



## THE CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY

### BY-LAW NO. 120-2017

#### BUILDING BY-LAW

##### **A By-law Respecting Construction, Demolition and Change of Use Permits and Inspections**

**WHEREAS** Section 7 of the Ontario Building Code Act, S.O. 1992, C.23, as amended, empowers Municipal Councils to pass By-laws respecting construction, demolition and change of use permits and inspections;

**AND WHEREAS** Section 35 of the Ontario Building Code Act, S.O. 1992, C.23, as amended provides that the Act and the Ontario Building Code, as amended supersede all Municipal By-laws respecting the construction or demolition of buildings;

**AND WHEREAS** Section 3(1) of the Ontario Building Code Act, S.O. 1992, C.23, as amended provides that the Council of each Municipality is responsible for the enforcement of this Act in the Municipality;

**AND WHEREAS** Section 3(2) of the Ontario Building Code Act, S.O. 1992, C.23, as amended provides that the Council of each Municipality shall appoint a Chief Building Official and such inspectors as are necessary for the enforcement of this Act in the areas in which the Municipality has jurisdiction;

**AND WHEREAS** all fees as per this By-law shall be in accordance with the Schedules to the Municipality of Morris-Turnberry Consolidated Fee's & Charges By-law to establish the rates, fees and charges for various services provided by the Municipality of Morris-Turnberry, as amended;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Morris-Turnberry enacts as follows:

1. **That By-law No. 41-2004 as amended be repealed.**

1.1 **Short Title**

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

1.2 **Definitions**

In this By-law,

- a. **"Act"** means the Ontario Building Code Act, S.O. 1992, C.23, as amended;
- b. **"As Constructed Plans"** means as constructed plans as defined in the Ontario Building Code, as amended;
- c. **"Architect"** means a holder of a license, a certificate of practice, or a temporary license under the Architect's Act as defined in the Ontario Building Code, as amended;
- d. **"Building"** means a building as defined in the Act;
- e. **"Ontario Building Code, as amended"** means regulations made under Section 34 of the Act;
- f. **"Chief Building Official"** means the Chief Building Official appointed by the By-law for the Corporation of the Municipality of Morris-Turnberry for the purposes of enforcement of the Act;
- g. **"Complete"** means a building permit application in accordance with Division C, 1.3.1.2. of the Ontario Building Code, as amended submitted with all required

approvals appended in order to comply with the building permit timelines as noted in Division C, 1.3.1.3. of the Ontario Building Code, as amended;

- h. **"Corporation"** means the Corporation of the Municipality of Morris-Turnberry;
- i. **"Demolish"** means demolish as defined in the Ontario Building Code, as amended;
- j. **"Farm Building"** means a farm building as defined in the Ontario Building Code, as amended;
- k. **"Final Occupancy"** means when all outstanding items on a partial Occupancy including grading have been completed;
- l. **"Inspector"** means an inspector appointed by By-law for the Corporation or the Municipality of Morris-Turnberry for the purpose of enforcement of the Act;
- m. **"Municipality"** means the Corporation of the Municipality of Morris-Turnberry.
- n. **"Owner"** means the registered owner of the land and includes a lessee, mortgagee in possession and the person in charge of the property, acting as the authorized agent of the owner;
- o. **"Partial Occupancy"** means a permit issued to allow occupancy of a building prior to its completion in accordance with Division C, 1.3.3.1. of the Ontario Building Code, as amended;
- p. **"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, in the case of an occupancy permit, to occupy a building or part of a building or parts thereof;
- q. **"Plumbing"** means plumbing as defined in Section 1. (1) of the Act;
- r. **"Residential Construction Site"** means any construction site in respect of which a building permit has been issued for the construction of a new building consisting of a single dwelling unit where such excavation is within 2 m. of another occupied dwelling unit except where the site is within a registered plan of subdivision which subdivision is being developed for the first time;
- s. **"Sewage System"** means a sewage system as defined in the Ontario Building Code;
- t. **"Special Inspection"** means an inspection that is requested and carried out not in connection with a permit and this also includes inspections requested for permits that are more than 36 months old with no records of an inspection being done or requested for at least one year;
- u. Other terms which may be used in the By-law and which are defined in the Ontario Building Code Act, 1992, including "change certificate"; "construct"; "demolish"; "director"; "final certificate"; "inspector"; "Minister"; "Municipality"; "officer"; "planning board"; "plans review certificate"; "principal authority"; "registered code agency"; "regulations" and "applicable law".

## **2. PERMITS**

### **2.1 Classes of Permits (Ontario Building Code Act, Section 7(a))**

Classes of permits required for any type of construction, demolition, change of use, occupancy of a partially complete building, conditional permits and other classes as set forth in this By-law.

### **2.2 Application for Permit (Ontario Building Code Act, Section 7(b))**

- 2.2.1 To obtain a permit an applicant shall file a "**complete**" application in writing on forms regulated by the Province of Ontario and those required by the Chief Building Official.

- 2.2.2. Every application for a permit shall be submitted to the Chief Building Official, and contain the following information:
- (a) Where application is made for a **Construction Permit** under SubSection 8(1) of the Act, the application shall:
    - (i) Use the provincial application form, "Application for a Permit to Construct or Demolish";
    - (ii) include plans, specifications, forms, documents and other information as may be required by the Ontario Building Code, as amended and as prescribed in this By-law for the work to be covered by the permit;
    - (iii) Include the proposed or existing occupancy of all parts of the building; and
    - (iv) Include the required fee in accordance with the Schedules to the Municipality of Morris-Turnberry Consolidated Fees & Charges By-law to establish the rates, fees and charges for various services provided by the Municipality, as amended;
  - (b) Where application is made for a **Demolition Permit** under Subsection 8(1) of the Act, the application shall:
    - (i) Use the provincial application form, "Application for a Permit to Construct or Demolish";
    - (ii) include plans, specifications, forms, documents and other information as may be required by the Ontario Building Code, as amended and as described in this By-law for the work to be covered by the permit;
    - (iii) Include the existing occupancy of all parts of the building;
    - (iv) Include the required fee in accordance with the Schedules to the Municipality of Morris-Turnberry Consolidated Fees & Charges By-law to establish the rates, fees and charges for various services provided by the Municipality, as amended;
  - (c) Where application is made for a **Conditional Permit** under Subsection 8(3) of the Act, the application shall:
    - (i) Use the provincial application form, "Application for a Permit to Construct or Demolish";
    - (ii) include plans, specifications, forms, documents and other information as may be required by the Ontario Building Code, as amended and as described in this By-law for the work to be covered by the permit;
    - (iii) Include the proposed or existing occupancy of all parts of the building;
    - (iv) Include the required fee in accordance with the Schedules to the Municipality of Morris-Turnberry Consolidated Fees & Charges By-law to establish the rates, fees and charges for various services provided by the Municipality, as amended;
    - (v) State the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
    - (vi) State the necessary approvals, which must be obtained in respect of the proposed building and the time in which such approvals will be obtained;
    - (vii) include an agreement in writing by the applicant and such other persons as the Chief Building Official determines with the Corporation dealing with the matters required pursuant to Section 8(3)(c) of the Ontario Building Code Act; and

- (viii) State the time in which plans and specifications of the complete building will be filed with the Chief Building Official.
- (d) Where application is made for a **Change of Use** permit issued under Subsection 10(1) of the Act, the application shall be submitted to the Chief Building Official and shall:
- (i) Use the provincial application form, "Application for a Permit to Construct or Demolish";
  - (ii) Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
  - (iii) Identify and describe, as required by the Chief Building Official, the current and proposed occupancies of the building or part of a building for which the application is made;
  - (iv) Include, as may be required by the Chief Building Official, 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 Ontario Building Code, as amended, including floor plans, details of walls, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities and details of the existing sewage system, if any;
  - (v) Include the required fee in accordance with the Schedules to the Municipality of Morris-Turnberry Consolidated Fees & Charges By-law to establish the rates, fees and charges for various services provided by the Municipality, as amended;
  - (vi) State the name, address and telephone number of the owner; and
  - (vii) Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.
- (e) Where application is made for a **Sewage System** permit issued under the Ontario Building Code Section 10.1 of the Act, the application shall be submitted to the Chief Building Official and shall:
- (i) Contain the information required by clauses 2.2.2 of this Building By-law;
  - (ii) A site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official;
    - The date the evaluation was done,
    - Name, address, telephone number and signature of the person who prepared the evaluation,
    - A scaled map of the site in accordance with this By-law,
    - Estimated percolation rate..(T-Time)
    - Depth to bedrock,
    - Depth to zones of soil saturation,
    - Soil properties, including soil permeability,
    - Soil conditions, including the potential for flooding.
  - (iii) Include the required fee in accordance with the Schedules to the Municipality of Morris-Turnberry Consolidated Fees & Charges By-law to establish the rates, fees and charges for various services provided by the Municipality, as amended;

### 2.3 **Revision to Permit**

After 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 a 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 authorization.

### 2.4 **Plans and Specifications (Ontario Building Code Act, Section 7(b))**

- 2.4.1 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, change of use, etc. will conform to the Act, the Ontario Building Code, as amended and any other applicable law.
- 2.4.2 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.
- 2.4.3 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 information as set out in Schedule "A" to this By-law unless otherwise specified by the Chief Building Official.
- 2.4.4 Site plans shall be referenced to an up-to-date survey and, when required by the Chief Building Official to demonstrate compliance with the Act, the Ontario Building Code, as amended or other applicable law, a copy of the survey shall be submitted to the Chief Building Official. Site Plans shall show:
- (a) Lot size and the dimensions of property lines and setbacks to any existing or proposed buildings;
  - (b) Existing and finished ground levels or grades;
  - (c) Existing rights-of-way, easements, Municipal services and fencing; and
  - (d) Proposed fire access routes and existing fire hydrant locations.
- 2.4.5 The granting of a permit, the review of the drawings and specifications or inspections made by the Chief Building Official or an inspector shall not in any way relieve the owner of a building from full responsibility for carrying out the work or having the work carried out in accordance with the requirements of this By-law, the Act and the Ontario Building Code, as amended, including ensuring that the occupancy of the building, or any part thereof, is in accordance with the terms of this By-law and the Ontario Building Code, as amended.
- 2.4.6 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 the construction under such conditions as may be prescribed in the Ontario Building Code Act, Section 7(g), as amended.
- 2.4.7 The Chief Building Official may deem an application for a permit to have been abandoned and cancelled six months after the date of filing, unless such application is being seriously proceeded with.

### **3. FEES (Ontario Building Code Act, Section 7(c))**

- 3.1 Fees for a required permit shall be as prescribed in accordance with the Schedules to the Municipality of Morris-Turnberry Consolidated Fees and Charges By-law to establish the rates, fees and charges for various services provided by the Municipality, as amended; and shall be submitted at the time of submitting the application.
- 3.2 Where application is made for a conditional permit, the conditional application fee shall be payable at application for permit and in addition to this fee prior to issuance of the conditional permit the applicable construction permit fee shall be paid for the complete project.
- 3.3 Where the fees payable in respect of an application issued under Subsections 8(1) or 8(3) of the Act are based on a floor area, floor area shall mean the total floor space of all storeys including storeys below the first storey measured as the horizontal area between the exterior finish of all exterior walls of the building.
- 3.4 With respect to an application for a change of use permit issued under Subsection 10(1) of the Act the change of use permit fee shall be utilized when no construction is proposed or required. When construction is proposed, or required and will result in a change of use the appropriate construction permit fee shall be utilized.

3.5 The Chief Building Official shall determine permit fees not described or included in accordance with the Schedules to the Municipality of Morris-Turnberry Consolidated Fees & Charges By-law to establish the rates, fees and charges for various services provided by the Municipality, as amended;

3.6 **Refund of Fees (Ontario Building Code Act, Section 7(d))**

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 the Schedule below:

<b>STATUS OF APPLICATION</b>	<b>PERCENTAGE OF FEE ELIGIBLE FOR REFUND</b>
Application filed, No processing or Review of plans processed	90%
Application filed. Plans reviewed and Permit Issued	50%
Additional deduction for each field Inspection that has been performed	10%
Permits issued valued at \$85.00 or less	0%

No refund shall be given unless a written request has been made by the owner or authorized agent, along with the written consent of the owner, and unless the permit is returned to the Chief Building Official for cancellation.

No refund shall be made where the Chief Building Official has revoked a permit under Subsection 8 (10) of the Act.

4. **NOTICE REQUIREMENTS FOR INSPECTIONS (Ontario Building Code Act, Section 7(e))**

With respect to, "additional notices" under Division C, 1.3.5.2. of the Ontario Building Code, as amended, the owner or an authorized agent shall notify the Chief Building Official or an inspector at least two business days (48 hours) prior to the following stages of construction listed in clauses Division C, 1.3.5.1. (1). of the Ontario Building Code, as amended or as indicated on the building permit.

5. **Fencing**

5.1 The person to whom a permit is issued in respect of construction or demolition which will take place at an urban construction site shall erect or cause to be erected and maintained, a fence enclosing the urban construction site in accordance with the provisions of this By-law.

5.2 Where there is fencing on or adjoining an urban construction site erected prior to the application for building or demolition permit in respect of that site, such fencing shall be deemed to be in compliance with this By-Law provided it is extended along the perimeter of the urban construction site as determined by the Chief Building Official and the extended fencing is erected in accordance with the provisions of this By-law.

5.3 Notwithstanding the provisions of Section 8.-(1) and Section 8.-(2), of the Act, to the contrary, the requirements of this By-law do not apply where a permit has been issued prior to the passing of this By-law.

5.4 The height of every fence shall be minimum of 1.2 metres and a maximum of 1.8 metres, to be measured from the highest adjacent ground.

5.5 Every fence required under this By-law shall be located on the perimeter of the urban construction site as determined by the Chief Building Official and constructed as follows:

- 5.5.1 If of chain link construction, the chain link shall be fastened to a 39-millimetre diameter metal bar which is securely fastened to metal posts at not over 3 metres on centre and embedded into the ground to provide a rigid support;
- 5.5.2 If of wood construction, the exterior face shall be a minimum of 13-millimetre exterior grade plywood, particle board or equivalent material that will not provide footholds for climbing. The fencing shall be supported by a minimum 38 millimetres by 90-millimetre size posts spaced not more than 3 metres on centre and embedded into the ground to provide rigid support;
- 5.5.3 If the fence is of the snow fence or plastic mesh type, the fencing shall be securely fastened to T-bar posts spaced not more than 3 metres on centre and embedded into the ground to provide rigid support;
- 5.5.4 Other material or methods may be substituted provided that there is an equivalent barrier between properties and an equivalent degree of safety provided.
- 5.5.5 The fence may provide for openings sufficient to accommodate construction vehicles, machines and any other equipment providing services to the urban construction site provided these openings are closed off when the site is shut down for the day.

6. **PRESCRIBED FORMS (Ontario Building Code Act, Section 7(f))**

The forms prescribed for use shall be regulated by the Province of Ontario and the Chief Building Official.

7. **PENALTY CLAUSE**

Section 36 of the Ontario Building Code Act provides that a person is guilty of an offence under the Ontario Building Code Act if a person contravenes the Ontario Building Code Act, the regulations or this By-law.

8. **REPEAL CLAUSE**

That By-law No. 41-2004 are hereby repealed.

**READ A FIRST AND SECOND TIME THIS 19<sup>th</sup> DAY OF DECEMBER, 2017**

**READ A THIRD TIME AND PASSED THIS 19<sup>th</sup> DAY OF DECEMBER, 2017**

**CORPORATE SEAL**

Mayor	Paul Gowing
Clerk	Nancy Michie



# THE CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY

## SCHEDULE "A" to BY-LAW NO. 120-2017

1. **Building Permits** (Ontario Building Code Act, Section 8(1)) may be issued for all types of construction governed by the Ontario Building Code, as amended and may include farm buildings, change of use, and heating, ventilating and air-conditioning systems, moving a building, etc.
2. **Partial Building Permit** (Ontario Building Code Act, Section 8(1)) (Partial permits are appropriate where the construction authorized by the permit complies with the Act, Ontario Building Code, as amended and other applicable laws):  
  
When, in order to expedite work, approval of a portion of the building or project is desired prior to the issuance of a permit for the complete building or project, application shall be made and fees paid for that portion of the building or project. Complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the Chief Building Official.  
  
Where a permit is issued for part of a building or project, such permit shall not be construed to authorize construction beyond the plans for which approval was given nor will that approval necessarily be granted for the entire building or project
3. **Conditional Permit** may be issued by the Chief Building Official in accordance with Section 2.2.2(c) of this By-law.
4. **Change of Use Permit** may be issued where a change in use of a building or part of a building would result in an increase in hazard as determined under Division 'C' Part 1.3.1.4 (1) of the Ontario Building Code, as amended even though no construction is proposed.
5. **Tent Permit** may be issued in respect of the requirements for tents under Division 'B' Part 3.14 of the Ontario Building Code, as amended.
6. **Sign Permit** may be issued in respect of the structural requirements for signs as described in Division 3 Part 3.15 of the Ontario Building Code, as amended.
7. **Special Building Permit** may be issued for all types of construction governed by the Ontario Building Code, as amended and may include plumbing, farm buildings, sewage systems, signs, change of use and heating, ventilating and air conditioning systems at the discretion of the Chief Building Official where construction or change of use has commenced prior to the issuance of the permit.
8. **Occupancy Permit-Certain Buildings of Residential Occupancy** shall be issued before occupancy of the building can be permitted. Article 1.3.3.4 of Division C of the Ontario Building Code contains the new requirements that will culminate in the issuance of an Occupancy Permit.
9. **Class 4 On Site Septic Permit** may be issued in respect of the requirements for septic/sewage under Division B, Part 8 requirements of the Ontario Building Code, as amended.
10. **Plumbing Permit** may be issued in respect of the requirements for plumbing under Division B, Part 7 requirements of the Ontario Building Code, as amended.
11. Permits and inspection fees shall be calculated as prescribed in the Schedules to the Municipality of Morris-Turnberry Consolidated Fees & Charges By-law to establish the rates, fees and charges for various services provided by the Municipality, as amended.



**LIST OF PLANS, SPECIFICATIONS, DOCUMENTS AND OTHER INFORMATION  
TO ACCOMPANY APPLICATIONS FOR PERMITS**

**Plans**

1. Ontario Land Surveyors Plans
2. Site Plan
3. Contour of Grade Plans
4. Drainage Plans
5. Utility Sign-Off Form for Demolition
6. Foundation Plans
7. Architectural Plans
8. Structural Plans
9. Mechanical and Electrical Plans
10. Reinforced Concrete Plans
11. Chimney and Fireplace Plans
12. Renovation and Alteration
13. As Constructed Plans
14. Fire Alarms or Evacuation Plans (within buildings)
15. Fire Protection Plans – showing the type of fire assemblies, fire separations, fire compartments, and fire resistance ratings within buildings
16. Schematic Plans – showing the type, location and operation of all building fire emergency systems.
17. On-Site Sewage System Plans
18. MDS and Nutrient Management Plan/Nutrient Management Strategy

**Specifications**

1. Specification on entrances to the property with necessary approvals in writing.
2. Specifications on sewer system and water supply whether Municipal or private, with necessary written approvals.
3. Specifications on the proposed occupancies.
4. Specifications on building materials or a method of construction, and may require to be submitted by a registered professional engineer.
5. Specifications on soils investigations.
6. Specifications on any other applicable law as set out in Section 8(2)(a) of the Ontario Building Code Act, as amended.

**Documents**

1. Trade Certificates and Certification of Qualification.

**Other**

1. Any other information as may be relevant to prove compliance with the Ontario Building Code Act and Ontario Building Code.

**NOTE:** The Chief Building Official may specify that not all the above-mentioned plans, specifications and documents are required to accompany an application for a permit.