

BY-LAW # 2012-24

BEING A BY-LAW RESPECTING CONSTRUCTION, DEMOLITION, CHANGE OF USE PERMITS AND INSPECTIONS

WHEREAS pursuant to the *Building Code Act*, as amended, the Lieutenant Governor in Council has established a Building Code which is in force throughout Ontario to regulate all construction, demolitions extensions, material alterations and changes of use with respect to buildings, for which the Council of the Township of Nairn and Hyman has appointed a Chief Building Official and such inspectors for the proper administration of the said Building Code;

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

NOW THEREFORE the Corporation of the Township of Nairn and Hyman enacts as follows:

1.0 SHORT TITLE

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

2.0 DEFINITIONS

2.1 In this by-law:

- a) "Act" means the Building Code Act, 1992, S.O. 1992, Chapter 23 as amended.
- b) "Applicant" means the owner of a building or property who applies for a permit or any person authorized 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 or buildings 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) "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.
- e) "Building" means a building as defined in Section 1(1) of the Act.
- f) "Building Code" means the regulations made under Section 34 of the Act.
- g) "Chief Building Official" means the chief building official appointed by By-law of the Corporation of the Township of Nairn and Hyman for the purpose of the enforcement of the Act.
- h) "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.
- i) "Corporation" means The Corporation of the Township of Nairn and Hyman.
- j) "Demolition" means to do anything in the removal of a building or any material part thereof.
- k) "Dwelling Unit" means a suite operated as a house keeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

- l) "Farm building" means a farm building as defined in the Building Code.
- m) "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.
- n) "Plumbing" means plumbing as defined in Section 1(1) of the Act.
- o) "Prescribed value" means, as determined by the Chief Building Official, the value of construction of a proposed building or designated structure including the total value of all work, labour, equipment, overhead, services and materials in respect of its construction and of all professional and related services.
- p) "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.
- q) "Sewage system" means a sewage system as defined in Section 1(1) of the Act.
- r) "Substantially completed" means when construction is sufficiently completed in general conformance with the approved plans so that the building can be occupied for the use for which it is intended.

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

3.0 PERMITS

3.1 Classes of Permits

Classes of permits with respect to the construction, demolition and change of use of buildings and permit fees shall be as set forth in Schedule "A" appended to and forming part of this By-law.

3.2 Building Permits

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

- a) use the provincial application form, "Application for a Permit to Construct or Demolish"; and
- b) include complete plans and specifications, documents and other information as required by Article 1.3.1 Division C of the Building Code and as described in this By-law set forth in Schedule "B" of the work to be covered by the permit

3.3 Demolition Permits

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

- a) use the provincial application form, "Application for Permit to Construct or Demolish"; and
- b) include complete plans and specifications, documents and other information as required by Article 1.3.1 Division C of the Building Code and as described in this by-law set forth in Schedule "B" for the work to be covered by the permit.

3.4 Conditional Permits

Where application is made for a conditional permit under subsection 8(3) of the Act, the application shall:

- a) use the provincial application form, "Application for Permit to Construct or Demolish"; and
- b) include complete plans and specifications, documents and other information as required by Article 1.3.1 Division C of the Building Code

and as described in this By-law set forth in Schedule “B” for the work to be covered by the permit.

- 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; and
- e) state the time in which plans and specifications of the complete building will be filed with the Chief Building Official.

3.5 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 for the complete project. 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.

3.6 Change of Use Permits

Every application for change of use 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, by 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 existing “sewage systems”, if any;
- d) be accompanied by the required fee;
- e) state the name, address and telephone number of the owner; and
- f) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

3.7 OCCUPANCY PERMIT FOR AN UNFINISHED BUILDING

Every application for authorization to occupy an unfinished building pursuant to Division C, Subsection 1.3.3 of the Building Code shall:

- a) Identify and describe in detail the occupancy, the date of such occupancy and the building or part thereof for which the application for a permit is made; and
- b) Be accompanied by plans which show the areas of the proposed occupancy; and
- c) Be accompanied by the appropriate fee in accordance with Schedule “A” of this By-law.

3.8 ALTERNATIVE SOLUTIONS, DISPUTES, RULINGS AND INTERPRETATIONS

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 is requested, shall meet the requirements of section 2.1 Division C of the Building Code.

4.0 ADMINISTRATIVE PROCEDURES RELATING TO PERMITS

4.1 Revisions to Permit

After the issuance of a permit under the Act, notice of any material change to a plan, specification, documentation 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.

4.2 Revocation of Permits

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

4.3 Permit Application

To obtain a permit, the owner or agent authorized in writing by the owner shall file an application in writing by completing a prescribed form available from the Chief Building Official, the Building Code website at www.obc.hah.gov.on.ca or the Municipal Website at www.nairncentre.ca. Forms prescribed by the Corporation under clause 7(1)(f) of the Act shall be set out in Schedule "C" to this By-law.

4.4 Plans and Specifications

Sufficient information shall be submitted with each application for a permit to enable the Chief Building Official 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. Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete sets of plans and specifications required under this By-law. Plans 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 "B" to this By-law unless otherwise specified by the Chief Building Official.

4.5 The Site Plan

Site plans shall be referenced to an up-to-date survey and, where required to demonstrate compliance with the Act, the Building Code or other applicable law, a copy of the survey shall be submitted to the Chief Building Official. Site plans shall show:

- a) Lot size and the dimensions of the property lines and setbacks to any existing or proposed buildings;
- b) Existing and finished ground levels or grounds;
- c) Existing rights-of-way, easements and municipal services;
- d) Proposed fire access routes and existing fire hydrant locations; and
- e) Location and dimensions of existing or proposed on site sewage systems.

4.6 Payment of Fees

- a) Fees for a required permit shall be set out in Schedule "A" to this By-law and are due and payable upon submission of an application for a permit. Where the fees payable in respect of an application for a partial permit or a conditional permit, fees shall be paid for the complete project. 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 the prescribed value of the proposed work, such value shall be as defined in this By-law.
- b) Building permit fees for construction commencing without a permit is 1.5 times the required fee. Payment of this fee will not relieve any person or corporation from:
 - i) Fully complying with the Ontario Building Code; or
 - ii) Any penalty prescribed in the Act for starting or proceeding with work prior to obtaining a construction permit.

4.7 Refunds

- a) In the case of withdrawal of an application or abandonment of all or a portion of the work or the non-commencement of any project, and upon written request, 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.
- b) Except as provided above, there shall be no refund of permit fees where a permit has been revoked or transferred.

5.0 NOTICE REQUIREMENTS FOR INSPECTIONS

5.1 Prescribed Notices for Inspections

A person to whom a permit is issued shall give notice of readiness for inspection to the Chief Building Official. Such notice shall be given in accordance with the provisions of the Building Code for all mandatory inspections listed in the Building Code under Section 1.3.5.2 Division C.

5.2 Improper Inspection Calls

At the discretion of the Chief Building Official where the owner and/or agent gives notice for a specific inspection of any building, lot or parcel of land and the inspection cannot be properly carried out due to unfinished work, or the inspection is broken down to excessive site visits due to phasing of the project, or the inspection is requested, the owner shall be responsible for all the Corporation's costs, plus 20% overhead, relating to the inspection. Such costs shall be termed "Inspection Fee" and shall be paid to the Treasurer of the Corporation on demand.

6.0 PRESCRIBED FORMS

6.1 Prescribing Forms

The forms prescribed for use as applications for permits, for orders and for inspection reports shall be as set out in Schedule "C" to this By-law.

7.0 AS CONSTRUCTED PLANS

7.1 As Constructed Plans

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.

8.0 CODE OF CONDUCT

The Code of Conduct required under Section 7.1 (1) of the Act shall be the "Employee Code of Conduct" which governs the conduct of all employees of the Corporation.

9.0 APPOINTMENT OF RCA'S

If the municipality directly appoints a registered code agency under Section 4.1 of the Act, an agreement must be completed.

The agreement with the registered code agency authorizes the agency to perform functions in the agreement. The agreements shall be in writing and as outlined in the Building Code under Article 3.7 Division C.

Under Subsection 4.1(3) of the Act, the Corporation of the Township of Nairn and Hyman delegates to the Chief Building Official, the authority to make appointments of registered code agencies.

10.0 VALIDITY

Should any section, 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 the by-law as a whole or any part thereof, other than the part so declared to be invalid.

11.0 PENALTY

Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction under the *Provincial Offences Act* is liable to a fine and any other penalty imposed under the Act as defined in this By-law.

13.0 REPEAL OF PREVIOUS BY-LAW

By-law 2005-21 of the Corporation and its amendments are hereby repealed.

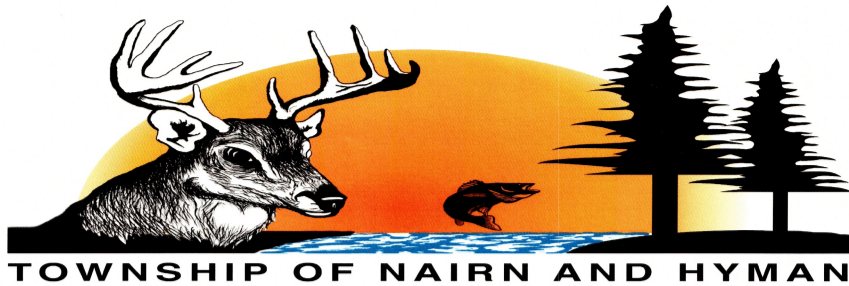
Read a first, second and third time and passed in open Council this 5th day of November, 2012.

“Original Signature on File”

MAYOR

“Original Signature on File”

CAO/CLERK TREASURER



SCHEDULE "A"
TO
BY-LAW 2012-24

PERMIT FEES

The fees payable by the applicant for a building/demolition permit are outlined below.

A processing fee of \$35.00 will be automatically added to all permit fees.

For additions, renovations, change of use or new construction over 300 square feet a deposit fee of \$200.00 will be added to the permit fee. This fee will be refunded once the final occupancy has been granted.

- 1) New buildings, alterations, additions, re-erection and repairs, etc.:
 - a) value of construction costs per \$1,000.00 or part thereof \$13.00
 - b) demolition permit fee \$40.00 / 1,000 square ft or portion thereof whichever is greater
 - c) prefab storage shed permits \$50.00
- 2) Installation and/or removal of underground tanks and pumps (gasoline, diesel, fuel, oil, water, etc.) \$160.00
- 3) Moving Permit:
 - a) for buildings/structures having gross floor area less than 300 sq. ft. \$ 50.00
 - b) for buildings/structures have gross floor area of 300 sq. ft. or more \$100.00
- 4) Deposit Fee - Upon the direction of the Chief Building Official, a deposit fee as hereinafter provided may be requested to cover the following:
 - a) site clean-up
 - b) road clean-up or repair
 - c) drainage ditch clean-up
 - d) municipal storm sewer clean-up
 - e) re-instate municipal services

After verification by the Municipal Official as to contractors discharge of duties in relation to reason for deposit request, such deposit shall be returned. In the event municipal employees are required to restore or clean-up or re-instate municipal properties or services, such costs or portion of costs shall be deducted from the deposit fee and the balance refunded.

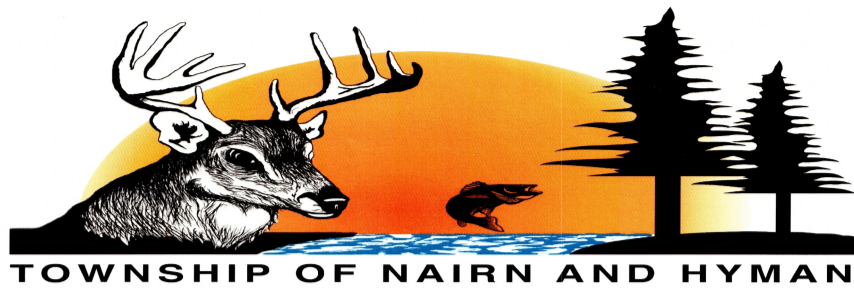
- 5) Exemptions:

Buildings and/or structures or any part thereof that are exempt from assessment by virtue of paragraphs 3, 9, 10 and 19 of Section 3 of the *Assessment Act, R. S.*

O. 1970, for example, churches and municipal properties and amendments thereof are exempt from permit fees but all other aspects of municipal, provincial and all other codes, regulations and by-laws must be adhered to in their entirety.

- 6) Conditional Permit
 - a) value of construction costs per \$1,000.00 or part thereof, with a minimum of \$1,000.00, plus a refundable deposit to be determined by the Chief Building Official \$ 15.00
- 7) Change of Use Permit
 - a) non-refundable application fee \$ 80.00
- 8) Plumbing Permit
 - a) 1 to 6 fixtures \$ 40.00
 - b) each additional fixture \$ 8.00
 - c) additions or changes to each existing fixtures \$ 8.00
 - d) connection to municipal water system (for example sprinkler system) \$ 40.00
- 9) Amendments to Permits (within same calendar month)
 - a) minimum fee or \$ 80.00
 - b) value of amended construction costs per \$1,000.00 but the fee shall be not less than \$80.00 \$ 10.00
- 10) Re-inspections
 - a) on interior or final inspections where the work is not complete for the requested inspection \$ 80.00
- 11) Boat Dock Permits \$ 50.00
- 12) Request for Inspection \$ 50.00
- 13) Detached buildings
 - a) under 108 square feet No charge.
- 14) Calculation of Estimated Values
 - a) dwelling units per square feet of floor area \$154.00
 - b) two storey or more and addition, per square feet of floor area \$128.00
 - c) detached storage building and detached residential garages, per square feet \$ 31.00
 - d) carports per square feet \$ 31.00
 - e) commercial and industrial buildings (shell only) per square feet of gross area \$ 92.00
 - f) commercial buildings/mercantile/office/restaurant/etc/ per square feet of gross floor area \$184.00

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|----|---|---|
| g) | decks, porches, gazebos per square feet of gross area | \$ 16.00 |
| h) | solariums, sunrooms per square feet | \$ 97.00 |
| l) | installation of siding per dwelling unit | \$ 41.00 |
| j) | windows and doors per dwelling unit | \$ 41.00 |
| | (Permit is not required for replacing windows and doors with same size, if replacing with different size, permit is required.) | |
| k) | pool enclosures | \$ 72.00 |
| l) | installation of storage tanks | \$164.00 |
| m) | new solid fuel burning appliance inspection per appliance | \$ 41.00 |
| n) | commercial roofs | \$ 16.00 per thousand sq. ft. |
| o) | steel roof (residential) | \$ 51.00 |
| p) | tents over 645 square feet (air supported/public assembly) | \$ 56.00 |
| q) | repairs, renovations and material alterations not readily identified by the above criteria will require written estimates from a contractor | Value to be determined by the Chief Building Official |
| r) | special provisions, the Chief Building Official may, for any of the above or where there is a dispute, calculate the estimated value at his discretion, based on written estimates provided by a contractor | |
| s) | building permit fee for construction commencing without a permit is 1.5 times the required fee as stated in appendix "A" of this By-law. | |
- 15) If a building permit has been issued and applicable fees paid, project have not commenced, fees may be refunded as follows:
- 80 percent (80%) if administrative functions only have been performed.
 - 70 percent (70%) if administrative and zoning functions only have been performed.
 - 45 percent (45%) if administrative, zoning and plans examination functions have been performed.
 - 35 percent (35%) if the permit has been issued and no field inspections have been performed subsequent to permit issuance.

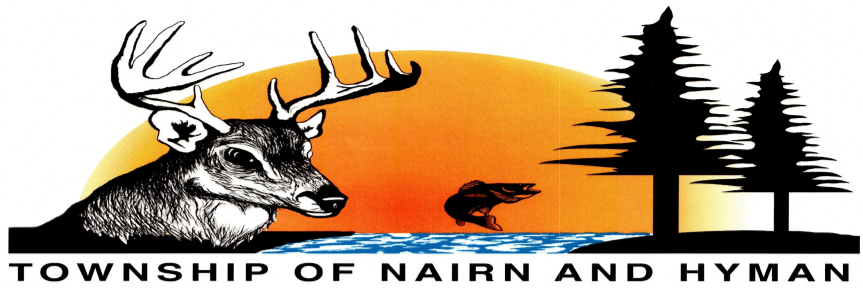


SCHEDULE "B"
TO
BY-LAW 2012-24

LIST OF PLANS OR WORKING DRAWINGS TO ACCOMPANY APPLICATIONS FOR PERMITS

1. Site Plan (two sets of plans)
2. Floor Plans (two sets)
3. Foundations Plans (two sets)
4. Framing Plans (two sets)
5. Roof Plans (two sets)
6. Reflected Ceiling Plans (two sets)
7. Sections and Details (two sets)
8. Building Elevations (two sets)
9. Electrical Drawings (two sets)
10. Heating, Ventilation and Air Conditioning Drawings (two sets)
11. Plumbing Drawings (two sets)
12. Fire Alarm and Sprinkler Plans (two sets)

The Chief Building Official may specify that not all of the above mentioned plans are required to accompany an application for a permit.



SCHEDULE "C"
TO
BY-LAW 2012-24

Form 1	Application for a Permit to Construct or Demolish
Form 2	Application for Change of Use Permit (1)
Form 3	Order Requiring Tests and Samples
Form 4	Change of Use Permit
Form 5	Stop Work Order
Form 6	Order to Uncover
Form 7	Order Not to Cover or Enclose
Form 8	Order to Comply