

THE CORPORATION OF THE MUNICIPALITY OF HIGHLANDS EAST
BY-LAW NO. 2011-48

A By-law under the Building Code Act respecting building permit classes, applications, fees and notices required for inspection and to rescind By-law No. 2007-71.

WHEREAS Section 7 of the Building Code Act, S.O., 1992, S.O. 1992, Chapter 23, as amended authorizes a municipal council to pass By-laws respecting the issuance of permits and related matters.

NOW THEREFORE the Council of the Corporation of the Municipality of Highlands East ENACTS AS FOLLOWS:

SHORT TITLE

This By-law may be cited as the “Building By-law”.

SECTION 1: DEFINITIONS

1.1 Definitions

“**Act**” means the Building Code Act, 1992, as amended.

“**Applicable Law**” means applicable law as defined in the Building Code.

“**Applicant**” means the owner of a building or a property who applies for a permit, or the person authorized in written form by the owner to apply for a permit on the owner’s behalf.

“**As constructed plans**” means as constructed plans as defined in the Building Code.

“**Building**” means the regulation made under Section 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 by By-law by the Corporation of the Municipality of Highlands East for the purposes of enforcement of the Act.

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

“**Corporation**” means the Corporation of the Municipality of Highlands East.

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

“**Inspector**” means inspector as defined in subsection 1(1) of the Act.

“**Owner**” means any person, firm or corporation controlling the real property under consideration.

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“**Permit**” means permission or authorization given in writing by 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 the Building Code.

“**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.

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

1.2 **Words not defined**

Any word or term not defined in this By-law, that is defined in the Act or the Building Code shall have the meaning as described to it in the Act or the Building Code.

SECTION 2: GENERAL PROVISIONS

2.1 **Classes of Permits**

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

2.2 **Application for Permit**

To obtain a permit under Subsection 8(1) of the Act, the applicant shall file an application in writing by completing a prescribed provincial application form available from the Chief Building Official, the Municipality of Highlands East website or the Ministry of Municipal Affairs and Housing Building Code website.

2.3 **Construction Permit**

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

- (a) be completed using the provincial application form described in Subsection 2.2 of this By-law,
- (b) include complete plans and specifications, documents and other information as necessary for complete review of the permit submission, as set out in Schedule “B” of this By-law, and including all architectural, structural, mechanical, plumbing and electrical drawings where required for the work covered by the permit,
- (c) include completed forms as set out in Schedule ‘B’ of this By-law where applicable, and
- (d) pay the required fees as calculated in accordance with Schedule “A” of this By-law.

2.4 **Demolition Permit**

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

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- (a) be completed using the provincial application form described in Subsection 2.2 of this By-law,
- (b) include complete plans and specifications, documents and other information as necessary for complete review of the permit submission, as set out in Schedule “B” of this By-law, for the work covered by the permit,
- (c) include completed forms as set out in Schedule ‘B’ of this By-law where applicable, and
- (d) pay the required fees as calculated in accordance with Schedule “A” of this By-law.

2.5 Conditional Permit

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

- (a) be completed using the provincial application form described in Subsection 2.2 of this By-law,
- (b) include complete plans and specifications, documents and other information as necessary for complete review of the permit submission, as set out in Schedule “B” of this By-law, and including all architectural, structural, mechanical, plumbing and electrical drawings where required for the work covered by the permit,
- (c) include completed forms as set out in Schedule ‘B’ of this By-law where applicable,
- (d) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted,
- (e) state the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained,
- (f) state the time in which the plans and specifications of the complete building will be filed with the Chief Building Official,
- (g) require the owner and such other persons as the Chief Building Official determines to enter into an agreement with the Corporation, and
- (h) pay the required fees as calculated in accordance with Schedule “A” of this By-law.

2.6 Change of Use Permit

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

- (a) describe the building or part of a building in which the use is to be changed,
- (b) include complete plans and specifications, documents and other information as necessary for complete review of the permit submission, as set out in Schedule “B” of this By-law, and including all architectural, structural, mechanical, plumbing and electrical drawings where required for the work covered by the permit,
- (c) include completed forms as set out in Schedule ‘B’ of this By-law where applicable, and
- (d) pay the required fees as calculated in accordance with Schedule “A” of this By-law.

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2.7 Partial Permit

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 complete building or project, application shall be made and fees paid for the complete project as calculated in accordance with Schedule "A" of this By-law. Complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the Chief Building Official. Where a permit is issued for part of a building or project, this shall not be construed to authorize construction beyond the plans for which approval was given or that approval will necessarily be granted for the entire building or project.

SECTION 3: PLANS AND SPECIFICATIONS

3.1 Sufficient Information

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. In accordance with Subsection 4.1 of the By-law, incomplete applications will not be accepted.

3.2 Submission Requirements

3.2.1 Unless specified, each application shall be accompanied by two (2) complete sets of plans, specifications, documents and other information as required by the Chief Building Official.

3.2.2 Plans shall be drawn to scale on paper or other durable material and shall be legible.

3.2.3 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 to the Chief Building Official.

3.3 As Constructed Plans

On completion of the construction of a building, the Chief Building Official may require a set of as constructed plans, including a plan of survey showing the location of the building.

SECTION 4: ADMINISTRATIVE PROCEDURES RELATING TO APPLICATIONS AND PERMITS

4.1 Incomplete Applications

Where an application does not contain sufficient information 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, the application will be considered incomplete and will not be accepted.

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4.2 Inactive Permit Application

Where an application for a permit remains incomplete or inactive for six months after it is made, the application may be deemed by the Chief Building Official to have been abandoned and notice thereof shall be given to the applicant. If an application is deemed to be abandoned, a new application must be filed for the proposed work.

4.3 Changes to Approved Application

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 Chief Building Official together with the details of such change, which is not to be made without his or her written authorization.

4.4 Revocation of Permit

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

4.5 Transfer of Permit

Where lands for which a permit has been issued changes ownership, the new owner shall file an application forthwith for transfer of permit with the Chief Building Official along with proof of ownership. A fee as set out in Schedule "A" of this By-law shall be applied at time of application.

4.6 Renewal of Permit

Where a final occupancy has not been granted within two (2) years from date of issuance for a permit issued under the Act, a fee as set out in Schedule "A" of this By-law shall apply.

SECTION 5: FEES

5.1 Payment of Fees

Fees for a required permit as set out in Schedule "A" of this By-law are due and payable prior to issuance of permit.

5.2 Refund of Fees

Where a request is made in writing from the permit holder for refund of the permit fee due to non-commencement or abandonment of work, 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.

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SECTION 6: NOTICE REQUIREMENTS FOR INSPECTIONS

6.1 Prescribed Notices

The person to whom a permit under Section 8 of the Act is issued shall notify the Chief Building Official of each stage of construction in accordance with Schedule "C" of this By-law.

6.2 Additional Notices

In addition to Subsection 6.1 of this By-law, the person to whom a permit under Section 8 of the Act is issued shall notify the Chief Building Official of additional stages of construction in accordance with Schedule "C" of this By-law.

SECTION 7: VALIDITY

7.1 Severability

Should any provision of this By-law be declared by a court of competent jurisdiction to be invalid, the validity of this By-law as a whole or any part of it shall not be affected, other than the provision declared to be invalid.

SECTION 8: CONTRAVENTION OF BY-LAW

8.1 Penalty

Contravention of any provision of this By-law is an offence under Clause 36(1) of the Act. The person convicted of an offence is subject to the penalties as provide under Section 36 of the Act.

9.1 Repeal of Previous By-law

By-law No. 2007-71 is hereby repealed.

9.2 Effective Date

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

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SECTION 10: SCHEDULES

10.1 Attached Schedules

Schedules attached to this By-law shall be incorporated into and form part of this By-law.

READ a first, second and third time, finally passed, signed and sealed on the 4th day of October, 2011.

Dave Burton, Reeve

Irene S. Cook, Clerk

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SCHEDULE "A"

SECTION 1: CALCULATION OF FEES

1.1 Permit Fees

Permit fees shall be calculated by:

- a) an administration fee of \$75.00 plus,
 - (i) floor area of the proposed construction multiplied by the values as set out in Subsections 2.1 of this schedule, and
 - (ii) by fixture unit multiplied by the value set out in Subsection 2.3 of this schedule, or
- b) as set out in Subsections 2.2 and 2.4 of this schedule.

Floor area shall be the total area of all floors above grade measured to outside face of exterior walls.

The minimum permit fee shall be \$75.00.

1.2 Deposits

A non-refundable deposit of \$75.00 shall accompany all applications for permit.

SECTION 2: BUILDING PERMIT FEES

2.1 Building Classification and Construction **Cost/m²**

Groups A, B, D & E (Assembly, Institutional, Business & Mercantile)

- | | |
|--------------------------|------|
| a) New Construction | 6.46 |
| b) Renovation/Alteration | 3.00 |

Group C (Residential)

- | | |
|--------------------------|------|
| a) New Construction | 6.60 |
| b) Renovation/Alteration | 3.25 |
| c) Basement/Crawlspace | 2.75 |
| d) Ancillary Buildings | 4.30 |
| e) Deck/Porch | 3.25 |

Group F (Industrial)

- | | |
|--------------------------|------|
| a) New Construction | 5.40 |
| b) Renovation/Alteration | 3.30 |

Agricultural Buildings	2.20
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2.2 Miscellaneous Work **Flat Fee**

Demolition	\$150.00
Tents: not exceeding 225m ² in building area	\$100.00

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SCHEDULE "A"

Tents: exceeding 225m ² in building area	\$150.00
Designated structure (as designated in the Building Code)	\$150.00
Change of Use (no construction proposed)	\$75.00
Solid fuel or gas fired appliance	\$100.00

2.3 Plumbing Cost/F.U.

Fixture Unit (as defined in the Building Code) - Minimum \$75.00	6.50
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2.4 Miscellaneous Flat Fee

Transfer of Permit	\$100.00
Inspection Fees (per inspection on permit as per Subsection 4.6 of this By-law)	\$150.00
Revision to Permit	\$75.00
Renewal of Permit (as required by Subsection 4.6 of this By-law)	\$100.00
Conditional Permit (fee as per Subsection 2.1 of the By-law)	Permit fee + \$150.00
Annual file maintenance fee (applicable after 2 years from issuance)	\$100.00
Administration Fee	\$75.00

Construction prior to issuance of permit Fee of \$200.00 or 25% over building permit fee may be added

2.5 Refund of Permit Fees

Pursuant to this By-law, the portion of the total calculated permit fees that may be refunded shall be a percentage of the total fees payable under this By-law, calculated as follows in regard to functions undertaken by the municipality:

- a) 80% if administrative functions only have been performed,
- b) 45% if administrative and plans examination functions have been performed,
- c) 35% if the permit has been issued and no field inspections have been conducted,
- d) No refund where field inspections have been conducted subsequent to permit issuance,
- e) No refund where the permit has been revoked in accordance with the Act, the Building Code or this By-law.

Notwithstanding the above, no refund shall be made of an amount less than \$75.00.

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SCHEDULE "B"

SECTION 1: PERMIT APPLICATION FORMS

1.1 Application Forms

The following permits, where applicable, are required to accompany an application for building permit:

- 1) Entrance Permit: To be obtained from the authority having jurisdiction (Highlands East roads department, County of Haliburton, Ministry of Transportation).
- 2) Request for Municipal Address: Municipal address and 9-1-1 signage to be obtained from the County of Haliburton.
- 3) Septic Permit: To be obtained from the Haliburton, Kawartha, Pine Ridge District Health Unit.
- 4) Conservation Authority Approval: To be obtained from the Crowe Valley Conservation Authority.
- 5) Other permits as may be required.

SECTION 2: PLANS AND SPECIFICATIONS

2.1 Required Plans

Drawings, plans and specifications to accompany an application for permit:

- 1) Site plan
- 2) Foundation plans
- 3) Floor plans
- 4) Framing plans
- 5) Roof plans
- 6) Reflected ceiling plans
- 7) Building elevations
- 8) Building sections and details
- 9) Electrical drawings
- 10) Heating, ventilating and air-conditioning drawings
- 11) Plumbing drawings
- 12) Fire alarm and sprinkler plan

Note: The Chief Building Official may specify that not all of the above-noted drawings are required to accompany an application for permit.

2.2 Submission Requirements

Drawings accompanying an application for permit shall include the following and any other information as determined by the Chief Building Official:

- 1) Site Plan

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SCHEDULE "B"

- Lot area and dimensioned property lines
 - Direction north indicated
 - Size and use of all existing and proposed structures including location of all structures with dimensions to property lines
 - Location of existing or proposed septic system
 - Location of existing or proposed driveway and parking areas
 - Location of easements and/or right-of-ways
- 2) Foundation Plan (minimum scale: 3/16"=1'-0" or 1:75 (metric))
- Footings supporting walls, pilasters, columns, piers, fireplaces and chimneys
 - Foundation walls and supporting structure including construction type and material
 - Wall openings including size and supporting structure above
 - Floor framing above including all proprietary layouts, details and specifications
 - Rooms and spaces labelled
 - Location of smoke alarms, carbon monoxide detectors, plumbing fixtures, etc.
 - Building section, wall section and detail markers
- 3) Floor Plans (minimum scale: 3/16"=1'-0" or 1:75 (metric))
- Exterior and interior walls including construction type and material
 - Wall openings including size and supporting structure above
 - Floor/roof framing above including all proprietary layouts, details and specifications
 - Location of smoke alarms, carbon monoxide detectors, plumbing fixtures, appliances, etc.
 - Rooms and spaces labelled
 - Floor, wall and ceiling finishes
 - Building section, wall section and detail markers
- 4) Building Elevations (minimum scale: 1/8"=1'-0" or 1:100 (metric))
- Building profiles including finishes, location of openings, etc.
 - Dimensioned floor to floor/floor to ceiling heights
 - Roof pitch and finish
 - Exterior stairs, landings, guards, etc.
 - Area of exposed building face, percentage of unprotected openings and limiting distance where applicable
- 5) Sections and Details (minimum scale: 1/4"=1'-0" or 1:50 (metric))
- Building section including specifications for foundations, walls, floors, roof assemblies, etc.
 - Dimensioned floor to floor/floor to ceiling heights
 - Height of grade above basement floor
 - Stair, landing, guard and handrail details, etc.
- 6) Heating, Ventilating and Air-conditioning
- Duct layout including sizes
 - Heat loss calculations
 - Mechanical ventilation design summary

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SCHEDULE "C"

SECTION 1: NOTICES REGARDING INSPECTIONS

1.1 Prescribed Notices

- a) Readiness to construct footings,
- b) Substantial completion of footings and foundations prior to backfilling,
- c) Substantial completion of structural framing and ductwork and piping for heating and air-conditioning systems, if the building is within the scope of Part 9 of Division B of the Building Code,
- d) Substantial completion of structural framing and roughing-in of heating, ventilation, air-conditioning and air-contaminant extraction equipment,
- e) Substantial completion of insulation, vapour barriers and air barriers,
- f) Substantial completion of all required fire separations and closures and all fire protection systems including standpipe, sprinkler, fire alarm and emergency lighting systems,
- g) Substantial completion of fire access routes,
- h) Readiness for inspection and testing of:
 - (i) building sewers and building drains,
 - (ii) water service pipes,
 - (iii) fire service mains,
 - (iv) drainage systems and venting systems,
 - (v) the water distribution system, and
 - (vi) plumbing fixtures and plumbing appliances,
- i) Readiness for inspection of suction and gravity outlets, covers and suction piping serving outlets of an outdoor pool, a public pool or a public spa,
- j) Substantial completion of the circulation/recirculation system of an outdoor pool, a public pool or a public spa and substantial completion of the pool before it is first filled with water,
- k) Readiness to construct the sewage system,
- l) Substantial completion of the installation of the sewage system before the commencement of backfilling,
- m) Substantial completion of the installation of plumbing system not located in a structure, before the commencement of backfilling, and
- n) Completion of construction and installation of components required to permit the issue of an occupancy permit or to permit occupancy if the building or part of the building to be occupied is not fully completed.

1.2 Additional Notices

- a) Commencement of construction of the building,
- b) Substantial completion of structural framing for each storey, of the building is a type of building that is within the scope of Parts of Division B other than Part 9 of Division B of the Building Code,
- c) Commencement of construction of:
 - (i) masonry fireplaces and masonry chimneys,
 - (iii) factory-built fireplaces and allied chimneys,

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SCHEDULE “C”

- (iv) stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys,
- d) Substantial completion of interior finishes,
- e) Substantial completion of heating, ventilating, air-conditioning and air-contaminant extraction equipment,
- f) Substantial completion of exterior cladding,
- g) Substantial completion of site grading,
- h) Substantial completion of the pool deck and dressing rooms for a public pool or public spa and readiness for inspection of the emergency stop system for a public pool or public spa, and
- i) Completion of the building.