



**CORPORATION OF THE TOWNSHIP OF
ASHFIELD-COLBORNE-WAWANOSH**

BY-LAW 19-2007

**BEING A BY-LAW TO REGULATE THE ERECTION, ALTERATION,
CONSTRUCTION AND DEMOLITION OF VARIOUS TYPES OF
STRUCTURES WITHIN THE
TOWNSHIP OF ASHFIELD-COLBORNE-WAWANOSH**

WHEREAS Section 7 of the Building Code Act, R.S.O. 1992, Chapter 23 empowers a Council to pass certain by-laws respecting construction, demolition and change of use permits and inspections;

NOW THEREFORE the Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh ENACTS as follows;

1. **SHORT TITLE:** This by-law may be cited as "The Building By-law."
2. **DEFINITIONS:**
 - 2.1 **"ACT"** means the Building Code Act, R.S.O. 1992 as may be amended from time to time;
 - 2.2 **"AS CONSTRUCTED PLANS"** means as constructed plans as defined in Division A, Part 1, Section 1.4.1.2. of the regulations;
 - 2.3 **"BUILDING"** means a structure as defined in Section 1(1) of the Building Code Act and shall include privately owned outdoor swimming pools;
 - 2.4 **"BUILDING CODE"** means the regulations made under Section 34 of the Act;
 - 2.5 **"CHIEF BUILDING OFFICIAL" or "CHIEF OFFICIAL"** means a chief building official or acting chief building official appointed by By-Law of the Corporation of the Township of Ashfield-Colborne-Wawanosh for the purpose of enforcement of the Act;
 - 2.6 **"CONSTRUCT"** means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere, and "construction" has a corresponding meaning;
 - 2.7 **"CORPORATION"** means the Corporation of the Township of Ashfield-Colborne-Wawanosh;
 - 2.8 **"DEMOLISH"** means to do anything in the removal of a building or and material part thereof, and "demolition" has a corresponding meaning;
 - 2.9 **"FARM BUILDING"** means a farm building as defined in Division A, Part 1, Section 1.4.1.2 of the regulations;
 - 2.10 **"INSPECTORS"** means an inspector appointed by By-law of the Corporation of the Township of Ashfield-Colborne-Wawanosh for the purpose of enforcement of the Act;

- 2.11 **“PERMIT”** means written permission or written authorization from the Chief Building Official to perform work regulated by this By-law and Act;
- 2.12 **“PLUMBING”** means plumbing as defined in Section 1.-(1) of the Act;
- 2.13 **“REGULATIONS”** means the regulations made under the Act;
- 2.14 **“SEWAGE SYSTEM”** means a sewage system as defined in Section 1.-(1) of the Act;
- 2.15 **“ZONING”** shall mean the zoning regulations established by the Township of Ashfield-Colborne-Wawanosh and/or former Townships of Ashfield, Colborne or West Wawanosh;
- 2.16 Any of all **other definitions** shall be as are described in Section 2, Definitions of the Zoning By-law as amended, The Building Code Act, R.S.O. 1992, as amended and the Building Code Regulations made thereunder.

3. **PERMITS**

3.1 **CLASSES OF PERMITS**

Classes of permits and permit fees shall be set out in Schedule “A” attached hereto and forming part of this By-Law.

3.2 **PERMIT APPLICATIONS**

To obtain a permit the owner or an agent authorized in writing by the owner, shall file an application in writing by completing a prescribed form available at the office of the Corporation. The prescribed form shall be as set out in Schedule “B” attached hereto and forming part of this By-law.

3.2.1 **BUILDING, CONDITIONAL AND DEMOLITION PERMITS**

Every application for a permit shall be submitted to the Chief Building Official and shall contain the following information;

3.2.1.1.1 **BUILDING**

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

- 3.2.1.1.1 Identify and describe in detail the work and occupancy to be covered by the permit for which application is made;
- 3.2.1.1.2 Described the land on which the work is to be done, by description that will readily identify and locate the building lot;
- 3.2.1.1.3 Include complete plans and specifications as described in this By-law for the work covered by this permit and show the occupancy of all parts of the building;
- 3.2.1.1.4 State the valuation of the proposed work including materials, labour and equipment and be accompanied by the required fee;
- 3.2.1.1.5 State the names, addresses and telephone numbers of the owner, architect or engineer where applicable, or designer and the constructor;
- 3.2.1.1.6 Be accompanied by written acknowledgement of the owner that he/she has retained an architect or professional engineer to carry out the field review of the construction where required by the Act;

- 3.2.1.1.7 Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application;
- 3.2.1.1.8 Where an application is made for a building permit for a sewage system, the application shall contain in addition to all the requirements for a building permit, the name, address, telephone number and license number of the person installing the sewage system and the name of the qualified person supervising the work to be done.
- 3.2.1.1.9 A site evaluation prepared by a qualified person which shall include all of the following items, unless otherwise specified by the Chief Building Official:
 - a) the date the site evaluation was done
 - b) name, address, telephone number and signature of the person who prepared the evaluation.
 - c) a scaled map of the site showing
 - i) the legal description, lot size, property dimensions, existing right of ways, easements or municipal/utility corridors,
 - ii) the location of all items listed in Column 1 of Tables 8.2.1.5., 8.2.1.6.A, 8.2.1.6.B and 8.2.1.6.C of the Building Code
 - iii) the location of the proposed sewage system,
 - iv) the location of any unsuitable, disturbed or compacted areas and,
 - v) proposed access route for maintenance,
 - d) depth to bedrock
 - e) depth to zones of soil saturation
 - f) soil properties, including soil permeability, and
 - g) soil conditions, including the potential for flooding.

3.2.1.2 DEMOLITION

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

- 3.2.1.2.1 contain the information required by clause 3.2.1.1.1. to 3.2.1.1.7; of this By-Law:
- 3.2.1.2.2 be accompanied by satisfactory proof that arrangements have been made with the proper authorities for cutting off and plugging of all water, sewer, gas, electric, telephone or other utilities and services;

3.2.1.3 CONDITIONAL

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

- 3.2.1.3.1 Contain the information required by clause 3.2.1.1.1 to 3.2.1.1.7; of this By-Law:
- 3.2.1.3.2 Contain such information, plans and specifications concerning the complete project as the Chief Building Official may require;
- 3.2.1.3.3 State the reasons why the applicant believes that unreasonable delays would occur if a conditional permit is not granted;
- 3.2.1.3.4 State the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained;
- 3.2.1.3.5 State the time in which plans and specifications of the complete building will be filed with the Chief Building Official.

3.2.2 CHANGE OF USE PERMITS

- 3.2.2.1 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:
 - 3.2.2.1.1 describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
 - 3.2.2.1.2 identify and describe in detail the current and proposed occupancies of the building or part of the building for which the application is made;
 - 3.2.2.1.3 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, details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities;
 - 3.2.2.1.4 be accompanied by the required fee;
 - 3.2.2.1.5 state the name, address and telephone number of the owner;
 - 3.2.2.1.6 be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

4. PLANS AND SPECIFICATIONS

4.1 CONSTRUCTION DRAWINGS

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 to the Act, the Building Code and any other applicable law.

Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete set of plans and specifications required by this By-law.

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

4.2 SITE PLAN

Site plans shall, unless otherwise specified by the Chief Building Official, be referenced to an up-to-date survey and, when required to demonstrate compliance with the Act, the Building Code or other applicable law, a copy of the survey shall be submitted to the Chief Building Official.

Site plans shall show:

- 4.2.1 lot size and the dimension of the property lines and setbacks to any existing or proposed buildings;
- 4.2.2 existing and finished ground levels or grades;
- 4.2.3 existing right-of-ways, easements, municipal services, overhead or underground utility wires or cables and any private or municipal drains both open and closed.

4.2.4 On any urban construction site within the Township of Ashfield-Colborne-Wawanosh a "Site Drainage Plan" prepared by a *qualified person* shall be submitted with the plans. On large industrial sites this "Site Drainage Plan" may be required to be prepared by a Certified Drainage Engineer.

4.3 INTENSIVE LIVESTOCK OPERATIONS

Applications for all buildings or structures used for the purposes of breeding or caring for livestock, poultry or fur bearing animals, or the storage of manure shall be accompanied by the following:

4.3.1 The location and dimension of any buildings or structures on such lot used for the purpose of breeding or caring for livestock, poultry or fur bearing animals, or the storage of manure.

4.3.2 The location of all existing buildings and structures within a 625 metre radius of the proposed building or structure or use, separation distances and use.

4.3.3 The location of the nearest watercourse, municipal/private drain (open or closed) to the proposed building or structure.

4.3.4 Type and numbers of livestock, poultry, or fur bearing animals existing and proposed on such lot.

4.3.5 Type, dimensions, and location of any existing or proposed waste storage facility.

4.3.6 Method of dead stock disposal.

4.3.7 Acres of arable land owned and rented by the applicant.

4.3.8 Acres of land made available, by legal agreement, for manure disposal along with two copies of such agreement.

4.3.9 A Certificate of Approval for a Nutrient Management Strategy and/or a Nutrient Management Plan from the Ministry of Environment and/or the Ministry of Agriculture, Food and Rural Affairs, if requested by the Chief Building Official.

5. PAYMENT OF FEES

5.1 FEES

Fees for required permit shall be set out in Schedule "A" attached hereto and forming part of this By-law and are due and payable upon submission of an application for permit.

5.1.1 Where fees payable in respect of an application for a construction or demolition permit issued under Subsection 8 (1) of the Act or a conditional permit issued under Subsection 8 (3) of the Act are based on the cost of valuation of the proposed work, the cost of valuation of the proposed work shall mean the total cost of all work regulated by the permit including the cost of all material, labour, equipment, overhead and professional and related services.

5.1.2 Where fees payable in respect of an application for a construction or demolition permit issued under Subsection 8 (1) of the Act or a conditional permit issued under Subsection 8 (3) of the Act are based on floor area, floor area shall mean the total floor space of all stories above grade (or below grade for underground finished space) measured as the horizontal area between the exterior walls of the building provided that where application is made for a conditional permit, fees shall be paid for the complete project.

- 5.1.3 Where fees payable in respect of an application for change of use permit issued under Subsection 10 (1) of the Act are based on floor area, floor area shall mean the total floor space of all stories subject to the change of use.
- 5.1.4 Where the building permit fee is based on actual construction costs the Chief Building Official may place a valuation on the cost of the proposed work for the purposes of establishing the permit fee and where disputed by the applicant, the applicant shall pay the required fee under protest and, within six months of completion of the project, shall submit an audited statement of the actual costs, and where the audited costs are determined to be less than the valuation, the Chief Building Official shall issue a refund.

5.2 **REFUND OF FEES**

In the case of withdrawal of all or a portion of the work of the non-commencement of any project, the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the applicant, if any, in accordance with Schedule "D" attached hereto and forming part of this By-law.

6. **TRANSFER OF PAYMENTS**

If the ownership of land changes, in respect to a permit issued under Subsection 8 (1), 8 (3) or 10 (1) of the Act, the permit may be transferred to the new owner of the lands provided the following conditions are complied with and the appropriate fee is paid to the Corporation.

- 6.1 Provide in writing a declaration indicating assumption of responsibility for all requirements set out in the Building By-law of the Township as well as responsibility for all code violations and/or orders issued to the transfer of the permit.
- 6.2 Provide as constructed plans, that may have been required, as set out in Section 8 of the Building By-law of the Township.
- 6.3 Provide fencing, if required, as set out in Section 9 of the Building By-law.

7. **PRESCRIBING FORMS**

The forms prescribed for use as application for permits, for orders, for inspection reports and for permits shall be set out in Schedule "B" attached hereto and forming part of this By-law.

8. **AS CONSTRUCTED PLANS**

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

9. **FENCING**

- 9.1 The person to whom a permit is issued in respect of construction or demolition which will take place at an urban construction site may be required to erect or cause to be erected and maintained, a fence enclosing the urban construction site in accordance with the provisions of this By-law.
- 9.2 Where there is fencing on or adjoining an urban construction site erected prior to the application for building or demolition permit in respect of that site, such fencing shall be deemed to be in compliance with this By-law provided it is extended along the perimeter of the urban construction site as determined by

the Chief building Official and the extended fencing is erected in accordance with the provisions of this By-law.

- 9.3 Notwithstanding the provisions of Section 8.1 and Section 8.2 of the Act, to the contrary, the requirements of this By-law do not apply where a permit has been issued prior to the passing of the By-law.
- 9.4 The height of every fence shall be a minimum of 1.2 metres and a maximum of 1.8 metres, to be measured from the highest adjacent ground.
- 9.5 Every fence required under this By-law shall be located on the perimeter of the urban construction site as determined by the Chief Building Official and constructed as follows:
- 9.5.1 If of chain link construction, the chain link shall be fastened to a 39 millimetre diameter metal bar which is securely fastened to metal posts at not over 3 metres on centre and embedded into the ground to provide a rigid support;
- 9.5.2 If of wood construction, the exterior face shall be a minimum of 13 millimetre exterior grade plywood, particle board or equivalent material that will not provide footholds for climbing. The fencing shall be supported by a minimum 38 millimetre by 90 millimetre size posts spaced not more than 3 metres on centre and embedded into the ground to provide rigid support;
- 9.5.3 If the fence is of snow fence or plastic mesh type, the fencing shall be securely fastened to T-bar posts spaced not more than 3 metres on centre and embedded into the ground to provide rigid support;
- 9.5.4 Other materials or methods may be substituted provided that there is an equivalent barrier between properties and an equivalent degree of safety provided.
- 9.5.5 The fence may provide for openings sufficient to accommodate construction vehicles, machines and any other equipment providing services to the urban construction site, provided these openings are closed off when the site is shut down for the day.

10. EQUIVALENTS

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

- 10.1 a description of the proposed material, system or building design for which authorization under Subsection 9 of the Act is requested;
- 10.2 any applicable provisions of the Building Code;
- 10.3 evidence that the proposed material, system of building design will provide the level of performance required by the Building Code.

11. NOTICE REQUIREMENTS FOR INSPECTIONS

The owner or an authorized agent of the owner shall notify the Chief Building Official at least 48 hours prior to each stage of construction for which notice in advance is required under Division C, Part 1, Section 1.3.5.1. and 1.3.5.2. of the Building Code.

12. **PLUMBING**

The Corporation of the Township of Ashfield-Colborne-Wawanosh has entered into an agreement, under Subsection 33 of the Ontario Building Code Act, with the County of Huron. The County of Huron shall be responsible for all aspects of plumbing and sewage under Section 7 and 8 of the Building Code.

13. **REPEAL CLAUSE**

All previous Building By-laws of the former Townships forming the Corporation of the Township of Ashfield-Colborne-Wawanosh are hereby repealed.

14. **DATE AND EFFECT**

This By-law shall take effect on the final passing by the Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh.

This By-Law supersedes By-Law 37-2005.

Read a FIRST and SECOND time this 3rd day of April, 2007.

Read a THIRD and FINAL time this 3rd day of April 2007.



Reeve, Ben Van Diepenbeek



Administrator/Clerk-Treasurer, Mark Becker

SCHEDULE 'A' - FEE LIST

<u>CLASS OF PERMIT</u>	<u>FEE</u>
a) New Residential, Residential additions & Mobile Homes	\$40.00 plus \$0.45 per square foot of floor area including the garage. \$0.15 per square foot of floor area of basement.
b) Detached garages, residential storage sheds and non-farm accessory buildings over 108 square feet and additions thereto	\$40.00 plus \$0.45 per square foot of floor area.
c) (i) New farm buildings and additions thereto -dry manure only	\$40.00 plus \$0.12 per square foot of floor area.
(ii) New farm buildings and additions thereto -liquid manure systems	\$40.00 plus \$0.35 per square foot of floor area.
d) New Commercial, Industrial or Institutional and additions thereto	\$40.00 plus \$0.45 per square foot of floor area.
e) Liquid Manure tanks	FREE STANDING 1) \$3.00 per foot diameter, minimum charge of \$300.00 2) Liquid manure storage under barns subject to an additional fee of \$300.00
f) Separate installations of silos	\$100.00
g) Separate installations of steel grain bins, exterior landings, canopies, chimneys, fireplaces and woodstoves	\$75.00
h) Change of use	\$40.00 plus \$0.35 per square foot of finished floor area that is subject to the change of use, minimum \$100.00.
i) Any construction project that is started without first obtaining necessary permit	Three (3) times the cost of the permit fee.
j) Demolition Permit	\$25.00
k) Roofing, eaves troughing or siding of building which does not involve structural changes	No charge (no permit required)
l) Decks/Balconies/Porches	\$40.00 plus \$0.35 per square foot of deck area.
m) Swimming Pools	\$100.00 inground \$50.00 above ground for permanent installation.
n) Inspections and/or Occupancy Permit where no permit issued	\$40.00 per hour, minimum \$40.00
o) Any building construction or renovations not listed above	\$40.00 plus \$6.00 per thousand of actual value of construction.
p) Wind Turbines	\$40.00 plus \$6.00 per thousand of actual value of construction of footings and foundation

SCHEDULE 'B' -PRESCRIBED FORMS

FORM 1	Building and Demolition Application
FORM 2	Building Permit
FORM 3	Demolition Permit
FORM 4	Change of Use Permit
FORM 5	Inspection Report
FORM 6	Order to Comply
FORM 7	Stop Work Order
FORM 8	Completion Notice
FORM 9	Statement with Respect to Ontario New Home Warranty Plan Act
FORM 10	Manure Application Agreement
FORM 11	General Review/Commitment Certificate
FORM 12	Letter of Undertaking

**SCHEDULE 'C'-LIST OF PLANS OR WORKING DRAWINGS TO
ACCOMPANY APPLICATIONS**

1. Site Plans
2. A current survey may be required
3. Site Drainage Plans for any Urban, Industrial or Commercial construction sites
4. Foundation Plans
5. Floor Plans
6. Sections and Details
7. Building Elevations
8. Stamped Shop drawings for any prefabricated components used in the construction. Example: Truss drawings, etc. (originals only, no faxed copies or photocopies)
9. Structural plans stamped by an Engineer for any manure storage facility, and structures in excess of 600 square metres in gross floor area
10. In the case of livestock housing barns and manure storages, an appropriate Nutrient Management Strategy and/or Plan including all certificates, approvals and reviews as required by the Nutrient Management Act.

SCHEDULE 'D'-REFUND OF FEES

STATUS OF APPLICATION	PERCENTAGE OF FEE ELIGIBLE FOR REFUND
Application filed. No processing or Review of Plans submitted	90%
Application filed. Plans reviewed And Permit issued	60-80%
Additional deduction for each field Inspection that has been performed	10%
Permits issued valued at \$30.00 or less	0%

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

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