

THE CORPORATION OF THE MUNICIPALITY OF SIOUX LOOKOUT

BY-LAW NUMBER NO. 62-05

**BEING A BY-LAW RESPECTING CONSTRUCTION, DEMOLITION AND
CHANGE OF USE PERMITS AND INSPECTIONS AND
TO REPEAL BY-LAW NO. 34-05 (BEING A BY-LAW TO PROVIDE FOR THE
ISSUING OF BUILDING AND PLUMBING PERMITS).**

WHEREAS Section 7 of the Building Code Act, S.O. 1992, c.23, authorizes a municipal council to pass by-laws respecting construction, demolition and change of use permits and inspections, and

WHEREAS Council enacted By-Law No. 1641 under the Building Code Act, S.O. 1992, c.23, respecting permits and related matters, and

WHEREAS Section 11(2) of the Building Code Statute Law Amendment Act, 2002, c.9, an amendment to Section 7 of the Building Code Act, indicates that the total amount of fees charged must not exceed the anticipated reasonable costs to administer and enforce the Act, and

WHEREAS Section 11(2) of the Building Code Statute Law Amendment Act, 2002, c.9, came into force on July 1, 2005, and

WHEREAS Subsection 7.1 (1) of the Act requires municipalities to establish and enforce a "Code of Conduct" for the Chief Building Official and Inspectors, and

WHEREAS Section 4 of the Act, allows municipalities to appoint Registered Code Agencies (RCAs), and

WHEREAS Council has considered the anticipated and reasonable cost to administer and enforce the Act,

NOW THEREFORE the Council of The Corporation of the Municipality of Sioux Lookout enacts as follows:

1. **Short Title:**
This by-law may be cited as "The Building By-law".

2. **Definitions**

In this by-law:

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

"**applicant**" means the owner of a building or property who applies for a permit or any person authorized to apply on owner's behalf, or any person or corporation empowered by statute to cause construction or demolition of a building or buildings and anyone acting under the authority of such person or corporation;

"**as constructed plans**" means *as constructed plans* as defined in the Building Code;

"**architect**" means a holder of a license, a certificate of practice, or a temporary license under the Architect's Act as defined in the Building Code;

"**building**" means a *building* as defined in Section 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 by the by-law of The Corporation of the Municipality of Sioux Lookout for the purposes of enforcement of the Act. A Chief Building Official may exercise any of the powers or perform any of the duties of an Inspector;

“complete application” means an application that meets the requirements for applications set out in the Building Code;

“conditional permit” means a permit issued under subsection 8(3) of the Act;

“construct” means construct as defined in subsection 1(1) of the Act;

“council” means the Council of the Municipality of Sioux Lookout;

“demolish” means demolish as defined in subsection 1(1) of the Act;

“Inspector” means an Inspector appointed under Section 3, 3.1, 4, 32 or 32.1 of Building Code Act;

“Municipality” means The Corporation of the Municipality of Sioux Lookout;

“farm building” means a *farm building* as defined in the Building Code;

“permit” means written permission or written authorization 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 of a building or parts thereof, or to occupy a building or part thereof as regulated by the Act and Building Code;

“permit holder” means the owner to whom the permit has been issued or where a permit has been transferred, the new owner to whom the permit has been transferred;

“plumbing” means *plumbing* as defined in Section 1(1) of the Act;

“professional engineer” means a person who holds a license or a temporary license under the Professional Engineer’s Act, as defined in the Building Code;

“RCA” means Registered Code Agency;

“Registered Code Agency” means a person or entity that has the qualifications and meets the requirements described in Subsection 15.11(4) of the Act;

“Residential Site” means a construction or demolition site for a building that is used only for residential purposes and that is not more than three storeys in building height and not more than one level below grade;

“revised submission” means additional information filed with the Chief Building Official which depicts one or more changes to the proposed or as-constructed design of a building or part of a building for which a permit has already been issued and for which approval by the Chief Building Official is required;

“sewage system” means a *sewage system* as defined in Section 1(1) of the Act.

2.1. Terms not defined in this By-law shall have the meaning ascribed to them in the Act, the Building Code and Municipal Zoning By-Law.

3. Classes of Permits

- 3.1. Classes of permits with respect to the construction, demolition and change of use of buildings and permit fees shall be as set out in Schedule "A" to this By-Law.
- 3.2. Conditional Permit may be issued at the discretion of the Chief Building Official to authorize any stage of construction, even though all of the requirements under Subsection 8(2) of the Act have not been met (i.e., compliance with some applicable law). The requirements of Section 8(3)(a), (b) and (c) of the Act must, however, be complied with before a Conditional Permit may be issued.
- 3.3. Permits for work other than that referred to in this By-Law shall be obtained from the appropriate authority having jurisdiction in accordance with the by-laws of The Corporation and include the following; which are provided for illustration only and do not limit the generality of the foregoing: encroachment, sewers, street cuts and signs.

4. Requirements for Applications

4.1. The Application

- 4.1.1. To obtain a permit the owner, or an agent authorized in writing by the owner, shall file an application in writing by completing a prescribed form available at the offices of the Municipality or on Municipality's official web site.
- 4.1.2. The forms prescribed for use as applications for permits shall be as set out in Schedule "D" to this By-Law.
- 4.1.3. All applications that are required to be filled by an applicant should be filled so that all fields are completed that are applicable. The Chief Building Official's decision shall be final as to whether a field is applicable.
- 4.1.4. When required by the Building Code, each application shall be accompanied by a written acknowledgement of the owner that he has retained an architect, or professional engineer, or both to carry out field review of the construction.

4.2. Building, Conditional, Demolition and Plumbing Permits

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

- 4.2.1. Where application is made for a **Building Permit** under Subsection 8(1) of the Act, the applicant shall:
 - 4.2.1.1. use the latest version of the provincial application form, "Application for a Permit to Construct or Demolish";
 - 4.2.1.2. use "Additional Information Form for Permit to Construct";
 - 4.2.1.3. be accompanied by the required fee;
 - 4.2.1.4. include complete plans and specifications, documents and other information as required by Sections 2.3 and 2.4 of the Building Code and as described in this By-Law for the work to be covered by the permit; and

4.2.1.5. be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

4.2.2. Where application is made for a **Demolition Permit** under Subsection 8(1) of the Act, the applicant shall:

4.2.2.1 use the latest version of the provincial application form, "Application for a Permit to Construct or Demolish";

4.2.2.2 use "Additional Information Form for Permit to Demolish";

4.2.2.3 include complete plans and specifications, documents and other information as required by Section 2.4.1.1. of the Building Code and as described in this By-Law for the work to be covered by the permit;

4.2.2.4 be accompanied by the required fee;

4.2.2.5 be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application; and

4.2.2.6 be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting-off and plugging of all water, sewer, gas, electric, telephone or other utilities and services.

4.2.3 Where application is made for a **Conditional Permit** under Subsection 8(3) of the Act, the applicant shall:

4.2.3.1 use the latest version of the provincial application form, "Application for a Permit to Construct or Demolish";

4.2.3.2 use "Additional Information Form for a Permit to Construct";

4.2.3.3 include complete plans and specifications, documents and other information as required by Section 2.4.1.3 of the Building Code and as described in this By-Law for the work to be covered by the permit;

4.2.3.4 be accompanied by the required fee;

4.2.3.5 state the reasons why the applicant believes that unreasonable delays in construction would occur if a Conditional Permit is not granted,

4.2.3.6 state the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained;

4.2.3.7 state the time in which plans and specifications of the complete building will be filed with the Chief Building Official; and

4.2.3.8 be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

4.2.4 Where application is made for a **Plumbing Permit**, the applicant shall:

4.2.4.1 use the "Application for Plumbing Permit";

4.2.4.2 identify the work being done and the fixtures to be installed;

4.2.4.3 include plans and isometric drawings of all plumbing being installed;

- 4.2.4.4 ensure that all work is being done by a qualified, certified plumber, except plumbing done by the owner of a house in which the owner resides;
- 4.2.4.5 include on the application the plumber's Tradesman's Certificate Number;
- 4.2.4.6 submit the required fee as per Schedule "A" that is in effect at the time of application; and
- 4.2.4.7 ensure that the application is signed by the owner or his or her agent, who shall certify the truth of the contents of the application.

4.3 Change of Use Permit

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:

- 4.3.1. use the "Application for Change of Use Permit";
- 4.3.2. describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
- 4.3.3. identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made;
- 4.3.4. include plans and specifications showing the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the Building Code, including: floor plans; details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities, details of the existing "sewage system", if any;
- 4.3.5. be accompanied by the required fee;
- 4.3.6. state the name, address and telephone number of the owner; and
- 4.3.7. be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

4.4. Moving & Building Permit for a Modular / Mobile Home

- 4.4.1. No person shall move a building within the limits of the Municipality of Sioux Lookout without first having secured a **Building & Moving Permit** issued by the Chief Building Official.
- 4.4.2. Every applicant for a Moving Permit shall use a "Building & Moving Permit Application for Modular/Mobile Homes".

4.5. Wood Burning Appliance Permit

- 4.5.1. No person shall install or replace a wood stove, wood furnace or a wood burning fireplace without first securing a Wood Burning Appliance Permit issued by the Chief Building Official.
- 4.5.2. Every applicant for a Wood Burning Appliance Permit shall use an "Application for a Wood Burning Appliance Permit".
- 4.5.3. If Wood Burning Appliance is the only source of heat in a house and the appliance suddenly fails between October 1 to May 31 then the appliance can be replaced without first obtaining a building permit as long as the following conditions are met:

- 4.5.3.1. Application for the Wood Burning Appliance Permit is filed with the Chief Building Official on the first working day after the appliance fails,
- 4.5.3.2. none of the zoning and other municipal by-laws are contravened,
- 4.5.3.3. appliance and all accessories are approved under CSA B365 standard,
- 4.5.3.4. all manufacturer's instructions are followed,
- 4.5.3.5. the appliance and its installation is inspected and passed by the Chief Building Official as soon as possible, and
- 4.5.3.6. the Chief Building Official may require that a WETT certified Inspector or Technician, inspect and pass the appliance and its installation as soon as possible, and forward the report to the Chief Building Official before acceptance of the installation.

4.6. Sewage System Permits

- 4.6.1. Where an application for Sewage System is required, an appropriate agency shall be contacted for **Sewage System Permits** or for any changes to the Sewage System.
- 4.6.2. The Chief Building Official shall be notified by the applicant that the appropriate Health Unit has approved such an application before a Building Permit will be issued for that property.
- 4.6.3. The Chief Building Official may disregard this requirement if he reasonably expects this approval to be forthcoming and issue a Building Permit. However, if a builder or owner proceeds with construction without first obtaining a Sewage Permit, he would do so at his own risk if the Sewage Permit is not issued eventually.

4.7. Plans and Specifications

- 4.7.1. 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 with the Act, the Building Code and any other applicable law.
- 4.7.2. Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete sets of the plans and specifications required under this by-law.
- 4.7.3. Plans shall be drawn to scale on paper, or other durable material, shall be legible and, without limiting the generality of the foregoing, shall include such working drawings as set out in Schedule "B" to this By-Law unless otherwise specified by the Chief Building Official.
- 4.7.4. Site drainage plans will be included with Building Permit Application for each new building.
 - 4.7.4.1. Chief Building Official may exempt this requirement for a separate site drainage plan if, in his opinion, sufficient details have been provided elsewhere on the plans to show positive drainage away from the building that does not adversely impact any neighbouring properties.
 - 4.7.4.2. If in Chief Building Official's opinion there is problem of erosion, or water runoff to neighbouring properties, then Chief Building

Official may prescribe necessary steps to be taken within a specified time frame.

4.7.5. Site plans shall be referenced to an up-to-date survey and, when required to demonstrate compliance with the Act, the Building Code or other applicable law, a copy of the survey shall be submitted to the Chief Building Official. Site plans shall show:

- 4.7.5.1. Lot size and the dimensions of property lines and setbacks to any existing or proposed buildings,
- 4.7.5.2. existing and finished ground levels or grades,
- 4.7.5.3. existing rights-of-way, easements and municipal services, and
- 4.7.5.4. proposed fire access routes and existing fire hydrant locations.

4.8. Equivalent

4.8.1. Where an application for a permit or for authorization to make a material change to a plan, specification, document or other information on the basis of which a permit was issued, contains an equivalent material, system or building design for which authorization under Section 9 of the Act is requested, the following information shall be provided:

- 4.8.1.1. a description of the proposed material, system or building design for which authorization under Section 9 of the Act is requested,
- 4.8.1.2. any applicable provisions of the Building Code;
- 4.8.1.3. evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.

4.8.2. This information must accompany the permit application, or it may be incorporated into the request for authorization to make a material change to plans, specifications etc., on which basis a permit was issued.

5. **Administrative Procedures Relating to Permits**

5.1. Conditional Permits

5.1.1. Even though all requirements have not been met to obtain a permit under subsection (2), the Chief Building Official may issue a Conditional Permit for any stage of construction if,

- 5.1.1.1. compliance with by-laws passed under sections 34 and 38 of the *Planning Act* and with such other applicable law as may be set out in the building code has been achieved in respect of the proposed building or construction;
- 5.1.1.2. the Chief Building Official is of the opinion that unreasonable delays in the construction would occur if a Conditional Permit is not granted; and
- 5.1.1.3. the applicant, and such other person as the Chief Building Official determines, agree in writing with the municipality,

upper-tier municipality, board of health, planning board, conservation authority or the Crown in right of Ontario to

- 5.1.1.3.1. assume all risk in commencing the construction,
- 5.1.1.3.2. obtain all necessary approvals in the time set out in the agreement or, if none, as soon as practicable,
- 5.1.1.3.3. file plans and specifications of the complete building in the time set out in the agreement,
- 5.1.1.3.4. at the applicant's own expense, remove the building and restore the site in the manner specified in the agreement if approvals are not obtained or plans filed in the time set out in the agreement, and
- 5.1.1.3.5. comply with such other conditions as the chief building official considers necessary, including the provision of security for compliance with subclause (iv). 1992, c. 23, s. 8 (3); 1997, c. 30, Sched. B, s. 7 (2); 1999, c. 12, Sched. M, s. 5 (1); 2002, c. 17, Sched. F, Table

5.2. Partial Permits

5.2.1. The Chief Building Official may issue a partial permit when the Chief Building Official determines it is necessary to expedite substantial construction before a permit for the entire building is available and where the relevant provisions of this By-law and the Building Code Act are met.

5.2.1.1. When determining whether to issue a partial permit, the Chief Building Official shall have regard for the likelihood of subsequent approvals being available in a timely fashion such that a project is not interrupted and exposed to potential damage from the elements while awaiting subsequent approvals.

5.2.2. The Chief Building Official shall not, by reason of the issuance of a partial permit pursuant to this section to this By-law, be under any obligation to grant any additional permits.

5.3. Revision to Permit

5.3.1. 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.

5.4. Transfer of Permits

5.4.1. Permits may not be transferred without the approval of the Chief Building Official.

5.4.2. To transfer a permit, the new owner shall complete and submit a transfer application form and pay the required fees as prescribed by Schedule "A".

5.4.3. Upon the transfer of the permit by the Chief Building Official, the new owner shall be the permit holder for the purpose of this By-law, the Building Code Act and the Building Code.

5.4.4. By transferring the permit, the original holder of the permit will be assumed to have authorized the new holder of the permit to take

ownership of any deposits that Municipality may be holding in relation to that particular permit.

5.4.5. Chief Building Official will apprise the new permit holder of major outstanding issues. The new permit holder will be assumed to have taken ownership of all such outstanding issues by having the permit transferred into his name.

5.5. Revocation of Permits

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

5.6. Abandoned Building Permit

5.6.1. A Building Permit is deemed to have been abandoned and cancelled and the Chief Building Official may revoke such permit six months after the date of issue, unless such construction is seriously being proceeded with, or if construction is stopped for over twelve months.

5.7. Validity of Permits

5.7.1. Where a permit has been issued and the work is not completed two years from the date of issue, a new application is required for completion of the remainder of the work.

6. Payment of Fees

6.1. Fees for a required permit shall be as set out in Schedule "A" to this By-Law and are due and payable upon submission of an application for a permit.

7. Deposits

7.1. Deposits will be required for new dwelling units as per Schedule "A".

7.2. Any fees charged in regards to re-inspection fees, permit not displayed in conspicuous area or approved plans not readily accessible for inspection at the site will be deducted from the Deposit before calculating the amount of Deposit to be refunded.

7.3. Deposits will be refunded after

7.3.1. a satisfactory Final Inspection has been completed, and

7.3.2. the Roads Manager determines that proper entrances to the property have been built and Municipal roads have not been damaged during construction, or moving of a home (if applicable).

7.4. Deposits will be forfeited by the permit holders if

7.4.1. the building is occupied before a satisfactory occupancy inspection is completed, or

7.4.2. final inspection has not been obtained in less than 2 years from the date of issuance of permit.

7.4.3. proper notice for a mandatory inspection has not been given and work has progressed to the stage where the inspection can no longer be carried out.

7.5. Item listed in 6.4.3. does not legitimize the infraction and is meant only as a deterrent to covering construction stages before inspection.

- 7.6. If one of the mandatory inspections has been missed then the permit holder/owner may be asked by the Chief Building Official, before s/he issues an occupancy permit, to provide a Professional Engineer's report to
 - 7.6.1. ascertain that the stage of construction covered prematurely would have passed the inspection had the inspection been carried out, or
 - 7.6.2. the health, safety and security of the occupants of the building will not be compromised and future financial obligations are not expected due to potential problems arising that could have been prevented had the inspection taken place.
- 7.7. If some damage to the Municipal roads or structures has occurred during construction or moving of a dwelling unit, then the applicant will be responsible for all costs to repair the damage and will be refunded the portion of deposit that remains after repairing the damage if Municipality undertakes the repairs.
- 7.8. If the damage is larger than the deposit, then the applicant will be responsible to the Municipality for the remainder of the cost to repair the damage that is not covered by the deposit.

8. Refunds

- 8.1. In the case of withdrawal of an application or 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 "C" attached to and forming part of this By-Law.

9. Notice Requirements for Inspections

- 9.1. Prescribed Notices and Inspections
 - 9.1.1. The person to whom a Building Permit has been issued, or his authorized agent, shall notify the Chief Building Official of various stages of construction for inspection as per
 - 9.1.1.1. Schedule "F";
 - 9.1.1.2. Instructions on the back page of the Building Permit, and
 - 9.1.1.3. Any other instructions given out by the Chief Building Official.
 - 9.1.2. If the inspection does not find any shortcomings, or the shortcomings have been corrected and re-inspected by the Chief Building Official to his satisfaction, the construction may proceed to the next stage.
- 9.2. Time Frame for Mandatory Inspection After Notice is Given
 - 9.2.1. Under Section 2.4.5.3 (1) of the Building Code, after a mandatory inspection notice has been given under Section 2.4.5.1, The Chief Building Official, an Inspector or a Registered Code Agency as the case may be, shall undertake a site inspection not later than two days after the notice is given.
 - 9.2.2. The time periods referred shall begin on the day following the day on which the notice is given and shall not include Saturdays, holidays and

all other days when the offices of the principal authority are not open for the transaction of business with the public.

- 9.2.3. If a proper notice of inspection has been given and the Chief Building Official, an Inspector, or a Registered Code Agency does not undertake a site inspection by the end of the prescribed time frame, the builder can proceed with construction provided enough pictures have been taken of this particular stage of construction, these pictures clearly show all important points of inspection and based upon these pictures any shortcomings in the construction would have been clearly visible.

10. As Constructed Plans

- 10.1. The Chief Building Official may require that a set of plans of a building or any class of buildings as constructed be filed with the Chief Building Official on completion of construction under such conditions as may be prescribed in the Building Code.

11. Code of Conduct

- 11.1. Conduct of the Chief Building Official, Inspectors and Registered Code Agency hired by the Municipality of Sioux Lookout shall be guided by the Code of Conduct as set out in Schedule "E".

12. Registered Code Agencies

- 12.1. Chief Administrative Officer, or someone appointed by him, is authorized to hire a Registered Code Agency to provide services to the inhabitants of the Municipality of Sioux Lookout related to Building Permits, plans examination and inspections during the absences of the Chief Building Official.
- 12.2. Where mention is made of Chief Building Official or Inspector, it shall include Registered Code Agency that is hired or appointed by the Municipality of Sioux Lookout.
- 12.3. Such Registered Code Agency will be allowed to perform, and expected to perform, all those functions that they can perform as per the Building Code Act and the Ontario Building Code subject to restrictions based upon the terms of their hiring.

13. Enclosures and Fences

- 13.1. A person issued a Construction or Demolition Permit under the Building Code Act, 1992, for any work in the Municipality of Sioux Lookout shall erect and maintain a fence to enclose the construction or demolition site, including any areas where equipment is operated or equipment or material is stored.
- 13.2. The Chief Building Official is authorized to grant an exemption from the requirement in this Subsection to erect a fence if the Chief Building Official is satisfied that conditions at a site would not present a particular hazard to the public after having regard for:
 - 13.2.1. the proximity of the site to occupied dwellings;
 - 13.2.2. the proximity of the site to places frequented by the public, including streets, parks, businesses and workplaces;

- 13.2.3. the effectiveness of any existing fencing adjacent to the site;
 - 13.2.4. the feasibility and effectiveness of fencing the site;
 - 13.2.5. any proposed security measures to deter entry to the site;
 - 13.2.6. the hazard presented by the activity occurring and materials used on the site;
 - 13.2.7. the expected duration of the hazard;
 - 13.2.8. the local practices of the past for enclosing construction and demolition sites; and
 - 13.2.9. any other safety considerations.
- 13.3. Where work on a construction or demolition site is substantially suspended or abandoned, the Chief Building Official may revoke an exemption granted under this Subsection by serving written notice of the revocation on the permit holder.
- 13.4. Every fence required by this Section shall:
- 13.4.1. be erected at the perimeter of the site to fully enclose the site;
 - 13.4.2. be built to deter entry by unauthorized persons or vehicles;
 - 13.4.3. have no rails, other horizontal or diagonal bracing, attachments or pattern of openings on the outside that would facilitate climbing;
 - 13.4.4. contain no opening more than 150 millimetres wide or less than 900 millimetres above the bottom of the fence except where required for access to and from the site;
 - 13.4.5. at any access opening, be equipped with gates that shall:
 - 13.4.5.1. contain wire mesh or similar material sufficient to provide visibility for traffic entering or exiting the site;
 - 13.4.5.2. be built to specifications that provide performance and safety at least equivalent to the fence; and
 - 13.4.5.3. deter entry by unauthorized persons;
 - 13.4.6. be maintained:
 - 13.4.6.1. in good repair with no gaps larger than 100 millimetres below the fencing and be free of graffiti and posters;
 - 13.4.6.2. free from health, fire and accident hazards; and
 - 13.4.6.3. so that any access opening is closed and locked or securely reinstalled when the site is unattended; and
 - 13.4.7. be removed not later than 30 days after completion of the construction or demolition work.

13.5. A fence required by this Subsection shall:

- 13.5.1. if erected on a residential site between an excavation on the site and a public sidewalk or lane that is within 3.0 metres of the excavation, have a height not less than 1.8 metres above the grade outside the enclosed area;
- 13.5.2. if erected on any other residential site, have a height not less than 1.2 metres above the grade outside the enclosed area; and
- 13.5.3. if erected on any other construction or demolition site, have a height not less than 1.8 metres above the grade outside the enclosed area.

13.6. A fence required by this Subsection shall be built to the following minimum standards:

- 13.6.1. if erected between an excavation and a public sidewalk or lane that is within 3.0 metres of the excavation, the fence shall be built of wood;
- 13.6.2. if built of wood, the outside face shall be smooth exterior grade plywood or wafer board 12.5 millimetres thick that is close-boarded, securely nailed or screwed to 89 millimetre by 89 millimetre vertical posts spaced at 2.4 metre centres and embedded sufficiently deep into the ground to provide a rigid support, and securely nailed or screwed to 39 millimetre by 89 millimetre horizontal rails secured to the vertical posts at the top, bottom and intermediate locations at 600 millimetre centres;
- 13.6.3. if built with plastic mesh, the fencing shall be fastened securely at 200 millimetre centres to steel T or 50 millimetre wide U posts, spaced at not more than 1.2 metre centres and embedded at least 600 millimetres into the ground, with the top and bottom of the plastic mesh secured horizontally by an 11-gauge lacing cable threaded through the mesh and looped and fastened to each post;
- 13.6.4. if built with chain link, the mesh shall have openings no larger than 50 millimetres and shall be fastened securely both to vertical steel posts, spaced at not more than 2.4 metre centres and embedded at least 600 millimetres into the ground, and to top and bottom horizontal steel rails or 9-gauge steel wire;
- 13.6.5. any hoarding, canopy or similar protective barrier required under provincial law may form part of the fence; and
- 13.6.6. the fence may be a combination of the fence types specified in this Section or may be built of other materials if the fence can be shown to provide performance and safety equivalent to fence types specified and the Chief Building Official authorizes its use.

13.7. Where this Section conflicts with any legislation, regulation or other by-law, the more restrictive applies.

14. Conditions for Commercial, Institutional and Industrial Construction and Renovation and Additional Building Permit Requirements

- 14.1. Owners of lands or their agent, upon an application for a permit for the erection, alteration, repair or demolition of a building or structure shall deposit with the Municipality an amount as per the Site Plan Control Agreement.
- 14.2. Site inspections shall be conducted by the Chief Building Official and/or Roads Manager to document the condition of the highway, sidewalk, curbing, and boulevard or to any water service box or other service prior to and upon completion of the erection, alteration, repair or demolition of a building or structure.
- 14.3. The deposit shall be used to cover the cost of damage occurring to a highway, sidewalk, curbing, boulevard, or to any water service box or other service, during the erection, alteration, repair or demolition of a building or structure.
- 14.4. Owners of lands shall take all necessary steps to prevent building materials, waste or soil from being spilled or tracked onto highways, boulevards and sidewalks during the course of the erection, alteration, repair or demolition, and in addition to any other penalty otherwise provided by law, the owner shall be responsible to the Municipality for the cost for removing such building materials, waste or soil, and such cost may be deducted from the deposit or the amount may be entered into the tax collector's rolls and recovered in like manner as municipal taxes.
- 14.5. Upon completion of the erection, alteration, repair or demolition of a building or structure and upon application by the person by whom the deposit was paid, the amount by which the sum deposited exceeds the cost of such repairs required to be carried out by the Municipality, shall be refunded.

15. Documents on Site

The applicants for a permit shall:

- 15.1. keep posted in a conspicuous place on the premises a copy of the permit applicable thereto; and
- 15.2. keep a copy of the approved drawings and specifications on the premises at all times during construction for inspection of the proposed work.

16. Offences

- 16.1. Where any person contravenes any of the provisions of this By-Law, such contravention shall have reference to enforcement and penalties provided in the Building Code Act.

17. General

- 17.1. Should any Section, Subsection, or Provision of this By-Law be declared by a court of competent jurisdiction to be invalid the same shall not affect the validity of this By-Law as a whole or any part thereof, other than the part so declared to be invalid.
- 17.2. All references to male gender terms in this By-Law shall also mean to include corresponding female gender terms.

17.3. All references to singular terms in this By-Law shall also mean to include reference to plural terms if applicable and vice versa.

18. Date and Effect

THAT this By-Law will come into force and take effect on January 1st, 2006.

19. Continuation of By-Laws

By-Law Number 34-05 is hereby rescinded effective December 31st, 2005.

READ A FIRST AND SECOND TIME THIS FOURTEENTH DAY OF DECEMBER 2005

READ A THIRD TIME AND PASSED THIS FOURTEENTH DAY OF DECEMBER 2005

Cathy Kiepek, Mayor

Mary L. MacKenzie, Clerk

SCHEDULE "A"

This is Schedule "A" to By-Law No. 62-05 RESPECTING CLASSES OF PERMITS AND PERMIT FEES

1. CALCULATION OF PERMIT FEES

- 1.1.** Permit fees shall be the product of the fee multiplier described in **Section 6, Permit Fees** for the class of construction involved and the appropriate measure of the gross floor area of the project in square feet. For certain classes of construction the fee shall be a flat rate. Where plans are metric, 1 sq. m. = 10.764 sq. ft. or 1 m. = 3.281 ft.
- 1.2.** Where the fees payable in respect of an application for a Construction or Demolition Permit issued 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.
- 1.3.** Fees for major revisions, partial renovations, building reclassification, and for classes of permits or construction not described or included in this schedule shall be determined by the Chief Building Official who shall have regard to the complexity and amount of service required relative to the classes of construction described herein.
- 1.4.** The Chief Building Official may place a valuation on the cost of the proposed work for the purposes of establishing the permit fee, and where disputed by the applicant, the applicant shall pay the required fee under protest and, within six months of completion of the project, shall submit an audited statement of the actual costs (including the cost of all material, labour, equipment, overhead and professional and related services), and where the audited costs are determined to be less than the valuation, the Chief Building Official shall issue a refund.
- 1.5.** Where the fees payable in respect of an application for a Construction or Demolition Permit issued under Subsection 8(1) of the Act or a Conditional Permit issued under Subsection 8(3) of the Act are based on a floor area, floor area shall mean, unless noted otherwise, the total floor space of all storeys above grade (or below grade for an underground home) measured as the horizontal area between the exterior walls of the building provided that where application is made for a Conditional Permit, fees shall be paid for the complete project.
- 1.6.** Where fees payable in respect of an application for a Change of Use Permit issued under Subsection 10(1) of the Act are based on a floor area, floor area shall mean the total floor space of all storeys subject to the change of use.
- 1.7.** Mezzanines, lofts, habitable attics and occupied roof spaces shall be included in the gross floor area. Except for interconnected floor spaces and atriums above the first level there shall be no deduction from the gross floor area for openings such as stairs, elevators, shafts, etc.
- 1.8.** Crawl spaces of a height of 5 feet or less are not included in the gross area.
- 1.9.** Where the project does not have a floor or exterior walls, e.g., carports and pole barns, the greatest horizontal area of the roof structure shall be used to calculate gross area.

- 1.10. New construction and additions include plumbing and all other regulated building services and components in the calculated fee.
- 1.11. The fee for a Conditional Permit where granted shall be equal to the regular permit fee plus a surcharge of 50% of the regular permit fee to cover additional administration and agreement.

2. MINIMUM PERMIT FEES

- 2.1. Except where specifically noted otherwise in this schedule, a minimum fee of \$50.00 shall be applied for all residential work and \$100.00 for work in all other zones.
- 2.2. Each separate structure shall require a separate application, fee and permit unless those structures are being built at the same time on the property.
- 2.3. Fee for revision or amendment to a permit or plans shall be based upon full cost recovery.
- 2.4. Tents on City property for civic functions shall be exempt from fees but require a permit.

3. CLASSES OF PERMITS AND FEES

- 3.1. Buildings shall be classified according to the Major Occupancy based upon the Occupancy classifications in the Ontario Building Code.
- 3.2. For mixed occupancy floor areas, the permit fees for each of the applicable area classifications may be used, but only where such area exceeds 10% of the gross floor area.
- 3.3. Temporary buildings are structures that will be installed or erected for less than 180 days.

4. EXEMPTION FROM PERMIT AND FEES

The following construction is exempt from Building Permit requirements:

- 4.1. painting and decorating;
- 4.2. replacement millwork and cabinets without plumbing;
- 4.3. replacement hot water heaters;
- 4.4. replacement oil or gas fired appliances;
- 4.5. replacement shingling of roofs of residential zoned buildings;
- 4.6. replacement of same size doors and windows;
- 4.7. decks that are smaller than 200 square feet and less than 2 feet high around all edges from the ground where the ground does not slope more than 20% for 5 feet around these edges;
- 4.8. construction of residential fences;
- 4.9. construction or demolition of structures less than 108 square feet without plumbing;

- 4.10. sheds or trailers required for construction projects;
- 4.11. replacement of siding; and
- 4.12. a retaining wall not exceeding 1000 mm (3 ft 3 in) in exposed height.

PERMIT FEES:

Item	Fee	Unit
1. Residential Construction		
Insulated and Serviced, Habitable and Non-Habitable Buildings, including additions or extensions (<i>Examples - Houses, Cottages, Attached Garages, Factory-Built Structures</i>)		
Main Floor.....	\$0.60	Per Square Foot
Finished floors on main floor and upper storeys	\$0.50	
Basements	\$0.20	
Un-Serviced, Habitable, and Non-Habitable Buildings including additions or extensions (<i>Examples –Seasonal Cottages, Sheds, Guest Cabins, Gazebos, Garages, Cold Storage Buildings, Saunas</i>)		
Main Floor.....	\$0.35	Per Square Foot
Floor areas above or below main floor.....	\$0.20	
Plumbing Permit (<i>New Installations, Additions, Alterations</i>)	\$8.00	Per fixture
Miscellaneous Residential Construction Not Described elsewhere in this table	\$7.50	Per \$1000 of construction
Moving a current CSA certified home from one location in the Municipality to another location within the Municipality	\$0.30	Per Square Foot
2. Construction/renovation other than residential		
Farm buildings of low human occupancy, greenhouse		
Main Floor	\$0.20	Per square foot
Floor areas above and below main floor	\$0.10	
Plumbing work in all projects other than residential	\$10	Per fixture
All other construction	\$8.00	Per \$1,000 of construction
3. Demolition Permit	\$0.06	Per square foot
4. Change of Use Permit (<i>where alterations are not required</i>)	\$100	Per Unit
5. Occupancy Permit	None	Per Dwelling Unit
6. Moving & Building Permit	\$100 + \$0.60 per sq. ft.	Per Dwelling Unit
7. Conditional Permit – extra fee charged	50%	Of total permit fee
8. Surcharge for Construction starting prior to issuance of a permit	\$200 + 200%	Of total permit fee
9. Minimum Permit Fee – residential construction	\$50	
Minimum Permit Fee – other construction	\$100	
10. Re-Inspection fee (starting second re-inspection)	\$50	Each re-inspection
11. Permit not displayed in a conspicuous area	\$100	
12. Approved plans not readily available for inspection at the site	\$100	
13. Deposit (See below the table for details)	50%	Of Permit Fee
14. Transfer of Permit	\$50	Per Permit
15. Wood Burning Appliance Permit	\$50	Per wood burning appliance

Deposit Requirements:

1. Deposits are required only for new residential buildings and for moving of dwelling units.
2. Minimum deposit is \$500 per residential dwelling (e.g. minimum deposit for a duplex is \$1,000).
3. Maximum deposit is \$2,000.

SCHEDULE "B"

**This is Schedule "B" to By-Law No. 62-05
RESPECTING THE LIST OF PLANS OR WORKING DRAWINGS TO
ACCOMPANY APPLICATIONS FOR PERMITS**

- 1) Site Plans (two sets)
- 2) Floor Plans (two sets)
- 3) Foundation Plans (two sets)
- 4) Framing Plans (two sets)
- 5) Roof Plans (two sets)
- 6) Reflected Ceiling Plans (two sets)
- 7) Sections and Details (two sets)
- 8) Building Elevations (two sets)
- 9) Electrical Drawings (two sets)
- 10) Heating, Ventilation and Air Conditioning Drawings (three sets)
- 11) Plumbing Plans (two sets)
- 12) Fire Alarm and Sprinkler Plans (two sets)

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

SCHEDULE "C"

This is Schedule "C" to By-Law No. 62-05 RESPECTING THE REFUND OF PERMIT FEES

Building Permit Fee Refund Schedule:

1. Request for refund of fees paid must be in writing to the Chief Building Official within one calendar year from the date of application for the original permit.
2. Notwithstanding any refund stated or calculated using this schedule there shall be no refund of fees paid where the calculated refund is less than thirty dollars.
3. Refund of fee shall not be made where the permit has been signed off and occupancy inspection completed.
4. Refund shall be made to the person named on the original fee receipt unless that person makes a written request to release the refund to another named person.

<u>Stage of Permit Process or Site Work when refund requested</u>	Portion of fee refunded:
CBO unable to issue permit for any reason, plans examination not started.	90% of the permit fee
Plan examination in process or complete	No refund of plans examination fee. 90% of the rest refunded.
Refund requested after permit issued but prior to any site work	No refund of plan examination fee, 80% of the rest refunded.
Refund requested after construction started (all construction to be removed from property)	50% less an additional 5% per inspection made and less any plans examination deposit
Refund requested after construction started and abandoned before completion without removal of construction	No refund of fees
Conditional Permit at any stage following signing of agreement (the agreement will still be enforced)	Applicable stage refund less the Conditional Permit surcharge fee
Permit revoked for any reason	No refund of fees

SCHEDULE "D"

**This is Schedule "D" to By-Law No. 62-05
RESPECTING VARIOUS APPLICATION FORMS RELATED TO VARIOUS
PERMITS FOR BUILDING, DEMOLISHING, CHANGE OF USE,
AND OTHER ACTIVITIES**

Latest versions of the following applications will be used to apply for permits and will be made available by the Building Department.

- Form 1 Provincial Application for a Permit to Construct or Demolish
- Form 2 Additional Information Form for Permit to Construct
- Form 3 Additional Information Form for Permit to Demolish
- Form 4 Application for Plumbing Permit
- Form 5 Application for Change of Use Permit
- Form 6 Application for Moving & Building Permit
- Form 7 Application for Wood Burning Appliance Permit

SCHEDULE "E"

This is Schedule "E" to By-Law No. 62-05 RESESPECTING CODE OF CONDUCT FOR BUILDING OFFICIALS

Code of Conduct for Building Officials of The Corporation of the Municipality of Sioux Lookout

1.0 Introduction

The Municipality of Sioux Lookout maintains this Code of Conduct in accordance with the provisions of The Building Code Act. Building Officials undertake building certification functions that ensure the quality, structural integrity and safety of buildings. Building Officials are exposed to potential conflicts of interest because of the special powers conferred on them. The conduct and behaviour of the Municipality of Sioux Lookout Building Official reflects the Building Department's commitment to the highest standard of professionalism, technical competence, skill, honesty, fairness and independence.

Building Officials observe both the letter and the spirit of this Code of Conduct as it pertains to situations that bare on their responsibilities.

2.0 Purpose

The purposes of this Code of Conduct are:

- 2.1 To promote appropriate standards of behaviour by Building Officials in the exercise of their power and performance of their duties,
- 2.2 To prevent practices which may constitute an abuse of power, and
- 2.3 To promote appropriate standards of honesty and integrity.

3.0 Standards of Conduct and Professionalism

In addition to any Policy with respect to any "Code of Ethics and Conduct applying to all municipal staff," The Municipality of Sioux Lookout Building Official shall undertake *at all times* to:

- 3.1 Act in the public interest, particularly with regard to the safety of building works and structures;
- 3.2 Maintain their knowledge and understanding of the best current building practice, the building laws and regulations relevant to their building certifying functions;
- 3.3 Commit themselves to a process of continuous education so as to constantly be aware of developments in building design, practice and the law relevant to their duties;
- 3.4 Comply with the provisions of the *Building Code Act*, the Building Code and any other Act or Law that regulates or governs Building Officials or their functions;
- 3.5 Avoid situations where there may be, or where there may reasonably appear to be, a conflict between their duties to their clients, their profession, their peers and the public at large and their personal interests;
- 3.6 Not act beyond their level of competence or outside their area of expertise;

- 3.7 Apply all relevant building laws, regulations and standards strictly and without favour and independent of the influence of interested parties;
- 3.8 Perform their inspections and certifying duties impartially and in accordance with the highest professional standards;
- 3.9 Not divulge any confidential or sensitive information or material, that they became privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy;
- 3.10 To avoid any conduct that could bring the Building Official or the Municipality of Sioux Lookout into disrepute;
- 3.11 Extend professional courtesy to all;
- 3.12 Maintain current accreditation to perform the functions assigned to them;
- 3.13 Take all reasonable steps to ascertain and document all available facts relevant to the performance of their duties;
- 3.14 Exemplify compliance with all regulations and standards that govern building construction, health and safety or other matters related to their status as a Building Official.

4 Guideline for Responding to Misconduct Allegations

- 4.1 The *Building Code Act* provides that the performance of the Building Official will be measured against this Code of Conduct. In response to any allegation of a breach of this code, the Chief Building Official shall direct an investigation and where appropriate, recommend disciplinary action against any Building Official who fails to comply with this Code of Conduct. Where the allegation is against the Chief Building Official, Council will direct the investigation and make such recommendations as are reasonable.
- 4.2 In determining the appropriate discipline, the Chief Building Official or Chief Administrative Official will have regard to the relevance of the conduct to the official's powers and responsibilities as well as the severity of any misconduct.
- 4.3 Disciplinary Action arising from violations of this Code of Conduct is the responsibility of the Council of the Municipality of Sioux Lookout and is subject to relevant collective agreements, employment laws and standards.

SCHEDULE "F"

This is Schedule "F" to By-Law No. 62-05 RESPECTING NOTICE OF INSPECTIONS

The person to whom a permit under Section 8 of the Building Code Act is issued shall notify the *Chief Building Official* or, where a *Registered Code Agency* is appointed under the Act in respect of the *construction* to which the notice relates, the *Registered Code Agency* of:

- a) commencement of the construction of the building,
- b) readiness to *construct* footings,
- c) substantial completion of footings and foundations prior to commencement of backfilling,
- d) 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,
- e) substantial completion of structural framing and roughing-in of heating, ventilation, air-conditioning and air-contaminant extraction equipment, if the *building* is not a *building* to which Clause (d) applies,
- f) substantial completion of insulation, vapour barriers and air barriers,
- g) substantial completion of all required fire separations and closures and all fire protection systems including standpipe, sprinkler, fire alarm and emergency lighting systems,
- h) substantial completion of fire access routes,
- i) readiness for inspection and testing of:
 - i) *building sewers and building drains*,
 - ii) *water service pipes*,
 - iii) *fire service mains*,
 - iv) *drainage systems and venting systems*,
 - v) *the water distribution system*, and
 - vi) *plumbing fixtures and plumbing appliances*,
- (k) readiness for inspection of suction and gravity outlets, covers and suction piping serving outlets of an *outdoor pool* described in Section 2.1.2.1.(1)(h) of the Ontario Building Code, a *public pool* or a *public spa*,
- (l) substantial completion of the circulation/re-circulation system of an *outdoor pool* described in Section 2.1.2.1.(1)(h) of the Ontario Building Code, a *public pool* or *public spa* and substantial completion of the pool before it is first filled with water,
- (m) substantial completion of installation of *plumbing* not located in a structure, before the commencement of backfilling, and
- (n) completion of *construction* and installation of components required to permit the issue of an Occupancy Permit under Section 2.4.3.1.(2) or to permit occupancy under Section 2.4.3.2.(1) of the Ontario Building Code, if the *building* or part of the *building* to be occupied is not fully completed.