

THE VILLAGE OF ST. PIERRE-JOLYS
BUILDING BY-LAW 2017-06

Being a bylaw of the Village de/of St. Pierre-Jolys to regulate the construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, occupancy or change in occupancy of any building or addition to a building in the Village de/of St. Pierre-Jolys.

WHEREAS the Village of St. Pierre-Jolys is empowered by the Buildings and Mobile Homes Act, CCSM, c. B93, to, by-law, adopt The Manitoba Building Code;

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 Village of St. Pierre-Jolys, duly assembled, enacts as follows:

SECTION 1 *Title*

This by-law may be cited as the Village de/of St. Pierre-Jolys Building By-law

SECTION 2 *Scope and Definitions*

2.1 Scope:

2.1.1 This by-law applies to the whole of the Village de/of St. Pierre-Jolys

2.1.2 This bylaw applies to the administration and enforcement of 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 and *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 <i>authority having jurisdiction</i> to ascertain compliance with the <i>Code</i> and this by-law
"Authority having jurisdiction"	means the Village of St. Pierre-Jolys and where the context requires, such building inspector or other authority lawfully appointed by the Village of St. Pierre-Jolys to administer and enforce the provisions of this by-law.
"Alteration"	means a change or extension to any matter or thing or to any <i>occupancy</i> regulated by this by-law

<i>"Architect"</i>	means any person who is engaged for hire, gain or hope of reward in the Planning or review for others of the erection, enlargement or alteration of buildings by persons there than himself and licensed with the Manitoba Association of Architects.
<i>"Accessory Building"</i>	means a <i>building</i> that is not used for human habitation and has no cooking facilities, or sleeping areas, hot tubs but excludes farm outbuildings.
<i>"Building"</i>	means any <i>structure</i> used or intended for supporting or sheltering any use or <i>occupancy</i> .
<i>"Building Inspector"</i>	means the person appointed by Council to administer and enforce this by-law
<i>"Building and Mobile Homes Act"</i>	<i>applies to the construction, erection, placement, alteration repair, renovation, demolition, relocation, removal, occupancy or change in occupancy of any building or addition to a building. Excludes part o9 buildings, buildings under 108 sq. ft. Applies to anything commenced or completed before June 14, 1974.</i>
<i>"Building Occupancy Permit"</i>	means permission or authorization issued in writing pursuant to this by-law to occupy and <i>building</i> or part thereof in the municipality.
<i>"Code"</i>	means the Manitoba Building Code as established, adopted and revised from time to time under Section 3 of the Buildings and Mobile Homes Act.
<i>"Condominium"</i>	is a unit as described in the Condominium
<i>"Constructor"</i>	any person engaged by the owner to perform any work required in building <i>permit</i> .
<i>"Council"</i>	means the municipal council of the Village of St. Pierre-Jolys.
<i>"CSA"</i>	means the Canadian Standards Association
<i>"Design Professional"</i>	referring to architects or professional engineers that are: <ul style="list-style-type: none"> • A registered member of the Manitoba Association of Architects, authorized to practice architecture in the Province of Manitoba under the Architects Act; or • A registered member of the Association of Professional Engineers and Geoscientists of Manitoba (APEGM), authorized to practice engineering in the Province of Manitoba under the Engineers Act and skilled in the appropriate area of work concerned.
<i>"Development Permit"</i>	is written approval from the Village that your plans are in accordance to the St. Pierre-Jolys Zoning Bylaw regulations. You are required to have a valid development permit before you can apply for a building permit to construct the building or structure, or to apply for a business license. It is not the same as a building permit. A development permit allows a specific type of development on a specific parcel of land in the community to proceed with the zoning and development bylaws of the Village of St. Pierre-Jolys.
<i>"Farm Building"</i>	means buildings used for the purpose of grain growing, raising or keeping farm stock, growing nursery stock or market gardening.
<i>"Exterior of Building"</i>	means something on the outside, or to be used on the outside, or something that comes from the outside. An example of exterior is paint meant for the outside of a house.

"Major Occupancy"	means the primary purpose of the building(s) on the property
"Occupancy"	means the use of a <i>building</i> or part thereof for the shelter or support of persons, animals or property.
"Occupancy Permit"	means a <i>permit</i> issued after the final <i>inspection</i>
"OFC"	means the Office of the Fire Commissioner
"Owner"	means any person, firm or corporation controlling the property under consideration.
"Permit"	means permission or authorization in writing by the <i>authority having jurisdiction</i> to perform work required by the by-law and in the case of an <i>occupancy permit</i> , to occupy any <i>building</i> or part thereof.
"Professional Engineer"	means any person who holds a certificate of registration to engage in the practice of Engineering and is registered with the Association of Professional Engineers and Geoscientists of Manitoba
"Pre-Manufactured Dwelling"	means a dwelling that has all components manufactured off site, and fully assembled on site.
"RTM"	means ready to move new houses, or dwelling units, commonly referred to as modular homes, as governed by the current National Building Code of Canada, or <i>buildings</i> constructed in one location and moved to a different location.
"Secondary Suite"	means a second dwelling unit (self-contained living quarters including cooking equipment and a bathroom), located within the structure of an owner-occupied single-family dwelling such as an attached suite, garage suite and detached suite.
"Solar Panel"	a panel designed to absorb the sun's rays as a source of energy for generating electricity
"Structure"	means anything constructed or erected with a fixed location on or in the ground or attached to something having a fixed location on or in the ground that shall include but not be limited to the following: mobile homes, walls, fences, signs, billboards, poster panels, light standards, swimming pools, air conditioners, heating and cooling units, pulse furnaces, satellite dishes.
"Temporary"	means a removable <i>structure</i> permitted on a <i>temporary</i> basis
"Temporary Buildings"	means a removable <i>building</i> permitted on a <i>temporary</i> basis during construction
"Temporary Use"	means a removable use permitted on a <i>temporary</i> basis during construction
"Tiny Houses"	between 100-400 sq. ft. has a under carriage, the typical size of a small home seldom exceeds 500 square feet (46 m ²). The typical <i>tiny house</i> on wheels is usually less than 8 ft. by 20 ft., with livable space totaling 108 square feet or less, for ease of towing and to exempt it from the need for a <i>building permit</i>
"Travel Trailer"	mobile home which can be licensed under MB Hwy. Traffic Act
"Unit"	means a part of the land designated as a unit on a plan and includes the space enclosed by its boundaries and all the land,

buildings, structures and fixtures within that space. (« partie privative »)

"Unsafe Condition"

means a structure or property in such a condition that it may be unsafe for people or animals and cause possible physical harm to people or animals, or have not complied with his by-law or the building code.

"Used house"

means a dwelling that is not of new construction, that has been previously occupied.

"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 or permanent heating, elevator equipment or fire sprinkler equipment, and all labor, 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 stories 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 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*. 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 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, 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 under the Fires 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.

3.2.8 When a *building* is enlarged beyond its existing size, the requirements of this bylaw apply to all parts of the *building*.

3.3 Temporary Structures, Temporary Buildings, Temporary Uses:

The provisions of this section shall apply to all districts as follows:

3.3.1 *Temporary Buildings, structures* and uses which are incidental and necessary to construction in the same District may be permitted on a *temporary* basis, subject to the issuance of a development permit, for the following purposes:

- i) For storage of construction materials and equipment incidental and necessary for construction;
- ii) For office space for *contractor* or developer; and
- iii) For temporary accommodation. *Temporary* accommodation shall be limited to a *travel trailer* (as defined herein). A *temporary building* shall not be used as *temporary* accommodation unless it complies with the Manitoba Building Code for residential occupancies.

3.3.2 *Temporary buildings, structures* and uses shall not be detrimental to the public health, convenience, general welfare and/or amenity of the district in which said uses are located. *Temporary building, uses or structures* must be constructed, erected and/or placed in such a manner that they can be removed upon completion of construction. Following completion of construction, said uses may be converted to a permitted or conditional use or accessory use, provided that all building *Code* and zoning by-law requirements are complied with.

3.3.3 A development permit for a *temporary building, structure* or *use* shall be subject to such terms and conditions as required by the *authority having jurisdiction* or the Development Officer.

3.4 Exemptions:

3.4.1 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 hydroelectric dams and *structures*
- d) mechanical or other equipment and appliances not regulated in this by law
- e) *Accessory storage 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 a residence, an attached garage or carport

3.5 Prohibitions:

3.5.1 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.

3.5.2 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.

3.5.3 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, without 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.

3.5.4 Where an *occupancy permit* is required by 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 *authority having jurisdiction*.

3.5.5 No person shall knowingly submit false or misleading information to the *authority having jurisdiction* concerning any matter relating to this by-law.

- 3.5.6 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.
- 3.5.7 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.
- 3.5.8 No person shall allow the ground elevations of a building lot or site to be changed so as to cause surface water to flow or drain towards a *building* on the same lot or site, or, unto an adjacent lot or building site.
- 3.5.9 No person shall restrict or intend to restrict surface water to flow or drain its natural course.
- 3.5.10 The *authority having jurisdiction* shall determine on a site by site basis what the grade elevations should be.

3.6 RTM's, Used RTM, Modular Homes, Pre-Manufactured Homes, Mobile Homes, Tiny Homes

- 3.6.1 *RTM's, Modular Homes, Pre-Manufactured Homes, Mobile Homes, Tiny Homes* shall comply with the requirements of the *Code* and shall be preapproved by the *authority having jurisdiction*
- 3.6.2 The *authority having jurisdiction* may require any or all of the following in respect to *RTM, Modular Homes, Pre-Manufactured Homes, Mobile Homes, Tiny Homes* 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 on 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 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.
 - e) CSA or OFC Label for mobile homes
 - f) Wet stamp approved wood burning appliances
- 3.6.3 In the case of a used *RTM or used home* the *authority having jurisdiction* requires that: a) the building be inspected by the building inspector prior to the structure entering into the municipality and prior to the issuance of a *permit*;
- b) that the *RTM, Modular Homes, Pre-Manufactured Homes, Mobile Homes, Tiny Homes*, meet all requirements stated on the *permit*;
 - c) that the *RTM, Modular Homes, Pre-Manufactured Homes, Mobile Homes, Tiny Homes* is less than 5 years old from the date of request of the permit.

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 proposes work and be accompanied by the required fee as set out on Schedule A hereto; and,
 - d) include those plans and specifications set out on Schedule B hereto (unless otherwise waived by the *authority having jurisdiction*), and show the *occupancy* of all parts of the *building*,

- e) state the names addresses and telephone numbers of the *owners, architect, professional engineer* or other *design professional, constructor* and any inspection or testing agency engaged to monitor the work or part of the work.
- f) 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 refileing.

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 unless otherwise extended by the *authority having jurisdiction*.
- b) the work authorized under the *permit* is suspended for six months unless otherwise extended by the *authority having jurisdiction*.
- c) The *exterior of the building* is not completed within 12 months from the date of issue of the permit unless otherwise extended by the *authority having jurisdiction*.

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*.

4.1.6 If after two (2) years of the date of the original application the *authority having jurisdiction* may require refileing of a *permit* if the *building* is not completed.

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 or development 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 of removal of any *building* or *structure*, or portion thereof;
- f) the excavation of any land for any purpose of erecting or location 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;
- j) any construction, extension, alteration, renewal or repair or make a connection to a plumbing system unless a *permit* to do so has been obtained.

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 landing and stairs;
- e) Construction of fences but will require a development permit;
- f) Installation of cabinets and shelves;
- g) A detached *accessory storage building* not greater than 10 square meters (108 sq. ft.) in building area but will require a development permit;
- h) Surfacing of driveway on private property

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 5.1.23(1), the *owner* shall (unless the *authority having jurisdiction* waived such requirement) submit Letters of Assurance in the forms set out in Schedules C and D, 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 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 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 E as attached hereto, confirming that the *owner* will ensure that the *building* will be constructed in accordance with the *Code*.

4.2.1.6 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.

4.2.2. **Plumbing Permits:**

4.2.2.1 Except as provided in sentence 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.

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.

4.2.3. **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

4.2.3.1 An *Occupancy Permit* is required from the *authority having jurisdiction* for:

- a) the occupancy of any new *building* or structure or portion thereof including a single-family dwelling, a two-family dwelling or a multifamily dwelling without shared exit facilities;
- b) the *occupancy* of any existing *building* or structure where an *alteration* is made thereto, including 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

4.2.3.5 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.

- 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 to 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.

- 4.2.3.2 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 F and G, 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
- 4.2.3.3 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*.
- 4.2.3.4 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 division within a group unless such *building* or structure is made to comply with the requirements of the *Code* or that occupancy group, or division within a group.
- 4.2.3.5 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*.
- 4.2.3.6 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.
- 4.2.3.7 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*.
- 4.2.3.8 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*.
- 4.2.3.9 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*.

4.2.4. Demolition Permits:

- 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*.

PRIVATE SWIMMING POOLS AND HOT TUBS

- 4.2.5 This section applies to private and semi-private swimming pools, hot tubs and similar structures when accessory to a residential use:
- a. Outdoor pools and hot tubs shall comply with yard requirements for accessory buildings and uses as set forth in **TABLE 6.2: RESIDENTIAL BULK TABLE** of this **PART**. In no case shall an outdoor pool or hot tub be located closer than five (5) feet to any side or rear site line;
 - b. All outdoor pools and hot tubs shall be completely enclosed with a fence or other suitable barrier constructed or erected in accordance with the following:
 - i. it shall have a minimum height of six (6) feet including gates, which shall be self-closing and equipped with a lockable latch to prevent unauthorized entry;
 - ii. there shall be no openings other than an entry to a building at a gate and it shall be so constructed as to prevent a child from crawling under either the fence or gate;
 - iii. where a chain link fence is used, the outside surface of the enclosure shall be relatively smooth so as not to provide foot or toe holds; and
 - iv. the enclosure surrounding an outdoor pool shall be maintained in good repair.

- c. Notwithstanding **Section 6.6.2.a** of this **PART**, open decks and open stairways associated with the outdoor pools or hot tubs may project to within two (2) feet of any side or rear site line;
- d. Semi-private pools, which are not located on the property of a single-family dwelling and used solely by the occupant of said dwelling or his guests, are subject to the regulations governing swimming pools under the Public Health Act.
- e. Nothing in this Section shall relieve any such structure from complying with spatial, structural, electrical, plumbing, health and safety or separation requirements contained in regulations under The Building and Mobile Homes Act, Public Health Act or other applicable statutes.
- f. A permit from council will be required to establish this use.

4.2.6. General:

4.2.6.1 No permit shall be assigned or transferred without the written consent of the *authority having jurisdiction*.

SECTION 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 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 Schedule A of this by-law, with the *authority having jurisdiction* to ensure that to the satisfaction of the municipality:

- (a) proper lot grades have been established;
- (b) access is installed to municipal specifications;
- (c) curb stops are in good working order;
- (d) all necessary building inspections are completed and passed.

5.1.4 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 Manitoba Building Code or any other requirements, such as building elevations.
- (d) all necessary building inspections are completed and passed.

5.1.5 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*;
- (d) the garage pad elevation is greater or less than 3 inches from the required grade.

5.1.6 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*.

5.1.7 The *authority having jurisdiction* may garnish the deposit for any required re-inspections at a rate as set out in Schedule A of this by-law.

- 5.1.8 The garnishment or forfeiture of a deposit may be appealed, in writing within fifteen (15) days from the time of notification, to *council* or designated sub-committee as per Section 6 of this by-law.
- 5.1.9 Every *owner* shall:
- a) ensure that the plans, specifications and *building permit*, on which the issue on any *permit* was based are available continuously at site of the work for *audit* or *inspection* during working hours by the *authority having jurisdiction*.
 - b) and that the *permit*, or true copy thereof, is posted conspicuously on the site during the entire execution of the work.
- 5.1.10 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.
- 5.1.11 Every *owner* shall before be 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 *design professional* of the work(*architect/engineer*)
 - iii. the person reviewing the work;
 - 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 before *occupancy*.
- 5.1.13 Every *owner* shall give notice in writing to the *authority having jurisdiction*
- a) immediately upon 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* shall give such other notice to the *authority having jurisdiction* as may be required by the provisions of the *Code* or this by-law.
- 5.1.15 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 tests or *inspection* reports to the *authority having jurisdiction* when and as required by the *authority having jurisdiction*.
- 5.1.16 Every *owner* shall provide an up-to-date survey of the *building* site when and as required by the *authority having jurisdiction*
- 5.1.17 When required by the *authority having jurisdiction*, every *owner* shall uncover and recover at his own expense any work that has been covered contrary to an order issued by the above authority.
- 5.1.18 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.
- 5.1.19 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

- 5.1.20 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.
- 5.1.21 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*.
- 5.1.22 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.
- 5.1.23 (1) Every *owner* who undertakes to construct or have constructed a *building* which shall ensure that an *architect*, *professional engineer* or both are retained to undertake professional design and inspection.

- 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*,

(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 5.1.23. (1) and (2) is terminated during the construction period, work shall be discontinued until a replacement has been appointed.

(4) The requirements of Sentences 5.1.23(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*

5.1.24 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*.

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

5.1.26 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.

5.2 ***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 approval first having been obtained in writing from the *authority having jurisdiction*. (i.e. appropriate *permit* issued)

5.2.3 Every *constructor* is responsible jointly and severally with the *owner* for work actually done.

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 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 Design Professional;

- 5.4.1 When a *design professional* is retained, the *design professional* 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 *design professional* 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 *design professional* and others, and
 - d) any other documentation or certification required by the *authority having jurisdiction*.
- 5.4.4 Every *design professional* 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 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 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*.
- i) the failure to comply with conditions of a resolution of council pertaining to a *permit*.

5.5.3 The *authority having jurisdiction* may direct the 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 Article 4.1.1, an up-to-date plan or 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 a *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
- 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, or
- c) the *permit* was issued on the basis of incorrect information,
- d) the work is being done contrary to the terms of the *permit*.

5.5.10 The *authority having jurisdiction* may place a *valuation* on the cost of the work for the purpose of determining *permit* fees. Such *valuation* shall take precedence over any *valuation* provided by the *owner*:

5.5.11 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.

5.5.12 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.
- c) the *owner*, occupier, agent or person in charge of the *building* or *structure*, or of a well excavation or opening, that is deemed to be *unsafe* cannot be located, or in cases where service is impracticable, the *unsafe* notice shall be posted by affixing two copies thereof in a conspicuous place on the premises, and such procedure shall be deemed the equivalent of personal notice.

5.5.13 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*.

5.5.14 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.

5.5.15 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 certain provisions of this by-law, shall be charged a penalty with respect to specific contraventions of the by-law and in the amounts and in accordance to the penalties as shown and outlined in Schedule "H" hereto attached, and, where such contravention, refusal, omission, or failure, continues for more than one day, the penalty shall apply for each and every day it continues, and, if the person fails to pay such penalties within 30 days of notice of such contravention, refusal, omission, or failure, the penalties shall be added to the appropriate real property tax roll.

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 bylaw that, by this by-law is made applicable; or

- b) any order or decision of the *authority having jurisdiction* 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
- 7.3 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 7.1 and 7.2 aforesaid.
- 7.4 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


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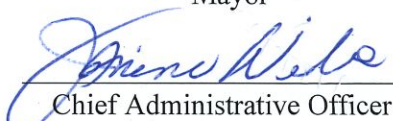
Section 8 Repeal

- 8.1 By-law No.
- 8.2 The repeal of the by-law(s) in the last preceding section mentioned 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-laws or the application of any of the said by-laws 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 And the repeal of the said by-laws should 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, judgment, 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 Corporation at the time of such repeal;
 - f) Shall and such repeal defeat, disturb, invalidate, or prejudicially affect any other matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.

Effective Date: This by-law is hereby adopted and shall come into full force on the second day of August, 2017.

DONE and PASSED by the Council of the Village of St. Pierre-Jolys, in open session duly assembled this 2nd day of August A.D. 2017



 Mayor


 Chief Administrative Officer

Received 1st reading the 5th day of July A.D. 2017

Received 2nd reading the 2nd day of August A.D. 2017

Received 3rd reading the 2nd day of August A.D. 2017