



THE CORPORATION OF THE TOWN OF GODERICH

BY-LAW NO. 25 OF 2007

BEING A BY-LAW RESPECTING CONSTRUCTION, DEMOLITION, CHANGE OF USE AND INSPECTION AND TO REPEAL BY-LAW NO. 81 OF 1993

WHEREAS Section 7 of the Building Code Act, S.O. 1992, c.23, as amended by the Services Improvement Act, S.O. 1997, c.30, empowers municipal councils to pass by-laws respecting construction, demolition and change of use permits and inspections;

AND WHEREAS Section 8(3.1) of the Building Code Act, S.O. 1992, c. 23 provides that the council of each municipality may delegate to the Chief Building Official the power to enter into agreements described in clause 8(3)(c) of the Building Code Act, S.O. 1992, c. 23 and may impose conditions or restrictions with respect to the delegation;

AND WHEREAS Section 35 of the Building Code Act, S.O. 1992, C.23, as amended by the Services Improvement Act, S.O. 1997, c. 30, provides that that Act and the Building Code supersede all municipal by-laws respecting the construction or demolition of buildings;

AND WHEREAS Section 3(1) of the Building Code Act, S.O. 1992, C.23, as amended provides that the council of each municipality is responsible for the enforcement of this Act in the municipality;

AND WHEREAS Section 3(2) of the Building Code Act, S.O. 1992, C.23, as amended provides that the council of each municipality shall appoint a Chief Building Official and such inspectors as are necessary for the enforcement of this Act in the areas in which the municipality has jurisdiction;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF GODERICH ENACTS AS FOLLOWS:

1. CITATION AND DEFINITIONS

1.1 Short Title

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

1.2 Definitions

In this by-law,

- "**Act**" means the Building Code Act, S.O. 1992, C.23, as amended;
- "**As constructed plans**" means as constructed plans as defined in the Building Code, as amended;
- "**Architect**" means a holder of a license, a certificate of practice, or a temporary license under the Architect's Act as defined in the Building Code, as amended;
- "**Building**" means a building as defined in the Act;

- **“Building Code**, as amended” means regulations made under Section 34 of the Act;
- **“Chief Building Official”** means the Chief Building Official appointed by by-law of The Corporation of the Town Goderich for the purposes of enforcement of the Act;
- **“Complete”** means a building permit application in accordance with Article 2.4.1.1A. of the Building Code, as amended, submitted with all required approvals appended in order to comply with the building permit timelines as noted in Article 2.4.1.1B. of the Building Code, as amended;
- **“Corporation”** means The Corporation of the Town of Goderich;
- **“Demolish”** means demolish as defined in the Building Code, as amended;
- **“Final Occupancy”** means when all outstanding items on a Partial Occupancy including grading have been completed;
- **“Owner”** means the registered owner of the land and includes a lessee, mortgagee in possession and the person in charge of the property, acting as the authorized agent of the owner;
- **“Partial Occupancy”** means a permit issued to allow occupancy of a building prior to its completion in accordance with Article 2.4.3.1 of the Building Code, as amended;
- **“Permit”** means written permission or written authorization 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 part of a building or parts thereof or, in the case of an occupancy permit, to occupy a building or part of a building or parts thereof;
- **“Plumbing”** means plumbing as defined in Section 1(1) of the Act;
- **“Residential construction site”** means any construction site in respect of which a building permit has been issued for the construction of a new building consisting of a single dwelling unit where such excavation is within 2 m. of another occupied dwelling unit except where the site is within a registered plan of subdivision which subdivision is being developed for the first time;
- Other terms which may be used in the by-law and which are defined in the Building Code Act, 1992, including “change certificate”; “construct”; “demolish”; “director”; “final certificate”; “inspector”; “Minister”; “municipality”; “officer”; “planning board”; “plans review certificate”; “principal authority”; “registered code agency”; and “regulations”.

2. PERMITS

2.1 Classes of Permits (Ontario Building Code Act, Section 7(a))

Classes of permits required for any stage of construction, demolition, change of use, occupancy of a partially complete building, conditional permits and other classes as set forth in Schedule “C” appended to and forming part of this by-law.

2.2 Application for Permit (Ontario Building Code Act, Section 7(b))

2.2.1 To obtain a permit an applicant shall file a **“complete”** application in writing on forms regulated by the Province of Ontario and those required by the Chief Building Official.

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

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

- (i) use the provincial application form, "Application for a Permit to Construct or Demolish";
 - (ii) include plans, specifications, forms, documents and other information as may be required by Article 1.3.1.3 Division "C" Part 1 of the Building Code, as amended and as prescribed in this by-law for the work to be covered by the permit;
 - (iii) include the proposed or existing occupancy of all parts of the building; and
 - (iv) include the required fee as set out in Schedule "A".
- (b) Where application is made for a demolition permit under Subsection 8(1) of the Act, the application shall:
- (i) use the provincial application form, "Application for a Permit to Construct or Demolish";
 - (ii) include plans, specifications, forms, documents and other information as may be required by Article 1.3.1.3 Division "C" Part 1 of the Building Code, as amended and as described in this by-law for the work to be covered by the permit;
 - (iii) include the existing occupancy of all parts of the building;
 - (iv) 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
 - (v) include the required fee as set out in Schedule "A".
- (c) Where application is made for a conditional permit under Subsection 8(3) of the Act, the application shall:
- (i) use the provincial application form, "Application for a Permit to Construct or Demolish";
 - (ii) include plans, specifications, forms, documents and other information as may be required by Article 1.3.1.3 Division "C" Part 1 of the Building Code, as amended and as described in this by-law for the work to be covered by the permit;
 - (iii) include the proposed or existing occupancy of all parts of the building;
 - (iv) include the required fee as set out in Schedule "A".
 - (v) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
 - (vi) state the necessary approvals, which must be obtained in respect of the proposed building and the time in which such approvals will be obtained;
 - (vii) include an agreement in writing by the applicant and such other persons as the Chief Building Official determines with the Corporation dealing with the matters required pursuant to Section 8(3)(c) of the Building Code Act; and
 - (viii) state the time in which plans and specifications of the complete building will be filed with the Chief Building Official.
- (d) Where application is made for a Change of Use permit issued under Subsection 10(1) of the Act, the application shall be submitted to the Chief Building Official and shall:

- (i) use the provincial application form, "Application for a Permit to Construct or Demolish";
- (ii) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
- (iii) identify and describe, as required by the Chief Building Official, the current and proposed occupancies of the building or part of a building for which the application is made;
- (iv) include, as may be required by the Chief Building Official, plans and specifications which show the current and proposed occupancy of all parts of the building and which contain sufficient information to establish compliance with the requirements of the Building Code, as amended, including floor plans, details of walls, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities and details of the existing sewage system, if any;
- (v) include the required fee as set out in Schedule "A";
- (vi) state the name, address and telephone number of the owner; and
- (vii) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

2.3 Revision to Permit

After 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 a permit was issued, must be given in writing, to the Chief Building Official together with the details of such change, which is not to be made without his or her authorization.

2.4 Plans and Specifications (Ontario Building Code Act, Section 7(b))

2.4.1 Sufficient information shall be submitted with each application for a permit to enable the Chief Building Official to determine whether or not the proposed construction, demolition, change of use, etc. will conform with the Act, the Building Code, as amended and any other applicable law.

2.4.2 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.

2.4.3 Plans shall be drawn to scale on paper or other durable material, shall be legible and, without limiting the generality of the foregoing, shall include such working drawings as set out in Schedule "D" to this By-law unless otherwise specified by the Chief Building Official.

2.4.4 Site plans shall be referenced to an up-to-date survey as prepared by a licensed Land Surveyor in the Province of Ontario and, when required to demonstrate compliance with the Act, a copy of the survey shall be submitted to the Chief Building Official. Regulations pertaining to construction of Residential, Commercial, Industrial and Institutional buildings, are set out in Schedule "E" to this by-law. Site Plans shall show:

- (a) Lot size and the dimensions of property lines and setbacks to any existing or proposed buildings;
- (b) existing and finished ground levels or grades;
- (c) existing rights-of-way, easements, municipal services and fencing; and
- (d) proposed fire access routes and existing fire hydrant locations.

2.4.5 The granting of a permit, the review of the drawings and specifications or inspections made by the Chief Building Official or an inspector shall not in any way relieve the owner of a building from full responsibility for carrying out the work or having the work carried out in accordance with the requirements of this by-law, the

Act and the Building Code, as amended, including ensuring that the occupancy of the building, or any part thereof, is in accordance with the terms of this by-law and the Building Code, as amended.

2.4.6 The Chief Building Official may require that a set of plans of a building or any class of buildings as constructed be filed with the Chief Building Official on completion of the construction under such conditions as may be prescribed in the Ontario Building Code Act, Section 7(g), as amended.

2.4.7 The Chief Building Official may deem an application for a permit to have been abandoned and cancelled six months after the date of filing, unless such application is being seriously proceeded with.

2.5 Equivalents

The Chief Building Official may allow the use of materials, systems and building designs that are not authorized in the Building Code, as amended in accordance with Section 9 (1) of the Ontario Building Code Act.

3. **FEES (Ontario Building Code Act, Section 7(c))**

3.1 Fees for a required permit shall be as set out in Schedule "A" to this by-law and are due and payable upon submission of an application for permit.

3.2 Where application is made for a conditional permit, the conditional application fee shall be payable at application for permit and in addition to this fee prior to issuance of the conditional permit the applicable construction permit fee shall be paid for the complete project.

3.3 Where the fees payable in respect of an application issued under Subsections 8(1) or 8(3) of the Act are based on a floor area, floor area shall mean the total floor space of all storeys including storeys below the first storey (except the unfinished floor area below the first storey in single family dwellings) measured as the horizontal area between the exterior walls of the building.

3.4 With respect to an application for a change of use permit issued under Subsection 10(1) of the Act the change of use permit fee shall be utilized when no construction is proposed or required. When construction is proposed or required and will result in a change of use the appropriate construction permit fee shall be utilized.

3.4.5 The Chief Building Official shall determine permit fees not described or included in Schedule "A".

Where the fees payable in respect of an application for a construction or demolition permit issued under subsection 8 (1) of the Act or a conditional permit under subsection 8 (3) of the Act are based on the cost of valuation of the proposed work, the cost of valuation of the proposed work shall mean the total cost of all work regulated by the permit, including the cost of all material, labour, equipment, overhead and professional and related services. Provided that where application is made for a conditional permit, fees shall be paid for the complete project.

The Chief Building Official may place a valuation on the cost of the proposed work for the purposes of establishing the permit fee and where disputed by the applicant, the applicant shall pay the required fee under protest and within six months of completion of the project, shall submit an audited statement of the actual costs, and where the audited costs are determined to be less than the valuation, the Chief Building Official shall issue a refund.

3.5 Refund of Fees (Ontario Building Code Act, Section 7(d))

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.

4. **NOTICE REQUIREMENTS FOR INSPECTIONS (Ontario Building Code Act, Section 7(e))**

With respect to “additional notices” under 1.3.5.2 of the Building Code, as amended the owner or an authorized agent shall notify the Chief Building Official or an inspector at least two business days prior to the following stages of construction listed in clauses 1.3.5.2. (1) of the Building Code, as amended.

5. TRANSFER OF PERMIT (Ontario Building Code Act, Section 7(h))

Permits are non-transferable without written consent of the Chief Building Official and a Transfer of Permit being issued.

6. PRESCRIBED FORMS (Ontario Building Code Act, Section 7(f))

The forms prescribed for use shall be regulated by the Province of Ontario and the Chief Building Official. Refer to Schedule “G” of this by-law. Schedule “G” does not form part of this by-law but is included for administrative purposes.

7. CODE OF CONDUCT

The Code of Conduct applies to the Chief Building Official and inspectors under the Ontario Building Code Act, Subsection 7 (1), and the Code of Conduct for the Town of Goderich is attached hereto as Schedule “F” By-Law 56 OF 2005.

8. SEVERABILITY

If any section, subsection, clause, paragraph or provision of this by-law is found, by any Board of competent jurisdiction, to be invalid or beyond the powers of the Council to enact, such section, subsection clause, paragraph or provision shall be deemed to be severable from the remainder of this by-law, and all other sections or parts of this by-law shall be deemed to be separate and independent therefrom and are enacted as such.

9. PENALTY CLAUSE

Section 36 of the Building Code Act provides that a person is guilty of an offence under the Building Code Act if a person contravenes the Building Code Act, the regulations or this by-law.

10. REPEAL CLAUSE

By-law No. 81 of 1983 for The Corporation of the Town of Goderich is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 12th DAY OF MARCH, 2007

MAYOR

CLERK

**THE CORPORATION OF THE TOWN OF GODERICH
BY-LAW NO. 25 OF 2007
SCHEDULE "A"**

Refer to the Fee By-Law for the current fee schedule.

**THE CORPORATION OF THE TOWN OF GODERICH
BY-LAW NO. 25 OF 2007
SCHEDULE "B"**

REFUND OF PERMIT FEES

<p>1.</p> <p>The fees that may be refunded shall be a percentage of the fees payable under this by-law as follows:</p> <p>1.1 Eighty percent if administrative functions only have been performed; 1.2 Seventy percent if administrative and zoning functions only have been performed; 1.3 Forty-five percent if administrative, zoning and plan examination functions have been performed; 1.4 Thirty-five percent if the permit has been issued and no field inspections have been performed subsequent to permit issuance; 1.5 Five percent shall additionally be deducted for each field inspection that has been performed after the permit has been issued.</p>
<p>2.</p> <p>Notwithstanding the above, no refund shall be made of an amount less than \$150.00</p>
<p>3.</p> <p>No refund shall be made unless a written application therefor is made by the owner or his agent and unless the permit is returned for cancellation.</p>
<p>4.</p> <p>Notwithstanding the above, no refund shall be made where the Chief Building Official has revoked a permit under subsection 8.(10) of the Act.</p>

**THE CORPORATION OF THE TOWN OF GODERICH
BY-LAW NO. 25 OF 2007
SCHEDULE "C"
CLASSES OF PERMITS REFER TO SECTION 2.1 OF BY-LAW**

1. Building Permits (Building Code Act, Section 8(1)) may be issued for all types of construction governed by the Building Code, as amended and may include plumbing, farm buildings, change of use, sewage systems and heating, ventilating and air conditioning systems, moving a building, etc.
2. Partial Building Permit (Building Code Act, Section 8(1)) (Partial permits are appropriate where the construction authorized by the permit complies with the Act, Building Code, as amended and other applicable laws):

When, in order to expedite work, approval of a portion of the building or project is desired prior to the issuance of a permit for the complete building or project, application shall be made and fees paid for that portion of the building or project. Complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the Chief Building Official.

Where a permit is issued for part of a building or project, such permit shall not be 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

3. Conditional Permit may be issued by the Chief Building Official in accordance with Section 2.2.2(c) of this by-law.
4. Change of Use Permit may be issued where a change in use of a building or part of a building would result in an increase in hazard as determined under Section 1.3.1.4 (1) Division C Part 1, of the Building Code, as amended even though no construction is proposed.
5. Sewage System Permit is required for all Classes of Systems as defined in Section 8.1.2.1(1),(a),(b),(c),(d) and (e), Division B, of the Building Code, Classification of Systems in the regulations.
6. Sign Permit may be issued in respect of the structural requirements for signs as described in Section 3.15 Division B, Part 3 of the Building Code, as amended.
7. Special Building Permit may be issued for all types of construction governed by the Building Code, as amended and may include plumbing, farm buildings, sewage systems, signs, change of use and heating, ventilating and air conditioning systems at the discretion of the Chief Building Official where construction or change of use has commenced prior to the issuance of the permit.

**THE CORPORATION OF THE TOWN OF GODERICH
BY-LAW NO. 25 OF 2007
SCHEDULE "D"**

**LIST OF PLANS, SPECIFICATIONS, DOCUMENTS AND OTHER INFORMATION
TO ACCOMPANY APPLICATIONS FOR PERMITS
REFER TO SECTION 2.4.3 OF BY-LAW**

Plans

1. Ontario Land Surveyors Plans
2. Site Plan
3. Contour of Grade Plans
4. Drainage Plans
5. Foundation Plans
6. Architectural Plans
7. Structural Plans
8. Mechanical and Electrical Plans
9. Reinforced Concrete Plans
10. Chimney and Fireplace Plans
11. Renovation and Alteration
12. As Constructed Plans
13. Fire Alarms or Evacuation Plans (within buildings)
14. Fire Protection Plans – showing the type of fire assemblies, fire separations, fire compartments, and fire resistance ratings within buildings
15. Schematic Plans – showing the type, location and operation of all building fire emergency systems.
16. On-Site Sewage System Plans

Specifications

Specification on entrances to the property with necessary approvals in writing.

1. Specifications on sewer system and water supply whether Municipal or private, with necessary written approvals.
2. Specifications on the proposed occupancies.
3. Specifications on building materials or a method of construction, and may require to be submitted by a registered professional engineer.
4. Specifications on soils investigations.
5. Specifications on any other applicable law as set out in Section 8(2)(a) of the Building Code Act, as amended.

Documents

1. Trade Certificates and Certification of Qualification.

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

THE CORPORATION OF THE TOWN OF GODERICH
BY-LAW NO. 25 OF 2007
SCHEDULE "E"
SITE PLANS
(Refer to Section 2.4.4 of By-law)

<p>1) <u>GRADE AND SURVEY STAKES:</u> The owner shall provide and maintain throughout construction, grade and elevation stakes and all survey bars, defining the boundaries of the said building lot in clear view.</p>
<p>2) <u>SURFACE DRAWINGS:</u> The owner shall under no circumstances allow surface water to drain unnaturally on to abutting lands, and shall ensure that constant surface and underdrainage is properly maintained both during and after construction of said project. It shall be a condition of every building permit issued with respect to this project, that the owner shall agree that, during the course of construction, the top soil and all excavated material shall be stock piled in such a manner so as to allow natural drainage as existed prior to commencement of the project. It shall be a further condition that existing storm water drainage shall be maintained and if damaged, must be repaired immediately.</p>
<p>3) <u>BACKFILLING:</u> The owner shall complete backfilling and leveling with respect to utilities, the construction of the building, and the installation of a septic system as soon as possible following the excavation.</p>
<p>4) <u>GRADING PLAN:</u> Plans and/or profiles, known as a "Grading Plan", showing the existing and proposed final elevations of all the land within the proposed building lot and immediately adjacent, must accompany all applications for building permits for construction and are subject to approval.</p> <p>All final grading shall be in accordance with these plans and/or profiles unless prior written approval of the Town of Goderich is given. The owner, prior to seeding or sodding, must provide a Lot Grading Certificate prepared by an Ontario Land Surveyor or Engineer, certifying that the final grade of the lot conforms to the approved Grading Plan.</p>
<p>5) <u>CERTIFICATE OF FOUNDATION GRADE – NEW RESIDENTIAL SUBDIVISIONS:</u> No building construction shall proceed beyond completion of the foundation wall until the owner has filed with the Town, a "Surveyor's Real Property Report" prepared by an Ontario Land Surveyor showing the exact location of the structure to the property boundaries and the grade at top of foundation.</p>

**THE CORPORATION OF THE TOWN OF GODERICH
BY-LAW NO. 25 OF 2007
SCHEDULE "F"**

SCHEDULE "G"

FORMS

Form 1	Application for a Permit to Construct or Demolish
Form 2	Order to Comply
Form 3	Stop Work Order
Form 4	Order not to Cover or Enclose
Form 5	Order to Uncover
Form 6	Order Requiring Tests and Samples