

THE CORPORATION OF THE CITY OF NORTH BAYBY-LAW NO. 2248

Being a by-law regulating the construction, alteration or repair of buildings and other related matter including the issuing of building permits and providing for inspections;

And being a by-law to adopt in part the National Building Code of Canada 1965 as amended for the Corporation of the City of North Bay.

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:

PART 1ADMINISTRATIONSection 1.1SHORT TITLE

1.1.1.(a) This By-law may be cited as the Building By-law.

1.1.1.(b) This By-law shall be subject to the provisions of the Zoning By-law of the Corporation of the City of North Bay,

1.1.1.(c) Subject to such amendments as are contained in this By-law, Parts 2, 3, 4, 5, 6 and 9 of the National Building Code of Canada 1965, as amended, are hereby adopted by the Council of the Corporation of the City of North Bay and they shall be deemed to be incorporated in and form part of this by-law and they shall, mutatis mutandis, apply to and be in full force and effect in the Corporation of the City of North Bay.

1.1.1.(d) Part 2 of the Building Code is hereby amended to include the following definitions:

"Building" shall mean any structure used or intended for supporting or sheltering any use or occupancy as set forth in this By-law and shall include any structure, wall excavation, storage tank, gasoline pump, pump island, bin, bunker, loading dock, platform, staging, gallery, stadium, grandstand or bleacher, or such other structure for the use, accommodation or assembly of persons.

"Building Inspector" shall mean the Building Inspector or the Deputy Building Inspector for the time being of the Corporation of the City of North Bay.

"City" shall mean the Corporation of the City of North Bay.

"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.

"Clerk" shall mean the Clerk for the time being of the Corporation of the City of North Bay.

"Council" or Municipal Council" shall mean the Council of the Corporation of the City of North Bay.

"Person" shall include a firm, partnership, company, corporation contractor or owner.

SECTION 1.2

APPLICATION

1.2.1. Parts 2, 3, 4, 5 and 6 inclusive of this by-law apply to all buildings other than those provided for in Part 9.

1.2.2. Part 9 applies to houses.

1.2.3. (a) Where a building is built, this By-law applies to the design and construction of the building;

(b) 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;

(c) 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;

(d) 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.

(e) Where the occupancy of a building is changed, this By-law applies to all parts of the building affected by the change.

SECTION 1.3 RESPONSIBILITY OF THE OWNER AND CONTRACTOR

1.3.1. Subject to the provisions of subsections 1.5.3. and 1.5.4., neither the granting of a permit nor the approval of the drawings and specifications, nor inspections made by the Building Inspector during erection of the building shall in any way relieve the owner of such building or the contractor engaged in the construction of such building from full responsibility for carrying out the work in accordance with the requirements of this By-law.

SECTION 1.4

PROHIBITION

1.4.1. No person shall commence or continue any of the work referred to in Section 1.2 unless the owner of the building to be contracted, or in respect of which the work is to be carried out, has obtained a building permit.

1.4.2. No person shall commence or continue any part of the work referred to in Section 1.2., for which part a permit is required by this By-law, unless he has obtained a permit to carry out that part of the work.

1.4.3. No person shall commence or continue any part of the work referred to in Section 1.2 in respect of which a permit is required under any other By-law unless he has obtained a permit under that By-law.

1.4.4. 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, prior to the issue of the permit, shall deposit with the Clerk an Indemnity Bond in such amount as the Clerk and the Building Inspector 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.

1.4.5. 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 so to do. 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.

SECTION 1.5

PERMITS

1.5.1. Subject to subsections 1.5.2. and 1.5.4. and clause 1.10.1.(d) where

(a) an application has been made, and
(b) the proposed work set out in the application conforms with this By-law and all other applicable By-laws, the Building Inspector shall issue the permit for which the application is made.

1.5.2. Every permit is issued upon

(a) the condition that construction is to be started within six months from the date of issuing of the permit;
(b) the condition that construction is not to be discontinued or suspended for a period of more than one year; and
(c) such other condition as the Building Inspector may deem advisable.

1.5.3. 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.

1.5.4. No permit shall be issued for a building or structure referred to in subsection 1.5.3. without the prior approval of the Council.

1.5.5. The application referred to in subsection 1.5.1. shall

(a) be made on forms to be supplied by the City;
(b) be signed by the applicant;
(c) state the intended use of the building;
(d) 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:

(i) the dimensions of the building,
(ii) the proposed use of each room or floor area,
(iii) the dimensions of the land on which the building is, or is to be situated,
(iv) the grades of the streets and sewers abutting the land referred to in subclause (iii), and
(v) the position, height and horizontal dimensions of all buildings on the land referred to in subclause (iii);
and

(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 City Engineer 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 City Engineer, 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 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 (f) and (g) shall be paid for by the applicant or owner.

(i) 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.

1.5.6. The Building Inspector may revoke or recommend to Council the revocation of a permit where there is a violation of

- (a) any condition under which the permit was issued, or
- (b) any provision of this By-law.

SECTION 1.6

DUTIES OF THE OWNER

1.6.1. Every owner of property shall

(a) permit the Building Inspector to enter any building or premises at any reasonable time for the purpose of administering or enforcing this By-law;

(b) obtain, where applicable, from the appropriate authority, permits relating to building, zoning, grades, sewers, water mains, plumbing, signs, blasting, street occupancy, electricity, highways, and all other permits required in connection with the proposed work;

(c) give at least 48 hours' notice to the Building Inspector of the intention to start work on the building site;

(d) give notice to the Building Inspector

(i) where a foundation wall below land surface has been placed and before any back filling of the excavation has been carried out,

(ii) as may otherwise be required by this By-law.

(e) give written notice to the Building Inspector within 30 days of completion of the work described in the permit, and

1.6.2. Where tests 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.

SECTION 1.7

DOCUMENTS ON THE SITE

1.7.1. The person to whom a permit is issued shall, during construction, keep

(a) posted in a conspicuous place on the property in respect of which the permit was issued a copy of the building permit or a poster or placard in lieu thereof; and

(b) a copy of the approved drawings and specifications referred to in clause 1.5.5. (d) on the property in respect of which the permit was issued.

SECTION 1.8

PENALTIES

(a) Any person convicted of a breach of any of the provisions of this by-law shall forfeit and pay, at the discretion of the convicting magistrate, a fine or penalty not exceeding the sum of \$300.00 for each offence, exclusive of costs, to be recoverable under The Summary Convictions Act.

(b) 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 or any of them and where such default continues for a period of fifteen days from the date of service of 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 cost thereof shall be borne by the owner aforesaid and shall be added to the Collector's Roll for the City and collected in like manner as taxes. In addition thereto, the owner aforesaid shall be liable to the penalties imposed by this By-law.

SECTION 1.9

DUTIES OF THE BUILDING INSPECTOR

1.9.1. The Building Inspector shall

(a) administer this by-law,

(b) enforce the provisions of this by-law.

(c) keep proper records of all applications received, permits and orders issued, inspections and tests made, and shall retain copies of all papers and documents connected with the administration of his duties.

1.9.2.(a) 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.

1.9.2. (b) Where the owner has been notified, as aforesaid, to demolish any building, fence, scaffolding or erection, the owner shall promptly remove 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 situate in a safe, neat and proper condition and in a condition satisfactory to the Building Inspector.

1.9.2. (c) 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.

SECTION 1.10

POWERS OF THE BUILDING INSPECTOR

1.10.1. The Building Inspector may

(a) enter any building or premises at any reasonable time for the purpose of administering or enforcing this by-law;

(b) 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;

(c) 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;

(d) revoke or refuse to issue a permit where in his opinion the results of the tests referred to in cluse (c) are not satisfactory.

SECTION 1.11

SERVICE OF NOTICES

Any notice issued pursuant to this by-law may be served upon the owner 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 and 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 as aforesaid.

SECTION 1.12

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:

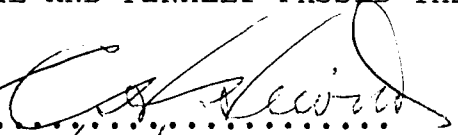
- (i) where the estimated cost is \$1,000.00 or less, the fee shall be \$3.00.
- (ii) where the estimated cost exceeds \$1,000.00, the fee shall be \$3.00 for the first \$1,000.00 of estimated value and \$2.00 for each additional \$1,000.00 or portion thereof.
- (iii) the fee payable for a blasting permit shall be the sum of \$5.00 for each project or contract.
- (iv) the fee payable for a barricade permit shall be the sum of \$5.00 for each project or contract.
- (v) the fee payable for a permit to move a building shall be the sum of \$25.00.
- (vi) the fee payable for a permit to demolish any building shall be the sum of \$3.00.

SECTION 1.13

By-law No. 1416 of the Corporation of the City of North Bay as amended and all previous by-laws or sections of by-laws or amendments thereto conflicting with the terms and provisions of this by-law shall be deemed to be and they are hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THIS 15TH DAY OF NOVEMBER 1965.

READ A SECOND TIME IN OPEN COUNCIL THIS 6TH DAY OF DECEMBER 1965
RULES OF ORDER WERE SUSPENDED AND BY-LAW READ A THIRD TIME IN OPEN COUNCIL AND FINALLY PASSED THIS 6TH DAY OF DECEMBER 1965.

.....

MAYOR

.....

CITY CLERK