

THE CORPORATION OF THE MUNICIPALITY OF WEST GREY

BY-LAW NUMBER 2 - 2010

BEING, a by-law respecting Construction, Demolition and Change of Use Permits and Inspections, within the boundaries of the Corporation of the Municipality of West Grey;

WHEREAS, Section 7 of the Building Code Act, S.O., 1992, Chapter 23, empowers Council to enact by-law respecting construction, demolition and change of use permits and inspections.

NOW THEREFORE THE CORPORATION OF THE COUNCIL OF THE MUNICIPALITY OF WEST GREY ENACTS AS FOLLOWS:

Short Title

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

Definitions

2. In this by-law:
 - (a) "Act", means the Building Code Act, S.O. 1992, Chapter 23, including amendments thereto;
 - (b) "As Constructed Plans" means as defined in section 1.1.3.2 of the regulations;
 - (c) "Building", means a "building" as defined in subsection 1(1) of the Act, and shall include privately owned outdoor swimming pools;
 - (d) "Building Code", means the regulations made under section 34 of the Act;
 - (e) "Chief Building Official", means the Chief Building Official appointed by the Council of the Municipality of West Grey for the purposes of the enforcement of the Act, the Building Code and the Building By-law;
 - (f) "Corporation", means The Corporation of the Municipality of West Grey;
 - (g) "Construct", means as defined in subsection 1 (1) of the Act;
 - (h) "Demolish", means as defined in subsection 1 (1) of the Act;
 - (i) "Farm Building", means a farm building as defined in section 1.1.3.2 of the Building Code regulations;
 - (j) "Fixture", means a "fixture" as defined in Section 1.1 of the Building Code;
 - (k) "Permit", means permission or authorization in writing from the Chief Building Official to perform work regulated by this by-law, the Act and the Building Code and in the case of an occupancy permit, written permission to occupy any building or part thereof;
 - (l) "Plumbing", means plumbing as defined in Section 1.1 of the Act;
 - (m) "Regulation", means the regulations made under the Act;
 - (n) "Sewage System", means a sewage system as defined in Section 1(1) of the Act;
 - (o) "Work" means to do anything in the construction or demolition or change of use or plumbing work for a building or part thereof which is regulated by the Act and "Project" has a similar meaning.

Classes of Permits

3. Classes of permits with respect to the construction and demolition and change of use of buildings shall be as set out in Column 1 entitled "Class of Permits" of Schedule "A" respecting classes of permits and permit fees.

3.1 Building Permit

This permit is generally used for all types of construction governed by the Building Code, including renovation (Part II). This may include plumbing, farm buildings and sewage systems, if they are not covered under separate permits.

3.1.1 Where 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 the application is made,
- b) describe the land on which the work is to be done, by a description that will readily identify and locate the building lot,
- c) include complete plans and specifications as described in this by-law of the work to be covered by the permit, and show the occupancy of all parts of the building;
- d) state the valuation of the proposed work, including materials and labour, and be accompanied by the required fee as set out in Schedule "A" to this by-law, due and payable upon submission of the application, or as determined by the Chief Building Official,
- e) state the names, addresses and telephone numbers of the owner and any authorized agent, architect, engineer or other designer and constructor,
- f) be accompanied, where applicable, by a written acknowledgement of the owner that the owner has retained the architect or professional engineer or both to carry out the field review of the construction, where required by the Building Code,
- g) be signed by the owner or agent, authorized in writing by the owner, who shall certify the truth of the contents of the application, and
- h) where the work includes plumbing, the application may also, unless otherwise specified by the Chief Building Official:
 - (i) identify and describe in detail the plumbing work to be covered by the permit for which the application is made,
 - (ii) include plans that show the location and size of every building drain and every trap or inspection piece that is on the building drain and a sectional drawing that shows the size and location of every soil or waste pipe, trap and vent pipe, if necessary,
 - (iii) state the names, addresses and telephone numbers of the master plumber or master contractor, and
 - (iv) be completed only by a master plumber or plumbing contractor, as amended or by an individual who takes an affidavit that he or she will be personally making the installation in his or her own dwelling.

3.2 Demolition Permit

This permit governs both the type and method of demolition under the Building Code.

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

- (a) contain the information required by clauses (1) (a) to (g), and
- (b) be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, gas, electric, telephone or other utilities and services.

3.3 **Conditional Permit**

This permit may be issued at the discretion of the chief building official to authorize any stage of construction, even though all of the requirements under subsection 8(2) of the Act have not been met.

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

- a) contain the information required by clauses 1(a) to (g),
- b) contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require,
- 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 specification of the complete building will be filed with the Chief Building Official.

3.4 **Sewage System Permit**

A separate permit is issued by the chief building official/sewage system inspector for sewage system installations.

Every application for a sewage system permit shall be submitted to the Chief Building Official/Sewage System Inspector and contain the following documentation:

- a) the information required by clauses 1 (a) to (g) in respect of building permits,
- b) the name, address, telephone number and license number of the person installing the sewage system,
- c) where the person named in b) above required a license under the Act and the Building Code, they must also submit the following:
 - i) the number and date of issuance of the license and,
 - ii) the name of the qualified person supervising the work to be done under the sewage system permit,
- d) a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official or Sewage System Inspector
 - i) the date the evaluation was done,
 - ii) name, address, telephone number and signature of the person who prepared the evaluation,
 - iii) a scaled map of the site showing:
 1. The legal description, lot size, property dimensions, existing rights-of-way, easements or municipal/utility corridors,
 2. The location of the proposed sewage system,
 3. The location of any unsuitable, disturbed or compacted areas and,
 4. Proposed access routes for system maintenance,
 5. Depth to bedrock,
 6. Depth to zones of soil saturation,
 7. Soil properties, including soil permeability and,
 8. Soil conditions, including the potential for flooding.

3.5 **Change of Use Permit**

This permit is used where a change in use resulting in an increase in hazard will take place, even though no construction is proposed.

Where application is made for a change of use permit issued under Section 10(1) of the Act, the application 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 made,
- c) include 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 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 and any authorized agent, and
- f) be signed by the owner or agent, authorized in writing by the owner, who shall certify the truth of the contents of the application.

Application for Permit

4. To obtain a permit or a renewal of permit, the owner or an agent authorized in writing by the owner shall file an application in writing by completing a prescribed form available at the office of the Chief Building Official.

The forms prescribed for use as applications for permits, for orders and for inspection reports shall be set out in Schedule "B" to this by-law. Every application for a permit shall be submitted to the Chief Building Official.

An application for a permit may be deemed to have been abandoned six (6) months after the date of filing, unless such application has been proceeded with by the applicant.

Plans and Specifications

5. (1) Sufficient information shall be submitted with each application for a permit to enable the Chief Building Official to determine whether the proposed work will conform to the Act, the Building Code, the Saugeen Valley Conservation Authority flood guidelines and any other applicable law and whether it may affect adjacent property.
- (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.
- (3) Plans shall be drawn to scale on paper, cloth or other durable material, shall be legible and without limiting the generality of the foregoing, shall include such working drawings conforming to current Ontario Building Code regulations.
- (4) Each application shall be accompanied by two (2) complete sets of plans and specifications including two (2) site plans.
- (5) Site plans shall, unless otherwise specified by the Chief Building Official, 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.

- (6) Site plans shall show;
- (a) lot size and the dimensions of property lines and setbacks to any existing or proposed building,
 - (b) existing and finished ground levels or grades, and
 - (c) existing rights-of-way, easements and municipal services, and overhead or underground utility wires or cables.

Revision to Permit

6. 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, to the Chief Building Official together with the details of such change, which is not to be made without his or her written authorization.

Equivalents

7. (1) 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 information shall be provided to the Chief Building Official:
- (a) a description of the proposed material, system or building design for which authorization under Section 9 of the Act 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.

Agreement for a Temporary Building

8. (1) An agreement for a temporary building may be issued by the Chief Building Official authorizing, for a limited time only, the existence of a building or part thereof.
- (2) A permit for a temporary building may be extended provided permission in writing is granted by the Chief Building Official.

Renewal of Permit

9. The Chief Building Official may issue a renewal of permit, for a revoked permit, provided the required fee is paid for such renewal and the plans and specifications are made to comply with all the requirements of the Act, the Building Code and any other applicable law in effect at the time the application for a renewal of permit is made.

Transfer of Permit

10. It is a condition of the issuance of any permit that the permit shall not be transferred to a new owner without the approval of the Chief Building Official and the payment of the required fee.
- 1) The new owner shall apply for a transfer of the permit and such application shall confirm the continuation of, or provide the particulars of any change in the arrangements for general review of the construction in accordance with Section 2.3, Design and General Review, of the Building Code.

Fees

11. The fee for a required permit shall be as set out in Column 2 entitled "Permit Fee" of Schedule "A" to this by-law, opposite the class of permit as set out in Column 1 of Schedule "A" to this by-law, entitled "Class of Permit".

Where an application is made for a minor revision to a permit, and the Chief Building Official determines that the work involved in plan processing and enforcement is minor, such revision shall be processed without charge.

In the case of buildings or structures, where the fees are based on the cost or valuation of the proposed work, such cost or valuation 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.

- (1) The Chief Building Official may place a valuation on the cost of work and when the permit applicant disagrees with the valuation, the prescribed fee shall be paid under protest before the issuance of the permit.
- (2) Forthwith upon completion of the work, if the actual cost of the work was less than the valuation placed by the Chief Building Official, an audited statement may be submitted detailing the cost of all component parts of the work.
- (3) The Chief Building Official shall, if the statement referred to in subsection (2) hereof contains the cost of all component parts of the work upon which the valuation was based, value the work in accordance with the audited statement and issue the appropriate refund.

In all other cases where fees are based on a floor area, floor area shall mean the total floor space of all storeys.

Notice Requirements for Inspections

12. The owner or agent, authorized in writing by the owner, shall notify the Chief Building Official/Septic System Inspector at least forty-eight (48) hours prior to each stage of construction for which notice in advance is required under section 2.4.5 of the Building Code unless otherwise approved in writing by the Chief Building Official.

The owner or agent, authorized in writing by the owner, shall:

- a) notify the Chief Building Official/Sewage System Inspector at least twenty-four (24) hours prior to the stage when sewage system work is ready to be inspected,
- b) furnish any equipment, material, power or labour that is necessary for inspection.

As Constructed Plans

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

Fencing

14. The person to whom a permit is issued in respect of construction or demolition which will take place at an urban construction site shall erect or cause to be erected and maintained, a fence enclosing the urban construction site.

The height of every fence shall be a minimum of 1.2 metres and a maximum of 1.8 metres, to be measured from the highest adjacent ground.

Every fence required under this by-law shall be located on the perimeter of the urban construction site as determined by the Chief Building Official.

Repeal

15. That By-laws Numbered 33-2001 and 29-2007 are hereby repealed.

Date and Effect

16. This by-law shall come into full force and take effect upon the date of its final passage by the Council of the Corporation of the Municipality of West Grey.

Read a first and second time this _____ day of _____, 2010.

Read a third time and finally passed this _____ day of _____, 2010.

Kevin Eccles, Mayor

Christine Robinson, CAO/Clerk

SCHEDULE "A" TO
MUNICIPALITY OF WEST GREY BY-LAW NUMBER 2 - 2010

BUILDING PERMIT FEES

| Column 1 - Classes of Permits | Column 2 - Permit Fees |
|---|--|
| 1. New Residential Dwelling or Farm Residential Dwelling: | |
| Main Floor | 50 cents per square foot |
| Upper Floor of 1 ½ Storey and Second Floor of 2 Storey | 25 cents per square foot |
| Garage/Carport..... | 30 cents per square foot |
| Basement | 25 cents per square foot |
| 2. Mobile Homes | \$200.00 |
| 3. Plumbing Permit | minimum \$150.00 or \$8.00 per fixture |
| 4. New Accessory Residential Buildings (portable or stationary) | 30 cents per square foot with the minimum fee being \$150.00 |
| 5. Alterations/Additions/Renovations to Existing Buildings,..... including decks and balconies | \$9.00 per \$1000.00 of estimated cost of construction with the minimum fee being \$150.00 |
| 6. Demolition Permit | \$50.00 without inspection \$150.00 with inspection |
| Note: A deposit of \$1,000.00 is required, at the discretion of the C.B.O., which will be refunded in full when the site is left in a state satisfactory to the Chief Building Official and within six months of receipt of permit. | |
| 7. Moving Permit for a Building | \$150.00 |
| 8. New Farm Buildings Exclusive of Dwelling | 20 cents per square foot with the minimum fee being \$150.00 |
| 9. Construction of a Structure Where Size Cannot Be Calculated Effectively | \$15.00 per \$1000.00 of estimated cost of construction with the minimum fee being \$150.00 |
| 10. New Commercial and Industrial Buildings | \$8.00 per \$1000.00 of estimated cost of construction with the minimum fee being \$150.00 |
| 11. New Institutional Buildings | \$10.00 per \$1000.00 of estimated cost of construction with the minimum fee being \$150.00 |

**SCHEDULE "A" TO MUNICIPALITY OF
WEST GREY BY-LAW NUMBER 2 - 2010 (continued)**

BUILDING PERMIT FEES

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| 12. | Swimming Pools | \$75.00 |
| 13. | Change of Use Permit | \$150 minimum plus building classification fee per \$1000.00 of estimated cost of construction; or if no construction, 25 cents per square foot |
| 14. | Renewal Permit | \$100.00 |
| 15. | All Other Inspections as Required | \$150.00 minimum (cost to be determined at time of request) |
| 16. | Occupancy Certificate | \$75.00 plus mileage calculated at approved rate |
| 17. | Sewage System Inspections, Reviews, Assessments & Permits: | |
| | All on-site sewage systems under 10,000 litres per day | New or replacement system, tank replacement only, leaching bed repair, alterations. \$400.00 |
| | Subdivision Review & Report for each lot | \$115.00 |
| 18. | Sewage System – Extended Environmental Health Services | |
| | 1. Property Inquiry/Investigation/Site Visit | \$85.00 |
| | 2. Copy of Certification of Approval or Use Permit | \$50.00 |
| | 3. Consultation/Site Evaluation | \$85.00 |
| | 4. Complaint/Site Visit | \$85.00 |
| | 5. Follow-Up/Site Visit | \$85.00 |
| | 6. Analysis/Interpretation/Recommendation | \$85.00 |
| | 7. Report..... | \$85.00 |
| | 8. Building Alteration..... | \$85.00 |
| | 9. Change of Use..... | \$85.00 |
| | 10. Other..... | \$85.00 |
| | 11. Revision to Permit..... | \$115.00 |