

**The Corporation of the Township of
Otonabee-South Monaghan**

By-law Number 2024-64

Being a By-law to Provide for the Administration and Enforcement of the Building Code Act, 1992, within the Township of Otonabee-South Monaghan

Whereas Section 3(1) of the *Building Code Act, 1992, S.O. 2001, Chapter 23*, provides that the Council of the Corporation of the Township of Otonabee-South Monaghan is responsible for the enforcement of the Building Code Act, 1992 within the Township of Otonabee-South Monaghan; and

Whereas Section 7 of the *Building Code Act, 1992, S.O. 2001*, authorizes Council to pass certain by-laws prescribing classes of permits, permit application documents, fees, inspections and other related matters; and

Whereas pursuant to Section 425 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, provides that any person who contravenes any By-law of a Municipality passed under the authority of the Municipal Act is guilty of an offence;

Now Therefore the Council of the Township of Otonabee-South Monaghan enacts as follows:

Part 1 – Definitions and Interpretation

1.0 Short Title

This By-law may be cited as “The Building By-law”.

1.1 Definitions

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

“**Alternative Solution**” means a substitute for an acceptable solution proposed by an applicant pursuant to Division A, article 1.2.1.1. of the Building Code;

“**Applicable Law**” means applicable law as identified by Division A, 1.4.1.3.(1) of the Building Code;

“**Applicant**” means a person who applies for a permit and includes any person authorized by an owner to apply for a permit on the owner’s behalf;

“**Architect**” means the holder of a licence, certificate of practice, or a temporary licence issued under the Architects Act as defined in the Building Code;

“**As Constructed Plans**” means as built (constructed plans) as defined in Division A, 1.4.1.2.(1) of the Ontario Building Code;

“**Building**” means a building as defined in Subsection 1(1) of the Act;

“Building Code” means regulations made under Section 34 of the Ontario Building Code Act, 1992, S.O. 1992, Chapter 23, as amended;

“Chief Building Official” means the person appointed by the Township of Otonabee-South Monaghan Council for the purpose of enforcement of the Act or the Deputy Chief Building official acting in the capacity of the Chief Building Official from time-to-time in respect of Section 1.1.(6)(c) of the Act;

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

“Council” means the Council of the Corporation of the Township of Otonabee-South Monaghan;

“Deficient Permit” means a permit in respect of which:

- i) an inspector notice or order to comply has been issued by an inspector, or
- ii) an inspection required under the Building Code or this By-law has not been arranged, and six months or more has elapsed after the date the notice was issued, or the inspection was required;

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

“Farm Building” means a farm building as defined in Division A, 1.4.1.2.(1) of the Building Code;

“Inspector” means an inspector appointed by the By-law by the Corporation of the Township of Otonabee-South Monaghan for the purposes of enforcement of the Act;

“Owner” means the owner as defined by Division C, 1.3.1.2., of the Building Code;

“Permit” means permission or authorization given, in writing, by the Chief Building Official; to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the Act and Building Code;

“Permit Holder” means the owner to whom a permit has been issued, or where a permit has been transferred, the 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 licence or temporary licence under the Professional Engineers Act, R.S.O. 1990, c. P.28, as defined in Division A, 1.4.1.2.(1) of the Building Code;

“Registered Code Agency” means a person or entity that has the qualifications and meets the requirements set out in the Act;

“Regulations” means a regulation made under the Act;

“Sewage System” means a sewage system as defined in Division A, 1.4.1.2.(1) of the Building Code;

“Township” means The Corporation of the Township of Otonabee-South Monaghan; and

“Work” means construction or demolition of a building or part thereof, as the case may be and has the same meaning as construct as defined in Subsection 1(1) of the Act.

1.2 Word/Term Not Defined:

Any word or term, not defined in this By-law, that is defined in the Act or Building Code shall have the same meaning ascribed to it in the Act or The Building Code.

1.3 Schedules:

The schedules attached to this By-law shall form part of this By-law and shall be enforceable as such.

1.4 Statutes:

References to laws in this By-law are meant to refer to the Statutes, as amended from time to time, which are applicable within the Province of Ontario.

1.5 Severability:

If the court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

Part 2 – Permit Fees

2.0 Fees for permits with respect to the construction, demolition, building relocation, conditional permit, change of use, occupancy of buildings shall be set out in Schedule “E” of the Tariff of Fees By-Law 2024-08, as amended.

Part 3 – Permit Applications and Issuance

3.0 Classes of Permits: An applicant shall file a complete application on the form prescribed by the Act and available from the Chief Building Official or from the Province of Ontario, together with the applicable requirements set out in Part 3.1 to 3.7 to this By-law.

3.1 Building Permits: Every application for a building permit under Subsection 8(1) of the Act shall,

- (a) using the form, “Application for a Permit to Construct or Demolish” as prescribed by the Act, provide all information pertaining to the construction as required by the form;

- (b) be accompanied by the complete plans, specifications, documents and other information as required by Division C, Article 1.3.1.3. of the Building Code and as prescribed in Schedule A and Schedule B to this By-law;
- (c) be accompanied by the completed form as prescribed in Schedule A to this By-law where Division C, Subsection 1.2.2. of the Building Code applies;
- (d) be accompanied by any other information necessary to, or required in accordance with the Act, the Building Code, and applicable law; and,
- (e) be accompanied by the required fees and deposits calculated in accordance with Schedule E of the Tariff of Fees By-law 2024-08, as amended.

3.2 Sewage System Permits: Every application for a permit to construct a private on-site sanitary sewage system under Subsection 8(1) of the Act shall,

- (a) using the form, “Application for a Permit to Construct or Demolish” as prescribed by the Act, provide all information pertaining to the construction including schedule 1 and schedule 2 as required by the form;
- (b) be accompanied by the complete plans, specifications, documents and other information as required by Division C, Article 1.3.5.4. of the Building Code and as prescribed in Schedule A and Schedule B to this By-law for the work to be covered by the permit;
- (c) be accompanied by the completed form as prescribed in Schedule A to this By-law where Division C, Subsection 1.2.2. of the Building Code applies;
- (d) be accompanied by a Site Evaluation Report, completed in conformance with the provisions of Division B, 8.2.1.2. of the Building Code;
- (e) be accompanied by any other information necessary to, or required in accordance with the Act, the Building Code, and applicable law; and,
- (f) be accompanied by the required fees and deposits calculated in accordance with Schedule E of the Tariff of Fees By-law 2024-08, as amended.

3.3 Demolition Permits: Every application for a demolition permit under Subsection 8(1) of the Act shall,

- (a) using the form, “Application for a Permit to Construct or Demolish” as prescribed by the Act, provide all information pertaining to the work to be done and the existing use and occupancy of the building, or part thereof, for which the application for a permit is made, and the proposed use and occupancy of that part of the building, if any, that will remain upon completion of the demolition;
- (b) be accompanied by the complete plans, specifications, documents and other information as required by Division C, Article 1.3.1.3. of the Building Code and as prescribed in Schedule A and Schedule B to this By-law;

- (c) be accompanied by the completed form as prescribed in Schedule A to this By-law where Division C, Subsection 1.2.2. of the Building Code applies;
- (d) be accompanied by the required fees and deposits calculated in accordance with Schedule E of the Tariff of Fees By-law 2024-08, as amended;
- (e) be accompanied by confirmation satisfactory to the Chief Building Official that,
 - i) arrangements have been made with the proper authorities for the safe and complete disconnection of all existing water, sewer, gas, electricity, communications, and other utilities;
 - ii) include information concerning rehabilitation of the site to a graded, leveled, and landscaped condition upon completion of the demolition; and,
 - iii) the owner will comply with the Township's property standards By-law at the completion of the demolition.

3.4 Partial Building Permits: Every application for a partial building permit shall,

- (a) When, to expedite work, approval for a portion of the building or project is desired prior to the issuance of a permit for the whole project, application shall be made for the complete project, and complete plans and specifications covering the portion of the overall work for which immediate approval is desired, shall be filed with the Chief Building Official;
- (b) Where a partial building permit is requested the application to construct the entirety of the building is deemed to be incomplete as described in Part 3.10 of this By-law;
- (c) Should a building permit be issued for part of a building or project, the holder of such permit may proceed without assurances that the building permit for the entire building or project will be granted; and,
- (d) be accompanied by the required fees and deposits calculated in accordance with Schedule E of the Tariff of Fees By-law 2024-08, as amended.

3.5 Conditional Building Permits: Every application for a building permit under Subsection 8(3) of the Act shall,

- (a) comply with the requirements set out in Part 3.1 in this By-law; and
- (b) be accompanied by,
 - i) a written statement from the applicant explaining why the applicant believes that unreasonable delays in construction would occur if a conditional building permit were not issued;

- ii) a written acknowledgement from the applicant of the necessary approvals which must be obtained in respect of the proposed construction and the time period in which such approvals shall be obtained by the applicant;
- iii) a written agreement, in a form provided by the Chief Building Official, executed by the applicant, the owner, and such other necessary persons the Chief Building Official determines for the purposes set out in clause 8(3)(c) of the Act; and,
- iv) the conditional permit fee in accordance with Schedule E of the Tariff of Fees By-law 2024-08, as amended.

3.5.1 The Chief Building Official is hereby authorized to execute on behalf of the Corporation of the Township of Otonabee-South Monaghan the written agreement referred to in clause 3.5.(b)(iii) of this By-law as part of the conditional building permit application.

3.6 Change of Use Permits: Every application for a building permit under Subsection 10(1) of the Act shall,

- (a) using the form, “Application for a Permit to Construct or Demolish” as prescribed by the Act, provide all information pertaining to the construction as required by the form;
- (b) identify and describe in detail the existing and proposed use and occupancy of the building, or part thereof, for which the application for a permit is made;
- (c) be accompanied by complete plans, specifications, and documents which show the current and proposed occupancy of all parts of the building and which contain sufficient information necessary to establish compliance with the Building Code, including, but not necessarily limited to, floor plans, details of wall, ceiling, and roof assemblies identifying required fire resistance ratings and load bearing capacities, and details of the existing sewage system, if any;
- (d) be accompanied by completed documents and other information as prescribed in Schedule A and Schedule B to this By-law; and,
- (e) be accompanied by the required fees and deposits calculated in accordance with Schedule E of the Tariff of Fees By-law 2024-08, as amended.

3.7 Occupancy Permits: Every request for authorization to occupy a building under Division C, Article 1.3.3.1., 1.3.3.2., and 1.3.3.4 of the Building Code shall,

- (a) No person shall occupy, or permit to be occupied, any building which was constructed under building permit except in conformance with the Act, the Building Code, and the provisions of this By-law;

- (b) Provide notice of the intent to occupy a building to the Chief Building Official, prior to establishing occupancy of any portion, in part or whole of the building under permit, in accordance with Section 11 of the Act, and Division C, Subsection 1.3.3. of the Building Code;
- (c) Identify and describe in detail the occupancy, the date of such occupancy, and the building or part thereof for which the request for an occupancy permit is made;
- (d) Where general review by an Architect, Engineer, or Both when applicable, is required in conformance with Division C, Subsection 1.2.2. of the Building Code, all reports from the Architect, Engineer, or Both where applicable, stating their opinion to general conformity of the construction in accordance with the approved permit drawings and specifications as issued, is to be provided to the Chief Building Official; and,
- (e) An occupancy permit may only be issued by the Chief Building Official, or designate of the Chief Building Official, as appointed under By-law of the Corporation of the Township of Otonabee-South Monaghan.

3.8 No Implied Future Permits: The Chief Building Official shall not, by reason of the Issuance of a Conditional Permit or a Partial Permit, be under any obligation to grant further permits.

3.9 Revision to Issued Permit: Should a permit holder wish to make any material changes to any drawings, specification, document or other information on the basis of which the permit was issued, the permit holder shall file an application for a revision to the permit which describes the material changes, and provide all drawings, specifications, documents or other information, as required to establish compliance with the Building Code to approve said material changes; and shall pay the fee calculated in accordance with Schedule E of the Tariff of Fees By-law 2024-08 as amended.

3.10 Incomplete Permit Applications: An application shall be deemed not to be complete according to Division C, Sentence 1.3.1.3.(5) of the Building Code, where any of the applicable requirements of Part 3.1 to 3.6 have not been complied with.

3.11 Abandoned Permit Applications: An application for a permit shall be deemed to have been abandoned by the applicant where,

- (a) The application is incomplete according to Part 3.10 and remains incomplete six months after it was submitted;
- (b) Six months have elapsed after the applicant was notified that the proposed building, construction, demolition, or change of use will not comply with the Act, or the Building Code, or will contravene any other applicable law; or,
- (c) The application is determined to comply with the Building Code and all applicable law, and six months have elapsed from the date upon which the applicant was notified that a permit was available to be issued.

3.11.1 Where an application is deemed abandoned, all submitted plans, specifications, documents and other information shall be disposed of, or upon written request from the applicant, be returned to the applicant.

3.12 Transfer of Permits: If the owner of the land changes after a permit has been issued, the permit may be transferred to the new owner (the “transferee”) of the lands where an application is filed with the Township in writing, in accordance with this By-law and shall include,

- (a) Proof of ownership of the lands by the transferee satisfactory to the Chief Building Official;
- (b) Confirmation that the work to be completed and the existing and proposed use and occupancy of the building or part thereof, for which the application for the transfer of the permit is made, is the same as that identified and described on the application of the permit;
- (c) The name, address, telephone number, facsimile number, and email address of the proposed designer, architect and/or professional engineer, and their Building Code qualifications, where they are different from those identified in the application for the permit, or a written confirmation from the designer, architect, and/or professional engineer, that they have been retained to continue to provide design services with respect to the project;
- (d) Where the proposed transferee is a builder as defined in the Ontario New Home Warranties Plan Act, the proposed transferee’s registration number under that Act; and,
- (e) the required fees calculated in accordance with Schedule E of the Tariff of Fees By-law 2024-08, as amended.

Part 4 – Plans and Specifications

4.0 Every applicant for permit shall submit sufficient plans, specifications, documents, and other information to enable the Chief Building Official to determine whether the proposed building, construction, demolition or change of use will contravene the Act, the Building Code, or any other applicable law.

4.1 The Chief Building Official shall determine in plans, specifications, documents, and other information required to be submitted with an application in order to deem it complete according to Division C, Section 1.3 of the Building Code, having regard for the scope of the proposed work and the requirements of this Part and Schedule A and Schedule B to this By-law.

4.2 Plans, specifications, documents, and other information shall be submitted electronically in a suitable format or in a permanent medium upon paper or other suitable durable material and shall contain text that is legible and drawings that are legible, complete, fully dimensioned, and to scale.

4.3 Site plans submitted by an applicant shall be referenced to a current plan of survey prepared and certified by an Ontario Land Surveyor, and a copy of the survey shall accompany the site plan submission, except where the Chief Building Official waives the requirement to do so. Site plans shall include all information as prescribed in Schedule A and Schedule B to this By-law.

4.4 The Chief Building Official may require that, upon completion of the foundation for a detached, semi-detached, triplex, fourplex, or townhouse dwelling, the applicant submit confirmation from an Ontario Land Surveyor or Professional Engineer certifying that the location and elevation of the top of the foundation wall confirming general conformity with the approved site grading plan, prior to a framing inspection being undertaken.

4.5 On the completion of the construction of a building, or part of a building, the Chief Building Official may require submission of a set of plans of the building or part of the building, as constructed, including a plan of survey prepared and certified by an Ontario Land Surveyor showing the location of the building.

Part 5 – Alternative Solutions

5.0 Where the prescriptive requirements or acceptable solutions of Division B of the Building Code are not met, the Chief Building Official may approve an alternative solution as required by Division C, Subsection 2.1.1. of the Building Code. An alternative solution proposal may be requested for a system or building design at the time of permit application, or if a material change is necessary to a plan, specification, document or other information on the basis of which a permit is issued. The applicant, with or without their approved representative, shall submit,

- (a) A completed “Application for an Alternative Solution” on the form available from the Chief Building Official;
- (b) A description of the applicable objectives, functional statements, and acceptable solutions;
- (c) A description of the proposed material, system, or building design for which authorization is sought;
- (d) Supporting documentation demonstrating that the proposed material, system, or building design will provide the level of performance required by the Building Code;
- (e) The results of tests or evaluations as may be required to achieve compliance with Division C, Article 2.1.1.2. of the Building Code; and;
- (f) The required fees calculated in accordance with Schedule E of the Tariff of Fees By-law 2024-08, as amended.

5.1 The Chief Building Official or registered code agency may accept or reject any proposed alternative solutions and may impose conditions or limitations on their use.

5.2 Alternative solutions that are accepted under this part shall be applicable only to the location described in the application and are not transferable to any other permit.

Part 6 – Registered Code Agencies

6.0 Agreement with Registered Code Agency: Where the Township enters in an agreement with the registered code agency, the Township may appoint the agency to perform specified functions in respect of the construction of a building or class of buildings.

6.1 Appointment of Registered Code Agency: The registered Code Agency may be appointed to perform one (1) or more of the specified functions described in Section 15.15 of the Act.

Part 7 – Fees and Refunds

7.0 The Chief Building Official, or designate, shall determine the fee to be paid with every permit application, calculated in accordance with Schedule E of the Tariff of Fees By-law 2024-08, as amended, and the fee shall be due and paid in full with the submitted permit application. No permit shall be released until the fees are paid in full.

7.1 Where fees payable in respect of an application for a construction or demolition permit issued under Section 8(1) of the Act, or a conditional permit issued under Subsection 8(3) of the Act are based on building area, the terms:

- (a) “Floor Area” means the greatest horizontal area of every floor area above or below grade and shall be measured to the outer face of exterior walls and to the centreline of party walls, demising walls, or fire walls. No deductions shall be made for openings within the floor area (e.g. Stairs and stair openings, ducts, elevators, escalators). Floor area shall include all habitable areas, including mezzanines, basements, finished attics and enclosed balconies.
- (b) No additional fee applies for sprinklers, fire alarms, or electromagnetic locks installed at the same time as the construction they serve.
- (c) Where the Chief Building Official has determined that the prescribed value to construct a building permit has been underestimated, the Chief Building Official will recalculate the permit fee to the revised prescribed value and the adjustment to the permit fee will be collected when the building permit is issued.
- (d) Where the amount of a permit fee to be paid as part of a permit application, as calculated in accordance with Schedule E of the Tariff of Fees By-law 2024-08 as amended, exceeds ten thousand dollars (\$10,000.00), a deposit may be required to be paid with the permit application and the balance of the amount of the fee shall be due and payable in full prior to the issuance of the permit.
- (e) A minimum permit fee as detailed in accordance with Schedule E of the Tariff of Fees By-law 2024-08, as amended, shall be charged for all work as applicable.

7.2 Administrative fees imposed after issuance of a permit are due at the time the service is requested or required in accordance with Schedule E of the Tariff of Fees By-law 2024-08 as amended.

7.3 Where an application for a permit is subject to additional fees prescribed by the Township, the fees so prescribed shall be paid in addition to the fees set out in accordance with Schedule E of the Tariff of Fees By-law 2024-08, as amended.

7.4 Work without Permit: Any person or Corporation who commences construction, demolition or change the use of a building before submitting an application for a permit or receiving a permit shall, in addition to any other penalty under the Act, Building Code or this By-law, pay an additional fee equal to 100% of the amount calculated as the full permit fee for the entire project set out in accordance with Schedule E of the Tariff of Fees By-law 2024-08, as amended.

7.5 Fee Refunds: Where an application for a permit is withdrawn, in writing, abandoned, or where a permit is denied or revoked by the Chief Building Official, upon written request of the applicant the Chief Building Official shall determine what proportion of the permit fees, if any, may be refunded in accordance with this Part, based on the functions undertaken by the Township as follows:

- (a) Eighty Percent (80%) if, in the opinion of the Chief Building Official, the application is withdrawn or abandoned after the permit is entered into the Township's permit control system.
- (b) Seventy Percent (70%) if, in the opinion of the Chief Building Official, the application is withdrawn or abandoned after internal departmental circulation (i.e. zoning, site plan control, grading review, etc.).
- (c) Fifty Percent (50%) if, in the opinion of the Chief Building Official, the application is withdrawn or abandoned after preliminary plans review has been completed.
- (d) Fourty Percent (40%) if, in the opinion of the Chief Building Official, the application is withdrawn or abandoned after the permit is issued.

7.6 Adminstrative fees are non-refundable.

7.7 Any amount authorized by the Chief Building Official to be refunded shall be paid to the applicant as identified on the permit application, unless that person directs, in writing, that it be refunded to another person.

7.8 Fee Refunds Not Available: No refund of any portion of the permit fee paid shall be made in the following circumstances:

- (a) Where any construction or demolition has commenced;
- (b) Where at least one (1) field inspection has been made;

- (c) Where a minimum permit fee is applicable as identified in Schedule E of the Tariff of Fees By-law 2024-08, as amended;
- (d) Where a permit was revoked (except where the revocation is due to an error by the Township); and,
- (e) In circumstances where the application has been deemed to have been abandoned in accordance with Part 3.11 of this By-law, and the applicant has not contacted the Township for a period of longer than twelve (12) months.

7.9 Changing Permit Fees: Upon passing of a By-law in accordance with Division C, 1.9.1.2. of the Building Code, the building fees will be structured in accordance with Schedule E of the Tariff of Fees By-law 2024-08, as amended. Fees will be indexed to the Consumer Price Index (CPI) of Ontario – all items, as of December, and are to be adjusted annually on March 1, subject to public notice, and the holding of a public meeting and Council endorsement.

Part 8 – Inspection Notices

8.0 A notice required to be given by a permit holder to the Chief Building Official, or registered code agency pursuant to Division C, Subsection 1.3.5. of the Building Code shall be given to the Chief Building Official or registered code agency at least two (2) days in advance of the construction stage in which notice is being given. For the purposes of inspection notices, the term day means any Monday, Tuesday, Wednesday, Thursday or Friday, other than a holiday.

8.1 A notice given to the Chief Building Official, inspector, or registered code agency pursuant to Division C, Subsection 1.3.5. of the Building Code and this Part, shall not be effective until actually received by the Chief Building Official, inspector, or registered code agency as the case may be.

8.2 In addition to the notices prescribed by the Building Code, the permit holder shall also give notice to the Chief Building Official or registered code agency of the following stages of construction:

- (a) Commencement of construction of,
 - i) Masonry fireplaces and masonry chimneys;
 - ii) Factory-built fireplaces and allied chimneys;
 - iii) Stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys;
- (b) Substantial completion of structural framing for each storey, if the building is a type of a building that is within the scope of Division B, other than Part 9;
- (c) Substantial completion of heating, ventilation, air-conditioning and air contaminant extraction equipment;

- (d) Substantial completion of site grading;
- (e) Completion and availability of drawings of the building as constructed; and,
- (f) Completion of a building for which an occupancy permit is required under Article 1.3.3.4. or 1.3.3.5 of the Building Code.

Part 9 – Revocation of Permits

9.0 Notice of Revocation: Prior to revoking a permit under Subsection 8(10) of the Act, the Chief Building Official may serve notice by personal service, electronic service, or registered mail at the last known address to the permit holder.

9.1 Deferral of Revocation: A permit holder may, within thirty (30) days from the date of service of the notice under this Part, request in writing that the Chief Building Official defer the revocation by stating reasons why the permit should not be revoked. The Chief Building Official having regard to the changes in the Act, Building Code, or other applicable law may allow the deferral, in writing subject to the payment of fees as identified in Schedule E of the Tariff of Fees By-law 2024-08, as amended.

Part 10 – Sewage System Maintenance Inspection Program

10.0 Delegated Authority: In accordance with section 7 of the Act and as required by article 1.10.2.2. in Division C of the Building Code, the Chief Building Official is delegated the authority to develop and administer the Township’s On-Site Sewage System Maintenance Program. Details of this program are set out in Schedule C of this By-law.

10.1 Mandatory Inspections of Existing Sewage Systems: Existing on-site sewage systems, as described in Division C, Part 1 – 1.10.2.3. as areas within vulnerable areas located within a source protection area, shall be inspected in accordance with the timeframes set out Schedule C of this By-law. Fees for municipal inspections and administration are set out in Schedule E of the Tariff of Fees By-law 2024-08, as amended.

Part 11 – Code of Conduct

11.0 The Code of Conduct as required under Section 7.1 of the Act is set out in Schedule D of this By-law.

Part 12 – Controlled Construction Sites:

12.0 Construction Hoarding Required: Unless granted an exemption under Subsection 12.1, every person issued a permit for construction or demolition, under the Act, shall erect and maintain construction hoarding to enclose the construction or demolition site, including areas where equipment is operated or equipment or materials is stored.

12.1 Conditions for Exemptions: The Chief Building Official may grant an exemption from the requirements in Subsection 12.0 where he or she is satisfied that site conditions would not present a particular hazard, having regard for;

- (a) The proximity of the site to occupied buildings and structures;
- (b) The proximity of the site to lands accessible to the public, including but not limited to street, parks, commercial, industrial, and institutional activities;
- (c) The potential hazards presented by the construction activities and materials;
- (d) The feasibility and effectiveness of the construction hoarding; and,
- (e) The duration of the potential hazard.

12.2 Construction Hoarding Requirements: Every construction hoarding barrier required by this section shall:

- (a) Be erected to fully enclose the site, or boundaries of construction activities;
- (b) Be a minimum of 1.2 metres high, measured from grade to upper limit of the hoarding barrier, and have no openings larger than 100 millimetres below the hoarding barrier;
- (c) Be constructed to deter entry by unauthorized persons or vehicles;
- (d) Be constructed in a manner that would not permit or facilitate climbing;
- (e) Contain no opening more than 150 millimetres wide or less than 900 millimetres above the bottom of the hoarding barrier except where required to facilitate access to and from the construction site;
- (f) At any access opening to the construction site, be equipped with gates that shall:
 - i) Contain wire mesh or similar material to provide visibility for traffic entering and exiting the site;
 - ii) Be constructed to ensure performance and safety equal to that of the hoarding barrier; and,
 - iii) Deter entry by unauthorized persons
- (g) Be maintained:
 - i) In good repair with no openings larger than 100 millimetres below the hoarding barrier;
 - ii) Free from health, fire, and accident hazards, such as sharp objects and components and tripping protrusions;

- iii) Free from offensive materials, signage, labels, etc.;
 - iv) So that controlled access is closed, locked or secured when the site is unattended; and,
- (h) Be removed in its entirety no later than 30 days after completion of the construction or demolition work.

12.3 Construction Hoarding Standards: A construction hoarding barrier required by Subsection 12.0 shall be constructed to the following standards:

- (a) If constructed of wood, the outside face shall be smooth exterior grade plywood or OSB, which is a minimum of 12.5 millimetres thick, securely fastened to 89 millimetres by 89 millimetres vertical posts spaced at 2.4 metre centres and embedded sufficiently deep to provide rigid support and securely nailed to 39 millimetre horizontal rails secured to the vertical posts at the top and bottom.
- (b) If constructed using plastic mesh, the hoarding shall be fastened securely at 200 millimetre centres to steel “I” posts or similar, 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 11 gauge cable threaded through or otherwise attached to the mesh and each post.
- (c) If constructed with chain link, the mesh shall have openings no larger than 50 millimetres and shall be fastened securely to vertical steel posts spaced not more than 2.4 metre centres and to top and bottom horizontal steel rails or 9-gauge steel wire.
- (d) The construction hoarding may be a combination of hoarding barrier types specified in this section or may be constructed of other materials that provide performance and safety equivalent to the hoarding barrier types specified and the Chief Building Official authorizes its use.

12.4 Municipal Authority to Construct a Hoarding Barrier: Where the person to whom a permit is issued fails to erect a hoarding barrier required under this section, and where the Chief Building Official has not granted an exemption, the Chief Building Official may cause a hoarding barrier to be erected and recover the costs by adding to the tax rolls and collecting them in the same manner as property taxes.

Part 13 – Validity

13.0 Severability: If any provision of this By-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this By-law.

Part 14 – Contravention of the By-law

14.0 Offence: Every person or corporation that contravenes any provision of this By-law is guilty of an offence and, on conviction, is liable to a penalty as set out in Section 36 of the Act.

Part 15 – Administration and Effective Date

15.0 Administration of the By-law: The Chief Building Official is responsible for the administration of this By-law.

15.1 Review of By-law: The Chief Building Official shall review the By-law as required and coinciding with the Building Code cycle to ensure compliance with legislation.

15.2 Repeal of Existing By-law: Building By-law 2019-31 are hereby repealed.

15.3 Effective Date: This By-law shall come into force on November 4, 2024.

Read the first time and second time on this day of , 2024.

Read a third time, signed and sealed with the corporate Seal on this day of , 2024.

Mayor – Joe Taylor

Clerk – Heather Scott

Schedule A

Schedule of Drawings, Specifications and Documents required for Construction, Demolition and Change of Use Permits

1.0 Residential – New Buildings: The following drawings and documents are required for all new residential construction related to detached houses, semi-detached houses, multi-unit residential above two units, and townhome type permits:

1.1 Documents:

- (a) Applicable Law Checklist
- (b) Completion of Energy Efficiency Design (SB-10 or SB-12 Forms)
- (c) Mechanical Ventilation Design Summary including Heat Loss/Heat Gain calculations
- (d) Permit for an On-site Sewage System*
- (e) Municipal water connection approval*
- (f) Entrance permit approval*
- (g) Tarion Registration Number*

1.2 Drawings:

- (a) Approved site plan or survey
- (b) Approved site grading plan*
- (c) Plan of survey*
- (d) Architectural and/or Engineering Drawings
- (e) HVAC design layout drawings
- (f) On-site sewage system site evaluation

2.0 Residential – Other: The following drawings and documents are required for all residential renovation, additions, and accessory structure type permits:

2.1 Documents:

- (a) Applicable Law Checklist

- (b) Completion of Energy Efficiency Design (SB-10 or SB-12 Forms)*
- (c) Mechanical Ventilation Design Summary including Heat Loss/Heat Gain calculations*
- (d) Permit for an On-site Sewage System*

2.2 Drawings:

- (a) Approved site plan or survey
- (b) Approved site grading plan*
- (c) Architectural and/or Engineering Drawings
- (d) HVAC design layout drawings*
- (e) On-site sewage system site evaluation*

3.0 Non-Residential – New Buildings: The following drawings and documents are required for all industrial, commercial, institutional, and agricultural type permits:

3.1 Documents:

- (a) Applicable Law Checklist
- (b) Completion of Energy Efficiency Design (SB-10)*
- (c) Mechanical Ventilation Design Summary including Heat Loss/Heat Gain calculations*
- (d) Permit for an On-site Sewage System*
- (e) Commitment to General Review by Architects and Engineers*
- (f) Ontario Building Code Design Information Form (OBC Matrix)

3.2 Drawings:

- (a) Approved site plan or survey
- (b) Approved site grading plan*
- (c) Architectural and/or Engineering Drawings and specifications
- (d) Mechanical building systems drawings and specifications

- (e) Electrical building system drawings and specifications
- (f) On-site sewage system site evaluation
- (g) Fire systems drawings and specifications*
- (h) Site specific reports*

4.0 Non-Residential – Other: The following drawings and documents are required for all renovations and additions to industrial, commercial, institutional, and agricultural type permits:

4.1 Documents:

- (a) Applicable Law Checklist
- (b) Completion of Energy Efficiency Design (SB-10)*
- (c) Mechanical Ventilation Design Summary including Heat Loss/Heat Gain calculations*
- (d) Permit for an On-site Sewage System*
- (e) Commitment to General Review by Architects and Engineers*
- (f) Ontario Building Code Design Information Form (OBC Matrix)

4.2 Drawings:

- (a) Approved site plan or survey
- (b) Approved site grading plan*
- (c) Architectural and/or Engineering Drawings and specifications
- (d) Mechanical building systems drawings and specifications
- (e) Electrical building system drawings and specifications
- (f) On-site sewage system site evaluation
- (g) Fire systems drawings and specifications*
- (h) Site specific reports*

5.0 On-site Sewage System Permits: The following drawings and documents are required for all on-site sewage systems type permits:

5.1 Documents:

- (a) Applicable Law Checklist
- (b) Commitment to General Review by Architects and Engineers*

5.2 Drawings:

- (a) On-site sewage system site evaluation
- (b) Specifications and system shop drawings*
- (c) Site specific reports*

6.0 Change of Use Permit: The following drawings and documents are required for all change of use type permits:

6.1 Documents:

- (a) Applicable Law Checklist
- (b) Documents from Part 1.0 to Part 4.0, or other documents which are applicable to the scope of work proposed.

6.2 Drawings:

- (a) Drawings from Part 1.0 to Part 4.0, or other drawings which are applicable to the scope of work proposed.

7.0 Demolition Permit: The following drawings and documents are required for all demolition type permits:

7.1 Documents:

- (a) Applicable Law Checklist
- (b) Demolition plan prepared by a Professional Engineer*
- (c) Commitment to General Review by Architects and Engineers*
- (d) Completed utility disconnect forms

7.2 Drawings:

- (b) Site plan or survey

8.0 Other Permit: The following drawings and documents are required for all permits not listed in Part 1.0 to Part 7.0:

8.1 Documents:

- (a) Applicable Law Checklist
- (b) Documents from Part 1.0 to Part 4.0, or other documents which are applicable to the scope of work proposed.

8.2 Drawings:

- (a) Drawings from Part 1.0 to Part 4.0, or other documents which are applicable to the scope of work proposed.

9.0 Additional Notes

9.1 Document Availability: The documents described in Schedule A can be made available at the Township of Otonabee-South Monaghan or on the Township website.

9.2 Document Format: All documents are to be provided in compliance with Part 4.2 of this By-law.

9.3 Document Description: A description of the information required on drawings and documents is contained in Schedule B of this By-law.

9.4 Document Additions: The Chief Building Official may request additional specified documents or drawings where the scope of work, applicable law, or Building Code requirements warrants its submission.

9.5 Document Exceptions: The Chief Building Official may waive the requirements for any specified documents or drawings where the scope of work, applicable law, or Building Code requirements does not necessitate its submission.

* = Where Applicable

Schedule B

Drawings, Specifications and Documents requirements for Construction, Demolition and Change of Use Permits

1.0 Site Plan or Survey shall include:

- (a) Legal description, survey property boundaries, property dimensions, compass orientation, location, and name of adjacent roads;
- (b) Outline of all existing, proposed buildings and structures, including front, building dimensions and their distance to property lines;
- (c) Dimensions and location of parking and vehicle access, fire routes, rights of way and easements;
- (d) Location of well, septic tank and bed, below and above grade municipal services, below and above grade hydro services; and,
- (e) Location of other site features including retaining walls, swimming pools, solar systems, and any other feature existing or proposed to the site.

2.0 Grading Plan and Site Servicing Plan(s) shall include:

- (a) The property lines, building location, sidewalks, driveways, curb cuts, swales, all utility services and new/existing service connections;
- (b) Pre and post spot elevations for this project and adjacent properties, slopes and driveways, sidewalks and swales, direction of drainage flow;
- (c) Location of storm water catchment area, catch basins, below grade and above grade utilities and connections into services at property line;
- (d) Location of existing and proposed fire hydrants or on-site supply of water for firefighting; and,
- (e) Identify flood areas, wells, open water and wetlands.

3.0 Architectural Drawings shall include:

- (a) Ontario Building Code Design Information Form (OBC Matrix);
- (b) Plans of all floors including basements and mezzanines with exact dimensions of the layout of all proposed areas and rooms with room names and indicated means of egress;

- (c) Roof plan showing roof slope, drainage, roof venting, and roofing construction details;
- (d) Building elevations showing grade, floor and ceiling heights, overall building height, exterior finish materials, window, door, and other opening locations, and spatial separation requirements;
- (e) Construction sections and details including proposed wall section from footing to roof, specification of all walls, floor, and roof assemblies and all building materials and construction specifications;
- (f) Stairs, guards, handrail dimensions and details, window and door sizes and height above floor level, location and type of all fireplaces;
- (g) Location and details of barrier free entrances, barrier free washrooms, and barrier free path of travel;
- (h) Reflected ceiling plans indicating material types, with legend, details, and specification, including bulkhead, horizontal, and vertical service shafts;
- (i) Enlarged sections and detailed plans for washrooms and exit stairs;
- (j) Exit stair enclosure, wall construction details, fire separation and listed design numbers, door numbers referenced to a door schedule; and,
- (k) Door and hardware schedule, door and frame details, window schedule, room finish schedule.

4.0 Structural Drawings shall include:

- (a) All foundation, floor, roof and wall structural elements indicating sizes, shapes and proper location and all dead, live, wind, snow, and earthquake design loads and condition of loading;
- (b) All reinforced concrete work, indicating thickness and strength of concrete, size spacing minimum cover and type of reinforcing steel or otherwise;
- (c) All schedules for lintels, columns and beams including their type, size, and material specification; and,
- (d) De-watering report and shoring or pile driving where applicable

5.0 Mechanical and Electrical Drawings shall include:

- (a) Heating, ventilation and air-conditioning equipment including system type and layout, legend, plans, details, schedules, and specifications to determine compliance with the Ontario Building Code;

- (b) Plumbing system layout for sanitary and storm water systems, domestic water piping systems, including legend, plans, details, schedules and specifications to determine compliance with the Ontario Building Code;
- (c) Electrical drawings are to show general lighting systems, emergency lighting systems, exit signs, auxiliary systems, fire alarm systems, include details, legends, schedules, and specifications to determine compliance with the Ontario Building Code; and,
- (d) Fire protection including sprinkler, standpipe systems, and fire alarm systems. Drawings are to include floor plans, riser diagrams, connections, sprinkler heads, pumps, monitoring equipment, fire hose cabinets, fire extinguisher locations, control panel and annunciator locations, and include all details, legend, schedules and specifications to determine compliance with the Ontario Building Code.

6.0 On-Site Sewage System Report shall include:

- (a) The name, mailing address and telephone numbers of the person who prepared the report;
- (b) The date the evaluation was completed;
- (c) A scaled plan of the site showing:
 - i) Legal description, lot size, property dimensions, existing rights-of-way, easements or municipal/utility corridors
- (d) The locations of items listed in Tables 8.2.1.6.A; 8.2.1.6.B and 8.2.1.6.C Division B – Part 8 The Building Code
- (e) The location of the proposed sewage system;
- (f) The access route for tank maintenance;
- (g) The location of any unsuitable, disturbed or compacted areas; and,
- (h) Soil investigation including:
 - i) Depth of bedrock;
 - ii) Evidence of high ground water;
 - iii) Soil properties;
 - iv) Soil conditions;
 - v) Utility corridors;
 - vi) Permeability; and,

vii) Potential for flooding

9.0 Additional Documents:

9.1 Applicable Law: Documentation may be required to demonstrate compliance with applicable law as defined in Article 1.4.1.3. Division A of the Ontario Building Code.

9.2 Supporting Documentation: The following supporting documentation shall accompany applications for a permit:

- (a) Real Property Report (Survey Plan) prepared by an Ontario Land Surveyor (OLS);
- (b) Driveway access permit approved by the authority having jurisdiction as may be applicable;
- (c) Copy of Deed, if applicable
- (d) Where applicable, approvals by the Ontario Ministries of Labour, Energy & Natural Resources, Industry & Tourism, Environment, The Ontario Liquor Control Board, Ontario Fire Marshall's Office, and Conservation Authorities.

9.3 Document Format: Required information may be located or consolidated on other drawings rather than the specific drawings as noted in this Part.

9.4 Document Exceptions: The Chief Building Official may waive the requirements for any specified documents or drawings where the scope of work, applicable law, or Building Code requirements does not necessitate its submission.

Schedule C

On-site Sewage System Maintenance Inspection Program

1.0 Introduction: The Building Code Act, 1992 (BCA) and the Building Code, Ontario Regulation 332/12 regulate the design, construction and renovation of treatment systems which are located wholly on the property which they serve (i.e. “on-site”) and have a design sewage capacity of 10,000 litres/day or less. Such systems typically provide treatment for smaller buildings such as houses, cottages, and small businesses. The Building Code establishes and governs mandatory on-site sewage system maintenance inspection programs, to be administered in certain areas by local enforcement bodies having jurisdiction. The Building Code also governs discretionary on-site sewage system maintenance inspection programs established by local enforcement bodies.

1.1 Mandatory Inspections: The Building Code prescribes that all sewage systems wholly or partly located within a vulnerable area that are located in a source protection area are required to be regularly inspected for compliance with the requirements of Section 8.9. of Division B of the Building Code. The properties, located within the Township of Otonabee-South Monaghan, to be inspected under the Mandatory Maintenance Inspection Program, are shown in the Trent Conservation Coalition (TCC) Source Protection Region Maps and are identified as the Keene Heights Subdivision Wellhead Protection Area, and the Crystal Springs Wellhead Protection Area.

1.2 Authority for Inspections: Sewage system maintenance inspections are generally intended to determine whether a sewage system is in substantial compliance with the operation and maintenance requirements outlined in Division B, Section 8.9. of the Building Code. The Owner may retain their own qualified inspector to complete the inspection and file the Certificate. The completed certificate shall be provided to the Chief Building Official 1 week prior to the Township’s scheduled date of inspection and shall be on a form prescribed by the Ministry of Municipal Affairs and Housing (Appendix A – Mandatory Form).

1.3 Fees: A Sewage System Maintenance Inspection Program fee for affected properties shall be assessed in accordance with Schedule A of the Building By-law. Fees will be based on two types of inspections: Type 1 Inspections, and Type 2 Inspections:

- (a) Type 1 Inspection: the property owner has completed the questionnaire on time, and the lids to the septic system are exposed for inspection; or,
- (b) Type 2 Inspection: the property owner fails to complete the questionnaire, or they do not uncover the lids by the date of the inspection, or a second inspection/site visit is required.

An invoice will be provided to the Owner by mail following the completion of the inspection(s) and it is payable by December 31st of the year that it was issued. Unpaid amounts will be added to the tax account for the following year to be collected in accordance with the Act.

1.4 Frequency of Inspections: Mandatory Maintenance Inspections of all identified properties every 5 years starting in 2025.

1.5 Notification: The Township will provide notification, to the Owners deemed to be part of the Sewage System Maintenance Inspection Program in the corresponding calendar year. Other properties may be added to the Sewage System Maintenance Inspection Program over time as required by future development.

1.6 Enforcement: If the Building Code or the Act is contravened or signs of possible future problems are detected, the inspector will follow-up on those matters with the owner. If an inspector finds that an on-site sewage system is malfunctioning or failing or has malfunctioned or failed, the Inspector will assess the severity of the matter. The inspector may require additional inspections, investigations, tests, reports or other services at the owner's cost to determine the condition of an on-site sewage system.

The Inspector may issue an order in accordance with the Act and the Building Code to notify the owner of the problem and provide direction to the owner to correct the deficiency. Where an on-site sewage system is beyond repair, a new system may need to be constructed. Non-functioning sewage systems may cause bacterial contamination of our local water supply, which in turn may lead to illness, or in rare cases, even death. A building may be considered to be an unsafe building, as defined in subsection 15.9(3) of the Act, if a sewage system is not maintained or operated in accordance with the Act, and the Chief Building Official may prohibit occupancy.

Appendix A

CERTIFICATE for Mandatory Sewage System Maintenance Inspection Program (pursuant to Article 1.10.2.5 of Division C of the Building Code)

Address of Property on which Sewage System is Located (hereinafter called the "Property"):

Street Number and Name: _____

Owner of Property on which Sewage System is Located (legal name(s) on title):

Certificate issued to: **Township of Otonabee-South Monaghan**

Certification

I certify that:

- (a) I am a person described in Sentence 1.10.1.3.(3) of Division C of the Building Code, and;
- (b) I have conducted an inspection of the sewage system located at the Property, and;
- (c) I am satisfied on reasonable grounds that the sewage system located on the Property is in compliance with the requirements of Section 8.9 of Division B of the Building Code.

Certificate issued by:

Print Name (person signing certificate):

Business Name (if applicable):

Address (street, city, postal code):

Telephone: _____

Complete as applicable:

- I am the holder of a Building Code Identification Number (BCIN): _____
- I am the holder of a license, a certificate or practice or a temporary licence under the *Architects Act*. Licence #: _____
- I am a person who holds a licence or temporary licence under the *Professional Engineers Act*. Licence #: _____

Signature: _____ Date Certificate Issued: _____

This certificate is approved by the Minister of Municipal Affairs and Housing under the Building Code Act, 1992.

[Personal information contained in this form and schedules is collected under the authority of clause 34(2.2)(d) of the Building Code Act, 1992, and will be used in the administration and enforcement of the Building Code Act, 1992. Questions about the collection of personal information may be addressed to: a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or, b) the Inspector having the powers and duties of a Chief Building Official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or, c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor. Toronto, M5G 2E5 (416) 585-6666.]

Schedule D

Code of Conduct for Building Officials

1.0 Introduction: The Township of Otonabee-South Monaghan maintains a code of conduct in accordance with the provisions of The Building Code Act. Building Officials undertake building statutory duties to review the quality, structural integrity, and safety of the occupants of buildings and the public at large as the use and interaction with buildings. Building Officials are exposed to potential conflicts interest because of the special powers conferred on them.

2.0 Purpose: The Building Code Act provides that the actions of Building Officials are subject to a code of conduct and that it is the responsibility of the principal authority to create and implement such a code of conduct. The purpose of this code of conduct include:

- (a) To promote appropriate standards of behavior and enforcement actions by the Chief Building Official and Inspectors in the exercise of a power or the performance of a duty under the Act or the Building Code;
- (b) To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by the Chief Building Official and Inspectors in the exercise of a power or the performance of a duty under the Act or the Building Code; and,
- (c) To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under the Act or the Building Code by the Chief Building Official and Building Officials.

3.0 Scope: This policy applies to the Chief Building Official and all appointed Building Officials.

This code of conduct must provide for its enforcement and include policies or guidelines to be used when responding to allegations that the code of conduct has been breached and disciplinary actions that may be taken if the code of conduct is breached.

4.0 Standards of Conduct:

- (a) Always act in the public interest, particularly about the safety and accessibility aspects of building works and structures;
- (b) Maintain their knowledge and understanding of the best current building practices, the building laws, and regulations relevant to their building certifying functions;
- (c) Apply all relevant building laws, regulations, codes and standards in an impartial, consistent, fair, and professional manner, independent of any external influence and without regard to any personal interests;

- (d) Avoid activities 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;
- (e) Not divulge any confidential or sensitive information or material that they become privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy;
- (f) Not to act beyond their personal level of competence or outside their area of expertise;
- (g) Maintain required legislated qualifications and accreditation, discharging all duties in accordance with recognized areas of competency; and,
- (h) Extend professional courtesy to all.

5.0 Guidelines for responding to misconduct allegations:

- (a) The Chief Building Official will review any allegations of breaches of this code of conduct made against Building Officials. Where the allegations are against the Chief Building Official, the CAO of the Corporation of Otonabee-South Monaghan will review the allegations.
- (b) Disciplinary action arising from violations of the code of conduct is at the discretion and responsibility of the municipal employer and will be based on the severity and frequency of the violation in accordance with the Township of Otonabee-South Monaghan's progressive discipline policies.