

The Corporation of the Town of Spanish

Bylaw No. 2007-11

Being a Bylaw to Respecting Construction, Demolition Change of Use Permits and Inspections

Whereas pursuant to the Building Code Act, as amended, the Lieutenant Governor in Council has established a Building Code which is in force throughout Ontario to regulate all construction, demolitions, extensions, material alterations and changes of use with respect to buildings, for which the Council of the Town of Spanish has appointed a Chief Building Official and such inspectors for the proper administration of the said Building Code.

And 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.

Now Therefore, the Corporation of the Town of Spanish ENACTS AS FOLLOWS:

1.0 SHORT TITLE

This By-law may be cited as the “Building By-Law”.

2.0 DEFINITIONS

2.1 In this by-law,

“**Act**” means the Building Code Act, 1992, S.O. 1992, Chapter 23 as amended.

“**applicant**” means the **owner** of a building or property who applies for a **permit** or any person authorized by the **owner** to apply for a **permit** on the owner’s behalf, or any person or corporation empowered by statute to cause the demolition of a building or buildings and anyone acting under the authority of such person or corporation.

“**as constructed plans**” means as constructed plans as defined in the Building Code.

“**architect**” means a holder of a license, a certificate of practice, or a temporary license under the Architect’s Act as defined in the Building Code.

“**building**” means a building as defined in Section 1(1) of the Act.

“**Building Code**” means the regulations made under Section 34 of the Act.

“**Chief Building Official**” means the chief building official appointed by the by-law of The Corporation of the Town of Spanish for the purpose of the enforcement of the Act.

“**construct**” means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere “**Corporation**” means The Corporation of the Town of Spanish.

“**demolition**” means to do anything in the removal of a building or any material part thereof

“**farm building**” means a farm building as defined in the Building Code.

“**permit**” means written permission or written authorization from the Chief Building Official to perform work regulated by this by-law and the Act, or to change the use of building or part of a building or parts thereof as regulated by the Act.

“**plumbing**” means plumbing as defined in Section 1(1) of the Act.

“**professional engineer**” means a person who holds a license or a temporary license under the Professional Engineer’s Act, as defined in the Building Code.

“**sewage system**” means a sewage system as defined in Section 1(1) of the Act.

“**prescribed value**” means, as determined by the Chief Building Official, the value of construction of a proposed building or designated structure including the total value of all work, labour, equipment, overhead, services and materials in respect of its construction and of all professional and related services.

2.2 Terms not defined in this by-law shall have the meaning ascribed to them in the Act or the Building Code.

3.0 PERMITS

3.1 Classes of Permits

Classes of permits with respect to the construction, demolition and change of use of buildings and permit fees shall be as set forth in Schedule “A” appended to and forming part of this By-Law.

3.2 Building Permits

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

- 1) use the provincial application form, “Application for a Permit to Construct or Demolish”; and
- 2) include complete plans and specifications, documents and other information as required by Article 2.4.1.1B of the Building Code and as described in this by-law set forth in Schedule “B” for the work to be covered by the permit.

3.3 Demolition Permits

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

- 1) use the provincial application form, “Application for Permit to Construct or Demolish; and
- 2) include complete plans and specifications, documents and other information as required by Article 2.4.1.1B of the Building Code and as described in this by-law set forth in Schedule “B” for the work to be covered by the permit.

3.4 Conditional Permits

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

- 1) use the provincial application form, “Application for Permit to Construct or Demolish; and
- 2) include complete plans and specifications, documents and other information as required by Article 2.4.1.1B of the Building Code and as described in this by-law set forth in Schedule “B” for the work to be covered by the permit.
- 3) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
- 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; and
- 5) state the time in which plans and specifications of the complete building will be filed with the Chief Building Official.

3.5 Partial Permits

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 and fees paid for the complete project. Complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the Chief Building Official. Where a permit is issued for part of a building or project, this shall not be construed to authorized construction beyond the plans for which approval was given nor that approval will necessarily be granted for the entire building or project.

3.6 Change of Use Permits

Every application for change of use permit issued under subsection 10(1) of the Act shall be submitted to the Chief Building Official and shall:

- 1) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
- 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;
- 3) include plans and specifications 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, including: floor plans; details of wall, ceiling and roof assemblies identifying

required fire resistance ratings and load bearing capacities, details of existing “sewage systems”, if any;

- 4) be accompanied by the required fee;
- 5) state the name, address and telephone number of the owner; and
- 6) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

3.7 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; and
- 3) evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.

4.0 ADMINISTRATIVE PROCEDURES RELATING TO PERMITS

4.1 Revision to Permit

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.

4.2 Revocation of Permits

The Chief Building Official, subject to provisions outlined in subsection 8(10) of the Act has the authority to revoke a permit issued under the Act.

4.3 Permit Application

To obtain a permit, the owner or agent authorized in writing by the owner shall file an application in writing by completing a prescribed form available from the Chief building Official, the Building Code website www.obc.mah.gov.on.ca or the Municipal website www.town.spanish.on.ca. Forms prescribed by the Corporation under clause 7(1)(f) of the Act shall be set out in Schedule “C” to this By-Law.

4.4 Plans and Specifications

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 with the Act, the Building Code and any other applicable law. 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. Plans shall be drawn to scale on paper, or other durable material, shall be legible and, without limiting the generality of the forgoing, shall include such working drawings as set out in Schedule “B” to this By-Law unless otherwise specified by the Chief Building Official.

4.5 The Site Plan

Site plans shall be referenced to an up-to-date survey and, where required to demonstrate compliance with the Act, the Building Code or other applicable law, a copy of the survey shall be submitted to the Chief Building Official. Site plans shall show:

- 1) Lot size and the dimensions of the property lines and setbacks to any existing or proposed buildings;
- 2) Existing and finished ground levels or grounds;
- 3) Existing rights-of-way, easements and municipal services;
- 4) Proposed fire access routes and existing fire hydrant locations; and
- 5) Location and dimensions of existing or proposed on site sewage systems.

4.6 Payment of Fees

- 1) Fees for a required permit shall be as set out in Schedule “A” to this by-law and are due and payable upon submission of an application for a permit. Where the fees payable in respect of an application for a partial permit or a conditional permit, fees shall be paid for the complete project. 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 prescribed value of the proposed work, such value shall be as defined in this by-law.
- 2) Permit Fees shall be doubled if construction has started before the permit is issued. Payment of double fees will not relieve any person or corporation from:
 - a. Fully complying with the Ontario Building Code; or
 - b. Any penalty prescribed in the Act for starting or proceeding with work prior to obtaining a construction permit.

4.7 Refunds

- 1) In the case of withdrawal of an application or abandonment of all or a portion of the work or the non-commencement of any project, and upon written request, 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.
- 2) Except as provided above, there shall be no refund of permit fees where a permit has been revoked or transferred.

5.0 NOTICE REQUIREMENTS FOR INSPECTIONS

5.1 Prescribed Notices for Inspections

A person to whom a permit is issued shall give notice of readiness for inspection to the Chief Building Official. Such notice shall be given in accordance with the provisions of the Building Code for all mandatory inspections listed in the Building Code under Section 2.4.5.

5.2 Improper Inspection Calls

At the discretion of the Chief Building Official where the owner and/or agent gives notice for a specific inspection of any building, lot or parcel of land and the inspection cannot be properly carried out due to unfinished work, or the inspection is broken down to excessive site visits due to phasing of the project, or the inspection is requested to be performed outside of the regular office hours of the Corporation, the owner shall be responsible for all of the Corporation’s costs, plus 20% overhead, relating to the inspection. Such costs shall be termed “Inspection Fee” and shall be paid to the Treasurer of the Corporation on demand.

6.0 PRESCRIBED FORMS

6.1 Prescribing Forms

The forms prescribed for use as applications for permits, for orders and for inspection reports shall be as set out in Schedule “C” to this by-law.

7.0 AS CONSTRUCTED PLANS

7.1 As Constructed Plans

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.

8.0 CODE OF CONDUCT

The Code of Conduct required under section 7.1-(1) of the Act shall be the “Employee Code of Conduct” which governs the conduct of all employees of the Corporation.

9.0 APPOINTMENT OF RCA’S

If the municipality directly appoints a registered code agency under Section 4.1 of the Act, an agreement must be completed.

The agreement with the registered code agency authorizes the agency to perform functions specified in the agreement. The agreements shall be in writing and as outlined in the Building Code under Article 2.22.1.1.

Under Subsection 4.1(3) of the Act The Town of Spanish delegates to the Chief Building Official, the authority to make appointments of registered code agencies.

10.0 VALIDITY

Should any section, 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 the by-law as a whole or any part thereof, other than the part so declared to be invalid.

11.0 PENALTY

Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction under the *Provincial Offences Act* is liable to a fine and any other penalty imposed under the Act as defined in this by-law.

12.0 REPEAL OF PREVIOUS BY-LAW

By-law 2006-29 of the Corporation and its amendments are hereby repealed.

READ a first time this
5th day of March, 2007.

Deputy Reeve – Jocelyne Bishop

CAO – Mary Bray, A.M.C.T.

READ a second time this
16th day of April, 2007.

Reeve – Gary Bishop

CAO – Mary Bray, A.M.C.T.

READ a third and final time,
and passed this 7th day of May 2007.

Reeve – Gary Bishop

Clerk Pro Temp – Pam Lortie

Schedule "A" to By-law No. 2007-11

**THE CORPORATION OF THE TOWN OF SPANISH
PERMIT FEES**

For current fees, please see User Fee By-Law #2011-10

Schedule “B”

This is Schedule “B” to By-Law No. 2007-11 respecting

List of Plans or Working Drawings to accompany applications for permits

1. Site Plan (two sets of Plans)
2. Floor Plans (two Sets)
3. Foundation Plans (two Sets)
4. Framing Plans (two Sets)
5. Roof Plans (two Plans)
6. Reflected Ceiling Plans (two Sets)
7. Sections and Details (two Sets)
8. Building Elevations (two Sets)
9. Electrical Drawings (two Sets)
10. Heating, Ventilation and Air Conditioning Drawings (two Sets)
11. Plumbing Drawings (two Sets)
12. Fire Alarm and Sprinkler Plan (two Sets)

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

Schedule “C”

This is Schedule “C” to By-Law No. 2007-11 respecting

Form 1 Application for a Permit to Construct or Demolish

Form 2 Application for Change of Use Permit (1)

Form 3 Order Requiring Tests and Samples

Form 4 Change of Use Permit

Form 5 Stop Work Order

Form 6 Order to Uncover

Form 7 Order Not to Cover or Enclose

Form 8 Order to Comply