

THE CORPORATION OF THE TOWNSHIP OF MADAWASKA VALLEY

**BY-LAW NUMBER 2006-16**

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

**WHEREAS** Section 7 of the Building Code Act 1992, Chapter 23 as amended, empowers Council to pass certain by-laws respecting construction, demolition, change of use permits and inspection of buildings.

**NOW THEREFORE** the Municipal Council of The Corporation of the Township of Madawaska Valley enacts as follows:

**1.0 SHORT TITLE:**

**1.1** This by-law shall be known and may be cited as the “Building By-Law”.

**2.0 DEFINITIONS AND WORD USAGE:**

**2.1** In this by-law,

- a) **“Act”** means the Building Code Act, 1992, Chapter 23 as amended;
- b) **“As Constructed Plans”** means as constructed plans as defined in the Building Code;
- c) **“Architect”** means a holder of a licence, a certificate of practice, or a temporary licence under the Architect’s Act as defined in the Building Code;
- d) **“Building”** means:
  - i) A structure occupying an area greater than 10 square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto;
  - ii) A structure occupying an area of 10 square metres or less that contains plumbing, including the plumbing appurtenant thereto;
  - iii) Plumbing not located in a structure;
  - iv) A sewage system; or
  - v) Structures designated in the Building Code.
- e) **“Building Code”** means the regulations made under Section 34 of the Act.
- f) **“Chief Building Official”** means the Chief Building Official appointed by the Corporation of the Township of Madawaska Valley for the purposes of enforcement of the Act.
- g) **“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 corresponding meaning.
- h) **“Corporation”** or **“Township”** means The Corporation of the Township of Madawaska Valley.
- i) **“Demolish”** means to do anything in the removal of a building or any material part thereof and “demolition” has a corresponding meaning.
- j) **“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 procession of agricultural and horticultural produce or feeds.

- k) **“Operations Manager”** means the Operations Manager appointed by the Corporation of the Township of Madawaska Valley for the purposes of carrying out the duties with respect to Sewage System installations and issuance of Permits for the municipality.
- l) **“Owner”** means the person(s) whose name appears on the deed or transfer registered in the Registry Office for the County of Renfrew for the land in respect of which an application for a permit is made pursuant to the By-Law.
- m) **“Permit”** means written permission or written authorization from the Chief Building Official to perform work regulated by this by-law and the Act, or to change the use of a building or part of a building or parts thereof as regulated by the Act.
- n) **“Professional Engineer”** means a person who holds a licence or a temporary licence under the Professional Engineer’s Act, as defined in the Building Code.
- o) **“Plumbing”** means a drainage system, a venting system and a water system or parts thereof.
- p) **“Sewage System”** means
  - i) A chemical toilet, an incinerating toilet, a re-circulating toilet, a self-contained portable toilet and all forms of privy including a portable privy, an earth pit privy, a pail privy, a privy vault and composting toilet system.
  - ii) A greywater system.
  - iii) A cesspool.
  - iv) A leaching bed system, or
  - v) A system, which requires or uses a holding tank for the retention of hauled sewage at the site where it is produced prior to its collection by a hauled sewage system.

**Where these**

- vi) Have a design capacity of 10,000 litres per day or less.
- vii) Have, in total, a design capacity of 10,000 litres per day or less where more than one of these are located on a lot or parcel of land, and
- viii) Are located wholly within the boundaries of the lot or parcel of land on which is located the buildings they serve.

**2.2** Unless otherwise stated, any work or term that is defined in the Act or in the Building Code shall have the same meaning if it is used in this By-Law.

**3.0 PERMITS**

**3.1 CLASSES OF PERMITS**

- a) Building Permit- required under subsection 8(1) of the Act.
- b) Change of Use Permit – required under subsection 10(1) of the Act.
- c) Conditional Permit – required under subsection 8(3) of the Act.
- d) Demolition Permit – required under subsection 8(1) of the Act.
- e) Sewage System Permit – required under subsection 8(1) of the Act.

**3.2** Classes of permits with respect to the construction, demolition and change of use of buildings and permit fees shall be as set out in **Schedule “A”** and **Schedule “B”** to this By-Law.

**3.3 PERMIT MUST BE OBTAINED**

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 be made to a building unless a permit has been issued therefore by the Chief Building Official.

**3.4 REVISION OF A PERMIT**

After the issuance of a permit under the Act by the Chief Building Official, notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued, must be given in writing, to the Chief Building Official together with the details of such change, which is not to be made without the written authorization of the Chief Building Official.

**3.5 REVOCATION OF A PERMIT**

The Chief Building Official, subject to the provisions outlined in Section 8.-(10) of the Act, has the authority to revoke a permit issued under the Act.

**4.0 THE APPLICATION**

**4.1** To obtain a permit, the owner or agent authorized in writing by the owner, shall file an application in writing by completing a prescribed form available at the offices of the Municipality from the Chief Building Official or from the Building Code website [www.obc.mah.on.ca](http://www.obc.mah.on.ca).

**4.2** Every application shall be accompanied by the required application fee and shall be signed by the owner or an authorized agent, who shall certify the truth to the contents of the application.

**4.3** Every application for a permit shall be submitted to the Chief Building Official and contain the following information:

(1) Where application is made for a Building Permit under Subsection 8(1) of the Act, the application shall:

- (a) Use the provincial application form, “Application for a Permit to Construct Demolish”; and
- (b) Include two (2) complete sets of plans and specifications, documents and other information as required by Article 2.4.1.IB of the Building Code and as described in this by-law for the work to be covered by the permit.
- (c) When Section 2.3 of the Building Code applies, be accompanied by a signed acknowledgment of the owner that an architect or professional engineer, or both, have been retained to carry out the general review of the construction of the building.

(2) Where application is made for a Demolition Permit under Subsection 8(1) of the Act, the application shall:

- (a) Use the provincial application form, “Application for a Permit to Construct or Demolish”; and
- (b) Include two (2) complete sets of plans and specifications, documents and other information as required by Article 2.4.1.IB of the Building Code and as described in this by-law for the work to be covered by the permit; and
- (c) 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.
- (d) 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.

- (3) Where application is made for a Conditional Permit under subsection 8(3) of the Act, the application shall:
- (a) Use the provincial application form, “Application for a Permit to Construct or Demolish”;
  - (b) Include two (2) sets of plans and specifications, documents and other information as required by Article 2.4.1.IB of the Building Code and as described in this by-law for the work to be covered by the permit;
  - (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; and
  - (e) Agree in writing with the Municipality to comply with Section 8(3) of the Act.

#### 4.4 CHANGE OF USE PERMITS

Every application for a Change of Use Permit issued under subsection 10(1) of the Act shall be submitted 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 two (2) complete sets of plans and specifications showing 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 capacities, details of the existing “sewage system”, if any.
- (d) Be accompanied by the required fee.
- (e) State the name, address and telephone number of the owner.
- (f) Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

#### 4.5 SEWAGE SYSTEM PERMITS

For every application for a Sewage System Permit that is submitted to the Chief Building Official &/or Operations Manager, the application shall:

- (1) Use the provincial application form, “Application for a Permit to Construct or Demolish”.
- (2) Include complete plans and specifications, documents and other information as required under Article 2.4.1.IB of the Building Code and as described in this by-law for the work to be covered by the permit.
- (3) Include a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official &/or Operations Manager:
  - (a) Include the date the evaluation was done;

- (b) Include name, address, telephone number and signature of the person who prepared the evaluation; and
- (c) Include a scaled map of the site showing:
  - i) The legal description, lot size, property dimensions, existing rights-of-way, easements or municipal/utility corridors;
  - ii) The location of items listed in Column 1 of Tables 8.2.1.6.A., 8.2.1.6.B. and 8.2.1.6.C. in the Building Code;
  - iii) The location of the proposed sewage system;
  - iv) The location of any unsuitable, disturbed or compacted areas;
  - v) Proposed access routes for system maintenance;
  - vi) Depth of bedrock;
  - vii) Depth to zones of soil saturation;
  - viii) Soil properties, including soil permeability,
  - ix) Soil conditions, including the potential for flooding,
  - x) Location of water supply or well, and
  - xi) Location of neighbouring water supply or wells.

## 5.0 PLANS AND SPECIFICATIONS

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.

- a) Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two (2) complete sets of the plans and specification.
- b) Plans shall be drawn to scale on paper, 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.

### 5.1 THE SITE PLAN

Site plans shall be referenced to an up-to-date survey and, when required to demonstrate compliance with the Act, the Building Code or other applicable law, a copy of the survey shall be submitted to the Chief Building Official.

Site Plans shall show:

- (1) Lot size and the dimensions of property lines and setbacks to any existing or proposed buildings.
- (2) Existing and finished ground levels or grades.
- (3) Existing rights-of-way, easements and municipal services, and
- (4) Proposed fire access routes and existing fire hydrant locations.

## 6.0 PAYMENT OF FEES

### 6.1 Permit Application Fees

Fees for a required permit shall be as set out in **Schedule “A”** and **Schedule “B”** to this by-law and are due and payable upon submission of an application for a permit.

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 issued under subsection 8(3) of the Act are based on a floor area, floor area shall mean the total floor space of all storeys above grade (or below grade for an underground home) measured as the horizontal area between the exterior walls of the building and provided that where application is made for a Conditional Permit, fees shall be paid for the complete project.

Where fees payable in respect of an application for a Change of Use Permit issued under subsection 10(1) of the Act are based on a floor area, floor area shall mean the total floor space of all storeys subject to the change of use.

Except as permitted for a Conditional Permit, all permit fees for permit applications received after work has begun (construction without a Permit) shall be subject to:

- a) First Offence - \$250.00
- b) Second Offence - \$500.00
- c) Third Offence - Issuance of a Summons Pursuant to Part 2 of the Provincial Offences Act in accordance with Section 36 of the Building Code Act.

**6.1 REFUNDS**

In the case of withdrawal of an application or 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.

**7.0 NOTICE REQUIREMENTS FOR INSPECTIONS**

With respect to “prescribed notices” under 2.4.5.1 of the Building Code, 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.

At the sole discretion of the Chief Building Official, where the owner or an authorized agent gives notice for specific inspection of any building, lot or parcel of land and the inspection cannot be properly carried out due to unfinished work, or the inspection is broken down into multiple inspections due to the phasing or complexity of the building, or the inspection is requested to be performed outside regular office hours of the Township, the owner shall be responsible for the Townships additional costs, as specified in **Schedule “A”** attached to and forming part of this By-Law. Such additional fees shall be termed “Additional Inspection” and shall be due and payable to the Township upon demand.

**8.0 AS CONSTRUCTED PLANS**

The Chief Building Official may require that a set of plans of a building or any class of buildings as constructed be filed with the Chief Building Official on completion of construction under such conditions as may be prescribed in the Building Code.

**9.0 TRANSFER OF PERMITS**

The transfer of a permit shall be permitted when there is a change of ownership of the lands affected by the permit provided that the new owner informs the Chief Building Official in writing that he/she has assumed responsibility for engaging the services of any contractor, design professional or other service required to complete work authorized under a permit or permits and upon the new owner completing a permit application and be accompanied by the required fee.

**10.0 SOLID FUEL BURNING INSTALLATIONS**

The installation of any form of solid fuel burning installation (e.g. – chimney/fireplace) shall be carried out by and/or approved by a qualified individual who is WETT Certified. Proof of WETT Certification of the installation shall be provided to the Chief Building Official of the municipality.

**11.0 SEVEBILITY**

Should any section, Subsection, clause or provision of this By-Law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-Law as a whole or any part thereof, other than the part so declared to be invalid.

**12.0 REPEAL**

That Building By-Law Number 2002-64, shall be deemed to be repealed as of the effective date of this By-Law.

**13.0 PENALTIES**

- a) As per Building Code Act Section 36; and
- b) Refer to **Schedule “A”** and **Schedule “B”** for surcharges.

**14.0 ENACTMENT**

This By-Law shall come into force and take effect on April 1<sup>st</sup>, 2006.

**READ A FIRST AND SECOND TIME THIS 20<sup>th</sup> DAY OF March, 2006.**

**READ A THIRD TIME AND PASSED THIS 20<sup>th</sup> DAY OF March, 2006.**

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REEVE – John Hildebrandt

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CAO/CLERK - Pat Pilgrim

# PERMIT FEES / REFUNDS / PENALTIES

**1.0 RESIDENTIAL** - Building Permit Fees shall be as follows:

- a) Residential – New, Additions, Renovations, Repairs, Alterations, finished basements **\$0.35/sq./ft**
- b) Residential – Garage, Carport, Accessory Buildings **\$0.30/sq./ft**
- c) Installation of a building unit fabricated or moved from elsewhere (e.g. mobile home-factory built home) **\$0.35/sq./ft**

**NOTE: Minimum Permit Fee of \$100.00 shall apply to any of the above.**

**2.0 COMMERCIAL, INDUSTRIAL and INSTITUTIONAL:**

- a) New, Additions, Renovations, Alterations or Repairs **\$0.40/sq./ft**
- b) Accessory Buildings **\$0.30/sq./ft**

**NOTE: Minimum Permit Fee of \$100.00 shall apply to any of the above.**

**3.0 OTHER:**

- a) Additional Inspections (per visit) **\$ 30.00**
- b) Change of Use Permit **\$150.00**
- c) Civic Address (911 Number) on post **\$100.00**
- d) Civic Address (911 Number) on house **\$ 50.00**
- e) Decks **\$100.00**
- f) Demolition Permit **\$ 60.00**
- g) Inspections of a general nature **\$100.00**
- h) Occupancy Permit/Completion Permit **\$ 60.00**
- i) Plumbing Permit Fees **\$ 60.00**
- j) Research of Permit Archives **\$ 30.00**
- k) Swimming Pool & Fence Enclosures **\$ 60.00**
- l) Transfer of Permit **\$ 60.00**
- m) Transmitter towers & equipment, Tele-Communication Towers and equipment, pumping stations, hydro sub-stations (based on construction value) **\$ 6.00 per thousand**

**4.0 NO BUILDING PERMITS REQUIRED**, if one of the following applies:

- a) replacing or repairing an existing roof material; **NO CHARGE**
- b) replacing or repairing an existing siding with a material of similar type; **NO CHARGE**
- c) replacing or repairing existing windows or doors; **NO CHARGE**
- d) repairs of an emergency nature that are temporary nature to prevent weather damage until permanent repairs are made; **NO CHARGE**
- e) a shed or other free standing structure under 10 square metres. **NO CHARGE**

**5.0 REFUNDS** – Withdrawal of Application or Abandoned Application

- a) 90 % - No Review
- b) 50% - Plans Reviewed & Permit Issued
- c) Permit refunds of less than \$30.00 shall not be issued
- d) Reviewed Permits – No Refund.

**6.0 PENALTIES / SURCHARGES** – Building without a Permit

- a) First Offence - \$250.00
- b) Second Offence - \$500.00
- c) Third Offence - Issuance of a Summons Pursuant to Part 2 of the Provincial Offences Act in accordance with Section 36 of Building Code Act

**SEWAGE SYSTEM - PERMIT FEES**

Type of Application	Fee
For approval of a plan of subdivision under the Planning Act R.S.O. 1990. c. 13	\$250.00 per lot or block shown on the proposed plan of subdivision
For consent under the Planning Act R.S.O. 1990, c. 13	\$200.00 per application
For authorization of a minor variance under the Planning Act	\$75.00 per application
For approval of a condominium	\$350.00 per on-site sewage system that is proposed or installed up to 10,000Litres
Certificate of Approval for a Class 2 sewage system	\$200.00
Certificate of Approval for a Class 3 sewage system	\$200.00
Certificate of Approval for a Class 4 sewage system	\$350.00 per system installed
Certificate of Approval for a Class 4 sewage system using a filter bed	\$400.00 per system installed
Certificate of Approval for a Class 5 sewage system	\$400.00
File Search Fee	\$50.00 per search

**Surcharge: 20% surcharge applied to all of the above fees if permit application is received after work has begun.**

Except as otherwise authorized by the Chief Building Official, the following list of plans or working drawings shall accompany applications for permit.

- (i) **Site Plan**
- (ii) **Floor Plans**
- (iii) **Foundation Plans**
- (iv) **Framing Plans**
- (v) **Reflected Ceiling Plans**
- (vi) **Sections and Details**
- (vii) **Building Elevations**
- (viii) **Electrical Drawings**
- (ix) **Heating, Ventilation and Air Conditioning Drawings**
- (x) **Plumbing Drawings**
- (xi) **Fire Alarm and Sprinkler Plan**

Two (2) complete sets of plans and drawings and other specifications shall be submitted unless otherwise noted by the Chief Building Official.