

THE CORPORATION OF THE  
TOWN OF PELHAM

BY-LAW NUMBER 3941 (2017)

Being a By-law to provide for the administration and enforcement of the *Building Code Act* and with respect to the establishment and requirement of the payment of fees for information and services.

**WHEREAS**, Section 3.(1) of the *Building Code Act*, S.O. 1992, c.23, as amended, provides that the council of each municipality is responsible for the enforcement of the *Building Code Act*, 1992, as amended, in the municipality;

**AND WHEREAS** Section 7 of the *Building Code Act*, S.O. 1992, c.23, as amended, empowers council to pass By-laws respecting permits for construction, demolition, occupancy, change of use, on-site sewage system and conditional permits and respecting inspections and the charging of permit fees and other related matters;

**AND WHEREAS** Section 7 of the *Building Code Act*, S.O. 1992, c.23, as amended, empowers council to pass By-laws to establish an On-site Sewage system Maintenance Inspection Program and the charging of service fees for the recovery of costs associated with the administration of said program;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:**

**1. Citation**

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

1.2. All references made within this By-law shall be found within this By-law unless otherwise noted.

**2. Definitions**

2.2. Words shown in italicized script in this By-law shall have the meaning as follows:

- (a) Act means the *Building Code Act*, S.O. 1992, c. 23, as amended;
- (b) Alternative solution means a substitute for an acceptable solution as set out in Parts 3 to 12 of Division B of the *Building Code*;
- (c) Applicable law means the list of *applicable laws* as prescribed by the *Building Code*;
- (d) Applicant means the *owner* of a *building* or property who applies for a *permit* or any *authorized agent* 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 that person or corporation;

- (e) Authorized agent means a person who has been authorized in writing to act on the *owner's* behalf for matters relating to an application for a *permit*;
- (f) As constructed plans means construction plans and specifications that show the *building* and the location of the *building* on the property as the *building* has been constructed;
- (g) Building means that as ascribed by the *Act*;
- (h) Building Code means regulations made under Section 34 of the *Act* and any amendments thereto;
- (i) Chief Building Official means the person appointed by a By-law of the *Corporation* of the Town of Pelham for the purpose of enforcement of the *Act* and whose roles are set out in the *Act*;
- (j) Corporation means The *Corporation* of the Town of Pelham;
- (k) Farm building means a *building* or part thereof which does not contain a residential occupancy and which is associated with and located on land devoted to the practice of farming and used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds;
- (l) Form means the applicable provincial or municipal prescribed document;
- (m) Inspector means a person appointed by By-law of the *Corporation* of the Town of Pelham for the purpose of enforcement of the *Act* and who's roles are set out in the *Act*;
- (n) Owner means the registered *owner* of the land or property for which a *permit* application is submitted, a *permit* has been issued or that contains an on-site sewage system for the purposes of the *Maintenance Inspection Program* and includes the registered *owner*, a lessee and mortgagee in possession;
- (o) Permit means permission or authorization in writing by the *Chief Building Official* to perform *work* or to occupy a *building* or part thereof, as regulated by the *Act* and the *Building Code*;
- (p) Permit holder means the *owner* to whom the *permit* has been issued or, where the *permit* has been transferred, the transferee, and shall be the person who assumes the primary responsibility for compliance with the *Act* and the *Building Code*;
- (q) Registered Code Agency means a person that has the qualifications and meets the requirements described in subsection 15.11(4) of the *Act*; and

- (r) Work means the construction or demolition of a *building* or part thereof and includes a change of use as regulated by the *Building Code*.

2.3. Any words or phrases used in this By-law which are defined in the *Building Code* shall be deemed to have an equivalent meaning in the context in which they are used.

### 3. Classes of *Permits*

3.2. The classes of *permits* with respect to construction, demolition, change of use and occupancy shall be as set out in Schedule 'B' and which are further described as follows:

- (a) *Construction Permit* is a *permit* required under Subsection 8.(1) of the *Act* for the construction of *buildings* and parts of *buildings*.
- (b) *Demolition Permit* is a *permit* required under Subsection 8.(1) of the *Act* for the removal of a *building*.
- (c) *Conditional Permit* is a *permit* authorized under Subsection 8.(3) of the *Act* for the construction of *buildings* or parts of *buildings* that may be issued at the sole discretion of the *Chief Building Official*.
- (d) *Change of Use Permit* is a *permit* required under Subsection 10.(1) of the *Act* where a change in use of a *building* or part of a *building* would result in an increase in hazard as determined under Division C, Article 1.3.1.4. of the *Building Code* where no construction is proposed.
- (e) *Occupancy Permit* is a *permit* required to occupy a *building* or part of a *building* in accordance with the requirements of Division C, Subsection 1.3.3. of the *Building Code*.

### 3. Applications for *Permits*

3.1. To obtain a *permit*, the *owner* or an *authorized agent* shall submit the applicable prescribed *permit application form* to the *Chief Building Official*.

3.2. All *forms* prescribed by the *Building Code* and the *Chief Building Official* are available at the Province of Ontario, the office of the *Chief Building Official* or the *Corporation's* web site, as the case may be.

3.3. Where an application is made for a *Construction Permit* under Subsection 8.(1) of the *Act*, the application shall:

- (a) Include a completed *permit application form* as prescribed by the *Building Code*;
- (b) Be accompanied by the plans and specifications prescribed by this By-law and any associated information or approvals required to demonstrate compliance with any *applicable law*;
- (c) Identify and describe the *work* and use to be covered by the *permit* for which application is made;

- (d) Be accompanied by all fees that are set out in Schedule 'A';
- (e) State the names, addresses, telephone numbers, fax numbers and email addresses of the *owner, applicant, architect, professional engineer, designer, contractor, installer or constructor*, where applicable;
- (f) Be accompanied by a completed Commitment to General Reviews *form* as prescribed by the *Chief Building Official* when the Architects Act, as amended, and/or the Professional Engineers Act, as amended, requires the designer be an architect and/or a professional engineer;
- (g) Include completed *forms* as deemed required and prescribed by the *Chief Building Official*.

3.4. Where an application is made for a Demolition *Permit* under Subsection 8.(1) of the *Act*, the application shall:

- (a) Include a completed *permit application form* as prescribed by the *Building Code*;
- (b) Be accompanied by the plans and specifications prescribed by this By-law and any associated information or approvals required to demonstrate compliance with any *applicable law*;
- (c) Be accompanied by all fees that are set out in Schedule 'A' ;
- (d) State the names, addresses, telephone numbers, fax numbers and email addresses of the owner and of the Architect, professional engineer, designer, contractor or constructor, where applicable;
- (e) Be accompanied by a completed Commitment to General Reviews *form* as prescribed by the *Chief Building Official* when the *Building Code* requires a professional engineer to undertake the general review of the demolition; and
- (f) Be accompanied by proof satisfactory to the *Chief Building Official* that arrangements have been made with the proper authorities, where applicable, for the disconnection and capping of all water, sewer, gas, electric, telephone or other utilities and services on a *form* prescribed by the *Chief Building Official*.

3.5. Where application is accepted at the discretion of the *Chief Building Official* for a Conditional *Permit* under Subsection 8.(3) of the *Act*, the application shall:

- (a) Be preceded by an application for a *Construction Permit* set out in 3.3. and filed with the *Chief Building Official*;
- (b) Be accompanied by the plans and specifications prescribed by this By-law and any associated information or approvals required to demonstrate compliance with any *applicable law*;
- (c) Include a completed Conditional *Permit application form* as prescribed by the *Chief Building Official*;

- (d) State in writing to the *Chief Building Official* the reasons why the *applicant* believes that unreasonable delays in construction would occur if a conditional *permit* is not granted;
- (e) State the necessary approvals which must be obtained in respect of the proposed *building* and the date or time by which such approvals will be obtained;
- (f) Be accompanied by a Conditional *Permit Agreement form*, authorized by Clause 8.(3)(c) of the *Act*, which must be signed by the *owner* or an *authorized agent* who has the authority to bind the *owner*;
- (g) In the event that the conditions have not been satisfied beyond the date that is prescribed in a Conditional *Permit Agreement*, the agreement shall be considered as expired, all *work* shall stop and a request for an extension shall be made by the *permit holder*;
- (h) Be accompanied by a security deposit under the terms of the Conditional *Permit Agreement*; and
- (i) In addition to fees prescribed for the *Construction Permit* application, be accompanied by all Conditional *Permit* fees that are set out in Schedule 'A'.

3.6. Consideration of an application for Conditional *Permit* is at the sole discretion of the *Chief Building Official* and, if considered, shall not be construed to authorize construction beyond the scope for which conditional approval is given or that a *Construction Permit* will necessarily be issued.

3.7. Where application is made for a Change of Use *Permit* issued under Subsection 10.(1) of the *Act*, the application shall:

- (a) Include a completed *permit* application *form* as prescribed by the *Chief Building Official*;
- (b) Be accompanied by the plans and specifications prescribed by this By-law and any associated information or approvals required to demonstrate compliance with the *Building Code* and any *applicable law*;
- (c) Describe the *building* in which the occupancy is to be changed by a description that will readily identify and locate the *building*;
- (d) Identify and describe in detail the current and proposed occupancies of the building or part of a *building* for which the application is made;
- (e) Include plans and specifications which show 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, but not limited to, floor plans, details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities and details of the existing on-site sewage system, if any;

- (f) Be accompanied by a report from a qualified person as prescribed by the *Building Code* confirming that the change of use will not result in an increase in hazard;
- (g) Be accompanied by all fees that are set out in Schedule 'A'; and
- (h) State the name, address, telephone number, fax number and email address of the *owner*.

3.8. To obtain an Occupancy *Permit* as required by Division C, Subsection 1.3.3. of the *Building Code*, the *owner* or *authorized agent* shall:

- (a) Notify the *Chief Building Official* of the of completion of construction required to *permit* the occupancy of a *building*;
- (b) Describe the part of the *building* for which occupancy is requested;
- (c) Submit plans showing portion(s) of the floor area(s) to be occupied complete with location(s) of temporary exits as applicable;
- (d) Submit all general review reports where the *Building Code* requires the construction to be reviewed by an *architect* and/or a professional engineer; and
- (e) Submit a bacteria indicator test report where the *building* utilizes an on-site private water system.

3.9. A *building* shall not be occupied, permitted to be occupied or commissioned into service without the written authorization from the *inspector*.

#### 4. Plans and Specifications - General

- 4.1. Sufficient 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*, this by-law and any other *applicable law*.
- 4.2. Each application for a *Construction, Demolition or Change of Use Permit* shall be accompanied by two (2) complete sets of the plans and specifications as set out in Schedule 'B' in order for an application to be deemed as complete.
- 4.3. Each application for a *Conditional Permit* shall be accompanied by two (2) additional sets of legible plans and specifications sufficient to describe the scope of *work* covered by the *Conditional Permit*.
- 4.4. Plans shall be drawn to a suitable and legible scale (minimum 1:75 or 3/16"=1'-0") on paper or other durable medium approved by the *Chief Building Official* and shall include information as set out in Schedule 'B' unless otherwise specified by the *Chief Building Official*.
- 4.5. At the discretion of the *Chief Building Official*, submission of digital drawings, designs and specifications may be considered where:

- (a) The file is formatted to print on not greater than 11 inch x 17 inch size paper to retain the original scale of the document; and
- (b) The format of the digital file is suitable to the *Corporation*.

## 5. Incomplete Application

- 5.1. Except as provided in Subsection 6.2 of this by-law, a *permit* application that does not meet all of the requirements of Section 3 of this By-law shall be denied without further review.
- 5.2. Where the *Chief Building Official* determines that a *permit* application is incomplete, the *Chief Building Official* may accept the application if the *applicant* acknowledges that the application is incomplete.
- 5.3. Where an *applicant* declares or acknowledges that a permit application is incomplete, the *Chief Building Official* shall not be bound by the timelines prescribed by the *Building Code* within which a *permit* must be issued or refused.
- 5.4. The *applicant* shall be notified in writing where a review by the *Chief Building Official* or *inspector* has determined information is missing or non-compliant with any provisions of the *Act*, *building code* or this By-law.
- 5.5. Where it is determined that the applicant has not made satisfactory progress to submit required information within 30 days of being notified by the *Chief Building Official* or *inspector*, written notice thereof shall be given to the *applicant*.
- 5.6. If an incomplete application is deemed to be abandoned as determined by the *Chief Building Official*, a new application must be submitted as set out in Section 3 for all proposed work.

## 6. Withdrawing a *Permit* Application

- 6.1. A *permit holder* may request, in writing, that an application for *permit* be withdrawn prior to issuance of a *permit*.
- 6.2. All plans, specifications and documents submitted in support of an application for *permit* shall remain the property of the *Corporation*.

## 7. Revocation of *Permit*

- 7.1. Prior to revoking a *permit* under Subsection 8.(10) of the *Act*, the *Chief Building Official* may serve a notice to the last known address to the *permit holder*, and, following a 30 day period from the date of service, may revoke the *permit* without further notice.
- 7.2. The *Chief Building Official* may consider a written request by the *permit holder* to defer revocation of a *permit* if the request:
  - (a) Is received by the *Chief Building Official* prior to the end of the 30 day period described in Subsection 8.1; and
  - (b) States the reasons why the *permit* should not be revoked and the date by which meaningful and substantial work will resume.

7.3. The *Chief Building Official*, having regard to any material changes to the *Act*, *Building Code* or other *applicable law*, may allow a deferral of revocation of a *permit*.

7.4. Subject to Section 25 of the *Act*, the *Chief Building Official* is under no obligation to defer revocation of a *permit*.

## 8. Revisions

8.1. Where the design or scope of *work* authorized by an issued *permit* changes, the *owner* shall submit sufficiently detailed and revised plans and specifications, as set out in Section 4, that describe the proposed *work* prior to carrying out the proposed *work*.

8.2. Sufficient material changes to the design or scope of *work* may constitute the need for a new application for *permit* as determined by the *Chief Building Official*.

8.3. A revision to a *permit* application or an issued *permit* shall be accompanied by all fees as set out in Schedule 'A'.

## 9. Transfer of Permit

9.1. An issued *permit* may be transferred to a new *owner* by the *Chief Building Official* where the new *owner* provides:

- (a) A completed Transfer of *Permit form* prescribed by the *Chief Building Official*;
- (b) A written statement agreeing to comply with all statutes, regulations, *applicable laws* and conditions of approval upon which the *permit* was issued;
- (c) A written statement from the designer authorizing the continued use of all drawings, specifications and documents associated with the issued *permit*;
- (d) A completed Commitment to General Reviews *form* as prescribed by the *Chief Building Official* when the *Building Code* requires the *work* be reviewed by an architect or a professional engineer; and
- (e) Payment of fees for transfer of *permit* as set out in Schedule 'A'.

## 10. As-Constructed Plans and Documents

10.1. On completion of the construction, the *Chief Building Official* may require:

- (a) A set of *as-constructed plans* be filed with the *Chief Building Official*, and/or
- (b) A plan of survey showing the location of the *building* or *buildings*.

10.2. As set out in Section 18 of the *Act*, an inspector may require information, including plans, specifications, reports or documents, from any person in order to confirm compliance with any *Building Code* and/or *applicable law* requirement.



## 11. *Alternative Solutions*

11.1. The *Chief Building Official* may authorize the use of an *alternative solution* where a designer provides, for each *alternative solution* that is proposed:

- (a) A completed *Alternative Solution Application form* as prescribed by the *Chief Building Official*;
- (b) A description of the proposed material, system or *building design* for which authorization as an *alternative solution* is requested;
- (c) A description of the applicable objectives, functional statements and acceptable solutions as set out in the *Building Code*;
- (d) Supporting documentation, past performance or tests described in Division C, Section 2.1. of the *Building Code* or other evaluation demonstrating that the proposed material, system or *building design* will provide the level of performance required by Division A, Article 1.2.1.1. of the *Building Code*; and
- (e) The fee as set out in Schedule 'A'.

11.2. Where an *alternative solution* has been authorized, the *Chief Building Official* may impose conditions and/or limitations.

11.3. *Alternative solutions* authorized by the *Chief Building Official* shall be applicable only to the location as described in the application and are not transferrable to any other *permit*.

## 12. Fees

12.1. Fees shall be determined by the *Chief Building Official* as set out in Schedule 'A' and are due and payable by the *applicant* upon submission of an application for *permit* in addition to any development charges, levies and fees that are deemed to be *applicable law*.

12.2. For classes of *permits* not described in Section 3 or where no fee exists in Schedule 'A', a reasonable fee shall be determined by the *Chief Building Official* by considering all administration, plan review and inspection costs.

12.3. Where fees are due as a result of revisions after a *permit* has been issued, no inspections associated with the said revisions shall be passed until:

- (a) The revisions are approved by the *Chief Building Official* or *inspector*; and
- (b) Additional fees have been paid in full.

12.4. Where *work* occurs prior to the issuance of a *permit*, an additional surcharge equalling 100% of the *permit* fee described in this Section to a maximum of \$5,000, shall be payable by the *applicant*.

12.5. The *permit* fees as set out in Schedule 'A' presumes a single submission of complete plans and specifications and a single

inspection of each prescribed stage of construction as set out in the *Building Code* and this By-law. Additional service fees as set out in Schedule 'A' shall be invoiced when additional resources to review additional drawings and/or to re-inspect *work* are consumed.

### 13. Refunds

13.1. In the case of a cancelled *permit* or withdrawn, inactive or abandoned *permit* application, the *Chief Building Official* shall determine the amount of paid fees as set out in Schedule 'A' that may be refunded to the *Applicant*, if any, as follows:

- (a) 90% if administrative functions only have been performed;
- (b) 80% if administrative and zoning functions only have been performed;
- (c) 60% if administrative, zoning and plans examination functions have been performed; and
- (d) 50% if the permit has been issued.

13.2. Upon calculation of a refund determined in Subsection 15.1, the refund value shall be reduced by 5% for each field inspection that has been performed in relation to an application for *permit* or an issued *permit*.

13.3. The percentage of fee to be refunded as set out in Subsection 15.2 shall not include the additional surcharge calculated as a result of construction, demolition or change of use occurring prior to the issuance of a *permit*.

13.4. Any authorized refund shall be returned to the person identified on the receipt.

13.5. The occupancy deposit fee shall be refunded to the person identified on the receipt provided all construction is complete, inspected and passed within 6 months of the building being occupied or the occupancy *permit* being issued, whichever occurs first.

13.6. A deposit that has been paid for an application for Demolition *Permit* shall be refunded to the person identified on the receipt where inspections confirm the following within 6 months of issuance of the *permit*:

- (a) The demolition of the building is complete;
- (b) All general review letters, where required, have been received by the *Chief Building Official*;
- (c) All demolition material and debris has been removed from the property;
- (d) Capped water and sewer services have been inspected and passed.

13.7. No refund shall be made where the paid *permit* fee is less than \$100.00.

#### 14. Recovery of Fees

14.1. In addition to every other remedy available at law, fees that are due and unpaid may be added to the tax roll of the property of the *Owner*, and may be collected in like manner as municipal taxes.

#### 15. Fee Adjustments

15.1. On January 1<sup>st</sup> of each year the fees as set out on Schedule 'A' shall be adjusted by Consumer Price Index rate established by Statistics Canada, and shall be;

- (a) Rounded to the nearest cent where the fee is based on an area or linear measurement calculation; and
- (b) Rounded to the nearest dollar for all other fees.

15.2. Adjusted fees shall be posted on the corporation's web site and available from the Building Division.

#### 16. Notices and Inspections

16.1. The *permit holder* or an *authorized agent* shall notify the *Chief Building Official* of readiness to inspect the required stages of construction as prescribed by Division C, Sentence 1.3.5.1.(2) of the *Building Code*.

16.2. In addition to Subsection 18.1., the *permit holder* or an *authorized agent* shall notify the *Chief Building Official* of readiness to inspect the following stages of construction as prescribed by Division C, Sentence 1.3.5.2.(1) of the *Building Code*:

- (a) Commencement of construction of the *building*;
- (b) Substantial completion of structural framing for each storey, if the *building* is a type of *building* that is within the scope of parts of the *Building Code* other than Division B, Part 9;
- (c) Commencement of construction of;
  - (i) masonry fireplaces and masonry chimneys;
  - (ii) factory-built fireplaces and allied chimneys; or
  - (iii) stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys;
- (d) Substantial completion of heating, ventilating, air-conditioning and air-contaminant extraction equipment;
- (e) Substantial completion of exterior cladding;
- (f) Substantial completion of the pool deck and dressing rooms for a public pool or public spa and readiness for inspection of the emergency stop system for a public pool or public spa;
- (g) Completion and availability of drawings of the *building* as constructed; and

- (h) Completion of a *building* for which an occupancy *permit* is required under Division C, Article 1.3.3.4 of the *Building Code*.

16.3. The notice required in Subsections 18.1. and 18.2. shall be:

- (a) Emailed to [building@pelham.ca](mailto:building@pelham.ca);
- (b) By voice message to the Building Division's dedicated inspection request phone line as published on the Town's web site; or
- (c) In writing to the office of the *Chief Building Official*.

16.4. A notice pursuant to Subsections 18.1. to 18.3. is not effective until the notice is actually received by the *Chief Building Official* or designate.

16.5. Upon receipt of notice of readiness to inspect as set out in this Section, the *Chief Building Official* or an *inspector* shall undertake a site inspection:

- (a) No later than two (2) business days after receipt of the notice by the *Chief Building Official* or designate, or
- (b) Where the notification relates to a septic system, no later than five (5) business days after receipt of the notice by the *Chief Building Official* or designate.

16.6. The time period referred to in Subsection 18.5 shall begin on the business day following the day on which the notice is received.

16.7. The *permit holder* shall facilitate safe access for inspection of the *work*.

16.8. A copy of the actual plans issued in support of a *permit* shall be available to the inspector when requested.

16.9. Re-inspections of deficient or incomplete *work* shall be subject to an additional service fee as set out in Schedule 'A'.

## 17. Delegated Authority to *Chief Building Official*

17.1. The Council of the *Corporation* hereby delegates to the *Chief Building Official* the power to enter into agreements prescribed by the *Corporation* and described in clause 8.(3)(c) of the *Act* relating to the issuance of a *Conditional Permit*.

17.2. Where the *Corporation* enters into an agreement with a *Registered Code Agency*, the *Chief Building Official* is authorized to enter into a service agreement with a *Registered Code Agency* to perform one or more of the functions prescribed in Section 15.15 of the *Act* in respect of the construction or demolition of a *building* or class of *buildings*.

## 18. Fences at Construction and Demolition Sites

18.1. Where, in the opinion of the *Chief Building Official* or *inspector*, a construction or demolition site presents a hazard to the public, the *Chief Building Official* or *inspector* may require the *owner* to erect such fences as the *Chief Building Official* or *inspector* deems

appropriate to the circumstances to prevent unauthorized entry to the site.

18.2. In considering the hazard presented by the construction or demolition site to be fenced, the *Chief Building Official* or *inspector* shall have regard for:

- (a) The proximity of the *building* site to other *buildings* that are occupied;
- (b) The proximity of the construction or demolition site to lands accessible to the public;
- (c) The hazards presented by the construction or demolition activities and materials;
- (d) The effectiveness of site fences; and
- (e) The duration of the hazard.

18.3. Every fence required under this By-law shall:

- (a) create a continuous barrier to sufficiently deter unauthorized entry to the construction or demolition site to the satisfaction of the *Chief Building Official* or *inspector*
- (b) be erected and maintained in a nominally vertical plane and maintained in good repair; and
- (c) be a minimum of 1.2 m in height and shall not exceed the maximum height as set out in the *Corporation's Zoning By-law*.

## 19. Offences and Penalties

19.1. 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, 1992*, S.O. 1992, c.23, as amended.

## 20. Validity

20.1. 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.

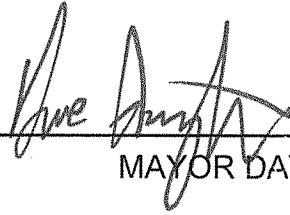
## 21. Interpretation and Implementation

21.1. Schedules A and B attached hereto shall form part of this By-law.

21.2. This By-law comes into force on January 1<sup>st</sup>, 2018.

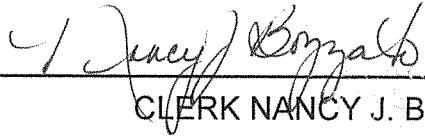
21.3. By-law 2686 (2005) and By-law 2903 (2007), of the Corporation of the Town of Pelham are hereby repealed.

ENACTED, SIGNED AND SEALED THIS  
4<sup>TH</sup> DAY OF DECEMBER, 2017 A.D.



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MAYOR DAVE AUGUSTYN



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CLERK NANCY J. BOZZATO

**Schedule A – Permit and Miscellaneous Fees**

	<b>Class of Permit</b>	<b>Metric</b>	<b>Imperial</b>
<b>A</b>	<b>New Construction</b>		
1	Assembly Occupancies – Group A	\$18.48/m <sup>2</sup>	\$1.72/ft <sup>2</sup>
2	Institutional Occupancies – Group B	\$18.48/m <sup>2</sup>	\$1.72/ft <sup>2</sup>
3	Residential Occupancies – Group C		
a	Single Family, Semi-detached, Duplex	\$15.14/m <sup>2</sup>	\$1.41/ft <sup>2</sup>
b	Multiple	\$15.42/m <sup>2</sup>	\$1.43/ft <sup>2</sup>
c	Residential Additions	\$13.47/m <sup>2</sup>	\$1.25/ft <sup>2</sup>
4	Business/Personal Services Occupancies – Group D	\$18.48/m <sup>2</sup>	\$1.72/ft <sup>2</sup>
5	Mercantile Occupancies - Group E	\$18.48/m <sup>2</sup>	\$1.72/ft <sup>2</sup>
6	Industrial Occupancies – Group F	\$17.37/m <sup>2</sup>	\$1.61/ft <sup>2</sup>
7	Special Occupancies Categories		
a	New Farm Buildings	\$5.01/m <sup>2</sup>	\$0.47/ft <sup>2</sup>
b	Tents	\$250.00	
c	Park Model Trailer, Mobile Home	\$250.00	
d	Accessory Buildings/Structures		
	i) Garage/Carport, Deck, Patio, Sunroom, Shed, Other Accessory Building	\$250.00 + \$8.90>27.8m <sup>2</sup>	\$250.00 + \$0.83/ft <sup>2</sup> > 300 ft <sup>2</sup>
	ii) Swimming Pool, Private	\$250.00	
	iii) Public Swimming Pool or Spa	\$750.00	
e	Designated Buildings/Structures	\$500.00	
<b>B</b>	<b>Alterations &amp; Repairs</b>		
1	Interior Alterations/Repairs/Tenant Improvements		
a	Assembly Occupancies – Group A	\$4.26/m <sup>2</sup>	\$0.40/ft <sup>2</sup>
b	Institutional Occupancies – Group B	\$4.26/m <sup>2</sup>	\$0.40/ft <sup>2</sup>
c	Residential Occupancies – Group C	\$3.23/m <sup>2</sup>	\$0.30/ft <sup>2</sup>
d	Industrial Occupancies – Group F	\$4.26/m <sup>2</sup>	\$0.40/ft <sup>2</sup>
2	Alter/Replace Roof Structure	\$4.26/m <sup>2</sup>	\$0.40/ft <sup>2</sup>
3	Fireplace, Wood Stove, Insert, Chimney	\$250.00	
4	Construction of Barrier Free Facility	Nil	Nil
<b>C</b>	<b>Demolition</b>		
1	Part 9	\$250.00	
2	Other	\$750	
<b>D</b>	<b>Miscellaneous</b>		
1	Partial Occupancy	\$250.00	
2	Change of Use	\$250.00	
3	Transfer of Permit	\$250.00	
4	Deferral of Permit	\$250.00	
5	Move a Building	\$250.00	
6	Conditional Permit	\$600.00	
7	Conditional Permit Agreement	\$250.00	
8	Permit Renewal Per Year	\$110.00	
<b>E</b>	<b>Partial Permits/Staged Construction</b>		
1	Foundation	15% of applicable class	
2	Building Shell	75% of applicable class	
3	Building Completion	10% of applicable class	
<b>F</b>	<b>Plumbing</b>	\$250.00	
<b>G</b>	<b>Alternative Solution Review</b>	\$500.00	
<b>H</b>	<b>Occupant Load Inspection and Report</b>	\$250.00	
<b>I</b>	<b>Occupant Load Inspection and Report</b>	\$65.00/hour	
<b>J</b>	<b>Re-inspection Fee, Re-inspection Clearance Letter</b>	\$75	
<b>K</b>	<b>Building Code Compliance Letter</b>	\$150	

## Schedule B – Plans, Documents and Specifications

Part 1

<b>Class of Permit</b> (from 2.1. of this By-law)	<b>Type of Permit</b>	<b>Drawings and Supporting Documents</b> (see Schedule B, Part 2)
<b>Construction</b>	New and Additions, all groups	a. Site plan b. Architectural c. Structural d. Mechanical/electrical e. On-site sewage system f. Supporting documents confirming compliance with <i>applicable law</i> and required approvals
	Interior Alterations and Renovations, all groups	a. Site plan b. Architectural c. Structural d. Mechanical/electrical e. On-site sewage system f. Supporting documents confirming compliance with <i>applicable law</i> and required approvals
	Designated Structures	a. Site plan b. Architectural c. Structural d. Mechanical/electrical e. Supporting documents confirming compliance with <i>applicable law</i> and required approvals
	Temporary Buildings	a. Site plan b. Architectural c. Structural d. Mechanical/electrical e. Supporting documents confirming compliance with <i>applicable law</i> and required approvals
<b>Demolition</b>	Part 9 Buildings	a. Site plan b. Supporting documents confirming compliance with <i>applicable law</i> and required approvals
	Part 3 Buildings	a. Site plan b. Structural c. Supporting documents confirming compliance with <i>applicable law</i> and required approvals
<b>Conditional</b>		a. Supporting documents confirming compliance with <i>applicable law</i> and required approvals
<b>Change of Use</b>		a. Architectural b. Supporting documents confirming compliance with <i>applicable law</i> and required approvals
<b>Occupancy</b>		a. Supporting documents confirming compliance with <i>applicable law</i> and required approvals

Part 2

## 1. Site Plan

- a. Legal description, location and orientation of property lines, property dimensions, compass orientation, location and name(s) of all adjacent streets and roads and all rights-of-way and easements.



- b. Outline of all existing and proposed *buildings* and structures, *building* dimensions and their distance to property lines and other *buildings*.
- c. Dimensions and location of fire routes, fire department connections, parking and vehicle access.
- d. Dimensions and location of barrier-free parking, curb cuts, paths of travel to *building* and *building* access, retaining walls, swimming pools.
- e. All existing and proposed services for water, sewer, hydro and gas.
- f. Top of foundation elevation and the underside of footing elevations for all *buildings*, and the proposed finished surface grade adjacent to *buildings*.
- g. Any additional drawings, information and specifications as determined by the *Chief Building Official*.
- h. The scale to which the plan is drawn.

## 2. Architectural

- a. Existing and proposed floor plans indicating room and space identification, fire separations, size and dimensions, structural framing of floors and locations of all openings.
- b. Roof plan showing structural framing, roof slope, drainage and roofing construction details.
- c. *Building* elevations showing grade height, floor and ceiling heights, overall *building* height from average grade, eave heights from average grade, exterior finish materials, window heights and sizes and spatial separation requirements and calculations.
- d. *Construction* details of walls, floors, ceilings, roofs, stairs, guards, fireplaces and other significant design details including heights, materials and specifications.
- e. Location and details of all barrier free facilities and paths of travel.
- f. *Building Code* and energy efficiency matrices.
- g. Any additional drawings, information and specifications as determined by the *Chief Building Official*.
- h. The scale to which the plan is drawn.

## 3. Structural

- a. Foundation plans, floor and roof framing plans, footing, column and beam schedules, structural details and material specifications.
- b. Design specifications, live and dead loading, wind and snow loading, earthquake loading, geotechnical report design basis.
- c. All reinforced concrete work including thickness and strength of concrete and size, spacing, minimum cover and type of reinforcing steel.
- d. Roof and floor truss drawings sealed by a professional engineer.
- e. Guard design, where applicable.
- f. Any additional drawings, information and specifications as determined by the *Chief Building Official*.
- g. The scale to which the plan is drawn.

## 4. Mechanical and Electrical

- a. Heating, ventilating and air conditioning designs and plans, equipment layout and schedules.
- b. Heat loss and gain calculations, ventilation design summary and the sizing of heating and cooling equipment, where applicable.
- c. Sprinkler and standpipe drawings including floor plans, riser diagrams and fire department connections.
- d. Piping and drainage plans of all above ground and underground plumbing systems.
- e. Location and specification of lighting, emergency lighting, exit signs, emergency power and fire alarm and detection systems and carbon monoxide detection.
- f. Methods employed to maintain integrity of fire separations such as damper and fire stopping locations and specifications.
- g. Any additional drawings, information and specifications as determined by the *Chief Building Official*.
- h. The scale to which the plan is drawn, where applicable.

## 5. Supporting Documents

The *applicant* shall submit the following supporting documents to confirm compliance with *applicable law* and other required approvals:

- a. A survey of the property prepared by an Ontario Land Surveyor or a professional engineer, when deemed required.
- b. The registered plan and lot numbers and the municipal address for the property.
- c. Approval from the *Corporation's* Planning Division that the proposed use of the property complies with the municipal Zoning By-law.
- d. Approval from the *Corporation's* Public Works Department that:
  - i. the lot grading, road access/entrance requirements and fire break controls have been approved, when applicable;
  - ii. the requirements of a Subdivider's Agreement have been completed satisfactorily with respect to a building *permit*, when an application for *permit* relates to an undeveloped lot within a plan of subdivision; and
  - iii. a Development Agreement has been registered, when a property is regulated by site plan control.
- e. Approval from the Niagara Peninsula Conservation Authority where the proposed development of the property may affect the land as regulated within their jurisdiction.
- f. Septic permit approval from the Region of Niagara where the proposed development of property is privately serviced and the sewage flows of the property are less than 10,000l/day.
- g. Approval from the Ministry of the Environment that the proposed development and use of land satisfies the Ministry's requirements, if applicable.
- h. Confirmation that all development charges, and other charges and fees required by any municipal by-law have been paid in full, where deemed applicable.

Note: The *Chief Building Official* may require more or less of any specified drawings or documents to suit the application being considered.