

**CONTINUING CONSOLIDATION  
BUILDING BY-LAW NO. 6018/55/92**

AS AMENDED BY BY-LAW NOS. 6399/45/96, 6570, 6622, 6665 AND 6949.

BEING A BY-LAW of The City of Brandon to provide for the adoption of The Manitoba Building Code and to establish administrative requirements and procedures for the enforcement of said Code, to be known as the "Building By-law".

WHEREAS The City of Brandon is empowered by The Buildings and Mobile Homes Act, RSM 1987, c.B93 to, by by-law, adopt The Manitoba Building Code;

AND WHEREAS it is deemed expedient and in the public interest to adopt the said Code and establish such standards;

NOW THEREFORE the Council of The City of Brandon, duly assembled, enacts as follows:

**PART I: APPLICATION AND DEFINITIONS**

1. This by-law adopts building construction codes and building construction standards for new construction and applies to all forms of construction, including the construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, occupancy or change in occupancy of any building, addition to a building, erection or structure, save and except in so far as such classes or work permits and inspections are under the jurisdiction of the Minister pursuant to subsection 5(1) of the Act.
2. (a) Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions in The Buildings and Mobile Homes Act or as defined in the Building Code of the Province of Manitoba.  
  
(b) In this by-law:
  - (1) "**ACT**" means The Buildings and Mobile Homes Act of the Province of Manitoba being chapter B93 of the Revised Statutes of Manitoba 1987.
  - (2) "**APPROVED**" means approved by the Authority having jurisdiction.
  - (3) "**AUTHORITY HAVING JURISDICTION**" means The City of Brandon and its designated agents.
  - (4) "**BOARD**" means the Board of the Brandon and Area Planning District as established pursuant to The Planning Act and pursuant to an Order-in-Council issued under the authority of the Lieutenant-Governor-in-Council for the Province of Manitoba on January 23rd, 1980.
  - (5) "**CODE**" means The Manitoba Building Code as adopted by Manitoba Regulation 57/82, as amended, pursuant to the provisions of the Act.
  - (5.1) "**CONSTRUCTION VALUE**" means the value of all construction work including all painting, papering, roofing, electrical and mechanical work, plumbing, permanent or fixed heating equipment and any permanent equipment and all labour, materials and other devices entering into and necessary for the prosecution of the work in its completed form, including all contractors' overhead and profit, and "**VALUATION**" has the same meaning.  
[EN. B/L 6399/45/96]

2. (b) (6) "**CONSTRUCTOR**" means any person who contracts with an owner or his authorized agent to undertake a project, and includes an owner who contracts with more than one person for the work on a project or undertakes the work on a project or any part thereof, and "CONTRACTOR" has the same meaning.
- (6.0.1) "**ENGINEERED DESIGN DRAWING**" means a drawing prepared, signed and sealed by a professional engineer skilled in the appropriate section of work concerned and licensed to practice in the Province of Manitoba.  
[EN. B/L 6570]
- (6.1) "**GENERAL MANAGER**" means the General Manager appointed by the Brandon and Area Planning District Board.  
[EN. B/L 6399/45/96]
- (7) "**MINISTER**" means the Minister charged with the administration of the Act.
- (8) "**MUNICIPAL ACT (THE)**" means The Municipal Act of the Province of Manitoba being chapter M225 of the Revised Statutes of Manitoba 1988.
- (9) "**OCCUPANCY**" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- (10) "**OWNER**" means the registered owner of land whose estate or interest in the land is defined and who is named in respect of that interest in a subsisting
- i) certificate of title under The Real Property Act of the Province of Manitoba;
  - ii) grant registered under The Registry Act of the Province of Manitoba;
  - iii) instrument registered or filed in the Land Titles Office;
- and shall include any person, firm or corporation acting as agent for the registered owner. For the purposes of this by-law, any constructor working on behalf of an owner shall be deemed to be the owner's agent.
- (11) "**PERMIT**" means permission or authorization in writing by the Authority having jurisdiction to perform work regulated by this by-law and in particular includes: building permit, demolition permit and relocation/removal permit; certificate of occupancy; plumbing permit; and electrical permit all as referred to in Part III, Division IV.
- (12) "**PLANNING ACT (THE)**" means The Planning Act of The Province of Manitoba being chapter P80 of the Revised Statutes of Manitoba 1987.
- (13) "**RELOCATION**" means the moving of a building or structure from one location to another location, either on the same property or to another property, and includes the removal of a building or structure.
- (14) "**RENOVATION**" means the reconstruction of all or part of the interior or exterior, or both, of an existing building, where there is no structural reconstruction, alteration or enlargement of the building.
- (15) "**REPAIR**" means work done to an existing building for the purpose of maintenance and not amounting to a renovation.
- (16) "**STRUCTURE**" means anything constructed or erected with a fixed location or in the ground or attached to something having a fixed location on the ground and including any interpretation of the terms in the Code.

2. (b) (16.1) **"UNFINISHED FLOOR AREA"** means an unfinished space including areas such as unfinished basements and attached garages, but does not include areas such as crawl spaces or attic spaces which are not suitable for future development into habitable space.  
[EN. B/L 6399/45/96]
- (17) **"UNSAFE CONDITION"** means any condition that could cause undue hazard to life, limb or health of any person authorized or expected to be on or about the premises.

**PART II: ADOPTION OF CODE AND DELEGATION OF AUTHORITY**

3. The Code, containing building construction codes and building construction standards, is hereby adopted and will be enforced by the City, and administrative requirements and procedures for such enforcement are hereby established.
4. (a) The City, being the Authority having jurisdiction, does hereby delegate to and names as its agent the General Manager, or his successor, to be responsible for the administration and enforcement of the Code and this by-law, subject always to such direction as may from time to time be given by the Council and subject to the right of appeal as set out in Part V hereof.
- (b) If and when, for whatever reason, there is no General Manager employed by the Brandon and Area Planning District, anyone appointed as an Acting General Manager by the Brandon and Area Planning District shall have full authority to enforce the Code and this by-law.
5. (a) The General Manager may delegate his authority, subject to his supervision, to the Chief Building Inspector or to such other inspectors employed by the Brandon and Area Planning District as he deems necessary, and the General Manager may appoint an assistant to act as Chief Building Inspector when the latter is not available to so act.  
[AM. B/L 6399/45/96]
- (b) The General Manager or his delegate is authorized to issue all permits and orders necessary for the administration and enforcement of the Code and this by-law and shall carry out the duties of the Authority having jurisdiction set out herein.  
[AM. B/L 6399/45/96]
6. The Board or any of its employees charged with the enforcement of this by-law while acting for the City shall not thereby render themselves liable personally, and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their official duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties and under the provisions of this by-law shall be defended by the legal representative of the City until the final termination of the proceedings. In no case shall the Chief Building Inspector or any of his assistants be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this by-law, and any officer of the Brandon and Area Planning District, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his official duties in connection therewith.
7. The forms attached to this by-law may from time to time be amended by the Board and from the date of approval by the Board of such amendment such forms will be used for all applications.

**PART III: REGULATIONS****DIVISION I: GENERAL REGULATIONS**

8. The Authority having jurisdiction shall be permitted to enter any building or premises at any reasonable time for the purposes of administering or enforcing the Code or this by-law or for determining whether or not any contravention of the Code or this by-law has occurred therein.
9. Every owner shall provide:
  - (a) notice to the Authority having jurisdiction of the dates on which he intends to begin and complete work prior to commencing work on the building site;
  - (b) notice in writing to the Authority having jurisdiction, prior to commencing the work, listing the name, address and telephone number of:
    - (1) the constructor or other person in charge of the work;
    - (2) the architect or professional engineer reviewing the work; and
    - (3) any inspection or testing agency engaged to monitor the work;
  - (c) notice in writing of any change in or termination or employment of persons referred to in subsection (b) during the course of the construction, immediately that such change, termination, or employment occurs;
  - (d) notice in writing to the Authority having jurisdiction:
    - (1) immediately that any change in ownership or change in the address of the owner occurs prior to the issuance of a certificate of occupancy; and
    - (2) prior to occupying any portion of the building if it is to be occupied in stages;
  - (e) such other notice to the Authority having jurisdiction as may be required by the provisions of the Code or this by-law;
  - (f) when required by the Authority having jurisdiction, a letter to certify compliance with the requirements of the Code and of any permits required.
10. (a) The granting of a permit, the approval of the drawings and specifications or inspections made by the Authority having jurisdiction, shall not in any way relieve the owner of a building or sign from full responsibility for carrying out the work or having the work carried out and for maintaining the building or sign in accordance with the requirements of the Code including ensuring that the occupancy of the building, or any part thereof, is in accordance with the terms of the certificate of occupancy.
  - (b) Every constructor is responsible jointly and severally with the owner for any work actually undertaken.
11. Every constructor shall ensure that all construction safety requirements of the Code are complied with.
12. 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.

**Exemptions**

13. These requirements do not apply to:
- (a) wastewater, water, electrical, telephone, rail or similar system located on a street or a public transit right of way;  
[AM. B/L 6399/45/96]
  - (b) 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;
  - (c) flood control and hydro electric dams and structures;  
[AM. B/L 6399/45/96]
  - (d) mechanical or other equipment and appliances not specifically regulated in these requirements; and
  - (e) accessory buildings not greater than 10 square metres in building area provided they do not create a hazard.

**DIVISION II: APPLICATIONS**

14. To obtain any permit authorized by this by-law the applicant shall file with the Authority having jurisdiction an application on a form as prescribed by this by-law.
15. Except as otherwise allowed by the Authority having jurisdiction, every application for a permit, in order to enable the Authority having jurisdiction to determine whether or not the proposed work will conform to the Code and whether or not it may affect adjacent property, shall:
- (a) identify and describe in detail the work and major 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, unless otherwise approved by the Authority having jurisdiction, and show the occupancy of all parts of the building;
  - (d) state the valuation of the proposed work, and be accompanied by the required fee;
  - (e) state the names, addresses and telephone numbers of the owner, architect, professional engineer or other designer and constructor;
  - (f) include proof of approval from the Minister if required under the Act, when necessary; and
  - (g) request prior approval of the Authority having jurisdiction for metal cladding to be used on buildings unless such metal cladding is of the factory-finished type.
16. Every person who makes a knowingly false or misleading statement in any form, application, record or return prescribed or required under this by-law contravenes this by-law and is subject to the penalty provisions set out in Part VI hereof.

**DIVISION III: FEES AND VALUATION****Subdivision I: Fees**

17. All applications for permits shall be accompanied by the required fee, set out in The City of Brandon Schedule of Fees.  
[AM. B/L 6949]
18. All requests for inspections, required in addition to a regular inspection, or that are necessary to be conducted outside regular office hours, shall be accompanied by the required fee, set out in The City of Brandon Schedule of Fees.  
[AM. B/L 6399/45/96, B/L 6949]
19. Notwithstanding the provisions of Part VI, where a permit has not been applied for and obtained prior to the commencement of the actual work, through neglect, or for some other reason, the fees shall be double the normal rate for the work done up to the date the permit is issued.

**Subdivision II: Valuation**

20. The valuation to be shown on a permit and the application therefor shall mean the total monetary worth of all construction or work including all painting, papering, roofing, electrical work, plumbing, permanent or fixed heating equipment, elevator equipment, fire sprinkler equipment, and any permanent 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 building including mechanical, electrical and plumbing work, shall be excluded from the valuation of the permit because of any other permits required by any governing by-law, regulation or agency.
21. Notwithstanding the provisions of section 20, the valuation for a permit, in the case of a relocation or demolition, shall include the cost to move the building, excavation at the new site, cleaning and leaving the former site in the condition specified in subsection 44(c) of this by-law and alterations or repairs to the building.
22. In the case of the erection, alteration or enlargement of any sign or encroachment, the valuation shall reflect the cost of any contract for the prosecution of the work with all constructors which shall include all labour costs, materials, and devices necessary to complete the work.
23. The determination of value or valuation shall be the reproduction cost without depreciation and without regard to any loss occasioned from fire, used material or other causes.
24. The Authority having jurisdiction reserves the right to place a value on the cost of the work for the purpose of determining permit fees to be applicable.
25. Every owner, architect, professional engineer, constructor or builder, having contracted for or having performed or supervised any work of construction, alteration or repairs on any land, or the agent of such person, shall give, in writing over his signature when required by the Authority having jurisdiction all the information in his power with respect to the cost of the work. The owner, or other authorized person, is required to provide for inspection to the Authority having jurisdiction, upon request, any contract pertaining to the work for the purpose of obtaining an accurate valuation of the work to be performed.  
[AM. B/L 6399/45/96]

**DIVISION IV: PERMITS****Subdivision I: Requirement for Permits**

26. No person shall 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.

**Subdivision II: Conditions of Permit**

27. Every permit is issued upon the condition:
- (a) that the construction shall be carried out in accordance with all provisions of the Code, and all provisions as described on the approved plans and the permit, including the anticipated completion date which, upon agreement by the Authority having jurisdiction, shall be the permit expiry date;
  - (b) that pegs, stakes, lines and other marks approved by the Authority having jurisdiction be located by the applicant 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 an existing building or structure, or for buildings or structures moved from one location to another whether on the same property or not;
  - (c) that all City engineering requirements, such as driveway permits, crossing permits, sewer and water permits, elevation lot grading plans, and any other permits or plans as deemed necessary by the City Engineer, have been approved;
  - (d) that all City by-laws and provincial regulations be complied with;
  - (e) that the Authority having jurisdiction shall get copies of all changes ordered which may alter any condition or requirement of the Code, and a set of the revised plans showing these changes; and
  - (f) that at all times during construction the street number of the premises must be kept visible in figures at least 75 mm high and visible from the street or sidewalk.
28. No permit shall be issued until the Authority having jurisdiction is satisfied that it has received all necessary information to justify the issuance of such permit.
29. All work being carried out under a permit issued prior to the effective date of the Code shall be completed in accordance with the previous Code requirements and any special conditions described on the permit and approved plans. If work does not proceed at a satisfactory rate, in the opinion of the Authority having jurisdiction, the permit may be cancelled pursuant to section 62.
30. No person shall deviate from the approved plans and specifications forming a part of the permit, or omit or fail to complete, prior to occupancy, work required by the said approved plans and specifications without first having obtained written permission from the Authority having jurisdiction to do so.

**Subdivision III: Special Considerations****Approval in Part**

31. (a) 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 whole building and complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the Authority having jurisdiction.
- (b) Should a permit be issued for part of a building, the issuance of such a permit shall be granted without assurance that a permit for the entire building will be granted and at the sole risk of the applicant. Work not covered by a permit shall not be commenced.

**Revisions to Permits**

32. After issuance of a permit, application may be made for revision of the permit, and such application shall be made in the same manner as for the original permit.

**Permit for a Temporary Building**

33. Temporary buildings may be permitted subject to the provisions of the Code and this by-law.

**Permit for Change in Boundaries or Grades**

34. No person shall allow the property boundaries or approved grades of a building lot to be so changed as to place a building or part thereof in contravention of the Code, unless the building or part thereof is so altered after obtaining the necessary permit so that no contravention will occur as a result of the change of the property boundary or approved grades.

**Subdivision IV: Building Permits**

35. Any owner, agent or person in charge shall not commence or cause to be commenced:
- (a) the 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 of any building or structure, or portion thereof;
- (d) the excavation of any land for any purpose of erecting or locating on or above it any building or structure;

unless application, in a form attached hereto as Schedule "C", is submitted to, and a building permit, in a form attached hereto as Schedule "D", has first been obtained from, the Authority having jurisdiction, subject to the following exceptions where no building permit is required:

- (e) improvements limited to painting or decorating; or
- (f) minor repairs or improvements, the cost of which does not exceed \$1,000.00.

The building permit shall be posted in a conspicuous location at the building site.



**Subdivision V: Plumbing Permits**

36. (a) Any person wishing to construct, extend, alter, renew or repair a plumbing system or make a connection to a sewer shall first make application and obtain a plumbing permit, in a form attached hereto as Schedule "F", from the Authority having jurisdiction.
- (b) Notwithstanding subsection (a), 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.
37. (a) Every application for a plumbing permit shall be accompanied by a specification or description of the proposed work.
- (b) When required by the Authority having jurisdiction, the application shall also be accompanied by:
- (1) a plan that shows the location and size of every building drain, and of every trap and clean-out fitting that is on a building drain;
  - (2) a sectional drawing that shows the size and location of every soil-or-waste pipe, trap and vent pipe; and
  - (3) a plan that shows a layout of the potable water distribution system including pipe sizes and valves.
38. Where a plumbing permit has been issued, no departure shall be made from the specification, description, plan or sectional drawing unless written permission is obtained from the Authority having jurisdiction.
39. When a plumbing system has been completed and approved, the Authority having jurisdiction shall affix a plumbing inspection approval sticker to the plumbing system.

**Subdivision VI: Electrical Permits**

40. The requirements for the issue of an electrical permit shall be as set forth in The Manitoba Electrical Code and such permits shall be obtained from or in a manner approved by Manitoba Hydro.

**Subdivision VII: Relocation/Removal and Demolition Permits****Relocation/Removal Permits**

41. An owner, agent or person in charge shall not commence or cause to be commenced, the relocation or removal of any building or structure, or portion thereof, unless application, in a form attached hereto as Schedule "C", has been submitted to, and a relocation/removal permit, in a form attached hereto as Schedule "E", has first been obtained from, the Authority having jurisdiction. The relocation/removal permit shall be posted in a conspicuous location at the site.

**Demolition Permits**

42. Any owner, agent or person in charge shall not commence or cause to be commenced the demolition of any building or structure, or portion thereof, unless application, in a form attached hereto as Schedule "C", has been submitted to, and a demolition permit, in a form attached hereto as Schedule "E", has first been obtained from, the Authority having jurisdiction. The demolition permit shall be posted in a conspicuous location at the demolition site.

**Application Conditions**

43. Before a permit to relocate or demolish a building or structure is issued the Authority having jurisdiction may require that the application for permit shall contain one or more of the following:
- (a) a description of the building or structure giving the existing location, construction materials, dimensions, number of rooms and condition of exterior and interior;
  - (b) a legal description of the existing site;
  - (c) a legal description of the site to which it is proposed that the building or structure is to be moved if located within the City;
  - (d) a plot plan of the site to be occupied by the building or structure if relocated within the City; and
  - (e) a statement that the taxes upon the land and building or buildings or structures have been paid in full and that the same have not been sold for taxes or if sold for taxes have been redeemed.
44. The owner, or his agent, of a site from which a building or structure is to be relocated or demolished shall:
- (a) notify the gas, electric, telephone and water service companies or utilities to shut off and/or remove their service;
  - (b) terminate the sewer and water service lines in accordance with provisions of the City's Water and Wastewater Control By-law; and [AM. B/L 6399/45/96]
  - (c) upon completion of the relocation or demolition, put the site in a safe and sanitary condition to the satisfaction of the Authority having jurisdiction, including the removal of all foundations, all building waste material, and all other rubble, with such matter to be discarded in accordance with the City's Solid Waste Disposal and Collection By-law.

**Subdivision VIII: Sign Permits****Structural Certification**

45. All signs are subject to Structural Certification, the structural aspect of all signs must conform with the provisions of the Code, and prior to construction a permit must be obtained.

**Removal of Signs**

46. Any existing sign which is unsafe from the standpoint of fire safety, structural safety or location may be ordered to be removed. If not removed or made safe in accordance with the requirements of this by-law, the Authority having jurisdiction may institute condemnation proceedings.

**Construction and Design**

47. (a) All signs shall be designed and constructed as herein provided and in accordance with Part 4 of the Code, to resist live and dead loads. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on building, the load shall be transmitted through the structural frame of the building to the ground in such manner as not to over-stress any of the elements thereof.

47. (b) All signs and any of their supporting structures must be fastened with non-corrosive fasteners or otherwise have the fastening devices protected from corrosion.
- (c) All free-standing signs exceeding 4.5 metres in height above the adjacent finished ground shall be structurally designed by a professional engineer entitled to practice in the Province of Manitoba and skilled in the appropriate section of work concerned.
- (d) The foundation of all free-standing signs exceeding 4.5 metres in height shall be of concrete.

**Awning and Sun Visor Signs**

48. No sign shall be attached in any manner to awnings or sun visors, except to an awning or sun visor constructed entirely of concrete or metal and steel, with the design certified by a professional engineer entitled to practice in the Province of Manitoba and skilled in the appropriate section of work concerned.

**Facia Signs**

49. (a) All facia signs shall be constructed of non-combustible materials throughout when such signs:
- (1) exceed 3.7 square meters, on walls required to be of non-combustible construction; or
  - (2) are located more than 7.5 metres above grade; or
  - (3) are located within .6 metres of any window, fire escape or exit above the second storey floor line.
- (b) No facia sign of wood construction may be erected on any wall of wood frame or of non-combustible construction in locations where the limiting distance precludes the use of combustible cladding.
- (c) No facia sign shall be permitted to be supported by an unbraced parapet wall unless the structural stability of the parapet wall is adequate.
- (d) Facia signs may project above the top of the roof or parapet wall immediately adjacent thereto a distance not exceeding .9 metres provided that the means of egress to and egress from the said roof are adequate, and that the structural stability of the parapet wall is adequate.
- (e) Facia signs shall be securely attached to the building or structure by means of metal anchors, bolts, or expansion screws. Such signs shall not be fastened by nails or staples to wooden blocks or nailing strips built into masonry.

**Roof Signs**

50. (a) All roof signs shall be structurally designed by a professional engineer entitled to practice in the Province of Manitoba and skilled in the appropriate section of work concerned, when exceeding either 113 kilograms in weight or 9.3 square metres in area on any one side.
- (b) The dead and live loads of any roof sign shall be transmitted to concrete foundations by non-combustible walls, columns, beams and girders, except that timber beams and columns shall be acceptable provided such timber members shall be creosoted or painted and all connections shall be by means of bolts, and the sign and its supports are designed by a professional engineer entitled to practice in the Province of Manitoba and skilled in the appropriate section of work concerned.

**Projecting Signs**

51. (a) All projecting signs including frames, braces and supports shall be constructed of non-combustible materials except that:
- (1) approved combustible plastics may be used as facing materials, letters and decorations;
  - (2) non-structural members of signs not exceeding 1.8 square meters in area may be of wood, metal, approved plastics, or combination thereof.
- (b) Projecting signs shall not be attached or fastened in any manner to parapet walls unless designed by a professional engineer entitled to practice in the Province of Manitoba and skilled in the appropriate section of work concerned.
- (c) Projecting signs weighing more than 113 kilograms shall be structurally designed by a professional engineer entitled to practice in the Province of Manitoba and skilled in the appropriate section of work concerned.
- (d) Projecting signs shall be adequately supported by cables, rods, chains or other approved method. In all cases, each projecting sign weighing more than 22.5 kilograms shall have at least one approved fastener passing entirely through the wall or roof of the building to which it is attached.

**Marquees and Canopies**

52. All marquees and canopies shall be constructed of non-combustible materials except that where it is attached to an exterior wall of a building of wood construction and provided such wall does not exceed two storeys in height, such marquee and canopy construction shall have the equivalent fire resistance.

**Subdivision IX: Certificate of Occupancy**

53. No owner, agent or person in charge shall occupy a building or part thereof or change the occupancy, without first obtaining a certificate of occupancy as set forth in this subdivision.
54. Every owner shall:
- (a) obtain a certificate of occupancy, in a form attached hereto as Schedule "G", from the Authority having jurisdiction prior to:
    - (1) any occupancy of a building or part thereof after construction, partial demolition or alteration of that building; or
    - (2) any change in the major occupation of any building or part thereof; or
    - (3) any increase in the occupant load.
  - (b) ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed, should occupancy occur prior to the completion of any work being undertaken that requires a permit.
55. A certificate of occupancy is also required:
- (a) for a change from one major occupancy group to another or a change from one Division to another within a major occupancy group of any existing building or structure, or part thereof; and
  - (b) 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.

56. 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 group of occupancy, unless such building or structure is made to comply with the requirements of the Code for that group.
57. Every building or structure that requires a certificate of occupancy shall comply with the construction requirements for the major occupancy group to be housed therein, except that the Authority having jurisdiction may approve a certificate of occupancy for a building or structure which varies in a minor respect from the regulations of the Code, where in his opinion, such a variation will substantially accomplish the objects of the Code.
58. A certificate of occupancy is required for any new building or any existing building or structure where an alteration or addition is made thereto, except garages, storage sheds, single family dwelling additions, swimming pools and minor renovations to residential property.

**Occupant Load**

59. Notwithstanding anything elsewhere contained in the Code, for each assembly room in a building or structure classified as a Group A occupancy (as Group A is defined in the Code):
  - (a) the Authority having jurisdiction shall furnish an occupant load placard which can be easily read from a distance of 6 meters stating the maximum allowable occupant load as determined by the Code;
  - (b) the owner of the building or structure shall be responsible for keeping the actual occupant load within the allowable limits; and
  - (c) the owner of the building or structure shall display the occupant load placard in a location acceptable to the Authority having jurisdiction.

**Subdivision X: Refusal, Revocation, or Cancellation of Permit**

60. The Authority having jurisdiction may refuse to issue any permit:
  - (a) when the information submitted indicates that there would be a contravention of the Code if the work were permitted;
  - (b) when the information furnished is inadequate to determine compliance with the provisions of the Code;
  - (c) when in the opinion of the Authority having jurisdiction incorrect information has been furnished;
  - (d) that would authorize any building, work or occupancy that would not be permitted by the Code;
  - (e) that would be prohibited by any other standard, by-law, act or regulation;
  - (f) to any person who has failed within a specified period of time to remedy a defect in construction under a permit previously issued to him with respect to any other property in the City 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 City or the Authority having jurisdiction under the provisions of this by-law.

61. The Authority having jurisdiction may revoke a permit if:
- (a) there is a contravention of any condition under which the permit was issued;
  - (b) the permit was issued in error;
  - (c) the permit was issued on the basis of incorrect information; or
  - (d) the work is being done contrary to the terms of the permit.
62. The Authority having jurisdiction may:
- (a) cancel a permit when the work has not been commenced within one year from the date of issuance of the permit;
  - (b) authorize an extension to the permit expiration date provided for in subsection 27(a) where, in the opinion of the Authority having jurisdiction, the work is proceeding at a satisfactory rate and uncontrollable circumstances are delaying the work; or
  - (c) cancel a permit where the work is not completed upon the permit expiration date provided for in subsection 27(a) or, in the opinion of the Authority having jurisdiction, the work is not proceeding at a satisfactory rate;
- and where such permit has been cancelled a new permit must be obtained, in accordance with the provisions of this by-law, before work is continued and all subsequent work shall comply with the provisions of the Code and this by-law.
63. The Authority having jurisdiction shall provide, when required to do so, all reasons for refusal to grant, revocation of, or cancellation of, a permit.

#### **DIVISION V: INSPECTIONS AND TESTING**

##### **Subdivision I: General**

64. The permittee shall, at those stages of construction that may be indicated on the permit or an attachment thereto, request an inspection by the Authority having jurisdiction before proceeding further with construction.
65. Every owner shall give notice to the Authority having jurisdiction:
- (a) of intent to do work that has been ordered to be inspected during construction;
  - (b) of intent to cover work that has been ordered to be inspected prior to covering; and
  - (c) when work has been completed so that a final inspection can be made.

##### **Subdivision II: Plumbing Systems**

66. Where a plumbing permit is required, the system shall not be put into use until it has been inspected and tested to the satisfaction of the Authority having jurisdiction.

67. The plumbing contractor shall:
- (a) notify the Authority having jurisdiction when the work is complete and ready to be inspected or tested; and
  - (b) furnish any equipment, material, power or labour that is necessary for inspection or testing.
68. If any part of a plumbing system is covered before it has been inspected and accepted by the Authority having jurisdiction, it shall be uncovered if the Authority having jurisdiction so directs.
69. If any part of a plumbing system is not accepted by the Authority having jurisdiction after it has been inspected or tested, the owner or plumbing contractor shall make any alteration or replacement that is necessary, and the work shall be subjected to further inspection or testing.
70. (a) The Authority having jurisdiction may inspect an existing plumbing system and, where there is reason to suspect that the system is not satisfactory, order it to be tested.
- (b) If any part of the system has become or is in a condition that it may become dangerous or injurious to health, the owner shall make any alteration or replacement ordered in writing by the Authority having jurisdiction.

#### DIVISION VI: ISSUANCE OF ORDER OR NOTICE

71. The Authority having jurisdiction shall issue in writing such notices or orders as may be necessary to inform the owner where a contravention of the Code or this by-law has been observed and may in such order or notice designate a time within which such correction shall be made.
72. When required by the Authority having jurisdiction, every owner shall uncover and replace at his own expense any work that has been covered contrary to an order issued by the Authority having jurisdiction.
- Stop Work Orders
73. Where in the opinion of the Authority having jurisdiction or his designate, work is proceeding in contravention of the Code or this by-law, or any condition under which the permit was issued, where no permit was issued, or if there is deemed to be an unsafe condition, a stop work order, in a form attached hereto as Schedule "H", may be issued. Upon issuance of a stop work order, work shall immediately be stopped. The stop work order shall be in writing, shall state the conditions under which work may be resumed, shall be posted in a conspicuous place on the site and sent by registered mail to the owner of the property involved or the owner's agent, or personally delivered to the person in charge.
74. Any person who fails to comply with any order or notice issued by the Authority having jurisdiction, or who allows a violation of the Code to continue, contravenes the provisions of this by-law and is subject to the penalties as set out in Part VI hereof.

**PART IV: STANDARDS****DIVISION I: PLANS AND SPECIFICATIONS****Subdivision I: Requirements**

75. Plans shall be referenced to an up-to-date survey of the building site, shall be drawn to scale in one measure (imperial or metric) upon paper, or such other material acceptable to the Authority having jurisdiction, shall be clear and durable, and shall indicate the nature and extent of the work or proposed occupancy in sufficient detail to establish that when completed the work and the proposed occupancy will conform to the Code and other relevant City by-laws and provincial regulations.
76. The plans and specifications on which the issue of the permit was based shall be available continuously at the site of the work for inspection during working hours by the Authority having jurisdiction, and the permit, or true copy thereof, must be posted conspicuously on the site during the entire execution of the work.
77. Site plans shall show when required by the Authority having jurisdiction:
  - (a) by dimensions from property lines, the location of the proposed building;
  - (b) the similarly dimensioned location of every other adjacent existing building on the property; and
  - (c) existing and finished ground levels to an established datum at or adjacent to the site.
78. Every owner shall, when required by the Authority having jurisdiction, submit an up-to-date plan of survey prepared by a Manitoba Land Surveyor which shall contain sufficient information regarding the site and the location of any building thereon:
  - (a) to establish before construction begins that all requirements of the Code will be complied with; and
  - (b) to verify upon completion of the work that all such requirements have been complied with.
79. In lieu of separate specifications, the Authority having jurisdiction may allow the essential information to be shown on the Plans, but in no case shall such terms as "in accordance with the Code", "legal", or similar terms be used as substitutes for specific information.

**Subdivision II: Employment of Architect or Professional Engineer**

80. For the purposes of this subdivision, the term 'review' shall mean the inspection during construction to determine whether or not the construction conforms to the design, the Code, and this by-law.
81. Except in the case of a building three storeys or less in height, having building area not exceeding 558 square meters and which is to be used for Residential, Business and Personal Service, Mercantile, and Medium and Low Hazard Industrial Occupancies, the owner shall appoint an architect and/or professional engineer entitled to practice in the Province of Manitoba, skilled in the appropriate section of the work concerned, which architect and/or professional engineer shall be responsible for the preparation of drawings and specifications and for the inspection of construction to ensure conformity with the drawings, specifications and the applicable sections of the Code.



82. Notwithstanding the requirements of section 81, where in the opinion of the Authority having jurisdiction, any building requires the services of an architect and/or professional engineer, the architect and/or professional engineer shall perform all the services described in this subdivision.
83. (a) Where the character of the proposed work requires technical knowledge for the preparation of drawings and specifications, as provided in section 81, the drawings and specifications shall be prepared, and the construction inspected and certified by, an architect and/or professional engineer skilled in the appropriate section of the work concerned and entitled to practice in the Province of Manitoba.
- (b) Prior to the issuance of a permit the responsible architect and/or professional engineer shall submit a letter to the Authority having jurisdiction stating the extent of his/their responsibility for the inspection of construction to ensure conformity with the approved drawings and specifications and the applicable sections of this by-law.
- (c) The responsible architect and/or professional engineer shall sign, seal, and date all the documents referred to in subsections (a) and (b).
84. (a) Whenever a general review, during construction, by an architect or professional engineer is required by the Code or by the Authority having jurisdiction such review shall be to standards satisfactory to the Authority having jurisdiction.
- (b) Upon completion of the work for which review was required, a report shall be submitted to the Authority having jurisdiction by the architect or professional engineer stating what was reviewed, and stating the extent to which the construction conforms to the Code.
85. Prior to the issuance of a certificate of occupancy, the responsible architect and/or professional engineer shall, when required by the Authority having jurisdiction, submit a certificate stating:
- "The construction has been reviewed under my/our 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 approved drawings and specifications and requirements of the code and this by-law."
86. The structural members of a building shall be designated as provided for in Part 4 of the Code by a professional engineer entitled to practice in the Province of Manitoba and competent in the specific field of design undertaken.

#### **DIVISION II: STORAGE, HANDLING AND USE OF FLAMMABLE LIQUIDS**

87. Except as otherwise specified herein and elsewhere in this by-law, the standards for the storage, handling and use of flammable liquids shall comply with the Manitoba Fire Code.
88. The installation of tanks for the storage of flammable liquids, either above or below ground or in any building shall have the acceptance of the Fire Chief prior to the issuance of a building permit.

#### **DIVISION III: UNSAFE CONDITIONS**

89. No person engaged in the construction, reconstruction, demolition, alteration, removal, or relocation of a building shall cause, allow or maintain any unsafe condition.

90. When a building or part thereof is in an unsafe condition, the owner shall immediately take all necessary action to put the buildings in a safe condition. All buildings or structures, existing or new, and all parts thereof shall be maintained in a safe condition. All devices, or safeguards which are required by the Code in a building or structure when erected, altered, or repaired, shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of such building or structure.
91. Any building or structure that is in an unsafe condition in that it is open and vacant, or liable to fall or to cause an explosion or to cause damage or injury to any person or property, or in that it constitutes a fire hazard, or that in the case of a well, excavation, or opening, is not properly covered or guarded or that in the opinion of the Authority having jurisdiction is so dilapidated, out of repair, or otherwise in such condition that it is a trap for persons or animals shall not be allowed to remain in such condition, but shall be demolished, removed, guarded, or put in a safe condition to the satisfaction of the Authority having jurisdiction.
92. Vacant and unguarded or open buildings to which entry can be gained shall be deemed unsafe. Buildings shall be secured in accordance with the following requirements:
- (a) doors, windows and other openings at the basement and first floor levels shall be covered with a solid piece of plywood, at least 11 mm thick. This plywood shall be secured with nails at least 50 mm long, spaced not more than 150 mm on centre;
  - (b) unless otherwise accepted by the authority having jurisdiction, all doors, windows and other openings on the second and third floors shall be covered with a solid piece of plywood, at least 8 mm thick. This plywood shall be adequately nailed or otherwise secured;
  - (c) plywood applied to openings shall be installed from the exterior, shall be fitted within the frames in a manner accepted as good workmanship, and shall be painted with two coats of white paint on the exterior side;
  - (d) openings that are not covered with plywood shall be cleared of broken glass and any other loose material;
  - (e) exterior access to floor areas above the first floor, such as fire escapes and ladders shall be:
    - (1) removed up to the second floor level or to a height of 4 metres above the ground, whichever is lesser; or
    - (2) guarded to the satisfaction of the Authority having jurisdiction;
  - (f) openings to areaways shall be adequately secured and protected. Openings in a street or sidewalk to any areaway shall be covered with an appropriate metal plate, having a thickness not less than 8 mm and the plate shall be anchored or secured to prevent it from shifting. Alternatively, the areaway may be filled with concrete or unshrinkable fill to the satisfaction of the Authority having jurisdiction;
  - (g) facia signs, overhanging signs, roof signs and all other appurtenances, such as sun visors or awnings, shall be removed if they are in a dangerous condition or could create such a condition;
  - (h) all loose material on the exterior of the building shall be removed and any condition which may become a hazard or danger to the public shall be corrected;
  - (i) all utilities, such as hydro, gas and water, shall be cut off or shut off to the satisfaction of the utility concerned.

93. If, in the opinion of the Authority having jurisdiction a building or structure is in an unsafe condition or a well, excavation or opening is not properly covered or guarded, as set out in section 90, the Authority having jurisdiction may serve a written notice on the owner, occupier, agent, or person in charge of the building or structure, or of a well, excavation or opening, by certified or registered mail or personal notice to the last known address describing the building or structure, or a well, excavation or opening, requiring him to have it demolished, guarded, covered, or put in safe condition forthwith to the satisfaction of the Authority having jurisdiction.
94. Without affecting any other remedy that the City may have on default of compliance with a notice given under sections 93 or 96, the Authority having jurisdiction may, in the case of a building or structure cause the same to be demolished, removed or put in a safe condition, and in the case of a well, excavation or opening, to have the same covered, guarded, or put in a safe condition, as may be deemed expedient and necessary, and the cost of the work may be recovered by the City by summary process of law, and shall also be a lien upon the building or structure and the materials thereof and upon the lot or parcel of land occupied by said building or structure or by said well, excavation or opening, and the cost, when certified by the Authority having jurisdiction may be added to the taxes on the land or on the building or structure, and may be collected in the same manner as other municipal taxes are collected.
95. Where upon non-compliance with any notice given under sections 93 or 96, the Authority having jurisdiction causes the building or structure to be demolished, the City may sell the material, fixtures, and other salvage therefrom and apply the price received therefrom toward paying the cost of the demolition and the balance, if any, shall be applied toward paying any taxes owing in respect to the property, after encumbrances and liens, if any, in the order of their priority are paid and the surplus, if any, shall be paid to the owner of the property.
96. Where the authority having jurisdiction is unable, as set forth in section 93 to locate the owner, occupier, agent or person in charge of the building or structure, or of a well, excavation or opening or in cases where service as aforesaid is impracticable, the unsafe notice shall be posted by affixing two copies thereof in conspicuous places on the premises and such procedures shall be deemed the equivalent of personal service.
97. Any person who deems himself aggrieved by a decision of the Authority having jurisdiction under the provisions of this Division may appeal therefrom to the Building Standards Committee, which shall hear such appeal after due notice to such person.  
[AM. B/L 6665]

#### DIVISION IV: ALTERATIONS AND ADDITIONS

98. Where repairs or alterations to any existing building or structure are made necessary on account of:
- (a) damage by fire, wind, rain, or other causes, and where such repairs and alterations exceed fifty percent (50%) of the replacement or market value of the building or structure prior to such damage; or
  - (b) dilapidation, and where such repairs or alterations exceed fifty percent (50%) of the replacement or market value of the building or structure at the time of application for a permit;

such repairs or alterations shall be considered a re-erection thereof and are prohibited unless the entire building or structure is made to conform with the requirements of the Code for new construction.

99. Notwithstanding the provisions of section 85, the Authority having jurisdiction may allow variations from the provisions of this by-law for those portions of an existing building or structure not being altered or added to where the applicant has provided:
- (a) certification by a structural engineer, skilled in the appropriate section of the work concerned and entitled to practice in the Province of Manitoba, that said portions are structurally safe; and
  - (b) a code analysis performed by an architect and/or professional engineer, skilled in the appropriate section of the work concerned and entitled to practice in the Province of Manitoba, which shall include reports covering the structural, architectural, and mechanical aspects of the building or structure;
- both of which must provide sufficient information, to the satisfaction of the Authority having jurisdiction, for a determination as to the minimum variation which may be allowed.
100. The number of storeys of an existing building or structure shall not be increased unless the entire building or structure conforms with the requirements of the Code and this by-law.

#### **DIVISION V: DRAINAGE**

##### **Subsurface Drainage**

101. Where buildings are provided with a subsurface drainage system, the system shall be designed, constructed and maintained in accordance with good practice.

##### **Roof and Surface Drainage**

102. (a) Unless otherwise accepted by the Authority having jurisdiction, all residential buildings connected to a public sewer shall be provided with eavestroughing and downspout mechanisms.
- (b) Where downspouts are provided and are not connected to a sewer, provision shall be made to prevent soil erosion, and extensions or splash pads shall be provided to carry the rain water a minimum of 1.3 metres from the building.
- (c) Unless otherwise accepted by the Authority having jurisdiction, roof drainage or surface drainage shall not be discharged on public sidewalks, stairs or neighbouring property and shall be conveyed so as not to cause dampness in the walls, ceilings, or floors at any portion of the building itself or any adjacent building.

#### **DIVISION VI: TESTS AND CONSTRUCTION REVIEW**

103. Every owner shall make or have made at his own expense tests or inspections as necessary to prove compliance with the Code and shall promptly file a copy of all such test or inspection reports with the Authority having jurisdiction.
104. To the extent that is possible, all tests required by the Authority having jurisdiction shall be conducted according to the appropriate methods found in the standards listed in the Code. In the absence of such standard test methods the Authority having jurisdiction may specify the test procedure to be followed.
105. Laboratory tests shall be conducted by a laboratory acceptable to the Authority having jurisdiction.

106. Where tests of any materials are made to ensure conformity with the requirements of the Code, records of the test date shall be kept available by the owner or his agent for inspection during the construction of the building and for such period thereafter as required by the Authority having jurisdiction.

#### DIVISION VII: FIRE SPRINKLERS

- 106.1 (a) Fire Sprinklers are required to be installed in
- (i) all residential structures containing four (4) or more units with a common entrance and all residential structures with five (5) or more units; and  
[AM. B/L 6622]
  - (ii) [REP. B/L 6622]
- (b) A building permit shall not be issued for new construction of any multiple-family residential building as set out in subsection (a), unless the applicant for the building permit submits an engineered design drawing, showing the location where fire sprinklers will be installed.
- (c) All fire sprinklers shall be installed in accordance with the National Fire Protection Association Standards for the installation of fire sprinklers (NFPA 13, 13R or 13D).  
[AM. B/L 6622]
- (d) All automatic fire sprinkler systems must be designed and their installation reviewed by a Professional Engineer with experience in sprinkler system design, except for modifications to existing systems involving the relocation or addition of fewer than six sprinkler heads in which case the requirement for a Professional Engineer design and review may be waived if the Senior Building Inspector considers that the size or complexity of the development does not warrant such a requirement.
- (e) A building permit may be issued prior to receiving an engineered design drawing and calculations provided the following statement is given on the permit:  
'Engineered design drawing and calculations must be submitted by the applicant and approved by the Senior Building Inspector prior to the applicant calling for a framing inspection. Further, the applicant waives any right to claim against the City or the Brandon and Area Planning District for any changes required due to review of the engineered design drawing at a date other than at building permit application'.
- (f) All NFPA 13 and 13R automatic fire sprinkler systems must be maintained and tested in accordance with the applicable standard of the current edition of the Manitoba Fire Code and Building Code and the results reported in writing to the Fire Chief.  
[EN. B/L 6570]

#### PART V: RIGHT OF APPEAL

107. Any person aggrieved by any decision or action of the Authority having jurisdiction respecting the issuance, refusal to issue, or revocation of any permit, may appeal to the Building Standards Committee by filing with the Authority having jurisdiction a written notice of appeal within seven days of the occurrence being appealed.  
[AM. B/L 6665]
108. Upon receipt of an appeal the Authority having jurisdiction will forthwith submit the appeal, together with a report thereon, to the director of Administrative Services.  
[AM. B/L 6665]

109. The Director of Administrative Services will, as soon as practicable, submit the matter to the Building Standards Committee for a determination and shall notify the appellant of the time and place when the Building Standards Committee will meet and receive representations on the appeal in public, or at the request of the appellant and upon agreement by the Building Standards Committee, in Camera.  
[AM. B/L 6665]
110. (a) Upon hearing an appeal, the Building Standards Committee may:
- (1) confirm the decision of the Authority having jurisdiction;
  - (2) overturn the decision of the Authority having jurisdiction if it finds the appellant is or would be in compliance; or
  - (3) vary the decision to meet the circumstances of the case;
- and the decision of the Building Standards Committee, upon being communicated to the appellant, stands in place of the previous decision of the Authority having jurisdiction.  
[AM. B/L 6665]
- (b) Any failure to comply with a decision of the Building Standards Committee is an offence and is subject to further action and the penalty provisions as set out herein.  
[AM. B/L 6665]
111. Following the meeting of the Building Standards Committee, the Director of Administrative Services shall provide written notice to the appellant and the Authority having jurisdiction as to the Building Standards Committee's determination and shall advise the appellant of the right to appeal such decision.  
[AM. B/L 6665]
112. Any person affected by a decision of the Building Standards Committee on an appeal made to it, may appeal from the decision to the Minister in accordance with the provisions of the Act.  
[AM. B/L 6665]

#### PART VI: ENFORCEMENT

113. Any person who contravenes, disobeys, refuses or neglects to obey any 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 municipality or made applicable to proceedings taken or things done under this by-law, or for which no other penalty is herein provided, is guilty of an offense and liable, on summary conviction, to a fine not exceeding One Thousand Dollars (\$1,000.00) in the case of an individual or Five Thousand Dollars (\$5,000.00) in the case of a corporation, or, in the case of an individual, to imprisonment for a term not exceeding six months or to both such a fine and such an imprisonment.
114. Where a corporation commits an offense against 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 offense and liable, on summary conviction, to a penalty for which provision is made in section 113.
115. In addition to sections 113 and 114, any person or corporation may be required to observe or perform such terms and conditions as the court may impose.
116. Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the offender is guilty of a separate offense for each day it continues.

PART VII: REPEAL AND ENACTMENT

117. Building By-law No. 5390/21/86 and amending By-laws No. 5650/16/89 and No. 5907/64/91 are hereby repealed.

118. This by-law shall come into full force and take effect upon the passage thereof.

DONE AND PASSED by the Council of The City of Brandon duly assembled this 5th day of October A.D. 1992.

"R.N. Borotsik"  
MAYOR

"W.I. Ford"  
CITY CLERK

Read a first time this 5th day of October A.D. 1992.  
Read a second time this 5th day of October A.D. 1992.  
Read a third time this 5th day of October A.D. 1992.

I, Conrad Robert Arvisais, Clerk of the municipality of The City of Brandon, DO HEREBY CERTIFY the within to be a true and correct copy of Building By-law No. 6018/55/92, as amended by By-law No. 6399/45/96, 6570, 6622, 6665 and 6942.

C.R. Arvisais, City Clerk