

THE CORPORATION OF THE TOWNSHIP OF LIMERICK

BY-LAW NO. 2005-07

BEING A BY-LAW RESPECTING CONSTRUCTION, DEMOLITION AND CHANGE OF USE PERMITS AND INSPECTIONS.

WHEREAS Section 7 of the Building Code Act, 1997 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 Limerick **ENACTS AS FOLLOWS:**

1.0 This by-law shall be known as the Building By-Law.

2.0 DEFINITIONS

Act – means the Building Code Act, 1997, including amendments thereto.

As Constructed Plans – means as constructed plans as defined in the Building Code.

Building – means a building as defined in Section 1(1) of the Act.

Building Code – means the regulations made under Section 34 of the Act.

Chief Official – means the Chief Building Official appointed by the by-law of the Corporation of the Township of Limerick for the purpose of enforcement of the Act.

Corporation – means the Corporation of the Township of Limerick.

Permit – means written permission or written authorization from the Chief Building Official to perform work regulated by this by-law and the Act.

Plumbing – means plumbing as defined in Section 1(1) of the Act.

Sewage System – means a sewage system as defined in Section 1(1) of the Act.

3.0 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.

4.0 ADMINISTRATIVE PROCEDURES RELATING TO PERMITS

4.1 Revision to Permit

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.

5.0 REQUIREMENTS FOR APPLICATIONS

5.1 The Application

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 at the offices of the municipality. The prescribed form shall be as set out in Schedule “D” to this By-law.

5.2 Building, Conditional and Demolition Permits

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 and occupancy to be covered by the permit for which application is made,
 - (b) describe where 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 be accompanied by the required fee,
 - (e) state the names, addresses and telephone numbers 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 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.
- (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 (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.
- (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 (1)(a) to (g),
 - (b) contain such other information, plans and specifications concerning the complete project as the chief building official may required,
 - (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.

5.3 Change of Use Permits

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 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,
- (4) be accompanied by the required fee,
- (5) state the name, address and telephone number 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 Equivalentents

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

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, (see 5.2, clauses (1) (a) to (g) above,
- (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 done,
 - (b) name, address, telephone number and signature of the person who prepared 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 in Column 1 of Tables 8.2.1.5.A., 8.2.1.5.B. and 8.2.1.5.c.,
 - (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.

6.0 PLANS AND SPECIFICATIONS

- 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.
- 6.2 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.
- 6.3 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.
- 6.4 **The Site Plan**
- 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.
- 6.5 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 rights-of-way, easements and municipal services.

7.0 PAYMENT OF FEES

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

8.0 **REFUNDS**

8.1 In the case of withdrawal of an application or 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.

9.0 **NOTICE REQUIREMENTS FOR INSPECTION – SECTION 7 (e)**

The owner or an authorized agent shall notify the Chief Building Official at least 1 business day prior to each stage of construction for which notice in advance is required under the Building Code.

10.0 **PRESCRIBING FORMS – CLAUSE 7 (f)**

The forms prescribed for use as applications for permits, for orders and for inspection reports shall be as set out in Schedule "D" to this by-law.

11.0 **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.

12.0 **RENEWAL**

Building permits shall be renewed a further one year upon payment of fee as set out in Schedule "A" to this by-law.

13.0 **SCHEDULES**

All attached schedules shall form part of this by-law.

14.0 **SEVERABILITY**

Should any Section, Sub-section, 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.

15.0 **DATE AND EFFECT**

This by-law shall come into force and effect upon final passage by the Township Council and any other by-law of a similar nature heretofore passed is hereby repealed.

READ A FIRST TIME THIS 05TH DAY OF JULY, 2005.

READ A SECOND TIME THIS 05TH DAY OF JULY, 2005.

READ A THIRD TIME AND FINALLY PASSED THIS 05TH DAY OF JULY, 2005.

REEVE W. Longmuir

SEAL

CLERK B. Crocker

SCHEDULE "A"

This is Schedule "A" to By-law No. 2005-07 Respecting

CLASSES OF PERMITS AND FEES

1.	Construction Commencing before permit issued (extra charge in addition to permit fee)	\$200.00
2.	Minimum fee for any permit (not a base fee)	\$100.00
3.	Residential fees per sq. ft. (\$0.0075 per \$1000 if sq. ft. not applicable)	\$.75
4.	Commercial fees up to 5000 sq. ft. per sq. ft. (0.005 per \$1000 if sq. t. not applicable)	\$.50
5.	Accessory/farm/hunting outbuilding fees per sq. ft. (0.003 per \$1000 if sq. ft. not applicable)	\$.30
6.	Decks/balconies/wood furnaces/plumbing/demolition Renewal/designated structures per OBC 2.1.2	\$100.00
7.	Septic Permits Installation or repair of Class 2, 3, 4, 5	\$400.00

SCHEDULE "B"

This is Schedule "B" to By-law No. 2005-07 Respection

List of Plans or Working Drawings to Accompany applications

- 1) Site Plan
- 2) Floor Plans
- 3) Foundation Plans
- 4) Sections and Details
- 5) Building Elevations

SCHEDULE "C"

This is Schedule "C" to By-law No. 2005-07 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.	80 – 90%
2) Application filed. Plans reviewed and permit issued.	60 – 80%
3) Additional deduction for each field inspection that had been performed.	5 – 10%
4) Permits valued at less than \$3,000.00	0%

SCHEDULE "D"

This is Schedule "D" to By-law No. 2005-07 Respecting

Forms

Form 1	Application for Building Permit
Form 2	Application for Sewage System Permit
Form 3	Site Plan
Form 4	Building Permit
Form 5	Demolition Permit
Form 6	Inspection Report
Form 7	Order to Comply
Form 8	Stop Work Order