



## TOWN OF STRATFORD RESOLUTION

### No. PH008-2011 – Building Bylaw #32

#### Adoption

Motion Carried       √        
Motion Lost                       
Motion Withdrawn                     

Council Chambers  
Town Council

April 13, 2011

Committee  
Moved by Councilor  
Seconded by Councilor

Planning & Heritage  
Gary Clow  
Steve Ogden

**WHEREAS** Town of Stratford is committed to provide building inspection services in order to enhance public safety and protect Stratford residents' right to live, work and play in a safe and quality environment;

**WHEREAS** the draft of the Town's proposed "Building Bylaw" presented to residents, developers, and builders on the public meeting was held on February 16, 2011; and

**WHEREAS** no negative feedback or issues have been received during and/or after the public meeting; and

**WHEREAS** the draft of the bylaw has been reviewed by the Town's lawyer; and

**WHEREAS** the "National Building Code of Canada – 2010" would be adopted as schedule to the Town's building bylaw; and

**WHEREAS** Bylaw #32 has been read for 1<sup>st</sup> and 2<sup>nd</sup> time by Council;

**BE IT RESOLVED** that Bylaw #32 is formally adopted and that the Mayor and Chief Administrative Officer be authorized to affix their signatures and the corporate seal of the Town thereto and to formally declare the said bylaw to be passed.

*This Resolution bears the recommendation of the Planning & Heritage Committee as discussed at a meeting held on April 11, 2011.*

**TOWN OF STRATFORD**

**BUILDING BYLAW**

**BYLAW 32**

This Bylaw is made under the authority of the *Charlottetown Area Municipalities Act*, R.S.P.E.I. 1988, C.4.1.

BE IT ENACTED by the Council of the Town of Stratford as follows:

**SECTION 1: DEFINITIONS**

For the purpose of this Bylaw, all words shall carry their customary meaning except for those defined hereafter.

In this Bylaw:

**“A”**

**ARCHITECT** - means an architect as defined in the *Architects Act*, R.S.P.E.I. 1988, Cap. A-18.1, as amended.

**“B”**

**BUILDING** - means any structure 20m<sup>2</sup> in area or greater, used or intended for supporting or sheltering any use or occupancy.

**BUILDING CODE** - means that edition of the National Building Code of Canada adopted and/or amended by Council under this Bylaw.

**BUILDING INSPECTOR** - means any person designated by the Chief Administrative Officer to have the administration and/or enforcement of this Bylaw, or any aspect thereof.

**BUILDING PERMIT** - means permission or authorization in writing from the Building Inspector to perform Work regulated by this Bylaw and the Building Code.

**“C”**

**CHANGE THE USE** – means making any change in a Building use that would result in either reclassification of the Building or part thereof from one major occupancy to another pursuant to the Building Code.

**CHIEF ADMINISTRATIVE OFFICER** - means the chief administrative officer of the Town of Stratford.

**COMPLIANCE ORDER** - means an order requiring a Property Owner to bring the Work on a Property into conformance with the Building Code within the time period set out therein.

**CONSTRUCT** - means to add to, alter, erect, install, relocate, repair or replace any Building or part thereof.

**COUNCIL** - means the Council for the Town of Stratford.

**“D”**

**DEMOLISH** - means the removal of any Building or material part thereof, including foundations.

**DEVELOPMENT BYLAW** - means the Town of Stratford Zoning and Subdivision Control (Development) Bylaw 29.

**DEVELOPMENT OFFICER** - means a person charged by the Council with the duty of administering the provisions of the Development Bylaw.

**DEVELOPMENT PERMIT** - means permission or authorization in writing to carry out any development under the Development Bylaw.

**“O”**

**OCCUPANCY PERMIT** - means the permission or authorization in writing from the Building Inspector for a person to occupy any Building or part thereof.

**“P”**

**PERSON** - means any individual, association, corporation, contractor, commission, public utility, firm, partnership, trust, heirs, executors or other legal representatives of a person, or organization of any kind, and includes both principal and agent in an agency situation.

**PROFESSIONAL ENGINEER** - means a professional engineer as defined in the *Engineering Profession Act*, R.S.P.E.I., 1988, Cap. E-8.1, as amended.

**PROPERTY** - means any parcel of land described in a deed or as shown in a registered approved subdivision plan.

**PROPERTY OWNER** - means the registered owner of the Property in accordance with the records on file at the Province of Prince Edward Island's Land Registry Office and/or the Person duly authorized in writing to act as the registered owner's agent.

**“S”**

**STOP WORK ORDER** - means an order requiring any and all Work on a Property to cease immediately until notified otherwise by the Building Inspector.

**STRUCTURE** - means any construction including a building fixed to, supported by land or sunk into water, but excludes concrete and asphalt paving or similar surfacing and fencing and includes a swimming pool.

**“T”**

**TOWN** - means the Town of Stratford.

**“U”**

**UNCOVER ORDER** - means an order requiring any and all Work to be uncovered.

**“W”**

**WORK** - means the building, locating, relocating, Demolishing, altering, structurally altering, repairing or replacing, or any combination thereof, of a Building or Structure.

## **SECTION 2: SCOPE**

### **2.1 TITLE**

This Bylaw shall be known and may be cited as the Town of Stratford Building Bylaw.

### **2.2 AUTHORITY**

This Bylaw is enacted under the authority of the *Charlottetown Area Municipalities Act*, R.S.P.E.I. 1988, Cap. C-4.1.

### **2.3 AREA DEFINED**

This Bylaw shall apply to the geographical area within which Council has jurisdiction.

### **2.4 ADMINISTRATION**

This Bylaw shall be administered by the Building Inspector.

### **SECTION 3: GENERAL**

- 3.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent from all other provisions of this Bylaw, such that if any provision of this Bylaw is declared invalid, all other provisions of this Bylaw shall remain valid and enforceable.
- 3.2 Nothing in this Bylaw shall exempt any Person from complying with the requirements of any other bylaw of the Town or from obtaining any license, permission, permit, authority or approval required by any other bylaw of the Town or by any laws of the Province of Prince Edward Island or of the Government of Canada.
- 3.3 Where the provisions of this Bylaw conflict with those of any other bylaw of the Town or with any laws of the Province of Prince Edward Island or the Government of Canada, the higher or more stringent provision shall prevail.

### **SECTION 4: INSPECTOR AUTHORITY**

- 4.1 A Building Inspector may, at any reasonable time, enter upon land and into Buildings for the purpose of inspecting the Building or site for which an application for a Building Permit has been made to determine compliance with this Bylaw.
- 4.2 A Building Inspector may, with 24 hours notice and during normal business hours, enter upon land and into Buildings for the purpose of verifying whether Work is being undertaken which may require application for a Building Permit.

### **SECTION 5: PROPERTY OWNER RESPONSIBILITY**

- 5.1 The granting of a Building Permit or the approval of plans and specifications or the inspection of a Building by the Building Inspector shall not in any way relieve the Property Owner, the Architect, the Professional Engineer, the builder, or the designer, of a Building from their respective responsibility for carrying out the

Work or having it carried out in accordance with this Bylaw, the Building Code, and any other municipal, provincial or federal laws and regulations.

5.2 Neither the Town nor the Building Inspector shall be liable for any damages or costs arising from the Building's failure to comply with the requirements set forth in the Building Code and/or in this Bylaw.

5.3 Every Property Owner shall give notice in writing to the Building Inspector regarding:

- (a) Any change in or termination of employment of any Professional Engineer, Architect, builder or designer retained by the Property Owner during the course of the Work, which notice shall be provided as soon as practicable but not later than 3 days from the date such change or termination occurs;
- (b) Any change in Property ownership or in the address of the Property Owner occurring prior to the issuance of an Occupancy Permit, which notice shall be provided on the date the change occurs; and
- (c) Any intention to occupy any portion of the Building, if it is to be occupied in stages, which notice shall be provided prior to such occupation.

5.4 Every Property Owner shall ensure that the required stamped plans, specifications and related documents on which the issuance of the Building Permit was based are available at the site of the Work for inspection during working hours by the Building Inspector, and that the Building Permit, or true copy thereof, is posted conspicuously on the site during the entire execution of the Work.

## **SECTION 6: BUILDING CODE**

6.1 Council hereby adopts the edition of the National Building Code set out in Schedule B hereto annexed, which forms part of this Bylaw, and Council may, by simple resolution, adopt any amendments thereto and any subsequent edition of the National Building Code and any amendments thereto.

- 6.2 No Person shall Construct or Demolish or Change the Use of a Building or part thereof contrary to any applicable requirements of the Building Code, except as specifically exempted by any provision of this Bylaw.

## **SECTION 7: ADMINISTRATION**

### **7.1 BUILDING PERMIT**

- (a) A Building Permit is required under this Bylaw for any Work regulated by the Building Code.
- (b) No Person shall Construct, Demolish or Change the Use of a Building unless a Building Permit has been issued therefore by a Building Inspector and no Building Permit shall be issued unless the proposed Work meets the requirements of the Development Bylaw and other Town bylaws.
- (c) An application for a Building Permit must be made on a form prescribed by the Town. Only one application is needed for both a Development Permit and a Building Permit.
- (d) The application will be reviewed by the Development Officer to determine compliance with the Development Bylaw before being reviewed by the Building Inspector for compliance with this Bylaw.
- (e) Notwithstanding any section of this Bylaw, Building Permits are not valid and will not be recognized until the application fee and any other required fees are paid in full. The application fee is set out in Schedule C of the Development Bylaw.
- (f) A Building Permit shall be valid for a twelve-month period or such additional time as may be authorized by Council based on special circumstances beyond the control of the Property Owner.

### **7.2 PART 3 BUILDINGS**

### 7.2.1 SUBMISSION REQUIREMENTS

- (a) For Buildings classified as Part 3, 4, 5, or 6 in the Building Code, the following information must be submitted prior to the issuance of the Building Permit and all plans and specifications accompanied with building code design declaration forms shall bear the seal of an Architect and/or a Professional Engineer licensed to practice in the Province of Prince Edward Island (The Association of Professional Engineers of Prince Edward Island - APEPEI or Architects Association of Prince Edward Island -AAPEI):
  - (i) Site plan with dimensions and to scale indicating the location of the proposed Building, adjacent Structures, services on the site, any grading changes, proposed storm water control, proposed driveway access and setbacks to Property boundaries;
  - (ii) floor plans with dimensions and to scale indicating floor layout, exits, elevations, fire separations, and finish schedules;
  - (iii) location of Structures on adjacent sites, exterior elevations and openings where necessary to determine the limiting distance requirement;
  - (iv) structural plans with dimensions and to scale indicating foundation systems and structural framing and truss system;
  - (v) mechanical plans to scale indicating mechanical ventilation and fire suppression systems;
  - (vi) electrical plans to scale indicating fire alarm and emergency and exit lighting systems; and
  - (vii) other information as required to determine Building Code compliance.

- (b) The Architect and/or Professional Engineer must declare in a form prescribed by the Town that the design meets the requirements of the Building Code. When the nature of the Work is such that all of the above information is not required to determine Building Code compliance, the Building Inspector may waive any or all of the above requirements.

#### 7.2.2 INSPECTION REQUIREMENTS

- (a) For Buildings classified as Part 3, 4, 5, or 6 in the Building Code, Work shall not proceed beyond the designated inspection points until the Work has been inspected by a Building Inspector.
- (b) The designated inspection points shall be determined by the Building Inspector based on the complexity of the Work and shall be identified when the Building Permit is issued.
- (c) The Property Owner must notify the Building Inspector at least three working days prior to the date an inspection is required under clause (b).
- (d) Neither the Town nor the Building Inspector shall be liable or responsible for any damages or costs arising from the Property Owner's failure to notify the Building Inspector within the time prescribed in clause (c) or from any delay in conducting an inspection.
- (e) The Architect and/or Professional Engineer, or their designate, who declared the design pursuant to the requirements of Section 7.2.1. shall acknowledge, on the form prescribed by the Town, that the Work was completed as designed.
- (f) When the nature of the Work is such that any or all of the inspection(s) referred to in clause (b) are not required to determine Building Code compliance, the Building Inspector may waive any or all of the required inspections.

### 7.3 PART 9 BUILDINGS

### 7.3.1 PLAN REQUIREMENTS

- (a) For Buildings classified as Part 9 in the Building Code, the following information must be submitted prior to the issuance of the Building Permit:
  - (i) site plan to scale indicating the location of the proposed Building, services on the site, any grading changes, proposed storm water control, proposed driveway access, and setbacks to Property boundaries;
  - (ii) floor plan layout to scale indicating the proposed use of each room or area, door locations and swings, fire alarm, fire separations, and suppression systems where required, and emergency and exit lighting where required;
  - (iii) foundation, truss and structural framing plans and details;
  - (iv) cross sectional details at sufficient locations to indicate all structural and finish details, handrails, guards and fire ratings;
  - (v) location of Structures on adjacent sites and exterior elevations indicating openings where necessary to determine the limiting distance requirement; and
  - (vi) other information as required by the Building Inspector to determine Building Code compliance.
- (b) When the nature of the Work is such that all of the above information is not required to determine Building Code compliance, the Building Inspector may waive any or all of the above requirements.

### 7.3.2 INSPECTION REQUIREMENTS

- (a) For all Buildings classified as Part 9 in the Building Code, the Building Inspector may carry out a random inspection at the following inspection points to review compliance with the Code:
  - (i) inspection of the foundation prior to backfilling and placing of a structure thereon;
  - (ii) inspection of the framing prior to covering;
  - (iii) final inspection after completion of all Work; and
  - (iv) other inspections where required and designated by the Building Inspector.
- (b) The Property Owner must notify the Building Inspector at least three working days prior to each inspection point identified under clause (a) and Work shall not proceed beyond each inspection point until the Work has either been inspected by a Building Inspector or the Building Inspector has confirmed that no inspection is required.
- (c) Neither the Town nor the Building Inspector shall be liable or responsible for any damages or costs arising from the Property Owner's failure to notify the Building Inspector within the time prescribed in clause (b) or from any delay in conducting an inspection.
- (d) When the nature of the Work is such that any or all of the inspections referred to in clause (a) are not required to determine Building Code compliance, the Building Inspector may waive any or all of the required inspections.

#### 7.4 ALTERNATE DESIGNS, MATERIAL AND SYSTEMS

The Building Inspector may allow alternate designs, materials, or systems to those specifically allowed for or required in the Building Code if, in his or her opinion, the proposed designs, materials, or systems meet the intent of the Building Code and if the

proposed alterations are supported by documentation bearing the seal of an Architect and/or a Professional Engineer illustrating how the proposed alternatives meet the intent of the Building Code.

#### 7.5 PLAN CHANGES

No Person shall make a material change to any Work for which a Building Permit was issued without notifying, providing details and obtaining the authorization of the Building Inspector.

#### 7.6 PARTIAL PERMITS

Provided the requirements of the Development Bylaw are met, a Building Permit may be issued for a part of a Building but no assurance is implied or given that a Building Permit will be issued for the remainder of the Building and the Building Permit shall be clearly marked "At Owners Risk."

#### 7.7 PARTIAL INFORMATION

Provided the requirements of the Development Bylaw are met, a Building Permit may be issued for a Building for which all the information is not available if withholding the Building Permit would delay the project unreasonably, but no assurance is implied or given that the Work will be allowed to continue if the information is not provided when required or it is in contravention of this Bylaw.

### **SECTION 8: OCCUPANCY PERMIT**

8.1 All Buildings requiring a Building Permit shall also require an Occupancy Permit.

8.2 The Building Inspector shall identify the requirement for an Occupancy Permit on the notification of Building Permit approval and on the Building Permit.

8.3 The Building Inspector shall only issue an Occupancy Permit when:

- (a) all Work is sufficiently completed such that the Building Inspector is satisfied that the Building can be safely occupied and, if applicable, entered into by the public; and

- (b) an Architect or Professional Engineer declares that the Building was built in accordance with its design, where such declaration is required under this Bylaw.
- 8.4 The Building Inspector may attach conditions to a Building Permit or an Occupancy Permit regarding requirements for safe occupancy of a Building.
- 8.5 No Building shall be occupied or entered into by any person prior to issuance of an Occupancy Permit other than persons involved in its construction, except as the Building Inspector may authorize for Buildings being renovated or expanded.
- 8.6 The Building Inspector may post one or more warning notices on any Building that is being occupied or entered before an Occupancy Permit is issued.
- 8.7 Non-compliance by any Person regarding any requirements for Building Permit approval does not relieve them from any requirements for an Occupancy Permit.
- 8.8 Council shall have the authority to withhold all piped central services (sewer and water) until such time as an Occupancy Permit has been issued.

#### **SECTION 9: ORDERS**

- 9.1 The Building Inspector may issue the following orders and shall indicate a time by which the order must be complied with:
  - (a) *Compliance Order* may be issued to correct any Work that does not comply with this Bylaw or the Building Code.
  - (b) *Uncover Order* may be issued to uncover all or any part of the Work that was covered up if notice was not given for an inspection, if a reasonable time was not allowed for the inspection pursuant to Section 7, or if a Building Permit for the Work was not issued pursuant to Section 7.

- (c) *Stop Work Order* may be issued for all or any part of the Work if any Person fails to comply with an order issued under clause (a) or (b) or has failed to obtain a Building Permit pursuant to Section 7.
- 9.2 Any Person who fails to comply with an order issued hereunder is guilty of an offence and is liable for the penalties set out in Schedule A which forms part of this Bylaw.

#### **SECTION 10: OFFENCES**

- 10.1 Council shall, by simple resolution, set out penalties for violating this Bylaw.
- 10.2 Any Person who violates any provision of this Bylaw shall be guilty of an offence and liable, on summary conviction for the penalties as set out in Schedule A, which forms part of this Bylaw, and each day in which the offence continues shall constitute a separate offence.
- 10.3 This Bylaw may be enforced by way of prosecution under the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9 and/or by seeking a declaratory judgment, injunction or other order, remedy or relief from a court of competent jurisdiction in accordance with the provisions of the *Charlottetown Area Municipalities Act* R.S.P.E.I. 1988, Cap. C-4.1.

**SECTION 11: EFFECTIVE DATE**

11.1 EFFECTIVE DATE

This Bylaw shall come into force effective\_\_\_\_\_.

This bylaw was read and approved a 1<sup>st</sup> time by Council at a meeting held on  
March 9, 2011

This bylaw was read and approved a 2<sup>nd</sup> time by Council at a meeting held on  
April 11, 2011

This bylaw was adopted by Council at a meeting held on \_\_\_\_\_

\_\_\_\_\_  
David Dunphy  
Mayor

\_\_\_\_\_  
Robert G. Hughes  
Chief Administrative Officer

**SCHEDULE A – PENALTY SCHEDULE**

Pursuant to Section 11 of the Building Code Bylaw the minimum and maximum penalties to be imposed for violations of the Bylaw shall be as follows:

<b>Section</b>	<b>Description</b>	<b>Minimum Fine</b>	<b>Maximum Fine</b>
9	Compliance Order	\$100.00	\$500.00
9	Uncover Order	\$100.00	\$500.00
9	Stop Work Order	\$250.00	\$1000.00
9	Repair/Demolition Order	\$250.00	\$1000.00
8	Occupancy Prohibition or Permit	\$250.00	\$1000.00
	Any Other Offense	\$100.00	\$1000.00

## **SCHEDULE B - CODE**

### **BUILDING CODE**

Pursuant to Section 6 of The Town of Stratford Building Code Bylaw (32) the Building Code means the 2010 Edition of the National Building Code of Canada and amendments thereto.

### **BARRIER FREE ACCESS**

For all new apartment construction, a barrier free access unit shall be provided as defined in Section 3.8 of the National Building Code 2010 at a rate of one (1) unit for every twelve (12) apartment units constructed.