



**VILLAGE OF BELLEDUNE**  
CHALEUR REGION

## VILLAGE OF BELLEDUNE BUILDING BY-LAW

BY-LAW NO. 2023-BB-01

First reading            February, 21, 2023

Second reading        February, 21, 2023

Third reading           \_\_\_\_\_

Adopted                \_\_\_\_\_

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Paul Arseneault, Mayor

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Brenda Cormier, Municipal Clerk



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## RESOLUTION

The Council of the Municipality of Belledune under authority vested in it by Section 5 of the Building Code Act, hereby enacts as follows:

1. Whereas the municipality of Belledune Building By-Law (By-Law 15-90-1998 & Amendment 15-02-2009), done and passed on May 19, 1998 and March 9, 2009 duly registered in Restigouche County on June 10, 1998 and identified by the number 496 Dr 7 and May 7, 2009 and identified by the number 27124487;
2. Whereas the Building Code Act was proclaimed and came into force February 1, 2021;
3. Whereas the municipality have to adopt a new Building By-Law to be consistent with the act;
4. Whereas the municipality did the first and the second readings by title on February 21, 2023;
5. Be it Resolved that the municipality did the third and final reading and adoption on March 20, 2023.

IN WITNESS WHEREOF, the municipality of Belledune affixed its Corporate Seal to this by-Law.

The Council of the Village of Belledune, under authority vested in it by the Building Code Administration Act, enacts as follows:



## 1 DECLARATORY AND INTERPRETATIVES PROVISIONS

### 1.1 INTERPRETATION

For the purpose of this by-law, unless the context indicates a different meaning, any word, term or expression has the sense and meaning assigned to it in section 1.3.

If a word, term or expression is not specifically defined in the building by-law, it is used with the meaning defined in the zoning by-law and then with the common meaning defined in the dictionary.

In this by-law, in the event of contradictions between the text and a title, the text prevails.

When a restriction or prohibition prescribed by this by-law or any of its provisions conflicts or is inconsistent with any other regulation or provision of this by-law, the most restrictive or prohibitive provision applies, unless otherwise indicated.

### 1.2 REPEAL

By-law No. 15-90-1998 entitled "Village of Belledune Building By-law" and all its amendments are repealed.

The repeal of By-law number 15-90-1998 does not nullify a situation of violation or of conferring acquired rights on anyone who contravenes, on the date of entry into force of this By-law, to one or more provisions of the By-law thus repealed. The Council reserves the right to take recourse against any person who contravenes, on the date of entry into force of this By-law.

The repeal of the by-law number 15-90-1998 does not affect permits legally issued under the authority of the by-law thus repealed, nor rights acquired before the entry into force of this by-law.

### 1.3 TERMINOLOGY

The following definitions apply in this by-law.

*"Architect"*

Means a registered member or licensee of the Association and, when used in Part IV of this Act, includes former members, former licensees, and proprietorships, partnerships and corporations which practice or formerly practiced architecture pursuant to section 13.

*"Building"*

Means any structure used or intended for supporting or sheltering any use or occupancy. A building is covered with a roof resting on exterior walls.

*"Building inspector"*

Means:



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- a. a person who has the primary responsibility to a regional service commission for the enforcement of a local government by-laws or other provincial laws with respect to a building and construction within the region, and
- b. a building inspector, or a person who has the primary responsibility for the enforcement of by-laws or other laws with respect to building and construction, appointed under the Local Governance Act.

*"Building permit"*

Means the document signed by the building inspector and issued by the Commission if a project complies with the provisions contained in the building by-law. A building permit can be issued in conjunction with a development permit.

*"Chaleur Regional Service Commission (RSC)"*

The Chaleur Regional Service Commission is established under the Regional Service Delivery Act.

*"Change in occupancy"*

A change in the nature of the use or intended use of a building or part of it to house persons, animals or goods.

*"Code"*

Means the current edition of the National Building Code of Canada adopted by the province including the amendments, revisions and errata subsequently published.

*"Construct"*

Means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere.

*"Council"*

Means the municipal council of the Village of Belledune.

*"Court"*

Means the Provincial Court of King's Bench of New Brunswick and including a judge of that court.

*"Demolish"*

Means to do anything in the removal of a building or a material part of a building.

*"Development Officer"*

Means a designated person as defined in the Community Planning Act.



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*"Development permit"*

Means the document signed by the *Development Officer* and issued by the *Commission* if a project complies with the provisions contained in the zoning by-law and the Community Planning Act. A development permit can be issued in conjunction with a building permit.

*"Dwelling Unit"*

Means dwelling unit as defined in the National Building Code of Canada.

*"Extension"*

Means the work intended to increase the floor area or the body of a building or construction.

*"Erect"*

Means construct, build, assemble, relocate a building or structure, including preparatory work for the construction, assembly or relocation of a building or structure.

*"Engineer"*

Means a member in good standing of the Association of Professional Engineers and Geoscientists of New Brunswick who is registered or holds a permit or license authorizing him to practice the engineering profession in New Brunswick.

*"Geodetic height"*

Means the elevation or height of a given point on earth above the geodetic reference.

*"Habitation"*

*Has the same meaning as defined in the National Building Code of Canada, or any part of a building containing one or more dwellings.*

*"Land development"*

Means landscaping, drainage infrastructure, parking areas and pedestrian areas

*"Land surveyor"*

Means a member in good standing of the Association of New Brunswick Land Surveyors authorized under the New Brunswick Land Surveyors Act, 1986 to engage in land surveying in New Brunswick

*"Alteration"*

Means, in relation to a building or a structure, the fact of making a structural or other modification for purposes other than simple maintenance.



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*"Non-habitable surface"*

Means the exterior part of the building which is a construction adjoined or protruded to the building and which is a surface where one cannot eat, live or sleep: balcony, exterior staircase, gallery, gazebo, awning, covered breezeway, patio, pergola, stoop, porch, portico, terrace, etc.

*"Occupation"*

Refers to the use or intended use of a building or part thereof consisting of housing persons, animals and good.

*"Owner"*

Means the holder of title to the property and, in addition, the person who has entered into a purchase agreement relating to it.

*"Permit holder"*

Refers to the applicant of the permit or the owner of the property.

*"Structure"*

Means anything constructed or erected on or below the ground or attached to something on the ground and includes all buildings.

*"Use"*

Means a purpose for which a land, building or structure, or a combination of these elements, is designed, arranged, erected, occupied, or maintained.

*"Work"*

Means the action of erecting, building, locating, or relocating, demolishing, altering, structurally altering, repairing or replacing a building, a construction, a structure or any combination of these activities.

## **1.4 APPLICATION**

This by-law applies throughout the municipality of Belledune, as provided in the Local Governance Act.

## **1.5 SCOPE**

The purpose of this by-law is:

- a. To prescribe standards for the building, locating or relocating, demolishing, altering, structurally altering, repairing or replacing, or any combination thereof, of a building, construction or structure;





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- b. To prohibit the undertaking or continuing of *work* mentioned in subsection 1.5 a. In violation of standards prescribed hereby;
- c. To prescribe a system of permits for the *work* pursuant to subsection 1.5 a, their terms and conditions, the conditions under which they may be issued, suspended, reinstated, revoked and renewed, their form and the fees thereof; and
- d. To prescribe the fees for the issuance of *building permit*.

## 1.6 CODE ADOPTION

The latest edition of the Code adopted by the province of New Brunswick, with the exception of part 8 entitled "Safety measures at Construction and Demolition Sites", is adopted as the standard to which all work undertaken on buildings and on constructions in the municipality must comply.

## 1.7 CODE EXEMPTION

The exemptions in regulation 2021-2, General By-law - Building Code Administration Act, apply to the entire village.

# 2 BUILDING PERMIT PROVISIONS

## 2.1 PERMIT REQUIREMENT

A person shall not undertake or continue *work* unless the following conditions are met:

- a. The work conforms with :
  - the Code;
  - this by-law as well as other applicable laws, regulations, order and applicable by-laws;
  - to the terms and condition of the building permit;
- b. A development permit has been issued if required;
- c. A building, demolition or change of use permit has been issued if required.

## 2.2 APPLICATION FORMAT

### 2.2.1 Minimum information requirements

An application for a building permit must be submitted to the Commission by the owner, or a person acting on behalf of the owner, with the following information:

- a. Name and contact information of the owner or the applicant;
- b. Name and contact information of the person who is to carry out the work;
- c. Location of the *work*;
- d. Type of *work*;
- e. Intended use;
- f. Description of the project;
- g. Signature of the applicant and date of the application;



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- h. Estimated cost of the work including labor and materials;

### 2.2.2 Required documents

The following additional documents must accompany a permit application according to the type of permit and in the form prescribed by the planning director in order to ensure the project's compliance, unless exempted by the *building inspector*:

- a. Clear specifications and building plans to scale made by a skilled individual or a technologist, foundation plan, floor plan, including the following information if necessary:
  - The 4 elevations of the *building* indicating the size, dimensions and list of materials to be used;
  - An integral cross section with drawing of the details of the stairs, as well as the relevant details on the walls, the dimensions of the windows – including unobstructed window openings for the bedrooms – and the terraces;
  - The layout plan and shop drawings of the truss, bearing the seal and signature of an engineer;
  - The layout plan and shop drawings of the industrialized triangulated floor beams, bearing the seal and signature of an engineer;
  - Drawings of industrialized lintels or beams, bearing the seal and signature of an engineer;
  - When construction is to take place on land known to have been backfilled or where the soil is unstable, the results of a soil survey and the resulting recommendations, bearing the seal and signature of an geotechnical engineer licensed to practice in the province of New Brunswick;
  - The intended use of each room or floor area;
  - Any other plan or information requested by the building inspector;
- b. Layout plan, site plan, master plan, subdivision plan, survey plan or location plan including the following information as needed:
  - Lot size, area and property lines;
  - Dimensions of existing and proposed constructions: main building (residential occupancy, commercial, industrial or other), secondary and accessories buildings and constructions (garage, shed, steps, etc.), signs;
  - Distances from *constructions* to the property limits, streets, watercourses and wetlands;
  - The boundaries of the area;
  - Easements and rights of way;
  - Parking area, parking spaces, access and circulation aisles including the proposed dimensions;
  - Loading/unloading area, loading/unloading space, access and circulation aisles including the proposed dimensions;
  - Buffer zone and landscaping details, if required by the zoning by-law;
  - Debris storage area (container);
  - Fence;
  - Sign plan;
  - Description and information on use;



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- c. Any other plan, information, permit, approval, detail or additional professional certificates necessary for the understanding of the project and to ensure compliance with this by-law as well as other applicable acts, regulations, orders and by-laws.

### 2.2.3 Qualified professionals

All plans referred to in subsection 2.2.2 a. that accompany a permit application must be certified by the seal and signature of a qualified New Brunswick architect or engineer if the work referred to in the permit application consists of into a *building* or *construction* that:

- a. Has a floor area greater than 600 m<sup>2</sup> or a height greater than 3 storeys and that houses primary uses of Group C (Residential), Group D (Business Establishments), Group E (Commercial Establishments), Group F Division 2 and 3 (Medium Risk Industrial Establishments and Low Risk Industrial Establishments);
- b. For a use that falls within Group A (assembly facilities), Group B (care or detention facilities) or Division 1 of Group F (Very high-risk industrial establishments) of the Code classification;
- c. Is classified as a civil protection *building*; or
- d. Contains details of the construction for which the building inspector requests a certified design.

## **2.3 PERMIT EXEMPTION**

Notwithstanding subsection 2.1, a *building permit* is not required for *work* that must still comply with the *Code*:

- a. Painting;
- b. Insulation;
- c. Repair or reinstallation of the residential interior finish;
- d. Replacement of exterior roof cladding for of a residential class;
- e. A fence;
- f. Of a chicken coop if it is a secondary use as defined in the zoning by-law;
- g. A temporary installation as defined in the zoning by-law;

## **2.4 PERMIT ISSUANCE**

The *building inspector* issues the building or demolition *permit* if the following conditions are met:

- a. The permit application is accompanied by all the documents and information required by this by-law;
- b. The request complies with this by-law as well as other applicable laws, regulations, orders and by-laws;
- c. The development officer has approved the work in accordance with Subsection 108(1) of the Community Planning Act;
- d. Payment of building or demolition permit fees.

### 2.4.1 Foundation and exterior finish timeframe

Any *building* requiring a foundation requires the completion of said foundation within a maximum period of 12 months following the issuance of the *building permit*.



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The exterior finish of any building must be completed within the most restrictive timeframe thereof:

- a. Within 12 months of occupancy of the building; or
- b. Within 24 months of issuance of the building permit; or
- c. Any other provisions in the zoning by-law.

#### 2.4.2 Validity of the permit

A permit issued under this by-law is valid for one year from the date of its issue, after which it is deemed void unless renewed by the building inspector.

### **2.5 PERMIT REVOCATION**

#### 2.5.1 Cause of revocation

The building inspector can revoke a building permit if the work:

- a. Violate the issued permit and that the owner, summoned by the building inspector, fails to correct the situation within the allocated time;
- b. Violate this by-law as well as other applicable laws, regulations, orders and by-laws;
- c. Do not correspond to the permit;
- d. The permit was issued in error;
- e. The permit was issued on the basis of incomplete or false information;
- f. Work has not commenced within six months of the issuance of the permit;
- g. Work is stopped or suspended for more than six consecutive months.

#### 2.5.2 Revocation procedure

The inspector shall give written notice of the suspension or revocation of the permit to the owner or the person acting on behalf of the owner.

When a permit is revoked pursuant to section 2.5.1 or an application for a permit is withdrawn without the work having begun, the municipality withholds 100% of the fees.

The inspector reinstates the suspended permit if the requirements of the Act, its regulations and the Code and the terms and conditions for issuing the permit have been met.

The holder of a revoked permit must apply for a new permit in accordance with the terms and conditions set out in this by-law and must pay the related fees.

## **3 OBLIGATIONS AND RESPONSIBILITIES WITH RESPECT TO LEGISLATION**

### **3.1 OBLIGATIONS OF THE HOLDER**

#### 3.1.1 Advance Notice of Inspection

The building permit holder must give two business days' notice and grant access to the site to the building inspector in order to inspect the following phases:

- a. Foundation before backfilling;
- b. Structure after installation of services;



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- c. "Pre-drywall" inspection of insulation and vapour barrier prior to wall installation and ceiling finishing;
- d. Final inspection before building occupancy or when construction is completed.

### 3.1.2 Obligations during the total work

Throughout the duration of the work, the building or demolition permit holder must:

- a. Display the building permit on the property in plain view and for the duration of the work;
- b. Must notify the building inspector that construction, demolition or change of use work is ready for inspection;
- c. Keep on the work site a copy of the plans and specifications approved by the building inspector;
- d. Is liable for the costs of repairing any damage caused to the property of the municipality as a result of the work covered by the permit;
- e. Carry out or cause to be carried out, at his expense, the tests and inspections necessary to ensure the conformity of the work with the requirements of this by-law and send to the building inspector a copy of all test reports and inspection;
- f. Ensure that the public does not have access to the unsafe site;
- g. When amending or changing any information provided in an application submitted in accordance with section 2.2, immediately file the modifications or changes with the *building inspector*, such modifications or changes being subject to the approval provided for in section 2.4.

The issuance of a permit, the examination of the documents attached to the application, or the inspections carried out by the *building inspector* during the execution of the *work* in no way relieve the permit holder of all responsibility or of his obligation to carry out *work* in accordance with this by-law, the *Code* and other applicable legislation.

The holder of a permit to demolish a *building* or a *construction* must dispose of the debris and other materials from the demolition in accordance with all applicable regulations and in a location approved by the affected government departments.

## **3.2 OBLIGATIONS OF THE BUILDING INSPECTOR**

The building inspector:

- a. Ensure the administration and enforcement of this by-law;
- b. Visit and examine, at all reasonable times, all property to determine compliance with this by-law. The inspector may be accompanied, if necessary, by any relevant person. The owners, tenants or occupants of the premises visited shall be obliged to receive the inspector and answer any questions that the inspector may ask;
- c. Keeps a record of permit applications received, permits issued, communication orders, inspection reports, tests carried out and keep copies of documents and documents relating to the performance of his duties;
- d. Order tests to be carried out in accordance with the Code on materials, devices, construction methods, supporting functional elements or the conditions of the foundation or, if necessary to prove compliance with this by-law, orders the production of sufficient proof in this regard at the expense of the owner;



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- e. Revoke, suspend or refuse to issue a building permit when it is believed that the results of the tests referred to in subsection 3.1.2. e. do not meet the requirements of this by-law;
- f. Order the contractor to provide the necessary evidence that the construction plans were followed when the necessary inspections were not carried out;
- g. Reinstate the building permit when the materials, devices, construction process, functional load-bearing elements or the foundation meet the requirements of this by-law;
- h. Refuse to issue a building permit if the work does not comply with this by-law as well as other applicable laws, regulations, orders and by-laws;
- i. Undertake the procedures provided for in the Building Code Act when work is in contravention of the building by-law;
- j. Revoke a *building permit* if the *work* does not comply with this by-law as well as other applicable laws, regulations, decrees and by-laws.

The *building inspector* keeps a copy of the *Code* and makes it available to the public during normal business hours for use, review and consultation.

## 4 PROVISIONS RELATING TO BUILDINGS

### 4.1 FOUNDATIONS AND OPEN EXCAVATIONS

The owner of land containing foundations or excavation left open as a result of the demolition or destruction of a building shall, if construction work is not undertaken without delay, immediately backfill the foundation or excavation left open to mean ground level; Otherwise, he must erect without delay, in a careful manner and in accordance with the rules, a wall made of good materials, without openings, with a minimum height of 1.8 metres around the perimeter of the foundations or excavation left open, and maintain this wall to prevent it from becoming dilapidated or unsightly as long as the foundations or excavation left open constitute a danger.

### 4.2 SHIELDING OF BUILDINGS

The use of construction materials and their assembly to provide the shielding of a building against projectiles from firearms or explosives is prohibited for buildings or constructions having the following uses:

- a. The residential use group;
- b. Take-out and restaurant;
- c. Entertainment and erotic businesses;
- d. Motel, Inn, Hotel and Accommodation complex;
- e. Community center;
- f. Secondary uses Single-family dwellings, workers' camps, garden pavilions and tourist lodges.

### 4.3 PROHIBITED WORK

The following *work* on the *buildings* and *constructions* listed in Section 4.2 is prohibited:



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- a. Installation, in windows and doors, of laminated glass or any other bulletproof glass;
- b. Installation inside or outside of protective steel shutters;
- c. Installation of armored or reinforced doors to resist the impact of projectiles from firearms or explosives;
- d. Installation of an observation tower;
- e. Installation of metal grilles or bars on doors and windows, with the exception of the basement and cellar of a *building*.

## 5 TARIFICATION

### 5.1 FEES

The application fees are described in annex 1.

When the *building inspector* is led to believe that the estimated cost of the *work* (labor and materials included) is unreasonable, he may refuse to issue the building permit.

### 5.2 DEPOSIT

The fees described in annex 1 shall be paid, upon request, to the applicant:

- a. The location of the building's foundation, either visually or by survey report, indicates that the foundation has been erected in compliance with the requirements of the zoning by-law;
- b. The work has not progressed beyond the foundation stage until an inspection by the inspector has taken place at the site;
- c. The applicant, without obtaining a variance, corrects any location of the foundation that is not in compliance;
- d. An inspection of the municipal infrastructure abutting the property, including curbs, sidewalks and pavement, reveals no damage that may have occurred during the course of the work;
- e. All inspections required by this by-law have been completed.

The deposits described in Schedule 1, or such portion thereof as the Municipality deems appropriate, shall be retained by the Municipality if, after completion of the work, it is determined that damage to the infrastructure of the Municipality abutting the property was caused during the course of the work. Damage to the infrastructure of the municipality abutting the property includes, but is not limited to, cracked sidewalks, dented or destroyed signs and cracked or broken water and sewer lines. The monies retained will be used to pay for the cost of repairs to the infrastructure. If the cost of repairs exceeds the amount of the deposit, the balance shall be a debt owing by the land permit holder and the landowner to the municipality.

The deposits described in Schedule 1 shall be forfeited to the municipality if, upon completion of the work, the necessary inspections have not been carried out or there are items that do not comply with the zoning by-law and/or the Code that are not rectified within 12 months of the completion of the construction or where the applicant for the permit fails to claim the deposit back within 24 months of the issuance of the permit



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The Municipality shall be exempt from the fee for any construction project undertaken by the Municipality, including construction projects undertaken on municipal property by way of agreement with third parties for municipal purposes.

### 5.3 REIMBURSEMENT

The *Commission* may refund the fee in full for a *building permit* for which the *work* described therein has not commenced only if the permit application is withdrawn at any time before the permit is issued.

## 6 ORDERS, OFFENSE AND PENALTIES

### 6.1 ORDERS

#### 6.1.1 Orders

Where a building inspector finds that construction or development work is undertaken in violation of the Code or this **Act ou by-law**, the building inspector may order:

- a. cessation of the construction or demolition work;
- b. alteration of the construction or demolition work to remove the contravention, and;
- c. taking any other action required to make the building or real property safe.

When an order has been served, it is prohibited to carry out any construction or demolition work on the building or real property or the part of the building or real property in respect of which the order was made, other than work that is necessary to carry out the order or make the premises safe in accordance with the order.

When an order is made that requires construction or demolition work to be carried out, the owner is responsible for paying the expense of carrying out the construction or demolition work.

#### 6.1.2 Content of the order

All orders must meet the following conditions to be valid:

- a. be in writing.
- b. be signed by the building inspector.
- c. be served on the owner of the land or building in respect of which the order is issued and, if a person applied for the building permit or demolition permit on behalf of the owner, on that person;
- d. state the grounds for requiring the action specified in the order.
- e. state that the action specified in the order is to be taken within the period stated in the order, and
- f. state the location of the building or real property or the part of the building or real property in respect of which the order is made.

An order or demand that is to be served on a person under this by-law shall be sufficiently served if:

- a. That person is an individual, it is served by personal delivery on the individual;





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- b. That person is a corporation, it is served by personal delivery on an officer, director or agent of the corporation or on a manager or person who appears to be in control of any office or other place of business where the corporation conducts business in the Province;
- c. It is mailed by ordinary mail to the latest known address of the person;
- d. It is served by prepaid courier to the latest known address of the person, and
- e. It is posted for three consecutive days in a prominent place on the premises in respect of which the building or demolition permit was issued.

Service by ordinary mail shall be deemed to have been effected five days after the date of mailing.

Service by prepaid courier shall be deemed to have been effected on the date the sender receives an acknowledgement of receipt card bearing a signature that purports to be the signature of the person to whom the order or demand was sent or receives confirmation in writing from the carrier that the order or demand was delivered to the person to whom the order or demand was sent.

## **6.2 OFFENSE AND PENALTIES**

### *6.2.1 Offense*

*Reserve for futur use*

## **6.3 IMMUNITY**

No action lies for damages or otherwise against any of the following persons or entities in relation to anything done or purported to be done in good faith, or in relation to anything omitted in good faith, under this Act or the by-law or amendment by that person or entity:

- a. The province
- b. The Minister
- c. The Minister of Local Government;
- d. The Building Code administrator;
- e. A building inspector;
- f. The municipality;
- g. The regional service commission; and
- h. Any person acting under or who has acted under the authority of this this by-law or under the instructions of a person or entity referred to in this Article.

## **7 FINAL PROVISIONS**

### **7.1 EFFECTIVE DATE**

This present by-law comes into force on the day it is filed with the Provincial Land Registry Office in accordance with the Building Code Administration Act.



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## **7.2 AMENDMENT**

This by-law may only be amended by another by-law adopted and, where applicable, approved in accordance with the provisions of the Building Code Administration Act.

## **7.3 INCOMPATIBILITY WITH OTHER ACTS, REGULATION OR EASEMENTS**

Complying with this by-law does not exempt from the obligation to comply with any other by-law, act or regulation applicable in the case.



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## ANNEX 1– Fees

### Building permits

Fees Description	Cost
Construction fee – basic amount	\$50
Construction fee – per \$1,000 of the total estimated cost of the work (labour and materials)	\$5
Demolition fee	\$50
Demolition fee when municipal by-law DUP 09-2020, dealing with unsightly and dangerous sites, is invoked for the demolition of a building by the municipality	\$2,500
Electric permit	\$30
Permit renewal fee	\$50

Deposit Description	Cost
Main building expansion under Part 9 of the Code on sonotubes or screw-piles	\$250
Main Building Expansion under Part 9 of the Concrete Foundation Code	\$500
Building Expansion under Part 3 of the Concrete Foundation Code	\$1,000
New Building Construction under Part 9 of the Code	\$1,500
New Building Construction under Part 3 of the Code	\$5,000



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## ANNEX 2 – Offense and Penalties

Reserve for futur use