

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 199-86

BEING A BY-LAW TO REGULATE THE ADMINISTRATION
OF BUILDING PERMITS.

WHEREAS the Council is responsible for the enforcement of the Building Code Act, as amended, and may pass by-laws respecting building permits and related matters pursuant to section 5 (2) of the Building Code Act.

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

1. DEFINITIONS

1.1 In this By-law;

- (a) "Act" means the Building Code Act, R.S.O. 1980, Chapter 51, as amended.
- (b) "Architect" means a member or licensee of the Ontario Association of Architects under the Architects Act.
- (c) "Building" means a structure occupying an area greater than 10 square metres consisting of a wall, roof and floor, or any one or more of them, or structural system serving the function thereof, including all the works, fixtures and service systems appurtenant thereto, and includes such other structures as are designated in the regulations, but does not include a structure used directly in the extraction of ore and from a mine.
- (d) "Building Code" means any regulation made by Lieutenant Governor-in-Council under section 19 of the Act.
- (e) "Building Inspector" means any person appointed by the Council under section 3 (2) of the Act.
- (f) "Chief Building Official" means the person appointed as the Chief Building Official by the Council under section 3 (2) of the Act, and includes any Building Inspector to whom the Chief Building Official has delegated specific authority in writing.
- (g) "City" means The Corporation of the City of North Bay.
- (h) "Council" means the Municipal Council of the City.
- (i) "Construct" means to do anything in the erection, installation or extension or material alteration or repair of the building and includes the installation of a building unit fabricated or moved from elsewhere, and "construction" has a corresponding meaning.
- (j) "Demolition" means the doing of anything in the removal of a building or any material part thereof.
- (1) "Owner" is defined in section 1 of the Building Code and includes:
 - (i) any person shown on the last revised Assessment Roll for the City as the Owner of the land;
 - (ii) any person shown as having an interest in the land at the Land Titles Office for the Division of Nipissing or the Land Registry Office for the District of Nipissing

- (m) "Professional Engineer" means a member or licensee of the Association of Professional Engineers of the Province of Ontario under the Professional Engineers Act.

2. PERMITS

- 2.1 The classes of permits set out on Schedule "A" of this by-law for the demolition or construction of buildings shall be in effect in the City of North Bay.

3. PERMIT APPLICATIONS

- 3.1 Prior to any construction or demolition, the owner or his agent shall:

- (a) apply in writing for a building permit for the construction or demolition with the form set out on Schedule "B" of this by-law; and
- (b) upon compliance with the Building Code Act and this by-law being demonstrated, a building permit by the Chief Building Official shall be issued on the form attached hereto, and identified as Schedule "C" of this by-law.

- 3.1.2 Every application for a building permit shall:

- (a) include plans and specifications as described in section 4;
- (b) for a building referred to in section 2.3 of the Building Code, include a written acknowledgment by the owner, confirmed by an architect or professional engineer, that the owner has retained the architect or professional engineer to carry out the design and the field review described in section 2.3 of the Building Code;
- (c) include the fee prescribed by Schedule "A" of this by-law;
- (d) include evidence of approvals required under any other applicable law, including, without limiting the generality of the foregoing:
 - (i) zoning by-law approval from the office of the City Planner;
 - (ii) if applicable, a duly executed site plan control agreement;
 - (iii) engineering approvals for city services required by by-law if applicable from the office of the City Engineer;
 - (iv) if applicable, Occupational Health and Safety Act approval from the Ministry of Labour;
 - (v) if applicable, Environmental Protection Act approval from the Ministry of the Environment;
 - (vi) if applicable, Health Protection and Promotion Act, 1983 from the North Bay and District Health Unit;
 - (vii) if applicable, the approval of the Office of the Fire Marshal;
 - (viii) if applicable, the approval of the North Bay-Mattawa Conservation Authority;

- (e) be signed by the owner or the authorized agent of the owner who shall certify the accuracy of the information contained in the application.

4. PLANS AND SPECIFICATIONS

- 4.1 (a) Plans, specifications and documents shall be submitted in duplicate, with every application for a building permit in sufficient detail to enable the Chief Building Official to determine whether or not the proposed construction or demolition will conform to the Building Code.
- (b) Plans shall be drawn to scale and shall indicate the nature and extent of the proposed work or proposed occupancy in sufficient detail to establish that when completed, the proposed work or proposed occupancy will conform with the Building Code.
- (c) A site plan shall be submitted setting out the compatibility of the building design with the proposed land area grading and drainage and a site plan shall include;
 - (i) lot dimensions;
 - (ii) a location and setback of the proposed building from the property lines of the lot
 - (iii) location and distance of every other adjacent building from the property lines of the lot
 - (iv) existing and finished grade levels of the proposed building, and the lot
- (d) The Chief Building Official may require a plan of survey certified by an Ontario Land Surveyor to establish compliance of a proposed building on the lot.

HOUSING AND SMALL BUILDINGS

- 4.2 Plans submitted for all building or construction regulated by Part 9 of the Building Code:
 - (a) shall be drawn to scale or with clear dimensions;
 - (b) shall show the use and occupancy of each room or area of the building;
 - (c) shall include sufficient plans, sections and details and material specifications to show compliance with the Building Code, and bear the name, address and the telephone number of the responsible designer.

ALL BUILDINGS OTHER THAN HOUSING AND SMALL BUILDINGS

- 4.3 Plans, specifications and documents submitted with an application to construct a building referred to in this section 4.3 and regulated by section 2.3 and by Parts 1, 2, 3, 4, 5 and 6 of the Building Code shall be dated and bear the authorized professional seal and signature of the architect or professional engineer.
- 4.3.1 Plans, specifications and documents submitted with an application for a building permit must clearly show and identify all fire-protection systems and life safety systems required by the Building Code including:

- (a) the building area with complete floor plans showing all rooms and areas of the building and stating the use and occupancy of all area;
- (b) the location, fire-resistance rating and structural design or any fire walls;
- (c) the location and fire resistance rating of all fire separations;
- (d) the fire resistance rating of fire separations of storeys, shafts and rooms or areas, including the location and rating of closure in fire separations;
- (e) the source of information for fire-resistance ratings of construction, including material specifications of material used and its flamespread rating;
- (f) location of exits.

4.3.2 Structural drawings and documents submitted with an application for a building permit to construct shall indicate:

- (a) the date of issue of the Code and the standards to which the design conforms;
- (b) the dimensions, location and sizes of all structural members in sufficient detail to demonstrate compliance of the design to the Building Code;
- (c) sufficient detail to enable the loads due to materials of construction incorporated in the building to be determined;
- (d) all effects and loads, other than dead loads, used in the design of the structural members;
- (e) calculations and analysis made in the design of the structural members, including parts and components of a building shall be available for inspection upon request.

4.3.3 Foundation drawings submitted with an application to construct or excavate shall indicate:

- (i) the type of condition of the soil or rock, and the groundwater investigation when required by the Building Code;
- (ii) the allowable bearing pressures on the soil or rock, the allowable loads when applicable and the design loads applied to foundation units; and
- (iii) the earth pressures and other loads applied to the supporting structures of supported excavations;
- (iv) when required by the Chief Official evidence that justifies the information on the drawings shall be submitted with the application.

- 4.3.4 Structural drawings of parts or components including guards designed by a person other than the designer of the building shall be dated and shall bear the authorized professional seal and signature of the person responsible for the design of such parts or components. Such design shall be accepted and authorized in writing by the designer responsible for the building design pursuant to Section 2.5 of the Building Code.
- 4.3.5 Plans and specifications for mechanical and electrical construction shall contain information and design of all systems required by the Building Code including:
- (a) Heating and Ventilation System; material specifications, showing size and location of all ducts, shafts, flues, fire dampers, chimneys, gas vents and ventilation opening and shall include reference to all standards applicable to the construction and installation;
 - (b) Electrical system, lighting, exit lights, emergency lights, fire alarm systems including interconnections with other services or systems and equipment, and shall include reference to all standards applicable to the construction and installation;
 - (c) Plumbing, location of all fixtures, floor drains, drainage and supply piping, size and location and capacity of pipes, specifications of system and materials used in the construction and installation, and reference to all standards applicable to the construction and installation;

Sprinkler and standpipe system, material and installation specifications and reference to all applicable standards and Codes.

5. APPROVAL IN PART

- 5.1 The Chief Building Official may issue a permit to construct or demolish a portion of a building prior to the issuance of a permit for the entire project, provided an application is made for the complete project.
- 5.1.1 Complete plans, specifications and an application covering the portion of the work for which a permit is desired, shall be filed with the Chief Building Official together with complete schematic plans and description of the complete project including sufficient details, information to establish compliance with the Building Code and a commitment to obtain further permits and to complete the work.
- 5.1.2 Staged permits may be issued only for the three stages indicated in Schedule "A" of this by-law, but, issuance of a staged permit is not a representation that a permit will be issued for the other stages.

6. OCCUPANCY OF UNFINISHED BUILDING

- 6.1 The Chief Building Official may issue a permit to occupy a partially completed building in accordance with subsection 2.4. of the Building Code on receipt of the opinion in writing of the architect or professional engineer that the work in the partially completed portion conforms with the Building Code.

7. FEES

- 7.1 Prior to issuance of a building permit the owner or his agent shall pay the fees for permits as set out by Schedule "A" of this by-law.
- 7.2 The Chief Building Official may place a valuation on the cost of work, and if the permit applicant or holder disagrees with this valuation, the prescribed fee shall be paid before the issuance of the permit. Upon completion of the work, if the actual cost of the work was less than the valuation placed by the chief official, an audited statement may be submitted detailing the cost of all component parts of the work. The Chief Building Official shall, if the statement contains the cost of all component parts of the work upon which the valuation was required to be based, value of the work in accordance with this statement and issue the appropriate refund.

8. REFUND OF PERMIT FEES

- 8.1 Upon the applicant's written request for the withdrawal of an application, the Chief Building Official shall mark the application for a permit withdrawn and shall return all plans specifications and information filed together with the fee for the permit required under Schedule "A" less the following applicable portion of the fees:

CLASS 1 PERMITS

- A. THE FEES THAT MAY BE REFUNDED SHALL BE A PERCENTAGE OF THE FEES PAYABLE UNDER THIS BY-LAW AS FOLLOWS:
- (i) 80 Percent if administrative functions only have been performed;
 - (ii) 70 Percent if administrative and zoning functions only have been performed;
 - (iii) 50 Percent if the permit has been issued and the construction has not commenced and not more than one inspection has been made
- B. NOTWITHSTANDING PARAGRAPH "A" ABOVE, NO REFUND SHALL BE MADE OF AN AMOUNT LESS THAN \$10.00
- Permit fees for Class 2, 3, 4, 5 and 6 shall not be refunded
- Permit fees for a revoked permit shall not be refunded
- C. The amount of refund will be reduced by an additional 5% for each additional or subsequent required inspection.

9. REVOCATION

- 9.1 The Chief Building Official may revoke a permit without refund:
- (a) where it was issued on mistaken or false information;
 - (b) where, after six months after its issuance, the construction or demolition in respect of which it was issued has not, in the opinion of the Chief Building Official, been seriously commenced;

- (c) where the construction or demolition of the building is, in the opinion of the Chief Building Official, substantially suspended or discontinued for a period of more than one year.

10. SITE DOCUMENTS

10.1 Where a permit has been issued pursuant to the Act, the person to whom it is issued shall have the permit or a copy thereof posted at all times during construction or demolition in a conspicuous place on the property in respect of which the permit was issued.

The person in charge of the construction of a building shall keep and maintain on the site of the construction,

- (a) at least one copy of drawings and specifications, certified by the Chief Official or a person designated by him to be a copy of those submitted with the application for the permit to construct the building together with changes that are authorized by the Chief Official or a person designated by him; and
- (b) authorization of facsimiles thereof received from the Building Material Evaluation Commission, including specified terms and conditions.

11. NOTIFICATIONS

11.1 The person to whom the permit has been issued shall notify the Chief Building Official at least one business day in advance of the following stages of construction as follows:

- (a) where the building is within the scope of Part 9, of the substantial completion of:
 - (i) footings, foundation, parging, damp-proofing and the installation of weeping tile;
 - (ii) structural framing;
 - (iii) insulation and vapour barriers, and
 - (iv) ductwork and piping for heating and air conditioning system;
- (b) for any building other than Part 9 buildings:
 - (i) the commencement of the construction of the building;
 - (ii) the readiness to construct footings;
 - (iii) the substantial completion of the footings and foundations;
 - (iv) the substantial completion of structural framing of each storey;
 - (v) the substantial completion of insulation and vapour barriers, and
 - (vi) the substantial completion of rough-in of heating, ventilation, air conditioning systems;

- (c) For all buildings upon substantial completion of:
 - (i) all required fire separations and closures and all fire protection systems including standpipe; sprinkler, fire alarms and emergency lighting systems;
 - (ii) interior finishes and heating, ventilating air conditioning and air-contaminant extraction equipment;
 - (iii) exterior cladding, fire access routes and site grading;
- (d) for all building, upon the commencement of the construction of
 - (i) masonry fireplaces and masonry chimneys
 - (ii) factory-built fireplaces and allied chimneys
 - (iii) stoves, ranges, spaceheaters and add-on furnaces using solid fuels and allied chimneys

12. BLASTING PERMIT

- 12.1 (a) No person shall carry out any blasting operations or demolition operations or authorize or allow the same to be carried out without first obtaining a permit under this by-law authorizing the same.
- (b) The applicant, prior to the issue of a permit shall deposit with the City Solicitor or Clerk proof of a Comprehensive General Liability Insurance Policy specifically covering blasting operations or demolition operations with the following minimum coverage:
 - (i) Urban Area - \$1,000,000.00
 - (ii) Rural Area - \$ 500,000.00
- (c) The Applicant shall:
 - (i) take all necessary steps and precautions to ensure that the blasting operations or demolition operations, as the case may be, are carried out and performed in a safe, lawful and proper manner
 - (ii) 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.

13. APPOINTMENTS

- 13.1 The persons listed in Schedule "D" of this by-law are hereby confirmed in the appointment to the offices set opposite their names.

14. SEVERABILITY

- 14.1 Should any section, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same does not affect the validity of the by-law as a whole or in part thereof, other than the part which was declared to be invalid.

15. REPEAL

- 15.1 Save and except as to section 16 of By-law No. 32-72, By-law No. 22-84 is hereby repealed.

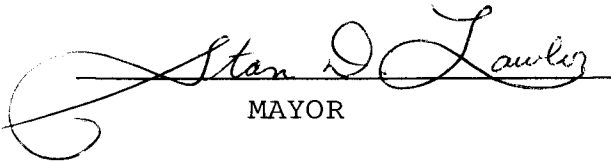
16. PENALTY


16.1 Any person who contravenes any provision of this by-law is guilty of an offence and shall be liable to a fine of not more than \$2,000.00, which may be collected under the Provincial Offences Act.

READ A FIRST TIME IN OPEN COUNCIL THE 27TH DAY OF OCTOBER , 1986.

READ A SECOND TIME IN OPEN COUNCIL THE 10TH DAY OF NOVEMBER , 1986.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 10TH DAY OF NOVEMBER , 1986.


MAYOR


CITY CLERK

SCHEDULE "B"
CITY OF NORTH BAY

RECEIPT NO. _____

APPLICATION FOR
BUILDING PERMIT

Permit No. _____
Issued the _____ Day
of _____ 19____

Plans must be submitted with this Application
to the
OFFICE OF THE CHIEF BUILDING OFFICIAL

Owner's Name _____ Tel. No. _____
Address _____ Postal Code _____
Contractor _____ Tel. No. _____
Address _____ Postal Code _____
Designer _____ Tel. No. _____
Address _____ Postal Code _____

(If more than one Contractor or Designer, Attach List)

To: Erect Alter Repair Add
This Building is: New Existing No. of Storeys _____

Brief Description of Proposed Work _____

Street and Number _____

Lot Number _____ Plan Number _____ Size _____ X _____ Area _____

Zone _____ Occupancy Classification _____

Size of Building — Existing _____ New _____

Type of Construction _____

Sewers Available? _____ Septic Tank? _____ Hudac Reg. No. _____ Expiry Date _____

Type of Heating _____ Estimated Cost of Construction \$ _____

Include with the Application evidence of approvals for the construction or demolition other than that required by the Act or the Building Code including:

- (a) Approvals from the Ministry of Labour with respect to The Occupational Health and Safety Act;
- (b) Approvals from the Ministry of Environment with respect to The Environmental Protection Act.

All of the statements and representations contained in the attached documents filed in support of this Application shall be deemed part of this Application for all purposes. Sufficient information shall be submitted with each application to enable the Chief Building Official to determine whether or not the proposed work will conform with The Ontario Building Code Act, 1974, and regulations thereunder and any other applicable law.

DECLARATION

I, the undersigned, _____, am the owner or authorized agent of owner named in the above application and I certify the truth of all the statements or representations contained therein.

I understand that the issuance of a permit shall not be deemed a waiver of any of the provisions of any by-laws or requirements of The Building Code Act, 1974, or regulations made thereunder, notwithstanding anything included in or omitted from the plans or other material filed in support of or in connection with the above application.

I acknowledge that in the event a permit is issued, any departure from plans, specifications or building locations proposed in the above application is prohibited and such could result in the permit being revoked.

I further acknowledge that in the event the permit is revoked for any cause or irregularity or nonconformity with by-laws or requirements of The Building Code Act, 1974, or regulations made thereunder, there shall be no right of claim whatsoever against the municipal corporation or any official thereof and any such claim is hereby expressly waived.

_____, Ontario _____ 19____ Signature of Owner or Authorized Agent

Witness _____

ISSUED in accordance with the provisions of the Ontario Building Code and Building By-Laws applicable in the City of North Bay.

Conditions to Permit _____

DATE AUTHORIZED _____ CHIEF BUILDING OFFICIAL _____

An Application for a Permit may be deemed to have been abandoned and cancelled six months after the date of filing, unless such Application is being seriously proceeded with.

INSPECTIONS — see reverse

SCHEDULE "C"
CITY OF NORTH BAY
BUILDING PERMIT

RECEIPT NO. _____

PERMIT NO. _____

PERMIT TO: CONSTRUCT DEMOLISH

in accordance with Section 6 of the Ontario Building Act, permission has been granted to:

NAME _____ TELEPHONE _____

ADDRESS _____

TO CONSTRUCT
DEMOLISH a building on: LOT: _____ PLAN: _____

CIVIC ADDRESS: _____

for the following work: _____

_____ OCCUPANCY _____

subject to the following conditions:

The applicant, by acceptance of and in consideration of the issuance of this permit, agrees to the following conditions.

1. This permit does not preclude any other legislation, federal or provincial, or necessary approvals from other agencies.
2. Building Inspectors of the City of North Bay may, at any time, enter onto the lands which are described herein in order to make any surveys, examinations, investigations or inspections which are required for the purposes of ensuring that the work(s) authorized by this permit are being carried out according to the terms of this Permit.
3. The applicant agrees
 - (a) to indemnify and save harmless The Corporation of the City of North Bay and its officers, employees, or agents, from and against all damage, loss, costs, claims, demands, actions and proceedings arising out of or resulting from any act or omission of the owner and/or applicant or any of his agents, employees or contractors relating to any of the particulars, terms or conditions of this Permit;
 - (b) that this Permit shall not release the applicant from any legal liability or obligation and remains in force subject to all limitations, requirements and liabilities imposed by law;
 - (c) that all complaints arising from the execution of the works authorized under this Permit shall be reported prior to the completion of the work by the applicant to The Corporation of the City of North Bay. The applicant shall indicate any action which has been taken, or is planned to be taken, if any, with regard to each complaint.
4. This Permit is not assignable.

I, the applicant, do hereby agree to carry out or cause to be carried out the work(s) indicated above in compliance with the conditions set out herein and in accordance with the information contained in the application and any accompanying plans. I realize that should I carry out the work(s) contrary to the terms of this Permit that this Permit may be revoked. I also realize that this work shall be substantially commenced within six months and I agree to re-apply to the Chief Building Official prior to the expiration of this period should an extension be required.

Dated at the City of North Bay this _____ day of _____ 19 .

Signature of Owner/Authorized Agent

Signature of Chief Building Official

