



## THE CORPORATION OF THE TOWNSHIP OF NORWICH

### BY-LAW NUMBER 16-2019

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

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

THEREFORE, the Municipal Council of The Corporation of the Township of Norwich enacts as follows:

#### **1. DEFINITIONS**

For the purposes of this By-law:

- 1.1 Any word or term not defined in this by-law, that is defined in the Act or Building Code, shall have the meaning ascribed to it in the Act or the Building Code and any word or term not defined in this by-law, the Act or the Building Code, shall have the meaning that is normally associated with it.
- 1.2 **ACT** means the *Building Code Act, 1992, S.O. 1992, c.23*, as amended.
- 1.3 **APPLICABLE LAW** means applicable law as identified by Division A, 1.4.1.3.(1) of the Ontario Building Code, as amended.
- 1.4 **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 construction or demolition of a building or buildings and anyone acting under the authority of such person or corporation.
- 1.5 **ARCHITECT** means the holder of a license, certificate of practice or a temporary license issued under the Architects Act as defined in the Building Code.
- 1.6 **BUILDING** means a building as defined in Section 1(1) of the Act
- 1.7 **BUILDING CODE** means the regulations made under section 34 of the Act.
- 1.8 **CHIEF BUILDING OFFICIAL** means a Chief Building Official appointed by by-law by the Corporation of the Township of Norwich for the purposes of enforcement of the Act.
- 1.9 **CONSTRUCT** means construct as defined in subsection 1(1) of the Act.
- 1.10 **CORPORATION** means the Corporation of the Township of Norwich.
- 1.11 **DEMOLISH** means demolish as defined in subsection 1(1) of the Act.
- 1.12 **FARM BUILDING** means a farm building as defined in Division A, 1.4.1.3.(1) of the Ontario Building Code.
- 1.13 **FIREWALL** means a Firewall as defined in Division A, 1.4.1.3.(1) of the Ontario Building Code.
- 1.14 **INSPECTOR** means an inspector appointed by by-law by the Corporation of the Township of Norwich for the purposes of enforcement of the Act.
- 1.15 **LOT GRADING AND DRAINAGE PLAN** means a plan that details and specifies the design elevations, surface gradients, swale locations and other drainage information that are required for lot grading.
- 1.16 **OWNER** means the owner as defined by Division C, 1.3.1.2., "owner" of the Ontario Building Code
- 1.17 **PARTY WALL** means a Party wall as defined in Division A, 1.4.1.3.(1) of the Ontario

Building Code

1.18 **PERMIT** means permission or authorization given in writing from the Chief Building Official to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the Act and Building Code.

1.19 **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.

1.20 **PROFESSIONAL** engineer or engineer means a person who holds a licence or temporary licence under the Professional Engineers Act, R.S.O. 1990, c. P.28, as defined in the Building Code.

1.21 **SEWAGE SYSTEM** means a sewage system as defined in Division A, 1.4.1.3.(1) of the Ontario Building Code.

1.22 **SURVEYORS REAL PROPERTY REPORT** means a survey and report that locates a building or structure in relation to the boundaries of a unit of land.

1.23 **TOWNSHIP ROADS SUPERINTENDENT** means Township Roads Superintendent as appointed by the Corporation.

## **2. CLASSES OF PERMITS**

2.1 The classes of permits set out in Schedule "A" of this By-law are hereby established.

## **3. PERMITS**

3.1 File Application: To obtain a permit, the owner or an agent authorized in writing by the owner, shall file a complete application in writing by using the prescribed form available at the Corporations office, or from the Building Code website [www.obc.mah.gov.on.ca](http://www.obc.mah.gov.on.ca), or the Township of Norwich website [www.norwich.ca](http://www.norwich.ca).

### **3.1.1 Incomplete Application:**

- (a) Where the Chief Building Official determines that an application is incomplete, the Chief Building Official may commence to process the application if the applicant acknowledges that the application is incomplete and completes the form as set out in Schedule B.
- (b) Where an application for permit remains incomplete or inactive for a period of not less than six months from the submittal, the application may be deemed by the Chief Building Official to have been abandoned and notice thereof shall be given to the applicant.
- (c) If an application is deemed to be abandoned, the application may be dismissed based upon the Chief Building Official's discretion.
- (d) A new application must be filed before any work proposed in the abandoned application is substantially commenced.

3.2 Application Information submitted to Chief Building Official: Every application for a permit shall be submitted to the Chief Building Official, and shall contain the following information:

### **3.2.1 Building Permit**

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

- (a) using the form, "Application for a Permit to Construct or Demolish" as prescribed by the Act, provide all information pertaining to the construction as required by the form;
- (b) include complete plans and specifications, documents and other information as required by Division C, Article 1.3.1.3. of the Building Code and as described in this By-law for the work to be covered by the permit;
- (c) include a completed form as set out in Schedule "C" where Division C, Subsection 1.2.2. of the Building Code applies;

- (d) include any other information necessary to, or required in accordance with the Code, the Act and applicable law, as required; and
- (e) include the required fees and deposits as set out in Schedule "A" to this by-law.

### 3.2.2 Demolition Permits

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

- (a) using the form, "Application for a Permit to Construct or Demolish" as prescribed by the Act, provide all information pertaining to the construction as required by the form;
- (b) include complete plans and specifications, documents and other information as required by Division C, Article 1.3.1.3. of the Building Code and as described in this By-law for the work to be covered by the permit;
- (c) include the required fees as set out in Schedule "A" to this by-law;
- (d) include a completed form as set out in Schedule "C" where Division C, Subsection 1.2.2. of the Building Code applies;
- (e) include proof satisfactory to the Chief Building Official, that arrangements have been made with the proper authorities for the cutting off and plugging of all services;
- (f) include information concerning the rehabilitation of the site to a graded, level and landscaped condition upon completion of the demolition; and
- (g) include the required fees and deposits as set out in Schedule "A" to this by-law.

### 3.2.3 Conditional Permit

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

- (a) using the form, "Application for a Permit to Construct or Demolish" as prescribed by the Act, provide all information pertaining to the construction as required by the form;
- (b) include complete plans and specifications, documents and other information as required by Division C, Article 1.3.1.3. of the Building Code and as described in this By-law for the work to be covered by the permit;
- (c) include the required fees as set out in Schedule "A" to this by-law; and
- (d) enter into an agreement and provide securities as prescribed by 8.(3)(c) of the Act.

### 3.2.4 Change of Use Permit

Where application is made for a change of use permit issued under subsection 10(1) of the Act, the application shall:

- (a) using the form, "Application for a Permit to Construct or Demolish" as prescribed by the Act, provide all information pertaining to the construction as required by the form;
- (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 complete plans and specifications showing 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, details of the existing sewage system, if any; and
- (d) include the required fees as set out in Schedule "A" to this by-law.

### 3.2.5 Sewage System Permit

Where application is made for a permit to construct a private sanitary sewage system

under subsection 8(1) the Act, the application shall:

- (a) use the provincial application form, "Application for a Permit to Construct or Demolish", including schedules 1 and 2 to the form;
- (b) include complete plans, specifications, documents and all other information as required by Division C, 1.3.5.4. of the Building Code, and as described in this By-law for the construction;
- (c) include a completed form as set out in Schedule "C" where Division C, Subsection 1.2.2. of the Building Code applies;
- (d) include a Site Evaluation report, completed in conformance with the provisions of Division B, 8.2.1.2., of the Building Code; and
- (e) include any information necessary to, or required in accordance with, the applicable law as required.

### **3.2.6 Partial Permit**

#### **Partial Permit Requirements**

- (a) When, in order to expedite work, approval of a portion of the building or project is desired prior to the issuance of a permit for the whole project, application shall be made for the complete project and complete plans and specifications covering the portion of the overall work for which immediate approval is desired, shall be filed with the Chief Building Official;
- (b) Where a partial permit is requested the application to construct the entirety of the building is deemed to be incomplete as described in Section 3.1 of this By-law; and
- (c) Should a permit be issued for part of a building or project, the holder of such permit may proceed without assurances that the permit for the entire building or project will be granted.

### **3.2.7 Occupancy Permit**

- (a) No person shall occupy, or permit to be occupied, any building which was constructed under building permit except in conformance with the Act, the Code, and the provisions of this by-law.
- (b) Notice of intent to establish residential occupancy of a building constructed under a building permit must be given in writing to the Chief Building Official prior to establishing occupancy of any portion, in part or whole of the building under permit.
- (c) Where notice of intent to occupy an unfinished Building is provided to the Chief Building Official, such notice shall be given in accordance with Section 11. of the Act, and Subsection 1.3.3. – Division C of the Building Code.
- (d) The information to be provided to the Chief Building Official pertaining to the notice of intent to occupy described in 3.2.7. shall include:
  - (i) The name of the person giving notice,
  - (ii) The date upon which occupancy is proposed to commence,
  - (iii) A description of the part, portion, or whole of the building which is to be occupied, and
  - (iv) Where 3.2.1.(d) of this by-law applies to require general review by an Architect or Professional Engineer, a written report from the Architect or Professional Engineer, or both when applicable, stating their opinion as to the general conformance of the construction in accordance with the approved permit drawings and specifications as issued.
- (e) Not foregoing the provisions of 3.2.7(d), an occupancy permit can be issued when all inspections required under Div. C, 1.3.5.3. of the Building Code have been completed.
- (f) An Occupancy Permit may only be issued by the Chief Building Official, or designate of the Chief Building Official, as appointed under by-law of the

Corporation.

#### **4. PLANS AND SPECIFICATIONS**

##### **4.1 Plans & Specifications**

- 4.1.1 Information shall be submitted sufficient so as to enable the Chief Building Official in determination of whether or not the proposed construction, demolition or change of use will conform with the Act, the Building Code, or any applicable law thereto.
- 4.1.2 Each application shall, be accompanied by two (2) complete sets of the plans and specifications required under this by-law as set out in Schedule "D" to this By-law, unless otherwise specified by the Chief Building Official.
- 4.1.3 Plans shall be drawn to scale on paper, or other durable material, or by electronic media approved by the Chief Building Official and, without limiting the generality of the foregoing, shall:
  - (a) be drawn in accordance with architectural drawing convention;
  - (b) be legible at the scale used to produce the drawings; and
  - (c) include such working drawings as are set out in Schedule "D" to this By-law unless otherwise specified by the Chief Building Official.
- 4.1.4 In lieu of separate specifications, the Chief Building Official may allow the essential information to be shown on the plans, but in no case shall such terms as "in accordance with this By-Law", "legal" or similar terms be used as substitutes for specific information.

##### **4.2 Site Plan**

- 4.2.1 Where applicable, a Site Plan shall be submitted and approved by the Clerk of the Corporation in accordance with the provisions and requirements of the Township Site Plan Control By-law.
- 4.2.2 All 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, a copy of the survey shall be submitted, unless otherwise specified by the Chief Building Official.
- 4.2.3 Two (2) sets of Site Plans shall be submitted with the Building Permit Application documentation and shall include the following information:
  - (a) the proposed location of the building with dimensions shown to all lot lines;
  - (b) Location and disposition of all potable water, storm, and sanitary sewer services, where located so as to provide such services to the lot, and immediately abutting lots;
  - (c) dimensional location of any existing building(s) on the property; and
  - (d) existing right of ways, easements and services.

##### **4.3 Lot Grading and Drainage Plans**

- 4.3.1 Lot Grading and Drainage Plans shall be submitted as follows:
  - (a) in the case of land in respect of which an accepted area or subdivision grading plan has been filed with the Corporation, a lot grading and drainage plan bearing the signature and seal of the subdivider's professional engineer who is responsible for the overall subdivision grading certifying thereon that the lot grading and drainage plan conforms with the accepted area or subdivision grading plan filed with the Corporation; or
  - (b) in the case of land in respect of which no accepted subdivision grading plan has been filed with the Corporation, a lot grading and drainage plan may be required at the discretion of the Chief Building Official bearing the signature and seal of a Professional Engineer, a Landscape Architect (a member of the Ontario Association of Landscape Architects) or an Ontario Land Surveyor who certifies thereon that the drainage scheme depicted by the plan will be compatible with the existing drainage patterns.
- 4.3.2 The information required to be provided upon the Site Plan may be merged with the

information provided in a Lot Grading and Drainage Plan, unless otherwise required by the Chief Building Official.

4.3.3 Two (2) sets of the Lot Grading and Drainage Plan which show the following details:

- (a) Existing elevations at lot corners;
- (b) Proposed elevations at lot corners;
- (c) Proposed elevations for top of footings and top of foundation walls;
- (d) All drainage swales, swale slopes, embankments, retaining walls, catch basins and related infrastructure proposed;
- (e) Location, disposition and design details pertaining to an on-site sanitary sewage disposal system where required by the Building Code;
- (f) Existing elevation of curb and/or street along the frontage of the proposed building lot;
- (g) Existing elevation of lot corners on the abutting lots as well as the existing elevation of the finished grades around the structures located on these lots;
- (h) An existing approved Subdivision Grading Plan will be accepted for the above list requirements.

#### 4.4 As Constructed Plans

4.4.1 Upon completion of the construction of a building, or part of a building, the Chief Building Official may require a set of as-constructed plans, including a plan of survey and Real Property Report showing the location of the building and any such details of the construction that have been significantly altered from the plans as they may have been approved for issuance of a building permit.

4.4.2 A Surveyor's Real Property Report prepared and sealed by an Ontario Land Surveyor may be required to be submitted to the Chief Building Official prior to the return of a deposit.

4.4.3 The Surveyor's Real Property Report will show:

- (a) All yard dimensions from the foundation wall to the lot lines; and
- (b) The elevation of the top of the foundation wall.

4.4.4 In addition to the provisions of 4.4.3., if the lot is located outside of a Settlement Area or Rural Cluster as defined by the Township of Norwich Zoning By-law, the Surveyor's Real Property Report will show:

- (a) Distances separating a Settlement Area or Rural Cluster from Livestock housing or nutrient storage structures; and,
- (b) Distances separating Livestock housing or nutrient storage structures from municipal drains or wells, if applicable.

#### 4.5 Plans Property of Corporation

4.5.1 Plans and specifications furnished according to this By- law or otherwise required by the Act become the property of the Corporation and will be disposed of or retained in accordance with applicable legislation.

### 5. REGISTERED CODE AGENCIES

#### 5.1 Registered Code Agency:

5.1.1 The Chief Building Official is authorized to enter into and sign contracts for service agreements with Registered Code Agencies and appoint them to perform specified functions from time to time in order to maintain the time periods for permits prescribed in subsection 2.4.1. of the Building Code.

#### 5.2 Functions of Registered Code Agency:

5.2.1 The Registered Code Agency may be appointed by the Chief Building Official to perform one or more of the specified functions described in section 15.15 of the Act.

### 6. CONSTRUCTION SITE SAFETY

#### 6.1 Fences at Construction and Demolition Sites

- 6.1.1 Where, in the opinion of the Chief Building Official, Inspector, or the Director of Protective Services, a construction or Demolition site presents a hazard to the public, the Chief Building Official, Inspector or Director of Protective Services may require the owner to erect such fences as deems appropriate to the circumstances by the Chief Building Official.
- 6.1.2 In considering the hazard presented by the construction or demolition site, the necessity for fences and the height and characteristics of such fences, the Chief Building Official or Inspector shall have regard for:
  - (a) the proximity of the building site to other buildings;
  - (b) the proximity of the construction or demolition site to lands accessible to the public;
  - (c) the hazards presented by the construction or demolition activities and materials;
  - (d) the feasibility and effectiveness of site fences; and
  - (e) the duration of the hazard.
- 6.1.3 Every fence required by this section shall:
  - (a) be erected so as to fully enclose all areas of the site which present a hazard;
  - (b) create a continuous barrier and be sufficient to deter unauthorized entry;
  - (c) have a height not less than 1.2 meters above grade at any point, unless the Chief Building Official or Inspector determines that a greater minimum height is necessary;
  - (d) if constructed of plastic mesh, snow fencing, or other similar materials, be securely fastened at 200mm on centre to vertical posts not more than 1.2 metres apart, and horizontal members or a minimum 11-gauge cable at the top and bottom; and
  - (e) be maintained in a vertical plane and in good repair.

## **7. FEES AND REFUNDS**

### **7.1 Determination of Fees**

- 7.1.1 The Chief Building Official shall determine the required fees for the work proposed calculated in accordance with Schedule "A" of this By-law, and the applicant shall pay such fees upon submission of an application for a permit.
- 7.1.2 Where the 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 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, provided that where application is made for a conditional permit, fees shall be paid for the complete project.
- 7.1.3 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 cost statement indicating the lesser valuation, at which time the Chief Building Official shall issue a refund.
- 7.1.4 Where the 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 building, the terms:
  - (a) "building area" shall mean the greatest horizontal area of a building above grade, within the outside surface of exterior walls, or within the outside surface of exterior walls and the centre line of Firewall or Party wall; and
  - (b) "Occupied/Finished Floor Area" shall mean the greatest horizontal area of every floor level above or below grade which is finished for the purposes of residential occupancy as a dwelling unit, but excluding unfinished areas of a basement floor level, a crawlspace or an attic floor level, as measured within the outside surface of exterior walls, or within the outside surface of exterior walls and the centre line of a suite Firewall or Party wall.

**7.2 Work Without A Permit:**

7.2.1 Any person or corporation who commences construction or demolition or changes the use of a building before submitting an application for a permit or before 14 calendar days have elapsed from the date on which an application for a permit has been accepted by the Corporation, unless the permit has already been issued, shall in addition to any other penalty under the Act, Building Code, or this By-law pay an additional fee equal to 100% of the amount calculated as the regular permit fee but in no case shall the additional fee exceed \$5,000.00.

**7.3 Refunds:**

7.3.1 In the case of withdrawal of an application or the abandonment of all or a portion of the work, or refusal of a permit, or 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 "A" of this By-law.

**8. DEPOSITS**

**8.1 Taking, Use and Refunding of Funds Deposited for Building Department Services**

- 8.1.1 In addition to the provisions of Section 7, the Chief Building Official shall interpret Schedule "A" of this By-law in order to determine the required deposits for the work proposed.
- 8.1.2 Prior to issuance of a building permit, the applicant shall submit the required deposit as security to the fulfillment of the applicant's statutory obligations to request inspections and give notice of intent under the Act and the Building Code.
- 8.1.3 The deposit will be returned to the applicant when the Chief Building Official deems that the applicant has fulfilled the statutory obligations to request inspections and provided adequate notice of intent as prescribed by the Act and the Building Code and in accordance with Schedule "A" to this by-law.

**9. CHANGING OF PERMIT FEES**

**9.1 Changing of Permit Fees**

9.1.1 In accordance with Article 1.9.1.2. – Division C of the Building Code, a Municipality, prior to the passing of a by-law to introduce or change a fee imposed for application for permits or for the issuance of permits shall:

- (a) Hold at least one (1) public meeting at which any person who attends has an opportunity to make representations with respect to the matter;
- (b) Provide a minimum of twenty-one (21) day notice of the public meeting by advertisement in the local newspapers, placed on the Township website and also given to every person and organization that has, within five (5) years before the day of the meeting, requested such a notice;
- (c) Ensure that the notice includes an estimate of the costs for administering and enforcing the Act, the amount of the fee or any change to the existing fee and the rationale for imposing or changing the fee.
- (d) The Building Department is responsible for maintaining the list of persons or organizations requesting notice of amended permit fees.

**10. ADMINISTRATIVE PROCEDURES RELATING TO PERMITS**

**10.1 Revision and Revocation**

**10.1.1 Revision to Permit**

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 the permit was issued, must be given in writing, to the Official together with the details of such change, which is not to be made without his or her written authorization.

**10.1.2 Revocation of Permits**

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

## **11. NOTICE REQUIREMENTS FOR INSPECTIONS**

### **11.1 Notice of Required Inspections**

- 11.1.1 Every permit holder shall notify the Chief Building Official at least two (2) business day prior to each stage of construction for which notice is required under Article 1.3.5.1. – Division C of the Building Code.
- 11.1.2 With respect to “additional notices” under Article 1.3.5.2. – Division C of the Building Code, every permit holder shall notify the Chief Building Official or an inspector at least two (2) business day prior to each stage of construction for which notice in advance is required under the Building Code.
- 11.1.3 The time periods referred to in 11.1.1 & 11.1.2 shall begin upon the day following the day which the notice is given, and shall not include Saturdays, Sundays, and all other days, including civic or statutory holidays, when the offices of the Corporation are not open for the transaction of business with the public.
- 11.1.4 Every permit holder shall provide the notice of completion as prescribed by section 11 of the Act, or where occupancy is required prior to completion, notice of inspection to ensure that the requirements Section 11 of the Act and Subsection 1.3.3 – Division C of the Building Code are met.
- 11.1.5 Notice may be given in any one of the following ways:
  - 1) by phoning (519) 468-2410 and speaking with the Administrative Assistant or Clerk of the Building Department;
  - 2) by e-mailing the Administrative Assistant or Clerk of the Building Department;
  - 3) In person by consultation with the Administrative Assistant, or Clerk of the Building Department, at the Corporation’s office, located at 285767 Airport Rd., Norwich, ON.

## **12. PRESCRIBING FORMS**

### **12.1 Prescribing Forms**

- 12.1.1 The forms prescribed for use as applications for permits, for orders and for inspection reports shall be as set out in Schedule “F” to this By-law.

## **13. CONTRAVENTION OF BY-LAW - OFFENCE**

### **13.1 Contravention**

- 13.1.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided in section 36 of the *Building Code Act*, 1992, S.O. 1992, c.23, as amended.

## **14. CODE OF CONDUCT**

### **14.1 The Code of Conduct**

- 14.1.1 The Code of Conduct and the associated policy, as required under Section 7.1 of the Act, are set out in Schedule “E” of this by-law.

## **15. REPEAL**

- 15.1 By-Law No 52-2005 and all amendments thereto is hereby repealed.

## **16. EFFECTIVE DATE**

- 16.1 This By-Law comes into force on the passing thereof and may be cited as the “Building By-Law”.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 12<sup>TH</sup> DAY OF MARCH, 2019.

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DEPUTY MAYOR  
JIM PALMER

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DEPUTY CLERK  
KIMBERLEY ARMSTRONG