

The Corporation of the Township of Tyendinaga

By-law No. 05-16

ENTITLED a By-law to provide for the issuance of Building Permits, Demolition Permits, Plumbing Permits, Change of Use Permits, Sewage System Permits and Swimming Pool Permits and to set fees for same.

WHEREAS Section 7 of the Building Code Act, S.O. 1992, Chapter 23, as amended, authorizes the Council of a municipality to pass by-laws prescribing classes of permits, applications for permits, requiring the payment of fees for the issuance of permits, and requiring information to be filed in support of applications for permits;

AND WHEREAS the Council of the Township of Tyendinaga deems it expedient to issue said permits and to set fees for same;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TYENDINAGA hereby enacts as follows:

PART I

1. This by-law shall be known and may be cited as the “Building, Plumbing and Sewage System by-law of the Corporation of the Township of Tyendinaga” and is hereinafter referred to as “this By-law”.
2. In this By-law:
 - (a) “Act” shall mean the Building Code Act S.O. 1992, Chapter 23 as amended and any successor thereto.
 - (b) “Applicant” shall mean the Owner of a property for which a Building, Plumbing and/or Sewage System Permit is being applied for or the Owner’s agent duly authorized in writing by the Owner.
 - (c) “Building” means a structure occupying an area greater than 10 square metres and consisting of a wall, roof and floor or any one or more of them or a structural system serving the function thereof including all the works, fixtures and service systems appurtenant thereto and including such other structures as are designated in the Building Code but does not include a structure used directly in the extraction of ore from a mine.
 - (d) “Building Area” means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls.
 - (e) “Building Code” means the regulations made pursuant to the provisions of Section 34 of the Act.
 - (f) “Building Permit” shall mean a permit issued by the Chief Building Official pursuant to the provisions of the Act, Building Code, and this By-law whereby the Chief Building Official certifies his or her approval of the plans and specification for the construction

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of a building.

- (g) "Chief Building Official" (hereinafter referred to as the CBO) means the Chief Building Official appointed as such by the Corporation of the Township of Tyendinaga pursuant to the provisions of Section 3 (2) of the Act.
- (h) "Construct" mean to do anything in the erection, installation or extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere, and construction has a corresponding meaning.
- (i) "Demolition" means the doing of anything in the removal of a building or any material part thereof.
- (j) "Demolition Permit" means a Permit issued by the Chief Building Official pursuant to the provisions of the Act, the Building Code and the By-law whereby the Chief Building Official authorizes the removal of a building or any material part thereof.
- (k) "Gross Area" means the total area of all floors above grade measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of firewalls except that, in any other occupancy than a residential occupancy, where an access or a building service penetrates a firewall, measurements shall not be taken to the centre line of such firewall.
- (l) "Inspector" means an inspector appointed by the Municipality pursuant to the provisions of Section 3 (2) of the Act.
- (m) "Municipality" means the Corporation of the Township of Tyendinaga.
- (n) "Occupancy" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- (o) "Plumbing Permit" shall mean a permit issued by the Chief Building Official pursuant to the provisions of the Act, and the By-law whereby the Chief Building Official certifies his or her approval of the plans and specifications for the installation of plumbing.
- (p) "Residential Housing" shall mean all single family detached dwellings, seasonal residential dwellings and all multi-residential buildings.
- (q) "Unsafe" when used in respect of a building means:
 - i) structurally inadequate or faulty for the purposes for which it is used; or
 - ii) in a condition that could be hazardous to persons in the normal use of the building.
- (r) "Sewage System Permit" means a Permit issued by the Quinte Conservation Authority pursuant to the provisions of the Act, Building Code, and this By-law whereby the Quinte Conservation Authority certifies their approval of the plans and

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specifications for the installation of a sewage system.

PART II

3. This By-law shall apply to all lands lying within the corporate limits of the Corporation of the Township of Tyendinaga.
4. .
 - (1) The Municipality may by By-law appoint a Chief Building Official and such inspectors as are necessary to administer and enforce the provisions of the Act, the Building Code and the provisions of this By-law and the CBO's duties shall include but not be limited to the following:
 - (a) Receiving and processing applications for permits pursuant to the provisions of this by-law;
 - (b) Issuing such permits, order or notices as may be required by the provisions of this By-law or the provisions of the Act.
 - (c) Inspecting all buildings erected, altered or repaired or demolished within the corporate limits of the Township of Tyendinaga to insure that all buildings are erected, altered, repaired or demolished pursuant to the provisions of this By-law, the Act and the Building Code as they may exist from time to time;
 - (d) Enforcement of the provisions and requirements of this By-law, the Zoning By-law for the Corporation of the Township of Tyendinaga, the Act, the Building Code and other applicable law as he or she may see fit from time to time; and
 - (e) To present such reports as may be required by the Municipality at such times as are required by the Municipality relating to the provisions of the By-law, the Act, and the Building Code.
 - (2) The Chief Building Official shall, on an application and on all final drawings, plans, or sketches submitted with an application for a Permit pursuant to this By-law stamp or otherwise signify his or her approval, together with the date of that approval, on a copy of the application, plan, sketch or drawing which shall be kept with the application.
 - (3) The Chief Building Official shall hold office during the pleasure of the Council of the Municipality.
5. No person shall construct or demolish or cause to be constructed or demolished a building within the corporate limits of the Township of Tyendinaga unless a Building Permit has been issued for the construction or demolition by the Chief Building Official.
6. No person shall install, alter or repair or cause to be installed, altered or repaired a sewage system within the corporate limits of the Township of Tyendinaga unless a Sewage System Permit has been issued for the installation, alteration or repair by the Quinte Conservation Authority.

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7. Classes of permits with respect to the construction, demolition and change of use of buildings and the issuance of septic system permits and permit fees shall be set out in Schedule 'A' to this By-law.
8. The Chief Building Official shall issue a Building Permit pursuant to the provisions of this By-law except where:
 - (a) The proposed building or the proposed installation, construction or demolition will not comply with the Act or the Building Code or this By-law or will contravene any other applicable law including the By-laws of the Municipality; or
 - (b) The Applicant is a builder as defined in the Ontario New Home Warranty's Plan Act and has not been registered pursuant to the Act; or
 - (c) The application as prescribed by this By-law is incomplete or any fees have not been paid.
9. .
 - (1) Any Applicant may apply to the Chief Building Official for a Building Permit pursuant to the provisions of this By-law and such Application shall include the following:
 - (a) The completed application on a form as prescribed by the Chief Building Official which shall include, but not be limited to, the following information:
 - i) The name and address of the Owner of the property for which the Permit is being applied for and the name and address of the agent duly authorized in writing actually making the application, if applicable;
 - ii) The municipal address and legal description of the property in question;
 - iii) A plan, sketch or drawing describing in detail satisfactory to the Chief Building Official the construction or demolition or work to be done; and
 - iv) A statement signed by the Owner or his agent duly authorized in writing as to the value in monetary terms of the proposed construction;
 - v) Confirmation, in writing, that the driveway entrance has been approved by the Road Superintendent.
 - (b) Any deposit that is required by the provisions of this By-law; and
 - (c) The Building Permit fees, including inspection fees, as calculated pursuant to the provisions of this By-law.
 - (2) The Chief Building Official or building inspector, in addition to the information provided in Section 9 (1) above, may require that the applicant supply the following information where the Chief Building Official or building inspector consider it desirable to do so:

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- (a) Where the building to be constructed is a new building or is an addition onto an existing building, a survey certified by a registered Ontario Land Surveyor showing the proposed location of the building as opposed to the lot lines;
 - (b) Where the building to be constructed is a new building, a lot grading and drainage plan prepared by a duly qualified engineer satisfactory to the Chief Building Official which is sufficient to indicate that the proposed lot grading and drainage for the subject property complies with the provisions of the Building Code;
- (3) Where the Building is a hospital, school, college, church, theatre, hall or other building used as a place of worship or public resort or amusement or for public meetings, a set of plans of the building as constructed shall be filed with the Chief Building Official on completion of the construction of the building.
- (4) Where the Chief Building Official requires a lot grading and drainage plan pursuant to the provisions of Section 9 (2)(b) of this By-law, the applicant shall, prior to the final inspection of the premises required by this By-law and before the premises are occupied, provide to the Chief Building Official a lot grading and drainage plan as constructed which shall be filed with the Chief Building Official and which shall be signed by a qualified engineer who shall certify that drainage of surface water from the lot will not adversely affect adjacent property.
10. Any applicant may apply to the Chief Building Official for a Plumbing Permit pursuant to the provisions of this By-law and such Application may include the following:
- (a) such plans, drawings and sketches of the plumbing as may be required by the Chief Building Official which shall show to the satisfaction of the Chief Building Official:
 - i) the plumbing that is to be constructed, repaired, renewed or altered; and
 - ii) the location of drains, pipes, traps and other works or appliances that are or are to be part of or connected with the plumbing.
11. Any Applicant may apply to the Quinte Conservation Authority for a Sewage System Permit pursuant to the provisions of the By-law and such Application may include the following:
- (a) such plans, drawings and sketches of the sewage system as may be required by the Quinte Conservation Authority which shall show to the satisfaction of the Quinte Conservation Authority:
 - i) the sewage system that is to be constructed, repaired, renewed or altered as set out in the 'Application for a Building Permit for a Sewage System'.
12. The water supply for any building for which a Permit has been issued pursuant to the provisions of this By-law shall not be turned on so as to supply that building with water until the Chief Building Official has completed a final inspection pursuant to the provisions of Section 17 (2) (i) of this By-law and is satisfied that the Building has been completed and is

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in conformity with the Building Code.

13. The fee to be charged by the Chief Building Official for the issuing of a Building and /or Plumbing Permit pursuant to the provisions of this By-law shall be as set out on Schedule 'A' to this by-law which schedule shall form part of this By-law.
14. Any Permit issued pursuant to this By-law shall be displayed in a prominent place on the property for which the Permit has been issued.
15. The applicant for a building permit may request a permit transfer and the Chief Building Official may authorize such transfer in accordance with the fees set out on Schedule 'A'.
16. .
 - (1) Each building being constructed pursuant to the Permit issued under Sections 9, 10, and/or 11 of this By-law shall be inspected by the Chief Building Official or an inspector duly appointed pursuant to this By-law upon receiving notice within two (2) business days prior to each stage of construction from the holder of the Permit that the premises are ready for inspection.
 - (2) The holder of a Building Permit issued pursuant to Section 7 of this By-law shall notify the Chief Building Official that the premises are ready for inspection at the following stages of construction, if applicable:
 - (a) Prior to the commencement of any excavation or grading that may be required to commence the construction of the building.
 - (b) when the holder of the permit is ready to construct the footings;
 - (c) Upon substantial completion of the footings and foundation prior to commencement of backfilling;
 - (d) Upon substantial completion of:
 - i) The structural framing and ductwork and piping for heating and air conditioning systems, if the building is within the scope of Part 9;
 - ii) The installation of insulation, vapour barriers and air barriers.
 - (e) At the commencement of the construction of:
 - i) Masonry fireplaces and masonry chimneys;
 - ii) Factory built fireplaces and chimneys; and
 - (f) Upon the substantial completion of all required fire separation and closures and all fire protection systems including stand pipe, sprinkler, fire alarm and emergency lighting systems;

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- (g) Upon substantial completion of interior finishes and heating, ventilating, air conditioning and air contaminant extraction equipment;
 - (h) Upon substantial completion of the exterior cladding, fire access routes and site grading; and
 - (i) Upon completion of the building and availability of the drawings of the building as constructed.
- (3) The holder of a plumbing permit issued pursuant to Section 8 of the Building Code Act shall notify the Chief Building Official that the premises are ready for inspection at the following stages of construction:
- (a) upon completion of under basement floor drains and vents
 - (b) upon roughing in of all above floor drains and vents and when all waterlines to be covered
 - (c) upon completion of traps and fixtures
- (4) The holder of a sewage system permit issued pursuant to Section 8 of the Building code Act shall notify the Quinte Conservation Authority that the system is ready for inspection at the following stages of construction:
- (a) site inspection immediately following testing hole placement
 - (b) upon substantial completion of sewage system prior to backfill
 - (c) final grading prior to use of system
- (5) The applicant or his contractor shall contact the Chief Building Official and indicate when each stage of construction has been completed and when the building will be available to be inspected.
- (6) Upon being notified that a stage of construction has been completed and that the building is available for inspection, the Chief Building Official shall, as soon as is practicable, inspect the building, and if that stage of construction has been satisfactorily completed pursuant to the provisions of the Building Code, the CBO shall issue written authorization for the construction of the next stage of construction.
- (7) No person shall do any work on any stage of construction for any building for which a Building Permit has been issued pursuant to the provisions of this By-law unless the Chief Building Official has indicated in writing that the stage of construction in question may be commenced.
- (8) The Chief Building Official may, at any stage of construction, require that the applicant or his contractor provide to the Chief Building Official a survey prepared by an Ontario Land Surveyor confirming that the location of the building on the lot complies with all applicable provisions of the Municipality's zoning by-law regarding setbacks and side

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yard requirements.

- (9) If the Chief Building Official is not satisfied that construction has been done or completed pursuant to the provisions of the Act or the Building Code, the Chief Building Official may give such notices and make such orders regarding the deficiencies as may be provided for by the Act.
- (10) The Chief Building Official upon final inspection as provided for under Section 17 (2) (i) of this By-law may either:
- i) Issue a final inspection notice if satisfied that all construction on the building and all site grading and drainage has been completed to his to her satisfaction according to the provisions of the Act, the Building Code, all applicable municipal by-laws all other applicable law, and the drawings, plans and specification forming part of the application for the Building Permit, or
 - ii) Make such Order requiring that any deficiency be corrected if he or she is not satisfied that the building and the lot grading and drainage have been satisfactorily completed.
17. Where any person does any work on any stage of construction for a Building which has not been authorized in writing pursuant to the provisions of Section 16 above, the Chief Building Official may, in addition to any other remedy provided for in the Act, the Building Code or this by-law, require that person to uncover or dismantle any unauthorized work for the purposes of inspection.
18. .
- (1) In addition to the Building Permit Fees calculated pursuant to Schedule 'A' of this By-law, deposits shall be paid by the applicant, where applicable, pursuant to Schedule 'B' of the by-law, prior to the issuance of any building permit.
19. The Chief Building Official may revoke any Permit issued pursuant to this By-law on any grounds provided for in the Act.
20. Notwithstanding any provision of this By-law, the issuing of a Permit or the approval of drawings and specifications for a Permit or the making of inspections by the Chief Building Official during the construction of the building shall not in any way relieve the Owner of such building or his agent or successor or assign from full responsibility for carrying out the work in accordance with the requirements of this By-law, the Act, Building code and all other applicable law.

PART III

21. No person shall excavate for or erect an outdoor swimming pool within the Corporation of the Township of Tyendinaga unless that person has been issued a Swimming Pool Permit pursuant to the provision of this By-law.

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22. The Applicant for an outdoor swimming pool shall submit information to the Chief Building Official which shall include but not be limited to:
- (a) An Application in a form as prescribed by the Chief Building Official which shall include:
 - i) The name and address of the Owner of the land upon which the outdoor swimming pool will be placed.
 - ii) The name and address of the person who will construct the outdoor swimming pool if different from the Owner.
 - iii) Plans and specifications satisfactory to the Chief Building Official indicating the depth, length and width of the outdoor swimming pool and its location on the land in question.
 - iv) The type and height of fencing to be installed around the outdoor swimming pool.
 - v) An application fee in an amount calculated pursuant to the provisions of Schedule 'A' attached to this By-law.
23. No swimming pool may be filled with water until the Chief Building Official or building inspector has verified that a fence that completely surrounds the swimming pool and has a height of at least 1.5 meters and has been completed.
24. A gate or opening that provides access to an outdoor swimming pool from a yard shall be equipped with a self-closing latching mechanism and shall be of the same height and construction as the fence surrounding the outdoor swimming pool.

PART IV

REVISIONS TO PERMIT

25. 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.

PART V

REFUNDS

26. In the case of withdrawal of an application or the 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 'A' attached to and forming part of this By-law.

PART VI

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ENFORCEMENT

27. Any person who contravenes any provision of this By-law shall be deemed to have committed an offence and shall be subject to a fine as determined by the provisions of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
28. If any section, clause or provision of this By-law including anything contained in Schedules 'A' and/or 'B' attached hereto, is for any reason 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 section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall be declared to be invalid.
29. This by-law shall come into force and take effect on and after the passing hereof.

That By-law No. 86-14, 80-04, 85-16, 89-27, 00-19, 89-28, 1357, 1451, 1498, 69-09, 81-05, 85-17, 90-25, 96-15, 11-12 and all previous by-laws providing for the issuance of building and plumbing permits are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME THIS 21st day of March, 2005.

Margaret Walsh, Reeve

Daphne Blais Rae, Clerk-Treasurer

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Schedule "A"
To By-Law No. 05-16

Table to be Used To Determine Estimated Costs and Building Permit Fee

CLASS OF PERMIT	Value of the improvement is to be determined on the following costs.
A) NEW RESIDENTIAL HOUSING AND ADDITIONS:	
\$75.00 per square foot -	To obtain estimated cost, apply \$75.00 per square foot of living space above grade. Permit cost is \$75.00 plus \$7.50 per \$1,000.00 or part thereof of estimated cost.
B) COMMERCIAL AND INDUSTRIAL: (Includes Renovation)	
\$50.00 per square foot – A)	First class masonry, veneer or frame and siding construction with interior finished suitable for occupation as business, school, church, office, etc., to obtain estimated cost, apply \$50.00 per square foot of floor area (use 75% of rate for 2 nd and 3 rd floors and 50% of rate for each floor thereafter). Permit cost is \$75.00 plus \$7.50 per \$1,000.00 or part thereof of estimated cost.
\$30.00 per square foot – B)	All buildings of masonry, veneer, frame or metal construction with interior unfinished to be used for storage, warehousing or factory, etc. To obtain estimated cost, apply \$30.00 per square foot of floor area (use 75% of rate for 2 nd and 3 rd floors and 50% of rate for each floor thereafter). Permit cost is \$75.00 plus \$7.50 per \$1,000.00 or part thereof of estimated cost.
C) GARAGES, SHEDS, UTILITY BUILDINGS, CARPORTS, DECKS AND PORCHES	
\$30.00 per square foot –	To obtain estimated cost apply \$30.00 per square foot of building area. Permit cost is \$75.00 plus \$7.50 per \$1,000.00 or part thereof of estimated cost.

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- D) RESIDENTIAL RENOVATIONS: Schedule "A"
To By-Law No. 05-16
- \$50.00 per square foot – To obtain estimated cost, apply \$50.00 per square foot of area to be renovated Permit cost is \$75.00 plus \$7.50 per \$1,000.00 or part thereof of estimated cost.
When the CBO cannot satisfy himself as to the square footage of the renovations the permit fee shall be calculated on the value of the improvements.
- E) FARM BUILDINGS AND/OR FABRIC COVERED STRUCTURES
- Open – \$10.00 per sq.ft. To obtain cost, apply \$10.00 or \$15.00 per square foot of building area. Permit cost is \$75.00 plus \$7.50 per \$1,000.00 or part thereof of estimated cost.
Closed – \$15.00 per sq.ft.
- F) SWIMMING POOLS and all necessary fencing \$75.00 fee
- G) DEMOLITION PERMIT FEE \$50.00 fee
(Active Farm buildings are exempt within the meaning of the Act and the Regulations)
- H) OCCUPANCY PERMIT \$75.00 fee
- I) CHANGE OF USE PERMIT
- Every application for a change of use permit issued under the Act shall contain sufficient information to enable the CBO to determine if it will conform with the Act, the Building Code and any other applicable law. \$200.00 fee plus fire inspection fees as per each municipality fee schedule plus building/plumbing permit fees if applicable.
- J) PLUMBING PERMITS
- i) Residential \$75.00 per unit or suite plus \$7.50 per new/additional/relocated fixture or trap
- ii) All other buildings \$75.00 per stack plus \$7.50 per new/additional/relocated fixture or trap

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Schedule "A"
To By-Law No. 05-16

L)	REQUESTED INSPECTIONS	\$75.00
M)	PERMIT TRANSFER	\$75.00
N)	PERMIT REVISIONS	\$75.00 plus \$7.5 0/thousand of additional value.
O)	CONSTRUCTION STARTED BEFORE PERMIT ISSUED	\$200.00 administration fee plus permit fees
P)	BUILDING DEPARTMENT LETTERS	\$25.00
Q)	REFUNDS	

Status of Permit Application	Percentage of Fee Eligible for Refund
Application filed. No processing or review of plans submitted	90%
Application filed. Plans reviewed, initial inspection conducted and permit issued	70% less \$75.00 per any additional required inspections
Permits valued at less than \$100.00	0%

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Schedule "A"
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SEWAGE SYSTEM PERMIT FEE SCHEDULE

The following fee schedule applies to application for Sewage System Permits pursuant to Part 8 of the Building Code Act as set out by Quinte Conservation

Class 1 System Sewage System Permit not required – advisory service only	No Fee
Class 2, or 3 System Leaching pits/grey water and cesspools not exceeding 1,000 litres per day	\$200
Class 4, and 5 Systems Leaching bed systems and holding tanks not exceeding 10,000 litres per day	\$350
If in conjunction with flood plain regulations permit* Class 4 and 5 systems only	\$250
Renewals of Sewage System Permit	\$ 75
Additional Inspections	\$ 75
Written Responses ** Property Clearances, File Searches, Lawyer's Letters, Building Letters	\$ 75

* Applicants who require a Class 4 or 5 Sewage Permit and a Permit to Fill, construct or alter will obtain a \$100.00 savings on the fee for the Sewage System Permit since it will involve a combined review by Authority Staff.

** The local Health Unit may charge a fee for performing a file search of their records. The proponent will be required to remit payment for any additional charges applied by the Health Unit for these services.

Applications can be forwarded:

- By hand delivery to a drop box at 10 Victoria Street, Napanee
- By arranging a site meeting with a Quinte Conservation Inspector, or
- By mail or delivery to:

Quinte Conservation
R. R. #2, 2061 Old Highway #2
Belleville Ontario K8N 4Z2
Tel: 613-968-3434
Fax: 613-968-8240

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