

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

BY-LAW # 6-2023

Being a By-law respecting building permits and inspections; and to repeal By-law # 17-2010

WHEREAS the Building Code Act, 1992, S.O. 1992, c. 23 as amended, empowers Council to pass certain by-laws respecting building permits and inspections;

NOW THEREFORE The Municipal Corporation of the Township of Armour enacts as a by-law as follows;

THAT building permits will be required for the construction, erection, alteration, repair, removal, relocation and the change of use of all buildings or structures within the Township of Armour, that the building permits will be required for plumbing installations not included in the complete building package and would include but not be limited to additions and major repairs; that all permits issued by the Chief Building Official (CBO) shall comply with the provisions of the Official Plan and requirements of the Zoning By-law, that all permits will be issued by the CBO and all inspections will be performed by the CBO or Building Inspector for the Township of Armour in accordance with this By-law and the Ontario Building Code.

1. **SECTION 1 - SHORT TITLE**

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

2. **SECTION 2 - DEFINITIONS**

2.1 In this By-law,

2.1.1 “**Act**” means the Building Code Act, 1992, as amended, including amendments thereto.

2.1.2 “**As Constructed Plans**” means as defined in the Building Code.

2.1.3 “**Building**” means as defined in Section 1. (1) of the Act.

2.1.4 “**Building Code**” means the Regulations made under Section 34 of the Building Code Act.

2.1.5 “**CBO**” means the Chief Building Official appointed by the By-law of The Municipal Corporation of the Township of Armour for the purposes of enforcement of the Act, the Building Code and the Building By-law.

2.1.6 “**Corporation**” means The Municipal Corporation of the Township of Armour.

2.1.7 “**Farm Building**” means as defined in the Building Code.

2.1.8 “**Permit**” means written permission or written authorization from the CBO to perform work regulated by this By-Law, the Act and the Building Code.

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

3. **SECTION 3 - CLASSES OF PERMITS**

3.1 Classes of permits with respect to construction, demolition, and change of use of buildings shall be set out in Schedule “A” to this By-law.

4. SECTION 4 - REQUIREMENTS FOR APPLICATIONS

- 4.1 To obtain a permit the owner or an agent authorized by the owner shall file an application in writing by completing a prescribed form available at the office of the CBO or from the municipal website www.armourtownship.ca or www.obc.mah.gov.on.ca
- 4.2 All applications shall include a statement, signed by the property owner, setting out the purpose for which the building permit is intended.
- 4.3 Where application is made for a building permit under subsection 8(1) of the Act, the application shall:
- 4.3.1 Identify and describe in detail the work and the occupancy to be covered by the permit for which application is made.
 - 4.3.2 Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot.
 - 4.3.3 Include a minimum of two sets of complete plans and specifications for the work to be covered by the permit and show the occupancy of all parts of the building.
 - 4.3.4 State the valuation of the proposed work including materials and labour and be accompanied by the required fee.
 - 4.3.5 State the names, addresses and telephone numbers of the owner and of the architect or engineer, where applicable, or another designer or contractor.
 - 4.3.6 Be accompanied by a written acknowledgment of the owner that he has retained an architect or professional engineer to carry out the field review of the construction where required by the Building Code and,
 - 4.3.7 Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.
- 4.4 The prescribed forms for permits in **class 1,2,3,4,5,6,7,8,9,10 and 11** may include but not be limited to:
- (a) an application
 - (b) a site plan
 - (c) building plans or drawings including
 - (i) floor plans
 - (ii) cross section
 - (iii) elevation drawings
 - (d) certificate of approval for septic system
 - (e) entrance permit
 - (f) civic address property identification number
- 4.5 Where an application is made for a demolition permit, under subsection 8.1 of the Building Code Act, the owner or agent shall file an application in writing on a municipal form.
- 4.6 Where an application is made for a change of use, subsection 10(1) of the Building Code Act, of an existing building, the application shall:
- (a) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
 - (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 with sufficient information to establish compliance with the requirements of the Building Code;
 - (c) be signed by the owner of the property who shall certify the truth on the contents of the application.

- 4.7 Where an application is made for plumbing permit, **class 12** permit, the application shall include:
- (a) an application
 - (b) drawings
 - (i) for a drainage system, existing and proposed addition or repairs;
 - (ii) for venting systems, proposed addition or existing and repairs;
 - (iii) for a water system, proposed addition or existing and repairs;
 - (iv) for sewage system, proposed addition or existing and repairs;
- 4.8 Revision
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 by the property owner to the CBO together with the details of such change which is not to be made without the written authorization of the CBO.
- 4.9 Alternative Solutions
The person proposing an alternative solution shall provide the documentation required by Section 2.1 DIV C of the Ontario Building Code.
- 4.10 Revocation of Permits.
In accordance with Section 8. (10), subject to section 25 of the Act, CBO may revoke a permit issued under this Act;
- a) if it was issued on mistaken, false or incorrect information;
 - b) if, after six months after its issuance, the construction or demolition in respect of which it was issued has not, in the opinion of the CBO, been seriously commenced;
 - c) if the construction or demolition of the building is, in the opinion of the CBO, substantially suspended or discontinued for a period of more than one year;
 - d) if it was issued in error;
 - e) if the holder requests in writing that it be revoked;
 - f) if a term of the agreement under clause (3)c (Conditional Permits) has not been complied with Building Code Act, 1992, S.O. 1992, c. 23, s8 (10).

5. SECTION 5 - PLAN & SPECIFICATIONS

- 5.1 Sufficient information shall be submitted with each application for a permit to enable the CBO to determine whether or not the proposed construction, demolition or change of use will conform with the Act, the Building Code and any other applicable law.
- 5.2 Each application shall, unless otherwise specified by the CBO be accompanied by two complete sets of the plans and specifications required under this by-law.
- 5.3 Plan shall be neatly drawn to a scale referenced on the drawing, be legible and may be in metric or imperial.
- 5.4 Plans vary depending on the type of construction and may require all or any part of the following:
- (a) the site plan sketch
 - (b) floor plans
 - (c) foundation plans
 - (d) framing plans
 - (e) roof plans
 - (f) sections and details
 - (g) building elevations
 - (h) electrical drawings
 - (i) heating, ventilation and air conditioning drawings
 - (j) plumbing drawings
 - (k) sewage system
 - (l) storm water management plan
 - (m) shoreline rehabilitation plan
 - (n) site alteration rehabilitation plan
 - (o) environmental impact / site assessment plan

6. SECTION 6 - SITE PLAN DRAWINGS

- 6.1 Site plan drawings shall be referenced to an up-to-date survey, if available. New surveys will only be required when needed to demonstrate compliance with the Act, the Building Code, the Municipal Zoning By-law or any other applicable law. Waterfront development shall require a site plan drawing by an Ontario Land Surveyor.

Required Format for All Ontario Land Surveyor Drawings

1. Format: PDF files scaled to print 11" x 17"
 2. Scale: Maximum – 1:200 Minimum – 1:1,000
 3. All Site Plan drawings shall have both a linear scale and a graphical (bar) scale in both metric and imperial units.
 4. Key Plan: (scale 1:50,000) showing:
 - i) Location of the property in relation to:
 - major roads, laneways and waterfront
 - adjacent properties showing constructed features
 - natural drainage
 - ii) Adjacent property owned by the applicant or in which the applicant has a monetary interest
 - iii) North Arrow
 5. Title Block showing:
 - i) Name and location of the subject development with a north arrow
 - ii) Owners name
 - ii) Title of the drawing
 - iv) Name of the company / person who prepared the drawing
 - v) Linear and graphical (bar) scales – both required
 - vi) Date the drawing was prepared
 6. Revisions Block showing:
 - i) Dates of all revisions made to the drawing
 7. Signature Block with space reserved for Engineer (P.Eng.), Architect(OAA), Landscape Architect (OALA) or Planner (RPP/CIP) stamps if required.
 8. Site summary chart including the following information:
 - i) Total site area (includes waterfront development)
 - ii) Total ground floor area
 - iii) % of site to be covered by buildings (includes waterfront development)
 - iv) % of site to be landscaped
 - v) Total number of parking spaces required by the Zoning –By-law
 - vi) Total number of parking spaces provided
 - vii) Total number of units, if applicable
 - viii) Site density (net/gross), if applicable
- 6.2 Verification by an Ontario Land Surveyor of by-law compliance may be required before proceeding past foundation state, if required by the CBO.
- 6.3 Site plan drawings shall show:
- a) lot size and dimensions of property lines
 - b) existing buildings and setbacks from property lines
 - c) proposed buildings and set back from property lines
 - d) existing and finished ground levels or grades, drainage patterns and storm water outlets
 - e) flood plain areas
 - f) existing rights-of-way or easements
- 6.4 Additional site plan requirements for waterfront development (see also Armour Official Plan 2.2.17)
- a) For all new development, a natural vegetative buffer of not less than 15 m. (49.2 ft.) in depth along the designated shoreline or watercourse with a landscaped corridor not greater than 9 m (29.5 ft.) in width for access between any proposed development and the shoreline. Council may require that a professional competent in shoreline landscaping be engaged to prepare a shoreline vegetation management plan suitable for conserving and sustaining the natural environment.

- b) Location of dockage, boat houses, fuel storage areas, and beach / swimming areas.
- c) Exact location of the normal highwater mark and the Regulatory Flood Elevation, including the finished floor level (if available) defined by MNRF as required in Section 2.3 of the Armour Township Official Plan.
- d) Flood proofing plans if required by the Chief Building Official in accordance with Appendix 6 of the Ministry of Natural Resources & Forestry Technical Guide: River and Stream Systems: Flooding Hazard Limit.
- e) Where deemed necessary, a soils report which identifies site soil characteristics including soil type, depth, leaching characteristics, depth to water table, and mitigation measures for any soil deficiency related to a proposed use. The soils report may also address slope stability and erosion concerns based on the nature of the proposal and existing site conditions.
- f) Where deemed necessary, a groundwater or surface water quality impact study which shows the impact of the proposed use on water quality and how this impact can be effectively minimized.
- g) Where deemed necessary, a fisheries habitat assessment of the existing shoreline or stream with recommendations on how the existing habitat conditions can be preserved and/or enhanced.
- h) Where deemed necessary, a screening plan showing how the proposed uses will be screened from view or how the existing aesthetic landscape of the waterfront will be preserved or enhanced;
 - That a private well for an individual on-site water service can be located without danger of contamination by any on-site or off-site sewage system; and/or
 - That suitable conditions exist for an individual on-site sewage disposal system.

7. SECTION 7 - PAYMENT OF FEES

- 7.1 Fees for a required permit shall be as set out in the current Township of Armour's Fee By-law.
- 7.2 Any owner who commences construction without first obtaining and posting a building permit shall be charged double the fee and also is liable to the penalties provided by the Ontario Building Code Act.
- 7.3 Where the fees payable in respect of an application for a construction permit are based on a floor area, floor area shall mean the total space of all storeys above grade (or below grade for an underground home) measured as the horizontal area between the exterior walls of the building.
- 7.4 Where the fees payable in respect of an application for a construction permit are based on the cost of valuation of the proposed work shall mean the total costs of all work regulated by the permit including the cost of all material, labour, equipment, overhead and professional and related services.

8. SECTION 8 - NOTICE REQUIREMENTS FOR INSPECTIONS

- 8.1 The owner or agent shall notify the CBO at least 48 hours (2 business days) in advance for inspections.
- 8.2 Inspections may be required for any or all, but is not limited to, the following stages:
 - a) completion of excavation
 - b) before backfill
 - c) framing
 - d) insulation
 - e) plumbing and heating
 - f) exterior finish
 - g) final inspection

- 8.3 Occupancy or Use After Completion
Except as authorized by the Building Code, a person shall not occupy or use a building or part of a building that is newly erected or installed or permit to be occupied or used until the requirements set out in this section are met, 2002, C.9, S.18.
9. **SECTION 9: ENFORCEMENT**
- 9.1 This By-law shall be enforced on a complaint basis and pursuant to the provisions of Section 15 of The Ontario Building Code Act, as amended.
10. **SECTION 10: PENALTIES**
- 10.1 Any person who fails to comply with an order issued pursuant to this By-law is guilty of an offence and, upon conviction, is subject to a penalty provided by the Building Code Act and/or the Provincial Offences Act.
11. **SECTION 11: POWER OF MUNICIPALITY TO REPAIR OR DEMOLISH**
- 11.0 Where an owner or occupant of the property fails to take such steps as may be necessary to bring the property into compliance with this By-law, the Municipality, or a person acting on its behalf, shall:
- a) have the right to enter upon the property to affect such repairs, clean-up, demolition or other remedial steps as may be required to bring the property into compliance with the standards herein and neither the Municipality, not anyone acting on its behalf shall be liable to compensate the owner, occupant or any other persons by reason of anything done by or on behalf of the Municipality in the reasonable exercise of these powers; and
 - b) shall have a lien on the property for the amount spent by, or on behalf of the Municipality in accordance with this By-law, together an administration fee of 10% of the amount spent, and the total amount shall have priority lien status as described in section1 of the *Municipal Act*, 2001, S.O. 2001, c. 25.
12. **SECTION 12 - REPEAL CLAUSE**
- 12.1 By-Law # 17-2010 of The Municipal Corporation of the Township of Armour is hereby repealed.
13. **SECTION 13 – ENACTMENT**
- 13.1 That this by-law shall come into force and effect on the date of passing.

Read in its entirety, approved, signed and the seal of the Corporation affixed thereto and finally passed in open Council this 10th day of January, 2023.

Original signed by Rod Ward
Rod Ward, Mayor

Original signed by John Theriault
John Theriault, Clerk

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

SCHEDULE "A" OF BY-LAW #6-2023

Classes of permits

<u>Classes of Permits</u>	<u>Description</u>
1. A permit for the construction or addition of a building or structure within the meaning of the Act and the Code and which use is intended for human habitation.	Residential Single or first storey Upper storeys or 1 ½ or 2 storeys
2. A permit for the construction of foundation/basements under existing buildings.	Residential Foundations/basements under existing buildings
3. A permit for the construction of a guest sleeping cabin without service and enclosed additions to trailers.	Residential
4. A permit for the construction of a guest sleeping cabin with services.	Residential
5. A permit for the construction of a garage, attached or detached.	Garages/Boat House
6. A permit for the construction or addition of a building or structure within the meaning of the Act and the Code and which use is intended to compliment the main residential use.	Storage/Sheds/ Docks/Porches/Decks/ Fire Places/ Swimming Pools
7. A permit to alter, repair, renovate or do a material alteration to a building or structure within the meaning of the Act and the Code.	Minor Repairs Major Repairs – to be determined by CBO
8. A permit to demolish a building or structure or a material part thereof within the meaning of the Act and the Code.	
9. A permit to change the use of an existing building or structure even though no construction is proposed.	From Residential
10. A permit for construction or addition of a farm building other than for human habitation.	Barn Drive Shed
11. A permit for the construction or addition of a building or structure within the meaning of the Act and the Code and which use is intended for commercial, industrial or institutional.	Complete Structure Shell Only
12. A permit for plumbing installations, inside and outside, not included in a complete building package and would include but not be limited to additions and major repairs.	
13. Renewal	
14. Re-inspection due to incomplete work or uncorrected deficiencies.	