

The Corporation of the Municipality of South Huron

By-Law 35-2008

Being a By-law to provide for Administration and Enforcement of the Building Code.

Office Consolidation

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By-Law No. 35

“Being a By-law to provide for Administration and Enforcement of the Building Code.”

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The Corporation of The Municipality of South Huron

By-Law No. 35-2008

A By-Law to provide for the administration and enforcement of the Building Code

Whereas Section 7 of the *Building Code Act*, S.O. 1992, c. 23, as amended, empowers Ontario municipalities to pass certain by-laws respecting construction, demolition, change certificates, inspections and other matters relating to the enforcement and administration of the Act;

And Whereas the *Building Code Act*, S.O. 1992, c.23, as amended, and the *Municipal Act*, S.O. 2001, c. 25 (the “Municipal Act, 2001”) provide that Ontario municipalities may impose fees for activities regulated under the Act, as defined herein, and for actions undertaken on behalf of the municipality;

And Whereas Council deem it necessary to provide a comprehensive Building By-Law for the municipality as defined herein.

Now Therefore, Council for The Corporation of the Municipality of South Huron hereby enacts as follows:

Repeal

1. The Building By-Law being By-Law No. 35-2005, Amending By-Law 66-2006 or any other Building By-Laws or Amending By-Laws to Building By-Laws of the Municipality of South Huron, the former Town of Exeter, Township of Stephen and Township of Osborne are hereby repealed.

Interpretation

2. For the purpose of this By-Law, the following words and expressions are defined, and where the same words and expressions are defined in the Building Code, the definitions in this By-Law shall prevail:

“Act” means the *Building Code Act*, S.O. 1992, c. 23, as amended and shall include any Regulations passed pursuant to the Act.

“agent” includes a person representing the owner by designation or contract and includes a hired tradesman and contractor who may be granted permits for work within the limitations of his licence.

“Applicant” means the owner of a building or property who applies for a permit or any person authorized by the owner to apply for a permit on the owner’s behalf, or any person or corporation empowered by statute to cause a demolition of a building or buildings and anyone acting under the authority of such person or

corporation. Where applicable, the term “Applicant” may include a Registered Code Agency, Designer, architect, or engineer.

“Application” shall mean an Application to obtain permission to complete work under this By-law.

“as constructed plans” shall have the meaning ascribed thereto in the Building Code.

“architect” means a holder of a license, a certificate of practice, or a temporary license under the *Architects Act (Ontario)*, as amended.

“building” has the same meaning ascribed thereto in the Act.

“Building Code” shall have the meaning ascribed thereto in the Act.

“Building Inspector” means the person or persons appointed from time to time by the Council as Building Inspector and includes deputy and assistant Building Inspectors.

“Change Certificate” shall have the meaning ascribed thereto in the Act.

“Chief Building Official” means the person appointed from time to time by Council of the municipality and other persons falling within the definition of Chief Building Official in Section 1.3 of the Act.

“Code of Conduct” shall have the meaning ascribed thereto in Section 7.1 of the Act.

“Council” means the Council of The Corporation of the Municipality of South Huron.

“construct” shall have the same meaning ascribed thereto in the Act and “construction” has a corresponding meaning. For clarity, construction includes reconstruction, installation, repair, alteration, moving, and demolition.

“demolition permit” shall have the meaning ascribed thereto in Section 9 herein.

“Designer” shall have the meaning ascribed thereto in the Act and Regulation 305/03.

“encroachment” includes a temporary encroachment and a permanent encroachment.

“fee” means the fee prescribed in Schedule “A” to this By-Law.

“municipality” means The Corporation of the Municipality of South Huron.

“Occupancy Permit” means an Occupancy Permit issued pursuant to this By-Law.

“owner” means any person having any right, title or interest in the subject property including without limitation the registered owner, the beneficial owner, a joint tenant and tenant in common owner of the subject property, a lessee, mortgagee in possession and the authorized agent in lawful control of the property. Look carefully at where we use “owner” vs “Applicant”.

“permanent encroachment” means a new or existing encroachment on property of the municipality whether below, at or above the surface, and includes, but is not limited to, a bay window, a wall, foundation, porch, steps, entrance shelter, fire escape, chimney, fence, hedge, tree, ornamental rock garden or flower bed, community gate or sign, tunnel, vault, pipe, storage tank or duct, awning, canopy, marquee or any other thing or object that encroaches upon property of the municipality and is not a temporary encroachment.

“permit” means written permission or 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 a part thereof, as regulated by this By-Law, the Act and/or the Building Code.

“permit holder” shall have the meaning ascribed thereto in the Act and the Building Code.

“plumbing” shall have the same meaning ascribed thereto in the Act.

“professional engineer” or “engineer” means a licensed professional engineer who holds a certificate of authorization issued by the Association of Professional Engineers of Ontario or who is employed by a partnership or corporation authorized by the Association to offer professional engineering services to the public.

“Quality Management Plan” shall have the meaning ascribed thereto in Section 2.19 of Regulation 305/03.

“Registered Code Agency” shall have the meaning ascribed thereto in Section 15.15 of the Act.

“sewage system” referred to in Division A, Part 1 Section 1.4.1.2 of the Building Code states, “Sewage System” means

- (a) a chemical toilet, an incinerating toilet, a recirculating toilet, a self-contained portable toilet and all forms of privy including a portable privy, an earth pit privy, a pail privy, a privy vault and a composting toilet system,
- (b) a greywater system,
- (c) a cesspool,
- (d) a leaching bed system, or
- (e) a system that requires or uses a holding tank for the retention of hauled sewage at the site where it is produced before its collection by a hauled sewage system, where these,
- (f) have a design capacity of 10,000 litres per day or less,
- (g) have, in total, a design capacity of 10,000 litres per day or less, where more than one of these are located on a lot or parcel of land, and

(h) are located wholly within the boundaries of the lot or parcel of land on which is located the building or buildings they serve.

“swimming pool” means any constructed or prefabricated structure used or intended to be used for swimming, bathing, or wading, having a surface area exceeding 14m² (150sq. ft.) or a depth of more than 450mm (18”).

“temporary encroachment” means a new or existing encroachment on property of the municipality whether at, above or below the surface that is used on a temporary basis for no more than six (6) months for purposes including, but not limited to, decorations, planters, canopies, outdoor patios, patios, courier drop boxes, refuse containers, sales kiosks, awning, canopy, marquee, equipment, equipment for the construction, repair, renovation, alteration, maintenance or demolition of a building and also includes any other encroachment of a temporary nature.

“work” means construction, demolition or the moving of a building, swimming pool, fence, walkway, sewage system, plumbing system or any part thereof.

Any word or term not defined in this By-Law shall have the meaning ascribed to it in the Act or the Building Code.

Classes of Permits

3. The classes of permits set out in Schedule “A” of this By-Law are hereby established.

Prohibitions

4. (1) No person shall construct a building or structure without obtaining the required building permit from the Chief Building Official.

(2) No person shall occupy or use a building or any part thereof without obtaining an Occupancy Permit from the Chief Building Official.

(3) No person shall occupy or use a building, or any part thereof, following a Change of Use of the building without obtaining the required Change Certificate from the Chief Building Official.

(4) No person shall construct a covered walkway without obtaining the required permit to construct the covered walkway from the Chief Building Official.

(5) No person shall construct a sewage system without obtaining the required sewage system permit from either the Chief Building Official or such other person having authority to issue the sewage system permit.

(6) No person shall construct a plumbing system without obtaining the required plumbing permit from the Chief Building Official or such other person having authority to issue the required plumbing permit.

(7) No person shall construct a swimming pool without obtaining the required swimming pool permit from the Chief Building Official.

(8) No person shall, unless authorized by the Chief Building Official, alter, reverse, deface, cover, remove, or in any way tamper with any notice, permit or certificate posted or issued pursuant to the provisions of this By-Law, the Building Code, and/or the Act.

Authority of the Chief Building Official

5. (1) The Chief Building Official shall have the authority to undertake all actions authorized under the Building Code, the Act and the regulations issued thereunder. Without limiting the generality of the foregoing, the Chief Building Official shall have the right but not the obligation to:

- (a) administer and enforce this By-Law, the Act and the Building Code;
- (b) retain records of submitted applications, permits and orders issued, inspections, reports and tests, copies of all papers and documents connected with the administration of this By-Law, the Act and the Building Code;
- (c) take such action that he considers necessary in order to establish whether any method or type of construction or material used in the construction of a building conforms with the requirements and provisions of this By-Law, the Act, the Building Code and any other applicable law;
- (d) enter in accordance with the Act, this By-Law or the Building Code upon any building to determine whether this By-Law, the Building Code, the Act and any permit or order issued thereunder have been complied with;
- (e) issue any orders required to bring any building or other work undertaken pursuant to this By-Law into compliance with this By-Law, the Building Code and the Act and any other applicable law;
- (f) issue a stop work order or other cessation of work that is proceeding in contravention of this By-Law, the Building Code, the Act or any Permit or Order issued thereunder.

Permits

6. (1) The Chief Building Official shall issue a permit under this By-Law provided the following prerequisites have been fulfilled:

- (a) an Application has been completed;
- (b) the work proposed in the Application complies with the Building Code, the Act, this By-Law and all other applicable law; and

- (c) the applicant for the permit has paid to the municipality the entire fee prescribed and set out in Schedule "A" hereto.

Permit Conditions

- (2) Any permit shall be issued on the following conditions:
 - (a) construction of any building or other structure shall commence within six (6) months from the date the permit is issued;
 - (b) work is not to be discontinued or suspended for a period of more than six (6) months;
 - (c) in the event of (a) or (b) of this Section 6(2) occurs, the permit shall lapse;
 - (d) all permits issued under this By-Law shall lapse within twenty-four (24) months from the date the permits are issued;
 - (e) there shall be no fee refund or renewal for a permit that lapses in accordance with the provisions of this By-Law. If a permit lapses, the owner shall apply for a new permit for any work that has yet to be completed as of the date that the permit has lapsed;
 - (f) when a permit lapses, a new permit shall be applied for the work remaining;
 - (g) the exterior finish of the structure shall be completed within twelve (12) months of the date the permit is issued and prior to occupancy, whichever shall first occur;
 - (h) if at any time after issuance of the permit but before the work under the permit has commenced, the Applicant applies for cancellation of the permit, the Chief Building Official shall, if satisfied that the work has not commenced, cancel the permit and shall refund to the Applicant fifty (50%) percent of the fee paid by the owner;
 - (i) if inspections are required by the municipality due to violations or failure of the applicant due to violations of this By-Law, the Act, the Building Code or any other applicable law, or due to the failure of the Applicant to have the work accessible and ready for inspection at the time the inspection is requested, the Chief Building Official may, in his sole and absolute discretion, charge additional inspection fees as set out in Schedule "A" attached hereto;
 - (j) the Applicant shall not complete any work that is at variance with the descriptions, plans and specifications submitted in the Application, unless the variance has been authorized by the Chief Building Official;
 - (k) notwithstanding the issuance of the permit, no person shall complete any work or carry out any construction pursuant to any issued permit contrary

to a provision of this By-Law, the Building Code, the Act, or any other applicable law;

- (l) the Chief Building Official may revoke a permit where there is a violation of a condition under which the permit was issued or a violation of this By-Law, the Building Code, the Act, or any other applicable law. Such revocation shall be in writing and communicated to the permit holder;
- (m) the owner and the Applicant shall be responsible for determining that the building site will not be affected by flooding caused by surface run-offs or otherwise, by land slip or other hazards;
- (n) neither the granting of the permit nor acceptance of plans and specifications in the Application, or inspections made by or on behalf of the municipality, shall in any way relieve the owner from full responsibility to perform the work in strict compliance with this By-law, the Building Code, the Act, and any other applicable law;
- (o) the Chief Building Official and the municipality shall have the authority to exercise its powers under this By-Law, the Act, the Building Code, and any other applicable law.

Contents of Application

(3) The Application for a permit shall be made in the form prescribed by the Province of Ontario and shall include such additional and further information as the municipality and the Chief Building Official shall determine. Without limiting the generality of the foregoing, the Application may be required to include:

- (a) the signature of the Applicant, the owner, the owner's contractor or the owner's agent;
- (b) the intended use or uses of the building or structure;
- (c) the estimated value of the proposed work in the Application;
- (d) exhibits, copies, specifications and scale drawings of the building or structure showing such details as may be required by the Chief Building Official;
- (e) information necessary to establish compliance with this By-Law, the Act, the Building Code, the Zoning By-Law of the municipality, and all applicable law;
- (f) details of the grades and elevations of the streets and public services including sewer and drainage abutting the parcel and showing access to the buildings, parking, driveways, or site drainage and finished grades all tied into the municipality's integrated survey area;
- (g) a survey in a form satisfactory to the Chief Building Official;

- (h) drawings of any proposed plumbing system or sewage system;
- (i) details relating to any services for the building or structure in a form satisfactory to the Chief Building Official;
- (j) sufficient information to enable the Chief Building Official to determine whether or not the proposed construction, demolition, change of use or other work will conform with the Act, the Building Code and any other applicable law; and
- (k) such further and other materials as the Chief Building Official may require.

(4) The Chief Building Official's decision regarding any application shall be rendered in compliance with the Act, the Building Code, and any other applicable law and, in the event the Application is denied, shall include such reasons for the decision as may be required.

(5) On completion of the construction of a building, the Chief Building Official may require a set of as constructed plans, including a plan of survey showing the location of the building.

(6) Where the Application requires a Site Plan, the owner shall have all rights of appeal to the Ontario Municipal Board conferred by the Act, the Building Code, and any other applicable law.

(7) Where any decision on an Application requires interpretation of the Act, the Building Code or any other applicable law, any rules by the Minister having jurisdiction shall prevail.

Phased Construction

7. (1) When approval of a portion of a building or project is desired prior to the issuance of a permit for the complete building or project,

- (a) an Application shall be submitted to the Chief Building Official and all the required fees for the complete project shall be paid; and
- (b) at a minimum, complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the Chief Building Official.

(2) The Chief Building Official may issue a permit for the construction of a part of a building before the entire plans and specifications for the whole building have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the By-Law.

(3) Where a permit is issued for part of a building or project, this shall not constitute authorization to proceed with construction beyond the plans for which approval has been provided nor shall such partial approval be considered any assurance that approval will necessarily be granted for the entire building or project.

(4) Although the permit for part of the building or project may be issued in such circumstances, the requirements of this By-Law, the Act and the Building Code shall apply to the remainder of the building, as if the permit had not been issued.

Temporary Buildings

8. (1) Subject to compliance with other applicable By-Laws, the Chief Building Official may issue a permit for the erection or placement of a temporary building (a “building permit for a temporary building”) if he is satisfied that the building is safe for the stated use and duration.

(2) The word “temporary” as used in the subsection, shall mean a period not exceeding twelve (12) months.

(3) In addition to the requirements for a permit issued under this By-Law, an application for a permit to construct a temporary building shall be accompanied by:

(a) plans satisfactory to the Chief Building Official showing the location of the building on the site and construction details of the building;

(b) a statement of the intended use and the duration of the temporary building’s use; and

(c) a certified cheque or irrevocable letter of credit in a form and an amount satisfactory to the Chief Building Official which will guarantee that the building will be removed entirely and the site left in a safe condition when the permit has expired.

Demolitions Permits

9. (1) All lands situated within the boundaries of the municipality are hereby designated areas of demolition control pursuant to Section 33 of the *Planning Act*, R.S.O. 1990, c.P.13.

(2) Before a demolition permit is issued, the Applicant shall deliver to the municipality a demolition permit application in the form prescribed by the Province of Ontario and/or the municipality, the demolition permit application fee and the deposit prescribed in Schedule “A” to secure payment for injury to, destruction, defacement or disturbance of Municipal property, including installations, sewer, drainage and all utilities, roads and accesses, caused by the work for which the permit was issued or by a person doing the work.

(3) Upon receipt of the demolition permit application, the demolition permit application fee and the required deposit, if applicable, the Chief Building Official shall determine in his sole and absolute discretion, whether to issue the demolition permit.

(4) The municipality may apply the deposit towards making good such injury, destruction, defacement or disturbance, and shall return any balance to the Applicant

upon completion of all demolition work, including the removal of all material and debris, concrete foundations, septic tanks and the site being left in a clean and tidy condition.

(5) Where, in the opinion of the Chief Building Official, the nature of the work is such that it is unlikely to cause any injury and has a value that is not material in the opinion of the Chief Building Official, the Chief Building Official may, in his sole and absolute discretion, waive the requirements for a deposit.

(6) Notwithstanding this section and any decision of the Chief Building Official, the Applicant is responsible for the cost to repair any damage to public property resulting from work for which a permit has been issued under this By-Law.

Inspections

10. (1) The Applicant and the owner shall, during construction, request the Chief Building Official to make or cause to be made inspections at the following phases:

- (a) after the excavation, forms for footings or footings and foundation are complete, including the placement of all reinforcing steel as required by the Building Code, supported in place, but prior to placing of any concrete therein. Prior to approval of a foundation, a licensed Ontario Land Surveyor's certificate may be required by the Chief Building Official if deemed necessary to determine the location of the improvements on the site. Work shall not proceed until the siting has been approved;
- (b) after removal of form work from a concrete foundation and installation of perimeter drain tiles and dampproofing, but prior to backfilling against the foundation;
- (c) when the framing and sheathing of the building are complete including, fire-stopping, bracing, chimney, duct work, rough plumbing, rough wiring, heating and air-conditioning systems, roof and crawl space venting, but before any insulation, lath or other interior or exterior finish is applied which would conceal such work;
- (d) after the installation of the fireplace smoke damper but prior to the installation of the first flue liner and any material that would conceal the details of the construction of the fire-box and smoke chamber;
- (e) when the insulation, air barriers and vapour barriers have been completed but before any interior finish is applied which would conceal such work;
- (f) substantial completion of all required fire separations and closures and all fire protection systems including standpipe, sprinkler, fire alarm and emergency lighting systems;
- (g) substantial completion of fire access routes;
- (h) readiness for inspection and testing of:
 - i. building sewers and building drains,

- ii. water service pipes,
 - iii. fire service mains,
 - iv. drainage systems and venting systems,
 - v. the water distribution system, and
 - vi. plumbing fixtures and plumbing appliances;
- (i) readiness for inspection of suction and gravity outlets, covers and suction piping serving outlets of an outdoor pool described in Clause 1.3.1.1.(1)(j) of Division A, a public pool or a public spa;
 - (j) substantial completion of the circulation/recirculation system of an outdoor pool described in Clause 1.3.1.1.(1)(j) of Division A, a public pool or public spa and substantial completion of the pool before it is first filled with water;
 - (k) readiness to construct a sewage system at which the excavation is complete and native soils have been scarified but before any filter medium, distribution piping or stone has been placed;
 - (l) substantial completion of the installation of the sewage system before the commencement of backfilling and connecting the inlet pipe to the building's plumbing system prior to all systems being tested and approved for backfilling;
 - (m) a final inspection of the sewage system, including all access ports/risers, grading, seeding, alarm systems and operation of the system;
 - (n) completion of construction and installation of components required to permit the issuance of an occupancy permit under Division C, Part 1 Sentence 1.3.3.1. (2) or to permit occupancy under Division C, Part 1 Sentence 1.3.3.2. (1), if the building or part of the building to be occupied is not fully complete;
 - (o) a final inspection after all exterior work is complete including final grading and exterior cladding.

(2) The Applicant and the owner shall ensure that no work is done on any part of the building or structure beyond that point indicated in each successive inspection report without first obtaining the written approval of the Chief Building Official.

(3) The required inspection shall be made by giving notice to the Chief Building Official a minimum of two (2) working days prior to the inspection being required, and the owner shall not proceed with any further work which would prevent a thorough inspection until the inspection has been completed and the work has been approved. A notice pursuant to this part of the By-Law is not effective until written or oral notice is actually received by the Chief Building Official.

Encroachments During Construction

11. (1) If, in the opinion of the Building Inspector, a fence or covered walkway is necessary for the protection and safety of the public during the construction or maintenance of a building, it shall be erected in accordance with this section.

(2) A covered walkway shall be a minimum of 1.22 metres in width and shall be equipped with red warning lights to warn of its existence to approaching pedestrians or traffic.

(3) No fence or covered walkway shall be erected in such a way as to obstruct direct access to any fire hydrants, catch basins, or to obstruct light from street lamps.

(4) No person shall occupy a highway or portion of it in connection with the construction or maintenance of a building without first obtaining permission in writing for that purpose from the municipality.

(5) The Applicant and owner requiring for such occupancy shall agree in writing to indemnify and save harmless the municipality from and against all claims, liability, costs and expenses arising out of the granting of highway occupancy and shall post with the municipality an insurance policy to provide security for that indemnity having terms satisfactory to the municipality.

(6) Where permission is granted pursuant to this section, no person shall occupy or encumber any portion of the highway beyond one-half of the width abutting the sidewalk, and in the event that no sidewalk exists, the encroachment shall not exceed three (3) metres provided, however, a wider encroachment will be permitted if a structure is built, according to plans approved by the Chief Building Official, to protect any person using the highway.

Encroachments

12. (1) Before an encroachment permit is issued, the Applicant and owner shall deliver to the municipality an encroachment application in the form prescribed by the Province of Ontario and/or the municipality, together with the fees and deposits prescribed in Schedule "A".

(2) Upon receipt of the encroachment application and the required fees and deposits, the Chief Building Official shall determine in his sole and absolute discretion whether to issue the encroachment permit.

(3) If a permit application is approved, the applicant shall enter into an Encroachment Agreement having a form substantially in the form of Schedule "D" herein.

(4) The Encroachment Agreement may include such further and other provisions as may be required by the municipality and/or the Chief Building Official depending on the details of the encroachment. Any encroachment, including but not limited to any canopy, marquee, or awning, encroaching over public property shall:

- (a) be designed by an architect or engineer registered in the Province of Ontario;
- (b) where necessary, be capable of bearing a live load as specified in the Building Code;
- (c) not project over a traveled roadway or any portion of the public highway or where a sidewalk does not exist;
- (d) be not less than 2.5 metres to the bottom of the structural system from the sidewalk;
- (e) shall have a minimum horizontal clearance of 1.0 metres from the edge of a curb, tree trunk, utility pole or public sign but in the case of awnings, shall not project more than 2 metres from a building;
- (f) be cantilevered from the building face or supported with posts to the sidewalk;
- (g) in the case of awnings, be constructed in a metal frame supported entirely from the structure to which it is attached;
- (h) in the case of awnings, not project over a lane or roadway where a sidewalk does not exist; and
- (i) in the case of awnings, not extend above the roof line of the building to which it is attached.

(5) Any person submitting an encroachment permit application shall, if required, acknowledge in writing in a form satisfactory to the Chief Building Official that requirements of the municipality's other By-laws must also be complied with prior to the encroachment permit being issued by the municipality.

Essential Services

13. (1) No permit for the construction of any residential, commercial or industrial building shall be issued unless the following essential services are provided for:

- (a) **ROAD.** A road within dedicated road allowance of sufficient strength, grade and width is available to provide ready access to the property by fire and emergency vehicles at all times;
- (b) **WATERMAIN.** A public water service or other source of supply of water approved by the Huron County Health Unit, or such other approval authority having jurisdiction, is available for the building or structure unless water is not required for the particular use of a building or structure;
- (c) **SEWER.** A public sewer or other approved method of sewage disposal has been installed to service the building or structure;

- (d) STORM DRAIN. An approved method of storm drainage disposal has been installed to service the building or structure;
- (e) ACCESS TO PROPERTY. A driveway of sufficient strength, grade, and width for access to all buildings by fire and emergency vehicles.

(2) Any connection by an owner or Applicant to municipal services shall be completed by the municipality and on terms satisfactory to the municipality. The owner and the Applicant shall comply with such terms as may be imposed by the municipality or Chief Building Official for the connection of municipal services, including, without limitation, any policy adopted by the municipality from time to time in connection with municipal services.

Pools

14. (1) Before any swimming pool permit is issued, the Applicant and owner shall deliver to the municipality a swimming pool permit application in the form prescribed by the Province of Ontario and/or the municipality and, without limiting and in addition to the general requirements for a permit set out in Section 6 herein, the following information shall also be included:

- a) municipal address where the pool is proposed;
- b) construction value for the swimming pool;
- c) contractor's name and address;
- d) site plan which provides the following details:
- e) pool location and configuration;
 - i. dimensions to property lines and existing buildings;
 - ii. fence location which confirms compliance with the municipality's fence by-law and includes the type of construction;
- f) for above-ground swimming pools, the site plan shall:
- g) include a site plan that shows the limits of the new deck around the pool;
 - i. if the deck is greater than 24" above ground, additional drawings may be required including a floor plan, cross section and guard details; and
 - ii. a deck permit may be required when the deck surface is greater than 24" above the adjacent ground service;
- h) particulars relating to all water supplied, piping, waste piping, appurtenances and other related infrastructure for the swimming pool; and

- i) such further and other information that the Chief Building Official may require to determine compliance with this By-Law, the Act, and the Building Code.

(2) Upon receipt of a swimming pool permit Application, the Chief Building Official shall determine, in his sole and absolute discretion, whether to issue the swimming pool permit.

(3) For clarity, in addition to the provisions of this By-Law, any Application for a swimming pool permit must also comply with the municipality's Pool By-Law, the municipality's Fence By-Law, the Building Code, the Act, and all other applicable laws.

Transfer of Permits

15. (1) A permit is transferable only after the new owner or the new Applicant completes a permit Application form in accordance with the requirements of this By-Law.

(2) A fee shall be payable on a permit transfer as provided in Schedule "A" of this By-Law.

(3) The new owner or the new Applicant shall, upon the transfer of a permit, be the permit holder for the purpose of the Act, the Building Code and this By-Law.

Agents of the Owner

16. Any Registered Code Agency, Designer, professional engineer, engineer or architect shall provide to the Chief Building Official satisfactory evidence of compliance with all requirements of the Act, the Building Code, and any other applicable law, failing which the Registered Code Agency, Designer, engineer or architect shall not be permitted to complete work on behalf of any Applicant, owner or the municipality.

Professional Certification

17. (1) Where the site conditions, the size or complexity of the proposed work or an aspect of the proposed work to which a permit relates requires in the opinion of the Chief Building Official, certification by a professional engineer or architect that the plans submitted with the Application comply with the Building Code, the Act, the Application, this By-Law and any other applicable law, the Chief Building Official may require the Applicant and owner to provide such certification. Such certification may be required prior to or after issuance of the permit. If such certification is provided, the permit issued by the municipality shall include an endorsement confirming that it is issued in reliance upon the certification by the professional engineer or architect.

(2) Notwithstanding any other provisions of this By-Law, whenever in the opinion of the Chief Building Official the proposed work requires specialized technical knowledge, he may require, as a condition of the issuance of a permit, that all drawings, specifications and plot plans, or any part of them, be prepared, signed and sealed by and the construction carried out under the supervision of an architect or professional

engineer having the necessary qualifications. Where an architect or professional engineer designs the work the said professional shall sign a letter of commitment, as set out in Schedule "B" attached hereto.

General Provisions

18. In the event that any term, covenant, or provision of this By-Law is declared by a court of competent jurisdiction to be invalid, in whole or in part, this shall not affect the validity of the remaining provisions of this By-Law.

19. Notwithstanding Section 1 of this By-Law, for any Application received prior to the date of enactment of this By-Law, the Application shall be governed by By-Law No. 35-2005 and amending By-Law No. 66-2006.

20. Nothing in this By-Law shall relieve any person from any obligation to comply with the requirements of any other By-Law or legislation or with the requirement to obtain any licence, permit, certificate, authority, approval, consent or remit any fee, security deposit, letter of credit or any other security or payment otherwise required.

21. Where any section, clause or provision of this By-Law conflicts with any section, clause or provision of any other By-Law of the municipality, the section or clause or provision that establishes the higher standard shall prevail.

22. Where any act or any portion of any act is referred to in this By-Law, such reference shall be interpreted as referring to any subsequently re-numbered sections of the Act and/or changes to the date of the Act and/or amendments or revisions to the Act or re-enactments of the Act or any legislation that replaces the Act.

23. If any owner or Applicant, by any act or omission, contravenes any term, covenant, provision of this By-Law or any permit issued hereunder, without in any way limiting the obligations of such applicant or owner, the municipality shall have the right, but not the obligation, to take such actions as may be necessary to remedy the contravention of the term, covenant, provision or any permit issued hereunder. In the event that the municipality takes such actions as are necessary to remedy any contravention of any term, covenant, provision of this By-Law or any permit issued hereunder, the municipality shall have the right to collect any costs, disbursements or other expenses in like manner as the collection of municipal taxes.

24. Any notice required under this By-Law shall be effectively given when:

- (a) personally delivered to the intended recipient;
- (b) mailed pre-paid registered mail to the intended recipient at his last known address shown on the records of the municipality; or
- (c) by posting a notice on the property of the intended recipient.

Notice personally delivered to the intended recipient shall be deemed received on the date of delivery. Notice given by pre-paid registered mail shall be deemed received on the third business day following the mailing thereof. Notice posted on any

property owned by the intended recipient shall be deemed received the day following delivery thereof.

This by-law comes into force and takes effect on the date it is passed by Council

Read a First Time and Second Time , 2008.

Read a Third Time and Finally Passed , 2008.

Ken Oke, Mayor

Sandra Strang, Clerk

The Corporation of the Municipality of South Huron

By-Law No. 35-2008

Part A

Schedule of Fees – Building Permits

1. The Charge for permits issued in accordance with this By-Law is based on the value of construction covered by the permit and the fee is calculated in accordance with the following scale:

- (a) \$150.00 for projects at or below \$5,000.00 of construction value.
- (b) Projects in excess of \$5,000.00 construction value will be assessed at 1% of the construction value plus \$100.00.
- (c) A permit that has lapsed beyond its two (2) year validation date will remain as an outstanding permit and any required inspections not year completed will be subject to a \$50.00 inspection fee.

Valuation Schedule

Fee Schedule

2. Single storey residence (includes finished basement - \$125.00/sq ft	\$100.00 + \$1.25/sq ft
Residential, storeys above the first storey - \$40.00/sq ft	\$100.00 + \$0.40/sq ft
Commercial Buildings Group - \$75.00/sq ft	\$100.00 + \$0.75/sq ft
Carports - \$25.00/sq ft	\$100.00 + \$0.25/sq ft
Garages - \$35.00/sq ft	\$100.00 + \$0.35/sq ft
Decks and Patios - \$20.00/sq ft	\$100.00 + \$0.20/sq ft
Covered Decks and Covered Patios - \$25.00/sq ft	\$100.00 + \$0.25/sq ft
Porches and Sunrooms - \$30.00/sq ft	\$100.00 + \$0.30/sq ft
Residential Additions/Renovations - \$30.00/sq ft (Other than above)	\$100.00 + \$0.30/sq ft
Farm Buildings - \$20.00/sq ft	\$100.00 + \$0.20/sq ft
Manure Tanks/Pits - \$0.80/ft ³	\$100.00 + \$0.008/ft ³
Silos - \$0.80/ft ³	\$100.00 + \$0.008/ft ³

Greenhouses - \$10.00/sq ft

\$100.00 + \$0.10/sq ft

Other buildings and structures shall be the contract price together with a reasonable allowance for extras or, where there is no contract price, the approximate cost of construction of the building according to the plans and specifications submitted in support of the application for a permit fee calculated as Section 1.

3. Demolition Permit \$200.00 accompanied by a separate security cheque for \$2,000.00 to cover any costs incurred for damage to municipal property. Such cheque shall be returned upon completion and verification that municipal property has not been damaged.
4. Siting of Manufactured Home – See section 1.
5. Moving a Building - \$200.00 plus building permit fees described in Section 1, if relocated within the Municipality of South Huron.
6. Park Model and Mobile Homes (must have CSA Certification for unit with manufacturers installation and anchorage requirements) - \$250.00
7. Grain bins - \$150.00 Flat Rate.
8. Tents - \$75.00 Flat Rate.
9. Re-Inspections \$50.00. Such fees may be subject to forfeiture from the Municipal Property Protection and Security Deposit.
10. **Municipal Property Protection and Performance Security** deposit – 10% of the value of the work to a maximum of \$2,500.00 to be refunded in part or whole upon verification that, no damage has occurred to municipal property, an Occupancy permit has been issued prior to occupancy, and a final approved inspection has taken place.
11. Grading Deposit \$1,000.00. Refunded after receipt of Final Grading Certificate bearing the seal and signature of a Professional Engineer or Ontario Land Surveyor.
12. Where any work related to the permit has started prior to the issuance of a Building Permit, the permit fee payable shall be doubled.
13. Where a building is occupied prior to the issuance of an Occupancy Permit, the Municipal Property Protection and Performance Security may be forfeited.
14. Transfer Fee - \$50.00

Cost of Recovery and Future Adjustment

The municipality confirms that the fees set out in this Schedule “A” are based on recovery of the municipality’s reasonable costs. The municipality shall have the authority to amend the fees set out in Schedule “A” based on the municipality’s reasonable costs from time to time.

Part B

Schedule of Fees – Septic Permits

Type of Sewage System	Fee
Class 2 Sewage System	\$199.50
Class 4 Sewage System	\$495.00
Class 5 Sewage System	\$504.00
Addition/Renovation	\$210.00
Tank Replacement Only	\$250.00
Bed Replacement Only	\$300.00
Lot Assessment/Site Visit	\$220.50 (If permit required, this fee will be deducted from the designated fee)

The Corporation of the Municipality of South Huron

By-Law No. 35-2008

Letter of Commitment

To: The Corporation of the Municipality of South Huron,
Building Department,
322 Main Street South, P.O. Box 759
Exeter, Ontario N0M 1S6

Re: Project: _____
Legal Description: _____

Location (Civic Address) _____

I/We

being the Architect/Engineer for the above noted project, certify that I have sealed the drawings and I will be responsible for the structural inspections of the building during construction.

On substantial completion of the project, a letter will be submitted to The Corporation of the Municipality of South Huron, Building Department, confirming that the building was constructed according to the sealed structural drawings and in compliance with the Ontario Building Code.

Date Signed

Schedule “C”

The Corporation of the Municipality of South Huron

By-Law No. 35-2008

List of plans or working drawings to accompany applications for permits.

1. Site plan
2. Floor plan
3. Foundation plan
4. Framing plan, including engineered floor drawings, LVL's and floor beams, if applicable
5. Roof plan, including engineered truss drawings, if applicable
6. Reflected ceiling plans
7. Sections and details
8. Building elevations
9. Heating, ventilation, air conditioning drawings
10. Plumbing drawings
11. Sewage disposal system drawings
12. Fire alarm system drawings
13. Standpipe and hose drawings

Note: The Chief Building Official may specify that not all the above-mentioned plans are required to accompany an application for permit. However, the plans that are required must be two (2) copies of each before an application can be accepted for processing.

Schedule “D”

The Corporation of the Municipality of South Huron

By-Law No. 35-2008

Encroachment Agreement

Content of Permit

Required Inspections

1. After excavation, forms for footings or footings and foundations are complete but before the placing of any concrete therein.
2. After removal of form work from concrete and installation of perimeter drain tiles and dampproofing but before any backfilling against the foundation.
3. After framing and sheathing of the building are complete but before any insulation, lath or other interior or exterior finish is applied.
4. After installation of fireplace smoke damper but before any installation of first flue liner and material that would conceal and any other material that would conceal the construction of the firebox and smoke chamber.
5. After insulation and vapour barrier has been completed but before any interior finish is applied to conceal the work.
6. An occupancy inspection is required prior to occupancy.
7. A final inspection of all exterior work including final grading and exterior cladding is required.

Terms and Conditions of the Permit

1. Any permit shall be issued on the conditions set out in the Building By-Law condition which conditions include but are not limited to:
 - (a) construction shall commence within six (6) months from the date the permit is issued;
 - (b) work shall not be discontinued or suspended for a period of more than six (6) months;
 - (c) in the event of (a) or (b), the permit shall lapse;
 - (d) all permits shall lapse within twenty-four (24) months from the date of issuance;
 - (e) No fee refund or renewals for permits that lapse. If a permit lapses, the owner shall apply for a new permit for work that has yet to be completed;
 - (f) the exterior finish of the structure shall be completed within twelve (12) months of the date the permit is issued and prior to occupancy, whichever shall first occur;

- (g) the Applicant shall not complete any work that is at variance with either the descriptions, plans and specifications submitted in the Application or, inconsistent with any applicable laws;
- (h) the Chief Building Official may revoke a permit where there is a violation of any kind.

Security Deposit and Forfeiture

A security deposit shall be submitted with the permit Application. The Security Deposit shall be forfeited, in whole or in part at the discretion of the Chief Building Official, if the Applicant or owner damages municipal property or occupies a building without obtaining an occupancy permit. Refunds will be refunded upon completion of the project and receipt of an approved final inspection.

Permit Fees

If inspections are required for violations of permit conditions or failure of the Applicant or owner to comply with any applicable law, or failure to have the work accessible and ready for inspection when the inspection is requested, the Chief Building Official may, in his sole and absolute discretion, charge additional inspection fees as set out in the Building By-Law.

The Corporation of the Municipality of South Huron
Quality Management Plan

This Quality Management Plan includes Schedule A, Scope and Administration, and Schedule B, Service Delivery Standards, and has been accepted by The Corporation of the Municipality of South Huron.

The Corporation of the Municipality of South Huron

Ken Oke, Mayor

Sandra Strang, Clerk

Date: _____

Quality Management Plan

Schedule “A”

Scope and Administration

Version: Municipality of South Huron

Date: _____

Administration of the Corporation of the Municipality of South Huron Quality Management Plan

Adherence to the Quality Management Plan

The Corporation of the Municipality of South Huron (the “Municipality”) is responsible for the administration, effectiveness and compliance with the Quality Management Plan (“QMP”) that includes Schedule A, Scope and Administration, and Schedule B, Service Delivery Standards.

The Municipality will provide services under Schedule B, Service Delivery Standards, through their own staff or one or more accredited agents. When providing services through an agent, the Municipality will contract with the agent to provide services in accordance with the QMP. The Municipality shall make reasonable efforts to monitor the agent’s compliance with the QMP.

The Municipality recognizes that the Province of Ontario or its representative may review or audit the Municipality for compliance with the QMP and will give full cooperation to the Province of Ontario or its agent for the conduct of any review or audit. The Municipality will implement the reasonable recommendations of the reviewer or auditor.

The Municipality will encourage and maintain an atmosphere that supports objective and unbiased decisions. The Chief Building Official and the Building Inspectors (the “Inspectors”) working in the Municipality shall have the ability and opportunity to make decisions relative to compliance monitoring independently, without undue influence of staff, administrators, appointed or elected officials.

Policy for Personnel Training

The Municipality will ensure that the Inspectors of the Municipality attend updating seminars to obtain or update any certifications.

Freedom of Information

The Municipal Freedom of Information and Personal Privacy Act (Ontario) applies to all information and records relating to, created or collected under this QMP.

Records Retention & Retrieval

The Municipality will retain the files of all projects including those where an accredited agent was involved, for at least three (3) years or in accordance with the Municipality’s record retention policy, whichever is greater. Such files will be available at the Municipality’s office. Files where an accredited agent was

involved are the property of the Municipality and will be returned to the Municipality within a reasonable time after completion of the services, or upon request.

Declaration of Status

The Municipality, its Inspectors, staff, officers and accredited agents, whether employed, retained or otherwise engaged by the Municipality, will not participate in any design, construction or installation activities within the Municipality, for projects where they also provide compliance monitoring.

Revisions

Revisions to this QMP may only be made by a Council for the Municipality. A Resolution or By-Law from the Council of the Municipality will be included with a revision.

Revision Control System

The Municipality will ensure its Inspectors have ongoing access to a copy of this QMP and contracted agents are provided with a copy of this QMP.

Notices

Any correspondence in regards to this QMP will be forwarded to:

Name and Address of Client in Full

The Corporation of the Municipality of South Huron
322 Main Street South, P. O. Box 759
Exeter ON N0M 1S6
Attention: Chief Administration Officer
cc: Chief Building Official

Municipality Agreement

In accordance with Council Resolution _____ 20____, The Corporation of the Municipality of South Huron hereby signs this Quality Management Plan.

The Corporation of the Municipality of South Huron

Ken Oke, Mayor
Sandra Strang, Clerk

Quality Management Plan

Schedule “B”

Service Delivery Standards

Version: Municipality of South
Huron

Date: _____

Scope of Services

This Service Delivery Standards document establishes responsibilities and minimum performance criteria for providing compliance monitoring services under the Building Code Act for The Corporation of the Municipality of South Huron. Such services shall include but not be limited to:

- building code review,
- permit issuance,
- plans examinations,
- site inspections,
- site investigations,
- orders,
- verification of compliance,
- identification and follow-up of deficiencies and unsafe conditions,
- issuance of inspection reports, and
- maintaining files and records.

Section 1: Performance

The Municipality shall:

- perform the services in an effective and timely manner,
- endeavor to work co-operatively with the owner and/or the owner's representative(s) to achieve compliance with the Building Code Act and all applicable Regulation(s), and
- perform the services with impartiality and integrity, and in a professional and ethical manner.

Section 2: Personnel

The Municipality shall:

- employ persons knowledgeable about the Building Code, applicable legislation, and regulations, and other applicable law relating to the services,
- employ Inspectors who are certified and designated at a reasonable level to provide compliance inspections relating to the services, and
- maintain a registry of all Inspectors and their respective level(s) of certification.

Section 3: Quality Management Plan Training

The Municipality shall:

- train its Inspectors and other involved staff in accordance with the requirements of this QMP, and
- maintain the training records on each employee's file.

Section 4: Records

The Municipality shall maintain a file system for all the records associated with performing the services including but not limited to:

- permit applications and issued permits,
- where permits are denied, the reasons for denial of the permit,
- plans, specifications and other related documents,
- plans review reports,
- inspection reports,
- verification of compliance,
- orders,
- inspection reports, and
- related correspondence and/or other relevant information.

Section 5: Permit Fees

The Municipality shall collect a fee for each permit issued in accordance with the Municipality's Building By-Law.

Section 6: Orders

The Municipality shall employ appropriately certified Inspectors who may issue orders in accordance with the Building Code, the Building Code Act, and any Regulations passed pursuant thereto.

Section 7: Compliance monitoring

General

The Municipality shall monitor compliance through a program of permit issuance, plans examination (when applicable), site inspection, and follow-up inspections or verification of compliance (when applicable), using appropriately certified and designated Inspectors to provide compliance monitoring in accordance with the Building Code, the Building Code Act, and any Regulations passed pursuant thereto.

Permits

The Municipality shall collect all information required by the Building Code, the Building Code Act, and any Regulations passed pursuant thereto to be collected as part of each permit application.

The Municipality shall comply with all terms, covenants, and provisions of the Municipality's Building By-Law.

Permit Content

The Municipality shall issue permits that may include:

- name of the Municipality,
- permit number,
- permit type,
- date of issue,
- applicant's name, address and phone number,
- contractor's name, address and phone number,
- owner's name, address and phone number,
- project location by legal description, civic address and municipality,
- description of the work,
- permit terms and conditions,
- security deposits and forfeiture,
- inspection requirements.

Site Inspections

An Inspector shall inspect:

- for the purpose of determining if work complies with the Building Code, the Building Code Act, and any Regulations passed pursuant thereto,
- within the time frames required under the Building By-Law and the Building Code Act and regulations issued pursuant thereto,
- within two (2) working days of receiving written notice of the request for inspection if possible,
- at the stage(s) indicated in the Building By-Law and the Building Code Act, and
- all work completed in place at the time of the inspection.

The Municipality shall, at their discretion, extend the time frame for a required site inspection(s) by documenting in the file:

- reasons for the extension, and
- the new time frame or date for conducting the inspection(s).

An Inspector shall, for each inspection required by this QMP, complete an inspection report noting:

- permit number and file number (if applicable),
- permit type,
- Municipality name,
- date,
- owner name, address and phone number,
- contractor name, address and phone number,
- legal description, address (if applicable) and municipality,
- stage(s) of work being inspected,
- a description of the work in place at the time of inspection,
- all observed deficiencies (any condition where the work is incomplete, or does not comply with the Building Code, the Building Code Act or any other applicable Regulation and whether, in the opinion of the Inspector, the work is in an unsafe condition),
- all observed unsafe conditions (any condition that, in the opinion of the Inspector, could result in property loss, injury, or death, and is not a situation of imminent serious danger),
- all observed situations of imminent serious danger and the action taken by the Inspector to remove or reduce the danger, and
- name, signature and designation number of the Inspector conducting the inspection.

The Municipality shall, for each required inspection:

- provide copies of Inspection Reports to the permit applicant, contractor and Municipality's file and if requested to the owner, project consultant, architect or engineer, and
- follow-up on noted deficiencies or unsafe conditions through re-inspection(s) (at the discretion of the Inspector verification of compliance may be accepted as follow-up).

Verification of Compliance

An Inspector may, at their discretion, accept a verification of compliance (reasonable assurance provided from a third party that work complies):

- as follow-up to deficiencies or unsafe conditions noted on a site inspection, or
- in lieu of a site inspection when permitted in this QMP.

An Inspector, when accepting a verification of compliance, shall document the information to the permit file including:

- identification of the document as a verification of compliance,
- permit number and discipline,
- name and title of the person who provided the verification of compliance and how it was provided (i.e. written assurance, verbal assurance, site visit by designate, etc.),
- date accepted by the Inspector, and
- signature and designation number of the Inspector.

No-Entry Policy

When an Inspector is unable to gain entry to a site for a required inspection, the Inspector shall leave a notification on-site in a visible location, or forward notification to the owner or permit applicant (as appropriate), advising of the inspection attempt and requesting that the Municipality be contacted to arrange for the site inspection.

The Inspector shall have all rights and powers in such circumstances conferred under the Building By-Law, the Building Code, the Building Code Act and any Regulations passed pursuant thereto.