

# THE CORPORATION OF THE TOWN OF WASAGA BEACH

## BY-LAW 2005-85

Being a By-law respecting Construction, Demolition and Change of Use Permits and Inspections

**WHEREAS** Section 7 of the Building Code Act, 1992, S.O. 1992, Chapter 23, as amended, empowers Council to pass certain by-laws respecting construction, demolition and change of use permits and inspections.

**Now Therefore**, the Corporation of the Town of Wasaga Beach enacts as follows:

### Section 1 SHORT TITLE

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

### Section 2 DEFINITIONS “in this by-law,”

- 2.1 “Act” means the Building Code Act, 1992, S.O., Chapter 23 as amended.
- 2.2 “applicant” means the owner, or the person authorized by the owner to act on their behalf
- 2.3 “architect” means a holder of a licence, a certificate of practice, or a temporary licence under the Architect’s Act as defined in the Building Code.
- 2.4 “as constructed plans” means as constructed plans as defined in the Building Code
- 2.5 “building” means a building as defined in Section 1(1) of the Act.
- 2.6 “Building Code” means the regulations made under Section 34 of the Act.
- 2.7 “Chief Building Official” means the Chief Building Official appointed by the by-law of The Corporation of the Town of Wasaga Beach for the purposes of enforcement of the Act or designated inspector in their absence.
- 2.8 “farm building” means a farm building as defined in the building code.
- 2.9 “owner” means the registered owner on title, or a person authorized in writing by the owner to act as their agent
- 2.10 “inspector” means an inspector appointed by the by-law of The Corporation of the Town of Wasaga Beach for the purposes of enforcement of the Act.
- 2.11 “permit” means written permission or written authorization from the chief building official or his designate, to perform work regulated by this by-law and the Act, or to change the use of a building or part of a building or parts thereof as regulated by the Act
- 2.12 “plans” means all reports, specifications, revisions, or representation of the applied for project
- 2.13 “plumbing” means plumbing as defined in Section 1(1) of the Act.
- 2.14 “professional engineer” means a person who holds a licence or a temporary licence under the Professional Engineer’s Act, as defined in the Building Code.
- 2.15 “Residential Site” means a construction or demolition site for a building that is used only for residential purposes and that is not more than three storeys in building height and not more than one level below grade.
- 2.16 “sewage system” means a sewage system as defined in Section 1(1) of the Act.
- 2.17 “Town” means The Corporation of the Town of Wasaga Beach.

### Section 3 CLASSES OF PERMITS

- 3.1 Building Permit – required under subsection 8(1) of the Act
- 3.2 Demolition Permit – required under subsection 8(1) of the Act
- 3.3 Plumbing Permit – required under subsection 8(1) of the Act
- 3.4 Sewage System Permit – required under subsection 8(1) of the Act
- 3.5 Change of Use Permit – required under subsection 10(1) of the Act
- 3.6 Sign Permit – required for signs listed in 3.14.1.2 of the Building Code

## Section 4 ADMINISTRATIVE PROCEDURES RELATING TO PERMITS

- 4.1 Revision to Permit – under subsection 8(12) of the Act - After the issuance of a permit under the Act, notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued, must be given in writing, to the Chief Building Official together with the details of such change, which shall not to be made without his or her written authorization.
- 4.2 Revocation of Permits – under subsection 8(10) of the Act – The Chief Building Official has the authority to revoke a permit should he/she believe that any of the conditions listed in 8(10) of the Act have occurred.

## Section 5 REQUIREMENTS FOR APPLICATIONS

- 5.1 To obtain a permit, the owner shall file an original application by completing the prescribed forms available at the offices of the Town or from the Building Code website [www.obc.mah.gov.on.ca](http://www.obc.mah.gov.on.ca) . Forms prescribed by the municipality under clause 7(f) of the Act shall be available at the Town offices as set out in Schedule “C” to this By-Law.
- 5.2 Building and Demolition Permits  
Every application for a permit shall be submitted to the Chief Building Official, and contain the following information:
  - 5.2.1 Where application is made for a construction permit under Subsection 8(1) of the Act, the application shall:
    - 5.2.1.1 use the provincial application form, “Application for a Permit to Construct or Demolish”; and
    - 5.2.1.2 include complete plans and specifications, documents and other information as required by Article 2.4.1.1B of the Building Code and as described in Schedule ‘B’ of this by-law for the work to be covered by the permit.
  - 5.2.2 Where application is made for a demolition permit under Subsection 8(1) of the Act, the application shall:
    - 5.2.2.1 use the provincial application form, “Application for a Permit to Construct or Demolish”; and
    - 5.2.2.2 include complete plans and specifications, documents and other information as required by Article 2.4.1.1B of the Building Code and as described in Schedule ‘B’ of this by-law for the work to be covered by the permit.
- 5.3 Change of Use Permits  
Every application for a change of use permit issued under subsection 10(1) of the Act shall be submitted to the Chief Building Official, and shall:
  - 5.3.1 Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building,
  - 5.3.2 Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made,
  - 5.3.3 Include plans and specifications showing the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of Article 2.4.1.2 of the Building Code and as described in Schedule ‘B’ of this by-law for the work to be covered by the permit.
  - 5.3.4 Be accompanied by the required fee, as set out in Schedule ‘A’,
  - 5.3.5 State the name, address and telephone number of the owner,
  - 5.3.6 Be signed by the owner who shall certify the truth of the contents of the application.
- 5.4 Sewage System Permits  
For every application for a sewage system permit that is submitted to the Chief Building Official, the application shall:

5.4.1 use the provincial application form, “Application for a Permit to Construct or Demolish” and “Schedule 2”;

5.4.1.1 Include complete plans and specifications, documents and other information as required under Article 2.4.1.1B of the Building Code and as described in Schedule ‘B’ and applicable forms from Schedule ‘C’ of this by-law for the work to be covered by the permit.

5.4.1.2 Include a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official:

5.4.1.2.1 Include the date the evaluation was done;

5.4.1.2.2 Include name, address, telephone number and signature of the person who prepared the evaluation; and

5.4.1.2.3 Include a scaled map of the site showing:

5.4.1.2.3.1 the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal/utility corridors;

5.4.1.2.3.2 the location of items listed in Column 1 of Tables 8.2.1.6.A., 8.2.1.6.B. and 8.2.1.6.C. of the Building Code;

5.4.1.2.3.3 the location of the proposed sewage system;

5.4.1.2.3.4 the location of any unsuitable, disturbed or compacted areas;

5.4.1.2.3.5 proposed access routes for system maintenance;

5.4.1.2.3.6 depth to bedrock;

5.4.1.2.3.7 depth of zones of soil saturation;

5.4.1.2.3.8 soil properties, including soil permeability, and

5.4.1.2.3.9 soil conditions, including the potential for flooding.

## 5.5 Plans and Specifications

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

## 5.6 The Site Plan

Site plans shall be referenced to a current survey and, when required to demonstrate compliance with the Act, the Building Code or other applicable law, a copy of the survey shall be submitted to the Chief Building Official. Site plans shall show:

5.6.1 Lot size and the dimensions of property lines and setbacks to any existing or proposed buildings (include building dimensions, driveways, and walkways)

5.6.2 Existing and finished ground levels or grades,

5.6.3 Existing rights-of-way, easements and municipal services, and

5.6.4 Proposed fire access routes and existing fire hydrant locations.

5.6.5 Existing or proposed watercourses and dimensions to the construction proposed

5.6.6 All watercourses on the property and adjacent the subject property

Section 6 FEES

- 6.1 Fees for a required permit shall be as set out in Schedule “A” to this By-law and are due and payable upon submission of an application for a permit. All fees contained within this By-law shall supersede any other fee structure for identical permits within other By-laws.

Section 7 REFUNDS

- 7.1 In the case of application withdrawal, abandonment of all or a portion of the work, or non commencement of any project, the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the applicant, if any, in accordance with Schedule “A” attached to and forming part of this By-law.

Section 8 FORMS

- 8.1 The forms prescribed by the Town under clause 7(f) of the Act for use with application for permits, for orders and for inspection reports shall be as set out in Schedule “C” to this By-law.

Section 9 AS-BUILT DRAWINGS

- 9.1 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.

Section 10 TRANSFERS OF PERMIT

- 10.1 A permit shall not be transferred until such time as the transfer fees have been paid, as set out in Schedule ‘A’ of this By-law. The new owner shall provide proof of ownership, a letter of undertaking, and proof of engagement of design professional where appropriate.

Section 11 CODE OF CONDUCT

- 11.1 Code of Conduct is set out in Schedule ‘D’ of this By-law.

Section 12 CONSTRUCTION FENCING

- 12.1 A person issued a building or demolition permit under the Building Code Act, 1992, for any work in the Town of Wasaga Beach shall erect and maintain a fence to enclose the construction or demolition upon written request from the Chief Building Official.
- 12.2 The Chief Building Official is authorized under this subsection to have a fence erected if the Chief Building Official is satisfied that the conditions at a site would present a particular hazard to the public with regard to:
- 12.2.1 The proximity of the site to occupied dwellings;
  - 12.2.2 The proximity of the site to places frequented by the public, including streets, parks, businesses and workplaces;
  - 12.2.3 The effectiveness of fencing the site;
  - 12.2.4 Any proposed security measures to deter entry to the site;
  - 12.2.5 The hazard presented by the activity occurring and materials used on the site;
  - 12.2.6 The expected duration of the hazard; and
  - 12.2.7 Any other safety considerations.
- 12.3 Where a construction or demolition site is substantially suspended or abandoned, the Chief Building Official may require a fence to be erected by serving written notice of the fencing requirement to the owner under this subsection.
- 12.4 Every fence required by this article shall:
- 12.4.1 Be erected at the perimeter of the construction or demolition to fully enclose the hazard;



- 12.4.2 Be built to deter entry by unauthorized persons or vehicles;
- 12.4.3 Have no rails, other horizontal or diagonal bracing, attachments or pattern of openings on the outside that would facilitate climbing;
- 12.4.4 Contain no opening more than 150 millimetres wide or less than 900 millimetres above the bottom of the fence except where required for access to and from the site;
- 12.4.5 At any access opening, be equipped with gates that shall:
  - 12.4.5.1 Contain wire mesh or similar material sufficient to provide visibility for traffic entering or exiting the site;
  - 12.4.5.2 Be built to specifications that provide performance and safety at least equivalent to the fence; and
  - 12.4.5.3 Deter entry by unauthorized persons;
- 12.4.6 be maintained:
  - 12.4.6.1 In good repair with no gaps larger than 100 millimetres below the fencing and be free of graffiti and posters;
  - 12.4.6.2 Free from health, fire and accident hazards; and
  - 12.4.6.3 So that any access opening is closed and locked or securely reinstalled when the site is unattended; and
- 12.4.7 Be removed not later than 30 days after completion of the construction or demolition work.
- 12.5 A fence required by this subsection shall:
  - 12.5.1 If erected on a Residential Site between an excavation on the site and a public sidewalk or lane that is within 3.0 metres of the excavation, have a height not less than 1.8 metres above the grade outside the enclosed area.
  - 12.5.2 If erected on any other Residential Site, have a height not less than 1.2 metres above the grade outside the enclosed area.
  - 12.5.3 If erected on any other construction or demolition site, have a height not less than 1.8 metres above the grade outside the enclosed area.
- 12.6 A fence required by this subsection shall be built to the following minimum standards:
  - 12.6.1 If erected between an excavation and a public sidewalk or lane that is within 3.0 metres of the excavation, the fence shall be built of wood.
  - 12.6.2 If built of wood, the outside face shall be smooth exterior grade plywood or wafer board 12.5 millimeters thick that is close-boarded, securely nailed or screwed to 89 millimetre by 89 millimetre vertical posts spaced at 2.4 metre centers and embedded sufficiently deep in to the ground to provide a rigid support, and securely nailed or screwed to 38 millimetre by 89 millimetre horizontal rails secured to the vertical posts at the top, bottom and intermediate location at 600 millimetre centers.
  - 12.6.3 If built with plastic mesh, the facing shall be fastened securely at 200 millimetre centers to steel "T" or 50 millimetre wide "U" posts, spaced at not more than 1.2 metre centers and embedded at least 600 millimetres into the ground, with the top and bottom of the plastic mesh secured horizontally by an 11 gauge lacing cable threaded through the mesh and looped and fastened to each post.
  - 12.6.4 If built with chain link, the mesh shall have openings no larger than 50 millimetres and shall be fastened securely both to vertical steel posts, spaced at not more than 2.4 metre centers and embedded at least 600 millimetres into the ground, and to top and bottom horizontal steel rails or 9 gauge steel wire.
  - 12.6.5 Any hoarding, canopy or similar protective barrier required under provincial law may form part of the fence
  - 12.6.6 The fence may be a combination of the fence types specified in this article or may be built of other materials if the fence can be shown to provide performance and safety equivalent to the fence types specified and the chief building official authorizes its use in writing.
- 12.7 Where this article conflicts with any legislation, Regulation or other by-law, the more restrictive shall apply

SECTION 13 BY-LAW PREVIOUS

- 13.1 By-law 1990-77 and all of its amendments of the Corporation of the Town of Wasaga Beach is hereby repealed.
- 13.2 Notwithstanding section 13.1 of this By-law, for any complete application received prior to January 1, 2006 the permit fee shall be calculated in accordance with By-law 1990-77 as amended.

SECTION 14 EFFECTIVE DATE

- 14.1 This By-law comes into force and effect January 1, 2006.