

BY-LAW NUMBER 99 - 129

OF

THE CORPORATION OF THE TOWNSHIP OF RIDEAU LAKES

BEING A BY-LAW RESPECTING CONSTRUCTION, DEMOLITION AND CHANGE OF USE PERMITS AND INSPECTIONS

WHEREAS by Section 7 of the Building Code Act, Chapter 23, S.O. 1992, as amended, the Council of a Municipality may pass By-laws, and The Lieutenant Governor in Council may make regulations, applicable in the areas in which the Municipality or Ontario respectively have jurisdiction, for the enforcement of the said Act.

NOW THEREFORE the Council of The Corporation of the Township of Rideau Lakes enacts as follows:

1. **SECTION 1** TITLE

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

2. **SECTION 2** DEFINITIONS

For the purposes of this By-law definitions shall be as follows:

2.1 Act: means the Building Code Act, 1992, including amendments thereto.

2.2 As Constructed Plans: means construction plans and specifications that show the building and the location of the building on the property as the building has been constructed.

2.3 Building: means -

2.3.1 a structure occupying an area greater than ten 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,

2.3.2 a structure occupying an area of ten (10) square metres or less that contains plumbing, including the plumbing appurtenant thereto,

2.3.3 plumbing not located in a structure,

2.3.4 a sewage system,

2.3.5 structures designated in the building code.

2.4 Building Code: means the regulations made under Section 34 of the Act.

2.5 Chief Building Official: means the Chief Building Official appointed by a By-law of The Corporation of the Township of Rideau Lakes for the purpose of enforcement of the Act.

2.6 Corporation: means The Corporation of the Township of Rideau Lakes.

2.7 Farm Building: means a building or part thereof which does not contain a residential occupancy and which is associated with and located on lands 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.

2.8 Permit: means written permission or written authorization from the Chief Building Official to perform work regulated by this By-law and the Act.

2.9 Plumbing: means a drainage system, a venting system and a water system or parts thereof.

3. **SECTION 3 ENFORCEMENT**

3.1 This By-law shall be enforced by the Chief Building Official appointed by the Corporation with assistance provided by the By-law Enforcement Officer of the Municipality in carrying out the final steps of the enforcement process.

4. **SECTION 4 PERMITS**

4.1 A permit is required for all construction and demolition dealt with by the Ontario Building Code, including farm related buildings.

4.2 Classes of permits with respect to the construction, demolition and change of use of buildings are as set out in Schedule "A" to this By-law.

4.3 Permits for work other than that referred to in the By-law shall be obtained from the appropriate authority and without limiting the generality of the foregoing shall include street line encroachments, wiring, and street cuts.

4.4 For the purposes of this By-law, permits are categorized as follows:

4.4.1 Building: A permit required under Section 8(1) of the Act for all types of construction governed by the Building Code, including Renovation (Part 11) and Plumbing (Part 7).

- 4.4.2 Restricted: A restricted permit for a temporary building issued by the Chief Building Official authorizing, for a limited time only, the erection and existence of a building or part thereof.
- 4.4.3 Revision: A permit issued by the Chief Building Official to approve and authorize material change to an existing permit if the Chief Building Official approves the change.
- 4.4.4 Demolition: A permit required under Section 8(1) of the Act and which governs both the type and method of demolition under the Building Code.
- 4.4.5 Renewal: A permit issued to authorize the continuation of any work remaining uncompleted after one year from the date of issue of the initial permit.
- 4.4.6 Heating, Ventilation and Air Conditioning: A permit issued primarily for the construction of heating, ventilation and air conditioning.
- 4.4.7 Heat Pump - Ground Source or Water Source: A permit issued primarily for the installation of a heat pump system, whether ground or water sourced.
- 4.4.8 Septic: A permit issued to authorize the construction or installation of a private sewage treatment or disposal system.
- 4.4.9 Solid Fuel Burning: A permit issued primarily for the installation of solid fuel burning appliances.
- 4.4.10 Farm Building: A permit issued for the construction of a farm building.
- 4.4.11 Conditional: A permit issued, pursuant to the Act, at the discretion of the Chief Building Official.
- 4.4.12 Change of Use: A permit authorizing a change in use where such change will result in an increase in hazard even though no construction is proposed.

1. **SECTION 5 REQUIREMENTS**

- 5.1 Every applicant for a permit, or his agent authorized in writing, shall file an application in writing on one of the appropriate forms attached hereto which form shall be available at the office of the Chief Building Official.

5.2 Building, Demolition and Conditional Permits: Every application for a permit shall be submitted to the Chief Building Official, and shall contain the following information:

5.2.1 Where application is made for a **building permit** under Section 8(1) of the Act, the application shall:

- 5.2.1.1 identify and describe in detail the work to be performed pursuant to the permit for which the application is made and the resultant use of the property thereafter,
- 5.2.1.2 clearly identify and locate the land on which the work is to be performed,
- 5.2.1.3 include complete plans and specifications for the work to be performed pursuant to the permit and show the resultant use of all parts of the building,
- 5.2.1.4 state the estimated cost of the proposed work, show the method of calculation thereof, and include payment of the required fee as determined pursuant to this By-law and its Schedules,
- 5.2.1.5 state the name, address and telephone number of each owner, and, where applicable, of any architect, engineer, designer or constructor involved in the work for which a permit is sought,
- 5.2.1.6 be accompanied by written confirmation by each owner that the owner has retained an architect or professional engineer to carry out a field review of the construction where required by Section 2.3 of the Building Code,
- 5.2.1.7 be signed by each owner or the owner's authorized agent who shall certify to the truth of the contents of the application.

5.2.2 Where application is made for a **demolition permit** under Section 8(1) of the Act, the application shall:

- 5.2.2.1 contain the information required by clauses 5.2.1.1 - 7 above,
- 5.2.2.2 be accompanied by proof that arrangements have been made with the proper authorities for the disconnection of all services including electric, telephone, and other utilities, as required for safety or to protect the assets of the service provider,
- 5.2.2.3 be accompanied by the fee determined pursuant to this By-law and its Schedules.

5.2.3 Where application is made for a **septic permit**, the application shall:

- 5.2.3.1 identify and describe in detail the work to be performed pursuant to the permit for which the application is made and the resultant use of the property thereafter,
- 5.2.3.2 clearly identify and locate the land on which the work is to be performed,
- 5.2.3.3 include complete plans and specifications for the work to be performed pursuant to the permit and show the resultant use of all parts of the building,
- 5.2.3.4 state the estimated total cost of the proposed work and include payment of the required fee as determined pursuant to this By-law and its Schedules,
- 5.2.3.5 state the name, address and telephone number of each owner, and, where applicable, of any architect, engineer, designer or constructor involved in the work for which a permit is sought,
- 5.2.3.6 be signed by each owner or the owner's authorized agent who shall certify to the truth of the contents of the application.

5.2.4 Where application is made for a **conditional permit** under Section 8(3) of the Act, the application shall:

- 5.2.4.1 contain the information required by clauses 5.2.1.1 - 7 above,
- 5.2.4.2 contain such other information, plans and specifications concerning the entire project as the Chief Building Official may require,
- 5.2.4.3 confirm, to the satisfaction of the Chief Building Official, compliance with By-laws passed under Sections 34 and 38 of the Planning Act and with the applicable portions of the Building Code,
- 5.2.4.4 state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted,
- 5.2.4.5 state the necessary approvals which must be obtained in respect of the proposed building and the time at which such approvals will be obtained,
- 5.2.4.6 state the time in which plans and specifications of the complete building will be filed with the Chief Building Official,
- 5.2.4.7 be accompanied by the required fee, calculated as for a complete project, and as determined pursuant to this By-law and its Schedules.

5.2.5 Where compliance with all of the above requirements may create undue hardship, the Chief Building Official may authorize deletion of one or more of the requirements, provided the intent and purpose of the By-law is maintained.

5.3 Change of Use Permits: Every application for a **change of use permit** shall be submitted to the Chief Building Official, and shall:

- 5.3.1 clearly identify and locate the building in which the use is to be changed,
- 5.3.2 identify and describe in detail the current and proposed use of the building or part of a building for which the application is made,
- 5.3.3 include plans and specifications showing the current and proposed use of all parts of the building and sufficient information to establish compliance with the requirements of the Building Code, including: floor plans, details of wall, ceiling and roof assemblies identifying their fire resistance rating and load bearing capacities,
- 5.3.4 be accompanied by the required fee as determined pursuant to this By-law and its Schedules,
- 5.3.5 state the name, address and telephone number of each owner,
- 5.3.6 be signed by each owner, or each owner's authorized agent, who shall certify the truth of the contents of the application.

5.4 Equivalents: 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:

- 5.4.1 a description of the proposed material, system or building design for which authorization under Section 9 of the Act is requested,
- 5.4.2 a list of any applicable provisions of the Building Code,
- 5.4.3 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.

5.5 Lapse of an Application: Where an applicant for a permit has not fulfilled the requirements of the By-law so as to allow issuance of a permit within six months of the filing of the application therefor, the application shall be deemed to be abandoned and, unless the Chief Building Official is satisfied that the applicant is proceeding in good faith and in a continuous process to complete the application, no refund, or a refund of a portion of the application fee, calculated pursuant to Clause 5.6 hereof, shall be paid to the applicant.

- 5.6 Refund of application fee: Where the work authorized by an issued permit is not undertaken an applicant is not entitled to a refund of any flat fee, or minimum portion of a fee, paid for same but the Chief Building Official may in his sole discretion, if the application has entailed minimal work by the Chief Building Official or other municipal employee, direct that a refund of all, or part, of the fee be paid.

6. **SECTION 6 TRANSFER OF PERMIT**

- 6.1 Where a permit has been issued for work on land which subsequently changes ownership an application for transfer of the permit shall be submitted in writing to the Chief Building Official and shall:

- 6.1.1 include a written assumption of responsibility by each new owner,
- 6.1.2 include proof of engagement of a design professional where applicable,
- 6.1.3 be accompanied by the required fee, as determined pursuant to this By-law and its Schedules,
- 6.1.4 state the name, address and telephone number of each new owner, and
- 6.1.5 be signed by each new owner, or each new owner's agent, who shall certify the truth of the contents of the application.

- 6.2 The Chief Building Official may, if satisfied as to the propriety of the application, authorize the transfer of a permit.

7. **SECTION 7 ISSUE OF PERMIT FOR PART OF A BUILDING**

- 7.1 When a permit for a part of a building is sought prior to the issue of a permit for the whole project, the applicant shall:

- 7.1.1 file an application for a permit for the entire project and pay the fees for the whole project as determined pursuant to this By-law and its Schedules,
- 7.1.2 furnish plans and specifications acceptable to the Chief Building Official related to the portion of the work for which a partial approval and permit is requested,
- 7.1.3 sign an acknowledgement that the applicant is aware that, as each portion of the project will be treated as separate and distinct, the issue of any permit does not insure that any permit for any other part, or all, of the project will be issued.

- 7.2 The Chief Building Official may, if satisfied as to the propriety of the application, issue a permit for a portion of the project.

8. **SECTION 8 RESTRICTED PERMIT FOR TEMPORARY BUILDING**

- 8.1 A restricted permit for a temporary building may be issued by the Chief Building Official authorizing for such specified time as he may decide, the erection and existence of a building or part thereof.
- 8.2 A permit for a temporary building may be extended in writing by the Chief Building Official.

9. **SECTION 9 PLANS, SPECIFICATION, DOCUMENTS AND INFORMATION**

- 9.1 An application for a permit shall be accompanied by:
- 9.1.1 sufficient information to enable the Chief Building Official to determine whether or not the proposed work or use will conform with the Act, the Building Code and other applicable law,
 - 9.1.2 unless otherwise specified by the Chief Building Official, two complete sets of plans and other information described in Schedule "B" hereto for the type of work for which a permit is sought.
- 9.2 Plans which are legible, drawn to scale on paper, cloth, or other durable material and, unless otherwise specified by the Chief Building Official, which include the working drawings.

10. **SECTION 10 SITE PLANS**

- 10.1 Site Plans shall be referenced to an up-to-date survey of the lands upon which the work is to be performed 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.
- 10.2 Site Plans shall show on a uniform scale:
- 10.2.1 lot boundaries and dimensions, and the setbacks from the boundaries of any existing or proposed buildings, sewage disposal systems, wells, or other improvements to the lands,
 - 10.2.2 every existing building on the lands,
 - 10.2.3 existing rights-of-ways, easements and municipal services located upon the lands,
 - 10.2.4 existing and finished ground levels to one established datum on or adjacent to the lands.
- 10.3 The Chief Building Official shall determine the number of copies of the plans, specifications, documents and other information required to be furnished with the application.

- 10.4 In lieu of separate specifications, the Chief Building Official may permit essential information to be shown on the plans if he concludes it is sufficiently specific.

11. SECTION 11 FEES

- 11.1 Permit fees are as set forth in Schedule "A" hereto provided that, where work has been commenced prior to the issue of the appropriate permit pursuant to this By-law, the fee payable shall be subject to a surcharge of ONE HUNDRED percent (100%) of the fee otherwise payable.
- 11.2 Where Schedule "A" hereto directs that permit fees are to be calculated by multiplying the applicable rate for the permit sought, as specified in Schedule "A" hereto, by the building value, such building value shall be determined as follows:
- 11.2.1 the price which the applicant has agreed to pay a contractor or contractors for the work to be performed where the price agreed to be paid is the full and fair market price thereof and the parties are dealing at arms length, or
- 11.2.2 the cost of construction established pursuant to Schedule "C" hereto, or
- 11.2.3 if, in the sole opinion of the Chief Building Official, either of the foregoing methods of calculation results in a fee which is obviously unfair to this Corporation, or the applicant for the permit, the Chief Building Official may establish the cost of the proposed work for the purposes of establishing the permit fee. If disputed by the applicant, the applicant shall pay the required fee under protest and, within six months of completion of the project, submit an audited statement of the actual costs. If the audited costs are determined to be less than the cost estimated by the Chief Building Official, a refund of any excess permit fee shall be made to the applicant.
- 11.3 Where the fees payable are based on floor area, floor area shall mean:
- 11.4.1 the total space of all stories above grade,
- 11.4.2 the total floor space of all stories for an underground home measured between the exterior walls of the building,
- 11.4 Where application is made for revision to a permit, and the Chief Building Official determines that the work involved in plan processing and enforcement is minor, such revision shall be processed without charge.

12. SECTION 12 INSPECTIONS

- 12.1 The owner or an authorized agent shall notify the Chief Building Official at least forty-eight (48) hours prior to each stage of construction for which notice in advance is required by the Building Code.

13. **SECTION 13 SITE DOCUMENTS**

13.1 The person to whom a permit is issued shall have the permit, or a copy thereof, continuously throughout the work, posted in a conspicuous place on the property in respect of which the permit was issued.

13.2 The person in charge of the work shall keep and maintain on-site:

13.2.1 at least one (1) copy of drawings and specifications certified by the Chief Building Official to be a copy of those submitted with the application for the permit together with details of changes authorized by the Chief Building Official, and

13.2.2 any authorizations or facsimiles thereof received from the Building Materials Evaluation Commission showing specified terms and conditions.

14. **SECTION 14 CONSTRUCTED PLANS**

14.1 The Chief Building Official may require that a set of plans of a building or a 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.

15. **SECTION 15 PENALTIES**

15.1 No person shall file a false or misleading application or false or misleading support material.

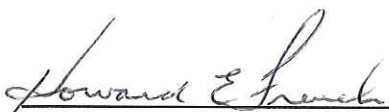
15.2 Any person who contravenes any provisions of this By-law is guilty of an offense as provided for in Section 36 of the Building Code Act, as amended.

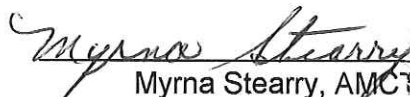
Any other By-laws, Schedules to By-laws, Resolutions, Motions or actions of Council that are inconsistent with the provisions of this By-law be and they are hereby repealed and rescinded.

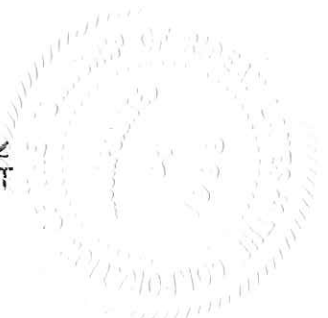
Read a first time this 6TH day of DEC., 1999.

Read a second time this 6th day of DECEMBER, 1999.

Read a third time, and finally passed, this 6th day of DECEMBER, 1999.


Howard French
Reeve


Myrna Stearry, AMCT
Clerk/Coordinator



SCHEDULE "B"

**TO BY-LAW NUMBER 99-129
RESPECTING**

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

- 1) The Site Plan
- 2) Floor Plans
- 3) Foundation Plans
- 4) Framing Plans
- 5) Roof Plans (truss certificate)
- 6) Reflected Ceiling Plans
- 7) Sections and Details
- 8) Building Elevations
- 9) Electrical Drawings
- 10) Heating, Ventilation's and Air Conditioning Drawings
- 11) Plumbing Drawings

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