

THE CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN

BY-LAW NUMBER: 04-214

BEING A BY-LAW TO REGULATE THE ERECTION AND PROVIDE FOR THE SAFETY OF BUILDINGS, TO PROVIDE FOR THE ISSUING OF BUILDING, DEMOLITION, CHANGE OF USE PERMITS, FOR THE CARRYING OUT OF INSPECTIONS OF BUILDINGS, THE APPROVING OF PLANS OF ALL BUILDINGS TO BE ERECTED, THE SETTING OF FEES AND PRESCRIBING OF FORMS FOR SUCH.

WHEREAS Section 7 of the *Building Code Act 1992, Chapter 23* as amended, empowers Council to pass certain by-laws respecting construction, demolition, change of use permits and inspection of buildings, providing for applications of permits and requiring of plans and information to accompany such applications, requiring the payment of fees on applications and for the issuance of permits and prescribing amounts thereof, providing for refunds of fees under certain circumstances, for the prescribing of notice to be given to the Chief Building Official, and for prescribing forms respecting applications and permits.

NOW THEREFORE the Municipal Council of The Corporation of the Township of South Algonquin **ENACTS** as follows:

1. SHORT TITLE:

1.1 This by-law may be cited as the Building By-Law.

2. DEFINITIONS:

2.1 In this by-law,

- a)** “**Act**” means the *Building Code Act, 1992, c.23* including amendments thereto;
- b)** “**Building**” means a building as defined in Section 1 (1) of the *Building Code Act*;
- c)** “**Chief Building Official**” means the Chief Building Official or appointed by the Township of South Algonquin for the purposes of enforcement of the *Building Code Act*;
- d)** “**Construction**” means construction as defined in subsection 1(1) of the *Building Code Act* and the term construction shall have a similar meaning;
- e)** “**Corporation**” or “**Township**” means The Corporation of the Township of South Algonquin;
- f)** “**Demolition**” means demolish as defined in subsection 1 (1) of the *Building Code Act*;
- g)** “**Ontario Building Code Act**” means the regulations made under section 34 of the *Building Code Act*;

- h) **“Owner”** means the person whose name appears on the deed or transfer registered in the Registry Office for the District of Nipissing for the land in respect of which an application for a permit is made pursuant to the By-Law;
- i) **“Permit”** means written permission or written authorization from the Chief Building Official to perform work regulated by this Chapter and the *Building Code Act*;
- j) **“Plumbing”** means plumbing as defined in Section 1 (1) of the *Building Code Act*;
- k) **“Sewage System Permit”** means a permit issued by the Township of South Algonquin, for the installation of a septic system.

2.2 Unless otherwise stated, any work or term that is defined in the *Building Code Act* shall have the same meaning as it is used in the By-Law.

3. **CLASSES OF PERMITS:**

- 3.1 Building Permit;
- 3.2 Conditional Permit;
- 3.3 Change of Use Permit;
- 3.4 Demolition Permit;
- 3.5 Readiness for Occupancy Permit/Certificate of Inspection;
- 3.6 Sewage System Permit.

4. **APPLICATION OF PERMITS:**

Classes of permits with respect to the construction, demolition and change of use of buildings shall be as set out in Section 3.1 through 3.6 inclusive, and shall be issued by the Chief Building Official upon receipt of a completed application in the prescribed form available at the offices of the municipality or from the Chief Building Official. The prescribed forms shall be as set out in Schedule “A” to this By-Law.

4.1 **Building Permit – application – requirements:**

Every person who applies for a permit under subsection 8 (1) of the *Building Code Act*, in addition to providing a completed application in the prescribed form shall:

- a) identify and describe in detail the work and occupancy to be covered by the permit for which application is made;
- b) describe where the work is to be done, by a description that will readily identify and locate the building lot in relation to the lot lines;
- c) include complete plans and specifications as described in Schedule “B” to the By-Law for the work to be covered by the permit;
- d) state the valuation of the proposed work including materials and labour and be accompanied by the required fee;
- e) state the name, addresses and telephone numbers of the owner, architect or engineer, where applicable, or other designer or constructor;

- f) be accompanied by a written acknowledgement of the owner that he has retained an architect or professional engineer to carry out the field review of the construction where required by the *Building Code*; and
- g) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

4.2 Conditional Permit – application – requirements:

To be issued only under special circumstances on recommendation of the Chief Building Official and approval by Council pursuant to an agreement with the municipality.

Every person who applies for a conditional permit under subsection 8 (3) of the *Building Code Act*, in addition to providing a completed application in the prescribed form, shall provide:

- a) the information required by clauses 4.1 (1) to (g) of the By-Law;
- b) other information, plans or specifications concerning the complete project as the Chief Building Official may require;
- c) a statement giving the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
- d) a statement listing the necessary approvals which must be obtained with respect to the proposed building and the time in which such approvals will be obtained;
- e) a statement giving the time in which plans and specifications of the complete building will be filed with the Chief Building Official (if applicable);
- f) an agreement with the Corporation as well as a substantial deposit to be established by Council as required by clause 8 (3) of the *Building Code Act*.

4.3 Change of Use Permit – application – requirements:

Every person who applies for a change of use permit issued under section 10 (1) of the Act, in addition to providing a completed application in the prescribed form, shall:

- a) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
- b) identify and describe in detail the current and proposed occupancies of the building or part of the building for which the application is made;
- c) include plans and specifications which show the current and proposed occupancy of all parts of the building and which contain sufficient information to establish compliance with the requirements of the *Ontario Building Code*, including: floor plans, details of wall, ceiling and roof assemblies, identify required fire resistance ratings and load bearing capacities;
- d) state the name, address and telephone number of the owner;
- e) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

4.4 Demolition Permit – application – requirements:

Where application is made for a demolition permit under Section 8 (1) of the *Building Code Act*, the application shall:

- a) contain the information required by clauses 4.1 (a) to (g) of this By-Law;
- b) describe the method of demolition and the plan for removal and disposal of rubble and debris from the site; and
- c) be accompanied with satisfactory proof that arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, electric, telephone, gas or other utilities and services.

4.5 Readiness for Occupancy Permit – application – requirements:

Every person who requires a readiness for occupancy permit/certificate of inspection, in addition to providing a completed application in the prescribed form, shall provide:

- a) a set of as-built construction drawings if said construction project differs from the proposed construction drawings submitted with the permit application; and
- b) a legal survey of the property indicating the location of all buildings on the property for all new building except accessory building, if required.

4.6 Transfer of Permit:

- a) Permits are transferable only upon the new owner completing a permit application to the requirements of section 4.1 of the By-Law;
- b) A fee, as prescribed in Schedule “C” shall be payable on a transfer of a permit by the new owner who shall become the permit holder for the purpose of the *Building Code Act* and the *Ontario Building Code*.

4.7 Sewage System Permit – requirements:

Every person who is proposing to construct a habitable dwelling or which requires sanitary facilities must first obtain a Sewage System Permit from the Township of South Algonquin, prior to the issuance of a Building Permit.

5. ISSUANCE OF PERMITS:**5.1 Conditions – not issue permit:**

The Chief Building Official shall issue a permit for which an application has been made except where:

- a) the proposed building construction, demolition or change will contravene any provisions of the *Building Code Act*, the *Ontario Building Code*, this By-Law or any other applicable law;
- b) the Applicant is a builder or vendor as defined in the “*Ontario New Home Warranties Plan Act*”, R.S.O. 1990 C. O 31, as amended, and is not registered under the Act;
- c) the application as required by this By-Law is incomplete; or
- d) any fees due pursuant to this By-Law are unpaid.

6. EQUIVALENTS:**6.1 Application – permit – authorization – material change:**

Where an application for a permit or for authorization to make a material change to a plan, specifications, document or other information on the basis of which a permit was issued, contains an equivalent material, system or building design for which authorization under Section 9 of the Act is requested, the following information shall be provided:

- a) a description of the proposed material, system or building design for authorization under Section 9 of the Act is required;
- b) any application provisions of the *Ontario Building Code*;
- c) evidence that the proposed material, system or building design will provide the level of performance required by the *Ontario Building Code*.

7. FEES AND REFUNDS:**7.1 Permit – application – fees:**

Fees for all applications, permits and responses shall be set out in Schedule “C” to this By-Law and shall be paid at the time of submitting an application, or prior to the issuing of a permit.

7.2 Request for refund – permit:

Where an application has been withdrawn or abandoned, or the non-commencement of any work, which a Permit has been issued for, the Chief Building Official may determine the amount of paid permit fees that may be refunded, if any, in accordance with Schedule “D” attached to and forming part of the By-Law.

8. PERMIT REVOCATION:**8.1 Non-commencement – discontinuation – time limitation:**

Where a permit is issued and the construction or demolition has not commenced or is substantially suspended or discontinued for a period of time as described in Section 8 (10) of the Act, the permit may be revoked.

8.2 Construction – continuation – written request:

If the holder of the permit wishes to continue with the construction or demolition a written request shall be submitted to the Chief Building Official.

8.2 Continuation – permitted – conditions:

Upon receipt of the request, the Chief Building Official may allow the permit to continue in effect and attach conditions thereto.

8.3 Notice – reply within thirty days – options:

Prior to revoking a permit in accordance with the *Building Code Act*, the Chief Building Official may give written notice of intention to revoke to the permit holder at his or her last known address and if, on the expiration of thirty days from the date of such notice, the ground for revocation continues to exist, the permit

shall be revoked without further notice and all submitted plans and other information may be disposed of or, at the request of the permit holder, returned as directed.

9. **NOTIFICATION:**

9.1 **Notice of material change to plan:**

After the issuance of a permit under the *Building Code Act*, notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued, must be given in writing to the Chief Building Official together with the details of such change which is not to be made without his or her written authorization.

9.2 **Inspection – Conditional – Partial – Permit:**

As required by the *Ontario Building Code, O. Reg. 413/90* as amended, every person to whom a building permit has been issued shall notify the Chief Building Official for each stage of construction as prescribed therein, and shall allow at least two working days for an inspection to be carried out thereafter.

9.3 **Inspection – Demolition Permit:**

Every person to whom a demolition permit has been issued shall notify the Chief Building Official at least two working days in advance of the commencement of said demolition.

10. **ADMINISTRATION:**

10.1 **Chief Building Official – Keep Records – Administer – Enforce:**

The Chief Building Official shall:

1. administer and enforce the provisions of this By-Law and the *Building Code Act*; and
2. keep proper records of all applications received, permits and orders issued, inspections and tests made and shall retain copies of all papers and documents connected with the administration of the By-Law.

10.2 **Chief Building Official – Right to enter on lands – Reasonable times:**

The Chief Building Official may, for the purposes of inspecting a building or site in respect of which a Permit has or has not been issued, enter in or upon any land or building at any reasonable time without a warrant pursuant to the provisions of Section 12 of the *Building Code Act*.

11. **ENFORCEMENT:**

11.1 **Fine – for contravention:**

Any person found to be in contravention of any provision of this By-Law is guilty of any offence and upon conviction is liable to a fine as prescribed in Section 36 of the *Building Code Act*.

11.2 Any person, contractor or builder who commences construction or demolition of a building project, prior to first obtaining a permit, will be subject to paying a penalty of 20% of the permit fee (minimum \$100.00) in addition to the actual permit fee.

11.3 No person shall construct or demolish a building or cause a building to be constructed or demolished unless a permit has been issued therefore by the Chief Building Official, Section 8.(1) of the *Building Code Act*.

NOTE: The maximum fine for a first offence is \$25,000.00 and for a second offence is \$50,000.00.

12. ENFORCEMENT:

This By-Law shall come into force and take effect on **September 15th, 2004.**

READ A FIRST AND SECOND TIME THIS 5th DAY OF August, 2004.

READ A THIRD TIME AND PASSED THIS 5th DAY OF August, 2004.

(Jim Etmanski, Mayor)

(Harold Luckasavitch, Clerk-Treasurer)

Schedule “A”

PRESCRIBED FORMS

1. Application for Construction, Demolition, Conditional Permit
2. Application to Permit the Installation of Swimming Pool and Fence Enclosure
3. Application to Permit Change of Use
4. Construction Permits
5. Conditional Permit
6. Demolition Permit
7. Change in Use Permit
8. Transfer of Permit
9. Occupancy Permit/Certificate of Inspection – RE: Readiness for Occupancy
10. Order to comply with Act or Building Code
11. Stop Work Order
12. Order to Remedy Unsafe Building
13. Order Prohibiting Use or Occupancy and/or Occupancy of Unsafe Building

Schedule “B”

Pursuant to Section 5.7 of the Building Code Act and Section 4 of this By-law the following list of plans or working drawings are to accompany an application for permit.

1. The Site Plan
2. Floor Plans
3. Foundation Plans
4. Framing Plans
5. Roof Plans
6. Sections and Details
7. Building Elevations
8. Heating, Ventilation and Air Conditioning Drawings and Calculation Sheet
9. Plumbing Drawings

NOTES &/or REQUIREMENTS

1. The Chief Building Official may specify that not all the above-mentioned plans are required to accompany an application for a permit.
2. Written approvals as required under Section 2.3, Design and General Review of the *Ontario Building Code*, shall accompany all Plans and Applications.
3. **Every applicant shall furnish:**
 - a. A complete set of plans, specifications, documents (*or any number of additional complete sets as determined by the Chief Building Official*) and other information to enable the Chief Building Official to determine whether the proposed application conforms to the *Building Code Act* and the *Ontario Building Code*.
 - b. A site plan referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such survey shall be filed with the Municipality (unless this requirement is waived) because the Chief Building Official is able, without having a current plan of survey, to determine whether the proposed work conforms to the *Building Code Act*, the *Ontario Building Code* and any other applicable law.
 - c. Site Plan will include:
 - i. Lot size and dimensions of property;
 - ii. Setbacks from existing and proposed buildings to property boundaries and to each other;
 - iii. Existing and finished ground levels or grades;
 - iv. Rights-of-ways, easements, septic systems, wells and municipal services existing or proposed;
 - v. Plans submit shall be legible and be drawn to scale upon paper or other suitable durable material;

- vi. Copies of the Building Permit, provided by the Chief Building Official to the applicant, shall be posted by the applicant in a location that is visible and conspicuous from the road or right-of-way providing access to the property and from bodies of water, where the work described on the permit is to take place.
- d. On completion of the construction of a building, the Chief Building Official (may require) a set of as constructed plans, including a building location survey.
- e. Plans and Specifications furnished according to this By-Law or otherwise required by the Act will be disposed of or retained in accordance with relevant legislation.

Schedule “C”

PERMIT FEES

1. RESIDENTIAL:

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|----|---|------------------------------------|
| a. | New Buildings (habitable)
(excluding carport, garage & basement) | \$.30/sq./ft |
| b. | Additions, renovations, alterations or repairs | \$.30/sq./ft
(minimum \$100.00) |
| c. | Garage, carport or accessory building | \$.10/sq./ft
(minimum \$100.00) |
| d. | Installation of a building unit fabricated or moved
from elsewhere (e.g. mobile home-factory built home) | \$.20/sq./ft
(minimum \$100.00) |

2. COMMERCIAL & INDUSTRIAL:

- | | | |
|----|--|------------------------------------|
| a. | New buildings or structure | \$.30/sq./ft |
| b. | Additions, renovations, alterations or repairs | \$.30/sq./ft
(minimum \$100.00) |

3. OTHER:

- | | | |
|--------|---|----------|
| a. | Swimming Pool & Fence Enclosure | \$100.00 |
| b. | Prefabricated truss arch structures & decks | \$100.00 |
| c. | Installation of chimney, fireplace, fireplace insert,
stove range, space heater, or appliance using solid fuel
(not required if permit obtained for new construction
or additions) | \$100.00 |
| d. (i) | Residential Demolition Permit | \$100.00 |
| (ii) | Commercial Demolition Permit (under 6000 sq. ft.) | \$100.00 |
| (iii) | Commercial Demolition Permit (over 6000 sq. ft.) | \$200.00 |

**Note: If landfill site is used for any of these three permits
An additional tipping fee will be charged (see Waste
Management By-law).**

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|----|---|------------------|
| e. | Change of Use Permit | \$75.00 |
| f. | Transfer of Permit | \$75.00 |
| g. | Occupancy Permit/Completion Permit
(if additional on site visit is required add \$75.00 per visit) | NO CHARGE |
| h. | Inspection of lands pertaining to septic, wells, severance
purchasing or selling | \$75.00 |

- i. Research permit archives and distribute information **\$30.00**

- j. No permits are required for the following: replacing an existing roof material, existing siding with a material of similar type, existing windows or doors, repairs of an emergency nature that are temporary to prevent weather damage until permanent repairs are made and a shed or other free standing structure under (10 square meters) 107 sq. ft. **NO CHARGE**

- k. Any extra costs pertaining to any of the preceding shall be borne by the property owner.

Schedule “D”**REFUNDS**

<u>Status of Permit – Application</u>	<u>Percentage of Fee Eligible for Refund</u>
1. Application filed. No process or Review of Plans submitted	80%
2. Application filed Plans reviewed and Permit issued	50%
3. Permit valued at \$100.00 or less (No Refund)	0%