

**THE CORPORATION OF THE
TOWNSHIP OF WELLINGTON NORTH**

BY-LAW NUMBER 21-07

**BEING A BY-LAW UNDER THE BUILDING CODE ACT
RESPECTING PERMITS AND RELATED MATTERS,**

AUTHORITY: Building Code Act, 1992, S.O. 1992, Chapter 23, as amended

WHEREAS Pursuant to the *Building Code Act, 1992*, as amended the Lieutenant-Governor in Council has established an Ontario Building Code (O.Reg. 403/97, as amended) which is in force throughout Ontario;

AND WHEREAS Section 7 of the *Building Code Act, 1992, as amended* authorizes a municipal council to pass by-laws concerning the issuance of permits and related matters;

NOW THEREFORE the Council of The Corporation of the Township of Wellington North hereby enacts as follows:

1. SHORT TITLE

This By-Law may be cited as the "Building Permits By-Law".

2. DEFINITIONS

(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 any 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;
- (c) "**As constructed plans**" means as constructed plans as defined in the Building Code;
- (d) "**Architects**" means a holder of a license, a certificate of practice, or a temporary license under the Architect 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 the by-law of The Corporation of the Township of Wellington North for the purposes of enforcement of the Act;

2. **DEFINITIONS** (continued)

(1.) In this By-Law: (continued)

- (h) **“Complete”** means a building permit application in accordance with 2.4.1.1A building code submitted with all required approvals appended in order to comply with the building permit timelines as noted in 2.4.1.1B building code;
- (i) **“Corporation”** means The Corporation of the Township of Wellington North;
- (j) **“Farm building”** means a farm building as defined in the building code;
- (k) **“Incomplete Building permit applications”** means a building permit application deemed not complete during the preliminary plans review process notification as per building code;
- (l) **“Final Occupancy”** means when all outstanding items on a provisional Occupancy including grading have been completed;
- (m) **“Owner”** means the registered owner of the land and includes a lessee, mortgagee in possession and the person in charge of the property, acting as the authorized agent of the owner;
- (n) **“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;
- (o) **“Prescribed Value”** means the Applicant’s estimated value of construction of a proposed building including the total value of all work, services and materials in respect of its construction and of all professional and related services, as reviewed by the Chief Official and adjusted if deemed necessary by the Chief Official to establish a reasonable value based on the facts before him or her.
- (p) **“Plumbing”** means plumbing as defined in Section 1(1) of the Act;
- (q) **“Provisional Occupancy Permit”** means a permit issued to allow occupancy of a building prior to its completion in accordance with section 2.4.3.1 building code;
- (r) **“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. DEFINITIONS (continued)

- (1.) In this By-Law: (continued)
- (s) “**Re-inspection**” means any inspection of a construction stage made pursuant to a previous inspection of the same construction stage;
 - (t) “**Residential Site**” - a construction or demolition site for a building that is used only for residential purposes and that is not more than three stories in building height and not more than one level below grade;
 - (u) “**Sewage system**” means a sewage system as defined in Section 1(1) of the Act”;
 - (v) Other terms which may be used in the by-law and which are defined in the Building Code Act, 1992, include: “change certificate”; “construct”; “demolish”; “director”; “final certificate”; “inspector”; “Minister”; “municipality”; “officer”; “planning board”; “plans review certificate”; “principal authority”; “registered code agency”; and “regulations.
- (2.) Terms not defined in this by-law shall have the meaning as described in the Act or the Building Code.

3. CLASSES OF PERMITS

- (1.) Classes of permits required for construction, demolition, change of use, occupancy of a partially complete building and conditional permits are set forth in Schedule “A” appended to and forming part of this by-law.

4. PERMIT APPLICATIONS

To obtain a permit an applicant shall file a “**complete**” application in writing on forms available from the Chief Building Official.

Every application for a permit shall be submitted to the Chief Building Official and contain the following information:

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 Official to have been abandoned.

4.1 CONSTRUCT PERMIT

Where application is made for a construction permit under Subsection 8(1) the Act, the applicant 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 2.4.1. 1 b of the Building Code and as described in this by-law for the work to be covered by the permit.

4.2 DEMOLISH PERMIT

Where application is made for a demolition permit under Subsection 8(1) of the Act, the applicant 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 2.4.1.1B of the Building Code and as described in this by-law for the work to be covered by the permit; and

4.3 CONDITIONAL PERMIT

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

- a. use the provincial application form, "Application for a Permit to Construct or Demolish";
- b. include complete plans and specifications, documents and other information as required by Sentence 2.4.1.1B of the Building Code and as described in this by-law 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."

4.4 CHANGE OF USE

Every application for a change of use permit 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, exits 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 SEWAGE SYSTEM PERMITS

For every application for a sewage permit that is submitted to the Chief Building Official, the applicant shall:

4.5(1)

- a. use the provincial application form, "Application for a Permit to Construct or Demolish;
- b. 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 for the work to be covered by the permit.
- c. include a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official:

4.5(2)

- a. the date the evaluation was done;
- b. name, address, telephone number and signature of the person who prepared the evaluation; and

4.5 SEWAGE SYSTEM PERMITS (continued)

4.5(2) (continued)

- c. a scaled map of the site showing:
- (i) the legal description, lot size, property dimensions, existing rights of way, easements or municipal/utility corridors;
 - (ii) the location of items listed in Tables 8.2. 1.5., 8.2.1.6.A., 8.2.1.6.B and 8.2.1.6.C
 - (iii) the location of the proposed sewage system;
 - (iv) the location of any unsuitable, disturbed or compacted areas;
 - (v) proposed access routes for system maintenance;
 - (vi) depth to bedrock;
 - (vii) depth to zones of soil saturation;
 - (viii) soil properties, including soil permeability, and (vii) soil conditions, including the potential for flooding.”

5. PLANS AND SPECIFICATIONS

- (1.) Every Applicant shall furnish plans, specifications, documents and other information to enable the Chief Building Official to determine whether the proposed work conforms to the Act, the Building Code, and any other applicable law.
- (2.) Plans submitted shall be drawn to scale upon paper, cloth, or other suitable and durable material.
- (3.) The Chief Building Official shall determine the number of plans, specifications, documents and other information required to be furnished with an application for Permit having regard for the requirements of any Act, regulation, or by-law respecting the examination or circulation of the application.
- (4.) On completion of the construction of a building, the Chief Building Official may require a set of plans of the building as constructed, and may require a plan of survey showing its location.

6. SITE PLAN

Site plans shall be referenced to an up-to-date survey and, when 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 property lines and setbacks to any existing or proposed buildings,
- b. existing and finished ground levels or grades,
- c. existing rights of way, easements and municipal services, and
- d. proposed fire access routes and existing fire hydrant locations.

7. PAYMENT OF FEES

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.

Where application is made for 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 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 (or below grade for an underground home) measured as the horizontal area between the exterior walls of the building.

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 a floor area, floor area shall mean the total floor space of all storeys subject to the change of use.

The Chief Building Official may, where a proposed building does not adhere to any of the above or where there is dispute, calculate the estimated value at his/her discretion.

8. REFUNDS

The holder of a Permit may request the cancellation of the Permit where no construction has commenced and may upon written request to the Chief Building Official; apply for a refund of the fee paid for the Permit. The Chief Building Official may, upon such a request, cancel the Permit and refund an amount equal the administrative fees on Schedule "B".

Where the holder of a permit has commenced construction and for any reason the project is abandoned, **no refund** shall be made, the existing construction shall be removed or demolished, the construction site shall be returned to a safe and cleared condition and the Permit shall be cancelled.

9. NOTICE REQUIREMENTS

The Building Code requires that notification to the Chief Building Official be given at key stages of construction and requires that the municipality undertake inspections at these stages of construction. A person to whom a permit is issued will be required to give notice of the readiness for inspection to the Chief Building Official or registered code agency as the case may be. Municipalities will be required to undertake on-site inspections of construction at each of these stages. Municipalities may pass a by-law under clause 7 (e) of the Act prescribing additional notification stages.

10. TIME FRAME FOR MANDATORY INSPECTION AFTER NOTICE IS GIVEN

Under Sentence 2.4.5.3.(1) of the Building Code, after a mandatory inspection notice has been given under section 10.2 of the Act, an inspector or a registered code agency as the case may be, shall undertake a site inspection not later than two days after the notice is given to which the notice relates. In the case of site inspections of sewage systems the Building Code (2.4.5.3 2) requires the municipality to undertake an inspection no later than five days to which the notice relates.

The time periods exclude Saturdays, holidays and all other days when the offices of the principal authority are not open for the transactions of business with the public, shall begin on the day following the day notice was given.

11. PERMIT REVOCATION, DEFERRAL OF REVOCATION AND TRANSFER

- (1.) Revocation of Permit: Prior to revoking a Permit under Section 8 (10) (b) or (c) of the Act, the Chief Official shall give written notice of intention to revoke to the permit holder at the last known address and, if on the expiration of thirty days from the date of such notice the ground for revocation continues to exist, subject to Subsection (2), the permit shall be revoked without further notice and all submitted plans and other information may be disposed of or, at the request of the permit holder, returned as directed.
 - (a) Notification under Subsection (1) (a) shall be served either personally or by registered mail. Where notification is by registered mail, it shall be deemed to have been served on the third business day after the date of mailing.
- (2.) Deferral of revocation:
 - (a) On receipt of a notice of intention to revoke a Permit, a permit holder may request in writing within thirty days from the date thereof, the Chief Building Official to defer the revocation of such Permit.
 - (b) A request for deferral shall set out the reasons why the Permit should not be revoked and the date by which the work will be commenced or resumed.
 - (c) Having considered the circumstances of the request and having determined that there have been no changes to 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.
- (3.) Transfer of Permit
 - (a) Permits are transferable only upon the new owner completing a Permit application form (Schedule "B") pursuant to the requirements of Section 4.
 - (b) Only an Administration fee as set out in Schedule "B" shall be payable on a transfer by the new owner who shall thenceforth be the permit holder for the purpose of the Act and the Building Code.

12. 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.

13. PENALTY

Under clause 36 (a) (b) (c) of the Act, contravention of a by-law passed under the Act constitutes an offence. Convictions of an offence may be subject to penalties under sections 36 (3)-(5) of the Act.

14. CODE OF CONDUCT

A code of conduct is applicable to the Chief Building Official and Inspectors in accordance with 7.1-(1). BCA.

A complaint as such shall be in writing, detailing the concerns and addressed to the Chief Administrative Officer of the Township of Wellington North in accordance with the Township of Wellington North employee guidelines.

15. REGISTERED CODE AGENCY

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 specified in the agreement. The agreements shall be in writing and as outlined in the Building Code under Article 2.22.1.1.

16. CONSTRUCTION FENCES

Clauses 7 (i) and (j) of the Act, authorize by-laws to require the person to whom a permit is issued to erect and maintain fences around construction and demolition sites and to prescribe the height and description of such fences.

A person issued a construction or demolition permit under the Building Code Act, 1992, for any work in the Township of Wellington North shall erect and maintain a fence to enclose the construction or demolition site, including any areas where equipment is operated or equipment or material is stored.

16. CONSTRUCTION FENCES (continued)

The Chief Building Official is authorized to grant an exemption from the requirement in this subsection to erect a fence if the Chief Building Official is satisfied that conditions at a site would not present a particular hazard to the public.

17. VALIDITY

(1.) Should any 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.

18. REPEAL OF BY-LAWS

(1.) By-law No. 56-05 is hereby repealed in its entirety.

***READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 19th DAY OF MARCH, 2007.***

M. Broomhead, MAYOR

L. Heinbuch, C.A.O./CLERK

THE CORPORATION OF THE TOWNSHIP OF
WELLINGTON NORTH
BY-LAW NUMBER 21-07
SCHEDULE "A"

CLASSES OF PERMITS

1. Building Permit

To be for the purpose of allowing the construction of a building as defined in the Ontario Building Code.

2. Demolition Permit

Class "A" for the demolition of all or part of a building which building is less than 600 square metres and does not exceed three (3) storeys in building height.

Class "B" for the demolition of a building or part thereof which demolition is required to be designed and reviewed by a Professional Engineer.

3. Conditional Permit

Pertains to construction only and may be issued only in accordance with Section 8. (3) of the Building Code Act, 1992.

4. Designated Structure Permit

To be for the purpose of constructing a designated structure as defined in the Ontario Building Code.

5. Transfer Permit

To be issued to a new owner where ownership changes occur during or prior to the closing of any Permit previously issued.

6. Provisional Occupancy Permit

To allow occupancy of an unfinished building in accordance with the Building Code.

7. Change of Use Permit

To comply with the requirements of Part 10 of the Building Code.

8. Reapplication

To allow a Permit to be reinstated, where required.

9. Plumbing Permit

To comply with the requirements of Part 7 of the Building Code.

10. Temporary Service Structure

A permit for a temporary Structure, to be removed within a predetermined time frame.

11. Move Permit

A permit for the relocation of existing building within the Township.

EXPLANATORY NOTE

Building By-law No. 21-07 is exactly the same as the previous By-law No. 56-05 the only changes to the by-law are set out below as recommended by the Building and Property Committee and approved by Council:

NOTE TO SCHEDULE

An investigation fee equal to the applicable building permit fee shall be applied where work has commenced prior to the issuance of the required building permit in addition to the building permit fee to be charged when permit is issued, at the discretion of the CBO.

*And to include under Temporary structures - **meteorological towers***