

September 14, 2015

**DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT
PLANNING AND BUILDING SERVICES (2015-01)**

TO: Committee of the Whole
SUBJECT: Building Permit Fees Report and Building By-law
ORIGIN: Chief Building Official

RECOMMENDATIONS

THAT Development and Infrastructure Services Report – Planning and Building Services 2015-01 dated September 14, 2015 regarding Building Permit Fees Report and Building By-law be received and the following recommendation(s) be adopted:

- 1. THAT Committee direct staff to hold a public meeting in accordance with the Building Code Act and regulations for proposed changes to Building Permit fees collected under the Act;**
- 2. AND THAT notice be given to such persons as may be prescribed in the Building Code Act;**
- 3. AND THAT following the public meeting, the Building By-law and associated permit fee schedule be brought back to Council for adoption with an implementation date in January 2016;**
- 4. AND THAT the Building Permit Stabilization Reserve target range be established at 150% - 200% of the total operating expenditures which is consistent with industry practice;**
- 5. AND THAT a DAAP Cost Recovery review as recommended by BMA Management Consulting Inc. be undertaken;**
- 6. AND THAT the cost of the DAAP Cost Recovery review be funded by the Building Permit Reserve.**

COMMENTS

Purpose

The purpose of this report is to recommend a new fee schedule and an updated Building By-law.

Budget Impact

Although the Building Permit program is intended to be fully cost recoverable through fees, the current use of the Building Permit Reserve and the results of the DAAP analysis could impact the future operating budget for the Town.

Summary

The new fees and the by-law reflect changes that have occurred since the last update. The new by-law format is consistent with other jurisdictions throughout the province and will assist in meeting the expectations of the development industry.

Background

The passage of Bill 124 (Building Code Statute Law Amendment Act) received Royal assent on June 27, 2002. The Act primarily amended the Building Code with a focus on three main areas; streamlining, knowledge and accountability. The implementing regulations came into full force on January 1, 2006 and introduced provisions related to Building Permit fees, including requirements for reporting, the establishment of an obligatory reserve fund, mandating a public meeting for any proposed changes to Building Permit fees and establishing a code of conduct specific to the Chief Building Official and Inspectors. One of the more significant changes for Ontario municipalities was the impact on Development Application Approval Process (DAAP) user fees. DAAP reflects the administration, review, approval and enforcement services provided by municipalities with respect to development applications under the legislative jurisdiction of the Planning Act and Building Code Act.

Under the new regime, Building Permit fees collected must not exceed the anticipated reasonable cost to administer and enforce the Act. The cost for administration and enforcement include the direct costs such as review of applications and inspection of buildings and the indirect costs such as overhead and support. The regulations include an enabling provision for a municipality to establish an obligatory reserve fund to offset yearly workload fluctuations and downturns in the economy.

In accordance with the Act, staff prepare an annual report on building fees collected, amounts transferred to other departments for the indirect costs associated with the administration and enforcement of the Building Code Act and contributions or draws on the reserves.

A number of legislative changes have taken place since the last time the Town of Newmarket's Building By-law and fee structure were reviewed including Bill 212 - The Good Government Act which received Royal Assent on December 15, 2009. The Act amended several pieces of legislation including the Building Code Act. The legislative and regulatory changes affect:

- Requirements for complete Building Permit Application – effective January 1, 2011.
- Mandatory requirements for Occupancy Permits for certain types of residential occupancies – effective January 1, 2012.

Since 2006 a number of regulatory changes have been made to the Building Code increasing the scope such that the Regulation is now contained in two volumes. Significant changes include an objective based format to accommodate innovative solutions and emerging technologies, energy efficiency requirements for all building types, enhanced accessibility requirements and requirements for glass guards in balconies.

Given the number of legislative and regulatory changes since the last detailed permit fee review approximately 10 years ago, the Building Division deemed it appropriate to undertake a review at this time. BMA Management Consulting was engaged to undertake this review and a copy of their Final Report along with their recommendations is appended to this report.

Changes to the fee schedule being put forward by the consultant include:

- New fees for the on-site sewage maintenance inspection program (implementation 2016).
- Consolidating of fees (i.e. residential plumbing) and adding a number of new stand-alone categories for work not previously covered in the fee schedule (i.e. Builder's Model Change, Alternative Solutions, Occupancy Permit after a building is occupied and new Accessory Dwelling Units).
- Eliminating ambiguity in a number of areas by utilizing a new fee methodology.

Staff is taking this opportunity to also review the current Building By-law and current processes to ensure alignment with the legislative changes and overall improvement to the service delivery model. A copy of the draft by-law is included with this report. The major changes being recommended by staff in the new Building By-law include:

- Adding clarity for Occupancy Permits for unfinished buildings
- Adding a new section for Alternative Solutions
- Setting a fixed fee and clarifying that the additional fee for work which commences before applying for a Building Permit is for administrative and investigative work to deal with the non-compliance.
- Adding a new section for the fencing of construction sites which will be important as the municipality moves forward with brownfield development in urban core areas.
- It is proposed that the Building By-law along with the new fees schedule be brought back to Council for adoption in November 2015 with an implementation date of January 1, 2016.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report supports Council's Strategic Priorities by following the theme of "Efficiency/Financial Management" and the specific priority of "Ensuring Effective and Efficient Management" by pursuing a funding source that is reliable and fair to ensure the service can continue to be effectively run in the future. It also supports the Town's Strategic Plan linkages of being "Well Equipped and Managed" by implementing processes that reflect sound fiscal responsibility.

COMMUNITY CONSULTATION

Community consultation will include:

- Advertisements and Town Page Notices
- Public Information Centre

Consultation will be done in accordance with the legislative requirements of the Building Code Act. Notice will be given through advertisement on the Towns' website and the Town Page of the local newspaper for a three week period in advance of the PIC.

HUMAN RESOURCE CONSIDERATIONS

Staffing levels remain the same.

BUDGET IMPACT

Operating Budget (Current and Future)

Although the Building Permit program is intended to be fully cost recoverable through fees, the current use of the Building Permit Reserve and the results of the DAAP analysis could impact the future operating budget for the Town.

Capital Budget

The cost of the DAAP review would come from the Building Permit Reserve and have no impact on the Capital Budget of the Corporation.

CONTACT

For more information on this report, contact:

Dave Potter, Chief Building Official, ext. 2402
dpotter@newmarket.ca



Chief Building Official



Director of Planning & Building Services



Commissioner of Development and Infrastructure Services

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THE CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2015-XX

Being a By-law under the *Building Code Act* respecting construction, demolition, change of use, occupancy, transfer of *permits* and inspections.

WHEREAS Section 7 of the *Building Code Act*, 1992 S.O., Chapter 23 as amended, empowers Council to pass certain By-laws respecting construction, demolition, change of use, transfer of *permits*, inspections, the setting and refunding of fees, and related matters;

AND WHEREAS The Council of the Town of Newmarket desires to repeal By-law 2005-76 as amended and enact a new Building By-law for the issuance of *permits* and related matters including a fee schedule for all applicable building *permit* fees;

THEREFORE BE IT ENACTED by the Council of the *Corporation* of the Town of Newmarket as follows:

SHORT TITLE

This By-law may be cited as the "Building By-law".

Section 1 DEFINITIONS

1.1 In this By-law;

"*Act*" means the *Building Code Act*, 1992, S.O. 1992, c.23, as amended;

"*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 the construction or demolition of a building or buildings and anyone acting under the authority of such person or *Corporation*;

"*architect*" means the holder of a license, certificate of practice or a temporary license under the Architects Act as defined in the *Building Code*;

"*Building Code*" means the regulations made under section 34 of the *Act*;

"*Chief Building Official*" means a *Chief Building Official* appointed by Council for the purposes of enforcement of the *Act*, the *Building Code* and this By-law;

"*complete application*" means an application that meets the requirements set out in the *Building Code* for applications where the *Chief Building Official* is required to make a decision within the prescribed time period as set out in the *Building Code*;

"*conditional permit*" means a *permit* issued under subsection 8.(3) of the *Act*;

"*construct*" means to *construct* as defined in subsection 1.(1) of the *Act*;

"*Corporation*" means the *Corporation* of the Town of Newmarket;

"*demolish*" means to *demolish* as defined in subsection 1.(1) of the *Act*;

"*form*" means an applicable *form* approved by the province or a prescribed *form* as may be prescribed from time to time by the *Chief Building Official*;

"*inspector*" means an *inspector* appointed by By-law by the Corporation of the Town of Newmarket for the purpose of enforcement of the Act, the Building Code and this By-law;

"*owner*" includes, in respect of the property on which the construction or demolition will take place, the registered *owner* of the land and, except for *conditional permits*, a lessee and mortgagee in possession;

"*partial permit*" means a *permit* issued at the discretion of the *Chief Building Official* to *construct* part of a building;

"*permit*" means permission or authorization given in writing from the *Chief Building Official* to perform *work*, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the Act and Building Code;

"*permit holder*" means the *owner* to whom a *permit* has been issued or where a *permit* has been transferred, the new *owner* to whom the *permit* has been transferred;

"*plumbing*" means *plumbing* as defined in section 1.(1) of the Act;

"*professional engineer*" means a person who holds a license or temporary license under the Professional Engineers Act;

"*registered code agency*" means a *registered code agency* as defined in subsection 1.(1) of the Act;

"*revised submission*" means additional information filed with the *Chief Building Official* which depicts one or more changes to the proposed or as-constructed design of a building or part of a building for which a *permit* has already been issued and for which approval by the *Chief Building Official* is required;

"*sewage system*" means a *sewage system* as defined in subsection 1.(1) of the Act;

"*work*" means construction, demolition or change of use, or any combination thereof, of a building or part thereof, as the case may be.

- 1.2 Terms not defined in this By-law shall have the meaning ascribed to them in the Act or the Building Code.

Section 2 CLASSES OF PERMITS

- 2.1 Classes of *permits* required for the construction, demolition, change of use and occupancy of buildings or parts thereof and *permit* fees are set out in Schedule "A" of this By-law.

Section 3 GENERAL REQUIREMENTS FOR PERMIT APPLICATIONS

- 3.1 Every *permit* application must meet the requirements of this Section and shall:
- a) be made by an *applicant*;
 - b) be made in writing to the *Chief Building Official* on forms prescribed by the province or when no form is prescribed, on a form prescribed by the *Chief Building Official*; and
 - c) be accompanied by the required fees calculated in accordance with Schedule "A".

- 3.2 To be considered a *complete application*, every *permit* application shall be accompanied by the approval documents issued by the agencies responsible for applicable laws listed in the *Building Code*, where those agencies issue approval documents and the law applies to the construction or demolition being proposed.
- 3.3 An application for a *permit* may be refused by the *Chief Building Official* where it is not a *complete application*.
- 3.4 The *Chief Building Official* may as the *Chief Building Official* deems appropriate, provide prescribed *forms* in an electronic format and may allow for the electronic submission of completed *permit* application *forms*.
- 3.5 Notwithstanding Subsection 3.4, of this By-law completed *forms* generated electronically shall be accepted subject to the endorsement by the *applicant*.
- 3.6 All documents and drawings accompanying an application for *permit* shall be coordinated with each other and shall be consistent with the description of the proposed *work*.
- 3.7 *Applicants* filing an application for a *permit*, in addition to any other requirements set out in this By-law shall:
 - a) ensure that all applicable fields on the approved application *form* and required schedules are fully complete;
 - b) identify and describe in detail the *work*, use and occupancy to be covered by the *permit* for which the application is made;
 - c) identify and describe in detail the existing use(s) and the proposed uses(s) for which the premises are intended;
 - d) include the legal description, the municipal address and where appropriate the unit number of the land on which the *work* is to be done;
 - e) include complete plans and specifications, documents and other information, as described in Section 14 of this By-law;
 - f) state the name, address and contact information for the *owner*, and where the *owner* is not the *applicant*, the authorized agent;
 - g) include the construction value for the *work* covered by the application for a *permit*, exclusive of the value of the land;
 - h) state the erection and removal date of temporary structures;
 - i) be signed by the *owner* or the authorized agent who shall certify as to the truth of the contents of the application;
 - j) when Section 1.2, Division C of the *Building Code* applies, attach a signed acknowledgement of the *owner*, on the prescribed *form*, that an *architect* and/or *professional engineer*(s) have been retained to carry out the general review of the construction of the building;
 - k) when Section 1.2, Division C of the *Building Code* applies, attach a signed statement of the *architect* and/or *professional engineer*(s), on the prescribed *form*, undertaking to provide general review of the construction of the building;
 - l) include, where applicable, the *applicant's* registration number where an *applicant* is a builder or vendor as defined in the Ontario New Home Warranties Act;
 - m) ensure, where a "Schedule1:Designer Information" *form* is attached, that the plans and specifications include designer information outlining the person's name and signature, BCIN number and an acknowledgement of responsibilities for the associated design activities;
 - n) include, for buildings within the scope of *Building Code* Division B, Part 3 or non-residential Part 9, a *Building Code* Data Matrix;
 - o) include, if required by the *Chief Building Official*, for buildings requiring design and review by a *professional engineer*, a Structural Design Information Sheet;

- p) include, if applicable, information and documents demonstrating compliance with energy efficiency requirements for new buildings; and
- q) include, if applicable, a condominium construction approval letter.

Section 4 CONSTRUCTION PERMITS

- 4.1 In addition to the general requirements set out in Section 3 of this By-law, an application for a construction *permit* under subsection 8.(1) of the *Act* shall:
- a) include complete plans and specifications, documents and other information as required by Section 1.3, Division C of the *Building Code* and Section 14 of this By-law.

Section 5 DEMOLITION PERMITS

- 5.1 In addition to the general requirements set out in Section 3 of this By-law, an application for a demolition *permit* under subsection 8.(1) of the *Act* shall:
- a) include complete plans and specifications, documents and other information as required by Section 1.3, Division C of the *Building Code* and Section 14 of this By-law; and
 - b) include a completed demolition checklist on the prescribed *form* confirming that arrangements have been made with the proper authorities for the termination and capping of all the water, sewer, gas, electric, telephone or other utilities and services.

Section 6 CONDITIONAL PERMITS

- 6.1 In addition to the general requirements set out in Section 3 of this By-law, an application for a *conditional permit* under subsection 8.(3) of the *Act* shall:
- a) include complete plans and specifications, documents and other information as required by Section 1.3, Division C of the *Building Code* and Section 14 of this By-law;
 - b) state the reasons why the *applicant* believes that unreasonable delays in construction would occur if a *conditional permit* is not granted;
 - c) state the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained;
 - d) be subject to the *owner*, and such other person as the *Chief Building Official* determines, entering into an agreement with the *Corporation* as provided for in subsection 8.(3) of the *Act*; and
 - e) be accompanied by the required fees for *work* covered by the *permit* and the required administrative fees for the *conditional permit* as calculated in accordance with Schedule "A" to the By-law.
- 6.2 The *Chief Building Official* may, at his discretion, issue a *conditional permit* where unreasonable delays are anticipated to obtain all the necessary approvals and where the relevant provisions of this By-law, the *Act* and the *Building Code* have been met.
- 6.3 The *Chief Building Official* is hereby authorized to execute, on behalf of the *Corporation*, the written agreement referred to in Subsection 6.1 of this By-law as part of the *conditional permit* application.
- 6.4 The issuance of a *conditional permit* shall not be construed to authorize construction beyond for which approval was given nor obligate the *Chief Building Official* to grant further *permits* for the building.

Section 7 PARTIAL PERMITS

- 7.1 In addition to the general requirements set out in Section 3 of this By-law, an application for a *partial permit* shall:
- a) require a *permit* application for the entire project;
 - b) be accompanied by plans, specifications, documents, *forms* and other information covering that part of the *work* for which the *partial permit* is made, together with such information pertaining to the remainder of the *work* as may be required by the *Chief Building Official*;
 - c) be accompanied by the required fees for *work* covered by the *permit* and the required administrative fees for the *partial permit* as calculated in accordance with Schedule "A" to this By-law; and
 - d) be accompanied by the standard indemnification and waiver acknowledging an incomplete application .
- 7.2 The *Chief Building Official* may issue a *partial permit* when the *Chief Building Official* determines it is appropriate to expedite construction before a *permit* for the entire building is available and where the relevant provisions of this By-law and the *Act* are met.
- 7.3 When determining whether to issue a *partial permit*, the *Chief Building Official* shall have regard for the likelihood of subsequent approvals being available in a timely fashion such that a project is not interrupted and exposed to potential damage from the elements while awaiting subsequent approvals.
- 7.4 The issuance of a *partial permit* shall not be construed to authorize construction beyond for which approval was given nor obligate the *Chief Building Official* to grant any additional *permits*.

Section 8 CHANGE OF USE PERMITS

- 8.1 In addition to the general requirements set out in Section 3 of this By-law, an application for a change of use *permit* shall:
- a) describe the building in which the occupancy is to be changed by a description that will readily identify and locate the building;
 - b) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made; and
 - c) include complete 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 the *Building Code*, including: floor plans, details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities, details of the existing *sewage system*, if any.

Section 9 SEWAGE SYSTEM PERMITS

- 9.1 In addition to the general requirements set out in Section 3 of this By-law, an application for a *sewage permit* shall include a site evaluation including all of the following items, unless otherwise specified by the *Chief Building Official*:
- a) the date the evaluation was done;
 - b) the name, address, telephone number and signature of the person who prepared the evaluation; and

- c) a scaled map of the site showing:
 - i. the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal/utility corridors;
 - ii. 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, Division B of the *Building Code*;
 - iii. the location of the proposed *sewage system*;
 - iv. the location of any unsuitable, disturbed or compacted areas;
 - v. proposed access routes for system maintenance;
 - vi. depth to bedrock;
 - vii. depth to zones of soil saturation;
 - viii. soil properties, including soil permeability; and
 - ix. soil conditions, including the potential for flooding.

Section 10 TRANSFER OF PERMITS

- 10.1 *Permits* may not be transferred without the approval of the *Chief Building Official*.
- 10.2 To transfer a *permit*, the new owner shall complete and submit an application *form* in accordance with the requirements in Section 3 of this By-law. Such application shall include:
 - a) the names and addresses of the previous and new land owner;
 - b) the date that the land ownership change took place;
 - c) describe the *permit* that is being transferred; and
 - d) payment of the required fees as prescribed in Schedule "A".
- 10.3 Upon transfer of the *permit* by the *Chief Building Official*, the new owner shall be the *permit holder* for the purposes of this By-law, the *Act* and the *Building Code*.

Section 11 INACTIVE (Abandoned) PERMIT APPLICATION

- 11.1 Where an application for a *permit* remains inactive for six months or incomplete for six months after the *applicant* has been advised in writing of all the reasons for refusal, the application may be deemed by the *Chief Building Official* to have been abandoned and written notice thereof shall be given to the *applicant*. If an application is deemed to be abandoned a new application must be filed for the proposed work.

Section 12 CHANGES TO APPROVED PLANS - Revised Submission

- 12.1 After 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 shall be given in writing to the *Chief Building Official* together with the details of such change which is not to be made without the prior written authorization of the *Chief Building Official*.
- 12.2 Application for authorization of any substantial change shall constitute a *revised submission* and is subject to a revision to plans fee and any additional inspection fees which may be required.

Section 13 OCCUPANCY PERMITS FOR UNFINISHED BUILDINGS

- 13.1 An application for an occupancy *permit* of an unfinished building pursuant to Section 1.3.3, Division C of the *Building Code*, shall:
- a) use the application *form* prescribed by the *Chief Building Official* that is completely filled out and accompanied by any applicable schedules;
 - b) identify in detail the occupancy, the proposed date for occupancy, the part of the building for which the application for *permit* is made and the measures to be put in place to delineate those areas still under construction;
 - c) provide detailed information demonstrating compliance with article 1.3.3.1, Division C of the *Building Code*;
 - d) be accompanied by the required fees as calculated in accordance with Schedule "A" to this By-law;
 - e) state the name, address and contact information of the *owner*, and where the *owner* is not the *applicant*, the authorized agent; and
 - f) be signed by the *owner* or authorized agent who shall certify the truth of the contents of the application.

Section 14 PLANS AND SPECIFICATIONS

- 14.1 Sufficient information including plans, specifications, documents and other 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 to the *Act*, the *Building Code* and any other applicable law.
- 14.2 The *Chief Building Official* shall determine the plans, specifications, documents and other information required to be submitted in order to deem the application complete according to sentence 1.3.1.3.(5), Division C of the *Building Code*, having regard for:
- a) the scope of the proposed *work*;
 - b) the requirements of the *Act*, the *Building Code* and other applicable law; and
 - c) the requirements of Section 3 and other Sections of this By-law.
- 14.3 Plans, specifications, documents and other information shall be:
- a) fully coordinated among design disciplines and intended for construction, demolition or change of use;
 - b) be fully dimensioned and drawn to a suitable scale (metric or imperial) on paper or other suitable durable material, and
 - c) contain text that is clear and legible.
- 14.4 Where a site plan is required to demonstrate compliance with the *Act*, the *Building Code*, and any other applicable law, the site plan shall include:
- a) lot size and dimensions of property lines and setbacks to any existing or proposed buildings;
 - b) existing and finished ground levels or grades;

- c) existing rights-of-way, easements and municipal services; and
 - d) a copy of a current plan of survey, unless the *Chief Building Official* waives this requirement.
- 14.5 On completion of the construction of a building, the *Chief Building Official* may require the *applicant* to submit a set of as-constructed plans, including a plan of survey showing the location of the building.
- 14.6 Plans and specifications furnished according to 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 all applicable legislation or By-law.

Section 15 ALTERNATIVE SOLUTIONS

- 15.1 Where approval for an alternative solution under the *Building Code* is proposed in either the application for a *permit*, or a material change to a plan, specification, document or other information on the basis of which a *permit* was issued, the *applicant* shall:
- a) use the application *form* prescribed by the *Chief Building Official* that is completely filled out and accompanied by any applicable schedules;
 - b) include documentation that identifies applicable objective, functional statements and acceptable solutions as set out in the *Building Code*;
 - c) include documentation demonstrating that the proposed alternative solution will provide the level of performance required by the *Building Code*; and
 - d) be accompanied by the required fees prescribed in Schedule "A".

Section 16 REGISTERED CODE AGENCIES

- 16.1 The *Chief Building Official* is authorized to enter into and sign contracts for service agreements with a *registered code agency* and appoint them to perform specified functions from time to time in order to maintain the time periods for *permits* prescribed in Article 1.3.1.3, Division C of the *Building Code*.
- 16.2 A *registered code agency* may be appointed to perform one or more of the specified functions described in section 15.15 of the *Act*.

Section 17 NOTICE REQUIREMENTS FOR INSPECTIONS

- 17.1 The *permit holder* shall notify the *Chief Building Official* or a *registered code agency* where one is appointed, of each stage of construction for which a notice is prescribed under Subsection 1.3.5, Division C of the *Building Code*.
- 17.2 Inspection notices are required a minimum of two business days prior to the stage of construction specified therein and shall be given in accordance with the requirements of Subsection 1.3.5, Division C of the *Building Code*.
- 17.3 The *permit holder* shall provide the notice of completion as prescribed by section 11 of the *Act*, or where occupancy is required prior to completion, notice of inspection to ensure that the requirements of section 11 of the *Act* and Subsection 1.1.3, Division C of the *Building Code* are complied with.
- 17.4 In addition to the notice of completion as prescribed by section 11 of the *Act*, the *permit holder* shall provide notice after the completion of demolition work to ensure the completion of site grading and other works.

- 17.5 Notice shall be given as required by Subsection 1.3.5., Division C of the *Building Code*. A notice pursuant to this Section of the By-law is not effective until notice is actually received by the *Chief Building Official*, an *inspector* or the *registered code agency* as the case may be, makes a written record of the request for inspection.

Section 18 FEES AND REFUNDS

- 18.1 The *Chief Building Official* shall determine the required fees for the *work* proposed calculated in accordance with Schedule "A" of this By-law and the fee shall be payable in full upon the submission of an application for *permit*.
- 18.2 Where the *Chief Building Official* determines, upon a full review of *permit* drawings submitted, that additional fees are applicable in accordance with Schedule "A" based on the scope of *work* and floor area for the class of *permit*, the amount of outstanding fees shall be payable prior to *permit* issuance.
- 18.3 Any person or *Corporation* who commences construction, demolition or changes the use of a building before submitting an application for a *permit* or receiving a *permit*, shall in addition to any other penalty under the *Act*, *Building Code*, or this By-law, pay an administrative fee in the amount of \$300 where an Order to Comply has been issued and an additional \$200 where a Stop Work Order has been issued to compensate the *Corporation* for the additional administrative and investigative work incurred by such early start of *work*.
- 18.4 In the case of withdrawal of an application or the abandonment of all or a portion of the *work*, or refusal of a *permit*, or the 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" of this By-law.
- 18.5 Prior to passing a By-law to change any fees listed in Schedule "A" of this By-law, the *Corporation* shall comply with the requirements set out in Subsection 1.9.1, Division C of the *Building Code*.
- 18.6 Any person or organization wishing to receive notice under Article 1.9.1.2, Division C of the *Building Code* should make such request in writing to the *Chief Building Official*.

Section 19 REVOCATION OF PERMITS

- 19.1 Prior to revoking a *permit* under subsection 8.(10) of the *Act*, The *Chief Building Official* may serve a notice by personal service or registered mail at the last known address to the *permit holder*, and following a thirty (30) day period from the date of service the *Chief Building Official* may revoke the *permit* if grounds to revoke still exist, without any further notice.
- 19.2 A *permit holder* may within thirty (30) days from the date of service of a notice under this Section, request in writing the *Chief Building Official* to defer the revocation by stating reasons why the *permit* should not be revoked. The *Chief Building Official* having regard to any changes to the *Act*, *Building Code* or other applicable law may allow the deferral in writing.

Section 20 FENCING AND HOARDING OF CONSTRUCTION SITES

- 20.1 Where in the opinion of the *Chief Building Official*, a construction or demolition site presents a hazard to the public the *Chief Building Official* may require the *permit holder* to erect such fencing to the standards and specifications that the *Chief Building Official* deems to be appropriate in the circumstances.

- 20.2 When determining if a construction or demolition site presents a hazard to the public and requires the erection of fencing and the type of fencing required, the *Chief Building Official* shall have regard to;
- a) the proximity of the construction site to occupied dwellings;
 - b) the proximity of the construction site to lands accessible by the public, including but not limited to streets, parks and commercial and institutional uses;
 - c) the hazards presented by the construction activities and materials;
 - d) the feasibility and effectiveness of site fencing; and
 - e) the duration of the hazard.
- 20.3 When the *Chief Building Official* is of the opinion that fencing is required, the *permit holder* shall, prior to commencement of any construction, demolition, or placement of materials or equipment on site, erect or cause to be erected fencing to the standards required by the *Chief Building Official* to enclose the construction or demolition site for the purposes of preventing unauthorized entry to the site. For the purposes of this Section, construction and demolition site shall include the area of the proposed construction and demolition and any area where materials or equipment are stored or operated.
- 20.4 All hoarding shall be maintained in a structurally secure manner and painted, constructed or otherwise treated to inhibit deterioration.

Section 21 SEVERABILITY

- 21.1 In the event that any provision of this By-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this By-law.

Section 22 MISCELLANEOUS

- 22.1 All Schedules shall be and form part of this By-law.
- 22.2 A reference to the singular or to the masculine shall be deemed to refer to the plural or feminine as the context may require.

Section 23 OFFENCES AND PENALTIES

- 23.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided in section 36 of the *Act*.

Section 24 CODE OF CONDUCT

- 24.1 The *Chief Building Official* and *inspectors* as appointed under the *Act* shall be governed by the Code of Conduct as set out in Schedule "B" of this By-law, with respect to exercising their power and performing their duties under the *Act*.

Section 25 REPEAL AND TRANSITION

- 25.1 By-law 2005-76, is hereby repealed on the date this By-law comes into force.
- 25.2 Notwithstanding Section 22.1 of this By-law, for any *complete application* received prior to the effective date of this By-law, the provisions of By-law 2005-76 shall remain in force and effect for the purpose of that application.

Section 26 EFFECTIVE DATE

This By-law comes into force on **XXXX**.

BY- LAW 2015-XX INDEX

Section 1	DEFINITIONS
Section 2	CLASSES OF <i>PERMITS</i>
Section 3	GENERAL REQUIREMENTS FOR <i>PERMIT</i> APPLICATIONS
Section 4	CONSTRUCTION <i>PERMITS</i>
Section 5	DEMOLITION <i>PERMITS</i>
Section 6	<i>CONDITIONAL PERMITS</i>
Section 7	<i>PARTIAL PERMITS</i>
Section 8	CHANGE OF USE <i>PERMITS</i>
Section 9	<i>SEWAGE SYSTEM PERMITS</i>
Section 10	TRANSFER OF <i>PERMITS</i>
Section 11	INACTIVE (Abandoned) <i>PERMIT</i> APPLICATION
Section 12	CHANGES TO APPROVED PLANS – <i>Revised Submission</i>
Section 13	OCCUPANCY <i>PERMITS</i> FOR UNFINISHED BUILDINGS
Section 14	PLANS AND SPECIFICATIONS
Section 15	ALTERNATIVE SOLUTIONS
Section 16	<i>REGISTERED CODE AGENCIES</i>
Section 17	NOTICE REQUIREMENTS FOR INSPECTIONS
Section 18	FEEs AND REFUNDS
Section 19	REVOCATION OF <i>PERMITS</i>
Section 20	FENCING AND HOARDING OF CONSTRUCTION SITES
Section 21	SEVERABILITY
Section 22	MISCELLANEOUS
Section 23	OFFENCES AND PENALTIES
Section 24	CODE OF CONDUCT
Section 25	REPEAL AND TRANSITION
Section 26	EFFECTIVE DATE

Schedule "A"	Classes of <i>Permits</i> and Fees Payable
Schedule "B"	Code of Conduct
Schedule "C"	Maintenance Inspection Program for On-Site <i>Sewage Systems</i>

SCHEDULE "A"

5. Miscellaneous – Charges

For Classes of *permits* not described or included in this Schedule, a reasonable *permit* fee shall be determined by the *Chief Building Official*

6. REFUNDS

Pursuant to Section 18 of this By-law, the fees that may be refunded shall be a percentage of the fees payable under this By-law, calculated by the *Chief Building Official* as follows:

- (a) 90 percent if administrative functions only have been performed;
- (b) 80 percent if administrative and zoning review functions only have been performed;
- (c) 60 percent if administrative, zoning review and plan examination functions have been performed;
- (d) 50 percent if the *permit* has been issued and no field inspections have been performed subsequent to *permit* issuance;
- (e) a \$60.00 fee for each field inspection that has been performed after the *permit* has been issued will be deducted from all refunds; and
- (f) if the calculated refund is less than the minimum fee applicable to the *work*, no refund shall be made of the fees paid.

7. INTERPRETATION

The following explanatory notes are to be observed in the calculation of *permit* fees:

- Floor area of the proposed *work* is to be measured to the outer face of exterior walls and to the centre line of party walls or demising walls. (excluding residential garages);
- In the case of interior alterations or renovations, area of proposed *work* is the actual space receiving the *work* e.g. tenant space;
- Mechanical penthouses and floors, mezzanines, lofts, habitable attics, and interior balconies are to be included in all floor area calculations;
- Except for interconnected floor spaces, no deductions are made for openings within the floor area (e.g. stairs, elevators, escalators, shafts, ducts, etc.);
- Unfinished basements for single detached dwellings (including semis, duplexes, and townhouses etc.) are not included in the floor area;
- Attached garages and fireplaces are included in the *permit* fee for single detached dwellings and attached dwellings;
- Where interior alterations and renovations require relocation of sprinkler heads or fire alarm components, no additional charge is applicable;
- Ceilings are included in both new shell and finished (partitioned) buildings. The fee for ceiling applies only when alterations occur in existing buildings. Minor alterations to existing ceilings to accommodate lighting or HVAC improvements are not chargeable;
- Where demolition of partitions or alteration to existing ceilings is a part of an alteration or renovations *permit*, no additional charge is applicable;
- Corridors, lobbies, washrooms, lounges, etc. are to be included and classified according to the major classification for the floor area on which they are located;
- The occupancy categories in Schedule "A" correspond with the major occupancy classifications in the Ontario *Building Code*. For mixed occupancy floor areas, the fee for each of the applicable occupancy categories may be used, except where an occupancy category is less than 10% of the floor area;
- For Rack Storage use apply the square footage charge for industrial for the building.

2015 PROPOSED FEE SCHEDULE	
MINIMUM FEE	
Detached, semi-detached, townhouse, rowhouse, duplex or live/work residential projects	\$185.00
Non-residential projects or residential greater than three storeys, unless otherwise stated	\$277.50
PERMIT FEES	
CLASS OF PERMIT, OCCUPANCY CLASSIFICATION	Fee Multiplier (\$ per m ² or as otherwise specified)
A. CONSTRUCTION: NEW BUILDINGS; ADDITIONS TO EXISTING BUILDINGS; ALTERATION OR UNIT FINISH	
GROUP "A" ASSEMBLY	
New Recreation Facilities, Schools, Libraries, Places of Worship, Restaurants, Theatres, Arenas, Swimming Pools, Gymnasiums	\$14.92
Alteration, Renovation, Interior Finish, Unit Finish	\$4.40
GROUP "B" INSTITUTIONAL	
New Hospital, Institutional Buildings, Nursing Homes and Other Buildings	\$16.64
Alteration, Renovation, Interior Finish, Unit Finish	\$4.40
GROUP "C" RESIDENTIAL	
* New Detached Dwelling, Semi-Detached Dwellings, Townhouses, Row-houses, Duplexes, Live/Work Units	\$14.65
* Accessory Dwelling Units	Flat Fee \$400.00
* New Motels, Hotels and all other Residential Occupancies	\$18.32
* Note the above fees for residential new construction include the HVAC and Plumbing Fee	
Alteration, Renovation, Interior Finish, Unit Finish	\$4.40
GROUP "D" BUSINESS AND PERSONAL SERVICES	
Shell	\$10.70
Finished	\$13.38
Alteration, Renovation, Interior Finish, Unit Finish	\$4.40
GROUP "E" MERCANTILE	
Shell	\$9.91
Finished	\$12.39
Alteration, Renovation, Interior Finish, Unit Finish	\$4.40
GROUP "F" INDUSTRIAL	
Shell	\$8.05
Finished	\$10.06
Alteration, Renovation, Interior Finish, Unit Finish	\$4.40
Parking Garage	\$4.83

B. DEMOLITION		
All Buildings up to 600 m ²	Each	\$277.50
All Buildings > 600 m ²	Each	\$370.00
C. DESIGNATED STRUCTURE (OBC 2.1.2)		
Communication Tower (where applicable)	Flat Fee	\$555.00
Outdoor Pool, Outdoor Spa (where applicable)	Flat Fee	\$555.00
Crane Runway	Flat Fee	\$555.00
Exterior Tank and Support (where applicable)	Flat Fee	\$555.00
Pedestrian Bridge (where applicable)	Flat Fee	\$555.00
Retaining Wall	Linear Metre	\$12.30
Solar Panels (Domestic Hot Water or Photovoltaic, any area) - Low rise residential	Flat Fee	\$277.50
- Other	Flat Fee	\$370.00
Solar Collector, Satellite Dish	Flat Fee	\$370.00
D. STANDALONE AND MISCELLANEOUS WORK		
Temporary Structures		\$277.50
Tents and Temporary Buildings (<225 m2)	Flat Fee	\$185.00
Tents and Temporary Buildings (>225 m2)	Flat Fee	\$277.50
Farm Building		\$277.50
Portable Classrooms	Flat Fee	\$185.00
Residential		
Balcony Repair	Flat Fee	\$92.50
Garage - detached	Flat Fee	\$185.00
Garage - attached	Flat Fee	\$277.50
Carport, Decks, Porches, Porch Enclosures	Flat Fee	\$185.00
Basement Finish - no change in use	Flat Fee	\$185.00
Below Grade Entrance	Flat Fee	\$277.50
Door, New Opening	Each	\$92.50
Fire Code Retrofit (OFC S. 9.8)	Flat Fee	\$185.00
Fire Damage Repair	Flat Fee	\$277.50
Fireplace, wood-burning	Flat Fee	\$185.00
Window, New Opening	Each	\$92.50
Window Replacement - Part 3 - Building	Each	\$92.50
Non-Residential		
Electromagnetic locking devices	Each	\$92.50
Fire Alarm	Flat Fee	\$277.50
Ceiling - new, replacement	m ²	\$2.20
Shoring	Flat Fee	\$277.50
Sprinklers	Flat Fee	\$277.50
Standpipe and Hose System	Flat Fee	\$277.50
Fire Suppression (Other than Sprinkler System)	Flat Fee	\$277.50
Air Supported Structure	Flat Fee	\$277.50
Balcony Repair	Flat Fee	\$92.50
Door - new, man door or overhead loading	Each	\$92.50
Emergency Lighting	Each	\$46.25
Emergency Power	Flat Fee	\$277.50
Foundation for Relocated Building, each	m ²	\$4.40
Fire Code Retrofit (other than residential)	Flat Fee	\$277.50

E. STANDALONE MECHANICAL		
STAND ALONE MECHANICAL - HVAC		
Permit for heating, ventilating and air conditioning (per suite)		\$277.50
F. PLUMBING AND DRAINAGE SYSTEM FIXTURES/EQUIPMENT ROOF DRAINS - STANDALONE		
Plumbing		
For each fixture, floor drain, equipment, appliances, thermostatic mixing valve, vented traps or roof hopper	Each	\$24.67
Storm and grease interceptor	Each	\$46.25
Testable Backflow Prevention		\$46.25
Water Services - for each water service		
50 mm (2") or less		\$46.25
100 mm (4")		\$92.50
150 mm (6")		\$138.75
200 mm (8")		\$173.44
250 mm (10")		\$216.80
300 mm (12 ")		\$271.00
Drains - Residential (single family dwelling, for apartments see commercial)		
For <u>each</u> residential drain and sewer (includes both storm and sanitary, inside, outside and floor drains)		\$92.50
For each conversion to sewers		\$46.25
Miscellaneous		
For each manhole, catchbasin or area drain		\$46.25
On-site sewage system		
New Sewage System Installation	\$675.00 min. or \$5.38 / m ² of bldg to max of \$3,500	
Repair/Minor alteration		\$ 280.00
Planning Circulation - SPD, Zoning		\$ 250.00
Sewage System Maintenance and Inspection Program	\$250 plus a report from a qualified installer/hauler	
Drains- Commercial (commercial and industrial buildings and units, institutional buildings and apartment buildings for each storm or sanitary drain inside) or: for each storm or sanitary sewer		
100 mm or less		\$92.50
150 mm (6")		\$138.75
200 mm (8")		\$173.44
250 mm (10")		\$216.80
300 mm (12 ") or larger		\$271.00
Storm and grease interceptors		

G. ADMINISTRATION FEES

Miscellaneous

For each re-inspection due to defective work		\$92.50
For each special inspection per hour, per person		\$185.00
Change of Use Permit where no construction is proposed or required		\$185.00
Transfer of Permit		\$185.00
Conditional Building Permit	20% full permit fee	
Foundation Permit (ICI)	m ²	\$ 2.20
Foundation Permit (Residential)		\$ 185.00
Compliance Letter - Building		\$157.97
Alternative Solution	min. \$555 + \$185/hr after 3 hours	
Occupancy Permit Fee (after building is occupied)		\$ 185.00
Revision to plans fee		\$185/hr
Builder Model Fee		\$ 185.00
Builder Model Change Fee (where permit has been issued)		\$ 185.00
Permitted Use Letter		\$ 92.50
Construction Activity Report (annual subscription)		\$ 185.00
Reproduction of Documents	Min. \$10 + \$80/hr	

SCHEDULE "B"

Code of Conduct for Building Officials Corporation of the Town of Newmarket

Policy Statement

This Code of Conduct is maintained in accordance with the provisions of the *Building Code Act*. It is intended to be read and applied in conjunction with the *Corporation of the Town of Newmarket's* ("the Town") Employee Code of Conduct in effect from time to time. Building Officials are responsible for reviewing building functions to ensure structural integrity and safety of buildings. All Town of Newmarket employees, including Building Officials, hold a special position of trust, employed at public expense for community benefit. Building Officials exercise powers and provide services that can have a significant impact on our community. The conduct and behaviour of the Town of Newmarket Building Officials reflects the Town's commitment to the highest standards of professionalism, technical competence, skill, honesty, fairness and impartiality.

Purpose

Building Officials of the Town of Newmarket are expected to behave in an ethical, professional and responsible manner, both to members of the general public and to each other. The purpose of this Code of Conduct ("the Code") is to assist Building Officials to identify and apply the standards of behaviour that are expected of all employees at the Town. The Code outlines the basic principles of integrity, honesty and impartiality and recognizes that Building Officials have a responsibility to uphold these principles.

Standards of Conduct and Professionalism

Building Officials shall comply with the Town's Employee Code of Conduct in effect from time to time and shall undertake to:

1. Always act in the public interest, particularly with regard to the safety of building works and structures;
2. Maintain their knowledge and understanding of the best current building practice, all relevant building laws and codes relevant to their building certification functions;
3. Maintain current accreditation to perform the functions assigned to them;
4. Commit themselves to a process of continuous education so as to be aware of developments in building design, practice and the law relevant to their duties;
5. Comply with the provisions of the *Building Code Act*, the *Building Code* and any other Act of Law that regulates or governs Building Officials or their functions;
6. Avoid situations where there may be or where there may appear to be a conflict between their duties to their employer, their clients, their peers and the public at large, and their personal interests;
7. Avoid acting in situations beyond their level of competence or outside their area of expertise;
8. Apply all relevant building laws, regulations and standards strictly and impartially without favour and independent of the influence of interested parties;
9. Perform their inspections and certifying duties impartially and in accordance with the highest professional standards;
10. To keep in the strictest confidence all confidential information or material that they become privy to in the performance of their duties, except where disclosure is in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* or any other privacy legislation if effect from time to time;
11. Avoid any conduct that could bring Building Officials or the Town into disrepute;
12. Extend professional courtesy to all;

Enforcement

The *Building Code Act* provides that the performance of Building Officials will be measured against this Code of Conduct. In response to any allegation of a breach of this Code, the *Chief Building Official* or Chief Administrative Officer shall direct an investigation and where appropriate, recommend disciplinary action against any Building Official who fails to comply with the Code. Any disciplinary action shall be in accordance with the Corporate Policy.