

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 32-72

BEING A BY-LAW TO REGULATE THE CONSTRUCTION,
ALTERATION, REPAIR AND DEMOLITION OF BUILDINGS
AND RELATED MATTER.

WHEREAS Section 38 (1) of The Planning Act, R.S.O. 1970, c. 349 authorizes the council of cities to pass building and related by-laws;

AND WHEREAS Section 354 (1), paragraphs 19, 20, 22 and 24 of The Municipal Act, R.S.O. 1970, authorizes the councils of cities to pass by-laws regulating the construction and the repair of fences;

AND WHEREAS the Council of The Corporation of the City of North Bay deems it advisable and expedient to enact the within by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. (1) This By-law applies to the whole of The Corporation of the City of North Bay. By-laws Nos. 2248 and 115-69 of The Corporation of the City of North Bay, By-law No. 890 of the former Township of West Ferris and By-laws Nos. 912, 920 and 992 of the former Township of Widdifield are repealed.
- (2) Subject to Subsection 3 of this Section, all other by-laws and parts of by-laws of The Corporation of the City of North Bay and of the former Townships of West Ferris and Widdifield dealing with the matters enacted herein are repealed; and should inconsistency or conflict arise between this by-law and any by-laws of The Corporation of the City of North Bay, and the former Townships of West Ferris and Widdifield, then this By-law shall take precedence.
- (3) Notwithstanding Section 1 (2), all by-laws of The Corporation of the City of North Bay and of the former Townships of West Ferris and Widdifield, respecting zoning and land use control and restrictions remain in full force and shall be considered complementary to the requirements of this by-law. Should inconsistency or conflict arise between this by-law and the above mentioned zoning and land use control and restriction by-laws, then the latter shall take precedence but only insofar as they relate to zoning, and land use control and restriction.
- (4) In this by-law the National Building Code means the National Building Code of Canada, 1970, being the fifth edition of the National Building Code of Canada as it has been amended to the time of the enactment of this by-law. Subject to such changes as are contained herein, parts 2, 3, 4, 5, 6, 8 & 9 of The National Building Code are hereby adopted and shall be deemed to be incorporated and form part of this by-law, and shall mutatis mutandis apply to and be in full force and effect in The Corporation of the City of North Bay.

2. DEFINITIONS

Part 2 of the National Building Code is hereby changed to include the following definitions:

- (1) "Building" shall mean any structure used or intended for supporting or sheltering use or occupancy and shall include any structure, wall, excavation, storage tank, gasoline pump, pump island, bin, bunker, loading dock, platform, staging gallery, grandstand, bleachers, fence, swimming pool and/or any accessory to a building or structure that is intended for supporting or sheltering any use or occupancy.
- (2) "Building Inspector" shall mean the Chief Building Inspector or the Deputy Chief Building Inspector or the Building Inspector for the time being of The Corporation of the City of North Bay.
- (3) "City" shall mean The Corporation of the City of North Bay.
- (4) "City Engineer" shall mean the City Engineer or the Deputy City Engineer for the time being of The Corporation of the City of North Bay.
- (5) "Director of Planning and Works" shall mean the Director of Planning and Works for the time being of The Corporation of the City of North Bay.
- (6) "Clerk" shall mean the Clerk or Deputy Clerk for the time being of The Corporation of the City of North Bay.
- (7) "Council" or "Municipal Council" shall mean the Council of The Corporation of the City of North Bay.
- (8) "Person" shall include a firm, partnership, company, corporation, contractor or owner.
- (9) "Dwelling Unit" shall mean one or more habitable rooms occupied or capable of being occupied by an individual or family as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such individual or family with a private entrance from outside the building or from a common hallway or stairway inside the building.
- (10) "Dwelling, Semi-detached" shall mean a building that is divided vertically into two dwelling units each of which has an independent entrance.
- (11) "Dwelling, Duplex" shall mean a building that is divided horizontally into two dwelling units each of which have independent entrances.
- (12) "Dwelling, Double Duplex" shall mean a building that consists of two duplexes attached to each other with a common wall.
- (13) "Dwelling, Multiple" shall mean a building designed, intended and used for occupancy by three or more families or individuals living independently of each other but shall exclude an apartment building, a row-house dwelling, a maisonette dwelling, a triplex dwelling, and a double-duplex dwelling.
- (14) "Dwelling, Row-house" shall mean a building that is divided vertically into three or more dwelling units, each of which has an independent entrance, and a front and rear yard immediately abutting the front and rear walls of each such dwelling unit.

- (15) "Dwelling, Maisonnette" shall mean a building that is divided into three or more dwelling units, each of which has an independent entrance, one to a common corridor and the other directly to the outside yard area adjacent to the said dwelling unit. A maisonnette shall not be considered an apartment building for the purposes of this by-law.
- (16) "Owner" shall mean:
- (i) the person shown on the current assessment roll as the owner of the property described in the application for a building permit.
 - (ii) the person represented to be the owner of the property on the application for a building permit.
- (17) "Structure" shall mean anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil and/or any other structure, but for the purposes of this By-law, a fence not exceeding six feet (6 ft.) in height shall be deemed not to be a structure and for the purposes of setbacks and/or yards required in this By-law, a sign shall not be deemed to be a structure.

3. CHANGES TO THE NATIONAL BUILDING CODE

This by-law changes the National Building Code as follows:

- (1) Parts 2, 3, 4, 5 and 6 of the National Building Code shall apply to all buildings other than those provided for by Section 3(3).
- (2) Part 8 of the National Building Code shall apply to all buildings.
- (3) Part 9 of the National Building Code shall apply to detached houses, semi-detached houses, duplex dwellings, semi-detached duplex dwellings, row housing, maisonnette dwellings, multiple dwellings and apartment buildings not exceeding 6,000 sq. ft. in area and not exceeding 3 storeys in height with the following amendments:
 - a. Apartment buildings containing six or more dwelling units or that are more than two storeys high shall be constructed of non-combustible material with the following exceptions:

In apartment buildings not more than 3 storeys in height, and containing not more than 6,000 sq. ft. of floor area per floor if the building has no sprinkler system, and not more than 12,000 sq. ft. of floor area per floor, if the building has an automatic fire sprinkler system; provided that the plans are approved by the authority having jurisdiction pursuant to this by-law, combustible construction having a 1 hour fire resistance shall be approved for roof assembly only.
 - b. All common or party walls separating any vertically attached houses or dwelling units in semi-detached dwellings, double duplex dwellings, maisonnette dwellings, row-house dwellings, and multiple dwellings, shall be non-combustible, and have a fire resistant rating equal to rating for party walls separating houses as set forth by the National Building Code, with the exception that the wall from 6" above the upper storey ceiling level and within the area normally classified as the "attic" may be constructed as a framed wall, provided the wall is insulated, and 5/8" fireguard gypsum board or "1 hour rated" material is installed on both sides of the wall. Joints in gypsum boards shall be taped as required to obtain a 1 hour fire resistance rating.

3. c. Part 9 shall further apply (Group D) Business & Personal Service, (Group E) Mercantile and (Group F, division 2 & 3) Medium and Low Hazard Industrial Occupancy provided that the building does not exceed 6,000 sq. ft. in area, or 3 storeys in height.
- d. Where a building of mixed occupancy contains more than 5 dwelling units, the building shall be non-combustible construction subject to the conditions of Section 3.3 (a).
- 3.(4) All public buildings, including converts, dormitories, fire stations (incorporating sleeping quarters), hotels, motels, lodging houses, monasteries, being more than two storeys high shall be non-combustible construction.
- 3.(5) All buildings as listed in Subsection 3(4) being two storeys or less shall be constructed in accordance with applicable section of standards as set forth in the applicable sections of the National Building Code.
- 3.(6) Non-combustible construction shall mean that the construction complies with the standard for non-combustible construction as provided for by the applicable sections of the National Building Code.
- 3.(7) Fire resistance rating for non-combustible construction shall, in all cases, be equal to the requirements as set forth by the National Building Code and pertaining to buildings and fire resistance rating for non-combustible construction.
- 3.(8) Fire Area
- a. Any building or structure being constructed, altered, remodelled or added to, or any part or accessory to any building or structure shall, when located within the boundary of area as described by this section, be non-combustible construction as defined by the National Building Code. Fire rating shall, in all cases, be equal to fire rating specified by the National Building Code in accordance with the classification for type of building or structure being erected.
- Description of Area:
- COMMENCING at a point at the north-easterly corner of Lot 236, according to plan registered in the registry office for the Registry Division of the District of Nipissing as Plan No. 10; thence westerly a distance of eight hundred and forty-five feet (845') parallel with the northerly limit of Cassells Street; thence southerly three thousand, one-hundred and eighty-two (3,182') feet parallel with the westerly limit of Oak Street; thence easterly eight-hundred and forty-five feet (845') parallel with the southerly limit of Fisher Street; thence northerly a distance of three-thousand, one-hundred and eighty-two feet (3,182') parallel with the easterly limit of McIntyre Street to the point of commencement.
- (b) Notwithstanding the provisions of Section 3(8) (a) where, in the opinion of the Building Inspector, an existing building constructed of combustible material but governed by the fire area is being altered, remodelled or added to in such a way that it would not substantially deviate the required fire rating, then combustible material may be allowed, provided that the occupancy classification as defined in the National Building Code remains unchanged.
- (c) Where an applicant for a building permit wishes to take advantage of the provisions of Section 3(8)(b) he shall state the reasons for the intended use of combustible material in the application for the building permit.

4. APPLICATION OF BY-LAW

- (1) Where a building is built, this By-law applies to the design and construction and occupancy of the building.
- (2) Where the whole or any part of a building is moved, this by-law applies to all parts of the building, whether moved or not.
- (3) Where the whole or any part of a building is demolished, this by-law applies to any remaining part and to the work involved in the demolition.
- (4) Where a building is altered, this by-law applies to the whole building except that the by-law applies only to part, if that part is completely self-contained with respect to the facilities and safety measures required by this by-law.
- (5) Where the occupancy of a building is changed, this by-law applies to all parts of the building affected by the change.

5. BUILDING INSPECTOR

There shall be Building Inspectors for the City who shall be appointed by by-law and it shall be their duty to enforce the provisions of this by-law, and shall report to Council any infractions thereof.

6. RESPONSIBILITY OF THE OWNER AND CONTRACTOR

- (1) Neither the granting of a permit, nor the approval of drawings and specifications, nor the inspections of the Building Inspector nor the fulfilment of any provision of this by-law shall:
 - (i) Impose legal contractual or other liability on the City or the Building Inspector or any other person acting on behalf of the City.
 - (ii) Relieve the owner or contractor or other person from full responsibility for carrying out and completing work in accordance with the requirements of this by-law, in the event of failure to comply with this by-law, whether the failure occurs through negligence or otherwise.
- (2) The owner shall ensure that, and satisfy the Building Inspector that an inspection of plumbing installation has been carried out and approved by the Plumbing Inspector of the City which inspection shall include sewer or septic tank connections and venting.

7. PROHIBITION

- (1) A building permit shall be obtained from the Building Inspector by the owner or his authorized agent for the excavation, erection, alteration, reconstruction, removal or wrecking of, or repairs to any building or structure or part thereof, including fences.
- (2) No person shall commence or continue any of the work referred to in Section 4 or in Section 3 (8) (a), unless the owner of the building to be constructed or in respect of the work that is to be carried out or his authorized agent, builder or contractor, have obtained a building permit and the permit is in good standing.
- (3) No person shall commence or continue any part of the work referred to in Section 4 or Section 3 (8) (a), for which part a permit is required by this By-law, unless he has first obtained a permit to carry out that part of the work.

- 7. (4) No person shall commence or continue any part of the work referred to in Section 4 or Section 3 (8) (a) in respect of which a permit is required under any other City By-law, unless he has first obtained a permit under that by-law.
- (5) No person shall commence or continue any part of the work referred to in Section 4 or Section 3 (8) (a) for which a permit is required, unless:
 - (a) He has first obtained a Certificate from the City Engineer stating that he has complied with all City by-laws respecting servicing of the building by means of sewers, water mains, roads, and other City works and paid all fees in respect thereof.
 - (b) He has first obtained a service application and paid for all charges as estimated by the City Engineer for servicing the applicants properly by sewers, water mains, roads and other City works.
- (6) No person shall carry out any blasting operations or dangerous building operations or authorize or allow the same to be carried out without first obtaining a permit under this by-law authorizing the same. The applicant, peior to the issue of the permit, shall deposit with the City Solicitor or Clerk an Indemnity Bond in such amount as the Clerk and the City Solicitor shall deem adequate for the protection of persons and property. The applicant shall take all necessary steps and precautions to ensure that the blasting operations or dangerous building operations, as the case may be, are carried out and performed in a safe, lawful and proper manner. In addition thereto, he shall comply with all conditions or directions that the Building Inspector, City Engineer or the Chief of Police of the City may deem advisable and necessary for the protection of persons and property.
- (7) No person shall store or pile any materials on the street or sidewalk or close or barricade any part of a street or sidewalk without first obtaining a permit to do so. In addition thereto, he shall comply with all conditions or directions that the Building Inspector, the City Engineer or the Chief of Police of the City may deem advisable and necessary for the protection of persons and property.
- (8) No person shall construct or maintain or permit use or occupancy of a structure or an accessory to a structure or a part of a structure that, in any way, is violating this by-law or any other by-law or regulation applicable in the City.
- (9) No person shall construct or maintain a dwelling unit in a building that is in excess of the number of dwelling units permitted by the Zoning By-law and/or that is in excess of the number of dwelling units shown on the approved building permit.
- (10) No person shall erase, alter, modify or deviate from any specifications or drawings in respect of which a building permit has been granted without first obtaining the approval in writing of the Building Inspector.

8. PRIVATE DISPOSAL SYSTEM

In all areas where sanitary sewers are not available, the installation of a private disposal system may be allowed, provided that the complete installation shall comply with the following regulations:

- (1) All septic tanks shall be precast concrete, poured reinforced concrete and/or any other materials that are approved in writing by the City Engineer.

- (2) In areas where the City Engineer certifies that sanitary sewers will be installed within five (5) years, a steel tank may be installed subject to approval in writing by the City Engineer, and subject to approval by the North Bay and District Area Health Unit.
- (3) In all cases, an approval to install the completed disposal system shall be obtained from the North Bay and District Area Health Unit prior to obtaining a building permit. The approval shall embrace the capacity of tank, capacity of disposal bed, location of tank and disposal bed, any special conditions, and/or regulation that is enforced by the North Bay and District Area Health Unit.
- (4) Upon application for a permit to construct a building, or to enlarge, convert, or to alter in any other way, an existing building, the applicant shall furnish to the Building Inspector a certificate from the office of the Medical Officer of Health of the North Bay and District Health Unit to the effect that in the opinion of the person signing such certificate, the existing private disposal system on the land upon which the resulting building will be located is adequate for the purposes of sanitation and the prevention of pollution of other land, and all bodies of water and watercourses, and will continue so to be on completion of the proposed building enlargement, alteration or other change. Should such a certificate be unobtainable by reason of the inadequacy of the existing disposal system for the disposal system meets all requirements of the said Medical Officer of Health to bring it into a certifiable condition pursuant to the provisions hereof, the appropriate certificate as defined herein has been delivered by the applicant to the Building Inspector, and all other requirements of this By-law as to the issuance of a building permit have been met.

9. PERMIT TO CHANGE LOCATION

No owner, his authorized agent, builder or contractor shall cause or permit a building or structure to be moved to a different location unless a permit for such change of location has first been obtained from the Building Inspector, and no building or structure shall be moved by an owner his authorized agent, builder or contractor, into the City without first obtaining a permit. Where it is necessary to make use of any street or other public property, a further permit must be obtained by the owner, his authorized agent, the builder, or contractor, from the City Engineer.

10. MOVING OF DAMAGED BUILDINGS

A permit to move a building to another location shall not be granted to an owner, his authorized agent, builder or contractor, if such building has been damaged to a greater extent than fifty per cent (50%) of its original value by wear and tear, the action of the elements, fire or by other means.

11. DEMOLITION PERMIT

No person shall demolish a building or any part of a building without first obtaining a demolishing permit from the building Inspector. Having obtained a permit, the owner and/or his authorized agent shall be fully responsible to carry out the work in a safe manner and in strict accordance with all provincial and local laws and/or regulations. The owner or his agent shall be fully responsible to have all public utilities, such as sewer, water, gas, and hydro, properly disconnected and capped and left in a safe and sanitary manner. Upon completion of demolition work, all materials and debris from the demolished building shall be removed from the site or stored in an enclosed area as approved by the Building Inspector. Any excavated areas shall immediately be backfilled and/or properly barricaded to protect the public from any possible hazard.

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12. EXISTING BUILDINGS

Nothing in this by-law shall require the removal, alteration or abandonment of, or prevent continuance of the use or occupancy of an existing building, unless, in the opinion of the Building Inspector, such building constitutes a hazard to safety of the public or adjacent property.

13. UNCOMPLETED AND UNOCCUPIED STRUCTURES

- (1) Excavations, unoccupied building and buildings left uncompleted by any person shall be so protected by barricading or other means as to afford protection against accidents to persons in or about the premises.
- (2) Where the owner of the land fails to give the protection required by Section 13 (1) then the City may protect such excavations, unoccupied buildings and uncompleted buildings by constructing barricades, backfilling the excavation or taking any other measures as are necessary in the opinion of the Building Inspector to protect against accidents to persons in or about the premises and the cost thereof may be recovered by action or distress or recovered in like manner as municipal taxes.

14. STATUS OF CHANGE OF LOCATION

- (1) A change of location of a building by an owner, his authorized agent, builder or contractor shall be considered a re-erection of such building, and, as such, is subject to the provisions of this By-law.
- (2) Any building which is moved by an owner, his authorized agent, builder or contractor, from one location to another, or moved into the City shall, within ninety (90) days of such move, be made to comply with the requirements of this By-law.

15. REPAIR AND ALTERATION EXCEEDING 50%

Repairs and alterations by an owner, his authorized agent, builder, or contractor, to any building to the extent of over fifty (50%) per cent of the value of such building, as it was before such repair and alteration were necessary, shall be considered a re-erection of such building and, as such, is subject to the requirements of this By-law.

16. FENCE REGULATIONS

- (1) No person shall erect a fence without first obtaining a permit from the Building Department of City.
- (2) No person shall erect, construct, alter, or maintain a barbed wire, electric, or any other fence in such a way that there is a possibility that any person will be injured.
- (3) A fence shall be erected in compliance with regulations as set forth by the Zoning By-laws and/or any other by-law which applies to a fence or fences.
- (4) A fence in a residential area shall not exceed 4'-0" in height when located in front yard or shall not exceed 6' in height when located in the side yard or rear yard and shall be so constructed that it will permit at least 25% passage of light and air.
- (5) A front yard shall mean a yard extending across the full width of the lot between the street line and the face of the building and includes the entire flankage on corner lots.

16. (6) Where commercial or industrial areas abut on residential zones, the fence shall be constructed in accordance with the requirements of Section 16 (4) hereof.
- (7) A fence in a commercial or industrial area shall be a maximum of 6'-0" in height in the front yard and a maximum of 8'-0" in height in the rear yard, and shall be so constructed that it will permit at least 25% passage of light and air.
- (8) All swimming pools shall be protected by a fence subject to the provisions of the current by-law requiring owners of private pools to protect the area of the pool with an enclosure.

17. APPLICATION FOR BUILDING PERMIT

Applications for permits shall be on official forms supplied by the Building Inspector and shall set forth all details of the proposed work and its correct estimated cost with such other information as the Building Inspector may require. Where required by the Building Inspector, the applicant shall verify by Statutory Declaration, the correctness of the information supplied in the said application.

The application referred to above shall:

- (1) be made on forms to be supplied by the City;
- (2) be signed by the applicant; and contain the applicant's address;
- (3) state the intended use of the building;
- (4) include copies in duplicate of the specifications and scale drawings of the building, with respect to which the work is to be carried out showing;
 - (a) the dimensions of the building;
 - (b) the proposed use of each room or floor area;
 - (c) the dimensions of the land on which the building is, or is to be situated;
 - (d) the position, height and horizontal dimensions of all buildings on the land referred to in Section 17 (4) (c);
 - (e) contain any other information required by this by-law or by the Building Inspector;
 - (f) Where, in the opinion of the Building Inspector, or the Director of Planning and Works, a proposed building may encroach upon public or private property, the Building Inspector may require the applicant or owner to deposit with the Building Inspector a plot plan prepared by an Ontario Land Surveyor and the applicant shall comply with such demand before receiving a permit under this By-law.
 - (g) Where, in the opinion of the Building Inspector, or the Director of Planning and Works, the excavation for the construction of a proposed building or a building under construction may encroach upon public or private property, the Building Inspector may issue a Stop Order forbidding continuance of any further work in connection with the aforesaid excavation or construction until such time as the applicant or owner has deposited with the Building Inspector a plot plan prepared by an Ontario Land Surveyor showing whether or not the aforesaid excavation or building encroaches upon public or private property and in the event of such encroachment, the applicant or owner shall promptly take all necessary steps and measures to correct or abate such encroachment and, in addition thereto, the applicant or owner shall restore the land or property so encroached upon to a condition satisfactory to the

- (4) (g) Building Inspector and the owner of the land or property so encroached upon.
- (h) The cost of the plot plan by an Ontario Land Surveyor referred to in Sections 17 (4) (f) and 17 (4) (g) shall be paid by the applicant or owner.
- (i) The application for a building permit shall be signed by the owner and/or his authorized agent of the land shown on plans submitted with the application.

18.

CONDITIONS OF PERMIT

Every permit is issued upon:

- (1) The condition that construction is to be started within six (6) months from the date of issuing of the permit.
- (2) The condition that construction is not to be discontinued or suspended for a period of more than one (1) year; and
- (3) Such other condition as the Building Inspector may deem advisable.
- (4) The Building Inspector shall refer to the Council plans and specifications for any building or structure that is not provided for in this by-law and for which an application for a building permit has been received.
- (5) No permit shall be issued for a building or structure referred to in Section 18 (4) without the prior approval of the Council.
- (6) Every permit shall expire if active work is not commenced within a period of six (6) months from the date of its issue, or if work is suspended or discontinued for a period of more than one (1) year, but when it has so expired, it may be renewed at the discretion of the Building Inspector, provided the proposed work is found to comply with the provisions of all by-laws of the City as revised at the time of the proposed renewal.

19.

PLANS TO BE SUBMITTED

Applicants for permits shall submit to the Building Inspector, in duplicate, copies of the plans and specifications of the proposed work drawn to a scale of not less than one-eighth of an inch to the foot, showing the actual dimensions, including the dimensions of the lot to be built upon, the location of the work on the lot, with the height and dimensions of all such buildings or structures, and any other information as may be necessary to provide for the enforcement of this by-law. In addition, information as to details of construction, and dimensions of materials to be used, and any other information required and deemed necessary by the Building Inspector shall be provided, if such is not included on the plans or in the specification.

20.

SAFETY OF DESIGN

Any public building to be erected, constructed or altered, by an owner, his authorized agent, builder, or contractor in the City, shall be designed by and the specification therefor be prescribed by and alteration thereof be controlled and supervised by a member or licensee of the Ontario Association of Architects, under The Architects Act, or a civil engineer, who is a member or licensee of the Association of Professional Engineers of the Province of Ontario, under The Professional Engineers Act. Under this section, a public building shall mean arenas, armouries, amusement park structures, bleachers, bowling alleys, churches, club buildings, community halls, court rooms, curling rinks, dance halls, exhibition buildings, grandstands, gymnasiums, libraries, lodge rooms,

museums, passenger stations, depots, recreation piers, reviewing stands, schools, skating rinks, stadia, swimming pool buildings and structures, theatres and other buildings and structures that are to be used or offered for use as places of public assembly.

21. ISSUE OF PERMIT

- (1) The application, plans and specifications filed by an applicant for a building permit shall be examined by the Building Inspector and, if it appears that such plans and specifications are in conformity with the requirements of this by-law, and all other by-law or regulations applicable thereto, the Building Inspector shall issue the building permit upon receipt of the required fee and one copy of the plans and specifications shall be retained by the Building Inspector.
- (2) The issuance of a building permit shall not relieve the owner, his agent, builder, or contractor of the responsibility of conforming to any other by-law of this, or any other authority.
- (3) A building permit may be refused, not only on the grounds that the building would be contrary to the by-law of the City, but also on the grounds that the building would be contrary to any laws of Ontario or Canada in force in the City.

22. CERTIFICATE OF COMPLIANCE

- (1) Where a building or structure has been erected by an owner, his authorized agent, builder or contractor, contrary to the plans in respect of which such permit was issued, the building or structure shall be made to comply with the by-law of the City and the laws of other authority, and a certificate of compliance shall be obtained for a fee of Twenty (\$20.00) Dollars from the Building Inspector.
- (2) No person shall use or occupy such a building until the Building Inspector issues the certificate of compliance.
- (3) A certificate of compliance will only be issued provided that:
 - (a) the number of dwelling units conform with the number of units approved by the building permit.
 - (b) the location of building and parking area (including driveways) conforms with the location and size of buildings and parking area as shown on approved plot plan.
 - (c) All of the building, including the structure, materials, fire enclosures, usage and occupancy conforms with the approved application for building permit or the approved plans and specifications.
 - (d) all regulations as set forth by this by-law and/or any other applicable by-law is complied with.
 - (e) The exterior is completely finished; chimney erected; toilet facilities installed and usable; sewer connection made and passed by the City Engineer, or Septic Tank and Weeping Tile installed, inspected and passed by the Sanitary Inspector;

Interior: Exterior walls and ceilings insulated and sheeted (i.e. lath, gyproc, drywall); interior partitions sheeted on both sides; bathroom door installed.

23. DOCUMENTS ON THE SITE

The owner, his authorized agent, builder or contractor, shall cause to be posted in a conspicuous place on the premises, a copy of the permit applicable thereto, or a Poster or placard in lieu thereof.

- 23 - The owner, his authorized agent, builder or contractor shall cause to be kept a copy of the approved drawings and specifications on the premises at all times during construction for inspection by the Building Inspector or other authority, of the proposed work.

24. DUTIES OF THE OWNER

Every owner of property shall in person or cause his authorized agent to:

- (1) Permit the Building Inspector to enter any building or premises at any reasonable time for the purpose of administering or enforcing this by-law.
- (2) Obtain and pay for, from the appropriate authority, permits relating to building, zoning, grades, sewers, watermains, plumbing, signs, blasting, street occupancy, electricity, highways, and all other permits required in connection with the proposed work.
- (3) Give at least 48 hours notice to the Building Inspector of the intention to start work on the building site.
- (4) Give notice to the Building Inspector:
 - (a) Where a foundation wall below land surface has been placed and before any back filling of the excavation has been carried out.
 - (b) As may otherwise be required by this by-law.
 - (c) Give written notice to the Building Inspector within thirty (30) days of completion of the work described in the permit.

25. TEST OF MATERIALS

Where test of any materials are made to ensure conformity with the requirements of this by-law, records of the test data shall be kept available for inspection during the construction of the building and for such a period thereafter as required by the Building Inspector.

26. DUTIES OF THE BUILDING INSPECTOR

The Building Inspector shall:

- (1) Administer this by-law;
- (2) Enforce the provisions of this by-law;
- (3) Keep proper records of all applications received, permits, and order issued, inspections and tests made, and shall retain copies of all paper and documents connected with the administration of his duties.
- (4) Where, in the opinion of the Building Inspector, any building, fence, scaffolding or erection is, by reason of its ruinous or dilapidated state, faulty construction or otherwise, in an unsafe condition as regards danger from fire or risk of accident, he shall notify the owner in writing to forthwith cause the same to be put in a safe condition, or where, in the opinion of the Building Inspector, the conditions so warrant, he shall notify the owner in writing to forthwith demolish the same.
- (5) Where the owner has been notified, as aforesaid, to demolish any building, fence, scaffolding or erection, the owner shall comply promptly by removing all rubble, debris and materials resulting from the aforesaid demolition and he shall promptly take all necessary steps to put the land or property upon which the aforesaid building, fence, scaffolding or erection was situated in a safe, neat and proper condition and in a condition satisfactory to the Building Inspector.

- (6) Notwithstanding anything contained in this by-law, where in the opinion of the Building Inspector or the Fire Chief for the City, it is necessary to pull down or demolish any building or other erection for the purpose of suppressing fires or preventing the spread of fire, the Building Inspector or the Fire Chief for the City and all persons acting under his or their direction are hereby authorized and empowered to take all necessary steps as aforesaid.
- (7) Subject to the provisions of any other Act requiring fire escapes, the Building Inspector may compel the owners, and occupants of buildings more than two storeys in height, except private dwellings, to provide proper fire escapes therefor in such places, of such pattern and made of construction as may be deemed proper and for prohibiting the occupancy of any such buildings unless such fire escapes are provided. Proper construction under this section shall mean that the fire escapes are constructed in accordance with all applicable sections of the National Building Code pertaining to exits and fire escapes, and that drawings and construction is approved by the Building Inspector in accordance with the requirements of this Code.

27. POWERS OF THE BUILDING INSPECTOR

The Building Inspector may:

- (1) Enter any building or premises at any reasonable time for the purpose of administering or enforcing this by-law, and no person shall refuse him such entry or obstruct or hinder or prevent the Building Inspector from administering or enforcing this by-law.
- (2) Cause a written Notice to be served upon the owner of any property directing him to correct any condition where, in the opinion of the Building Inspector, that condition constitutes a violation of this by-law.
- (3) Direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made or sufficient evidence or proof be submitted, at the expense of the owner, where such evidence or proof is necessary to determine whether the material, device, construction or foundation condition meets the requirements of this by-law.
- (4) Revoke or refuse to issue a permit where, in his opinion, the results of the tests referred to in Section 24 are not satisfactory and revoke or recommend to Council the revocation of any permit if the work being performed under such permit does not comply with the plans and specifications submitted with the application or comply with the requirements of this by-law or of any other by-law applicable in the area where the work is being carried out. Such revocation shall be in writing and shall be served on the owner or his agent or any person doing the work, and after service of the notice of revocation, all work for which the permit was granted shall cease forthwith.
- (5) Cause any building constructed, altered, repaired, or placed in contravention of this by-law to be pulled down or removed either by the City or the owner thereof, at the expense of the owner thereof, which cost may be recovered by action or distress, in the absence of such payment, and said cost may be recovered in like manner as the recovery of municipal taxes.
- (6) Cause any building, fence, scaffolding or erection that by reason of its ruinous or dilapidated state, faulty construction, or for any other reason, is in an unsafe condition so as to represent a fire hazard and/or a potential area of accident, to be pulled down, repaired or removed, at the expense of the owner thereof, whether such repair or removal is carried out by the said owner or by the said City, and the cost thereof may be recovered by action or distress, or recovered in like manner as the recovery of municipal taxes.

- (7) Subject to the provisions of any other Act requiring fire escapes, compel the owners, and occupants of buildings more than two storeys in height, except private dwellings, to provide proper fire escapes therefor in such places, of such pattern and made of construction as may be deemed proper and for prohibiting the occupancy of any such buildings unless such fire escapes are provided. Proper construction under this section shall mean that the fire escapes are constructed in accordance with all applicable sections of the National Building Code pertaining to exits and fire escapes, and that drawings and construction is approved by the Building Inspector in accordance with the requirements of this Code.
- (8) Without restricting the application of Section 27 (5) or Section 27 (6) or any other section of this by-law, where the owner of any building fails to comply with any notice issued pursuant to the provisions of this by-law requiring such owner to comply with the provisions of this by-law, and where such default continues for a period exceeding the time limitation given by such notice, the Building Inspector is hereby authorized and empowered to take all necessary steps and measures to ensure due compliance with the provisions of this by-law and the costs thereof shall be borne by the owner and shall be added to the Collector's Roll for the City and collected in like manner as taxes. In addition the owner shall be liable to pay the penalties imposed by this by-law.

28. SERVICE OF NOTICES

Any notice issued pursuant to this by-law may be served upon the owner personally or his agent personally or mailed by prepaid registered post addressed to the owner at his address as shown on the application for the applicable permit under this by-law or as shown on the last revised assessment roll for the City. Service upon the owner shall be deemed effective on the date of such personal service or as of the date of mailing of the notice.

29. PENALTIES FOR NON-COMPLIANCE

- (1) Any person guilty of an infraction of any of the provisions of this by-law shall, on conviction before the presiding Judge having jurisdiction, forfeit and pay a fine or penalty not exceeding Three-Hundred (\$300.00) Dollars, exclusive of costs, for each offence, and, in default of payment thereof, and costs (if any), it shall be lawful to levy the same by distress and sale of goods and chattels of the offender and in case of no distress sufficient to satisfy the amount of the fine and cost shall be found, it shall be lawful for the presiding Judge to commit the offender to the common gaol of the District of Nipissing for a period of not more than six (6) months with or without hard labour, unless the fine and costs (if any) and the expense of committing and conveying such offenders to the said gaol are sooner paid.
- (2) At any stage in proceedings to enforce the provisions of this By-law, any Judge or Court may by way of Order require the accused person or any person acting under his authority, whether express or implied, or any person carrying on construction on the owner's land, to cease the construction of any building or part thereof, or demolish, alter, or remove same. Similarly, any Judge or Court may by Order direct such person or persons to comply with any provision contained in this by-law. Any Order or Direction by such Judge or Court may include within it a time limit within which the requirements of such Order or Direction are to be complied with. Any such Order or Direction may be in addition to any fine or other penalty imposed pursuant to this by-law.

(3) Upon a conviction for a breach of the provisions of this by-law, the presiding Judge, besides imposing a penalty under the next preceding subsection, may order the offender to carry out the provisions of this by-law within a time to be limited by the Order, and in default of the defendant carrying out such Order, the Inspector of authority having jurisdiction shall forthwith, at the expense of the offender, take such means as to carry out the requirements of this by-law, as shall be necessary and the expense thereof, with costs, may be recovered by action or distress and in case of nonpayment thereof, the same may be recovered in a like manner as municipal taxes.

30. CONTINUING OFFENCE

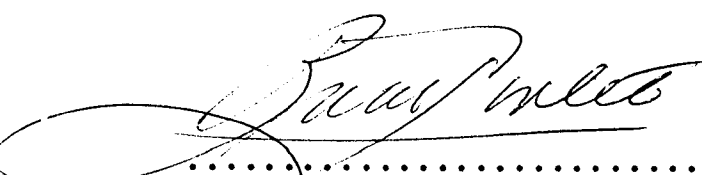
A separate and distinct offence shall be created for each and every day that any person violates the provisions of this by-law.

31. PERMIT FEES

The Building Permit fees payable pursuant to the provisions of this by-law shall be based upon the estimated cost of the building as defined in this by-law and they are hereby fixed and set at the following amounts:

- (1) Where the estimated cost is less than \$100.00 no fee is applicable.
- (2) Where the estimated cost is \$1,000.00 or less, the fee shall be \$3.00.
- (3) Where the estimated cost exceeds \$1,000.00, the fee shall be \$3.00 for the first \$1,000.00 of estimated value and \$2.00 for each additional \$1,000.00 or portion thereof.
- (4) The fee payable for a blasting permit shall be the sum of \$5.00 for each project or contract.
- (5) The fee payable for a barricade permit shall be the sum of \$5.00 for each project or contract.
- (6) The fee payable for a permit to move a building shall be the sum of \$25.00.
- (7) The fee payable for a permit to demolish any building shall be the sum of \$3.00
- (8) The fee payable for a Certificate of Compliance shall be \$20.00
- (9) The fee payable for the renewal of a permit shall be 50% of the original fee.
- (10) 50% of the fee of a cancelled permit shall be refundable.
- (11) Fee for revoked permit shall not be refundable.

READ A FIRST TIME IN OPEN COUNCIL THIS 7TH DAY OF FEBRUARY, 1972
READ A SECOND TIME IN OPEN COUNCIL THIS 20TH DAY OF MARCH 1972
READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED
THIS 20TH DAY OF MARCH, 1972.


.....
MAYOR


.....
CITY CLERK