

**Corporation of The  
City of Summerside**

**Building Bylaw.  
SS-09**

**Passed March 15, 1999  
Amended April 22, 2001  
Amended Sept. 17, 2001**

**Building Bylaw**

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Bylaw SS-09**

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A bylaw respecting the construction, alteration, demolition, relocation and occupancy of buildings in the City of Summerside.

**Be it enacted and it is hereby enacted** by the City Council of the City of Summerside, pursuant to Section 21 of the City of Summerside Act, Stats, P.E.I. 1994. Cap.59, and amendments thereto:

1. Name

This bylaw may be referred to as the “Summerside Building Bylaw.”

2. Definitions

In this Bylaw:

“act” means the City of Summerside Act, Stats, P.E.I. 1994, Cap. 59;

“building” means a structure that is greater than 10 square meters in area that consists of a wall, roof and floor or any of them or a structural system serving the function thereof or a deck;

“building inspector” means any person designated by the chief administrative officer to have the administration or enforcement of this bylaw, or any aspect thereof;

“building code” means that edition of the National Building Code of Canada adopted and/or amended by council under this bylaw;

“change of use” means any change in use of a building or part of a building that would result in a change in the classification of the building or part thereof from one major occupancy to another pursuant to the building code;

“chief administrative officer” means the chief administrative officer appointed by city council pursuant to the act;

“city” means the City of Summerside as established by the City of Summerside Act, Stats, P.E.I. 1994, Cap. 59;

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“city council” means the duly elected council of the city;

“construct” means the erection, installation, material alteration, relocation or repair of any building or part thereof;

“demolish” means the removal of any building or material part thereof;

“judge” means a Judge of the Provincial Court of Prince Edward Island;

“person” includes any individual, association, corporation, contractor, commission, public utility, firm, partnership, or organization of any kind, and includes both principal and agent in an agency situation;

“professional designer” means a Professional Engineer or Architect licensed to practice in Prince Edward Island pursuant to the Engineering Profession Act or the Architects Act.

“subdivision and site development bylaw” means the City of Summerside subdivision and site development bylaw. [amended Sept.17, 2001]

“utility” means the electric, sewer, or water utilities of the city, or the Maritime Electric Utility Company, as applicable. [amended Sept.17, 2001]

“zoning bylaw” means the City of Summerside zoning bylaw. [amended Sept.17, 2001]

3. Validity [amended Sept.17, 2001]

- a. The intent of provisions of this bylaw are not invalidated by any errors in its drafting.
2. Should any provision of this bylaw be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the bylaw shall not be effected.
- c. A change of property owner or development applicant does not affect the rights or obligations attached to any building permit or agreement under this bylaw.

**3.1 Development Agreement** [amended Sept.17, 2001]

- a. A development agreement is a legally binding contract between a property owner, the city and any third party setting out any special conditions attached to a development approval, and which must be registered against the property which is the subject of the approval in the Prince County Registry Office.
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- b. Council may require a property owner to enter into a development agreement with the city to fulfil any special conditions attached to granting a building permit under this bylaw.
3. Development agreements will be administered in accordance with section 4.14 of the zoning bylaw.

4. Building Code

No person shall construct or demolish a building or part thereof unless the construction or demolition is completed in accordance with the requirements of the building code, except as specifically exempted by any provision of this bylaw, and where other federal, provincial or municipal standards are in force, the more stringent standards shall apply. [amended Sept.17, 2001]

1. City council shall, by simple resolution, adopt an edition of the National Building Code which, together with such amendments as the City deems appropriate, shall be the building code referred to herein.
2. The edition of the National Building Code which is adopted, together with any amendments thereto, shall be set out in Schedule B.

5. Building Permit

No person shall construct, demolish or change the use of a building or part thereof or erect a fence unless a building permit has been issued therefor by a building inspector and no permit shall be issued unless the proposed work meets the requirements of the zoning bylaw and other city bylaws.

1. An application for a building permit must be made on a form prescribed by the city and each application shall:
  1. identify and describe in detail the work, use and occupancy of the building;
  2. describe the location of the site or building including the street address and/or property tax number;
  3. state the names, addresses and contact numbers of the owner, applicant, designer(s) and contractor(s) as known or applicable;

5. state the estimated construction value of the work;
  6. be accompanied by plans and specifications as described in this bylaw;
  7. be accompanied by the required fee as set out in Schedule A of this bylaw;
  8. be signed by the applicant; and
  9. be accompanied by the culvert fee if required as set out in Schedule C of this bylaw. [amended April 22, 2001]
2. Notwithstanding the foregoing, a building permit is not required for the following maintenance repairs and renovations to single family or duplex dwellings:
1. replacement or repair of roofing;
  2. replacement or repair of siding;
  3. installation of eavestroughing, downspouts, storm windows or storm doors;
  4. replacement or repair of surface flooring;
  5. replacement or repair of interior surface finishes;
  6. landscaping including paving; and
  7. replacement or repair of non-structural building elements where the value of the work is less than \$1,000.
3. Notwithstanding the foregoing:
- i. no building permit is required for repairing a deck;
  - ii. a building permit is required for any enlarged or new deck, but is exempt from fees; and
  - iii. decks not exceeding 0.6 m from surrounding grade are not subject to the building code or any other structural requirements of the City. [amended Sept.17, 2001]
- d. Where applicable, a building permit shall not be issued for proposed building work before preliminary site plan approval is granted for any major development of which the building is a part, pursuant to the subdivision and site development bylaw. [amended Sept.17, 2001]
5. The building permit shall be valid for a period of one year from the date of issue after which it shall expire. A permit may be renewed for the fee prescribed in Schedule A before it expires provided any amendments to the building code or city bylaws are adhered to. If construction or demolition has commenced within one year from the date the permit was issued, the permit shall remain valid until construction is complete unless the work is suspended for a period exceeding three months, in which case the permit shall expire.

6. The building inspector shall review and, if necessary, amend the estimated construction value if the building inspector does not believe that the estimated construction value on the application represents the true cost of the work.
- g. The building permit and a copy of the approved plans and specifications shall be kept on site during construction and the permit shall be posted in a conspicuous place.
- h. Any person proceeding to construct, demolish or change the use of a building prior to the issuance of a building permit where a permit is required shall pay three times the amount of the fee set out in Schedule A for the building permit.

6. Owner Responsibility

The granting of a building permit or the approval of plans and specifications or the inspection of a building by the building inspector shall not in any way diminish the duty of the owner of the building or any person acting on his or her behalf to comply fully with the requirements of this bylaw.

7. Plan Changes

No person shall make a material change to any construction or demolition for which a building permit was issued without notifying, providing details and obtaining the authorization of the building inspector therefor.

8. Partial Permits

A building permit may be issued for a part of a building but no assurance is implied or given that a permit will be issued for the remainder of the building and the permit shall be clearly marked "At Owners Risk."

9. Partial Information

A building permit may be issued for a building for which all the information is not available if withholding the permit would delay the project unreasonably, but no assurance is implied or given that the work will be allowed to continue if the information is not provided when required or it is in contravention with this bylaw.

10. Part 9 Building Plan Requirements

1. For buildings classified as Part 9 in the building code, the following information must be submitted prior to the issuance of the building permit:
  1. site plan to scale indicating the location of the proposed building, services on the site, any grading changes, proposed storm water control, proposed driveway access and setbacks to property boundaries; [amended Sept.17, 2001]
  2. floor plan layout to scale indicating the proposed use of each room or area, door locations and swings, fire alarm and suppression systems where required, and emergency and exit lighting where required;
  3. foundation, truss and structural framing plans and details;
  4. cross sectional details at sufficient locations to indicate all structural and finish details, handrails, guards and fire ratings;
  5. location of buildings on adjacent sites and exterior elevations where necessary to determine the limiting distance requirement; and
  6. other information as required by the building inspector to determine compliance with this and other city bylaws including the requirement that components of a Part 9 Building be designed by a professional designer where required in the building code.
2. When the nature of the work is such that all of the above information is not required to determine building code compliance, the building inspector may waive any or all of the above requirements.

11. Part 3 Building Plan Requirements

1. For buildings classified as Part 3, 4, 5 & 6 in the building code, the following information must be submitted in duplicate prior to the issuance of the building permit and all plans and specifications shall bear the seal of a professional designer:
  1. site plan with dimensions and to scale indicating the location of the proposed building, adjacent buildings, services on the site, any grading changes, proposed storm water control, proposed driveway access and setbacks to property boundaries; [amended Sept.17, 2001]
  2. floor plans with dimensions and to scale indicating floor layout, proposed use of rooms or areas, wall construction, openings, exits, access to exits, elevations and finish schedules;
  3. location of buildings on adjacent sites and exterior elevations where necessary to determine the limiting distance requirement.
  4. structural plans with dimensions and to scale indicating foundation systems and structural framing and truss systems;
  5. mechanical plans to scale indicating mechanical ventilation and fire suppression systems;
  6. electrical plans to scale indicating fire alarm and emergency and exit lighting systems; and
  7. other information as required to determine code compliance.
2. The professional designer(s) must acknowledge in a form prescribed by the city that the design meets the requirements of the building code. When the nature of the work is such that all of the above information is not required to determine building code compliance, the building inspector may waive any or all of the above requirements.

12. Alternate Designs, Material and Systems

The building inspector may allow alternate designs, materials or systems to those specifically allowed for or required in the building code if, in his or her opinion, the proposed designs, materials or systems meet the life safety intent of the building code. The application therefor must be supported by documentation bearing the seal of an independent professional

designer illustrating how the proposed alternative meets the life safety intent of the building code.

13. Part 9 Building Inspection Requirements

1. For all buildings classified as Part 9 in the building code, work shall not proceed beyond the designated inspection points until the work has been inspected by a building inspector.
2. The designated inspection points are as follows:
  1. inspection of the foundation prior to backfilling and placing of a structure thereon;
  2. inspection of the framing prior to covering;
  3. final inspection after completion of all work; and
  4. other inspections where required and designated by the building inspector.
3. The building permit holder must notify a building inspector at least three working days prior to the date an inspection is required under subsection b.
4. When the nature of the work is such that any or all of the inspections referred to in subsection b. are not required to determine building code compliance, the building inspector may waive any or all of the required inspections.

14. Part 3 Building Inspection Requirements

1. For buildings classified as Part 3 in the building code, work shall not proceed beyond the designated inspection points until the work has been inspected by a building inspector.
2. The designated inspection points shall be determined on a case by case basis by the building inspector.
3. The building permit holder must notify a building inspector at least three working days prior to the date an inspection is required under subsection b.

4. The registered professional(s) who certified the design pursuant to the requirements of Section 11 shall acknowledge, on a form prescribed by the city, that the building or part thereof was constructed in accordance with their design.
5. When the nature of the work is such that any or all of the inspections referred to in subsection b. are not required to determine building code compliance, the building inspector may waive any or all of the required inspections.

**14.1 Occupancy Permit** [amended Sept. 17, 2001]

1. All construction work on all part 3 buildings requiring a building permit shall also require an occupancy permit to be issued by the building inspector. There are no fees for an occupancy permit.
2. For the assistance of applicants, the building inspector shall identify requirements for an occupancy permit on the notification of building permit approval and on the building permit.
3. The building inspector shall only issue an occupancy permit when:
  - i. all building work is sufficiently completed that the City is assured that the building can be safely occupied and, as applicable, entered into by the public;
  - ii. a registered professional confirms that the building was built in accordance with their design, pursuant to section 14 (d); and
  - iii. as applicable, final site plan approval is issued for any major development of which the building is part, pursuant to the subdivision and site development bylaw.
4. The building inspector may attach conditions to a building permit or an occupancy permit regarding requirements for safe occupancy of a building.
5. No building shall be occupied or entered into by any person prior to issuance of an occupancy permit other than persons involved in its construction, except as the building inspector may authorize for buildings being renovated or expanded.
6. The building inspector may post one or more warning notices on any building that is being occupied or entered before a required occupancy permit is issued.

7. Non-compliance by any person regarding any requirements for building permit approval does not relieve them from any requirements for an occupancy permit. Non-compliance with any requirements for an occupancy permit constitutes a separate offence under section 20.

15. Orders

1. The building inspector may issue the following orders and shall indicate a time by which the order must be complied with.
2. A compliance order may be issued to correct any construction or demolition that does not comply with this bylaw or the building code.
3. An uncover order may be issued to uncover all or any part of the construction that was covered up if notice was not given for an inspection or a reasonable time not allowed for the inspection pursuant to Section 13 or 14 or for work for which a valid permit was not issued pursuant to section 5 or 7.
4. A stop work order may be issued for all or any part of the construction or demolition if any person fails to comply with an order issued under subsection a. or b. or has failed to obtain a permit pursuant to section 5.
5. Any person who fails to comply with an order issued hereunder is guilty of an offence and is liable for the penalties set out in Schedule A.

**15.1 Provision of Services** [amended Sept.17, 2001]

1. No utility shall extend service to any construction work before a required building permit has been issued in accordance with this bylaw.
2. If an order under section 15 is not complied with, the City reserves the right to cause the appropriate utility to withdraw or withhold any temporary or permanent connection for water, sanitary sewer, or electrical services until such time as the order is complied with to the City's satisfaction.

16. Inspector Authority

1. A building inspector may, at any reasonable time, enter upon land and into buildings for the purpose of inspecting the building or site for which a permit was issued to determine compliance with this bylaw.
2. A building inspector may, with 24 hours notice and during normal business hours, enter upon land and into buildings for the purpose of inspecting the building or site for which an application for a permit is made to determine compliance with this bylaw.
3. A building inspector may, with 24 hours notice and during normal business hours, enter upon land and into buildings for purpose of verifying whether construction work is being undertaken which may require application for a building permit.  
[amended Sept.17, 2001]

17. Unsafe Buildings

1. A building inspector may enter upon land and into buildings during ordinary business hours upon 24 hours notice for the purpose of inspecting a building to determine if it is unsafe.
2. Where a building inspector reasonably believes that a building is unsafe and that an emergency situation exists, the building inspector may enter upon land and into buildings at any reasonable time.
3. A building is unsafe if it is:
  1. structurally inadequate for the purpose for which it is used;
  2. in a condition that could be hazardous to the health of the persons who use or occupy the building; or
  3. a fire hazard.
4. If a building is determined to be unsafe by a building inspector, he or she may issue an order requiring:
  1. the renovation, repair or demolition of the building or part thereof to remove the unsafe condition; and

- ii. prohibiting the use and occupancy of the building or part thereof.
- 5. If a person fails to comply with an order issued under subsection d. and does not appeal to city council in accordance with Section 19, the building inspector may remove or demolish the building or part thereof and the cost of such removal or demolition shall be the responsibility of the property owner and the city may take such judicial proceedings as are necessary to enforce such payment.
- 6. Any person who fails to comply with an order issued hereunder is guilty of an offense and is liable for the penalties set out in Schedule A.

18. Repairs to Public Property

Any owner who damages public property or works located therein during construction or demolition of any building or part thereof is responsible for the cost of the repair of the damage.

19. Disputes

Any person who is aggrieved by any order or decision issued by a building inspector pursuant to this bylaw, except a decision relating to the technical requirements of the building code, may, within 20 days after the order or decision was made, appeal the order or decision to city council who shall hear the reasons of all parties in the dispute and shall issue a decision not contrary to the provisions of this bylaw and the decision shall be final and binding.

20. Offences

Any person who violates any provision of this bylaw shall be guilty of an offence and liable, on summary conviction, for the penalties as set out in Schedule A and each day in which the offence continues shall constitute a separate offence.

21. Repeal of Existing Bylaw

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Bylaw Number 98-01, the Summerside Building Bylaw which was adopted on June 1, 1998 is hereby repealed.

22. Effective Date

The effective date of this bylaw is March 15, 1999.

## Schedule A

### Fees

Pursuant to Section 5 and 21 of the Building Bylaw SS-09, effective March 15, 1998, the building permit fees shall be as follows:

Type	Description	Fee
Building Permit	Construction	\$15.00 plus \$3.00 per \$1000 of construction value over \$5000
Building Permit	Demolition	\$25.00
Building Permit	Fence	no charge
Building Permit	Change of Use	\$25.00
Building Permit	Renewal	\$25.00

### Penalties

Pursuant to Section 20 and 21 of the Building Bylaw SS-09, effective March 15, 1999, the minimum and maximum penalties to be imposed for violations of the Bylaw shall be as follows:

Section	Description	Minimum Fine	Maximum Fine
15	Compliance Order	\$100.00	\$500.00
15	Uncover Order	\$100.00	\$500.00
15	Stop Work Order	\$250.00	\$1000.00
17	Repair/Demolition Order	\$250.00	\$1000.00
17	Occupancy Prohibition Order	\$250.00	\$1000.00
	Any Other Offence	\$100.00	\$1000.00

**Schedule B**

**Building Code**

Pursuant to Section 4 of the Building Bylaw (SS-09), effective March 15, 1999 the building code means the 1995 Edition of the National Building Code of Canada and amendments thereto.

**Schedule C**

**Schedule of Culvert Fees**

Pursuant to Section 5 of the Building Bylaw (SS-09), effective March 9, 1999 and amendments thereto, the culvert fees shall be charged to the property owners as follows:

- |    |  |           |
|----|--|-----------|
| 1. | Supply and install standard access culvert   | \$500.00  |
| 2. | Supply and install additional access culvert | Full Cost |
| 3. | Extensions to culverts to widen driveway     | Full Cost |
| 4. | Filling all or a portion of a ditch          | Full Cost |