

The Corporation of the Township of North Frontenac

By-law No. 35-05

Being a By-law respecting Construction,
Demolition and Change of Use Permits
and Inspections

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 Council of the Corporation of the Township of North Frontenac enacts as follows:

1. TITLE

- 1.1 This By-law shall be known as the 'Building By-law' of the Corporation of the Township of North Frontenac.

2. DEFINITIONS

"Act" means the *Building Code Act*, 1992, S.O. 1992, Chapter 23, as amended.

"as constructed plans" means construction plans and specifications that show the building and the location of the building on the property as the building has been constructed.

"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*.

"building" means

- a) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and services appurtenant thereto;
- b) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto;
- c) plumbing not located in a structure;
- d) a sewage system; or
- e) structures designated in the *Building Code*.

"Building Code" means the regulations made under the *Building Code Act*.

“Chief Building Official” means a person appointed by By-law of the Corporation of the Township of North Frontenac pursuant to Section 3 of the Building Code Act, 1992, S.O. 1992, Chapter 23, as amended, for the purposes of the enforcement of the Act.

“Corporation” means the Corporation of the Township of North Frontenac.

“farm building” means a building or part thereof which does not contain a residential occupancy and which is associated with and located on land devoted to the practice of farming and essentially used for the housing of equipment or livestock, or the protection, storage or processing of agricultural and horticultural produce or feeds.

“occupancy” means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

“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.

“plumbing” means a drainage system, a venting system and a water system or parts thereof.

“Professional Engineer” means a person who holds a license or a temporary license under the *Professional Engineer’s Act*.

“sewage system” means

- a) a chemical toilet, an incinerating toilet, a recirculating toilet, a self-contained portable toilet and all forms of privy including a portable privy, an earth pit privy, a pail privy, a privy vault and a composting toilet system,
- b) a greywater system,
- c) a cesspool,
- d) a leaching bed system, or
- e) a system which requires or uses a holding tank for the retention of hauled sewage at the site where it is produced prior to its collection by a hauled sewage system, where these,
- f) have a design capacity of 10,000 litres per day or less,
- g) have, in total, a design capacity of 10,000 litres per day or less where more than one of these are located on a lot or parcel of land, and
- h) are located wholly within the boundaries of the lot or parcel of land on which is located the building or buildings they serve.

“Treasurer” shall mean the person appointed by the Corporation of the Township of North Frontenac to administer the financial affairs of the Corporation.

3. CLASSES OF PERMITS

- 3.1 Classes of permits with respect to the construction, demolition and change of use of buildings and permit fees shall be as set out in Schedule 'A' attached to and forming part of this By-law.
- 3.2 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, applications 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.

4. ADMINISTRATIVE PROCEDURES RELATING TO PERMITS

Permit Must be Obtained

- 4.1 No person shall construct or demolish a building or change the use of a building or cause a building to be constructed or demolished or a change of use be made to a building, unless a permit has been issued therefore by the chief building official.

Revision to a Permit

- 4.2 After the issuance of a permit under the Act by the chief building official, 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 the written authorization of the chief building official.

Revocation of a Permit

- 4.3 The chief building official, subject to the provisions outlined in subsection 8(10) of the Act, has the authority to revoke a permit issued under the Act.

4.4 The Application

- 4.4.1 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 at the offices of the Corporation, from the chief building official or from the *Building Code* website www.obc.mah.on.ca. Forms prescribed by the Corporation under clause 7(f) of the Act shall be as set out in Schedule 'C' to this By-law.

- 4.4.2 Every application shall be accompanied by the required application fee (see Permit Fees) and shall be signed by the owner or an authorized agent, who shall certify the truth of the contents of the application.

Building Permits, Conditional Permits and Demolition Permits

- 4.5 Every application for a permit shall be submitted to the chief building official, or duly appointed designate, and shall contain the information as set out in the following subsections for various classes of permits.

Construction or Demolition Permit

- 4.5.1 Where application is made for a construction permit or demolition 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", said form being attached hereto in Schedule "C"; and
 - b) include two (2) complete sets of plans, 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 covered by the permit.

This shall not be deemed to limit the authority of the chief building official to vary the number of plans, specifications and other documents or information required depending on the need for review, approval or requirements of any department of the Corporation or other outside agency.

Conditional Permit

- 4.5.2 Where the application is made for a conditional permit under Section 8(3) of the Act, the application shall:
- a) use the provincial application form, "Application for a Permit to Construct or Demolish", said form being attached hereto in Schedule "C";
 - b) include two (2) complete sets of plans, 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 covered by the permit;
 - c) state the reasons why the applicant or authorized agent believes that unreasonable delays in construction would occur in a conditional permit is not issued;
 - 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.

The submission of an application for a conditional permit shall not be deemed to impose any obligation on the chief building official to issue such a permit.

Change of Use Permits

- 4.5.3 Every application for a 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 the building for which the application is met;
 - c) include two (2) complete sets of plans, specifications, documents or other information showing the current and proposed occupancy (use) of all parts of the building, and which contains sufficient information to establish compliance with the requirements of the *Building Code* including, but not limited to: floor plans, details of the wall, ceiling and roof assemblies identifying the required fire resistance ratings and load bearing capacities and details of the existing sewage system, if any.

Equivalents

- 4.5.4 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 for 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:
- 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) technical evidence or justification that the proposed material, system or building design will provide or meet the level of performance required by the *Building Code*.

Sewage System Permits

- 4.5.5 For every application for a sewage system permit that is submitted to the chief building official or duly appointed designate, the application shall:
- a) use the provincial application form, "Application for a Permit to Construct or Demolish";

- b) include complete plans, 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 this permit;
- c) include a site evaluation which shall include the following prescribed information, unless otherwise specified by the chief building official or an appointed designate:
 - I. The date when the evaluation was done;
 - II. The name, address and phone number and signature of the person who did the evaluation;
 - III. A scaled map of the site showing the legal description (i.e. lot and concession, civic address), lot size, lot dimensions, existing easements and/or rights-of-way or utility corridors, the location of items listed in Column 1 of Tables 8.2.1.5.A., 8.2.1.5.B. and 8.2.1.5.C. of the *Building Code*, the location of the proposed sewage system, the location of any unsuitable, disturbed or compacted areas, the proposed access routes for system maintenance; the depth to bedrock, the depth to zones of soil saturation, soil properties, including soil permeability, and soil conditions, including the potential for flooding.
 - IV. Any other information as may be deemed to be required by the chief building official or appointed designate to determine compliance with the *Building Code Act* or other applicable law.

Plans and Specifications

- 4.5.6 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.

Every application for any required permit shall be accompanied by two (2) complete sets of plans, unless otherwise specified by the chief building official or appointed designate. Plans shall be drawn to scale, on paper, or other durable material, shall be legible, and where required to be prepared under the *Architect's Act* or *Professional Engineer's Act*, shall be professionally prepared.

Without limiting the foregoing, the plans shall include working drawings, a site plan and information to identify the precise location of the lands affected by the permit as identified in Schedule 'B' to this By-law unless otherwise specified by the chief building official.

5. PERMIT FEES

- 5.1 Fees for a required permit shall be as set out in Schedule 'A' attached to and forming part of this By-law and are due and payable upon submission of a complete application for a construction, demolition or change of use permit, unless otherwise specified by the chief building official or appointed designate. Where fees are due and are unpaid, the chief building official may refuse to issue the permit. For a conditional permit, the permit may

be paid for the complete project or for the actual component or part of the building for which the permit is issued.

- 5.2 Fees for required permits shall be deemed to have been calculated on the basis of full cost recovery for the building service and shall include both the direct and indirect costs of the administration and enforcement of the Act. Without limiting the foregoing this shall include plan review, field inspections, clerical support and overhead costs of the building department and other building department related support services.
- 5.3 Fees as set out in Schedule 'A' are calculated as either a flat fee or a combination of a minimum flat fee based on a specified floor area plus a graduated fee for a building whose size exceeds the specified floor area. Fees for permits for projects which have a water access only are calculated to include the costs for the additional time required to conduct such inspections and shall be deemed to constitute part of the permit fee.
- 5.4 Fees shall be calculated by the chief building official or appointed designate.
- 5.5 Where the fees payable in respect of an application for a construction, demolition or conditional permit are based on the floor area of the building, floor area shall mean the gross floor space of all storeys above grade (or below grade for an underground building or residence) measured between the exterior faces of the exterior walls of the building and where there are no walls (i.e. deck), the total area of a floor within the outer perimeter of the floor. For a change of use permit, the fees shall be based on the floor area of all storeys or floor space which are subject to the change of use.

6. REFUNDS

- 6.1 In the case of the withdrawal of an application or abandonment of all or a portion of the work, or the non-commencement of any project, and upon request, the chief building official or appointed designate shall determine the amount of the paid permit fees that may be refunded to the applicant, if any, in accordance with Schedule 'A' to this By-law. The calculation of the amount of the refund by the chief building official shall be final.

7. NOTICE REQUIREMENTS FOR INSPECTIONS

- 7.1 A person to whom a permit is issued shall give notice of readiness for inspection to the chief building official or appointed designate at least 48 hours or two business days prior to a mandatory inspection or any other inspection that may be requested by the chief building official as set out in Schedule 'D' attached to and forming part of this By-law.
- 7.2 Where the inspection is for a property that has water access only, the notice of readiness shall be at least 48 hours or two business days prior to a mandatory inspection and the person requesting the inspection shall provide a water taxi for the chief building official to conduct the said inspection unless other arrangements are made by the chief building official.

7.3 At the sole discretion of the chief building official, where the owner or authorized 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 into multiple inspections due to the phasing or complexity of the building, or the inspection is requested to be performed outside of the regular office hours of the Corporation, the owner shall be responsible for the Corporation's additional costs, as specified in Schedule 'A' attached to and forming part of this By-law. Such additional fees shall be termed 'Inspection Fees' and shall be due and payable to the Treasurer of the Corporation upon demand.

8. PRESCRIBED FORMS

The forms prescribed for use as applications for permits, for orders, for permits, for inspection reports and administrative matters shall be as set out in Schedule 'C' attached to and forming part of this By-law.

9. AS CONSTRUCTED PLANS

9.1 The chief building official or appointed designate may require that a set of plans of a building or project or any class of buildings be filed with the chief building official or appointed designate upon completion of construction under such conditions as may be prescribed in the *Building Code*.

10. ANNUAL REPORT AND RESERVE FUND

10.1 The Treasurer is hereby directed to prepare an Annual Report which shall enumerate the direct and indirect costs of delivering building services related to the administration and enforcement of the *Building Code Act* for the previous fiscal year (12 month period). The said report shall also set out the amount of the reserve fund at the end of the previous fiscal year. The Annual Report shall be submitted to Council no later than three months after the end of the previous fiscal year.

10.2 For the purposes of this By-law, the fiscal year of the municipality shall be as prescribed by the Municipal Act.

10.3 A reserve fund is hereby established for the purposes of setting aside surplus revenues from building permit fees. The reserve fund shall be used exclusively for the operation of the building department of the Corporation for any subsequent fiscal year or fiscal years. The Treasurer is hereby directed to maintain all records related to the reserve fund.

11. TRANSFER OF PERMITS

11.1 The transfer of a permit shall be permitted when there is a change of ownership of the lands affected by the permit provided that the new owner informs the chief building official in writing that he/she has assumed responsibility for engaging the services of any

contractor, design professional or other service required to complete work authorized under a permit or permits.

12. VALIDITY

12.1 Should any Section or part of a Section of this By-law or schedules hereto be declared by a court of competent jurisdiction to be invalid, the same shall not affect the provisions of this By-law as a whole or any part other than the part declared to be invalid.

13. OTHER BY-LAWS, LICENSES, PERMITS AND REGULATIONS

13.1 Nothing in the By-law shall exempt any person from complying with the requirements of any other By-law in force within the limits of the Corporation, or from applying for and obtaining any permit, license, permission, authority or approval required by this or any other By-law or regulation of the Corporation or any other law in force from time to time.

14. CONFLICT

14.1 In the event of a conflict between this By-law and any amendments thereto, and any general or special By-law, legislation or regulation, the most restrictive legislation, regulation or other By-law shall prevail.

15. PENALTY

15.1 Every person or corporation who contravenes any provision of this By-law is guilty of an offence and upon conviction under the provisions of the *Provincial Offences Act* is liable to a fine and/or other penalty imposed under Section 36 of the Act.

16. REPEAL

16.1 Any By-laws, or amendments thereto passed under Section 7 of the Act, or its predecessor, are hereby repealed.

17. EFFECTIVE DATE

17.1 This By-law shall take effect from the date of passage by Council, subject to the provisions of the Act.

Read a first and second time this 18th day of August, 2005.

Read a third time and adopted this 18th day of August, 2005.

[Handwritten Signature] Mayor [Handwritten Signature] Clerk

Certified that the above copy is a true copy of By-law No. 35-05 as enacted and passed by the Council of the Corporation of the Township of North Frontenac on the 18th day of August, 2005.

Brenda Refosse
Clerk

SCHEDULE 'A' TO BY-LAW #69-17
TO AMEND SCHEDULE 'A' of BY-LAW #35-05
PERMIT FEES

PLEASE SEE THE CURRENT FEES AND CHARGES BY-LAW
FOR THE REQUIRED PERMIT/BUILDING FEES

SCHEDULE 'B' TO BY-LAW NO. 35-05

PLANS, DRAWINGS AND SITE PLAN

Except as otherwise authorized by the chief building official, the following list of plans, working drawings and site plan information, shall be submitted with an application:

1. Site plan showing the true dimensions and/or legal description of the lot to be built upon or otherwise used, the proposed or existing location, dimensions of all buildings and setbacks from all property lines and the shoreline of a water body, where applicable, all major topographic or other features on or abutting the lot such as water bodies, slopes, roads, utility corridors and easements, landscaping (natural vegetation cover or planted), loading and parking spaces, lot area and building coverage, a north arrow, scale, civic address and lot and concession number .
2. Floor Plans
3. Foundation plans
4. Framing plans
5. Reflected ceiling plans
6. Sections and details
7. Building elevations
8. Electrical drawings
9. Heating, Ventilation and Air Conditioning Drawings
10. Plumbing Drawings
11. Fire Alarm and Sprinkler Plan

Two (2) complete sets of the site plan, all drawings and other specifications or information shall be submitted unless otherwise stipulated by the chief building official.

SCHEDULE 'C' TO BY-LAW NO. 35-05

PRESCRIBED FORMS

The following forms constitute the forms used by the Corporation of the Township of North Frontenac in the administration of the Building Code Act:

- | | |
|--------|----------------------|
| Form 1 | Application Form |
| Form 2 | Building Permit |
| Form 3 | Change of Use Permit |
| Form 4 | Inspection Report |

SCHEDULE 'D' TO BY-LAW NO. 35-05

INSPECTIONS

Notice of readiness to inspect shall be given to the chief building official for the following inspections unless otherwise stipulated by the chief building official:

1. of the commencement of the construction of the building,
2. of the readiness to construct the footings,
3. of the substantial completion of the footings and foundations,
4. where the building is within the scope of Part 9, of the substantial completion of:
 - A. structural framing,
 - B. insulation and vapour barriers, and
 - C. ductwork and piping for heating and air-conditioning systems,
5. where the building is within the scope of parts of this Code other than Part 9, of the substantial completion of:
 - A. structural framing of each storey,
 - B. insulation and vapour barriers, and
 - C. roughing-in of heating, ventilation, air-conditioning and air-contaminant extraction equipment,
6. of the commencement of the construction of:
 - A. masonry fireplaces and masonry chimneys,
 - B. factory-built fireplaces and allied chimneys,
 - C. stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys,
7. of the substantial completion of all required fire separations and closures and all fire protection systems including standpipe, sprinkler, fire alarm and emergency lighting systems,
8. of the substantial completion of interior finishes and heating, ventilating, air-conditioning and air-contaminant extraction equipment,
9. of the substantial completion of exterior cladding, fire access routes and site grading,
10. of the completion of construction and installation of components required to permit occupancy by Sentences 2.4.3.1.(2) and 2.4.3.2.(1),
11. of the readiness for inspection and testing of:
 - A. building sewers and building drains,
 - B. water service pipes,

- C. drainage systems and venting systems,
 - D. water distribution system, and
 - E. plumbing fixtures and plumbing appliances, and
12. of the completion and availability of drawings of the building as constructed.
 13. Reinspection of any phase of construction not completed as specified above, or where an inspection revealed non-compliance with the Building Code, or where any other circumstance set out in Section 7.3 of this By-law applies.

Note: This does not exempt the applicant from giving notice for the stages of construction of a sewage system to the Kingston, Frontenac and Lennox and Addington Health Unit.