

Municipality of the District of Lunenburg

By-law Details	
Name	Building Code By-law
Number	018
Legislative Authority	NS Building Code Act and Regulation-Chapter 46 of the Revised Statutes of Nova Scotia, 1989, MGA 172(1a)(2e)
Effective Date	January 1, 2026

Title

- 1 This By-law will be known as the "Building By-law"

Authority

- 2 (1) Section 172(1)(a) and (2)(e) of the Municipal Government Act empowers Municipalities to make by-laws respecting "the health, well-being, safety and protection of persons and "provide for a system of licenses, permits or approvals."
 - (2) Section 7(1) of the NS Building Code Act enables the Council of the Municipality of the District of Lunenburg to make a By-law that is not inconsistent with the NS Building Code Act or Regulations.

Definitions

- 3 (1) Unless otherwise defined, definitions contained in the Building Code Act, and Nova Scotia Building Code Regulations, and Nova Scotia Building Code also apply to this Bylaw.
 - (2) In this By-law, the following means:
 - (a) NS Building Code Act or Act means Chapter 46 of the Revised Statutes of Nova Scotia, 1989, the Building Code Act, as amended;
 - (b) Building Official means any person appointed to that position by the Council of the Municipality of the District of Lunenburg under Section 5 of the NS Building Code Act;
 - (c) Municipality means the Municipality of the District of Lunenburg;
 - (d) Nova Scotia Building Code Regulations or Regulations refer to regulations made under Section 4 of the Act; and

- (e) Location Certificate means a document certified by a Nova Scotia Land Surveyor confirming the location of a structure in relation to the lot boundaries.

Application

- 4 (1) This By-law applies to the entire Municipality.
- (2) In addition to the requirements and provisions set out in this By-law, all requirements and provisions of the Act and Regulations apply to the entire Municipality.

Required Permits

- 5 (1) A Footing Permit is required to ensure compliance with the municipal wide Land Use By-Law and Land Use By-laws for Secondary Plan Areas where front yard, side yard, rear yard and setback requirements are in place and when a building permit is also required. Or as outlined in Section 13
- (2) A Building Permit is required for all work that is within the scope of the Regulations, Article 6 and is not exempt from the requirements of the Regulations, Article 9
- (3) An Occupancy Permit is required:
- (a) to allow the initial occupancy of a building or part of the building;
- (b) when the occupancy classification of a building or part of the building is changed;
- (c) to allow partial demolition or alteration of a building;
- (4) A Demolition Permit is required for the demolition of a building, portion of a building or any material part of a building.

Application Requirements

- 6 (1) An application form must be completed in full before a footing permit, building permit, demolition permit, or occupancy permit may be issued.
- (2) All applicable fees, as established in Policy 058 Fees, must be paid in full before a footing permit, building permit, occupancy permit, or demolition permit may be issued.
- (3) Permit Fees paid under this By-law may be refunded if:
- (a) the owner of the project notifies the Building Official, in writing and within 6 months of the date of issue, that the project has not proceeded as far as the excavation stage and will not be proceeding. In these cases, the Building Permit will also be revoked;

- (b) the Building Official is unable to issue the Building Permit for the application that was made and fees paid;
- (c) regardless of clauses a) and b) the administration fee portion of the application fee, as noted in Policy 058 Fees will be non-refundable;
- (4) Every application for a permit must:
 - (a) identify and describe in detail the work and occupancy to be covered by the permit that the application is made;
 - (b) describe the land by including the Nova Scotia Land Information Management Service Parcel Identification Number (PID), or where this number does not exist, the assessment account number;
 - (c) include plans and specifications as required by Section 2.3 of the National Building Code of Canada, which must include:
 - (i) building plans drawn to scale;
 - (ii) a site plan adequate to identify and locate the lot and determine distances of existing and proposed construction from lot lines, building separations and building locations and showing:
 - (A) the dimensions and total area of the lot;
 - (B) the location of the proposed and existing buildings on the lot and the relationship between the proposed building or structure and other buildings on the same or adjacent properties, indicating the distance from all property lines, the distances between buildings and the heights of buildings;
 - (C) the width, location and nature of any easement affecting the property;
 - (D) north point;
 - (E) scale to which the plan has been drawn;
 - (F) the name of public streets and / or private roads shown on the plan, and
 - (G) the civic address for the property and adjacent properties.
 - (d) state the value of the proposed work based upon materials and labour;
 - (e) state the name, addresses and telephone numbers of the owner, architect, professional engineer or other designer, constructor and any inspection or testing agency that has been engaged to monitor the work or part of the work;
 - (f) describe any special building systems, materials and appliances;
 - (g) be accompanied by an up-to-date plan of survey or location certificate prepared by a registered Nova Scotia Land Surveyor containing sufficient information regarding site and

the location of the building in relation to the lot lines, where determined by the authority having jurisdiction as necessary to:

- (i) establish before construction begins that the regulations of the Building Code Act related to the site and location of the building will be complied with;
 - (ii) verify that, upon completion of the work, all such regulations have been complied with; or
 - (iii) verify prior to construction beyond the footing stage that any yard requirements required by a Land Use By-law and which formed the basis for the issuance of a Development Permit, have been complied with.
- (h) such additional information as may be required by the authority having jurisdiction.

Withholding Permits

- 7 (1) A Building Official must, if applicable, withhold a building permit until satisfied that the following permits have been issued:
- (a) a valid on-site sewage disposal permit issued by the Department of the Environment and Climate Change for the construction of a building requiring a new private on-site sewage disposal system;
 - (b) any permit required under the Public Highways Act;
 - (c) all approvals, with applicable fees paid in full, for the installation and hook-up of municipal sewer and water infrastructure;
 - (d) a heritage property permit/approval under the Municipality's Heritage Property By-law, or Heritage Property Act of Nova Scotia;
 - (e) a Development Permit under a Land Use By-law;
- (2) A Building Official may withhold issuing a building permit until satisfied that all applicable requirements of the Municipality's By-law Respecting the Subdivision of Land have been complied with.
- (3) A Building Official may withhold issuing a demolition permit until satisfied that the building is not subject to the provisions of a by-law passed under the Municipal Heritage Property By-law or Heritage Property Act.

Permission to Proceed in Part

- 8 The issuance of a partial building permit is subject to the restrictions and conditions as outlined in Article 1.4.1.11 of the Regulations.

Temporary Building Permits

- 9 The issuance of a temporary building permit is subject to the restrictions and conditions as outlined in Article 1.4.1.12 of the Regulations.

Conditional Building / Conditional Occupancy Permit

- 10 The issuance of a conditional building permit or a conditional occupancy permit is subject to the restrictions and conditions as outlined in Article 2.5.1.5 of the Regulations.

Location Certificates

- 11 (1) With the exception of section 11(2) of this By-law, a location certificate is required for all new structures and any new construction that alters the building envelope and must be approved by the Building Official and the Development Officer after the footings or monolithic slab has been poured to ensure the construction meets the requirements of the Land Use Bylaw and Building Code.
- (2) Under the sole discretion of the Building Official, a location certificate may not be required for any additions to buildings or for accessory structures.

Expiry of Building Permits

- 12 (1) A building permit is valid for 1 year from the date of issue and may be renewed by making a renewal application to the Building Official and paying the administration portion of the building permit fee applicable to the building permit.
- (2) The Building Official reserves the right to refuse a building permit renewal request.
- (3) A building permit may be renewed 2 times.
- (4) If no construction has commenced at the time of an expiry of a building permit a new development permit will be required.
- (5) If an occupancy permit has not been issued prior to the end of the second, 1 year renewal period a new application must be made to complete the project. The new application must comply with and meet all the requirements of the Act and the Regulations, Municipal Land Use By-law and this Bylaw (Building Code Bylaw) at the time a new application is made.


Inspections

- 13 (1) The Building Official must be notified a minimum of 2 business days in advance to inspect for compliance with this By-law, the Act and the Regulations, at the following stages:
- (a) All construction other than those described in clauses 13(1)(b) and (c)

- i) footings in place;
 - ii) the site before starting backfilling of the laterally supported foundation, before a superstructure is placed on the foundation;
 - iii) the framing, roof and plumbing and mechanical;
 - iv) insulation and vapour barrier before wall framing is covered;
 - v) before occupancy.
- (b) Mobile/Modular Homes conforming to 1.4.19 of the Regulations
 - i) footings in place;
 - ii) (A) in the case of a mobile home, the site preparation, foundation installation and anchorage in accordance with CSA CAN3-Z240.10.1-94 "Recommended Practice for Site Preparation, Foundation and Anchorage of Mobile Homes";
(B) in the case of a modular home site preparation and foundation.
 - (iii) installation and anchorage, and
 - (iv) before occupancy.
- (c) Buildings constructed outside the scope of Part 9 of the National Building Code:
 - i) of the intent to undertake construction that will be inspected and will be reviewed as per the appropriate Letter of Undertaking;
 - ii) of the intent to cover construction that has been ordered to be inspected by the Building Official before covering;
 - iii) at intervals deemed necessary by the Building Official based on the complexity of the building, and
 - iv) when construction has been completed so that a final inspection can be made.
- (d) For Demolition:
 - i) at the commencement of the demolition work;
 - ii) at such intervals as are deemed necessary – and noted on, or attached to the demolition permit, by the Building Official;
 - iii) when demolition has been completed, and
 - iv) when the demolition site has been covered over or reclaimed.

Coming Into Force - Repeal

- 14 The Building Code By-law, as approved by Municipal Council on March 8, 2011, is hereby repealed and replaced with new By-law 018 effective January 1, 2026.

By-law Adoption	
Effective date of original by-law	January 01, 2026
Date of first reading	July 22, 2025
Date of advertisement of notice of intent to consider	July 22, 2025 & August 25, 2025
Date of second reading	September 23, 2025
Date of advertisement of passage of by-law	September 23, 2025
Effective date of the by-law unless otherwise specified in the text of this by-law.	January 1, 2026
Date of mailing a certified copy of by-law to Minister	September 29, 2025
I certify that this By-law 018 Building Code By-law was repealed and replaced by Municipal Council and published as indicated above.	
Signature of Municipal Clerk 	Date September 26, 2025

Version	Amendment Description	Council Approval
Original	018 Building Code Bylaw	January 01, 2026
Repeal & Replace	Removed Schedule A - fees, added location certificate requirements, new expiry of permits section, updated to accessible format, and clear language revisions and renumbering. Effective date January 1, 2026	September 23, 2025
V3 – 018C	Allow non-profit organizations to be exempt from paying administration fee.	March 8, 2011
V2 – 018B	Amended to add a flat rate fee per application for temporary structures and change of use permits, clarified the language on the fee schedule to match the national building code and made application fee non-refundable.	August 11, 2009
V1 – 018A	Amended to increase fees by 10%, effective date July 21, 2009	July 14, 2009
Repeal & Replace	New formatting and new schedule of fees, effective date April 3, 2006	October 11, 2005
	Amended permit fees and clarified that Inspector can withhold a building permit	March 10, 1998
	Amended to allow council to set fees by resolution	August 25, 1993
	Amended to increase all permit fees by \$10.00	April 10, 1991

Repeal & Replace	Removing Minimum Standards of Housing By-law and Building By-law N.B.C 1980. Effective date April 1, 1987	March 25, 1987
Repeal & Replace	Adoption of 1980 N.B.C. with further amendments to 7.13, 4.1 and deletion of 12.1 and 11. Also adopting the 1980 Plumbing Code, Building standards Code for Handicapped, Farm Building Code including the values set in the Climatic Data Table. Effective date July 1, 1984.	March 28, 1984
	Amended to require on-site sewage disposal permit, access permit, and approval for subdividing under subdivision by-law and regulations.	September 20, 1977
	Adoption of 1975 N.B.C. excepting sections 1.3.2, 2.4.17, 2.7.13, 2.12.1 and adoption of Canadian heating, Ventilating & Air Conditioning Code, 1975, Plumbing Code, Safety Code and Span Tables. In addition, giving authority to municipal employees under direction of Building Inspector.	June 27, 1975
	Adoption of 1970 N.B.C. and added provision for violations and fees for permits.	June 10, 1974