



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2015-58

A BY-LAW UNDER THE BUILDING CODE ACT RESPECTING CONSTRUCTION, DEMOLITION AND CHANGE OF USE 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:

1. fully coordinated among design disciplines and intended for construction, demolition or change of use;
2. be fully dimensioned and drawn to a suitable scale (metric or imperial) on paper or other suitable durable material, and
3. 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 full force and effect on January 1, 2016.

ENACTED THIS 30TH DAY OF NOVEMBER, 2015

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

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Schedule “A” Classes of Permits and Fees Payable

Schedule “B” Code of Conduct

Schedule “C” Maintenance Inspection Program for On-Site Sewage Systems

SCHEDULE "A"

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*

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.

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 of 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.

2016 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 m² 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	\$150 or septic tank report from a qualified contractor	
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 in 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.

SCHEDULE "C"

Maintenance Inspection Program for On-site Sewage Systems

1. Introduction

The *Building Code Act 1992* (BCA) and Ontario Building (Ontario Regulation 332/15) regulate the design, construction and renovation of treatment systems which are located wholly on the property which they serve (i.e. "on-site") and have a design sewage capacity of 10,000 litres/day or less. Such systems typically provide treatment for smaller buildings such as houses, cottages, and small businesses.

Ontario's Building Code (Ontario Regulation 332/12) was recently amended to establish and govern mandatory on-site sewage system maintenance inspection programs to be administered in certain areas by local enforcement bodies. The recent amendments to the Building Code also govern discretionary on-site sewage system maintenance inspection programs established by local enforcement bodies.

2(a) Mandatory Inspections

Effective January 1, 2016, the OBC prescribes that all septic systems that are located wholly or partly within 100 metres of each of the following features be inspected for compliance with the requirement of Division B, Section 8.9 of the OBC:

- a) any river or stream in the Lake Simcoe watershed that continually flows in an average year;
- b) any lake or pond in the Lake Simcoe watershed that is connected on the surface to a river or stream described in (a);
- c) any other lake or pond in the Lake Simcoe watershed that has a surface area greater than 8 hectares; and
- d) proximity to Vulnerable Areas within Source Protection Area.

The Source Water Protection Plan of the South Georgian Bay Lake Simcoe Protection Region became in effect on July 1, 2015. The OBC prescribes that all septic systems wholly or partly located within a vulnerable area in a source protection area are inspected for compliance with the requirements of Division B, Section 8.9 of the OBC.

2(b) Discretionary Inspections

The Building Code allows for a municipality to set up a Discretionary Inspection program.

3. Authority for Inspections

Inspections are undertaken by Inspectors appointed by the local municipality in respect of maintenance inspection programs that are required under Division C, Article 1.10.2.3 of the OBC, "Mandatory Programs".

Sewage system maintenance inspections are generally intended to determine whether a sewage system is in substantial compliance with the operation and maintenance requirements outlined in Division B, Section 8.9 of the OBC.

Section 15.10.1 of the BCA sets out the authority for an Inspector to enter upon land and into buildings at any reasonable time without a warrant for the purpose of conducting a maintenance inspection.

Despite the provision of Section 15.10.1, an Inspector shall not enter or remain in any room or place used as a dwelling unless:

- a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under this Act;
- b) a warrant under this Act is obtained;
- c) the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health or safety of any person; or the entry is necessary to terminate an immediate danger.

4. Inspection Notification

All septic systems located in areas subject to the Septic System Maintenance Inspection Program shall be inspected every five years from the date of construction or from the date of the most recent maintenance inspection.

5. Fees

A Sewage System Maintenance and Inspection Program Fee for an inspection, investigation and the filing of a report will be assessed in accordance with Schedule "A" in the Building Bylaw. The fee is payable at the time of the inspection. Any unpaid fees will automatically be added to the tax roll in the year the inspection took place.

As an alternative to paying a fee to the municipality, an owner may provide a septic tank report from an owner-hired Qualified Contractor.

6. Enforcement

If OBC violations or signs of possible future problems are detected, the Inspector will follow up on those matters with the owner.

If an Inspector finds that an on-site sewage system is malfunctioning or failing or has malfunctioned or failed, the Inspector will assess the severity of the matter. The Inspector may require additional inspections, investigations, tests, reports or other services at the owner's cost to determine the condition of an on-site sewage system. The Inspector may issue an Order to notify the owner of the problem and provide direction to the owner to correct the deficiency. Where an on-site sewage system is beyond repair, a new system may need to be constructed.

A re-inspection fee in accordance with Schedule "A" of the Building Bylaw will be assessed where a deficiency found during a previous inspection has not been corrected.

In all cases, the Inspector's first approach will be to encourage the owner to remedy any deficiencies.