

THE CORPORATION OF THE TOWNSHIP OF TARBUTT

By-Law No 10-2017

BEING a by-law to establish building permit fees to be charged and related matters.

THEREFORE the Council of the Corporation of the Township of Tarbutt enacts as follows:

1. SHORT TITLE

This by-law may be cited as the “Building Permit By-law”

2. DEFINITIONS AND WORD USAGE

In this By-law:

- (A) **“ACT”** means the Building Code Act, 1992 as amended
- (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 owners behalf, or any person of the 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) **“BUILDING CODE”** means the regulation made under Section 34 of the Act
- (D) **“CHIEF BUILDING OFFICIAL”** means the Chief Building Official appointed by Council under the Act.
- (E) **“OWNER”** means the registered owner of the land and includes a lessee, mortgagee in possession and the person in charge of the property.
- (F) **“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.
- (G) **“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.
- (H) 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 are set forth in “Schedule A” appended to and forming part of this by-law.

4. PERMITS

- (A) To obtain a permit, an applicant shall file an application in writing on forms prescribed by and available from the Township Office or Chief Building Official and shall supply any other information relating to the application as required.
- (B) Every building permit application shall:
 - i.) identify and described in detail the work, use and occupancy to be covered by the permit for which the application is made;

- ii.) identify and describe in detail the existing uses and the proposed uses for which the premises are intended;
 - iii.) 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;
 - iv.) be accompanied by plans and specifications as described in the By-law;
 - v.) be accompanied by the required fees as calculated in accordance with Schedule "A";
 - vi.) 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 demolition as the case may be;
 - vii.) state estimated valuation of the proposed work including material and labour; and when Section 2.3 of the Building Code applies be accompanied by a signed acknowledgement of the owner on a form prescribed by the Township Office or 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;
 - viii.) when Section 2.3 of the Building Code applies be accompanied by a signed statement of the architect or professional engineer, or both, on a form prescribed by the Township Office or Chief Building Official, undertaking to provide general review of the construction or demolition of the building;
 - ix.) state estimated valuation of the proposed work including material and labour; and
 - x.) be signed by the applicant who shall certify as to the truth of the contents of the application
- (C) In addition to the requirements of section 4(B) above every demolition permit application shall;
- i.) 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
 - ii.) be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the termination and capping of all the water, sewer, gas, electric, telephone or other utilities and services.
- (D) In addition to the requirement of section 4(B) above, every construction permit application for part of a building shall;
- i.) include all applications for the entire project; and
 - ii.) 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;

- (E) In addition to the requirements of section 4(B) above every conditional permit application for the construction of a building shall;
 - i.) state the reasons why the applicant believes that unreasonable delays in the construction would occur if a conditional permit is not granted; and
 - iii.) state necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained.
- (F) In addition to the applicable requirements of section 4(B) above, every change of use permit application shall;
 - i.) described the building or part thereof in which the occupancy is to be changed; and
 - ii.) 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.
- (G) The Chief Building Official shall, where conditions in section 4(D) above have been fulfilled, issue a permit for part of a building subject to compliance with the Act, the Building Code and any applicable law.
- (H) The Chief Building Official may, where conditions in section 8(3) to 8(5) of the Act and section 4(E) above have been fulfilled, issue a conditional permit for a building subject to compliance with the Act, the Building Code and any applicable law.
- (I) The 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 section 4(D) and 4(E) above be under any obligation to grant any further permit or permits therefore.
- (J) Where 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.

5. PLANS AND SPECIFICATIONS

- (A) Every application shall furnish:
 - i.) sufficient plans, specifications, documents, and other information to enable the Chief Building Official to determine whether the proposed construction, demolition, or change of use conforms to the Act and the Building Code; and

- ii.) a site plan referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such a survey shall be filed with the municipality unless this requirement is waived because the Chief Building Official is able, without having a current plan of survey, to determine whether the proposed work conforms to the Act, the Building Code, and any other applicable law, site plan will include:
 - a. lot size and dimensions of property;
 - b. setbacks from existing and proposed buildings to property boundaries and to each other;
 - c. existing and finished ground levels or grades; and
 - d. existing rights of way, easements and municipal services.

- (B) Plans submitted shall be legible and be drawn to scale upon paper or other suitable and durable material.
- (C) The Chief Building Official shall determine the number of plans, specifications, documents and other information required to be furnished with an application for permit having regard for the requirements of any Act, regulation or By-law respecting the examination or circulation of the application.
- (D) On completion of the construction of a building, the Chief Building Official may require a set of as constructed plans, including a plan of survey drawing the location of the building.
- (E) Plans and specifications furnished according to this by law or otherwise required by the Act became the property of the municipality and will be disposed of or retained in accordance with relevant legislation.

6. FEES

- (A) The Township Office or Chief Building Official may determine the required fees calculated in accordance with Schedule "A" for the work proposed or completed, and the applicant shall pay such fees. No permit shall be issued until the fees therefore have been paid in full.
- (B) Upon written request, the Chief Building Official shall determine the amount of fees, if any, that may be refunded in accordance with Schedule "A" in the case of:
 - i.) withdrawal of an application
 - ii.) abandonment of an application pursuant to section 4(J) above
 - iii.) refusal to issue a permit, or
 - iv.) request for revocation of a permit pursuant to Clause 8(10)(e) of the Act.
- (C) Subject to section 7(A), there shall be no refund of permit fees where a permit has been revoked.
- (D) Should a fee remain unpaid after 30 days, full amount shall be deemed taxes and added to tax roll and collected in the same manner.

7. PERMIT REVOCATION, DEFERRAL, OF REVOCATION AND TRANSFER

(A) Revocation of permit

Prior to revoking a permit under Clauses 8(10)(b) and (c) of the Act, the Chief Building Official shall give written notice of intention to revoke to the permit holder at his last known address and, if on the expiration of thirty (30) days from the date of such notice, the ground for revocation, continues to exist, the permit may be revoked without further notice and all submitted plans and other information may be disposed of.

(B) Deferral of Revocation

- i.) On receipt of a notice of intention to revoke a permit, a permit holder may request in writing within thirty (30) days from the date thereof the Chief Building Official to defer the revocation of such permit.
- ii.) A request for deferral shall set out the reasons why the permit should not be revoked and the date by which the work will be commenced or resumed.
- iii.) Having considered the circumstances of the request and having determined that there have been no changes to the Act and the Building Code and any other applicable law which would have prevented the issuance of the original permit, the Chief Building Official may allow a deferral to a prescribed date, and shall notify the permit holder
- iv.) A request for deferral of revocation is subject to a fee in accordance with Schedule "A"

(C) Transfer of Permit

- i.) Permits are transferable only upon the new owner completing a permit application to the requirements of section 4
- ii.) A fee, as prescribed in Schedule "A" shall be payable on a transfer of permit by the new owner who shall thenceforth be the permit holder for the purpose of the Act and the Building Code.

8. NOTIFICATIONS

(A) Notice 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 three business days in advance of each stage of construction specified therein.

(B) A notice pursuant to this section is not effective until written or oral notice is received by the Chief Building Official.

9. SEVERABILITY

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

10. REPEAL

By-law #8-93, and any amendments made are hereby repealed.

READ A FIRST TIME in Open Council this 19th day of April, 2017

READ A SECOND TIME in Open Council this 17th day of May, 2017.

Advertised on Tarbutt.ca and posted at the office for public comment on May 18th, 2017 until June 21st, 2017

SEAL

Mayor, Chris Burton

Clerk, Glenn Martin

DRAFT

REFUNDS

<u>STATUS OF APPLICATION</u>	<u>PERCENTAGE OF FEE ELIGIBLE FOR REFUND</u>
1. Application filed. No processing or review of plans submitted	90%
2. Application filed. Plans reviewed and permit issued.	70%
3. Additional deduction for each field inspection that had been performed.	10%
4. Permits valued at less than \$25.00.	0%

FORMS

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 permit must be indicated on the permit.

SCHEDULE "A"

This is Schedule "A" to By-law # _____

Classes of Permits and Permit Fees

1. <u>CLASS OF PERMIT</u>	<u>PERMIT FEE</u>
a) To construct or renovate a Building	
i) with a residential construction value of less than \$1,000.00.	\$25.00
ii) with a residential construction value of each \$1,000 or more	\$30.00 plus \$4.00 for \$1,000.00 of value or portion thereof
iii) with a commercial construction value of less than \$1,000.00	\$40.00
iv) with a commercial construction value of each \$1,000.00 or more portion thereof.	\$50.00 plus \$5.00 for \$1,000.00 of value or portion thereof.
b) To move a building.	\$50.00
c) To demolish a building	\$40.00
d) To authorize occupancy of a building (when required)	\$50.00
e) Partial permit	25% of Total Permit Fee
f) Conditional permit	25% of Total Permit Fee
g) Change of use permit	\$75.00
2. Where building permit fees are based on the value of the proposed work, such valuation shall be based on the following;	
a) construction of outbuildings, (sheds, garages, farm buildings etc.)	
i) interior unfinished	\$25.00 per sq. ft.
ii) interior finished	\$40.00 per sq. ft.
iii) second floor (garage, etc.)	\$20.00 per sq. ft.
iv) tarp type buildings	\$15.00 per sq. ft.
b) construction of decks, patios, landings	
i) uncovered	\$25.00 per sq. ft.
ii) covered	\$35.00 per sq. ft.
c) construction of carports	\$35.00 per sq. ft.
d) construction of :	
i) house, basement only	\$45.00 per sq. ft.
ii) house, first floor	\$135.00 per sq. ft.
iii) house, second floor	\$60.00 per sq. ft.
iv) house, story and one-half	\$130.00 per sq. ft.
e) commercial buildings	\$90.00 per sq. ft.

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| f) | industrial buildings | \$90.00 per sq. ft. |
| g) | Renovation of: | |
| | i) house exterior | \$5.00 per sq. ft. |
| | ii) house interior | \$10.00 per sq. ft. |
| h) | installation of solar panels | \$50.00 per sq ft. |
| i) | roofing with one free load to disposal site
(permit number to be used at waste disposal site) | \$60.00 per permit |

Note: Commercial & Industrial rates may be determined by consultation with the Chief Building Official, Council and the Sault Ste. Marie Building Department.

3. The determination of whether a permit is required and what class of permit is required is at the discretion of the Chief Building Official.
4. The building permit fee for any building or work begun prior to the issuance of a building permit for such building or work shall be double (i.e. 2 times) the regular permit fee.
5. Any project \$500,000.00 and over will have the fee set by Council and the Chief Building Official.

List of Plans or Working Drawing to Accompany Applications for Permits

1. The Site Plan
2. Floor Plans
3. Foundation Plans
4. Framing Plans (Architectural Designed Homes)
5. Roof Plans (Pre-Engineered Trusses)
6. Reflected Ceiling Plans (Architect, Designed Homes)
7. Sections and Details
8. Building Elevations
9. Electrical Drawings (if asked for)
10. Heating, Ventilation and Air Conditioning Drawings (if asked for)
11. Plumbing Drawings (if asked for)

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