



***Rural Municipality of
Taché***

***Building By-law
No. 04-2019***

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RURAL MUNICIPALITY OF TACHÉ
Building By-Law No. 04-2019

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF TACHÉ FOR THE REGULATION OF CONSTRUCTION IN THE RURAL MUNICIPALITY OF TACHÉ

WHEREAS The Rural Municipality of Taché is empowered by The Building and Mobile Homes Act, C.C.S.M. ,cap. .B93 to, by by-law, adopt The Manitoba Building Code;

AND WHEREAS subsection 239(1) of the Municipal Act, CCSM c.m.225 provides as follows:

239(1) If this or any other Act or a by-law authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the *owner* or occupier of land or the *building* or other structure to be entered to carry out the inspection, remedy, enforcement or action,

- (a) enter the land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the Act or by-law;
- (b) request that anything be produced to assist in the inspection, remedy, enforcement or action; and
- (c) make copies of anything related to the inspection, remedy, enforcement or action.

AND WHEREAS it is deemed expedient and in the public interest to adopt the said *Code* and establish such standards;

NOW THEREFORE the *Council* of the Rural Municipality of Taché, duly assembled, enacts as follows:

SECTION I Title

This by-law may be known as the Rural Municipality of Taché **Building By-law**.

SECTION 2 Scope & Definitions

2.1 Scope:

- 2.1.1 This by-law applies to the whole of the Rural Municipality of Taché.
- 2.1.2 This by-law applies to administration and enforcement in the design, construction, erection, placement and occupancy of new *building* and structures, and the alteration, reconstruction, demolition, removal, relocation, occupancy and change in occupancy of existing *building* and structures and any requirements that are necessary to correct unsafe conditions in existing *building* and structures.
- 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:

221. 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.

222. 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:

“Architect”

means A registered member of the Manitoba Association of Architects, authorized to practice architecture in the Province of MB.

“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 Taché (the “Municipality”) and, where the context requires, the CAO, building inspector or other designated officer lawfully appointed by the Municipality to administer and enforce the provisions of this by-law.

“Building”

means any structure used or intended for supporting or sheltering any use or occupancy.

“Code”

means the current Manitoba Building Code as established, adopted and revised from time to time under Section 3 *Construction Standard* of The Building and Mobile Homes Act, C.C.S.M., cap.B93

“Council”

means the Municipal Council of the Rural Municipality of Taché

“Engineer”

means a registered member of the Engineering Association of Manitoba (EGM), authorized to practice engineering in the Province of Manitoba and skilled in the appropriate area of work concerned.

“Final Inspection”

means the last inspection to be made on the construction under development. It is to include all plumbing and building inspection reports, water/sewer connection *permit*, culvert/access *permit* and verification and yard/site elevation confirmation.

“Licensed Utility Contractor”

means a utility contractor that is properly registered with the Municipality as having a minimum standard of experience in making water and/or sewer connections on various types of municipal utility infrastructure and knowledge of the installation standards of the Municipality.

“Occupancy Permit”
shall mean a *permit* issued after the *Final Inspection*.

“Owner”
means a *person*, or authorized agent of such *person*, who appears by the records of the proper land titles office to have any right, title, estate, or interest in the land.

“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

“Private Pool”
means any excavated, built-up, constructed or prefabricated private swimming pool, hot tub, spa or pond, whether situated above the surrounding ground level or wholly or in part below the surrounding ground level, used or intended to be used for swimming, bathing, wading or other purposes, having a depth of more than 600 mm, which is situated on any privately-owned real property, and which does not fall within the jurisdiction of the Provincial Regulations governing public swimming pools under the appropriate Act or Regulation. Natural or excavated ponds not in residential settlement areas or if situated on lots greater than 2.0 Hectares in area with no artificial or man-made lining, are generally exempt from being classified as a *private pool* however the *authority having jurisdiction* may require fencing and other requirements in accordance with any or all of this by-law and the *Code*.

“Rough Grading”
means cutting and filling the earth for preparation of finish grading to within 4 inches of final grade.

“RTM”
means ready to move houses being houses or *building* 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 building, and the alteration, reconstruction, demolition, removal, relocation, occupancy and change in occupancy of existing *building*.

3.2 Limited Application to Existing *Buildings*:

- 32.1 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*.
- 32.2 The number of storeys of an existing *building* or structure shall not be increased unless the entire *building* or structure conforms to the requirement of the *Code*.
- 32.3 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*.
- 32.4 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.
- 32.5 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 Fires Prevention and Emergency Response Act CCSM c. F80, and the Manitoba Fire *Code*, apply to the work necessary to reconstruct damaged portions of the building.
- 32.6 When an unsafe condition exists in or about a *building*, the *Code*, the requirements of this by-law and the appropriate regulations in the Fires Prevention and Emergency Response Act, and the Manitoba Fire *Code*, shall apply to the work necessary to correct the unsafe condition.
- 32.7 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 or structure affected by the change.

3.3 Exemptions:

- 33.1 The general requirements in Section 3, 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 except for loads resulting from those located on or attached to *building*;
 - (c) flood control and hydroelectric dams and structures;
 - (d) mechanical or other equipment and appliances not regulated in this by-law; and
 - (e) accessory *building* not greater than 108 square feet in building area
 - (f) A farm building less than 600 m² in size other than a *building* or structure used as a dwelling and is used for the farming operations and where the significant portion of the family income is directly or indirectly produced from the farming operations.

3.4 Prohibitions:

341. Any *person* who fails to comply with any 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.
342. 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.
343. 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 accepted plans and specifications, without first having obtained approval by 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.
344. Where an *Occupancy Permit* is required by Sub-Section 4.2.3. 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*.
345. 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 of a *building* or grades.
346. No *person* shall knowingly submit false or misleading information to the *authority having jurisdiction* concerning any matter relating to this by-law.
347. 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.

3.5 Municipal Servicing Standards:

- 3.5.1 All new construction, renovation, additions and alterations of a *building* or structure shall comply with the Municipal Servicing Standards outlined in Schedule A of this by-law and as required by the Municipality as a minimum requirement for the construction of buildings and new land development approved under Provincial Legislation and the by-laws of the Municipality.

3.6 Building Elevations:

- 3.6.1 Building elevations will be determined by the *authority having jurisdiction* in accordance to the requirements set out by the Municipality or the Province of Manitoba as indicated on the *building permit*.
- 3.6.2 Final *building* and lot grade elevations are to be confirmed by the applicants *Engineer* or other surveyor approved by the *authority having jurisdiction* and proof of such final elevations shall be provided to the *jurisdiction having authority*. 5

3.7 Mobile Homes, RTM's, and Relocated Used Homes:

- 3.7.1 Mobile homes, *RTM's*, and/or relocated used homes shall comply with the requirements of the *Code*.
- 3.7.2 The *authority having jurisdiction* may require any or all, of the following in respect to a mobile home, *RTM* or relocated used homes sought to be located within the municipality:
- (a) the submission of a complete set of plans and specifications;
 - (b) homes to be for relocated to a location within the Municipality, whether from within or outside the Municipality, shall be reviewed by an *engineer* before and after the home is relocated and shall provide the *jurisdiction having authority* with a report as to such;
 - (c) the seal of an *engineer* licensed in the Province of Manitoba in respect to all building components requiring professional certification;
 - (d) 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; and
 - (e) such inspections or certifications as may be deemed necessary in order to ensure compliance with the *Code* and this by-law.

3.8 Pool and Hot Tubs:

- 3.8.1 No *person* shall construct a *private pool* as referenced without first obtaining a *building permit* to do so in accordance to this by-law and any other permits that may be required by the *authority having jurisdiction*, the Province of Manitoba or any other regulatory body having authority.
- 3.8.2 Every *permit* application for the construction of a *private pool* shall be accompanied by all required plans and specifications as required by this by-law, the *authority having jurisdiction*, the *Code* and any other requirements that the Authority feels necessary at the time of application.
- 3.8.3 *Private pools* shall comply with the applicable zoning by-law(s).
- 3.8.4 Every *private pool* shall be enclosed within a fence as required by the *Code* and the *authority having jurisdiction*.
- 3.8.5 Discharge water from a *private pool* including filter backwash must be discharged to a wastewater sewer system; collected and removed for disposal by a licensed wastewater hauler; or discharged on to the property if the water remains fully within the property until it evaporates. Discharge water **shall not** be discharged onto any street, lane, ditch, body of water or any other area outside the boundaries of the property.

3.9 Signs, Antenna Structures, and Solar Collectors

- 3.9.1 Signs, antenna, and solar collector structures shall comply with all applicable zoning by-law requirements.

- 3.9.2 All signs, antenna and solar collector structures require an installation permit to be issued by the *authority having jurisdiction* prior to construction.
- 3.9.3 All signs, antenna and solar collector structures shall maintain clearances from electrical power and communication lines and other structures as required by the appropriate authority.
- 3.9.4 A clearance of at least 1 m shall be maintained between poles and other fixtures lawfully erected and any part of a sign, antenna or solar collector installation and its accessories.
- 3.9.5 The *authority having jurisdiction* may refuse to issue a sign, antenna, or solar collector installation permit if, in their opinion, the sign or antenna structure or solar collector installation may interfere or otherwise obstruct traffic lights, or in any way interfere with visibility from the street.
- 3.9.6 Any existing sign, antenna, or solar collector which is deemed unsafe by the *authority having jurisdiction* from the standpoint of fire safety, structural safety or location may be ordered to be made safe or removed.
- 3.9.7 A *permit* is not required for the changing of removable parts of signs that are designed for changes, or the repainting of sign poles, cabinet/sign box framing, display matter although such work shall comply with the applicable zoning by-law.

SECTION 4 Permit

4.1 Application:

- 4.1.1 Except as otherwise allowed and prescribed by the *authority having jurisdiction*, every application for a *permit* 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;
 - (d) be accompanied by the required fee as set out in the Municipal Fees and Charges By-law;
 - (e) include the plans and specifications as required by the *authority having jurisdiction* and show the occupancy of all parts of the building;
 - (f) state the names, addresses and telephone numbers of the owner(s), applicant and contractor; 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 be extended by the *authority having jurisdiction*, be deemed to have been abandoned.

- 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 incomplete 24 months from the date of issue, unless otherwise extended in writing by the *authority having jurisdiction*.
- 4.1.4 A *permit* extended under subsection 4.1.3(b) shall be extended to the date of expiry of the *permit* deposit, or by 12 months where no deposit, as per Section 5, was taken. There shall be a limit of one extension which may be granted free of charge however with additional extensions shall be at the rate set by Municipal Fees & Charges By-law.
- 4.1.5 *Permits* that have expired under subsection 4.1.3 shall not be subject to refund.
- 4.1.6 Any revision to the original application described in subsection 4.1.1 shall be made in the same manner as for the original *permit*, or as may be required by the *authority having jurisdiction*.
- 4.1.7 Applications for a *permit* may be filed, and a *permit* may be issued to an owner, or to a contractor or the authorized agent of the owner if that agent holds a Letter of Authorization in some format acceptable to the authority having jurisdiction.

4.2 ***Permits:***

All *permits* shall be subject to application fees and deposits as outlined and required in the current Municipal Fees and Charges By-law.

4.2.1 ***Building Permit:***

- 4.2.1.1 Except as permitted in subsection 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 development of a previously unfinished basement;
 - (d) the repair, rehabilitation, or renovation of any building or structure, or portion thereof;
 - (e) underpinning;
 - (f) the relocation or removal of any building or structure, or portion thereof;
 - (g) the excavation of any land for any purpose of erecting or location on or above it, any building or structure;
 - (h) the installation, construction, repair, renewal, alteration or extension of a mechanical system; or
 - (i) the installation, construction, alteration or extension of a spray paint operation, spray painting booth, dip tank or other special process.
- 4.2.1.2 A building *permit* is not required for:
- (a) patching, painting or decorating;
 - (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 4ft by 5ft landing and stairs;
- (e) construction of fences;
- (f) installation of cabinets and shelves;
- (g) a detached accessory storage *building* no greater than 108 square feet in *building* area but may be at the discretion of the *authority having jurisdiction*.
- (h) non-structural alterations or repairs where the value of such work is less than ten thousand dollars (\$10,000.00); or
- (i) a concrete pad which is not to serve as the foundation or floor of any structure.

4.2.1.3 Notwithstanding that a *building permit* is not required for the work described in subsection 4.2.1.2., such work shall comply with the *Code* and the provisions of this and other applicable by-law(s) 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 5.1.17(1), the owner shall unless the *authority having jurisdiction* waives such requirement submit Letters of Assurance in the form of which is acceptable to the *authority having jurisdiction*, which:

- (a) confirm that the owner has retained the necessary *architect(s)* or *engineer(s)* for all the applicable disciplines, for professional design and inspection; and
- (b) incorporate the *architect's* or professional *engineer's* assurance of professional design and commitment for inspection.

4.2.1.5 Before the issuance of a *building permit*, for cases in which a professional design is not required, the owner shall unless the *authority having jurisdiction* waives such requirement submit a Letter of Assurance in the form of which is acceptable to the *authority having jurisdiction*, confirming that the owner will ensure that the *building* will be constructed in accordance with the *Code*.

4.2.1.6 Before the issuance of a *building permit*, all fees shall be paid in full as set out in the Municipal Fees & Charges Fees By-law.

4.2.2. Plumbing Permit:

4.2.2.1 Except as provided in subsection 4.2.2.2, no *person* shall construct, extend, alter, renew or repair or make a connection to a plumbing system unless a *permit* to do so has been obtained. The *permit* must be obtained by a licensed plumber or the resident owner of the property.

4.2.2.2 A plumbing *permit* is not required when a valve, faucet, fixture or service water heater is repaired or replaced, a stoppage cleared or a leak repaired, if no change to the piping is required.

4.2.2.3 When required by the *authority having jurisdiction*, the application shall also be accompanied by a plan that shows:

- (a) the location and size of every *building* drain, and of every trap and clean out fitting that is on a *building* drain;
- (b) the size and location of every soil or waste pipe, trap and vent pipe; and
- (c) a layout of the potable water distribution system including pipe sizes and valves.

4.2.2.4 When a plumbing *permit* is required only *Licensed Utility Contractors* are allowed to connect to municipal water/sewer systems.

4.2.2.5 All construction materials and products shall be approved for use in Canada, IE, CSA or Can ULC.

4.2.3. **Occupancy Permit:**

4.2.3.1 Except as otherwise permitted herein, no *person* shall occupy; use or permit the occupancy; use or change the occupancy; or use any *building* or part thereof for which an *occupancy permit* is required hereunder.

4.2.3.2 An *Occupancy Permit* is required from the *authority having jurisdiction* for the occupancy of any new *building* or structure or portion thereof except a single-family dwelling where the property *owner* is acting as builder or general contractor and intends to reside in the dwelling. A property *owner* acting under this subsection may reside in the dwelling without an *occupancy permit* prior to its completion but shall obtain an interim *occupancy permit* prior to an *occupancy permit*.

- (a) 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;
- (b) 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;
- (c) 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;
- (d) a change or addition of an occupancy classification of a suite in a *building*; and
- (e) a change from a use not previously authorized to a new use.

4.2.3.3 Before the issuance of an *Occupancy Permit*, the *owner* shall ensure that all required inspections have been completed and passed and all work is finished in accordance with all applicable *Codes*. They shall also ensure that all documentation required by the authority having jurisdiction has been provided and that the work done conforms to the plans, specifications and related documents for which the *building permit* was issued.

4.2.3.4 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*.

4.2.3.5 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.

4.2.3.6 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.

4.2.3.7 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-month period upon

payment of applicable fees.

4.2.3.8 Notwithstanding apparent compliance with this by-law, the *authority having jurisdiction* may refuse to issue an *Occupancy Permit* if the *building*, structure or proposed use is to the *authority having jurisdiction's* knowledge in violation of a zoning by-law, or any other by-law of the *authority having jurisdiction*.

4.2.3.9 An applicant for an *Occupancy Permit* shall supply all information requested by the *authority having jurisdiction* to show compliance with this by-law and any other relevant by-laws of the *authority having jurisdiction*.

4.2.3.10 The required *Occupancy Permit* shall be displayed and maintained in a legible condition by the *owner* or the authorized agent in a location acceptable to the *authority having jurisdiction*.

4.2.4. Demolition Permit:

4.2.4.1 No *person* shall commence or cause to be commenced the demolition of any *building* or structure, or portion thereof, unless a *Demolition Permit* has first been obtained from the *authority having jurisdiction*.

4.2.4.2 The demolition of a *building* or structure shall be subject to the requirements of the *Code* and a Condition of Permit Letter.

4.2.5 Development Permit:

4.2.5.1 All structures being constructed or altered that are not covered under this by-law or *Code* be permitted through a development *permit* with the exception of subsection 3.3 "Exemptions" of this by-law.

4.2.6 General:

4.2.6.1 No *permit* shall be assigned or transferred unless signed authorization is received from the assignor or transferor and assignee or transferee agreeing to the re-assignment or transfer. The *authority having jurisdiction* may accept or refuse the reassignment or transfer of a *permit* from one *person* to another.

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 any and all proposed work, prior to commencing the work to which they relate.

5.1.3 Every owner shall provide a staking certificate prepared by a legal surveyor authorized to work in the Province of Manitoba outlining the location of the proposed structure, for all construction with a permanent foundation for permits to be

issued within the Local Urban Districts of Landmark and Lorette. The approved staking certificate shall be utilized to identify the location of the new structure prior to construction by a qualified legal surveyor.

- 5.14 For the construction or relocation of dwellings and commercial/industrial structures, additions, or major alterations and or repairs to a structure, the *owner* shall leave a deposit, as set out in the Municipal Fees & Charges By-law, with the *authority having jurisdiction* to ensure that to the satisfaction of the *jurisdiction having authority*:
- (a) proper lot grades have been established;
 - (b) access is installed to municipal specifications;
 - (c) curb stops are in good working order; and
 - (d) all necessary *building* inspections are completed and passed.
- 5.15 The aforementioned deposit shall be refunded in full to the Payer of the deposit upon satisfactory completion and inspection of:
- (a) *rough grading* of lots located within the designated Urban Areas;
 - (b) inspection of curbs, curb stops, utility connections, culverts & accesses and street where applicable;
 - (c) the residence complies with the *Code* or any other requirements, such as *building* elevations; and
 - (d) all necessary *building* inspections are completed and passed.
- 5.16 The deposit shall be forfeited when:
- (a) any inspections deemed required during the construction process have been neglected, omitted or left incomplete for any reason;
 - (b) when *Final Inspection* has failed by the designated employee, officers, or employees of the municipality;
 - (c) construction is not completed within twenty-four (24) months from the time of payment of the *permit*, unless a twelve (12) month written extension is obtained from the *authority having jurisdiction*; or
 - (d) the garage pad elevation is greater or less than 3 inches from the required grade.
- 5.17 It is the responsibility of the *owner* to ensure all required inspections are completed at the appropriate intervals as identified by the *authority having jurisdiction*.
- 5.18 The *authority having jurisdiction* may garnish the deposit for any required re-inspections and missed inspections at a rate as set out in the Municipal Fees & Charges By-law.
- 5.19 Every *owner* shall:
- (a) ensure that the plans and specifications on which the issuance of any *permit* was based are available continuously at the-site of the work for *audit* or inspection during working hours by the *authority having jurisdiction*, and that the valid *permit* 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.
- 5.1.10 Every *owner* shall give notice, if required, to the *authority having jurisdiction* of dates on which the *owner* intends to begin work prior to commencing work on the

building site.

- 5.1.11 Every *owner* shall, before commencing the work, give notice in writing to the *authority having jurisdiction* listing
- (a) the name, address and telephone number of
 - (i) the contractor or other *person* in charge of the work;
 - (ii) the *engineer* or *architect* 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.
- 5.1.12 Every *owner* shall give sufficient notice to the *authority having jurisdiction*:
- (a) of intent to begin work that the *authority having jurisdiction* has 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
 - (d) before occupancy.
- 5.1.13 Every *owner* shall give notice 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*.
- 5.1.14 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 the *owner* undertaking work for which a *permit* was or was not required.
- 5.1.15 Every *owner* shall when required by the *authority having jurisdiction*:
- (a) give such other notice to the *authority having jurisdiction* as may be required by the provisions of the *Code* or this by-law;
 - (b) make, or have made at the owner's expense, the tests or inspections necessary to prove compliance and provide copies of all such tests;
 - (c) provide up-to-date Survey or Building Location Certificate of the building side;
 - (d) uncover and re-cover at the *owner's* own expense any work that has been covered contrary to an order issued by the *authority having jurisdiction*;
 - (e) be responsible for the cost of repair of any damage to public property or works located thereon that may occur as a result of the *owner* undertaking work for which a *permit* was or was not required; and
 - (f) ensure that that during the construction process, no unsafe conditions exist or will exist because of the work being undertaken.
- 5.1.16 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 major alteration of that *building*; or

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

- 5.1.17 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.
- 5.1.18 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*.
- 5.1.19 When a *building* or part of a *building* is in an unsafe condition, the *owner* shall immediately take all necessary action to put the *building* in a safe condition.
- 5.1.20 (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*, *engineer* or both are retained to undertake professional design and inspection.
- (2) Professional design and inspection referred to in subsection 5.1.19 (1) requires that an *architect*, *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 *engineer* pursuant to subsection 5.1.19 is terminated during the construction period, work shall be discontinued until a replacement has been appointed.
- (4) The requirements of section 5.1.19(1), (2), and (3) of this by-law, 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*.
- 5.1.21 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 *engineer* and copies of the reports are to be submitted to the *authority having jurisdiction*.
- 5.1.22 Every *owner* who undertakes to construct, alter, reconstruct, demolish, remove or relocate a *building* shall provide supervision and co-ordination of all work and trades.
- 5.1.23 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.

5.124 It shall be the *owner's* responsibility for waste management of construction debris and its removal.

5.2 Duties and Responsibilities of the Contractor:

5.2.1 Every Contractor shall ensure that all construction safety requirements of the *Code* Are met.

5.2.2 Every Contractor 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 approval first having been obtained in writing from the *authority having jurisdiction*.

5.2.3 Every Contractor is responsible jointly and severally with the owner for work undertaken. During the construction process, every contractor must ensure that the construction site is kept safe and that any open excavations or hazards are clearly marked and barricaded.

5.2.4 Every Contractor is responsible jointly and severally with the owner to ensure all required permits are obtained prior to commencing work.

5.3 Duties and 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 subsection 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 (Manitoba).

5.3.3 Where the *authority having jurisdiction* seeks to enforce any of the powers set out in subsection 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(s) 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 *Architect and/or Engineer*:

5.4.1 When an *architect and/or engineer* is retained, the designer shall ensure that the design of the *building* conforms to the *Code*.

5.4.2 Every *architect and/or engineer* 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*.
- 5.4.3 Every *architect* and/or *engineer* 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, Schedule “A” “Municipal Servicing Standards for Design and Construction” of this by-law and other by-laws of the Municipality for the work to be undertaken.
- 5.4.4 When an *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*.
- 5.4.5 If the responsible *architect* and/or *engineer* withdraw from the project, such *architect* and/or *engineer* shall immediately advise the *authority having jurisdiction*.
- 5.4.6 Prior to the consideration of issuance of an *Occupancy Permit*, the responsible *architect* and/or *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 *architect* and/or *engineer* shall sign, date and seal all documents referred to in this section of the by-law.

5.5 Powers of the “*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 this or any other by-law 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 by the *authority having jurisdiction* in writing;
 - (c) work to stop on the *building* or any part of a *building*, 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 a *building* 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 condition meets these requirements.
- 5.5.4 The *authority having jurisdiction*, may require an *owner* to submit, in addition to the information required in section 4.1.1 of this by-law, a staking certificate or Building Location Certificate (BLC) being not more than 1 year old and 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 met; and
 - (b) to verify that, upon completion of the work, all such requirements have been met.
- 5.5.5 The *authority having jurisdiction* may require the *owner* to submit a geotechnical report prepared by a professional engineer as is appropriate to the work, whenever deemed necessary. When a primary building is to be constructed within 100' of the Seine riverbank in a designed flood area, the owner shall submit a geotechnical report prepared by a professional engineer as is appropriate to the work,
- 5.5.6 The *authority having jurisdiction* may ask for any other documentation or tests deemed necessary at the expense of the *owner*.
- 5.5.7 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 *engineer*; and
 - (b) the work be inspected during construction by the *architect* or *engineer* responsible for the work.
- 5.5.8 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*.
- 5.5.9 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.
- 5.5.10 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*.

- 5.5.11 The *authority having jurisdiction* may place a *valuation* on the cost of the work for the purpose of reporting. Such *valuation* shall take precedence over any *valuation* provided by the *owner*.
- 5.5.12 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 the *building* for the accepted use, before commencement or completion of the construction or demolition work.
- 5.5.13 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 state, and when 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;
 - (b) take such other measures as may considered necessary to protect the public;
 - (c) issue to the *owner* an order or notice in writing to correct any unsafe conditions observed in any building.
- 5.5.14 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*.
- 5.5.15 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.

SECTION 6 Appeal

- 61 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 *building*, the demolition or removal of *building*, or structures, or any other matter herein may, within thirty (30) days from the date of the decision, appeal to the *Council*. All decisions or orders remain in effect during the appeal process.
- 62 *Council* may hear the appeal as a committee of the whole or by subcommittee especially established for this purpose.
- 63 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;

64 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 *owner* or contractor who commences work prior to obtaining the required permits herein, shall be levied a penalty of double the permit fee but not less than one hundred dollars (\$200.00) at time of permit application. Council may alter any penalties by resolution.

7.1.1 The *owner* or contractor may appeal any penalty levied within thirty (30) days of written notification as per Section 6 of this by-law.

7.2 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 Section 6 herein for which no other penalty is herein provided is guilty of any offense and liable, on summary conviction, to a fine not less than five hundred dollars or double the permit fee, not exceeding five thousand dollars (\$5,000.00), or in the case of an individual, to imprisonment for a term not exceeding six (6) months or to both such fine and such an imprisonment;
(c) and/or be fined under the current Provincial Offices Act By-law for each offence as outlined in the by-law and Provincial Legislation.

7.3 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 7.2 of this by-law.

7.4 Where the contraventions are continuous by the *owner* and/or contractor, the *authority having jurisdiction* reserves the right to refuse future and to suspend current existing *permits*.

7.5 Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the *person* is guilty of a separate offense for each day it continues.

SECTION 8 Repeal

8.1 This by-law repeals By-Law No. 1906 as well as any amending by-laws, resolutions passed or schedules amended, dealing with this by-law.

8.2 The repeal of the by-laws in section 8.1 shall not revive any by-law or any provision

of any by-law repealed by them, nor shall the said repeal prevent the effect of any saving clause in the said by-law or the application of any of the said by-law or any other by-law or provision of law formerly in force to any transaction matter or thing anterior to the said repeal to which they would otherwise apply.

- 8.3 The repeal of By-law No. 1906 shall not affect:
- (a) any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal;
 - (b) any action, suit, judgement, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever, respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal;
 - (c) any act, deed, right, title, interest, grant, assurance, registry, rule, regulation, contract, lien, charge, matter or thing had, done, made, acquired, established or existing at the time of such repeal;
 - (d) any office, appointment, commission, salary, allowance, security, duty or any matter or thing appertaining thereto at the time of such repeal;
 - (e) any bond, note, debenture, debt, or other obligation made, executed, or entered into by the Municipality at the time of such repeal;
 - (f) disturb, invalidate, or prejudicially affect any other matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.

SECTION 9 Amendments

- 9.1 Any schedules attached to this by-law may be amended by resolution of *Council*.

SECTION 10 Effective Date

- 10.1 This By-Law shall come into force and take effect on the date of its enactment.

DONE AND PASSED as a by-law of the R. M. of Taché in the Province of Manitoba this 19th day of November, 2019 A.D.

Mayor

Chief Administrative Officer

Read a first time this 24th day of September, 2019 A.D.

Read a second time this 22nd day of October, 2019 A.D.

Read a third time this 19th day of November, 2019 A.D.