

THE BUILDING BY-LAW

WHEREAS Section 7 of the Building Code Act, 1997, Chapter 24, R.S.O 1992, empowers Municipal Councils to pass by-laws and regulations respecting construction, demolition, change of use permits and inspections:

NOW THEREFORE the Council of the Corporation of the Township of Front of Yonge enacts as follows:

Section 1: SHORT TITLE

1.1: This by-law may be cited as “The Building By-law”.

Section 2: DEFINITIONS

2.1: a) “ Council” means the Council of the Corporation of the Township of Front of Yonge.

b) “Chief Building Official” means the person appointed by by-law of the Corporation of the Township of Front of Yonge for the purpose of enforcement of the Act.

c) “Building Inspector” means the person appointed by by-law to assist the Chief Building Official in enforcement of the Act.

d) “building” means i) a structure occupying an area greater than 10 square metres consisting of a wall, roof and floor, or any one of them, or a structural system serving the function thereof, including all the works, fixtures, and service systems appurtenant thereto, ii) and includes such other structures of an area of 10 sq. metres or less that contains plumbing including the plumbing appurtenant thereto, iii) plumbing not included in a building, or iv) structures designated in the Building Code.

e) “farm building” means a building or part thereof which does not contain a residential occupancy and which is associated with and located on land devoted to the practice of farming and used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds.

f) “dwelling unit” means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

g) “suite” means a single room or series of rooms of complimentary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in hotels, motels, boarding houses, rooming house and dormitories as well as individual stores and individual or complimentary rooms for business and personal service occupancies.

h) “construct” means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and construction has a similar meaning.

i) “demolish” means to do anything in the removal of a building or any material part thereof and “demolition” has a similar meaning.

j) “plumbing” means a drainage system, a venting system and a water system

or parts thereof.

k) “permit” means written permission or written authorization from the Chief Building Official to perform work regulated by this By-law and the Building Code Act.

Section 3: PERMITS

3.1: CLASS OF PERMITS

3.1.1: Classes of permits with respect to the construction and demolition of buildings shall be as set out in Schedule “A” of the By-law.

3.1.2: This By-law shall include the construction and demolition of farm buildings.

3.1.3: Permits for buildings shall include the installation of plumbing systems and fixtures.

Section 3.2: APPLICATION FOR PERMITS

3.2.1: To obtain a Permit the owner or his/her authorized agent shall file an application in writing by completing the prescribed forms available at the Office of the Chief Building Official and/or the Municipal Office. The prescribed forms shall be as set out in Schedule “C” of this By-law.

3.2.2: Except as otherwise permitted by the Chief Official, every application shall

a) identify and describe in detail the work and occupancy to be covered by the permit for which application is made; and

b) describe the land on which the work is to be done, by a description that will readily identify and locate the building lot; and

c) be accompanied by complete plans and specifications as described in Subsection 3.3 of this By-law; and

d) state the valuation of the proposed work and be accompanied by the prescribed fee; and

e) state the names, addresses and telephone numbers of the owner, and if applicable, the architect, engineer or other designer or contractor; and

f) be accompanied, where applicable, 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, when required by the Building Code Act.

g) be signed by the owner or his/her authorized agent who shall certify the truth of the contents of the application; and

h) if an application for a new dwelling unit, the application shall be accompanied by Leeds, Grenville and Lanark Health Unit written approval and an access permit from the appropriate roads department; and

i) if for construction of a marine facility on the St. Lawrence River, Graham Lake or Centre Lake, the application shall be accompanied by written approval from the Ministry of Natural Resources and the Canadian Coast Guard; and

j) if for construction of a new dwelling unit for sale, the application shall show the contractor's new Home Warranty Registration Number;

k) if a building permit renewal, the renewal must be approved by the Zoning Administrator prior to the renewal being granted, that is to ensure that any changes in Township policy are applied to the renewal as if the renewal were a new application.

l) if for a demolition permit the application shall contain information required in a), b), d), e), g), i).

3.2.3 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 for 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:

a) a description of the proposed material, system or building design for which authorization under Section 9 of the Act is requested,

b) any applicable provisions of the Building Code,

c) evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.

Section 3.3 PLANS, SPECIFICATIONS AND INFORMATION

3.3.1: Sufficient Information shall be submitted with each application for a permit to enable the Chief Official, with the concurrence of the Chief Fire Official, to determine whether or not the proposed work will conform with the Building Code Act, 1997, Chapter 24, R.S.O. 1997, the Regulations thereunder and any other applicable law.

3.3.2: Each application shall be accompanied by a complete set of plans and specifications as required under this By-law.

3.3.3: Plans shall be drawn to scale upon durable material suitable to the purpose as to determine the compliance with this By-law.

3.3.4: Unless otherwise permitted by the Chief Official, site plans shall refer to a current plan of survey, certified by registered Ontario Land Surveyor, and a copy of such survey shall be submitted.

3.3.5: Where excavation is required, topsoil shall be carefully removed and piled. This same topsoil shall be used to level this property. Topsoil from this site can not be hauled elsewhere.

Section 3.4: EQUIVALENTS

3.4.1: Where an applicant for a permit seeks authorization, pursuant to Section 9 of the Building Code Act, to use materials, systems, or designs not authorized by the Building Code, the following shall be provided by the applicant:

a) a description of the proposed material, system or building design for which authorization under Section 9 of the Act is requested.

b) a list of any applicable provisions of the Building Code,

c) such evidence as the Chief Building Official may require to establish that the proposed material, system or building design will provide the level of performance required by the Building Code.

Section 3.5: APPROVALS

3.5.1: When, in order to expedite work, a permit for the foundation of a building is desired prior to the issuance of a permit for the whole project, application shall be made and fees paid for the complete project, and complete files with the Chief Official, complete with the applicable approvals stating compliance with the Environmental Protection Act, Planning Act, and every other statute and regulation.

3.5.2: should a permit be issued for any part of a building, the holder of such permit may proceed with that portion but the Municipality gives no assurances that permits for the remainder of the project will be granted.

3.5.3: Subject to Section 8 (10) of the Building Code Act, 1997, Chapter 24, R.S.O. 1992, the Chief Official may revoke a permit;

a) where it was issued on incorrect, false or mistaken information, or

b) where, after six months after its issuance, the construction or demolition in respect of which it was issued has not, in the opinion of the Chief Official, been seriously commenced, or

c) where the construction or demolition of the building is, in the opinion of the Chief Official, substantially suspended or discontinued for a period of one year or more, or

d) if it was issued in error, or

e) if the holder requests in writing that it be revoked, or

f) if a term of the agreement under Clause 3 (c) of the Act has not been complied with.

3.5.4: That no **new** residential property, either in whole or in part, shall be occupied prior to the issuance, by a Building Department Official, of an "Occupancy Permit", complete with the **posted** "Civic Address", assigned by the Chief Building Official or Designate. This sign shall be posted in accordance with By-law #12-96.

3.5.5: Fencing of Residential Construction Sites- "Residential Construction Site" means any construction site in respect of which a building permit has been issued for the construction of a new building consisting of single dwelling unit except where the site is within a registered plan of subdivision which subdivision is being developed for the first time.

a) The person to whom a building permit is issued in respect of construction which will take place at a Residential Construction Site shall erect or cause to be erected and maintained a fence enclosing the Residential Construction Site in accordance with the provisions of this by-law.

b) Where there is fencing on or adjoining a Residential Construction Site erected prior to the application for a building permit in respect of that site, such fencing shall be deemed to be in compliance with this By-law provided it is extended along the entire perimeter of the Residential Construction Site as determined by the Chief Building Official and the extended fencing is erected in accordance with this By-law.

c) The requirements of this By-law do not apply where the building permit has been issued prior to this By-law coming into effect.

d) The height of every fence shall be a minimum of 1.2 metres (4 feet) and a maximum 1.85 metres (6 feet), to be measured from the highest adjacent grade.

e) Every fence required by this By-law shall be located on the perimeter of the Residential Construction Site as determined by the Chief Building Official and constructed as follows:

i) If of chain link construction, the chain link shall be fastened to a 38mm diameter metal bar which is securely fastened to metal posts at not over 3 metres on centre and embedded into the ground to provide a rigid support;

ii) If of wood construction, the exterior face shall be 12mm exterior grade plywood, particle board or equivalent material that will not provide footholes for climbing. The facing shall be supported by 51mm x 102mm nominal size posts spaced at not more than 2.5 metres on centre and embedded into the ground to provide a rigid support;

iii) If the fence is of snow fence or plastic mesh type, the fencing shall be securely fastened to T-bar posts at not over 3 metres on centre and embedded into the ground to provide a rigid support;

iv) Other materials or methods may be substituted provided that there is an equivalent barrier between properties and an equivalent degree of safety provided.

v) The fence may provide for openings sufficient to accommodate construction vehicles, machines and any other equipment providing services to the Residential Construction Site provided that these openings are closed off when the site is shut down for the day.

Section 4: FEES

4.1: Fees for a required permit shall be in accordance with Schedule "A" of this By-Law.

4.2: Where the fees are based on the cost or valuation of the proposed work, such valuation shall mean the total cost of all the work, regulated by the permit including the cost of professional and related services.

4.3: In the case of non-commencement of any project and upon written request, the Chief Official shall determine the amount of refund of permit fees, if any, that may be returned to the permit holder, in accordance with Schedule "B" of this By-Law.

4.4: In case of revocation of a permit as per Section 3.4.3, no refund shall be permitted.

4.5: In case of commencement of any project or construction prior to the issuance of a permit, or the permission of the Chief Official, the amount of the fine will be equal to the cost of the building permit, as set out in Schedule "A" of the By-law, prior to the issuance of a permit.

4.6: To provide relief for an applicant who has lost a structure to fire, the normal permit fees shall be waived if;

- a) the structure is reconstructed to the same dimensions, and
- b) the application for a permit is received and construction is commenced within one year of the date of loss.

4.7: In reference to Section 4.6, the fees charged will only reflect the cost of inspections for the reconstruction;

- a) dwelling unit: 5 inspections or \$250.00 maximum
- b) all other structures: 3 inspections or \$150.00 maximum.

4.8: prior to the issuance of a Building Permit for construction on a “new” lot, the applicant shall submit a \$35.00 fee for his/her Civic Address sign and post. If the owner(s) or their agent fails to erect the sign within five (5) working days of being advised by the Corporation, the Public Works Department has authority to erect the sign on their behalf, at and additional cost of \$60.00

Section 5: NOTIFICATIONS

5.1: The owner or his/her authorized agent shall notify the Chief Official at least two (2) business days in advance of the stages of construction specified in Subsection 2.4.5 of the Regulations under the Building Code Act, 1997, Chapter 24, R.S.O. 1997.

5.2: Failure of the Chief Official to receive notification as prescribed in Section 5.1, shall mean forfeiture of the deposit, or portions thereof.

Section 6: VALIDITY

6.1: Should any section, clause or provision of this By-law be held by a court of competent jurisdiction, to be invalid, the validity of the remainder of this By-Law shall not be affected.

6.2: 1) In accordance with Section 36 (1) (c) of the Building Code Act, that any person who contravenes any of the provisions of this By-Law, shall be guilty of an offence and if convicted shall be liable to a penalty under Section 36 (3) of the Act. Each day in which any contravention occurs shall be deemed to be a separate offence.

2) Each firm or corporation who contravenes any provisions of this By-law shall be guilty of an offence and if convicted shall be liable to a penalty under Section 36(4) of the Act.

Section 7: EFFECTIVE DATE

7.1: This By-Law shall come into force and effect as of the date of passing by the Council of the Corporation of the Township of Front of Yonge.

Section 8: REPEALS OF PREVIOUS BY-LAWS

8.1: By-Law #18-10 is hereby repealed and such repeal shall come into force and effect on the date of passing of this By-Law.

READ a first and second time this day of 2012.

READ a third and final time this day of 2012.

Mayor, Roger Haley

Clerk, Elaine Covey

SCHEDULE "A"
TO BY-LAW # 16-12

CLASSES OF PERMITS AND PERMIT FEES

<u>CLASS OF PERMIT:</u>	<u>PERMIT FEE</u>
1. To repair and/or alter a building, or construction/install a swimming pool, installation of a solid fuel fired appliance and/or chimney, including agricultural buildings.	
a) Minimum Fee	\$75
b) Value of gut renovations to be calculated At \$120.00 per square foot or contractor's price	
2. To install solar panels:	
a) Valued up to \$200,000	\$200
Valued greater than \$200,000	\$300
3. To construct a building or an addition to a building:	
a) New Construction:	
Single family dwelling, seasonal dwelling, modular dwelling (Valued at \$120.00 per square foot or contractor's price)	\$50+\$10/\$1000 of construction value
(Valued at \$80.00 per square foot for 2 nd floor/finished basement)	
b) Repair, alteration, or addition to:	
Single family dwelling, seasonal dwelling, modular dwelling (Valued at \$120.00 per square foot or contractor's price)	\$50+\$10/\$1000 of construction value
c) Accessory buildings to:	
Erect, repair, alter or renovate (Valued at \$30.00 per square foot or contractor's price)	\$50+\$10/\$1000 of construction value
d) Decking:	
(Valued at \$15.00 per square foot or contractor's price)	\$50+\$10/\$1000 of construction value
4. To demolish any building	\$120.00
5. To authorize occupancy prior to completion as per Subsection 2.4.3 of regulation 413/90	N/C
6. To authorize occupancy of a completed building	N/C
7. Annual renewal of permit	\$100
8. Written request for special inspection	\$60/hour \$100 (min)
9. Change of use permit	\$60/hour \$100 (min)
10. To reconstruct a structure lost to fire, cost to reflect costs of inspections only: refer to Section 4.7 and 4.8 of this By-law	
11. Building without a permit	(double the cost of the Building permit)
12. Building Code Equivalency Evaluation (not including the cost of services by independent Consultants or services by others)	\$1000

SCHEDULE "B"
TO BY-LAW #

Respecting:

REFUND OF PERMIT FEES

1. The fees that may be refunded shall be a percentage of the fees payable under Schedule 'A' to this by-law as follows:
 - a) 80 percent if only administrative functions have been performed.
 - b) 70 percent if only administrative and zoning functions have been performed.
 - c) 45 percent if only administrative, zoning and plan examination functions have been performed.
 - d) 35 percent if the permit has been issued and no field inspection have been performed subsequent to permit issue.
2. Notwithstanding paragraph 1 above, no refund shall be made of an amount less than \$50.00.