

Red River Planning District Board

ADMINISTRATIVE REPORT

TITLE: Municipal Building By-law Update

TO: CAO, RM of St. Clements

DATE: March 26, 2025

RECOMMENDATIONS:

It is recommended that Council give first reading to the building by-law update as presented.

EXECUTIVE SUMMARY:

Building By-laws are regulatory documents that govern the construction, alteration, and demolition of structures. The by-law outlines permit and inspection requirements, standards, enforcement, and safety measures for construction.

A building by-law focuses on the governance under which permits are issued and the technical requirements to obtain a permit. This is different from a zoning by-law which focuses on regulating land use requirements such as placement of a structure and use of the buildings and land.

The RM of St. Clements building by-law was adopted in 1977 and requires updates. As part of a service improvement strategy, the RRPD has drafted a harmonized building by-law for all five member municipalities. This assists customers by creating a standard across this district and assists the administration in the implementation of streamlined processes.

The most significant changes to the building by-law relate to the following:

- Harmonization across the district;
- Modernization to reflect current practices and legislation;
- Clarifying the duties of the owner;

- Increasing the responsibility of the design professional;
 - MBC Part 4 Design responsibility;
 - MBC Part 4 Inspection responsibility;
- Introducing provisions from the respective zoning by-laws;
 - Permitting requirements;
 - Relocation of existing buildings;
 - Pools and hot tubs;
 - Geotechnical reports;
 - Signs;
- Permit exemptions;
 - Fences;
 - Structures under 107 sq.ft. (10m²);
- Permits expiry;
 - Permits to expire if work not completed within 5 years.

Overall, the building by-law amendments are intended to provide consistency in the building processes while enhancing and expediting the permitting and inspections.

DISCUSSION:

The Manitoba Building Code (MR 78/2023) outlines requirements for design and construction standards. A building by-law is a regulatory municipal by-law based on the building code and governs the construction, alteration, repair and demolition of buildings. A building by-law outlines permit and inspection requirements, standards, enforcement and safety measures for construction projections.

A building by-law focuses on the governance under which permits are issued and the technical requirements to obtain a permit. This is different from a zoning by-law which focuses on regulating land use requirements such as placement of a structure and use of a building.

The building by-laws of our member municipalities are between 20 and 50 years old, with the St. Clements by-law adopted in 1977. These documents are inconsistent and dated. To meet our service delivery targets, we recommend complete updates to all building by-laws in the district to make them current, consistent, and relevant to the service delivery improvement we seek to implement. This harmonization will improve service and expedite service delivery for both plan review and inspections.

Effective March 1, 2025, Phase II of the Provincial Performance Standard Regulation (Appendix A) requires inspections to be completed within two (2) business days from the time of the request, and residential permits to be issued in 10 business days.

The RRPD undertook a 2025 Staffing Review that demonstrated a deficit of staff hours available to complete the current tasks within the required time frame. To meet service expectations and meet legislative timelines, the RRPD is piloting a risk-framework approach to permitting and inspections. The intent is to build on current practices and optimize efficiency.

This framework will classify buildings based on:

- Building type and use;
- Size and complexity;
- Impact on public safety;
- Site specifics.

To implement this, amendments to municipal building by-laws are required. This also presents an opportunity to harmonize and update all the building by-laws, while including provisions from zoning by-laws that ought to have been included in the respective building by-laws.

With this, the RRPD presents a modernized building by-law with the most significant changes in the following categories:

- Harmonization across the district;
- Modernization to reflect current practices and legislation;
- Clarifying the duties of the owner;
- Increasing responsibility of the design professional;
 - MBC Part 4 Design responsibility;
 - MBC Part 4 Inspection responsibility;
- Introducing provisions from the respective zoning by-laws;
 - Permitting requirements;
 - Relocation of existing buildings;
 - Pools and hot tubs;
 - Geotechnical reports;
 - Signs;
- Permit exemptions;
 - Fences;
 - Structures under 107 sq.ft. (10m²);
- Permits expiry;
 - Permits to expire if work not completed within 5 years;

The following provides a summary of each of these categories. For ease of tracking a list of additions (Appendix B) and omissions (Appendix C) has been provided.

Harmonization

Harmonization helps ensure all structures meet modern standards and codes across the district. This assists with providing clarity and streamlines the permit process, providing clear guidelines to encourage development.

Owners Duties

Responsibilities have been outlined to owners in previous by-laws. The revision seeks to provide clarity on the following:

- That required documentation is signed and sealed by qualified design professionals;

- Ensuring there is clear display of street or lot number throughout construction;
- That work is not to be covered until inspections approved;
- Owners are responsible for obtaining permits even if work has started;
- Owners are responsible for revealing and remedying any violation at their own expense.

Duties and responsibilities of the Design Professional

This section has been amended to require additional responsibilities of the design professional including:

- Plans and drawings must be signed and sealed by a qualified engineer or architect;
- Design Professionals to certify compliance with building code;
- Certified Professional submissions are required for all Part 4 designs;
- Design Professionals to conduct inspections to ensure compliance with designs and codes.

These additional designer responsibilities are consistent with the City of Winnipeg processes and reduce inspection and plan review requirements for single-family dwellings, and accessory buildings over 900 sq.ft. This is critical to allow changes to how we process applications and complete inspections within the legislated timelines.

Powers for the Authority Having Jurisdiction

The additions here assist the RRPD in the implementation of streamlining programs for permit issuance and inspection through the following measures;

- Allow authorities to require the involvement of design professionals for complex projects;
- Permits may be conditional based on additional information submitted;
- Authorities can refuse permits for unresolved defects, unpaid fees, or existing infractions;
- Certificated from professionals may be relied upon for plan review, approval, and inspection;
- Development of an audit program for permits that rely on certificates for plan review, approval, and inspection.

Permit Requirements

The permit requirement section has been updated with the following:

- Permits will expire if not completed with 5 years;
- Permits are not required for fences, structures under 107.64 sq. ft, and temporary tents less than 901 square feet;
- Clarification on residential permit exceptions (replacements of doors/windows etc.);
- Permit exemptions for non-structural work and detached decks less than 1.97ft high.

Addition of specific structures and requirements

These items currently exist in the respective zoning by-laws but are more appropriately placed in the building by-law as the provisions deal with permitting requirements.

Relocation of Existing Structures

This section seeks to clearly outline the requirements for the relocation of a structure to ensure all required documentation and inspections are completed to address life safety and building code requirements.

Inclusion of Pool and Hot Tub Requirements

These are building and permitting considerations that fall under development permits. These requirements currently exist within the respective zoning by-law but should have been within the building by-law. The harmonized building by-law includes the following;

- Pools over 24" deep require compliance with regulations and permitting;
- In-ground pools must have professional engineering approval;
- Outdoor pools must be enclosed by a 5ft high fence with specific security requirements;
- Hot tubs and swim spas are exempt from fencing if there is a lockable cover.

Inclusion of Geotechnical Requirements

Geotechnical requirements relate to building and development and not land use. These requirements currently exist within the respective zoning by-law, but ought to be included in the building by-law. The harmonized building by-law includes the following;

- Geotechnical reports are required for structures within 350ft of a water body;
- Reports must assess soil bearing capacity, excavation conditions, erosion risk, and bank stability;
- Exemptions may apply for small accessory structures unless risk exists;
- Multiple small structures may require a report if the combined impact is significant.

Signs

The section has been updated, dealing only on construction standards, materials, and structural design for signs. Other requirements relating to associated use and design standards are found in the respective zoning by-law

Summary

The RRPD has a commitment to continuous improvement. The building by-law harmonization project is another step that will result in improved service delivery for permits and inspections.

Building By-laws are legislated under the Municipal Act and are not subject to public hearings. The administration would like to proceed with implementation in May to get ahead of the construction season. This harmonization process will require subsequent updates to our standard operating procedures which will be the focus over the next month. Communications have already begun with the building industry through the Manitoba Home Builders Association.

It should be noted that our planning team is not involved in this project. This work is being completed by the Development Services team, the Special Project Coordinator, and the Executive Director.

Overall, the building by-law amendments are intended to provide consistency in the building processes while enhancing and expediting the permitting and inspection processes.

Appendix A: Performance Standard Regulation Timelines

Performance Standard Category	Class of Building	Phase 1 (March 1, 2024- February 28, 2025)	Phase 2 (March 1, 2025 and onward)
Timeframe for which an Approving Authority must notify the Applicant if their application for a <u>building permit</u> is <u>complete</u> .	All applications	5 business days	2 business days
Timeframe for which an Approving Authority must notify the Applicant if their application for a building permit is <u>approved</u> .	Detached and semi-detached houses, townhouses or row houses where no dwelling unit is located above another dwelling unit and associated accessory structures	25 business days	10 business days
	Part 9 buildings other than those listed in the row above	25 business days	15 business days
	Part 3 buildings	30 business days	30 business days
Timeframe for which an Approving Authority must, at the request of the Applicant, <u>conduct an inspection</u> .	Residential	6 business days	2 business days
	Commercial	4 business days	2 business days
Timeframe for which an Approving Authority must notify the Applicant if their application for an <u>occupancy permit</u> is approved.	All applications	10 business days	10 business days

APPENDIX B: Building By-law Additions

SECTION SPECIFIC ADDITIONS

SECTION 5 DUTIES AND RESPONSIBILITIES OF THE OWNER

- 5.3 Where the *Code*, or the designated employee of this By-law, requires that plans, drawings and related documents submitted as part of an application for a *permit* must be signed and sealed by an architect or a professional engineer or both, it is the responsibility of the *owner* to
- (a) ensure that the plans, drawings and related documents, including certificates required to be submitted as part of an application required, are signed and sealed by one or more architects or professional engineers who are
 - i. Entitled to practice as architects or professional engineers, as the case may be, in the Province of Manitoba,
 - ii. Skilled in the application of the *Codes* to the aspect of the design and construction of the *building* represented in the plans, drawings and related documents signed and sealed by the architect or professional engineer.
- 5.4 Every *owner* shall:
- (b) Keep visible at all time during construction the *street* or *lot* number of the premises in figures at least three (3) inches high and visible from the *street* or sidewalk.
- 5.6 The *owner* of property with respect to which a *permit* has been issued must ensure that:
- (a) Work that is required to be inspected, notice be given a minimum of 24 hours before any required inspection;
 - (b) Work that is required to be inspected is not covered until the required inspection has taken place; and
 - (c) Where an inspection has revealed a defect that must be remedied prior to continued work, that the defect is not covered until the required re-inspection has taken place.
- 5.10 When required by the *authority having jurisdiction*, every *owner* shall uncover and replace at their own expense any work that has been concealed in violation of an order issued by the *authority having jurisdiction*.

- 5.11 If an *owner* has failed to obtain a required *permit*, acceptance or approval prior to commencing work in compliance with this By-law, the *owner* at the time the work was commenced or carried out – and every subsequent *owner* – is nonetheless required to obtain all *permits*, acceptances and approvals and to pay all applicable fees despite the fact that the work has already commenced or has been completed. For greater clarity, if work for which a *permit*, acceptance or approval is required has been commenced or carried out without the required *permit*, acceptance or approval, the current *owner* is responsible for obtaining the required *permit*, acceptance or approval and must pay any fees or penalties associated with the *permit*, acceptance or approval, including fees for its issuance after the work has been commenced or carried out.
- 5.17 When completed construction is in non-compliance with this By-law or another By-law, or one of the applicable Codes, the *owner* must, at their expense, bring the *building* into compliance within a reasonable period of time.

SECTION 6 DUTIES AND RESPONSIBILITIES OF THE DESIGN PROFESSIONAL

- 6.1 This section applies whenever the *Code* or the designated employee, acting pursuant to Section 9.8 of this By-law, requires that plans, drawings and related documents submitted with an application to construct a *building* must be signed and sealed by a design professional.
- 6.2 An architect or a professional engineer must not sign and seal any plans, drawings or other documents that are to be submitted as part of an application for a *permit*, and must not sign and seal a certificate required by the designated employee under Section 9.15 of this By-law concerning the compliance of construction with *Codes* and By-laws, unless the individual
- (a) Is a member in good standing of the Manitoba Association of Architects or the Association of Professional Engineers and Geoscientists of Manitoba, as the case may be; and
 - (b) Is skilled in the application of the applicable *Code* or *Codes* to those aspects of the construction that are represented in the plans, drawing or other documents or that are referred to in the certificate being submitted.
- 6.3 The design professional who signs and seals plans and drawings that the *owner* submits as part of an application for a *permit* must sign and seal a certificate which contains the following statement with respect to the application:
- “I hereby certify that I have complied with all applicable legislation and professional codes in affixing my seal to the plans, drawings and related

documents which are being submitted as part of an application for a *permit* under the XXXXX Building By-law.

By affixing my seal, I am representing that:

- I am fully aware of the provisions of the Manitoba Building Code, the Manitoba Energy Code, the Manitoba Plumbing Code and the Manitoba Fire Code that are applicable to these plans and drawings;
- I have applied a professional standard of care to ensure compliance of these plans and drawings with the applicable provisions of these Codes.”

6.4 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*.

SECTION 9 POWERS OF THE AUTHORITY HAVING JURISDICTION

9.8 Where, in the opinion of the designated employee, the complexity or risks associated with the design of construction or the construction of a *building* requires special technical knowledge, the designated employee may require that the *owner*

(a) Submit plans, drawings and other documents signed and sealed by an architect or professional engineer, or both, as part of an application for a *permit*; and

(b) Ensure that the construction of the *building* is reviewed by an architect or professional engineer, or both, and submit as part of an application for an interim or final *building occupancy permit* required under Section 22, a certificate signed and sealed by the architect or engineer, or both, who inspected the construction concerning the compliance of the construction with the *Codes* or specific aspects of the *Codes*.

9.9 The *authority having jurisdiction* may issue a *permit* for the entire project conditional upon the submission, prior to commencing work thereon, of additional information not available at the time of issuance, if such data are of secondary importance, and are of such nature that the withholding of the *permit* until its availability would unreasonably delay the work.

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

(e) To any person who has failed within a specified period of time to remedy a defect in construction under a *building permit* previously issued to them after having been notified that such defect exists, or

(g) To any person who has failed to pay any fees due and owing to the *authority having jurisdiction* under this By-law, or

- (h) Where infractions exist on the property, the *authority having jurisdiction* may require the *owner* to address such items prior to the issuance of any *permit*.
- 9.15 For the purposes of complying with the *authority having jurisdictions* obligation to inspect and approve plans relating to construction prior to a *permit* being issued, and for the purposes of complying with the *authority having jurisdictions* obligation to enforce the building construction codes or building construction standards adopted pursuant to *The Buildings Act*, the designated employee may rely on a certificate of or representation by a professional engineer or an architect, or both, as to the compliance of plans and drawings or other documents, or of construction, with the *Codes* and with applicable By-laws.
- 9.16 In relying on a certificate or representation of a professional engineer or architect pursuant to Section 9.15, the designated employee may establish circumstances in which no examination or review whatsoever of certain aspects or parts, or of the entirety, of the plans or drawings or other documents signed and sealed by a design professional, or of construction reviewed by a design professional, will be conducted by the *authority having jurisdiction* before a *permit* or an interim or final *building occupancy permit* is issued.
- 9.17 As part of the authority granted by Section 9.15, the designated employee is authorized to determine:
- (a) Subject to Section 6.3, the form and content of the certificate or representation to be provided, including a signed and sealed statement using specific text *approved* by the designated employee;
 - (b) The amount of professional liability insurance, if any, that must be carried by an architect or professional engineer who provides certifications or representations;
 - (c) The criteria, if any, for determining when the *authority having jurisdiction* will not rely solely or at all on the required certificates or representations submitted by specific individual design professionals; and
 - (d) The form of an audit program or other programs, if any, to encourage compliance of submitted plans and specifications with the applicable *Codes* and By-laws.
- 9.18 Subject to Section 9.19, the designated employee may institute a program in which permits authorizing the construction or *occupancy* of *buildings* to which Section 5.3 does not apply are issued by the designated employee with minimal examination or review by the *authority having jurisdiction*, drawings or specifications for compliance with this By-law and with minimal or no inspection of construction.

- 9.19 The program referred to in Section 9.18 must include an audit function which subjects the minimally unexamined plans or specifications as well as the construction of the *building* to random, systematic or targeted review.
- 9.20 As part of the authority granted by this section, the designated employee is authorized to establish the circumstances in which the program authorized in Section 9.16 will apply, and to determine the form of the audit function established as part of the program.
- 9.21 Where a designated employee determines, through an audit or otherwise, that plans or specifications submitted under Section 9.15 or actual construction based upon *permits* issued under those provisions, fail to comply with this By-law or the *Codes*, the designated employee may order the designer or the *owner*, or both, to rectify the point of non-compliance within a reasonable time. A designer or *owner* who fails to comply with an order issued under this provision commits an offence.

SECTION 17 PERMITS

- 17.4 A *permit* automatically expires and is thereafter null and void if the *owner* does not ensure that construction or other work authorized by the *permit*:
- (b) Subject to Section 17.5, is completed within
- i. Five (5) years after the date the *permit* is issued; or
 - ii. A greater length of time as determined to be reasonable by the designated employee in the case of extraordinarily large construction projects; and
- 17.8 The following information shall be submitted with an application for a *building permit*, and the appropriate application form fully and accurately completed in accordance with the following requirements:
- (d) A Report on Title which has been issued not later than thirty days prior to the receipt of the application by the Designated Officer;
- (j) Site specific Geotechnical Reports if the *authority having jurisdiction* determines that the site conditions so warrant in accordance with Section 27.
- (l) Include all documentation required by the *authority having jurisdiction* procedures, as amended from time to time.
- (m) Any additional approvals in accordance with Section 25, or as deemed required from the *authority having jurisdiction*, or any other federal, provincial or local governing authority.

SECTION 18 BUILDING PERMITS

- 18.3 Despite Section 18.2, a *building permit* is not required for the following construction work:
- (e) Construction of fences;
 - (g) Construction or installation of a detached accessory storage *building* not greater than 107.64 square feet (10 m²) in *building area*;
 - (h) Erection of temporary tents less than 901 square feet (83.71 m²) in *building area*.
- 18.4 Despite Section 18.2, a *building permit* is not required for the following construction work on single family houses, duplexes and triplexes or on properties on which those *buildings* are located:
- (a) Replacement of doors when the opening is not altered;
 - (b) Replacement of windows with windows of the same *size*;
 - (c) Non-structural work other than:
 - i. Plumbing construction;
 - ii. The development of previously undeveloped space within an existing *building*; or the creation of a new bedroom.
 - (d) Construction of unenclosed detached residential decks 1.97 ft (600 mm) or less in height above finished ground.

SECTION 21 TEMPORARY BUILDINGS

- 21.7 A temporary *building* shall be permitted for a period not exceeding one year, on the condition that the *owner* shall remove the temporary *building* before the expiration of specified period of time, or as prescribed within the municipal Zoning By-law, with the most restrictive provisions being applicable.

SECTION 24 SWIMMING POOLS AND HOT TUBS

- 24.1 For the purposes of this section, any pool containing water more than 24 in (610 mm) in depth shall be deemed to be a swimming pool.
- 24.2 The structural design for a private pool that is an in-ground swimming pool must bear the seal of a professional engineer competent and qualified in the structural designing of in-ground swimming pools.

- 24.3 A private pool that is located outdoors must be enclosed with a fence, or other suitable barrier, constructed in accordance with the following requirements:
- (a) The fence or barrier must have a minimum height of 5 ft (1.52 m);
 - (b) There must be no openings in the fence or barrier, other than a door to a *building* or a gate as described in clause (d);
 - (c) It must be constructed so as to prevent a person from crawling under the fence or barrier and any gate in the fence or barrier;
 - (d) Any gate in the fence or barrier must be
 - i. Self-closing;
 - ii. At least 5 ft (1.52 m) in height; and
 - iii. Equipped with a lockable latch so as to prevent unauthorized entry;
 - (e) Where the fence or barrier, or any gate, is chain-link style, the outside surface of the fence or barrier, and any gate, must be at least No. 11 gauge; and
 - (f) Where the fence or barrier, or any gate, is not chain-link style, the outside surface of the fence or barrier, and any gate, must be smooth so as to not provide hand, foot or toe holds.
- 24.4 Where the designated employee determines that the fence or barrier, or any gate, required under this section contains any feature that the designated employee deems undesirable or unsuitable, the designated employee is authorized to order the *owner* to correct the situation.
- 24.5 A swimming pool shall not be placed under or within 10 ft (3.05 m) horizontally of any overhead electrical wiring except as may be permitted by the Manitoba Electrical Code.
- 24.6 All electrical installations shall comply with the requirements of the Manitoba Electrical Code.
- 24.7 Structural and plumbing details shall be in accordance with the other appropriate requirements of this By-law.
- 24.8 Despite Section 24.3 and 24.4, where a private pool is an outdoor hot tub or swim spa, a fence or barrier and a gate, are not required if the hot tub or swim spa is equipped with a cover, provided that:
- (a) The cover has the structural strength to support the weight of a person walking across the top of the cover when it is in the closed position; and

- (b) The cover is locked in the closed position so as to prevent access to the water by unauthorized persons at all times when the hot tub or swim spa is not in use.

SECTION 27 SPECIAL CONSTRUCTION STANDARDS

GEOTECHNICAL REPORTS

- 27.1 A Geotechnical Report in accordance with Section 5.3 is required for *structures* when construction is proposed within 350 ft (106.7 m) of a *waterbody*. The Report shall assess the following geotechnical factors relevant to the proposed development:
 - (a) Soil bearing capacity,
 - (b) Excavation conditions,
 - (c) Topographic constraints,
 - (d) *Bank* erosion and stability,
 - (e) Surface erosion; and
 - (f) Any other geotechnical considerations relevant to the proposed development.
- 27.2 The Geotechnical Report shall confirm that the proposed development will not:
 - (a) Impede surface or subsurface water flow;
 - (b) De-stabilize land, including the waterway bed; or
 - (c) Adversely alter waterway channels or *bank* stability.
- 27.3 Notwithstanding Section 27.1, the *authority having jurisdiction* may exempt the requirement for a Geotechnical Report for the construction of Part 9 accessory *structures* or additions with a building area not exceeding 592 square feet (55 m²), in accordance with the *Code*, unless:
 - (a) An unsafe condition may exist; or
 - (b) The structure is located between the existing house and the *bank*.
- 27.4 If multiple accessory buildings are proposed, each accessory building of less than 592 square feet (55 m²), when aggregated, may require a Geotechnical Report if the cumulative effect of the buildings poses a risk to the site or surrounding environment. The *authority having jurisdiction* may require a Geotechnical Report in such cases.

- 27.5 The *authority having jurisdiction* may exempt the requirement for a Geotechnical Report if
- (a) There is an existing roadway between the *bank* and the proposed development requiring a building *permit*, or;
 - (b) If confirmed by a Geotechnical Engineer in writing that acceptable information on subsurface conditions already exists, the investigation may not require further physical subsurface exploration or testing.
- 27.6 If the *shoreline* is developed or altered, a Geotechnical Report will be required to assess the impact on the *waterbody*, soil stability, erosion risks, and other relevant factors to ensure the safety of the development.

Appendix C: Building By-law Omissions

SECTION SPECIFIC OMISSIONS

RM OF ST. CLEMENTS

SECTION 2 SCOPE

2.4 The Code does not apply to;

- (a) farm buildings other than those used as residences, attached garages and carports,
- (b) public works located on a street or on a public transit right-of-way,
- (c) public utility towers and poles, television and radio or other communication aerials and towers, except for loads resulting from those located on or attached to buildings,
- (d) flood control and hydro electric dams and structures or mechanical or other equipment and appliances not specifically regulated in the Code, or
- (e) an accessory building not greater than 108 sq. ft. (10m²) in building area provided it does not create a hazard.

SECTION 6 DUTIES AND RESPONSIBILITIES OF THE CONTRACTOR

6.4 Every constructor is responsible jointly and severally with the owner for any work actually undertaken. SECTION 10 PERMITS

SECTION 7 DUTIES AND RESPONSIBILITIES OF THE AUTHORITY HAVING JURISDICTION

7.8 The authority having jurisdiction shall issue a permit to the owner, constructor or agent, who, to the best of his knowledge, the applicable conditions as set forth in the code and this By-law have been met.

SECTION 8 RESPONSIBILITY FOR DESIGN AND INSPECTION

8.5.3. Where the construction of a building will not be supervised by the person(s) responsible for its design as provided for in Part 4 of the code, the name and address of the person(s) who will supervise the construction shall be submitted with the application to build and notice shall be given to the authority having jurisdiction of any subsequent change of said person(s) or of address whenever any such change takes place.

8.6 The authority having jurisdiction may issue a permit at the risk of the owner, with conditions if necessary to ensure compliance with the code and any other applicable regulation or by-law, to excavate or to construct a portion of a building before the entire drawings of the whole project have been submitted or approved.

SECTION 10 PERMITS

10.1.1.(2)...

(f) the repair, construction, renewal, alteration or extension of a mechanical system, unless the required permit has first been obtained from the authority having jurisdiction as hereinafter provided, except in the case of painting and decorating or in the case of minor repairs not exceeding five hundred (\$500.00) in value, where matters affecting health and safety are not involved.

10.1.3. When a plumbing system has been completed and has been approved, the authority having jurisdiction when requested, shall issue a certificate of plumbing inspection approval to the owner and to the plumbing contractor.

10.1.4. The requirements for the issuance of an electrical permit shall be as set forth in the Manitoba Electrical Code.

10.2.2.(2) An application for a building permit for the construction of a metal clad building or additions thereto shall have the approval of the authority having jurisdiction before the permit is issued, except that such approval is not required for the use of factory finished cladding.

10.3.4. Every building permit is issued upon the condition: (a) that pegs, stakes, lines and other marks approved by the authority having jurisdiction be located on the building site so as to establish the line or limiting distance beyond which the building or structure shall not extend as specified on the permit, and shall be accurately maintained during the course of construction and until occupancy has been approved. Such markings shall be provided for the erection of a new building or structure, extension or addition to existing buildings or structures, or for buildings or structures moved from one location to another whether on the same property or not; ...

10.5.1. When in order to expedite work, approval of a portion of the building is desired prior to the issuance of a permit for the whole building application shall be made for the complete building and complete drawings and specifications covering the portion of the work for which immediate approval is desired shall be filed with the authority having jurisdiction.

10.5.2 Should a permit be issued for part of a building, the holder of such permit may proceed without assurance that the permit for the entire building will be granted. Work not covered by a permit shall not be commenced.

10.7.3.(2) A display home or display cottage may also be classified as a temporary building.

10.7.6 The building permit for a temporary building shall require the approval of the Chief of the Fire Department and the Medical Health Officer before issuance.

10.7.10 The temporary building shall be subject to any other conditions that may be specified in the agreement.

SECTION 13 LICENSING

13.1 PLUMBING CONTRACTOR LICENCE

13.1.1 Every person, firm or corporation desiring to carry on the business of placing, installing, maintaining, repairing, or replacing a plumbing system shall be described as a plumbing contractor, and the person or some member of the firm or some official of the corporation shall apply in writing to the authority having jurisdiction for a license as a plumbing contractor.

13.2 QUALIFICATIONS FOR LICENCE SUBSECTION

13.2.1 Every person or persons so to be licenses as a plumbing contractor must either be himself a qualified plumber under The Apprenticeship and Tradesmen's Qualifications Act or employ a sufficient number of persons so qualified under the said Act.

13.2.2 Subject of Article 13.2.1 an examination for a plumbing contractor may be required when requested by the authority having jurisdiction.

13.3 APPLICATION FOR LICENCE SUBSECTION

13.3.1 Every application for a plumbing contractor's licence shall give the name and business address of the applicant.

13.3.2 If the application is a partnership, the application shall contain the names and addresses of the various partners of the firm.

13.3.3 If the application is a corporation, the names and addresses of the corporation officers and their corporate titles shall be shown.

13.4 LICENCE FEE

13.4.1 The fee for a plumbing contractor's licence shall be as specified in Appendix "C" for the year or fraction thereof for which the same is taken out.

13.4.2 All plumbing contractor's licences shall expire on the last day of December next ensuing and for each ensuing year such person shall pay the annual fee specified in Appendix "C".

13.5 RENEWAL OF A LICENCE

13.5.1.(1) Plumbing contractor's licences shall not be transferable and must be renewed each year prior to the first day of February, and failure to renew the licence prior to the first day of February shall preclude the plumbing contractor from obtaining a renewal licence and he shall thereafter be required to qualify for a new licence.

13.5.1.(2) The authority having jurisdiction may require that the application for renewal of a plumbing contractor's licence, or the change of ownership of a Plumbing Contractor's licence have some member or employee of the firm write the examination required in Article 13.2.1.

13.6 Every person licensed shall give immediate notice to the authority having jurisdiction of any change in his place of business or in the case of any firm of its dissolution or, in case of a corporation, of any change in persons holding corporate offices.

13.7 Every plumbing contractor granted a plumbing contractor's licence shall post the said licence in a conspicuous place in the place of business of the said contractor.

13.8 Every plumbing contractor shall be responsible for the work of his employees.

13.9 The authority having jurisdiction may revoke, cancel or suspend a plumbing contractor's licence if the licensee violates any of the provisions of the code.

13.10 Subject to the other requirements of this section, a plumbing contractor's licence may be issued to a commercial or industrial establishment when this firm has a steadily employed journeyman plumber or person who in the opinion of the authority having jurisdiction is qualified to perform such work.

SECTION 14 SIGN

14.4.2 No sign shall be placed on any hoarding except those permitted in Clauses 14.2.1.(1)(d), (f) and (g).

14.8.2 Every sign, hereinafter erected shall be plainly marked with the name of the contractor or erector, size and weight, voltage and wattage and said information must be readily visible after its erection.

14.8.4 Approved combustible plastics may be used in the construction of signs where, in this By-law it requires non-combustible material, providing they are only those combustible plastic materials:

(a) which, when tested in accordance with the American Society of Testing Materials, Standard Method of Test for Flammability of Plastics over 0.050 inches in thickness, burn no faster than 2.5 inches per minutes in sheets of 0.060 inches in thickness, or

(b) which conform to the Canadian Standards Association Specification of Electric Signs, C22.2, No. 2. All electrical signs shall be constructed in accordance with the provisions of the Manitoba Electrical Code.

14.8.8.(7) Unless otherwise approved by the authority having jurisdiction each cable, rod, chain or equivalent shall have a reputed breaking strength as specified in Table 14.A.

TABLE 14A

14.8.9 Where signs and supports are not under design of a Registered Professional Engineer, the supporting cable and turnbuckles, when use, shall meet the following minimum requirements. The number of supports and fittings shall be dependent on the size, shape, projection and loads of the sign and the various loads acting on same.

TABLE 14B

TABLE 14C

14.8.11.(1) At every vehicle entrance within five (5) feet of a street right-of-way to any building, except accessory buildings having access from a lane, there shall be erected in a conspicuous location a projecting sign at least three (3) feet long by one (1) foot wide bearing the words ‘DANGER LOOK OUT FOR CARS’ in large red letters on a white background.

14.8.11.(2) As an alternate to Sentence (1) above, a large red-coloured globe with the word “DANGER” printed thereon in white letters may be used in such location so as to be easily legible at all times.

14.8.11.(3) In all cases, such sign or globe shall be illuminated at all times during the working hours of the premises from sundown continuously during the night hours.

SECTION 15 OFFENCES AND PENALTIES

15.1.2 Where a corporation commits an offence 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 offence, is likewise guilty of the offence and liable, on summary conviction, to the penalty for which provision is made in 15.1.1.