

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

BY-LAW NO. 80-2007

A BY-LAW TO PROVIDE FOR ADMINISTRATION AND ENFORCEMENT OF THE BUILDING CODE

WHEREAS Section 7 of the Building Code Act, S.O. 1992, c. 23, as amended, empowers Ontario municipalities to pass certain by-laws respecting the enforcement and administration of the Act;

AND WHEREAS the Building Code Act, S.O. 1992, c.23, as amended, and the Municipal Act, S.O. 2001, c. 25 (the "Municipal Act, 2001") provide that Ontario municipalities may impose fees for activities regulated under the Act, as defined herein, and for actions undertaken on behalf of the municipality;

AND WHEREAS Council deem it necessary to provide a comprehensive Building By-Law for the municipality as defined herein.

NOW THEREFORE, Council for The Corporation of the Municipality of Lambton Shores hereby enacts as follows:

INTERPRETATION - DEFINITION

1. For the purpose of this By-Law, the following words and expressions are defined, and where the same words and expressions are defined in the Building Code, the definitions in the Building Code shall prevail:

"Act" means the Building Code Act, S.O. 1992, c. 23, as amended and shall include any Regulations passed pursuant to the Act.

"Agent" includes a person representing the owner by designation or contract.

"Applicant" means the owner of a building or property who applies for a permit or any person authorized by the owner to apply for a permit on the owner's behalf, or any person or corporation empowered by statute to cause a demolition of a building or buildings and anyone acting under the authority of such person or corporation. Where applicable, the term "Applicant" may include a Registered Code Agency, Designer, architect, or engineer.

"Application" shall mean an Application to obtain permission to complete work under this By-law.

"As constructed plans" shall have the meaning ascribed thereto in the Building Code.

"Architect" means a holder of a license, a certificate of practice, or a temporary license under the Architects Act (Ontario), as amended.

"Building" has the same meaning ascribed thereto in the Act, including all structures designated as "buildings" under the Act.

“Building Code” shall have the meaning ascribed thereto in the Act.

“Building Inspector” means the person or persons appointed from time to time by the Council as a Building Inspector.

“Change Certificate” shall have the meaning ascribed thereto in the Act.

“Chief Building Official” means the person appointed by the Council and other persons falling within the definition of Chief Building Official in the Act.

“Code of Conduct” shall have the meaning ascribed thereto in the Act.

“Council” means the Council of The Corporation of the Municipality of Lambton Shores.

“Construct” shall have the same meaning ascribed thereto in the Act and “construction” has a corresponding meaning. For clarity, construction means to do anything in the erection, installation, extension or material alteration or repair of a building or structure and includes the installation of a building unit fabricated or moved from elsewhere.

“Demolish” means to do anything in the removal of a building or any material part thereof and “demolition” has a corresponding meaning

“Designer” shall have the meaning ascribed thereto in the Act and its Regulations.

“Encroachment” includes both a temporary encroachment and a permanent encroachment.

“Fee” means the fee prescribed in Schedule “A” to this By-Law.

“Municipality” means The Corporation of the Municipality of Lambton Shores.

“Occupancy Permit” means an Permit issued in accordance with the minimum standards required in the Code, and pursuant to this By-Law.

“Owner” means any person having any right, title or interest in the subject property including without limitation the registered owner, the beneficial owner, a joint tenant and tenant in common owner of the subject property, a lessee, mortgagee in possession and the authorized agent in lawful control of the property.

“Permanent encroachment” means a new or existing encroachment on property of the municipality whether below, at or above the surface, and includes, but is not limited to, a bay window, a wall, foundation, porch, steps, entrance shelter, fire escape, chimney, fence, hedge, tree, ornamental rock garden or flower bed, community gate or sign, tunnel, vault, pipe, storage tank or duct, awning, canopy, marquee or any other thing or object that encroaches upon property of the municipality and is not a temporary encroachment.

“Permit” means written permission or authorization from the Chief Building Official to perform work, to change the use of a building or part thereof, or to occupy a building or a part thereof, as regulated by this By-Law, the Act and/or the Building Code.

“Permit holder” shall have the meaning ascribed thereto in the Act and the Building Code.

“Plumbing” shall have the same meaning ascribed thereto in the Act.

“Professional engineer” or “engineer” means a licensed professional engineer who holds a certificate of authorization issued by the Association of Professional Engineers of Ontario or who is employed by a partnership or corporation authorized by the Association to offer professional engineering services to the public.

“Registered Code Agency” shall have the meaning ascribed thereto in the Act.

“Sewage system” means a sewage system referred to in Section 1(1) of the Act.

“Swimming pool” means a swimming pool, constructed or fabricated and located for swimming, wading, diving, and bathing and which when filled is capable of containing a depth of 75 cm (29.5”) or more of water, but does not include a wading pool, bladder pool, or inflatable type pool which is not capable of containing a depth of more than 75 cm (29.5”) of water and which may be emptied on a daily or frequent basis, and further, does not include a pond or reservoir utilized solely for agriculture purposes;

“Temporary encroachment” means a new or existing encroachment on property of the municipality whether at, above or below the surface that is used on a temporary basis for no more than six (6) months for purposes including, but not limited to, decorations, planters, canopies, outdoor patios, patios, courier drop boxes, refuse containers, sales kiosks, awning, canopy, marquee, equipment, equipment for the construction, repair, renovation, alteration, maintenance or demolition of a building including a construction trailer and any other encroachment of a temporary nature, but not including open storage

“Work” means construction, demolition or the moving of a building, swimming pool, fence, walkway, sewage system, plumbing system or any part thereof.

1.1 Any word or term not defined in this By-Law shall have the meaning ascribed to it in the Act or the Building Code.

2. CLASSES OF PERMITS

The classes of permits and the fees for each class as set out in Schedule “A” of this By-Law are hereby established.

3. PROHIBITIONS

3.1 No person shall construct or demolish a building or structure or cause a building or structure to be constructed or demolished unless a permit has been issued for the work by the Chief Building Official.

3.2 No person shall occupy or use a building or any part thereof without obtaining an Occupancy Permit from the Chief Building Official.

3.3 No person shall occupy or use a building, or any part thereof, following a Change of Use of the building without obtaining the required Change Certificate from the Chief Building Official.

3.4 No person shall construct a sewage system without obtaining the required sewage system permit from either the Chief Building Official or such other person having authority to issue the sewage system permit.

3.5 No person shall construct a plumbing system without obtaining the required plumbing permit from the Chief Building Official or such other person having authority to issue the required plumbing permit.

3.6 No person shall construct or install a swimming pool without obtaining the required swimming pool permit from the Chief Building Official.

3.7 No person shall, unless authorized by the Chief Building Official, alter, reverse, deface, cover, remove, or in any way tamper with any notice, permit or certificate posted or issued pursuant to the provisions of this By-Law, the Building Code, and/or the Act.

3.8 No person shall erect, locate or construct a building or structure of any type within 75 metres of a licensed well or facility ("facility" means any works used to store, process or transport any substance produced from or injected into a well) located on the same property, unless the well or facility has been decommissioned in accordance with the Oil, Gas and Salt Resources Act and its regulations.

4. AUTHORITY OF CHIEF BUILDING OFFICIAL

4.1 The Chief Building Official shall have the authority to undertake all actions authorized by Council, and authorized under the Building Code, the Act and the regulations issued thereunder. Without limiting the generality of the foregoing, the Chief Building Official shall have the right but not the obligation to:

(a) administer and enforce this By-Law, the Act and the Building Code;

(b) retain records of submitted applications, permits and orders issued, inspections, reports and tests, copies of all papers and documents connected with the administration of this By-Law, the Act and the Building Code in accordance with the Municipal retention by-law;

(c) take such action or require any action to be taken that he considers necessary in order to establish whether any method or type of construction or material used in the construction of a building conforms with the requirements and provisions of this By-Law, the Act, the Building Code and any other applicable law;

(d) enter in accordance with the Act, this By-Law or the Building Code upon any building to determine whether this By-Law, the Building Code, the Act and any permit or order issued thereunder have been complied with;

(e) issue any orders required to bring any building or other work undertaken pursuant to this By-Law into compliance with this By-Law, the Building Code and the Act and any other applicable law;

(f) issue a stop work order or other cessation of work that is proceeding in contravention of this By-Law, the Building Code, the Act or any Permit or Order issued thereunder.

5. GENERAL SECTION:

PERMITS

5.1 The Chief Building Official shall issue and release a permit under this By-Law provided the following prerequisites have been fulfilled:

(a) an Application has been completed to the satisfaction of the Chief Building Official;

(b) the work proposed in the Application complies with the Building Code, the Act, this By-Law and all other applicable law; and

(c) the fee prescribed as set out in Schedule "A" hereto has been paid.

CONTENTS OF APPLICATION

5.2 To obtain a permit, the owner or authorized agent shall complete an application for a permit in the form prescribed by the Province of Ontario and shall include such additional and further information as the municipality and the Chief Building Official shall require.

Without limiting the generality of the foregoing, the Application may require the information listed in Schedule "B" to this by-law, and further, be required to include:

(a) the signature of the Applicant, the owner, the owner's contractor or the owner's agent;

(b) the intended use or uses of the building or structure;

(c) the estimated value of the proposed work in the Application;

(d) exhibits, copies, specifications and scale drawings of the building or structure showing such details as may be required by the Chief Building Official;

(e) information necessary to establish compliance with this By-Law, the Act, the Building Code, the Zoning By-Law of the municipality, and all other applicable laws;

(f) details of the grades and elevations of the streets and public services including sewer and drainage abutting the parcel and showing access to the buildings, parking, driveways, or site drainage and finished grades all tied into the integrated survey area;

- (g) a survey in a form satisfactory to the Chief Building Official;
- (h) drawings of any proposed plumbing system or sewage system;
- (i) details relating to any services for the building or structure in a form satisfactory to the Chief Building Official;
- (j) sufficient information to enable the Chief Building Official to determine whether or not the proposed construction, demolition, change of use or other work will conform with the Act, the Building Code and any other applicable law; and
- (k) such further and other materials as the Chief Building Official may require.

5.3 The Chief Building Official's decision regarding any application shall be rendered in compliance with the Act, the Building Code, and any other applicable law and, in the event the Application is denied, shall include such reasons for the decision as may be required.

5.4 On completion of the construction of a building, the Chief Building Official may require a set of as constructed plans.

5.5 LAPSING:

A permit issued under this by-law shall lapse:

- (a) if construction of any building or other structure does not commence within six (6) months from the date the permit is issued;
- (b) if work is discontinued or suspended for a period of more than six (6) months;
- (c) at the expiration of 24 months, unless an extension agreement is entered into between the applicant and the Municipality.

There shall be no fee refund or automatic renewal for a permit that lapses in accordance with the provisions of this By-Law. If a permit lapses, the owner shall apply for a new permit for any work that has yet to be completed as of the date that the permit has lapsed;

GENERAL

5.6 the exterior finish of the structure shall be completed within twelve (12) months of the date the permit is issued and prior to occupancy, whichever occurs first;

5.7 If inspections are required by the municipality due to violations or failure of the applicant due to violations of this By-Law, the Act, the Building Code or any other applicable law, or due to the failure of the Applicant to have the work accessible and ready for inspection at the time the inspection is requested, the Chief Building Official may, in his sole and absolute discretion, charge additional inspection fees in accordance with the fees listed in Schedule "A" attached hereto;

5.8 The Applicant shall not complete any work that is at variance with the descriptions, plans and specifications submitted in the Application, unless the variance has been authorized in writing by the Chief Building Official;

5.9 Notwithstanding the issuance of the permit, no person shall complete any work or carry out any construction pursuant to any issued permit that is contrary to a provision of this By-Law, the Building Code, the Act, or any other applicable law;

5.10 The Chief Building Official may revoke a permit if there is a violation of a condition under which the permit was issued or a violation of this By-Law, the Building Code, the Act, or any other applicable law. Such permit revocation shall be in writing and communicated to the permit holder;

5.11 The owner and the Applicant shall be responsible for determining that the building site will not be affected by flooding caused by surface run-offs or otherwise, by land slip or other hazards and shall ensure that flooding or run off from the property onto an adjacent property will not occur as a result of the construction;

5.12 Neither the granting of the permit nor acceptance of plans and specifications in the Application, or inspections made by or on behalf of the municipality, shall in any way relieve the owner from full responsibility to perform the work in strict compliance with this By-law, the Building Code, the Act, and any other applicable law;

5.13 The Chief Building Official and the municipality shall have the authority to exercise its powers under this By-Law, the Act, the Building Code, and any other applicable law.

5.14 Prior to approval of a foundation for a new dwelling, a licensed Ontario Land Surveyor's certificate or survey will be required by the Chief Building Official and work shall not proceed until the siting of the foundation has been approved. A survey of the foundation of an addition to a building may also be required, if, in the opinion of the Chief Building Official, the addition does not appear to meet the required zoning by-law setbacks. No person shall fail to provide a required survey.

5.15 If an owner proposes an "alternate solution" as authorized in the Building Code, that application shall be made on the form affixed as Schedule "F" to this by-law.

5.16 The Applicant is responsible for the cost to repair any damage to public property resulting from work for which a permit has been issued under this By-Law.

6. PHASED CONSTRUCTION

6.1 The Chief Building Official may, at his discretion, issue a permit for the construction of a part of a building before the entire plans and specifications for the whole building have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the By-Law.

When approval of a portion of a building or project is desired prior to the issuance of a permit for the complete building or project, the Owner shall:

(a) submit an application to the Chief Building Official and all the required fees for the phased portion of the project shall be paid, in addition to an administration fee as noted in Schedule "A"; and

(b) at a minimum, file complete plans and specifications covering the portion of the work for which immediate approval is desired with the Chief Building Official; and

(c) enter into an agreement with the Municipality, including, but not limited to, details on the construction of the remainder of the project, the removal of the works if the balance of the project does not proceed, and the arrangements for securing the site for the protection of the public; assurances that the building will be kept in a condition safe and hazard free condition at all times during construction ; and

(d) enter into a site plan agreement if required.

(e) if required, provide a certified cheque in a form and an amount satisfactory to the Chief Building Official which will guarantee that the building will be removed entirely and the site left in a safe condition if the permit expires or the project does not proceed.

6.2 Where a permit is issued for part of a building or project, this shall not constitute authorization to proceed with construction beyond the plans for which approval has been provided nor shall such partial approval be considered any assurance that approval will necessarily be granted for the entire building or project.

6.3 Although the permit for part of the building or project may be issued in such circumstances, the requirements of this By-Law, the Act and the Building Code shall apply to the remainder of the building, as if the permit had not been issued.

7. TEMPORARY BUILDINGS

7.1 Subject to compliance with other applicable By-Laws, and upon the applicant entering into an agreement with the municipality outlining the conditions under which the permit would be issued, the Chief Building Official may issue a permit for the erection or placement of a temporary building (a "building permit for a temporary building") if he is satisfied that the building is safe for the stated use and duration.

7.2 The word "temporary" as used in the subsection, shall mean a period not exceeding twelve (12) months.

7.3 In addition to the requirements for a permit issued under this By-Law, an application for a permit to construct a temporary building shall be accompanied by:

(a) plans satisfactory to the Chief Building Official showing the location of the building on the site and construction details of the building;

(b) a statement or agreement detailing the intended use and the duration of the temporary building's use; and

(c) if required, a certified cheque in a form and an amount satisfactory to the Chief Building Official which will guarantee that the building will be removed entirely and the site left in a safe condition if the permit expires or the project does not proceed.

8. DEMOLITION PERMITS

8.1 All lands situated within the boundaries of the municipality are hereby designated areas of demolition control pursuant to Section 33 of the Planning Act, R.S.O. 1990, c.P.13

8.2 Before a demolition permit is issued, the Applicant shall deliver to the municipality a demolition permit application in the form prescribed by the Province of Ontario and/or the municipality, the demolition permit application fee, including the fee necessary for the inspection of municipal services after the building is removed.

8.3 Upon receipt of the required information and fees, the Chief Building Official shall determine in his sole and absolute discretion, whether to issue the demolition permit.

8.4 Notwithstanding this section and any decision of the Chief Building Official, the Applicant is responsible for the cost to repair any damage to public property resulting from work for which a demolitions permit has been issued under this By-Law.

8.5 Notwithstanding the above, a person is exempt from the requirements to obtain a permit under the Act for the demolition of a building located on a farm.

8.6 The exemption noted in 8(5) does not exempt the owner from the requirement for a permit for the inspection of the disconnection of services if the property is served with Municipal water or sanitary sewers.

9. INSPECTIONS

9.1 The Applicant and the owner shall, during construction, request the Chief Building Official to make or cause to be made inspections at the following phases:

(a) after the excavation, forms for footings or footings and foundation are complete, including the placement of all reinforcing steel as required by the Building Code, supported in place, but prior to placing of any concrete therein.

(b) after removal of form work from a concrete foundation and installation of perimeter drain tiles and damp proofing, but prior to backfilling against the foundation;

(c) when the framing and sheathing of the building are complete including, fire-stopping, bracing, chimney, duct work, rough plumbing, rough wiring, roof and crawl space venting, but before any insulation, lath or other interior or exterior finish is applied which would conceal such work;

(d) after the installation of the fireplace smoke damper but prior to the installation of the first flue liner and any material that would conceal the details of the construction of the fire-box and smoke chamber;

(e) when the insulation and vapour barrier have been completed but before any interior finish is applied which would conceal such work;

(f) an Occupancy inspection after the building is completed and ready for occupancy but prior to occupancy or use of the building;

(g) a final inspection after all exterior work is complete including final grading and exterior cladding.

9.2 The Applicant and the owner shall ensure that no work is done on any part of the building or structure beyond that point indicated in each successive inspection report without first obtaining the written approval of the Chief Building Official.

9.3 The required inspection shall be made by giving notice to the Chief Building Official a minimum of two (2) working days prior to the inspection being required, and the owner shall not proceed with any further work which would prevent a thorough inspection until the inspection has been completed and the work has been approved. A request for inspection pursuant to this part of the By-Law is not effective until written or oral notice is received by the Chief Building Official.

10. ENCROACHMENTS DURING CONSTRUCTION

10.1 If, in the opinion of the Building Inspector, a fence or covered walkway is necessary for the protection and safety of the public during the construction or maintenance of a building, it shall be erected in accordance with this section.

10.2 A covered walkway shall be a minimum of 1.22 metres in width and shall be equipped with red warning lights to warn of its existence to approaching pedestrians or traffic.

10.3 No fence or covered walkway shall be erected in such a way as to obstruct direct access to any fire hydrants, catch basins, or to obstruct light from street lamps.

11. ENCROACHMENTS

11.1 No person shall occupy or encroach on a highway or portion of it in connection with the construction or maintenance of a building without first obtaining an encroachment permit for that purpose from the municipality.

11.2 Before an encroachment permit is issued, the Applicant and owner shall deliver to the municipality an encroachment application in the form prescribed by the Province of Ontario and/or the municipality, together with the fees and deposits prescribed in Schedule "A".

11.3 Upon receipt of the encroachment application and the required fees and deposits, the Chief Building Official shall determine in his sole and absolute discretion whether to issue the encroachment permit.

11.4 Prior to the approval of a permit application, the applicant shall enter into an Encroachment Agreement with the Municipality.

11.5 The Encroachment Agreement may include such further and other provisions as may be required by the municipality and/or the Chief Building Official depending on the details of the encroachment.

11.6 Any person submitting an encroachment permit application shall, if required, acknowledge in writing in a form satisfactory to the Chief Building Official that requirements of the municipality's other By-laws must also be complied with prior to the encroachment permit being issued by the municipality.

11.7 The Applicant and owner requiring such encroachment or occupancy shall agree in writing to indemnify and save harmless the municipality from and against all claims, liability, costs and expenses arising out of the granting of highway occupancy and shall post with the municipality an insurance policy to provide security for that indemnity having terms satisfactory to the municipality, and naming the municipality an additional insured for the project.

11.8 Where permission is granted pursuant to this section, no person shall encroach or, occupy or encumber any portion of the highway beyond one-half of the width abutting the sidewalk, and in the event that no sidewalk exists, the encroachment shall not exceed three (3) metres provided, however, a wider encroachment will be permitted if a structure is built, according to plans approved by the Chief Building Official, to protect any person using the highway.

12. ESSENTIAL SERVICES

12.1 No permit for the construction of any residential, commercial or industrial building shall be issued unless the following essential services are provided for:

(a) ROAD. A road within the dedicated road allowance of sufficient strength, grade and width is available to provide ready access to the property by fire and emergency vehicles at all times;

(b) WATERMAIN. A public water service or other source of supply of water approved by the Municipality or such other approval authority having jurisdiction, is available for the building or structure unless water is not required for the particular use of a building or structure;

(c) SANITARY SEWER/SEPTIC SYSTEM. A public sewer or other approved method of sewage disposal has been installed to service the building or structure, or an application for same is submitted with the plans;

(d) STORM DRAIN. An approved method of storm drainage disposal has been installed to service the building or structure;

(e) ACCESS TO PROPERTY. A driveway of sufficient strength, grade, and width is available for access to all buildings by fire and emergency vehicles.

12.2 Any connection by an owner or Applicant to municipal services shall be completed by the municipality and on terms satisfactory to the municipality. The owner and the

Applicant shall comply with such terms as may be imposed by the municipality or Chief Building Official for the connection of municipal services, including, without limitation, any policy adopted by the municipality from time to time in connection with municipal services and the payment of all applicable fees.

13. POOLS

13.1 Before any swimming pool permit is issued, the Applicant and owner shall deliver to the municipality a swimming pool permit application in the form prescribed by the Province of Ontario and/or the municipality and, without limiting and in addition to the general requirements for a permit set out in this by-law, the following information shall also be included:

- a) municipal address where the pool is proposed;
 - b) construction value for the swimming pool;
 - c) contractor's name and address;
 - d) site plan which provides the following details:
 - i. pool location and configuration;
 - ii. dimensions to property lines and existing buildings;
 - iii. Location of the septic system and area bed
 - iv. fence location which confirms compliance with the municipality's fence by-law and includes the type of construction;
- In addition, for above-ground swimming pools, the site plan shall include a site plan that shows the limits of the new deck around the pool;
- v. if the deck is greater than 24" above ground, additional drawings may be required including a sketch, cross section and guard details; and
 - vi. a deck permit may be required when the deck surface is greater than 24" above the adjacent ground service;
- (e) particulars relating to all water supplied, piping, waste piping, appurtenances and other related infrastructure for the swimming pool; and
 - (f) such further and other information that the Chief Building Official may require to determine compliance with this By-Law, the Act, and the Building Code.

13.2 Upon receipt of a swimming pool permit Application, the Chief Building Official shall determine, in his sole and absolute discretion, whether to issue the swimming pool permit.

13.3 For clarity, in addition to the provisions of this By-Law, the installation of a swimming pool must comply with the provisions of this by-law, the Building Code, the Act, and all other applicable laws, including fencing regulations..

14. FEES – Miscellaneous

14.1 The Chief Building Official shall determine the required fees for the work proposed calculated in accordance with Schedule “A” of this By-law, and the applicant shall pay such fees upon receipt of the permit.

14.2 Any person or corporation who commences construction, demolition or changes the use of a building before submitting an application for a permit or before a permit is granted, or before the elapse of the time period within which permits shall be issued in accordance with the Building Code regulations, shall in addition to any other penalty under the Act, Building Code, or this By-law, pay an additional fee equal to 100% of the amount calculated as the regular permit fee, in order to compensate the Corporation for the additional expenses incurred by such early start of work.

14.3 In the case of withdrawal of an application or the abandonment of all or a portion of the work, or the non-commencement of any project, the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the applicant, if any, in accordance with Schedule “A” of this By-law.

15. TRANSFER OF PERMITS

15.1 A permit is transferable only after the new owner or the new Applicant completes a “Transfer Permit Application” in accordance with the requirements of this By-Law, as shown on Schedule “G”.

15.2 A fee shall be payable on a permit transfer as provided in Schedule “A” of this By-Law.

15.3 The new owner or the new Applicant shall, upon the transfer of a permit, be the permit holder for the purpose of the Act, the Building Code and this By-Law.

16. AGENTS OF THE OWNER

Any Registered Code Agency, Designer, professional engineer, engineer or architect shall provide to the Chief Building Official satisfactory evidence of compliance with all requirements of the Act, the Building Code, and any other applicable law, failing which the Registered Code Agency, Designer, engineer or architect shall not be permitted to complete work on behalf of any Applicant, owner or the municipality.

17. PROFESSIONAL CERTIFICATION

17.1 Where the site conditions, the size or complexity of the proposed work or an aspect of the proposed work to which a permit relates requires in the opinion of the Chief Building Official, certification by a professional engineer or architect that the plans submitted with the Application comply with the Building Code, the Act, the Application, this By-Law and

any other applicable law, the Chief Building Official may require the Applicant and owner to provide such certification. Such certification may be required prior to or after issuance of the permit. If such certification is provided, the permit issued by the municipality shall include an endorsement confirming that it is issued in reliance upon the certification by the professional engineer or architect.

17.2 Notwithstanding any other provisions of this By-Law, whenever in the opinion of the Chief Building Official the proposed work requires specialized technical knowledge, he may require, as a condition of the issuance of a permit, that all drawings, specifications and plot plans, or any part of them, be prepared, signed and sealed by and the construction carried out under the supervision of an architect or professional engineer having the necessary qualifications. Where an architect or professional engineer designs the work the said professional shall sign a letter of commitment, as set out in Schedule "B" attached hereto. The Chief Building Official shall determine, at his discretion, which of the required inspections and reports shall be completed and submitted by the architect or professional engineer.

GENERAL PROVISIONS

18. In the event that any term, covenant, or provision of this By-Law is declared by a court of competent jurisdiction to be invalid, in whole or in part, this shall not affect the validity of the remaining provisions of this By-Law.

19. Notwithstanding Section 25 of this By-Law, for any Application received prior to the date of enactment of this By-Law, the Application shall be governed by the regulations in place at the time of the issuance of the permit.

20. Nothing in this By-Law shall relieve any person from any obligation to comply with the requirements of any other By-Law or legislation or with the requirement to obtain any licence, permit, certificate, authority, approval, consent or remit any fee, required planning applications, security deposit, letter of credit or any other security or payment otherwise required.

21. Where any section, clause or provision of this By-Law conflicts with any section, clause or provision of any other By-Law of the municipality, the section or clause or provision that establishes the higher standard shall prevail.

22. Where any act or any portion of any act is referred to in this By-Law, such reference shall be interpreted as referring to any subsequently re-numbered sections of the Act and/or changes to the date of the Act and/or amendments or revisions to the Act or re-enactments of the Act or any legislation that replaces the Act.

23. If any Owner or Applicant, by any act or omission, contravenes any term, covenant, provision of this By-Law or any permit issued hereunder, without in any way limiting the obligations of such applicant or owner, the municipality shall have the right, but not the obligation, to take such actions as may be necessary to remedy the contravention of the term, covenant, provision or any permit issued hereunder. In the event that the municipality takes such actions as are necessary to remedy any contravention of any term, covenant, provision of this By-Law or any permit issued hereunder, the municipality

shall have the right to collect any costs, disbursements or other expenses in like manner as the collection of municipal taxes.

24. NOTICE

Any notice required under this By-Law shall be effectively given when:

(a) personally delivered to the intended recipient;

(b) mailed pre-paid registered mail to the intended recipient at his last known address shown on the records of the municipality; or

(c) by posting a notice on the property of the intended recipient.

Notice personally delivered to the intended recipient shall be deemed received on the date of delivery. Notice given by pre-paid registered mail shall be deemed received on the third business day following the mailing thereof. Notice posted on any property owned by the intended recipient shall be deemed received the day following delivery thereof.

25. REPEAL

All previous Building By-Laws passed by the Municipality of Lambton Shores or any of its predecessor Municipalities are hereby repealed.

26. PENALTY SECTION

Any person who breaches a section of this By-law is guilty of an offence and subject to a penalty as provided under the "Provincial Offences Act".

Read a FIRST and SECOND time this 17th day of September, 2007.

READ A THIRD TIME AND FINALLY PASSED THIS 17th DAY OF SEPTEMBER, 2007.

MAYOR - Gord Minielly

CLERK - Carol McKenzie

SCHEDULE "A"
 FEES FOR CLASSES OF PERMITS and associated services*
 (in addition to applicable development charges)

Type of Construction	
Residential Dwellings, Including mobile homes and park models – Main floor	\$7.00 per sq. metre
Additional living space – Lofts, finished basements, second storey	\$3.50 per sq. metre
Attached garage in conjunction with a permit for a new home	\$2.00 per sq. metre
Minimum Permit	\$ 200.00
Residential Additions	\$7.00 per sq. metre
Commercial - Buildings and Additions - Including patios and decks	\$7.00 per sq. metre
Minor Alterations - no structural change, or value under \$ 2,500.	no fee or permit
Institutional	\$ 7.00 per sq. metre
Alterations - Value between \$ 2,500. and 10,000.	\$200.00
Alterations - Value over \$10,000.	\$ 200.00 plus \$ 7.00/1000*
Decks and Porches - over 2 feet in height	\$150.00
Deck or Porch with a roof installed	\$7.00 per sq. metre
Fire places and Wood burning appliances	\$150.00
Accessory Building- under 10 sq. metres	No fee or permit required
Accessory Building- over 10 sq. metres	\$200.00
	\$200.00
Industrial - Manufacturing	No fee or permit required
Swimming Pool	\$150.00
Farm Structure - excluding dwelling	\$ 2.50 per square metre
	\$ 250.00 minimum
	\$1,500.00 maximum
Additional Structure under the same permit	\$200.00
Demolition	\$150.00
Additional Demolition fee if property serviced with water/sewers	\$150.00
Met (meteorological) Tower	\$150.00
Road Bond - where applicable - Refundable	0
Other structures designated as buildings under the code	\$ 200.00 plus \$ 7.00/1000*
Building Inspection Security Deposit	\$ 250.00 small project**
** Deposit is forfeited if permit lapses.	\$ 750.00 larger project**
Heavy Load Deposit	\$ 5,000.00
Security deposit for grading certificates	\$ 150.00
Wind Turbine	\$ 200.00 plus \$ 7.00/1000*
Water Service Installation Inspection – existing dwelling	\$ 100.00

Building without a permit	An additional 100% of the amount of the calculated permit fee.
Administration Fee – Phased Permit	\$ 200.00 – in addition to the calculated permit fee
Transfer of permit	\$ 50.00
Withdraw of Application	\$ 150.00
Application to use alternate solutions in objective based 2006 code	\$200.00 plus \$ 50.00 per hour of review Deposit - \$ 1,000.00
Encroachment permit	\$ 200.00
Hourly Rates	\$ 50.00 per hour per person

* **per thousand dollars of construction** - Value determined by multiplying the number of square metres of the structure by \$ 1,345.00 (\$125.00 per square foot)

SCHEDULE "B"

BY-LAW NO. 80-2007

LETTER OF COMMITMENT

TO: THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES,
BUILDING DEPARTMENT,
P.O. BOX 610
FOREST, ONTARIO N0N 1J0

RE: PROJECT: _____

PROPERTY OWNER: _____

PROPERTY LEGAL DESCRIPTION: _____

LOCATION: (MUNICIPAL ADDRESS) _____

PERMIT NUMBER _____

I/WE being the Architect/Engineer for the above noted project, certify that I have sealed the drawings and I will be responsible for the structural inspections of the building during construction.

On substantial completion of the project, a letter will be submitted to THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES, Building Department, confirming that the building was constructed according to the sealed structural drawings and in compliance with the Ontario Building Code.

DATE SIGNED

Name – Please print

Firm Name

Name – Please sign

Address

Postal

Telephone Number

Fax Number

SCHEDULE "C"

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

BYLAW NO. 80-2007

List of plans or working drawings to accompany applications for permits.

1. Site plan.
2. Floor plan
2. Foundation plan
3. Framing plan, including engineered floor drawings, if applicable.
4. Roof plan, including engineered truss drawing, if applicable.
5. Reflected ceiling plans.
6. Sections and details.
7. Building elevations.
8. Heating, ventilation, air conditioning drawings.
9. Plumbing drawings.
10. Fire alarm system drawings.
11. Standpipe and hose drawings.

Note: The Chief Building Official may specify that not all the above-mentioned plans are required to accompany an application for permit. However, when plans are required, two (2) copies of each must be submitted before an application can be accepted for processing.

**Code of Conduct for Building Officials
Schedule 'D' to By-law 80-2007**

APPLICATION

This Code of Conduct applies to the Chief Building Official for the Municipality of Lambton Shores and each Building Official.

PURPOSE

The Code of Conduct for Building Officials is enacted in accordance with Section 7.1 of the Building Code Act 1992 (the "Act") which requires a Code of Conduct for the following purposes:

1. To promote appropriate standards of behaviour and enforcement actions by the Chief Building Official and Inspectors in the exercise of a power or the performance of any duty under this Act or the Building Code.
2. To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by the Chief Building Official and Inspectors in the exercise of power or the performance of a duty under the Act or the Building Code.
3. To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under the Act or the Building Code by the Chief Building Official and Inspectors.

EXPECTED STANDARDS OF BEHAVIOUR AND PERFORMANCE OF DUTY

The Chief Building Official and Inspectors are expected to:

1. Promote the safety of buildings with reference to public health, fire protection, structural sufficiency, barrier free accessibility, conservation and environmental integrity;
2. Apply the act and the Building Code impartially, without influence, and in accordance with all applicable legislation;
3. Perform their duties within the respective area of qualification obtained in accordance with the Act;
4. Perform duties with due diligence, honesty and integrity;
5. Extend professional courtesy to all;
6. Commit themselves to a process of continual education on current building practices;
7. Manage confidential and sensitive information in accordance with all relevant legislation and corporate guidelines; and
8. Avoid situations where there may be a conflict, or where there may reasonably appear to be, a conflict between their duties to the Municipality, the public at large and their personal interests.

ALLEGATIONS OF BREACHES OF THE CODE

Contradictions of this Code of Conduct are a serious matter to the Corporation and will be dealt with as such. The Chief Building Official will review all allegations made against an Inspector. Allegations made against the Chief Building Official will be reviewed by the Municipality of Lambton Shores' Administration.

Upon review of the allegations, either the Chief Building Official in the case of complaints against Inspectors, or the Administration in the case of complaints against the Chief Building Official, may determine an appropriate course of action to resolve the complaint.

CORRECTIVE ACTION AND/OR DISCIPLINARY ACTION

If a complaint is substantiated, the Chief Building Official in the case of complaints against Inspectors, or the Administration in the case of complaints against the Chief Building Official, will determine the corrective action and/or disciplinary action arising from the contravention of the Code.

Corrective action and/or disciplinary action may include, but is not limited to, the following:

1. an apology
2. counselling
3. education and training
4. warning
5. suspension/leave without pay
6. demotion
7. transfer
8. dismissal

Schedule "E" – By-law 80-2007

APPLICATION FOR A PROPOSED ALTERNATIVE SOLUTION - Submitted by Applicant

Project:					
Proponent Name:					For Office Use Comments
Company:					
Address:					
Contact Information:					
Agent:					
Qualifications:				BCIN	
Summary of Proposed Alternative Solution					
Applicable Division B Provisions					
Sentence		Summary of Provision			
Applicable Objectives and Functional Statements					
				Level of Performance Established in Submission Documentation (yes/no)	
Sentence		Functional Statement	Objective	Division B	Proposed Alternative Solution
Supporting Documentation					
		Author		Title of Documentation	
1.					
2.					
3.					

