

THE CORPORATION OF THE TOWNSHIP OF CONMEE
AS AMENDED BY BYLAW #1278

BY-LAW NO. 930

Being a by-law respecting Construction, Demolition, Change of Use Permits and Inspections.

WHEREAS Section 7 of the Building Code Act, 1992, S.O. 1992, Chapter 23, as amended, authorizes Council to pass by-laws respecting construction, demolition, change of use permits and inspections;

AND WHEREAS the Council of The Corporation of the Township of Conmee desires to repeal By-law No. 912, as amended, and enact a new by-law respecting construction, demolition, change of use permits and inspections;

NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE TOWNSHIP OF CONMEE HEREBY ENACTS AS FOLLOWS:

PART I – DEFINITIONS

1. In this By-law,
 - a) “Act” means the Building Code Act, 1992, S.O. 1992, c. 23, as amended;
 - b) “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;
 - c) “as constructed plans” means as constructed plans as defined in the Building Code;
 - d) “building” means a building as defined in subsection 1(1) of the Act;
 - e) “Building Code” means the regulations made under section 34 of the Act;
 - f) “construct” means to construct a building as defined in subsection 1(1) of the Act;
 - g) “Chief Building Official ” means the Chief Building Official appointed by Council under section 3 of the Act for purposes of enforcement of the Act;
 - h) “demolish” means to do anything in the removal of a building or any material part thereof as defined in subsection 1(1) of the Act;
 - i) “farm building” means a farm building as defined in the Building Code;
 - j) “heating, ventilation and air conditioning” means heating, ventilation and air conditioning as defined in Division B, Part 6;
 - k) “inspector” means an inspector appointed under section 3 of the Act;
 - l) “Municipality” means The Corporation of the Township of Conmee;
 - m) “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 a building or parts thereof as regulated by the Act;
 - n) “plumbing” means plumbing as defined in subsection 1(1) of the Act.

- o) “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;
 - p) “sewage system” means a sewage system as defined in subsection 1(1) of the Act;
 - q) “work” means construction or demolition of a building or part thereof, as the case may be;
2. Terms not defined in this By-law shall have the meaning ascribed to them in the Act or the Building Code.

PART II - CLASSES OF PERMITS

3. Classes of permits with respect to the construction, demolition, and change of use of buildings and permit fees shall be as set out in Schedule “A” to this By-law.

PART III – PERMIT APPLICATION

4. To obtain a permit, the owner or an agent authorized in writing by the owner shall file an application in writing by completing a prescribed form available at the offices of the Municipality or from the Chief Building Official.

General Requirements

5. All applications for a permit, in addition to meeting all other requirements set out in this By-law, shall:
- (1) identify and describe in detail the work, use and occupancy to be covered by the permit for which the application is made;
 - (2) identify and describe in detail the existing use(s) and the proposed use(s) for which the premises are intended;
 - (3) include the legal description, the emergency locator number, if one has been assigned, the municipal address and, where appropriate, the unit number on which the work is to be done;
 - (4) be accompanied by plans and specifications as described in this By-law;
 - (5) be accompanied by the required fees as calculated in accordance with Schedule “A” to this By-law;
 - (6) state the valuation of the proposed work, including materials and labour;
 - (7) state the name, address and telephone number of the owner, and where the owner is not the applicant, the authorized agent, and where applicable, the qualified 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 Division C, Section 1.2 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) when Division C, Section 1.2 of the Building Code applies, be accompanied by a signed statement of the architect or professional engineer, or both, undertaking to provide the general review of the construction or demolition of the building;
 - (10) include, where applicable, the applicant's registration number where an applicant is a builder or vendor as defined in the Ontario New Home Warranties Plan Act; and
 - (11) be signed by the owner or authorized agent who shall certify the truth of the contents of the application.
6. 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.

Construction Permit

7. In addition to the general requirements set out above, an application for a construction permit shall:
- (1) use the provincial application form, "Application for a Permit to Construct or Demolish";
 - (2) include complete plans and specifications, documents and other information as required by Division C, Article 1.3.1.3 of the Building Code and as described in this By-law for the work to be covered by the permit; and
 - (3) with respect to an application for a permit to construct an addition to a detached single dwelling, include documentation from the Thunder Bay District Health Unit which demonstrates that the Thunder Bay District Health Unit does not oppose the construction of the addition.

Plumbing Permit

8. In addition to the general requirements set out above, an application for a plumbing permit shall:
- (1) use the provincial application form, "Application for a Permit to Construct or Demolish";
 - (2) include complete plans and specifications, documents and other information as required by Division C, Article 1.3.1.3 of the Building Code and as described in this By-law for the work to be covered by the permit; and
 - (3) include working drawings detailing any proposed additions or alterations to any existing drainage, venting, water and/or sewage systems.

Heating, Ventilation and Air Conditioning Permit

9. In addition to the general requirements set out above, an application for a heating, ventilation and air conditioning permit shall:
- (1) use the provincial application form, "Application for a Permit to Construct or Demolish";
 - (2) include complete plans and specifications, documents and other information as required by Division C, Article 1.3.1.3 of the Building Code

and as described in this By-law for the work to be covered by the permit;
and

- (3) include working drawings detailing any proposed additions or alterations to any existing heating, ventilation or air conditioning system.

Demolition Permit

10. In addition to the general requirements set out above, an application for a demolition permit shall:

- (1) use the provincial application form, "Application for a Permit to Construct or Demolish";
- (2) include complete plans and specifications, documents and other information as required by Division C, Article 1.3.1.3 of the Building Code and as described in this By-law for the work to be covered by the permit;
and
- (3) indicate the method of demolition.

Conditional Permit

11. In addition to the general requirements set out above, an application for a conditional permit pursuant to subsection 8(3) of the Act shall:

- (1) use the provincial application form, "Application for a Permit to Construct or Demolish";
- (2) include complete plans and specifications, documents and other information as required by Division C, Article 1.3.1.3 of the Building Code and as described in this By-law 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;
- (5) state the time in which plans and specifications of the complete building will be filed with the Chief Building Official; and
- (6) require the owner and such other persons as the Chief Building Official determines to enter into an agreement with the Municipality.

12. The Chief Building Official may, where the relevant provisions of this By-law and subsections 8(3) to 8(5) of the Act are met, issue a conditional permit for a building subject to compliance with the Act, the Building Code and any other applicable law.

13. The issuance of a conditional permit shall not be construed to authorize construction beyond that for which approval was given nor obligate the Chief Building Official to grant any further permit or permits for the building.

Change of Use Permit

14. In addition to the general requirements set out above, every application for a change of use permit issued under subsection 10(1) of the Act shall be submitted to the Chief Building Official, and shall:

- (1) use the provincial application form, "Application for a Permit to Construct or Demolish";

- (2) describe the building in which the occupancy use is to be changed, by a description that will readily identify and locate the building;
- (3) identify and describe in detail the current and proposed uses of the building or part of a building for which the application is made; and
- (4) include plans and specifications showing the current and proposed use 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 and details of the existing “sewage system”, if any.

Notice of Material Change

15. 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 be given, in writing, to the Chief Building Official together with the details of such change, which is not to be made without the prior written authorization of the Chief Building Official.

Incomplete and Inactive Applications

16. Where an application for a permit remains incomplete or inactive for one year after it is made, the application may be deemed to be abandoned and notice thereof shall be given to the applicant.
17. Where an application has been deemed to be abandoned, a new application must be filed for the proposed work.

Permit Renewals

18. Upon the written request of the owner or an agent authorized in writing by the owner and the payment of the renewal fee set out in Schedule “A”, the Chief Building Official may renew a permit.

PART IV - PLANS AND SPECIFICATIONS

19. Each application shall, unless otherwise determined by the Chief Building Official, be accompanied by two complete sets of plans and specifications required under this Bylaw.
20. Plans shall be drawn to scale on paper or other durable material, shall be legible and, without limiting the generality of the foregoing, shall include such plans and working drawings as set out in Schedule “B” to this By-law unless otherwise specified by the Chief Building Official.
21. Plans may be drawn in metric or imperial measurements.
22. Site plans submitted shall be drawn to scale and show:
 - (1) owner name, legal description and any existing emergency locator number for the subject land;

- (2) the boundaries and dimensions of the subject land with North marked thereon;
 - (3) the location and size of any existing or proposed buildings or structures, including their set back from the front yard, rear yard, side yard and opposite side yard;
 - (4) existing and finished ground levels and grades;
 - (5) the boundaries and dimensions of any land owned by the owner of the subject land that abuts the subject land;
 - (6) the approximate distance between the subject land and the nearest township lot line or landmark, such as a railway crossing or bridge;
 - (7) the approximate location of all natural and artificial features on the subject land and adjacent lands that, in the opinion of the applicant, may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands and wooded areas;
 - (8) the approximate location of all existing and proposed wells and septic systems;
 - (9) the existing use(s) on land that is adjacent to the subject land;
 - (10) the location, width, and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
 - (11) if access to the subject land is by water only, the location of the parking and boat docking facilities to be used; and
 - (12) the location and nature of any easement, right of way or municipal service affecting the subject land.
23. The Chief Building Official may refuse an application if any of the above is deemed to be incomplete or insufficient at the time of application.

As Constructed Plans

24. On completion of the construction, the Chief Building Official may require that a set of plans of the building or any class of buildings as constructed, including a plan of survey showing the location, be filed with the Chief Building Official.

PART V – EQUIVALENTS

25. Where an application for a permit or for authorization to make a material change to the 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 application shall provide:
- (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.

PART VI – FEES

26. The Chief Building Official shall determine the required fees for the work proposed and the applicant shall pay the fees calculated in accordance with Schedule “A” to this By-law. No permit shall be issued until the fees therefor have been paid in full.
27. Any person who commences construction, demolition or changes the use of a building before submitting an application for a permit shall, in addition to any penalty under the Act, Building Code or this By-law, pay an additional fee in accordance with Schedule “A” to this By-law in order to compensate the Municipality for the additional work incurred by such early start to work.
28. 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 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 stories, not including the basement unless the basement is a walkout basement, measured as the horizontal area between the exterior walls of a building.
29. Fees payable in respect of a conditional permit issued under subsection 8(3) of the Act shall be paid for the complete project plus the applicable additional fee in accordance with Schedule “A” to this By-law.
30. Where Fees payable in respect of an application for a change of use permit issued under Subsection 10(1) of the Act are based on a floor area, the floor area shall mean the total floor space of all stories subject to the change of use.

PART VII – REFUNDS

31. In the case of withdrawal of an application, or abandonment of all or a portion of the work, or the non-commencement of the work, or the refusal of a permit, upon written request by the applicant, 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” to this By-law.

PART XIII – FENCING

32. Where, in the opinion of the Chief Building Official, a construction or demolition site presents a particular hazard to the public, the Chief Building Official may, under Clauses 7(i) and 7(j) of the Act, require the erection of such fencing as the Chief Building Official deems necessary to abate that hazard.

PART IX - TRANSFER OF PERMITS

33. Every person who acquires land on which construction or demolition is occurring in respect of which a permit has been issued shall apply to transfer the permit.

34. Every application for a transfer of permit shall be submitted to the Chief Building Official and shall:
- (1) use the provincial application form, "Application for a Permit to Construct or Demolish";
 - (2) include such information as may be determined by the Chief Building Official; and
 - (3) be accompanied by the required fee as set out in Schedule "A" to this By-law.

PART X – PENALTY

35. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Act.

PART XI – MISCELLANEOUS

36. All schedules to this By-law form part of this By-law.
37. A reference to the singular or the masculine shall be deemed to refer to the plural or feminine as the context may require.
38. Should any section, subsection, clause or provision in 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.

PART XII – REPEAL

39. By-law No. 912, as amended, is repealed.

PART XVIII - SHORT TITLE

40. This By-law shall be known and may be cited as the "Building By-law".

PART XIV - EFFECTIVE DATE

41. This By-law comes into force and effect on the date of passing thereof.

Read a first and second time this _27_th day of _May_, 2008.

Read a third time and finally passed this _27_th day of _May_, 2008.

THE CORPORATION OF THE
TOWNSHIP OF CONMEE

Reeve

Clerk

**SCHEDULE “A”
CLASSES OF PERMITS AND PERMIT FEES**

The occupancy classification shall be established in accordance with the occupancy definitions of the Ontario Building Code.

Fees for classes of permits not described or included in this schedule shall be determined by the Chief Building Official. Fees for permits which require Code Agency Approval shall be in whatever amount the Agency requires.

CALCULATION OF PERMIT FEES

Permit fees shall be calculated based on the formula given below, unless otherwise specified in this schedule.

Permit Fee = Service Index (SI) X Total floor area (A), where:

floor area (A) is measured to the outer face of exterior walls, except when calculating partition work;

a garage serving only a dwelling unit to which it is attached or built in and an unfinished basement, other than a walkout basement, located within a dwelling unit shall not be included in the area calculation. A walkout basement is considered a story and shall be included in the area calculation.

PERMIT FEES

Class	Description	Fee per Sq. Ft	Minimum Fee	Notes
1	New Construction & Additions - Human Habitation	.70	\$100.00	Fee assumes a construction value of \$125.00 per Sq. Ft.
	Second Floor	.35		
	Basement Walkout	.20		When shown as living space on plans
	Commercial/Industrial	.80		
2	New Construction & Additions – No Human Habitation		\$50.00	Fee assumes a construction value of \$25.00 per Sq. Ft.
	Garages	.20	\$100.00	
	Sheds/Barn/Deck/Pool etc.	.20	\$100.00	
	Modular or Mobile Home			
	With Basement	.50	\$100.00	
	Without Basement	.35	\$100.00	
3	Relocation, Material Repairs & Renovations	.50	\$100.00	Material Structural Change
4	Minor Repairs, Alterations & Renovations			Total Fee \$50.00
5	Change of Use			Total Fee \$50.00
6	Demolition			Total Fee \$50.00
7	Conditional Permit			Fee to Be Determined by Case
8	Plumbing or Building Services			Total Fee \$50.00
9	Construction or Demolition Started Prior to Permit			Total Fee \$100.00
10	Transfer of Permit			Total Fee \$10.00 (With No Changes)

Additional Fees Where Applicable:

- Site & Foundation Inspection – Separate Class 1 permit may be required
- Plumbing Inspections - Separate Class 8 permit may be required
- Heating & Ventilation Inspections – Separate Class 8 permit may be required
- 12 month renewal - \$50.00
- Additional Required Inspections (remedy unsafe, compliance to order, etc.) \$100.00
- Additional Required Inspection fee will be paid before an inspection is completed

PERMIT RENEWALS

If a permit is revoked pursuant to Subsection 8(10) of the Building Code Act, and the Chief Building Official authorizes a renewal of the permit, the fee is \$100.00 for the permit renewal.

SCHEDULE “B”

List of Plans or Working Drawings to accompany applications for permits

1. Site Plan (two sets)
2. Floor Plans (two sets)
3. Foundation Plans (two sets)
4. Framing Plans (two sets)
5. Roof Plans (two sets)
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 (three 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.