

**MUNICIPAL CORPORATION OF THE TOWNSHIP  
OF KILLALOE, HAGARTY AND RICHARDS**

**BY-LAW #47-2008**

**Being a By-Law to amend By-Law #14-2005, Being a By-Law respecting Construction, Demolition and Change of Use Permits and Inspections.**

WHEREAS, Section 7 of the Building Code Act, 1992, S.O. 1992, Chapter 23, authorizes a municipal council to pass by-laws respecting construction, demolition and change of use permits and inspections;

THEREFORE, the Council for the Corporation of the Township of Killaloe, Hagarty and Richards enacts as follows:

**1. Short Title:**

This by-law may be cited as the "Building By-Law".

**2. Definitions and Word Usage:**

In this by-law:

- (1)(a) "Act means the Building Code Act, 1992, S.O. 1992, Chapter 23, as amended.
- (b) "Applicant" means the owner of a building or property who applies for a permit or any authorized agent who applies for a permit on the owner's behalf, or any person or corporation empowered by statute to cause the demolition of a building or buildings and anyone acting under the authority of such person or corporation.
- (c) "Authorized Agent" means a person who has been appointed in writing by the owner to act on his/her behalf.
- (d) "As constructed plans" means as constructed plans as defined in the Building Code.
- (e) "Architect" means a holder of a valid license, a valid certificate of practice, or a valid temporary license under the Architect's Act as defined in the Building Code.
- (f) "Building" means a building as defined in Section 1(1) of the Act.
- (g) "Chief Building Official" means the Chief Building Official appointed by by-law of the Corporation of the Township of Killaloe, Hagarty and Richards for the purposes of enforcement of the Act, and who possesses the qualifications prescribed under the provisions of the Act.
- (h) "Corporation" means the Corporation of the Township of Killaloe, Hagarty and Richards
- (i) "Farm Building" means a farm building as defined in the Building Code.
- (j) "Owner" means the registered owner of the land.
- (k) "Ontario Building Code" means the regulations made under Section 34 of the Act.
- (l) "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 as regulated by the Act.
- (m) "Permit Holder" means a person to whom the permit has been issued.
- (n) "Plumbing" means plumbing as defined in the Act.
- (o) "Professional Engineer" means a person who holds a valid license or a temporary valid license under the Professional Engineer's Act, as defined in the Ontario Building Code.
- (p) "Sewage System Inspector" means an inspector appointed by by-law of the Municipal Corporation of the Township of Killaloe, Hagarty and Richards and who possesses the qualifications as prescribed under the Act.
- (q) "Sewage System" means a sewage system as defined in the Code.

- (r) “Temporary house trailer or motor home” shall mean:
    - 1) a unit that has wheels with tires fully inflated with air and in good condition as required by the Highway Traffic Act
    - 2) a unit that is getting electricity from another sources by one extension cord at 110 volts only from a wall outlet from a nearby building, and not directly from a hydro pole.
    - 3) a unit that is not connected to any sewage system
    - 4) a unit that has no veranda and/or any other attachment to the body of it and the unit has it’s supports on the ground
    - 5) a unit that has no steps attached for exit or access except those supplied with the unit by the manufacturer.
  - (s) “Sleep Cabin” shall mean an accessory building (or part thereof) not over one storey in height, used for human habitation, that does not contain an area or facilities for the preparation or serving of food.
  - (t) “Township” shall mean the Township of Killaloe, Hagarty and Richards
- (2) Terms not defined in this by-law shall have the meaning ascribed to them in the Act or the Ontario Building Code.

### 3. **Classes of Permits:**

Classes of permits with respect to the construction and demolition of buildings shall be as set out in Schedule “A” to this by-law.

### 4. **Application for Permit:**

No person shall commence the excavation for, or the erection of any dwelling or building, or addition or renovation to an existing dwelling, building or structure until such person or his/her authorized agent, has obtained a building permit.

A Demolition Permit is required for the demolition of any building or structure that is 200 square feet or greater. Applications for a Building Permit or Demolition Permit shall be made in writing on forms available from the Chief Building Official or from the Municipal Office.

- 5. After the issuance of a permit under the Act, notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued, must be given in writing to the Chief Building Official, together with the details of such change, and such change shall not be made without the written authorization of the Chief Building Official.
- 6. To obtain a permit, the owner or an agent authorized in writing by the owner shall file an application in writing by completing a prescribed form available at the offices of the municipality or from the Building Code website at [www.obc.mah.gov.on.ca](http://www.obc.mah.gov.on.ca). Forms prescribed by the municipality under clause 7(f) of the Act shall be set out in Schedule C to this By-Law.
- 7. If an addition or renovation includes adding a bedroom(s), or adding new plumbing fixtures to an existing dwelling unit, or if the addition is greater than 15% of the gross area of the existing dwelling unit, the Sewage System Inspector must be notified.
- 8. Every application for a permit shall be submitted to the Chief Building Official, and contain the following information:
  - (1) Where the application is made for a **construction permit** under Subsection 8(1) of the Act, the applicant shall;
    - (a) use the provincial application form, “Application for a Permit to Construct or Demolish”, and;

- (b) include complete plans and specifications, documents and other information as required by Div. C. Part 1 Article 1.3.1.3 of the Building Code and as described in this by-law for the work to be covered by the permit.
- (2) Where application is made for a **demolition permit** under Subsection 8(1) of the Act, the applicant shall;
- (a) use the provincial application form, “Application for a Permit to Construct or Demolish”, and;
  - (b) include complete plans and specifications, documents and other information as required by Div. C. Part 1 Article 1.3.1.3 of the Building Code and as described in this by-law for the work to be covered by the permit.
- (3) Where application is made for a **conditional permit** under Subsection 8(3) of the Act, the applicant shall;
- (a) use the provincial application form, “Application for a Permit to Construct or Demolish”, and;
  - (b) include complete plans and specifications, documents and other information as required by Div. C. Part 1 Article 1.3.1.3 of the Building Code and as described in this by-law for the work to be covered by the permit;
  - (c) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
  - (d) state the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and
  - (e) state the time in which plans and specifications of the complete building will be filed with the Chief Building Official.
  - (f) should a conditional permit be issued, the holder of such permit may proceed, but the municipality makes no assurances that permits required for the remainder of the project will be granted.
9. Every application for a **change of use permit** issued under Subsection 10(1) of the Act shall be submitted to the Chief Building Official, and shall;
- (1) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
  - (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;
  - (3) include plans and specifications showing the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the Ontario Building Code, including: floor plans, details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capabilities, details of the existing “sewage system”, if any;
  - (4) be accompanied by the required fee;
  - (5) state the name, address and telephone number of the owner,
  - (6) be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.”
10. Where an application 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, contains an equivalent material, system or building design for which authorization under Section 9 of the Act is requested, the following information shall be provided:

- (1) a description of the proposed material, system or building design for which authorization under Section 9 of the Act is requested;
- (2) any applicable provisions of the Ontario Building Code;
- (3) evidence that the proposed material, system or building design will provide the level of performance that is required by the Ontario Building Code.

**11.** For every application for a **sewage permit** that is submitted, the applicant shall;

- (1) use the provincial application form, "Application for a Permit to Construct or Demolish";
- (2) include complete plans and specifications, documents and other information as required under Div. C. Part 1 Article 1.3.1.3 of the Building Code and as described in this by-law for the work to be covered by the permit;
- (3) include a site evaluation which shall include all of the following items, unless otherwise specified by the Sewage System Inspector;
  - (a) include the date the evaluation was done
  - (b) include name, address, telephone number and original signature of the person who prepared the evaluation; and
  - (c) include a scaled map of the site showing:
    - (i) the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal/utility corridors;
    - (ii) the location of items listed in Div. B, Part 8 Column 1 of Tables 8.2.1.5., 8.2.1.6. and 8.2.1.6.B and 8.2.1.6.C. of the Ontario Building Code;
    - (iii) the location of the proposed sewage system;
    - (iv) the location of any unsuitable, disturbed or compacted areas;
    - (v) proposed access routes for system maintenance;
    - (vi) depth to bedrock;
    - (vii) depth to zones of soil saturation;
    - (viii) soil properties, including soil permeability, and
    - (ix) soil conditions, including the potential for flooding.

**12.** 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 with the Act, the Ontario Building Code and any other applicable law. 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. Plans shall be drawn to scale on paper, or other durable material, shall be legible and, without limiting the generality of the foregoing, shall include such working drawings as set out in Schedule B to this by-law unless otherwise specified by the Chief Building Official.

**13.** Unless otherwise permitted by the Chief Building Official, site plans shall be referenced to a current plan of survey, certified by a registered Ontario Land Surveyor, and a copy of such survey shall be submitted to the Chief Building Official. Site plans shall show:

- (1) lot size and the dimensions of property lines and setbacks to any existing or proposed buildings;
- (2) existing and finished ground levels or grades;
- (3) existing rights-of-way, easements and municipal services.

**14.** In the event that the ownership of a property, which is the subject of a building permit is transferred, the person to whom it is transferred shall apply to the Chief Building Official to transfer the building permit to the new owner, and;

- (1) The new owner shall complete the prescribed form set out in Schedule D

- (2) Upon completion of the transfer of the building permit, the new owner shall become responsible for the work that has been done pursuant to the provisions of the permit that has been issued, and for the completion of the work pursuant to the provisions of the permit that has been issued.
  - (3) In the event that the Chief Building Official or the Township of Killaloe, Hagarty and Richards seeks to enforce the provisions of the Building Code Act, its regulations, or this by-law, with respect to the work done pursuant to the permit, the person to whom the permit is transferred shall be responsible for compliance.
15. Any person wishing to move a dwelling, building or structure from one location to another, shall first obtain the required permit(s) from the appropriate authorities, and shall provide proof of such permits to the Chief Building Official prior to moving the building.
16. Fees for a required permit shall be as set out in Schedule A to this by-law and are due and payable prior to the issuance of a permit.
- (1) Where the fees payable in respect of an application for a construction or demolition permit issued under Subsection 8(1) of the Act or a conditional permit issued under Subsection 8(3) of the Act are based on floor area, floor area shall mean the total floor space of all storeys above grade, measured as the horizontal area between the exterior walls of the building. Where application is made for a conditional permit, fees shall be paid for the conditional permit, in addition to, fees applicable to the permit for the complete project.
  - (2) Where fees payable in respect of an application for a change of use permit issued under Subsection 10(1) of the Act are based on floor area, floor area shall mean the total floor area of all storeys subject to the change of use.
  - (3) Any person who replaces a building that has been destroyed by fire with a building of the same type and size, is exempt from the building/demolition permit fee, provided that the application for the building/demolition permit is made within two years of the date of the fire. If the new building is larger than the building that was destroyed by fire, the area of the destroyed building shall be subtracted from the area of the new building, and the building permit fee shall be charged on the new area.
17. **Expiration of Permit:**
- Any Building Permit issued under the provisions of this by-law shall expire when no building construction is started within 12 months from the date of issuance.
18. **Additional Requirements for Building Permit:**
- (1) Prior to the issuance of a Building Permit, the Chief Building Official shall ascertain, through consultation with the Municipal Works Superintendent, whether or not the subject lot fronts on an existing, maintained township road or highway.
  - (2) Mandatory approval of the driveway entrance location by the Municipal Works Superintendent, or his/her designate, is required before a Building Permit is issued if the lot is located adjacent to a township road. If the entrance does not front onto a township road, approvals from the appropriate road authorities must be obtained prior to the issuance of the building permit.
  - (3) All driveway entrances onto a township road must be approved by the Municipal Works Superintendent, or his/her designate, prior to the issuance of the Building Permit. All entrances shall require a culvert unless otherwise stated by Council. When a culvert is required, it shall be

supplied and installed by the applicant for the Building Permit, to the Township's specifications.

- (4) The applicant or his/her agent shall, prior to the issuance of a Building Permit, make application and payment in the amount of \$50.00, to cover the cost of provision and installation by the municipal works department, of a 911 property identification sign, if required. All provisions of this section shall also apply to individual requests for 911 property identification signs that are made, but are not in conjunction with, the erection of a new building.

**19. Permit Exceptions:**

- (1) Roofing, shingling, building cladding and the replacement of windows do not require a building permit, provided a structural change is not required.
- (2) A permit is not required for a "Temporary House Trailer or motor home as described in section 2(r) (I)

**20. Fees:**

Fees for a required permit shall be in accordance with Schedule "A" to this by-law.

- (1) Where the fees are based on the cost or valuation of the proposed work, such valuation shall mean the total cost of all work regulated by the permit including the cost of professional and related services.
- (2) The erection of a new outdoor toilet, or the relocation of an existing outdoor toilet requires a Building Permit, at no charge, regardless of the cost the building.

**21. Prescribed and/or Additional Notices:**

With respect to "prescribed notices" under section Div. C, Part 1 Article 1.3.5.1., "additional notices" under Div. C, Part 1, Article 1.3.5.2 and "prescribed inspections" under Div. C, Part 1, Article 1.3.5.3., of the Ontario Building Code, the owner or an authorized agent shall notify the Chief Building Official or an Inspector at least two business days prior to each stage of construction for which notice is required under the Building Code.

**22. Prescribed Forms:**

The forms prescribed for use as applications for permits, for orders and for inspections, shall be those set out in Schedule C to this by-law.

**23. Setback Requirements:**

- (1) No building, dwelling or structure shall be erected in the township unless such building, dwelling or structure conforms to the following setback requirements:

All Township of Killaloe, Hagarty and Richards Roads - 25 feet from the Front Property Line.

- (2) The following setbacks for outdoor toilets are required:

- 3 meters (10 feet) from side lot lines
- 15 meters (50 feet) from shoreline high water mark
- 30 meters (100 feet) from a dug well
- 15 meters (50 feet) from a drilled well

- (3) No building, dwelling or structure, addition, or any part thereof, may be closer than 2 meters to any side lot line, nor may it contravene the setback requirements of any other governing body.

- (4) Dwelling setback from water shall be at least 20.117 meters (66 feet) unless there is an established line of dwellings closer than this. If such a line exists, then the new dwelling may move up to but not exceed the established line.
- (5) Boathouses may be built to a line above the normal high water mark, as defined in zoning by-law 18-94 of the former Township of Hagarty and Richards. Boathouses shall not exceed 5.0 metres in height. Permission must be obtained from the Ministry of Natural Resources or other applicable authority, before building commences.

**24. Minimum Lot Size and Number of Dwellings per Lot:**

The minimum lot size is one half acre. One dwelling per lot shall be permitted.

One sleep cabin per lot shall be permitted. A sleep cabin shall have a maximum net floor area of 40 square metres. Any plumbing facilities must be connected to a sewage disposal system, approved by the appropriate septic approval authority.

**25. Penalties and Enforcement:**

Without prejudice to the operation of any other by-law, it shall be the duty of the Chief Building Official, upon consultation with the Council for the Township of Killaloe, Hagarty & Richards, to take necessary measures to institute proceedings against any person who contravenes any of the provisions of this by-law. Any person who contravenes any of the provisions of this by-law shall be liable, pursuant to the Provincial Offences Act, to a fine and costs.

**26. Filing of Plans Upon Completion of Construction:**

The Chief Building Official may require that a set of plans, and any other pertinent information that he/she deems necessary of a building or buildings as constructed, be filed with the Chief Building Official upon completion of construction under such conditions as may be prescribed in the Building Code.

**27. Code of Conduct:**

- (1) The Chief Building Official appointed by the Council of the Township of Killaloe, Hagarty and Richards shall abide by a Code of Conduct as described in the Building Code Act, 1992, S.O. 1992 c.23 as amended, Section 7.1 (1)
- (2) A complaint of breach of such Code of Conduct shall be submitted in writing, detailing the concerns, to the CAO Clerk-Treasurer of the Township of Killaloe, Hagarty and Richards.

**28. Registered Code Agency:**

- (1) An agreement must be completed between the Township of Killaloe, Hagarty and Richards and any registered code Agency appointed by the municipality.
- (2) Such agreement must be in writing and functions to be performed by the agency on behalf of the Township of Killaloe, Hagarty and Richards specified in such agreements as outlined in the Building Code, Div. C. Part 3 Article 3.7.1.1.

**29. This by-law replaces By-Law #14-2005.**

**Exceptions:**

Where this by-law contradicts the provisions of the Zoning By-law(s) and/or Official Plan of the former Township of Hagarty & Richards and/or the former Village of Killaloe, the provisions of the Zoning By-law(s) and/or Official Plan shall take precedence.

- 30.** This By-law shall come into force and take effect immediately upon the passing thereof.

Read a first and second time this 5<sup>th</sup> day of August, 2008.

Read a third time and finally passed this 5<sup>th</sup> day of August, 2008.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
CAO/Clerk-Treasurer



**Schedule "A"  
to By-Law 47-2008**

| <b><u>Classes of Permit</u></b>  | <b><u>Fee</u></b>                 |
|--|-----------------------------------|
| a) Residential Buildings, Mobile Homes, Sleep Cabins and additions (living area)     | \$0.20/sq. ft.<br>minimum \$75.00 |
| b) Commercial/Industrial Buildings or Structures including additions and renovations | \$0.25/sq. ft.<br>minimum \$75.00 |
| c) Garages, Carports, Sheds, Decks over 100 sq. ft.                                  | \$0.15/sq. ft.<br>\$50.00 minimum |
| d) Swimming Pools (fence required immediately)                                       | \$ 55.00                          |
| e) Farms Buildings, including additions and renovations                              | \$0.10/sq. ft.<br>\$50.00 minimum |
| g) Demolition Permit   | \$ 25.00                          |
| h) Compliance Letter<br>(Compliance with Building Code & Municipal by-laws)          | \$ 25.00                          |
| i) Plumbing Fee  | No Charge                         |
| j) Change of Use Permit Fee  | \$ 25.00                          |
| k) Conditional Permit  | \$ 50.00                          |
| l) Sewage Permit Fee   | (See attached<br>Schedule A-1)    |

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 Mayor

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 CAO/Clerk-Treasurer

**Schedule "A-1"  
to By-Law #47-2008**

| <b>TOWNSHIP OF KILLALOE, HAGARTY AND RICHARDS<br/>SEPTIC PERMIT FEES</b>        |   |
|---|---|
| <b>Type of Application</b>  | <b>Fee</b>  |
| For approval of a plan of subdivision under the Planning Act R.S.O. 1990 CH. 13 | \$250.00 for each lot or block shown on the proposed plan of subdivision              |
| For consent under the Planning Act R.S.O. 1990 CH. 13                           | \$200.00 for each application   |
| For Authorization of a minor variance under the Planning Act R.S.O. 1990 CH. 13 | \$ 75.00 for each application   |
| For approval of a condominium   | \$350.00 for each on-site sewage system that is proposed or installed up to 10,000 L. |
| Certificate of Approval for a Class 2 Sewage System                             | \$200.00  |
| Certificate of Approval for a Class 3 Sewage System                             | \$200.00  |
| Certificate of Approval for a Class 4 Sewage System using a leaching bed        | \$350.00 for each system installed using a leaching bed                               |
| Certificate of Approval for a Class 4 Sewage System using a filter bed          | \$400.00 for each system installed using a filter bed                                 |
| Certificate of Approval for a Class 5 Sewage System                             | \$400.00  |
| File Search Fees  | \$ 50.00  |

**Schedule "B"  
to By-Law #47-2008**

**List of Plans or Working Drawings to accompany applications for Permits**

1. The Site Plan
2. Floor Plans
3. Foundation Plans
4. Framing Plans
5. Roof Framing Plans
6. Sections and Details
7. Building Elevations
8. Heating, Ventilation and Air Conditioning Drawings
9. Plumbing Drawings

NOTE: The Chief Building Official may specify that not all of the above noted plans are required to accompany an application for a permit.

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Mayor

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CAO/Clerk-Treasurer

**Schedule “C”  
to By-Law #47-2008**

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|--------|--|
| Form 1 | Application for Building Permit, including Conditional Permit,<br>Demolition Permit, Change of Use Permit, Plumbing Permit |
| Form 2 | Site Plan  |
| Form 3 | Building Permit (various classes if necessary) Conditional Permit,<br>Demolition Permit, Change of Use Permit              |
| Form 4 | Inspection Report  |
| Form 5 | Orders (various types)   |

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Mayor

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CAO/Clerk-Treasurer

**Schedule "D"  
to By-Law #47-2008**

**APPLICATION TO TRANSFER A BUILDING PERMIT**

Building Permit No. \_\_\_\_\_

Original Applicant Name \_\_\_\_\_

Address \_\_\_\_\_

Permit Transferred To:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

Phone No. (Home) \_\_\_\_\_

Work \_\_\_\_\_

I, the undersigned, understand that the transfer of a Permit shall not be deemed to be a waiver of any of the provisions of any by-laws or requirements under the Building Code Act, or Regulations made thereunder, notwithstanding anything included in or omitted from the plans or other materials filed in support of or in connection with the Building Permit.

I acknowledge that in the event that the permit is transferred, any changes to plans or specifications filed for the Building Permit, is prohibited, unless first authorized by the Chief Building Official, and such changes could result in an Order to Comply, and/or a charge being preferred and a summons issued by the Provincial Court.

I acknowledge that in the event that the Chief Building Official or the Township of Killaloe, Hagarty and Richards seeks to enforce the provisions of the Building Code, its Regulations, or this by-law, with respect to the work to be done pursuant to the permit, I shall be responsible for compliance.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Authorized

\_\_\_\_\_  
Date

\_\_\_\_\_  
C.B.O

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
CAO/Clerk-Treasurer