

THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA

BY-LAW 19-2017

Being a By-Law respecting Construction, Demolition
and Change of Use Permits and Inspections

WHEREAS Section 7 of the Building Code Act, 1992, S.O. 1992, c. 23 as amended authorizes Councils of municipalities to pass by-laws establishing regulations pertaining to the construction and/or demolition of buildings and the issuing of permits to govern the same;

NOW THEREFORE the Council of the Corporation of the Township of Greater Madawaska enacts as follows:

PART 1. Short Title

1.1 This by-law may be cited as "The Building By-Law".

PART 2. Definitions

- 2.1 **"Act"** means the Ontario Building Code Act, 1992, as amended.
- 2.2 **"Applicant"** means the owner of a building or property who applies for a permit of 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(s) and anyone acting under the authority of such person or corporation.
- 2.3 **"Building Code"** shall mean the Ontario Building Code and subsequent amendments thereto.
- 2.4 **"Corporation, The"** means The Corporation of the Township of Greater Madawaska.
- 2.5 **"Officer"** means the Chief Building Official appointed by Council.
- 2.6 **"Owner"** means the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property.
- 2.7 **"Permit"** means permission or authorization given in writing by the Officer to perform work regulated by the Act and the Building Code, or to occupy a building or part thereof.
- 2.7 **"Permit Holder"** means the person to whom the permit has been issued and who assumes the primary responsibility for complying with the Act and the Building Code.

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

PART 3. Classes of Permits

- 3.1 Classes of permits required for construction/demolition/sewage system or change of use are set forth in Schedule "A" appended to and forming part of this by-law.
- 3.2 Class of permits will be defined as per use of construction.

PART 4. Permits

- 4.1 To obtain a permit, an applicant shall file an application in writing on forms prescribed by and available from the municipal office or the Officer, and shall supply any other information relating to the application as required by the Officer.
- 4.2 Every building permit shall;
- (i) Identify and describe in detail the work, use and occupancy to be covered by the permit for which the application is made;
 - (ii) Identify and describe in detail the existing uses and the proposed use(s) for which the proposed premises are intended;
 - (iii) Describe the land on which the work is to be done, by a description that will readily identify and locate the site on which the building or demolition is to occur;
 - (iv) Be accompanied by plans, specifications and documentation as described in the by-law;
 - (v) Be accompanied by the required fees as calculated in accordance with the current Fees and Charges By-Law;
 - (vi) State the names, addresses and telephone numbers of the owner, applicant, architect, engineer or other designer, sewage system installer, constructor, or person hired to carry out the demolition, as the case may be;
 - (vii) When Section 2.3 of the Building Code applies, be accompanied by a signed acknowledgment of the owner on a form prescribed by the Officer 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;
 - (viii) When Section 2.3 of the Building Code applies, be accompanied by a signed statement of the architect or professional engineer, or both, on a form prescribed by the Officer, undertaking to provide general review of the construction or demolition of the building;
 - (ix) Include, where applicable, the registration number of the builder or vendor as provided in the Ontario New Home Warranties Plan Act; the registration number of the sewage system installer or the registration number of the H.V.A.C.C. Installer (Heater, Ventilation, Air Conditioning) as the case may be;
 - (x) State the estimated valuation of the proposed work including materials and labour;
 - (xi) Be signed by the applicant who shall certify as to the truth of the contents of the application.
- 4.3 In addition to the requirements of Part 4.2 above, every demolition permit application shall:
- (i) When Section 2.3 of the Building Code applies, be accompanied by structural design characteristics of the building and the method and time schedule of the demolition;

- (ii) Be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the termination and capping of all water, sewer, gas, electric, telephone or other utilities and services.
- 4.4 In addition to the requirements of Part 4.2 above, every construction permit application for part of a building shall:
- (i) Include an application for the entire project,
 - (ii) Include plans and specifications covering the part of the work for which more expeditious approval is desired, together with such information pertaining to the remainder of the work as may be required by the Officer.
- 4.5 In addition to the requirements of Part 4.2 above, every conditional permit application shall:
- (i) State the reason why the applicant believes that unreasonable delays would occur if a conditional permit is not granted;
 - (ii) State necessary approvals which must be obtained in respect of the proposed building and time in which such approvals will be obtained;
 - (iii) Agree in writing with The Corporation to comply with Section 8(3) of the Act.
- 4.6 In addition to the requirements of Part 4.2 above, every change of use permit application shall:
- (i) Describe the building or part thereof in which the occupancy is to be changed;
 - (ii) 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 Act including, floor plans, details of wall, floor and roof assemblies identifying required fire resistance rating, and load bearing capacities.
- 4.7 In addition to the requirements of Part 4.2 above, every sewage system permit application shall:
- (i) State the name, address, telephone number and license number of the Certified Sewage System Installer involved with the project;
 - (ii) Include a site plan and specifications, drawn to scale and showing:
 - (a) The true dimensions of the lot,
 - (b) The location of all existing and proposed buildings and structures on the lot,
 - (c) The proposed location, elevation and dimensions of the sewage system,
 - (d) Dimensions to the nearest wells, water courses and other sewage systems of adjoining lots.
- 4.8 The Officer may, where conditions in Part 4.4 above have been fulfilled, issue a permit for part of a building subject to compliance with the Act, the Building Code and any applicable law.
- 4.9 The Officer may, where conditions in subsection 8(3) to 8(5) of the Act and Part 4.5 above have been fulfilled, issue a conditional permit for a building subject to compliance with the Act, Building Code and any applicable law.

4.10 The Officer shall not, by reason of the issuance of a permit(s) for a part(s) of the building issued under Parts 4.4 and 4.5 be under any obligation to grant any further permit(s).

4.11 Where an application for a permit remains incomplete or inactive for six (6) months after it is made, the application may be deemed by the Officer to have been abandoned and notice thereof shall be given to the applicant.

PART 5. Plans and Specifications

5.1 Every applicant shall furnish:

- (i) Two (2) complete sets of sufficient plans, specifications, documents and other information to enable the Officer to determine whether the proposed application conforms to the Act and the Building Code.
- (ii) A site plan referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such survey shall be filed with the municipality unless this requirement is waived because the Officer is able, without having a current plan of survey, to determine whether the proposed work conforms to the Act, the Building Code and any other applicable law. The site plan will include:
 - (a) Lot size and dimensions of property,
 - (b) Setbacks from existing and proposed buildings to lot line/ property boundaries and to each other,
 - (c) Existing and finished ground levels or grades,
 - (d) Rights of ways, easements, septic systems, wells and municipal services existing and proposed.

5.2 Plans submitted shall be legible and be drawn to scale upon paper or other suitable durable material.

5.3 Copies of the building permit, provided by the Officer to the applicant, shall be posted by the applicant in a location that is visible and conspicuous from the road or right of way providing access to the property and from bodies of water, where the work described on the permit is to take place.

5.4 On completion of the construction of a building, the Officer may require a set of as constructed plans, including a building location survey.

5.5 Plans and specifications furnished according to this by-law or otherwise required by the Act will be disposed of or retained in accordance with relevant legislation.

PART 6. Fees

6.1 The Officer shall determine the required fees calculated in accordance with the current Fees and Charges By-Law for the work proposed and the applicant shall pay such fees. No permit shall be issued until the fees have been paid in full.

6.2 All permit fees for permit applications received after construction has begun shall be subject to twice the permit fee, except as permitted in Part 4.5 above.

6.3 Upon written request, the Officer shall determine the amount of fees, if any, that may be refunded in accordance with the current Fees and Charges By-Law in the case of:

- (i) Withdrawal of an application,
- (ii) Abandonment of an application pursuant to Part 4.11 above,

- (iii) Refusal to issue a permit,
- (iv) Request for revocation of a permit pursuant to clause 9(10)e of the Act,
- (v) There shall be no refund of permit fees where a permit has been revoked.

PART 7. Permit Revocation, Deferral or Revocation and Transfer

7.1 Revocation of Permit

- (i) Prior to revoking a permit under Clauses 8 (10) (b) and (c) of the Act, the Officer shall give written notice of the intention to revoke to the permit holder at the applicant's last known address and, if on the expiration of thirty (30) days from the date of such notice, the ground for revocation continues to exist, the permit may be revoked without further notice and all submitted plans and other information may be disposed of.

7.2 Deferral of Revocation

- (i) On receipt of a notice of intention to revoke a permit, a permit holder may request in writing within thirty (30) days from the date thereof the Officer to defer the revocation of such permit;
- (ii) A request for deferral shall set out the reasons why the permit should not be revoked and the date by which the construction will be commenced or resumed;
- (iii) Having considered the circumstances of the request and having determined that there have been no changes to the Act and the Building Code and any applicable law, which would have prevented the issuance of the original permit, the Officer may allow a deferral to a prescribed date, and shall notify the permit holder.

7.3 Transfer of Permit

- (i) Permits are transferable only upon the new owner completing a permit application to the requirements of Part 4.

PART 8. Notifications

8.1 Notices for inspections respecting stages of construction required by the Building Code shall be given by the permit holder to the Officer at least two (2) business days in advance of each stage of construction specified therein, notwithstanding sewage systems, which is five (5) days.

8.2 A notice pursuant to this part is not effective until written or oral notice is received by the Officer.

PART 9. Severability

9.1 If any part of this by-law shall be held void such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this by law.

PART 10. Conflicts

10.1 Wherever a standard established by the by-law differs from a standard in relation to the same matter established by any other item of legislation in force in The Corporation, the standard that provides the higher degree of protection for the health, safety and welfare of the occupants and the general public shall prevail.

PART 11. Enforcement

11.1 This by-law shall be enforced by the Officer.

Part 12. Penalties

12.1 Any person who contravenes any provisions of this by-law is guilty of an offense as provided for in Section 36 of the Building Code Act, as amended.

12.2 Refer to Part 6.2 of this by-law, or Section 3 in Schedule “A”.

12.3 Interference, hindrance or molestation of any Officer in the performance of any duty required in accordance with this by-law is an offence.

Part 13. Repeal of By-Laws

13.1 Township of Greater Madawaska By-Law No. 14-2010

Part 14. Force and Effect

14.1 This By-Law shall come into force and effect on the day of final passing thereof.

READ a first and second time this 13th day of March, 2017.

READ a third time and finally passed this 13th day of March, 2017.

Glenda McKay
Mayor

Allison Holtzauer
CAO Clerk-Treasurer

**By-Law 19-2017
Schedule "A"**

SECTION 1. Building Permit Fees

- 1.1 Revoked/New Permit Administration Fee \$100.00
1.2 Refer to current Fees and Charges By-Law for Fee schedule

SECTION 2. Sewage System Classes

Sewage System Fees for upgrade, new or replacement shall be as per the current Fees and Charges By-Law

- Class 1 Outdoor Washrooms
- Class 2 system (grey-water)
- Class 3 system (cesspool)
- Class 4 system (leaching bed, filter bed)
- Class 5 system (holding tank) (engineered designed system)
 - *A signed agreement with licensed pumper will be required*

SECTION 3. Building/Sewage Permits or Any Part Thereof

- 3.1 Anyone commencing construction prior to the assignment of a permit shall be subject to payment of a double fee – 2 times the rate as set out in the current Fees and Charges By-Law.