

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NUMBER NO. 6023/129/13

**BEING A BY-LAW RESPECTING PERMITS FOR  
CONSTRUCTION, DEMOLITION, OCCUPANCY AND  
CHANGE OF USE, TRANSFER OF PERMITS, AND  
INSPECTIONS AND TO REPEAL BY-LAW 5817/72/12  
AND ALL AMENDMENTS THERETO**

**WHEREAS** Section 3(1) of Building Code Act 1992, S.O. 1992, Chapter 23, as amended, provides that the Council of each municipality is responsible for enforcement of this Act in the municipality;

**AND WHEREAS** Section 3(2) of Building Code Act 1992, S.O. 1992, Chapter 23, as amended, provides that the Council of each municipality shall appoint a Chief Building Official and such Inspectors as are necessary for enforcement of this Act in the areas in which the municipality has jurisdiction;

**AND WHEREAS** Section 7 of Building Code Act 1992, S.O. 1992, Chapter 23, as amended, empowers Municipal Councils to pass by-laws respecting matters relating to permits for construction, demolition, occupancy and change of use, transfer of permits, inspections, fees for permits, and other matters pertaining thereto;

**AND WHEREAS** at its meeting of July 23<sup>rd</sup>, 2012 the Council of The Corporation of the City of Port Colborne enacted By-law No. 5833/87/12, Being a By-law to amend By-law 5817/72/12 Being a By-law Respecting Permits for Construction, Demolition, Occupancy and Change of Use Transfer of Permits, and Inspections, which amendment remains applicable and has therefore been consolidated hereto.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:**

**SECTION 1     SHORT TITLE**

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

1.2           **SECTION 2     DEFINITIONS**

2.1           In this by-law,

- (a)       "Act" means the Building Code Act, 1992, S.O. 1992, c.23, as amended;
- (b)       "Applicant" means the owner of a building or property who applies for a permit or the person authorized by the owner to apply for a permit on the owner's behalf;

- (c) "Architect" means the holder of a license, a certificate of practice, or a temporary license under the Architect's Act;
- (d) "Building" means a structure or plumbing or a sewage system as defined in Section 1 (1) of the Act;
- (e) "Building Code" means the regulations made under Section 34 of the Act;
- (f) "Chief Building Official" means the Chief Building Official appointed by the Corporation of the City of Port Colborne for the purpose of enforcement of the Act and includes a person designated by the Chief Building Official to act on his/her behalf;
- (g) "City" means the Corporation of the City of Port Colborne;
- (h) "City website" means the current internet website of the City;
- (i) "Construct" means construct as defined in the Act;
- (j) "Demolish" means demolish as defined in the Act;
- (k) "Design" means a plan, specification, sketch, drawing or graphic representation respecting the construction, demolition or change of use of a building;
- (l) "Designer" means the Architect, Professional Engineer or person who performs design activities;
- (m) "House" means a single detached dwelling, semi-detached dwelling, duplex, triplex, row house, townhouse or street townhouse;
- (n) "Inspector" means an inspector appointed by the Corporation of the City of Port Colborne for the purpose of enforcement of the Act;
- (o) "Ministry website" means the current Building Code internet website of the Ministry of Municipal Affairs and Housing;
- (p) "Owner" means the registered owner of the property and includes a lessee, mortgagee in possession, and the owner's authorized agent or the person in control of the property;
- (q) "Permit" means written permission or written authorization 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 this by-law and the Act and the Building Code;
- (r) "Permit holder" means the person to whom the permit has been issued or where a permit has been transferred, the new owner to whom the permit has been transferred;
- (s) "Professional Engineer" means a person who holds a license or a temporary license under the Professional Engineer's Act;
- (t) "Registered Code Agency" means a person or entity that has the qualifications and meets the requirements described in subsection 15.11(4) of the Act;
- (u) "Renewable Energy Project" means any project regulated under the Green Energy Act.
- (v) "Sewage system" means a sewage system as defined in the Building Code.

(w) "Work" means construction or demolition of a building or part thereof, as the case may be.

2.2 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 Building Code.

### **SECTION 3 PERMITS AND APPLICATIONS**

#### **3.1 Classes of Permits**

3.1.1 Classes of permits with respect to the construction, demolition, change of use and occupancy of buildings, together with permit fees shall be as set out in Schedule "A" to this by-law.

#### **3.2 Applications for Permit**

3.2.1 To obtain a permit, the owner shall file an application in writing for each building by completing the form prescribed under Section 7(a) of the Act. The form is available from the office of the Chief Building Official, the Ministry website or the City's website.

3.2.2 Every application for a permit shall be submitted to the office of the Chief Building Official and, except as otherwise permitted by the Chief Building Official, shall contain the following information, in addition to the information set out in sections 3.2.3, 3.2.4, 3.2.5, 3.2.6, 3.2.7, and 3.2.8 of this by-law for the type of permit sought:

- (a) identify and describe in detail the work, use and occupancy to be covered by the permit for which application is made; and
- (b) identify and describe in detail the existing use(s) and the proposed use(s) (including the number of dwelling units existing and proposed) for which the premises are intended; and
- (c) describe the land to which the application applies, by a description that will readily identify and locate the property, and where necessary describe the particular building and location within the building where the work, change of use, or occupancy applies; and
- (d) state the names, addresses, telephone numbers, facsimile numbers, and e-mail addresses of the owner, applicant, tenant, architect and/or professional engineer(s), where applicable, or other designer and the constructor; and
- (e) be accompanied by a written acknowledgement of the owner that he has retained an architect and/or professional engineer(s) to carry out the field review of the construction where required by the Building Code including the signature of the respective professionals; and
- (f) state the estimated valuation of the proposed work after completion, where applicable; and
- (g) be accompanied by information sufficient to enable the Chief Building Official to determine if the proposal complies with the Act, the Building Code, and all applicable law as defined in the Building Code; and

- (h) contain such other information as the Chief Building Official may require, including supplementary information forms prescribed in Schedule "B" of this by-law, designed to streamline the application and review process; and
- (i) be signed by the owner or his/her authorized agent who shall certify the truth of the contents of the application; and
- (j) be accompanied by the appropriate fee as set out in Schedule "A" to this by-law for the class of permit therein; and
- (k) be accompanied by the appropriate deposit as set out in Schedule "F" to this by-law for the class of permit therein.

#### **CONSTRUCTION PERMIT**

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

- (a) include three (3) complete sets of plans, specifications, documents and other information as required by the Building Code and as described in this by-law for the work to be covered by the permit unless as otherwise required by the Chief Building Official; and
- (b) for new houses and row houses submit with the application:
  - (i) in the case of a lot in respect of which an accepted master grading plan has been filed with the City, (such as in a Subdivision Agreement or other multiple lot development agreement) a Detailed Lot Grading Plan designed in compliance with the City's lot grading and control policies and procedures in place from time to time, certifying thereon that the Detailed Lot Grading Plan conforms with the master grading plan filed with the City, or
  - (ii) in the case of a lot in respect of which no accepted master grading plan or other grading plan has been filed with the City a Detailed Lot Grading Plan approved by a Professional Engineer, or an Ontario Land Surveyor, certifying thereon that the drainage scheme depicted on the Detailed Lot Grading Plan will be compatible with the existing drainage patterns; and
- (c) provide payment of the municipal service fees, if applicable, described in Section 4.3 of this by-law in addition to any other fees required by this by-law.

#### **DEMOLITION PERMIT**

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

- (a) complete and submit the City application form prescribed in Schedule "B" to this by-law, "Supplementary Information Form for Demolition"; and
- (b) include 2 (two) complete sets of plans, specifications, documents and other information as required by the Building Code and as described in this by-law for the work to be covered by the permit; and

- (c) provide satisfactory proof that arrangements have been made or will be made with the proper authorities for the termination, capping or plugging of all water, sewer, gas, electric, telephone or other utilities and services; and
- (d) the deposit as described in Schedule "F" to this By-law will be retained by the City for purposes described in Section 4 and for the purposes of ensuring removal from the site of the demolition material, leaving the site in a safe and reasonably levelled condition and to ensure completion of the termination, capping or plugging of abandoned sewer/water services to the satisfaction of the City.

#### **CONDITIONAL PERMIT**

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

- (a) complete and submit the City application form prescribed in Schedule "B" to this by-law, "Supplementary Information Form for Conditional Permits"; and
- (b) include 2 (two) complete sets of plans, specifications, documents and other information as required by the Building Code and as described in this by-law for the work to be covered by the permit; and
- (c) state the reasons why the applicant believes unreasonable delays in construction would occur if a conditional permit is not granted; and
- (d) state the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and
- (e) provide security in the form of cash or a Letter-of-Credit in an amount as the Chief Building Official considers necessary to remove the building and restore the site if approvals are not obtained in the time agreed upon; and
- (f) pay a surcharge fee of 50% of the permit fee in addition to the fees as set out in Schedule "A" to this by-law for the works proposed in the conditional permit.

#### **CHANGE OF USE PERMIT**

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

- (a) complete and submit the City application form prescribed in Schedule "B" of this by-law, "Application Form for Change of Use"; and
- (b) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building; and
- (c) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made; and
- (d) include plans and specifications which show 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, and details of the existing sewage system, if any.

#### **OCCUPANCY PERMIT**

3.2.7 Where application is made for an occupancy permit with respect to an unfinished building as provided for in the Building Code, the applicant shall:

- (a) complete and submit the City application form prescribed in Schedule "B of this by-law, "Application Form for Occupancy of Unfinished Building"; and
- (b) describe the building or the part of the building for which occupancy is requested, and the proposed date of occupancy; and
- (c) identify the persons who are proposing to occupy the building including their names, addresses, facsimile numbers and telephone numbers.

#### **TRANSFER PERMIT**

3.2.8 Where application is made for a transfer of permit because of change of ownership of the land, as permitted in clause 7(1)(h) of the Act, the applicant shall:

- (a) complete and submit the City application form prescribed in Schedule "B" of this by-law, "Application Form for Transfer of Permit"; and
- (b) provide the names, addresses, facsimile numbers, and e-mail addresses of the previous and new land owner; and
- (c) provide the date the land ownership change took place or is proposed to take place; and
- (d) describe the permit for which transfer is requested.

3.2.9 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 a permit was issued shall be submitted in writing to the Chief Building Official together with the details of such change, and no such change is to be made without the written authorization of the Chief Building Official and payment of the permit amendment fee prescribed in Schedule "A" to this by-law.

3.2.10 Where an application for permit remains incomplete or inactive for six months from the date the application was made, the application may be deemed by the Chief Building Official to have been abandoned or withdrawn and the application may be cancelled, without notice to the applicant. Any other application which remains deficient and is not issued for reasons which have been disclosed to the applicant and owner may be cancelled by the Chief Building Official upon reasonable notice to the applicant and owner, at any time prior to six months from the date of application.

3.2.11 Where an application for permit is found to be incomplete and does not comply with the Building Code, the application may be accepted for processing at the insistence of the applicant provided the applicant acknowledges same and completes the form "Acknowledgement by Applicant of an Incomplete Application" prescribed in Schedule "D" of this by-law.

3.3 Plans, Specifications and Information

3.3.1 Sufficient information shall be submitted with each application for a permit to enable the Chief Building Official to determine whether or not the proposed construction, demolition, occupancy or change in use will conform to the Act, the Building Code and any other applicable law.

3.3.2 Each application shall, except as otherwise specified by the Chief Building Official, be accompanied by three (3) complete sets of the plans, specifications and information required by this by-law.

3.3.3 Plans shall be drawn to scale (minimum 1:75 or  $\frac{3}{16}'' = 1'-0''$ ) on paper or other durable material, shall be legible and, without limiting the generality of the foregoing, shall include such working drawings as set out in Schedule "C" to this by-law except as otherwise specified by the Chief Building Official. General plans may be drawn to a lesser scale if other detail plans drawn to the requisite scale convey the necessary information.

3.3.4 Site plans shall be referenced to an up-to-date survey, certified by a registered Ontario Land Surveyor, 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.

Site plans shall show:

- (a) lot size and the dimensions of property lines and setbacks to existing and proposed buildings;
- (b) existing and proposed finished ground elevations, when required by the Chief Building Official;
- (c) existing right-of-ways, easements;
- (d) existing and proposed municipal services, private services and utility locations;
- (e) existing and proposed driveway entrances and fire routes; and
- (f) existing and proposed parking spaces.

3.3.5 Where required by the Chief Building Official, a certified copy of a current PIN sheet and deed shall be submitted to verify ownership or legal description of a property.

3.3.6 Applications, plans, specifications and information submitted in support of an application for permit become the property of the City and may be retained or disposed of accordingly.

3.4 Approval in Part – Partial Permits

3.4.1 When, in order to expedite work, approval of a portion of the building or project is desired at the request of the applicant, prior to the issuance of a permit for the complete building or project, application shall be made in accordance with other applicable sections of this by-law and the appropriate fees in Schedule "A" paid. There shall be a surcharge fee of 50% of the permit fee for the works proposed in the partial permit. Complete plans, specifications and information covering the portion of the work for which immediate

approval is desired shall be filed with the Chief Building Official in accordance with other applicable sections of this by-law.

- 3.4.2 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 the partial permit is issued nor that a permit will necessarily be issued for the remainder of the building or project.

#### **SECTION 4 FEES, DEPOSITS AND REFUNDS**

##### **4.1 Fees**

- 4.1.1 Upon submitting an application for a permit the applicant shall pay the non-refundable permit fee for submitting an application as set out in Schedule "A" to this by-law. Such application fee is due and payable upon application for a permit.
- 4.1.2 Upon issuance of the permit the applicant shall pay the permit fees as set out in Schedule "A" to this by-law. All permit fees are due and payable upon issuance of the permit and no permit is considered issued until all applicable fees due have been paid. The minimum application fee paid in accordance with section 4.1.1 of this by-law shall be credited to the permit fees upon issuance of the permit.
- 4.1.3 Where the fees payable in respect of a permit are based on the value of the proposed work, such value shall mean the total value of all work regulated by the permit including the cost of all material, labour, equipment, overhead and professional and related services.
- 4.1.4 Where the fees payable are based on the value of the proposed work the Chief Building Official may calculate a value for the work where the applicant has not provided a reasonable value of work on the application form and if the permit applicant disagrees with such value, the prescribed fee shall be paid before the issuance of the permit based on the Chief Building Official's valuation. Upon completion of the work, if the permit applicant or owner claims that the actual cost of the work was less than the value placed by the Chief Building Official, an audited statement may be submitted to the Chief Building Official detailing the cost of all component parts of the work. Upon receiving the audited statement, the Chief Building Official may, if the said statement contains the cost of all component parts of the work upon which the value was required to be based, re-value the work in accordance with the said statement, and, if the actual cost is found to be less than the original value placed by the Chief Building Official, authorize the appropriate refund.
- 4.1.5 Prior to the issuance of a permit, other fees and/or deposits may be required to be paid as authorized by other applicable law, and no permit shall be issued until such fees have been paid.

##### **4.2 Deposits**

- 4.2.1 Upon issuance of a permit applicant shall require the submission of a refundable deposit in accordance with Schedule "F". The deposit is to be retained by the City until completion of the works as security to ensure compliance with permit requirements.
- 4.2.2 The deposit shall also be held by the City to cover repair costs associated with damage to municipal sidewalks, curbs, boulevards, roads, water or sewer services, existing driveway entrances or any other municipal property which may arise from the work associated with construction or demolition authorized by the permit. If in the opinion of the City, such



damage has occurred, the permit holder must repair the damage to a standard equal to or better than that which existed prior to the damage, as approved by the City. The City may give the permit holder or the owner an opportunity to repair the damage within a reasonable timeframe, or, if the damage creates an unsafe condition, may cause the damage to be repaired immediately by City forces or by contractors hired by the City. If the permit holder or owner does not repair the damage within the specified timeframe, the City may authorize all or a portion of the deposit to be retained for repair costs, however the City is under no obligation to repair the damage immediately, and may postpone repair until such time as it sees fit. Should the cost of repair be greater than the amount of the deposit, the City shall invoice the owner or the permit holder the amount in excess of the deposit.

4.2.3 Where a lot grading deposit has been taken and a detailed lot grading plan submitted pursuant to this by-law and the lot grading control policies and procedures of the City has been accepted by the City, upon completion of the lot grading an as-constructed lot grading plan shall be provided to the City, signed and sealed by a Professional Engineer, or an Ontario Land Surveyor, certifying thereon that the finished elevations and the grading of the lot, as constructed, generally conforms to the detailed lot grading plan accepted upon issuance of the permit. The lot grading deposit will not be returned until the City has accepted the as-constructed lot grading plan and certified it as a grading conformance certificate.

4.2.4 The deposit shall be returned only to the person who paid the deposit upon completion and passing of the final inspection, receipt of all final certificates and reports, and only when the City is satisfied there has been no damage to municipal property and the City has closed the permit file.

4.2.5 Where any monies paid under deposit remain unclaimed for a period of seven years, the municipal Treasurer may send by registered mail a notice containing the relevant permit information to the permit holder's last known address advising such permit holder that the City holds an unclaimed deposit and stating that the permit holder will be given not more than ninety days to submit written claims to such deposit before the permit holder forfeits such deposit and the City transfers any such monies to the general funds of the City. The Treasurer shall also advertise a general notice on the City's website and in a local newspaper that, in the opinion of the Treasurer, is of sufficient general circulation within the municipality, stating that permit deposits being held by the City for a period of seven years or more will be considered forfeit by the permit holders if such deposits have not been claimed within ninety days. All persons having any claim to any of such monies are required to prove their claims in writing within ninety days from the publication date of such notice, and, following the expiration of the said ninety day period, the Treasurer may transfer any such monies which have not been claimed to the general funds of the City free of any other claims whatsoever.

#### 4.3 Municipal Services and Municipal Service Fees

4.3.1 If municipal sewer mains or water mains are available in the municipal street upon which a lot has frontage, no building shall be constructed unless the plumbing system in the building will be connected to the respective municipal main which is available on the street. No building shall be constructed, and no permit shall be issued for a building proposed to be connected to municipal service mains on the street, until municipal sewer and water service laterals, as the case may be, are installed to the property line, for the building which is the subject of the permit application.

4.3.2 No building shall be constructed and no permit shall be issued until a vehicular access route is installed to the property line in accordance with City standards, for the building which is the subject of the permit application.

4.3.3 Notwithstanding Sections 4.3.1 and 4.3.2 of this by-law, municipal approval upon application for such services and payment of the required municipal service fees as prescribed by the City's by-laws, policies and practices relating to such services may constitute compliance with Sections 4.3.1 and 4.3.2 of this by-law.

4.3.4 No building requiring a metered water service shall be constructed, and no permit shall be issued with respect to a lot which is fronting on a municipal street with water mains until provision has been made for the installation of a water meter for the building which is the subject of the permit application. Provision for a water meter shall mean payment of the appropriate meter purchase and inspection fee prescribed by the City from time to time.

#### 4.4 Work Without Permit

4.4.1 No construction or demolition shall commence until the required Permit(s) has been issued. **Construction or demolition without a Permit is an offence under the Act.** Notwithstanding Section 4.1 of this by-law, the Application fees described in Schedule "A" to this by-law shall be increased by 100% as an additional administration fee representing the increase in work load and municipal expense precipitated by such action for the commencement of construction or demolition described herein prior to the issuance of a Permit authorizing its construction or demolition:

#### 4.5 Refunds

4.5.1 An application fee shall not be refundable.

4.5.2 In the case of a written withdrawal or cancellation by a permit holder of a permit or the abandonment of all or a portion of the work or the non-commencement of any project, the Chief Building Official shall determine the amount of paid permit fees that may be returned to the applicant, if any, in accordance with Schedule "E" attached to and forming part of this by-law. No refund shall be made of an amount equal to or less than the applicable application fee or minimum permit fee.

4.5.3 In the case of a permit which has been revoked by the Chief Building Official in accordance with the Act, no permit fee shall be refunded.

#### 4.6 Discharge of Orders from Title

4.6.1 Where an order issued by the Chief Building Official in accordance with the Building Code Act has been registered on the property title the owner shall submit a written request to have the order discharged and pay the prescribed fee as set out in Schedule "A" to this by-law to have the City discharge the said order only after the order has been complied with and cleared by the Chief Building Official.

**SECTION 5 NOTIFICATION FOR INSPECTIONS**

- 5.1 The permit holder shall notify the Chief Building Official of each stage of construction for which a mandatory notice is required under Section 1.3.5.1, Division C, Part 1 of the Building Code. In addition to the notice of completion as prescribed in Section 11 of the Act, a demolition permit holder shall provide a mandatory notice upon completion of the termination of the water/sewer laterals for inspection purposes prior to covering and a mandatory notice after completion of the demolition work to ensure completion of the site grading and other works described in Section 3.2.4(d) of this by-law.
- 5.2 A notice required under this Section of the by-law is not effective until the notice is actually received by the office of the Chief Building Official.
- 5.3 Except as otherwise provided in the Act and Building Code, an Inspector shall undertake a site inspection of the building to which the notice relates within two (2) business days after receipt of such notice, commencing on the day following receipt of the notice. Business day shall not include Saturdays, Sundays, holidays and all other days when the offices of the City are not open for the transaction of business with the public.

**SECTION 6 AS CONSTRUCTED PLANS**

- 6.1 The Chief Building Official may require that a set of plans of a building or any class of buildings, as constructed, including a plan of survey showing the location of the building, be filed with the Chief Building Official on completion of construction under such conditions as may be prescribed in the Building Code.

**SECTION 7 TRANSFER OF PERMITS**

- 7.1 If the ownership of land, for which a permit has been issued, changes prior to commencement or completion of construction, demolition, change of use or occupancy, the permit may be transferred to the new owner, if the new owner complies with the requirements for permits and applications in Section 3 of this by-law and provided the following conditions are met:

- (a) The new owner assumes responsibility for all the work covered by the permit, and
- (b) The new owner submits proof of retention of design professionals, where appropriate.

- 7.2 The new owner shall, upon transfer of a permit, be the permit holder for purposes of the Act and the Building Code.

**SECTION 8 CODE OF CONDUCT**

- 8.1 Every Building Official appointed by Council shall be governed by the Code of Conduct set out in Schedule "G" of this by-law, with respect to exercising powers and performing duties under the Act.

**SECTION 9 VALIDITY/SEVERABILITY**

9.1 In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this by-law.

**SECTION 10 CONTRAVENTION OF BY-LAW AN OFFENCE**

10.1 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 Act.

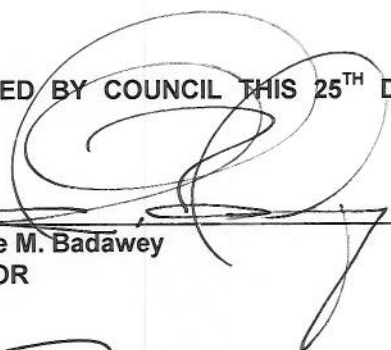
**SECTION 11 REPEAL OF BY-LAWS**

11.1 By-law No. 5817/72/12 and all amendments thereto are hereby repealed.

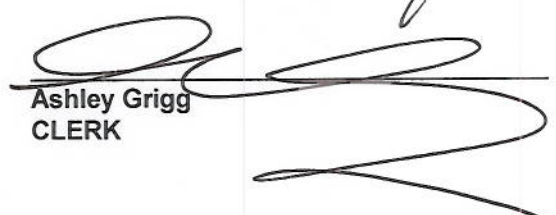
**SECTION 12 EFFECTIVE DATE**

12.1 This by-law shall come into force and take effect January 2, 2014.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 25<sup>TH</sup> DAY OF NOVEMBER, 2013.**



\_\_\_\_\_  
Vance M. Badawey  
MAYOR



\_\_\_\_\_  
Ashley Grigg  
CLERK

**SCHEDULE "A"**

TO BY-LAW NO. 6023/129/13 OF THE CITY OF PORT COLBORNE

**CLASSES OF PERMITS AND PERMIT FEES**

	<b>CLASS OF PERMIT</b>	<b>PERMIT FEE <sup>1-</sup> 15</b>
<b>1.</b>	<b>CONSTRUCTION</b>	
<b>1.1.</b>	<b>NEW BUILDING CONSTRUCTION AND ADDITIONS<sup>6,8</sup></b>	
	<b>MAJOR OCCUPANCY<sup>7</sup></b>	
	<b>GROUP A - ASSEMBLY OCCUPANCIES</b>	
	Examples: School; church; restaurant; daycare; hall; transit; recreation facility; other	\$1.15/ft <sup>2</sup>
	<b>GROUP B – INSTITUTIONAL OCCUPANCIES</b>	
	Examples: Hospital; retention facility; nursing home; other	\$1.26/ft <sup>2</sup>
	<b>GROUP C - RESIDENTIAL OCCUPANCIES</b>	
	Single detached dwelling	\$1.05/ft <sup>2</sup>
	Semi-detached dwelling; duplex dwelling	\$1.05/ft <sup>2</sup>
	Townhouse	\$1.05/ft <sup>2</sup>
	Multiple unit dwellings; apartment building; townhouse	\$0.84/ft <sup>2</sup>
	Hotels; motels	\$0.84/ft <sup>2</sup>
	Other residential	\$0.84/ft <sup>2</sup>
	<b>GROUP D – BUSINESS/PERSONAL SERVICES OCCUPANCIES</b>	
	Examples: Office; bank; medical; police stations; other	\$1.05/ft <sup>2</sup>
	<b>GROUP E - MERCANTILE OCCUPANCIES</b>	
	Examples: Store; shopping mall/plaza; shop; market; retail; other	\$1.05/ft <sup>2</sup>
	<b>GROUP F – INDUSTRIAL OCCUPANCIES</b>	
	Examples: Industrial mall/plaza/garage; plant; factory; warehouse; other	\$0.68/ft <sup>2</sup>
	Industrial buildings with no partitions; no plumbing and no mechanical	\$0.37/ft <sup>2</sup>
	<b>SPECIAL CATEGORIES/OCCUPANCIES</b>	
	Farm building; greenhouse	\$0.27/ft <sup>2</sup>
	Park Model Trailer	\$160.00
	Tent; temporary fabric structure	\$0.10/ft <sup>2</sup>  (to maximum of \$200.00)
	Renewable Energy Projects	See note 12
	Houses: <sup>14</sup>	
	Garage; carport	\$0.53/ft <sup>2</sup>

	Covered deck/porch	\$0.32/ft <sup>2</sup>
	Uncovered deck/porch	\$0.27/ft <sup>2</sup>
	Sunroom/solarium	\$0.63/ft <sup>2</sup>
	Shed/accessory building	\$0.32/ft <sup>2</sup>
<b>1.2</b>	<b>ALTERATIONS</b>	
	Unfinished basement (new or replaced foundation)	\$0.27/ft <sup>2</sup>
	Under pinning foundation	See Note 12
	Roof structure	\$0.11/ft <sup>2</sup>
	Fireplace; woodstove; chimney	\$105.00
	Interior Alterations:	
	including plumbing and mechanical	\$0.32/ft <sup>2</sup>
	including plumbing or mechanical	\$0.27/ft <sup>2</sup>
	excluding plumbing and mechanical	\$0.16/ft <sup>2</sup>
	Finishing Basement Other Than Houses	\$0.48/ft <sup>2</sup>
	Houses: <sup>14</sup>	
	finishing basement	\$0.27/ft <sup>2</sup>
	other minor alteration	See note 12
<b>1.3</b>	<b>PARTIAL PERMIT/STAGED CONSTRUCTION<sup>11</sup></b>	
	All partial permits subject to a surcharge applied to the stage permit value	50%
	<b>FOUNDATION STAGE<sup>11</sup></b>	
	Complete to grade including or excluding underground services within building	15%
	<b>BUILDING SHELL STAGE<sup>11</sup></b>	
	Completed structural shell stage	40%
	Completed architectural shell stage	80%
	<b>BUILDING COMPLETION STAGE<sup>11</sup></b>	
	Includes completed building stage	100%
<b>1.4</b>	<b>PLUMBING ONLY</b>	
	Fixture; plumbing appliance; stack; interceptor; tank; floor drain; sewage ejector; sump; manhole; catchbasin; rain water leader; other	\$8.50 each
	All buried piping including building drain and sewer; building storm drain and sewer; storm drainage piping; water service pipe	\$1.00/lf
	Water distribution pipe inside a building	\$105.00
<b>1.5</b>	<b>MECHANICAL HVAC ONLY</b>	
	Group A, B, C (except houses), D, E	\$0.07/ft <sup>2</sup>
	Houses	\$105.00
	Group F	\$0.06/ft <sup>2</sup>
	Commercial type Kitchen Exhaust	See note 12

<b>1.6</b>	<b>POOL</b>	
	Public pool	\$315.00
	Private pool	\$125.00
<b>1.7</b>	<b>DESIGNATED STRUCTURE</b>	
	As defined in OBC.	See Note 12
<b>2.</b>	<b>DEMOLITION</b>	
	Houses <sup>14</sup> and buildings less than 3,000 ft <sup>2</sup> . gross area	\$105.00
	Other demolitions	\$0.06/ft <sup>2</sup>
<b>3.</b>	<b>CONDITIONAL<sup>15</sup></b>	
	Surcharge	50%
<b>4.</b>	<b>CHANGE OF USE</b>	
	Permit for the change of use of a building or part thereof (additional fees apply where construction is proposed)	\$105.00
<b>5.</b>	<b>OCCUPANCY</b>	
	Permit to allow occupancy	
	<b>Houses, semi-detached dwellings, townhouses</b>	\$105.00
	Other buildings	\$105.00
<b>6.</b>	<b>TRANSFER</b>	
	Transfer of permit to a new owner	\$105.00
	<b><u>ADDITIONAL FEES AND CHARGES</u></b>	
<b>1.</b>	<b>DISCHARGE OF ORDERS FROM TITLE</b>	
	Discharge of an order from property title	\$735.00
<b>2.</b>	<b>SUBMITTING AN APPLICATION FOR PERMIT</b>	
	Minimum non-refundable fee for submitting all permit applications	\$105.00

NOTES TO SCHEDULE "A":

1. Permit fee is \$/square foot (ft<sup>2</sup>), \$/linear foot (lf), or \$ (flat fee).
2. Ft<sup>2</sup> is gross area of all floors above grade measured from the outer face of exterior walls, unless noted otherwise. Mezzanines, lofts, habitable attics and dwelling units below grade are included as floor areas for permit fee calculations.
3. Where there is no floor or exterior walls for the project, ft<sup>2</sup> is the greatest horizontal area of the structure. For example, buildings or structures supported by posts or columns.
4. \$105.00 paid at time of application plus \$50.00 for each additional inspection in excess of one where the building is not ready for occupancy and which must be paid prior to issuance of Occupancy Permit.
5. There are no deductions from the gross floor area for openings such as stairs, elevators, shafts, etc.

6. Cellars, unfinished basements and crawl spaces are not used in the fee calculation for new construction.
7. Major occupancy is based upon the Ontario Building Code.
8. New construction and additions include plumbing, HVAC and all other regulated building services/components.
9. Minimum permit fee is \$105.00.
10. Revision or amendment to an open permit is a minimum \$50.00 fee plus \$50.00 per Hr. of administration time.
11. For a Partial Permit, the percentage shown for the applicable stage of construction (minus the percentage for any previous Partial Permits) must be multiplied by the applicable permit application fee shown for new construction and then increased by a 50% administrative surcharge to obtain the required total fee for that stage.
12. If the work regulated by the permit cannot be described otherwise, the permit application fee shall be \$13.00 for each \$1,000.00 value of work proposed.
13. Houses in Special Categories and Alterations includes semi-detached, duplexes, triplexes, and townhouses.
14. See Schedule "F" for deposits which may be required.
15. The fee for a Conditional Permit is equal to the regular permit fee described in Classes 1-6 plus an additional administrative surcharge of 50% of the regular permit fee. If the Conditional Permit also happens to be a Partial Permit, the Partial Permit fee already increased by 50% must be increased by an additional 50% to obtain the required total fee.
16. A 50% reduction in the fees payable will be applicable to all properties that are located within the project area boundaries of the Olde Humberstone Main Street Community Improvement Plan, the Downtown Central Business District Community Improvement Plan, Brownfield Community Improvement Plan and East Waterfront Community Improvement Plan.



**SCHEDULE "B"**

**TO BY-LAW NO. 6023/129/13 OF THE CITY OF PORT COLBORNE**

**PERMIT APPLICATION FORMS PRESCRIBED BY THE CITY**

**SUPPLEMENTARY INFORMATION FORMS**

1. The following application forms developed from time to time by the Chief Building Official, and maintained at the office of the Chief Building Official and on the City website are hereby prescribed for the classes of applications listed in Section 3 of this By-law as applicable:

- Application Form for Change of Use
- Application Form for Occupancy of Unfinished Building
- Application Form for Transfer of Permit
- Supplementary Information Form for Demolition
- Supplementary Information Form for Conditional Permit
- Energy Efficiency Design Summary

**SCHEDULE "C"**

**TO BY-LAW NO. 6023/129/13 OF THE CITY OF PORT COLBORNE**

**PLANS AND SPECIFICATIONS REQUIRED FOR PERMITS**

The following plans, working drawings, documents and specifications shall be submitted with each permit application, except as otherwise specified by the Chief Building Official:

- (a) A Site Plan With Site Servicing
- (b) A Lot Grading and Drainage Plan
- (c) Architectural Floor Plans
- (d) Foundation Plans
- (e) Framing Plans / Roof Plans
- (f) Architectural and Structural Sections and Details
- (g) Building Elevations
- (h) Electrical Drawings – Plans and Details
- (i) Heating, Ventilation and Air Conditioning Drawings – Plans and Details
- (j) Energy Efficiency Design Summary
- (k) Plumbing Drawings – Plans and Details
- (l) Fire Protection Drawings – Suppression, Detection – Plans and Details
- (m) Geotechnical Investigation required for Part 4 Buildings
- (n) Sewage System – Plans, Sections and Details
- (o) Any Supplementary Form Required by this By-law

**SCHEDULE "D"**

**TO BY-LAW NO. 6023/129/13 OF THE CITY OF PORT COLBORNE**

**ACKNOWLEDGEMENT BY APPLICANT OF AN INCOMPLETE APPLICATION**

Pursuant to Sentence 1.3.1.3.(5), Division C, Part 1 of the Building Code

**Part A**

A pre-screening of the Application to \_\_\_\_\_ at

\_\_\_\_\_  
*(describe work)*

reveals that the Application is incomplete in that the following items are missing:

\_\_\_\_\_  
*(location of work)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

As such, the pre-screening time periods prescribed in Table 1.3.1.3, Division C, Part 1 of the Building Code are not applicable. The City of Port Colborne, however, will commence processing the incomplete Application if the Acknowledgement below is completed.

**Part B**

I

\_\_\_\_\_  
*(print name of Applicant)*

Acknowledge that my Application to \_\_\_\_\_ at

\_\_\_\_\_  
*(describe work)*

\_\_\_\_\_  
*(location of work)*

Does not meet the requirements of 1.3.1.3.(5), Division C, Part 1 of the Building Code and therefore the processing time periods prescribed in Table 1.3.1.3, Division C, Part1 of the Building Code are not applicable. Notwithstanding the above, I request that the City commence processing the incomplete Application. I understand that a Permit cannot be issued until all the required information is submitted, reviewed for compliance and all fees paid.

I have authority to bind the Corporation or partnership (if applicable).

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Signature of Applicant)*

**SCHEDULE "E"**

**TO BY-LAW NO. 6023/129/13 OF THE CITY OF PORT COLBORNE**

**REFUND OF PERMIT FEES**

<b>Status of Permit</b>		<b>Percentage of Fee Eligible for Refund</b>
1)	Permit issued. Administrative functions only have been performed. No field inspections have been performed.	50%
2)	Additional deduction from eligible refund for each field inspection that had been performed.	\$50.00

**NOTES TO SCHEDULE "E":**

1. If the calculated refund is less than the minimum fee applicable to any permit, no refund shall be made of the fees paid.
2. No permit fee shall be refunded where the permit has been revoked by the Chief Building Official in accordance with the Act.

**SCHEDULE "F"**

TO BY-LAW NO. 6023/129/13 OF THE CITY OF PORT COLBORNE

**DEPOSITS REQUIRED FOR PERMITS**

DESCRIPTION OF BUILDING AND TYPE OF CONSTRUCTION			AMOUNT OF DEPOSIT
1(a)	New Main Buildings	Houses <sup>3</sup>	\$1,000
(b)		Other Than Houses <sup>3</sup>	\$500
2(a)	Additions, Accessory	Houses <sup>3</sup>	\$500
(b)		Other Than Houses <sup>3</sup>	\$500
3(a)	Alterations	Houses <sup>3</sup>	\$500
(b)		Other Than Houses <sup>3</sup>	\$500
4(a)	Demolitions	Main Building	\$2,000
(b)		Accessory, Partial	\$500
5(a)	Pools	Inground	\$500
6(a)	Other <sup>4</sup>	See Note 4	\$500
7(a)	New Main Buildings and Additions and Renovations	Industrial, Commercial Institutional and Residential other than Houses	\$1,000
8(a)	Lot Grading Deposit	All categories of construction (as necessary)	\$2,000

**NOTES TO SCHEDULE "F":**

1. No deposit is required for the following:
  - Uncovered decks on piers
  - Tents and fabric structures
2. "Houses" includes single detached, semi-detached, duplexes, triplexes and townhouses.
3. "Other Than Houses" includes Plumbing only, Mechanical HVAC only, Designated Structures, etc.
4. The requirement for a new deposit may be waived where the City already holds a deposit with an owner on the same property with respect to an open permit file with the City, provided:
  - (a) the deposit already held is equal or larger than the amount specified in this Schedule,
  - (b) there is no existing damage to City property as a result of work on the lot,
  - (c) the existing deposit is recorded on all applicable permit files as being held as security for other permits.

## SCHEDULE "G"

TO BY-LAW NO. 6023/129/13 OF THE CITY OF PORT COLBORNE

### CODE OF CONDUCT FOR BUILDING OFFICIALS

#### 1.0 INTRODUCTION

The City of Port Colborne maintains this Code of Conduct in accordance with the provisions of the Building Code Act. Building Officials undertake building inspection functions that ensure the quality, structural integrity and safety of buildings. Building Officials are exposed to potential conflicts of interest because of the special powers conferred on them. The conduct and behaviour of Port Colborne's Building Officials reflects Port Colborne Building Division's commitment to the highest standards of professionalism, technical competence, skill, honesty, fairness and independence. Building Officials shall observe both the letter and the spirit of this Code of Conduct as it pertains to situations that bear on their responsibilities.

#### 2.0 PURPOSE

The purposes of this Code of Conduct are:

- To promote appropriate standards of behaviour by Building Officials in the exercise of their powers and performance of their duties;
- To prevent practices which may constitute an abuse of power, and
- To promote appropriate standards of honesty and integrity.

#### 3.0 STANDARDS OF CONDUCT AND PROFESSIONALISM

Building Officials shall comply with any Code of Conduct that may be generally appropriate to employees of the City of Port Colborne and in addition shall undertake at all times to:

- 1) Act in the public interest, particularly with regard to the safety of buildings and structures regulated by the Building Code.
- 2) Maintain their knowledge and understanding of the best current building practice, the building laws and regulations relevant to their building inspection functions.
- 3) Commit themselves to a process of continuous education so as to constantly be aware of developments in building design, practice and the law relevant to their duties.
- 4) Comply with the provisions of the Building Code Act, the Building Code and any other Act or applicable Law that regulates or governs Building Officials or their functions.
- 5) Avoid situations where they may be, or where there may reasonably appear to be, a conflict between their duties to their clients, their profession, their peers and the public at large and their personal interests.
- 6) Not act as a designer or constructor of a building within the City of Port Colborne, except where it is reasonably unavoidable such as for a Building Officials own dwelling unit,

provided the Building Official has declared such potential conflict to his/her supervisor, who has implemented measures in the workplace to remove the Building Official from any conflict which may arise.

- 7) Not act beyond their level of competence or outside their area of expertise – obtain the counsel of persons with expertise where the Chief Building Official or Inspector does not possess sufficient knowledge to make an informed judgement.
- 8) Apply all relevant building by-laws, regulations and standards without favour and independent of influence of interested parties.
- 9) Perform their inspection duties impartially and in accordance with the highest professional standards.
- 10) Not divulge any confidential or sensitive information or material, that they become privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy.
- 11) Avoid any conduct that could bring Building Officials or the City of Port Colborne into disrepute.
- 12) Extend professional courtesy to all.
- 13) Not act officiously or permit personal feelings, prejudices, animosities or friendships to influence decisions.
- 14) Recognize the appointment under the Building Code Act as a symbol of public faith.
- 15) Maintain current accreditation to perform the functions assigned to them.
- 16) Take all reasonable steps to ascertain and document all available facts relevant to the performance of their duties.
- 17) Exemplify compliance with all regulations and standards that govern building construction, health and safety or other matters related to their status as a Building Official.
- 18) Act honestly, reasonably and professionally in the discharge of their duties.
- 19) Abide by any City issued Code of Conduct, policies, procedures and guidelines.

#### 4.0 GUIDELINE FOR RESPONDING TO MISCONDUCT ALLEGATIONS

The Building Code Act provides that the performance of Building Officials will be measured against this Code of Conduct. In response to any allegation of a breach of this Code, where the allegation is against an inspector, the Chief Building Official shall direct an investigation and where appropriate, recommend disciplinary action against any Building Official who fails to comply with this Code of Conduct.

Where the allegation is against the Chief Building Official, the Director of Planning and Development Services and/or the Chief Administrative Officer will direct the investigation and make such recommendations as are reasonable.

In determining the appropriate discipline, the Chief Building Official or the Director of Planning and Development Services and/or the Chief Administrative Officer will have regard to the relevance of

the conduct to the Building Official's powers and responsibilities as well as the severity of any misconduct.

Disciplinary action arising from violations of this Code of Conduct is the responsibility of Port Colborne's administration and is subject to relevant Collective Agreements, Employment Laws and Standards.