

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

BY-LAW NO. 18-23

BEING a by-law of the Corporation of the Municipality of Mississippi Mills respecting buildings.

WHEREAS Section 7 of the Building Code Act, 1992, S.O. 1992, Chapter 23, as amended, empowers Council to pass certain by-laws respecting construction, demolition and change of use permits and inspections.

AND WHEREAS Section 3. (1) of the Building Code Act, 1992, S.O. 1992, Chapter 23, as amended empowers Council to be responsible for the enforcement of the Act in the municipality, excepted where otherwise provided by this Act, 2002;

AND WHEREAS from time to time the Chief Building Official and Inspectors for the Corporation of the Municipality of Mississippi Mills have been appointed by by-law pursuant to Section 3. (2) of the Building Code Act, 1992, S.O. 1992, Chapter 23, as amended.

NOW THEREFORE the Council of the Corporation of the Municipality of Mississippi Mills enacts as follows:

1.0 SHORT TITLE

1.1 This By-law may be cited as the Building By-law.

2.0 DEFINITIONS

2.1 In this By-law:

- a) "Act" means the *Building Code Act*, S.O. 1992, Chapter 23, including amendments thereto;
- b) "Administration Fee" means a monetary penalty for starting to construct a structure prior to acquiring a permit, "Building Without a Permit" Section 6.6 of this By-Law.
- c) "Applicable Law" as defined in Division A Section 1.4.1.3. of the Building Code.
- d) "Architect" means holder of a license, a certificate or practice, or temporary license under the Architects Act as defined in the Building Code
- e) "As Constructed Plans" means as constructed plans as defined in the Building Code;

- f) "Authorized Agent" means the applicant submitting the application on behalf of the Owner;
- g) "Builder" means a person as described in Section 1(1) of the Act.
- h) "Building" means a building as defined in Section 1(1) of the Act;
- i) "Building Code" means the regulations made under Section 34 of the Act;
- j) "Chief Building Official" means the Chief Building Official (CBO) appointed by By-law of the Corporation of the Municipality of Mississippi Mills for the purposes of the enforcement of the Act;
- k) "Conditional Permit" means a permit issued under clause 8. (3)(c) of the Act where all conditions have not been met but where unreasonable delays in construction may occur if a permit is not granted;
- l) "Construct" means to do anything in the erection, installation, extension or material alteration or repair of a building, and includes the installation of a building unit fabricated or moved from elsewhere and "Construction" has a corresponding meaning;
- m) "Corporation" means the Corporation of the Municipality of Mississippi Mills;
- n) "Demolish" means to do anything in the removal of a building or any material part thereof and "Demolition" has a corresponding meaning;
- o) "Designer" means a person as described in Section 1(1) of the Act. (see Qualified Designer)
- p) "Farm Building" means a farm building as defined in the building code;
- q) "Fee Schedule" means the listing of all fees and charges approved by Council from time to time.
- r) "Fixture" means a "fixture" as defined in Division A, Section 1.4.1.2. of the Building Code;
- s) "Major Project" means any project that is not listed in Minor Project;
- t) "Material Alteration" means the substitution, changing, or altering of materials used in buildings, such as insulation, structural components, heating systems, plumbing, sewage systems and other building components and systems as described and regulated under the Building Code;

- u) “Minor Project” includes but are not limited to these examples: decks, landings, stairs, covered porches/sun rooms, docks, minor plumbing alterations, hot water tanks & temperature safety balance valves, heating system installations, solid fuel burning devices, installations, sheds/garages/carports and demolitions under 500 sq. ft., change of use, pools, hot tubs, non-commercial farm buildings, and solar panel installations on roofs;
 - v) “Municipality” means the Corporation of the Municipality of Mississippi Mills;
 - w) “Occupancy” means the use or intended use of a building or part of a building for the shelter or support of persons, animals or property.
 - x) “Owner” any person, firm or corporation having control over any portion of the building or property under consideration and includes the persons in the building or property;
 - y) “Permit” means permission or authorization, in writing, from the Chief Building Official to perform work regulated by this By-law and the Act and, in the case of an occupancy permit, to occupy any building or part thereof;
 - z) “Plumbing” means plumbing as defined in Section 1. (1) of the Act;
 - aa) “Professional Engineer” means a person who holds a license or a temporary license under the Professional Engineers Act;
 - bb) “Project” means a planned undertaking which includes activities that have been reviewed and approved by the Chief Building Official;
 - cc) “Qualified Designer” means a competent person with the qualifications and insurance in accordance with Division C – Part 3 of the Building Code;
 - dd) “Value of Work” means the value of the proposed work including value of land, work, labour, equipment, materials, and design services; and
 - ee) “Work” means anything in the construction or demolition or change of use or plumbing work for a building which is regulated by the Act which includes a “Project” that has a corresponding meaning.
- 2.2 Terms not defined in this by-law shall have the meaning ascribed to them in the Act or the Building Code.

3.0 **CLASS OF PERMITS**

3.1 **Permit Types**

Class of permits consist of the following classes of permits as described in detail together with their respective fees outlined in the most current Fees By-Law.

- a) Building Permit;
- b) Change of Use Permit;
- c) Conditional Permit;
- d) Demolition Permit;
- e) HVAC Permit;
- f) Occupancy Permit;
- g) Transfer of Permit;
- h) Plumbing Permit;
- i) Solid Fuel Burning Appliance Permit

4.0 **PERMIT APPLICATION AND ISSUANCE**

4.1 **Permit Application**

The Owner or Authorized Agent shall file an application in writing for any class of Permit to the Chief Building Official by completing the prescribed Provincial and Municipal forms in their entirety and supplying all information with the application as deemed necessary by the Chief Building Official.

4.2 **Detail in Application for All Permits**

Every Building Permit application submitted to the Chief Building Official shall contain the following items:

- a) Identify and describe in detail the proposed *project* and use to be covered by the *permit* for which the application is being made;
- b) identify and describe in detail the existing uses and the proposed use(s) for which the premises are intended;
- c) describe the land on which the *work* is to be done, by a description that will readily identify and locate the site on which the *work* covered by the *permit* is to occur. (e.g. civic address, legal description and lot measurements);
- d) be accompanied by the applicable fees as described in the most current Fees By-Law and deposit, if applicable, as outlined in attached Schedule "E" attached to this By-law;
- e) state the name, address, telephone number, facsimile and email of the *Owner*, *Architect*, *Authorized Agent*, *Professional Engineer*,

- Builder and *Designer and/or Qualified Designer* that are retained to perform *work* on the project;
- f) in circumstances where section 1.2 of Division C Part 1 of the Building Code applies, be accompanied by a “Commitment to General Review by Architects of Engineers” form as set out in Schedule “C” of this by-law;
 - g) include, where applicable, the registration number of the builder or vendor as provided for in the Ontario New Home Warranties Act (Tarion);
 - h) state the estimated *Value of Work* as described in the definition;
 - i) be signed by the applicant;
 - j) include any documents establishing compliance to applicable law as set out in article 1.4.1.3 of Division A Part 1 of the Building Code; and
 - k) decide of the completeness of the application submitting all required documentation to demonstrate compliance;
 - l) where a construction *project* involves disturbing a ‘designated substance’, as described by Ontario Regulation 278/05 and, which applies to all buildings constructed before 1985; the ‘project’ must adhere to these regulations and a ‘Material Substance Report’, if required, will be provided to the CBO.
 - m) where a ‘Notice of Project’ is required by regulation to be submitted to the Ministry of Labour for construction, with a value over \$50,000.00, a copy shall be provided to the CBO.

4.3 Detail in Application for Demolition Permits

In addition to the requirements of Section 4.2 of this by-law, every application for a Demolition Permit under Subsection 8.(1) of the Act, may at the discretion of the Chief Building Official require:

- a) documentation that arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, gas, electric, telephone or other utilities and services;
- b) that the applicant is meeting all requirements of the Labour Code and file a ‘Notice of Project’ with the Ministry;
- c) that the applicant fences the demolition site to the satisfaction of the Chief Building Official as described in Section 9 of this by-law;
- d) that in circumstances where section 1.2 of Division C Part 1 of the Building Code applies, be accompanied by a “Commitment to General Review by Architects of Engineers” form as set out in Schedule “C” of this by-law;
- e) that the applicant clearly indicates methods of removal and disposal of materials that are following applicable laws; and
- f) indicate the date by which demolition and disposal will be completed.

- g) where a demolition *project* involves disturbing a 'designated substance', as described by Ontario Regulation 278/05 and, which applies to all buildings constructed before 1985; the 'project' must adhere to these regulations and a 'Material Substance Report', if required, will be provided to the CBO.
- h) where a 'Notice of Project' is required by regulation, to be submitted to the Ministry of Labour for demolitions, a copy shall be provided to the CBO.

4.4 Detail in Application for Conditional Building Permits

Where application is made for a Conditional permit under Subsection 8(3) of the Act, the application shall contain;

- a) a written statement from the Applicant explaining the reasons why the Applicant believes that unreasonable delays in construction would occur if a Conditional Permit is not granted;
- b) a written acknowledgement from the Applicant of the necessary approvals which must be obtained in respect of the proposed construction and the time-period in which such approvals are proposed to be obtained by the Applicant; and,
- c) a written agreement, in the form provided by the Chief Building Official, executed by the Applicant, the Owner and all other persons that the Chief Building Official considers appropriate for the purposes set out in clause 8.(3)(c) of the Act.

4.5 Detail in Application for a Change of Use Permit

Where application is made for a Change of Use Permit issued under Section 10 of the Building Code, the application shall;

- a) describe the building in which the occupancy is to be changed by a description that will readily identify and locate the building;
- b) identify and describe, in detail the current and proposed occupancies of the building or part thereof for which the application is made;
- c) 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, details of wall, ceiling and roof assemblies, identifying required fire resistance ratings and load bearing capacities;
- d) state the name, address, e-mail (if available) and telephone number of the owner and any *authorized agent*; and,
- e) be signed by the owner or *authorized agent* who shall certify the truth of the contents of the application.

4.6 Detail in Application for a Renewable Energy Permit

Where application is made for Renewable Energy Approvals, the application shall ensure the following;

- a) That any structure supporting a wind turbine shall have a name plate capacity of more than 3kW (smaller turbines do not require a building permit);
- b) That a building-mounted solar collector shall have a face area equal to or greater than 5.0 m²; and
- c) meet the standards of Ontario Reg. 359/09.

4.7 Detail in Application for a Plumbing Permit

In addition to the requirements of Section 4.2 of this by-law, the Chief Building Official may request the following:

- a) plans to show the location of all drain, waste, and vents of proposed plumbing;
- b) that the permit only be granted to a licensed plumbing contractor, or their authorized agent or, an owner of a single-family dwelling who undertakes the plumbing work on the premises in which he or she resides providing it is accompanied by a detailed drawing acceptable to the CBO describing the detailed design of the proposed system or proposed changes.
- c) Exception: No plumbing permit shall be required for:
 - i. repairing or the replacement of a valve faucet or fixture;
 - ii. repairing a leak or forcing out a stoppage; or
 - iii. the replacement of a hot water tank.

4.8 Delegation to Chief Building Official

The Chief Building Official is authorized to execute the written agreement referred to in Section 4.4(c) of this by-law on behalf of the Corporation where;

- a) the Applicant has complied with Section 4.4; and,
- b) The Chief Building Official is satisfied that the compliance required under Section 8 of the Act has been achieved.

4.9 Contents of Agreement

The Chief Building Official may require financial securities be provided to the Corporation as a condition for issuance of a Conditional Permit.

4.10 Registration of the Agreement

Where deemed necessary by the Chief Building Official, the agreement referred to in Section 4.4(c) of this by-law may be registered on title to the lands upon which the building or part thereof is located or will be located for which the application for Permit has been made. All registration costs are the responsibility of the Owner of the property where the Work will be taking place.

4.11 No Implied Future Permits

The Chief Building Official shall not, due to the issuance of a Conditional Permit or Partial Permit be under any obligation to grant any further Permits.

4.12 Material Changes After Permit Issued

Should a Permit Holder wish to make any material change to any plan, specification, document or other information on the basis upon which the Permit was issued, the Permit holder must file an application for revision to the Permit. The provisions of Sections 4.0 and 5.0 of this by-law apply to the application for revision as if the application was entirely new.

4.13 Incomplete Applications

All Permit applications must contain the information required pursuant to this By-law. In addition, an application is incomplete where the Chief Building Official determines within 5 working days, not including day of submission, that the proposed work or change of use will not comply with the Act, the Building Code, or any other applicable law. The Chief Building Official may refuse an application if anything required by this Section or Section 5.1 is omitted or submitted in an incomplete or unsatisfactory state at the time of application and a written statement of reasons for the refusal must be provided.

4.14 Abandoned Applications

An application for a Permit is considered to have been abandoned by the Applicant where:

- a) the application is incomplete and remains incomplete six (6) months after it was submitted;
- b) the application is complete, a Permit is available to be issued, and six (6) or more months have elapsed from the date upon which the Corporation notified the applicant of the availability of the Permit.

4.15 Transfer of Permits

Where a property, which is the subject matter of an open Permit is sold, the new Owner shall obtain a transfer of the Permit into his or her name and, shall complete a Permit application and, shall pay the administrative transfer fee prescribed in the most current Fees By-Law. A new building permit will be issued, and the previous permit closed. The new Owner shall then be the Permit Holder for the purposes of this By-law, the Act and the Building Code.

4.16 Revocation of Permits

The Chief Building Official, subject to provisions outlined in subsection 8.(10) of the Act has the authority to revoke a permit issued under the Act.

4.17 Permit Allowances and Descriptions

The chart in Schedule "E" outlines and describes all permit types.

4.18 Permit Renewals

Permits to be renewed after an initial period of one (1) year but shall not be renewed for a period of longer than one (1) year, for every renewal period after the initial period.

5.0 PLANS AND SPECIFICATIONS

5.1 Submission

Every applicant shall submit two (2) sets of plans, specifications, documents and other information drawn using a strait edge/ruler on material that would enable the Chief Building Official to determine whether the proposed construction, demolition, or change of use conforms to the Act, the Building Code, including but not limited to plans as listed on Schedule "A" and any other applicable law.

5.2 Site Plans

Site plans shall be referenced to an up-to-date survey when available and, when required to demonstrate compliance with the Act, the Building Code or other applicable law. A copy of the survey shall be submitted to the Chief Building Official.

Site plans shall show:

- a) Lot size, dimensions of the property, setbacks to property lines for any existing or proposed buildings. All drawings are to be drawn to scale with the scale clearly identified and using a straight edge tool;
- b) The dimensioned location of any other existing building(s), pools, hot tubs, decks, wells, septic, hydro lines on the property;
- c) Existing right-of-ways, easements and municipal services;
- d) Exterior lighting details which conform with the Municipality's Lighting By-law.
- e) Location of any new proposed driveway from a public road. (A new driveway will require approval from the applicable public works department)

5.3 Grading plans

Grading Plans shall be referenced to an up-to-date survey when available and, when required to demonstrate compliance with the Act, the Building Code or other applicable law. A copy of the survey shall be submitted to the Chief Building Official and include:

- a) Accurate geodetic survey elevations when possible;
- b) A permanent bench mark for reference;
- c) Footing elevations, where step footings indicate elevations of all steps, elevations of footings on frost walls;
- d) Top of foundation wall where step foundations show all elevations;
- e) Average grade around foundation and spot elevations;
- f) Garage floor, basement floor, 1st and 2nd floor elevations, peak roof elevation, sump hole elevation and elevations of building heights where height of buildings are critical;
- g) Driveway, walkways, decks, retaining walls, walkout elevations, parking yards, turnarounds;
- h) Slopes of yards, driveways, terracing or berming;
- i) Swales, grade elevations, outlet elevations and inlet elevations.
- j) Drainage plan showing the location of termination of sump discharge line and/or any other appliance that discharges water to the exterior including downspouts, pools and hot tubs and surface drainage.

5.4 Essential Information

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

5.5 Wellhead Protection Areas and Intake Protection Zones

Lot grade and drainage plans must be submitted as part of the building permit application where a septic system is proposed in an area where it would be a significant drinking water threat (Wellhead Protection Areas (WHPAs) and Intake Protection Zones (IPZs) with a vulnerability score of 10 only). Two (2) copies of a site plan will be required to be completed by a Professional Engineer (P.Eng) registered in the Province of Ontario and shall include the following:

- a) Title block (owner/applicant, address/legal description of property, firm preparing the drawing, scale, date of submission, revision date);
- b) North arrow, legend, geodetic benchmarks used;
- c) Property lines, roads, existing surface features;
- d) Existing grades referenced to a permanent benchmark;
- e) Existing swales, ditches, watercourses, etc. with elevations and arrows indicating the surface drainage direction;
- f) Proposed location of buildings, septic tanks and outline of tile beds (septic system footprint/envelope referred to above), and well;
- g) Proposed final grades referenced to a permanent benchmark;
- h) Final drainage patterns with elevations and arrows indicating the drainage direction, including direction of drainage on proposed paved, graveled and grassed areas;
- i) Final features that impact drainage such as retaining walls, culverts, roof downspout locations.

5.6 Legibility

All plans submitted must be legible and drawn to scale upon paper or other suitable and durable material or electronic media approved by the Corporation.

5.7 “As Constructed” Drawings

On completion of the construction of a building, or part of a building, the Chief Building Official may require a set of “as constructed” plans, including a plan of survey showing the location and confirming the elevation of the building.

5.8 Corporation Property

Plans and specifications furnished in accordance with this by-law or otherwise required by the Act become the property of the Corporation and will be disposed of or retained in accordance with relevant legislation.

5.9 Alternative Solutions

Where an application for a permit or for authorization to make a material change to a plan, specification, document or other information based on which a permit was issued contains an alternative solution, the following information shall be provided to the Chief Building Official:

- a) identify an applicable objective, functional statement and acceptable solutions;
- b) describe a basis for past performance, established tests of the solutions or other evaluation of the solution.

6.0 FEES AND REFUNDS

6.1 Payment Required

Fees for the required permit shall be based on the service index as listed in the most current Fees By-Law. The Applicant shall pay these fees at the time of application. No Permit shall be issued until the fees have been paid in full. Administrative fees imposed after issuance of a Permit are due at the time the service is requested or required.

6.2. Changing Permit Fees

The Corporation, prior to passing a by-law under clause 7 (c) of the Act to introduce or change a fee imposed for applications for permits or for the issuance of permits, shall in accordance with sentence 1.9.1.2. of the Building Code do the following:

- a) hold at least one public meeting at which any person who attends has an opportunity to make representations with respect to the matter;
- b) ensure that a minimum of 21 days' notice of the public meeting is given to every person and organization that has, within five (5) days before the day of the meeting, requested such notice; and
- c) ensure that the notice include an estimate of the costs for administering and enforcing the Act, the amount of the fee or any change to the existing fee and the rationale for imposing or changing the fee.

6.3 Refunds

In the case of withdrawal or abandonment of an application, or the refusal or revocation of a permit, upon written request, the Chief Building Official shall determine the amount of fees, if any, that may be refunded, in accordance with Schedule "B" to this by-law.

6.4 Where Refunds Not Available

No refund of any portion of the Permit fee paid shall be made in the following circumstances:

- a) where the calculation in accordance with Section 6.3 of this by-law yields a payment of less than fifty (\$50.00) dollars;
- b) where a Permit was revoked (except where the revocation is due to an error by the Corporation); and
- c) in circumstances where the application has been deemed to have been abandoned in accordance with Section 4.14 of this By-law, and the applicant has not contacted the Corporation for a period longer than six (6) months.

6.5 Deposit Fees

At the discretion of the Chief Building Official, deposit fees as set forth in Schedule C” of this By-Law, may be required at the time of permit issuance.

6.6 Building Without a Permit

Where an owner commences with construction, demolition, building, or material alteration prior to the issuance of the required building permit the owner may be required to pay an administrative fee in the amount set forth in the current Fees By-Law for either a Major Project or a Minor Project.

7.0 NOTICE REQUIREMENTS FOR INSPECTIONS

7.1 Notices Under Subsection 1.3.5. Division C Part 1 of the Ontario Building Code:

- a) The Permit Holder or authorized agent shall notify the Chief Building Official of readiness for inspection at least two (2) business days (not including the day of notification) in advance of each stage of construction for which notice in advance is mandatory under article 1.3.5.1., Division C. Part 1 of the Building Code. After the mandatory notice has been given, an inspector shall undertake a site inspection not later than two (2) days after the notice is given.
- b) The Permit Holder or authorized agent shall notify the Chief Building Official of completion as prescribed by Section 11 of the Act or where occupancy is required prior to completion and shall notify the Chief Building Official of readiness for inspection to ensure that the requirements of Section 11 of the Act and subsection 1.3.5.1, Division C Part 1 of the Building Code are complied with.

- c) A notice pursuant to this section is not effective until written or oral notice is received by the Chief Building Official or his designate.
- d) Occupancy inspections are required for all projects that involve the occupancy of any new building or addition.
- e) Final inspections are required for all projects.

7.2 Additional Notices

The Permit Holder or authorized agent shall notify the Chief Building Official or his designate of commencement of construction of:

- a) a masonry fireplace; or
- b) completion of a public pool or public spa, or
- c) solid-fuel burning device - example (wood stove, fireplace insert, furnace)

7.3 Required Inspections

The following inspections are required under this By-Law.

- a) Underside of footing, excavation
- b) Forms for footing, foundation, piers, posts or other point loads
- c) Insulated Concrete Forms (ICF)
- d) Prior to Backfill of foundation includes damp proofing, water proofing, drainage layer, drainage tile, granular layer
- e) Plumbing - underground
- f) Framing I – all buildings, decks, accessory structures
- g) Mechanical components
- h) Plumbing Rough-in includes air/water tests, ball tests and design components
- i) Air Barrier/2nd plain of protection – if applicable
- j) Insulation/Vapour/Air Barrier
- k) Framing II – Subsequent framing of decks, or other areas not included in main inspection
- l) Insulation final – final including ceiling, documentation.
- m) Grading – rough grading away from building
- n) Occupancy – includes required framing, plumbing, mechanical, insulation, HVAC completion
- o) Final interior – all interior areas completed
- p) Final exterior – all grading, decks, guards, and landscaping completed

8.0 PRESCRIBED FORMS

- 8.1 The forms prescribed for use as applications for permits, orders and inspection reports shall be as set out in Schedule “C” to this By-law.

9.0 CONSTRUCTION DEMOLITION FENCING

9.1 Fencing Requirements

Where in the opinion of the Chief Building Official, a construction or demolition site presents a hazard to the public, the Chief Building Official may, under clauses 7(1) and 7(2) of the Act, require the erection of such fencing as he or she deems necessary to abate the hazard.

9.2 Fencing Requirements

The height of the fence shall be a minimum of 1.2 meters (4 feet) to be measured from the highest adjacent grade or higher, if in the opinion of the Chief Building Official, it is deemed necessary to ensure public safety.

9.3 Fencing Construction

Every fence required under this By-law shall be located on the perimeter of the site as determined by the Chief Building Official as follows;

- a) if of chain link construction, the chain link shall be fastened to a minimum 1½ inch inside diameter metal bar which is securely fastened to metal posts at not more than 3.0 meter (10 feet) on centre and embedded into the ground to provide rigid support;
- b) If of wood construction, the exterior face shall be minimum ½ inch exterior grade plywood or OSB or equivalent material that will not facilitate climbing. The facing shall be supported by a minimum 4x4 inch posts embedded in the ground at a minimum 2.4 meters on centre to provide rigid support;
- c) If the fence is snow fencing or plastic mesh type, the fencing should be securely fastened to steel T-bar posts at 3.0 meters on centre and embedded in the ground to provide a rigid support, and
- d) Other materials or methods may be substituted provided in the opinion of the Chief Building Official there is an equivalent degree of safety.

9.4 Fencing Openings

The fence may provide openings sufficient to accommodate access to the site provided these openings are closed off when work at the site has ended for the day.

10.0 CODE OF CONDUCT

The Chief Building Official and Inspectors shall be required to conform to the Municipality's Code of Conduct as detailed in Schedule "D" in this By-Law in accordance with Section 7.1 (1) of the Act.

11.0 ALLEGED BREACH OF CONDUCT IF UNRESOLVED AND DISPUTE RESOLUTION OF NON-TECHNICAL NATURE

Where it is the opinion of persons that a breach of conduct or non-technical disputes may have occurred, the following procedure shall be followed:

- a) A letter shall be delivered to the Chief Administrative Officer in confidence.
- b) The letter shall clearly explain the perceived violation of conduct, the date the violation occurred and who was affected
- c) The Chief Administrative Officer upon receiving this notice will, depending on the nature of the violation, discuss the matter with the perceived offender and obtain a written submission from the accused as to the detail
- d) The Chief Administrative Officer shall arrange a meeting between the parties to attempt to resolve the issue.
- e) A written declaration of the Chief Administrative Officer's action on the matter will be sent to all affected parties.

12.0 APPOINTMENTS AND CONTRACT AGREEMENTS

Staff and principal authorities shall be appointed by a By-law for specific duties based on qualifications and registration as set out in the Ontario Building Code. Appropriate appointments shall be registered with the Ministry of Municipal Affairs and Housing.

13.0 DISPUTE RESOLUTIONS, REVIEWS & APPEALS (Section 24 of the Act)

13.1 Section 24(1) of the Act outlines area of dispute.

13.2 Where a dispute occurs, all parties shall attempt to resolve the issue in an amicable manner.

- a) Issues of process and of a non-technical nature shall follow a similar process as outlined in Section 11 of this By-law.
- b) Issues of a technical nature or of direct interpretation of the Building Code Act or the Building Code shall be made through an application to the Building Code Commission for a hearing in accordance with Section 24(1) of the Act.
- c) The decision of the Building Code Commission shall be final.

14.0 PENALTIES AND OFFENCES

Any person who contravenes any provision of this By-law is guilty of an offence as provided for in Section 36 of the Ontario Building Code Act.

15.0 SCHEDULES "A", "B", "C", "D" AND "E"

Schedules "A", "B", "C", "D" and "E" hereto form part of this by-law.

16.0 REPEAL

By-law No. 16-13 and any other by-laws inconsistent with this By-law shall be and are hereby repealed.

17.0 ENACTMENT

This By-law shall come into full force and take effect on the passing thereof.

BY-LAW READ, passed, signed and sealed in open Council this 20th day of February, 2018.

Shaun McLaughlin, Mayor

Shawna Stone, Clerk

SCHEDULE "A" TO BY-LAW 18-23

LIST OF WORKING PLANS AND DRAWINGS REQUIRED FOR PERMIT

Unless otherwise noted, two (2) sets of the following plans must be submitted

- Site/Drainage Plan
- Framing Plans
- Reflected Ceiling Plans
- Building Elevations
- Heat Loss Gain Plan
- Energy Efficiency Design
- Duct Design
- Heating, Ventilation and Air Conditioning Drawings
- Plumbing drawings
- Fire Alarm and Sprinkler Plan
- Fire Separations and/or STC

Note: The Chief Building Official may specify that not all the above-mentioned plans are required to accompany an application for a permit.

SCHEDULE "B" TO BY-LAW 18-23

REFUND PERCENTAGES

- a) Eighty percent (80%) if application is filed and no processing or review functions have been performed;
- b) Seventy percent (70%) if administrative and zoning functions only have been performed;
- c) Forty-five percent (45%) if administrative, zoning, and plan examination functions have been performed;
- d) Thirty-five percent (35%) if the permit has been issued and no field inspections have been performed after permit issuance; and,
- e) Five percent (5%) shall additionally be deducted for each field inspection that has been performed after the permit has been issued.

SCHEDULE "C" TO BY-LAW 18-23

**PRESCRIBED MINISTRY OF HOUSING AND ONTARIO BUILDING
CODE FORMS**

- | | |
|--------|--|
| Form 1 | Application for a Permit to Construct or Demolish, incorporates Application for Conditional Permit |
| Form 2 | Application for Change of Use Permit |
| Form 3 | Commitment to General Reviews by Architect and Engineers |
| Form 4 | Order Requiring Tests and Samples under Section 18(1) of the Building Code Act, 1992 |
| Form 5 | Order to uncover under Section 13(6) of the Building Code Act, 1992 |
| Form 6 | Order Not to Cover or Enclose under Section 13(1) of the Building Code Act, 1992 |
| Form 7 | Order to Comply under Section 12(2) of the Building Code Act, 1992 |
| Form 8 | Stop Work Order under Section 14(1) of the Building Code Act, 1992 |

SCHEDULE "D" TO BY-LAW 18-23

BUILDING OFFICIALS CODE OF CONDUCT AS PASSED BY COUNCIL

1.0 Introduction

The Municipality of Mississippi Mills has created this code of conduct in accordance with the provisions of the Building Code Act. Building Officials undertake building certification functions that ensure the quality, structural integrity and safety of buildings. Building Officials are exposed to potential conflicts of interest because of the special powers conferred on them. The conduct and behavior of the Municipality of Mississippi Mills Building Officials reflects the Municipality of Mississippi Mills Building Department's commitment to the highest standards of professionalism, technical competence, skill, honesty, fairness and independence. Building Officials observe both the letter and the spirit of this code of conduct as it pertains to situations that bear on their responsibilities.

2.0 Purpose

The purposes of this code of conduct are to:

- promote appropriate standards of behavior by Building Officials in the exercise of their powers and performance of their duties;
- prevent practices which may constitute an abuse of power, and
- promote appropriate standards of honesty and integrity.

3.0 Standards of Conduct and Professionalism

In addition to any Policy and with respect to any "Code of Ethics and Conduct applying to all municipal staff", Municipality of Mississippi Mills Building Officials shall undertake always to:

- 1) Act in the public interest, particularly regarding the safety of building works and structures;
- 2) Maintain their knowledge and understanding of the best current building practice, the building laws and regulations relevant to their building certifying functions;
- 3) Commit themselves to a process of continuous education to constantly be aware of developments in building design, practice and the law relevant to their duties;
- 4) Comply with the provisions of the Building Code Act, the Building Code and any other Act or Law that regulates or governs Building Officials or their functions;
- 5) Avoid situations where there may be, or where there may reasonably appear to be, a conflict between their duties to their clients, their profession, their peers and the public at large and their personal interests;
- 6) Not act beyond their level of competence or outside their area of expertise;
- 7) Apply all relevant building laws, regulations and standards strictly and without favour and independent of the influence of interested parties;

- 8) Perform their inspections and certifying duties impartially and in accordance with the highest professional standards.
- 9) Not divulge any confidential or sensitive information or material that they become privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy.
- 10) To avoid any conduct that could bring Building Officials or the Municipality of Mississippi Mills into disrepute;
- 11) Extend professional courtesy to all;
- 12) Accept responsibility for the conduct of their subordinate employees;
- 13) Maintain current accreditation to perform the functions assigned to them;
- 14) Take all reasonable steps to ascertain and document all available facts relevant to the performance of their duties; and
- 15) Exemplify compliance with all regulations and standards that govern building construction, health and safety or other matters related to their status as a Building Official.

4.0 Guideline for Responding to Misconduct Allegations

The Building Code Act provides that the performance of Building Officials will be measured against this code of conduct. In response to any allegation of a breach of this code, the Chief Building Official shall direct an investigation and where appropriate, recommend disciplinary action against any Building Official who fails to comply with this code of conduct. Where the allegation is against the Chief Building Official; the Planner, as Supervisor will direct the investigation and make such recommendations as are reasonable to the Chief Administrative Officer.

In determining the appropriate discipline, the Chief Building Official or Planner/Chief Administrative Officer will have regard to the relevance of the conduct to the Official's powers and responsibilities as well as the severity of any misconduct. Disciplinary Action arising from violations of this code of conduct is the responsibility of the Municipality of Mississippi Mills Administration and is subject to relevant collective agreements, or employment laws and standards.

SCHEDULE "E" TO BY-LAW 18-23

PERMIT FEE DESCRIPTIONS

Description	Permit Information
RESIDENTIAL	
Single Family Dwelling Unit	Details: Includes all finished areas above the basement, all finished basement areas, all plumbing fixtures, 1 - rear deck of unlimited size, 1 - front porch and up to a 3-bay attached garage. All items must be included at time of application.
Townhouse/ Row House/ Carriage House/ Garden Suites Dwelling Unit	Details: Includes all finished areas above the basement, all finished basement areas, all plumbing fixtures, 1 - rear deck of unlimited size, 1 - front porch and up to a 3-bay attached garage. All items must be included at time of application.
Semi Detached Dwelling Unit	Details: Includes all finished area above the basement, all finished basement areas, all plumbing fixtures, 1 - rear deck of unlimited size, 1 - front porch and up to a 2-bay attached garage. All items must be included at time of application.
Apartment Unit	Details: Includes Finished Apartment with all Plumbing Fixtures and Balcony/Patio.
Buildings relocated to Municipality without a CAN-CSA A277 certificate.	Details: As described for a single-family dwelling unit. Includes all finished areas above the basement, all finished basement areas, all plumbing fixtures, 1 - rear deck of unlimited size, 1 - front porch and up to a 3-bay attached garage. All items must be included at time of application.
Buildings relocated to Municipality with a CAN-CSA A277 certificate.	Details: Fee, as described for a 'Foundation or Crawl Space' only. All other construction will require additional fees.
Residential Finished Area	Details: New residential apartment units, additional finished basement area and, other projects of similar nature as determined by the Chief Building Official.
Foundation or Crawl Space	Details: Fee for new foundations under existing buildings and/or future buildings.
Residential Accessory Building or Carport	Details: Maximum size of 400ft ² for 'accessory building', any 'accessory building' greater than that area will be charged as a 'New Residential Garage'. No size limit on Carport.
Residential Garage (Detached or Attached and Un-insulated)	Details: Not used for commercial uses other than basic home-based business uses permitted in the most current version of the Mississippi Mills Zoning By-Law
Residential Garage Detached/Attached/Insulated	Details: Not used for commercial uses other than basic home-based business uses permitted in the most current version of the Mississippi Mills Zoning By-Law

Uncovered Deck	Details: Includes decks on ground and decks with in ground footings.
Covered Deck / Porch	Details: Includes floating decks on ground and/or decks with roof supports and in ground footings.
Verandah	Details: Same as a covered deck or porch but enclosed and not heated.
Landing	Details: Covered/Uncovered, on ground/in-ground & footings support no greater than 25 sq. ft. area.
Residential Pool – no deck	Details: Fully surrounded by a required barrier as per the most current pool bylaw requirements.
Residential Pool - with deck	Details: Deck is free standing and is fully surrounded by a required barrier as per the most current pool bylaw requirements.
Residential Hot Tub	Details: Hot tub with locking lid or fencing requirement as per the most current pool bylaw requirement.
Residential Basement Repairs (Non-Structural)	Details: Damp-proofing, waterproofing, weeping tile replacement, parging etc.
Residential Basement Repairs (Structural)	Details: Block work, insulation and vapour barrier after wall repair, concrete repair, butrices etc.
Material Alterations affecting residential/public property affecting safety	Details: Changes to exterior cladding, windows, doors, roofs and such that may create a hazard or reduce the fire separation to an adjoining property.
AGRICULTURAL	
Grain Bin/Coverall/Pole Barns/Storage Shed	Details: All building areas included
Commercial Engineered Farm Buildings 1-2999 sq. ft.	Details: For commercial farming (e.g. commercial milking operations)
Commercial Engineered Farm Buildings 3000 sq. ft. +	Details: For commercial farming (e.g. commercial milking operations)
COMMERCIAL	
Interior Fit Up and Renovations for all buildings	Details: For all occupancies (except residential)
Commercial, Industrial, Institutional, Retail, Business and Personal Service, Assembly Occupancies.	Details: New Construction or additions

Commercial Cold Storage Garage, Self Storage Units and Warehouse Shell Only 1-1499 sq. ft.	Details: For group F occupancies only, any offices, assembly, or retail area to be separate permit and adhere to New Occupancy rates
Commercial Cold Storage Garage, Self Storage Units and Warehouse Shell Only 1500-2999 sq. ft.	Details: For group F occupancies only, any offices, assembly, or retail area to be separate permit and adhere to New Occupancy rates
Commercial Cold Storage Garage, Self Storage Units and Warehouse Shell Only 3000 sq. ft.	Details: For group F occupancies only, any offices, assembly, or retail area to be separate permit and adhere to New Occupancy rates
Material Alterations that may affect neighbouring property/public safety	Details: Changes to exterior cladding, windows, doors, roofs and such that may create a hazard or reduce the fire separation to an adjoining property.
OTHER FEES	
Heating System, Fireplace, Solid Wood Burning Appliances	Details: All occupancies
Solar Panels on a Building	Details: For all occupancies
Plumbing Fixtures	Details: For new installed sinks, toilets, showers, laundry tubs etc. Along with new vent and drain pipes. Not required for changing of taps, toilets showers etc. where it does not require relocation of DWV.
Change of Use Permit	Details: Minimum Fee
Alterations of permit and plans	Details: Charged at hourly rate
Permit Transfer/Permit Renewal	Details: Fee cost is minimum fee per permit
Permit Revoking	Details: Fees are not eligible for refund.
Minimum Permit Fee	Details: Minimum Fee as provided for in current fee by-law.
Extra Inspection Fee	Details: Includes inspections beyond average required inspections for similar project and/or more than one (1) re-inspection of required inspections. Payable by cheque to inspector onsite or pre-payment at office - no inspection will be done without payment.
Building with no Permit - Minor	Details: Farm buildings, additions (less than 500 sq. ft.), decks, pools, finished basements and other similar permits – CBO may, at their discretion, reduce the established fee.
Building with no Permit - Major	Details: For all other projects – CBO may, at their discretion, reduce the established fee.
Agreements (Conditional)	Details: For all projects
Conditional Permits	Details: For all projects
Occupancy Certificates	Details: For all projects

