



**RPGA PLANNING DISTRICT**  
*Building By-law 2019-15*

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# The RPGA Planning District By-law No. 2019-15

## ***SECTION 1 Title: Minimum Standards Building By-law***

This by-law may be cited as the RPGA Planning District Building By-law.

## ***SECTION 2 Scope & Definitions***

### ***2.1 Scope:***

2.1.1 This by-law applies to the whole of the RPGA Planning District.

2.1.2 This by-law applies to administration and enforcement in 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 an 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:

" <i>Accessory building / storage building</i> "	means a building that is not used for human habitation and has no cooking facilities, or sleeping areas, but excludes farm outbuildings.
" <i>Audit</i> "	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.
" <i>Authority Having Jurisdiction</i> "	means the RPGA Planning District and, where the context requires, such building inspector or other authority lawfully appointed by the RPGA Planning District to administer and enforce the provisions of this by-law.
" <i>Board</i> "	means the board of the RPGA Planning District.
" <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>Council</i> "	means the municipal council of the Town of Altona or Municipality of Rhineland
" <i>Mobile home</i> "	means a dwelling on a metal frame that readily attaches to wheels for transport. (Governed under the Manitoba Mobile Homes Act.)
" <i>Municipality</i> "	means the Municipality of Rhineland.
" <i>Occupancy</i> "	<p>a) means the use or intended use of a building or part thereof for the shelter or support of persons, animals, or property.</p> <p>b) means the use of a building or part thereof by persons for whom sleeping accommodation is provided but who are not harboured or detained to receive medical care or treatment or are not involuntarily detained.</p>
" <i>Permit</i> "	means written permission or written authorization from the <i>authority having jurisdiction</i> in respect to matters regulated by this by-law.

"Person"	means and includes any individual, corporation partnership, firm, joint venture, syndicate, association or trust, and any other form of entity or organization.
"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.
"Town"	means the Town of Altona.
"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 any permanent heating, elevator equipment or fire sprinkler equipment, and all labour, materials and other devices entering into and necessary to the prosecution of the work in its completed form. No portion of any <i>building</i> including, mechanical, electrical and plumbing work, shall be excluded from the valuation for a <i>permit</i> .

### **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 *storeys* 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 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 a *building* is damaged by fire, earthquake or other cause, the *Code*, the requirements of this by-law and the appropriate regulations under The Fires Prevention and Emergency Response Act, 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 in The Fires Prevention and Emergency Response 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 ***Exemptions:***

3.3.1 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 11.14 square meters (120 square feet) in *building* area subject to the concurrence of the *authority having jurisdiction*.
- (f) a *farm building*, other than a *farm building* used as residence, an attached garage or carport.

### 3.4 ***Prohibitions:***

- 3.4.1 No person shall fail 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.
- 3.4.2 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.
- 3.4.3 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.
- 3.4.4 Where an occupancy permit is required by Section 4.2.2. herein, no person shall occupy or allow the occupancy of any building, or part thereof, or change the occupancy, unless and until an occupancy permit has been issued by the authority having jurisdiction.
- 3.4.5 No person shall knowingly submit false or misleading information to the authority having jurisdiction concerning any matter relating to this by-law.
- 3.4.6 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.
- 3.4.7 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.
- 3.4.8 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 a building on the same lot or site, or, unto an adjacent lot or building site.

### 3.5 **Mobile Homes, RTM Homes, Modular Homes. and Pre-Manufactured Homes:**

- 3.5.1 Mobile homes, RTM's, Modular Homes, and, Pre-Manufactured Homes shall comply with the requirements of the Code.
- 3.5.2 The authority having jurisdiction shall require any or all of the following in respect to a mobile home, RTM, Modular Home, or Pre-Manufactured Home, 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 of 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 above described home types in the location of its construction together with a copy of any or all inspection reports;
- (d) all inspections or certifications as the *authority having jurisdiction* may deem necessary in order to ensure compliance with the *Code* and this bylaw.
- (e) CSA or OFC Label for mobile homes.
- (f) Wet stamp approved wood burning appliances.

### 3.6 Signs:

- 3.6.1 Any permanent, free-standing sign that is over 50 sq. ft in size and/or more than 8 ft. in height requires a permit from the authority having jurisdiction.
- 3.6.2 The authority having jurisdiction may require any or all of the following in respect to a sign sought to be located within the area of jurisdiction of the Town/urban centre.
  - a) the submission of a complete set of plans and specifications;
  - b) the seal of an Engineer licensed in the Province of Manitoba in respect to all building components requiring professional certification;
  - c) such inspections or certifications as the *authority having jurisdiction* may deem necessary in order to ensure compliance with the *Code* and this by-law.

### 3.7 Sump Pits and Pumps in New Construction:

- 3.7.1 THAT where buildings are provided with a subsurface drainage system, the system shall be constructed so that the drainage is directed to a sump pit equipped with a pump and discharged to the outside of the building in conformance with Section 3.
- 3.7.2 THAT for buildings other than those having a basement area of less than 185m<sup>2</sup> (2000 sq. ft.) the system including weeping tile, sump pits, pumps and other associated equipment, shall be designed and constructed in accordance with good design practice, such that the water level in the pit is normally maintained below the lowest level of the weeping tile entering the pit and in the case of power failure the pit is large enough to contain water collected from the weeping tile for a period of at least one (1) hour.
- 3.7.3 Sump pumps shall be:
  - a) automatically controlled and set to maintain the water level below the lowest drain tile entering the pit;
  - b) of the centrifugal impeller type;
  - c) installed with their inlets located at least 30mm (1 inch) above the bottom of the sump pit;
  - d) a submersible pump; and
  - e) capable of discharging a minimum flow of 0.75L/S at 3.6M head



3.7.4 The sump pump motor shall:

- a) be connected to an electrical circuit that supplies no other outlets or equipment;
- b) be designed for up to 10 start/stop cycles per hour;
- c) be equipped with a self-resetting thermal overload protection switch;
- d) have a rating of at least 0.19 kw;
- e) have a rpm rating not exceeding 3500;
- f) have a minimum service factor of 1:10;
- g) be rated for continuous duty; and
- h) be CSA approved.

3.7.5 Sump Pits shall:

- a) have walls and bottoms constructed of concrete, polyethylene, polypropylene, fibre-glass or other suitable materials;
- b) be provided with a sealed cover adequate to support the occupancy floor load;
- c) for buildings with a basement area of 158m<sup>2</sup> (2000 sq. ft.) or less, have a minimum floor area of 0.46m<sup>2</sup> (4.9 sq. ft.) and a minimum depth of 0.8m(30 inches).

3.7.6 The discharge pipe system from the sump pump shall:

- a) be constructed of materials and installed in conformance with the Code;
- b) have a minimum internal diameter of 30mm;
- c) have a check valve installed near the connection of the pump to prevent backflow into the sump pit;
- d) have a union joint installed near the pump to facilitate pump removal and inspection if metallic piping is used; and
- e) be graded or otherwise protected to prevent the freezing of water in the system.

3.7.7 Exterior Discharge of Sump Pump

- a) The discharge from the sump pump shall be directed to the exterior of the building and away from the foundation of the building.
- b) The discharge point of the sump water must remain on the originating property, and every effort should be made to maintain sump water discharge on the originating property.
- c) The discharge point of the sump water may not be located closer than one (1) meter of the originating property's property lines; this includes Municipal boulevards and streets.

3.7.8 Proximity to and Interconnection between Sump Pit and Floor Drain:

- a) With regard to a floor drain connected to a sanitary sewer, a solid pipe shall extend from the floor drain trap to the finished floor level with no interconnection between the floor drain and the sump pit.
- b) The sump pit shall be located no closer than 0.50 meters to the floor drain and no further than 2.0 meters from the floor drain.
- c) Said floor area in which the sump pit and the floor drain are located shall be recessed a minimum of 2.5 centimeters below to balance of the basement floor area.

### 3.7.9 Exceptions

- a) The size and depth of the sump pit indicated in Sections 3.6.1 and 3.7.2 only applies to buildings having a basement area of 185 square meters (2000 sq. ft.) or less. For buildings with basement areas exceeding 185 square meters (2000 sq. ft.) it is incumbent upon the designer, contractor and/or owner to ensure that the pit is in compliance with subsection (b) of Sections 3.7.1 and 3.7.2 of this By-law

## **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 proposed 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 *designer*, *constructor* and any inspection or testing agency engaged to monitor the work or part of the work.
- (f) include such additional information as maybe 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 re-filing.

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

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.

## 4.2 Permits:

### 4.2.1 Building Permits:

4.2.1.1 Except as permitted in Article 4.2.1.2 herein, unless a building permit has first been obtained from the authority having jurisdiction, no person shall commence or cause to be commenced:

- (a) the location, placement, erection or construction of any *building* or structure or portion thereof;
- (b) the addition, extension, improvement, *alteration* or conversion of any *building* or structure, or portion thereof;
- (c) the repair, rehabilitation or renovation of any building or structure, or portion thereof
- (d) underpinning;
- (e) the relocation or removal of any *building* or structure, or portion thereof;
- (f) the installation, construction, renewal, *alteration* or extension of a mechanical system;
- (g) the installation, construction, *alteration* or extension of a special process.
- (h) any construction, extension, alteration, renewal or repair or make a connection to a plumbing system unless a *permit* to do so has been obtained.
- (i) The alteration, addition, erection or re-erection of a sign

4.2.1.2 A building permit is not required for:

- (a) patching, painting or decorating;
- (b) replacement of stucco, siding or shingles with a comparable material;
- (c) replacement of doors or windows when the opening is not altered;
- (d) replacement of open landing and stairs;
- (e) construction of fences;
- (f) installation of cabinets and shelves;
- (g) laying carpets or floor coverings
- (h) drapes
- (i) private driveways and concrete patios (unless a building will be constructed on it in the future)
- (j) an unenclosed deck less than 2' or .61 metres above grade unless anchored to a building.
- (k) a detached accessory storage building not greater than 11.14 square meters in building area or 120 square feet in building area;
- (l) 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.
- (m) Nonstructural alterations or repairs where the construction cost does not exceed \$5,000.00

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 4.2.1.7(1), the owner shall (unless the authority having jurisdiction waives such requirement) submit Letters of Assurance in the forms set out in Schedules C, D, and E, 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 engineers' assurance of professional design and commitment for inspection.

4.2.1.5 Applications for farm of agricultural use buildings and structure require an approved agricultural use development permit approved by the authority having jurisdiction prior to being sent to the Manitoba Office of the Fire Commissioner for review and Processing.

4.2.1.6 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.

4.2.1.7 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.

4.2.1.8 (1) Every owner who undertakes to construct or have constructed a building which;

(a) has structural components falling within the scope of Part 4 of the Code,

(b) has structural components specifically requiring a professional engineer design in accordance with the Code, or

(c) requires the use of firewalls according to the Code, shall ensure that an architect, professional engineer or both are retained to undertake professional design and inspection.

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

(4) The requirements of Sentences 4.2.1.7(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.

4.2.1.9 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.

#### 4.2.2. *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.

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

- (a) the *occupancy* of any new *building* or structure or portion thereof except an owner constructed and owner occupied single- family dwelling;
- (b) the *occupancy* of any existing *building* or structure where an *alteration* is made thereto;
- (c) for a change from one *Major Occupancy* group to another or a change from one division to another within a *Major Occupancy* group in any existing building or structure, or part thereof;
- (d) for a change from one use to another within the same division in a *Major Occupancy* group which results in an increase in the occupant load;
- (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.

4.2.2.2 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.

4.2.2.3 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.

4.2.2.4 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*.

4.2.2.5. 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.

4.2.2.6 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.

4.2.2.7 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*.

4.2.2.8 No change shall be made in the type of *occupancy* or use of any *building* or structure, which would place the building or structure in a different occupancy

group, or divisions within a group, unless such *building* or structure is made to comply with the requirements of the *Code* for that occupancy group, or division within a group.

4.2.2.9 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.

4.2.2.10 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.

4.2.2.11 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*.

4.2.2.12 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*

4.2.2.13. 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*.

4.2.2.14 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.

#### 4.2.3. ***Demolition Permits:***

4.2.3.1 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*.

4.2.3.2 The demolition of a *building* or structure shall be subject to the requirements of the *Code*.

#### 4.2.4 ***General:***

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

#### 4.2.5 ***Plumbing Permits:***

4.2.5.1 Except as provided in sentence 4.2.5.2 no person shall construct, extend, alter, renew or repair or make connection to a plumbing system unless a permit to do so has been obtained.

4.2.5.2 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.

4.2.5.3 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.

4.2.5.4 If inspections are not completed and *Code* compliance is not verified, the *Authority having Jurisdiction* and/or Town or Municipality reserves the right to register a caveat on the property until such time the structure complies with all Plumbing codes.

## **SECTION 5**                    ***Duties, Responsibilities & Powers***

### **5.1. *Duties and Responsibilities of the Owner:***

5.1.1 Every *owner* shall allow the *authority having jurisdiction* to enter any *building* or premises at any reasonable time for the purpose of administering and enforcing the requirements of this by-law.

5.1.2 Every owner shall obtain all permits or approvals required in connection with proposed work, prior to commencing the work to which they relate.

5.1.3 Every owner shall ensure that the plans and specifications on which the issue of any *permit* was based are available continuously at the site of the work for *audit* or *inspection* during working hours by the *authority having jurisdiction*, and that the *Permit*, or true copy thereof, is posted conspicuously on the site during the entire execution of the work.

5.1.4 Every owner shall before 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 person reviewing the work; and
  - (iii) 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.

5.1.5 Every owner shall give sufficient notice to the *authority having jurisdiction*.

- (a) of intent to begin work that the *authority having jurisdiction* has directed and may be subject to *audit* during construction,
- (b) of intent to cover work that the *authority having jurisdiction* has directed and may be subject to *audit* during construction; and
- (c) when work has been completed and before *occupancy*.

5.1.6 Every *owner* shall give notice in writing to the *authority having jurisdiction*

- (a) immediately upon any change in ownership or change in the address of the *owner* occurs prior to the issuance of an *Occupancy Permit*;
- (b) prior to occupying any portion of the *building* if it is to be occupied in

stages; and

(c) of any such other notice as may be required by the *authority having jurisdiction*.

5.1.7 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.

5.1.8 Every *owner* shall make, or have made at his own expense, the tests or *inspections* necessary to prove compliance with these requirements and shall provide a copy of all such test or *inspection* reports to the *authority having jurisdiction*.

5.1.9 Every *owner* shall provide an up-to-date legal survey of the lot when and as required by the *authority having jurisdiction*.

5.1.10 When required by the *authority having jurisdiction*, every *owner* shall uncover and re-cover at his own expense any work that has been covered contrary to an order issued by the above authority.

5.1.11 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.

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

5.1.13 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.

5.1.14 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.

5.1.15 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.

5.1.16 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.

5.1.17 (1) Every *owner* who undertakes to construct or have constructed a building which;

(a) has structural components falling within the scope of Part 4 of the Code,

(b) has structural components specifically requiring a professional engineer design in accordance with the Code, or

(c) requires the use of firewalls according to the Code,

shall ensure that an architect, professional engineer or both are retained to undertake professional design and inspection.



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

(4) The requirements of Sentences 5.1.18 (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*.

5.1.18 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.

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

## 5.2 ***Duties & 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 Council.

5.2.3 Every *Constructor* is responsible jointly and severally with the *owner* for work actually taken.

5.2.4 Every *Constructor* is responsible to ensure that no work requiring a permit is undertaken until such permit is approved by the *authority having jurisdiction*.

## 5.3 ***Duties & 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 5.4 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 5.4.2 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 Powers of Authority Having Jurisdiction:**

5.4.1 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.

5.4.2 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
- (g) correction of any *unsafe condition*;
- (h) the failure to comply with conditions of a resolution of council pertaining to a permit.

5.4.3 The *authority having jurisdiction* may direct that tests of materials, equipment, devices, construction methods, structural assemblies or *foundation* conditions be made, or sufficient evidence or proof be submitted at the expense of the *owner*, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or *foundation* condition meets these requirements.

5.4.4 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, survey, building specifications, or letters of assurance and / or compliance (as hereto attached as Schedules “C”, “D”, “E”, “F”, and “G”, prepared, signed, and certified, by a registered land surveyor, *architect*, *professional engineer*, designer, constructor, or owner, 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, during construction and upon completion of the work, all such requirements have been complied with.

5.4.5 The *authority having jurisdiction* may ask for any other documentation or tests deemed necessary at the expense of the owner.

5.4.6 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.

5.4.7 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*.

5.4.8 The *authority having jurisdiction* may refuse to issue any permit;

- (a) whenever information submitted is inadequate to determine compliance with the provisions of these requirements,
- (b) whenever incorrect information is found to have been submitted,
- (c) that would authorize any *building* work or *occupancy* that would not be permitted by these requirements, or
- (d) that would be prohibited by any other Act, regulation or by-law.

5.4.9 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.

5.4.10 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*.

5.4.11. 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.

5.4.12. 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*.

5.4.13 The *authority having jurisdiction* may withhold issuing an occupancy certificate 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.

5.4.14 The *authority having jurisdiction* may issue to the owner an order or notice in writing to correct any unsafe conditions observed in any building.

## **5.5 Duties and Responsibilities of the Designer:**

5.4.1 When a designer is retained, the designer 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 designer is required to submit to the authority having jurisdiction:

- (a) all information needed for review of the design;
- (b) any changes to the design for which a permit has or may be issued;
- (c) copies of all inspection reports for inspections done by the designer and others, and
- (d) any other documentation or certification required by the authority having jurisdiction.

5.4.4 Every designer shall ensure that all materials, systems, equipment or related matter specified for the construction, alteration, reconstruction or renovation of a building meets 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/she shall immediately advise the authority having jurisdiction.

5.4.6 Prior to the issuance of an occupancy certificate (when required), 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.

## **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, disobeys, 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 by-law that, by this by-law, is made applicable; or
  - (b) any order or decision of the Council under Article 6 herein;
  - (c) the requirements for obtaining an occupancy permit 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.

## **SECTION 8 *Repeal***

8.2 The repeal of the by-laws 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 fifteen day of May, 2019.

RPGA Planning District

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Chair

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Secretary/Treasurer

Received first reading the 2<sup>nd</sup> day of April, A.D. 2019.

Received second reading the 7<sup>th</sup> day of May, A.D. 2019

Received third reading the 7<sup>th</sup> day of May, A.D. 2019

## SCHEDULE "A"

*This is Schedule "A" to By-Law No. 2019-15  
respecting "Classes of Permits and Permit Fees"*

All Fee's, Charges and Penalties will be in accordance with the most current policy and or by-law established by the Authority having Jurisdiction.

### **Class of Permit**

#### ***RESIDENTIAL NEW DWELLINGS & ADDITIONS***

Building permit (residential and other part 9 construction) all values shall be rounded up. \$4.54 per \$1,000.00 of construction/valuation costs. Minimum permit fee - \$75.00. Construction costs to be based on insurance valuations which may be re-visited annually. If not listed estimated construction costs may be used by the designated officer. (Plumbing permits extra)

Main Floor	\$123.80
Each Additional Floor	\$95.65
Basement	\$38.55
Detached garage (single)	\$33.75
Detached garage (double)	\$28.15
Residential accessory buildings	\$28.15
Sheltered Deck	\$33.75
Non-Sheltered Deck	\$22.50
Insulated Shop	\$35.00
Shop only (Shell & Sheds)	\$15.00
Accessory building over 120 sf	\$28.15
Concrete floor for shop/sheds	\$10.00
Relocations	\$56.30
Demolition Removal Permit	\$75.00 flat fee
Temporary Permits (seasonal greenhouses, event kiosks, display structures, construction offices, and the like)	\$75.00 flat fee
Portable Building (for storage only)	\$75.00
Outdoor inground pool	\$75.00 flat fee
Above ground pool (Hard Wall)	\$75.00 flat fee
Permit extension (12 months)	\$75.00 flat fee
Solid Fuel Burning appliances	\$75.00 flat fee
Plumbing Permit	\$175.00 per unit
Plumbing Permit Multi-family (up to 4 units)	\$350.00
Plumbing Permit for Renovations	\$175.00
Lot Grading & Inspection Deposit	\$1,000.00 per unit to a maximum of \$3,000.00
Relocation home Deposit	\$4,000.00
Temporary Permit (up to 6 months)	\$75.00 flat fee
Change of occupancy permit (residential)	\$75.00 flat fee
Change of occupancy permit (commercial)	\$75.00 flat fee
Occupancy Permit CSA Certified Mobile homes	\$100.00 flat fee
Sign Permit Residential (excepting temporary signs)	Town of Altona \$50.00
Sign Permit Commercial – on site portable	Town of Altona \$0.00

Other signs

Town of Altona \$150.00

### **COMMERCIAL AND OTHER PART 3 CONSTRUCTION**

Note: Commercial buildings over 6458 sq ft, Churches, and any public buildings over 3 stories require a Manitoba Department of Labour Permit. \$6.81 per \$1,000.00 of construction costs. Construction costs to be based on tendered contract price.

#### **INSPECTIONS INCLUDED:**

- a) Plan Review
- b) Site Plan inspection
- c) Footing
- d) Foundation Wall
- e) 2 additional foundation inspections (garage piers and grade beam)
- f) 1 Framing inspection
- g) 2 Vapor barrier & insulation inspections
- h) Underground plumbing
- i) Rough-in Plumbing
- j) Final inspection prior to occupancy

Note: For those permits where not all inspections as listed herein (Items a-j) are required, the inspection/lot grading deposit of \$1,000.00 shall be pro-rated based on the number of inspections required.

#### **INSPECTION AND OTHER FEES**

Inspection fees \$ 200.00 per inspection. The number of inspections for various types of structures are determined at application time. Inspection fees beyond municipal borders. Base fee of \$ 200.00, plus an hourly fee of \$50.00 per hour for inspections beyond 1-hour drive time, plus mileage as set by council.

**\*\*Note:** In the case of a new dwelling, if it is occupied prior to receiving either interim or final occupancy documentation from the Building inspector, the permit holder will be charged a \$500.00 penalty that will be deducted from the refundable deposit.

Any person who contravenes, disobeys, refuses or neglects to obey a provision of the Code or this by-law or any provisions of any other by-law that, by this by-law, is made applicable to the Planning District is guilty of an offense and liable, on summary conviction, to a fine of \$200.00 and, if not paid within seven days, will double to \$400.00.

In the event of a second contravention of this by-law by an individual or business, whether the property owner of the construction location or a builder or contractor, the previous stated fine would increase to an initial fine of \$1,000.00 and, if not paid within the stated seven days, would then result in a \$200.00 late penalty for a total of \$1,200.00.

In addition to the prior stated fine(s), any work completed without first obtaining a required building permit will result in a doubling of the applicable building permit fee.



Any fine levied that is not paid to the RPGA Planning District within two months from the date of issue, will be added to the property owner's taxes or a lien on the property.

**ZONING FEES:**

- a) Zoning Memorandum - \$75.00
- b) Non-conforming – per certificate - \$ 30.00
- c) Other – per certificate - \$30.00

**PLANNING FEES:**

- a) Regular Variations
  - I. Prior to commencement - \$300.00 After commencement - \$600.00
- b) Minor Variation (up to 15% may be approved by a designated officer or building inspector excepting Animal Units)
  - I. Prior to commencement - \$75.00 After commencement - \$150.00
  - II. Detected as a result of a Zoning Memorandum Request - \$150.00
- c) Conditional Uses
  - I. Prior to commencement - \$300.00
  - II. After commencement - \$600.00
  - III. 1-75 Animal Units - \$425.00
  - IV. 76-300 Animal Units - \$500.00
  - V. 301-900 Animal Units - \$900.00
  - VI. Re- Zoning Amendment Application - \$750.00
  - VII. Development Plan Amendment –\$1,000.00
  - VIII. Zoning By-Law Books with zoning map \$40.00
  - IX. Zoning Maps Only if available \$20.00
  - X. Other Maps if available \$20.00

**NOTE:**

\*Recreation/Green space fee dedication – At Council's discretion as per development agreements.

\*\*Water and Sewer Connections – As per the Town of Altona or Municipality of Rhineland policy.

\*\*\*Encroachment Agreements – Actual costs plus \$50.00

\*\*\*\*Capital Development and Lot levies – As per the Town of Altona or Municipality of Rhineland Council discretion.

## **SCHEDULE "B"**

*This is Schedule "B" to By-Law No. 2019-15  
Respecting List of Plans or Working Drawings to  
accompany applications for permits*

- 1) The Site Plan
- 2) Floor Plans
- 3) Foundation Plans
- 4) Framing Plans
- 5) Roof Plans
- 6) Reflected Ceiling Plans
- 7) Sections and Details
- 8) Building Elevations
- 9) Electrical Drawings
- 10) Heating, Ventilation and Air Conditioning Drawings
- 11) Plumbing Drawings

Note:

- (a) Engineered drawings are required for basements over 40', below grade foundation walls (Basement) less than 8" thick/wood, any residential buildings with second story (Finished or unfinished on a thickened edge slab), and all commercial construction.
- (b) All rafters for residential and commercial construction shall be designed by an engineer unless the specifications are approved by the building Inspector prior to construction.
- (c) Thickened edge slab over 1000 sq. feet must be engineered and inspected.
- (d) All Plumbing work must be inspected.
- (e) Any RTM homes being moved into the RPGA Planning District must be inspected by the Building Inspector and if approved must then obtain a Moving Permit from the Planning District before moved.
- (f) All Remodeling or renovations that require structural work must obtain a building permit regardless of cost.
- (g) Properties shall be surveyed or a building location certificate must be presented upon the request of the building inspector at the cost of the owner.
- (h) All new construction to comply with 9.36 of the energy code.
- (i) All pier sizes to be minimum of 16" x 20" as per code 9.15.2.5 F. of the Manitoba Building Code.

## **SCHEDULE "C"**

*This is Schedule "C" to By-Law No. 2019-15*

Pursuant to Subsection 4.2.1.4 of the Building Bylaw

Note: To be submitted prior to issuance of a Building Permit  
The information provided is relied upon by the authority having jurisdiction.

### **ASSURANCE OF RETENTION OF PROFESSIONAL**

**RE:** Design and Inspection of Construction by a professional engineer or architect, known as the  
"Prime Consultant"

The RPGA Planning District

Date:

Dear Sir:

RE:

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(Address of Project) (Legal Description of Project)

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The undersigned has retained as the Prime Consultant, to undertake and/or coordinate the design and inspections of the applicable registered professionals required for this project in order to ascertain that the design will comply and construction of the project will substantially conform in all material respects with the current Building Code and other applicable safety standards, except the construction safety aspects.

As used herein, inspections shall mean such reviews of the work at the project site and at fabrication locations, where applicable, as the registered professional, on the basis of professional discretion, considers necessary in order to ascertain that the work conforms in all respects to the plans and supporting documents prepared by the registered professional for which the permit is issued by the Authority having jurisdiction for the project. This includes keeping records of all site visits and any corrective action taken as a result thereof.

The owner and the prime consultant will notify the Authority Having Jurisdiction in writing prior to any intended termination of or by the prime consultant. It is understood that work on the above project will cease as of the effective date of such termination, until such time as a new appointment is made.

The owner hereby certifies that all required Municipal and Provincial Permits and other required authorizations will be obtained prior to the commencement of construction.

**Prime Consultant's Information**

**Owner's Information**

Prime Consultant's Name (Print)

Owner's Name (Print)

\_\_\_\_\_  
Prime Consultant's Signature

\_\_\_\_\_  
Owner's or Owner's Agent  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

\_\_\_\_\_  
Occupation (Print)

\_\_\_\_\_  
Title of Agent (if applicable) (Print)

(Affix Coordinating Professional's Seal here)

The Corporate Seal of

\_\_\_\_\_  
was hereunto affixed in the presence of

\_\_\_\_\_  
(Print name of witness)

The above must be signed by the owner or the owner's appointed agent. The signature must be witnessed by the prime consultant. If the owner is a company, the corporate seal of the company must be affixed to the document in the presence of its duly authorized officers. The officers must also sign, setting forth their positions in the company. The prime consultant is to be registered in the Province of Manitoba as a member in good standing in the Association of Architects or the Association of Professional Engineers

**SCHEDULE "D"**

*This is Schedule "D" to By-Law No. 2019-15*

Pursuant to Subsection 4.2.1.4 of the Building By-Law 2019-15

Note: To be submitted prior to issuance of a Building Permit  
Separate form to be submitted by each registered professional.  
The information provided is relied upon by the Authority Having Jurisdiction

**ASSURANCE OF PROFESSIONAL DESIGN AND COMMITMENT FOR INSPECTION**

The RPGA Planning District

\_\_\_\_\_

(Address)

\_\_\_\_\_

\_\_\_\_\_

Date

Dear Sir:

Re: \_\_\_\_\_

\_\_\_\_\_  
(Legal Description of Project)

The undersigned hereby gives assurance that the design of the (initial applicable item/items)

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

- ARCHITECTURAL
- STRUCTURAL
- MECHANICAL
- PLUMBING
- FIRE SUPPRESSION SYSTEMS
- ELECTRICAL
- GEOTECHNICAL - temporary
- GEOTECHNICAL - permanent

components of the project as shown on the plans and supporting documents prepared by this registered professional conform to all the applicable requirements of all applicable acts, regulations and by-laws. Further, the undersigned will be responsible for inspections of the above referenced components during construction.

The undersigned also assures competence in the necessary fields of expertise to undertake the project on the basis of training, ability and expertise in the appropriate professional and technical disciplines.

As used herein, inspections shall mean such reviews of the work at the project site and at fabrication locations, where applicable, as the registered professional, on the basis of professional discretion, considers necessary in order to ascertain that the work conforms in all respects to the plans and supporting documents prepared by this registered professional for which the building permit is issued by the Authority having jurisdiction for the project. This includes keeping records of all site visits and any corrective action taken as a result thereof

The undersigned also undertakes to notify the Authority Having Jurisdiction in writing as soon as practical if his contract for inspection is terminated at any time during construction.

\_\_\_\_\_  
Name

\_\_\_\_\_  
(Print)

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phone

Affix PROFESSIONAL

If the Registered Professional is a member of a firm, complete the following

I am a member of the firm \_\_\_\_\_

(Print name of firm)

and I sign this letter on behalf of myself and the firm.

Note: The above letter must be signed by a registered professional who is registered in the Province of Manitoba as a member in good standing in the Association of Architects or the Association of Professional Engineers.

**SCHEDULE "E"**

*This is Schedule "E" to By-Law No. 2019-15*

Pursuant to Subsection 4.2.1.5 of the Building By-law

Note: To be submitted prior to issuance of a Building Permit  
The information provided is relied upon by the authority having jurisdiction

**LETTER OF ASSURANCE**

The RPGA Planning District Date \_\_\_\_\_

Address:

Dear Sir:

Re: \_\_\_\_\_

(Address of Project) (Legal Description of Project)

The undersigned agrees to undertake and/or coordinate the design review of this project in order to ensure that the design will comply and construction of the project will conform in all respects with all applicable acts, regulations and by-laws.

The owner hereby certifies that all required Municipal and Provincial Permits and other required authorizations will be obtained prior to the commencement of construction.

**Designer's Information**

**Owner's Information**

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Owner's Name (Print)

\_\_\_\_\_  
Address (Print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Occupation (Print)

\_\_\_\_\_  
Title of Agent (if applicable)

\_\_\_\_\_  
Certification or License

\_\_\_\_\_  
Address (Print)

The above must be signed by the owner or owner's appointed agent. If the owner is a company, the corporate seal of the company must be affixed to the document in the presence of its duly authorized officers. The officers must also sign, setting forth their positions in the company.

Signature \_\_\_\_\_ Signature of Owner or Owner's Agent

**SCHEDULE "F"**  
*This is Schedule "F" to By-Law No. 2019-15*

Pursuant to Subsection 4.2.2.5 of the Building By-Law 2019-15

Note: To be submitted after completion of the project but prior to official occupancy  
The information provided is relied upon the authority having jurisdiction.

**ASSURANCE OF COMPLIANCE**

The Authority Having Jurisdiction

Date \_\_\_\_\_

\_\_\_\_\_  
Address

\_\_\_\_\_

Dear Sir: \_\_\_\_\_

Re: \_\_\_\_\_

(Address of Project)

\_\_\_\_\_  
(Legal Description of Project)

I hereby certify that all aspects of the project conform with the plan and supporting documents which were submitted prior to receiving a building permit and that the construction conforms to the Manitoba Building Code. I further certify that there are no outstanding Municipal or Provincial approvals, permits or other requirements pertaining to the use or occupancy of this project.

\_\_\_\_\_  
Name (print)

Date \_\_\_\_\_

Signed

\_\_\_\_\_  
Address





I hereby enclose the final design plans and supporting documents prepared by this registered professional for the above referenced Project. I further certify that there are no outstanding Municipal or Provincial approvals, permits or other requirements pertaining to the use or occupancy of this project.

Name (print) \_\_\_\_\_

Date \_\_\_\_\_

Signed \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

(Affix PROFESSIONAL SEAL here)

If the Registered Professional is a member of a firm, complete the following:

I am a member of the firm \_\_\_\_\_

(Print name of firm)

and I sign this letter on behalf of myself and the firm.

Note. The above letter must be signed by a registered professional who is registered in the Province of Manitoba as a member in good standing in the Association of Architects or the Association of Professional Engineers.

## **SCHEDULE “H”**

### **This is Schedule “H” to By-law No. 2019-15 respecting “Penalties for By-law Contravention”**

Pursuant to Subsection 7.1 of the Building By-law

<b><u>Description of Contravention</u></b>	<b><u>Penalty per Occurrence</u></b>
Start construction without a permit	*Double the permit fee
Failure by Owner to stop construction upon a “Stop Order”	\$200.00 per day **
Failure by Contractor to stop construction upon a “Stop Order”	\$ 200.00 per day**
Fail to call for an inspection (on each and every inspection)	\$ 50.00

\* Any person who begins any work without first obtaining a required building permit will result in a doubling of the applicable building permit fee.

\*Any person who contravenes, disobeys, refuses or neglects to obey a provision of the Code or this by-law or any provisions of any other by-law that, by this by-law, is made applicable to the Authority having jurisdiction is guilty of an offense and liable, on summary conviction, to a fine of \$200.00 and, if not paid within seven days, will double to \$400.00.

\*\*In the event of a second contravention of this by-law by an individual or business, whether the property owner of the construction location or a builder or contractor, the previous stated fine would increase to an initial fine of \$1,000.00 and, if not paid within the stated seven days, would then result in a \$200.00 late penalty for a total of \$1,200.00.

\*\*Any fine levied that is not paid to the RPGA Planning District within two months from the date of issue, will be added to the property owner’s taxes or a lien on the property. In the case of a new dwelling, if it is occupied prior to receiving either interim or Final Occupancy documentation from a RPGA Planning District Building Inspector, the permit holder will be charged \$500 penalty that will be deducted from the refundable deposit.