

BY-LAW NO. 2005-33

of the

CORPORATION OF THE TOWN OF COLLINGWOOD



Being a By-law to Regulate Construction, Demolition, and Change of Use Permits and Inspections.

WHEREAS Section 7 of The Building Code Act, 1992, S.O. 1992, Chapter 23, empowers Council to pass certain by-laws respecting construction, demolition and change of use permits and inspections.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD HEREBY ENACTS AS FOLLOWS:

SECTION 1 - SHORT TITLE

1.1 This By-Law may be cited as the Building By-Law.

SECTION 2 - DEFINITIONS

2.1 The definitions applicable to this By-Law shall be as follows:

"ACT" means *The Building Code Act, 1992, S.O. 1992, Chapter 23* including amendments thereto.

"ARCHITECT" means, the holder of a licence, a certificate of practice or a temporary licence under the Architect Act as defined in the Building Code.

"AS CONSTRUCTED PLANS" means as constructed plans as defined in the Building Code.

"BUILDING" means a building as defined in section 1(1) of The Act.

"BUILDING CODE" means 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 Town of Collingwood for the purposes of enforcement of The Act.

"CONSTRUCT" means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere, and has a corresponding meaning; (construction)

"CORPORATION" means the Corporation of the Town of Collingwood.

"DEMOLISH" means to do anything in the removal of a building or any material part thereof and has a corresponding meaning (demolition).

"FARM BUILDING" means a farm building as defined in the Building Code.

"INSPECTOR" means an Inspector appointed under Section 3, of The Act.

"MATERIAL ALTERATION" means to make a material change to a building which may effect the structural or life safety integrity of a building.

"MUNICIPALITY" means the Corporation of the Town of Collingwood.

"PERMIT" means written permission or written authorization from the Chief Building Official to perform the 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 a regulated by the Act.

"PLUMBING" means plumbing as defined in section 1(1) of The Act.

"PROFESSIONAL ENGINEER" means a person who holds a licence or a temporary licence under the Professional Engineers Act as defined in the Building Code and has a corresponding meaning (engineer).

"REGULATIONS" means regulations made under The Act.

"RESIDENTIAL SITE" means a construction or demolition site for a building that is used for residential purposes and that is not more than 3 storeys in building height and not more than one level below grade.

"SEWAGE SYSTEM" means a sewage system as defined in Section 1(1) of The Act.

"WORK" means construction as defined in Section 1.7 Schedule "A".

"DECIMAL NUMBERING SYSTEM"

5.	SECTION
5.1	SUBSECTION
5.1.6	ARTICLE
5.1.6(1)	SENTENCE
5.1.6(1) (e)	CLAUSE

SECTION 3 - CLASSES OF PERMITS

- 3.1 Classes of permits with respect to construction, demolition and change of use of Buildings and permit fees shall be as per the Town's Fee & Service By-law

SECTION 4 - REVISION TO PERMITS

- 4.1 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.

SECTION 5 - REQUIREMENTS FOR APPLICATIONS

5.1 THE APPLICATION

- 5.1.1 To obtain a permit, the owner or an agent authorized in writing by the owner shall file an application in writing by completing the prescribed form available at the offices of the Municipality.

5.2 BUILDING, CONDITIONAL AND DEMOLITION PERMITS

- 5.2.1 Every application for a permit shall be submitted to the Building Department and contain the following information:

- (1) Where application is made for a Building Permit under Subsection 8(1) The Act, the application shall:
- (a) Identify and describe in detail the work to be covered by the permit for which application is made.
 - (b) Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot.
 - (c) Include complete plans and specifications as described in this By-Law for the work to be covered by the permit and show the occupancy of all parts of the building.
 - (d) State the valuation of the proposed work including materials and labour and to be accompanied by the required fee.
 - (e) State the names, addresses, telephone, fax numbers and e-mail of the owner, architect or engineer, where applicable, or other designer or constructor.

- (f) Be accompanied by a written acknowledgement of the owner that he has retained an architect and/or professional engineer to carry out the field review of the construction where required by The Ontario Building Code, and
- (g) Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

5.2.1(2) Where application is made for a Demolition Permit under Subsection 8(1) of The Act, the application shall:

- (a) Contain the information required by Clauses 5.2.1(1) (a) to (g) and
- (b) 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.

5.2.1(3) Where application is made for a Conditional Permit under Subsection 8(3) of The Act, the application shall:

- (a) Contain the information required by Clauses 5.2.1(1) (a) to (g).
- (b) Contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require.
- (c) State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted.
- (d) State the necessary approvals which must be obtained in respect of the proposed building the time in which such approvals will be obtained, and
- (e) State the time in which plans and specifications of the complete building will be filed with the Chief Building Official.

5.3 CHANGE OF USE PERMITS

5.3.1 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:

- (1) Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building.
- (2) Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made.
- (3) Include plans and specifications which show 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 the Roof assemblies identifying required fire resistance ratings and load bearing capacities, details of existing "sewage system"; if any;
- (4) Be accompanied by the required fee.
- (5) State the name, address, telephone, fax number and e-mail of the owner.
- (6) Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

5.4 EQUIVALENTS

5.4.1 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:

- (1) A description of the proposed material, system or building design for which authorization under Section 9 of The Act is requested.
- (2) Any applicable provisions of The Building Code.
- (3) Evidence that the proposed material, system or building design will provide the level of performance required by The Building Code.

5.5 SEWAGE SYSTEM PERMITS

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

- (1) the information required by clauses 5.2.1.(1) (a) to (g) in respect to building permits,
- (2) the name, address, telephone number and license number of the person installing the sewage system,
- (3) where the person named in (2) above requires a license under the Act and the building Code,
 - (a) the number and date of issuance of the license, and
 - (b) the name of the qualified person supervising the work to be done under the sewage system permit;
- (4) a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official;
 - (a) the date the evaluation was done,
 - (b) name, address, telephone number and signature of the person who prepared the evaluation,
 - (c) a scaled map of the site showing
 - i) the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal/utility corridors;
 - ii) the location of items listed in Column 1 of Tables 8.2.1.5.A, 8.2.1.5.B, and 8.2.1.5C, of the Ontario Building Code
 - iii) the location of the proposed sewage system,
 - iv) the location of any unsuitable, disturbed or compacted areas and,
 - v) proposed access routes for system maintenance.
 - (d) depth to bedrock,
 - (e) depth to zones of soil saturation,
 - (f) soil properties, including soil permeability, and
 - (g) soil conditions, including the potential for flooding

5.6 PLANS AND SPECIFICATIONS

5.6.1 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.

5.6.2 Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two (2) complete sets of the plans and specifications required under this By-Law.

5.6.2 Plans shall be drawn to scale shall be legible and, without limiting the generality of the foregoing, shall include such working drawings as set out in Schedule "A" to this By-Law unless otherwise specified by the Chief Building Official.

5.7 **THE SITE PLAN**

5.7.1 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.

5.7.2 Site Plans shall show:

- 1) Lot size and the dimensions of property lines and setbacks to any existing or proposed buildings,
- 2) Existing and finished ground levels or grades, and
- 3) Existing right-of-way, easements, and municipal services.
- 4) Proposed fire access routes & existing fire hydrant locations.

SECTION 6 - PAYMENT OF FEES

6.1 Fees for a required permit shall be as per the Town's Fee & Service By-law and are due and payable upon submission of an application for a permit.

6.2 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 Section 8(3) of The Act are based on 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.

6.3 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 permits issued under Subsection 8(3) of The Act are based on a floor area, floor area shall mean 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.

6.4 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.

6.5 The Chief Building Official may place a valuation on the cost of the proposed work for the purposed 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, and where the audited costs are determined to be less than the valuation, the Chief Building Official shall issue a refund.

SECTION 7 - REFUNDS

7.1 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 "B" attached to and forming part of this By-Law.

SECTION 8 - NOTICE REQUIREMENTS FOR INSPECTIONS

8.1 With respect to "additional notices" under 2.4.5.2 of the building code the owner or an authorized agent shall notify the Chief Building Official, or Inspector at least two(2) business days prior to each stage of construction for which notice in advance is required under the Building Code.

SECTION 9 - PRESCRIBING FORMS

9.1 The forms prescribed for use as applications for permits, for orders and for inspection reports shall be as set out in schedule "C" to this By-Law.

SECTION 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.

SECTION 11 - TRANSFER OF PERMITS

- 11.1 Where land changes ownership for which a permit has been issued, the new owner shall assume full responsibility for said permit.

SECTION 12 - FENCING

- 12.1 A person issued a construction or demolition permit under the Building Code Act, 1992, for any work in the Town of Collingwood 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.

- 12.2 The chief building official is authorized to grant an exemption for the requirement in this subsection to erect a fence if the Chief Building Official is satisfied that conditions at a site would not represent a particular hazard to the public after having regard for:

1. The proximity of the site to occupied dwelling;
2. The proximity of the site to places frequented by the public, including streets, parks, businesses and workplaces;
3. The effectiveness of any existing fencing adjacent to the site
4. The feasibility of effectiveness of fencing the site;
5. Any proposed security measures to deter entry to the site;
6. The hazard presented by the activity occurring and materials used on the site;
7. The expected duration of the hazard; and
8. Any other safety considerations.

- 12.3 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.

Every fence required by this article shall:

1. Be erected at the perimeter of the site to fully enclose the site;
2. Be built to deter entry by unauthorized persons or vehicles;
3. Have no rails, other horizontal or diagonal bracing, attachments or pattern of openings on the outside that would facilitate climbing;
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;
5. At any access opening, be equipped with gates that shall:
 - i. Contain wire mesh or similar material sufficient to provide visibility for traffic entering or exiting the site;
 - ii. Be built to specifications that provide performance and safety at least equivalent to the fence;
 - iii. Deter entry by unauthorized persons;
6. Be maintained:
 - i. In good repair with no gaps larger than 100 millimetres below the fencing and be free of graffiti and posters;
 - ii. Free from health, fire and accident hazards; and
 - iii. So that any access opening is closed and locked or securely reinstalled when the site is unattended; and
7. Be removed not later than 30 days after completion of the construction or demolition work.

- 12.4 A fence required by this subsection shall:

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.

2. If erected on any other residential site, have a height not less than 1.2 metres above the grade outside the enclosed area.
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.

12.5 A fence required by this subsection shall be built to the following minimum standards;

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.
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 centers 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 centers.
3. If built with plastic mesh, the fencing shall be fastened securely at 200 millimetre centers to steel T or 50 millimetre wide U posts, spaced at not more than 1.2 metre centers 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.
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 centers and embedded at least 600 millimetres into the ground and to top and bottom horizontal steel rails or 9-gauge steel wire.
5. Any hoarding, canopy or similar protective barrier required under provincial law may form part of the fence.
6. The fence may be a combination of the fence types specified in this article 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.

12.6 Where this article conflicts with any legislation, Regulation or other by-law, the more restrictive applies.

SECTION 13 - ATTACHED SCHEDULES

13.1 All Schedules attached to this By-Law shall be incorporated into and form part of this Building By-Law.


SECTION 14 - REPEAL OF PREVIOUS BY-LAW

14.1 By-Law No. 01-67 of the Corporation is hereby repealed.

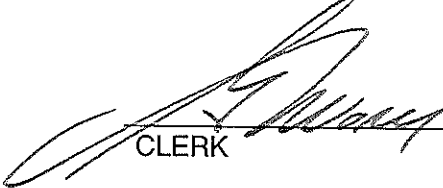
SECTION 15 - EFFECTIVE DATE

15.1 This By-Law shall come into force and take effect on the day of the final passing thereof.

ENACTED AND PASSED this 20TH day of JUNE, 2005.



MAYOR



CLERK

SCHEDULE "A"
BY-LAW NUMBER 2005-33

**LIST OF PLANS OR WORKING DRAWINGS
TO ACCOMPANY APPLICATION FOR PERMITS**

- 1.The Site Plan
- 2.Floor Plans
- 3.Foundation Plans
- 4.Framing Plans
- 5.Roof Plans
- 6.Reflected Ceiling Plans
7. Sections and Details
8. Building Elevations
9. Electrical Drawings
10. Heating, Ventilation and Air Conditioning Drawings
11. Plumbing Drawings

NOTE: THE CHIEF BUILDING OFFICIAL MAY SPECIFY THAT NOT ALL THE ABOVE MENTIONED PLANS ARE REQUIRED TO ACCOMPANY AN APPLICATION FOR A PERMIT.

SCHEDULE "B"
BY-LAW NUMBER 2005-33

REFUNDS

	<u>Status of Permit Application</u>	<u>Percentage of Fee Eligible for Refund</u>
1.	Application filed. No processing or review of plans submitted.	100%
2.	Application filed. Plans reviewed or Permit issued.	75%
3.	Additional deduction for each field inspection that had been performed.	10%
4.	Permit Fees valued at Less than \$75.00	0%

SCHEDULE "C"
BY-LAW NUMBER 2005-33

FORMS

Form 1	Application for Permit to Construct or Demolish
Form 2	Consent for Demolition Permit
Form 3	Application for Change of Use Permit
Form 4	Application for Sewage System Permit
Form 5	Application for a Heritage Permit
Form 6	Required Inspection Checklist
Form 7	Commitment to General Reviews by Architects and Engineers
Form 8	Order to Comply
Form 9	Order not to Cover
Form 10	Order to Uncover
Form 11	Change of Use Permit
Form 12	Stop Work Order
Form 13	Order Requesting Test and Samples