

CORPORATION OF THE VILLAGE OF POINT EDWARD

BY-LAW Number 15 of 2015

Being a by-law respecting Construction, Demolition and Change of Use Permits and Inspections within the Village of Point Edward

WHEREAS Section 3(1) of the Building Code Act, S.O. 1992, c.23 provides that the Council of each municipality is responsible for the enforcement of this Act; and

WHEREAS Section 3(5) of the Building Code Act, S.O. 1992, c.23 provides that the Council of a County and of one or more municipalities in the County may enter into an Agreement for the enforcement of this Act in the municipalities and for charging the municipalities the whole or part of the cost of enforcement; and

WHEREAS Section 3(6) of the Building Code Act, S.O. 1992, c.23 provides that where such agreement is in effect, the County shall appoint a Chief Building Official and such inspectors as are necessary for that purpose; and

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

WHEREAS Bill 124 requires that municipalities be accountable for payments received for service;

NOW THEREFORE the Council of the Corporation of the Village of Point Edward enacts as follows:

1. DEFINITIONS

In this by-law:

“Act” means the Building Code Act, S.O. 1992, c.23, including any amendments thereto.

“Agreement” means an agreement under Section 3(5) of the Act.

“Applicant” means the person making an application under this by-law, including an authorized agent.

“Application” means a written request for a permit at the County of Lambton.

“As Constructed Plans” means as constructed plans as defined in the Building Code.

“Building” means a building as defined in Section 1(1) of the Act, and includes plumbing not located in a structure and a sewage system.

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

“Chief Building Official” means the Chief Building Official appointed by by-law by the Corporation for the purposes of enforcement of the Act.

“Construct” means to do anything in the erection, installation, extension or material alterations or repair of a building and includes the installation of a building unit fabricated or removed from elsewhere and “construction” has a corresponding meaning.

“Corporation” means the Corporation of the Village of Point Edward.

“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 or Inspector to perform work regulated by this by-law and the Act.

“Plumbing” means a drainage system, venting system and a water system or parts thereof.

"Professional Engineer" means a person who holds a license under the Professional Engineer's Act.

"Treasurer" means the person appointed by the Corporation to administer the financial affairs of the Corporation.

"Wind Turbine" means any single, free-standing electrical generation system with a name plate capacity greater than 300 kilowatts that generates electricity through the use of wind energy in order to sell the electricity generated to an electrical utility or other intermediary.

2. GENERAL PROVISIONS

- 2.1. No person shall construct or demolish a building or change the use of a building, or cause a building to be constructed or demolished or a change of use to be made to a building, unless a permit has been issued therefore by the Chief Building Official.
- 2.2. It shall be unlawful to erase, alter or modify any drawings or specifications approved by the Chief Building Official without written consent. If, during the progress of the work, any alteration is desired, notice of the intention stating clearly all the revisions to be made must be submitted in writing to the Chief Building Official and consent shall be first obtained before any alteration may be made.

3. CLASSES OF PERMITS

- 3.1. Classes of Permits with respect to the construction, demolition and change of use of building and permit fees shall be as set out in Schedule A to this by-law.

4. APPLICATION FOR PERMIT

- 4.1. To obtain a permit, an application shall be made at the County of Lambton office.
- 4.2. The application shall be made by the owner or an agent authorized in writing by the owner.
- 4.3. Every application for a permit under the Act shall be fully completed in the form, manner and content satisfactory to the Chief Building Official and shall:
 - a) Include a completed Permit Application form, as signed by the owner or an authorized agent who will certify the truth of its contents;
 - b) Be accompanied by the fee prescribed in Schedule A of this by-law;
 - c) Provide a legal description and municipal address of the land on which the work is to be done;
 - d) Identify and describe, in detail, the work to be done;
 - e) State the valuation of the proposed work including the materials and labour;
 - f) Identify the intended use and occupancy of the building;
 - g) State the names, addresses, telephone numbers and email address of the owner, the architect, professional engineer or designer, where applicable, and the constructor or demolisher;
 - h) Include complete plans and specifications as required by this by-law for the work to be covered by the permit;
 - i) Be accompanied by a written acknowledgement by the owner that an architect or professional engineer has been retained to carry out the field review of the construction, where required by the Building Code; and
 - j) Include a grading plan showing the final grading to be carried out.
- 4.4. Every application for a demolition permit under Section 8(1) of the Act shall be fully completed in the form, manner and content satisfactory to the Chief Building Official and shall:
 - a) Contain the information required by clause 4.3; and
 - b) Be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, gas, electric, telephone or other utilities and services.

- 4.5. Every application for a conditional permit under Section 8(3) of the Act shall be fully completed in the form, manner and content satisfactory to the Chief Building Official and shall:
- a) Contain the information required by clause 4.3;
 - b) Contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require;
 - c) State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
 - d) State the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained;
 - e) State the time in which plans and specifications of the complete building will be filed with the Chief Building Official; and
 - f) State how the proposal conforms with Sections 34 and 38 of the Planning Act.
- 4.6. Every application for a change in use permit under Section 10(1) of the Act shall be fully completed in the form, manner and content satisfactory to the Chief Building Official and shall:
- a) Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
 - b) Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made;
 - c) 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 all applicable law, including but not limited to: floor plans; details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities; environmental assessments or record of site condition;
 - d) Include a completed Permit Application form, as signed by the owner or an authorized agent who will certify the truth of its contents;
 - e) Be accompanied by the fee prescribed in Schedule A of this by-law.
- 4.7. Every application for a permit related to wind turbines shall be fully completed in the form, manner and content satisfactory to the Chief Building Official and shall:
- a) Contain the information required by clause 4.3; and
 - b) Be accompanied by satisfactory proof that the Wind Turbine Producer has arranged for and shall maintain liability insurance against any claims, liabilities, losses, costs, damages or other expenses that the Producer may incur or suffer as a consequence of personal injury, including death, and property damage insurance arising out of or in any way incurred or suffered in connection with the Wind Turbine, which insurance, at a minimum, shall provide coverage with limits of liability of not less than five million dollars (\$5,000,000.00) per occurrence and in the aggregate at the commencement of the Term, and the Producer shall satisfy the Corporation, from time to time upon reasonable request by the Corporation, that the premiums of such insurance have been paid and that such insurance is in full force and effect evidenced by a certificate of insurance. The Producer's liability insurance shall include the Corporation as an additional insured. The Corporation agrees to waive its rights of subrogation against the Producer and its liability insurance policy.
 - c) The Producer shall enter into an agreement with the Corporation regarding decommissioning of the wind turbine satisfactory to the Corporation. If the parties cannot agree, acting reasonably, the parties agree to submit the issue to arbitration in accordance with the Arbitrations Act.

5. INCOMPLETE APPLICATION

- 5.1. A permit may be denied if the application is deemed incomplete by the Chief Building Official.

6. PLANS, SPECIFICATIONS AND INFORMATION FOR ALL CONSTRUCTION

- 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 with the Act, the Building Code and any other applicable law.

- 6.2. Where the work is subject to site plan control under Section 41 of the Planning Act, a copy of the approval by the municipality, and where a site plan agreement is required, a copy of such agreement shall be provided.
- 6.3. If required by the Chief Building Official, current survey plans shall be provided in duplicate prepared by an Ontario Land Surveyor defining and monumenting the limits of the lot upon which the construction or demolition is to be carried out and showing:
 - a) The public highways immediately adjoining the lot;
 - b) The position and forms of each survey monument and the evidence used to define the limits of the public highway;
 - c) All rights-of-way and easements within or adjoining the lot on which the proposed work is to be carried out;
 - d) The location, type, number of stories and the municipal numbers of all buildings on the lot on which the proposed work is to be carried out;
 - e) The required elevation of grades in relation to the Canadian Geodetic Datum, and crown of road elevations;
 - f) Complete referencing by astronomic bearing and dimensioning of all limits and monuments to enable re-establishment if lost or disturbed.
- 6.4. Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete sets of the plans and specifications required under by-law.
- 6.5. Unless otherwise specified by the Chief Building Official, plans shall be drawn to scale on paper to be legible and without limiting the generality of the foregoing, include such working drawings as required.
- 6.6. All buildings over 600 square meters and those described in Table 2.3.1.A(4) of O. Regulation 413/90 shall be designed and reviewed by an architect and/or professional engineer.

7. BUILDING OR BUILDINGS MOVED

- 7.1. Buildings which are moved shall be construed as new construction, for calculation of permit fee, and must conform to the provisions of this by-law according to the purpose for which they are used.
- 7.2. An application for a building permit shall be completed for any building to be moved in the municipality and the fees as laid down in this section and Schedule A of this by-law shall apply. The applicant is also required to pay the Chief Building Official's traveling costs incurred pursuant to Section 7.3.
- 7.3. The applicant shall arrange with the Chief Building Official to inspect the said building before it is moved and shall pay the fees required by Section 7.2 prior to the inspection.
- 7.4. The applicant shall be required to deposit with the Corporation cash, certified cheque or a Letter of Credit in the amount of three thousand dollars (\$3,000.00). This deposit acts as a deposit against damages to any municipal roads or property. Such deposit shall be returned to the applicant upon completion of the move when the Corporation has satisfied itself that the applicant has complied with such plans, specifications, details and other requirements of this by-law and there are no outstanding accounts.
- 7.5. The applicant or his building mover is responsible for obtaining all other permits necessary (i.e. hydro, Union Gas, telephone, police and any other road authority).
- 7.6. The applicant shall supply the Corporation with a map of the route proposed to move the building before any permit is issued and the route shall not be changed unless the Corporation approves the change.
- 7.7. The applicant shall provide the Corporation with evidence that his moving contractor has public liability and property damage insurance in effect for two million dollars (\$2,000,000.00). The contractor's liability insurance shall include the Corporation as an additional insured.

8. APPROVAL IN PART

- 8.1. Where a permit is issued for part of a building or project, this shall not be construed to authorize construction beyond the plans for which approval was given nor that approval will necessarily be granted for the entire building or project.

9. FEES

- 9.1. Fees for a required permit shall be in accordance with Schedule A of this by-law and are due and payable upon submission of an application for a permit.
- 9.2. Where the fees are based on the square footage of a building, this shall include garages, porches, canopies, basements and walkouts.
- 9.3. The applicant shall be required to deposit with the Corporation cash, certified cheque or a Letter of Credit in the amount of one thousand dollars (\$1,000.00) for new single family dwelling construction projects as well as all demolition projects. This deposit acts as a deposit against damages to any municipal roads or property and encouragement to finish the project in a timely fashion. Such deposit shall be returned to the applicant upon completion of the projects when the Corporation has satisfied itself that the applicant has complied with such plans, specifications, details and other requirements of this by-law and there are no outstanding accounts. If a final inspection report is not issued within 2 years, the deposit is forfeited unless extension of the time limit is approved by the Corporation.

10. CANCELLATION OF PERMIT

- 10.1. An application for a permit may be deemed to have been abandoned and canceled 6 months after the date of filing, unless such application is being seriously proceeded with. A refund of a portion of the permit fee may be granted, pursuant to Section 10 of this by-law.
- 10.2. A permit may be revoked by the Chief Building Official if a material variation is found in the construction of the building from the approved plans and specifications. A permit may also be revoked for any reason set out in Section 8(10) of the Act.

11. REFUNDS

- 11.1. 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 B attached to and forming part of this by-law.

12. RENEWAL OF PERMIT

- 12.1. The Chief Building Official may renew a permit, subject to Section 8 of the Act, provided that the required renewal fee set by the municipality is paid, and provided that the plans and specifications are made to comply with all the requirements of the Act in effect at the time of renewal.

13. FENCING

- 13.1. Where, in the opinion of the Chief Building Official, a construction or demolition site presents a particular hazard to the public, the erection of such fencing may be required as deemed appropriate to the circumstances such as described in the Occupational Health and Safety Act and associated regulations.

- 13.2. In considering the hazard presented by the construction or demolition site, the necessity for fencing, and its construction, the Chief Building Official shall have regard for:
- a) The proximity of the construction or demolition site to occupied dwellings;
 - b) The proximity of the construction or demolition site to lands accessible to the public, including but not limited to streets, parks, and commercial and institutional activities;
 - c) The hazards presented by the construction activities and materials;
 - d) The feasibility and effectiveness of site fencing; and
 - e) The duration of the hazard.

14. NOTIFICATION REQUIREMENTS FOR INSPECTIONS

- 14.1. Every holder of a permit issued under this by-law shall notify the Chief Building Official not less than two business days before reaching a stage of construction which requires an inspection as follows:
- a) Readiness to construct footings;
 - b) Substantial completion of footings and foundations;
 - c) Substantial completion of framing;
 - d) Completion of insulation and vapour barriers;
 - e) Completion of air barriers;
 - f) Completion of HVAC system;
 - g) Readiness to occupy a building or portion thereof;
 - h) Substantial completion of the building, site grading and fire access routes and as constructed plans.
- 14.2. The consent of the Chief Building Official may be required before construction proceeds beyond the substantial completion of foundations and footings. Prior to giving such consent, the Chief Building Official may require the owner or an authorized agent to provide a survey showing the location of the said foundations or footings on the property.

15. AS CONSTRUCTED DRAWINGS

- 15.1. Where the Chief Building Official has stated on the permit that as constructed drawings are required, and upon completion of buildings for which a permit has been issued, a set of plans of the building as constructed and completed shall be submitted to the Chief Building Official.
- 15.2. Where a grading plan is required for the issuance of a building permit, a certificate signed by a Professional Engineer or an Ontario Land Surveyor shall be provided verifying that the site grading is in conformity with the Grading Plan prior to final inspection.

16. ANNUAL REPORT AND RESERVE FUND

- 16.1. The Treasurer is hereby directed to prepare an Annual Report which shall enumerate the direct and indirect costs of delivering building services related to the administration and enforcement of the Act for the previous year (12 month period). The said report shall also set out the amount of the reserve fund at the end of the previous fiscal year. The Annual Report shall be submitted to Council no later than three months after the end of the previous fiscal year.
- 16.2. A cost stabilization reserve fund is hereby established for the purposes of setting aside surplus revenues from building permit fees. The reserve fund shall be used exclusively for the operation of the building department of the Corporation for any subsequent fiscal year or fiscal years. The Treasurer is hereby directed to maintain all records related to the reserve fund.

17. PENALTIES

- 17.1. If any building or structure requiring a building permit is constructed or partly constructed without first obtaining the necessary building permit, the applicable fee pursuant to Schedule A of this by-law shall be doubled.

17.2. Any person who contravenes any of the provisions of this by-law is guilty of an offence and is liable upon conviction to a penalty pursuant to the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended, and all such penalties and costs may be recovered under the Act.

18. SEVERABILITY

18.1. If any section or sections of this by-law or parts thereof are found in any court to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed severable and all other sections or parts of this by-law shall be deemed separate and independent there from and enacted as such.

19. SHORT TITLE

19.1. The short title of this by-law shall be "Building Permit By-law".

20. BY-LAWS REPEALED

20.1. That By-law 7 of 1984, By-law 16 of 1987, By-law 1 of 1992, By-law 4 of 1995, By-law 24 of 1996 and all other by-laws or parts of by-laws inconsistent with this by-law are hereby repealed.

21. EFFECTIVE DATE

21.1. This by-law shall come into full force and take effect upon the final passing thereof.

By-Law read a first, second and third time and finally passed this 24th day of March, 2015.

Mayor – Larry MacKenzie

Clerk – Jim Burns

Comparison of Building Permits		
Permit Category	Current Fee Structure	Proposed Fee Structure
Single Family Dwelling Includes: <ul style="list-style-type: none"> Residential, including attached garage Duplex, Semi-Detached (per unit) Row, Cluster, Condominiums, Apartments (per unit) 	\$600 \$500 \$400 *Requires \$1000 deposit	\$1520 \$1646 \$1646 *Requires \$2500 deposit
Attached Garage (if built at different time than house)	\$600	\$1017
Detached Accessory Bldg. (Residential)	\$144	\$771
Residential Additions	\$600	\$1394
Residential Alterations/Repairs	\$600	\$1143
Fireplaces	\$100	\$450
Decks/Porches/Verandas	\$100	\$450
Commercial/Industrial/Institutional (60 000 sq. ft.)	\$15 300	\$21 600
Renovations/Alteration of Commercial/Industrial/Institutional (10 000 sq. ft.)	\$2800	\$3125 deposit method
Demolitions	\$95 *Requires \$1000 deposit	\$150 *Requires \$2500 deposit
Bldg. Relocations**	\$115 + other applicable fees *Requires \$3000 deposit	The issuance of permits and setting of fees in this instance shall be at the discretion of Council *Requires \$3000 deposit
Renewal of Cancelled, Expired or Abandoned Permits	\$0	\$514
Swimming Pool Fencing	\$50	\$150
Change of Use	\$50	\$640
Min. Charge for other Permit	\$0	Administration and Legal Fee of \$389 plus inspection and mileage costs
Comparison of Building Permits		
Permit Category	Current Fee Structure	Proposed Fee Structure
Other designated structures as follows: <p>a) retaining wall exceeding 1,000mm in exposed height adjacent to public property, access to a building or private property to which the public is admitted.</p> <p>b) a pedestrian bridge appurtenant to a building</p> <p>c) a crane runway</p> <p>d) an exterior storage tank and its supporting</p>	\$0	\$640

<p>structure that is not regulated by the Technical Standards and Safety Act.</p> <p>e) signs regulated by Section 3.15 of Division B of the 2006 Building Code that are not structurally supported by a building</p> <p>f) a solar collector that is mounted on a building and has a face area equal to or greater than 5m sq.</p> <p>g) a dish antenna that is mounted on a building and has a face are equal to or greater than 5m sq</p> <p>h) a communication tower exceeding 16.6m above ground level</p> <p>j) an outdoor pool that has a water depth greater than 3.4m at any point</p> <p>k) a public pool and/or a public spa</p>		
Wind Turbines	\$0	\$14 000

Village of Point Edward
BY-LAW Number 13 of 2015 – Building Permit By-law
Schedule 'B'

REFUND OF PERMIT FEES

- 1.1. The fees that may be refunded shall be a percentage of the fees payable under this by-law, as follows:
 - a) 80% if administrative functions only have been performed;
 - b) 70% if administrative and zoning functions have been performed;
 - c) 45% if administrative, zoning and plan examination functions have been performed;
 - d) 35% if the permit has been issued and no field inspections have been performed subsequent to permit issuance;
 - e) 5% shall additionally be deducted for each field inspection that has been performed after the permit has been issued.

- 1.2. Notwithstanding paragraph A above, no refund shall be made if the amount is \$50.00 or less.