



**Table of Contents**

SECTION 1 - SHORT TITLE..... 2

SECTION 2 - INTERPRETATION..... 2

SECTION 3 – CLASSES OF AND FEES FOR PERMITS..... 3

SECTION 4 – PERMIT APPLICATION ..... 5

SECTION 5 – PLANS AND SPECIFICATIONS..... 8

SECTION 6 – PERMIT TRANSFER..... 9

SECTION 7 – NOTICE REQUIREMENTS FOR INSPECTIONS ..... 9

SECTION 8 – PRESCRIBED FORMS..... 10

SECTION 9 – PENALTY CLAUSE ..... 10

SECTION 10 – INSPECTORS..... 10

SECTION 11 – SEVERABILITY..... 10

SECTION 12 – REPEAL CLAUSE AND EFFECTIVE DATE..... 10

**SCHEDULE 'A' TO BY-LAW NO. 2007 - 102..... 11**

**SCHEDULE 'B' TO BY-LAW NO. 2007 - 102..... 12**

**SCHEDULE 'C' TO BY-LAW NO. 2007 - 102..... 13**

**Consolidated Version**

*Verified May 12, 2015*

| <b>Amended By By-law:</b> | <b>Passed On:</b> |
|---------------------------|-------------------|
| 2007-102 (Original)       | June 4, 2007      |
| 2008-153                  | November 3, 2008  |
| 2010-041                  | February 6, 2010  |
| 2011-086                  | May 30, 2011      |
| 2011-214                  | November 21, 2011 |
| 2012-033                  | March 19, 2012    |
| 2013-030                  | February 11, 2013 |
| 2013-060                  | April 8, 2013     |
| 2015-054                  | April 27, 2015    |
| 2015-064                  | May 11, 2015      |
|                           |                   |

*Consolidated for Convenience Only*

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracy of this by-law, it is not an official version or a legal document. The original by-law should be consulted for all interpretations and applications on this subject. For more information or to view by-laws please contact the Clerks Department.

**BY-LAW NO. 2007-102**

**THE CORPORATION OF THE CITY OF OWEN SOUND**

**A BY-LAW RESPECTING CONSTRUCTION,  
DEMOLITION AND CHANGE OF USE PERMITS,  
INSPECTIONS AND RELATED MATTERS PURSUANT  
TO THE BUILDING CODE ACT**

WHEREAS Section 7 of the Building Code Act, S.O. 1992, C.23, as amended, authorizes a municipal Council to pass a By-law concerning the issuance of construction, demolition and change of use permits, inspections and related matters; and

WHEREAS Section 35 of the Building Code Act, S.O. 1992, C.23, as amended, provides that the Act and the Building Code, supersede all municipal By-laws respecting the construction or demolition of buildings; and

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 this Act in the municipality; and

WHEREAS Section 3(2) of the Building Code Act, S.O. 1992, C.23, as amended, provides that the Council of each municipality shall appoint a Chief Building Official and such Inspectors as are necessary for the enforcement of this Act in the areas in which the municipality has jurisdiction.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

**SECTION 1 - SHORT TITLE**

1.1 This By-law may be cited as the City of Owen Sound Building By-law.

**SECTION 2 - INTERPRETATION**

2.1 In this By-law, the following definitions shall apply:

2.1.1 "**Act**" means the *Building Code Act*, S.O. 1992, C.23.

2.1.2 "**Applicant**" means the owner of a building or property who applies for a permit, or any person duly authorized by the owner of a building or property to apply for a permit on the owner's behalf, or any person empowered by the statute to cause the demolition of a building or buildings and anyone acting under the authority of such person.

2.1.3 "**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.

2.1.4 "**Architect**" means a holder of a license, a certificate of practice, or a temporary license under the Architect's Act.

2.1.5 "**Building**" means a building as defined in Section 1(1) of the Act.

2.1.6 "**Building Code**" means the regulations made under Section 34 of the Act.

2.1.7 "**Chief Building Official**" means the Chief Building Official appointed by By-law of the Corporation of the City of Owen Sound under Section 3 of the Act.

2.1.8 "**City**" means the Corporation of the City of Owen Sound.

2.1.9 "**Complete**" means a building permit application submitted with all required approvals appended in accordance with Section 1.3.1.3(5)[C] of the Building Code, in order to comply with the building permit timelines as noted in Section 1.3.1.3[C] of the Building Code.

2.1.10 "**Demolish**" means do anything in the removal of a building or any material part thereof and "demolition" has a corresponding meaning.

- 2.1.11 **"Final Occupancy"** means when all outstanding items on a partial occupancy, including grading, have been completed.
- 2.1.12 **"Owner"** means the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property, acting as the authorized agent of the owner.
- 2.1.13 **"Partial Occupancy"** means a permit issued to allow occupancy of a building prior to its completion in accordance with Section 1.3.3.[C] of the Building Code.
- 2.1.14 **"Permit"** means written permission or written authorization from the Chief Building Official to perform work regulated by this By-law and the Act, or to change the use of a building or part of a building or parts thereof or, in the case of an occupancy permit, to occupy a building or part of a building or parts thereof.
- 2.1.15 **"Permit Holder"** means the owner as set out herein.
- 2.1.16 **"Person"** means any human being, association, chartered organization, firm, partnership, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- 2.1.17 **"Pinned"** or **"Pinning"** means placing a pin or point marking the corner(s) of the proposed building by an Ontario Land Surveyor, Professional Engineer, or Landscape Architect registered with the OALA.
- 2.1.18 **"Plumbing"** means a drainage system, a venting system and a water system or parts thereof.
- 2.1.19 **"Prescribed Value"** means the value of a proposed building, as determined by the Chief Building Official by using the greater of the estimate provided by the applicant or the table of Building Costs.
- 2.1.20 **"Residential construction site"** means any construction site in respect of which a building permit has been issued for the construction of a new building consisting of a single dwelling unit where such excavation is within 2 m. of another occupied dwelling unit except where the site is within a registered plan of subdivision which subdivision is being developed for the first time.
- 2.1.21 **"Table of Building Costs"** means a table prepared by the Chief Building Official and adjusted from time to time to reflect the current valuations applicable to all work, service, materials and all professional and related services for different classes of building construction.
- 2.2 Terms not defined in this By-law shall have the meaning ascribed to them in the Act or the Building Code.

*Amended by By-law 2013-060*

2.3 *All references to applicable law are ambulatory and apply as amended from time to time.*

### **SECTION 3 – CLASSES OF AND FEES FOR PERMITS**

3.1 Classes of permits for construction, demolition, change in use, occupancy of a partially complete building, and conditional permits established by this By-law shall be as follows:

- 3.1.1 **Building Permit** – (Building Code Act, Section 8(1)) a permit to authorize all types of construction governed by the Building Code, and may include heating, ventilating and air conditioning systems, moving a building, etc.
- 3.1.2 **Plumbing Permit** – (Building Code Act, Section 8(1)) a permit to authorize construction of plumbing as governed by the Building Code.

- 3.1.3 **Conditional Permit** – (Building Code Act, Section 8(1)) a permit to authorize construction of any stage of a building as governed by the Building Code.
- 3.1.3.1 When, in order to expedite work, approval of a portion of the building or project is desired prior to the issuance of a permit for the complete building or project, application shall be made for that portion of the building or project. Complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the Chief Building Official. Fees for the total project will be paid at this time.
- 3.1.3.2 Where a permit is issued for part of a building or project, such permit shall not be construed to authorize construction beyond the plans for which approval was given nor that approval will necessarily be granted for the entire building or project.
- 3.1.4 **Demolition Permit** – (Building Code Act, Section 8(1)) a permit to authorize demolition of a building as defined by Section 1 of the Act.
- 3.1.5 **Change in Use Permit** – (Building Code Act, Section 1.3.1.4.) a permit to authorize a change in use of a building or part of a building which would result in an increase in hazard required under Section 10(1) of the Act and as defined in the Building Code.
- 3.2 The Chief Building Official shall determine the required fee for the proposed work for which a permit is required in accordance with the Fees and Charges By-law. The applicant shall pay the required fees, and no permit shall be issued until the required fees have been paid in full.

*Amended by By-law 2013-060*

- 3.3 *Where construction, demolition, or change in use has commenced prior to the issuance of the permit, the permit fee payable under Section 3.2 of this By-law shall be calculated in accordance with Part 1 of Schedule 'A' to this By-law.*
- 3.4 Where application is made for a conditional permit, the conditional application fee shall be payable at application for permit and in addition to this fee, prior to issuance of the conditional permit, the applicable construction permit fee shall be paid for the complete project.
- 3.5 Where the fees payable in respect of an application issued under Subsections 8(1) or 8(3) of the Act are based on a floor area, floor area shall mean the total floor space of all storeys including storeys below the first storey (except the unfinished floor area below the first storey in single family dwellings) measured as the horizontal area between the exterior surface of all exterior walls of the building.
- 3.6 With respect to an application for a change of use permit issued under Subsection 10(1) of the Act the change of use permit fee shall be utilized when no construction is proposed or required. When construction is proposed or required and will result in a change of use the appropriate construction permit fee shall be utilized.

*Amended by By-law 2013-060*

- 3.7 *Where an application for a permit under this By-law is withdrawn or abandoned, or where a permit is revoked under Section 8(10) of the Act, upon written request by the applicant, the Chief Building Official shall determine the amount of fees that may be refunded in accordance with Part 2 of Schedule 'A' to this By-law, and the same (if any) shall be refunded.*
- 3.8 Where an application for a permit remains incomplete or inactive for six (6) months after it is made, the application may be deemed by the Chief Building Official to have been abandoned. Where the Chief Building Official determines the application to be abandoned, notice

thereof shall be given to the applicant, giving 21 days to re-activate the permit or forfeit the final inspection deposit.

#### **SECTION 4 – PERMIT APPLICATION**

- 4.1 To obtain a permit an applicant shall file a “**complete**” application in writing on forms regulated by the Province of Ontario and those required by the Chief Building Official.
- 4.2 **Building Permit:**
- Amended by By-law 2013-060*
- 4.2.1 *Every application for a Building Permit under Subsection 8(1) of the Act shall comply with all applicable law, shall be filed with the Chief Building Official, and shall contain the following:*
- 4.2.1.1 *completed, dated and signed Provincial application form, “Application for a Permit to Construct or Demolish”;*
- 4.2.1.2 *complete plans, to scale specifications, documents and other information as may be required by Clause 7(1)(b) of the Act, as amended, and as prescribed in Section 5 of this By-law for the work to be covered by the permit;*
- 4.2.1.3 *when Section 1.2.[c] of the Building Code applies, a signed ‘General Review Commitment Certificate’ acknowledgement of the owner that an architect or professional engineer, or both as the case may be, have been retained to carry out the general review of the construction of the building;*
- 4.2.1.4 *when Section 1.2.[c] of the Building Code applies, a signed ‘Letter of Undertaking’ statement of the architect or professional engineer, or both as the case may be, undertaking to provide general review of the construction of the building;*
- 4.2.1.5 *the proposed or existing occupancy of all parts of the building;*
- 4.2.1.6 *the required fee as prescribed by the Fees and Charges By-law, and any other deposits or charges required by law;*
- 4.2.1.7 *a refundable final inspection deposit as prescribed by the Fees and Charges By-law.*
- 4.2.2 In order to expedite work, the Chief Building Official, at his/her discretion, may split the Building Permit into partial permits, each of which forms a part of the Building Permit. The Chief Building Official shall require complete plans and specifications in accordance with Section 4.2.1 of this By-law for the portion of the work for which immediate approval is required and for which a partial permit is requested. Where a partial permit is issued, this shall not be construed to authorize construction beyond the plans for which approval was given or that approval will necessarily be granted for the entire building or project.
- 4.2.3 For any main building to be constructed on a lot, the Chief Building Official may require that prior to any construction for which a permit has been issued proceeding beyond completion of the foundation, a survey certificate prepared by an Ontario Land Surveyor, Professional Engineer, or Landscape Architect registered with the OALA be provided to the Chief Building Official verifying that the height of the footing or foundation for the said main building is in conformity with the approved grading and drainage plan for the lot or otherwise is in conformity with the approved building plans. Building setbacks may be required to be confirmed by pinning the footing at the time of the footing or foundation placement at the discretion of the Chief Building Official.

#### 4.3 **Plumbing Permit:**

4.3.1 Every application for a Plumbing Permit under Subsection 8(1) of the Act shall be filed with the Chief Building Official, and contain the following:

4.3.1.1 information required in Section 4.2.1 of this By-law as applicable.

4.3.2 Plumbing Permits are divided into two classes:

4.3.2.1 By Fixture Count: plumbing from the property line directly into the building will be included in the Permit containing the Fixture Count.

4.3.2.2 Site Services: for larger projects, such as condominiums, large multi-residential or large commercial projects with parking areas, etc., a Plumbing Permit separate from the Fixture Count will be applied for.

4.3.3 Section 4.2.2 of this By-law may apply to Plumbing Permits.

#### 4.4 **Conditional Permit:**

4.4.1 Every application for a Conditional Permit under Subsection 8(3) of the Act shall be filed with the Chief Building Official, and contain the following:

4.4.1.1 information required in Section 4.2.1 of this By-law as applicable;

4.4.1.2 the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;

4.4.1.3 the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and

4.4.1.4 the time in which plans and specifications of the complete building will be filed with the Chief Building Official.

4.4.2 Where an application for a Conditional Permit has been made and the provisions of Section 8(3) to 8(5) of the Act have been fulfilled and the proposed work is in compliance with the Act, the Building Code and any other applicable law, the Chief Building Official may issue a Conditional Permit, but the decision to issue a Conditional Permit is solely at the discretion of the City.

#### 4.5 **Demolition Permit:**

4.5.1 Every application for a Demolition Permit under Subsection 8(1) of the Act shall be filed with the Chief Building Official, and contain the following:

4.5.1.1 information required in Section 4.2.1 of this By-law with the necessary modifications, as applicable;

4.5.1.2 a fully executed release to certify that arrangements have been made with the identified authorities for the termination and capping of all the water, sewer, gas, electric, telephone or other utilities and services;

4.5.1.3 restoration plans for the site as may be required by the Chief Building Official; and

4.5.1.4 when Section 1.2.2.3.[c] of the Building Code applies, be accompanied by structural design characteristics of the building and the method of demolition.

*Amended by By-law 2011-214*

4.5.2 *Where the building to be demolished exceeds 175 cubic metres above grade in volume and is 600 square metres or less in building area, the applicant shall provide to the Chief Building Official:*

4.5.2.1 proof of a minimum of \$2,000,000 liability insurance coverage with the City named as an insured party, except that where the building exceeds 750 cubic metres above grade in volume, the required insurance shall be minimum \$4,000,000; and

*Amended by By-law 2013-060*

- 4.5.2.2 *a security deposit in the form of cash or a letter of credit acceptable to the Treasurer of the City in the amount prescribed by the Fees and Charges By-law, subject to a maximum fee prescribed by the Fees and Charges By-law.*

*Amended by By-laws 2011-214 and 2012-033*

- 4.5.3 *Where the building to be demolished exceeds 600 square metres in building area, the applicant shall provide to the Chief Building Official:*

- 4.5.3.1 *proof of a minimum of \$4,000,000.00 liability insurance coverage with the City named as an insured party; and*

- 4.5.3.2 *a security deposit by way of a Letter of Credit or Cash security in a form satisfactory to the City based on an estimate of costs of demolition and restoration of the property from a Professional Engineer to a maximum of 50% of the estimated costs to the satisfaction of the City's Chief Building Official, to be returned upon completion of the demolition to the satisfaction of the Chief Building Official.*

- 4.5.4 *Where the building or buildings to be demolished exceed 2,000 square metres of total floor area, the applicant must comply with Ontario Regulation 102/94 "Waste Audits and Waste Reduction Work Plans."*

*Amended by By-law 2013-060*

- 4.5.5 *Every person undertaking demolition in the City shall notify the Ministry of the Environment of any hazardous materials on the site of the proposed demolition and obtain all required permits.*

- 4.5.6 *Every person undertaking demolition in the City shall notify the Chief Building Official of all materials that are to be recycled. The contractor will ensure as much material as possible is recycled.*

4.6 **Change in Use Permit:**

- 4.6.1 Every application for a Change in Use Permit under Subsection 10(1) of the Act shall be filed with the Chief Building Official, and contain the following:

- 4.6.1.1 information required in Section 4.2.1 of this By-law with the necessary modifications, as applicable;

- 4.6.1.2 identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made; and

- 4.6.1.3 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 floor plans, details of wall, floor and roof assemblies identifying required fire resistance rating and load bearing capacities.

4.7 **Occupancy Permit:**

*Amended by By-law 2013-060*

- 4.7.1 *An applicant may request an Occupancy Permit, for partial or full occupancy of the building, under Subsection 11 of the Act from the Chief Building Official, by calling for an occupancy inspection and paying the required fee as prescribed by the Fees and Charges By-law.*

4.8 **Tent Permit:**

- 4.8.1. Every application for a Tent Permit under Section 1.3.1.(5)[C] of the Building Code shall be filed with the Chief Building Official, and contain the following:

*Amended by By-law 2013-060*

- 4.8.1.1 *completed, dated and signed application form, "Application for a Permit to Erect a Tent";*

- 4.8.1.2 a site plan showing the location of the tent(s), and distances between tents, to other structures and the property line;
- 4.8.1.3 confirmation that the tent(s) conform to Section 3.14.1.[B] of the Building Code; and

*Amended by By-law 2013-060*

- 4.8.1.4 *the required fee as prescribed by the Fees and Charges By-law.*

4.9 Where conditions in this Section of the By-law have been fulfilled and the proposed work is in compliance with the Act, the Building Code and any other applicable law, the Chief Building Official shall issue a permit for the proposed construction, plumbing, demolition, change of use or occupancy, except that the Chief Building Official shall not be obligated to issue a Conditional Permit if applied for, and the Chief Building Official shall not, by reason of the issuance of a Conditional Permit for a part or parts of a building, be under any obligation to grant any further permit therefor.

4.10 **Revision to Permit:**

*Amended by By-law 2013-060*

- 4.10.1 *After the issuance of a permit under this By-law, notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued shall be given forthwith in writing by the owner or his/her agent to the Chief Building Official together with the details of such change. Any change in construction resulting from this change to a plan, specification, document or other information shall not be made without the written authorization of the Chief Building Official.*

4.11 **Posting of Permits:**

- 4.11.1 No person shall construct or demolish a building or cause a building to be constructed or demolished without first obtaining and posting the building, plumbing or demolition permit on site in a visible location.

4.12 **Plans Required On-Site:**

- 4.12.1 No person shall construct, plumb or demolish or cause a building to be constructed, demolished or plumbing to be carried out, without having a set of drawings, approved by the Chief Building Official, on site when required as a condition of the Building Permit.

**SECTION 5 – PLANS AND SPECIFICATIONS**

5.1 **Required Plans and Specifications:**

*Amended by By-law 2013-060*

- 5.1.1 *Sufficient information shall be submitted with each application for a permit, as set out in Schedule 'B' to this By-law, to enable the Chief Building Official to determine whether or not the proposed construction, demolition, change of use, etc., will conform with the Act, the Building Code, and any other applicable law.*
- 5.1.2 Plans submitted shall be legible and be drawn to scale upon paper, Mylar, or other suitable and durable material, and the Chief Building Official may refuse to accept any plan which in his/her opinion is not drawn to scale and legible.
- 5.1.3 Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete sets of the plans and specifications required under this By-law.
- 5.1.4 Every applicant shall furnish site plans referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such a survey shall be filed with and retained by the City unless this requirement is waived by the Chief Building Official where, in his/her opinion, the information provided is sufficient without having a current



plan of survey to determine whether the proposed work conforms to the Act, the Building Code and any other applicable law, but nothing herein relieves the applicant from conforming to all applicable law where the Chief Building Official does not require a plan of survey and a permit is issued.

- 5.1.5 The granting of a permit, the review of the drawings and specifications or inspections made by the Chief Building Official or an inspector shall not in any way relieve the owner of a building from full responsibility for carrying out the work or having the work carried out in accordance with the requirements of this By-law, the Act and the Building Code, including ensuring that the occupancy of the building, or any part thereof, is in accordance with the terms of this By-law and the Building Code.
- 5.1.6 On completion of construction of a building, the Chief Building Official may require, at the cost of the contractor, a set of as-constructed plans, including a plan of survey showing its location, prior to completing a final inspection, under such conditions as may be prescribed in the Ontario Building Code Act, Section 7(g), as amended.
- 5.2. **Equivalents:**
- 5.2.1 Where an application to the Chief Building Official is made for a permit or for authorization to make a material change to a plan, specification, document or other information on the basis of which a permit was issued, to contain an equivalent material, system or building design for which authorization under Section 9(1) of the Act is required, the following information shall be provided:
- 5.2.1.1 a description of the proposed material, system or building design for which authorization under Section 9 of the Act is requested;
- 5.2.1.2 any applicable provisions of the Building Code; and
- 5.2.1.3 evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.
- 5.2.2 The Chief Building Official, in response to a request to approve use of an equivalent material, system or building design under Section 9 of the Act may:
- 5.2.2.1 reject such request if he/she is of the opinion that it does not satisfy the requirements of the Building Code;
- 5.2.2.2 require further information including a report from a professional engineer or architect prior to making a decision; or
- 5.2.2.3 approve use of the equivalent material, system or building design.

## **SECTION 6 – PERMIT TRANSFER**

*Amended by By-law 2013-060*

- 6.1 *Permits are transferable only upon the new owner of the same property completing a permit application in accordance with the requirements of Section 4 of this By-law and paying the Permit Transfer fee prescribed by the Fees and Charges By-law, subject to approval of the Chief Building Official.*
- 6.2 The final inspection deposit will be refunded to the original owner of the permit and a new final inspection deposit equal to the original deposit will be collected from the new permit owner.

## **SECTION 7 – NOTICE REQUIREMENTS FOR INSPECTIONS**

- 7.1 With respect to “additional notices” under Section 1.3.5.2.[C] of the Building Code, the owner or an authorized agent shall notify the Chief Building Official or an inspector at least two business days prior to the following stages of construction listed in Section 1.3.5.2.(1)(a)[C], (b), (c), (g) and (h) of the Building Code.

- 7.2 A notice pursuant to this section is not effective until written or oral notice is actually received by the Chief Building Official.

## **SECTION 8 – PRESCRIBED FORMS**

*Amended by By-law 2013-060*

- 8.1 *The forms prescribed for use shall be regulated by the Province of Ontario and the Chief Building Official.*

8.2 **Applications:**

- 8.2.1 *An application for a Permit pursuant to this By-law shall be made using the applicable form.*

8.3 **Other Forms:**

- 8.3.1 *The Chief Building Official shall prescribe other forms to implement and enforce the provisions of the Act, the Building Code, and this By-law.*

## **SECTION 9 – PENALTY CLAUSE**

- 9.1 Section 36 of the *Building Code Act* provides that a person is guilty of an offence under the *Building Code Act* if a person contravenes the *Building Code Act*, or the regulations or this By-law.

## **SECTION 10 – INSPECTORS**

- 10.1 *Repealed by By-law No. 2015-054.*

*Amended by By-law No. 2015-064*

- 10.2 *The Chief Building Official and Building Inspectors shall adhere to the Code of Conduct set out in Schedule C of this by-law.*

## **SECTION 11 – SEVERABILITY**

- 11.1 Should any section, subsection, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

## **SECTION 12 – REPEAL CLAUSE AND EFFECTIVE DATE**

- 12.1 By-law Numbers 1994-069, 1995-106, 1995-108, 1996-043, 1997-040, 1997-165, 1998-126, 2003-145 and any other By-laws enacted by the City that are inconsistent with the terms of this By-law are hereby repealed.
- 12.2 This By-law shall come into full force and effect upon the final passing thereof.

FINALLY PASSED AND ENACTED THIS 4TH DAY OF JUNE, 2007

Signature on file

Mayor

Signature on file

Clerk

## **SCHEDULE 'A' TO BY-LAW NO. 2007 - 102**

### **PART 1 – INCREASE IN REQUIRED BUILDING PERMIT FEES**

*By-law 2013-060*

*Pursuant to Section 3.3 of By-law 2007-102, where any construction, demolition or change in use has commenced prior to permit issuance, the required permit fee shall be determined as follows:*

*Required fee + (Required fee x 100% to a maximum of \$5,000)*

This additional fee shall not relieve any person from fully complying with the Act, Building Code, or other applicable law or from any decision of a court of competent jurisdiction, from not commencing construction, demolition, or change in use prior to obtaining a permit as required by this By-law.

### **PART 2 – REFUND OF BUILDING PERMIT FEES**

1. Pursuant to Section 3.7 of By-law 2007-102, the fees that may be refunded shall be a percentage of the fees payable under that By-law, calculated as follows in regard to functions undertaken by the City:
  - i) 80% if administrative functions only have been performed
  - ii) 70% if administrative and zoning review functions only have been performed
  - iii) 50% if all plan examination has been completed
  - iv) 25% if the permit has been issued but no field inspections have been performed
  - v) 0% if permit is valued at \$100 or less, or if any field inspections have been undertaken
2. Where a permit is revoked on the grounds that it was issued in error, 100% of the permit fee shall be refunded.
3. No refund shall reduce the fee paid below the minimum fee payable for the work proposed.
4. The refund shall be made to the person who paid the fee and who is named on the receipt, unless such person advises the Chief Building Official in writing to issue a refund to another person so named.

### **PART 3 – REFUNDABLE FINAL INSPECTION DEPOSIT**

*By-law 2013-030*

1. *In order to encourage applicants to call for final inspections, a refundable Final Inspection Deposit shall be collected with every Application equal to the Permit Application Fee to the maximum set out in the Fees and Charges By-law, as amended from time to time.*
2. Final Inspection Deposits are not transferable. If a permit is transferred to the new owner of a property, the Final Inspection Deposit will be refunded to the original owner of the permit and a new Final Inspection Deposit will be collected from the new permit owner.

*By-law 2008-153*

3. Once a final inspection has been completed and passed to the satisfaction of the Chief Building Official or Building Inspector, the applicant may apply in writing to the Development Coordinator for a refund of the Final Inspection Deposit.

**SCHEDULE 'B' TO BY-LAW NO. 2007 - 102****REQUIRED PLANS AND SPECIFICATIONS**

The Chief Building Official may specify that not all the plans noted below are required to accompany an application for a permit pursuant to this By-law.

Sufficient information to enable the Chief Building Official (CBO) to ascertain whether the proposed project meets the requirements of the Building Code Act, the Building Code, and other applicable laws:

1. Up-to-date survey of property, if required by the CBO.
2. Authorization from the Owner if the Owner has not signed the application, if required by the CBO.
3. Site plan drawn to scale showing property lines, easements, existing and proposed grades, existing and proposed drainage, existing buildings, proposed buildings, driveways and parking areas, trees and utility/service locations, elevation of all buildings (i.e., relative height of foundation), dimensions.
4. Floor plans, proposed and existing, where applicable, showing room dimensions and occupancies, exits, window locations, etc.
5. Framing, roof plans and details
6. Foundation plans showing footing details and depth and thickness of foundation walls
7. Sections and details showing typical wall construction, stairway layout, truss design, insulation, window and door specifications (i.e., ratings), chimney design, etc.
8. Building elevations showing the exterior appearance, height, profile, etc., of proposed buildings.
9. Electrical drawings showing the design for the electrical distribution system.
10. Plumbing drawings showing the design and layout for the water distribution system.
11. HVAC drawings (heating, ventilation, air conditioning) showing the system(s) for heating, cooling, and ventilating the building.
12. Any other fees and deposits payable to the City (i.e., development charges, service connections, deposit, and other, etc.).
13. Any other necessary applications (i.e., pursuant to the City's tree by-law, release form for demolition permit).
14. Any other specifications, drawings, plans or documents which the CBO may require to ascertain whether the proposed project will satisfy the requirements of the Building Code Act, the Building Code, and all applicable City by-laws (i.e., soils report, slope stability analysis, engineer's report for demolition, architect/engineer's declarations, site restoration plans, etc.).
15. Where required by Section 3.2.[C] of the Building Code, designers shall be qualified and/or registered, as the case may be.

**SCHEDULE 'C' TO BY-LAW NO. 2007 - 102****City of Owen Sound****Code of Conduct for the Chief Building Official and Building Inspectors****Preamble**

The Code of Conduct applies to the Chief Building Official and inspectors appointed under the Building Code Act in the exercise of a power or the performance of a duty under the Building Code Act or the Building Code. The purpose of the Code is to promote appropriate standards of the behaviour and enforcement actions to ensure Building Officials apply standards and honesty and integrity, and to prevent practices constituting an abuse of power including unethical or illegal practices.

**Enforcement Guidelines**

Compliance with this Code of Conduct shall constitute a condition of employment as a Chief Building Official or inspector appointed under the Building Code Act. Any Chief Building Official or inspector who fails to act in accordance with the provisions of the Code may be subject to disciplinary actions appropriate to the seriousness of the breach. All allegations concerning a breach of the Code of Conduct must be made in writing on the form provided.

An inspector who has reason to believe that this Code of Conduct has been breached shall bring the matter to the attention of the Chief Building Official in writing. Where the allegation concerns the actions of the Chief Building Official, the matter shall be brought to the Director of Community Services in writing.

Any member of the public who has reason to believe that this Code of Conduct has been breached may bring the matter to the attention of the Chief Building Official in writing. Where the allegation concerns the actions of the Chief Building Official, the matter may be brought to the attention of the Director of Community Services in writing.

Any Chief Building Official or the Director of Community Services who receives information in writing concerning a breach of this code shall investigate the matter, and where appropriate shall commence disciplinary action in accordance with the employment standards of the place of work. All communications received by a Chief Building Official or the Director of Community Services concerning a breach of this Code shall be held in confidence.

**Code of Conduct**

In exercising powers and performing duties under the Building Code Act, the Chief Building Official and inspectors shall:

1. Always act in the public interest, particularly with regard to the safety of building works and structures.
2. Not to act where there may be or where there may reasonably appear to be a conflict between their duties to their employer, their profession, their peers and the public at large and their personal interests.
3. Apply all relevant building by-laws, codes and standards appropriately and without favour.
4. Perform their inspections and plan examination duties impartially and in accordance with the highest professional standards.
5. At all times abide by the highest moral and ethical standards and avoiding any conduct, which could bring or tend to bring Building Officials into disrepute.
6. Comply with the provisions of the Building Code Act, the Ontario Building Code and other Acts or Laws, which regulate or govern Building Officials functions.
7. Not to act beyond their personal level of competence or outside their area of expertise.
8. Maintain current accreditation to act as an Ontario Building Official.
9. Maintain their knowledge and understanding of the best current building practices, the building laws and Codes relevant to their inspection and plan examination function.
10. Extend professional courtesy to all.
11. To abide by any code of conduct applicable to all City Employees.