

THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN

BY-LAW 2005-87

Being a By-law respecting Construction, Demolition, Change of Use, Conditional Permits, Sewage Systems and Inspections

WHEREAS Section 7 of the Building Code Act, 1992, S.O. 1992 c.23 as amended, empowers Council to pass certain by-laws respecting construction, demolition, change of use, conditional permits, sewage systems and inspections.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN ENACTS AS FOLLOWS:

1. SHORT TITLE

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

2. DEFINITIONS

2.1 In this By-law,

2.1.1 "**Act**" means the Building Code Act, 1992, as amended, including amendments thereto.

2.1.2 "**As Constructed Plans**" means as constructed plans as defined in the Building Code.

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

2.1.4 "**Building Area**" means the greatest horizontal area of a building within the outside surface of the exterior walls.

2.1.5 "**Building Code**" means the Regulations made under Section 34 of the Act.

2.1.6 "**Chief Building Official**" means the Chief Building Official appointed by the By-law of the Corporation of the Municipality of West Elgin for the purposes of enforcement of the Act.

2.1.7 "**Corporation**" means the Corporation of the Municipality of West Elgin.

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

2.1.9 "**Permit**" means written permission or written authorization from the Chief Building Official to perform work regulated by this By-law and the Act.

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

2.1.11 "**Sewage System**" means a sewage system as defined in the Building Code.

2.1.12 "**Special Inspection**" means an inspection that is requested and carried out not in connection with a permit, at the discretion of the Chief Building Official. This also includes inspections requested on permits that are more than 12 months old that were issued under a previous version of the Ontario Building Code.

3. CLASSES OF PERMITS

3.1 Classes of permits with respect to the construction, demolition and change of use of buildings and permit fees shall be as set out in Fees & Charges By-law – Building, as amended.

4. REQUIREMENTS FOR APPLICATIONS

4.1 The Application

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 office of the Chief Building Official or from the Building Code website www.obc.mah.gov.on.ca

4.1.1 Where application is made for a building permit under Subsection 8(1) of the Act, the application shall:

4.1.1.1 Identify and describe in detail the work and the occupancy to be covered by the permit for which application is made.

4.1.1.2 Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot.

4.1.1.3 Include a minimum of two sets of complete plans and specifications for the work to be covered by the permit and show the occupancy of all parts of the building.

4.1.1.4 State the valuation of the proposed work including materials and labour and be accompanied by the required fee.

4.1.1.5 State the names, addresses and telephone numbers of the owner and of the architect or engineer, where applicable, or other designer or contractor.

4.1.1.6 Be accompanied by a written acknowledgement of the owner that he has retained an architect or professional engineer to carry out the field review of the construction where required by the Building Code and,

4.1.1.7 Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

4.1.2 Where application is made for a demolition permit under Subsection 8(1) of the Act, the application shall,

4.1.2.1 Contain the information required by clauses 4.2.1.1 to 4.2.1.7 and

4.1.2.2 May be required to be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, electric, telephone or other utilities and services.

4.1.3 Where application is made for a conditional permit under Subsection 8(3) of the Act, the application shall:

4.1.3.1 Contain the information required by clauses 4.2.1 to 4.2.1.7,

4.1.3.2 Contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require,

4.1.3.3 State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted.

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

4.1.3.5 State the time in which plans and specifications of the complete building will be filed with the Chief Building Official.

4.3 Change of Use Permits

4.3.1 Every applicant for a change of use permit issues under Subsection 10(1) of the Act shall be submitted to the Chief Building Official and shall,

4.3.1.1 Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building.

4.3.1.2 Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made,

4.3.1.3 Include plans and specifications which show 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 including floor plans, details of wall, ceiling and roof assemblies, identifying required fire resistance ratings and load bearing capabilities,

4.3.1.4 Be accompanied by the required fee,

4.3.1.5 State the name, address and telephone number of the owner, and

4.3.1.6 Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

4.4 Sewage Systems

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

4.4.1.1 The information required by Section 4.2.1,

4.4.1.2 The name address, telephone number and license number of the person installing the sewage system,

4.4.1.3 Where the person named in Section 4.4.1.2 above requires a license under the Act and the Building Code, the number and date of issuance of the license, and the name of the qualified person supervising the work to be done under the sewage system permit,

4.4.1.4 A site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official:

- a) the date the evaluation was done;
- b) name, address, telephone number and signature of the person who prepared the evaluation;
- c) a scaled map of the site showing,
 - the legal description, lot size, property dimensions, existing rights-of-way, easements of municipal/utility corridors,
 - the location of any existing or proposed buildings
 - the location of the proposed sewage system,
 - the location of any unsuitable, disturbed or compacted areas,
 - proposed access routes for system maintenance.
- d) depth of bedrock
- e) depth to zones of soil saturation,
- f) soil properties, including soil permeability
- g) soil conditions, including the potential for flooding

4.5 EQUIVALENTS

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;

- (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.

4.6 PLANS AND SPECIFICATIONS

4.6.1 Sufficient information shall be submitted 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 to the Act, the Building Code and any other applicable law.

4.6.2 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 not to be made without the written authorization of the Chief Building Official

4.6.3 Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete sets of plans and specifications required under this by-law.

4.6.4 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.

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

4.6.5.1 Lot Size and the dimensions of the property lines and setbacks to any existing or proposed buildings,

4.6.5.2 Existing and finished ground levels or grades,

4.6.5.3 Existing rights-of-way, easements and municipal services.

4.6.6 Verification by an Ontario Land Surveyor of by-law compliance may be required before proceeding past foundation stage, if required by the Chief Building Official.

5 PAYMENT OF FEES

5.1 Fees for a required permit shall be as set out in Fees & Charges By-law – Building, as amended. and are due and payable upon submission of an application for a permit.

5.2 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 under Subsection 8(3) of the Act are based on the cost of valuation of the proposed work, the cost of valuation of the proposed work shall mean the total value 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 conditional permit, fees shall be paid for the complete project.

- 5.3 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 the applicant shall pay the required fee under protest and, within six (6) months of completion of the project, shall submit an audited statement of the actual costs and where the audited value is determined to be less than the valuation, the Chief Building Official shall issue a refund.

6 REFUNDS

- 6.1 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 "A" attached to and forming part of this by-law. Application for refund must be made within 6 months of the date of permit application in order to be eligible for a refund of any permit fee.

7 NOTICE OF REQUIREMENTS FOR INSPECTIONS

- 7.1 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. In addition to the prescribed notice contained in 2.4.5.1 of the Building code, notice of any solid fueled fired appliance rough in and notice of the final inspection detailed in clauses 2.4.5.2.(1)(c) and 2.4.5.2.(1)(i) is also required.

- 7.2 Notice may be given in one of the following ways;

7.2.1 Phone message at (519) 871-4690 or the municipal office at (519) 785-0560.

7.2.2 Fax at (519) 785-0644

8 FORMS

- 8.1 Forms, other than those prescribed by legislation, shall be determined by the Chief Building Official.

9 AS CONSTRUCTED PLANS

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

10 REPEAL OF BY-LAWS

- 10.1 By-law 2005-41 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME THIS 10th DAY OF NOVEMBER, 2005

"Graham Warwick"
MAYOR

"Norma Bryant"
CLERK

SCHEDULE "A"
TO BY-LAW 2005-87
REFUNDS

<u>Status of Permit Application</u>	<u>Percentage of Fee Eligible for Refund</u>
1. Application withdrawn in writing, no processing of review of plans submitted	95% maximum
2. Application withdrawn in writing plans reviewed and prior to permit issuance	75% maximum
3. Application withdrawn in writing or revoked, prior to construction, after the permit has been issued	50% maximum
4. Application withdrawn in writing or revoked, six (6) or more after permit has been issued	0%

NOTE:

- 1. No refunds after any building inspections are carried out.**
- 2. No refund shall result in the retention by the Municipality of West Elgin of an amount less than \$50.00.**

SCHEDULE "B"

TO BY-LAW 2005-87

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. Sections & Details
7. Building Elevations
8. Electrical Drawings
9. Heating, Ventilation, Air Conditioning Drawings with Heat Gain Loss Calculations
10. Plumbing Drawings
11. Sewage System Design and Plans

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