

THE CORPORATION OF THE TOWNSHIP OF HORNEPAYNE

BY-LAW NO. 988

Being a by-law regulating building construction, demolition and change of use permits and inspections within the Township of Hornepayne

WHEREAS section 7 of the *Building Code Act, 1992, S.O. 1992, Chapter 23*, authorizes Councils of municipalities to pass by-laws to regulate certain matters with respect to the construction, demolition and change of use of buildings and structures,

NOW THEREFORE, BE IT ENACTED by the Council of the Corporation of the Township of Hornepayne,

1. SHORT TITLE AND DEFINITIONS

1.1 This by-law shall be known as the "Building By-law".

1.2 For the purposes of this by-law,

- (1) words used in singular shall include plural and vice versa, and
- (2) the word "shall" is mandatory.

1.3 For the purposes of this by-law,

- (1) "Act" means the *Building Code Act, 1992, S.O. 1992, Chapter 23* as amended;
- (2) "as constructed plans" means as constructed plans as defined in the *Building Code*;
- (3) "architect" means a holder of a licence, a certificate of practice, or a temporary licence under the *Architect's Act* as defined in the *Building Code*;
- (4) "building" means a building as defined in Section 1(1) of the *Act*;
- (5) "*Building Code*" means the regulations made under Section 34 of the *Act*;
- (6) "Building Inspector" means a building inspector appointed by by-law of the Council of the Township;
- (7) "building permit" means written permission or written authorization from the Chief Building Official to perform work regulated by this by-law and the *Act* for the construction, erection and/or installation of buildings and/or structures and/or parts thereof;
- (8) "change of use permit" means written permission or written authorization from the Chief Building Official to perform work regulated by this by-law and the *Act* for the change of use of buildings and/or structures and/or parts thereof;
- (9) "Chief Building Official" means the chief building official appointed by by-law of the Council of the Township;
- (10) "demolition permit" means written permission or written authorization from the Chief Building Official to perform work regulated by this by-law and the *Act* for the demolition of buildings and/or structures and/or parts thereof;
- (11) "farm building" means a farm building as defined in the *Building Code*;
- (12) "plumbing" means plumbing as defined in Section 1(1) of the *Act*;

(13) “professional engineer” means a person who holds a licence or a temporary licence under the *Professional Engineer’s Act*, as defined in the *Building Code*;

(14) “Township” means the Corporation of the Township of Hornepayne.

2. PERMITS AND APPLICATIONS

2.1 Classes of permits with respect to the construction, demolition and change of use of buildings shall be as set out in Schedule “A” annexed hereto and forming part of this by-law.

2.2 Every application for a building permit under subsection 8(1) of the *Act* shall be submitted to the Chief Building Official, and shall be accompanied by the following:

- (1) a completed provincial application form in the manner and form as prescribed pursuant to the *Act*;
- (2) two (2) sets of complete plans and specifications, documents and such other information as may be required by Article 2.4.1.1B of the *Building Code* and as set out in Schedule “B” annexed hereto and forming part of this by-law; and
- (3) the prescribed fee for the class of permit and type of construction activity to be carried out according to the application submitted.

2.3 Every application for a demolition permit under subsection 8(1) of the *Act* shall be submitted to the Chief Building Official, and shall be accompanied by the following:

- (1) a completed provincial application form in the manner and form as prescribed pursuant to the *Act*;
- (2) such plans, specifications and such other information as may be required by Article 2.4.1.1B of the *Building Code* and the Chief Building Official to ensure that the demolition will not pose a safety hazard to people or adjacent properties; and
- (3) the prescribed fee for the class of permit and type of demolition activity to be carried out according to the application submitted.

2.4 Every application for a conditional permit under subsection 8(3) of the *Act* shall be submitted to the Chief Building Official and shall be accompanied by the following:

- (1) a completed provincial application form in the manner and form as prescribed pursuant to the *Act*;
- (2) two (2) sets of complete plans and specifications, documents and such other information as may be required by Article 2.4.1.1B of the *Building Code* and as set out in Schedule “B” annexed hereto and forming part of this by-law;
- (3) the prescribed total fee for the class of permit and type of construction activity to be carried out according to the application submitted;
- (4) a statement setting out the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not issued;
- (5) a statement listing the necessary approvals that must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and
- (6) a declaration as to the date upon which plans and specifications for the complete building to be constructed will be filed with the Chief Building Official.

2.4 Every application for a change of use permit under subsection 10(1) of the *Act* shall be submitted to the Chief Building Official and shall be accompanied by the following:

- (1) a completed application form as prescribed and set out in Schedule "C" annexed hereto and forming part of this by-law;
 - (2) two (2) sets of complete plans and specifications, documents and such other information as may be required by the Chief Building Official, 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*, as set out in Schedule "B" annexed hereto;
 - (3) the prescribed fee for the class of permit and type of construction activity to be carried out according to the application submitted;
 - (4) the name, address and telephone number of the owner; and
 - (5) be signed by the owner or his/her/its authorized agent who shall certify the truth of the content of such application.
- 2.6 For the purposes of any of the aforementioned applications for a permit, sufficient information shall be submitted with each application for a permit so as 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.
- 2.7 Plans submitted for the purposes of any of the aforementioned applications for a permit shall be legible and drawn in ink and to scale on paper and shall show all applicable dimensions, measurements, material specifications and construction details so as 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.
- 2.8 Site plans submitted for the purposes of any of the aforementioned applications for a permit shall be referenced to a current building location survey wherever possible, a copy of which shall be submitted to the Chief Building Official.
- 2.9 Where current building location surveys are not available, site plans shall be submitted to the Chief Building Official to enable said 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, and shall be legible and drawn in ink and to scale on paper and shall show the following:
- (1) lot size and dimensions of property lines;
 - (2) all existing buildings and structures and proposed buildings and structures;
 - (3) distances between property lines and the outer surface of all exterior walls of any existing buildings and structures and every proposed building and structure;
 - (4) finished ground levels or grades at the outer surface of the exterior walls of existing and proposed buildings and structures
 - (5) direction of surface drainage flow and all existing and proposed facilities to accommodate lot drainage;
 - (6) existing easements, rights of way and municipal services; and
 - (7) proposed fire access routes and existing and/or proposed fire hydrant locations.
- 2.10 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, must be given in writing to the Chief Building Official, together with the details of the change proposed, and such change shall not be made without the written authorization of the Chief Building Official.

2.11 Where an application for a permit or for authorization to make a material change to a plan, specification, document or other information on the basis of which a permit was issued, contains an equivalent material, system or building design for which authorization under section 9 of the *Act* is requested, the following information shall be provided to the Chief Building Official:

- (1) a description of the proposed material, system or building design for which authorization under section 9 of the *Act* is requested;
- (2) a list of any applicable provisions of the *Building Code*; and
- (3) evidence that the proposed material, system or building design will provide the level of performance required by the *Building Code*.

2.12 The Chief Building Official may require that a set of plans of a building or any class of buildings as constructed be filed with the Chief Building Official upon completion of construction under such conditions as may be prescribed in the *Building Code*.

2.13 Permits shall be issued in the form and manner as set out in Schedule "C" hereto.

3. FEES

3.1 Fees for a required permit shall be as prescribed by by-law of the Council of the Corporation of the Township of Hornepayne from time to time.

3.2 Fees shall be due and payable upon submission of an application for a permit.

3.3 Where fees payable in respect of an application for a building 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 storeys above grade plus basement floor area, measured as the horizontal area between the outer surface of the exterior walls of the building or structure.

3.4 Fees payable in respect of an application for a conditional permit issued under subsection 8(3) of the *Act* shall be paid for the complete project.

3.5 In the case of withdrawal or cancellation of an application or abandonment of all or a portion of the work or the non-commencement of any project, the applicant may request in writing a refund of the fee paid and 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 "D" annexed hereto and forming part of this by-law.

3.6 In no case shall a refund be made where the amount determined under clause 3.5 is \$30.00 or less.

4. NOTICE REQUIREMENTS FOR INSPECTIONS

4.1 With respect to additional notices pursuant to Article 2.4.5.2 of the *Building Code*, notice shall be given by the owner or an authorized agent to the Chief Building Official or Building Inspector at least two (2) business days prior to each stage of construction for which notice in advance is required under the *Building Code*.

4.2 Notice of the readiness for an inspection pursuant to Article 2.4.5.1(n) of the *Building Code* to permit the issuance of an Occupancy Permit or to permit the occupancy of a building or part thereof that is not fully completed shall be given to the Chief Building Official or Building Inspector at least 48 hours prior to the time that such inspection is required.

5. TRANSFER OF PERMITS

5.1 Where a change in ownership occurs for a property for which a permit has been issued by the Chief Building Official, such permit shall be transferred to the new owner upon request and at no cost, subject to the following:

- (1) the submission of evidence to the Chief Building Official that demonstrates proof of the change of ownership;
- (2) the submission of the name, address and telephone number of the new owner; and
- (3) the filing of a declaration with the Chief Building Official that the new owner shall continue construction, demolition or change the use in accordance with the plans, specifications, documents and such other information which were submitted for the purposes of the application and which formed the basis upon which the permit was issued.

6. OFFENCES

6.1 Every person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a fine in an amount not more than the amount specified in the *Building Code Act*.

7. ADMINISTRATION AND ENFORCEMENT

7.1 This by-law shall be administered and enforced by the Chief Building Official.

8. REVOCATION OF BY-LAW NO. 322

8.1 By-law No. 322 and all amendments thereto are hereby repealed.

9. EFFECTIVE DATE

9.1 This By-law shall come into effect and take force on the date hereof.

Read a first and second time this 15th day of February 2006.

Read a third time and finally passed this 15th day of February 2006.


Presiding Officer


Clerk

Schedule "A" to By-law No. 988

LIST OF CLASSES OF PERMITS

Building Permit	for new construction of all types of buildings and structures and parts thereof, except those otherwise specified below for the repair and alteration of all types of existing buildings and parts thereof, except as otherwise specified below for the construction, repair and/or alteration of plumbing systems or parts thereof
Demolition Permit	for the demolition of all types of buildings and structures and parts thereof
Change of Use Permit	for all types of existing buildings and structures, where a change in major occupancy of such building or structure is proposed that does not necessitate the repair or alteration of such building or structure and the issuance of a Building Permit
Conditional Permit	for all types of buildings and structures
Communication Tower	for all communication towers exceeding 16.6 metres (54 feet 6 inches) in height above ground level and designated as structures to which Part 4 of the <i>Building Code</i> applies
Fence Permit	for all fences exceeding a height of 2.0 metres (6 feet 6 inches) above finished grade level
HVAC Permit	for the installation, repair and/or alteration of heating, ventilation and air conditioning systems and parts thereof, excluding the temporary installation of portable heaters and air conditioning units or appliances
Occupancy Permit	for the occupancy of all buildings and structures, whether such buildings and structures are fully completed or partially completed pursuant to the <i>Building Code</i>
Satellite Dish Permit	all satellite dishes or antennae exceeding 4 feet in diameter in area mounted at ground level or on a building and designated as structures to which Part 4 of the <i>Building Code</i> applies
Sign Permit	for the installation of all signs designated as structures to which Part 4 of the <i>Building Code</i> applies
Swimming Pool Permit	for the installation of in-ground or above-ground swimming pools having a water surface greater than 9.0 square metres (97 square feet)

Schedule "B" to By-law No. 988

LIST OF DOCUMENTS TO ACCOMPANY PROVINCIAL APPLICATION FORM

1. The following plans or working drawings shall be required to accompany applications for permits:
 - 1) site plan
 - 2) floor plans
 - 3) foundation plans
 - 4) framing plans
 - 5) roof plans
 - 6) reflected ceiling plans
 - 7) sections and details
 - 8) building elevations
 - 9) electrical drawings
 - 10) plumbing drawings
 - 11) heating, ventilation and air conditioning drawings
 - 12) fire alarm and sprinkler plans.
2. Without limiting the foregoing, plans and working drawings may be combined e.g. floor plans and electrical plans, provided they are combined and completed in such a manner as to be legible and to provide sufficient detail for approval.
3. The Chief Building Official may specify that not all of the aforementioned plans or working drawings are required to accompany an application for a permit.