

THE CORPORATION OF THE TOWNSHIP OF NORTH FRONTENAC

BY-LAW #73-18

Being a By-law to Regulate the Construction, Demolition and Change of Use Permits for Buildings, Structures, and all other Related Services and to Repeal By-law #49-18

WHEREAS pursuant to Section 9 of the *Municipal Act, 2001 S.O. 2001, Chapter 25* a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS pursuant to section 8.(1) of the *Municipal Act, 2001 S.O. 2001, Chapter 25* the powers of municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues;

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

AND WHEREAS the Council of The Corporation of the Township of North Frontenac deems it necessary and desirable to repeal By-law #49-18 and to enact a new Building By-Law for the issuance of Permits and all other related services;

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

1. ADMINISTRATION

- 1.1 This By-law may be cited as the 'Building By-law' of the Corporation of the Township of North Frontenac.
- 1.2 Words in the singular may include the plural and words in the plural may include singular.
- 1.3 The headings and subheadings used in this By-law shall not form part of the By-law, but shall be deemed to be inserted for convenience of reference only.
- 1.4 This By-law is to be read in conjunction with the *Building Code Act* and Ontario Building Code and in the event that there is a conflict between the provisions of this By-law and the provisions of the *Building Code Act*, or the Ontario Building Code then the provisions of the *Building Code Act* and Ontario Building Code prevail.

2. DEFINITIONS

In this By-law all words or phrases shall have the meaning accorded to them in the *Building Code Act* or the Ontario Building Code; in addition to those words or phrases in this By-law.

“Applicant” means the Owner of a building or property who applies for a Permit or any person authorized to apply for a Permit on the Owner’s behalf, or any person or corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or corporation.

“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*.

“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 Ontario Building Code.

“Ontario Building Code” means Ontario Regulation 332/12 made under Section 34 of the *Building Code Act*.

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

“Building Inspector” 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 *Building Code Act*.

“Chief Building Official (CBO)” 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 *Building Code Act*.

“Complete Application” means an Application that meets the requirements set out in the Ontario Building Code.

“Conditional Permit” means a Permit issued under Section 8(3) of the *Building Code Act* for any stage of construction, subject to conditions deemed necessary by the CBO.

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

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

“Partial Permit” means a Permit issued by the Chief Building Official to construct part of a Building.

“Permit” means written permission or written authorization from the Chief Building Official to perform work regulated by this By-law and the *Building Code Act*, or to change the use of a building or part of a building or parts thereof as regulated by the *Building Code Act*.

“Permit Holder” means the Owner to whom the Permit has been issued or where a Permit has been transferred, the new Owner to whom the Permit has been transferred.

“Plot Plan” means a detailed drawing(s) of proposed improvements to a given property a defined scale or at the discretion of the Chief Building Official a reasonable representation of proposed improvements in which all setbacks from lot lines and other on-site situations are accurately reflected and the Owner is willing to accept responsibility for such accuracy. Plot plans may also be known as Site Plans.

“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*.

“Revised Submission” means additional information filed with the Chief Building Official which depicts one or more changes to the proposed or as constructed design of a building or part of a building for which a Permit has already been issued and for which approval by the Chief Building Official is required.

“Supplementary Submission” means a resubmission of additional information in relation to building Permit Application documents previously filed and reviewed

that requires additional review to determine Ontario Building Code compliance.

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

3. ADMINISTRATIVE PROCEDURES RELATING TO PERMITS

3.1 Permit Must be Obtained

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.

3.2 Revision to a Permit

After the issuance of a Permit under the *Building Code 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.

3.3 Revocation of a Permit

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 *Building Code Act*.

3.4 The Building Inspector shall be permitted to exercise the powers of the CBO as stated in this By-law, provided the Building Inspector has the required qualifications/courses.

3.5 The Application

3.5.1 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 Township, from the Chief Building Official or from the Ontario Building Code website <http://www.mah.gov.on.ca/Page7393.aspx> Forms prescribed by the Township under clause 7(f) of the *Building Code Act* shall be as set out in Schedule 'B' to this By-law.

3.5.2 Every Application shall be accompanied by the required Application fee (see the current Fees & Charges By-law) and shall be signed by the Owner or an Authorized Agent, who shall certify the truth of the contents of the Application.

- 3.5.3 To be considered a complete Application every Permit Application shall be accompanied by the approval documents issued by the agencies responsible for the applicable laws listed in the Ontario Building Code Div. A 1.4.1.3., where those agencies issue approval documents and the law applies to the construction or demolition being proposed and be accompanied by all documentation as required by the Chief Building Official and Schedule “A” and “B” of this By-law.
- 3.5.4 An Application for a Permit may be refused by the Chief Building Official where it is not a complete Application.
- 3.5.5 The Chief Building Official has the delegated authority to create and/or adopt for usage, forms (other than those prescribed by the *Building Code Act* or the Ontario Building Code) which provide for the collection of specific information in relation to Permit Applications as is necessary for the administration and enforcement of the *Building Code Act* and the Ontario Building Code. This delegated authority is subject to the Chief Building Official maintaining a list of forms that it has issued or adopted for usage.

The Chief Building Official may, as the Chief Building Official deems appropriate, provide prescribed forms in an electronic format and may allow for electronic submission of completed Permit Application forms and documents.

Completed forms generated electronically shall be accepted subject to the endorsement by the Applicant.

- 3.5.6 Applications submitted in accordance with this By-law or otherwise required by the Act become the property of the Corporation and will be disposed of or retained in accordance with relevant legislation or By-laws.

4. CLASSES OF PERMITS

4.1 Building Permits, Conditional Permits and Demolition Permits

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.

4.2 Construction or Demolition Permit

Where Application is made for a construction Permit or demolition Permit under subsection 8(1) of the *Building Code Act*, the Application shall:

- a) use the Provincial Application form, “Application for a Permit to Construct or Demolish”, and

- b) include two (2) complete sets of plans, specifications, documents and other information as required by Div C 1.3.1.3.(5) (a)-(f) of the Ontario 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 Township or other outside agency.

4.3 Partial Permit

In Addition to the requirements of subsection 4.2 every Application for a Partial Permit shall:

- a) require a Permit Application for the entire project; and
- b) be accompanied by plans, specifications, documents, forms, and other information covering that part of the work for which Application for Partial Permit is made, together with such information pertaining to the remainder of the work as may be required by the Chief Building Official; and include payment of all applicable fees for the complete project.

The Chief Building Official may issue a Partial Permit when the Chief Building Official determines it is appropriate to expedite substantial construction before a Permit for the entire building is available and where the relevant provisions of this By-law and the *Building Code Act* are met.

- a) When determining whether to issue a Partial Permit, the Chief Building Official shall have regard for the likelihood of subsequent approvals being available in a timely fashion such that a project is not interrupted and exposed to potential damage from the elements, while awaiting subsequent approvals.

- b) Notwithstanding the issuance of a Permit under this section (Partial Permit) the Chief Building Official shall not be deemed, implied or obligated to issue any further or additional Permits for such project.

4.4 Conditional Permit

Where the Application is made for a Conditional Permit under Section 8(3) of the *Building Code Act*, the Applicant shall:

- a) use the Provincial Application form, "Application for a Permit to Construct or Demolish";
- b) include two (2) complete sets of plans, specifications, documents and other information as required by Div C 1.3.1.3.(5) (a)-(f) of the Ontario 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.
- f) notwithstanding the issuance of a Permit under this section the Chief Building Official shall not be deemed implied or obligated to issue any further or additional Permits for such project.

4.5 Change of Use Permits

Every Application for a Change of Use Permit issued under subsection 10(1) of the *Building Code 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 Ontario 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.

4.6 Authorization of Alternative Solutions or Compliance Alternatives

Where approval for an alternative solution OR a compliance alternative is requested under the Ontario Building Code as a proposal, either in the Application for a Permit or in a material change to a plan, specification, document or other information on the basis of which a Permit was issued, the Applicant shall submit:

- a) An Application on a form or in a manner prescribed by the Chief Building Official

- b) Supporting documentation demonstrating that the proposed alternative solution will provide the level of performance required by the Ontario Building Code; and
- c) Payment of the required fees prescribed in the Fees and Charges By-law.

4.7 Sewage System Permits

As Kingston Frontenac Public Health has been delegated as the Principle Authority, all Applications for Sewage System Permits shall be in accordance with Public Health Policies.

5. 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 or not the proposed construction, demolition or change of use will conform with the *Building Code Act*, the Ontario 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/or plot plan and information to identify the precise location of the lands affected by the Permit as identified in Schedule 'A' to this By-law unless otherwise specified by the Chief Building Official.

Where a plot plan is deemed to satisfy in place of a site plan, a plot plan shall show:

- a) Lot size and dimensions of the property regarding the project;
- b) Setbacks from existing and proposed buildings to property boundaries and to each other;
- c) Existing and finished ground levels or grades; and drainage patterns;
- d) All existing right of ways, easements, municipal and private services;
- e) Proposed location of potable water supply (well or lake system);
- f) Proposed location of septic system.

6. PERMIT FEES

- 6.1 Fees for a required Permit shall be as set out in the Fees and Charges 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 or conduct

inspections. 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 along with the security deposits required.

- 6.2 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 *Building Code 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.
- a) In addition to the fees paid at the time of the building Permit Application, when an Applicant makes supplementary submissions and/or revised submissions, the Applicant shall pay the prescribed fee which shall be calculated in accordance with the fees as set out in the Fees and Charges By-law.

All Applications submitted for consideration will be subject to a non-refundable deposit as set out in the Fees and Charges By-law, which will be accounted towards the final Permit invoice, unless the Permit is refused in which case the fee is non-refundable.

- 6.3 Fees shall be calculated by the Chief Building Official or appointed designate.
- 6.4 For a Change of Use Permit, the fees shall be based on construction value to renovate any and all storeys or floor space which are subject to the change of use.

Despite the project value submitted by the Applicant, the Chief Building Official may place a valuation on the cost of the proposed project and where disputed by the Applicant, the Applicant shall pay the required fee under protest and within 6 months of completion of the project shall submit an audited statement of the actual costs. Where the Chief Building Official, in his sole discretion, agrees that the audited costs are less than the valuation, and costs incurred by the department, the Chief Building Official may issue a partial refund that reflects the difference between the two amounts.

7. REFUNDS

- 7.1 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 fees as set out in the Fees and Charges By-law. The calculation of the amount of the refund by the Chief Building Official shall be final.

8. NOTICE REQUIREMENTS FOR INSPECTIONS

- 8.1 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 'C' attached to and forming part of this By-law.
- 8.2 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.
- 8.3 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 Township, the Owner shall be responsible for the Township's additional costs, as set out in the Fees and Charges By-law. Such additional fees shall be termed 'Inspection Fees' and shall be due and payable to the Treasurer of the Township upon demand.

9. PRESCRIBED FORMS

- 9.1 The list of 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 'B' attached to and forming part of this By-law.

10. AS CONSTRUCTED PLANS

- 10.1 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 Ontario Building Code.

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 and with payment of the applicable fee as set out in the Fees and Charges By-law.

12. ANNUAL REPORT AND RESERVE FUND

- 12.1 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.
- 12.2 For the purposes of this By-law, the fiscal year of the municipality shall be as prescribed by the *Municipal Act*.
- 12.3 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 Township for any subsequent fiscal year or fiscal years. The Treasurer is hereby directed to maintain all records related to the Reserve Fund.

13. VALIDITY

- 13.1 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.

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

- 14.1 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 Township, 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 Township or any other law in force from time to time.

15. CONFLICT

- 15.1 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.

16. PENALTY

- 16.1 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 *Building Code Act*.

17. REPEAL

17.1 That By-law #49-18 is hereby repealed.

17.2 All Resolutions, By-laws or parts of By-laws, which are contrary to or inconsistent with this by-law, are hereby repealed.

18. SCHEDULES

The Schedules attached hereto and forming part of this By-law shall remain in effect unless Council adopts a By-law amending and/or repealing same:

Schedule A – Plans, Drawing, and Site Plan

Schedule B – Prescribed Forms

Schedule C – Inspections

19. EFFECTIVE DATE

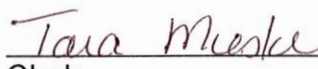
This By-law shall take effect from the date of passage by Council, subject to the provisions of the *Building Code Act*.

Read a first and second time this 24th day of August, 2018.

Read a third time and adopted this 24th day of August, 2018.



Mayor



Clerk

SCHEDULE 'A' TO BY-LAW #73-18

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 'B' TO BY-LAW #73-18

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*:

- Application Form
- Schedule 1 Designer Information
- Schedule 2 Sewage System Installer Information
- Energy Efficiency Design Summary: Prescriptive Method
- Testament Form Plumber
- Acknowledgement of requirement for Occupancy
Letter of Direction Authorization
- Testament of setback to be obtained
Acknowledgement of Setback required
- Building Permit
Change of Use Permit
- Inspection Report

SCHEDULE 'C' TO BY-LAW #73-18

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 fill placement prior to slab on grade construction
4. Prior to pouring of footings,
5. Prior to the Pour of Slab on Grade systems
6. Prior to Pour of ICF systems
7. Prior to Backfill of below grade buildings.
8. Radiant prior to pour systems
9. 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,
 - D. Prior to the cover of Air Barrier system.
10. 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,
 - D. Prior to cover of Air Barrier system.
11. 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,
12. 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,
13. of the substantial completion of interior finishes and heating, ventilating, air-conditioning and air-contaminant extraction equipment,
14. of the substantial completion of exterior cladding, fire access routes and site grading,
15. of the completion of construction and installation of components required to permit occupancy by Ontario Building Code Div. C Chapter 1, Sentence 1.3.3.1, 1.3.3.2, 1.3.3.3., 1.3.3.4, and 1.3.3.5., as amended,
16. 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
17. of the completion and availability of drawings of the building as constructed.
 18. Reinspection of any phase of construction not completed as specified above, or where an inspection revealed non-compliance with the Ontario Building Code, or where any other circumstance set out in Section 8.3 of this By-law applies.
 19. Final
 20. Other as determined by the Chief Building Official or designate due to unique project considerations.

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.