

The Corporation of the Municipality of Whitestone

By-Law No. 32-2015

Being a by-law to govern construction, demolition, change of use permits, fees and inspections

WHEREAS Section 7 of the Building Code Act, 1992, R.S.O. 1992 c.23, as amended, empowers Council to pass certain by-laws respecting construction, demolition, change of use, conditional permits and inspections;

NOW THEREFORE the Council of The Corporation of the Municipality of Whitestone enacts as follows:

1. SHORT TITLE

- 1.1 This By-law may be cited as the “Building By-Law”

2. DEFINITIONS

- 2.1 In this By-law,

- 2.1.1 “**Act**” means the Building Code Act, 1992, as amended, including amendments thereto.
- 2.1.2 “**As Constructed Plans**” means as constructed plans as defined in the Building Code.
- 2.1.3 “**Building**” means a building as defined in Section 1(1) of the Act.
- 2.1.4 “**Building Area**” means the greatest horizontal area of a building within the outside surface of the exterior walls.
- 2.1.5 “**Building Code**” means the Regulations made under Section 34 of the Act.
- 2.1.6 “**Chief Building Official**” means the Chief Building Official appointed by the By-Law by the Corporation of The Municipality of Whitestone for the purposes of enforcement of the Act.
- 2.1.7 “**Corporation**” means the Corporation of the Municipality of Whitestone.
- 2.1.8 “**Farm Building**” means a farm building as defined in the Building Code.
- 2.1.9 “**Permit**” means written permission or written authorization from the Chief Building Official to perform work regulated by this By-law and the Act.
- 2.1.10 “**Plumbing**” means plumbing as defined in section 1(1) of the act.
- 2.1.11 “**Special Inspection**” means an inspection that is requested and carried out not in connection with a permit, at the discretion of the Chief Building Official. This also includes inspections requested on permits that are more than 12 months old that were issued under a previous version of the Ontario Building Code.

3. CLASSES OF PERMITS

- 3.1 Classes of permits with respect to the construction, demolition and change of use of buildings and permit fees shall be as set out in Schedule 'A' to this By-law.

4. REQUIREMENTS FOR APPLICATIONS

4.1 The Application

To obtain a permit, the owner or an agent authorized in writing by the owner shall file an application with the applicable fee by completing a prescribed form available at the office of the Chief Building Official or from the Building Code website www.obc.mah.gov.on.ca

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

4.1.1.1 Identify and describe in detail the work and the occupancy to be covered by the permit for which the application is made.

4.1.1.2 Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot.

Include a minimum of two sets of complete plans and specifications for the work to be covered by the permit and show the occupancy of all parts of the building.

4.1.1.3 State the valuation of the proposed work including materials and labour and be accompanied by the required fee.

4.1.1.4 State the names, addresses and telephone numbers of the owner and of the architect or engineer, where applicable, or other designer or contractor.

4.1.1.5 Be accompanied by a written acknowledgement of the owner that he/she has retained an architect or professional engineer to carry out the field review of the construction where required by the Building Code and,

4.1.1.6 Be signed by the owner or his/her authorized agent who shall certify the truth of the contents of the application.

4.1.2 Where application is made for a demolition permit under Subsection 8(1) of the Act, the application shall,

4.1.2.1 Contain the information required by clauses 4.1.1.1 to 4.1.1.6 and,

4.1.2.2 May be required to be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, electric, telephone and other utilities and services.

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

4.1.3.1 Contain the information required by clauses 4.1.1.1 to 4.1.1.6.

- 4.1.3.2 Contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require.
- 4.1.3.3 State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted.
- 4.1.3.4 State the necessary approvals, which must be obtained in respect of the proposed building and the time in which such approvals will be obtained.
- 4.1.3.5 State the time in which plans and specifications of the complete building will be filed with the Chief Building Official.

4.2 CHANGE OF USE PERMITS

- 4.2.1 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,
 - 4.2.1.1 Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building.
 - 4.2.1.2 Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made.
 - 4.2.1.3 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 and roof assemblies, identifying required fire resistance ratings and load bearing capabilities.
 - 4.2.1.4 Be accompanied by the required fee.
 - 4.2.1.5 State the name, address and telephone number of the owner and,
 - 4.2.1.6 Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

4.3 EQUIVALENTS

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 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;

- 4.3.1 a description of the proposed material, system or building design for which authorization under section 9 of the Act is requested.
- 4.3.2 any applicable provisions of the Building Code.
- 4.3.3 evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.

4.4 PLANS AND SPECIFICATIONS

- 4.4.1 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 or change of use will conform to the Act, the Building Code and any other applicable law.
- 4.4.2 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 shall not be made without the written authorization of the Chief Building Official
- 4.4.3 Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete sets of plans and specifications required under this By-law.
- 4.4.4 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" of this By-law, unless otherwise specified by the Chief Building Official.
- 4.4.5. Site plan agreements shall accompany the application if applicable.
- 4.4.6. Site plans shall be accurately drawn to scale, and when required by the Chief Building Official to demonstrate compliance with the Act, the Building Code or other applicable law, a copy of a survey prepared by an Ontario Land Surveyor shall be submitted. Site Plans show:
 - 4.4.6.1 Lot Size and the dimensions of the property lines and setbacks to any existing or proposed buildings,
 - 4.4.6.2 Existing and finished ground levels or grades,
 - 4.4.6.3 Existing rights-of-way, easements and municipal services.
- 4.4.7. Verification by and Ontario Land Surveyor of By-law Compliance may be required before proceeding past foundation state, if required by the Chief Building Official.

5. PAYMENT OF FEES

- 5.1 Fees for a required permit shall be as set out in the Fees or Charges By-Law and are due and payable upon submission of an application for a permit.
- 5.2 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 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 value 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.
- 5.3 The Chief Building Official may place a valuation on the cost of the proposed work for the purpose of establishing the permit fee, and where disputed the applicant shall pay the required fee under protest and within six (6) months of completion of the project, shall submit an audited statement of the actual costs and where the audited value is determined to be less than the valuation, the Chief Building Official shall issue a refund.

6. REFUNDS

- 6.1 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 “C” attached to and forming part of this By-law. Application for refund must be made within 6 months of the date of permit application in order to be eligible for a refund of any fee.

7. NOTICE OF REQUIREMENTS FOR INSPECTIONS

- 7.1 The owner or an authorized agent shall notify the Chief Building Official at least two (2) business days prior to each stage of construction for which notice in advance is required under the Building Code. In addition to the prescribed notice contained in 2.4.5.1. of the Building Code, notice of any solid fueled fired appliance rough in and notice of the final inspection detailed in clauses 2.4.5.2.(1) and 2.4.5.2.(1)(i) of the Building Code is also required.
- 7.2 Notice may be given in one of the following ways;
- 7.2.1 Phone message at (705) 389-2466
 - 7.2.2 Fax at (705) 389-1855
 - 7.2.3 In person at the Building Department at the Municipal Office.
 - 7.2.4 Email at cbo.building@whitestone.ca

8. AS CONSTRUCTED PLANS

- 8.1 The Chief Building Official may require that a set of plans of a building or any class of building as constructed be filed with the Chief Building Official on completion of construction under such conditions as may be prescribed in the Building Code.

9. REPEAL OF BY-LAWS

- 9.1 By-laws 30-2005 and 35-2006 of the Corporation of the Municipality of Whitestone are hereby repealed.

Read a First and Second time this 15th day of June, 2015.

Mayor Chris Armstrong

CAO-Clerk-Treasurer Tammy Wylie

Read a Third time and **Passed, Signed** and **Sealed** this 15th day of June, 2015.

Mayor Chris Armstrong

CAO-Clerk-Treasurer Tammy Wylie

The Corporation of the Municipality of Whitestone

Schedule “B” to By-Law No. 32-2015

List of Plans or Working Drawings to Accompany Applications for Permits

Drawings shall include the following information and if applicable any additional drawings and specifications pertinent to the proposed project:

1. A site (plot) plan or recent survey bearing the signature of the person that prepared the same and which shows the lot size, uses and sizes of all existing buildings, and shortest distances of the proposed building to the lot lines, road allowances, high water marks and easements as applicable.
2. Scale drawings of the floor plans showing the size and use of all rooms and floor areas and the overall dimensions of the building including structural component sizes.
3. A scale drawing of the foundation plan showing the size and use of all rooms and floor areas and the overall dimensions of the building including structural component sizes, spacing of piers, posts, columns, etc.
4. Scale drawings of the building framing.
5. Scale drawings of the roof plans.
6. Scale drawings of a cross-section of the proposed building from ground level to the peak of the roof.
7. Scale drawings of the building elevations.
8. Scale drawings of structural, mechanical, fire protection and alarm systems for proposed building.
9. A scale drawing of the electrical layout.
10. Heating, ventilating and air conditioning drawings.
11. Plumbing drawings.
12. A written specification in respect of all materials for the proposed building which is governed by the regulation under the act.
13. Written permission or a valid Certificate of approval issued by the Ministry of Environment in respect of the waste disposal system which will service the proposed buildings if the flows on the property are greater than the 10,000 litres per day. A sewage disposal permit from North Bay – Mattawa Conservation Authority is required if the flows on the property are less than 10,000 litres per day.
14. Written approval from the Ministry of Natural Resources and/or Department of Fisheries and Oceans where the proposed building is on Crown lake bed.
15. Written approval or appropriate permit from any government agency, which is required for the class of permit sought.

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

THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE

Schedule "C" to By-Law No. 32-2015

REFUNDS

Status of Permit Application	Percentage of Fee for Refund
1. Application filed. No processing or review of plans submitted.	75% maximum
2. Application filed. Plans reviewed and permit issued.	50% maximum

Note:

1. No refunds after any building inspections are carried out.
2. No refund shall result in the retention by the Municipality of Whitestone of an amount less than \$100.00
3. No refund will be given when application for refund is not made within twelve (12) months of issuance of permits.
4. No refund of the "cost" portion of any permit will be made.

THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE

Schedule “D” to By-Law No. 32-2015

CODE OF CONDUCT FOR BUILDING OFFICIALS

Preamble

The Code of Conduct applies to the Chief Building Official and inspectors appointed under the Building Code Act in the exercise of a power or the performance of a duty under the Building Code Act or the Building Code.

The purpose of this Code is to promote appropriate standards of behaviour and enforcement actions to ensure building officials apply standards of honesty and integrity, and to prevent practices constituting an abuse of power including unethical or illegal practices.

Standards of Conduct

Building Official undertake to:

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 by-laws, codes and standards appropriately and without favour.
4. Apply all relevant building by-laws, codes and standards appropriately and without favour.
5. At all times abide by the highest moral and ethical standards and avoid any conduct, which could bring or tend to bring Building Officials to disrepute.
6. Comply with the provision of the Building Code Act, the Ontario Building Code and other Acts or Laws which regulate or govern Building Officials of their functions.
7. Not to act beyond their personal level of competence or outside their area of expertise.
8. Maintain their knowledge and understanding of the best current building practices, the building laws and Codes relevant to their inspection and plan examination function.
9. Extend professional courtesy to all.

Breaches of the Code of Conduct

The Ontario Building Code Act provides that the performance of Building Officials will be measured against this Code of Conduct. The Municipal administration will review any allegation brought forward that the Code of Conduct has been breached. 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 violations in accordance with relevant employment standards.