

CORPORATION OF THE TOWN OF NORTH PERTH

BY-LAW NO. 66-2005

A By-law respecting Construction, Demolition and Change of Use Permits and Inspections and to repeal By-law No. 27-AD-2004

WHEREAS Section 7 of the Building Code Act, S.O. 1992, c. 23, as amended, empowers municipal councils to pass by-laws respecting construction, demolition and change of use permits and inspections;

AND WHEREAS Section 35 of the Building Code Act, S.O. 1992, c. 23, as amended provides that Act and the Building Code supersede all municipal by-laws respecting the construction or demolition of buildings;

AND WHEREAS Section 3(1) of the Building Code Act, S.O. 1992, c. 23 provides that the council of each municipality is responsible for the enforcement of this Act in the municipality;

AND WHEREAS Section 3(2) of the Building Code Act, S.O. 1992, c. 23 provides that the council of each municipality shall appoint a Chief Building Official and such inspectors as are necessary for the enforcement of this Act in the areas in which the municipality has jurisdiction;

NOW THEREFORE the Council of the Corporation of the Town of North Perth enacts as follows:

1. CITATION AND DEFINITIONS

1.1 Short Title

This by-law may be cited as the “Building By-law”.

1.2 Definitions

In this by-law,

- a. “**Act**” means the Building Code Act, S.O. 1992, c. 23, as amended;
- b. “**As constructed plans**” means as constructed plans as defined in the Building Code;
- c. “**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;
- d. “**Building**” means a building as defined in Section 1(1) of the Act;
- e. “**Building Code**” means regulations made under Section 34 of the Act;
- f. “**Chief Building Official**” means the Chief Building Official appointed by the by-law of the Corporation of the Town of North Perth for the purposes of enforcement of the Act;
- g. “**Complete**” means a building permit application in accordance with Article 2.4.1.1A of the Building Code, *as amended* submitted with all required approvals appended in order to comply with the building permit timelines as noted in Article 2.4.1.1B of the Building Code, *as amended*;
- h. “**Corporation**” means the Corporation of the Town of North Perth;

- i. “**Demolish**” means demolish as defined in the Building Code, *as amended*;
- j. “**Farm Building**” means a farm building as defined in the Building Code, *as amended*;
- k. “**Final Occupancy**” means when all outstanding items on a partial Occupancy including grading have been completed;
- l. “**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;
- m. “**Partial Occupancy**” means a permit issued to allow occupancy of a building prior to its completion in accordance with Article 2.4.3.1 of the Building Code, *as amended*;
- 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 or, in the case of an occupancy permit, to occupy a building or part of a building or parts thereof;
- o. “**Plumbing**” means plumbing as defined in Section 1(1) of the Act;
- p. “**Residential construction site**” means any construction site in respect of which a building permit has been issued for the construction of a new building consisting of a single dwelling unit where such excavation is within 2 m of another occupied dwelling unit except where the site is within a registered plan of subdivision which subdivision is being developed for the first time;
- q. “**Sewage System**” means a sewage system as defined in Section 1(1) of the Regulations
- r. Other terms which may be used in the by-law and which are defined in the Building Code Act, 1992, including “change certificate”; “construct”; “demolish”; “director”; “final certificate”; “inspector”; “Minister”; “municipality”; “officer”; “planning board”; “plans review certificate”; “principal authority”; “registered code agency”; and “regulations”.

2. PERMITS

2.1 Classes of Permits (Ontario Building Code Act, Section 7(a))

Classes of permits required for any stage of construction, demolition, change of use, occupancy of a partially complete building, conditional permits and other classes as set forth in Schedule “A” appended to and forming part of this by-law.

2.2 Application for Permit (Ontario Building Code Act, Section 7(b))

2.2.1 To obtain a permit an applicant shall file a “**complete**” application in writing on forms regulated by the Province of Ontario and those required by the Chief Building Official.

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

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

- (i) use the provincial application form, “Application for a Permit to Construct or Demolish”;
 - (ii) include two complete sets of plans, specifications, forms, documents and other information required by Article 2.4.1.1B of the Building Code and as prescribed in this by-law for the work to be covered by the permit;
 - (iii) include the proposed or existing occupancy of all parts of the building; and
 - (iv) include the required fee as prescribed by Schedule “B” (being Schedule “F” to By-law No. 98-AD-2002 *as amended*).
- (b) Where application is made for a demolition permit under Subsection 8(1) of the Act, the application shall:
- (i) use the provincial application form, “Application for a Permit to Construct or Demolish”;
 - (ii) include two complete sets of plans, specifications, forms, documents and other information required by Article 2.4.1.1B of the Building Code, *as amended* and as described in this by-law for the work to be covered by the permit;
 - (iii) include the existing occupancy of all parts of the building;
 - (iv) include the required fee as prescribed by Schedule “B” (being Schedule “F” to By-law No. 98-AD-2002 *as amended*).
- (c) Where application is made for a conditional permit under Subsection 8(3) of the Act, the application shall:
- (i) use the provincial application form, “Application for a Permit to Construct or Demolish”;
 - (ii) include two complete sets of plans, specifications, forms, documents and other information 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;
 - (iii) include the proposed or existing occupancy of all parts of the building;
 - (iv) include the required fee as prescribed by Schedule “B” (being Schedule “F” to By-law No. 98-AD-2002 *as amended*).
 - (v) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
 - (vi) state the necessary approvals, which must be obtained in respect of the proposed building and the time in which such approvals will be obtained;
 - (vii) include an agreement in writing by the applicant and such other persons as the Chief Building Official determines with the Corporation dealing with the matters required pursuant to Section 8(3)(c) of the Building Code Act; and
 - (viii) state the time in which plans and specifications of the complete building will be filed with the Chief Building Official.

- (d) Where application is made for a Change of Use permit issued under Subsection 10(1) of the Act, the application shall be submitted to the Chief Building Official and shall:
- (i) use the provincial application form, “Application for a Permit to Construct or Demolish”;
 - (ii) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
 - (iii) identify and describe, as required by the Chief Building Official, the current and proposed occupancies of the building or part of a building for which the application is made;
 - (iv) include, as may be required by the Chief Building Official, 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, *as amended* including floor plans, details of walls, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities and details of the existing sewage system, if any;
 - (v) include the required fee as prescribed by Schedule “B” (being Schedule “F” to By-law No. 98-AD-2002 *as amended*).
 - (vi) state the name, address and telephone number of the owner; and
 - (vii) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.
- (e) Where application is made for a plumbing permit under Subsection (8)(1) of the Act, the application shall:
- (i) use the provincial application form, “Application for a Permit to Construct or Demolish”;
 - (ii) include the required fee as prescribed by Schedule “B” (being Schedule “F” to By-law No. 98-AD-2002 *as amended*).
 - (iii) include such other information, methods and specifications concerning the complete project as the Chief Building Official may require.
- (f) Every application for a sewage system permit shall be submitted to the Chief Building Official and contain the following information:
- (i) use the provincial application form, “Application for a Permit to Construct or Demolish”;
 - (ii) include two complete sets of plans, specifications, forms, documents and other information 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.
 - (iii) include the required fee as prescribed by Schedule “B” (being Schedule “F” to By-law No. 98-AD-2002 *as amended*).
 - (iv) a site evaluation, which shall include all of the following items, unless otherwise specified by the Chief Building Official:

- (a) the date the evaluation was done;
- (b) name, address, telephone number and signature of the person who prepared the evaluation;
- (c) a scaled map of the site showing:
 - (aa) the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal/utility corridors;
 - (bb) the location and clearance of items listed in Article 8.2.1.5 and 8.2.1.6. of the Building Code, *as amended*;
 - (cc) the location of the proposed sewage system;
 - (dd) the location of any unsuitable, disturbed or compacted areas;
 - (ee) proposed access routes for system maintenance;
 - (ff) depth to bedrock;
 - (gg) depth to zones of soil saturation;
 - (hh) soil properties, including soil permeability; and
 - (ii) soil conditions, including the potential for flooding.

2.3 Revision to Permit

After 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 a 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 authorization.

2.4 Plans and Specifications (Ontario Building Code Act, Section 7(b))

- 2.4.1 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, *as amended*, and any other applicable law.
- 2.4.2 Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete sets of the plans and specifications required under this by-law.
- 2.4.3 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 information as set out in Schedule “C” to this By-law unless otherwise specified by the chief building official.
- 2.4.4 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, municipal services and fencing; and
 - (d) proposed fire access routes and existing fire hydrant locations.
- 2.4.5 The granting of a permit, the review of the drawings and specifications or inspections made by the Chief Building Official or an inspector shall not in any way relieve the owner of a building from full responsibility for carrying out the work or having the work carried out in accordance with the requirements of this by-law, the Act and the Building Code, including ensuring that the occupancy of

the building, or any part thereof, is in accordance with the terms of this by-law and the Building Code.

2.4.6 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 the construction under such conditions as may be prescribed in the Building Code (Ontario Building Code Act, Section 7(g)).

2.4.7 The Chief Building Official may deem an application for a permit to have been abandoned and cancelled six months after the date of filing, unless such application is being seriously proceeded with.

2.5 Equivalents

The Chief Building Official may allow the use of materials, systems and building designs that are not authorized in the Building Code in accordance with Section 9 (1) of the Ontario Building Code Act.

3. **FEES (Ontario Building Code Act, Section 7(c))**

3.1 Fees for a required permit shall be as prescribed by Schedule “F” to By-law No.98-AD-2002, known as the “Fees and Licenses By-law” passed by the Council of the Town of North Perth and attached as Schedule “B”;

3.2 Where application is made for a conditional permit, the conditional application fee set out in Schedule “B” shall be payable at application for permit and in addition to this fee prior to issuance of the conditional permit the applicable construction permit fee as set out in Schedule “B” shall be paid for the complete project.

3.3 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 including storeys below the first storey (except the unfinished floor area below the first storey in single family dwellings) measured as the horizontal area between the outside surface of all the exterior walls of the building.

3.4 With respect to an application for a change of use permit issued under Subsection 10(1) of the Act the change of use permit fee listed in Schedule “B” shall be utilized when no construction is proposed or required. When construction is proposed or required and will result in a change of use the appropriate construction permit fee as set out in Schedule “B” shall be utilized.

3.4.5 The Chief Building Official shall determine permit fees not described or included in Schedule “B”.

3.5 Refund of Fees (Ontario Building Code Act, Section 7(d))

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.

4. **NOTICE REQUIREMENTS FOR INSPECTIONS (Ontario Building Code Act, Section 7(e))**

With respect to “additional notices” under Article 2.4.5.2. of the Building Code, *as amended* the owner or an authorized agent shall notify the Chief Building Official or an inspector at least two business days (48 hours) prior to the

following stages of construction listed in clauses 2.4.5.2. (1)(a), (b), (c), (g) and (h) of the Building Code.

5. TRANSFER OF PERMIT (Ontario Building Code Act, Section 7(h))

Permits are non-transferable without written consent of the Chief Building Official and a Transfer of Permit being issued.

6. PRESCRIBED FORMS (Ontario Building Code Act, Section 7(f))

The forms prescribed for use shall be regulated by the Province of Ontario and the Chief Building Official

7. PENALTY CLAUSE

Section 36 of the Building Code Act provides that a person is guilty of an offence under the Building Code Act if a person contravenes the Building Code Act, the regulations or this by-law.

8. REPEAL CLAUSE

By-law 30-ZB-2004 of the Corporation of the Town of North Perth is hereby repealed.

READ A FIRST AND SECOND TIME this _____ day of _____, 2005

READ A THIRD TIME A FINALLY PASSED this _____ day of _____, 2005

Ed Hollinger, Mayor

Kriss Snell, Clerk

CORPORATION OF THE TOWN OF NORTH PERTH

SCHEDULE "A" to BY-LAW NO. 66-2005

1. Building Permit (Building Code Act, Section 8(1)) may be issued for all types of construction governed by the building code and may include plumbing, farm buildings, change of use, sewage systems and heating, ventilating and air conditioning systems.
2. Partial Building Permit (Building Code Act, Section 8(1)) (Partial permits are appropriate where the construction authorized by the permit complies with the Act, Building Code and other applicable laws):

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 that portion of the building or 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, such permit 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. Conditional Permit may be issued by the Chief Building Official in accordance with Section 2.2.2(c) of this by-law.
4. Change of Use Permit may be issued where a change in use of a building or part of a building would result in an increase in hazard as determined under Section 2.4.1.2(1) of the Building Code even though no construction is proposed.
5. Sewage System Permit is required for all Classes of Systems as defined in Section 8.1.2.1(1),(a),(b),(c),(d) and (e), Classification of Systems in the regulations.
6. Sign Permit may be issued in respect of the structural requirements for signs contained in Section 3.14 of the Building Code.
7. Special Building Permit may be issued for all types of construction governed by the building code and may include plumbing, farm buildings, sewage systems, signs, change of use and heating, ventilating and air conditioning systems at the discretion of the Chief Building Official where construction or change of use has commenced prior to the issuance of the permit.

THE MUNICIPALITY OF NORTH PERTH

SCHEDULE “B”

TO BY-LAW NUMBER 66-2005

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BUILDING/DEMOLITION PERMIT FEES

Note: Each storey of a building is subject to the applicable building permit fees.

CLASS OF PERMIT	FEE
Construction of or additions to Residential & Mobile Homes	Basic fee of \$100.00 plus 67 cents per square foot of floor area.
Residential Accessory Buildings	Basic fee of \$100.00 plus 58 cents per square foot of floor area
Construction of uncovered porches/decks.	A basic fee of \$100.00 plus 65 cents per square foot.
Finished Basements *applies to construction permits for residential dwellings	Basic fee of \$100.00
Construction of or additions to Commercial, Industrial & Institutional buildings.	Basic fee of \$100.00 plus 60 cents per square foot of floor area.
Construction of accessory buildings for Commercial, Industrial & Institutional use.	Basic fee of \$100.00 plus 55 cents per square foot of floor area.
Construction of or additions to Agricultural buildings.	Basic fee of \$100.00 plus 20 cents per square foot of all floor areas.
Manure storage - Dry - Liquid	13 cents per square foot of storage area (\$295.00 minimum) Basic fee of \$100.00 plus \$2.75 per foot of diameter
Grain and hopper bins not exceeding 12 meters in height.	Basic fee of \$250.00
Silos (bunker or tower) and grain or hopper bins over 12 meters in height.	Basic fee of \$300.00
Residential Renovations	Basic fee of \$100.00 plus 58 cents per square foot of affected floor area

Renovations to Commercial, Industrial & Institutional buildings.	Basic fee of \$100.00 plus 45 cents per square foot of affected floor area.												
CLASS OF PERMIT	FEE												
Demolition *Not required for agricultural buildings	Basic fee of \$100.00 No fee charged if construction permit issued for replacement structure at same time.												
Change of Use (where no renovations proposed)	Basic fee of \$100.00												
Conditional Permit	Rates for building as above with written Agreement and deposit.												
New and replacement chimneys, solid fuel burning appliances, fire places if separate permit. Inspection of existing wood stoves	Basic fee of \$108.00 Basic fee of \$108.00												
Plumbing Permit only (for new or alterations) *The fee for new residential, commercial, industrial and institutional permits will be included with the construction permit	Basic fee of \$100.00 plus \$8.50 per fixture unit.												
Tents more than 646 square feet, air supported structures and temporary structures.	Basic fee of \$110.00												
Private sewage systems	<table style="width: 100%; border: none;"> <tr> <td>Class 2 & 3 Leaching Pits & Cess Pools</td> <td style="text-align: right;">\$100.00</td> </tr> <tr> <td>Class 4 Leach Bed System</td> <td style="text-align: right;">\$350.00</td> </tr> <tr> <td>Class 5 Holding Tank System</td> <td style="text-align: right;">\$350.00</td> </tr> <tr> <td>Septic Tank Replacement only</td> <td style="text-align: right;">\$100.00</td> </tr> <tr> <td>Leach Bed Replacement only</td> <td style="text-align: right;">\$250.00</td> </tr> </table>	Class 2 & 3 Leaching Pits & Cess Pools	\$100.00	Class 4 Leach Bed System	\$350.00	Class 5 Holding Tank System	\$350.00	Septic Tank Replacement only	\$100.00	Leach Bed Replacement only	\$250.00		
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Review and Assessment	<table style="width: 100%; border: none;"> <tr> <td>Subdivision for each lot</td> <td style="text-align: right;">\$100.00</td> </tr> <tr> <td>Severance/Minor Variance Application</td> <td style="text-align: right;">\$100.00</td> </tr> <tr> <td>Building Alteration</td> <td style="text-align: right;">\$ 75.00</td> </tr> <tr> <td>Property Inquires</td> <td style="text-align: right;">\$ 75.00</td> </tr> <tr> <td>File Search</td> <td style="text-align: right;">\$ 75.00</td> </tr> <tr> <td>Part Lot Control</td> <td style="text-align: right;">\$ 75.00</td> </tr> </table>	Subdivision for each lot	\$100.00	Severance/Minor Variance Application	\$100.00	Building Alteration	\$ 75.00	Property Inquires	\$ 75.00	File Search	\$ 75.00	Part Lot Control	\$ 75.00
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Notes to Table:

- (a) An investigation fee of \$150.00 shall be applied where work has commenced prior to the issuance of the required building permit in addition to the building permit fee.

- (b) Any other building or structure not included above or where square footage cannot be calculated effectively, a rate of \$8.50 per \$1000.00 of construction value shall be charged for a building permit.
- (c) A minimum fee of \$100.00 shall be charged for all building permits.
- (d) Inspection only – no permit required: a fee of \$75.00 per hour shall be charged.
- (e) Inspection requested and not ready: a fee of \$75.00 shall apply.

THE MUNICIPALITY OF NORTH PERTH

SCHEDULE “B”

TO BY-LAW NUMBER 66-2005

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REFUND OF BUILDING PERMIT FEES

STAGE OF PERMIT APPLICATION	REFUND (% OF ENTIRE FEES PAYABLE)
Application received No administrative functions done	90%
Application process Plans reviewed and permit issued	60%
Permit fee of \$75.00 or less	0%

**MAITLAND VALLEY CONSERVATION AUTHORITY/NORTH PERTH
AGREEMENT FEES**

(As per By-law No. 104-2007)

MVCA Development Categories	Current MVCA Fee and amount that North Perth would collect	Amount being proposed to North Perth	Amount MVCA would bill North Perth for:
Minor	200	50 of the 200	150
Standard	400	150 of the 400	250
Major	1000	300 of the 1000	700

THE MUNICIPALITY OF NORTH PERTH

SCHEDULE “B”

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SCHEDULE OF FEES

Sign Permits:

- (a) In the case of a portable sign, a fee of \$110.00 will apply (per 60-day period).
- (b) A \$110.00 Inspection Fee will be assessed where a Sign Permit has not been obtained prior to a new sign being erected.
- (c) A fee of \$250.00 shall apply to all signs regulated by Sign By-law, excluding portable signs.

THE MUNICIPALITY OF NORTH PERTH

SCHEDULE "B"

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PERMIT FEES FOR SWIMMING POOL FENCES

- | | | |
|----|--|----------|
| 1. | New swimming pool fence permit fee | |
| | Flat fee | \$200.00 |
| 2. | Replacement swimming pool fence permit fee | |
| | Flat Fee | \$200.00 |

CORPORATION OF THE TOWN OF NORTH PERTH

SCHEDULE “C” to BY-LAW NO. 66-2005

**LIST OF PLANS, SPECIFICATIONS, DOCUMENTS AND OTHER
INFORMATION TO ACCOMPANY APPLICATIONS FOR PERMITS**

Plans

1. Ontario Land Surveyors Plans;
2. Site Plan;
3. Contour of Grade Plans;
4. Drainage Plans;
5. Foundation Plans;
6. Architectural Plans;
7. Structural Plans;
8. Mechanical and Electrical Plans;
9. Reinforced Concrete Plans;
10. Chimney and Fireplace Plans;
11. Renovation and Alteration;
12. as Constructed Plans;
13. Fire Alarms or Evacuation Plans (within buildings);
14. Fire Protection Plans – showing the type of fire assemblies, fire separations, fire compartments; and fire resistance ratings within buildings;
15. Schematic Plans – showing the type, location and operation of all building fire emergency systems;
16. On-Site Sewage Systems Plans;

Specifications

1. Specification on entrances to the property with necessary approvals in writing;
2. Specifications on sewer system and water supply whether Municipal or private, with necessary written approvals;
3. Specifications on the proposed occupancies;
4. Specifications on building materials or a method of construction, and may require to be submitted by a registered professional engineer;
5. Specifications on soils investigations;
6. Specifications on any other applicable law as set out in Section 8(2)(a) of the Building Code Act, as amended;

Documents

1. Trade Certificate and Certification of Qualification.

Other

Any other information as may be relevant to prove compliance with the application and code.

NOTE: The Chief Building Official may specify that not all the above mentioned plans, specifications, documentation and other information are required to accompany an application for a permit.

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