

MUNICIPALITY OF THE DISTRICT OF CHESTER  
BY-LAWS

**BY-LAW NO. 81**  
**BUILDING BY-LAW**

PART 1 - DEFINITIONS:

1. In this By-Law:

- (a) "Act" means the Building Code Act, S.N.S. 1986, c.3.
- (b) "Authority having jurisdiction" means the Council of the Municipality of the District of Chester and its inspectors acting pursuant to Section 5 of the Act.
- (c) "Building" means a building as defined from time to time by the Building Code Act.
- (d) "Building Code" means the regulations made pursuant to Section 4 of the Building Code Act.
- (e) "Clerk" means the Clerk of the Municipality of the District of Chester.
- (f) "Construct" means to do anything in the erection, installation, extension, relocation, material alteration, or material repair of a building and includes the installation of a factory-made building, fabricated or moved from elsewhere.
- (g) "Council" means the Council of the Municipality of the District of Chester.
- (h) "Demolish" or "Demolition" means the doing of anything in the removal of a building or any material part thereof.
- (i) "Inspector" means a person appointed as an Inspector by the Council of the Municipality of the District of Chester pursuant to Section 5 of the Act.
- (ii) "Material Alteration" and "Material Repair" means (notwithstanding the definition in the provincial building code regulations) work that is done in the alteration or repair of a building which work is covered by the Building Code and which:

- (a) is a non-structural repair or alteration which has a monetary value of more than \$5,000.00; or
- (b) is a repair or alteration to the structure of the building.
- (j) "National Building Code of Canada" means the National Building Code issued by the National Research Council.
- (k) "Occupancy" or "Class of Occupancy" means the use or intended use of a building as defined in the Building Code.
- (l) "Owner" includes a person controlling the property under consideration, and also includes prima facie the assessed owner of the property whose name appears on the Assessment Roll prepared in accordance with the Assessment Act.
- (m) "Permit" means a permit issued pursuant to this by-law.
- (n) "Regulations" means the regulations made pursuant to Section 4 of the Act.

PART 2 - PERMITS

2. A building permit, an occupancy permit and a demolition permit shall be in the form set out in Schedule "A" annexed hereto.

3. Before a permit is issued the owner shall complete an application form set out in Schedule "A" annexed hereto, and shall file the application with the Authority having jurisdiction.

4. Every application for a permit shall:

- (a) identify and describe in detail the work and occupancy to be covered by the permit for which 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) include plans and specifications as required by the Building Code and show the occupancy of all parts of the building;
- (d) include a copy of an on-site sewage disposal permit, where required;

- (e) include a copy of a municipal sewer permit, where required;
- (f) include a copy of any permit required pursuant to the Public Highways Act in the case of the construction of new buildings or structures;
- (g) include proof of compliance with any applicable requirements of the Heritage Property Act and any By-Law of the Municipality of the District of Chester passed pursuant to the Heritage Property Act.
- (h) include proof of compliance with any applicable provisions of the Planning Act and the Land Use By-Law or any development agreement thereunder, which affect the construction or demolition of a building and include a copy of a development permit, where required;
- (i) state the valuation and square footage of the proposed work and be accompanied by the required fee; and
- (j) state the names, addresses and telephone numbers of the owner, architect, professional engineer or other designer and contractor.

5. When an application for a permit has not been completed in conformance with the requirements of this By-Law within six months after it is filed, the application shall be deemed to have been abandoned.

6. Any revision to the work to be covered by a permit shall require an application for an amended permit.

7. A permit, other than a permit for a temporary building, is valid for eighteen (18) months from the date of issuance and may only be renewed upon application in writing. A permit other than a permit for a temporary building, as renewed, shall be valid for a period of eighteen (18) months from the date of renewal and may only be further renewed upon application in writing.

8. A permit for a temporary building:

- (a) shall state the date after which the permit is no longer valid;
- (b) shall state the conditions, if any, under which the permit ceases to be valid;
- (c) may be extended in writing;
- (d) shall be posted on the building.

9. (a) Where in order to expedite work, approval of a portion of the building is desired prior to the issuance of a permit for the whole project, application shall be made for the complete project and complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed.
- (b) Should a permit be issued for part of a building, the holder of the permit may proceed, but without any assurance that the permit for the entire building will be granted.
- (c) Any permit issued for part only of a building shall be clearly marked as for part only, and shall also indicate that a permit for the entire building is not assured.
10. (a) A permit may be issued at the risk of the owner, with conditions to ensure compliance with the building code 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 or accepted.
- (b) The permit shall be clearly marked "At Owner's Risk".
11. (a) A permit for a whole project may be issued conditional upon the submission, prior to commencing work thereon, of additional information not available at the time of issue if such information is of secondary importance and is of such a nature that withholding the permit until the information was available would delay the work unreasonably.
- (b) is a repair or alteration to the structure of the building.
12. An occupancy permit may be issued, subject to compliance with provisions to safeguard persons in or about the premises, to allow the occupancy of a building or part thereof for the accepted use prior to commencement or completion of the construction or demolition work.

PART 3 - PERMIT FEES

13. Fees for permits shall be established by Council by Policy from time to time.
14. Fees shall be refunded in situations and proportions as follows:
- |                                 |      |
|---------------------------------|------|
| (a) application never completed | 100% |
|---------------------------------|------|

permit denied	100%
permit revoked or abandoned before work commenced	100%
(b) permit revoked or abandoned after work commenced	0

4A. The authority having jurisdiction shall be given an opportunity to inspect:

- (i) footing in place;
- (ii) the site (including the foundation, footings, drainage and damp proofing) before commencing back filling a foundation, and before a superstructure is placed on the foundation;
- (iii) general framing when roof tight but prior to the installation of the insulation and vapour barrier;
- (iv) the completed framing, rough plumbing, insulation and vapour barrier before wall framing is covered and the outside finish is generally completed including the flue, fireplace, and prior to the covering of the interior of the walls.
- (v) before occupancy.

15. This by-law shall have effect from and after April 1, 1987.



MUNICIPALITY OF THE DISTRICT OF CHESTER

P.O. BOX 369, Chester, NS B0J 1J0 (902) 275-3080

PLEASE PRINT  
FIRMLY YOU  
ARE MAKING  
4 COPIES

BUILDING PERMIT APPLICATION

(1) PROPERTY OWNER NAME & ADDRESS

Form with fields for Property Owner Name & Address, Postal Code, Phone (H), (W), Contractor/Builder Name & Address, Postal Code, Phone, and Fax.

ARCHITECT NAME, FIRM ADDRESS

Form with fields for Architect Name, Firm Address, Postal Code, Phone, and Fax.

(2) EXISTING USE OR OCCUPANCY FOR ALL OF BUILDING

Form with a large text area for existing use and a checkbox for registered heritage property.

PROPOSED USE OR OCCUPANCY FOR ALL OF BUILDING

Form with a large text area for proposed use.

(3) CLASS OF PROPOSED WORK WILL ENTAIL, OTHERWISE PROVIDE WRITTEN EXPLANATION

Form with checkboxes for New Building Start?, Addition(s) to an Existing Building?, and Relocate an Existing Building?.

Form with checkboxes for Material Repairs or Alterations?, Structural Repairs or Alterations?, and Change of Use or Occupancy?.

(4) LOCATION OF WORK SITE

Form with fields for Civic #, Road & Community Name, and Other Description of Area.

(5) DIMENSIONS OF BUILDING(S) OR STRUCTURE(S) (for which you are making application)

Table with 2 columns: Description (Main Building, Veranda, Carport) and Total Square Footage.

(6) DECLARATION OF THE PROPERTY OWNER, OR ACTING AGENT OF THE OWNER

Form containing a declaration text, a list of 4 conditions, and fields for Date and Signature of Applicant(s).


(7) GENERAL INFORMATION

Form with fields for Expected Start/Occupancy Date, Foundation Type, Construction Type, Basement, Bedrooms/Bathrooms, Plumbing, Ventilation, Heating Source, Chimney, and Fireplaces.

DO NOT WRITE IN THE SPACE BELOW

Form with a header 'FOR OFFICE USE ONLY' and fields for Application #, Municipal Account #, District #, Development #, Dept. of Health/Transport Date, Fire Marshall Approval, Estimated Value, Permit Fee, Receipt #, and Application Approved.

**FINAL NOTICE**  
**MUNICIPALITY OF THE DISTRICT OF**  
**CHESTER**  
**NOTICE RE: BUILDING BY-LAW**



Take notice that Chester Municipal Council has considered an amendment to the Building By-law of the Municipality of the District of Chester at a meeting of Chester Municipal Council held on the 11th day of October, 2001, at which time Second Reading was completed and the following amendment to the By-law was passed:

to remove Part 3 - Permit Fees sub-section 13 and replace it with new sub-section 13 to read "Fees for permits shall be established by council by Policy from time to time."

Further take notice that a copy of the above-mentioned By-law may be inspected/obtained between the hours of 8:30 a.m. and 4:30 p.m. at the offices of the Municipality of the District of Chester, 151 King Street, Chester, N.S.

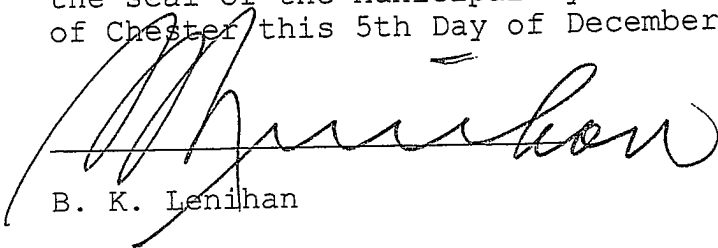
And further take notice that the above-mentioned amendment will become effective as of December 5, 2001.

B.K. Lenihan  
Municipal Clerk

Chester, NS  
30 November 2001

I, B. K. Lenihan, Municipal Clerk Treasurer of the Municipality of the District of Chester do hereby certify that the foregoing is a true copy of an advertisement duly advertised in the Progress Enterprise on Wednesday, December 5, 2001.

Given under the hand of the Clerk and under the seal of the Municipality of the District of Chester this 5th Day of December, 2001.



B. K. Lenihan

Amended by Council October 11, 2001  
 Effective December 5, 2001