

**THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN
BY-LAW NO. 2005 - 25**

**BEING A BY-LAW TO PROVIDE FOR THE ADMINISTRATION OF
THE BUILDING CODE ACT WITHIN THE CORPORATE LIMITS OF
THE MUNICIPALITY OF MAGNETAWAN**

WHEREAS the Building Code Act, S.O. 1992, Section 7., authorizes a Municipal Council to pass By-laws concerning the issuance of permits and related matters;

AND WHEREAS the Municipal Act, S.O. 2001, Chapter 25, Section 9., confers broad authority on Municipalities to enable them to govern their affairs as they consider appropriate;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN HEREBY ENACTS AS FOLLOWS:

1. TITLE

1.1 This By-law may be cited as "The Building Permit By-law".

2. DEFINITIONS

2.1 In this By-law;

"**Act**" means the Building Code Act, 1992, as amended.

"**As Constructed Plans**" means, for the purposes of the Act and this By-law, construction plans and specifications that show the building and the location of the building on the property as the building has been constructed.

"**Building**" means a building as defined in Section 1 of the Act.

"**Chief Building Official**" or "**Chief Official**" means the Chief Building Official appointed under Section 3 of the Act.

"**Owner**" includes the registered owner of a property, a lessee, tenant, mortgagee in possession or person otherwise in charge of any property, acting as the authorized agent of the owner.

"**Permit**" means permission or authorization in writing on the form prescribed by the Chief Official, to perform work regulated by the Building Code Act, and in the case of an Occupancy Permit, to occupy any building or part thereof.

"**Regulations**" or "**Code**" means the Regulations made under the Building Code Act and includes, without limiting the generality of the foregoing, the Ontario Regulations and Amendments thereto, otherwise referred to as The Building Code.

3. APPLICATIONS AND PERMITS

3.1 Classes of Permits required for construction, demolition or change of use are set forth in Schedule "A" attached hereto and forming part of this By-law.

3.2 Where required under the Act, the owner of the property shall file with the Chief Official an Application for a Permit, which shall be on the prescribed form available at the Offices of the Building Department.

- 3.3 The owner shall give, clearly and fully, information required to complete the said Application Forms and shall verify the correctness of the information supplied in the Application by means of a declaration as provided.
- 3.4 In addition to the information required in Section 3.3 of this Bylaw, the owner shall submit such additional information as is necessary to establish compliance with the Regulations.
- 3.5 Unless otherwise directed by the Chief Official, the owner shall submit the following in duplicate:
- 1) Plans drawn to scale, including design calculations, sufficient to enable the Chief Official to obtain full and complete information as to the extent and character of the proposed work, including the proposed use of all rooms and floor areas.
 - 2) Site plans, drawn to scale, showing the location of the proposed building with respect to the street line and all other property lines and other buildings and structures presently located on the property. Site Plans, when required by the Chief Official, shall be referenced to an up-to-date survey.
- 3.6 Prior to the issuance of a Permit, the owner shall obtain and submit with the Application such approvals as may be required under any other applicable law.
- 3.7 Notwithstanding the requirements of Sections 3.5 and 3.6 of this By-law, the Chief Official may issue a Conditional Permit in compliance with Section 8.(3) of the Act. Permits issued under those circumstances shall have progress restricted to that portion of the work for which drawings and other prerequisites are complete. The applicant shall furnish sufficient additional information on the entire project to establish the feasibility of compliance with the Regulations and remit the fees payable for the entire project, prior to the issuance of the Conditional Permit.
- 3.8 Where a Conditional Permit subject to progress restriction has been issued, the holder of the Permit may proceed with the work only within the limits of the progress restriction. Such restriction shall not be removed until all conditions have been met.
- 3.9 Where a Permit has been issued for a building in which interior walls are to be constructed at a later date for the purpose of creating more than one suite within the building, the owner is required to, and shall apply for Building Permits for each suite so created and provide a plan sufficient to establish conformity with the Code, for the entire building prior to the creation of such suites.
- 3.10 When required by the Chief Official, the owner shall provide as constructed drawings including a survey showing the location of the building(s) upon the completion of the project.
- 3.11 The Chief Official may require the person to whom a Permit is issued in the Municipality to erect and maintain fences enclosing the site of construction or demolition. Such fences shall be a minimum of 1.2 m (4 feet) in height, constructed in such a manner as to be stable, prohibit access to the site by the public and have no openings greater than 100 mm (W). Where such fences are required adjacent to a public thoroughfare and notwithstanding the foregoing, the Chief Official may require a design provided by the permit holder which exceeds those requirements in order to provide safe passage at or near the site.

4. PERMITS AND PERMIT FEES

- 4.1 All permit fees shall be paid in full at the time of Permit issue and in accordance with the rates as set out in Schedule "B" attached to and forming part of this By-law.

- 4.2 The owner shall provide on the prescribed form an estimated value of the proposed work. Where the estimated value provided by the owner differs from the value estimated by the Chief Official, the Chief Official's estimated value shall be used for the purpose of calculating the permit fee. The Chief Official's calculations for the estimated value shall be as set out in Schedule "B" attached to and forming part of this By-law.
- 4.3 The holder of a Permit may request the cancellation of the Permit where no construction has commenced and may upon written request to the Chief Official, apply for a refund of the fee paid for the Permit. The Chief Official may, upon such a request, cancel the Permit and refund an amount equal to not more than 65% of the fee paid, provided this amount does not reduce the amount retained by the Municipality to less than Twenty-Five Dollars (\$25.00).
- 4.4 Where the holder of a permit has or has caused construction to commence and for any reason the project is abandoned, no refund shall be made, the existing construction shall be removed or demolished, the construction site shall be returned to a safe and cleared condition and the Permit shall be cancelled.
- 4.5 Notwithstanding Section 4.4 of this By-law, the Chief Official may upon written Application from the holder of a Permit allow the suspension of construction for a period of time not to exceed one (1) year. When this provision is allowed the holder of the Permit shall notify the Chief Official forthwith upon recommencement of construction.
- 4.6 If prior to the completion of construction, the permit holder no longer retains interest in the project, the subsequent owner shall apply for a Transfer Permit as defined in Schedule "A" attached hereto and forming part of this By-law, and pay such fee as prescribed in Schedule "B" attached hereto and forming part of this By-law.
- 4.7 Where a Building Permit has been issued and a Final Inspection verifying completion of the project has not been made within two (2) years of the date of issue a fee per annum shall be imposed for file maintenance in accordance with Schedule "B" attached hereto and forming part of this By-law.
- 4.8 (a) Each approved application for a Building Permit shall include on inspection by a Building Inspector for each stage of construction requiring inspection as prescribed in the Code. Said inspection shall be performed on the request of an owner, or an agent or contractor acting on behalf of the owner.
- (b) In the event the initial inspection of the works referred to in Paragraph 4.8 (a) above provides to be unsatisfactory at the time of inspection, and re-inspection is required, a fee for each re-inspection shall be imposed in accordance with Schedule "B" attached hereto and forming part of this Bylaw.
- (c) Re-inspection fees shall be due and payable at the time a request for subsequent inspection is received, and upon receipt of said request, an invoice for re-inspection shall be mailed by first class mail to the owner of the property upon which the Building Permit was issued. Re-inspection fees imposed in accordance with Schedule "B" attached hereto and forming part of this By-law shall be due and payable within thirty (30) days of the date indicated on the invoice mailed.

5. NOTIFICATIONS

- 5.1 The Owner shall ensure that advanced notice of at least three (3) Municipal business days is given for the purpose of arranging inspections of the various stages of construction as required in the Code.

6. **FORCE AND EFFECT OF THIS BY-LAW**

6.1 This By-law shall come into force and effect on the date of third reading.

7. **REPEAL**

7.1 That By-law No. 1993-12 as amended be and it is hereby repealed.

**Passed in open Council as read a First, Second and Third time,
this 12th day of October, 2005**

CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

Sam Dunnett, *Mayor*

Brenda J. Fraser, *Clerk/Administrator*

SCHEDULE "A" TO BY-LAW NO. 2005-25

Classes of Permits

1. Building Permit To be for the purpose of allowing the construction of a building, includes erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit moved from elsewhere.
2. Demolition Permit For the demolition of all or part of a building.
3. Conditional Permit Pertains to construction only and may be issued only in accordance with Section 8.-(3) of the Building Code Act, 1992.
4. Stage of Construction For the purpose of allowing the commencement of construction of a building or part thereof and completion to a certain stage as permitted by such Permit and includes but is not limited to solid fuel burning appliance systems, heating systems, ventilating systems and air conditioning systems, or any part thereof.
5. Designated Structure To be for the purpose of constructing a Permit designated structure as defined in the Ontario Building Code.
6. Temporary Structure To permit the erection of a tent or temporary structure which exceeds 30 square metres (323 square feet) in ground area.
7. Transfer Permit To be issued to a new owner where ownership changes occur during or prior to the closing of any Permit previously issued.
8. Occupancy Permit To allow occupancy of an unfinished building in accordance with the Building Code.
9. Change of Use Permit To comply with the requirements of Part 10 of the Building Code.
10. Re-application To allow a Permit to be reinstated, where required.

SCHEDULE "B" TO BY-LAW NO. 2005-25

PERMIT FEE SCHEDULE

Fee schedule is based on Construction Cost Guidelines

\$50.00	+	\$9.00 per M to \$50,000
\$50.00	+	\$450.00 + \$7.00 per M to \$100,000 (for next \$50,000)
\$50.00	+	\$800.00 + \$4.00 per M to \$200,000 (for next \$100,000)
\$50.00	+	\$1,200.00 + \$2.00 per M over \$200,000

\$50.00 Change of Use Permit - Inspection fee only with no Building Permit

CONSTRUCTION COSTS GUIDELINES - cost per square foot of floor area.

Residential Unit:

Single-Storey House	\$115.00 minimum per square foot
Two-Storey House (1 st Floor)	\$115.00 minimum per square foot
Each Additional Storey	\$55.00 minimum per square foot
Attached Garage	\$25.00 minimum per square foot

Cottage/Recreation Dwelling:

Dwelling with Basement	\$115.00 minimum per square foot
Dwelling on Piers/Frost Wall	\$90.00 minimum per square foot
Dwelling on Slab	\$90.00 minimum per square foot
Each Additional Storey	\$55.00 minimum per square foot

Garage/Farm Building:

Garage/Shed on Slab	\$20.00 minimum per square foot
Garage/Shed no Floor	\$15.00 minimum per square foot
Barns/Outbuildings located on Assessed Farm Lands	\$15.00 minimum per square foot

Commercial - Industrial:

Based on Cost Price.....or	\$85.00 minimum per square foot
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Renovations:

Based on Cost Price Estimates

Decks/Porches/Additions:

Based on Cost Price Estimates

Demolition Permit:

\$5.00 minimum per square foot

No Permit is required for re-shingling a roof.

A Permit is required for re-roofing with metal roof or metal siding.

No Permit is required for a building less than 100 sq. ft. but must adhere to the Zoning By-Law set back requirements for Accessory Buildings

To obtain a Building Permit, it is necessary to first apply for and receive the following:

1. A septic permit from North Bay-Mattawa Conservation Authority.
2. A Driveway Entrance Permit from the Municipality if necessary.
3. An Entrance Permit or Building Permit from the Ministry of Transportation if the property fronts onto a King's Highway or Secondary Highway or is within 1000 feet of a Highway intersection.
4. A legal survey may be required if the survey stakes are not clearly visible to the Chief Building Official.