

**THE CORPORATION OF
THE TOWNSHIP OF THE ARCHIPELAGO**

BY-LAW NO. 09-20

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;

AND WHEREAS Section 391 of the Municipal Act, S.O. 2001, c. 25, as amended, a municipality may pass by-laws imposing fees or charges for services of activities provided or done by or on behalf of it;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF THE ARCHIPELAGO 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 Township of The Archipelago 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 the class of permit includes the cost of any enforcement required to obtain compliance.

2.1.8 "**Corporation**" means the Corporation of the Township of The Archipelago.

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

2.1.10 "**Partial Permit**" means written permission or written authorization from the Chief Building Official to perform certain limited construction of a project where the balance of the drawings of the project will be submitted at a later date.

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

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

2.1.13 **"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.

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

2.1.15 **"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 construction, demolition and change of use of buildings and permit fees shall be as set out in Schedule "A".

4. 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.

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

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

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

4.2.1.3 Include a minimum of two sets of complete plans and specifications for the work being covered by the permit and show the occupancy of all parts of the building. The list of plans or working drawings are described in Schedule "C", attached to and forming part of this By-law,

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

4.2.1.5 Be accompanied by 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

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

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

4.2.2.1 Contain the information required by clauses 4.2.1.1 to 4.2.1.6, and

4.2.2.2 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.

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

4.2.3.1 Contain the information required by clauses 4.2.1.1 to 4.2.1.6,

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

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

- 4.2.3.4 State the necessary approvals, which must be obtained in respect of the proposed building and the time in which such approvals will be obtained, and
- 4.2.3.5 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 specification 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 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, and
 - 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 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 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 "C" to this by-law, unless otherwise specified by the Chief Building Official.
- 4.6.5 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 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, and
 - 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 the proceeding past foundation state, if required by the Chief Building Official.

5. PAYMENT OF FEES

Fees for a required permit shall be as set out in Schedule "A" and are due and payable upon submission of an application for a permit or as directed by the Chief Building Official.

Where the fees payable in respect of any 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 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.

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 "B" 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 INSPECTION

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 Division C, Part 1, Clause 1.3.5.1 of the Building Code.

7.2 With respect to "additional notices" under Division C, Part 1, Clause 1.3.5.2 of the Building Code, the owner or an authorized agent shall notify the Chief Building Official or an inspector at least three (3) business days prior to each stage of construction for which notice in advance is required under the Building Code.

7.3 Notice may be given in one of the following ways:
1) Phone message at (705)746-4243 ext. 360
2) Fax at (705)746-7301
3) In person at the Building Department counter

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 under such conditions as may be prescribed in the Building Code.

9. REPEAL OF BY-LAWS


9.1 By-law 06-03, of the Corporation of the Township of The Archipelago is hereby repealed.

READ and FINALLY PASSED in OPEN COUNCIL this 20th day of MARCH, 2009

THE CORPORATION OF THE TOWNSHIP OF THE ARCHIPELAGO



REEVE



CAO/CLERK

BY-LAW NO. 09 - 20**Schedule "A" to By-law No. 09 -**

- 1. Fees for Construction Permits**
- Value of Construction
Per Square Foot**
- 1.01 For buildings or structures with a project value estimate larger than the value established by the formula in 1.02, the higher value of construction per square foot will be applied and the levy determined in 1.03 will be applied to establish a permit fee.
- 1.02 **Class of Building or Structure**
Residential Buildings/Seasonal Dwellings
and Sleeping Cabins based on gross floor area
- | | |
|------------------------------------------------------------------------------------------------|--------------------------|
| Buildings up to 2000 sq. ft. | \$ 125.00 |
| Buildings between 2000 sq. ft. and up to 2500 sq. ft. | \$ 150.00 |
| Buildings over 2500 sq. ft. | \$ 200.00 |
| Additions | \$ 150.00 |
| Accessory Buildings –
Garages, Storage Buildings, Boathouses,
Carports, Enclosed Porches | \$ 75.00 |
| Solariums | \$ 75.00 |
| Exterior Open Decks, Balconies | \$ 30.00 |
| Commercial Buildings –
Office space, Showrooms, Restaurants, etc. | \$ 100.00 |
| Commercial Accessory Buildings | \$ 50.00 |
| Farm Buildings | \$ 50.00
(per permit) |
- Partial Permit – Fee for the whole project as determined by the above
- 1.03 **Levies**
- (a) The rate to be levied against each \$1,000.00 of construction value shall be **\$11.00**. Fees will be rounded off to the nearest dollar.
- (b) The minimum fee for all other classes of permits, unless noted in Section 3, shall be \$100.00.
- 2. Sewage Systems**
- 2.01 Fees for sewage systems shall be levied according to the class of system or part thereof. The following classes of sewage systems are defined under Part 8 of the regulations and fees pertain to the Corporation of the Township of The Archipelago as well as the geographic Townships of Blair, Harrison, Henvey, Mowat, Wallbridge and the unsurveyed territory north of Henvey to the French River.

Class of Sewage System

i)	Class 2 or 3 Systems	\$	175.00
ii)	Replacement Class 2 Systems	\$	125.00
iii)	Class 4 or 5 Systems	\$	500.00
iv)	Replacement of tank for a Class 4 or 5 System	\$	250.00
v)	Replacement of extension of an absorption trench or filter bed for a Class 4 System	\$	300.00
vi)	Inspection of existing Sewage System for alteration or extension (credited to permit if permit is required)	\$	100.00

3. Miscellaneous Permit Fees**Classes of Permit****Permit Fee**

Construction Permit (other than in 1.02 but constitutes construction as defined in the Ontario Building Code Act)	As determined in Section 1 above - minimum \$75.00
Renovation Permit	As determined in Section 1 above - minimum \$75.00
Docks- Residential	\$ 50.00
Commercial (per lineal ft. of Dock)	\$ 1.00
Transfer of Permit	\$ 50.00
Demolition Permit	\$ 50.00
Plumbing Permit	\$ 50.00
Change of Use Permit	\$ 100.00
Conditional Permit – Actual cost of building permit plus security deposit to be returned without interest	

4. General

- (a) At the discretion of the Chief Building Official an administrative fee for construction prior to obtaining a building permit may be applied.

		<u>Fee</u>
i)	Any Sewage Systems	\$ 200.00
ii)	Any class of permit with a construction value of less than \$5,000.00	\$ 100.00
iii)	Any class of permit with a construction value of between \$5,001.00 and \$15,000.00	\$ 300.00
iv)	Any class of permit with a construction value of more than \$15,001.00	\$ 400.00

(b) Additional Inspections

The fee for inspections deemed necessary by the Chief Building Official or for a call-back inspection where the work is not complete (applicable to existing buildings or defective/deficient new buildings) shall be **\$150.00** per inspection.

SCHEDULE "B"

TO BY-LAW NO. 09 - 20

REFUNDS

<u>Status of Permit Application</u>	<u>Percentage of Fee Eligible for Refund</u>
1. Application filed. (No processing or review of plans submitted)	75% maximum
2. Application filed. (Plans reviewed and permit issued)	50% maximum
3. Application filed. (Site inspections carried out)	Additional 25% per inspection not refundable

NOTE:

- 1. No refund shall result in the retention by the Township of the Archipelago of an amount less than \$50.00.**
- 2. No refund will be given when application for refund is not made within six (6) months of issuance of permits.**

SCHEDULE "C"

TO BY-LAW NO. 09 - 20

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 and Air Conditioning Drawings
10. Plumbing Drawings
11. Sewage System

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