

**The Corporation of The
Township of Stone Mills
By-Law Number 2020-1053**

Being a By-Law to Provide for The Construction, Demolition, Change of Use
And Transfer of Permits and Inspections

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

THEREFORE the Council of The Corporation of The Township of Stone Mills enacts as follows:

1. Title

1.1 This Bylaw shall be known as the "Building Bylaw" of the Corporation of the Municipality of Stone Mills.

Definitions:

1.2 Non-Defined Terms – Definitions of words and phrases used in this bylaw that are not included in the list of definitions in this bylaw or the Ontario Building Code shall have the meanings that are commonly assigned to them in the context in which they are used, taking into account the specialized use of terms by the various trades and professions to which the terminology applies.

1.2 Definitions:

Act means the *Building Code Act*, 1992, S.O. 1992, c.23, as amended;

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 owner's behalf, or any person or Corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or Corporation;

Architect means the holder of a license, certificate of practice or a temporary license issued under the Architects Act as defined in the Building Code;

Building means a "building" as defined in subsection 1(1) of the Act;

Building Code means the regulations made under Section 34 of the Act;

Chief Building Official means the Chief Building Official appointed pursuant to subsection 3(2) of the Act and by By-Law of the City for the purposes of enforcement of the Act;

Construct means construct as defined in Subsection 1(1) of the Act, and Construction shall have a corresponding meaning;

Construction Site means the part of the parcel of land on which Construction or Demolition related activities are occurring, and includes any area for materials and equipment appurtenant to any Construction or Demolition activities. The Construction Site may occupy the entire parcel of land or a portion of the land parcel;

Corporation means the Corporation of the Township of Stone Mills;

Demolish means demolish as defined in Subsection 1(1) of the Act; and Demolition shall have a corresponding meaning;

Designer means an Architect, Engineer or Designer qualified to carry out design activities under the Act;

Gross Floor Area means the area of the proposed Work measured to the outer face of exterior walls and to the centerline of party walls or demising walls and shall include mechanical penthouses and floors, mezzanines, lofts, habitable attics, interior balconies, openings within floor areas (stairs, elevators, shafts, etcetera) with the exception of interconnected floor areas, but not unfinished basements and attached garages for single detached, semi-detached, duplex, and townhouse dwellings. Where there is no floor or walls, the Gross Floor Area shall be the greatest horizontal area of the structure;

Inspector means an employee of the Township of Stone Mills appointed pursuant to subsection 3(2) of the Act and by By-Law of the for the purposes of enforcement of the Act;

Occupancy means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;

Owner means the registered owner of the property on which the work will take place and includes a lessee, mortgagee in possession, and the authorized agent in lawful control of the property;

Permit means permission or authorization given in writing from the Chief Building Official to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the Act and Building Code;

Permit Holder means the owner to whom a permit has been issued or where a permit has been transferred, the new owner to whom the permit has been transferred;

Professional Engineer or "Engineer" means a person who holds a license or temporary license under the Professional Engineers Act, as defined in the Building Code; Public Way means "public way" as defined in Ontario Regulation 213/91, as amended;

Registered Code Agency means a registered code agency as defined in Subsection 1(1) of the Act;

Sewage System means a Sewage System as defined in Article 1.4.1.2 of Division A of the Building Code;

Tariff of Fees By-Law means By-Law Number 2020-1051, "A By-Law to establish fees and charges to be collected by the Township of Stone Mills", as it reads at the time of Permit application;

Work means Construction or Demolition or change of use or plumbing for a Building which is regulated by the Act and the Building code;

2. Class of Permits

2.1 Classes of Permits with respect to the construction, demolition, change of use and occupancy of buildings and permit fees shall be set out in the Township of Stone Mills' "Tariff of Fees Bylaw".

3. ADMINISTRATIVE PROCEDURES RELATING TO PERMITS

Permit Must be Obtained

3.1 No person shall construct or demolish a building or change the use of a building or cause a building to be constructed or demolished or a change of use be made to a building, unless a permit has been issued therefore by the Chief Building Official.

Revision to a Permit

3.2 After the issuance of a permit under the Act by the chief building official, 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 the written authorization of the chief building official.

Revocation of a Permit

3.3 The Chief Building Official, subject to the provisions outlined in subsection 8.(10) of the Act, has the authority to revoke a permit issued under the Act.

The Application

3.4. To obtain a permit, the owner or agent authorized in writing by the owner, shall file an application in writing by completing a prescribed form available at the offices of the Corporation, or on the Corporation's website at www.stonemills.ca. Forms prescribed by the Corporation under clause 7.(1)(f) of the Act shall be as set out in Schedule 'C' to this By-law. An application shall not be deemed to be complete for the purposes of Sentence 1.3.1.3.(5) of Division C of the Building Code, as amended unless:

- a) all applicable fields on the specified application form and the required schedules are completed, and all proposed uses resulting from application to construct are declared,
- b) all attachments indicated as being attached to the application are submitted with the application,
- c) the application is accompanied by the types and quantities of plans and specifications as prescribed in Section 3.11 of this By-law, and
- d) the application is signed by the owner or an authorized agent of the owner.

3.5 Every application shall be accompanied by the required application fee (see Section 4, Application and Permit Fees) and shall be signed by the owner or an agent authorized by the owner (applicant), who shall certify the truth of the contents of the application.

Building Permits, Conditional Permits and Change of Use Permits

3.6 Every application for a permit shall be submitted to the Chief Building Official and shall contain the information as set out in the following subsections for various classes of permits.

Construction or Demolition Permit

3.7 Where an application is made for a permit to construct or demolish under subsection 8.(1) of the Act, the application shall:

- a) use the Corporation's application form, "Application for a Permit to Construct or Demolish", said form being set out in Schedule "C"; and
- b) include one (1) complete sets of plans, specifications, documents and other information as required by Sentence 1.3.1.3.(5) of Division C of the Building Code, as amended and as described in this By-law, for the work covered by the permit.

This shall not be deemed to limit the authority of the Chief Building Official to vary the number of plans, specifications and other documents or information required depending on the need for review, approval or requirements of any department of the Corporation or other outside agency (see Schedule 'B' for required number of copies).

c) a plot plan or site plan that clearly identifies where proposed building is to be constructed, with dimensions to all lot lines, other buildings, roads, hydro lines, waterways or wetlands, and septic systems (See schedule "B" for more details). When required by the Chief Building Official, the applicant shall submit a copy of a survey certified by an Ontario Land Surveyor to demonstrate compliance with zoning bylaw before issuance of a building permit.

d) an entrance permit granted by Stone Mills Township or the County of Lennox and Addington, if deemed required by public works staff. Furthermore, the conditions of the entrance permit, whether issued by Stone Mills Public Works, or the County of Lennox and Addington Public Works, shall be met before occupancy is issued for the building being constructed under the building permit.

e) At the discretion of the CBO, any of the items noted in "Schedule B" could be requested as a required document for a permit application.

Conditional Permit

3.8 Where the application is made for a conditional permit under Section 8.(3) of the Act, the application shall:

a) use the Corporation's application form, "Application for a Permit to Construct or Demolish", said form being set out in Schedule 'C';

b) include one (1) complete sets of plans, specifications, documents and other information as required by Sentence 1.3.1.3.(5) of Division C of the Building Code, as amended and as described in this By-law, for the work covered by the permit;

c) state the reason why the applicant or authorized agent believes that unreasonable delays in construction would occur if a conditional permit is not issued;

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.

f) all of the requirements of section 8(3) of the Building Code Act have been met, including the requirement for the proponent to assume all risk in a signed agreement with the municipality.

The submission of an application for a conditional permit shall not be deemed to impose any obligation on the Chief Building Official to issue such a permit.

Change of Use Permits

3.9 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:

a) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;

b) identify and describe in detail the current and proposed occupancies of the building or part of the building for which the application is met;

c) include two (2) complete sets of plans, specifications, documents or other information showing the current and proposed occupancy (use) of all parts of the building, and which contains sufficient information to establish compliance with the requirements of the Building Code including, but not limited to: floor plans, details of the wall, ceiling and roof

assemblies identifying the required fire resistance ratings and load bearing capacities and details of the existing sewage system, if any.

Sewage System Permits

3.10 For every application for a sewage system permit that is submitted to the Chief Building Official or duly appointed designate, the application shall:

- a) use the Corporation's application form, "Application for a Permit to Construct or Demolish a Septic System", said form being set out in Schedule 'C';
- b) include complete plans, specifications, documents and other information as required under Sentence 1.3.1.3.(5) of Division C of the Building Code, as amended and as described in this By-law for the work to be covered by this permit;
- c) include the name, address, telephone number and license number of the person installing the sewage system;
- d) where the person in (c) above requires a license under the Act and Building Code, the number and date of issuance of the license and the name of the qualified person supervising the work to be done under the sewage system permit.
- e) include a site evaluation which shall include the following prescribed information, unless otherwise specified by the chief building official or an appointed designate:
 - i) The date when the evaluation was done;
 - ii) The name, address and phone number and signature of the person who did the evaluation;
 - iii) A scaled map of the site showing the legal description (i.e. lot and concession, civic address), lot size, lot dimensions, existing easements and/or rights-of-way or utility corridors, the location of items listed in Column 1 of Tables 8.2.1.6.A., 8.2.1.6.B. and 8.2.1.6.C. of the Building Code, the location of the proposed sewage system, the location of any unsuitable, disturbed or compacted areas, the proposed access routes for system maintenance, the depth to bedrock, the depth to zones of soil saturation, soil properties, including soil permeability, and soil conditions, including the potential for flooding. iv) Any other information as may be deemed to be required by the chief building official or appointed designate to determine compliance with the Building Code Act or other applicable law.
- f) Despite section 3.10, to the contrary, where a sewage system is found to be damaged, not functioning, failing, incorrectly placed, causing sewage and/or effluent seepage or not installed in accordance to the provisions of the Building Code, the owner or occupant of the property shall be advised by notice or other means and shall repair, correct, replace or maintain the sewage system in conformity with the Building Code.

Plans and Specifications

3.11 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.

Every application for any required permit shall be accompanied by one (1) complete set of plans, except as otherwise specified in Schedule 'B' or by the Chief Building Official. Plans shall be drawn to scale, on paper, or other durable material, shall be legible, and where required to be prepared under the Architect's Act or Professional Engineer's Act, shall be professionally prepared.

Without limiting the foregoing, the plans shall include working drawings, a site plan and information to identify the precise location of the lands affected by the permit. At the

request of the CBO, the site plan referred to above shall include the information set out in Schedule 'B' to this by-law.

4. APPLICATION AND PERMIT FEES

4.1 Fees for filing an application, fees for any class of permit and fees for maintenance inspections shall be as set out in the Township of Stone Mills' "Tariff Of Fees Bylaw" and are due and payable upon submission of a complete application for a construction, demolition or change of use permit, unless otherwise specified by the Chief Building Official. Where fees are due and are unpaid, the Chief Building Official may refuse to issue the permit. For a conditional permit, the fees shall be paid for the complete project for which the permit is issued.

4.2 Fees for an application, fees for any required permits and fees for maintenance inspections shall be deemed to have been calculated on the basis of full cost recovery for the building service and shall include both the direct and indirect costs of the administration and enforcement of the Act. Without limiting the foregoing this shall include plan review, field inspections, clerical support and overhead costs of the building department and other building department related support services.

Section 3.2 shall not be deemed to limit the authority set out in Section 6.2 of this by-law should additional costs be incurred by the Corporation.

4.3 Fees as set out in the Township of Stone Mills' "Tarriff of Fees Bylaw" are calculated as a flat fee, or a combination of a flat fee plus a graduated fee for the amount of floor area.

4.4 Fees shall be calculated by the Chief Building Official.

4.5 The fees payable in respect of an application for a construction or conditional permit shall be calculated as being the greater of the following two calculation methods:

- on a cost estimate completed by the Chief Building Official using the gross floor area of the proposed new building or renovation. The cost estimate per square foot shall vary based on the proposed occupancy of the building, as set out in the Township of Stone Mills' "Tariff of Fees" Bylaw. In this case, the resulting building fee would be the set building fee percentage laid out in the Township of Stone Mills' "Tariff of Fees" Bylaw multiplied by the Chief Building Official's cost estimate.
- The reported cost estimate as written by the applicant on the application for permit to construct. In this case, the building fee would be the applicant's reported cost estimate multiplied by the set building fee percentage laid out in the Township of Stone Mills' "Tariff of Fees" Bylaw.

Fees for Demolition, Change of Use, or Septic Permits shall be a flat fee established in the Township of Stone Mills' "Tariff of Fees Bylaw".

4.6 Fees which are due and unpaid may be added to the tax roll at the discretion of the Treasurer and may be collected in like manner to taxes pursuant to the provisions of Section 398 of the Municipal Act, 2001.

4.7 Projects that are strictly an accessibility upgrade to an existing building will be exempt to all construction fees.

5. REFUNDS

5.1 In the case of the withdrawal of an application or abandonment of all or a portion of the work, or the non-commencement of any project and upon request, the Chief Building Official shall determine the amount of the paid permit fees that may be refunded to the owner, if any, in accordance with Schedule 'A' to this By-law. The calculation of the amount of the refund by the Chief Building Official shall be final.

6. NOTICE REQUIREMENTS FOR INSPECTIONS

6.1 A person to whom a permit is issued shall give notice of readiness for inspection to the Chief Building Official or appointed designate at least 48 hours or two business days prior to a mandatory inspection or any other inspection that may be requested by the Chief Building Official as set out in Schedule 'D' attached to and forming part of this By-law.

7. PRESCRIBED FORMS

7.1 The forms prescribed for use as applications for permits, for orders, for permits, for inspection reports and administrative matters shall be as set out in Schedule 'C' attached to and forming part of this By-law. This by-law shall not be deemed to limit the use of any form which is prescribed by provincial regulation notwithstanding that the form is not listed or is a revised or updated form from the forms set out in Schedule 'C' to this by-law.

8. AS CONSTRUCTED PLANS

8.1 The Chief Building Official may require that a set of plans of a building or project or any class of buildings be filed with the Chief Building Official or appointed designate upon completion of construction under such conditions as may be prescribed in the Building Code.

9. ANNUAL REPORT AND RESERVE FUND

9.1 The treasurer is hereby directed to prepare an Annual Report which shall enumerate the direct and indirect costs of delivering building services related to the administration and enforcement of the Building Code Act for the previous fiscal year (12 month period). The said report shall also set out the amount of the reserve fund at the end of the previous fiscal year. The Annual Report shall be submitted to Council no later than three months after the end of the previous fiscal year.

9.2 For the purposes of this By-law, the fiscal year of the Municipality shall be as prescribed by the Municipal Act.

9.3 A cost stabilization reserve fund is hereby established for the purposes of setting aside surplus revenues from building permit fees. The reserve fund shall be used exclusively for the operation of the building department of the Corporation for any subsequent fiscal year or fiscal years. The Treasurer is hereby directed to maintain all records related to the reserve fund.

10. TRANSFER OF PERMITS

10.1 The transfer of a permit shall be permitted when there is a change of ownership of the lands affected by the permit provided that the new owner informs the Chief Building Official in writing that he/she has assumed responsibility for engaging the services of any contractor, design professional or other service required to complete work authorized under a permit or permits.

10.2 Where a transfer of a permit has occurred and a refund is requested, it may only be requested by the current owner and any such funds will be returned to the current owner. Where a transfer of a permit has not occurred and a refund is requested, it may only be requested by the owner of the permit and such funds will be returned to the person identified on the permit (and in accordance with Schedule "A" of this Bylaw).

11. APPOINTED DESIGNATE

11.1 This by-law shall not be deemed to limit the appointment of a designate who may perform or execute any authority of the Chief Building Official where authorized by the Building Code Act, provided such designate, where required, is duly appointed by by-law under the Building Code Act.

12. VALIDITY

12.1 Should any Section or part of a Section of this By-law or schedules hereto be declared by a court of competent jurisdiction to be invalid, the same shall not affect the provisions of this By-law as a whole or any part other than the part declared to be invalid.

13. OTHER BY-LAWS, LICENSES, PERMITS AND REGULATIONS

13.1 Nothing in the By-law shall exempt any person from complying with the requirements of any other By-law in force within the limits of the Corporation, or from applying for and obtaining any permit, license, permission, authority or approval required by this or any other By-law or regulation of the Corporation or any other law in force from time to time.

14. CONFLICT

14.1 In the event of a conflict between this By-law and any amendments thereto, and any general or special By-law, legislation or regulation, the most restrictive legislation, regulation or other By-law shall prevail.

15. PENALTY

15.1 Every person or Corporation who contravenes any provision of this By-law is guilty of an offence and upon conviction under the provisions of the Provincial Offences Act is liable to a fine and/or other penalty imposed under Section 36 of the Act.

16. REPEAL


16.1 Building By-law No. 98-40 passed under Section 7 of the Act is hereby repealed.

17. EFFECTIVE DATE

17.1 This By-law shall take effect on the December 15, 2020.

Read a first and second time this 14th day of December, 2020.

Read a third time and adopted this 14th day of December 2020.


Eric Smith, Reeve


Bryan Brooks, CAO/Clerk

SCHEDULE "A" TO BY-LAW NO. 2020-1053

REFUNDS

1. No refund shall be given for an inspection fee, or fees for a conditional, or change of use permit.
2. No refund shall be given for permits or inspections valued at \$100 or less.
3. Where a permit fee has been paid pursuant to this By-law, fees may be refunded based on the following formula and to Section 5.1 of this By-law:
 - a) Construction or Demolition Permit
 - i) 80% where the application is withdrawn or only administrative functions have been performed;
 - ii) 70% if administration and zoning review functions have been performed;
 - iii) 45% if administrative, applicable law compliance and plans examination functions have been performed;
 - iv) 35% if the permit has been issued and the application is withdrawn or construction does not commence, or no field inspections have been carried out;
 - v) 5% shall additionally be deducted for each field inspection that has been performed after the permit has been issued.
 - b) Sewage Permits
 - i) 50% if the permit has been issued and no field inspections have been performed subsequent to permit issuance.
 - c) Occupancy Deposits
 - i) 100% upon the issuance of an occupancy permit where occupancy is deemed to meet the requirements of the Building Code Act.

SCHEDULE 'B' TO BY-LAW NO. 2020-1053

PLANS, DRAWINGS AND SITE PLAN

Upon request by the Chief Building Official, the following list of plans, working drawings and site plan information, shall be submitted with an application:

1. Site plan showing the true dimensions and legal description (referenced to an up-to-date survey) of the lot to be built upon or otherwise used, all lot boundaries and survey monuments and stakes, the proposed or existing location and dimensions of all buildings, structures and setbacks from all property lines and the shoreline of a water body, where applicable, the height (or number of storeys) of all buildings, the illustration of all major topographic or other features on or abutting the lot such as water bodies, slopes, roads, utility corridors and easements, landscaping (natural vegetation cover or planted), loading and parking spaces, lot area and building coverage, existing contours of the land and proposed new contours or grading, if alterations to the grade are proposed, the proposed final lot grading plan, showing the geodetic elevation (where available) of the final grade at lot corners and adjacent to any buildings and structures. The lot grading plan shall comply with any applicable site plan and subdivider's lot grading plan required under Sections 41 or 51 of the Planning Act or as may be required under the Drainage Act, a north arrow, scale, civic address and lot and block, plan or concession number.
2. Floor Plans
3. Foundation Plans
4. Framing Plans
5. Reflected Ceiling Plans
6. Sections and Details
7. Building elevations
8. Electrical Drawings
9. Heating, Ventilation and Air Conditioning Drawings
10. Plumbing Drawings
11. Fire Alarm and Sprinkler Plan
12. The number of copies of plans to be submitted with an application shall be as follows:
 - a) Two (2) copies of site plans for buildings regulated under Part 9;
 - b) Three (3) copies of site plans for buildings regulated under Part 3;
 - c) Two (2) copies of architectural drawings for buildings regulated under Part 9;
 - d) Two (2) copies of architectural drawings for buildings regulated under Part 3;
 - e) Two (2) copies of structural plans for buildings regulated under Part 9;
 - f) Three (3) copies of structural plans for buildings regulated under Part 4;
 - g) Two (2) copies of mechanical and electrical drawings for buildings regulated under Part 6 or Part 9;
 - h) One (1) copy of specifications and soils reports, if required.

**SCHEDULE 'C' TO BY-LAW NO. 2020-1053
PRESCRIBED FORMS**

The following forms constitute the forms used by the Corporation of the Township of Stone Mills in the administration of the Building Code Act:

- Form 1 Application for a Permit to Construct or Demolish
- Form 2 Building Permit
- Form 3 Application to Construct or Demolish a Septic System
- Form 4 Order Requiring Tests and Samples
- Form 5 Stop Work Order
- Form 6 Order to Uncover
- Form 7 Order to Comply
- Form 8 Order Not to Cover or Enclose
- Form 9 Occupancy Permit
- Form 10 Inspection Report
- Form 11 Energy Efficiency Design Summary
- Form 12 Order to Remedy Unsafe Building
- Form 13 Order to Prohibit Occupancy
- Form 14 Schedule 1 Designer Information Sheet

SCHEDULE 'D' TO BY-LAW NO. 2020-1053 INSPECTIONS

Notice of readiness to inspect shall be given to the Chief Building Official for the following inspections unless otherwise stipulated by the Chief Building Official:

1. Of the commencement of the construction of the building,
2. Of the readiness to construct the footings,
3. Of the substantial completion of the footings and foundations prior to commencement of backfilling,
4. Of the substantial completion of structural framing and ductwork and piping for heating and air-conditioning systems, if the building is within the scope of Part 9 of Division B,
5. Of the substantial completion of structural framing and rough-in of heating, ventilation, air-conditioning and air-contaminant extraction equipment, if the building is not a building to which No. 4 applies,
6. Of the substantial completion of insulation and vapour barriers,
7. Of the substantial completion of air barrier systems,
8. Of the commencement of the construction of:
 - A. Masonry fireplaces and masonry chimneys,
 - B. Factory-built fireplaces and allied chimneys,
 - C. Stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys,
9. Of the substantial completion of all required fire separations and closures and all fire protection systems including standpipe, sprinkler, fire alarm and emergency lighting systems,
10. Of the readiness for inspection and testing of:
 - A. Building sewers and building drains,
 - B. Water service pipes,
 - C. Fire service mains,
 - D. Drainage systems and venting systems,
 - E. Water distribution system, and
 - F. Plumbing fixtures and plumbing appliances,
11. Of the substantial completion of interior finished and heating, ventilating, air-conditioning and air-contaminant extraction equipment,
12. Of the substantial completion of exterior cladding, fire access routes and site grading,
13. Of the completion of construction and installation of components required to permit occupancy by Subsection 1.3.3. of Division C,
14. Of the readiness for inspection of section and gravity outlets, covers and suction piping serving outlets of an outdoor pool described in Clause 1.3.1.1.(1)(j) of Division A, a public pool or a public spa,
15. Of the substantial completion of the circulation/recirculation system of an outdoor pool described in Clause 1.3.1.1.(1)(j) of Division A, a public pool or a public spa and substantial completion of the pool before it is first filled with water,
16. Of the readiness to construct the sewage system,
17. Of the substantial completion of the installation of the sewage system before the commencement of backfilling,
18. Of the substantial completion of installation of plumbing not located in a structure, before the commencement of backfilling,
19. Of the completion and availability of drawings of the buildings as constructed,
20. Re-inspection of any phase of construction not completed as specified above, or where as inspection revealed non-compliance with the Building Code, or where any other circumstance set out in Section 6.2 of this By-law applies.