

**THE RURAL MUNICIPALITY OF MACDONALD**

**BY-LAW NO. 20/97**

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF  
MACDONALD to provide for the administration of the  
~~Manitoba Building Code and other building standards~~

**Spheres of jurisdiction**

**232 (1)** A council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property; . . . . .
- (b) . . . . .

**Exercising by-law -making powers**

**232(2)** Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

- (a) regulate or prohibit;
- (b) . . . . .
- (c) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following:
  - (i) . . . . .
  - (vi) providing for the posting of a bond or other security to ensure compliance with a term or condition;

AND WHEREAS Section 4 of The Building and Mobile Homes Act indicates that:  
...”notwithstanding anything to the contrary in any other Act of the Legislature, each municipality unless excluded under clause 2(2)(c) shall adopt and enforce any construction Code or building construction standard adopted, established or prescribed under section 3 for the province or the municipality or the part of the province in which the municipality is situated, and may make such by-laws as are necessary for those purposes”

AND WHEREAS the Council of the Rural Municipality of Macdonald deems it expedient and in the public interest to pass a by-law to provide for the administration of the Manitoba Building Code and other building standards;

NOW THEREFORE, the Council of the Rural Municipality of Macdonald, in Council assembled, enacts that Schedule “A” to this by-law is hereby adopted as the standards which apply to the administration and enforcement in the design, construction, erection, placement and occupancy of new buildings, and the alteration, reconstruction, demolition, removal, relocation, occupancy and change in occupancy of existing buildings and any requirements that are necessary to correct unsafe conditions in existing buildings.

DONE AND PASSED by the Council of the Rural Municipality of Macdonald, in Council duly assembled, at Sanford, Manitoba this 23<sup>rd</sup> day of December, A.D., 1997.

THE RURAL MUNICIPALITY OF MACDONALD

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Chief Administrative Officer

Read a First time this 9<sup>th</sup> day of December, A.D., 1997

Read a Second time this 9<sup>th</sup> day of December, A.D., 1997

Read a Third time this 23<sup>rd</sup> day of December, A.D., 1997

**Section 1 Title**

This by-law may be cited as the Rural Municipality of Macdonald Building By-Law.

**Section 2 Scope and Definitions**

**2.1. Scope:**

2.1.1. This by-law applies to the whole of the Rural Municipality of Macdonald.

2.1.2. This by-law applies to administration and enforcement in the design, construction, erection, placement and occupancy of new buildings, and the alteration, reconstruction, demolition, removal, relocation, occupancy and change in occupancy of existing buildings and any requirements that are necessary to correct unsafe conditions in existing buildings.

2.1.3. The requirements of the *Code* are hereby adopted and shall apply to all work falling within the scope and jurisdiction of this by-law.

2.1.4. Any construction or condition that lawfully existed before the effective date of this By-law need not conform to the requirements of this by-law if such construction or condition does not constitute an unsafe condition in the opinion of the *Authority Having Jurisdiction*.

**2.2. Definitions:**

2.2.1. The words and terms in italics in this by-law shall have the meaning prescribed in subsection 2.2.3 herein, and if no definition is provided herein they shall have the meanings as prescribed in the *Code*. Should a word or term be defined in both this by-law and the *Code*, then the definition set forth in this by-law shall govern.

2.2.2. Definitions of words and phrases used in this by-law that are not specifically defined in the *Code* or in this subsection shall have the meanings that are commonly assigned to them in the context in which they are used in these requirements, considering the specialized use of terms within the various trades and professions to which the terminology applies.

2.2.3. Words and terms in italics in this by-law shall have the following meanings:

*"Audit"* means a random review of design or construction work by the *Authority Having Jurisdiction* to ascertain compliance with the *Code* and this by-law

*"Authority Having Jurisdiction"* means the Rural Municipality of Macdonald and, where the context requires, such building

inspector or other authority lawfully appointed by Rural Municipality of Macdonald to administer and enforce the provisions of this by-law

"*Code*" means the Manitoba Building *Code* as established, adopted and revised from time to time under Section 3 of the Buildings and Mobile Homes Act

"*Council*" means the municipal *Council* of the Rural Municipality of Macdonald

"*Permit*" means written permission or written authorization from the *Authority Having Jurisdiction* in respect to matters regulated by this by-law

"*Person*" means and includes any individual, corporation partnership, firm, joint venture, syndicate, association or trust, and any other form of entity or organization

"*RTM*" means ready to move houses being houses or buildings constructed in one location and moved to a different location

"*Valuation*" shall mean the total monetary worth of all construction or work, including all painting, papering, roofing, electrical work, plumbing, permanent or fixed equipment, including any permanent heating, elevator equipment or fire sprinkler equipment, and all labour, materials and other devices entering into and necessary to the prosecution of the work in its completed form. No portion of any building including, mechanical, electrical and plumbing work, shall be excluded from the *Valuation* for a *Permit*.

### **Section 3           General**

#### 3.1 Application Generally:

This by-law applies to the design, construction, erection, placement and occupancy of new buildings and the alteration, reconstruction, demolition, removal, relocation, occupancy and change in occupancy of existing buildings.

#### 3.2 Limited Application to Existing Buildings:

3.2.1 When a building or any part of it is altered or repaired, the *Code* applies to the parts of the building altered or repaired except that where in the opinion of the *Authority Having Jurisdiction*, the alteration will affect the degree of safety of the existing building, the existing building shall be improved as may be required by the *Authority Having Jurisdiction*.

- 3.2.2 The number of storeys of an existing building or structure shall not be increased unless the entire building or structure conforms with the requirement of the *Code*.
- 3.2.3 The requirements of this by-law apply where the whole or any part of a building is relocated either within or into the area of jurisdiction of the *Authority Having Jurisdiction*.
- 3.2.4 When the whole or any part of a building is demolished, the requirements of this by-law apply to the work involved in the demolition and to the work required to any parts remaining after demolition to the extent that deficiencies occurring or remaining after demolition require correction.
- 3.2.5 When a building is damaged by fire, earthquake or other cause, the *Code*, the requirements of this by-law and the appropriate regulations under the Fire Prevention Act, and the Manitoba Fire *Code*, apply to the work necessary to reconstruct damaged portions of the building.
- 3.2.6 When an unsafe condition exists in or about a building, the *Code*, the requirements of this by-law and the appropriate regulations in the Fire Prevention Act, and the Manitoba Fire *Code*, shall apply to the work necessary to correct the unsafe condition.
- 3.2.7 When the occupancy of a building or any part of it is changed, the requirements of this by-law apply to all parts of the building effected by the change.

### 3.3 Exemptions:

- 3.3.1 These requirements do not apply to
- (a) sewage, water, electrical, telephone, rail or similar systems located on a street or a public transit right of way
  - (b) public utility towers or poles, television and radio or other communication aerials and towers, except for loads resulting from those located on or attached to buildings.
  - (c) flood control and hydro electric dams and structures
  - (d) mechanical or other equipment and appliances not regulated in this by-law.
  - (e) accessory buildings not greater than 10 square meters (108 sq. ft.) in building area subject to the concurrence of the *Authority Having Jurisdiction*.
  - (f) a farm building, other than a farm building used as residence, an attached or detached garage or carport.

### 3.4 Prohibitions:

- 3.4.1 Any *Person* who fails to comply with an order or notice issued by any *Authority Having Jurisdiction*, or who allows a violation of the requirements of this by-law or of the *Code* to occur or to continue, contravenes the provisions of this by-law.
- 3.4.2 No *Person* shall undertake any work or authorize or allow work to proceed on a project for which a *Permit* is required unless a valid *Permit* exists for the work to be done.
- 3.4.3 No *Person* shall deviate from the accepted plans and specifications forming part of the *Permit*, or omit or fail to complete, prior to occupancy, work required by the said accepted plans and specifications, with out first having obtained the acceptance of the *Authority Having Jurisdiction* to allow such deviation except for minor changes to accepted plans and specifications which, when completed would not cause a violation of the *Code* or other by-laws.
- 3.4.4 Where an occupancy *Permit* is required by Section 4.2.2. herein, no *Person* shall occupy or allow the occupancy of any building, or part thereof, or change the occupancy, unless and until an occupancy *Permit* has been issued by the *Authority Having Jurisdiction*.
- 3.4.5 No *Person* shall knowingly submit false or misleading information to the *Authority Having Jurisdiction* concerning any matter relating to this by-law.
- 3.4.6 No *Person* shall excavate or undertake work on, over or under public property, or erect or place any construction or work or store any materials thereon without receiving prior approval in writing from the appropriate government authority.
- 3.4.7 No *Person* shall allow the ground elevations or the property boundaries of a building lot to be changed so as to place a building, or part of it, in contravention of the requirements of this by-law, unless the building, or part of it, is so altered, after obtaining the necessary *Permit*, such that no contravention will occur because of the change of the property boundary or grades.

### 3.5 Mobile Homes and RTM's

- 3.5.1 Mobile homes and/or RTM's shall comply with the requirements of the *Code*.
- 3.5.2 The *Authority Having Jurisdiction* may require any or all of the following in respect to a mobile home or *RTM* sought to be

located within the area of jurisdiction of the *Authority Having Jurisdiction*:

- (a) the submission of a complete set of plans and specifications;
- (b) the seal of an Engineer licensed in the Province of Manitoba in respect to all building components requiring professional certification;
- (c) submission of copies of any or all permits taken out for the mobile home or *RTM* in the location of its construction together with a copy of any or all inspection reports;
- (d) such inspections or certifications as the *Authority Having Jurisdiction* may deem necessary in order to ensure compliance with the *Code* and this by-law.

### 3.6 Other Minimum Building Requirements

3.6.1 For one-storey wood frame detached accessory buildings with an area of less than 50 square meters (538 sq. ft.), the structure will have to be anchored down to prevent uplift by the wind and if a concrete slab is used, it is recommended that the slab be not less than 100 mm (4 in.) thick complete with reinforcing steel. Concrete slabs for buildings with an area of 50 square meters (538 sq. ft.) to 70 square meters (753 sq. ft.) inclusive must be placed on a minimum of 100mm (4 in.) compacted gravel, must be a minimum of 150 mm (6 in.) thick with reinforcing steel 10 M @ 450 mm o.c. (18 in. o.c.), must include a thickened edge of a minimum 300 mm (12 in.) by 300mm (12 in.) with 20 M bars top and bottom continuous around perimeter. Concrete must have a minimum strength of 20 Mpa (3000 psi) after 28 days and must have air entrainment of 5 to 8 percent. For a building area greater than 70 square meters (753 sq. ft.) the foundation must be designed by an Engineer licensed in the Province of Manitoba.

3.6.2 All wooden suspended basement floors shall provide a minimum of 1 foot clearance from the bottom of the floor joists/beams to finished ground level.

Amended by  
B.L. No. 7/04

3.6.3 For single beam unenclosed decks or one storey all season decks, the minimum standards for a pile foundation shall be in accordance with the plans and specifications set out on Schedule "G" hereto.

Amended by  
B.L. No. 7/04

3.6.4 For double beam unenclosed decks or one storey all season decks, the minimum standards for a pile foundation shall be in

accordance with the plans and specifications set out on Schedule "H" hereto.

#### **Section 4 Permits**

##### 4.1 Application:

4.1.1 Except as otherwise allowed by the *Authority Having Jurisdiction*, every application for a *Permit* shall be in the form prescribed by the *Authority Having Jurisdiction* and shall:

- (a) identify and describe in detail the work and occupancy to be covered by the *Permit* for which the application is made;
- (b) describe the land on which the work is to be done by a description that will readily identify and locate the building lot;
- (c) state the *Valuation* of the proposed work and be accompanied by the required fee including necessary security deposits as established from time to time by a resolution passed by the *Council*;
- (d) include those plans and specifications set out on Schedule A hereto (unless otherwise waived by the *Authority Having Jurisdiction*), and show the occupancy of all parts of the building;
- (e) include the plans and specifications for the construction of a wood frame basement/foundation indicating that the construction will be inspected and certified by an architect and/or professional engineer skilled in the appropriate work and licensed to practice in the Province of Manitoba;
- (f) state the names, addresses and telephone numbers of the owners, architect, professional engineer or other designer, constructor and any inspection or testing agency engaged to monitor the work or part of the work; and
- (g) include such additional information as may be required by the *Authority Having Jurisdiction*.

4.1.2 When an application for a *Permit* has not been completed in conformance with the requirements of the *Authority Having Jurisdiction* within six months after the date of filing, the application shall (unless otherwise extended by the *Authority Having Jurisdiction*) be deemed to have been abandoned and can only be reinstated by re-filing.

4.1.3 A *Permit* shall expire and the right of an owner under the *Permit* shall end if;

- (a) the work authorized by the *Permit* is not commenced

within six months from the date of issue of the *Permit* and actively carried out after that, or

(b) the work authorized under the *Permit* is suspended for six months unless otherwise extended by the *Authority Having Jurisdiction*; and

(c) a *Permit* which has expired shall be subject to a minimum fee as established from time to time by a resolution passed by the *Council*.

4.1.4 Any revision to the original application described in article 4.1.1. shall be made in the same manner as for the original *Permit*.

4.1.5 Applications for permits may be filed, and permits may be issued to an owner, or to a constructor or other properly authorized agent of the owner.

## 4.2 Permits

### 4.2.1 Building Permits:

4.2.1.1 Except as permitted in Article 4.2.1.2 herein, unless a building *Permit* has first been obtained from the *Authority Having Jurisdiction*, no *Person* shall commence or cause to be commenced:

(a) the location, placement, erection or construction of any building or structure or portion thereof;

(b) the addition, extension, improvement, alteration or conversion of any building or structure, or portion thereof;

(c) the repair, rehabilitation, or renovation of any building or structure, or portion thereof;

(d) underpinning;

(e) the relocation or removal of any building or structure, or portion thereof;

(f) the excavation of any land for any purpose of erecting or locating on or above it, any building or structure;

(g) the installation, construction, repair, renewal, alteration or extension of a mechanical system;

(h) the installation, construction, alteration or extension of a spray paint operation, spray painting booth, dip tank or other special process; or

(i) the alteration, addition, erection or re-erection of a sign.

4.2.1.2 A building *Permit* is not required for:

(a) patching, painting, decorating or general maintenance;

(b) replacement of stucco, siding or shingles with the same



material;

(c) replacement of doors or windows when the opening is not altered;

(d) replacement of open landing and stairs;

(e) installation of cabinets and shelves;

(f) a detached accessory storage building not greater than 10 square meters (108 sq. ft.) in building area subject to the concurrence of the *Authority Having Jurisdiction*;

(h) non-structural alterations or repairs where the value of such work is less than five thousand dollars (\$5,000.00)

4.2.1.3 Notwithstanding that a building *Permit* is not required for the work described in Article 4.2.1.2, such work shall comply with the *Code* and the provisions of this or other applicable by-laws and the work shall not place the building or structure in contravention or further contravention of the *Code* or this or any other by-law.

4.2.1.4 Before the issuance of a building *Permit* for cases described in Subsection 5.1.19(1), the owner shall (unless the *Authority Having Jurisdiction* waives such requirement) submit Letters of Assurance in the forms set out in Schedules B and C, as attached hereto, which:

(a) confirm that the owner has retained the necessary architects or professional engineers for all the applicable disciplines, for professional design and inspection; and

(b) incorporate the architects' or professional engineers' assurance of professional design and commitment for inspection.

4.2.1.5 Before the issuance of a building *Permit*, for cases in which professional design is not required, the owner shall (unless the *Authority Having Jurisdiction* waives such requirement) submit a Letter of Assurance, in the form set out in Schedule D as attached hereto, confirming that the owner will ensure that the building will be constructed in accordance with the *Code*.

#### 4.2.2 Occupancy Permits:

Except as otherwise permitted herein, no *Person* shall occupy or use or *Permit* the occupancy or use or change the occupancy or use of any building or part thereof, for which an occupancy *Permit* is required hereunder.

4.2.2.1 An Occupancy *Permit* is required from the *Authority Having Jurisdiction* for:

- (a) the occupancy of any new building or structure or portion thereof except a single-family dwelling, a two-family dwelling or a multi-family dwelling without shared exit facilities;
- (b) the occupancy of any existing building or structure where an alteration is made thereto, except a single-family dwelling, a two-family dwelling or a multi-family dwelling without shared exit facilities;
- (c) for a change from one Major Occupancy group to another or a change from one division to another within a Major Occupancy group in any existing building or structure, or part thereof;
- (d) for a change from one use to another within the same division in a Major Occupancy group which results in an increase in the occupant load;
- (e) for a change or addition of an occupancy classification of a suite in a building; and
- (f) for a change from a use not previously authorized to a new use.

4.2.2.2 Before the issuance of an occupancy *Permit*, the owner shall (unless the *Authority Having Jurisdiction* waives such requirement) submit Letters of Assurance in the form set out in the applicable Schedules E and F, as attached hereto, confirming that the construction of the building, work or project conforms with the plans, specifications and related documents for which the building *Permit* was issued.

4.2.2.3 The *Authority Having Jurisdiction* may issue an Interim Occupancy *Permit* for a partial use of a building or structure subject to any conditions imposed by the *Authority Having Jurisdiction*.

4.2.2.4 No change shall be made in the type of occupancy or use of any building or structure, which would place the building or structure in a different occupancy group, or divisions within a group, unless such building or structure is made to comply with the requirements of the *Code* for that occupancy group, or division within a group.

4.2.2.5 The *Authority Having Jurisdiction* may issue a Temporary Occupancy *Permit* for the use of a building or structure approved as a temporary building or structure.

4.2.2.6 A Temporary Occupancy *Permit* shall be for a period not more than six (6) months, but before the expiration of such period, the Temporary Occupancy *Permit* may be renewed by the *Authority Having Jurisdiction* for two further six months periods.

4.2.2.7 Notwithstanding apparent compliance with the by-law, the *Authority Having Jurisdiction* may refuse to issue an Occupancy Permit if the building, structure or proposed use is to the authority's knowledge in violation of a Zoning by-law, or any other by-law of the *Authority Having Jurisdiction*.

4.2.2.8 An applicant for an Occupancy Permit shall supply all information requested by the *Authority Having Jurisdiction* to show compliance with the by-law and any other relevant by-laws of the *Authority Having Jurisdiction*.

4.2.2.9 The required Occupancy Permit shall be displayed and maintained in a legible condition by the owner or his agent in a location acceptable to the *Authority Having Jurisdiction*.

4.2.2.10 Notwithstanding that an Occupancy Permit is not required for a single-family dwelling, a two family dwelling or a multi-family dwelling without shared exit facilities, a final inspection is required prior to the occupancy of any dwelling and the continued activation of the municipal sewer and water service.

#### 4.2.3 Demolition Permits

4.2.3.1 No Person shall commence or cause to be commenced the demolition of any building or structure, or portion thereof, in any Residential, Commercial, Industrial or General Development Zone as identified in the Rural Municipality of Macdonald Zoning By-Law, unless a Demolition Permit has first been obtained from the *Authority Having Jurisdiction*.

4.2.4.1 The demolition of a building or structure shall be subject to the requirements of the *Code*.

#### 4.2.4 General:

4.2.4.1 No Permit shall be assigned or transferred without the written consent of the *Authority Having Jurisdiction*.

### **Section 5 Duties, Responsibilities & Powers**

#### 5.1 Duties and Responsibilities of the Owner:

5.1.1 Every owner shall allow the *Authority Having Jurisdiction* to enter any building or premises at any reasonable time for the purpose of administering and enforcing the requirements of this

by-law.

- 5.1.2 Every owner shall obtain all permits or approvals required in connection with proposed work, prior to commencing the work to which they relate.
- 5.1.3 Every owner shall:
- (a) ensure that the plans and specifications on which the issue of any *Permit* was based are available continuously at site of the work for *audit* or inspection during working hours by the *Authority Having Jurisdiction*, and the *Permit*, or true copy thereof, is posted conspicuously on the site during the entire execution of the work.
  - (b) keep visible at all times during construction the street number of the premises in figures at least 3 inches (75 mm) high and visible from the street or sidewalk.
- 5.1.4 Every owner shall give notice to the *Authority Having Jurisdiction* of dates on which he intends to begin work prior to commencing work on the building site.
- 5.1.5 Every owner shall before commencing the work, give notice in writing to the *Authority Having Jurisdiction*, prior to commencing the work, listing
- (a) the name, address and telephone number of
    - (i) the constructor or other *Person* in charge of the work;
    - (ii) the designer of the work;
    - (iii) the *Person* reviewing the work; and
    - (iv) any inspection or testing agency engaged to monitor the work or part of the work.
  - (b) any change in or termination or employment of such persons during the course of the construction immediately that such change or termination occurs.
- 5.1.6 Every owner shall give sufficient notice to the *Authority Having Jurisdiction*
- (a) of intent to begin work that the *Authority Having Jurisdiction* had directed may be subject to *audit* during construction,
  - (b) of intent to cover work that the *Authority Having Jurisdiction* has directed may be subject to *audit* during construction, and
  - (c) when work has been completed and before occupancy.
- 5.1.7 Every owner shall give notice in writing to the *Authority Having Jurisdiction*
- (a) immediately upon any change in ownership or change in the address of the owner occurs prior to the issuance of an

Occupancy *Permit*;

(b) prior to occupying any portion of the building if it is to be occupied in stages; and

(c) of any such other notice as may be required by the *Authority Having Jurisdiction*.

5.1.8 Every owner shall give such other notice to the *Authority Having Jurisdiction* as may be required by the provisions of the *Code* or this by-law.

5.1.9 Every owner shall make, or have made at his own expense, the tests or inspections necessary to prove compliance with these requirements and shall promptly provide a copy of all such test or inspection reports to the *Authority Having Jurisdiction* when and as required by the *Authority Having Jurisdiction*.

5.1.10 Every owner shall provide an up-to-date survey of the building site when and as required by the *Authority Having Jurisdiction*.

5.1.11 When required by the *Authority Having Jurisdiction*, every owner shall uncover and re-cover at his own expense any work that has been covered contrary to an order issued by the above authority.

5.1.12 Every owner is responsible for the cost of repair of any damage to public property or works located thereon that may occur as a result of undertaking work for which a building *Permit* was or was not required and such costs will be deducted from the applicable security deposit as established from time to time by a resolution passed by the *Council* with any additional costs over and above the applicable security deposit added to the taxes to be due and payable in the same manner as ordinary taxes against the land.

5.1.13 Except in one and two family dwellings and their accessory buildings, every owner shall, where required, obtain an occupancy *Permit* from the *Authority Having Jurisdiction* before any

(a) occupancy of a building or part of it after construction, partial demolition or alteration of that building, or

(b) change in the occupancy of any building or part of it.

5.1.14 Every owner shall require a final inspection to be done of a one or two family dwelling by the *Authority Having Jurisdiction* prior to the occupancy of such building or structure and shall not occupy such building or structure prior to the completion of any necessary work required by the *Authority Having Jurisdiction*.

5.1.15 Should occupancy of a one or two family dwelling occur before the final inspection or completion of any necessary work

required by the *Authority Having Jurisdiction*, any required security deposit will be surrendered to the *Authority Having Jurisdiction*.

5.1.16 Should occupancy occur before the completion of any work being undertaken, every owner shall ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed.

5.1.17 The granting of a *Permit* by the *Authority Having Jurisdiction* shall not in any way relieve the owner of a building from full responsibility for carrying out the work or having it carried out in accordance with these requirements, including ensuring that the occupancy of the building, or any part of it, is in accordance with the terms of the *Permit*.

5.1.18 When a building or part of it is in an unsafe condition, the owner shall immediately take all necessary action to put the building in a safe condition.

5.1.19 (1) Every owner who undertakes to construct or have constructed a building which

(a) has structural components falling within the scope of Part 4 of the *Code*,

(b) has structural components specifically requiring a professional engineer design in accordance with the *Code*, or

(c) requires the use of firewalls according to the *Code*.

Shall ensure that an architect, professional engineer or both are retained to undertake professional design and inspection.

(2) Professional design and inspection referred to in sentence (1) requires that an architect, professional engineer or both be responsible

(a) for the design and that all appropriate plans, specifications and related documents meet the requirements of the *Code*, and the requirements of applicable acts, regulations and by-laws, and bear the seal or stamp of the registered professional, and

(b) for inspection of construction to ensure compliance with the design and the requirements of applicable acts, regulations and by-laws.

(3) If the engagement of an architect or professional engineer pursuant to Sentences 5.1.19.(1) and (2) is terminated during the construction period, work shall be discontinued until a replacement has been appointed.

(4) The requirements of Sentences 5.1.19.(1), (2) and (3) shall apply to a change in occupancy, an alteration, addition,

reconstruction or the relocation of a building where and as required by the *Authority Having Jurisdiction*.

5.1.20 Where the dimensions of a structural component are not provided in Part 9 of the *Code* for use in a building within the scope of that part, and such dimensions are to be determined on the basis of calculation, testing or other means of evaluation, the owner shall retain the services of an architect or professional engineer.

5.1.21 Every owner who undertakes to construct, alter, reconstruct, demolish, remove or relocate a building shall provide supervision and coordination of all work and trades.

5.1.22 Every owner shall ensure that all materials, systems, equipment, and the like used in the construction, alteration, reconstruction or renovation of a building meet the requirements of applicable acts, regulations and by-laws for the work undertaken.

5.1.23 Every owner shall be responsible for all costs including legal costs incurred by the *Authority Having Jurisdiction* seeking to enforce any requirements of applicable acts, regulations and by-laws for the work undertaken and such costs will be deducted from the applicable security deposit as established from time to time by a resolution passed by the *Council*.

## 5.2 **Duties And Responsibilities Of The Constructor:**

5.2.1 Every Constructor shall ensure that all construction safety requirements of the *Code* are complied with.

5.2.2 Every Constructor is responsible for ensuring that no excavation or other work is undertaken on public property, and that no building is erected or materials stored in whole or in part thereon without first having been obtained in writing from the *Council*.

5.2.3 Every Constructor shall be responsible for all costs including legal costs incurred by the *Authority Having Jurisdiction* seeking to enforce any requirements of applicable acts, regulations and by-laws for the work undertaken and such costs will be deducted from the applicable security deposit as established from time to time by a resolution passed by the *Council*.

5.2.4 Every Constructor is responsible for the cost of repair of any damage to public property or works located thereon that may occur as a result of undertaking work for which a building *Permit* was or was not required and such costs will be deducted from the applicable security deposit as established from time to time

by a resolution passed by the *Council* with any additional costs over and above the applicable security deposit added to the taxes to be due and payable in the same manner as ordinary taxes against the land.

5.2.5 Every Constructor shall require a final inspection to be done of a one or two family dwelling by the *Authority Having Jurisdiction* prior to the occupancy of such building or structure and shall not occupy such building or structure prior to the completion of any necessary work required by the *Authority Having Jurisdiction*.

5.2.6 Should occupancy of a one or two family dwelling occur before the final inspection or completion of any necessary work required by the *Authority Having Jurisdiction*, any required security deposit will be surrendered to the *Authority Having Jurisdiction*.

5.2.7 Every Constructor is responsible jointly and severally with the owner for work actually taken.

### **5.3 Duties & Responsibilities of Authority Having Jurisdiction:**

5.3.1 The *Authority Having Jurisdiction* shall administer this by-law and shall have the powers of enforcement more particularly set out in Article 5.5 herein.

5.3.2 The *Authority Having Jurisdiction* shall keep copies of all applications received, permits and orders issued, inspections and tests made, and of all papers and documents connected with the administration of the *Code* and this by-law for such time as required by the provisions of the Municipal Act.

5.3.3 Where the *Authority Having Jurisdiction* seeks to enforce any of the powers set out in Article 5.5.2 herein, the *Authority Having Jurisdiction* shall issue in writing such notices or orders as may be necessary to inform the owner of the contravention of the *Code* or this by-law.

5.3.4 The *Authority Having Jurisdiction* shall provide, when requested to do so, all reasons for refusal to grant a *Permit*.

### **5.4 Duties and Responsibilities of the Designer:**

5.4.1 When a designer is retained, the designer shall ensure that the design of the building conforms to the *Code*.

5.4.2 When a professional engineer or architect is required by the *Code* or the requirements of this by-law, they shall do inspections to ensure that the construction conforms to the



design and the *Code*.

5.4.3 Every designer is required to submit to the *Authority Having Jurisdiction*:

- (a) all information needed for review of the design;
- (b) any changes to the design for which a *Permit* has or may be issued;
- (c) copies of all inspection reports for inspections done by the designer and others; and
- (d) any other documentation or certification required by the *Authority Having Jurisdiction*.

5.4.4 Every designer shall ensure that all materials, systems, equipment or related matter specified for the construction, alteration, reconstruction or renovation of a building meet the requirements of the *Code* and the requirements of applicable Acts, regulations and by-laws for the work to be undertaken.

5.4.5 If the responsible architect and or professional engineer withdraws from the project, he shall immediately advise the *Authority Having Jurisdiction*.

5.4.6 Prior to the issuance of an occupancy *Permit*, the responsible architect and/or professional engineer shall, where required by the *Authority Having Jurisdiction*, submit a certificate stating:

"The construction has been reviewed under my supervision in accordance with recognized professional inspection standards, and that to the best of my/our knowledge the structure was constructed in accordance with the accepted drawings and specifications and requirements of the applicable by-laws".

5.4.7 The responsible architect and/or professional engineer shall sign, date and seal all of the documents referred to in this article.

## **5.5 Powers of *Authority Having Jurisdiction***

5.5.1 The *Authority Having Jurisdiction* may enter any building or premises at any reasonable time to *audit* for compliance with the *Code* or these requirements, or to determine if an unsafe condition exists.

5.5.2 The *Authority Having Jurisdiction* is empowered to issue orders for:

- (a) an owner or authorized agent to hold at specific stages of construction in order to facilitate an *audit* or inspection;
- (b) a *Person* who contravenes these requirements to comply with them within the time period that may be specified;

- (c) work to stop on the building or any part of it if such work is proceeding in contravention of these requirements, or if there is deemed to be an unsafe condition;
- (d) the removal of any unauthorized encroachment on public property;
- (e) the removal of any building or part of it constructed in contravention of these requirements;
- (f) the cessation of any occupancy in contravention of these requirements;
- (g) the cessation of any occupancy if any unsafe condition exists because of work being undertaken or not completed, and
- (h) correction of any unsafe condition.

5.5.3 The *Authority Having Jurisdiction* may direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or foundation conditions meets these requirements.

5.5.4 The *Authority Having Jurisdiction* may require an owner to submit, in addition to the information required in Article 4.1.1, an up-to-date plan of survey, prepared by a registered land surveyor, architect or professional engineer, as is appropriate to the work, and which shall contain sufficient information regarding the site and the location of any building

- (a) to establish before construction begins that all the requirements related to this information will be complied with; and
- (b) to verify that, upon completion of the work, all such requirements have been complied with..

5.5.5 The *Authority Having Jurisdiction* may ask for any other documentation or tests deemed necessary at the expense of the owner.

5.5.6 Notwithstanding any other provisions herein, wherein the opinion of the *Authority Having Jurisdiction* the site conditions, the size or complexity of a building, part of a building or building component warrant, or for any other reason, the *Authority Having Jurisdiction*, may require that the owner have the following done at his/her expense:

- (a) the appropriate plans, specifications and related documents be reviewed by and bear the seal or stamp of an architect or professional engineer, and

(b) the work be inspected during construction by the architect or professional engineer responsible for the work.

5.5.7 The *Authority Having Jurisdiction* may issue a building *Permit* at the risk of the owner with, if necessary, conditions to ensure compliance with these requirements and any other applicable regulations, to excavate or to construct a portion of a building before all the plans of the project have been submitted to the *Authority Having Jurisdiction*.

5.5.8 The *Authority Having Jurisdiction* may refuse to issue any *Permit*

(a) whenever information submitted is inadequate to determine compliance with the provisions of these requirements,

(b) whenever incorrect information is found to have been submitted,

(c) that would authorize any building work or occupancy that would not be permitted by these requirements, or

(d) that would be prohibited by any other Act, regulation or by-law.

5.5.9 The *Authority Having Jurisdiction* may revoke a *Permit* by written notice to the *Permit* holder if

(a) there is contravention of any condition under which the *Permit* was issued,

(b) the *Permit* was issued in error,

(c) the *Permit* was issued on the basis of incorrect information, or

(d) the work is being done contrary to the terms of the *Permit*.

5.5.10 The *Authority Having Jurisdiction* may issue an occupancy *Permit*, subject to compliance with provisions to safeguard persons in or about the premises, to allow the occupancy of a building or part of it for the accepted use, before commencement or completion of the construction or demolition work.

5.5.11 When any building, construction or excavation or part of it is in an unsafe condition, as a result of being open or unguarded, or because of danger from fire or risk of accident because of its ruinous or dilapidated state, faulty construction, abandonment or other, and when due notice to correct such condition has not been complied with, the *Authority Having Jurisdiction* may

(a) demolish, remove or make safe such building, construction excavation or part of it at the expense of the owner and may recover such expense in like manner as municipal taxes, and

(b) take such other measures as he may consider necessary to protect the public.

- 5.5.12 Notwithstanding any other provisions herein, when, in the opinion of the *Authority Having Jurisdiction*, immediate measures need to be taken to avoid an imminent danger, the *Authority Having Jurisdiction* may take such action as is appropriate, without notice and at the expense of the owner.
- 5.5.13 The *Authority Having Jurisdiction* may withhold issuing an occupancy *Permit* on completion of the building or part of the building, until the owner has provided letters to certify compliance with the *Code*, these requirements and the requirements of applicable Acts, regulations or by-laws.
- 5.5.14 The *Authority Having Jurisdiction* may withhold all or part of the applicable security deposit for non compliance with any requirements of applicable acts, regulations and by-laws for the work undertaken, for the cost of repairs of any damage to public property or works located thereon that may occur as a result of undertaking work for which a building *Permit* was or was not required and may add any additional costs over and above the applicable security deposit to the taxes to be due and payable in the same manner as ordinary taxes against the land.
- 5.5.15 The *Authority Having Jurisdiction* may issue to the owner an order or notice in writing to correct any unsafe conditions observed in any building.

## **Section 6            Appeal**

- 6.1 Any *Person* aggrieved by any decision or order of the *Authority Having Jurisdiction* as to the issuance of permits, the prevention of construction or occupancy of buildings, the demolition or removal of buildings, or structures, or any other matter herein may, within fifteen (15) days from the date of the decision, appeal to the *Council*. All decisions or orders remain in effect during the appeal process.
- 6.2 *Council* may hear the appeal as a committee of the whole or by subcommittee especially established for this purpose.
- 6.3 Upon the hearing of an appeal, the *Council* may:
- (a) uphold, rescind, suspend or modify any decision or order given by the *Authority Having Jurisdiction*;
  - (b) extend the time within which compliance with the decision or order shall be made, or
  - (c) make such other decision or order as in the circumstances of each case it deems just;
- and the decision or order of the *Council* upon being

communicated to the appellant, shall stand in place of the decision or order against which appeal is made, and any failure to comply with the decision or order is an offense.

## **Section 7            Offenses and Penalties**

- 7.1 Any *Person* who contravenes or disobeys, or refuses or neglects to obey
- (a) any provision of the *Code* or this by-law or any provision of any other by-law that, by this by-law, is made applicable; or
  - (b) any order or decision of the *Council* under Article 6 herein;
- for which no other penalty is herein provided is guilty of any offense and liable, on summary conviction, to a fine not exceeding five thousand dollars (\$5,000.00), or in the case of an individual, to imprisonment for a term not exceeding six months or to both such fine and such an imprisonment.
- 7.2 Where a corporation commits an offense against the *Code* or this by-law, each Director or Officer of the corporation who authorized, consented to, connived at, or knowingly permitted or acquiesced in, the doing of the act that constitutes the offense, is likewise guilty of the offenses and liable, on summary conviction, to the penalty for which provision is made in Subsection 7.1 aforesaid.
- 7.3 Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the *Person* is guilty of a separate offenses for each day it continues.

SCHEDULE "A"

*Pursuant to Subsection 4.1.1 (d) of the Building By-Law*

*List of Plans or Working Drawings  
to accompany applications for permits*

1. The Site Plan
2. Floor Plans
3. Foundation Plans
4. Framing Plans
5. Roof Plans
6. Reflected Ceiling Plans
7. Sections and Details
8. Building Elevations
9. Electrical Drawings
10. Heating, Ventilation and Air Conditioning Drawings
11. Plumbing Drawings

Schedule "B"

Pursuant to Subsection 4.2.1.4 of the Building By-Law

Note: To be submitted prior to issuance of a Building *Permit*  
The information provided is relied upon by the *Authority Having Jurisdiction*.

ASSURANCE OF RETENTION OF PROFESSIONAL

RE: Design and Inspection of Construction by a professional engineer or architect, known as the "Prime Consultant"

The *Authority Having Jurisdiction*

\_\_\_\_\_  
Date

Dear Sir

RE:

\_\_\_\_\_  
(Address of Project)

\_\_\_\_\_  
(Legal Description of Project)

The undersigned has retained as the Prime Consultant,

\_\_\_\_\_

to undertake and/or coordinate the design and inspections of the applicable registered professionals required for this project in order to ascertain that the design will comply and construction of the project will substantially conform in all material respects with the current Building *Code* and other applicable safety standards, except the construction safety aspects.

As used herein, inspections shall mean such reviews of the work at the project site and at fabrication locations, where applicable, as the registered professional, on the basis of professional discretion, considers necessary in order to ascertain that the work conforms in all respects to the plans and supporting documents prepared by the registered professional for which the *Permit* is issued by the municipality for the project. This includes keeping records of all site visits and any corrective action taken as a result thereof.

The owner and the prime consultant will notify the *Authority Having Jurisdiction* in writing prior to any intended termination of or by the prime consultant. It is understood that work on the above project will cease as of the effective date of such termination, until such time as a new appointment is made.

The owner hereby certifies that all required Municipal and Provincial Permits and other required authorizations will be obtained prior to the commencement of construction.

Prime Consultant's Information

Owner's Information

\_\_\_\_\_  
Prime Consultant's Name (Print)

\_\_\_\_\_  
Owner's Name (Print)

\_\_\_\_\_  
Prime Consultant's Signature

\_\_\_\_\_  
Owner's or Owner's appointed agent's signature

\_\_\_\_\_  
Address (Print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Occupation (Print)

((Affix coordinating Professional's Seal here)

\_\_\_\_\_  
Title of Agent (if applicable) (Print)

\_\_\_\_\_  
Address (Print)

The Corporate Seal of

\_\_\_\_\_  
was hereunto affixed in the presence of

\_\_\_\_\_  
(Print name of witness)

(Affix Owner's Corporate Seal here)

The above must be signed by the owner or the owner's appointed agent. The signature must be witnessed by the prime consultant. If the owner is a company, the corporate seal of the company must be affixed to the document in the presence of its duly authorized officers. The officers must also sign, setting forth their positions in the company. The prime consultant is to be registered in the Province of Manitoba as a member in good standing in the association of Architects or the Association of Professional Engineers.



Schedule "C"

Pursuant to Subsection 4.2.1.4 of the Building By-Law

Note: To be submitted prior to issuance of a Building Permit  
Separate from to be submitted by each registered professional.  
The information provided is relied upon by the Authority Having Jurisdiction

ASSURANCE OF PROFESSIONAL DESIGN AND  
COMMITMENT FOR INSPECTION

The Authority Having Jurisdiction

\_\_\_\_\_  
(Address)  
  
\_\_\_\_\_  
  
\_\_\_\_\_

\_\_\_\_\_  
Date

Dear Sir:

RE:

\_\_\_\_\_  
  
\_\_\_\_\_  
(Legal Description of Project)

The undersigned hereby gives assurance that the design of the (initial applicable item/items)

- |       |                          |
|-------|--------------------------|
| _____ | ARCHITECTURAL            |
| _____ | STRUCTURAL               |
| _____ | MECHANICAL               |
| _____ | PLUMBING                 |
| _____ | FIRE SUPPRESSION SYSTEMS |
| _____ | ELECTRICAL               |
| _____ | GEOTECHNICAL - temporary |
| _____ | GEOTECHNICAL - permanent |

components of the project as shown on the plans and supporting documents prepared by this registered professional conform to all the applicable requirements of all applicable acts, regulations and by-laws. Further, the undersigned will be responsible for inspections of the above referenced components during construction.

The undersigned also assures competence in the necessary fields of expertise to undertake the project on the basis of training, ability and expertise in the appropriate professional and technical disciplines.

As used herein, inspections shall mean such reviews of the work at the project site and at fabrication locations, where applicable, as the registered professional, on the basis of professional discretion, considers necessary in order to ascertain that the work conforms in all respects to the plans and supporting documents prepared by this registered professional for which the building *Permit* is issued by the municipality for the project. This includes keeping records of all site visits and any corrective action taken as a result thereof.

The undersigned also undertakes to notify the *Authority Having Jurisdiction* in writing as soon as practical if his contract for inspections is terminated at any time during construction.

\_\_\_\_\_  
Name

\_\_\_\_\_  
(Print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

Affix PROFESSIONAL SEAL  
SEAL here

If the Registered Professional is a member of a firm, complete the following

I am a member of the firm \_\_\_\_\_  
(Print name of firm)

and I sign this letter on behalf of myself and the firm.

Note: The above letter must be signed by a registered professional who is registered in the Province of Manitoba as a member in good standing in the Association of Architects or the Association of Professional Engineers.

Schedule "D"

Pursuant to Subsection 4.2.1.5 of the Building By-Law

Note: To be submitted prior to issuance of a Building *Permit*

The information provided is relied upon by the *Authority Having Jurisdiction*

LETTER OF ASSURANCE

The *Authority Having Jurisdiction*

Date \_\_\_\_\_

(Address)

\_\_\_\_\_  
\_\_\_\_\_

Dear Sir:

RE: \_\_\_\_\_  
(Address of Project)

\_\_\_\_\_  
(Legal Description of Project)

The undersigned agrees to undertake and/or coordinate the design review of this project in order to ensure that the design will comply and construction of the project will conform in all respects with all applicable acts, regulations and by-laws.

The owner hereby certifies that all required Municipal and Provincial Permits and other required authorizations will be obtained prior to the commencement of construction.

**Designer's Information**

**Owner's Information**

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Owner's Name (Print)

\_\_\_\_\_  
Signature  
signature

\_\_\_\_\_  
Owner's or Owner's appointed agent's

\_\_\_\_\_  
Address (Print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Occupation (Print)  
(Print)

\_\_\_\_\_  
Title of Agent (If applicable)

\_\_\_\_\_  
Certification or License

\_\_\_\_\_  
Address (Print)

The Corporate Seal of

was hereunto affixed in the presence of

\_\_\_\_\_  
(Print name and office of signatory)  
(Affix Owner's Corporate Seal here)

The above must be signed by the owner or the owner's appointed agent. If the owner is a company, the corporate seal of the company must be affixed to the document in the presence of its duly authorized officers. The officers must also sign, setting forth their positions in the company.

Schedule "E"

Pursuant to Subsection 4.2.2.2 of the Building By-Law

Note: To be submitted after completion of the project but prior to official occupancy

The information provided is relied upon the *Authority Having Jurisdiction*

ASSURANCE OF COMPLIANCE

The *Authority Having Jurisdiction*

Date \_\_\_\_\_

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_

Dear Sir:

Re:

\_\_\_\_\_  
(Address of Project)

\_\_\_\_\_  
(Legal Description of Project)

I hereby certify that all aspects of the project conform with the plan and supporting documents which were submitted prior to receiving a building *Permit* and that the construction conforms to the *Manitoba Building Code*. I further certify that there are no outstanding Municipal or Provincial approvals, permits or other requirements pertaining to the use or occupancy of this project.

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Signed

Date \_\_\_\_\_

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone



I hereby enclose the final design plans and supporting documents prepared by this registered professional for the above referenced Project. I further certify that there are no outstanding Municipal or Provincial approvals, permits or other requirements pertaining to the use or occupancy of this project.

\_\_\_\_\_  
Name (print)

Date \_\_\_\_\_

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

(Affix PROFESSIONAL SEAL here)

If the Registered Professional is a member of a firm, complete the following:

I am a member of the firm \_\_\_\_\_  
(Print name of firm)

and I sign this letter on behalf of myself and the firm.

Note: The above letter must be signed by a registered professional who is registered in the Province of Manitoba as a member in good standing in the Association of Architects or the Association of Professional Engineers.