

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER 057- 2018

A by-law respecting Building, Demolition, Conditional, Change of Use and Occupancy Permits, Payment of Fees, Inspections, Appointment of Inspectors and Code of Conduct which repeals By-law number 42/05, as amended

WHEREAS Section 7.(1) of the Building Code Act 1992, S.O. 1992, c. 23, as amended empowers Council to pass certain by-laws respecting Building, Demolition and Change of Use Permit, Inspections and Fencing;

AND WHEREAS Subsection 3.(2) of the Building Code Act, S.O. 1992 c.23, as amended, requires Council to appoint a Chief Building Official and Inspectors for the enforcement of the Building Code Act;

AND WHEREAS Subsection 7.1(1) of the Building Code Act, S.O. 1992, c.23, as amended, requires Council to establish and enforce a Code of Conduct for Chief Building Official and Inspectors;

AND WHEREAS Subsection 35(1) of the Building Code Act, S.O. 1992, c.23, as amended provides that the Act and Building Code supersede all municipal by-laws respecting the construction or demolition of buildings:

NOW THEREFORE, the Council of the Corporation of the Township of Puslinch enacts as follows:

1. Short Title

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

2. Definitions

2.1. In this By-law,

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

Agent includes a person representing the **owner** by designation or contract and includes a hired tradesman and contractor who may be granted **permits** for work within the limitations of his licence.

Applicable Law means applicable law as defined in the **Building Code**

Applicant means the **Owner** of a property or **Building** who applies for a **Permit** or any person authorized by the **Owner** to apply for a **Permit** on the **Owner's** behalf, as defined in Division C, Article 1.3.1.2. of the **Building Code**

Application shall mean an Application to obtain permission to complete work under this By-law.

Architect means an Architect as defined in Division A, Article 1.4.1.2. of the **Building Code**.

Building means a Building as defined in Subsection 1.(1) of the **Act**.

As Constructed Plans means As Constructed Plans as defined in Division A, Article 1.4.1.2. of the **Building Code**.

Building Code means the regulations made under Subsection 34.(1) of the **Act**.

Change of Use means a Change of Use as referenced in Subsection 10.(1) of the **Act**.

Chief Building Official or C.B.O. means the Chief Building Official or his or her designate, appointed by a by-law of the **Township**, as described in subsection 1.(1) of the **Act** for the purpose of enforcement of the **Act**.

Code of Conduct shall have the same meaning ascribed thereto in Section 7.1 of the **Act**.

Council means the Council of the Corporation of the Township of Puslinch.

Construct means Construct as defined in Subsection 1.(1) of the **Act** and **Construction** shall have the same meaning.

Demolish means Demolish as defined in Subsection 1.(1) of the **Act** and **demolition** shall have the same meaning.

Designated Structure means structures designated for the purposes of clause (d) of the definition of **Building** in Subsection 1.(1) of the **Act**.

Designer means a person responsible for the design activities described in 15.11. (5) of the **Act**.

Engineer means a Professional Engineer as defined in Division A, Article 1.4.1.2. of the **Building Code**.

Farm Building means a Farm Building as defined in Division A, Article 1.4.1.2. of the **Building Code**.

Inspector means an inspector, appointed by a by-law of the **Township**, as described in subsection 1.(1) of the **Act** for the purpose of enforcement of the **Act**.

Owner means an Owner as defined in Division C, Sentence 1.3.1.2.(3) of the **Building Code**.

Permit means written permission from the **Chief Building Official** to perform work regulated by this By-law and the **Act**, or to change the use of a **building** or part thereof, or to occupy a **building** or a part thereof, as regulated by this By-law, the **Act** and/or the **Building Code**.

Plumbing means Plumbing as defined in Subsection 1.(1) of the **Act**.

Sewage System means a Sewage System as defined in Division A, Article 1.4.1.2. of the **Building Code**.

Township means the Corporation of the Township of Puslinch or the land within the geographic limits of the Corporation of the Township of Puslinch as the context requires.

2.2. Any word or term not defined in this By-Law shall have the meaning ascribed to it in the Act or the Building Code. Any word or term not defined in this By-law, the Act or the Building Code, shall have a meaning commonly assigned to it in the context in which it is used.

3. Classes of Permits

3.1. The classes of **permits** with respect to the **construction, demolition, occupancy, transfer, mechanical, plumbing, sewage systems, change of use** including **permit fees** shall be set out in the **Township's User Fees and Charges By-Law**, as amended from time to time.

3.2. Building Permit

A **building permit** is required under Subsection 8.(1) of the **Act** and may include **plumbing**, heating, ventilation and air conditioning systems, **sewage systems**, **farm buildings** and **designated structures** as set out in Div A, Sentence 1.3.1.1.(1) of the **Building Code**.

3.3. Demolition Permit

A **demolition permit** is required under Subsection 8-(1) of the **Act**.

3.4. Conditional Permit

A conditional **permit** may be issued in the discretion of the **Chief Building Official** to authorize any stage of **construction** as per subsection 8.(3) of the **Act**, even though all of the requirements under subsection 8(2) of the **Act** have not been met. The registered owner shall enter into an agreement with the Township prior to a conditional permit being issued by the Chief Building Official as described in 8.(3)(c) of the **Act**.

3.5. Change of Use Permit

A **change of use permit** is required under Subsection 10.(1) of the **Act** when a **change of use** is undertaken in a **Building** or part of a **building**, and it will result in an increase in hazard as determined under the **Building Code** even though no **construction** is proposed.

3.6. Occupancy Permit

An **occupancy permit** is required under Division C, Subsection 1.3.3. of the **Building Code** where all or part of a **building** will be occupied.

4. Administrative Procedures Related to Permits

4.1. Revisions to Permits

After the issuance of a **permit** under the **Act**, notice of any material change to a plan, specifications, documents or other information on the basis of which the **permit** was issued, must be provided by the **Applicant** in writing to the **Chief Building Official** together with the details of such change. The change shall not be made without written authorization by the **Chief Building Official** as required under Subsection 8.(12) of the **Act**. An applicable fee for this revision will be stipulated in the **Township's User Fees and Charges By-Law**, as amended from time to time.

4.2. Transfer of Permit Applications and Permits

Where the ownership of land changes after a **Permit Application** has been submitted and fees paid or where a **Permit** has been issued, the **Applicant** for the **Permit** or the person to whom the **Permit** was issued, may submit a request to the **Chief Building Official** requesting a transfer of **Permit Application** and fees or the **Permit** as identified in Clause 7.(1)(h) of the **Act** by submitting the following information:

- (a) the name and address of the person to whom the **Permit Application** and fees or the **Permit** are to be transferred;
- (b) the name and address of any contractors that have changed from those listed on the **Permit Application** or the **Permit**;
- (c) the name and address of the **Architect(s)** and Professional **Engineer(s)** responsible for the design and field review of the **Construction** that have changed from those listed on the **Permit Application** or the **Permit**; and,
- (d) name and address of the person who paid the **Permit** fees.

4.3. Revocation of Permits

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

5. Requirements for Applications

5.1. Building, Demolition, Conditional and Change of Use Permits

Where an **Application** is made for a **Building** or **Demolition Permit** under Subsection 8.(1) of the **Act**, a **Conditional Permit** under Subsection 8.(3) of the **Act**, or a **Change of Use Permit** under Subsection 10.(1) of the **Act**, the **Application** shall comply with Division C, Sentence 1.3.1.3.(5) of the **Building Code** and be complete with documents and other information as required in this By-law.

5.2. Prescribing Forms

The forms required for an **Application** for a **Permit**, unless otherwise specified by the **Chief Building Official**, shall be those forms as set out in Schedule "A" of this By-law.

5.3. Plans and Specifications

Sufficient information shall be submitted with each **Application** for **Permit** to enable the **Chief Building Official** to determine whether or not the proposed **Construction, Demolition** or **Change of Use** will conform with the **Act**, the **Building Code** and any other **Applicable Law**.

Each **Application** shall, unless otherwise specified by the **Chief Building Official**, be accompanied by two complete sets of working drawings and information as set out in Schedule "A" of this By-law.

5.4. Alternative Solutions

Where a person proposes the use of an Alternative Solution as defined in Division A, Article 1.4.1.2. of the **Building Code**, the proposal shall:

- a) Include all documentation requirements as set out in Division C, Subsection 2.1.1. of the **Building Code**, and
- b) be submitted on the **Application** form as set out in Schedule "A" of this By-law.

5.5. Inactive Permit Applications

Where an **Application** for **Permit** remains inactive for six 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**. Once an **Application** is deemed to be abandoned, it may be cancelled and a new **Application** will be required for the proposed work.

6. Payment of Fees

6.1. Fees for a required **Permit** shall be as set out in the **Township's User Fees and Charges By-Law**, as amended from time to time, and are due and payable upon submission of an **Application** for **Permit**.

6.2. The **Chief Building Official** has authority to determine fees in keeping with the scale of established fees for classes of **permits** not described in the **Township's User Fees and Charges By-law**.

6.3. An administration fee, where the occupancy of a **Building**, or part of it,

has occurred without an occupancy **permit** being issued as required by Division C, Articles 1.3.3.1., 1.3.3.4., 1.3.3.5. of the **Building Code**, shall be as set out in the **Township's** User Fees and Charges By-Law, as amended from time to time, and is due and payable by the **Applicant** upon issuance of the occupancy **permit**. This administration fee is to compensate the **Township** for additional work incurred due to the unauthorized occupancy of the **building**.

- 6.4. An administration fee, where more than one stage inspection is required for a **Building**, or part of it, shall be as set out in the **Township's** User Fees and Charges By-Law, as amended from time to time, and is due and payable upon issuance of each additional inspection. This administration fee is to compensate the **Township** for when an inspection is requested and performed in connection with an existing **permit** and the work is not substantially complete or is substantially deficient in the opinion of the **Chief Building Official**.
- 6.5. An administration fee, where any person has commenced **Construction** or **Demolition**, or has caused the **Change of Use** of a **Building** prior to receiving a **Permit**, shall be as set out in **Township's** User Fees and Charges By-Law, as amended from time to time, and is due and payable by the **Permit Applicant** prior to the issuance of the **Permit**. This administration fee is to compensate the **Township** for the additional work incurred due to the premature commencement of the **Construction** or **Demolition**, or the **Change of Use** of the **Building**.

7. Refund of Permit Fees

In the case of a withdrawal or abandonment of an **Application**, the abandonment of all or a portion of the work, refusal of a **Permit** 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 the following:

- a) 80 percent (80%) if administrative functions have only been performed;
- b) 70 percent (70%) if administrative and zoning functions have only been performed;
- c) 50 percent (50%) if administrative, zoning and plans examination functions have been performed;
- d) 35 percent (35%) if **Permit** has been issued and no field inspections have been performed subsequent to **Permit** issuance;
- e) 5 percent (5%) shall additionally be deducted for each field inspection that has been performed after the **Permit** has been issued;
- f) No refund shall be made of an amount that is less than the minimum **Permit** fee applicable to the work;
- g) No refund shall be made after two years following the date of **Permit application** where the **Permit** has not been issued or one year following the date of issuance;
- h) No refund shall be made where a Transfer of **Permit** under Clause 7.(1)(h) of the **Act** has been granted;
- i) No refund shall be made where the **Chief Building Official** has revoked the **permit** under Section 8(10) of the **Act**.

8. As Constructed Plans

The **Chief Building Official** may require that a set of **As Constructed Plans** of a **Building** be filed with the **Chief Building Official** on completion of **Construction** as described under Section 7(1)(g) of the **Act**.

9. Notice Requirement for Inspections

As per Sentence 10.2 (1) of the **Act**, the **Applicant** or an authorized **Agent** shall notify the **Chief Building Official** of the prescribed notices under Division C, Article 1.3.5.1. of the **Building Code** and the additional notices under Division C, Clause 1.3.5.2.(1)(b) and (j) of the **Building Code** as described below.

- a) Substantial completion of structural framing for each storey when the **building** is not within the scope of Part 9 of the **Building Code**.
- b) Completion of a **building** for which an occupancy **permit** is required under Division C, Article 1.3.3.4.

Notice shall be given at least one business day prior to each stage of **construction** as described below:

- a) Notice may be given by telephone, email or in person.
- b) Notice must include the **permit** number, contact name, contact phone number, stage of **construction** and preferred time for inspection (morning or afternoon).

10. Appointment of Chief Building Official and Inspectors

Chief Building Officials and **Inspectors** will be appointed by a by-law of the **Township**, as described in Subsection 3-(2) of the **Act** for the purpose of enforcement of the **Act**.

11. Code of Conduct

The **Code of Conduct** for the **Chief Building Official** and **Inspectors**, as required under Subsection 7.1(1) of the **Act**, is set out in Schedule "B" of this By-law.

12. Severability

Where a court of competent jurisdiction declares any section or part of a section of this By-law to be invalid, or to be of no force and effect, it is the intention of **Council** in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

13. Approved plans on site

As per Division C Article 1.3.2.2. of the **Building Code** one copy of the **building** plans used as supporting documentation for the **building permit application** that were reviewed and approved for **construction** or **demolition** by the **building** department shall be kept on site at all times until final completion of the **building permit**. Failure to keep approved plans on site will result in a failed inspection and at the discretion of the **Chief Building Official** may result in an inspection of works not ready fee as described in the **Township's User Fees and Charges By-law**.

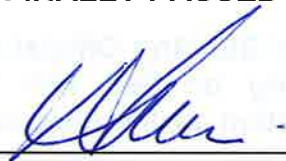
14. Repeal and Replacement of Previous By-laws

By-law number 42/05 and all its amending by-laws are hereby repealed and replaced by this By-law as of the date and time of this By-law coming into effect.

15. Effective Date

This By-law shall come into force and effect on January 1, 2019.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 7th DAY OF NOVEMBER 2018.



Dennis Lever, Mayor



Karen Landry, CAO/Clerk

SCHEDULE "A"

By-Law Number 057-2018

Required Information for **Permit Applications**

The following is a list of plans, working drawings, information and forms that may be required to accompany **applications** for **Permits** according to the scope of work:

Plans and Working Drawings

<p>a) Site Plan</p> <ul style="list-style-type: none"> • Plan of building(s) including proximity to property lines, sewage systems, overhead / underground electrical lines and wells • Easements • Right of Way • Includes north arrow • Includes drainage plans where applicable 	<p>b) Floor Plans</p> <ul style="list-style-type: none"> • Layout drawing of all floors with room names and uses specified • includes structural details of beams, lintels, point loads, walls and floor systems • includes location of windows and doors • Includes sufficient information to determine Building Code compliance • Foundation plan includes size of foundation walls, footings, piers and columns. Location of sump pits and floor drains. • Renovations should indicate the existing and new parts of the building including areas to be renovated or demolished. • Smoke/CO detector location • Plumbing fixture location and type • Attic and crawlspace access location
<p>c) Roof Truss Layout Plan</p> <ul style="list-style-type: none"> • Indicates location of trusses and spacing • Indicates location of girder trusses • Indicates span of trusses 	<p>d) Roof Plan</p> <ul style="list-style-type: none"> • Provides size and shape of roof structure. • Indicates ventilation requirements • Size and span of roof framing members • Roof slope • Roof mounted equipment
<p>e) Sections and Details</p> <ul style="list-style-type: none"> • Includes connection details • Backfill heights • Floor to floor heights • Headroom height in stairs 	<p>f) Septic System Layouts</p> <ul style="list-style-type: none"> • Site plan to scale indicating all buildings, wells and structures. • Calculations on type of building and type of sewage system proposed. • Cross section of system.
<p>g) Building Elevations</p> <ul style="list-style-type: none"> • for each wall • Show height of building and chimneys 	<p>h) Architectural Drawings</p>
<p>i) Structural Drawings</p> <ul style="list-style-type: none"> • Overall structural design loads 	<p>j) Electrical Drawings</p> <ul style="list-style-type: none"> • SB-10 load lighting calculations
<p>k) Mechanical Drawings</p> <ul style="list-style-type: none"> • Layouts and sizing for drainage, venting, water piping and ductwork. 	<p>l) Fire System Drawings</p> <ul style="list-style-type: none"> • Sprinkler and standpipe and hose drawings.
<p>m) Building Code Matrix</p> <ul style="list-style-type: none"> • Indicating major Ontario 	<p>n) Travel Distance and Exit capacity drawings</p>

Building Code Compliance criteria.	<ul style="list-style-type: none"> • Indicates travel distances to exits
<p>o) Alternative Solution</p> <ul style="list-style-type: none"> • On approved alternative solution submission form. • Identifies all areas of performance and levels achieved by the alternative and acceptable solutions. 	<p>p) Information</p> <ul style="list-style-type: none"> • Spatial separation calculations • Fire protection reports • Building Code Matrix
<p>q) Forms</p> <ul style="list-style-type: none"> • Application for an Alternative Solution • Commitment To General Reviews By Architects and Engineers • Energy Efficiency Forms (s), ie (SB-10 and SB-12) • Mechanical Ventilation Summary Form • MDS I & II information form. 	

Two sets of drawings shall be submitted on paper or other durable material. One full-sized set of drawings to a legible, recognized scale (minimum 3/16" = 1') and one 11"x17" reduced scale set of drawings are required. Two sets of 11"x17" drawings may be submitted if to a legible, recognized scale (minimum 3/16" = 1'). Electronic drawings may be submitted, or may be required to be submitted, at the discretion of the **Chief Building Official**.

Where applicable, each page in a set of drawings must be sealed and signed by an **Architect** and/or Professional **Engineer** and/or stamped by a qualified/registered **designer**, licensed in the province of Ontario.

All drawings shall be fully dimensioned, noting all sizes and types of **construction** materials to be used and their respective locations, all finishes to all walls, ceilings and floors and all existing and proposed fire separations. Alterations, renovations and additions must differentiate between the existing **Building** and new **Construction** being proposed. Site plans must include a north arrow, lot lines and existing easements.

SCHEDULE "B"

By-Law Number 057-2018

Code of Conduct for the Chief Building Official and Inspectors

1. Purpose

- a) To promote appropriate standards of behavior and enforcement actions by all Building Department staff in the exercise of power or the performance of a duty.
- b) To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by all Building Department staff in the exercise of power or the performance of a duty.
- c) To promote appropriate standards of honesty and integrity in the exercise of power or the performance of a duty by all Building Department staff.

2. Scope

This policy applies to all Building Department staff.

The **Code of Conduct** must provide for its enforcement and include policies or guidelines to be used when responding to allegations that the **Code of Conduct** has been breached and disciplinary actions that may be taken if the **Code of Conduct** is breached.

3. Contents

Conduct

- a) Always act in the public interest.
- b) Apply all relevant laws, codes and standards in an impartial, consistent, fair and professional manner, independent of any external influence and without regard to any personal interests.
- c) Maintain required legislated qualifications, discharging all duties in accordance with recognized areas of competency.
- d) Extend professional courtesy to all.
- e) Ensure interactions are in keeping with the **Township's** Corporate Values and associated behaviours.
- f) Maintain knowledge and understanding of current building practices, laws and regulations.
- g) Commit to continuous education.
- h) Comply with the **Act**, the **Building Code** and other **applicable laws**.
- i) Not divulge confidential or sensitive information except in accordance with the Municipal Freedom of Information and Protection of Privacy Act.

4. Breaches of the Code of Conduct

A complaint regarding an alleged breach of this **Code of Conduct** shall be submitted in accordance with the **Township's** Municipal Complaint Policy.

