

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK

BY-LAW NUMBER 99 - 03

Being a By-law of the Township of Assiginack respecting construction, demolition, change of use permits, inspections and fees.

WHEREAS Section 7 of the Building Code Act, 1992 authorizes a municipal council to pass certain by-laws respecting construction, demolition, change of use permits, inspection and for charging certain fees therefor;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK HEREBY ENACTS AS FOLLOWS:

1. Short Title: This By-law may be cited as "the Building By-law".

2. Definitions

In this By-law,

(1) a) "Act" means the Building code Act, 1992, including amendments thereto.

b) "Applicant" means the owner of a building or property who applies for a permit or any person authorized in writing by the owner to apply for a permit on the owner's behalf, or any person or corporation empowered by statute to cause the demolition of a building(s) and anyone acting under the authority of such person or corporation.

c) "As constructed plans" means as constructed plans as defined in the Building Code.

d) "Building(s)" means a building as defined in Section 1(1) of the Act.

e) "Building Code" means the regulations made under Section 34 of the Act.

f) "Building sewer" means that part of drainage piping outside a building or other structure that connects a building drain to a main sewer or, where the place of disposal of the sewage is on the property, to the place of disposal on the property, and that commences at a point one metre (3.28 feet) from the outer face of the wall of the building or other structure and terminates at the property line or place of disposal on the property.

g) "Chief Building Official" means the Chief Building Official appointed by Council under Section 3 of the Act.

h) "Council" means the Council of the Township of Assiginack

i) "Fixture" means a receptacle or equipment that receives water, liquids or sanitary sewage and discharges water, liquids or sanitary sewage directly into drainage piping.

j) "Municipality" means the Corporation of the Township of Assiginack.

k) "Owner" means the registered owner of the land and includes a lessee, mortgagee in possession and the person in charge of the property.

l) "Permit" means written permission or written authorization from the Chief Building Official to perform work regulated by this By-law and the Act, and the Building Code or to occupy a building or part thereof prior to its completion.

m) "Permit holder" means the person to whom the permit has been issued and who assumes the primary responsibility for complying with the Act and the Building Code.

n) "Plumbing" means plumbing as defined in Section 1(1) of the Act.

(2) Terms not defined in this By-law shall have the meaning ascribed to them in the Act or the Building Code.

3. Classes of Permits

Classes of permits required for construction, demolition and change of use, or occupancy of a partially complete building as set forth in Schedule "A" attached hereto and forming part of this By-law.

4. Permit Applications

To obtain a permit, an applicant shall file an application in writing by completing the forms(s) prescribed and available from the Chief Building Official and satisfy the following:

(1) Where application is made for a building permit under subsection 8(1) of the Act, the application shall:

- a) identify and describe in detail the work, use and occupancy to be covered by the permit for which application is made;
- b) identify and describe in detail the existing use(s) and the proposed use(s) for which the premises are intended;
- c) include the legal description, the municipal address and where appropriate the unit number of the land on which the work is to be done;
- d) include complete plans and specifications as described in this By-law for the work to be covered by the permit and show the occupancy of all parts of the building;
- e) state the valuation of the proposed work including materials and labour;
- f) be accompanied by the required fees as calculated in accordance with Schedule "B";
- g) state the name, address and telephone number of the owner, and if the owner is not the applicant, the applicant's name, address and telephone number and the signed statement of the owner consenting to the application;
- h) where applicable, state the name, address and telephone number of the architect, engineer or other designer, and the constructor or person hired to carry out the construction or demolition;
- i) when Section 2.3 of the Building Code applies, be accompanied by a signed acknowledgement of the owner 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;
- j) when Section 2.3 of the Building Code applies, be accompanied by a signed statement of the architect or professional engineer, or both, undertaking to provide a general review of the construction or demolition of the building.
- k) include the applicant's registration number where and applicant is a builder or vendor as defined in The Ontario New Home Warranties Plan Act;

- l) include, if the Chief Building Official deems appropriate, a signed statement of the owner acknowledging the zoning and permitted uses applicable to the land on which the work is to be done; and
 - m) be signed by the applicant who shall certify as to the truth of the contents of the application.
 - (2) Where application is made for a demolition permit under subsection 8(1) of the Act, the application shall:
 - a) Contain the information and other requirements provided in subsection 4(1)
 - b) Be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the termination and capping of all water, sewer, electric, telephone or other utilities or services.
 - (3) Where application is made for a conditional permit under subsection 8(3) of the Act, the application shall:
 - a) Contain the information and other requirements provided in subsection 4(1)
 - b) Contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require
 - c) State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted
 - d) State the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained
 - e) State the time in which plans and specifications of the complete building will be filed with the Chief Building Official
 - f) Require the owner and such other persons as the Chief Building Official determines to enter into an agreement with the municipality.
 - (4) Where application is made for a change of use permit under subsection 10(1) of the Act, the application shall:
 - a) Contain the information and other requirements provided in subsection 4(1)
 - b) 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, ceiling, floor or roof assemblies identifying required fire resistance ratings and load bearing capacities.
 - (5) Where the conditions in subsection 4(6) have been fulfilled and where all necessary approvals which must be obtained in respect of the proposed building or project have obtained, in Chief Building Official may, in a chase where he or she deems it proper, issue a building permit for a part of the building or project.
 - (6) Where a building permit is issued for part of a building or project, this issuance shall not be construed to authorize construction beyond the plans for which approval was given or to obligate the Chief Building Official to grant any further permit or permits.
 - (7) Where application is made to occupy an unfinished building, the application shall:
 - a) Indicate the total number of units proposed for occupancy
 - b) Indicate the total floor area proposed for occupancy

- c) Be accompanied by confirmation from the following authorities that the building is appropriate for occupancy:
 - i) the applicable Hydro authority
 - ii) the applicable Fire Department
 - iii) if the building is not connected to the municipal sewer, the Sudbury and District Health Unit
 - iv) the municipality's public works department
 - v) if the building is subject to site plan control, the municipality's site plan control department
 - d) Include the final plumbing certificate
 - e) Where the building(s) was designed by an architect, engineer, or both, the opinion in writing of the architect or engineer that the work in the partially completed portion conforms to the Building Code.
- (8) Where the conditions in subsection 4(9) have been fulfilled, the Chief Building Official may, in a case where he or she deems it proper, in accordance with Section 2.4.3 of the Building Code, issue a permit to occupy a partially completed building.
- (9) Where application is made for a permit to erect a tent, air-supported structure or temporary structure, the application shall:
- a) Contain the information and other requirements provided in subsection 4(1)
 - b) Include plans and specifications that contain sufficient information to establish compliance with the requirements of Section 3.1.6. of the Building Code, including: floor plans, and a site plan
- (10) Where compliance with all of the requirements for a permit application is unnecessary or unreasonable, the Chief Building Official may, in cases where he or she deems appropriate, authorize deletion of one or more of the requirements provided the intent and purpose of this By-law is maintained.
- (11) Where an application for a permit remains incomplete or inactive or one year 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, Specifications, Documents and Information

- (1) Every applicant shall furnish sufficient plans, specifications, documents and other information to enable the Chief Building Official to determine whether the proposed construction, demolition, change of use or occupancy conforms to the Act, the Building Code, municipal By-laws and any other applicable law including, without limiting the generality of the foregoing:
- a) zoning By-law approval
 - b) if applicable, a duly executed Site Plan Control Agreement
 - c) if applicable, engineering approvals for local municipal services required by By-law
 - d) if applicable, the approval of Ontario Hydro
 - e) if applicable, Occupational Health and Safety Act approval from the Ministry of Labour

- f) if applicable, Environmental Protection Act or Environmental Assessment Act approval from the Ministry of Environment
 - g) if applicable, Health Protection and Promotion Act approval from the Sudbury and District Health Unit
 - h) if applicable, the approval of the local fire department or the Office of the Fire Marshall
- (2) The Chief Building Official shall determine the number of plans, specifications documents and other information required to be furnished with an application for a permit having regard for the requirements of any Act, regulation or By-law respecting the examination or circulation of the application.
- (3) Plans submitted shall be legible and drawn to scale on paper, cloth or other suitable and durable material. If required by the Chief Building Official, the applicant shall provide working drawings as set out in Schedule "C" attached hereto and forming part of this By-law.
- (4) Site plans submitted shall be referenced to a current survey certified by a registered Ontario Land Surveyor and a copy of the 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 all other applicable law.
Site plans shall show:
- a) lot size and dimensions of the property
 - b) setbacks from existing and proposed buildings to the property boundaries and to each other
 - c) existing and finished ground levels or grades
 - d) existing right-of-ways, easements and municipal services
 - e) existing and proposed entrances and exits
 - f) the location and dimensions of required parking areas
 - g) culverts drainage patterns and watercourses
 - h) existing and proposed utility plants above grade, including poles and anchors
 - i) the legal description of the property, and if available, the municipal address
- (5) On completion of the construction of a building, the Chief Building Official may require that a set of as constructed plans of the building or any class of buildings, including a plan of survey showing its location, be provided.
- (6) The Chief Building Official may refuse an application if any of the above is deemed to be incomplete or insufficient at the time of application
- (7) Plans, specification, and other documents provided in accordance with this By-law or otherwise required by the Act become the property of the municipality.

6. Equivalentents

- (1) 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:
- a) 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 required by the Building Code.

7. Revision to Permit

- (1) 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
- (2) The fees for revising a permit, reviewing new plans and repeating inspections shall be as set out in Schedule "A".

8. Transfer of Permit

- (1) If the registered owner of the land to which the permit applies changes, the permit is transferable to only upon the new owner completing a permit application, to the requirements of Section 4. The new owner shall then be the permit holder for the purpose of the Act and the Building Code and assume all responsibilities for compliance with the permit documents.

9. Refunds

- (1) In the case of withdrawal or abandonment of an application, or the refusal or revocation of a permit, and upon written request by the permit holder, the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the permit holder, if any, in accordance with Schedule "A" attached hereto and forming part of this By-law and the decision of the Chief Building Official is final.
- (2) No refund shall be made after a period ending one (1) year after the final inspection of a building, whichever occurs first.
- (3) No refund shall be made if the calculated refund for any individual permit is less than fifty (\$50) dollars.

10. Revocation

- (1) The Chief Building Official may revoke a permit:
 - a) if it was issued on mistaken, false or incorrect information
 - b) if, after 1 year after its issuance, the construction or demolition in respect of which it was issued has not, in the opinion of the Chief Building Official, be seriously commenced
 - c) if the construction or demolition of the building is, in the opinion of the Chief Building Official, substantially suspended or discontinued for a period of more than one year
 - d) if it was issued in error
 - e) if the holder requests in writing that it be revoked
 - f) if a term of an agreement, made pursuant to Section 8(3) of the Act, has not been complied with

11. Notice Requirements

- (1) Notices required by Section 2.4.5. of the Building Code shall be given by the permit holder to the Chief Building Official at least three (3) business days in advance of the stages of construction specified therein.
- (2) A notice pursuant to this section is not effective until written or oral notice is actually received by the Chief Building Official, by a Building Inspector or designate.

12. Fees

- (1) Fees for a required permit shall be as set out in Schedule "A" and are due and payable upon submission of an application for a permit
- (2) Fees for inspections and inquiries shall be as set out in Schedule "A" and are due and payable upon request for such information or inspection
- (3) No permit shall be issued or no inspection or inquiry request processed until the fees therefor have been paid in full
- (4) Where the fees payable in respect of an application for a building 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 the cost of valuation of the proposed work, the cost of valuation of the proposed work shall mean the total cost of all work regulated by the permit including the value of all material, labour and equipment but excluding the cost of land or landscaping
- (5) Where the fees payable in respect of an application for a building or demolition permit issued under subsection 8(1) of the Act or a conditional permit issued under subsection 8(3) of the Act are based on floor area, floor area shall mean the total area of all floors measured from the exterior faces of the exterior walls but shall exclude unfinished basements
- (6) Where application is made for a conditional or partial permit, fees shall be paid for the complete project
- (7) Where fees payable in respect of an application for a change of use permit issued under subsection 10(1) of the Act are based on floor area, floor area shall mean the total floor area of all storeys subject to the change of use
- (8) The Chief Building Official may place a valuation on the cost of the proposed work for the purposes of establishing the permit fee, and where disputed by the applicant, the applicant shall pay the required fee under protest and, within six months of completion of the project, shall submit an audited statement of the actual costs satisfactory to the Chief Building Official and where the audited costs are determined to be less than the valuation, the Chief Building Official shall issue the appropriate refund
- (9) Works carried out under the authority of the municipality are here by exempted from payment of fees imposed in this section

13. Offence/Penalty

- (1) Every person who contravenes any provision of this By-law is guilty of an offence
- (2) Every person who is convicted of an offence is liable for a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33.

14. Validity

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 part thereof, other than the part so declared to be invalid.

15. Date of Effect

That this By-law shall come into force and take effect on the 1st day of January 1999.

16. Administration Fee

An administration fee of \$50 shall be collected from any person not obtaining a building permit prior to commencing construction.

17. Repeal

By-law Number 94-14 as amended is hereby repealed.

18. Schedule "A", Schedule "B" and Schedule "C" are attached and form part of this By-law.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 6th day of January, 1999.


Reeve


Clerk