

COUNCIL POLICIES AND PROCEDURES

SECTION - H

MISCELLANEOUS

SUBJECT: Enforcement of Building By -Law Number H - 6

APPROVAL DATE: September 17, 1984

PREAMBLE: A building By-Law has been adopted by the Municipality of the District of Guysborough in order to safeguard life and limb, health, property and public welfare with respect to the design, construction and alteration of buildings by the provision of appropriate minimum standards. It is the intention of Council to enforce the Building By-Law consistently and impartially; firstly, by ensuring that all property owners acquire a building permit prior to beginning any construction regulated by the Building By-Law and secondly, by ensuring that all violators are prosecuted under the Building By-Law and/or Health Act or other relevant legislation.

TERMS:

1. It shall be the duty of the Building Inspector to issue building permits to qualified applicants and generally to enforce the Building By-Law.
2. The Council shall endorse a public information program designed to educate the public concerning the requirement to acquire a building permit before beginning any development or construction regulated by the Building By-Law.
3. Information concerning violation of the Building By-Law may be brought to the attention of the Building Inspector by a Councillor, a ratepayer or any person having knowledge of the facts or through the Building Inspector's own efforts.
4. Violations of the Building By-Law shall include:
 - a) Beginning construction when no application for the required Building Permit has been submitted to the Building Inspector.
 - b) Beginning construction when the required fee for a Building Permit has not been paid.

- c) Beginning construction without authorization while permit approval is still pending.
 - d) Beginning or continuing construction after a Building Permit has been denied.
 - e) Installing an on-site sewage disposal system or connecting to an existing system when a health permit has not been granted for the installation.
 - f) Other violations under the National Building Code (1980) and related codes.
5. When the Building Inspector becomes aware that a violation has occurred in accordance with Clause 4 above, he shall immediately issue a STOP WORK ORDER and send written notification (Notice of Violation) to the owner advising that the owner must receive a Building Permit or face legal action.
6. If the owner has not complied with the instructions of the Building Inspector within fourteen (14) days, the Building Inspector shall report the violation to Council.
7. Following receipt of a report of violation from the Building Inspector, the Council shall instruct the Municipal Clerk to send a notice to the property advising that legal proceedings will begin unless the owner receives a Building permit within the twenty-one (21) days.
8. A) If the owner does not take the necessary steps to acquire a Building Permit within twenty-one days, the Municipal Clerk shall report the non-compliance to Council at its next meeting and the Council shall initiate legal proceedings for violation of the Building By-Law.
- B) If the conditions set out by the Building Inspector are complied with within twenty-one (21) days, the Building Inspector may rescind the STOP WORK ORDER and shall advise the Municipal Clerk of this action. The Municipal Clerk shall advise the Council of the owner's compliance at the next meeting of the Council.
9. A) In the case of a violation under Clause 4(e) (no health permit) the Building Inspector shall refer the matter to the Council and to the Board of Health. The time between issuing the STOP WORK ORDER and bringing the matter to the Board of Health shall not exceed thirty (30) days.

The report of the Building Inspector to the Board of Health shall include full particulars including:

- name and address of property owner
- names and addresses of builder(s) (if different from owner)
- location of construction
- type of construction
- date Building Inspector became aware of construction
- date construction is believed to have begun.
- indicate whether a septic system has been installed
- date system is believed to have been installed
- reasons for believing a septic system has been installed
- status of application for a health permit
- name of backhoe operator

B) The Board of Health may then instruct the Secretary to the Board to send a notice to the property owner advising that legal proceedings will begin unless a health permit is received within twenty-one (21) days.

C) If work continues and no health permit is approved, after the notice is issued, the Secretary of the Board of Health shall report the non-compliance to the Board of Health within fourteen (14) days of the expiry date of the notice and the Board of Health shall initiate legal proceedings under the Health Act.

10. It shall be the duty of the Building Inspector to make an effort to determine whether or not any notice or order issued under Section 4 above has been complied with either through direct inspection or by requesting the information from any person having knowledge of the facts, if a direct reply is not received from the owner.

11. The building Inspector may be asked to verify the facts reported to him by any other person if the Council or the Board of Health deems it necessary.