

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2009 - 31

BEING A BY-LAW TO PROVIDE FOR THE ADMINISTRATION OF THE BUILDING CODE ACT WITHIN THE CORPORATE LIMITS OF THE TOWNSHIP OF SEVERN

WHEREAS the *Building Code Act*, S.O. 1992, Section 7, authorizes a Municipal Council to pass By-laws concerning the issuance of permits and related matters;

WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 8, confers broad authority on municipalities to enable them to govern their affairs as they consider appropriate;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. TITLE

1.1 That this By-law may be cited as "**The Building Permit By-law**".

2. DEFINITIONS

2.1 That in this By-law;

"**Act**" means the Building Code Act, 1992, as amended.

"**As Constructed Plans**" means, for the purposes of the Act and this By-law, construction plans and specifications that show the building and the location of the building on the property as the building has been constructed.

"**Building**" means a building as defined in Section 1 of the Act.

"**Chief Building Official**" or "**Chief Official**" means the Chief Building Official appointed under Section 3 of the Act.

"**Deputy Chief Building Official**" means an inspector who, in the absence of the Chief Building Official, assumes the duties of the Chief Building Official for the purpose of this By-law and the Ontario Building Code.

"**Owner**" includes the registered owner of a property, a lessee, tenant, mortgagee in possession or person otherwise in charge of any property, acting as the authorized agent of the owner.

"**Permit**" means permission or authorization in writing on the form prescribed by the Chief Official, to perform work regulated by the Building Code Act, and in the case of an Occupancy Permit, to occupy any building or part thereof.

"**Regulations**" or "**Code**" means the Regulations made under the Building Code Act and includes, without limiting the generality of the foregoing, the Ontario Regulations and Amendments thereto, otherwise referred to as The Building Code.

3. APPLICATIONS AND PERMITS

- 3.1 That Classes of Permits required for construction, demolition or change of use are set forth in Schedule "A" attached hereto and forming part of this By-law.
- 3.2 That where required under the Act, the owner of the property shall file with the Chief Official an Application for a Permit, which shall be on the prescribed form available at the Offices of the Building Department or the Township of Severn's website.
- 3.3 That the owner shall give, clearly and fully, information required to complete the said Application Forms and shall verify the correctness of the information supplied in the Application by means of a declaration as provided.
- 3.4 That in addition to the information required in Section 3.3 of this By-law, the owner shall submit such additional information as is necessary to establish compliance with the Regulations.
- 3.5 That unless otherwise directed by the Chief Official, the owner shall submit the following in duplicate:
 - 1) Plans drawn to scale, including design calculations, sufficient to enable the Chief Official to obtain full and complete information as to the extent and character of the proposed work, including the proposed use of all rooms and floor areas.
 - 2) Site plans, drawn to scale, showing the location of the proposed building with respect to the street line and all other property lines and other buildings and structures presently located on the property. Site Plans, when required by the Chief Official, shall be referenced to an up-to-date survey.
 - 3) Grading Plan, drawn to scale, showing the location of new and existing drainage patterns with respect to the street and other property when required by the Chief Official, may require a professionally prepared drainage plan.
- 3.6 That prior to the issuance of a Permit, the owner shall obtain and submit with the Application such approvals as may be required under any other applicable law.
- 3.7 That notwithstanding the requirements of Sections 3.5 and 3.6 of this By-law, the Chief Official may issue a Conditional Permit in compliance with Section 8.-(3) of the Act. Permits issued under those circumstances shall have progress restricted to that portion of the work for which drawings and other prerequisites are complete. The applicant shall furnish sufficient additional information on the entire project to establish the feasibility of compliance with the Regulations and remit the fees payable for the entire project, prior to the issuance of the Conditional Permit.
- 3.8 That where a Conditional Permit subject to progress restriction has been issued, the holder of the Permit may proceed with the work only within the limits of the progress restriction. Such restriction shall not be removed until all conditions have been met.

- 3.9 That where a Permit has been issued for a building in which interior walls are to be constructed at a later date for the purpose of creating more than one suite within the building, the owner is required to, and shall apply for Building Permits for each suite so created and provide a plan sufficient to establish conformity with the Code, for the entire building prior to the creation of such suites.
- 3.10 That when required by the Chief Official, the owner shall provide as constructed drawings including a survey showing the location of the building(s) upon the completion of the project.
- 3.11 That the Chief Official may require the person to whom a Permit is issued in the municipality to erect and maintain fences enclosing the site of construction or demolition. Such fences shall be constructed in such a manner as to be stable, prohibit access to the site by the public. Where such fences are required adjacent to a public thoroughfare and notwithstanding the foregoing, the Chief Official may require a design provided by the permit holder which exceeds those requirements in order to provide safe passage at or near the site.

4. PERMITS AND PERMIT FEES

- 4.1 That all permit fees shall be paid in full at the time of Permit issue and in accordance with the rates as set out in Schedule "B" attached to and forming part of this By-law.
- 4.2 That the owner shall provide on the prescribed form an estimated value of the proposed work.
- 4.3 That the holder of a Permit may request the cancellation of the Permit where no construction has commenced and may upon written request to the Chief Official; apply for a refund of the fee paid for the Permit. The Chief Official may, upon such a request, cancel the Permit and refund an amount less the costs incurred, provided this amount does not reduce the amount retained by the Municipality to less than One Hundred Dollars (\$100.00).
- 4.4 That where the holder of a permit has or has caused construction to commence and for any reason the project is abandoned, no refund shall be made, the existing construction shall be removed or demolished, the construction site shall be returned to a safe and cleared condition and the Permit shall be cancelled.
- 4.5 That if prior to the completion of construction, the permit holder no longer retains interest in the project, the subsequent owner shall apply for a Transfer Permit as defined in Schedule "A" attached hereto and forming part of this By-law, and pay such fee as prescribed in Schedule "B" attached hereto and forming part of this By-law.
- 4.6 (a) That each approved application for a Building Permit shall include an inspection by a Building Inspector for each stage of construction requiring inspection as prescribed in the Code. Said inspection shall be performed on the request of an owner, or an agent or contractor acting on behalf of the owner.

(b) That in the event the initial inspection of the works referred to in Paragraph 4.8 (a) above provides to be unsatisfactory at the time of inspection, and re-inspection is required, a fee for each re-inspection shall be imposed in accordance with Schedule "B" attached hereto and forming part of this By-law.

- (c) That re-inspection fees shall be due and payable at the time a request for subsequent inspection is received. Re-inspection fees imposed in accordance with Schedule "B" attached hereto and forming part of this By-law.

5. NOTIFICATIONS

- 5.1 That the Owner shall ensure that advanced notice of at least three Municipal business days is given for the purpose of arranging inspections of the various stages of construction as required in the Code.

6. CODE OF CONDUCT

- 6.1 That the Township of Severn hereby establishes a Code of Conduct for its inspectors attached as Schedule "C" hereto.

7. CONTRAVENTION OF BY-LAW

- 7.1 That any person who contravenes any provisions of this By-law is guilty of an offence and upon conviction is liable to a penalty as provided for in the Provincial Offences Act, R.S.O. 1990, as amended.
- 7.2 That the Chief Building Official/ Municipal Law Enforcement Officer be authorized to apply to the Chief Judge for set fines with respect to contravention of this By-law under the *Provincial Offences Act*.

8. FORCE AND EFFECT OF THIS BY-LAW

- 8.1 That this By-law shall come into force and effect on the date of passing thereof.

9. REPEAL

- 9.1 That By-law No. 2006-23, as amended, be and it is hereby repealed.

By-law read a first and second time this 7th day of May, 2009.

By-law read a third time and finally passed this 7th day of May, 2009.

CORPORATION OF THE TOWNSHIP OF SEVERN

MAYOR

CLERK-TREASURER

SCHEDULE "A" TO BY-LAW NO. 2009-31

Classes of Permits

1. Building Permit To be for the purpose of allowing the construction of a building, includes erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit moved from elsewhere.
2. Demolition Permit Class "A" for the demolition of all or part of a building which building is less than 600 square metres and does not exceed three (3) storeys in building height.

Class "B" for the demolition of a building or part thereof which demolition is required to be designed and reviewed by a Professional Engineer.
3. Conditional Permit Pertains to construction only and may be issued only in accordance with Section 8.-(3) of the Building Code Act, 1992.
4. Designated Structure To be for the purpose of constructing a designated structure as defined in the Ontario Building Code.
5. Temporary Structure To permit the erection of a temporary structure for a period of six (6) months maximum.
6. Transfer Permit To be issued to a new owner where ownership changes occur during or prior to the closing of any Permit previously issued.
7. Occupancy Permit To permit occupancy of buildings as prescribed in the Building Code.
8. Change of Use Permit To comply with the requirements of Part 10 of the Building Code.
9. Sewage System Permit To be for the purpose of allowing the installation of a new septic system.
10. Sewage System Repair To be for the purpose of allowing the repair of an existing sewage system.
11. Holding Tank To be for the purpose of allowing the installation of a holding tank (Class 5 System).
12. Leaching Pit To be for the purpose of allowing the installation of a leaching pit (Class 2 System).
13. Preconstruction Site To be for the purpose of obtaining a preliminary staff evaluation of potential septic system sites prior to the submission of a septic permit application.

SCHEDULE "B" TO BY-LAW NO. 2009-31

Permit Fees

Permit Fees

1.	Building Permit	Minimum Base Fee \$100.00, PLUS	
	(a) Garages & Accessory Buildings, Decks, Docks	\$ 0.25	per square foot
	(b) Residential Dwellings & Additions	\$ 0.80	per square foot
	(c) Commercial, Industrial & Institutional Structures	\$ 0.80	per square foot
	(d) Designated Structures	1 ½% of construction Value	
	(e) Foundation Repair & Raising Buildings	\$ 0.50	per square foot
	(f) Renovate Existing Space in all the above classes	\$ 0.50	per square foot
	(g) Drainage System Repair	\$100.00	
	(h) Wood-Burning Appliance	\$100.00	
	(i) Temporary Structure (Open Air Events/Fairs/Exhibitions Only)	\$ 75.00	
	(j) Sewage System Permit	\$400.00	
	(k) Sewage System Repair	\$400.00	
	(l) Holding Tank (Class 5)	\$250.00	
	(m) Leaching Pit (Class 2)	\$250.00	
2.	Where any construction has Commenced prior to Permit Issue	Required Fee plus \$500.00	
3.	Demolition Permit		
	Class "A"	\$ 75.00	Flat Rate
	Class "B"	\$200.00	Flat Rate
4.	Re-Inspection Fee	\$75.00	Flat Rate
5.	Conditional Permit	Full calculated permit value in Section 1	
6.	Transfer of Permit	\$100.00	Flat Rate
7.	Occupancy Permit	\$100.00	Flat Rate
8.	Pre-Construction Site Inspection	\$100.00	Flat Rate
9.	Existing Septic System Inspection (at owner's request)	\$100.00	Flat Rate
10.	Severance Application Review	\$100.00	Flat Rate
11.	Change of Use Permit permit	\$100.00	PLUS Full calculated value in Section 1

SCHEDULE "C" TO BY-LAW NO. 2009-31

CODE OF CONDUCT FOR BUILDING OFFICIALS/INSPECTORS

Preamble

This Code of Conduct applies to the Chief Building Official and Building/Septic Inspectors appointed under the *Building Code Act* in the exercise of a power or the performance of a duty under the *Building Code Act* or the Building Code. This Code of Conduct is in addition to the "Corporate Code of Conduct" for all employees of the Township of Severn.

Purpose

The purpose of this Code of Conduct is to promote appropriate standards of behaviour and enforcement actions to ensure Building Officials and Inspectors apply standards of honesty and integrity, and to prevent practices constituting an abuse of power including unethical or illegal practices.

Standards of Conduct

Building Officials and Inspectors shall undertake:

1. To always act in the public interest, particularly with regard to the safety of building works and structures.
2. Not to act where there may be or where there may reasonably appear to be a conflict between their duties and their employer, their profession, their peers and the public at large and their personal interests.
3. To apply all relevant Building By-laws, codes and standards appropriately and without favour.
4. To all at time abide by the highest moral and ethical standards and avoid any conduct which could bring or tend to bring Building Officials and Inspectors to disrepute.
5. To comply with the provisions of the *Building Code Act*, the Ontario Building Code and all other Acts or Laws which regulate or govern Building Officials and Inspectors of their functions.
6. To not act beyond their personal level of competence or outside their area of expertise.
7. To maintain their knowledge and understanding of the best current building practices, the building laws and codes relevant to their inspection and plan examination function.
8. To extend professional courtesy to all.

Breaches of Code of Conduct

The *Ontario Building Code Act* provides that the performance of Building Officials and Inspectors will be measured against this Code of Conduct. The municipal administration will review any allegation brought forward that the Code of Conduct has been breached. Disciplinary action rising from violations of this Code of Conduct is the responsibility of the municipal employer and will be based on the severity and frequency of the violations in accordance with relevant employment standards and the Corporate Disciplinary Policy for employees.