

## CORPORATION OF THE VILLAGE OF OIL SPRINGS

### BY-LAW NO. 839 OF 2019

BEING A BY-LAW RESPECTING CONSTRUCTION, DEMOLITION, CHANGE OF USE, INSPECTIONS AND FEES

(This By-law may be cited as the Building By-law)

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

**WHEREAS** Section 3(5) of the *Building Code Act* states that the council of an upper-tier municipality and of one or more municipalities in the upper-tier municipality may enter into an agreement for the enforcement by the upper-tier municipality of this *Act* in the municipalities and for charging the municipalities the whole or part of the cost;

**WHEREAS** Section 3(6) of the *Building Code Act* states that where such agreement is in effect, the upper-tier municipality has jurisdiction for the enforcement of this *Act* in the municipalities that are parties to the agreement and shall appoint a chief building official and such inspectors as are necessary for that purpose;

**WHEREAS** Section 7 of the *Building Code Act*, empowers Council to pass certain by-laws respecting construction, demolition and changes of use, conditional permits, inspections and enforcement related matters of the Building Code Act;

**WHEREAS** Section 7 (1) (c) of the *Building Code Act* provides for a municipality to set by-laws requiring the payment of fees and prescribing the amounts of the fees, on application for and on issuance of permits; and

**WHEREAS** Section 391 (1) of the *Municipal Act*, S.O. 2001, Chapter 25, as amended, authorizes a municipality to impose fees or charges on persons, (a) for services or activities provided or done by or on behalf of it; and (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board;

**NOW THEREFORE** the Council of the Village of Oil Springs in the County of Lambton enacts as follows:

#### 1. **DEFINITIONS:**

In this by-law:

- 1.1. "Act" means the Building Code Act, 1992, including amendments thereto.
- 1.2. "Agreement" means an agreement under Section 3(5) of the Act.
- 1.3. "Applicant" means the person making an application under this by-law including an authorized agent.
- 1.4. "Application" means a written request for a permit under Section 3 of this by-law.
- 1.5. "As constructed Plans" means as constructed plans as defined in the Building Code.
- 1.6. "Building" means a building as defined in Section 1(1) of the Act, and includes plumbing not located in a structure and sewage system.

- 1.7. “Building Code” means the regulations made under Section 34 of the Act.
- 1.8. “Chief Building Official” means the Chief Building Official appointed by By-law by the Corporation *Building Code Act*, 1992. SO. 1992, c. 23 as amended, for the purposes of enforcement of the Act.
- 1.9. “Construct” means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or removed from elsewhere and “constructed” has a corresponding meaning.
- 1.10. “Corporation” means The Corporation of the Village of Oil Springs.
- 1.11. “Demolition” means to do anything in the removal of a building or any material part thereof and “demolition” has a corresponding meaning.
- 1.12. “Farm Building” means a farm building as defined in the Building Code.
- 1.13. “Permit” means written permission or written authorization from the Chief Building Official or Inspector to perform work regulated by this by-law and the Act.
- 1.14. “Plumbing” means a drainage system, a venting system and a water system or parts thereof – plumbing and septic permits shall be obtained at the County.

## **2. CLASSES OF PERMITS**

- 2.1. Classes of Permits with respect to the construction, demolition and change of use of building and permit fees shall be set as per other buildings in this by-law.
- 2.2. Any structure or building defined as a “Building” in the Act requires a permit and fee as per other buildings in this by-law.

## **3. INFORMATION TO BE INCLUDED IN APPLICATION FOR PERMIT**

- 3.1. To obtain a permit, an application may be made at the County Administration Building in Wyoming, Ontario.
- 3.2. The application shall be made by the owner or an agent authorized in writing by the owner.
- 3.3. Except as otherwise permitted by the Chief Building Official, every application shall:
  - (a) include a completed Permit Application form, as set out in Schedule “B” to this By-law, signed by the owner or an authorized agent who will certify the truth of its contents;
  - (b) be accompanied with the fee prescribed in Schedule “A” of this by-law;
  - (c) provide a legal description and municipal address of the land on which the work is to be done;
  - (d) identify and describe, in detail, the work to be done;
  - (e) state the valuation of the proposed work including the materials and labour;
  - (f) identify the intended use and occupancy of the building;

- (g) state the names, addresses and telephone numbers of the owner, the architect, professional engineer or designer, where applicable, and the constructor or demolisher;
  - (h) include complete plans and specifications as required by this by-law for the work to be covered by the permit;
  - (i) be accompanied by a written acknowledgement by the owner that an architect or professional engineer has been retained to carry out the field review of the construction, where required by the Building Code; and
  - (j) include a grading plan showing final grading to be carried out.
- 3.4. Every application for a demolition permit under Section 8(1) of the Act shall be fully completed in the form, manner and content satisfactory to the Chief Building Official and shall:
- (a) contain the information required by clause 3.3; and
  - (b) be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, gas, electric, telephone or other utilities and services.
- 3.5. Every application for a conditional permit under Section 8(3) of the Act shall be fully completed in the form, manner and content satisfactory to the Chief Building Official and the Corporation shall:
- (a) contain the information required by clause 3.3.
  - (b) contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require;
  - (c) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
  - (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;
  - (e) state the time in which plans and specifications of the complete building will be filed with the chief building official; and
  - (f) state how the proposal conforms to Section 34 and 38 of the Planning Act.
- 3.6. Every application for a change in use permit under Subsection 10(1) of the Act shall be fully completed in the form, manner and content satisfactory to the Chief Building Official and 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;
  - (c) 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;

- (d) be accompanied by the required fee;
- (e) state the name, address and telephone number of the owner; and
- (f) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

#### **4. INCOMPLETE APPLICATION**

- 4.1. A permit may be denied if the application is deemed incomplete by the Chief Building Official.

#### **5. PLANS, SPECIFICATION AND INFORMATION FOR ALL CONSTRUCTION**

- 5.1. The following clauses outline the plans, specifications and information which shall be submitted with all applications for construction, addition, alteration, renovation, demolition and/or change of use for structures, as specified in the Ontario Building Code.
- 5.2. Where the work is subject to site plan control under Section 41 of the Planning Act, R.S.O.1990, as amended, a copy of the approval by the municipality and where a site plan agreement is required, a copy of such agreement shall be provided.
- 5.3. If required by the Chief Building Official, current survey plans shall be provided in duplicate prepared by an Ontario Land Surveyor defining and monumenting the limits of the lot upon which the construction or demolition is to be carried out and showing:
  - (a) the public highways immediately adjoining the lot;
  - (b) the position and forms of each survey monument and the evidence used to define the limits of the public highway;
  - (c) all rights-of-way and easements within or adjoining the lot in which the proposed work is to be carried out;
  - (d) the location, type, number of stories and the municipal numbers of all buildings on the lot on which the proposed work is to be carried out;
  - (e) the required elevation of grades in relation to the Canadian Geodetic Datum, and crown of road elevations;
  - (f) complete referencing by astronomic bearing and dimensioning of all limits and monuments to enable re-establishment if lost or disturbed.
- 5.4. 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 with the Act, the Building Code and any other applicable law.
- 5.5. Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete sets of the plans and specifications required under this by-law.

5.6. Plans shall be drawn to scale on paper, cloth or other durable material, be legible and without limiting the generality of the foregoing, include such working drawings as set out in Schedule “B” to this By-law unless otherwise specified by the Chief Building Official.

5.6.1. All buildings over 600 square metres and those described in Division C, Part 1, Table 1.2.1.1 of O. Reg. 350/06 shall be designed and reviewed by an architect and/or professional engineer.

5.7. It shall be unlawful to erase, alter or modify any drawings or specifications approved by the Chief Building Official without written consent. If, during the progress of the work, any alteration is desired, notice of intention stating clearly all the revisions to be made must be submitted in writing to the Chief Building Official and consent shall be first obtained before any alteration may be made.

## **6. BUILDING OR BUILDINGS MOVED**

6.1. Buildings which are moved shall be construed as new construction, for calculation of permit fee, and must conform to the provisions of this By-law according to the purpose for which they are to be used.

6.2. An application for a building permit shall be completed for any building to be moved in the municipality and the fees as laid down in this section and Schedule “A” of this By-law shall apply. The applicant is also required to pay the Chief Building Official’s traveling costs incurred pursuant to Section 6.3.

6.3. The applicant shall arrange with the Chief Building Official to inspect the said building before it is moved and shall pay the fees required by Section 6.2 prior to the inspection.

6.4. One building permit shall be required for the relocation of a building. The permit shall be referred to as a “Building/Relocation Permit”.

6.5. The applicant or his building mover is responsible for obtaining all other permits necessary (i.e. hydro, Union Gas, telephone, police and any other road authorities).

6.6. The applicant shall supply the Corporation with a map of the route proposed to move the building before any permit is issued and the route shall not be changed unless the Corporation approves the change.

## **7. APPROVAL IN PART**

7.1. 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 nor that approval will necessarily be granted for the entire building or project.

## **8. FEES**

8.1. Fees for a required permit shall be in accordance with schedule “A” of this By-law and are due and payable upon submission of an application for a permit.

8.2. For extra inspections made necessary because of faulty or defective work or because of the work not being ready for inspection, the

hourly fee charge by the County of Lambton to the Village of Oil Springs in addition to the cost of mileage, will be billed back to the permit holder for each inspection after the second inspection that is for the same purpose.

- 8.3. Where the fees are based on the square footage of a building this shall include garages, porches, canopies and walkout basements.
- 8.4. The applicant will be required to deposit one thousand dollars (\$1,000.00) with the Corporation of the Village of Oil Springs, by way of cash, cheque or money order and enter into an indemnity agreement with the Village of Oil Springs whereby the applicant will pay the cost of damage repairs to any property of the Village resulting from the moving of a building or the construction of new building or any work done under a building permit, whether such damage is caused by the negligence of the applicant or not. Such deposit shall be returned to the applicant upon completion of the project when the Corporation has satisfied itself that the applicant has complied with such plans, specifications, details and other requirements of the By-law and there are no outstanding accounts.

## **9. CANCELLATION OF PERMIT OR APPLICATION**

- 9.1. An application for a permit may be deemed to have been abandoned and cancelled six months after the date of filing, unless such application is being seriously proceeded with. A refund of a portion of the permit fee may be granted, pursuant to Section 10 of this By-law.
- 9.2. A permit may be revoked by the Chief Building Official if a material variation is found in the construction of the building, from the approved plans and specifications. A permit may also be revoked for any reason set out in Section 8(10) of the Act.

## **10. REFUNDS**

- 10.1. In the case of withdrawal of an application or the abandonment of all or a portion of the Work or the non-commencement of any project, Council shall determine the amount of Paid permit fees that may be refunded to the applicant, if any, in accordance with Schedule "C" attached to and forming part of this By-law.

## **11. RENEWAL OF PERMIT**

- 11.1. The Chief Building Official may renew a permit, subject to Section 8 of the Act, provided that the required fee set by the municipality is paid, and provided that the plans and specifications are made to comply with all the requirements of the Act in effect at the time of renewal.

## **12. NOTIFICATION REQUIREMENTS FOR INSPECTIONS**

- 12.1. Every holder of a permit issued under this by-law shall notify the Chief Building Official not less than two business days before reaching a stage of construction which requires an inspection as follows:
  - (a) substantial completion of excavation
  - (b) substantial completion of footings prior to pour
  - (c) substantial completion of foundations prior to backfilling

- (d) substantial completion of framing and hvac
- (e) substantial completion of insulation and vapour barriers and air barrier
- (f) commencement of construction of all solid fuel fireplaces and woodstoves
- (g) substantial completion of all fire separations, closures and fire protection systems
- (h) readiness to occupy a building or portion thereof
- (i) substantial completion of the building, site grading and fire access routes and as constructed plans.

12.2. The consent of the Chief Building Official may be required before construction proceeds beyond the substantial completion of framing. Prior to giving such consent, the Chief Building Official may require the owner or an authorized agent to provide a foundation survey showing the location of the said foundations or footings on the property. Further, the Chief Building required a certified lot grading certificate for all residential development prior to the final inspection being completed.

### **13. AS CONSTRUCTED DRAWINGS**

13.1. Where the Chief Building Official has stated on the permit that as constructed drawings are required, and upon completion of building for which a permit has been issued, a set of plans of the building as constructed and completed shall be submitted to the Chief Building Official.

### **14. RESCIND BY-LAWS**

This by-law shall come into force and take effect on September 1, 2019.

By-law No. 467 of 2007 is hereby repealed and replaced by this By-Law.

Read a first second and third time and finally passed this 13<sup>th</sup> Day of August, 2019.

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Ian Veen,  
Mayor

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Erkki Pohjolainen,  
Clerk

**SCHEDULE “A”**  
**To Village of Oil Springs By-law No. 839-2019**

<b>Buildings and Structures</b>	<b>Building Permit Fees</b>
1. Residential dwellings with or without attached garage	\$500.00 base fee plus \$0.40 per square foot to a maximum of \$1,500.00
2. Residential and Accessory Structures (garages, car ports, sheds)	\$150.00 base fee plus \$0.30 per square foot
3. Apartments and Multiple Housing	\$500.00 base fee plus \$0.40 per square foot to a maximum of \$2,500.00
4. Farm and accessory farm related	\$150.00 base fee plus \$0.40 per square foot to a maximum of \$1,000.00
5. Building enlargements and alterations	\$150.00 base fee plus \$0.40 per square foot to a maximum of \$1,000.00
6. New Commercial, Institutional, Industrial and Assembly	\$500.00 base fee plus \$0.40 per square foot to a maximum of \$1,500.00
7. Swimming Pools including fence	\$150.00 base fee
8. Renewal of expired, cancelled or abandoned permits	\$150.00 base fee
9. Other permit or inspection fees not specifically covered in the schedule	\$150.00 base fee plus \$0.40 per square foot
10. Building Re-locations	\$150.00 base fee plus costs incurred by Chief Building Official for pre-permit inspection plus building permit fee as per the appropriate category plus \$10,000.00 Completion Agreement (refundable)
11. Building Demolition	\$150.00 base fee if area greater than 500 square feet
12. All items above require a \$1,000.00 damage deposit. See Section 8.4 of By-law No 839 of 2019.	
13. No permit will be required for roofing, shingling, eavestroughing or siding.	



**SCHEDULE “B”**  
**To Village of Oil Springs By-law No. 839-2019**

**Current Building & Plumbing Permit Application, as provided by the Building Services Department of the County of Lambton and as may be amended from time to time.**

**SCHEDULE “C”**  
**To Village of Oil Springs By-law No. 839-2019**

**Refund of Permit Fees**

- A. The fees that may be refunded shall be a percentage of the fees payable under this By-Law as follows:
- i) 80 per cent if administrative functions only have been performed;
  - ii) 70 per cent if administrative and zoning functions have been performed;
  - iii) 45 per cent if administrative, zoning and plan examination functions have been performed;
  - iv) 35 per cent if the permit has been issued and no field inspections have been performed subsequent to permit issuance;
  - v) 5 per cent shall additionally be deducted for each field inspection that has been performed after the permit has been issued.
- B. Notwithstanding paragraph A above, no refund shall be made if the amount is \$100.00 or less.