

**THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD,
CLARA & MARIA
BY-LAW NUMBER 2007- 06**

BEING a by-law respecting Construction, Demolition and Change of Use Permits and Inspections.

WHEREAS Section 7 of the *Building Code Act*, 1992, S.O. 1992, Chapter 23, as amended empowers Council to pass certain by-laws respecting construction, demolition and change of use permits and inspections;

NOW THEREFORE the Council of the United Townships of Head, Clara & Maria enacts as follows:

1. **CITATION**

1.1. **THAT** this By-law may be cited as the Building By-law.

2. **DEFINITIONS** in this by-law include:

2.1. **“Act”** means the *Building Code Act*, 1992, S.O. 1992, Chapter 23 as amended.

2.2. **“as constructed plans”** means as constructed plans as defined in the Building Code.

2.3. **“architect”** means a holder of a license, a certificate of practice, or a temporary license under the Architect’s Act as defined in the Building code.

2.4. **“building”** means a building as defined in Section 1 (1) of the Act.

2.5. **“Building Code”** means the regulations made under Section 34 of the Act.

2.6. **“chief building official”** or **“CBO”** means the chief building official appointed by the by-law of The Corporation of the United Townships of Head, Clara & Maria for the purposes of enforcement of the Act.

2.7. **“Corporation”** means The Corporation of the United Townships of Head, Clara & Maria.

2.8. **“fixture”** means receptacle, plumbing appliance, apparatus or other device that discharges sewage or clear water waste, and includes floor drains.

2.9. **“permit”** means written permission or written authorization from the Chief Building Official to perform work regulated by this by-law and the Act, or to change the use of a building or part of a building or parts thereof as regulated by the Act.

2.10. **“plumbing”** means plumbing as defined in Section 1 (1) of the Act.

2.11. **“plumbing system”** means a “plumbing system” as defined in Section 1.4.1.2 of the Building Code

2.12. **“professional engineer”** means a person who holds a license or a temporary license under the Professional Engineer’s Act, as defined in the Building Code.

2.13. **“regulations”** means the Building Code and any changes made to the Building Code under the Act

- 2.14. “sewage system” means a sewage system as defined in Section 1.4.1.2 of the Ontario Building Code.
- 2.15. Terms not defined in this By-Law shall have the meaning ascribed to them in the *Building Code Act* or the Building Code.

3. **CLASSES OF PERMITS**

- 3.1. Classes of permits with respect to the construction; demolition; change of use of buildings; installation of wood stoves, fire places and chimneys; and permit fees shall be as set out in Schedule “A” to this By-law”.
- 3.2. 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 given for the entire building or project.
- 3.3. 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.

4. **REQUIREMENTS FOR APPLICATIONS**

- 4.1. To obtain a permit, the owner or an agent authorized in writing by the owner, shall file an application in writing by completing the prescribed form available at the offices of the municipality of the Townships of Head, Clara & Maria or from the Chief Building Official. Forms prescribed by the municipality shall be set out in Schedule “B” to this By-Law.
- 4.2. Every application made for a construction permit under Subsection 8(1) of the Act shall be submitted to the Office or the CBO and shall:
- 4.2.1. Identify and describe in detail the work, use and occupancy to be covered by the permit for which the application is made;
- 4.2.2. Identify and describe in detail the existing uses and the proposed use(s) for which the premises are intended;
- 4.2.3. Describe the land on which the work is to be done, by a description that will readily identify and locate the site on which the building or demolition is to occur;
- 4.2.4. Include complete plans and specifications, documents and other information as required by Article 2.4.1.1B of the Building Code and as described in Schedule “C” to this By-law;
- 4.2.5. Be accompanied by the required fees as set out in Schedule “A” to this By-law;

- 4.2.6. State the names, addresses and telephone numbers of the owner, applicant, architect, engineer or other designer, sewage system installer, constructor or person hired to carry out the demolition, as the case may be;
 - 4.2.7. Be accompanied, where applicable, by a signed acknowledgment of the owner on a form prescribed by the Chief Building Official, that an architect or professional engineer, or both, have been retained to carry out the general review of the construction or demolition of the building;
 - 4.2.8. Be accompanied by a signed statement of the architect or professional engineer, or both, on a form prescribed by the Chief Building Official as in Schedule "B" to this by-law, undertaking to provide general review of the construction or demolition of the building;
 - 4.2.9. Include, where applicable, the registration number of the builder or vendor as provided in the *Ontario New Home Warranties Plan Act*, the registration number of the sewage system installer or the registration number of the H.V.A.C. installer, as the case may be;
 - 4.2.10. State estimated valuation of the proposed work including material and labour; and
 - 4.2.11. Be signed by the applicant who shall certify as to the truth of the contents of the application.
- 4.3. In addition to the requirements of subsection 4.2 above, every demolition permit application shall:
- 4.3.1. Be accompanied by structural design characteristics of building and the method and time schedule of the demolition; and
 - 4.3.2. Be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the termination and capping of all the electric, telephone or other utilities and services.
- 4.4. In addition to the requirements of subsection 4.2 above, every construction permit application for part of a building shall:
- 4.4.1. Include an application for the entire project; and
 - 4.4.2. Include plans and specifications covering the part of the work for which more expeditious approval is desired, together with such information pertaining to the remainder of the work as may be required by the Chief Building Official.
- 4.5. In addition to the requirements of subsection 4.2 above, every conditional permit application for the construction of a building shall:
- 4.5.1. State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted; and

- 4.5.2. State necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and
 - 4.5.3. State the time in which plans and specifications of the complete building will be filed with the Chief Building Official.
- 4.6. In addition to the applicable requirements of subsection 4.2 above, every application for a change of use permit issued under subsection 10(1) of the Act shall be submitted to the CBO and shall:
- 4.6.1. Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building; and
 - 4.6.2. Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made; and
 - 4.6.3. 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 Building Code including floor plans, details of wall, floor and roof assemblies identifying required fire resistance rating and load bearing capacities, and details of the existing “sewage system” if any.
- 4.7. 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 following information shall be provided:
- 4.7.1. a description of the proposed material, system or building design for which authorization under section 9 of the Act is requested;
 - 4.7.2. any applicable provisions of the Building Code;
 - 4.7.3. evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.
- 4.8. In addition to the applicable requirements of Subsection 4.2 above, every sewage system application shall:
- 4.8.1. Use the provincial application form as detailed in Schedule “B” of this By-law;
 - 4.8.2. Include complete plans and specifications, documents and other information as required under Article 2.4.1.1B of the Building Code and as described in this By-law;
 - 4.8.3. Include a site plan and specifications, drawn to scale and showing:
 - 4.8.4. The true dimensions of the lot;
 - 4.8.5. The location of all existing and proposed buildings and structures on the lot;

4.8.6. The proposed location, elevation and dimensions of the sewage system;

4.8.7. Dimensions to the nearest wells, water courses (springs, rivers, lakes, ponds, streams or reservoirs) and other sewage systems

4.8.8. Be completed only by a master plumber or plumbing contractor, or by an individual who takes an affidavit that he or she will be personally making the installation in his or her own dwelling.

4.9. The Chief Building Official shall, where conditions in subsection 4.4 above have been fulfilled, issue a permit for part of a building subject to compliance with the Act, the Building Code and any applicable law.

4.10. The Chief Building Official may, where conditions in subsection 8(3) and 8(5) of the Act and subsection 4.5 above have been fulfilled, issue a conditional permit for a building subject to compliance with the Act, the Building Code and any applicable law.

4.11. The Chief Building Official shall not, by reason of the issuance of a permit or permits for a part or parts of the building issued under subsection 4.4 and 4.5 be under any obligation to grant any further permit or permits therefore.

4.12. Where an application for a permit remains incomplete or inactive for six months after it is made, the application may be deemed by the Chief Building Official to have been abandoned and notice thereof shall be given to the applicant.

5. **PLANS AND SPECIFICATIONS**

5.1. Sufficient information shall be submitted with each application for a permit to enable the Chief Building Official to determine whether the proposed construction, demolition or change of use will conform with the Act, the Regulations, the building Code and any other applicable law.

5.2. Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two (2) complete sets of the plans and specifications required under this by-law. Any variance of this requirement should be documented in the file by the CBO.

5.3. All plans and drawings shall be drawn to scale on paper or other durable material, shall be legible and, without limiting the generality of the foregoing, shall include such working drawings as set out in Schedule "C" to this By-law unless otherwise specified and noted by the CBO.

5.4. A site plan referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such a 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 Act, the Building Code, and any other applicable law. Site plan will include:

- 5.4.1. lot size and dimensions of property;
- 5.4.2. setbacks from existing and proposed buildings to property boundaries and to each other;
- 5.4.3. existing and finished ground levels or grades; and
- 5.4.4. existing rights-of-way, easements and municipal services.

5.5. Plans and specifications furnished according to this By-Law or otherwise required by the Act become the property of the municipality and will be disposed or retained in accordance with relevant legislation.

6. **FEES**

6.1. The Chief Building Official shall determine the required fees calculated in accordance with Schedule "A" for the work proposed and the applicant shall pay such fees. No permit shall be issued until the fees therefore have been paid in full.

6.2. Where the fees payable in respect of an application for a construction or demolition permit issued under subsection 8(1) of the Act or a conditional permit under subsection 8(3) of the Act are based on a floor area, floor area shall mean the total floor space of all story's above grade (or below grade for an underground home) measured as the horizontal area between the exterior walls of the building.

6.3. Where the application is for a conditional permit, fees shall be paid for the complete project.

6.4. Subject to subsection 7.1, there shall be no refund of permit fees where a permit has been revoked.

7. **REFUNDS**

7.1. Upon written request, the Chief Building Official shall determine the amount of refund of paid permit fees, if any, that may be refunded in accordance with Schedule "A" or in the case of:

- 7.1.1. Withdrawal of an application,
- 7.1.2. Abandonment of an application pursuant to subsection 4.10 above, refusal to issue a permit, or

7.1.3. Request for revocation of a permit pursuant to Clause 8(1) (e) of the Act.

8. **PERMIT REVOCATION, DEFERRAL OF REVOCATION OR TRANSFER**

8.1. Revocation of Permit - Prior to revoking a permit under Clauses 8(10) (b) and (c) of the Act, the Chief Building Official shall give written notice of intention to revoke to the permit holder at his last known address and if on the expiration of thirty (30) days from the date of such notice, the ground for revocation continues to exist, the permit may be revoked without further notice and all submitted plans and other information may be disposed of.

8.2. Deferral of Revocation - On receipt of a notice of intention to revoke a permit, a permit holder may request in writing within thirty (30) days from the date thereof the Chief Building Official to defer the revocation of such permit.

8.2.1. A request for deferral shall set out the reasons why the permit should not be revoked and the date by which the work will commence or resume.

8.2.2. Having considered the circumstances of the request and having determined that there have been no changes to the Act and the Building Code and any other applicable law which would have prevented the issuance of the original permit, the Chief Building Official may allow a deferral to a prescribed date, and shall notify the permit holder.

8.3. A request for deferral of revocation is subject to a fee in accordance with Schedule "A"

9. **NOTICE REQUIREMENTS FOR INSPECTIONS**

9.1. Notices for inspections respecting stages of construction required by the Building Code shall be given by the permit holder to the Chief Building Official at least two business days in advance of each stage of construction specified therein.

9.2. The Township will attempt to have the site inspection performed as expeditiously as possible; however, staffing constraints, workload and demand will not allow us to comply 100% of the time.

9.3. A notice pursuant to this section is not effective until written or oral notice is received by the Chief Building Official.

10. **PRESCRIBING FORMS**

10.1. Pursuant to section 7 (f) of the Act, the forms prescribed for use as applications for permits, for orders and for inspection reports shall be as set out in Schedule "B" to this By-Law.

11. **SEVERABILITY**

11.1. Should any section, subsection, clause or provision of this By-Law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-Law as a whole or any part thereof, other than the part so declared to be invalid.

12. **THAT** this by-law be retroactive to January 1, 2007;

13. **THAT** by-law No.1995-2 is hereby repealed.

READ a 1st and 2nd time this 16th day of March 2007.

READ a 3rd time short and finally passed this 16th day of March 2007.

REEVE – TAMMY LEA SONNENBURG

CLERK - MELINDA REITH