

**THE CORPORATION OF THE TOWNSHIP
OF PERTH EAST**

BY-LAW NUMBER 49- 2016

Being a by-law respecting Building, Demolition, Conditional, Change of Use and
Occupancy Permits, Inspections and Code of Conduct

And repeal By-law 61-2005

WHEREAS Subsection 7(1) of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended (the “**Act**”) authorizes Council to pass certain by-laws respecting Building, Demolition and Change of Use Permits and Inspections;

AND WHEREAS Subsection 3(2) of the Act requires Council to appoint a Chief Building Official and Inspectors for the enforcement of the Act;

AND WHEREAS Subsection 7.1(1) of the Act requires Council to establish and enforce a Code of Conduct for the Chief Building Official and Inspectors;

AND WHEREAS Subsection 8(3.1) of the Act provides that Council may delegate to the Chief Building Official the power to enter into agreements described in clause 8(3)(c) of the Act (conditional Permits) and may impose conditions or restrictions with respect to the delegation;

AND WHEREAS Subsection 35(1) of the Act provides that the Act and Building Code supersede all municipal by-laws respecting the construction or demolition of a buildings;

NOW THEREFORE, the Council of The Corporation of the Township of Perth East enacts as follows:

1. Short Title

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

2. Definitions

In this By-law:

“**Act**” means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

“**Applicable Law**” - means Applicable Law as defined in the *Building Code*;

“**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, as defined in Division C, Article 1.3.1.2. of the *Building Code*;

“**Architect**”- means an Architect as defined in Division A, Article 1.4.1.2. of the *Building Code*;

“**As Constructed Plans**” - means As Constructed Plans as defined in Division A, Article 1.4.1.2. of the *Building Code*.

“**Building**” - means a Building as defined in Subsection 1(1) of the Act;

“**Building Code**”- means the regulations made under Subsection 34(1) of the Act;

“**Change of Use**” - means a Change of Use as referenced in Subsection 10(1) of the Act;

“**Chief Building Official**” - means the Chief Building Official, or his or her designate, appointed by a by-law of the Township for the purpose of enforcing the Act;

“**Code of Conduct**” - shall have the same meaning ascribed thereto in Section 7.1 of the Act;

“**Construct**” - means Construct as defined in Subsection 1(1) of the Act and Construction shall have the same meaning;

“**Council**” - means the Council of The Corporation of the Township of Perth East;

“**Demolish**” - means Demolish as defined in Subsection 1(1) of the Act and Demolition shall have the same meaning;

“**Designated Structure**” - means structures designated for the purposes of clause (d) of the definition of Building in Subsection 1(1) of the Act;

“**Farm Building**” - means a Farm Building as defined in Division A, Article 1.4.1.2. of the *Building Code*;

“**Inspector**” - means an Inspector appointed by a by-law of the Township for the purpose of enforcing the Act;

“**Owner**” - means an Owner as referenced in Division C, Sentence 1.3.1.2.(3) of the *Building Code*;

“**Permit**” - means written permission 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 a part of it, as regulated by the Act;

“**Plumbing**” - means Plumbing as defined in Subsection 1(1) of the Act;

“**Professional Engineer**” - means a Professional Engineer as defined in Division A, Article 1.4.1.2. of the *Building Code*;

“**Sewage System**” - means a Sewage System as defined in Division A, Article 1.4.1.2. of the *Building Code*; and

“**Township**” - means The Corporation of the Township of Perth East.

Any word or term not defined in this by-law, which is defined in the Act or the *Building Code*, shall have the meaning ascribed to it in the Act or the *Building Code*. Any word or term not defined in this by-law, the Act or the *Building Code*, shall have the meaning commonly assigned to it in the context in which it is used.

3. Classes of Permits

The classes of Permits with respect to the Construction, Demolition, Change of Use and Occupancy of a Building, or part of it, include the following:

3.1. Building Permit

This Permit is required under Subsection 8(1) of the Act and may include Plumbing heating, ventilation and air conditioning systems, Sewage Systems, Farm Buildings and Designated Structures as set out in Div A, Sentence 1.3.1.1.(1) of the *Building Code*.

3.2. Demolition Permit

This Permit is required under Subsection 8(1) of the Act.

3.3. Conditional Permit

This Permit may be issued in the discretion of the Chief Building Official in accordance with Subsection 8(3) of the Act to authorize any stage of Construction, even though all of the requirements under Subsection 8(2) of the Act have not been met.

3.4. Change of Use Permit

This Permit is required under Subsection 10(1) of the Act when a change in use of a Building, or part of it, will result in an increase in hazard as determined under the *Building Code* even though no Construction is proposed.

3.5. Occupancy Permit

This Permit is required under Division C, Subsection 1.3.3. of the *Building Code* where all or part of a Building will be occupied.

4. **Administrative Procedures Related to Permits**

4.1. Revisions to Permits

After the issuance of a Permit under the Act, notice of any material change to a plan, specification, document or other information on the basis of which the Permit was issued, must be provided by the Applicant in writing to the Chief Building Official together with the details of such change. The change shall not be made without written authorization by the Chief Building Official as required under Subsection 8(12) of the Act.

4.2. Transfer of Permit Applications and Permits

Where the ownership of land changes after a Permit application has been submitted and fees paid or where a Permit has been issued, the Applicant for the Permit or the person to whom the Permit was issued, may submit a request to the Chief Building Official requesting a transfer of Permit application and fees or the Permit as identified in Subsection 7(1)(h) of the Act by submitting the following information:

- (a) the name and address of the person to whom the Permit application and fees or the Permit are to be transferred;
- (b) the name and address of any contractors that have changed from those listed on the Permit application or the Permit;
- (c) the name and address of Architect(s) and Professional Engineer(s) responsible for the design and field review of the Construction that have changed from those listed on the Permit application or the Permit; and,
- (d) name and address of the person who paid the Permit fees.

4.3. Revocation of Permits

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

5. **Requirements for Applications**

5.1. Building , Demolition, Conditional and Change of Use Permits

Where an application is made for a Building or Demolition Permit under Subsection 8 (1) of the Act, a Conditional Permit under Subsection 8(3) of the Act, or a Change of Use Permit under Subsection 10(1) of the Act, the application shall comply with Division C, Sentence 1.3.1.3.(5) of the *Building Code* and be complete with documents and other information as required in this by-law.

5.2. Prescribing Forms

The forms required for an application for a Permit, unless otherwise specified by the Chief Building Official, shall be those forms as set out in **Schedule "A"** of this by-law.

5.3. Plans and Specifications

Sufficient information shall be submitted with each application for 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 working drawings and information as set out in **Schedule "A"** of this by-law.

5.4. Alternative Solutions

Where a person proposed the use of an Alternative Solution as defined in Division A, Article 1.4.1.2. of the *Building Code*, the proposal shall:

- a) Include all documentation requirements as set out in Division C, Subsection 2.1.1. of the *Building Code*, and
- b) Be submitted on the application form as set out in **Schedule "A"** of this by-law.

5.5. Inactive Permit Applications

Where an application for Permit remains inactive for six (6) months after it is submitted, the application may be deemed by the Chief Building Official to have been abandoned and notice thereof shall be given to the Applicant. Once an application is deemed to be abandoned, it may be cancelled and a new application will be required for the proposed work.

6. **Payment of Fees**

- 6.1. Fees for a required Permit shall be as set out in the Township's Consolidated Fees By-Law, as amended from time to time, and are due and payable upon submission of an application for Permit.
- 6.2. Administration fees for an application for an Alternative Solution shall be as set out in the Township's Consolidated Fees By-Law, as amended from time to time, and are due and payable upon submission of the Alternative Solution.
- 6.3. The Chief Building Official shall determine fees not described or included in the Township's Consolidated Fees By-Law, as amended from time to time.
- 6.4. An administration fee, where the occupancy of a Building, or part of it, has occurred without an occupancy Permit being issued as required by Division C, Articles 1.3.3.1., 1.3.3.4., 1.3.3.5. of the *Building Code*, shall be as set out in the Township's Consolidated Fees By-Law, as amended from time to time, and is due and payable by the Permit Applicant upon issuance of the occupancy Permit. This administration fee is in addition to any other penalty under the Act, *Building Code* or this by-law, and is to compensate the Township for additional work incurred due to the unauthorized occupancy of the Building.
- 6.5. An administration fee, where more than one occupancy inspection is required for a Building, or part of it, shall be as set out in the Township's Consolidated Fees By-Law, as amended from time to time, and is due and payable upon issuance of each additional occupancy Permit. This administration fee is to compensate the Township for additional work incurred due to additional occupancy inspections.
- 6.6. An administration fee, where any person has commenced Construction or Demolition, or has caused the Change of Use of a Building prior to receiving a Permit, shall be as set out in Township's Consolidated Fees

By-Law, as amended from time to time, and is due and payable by the Permit Applicant prior to the issuance of the Permit. This administration fee is in addition to any other penalty under the Act, *Building Code* or this by-law and is to compensate the Township for the additional work incurred due to the premature commencement of the Construction or Demolition, or the Change of Use of the Building.

6.7. In order for a deposit to be refunded, the applicant must apply for the refund not later than one (1) year after the Building has been occupied.

7. Refund of Permit Fees

In the case of a withdrawal or abandonment of an application for a Permit 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 Owner or Applicant, if any, in accordance with the Township's Consolidated Fees By-Law.

8. As Constructed Plans

The Chief Building Official may require that a set of As Constructed Plans of a Building be filed with the Chief Building Official on completion of Construction under such conditions as may be prescribed in the *Building Code*.

9. Notice Requirement for Inspections

The Applicant or an authorized agent shall notify the Chief Building Official of the prescribed notices under Division C, Article 1.3.5.1. of the *Building Code* and the additional notices under Division C, Clause 1.3.5.2 of the Building Code, at least one business day prior to each stage of Construction.

10. Code of Conduct

The Code of Conduct for the Chief Building Official and Inspectors, as required under Subsection 7.1(1) of the Act, is set out in **Schedule "B"** of this by-law

11. Severability

Where a court of competent jurisdiction declares any section or part of a section of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that the remained or this by-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

12. Repeal and Replacement of Previous By-laws

By-law No. 61-2005 and all its amending by-laws are hereby repealed and replaced by this by-law as of the date its passage by Council of the Township of Perth East.

READ A FIRST AND SECOND TIME THIS 9th DAY OF AUGUST, 2016.

READ A THIRD TIME AND PASSED 9th DAY OF AUGUST, 2016.

Theresa Campbell, Municipal Clerk

Bob McMillan, Mayor

SCHEDULE "A"

By-Law Number 49-2016

Required Information for Permit Applications

The following are lists of plans, working drawings, information and forms that may be required to accompany applications for Permits according to the scope of work:

1. Plans and Working Drawings

a) Site Plans <ul style="list-style-type: none">• Plan of Building(s) including proximity to property lines• Includes north arrow• Includes drainage plans where applicable
b) Roof Truss Layout Plans <ul style="list-style-type: none">• Indicates location of trusses and spacing• Indicates location of girder trusses• Indicates spans of trusses
c) Sections and Details <ul style="list-style-type: none">• Includes connection details
d) Building Elevations <ul style="list-style-type: none">• For each wall
e) Structural Drawings <ul style="list-style-type: none">• Overall structural design loads
f) Mechanical Drawings <ul style="list-style-type: none">• Layouts and sizing for drainage, venting, water piping and ductwork.
g) Building Code Matrix <ul style="list-style-type: none">• Indicating major <i>Building Code</i> compliance criteria.
h) Alternative Solution <ul style="list-style-type: none">• On approved alternative solution submission form.• Identifies all areas of performance and levels achieved by the alternative and acceptable solutions.
i) Floor Plans <ul style="list-style-type: none">• Layout drawing of all floors with rooms names and uses specified• Includes structural details of beams, walls and floor systems• Includes location of windows, doors• Includes enough information to determine <i>Building Code</i> compliance• Foundation plan includes size of foundation, and footings• Renovations should indicate the existing and new parts of the Building including areas to be renovated or demolished.

j) Roof Plan	<ul style="list-style-type: none"> • Provides size and shape of roof structure. • Indicates ventilation requirements • Size and span of roof framing members
k) Septic System Layouts	<ul style="list-style-type: none"> • Site plan to scale indicating all Buildings, wells and structures. • Calculations on type of Building and type of sewage system proposed. • Cross section of system.
l) Architectural Drawings	
m) Electrical Drawings	<ul style="list-style-type: none"> • SB-10 load lighting calculations
n) Fire System Drawings	<ul style="list-style-type: none"> • Sprinkler and standpipe and hose drawings.
o) Travel Distance and Exit capacity drawings	<ul style="list-style-type: none"> • Indicates travel distances to exits

Two sets of drawings shall be submitted on paper or other durable material. One full-sized set of drawings to a legible, recognized scale (minimum 3/16" = 1') and one 11"x17" reduced scale set of drawings are required. Two sets of 11"x17" drawings may be submitted if to a legible, recognized scale (minimum 3/16" = 1'). Electronic drawings may be submitted, or may be required to be submitted, at the discretion of the Chief Building Official.

If applicable, drawings must be sealed by an Architect and/or Professional Engineer and/or stamped by a qualified/registered designer.

All drawings shall be fully dimensioned, noting all sizes and types of construction materials to be used and their respective locations, all finishes to all walls, ceilings and floors and all existing and proposed fire separations. Alterations, renovations and additions must differentiate between the existing Building and new Construction being proposed. Site plans must include a north arrow, lot lines and existing easements.

2. Information

- a. Spatial separation calculations
- b. Fire protection reports
- c. Building Code related reports

3. Forms

- a. Application for an Alternative Solution
- b. Commitment To General Reviews By Architects and Engineers
- c. Energy Efficiency Forms (s), i.e. (SB-10 and SB-12)
- d. Mechanical Ventilation Summary Form
- e. MDS I & II information form.

SCHEDULE "B"

By-Law Number 49-2016

Code of Conduct for the Chief Building Official and Inspectors

1. Purpose

- a) To promote appropriate standards of behavior and enforcement actions by all Building Department staff in the exercise of a power or the performance of a duty.
- b) To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by all Building Department staff in the exercise of a power or the performance of duty.
- c) To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of duty by all Building Department staff.

2. Scope

This policy applies to all Building Department staff.

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

3. Contents

Conduct

- a) Always act in the public interest.
- b) Apply all relevant laws, codes and standards in an impartial, consistent, fair and professional manner, independent of any external influence and without regard to any personal interests.
- c) Maintain required legislated qualifications, discharging all duties in accordance with recognized areas of competency.
- d) Extend professional courtesy to all.
- e) Ensure interactions are in keeping with the Township's Corporate Values and associated behaviours.

4. Breaches of the Code of Conduct

Lodging a Complaint

A complaint must be in writing and must be signed by the person making the complaint. The complaint may be a letter, e-mail, or facsimile.

Withdrawal of Complaint

A Complainant may withdraw his/her complaint at any time; although the Township may continue to investigate the complaint if deemed appropriate to do so.

Confidentiality

The entire investigation process will be handled in as confidential a manner as possible by all parties involved. All records are subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* (“**MFIPPA**”) and may be subject to disclosure under MFIPPA or by a court of law.

Review of Allegations

The Chief Building Official will review any allegations of breaches of this Code of Conduct made against a Building Department staff member. Where the allegations are against the Chief Building Official, the Chief Administrative Officer of the Township will review allegations.

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

The Chief Building Official or Chief Administrative Officer of the Township will provide written response to the complainant within 30 calendar days of receipt of the written complaint.

Review of Decision

If, upon receipt of the results of the review, the complainant is not satisfied, he/she may forward his/her concerns to the Chief Administrative Officer of the Township.