

**TOWNSHIP OF NORTH GLENGARRY
BUILDING BY-LAW**

BY-LAW # 03-2014

WHEREAS Section 7 of the Building Code Act, 1992, S.O. 1992 Chapter 23, empowers Council to pass certain By-Laws respecting construction, demolition and change of use permits and inspections;

AND WHEREAS Section 15 of the Police Services Act, R.S.O. 1990, c.P.15 as amended, the Council of the municipality may appoint Municipal Law Enforcement Officers who shall be Peace Officers for the purpose of enforcing by-laws of the municipality;

AND WHEREAS pursuant to Section 425 of the Municipal Act, S.O. 2001, c. 25, as amended, provided that any person who contravenes any by-law of a municipality passed under the authority of the Municipal Act is guilty of an offence;

BEING a By-Law respecting Construction, Demolition and Change of Use Permits and Inspections and;

- prescribing classes of permits under the Building Code Act, including stages of construction and demolition;
- providing for applications for permits and requiring applications to be accompanied by plans, specifications, documents and other information as is prescribed;
- requiring the payment of fees for permits and the amounts thereof;
- providing for refunds of fees under such circumstances as are prescribed;
- prescribing the time within which notices required by the Building Code must be given to the Chief Building Official or an Inspector;
- prescribing the forms respecting permits and applications for permits and providing for their use;
- enabling the chief building official to require that a set of plans of a building or any class of building as constructed be filed upon completion as may be prescribed in the Building Code;
- providing for the transfer of permits when land changes ownership;

NOW THEREFORE the Corporation of the Township of North Glengarry 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 and amendments;

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

"*Building*" means a building as defined in Section 1(1) of the Act;

"*Building Code*" means the regulation made under Section 34 of the Act;

"*Building Official*" means a person(s) appointed by the Corporation of the Township of North Glengarry

"Chief Building Official" means the Chief Building Official appointed pursuant to subsection 3(2) of the Act and by By-Law of the Corporation of the Township of North Glengarry for the purposes of enforcement of the Act;

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

"Corporation" means the Corporation of the Township of North Glengarry;

"Demolish" means "demolish" as defined in subsection 1(1) of the Act;

"Designer" means the person responsible for the design;

"Enforcement Authority" the individuals, such as the Chief Building Official, Deputy-Chief Building Official, Inspectors and Municipal Law Enforcement Officer(s) appointed by council for the enforcement of the Act in the areas which the municipality has jurisdiction;

"Farm building" means farm building as defined in the Building Code;

"Inspector" means an inspector appointed pursuant to subsection 3(2) of the Act and by By-Law of the Township of North Glengarry for the purpose of enforcement of the Act;

"Owner" means the registered owner of the property or the agent of the registered owner duly authorized by the registered owner in writing;

"Permit" means written permission or written authorization from the Chief Building Official to perform work governed by this By-Law and the Act;

"Permit holder" means the owner to whom the permit has been issued or, where the 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" or *"engineer"* means a person who holds a license or temporary license under the Professional Engineers Act, as defined in the Building Code;

"Sewage system" means sewage system as defined in Section 1(1) of the Act;

"Work" means to do anything in the construction or demolition or change of use or plumbing for a building which is regulated by the Act and the Building Code and "project" has a similar meaning; and

Any word or term not defined in this By-Law, that is defined in the Act or Building shall have meaning ascribed to it in the Act or Building Code.

Part 2 CLASSES OF PERMITS

2.1 Classes of permits set out in Schedule "D" of this By-Law are hereby established.

Part 3 PERMITS

3.1 Permit Applications

To obtain a permit, the owner or an agent authorized by the owner, shall file an application in writing by completing a prescribed form available at the North Glengarry Building Department, on the Township of North Glengarry web site www.northglengarry.ca or from the Ontario Building Code web site www.obc.mah.gov.on.ca.

3.2 Building Permits

Where application is made for a construction permit under Section 8.(1) of the Act, the application shall be completed in full and contain the following information:

- a) identify and describe in detail the proposed work and occupancy;
- b) identify and describe in detail the existing uses and the proposed use(s) for which the premises are intended;
- c) describe the land on which the work is to be done, by a description that will readily identify and locate the building on the lot;
- d) state the valuation of the proposed work including all materials and labour;
- e) include the fees as set out in the Municipal schedule of fees and charges by-law as amended from time to time;
- f) state the names, addresses and telephone numbers of the owner(s), architect, engineer or designer and constructor, where applicable;
- g) declare whether the owner or the owner's authorized representative has retained an architect or professional engineer to carry out the field review of the construction, if required by the Building Code; and
- h) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

3.3 Building Applications

In addition to 3.2., Where application is made for construction permit under Subsection 8.(1) of the Act, the application shall:

- a) use the provincial application form, "Application for Permit to Construct Demolish"; and
- b) include complete plans and specifications and documents

3.4 Demolition Permit

In addition to 3.2 and 3.3., where application is made for a demolition permit under Section 8.(1) of the Act, the application shall:

- a) provide proof satisfactory to the Chief Building Official, that all necessary arrangements have been made with the proper authorities to disconnect all water, sewer, gas, electric, telephone and other utilities and services;
- b) confirmation that the building is not designated "Heritage Building" within the meaning of the Ontario Heritage Act;
- c) where work on a building or structure being demolished or dismantled is suspended or discontinued prior to completion, access to the part of the building or structure that remains to be demolished or dismantled shall be prevented by installing and maintaining barriers to prevent entry. The property shall also be posted with "No Trespassing" signs, along the perimeter spaced no more than 8 meters apart; and
- d) a basement, cellar or excavation left after the demolition or dismantling of a building or structure shall remain adequately fenced along its open sides or be backfilled within 30 days of the demolition or dismantling of the building or structure.

3.5 Conditional Permit

In addition to 3.2, where application is made for a conditional permit under Section 8.(3) of the Act, the application shall:

- a) contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require;
- b) state the reasons why the applicant believes that unreasonable delays in construction would occur if a Conditional Permit is not granted;
- c) state the necessary approvals which must be obtained in respect of the proposed building and the time line in which such approvals will be obtained; and
- d) state the time in which plans and specifications of the complete building will be filled with the Chief Building Official.

3.6 Change of Use

In addition to 3.2 and 3.3., an application for a Change of Use Permit under section 10(1) of the Act, the owner or the authorized agent of the owner shall:

- a) precisely identify the building in which the occupancy is to be changed;
- b) identify and describe in detail the current and proposed occupancies of the building, or part of the building, for which the application is made;
- c) include plans and specifications showing the current and proposed occupancies of all parts of the building. These plans and specifications must contain sufficient information to establish compliance with the requirements of the Building Code, including: floor plan; 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;
- d) include the required fee, as set out in the Township of North Glengarry's Fees and Charges Schedule "F";
- e) state the names, addresses and telephone numbers of the owners;
- f) certify the truth of the contents of the application;
 - i. an application under this section shall be signed by the owner or the owner's authorized representative; and
 - ii. an owner or an owner's authorized representative shall ensure that all information provided in an application for a Permit is true.

3.7 Sewage System Permit

Every application for a sewage system permit shall be submitted to the Chief Building Official and contain the following information:

- a) the name, address, telephone number and Building Code Identification Number (BCIN) of the person installing the sewage system;
- b) a scaled map of the site showing:
 - i. the legal description, lot size, property dimensions, existing rights-of-way, easements of municipal/utility corridors, primary and secondary hydro lines,

- ii. the location of any existing or proposed buildings, the location of the proposed sewage system including the number of runs,
- iii. the location of any unsuitable, disturbed or compacted areas, proposed access routes for system maintenance;
- d) depth to bedrock
- e) depth to zones of soil saturation; and
- f) soil properties, including soil permeability, soil conditions, including the potential for flooding.

3.8 Alternative Solution

The person proposing an alternative solution shall provide the documents required by Div. C Section 2.1 of the Building Code

3.9 Transfer of Permits

If land changes ownership after a building permit has been issued, a building permit may be transferred to the new owner for a fee in accordance with the as set out in the Township of North Glengarry's Fees and Charges Schedule "F". When a building permit is transferred, the new owner assumes all responsibility and may be required to provide additional information and, if necessary, proof of engagement of a professional design. Changes made to plans submitted for the original building permit may require payment of an additional fee.

Part 4 PLANS AND SPECIFICATIONS

4.1 Information Required

Every applicant for a building permit shall contain:

- a) sufficient information to enable the Chief Building Official to determine, in his or her judgment, whether the proposed construction, demolition or change of use will conform with the Act and the Building Code; and
- b) an application for a Permit shall include one complete set of building plans and specifications, unless otherwise specified by the Chief Building Official.

4.2 Scale of Drawings

Every building plans shall be drawn to scale on paper, cloth or a similar durable material, shall be legible and, without affecting the generality of the foregoing, shall include such working drawings as are set out in Schedule "A", unless otherwise specified by the Chief Building Official.

4.3 Site Plans

Site plans shall be accurately drawn to scale, and when required by the Chief Building Official demonstrate compliance with the Act, the Building Code or other applicable law, a copy of an up-to-date survey prepared by an Ontario Land Surveyor shall be submitted. Site plans shall indicate:

- a) a copy of the survey shall be submitted with the site plan, unless otherwise specified by the Chief Building Official;
- b) unless otherwise specified by the Chief Building Official, site plans shall show:

- i. lot size and dimensions, property lines and setbacks of any existing or proposed buildings;
- ii. existing and finished ground levels or grades;
- iii. existing rights-of-way, easements and municipal services;
- iv. overhead electrical conductors, watercourses and railways; and
- v. verification by and Ontario Land Surveyor of by-law compliance may be required before proceeding past foundation stage, if required by the Chief Building Official.

4.4 As Constructed Drawings

Upon completion of a building, or any phase thereof, the Chief Building Official may require a set of "as constructed plans", including a plan of survey indicating the location and elevation of the building.

4.5 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 the relevant legislation.

Part 5 PAYMENT AND REFUNDS

5.1 Determination of Fees

- a) Upon submitting an application for a Permit, an owner or an authorized agent of an owner shall pay the fee as set out in the Township of North Glengarry's Fees and Charges Schedule "F";
- b) for the purposes of calculating a fee as set out in the Township of North Glengarry's Fees and Charges Schedule "F";
 - i. in respect of an application for a Construction Permit, a Demolition Permit or a Conditional Permit, where the fee is per unit area, the fee is calculated by multiplying the total floor area by the rate per square foot. Total floor area is the sum of the areas of each storey, as measured from the outside to the outside of the walls. The area of a storey below grade is included only if it is a living area;
 - ii. in respect of an application for a Construction Permit, a Demolition Permit or a Conditional Permit, where the fee is based on the value of the work, the value of the work includes the cost of all materials, labour, equipment, overhead, professional services and other costs related to the work;
 - iii. in respect of a Change of Use Permit, where the fee is per unit area, the fee is calculated by multiplying the total floor area by the rate per square foot. Total floor area is the sum of the areas of each storey that is subject to the change of use;
- c) the Chief Building Official may determine the value of the proposed work for the purposes of establishing the Permit fee;
- d) where the Chief Building Official sets the Permit fee under subsection 5.1 c), the applicant may pay the fee as set by the Chief Building Official under protest. If at the end of the project the actual cost is less than the value determined by the Chief Building Official, the applicant may submit an

audited statement of actual costs within six months of the completion of the project and the Chief Building Official shall, upon approval of Council, issue a refund of the balance; and

- e) a security deposit of \$1,000.00 shall be deposited with the Township of North Glengarry at the time of the issuance of the building permit, for the construction of new single family dwellings, duplexes and semi-detached dwelling units. Such security deposit to be held in trust by the Township of North Glengarry pending a final inspection approval report, issued by the Chief Building Official. Construction projects subject to Site Plan Development Agreements shall be considered exempt from the requirements of this section.

5.2 Building Without Permit

Every person who commences construction, demolition or changes the use of a building either before submitting an application for a permit or, where an application for a permit has been submitted but no permit been issued, the Corporation, shall in addition to any other penalty imposed under the Act, Building Code or By-Law pay an additional fee equal to 20% of the amount calculated as the regular permit fee but in no case shall the additional fee exceed \$500.00.

5.3 Refunds

In the case of withdrawal of an application or the abandonment of all portion of the work or the non-commencement of any project within 6 months of the issue of the permit, the Chief Building Official may determine the amount of paid permit fees that may be returned to the applicant, if any, in accordance with Schedule "F".

5.4 Renewal of Permit

Failure to have the project finalized within 365 days after the issuance date of the permit will require a permit renewal fee of \$100.00 as set out in the Township of North Glengarry's Fees and Charges Schedule "F".

Part 6 REVOCATION OF PERMITS

6.1 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 services or registered mail at the last known address of the permit holder. If on the expiration of thirty (30) days from the date of such notice, the grounds for revocation continue to exist, the permit may be revoked without further notice, and all submitted plans and all other information may be disposed of.

6.2 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.

Part 7 NOTICE REQUIREMENTS FOR INSPECTIONS

7.1 Notice

Except as provided in 7.2, an owner or authorized agent shall notify the building department at least two (2) Municipal Office business days prior to each stage of construction as required under Div. C article 1.3.5 of the Building Code and section 10.2 of the Act, in accordance with Schedule "B". In addition, the permit holder shall provide another mandatory notice after the completion of demolition work to ensure the completion of site grading and other work described in Section 3.4 of this By-Law.

7.2 Sewage Systems

An owner or authorized agent shall notify the building department at least five (5) Municipal Office business days prior to each stage of construction as required under Div. C article 1.3.5.3 of the Building Code.

7.3 Time Periods

The time periods referred in 7.1 and 7.2 shall begin on the day following the day on which the notice is given.

7.4 Effective

A notice pursuant to this Part of the By-Law is not effective until such notice is actually received by the building department counter in one of the following ways:

- a) telephone message at (613) 525-1116;
- b) facsimile to (613) 525-1649; and
- c) in person at the building department counter

Part 8 ENFORCEMENT

8.1 Offences

No person shall:

- a) construct a building without a permit issued by the Chief Building Official;
- b) cause construction of a building without a permit issued by the Chief Building Official;
- c) demolish a building without a permit issued by the Chief Building Official;
- d) cause demolition of a building without a permit issued by the Chief Building Official;
- e) change plans without the authorization of the Chief Building Official;
- f) construct a building not in accordance with plans;
- g) change the use of a building without a permit issued by the Chief Building Official;
- h) occupy a building newly erected or installed or permit it to be occupied or used without a permit authorizing occupation from the Inspector or Chief Building Official;
- i) occupy an unfinished building without a permit authorizing occupation from the Inspector or Chief Building Official;
- j) furnish false information on an application for permit;
- k) commence demolition before a building has been vacated;
- l) fail to post a permit on the construction site;
- m) fail to post a permit on the demolition site; and
- n) fail to provide required notification of construction phase.

8.2 Orders

No person shall fail to comply with:

- a) an order made by an Inspector or the Chief Building Official;
- b) an order not to cover made by an Inspector or the Chief Building Official;
- c) an order to uncover made by the Chief Building Official;
- d) a stop work order made by the Chief Building Official;
- e) an order to remedy an unsafe building made by an Inspector or the Chief Building Official;
- f) an order prohibiting use or occupancy of an unsafe building made by the Chief Building Official; and
- g) an order to repair a dangerous building made by the Chief Building Official.

8.3 Obstruction

No person shall:

- a) obstruct the visibility or remove a posted order without authorization from the Inspector or Chief Building Official; and
- b) hinder or obstruct, or attempt to hinder or obstruct, a Chief Building Official or Inspector in the exercise of a power or the performance of a duty under the Act or this By-Law.

Part 9 CONTREVENTION OF BY-LAW

9.1 Penalties

Every person who contravenes any provisions of this By-Law or the Act or is party to such contravention is guilty of an offence and is liable to a fine in accordance with;

- a) a fine as set out in Schedule "C"; or
- b) section 36 in the Building Code Act, 1992, S.O. 1992, c. 23

9.2 Additional Penalties

- a) every person who is guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, R.S.O. 1990, c.P33 as amended, pay a set fine, and the Chief Judge of the Ontario Court of Justice shall be requested to establish set fines as set out in Schedule "C";
- b) in addition to the penalties prescribed in this by-law, the Chief Building Official may apply under Section 36.(1) and/or 38.(1) of the Act for additional penalties in accordance with the Act; and
- c) schedule "C" shall only come into force and take effect until it is approved and filed by Regional Senior Justice, pursuant to Provincial Offences Act Part 1.

Part 10 REPEAL

10.1 By-Laws

By-Law No 09-2012 and all of its amendments of the Corporation of the Township of North Glengarry is hereby repealed.

10.2 Effective Date

This By-Law shall come effective on the date of final passing thereof.

READ a first, second, third time and enacted in Open Council, this 11th day of February, 2014.



CAO/Clerk / Deputy Clerk

Mayor

I hereby certify this to be a true copy of By-law No. 03-2014, and that such by-law is in full force and effect.

Date Certified

Clerk / Deputy Clerk

SCHEDULE "A"

This is Schedule "A" to By-Law # 03-2014 respecting the list of plans or working drawings to accompany applications for permit.

Residential

- 1) Site plan
- 2) Floor Plan
- 3) Foundation Plan
- 4) Elevation Plan
- 5) Energy efficiency summary design
- 6) Full construction plans in duplicate
- 7) Mechanical ventilation design summary
- 8) Lot grading plan

Commercial

- 1) Site plan
- 2) Floor Plan
- 3) Foundation Plan
- 4) Elevation Plan
- 5) Engineered approved drawings as per the Building Code
- 6) Architectural plans when applicable
- 7) General review certificate of all professions involved in building design and construction

SCHEDULE "B"

This is Schedule 'B' to By-Law #03-2014 respecting building inspection phase list. Upon completion of each phase, the Chief Building Official shall be notified before the contractor/builder proceeds in construction to the next phase as outlined below. Failure to comply shall mean the contractor/builder shall uncover the work required for inspection at his/her own expense before proceeding with the construction. The contractor/builder shall notify the building department for inspection in accordance with part 7 of this By-Law.

The work related to the following inspection phases is not necessarily in the order of construction. However, when all phases have been inspected, the owner will be issued a final inspection notice for occupancy purposes.

Phase 1 - After excavation

Check soil, water table and footings

Phase 2- Before backfill

Drain tile, crushed stone, damp proofing, footings, backfill material and foundation wall

Phase 3 - Substantial completion of framing

Sub-floors, plates, lintels, bridging, studs, partitions, trusses/rafters, sole plate sealed to foundation

Phase 4- Solid fuel heating system

Commencement of construction of masonry fireplaces and masonry chimney. Factory built fireplaces and allied chimney and stoves, ranges, space heaters and add-on furnaces using solid fuel

Phase 5- Insulation (substantial completion)

Vapour barrier, Air barrier, wall corners, doors and windows, electrical, roof baffles, attic ventilation

Phase 6- Heating and ventilation

Roughing - in and substantial completion

Phase 7- Plumbing

Roughing - in and well connections
Substantial completion of system

Phase 8 - Substantial completion of interior finishes

Plaster, gyproc, paneling and gyproc tape
Required fire separation, closures and fire protection system

Phase 9- Exterior finish

Substantial completion of roof shingles, flashing, fascia and soffit

Phase 10 - Occupancy Inspection

Phase 11- Final Inspection

Other - Final pool

Upon completion of fencing and no later than two days after pool has been filled or prior to occupancy of pool

SCHEDULE "C"

Township of North Glengarry Part 1 Provincial Offences Act Bylaw 03-2014: Building Bylaw

Page 1 of 1

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fines
1.	Construct a building without a permit	8.1(a)	\$450.00
2.	Cause construction of a building without a permit	8.1(b)	\$450.00
3.	Demolish a building without a permit	8.1(c)	\$450.00
4.	Cause demolition of a building without a permit	8.1(d)	\$450.00
5.	Change plans without authorization	8.1(e)	\$200.00
6.	Construct a building not in accordance with plans	8.1(f)	\$300.00
7.	Change the use of a building without a permit	8.1(g)	\$400.00
8.	Occupy a building newly erected without permit	8.1(h)	\$200.00
9.	Occupy an unfinished building without permit	8.1(i)	\$200.00
10.	Furnish false information on an application for a permit	8.1(j)	\$200.00
11.	Commence demolition before a building has been vacated	8.1(k)	\$400.00
12.	Fail to post permit on construction site	8.1(l)	\$75.00
13.	Fail to post permit on demolition site	8.1(m)	\$75.00
14.	Fail to provide required notification of construction phase	8.1(n)	\$75.00
15.	Fail to comply with an order	8.2(a)	\$450.00
16.	Fail to comply with an order not to cover	8.2(b)	\$300.00
17.	Fail to comply with an order to uncover	8.2(c)	\$450.00
18.	Fail to comply with a stop work order	8.2(d)	\$500.00
19.	Fail to comply with an order to remedy an unsafe building	8.2(e)	\$450.00
20.	Fail to comply with an order prohibiting use or occupancy of an unsafe building	8.2(f)	\$475.00
21.	Fail to comply with an order to repair a dangerous building	8.2(g)	\$475.00
22.	Obstruct the visibility of or remove an order	8.3(a)	\$450.00
23.	Obstruct an inspector	8.3(b)	\$500.00

Note: the general penalty provision for the offences listed above is section 9 of bylaw 03-2014, a certified copy of which has been filed and section 61 of the Provincial Offences Act, R.S.O. 1990,c.P.33.

SCHEDULE "D"

This is Schedule 'D' to By-Law #03-2014 respecting building permits types;

The Corporation may issue permits of the following classes: Building Permits, Conditional Permits, Demolition Permits and Change of Use Permits, as described below: <u>CLASS</u>	<u>DESCRIPTION</u>
BUILDING PERMIT	Required under subsection 8(1) of the Act, it includes farm buildings , heating and ventilation ,plumbing and sewage system permits.
Plumbing Permit	Issued under the building permit
Farm Structure Permit	Issued under the building permit
Sewage system permit	Issued under Section 8 of the Building Code
Heating Ventilation & Air Conditioning Permit	Issued under the building permit
Conditional Permit	Issued under the building permit and subsection 8(3) of the Act
DEMOLITION PERMIT	Required under subsection 8(1) of the Act
CHANGE OF USE PERMIT	Required under subsection 10(1) of the Act