

OCCUPANCY REQUIREMENTS

No owner shall occupy a building or part thereof or change the occupancy without first obtaining the required permit from the City of Brandon Planning & Building Safety Department. When an occupancy certificate is required, all aspects of zoning and building by-laws must be completed and approved prior to occupancy. An interim occupancy MAY be issued if life safety aspects of the building are complete.

IMPORTANT INFORMATION IN RESPECT TO NEW CONSTRUCTION

The construction of all buildings or structures shall comply with either the City of Brandon Building By-law, the RM of Cornwallis Building By-law or the RM of Elton Building By-law; the Manitoba Building Code; all other applicable city or rural municipality by-laws; and applicable provincial regulations.

A separate permit is required to be obtained for:

- Sewer and water permits from the property to the building
- All interior plumbing installations

NOTE: Clearance must be obtained from Manitoba Hydro prior to excavating. Other permits may be required, i.e., electrical, elevator and lifts. Please contact the appropriate authority.

The application or issuance of a building permit does not confer the right to:

- Use any portion of a street or highway for any building operation
- Create a private vehicle approach from any road, street or highway (temporary or otherwise)

In the City of Brandon permits and/or approvals must be obtained from the Engineering Department for the following: connections to domestic sewer and water systems; use of sidewalks or right of ways; driveway approaches from street or highways including any roadway, bridge, culvert connecting adjacent property to the street of road; lot grading clearance; and methane gas clearance. NOTE: A damage deposit will be required for any or all of the above. Information concerning cost may be obtained at the City of Brandon Engineering Department.

PENALTIES

An individual or corporation found guilty of a breach of the Zoning By-law and or the Building By-law shall be liable on conviction to a fine in accordance with the appropriate By-law. Every such person or owner shall be deemed guilty of a separate offence of each and every day during any portion of which the breach is made or continued.

PERMIT REFUNDS - Refunds will only be issued to the payee recorded on the official receipt.

Building - A valid permit may be cancelled within 90 days of the issuance of the permit but must be canceled in writing by the applicant. The permit fee will be refunded less \$100.00 or 25%, whichever is greater. In addition, if any inspections have taken place a fee of \$65.00 per inspection will be retained by this office. Whenever a permit is revoked under a provision of the building by-law, no portion of the permit fee shall be refunded.

Plumbing - A valid permit may be cancelled within 90 days of the issuance of the permit but must be canceled in writing by the applicant. The permit fee will be refunded less \$50.00. No work may have been started or inspected in order to be eligible for a refund. Refunds will not be issued on fixtures requests in error.

Planning - A refund may be considered in the first two weeks following the receipt of a planning application (including but not limited to Variation Orders, Conditional Use Orders, Subdivisions, Development Plan Amendments and Secondary Plan/Zoning By-law Amendments). A minimum 10% fee will be retained and no refund once the maps and/or mail lists have been prepared.

Vacant & Derelict Building Bylaw Fees – No refunds will be issued on any application type. Payments made under one application type will not be applied to another application type should the applicant decide to switch permit types, for example: payments made for a Boarded Building Permit cannot be applied against a Vacant Building Certificate application.

REMOVALS AND DEMOLITIONS OF BUILDINGS

The owner/agent of the property from which a building is to be removed or demolished shall:

1. Notify the gas, electric, telephone and water service companies or utilities to shut off and/or remove their service;
 2. Disconnect the water and sewer line at a point approved by the City of Brandon Engineering Department; and
 3. Upon completion of the removal or demolition, put the site in a safe and sanitary condition to the satisfaction of the Building Safety Manager, including the removal of all foundation
- Permits do not confer the right to use any portion of any road, street or highway for any demolition or removal
 - Permits to move buildings on City streets must be obtained from the Manitoba Highways
 - Fencing and barricading is essentially required at all time
 - Sufficient information shall be submitted with each application to assure that the removal demolition will not adversely affect any adjacent properties

SITE PLAN AND ZONING

Neither the granting of a development permit nor the approval of the drawing and specifications nor the inspections made by the Community Planner shall in any way relieve the owner of the responsibility of complying with the requirements of the City of Brandon Zoning By-law, the Rural Municipality of Cornwallis Zoning By-law, The Rural Municipality of Elton Zoning By-law or of any relevant By-laws of the Municipal Corporations. Field inspection will not confirm compliance of the bulk requirements contained within the respective Zoning By-laws. Compliance may only be confirmed by submission to this office of a Builder's Location Certificate (Survey Certificate) prepared by a Registered Manitoba Land Surveyor.

WATER AND SEWER

All work performed shall be guaranteed free of defects for two (2) years from final inspection date. The Applicant is hereby authorized to make an excavation, to remove/install the water or sewer service requested in or under the above named street at the location designated, provided, however all work is performed in accordance with the Applicant's plans, the City's By-laws. Specifications and regulations governing street excavations and installations of said service(s) and the following special conditions. All openings in pavement shall be pre-cut.

CROSSING

Payment of the application fee as set out in the Traffic By-law. The applicant shall be responsible for any damage done to the boulevard, sidewalk or curb. Any required repairs are to be completed by a bonded contractor within the City of Brandon or will be carried out by the City of Brandon and the costs paid by the applicant. The applicant shall provide the City Engineer with a damage deposit, in such amounts as determined by the City Engineer, to cover possible damage resulting from such action. Said deposit shall be retained by the City until the crossing permit is no longer required and any necessary repairs have been completed. All costs incurred by the City in repairing any damage to the boulevard, sidewalk, or curb, shall be deducted from the deposit. Note: Final inspection will be provided between May 1st and November 15th or as the weather conditions allow. Deposit refund will not be processed until final inspection has taken place.

DRIVEWAY APPROACH

Payment of the application fee as set out in the Traffic By-law. The applicant hereby indemnifies the City from and against all claims of any kind whatsoever arising out of or from the construction of this driveway, including but not limiting the generality of the foregoing, all matters of design, clearance, drainage, etc., unless the works are constructed by the City, and also from and against all claims of any kind whatsoever arising out of or from the maintenance of this driveway. The applicant agrees to construct and maintain the driveway approach in accordance with the City's "Policy Governing Construction of Driveway Approaches" as contained herein, and other related by-laws now or hereafter in force.

The applicant agrees that in the event structures on the property are reconstructed or altered so that the driveway is no longer in use, or so that the required side yard is no longer available, the applicant will be responsible for the cost of removing the driveway and restoring the curb, boulevard and sidewalk. The applicant agrees that any costs incurred by the City, as detailed further in the "Policy Governing Construction of Driveway Approaches" shall become a charge against the owner and may be assessed and collected by the City in the same manner as ordinary municipal taxes.

LOT GRADING

Each application for a lot grading permit shall be accompanied by a permit fee in accordance with the City's annual fee schedule and must include a comprehensive site-specific plan prepared by a certified person.

In the event the requirements are not met or there is concern the owner may not be constructing to grade, the City engineer is authorized to stop work at any stage of the project and conduct an investigation, which may include confirmation by survey. Non-compliance with the By-law during the construction process will result in the owner being ordered to implement corrective measures. The cost of any work required to be taken by the City as a result of continued non-compliance shall be added to the property taxes as a debt owing. Upon completion of the project, the owner, through a certified person, shall ensure certified as-built grades are submitted to the City Engineer.

SANITATION

As of November 1999 City of Brandon Council requires those securing permits for new construction to pay a fee for the City supplied refuse container. There are individual fees containers based on type of construction. Containers will remain the property of the City and are assigned to a specific address for the occupants use.