

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 1998 - 19

Being a By-Law to regulate Building & Plumbing  
in the Town of Amherstburg.

WHEREAS, the Council of the Town of Amherstburg is responsible for the enforcement of the Building Code Act 1992 within the boundaries of the Town of Amherstburg;

AND WHEREAS, Section 7 of the said Building Code Act authorizes the Councils of Municipalities to pass by-laws respecting the issuance of Construction, Demolition and Change of use Permits;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF

THE TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS

1. SHORT TITLE:

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

2. DEFINITIONS

- (1) (a) "Act" means the Building Code Act, Chapter 23 S.O. 1992, as amended.
- (b) "Actual value of Construction" means the actual value of the work and materials incorporated into the work thereof and all costs necessarily incidental to the subject matter of construction.
- (c) "Applicant" means the owner of a building or property who applies for a permit or any person or corporation empowered by statute to cause the demolition of a building or buildings and anyone acting under the authority of such person or corporation.
- (d) "Building" means,  
(i) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them including all plumbing, works, fixtures and services systems appurtenant thereto; or  
(ii) a structure occupying an area of ten square metres or less that contains plumbing, appurtenant thereto; or  
(iii) plumbing not located in a structure; or  
(iv) structures designated in the building code.
- (e) "Building Code" means the regulations made under Section 34 of the Act.

- (f) "business day" means any day other than a holiday as defined in the Interpretation Act, R.S.O. 1990, Saturday, Boxing Day or day proclaimed by the Head of Council to be a civic holiday.
- (g) "Chief Building Official" means the person appointed by Council to enforce the Act within the Town of Amherstburg under Section 3 of the Act.
- (h) "Chief Fire Official" means the Fire Chief of the Corporation as appointed by Council.
- (i) "Corporation" means the Corporation of the Town of Amherstburg.
- (j) "Council" means the Council of the Corporation of the Town of Amherstburg.
- (k) "estimated value of the work" means the estimated value of the work and materials to be incorporated into the work thereof and all costs necessarily incidental to the subject matter of construction.
- (l) "lot" means a parcel of land, the boundaries of which are on record in the Registry Office for the Registry or Land Titles Division of the County of Essex (No. 12).
- (m) "owner" means the person who appears as the owner of a lot according to the records of the Land Registry Office or a person named under an accepted agreement of purchase and letter of authorization signed by the owner of a lessee who under the terms of a lease is authorized to maintain, alter, improve or repair the property.
- (n) "parking lot" means a lot which contains and the main use of which is, a parking area, whether or not such a parking area is located with a structure.
- (o) "permit" means a written authorization issued by the Chief Building Official to perform work regulated by the Act and the Building Code or to occupy a building or part thereof.
- (p) "permit holder" means the person to whom the permit has been issued and who assumes the primary responsibility for complying with the Act and the Building Code.
- (q) "person" means any individual, association, partnership, company, corporation, firm, agent, trustee and the heirs, executors, or other legal representative of any of the foregoing.

- (r) "plan check" means the review of revised drawings or working drawings which are submitted to the Building Department after a permit has been issued.

3. CLASSES OF PERMITS

The following are prescribed as classes of permits for the purpose of constructing, demolishing or changing the use in a building, as provided for in the Act namely:

- (a) Change of Use Permit - for changing the use of an existing building which may or may not include work for which a construction permit is required.
- (b) Partial Permit - for the construction of a portion of a building prior to the issuance of a permit for the complete building. This shall not be construed to authorize construction beyond the plans for which approval was given nor that approval will necessarily be granted for the entire building.
- (c) Conditional Permit - for commencement of construction, issued at the discretion of the Chief Building Official to authorize any stage of construction, under subsection 8 (3) of the Act.
- (d) Construction Permit - for the construction, addition to and/or renovation of a building or part thereof and/or construction of a parking lot.
- (e) Demolition Permit - for the demolition of a building or part thereof.
- (f) Partial Occupancy Permit - for occupying or using a portion of a building when construction of the entire building is incomplete.
- (g) Sewer Permit - for the construction of storm and sanitary drainage systems not within a building.
- (h) Plumbing Permit - for the construction, addition or alteration of storm and sanitary drainage systems, venting systems and water supply systems within a building, as set forth in Section 7 of the Ontario Building Code.
- (i) Water service pipe permits - for the construction water service piping between buildings on the same property, beyond the Building Control valve or water meter.

4. REQUIREMENTS TO OBTAIN A PERMIT

Construction, Conditional, Change of Use Permit

- (1) An application for a change of use permit, conditional permit, or construction permit shall be in the form prescribed by the Chief Building Official which shall be completed by the owner, and if applicable, by the authorized agent of the owner and shall be accompanied by the following:
  - (a) Construction plans drawn to scale in duplicate and a copy of the specification; or
  - (b) A site plan indicating thereon the location of the proposed building in relation to all lot lines, other buildings on site including those to be demolished, signs, parking lots, refuse bins, loading spaces, septic tanks and their associated beds, water and sewer lines, easements and municipal drains on the same lot and fences, and the existing and finished grades in relation to the first floor elevation of the building referenced to a datum at or adjacent to the site; and
  - (c) A survey of the property where required by the Chief Building Official; and
  - (d) Design calculations or samples of building materials when required by the Chief Building Official; and
  - (e) other supporting documentation as required by the Chief Building Official; and
  - (f) all necessary permits and approvals from other municipal departments or outside agencies having jurisdiction; and
  - (g) Fees as set out in Schedule "A".
  - (h) Valid registration made under the Ontario New Home Warranties Plan Act for single family dwellings being constructed for re-sale, if applicable.
  - (i) Council approval for the alteration or demolition of buildings designated under the Ontario Heritage Act, if applicable.
  - (j) Applicable indemnity and development fees.

Demolition Permit

- (2) An application for a Demolition Permit shall be in the form prescribed by the Chief Building Official which shall be completed by the owner and if applicable, by the authorized agent of the owner and shall be accompanied by:
  - (a) where under Sect. 2.3 of the Building Code, accompanied by structural design characteristics of the building in duplicate, as well as the method of and schedule of demolition; and

- (b) A site plan in duplicate indicating the buildings and structures to be demolished as well as those to remain; and
- (c) all necessary permits and indemnity fee deposits and approvals from other municipal departments or outside agencies having jurisdiction; and
- (d) Fees as set out in Schedule "A",

Partial Occupancy Permit

- (3) An application for a Partial Occupancy Permit shall be in writing, signed by the owner or the authorized agent of the owner, and shall be accompanied by:
  - (a) a statement indicating the expected occupancy date; and
  - (b) the portions of the building to be occupied; and
  - (c) all necessary permits and approvals from other municipal departments or outside agencies having jurisdiction; and
  - (d) the fees as set out in Schedule "A",

Partial Permit

- (4) When approval of a portion of the building project is requested prior to the issuance of a permit for the complete building, application shall be made in the form prescribed by the Chief Building Official and shall be accompanied by:
  - (a) (i) Complete plans in duplicate and specifications covering the portion of the work for which immediate approval is requested; or
  - (ii) where the plans have been prepared by an architect and/or engineer, the construction plans in triplicate and a copy of the specifications; and
  - (b) A site plan indicating thereon the location of the proposed building in relation to all lot lines. Other buildings on site including those to be demolished, signs, parking lots, refuse bins, loading spaces, septic tanks and their associated beds, water and sewer lines, easements and municipal drains on the same lot and fences, and the existing and finished grades in relation to the first floor elevation of the building referenced to a datum at or adjacent to the site, and,
  - (c) A survey of the property where required by the Chief Building Official; and
  - (d) Design calculations or samples of building materials when required by the Chief Building Official and

- (e) Other supporting documentation as required by the Chief Building Official; and
- (f) all necessary permits and approvals from other municipal departments or outside agencies having jurisdiction; and
- (g) fees as set out in Schedule "A"
- (h) Indemnity and applicable **development fees must accompany the application.**

Sewer Permit

- (5) An application for a sewer permit shall be in the form prescribed by the Chief building Official which shall be completed by the owner, and if applicable, by the authorized agent of the owner and shall be accompanied by:
  - (a) a site plan in duplicate illustrating the location and size of all sewer lines, catch basins, man holes, clean-outs and the buildings, structures and land that they service; and
  - (b) all necessary permits and approvals from other municipal department or outside agencies having jurisdiction; and
  - (c) the fees as set out in Schedule "B"

Plumbing Permit

- (6) An application for Plumbing Permit shall be in the form which described by the Chief Building Official and shall be completed by the owner and if applicable by the authorized agent and shall be accompanied by:
  - (a) plans in duplicate showing the location and size of all waste drain and water lying; and
  - (b) plans illustrating the location of all vent stacks, and describing the method of venting, back water valves, backflow preventers; and
  - (c) the fees set out in Schedule "B"

Water Service Pipe Permit

- (7) An application for a water service pipe permit shall be in the form as described by the Chief Building Official and shall be completed by the owner and if applicable by the authorized agent of the owner and shall be accompanied by:
  - (a) A plan in duplicate showing location and sizes of water pipes to be installed; and
  - (b) all necessary permits and approvals from the municipal departments or outside agencies having jurisdiction; and
  - (c) fees set out in Schedule "B"

5. PLANS AND DRAWINGS

All plans and drawings submitted to the Department of Building shall be in ink, and shall be:

- (a) on paper which has a minimum size of twenty one centimeters by twenty eight centimeters (21 cm. x 28 cm.); and
- (b) drawn to a sufficiently large scale to be readily legible; and
- (c) floor plans are to be drawn at a minimum 1/8" = 1'0" or 1:10 (metric).
- (d) Plans shall be drawn to scale in Imperial or metric measurements.

6. REVISION TO PERMIT

In the event that a material change is made to the plans, specification, documents or other information on the basis of which a permit was issued, the owner or authorized agent shall:

- (a) submit revised plans and specifications illustrating the changes and any supporting documentation as may be requested by the Chief Building Official; and
- (b) remit the additional fee to the Chief Building Official. In the event the area of work is reduced, there shall be no refund.

7. PERMIT REVOCATION ABANDONMENT AND TRANSFERS

- (1) An application for a permit shall be deemed to have been abandoned six months after the date of filing of the application with the Chief Building Official unless a permit has been issued.
- (2) Where the application has been abandoned, the drawings, plans and specifications shall be returned to the applicant and fees refunded in accordance with Schedule "C".
- (3) When a permit has been revoked by the Chief Building Official in accordance with the Act, or the owner and/or applicant has requested a cancellation of the permit, fees shall be refunded in accordance with Schedule "C".
- (4) No permit may be transferred unless an application to transfer has been made in a form as prescribed by the Chief Building Official and payment of the fees set out in Schedule "A" has been made and Section 8 of the Act has been complied with.

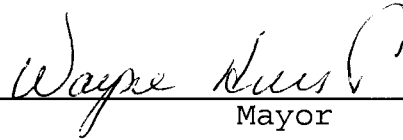
8. REPEAL

By-law 2346, 2595 (Former Anderdon Township By-law 2595 and Former Township of Malden By-law 85-12 and all amendments thereto, are hereby repealed.

9. EFFECTIVE DATE

This by-law shall come into force and effect immediately upon final passing thereof.

Finally passed this 26 day of JANUARY 1998.

  
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Mayor

  
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Clerk



SCHEDULE "A"

Construction Permit and Associated Fees

The following table sets forth the collection of Permit Fees based upon building area per construction classification. Permit Fees for any other similar uses are as determined by the Chief Building Official. A minimum permit fee of \$50.00 is required for all applications.

1.	Residential Group "C"	.70	Finished Area above entrance level	7.49
		.35	Finished Area below entrance level	3.75
2.	Division 1,2,3 as set forth under the Ontario Building Code	.60		6.42
3.	<u>Institutional</u> or Group "B" Division #1	.85		9.00
	<u>Commercial</u> or Groups D&E			
	<u>Assembly</u> or Group A Division 1,2,3 & 4			
4.	Residential Garages, Carports, Sheds. Open Roofless Decks		\$75.00 Flat	
5.	Residential Swimming Pools		\$50.00 Flat	
6.	Open Air Parking Lots (on grade)	.18		1.94
7.	Finished Residential Basements/Attics	.35		3.75
8.	Change of Use Permit	.26		6.78
9.	Projects not specifically listed above including: Porches, Canopies, Siding, retaining walls, fireplaces, window or door replacement, building repairs authorized under Property Standards By-law, machine bases, greenhouses and any other structure or project not listed or classified elsewhere.		9.00 per \$1000. or part thereof the estimated cost of the work. Minimum \$50.00 of estimated cost the work.	

10. Tents and other short terms temporary structures:

(a) Large tent requiring an engineer's design	\$100.00
(b) Small tents	50.00

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11. Partial Building Permit	.05 ft.	.54
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12. Demolition	.05 ft.	.54
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13. Projects commenced prior to permit application being filed with the Building Department	2 times cost of applicable permit
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14. Farm Buildings as defined in Ontario Building Code Section 1.1.3.2	.20 ft.	2.16
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SCHEDULE "B"

PART I - PLUMBING PERMIT FEES

Drainage piping within a building which is regulated by Section 7 of the Ontario Building Code.

<u>Group</u>	<u>Description</u>	
P-1	Residential Buildings under Part 9 of the Ontario Building Code.	\$80.00 per dwelling unit or Tenant Space.
P-2	Residential Building under Part 3 of the Ontario Building Code	\$80.00 for the 1st unit or suite + \$50.00 for each additional unit or suite.
P-3	Other types of buildings not specifically listed in P-1 or P-2	\$14.00 for the 1st stack, \$14.00 for each additional soil and waste stack plus the following fees for the installation of building drains, fixtures or appliances:
	each fixture or appliance defined by Section 7, Ontario Building Code	4.50
	each hot water storage tank	4.50
	each roof hopper or roof drain	4.50
	each fixture trap receiving and indirect waste pipe	4.50
	each water softener	4.50
	each grease, oil or sediment intrceptor	4.50
	each sewage and/or storm water ejector	4.50
	each sump pump	4.50
	one backflow preventer	10.00
	each additional backflow preventer	3.50
	the construction, repair, renewal or alteration of a building drain and/or building storm drain: (as follows)	
	each 15 metres (50 feet) or fraction thereof	9.00

Installation of additional fixtures or appliances prior to the completion of plumbing work covered by a previous permit 4.50 for each fixture as defined under Section 7 of the O.B.C.

Minimum plumbing permit fee \$80.00

PART II - SEWER FEES

A. Installation of new sanitary or storm sewer piping for a single family dwelling.

Sanitary Sewer \$14.00  
Storm sewer \$14.00

B. Drainage piping and storm drainage piping not within a building, excluding grease, oil or sediment interceptor.

To construct, repair, renew or alter,

(i) Drainage piping and/or storm drainage piping servicing any type of building other than a single family dwelling:

each 30 metres (100 feet) or part thereof to be calculated from the property line or place of disposal to the furthest point shown on the plan submitted..... \$20.00

(ii) Storm drainage piping servicing land, but not connected to a building:

for each 30 metres (100 feet) or part thereof up to and including 150 metres (500 ft.) of lineal pipe to be calculated from the property line or place of disposal to the furthest point shown on the plans submitted ..... \$20.00

(iii) For each manhole that is connected to drainage piping and/or storm drainage piping ..... \$ 5.00

(iv) For each catch basin that is connected to storm drainage piping ..... \$ 5.00

C. There shall be no fee for the construction of not more than 5 feet of drainage piping from a building to septic tank.

PART III - Water Service Piping Beyond the Building Control Valve

(a) Installation to extend, alter, reconstruct or install water service piping serving more than one building upstream of the water meter of building control valve.

For each size up to and including 75 metres (3 inch) in diameter 4.50

PART III - Water Service Piping Beyond the Building Control Valve

- (a) Installation to extend, alter, reconstruct or install water service piping serving more than one building upstream of the water meter of building control valve.
- For each size up and including 75 mm metres (3 inch) in diameter \$4.50
- For each size over 75 M. metres (3 inch) in diameter 11.00
- (b) Installation of water distributing piping in building other than those listed above 16.00

SCHEDULE "C" - SPECIAL FEES

FEES FOR ADDITIONAL INSPECTIONS

1. Extra Inspections:
- For inspections made necessary due to work not ready for inspection following notification 50.00
2. Transfer of permit 25.00
3. Special Inspections
- (a) Standby Inspection (per hour) \$50.00  
(Minimum of 1 hour)
- (b) Inspection outside of normal working Hours (per hour) (Minimum of 2 hours) \$50.00
4. Letters provided by the Corporation indicating availability of services (Environmental Services Department), Zoning Information, (Planning and Building Departments), Tax Certificates, (Tax Department) building restrictions (Building Department and Environmental Services Department), conformity to developer's agreements (Administrator's Office) or any other pertinent municipal information either legislatively or internal municipal policy or by-laws shall be subject to a fee of \$25.00
5. AMOUNT OF PERMIT FEES WHICH WILL BE RETAINED WHERE THE OWNER APPLIES FOR A REFUND OF THE SAID FEES.

The conditions set out below relate to the refund of building permit fees for various situations and the applicable fees which are to be retained by the Town of Amherstburg.

CONDITION

BUILDING FEE RETENTION

A. Prior to Permit Being Issued

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|---|--|
| (1) Building Application withdrawn by the owner         | 25% of the building Permit fee but not less than \$50.00 and not greater than \$1,500.00 |
| (2) Permit is not issued by the Chief Building Official |  |
| (3) Application abandoned.                              |  |

B. Permit Issued

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|--|---|
| (1) Applicant requests permission to cancel the permit   | 50% of the building permit fee but not less than \$150.00 |
| (2) Work does not commence and application for a refund is made within six (6) months of the date the permit was issued. |   |
| (3) Work commenced and is abandoned.   | No refund.  |
| (4) Permit is revoked.   | No refund.  |

NOTE: EXTRA FEES WITH RESPECT TO EXTRA INSPECTIONS, COMMENCEMENT OF WORK PRIOR TO PERMIT APPLICATION BEING FILED WILL BE DEDUCTED AUTOMATICALLY FROM INDEMNITY FEES.

6. INDEMNITY FEES

"An applicant for a Building Permit or a permit to demolish or remove a building or for a permit to repair or alter an existing building or for the installation of a swimming pool shall deposit an indemnity fee in the amount of one thousand dollars (\$1,000.00) for Residential, One Thousand Dollars (\$1,000.00) for Commercial, Industrial and Institutional, to indemnify the Town from any loss or damage it may sustain by reason of the work carried out under such permit. Upon the completion of all work performed under the said permit, the amount of such indemnity fee shall be returned to the applicant after deduction of the amount of any loss or damage to any loss or damage to any property or installations of the Town or any public utility, which loss or damage, in the opinion of the authority having jurisdiction arose out of the performance of such work". Outstanding permit fees will be deducted from the indemnity fee at the time of release.

**SCHEDULE "D"**

**NOTICE OF REQUIRED INSPECTIONS**

1. The person to whom a permit has been issued shall notify the Chief Building Official a minimum of (1) business day in advance - 24 hours.
  - (a) The commencement of the construction of the building
  - (b) The readiness for the inspection and testing of:
    - (1) Sanitary and Storm building sewers.
    - (2) Sanitary and storm sewer bedding.
    - (3) Water service pipes beyond the building control valve.
    - (4) Building drains.
    - (5) Drainage systems and venting systems.
    - (6) Water distribution systems and
    - (7) Plumbing fixtures and plumbing appliances.
  - (c) The readiness to construct the footings.
  - (d) The substantial completion of the footings and foundations.
  - (e) Where the building is within the scope of Part 9 of the Building Code, the substantial completion of:
    - (1) Foundation wall, basement or crawlspace, waterproofing or damproofing drainage layer.
    - (2) Foundation drainage system.
    - (3) Sub surface storm drainage.
    - (4) Structural framing.
    - (5) Insulation, air barriers, vapour barriers.
    - (6) Roughing in of ductwork and piping for heating, ventilating and air conditioning systems and exhaust systems.
  - (f) Where the building is within the scope of Parts of the Ontario Building Code other than Part 9, the substantial completion of:
    - (1) Structural framing for each storey.
    - (2) Insulation, vapour and air barrier systems.
    - (3) Roughing in of heating, ventilation and air conditioning systems and air contaminant extraction systems.
  - (g) Of the commencement of:
    - (1) Masonry fireplaces and masonry chimneys.
    - (2) Factory built fireplaces and allied chimneys.
    - (3) Stoves, ranges and space heaters and add on furnaces, which use solid fuels and their allied chimneys.
  - (h) The substantial completion of all required fire separations and closures and all fire protection equipment such as standpipes, sprinklers, fire alarms and emergency lighting systems.

- (i) The substantial completion of interior finishes heating, ventilating, air conditioning and air contamination extraction equipment.
  - (j) The substantial completion of exterior cladding, fire access routes and site grading.
  - (k) The substantial completion of items included in site plan control by-laws.
  - (l) The completion of construction and installation of components required to permit occupancy by Sections 2.4.3.1 (2) and 2.4.1.3.2 (1) under the Ontario Building Code.
  - (m) The availability and completion of drawing of the building as constructed where requested by the Chief Building Official.
2. To facilitate the final inspection, the person to whom a permit is issued shall notify or cause to notify the Chief Fire Official, 24 hours in advance of the following stages of construction so they may be inspected.
- (a) Substantial completion of all fire protection systems including standpipe, sprinkler, fire alarm and emergency lighting systems.
  - (b) Of the completion of a building only where inspection(s) above is required under the Ontario Fire Code or other applicable legislation.
3. The person to whom a demolition permit has been issued shall notify or cause to notify the Chief Building Official a minimum of 24 hours in advance.
- (a) The commencement of demolition of a building.
  - (b) The completion of the superstructure of the building or parts thereby above grade elevation.
  - (c) The completion of foundation removal but prior to the backfilling and capping of services.
  - (d) Final grading of the Site.

**"NOTIFICATION MUST BE CARRIED OUT THROUGH THE BUILDING DEPARTMENT SECRETARY".**