

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2012-088

BEING a by-law respecting buildings and building permits.

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WHEREAS the *Municipal Act, 2001*, c. 25 s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001*, c. 25 s. 5 (3) provides that the powers of every council are to be exercised by by-law;

NOW THEREFORE Council of the Corporation of the Township of South Stormont enacts as follows:

Title

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

Definitions

2. In this by-law:
  - a) "Act" means the Building Code Act, S.O. 1992, including amendments thereto;
  - b) "Building" means a "building" as defined in Section 1 of the Act;
  - c) "Chief Official" means the Chief Building Official and/or the Deputy Chief Building Official appointed by the Corporation of the Township of South Stormont for the purpose of the enforcement of the Act;
  - d) "Corporation" means the Corporation of the Township of South Stormont;
  - e) "Permit" means permission or authorization in writing from the Chief Official to perform work regulated by this by-law and the Act;
  - f) "Regulation" means the regulations made under the Building Code Act;

Permits

3. Classes of permits with respect to the construction and demolition of buildings shall be as set out in the current Fees and Charges By-law for the Township of South Stormont.

4. Permits for work other than that referred to in the 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: encroachments, septic tanks and tile fields, electricity, water, wastewater and road authorities.
5. In accordance with Section 8(10) of the Act, the Chief Official may revoke a building Permit.

Application for Permit

6. To obtain a Permit, the owner or authorized agent shall file an application in writing on a prescribed form in the office of the Chief Official.
7. Except as otherwise permitted by the Chief Official, every application shall:
  - a) identify and describe in detail the work and occupancy to be covered by the Permit for which the application is made;
  - b) describe the land on which the work is to be done by description that will readily identify and locate the building lot;
  - c) include plans and specifications, and indicate the occupancy of all parts of the building;
  - d) provide sufficient details and information to enable the Chief Official to determine whether the proposed construction, demolition or change of use will conform to the Act, the Building Code or any other applicable law, and whether it will affect adjacent property.
  - e) be accompanied by two (2) complete sets of plans and specifications, as described in Item No. 16 below, unless otherwise specified by the Chief Official.
  - f) state the valuation of the proposed work and be accompanied by the required fee;
  - g) state the names, addresses and telephone numbers of the owner, architect, engineer or other designer and constructor;

- h) in the case of a demolition, be accompanied by satisfactory proof that arrangements have been made with the proper authorities for disposal of waste and the cutting off and plugging of all water, sewer, gas, electric and telephone services;
  - i) be accompanied, where applicable, by a written acknowledgement of the owner that he has retained an architect or professional engineer, or both to carry out the field review of the construction, where required by the Regulation; and
  - j) be signed by the owner or authorized agent who shall certify the truth of the contents of the application.
8. An application for a Permit may be deemed to have been abandoned one (1) year after the date of filing, unless such application has been proceeded with by the applicant.
9. No Permit will be issued in respect of a new building or major alternation or repair to an existing building unless receipted proof that connection has been made and/or applied for to the supply of Municipal Water and Sewage with the appropriate fees paid to the Township and/or a Certificate of Approval for the installation of adequate sewage disposal system has been issued by the authority having jurisdiction where Municipal services are not available and are not required.
10. No Permit will be issued where the proposed use or location of a building or other related aspect is in contravention of the Township Zoning By-law.
11. It is a condition of the issuance of the Permit that the Permit shall not be assigned or transferred to another owner or builder without the approval of the Chief Official and the payment of the required fee(s).
12. No work shall commence until the building Permit is prominently displayed at the site of the work.
13. The Chief Official may require an Engineers' report or soils investigation be conducted at the applicant's expense for any stage of construction, renovation or demolition.

14. It is a condition of the issuance of the Permit that the Permit shall not be assigned unless the required Lot Grading Deposit, pursuant to the Township's current Fees and Charges By-law, is remitted. In addition, upon completion of the lot grading, an As-built Lot Grading Plan, prepared and certified by a Lot Grading Professional (LGP), in accordance with Schedule "A" to By-law No. 2012-064 "Lot Grading Policy," is required. The Chief Official may waive this requirement at this own discretion.
15. A copy of proof for ownership or land transfer/deed may be required to accompany any application.
16. Plans shall:
  - a) be drawn to scale upon paper, or other substantial material;
  - b) be clear and durable;
  - c) indicate the nature and extent of the work or proposed occupancy in sufficient detail to establish that the complete work will conform to the Act, the Building Code and any other applicable law;
  - d) be designed by a Qualified Designer as per Section 3.2 of the Ontario Building Code; and
  - e) be provided in the English language and the application shall be deemed incomplete otherwise. Any required translation shall be at the expense of the applicant and shall form part of the application fees.
17. Site plans shall be referenced to current information regarding location of property lines and when required to prove compliance with the Act, a copy of a recent and current survey shall be submitted to the Chief Official.
18. Site plans shall show:
  - a) dimensions from property lines, the location of the proposed building or structure;

- b) similarly dimensioned location of every other adjacent existing building or structure on the site, where requested by the Chief Official;
- c) existing and finished ground levels to an established datum at or adjacent to the site, where requested by the Chief Official; and
- d) Site Plans required for applications under the *Planning Act* will not be required to comply with Section 41 of the *Planning Act* and the Township Site Plan Control By-law.

19. In lieu of separate specifications, the Chief Official may allow the essential information to be shown on the plans, but in no case shall such terms as "in accordance with the Act", "legal" or similar terms be used as substitutes for specific information.

Revision to Permit

20. After issuance of the Permit, an application may be made for a revision to the Permit and such application shall be made in the same manner as for the original Permit.

Renewal of Permit

21. The Chief Official may issue a renewal of Permit:

- a) where one (1) year after its issuance the construction or demolition in respect of which it was issued has not, in his opinion, been seriously commenced; or
- b) where the construction or demolition of the building is, in his opinion, substantially suspended or discontinued for a period of more than one (1) year;

provided the plans and specifications are made to comply with all the requirements of the Act at the time of the renewal.

22. Where an application is made for a minor revision to a Permit and the Chief Official determines the work involved in plan processing and enforcement is minor, such revisions may be processed without charge.

23. Where the fees are based on a floor area, floor area shall mean the total floor area or all storeys above grade (or below grade for an underground home) measured as the horizontal area between the exterior walls of the building.

Time for Notice of Inspection

24. Notices required by the regulation shall be given to the Chief Official at least forty-eight (48) hours prior to the event unless otherwise approved by the Chief Official.

Enforcement

25. Any person who contravenes any provisions of this by-law, is guilty of an offence and upon conviction, be liable to such fine as is provided for in the provisions of the Ontario Building Code and any other applicable law.

Severability

26. Should any section of 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 declared to be invalid.

Repeal

27. This by-law shall have no effect on signed applications received prior to the passing of this by-law.
28. This by-law shall take precedence over any other by-law that is inconsistent with this.
29. By-law No. 46-1999 for the Township of South Stormont is hereby repealed in its entirety.

READ AND PASSED in open Council, signed and sealed this 14<sup>th</sup> day of November, 2012.

Original signed by Bryan McGillis

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Mayor

Original signed by Betty de Haan

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Clerk