#### THE CORPORATION OF THE TOWNSHIP OF KING

### **BY-LAW NUMBER 2008-41**

### A BY-LAW UNDER THE BUILDING CODE ACT RESPECTING CONSTRUCTION, DEMOLITION AND CHANGE OF USE PERMITS AND INSPECTIONS AND TO ESTABLISH A SCHEDULE OF FEES THEREFOR "THE BUILDING BY-LAW"

**WHEREAS** Section 7 of the *Building Code Act*, 1992 S.O., Chapter 23 as amended, empowers Council to pass certain By-laws respecting construction, demolition, change of use, transfer of permits, inspections, the setting and refunding of fees, and related matters;

**AND WHEREAS** The Council of the Corporation of the Township of King desires to repeal Bylaw 1998-183, as amended and enact a new Building By-law for the issuance of permits and related matters including a fee schedule for all applicable building permit fees;

**THEREFORE** the Council of the Corporation of the Township of King HEREBY ENACTS AS FOLLOWS:

#### **SHORT TITLE**

This By-law may be cited as the Building By-law.

# Part 1 DEFINITIONS

#### 1.1 Definitions

In this By-law;

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

"Applicant" means the owner of a building or property who applies for a permit or any person authorized by the owner 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.

"Architect" means the holder of a licence, certificate of practice or a temporary licence under the Architects Act as defined in the *Building Code*.

### "Building" means

- a structure occupying an area greater than ten square meters (108 square feet) consisting of a wall, roof, and floor or any of them or a structural system serving the function thereof including all works, plumbing, fixtures and service systems appurtenant thereto,
- a structure occupying an area of ten square meters or less that contains plumbing, including the plumbing appurtenant thereto,
- plumbing not located in a structure,
- a sewage system or;
- such other structures as those designated in the regulations passed under the *Building Code Act*;

"Building Code" means the regulations made under section 34 of the Act.

"Chief Building Official" means a Chief Building Official appointed by Council under section 3 of the Act for purposes of enforcement of the Act.

"Construct" means to construct as defined in subsection 1(1) of the Act.

"Corporation" means the Corporation of the Township of King.

- "Demolish" means to do anything in the removal of a building or any material part thereof as defined in subsection 1(1) of the Act.
- "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 used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds;
- "Floor Area" means with reference to a building the total floor area within a building which area is measured between the exterior faces of the exterior walls excluding unfinished cellars, or unfinished basements, but where the natural terrain permits a walkout basement, twenty-five (25) percent of the floor area of the walkout basement shall be included.
- "Forms" means the applicable provincial or municipal prescribed forms.
- "Inspector" means an inspector appointed by By-law by the Corporation for the purpose of enforcement of the Act.
- "Owner" includes, in respect of the property on which the construction or demolition will take place the registered owner, a lessee, mortgagee in possession, and the authorized agent in lawful control of the property.
- "Permit" means written permission or written authorization from the Chief Building Official to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the Act and *Building Code*.
- "Permit Holder" means the owner to whom a permit has been issued or where a permit has been transferred, the new owner to whom the permit has been transferred.
- "Plumbing" means plumbing as defined in section 1(1) of the Act;
- "Professional Engineer" means a person who holds a license or temporary license under the *Professional Engineers Act*.
- "Registered Code Agency" means a person or entity that has the qualifications and meets the requirements described in subsection 15.11-(4) of the Act.
- "Sewage System" means a sewage system as defined in section 1.4, Division A, part 1 of the *Building Code*.
- Work" means construction or demolition of a building or part thereof, as the case may be.
- 1.2 Terms not defined in this By-law, shall have the meaning ascribed to it in the *Act* or the *Building Code*.

### Part 2

### **CLASSES OF PERMITS**

### 2.1 Set out in Schedule "A" (Fee Schedule)

The classes of permits set out in Schedule "A" of this By-law are hereby established.

# Part 3 PERMITS

### 3.1 File Application – on forms - prescribed

To obtain a Permit, the Owner or an agent authorized in writing by the Owner shall file an Application in writing by completing a prescribed form available from the Chief Building Official or from the Building Code website <a href="www.obc.mah.gov.on.ca">www.obc.mah.gov.on.ca</a>. Application Forms prescribed by the Corporation under clause 7(f) of the Act are set out in Schedule "B" to this By-law.

- 3.1.2 Permits or written approval for work other that that referred to in this By-law, such as road cuts, culverts, driveway entrances, conservation authority, or any other applicable law shall be obtained from the appropriate authority having jurisdiction in accordance with the by-law of the municipality prior to issuance of a Permit.
- 3.1.3 No person shall excavate for, construct, erect, re-erect, alter, repair, remove, wreck or cause or permit the excavation for, construction, erection, re-erection, alteration, repair, removal or wrecking of any Building or structure or any part thereof without first obtaining a Permit. For the purpose of this section structure shall include a swimming pool whether in ground or aboveground or a combination thereof.
- 3.1.4 No person shall move a Building or structure within the lot which it presently occupies or to a different lot unless a Permit for such change of location has been first obtained. Such change of location of a Building or structure shall be considered a re-erection subject to the provisions of this By-law and shall be approved by the Chief Building Official.
  - a) No person shall move an existing Building or part of a Building into the Township of King without prior approval of the Chief Building Official
    - i) The Chief Building Official may require such tests on the Building or part of the Building as he deems necessary to ensure there is no termite infestation.
    - ii) If termite infestation has occurred or if such tests as directed are inconclusive as to infestation, approval shall not be given by Chief Building Official to the moving of the Building or any part of the Building into the Township of King.
- 3.1.5 Where any person has constructed, erected, altered, repaired, removed or wrecked any building or structure or changed the location of any structure without having first obtained a Permit in accordance with the requirements of the *Building Code Act*, that person shall, notwithstanding any other proceeding which may be taken against him;
  - a) obtain a Permit for the work done, and
  - b) make the building or structure or part thereof comply with all the Building Code and/or all the by-laws of the Corporation

### **GENERAL REQUIREMENTS**

### 3.2 Information – submitted – to Chief Building Official

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

- (1) Where application is made for a <u>construction</u> 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", as amended from time to time;
  - b) include complete plans and specifications, documents and other information as required by Article 1.3.1.3, Division C, Part 1 of the *Building Code* and as described in this By-law for the work to be covered by the Permit, and
  - c) when sub section 1.2.2., Division C, Part 1 of the *Building Code* applies, provide a signed statement of the Architect or Professional Engineer, or both, on the Form prescribed undertaking to provide general review of the construction or demolition of the Building.
  - d) include completed Form as set out in Schedule "D" where applicable.
  - e) pay the required fees as calculated in accordance with Schedule "A" to the By-law.
- (2) Where application is made for a 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", as amended from time to time;
- (b) include complete plans and specifications, documents and other information as required by Article 1.3.1.3, Division C, Part 1 and Sentence 1.3.1.3 (3) Division C, Part 1 of the *Building Code* and as described in this By-law for the work to be covered by the permit; and
- (c) where sub section 1.2.2, Division C, Part 1 of the *Building Code* applies, include completed Form as set out in Schedule "D" where applicable, and
- (d) include;
  - (i) proof satisfactory to the Chief Building Official, that arrangements have been made with the proper authorities for the cutting off and plugging of all services;
  - (ii) a security deposit in such an amount as prescribed by the Chief Building Official to ensure that the site will be backfilled and graded with clean fill material to his or her satisfaction and that all private drain connections will be excavated and properly sealed at the property line.
- (e) pay the required fees as calculated in accordance with Schedule "A" to this By-law.
- (3) Where application is made for a <u>conditional</u> Permit under subsection 8(3) of the Act, the application shall:
  - (a) use the provincial application Form, "Application for a Permit to Construct or Demolish",
  - (b) include complete plans and specifications, documents and other information as required by Article 1.3.1.3, Division C, Part 1 of the *Building Code* and as described in this By-law for the work to be covered by the permit;
  - (c) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional Permit is not granted;
  - (d) state the necessary approvals which must be obtained in respect of the proposed Building and the time in which such approvals will be obtained; and
  - (e) state the time in which plans and specifications of the complete building will be filed with the Chief Building Official.
  - (f) require the Owner and such other persons as the Chief Building Official determines to enter into an agreement with the Corporation.
  - (g) pay the required fees as calculated in accordance with Schedule "A" to the By-law.
- (4) Where application is made for a <u>change of use</u> Permit issued under subsection 10(1) of the Act the application shall:
  - a) use the prescribed Form in schedule "B" of this By-law;
  - b) describe the Building in which the occupancy is to be changed by a description that will readily identify and locate the Building;
  - c) identify and describe in detail the current and proposed occupancies of the Building or part of a Building for which the application is made;
  - d) include complete plans and specifications showing the current and proposed occupancy of all parts of the Building, and which contain

sufficient information to establish compliance with the requirements of the *Building Code*, including: floor plans, details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities, details of the existing sewage system, if any;

- e) be accompanied by the required fee;
- f) state the name, address and telephone number of the Owner;
- g) be signed by the Owner or his or her authorized agent who shall certify the truth of the contents of the application.
- (5) Where application is made for a <u>sewage</u> Permit issued under subsection 8(1) of the Act, the application shall:
  - a) use the provincial application Form, "Application for a Permit to Construct or Demolish."
  - b) include complete plans and specifications, documents and other information as required under Article 2.4.1.1B of the *Building Code* and as described in this By-law for the work to be covered by the Permit;
  - c) include a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official:
    - i. include the date the evaluation was done;
    - ii. include name, address, telephone number and signature of the person who prepared the evaluation; and
    - iii. include a scaled map of the site showing:
      - the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal/utility corridors;
      - the location of items listed in Column 1 of Tables 8.2.1.6.A, 8.2.1.6.B. and 8.2.1.6C of the *Building Code*;
      - the location of the proposed sewage system;
      - the location of any unsuitable, disturbed or compacted areas;
      - proposed access routes for system maintenance;
      - depth to bedrock;
      - depth to zones of soil saturation;
      - soil properties, including soil permeability; and
      - soil conditions, including the potential for flooding.
  - d) pay the required fees as calculated in accordance with Schedule "A" to this By-law.
- (6) Where application is made for a transfer of Permit because of a change of ownership of the land, as permitted under clause 7(h) of the Act, the application shall:
  - a) use the prescribed Form in Schedule "B" of this By-law;
  - b) provide the names and addresses of the previous and new land Owner;
  - c) provide the date that the land ownership change took place;
  - d) describe the Permit that is being transferred.

### 3.3 Incomplete Application

Where an application is found to be incomplete and does not comply with Sentence 1.3.1.3-(5) of the *Building Code*, the application may be accepted for processing if the Applicant acknowledges same and completes the Form as set out in Schedule "E" of this By-law.

### 3.4 Inactive Permit Application

Where an application for a permit remains incomplete or inactive for six months after it is made, the application may be deemed by the Chief Building Official to have been abandoned and notice thereof shall be given to the Applicant. If an application is deemed to be abandoned, a new application must be filed for the proposed work.

### 3.5 Changes to Approved Plans

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 the Permit was issued shall be given in writing to the Chief Building Official together with the details of such change which is not to be made without the prior written authorization of the Chief Building Official. Notification of any change may be in the form of an application for revision to a Permit where changes are major and may take the form of a revision Permit being issued.

# Part 4 PLANS AND SPECIFICATIONS

### 4.1 Information – sufficient – to determine conformity

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, change of use or transfer of permit will conform with the Act, the *Building Code* and any other applicable law.

### 4.2 Two complete sets – required – unless specified

Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by three complete sets of the plans and specifications as described in this By-law and Schedule "C" of this By-law.

### 4.3 Plans – drawn to scale – on durable material – legible

Plans shall be drawn to scale (min. 1:75 or 3/16"=1") on paper, electronic media approved by the Corporation or other durable material and shall be legible and shall include all working drawings.

### 4.4 Site plans - referenced - to plan of survey

Site plans shall be referenced to an up-to-date survey certified by a registered Ontario land surveyor 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:

- l) lot size and dimensions of property lines and setbacks to any existing or proposed buildings;
- 2) existing and finished ground levels or grades; and
- 3) existing rights-of-way, easements and municipal services

The Chief Building Official may refuse an application if any of the above is deemed to be incomplete or insufficient at the time of application.

### 4.5 As constructed plans

On completion of the construction of a building, the Chief Building Official may require a set of as constructed plans, including a plan of survey showing the location of the building.

### 4.6 Plans property of Corporation

Plans and specifications furnished according to 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 all applicable legislation.

# Part 5 REGISTERED CODE AGENCIES

### 5.1 Registered Code Agency – hired – by Chief Building Official

The Chief Building Official is authorized to enter into and sign contracts for service agreements with registered code agencies and appoint them to perform specified functions from time to time pursuant to section 4.1 of the Act.

### 5.2 Functions of Registered Code Agency

The registered code agency may be appointed to perform one or more of the specified functions described in section 15.15 of the Act.

### Part 6 FEES AND REFUNDS

### 6.1 Due - payable - upon application - Schedule "A"

The Chief Building Official shall determine the required fees for the work proposed calculated in accordance with Schedule "A" of this By-law and the Applicant shall pay such fees.

#### 6.2 Work without Permit

Any person or Corporation who commences construction, demolition or changes the use of a Building before submitting an application for a Permit or before 14 calendar days have elapsed from the date on which an application for a Permit has been accepted by the municipality unless the Permit has already been issued, shall in addition to any other penalty under the Act, *Building Code* or this By-law pay an additional fee equal to 100% of the amount calculated as the regular Permit fee but in no case shall the additional fee exceed \$5,000.00 in order to compensate the Corporation for the additional work incurred by such early start of work.

### 6.3 Refunds

Pursuant to Subsection 6.1 of this By-law the fees that may be refunded shall be a percentage of the fees payable under this By-law, calculated as follows:

- i) 75 percent if administrative functions only have been performed;
- ii) 60 percent if administrative and zoning functions only have been performed;
- iii) 45 percent if administrative, zoning and plan examination functions have been performed;
- iv) 35 percent if the Permit has been issued and no field inspection has been performed subsequent to the Permit issuance;
- v) 5 percent shall additionally be deducted for each field inspection that has been performed after the Permit has been issued.

If the calculated refund is less than the minimum fee application to the work or one year has passed, no refund shall be made of the fees paid.

6.3.1 Notwithstanding the foregoing, no application fee and/or Permit fee shall be required for any class of Permit or renewal of a Permit obtained by or on behalf of the Corporation or any Board of Committee thereof.

# Part 7 TRANSFER OF PERMITS

### 7.1 Application – completed – by new Owner

A Permit may be transferred if the new land Owner completes the Permit application Form in accordance with the requirements of Part 3 of this By-law.

### 7.2 Fee - Schedule "A"

A fee shall be payable on an application for a transfer of Permit as provided in Schedule "A' of this By-law.

### 7.3 New Owner – Permit Holder – upon transfer

The new Owner shall, upon a transfer of a Permit, be the Permit Holder for the purpose of the Act and the *Building Code*.

# Part 8 REVOCATION OF PERMITS

#### 8.1 Notice of Revocation

Prior to revoking a Permit under subsection 8(10) of the Act, the Chief Building Official may serve a notice by personal service or registered mail to the last known address to the Permit Holder, and following a thirty (30) day period from the date of service, the Chief Building Official may revoke the permit if grounds to revoke still exist, without any further notice.

### 8.2 Deferral of Revocation

A Permit Holder may within thirty (30) days from the date of service of a notice under this Part, request in writing the Chief Building Official to defer the revocation by stating reasons why the Permit should not be revoked. The Chief Building Official having regard to any changes to the Act, *Building Code* or other applicable law, may allow the deferral in writing.

### 8.3 Fee for Deferral

A request for deferral shall be accompanied by the non-refundable fee therefor set out in Schedule "A" of this By-law.

### Part 9 NOTICE REQUIREMENTS FOR INSPECTIONS

### 9.1 Notice prior – each stage – to Chief Building Official

The Permit Holder shall notify the Chief Building Official or a registered code agency where one is appointed, of each stage of construction for which a mandatory notice is required under Article 1.3.5.1, Division C Part 1 of the *Building Code*. In addition to the notice of completion as prescribed by Section 11 of the Act, the Permit Holder shall provide another mandatory notice after the completion of demolition work to ensure the completion of site grading and other works.

### 9.2 Effective – when received – by Chief Building Official

Notice shall be given as required by Article 1.3.5.1, Division C Part 1 of the *Building Code* Act. A notice pursuant to this Part of this By-law is not effective until notice is actually received by the Chief Building Official or the registered code agency and the Permit Holder receives a confirmation number issued by the Corporation or the registered code agency.

### 9.3 Time Periods – Inspections

Upon receipt of proper notice, the Inspector or a registered code agency, if one is appointed shall undertake a site inspection of the Building to which the notices relate in accordance with the time periods stated in Article. 1.3.5.3 Division C. Part 1 of the Building Code and section 11 of the Act.

### Part 10 VALIDITY

### 10.1 Severability

In the event that any provision of this By-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this By-law.

# Part 11 CONTRAVENTION OF BY-LAW OFFENCE

- 11.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided in section 36 of the *Building Code* Act, 1992, S.O. 1992, c.23, as amended,
  - 1) on a first conviction to a fine of not more than \$25,000.00, and
  - 2) on any subsequent conviction to a fine of not more than \$50,000.00.
- Where the person convicted is a corporation, the maximum fines are \$50,000.00 on a first offence and \$100,000.00 for any subsequent conviction.

# Part 12 REPEAL - ENACTMENT

	REPEAL – ENACTMENT
12.1	By-law previous
	By-law 1998-183 and all of its amendments are hereby repealed effective
12.2	Application prior to
	Notwithstanding section 12.1 of this By-law, for any application received prior to the Permit fee shall be calculated in accordance with Schedule "A" of By law 1998-183
12.3	Effective date
	This By-law comes into force on

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Act-defined

Applicant-defined

Architect-defined

Building Code-defined

Building- defined

Chief Building Official-defined

Construct-defined

Corporation- defined

Demolish-defined

Farm Building- defined

Floor Area- defined

Forms- defined

Inspector-defined

Owner-defined

Permit-defined

Permit Holder-defined

Plumbing- defined

Professional Engineer-defined

Registered Code Agency-defined

Sewage System-defined

Work-defined

Word-term-not defined-meaning

1.2 Terms not defined in this By-law, shall have the meaning ascribed to it in the Act or The *Building Code*.

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Schedule "A"	Classes of Permits and Fees
Schedule "A"	( lasses of Permits and Fees

Schedule "B" Application for Change of Use, Transfer of Ownership Permit, Permit to

Construct or Demolish, Plumbing and Drain permit.

Schedule "C" Required Plans Schedule "D" General Review Form

Schedule "E" Incomplete Application Form

READ a FIRST and SECOND time this 9th day of June, 2009.

READ a THIRD time and FINALLY PASSED this 9th day of June, 2009.

Margaret Black, Mayor

Chris Somerville, Clerk

# Schedule "A" To By-Law 2008-41 sses of Permits and Permit Fo

# Classes of Permits and Permit Fees Effective on application received after June 9<sup>th</sup>, 2008

Category or Type of Fee	Fee
<ul> <li>single detached dwelling</li> <li>duplex (per unit)</li> <li>triplex (per unit)</li> <li>double duplex (per unit)</li> <li>apartment in a house</li> <li>townhouse (per unit)</li> <li>multiple dwelling (per unit)</li> <li>apartment building (per unit)</li> <li>all other Group 'C' occupancies (per unit or suite)</li> <li>additions &gt; 1000 sq ft</li> <li>Note: Fee includes HVAC and Plumbing</li> </ul>	\$3,500/ dwelling unit with a floor area up to 5,500 sq ft or \$0.64 /sq ft (510.95 sq m) (\$6.89/ sq m) for buildings with a floor area over 5,500 sq ft (510.95 sq m)
<ul> <li>Group 'C'- Residential:</li> <li>Major alteration and demolition for Multiple residential</li> <li>Additions 500 sq ft to 1000 sq ft</li> </ul>	\$2,125 with a floor area up to 5,500 sq ft (510.95 sq m) \$0.39/sq ft (\$4.20/ sq m) for buildings a floor area over 5,500 sq ft (510.95 sq m). Area applies to the unit(s) being altered
Group 'C'  garage  carport  accessory building  attached deck  open porch  minor alterations  additions < 500 sq ft  fire retrofitting  wood stoves/fuel  burning appliances,  fireplaces, chimneys  pool  temporary building  including construction and  sales trailer	\$281.25 flat fee

stand alone plumbing stand alone HVAC refurbishing heating all signs (per sign basis) tank installation/removal

replace/remedial work for

demolition for single detached

per sanitary sewer connection

grading and drainage (OBC 9.14.6)

per septic tank decommission and new

Class 2, 3 or 5 tank.

and two unit dwellings

(fuel/sewage)

retaining wall

# sanitary connection (combined)

- per water connection
- per storm sewer connection
- residential drains
- Liquor License Board Letters (includes zoning/building comment)
- File Search/ Final Occupancy Certificates
- Comments on Zoning
- Farm building < 1000 sq. ft, new, alteration or addition.

Group 'A', 'B', 'D', 'E', 'F'- New building, major additions or Alterations.	\$2,750 with a floor area up to \$1.10/sq ft 11.84/ sq m) for construction with a floor area over 2,500 sq ft (232.25 sq m) applies to the area being altered, or the area of the addition
Farm Buildings, New buildings, major additions or Alterations.	\$0.28/ sq ft (\$3.01/ sq m) for Construction with a ground floor area over 1,000 sq ft (9.29 sq m).
Silos, wind turbines communication towers	\$625 flat fee
Group 'A', 'B', 'D', 'E' 'F'- minor additions  alterations  retrofit  interior finishes  stand alone plumbing  fire retrofitting  tent/air structure  heating permit  all signs(per sign basis)  retaining wall  per portable  classroom  elevator  solar collector  per sanitary sewer  connection  per water connection  per storm sewer connection  commercial drains  parking lot  greenhouses	\$375 up to 2,500 sq ft (232.25 sq m) \$0.15/ sq ft (\$1.62/ sq m) for construction with a floor area over 2,500 sq ft (232.25 sq m). Area applies to the area being altered, retrofitted or finished or the area of the addition.
Non- Residential demolitions	\$1,250.00 flat Fee
Sewage Disposal Systems  • residential and farm	\$625.00 flat fee

### Other Permits

- Conditional permits
- Moving permit

non-residential

- Change of use permit
- Renewal permit
- Transfer of owner

\$281.25 flat fee

- Sewage system review
   For zoning amendments,
   Site plan agreements and
   Minor variances.
- Buildings not requiring alteration to sewage system file Review