

**THE CORPORATION OF THE
MUNICIPALITY OF BAYHAM**

BY-LAW NO. 2019-024

A By-law to regulate building construction, demolition, change of use permits, septic systems, sewer connection permits and inspections and to repeal By-Law No. 2014-120, as amended

WHEREAS Section 7 of the Building Code Act, 1992 empowers municipal Councils to pass by-laws respecting construction, demolition and change of use permits and inspections.

AND WHEREAS the Council of the Municipality of Bayham is desirous of enacting a by-law under Section 7 of the Building Code Act, 1992.

THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF BAYHAM ENACTS AS FOLLOWS.

1. SHORT TITLE

1.1 This By-law may be cited as "The Building By-law".

2. DEFINITIONS

2.1 "Act" means the Building Code Act, 1992, as amended.

2.2 "Building" means;

- (a) a structure occupying an area greater than 10 square metres consisting of a wall, roof and floor, or any one or more of them, or a structural system serving the function thereof, including all plumbing, works, fixtures and service systems appurtenant thereto. It does not include the replacement of roofing metal or shingles nor minor repairs providing the structural system is not involved or altered.
- (b) A structure occupying an area of 10 square metres or less that contains plumbing, including the plumbing appurtenant thereto,
- (c) Plumbing not located in a structure,
 - (c.1) a sewage system; or
- (d) structures designated in the building code.

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

2.4 "Chief Building Official" means the Chief Building Official appointed by the By-law of the Corporation of the Municipality of Bayham for the purpose of enforcement of the Act.

2.5 "Corporation" means the Corporation of the Municipality of Bayham.

- 2.6 "Farm Building" means a farm building as defined in the Building Code.
- 2.7 "Permit" means written permission or written authorization from the Chief Building Official to perform work regulated by this by-law and the Act.
- 2.8 "Plumbing" means plumbing as defined in Section 1(1) of the Act.
- 2.9 "Annual Maintenance Fee – Non Refundable" means where a Building Permit has been issued and the construction or demolition authorized by the permit is, as determined by the Chief Building Official substantially suspended or discontinued for a period of more than one year, an Annual Maintenance Fee shall be charged to the property roll as set out in the "Rates and Fees By-Law" as amended from time to time.

3. DUTIES AND POWERS OF THE AUTHORITY HAVING JURISDICTION.

- 3.1 The Authority having jurisdiction shall administer this by-law and keep records of all applications received, permits and orders issued, inspections and tests made, and shall retain copies of all papers and documents connected with the administration of this by-law, which will form part of the public records.
- 3.2 The Authority having jurisdiction may:
 - 3.2.1 Enter any building or premises at a reasonable time for the purpose of administering or enforcing this by-law;
 - 3.2.2 Cause a written notice to be delivered to the owner of any property directing him to correct any condition where in the opinion of the Authority having Jurisdiction, that conditions constitute a violation of this by-law;
 - 3.2.3 Order the owner to stop work on the building, if it is proceeding in contravention of this by-law or if it is an unsafe condition;
 - 3.2.4 Direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, device, construction or foundation condition meets the requirements of this by-law;
 - 3.2.5 Revoke or refuse to issue a permit where, in its opinion, the results of tests referred to in clause 3.2.4 are not satisfactory;
 - 3.2.6 Order the removal of any building erected or placed in violation of this by-law.

4. PERMITS

- 4.1. Classes of Permits with respect to the Construction of Buildings shall be as set out below:
 - 4.1.1 Building Permit – Required under subsection 8(1) of the Act – may include sewage systems and/or plumbing and/or farm buildings and/or heating, ventilation and air conditioning permits;
 - 4.1.2 Plumbing Permit – Formerly issued under by-laws made under the Ontario Water Resources Act. May be classed under building permit;
 - 4.1.3 Conditional Permit – Authorized under subsection 8(3) of the Act;
 - 4.1.4 Change of Use Permit – Required under subsection 10(1) of the Act;
 - 4.1.5 Demolition Permit - - Required under subsection 8(1) of the Act.
- 4.2. To obtain a permit, the owner or his authorized agent shall file an application in writing on the form prescribed by the Chief Building Official, and pay the fee prescribed for such permit.
- 4.3. Except as otherwise permitted by the Chief Building Official, every applicant shall:
 - 4.3.1 Identify and describe in detail the work and proposed occupancy to be covered by the permit for which the application is made;
 - 4.3.2 Describe the land on which the work is done, by a description that will readily identify and locate the building lot.
- 4.4. Except as otherwise permitted by the Chief Building Official, every Application shall:
 - 4.4.1 State the valuation of the proposed work including materials, the labour, and be accompanied by the required fee;
 - 4.4.2 State the names, addresses and telephone numbers of the owner, authorized agent, architect, engineer, or other designer and constructor and;
 - 4.4.3 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;

- 4.4.4 Be signed by the owner or his authorized agent who shall certify the truth of the contents of the application;
- 4.5 Where a permit has not been issued and the information in an application changes, the applicant shall notify the Chief Building Official in writing of the changes.
- 4.6 An application for a permit may be deemed to have been abandoned and cancelled six (6) months after the date of filing, unless such application is being seriously proceeded with:
 - 4.6.1 Where the construction of the building is, in the opinion of the Chief Building Official substantially suspended or discontinued for a period of more than one year, the Chief Building Official may revoke a permit.
- 4.7 No owner or authorized agent shall move any buildings into or within the Municipality of Bayham without first obtaining a Building Construction Permit and Moving Permit.

5 PLANS AND SPECIFICATIONS

- 5.1 When required by the Chief Building Official, every applicant shall furnish sufficient plans, specifications, documents and other information, including design calculations, 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 any other applicable law.
- 5.2 When required by the Chief Building Official, every applicant shall furnish a site plan. Such site plan shall:
 - 5.2.1 Indicate the lot size and dimensions of the property;
 - 5.2.2 Show the dimensions of any building existing and proposed and its relationship to adjoining buildings, parking spaces and their location off street loading areas, location of driveways, landscaped areas, signs, fences and all other structures, drains and such other information as the Chief Building Official may require;
 - 5.2.3 Indicate the proposed lot coverage;
 - 5.2.4 Indicate the existing and finished grades and first floor elevations referenced to an established datum at or adjacent to the site in respect of which the application is made;
 - 5.2.5 Show information relative to drainage;

5.2.6. Be prepared by an Ontario Land Surveyor (OLS) or Professional Engineer licensed to practice Engineering in the Province of Ontario, when grades, elevations and drainage is provided on the site plan;

5.2.6.1 The as-constructed top of foundation wall elevation shall be verified by an OLS or Engineer and written verification of the as-constructed top of foundation elevation shall be submitted to the Chief Building Official stating the as-constructed elevation is within reasonable tolerance of the proposed top of foundation wall elevation. Structural framing of the building shall not commence until such written verification has been received by the Chief Building Official;

5.2.6.2 The as-constructed finish grades, building elevation surface drainage of the building lot shall be verified by an OLS or Engineer and written verification of such grades and elevations shall be submitted to the Chief Building Official. The finish grades and elevations shall be within reasonable tolerance of the proposed grades, elevations and surface drainage. The letter of grading confirmation shall be referred to as a grading certificate;

5.2.6.3 Reasonable tolerance shall be considered to be plus or minus 150mm (six inches).

5.3 In lieu of separate specifications, the Chief Building Official may allow the essential information to be shown on the plans.

5.4 Plans submitted shall be legible and be drawn to scale upon paper or such other suitable and durable material as the Chief Building Official may require.

5.5 Plans and specifications furnished according to this By-law or otherwise required by the Act become the property of the municipality and will be disposed of or retained in accordance with relevant legislation.

5.6 Where a permit has been issued, application shall be made in writing to the Chief Building Official for any revision of the permit before any change is made.

5.7 Where application is made for a demolition permit under subsection 8(1) of the Act, the application shall:

5.7.1 Contain the information required by clauses 4.3.1 to 4.4.4;

- 5.7.2 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.
- 5.8 Where application is made for a conditional permit under subsection 8(3) of the Act, the application shall:
 - 5.8.1 Contain the information required by clauses 4.3.1 to 4.4.4;
 - 5.8.2 Contain the information, plans and specifications concerning the complete project as the Chief Building Official may require;
 - 5.8.3 State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
 - 5.8.4 State the necessary approvals, which must be obtained in respect of the proposed building and the time in which such approvals were obtained.
 - 5.8.5 State the time in which plans and specifications of the complete building will be filed with the Chief Building Official.
- 5.9 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:
 - 5.9.1 Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building.
 - 5.9.2 Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made.
 - 5.9.3 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 bearings capacities.
 - 5.9.4 Be accompanied by the required fee.
 - 5.9.5 State the name, address and telephone number of the owner.
 - 5.9.6 Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

- 5.10 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:
- 5.10.1 A description of the proposed material, system or building design for which authorization under section 9 of the Act is requested;
 - 5.10.2 Any applicable provisions of the Building Code;
 - 5.10.3 Evidence that the proposed material system or building design will provide the level of performance required by the Building Code.

6 FEES

- 6.1 Fees for a required permit shall be set out in Municipality of Bayham's "Rates and Fees By-law" as amended from time to time;
- 6.2 Where the fees are based on the cost or valuation of the proposed work regulated by the permit including the cost of all material, labour, equipment, overhead and professional and related services. The Chief Building Official may place valuation on the cost of the work and the applicant shall pay the prescribed fee before the issuance of the permit;
- 6.3 The permit fee may be recovered if the project is abandoned with a refund as set out in Schedule "A";
- 6.4 A refundable security deposit in the amount of \$1,500.00 shall be paid to the Municipality of Bayham at the time of building permit application. The deposit is to assure total completion of work required under the permit taken. The deposit will be held without interest until final inspection, the permit is closed and then will be returned in full. The security deposit will be required for building permits for construction of all dwelling units, all engineered buildings and to any building with an estimated construction value of \$100,000 or more;
- 6.5 Despite the fees set out in the Municipality of Bayham Rates & Fees By-law, where a person commences regulated building activities without first having obtained a permit, the fees due and payable to the Corporation of the Municipality of Bayham shall be doubled and this shall be in addition to any remedy sought or imposed by law under the Building Code Act;
- 6.6 Annual Maintenance Fee annually added to the tax roll on all outstanding Building Permits that are dormant for more than one year.

7 TIME OF NOTICE OF INSPECTION, RESPONSIBILITY AND DUTIES OF THE OWNERS

- 7.1 The Person to whom the permit has been issued shall notify the Chief Building Official of:
- 7.1.1 The proposed commencement of construction of the building, two or more working days prior to the commencement thereof;
 - 7.1.2 Any of the stages of construction specified in the building code, two or more working days in advance;
 - 7.1.3 The completion of construction before occupation within two working days prior to occupation of the building;
 - 7.1.4 The change in the class of occupancy of any building, or part thereof.

8 SEWAGE SYSTEM PERMITS

- 8.1 Sewage Systems covered by the Ontario Building Code are those systems with a design capacity less than 10,000 litres per day and which serve one lot;
- 8.2 A permit to connect to the Municipal Sewage System is required and the submission of plans detailing location slopes and materials used in the installation. An application will also be completed and an inspection of the new installation prior to back filling is required. If an existing septic system is to be abandoned to connect to the sewer, the following steps must be taken:
- (1) previously used septic tanks must be pumped out by a licensed pumpout operator
 - (2) previously used septic tanks must be filled with sand, earth or broken down and backfilled or removed and properly disposed of.

9 ENFORCEMENT OF THE ACT AND REGULATIONS

- 9.4 As of April 6, 1998, septic standards enforcement became the responsibility of the Municipality as part of their enforcement of the Building Code.

10 PROVISION FOR OFFENCES

- 10.4 Any person who contravenes any provision of the Building Code Act, or the regulations of any by-law passed under the authority of the Building Code Act, is guilty of an offence and, upon summary conviction is liable to a fine of imprisonment, as provided by the Building Code Act.

11 BY-LAWS REPEALED

11.1 That By-Law No. 2014-120 and all amendments regulating construction, demolition and change of use permits and inspections be hereby repealed.

12 EFFECT

12.1 This By-law shall come into force and effect upon final passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 21st DAY OF MARCH, 2019.

MAYOR

CLERK