

THE CORPORATION OF THE TOWNSHIP OF MCMURRICH/MONTEITH

BY-LAW 8-2005

BEING a by-law respecting Construction, Demolition, Inspections, and to set out the rates for permits, and to repeal BY-LAW #8-99.

WHEREAS Section 7 of the Building Code Act, S.O. 1992, c.23, as amended by S.O. 1997, c. 24, and S.O. 1997, c.30, Schedule B, empowers Council to pass certain by-laws respecting construction, demolition, change of use permits and inspections.

NOW THEREFORE, the Council of the Corporation of the Township of McMurrich/Monteith enacts as follows:

THAT building permits will be required for the construction, erection, alteration, repair, removal, relocation and change of use of all buildings or structures within the Township of McMurrich/Monteith. That building permits will be required for plumbing installations, not included in a complete building package and would include but not be limited to additions and major repairs. That all permits issued shall comply with the provisions of the Official Plan and requirements of the Zoning By-Law, (when they come in force). That all permits will be issued and all inspections will be performed by the Chief Building Official for the Township of McMurrich/Monteith, in accordance with this By-Law and the Ontario Building Code, and that the set backs and fees for all permits will be set in Schedule "A" attached to this By-Law.

SECTION 1. CITATION

1. This By-law may be cited as the Building By-law.

SECTION 2: DEFINITIONS

- 2.1 "Act" means the Building Code Act, 1997, including amendments thereto.
- 2.2 "applicable Law" as defined under part 1.1.3.3. of the Code.
- 2.3 "architect" means for the purpose of the Act and the Code, holder of a license, a certificate of practice or a temporary license under the Architects Act.
- 2.4 "as construction plans" means as defined in the Building Code.
- 2.5 "Building" means as defined in Section 1(1) of the Act.
- 2.6 "Building Code (code)" means regulations made under Section 34 of the Act.
- 2.7 "Building Services" means heating, ventilation and air conditioning as defined in Part 6 of the Building Code.
- 2.8 "construct (construction)" 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.
- 2.9 "C.B.O." means the Chief Building Official appointed by a By-law of the Corporation of the Township of McMurrich/Monteith for the purpose of enforcement of the Act, the Building Code and the Building By-law.
- 2.10 "Corporation" means the Corporation of the Township of McMurrich/Monteith.
- 2.11 "Designer" means the person responsible for the design.
- 2.12 "Farm Building" means as defined in the Building Code.
- 2.13 "Permit" means written permission or written authorization from the C.B.O. to perform work regulated by this By-law, the Act and the Code.
- 2.14 "Plumbing" means as defined in Section 1(1) of the Act.
- 2.15 "principal authority" means
 - a. the Crown
 - b. the council of a municipality
 - c. an upper-tier municipality that has entered into an agreement under subsection 3(5), 6.1(1) or 6.2(1)
 - d. a board of health that has been prescribed for the purpose of subsection 3.1(1) or has entered into an agreement under subsection 6.1(2) or (3) or 6.2 (2)
 - e. a planning board that has been prescribed for the purpose of subsection 3.1(1) or
 - f. a conservation authority that has been prescribed for the purpose of subsection 3.1(1) or has entered into an agreement under subsection 6.2(2).
- 2.16 "sewage system" means a sewage system as defined in Section 1(1) of the Act.

SECTION 3: CLASS OF PERMITS

- 3.1 Classes of permits with respect to the construction, demolition, and change of use of buildings and permit fees shall be set out in Schedule “A” to this By-law.

SECTION 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 written form by completing the prescribed form available at the Municipal Office, or from the C.B.O. The timeline for a decision on issuing a permit will be as required by the Building Code Act, Section 2.4.1.1.(b)
- 4.2 Every 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, and occupancy, to be covered by the permit for which application is made; and
 - b) Describe the land on which the work is to be done, by a description or Plan that will readily identify and locate the building lot; and
 - c) Include a minimum of two sets of complete plans and specification for the work to be covered by the permit, and show the occupancy of all parts of the building; and
 - d) State the valuation of the proposed work, including materials and labour, and be accompanied by the required fee; and
 - e) State the names, addresses and telephone numbers of the owner, architect, or engineer, where applicable, or other designer or contractor; and
 - 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 agent, who shall certify the truth of the contents of the application.
- 4.3 Where application is made for a demolition permit, class 7 permit, the owner or agent shall file an application in writing on a form available at the Municipal Office.
- 4.4 Every application for a change of use permit of an existing building or structure, even though no construction is proposed, class 9 permit, issued under subsection 10(1) of the Act shall be submitted to the Chief Building Official, and shall:
- a. describe the building in which the occupancy is to be changed, be 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 a building for which the application is made,
 - c. include plans and specifications showing 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, and roof assemblies identifying required fire resistance ratings and load bearing capacities, details of the existing “sewage system”, if any,
 - d. be accompanied by the required fee,
 - e. state the name, address and telephone number of the owner,
 - f. be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.
- 4.5 Where an application is made for a plumbing permit, the application shall include:
- (a) an application
 - (b) drawings
 - (i) for a drainage system, existing, a proposed addition, and/or alterations to an existing system.
 - (ii) for venting system, existing, a proposed addition and/or alterations to an existing system.
 - (iii) for water system, existing, a proposed addition and/or alterations to an existing system.
 - (iv) for a sewage system, existing, a proposed addition and/or alterations to an existing system.
- 4.6 Where an application is made for a conditional permit, under subsection 8(3) of the

Act, the application shall:

- a) Contain the information required by Clauses 4.2.2.1 to 4.2.2.4; and
- b) Contain such other information, plans, and specifications, concerning the complete project, as the Chief Building Official may require; and
- c) State the reasons why the applicant believes that unreasonable delays in construction would occur, if a conditional permit is not granted; and
- 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; and
- e) State the time in which plans and specification of the complete building will be filed with the Chief Building Official; and
- f) Enter into a performance agreement, complete with deposit, as specified

4.7 Where an application is made for Building Services, the application shall include:

- (a) an application and
- (b) drawings
 - (i) for heating system, existing, a proposed addition, and/or alterations to an existing system.
 - (ii) for ventilation system, existing, a proposed addition, and/or alterations to an existing system.
 - (iii) for air condition system, existing, a proposed addition, and/or alterations to an existing system.

4.8 REVISION

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 by the property owner or agent to the C.B.O. together with the details of such change which is not to be made without the written authorization of the C.B.O.

4.9 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 following shall be provided:

- (a) a description of the proposed material, system or building design for which authorization 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.
- (d) the equivalent applied for, can not be used until the C.B.O. in writing, has allowed the use of the proposed equivalent and the reasons, in the C.B.O.'s opinion, the equivalent will provide the level of performance required by the Building Code.

4.10 REVOCATION OF PERMITS

Subject to section 8.10 of the Act, the C.B.O. may revoke a permit issued under this Act:

- (a) if it was issued on mistaken, false, or incorrect information
- (b) if, after six (6) months from its issuance, the construction or demolition in respect of which it was issued has not, in the opinion of C.B.O., been seriously commenced
- (c) if the construction or demolition of the building is, in the opinion of the C.B.O., substantially suspended or discontinued for a period of more than one year;
- (d) if it was issued in error
- (e) on the holders requests in writing that it be revoked
- (f) if a term of the agreement under Clause (3)(c) (conditional permits) had not been complied with.

4.11 SEWAGE SYSTEM PERMIT

Pursuant to Subsection 3.1(1) of the Act, the North Bay Mattawa Conservation Authority shall enforce the provisions of the Act and the building code related to

sewage systems.

SECTION 5: PLANS & SPECIFICATIONS

- 5.1 Sufficient information shall, unless otherwise specified with each application for a permit to enable the C.B.O. to determine whether or not the proposed construction, demolition or change of use will conform with the Act, the Building Code and any other applicable law.
- 5.2 Each application shall, unless otherwise specified by the C.B.O., be accompanied by two (2) complete sets of plans and specifications required under this by-law.
- 5.3 Plans shall be neatly drawn, be legible and may be metric or imperial measurements and drawn to scale.
- 5.4 Plans vary depending on the type of construction and may require all or any part of the following:
- a) site plan
 - b) foundation plan
 - c) floor plan
 - d) framing plan
 - e) roof plan
 - f) sections and details
 - g) building elevations
 - h) electrical drawings
 - i) heating, ventilation and air conditioning
 - j) plumbing drawings

SECTION 6: SITE PLAN

- 6.1 Site plans should be referenced to an up to date survey, if available. New surveys will only be required when needed to demonstrate compliance with the Act, the Building Code, the Municipal Zoning By-law or any other applicable law.
- 6.2 Site plans shall be drawn to scale and show:
- a) Title, location and name of owner
 - b) lot size and dimensions of property lines with north marked
 - c) existing buildings and set backs from property lines
 - d) proposed buildings and setbacks from property lines
 - e) existing and finished ground levels and grades
 - f) existing right-of-way and easements
 - g) existing ground levels and grades in flood plain areas
 - h) proposed fire access routes – location and dimensions of access driveways and proposed fire routes
 - i) location of existing and proposed septic and well

SECTION 7: PAYMENT OF FEES

- 7.1 Fees for a required permit shall be as set out in Schedule “A” to this By-law and are due and payable upon submission of an application for a permit.
- 7.2 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 issued under subsection 8(3) of the Act are based on a floor area, floor area shall mean the total floor space of all **storeys above grade and/or below grade** (as set out in schedule A) measured as the horizontal area between the exterior walls of a building.
- 7.3 Where the fees payable in respect of an application for construction permit 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 cost of all material, labour, equipment, overhead and professional and related services.

SECTION 8: REFUNDS

- 8.1 In the case of withdrawal of an application or the abandonment of all or a portion of the

work or the non commencement of any project, 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 "B" attached to and forming part of this By-law.

SECTION 9: NOTICE OF REQUIREMENTS FOR INSPECTIONS

9.1 The owner or authorized agent shall notify the Chief Building Official at least two business days prior to each stage of construction for which notice in advance is required under the Building Code.

9.2 Inspections may be required for any or all, but is not limited to, the following stages:

- a) Site plan
- b) Readiness to construct footings
- c) Drainage, damp proofing, waterproofing
- d) plumbing - underground
- e) framing
- f) plumbing rough-in
- g) insulation/building services
- h) fire protection & fire access routes
- i) solid fuel fired appliances
- j) plumbing final
- k) occupancy
- l) final inspection

SECTION 10: PRESCRIBING FORMS

10.1 The forms prescribed for use as application for permits, for order and for inspection reports shall be set out in Schedule "C"

SECTION 11: AS CONSTRUCTED PLANS

11.1 The Chief Building Official may require that a set of plans of a building or any class of buildings as constructed be filed with the Chief Building Official on completion of construction under such conditions as may be prescribed in the Building Code.

SECTION 12: CODE OF CONDUCT

12.1 Under Subsection 7.1(1) of the Act, the Chief Building Official and inspectors shall follow the guidelines as set out in Schedule "D"

SECTION 13: TRANSFER OF PERMIT

13.1 An active permit may be transferred from an existing property owner to the new property owner, when the property changes ownership, if the request is submitted with the appropriate fee. (See Schedule A)

NOTE: Where this article conflicts with any legislation, regulation or other by-law, the more restrictive applies.

This By-law shall come into force and take effect on the day of passing.

Read a first and second time this 6th day of June , 2005.

Read a third and final time, signed and the seal of the Corporation affixed thereto and finally passed Council this 16th day of June , 2005.

Reeve

Clerk