

The Corporation of The Township of North Kawartha

By-Law #2015-045

Being a By-law of the Corporation of the Township of North Kawartha Respecting Construction, Demolition and Change of Use Permit

Whereas Section 7 of the *Building Code Act*, 1992, S.O. 1992, Chapter 23, as amended authorizes Council to pass by-laws respecting construction, demolition and change of use permits and related matters;

And Whereas the Council of the Corporation of the Township of North Kawartha desires to repeal By-law #107-13 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:

Now Therefore the Council of the Corporation of the Township of North Kawartha do hereby enact as follows:

Part 1 - Definitions

1. For the purposes of this By-law, the following definitions and interpretations shall govern:
 - 1) "Act" means the *Building Code Act*, 1992, S.O. 1992, Chapter 23 as amended;
 - 2) "applicant" means the owner of a building or property who applies for a permit or the person authorized by the owner to apply for a permit on the owner's behalf;
 - 3) "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*.
 - 4) "as constructed plans" means as constructed plans as defined in the *Building Code*;
 - 5) "building" means a building as defined in Section 1(1) of the Act;
 - 6) "*Building Code*" means the regulations made under Section 34 of the Act;
 - 7) "Chief Building Official" means the Chief Building Official appointed by Council under Section 3 of the Act for purposes of enforcement of the Act;
 - 8) "Construct" means to construct a building as defined in Section 1(1) of the Act;
 - 9) "Corporation" means the Corporation of the Township of North Kawartha;
 - 10) "demolish" means to do anything in the removal of a building or any material part thereof as defined in Section 1(1) of the Act;
 - 11) "forms" means the applicable Provincial or municipal prescribed forms as set out in Schedule "C" to this By-law;
 - 12) "inspector" means an inspector appointed under Section 3 of the Act;

- 13) "owner" included, in respect of the property on which the construction or demolition will take place, the registered owner, a lessee and a mortgagee in possession;
 - 14) "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;
 - 15) "plumbing" means plumbing as defined in Section 1(1) of the Act;
 - 16) "professional engineer" means a person who holds a license or a temporary license under the *Professional Engineer's Act*;
 - 17) "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;
 - 18) "regulations" means regulations made under the Act;
 - 19) "sewage system" means a sewage system as defined in Section 1(1) of the Act;
 - 20) "work" means construction or demolition of a building or part thereof, as the case may be.
2. Terms not defined in this By-law shall have the meaning ascribed to them in the Act or the *Building Code*.

Part II – Class of Permit

3. Classes of permits with respect to the construction, demolition and change of use of buildings and permits fees shall be as set out in Schedules "A" and "B" to this By-law.

Part III – Permit Application

4. To obtain a permit, the owner or an agent authorized in writing by the owner shall file with the Chief Building Official an application in the prescribed form as set out in Schedule "C" to this By-law.

General Requirements

5. All applications for a permit, in addition to meeting all other application requirements set out in this By-law, shall;
 - 1) identify and describe in detail the work, use and occupancy to be covered by the permit for which the application is made;
 - 2) identify and describe in detail the existing uses and the proposed use(s) for which the premises are intended;
 - 3) include the legal description, the municipal address and where appropriate the unit number of the land on which the work is to be done;
 - 4) be accompanied by plans and specifications as described in this By-law;
 - 5) be accompanied by the required fees as calculated in accordance with Schedules "A" and "B" to this By-law;

- 6) be accompanied by the completed "Listing of Applicable Law" form in accordance with Schedule "C" to this By-law;
 - 7) state the name, address and telephone number of the owner, and where the owner is not the applicant, the authorized agent, and where applicable, the qualified architect, engineer or other designer and the constructor or person hired to carry out the construction or demolition, as the case may be;
 - 8) when Division C, Section 1.2 of the *Building Code* applies, be accompanied by a signed acknowledgement of the owner on the prescribed form that an architect or professional engineer, or both, have been retained to carry out the general review of the construction or demolition of the building;
 - 9) when Division C, Section 1.2 of the *Building Code* applies, be accompanied by 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;
 - 10) include, where applicable, the applicant's registration number where an applicant is a builder or vendor as defined in the *Ontario New Home Warranties Plan Act*; and
 - 11) be signed by the owner or authorized agent who shall certify as to the truth of the contents of the application.
6. In addition to the general requirements set out above, and application for a construction permit shall:
- 1) use the provincial application form, "Application for a Permit to Construct or Demolish";
 - 2) include complete plans and specifications, documents and other information as required by Division C, Section 1.3.1 of the *Building Code* and as described in this By-law for the work covered by the permit.
7. In addition to the general requirements set out above, an application for a construction permit for part of a building shall:
- 1) use the provincial application form, "Application for a Permit to Construct or Demolish";
 - 2) include plans and specifications covering the work for which more expeditious approval is desired, together with such information pertaining to the remainder of the work as may be required by the Chief Building Official;
 - 3) be accompanied by the required fee for the entire project and required administrative fee for the partial permit as calculated in accordance with Schedule "A" to this By-law; and
 - 4) where a partial permit is requested the application is deemed to be incomplete.
8. In addition to the general requirements set out above, an application for a demolition permit shall:
- 1) use the provincial application form, "Application for a Permit to Construct or Demolish";

- 2) when Division C, Section 1.2 of the *Building Code* applies, be accompanied by a signed statement of field review by the owner on a form prescribed by the Chief Building Official;
 - 3) include complete plans and specifications, documents and other information as required by section Division C, Section 1.3.1 of the *Building Code* and as described in this By-law for the work to be covered by the permit;
 - 4) 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; and
 - 5) be accompanied by a Property Status Form prescribed by the Chief Building Official and;
 - 6) indicate method of demolition.
9. In addition to the general requirements set out above, an application for a conditional permit pursuant to subsection 8(3) of the Act, shall:
- 1) use the provincial application form, "Application for a Permit to Construct or Demolish";
 - 2) include complete plans and specifications, documents and other information as required by Division C, Section 1.3.1 of the *Building Code* and as described in this By-law for the work to be covered by the permit;
 - 3) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
 - 4) state the necessary approval which must be obtained in respect of the proposed building and the time in which such approvals will be obtained;
 - 5) state the time in which plans and specifications of the complete building will be filed with the Chief Building Official; and
 - 6) require the owner and such other persons as the Chief Building Official determines to enter into an agreement with the municipality.
10. In addition to the general requirements set out above, an application for a change of use permit shall:
- 1) use the application form in Schedule "C" to this By-law, "Application for a Change of Use";
 - 2) describe the building in which the use is to be changed, by a description that will readily identify and locate the building;
 - 3) identify and describe in detail the current and proposed uses of the building or part of a building for which the application is made;
 - 4) include plans and specification showing the current and proposed use 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 and, details of the existing "sewage system", if

any

11. An application for occupancy of an unfinished building permit pursuant to Division C, Section 1.3.3 of the *Building Code*, shall:
 - 1) use the application form in Schedule “C” to this By-law, “Application for Permit to Occupy a Building Prior to Completion”;
 - 2) indicate the total floor area proposed for occupancy;
 - 3) indicate the total number and location of units proposed for occupancy; and
 - 4) be signed by the owner or authorized agent who shall certify the truth of the contents of the application.

12. In addition to the general requirements set out above, an application for a “sewage system” permit shall:
 - (1) use the provincial application form “Application for a Permit to Construct or Demolish”;
 - (2) include complete plans and specifications, documents and other information as required under Division C, Section 1.3.1 of the *Building Code* and as described in this By-law for the work to be covered by the permit;
 - (3) include a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official; include the date the evaluation was done;
 - a) include name, address, telephone number and signature of the person who prepared the evaluation;
 - b) a scaled map of the site showing;
 - A. the legal description, lot size, property dimensions, existing right-of-ways, easements or municipal/utility corridors;
 - B. the location of items listed in Column 1 of Tables 8.2.1.5, 8.2.1.6A, 8.2.1.6B and 8.2.1.6C of the *Building Code*;
 - C. the location of the proposed sewage system;
 - D. the location of any unsuitable disturbed or compacted areas;
 - E. proposed access routes for system maintenance;
 - F. depth to bedrock;
 - G. depth to zones of soil saturation;
 - H. soil properties, including soil permeability; and
 - I. soil conditions, including potential for flooding.

13. 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, 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.

14. Notification of any material 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.
15. The Chief Building Official may, where the relevant provisions of this By-law are met, issue a permit for part of a building subject to compliance with the Act, the *Building Code* and any other applicable law.
16. The Chief Building Official may, where the relevant provisions of this By-law and Subsections 8(3) to 8(5) of the Act, are met, issue a conditional permit for a building subject to compliance with the Act, the *Building Code* and any other applicable law.
17. The Chief Building Official is authorized to enter into agreements with respect to conditional permits.
18. The issuance of a permit for a part of a building or a conditional permit shall not be construed to authorize construction beyond that for which approval was given nor obligate the Chief Building Official to grant any further permit or permits for the building.
19. 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.
20. Where an application has been deemed to be abandoned, a new application must be filed for the proposed work.

Part IV – Plans and Specifications

21. Every applicant shall submit sufficient information, including plans, specifications, documents and other information, 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.
22. Each application shall, unless otherwise determined by the Chief Building Official, be accompanied by two complete sets of plans and specifications required under this By-law.
23. Plans shall be drawn to scale on paper or other durable material, shall be legible and, without limiting the generality of the foregoing, shall include such working drawings as set out in Schedule “D” to this By-law.
24. Site Plans submitted shall be referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such survey shall be filed with the municipality unless this requirement is waived because the Chief Building Official is able, without having a current plan of survey, to determine whether the proposed work is in compliance with the Act, the *Building Code*, and any other applicable law. The site plan shall show;
 - 1) lot size and the dimensions of property lines and setbacks to any existing or proposed buildings;
 - 2) existing and finished ground levels or grades; and
 - 3) existing right-of-way, easements and municipal services.

25. 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.

26. On completion of the construction, the Chief Building Official may require that a set of plans of the building or any class of buildings as constructed including a plan of survey showing the location be filed with the Chief Building Official.

Part V – Prescribed Notice And Inspections

27. The person to whom a permit has been issued under Section 8 of the Act shall give to the Chief Building Official notice of the readiness for inspection in accordance with prescribed notices described in Division C, Section 1.3.5 of the *Building Code*. These mandatory notification stages and inspections are listed in Schedule “E” to this By-law.

28. Notices shall be given as required by Division C, Section 1.3.5 of the *Building Code*.

Part VI – Registered Code Agencies

29. Where the Municipality has entered into agreements with registered code agencies the Chief Building Official is authorized to enter into services agreements with registered code agencies and appoint them to perform specified functions from time to time pursuant to s. 4.1 of the Act.

Part VII - Fees

30. The Chief Building Official shall determine the required fees for the work proposed and the applicant shall pay the fees calculated in accordance with Schedule “A” and “B” to this By-law. No permit shall be issued until the fees therefore have been paid in full.

31. 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, in order to compensate the Corporation for the additional work incurred by such early start to work.

32. Where Fees payable in respect of an application for a construction or demolition permit issued under Subsection 8(1) of the Act or a conditional permit issued under Subsection 8(3) of the Act are based on a floor area, the floor area shall mean the total floor space of all stories above grade, or below grade for an underground building, measured as the horizontal area between the outer face of exterior walls and to the centre of party walls or demising walls.

33. Fees payable in respect of the conditional permit issued under Subsection 8(3) of the Act shall be paid for the complete project plus the applicable additional fee in accordance with Schedule “A” to this By-law.

34. Where Fees payable in respect of an application for a change of use permit issued under Subsection 10(1) of the Act are based on a floor area, the floor area shall mean the total floor space of all stories subject to the change of use.

35. Prior to passing a By-law to change the fees the Township shall:

- 1) hold at least one public meeting at which any person who attends has an opportunity to make representation with respect to the matter;
- 2) ensure that a minimum of 21 days notice of the public meeting is given to every person and organization that has, within five years before the day of the meeting requested such notice; and
- 3) ensure that the notice include an estimate of the cost for administering and enforcing the Act, the amount of the fee and change to the existing fee and the rationale for imposing or changing the fee.

36. Any person or organization wishing to receive notice as set out above should make such request in writing to the Clerk's office.

Part VIII – Changing Permit Fees

37. In the case of withdrawal of an application or, abandonment of all or a portion of the work or, the non-commencement of the work or, the refusal or revocation of a permit, upon written request by the applicant the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the applicant, if any, in accordance with Schedule "B" to this By-law.

Part IX - Fencing

38. Where, in the opinion of the Chief Building Official, a construction or demolition site presents a particular hazard to the public, the Chief Building Official may under Clauses 7(i) and 7(j) of the Act, require the erection of such fencing as the Chief Building Official deems necessary to abate the hazard.

39. The height of every fence shall be a minimum of 4 feet (1.2 meters) and a maximum of 6 feet (1.8 meters), to be measured from the highest adjacent grade and, shall be of a description as determined by the Chief Building Official.

Part X – Transfer of Permits

40. Every person who acquires land on which construction or demolition is occurring in respect of which a permit has been issued, shall apply to transfer the permit.

41. Every application for a transfer of permit shall be submitted to the Chief Building Official and shall:

- 1) use the provincial application form, "Application for a Permit to Construct or Demolish";
- 2) include such information as may be determined by the Chief Building Official; and
- 3) be accompanied by the required fee as required in Schedule "A" to this By-law.

Part XI - Penalty

42. Every person who contravenes any provision of this By-law is guilty of an offence and liable:

- 1) on a first conviction to a fine of not more than \$25,000, and
- 2) on any subsequent conviction, to a fine of not more than \$50,000.

43. Where the person convicted is a corporation, the maximum fines are \$50,000 on a first offence and \$100,000 for any subsequent conviction.

Part XII - Miscellaneous

44. All Schedules to this By-law form part of this By-law.

45. A reference to the singular or the masculine shall be deemed to refer to the plural or feminine as the context may require.

46. Should any section, subsection, clause or provision in this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

Part XIII – Repeal

47. That By-Law #36/08 is hereby repealed effective the 17th day of December, 2013.

Part XIV – Short Title

48. This By-law shall be known and may be cited as the “Building By-law”.

Part XV – Effective Date

Read a first, second and third time and passed in Open Council on the 7th day of April , 2015.

Richard B. Woodcock, Mayor

Connie Parent, Clerk