

**THE CORPORATION OF
THE TOWNSHIP OF WILMOT
BY-LAW NO. 2005- 53**

**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 WILMOT 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, as defined in Section 1(1) of the Act

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 Wilmot 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 Wilmot.

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

- 4.1 Where application is made for a building permit under Subsection 8(1) of the Act, the application shall:
- 4.1.1 Identify and describe in detail the work and the occupancy to be covered by the permit for which application is made.
 - 4.1.2 Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot.
 - 4.1.3 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.
 - 4.1.4 State the names, addresses and telephone numbers of the owner and of the architect or engineer, where applicable, or other designer or contractor.
 - 4.1.5 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,
 - 4.1.6 Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.
- 4.2 Where the application is made for a demolition permit under Subsection 8(1) of the Act, the application shall,
- 4.2.1 Contain the information required by clauses 4.1.1 to 4.1.6 of this by-law and
 - 4.2.2 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.
- 4.3 Where the application is made for a conditional permit under Subsection 8(3) of the Act, the application shall:
- 4.3.1 Contain the information required by clauses 4.1.1 to 4.1.6 of this by-law and
 - 4.3.2 Contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require.
 - 4.3.3 State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit were not granted.
 - 4.3.4 State the necessary approvals, which must be obtained in respect of the proposed building and the time in which such approvals will be obtained.
 - 4.3.5 State the time in which plans and specifications of the complete building will be filed with the Chief Building Official.

4.4 CHANGE OF USE PERMITS

- 4.4.1 Every applicant for a change of use permit issued under Subsection 10(1) of the Act shall be submitted to the Chief Building Official and shall,
- 4.4.2 Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building,
- 4.4.3 Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made,
- 4.4.4 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,
- 4.4.5 Be accompanied by the required fee,
- 4.4.6 State the name, address and telephone number of the owner, and
- 4.4.7 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 SYSTEMS

- 4.5.1 Every application for a sewage permit shall be submitted to the Chief Building Official and contain the following information:
 - 4.5.1.A All design and site evaluations are to be submitted by a qualified Professional Engineer.
- 4.5.2 The information required by Section 4.1 of this by-law.
- 4.5.3 The name, address, telephone number and valid license number of the person installing the sewage system,
- 4.5.4 Where the person named in Section 4.5.3 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,
- 4.5.5 A site evaluation shall include all of the following items, unless otherwise specified by the Chief Building Official:
 - a) The date the site evaluation was done
 - b) Name, address, telephone number and signature of the person who prepared the evaluation and septic design report
 - 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
 - h) Location of items listed in column 1 of table's 8.2.1.5. 8.2.1.6.A,B,C

4.6 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.

4.7 PLANS AND SPECIFICATIONS

- 4.7.1 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.
- 4.7.2 After the issuance of a permit under the Act, 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.
- 4.7.3 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.
- 4.7.4 Plans shall be drawn to scale (Min 3/16"= 1') 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.
- 4.7.5 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:
 - 4.7.5.1 Lot size and the dimensions of the property lines and setbacks to any existing or proposed buildings,
 - 4.7.5.2 Existing and finished ground levels or grades,
 - 4.7.5.3 Existing rights-of-way, easements and municipal services.
- 4.7.6 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

- 5.1 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.
- 5.2 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.

- 5.3 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

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 the Building Code.
- 7.2 With respect to "additional notices" under 2.4.5.2 of the Building Code, the owner or an authorized agent shall notify the Chief Building Official or an inspector at least two (2) 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 during business hours:
1) Phone message at (519) 634-8444
2) In person at the Development Services counter

8. AS CONSTRUCTED PLANS

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

9. Fencing

- 9.1 In addition to the requirements pertaining to Public Way Protection as set out in the Occupational Health and Safety Act, the owner or builder shall comply the provisions of this Section.
- 9.2 The person to whom the building permit is issued in respect of construction which will take place at a construction site shall erect or cause to be erected and maintained a fence enclosing the construction site in accordance with the provisions of this chapter.
- 9.3 Where there is fencing on or adjoining a 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 Section provided it is extended along the entire perimeter of the construction site as determined by the Chief Building Official and the extended fencing erected in accordance with this Section.
- 9.4 The height of every fence shall be a minimum of 4 feet (1.2 meters) and a maximum of 6 feet (1.8m), to be measured from the highest adjacent grade.

- 9.5 Every fence required under this Section shall be located on the perimeter of the 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 1.5 inch (38mm) diameter metal bar which is securely fastened to metal posts at not greater than 10 feet (3.04m) on center and embedded into the ground to provide rigid support;
 - (ii) If of wood construction, the exterior face shall be .5inch exterior grade plywood, particle board or equivalent material that will not provide footholds for climbing; The Facing shall be supported by 2in by 4in nominal size wood posts spaced at not greater than 8 feet (2.43m) on center and embedded into the ground to provide a rigid support;
 - (iii) If the fence is of snow fence or plastic mesh type, the fencing should be securely fastened to T-bar posts at not greater than 10 feet (3.04m) on center and embedded into the ground to provide a rigid support; and,
 - (iv) Other materials or methods may be substituted provided that there is an equivalent barrier between properties and an equivalent degree of safety is provided.
- 9.6 The fence may provide for openings sufficient to accommodate construction vehicles, machines and any other equipment providing services to the construction site provided that these openings are closed off when the site is shut down for the day.

10. REPEAL OF BY-LAWS

10.1 By-law 2003-38, of the Corporation of the Township of Wilmot is hereby repealed.

11. CODE OF CONDUCT

11.1 The Code of Conduct and associated policies, as required under Section 7.1 of the Act out in Schedule “D” of this by-law.

12 CONTRAVENTION OF BY-LAW- OFFENCE

12.1 Every person who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable of a fine as provided in Section 36 of the Building Code Act, 1992, S.O. 1992,c.32 as amended.

READ a First and Second Time this 27th day of June, 2005

READ a Third Time and Finally Passed in Open Council this 27th day of June, 2005.

MAYOR

CLERK

SCHEDULE "A"

To By-Law No. 2005-53

CLASSES OF PERMITS		Permit Fee	
		Fee Per Square Foot	Fee Per Unit
GROUP A:	Assembly	\$2.00	
	Portable Classroom		\$200.00
GROUP B:	Institutional	\$2.00	
GROUP C:	Residential		
	Dwelling (SFD, Semi, Row, Duplex, Triplex, etc)	\$1.20	
	Garage, Carport, Shed	\$0.30	
GROUP D:	Business and Personal Service		
	Shell	\$1.00	
	Finished	\$1.25	
	Finishing of Existing Shell	\$0.25	
GROUP E:	Mercantile		
	Shell	\$1.00	
	Finished	\$1.25	
	Finishing of Existing Shell	\$0.25	
GROUP F:	Industrial		
	Shell	\$0.50	
	Finished	\$0.60	
	Finishing of Existing Shell	\$0.10	
AGRICULTURAL			
	Farm Building	\$0.35	
	Silo		\$150.00
	Manure Tanks or Pit		\$100.00
MISCELLANEOUS			
	Fireplace/Woodstove		\$100.00
	Retaining Wall	\$2.00	
INTERIOR FINISHES: All Classifications			
	Interior finishes to previously unfinished areas (including finishing of residential basements)	\$0.25	
ALTERATIONS/RENOVATIONS: All Classifications			
	Minor	\$0.15	
	Major	\$0.25	
PLUMBING PERMIT:			
	Each Fixture		\$12.00
	Each Service		\$20.00
SEWAGE SYSTEM PERMIT:			
	New Conventional		\$500.00
	New Secondary / Tertiary		\$750.00
	Major Repair		\$300.00
	Minor Repair		\$100.00
CHANGE OF USE PERMIT:			\$100.00
DEMOLITION PERMIT:			
	Demolition of a building or part thereof		\$100.00
	Demolition of a building or part thereof which requires a P. Engineer		\$150.00
FINAL INSPECTION DEPOSIT:			
	Each Dwelling Unit		\$400.00
	Deposit returned if Permit completed within 12 months of Occupancy		
REVISION TO EXAMINED PLANS:			
	Per Square Foot (Minimum Fee \$100.00)	\$0.02	
BUILDING PERMIT TRANSFER:			\$200.00
CONSTRUCTION WITHOUT A PERMIT:			
	Normal fee will be doubled	Fee x 2	Fee x 2
ADDITIONAL INSPECTIONS			
	Fee per inspection deemed necessary by the Chief Building Official or for call-back inspections where the work was not complete (applicable to existing buildings or defective/deficient new/altered buildings)		\$150.00
MINIMUM FEE FOR ALL CLASSES OF PERMITS:		\$100.00	
SWIMMING POOL:			\$100.00
SIGN PERMIT:			\$100.00
HERITAGE PERMIT:			
	Per \$1000 of Construction Value (Minumum Fee \$10.00)	\$10.10	

SCHEDULE "B" to By-law No. 2005 - 53

REFUNDS

- 1.1 In case of abandonment of all or a portion of the work, or of the non-commencement of any building, the Chief Building Official may revoke a permit in accordance with the Act and may determine the amount of refund of permit fees, if any, that may be returned to the permit holder in accordance with the following:
- (a) The fees that may be refunded shall be a percentage of the fees payable under this By-law, as follows:
 - (i) Eighty (80%) percent if administrative functions only have been performed;
 - (ii) Seventy (70%) percent if administrative and zoning functions only have been performed;
 - (i) Forty-five (45%) percent if administrative, zoning, and plan examination functions have been performed;
 - (ii) Thirty-five (35%) percent if the permit has been issued and no field inspections have been performed subsequent to permit issuance;
 - (iii) Five (5%) percent shall additionally be deducted for each field inspection that has been performed after the permit has been issued.
 - (b) Notwithstanding 6.5(a) above, no refund shall be made of an amount less than Seventy-Five (\$75.00) Dollars.
 - (c) No refund shall be made unless the owner or his agent therefore makes a written application and unless the permit is returned for cancellation.
 - (d) Notwithstanding 6.5(a) above, no refund shall be made where the Chief Building Official has revoked a permit under Section 8(10)(b) and (c) of the Act.
- 1.2 Each permit fee for a residential dwelling shall have included an amount equal to \$400 to cover the cost of the final inspection.
- 1.3 When the successful Final Inspection of a residential dwelling occurs within 12 months of the date of the issuance of an Occupancy Permit for said dwelling, a refund in the amount of \$400 will be made to the permit holder upon request.

This is Schedule "B" to By-law No. 2005-53
Passed this 27th day of June, 2005.

Mayor

Clerk

SCHEDULE "C" to By-law No. 2005 - 53

**LIST OF PLANS OR WORKING DRAWINGS TO ACCOMPANY
APPLICATIONS FOR PERMITS**

1. The Site Plan (2 copies)
2. Foundation Plans (2 copies)
3. Floor Plans (2 copies)
4. Framing Plans (2 copies)
5. Roof Plans (2 copies)
6. Building Elevations (2 copies)
7. Cross Sections & Details (2 copies)
8. Plumbing Drawings (2 copies)
9. Heating, Ventilation and Air Conditioning Drawings (2 copies)
10. Electrical Drawings (2 copies)
11. Sewage Systems (2 copies)
12. Any engineered product information, reports or material specifications require to review the plans

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

This is Schedule "C" to By-law No. 2005-53
Passed this 27th day of June, 2005.

Mayor

Clerk

SCHEDULE "D" to By-law No. 2005 - 53

Code of Conduct for the Chief Building Official and Inspectors

1. Purpose

- a) To promote appropriate standards of behavior and enforcement actions by the chief building official and inspectors in the exercise of a power or the performance of a duty under this Act or the building code.
- b) To prevent practices, which may constitute an abuse of power, including unethical or illegal practices, by the chief building official and inspectors in the exercise of a power or the performance of a duty under this Act or the building code.
- c) To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under this Act or the building code by the chief building official and inspectors.

2. Scope

This policy applies to the Chief Building Official and all appointed Building Officials-Plans Examiners and Building Inspectors.

The code of conduct must provide for its enforcement and include policies or guidelines to be used when responding to allegations that the code has been breached and disciplinary actions that may be taken if the code is breached

3. Contents

Code of Conduct

1. Always act in the public interest, particularly with regard to the safety and accessibility aspects of building works and structures.
2. Apply all relevant building laws, codes and standards in an impartial, consistent, fair and professional manner, independent of any external influence and without regard to any personal interests.
3. Maintain required legislated qualifications, discharging all duties in accordance with recognized areas of competency.
4. Extend professional courtesy to all.

4. Breaches of the Code of Conduct

The Chief Building Official will review any allegations of breaches of this Code of Conduct made against municipal building officials. Where the allegations are against the Chief Building Official, senior management of the municipality will review the allegations.

Disciplinary action arising from violations of this Code of Conduct is the responsibility of the municipal employer and will be based on the severity and frequency of the violation in accordance with relevant employment standards.

This is Schedule "D" to By-law No. 2005-53
Passed this 27th day of June, 2005.

Mayor

Clerk