

THE CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL
BY-LAW NO. 2012-06

Being a By-Law respecting Building Permit Classes, Applications,
Fees and Notices Required for Inspection

WHEREAS Section 7 of The Building Code Act, 1992, as amended, authorizes a Municipal Council to pass by-laws concerning the issuance of permits and related matters.

AND WHEREAS this By-law may be cited as the "Building By-law",

AND WHEREAS the Council of each municipality is responsible for the enforcement of this Act in the municipality;

NOW THEREFORE BE IT ENACTED as a by-law of the Council of the Corporation of the Township of Tudor and Cashel, as follows:

1. Definitions

In addition to those definitions found in the Ontario Building Code Act the following definitions shall apply for the purpose of this by-law:

"Act" means the Building Code Act, 1992, S.O. c.23 as amended thereto;

"As Constructed Plans" means plans as defined in the Building Code;

"Building" means a building as defined in Section 1(1) of the Building Code;

"Building Code" means the regulation made under Section 34 of the Act;

"Chief Building Official" means the Chief Building Official appointed by Council under Section 3 of the Act;

"Corporation" means the Corporation of the Township of Tudor and Cashel;

"Construct" means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and "construction" has a corresponding meaning

"Demolish" means to do anything in the removal of a building or any material part thereof and "demolition" has a corresponding meaning

"Farm building" means a building or part thereof which does not contain a residential occupancy and which is associated with and located on land devoted to the practice of farming and use essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds. According to Appendix A of the consolidated OBC, farm buildings include, but are not limited, to:

- a) produce storage and packing facilities
- b) livestock and poultry housing
- c) milking centres
- d) manure storage facilities
- e) grain bins, silos & feed preparation areas
- f) farm workshops

- g) greenhouses
- h) farm retail centres
- i) horse riding, exercising and training facilities

“Inspector” means an inspector appointed under Subsection 3(2) of the Act;

“Municipality” means the Corporation of the Township of Tudor and Cashel;

“Permit” means permission or authorization given in writing by the Chief Building Official to perform work regulated by the Act and Building Code, or to change the use of a building or occupy a building or part of a building regulated by the Act;

“Plumbing” means plumbing as defined in Section 1(1) of the Act;

“Principal Authority” means the Council of the municipality.

“Sewage system” means,

- a) a chemical toilet, an incinerating toilet, a earth pit privy, a pail privy, a privy vault and a recirculating toilet, a self-contained portable toilet and all forms of privy including a portable privy, a composting toilet system,
- b) a greywater system,
- c) a cesspool,
- d) a leaching bed system, or
- e) a system which requires or uses a holding tank for the retention of hauled sewage at the site where it is produced prior to its collection by a hauled sewage system,
- f) where these have a design capacity of 10,000 Litres per day or less, have, in total, a design capacity of 10,000 Litres per day or less
- g) where more than one of these is located on a lot or parcel of land, and are located wholly within the boundaries of the lot or parcel of land on which is located the building which they serve.

“Septic tank” means a watertight vault in which sanitary sewage is collected for the purpose of removing scum, grease and solids from the liquid without the addition of air and where solids settling and anaerobic digestion of the sanitary sewage takes place.

2. Classes of Permits

The classes of permits prescribed by Council to be used in the municipality with respect to the construction, demolition and change of use of buildings and the prescribed permit fees shall be set out in Schedule “A” to this by-law.

3. Administrative Procedures Relating to Permits

3.1 Revisions to Permit

After the issuance of a permit under the 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.

3.2 Partial Permits

When, in order to expedite work, approval of a portion of the building or project is desired prior to the issuance of a permit for the complete building or project, application shall be made and fees paid as per Schedule "A". Complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the Chief Building Official.

Where a permit is issued for part of a building or project, this shall not be construed to authorize construction beyond the plans for which approval was given nor, that approval will necessarily be granted for the entire building or project.

3.3 Revocation of Permits

Subject to provisions outlined in Subsection 8(10) of the Act, the Chief Building Official, has the authority to revoke a permit issued under the Act.

4. Application Requirements for Building, Demolition, Conditional and Change of Use Permits

All applications for building permits shall be made in the prescribed provincial permit application form and bear the signature of the landowner or his/her agent. His/her agent does require authorization from the owner to act on their behalf.

The prescribed form is available at the offices of the municipality or from the Building Code website <www.obc.mah.gov.on.ca>.

Every applicant shall submit sufficient plans, specifications, documents and other information to enable the Chief Building Official to determine whether the proposed construction, demolition, or change of use conforms to the Act, the Building Code, and any other applicable law. The Chief Building Official shall determine the number of copies of plan, specifications, documents and other information required to be furnished with an application for Permit having regard for the requirements of any Act, regulation or by-law respecting the examination or circulation of the application.

All site plans submitted as part of an application for a Permit must be referenced to and accompanied by, a current plan of survey certified by a registered Ontario Land Surveyor. This requirement may be waived by the Chief Building Official if he is able, without having a current plan of survey, to determine whether the proposed work conforms to the Act, the Building Code, and any other applicable law. Site plans must include

- a) lot size and dimensions of the property;
- b) setbacks from existing and proposed buildings to property boundaries and to each other
- c) existing and proposed ground levels or grades, elevations of proposed footings and tops of foundations
- d) existing rights of way, easements and municipal services

4.1 Demolition Permits

All applications for such permits shall be submitted to the Chief Building Official and contain the following information:

- a) be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the termination and capping of all the water, sewer, electric, telephone or other utilities and services; and
- b) include complete plans and specifications, documents and other information as described in this by-law for the work to be covered by the permit.

4.2 Conditional Permits

All applications for such permits shall be submitted to the Chief Building Official and shall contain the following information:

- a) a written statement from the applicant explaining the reasons why the applicant believes that unreasonable delays in construction would occur if a Conditional Permit is not granted;
- b) a written acknowledgement from the applicant of the necessary approvals which must be obtained in respect of the proposed construction and the time period in which such approvals are proposed by the applicant; and,
- c) a written agreement, between the applicant and the Chief Building Official, executed by the applicant, the owner and all other persons that the Chief Building Official considers appropriate for the purposes set out in clause 8(3)(c) of the Act;

4.3 Change of Use Permits

A Change of Use Permit is a permit respecting a change in use of a building or part of a building which results in an increase in hazard as determined by the Chief Building Official in accordance with the Building Code.

Every application for a change of use Permit issued under subsection 10(1) of the Act shall be submitted to the Chief Building Official, and must:

- a) describe the building or part of a building in which the use is to be changed, by a description that will readily identify and locate the building;
- b) identify and describe in detail the existing and proposed use of the building or parts of the building in which the application for a Permit is made;
- c) include plans and specifications which show the current and proposed use of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the Building Code including, floor plans, details of wall, floor and roof assemblies identifying required fire resistance rating and load bearing capacities;
- d) be accompanied by the required fee;
- e) state the name and address and telephone number of the Owner,
- f) be signed by the Owner or his or her authorized agent, who shall attest or affirm the truth of the contents of the application.

4.4 As Constructed Plans

The Chief Building Official may require that a set of as constructed plans of a building or any class

of buildings be filed with the Chief Building Official on completion of construction under such conditions as may be prescribed in the Building code.

4.5 Equivalents

Where an application for a permit or for authorization to make a material change to a plan, specification, 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 applicant shall provide the following information to the Chief Building Official:

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

The permit shall indicate whether the Chief Building Official has allowed the use of the proposed material, system or building design and if allowed the reasons why the Chief Building Official was of the opinion that the material, system or building design will provide the level of performance required by the Building Code.

4.6 Prescribed Forms

The forms prescribed for use as applications for permits, for orders and for inspection reports shall be as set out in the Act

5. Registered Code Agencies

Under Section 4.1(1) of the Act, the Municipality may enter into agreements with registered code agencies authorizing the agency to perform the functions specified in the agreement in respect of the construction of any building or class of building specified in the agreement.

The Municipality may appoint the agency to perform specified functions in respect of the construction of a building or class of buildings.

The Municipality may delegate, in writing, to the Chief Building Official, the authority to make appointments described above, and may impose conditions or restrictions with respect to the delegation.

An appointment of a registered code agency may authorize the agency to perform all of the applicable functions described in Section 15.15 of the Act:

- a) before a permit is issued under Section 8 of the Act;
- b) after a permit is issued under Section 8 of the Act; or
- c) both before and after a permit is issued under Section 8 of the Act.

The Municipality that appoints a registered code agency shall give the director of Ministry of Municipal Affairs and Housing such information as may be prescribed by the Ontario Building Code.

6. Permit Fees

- 6.1** The fees payable for the various classes of permits shall be those set out in Schedule "A" attached and are due upon submission of an application for a Permit
- 6.2** Transfer of Permits requires fees as per Schedule "A" attached and new owners must assume all responsibility for the ownership of the property.

7. Refund of Fees

Where there is a request from the permit holder for refund of the permit fee due to non-commencement or abandonment of work, the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the applicant, if any, in accordance with Schedule "A" attached to and forming part of this by-law.

8. Notice Requirements for Inspections

8.1 Time Frame for Mandatory Inspection after Notice is given

The person to whom a permit is issued under Section 8 of the Act shall notify the Chief Building Official or, where a registered code agency is appointed under the Act in respect of the construction which the notice related, at least two (2) working days prior to covering any stage of construction as specified in subsection 2.4.5.1 of the regulations made under the Building Code Act.

The time periods exclude Saturdays, Sundays, holidays and all other days when the offices of the principal authority are not open for the transaction of business with the public.

8.2 Additional Notices

The principal authority requires additional notices as specified in Subsection 2.4.5.2 of the regulations as follows;

a) commencement of construction of:

- masonry fireplaces and masonry chimneys,
- factor-built fireplaces and allied chimneys,
- stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys.

b) completion and availability of drawings of the building as constructed

9. Penalty

Under clause 36(1) of the Act, contravention of a by-law passed under the Act constitutes an offence. Subsection 36(3)-(5) of the Act provides penalties for this offence.

- 10.** This by-law shall come into force and take effect on the day of the final passing thereof.
- 11.** Any other By-Laws, resolutions or actions of the Council that are inconsistent with the provisions of this By-Law be and are hereby repealed and rescinded.

This By-Law shall be deemed to have come into force this 6th day of March, 2012.

Wanda Donaldson - Reeve

Bernice Crocker – Clerk - Treasurer

THE CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL

Appendix A

1. <u>Class of Building or Structure</u>	<u>Cost per Square Foot</u>
Residential Buildings/Seasonal Dwellings, Guest & Additions	\$0.80 per sq. ft. per floor \$0.60 per sq. ft. of basement Area
Demolition Permit	\$100.00
Farm/Commercial/Industrial	\$0.50 per sq. ft. per floor
Garages, Decks, Porches, Accessory And Detached Buildings	\$0.30 per sq. ft. per floor
Renovations (1% of value, based on \$50.00 per sq. ft. for value or builders value which ever is higher "on all projects")	\$100.00 + 1% construction value
Residential/Seasonal Residential/Farm Commercial/Industrial/Garages/Decks/Renovations/Accessory and Unattached Buildings	MINIMUM CHARGE \$100.00
Change of Use (Where no construction is carried out)	\$100.00
Plumbing	\$100.00 plus \$8.00 per fixture
Wood Burning Stoves & Chimney Installation	\$100.00
Swimming Pools (Private or Public in-ground only)	\$100.00
Solar Panels (Roof Mounts only)	\$100.00 + \$8.00 per \$1,000.00 of value or any part there-of
Sewage System	
a) Class 2 System (grey water)	\$500.00
b) Class 3 System (cesspool)	\$500.00
c) Class 4, 5 System daily flow not > 4500 Litres	\$500.00
d) Class 4, 5 System daily flow 4500 liters to 10,000 liters	\$500.00
e) Repair to Sewage System	\$250.00
Construction Started Without Permit	\$300.00
Re-inspection Fee (Work not completed for inspection)	\$100.00
Communications Towers, Wind Turbine, Walls, etc.	\$100.00
Administration Fee (review application for completion)	\$100.00
Building Permit Renewal	\$100.00

Refundable Deposit (On New Residential Project over \$50,000.00 in value)	\$350.00
Occupancy Permit	\$100.00

REFUNDS

<u>Status of Permit Application</u>	<u>Percentage of Fees Eligible for Refund</u>
1. Application filed. No processing or review of plans Submitted	90
2. Application filed. Plans reviewed and permit issued	60
3. Additional deduction for each field Inspection that has been performed.	5
4. Flat rate or basic fee permits.	0