

THE CORPORATION OF THE TOWNSHIP OF PAPINEAU-CAMERON

BY-LAW NUMBER 2019-13

BEING A BY-LAW TO ESTABLISH MUNICIPAL BUILDING PROCEDURES, REGULATIONS AND PRESCRIBE PERMIT FEES, DEVELOPMENT CHARGES AND OTHER FEES AS APPLICABLE TO BUILDING, ZONING, PROPERTY STANDARDS AND RELATED MATTERS.

WHEREAS the Municipal Act c. 25 S.O. 2001 as amended and the Building Code Act c.23 S.O. 1992 as amended, require the Councils of municipalities to pass By-Laws and regulations respecting the construction and/or demolition of buildings and issuing of permits to govern the same.

NOW THEREFORE the Council of the Corporation of the Township of Papineau-Cameron enacts as follows that:

1.0 DEFINITIONS AND INTERPRETATION

1.1 In this By-law:

“Act” means the *Building Code Act, 1992 S.O. 1992 Chapter 23 including amendments thereto*.

“Building” means a “building” as defined in subsection 1(1) of the Act.

“Building Code” means the regulations made under Section 34 of the Act.

“Chief Building Official” means the Chief Building Official appointed pursuant to subsection 3(2) of the Act and by By-law of the Township of Papineau-Cameron for the purposes of enforcement of the Act.

“Township” means the Municipal Corporation of The Township of Papineau-Cameron or the geographic area as the context requires.

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

“Demolish” means “demolish” as defined in subsection 1(1) of the Act.

“Fixture” means “fixture” as defined in Sentence 1.1.3.2. (1) of the Building Code.

“Inspector” means an inspector appointed pursuant to subsection 3(2) of the Act and by by-law of the Township of Papineau-Cameron for the purposes of enforcement of the Act.

“Order” means under section 12(2) of the Building Code Act, an inspector who finds a contravention of this Act or the building code may make an order directing compliance with this Act or the building code and may require the order to be carried out immediately or within such time as is specified in the order.

“Owner” means the registered owner of the property of the agent of the registered owner duly authorized by the registered owner in writing.

“Permit” means permission or authorization in writing from the Chief Building Official to perform work regulated by the Act and the Building Code and in the case of an occupancy permit, to occupy any building or part thereof.

“Permit Holder” means the owner to whom the permit has been issued or, where the permit has been transferred, the new owner to whom the permit has been transferred.

“Plumbing” means “plumbing” as defined in subsection 1(1) of the Act.

“Property Owner” means an individual or entity in possession of title for land, building, or other item. The owner may be responsible for paying taxes in relation to the property.

“Property Standards” as defined in the Township of Papineau-Cameron’s Property Standards By-Law.

“Property Standards Officer” as defined in the Township of Papineau-Cameron’s Property Standards By-Law.

“Registered Code Agency” or RCA means a “registered code agency” as defined in subsection 1(1) of the Act.

“Sewage System” as defined in Section 1.1 of the Building Code.

“Work” means to do anything in the construction or demolition or change of use or plumbing for a building which is regulated by the Act and the Building Code and “project” has a similar meaning.

“Zoning” as defined in the Township of Papineau-Cameron’s Zoning By-Law.

2.0 PERMITS

- 2.1 No person shall, or shall cause to, construct, alter, repair, move, situate or demolish in full or in part a building or structure in the Township of Papineau-Cameron unless a permit for such purpose has been issued by the Chief Building Official.
- 2.2 Classes of permits with respect to the construction and demolition of buildings shall be as set out in Schedule "A", attached hereto.
- 2.3 To obtain a permit the owner or his authorized agent shall file an application in writing by completing the prescribed forms from the Township of Papineau-Cameron office.
- 2.4 Except as otherwise permitted by the Chief Building Official, every application shall identify and describe in detail the work and occupancy to be covered by the permit for which application is made, including:
 - a) description of the land on which the work is to be done, that will readily identify and locate the building lot.
 - b) complete plans and specifications as requested.
 - c) the valuation of the proposed work and the required fee.
 - d) the names, addresses and telephone number of the owner, architect, engineer or other designer and constructor.
 - e) the signature of the owner or his authorized agent shall certify the truth of the contents of the application.
- 2.5 Subject to section 8 (10) of the Building Code Act c.23 S.O. 1992 as amended, building permits are automatically revoked and must be renewed:
 - a) where they are issued based on mistaken or false information.
 - b) where after six months after its issuance, the construction or demolition in respect of which a permit was issued has not in the opinion of the Chief Building Official, been seriously commenced or;
 - c) where the construction or demolition of the building is in the opinion of the Chief Building Official, substantially suspended or discontinued for a period of more than one year.

3.0 PLANS, SPECIFICATIONS AND INFORMATION

- 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 work will conform with the Act, Regulations thereunder, The Zoning By-law and any other applicable law.
- 3.2 Unless otherwise permitted by the Chief Building Official, site plans shall be referenced to a current plan of survey, certified by a registered Ontario Land Surveyor, and a copy of such survey, with seal, shall be submitted.
- 3.3 Plans shall be drawn to scale upon paper, cloth, or other durable material for new construction and with appropriate scale for renovation.
- 3.4 The Chief Building Official shall require the applicant to produce the entrance approval from the appropriate authority in respect to any building proposed to be constructed fronting on any Provincial or County Highway, before the issuance of a building permit.
- 3.5 No permit will be issued in respect of a new building until proof of payment of the Charges as set out in Schedule "A" attached hereto are provided to the Chief Building Official.
- 3.6 No permit will be issued where the proposed use or location of a building is to contravention of the Township of Papineau-Cameron Zoning By-law.
- 3.7 No work shall commence until the building permit issued is prominently displayed on the site of work.
- 3.8 No permit shall be issued on or for Heritage Designated properties until the required procedures have been complied with; as set out by the Ontario Heritage Act c. O.18 R.S.O. 1990 as amended, if applicable.

4.0 APPLICATION FOR PARTIAL PERMIT

- 4.1 Where an application is made for partial permit in order to expedite work for a portion of a building prior to the issuance of a permit for the work for the complete building, and the Chief Building Official is in agreement that an application for a partial permit may be submitted, the owner shall file the following information:
- a) the prescribed application form entitled "Application for a Permit to Construct or Demolish".
 - b) complete plans and specifications, documents and other information as required.
 - c) the completed form as set out in the Act.
- 4.2 A permit for a temporary building may be extended provided that permission in writing is granted by the Chief Building Official.

5.0 SPECIAL PROVISIONS

- 5.1 The owner or his authorized agent shall notify the Chief Building Official at least forty-eight (48) hours in advance of the following stages of construction:
- a) commencement of construction.
 - b) readiness to construct footings.
 - c) substantial completion of the structural framing.
 - d) substantial completion of the insulation and vapour barriers.
 - e) substantial completion plumbing and heating systems.
 - f) substantial completion of fire separations and systems.
 - g) substantial completion of interior finishes.
 - h) substantial completion of exterior cladding and site grading.
- 5.2 Where in the opinion of the Chief Building Official it is necessary for public safety, the owners shall cause to be erected on the street line adjacent to any building being constructed, altered, repaired or wrecked, demolished, a suitable type of board fence, at least six (6) feet in height, and with sufficient overhead boarding to protect passers by. No such fence shall be removed until the work has been completed and permission for that purpose has been obtained from the Chief Building Official.
- No unused building material, debris, material from any building being wrecked, demolished, or material from excavation shall be placed on or allowed to accumulate on any highway, public street, alley or land.
- 5.3 No person shall in any manner obstruct the free passage of water in drains, gutters or watercourse by buildings, landscaping or any other means. Nor shall they reroute any of the above without written permission of the Chief Building Official.
- 5.4 No person shall remove from a building or site any order issued by the Chief Building Official or his appointee, without first obtaining permission from the Chief Building Official.

6.0 FEES

- 6.1 Fees for a required permit shall be in accordance with Schedule "A" attached hereto and forming part of this By-law.
- 6.2 When the fees are based on cost of valuation of the proposed work, such valuation shall mean the total cost of the work. That shall be the work regulated by the permit as well as electrical, plumbing or health branches and shall include the cost of professional and related services.
- 6.3 Where the Chief Building Official places a valuation, on the cost of work and if the permit applicant holder disagrees with this valuation, the prescribed fee determined by the Chief Building Official, shall be paid before the issuance of the permit. Upon completion of the work, if the actual cost of the work was less than the valuation placed by the Chief Building Official, an audited statement may be submitted detailing the cost of all component parts of the work. The Chief Building Official shall, if the 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 testament and recommend the appropriate refund.
- 6.4 The fees contained in Schedule "A" to this By-law may be waived or modified at the discretion of the Chief Building Official, with the concurrence of the Chief Administrative Officer, for minor repairs and renovations to buildings, outbuildings i.e. garden sheds, tool sheds, gazebos, etc. or for the re-roofing and replacement of siding, of buildings in the residential classifications and for the additions of small porches or decks or for the repairs of such in the residential classifications.

7.0 ENFORCEMENT

- 7.1 This By-Law shall apply to all property within the Township of Papineau-Cameron, and shall be enforced upon written and signed complaints only.
- 7.2 After becoming aware of an infraction, the Chief Building Official / Property Standards Officer will visit the property and identify what is contravening the Township of Papineau-Cameron's By-Laws. If the owner of the property in question is present, the Chief Building Official / Property Standard Officer will inform the property owner of the any contravening By-Law issues and outline what would need to be completed in order to comply.
- 7.3 The Chief Building Official / Property Standards Officer will send by registered mail, the property owner a follow-up letter, explaining the contravening By-Law issues and outline what would need to be completed in order to comply.
- 7.4 During the ongoing dialog between the Chief Building Official / Property Standards Officer and the property owner when continued improvement steps are being taken place to comply, no deadline timelines will be imposed during this time of dialog.
- 7.5 If verbal and written warnings or dialog in section 7.4 of this By-Law are ignored, and no action has been taken, or action has been ceased by the property owner to comply, then an Order to Comply will be posted by the Chief Building Official / Property Standards Officer, on the owners property and served on the owner of the property and such other persons affected thereby either by in person or registered mail.
- 7.6 Orders to Comply come with specific timelines in which steps must be taken to meet the requirements of the order. If no action is taken by the property owner in the specified timeline to comply, the municipality can take action to have the property comply with the Ontario Building Code and/or Municipal By-Laws. Costs incurred by the Municipality to have a property meet compliance will be billed to the property owner, and if not paid, transferred to the property owner's property tax account.
- 7.7 In accordance to Section 15.4.1 of the Ontario Building Code Act, 1992, S.O. 1992, c.23, as amended, any person convicted of a breach of the provisions of this By-law shall forfeit and pay at the discretion of the conviction, magistrate an administrative penalty of:
- a) the sum of one thousand dollars (\$1,000.00) and/or;
 - b) any building constructed, altered, repaired or placed in contravention of this By-law and/or other related municipal By-Laws, may be pulled down or removed on instruction from the Chief Building Official or other person authorized by the Council, and the expense of such removal or pulling down shall be paid by the owner and may be recovered in like manner as municipal taxes (in accordance to section 15.4.2 of the Ontario Building Code Act, 1992, S.O. 1992, c.23, as amended).

8.0 SEVERABILITY

- 8.1 Should any section or part of a section of this By-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect any other provision of this By-law in whole or part thereof.
- 8.2 Nothing in this By-law shall or is intended to contravene with the Building Code Act c.23 S.O. 1992 as amended.
- 8.3 Where any discrepancy occurs, the Building Code Act and Regulations made thereunder shall take precedence.

9.0 REPEAL

- 9.1 By-law No. 2011-02, 2017-05 and any other By-law that govern building construction or fees thereto are hereby repealed and rescinded.

10. COMMENCEMENT

- 10.1 This By-law shall come into force and affect on the day of passing thereof.

READ A FIRST, SECOND, AND THIRD TIME ENACTED AND PASSED BEFORE AN OPEN COUNCIL, THIS 12 DAY OF MARCH, 2019


MAYOR


CAO/CLERK-TREASURER

CORPORATION OF THE TOWNSHIP OF PAPINEAU-CAMERON
Schedule "A"
To By-law 2019-13

1. New Construction single family dwelling	\$800.00
Dwelling over 2,000 square feet	\$1,000.00
2. Commercial construction to new buildings	\$1,500.00
3. Additions to commercial buildings	\$750.00
4. New garages and carports	\$300.00
5. Additions and renovations to existing buildings	\$300.00
6. New decks and porches	\$150.00
7. Demolition permits	\$100.00
8. Minor repairs and renovations	\$200.00
9. Building permit renewal	\$150.00
10. Plans examination of proposed projects	\$50.00
11. Building permit transfer	\$50.00
12. New Towers	\$500.00
13. Demolition of Commercial buildings	\$300.00
14. Swimming pools above and below ground	\$100.00