

THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW

BY-LAW NUMBER 05-25

Being a By-Law Respecting Construction,
Demolition and Change of Use Permits and Inspection.

BY-LAW NUMBER 05-25
OF
THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW
BUILDING BY-LAW

<u>INDEX</u>	<u>PAGE #</u>
1. SHORT TITLE	1
2. DEFINITIONS	1
3. CLASSES OF PERMITS	1
4. REVISION TO PERMIT	1
5. REQUIREMENTS FOR APPLICATIONS	1
6. PAYMENT OF FEES	5
7. REFUNDS	6
8. NOTICE REQUIREMENTS FOR INSPECTIONS	6
9. PRESCRIBING FORMS	6
10. AS CONSTRUCTED PLANS	6
11. TRANSFER OF PERMITS	7
12. ATTACHED SCHEDULES	7
13. REPEAL OF PREVIOUS BY-LAW	7
14. EFFECTIVE DATE	7
15. SCHEDULE "A" DEFINITIONS	
16. SCHEDULE "B" CLASSES OF PERMITS AND PERMIT FEES	
17. SCHEDULE "C" PERMIT APPLICATION	
18. SCHEDULE "D" PLANS AND SPECIFICATIONS	
19. SCHEDULE "E" REFUND OF PERMIT FEES	
20. SCHEDULE "F" FORMS	

THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW

BY-LAW NUMBER 05-25

Being a By-Law respecting construction, demolition, and
Change of use permits and inspections.

WHEREAS Section 7 of The Building Code Act, 1992, S.O. 1992, Chapter 23, empowers Council to pass certain by-laws respecting construction, demolition and change of use permits and inspections.

NOW Therefore, the corporation of the Township of Clearview enacts as follows:

SECTION 1. SHORT TITLE

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

SECTION 2. DEFINITIONS

2.1 The definitions applicable to this By-Law shall be those set out in Schedule "A" attached.

SECTION 3. CLASSES OF PERMITS

3.1 Classes of permits with respect to construction, demolition and change of use of Buildings and permit fees shall be as set out in Schedule "B" to this By-Law

SECTION 4. REVISION TO PERMITS

4.1 After the issuance of a permit under the act, notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued, must be 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 written authorization.

SECTION 5. REQUIREMENTS FOR APPLICATIONS

5.1 THE APPLICATION

5.1.1 To obtain a permit, the owner or an agent authorized in writing by the owner shall file an application in writing by completing the prescribed form available at the offices of the Municipality. The prescribed form shall be as set out in Schedule "C" to this By-Law.

5.2 BUILDING, CONDITIONAL AND DEMOLITION PERMITS

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

- 1) Where application is made for a Building Permit under Subsection 8(1) The Act, the application shall:

- (a) Identify and describe in detail the work to be covered by the permit for which application is made.
- (b) Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot.
- (c) Include complete plans and specifications as described in this By-Law for the work to be covered by the permit and show the occupancy of all parts of the building.
- (d) State the valuation of the proposed work including materials and labour and to be accompanied by the required fee.
- (e) State the names, addresses, telephone, fax numbers and e-mail of the owner, architect or engineer, where applicable, or other designer or constructor.
- (f) Be accompanied by a written acknowledgement of the owner that he has retained an architect or professional engineer to carry out the field review of the construction where required by The Ontario Building Code, and
- (g) Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

5.2.1(2)

Where application is made for a Demolition Permit under Subsection 8(1) of The Act, the application shall:

- (a) Contain the information required by Clauses 5.2.1(1) (a) to (g) and
- (b) 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.

5.2.1(3)

Where application is made for a conditional permit under Subsection 8(3) of The Act, the application shall:

- (a) Contain the information required by Clauses 5.2.1.(1) (a) to (g).
- (b) Contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require.
- (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 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.

5.3

CHANGE OF USE PERMITS

5.3.1

Every application for a change of use permit issued under Subsection 10(1) of The Act shall be submitted to the Chief Building Official, and shall:

- (1) Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building.
- (2) Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made.
- (3) 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, Ceiling the Roof assemblies identifying required fire resistance ratings and load bearing capacities, details of existing "sewage system"; if any;
- (4) Be accompanied by the required fee.
- (5) State the name, address, telephone, fax number and e-mail of the owner.
- (6) Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

5.4

EQUIVALENTS

5.4.1

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:

- (1) A description of the proposed material, system or building design for which authorization under Section 9 of The Act is requested.
- (2) Any applicable provisions of The Building Code.
- (3) Evidence that the proposed material, system or building design will provide the level of performance required by The Building Code.

5.5

SEWAGE SYSTEM PERMITS

5.5.1

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

- (1) the information required by clauses (1) (a) to (g) in respect to building permits,
- (2) the name, address, telephone number and license number of the person installing the sewage system,
- (3) where the person named in (2) above requires a license under the Act and the building Code,
 - (a) the number and date of issuance of the license, and
 - (b) the name of the qualified person supervising the work to be done under the sewage system permit;
- (4) a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official;
 - (a) the date the evaluation was done,
 - (b) name, address, telephone number and signature of the person who prepared the evaluation,
 - (c) a scaled map of the site showing
 - i) the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal/utility corridors;
 - ii) the location of items listed in Column 1 of Tables 8.2.1.5.A, 8.2.1.5.B, and 8.2.1.5C,
 - iii) the location of the proposed sewage system,
 - iv) the location of any unsuitable, disturbed or compacted areas and,
 - v) proposed access routes for system maintenance.
 - (d) depth to bedrock,
 - (e) depth to zones of soil saturation,
 - (f) soil properties, including soil permeability, and
 - (g) soil conditions, including the potential for flooding

5.6 PLANS AND SPECIFICATIONS

5.6.1 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.

5.6.2 Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two (2) complete sets of the plans and specifications required under this By-Law.

5.6.2 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 "D" to this By-Law unless otherwise specified by the Chief Building Official.

5.7 THE SITE PLAN

5.7.1 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.

5.7.2 Site Plans shall show:

- 1) Lot size and the dimensions of property lines and setbacks to any existing or proposed buildings,
- 2) Existing and finished ground levels or grades, and
- 3) Existing right-of-way, easements, and municipal services.
- 4) Proposed fire access routes & existing fire hydrant locations.

SECTION 6. PAYMENT OF FEES

6.1 Fees for a required permit shall be as set out in Schedule "B" to this By-Law and are due and payable upon submission of an application for a permit.

6.2 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 Section 8(3) of The Act are based on 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.

- 6.3 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 permits issued under Subsection 8(3) of The Act are based on a floor area, floor area shall mean the total floor space of all storeys above grade (or below grade for an underground home) measured as the horizontal area between the exterior walls of the building, provided that where application is made for a conditional permit, fees shall be paid for the complete project.
- 6.4 Where fees payable in respect of an application for a change of use permit issued under Subsection 10(1) of The Act are based on a floor area, floor area shall mean the total floor space of all storeys subject to the change of use.
- 6.5 The Chief Building Official may place a valuation on the cost of the proposed work for the purposed 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.

SECTION 7. REFUNDS

- 7.1 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 "E" attached to and forming part of this By-Law.

SECTION 8 NOTICE REQUIREMENTS FOR INSPECTIONS

- 8.1 With respect to "additionsl notices" under 2.4.5.2 of the building code the owner or an authorized agent shall notify the Chief Building Official, or Inspector at least two(2) business days prior to each stage of construction for which notice in advance is required under the Building Code.

SECTION 9 PRESCRIBING FORMS

- 9.1 The forms prescribed for use as applications for permits, for orders and for inspection reports shall be as set out in schedule "F" to this By-Law.

SECTION 10 AS CONSTRUCTED PLANS

- 10.1 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.

SECTION 11 TRANSFER OF PERMITS

- 11.1 Where land changes ownership for which a permit has been issued, the new owner shall assume full responsibility for said permit.

SECTION 12 ATTACHED SCHEDULES

12.1 All Schedules attached to this By-Law shall be incorporated into and form part of this Building By-Law.

SECTION 13 REPEAL OF PREVIOUS BY-LAW

13.1 By-Law No. 98-22 of the Corporation is hereby repealed.

SECTION 14 EFFECTIVE DATE

14.1 This By-Law shall come into force and take effect on the day of the final passing thereof.

BY-LAW NUMBER 05-25 read a first time

BY-LAW NUMBER 05-25 read a second time.

BY-LAW NUMBER 05-25 read a third time and finally passed this the 25th Day of April 2005.


MAYOR


CLERK

SCHEDULE "A" TO BY-LAW NUMBER

1. DEFINITIONS IN THIS BY-LAW

- 1.1 --"ACT" means The Building Code Act, 1992, S.O. 1992, Chapter 23 including amendments thereto.
- 1.2 --"ARCHITECT" means, the holder of a licence, a certificate of practice or a temporary licence under the Architect Act as defined in the Building Code.
- 1.3 --"AS CONSTRUCTED PLANS" means as constructed plans as defined in the Building Code.
- 1.4 --"BUILDING" means a building as defined in section 1(1) of The Act.
- 1.5 --"BUILDING CODE" means regulations made under Section 34 of The Act.
- 1.6 --"CHIEF BUILDING OFFICIAL" means the Chief Building Official appointed by the By-Law of the Corporation of the Township of Clearview for the purposes of enforcement of The Act.
- 1.7 --"CONSTRUCT" means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere, and has a corresponding meaning; (construction)
- 1.8 --"CORPORATION" means the Corporation of the Township of Clearview.
- 1.9 --"DEMOLISH" means to do anything in the removal of a building or any material part thereof and has a corresponding meaning (demolition).
- 1.10 --"FARM BUILDING" means a farm building as defined in the Building Code.
- 1.11 --"INSPECTOR" means an Inspector appointed under Section 3, of The Act.
- 1.12 --"MATERIAL ALTERATION" means to make a material change to a building which may effect the structural or life safety integrity of a building.
- 1.13 --"MUNICIPALITY" means the Corporation of the Township of Clearview.
- 1.14 --"PERMIT" means written permission or written authorization from the Chief Building Official to perform the 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 a regulated by the Act.
- 1.15 --"PLUMBING" means plumbing as defined in section 1(1) of The Act.
- 1.16 --"PROFESSIONAL ENGINEER" means a person who holds a licence or a temporary licence under the Professional Engineers Act as defined in the Building Code and has a corresponding meaning (engineer).
- 1.17 --"REGULATIONS" means regulations made under The Act.
- 1.18 --"SEWAGE SYSTEM" means a sewage system as defined in Section 1(1) of The Act.

SCHEDULE "A" CONT'D TO BY-LAW NUMBER

- 1.19

--"WORK" means construction as defined in Section 1.7 Schedule "A".
- 1.20

--"DECIMAL NUMBERING SYSTEM"

5.

5.1

5.1.6

5.1.6(1)

5.1.6(1) (e)

SECTION

SUBSECTION

ARTICLE

SENTENCE

CLAUSE

Note: Building Permit Fees may be adjusted by a cost adjustment allowance amount of up to 5% per year without an amendment to this fee schedule.

SCHEDULE "D"

This is Schedule "D" to by-Law Number 18-94

Respecting

LIST OF PLANS OR WORKING DRAWINGS TO ACCOMPANY APPLICATION FOR PERMITS

1. The Site Plan
2. Floor Plans
3. Foundation Plans
4. Framing Plans
5. Roof Plans
6. Reflected Ceiling Plans
7. Sections and Details
8. Building Elevations
9. Electrical Drawings
10. Heating, Ventilation 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.

SCHEDULE "E"

This is Schedule "E" to By-Law Number 18-94

Respecting

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.	75%
2.	Application filed. Plans reviewed or Permit issued.	50%
3.	Additional deduction for each field inspection that had been performed.	10%
4.	Permit Fees valued at Less than \$100.00	0%

SCHEDULE "F"

This is Schedule "F" to By-Law Number 18-94

Respecting

FORMS

Form 1*	Application for Building Permit (1)
Form 2	Application for Conditional Permit (1)
Form 3	Application for Demolition Permit (1)
Form 4	Application for Change of Use Permit (1)
Form 5	Application for Sewage System Permit (1)
Form 6	Application for the Use of an Equivalent (1)
Form 7	Site Plan
Form 8 (etc.)*	Building Permit (various classes if necessary) (2)
Form 9	Conditional Permit (2) (3)
Form 10	Demolition Permit (2)
Form 11	Change of Use Permit (2)
Form 12*	Inspection Report
Form 13 (etc.)	Orders (various types)

(1)	may be included in a single combined application form for all permits;
(2)	may use a single permit form;
(3)	Building Code requires that the conditional nature of this type of permit must be indicated on the permit.

*** FORMS IN USE TO DATE**