

CORPORATION OF THE  
TOWNSHIP OF LANARK HIGHLANDS

BY-LAW NO. 2004-481

**Being a By-law to rescind By-law Nos. 2003-409 and 2000-112  
and adopt a new By-law governing building  
in the Township of Lanark Highlands (Building By-law)**

**WHEREAS** the *Building Code Act* S.O. 1992 confers broad authority on municipalities to enforce the provisions of the said Act, including the enactment of By-laws governing procedures respecting the issuance of building permits, inspection schedules, fees, etc.; and


**WHEREAS** Council adopted By-law No. 2000-112 on the 1<sup>st</sup> day of February, 2000, and By-law No. 2003-409 on the 13<sup>th</sup> day of May, 2003; and

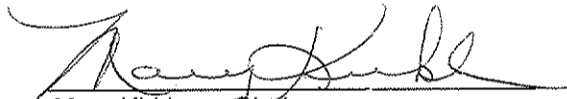
**WHEREAS** Council now deems it advisable and in the public interest to rescind By-law Nos. 2000-112 and 2003-409 and adopt a new Building By-law.

**NOW THEREFORE** the Corporation of the Township of Lanark Highlands enacts as follows:

1. **THAT** no person shall construct or demolish or materially alter or cause to be constructed, demolished or materially altered, a building in the Township of Lanark Highlands unless a permit has been issued by the Chief Building Official of the municipality.
2. **THAT** no permit shall be issued by the Chief Building Official unless an application has been completed in the form prescribed in Schedule "C" and the applicable fee prescribed in Schedule "A" paid.
3. **THAT** By-law Nos. 2000-112 and 2003-409 be and are hereby rescinded in their entirety.
4. **THAT** Schedules "A" through "D" attached hereto shall form part of this By-law.
5. **THAT** this By-law shall be known as the "***Building By-law***".
6. **THAT** if any section, subsection, clause or provision of this By-law is for any reason declared invalid by a court of competent jurisdiction, the validity of the remainder of the bylaw shall not be effected and shall remain in full force and effect.
7. **THAT** any person, who contravenes any provision of this bylaw, is guilty of an offence as provided for in Section 36 of the *Building Code Act*.
8. **THAT** this By-law shall come into force and take effect on the 1<sup>st</sup> day of April, 2004.

Read a FIRST, SECOND and THIRD TIME SHORT this 9th day of March, 2004.

  
Lawrence McDermott, Mayor

  
Mary Kirkham, Clerk

CERTIFIED TRUE COPY.

**SCHEDULE "A"**  
**CLASSES OF PERMITS/PERMIT FEES**

<b>Living Areas - Single Detached Dwellings &amp; Additions</b>	\$ 0.55/sq.ft (Min. \$60)
<b>Living Areas Security Deposit</b>	\$500 (Single Detached Dwellings) \$200 (Minor Additions)
<b>Non-Living Areas</b> (garage, shed, deck, etc.)	\$ 0.25/sq.ft. (Min \$60)
<b>Mobile and Modular Homes</b>	\$ 0.30/sq.ft (Min. \$60)
<b>Basements</b> (finished or unfinished)	\$ 0.25/sq.ft.
<b>Renovations</b>	1% of construction value (Min. \$60)
<b>Solid Fuel Burning Appliance</b>	\$65 flat fee
<b>Demolition</b>	\$60 flat fee
<b>Plumbing</b>	\$50 flat fee
<b>Multi-Residential</b>	\$0.60/sq.ft. to 2,000 sq.ft. (Min. \$60) \$0.30/sq.ft. over 2,000 sq.ft.
<b>Multi-Residential Security Deposit</b>	\$1,000
<b>Swimming Pools</b>	\$70 flat fee
<b>Industrial/Commercial/Institutional (ICI)</b>	\$0.20/sq.ft (Max. \$500)
<b>ICI Security Deposit</b>	\$1,000
<b>Agricultural</b>	\$60 flat fee, + 0.25% of cost (Max. \$500)
<b>Agricultural Security Deposit</b>	\$200
<b>Occupancy Permit</b>	\$60 per application
<b>Revision to Building Permit</b>	Same as building permit (Min. \$60)
<b>Permit Renewal</b>	\$60 per application
<b>Permit Transfer</b>	\$60 per application
<b>Change of Use Permit</b>	\$60 + 1%/thousand over \$5,000 value

## SCHEDULE "A" NOTES

### GENERAL

1. Construction values are determined by the Chief Building Official at the time of application. In the case of a dispute, an statement of costs, prepared by a qualified auditor, must be presented after the project is completed. If the audit determines that the permit fee was greater than it should have been based on actual costs, the fee will be adjusted accordingly. Eligible costs include, but are not limited to, labour, material, engineering, overhead, and site preparation.
2. Demolition permit fees shall be waived in the event of an accidental fire.
3. Demolition permits are not required for buildings less than 10 sq. m.
4. All permit fees for municipally-owned buildings shall be waived.

### REFUNDS

1. In case of abandonment of all or a portion of the work or of the non-commencement of any project, the Chief Building Official shall determine the refund amount, if any, that shall be returned to the permit holder, in accordance with the following formula:
  - a) Eighty (80%) per cent if application is filed and not processed and/or no review function has been performed;
  - b) Seventy (70%) per cent if administrative and zoning functions have been performed;
  - c) Forty-five (45%) per cent if administrative, zoning and plan examination functions have been performed;
  - d) Thirty-five (35%) per cent if the permit has been issued and no field inspection has been performed subsequent to permit issuance;
  - e) Five (5%) per cent shall be deducted for each field inspection that has been performed after the permit has been issued (e.g. a permit holder is entitled to a 30% refund in the event that the permit has been issued and one inspection completed, a 25% refund if two inspections have been completed, etc.).
2. Despite the foregoing, no refund shall be made when the refund amount, as calculated in accordance with the above formula, is determined to be \$100.00 or less.
3. The fee for the transfer of a permit is non-refundable.

### SECURITY FEES

1. Security fees, where required, shall be collected at the time a permit is issued and retained by the municipality as a guarantee that the required inspections will be requested by the permit holder. Subsequent to the completion of the project, the security fee will be returned to the permit holder. In the event that the permit holder abandons the project or completes the project in the absence of any required inspections, the security deposit shall be forfeited to the municipality.

### SURCHARGE

Where construction, demolition, or material alteration has occurred prior to the issuance of the required permit, at flat fee of \$500.00 will be charged.

## SCHEDULE "B" DEFINITIONS

1. ACCESSORY BUILDING - shall mean a building not used for human habitation customarily incidental and subordinate to the principal use or building and located on the same lot with such use or building.
2. ACCESSORY DWELLING - shall mean a dwelling attached to or located on a commercial property and intended for the purpose of human habitation.
3. ACT - shall mean the *Building Code Act*, S.O. 1992, including amendments thereto.
4. ADDITION - shall mean a structure or part thereof which changes any one or more of the external dimensions of a building.
5. AGRICULTURAL - shall mean a building 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 or horticultural produce or feeds and processing of agricultural or horticultural produce or feeds and includes barns, produce storage buildings, milking sheds, piggeries, poultry houses, grain bins, silos, machinery sheds, farm workshops, feed preparation centres, manure storage, greenhouses and garages not attached to the farm residence.
6. ALTER or ALTERATION- shall mean, with reference to a building or part thereof, to change one or more of the external dimensions of the building or to change the type of construction of the exterior walls or roof.
7. BUILDING - shall mean a "building" as defined in subsection 1(1) of the *Building Code Act*, including a structure occupying an area greater than 10 square metres consisting of a wall, roof and floor, or any one or more of them, a structural system serving the function thereof, including all the works, fixtures and service systems appurtenant thereto, and includes such other structures as are designated in the regulations under the *Building Code Act*.
8. BUILDING CODE - shall mean the regulations made under section 34 of the *Building Code Act*.
9. CHIEF BUILDING OFFICIAL- shall mean the Chief Building Official appointed by By-law of the Corporation of the Township of Lanark Highlands for the purpose of the enforcement of the *Building Code Act*.
10. CONSTRUCT - shall mean to do anything in the erection, installation or extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere. The term "Construction" has a corresponding meaning.
11. CONTRACTOR - shall mean a person, corporation or proprietorship that is engaged in construction for the purpose of financial gain.

12. CORPORATION - shall mean the Corporation of the Township of Lanark Highlands.
13. DEMOLITION - shall mean the dismantling or disassembling of a building in part of or in whole.
14. ERECT - shall mean build, construct, reconstruct, remove or relocate or any altering of an existing building by an addition, extension or other structural change.
15. FISHING OR HUNTING CAMP- shall mean the premises or buildings to be used for the purpose of sleeping or eating accommodations, on a temporary basis by fishermen or hunters. This definition does not include a seasonal dwelling.
16. FIXTURE - shall mean 'fixture' as defined in section 1.1 of the Ontario Building Code.
17. GARAGE - shall mean an enclosed accessory building or portion of a main building used for the parking or storage of non-commercial motor vehicles and household equipment incidental to the residential occupancy.
18. MOBILE HOME or MODULAR HOME - shall mean any dwelling that is designed to be made mobile, and constructed or manufactured in accordance with current CSA standards and the provision of the Ontario Building Code to provide a residence for one or more persons, but does not include a travel trailer, tent trailer or trailer otherwise designed.
19. MUNICIPALITY shall mean the Corporation of the Township of Lanark Highlands.
20. MULTI-RESIDENTIAL - shall mean an apartment dwelling, duplex, semi-detached or triplex dwelling.
21. OCCUPANCY - shall mean the use or habitation of a building.
22. OCCUPANCY PERMIT - shall mean a permit issued by the Chief Building Official, advising that the building, structure or parts thereof meet all requirements of the Fire Code, the Ontario Building Code and any other applicable regulations, policies or Acts.
23. OWNER - shall mean a person or persons or Corporation who are registered as holding title to a property.
24. PERMIT - shall mean a permission or authorization in writing from the Chief Building Official to perform work, regulated by this By-law and the *Building Code Act*, and in the case of an occupancy permit, to occupy any building or part thereof.
25. PLUMBING - shall mean 'plumbing' as defined in Subsection 1.1 of the Act.
26. PLUMBING SYSTEM - shall mean 'plumbing system' as defined in Section 1.1 of the Building Code.
27. TEMPORARY BUILDING - shall mean a building or structure intended for removal or demolition within a prescribed time as set out in a building permit.

28. UNSAFE - when used in respect of a building means:

- a) structurally inadequate or faulty for the purposes for which it is used, or
- b) in a condition that could be hazardous to persons in normal use of the building.

29. WORK- shall mean to do anything in the construction or demolition or change of use of plumbing works for a building, which is regulated by the *Building Code Act*. The term "project", has a similar meaning.

30. ZONING BYLAW - shall mean the Comprehensive Zoning By-law of the Corporation of the Township of Lanark Highlands.

## SCHEDULE "C" BUILDING PERMITS

### 1. BUILDING OFFICIAL

- a) The Chief Building Official, appointed by the Corporation of the Township of Lanark Highlands, shall enforce the provisions of the 'Building By-law' and the Ontario Building Code with all powers of enforcement provided by this By-law and the Ontario Building Code.
- b) When the Chief Building Official finds that any provision of this By-law or the Ontario Building Code is being contravened he or she may issue in writing an order to the permit holder, directing compliance with the By-law or the Ontario Building Code.
- c) Where the Chief Building Official finds that a building is unsafe or that the methods of construction are unsafe he or she may order that the building be demolished or the construction practice be discontinued.
- d) Where the Chief Building Official or any other regulating agency requires any building material, soil, water, site condition or architectural/engineering plan to be tested or reviewed, the cost thereof shall be borne exclusively by the applicant or permit holder.
- e) Where the Chief Building Official finds that a building has been constructed without a permit or in a manner inconsistent with plans, specifications, site plans or surveys, he or she may order the demolition of such building at the expense of the owner.

### 2. GENERAL

- a) The Chief Building Official shall issue a building permit except where:
  - i) the proposed building, construction, or demolition does not comply with the Ontario Building Code and its regulations, the Official Plan or Zoning By-law of the Township of Lanark Highlands, or any other applicable law;
  - ii) the application is deemed incomplete by the Chief Building Official or any fees due are unpaid;
  - iii) any required tests, releases, approvals or confirmations, either from governmental agencies or private firms, have not been delivered to the Chief Building Official.
- b) No permit shall be issued to any person who is not an owner of the land on which the building is proposed to be built and every person who makes application for a building permit shall be the owner or agent of the land on which the building in respect of which the application for a permit is made and is proposed to be built.
- c) No person shall make a material change or cause a material change to be made to a plan, specification, document or other information on the basis of which a permit was issued without notifying the Chief Building Official and filing details of such changes with him or her for the purpose of obtaining authorization.

- d) The Chief Building Official may revoke a permit:
  - i) where it was issued on mistaken or false information;
  - ii) where the construction or demolition of the building, in the opinion of the Chief Building Official, has not commenced within six (6) calendar months of obtaining the permit;
  - iii) where the construction or demolition of the building is, in the opinion of the Chief Building Official, substantially suspended or discontinued for a period of more than one (1) year.

### 3. PERMIT APPLICATIONS

- a) Every building permit application shall be submitted to the Chief Building Official and shall contain the information set out in subsections b), c) or d) hereof.
- b) Where application is made for a building permit under section 8(1) of the Act, the application shall:
  - i) identify and describe in detail the work and occupancy to be covered by the permit for which the application is made;
  - ii) provide a description of the building lot suitable to the Chief Building Official;
  - iii) include complete plans and specifications as described in this By-law for the work to be covered by the permit, and show the occupancy of all parts of the building;
  - iv) state the valuation of the proposed work, including materials and labour, and be accompanied by the required fee;
  - v) state the names, addresses and telephone numbers of the owner and any authorized agent, architect, engineer, designer, or building contractor;
  - vi) be accompanied, where applicable, by a written acknowledgement of the owner that the owner has retained an architect or professional engineer or both to carry out the field review of the construction where required by the Building Code;
  - vii) be signed by the owner or authorized agent who shall certify the truth of the contents of the application;
  - viii) where the work includes plumbing, the application shall also identify and describe in detail the plumbing work to be covered by the permit for which the application is made, including plans showing the location and size of every building drain and every trap or inspection piece and a sectional drawing depicting the size and location of every soil or waste pipe, trap and vent pipe, and where the installation contains more than five fixtures, a declaration stating the names, addresses and telephone numbers of the plumber or contractor.
- c) Where application is made for a demolition permit under section 8(1) of the Act, the application shall:
  - i) contain the information required in Subsections b) i) and ii) above;
  - ii) be accompanied by satisfactory proof that arrangements have been made with the proper authorities to disconnect all water, sewer, gas, electric, telephone or other utilities and services;
  - iii) be accompanied by a completed 'Demolition Compliance Form'.
- d) Where application is made for a conditional permit under section 8(3) of the Act, the application shall:
  - i) contain the information required in Subsections b) i) and ii) above
  - ii) contain such other information as required by the Chief Building Official;
  - iii) state the nature of the necessary approvals that must be obtained and the associated time frames in respect of the proposed building;

- iv) state the anticipated time when plans and specifications for the complete building will be filed with the Chief Building Official.
- e) Where an application is made for a change of use permit under section 10 of the Act, the application shall:
  - i) provide a detailed description of the nature of the proposed changes to the building, including a description of the building location;
  - ii) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made;
  - iii) 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 floor plans, wall details, ceiling and roof assemblies identifying required fire resistance ratings, and load bearing capacities;
  - iv) be accompanied by the required fee;
  - v) state the name, address and telephone number of the owner and authorized agent;
  - vi) be signed by the owner or authorized agent who shall certify the truth of the contents of the application.

#### 4. PLANS AND SPECIFICATIONS

- a) Sufficient information shall be submitted with each permit application to enable the Chief Building Official to determine whether the proposed work is in conformity with the *Building Code Act* and the Building Code, including a determination of any impacts on adjacent properties.
- b) Each application shall be accompanied by two (2) complete sets of plans and specifications as well as a detailed site plan(s).
- c) Plans shall:
  - i) be drawn to scale upon paper or other substantial material;
  - ii) be legible and durable;
  - iii) indicate the nature and extent of the work or proposed occupancy in sufficient detail to establish that the completed work will conform to the *Building Code Act*, the Building Code and any other applicable law.
- d) Site plans shall be referenced to an up-to-date survey when available and, when required to demonstrate compliance with the *Building Code Act*, the Building Code, or other applicable law, a copy of the survey shall be submitted to the Chief Building Official.
- e) Site plans shall show:
  - i) lot size and the dimensions of property lines and setbacks to any existing or proposed buildings;
  - ii) the similarly dimensioned location of every other adjacent existing building on the property;
  - iii) existing and finished ground levels or grades to an established datum at or adjacent to the site;
  - iv) all existing rights-of-way, easements and municipal services.

- f) In lieu of separate specifications, the Chief Building Official may allow the essential information be to shown on the plans, but in no case shall such terms as 'in accordance with the *Building Code Act*', 'legal' or similar terms be used as substitutes for specific information.

#### **5. PARTIAL PERMITS**

- a) In order to expedite work, approval of a portion of the building or project prior to the issuance of a permit for the complete building or project may be granted by the Chief Building Official. An application shall be made and the applicable fee paid for the portion of the work for which immediate approval is desired and complete plans and specifications covering the portion of work for which immediate approval is desired shall be filed with the Chief Building Official.
- b) Where a permit is issued for part of a building or project the holder of such permit may proceed but the issuance of a partial building permit shall not be constructed to authorize construction beyond the plans for which the approval was given or guarantee that approval will necessarily be granted for the entire building or project.

#### **6. REVISION TO PERMIT**

- a) After the issuance of a permit under the *Building Code Act*, where a person is desirous of making a material change or causing a material change to be made to a plan, specification, document, or other information on the basis of which a permit was issued and notifies the Chief Building Official accordingly under section 8(12) of the Act, an application may be made for a revision to the permit and such application shall be made in the same manner as for the original permit.

#### **7. EQUIVALENTS**

- a) Where an application for authorization to make a material change to a plan, specification, document or other information forming the basis upon which a permit was issued contains an equivalent material, system or building design for which authorization under Section 9 of the *Building Code Act* is requested, the following information shall be provided to the Chief Building Official:
- i) a description of the proposed material, system or building design for which authorization under Section 9 of the Act is requested;
  - ii) any applicable provisions of the Building Code;
  - iii) evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.
- b) The permit shall indicate whether the Chief Building Official has allowed the use of the proposed material, system or building design and if allowed the reasons why the Chief Building Official was of the opinion that the material, system or building design will provide the level of performance required by the Building Code.

**8. RESTRICTED PERMIT FOR A TEMPORARY BUILDING**

- a) A restricted permit for a temporary building may be issued by the Chief Building Official authorizing, for a limited time only, the erection and existence of a building or part thereof.
- b) A permit for a temporary building may be extended, provided permission in writing is granted by the Chief Building Official.

**9. RENEWAL OF PERMIT**

- a) The Chief Building Official may issue a renewal of permit:
  - i) where, after six (6) months after its issuance, the construction or demolition in respect of which it was issued has not, in his or her opinion, been seriously commenced; or
  - ii) where the construction or demolition of the building is, in his or her opinion, substantially suspended or discontinued for a period of more than one (1) year provided the required fee is paid for such renewal and the plans and specifications are made to comply with all the requirements of the *Building Code Act* in effect at the time a renewal.

**10. TRANSFER OF PERMIT**

- a) It is a condition of the issuance of any permit that the permit shall not be transferred without the approval of the Chief Building Official and the payment of the required fee.
- b) The new owner shall apply for a transfer of the permit and such application shall confirm the continuation of the project under the original plans and specifications, or, alternatively, provide the particulars of any change in the arrangements for general review of the construction in accordance with Section 2.3, Design and General Review, of the Building Code Regulations.

**11. TIME FOR NOTICE OF INSPECTION OR TESTING**

- a) The owner or authorized agent shall notify the Chief Building Official at least forty-eight (48) hours prior to each stage of construction for which notice in advance is required under the Building Code unless otherwise approved by the Chief Building Official.
- b) The owner or authorized agent shall:
  - i) notify the Chief Building Official at least forty-eight (48) hours prior to the stage when plumbing work is ready to be inspected and tested; and
  - ii) furnish any equipment, material, power or labour that is necessary for inspection and testing purposes.

**12 'AS CONSTRUCTED' PLANS**

- a) The Chief Building Official may require a that full set of 'As Constructed' building plans for any class of building be filed upon the completion of construction.

## SCHEDULE "D" DEMOLITION COMPLIANCE FORM

***This form must be filed with the Township Office within five (5) working days of the receipt of a demolition permit and prior to any debris or waste material being deposited at any of the municipal waste sites.***

Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Lot \_\_\_\_\_ Concession \_\_\_\_\_ Township: \_\_\_\_\_

Type of Building:      Residence       Cottage   
    Shed       Barn

Size of Building:      Width \_\_\_\_\_      Length \_\_\_\_\_  
 Height \_\_\_\_\_

Proposed Disposal Location: \_\_\_\_\_

If the proposed disposal location is a **MUNICIPAL WASTE SITE**, please complete the following: *(check off all applicable construction material to be disposed)*

Concrete     Plaster     Plywood     Drywall     Tile   
 Asphalt Roofing     Rollroofing     Steel Roofing   
 Wood Shingles     Tin Roofing     Eavestrough     Doors   
 Soffit/Facia     Windows     Glass     Screens   
 Brick     Brick Veneer     Wood Frame   
 Insul Brick     Blocks     Aluminium Siding   
 Vinyl Siding     Stucco     Siding   
 Peddledash Siding     Asbestos Siding

**Other materials to be removed:**

Copper piping     Electrical Line     Brass Goods   
 Lead Pipe     Galvanized Pipe     Plastic pipe   
 Water Closet     Basin     Bath Tub   
 Shower Stall     Kitchen Sink     Laundry Tub   
 Floor Tiles     Hot Water Tank     Carpeting   
 Pressure Pump     Other

Brief description of Work: \_\_\_\_\_

Demolition Permit Number: \_\_\_\_\_

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

I, the undersigned, understand and agree to pay all applicable "TIPPING FEES" when depositing the material described above in any Township waste site, and further agree to comply with all requirements and instructions given by the Township Waste Site Attendant.

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_