

**THE CORPORATION OF THE TOWN OF TECUMSEH**

**BY-LAW NUMBER 2004-30**

Being a by-law respecting construction, demolition, change of use permits, inspections and related matters.

**WHEREAS** Section 7 of the Building Code Act, 1992, S.O. 1992, c.23 as amended authorizes a municipal council to pass by-laws,

- (a) prescribing classes of permits under the Act, including permits in respect of any stage of construction or demolition;
- (b) providing for applications for permits and requiring the applications to be accompanied by such plans, specifications, documents and other information as is prescribed;
- (c) requiring the payment of fees on applications for and issuance of permits and prescribing the amounts thereof;
- (d) providing for refunds of fees under such circumstances as are prescribed;
- (e) prescribing the time within which notices required by the building code must be given to the chief building official or an inspector;
- (f) prescribing forms respecting permits and applications for permits and providing for their use;
- (g) enabling the chief building official to 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 building code.
- (h) providing for the transfer of permits when land changes ownership;
- (i) requiring the person to whom a permit is issued to erect and maintain fences to enclose the site of the construction or demolition within such areas of the municipality as may be prescribed;
- (j) prescribing the height and description of the fences required under clause (i).

**AND WHEREAS** Section 427 of the Municipal Act S.O., 2001, c.25 provides that if a municipality has authority by by-law or otherwise to direct or require that a matter or thing be done, the municipality may by the same or another by-law direct that, in default of it being done by the person directed or required to do it, such matter or thing shall be done at the person's expense, and the municipality may recover the costs by action, or by adding the costs to the tax roll and collecting them in the same manner as taxes.,

**NOW THEREFORE** the council of the corporation of the Town of Tecumseh enacts as follows:

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## **SECTION 1 – DEFINITIONS**

### **1.1 In This By-law;**

- (a) “Act” means the Building Code Act, R.S.O. 1992, as amended.
- (b) “Applicant” means the owner of a building or property who applies for a permit or any individual authorized to apply for a permit on the owner’s behalf.
- (c) “Building Code” means the regulation made under Section 34 of the Act.
- (d) “By-law” means the Building By-law.
- (e) “Chief Building Official” means the chief building official appointed by Council under Section 3 of the Act.
- (f) “Corporation” means the Corporation of the Town of Tecumseh.
- (g) “Owner” means the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property.
- (h) “Permit” means permission or authorization given in writing by the chief building official, deputy chief building official to perform work regulated by the Act and Building Code, or to occupy a building or part thereof.
- (i) “Permit holder” means the person to whom the permit has been issued and whom assumes the primary responsibility for complying with the Act and the Building Code.
- (j) “Town” means the Corporation of the Town of Tecumseh

1.2 Terms not defined in this By-law shall have the meaning ascribed to them in the *Building Code Act* or the Building Code.

## **SECTION 2 – GENERAL**

- 2.1 This By-law may be cited variously as the “Building By-law” or the “By-law”.
- 2.2 The provisions of this By-law shall apply to all lands within the boundaries of the Town as are now or hereafter legally constituted.
- 2.3 Nothing in this By-law shall serve to relieve any person from the obligation to comply with any other applicable law.
- 2.4 Should any, section, subsection, clause 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.

2.5 That by-law 2001-31 of the Corporation of the Town of Tecumseh and any by-laws or parts of by-laws inconsistent with this By-law are hereby repealed.

2.6 All Schedules referred to and affixed to this By-law form part of this By-law.

2.7 This By-law shall come into force and take effect when it is finally passed.

### **SECTION 3 - CLASSES OF PERMITS**

3.1 Permits shall be classified as follows:

- (a) Building Permit
- (b) Demolition Permit
- (c) Partial Building Permit
- (d) Conditional Building Permit
- (e) Change of Use Permit
- (f) Sewage System Permit

### **SECTION 4 - ADMINISTRATION**

4.1 Subsequent to 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.

4.2 To obtain a permit, an applicant shall file an application in writing on the forms prescribed in schedule "C" and available from the chief building official.

4.3 An application may be refused by the chief building official if, in the opinion of the chief building official, the application is not complete.

4.4 Every application for a building permit shall:

- (a) Be completed on the prescribed form and describe in detail the work to be covered under the permit for which the application is made.
- (b) Identify and describe in detail the existing use and the proposed use (uses) for which the premises are intended.
- (c) Describe the land on which the work is to be done using a description that will readily identify and locate the site on which the building or demolition will occur.
- (d) Be accompanied by plans and specifications as described in section 5 of this By-law.
- (e) Be accompanied by the required fees as calculated in accordance with schedule "A".
- (f) State the names, addresses and telephone numbers of the, applicant, owner and the builder or person hired to carry out the demolition, as the case may be.

- (g) Be accompanied by acceptable proof of corporate identity and property ownership, unless such proof is determined by the chief building official to be unnecessary.
- (h) Include, where applicable, a statement of the builder or vendor as required pursuant to the Ontario New Home Warranties Plan Act.
- (i) State the estimated valuation of the proposed work including material and labour, as well as the finished floor area of all levels.
- (j) Be signed by the applicant who shall certify as to the truth of the contents of the application.
- (k) Shall include copies of any approvals or permits from municipal and provincial authorities or agents as may be required, committee of adjustment decisions, easements and right of ways.
- (l) When section 2.3 of the Building Code applies, be accompanied by a signed acknowledgement from the applicant, professional engineer and/or architect where applicable, in form approved by the chief building official certifying that an architect, professional engineer, or both have been retained to carry out the general review of the construction of the building.

4.5 In addition to the requirements of section 4.4, every for a demolition permit shall:

- (a) When section 2.3 of the Building Code applies, be accompanied by a signed acknowledgement from the applicant, professional engineer and/or architect where applicable, in form approved by the chief building official certifying that an architect, professional engineer, or both have been retained to carry out the general review of the demolition of the building.
- (b) When section 2.3 of the Building Code applies, be accompanied by structural design characteristics of the building and the method of demolition.
- (c) Be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the termination and capping of all water, sewer, gas electric, telephone or other utilities and services.

4.6 In addition to the requirements of section 4.4, every application for a partial building permit shall include:

- (a) an application for the entire project.
- (b) plans and specifications covering the part of the work for which more expeditious approval is desired, together with such information pertaining to the remainder of the work as may be required by the chief building official.

4.7 In addition to the requirements of section 4.4, every application for a conditional building permit shall:

- (a) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted.
- (b) state the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained.

4.8 In addition to the applicable requirements of section 4.4, every application for a change of use permit shall:

- (a) 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, floor and roof assemblies identifying required fire resistance ratings and load bearing capacities.

4.9 Every sewage system permit application shall be submitted to the chief building official or his designated agent, and shall contain the following information:

- (a) the information required by section 4.4.
- (b) the name, address and telephone number of the person installing the sewage system.
- (c) where the person named in (b) above requires a licence under the Act and the Building Code;
  - (i) the number and date of issue of the licence.
  - (ii) the name of the qualified person supervising the work to be done under the sewage permit.
- (d) a site evaluation which shall include all of the following items unless otherwise specified by the Chief Building Official;
  - (i) the date the evaluation was done.
  - (ii) the name, address, telephone number and signature of the person who prepared the evaluation.
  - (iii) a scaled map of the site showing.
  - (iv) the legal description, lot size, property, dimensions, existing right-of-way, easements or municipal/utility corridors.
  - (v) the location of items listed in Column 1 of Tables 8.2.1.5.A., 8.2.1.5.B., and 8.2.1.5 of the Building Code.
  - (vi) the location of the proposed sewage system.
  - (vii) the location of any unsuitable, disturbed or compacted areas.
  - (viii) proposed access routes for system maintenance.
- (e) depth of bedrock.
- (f) depth to zones of soil saturation.
- (g) soil properties, including soil permeability.
- (h) soil conditions, including the potential for flooding.

4.10 The chief building official shall not, by reason of the issuance of a permit issued under subsection 4.6 and 4.7, be under any obligation to grant any further permits therefor.

4.11 Where an application for a permit remains incomplete or inactive for 6 months after it is made, the application may be deemed by the chief building official to be abandoned and the chief building official may direct that the associated administration fee be paid and where they are not paid they shall be paid by the Town, and collected in like manner and with the same priority as Municipal Taxes. Prior to deeming an application abandoned and directing the payment of the associated administration fee the chief building official shall provide for service upon the applicant, a notice indicating that;

- (a) if within a reasonable time the applicant does not provide for the completion of the application it shall be deemed abandoned.
- (b) if the associated administration fee is not paid within a reasonable time it shall be paid by the Town, and collected in like manner and with the same priority as Municipal Taxes.

4.12 Where an application for a permit remains incomplete solely due to the payment of the required permit fee and the work that is the subject of the application has been commenced or completed without benefit of a permit, the chief building official may direct that the fees, including the associated administration fee be paid and where they are not paid they shall be paid by the Town, and collected in like manner and with the same priority as Municipal Taxes. Prior to directing the payment of fees, the chief building official shall provide for service upon the applicant, a notice indicating that:

- (a) there are outstanding fees that if within a reasonable time are not paid, then the fees including the additional administration fee shall be paid by the Town and the permit will be issued.
- (b) the fees shall become a charge against the land and will be collected in like manner and with the same priority as Municipal Taxes.
- (c) the applicant has the option of withdrawing the application, in which instance only the administration fees may be paid by the Town and the Town may proceed with charges pursuant to the Act.

## **SECTION 5 - PLANS AND SPECIFICATIONS**

5.1 Every applicant shall furnish

- (a) sufficient plans, specifications, documents and other information as may be deemed necessary to enable the chief building official to determine whether the proposed construction, demolition, or change of use conforms to the Act, the Building Code, and any other applicable law.
- (b) a site plan referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such a survey shall be filed with the municipality unless this requirement is waived because the chief building official is able, without having a current plan of survey, to determine whether the proposed work conforms to the Act, the Building Code, and any other applicable law. Site plans must include:
  - (i) lot size and dimensions of the property.
  - (ii) setbacks from existing and proposed buildings to property boundaries and to each other.



- (iii) existing and finished ground levels or grades.
- (iv) existing rights of way, easements and municipal services.

- 5.2 plans submitted shall be legible and shall be drawn to scale upon paper or other suitable and durable material, 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.
- 5.3 The chief building official shall determined the number of plans, specifications, documents and other information required to be furnished with an application for permit having regard to the requirements of any Act, regulation or By-law respecting the examination or circulation of the application.
- 5.4 On completion of the construction of a building, the chief building official may require a set of as constructed plans, including a plan of survey showing the location of the building.
- 5.5 Plans and specifications furnished according to this bylaw or otherwise required by the Act become the property of the municipality and will be disposed of or retained in accordance with relevant legislation and by-laws.

#### **SECTION 6 - FEES**

- 6.1 The chief building official shall determine the required fees in accordance with schedule "A" and the applicant shall pay the fees so calculated prior to the issuance of the building permit. No permit shall be issued until the fees therefor have been paid in full.
- 6.2 Administrative fees shall be as prescribed in schedule "A".
- 6.3 Where a permit has been revoked the amount of the refund shall be calculated in accordance with schedule "A".

#### **SECTION 7 - TRANSFER**

- 7.1 Permits are transferable only upon the new owner completing a permit application form subject to the requirements of section 4.
- 7.2 A fee, as prescribed in schedule "A" shall be payable on a transfer of permit by the new owner who shall thenceforth be the permit holder for the purpose of the Act and the Building Code.

#### **SECTION 8 - NOTIFICATIONS**

- 8.1 Notices respecting stages of constructions required by article 2.4.5 of the Building Code shall be given by the permit holder to the chief building official at least twenty four hours in advance of the stages of construction specified therein.

- 8.2 A notice to be served pursuant to section 4.10 and 4.11 of this By-law may be served personally or by registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service. If a notice is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom the notice is given or that person's agent for service establishes that acting in good faith, through absence, accident, illness or other unintentional cause the notice was not received until a later date.

#### **SECTION 9 - PRESCRIBED FORMS**

- 9.1 Permit Application's shall be made in the form's attached hereto as schedule "C".
- 9.2 Building Permits shall be issued in the forms attached hereto as schedule "C".

#### **SECTION 10 - FENCING OF CONSTRUCTION SITES**

- 10.1 Where, in the opinion of the chief building official, a construction site presents a particular and unique hazard to the public, he may require the erection of such fencing as he deems appropriate to the circumstances.
- 10.2 In considering the hazard presented by a construction site, the necessity for fencing, and its construction, the chief building official shall have regard to:
- (a) the proximity of the construction site to occupied dwellings,
  - (b) the proximity of the construction site to lands accessible to the public, including but not limited to streets, parks, and commercial and institutional activities,
  - (c) the hazards presented by the construction activities and materials,
  - (d) the feasibility and effectiveness of the site fencing, and
  - (e) the duration of the hazard.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 18<sup>th</sup>  
DAY OF MAY, 2004.**

  
CLERK

  
MAYOR

## SCHEDULE "A"

### CLASSES OF PERMITS, PERMIT FEES AND REFUNDS

#### SECTION 1 - CALCULATION OF PERMIT FEES

- 1.1 Floor area means the space on any storey of a building measured between the outer face of exterior walls including the space occupied by interior, partitions and firewalls.
- 1.2 Gross floor area means the sum of all floor areas above and below grade.
- 1.3 Permit fees payable shall be the product of the fee multiplier in Section 3 for the class of construction involved and the prescribed measure of the size of the project. Where permit fees are based on square footage, permit fees shall be the sum of the products of the fee multiplier prescribed in SECTION 3 for the class of construction involved times the floor area constituting each class of construction comprising the gross floor area of a building. For certain classes of construction the fee is a flat rate.
- 1.4 No deductions shall be allowed for floor openings required for such facilities as stairs, elevators, escalators, shafts and ducts. Interconnected floor spaces and atriums above their lowest level may be deducted from the calculated floor area.
- 1.5 Where they serve single dwelling units, no additional fee applies for decks, fireplaces, and unfinished basements proposed and constructed at the same time as the single dwelling they serve.
- 1.6 No additional fee applies for sprinklers, fire alarms, electromagnetic locks, or other mechanical systems or equipment proposed and installed at the same time as the construction they serve.
- 1.7 Fees for major revisions, 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.
- 1.8 A Change of Use Permit shall only be issued where there is no construction required. The fee for a change of use permit shall be as described in Section 3 of Schedule A.

#### SECTION 2 - MINIMUM FEE

- 2.1 A minimum fee of \$100.00 shall be charged for all work unless otherwise stated in this Schedule.

#### SECTION 3- PERMITS & RELATED FEES

	DESCRIPTION	FEES
1.	RESIDENTIAL – Group C	above/ground \$.90/ sq. ft below/ground \$.40/ sq. ft
2.	RENOVATIONS & ALTERATIONS – All Groups	\$10.00 / thousand

	DESCRIPTION	FEES
3.	INDUSTRIAL – Group F	\$.70 / sq. ft
4.	INSTITUTIONAL – Group B	\$.85 / sq. ft
5.	COMMERCIAL – Groups E & D	\$.85 / sq. ft
6.	ASSEMBLY – Group A	\$.85 / sq. ft
7.	OTHER	\$10.00 / thousand
8.	RESIDENTIAL GARAGES – Attached and Detached	\$.40 / sq. ft
9.	TENTS & TEMPORARY BUILDINGS	\$100.00
10.	DEMOLITION	\$100.00
11.	ACCESSORY BLDGS.	\$10.00 / thousand
12.	POOLS – In-ground & Above Ground	\$10.00 / thousand
13.	SANITARY SEWER STORM SEWER	\$100.00 \$100.00
14.	PLUMBING	\$100.00
15.	HEATING	\$100.00
16.	SEPTIC SYSTEM (NEW) SEPTIC SYSTEM (REPAIR) SEPTIC SYSTEM (ADDITION)	\$400.00/\$506.00 tertiary \$176.00 \$104.50 Collected by Windsor - Essex County Health Unit.
17.	GENERAL -Permit Changed Permit Transferred Permit Transferred	\$100.00
18.	RE-INSPECTIONS (as determined by the chief building official)	Minimum \$50.00 Plus \$50.00/ hour thereafter.
19.	INSPECTION OF EXISTING BUILDING (including property standards) (as determined by the chief building official)	Minimum \$50.00 Plus \$50.00/ hour thereafter
20.	FARM BUILDINGS, GREEN HOUSES, TARPED BUILDINGS	\$.20/sq. ft.
21.	FENCES	\$20.00
22.	CHANGE OF USE	\$100.00
23.	CULVERT	\$50.00
24.	MINIMUM BUILDING PERMIT FEE	\$100.00

#### **SECTION 4 - ADMINISTRATIVE FEES**

- 4.1 With respect to construction or demolition commenced prior to the issuance of a permit, the permit fee prescribed in this schedule shall be increased by \$50.00.
- 4.2 With respect to collecting fees through municipal taxes per section 4.10 and 4.11 of this By-law the administration fee shall be \$50.00.
- 4.3 With respect to written requests for information concerning compliance with the Building Code and applicable law, the fee shall be \$50.00.
- 4.4 With respect to reviewing minor revisions to plans already examined, the fee shall be \$50.00/hr as determined by the chief building official.
- 4.5 With respect to conditional permits, the fee shall be the normal fee for the proposed construction plus an additional \$50.00.
- 4.6 With respect to the withdrawal or abandonment of a permit application the administrative fee shall be \$50.00/hr plus any additional casts as determined by the chief building official.
- 4.7 With respect to the withdrawal or revocation of a permit the administrative fee shall be \$50.00/hr plus any additional costs as determined by the chief building official.

#### **SECTION 5 - REFUNDS**

With respect to the withdrawal or revocation of a permit, the refund shall be the cost of the permit paid minus the administrative fee calculated per section 4.7 of this schedule.

## **SCHEDULE "B"**

### **List of Plans or Working Drawings**

**To accompany applications for permits**

- (a) Site Plan
- (b) Floor Plans
- (c) Foundation Plans
- (d) Framing Plans
- (e) Roof Plans
- (f) Sections and Details
- (g) Building Elevations
- (h) Electrical Drawings
- (i) Heating, Ventilation and Air Conditioning Drawings
- (j) 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 "C"**

**Prescribed Forms**

**Permit Application Forms**

- (a) Town of Tecumseh Quick Building Permit Application
- (b) Town Of Tecumseh Building Permit Application
- (c) Windsor-Essex County Health Unit Application for Sewage System

**Building Permit Forms**

- (a) Town of Tecumseh Building Permit
- (b) Windsor-Essex County Health Unit Sewage System Permit