

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER^{42/05}.....

‘THE BUILDING BY-LAW’ being a by-law to provide for the issuing of Building and Plumbing permits in the Township of Puslinch and to prescribe a tariff of fees and repeals By-law 7/02.

Section 1 EFFECTIVE DATE

1.1 This by-law shall come into force and effect upon the passing thereof.

Section 2 GENERAL PROVISIONS

2.1 This by-law may be cited as “The Building By-law for the Township of Puslinch”.

2.2 By-law Number 7/02 is hereby repealed.

WHEREAS Section 7 of the Building code Act, 1992, S.O. 1992, Chapter 23 as amended, empowers Council to pass certain by-laws respecting construction, demolition, change of use transfer of permits, inspections and the setting and refunding of fees;

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

Section 3 SHORT TITLE

3.1 This by-law may be cited as “The Puslinch building By-law”.

Section 4 DEFINITIONS

4.1 In this by-law:

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

“applicant” means the owner of a building or property who applies for a permit, any person authorized by the owner to apply for a permit on the owner’s behalf, or any person or Corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or Corporation.

“architect” means the holder of a licence, certificate of practice or a temporary licence issued under the Architects Act as defined in the Building Code.

“Building Code” means the regulations made under section 34 of the Act.

“Chief Building Official” means the Chief Building Official appointed by by-law by the Corporation of the Township of Puslinch for the purposes of enforcement of the Act.

“construct” means construct as defined in subsection 1(1) of the Act.

“Corporation” means the Corporation of the Township of Puslinch.

“demolish” means demolish as defined in subsection 1(1) of the Act.

“designer” means an Architect, Engineer or designer qualified to carry out designs under the requirements of Bill 124.

“inspector” means the inspector appointed by by-law by the Corporation of the Township of Puslinch for the purposes of enforcement of the Act.

“owner” means the registered owner of the property and includes a lessee, mortgagee in possession, and the authorized agent in lawful control of the property.

“permit” means permission or authorization given in writing from the Chief Building Official to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the Act and Building Code.

“permit holder” means the owner to whom a permit has been issued or where a permit has been transferred, the new owner to whom the permit has been transferred.

“professional engineer” or “engineer” means a person who holds a licence or temporary licence under the Professional Engineers Act, as defined in the Building Code.

“Rates and Fees By-law” means the current, updated Rates and Fees By-law for the Township of Puslinch, at the time of permit issuance.

“Registered Code Agency” means a registered code agency as defined in subsection 1(1) of the Act.

“sewage system” means a sewage system as defined in subsection 1(1) of the Act.

“work” means construction or demolition of a building or part thereof, as the case may be.

4.2 Word – term – not defined – meaning

Any word or term not defined in this by-law, that is defined in the Act or Building Code shall have the meaning ascribed to it in the Act or the Building Code.

Section 5 CLASSES OF PERMITS:

5.1 Set out – Schedule “A”

The classes of permit set out in Schedule “A” of this By-law be hereby established.

Section 6 PERMITS

6.1 File Application – on forms – prescribed

To obtain a permit, the owner or an agent authorized in writing by the owner shall file an application in writing by completing a prescribed form available from the Chief Building Official or from the Building Code website www.obc.mah.gov.on.ca Application forms prescribed by the Corporation under clause 7(f) of the Act.

6.2 Information – submitted - to Chief Building Official

Every application for a permit shall be submitted to the Chief Building Official, and contain the following formation:

- (1) Where application is made for a construction permit under subsection 8(1) of the Act, the application shall:

- (a) use the provincial application for, "Application for a Permit to Construct or Demolish"; and
 - (b) include complete plans and specifications, documents and other information as required by Article 2.4.1.1B of the Building Code and as described in this by-law for the work to be covered by the permit, and
- (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 complete plans and specifications, documents and other information as required by the Building Code and as described in this by-law for the work to be covered by the permit; and
 - (c) include:
 - (i) proof satisfactory to the Chief Building Official, that arrangements have been made with the proper authorities for the cutting off of all services;
 - (ii) written confirmation of the Corporation's prescribed form that the site will be backfilled and graded with clean fill material to his or her satisfaction and that all private drain connections will be excavated and property sealed at the property line.
- (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 complete plans and specifications, documents and other information as required by 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) state the time in which plans and specifications of the complete building will be filed with the Chief Building Official.
- (4) Where application is made for a change of use permit issued under subsection 10(1) of the Act the application shall:
- (a) use the Provincial prescribed form;
 - (b) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
 - (c) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made;
 - (d) include complete 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, and any other drawings, documentation and other information required by the Chief Building Official to issue a Building Permit;
 - (e) be accompanied by the required fee;
 - (f) state the name, address and telephone number of the owner;
 - (g) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.
- (5) Where application is made for a sewage permit issued under subsection 8(1) of the Act, the application shall make application to the Township of Puslinch and
- (a) use the provincial application form, "Application for a Permit to Construct or Demolish";

- (b) include complete plans and specifications, documents and other information as required by the Building Code and as described in this by-law for the work to be covered by the permit;
 - (c) include a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official:
 - (i) include the date the evaluation was done;
 - (ii) include name, address, telephone number and signature of the person who prepared the evaluation; and
 - (iii) include a scaled map of the site showing:
 - the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal/utility corridors;
 - 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 of the Building Code;
 - the location of the proposed sewage system;
 - the location of any unsuitable, disturbed or compacted areas;
 - proposed access routes for system maintenance;
 - depth to bedrock;
 - depth to zones of soil saturation;
 - soil properties, including soil permeability; and
 - soil conditions, including the potential for flooding.
- (6) Where application is made for a transfer of permit because of a change of ownership of the land, as permitted under clause 7(h) of the Act, application shall:
- (a) make such request in writing;
 - (b) provide the names and addresses of the previous and new land owner;
 - (c) provide the date that the land ownership change took place;
 - (d) describe the permit that is being transferred;
 - (e) provide written confirmation from the original permit holder or owner that the permit is to be transferred;
 - (f) provide written confirmation from the Designers that use of their drawings for this permit is acceptable;
 - (g) provide new drawings where the drawings which formed the basis of the original permit issuance were prepared by the original owner and the owner is not a "Designer", construed to authorize construction beyond the plans for which approval was given nor that approval will necessarily be granted for the entire building or project.

5.3 Inactive Permit Application

Where an application for a permit remains incomplete or inactive for six months after it is made, the application may be deemed by the Chief Building Official to have been abandoned and notice thereof shall be given to the applicant, If an application is deemed to be abandoned, a new application must be filed for the proposed work.

Section 7 PLANS AND SPECIFICATIONS

- 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 work will conform with the Act, the regulations thereunder and any other applicable law.
- 7.2 Plans drawn to scale upon paper, cloth or other substantial material shall be clear and durable, and shall indicate the nature and extent of the work or proposed occupancy and shall include:
 - (a) site plans (residential – 2 copies; industrial/commercial – 3 copies);
 - (b) architectural drawings (same as (a) site plans);
 - (c) structural drawings (same as (a) site plans);
 - (d) mechanical and electrical drawings (same as (a) site plans);
 - (e) specifications and soil report is required (one copy of each).

7.3 The site plan referred to in Section 7.2 shall:

- (a) be referenced to an up-to-date survey and drawn to a scale of One (1) inch to Twenty (20) feet, or One (1) inch to Fifty (50) feet, or other suitable scale;
- (b) show the proposed location, use, height (number of storeys) and dimensions of any building existing and proposed, and its relationship to adjoining buildings;
- (c) indicate existing contours of the land and proposed new contours, if any changes in site are contemplated;
- (d) indicate that building and finished grade relate to existing elevations on the site plan and to the grade control plan where applicable;
- (e) show information relative to drainage, retaining walls or any other such physical additions necessary to the site plan.

7.4 The architectural drawings referred to in Section 7.2 shall:

- (a) be one-sixteenth (1/16) of an inch equal to one (1) foot for buildings referred to in Part 3 of the regulations or either one-eighth (1/8) or one-quarter (1/4) inch equal to the foot for smaller buildings as referred to in Part 9 of the regulations;
- (b) show each floor plan with exact dimensions, the layout of all proposed areas and their use, such as wall thicknesses, door and window openings, door schedules, elevator and stair details, firewalls, fire separations, shaft or duct openings exits and any other pertinent data relating to the floor so that a contractor would have all the information necessary to construct that area;
- (c) show sections and elevations, drawn to scale as in 9a) giving the outside configuration of the building as viewed from each and every side. One or more cross-sectional drawings showing floor to floor heights, wall and floor thickness, as well as the materials that would be cut by that section. The foundation and grade details will also be shown.
- (d) show any necessary details which are parts of the structure at a larger scale to prove that what is shown at a smaller scale can be constructed.

7.5 The structural drawings referred to in Section 7.2 shall:

- (a) show the structural elements required to frame and brace the structure both horizontally and vertically. Sections and details must be sufficient to enable construction and erection of the building, and enable these to be checked. All loads and conditions of loadings shall be noted on the drawings;
- (b) show all structural steel indicating the sizes and shapes in their proper location together with the type of steel used;
- (c) show any reinforced concrete work and indicate thickness of concrete, size and spacing and type of reinforcing steel; the strength of concrete and minimum thickness of concrete cover to steel reinforcement;
- (d) show all lintels with their location and size.

7.6 The electrical and mechanical drawing referred to in Section 7.2 shall:

- (a) for buildings defined in Part 9 of the regulations, show the provisions for the plumbing and heating systems as may be noted and shown on the architectural drawings;
- (b) for buildings defined Part 3 of the regulations, be a separate set of drawings for either electrical and mechanical or both, giving adequate information to enable this part of the work to be completely constructed in the field;
- (c) show the location of the fire protection equipment such as manual pull stations, exit lights, detectors, alarm bells, control panels, sprinklers, fire hose, dampers, cabinets and annunciators for each area where required.

7.7 In lieu of separate specifications, the Chief Building Official may where all of the essential information is clearly and neatly shown, permit such information be shown on the plans.

- 7.8 After issuance of the permit, and prior to any change in construction, application shall be made in writing to the Chief Building Official for any revisions of the permit.
- 7.9 A restricted permit for a temporary building may be issued by the Chief Building Official authorizing for a limited time only, the erection and existence of a building or part thereof.
- 7.10 A permit for a temporary building may be extended provided permission in writing is granted by the Chief Building Official.
- 7.11 When a foundation wall below land surface has been placed and before back-filling of the excavation has been carried out, the owner or his agent shall submit to the Chief Building Official a drawing prepared by an Ontario Land Surveyor showing the location of the foundation on the lands in relation to the lot lines.

8. FEES AND REFUNDS

- 8.1 Due – payable – upon application – Schedule “A”

The Chief Building Official shall determine the required fees for the work proposed calculated in accordance with Schedule “A” of this By-law and the applicant shall pay such fees.

- 8.2 Work without permits

Any person or Corporation who commences construction, demolition or changes the use of a building before submitting an application for a permit or before 14 calendar days have elapsed from the date on which an application for a permit has been accepted by the Municipality unless the permit has already been issued, shall in addition to any other penalty under this Act, Building Code, or in this by-law, pay an additional fee equal to 40% of the amount calculated as the regular permit fee but in no case shall the additional fee exceed \$10,000.00, in order to compensate the Corporation for the additional work incurred by such early start of work.

- 8.3 Refunds

In the case of withdrawal of an application, or the abandonment of all or a portion of the work, or refusal of a permit, 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” of this By-law. No refund shall be applied where the permit has been revoked, except where the permit was issued in error. Any request for a permit refund must be made by the applicant within twelve months of issuance of the permit. Refunds requested after this time will not be considered.

9. TRANSFER OF PERMITS

- 9.1 Application – completed – by new owner

A permit may be transferred if the new land owner completes the permit application form in accordance with the requirements of Part 3 of this By-law.

- 9.2 Fee – Schedule “A”

A fee shall be payable on an application for a transfer of permit as provided in Schedule “A” of this By-law.

- 9.3 New owner – permit holder – upon transfer

The new owner shall, upon a transfer of a permit, be the permit holder for the purpose of the Act and the Building Code.

10. REVOCAION OF PERMITS

10.1 Notice of Revocation

Prior to revoking a permit under subsection 8(10) of the Act, the Chief Building Official may serve a notice by personal service or registered mail at the last known address to the permit holder, and following a thirty (30) day period from the date of service the Chief Building Official may revoke the permit if grounds to revoke still exist, without any further notice.

10.2 Deferral of Revocation

A permit holder may within thirty (30) days from the date of service of a notice under this Part, request in writing the Chief Building Official to defer the revocation by stating reasons why the permit should not be revoked. The Chief Building Official having regard to any changes to the Act, Building Code or other applicable law may allow the deferral, in writing.

10.3 Fee for Deferral

A request for deferral shall be accompanied by the non-refundable fee therefore set out in Schedule "A" of this By-law.

11. NOTICE REQUIREMENTS FOR INSPECTIONS

11.1 Notice prior – each stage – to Chief Building Official

The permit holder shall notify the Chief Building Official or a Registered Code Agency where one is appointed, of each stage of construction for which a mandatory notice is required under the Building Code. In addition; the permit holder shall provide the notice of completion as prescribed by Section 11 of the Act, or where occupancy is required prior to completion, notice of inspection to ensure that the requirements of Section 11 of the Act and the Building Code are complied with.

11.2 Effective – when received – by Chief Building Official

A notice pursuant to this Part of the by-law is not effective until notice is actually received by the Chief Building Official or the Registered Code Agency and the permit holder receives a confirmation number issued by the Corporation or the Registered Code Agency.

11.3 Time Periods – Inspections

Upon receipt of proper notice, the inspector or a registered code agency, if one is appointed, shall undertake a site inspection of the building to which the notices relates in accordance with the time periods stated in the Building Code and Section 11 of the Act.

12. VALIDITY

12.1 Severability

In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this by-law.

13. CONTRAVENTION OF BY-LAW - OFFENCES

13.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a find as provide in Section 36 of the Building Code Act, 1992, S.O. 1992, c.23, as amended.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 6th DAY
OF July , 2005.

(S E A L)

SIGNED:



Brinda Saw

SCHEDULE 'A'

FEES

- 1.1 Fees for a required permit shall be in accordance with Schedule 'A' to this By-law.
- 1.2 All permits issued under the authority of this By-law shall be given free of charge for any township of Puslinch building or demolition project under the jurisdiction of Township of Puslinch council or of a local board of the Township of Puslinch which is not a local board of any other municipality. All other requirements of this By-law shall apply to any permit so issued.
- 1.3 Where the fees are based on the cost of valuation of the proposed work, such cost or valuation shall mean the total cost of all work regulated by the permit and without restricting the generality of the foregoing, shall include the cost of all material, labour, equipment, overhead and professional and related services.
- 1.4 The Chief Building Official may place a valuation on the cost of work and the permit applicant shall pay the prescribed fee before the issuance of the permit.
- 1.5 Class of Permits and Permit fees:

<u>CLASS OF PERMIT</u>	<u>PERMIT FEE</u>
(1) To construct a building: This includes erection, installation or extension or material alteration of a building, but does not include general maintenance repairs. It also includes installation of a building unit fabricated or moved from elsewhere. Farm buildings are specifically included.	The first thousand dollars of value of construction or part thereof: \$50.00 Each additional thousand dollars of value of construction or part thereof: \$10.00
(2) To demolish a building: For demolition or removal of a building.	Fee shall be: \$50.00
(3) To move a building: (a) Where the move does not involve crossing or travelling along a public road, no permit is required. However, if such building exceeds 500 square feet then a permit must be obtained from the Chief Official.	Fee shall be: \$100.00
(b) Where the move involves crossing or travelling along a public road.	Fee shall be: \$100.00 Plus a Performance Bond or other security satisfactory to the Township
(4) To occupy a building: The requirements under Section 7 of the Ontario Building Code Act, And Section 217 of the Regulations made under said act must be met. An occupancy permit will be required before any building for residential, commercial or industrial use is occupied in the Township	Fee shall be: \$25.00 Payable at time a permit is issued.
(5) To install, alter or extend a Sewage Disposal System	Fee shall be: \$450.00 Payable at time of application.

SCHEDULE 'B'REFUND OF PERMI FEES

- 1.1 The fees that may be refunded shall be a percentage of the fees payable under this By-law, as follows:
- (i) Eighty (80) per cent if administrative functions only have been performed;
 - (ii) Seventy (70) per cent if administrative and zoning functions only have been performed;
 - (iii) Forty-five (45) per cent if administrative, zoning and plan examination functions have been performed;
 - (iv) Thirty-five (35) per cent if the permit has been issued and no field inspections have been performed subsequent to permit issuance;
 - (v) Five (5) per cent shall additionally be deducted for each field inspection that has been performed after the permit has been issued.
- 1.2 Notwithstanding paragraph A above, no refund shall be made of an amount less than \$50.00.
- 1.3 No refund shall be made unless a written application therefore is made by the owner or his agent and unless the permit is returned for cancellation.
- 1.4 Notwithstanding paragraph A above, no refund shall be made where the Chief Building Official has revoked a permit under Section 8(10)(a)(b)(c)(d)(e) and/or (f) of The Building Code Act S.O. 1992, c. 23.

SCHEDULE 'C'CODE OF CONDUCT OF BUILDING OFFICIALSPurpose

The Code of Conduct applies to the Chief Building Official and Building Officials appointed under the Building Code Act. The purpose of this Code is to promote appropriate standards of behaviour, enforcement actions, honesty, and integrity among building officials and, to prevent practices which may constitute an abuse of power including unethical or illegal practices, by building officials, in the exercise of their power or the performance of their duty under the Act or the Ontario Building Code.

Standards of Conduct

1. Always act in the public interest, particularly with regard to the safety of building works 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 and the public at large and their personal interests.
3. Apply all relevant building laws, codes and standards appropriately and without favour.
4. Perform their inspections and plan certifying duties impartially and in accordance with the highest professional standards.
5. At all times, abide by the highest moral and ethical standards and avoiding any conduct, which could bring or tend to bring Building Officials into disrepute.
6. 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. Maintain accreditation as Building Officials by keeping their knowledge and understanding of best building practices, building laws and Codes current.
9. Extend professional courtesy to all.

BREACHES OF THE CODE OF CONDUCT

The Building Code Act provides that the performance of Building Officials will be measured against this Code of Conduct. The Chief Building Official will review any allegations of breaches of this Code of Conduct made against building officials. Where the allegations are against the Chief Building Official senior management 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.