



CORPORATION OF TOWN OF HUNTSVILLE

BY-LAW NUMBER 2019-94

Being a by-law respecting Construction, Demolition, Change of Use, Conditional Permits, Sewage System 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 TOWN OF HUNTSVILLE 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 Town of Huntsville for the purposes of enforcement of the Act.
- 2.1.7** “**Completion**” permit means a permit that is obtained to complete a project that has had a portion of the project constructed without

benefit of a permit. The permit fee for this class of permit includes the cost of any enforcement required to obtain compliance.

- 2.1.8 **“Construction Revision”** means revised drawings required as a result of inspection revealing construction that has not been carried out in accordance with the permit drawings.
- 2.1.9 **“Corporation”** means the Corporation of the Town of Huntsville.
- 2.1.10 **“Dormant Building Permit Review”** means a review by the Chief Building Official or his designate of a dormant building permit file.
- 2.1.11 **“Dormant Building Permit”** means a building permit that has been issued for more than 18 months, and has not had any inspection requested or carried out in the past 12 months.
- 2.1.12 **“Farm Building”** means a farm building as defined in the Building Code.
- 2.1.13 **“House”** means a detached house, semi-detached or row house containing not more than two dwelling units.
- 2.1.14 **“Permit”** means written permission or written authorization from the Chief Building Official to perform work regulated by this By-law and the Act.
- 2.1.15 **“Permit File Maintenance Fee”** Means a fee charged when a request is made for an inspection of a permit that has been issued for more than 18 months.
- 2.1.16 **“Permit Revision Drawings”** mean drawings that are submitted for review and an amendment to the permit drawings as per S.S. (12) of the B.C.A.
- 2.1.17 **“Plumbing”** means plumbing as defined in Section 1(1) of the Act.
- 2.1.18 **“Re-inspection”** means an inspection that is required due to the work subject to inspection not being completed at the time of the original request for inspection.
- 2.1.19 **“Remedy Unsafe permit”** means a permit that has become necessary due to a building being determined to be unsafe by the Chief Building Official. The permit fee for this class of permit includes the cost of any enforcement required to obtain compliance.
- 2.1.20 **“Sewage System”** means a sewage system as defined in the Building Code.

2.1.21 “**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.

3. CLASSES OF PERMITS

3.1. Classes of permits with respect to the construction, renovation, demolition and change of use of buildings and permit fees shall be as set out in the current Town of Huntsville User Fee By-Law.

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.

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

- 4.2.1 Identify and describe in detail the work and the occupancy to be covered by the permit for which application is made.
- 4.2.2 Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot.
- 4.2.3 Unless the requirements of 4.2.4 can be met the application shall include a minimum of three 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
- 4.2.4 If the application pertains to a *house*, sign, or demolition 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.
- 4.2.5 State the valuation of the proposed work including material and labour and be accompanied by the required fee.
- 4.2.6 State the names, addresses, emails and telephone numbers of the owner, and where applicable, the architect, engineer, other designer and contractor.
- 4.2.7 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,

- 4.2.8 Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.
- 4.3** Where application is made for a demolition permit under Subsection 8(1) of the Act, the application shall,
 - 4.3.1 Contain the information required by clauses 4.2.1 to 4.2.7 and,
 - 4.3.2 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.
 - 4.3.3 The required site plan shall show the elevation of existing grade at all four corners of the structure, height, location of structure, all known services on the property, and all existing setbacks to property lines as defined in the present-day zoning bylaw at submission.
- 4.4** Where application is made for a conditional permit under Subsection 8(3) of the Act, the application shall:
 - 4.4.1 Contain the information required by clauses 4.2 to 4.2.7.
 - 4.4.2 Contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require.
 - 4.4.3 State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted.
 - 4.4.4 State the necessary approvals, which must be obtained in respect of the proposed building and the time in which such approvals will be obtained.
 - 4.4.5 State the time in which plans and specifications of the complete building will be filed with the Chief Building Official.
 - 4.4.6 If applicable have written proof that public works has approved any Environmental Compliance Approval (ECA) applications required for the development.
- 4.5 Change of Use Permits**
 - 4.5.1 Every applicant for a change of use permit issued under Subsection 10(1) of the Act shall be submitted to the Chief Building Official and shall,

- 4.5.2 Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building,
- 4.5.3 Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made,
- 4.5.4 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,
- 4.5.5 Be accompanied by the required fee,
- 4.5.6 State the name, address, e-mail address and telephone number of the owner, and
- 4.5.7 Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

4.6 Sewage Systems

- 4.6.1 Every application for a sewage system permit shall be submitted to the Chief Building Official and contain the following information:
- 4.6.2 The information required by Section 4.2.1,
- 4.6.3 The name address, e-mail address, telephone number and license number of the person installing the sewage system,
- 4.6.4 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,
- 4.6.5 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.

4.7 Equivalents

ALTERNATIVE SOLUTIONS

The person proposing an alternative solution shall provide the documentation required by Section 2.1 DIV C of the Ontario Building Code.

4.8 Plans and Specifications

- 4.8.1 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.
- 4.8.2 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.
- 4.8.3 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.
- 4.8.4 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. All fonts must have a minimum height of 3mm
- 4.8.5 Site plans shall be accurately drawn to scale, and when required by the Chief Building official to demonstrate compliance with the Act, the building code or applicable law; a copy of a survey prepared by an Ontario Land Surveyor shall be submitted. Site Plans shall show:
 - 4.8.5.1 Lot Size and the dimensions of the property lines and setbacks to any existing or proposed buildings,
 - 4.8.5.2 Existing and finished ground levels or grades, drainage patterns and storm water outlets.

4.8.5.3 Existing and proposed rights-of-way, easements and Municipal services,

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

4.9 Fire Access Route Consideration

4.9.1 The Design of all required fire access routes shall be completed by the qualified designer of the project. All fire access routes shall be designed in conformance with part 3 of the Ontario Building code (including part 9 building) unless an exemption is noted below. The following is a general outline of the requirements for access route, however all projects are subject to the municipalities approval. Additional requirements may be required based on an individual project bases.

4.9.1.1 The design of a fire access route for residential buildings shall be in accordance with part 3, if the project consists of more than 3 dwelling units or the route of travel from the road way to the building exceeding 400' in length. Sprinklers shall be considered as an alternative solution when Part 3 access routes requirements cannot be met.

4.9.1.2 The fire access route for Part 9 buildings that are serviced shall be provided to a building face in accordance with Part 3. An access opening in accordance with part 9 can be used as the principal entryway when designing the fire access route. Location of existing fire hydrants must be indicated and considered in the design.

4.9.1.3 The fire access route for Part 9 Buildings located in the rural areas shall be to a building face with an access opening in accordance with part 3. Part 3 water supply requirements maybe omitted, unless multi-residential units are incorporated into the design. Water availability from neighboring properties can be used provided that legal access is presented to the town.

5. PAYMENT OF FEES

5.1 Fees for a required permit shall be as set out in the current Town of Huntsville fee by-law 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.
- 5.4** The permit fees paid are for the review of the permit documents, creation and maintenance of the permit file and the required inspections if completed within 18 months of the permit issuance. If the project remains incomplete or the required inspections have not been requested and carried out within the 18 months, A “Dormant Building Permit review” fee may apply.

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 1.2.5.1. DIV C of the Building Code, notice of any solid fueled fired appliance rough-in 1.3.5.2.(1)(c) is also required.

Notice of completion is also required in accordance with subsection 11(2) of the Building code Act.

- 7.2** Notice may be given in one of the following ways:
1. Phone message at (705)789-1751 Ext. 2349
 2. Fax at (705)-788-5153
 3. In person at the Building Department counter
 4. ONLINE through www.huntsville.ca

8. AS CONSTRUCTED PLANS

- 8.1** 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.

9. REPEAL OF BY-LAWS

- 9.1** That By-Law 2016-21 of the Corporation of the Town of Huntsville is hereby repealed.

READ a first, second and third time and finally passed this 23rd day of September, 2019.

SIGNED

Deputy Mayor (Karin Terziano)

SIGNED

Clerk (Tanya Calleja)

SCHEDULE “A”
TO BY-LAW NUMBER 2019-94
REFUNDS

<u>Status of Permit Application</u>	<u>Percentage of Fee Eligible for Refund</u>
1. Application filed. No processing of review of plans submitted.	75% maximum
2. Application filed. Plans reviewed and permit issued/Denied	50% maximum

NOTE:

1. No refunds after any building inspections are carried out.
2. No refund shall result in the retention by the Town of Huntsville of an amount less than \$50.00.
3. No refund will be given when application for refund is not made within twelve (12) months of issuance of permits.
4. No refund of the “costs” portion of any permit will be made.
5. If a permit is “denied” due to insufficient drawings/design, the permit may be re-instated by providing sufficient plans and the non-refundable portion of the permit fee (Minimum \$150.00) provided no portion of the fees has been refunded.

SCHEDULE “B”

TO BY-LAW NUMBER 2019-94

**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 and Details
7. Building Elevations
8. Electrical Drawings
9. Heating, Ventilation and Air Conditioning Drawings
10. Plumbing Drawings
11. Sewage System
12. Wood Burning appliance specifications

NOTE:

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