *The Manitoba Building Code*.
3. The council wishes to appoint a building inspector and provide for a system of building and development permits that is complementary to the administration of the *Zoning By-law*.

Interpretation

4. In this by-law,

“building” means a structure used or intended to be used in supporting or sheltering any use or occupancy;

“Code” means *The Manitoba Building Code*, *The Manitoba Fire Code*, or *The Manitoba Plumbing Code*.

“farm building” means a building, other than a dwelling, situated on a farm and used or intended to be used in the farm operation only;

“owner” means the registered owner of the land;

“permit” means building and/or development permit unless specifically identified;

“renovate” means to reconstruct part or all of the interior or exterior of a building without enlargement or structural alteration.
5. The footnotes are part of this by-law.

Adoption of Codes

6. The municipality adopts without changes *The Manitoba Building Code*, *The Manitoba Fire Code*, and *The Manitoba Plumbing Code*, as provided for in the province’s Regulations 164/98, 163/98 and 161/98 respectively.
7. If the province replaces a Code or makes changes to it, the municipality adopts such changes automatically, without further action by council.

Permit required

8. No person shall construct, erect, place, enlarge, structurally alter, renovate, demolish, relocate, remove or change the occupancy¹ of a building without first obtaining the corresponding permit from the municipality.

¹ This refers to the occupancies mentioned in *The Manitoba Building Code*.

9. Where a permit is required, no preparatory work, including excavation or placement of temporary or permanent building may take place on the land before the permit is obtained.
 - (a) In the case of a building proposed to be moved from a site within or outside the municipality, this building must first be approved by the Building Inspector prior to its relocation and prior to issuance of a permit;
10. A building permit issued by the municipality fulfills the requirement of the *Zoning By-law* for a development permit.

Application for permit

11. Where the building is of a class for which the building permit is administered by the province², an application must be made to the Office of the Fire Commissioner and is administered by that office. Nevertheless, a development permit for the building must be obtained from the municipality under the *Zoning By-law*. The developer must complete and sign an application on the form approved by the municipality for a development permit.
12. An application to the municipality for a permit may be made by the owner or a person authorized in writing by the owner. The application must include:
 - (a) a completed and signed application (on a form approved by the municipality);
 - (b) information as to the location and intended purpose of the building;
 - (c) a plan or plans showing the dimensions of the building or work;
 - (d) plans and specifications of the proposed work in sufficient detail to show that the proposed building or work complies with this by-law, the Codes, the Zoning By-law and other requirements;
 - (e) the fee called for in By-Law 109/2015 or any other prescribed fee by-law and amendment thereof by the municipality.
13. Plans and specifications submitted with building permit applications must bear the name and business address of the designer.
14. Permit applications and the documents submitted with them become the property of the municipality.
15. If the building inspector considers that site conditions or a building's size or complexity warrant it, the building inspector may require an applicant to submit in connection with an application,
 - (a) structural, electrical, mechanical, or fire suppression drawings prepared and sealed by a registered professional³; or
 - (b) a surveyor's certificate.

In this case the application is not complete until the requested documents are submitted.

16. A permit for a new building must not be issued until the site is served by a proper culvert and crossing in compliance with the RM of Piney Private Approach Policy.

² As provided in *Classes of Building Designation Regulation 204/97*. They are:

(a) buildings that have a floor area of more than 600 m² (6,000 sq. ft.)

(b) buildings that have more than three stories;

(c) buildings that are referred to in clause 2.1.2.1.(1)(a) (assembly occupancies, care or detention occupancies, high hazard industrial occupancies) of The Manitoba Building Code.

³ Under *The Manitoba Building Code*, a registered professional engineer (MBC).

17. If on the basis of the application and the information supplied with it, it appears to the building inspector or municipality that the proposed building, work or use does not contravene this by-law, a Code, the Zoning By-law, other by-laws, or provincial laws and regulations, the building inspector or municipality may issue a permit to the applicant.
18. A permit is issued in the name of the owner, and where the applicant is not the owner, to the owner and the applicant jointly.
19. A permit may be issued subject to conditions.
20. A holder of a permit may request the building inspector to approve alterations to plans and specifications. If in the opinion of the building inspector the nature and complexity of the alterations warrant it, the building inspector may suspend the issued building permit and require an additional fee for review and approval of the alterations.

Performance agreements

21. Before a permit may be issued and at the discretion of the CAO, an owner may be required to enter into a performance agreement with the municipality in a form approved by the municipality for the following cases:
 - (a) demolition or removal of a building from the municipality;
 - (b) construction of a new dwelling where none existed on the property previously;
 - (c) moving a building (except a mobile home or factory built building) from a site within or outside the municipality to a site in the municipality.

Building inspector

22. The office of building inspector is established to carry out the powers, duties and functions of a designated officer under this by-law.
23. Council may appoint one or more persons as building inspector.
24. The building inspector must
 - (a) administer and enforce this by-law;
 - (b) keep records of applications and plans received, inspections and tests made, permits and orders issued, and all other reports and documents connected with the building inspector's functions;
 - (c) examine applications and plans received;
 - (d) make inspections of buildings and premises when requested at an appropriate stage of construction and with reasonable advance notice.
25. The building inspector shall have the following powers:
 - (a) the powers of inspection and enforcement under Division 3, Part 7 of *The Municipal Act*;
 - (b) the power to order work on a building or premises to stop if a building permit has not been obtained;
 - (c) the power to order work on a building or premises to stop until a condition is rectified, if in the building inspector's opinion,

- (i) work is being carried out not in compliance with the permit, plans submitted, a condition under which a building permit was issued, a Code, the *Zoning By-law*, another by-law, or provincial laws or regulations, or
 - (ii) there is an unsafe condition;
- (d) the power to revoke a permit if
 - (i) it was issued in error,
 - (ii) the applicant submitted false or misleading information,
 - (iii) the work has not started within 1 year of issuance,
 - (iv) work is discontinued for a year,
 - (v) a condition under which the permit was issued has not been met, or
 - (v) there is unauthorized deviation from the approved plans and specifications;
- (e) the power to prohibit occupancy of a building if in the building inspector's opinion,
 - (i) there is a breach of this by-law, a Code, the *Zoning By-law*, a condition under which a building permit was issued, another by-law, or provincial laws and regulations, or
 - (ii) there is an unsafe condition.

Owner's responsibilities

- 26. An owner must ensure that construction complies with this by-law, a Code, the *Zoning By-law*, a condition under which a permit was issued, another by-law, or provincial laws and regulations. The issuance of a permit and inspection by the municipality do not relieve the owner of this responsibility.
- 27. The owner is liable for the cost of repairing damage to municipal property (including roads) occurring in the course of building work or the moving of a building. If the holder of a permit is not the owner, both the holder and the owner have this liability, jointly and severally.
- 28. An owner must during construction keep the building permit with approved plans and specifications in a conspicuous place on the premises.
- 29. An owner and a holder of a permit must comply with an order of the building inspector.

Review

- 30. An owner, an applicant, or a holder of a permit may request council to review a decision or order of the building inspector, by giving a written notice to the Chief Administrative Officer within 14 days of receiving the decision or order.
- 31. Upon receiving a request for review, the Chief Administrative Officer must set a date and time for the review by council, and notify the person of the date of the review.
- 32. At the time and place set out in the notice, council will convene the review. The person who made the request may appear in person or by counsel. After reviewing the order, council may confirm, vary, substitute or cancel the decision or order.

Offence and costs

33. A person who contravenes this by-law or a Code, including an owner on whose land a contravention takes place, is guilty of an offence and is liable to:
- (a) a fine of not more than \$1000;
 - (b) a penalty equal to the municipality’s cost of enforcement, to a maximum of \$1000; and
 - (c) in the case of a contravention of section 8, a penalty equal to the permit fee.
34. The following amounts may be collected and enforced by the municipality in the same manner as a tax may be collected or enforced under *The Municipal Act*:
- (a) a fine or penalty imposed on conviction;
 - (b) the cost of repairing damage to municipal property (including roads) that occurs in the course of building work or moving a building;
 - (c) the cost of an action taken by the municipality under section 245 or 246 of *The Municipal Act*.

Repeal and transitional

35. By-law No. 6/97 is repealed.
36. Permits, orders and decisions made under the repealed by-law remain in effect, unless revoked or changed under this by-law.
37. An application for a permit that was made under the repealed by-law but not granted continues under this by-law.

DONE AND PASSED as a by-law of The Rural Municipality of Piney, in Vassar, in the Province of Manitoba, this 3rd day of March, A.D., 2016.

The Rural Municipality of Piney

Originally Signed

Wayne Anderson
Reeve

Originally Signed

Martin Van Osch
Chief Administrative Officer

Read a first time this 9th day of February, A.D., 2016.
Read a second time this 23rd day of February, A.D., 2016.
Read a third time this 3rd day of March, A.D., 2016.