

THE CORPORATION OF THE TOWNSHIP OF BECKWITH

BY-LAW NUMBER: 02-03

A By-law respecting Construction, Demolition, Change of Use Permits Inspections and related matters.

WHEREAS Section 7 of the **Building Code Act**, 1992, empowers Council to pass certain by-laws respecting construction, demolition, change of use permits and inspections.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF BECKWITH ENACTS AS FOLLOWS:

SHORT TITLE

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

DEFINITIONS AND WORD USAGE

2.1 "**Act**" means the Building Code Act, 1992, Chapter 23, including amendments thereto.

"applicant" means the **owner** of a building or property who applies for a **permit** or an agent authorized by the **owner** in writing to apply for a **permit** on the owner's behalf.

"building" means building as defined in Section 1(1) of the Act.

"Building Code" means the regulations made under Section 34 of the Act, known as The Ontario Building Code.

"Chief Building Official" means the Chief Building Official appointed by Council by By-law, under Section 3 of the Act, for the purposes of enforcement of the Act.

"communication tower" means a tower as designated by subsection 2.1.2.1. of the Ontario Building Code.

"Corporation" means the Corporation of the Township of Beckwith.

"Council" means the Council of the Corporation of the Township of Beckwith.

"deck" means an out door floor and railing system adjacent to a dwelling unit.

"farm building" means a farm building as defined in the Building Code.

"permit" means written permission or authorization in writing by the **Chief Building Official** to perform work regulated by the **Act** and **Building Code**, or to occupy a building or part thereof.

"plumbing" means plumbing as defined in Section 1(1) of the Act.

"simple structure farm storage building" means a pole type structure with either a tarp or conventional roof used for hay or other storage on a farm.

"Township" means the Corporation of the Township of Beckwith.

CLASSES OF PERMITS

3.1 Classes of permits required for construction, demolition, plumbing or change of use are set forth in Schedule "A" appended to and forming part of this By-law.

PERMIT APPLICATION

- 4.1 To obtain a permit the applicant shall file an application in writing by completing a prescribed form available from the chief building official. The prescribed form shall be set out in Schedule "D" to this By-law. The applicant shall supply any other information relating to the application as required by the chief building official, including but not limited to:
- (1) a copy of the registered deed for the property where it is deemed applicable;
 - (2) a permit from the local Health Unit for the private sewage disposal system if applicable;
 - (3) state whether any fill will be brought in or removed from the property; and
 - (4) be accompanied, where applicable by any other certificates of approval issued by the Lanark, Leeds and Grenville District Health Unit, the Mississippi Valley Conservation Authority or the Rideau Valley Conservation Authority or any other approvals required from other authorities having jurisdiction.
- 4.2 Every application for a permit shall be submitted to the Chief Building Official, and contain the following information:
- (1) identify and describe in detail the work 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) describe the land on which the work is to be done, by a description that will readily identify and locate the building lot.
 - (4) be accompanied by complete plans and specifications as described in this By-law for the work to be covered by the permit and show the occupancy of all parts of the building;
 - (5) be accompanied by the required fee;
 - (6) state estimated valuation of the proposed work including the cost of all material, labour, equipment, overhead and related services.
 - (7) state the names, addresses and telephone numbers of the **owner, agent, 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 Section 2.3 of the **Building Code** applies, be accompanied by a signed acknowledgement of the **owner, 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) include, where applicable, the registration number of the builder or vendor as provided in the Ontario New Home Warranties Plan Act; and
 - (10) be signed by the applicant who shall certify as to the truth of the contents of the application.

4.3 In addition to the requirements of Section 4.2(1)to(10), every plumbing permit application shall be accompanied by specifications and working drawings of the plumbing when:

- (1) the building in which the plumbing is to be installed is required to be designed and reviewed by an architect, professional engineer or both pursuant to Section 2.3 of the Building Code;
- (2) the plumbing system serves more than one dwelling unit or suite and the work consists of more than eight fixtures and appliances ; and
- (3) without limiting the generality of the foregoing, the working drawings/specifications shall show the layout of the plumbing system including the supply system, the fixtures, the drainage system, the venting system and the storm drainage system including the certification standard and trade size of the components of the systems and including those of appurtenances.

4.4 In addition to the requirements of Section 4.2(1)to(10) above, every demolition **permit** application shall:

- (1) when Sentence 2.2.2.3.(1) of the **Building Code** applies, be accompanied by structural design characteristics of the building, letters of undertaking from the professionals responsible for the field review, and of the method and of the demolition;
- (2) be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting off and capping of all water, sewer, gas, electric, telephone or other utilities and services; and
- (3) confirmation that the building is not designated "Heritage Building".

CONDITIONAL PERMITS

4.5 Even though all requirements have not been met to obtain a building permit under subsection 8.-(2), of the Act, the Chief Building Official may issue a conditional permit for any stage of construction if all the requirements of subsection 8.-(3)(a)to(c) of the Act and Article 2.4.1.3. of the Building Code have been met.

4.5.1. In addition to the requirements of Section 4.2(1)to(10) of this By-law, every conditional permit application shall state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted ; and

4.5.2. State the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained.

PARTIAL PERMITS

5.1 When, in order to expedite work, approval of a portion of the building or project is desired prior to the issuance of a permit for the complete building or project, application shall be made for and fees paid for the complete project. In addition to the requirements of Section 4.2(1)to(10) of this By-law, an application for a partial permit shall include, complete plans and specifications covering the portion of the work for which expeditious approval is desired.

5.2 A partial permit shall be issued only when the proposed construction complies with the Act, Building Code and any other applicable law ; and

- 5.3 the fees payable include a partial permit fee in addition to other permit fees as per Schedule "A".
- 5.4 Where a permit is issued for part of a building or project this shall not be construed to authorize construction beyond the plans and specification for which approval was given nor that approval will necessarily be granted for the entire building or project.

CHANGE OF USE PERMIT

- 6.1 In addition to the applicable requirements of Section 4.2(1) to (10), of this By-law, every change of use permit application shall:
- (1) describe the building or part thereof in which the occupancy is to be changed; and
 - (2) include plans and specifications which show the current and proposed occupancy of all parts of the building, and which contains sufficient information to establish compliance with the requirements of the **Building Code** including floor plans, details of wall, floor and roof assemblies, identifying fire resistance ratings and load bearing capacities.

EQUIVALENTS

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

PLANS AND SPECIFICATIONS

- 8.1 Every applicant for a permit shall furnish:
- (1) sufficient plans, specifications, documents and any other information to enable the **Chief Building Official** to determine whether the proposed construction, demolition, plumbing or change of use permit conforms to the **Act, Building Code**, and any other applicable law.;
 - (2) each application shall, unless otherwise specified by the **Chief Building Official**, be accompanied by two complete sets of the plans and specifications.
 - (3) Plans shall be drawn to scale on paper, cloth 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 "B" to this By-law unless otherwise specified by the Chief Building Official.
 - (4) A site plan referenced to a plan of survey certified by a registered Ontario Land Surveyor and a copy of such a 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 conforms to the **Act, Building Code** or any other applicable law. Site plans, except those subject to the Site Plan Control By-law, shall include:

- (a) lot size and the dimensions of property lines and setbacks to any existing or proposed buildings;
- (b) existing and finished ground levels or grades; and
- (c) existing rights of way, easements and municipal services.

- 8.2 *Every applicant for a ground or water source heat pump permit shall furnish a report prepared by a qualified hydrologist or engineer which shall:*
- (i) *set out the feasibility of the installation;*
 - (ii) *certify that the installation will not negatively impact water supply and water quality for either the existing dwelling or the area;*
 - (iii) *certify that the design and installation conforms to the minimum standards as set out in the Ontario Building Code and the Township of Beckwith policy for well compliance.*

CHANGES TO PLANS, SPECIFICATIONS AND OTHER DOCUMENTS

- 9.1 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, must be given in writing to the Chief Building Official together with the details of such change which is not to be made without his or her written authorization, a fee shall be payable in accordance with Schedule "A" of this By-law.

FEEES

- 10.1 The **Chief Building Official** shall determine the required fees payable in accordance with Schedule "A" for the work proposed and the applicant shall pay such fees and which are due and payable upon submission of an application for a permit.
- 10.2 Where the 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, as determined by Schedule "A" of this By-law, floor area shall mean the total space of all storeys above grade (or below grade for an underground home) and all finished space below grade measured as the horizontal area between the exterior walls of the building, provided that where application is made for a partial or conditional permit, fees shall be paid for the complete project.
- 10.3 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 under subsection 8(3) of the Act are based on the cost of valuation of the proposed work, as determined by Schedule "A" of this By-law, the cost of valuation of the proposed work shall mean the total cost of all work regulated by the permit including the cost of all material, labour, equipment, overhead and professional and related services, provided that where application is made for a partial or conditional permit, fees shall be paid for the complete project.
- 10.4 The Chief Building Official may place a valuation on the cost of the proposed work for the purposes of establishing the permit fee, and where disputed by the applicant, the applicant shall pay the required fee under protest and, within six months of completion of the project, shall submit an audited statement of the actual costs, and where the audited costs are determined to be less than the valuation, the Chief Building Official shall issue a refund.

REFUNDS

- 11.1 In the case of withdrawal of an application or the abandonment of all or a portion of the work or the non-commencement of any project, 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 "C" attached to and forming part of this By-law.

NOTICE REQUIREMENTS FOR INSPECTIONS

- 12.1 The owner or an authorized agent shall notify the Chief Building Official at least two (2) business days prior to each stage of construction for which notice in advance is required under the Building Code.

FORMS

- 13.1 The forms prescribed for use as applications for permit, for permits, for orders and for inspection reports shall be set out in Schedule "D" to this By-law.

AS CONSTRUCTED PLANS

- 14.1 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 on completion of construction under such conditions as may be prescribed in the Building Code.

FENCING

- 15.1 The **Chief Building Official** may require that a fence be erected and maintained, enclosing any construction or demolition site.
- 15.2 The fence required under Section 15.1, above, shall be a minimum of 4 feet high (1.2 metres) and a maximum of 6 feet (1.8 metres), to be measured from the highest adjacent ground.
- 15.3 Every fence required under this by-law shall be located on the perimeter of the construction or demolition site as determined by the Chief Building Official and constructed as follows:
- (1) If of chain link construction, the chain link shall be fastened to a 1 1/2 in. diameter metal bar which is securely fastened to metal posts at not more than 10 ft. on centre and embedded into the ground to provide a rigid support;
 - (2) If of wood construction, the exterior face shall be 1/2 in. exterior grade plywood, particle board or equivalent material that will not provide footholds for climbing. The facing shall be supported by 2 in. x 4 in. nominal size posts spaced not more than 8 ft. on centre and embedded into the ground to provide a rigid support;
 - (3) If the fence is of the snow fence or plastic mesh type, the fencing should be securely fastened to T-bar posts at not over 10 ft. on centre and embedded into the ground to provide a rigid support;
 - (4) Other materials may be provided for openings sufficient to accommodate construction vehicles, machines and any other equipment providing services to the construction or demolition site provided that these opening are closed off when the site is shut down for the day.

TRANSFER OF PERMIT

- 16.1 (1) Permits are transferable from owner to owner only upon completing a new permit application to the requirements of Section 4;
- (2) A fee, as prescribed in Schedule "A" shall be payable on a transfer of permit; and
- (3) The new owner, shall thenceforth be the permit holder for the purpose of the **Act** and the **Building Code**.

PENALTIES

- 17.1 Any person who contravenes any portion of this By-law, is guilty of an offence and liable to a fine as provided for in Section 36 of the **Act**.

SEVERABILITY

- 18.1 Should any section, subsection, clause or provision of 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.

REPEAL

- 19.1 By-law Number 95-34 as amended, is hereby repealed. *Additions and amendments to By-law Number 95-34 are shown in italics*

Read a first time this 8th day of January, 2002.

Read a second time this 8th day of January, 2002.

Read a third time and passed this 8th day of January, 2002.


Richard Kidd, Reeve


Ross Trimble, Clerk

SCHEDULE "A"

TO BY-LAW NO.02-03
Respecting
CLASSES OF PERMITS AND FEES

CLASS OF PERMIT	PERMIT FEE
BUILDING PERMIT	-\$0.40 per square foot of floor area
-Residential Building	
-Residential Additions	
-where work includes a finished basement	-PLUS \$0.25 per square foot of floor area
-where work includes plumbing	-PLUS \$25.00 PLUS \$5.00 per each new fixture or alteration of each fixture
BUILDING PERMIT	-\$0.25 per square foot of floor area
-Storage Shed	
-Residential Garage	
-Finished Basement	
-Deck	
-where work includes plumbing	-PLUS \$25.00 PLUS \$5.00 per each new fixture or alteration of each fixture
BUILDING PERMIT	-\$50.00 per unit
-Solid Fuel Burning Equipment	
BUILDING PERMIT	-\$0.32 per the first 2000 square feet of floor area, then \$0.28 per square foot of the remaining floor area.
-Assembly Occupancy	
-Institutional Occupancy	
-Industrial Occupancy	
-Business and Personal Services Occupancy	
-Mercantile Occupancy	
BUILDING PERMIT	-\$10.00 per \$1,000. or part thereof of the estimated valuation of the work.
-Renovation	
-Repair	
-Material Alteration	
-Communication Tower	
-where work includes plumbing	-PLUS \$25.00 PLUS \$5.00 per each new fixture or alteration of each fixture
BUILDING PERMIT	-\$0.15 per square foot of floor area.
-Farm Building	
-Simple Structure Farm Storage Building	-\$0.10 per square foot of floor area to a Maximum of \$200.00
GROUND OR WATER SOURCE HEAT PUMP	-\$100.00
DEMOLITION	-\$50.00 flat rate.

ADMINISTRATION FEES

- (1) A fee of 25% of the total permit fee(s), Schedule "A", may be administered and collected for construction demolition or change of use without a permit. The Administration fee shall be in addition to other required permit fee(s), at time of issuance.
- (2) A fee of \$75.00 (seventy-five dollars) shall be administered and collected for occupancy or final inspection that are required for a building permit over 4 (four) years old.

PAGE 2 OF SCHEDULE "A"

CLASS OF PERMIT	PERMIT FEE
PARTIAL PERMIT	-The permit fee for a partial permit shall be subject to an additional surcharge of \$50.00.
CONDITIONAL PERMIT	-The permit fee for a conditional permit shall be subject to an additional surcharge of 20% of the full permit fee, but not greater than \$200. In addition, the cost of the agreement shall be at the expense of the applicant.
CHANGE OF USE PERMIT	-Where a permit is required under Part 10 of the Building Code, for a change of use but no construction is required the fee shall be \$100.
SIGN PERMIT -where regulated under the Building Code.	- \$50.00 per sign.
DESIGNATED STRUCTURES -where regulated under the Building Code.	- \$10.00 per \$1,000. or part thereof of the estimated valuation of the work.

Minimum permit fees shall be \$50.00.

SCHEDULE "B"

TO BY-LAW _____
RESPECTING

List of Plans or Working Drawings
to accompany applications for permits

- 1) The 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) Heating, Ventilation and Air
Conditioning Drawings
- 11) Plumbing Drawings

Note: The Chief Building Official may specify that not all the above-mentioned plans are required to accompany an application for permit.

SCHEDULE "C"

TO BY-LAW NO. _____
Respecting
REFUND OF PERMIT FEES

1. The fees that may be refunded shall be a percentage of the fees payable under this By-law as follows:
 - (1) 80 percent if administration functions only have been performed.
 - (2) 70 percent if administration and zoning functions only have been performed.
 - (3) 45 percent if administration, zoning and plan examination have been performed.
 - (4) 35 percent if the permit has been issued and no field inspections have been performed subsequent to permit issuance.
 - (5) 5 percent shall additionally be deducted for each field inspection that has been performed after the permit has been issued.
2. Notwithstanding Section 1 above, no refund shall be made of an amount less than \$20.00.
3. Refunds shall not be granted unless the owner requests a refund in writing to the Chief Building Official within six (6) months of issuance of the permit.

SCHEDULE "D"

TO BY-LAW _____
RESPECTING

FORMS

- Form 1 Application for a Building Permit, Conditional Permit, Demolition Permit and Change of Use Permit
- Form 2 Building Permit, Conditional Permit, Demolition Permit and Change of Use Permit
- Form 3 Inspection Report
- Form 4 Order To Comply
- Form 5 Order To Stop Work
- Form 6 Order To Remedy Unsafe Building
- Form 7 Order To Prohibit Occupancy Of Unsafe Building