

STAFF REPORT:

PLANNING & BUILDING SERVICES (BUILDING & BY-LAW)



REPORT TO: Planning & Building Services
MEETING DATE: November 2, 2009
REPORT NO.: SRB.09.22
SUBJECT: Building Permits By-law Update
PREPARED BY: Greg Miller, Manager Building & By-law

A. Recommendations

THAT Council receive Staff Report SRB.09.22 respecting "Building Permits By-law Update"; and,

THAT Town Staff provide notice of a public meeting in accordance with Subsection 7.-(6) of the *Building Code Act*, to receive input on the proposed changes to the Building Permits By-law.

B. Background

1. The *Building Code Act*, 1992 enables municipalities to collect fees for building permit applications and charges municipalities with the responsibility for the administration and enforcement of the *Building Code Act* (BCA) and related Regulations (Ontario Building Code - OBC).
2. The BCA requires municipalities to ensure the building permit and related fees do not exceed the anticipated reasonable costs associated with the delivery of Building Code services.
3. The Town's current Building Permits By-law was amended in October 2007 where Council approved an average increase of 15% to increased operating costs principally associated with the assignment of overhead costs (Budgeting, Payroll, Human Resources, etc.) and additional required inspections for housing (sanitary sewer and water service connections).
4. The purpose of this Report is to update the Building Permits By-law in light of changes to the BCA and OBC; update the Building Permits By-law in advance of the Town's assumption of On-site Sewage Inspections on January 1, 2010; and, to update the Town's Building Permit fees to address the Program's net position in light of a significant decrease in building permit activity.

The Blue Mountains Building Code Program

5. The Town's Building Code Program is currently supported by approximately 2.75 Building Inspectors (FTE's) and 1 support person. This is reflected by:
 - a. Director, Planning & Building Services (DCBO) (10% time allocation)
 - b. Manager, Building & By-law/Chief Building Official (60% time allocation)
 - c. Building Inspector (95%)
 - d. Plans Examiner/Building Inspector (100%)
 - e. Building Inspector – Contract (600 hrs/year)

f. Permits & Inspection Assistant (95%)

6. Changes to the BCA and the OBC since the 2007 permit fee adjustments resulted in over 700 technical changes which has significantly increased plan review and inspection time for each permit application. Changes include increased energy efficiency requirements such as full height insulation in basements; mandatory sprinkler systems for building four stories in height; new requirements permitting the use of green technologies; significant changes to plumbing system installations and design and mandatory turn-around time for permit applications and inspections.

The additional Building Code requirements have further increased time spent with applicants, designers and building practitioners.

7. There are a number of factors that impact the delivery of service. These include:
 - a. Mandatory turnaround times for permit applications;
 - b. Mandatory inspection upon notice given to the Chief Building Official;
 - c. The large geographic area of the municipality requiring greater travel times; and,
 - d. The type of housing stock being developed being historically being large, custom and complex dwellings that require in-depth/detailed plans review and inspections.
8. As part of the 2010 Budget process, Staff evaluated the services provided versus mandated services, minimum required service coverage requirements, municipal best practices, pending assumption of On-site Sewage Systems and evaluated the potential risk associated with decreasing the service level provided and concluded that the current staffing compliment would suffice.

Revenues & Expenditures

9. From 2000 – 2006 the Town's Building Code Program generated revenues in excess of expenditures. The Building Inspection Reserve Fund was established in 2006 with the surplus that was realized that year. The surplus realized in 2006 was fully expended in 2007. In 2007, 2008 and 2009, money was "borrowed" to balance the Program's books.
10. The Town's Draft 2010 Budget currently projects Building Inspection Total Transfers & Expenditures of \$637,871. This represents a decrease of 11.3% from 2009.
11. The \$637,871 in Transfers & Expenditures is principally comprised of \$296,900 in Salary & Benefits (46.6%), \$71,871 in insurance (11.3) and \$205,404 in Transfers (Transfers to Capital and Inter-functional Transfers)(32.2%).
12. Projected revenue for 2010, factoring in increases proposed by this Report, is \$377,000 (representing a net operating deficiency of \$260,871).

Proposed Permit Fees By-law

13. Given the forgoing, it is recommended that the Building Permits By-law be updated to reflect the 2006 Building Code requirements, On-site Sewage System Permits (to be assumed by the Town January 1, 2010), entrenching the requirements for a Code of Conduct for Building Officials and to increase the permit and related fees to cover the anticipated costs of providing the Town's Building Code Program.

Proposed Fees

14. Each permit type has been reviewed based on average time spent on permit and inspection functions and includes the direct and indirect cost associated with delivering the Building Code program.
15. The average increases for most building permit fees, save and expect for the flat fee rates, represents an approximate 20% increase.
16. The building permit fee for a detached single family dwelling with an area of 2,500ft² (232m²) would increase from \$2,450.00 to \$2,995.00.
17. With a projected 88 single family detached and row house dwellings in 2010 the proposed permit fees will provide an increase of \$48,000 in revenue.
18. The proposed increase in permit fees will establish rates that will be significantly higher than other municipalities in this area however it is noted that the type of applications, and related complexity, being considered in this municipality is significantly different.

Future

19. There are a number of significant changes to the BCA and OBC that will impact plan review and inspection services which will need to be considered and have not been addressed in the proposed fee increases. These include:
 - a. The Ministry of Municipal Affairs and Housing is currently considering changes to the OBC that would:
 - i. Increase requirements for energy efficiency with new houses required to meet EnerGuide 80 or equivalent;
 - ii. Third party verification of proposed energy efficiency and confirmation of post construction evaluation; and,
 - iii. Mandatory inspections for verification of air barrier systems and building envelope features.
 - b. The Ontario Accessibility and Disabilities Act – the Built Standard proposes major changes to increase accessibility of not only buildings but pathways, parking lots, etc. to those buildings. It is anticipated that the majority of the proposals under consideration will be incorporated into the Building Code which will increase plan review and inspection time significantly.

C. The Blue Mountains' Strategic Plan

"Providing a strong, well managed municipal government."

D. Budget Impact (cc: Treasury if required)

Projected increase in revenue of \$55,000 in 2010 based on 88 single family detached and row house dwellings and other miscellaneous construction.

E. Addendums

- Appendix A - Proposed 2010 Building Permit Fee Comparison
- Appendix B – Draft Building Permits By-law
- Appendix C – Code of Conduct for Building Officials

Respectfully submitted,

Greg Miller
Manager, Building & By-law/CBO

David Finbow
Director, Planning & Building Services

APPENDIX A

RECOMMENDED BUILDING PERMIT FEES FOR 2010 BUILDING CODE PROGRAM

A. CONSTRUCTION: New Buildings; Additions to Existing Buildings

BUILDING CLASSIFICATION/OCCUPANCY	Existing Rate (By-law 2001-67) \$/m ² (\$/ft ²) or Flat Fee	Proposed Rate (Jan. 1, 2010) \$/m ² (\$/ft ²) or Flat Fee
Group A (Assembly Occupancies)		<i>Min. 20% Increase or as Noted</i>
Shell Buildings	\$9.15 (\$0.85)	\$11.00 (\$1.02)
Finished Buildings	\$10.76 (\$1.00)	\$12.91 (\$1.20)
Group B (Institutional Occupancies)		
Medical Care Facilities, Nursing Homes and other Group B Buildings	\$12.38 (\$1.15)	\$14.86 (\$1.38)
Group C (Residential Occupancies)		
Detached, Semi-detached, Town/Row Houses	\$10.55 (\$0.98)	\$12.91 (\$1.20)
Pre-fabricated Detached Dwelling	\$7.25 (\$0.78)	\$8.70 (\$0.94)
Multi-Unit Buildings, Motels, Hotels	\$9.15 (\$0.85)	\$11.00 (\$1.02)
Group D – (Business and Personal Service Occupancies)		
Shell Buildings	\$7.00 (\$0.65)	\$8.40 (\$0.78)
Finished Buildings	\$9.15 (\$0.85)	\$11.00 (\$1.02)

Group E (Mercantile Occupancies)		
Shell Buildings	\$6.00 (\$0.55)	\$7.20 (\$0.66)
Finished Buildings	\$8.10 (\$0.75)	\$9.75 (\$0.90)
Group F (Industrial Occupancies & Farm Buildings)		
Heavy and Specialized Industrial Buildings	\$6.00 (\$0.55)	\$7.20 (\$0.66)
Industrial Buildings, Warehouses, Underground Parking Garages	\$4.30 (\$0.40)	\$5.16 (\$0.48)
Service Floors above or below grade, Mezzanines	\$4.30 (\$0.40)	\$5.16 (\$0.48)
Aboveground Parking Garages, Lightly Serviced Storage Buildings	\$3.22 (\$0.30)	\$3.86 (\$0.36)
Farm Buildings	\$2.15 (\$0.20)	\$2.60 (\$0.24)
Pre-fabricated Farm Buildings/Cover-All Structures	\$1.08 (\$0.10)	\$1.08 (\$0.12)
All Occupancies		
Permanent Tent, Air Supported Structure	\$3.22 (\$0.30)	\$4.00 (\$0.37)
Sprinkler Installation	\$250.00	\$300.00
Fire Alarm System	\$250.00	\$300.00

B. ALTERATIONS, RENOVATIONS AND TENANCY WORK

BUILDING CLASSIFICATION/OCCUPANCY	Existing Rate (By-law 2001-67) \$/m² (\$/ft²) or Flat Fee	Proposed Rate (Jan. 1, 2010) \$/m² (\$/ft²) or Flat Fee
Groups A and B	\$4.00 (\$0.37)	\$5.00 (\$0.46)

Groups C, D, E and F.	\$2.50 (\$0.23)	\$3.00 (\$0.28)
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C. MISCELLANEOUS PERMITS

DESCRIPTION	Existing Rate (By-law 2001-67) \$/m² (\$/ft²) or Flat Fee	Proposed Rate (Jan. 1, 2010) \$/m² (\$/ft²) or Flat Fee
Finished Basement	\$2.15 (\$0.20)	\$5.63 (\$0.52)
Detached Garage	\$2.50 (\$0.23)	\$4.00 (\$0.37)
Attached Garage (Also see exception)	\$2.50 (\$0.23)	\$4.00 (\$0.37)
Accessory Building to a Single Dwelling Unit Building	\$75.00	\$150.00
Decks, Porches, etc. to a Single Detached Building (<i>non-enclosed</i>)	\$75.00	\$150.00
Fireplaces, Wood Burning Stoves	\$75.00	\$100.00
New Sanitary Drainage/Water Service Pipes	\$75.00	\$100.00
Conditional Permit The normal fee for the proposed construction plus an additional 10 percent of that fee. The minimum fee per application shall be \$150.00. The maximum fee per application shall be \$1,000.00.	\$100.00	\$150.00

Model Home Permit Model Home Agreement preparation - \$650.00 plus letter of credit and securities	\$500.00	\$500.00
Partial Permit The normal fee for the proposed construction plus an additional \$150	\$100.00	\$100.00
Plumbing Permit (Stand Alone Permit) Internal plumbing New Sanitary Drainage/Water Service Site Servicing – Cost per \$1,000.00 of the estimated cost of construction.	\$75.00 \$75.00 \$3.00/\$1,000	\$100.00 \$100.00 \$4.00/\$1,000.00
On-Site Sewage System Permit Class 2, 3, 4 or 5 New/Replacement System Class 4 or 5 Tank Replacement ONLY Class 4 Leaching Bed Repair Site	- - -	\$525.00 \$200.00 \$200.00
Mechanical Permit All groups (except systems serving residential)	\$2.50 (\$.020)	\$3.00 (\$.20)
Public Pools & Public Spas Public Pool/Spa Public Pool – principle use Public Spa – principle use	\$400.00 \$1,000.00 \$250.00	\$400.00 \$1,000.00 \$250.00
Temporary Buildings/Structures Permits for temporary buildings or structures to be erected for a period not to exceed 14 days	\$100.00	\$100.00

Permits for temporary buildings or structures to be erected for a period in excess of 14 days	\$200.00	\$200.00
Tent Permit – One Time Fee (per calendar year - for a maximum of 10 permits)	\$250.00	\$250.00
Demolition Buildings within the scope of Sentence 1.2.2.3.(1), Division C of the Ontario Building Code	\$300.00	\$300.00
Demolitions (non-farm buildings)	\$75.00	\$100.00
Move Building (Demolition) from Site	\$50	\$50.00
Change of Use (No Construction)	\$150	\$150.00
Change of Ownership	\$50	\$50.00
Revision to a Permit		
i) Minor (dimension reduction of rooms, interior non load bearing, minor elevation changes, etc.)	\$50	\$100.00
ii) Major (structural modifications enlarged building area, elevation modifications, building system and component changes, etc.)	\$50	\$125/hour (Minimum \$250)
Other Construction Balcony guard replacements, balcony repairs, canopies, parking garage repairs, portable classrooms, repairs, underpinning and other construction	\$8/\$1,000	\$8/\$1,000 (as determined by the Chief Building Official)

D. OTHER CHARGES:

DESCRIPTION	Existing Rate (By-law 2001-67)	Proposed Rate (Jan. 1, 2010)
<p>Compliance Letter Fees Fee for a written response to a request for Zoning By-law, Work Order/Active Permits, Official Plan Designation and Survey Review</p> <p>Fee for a written response to a request for commentary on Agreement Compliance</p> <p>Sewage system review related to Planning applications (minor variance, consent, etc.)</p>	<p>\$60.00</p> <p>\$100.00</p> <p>-</p>	<p>\$100.00</p> <p>\$125.00</p> <p>\$175.00</p>
<p>Re-inspection Fee (Where upon request for inspection it is identified that a deficiency from a previous inspection has not been rectified or an inspection reveals that the stage of construction requested to be inspected is not substantially completed - fee to be paid prior to any further inspections.)</p>	<p>\$50.00</p>	<p>\$150.00</p>
<p>Pre-Permit Surcharge Fee An Administrative Surcharge of the greater of \$100.00 or 50% of the permit fee will apply if construction has commenced prior to the issuance of the permit.</p>	<p>\$100 up to 50% of permit fee</p>	<p>\$100 up to 50% of permit fee</p>
<p>Deferred Inspection (dormant \geq 12 months) (Where a permit file has been dormant for a period in excess of 12 months.)</p>	<p>\$75.00</p>	<p>\$100.00</p>

THE CORPORATION OF THE
TOWN OF THE BLUE MOUNTAINS

By-Law No. 2009-_____

A By-law under the *Building Code Act*, S.O. 1992, c.23,
respecting Permits and Related Matters

WHEREAS Section 7 of the *Building Code Act*, S.O. 1992, c.23, authorizes a municipal council to pass by-laws concerning the issuance of permits and related matters;

NOW THEREFORE THE COUNCIL OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. **SHORT TITLE**

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

2. **DEFINITIONS**

In this By-law:

- (a) "**Act**" means the *Building Code Act*, S.O. 1992, c.23, as amended.
- (b) "**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 the demolition of a building or buildings and anyone acting under the authority of such person or corporation.
- (c) "**Building Code**" means the regulation under Section 34 of the *Act*.
- (d) "**Chief Building Official**" means the Chief Building Official appointed by Council under Section 3(4) of the *Act*.
- (e) "**complete building permit application**" means an application that meets the minimum requirements for applications set out in Article 1.3.1.3., Division C of the Building Code and the requirements of this by-law.
- (f) "**conditional permit**" means a building permit issued by the *Chief Building Official* under subsection 8(3) of the *Act*.
- (g) "**demolish**" means demolish as defined in subsection 1(1) of the *Act*.
- (h) "**owner**" means the registered owner of the land and includes a lessee, mortgagee in possession and the person in charge of the property.
- (i) "**permit**" means permission or authorization given in writing by the *Chief Building Official* to perform work regulated by the *Act* and *Building Code*, or to occupy a building or part thereof.
- (j) "**permit holder**" means the person to whom the *permit* has been issued and who assumes the primary responsibility for complying with the *Act* and the *Building Code*.
- (k) "**sewage system**" means a sewage system as defined in Sentence 1.4.1.2.(1) of the Building Code.
- (l) "**Town**" means the Corporation of the Town of The Blue Mountains.

- (1) Terms not defined in this By-law shall have the meaning as described to them in the *Act* or the *Building Code*.

3. CLASSES OF PERMITS

Classes of permits required for construction, demolition or change of use are set forth in **Schedule "A"** appended to and forming part of this By-law.

4. REQUIREMENTS FOR PERMIT APPLICATIONS

General Requirements

- 4.1 Every permit application shall meet the minimum requirements of this section and shall:
- (a) be submitted by the applicant;
 - (b) file an application in writing by completing the prescribed form as required by Regulation or where no forms are available, on a form prescribed by the *Chief Building Official* permitted under Clause 7(f) of the Act; and
 - (c) be accompanied by the required fees calculated in accordance to this by-law.
- 4.2 Additional prescribed forms permitted under Clause 7(f) of the *Act* is delegated to the *Chief Building Official* pursuant to Section 23.1(1) and (4) of the Municipal Act, 2001 . Any prescribed forms shall be approved in writing by the Chief Building Official and shall be applicable to applications after such approval.
- 4.3 The *Chief Building Official* may provide prescribed forms in electronic format and may allow for the electronic submission of completed application forms and related documents.
- 4.4 Notwithstanding subsection 4.1, completed forms generated electronically or submitted through the Town's website shall be subject to the endorsement of the applicant.
- 4.5 Every application for a building permit shall be submitted to the *Chief Building Official* and shall contain the following information:

Applications for Permits to CONSTRUCT

Where application is made for a construction permit under subsection 8(1) of the *Act*, the application shall:

- (a) Include and identify and describe in detail the work, use and occupancy to be covered by the *permit* for which the application is made;
- (b) identify and describe in detail the existing occupancy and uses and the proposed uses(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 building or demolition is to occur;
- (d) be accompanied by plans and specifications as described in this by-law or as required by the *Chief Building Official* as necessary to determine the scope of construction or change proposed under the permit application for determination of compliance with the *Act*, *Building Code*, applicable and this by-law;
- (e) be accompanied by the required fees or partial payment as

calculated in accordance with **Schedule "B"**;

- (f) state the names, addresses and telephone numbers of the owner, applicant, architect, engineer or other designer, and the constructor or person hired to carry out the demolition, as the case may be;
- (g) when Section 1.2, Division C of the Building Code applies, or as required by the *Chief Building Official*, be accompanied by a signed acknowledgement of the owner on a form prescribed by the *Chief Building Official* that an architect or professional engineer, or both, have been retained to carry out the general review of the construction or demolition of the building;
- (h) include, where applicable, the registration number of the builder or vendor as provided in the *Ontario New Home Warranties Plan Act*, as may be amended or replaced from time to time;
- (i) state estimated valuation of the proposed work including material and labour; and
- (j) be signed by the *applicant* who shall certify as to the truth of the contents of the application.

Applications for Permits to DEMOLISH

4.6 In addition to the requirements of subsection 4.1 to 4.5 above, every demolition *permit* application shall:

- (a) when Section 1.2, Division C of the *Building Code* applies, be accompanied by structural design characteristics of the building and the method and time schedule of the demolition; and
- (b) be accompanied by satisfactory written proof on a form prescribed by the *Chief Building Official* that arrangements have been made with the proper authorities for termination and capping of all the water, sewer, gas, electric, telephone or other utilities and services.
- (c) describe the method of demolition, including the methods of discarding waste material and location of where waste material is to be taken. Approval from the Manager, Solid Waste and Environmental Initiatives prior to disposing at the municipal landfill.

Applications for Conditional Permits

4.7 In addition to the requirements of subsection 4.1 to 4.5 above, every conditional *permit* application shall, on a form prescribed by the *Chief Building Official*:

- (a) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional *permit* is not granted;
- (b) state the outstanding necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and,
- (c) be subject to an applicant entering into an agreement as provided for in the *Act* on a prescribed form provided by the *Chief Building Official*.

Applications for a Model Home Permit

4.8 In addition to the requirements of subsection 4.1 to 4.5 and 4.7 above, every model home *permit* application shall:

- (a) Include payment of securities in the amount of \$10,000 or as

otherwise approved by the Director, Planning & Building Services;

- (b) Include payment of all fees and charges as outlined in this by-law;
- (c) Execution of Model Home Agreement/Sales Office Agreement and Site Plan Approval conforming to the conditions in **Schedule "D"** of this by-law.

Applications for a Change of Use Permit

- 4.9 In addition to the applicable requirements of subsection 4.1 to 4.5 above, every change of use *permit* application under subsection 10(1) of the Act shall:
- (a) describe the building or part thereof in which the occupancy is to be changed; and,
 - (b) 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, floor and roof assemblies identifying required fire resistance rating and load bearing capacities and details of the existing sewage system, if any.

Applications for a Sewage System Permit

- 4.10 In addition to the requirements of subsection 4.1 to 4.5 above, every sewage system *permit* application shall:
- (a) include a completed On-Site Sewage System Design Criteria form;
 - (b) include a completed Site Plan for On-Site Sewage Systems form; and
 - (c) unless otherwise specified by the Chief Building Official, conform to the requirements in **Schedule "E"** of this by-law.

Issuance of Permits

- 4.11 The *Chief Building Official* shall, where conditions in section 4 and section 6 of this by-law have been fulfilled, issue a *permit* for part of a building subject to compliance with the *Act*, the *Building Code* and any applicable law.
- 4.12 The *Chief Building Official* may, where conditions in Subsection 8(3) to 8(5) of the *Act* and subsection 4.7 above have been fulfilled, issue a conditional permit for a building subject to compliance with the *Act*, the *Building Code* and any applicable law.
- 4.13 The *Chief Building Official* shall not, by reason of the issuance of a *permit* or *permits* for a part or parts of the building issued under subsections (4) and (5) be under any obligation to grant any further *permit* or *permits* therefore.
- 4.14 Where an application for a *permit* remains incomplete or inactive for six months after it is made, the application may be deemed by the *Chief Building Official* to have been abandoned and notice thereof shall be given to the *applicant*.

Additional Information

- 4.15 The acceptance or processing of an application under this by-law by the *Chief Building Official* shall not be deemed to prohibit the *Chief Building Official* from providing the applicant to supply further information, plans, specifications or details as may be necessary to:
- (a) determine compliance with the *Act*, *Building Code*, this by-law or other applicable law, or
 - (b) to determine the fees required to be calculated under this by-law.

Without the applicant supplying such information as requested by the *Chief Building Official*, the application may be determined to be incomplete or denied for issuance.

Incomplete Application

- 4.16 Where an application is determined to be incomplete in accordance with Sentence 1.3.1.3.(5), Division C of the *Building Code* or this by-law, the *Chief Building Official* may accept and process the application where the applicant acknowledges that the application is incomplete by completing a prescribed acknowledgment form.

Inactive Permit Application

- 4.17 (a) where an application for a permit remains incomplete or inactive for six months from the date the application was received, the *Chief Building Official* may refuse to process the application by deeming it to have been abandoned, and shall give written notice to the applicant via regular mail or by electronic email at the address indicated on the application.
- (c) where a permit has been deemed to be abandoned, a new application and corresponding fees must be submitted for any work proposed in the abandoned application.
- (d) permit fees may be refunded in accordance to **Schedule "C"** of this by-law where applicable.

5. PLANS AND SPECIFICATIONS

5.1 Every applicant shall furnish,

- (a) Two (2) complete sets of sufficient plans for residential projects and three (3) complete sets for new commercial or multi residential buildings with specifications, documents and other information to enable the *Chief Building Official* to determine whether the proposed construction, demolition, or change of use conforms to the *Act* and the *Building Code*. Sufficient plans, at the discretion of the *Chief Building Official*, shall include:

Site Plan (see subsection b, c and d below)

Floor Plans

Foundation Plan

Framing Plan

Reflected Ceiling Plan

Cross Section and Details

Building Elevations

Electrical Drawings

Heating, Ventilation and Air Conditioning

Plumbing Drawings

Sewage System Drawings

- (b) a site plan referenced to a current plan of survey certified by a registered Ontario Land Surveyor and a copy of such a survey shall be filed with the municipality unless this requirement is waived because the *Chief Building Official* is able, without having a current plan of survey, to determine whether the proposed work conforms to the *Act*, the *Building Code*, and any other applicable law. The site plan will include;
- i) lot size and dimensions of property;
- ii) setbacks from existing and proposed buildings to property boundaries and to each other;

- iii) existing and finished ground levels, including grades, pattern of drainage and swale and sloped grading details;
 - iv) existing and proposed elevations or underside of footings, finished basement slab, top of foundation wall and finished first floor level; and,
 - v) existing rights of way, easements and municipal services.
- (c) where required by Town By-law No. 2002-78, a Drainage and Grading Plan prepared by a Professional Engineering or Ontario Land Surveying firm.
 - (d) in addition to the above requirements, residential grading shall conform with Section 4.10 of The Blue Mountains Engineering Standards.
- 5.2 Plans submitted shall be legible and be drawn to scale upon paper or other suitable and durable material.
- 5.3 The *Chief Building Official* shall determine the number of plans, specifications, documents and other information required to be furnished with an application for permit having regard for the requirements of any *Act*, regulation or by-law respecting the examination or circulation of the application.
- 5.4 The *Chief Building Official* may require, where deemed appropriate, that a professional engineer and/or architect design and review work for all or part of the work.
- 5.5 On completion of the construction of a building, the *Chief Building Official* may require a set of as constructed plans, including a plan of survey showing the location of the building.
- 5.6 Plans and specifications furnished according to this by-law or otherwise required by the *Act* become the property of the municipality and will be disposed of or retained in accordance with relevant legislation.
- 5.7 On completion of the construction of a building, the *Chief Building Official* may require a report prepared by an Energuide® rating system energy advisor, certified by Natural Resources of Canada or an equivalent rating system as determined by Regulation or the *Chief Building Official*; for the confirmation of a minimum energy efficiency rating. Such rating shall be displayed with the rating label affixed to the furnace or electrical panel or other appropriate location as determined by the *Chief Building Official*.

6. FEES

- 6.1 The *Chief Building Official* shall determine the required fees calculated in accordance with **Schedule "B"** and the applicant shall pay such fees.
- 6.2 No permit shall be issued or any service provided until the fees therefore have been paid.
- 6.3 Upon written request, the *Chief Building Official* shall determine the amount of fees, if any, that may be refunded in accordance with **Schedule "C"** in the case of:
- (a) withdrawal of an application;
 - (c) abandonment of an application pursuant to subsection 4.17 above;
 - (d) refusal to issue a permit; or
 - (e) request for revocation of a permit pursuant to Clause 8(10)(e) of the *Act*.

- 6.4 Subject to subsection 7(1) of the Act, there shall be no refund of permit fees where a permit has been revoked, except where the permit was issued in error or where the applicant requests revocation no more than six months after the permit is issued. In such cases the amount of refund shall be calculated in accordance with **Schedule "C"** of this by-law.

7. PERMIT REVOCATION, DEFERRAL OR REVOCATION AND TRANSFER

Revocation of Permit

- 7.1 Prior to revoking a permit under Clauses 8(10)(b) and (c) of the *Act*, the *Chief Building Official* shall give written notice of intention to revoke to the permit holder at his last known address and if on the expiration of thirty (30) days from the date of such notice, the ground for revocation continues to exist, the permit may be revoked without further notice and all submitted plans and other information may be disposed of.

Deferral of Revocation

- 7.2 On receipt of a notice of intention to revoke a permit, a permit holder may request in writing within thirty (30) days from the date thereof the *Chief Building Official* to defer the revocation of such permit.
- (a) a request for deferral shall set out the reasons why the permit should not be revoked and the date by which the work will be commenced or resumed.
 - (b) having considered the circumstances of the request and having determined that there have been no changes to the *Act* and the *Building Code* and any other applicable law which would have prevented the issuance of the original permit, the *Chief Building Official* may allow a deferral to a prescribed date and shall notify the permit holder.
 - (c) a request for deferral of revocation is subject to a fee in accordance with **Schedule "C"**.

Transfer of Permit

- 7.3 (a) Permits are transferrable only upon the new owner completing a permit application Form as prescribed by Section 4 of this by-law.
- (b) A fee, as prescribed in **Schedule "B"**, shall be payable on a transfer of permit by the new owner who shall thenceforth be the permit holder for the purpose of the *Act* and the *Building Code*.

8. NOTIFICATIONS

- 8.1 Notices respecting stages of construction required by Subsection 1.3.5., Division C of the *Building Code* or this by-law shall be given by the permit holder to the *Chief Building Official* of the readiness to inspect at least 2 business days in advance of the stages of construction specified therein.
- 8.2 Except for 8.3 of this by-law, upon the receipt of notification by the *Chief Building Official* as specified in this by-law; an inspector shall, no later than 2 business days, undertake a site inspection of the building to which the notice relates.
- 8.3 In the instance of sewage systems, an inspector shall, no later than 5 business days, undertake a site inspection of the sewage system of which the notice relates.
- 8.4 In addition to the Notices prescribed pursuant to Subsection 1.3.5., Division C of the *Building Code*, Notice shall be given by the permit holder to the *Chief Building Official* of the stages of construction as noted in Clauses

1.3.5.2. (1)(c), (g), (h) and (i).: ("By-law 2005-47") for the:

- (a) commencement of construction of:
 - (i) masonry fireplaces and masonry chimneys,
 - (ii) factory-built fireplaces and allied chimneys,
 - (iii) stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys.
- (b) substantial completion of site grading,
- (c) substantial completion of the pool deck and dressing rooms for a public pool or public spa and readiness for inspection of the emergency stop system for a public pool or public spa, and
- (d) completion and availability of drawings of the building as constructed.

8.5 A notice pursuant to this section is not effective until notification is received by the Chief Building Official by:

- (a) written notice by email at permitinfo@thebluemountains.ca, or
- (a) from the Town's website at www.thebluemountains.ca where available, or
- (b) verbal notice via the inspection request line at (519) 599-3131 extension 239 or toll free at 1-888-258-6867, extension 239.

9. FENCING - CONSTRUCTION SITES

9.1 Where a construction site may present a hazard to the public, the *owner* of the construction site shall ensure that the construction site is suitably fenced to prevent public access onto the construction site.

9.2 If fencing has not been provided in accordance with Section 9.1 and, if in the opinion of the *Chief Building Official*, the construction site presents a particular hazard to the public, the *Chief Building Official* may require the *owner* to erect such fencing as he deems appropriate to the circumstances such as described in the National Building Code, Section 8.2.

9.3 In considering the hazard presented by a construction site and the necessary fencing, the Chief Building Official shall have regard for:

- (a) the proximity of the construction site to occupied dwellings;
- (b) the proximity of the construction site to lands accessible to the public,
- (c) including but not limited to streets, parks and commercial and institutional activities;
- (d) the hazards presented by the construction activities and materials;
- (e) the feasibility and effectiveness of site fencing; and,
- (f) the duration of the hazard.

10. CODE OF CONDUCT FOR BUILDING OFFICIALS

Building Officials appointed by the Town for the enforcement of the *Act* and the *Building Code* shall be governed in accordance to the Code of Conduct for Building Officials as described in **Schedule "G"** of this by-law. This code of conduct applies to all Building & By-law staff when exercising a power or the performance of their duties under the *Act* or the *Building Code*.

11. SEVERABILITY

Should any section, subsection, clause or provision of this by-law be declared by a

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

12. TRANSITION

This by-law shall apply to any application for a permit or request concerning compliance with the *Building Code* and applicable law that is accepted by the *Chief Building Official* on or after the date of the coming into force of this by-law.

13. CONTRAVENTION

Every person who contravenes any provision of this by-law is guilty of an offense and on conviction is liable to a fine as provided in section 36 of the *ACT*, as amended.

14. REPEAL

By-law Number 2001-67 (Amended by By-laws No. 2003-108, 2003-120 & 2005-47)94-11 of the former Corporation of the Township of Collingwood, By-law Number 5/94 of the former Corporation of the Town of Thornbury and Schedule E, Items E.1 to E.7, E.8 as it applies to Public Pools and E.9 to E.12 of By-law No. 2000-90 are hereby repealed.

15. SCHEDULES

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

ENCATED AND PASSED THIS

____ DAY OF _____, 2009.

Ellen Anderson, Mayor

S. Keast, Town Clerk

SCHEDULE A
CLASSES OF PERMITS

ITEM	PERMIT TYPE
A.	Construction Permit
B.	Alteration, Renovation and Tenancy Permit
C.	Miscellaneous Permit
D.	Conditional Permit
E.	Model Home Permit
F.	Partial Permit
G.	Plumbing Permit
H.	Sewage System Permit
I.	Mechanical Permit
J.	Public Pool & Public Spa Permit
K.	Temporary Building/Structure Permit
L.	Demolition Permit
M.	Permit to Move a Building
N.	Change of Use Permit
O.	Change of Ownership Permit
P.	Revision to Permit
Q.	Other Permit

SCHEDULE B

PAYMENTS AND FEES

1. MINIMUM PARTIAL PAYMENT REQUIRED TO BE MADE AT TIME OF APPLICATION FOR PERMIT:

New detached, semi-detached, townhouse, duplex and triplex dwelling unit buildings	\$1,000.00 Per Unit
All other construction/work	\$5,000.00 or the full fee, whichever is the lesser

2. CALCULATION OF PERMIT FEES:

- (a) Permit fees shall be calculated based on the formula given below, unless otherwise specified in this Schedule:

$$\text{Permit Fee} = \text{SI} \times \text{A}$$

Where;

- SI = The fee multiplier based on the service index for the type/classification of the work proposed and;
- A = floor area in m², or ft², of work involved.

- (b) Permit fees shall be rounded up to the nearest full dollar amount.

3. AREA CALCULATION:

- (a) Floor area is to be measured from the outside face of exterior walls and to the centre line of party walls or demising walls.
- (b) No deductions for floor openings for such facilities as stairs, elevators, escalators, shafts and ducts. Interconnected floor areas and atriums above their lowest level may be deducted.
- (c) Where they serve single dwelling units, no additional fees apply to decks, fireplaces, unfinished basements and attached garages proposed and constructed at the same time as the single dwelling they serve.
- (d) No additional fees apply to plumbing within a building, sprinklers, fire alarms, electromagnetic locks, or other mechanical systems or equipment proposed and installed at the same time as the construction they serve.
- (e) Where a change of occupancy from one classification to another classification is proposed, the fee multiplier for the proposed occupancy applies.
- (f) The occupancy classifications used in this by-law are defined in the *Building Code*, as amended.

4. MINIMUM FEE:

Unless otherwise noted, a minimum fee of \$100.00 shall be charged for all work.

5. PERMIT FEES:

A. CONSTRUCTION: New Buildings; Additions to Existing Buildings

BUILDING CLASSIFICATION/OCCUPANCY	SERVICE INDEX (SI) OR FLAT FEE \$/m² (\$/ft²)
Group A (Assembly Occupancies) Shell Buildings Finished Buildings	\$11.00 (\$1.02) \$12.91 (\$1.20)
Group B (Institutional Occupancies)	\$14.86 (\$1.38)
Group C (Residential Occupancies) Detached, Semi-detached, Town/Row Houses Pre-fabricated Detached Dwelling Multi-Unit Buildings, Motels, Hotels	\$12.91 (\$1.20) \$8.70 (\$0.94) \$11.00 (\$1.02)
Group D (Business and Personal Service Occupancies) Shell Buildings Finished Buildings	\$8.40 (\$0.78) \$11.00 (\$1.02)
Group E (Mercantile Occupancies) Shell Buildings Finished Buildings	\$7.20 (\$0.66) \$9.75 (\$0.90)
Group F (Industrial Occupancies & Farm Buildings) Heavy and Specialized Industrial Buildings Industrial Buildings, Warehouses, Underground Parking Garages Service Floors above or below grade, Mezzanines Aboveground Parking Garages, Lightly Serviced Storage Buildings Farm Buildings Pre-fabricated Farm Buildings/Cover-All Structures	\$7.20 (\$0.66) \$5.16 (\$0.48) \$5.16 (\$0.48) \$3.86 (\$0.36) \$2.60 (\$0.24) \$1.08 (\$0.10)
All Occupancies Permanent Tent, Air Supported Structure Sprinkler Installation Fire Alarm System	\$4.00 (\$0.37) \$300.00 \$300.00

B. ALTERATIONS, RENOVATIONS AND TENANCY WORK

BUILDING CLASSIFICATION	SERVICE INDEX (SI) \$/m² (\$/ft²)
Groups A and B	\$5.00 (\$0.46)
Groups C, D, E and F	\$3.00 (\$0.28)

C. MISCELLANEOUS

DESCRIPTION	SERVICE INDEX (SI) or FLAT RATE \$/m² (\$/ft²)
Finished Basement	\$5.63 (\$0.52)
Detached Garage (Minimum fee of \$75.00)	\$4.00 (\$0.37)
Attached Garage (Minimum fee of \$75.00) (Also see exception)	\$4.00 (\$0.37)

Accessory Building to a Single Dwelling Unit Building	\$150.00
Decks, Porches, etc. to a Single Detached Building (non-enclosed)	\$150.00
Fireplaces, Wood Burning Stoves	\$100.00
New Sanitary Drainage/Water Service Pipes	\$100.00

D. CONDITIONAL PERMIT

The normal fee for the proposed construction plus an additional 10 percent of that fee. The minimum fee per application shall be \$150.00. The maximum fee per application shall be \$1,000.00.

(The proponent is responsible for the registration of the Conditional Permit Agreement on title to the lands.)

E. MODEL HOME PERMIT

Model Home Agreement preparation - \$500.00 plus letter of credit and securities.

F. PARTIAL PERMIT

The normal fee for the proposed construction plus an additional \$100.00.

G. PLUMBING PERMIT (Stand Alone - Not part of a Construction Permit)

- (a) Internal plumbing - \$100.00
- (b) New Sanitary Drainage/Water Service Pipes - \$100
- (c) Site Servicing - \$4.00 per \$1,000.00 of the estimated cost of construction.

H. ON-SITE SEWAGE SYSTEM PERMIT

- (a) Class 2, 3, 4 or 5 New or Replacement System \$525.00
- (b) Class 4 or 5 Tank Replacement ONLY \$200.00
- (c) Class 4 Leaching Bed Repair \$200.00

I. MECHANICAL PERMIT (Stand Alone - Not part of a Construction Permit)

DESCRIPTION	SERVICE INDEX (SI)
All Groups (except systems serving a single dwelling)	\$3.00/m ² (\$0.20/ft ²)

J. PUBLIC POOLS & PUBLIC SPAS

- (a) Public Pool/Spa - \$400.00.
- (b) Public Pool as a principal use - \$1,000.00.
- (c) Public Spa as a principal use - \$250.00.

K. TEMPORARY BUILDINGS/STRUCTURES

- (a) Permits for temporary buildings or structures to be erected for a period not to exceed 14 days - \$100.00.
- (b) Permits for temporary buildings or structures to be erected for a period in excess of 14 days - \$200.00.

- (c) Tent Permit – One Time Fee (per calendar year) - \$250.00 (for a maximum of 10 permits).

L. DEMOLITION

- (a) Buildings within the scope of Sentence 1.2.2.3.(1), Division C of the Ontario Building Code - \$300.00.
- (b) Demolitions (non-farm buildings) - \$100.00

M. PERMIT (DEMOLITION) TO MOVE A BUILDING FROM A SITE

\$50.00

(Note: If the building is to be relocated in the municipality, a separate permit is required.)

N. CHANGE OF USE PERMIT

Permit for change of use, no construction - \$150.00

O. CHANGE OF OWNERSHIP PERMIT

\$50.00

P. REVISION TO A PERMIT (All Permit Groups)

DESCRIPTION	RATE
<p>i) Minor (dimension reduction of rooms, interior non load bearing, minor elevation changes, etc.)</p>	\$100.00
<p>ii) Major (structural modifications enlarged building area, elevation modifications, building system and component changes, etc.)</p>	\$125/hour (Minimum \$250)

Q. OTHER CONSTRUCTION

Balcony guard replacements, balcony repairs, canopies, parking garage repairs, portable classrooms, repairs, underpinning and other construction not set out in A through N, \$8.00/\$1,000.00 of construction cost (as determined by the Chief Building Official).

Note: The Chief Building Official may assign fees other than noted in A through P provided s/he has regard to the costs associated with the service provided, the minimum fee(s) and similar Service Indexes/Rates identified in this By-law.

6. OTHER CHARGES:

DESCRIPTION	RATE
Compliance Letter Fees	
(i) Fee for a written response to a request for Zoning By-law, Work Order/Active Permits, Official Plan Designation and Survey Review	\$100.00
(ii) Fee for a written response to a request for commentary on Agreement Compliance (includes items noted at (i))	\$125.00
(iii) Sewage system review related to Planning applications (minor variance, consent, etc.)	\$175.00
Re-inspection Fee Where upon request for inspection it is identified that a deficiency from a previous inspection has not been rectified or an inspection reveals that the stage of construction requested to be inspected is not substantially completed - fee to be paid prior to any further inspections.	\$150.00
An Administrative Surcharge of the greater of \$100.00 or 50% of the permit fee will apply if construction has commenced prior to the issuance of the permit.	-
Deferred Inspection (dormant \geq 12 months) Where a permit file has been dormant for a period in excess of 12 months.	\$100.00
Model Home Agreement Preparation	\$500.00
AGCO Liquor License – Occupant load/Compliance Letter	\$100.00

7. ESTIMATED COST OF CONSTRUCTION:

The estimated cost of construction shall be as determined by the Chief Building Official.

SCHEDULE C

REFUND OF FEES

- a) Pursuant to Section 6 of this By-law, the fees that may be refunded shall be a percentage of the permit fees payable under this By-law, calculated as follows:
 - a) 75 percent if administrative functions only have been performed
 - b) 70 percent if administrative and zoning functions only have been performed
 - c) 50 percent if administrative, zoning and plans examination functions have been performed
 - d) 45 percent if the *permit* has been issued and no field inspections have been performed subsequent to permit issuance
 - e) 5 percent shall additionally be deducted for each field inspection that has been performed after the *permit* has been issued

Where the *Chief Building Official* deems it appropriate, a refund of other than specified in (A) may be granted.

- b) If the calculated refund is less than the minimum fee applicable, no refund shall be made of the fees paid. No refund shall be issued where a minimum fee has been charged.
- c) The refund shall be returned to the person named on the fee receipt, unless such person advises the *Chief Building Official*, in writing and prior to the release of the refund, of a change in name, in which case the refund shall be returned to the person then authorized to receive it.
- d) Refund provisions are not applicable where the *permit* has been signed off and the occupancy inspection completed.
- e) No refund of building permit fees on any application or permit after 3 years of the date the application was submitted.

SCHEDULE D

MODEL HOMES

The conditions of a permit to construct a model home(s) is as follows:

- a) The land must be located within a proposed plan of subdivision which has been draft approved within the meaning of *The Planning Act* or, the land must be located within an area of Site Plan Control where the proposal has gained Site Plan Approval within the meaning of *The Planning Act*.
- b) The land must be zoned for residential purposes (Note: Most lands proposed to be developed for residential purposes proceed by way of a Plan of Subdivision or Site Plan Approval and are subject to a Holding "h" symbol).
- c) The Model Home shall be for display purposes only and shall not be occupied until the land is included in a subdivision which has been registered within the meaning of *The Planning Act*.
- d) The Sales Office shall be for sales purposes directly related to the land and may be occupied provided the Sales Office is connected to municipal services or arrangements satisfactory to the Chief Building Official have been made related to potable water supply and sanitary sewage disposal.
- e) The Sales Office and/or Model Home shall conform with Section 3.8 of the Building Code for barrier free requirements satisfactory to the Chief Building Official.
- f) The Town's Director of Engineering & Public Works has "Accepted For Construction" all drawings related to the Draft Plan of Subdivision or for the Site Plan Approval land.
- g) The Owner and the Town have entered into an Agreement (Pre-Servicing or Subdivision) to allow for the commencement/installation of the "Works" on the land.
- h) Necessary approvals from all outside agencies (NEC, GSCA, NVCA, DFO, MNR, MTO, etc.) related to the development of the land have been received by the Town.
- i) The number of dwelling units proposed to be erected shall not exceed 1 dwelling unit for every 2 hectares or part thereof of the land within the Plan, or part thereof, of subdivision draft approved or Site Plan Approval, to a maximum of 3 dwelling units.
- j) Submit the Owner of the Land's written request to the attention of the Director, Planning & Building Services. The request must specify the number of dwelling units proposed and the location of the proposed dwelling units (Draft Lot No. and Grey County Draft Plan No.).
- k) Approval from the TBM Fire Chief for fire route plan not regulated by the *Building Code*.

SCHEDULE E

ON-SITE SEWAGE SYSTEMS

The requirements for every sewage system permit application is as follows:

1. A site evaluation report prepared by a qualified *Professional Engineer* licensed to practice in the Province of Ontario, with expertise in the field of geotechnical engineering, which shall include all of the following items, unless otherwise specified by the *Chief Building Official*:
 - (a) The date the evaluation was completed;
 - (b) The name, address, telephone number and signature or corresponding seal of the person that prepared the evaluation.
 - (c) A scaled site plan of the site showing:
 - (i) the legal description, lot size, property dimensions, existing right-of-way, easements or municipal or other utility corridors;
 - (ii) the location of the applicable items listed in Column 1 of Tables 8.2.1.6.A., 8.2.1.6.B. and 8.2.1.6.C, Division B of the *Building Code*;
 - (iii) the location of any unsuitable, disturbed or compacted areas and the proposed access route for maintenance of the sewage system
 - (iv) depth to bedrock;
 - (v) depth to zones of soil saturation; and
 - (vi) soil properties, including soil permeability and classification according to the Unified Soil Classification System as described in the Supplementary Standard SB-6 of the *Building Code*.
 - (vii) soil conditions including the potential for flooding.
2. Sewage system design and corresponding drawings prepared by a P. Eng. , C.E.T., or a qualified person as determined by the *Chief Building Official*.

SCHEDULE F

REQUIRED NOTICES AND INSPECTIONS

In accordance with Article 1.3.5.1., Division C of the *Building Code*:

- a. Readiness to construct footings,
- b. Substantial completion of foundation reinforcement for insulated concrete form foundation walls or where required by design for poured foundation walls and for suspended cold room slabs.
- c. Substantial completion of footings and foundations prior to commencement of backfilling
- d. Substantial completion of structural framing and ductwork and piping for heating and air-conditioning systems, if the building is within the scope of Part 9 Division B,
- e. Substantial completion of structural framing and roughing-in of heating, ventilation, air-conditioning and air-contaminant extraction equipment, if the building is not a building to which Clause (c) applies,
- f. Substantial completion of insulation and vapour barriers,
- g. Substantial completion of air barrier systems,
- h. Substantial completion of all required fire separations and closures and all fire protection systems including standpipe, sprinkler, fire alarm and emergency lighting systems,
- i. Substantial completion of fire route access routes,
- j. Readiness for inspection and testing of:
 - i. Building sewers and building drains,
 - ii. Water service pipes,
 - iii. Fire service mains,
 - iv. Drainage and venting systems,
 - v. The water distribution systems, and
 - vi. Plumbing fixtures and plumbing appliances,
- k. Readiness for inspection of suction gravity outlets, covers and suction piping serving outlets of an outdoor pool described in Clause 1.3.1.1.(1)(j) of Division A, a public pool or public spa,
- l. Substantial completion of the circulation/recirculation system of an outdoor pool described in Clause 1.3.1.1.(1)(j) of Division A, a public pool or public spa and substantial completion of the pool before it is first filled with water,
- m. Readiness to construct the sewage system (excavation completed prior to fill),
- n. Substantial completion of the installation of the sewage system before the commencement of backfilling (stone exposed, graphs and weigh slips to be on site),
- o. Substantial completion of installation of plumbing not located in a structure, before the commencement of backfilling, and
- p. Completion of construction and installation of components required to permit the issue of an occupancy permit under Sentence 1.3.3.1.(2) or to permit occupancy under Sentence 1.3.3.2.(1) if the building or part of the building to be occupied is not fully completed.

SCHEDULE G

CODE OF CONDUCT FOR BUILDING OFFICIALS

Town Building Officials shall undertake at all times to:

1. Act in the public interest, particularly with regard to the safety of buildings, designated structures and related works.
2. Not to act where there may be or where there may reasonably appear to be a conflict between their duties to their employer, their profession, their peers and the public at large and their personal interests.
3. Apply all relevant building laws, codes and standards appropriately without favour and without influence of interested parties.
4. Comply with the provisions of the Building Code Act, the Ontario Building Code and any other Act or Law that regulates or governs Building Officials or their functions.
5. Perform their inspections and plan review duties impartially and in accordance with the highest professional standards.
6. Not to act beyond their level of competence or outside of their area of expertise or qualifications as a registered Building Official.
7. Maintain their knowledge and understanding of the best current building practices, the building laws and regulations relevant to their building certifying functions.
8. Maintain current accreditation to act as an Ontario Building Official and the related duties assigned to them.
9. Commit them to a process of continuous education so as to constantly be aware of developments in building design, practice and the law relevant to their duties.
10. Not to divulge any confidential or sensitive information or material, that they became privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy.
11. Extend professional courtesy at all times and conduct themselves with fairness and good faith towards customers, colleagues and their co-workers.
12. Accept responsibility for the conduct of their subordinate employees.
13. Exemplify compliance with all regulations and standards that govern building construction, health & safety or other matters related to their status as a building official.
14. Recognize the appointment under the Building Code Act as a symbol of good public faith.
15. To comply and maintain their knowledge of safe working practices in accordance to the requirements of the Occupational Health and Safety Act and established Town health & safety policies.

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, Council will direct the investigation and make such recommendations as are reasonable.

In determining the appropriate discipline, the Chief Building Official or Council will have regard to the relevance of the conduct to the Building Official's powers and responsibilities as well as the severity of any misconduct.

C.

TOWN OF THE BLUE MOUNTAINS

POLICY & PROCEDURES

Subject Title: CODE OF CONDUCT FOR BUILDING OFFICIALS

Corporate Policy (Approved by Council)

Policy Ref. No.:

Administrative Policy (Approved by CAO)

By-law No.:

Department Policy: (Approved by Mgr.)

x Name of Dept.: Building & By-law

Date Approved:

Staff Report:

Policy Statement

To establish a code of conduct for Town of The Blue Mountains' Building Officials in accordance with the provisions of the Building Code Act.

Purpose

The purpose of this Code of Conduct is:

1. To promote appropriate standards of behaviour by Building Officials in the exercise of a power or the performance of their duties under the Building Code Act or the Ontario Building Code.
2. To prevent practices which may constitute an abuse of power, including unethical or illegal practices in the performance of their duties under the Building Code Act or the Ontario Building Code.
3. To promote standards of honesty and integrity in the exercise of a power or the performance of a duty under the Building Code Act or the Ontario Building Code by a building official.

Application

This policy applies to all Building & By-law staff when exercising a power or the performance of their duties under the Building Code Act or the Ontario Building Code.

Definitions

As defined in the Building Code Act and the Ontario Building Code, O. Reg. 350/09, as amended.

Standard of Conduct and Professionalism

Town Building Officials shall undertake at all times to:

1. Act in the public interest, particularly with regard to the safety of buildings, designated structures and related works.
2. Not to act where there may be or where there may reasonably appear to be a conflict between their duties to their employer, their profession, their peers and the public at large and their personal interests.
3. Apply all relevant building laws, codes and standards appropriately without favour and without influence of interested parties.
4. Comply with the provisions of the Building Code Act, the Ontario Building Code and any other Act or Law that regulates or governs Building Officials or their functions.
5. Perform their inspections and plan review duties impartially and in accordance with the highest professional standards.
6. Not to act beyond their level of competence or outside of their area of expertise or qualifications as a registered Building Official.
7. Maintain their knowledge and understanding of the best current building practices, the building laws and regulations relevant to their building certifying functions.
8. Maintain current accreditation to act as an Ontario Building Official and the related duties assigned to them.
9. Commit them to a process of continuous education so as to constantly be aware of developments in building design, practice and the law relevant to their duties.
10. Not to divulge any confidential or sensitive information or material, that they became privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy.
11. Extend professional courtesy at all times and conduct themselves with fairness and good faith towards customers, colleagues and their co-workers.
12. Accept responsibility for the conduct of their subordinate employees.
13. Exemplify compliance with all regulations and standards that govern building construction, health & safety or other matters related to their status as a building official.

14. Recognize the appointment under the Building Code Act as a symbol of good public faith.
15. To comply and maintain their knowledge of safe working practices in accordance to the requirements of the Occupational Health and Safety Act and established Town health & safety policies.

Exclusions

Nil.

References and Related Policies

Consequences of Non-Compliance

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, Council will direct the investigation and make such recommendations as are reasonable.

In determining the appropriate discipline, the Chief Building Official or Council will have regard to the relevance of the conduct to the Building Official's powers and responsibilities as well as the severity of any misconduct.

Review Cycle

This policy will be reviewed annually by the Chief Building Official.

Greg Miller, C.E.T., CBCO
Chief Building Official