

**THE CORPORATION OF THE TOWNSHIP OF RAMARA
BYLAW NO. 2011.21
THE RAMARA BUILDING BYLAW
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SCHEDULE "A" – CLASSES OF PERMITS, PERMIT FEES

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**THE CORPORATION OF THE TOWNSHIP OF RAMARA
BYLAW NO. 2011.21
BEING A BYLAW RESPECTING CONSTRUCTION, DEMOLITION AND
CHANGE OF USE PERMITS, INSPECTIONS AND OTHER RELATED
SERVICES**

WHEREAS Section 7 of the Building Code Act, 1992 as amended, empowers Council to pass certain bylaws respecting construction, demolition, change of use, transfer of permits, inspections, the setting and refund of fees and related matters.

AND WHEREAS the Township has an existing Building bylaw, Bylaw 2006.18 as amended by 2007.60, 2008.19 and 2010.60 which will be repealed.

AND WHEREAS it is the desire of the Council of the Corporation of the Township of Ramara to enact a bylaw respecting construction, demolition, change of use, transfer of permit, on-site sanitary sewage system, inspections, permit fees, deposits and refunds.

NOW THEREFORE the Corporation of the Township of Ramara enacts as follows:

1. SHORT TITLE: This Bylaw may be cited as "The Ramara Building Bylaw".

2.1 DEFINITIONS:

2.1.1 "Act" means the Building Code Act, 1992, S.O. 1992 Chapter 23 as amended hereto.

2.1.2 "as constructed plans" means as constructed plans as defined in the building code.

2.1.3 "applicant" means the owner of a building or property who applies for a permit or any person authorized by the owner to apply for a permit on the owner's behalf, or any person or Corporation empowered by statute to cause the repair or demolition of a building.

2.1.4 "authorized agent" means a person who has the authority of an owner in writing to act on the owner's behalf.

2.1.5 "building" means a building as defined in Section 1(1) of the Act.

- 2.1.6 "building code" means the regulations made under Section 34 of the Act.
- 2.1.7 "chief building official" means the chief building official appointed by the bylaw of the Corporation for the purposes of enforcement of the Act.
- 2.1.8 "Corporation" means the Corporation of the Township of Ramara.
- 2.1.9 "farm building" means a building as defined in the building code.
- 2.1.10 "permit" means written permission or written authorization from the chief building official to perform work regulated by this bylaw and the Act, or to change the use of a building or parts thereof regulated by the Act.
- 2.1.11 "plumbing" means plumbing as defined in Section 1.-(1) of the Act.
- 2.1.12 "sewage system" means a sewage system as defined in Section 1.-(1) of the Act.

2.2 TERMS AND DEFINITIONS

The words and terms below have the following meanings for the purpose of interpreting Section 6 of this Bylaw.

- 2.2.1 "attached garage" attached means a Storage Garage as defined by the Ontario Building Code. Garage that is of a complimentary use to a residential occupancy, which it is attached and is built at the same time as the construction of the residential occupancy for which one Building Permit was issued for the project as a whole. In all other cases, the permit fee for an attached garage shall be determined in accordance to the rate associated with Accessory Buildings, as detailed in Schedule "A" Classes of Permits & Permit Fees.
- 2.2.2 "existing structures" means a terminology limited within the context of the New Foundation Fee found in Schedule "A" – Classes of Permits & Permit Fees, and defines a building as a structure being structurally sound, free of defects, insect infestations and rot and which originated from a site property within the Township of Ramara boundaries only.
- 2.2.3 "floor(s)" means all nominally horizontal surfaces, either within or around the exterior of a structure, and is meant to include, but not limited to, balconies, decks, landings, ramps, levels, a storey, and mezzanines. This does not apply to service catwalks, exterior unenclosed patios or walks not elevated above the finished grade.

2.2.4 “internal fit up” means a permit fee applied to an industrial use structure and shall be applied in to the total area of all floors of,

- (i) In the case of a single tenancy, those floor areas containing offices, production/process areas, workshops, showrooms, meeting rooms, staff rooms, service rooms, and corridors and storage rooms serving these spaces.
- (ii) Multi-tenancy, all floor areas leased, rented or owned by a single tenancy.

2.2.5 “inspection(s)” means an inspection preformed at a property of a particular element or assembly of a structure as mandated to be inspected by either the Ontario Building Code, and/or the current edition of the Township of Ramara Building Bylaw. Where a single site visit permits for the inspection of one or more elements or assemblies of a structure, for the purpose of this Bylaw, the fee applied shall be the total sum of all inspections performed during the single site visit.

2.2.6 “new foundation” means a permit fee applied to existing structures that do not require professional control, will not require any additional works, other than a new footing and foundation system, and new service connections.

2.2.7 “professional control” means the design, general review, or both of construction or demolition by an architect, professional engineer, or both.

2.2.8 “shell” means a permit fee applied to an industrial use structure and shall be applied to the total area of all floors.

2.2.9 “total area” means the gross area of all floors calculated in accordance with part 6.4 and Schedule “A” – Classes of Permit & Permit Fees.

2.2.10 use” means the purpose for which any part of a building or structure is designed, arranged, intended, occupied or maintained.

3. CLASSES OF PERMITS:

Classes of permits with respect to the construction, demolition and change of use of buildings; construction, repair or inspection of on-site sanitary sewage systems; and, permit fees shall be as set out in Schedule "A, Classes of Permits and Permit Fees, to this bylaw.

4. REQUIREMENTS FOR APPLICATIONS:

4.1 PERMIT APPLICATIONS:

To obtain a permit, the applicant or authorized agent shall file an application in writing by completing a prescribed provincial form available from the chief building official, paying the prescribed fee, and filing the drawings and specifications required by this bylaw and all in compliance with municipal and provincial requirements. Forms prescribed by the municipality under clause 7 (f) of the Act shall be set out in Schedule "D" to this bylaw.

4.2 BUILDING, DEMOLITION AND CONDITIONAL PERMITS:

Every application for a permit shall be submitted to the chief building official and contain the following information:

4.2.1 Where application is made for a building permit under subsection 8(1) of the Act, the application shall:

- a) identify and describe in detail the work and occupancy to be covered by the permit for which application is made,
- b) describe the land on which the work is to be done by a description that will readily identify and locate the building lot, including the property legal description,
- c) include complete plans and specifications as described in Schedule "5" of this bylaw for the work to be covered by the permit and show the occupancy of all parts of the building,
- d) be accompanied by the required fees as calculated in accordance with Schedule "A,
- e) state the names, addresses and telephone numbers of the owner, architect, engineer or both, where applicable or other designer or constructor,
- f) be accompanied, where applicable, by a letter of commitment signed by the owner that he has retained an architect or professional engineer to carry out the field review of the construction wherein required by the building code, and
- g) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

4.2.2 Where application is made for a demolition permit under subsection 8(1) of the Act, the application shall:

- a) contain the information required by clauses 4.2.1 (a) to (g) of this bylaw, and
- b) unless otherwise permitted by the chief building official, be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, gas, electric, telephone or other utilities and services; and the removal of all vermin from the building or structure

4.2.3 Where application is made for a conditional permit under subsection 8(3) of the Act, the application shall:

- a) contain the information required by clauses 4.2.1 (a) to (g) of this bylaw.
- b) contain such other information, plans and specifications concerning the complete project as the chief building official may require,
- c) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted
- d) state the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained, and
- e) state the time in which plans and specifications of the complete building will be filed with the chief building official.

4.3 CHANGE OF USE PERMITS:

Every application for a change of use permit issued under subsection 10.(1) of the Act shall be submitted to the *chief building official* and shall:

- 4.3.1 describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building,
- 4.3.2 identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made,

- 4.3.3 include plans and specifications which show the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the building code, including: floor plans, detail of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities, details of the existing "sewage system", if any,
- 4.3.4 be accompanied by the required fee,
- 4.3.5 state the name, address and telephone number of the owner, and
- 4.3.6 be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

4.4 SEWAGE SYSTEM PERMITS:

Every application for a *sewage system permit* shall be submitted to the chief building official and shall:

- 4.4.1 contain the information required by clauses 4.2.1(a) to (g) of this bylaw in respect to building permits
- 4.4.2 state the name, address, telephone number and registration number of the person installing the *sewage system*,
- 4.4.3 provide a site evaluation which shall include all of the following items, unless otherwise specified by the *chief building official*:
 - a) the date the evaluation was done,
 - b) the name, address, telephone number and signature of the person who prepared the evaluation, and
 - c) a scaled drawing of the site showing:
 - (i) the design of the sewage system including plan and elevation views
 - (ii) the legal description, lot size, property dimensions, existing right-of-way, easements or municipal/utility corridors, and the property identification number,
 - (iii) the location of items listed in column 1 of Tables 8.2.1.5.A., 8.2.1.6.B. and 8.2.1.6.C., of the building code, as applicable

- (iv) the location of the proposed sewage system,
- (v) the location of any unsuitable, disturbed or compacted areas,
- (vi) proposed access routes for system maintenance,
- (vii) depth to bedrock, and/or high water table
- (viii) depth to zones of soil saturation,
- (ix) soil properties, including a unified soils sample, and
- (x) soil conditions, including the potential for flooding,
- (xi) the design of the sewage system including plan and elevation views.

4.5 EQUIVALENTS:

Where an application for a permit or for authorization to make a material change to a specific, document or other information on the basis of which a permit was issued, contains an equivalent material, system or building design for which authorization under section 9 of the Act is requested, the following information shall be provided:

- 4.5.1 A description of the proposed material, system or building design for which authorization under section 9 of the Act is requested.
- 4.5.2 Any applicable provisions the building code, and
- 4.5.3 Evidence that the proposed material, system or building design will provide the level of performance, as required by the building code division C part 2

5. PLANS AND SPECIFICATIONS:

5.1 CONSTRUCTION, DEMOLITION AND CHANGE OF USE PLANS:

- 5.1.1 Sufficient information shall be submitted with each application for a permit to enable the chief building official to determine whether or not the proposed construction, demolition or change of use will conform with the Act, the building code and any other applicable law.

5.1.2 Each application shall, unless otherwise specified by the chief building official, be accompanied by two complete sets of building plans and or specifications required under this bylaw.

5.1.3 Plans shall be drawn to scale, shall be legible and without limiting the generality of the foregoing, shall include such working drawings as set out in Schedule "B" to this bylaw unless otherwise specified by the chief building official.

5.2 SITE PLANS:

5.2.1 Unless otherwise permitted by the chief building official, site plans shall be referenced to an up-to-date survey and when required to demonstrate compliance with the Act, the building code or other applicable law, including the zoning bylaw, a copy of the survey shall be submitted to the chief building official.

5.2.1.1 Where a building or structure or an addition thereto, except a tool shed, is to be erected within 0.5 meters of a required yard as defined by the Zoning Bylaw, the permit holder shall have the foundation located by an Ontario Land Surveyor after the site is excavated and provide verification by survey after the foundation is constructed that the said building or structure or addition thereto conforms to the required setbacks of the Township's Zoning Bylaw.

5.2.2 Site plans shall show the following:

- a) the legal description of the property including the property identification number,
- b) lot sizes and the dimensions of the property lines and setbacks to any existing or proposed buildings,
- c) existing and proposed ground levels or grades and surface drainage of the subject property and 5 meters into the adjoining properties,
- d) existing right-of-way, easements and municipal services, and
- e) proposed fire access routes and existing hydrant locations as required by the chief building official,
- f) location of wells and/or sewage *systems*.

5.2.3 All applicants seeking a building permit shall deposit with the Corporation a lot grading deposit, at the following rate, to ensure the final grading of the property is satisfactory to the Corporation and in compliance with the approved lot grading plan:

- (i) Commercial, Industrial or Institutional use:
 - main building \$5,000
 - addition \$5,000
 - accessory building or structure \$2,500
- (ii) Residential or other use:
 - main building \$2,500
 - addition \$1,000
 - accessory building or structure \$1,000

5.2.4 Notwithstanding Section 5.2.3 and to the contrary, where a consent or subdivision agreement is registered on title and contains deposit requirements for lot drainage compliance and inspection, the requirements of the consent or subdivision agreement shall prevail and only until the lot grading for the initial building or structure has been approved as required by that agreement. Subsequent building permits for the subject lot shall comply with the lot grading requirements and deposits established by this bylaw.

5.2.5 The applicant for single detached homes, semi detached home and duplexes shall complete the required lot grading within two months of occupancy of the dwelling or initial dwelling as the case may be or within one year from the date of issuance of the building permit whichever date comes first. If occupancy occurs from October in one year to March in the next year, the required lot drainage shall be completed by the end of June of that year.

5.2.6 The deposit shall be returned to the applicant after the lot grading is complete to the satisfaction of the Corporation. In the event the final lot grading is not to the satisfaction of the Corporation or not completed within the required time frame as established in Section 5.2.5, the Corporation shall order the grades corrected and shall deduct the Corporation's expenses from the deposit. In the event that the Corporation's expenses exceed the deposit amount, the applicant is responsible for the payment of the excess costs.

5.3 AS CONSTRUCTED PLANS:

The chief building official may require that a set of plans of a building 'as constructed' be filed with the municipality upon completion of the construction under such conditions as may be prescribed in the building code.

6. PAYMENT OF FEES:

6.1 Fees for a required permit shall be as set out in Schedule "A" to this bylaw and are due and payable upon submission of an application for a permit.

6.2 MINIMUM PERMIT FEE

No permit fee shall be less than \$138.00 or as determined in Schedule "A" – Classes of Permits & Permit Fees.

6.3 DETERMINATION OF AREA CALCULATIONS FOR PERMIT FEES

For the purpose of calculating the cost of permits, the following method for establishing square footage shall be used:

1. Each Floor area shall be measured between the outside surfaces of exterior walls, or between the outside surfaces of exterior walls and the centre line of Firewalls or Party walls. For structures like mezzanines, decks/porches and loading docks, the area shall be measured between the platform edge to platform edge, or between the platform edge to an abutting wall face. The summation of these calculations shall be considered the Total area.
2. A basement or a crawlspace contained in whole below grade and with no interior finishes installed or where no Use is proposed shall not have a permit fee applied.
3. All walkout basements in Dwellings shall have half of their Total Area calculated for the applicable permit.
4. No deductions shall be made for openings within a Floor, i.e. stairwells, elevator shafts, service shafts (ducts etc.).
5. A horizontal plane may be projected over sloping and stepped Floors to determine Floor area in lieu of actual surface area.

6. Where an interior renovation with only minor changes to Structural, Life Safety or Fire Prevention components is proposed, then the applicable permit fee found in Schedule "A" Classes of Permits & Permit Fees may be reduced to half the sum.
7. The primary function or use of a tenancy shall determine the applicable fee or fees from Schedule "A" - Classes of Permits & Permit Fees to floor areas within that suite or unit.
8. In buildings of multiple suites or tenancy where more than one fee from Schedule "A" - Classes of Permits & Permit Fees would apply, a separate Total area calculation shall be preformed for each of the different occupancies. The appropriate fee shall be applied to this Total Area, with the summation of all fees resulting in the total Building Permit Fee.

6.4 ALTERNATIVE FEE CALCULATIONS

Structure that are of an unusual shape, or where project are unique in nature, and where the application of Schedule "A" – Classes of Permits & Permit Fees would be impractical, the *Chief Building Official*, at his/her discretion, may determine the value of the Building Permit Fee. The *Chief Building Official* may utilize some, all, or a combination thereof, of the following criteria to determine the Building Permit Fee.

- An estimation of staff time to be spent on the file. Based on:
 - Plans review/clerical procession \$75.00 per hour
 - Inspections, \$125.00 per inspection performed
- Apply a fee, or combination of fees listed in Schedule "A" – Classes of Permits & Permit Fees that in the judgment of the *Chief Building Official*, most closely reflects the proposed project.

6.5 COMBINED PERMIT FEES

1. Where a structure equipped with services or assemblies that are, either required by the Ontario Building Code, or are of a voluntary installation, and for which a fee has been listed in Schedule "A" – Classes of Permits & Permit Fees, the summation of all applicable fees shall result in the total Building Permit Fee.
2. The fee for heating shall only be charged when no other associated construction is proposed.

6.6 ADMINISTRATIVE CHARGES

Inspections and Investigations

- Where mandatory inspection is required of an assembly or service, the initial inspection and one subsequent re-inspection are not subject to the additional inspection fee. All additional re-inspection required are subject to this fee, at the *Chief Building Officials* in his/her discretion. CHARGES FOR EXTRA INSPECTIONS (\$125.00 per inspection payable prior to inspection)
- Where permit application processing is subject to extraordinary circumstances the *Chief Building Official* in his/her discretion may apply an extra fee. EXTRAORDINARY PERMIT APPLICATION PROCESSING, (\$75.00 per hour, billing in 15 minute increments, with 1 hour minimum payable prior to issuance of the building permit)
- SPECIAL INVESTIGATION – when construction commenced prior to the issuance of permit, permit fees shall double to a maximum amount of \$5000.00

6.7 CLERICAL PROCESSING

CONDITIONAL BUILDING PERMITS (pursuant to section 8.(3) of the building code act)

All applicable permit fees plus cost recovery of outside professional services needed, based on a total of actual fee plus 10% with a minimum of additional cost of \$100.00 whichever is greater.

6.8 MUNICIPAL CONSTRUCTION PROJECTS

The Township of Ramara shall ensure that they comply with the Building Code Act 8.-(1) "Building Permits" which identifies that no person shall construct or demolish a building or cause a building to be constructed or demolished unless a building permit has been issued therefore by the *Chief Building Official* and shall pay the required fees.

7. REVOCATION OF PERMITS

The *Chief Building Official*, subject to provisions outlined in Subsection 8(10) of the Act has the authority to revoke a *permit* issued under the Act.

8. REFUNDS:

8.1 In the case of withdrawal of an application or the abandonment of all or a portion of the work, or the non-commencement of any project, the *chief building official* shall determine the amount of the refund of paid permit fees that may be returned to the applicant, without interest, if any, in accordance with Schedule "C" attached to the forming part of this bylaw.

8.2 All requests for refunds must be in writing, addressed to the *chief building official* and must be received within six months of the date of application or last inspection.

9. NOTICE OF INSPECTIONS:

9.1 The owner or an authorized agent shall notify the chief building official for each of the mandatory inspections as required by division C 1.3.5.1.

9.2 ADDITIONAL INSPECTION NOTICES

The owner or an authorized agent shall notify the *Chief Building Official* at least two business days prior to each stage of construction as listed in division C 1.3.5.2.

10. ENFORCEMENT:

A person is guilty of an offence if the person:

- (a) knowingly furnishes false information in any application under the Act,
- (b) fails to comply with an order, direction or other requirement made under the Act, or
- (c) contravenes the Act, the regulations, or a bylaw passed under Section 7 of the Act.

11. The Chief Building Official may require the person to whom a permit is issued to erect and maintain fences to enclose the site or part thereof,

11.1 The fence required shall be not less than 4 feet in height, non-climbable and be installed to the satisfaction of the chief building official.

12. SCHEDULES:

Schedules A, B, C and D attached hereto shall be and form part of his bylaw.

13. REPEAL CLAUSE:

Township of Ramara Bylaws 2006.18, 2007.60, 2008.19 and 2010.60 are hereby repealed.

14. DATE AND EFFECT:

This Bylaw shall come into force and take effect on the date of passing.

**BYLAW READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS
14TH DAY OF MARCH, 2011.**



WILLIAM DUFFY, MAYOR



JANICE E. McKINNON, CLERK