

THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD

BY-LAW 38-2024

Being a Bylaw to establish a Municipal Building Bylaw and Regulate Construction, Demolition and Change of Use Permits for Buildings, Structures, and All Other Related Services within the Village of Merrickville-Wolford

WHEREAS pursuant to section 9 of the *Municipal Act, 2001* S.O. 2001, Chapter 25 a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS pursuant to section 8 (1) of the *Municipal Act, 2001*, the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 7 of the *Building Code Act, 1992*, as amended, authorizes municipal councils to pass by-laws respecting construction, demolition and change of use permits, inspections and related matters including fees;

AND WHEREAS it is deemed necessary to repeal By-law 28-98 and to enact a new Building By-law for the issuance of permits and related matters;

NOW THEREFORE the Council of the Corporation of the Village of Merrickville-Wolford hereby enacts as follows:

1. GENERAL

- 1.1 This By-law may be cited as the "Building By-law" of the Corporation of the Village of Merrickville-Wolford.
- 1.2 Words in the singular may include the plural and words in the plural may include singular.
- 1.3 This By-law is to be read in conjunction with all Statutes referred to in the preamble hereto and in the event that there is a conflict between the provisions of this By-law and the provisions of the Act as amended, or its regulations, then the provisions of the Act and its regulations as amended prevail.

2. DEFINITIONS

- 2.1 'Act' means the *Building Code Act, 1992*, S.O. 1992, Chapter 25, as amended from time to time.
- 2.2 'Applicant' means the Owner of a building or property who applies for a Permit or any person authorized to apply for a Permit on the Owner's behalf, or any person or corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or corporation.
- 2.3 'Building' means:
 - a) a structure occupying an area greater than ten square metres (110 sq ft) consisting of a wall, roof, and floor, or any one or more of them or a

structural system serving the function thereof, including all plumbing, works, fixtures and service systems appurtenant thereto;

- b) a structure occupying an area of fifteen square metres or less that contains plumbing, including the plumbing appurtenant thereto;
 - c) plumbing not located in a structure;
 - d) a sewage system; or
 - e) structures designated in the Ontario Building Code.
- 2.4 'Building Inspector' means a person appointed by By-law of the Corporation of the Village of Merrickville-Wolford pursuant to Section 3 of the *Building Code Act*, as amended, for the purposes of the enforcement of the *Building Code Act*.
- 2.5 'Chief Building Official' (CBO) means the Chief Building Official appointed by By-law of the Corporation of the Village of Merrickville-Wolford pursuant to Section 3 of the *Building Code Act*, as amended, for the purposes of the enforcement of the Act.
- 2.6 'Highway' means and shall be read and understood to be either male or female.
- 2.7 'Permit' means written permission or written authorization from the Chief Building Official to perform work regulated by this By-law and the *Building Code Act*, or to change the use of a building or part of a building or parts thereof as regulated by the *Building Code Act*.
- 2.8 'Village' means the Corporation of the Village of Merrickville-Wolford.

3. PERMITS

- 3.1 No person shall or shall cause to construct, alter, renovate, move or situate or demolish in full or part a building a structure in the Village unless a permit for such purpose has been issued by the Chief Building Official.
- 3.2 Classes of permits with respect to the construction and demolition of buildings shall be as set out in Schedule 'H' of the Fees and Charges By-law 44-2022.
- 3.3 To obtain a permit, the owner or his authorized agent shall file an application in writing by completing the application in the form provided and available from the Village Municipal Office or the Chief Building Official.
- 3.4 Except as otherwise permitted by the Chief Building Official, every application shall identify and describe in detail the work and occupancy to be covered by the permit for which the application is made, including:
- a) Description of the land on which the work is to be done, that will readily identify and locate the building lot.
 - b) Two copies of plans drawn to scale upon paper or other durable material for new construction and appropriate scale for renovation and all specifications shall be submitted.
 - c) The valuation of the proposed work and the required fee.
 - d) The names, addresses and telephone numbers of the owner, architect, engineer or other designer and constructor.

- e) The signature of the owner or their authorized agent who shall certify the truth of the contents of the application.
 - f) Unless otherwise permitted by the Chief Building Official, site plans shall be referenced to a current plan survey, certified by a registered Ontario Land Surveyor, and a copy of such survey shall be submitted.
- 3.5 The Chief Building Official, subject to the provisions outlined in Subsection 8 (10) of the *Act*, has the authority to revoke a Permit issued under the *Building Code Act*. The Building Inspector shall be permitted to exercise the powers of the CBO as stated in this By-law, provided that the Building Inspector has the required qualifications/courses.
- 3.6 Subject to Section 8 (10) of the *Act*, building permits may be revoked and must be renewed:
- a) Where they are issued in mistaken or false information
 - b) Where after six months after its issuance, the construction or demolition in respect of which a permit was issued has not, in the opinion of the Chief Building Official, been seriously commenced; or
 - c) Where the construction or demolition of the building is in the opinion of the Chief Building Official, substantially suspended or discontinued for a period of more than one year.
 - d) Where the permit fee or any other fee associated with the permit or construction becomes owing for any reason whatsoever
- 3.7 An application for a Permit may be refused by the Chief Building Official where it is not a complete application.
- 3.8 The Chief Building Official has the delegated authority to create and/or adopt for usage, forms (other than those prescribed by the *Building Code Act* or the *Ontario Building Code*) which provide for the collection of specific information in relation to Permit applications as is necessary for the administration and enforcement of the *Building Code Act* and the *Ontario Building Code*. This delegated authority is subject to the Chief Building Official maintaining a list of forms that it has issued or adopted for usage.

The Chief Building Official may, as the Chief Building Official deems appropriate, provide prescribed forms in an electronic format, and may allow for electronic submission of completed Permit application forms and documents.

Completed forms generated electronically shall be accepted subject to the endorsement by the Applicant.

- 3.9 Applications submitted in accordance with this By-law or otherwise required by the Act become the property of the Corporation and will be disposed of or retained in accordance with relevant legislation or By-laws.

4. SPECIFICATIONS AND INFORMATION

- 4.1 The Chief Building Official shall require the applicant to produce the entrance approval from the appropriate authority in respect to any building proposed to be constructed fronting on any Highway before the issuance of a building permit.

- 4.2 No permit will be issued in respect of a new building or a major alteration or repair to an existing building unless receipted proof that connection has been made and/or applied for to the supply of Municipal Water and Sewage with the appropriate fees paid to the Village and/or a permit for the installation of an adequate sewage disposal system has been approved.
- 4.3 No permit will be issued where the proposed use or location of a building is in contravention of the Village's Zoning By-law.
- 4.4 No work shall commence until the building permit issued is prominently displayed on the site of the work.
- 4.5 The Chief Building Official may require an engineer's report or Soils investigation be conducted at the applicant's sole expense for any stage of construction, renovation, or demolition. A report from a certified Ontario Land Surveyor or Professional Engineer shall be required for approval to confirm that all final grades are in compliance with the Village's lot grading requirements. The Chief Building Official may waive this requirement at his sole discretion.
- 4.6 A copy of proof of ownership or land transfer/deed may be required to accompany any application or a declaration appointing the applicant as agent for the owner(s).

Transfer of Permits

- 4.7 It is a condition of the issuance of any permit that the permit shall not be assigned or transferred to another owner or builder without the approval of the Chief Building Official and the payment of the required fee as stated in Schedule "H" of the Fees and Charges By-law 44-2022. The transfer of a permit shall be permitted when there is a change of Ownership of the lands affected by the permit provided that the new Owner informs the Chief Building Official in writing that they have assumed responsibility for engaging the services of any contractor, design professional or other service required to complete work authorized under a permit or permits and with payment of the applicable fees as set out in the Fees and Charges By-law.

Heritage Designated Properties

- 4.8 No permit shall be issued on or for Heritage Designated Properties until the required procedures have been complied with, as set out by the *Ontario Heritage Act* Chapter O.18 R.S.O. 1990 as amended.

5. TEMPORARY PERMITS

- 5.1 A temporary building permit will be required:
 - a) To construct any shack, shanty, or other temporary structure. Any such structure built by an employer for the housing accommodation of their labourers or workers engaged in work of a temporary or seasonal nature shall be dismantled and removed as soon as the work in connection with which it was erected has terminated. The Chief Building Official shall determine the termination date.
- 5.2 A restricted permit for a temporary building may be issued by the Chief Building Official authorizing the placement, erection or existence of a building or part thereof, for a limited time.
- 5.3 A permit for a temporary building may be extended provided that permission in writing is granted by the Chief Building Official.

6. SPECIAL PROVISIONS

- 6.1 The owner or his authorized agent shall notify the Chief Building Official at least forty-eight (48) hours in advance of the following stages of construction:
- a) Commencement of construction
 - b) Readiness to construct footings
 - c) Substantial completion of the structural framing
 - d) Substantial completion of the insulation and vapour barriers
- 6.2
- a) Where in the opinion of the Chief Building Official it is necessary for public safety, the owners shall cause to be erected on the street line adjacent to any building being constructed, altered, repaired or wrecked, demolished, a suitable type of board fence, at least six (6) feet in height and with sufficient overhead boarding to protect passers-by. No such fence shall be removed until the work has been completed and permission for that purpose has been obtained from the Chief Building Official.
 - b) No unused building material, debris, materials from any building being wrecked, demolished or material from excavations shall be placed on or allowed to accumulate on any highway, public street, alley, or lane.
- 6.3 No person shall in any matter obstruct the free passage of water in drains, gutters or watercourses by buildings, landscaping, or any other means.
- 6.4 No person shall remove from a building or site any order issued by the Chief Building Official or his appointee, without first obtaining permission from the Chief Building Official.

7. FEES AND REFUNDS

- 7.1 Fees for a required permit shall be in accordance with Schedule 'H' of the Fees and Charges By-law 44-2022 and the said Schedule 'H' may be amended from time to time without amending this By-law of affecting the By-law in any manner.
- 7.2 The fees set out in Schedule "H" of the Fees and Charges By-law 44-2022 shall be adjusted annually on and effective the 1st February based upon the 3rd quarter Statistics Canada Non-Residential Cost Index: Ottawa; where such index indicates negative growth, the fees shall remain at the level established for the prior year. The Chief Building Official shall update Schedule "H" of the Fees and Charges By-law as of February 1st each year, rounding the fees up to the next dollar, however no amendment to the by-law shall be required to give effect to the fee changes.
- 7.3 No permit will be issued in respect of a new building until proof of payment of the Permit fee and other appropriate fees as set out in Schedule 'H' of the Fees and Charges By-law 44-2022 are provided to the Chief Building Official.
- 7.4 There shall be an additional minimum fee for new construction of either residential or commercial applications, payable at the time of the original application.
- 7.5 When the fees are based on the cost of valuation of the proposed work, such valuation shall mean the total cost of all work. That shall be the work regulated by the permit as well as electrical, plumbing or health branches and shall include cost of professional and related services.
- 7.6 All permits expire one year after their issued date. Permits will then be subject to the administrative renewal fees as set out in Schedule "H" of the Fees and Charges By-law.

- 7.7 Where any fees set out in Schedule “H” of the Fees and Charges By-law remain unpaid after the due date, the amount unpaid shall be added to the tax roll and collected as taxes.

Refunds

- 7.8 Where the Chief Building Official places a valuation on the cost of work, and if the permit applicant or holder disagrees with this valuation, the prescribed fee shall be paid before the issuance of the permit. Upon completion of the work, if the actual cost of the work was less than the valuation placed by the Chief Building Official, an audited statement may be submitted detailing the cost of all component parts of the work. Where the Chief Building Official, in their sole discretion, agrees that the audited costs are less than the valuation, the Chief Building Official may issue a partial refund that reflects the difference between the two amounts.
- 7.9 In the case of the withdrawal of an application or abandonment of all or a portion of the work, or the non-commencement of any project, and upon request, the Chief Building Official or appointed designate shall determine the amount of the paid permit fees that may be refunded to the Applicant, in accordance with the fees as set out in the Fees and Charges By-law. The calculation of the amount of the refund by the Chief Building Official shall be final.

8. NOTICE OF INSPECTIONS

- 8.1 Inspection notices required by the *Building Code* and this By-law shall be made to the Chief Building Official.
- 8.2 Inspection notices are required a minimum of two business days prior to the stages of construction specified therein and shall be given in accordance with the requirements of Subsection 1.3.5 of Division C of the *Building Code*.
- 8.3 The person or organization to whom the permit has been issued shall notify the Chief Building Official of each stage of construction for which a notice is prescribed by the *Building Code*.
- 8.4 The person to whom the permit has been issued shall notify the Chief Building Official of the date of completion of the building or demolition work no more than two days after that date.
- 8.5 In addition to the notices prescribed in Article 1.3.5.1 of Division C of the *Building Code*, the person to whom a permit has been issued shall give the Chief Building Official notice of the readiness for inspection for the stages of construction set out in Article 1.3.5.2 of Division C of the *Building Code*, where applicable.
- 8.6 All notices for inspections as described above shall not be deemed effective until the notice is acknowledged as received by the Chief Building Official.

9. ENFORCEMENT AND PENALTIES

- 9.1 Every person or corporation who contravenes any provision of this By-law is guilty of an offence and upon conviction under the provisions of the *Provincial Offences Act* is liable to a fine and/or other penalty imposed under Section 36 of the *Building Code Act*, as amended.
- 9.2 In addition to any penalty imposed under the provisions of paragraph 8.1, any building constructed, altered, repaired or placed in contravention of this By-law may be pulled down or moved on instruction from the Chief Building

Official or other person authorized by the Council, and the expense of such removal or pulling down shall be paid by the owner and may be recovered in like manner as municipal taxes.

10. SEVERABILITY

- 10.1 Should any section, or part of a section of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect any other provision of this By-law in whole or part thereof.
- 10.2 Nothing in this By-law shall or is intended to contravene the *Building Code Act*, as amended.
- 10.3 Where any discrepancy occurs, the *Building Code Act* and regulation thereunder shall take precedence.

11. REPEAL AND TRANSITION

- 11.1 By-law Number 28-98 and all other related amending by-laws are hereby repealed in its entirety upon the date that this By-law comes into force.
- 11.2 Notwithstanding sections 10.1 and 11.1 of this By-law, for any complete permit applications received prior to the effective date of this By-law, the provisions of By-law Number 28-98, as amended shall remain in force and effect of the purpose of those permit applications.

12. EFFECTIVE DATE

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

Read a first and second time this 10th day of June, 2024.

Read a third and final time and passed this 10th day of June, 2024.

Michael Cameron, Mayor

Julia McCaugherty-Jansman,
Clerk