

# MUNICIPALITY OF NORTH MIDDLESEX

## BY-LAW # 12 OF 2010

### **A By-Law under the Building Code Act 1997 respecting permits and related matters.**

WHEREAS Section 7 of the Building Code Act, 1997, as amended, authorizes a municipal Council to pass by-laws concerning the issuance of permits and related matters.

THEREFORE the Council of the Municipality of North Middlesex enacts as follows:

#### **1. SHORT TITLE**

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

#### **2. DEFINITIONS AND WORD USAGE**

In this by-law:

- (1)(A) "Act" means the Building Code Act, 1997, including amendments thereto.
  - (B) "Applicant" means the owner of a building or property who applies for a permit or 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 demolition of a building or buildings and anyone acting under the authority of such person or corporation.
  - (C) "As Constructed Plans" means as constructed, plans as defined in The Building Code.
  - (D) "Building" means a building as defined in Section 1(1) of The Act.
  - (E) "Building Code" means the regulation made under Section 34 of the Act.
  - (F) "Chief Building Official" means the Chief Building Official appointed by by-law of the Municipality for the purposes of enforcement of the Act.
  - (G) "Farm Building" means a farm building as defined in The Building Code.
  - (H) "Municipality" means the Municipality of North Middlesex
  - (I) "Owner" means the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property.
  - (J) "Permit" means permission or authorization given in writing by the Chief Building Official to perform work regulated by the Act and Building Code, or to occupy a building or part thereof.
  - (K) "Permit holder" means the person to whom the permit has been issued and who assumes the primary responsibility for complying with the Act and the Building Code.
- (2) Terms not defined in this By-Law shall have the meaning ascribed to them in the Act or the Building Code.

### **3. CLASSES OF PERMITS**

Classes of permits required for construction, demolition or change of use and permit fees are set forth in Schedule "A" appended to and forming part of this By-Law.

### **4. PERMITS**

- (1) To obtain a permit, an applicant shall file an application in writing on forms prescribed by and available from the Chief Building Official or municipal office, and shall supply any other information relating to the application as required by the Chief Building Official.
- (2) Every building permit application shall:
  - (a) identify and describe in detail the work, use and occupancy to be covered by the permit for which the application is made;
  - (b) identify and describe in detail the existing uses and the proposed use(s) for which the premises are intended;
  - (c) describe the land on which the work is to be done, by a description that will readily identify and locate the site on which the building or demolition is to occur;
  - (d) be accompanied by complete plans and specifications as described in this By-law for the work to be covered by the permit and show occupancy of all parts of the building;
  - (e) be accompanied by the required fees as calculated in accordance with Schedule "A";
  - (f) state the names, addresses and telephone numbers of the owner, applicant, architect, engineer or other designer, and the constructor or person hired to carry out the required work, as the case may be;
  - (g) when Section 2.3 of the Building Code applies, be accompanied by a signed acknowledgement of the owner on a form prescribed by the Chief Building Official that an architect or professional engineer, or both, have been retained to carry out the general review of the construction or demolition of the building;
  - (h) include, where applicable, the registration number of the builder or vendor as provided in the Ontario New Home Warranties Plan Act;
  - (i) state estimated valuation of the proposed work including material and labour and be accompanied by the required fee;
  - (j) be signed by the applicant who shall certify as to the truth of the contents of the application.
- (3) In addition to the requirements of subsection (2) above, every conditional construction permit application for part of a building shall:
  - (a) include an application for the entire project;
  - (b) include plans and specifications covering the part of the work for which more expeditious approval is desired, together with such information pertaining to the remainder of the work as may be required by the Chief Building Official.
- (4) In addition to the requirements of subsection (2) above, every conditional construction permit application for the construction of a building shall:

- (a) state the reason the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted; and
- (b) state necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained.

(5) In addition to the applicable requirements of subsection (2) above, every change of use permit application shall:

- (a) describe the building or part thereof in which the occupancy is to be changed; and
- (b) include 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 including, floor plans, details of wall, floor and roof assemblies identifying required fire resistance rating and load bearing capacities.

(6) Where an application for a permit or for authorization to make a material change to a plan, specification, document or other information on the basis of which a permit was issued, contains an equivalent material, system or building design for which authorization under Section 9 of the Act is requested, the following information shall be provided:

- (a) a description of the proposed material, system or building design for which authorization under Section 9 of the Act is requested;
- (b) any applicable provisions of the Building Code;
- (c) evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.

(7) In addition to the requirements of subsection (s) above, every demolition permit application shall:

- (a) when Section 2.3 of the Building Code applies, be accompanied by structural design characteristics of building and the method and time schedule of the demolition; and
- (b) be accompanied by satisfactory proof that arrangements have been made with the property authorities for the termination and capping of all water, sewer, gas, electric, telephone or other utilities and services.

(8) Chief Building Official shall not, by reason of the issuance of a permit or permits for a part or parts of the building issued under subsections (4) and (5) be under any obligation to grant any further permit or permits therefore.

(9) Where as 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 as per the appropriate section of the Building Code Act (Revocation of Permits).

## **5. PLANS AND SPECIFICATIONS**

(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 or change of use will conform with the Act, the Building Code and any other applicable law;

(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; one set of revised plans and specification shall be returned with the building permit and used as a "site copy", one set shall be retained on file by the Municipality.

(3) Plans shall be drawn to scale on paper, cloth 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 "B" to this By-law unless otherwise specified by the Chief Building Official;

(4) The Chief Building Official under the appropriate sections of the Building Code Act may, in conjunction with a person(s) possessing special or expert knowledge and at the expense of the property's owner and or builder/contractor, obtain a third party review of any blueprints, documents, construction site, or building located there on or any matter related there to.

(5) Unless otherwise permitted by the Chief Building Official, site plans shall be referenced to an up-to-date survey and, when required to demonstrate compliance with the Act, the Building Code or other applicable law, a copy of the survey shall be submitted to the Chief Building Official.

Site Plans shall show:

- (a) lot size and the dimensions of property lines and setbacks to any existing or proposed buildings;
- (b) existing and finish ground levels or grades, and
- (c) existing rights-of-way, easements and municipal services.

(6) The Chief Building Official may require a Certified Lot Grading Plan showing:

- (a) The proposed finished elevation of these lands at each corner of the lot or block;
- (b) The proposed finished elevation of these lands at the front and rear of the building;
- (c) The proposed and finished elevation of the underside of the footings and the proposed finished height of the foundation of the building;
- (d) The proposed finished elevation of any retaining walls, the proposed elevation of any walk-out onto these lands from the basement of the building and the proposed elevation of any basement window openings;
- (e) The proposed finished elevation and slope of any driveway and the proposed location of any swale or rear yard catch basin;
- (f) A Subdivider hereby agrees that the existing property line grades abutting developed lands are not to be altered or disturbed except as approved otherwise by the Municipality.

(7) The Chief Building Official shall require the submission of a "Foundation Survey" at foundation stage for all new dwelling units on a residential zoned property, which shall show, lot size and lines, and setbacks from all lot lines or all structures on site.

(8) No newly-constructed dwelling unit(s) shall be occupied or used unless there is filed with the Chief Building Official a completion notice re: readiness for occupancy as per the Ontario Building Code Section 2.4.3.

- (a) In the case of substantial completion on or between November 1 and May 31 there shall be filed, with the Chief Building Official by the following June 1<sup>st</sup>, an Owner's Final Grading Certificate bearing the signature and seal of a Professional Engineer or Ontario Land Surveyor that the actual finished elevation and grading of these lands generally confirm with the Certified Lot Grading Plan.

## **6.FEES**

- (a) Fees for a required permit shall be as set out in Schedule A to this By-law and are due and payable before issuance of a Building/Conditional/Change of use/Demolition permit;
- (b) Where the fees payable in respect of an application for a construction or demolition permit issued under the appropriate sections of the Building Code Act or a conditional permit under the appropriate sections of the Building Code Act are based on the cost of valuation of proposed work, such cost 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;
- (c) Where application is made for a conditional permit, fees shall be paid for the complete project;
- (d) Any person or corporation who commences construction or changes the use of a building before a building permit has been issued shall pay an additional fee equal to 100% of the amount calculated as regular permit fee, but in no case shall the additional fee exceed Two Thousand Dollars (\$2000.00).
- (e) The Chief Official may place a valuation on the cost of the proposed work for the purposes of establishing the permit fee as set out in Schedule "A" (attached to and forming part of this by-law), and where disputed by the applicant, the applicant shall pay the required fee under protest and upon 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 Official shall issue a refund;
- (f) 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 "C" appended to and forming part of this By-law.

## **7. NOTIFICATIONS**

- (1) Notices for inspections respecting stages of construction required by the Building Code shall be given by the permit holder to the Chief Building Official at least two (2) business days in advance of each stage of construction specified therein.
- (2) A notice pursuant to this section is not effective until written or oral notice is received by the Chief Building Official.

## **8. PRESCRIBED FORMS**

The forms prescribed for use as applications for permits, for orders and for inspection reports shall be as determined from time to time by the Chief Building Official or as set out in Schedule "D" appended to and forming part of this By-law.

**9. AS CONSTRUCTED PLANS**

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 construction under such conditions as may be prescribed in the Building Code.

**10. TRANSFER OF PERMITS**

A permit may, with written permission of the Chief Building Official, be transferred where the land for which the permit was issued changes ownership. The new owner shall assume full responsibility for the work authorized by the permit and shall comply with the Act, the Building Code and any other applicable law. The Chief Building Official may request information which he feels is appropriate to allow for the transfer of the permit.

**11. OFFENCES/PENALTIES**

Any person who is believed to be guilty of an offence and or contravention of the Building Code Act, Ontario Building Code, or this By-law may be charged with an offence in the prescribed method as laid out in the appropriate section(s) of the Building Code Act by way of the Provincial Offence Act, Part 111.

**12. SEVERABILITY**

Should any section, subsection, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

**13. POLICY**

Any property owner wishing to construct a “replacement” dwelling unit on a property on which a legally placed dwelling unit is located, under the context of applicable laws, may make application in written form, to the Chief Building Official for a permit to do so.

The Chief Building Official shall issue a building permit for a “replacement” dwelling unit under the condition of the following items having been met:

- A) All items in the foregoing building by-law having been addressed and or met.
- B) A Letter of Understanding and Agreement shall be undertaken, (here in known as “Schedule E” appended to and forming part of this by-law) between the applicant and the Municipality of North Middlesex.
- C) Said agreement shall allow the property owner to temporarily contravene existing municipal zoning bylaws in regards to number of dwelling units on site.
- D) Said letter shall accompany a Demolition Permit for the dwelling unit which is to be replaced.
- E) Said letter shall state a date for the vacancy and demolition of the existing dwelling which will be no later than (90) ninety days after the occupancy ability of the new replacement dwelling unit on said property.
- F) Said letter shall be signed by both parties, and entered on file as a binding agreement and condition of issuance of a building permit for a “replacement” dwelling unit.

**14. REPEAL**

That By-law # 59 of 2008 be hereby repealed upon final approval of this by-law.

READ A FIRST AND SECOND TIME THIS 18th DAY OF JANUARY, 2010

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Administrator-Clerk

READ A THIRD TIME AND FINALLY PASSED THIS            DAY OF  
FEBRUARY 2010

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Administrator

**SCHEDULE "A"**

**CLASSES OF PERMITS, VALUATION AND PERMIT FEES**

The valuation of a building shall be established by multiplying the total square footage of the building to be constructed times the cost per square foot detailed below. The permit fee shall be established by multiplying the total valuation of the construction times the permit fee shown below, plus an administration fee of \$50.00 per permit or the estimated construction value; whichever is the higher amount.

All structures/buildings over 10 m2 require a building permit. All structures, regardless of size, must meet existing zoning setbacks.

<u>Class of Permit</u>	<u>Cost Per Square Foot</u>	<u>Permit Fee</u>
Residence, 1 or 2 Story	\$140 per square foot	\$6.00 per \$1,000
Residence, split level	\$140 above ground, \$ 75 in ground	\$6.00 per \$1,000
Garage (slab)	\$20 per square foot	\$6.00 per \$1,000
Garage (foundation)	\$24 per square foot	\$6.00 per \$1,000
Shed (slab)	\$20 per square foot	\$6.00 per \$1,000
Shed (foundation)	\$24 per square foot	\$6.00 per \$1,000
Barn	\$22 per square foot	\$6.00 per \$1,000
Pole Barn	\$16 per square foot	\$6.00 per \$1,000
Silo (upright or bunker)	Contractors Quote	\$6.00 per \$1,000
Manure Pit	Contractors Quote	\$6.00 per \$1,000
Grain Bins	Contractors Quote	\$6.00 per \$1,000
Green Houses (glass type)	Contractors Quote	\$6.00 per \$1,000
Cold Frame (poly cover)	\$3 per square foot	\$6.00 per \$1,000
Public Pools	Contractors Quote	\$6.00 per \$1,000
Apartments	Contractors Quote	\$6.00 per \$1,000
Commercial Buildings	Contractors Quote	\$6.00 per \$1,000
Industrial Buildings	Contractors Quote	\$6.00 per \$1,000
Public/Institutional Buildings	Contractors Quote	\$6.00 per \$1,000
Shingles	No Valuation	\$No Fee
Renovations (Residential & Farm Buildings)	Estimated Value	\$6.00 per \$1,000
Renovations (all other classes)	Contractors Quote	\$6.00 per \$1,000
Plumbing, where no building Permit is required	Cost per fixture	\$6.00 per fixture
Signs	Contractors Quote	\$6.00 per \$1,000
Designed Structure	Contractors Quote	\$6.00 per \$1,000
Decks	Contractors Quote	\$6.00 per \$1,000
Additions	As per use	\$6.00 per \$1,000
Demolitions (all classes)	No Valuation	\$75.00 flat fee
Demolitions - Farm Livestock Barns	Except O.B.C. 2.4.1.1(A)	0
Inspection Fees for items not covered by permit fees Such as (woodstoves/fireplaces)		\$75.00
Swimming Pools (All Includes abutting decks and/or required enclosure fence)	Contractors Quote	\$6.00 per \$1,000
<b>Wind Turbine Structures</b>	<b>\$200.00 admin fee</b>	<b>\$7.00 per \$1,000</b>

SCHEDULE "B"

LIST OF PLANS OR WORKING DRAWINGS

- 1) The Site Plan
  - 2) Foundation Plans
  - 3) Floor Plans
  - 4) Framing Plans
  - 5) Roof Plans
  - 6) Sections and Details
  - 7) Building Elevations
- Heating, Ventilation and Plumbing Drawings

SCHEDULE "C"

REFUNDS

<u>STATUS OF PERMIT APPLICATION</u>	<u>PERCENTAGE OF FEE ELIGIBLE FOR REFUND</u>
1) Application filed. No processing or review of plans submitted.	80%
2) Application filed. Plans reviewed and permit issued.	50%
3) No refund shall be made of an permit fee amount less that \$50.00	NIL

**SCHEDULE "D"**

**FORMS**

<b>Form</b>	<b>Building Plumbing and Demolition Applications</b>
<b>Form</b>	<b>Building &amp; Plumbing Permit(s)</b>
<b>Form</b>	<b>Change of Use Permit</b>
<b>Form</b>	<b>Demolition Permit(s)</b>
<b>Form</b>	<b>Occupancy Permit(s)</b>
<b>Form</b>	<b>Orders (Various)</b>
<b>Form</b>	<b>Inspection Report</b>

**NOTE: Forms may be revised by the Chief Building Official as set out in Section 8 of this By-law.**

# SCHEDULE "E"

## LETTER OF UNDERSTANDING AND AGREEMENT

BETWEEN

MUNICIPALITY OF NORTH MIDDLESEX  
229 PARKHILL MAIN STREET  
P.O. BOX 9  
PARKHILL, ONTARIO NOM 2K0  
519-294-6244

AND

\_\_\_\_\_  
\_\_\_\_\_

LOT \_\_\_\_\_ PLAN/CONC. \_\_\_\_\_

ROLL # \_\_\_\_\_

Be it hereby understood and resolved that the above noted property owner is permitted to retain the existing dwelling unit on the above noted property, during and until such time of no longer than (90) ninety days after the occupancy ability of the replacement dwelling unit on said property, after which time the said unit shall be demolished.

BUILDING PERMIT #

DEMOLITION PERMIT #

OWNER:

DATE:

WITNESS:

DATE:

MUNICIPALITY OF NORTH MIDDLESEX CHIEF BUILDING OFFICIAL

DATE:

**NORTH MIDDLESEX BUILDING SYSTEM**  
229 Parkhill Main Street P.O. Box 9 Parkhill, Ontario N0M 2K0 294-6244

**APPLICATION INFORMATION**

In order to eliminate frustration and allow us to process your application as quickly as possible, please follow the following instructions on this form as they apply to your application when applying for a permit:

- 1) When filling out an application form:
  - a) fill in your name, contractor's name, draftsman's name, along with each complete address and telephone number.
  - b) answer all questions as completely as possible
  - c) indicate what type of permit you are requesting  
ex: new dwelling, addition, demolition, garage, deck, fence, pool or industrial building etc.
  - d) sign and date application form
  - e) complete a site plan, showing the location of your construction on the lot, indicate distance to all property lines plus any drains, septic systems and wells on your property
  - f) a lot grading plan where required must be prepared by a qualified person
- 2) Submit two sets of construction drawings. These **shall** include site plan, structure plan, floor plans, typical wall sections, elevation plans, electrical/mechanical plans, site plans shall include easements, right of ways and drains where applicable. One set will be returned to the applicant.
- 3) If building a new home be sure to include the contractors O.N.H.W. warranty number and builder's registration number.
- 4) Make sure you have proper approvals and permits  
ex: - zoning by-laws  
- Ontario Hydro or Middlesex Power  
- Ausable Bayfield Conservation Authority (flood & fill control)  
- road access, Ministry of Transportation of Ontario, County or Municipality
- 5) Other application forms you may be required to complete include: sewer connection, septic. Lot development charges may be required in some areas.
- 6) Any small changes or revisions of plans **shall** be made in ink on both sets of plans and initialed by the owner/applicant.
- 7) Where an architect or professional engineer has been retained, the design and field reviews shall be carried out by them, where required by the Building Code and reports submitted to the Chief Building Official.
- 8) Ministry of Labour approval – Building plans shall be stamped by them where applicable.
- 9) Damage to any municipal property i.e. sidewalks, boulevards, roads, etc. shall be repaired to municipal standards and policies at owner's expense.

Allow 10 working days for the building department to process your building permit.  
Site plan approval will require additional time.  
Call for inspections as listed on your building permit.  
List of different agencies you may have to contact are shown on the back of this form.  
No construction **shall** commence until a permit has been obtained from the Building Department.

Vic Stellingwerff Chief Building Official/Municipal Law Enforcement Official