

THE CORPORATION OF THE TOWN OF GRIMSBY

BY-LAW NO. 93-62

A BY-LAW RESPECTING INSPECTIONS AND PERMITS FOR CONSTRUCTION, DEMOLITION AND CHANGE OF USE.

WHEREAS Section 7 of the Building Code Act 1992 empowers Municipal Councils to pass by-laws with respect to enforcement of the Building Code Act.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRIMSBY ENACTS AS FOLLOWS.

Section 1 SHORT TITLE

1.1 This By-law may be cited as "The Building By-law".

Section 2 DEFINITIONS

2.1 In this By-law,

- (a) "Act" means the Building Code Act, 1992 and amendments thereto.
- (b) "Building" means a building as defined in Section 1 (1) of the Act.
- (c) "Building Code" means the regulations made under Section 34 of the Act.
- (d) "Chief Building Official" means the Chief Building Official appointed by the Corporation of the Town of Grimsby for the purpose of enforcement of the Act.
- (e) "Construct" means construct as defined in the Act and construction has a corresponding meaning.
- (f) "Corporation" means the Corporation of the Town of Grimsby.
- (g) "Demolish" means demolish as defined in the Act and demolition has a corresponding meaning.
- (h) "Farm building" means a farm building as defined in the Building Code.
- (i) "Inspector" means an inspector appointed by the Corporation for the purposes of the enforcement of the Act.
- (j) "Permit" means written permission or written authorization from the Chief Building Official to perform work regulated by this By-law and the Act and the Building Code.
- (k) "Plumbing" means plumbing as defined in Section 1 (1) of the Act.

Section 3 PERMITS

3.1 Classes of Permits

3.1.1 Classes of permits with respect to the construction, demolition and change in use of buildings, shall be as set out in Schedule 'A' attached to and forming part of this By-law.

3.2 Application for Permit

3.2.1 To obtain a permit, the owner, or an authorized agent of the owner, shall file an application in writing by completing the prescribed form available at the office of the Chief Building Official.

3.2.2 Every application for a permit shall be submitted to the Chief Building Official and, except as otherwise permitted by the Chief Building Official, shall contain the following information set out in subsections 3.2.3, 3.2.4 and 3.2.5.

3.2.3 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.
- (c) include complete plans and specifications as described in this by-law for the work to be covered by the permit and show the occupancy of all parts of the building.
- (d) state the valuation of the proposed work, including materials and labour and be accompanied by the required fee,
- (e) state the names, addresses and telephone numbers of the owner, architect or engineer, where applicable, or other designer or constructor,
- (f) be accompanied by a written acknowledgment of the owner that he has retained an architect or professional engineer to carry out the field review of the construction where 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.

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

- (a) contain the information required by subsection 3.2.3, clauses (a) to (g) inclusive,
- (b) be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, gas, electric, telephone or other utilities and services,
- (c) contain such other information as the Chief Building Official may require.

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

- (a) contain the information required by subsection 3.2.3, clauses (a) to (g) inclusive,
- (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.

3.2.6 Where application is made for a Change of Use permit under subsection 10 (1) of the Act, the application shall:

- (a) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building,
- (b) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made,
- (c) 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 and details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities,
- (d) be accompanied by the required fee,
- (e) state the name, address and telephone number of the owner,
- (f) be signed by the owner, or authorized agent, who shall certify the truth of the content of the application.

3.2.7 Conditional Permit

- (a) When the Chief Building Official is of the opinion that unreasonable delays in the construction would occur if a conditional permit is not granted, in order to expedite work, approval of a portion of the building or project is required prior to the issuance of a permit for the complete building or project, application shall be made and the appropriate fees paid. Where application for a conditional permit is made, the application shall contain complete plans, specifications and information covering the portion of the work for which immediate approval is desired and be filed with the Chief Building Official.
- (b) Where a permit is issued for part of a building or project, this shall not be construed to authorize construction beyond the plans for which that permit was issued, nor that a permit will necessarily be issued for the entire building or project.

3.2.8 After the issuance of a permit under the Act, notice of any material change to a plan, specification, document or other information, on the basis of which a permit was issued, shall be given in writing to the Chief Building Official, together with the details of such change, and no such change is to be made without the written authorization of the Chief Building Official.

3.3 Plans, Specifications and Information

3.3.1 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 in use will conform with the Act, the Building Code and any other applicable law.

3.3.2 Each application shall, except otherwise specified by the Chief Building Official, be accompanied by two (2) complete sets of the plans, specifications and information required by this by-law.

3.3.3 Plans shall be drawn to scale on paper, cloth or other durable material, be legible and, without limiting the generality of the foregoing, shall include such working drawings as set out in Schedule 'B' to this by-law, except otherwise specified by the Chief Building Official.

3.3.4 Plot plans shall be referenced to an up-to-date survey, except as otherwise determined by the Chief Building Official, and when required to demonstrate compliance with the Act, the Building Code, or applicable law, a copy of the survey shall be submitted to the Chief Building Official.

Plot plans shall show;

- (a) lot size and the dimensions of property lines and setbacks to any existing or proposed building,
- (b) existing and proposed ground elevations, when required by the Chief Building Official, and
- (c) existing rights-of-way, easements and municipal services.

3.3.5 Where an application for a permit, or for authorization to make a material change to a plan, specification, document or other information on the basis for 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;

- (a) a description of the proposed material, system or building design for which authorization under section 9 of the Act is requested,
- (b) any applicable provisions of the Building Code, and
- (c) evidence that proposed material, system or building design will provide the level of performance required by the Building Code.

Section 4 FEEs

- 4.1 No permit shall be issued until prescribed fees and deposits have been paid, as set out in the By-law respecting the payment of fees for permits.
- 4.2 Where the fees payable in respect of an application for a building permit issued under subsection 8 (1) of the Act, or a conditional permit issued under subsection 8 (3) of the Act, or a change of use permit issued under subsection 10 (1) of the Act are based on the cost or valuation of the proposed work regulated by the permit, such cost or valuation shall include the cost of all material, labour, equipment, overhead and professional and related services.
- 4.3 The Chief Building Official may place a valuation on the cost of work and if the permit applicant or holder disagrees with this valuation, the prescribed fee shall be paid before the issue of the permit. Upon completion of the work, if the permit applicant or holder claims that the actual cost of the work was less than the valuation placed by the Chief Building Official, an audited statement may be submitted to the Chief Building Official detailing the cost of all component parts of the work. The Chief Building Official shall, if the said statement contains the cost of all component parts of the work, upon which the valuation was required to be based, value the work in accordance with the said statement, and if the actual cost is found to be less than the valuation placed by the Chief Building Official, the Chief Building Official shall authorize the appropriate refund.
- 4.4 In the case of withdrawal of an application, or the abandonment, of all or a portion of the work, or the non-commencement of any project, the Chief Building Official shall determine the amount of paid permit fees that may be returned to the applicant, if any, in accordance with Schedule 'B' of the by-law respecting the payment of fees for permits.

Section 5 NOTIFICATIONS

- 5.1 The owner, or authorized agent, shall notify the Chief Building Official at least one (1) full normal business days, or twenty-four (24) hours prior to each stage of construction, as required under the Building Code.

Section 6 AS CONSTRUCTED PLANS

- 6.1 The Chief Building Official may require that a set of plans of a building, or any class of buildings, as constructed, be filed with the Chief Building Official on completion of construction under such conditions as may be prescribed in the Building Code.

Section 7 TRANSFER OF PERMITS

- 7.1 If the ownership of land, for which a permit has been issued, changes prior to commencement or completion of construction, then the permit may be transferred to the new owner, upon written application, provided that the following conditions are met:

- (a) the new owner assumes responsibility for all of the work covered by the permit,
- (b) the new owner submits proof of retention of design professionals, where appropriate, and
- (c) The new owner provides any other information or documentation which is deemed necessary by the Chief Building Official.

Section 8 APPLICATION

8.1 Nothing in this By-law shall be construed as purporting to permit anything which is otherwise prohibited by any other By-law or any Act or regulation or other legal requirement. In the case of conflict, the more restrictive requirement shall prevail.

No permit shall be issued except in accordance with the provisions of this By-law, the Act and the Code, or any other applicable law or legal requirement.

Section 9 REPEAL OF OTHER BY-LAWS

8.1 By-laws 70-20, 76-24, 81-6, 93-43, 93-44 and 93-45 are hereby repealed.

Section 10 EFFECTIVE DATE

9.1 This By-law shall come into force and take effect on the date of passing thereof.

Read a First time this 19th day of July, 1993

Read a Second and Third time and finally passed this 19th day of July, 1993.


MAYOR


TOWN ADMINISTRATOR

SCHEDULE 'A' TO BY-LAW NO. 93-62

CLASSES OF PERMITS

Building Permits

Including all system fixtures, features and services normally appurtenant thereto:

- (a) A whole building above and/or below grade.
- (b) The addition, alteration or extension of an existing building.
- (c) Excavation of a building or structure.
- (d) Relocation of a building or structure.
- (e) The repair, renovation or rehabilitation of an existing building.
- (f) An agricultural or farm building not intended for residential purposes.
- (g) Change of use of a building or part thereof.

Construction is defined as the placing of concrete with respect to new building, or any substantial material, alteration or addition to any existing building.

- (h) Installation of new plumbing, alterations or repairs to existing plumbing.
- (i) Installation of new building drains, alterations or repairs to existing building drains.
- (j) Installation of new water lines, alterations or repairs to water lines.

For the purpose of this Schedule, a fixture shall be deemed to include a vent stack, floor drain, hot water tank, appliance, grease or oil interceptor and sewage ejector; otherwise the definition set out in the Code shall apply.

- (k) Installation of new drainage piping not located in a structure.

Permit to Demolish

Occupancy Certificate

THIS IS SCHEDULE 'A' TO
BY-LAW NO. 93-62 PASSED
THIS 19TH DAY OF JULY,
1993.

SIGNATURES OF SIGNING OFFICERS:

M. B. Andrejch
MAYOR

M. A. Beattie
TOWN ADMINISTRATOR

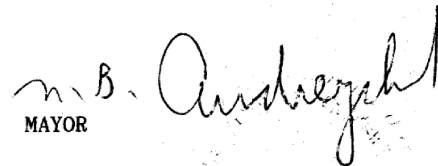
SCHEDULE 'B' TO BY-LAW NO. 93-62

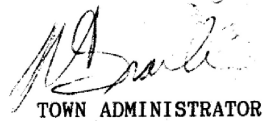
The following plans, working drawings and documents shall be submitted with each permit application, except as otherwise specified by the Chief Building Official:

- (a) A Plot Plan or Site Plan
- (b) A Lot Grading and Drainage Plan
- (c) Floor Plans
- (d) Foundation Plans
- (e) Roof Plans
- (f) Reflected Ceiling Plans
- (g) Sections and Details
- (h) Building Elevations
- (i) Electrical Drawings
- (j) Heating, Ventilation and Air Conditioning Drawings and Details
- (k) Plumbing Drawings

THIS IS SCHEDULE 'B' TO
BY-LAW NO. 93-62 PASSED
THIS 19TH DAY OF JULY,
1993.

SIGNATURES OF SIGNING OFFICERS:


MAYOR


TOWN ADMINISTRATOR