

CORPORATION OF THE CORPORATION OF CHATHAM-KENT

By-law 268-2005

being a By-Law under the Building Code Act, 1992, S.O. 1992, c. 23, respecting construction, demolition, change of use, occupancy permits, transfer of permits, on-site sewage system permits and inspections.

WHEREAS section 7 of the *Building Code Act, 1992*, authorizes a municipal council to pass By-Laws concerning the construction, demolition, change of use, occupancy permits, on-site sewage system permits, inspections and related matters.

NOW THEREFORE the Council of the Corporation of the Municipality of Chatham-Kent enacts as follows:

SHORT TITLE

This by-law may be cited as the "Building By-law".

**Part 1
DEFINITIONS**

1.1 Definitions

In this By-law:

"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, a 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 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 Architect Act as defined in the Building Code.

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

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

"Chief Building Official" means the person appointed as such by by-law by the Corporation for the purposes of enforcement of the Act.

"Construct" means construct as defined in subsection 1(1) of the Act.

"Corporation" means The Corporation of the Municipality of Chatham-Kent.

"Demolish" means to demolish as defined in subsection 1(1) of the Act.

"Inspector" means the person appointed as such by by-law by the Corporation for the purposes of enforcement of the Act.

"Owner" means the registered owner of the property 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 by the Chief Building Official to perform work regulated by this by-law, the Act and Building Code, or to occupy a building or part thereof.

"Permit Holder" means the person to whom the 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.

"Registered Code Agency" means a Registered Code Agency defined in subsection 1(1) of the Act.

"Sewage System" means sewage system as defined in subsection 1(1) of the Act.

"Work" means construction or demolition of a building or part thereof, as the case may be.

Any word or term not defined in this By-Law, that is defined in the Act or Building Code shall have the meaning ascribed to it in the Act or Building Code.

Part 2
CLASSES OF PERMITS

2.1 Classes of permits set out in Schedule “A” of this By-Law are hereby established.

Part 3
PERMITS

3.1 Requirements for Permit Applications

To obtain a permit, the applicant shall file an application in writing by completing a prescribed form available from the Chief Building Official, the Corporation’s website, the offices of the Corporation or from the Ministry of Municipal Affairs and Housing website.

3.2 Information Submitted to Chief Building Official

Every application for a permit shall be submitted to the Chief Building Official, and:

- (1) Where application is made for a building permit under subsection 8(1) of the Act, the application shall:
 - (a) use the provincial application form entitled, “Application for a Permit to Construct or Demolish”;
 - (b) include complete plans and specifications, documents and other information as required by Article 2.4.1.1B of the Building Code and as described in Schedule “B” of this By-law
 - (c) include completed form as set out in Schedule “D” where applicable
 - (d) for new single detached, duplex, semi-detached or multiple dwellings be include,
 - (i) in the case of land in respect of which an accepted area or subdivision grading plan has been filed with the Corporation, a lot grading plan bearing the signature and seal of the subdivision owner’s professional engineer, who is responsible for the overall subdivision grading, certifying thereon that the lot grading plan conforms with the accepted area or subdivision grading plan filed with the Corporation; or
 - (ii) in the case of land in respect of which no accepted area or subdivision grading plan has been filed with the Corporation, a lot grading plan bearing the signature and seal of a professional engineer, a landscape architect (a member of the Ontario Association of Landscape Architects), or an Ontario Land Surveyor who certifies thereon that the drainage scheme depicted by the lot grading plan will be compatible with the existing drainage patterns.
 - (e) provide at time of application for permit, along with all other drawings and documentation as required by this By-law, a typical wall section showing the finished grade elevations of the accepted grading plan filed with the Corporation and the proposed elevation for the top of the footing.
 - (f) provide prior to constructing the foundation wall, an interim grading certificate bearing the signature and seal of a professional engineer, landscape architect (a member of the Ontario Association of Landscape Architects), an Ontario Land Surveyor, or a qualified person approved by the Chief Building Official certifying that the elevation of the top of the footing conforms with the lot grading plan specified in clauses 3.2 (d)(i) and (ii) of this By-Law; and
 - (g) provide a final lot grading certificate within 3 months of occupancy,
 - (i) bearing the signature and seal of the subdivision owner’s professional engineer, landscape architect (a member of the Ontario Association of Landscape Architects), an Ontario Land Surveyor, or a qualified person approved by the Chief Building Official certifying that the finished elevations and grading of the land generally conforms with the accepted area or subdivision grading plans and the lot grading plan specified in clauses 3.2(d)(i) and (ii) of this By-Law; or
 - (ii) where no accepted area or subdivision grading plan exists, bearing the signature and seal of a professional engineer, landscape architect (a member of the Association of Landscape Architects) an Ontario Land Surveyor or a qualified person approved certifying that the finished elevations and grading of land generally conforms to the lot grading plan specified in clauses 3.2(d)(i) and (ii) of this By-Law.

- (2) Where application is made for a demolition permit under subsection 8(1) of the Act, the application shall:
- (a) use the provincial application form entitled, “Application for a Permit to Construct or Demolish”; and
 - (b) include complete plans and specifications, documents and other information as required by Article 2.4.1.1B and Sentence 2.4.1.1(2) of the Building Code and as described in Schedule “B” of this By-Law for the work to be covered by the permit;
 - (c) include completed form as set out in Schedule “D” where applicable;
 - (d) provide proof satisfactory to the Chief Building Official, that arrangements have been made with the proper authorities for the termination and capping of all services and utilities on forms described in Schedule “E” of this By-Law;
 - (e) provide a security deposit in such an amount as prescribed by the Chief Building Official to ensure that the site will be backfilled and graded with clean fill material to the satisfaction of the Chief building Official and that all private drain connections will be excavated and properly sealed at the property line.
- (3) Where application is made for a conditional permit under Section 8(3) of the Act, the application shall:
- (a) use the provincial application form, “Application for a Permit to Construct or Demolish”; and
 - (b) include complete plans and specifications, documents and other information as required by Article 2.4.1.1B and Sentence 2.4.1.1(2) of the Building Code and as described in Schedule “B” of this By-Law for the work to be covered by the permit;
 - (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.
- (4) Where application is made for a change of use permit issued under subsection 10(1) of the Act, the application shall:
- (a) use the form available from the Chief Building Official, Corporation’s website and at the offices of the Corporation; and
 - (b) plans and specifications that show the current and proposed use of all parts of the building, and that contain sufficient information to establish compliance with the requirements of the Ontario Building Code including floor plans, details of wall, floor and roof assemblies identifying required fire resistance ratings and load bearing capacities;
 - (c) provide the names and addresses of the previous and new land owner; and
 - (d) provide the date that the land ownership took place; and
 - (e) describe the permit that is being transferred.
- (5) Where application is made for the transfer of a permit, the applicant shall;
- (a) use the form available from the Chief Building Official, Corporation’s website and at the offices of the Corporation; and;
 - (b) provide the names and addresses of the previous and new land owner; and;
 - (c) provide the date that the land ownership too place; and
 - (d) describe the permit that is being transferred.

- (6) Where application is made occupancy of an unfinished building as provided for in Article 2.4.3.1 of the Building Code, the application shall:
 - (a) Use the form available from the Chief Building Official, municipal website and at the offices of the Corporation; and
 - (b) Describe the part of the building for which occupancy is requested.

- (7) Where application is made under an on-site sewer application under subsection 8(1) of the Act, the application shall:
 - (a) use the provincial application form entitled, “Application for a Permit to Construct or Demolish”; and
 - (b) include complete plans and specifications, documents and other information as required by Article 2.4.1.1B of the Building Code.
 - (c) in addition to the requirements of clause 7(b), provide a scaled drawing of the site indicating: the legal description, lot size, location of all buildings and structures, driveways, proposed system, wells, municipal drains and watercourses.

3.3 Incomplete Application

Where an application is found to be incomplete and does not comply with Sentence 2.4.1.1B (5) of the Building Code, the application may be accepted for processing if the applicant acknowledges same.

3.4 Partial Permit - Requirements

When, in order to expedite work, a permit for a portion of the building or project is desired prior to the issuance of a permit for the complete building or project, the applicant shall;

- (a) submit an application for the complete project and pay all allocable fees in accordance with the applicable sections of this by-law;
- (b) submit complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the Chief Building Official; and
- (c) acknowledge that the application is incomplete as described in Section 3.3 above.

3.5 Partial Permit - Limitations

The issuance of a partial permit under section 3.4, above, shall not be constructed as authorized to construction beyond the plans for which the partial permit was given nor does it guarantee that a permit will necessarily be issued for the entire building or project.

3.6 Inactive Permit Application

Where an application for a permit remains incomplete or inactive for six (6) months after it is submitted, the application may be deemed by the Chief Building Official to have been abandoned and notice thereof shall be given to the applicant. If an applicant is deemed to be abandoned, a new application must be filed for the proposed work.

Part 4 PLANS AND SPECIFICATIONS

4.1 Information Required

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, change of use or transfer of permit will conform with the Act, the Building Code and any other applicable law.

4.2 Number of Documents

Each applicant shall, unless otherwise specified by the Chief Building Official, be accompanied by two (2) complete sets of plans and specifications as described in this By-Law and Schedule “B” of this By-Law.

4.3 Scale of Drawings

Plans shall be drawn to scale on paper, cloth, electronic media approved by the Corporation or other durable material and shall be legible.

4.4 Site Plans Referenced to Plan of Survey

Site plans shall be referenced to a current plan of survey certified by a registered Ontario Land Surveyor. A copy of such a survey shall be submitted to the Chief Building Official unless this requirement is waived where the Chief Building Official is able, without having a current plan of survey, to determine whether the proposed work conforms to the Act, Building Code and any other applicable law. Site plans shall indicate:

- (a) lot size and dimensions of the property lines and setbacks to any existing or proposed buildings; and
- (b) existing and unfinished ground levels or grades;
- (c) existing rights-of-way, easements and municipal services.; and
- (d) overhead electrical conductors, watercourses and railways.

4.5 As Constructed Drawings

Upon completion of the construction of a building, or any phase thereof, the Chief Building Official may require a set of "as constructed plans", including a plan of survey indicating the location and elevation of the building.

4.6 Plans Property of Corporation

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

Part 5 REGISTERED CODE AGENCIES

5.1 Registered Code Agency Appointed by Chief Building Official

Where the Corporation enters into an agreement with a Registered Code Agency, the Chief Building Official is authorized to appoint Registered Code Agencies to perform specific functions in respect to the construction of a building or class of buildings from time to time in order to maintain time periods for permits prescribed in subsection 2.4.1 of the Ontario Building Code.

5.2 Functions of Registered Code Agencies

The registered code agency may be appointed to perform one or more of the specified functions described in Section 15.15 of the Act.

Part 6 FEES AND REFUNDS

6.1 Determination of Fees

- (1) The Chief Building Official shall determine the required fees for the work proposed calculated in accordance with Schedule "A" of this By-Law and the applicant shall pay such fees. Fees are due and payable upon submission of an application for a permit. No permit shall be issued until such fees are paid in full. Where application is made for a conditional permit, fees shall be paid for the complete project.
- (2) Where the fees payable in respect of an application for construction, demolition, change of use and on-site sewage system permit 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 cost of all work regulated by the permit including the cost of all material, labour, equipment, overhead and professional and related services.
- (3) The Chief Building Official may place a valuation on the cost of any proposed work for the purpose of establishing the required permit fee. Where disputed by the applicant, the applicant shall pay the required fee under protest and within six months after completion of the project, shall submit an audited statement of the actual costs. Where the audited costs are determined to be less than the valuation, the Chief Building Official shall issue a refund for the difference.
- (4) Fees shall be indexed annually based on the CPI as approved by the Council of the Corporation.

6.2 Damage and Security Completion Deposit

Where it is anticipated that heavy vehicles will be involved in the work for which the permit is issued, the Chief Building Official shall determine the required Damage and Security Completion Deposit calculated in accordance with Schedule "A" and the applicant shall pay such deposit. No permit shall be issued until the required deposit has been paid in full. Upon completion of all work authorized by the permit and provided that such work has passed a final inspection, the Damage and Completion Security Deposit may be refunded. The Corporation reserves the right to use such deposit or any other portion thereof to repair any damage to its infrastructure or to complete any required work.

6.3 Construct Without Permit

Every person who commences construction, demolition or changes the use of a building either before submitting an application for a permit or, where an application for a permit has been submitted but no permit been issued, before ten (10) working days have elapsed from the date of which the application for a permit was accepted by the Corporation, shall in addition to any other penalty imposed under the Act, Building Code or By-Law pay an additional fee equal to 100% of the amount calculated as the regular permit fee but in no case shall the additional fee exceed \$5000.00.

6.4 Refunds

In the case of withdrawal of an application or the abandonment of all or a portion of the work, or refusal of a permit, or the revoking of a permit, 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" of this By-Law.

Part 7 TRANSFER OF PERMITS

7.1 Application

A permit may be transferred if the new land owner completes the permit application for in accordance with the requirements of Part 3 of this By-Law.

7.2 Fee For Transfer

A fee shall be payable on an application for a transfer of permit as provided in Schedule "A" of this By-Law.

Part 8 REVOCAION OF PERMITS

8.1 Notice of Revocation

Prior to revoking a permit under subsection 8(10) of the Act, the Chief Building Official may serve a notice by personal services or registered mail at the last known address of the permit holder. If on the expiration of thirty (30) days from the date of such notice, the grounds for revocation continue to exist, the permit may be revoked without further notice, and all submitted plans and all other information may be disposed of and a refund for permit fees paid back in accordance with section 6.4 above.

8.2 Deferral of Revocation

A permit holder may within thirty (30) days from the date of service of a notice under this Part, request in writing, the Chief Building Official to defer the revocation by stating reasons why the permit should not be revoked. The Chief building Official having regard to any changes to the Act, Building Code or other applicable law may allow the deferral, in writing.

Part 9 NOTICE REQUIREMENTS FOR INSPECTIONS

9.1 Notice

The permit holder shall notify the Chief Building Official or a Registered Code Agency where one is appointed, of each stage of construction for which a mandatory notice is required under Article 2.4.5.1 of the Building Code. In addition to the notice of completion as prescribed by Section 11 of the Act, the permit holder shall provide another mandatory notice after the completion of demolition work to ensure the completion of site grading and other and other works described in Section 3.2 of this By-Law.

9.2 Effective

A notice pursuant to this Part of the By-Law is not effective until such notice is actually received by the Chief Building Official or Registered Code Agency, as the case may be.

9.3 Time Periods

Upon receipt of proper notice, the inspector or a Registered Code Agency, if one is appointed, shall undertake a site inspection of the building to which the notices relates in accordance with the time periods stated in Article 2.4.5.3 of the Building Code and section 11 of the Act.

Part 10

VALIDITY

10.1 Severability

In the event that any provision of this By-Law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this By-Law.

Part 11

CONTRAVENTION OF BY-LAW

11.1 Contravention

Every person who contravenes any provision of this By-Law is guilty of an offense and on conviction is liable to a fine as provided in Section 36 of the *Building Code Act, 1992, S.O. 1992, c, as amended*.

Part 12

REPEAL

12.1 By-Laws

By-Law 203-2003 and all of its amendments are hereby repealed.

12.2 Effective Date

This by-law shall become effective on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 19th day of December 2005.

DIANE GAGNER, Mayor

Clerk

SCHEDULE “A”

This is Schedule “A” to By-Law 268-2005 respecting

CLASSES OF PERMITS AND FEES

1. Minimum Permit Fee

A minimum fee of \$60.00 shall be charged for all work, unless otherwise indicated in Table ‘A’.

TABLE ‘A’

Group A (Assembly)	\$ 10.50 per \$ 1000.00 construction value up to \$ 10,000,000.00, \$ 1.50 per \$ 1000.00 construction value thereafter.
Group B (Institutional)	
Group C (Residential) – addition/renovation only	
Group D (Business & Personal Service)	
Group E (Mercantile)	
Group F (Industrial)	
Agricultural Buildings	
Greenhouses	
Demolition Permit	
Accessory Structures	
Plumbing	
Group C (New Residential)	\$.90/ft ² finished floor area (above grade) \$.45/ft ² finished floor area (below grade) \$.20/ft ² attached garage
Change of Use Permit	\$ 60.00
On-Site Sewage System - New	\$ 560.00
- Repair	\$ 150.00
Sanitary Connection - (conversion from septic)	\$ 200.00
New Service Connection	\$ 60.00
Sewer Replacement/Repair	\$ 60.00
Damage & Security Completion Deposit (refundable)	\$ 1000.00 (bldg. area > 538 sq ft ²) \$ 500.00 (bldg. area ≤ 538 sq ft ²)
Pool Permit	\$ 60.00
Sign Permit	\$ 60.00 per sign
Transfer of Permit	\$ 60.00
Zoning Reviews	\$ 60.00
Septic Reviews	\$ 60.00

2. Interpretation

The following explanatory notes are to be observed in calculation of fees.

- ◆ Floor area is measured to the outer face of exterior walls and to the centre line of party walls (excluding attached garages)
- ◆ No deductions are made for openings within the floor area (e.g. stairs, elevators, shafts etc.)
- ◆ Unfinished basements are not included in the floor area.
- ◆ The occupancy categories in Table ‘A’ correspond with the major occupancy classifications in the Ontario Building Code. For mixed occupancy floor areas, the fee for each of the occupancy categories shall be used except where occupancy category is less than 10% of the floor area.

NOTE:

Damage & Security Completion Deposit not required where subject to Site Plan Agreement.

SCHEDULE “B”

This is Schedule “B” to By-Law 268-2005 respecting

LIST OF PLANS REQUIRED TO BE SUBMITTED WITH APPLICATION

Site Plan

Foundation Plan

Floor Plan (each floor)

Elevations

Framing Plans

Sections & Details

Roof Plan

Reflected Ceiling Plan

Plumbing Plans

HVAC Plans

Electrical Plans

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

SCHEDULE "C"

This is Schedule "C" to By-Law 268-2005 respecting

REFUNDS

<u>Status of Permit Application</u>	<u>Percentage of Fees Eligible for Refund</u>
Application filed. No processing or review of plans submitted	80 %
Application filed Plans reviewed & permit issued	60%
Additional deduction for each field inspection that has been performed	as determined by Chief Building Official

NOTE:

If the calculated refund is less than the minimum fee applicable to the work, no refund shall be made of the fees paid.

SCHEDULE "D"



Municipality of Chatham-Kent
 Building, Enforcement and Licensing Services

GENERAL REVIEW COMMITMENT CERTIFICATE
 (in accordance with Section 2.3.2 of the Ontario Building Code)

Permit No: _____	Office Use Only Roll No.: 3650 _____
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Description of Work: _____

Project Address: _____

(This part must be completed by all consultants retained for General Review)
The undersigned hereby certifies that he/she has been retained to provide General Review of the following parts of construction.

ARCHITECT	Name: _____ Signature: _____ Address: _____ <small>Street City Prov. Postal Code</small> Telephone: (____) _____ - _____ Fax: (____) _____ - _____ Email: _____
ENGINEER (Structural)	Name: _____ Signature: _____ Address: _____ <small>Street City Prov. Postal Code</small> Telephone: (____) _____ - _____ Fax: (____) _____ - _____ Email: _____
ENGINEER (Mechanical)	Name: _____ Signature: _____ Address: _____ <small>Street City Prov. Postal Code</small> Telephone: (____) _____ - _____ Fax: (____) _____ - _____ Email: _____
ENGINEER (Electrical)	Name: _____ Signature: _____ Address: _____ <small>Street City Prov. Postal Code</small> Telephone: (____) _____ - _____ Fax: (____) _____ - _____ Email: _____

(This part must be completed by Owner or Agent authorized by Owner)

THE OWNER, being the person who intends to construct, or have constructed, a building, has agreed to have each of the retained architect(s) and professional engineer(s) complete, properly authorize, and return to the Building Services Department the General Review Commitment Certificate(s) prior to and as a condition of permit issuance, and authorizes the retained architect(s) and professional engineer(s) to forward directly to the Chief Building Official all written reports arising out of the required General Review undertaken pursuant to Section 2.3 of Ontario Regulation 413/90 by the retained architect(s) and/or professional engineer(s).

REGISTERED OWNER _____

ADDRESS: _____
Street City Postal Code

I the undersigned, _____ am the Owner/Agent on behalf of the Owner have read and agree to the above.
(Please Print)

Signature _____ Date _____

SCHEDULE "E"

MUNICIPALITY OF CHATHAM-KENT

DEMOLITION

I have notified the following Utilities of my intention to demolish a building located at:

	<u>PHONE</u>	<u>NOTIFIED</u>	<u>NOT NOTIFIED</u>
Union Energy	1-888-718-6466	<input type="checkbox"/>	<input type="checkbox"/>
		Signed: _____	
Union Gas	1-888-774-3111		
Hydro One	1-888-664-9376	<input type="checkbox"/>	<input type="checkbox"/>
		Signed: _____	
Chatham-Kent PUC	519-352-6300	<input type="checkbox"/>	<input type="checkbox"/>
		Signed: _____	
Bell Telephone	310-2355 (Res. Bldg.)	<input type="checkbox"/>	<input type="checkbox"/>
		signed: _____	
	310-2355 (Comm. Bldg.)	<input type="checkbox"/>	<input type="checkbox"/>
		signed: _____	
Cogeco Cable Television	1-800-267-9000	<input type="checkbox"/>	<input type="checkbox"/>
		Signed: _____	
		Signed: _____	
		Date: _____	

NOTE:

In addition to the above notifications, please ensure proper utility locates are obtained.

Also note utility locates obtained by the Ontario One Call # do not constitute notification for the purpose of this form, please use the numbers listed above.