

Township of Lucan Biddulph

BY-LAW NUMBER 12-2012

BEING A BY-LAW RESPECTING CONSTRUCTION, DEMOLITION, CHANGE OF USE and SWIMMING POOL PERMITS AND INSPECTIONS WITHIN THE TOWNSHIP OF LUCAN BIDDULPH AND TO REPEAL BY-LAW 50-2005

WHEREAS Section 7 of the Building Code Act, S.O. 1992, as amended, empowers the Council of a municipality to pass by-laws respecting matters pertaining to construction, renovation, change of use and demolition of buildings;

AND WHEREAS it is deemed expedient and in the best interests of public safety to regulate the construction of pools;

NOW THEREFORE the Council of the Township of Lucan Biddulph hereby enacts as follows:

1. Short Title

This by-law may be cited as the Building By-law.

2. Definitions

In this by-law;

- 2.1 2.1.1 “Act” means the Building Code Act, S.O. 1992, Chapter 23 including amendments thereto;
- 2.1.2 “Architect” means an architect as defined in the Building Code;
- 2.1.3 “Applicant” means the owner of a property or building, who applies for a permit or any person authorized by the owner to apply for a permit on the owner’s behalf;
- 2.1.4 “As constructed plans” means as constructed plans as defined in the Building Code;
- 2.1.5 “Building” means a building as defined in Section 1.(1) of the Act;
- 2.1.6 “Building code” means the regulations made under Section 34 of the Act, also known as the Ontario Building Code;
- 2.1.7 “Chief building official” means the Chief Building Official appointed by by-law of The Township of Lucan Biddulph for the purposes of enforcement of the Act;
- 2.1.9 “Engineer” means a professional engineer as defined in the Building Code;
- 2.1.10 “farm building” means a farm building as defined in the Building Code;
- 2.1.11 “Inspector” shall mean a Building Inspector or Deputy Chief Building Official appointed by by-law of The Township of Lucan Biddulph *for the purposes of enforcement of the Act;
- 2.1.12 “Municipality” shall mean the Township of Lucan Biddulph;
- 2.1.13 “Permit” means written permission or authorization from the Chief Building Official to perform work regulated by the by-law and the Building Code Act;

2.1.14 “prescribed forms” means forms prescribed and made available by the Ministry of Municipal Affairs and Housing. These forms include Building Permit Applications, Schedules One and Two and Order forms;

2.1.15 “sewage system” shall mean a sewage system as defined in the Building Code; and

2.1.16 “swimming pool” shall mean any structure, basin, chamber or tank capable of containing an artificial body of water with a depth greater than 60 centimetres (24 inches), and which is used for swimming, diving or recreational bathing;

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

3. Classes of Permits

The following classes of permits exist within the municipality;

3.1 Building Permit

This permit is generally used for all types of new construction governed by the Building Code, including (but not limited to) renovation, farm buildings and signs.

3.2 Demolition Permit

This permit governs both the type and method of demolition under the Building Code.

3.3 Swimming Pool Permit

This permit governs the installation/construction of swimming pools in order to confirm that pool location and fencing meet the by-laws of the Municipality. Swimming Pool Permits will be required for all pools with the exception of inflatable pools with a maximum depth capacity of 1.2 metres of water or less.

3.4 Conditional Permit (Section 8(3) of the Act)

This permit may be issued at the discretion of the Chief Building Official to authorize any stage of construction, even though all of the requirements under Subsection 8(2) of the Act have not been met.

3.5 Change of Use Permit (Section 10(1) of the Act)

This permit is used where a change in use resulting in an increase in hazard (as determined under the Building Code) will take place, even though no construction is proposed.

3.6 Sewage System Permit

This permit is used for all sewage system applications, including new systems and the repair of existing sewage systems.

4. Revision to Permit

After the issuance of a permit, 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 - any such change is not to be made without written authorization from the Chief Building Official.

5. Application for Permit

- 5.1 No person shall construct or demolish or cause to be constructed or demolished a building or swimming pool, within the municipality, unless a permit has been issued for the construction or demolition by the Chief Building Official.
- 5.2 To obtain a permit, the owner, or agent authorized in writing by the owner, shall file a complete application with the Chief Building Official. A complete application shall include the completion of the prescribed form, available from the Chief Building Official at the offices of the municipality, along with information outlined within Section six (6) of this by-law. The same prescribed form shall be used for all permit applications.

6. Building, Demolition, Swimming Pool, Conditional, Sewage System and Change of Use Permits

Every application for a permit shall be submitted using the prescribed form, and shall contain the following information for the application to be considered as a complete application:

- 6.1 Where an application is made for a building permit under Subsection 8(1) of the Act, the application shall:
 - 6.1.1 identify and describe in detail the work and occupancy to be covered by the permit for which application is made;
 - 6.1.2 describe the land on which the work is to be done, by a description that will readily identify and locate the building lot;
 - 6.1.3 include complete plans and specifications as described in Section Nine and Ten of this by-law for the work to be covered by the permit, and show the occupancy of all parts of the building;
 - 6.1.4 state the valuation of the proposed work including materials and labour;
 - 6.1.5 state the names, addresses and telephone numbers of the owner, architect or engineer, where applicable, or other designer or constructor;
 - 6.1.6 be accompanied 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 as described in the regulations where required under the Act or Building Code;
 - 6.1.7 be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application;
 - 6.1.8 be accompanied by a completed Schedule One prescribed form; and
 - 6.1.9 be accompanied by a Energy Efficiency Design Summary form as provided in Schedule C to this by-law.
- 6.2 Where an application is made for a demolition permit under Subsection 8 (1) of the Act, the application shall:
 - 6.2.1 contain the information required by Section 6.1.1 to 6.1.8 above;
 - 6.2.2 be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, gas, electric, telephone or other utilities and services;
 - 6.2.3 be accompanied by evidence that the demolition will be overseen by qualified individuals when such is required by the Building Code, and
 - 6.2.4 describe method of demolition, including the methods of discarding waste material and location of where waste material is to be taken.

- 6.3 Where an application is made for a swimming pool permit, the application shall:
- 6.3.1 contain the information required by Section 6.1.1 to 6.1.8 above;
- 6.3.2 contain a site plan of the property indicating:
- proposed swimming pool and any concrete decking locations;
 - the location of any related pool equipment;
 - the grading on the property to ensure that there will be no negative grading impacts on the subject or neighbouring properties; and
 - that the fencing of the pool area will comply with the municipality's pool fencing requirements.
- 6.3.3 Swimming Pool Permits will not be required for inflatable pools with a maximum depth capacity of 1.2 metres of water or less.
- 6.4 Where an application is made for a conditional permit under Subsection 8(3) of the Act, the application shall:
- 6.4.1 contain the information required by 6.1.1 to 6.1.8 above;
- 6.4.2 contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require;
- 6.4.3 state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit were not granted;
- 6.4.4 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
- 6.4.5 state the time in which plans and specifications of the complete building will be filed with the Chief Building Official.
- 6.5 Where an application is made for a conditional permit under 8(3) of the Act, the owner shall enter into a written agreement with the municipality prior to the issuance of the permit.
- 6.6 Where an application is made for a sewage system permit under Subsection 8(1) of the Act, the application shall:
- 6.6.1 contain information required by 6.1.1 to 6.1.8 above,
- 6.6.2 include the name, address, telephone number and B.C.I.N. number of the person installing and designing the sewage system;
- 6.6.3 contain a site evaluation, as described in the Building Code and a sewage system design, to be prepared by a qualified geotechnical consultant. At the discretion of the Chief Building Official, this evaluation may be conducted by the homeowner or licenced sewage system contractor;
- 6.6.4 be accompanied by a completed Schedule Two prescribed form;
- 6.7 Where an application is made for a change of use permit under Subsection 10 (1) of the Act, the application shall:
- 6.7.1 contain information required by 6.1.1 to 6.1.8 above,
- 6.7.2 identify and describe in detail the current and proposed occupancies, of the building or part of a building for which the application is made, 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, sewage system impacts (if applicable)

7. Occupancy Permit

Where the requirements of the Building Code with respect to occupancy have been met, an occupancy permit shall be issued by the Chief Building Official or a person designated by the Chief Building Official for all dwelling units applied for after December 31, 2011.

7.1 No person shall occupy, or permit the occupancy of a dwelling or parts thereof until an occupancy permit, authorizing the occupancy of the said dwelling, has been issued.

8. Equivalentents

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:

- 8.1 a description of the proposed material, system or building design for which authorization under Section 9 is requested;
- 8.2 any applicable provisions of the Building Code; and
- 8.3 evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.

9. 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.

Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete sets of the plans and specifications required under this by-law.

Plans shall be drawn to scale on paper, shall be legible and, without limiting the generality of the foregoing, shall include:

1. Site plan, as outlined in Section Ten of this By-law
2. Floor Plans, for each level, whether finished or unfinished, to include the % of windows on each exterior wall
3. Foundation Plans
4. Framing Plans
5. Roof Plans, including truss drawings stamped by an engineer and layout drawings signed by the building's designer as being reviewed
6. Reflected Ceiling Plans
7. Sections and Details
8. Building Elevations
9. Electrical Drawings
10. Heating, Ventilation and Air Conditioning, including heat loss calculations
11. Plumbing Drawings
12. Sewage System Drawings stamped by an engineer

The Chief Building Official may specify that not all the above mentioned plans are required or that other more specific plans be required to accompany an application for a permit.

10. The Site Plan

Site plans may be requested to reference 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 may be required to be submitted to the Chief Building Official.

Site Plans shall show:

- 10.1 lot size and the dimensions of the proposed building/swimming pool including setbacks to property lines and any other existing or proposed buildings;
- 10.2 existing and finished ground levels or grades, and if required by the Chief Building Official, a foundation and/or lot grading plan prepared by a Professional Engineer or Ontario Land Surveyor and certified by a Professional Engineer, or Ontario Land Surveyor.
- 10.3 existing rights-of- way, easements and municipal services.

11. Site Plan Certification

1. The Chief Building Official may request that a professional engineer or an Ontario Land Surveyor, at the footing and/or foundation stages of construction of a structure, certify that the elevations of the building are in general conformity with the Building Code and the approved grading plan.
2. The Chief Building Official may request that a professional engineer or Ontario Land Surveyor, at completion of construction, certify that the final Building and ground elevations are in general conformity with the approved plan.

12. Payment of Fees

- 12.1 Fees for a permit shall be as set out in the municipality's current Fee By-law and are to be paid in full prior to the issuance of a permit. The collection, reporting, changing and administration of fees shall be in accordance with the Act
- 12.2 Where fees payable in respect of an application for a permit are based on a floor area, floor area shall mean the total finished floor space of all stories subject application.
- 12.3 Where fees payable in respect of an application for a permit are based on a floor area for an unfinished building, such as a garage or drive shed, floor area shall mean the total area of the subject building.

13. 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.

14. Notice Requirements for Inspections

The owner or an authorized agent shall notify the Chief Building Official at least two business day(s) prior to each stage of construction for which notice in advance is required under the Building Code and Schedule "A" of this by-law.

15. As Constructed Plans

The Chief Building Official may require that a set of as constructed plans for any class of building be filed with the Chief Building Official upon completion of construction.

16. Fencing

If so directed by the Chief Building Official the following are provisions concerning fences to be erected and maintained during construction authorized by a permit:

- 16.1 The person to whom a 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 by-law.
- 16.2 Where there is fencing on or adjoining a construction site prior to the application for a building permit in respect of that site, such fencing may be deemed to be in compliance with this by-law provided it is extended along the entire perimeter of the construction site as determined by the Chief Building Official and the extended fencing is erected in accordance with this by-law.
- 16.3 The height of every fence required by section 16 of this by-law shall be a minimum of 4 feet (1.2 Metres) and a maximum of 6 feet (1.8 metres) in height, to be measured from the highest adjacent grade.
- 16.4 The materials used in construction of fence(s) required under section 16 of this by-law shall be of sound and durable material able to withstand up to 250 pounds applied vertically at any point, and fastened/supported appropriately.

17 Transfer of Permits

Permits are transferable only upon the new owner completing a permit application to the requirements of Section 5 of this by-law and in accordance with the Act.

18 Order by Inspector or Chief Building Official

Orders may be issued under the authority of the Act and this by-law by an Inspector or Chief Building Official in order to ensure compliance with the Act, Building Code or this By-law.

- 18.1 No person shall remove an order posted by an Inspector or Chief Building Official.
- 18.2 No person shall fail to comply with a term of an order.
- 18.3 No person shall perform or permit any actions in the construction or demolition of a building in which a stop work order has been issued.

19 Penalty

Any person who contravenes any provision of this by-law is guilty of an offence and shall upon conviction be liable to a fine recoverable under the Provincial Offences Act in accordance with the Building Code Act, or as set out in Schedule E "Set Fines", to this by-law.

20 Ultravirus Sections or Parts

Should any section of this by-law including any part of section of the Schedules be declared by a court of competent jurisdiction to be ultravirus, the remaining parts shall nevertheless remain valid and binding and shall be read as if the offending section had been struck out.

21 The Repeal Clause

By-law Number 50-2005 enacted by the Township of Lucan Biddulph is hereby repealed and all by-laws or parts of by-laws inconsistent with this be and the same are hereby repealed.

22. Code of Conduct

The code of conduct and associated policies as required under section 7.1 of the Act are set out in schedule D of this by-law.

23 Effective Date

This by-law shall come into force and take effect on the day of the final passing thereof

READ a FIRST, SECOND AND THIRD TIME and FINALLY PASSED on this 19th day of March, 2012.

Mayor

Clerk

SCHEDULE "A"
TO BY-LAW NUMBER 12-2012

REQUIRED INSPECTION

The Chief Building Official shall be given two business days' notice for the following inspections:

1. Excavation
2. Footings – prior to pouring concrete
3. Sewage System - excavation
4. Water Service - Connection and Pressure Test before backfill
5. Storm – Private Drain Connection - Piping Material and test before backfill
6. Sanitary P.D.C. - Piping material and test before backfill
7. Foundation - drainage layer, dampproofing, drainage tiles, stone layer support- before backfill
8. Framing - inspection of walls, floors, roof, bracing, exterior cladding, etc. before work is covered by insulation, drywall, etc.
9. Plumbing - basework, upper/lower rough-ins, final tests
10. Insulation/Vapour Barrier/Air Barrier – Prior to covering
11. Heating and Ventilation – rough-in
12. Sewage System – completion of installation before backfill
13. Occupancy – Prior to occupancy of any part of a residential building
14. Final building – Upon substantial completion of building and prior to occupancy of any building
15. Final - Septic System – Prior to backfilling system and also prior to use of sewage system
16. Final – Pool – Upon Completion of Fencing and no later than seven days after pool has been filled
17. Solid Fuel Burning Appliances – including construction of flue, chimney and hearth
18. Other Inspections – Prior to any other inspections as may be noted on the building permit or required by the Building Code (such as, but not limited to fire separations and closures and fire protection systems)

SCHEDULE "B"
TO BY-LAW NUMBER 12-2012

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	90 – 100%
2. Application Filed. Plans reviewed and permit issued	60 – 70%, but not less than \$200.00
3. Additional deduction from number 2 above for each field inspection	10%
4. Permits with fees of \$200.00 or less	0%

SCHEDULE "C"
TO BY-LAW NUMBER 12-2012

FORMS

1. Energy Efficiency Design Summary
2. Occupancy Permit

3. SCHEDULE “D”

TO BY-LAW NUMBER 12-2012

CODE OF CONDUCT FOR BUILDING OFFICIALS

Preamble

The Code of Conduct applies to the Chief Building Official and Inspectors appointed under the Building Code Act in the exercise of a power or the performance of a duty under the Building Code Act of the Building Code.

Purpose

The purpose of the Code is to promote appropriate standards of behaviour and enforcement actions to ensure that building officials apply standards of honesty and integrity, and to prevent practices constituting an abuse of power, including unethical or illegal practices.

Standards of Conduct

Building Officials shall undertake:

1. To always act in the public interest, particularly with respect to the safety of buildings and structures.
2. Not to act where there may be or where there may reasonably appear to be a conflict between their duties to their employer, their profession, their peers, the public at large, and their personal interests.
3. To apply known relevant building by-laws, codes, and standards appropriately and without favour.
4. To perform their duties impartially and in accordance with the highest professional standards.
5. At all times to abide by the highest moral and ethical standards and to avoid any conduct which may bring Building Officials into disrepute.
6. To comply with the provisions of the Building Code Act, the Ontario Building Code, and other Acts or Laws which regulate or govern Building Officials or their functions.
7. Not to act beyond their personal level of competence or outside their area of expertise.
8. To maintain current accreditation to act as an Ontario Building Official.
9. To extend professional courtesy to all.

Breaches of the Code of Conduct

The Ontario Building Code Act provides that the performances of Building Officials will be measured against this Code of Conduct. The Municipal Administration will review allegations brought forward, in writing, that the Code of Conduct has been breached. Disciplinary action arising from violations of this Code of Conduct is the responsibility of the Municipality and will be based on the severity and frequency of the violations in accordance with relevant employment standards.

**Township of Lucan Biddulph
Part 1 Provincial Offences Act**

SCHEDULE "E"

TO BY-LAW NUMBER 12-2012: Building and Swimming Pools

SET FINES

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1.	Construct building without permit	Section 5.1	\$300.00
2.	Construct swimming pool without permit	Section 5.1	\$200.00
3.	Demolish building without permit	Section 5.1	\$200.00
4.	Occupy dwelling without occupancy permit	Section 7.1	\$300.00
5.	Removal of posted order	Section 18.1	\$300.00
6.	Failure to comply with an order	Section 18.2	\$300.00
7.	Failure to comply with a stop work order	Section 18.3	\$500.00

THE PENALTY PROVISION FOR THE OFFENCES CITED ABOVE IS SECTION 19 OF BY-LAW NUMBER 12-2012, A CERTIFIED COPY OF WHICH HAS BEEN FILED.