

THE CORPORATION OF THE TOWNSHIP OF MCMURRICH/MONTEITH

BY-LAW No. 15-2015

Being a By-law to Provide for the Administration and Enforcement of the *Building Code Act, 1992* with the Township of McMurrich/Monteith

WHEREAS Subsection 3(1) of the *Building Code Act, 1992*, s.o. 1992 c.23 as amended, provides that the Council of the Corporation of the Township of McMurrich/Monteith is responsible for the enforcement of the Building Code Act, 1992 within the Township of McMurrich/Monteith; and

WHEREAS Section 7 of the *Building Code Act, 1992* authorizes the Council of a municipality to pass certain By-laws prescribing classes of permits, permit application documents, fees, inspections, and other related matters;

NOW THEREFORE the Corporation of the Township of McMurrich/Monteith enacts as a by-law the following;

THAT building permits will be required for the construction, erection, alteration, repair, removal, relocation and the 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 the complete building package and would include but not be limited to additions and major repairs;

THAT all permits issued by the C.B.O. shall comply with the provisions of the Township of McMurrich/Monteith Official Plan and requirements of the Township of McMurrich/Monteith Zoning By-law,

THAT all permits will be issued by the C.B.O. and all inspections will be performed by the C.B.O. or Building Inspector for the Township of McMurrich/Monteith in accordance with this By-law and the Ontario Building Code; and

THAT the fees for all permits will be as set out in Schedule "A" attached to this by-law.

1. SECTION 1 - SHORT TITLE

1.1 This By-law may be cited as the "Building By-law"

2. SECTION 2 – DEFINITIONS

2.1 In this By-law,

2.1.1 **Act** means the Building Code Act, 1992, as amended, including amendments thereto.

2.1.2 **As Constructed Plans** means as defined in the Building Code.

2.1.3 **Building** means as defined in Section 1. (1) of the Act.

2.1.4 **Building Code** means the Regulations made under Section 34 of the Building Code Act.

2.1.5 **C.B.O.** means the Chief Building Official appointed by the By-law of the Corporation of the Township of McMurrich/Monteith for the purposes of enforcement of the Act the Building Code and the Building By-law.

2.1.6 **Corporation** means the Corporation of the Township of McMurrich/Monteith.

- 2.1.7 **Permit** means written permission or written authorization from the C.B.O. to perform work regulated by this By-Law, the Act and the Building Code.
- 2.1.8 **Plumbing** means as defined in Section 1 (1) of the Act.
- 2.1.9 **Re-inspection** means an inspection that is required due to the Work subject to inspection not being completed at the time of the original request for inspection.

3. SECTION 3 - CLASSES OF PERMITS

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

4. SECTION 4 - REQUIREMENTS FOR APPLICATIONS

- 4.1 To obtain a permit the owner or an agent authorized by the owner shall file an application in writing by completing a prescribed form available at the office of the C.B.O. or from the municipal website www.McMurrich/Monteith.com, or www.obc.mah.gov.on.ca
- 4.2 All applications shall include a statement, signed by the property owner, setting out the purpose for which the building permit is intended.
- 4.3. Where application is made for a building permit under subsection 8(1) of the Act, the application shall:
 - 4.3.1 Identify and describe in detail the work and the occupancy to be covered by the permit for which application is made.
 - 4.3.2 Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot.
 - 4.3.3 Include a minimum of two sets of complete plans and specifications for the work to be covered by the permit and show the occupancy of all parts of the building.
 - 4.3.4 State the valuation of the proposed work including materials and labour and be accompanied by the required fee.
 - 4.3.5 State the names, addresses and telephone numbers of the owner and of the architect or engineer, where applicable, or other designer or contractor.
 - 4.3.6 Be accompanied by a written acknowledgment of the owner that he or she has retained an architect or professional engineer to carry out the field review of the construction where required by the Building Code; and
 - 4.3.7 Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.
- 4.4 Where the application is made for a demolition permit under subsection 8(1) of the act, the application shall,
 - 4.4.1 Contain the information required by clause 4.3.1 to 4.3.7
 - 4.4.2 May be required to be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting off and plugging of all electric, telephone or other utilities and services.
- 4.5 Where the application is made for a conditional permit under subsection 8(3) of the act, the application shall:
 - 4.5.1 Contain the information required by clause 4.3.1 to 4.3.7

- 4.5.2 Contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require.
 - 4.5.3 State the reasons why the applicant believes that unreasonable delays in the construction would occur if a conditional permit is not granted.
 - 4.5.4 State the necessary approvals, which must be obtained in respect of the proposed building and the time in which such approvals will be obtained.
 - 4.5.5 State the time in which plans and specifications of the complete building will be filed with the Chief Building Official.
- 4.6 Change of Use Permits
- 4.6.1 Every applicant for a change of use permit issued under subsection 10(1) of the Act shall be submitted to the Chief Building Official and shall,
 - 4.6.2 Describe the building in which the occupancy is to be changed, by the description that will readily identify and locate the building,
 - 4.6.3 Identify and describe in detail the current and proposed occupancies of the building or part of the building for which the application is being made,
 - 4.6.4 Include the 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 the wall, ceiling and roof assemblies, identifying required fire resistance ratings and load bearing capabilities,
 - 4.6.5 State the name, address and telephone number of the owner, and
 - 4.6.6 Be signed by the owner or his or her authorized agent who will certify the truth of the contents of the application.
- 4.7 The prescribed forms for permits in class 1,2,3,4,5,6,8,9,10 and 11 may include but not be limited to:
- (a) an application
 - (b) a site plan
 - (c) building plans or drawings including
 - (i) floor plans
 - (ii) cross section
 - (iii) elevation drawings
 - (d) certificate of approval for septic system
 - (e) entrance permit
 - (f) civic address property identification number
- 4.8 Where an application is made for plumbing permit, class 12 permit, the application shall include:
- (a) an application
 - (b) drawings
 - (i) for a drainage system, existing and proposed addition or repairs;
 - (ii) for venting systems, proposed addition or existing and repairs;
 - (iii) for a water system, proposed addition or existing and repairs;
 - (iv) for sewage system, proposed addition or existing and repairs;
- 4.9 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 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..

4.10 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 2.1 Division C of the Ontario Building Code is requested, the following information shall be provided:

- a) a description of the proposed material, system or building design for which authorization under Section 2.1 Division C of the Ontario Building Code 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.

4.11 Revocation of Permits.

Subject to section 25 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 months after its issuance, the construction or demolition in respect of which it was issued has not, in the opinion of the 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) if the holder requests in writing that it be revoked;
- (f) if a term of the agreement under clause 4.5 (Conditional Permits) has not been complied with.

5. SECTION 5 - PLAN & SPECIFICATIONS

5.1 Sufficient information shall be submitted 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 complete sets of the plans and specifications required under this by-law.

5.3 Plans shall be neatly drawn to a scale referenced on the drawing, be legible and may be in metric or imperial.

5.4 Plans vary depending on the type of construction and may require all or any part of the following:

- (a) the site plan sketch
- (b) floor plans
- (c) foundation plans
- (d) framing plans
- (e) roof plans
- (f) sections and details
- (g) building elevations
- (h) electrical drawings
- (i) heating, ventilation and air conditioning drawings
- (j) plumbing drawings
- (k) sewage system

6. SECTION 6 - SITE PLAN DRAWINGS

- 6.1 Site plan drawings should be reference 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 Verification by an Ontario Land Surveyor of by-law compliance may be required before proceeding past foundation state, if required by the C.B.O.
- 6.3 Site plan drawings shall show,
- (a) lot size and dimensions of property lines
 - (b) existing buildings and set backs from property lines
 - (c) proposed buildings and set back from property lines
 - (d) existing ground levels and grades in flood plain areas
 - (e) existing rights-of-way or easements.

Set backs:

Buildings and other accessory buildings must be set back a minimum of 55 ft (18m) from the center line of street or road allowance, and a minimum of 10ft (3m) from lot side lines, and 66 ft (20m) from the shoreline of any waterway. Boat houses are an exception to the shoreline set back, but would require an environmental study by the owner before a permit will be considered.

Properties fronting on Hwy 518 must meet M.T.O. setbacks.

7. 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 receipt of permit.
- 7.2 Any owner who commences construction without first obtaining and posting a building permit shall be charged double the fee in Schedule "A" and also is liable to the penalties provided by the Ontario Building Code Act.
- 7.3 Where the fees payable in respect of an application for a construction permit are based on a floor area, floor area shall mean the total space of all stories above grade (or below grade for an underground home) measured as the horizontal area between the exterior walls of the building.
- 7.4 Where the fees payable in respect of an application for a construction permit are based on the cost of valuation of the proposed work shall mean the total costs of all work regulated by the permit including the cost of all material, labour, equipment, overhead and professional and related services.

8. 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 "A" attached to and forming part of this By-law. Application for refund must be made within 6 months of the date of permit application in order to be eligible for a refund of any permit fee.

9. SECTION 9 - NOTICE REQUIREMENTS FOR INSPECTIONS

- 9.1 The owner or agent shall notify the C.B.O. at least 48 hours (2 business days) in advance for inspections.

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

- (a) completion of excavation
- (b) before backfill
- (c) framing
- (d) insulation
- (e) plumbing and heating
- (f) exterior finish
- (g) final inspection

10. SECTION 10 – POSTING OF PERMIT

10.1 A building or demolition permit issued by the Chief Building Official shall be permanently displayed in clear view at the site of the work.

11. SECTION 11 – ENFORCEMENT AND PENALTIES

11.1 Any person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, is liable to the provisions and penalties prescribed in the Act.

11.2 In addition to any penalties imposed through prosecution of an offence pursuant to this By-law, the Township of McMurrich/Monteith is entitled to use all legal means at its disposal to collect the fees applicable pursuant to this By-law. Any and all collection methods lawfully applicable may be relied upon, including placement of unpaid fees on the tax collector’s roll for the property in question.

12. SECTION 12 - REPEAL CLAUSE

12.1 By-Law 2005-08 of the Corporation of the Township of McMurrich/Monteith is hereby repealed.

READ a first and second time this 4 day of May, 2015.

Joanne Griffiths, Reeve

Cheryl Marshall, Clerk-Treasurer

READ a third and final time and enacted in Open Council this 1st day of June, 2015.

Joanne Griffiths, Reeve

Cheryl Marshall, Clerk-Treasurer

THE CORPORATION OF THE TOWNSHIP OF MCMURRICH/MONTEITH

SCHEDULE “A” to By-law No. 15-2015

Permit Fees - \$12.00 per \$1000.00 of value of total Construction Costs

Classes of Permits	Description / Example	Cost
1. A permit for the construction or addition of a building or structure within the meaning of the Act and the code and which use is intended for human habitation	Residential Single or first story	\$ 75.00 sq. ft.
	Upper stories or 1 ½ or 2 stories	\$ 75.00 sq ft.
2. A permit for the construction of foundation/basements under existing buildings.	Residential Foundations/basements Under existing buildings	\$ 40.00 sq ft.
3. A permit for the construction of a guest sleeping cabin without service and enclosed additions to trailers.	Residential	\$ 200.00
4. A permit for the construction of a guest sleeping cabin with services	Residential	\$ 75.00 sq ft.
5. A permit for the construction of a garage, attached or detached	Garages/Boat House	\$ 40.00 sq ft.
6. A permit for the construction or addition of a building or structure and which use is intended to compliment the main residential use	Storage Sheds Docks Fire Places Swimming Pools	\$40.00 sq ft.
7. A permit to alter, repair, renovate or do a material alteration to a material alteration to a building or structure within the meaning of the Act and the Code.	Minor Repairs	\$ 200.00
	Major Repairs – to be determined by C.B.O	
8. A permit do demolish a building or structure or a material part thereof within the meaning of the Act and the Code.		\$ 150.00
9. A permit to locate a building or structure within the meaning of the Act and the Code. Minimum permit fee	Residential 50% of class 1 Accessory permit fee	\$ 200.00
10. A permit to change the use of existing building or structure even though no construction is proposed.	From Residential	\$ 200.00
11. A permit for construction or addition of a farm building other than for human habitation.	Barn Drive Shed	\$40.00 sq. ft.

12.	A permit for the construction or addition of a building or structure within the meaning of the Act and the Code and which use is intended for commercial, industrial or institutional	Complete Structure	\$ 90.00 sq.ft.
		Shell only	\$ 65.00 sq. ft.
13.	A permit for plumbing installations, inside and outside, not included in a complete building package and would include but not be limited to additions and major repairs.	Minimum Permit Fee	\$ 200.00
14.	Renewal		\$ 200.00
15.	Reinspection due to incomplete work or uncorrected deficiencies		\$ 100.00
16.	Minimum Permit Fee		\$ 200.00