

THE CORPORATION OF THE TOWNSHIP OF CENTRAL FRONTENAC

BY-LAW 2014-27

Being a By-law to Regulate Construction, Demolition, and Change of Use Permits for Buildings, Structures, and All Other Related Services

WHEREAS pursuant to section 9 of the Municipal Act, 2001 S.O. 2001, chapter 25 a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS pursuant to section 8. (1) of the Municipal Act, 2001 S.O. 2001, chapter 25 the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 7 of the *Building Code Act, 1992*, S.O. 1992, c.23, as amended, authorizes municipal council to pass By-laws respecting construction, demolition and change of use permits, inspections and related matters including fees;

AND WHEREAS notice was given and a Public meeting held on August 12, 2014 in accordance with the *Building Code Act, 1992*, S.O. 1992, c.23, as amended in relation to proposed amendments to the Building By-law 2008-269, as amended with respect to building related fees;

AND WHEREAS the Council of The Corporation of the Township of Central Frontenac deems it necessary and desirable to repeal By-law 2008-269, and Schedule "A" to 2008-269, as amended and to enact a new Building By-law for the issuance of permits and related matters, including the establishment of a fee schedule;

NOW THEREFORE, the Council of The Corporation of the Township of Central Frontenac enacts as follows:

1. GENERAL

- 1.1 This By-law may be cited as the "Building By-law".
- 1.2 Words in the singular may include the plural and words in the plural may include the singular.
- 1.3 Specific terms include both sexes and include corporations.
- 1.4 The headings and subheadings used in this By-law shall not form a part of the By-law, but shall be deemed to be inserted for convenience of reference only.
- 1.5 This By-law is to be read in conjunction with all the Statutes referred to in the preamble hereto and in the event that there is a conflict between the provisions of this By-law and the provisions of the Act as amended, or its regulations, then the provisions of the Act and its regulations as amended prevail.
- 1.6 Schedule "A", "B", and "C", attached hereto shall form part of this By-law.

2. DEFINITIONS

- 2.1 Non-defined terms.

In this By-law all words or phrases shall have the meaning accorded to them in the Building Code Act or its regulations (the Building Code); in addition to those words and phrases, in this By-law...

- 2.2 "Act" means the Building Code Act, 1992, S.O. 1992, c.23, as amended.
- 2.3 "Applicant" means the owner of a building or property who applies for a permit or any person authorized to apply for a permit on the owner's behalf, or any person or corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or corporation.

- 2.4 “*Complete application*” means an application that meets the requirements set out in the building code for applications where the Chief Building Official is required to make a decision within a prescribed time period, and section 4 and Schedule “B” of this By-law.
- 2.5 “*Conditional permit*” means a permit issued under subsection 8(3) of the Act.
- 2.6 “*Partial permit*” means a permit issued by the Chief Building Official to construct part of a building.
- 2.7 “*Permit*” means permission or authorization given in writing by the Chief Building Official to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the Act and Building Code.
- 2.8 “*Permit holder*” means the owner to whom the permit has been issued or where a permit has been transferred, the new owner to whom the permit has been transferred.
- 2.9 “*Plot plan*” means a detailed drawing(s) of proposed improvements to a given property at a defined scale, plot plans is also known as a site plans.
- 2.10 “*Revised submission*” means additional information filed with the Chief Building Official which depicts one or more changes to the proposed or as-constructed design of a building or part of a building for which a permit has already been issued and for which approval by the Chief Building Official is required.
- 2.11 “*Supplementary submission*” means a resubmission of additional information in relation to building permit application documents previously filed and reviewed, that requires additional review to determine Building Code compliance.
- 2.12 “*Township*” means The Corporation of the Township of Central Frontenac.
- 2.13 “*Building Code*” means Ontario Regulation 332/12 made under the Building Code Act 1992 as amended.

3. CLASSES OF PERMITS

- 3.1 Classes of *permits* required for the construction, demolition or change of use of a building shall be set out in Schedule “A” to this By-law.

4. REQUIREMENTS FOR PERMIT APPLICATIONS

General Requirements

- 4.1 To be considered a *complete application*, every *permit* application shall be accompanied by the approval documents issued by the agencies responsible for the applicable laws listed in the building code, where those agencies issue approval documents and the law applies to the construction or demolition being proposed and be accompanied by all documentation as required by the Chief Building Official and section 4 and schedule “B” of this by-law.
- 4.2 An application for a *permit* may be refused by the Chief Building Official where it is not a *complete application*.
- 4.3 The Chief Building Official is delegated the authority to create and/or adopt for usage, forms (other than those prescribed by the *Act* or the Code) which provide for the collection of specific information in relation to *permit* applications which information is necessary for the administration and enforcement of the *Act* and the Code. This delegated authority is subject to the following conditions:
- 4.3.1 The Chief Building Official shall maintain a list of forms that it has issued or adopted for usage.
- 4.4 The Chief Building Official may, as the Chief Building Official deems appropriate, provide prescribed forms in an electronic format and may allow for electronic submission of completed *permit* application forms.
- 4.5 Notwithstanding subsection 4.4, completed forms generated electronically shall be accepted subject to the endorsement by the *applicant*.

- 4.6 Applications submitted in accordance with this By-law or otherwise required by the *Act* become the property of the *Township* and will be disposed of or retained in accordance with relevant legislation or by-law.

Applications for *Permits to Construct*

- 4.7. Every application for a *permit to construct* a building shall:
- 4.7.1 identify and describe in detail the work to be done and the existing and proposed use and occupancy of the building, or part thereof, for which the building *permit* application is made;
 - 4.7.2 be accompanied by the plans, specifications, documents, forms and other information prescribed in section 5 and Schedule "B" of this by-law; and
 - 4.7.3 be accompanied by acceptable proof of corporate identity and property ownership, unless such proof is determined by the Chief Building Official to be unnecessary.

Applications for *Permits to Demolish*

- 4.8 Every application for a *permit to demolish* a building shall:
- 4.8.1 identify and describe in detail the work to be done and the existing use and occupancy of the building, or part thereof, for which the application for a *permit to demolish* is made, and the proposed use and occupancy of that part of the building, if any, that will remain upon completion of the demolition;
 - 4.8.2 be accompanied by the plans, specifications, documents, forms and other information prescribed in section 5 and Schedule "B" of this By-law; and
 - 4.8.3 be accompanied by acceptable proof of corporate identity and property ownership, unless such proof is determined by the Chief Building Official to be unnecessary.

Applications for *Permits to Construct Part of a Building*

- 4.9 In addition to the requirements of subsection 4.7, every application for a *partial permit* shall:
- 4.9.1 require a *permit* application for the entire project; and
 - 4.9.2 be accompanied by plans, specifications, documents, forms and other information covering that part of the work for which application for a *partial permit* is made, together with such information pertaining to the remainder of the work as may be required by the Chief Building Official; and
 - 4.9.3 include payment of all applicable fees for the complete project.
- 4.10 The Chief Building Official may issue a *partial permit* when the Chief Building Official determines it is appropriate to expedite substantial construction before a *permit* for the entire building is available and where the relevant provisions of this By-law and the *Act* are met.
- 4.10.1 When determining whether to issue a *partial permit*, the Chief Building Official shall have regard for the likelihood of subsequent approvals being available in a timely fashion such that a project is not interrupted and exposed to potential damage from the elements, while awaiting subsequent approvals.

Application for *Conditional Permits*

- 4.11 In addition to the requirements of subsection 4.7, every application for a *conditional permit* shall:

- 4.11.1 include a written statement from the *applicant* explaining why the *applicant* believes that unreasonable delays in construction would occur if a *conditional permit* is not granted; and
- 4.11.2 include a written acknowledgement from the *applicant* of the necessary approvals that must be obtained in respect of the proposed building in order for the permit to be issued and the time in which such approvals will be obtained;
- 4.11.3 include payment of all applicable fees for the complete project.

Conditional Permit Issuance: Discretionary

- 4.12 The Chief Building Official may, at his discretion, issue a *conditional permit* where unreasonable delays are anticipated in obtaining all necessary approvals, and where the relevant provisions of this By-law and the *Act* are met.
- 4.13 Prior to the issuance of a *conditional permit* the *applicant*, and any other persons the Chief Building Official determines, shall enter into a written agreement with the *Township*.

Applications for *Permits* for Change of Use

- 4.14 Every application for a *permit* for a change of use shall:
 - 4.14.1 identify and describe in detail the existing and proposed use and occupancy of the building, or part thereof, for which the application for a *permit* is made; and
 - 4.14.2 be accompanied by the plans, specifications, documents, forms and other information prescribed in section 5 and Schedule "B" of this By-law.

No Implication of Permit Availability

- 4.15 Notwithstanding the issuance of a *permit* under section 4.10 (*Partial*) or 4.11 (*Conditional*) the Chief Building Official shall not be deemed, implied or obliged to issue any further or additional *permits* for such property.
- 4.16 Where construction has commenced prior to the issuance of a *permit*, a permit based on any of the above applications may be issued at the sole discretion of the Chief Building Official.

Abandoned *Permit* and *Permit* Applications

- 4.17 An application for a *permit* shall be deemed to be abandoned by the *applicant* where:
 - 4.17.1 the application has been determined to be incomplete pursuant to section 4.2 of this By-law and remains incomplete for a period 90 days from the date the application was determined to be incomplete; or
 - 4.17.2 the *applicant* has failed to obtain a copy of a building *permit* within 90 days of being notified that such *permit* is available for issuance (including where the payment of any outstanding fees is required at the time of issuance).
 - 4.17.3 any permit issued may be revoked in accordance to the provisions of Section 8.(10) of the *Building Code Act, 1992, S.O. 1992, c.23, as amended*.

Revisions of *Permits*

- 4.18 After the issuance of a *permit* under the *Act*, the *applicant* shall give notice to the Chief Building Official in writing of any material change to a plan, specification, document or their information upon which a *permit* was issued, together with the details of such change, which change shall not be made without the prior written authorization of the Chief Building Official.
- 4.19 Application for authorization of any substantial change shall constitute a *revised submission* or a *supplementary submission*.

5. PLANS AND SPECIFICATIONS

- 5.1 As part of the application for a *permit* and in addition to the requirements of section 4 of this by-law, every *applicant* shall submit to the Chief Building Official the following:
- 5.1.1 sufficient plans, specifications, documents, forms and such other information as may be deemed necessary by the Chief Building Official to determine whether the proposed construction, demolition, or change of use conforms to the *Act*, the Building Code, and any other applicable law;
 - 5.1.2 where a *plot plan* is required to satisfy Section 5.1.1, the *plot plan* shall reference a current plan of survey certified by a registered Ontario Land Surveyor. A *plot plan* shall show;
 - 5.1.2.1 lot size and dimensions of the property;
 - 5.1.2.2 setbacks from existing and proposed buildings to property boundaries and to each other;
 - 5.1.2.3 existing and finished ground levels or grades; and
 - 5.1.2.4 existing rights of way, easements, and municipal services;
 - 5.1.3 a copy of the plan of survey upon which the *plot plan* is referenced shall also be submitted, unless the Chief Building Official waives this requirement.
- 5.2 Plans, specifications and other documents submitted by an *applicant* shall:
- 5.2.1 be fully coordinated among design disciplines and intended for construction, demolition or change of use;
 - 5.2.2 be fully dimensioned and drawn to a suitable scale that clearly depicts the proposed construction, demolition or change of use;
 - 5.2.3 be submitted on paper or other suitable and durable material; and
 - 5.2.4 contain information and text that is clear and legible.
- 5.3 Unless otherwise deemed necessary by the Chief Building Official, every application shall be accompanied by three (3) sets of plans, specifications, forms, documents and other information required to facilitate the administration and enforcement of the Building Code.
- 5.4 On completion of the construction of a building, the Chief Building Official may require the *applicant* to submit a set of as-constructed plans, including a plan of survey showing the location of a building.
- 5.5 Plans and specifications submitted in accordance with this By-law or otherwise required by the *Act* become the property of the *Township* and will be disposed of or retained in accordance with relevant legislation or by-law.

6. AUTHORIZATION OF ALTERNATIVE SOLUTIONS

- 6.1 Where approval for an alternative solution under the Building Code is proposed in either the application for a *permit*, or in a material change to a plan, specification, document or other information on the basis of which a *permit* was issued, the *applicant* shall submit:
- 6.1.1 an application on a form prescribed by the Chief Building Official;
 - 6.1.2 supporting documentation demonstrating that the proposed alternative solution will provide the level of performance required by the *Building Code*; and
 - 6.1.3 payment of the required fee prescribed by Schedule "C"

7. FEES AND REFUNDS

- 7.1 The Chief Building Official shall determine the required application fees in accordance with Schedule "C" to this By-law, and;

- 7.1.1 despite the above the Chief Building Official may place a valuation on the cost of the proposed project as contained in Schedule "C" and where disputed by the applicant, the applicant shall pay the required fee under protest and, within six months of completion of the project, shall submit an audited statement of the actual costs. Where the Chief Building Official, in his sole discretion, agrees that the audited costs are less than the valuation, the Chief Building Official may issue a partial refund that reflects the difference between the two amounts.
- 7.2 The Chief Building Official shall not issue a *permit* until fees required by this By-law have been paid in full by the *applicant*.
- 7.3 In addition to the fees paid at the time of the building *permit* application, when an *applicant* makes *supplementary submissions* and *revised submissions*, the *applicant* shall pay the prescribed fee which shall be calculated in accordance with Schedule "C".
- 7.4 The Fees set out in Schedule "C" shall be reviewed annually on and effective the 1st of February based upon the 3rd quarter Statistics Canada Non-Residential Cost Index: Ottawa; where such index indicates negative growth, the fees shall remain at the level established for the prior year. The Chief Building Official shall update Schedule "C" as of February 1st each year, rounding the fees to the closest dollar, however no amendment to the by-law shall be required to give effect to the fee changes.
- 7.5 Where any Fees set out in Schedule "C" remain unpaid after the due date, the amount unpaid shall be added to the tax roll and collected as taxes.
- 7.6 In the case of withdrawal or abandonment of an application, or refusal, or revocation of a *permit*, and upon written request by the *applicant*, the Chief Building Official may refund any unearned fees to the party that made payment, which shall be calculated in accordance with Schedule "C".

8. TRANSFER OF PERMITS

- 8.1 If the owner of the land changes subsequent to the issuance of a *permit* and prior to the final inspection related thereto, the *permit* may be transferred to the new owner (the transferee) of the subject lands upon the submission of an application in accordance with the requirements of section 4 of this by-law, and where such application is accompanied by the following:
- 8.1.2 Proof of ownership of the subject lands by the transferee;
- 8.1.3 written confirmation from the designer, architect and/or professional engineer or such other qualified person referenced in the original application that such person or firm has been retained to continue to provide the stated services in respect of the application (if such services continued to be required under the *Act/Code*) or the name, address, telephone number of the designer, architect and/or professional engineer or such other qualified person and where applicable the written confirmation of such person or firm that they have been retained in relation to the application;
- 8.1.4 the payment of applicable fees set out in Schedule "C".
- 8.2 Upon the issuance of a transfer of *permit* to the transferee, the transferee shall be deemed to be the *permit holder* and the original *permit holder* shall have no further rights or obligations to the *Township* under the *permit* save and except for any obligations set out in an agreement entered into under clause 8(3)(c) of the *Act*.

9. NOTICES FOR INSPECTIONS

- 9.1 Inspection notices required by the building code and this By-law shall be made in writing or by telephone.
- 9.2 Inspection notices are required a minimum of two business days prior to the stages of construction specified therein and shall be given in accordance with the requirements of Subsection 1.3.5 of Division C of the *Building Code*.
- 9.3 The person to whom the *permit* has been issued shall notify the Chief Building Official of each stage of construction for which a notice is prescribed by the Building Code.

- 9.4 Notwithstanding section 10 of this By-law, the person to whom the *permit* has been issued shall notify the Chief Building Official of the date of completion of the building or demolition work no more than two days after that date.
- 9.5 In addition to the notices prescribed in Article 1.3.5.1 of Division C of the *Building Code*, the person to whom a *permit* has been issued shall give the Chief Building Official notice of the readiness for inspection for the stages of construction set out in Article 1.3.5.2 of Division C of the *Building Code*, where applicable.
- 9.6 All notices for inspections as described above shall not be deemed effective until the notice is acknowledged as received by the Chief Building Official in writing or by telephone.

10. FENCING CONSTRUCTION SITES

- 10.1 Where, in the opinion of the Chief Building Official, a construction or demolition site presents a hazard to the public, the Chief Building Official may require the *permit holder* to erect such fencing to the standards and specifications that the Chief Building Official deems to be appropriate in the circumstances.
- 10.2 When determining if a construction or demolition site presents a hazard to the public and requires the erection of fencing and the type of fencing required, the Chief Building Official shall have regard to:
- 10.2.1 the proximity of the construction site to occupied dwellings;
 - 10.2.2 the proximity of the construction site to lands accessible to the public, including but not limited to streets, parks and commercial and institutional activities;
 - 10.2.3 the hazards presented by the construction activities and materials;
 - 10.2.4 the feasibility and effectiveness of site fencing; and
 - 10.2.5 the duration of the hazard.
- 10.3 When the Chief Building Official is of the opinion that fencing is required, the *permit holder* shall, prior to the commencement of any construction, demolition, or placement of materials or equipment on site, erect or cause to be erected fencing to the standards required by the Chief Building Official to enclose the construction or demolition site for the purposes of preventing unauthorized entry on the site. For the purposes of this section, construction or demolition site shall include the area of the proposed construction or demolition and any area where materials or equipment are stored or operated.

11. OFFENCES AND PENALTIES

- 11.1 Any person is guilty of an offence and is subject to a penalty in accordance with Section 36 of the Building Code Act, 1992, S.O. 1992, c.23, as amended if the person:
- (a) knowingly furnishes false information in any application under the Act, in any certificate required to be issued or in any statement or return required to be furnished under the Act or the regulations;
 - (b) fails to comply with an order, direction or other requirement made under the Act; or
 - (c) contravenes the Act, the regulations or this By-law passed under section 7 of the Act.

12. SEVERABILITY

- 12.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in force.

13. REPEAL AND TRANSITION

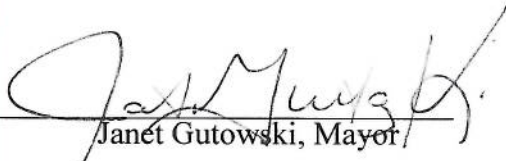
- 13.1 By-law Number 2008-269 and Schedules "A" & "B" to By-law 2008-269 are hereby repealed in their entirety upon the date that this By-law comes into force.
- 13.2 Notwithstanding sections 13.1 and 14.1 of this By-law, for any complete permit applications received prior to the effective date of this By-law, the provisions of By-law Number 2008-269, as amended shall remain in force and effect of the purpose of those permit applications.

14. EFFECTIVE DATE

- 14.1 This By-law shall come into force and take effect September 10, 2014.

READ A FIRST AND SECOND TIME THIS 9th DAY OF SEPTEMBER, 2014

READ A THIRD AND FINALLY PASSED THIS 9th DAY OF SEPTEMBER, 2014


Janet Gutowski, Mayor


Larry Donaldson, CAO/Clerk

SCHEDULE "A" OF BY-LAW 2014-27

Being a By-law to Regulate Construction, Demolition, and Change of Use Permits for Buildings, Structures, and All Other Related Services Within the Township of Central Frontenac and to Repeal By-law 2008-269, and Schedules "A" & "B" to 2008-269, as amended

CLASSES OF PERMITS

BUILDING PERMIT:

To be for the purpose of allowing all types of construction governed by the Act and the Building Code.

CHANGE OF USE PERMIT:

To comply with the requirements of Section 10. (1) of the *Act*.

CONDITIONAL PERMIT:

Pertains to construction only and may be issued only in accordance with Section 8.(3) of the *Act*. The Chief Building Official is hereby authorized to execute the written agreement referred to in Section 4 of this By-law on behalf of the *Township* where the Chief Building Official is satisfied that the compliance required under Section 8 of the *Act* has been achieved.

DEMOLITION PERMIT:

To be used for the demolition of all or part of a *building* or structure.

PARTIAL PERMIT:

When, a *permit* is applied for in accordance to the provisions of the Building By-law, in order to expedite work, the Chief Building Official may grant approval for construction to proceed for a portion of a structure

SCHEDULE "B" OF BY-LAW 2014-27

Being a By-law to Regulate Construction, Demolition, and Change of Use Permits for Buildings, Structures, and All Other Related Services Within the Township of Central Frontenac and to Repeal By-law 2008-269, and Schedules "A" & "B" to 2008-269, as amended

Plans, Specifications and Documentation Requirements

General Information required on all plans and specifications;

- Title block containing; project title or proposed use of building, owner's name, municipal address of the project location, scale of drawing, drawing title, date drawing produced and,
- Designers contact and qualification information, in accordance with all applicable legislations.

Required Plans and Specifications for all residential properties containing not more than two dwelling units in each house and the building systems, works, fixtures and service systems appurtenant to these buildings including ancillary buildings that serve the main building;

- Architectural, structural, HVAC, site services and electrical as determined by the scope of the work involved, noting that for alterations or repairs the Chief Building Official may accept less.

Required Plans and Specifications for all other buildings including their ancillary buildings;

- Architectural, structural, mechanical (including HVAC and plumbing), site services and electrical as determined by the scope of the work involved noting that for alterations and repairs the Chief Building Official may accept less.

Additional Forms / Documents submissions (where applicable)

- Property Owner's Letter of Authorization appointing an agent, or copy of deed or recent tax bill
- Commitment to General Review signed by all project team disciplines
- Building Code Data Matrix
- Geotechnical Investigation Report
- Complete Construction Specifications (Architectural, Structural, Mechanical and Electrical)
- Copies of authorizations/permits from other approving agencies (Applicable Law approvals)
- Energy Efficiency Design Summary form for Part 9 Residential Houses

This required information is in addition to any information specified in Sections 4 and 5 of this By-law.

In addition to the foregoing items, other information may be required to enable the Chief Building Official to determine whether the proposed work conforms to the Ontario Building Code

CORPORATION OF THE TOWNSHIP
OF CENTRAL FRONTENAC

BY-LAW #2021-09

To amend By-Law 2014-27, Being A By-Law to Regulate Construction, Demolition,
and Change of Use Permits for Buildings, Structures, and All Other Related
Services

WHEREAS pursuant to Section 7 of the Building Code Act, 1992, S.O. 1992, S.O. 1992, c. 23, as amended (the "Act") the municipality may pass by-laws applicable to the matters for which and in the area in which the municipality has jurisdiction for the enforcement of the Act;

AND WHEREAS the Township passed by-law 2014-27 which by-law, *inter alia*, includes a schedule to establish permit fees and administrative charges based on the anticipated reasonable costs to administer and enforce this Act in its area of jurisdiction;

AND WHEREAS the Township has determined that administrative fees and permit costs established in this by-law do not reflect the current reasonable costs associated with the administration and enforcement of the Act;

AND WHEREAS the Kingston Frontenac Lennox and Addington Public Health is no longer providing services to administer Part 8 (Sewage Systems) of the Ontario Building Code, being O. Reg 332/12 and the Township is now the authority administering Part 8 services, through contracted services provided by the Corporation of the Township of South Frontenac;

AND WHEREAS the Township provided public notice of its intent to amend the permit fees and administrative charges, and has held a public meeting, pursuant to Section 7(6) of the Act;

AND WHEREAS the Township now wishes to amend By-Law 2014-27 to reflect the current situation.

NOW THEREFORE the Council of the Corporation of the Township of Central Frontenac enacts as follows:

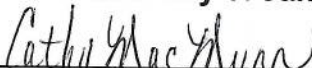
1. THAT section 7.4 of By-Law 2014-27 be hereby deleted and replaced with the following:

The Fees set out in Schedule "C" shall be adjusted annually on and effective the 1st of February based upon the 3rd quarter Statistics Canada Non-Residential Cost Index: Ottawa; where such index indicates negative growth, the fees shall remain at the level established for the prior year. The Chief Building Official shall update Schedule "C" as of February 1st of each year, rounding the fees up to the next dollar, however no amendment to the by-law shall be required to give effect to the fee changes. Notwithstanding the above, any adjustments to Fees relating to Part 8 of O. Reg 332/12 (Sewage System) may be subject to the approval of all parties contracting with South Frontenac in order to offer consistent fees under said contracted services.

2. AND FURTHER THAT Schedule "C" of By-Law 2014-27 is hereby deleted and replaced with the Schedule attached, which forms part of this by-law.
3. All other terms and conditions of By-Law 2014-027 remain in effect.
4. This By-Law comes into effect on the date of passing.

Read a first, second and third time and passed this 26th day of January, 2021.


Frances Smith, Mayor


Cathy MacMunn, CAO/Clerk

SCHEDULE "C" OF BY-LAW 2014-27

As amended by By-Law 2021-09

Being a By-law to amend By-Law 2014-27 being a By-law to Regulate Construction, Demolition, and Change of Use Permits for Buildings, Structures, and All Other Related Services within the Township of Central Frontenac

PERMIT FEES AND ADMINISTRATIVE CHARGES

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PART 1 - Terms and Definitions

PART 2 - Fee Calculations Guide

PART 3 - Fee Tables

PART 4 – Refund of Permit Fees

PART 1 - TERMS AND DEFINITIONS

1.1 Non-defined terms.

Definitions of words and phrases used in this Schedule that are not included in the list of definitions in this Part shall have the meanings which are commonly assigned to them in the context in which they are used in this Schedule taking into account the specialized use of terms with the various trades and professions to which the terminology applies.

1.2 Defined Terms.

The following words and terms in this Schedule have the following meaning for the purposes of this Schedule.

Project means the total estimate value of construction cost, which includes Value the cost of construction, professional designer compensation, and other similar charges.

PART 2 - FEE CALCULATIONS GUIDE

2.1 Minimum Permit Fee Calculation

The minimum fee for any permit application for work proposed shall be Seventy One dollars (\$71.00)

2.2 Total Permit Fee Calculations

The summation of all applicable fees found Tables 1 to 3 shall result in the total Permit Fee.

PART 4 – REFUND OF PERMIT FEES

4.1 General Provisions

- (1) Refunds of fees collected under the authority of Tables 1 to 3, shall be provided in accordance with other provisions of this Part, where the:
 - ☐ Building Permits have been issued, but no construction has commenced,
 - ☐ Building Permits have not been revoked,
 - ☐ Building Permit Applications have not expired,

4.2 Refund Provisions for Permit Fees found in Tables 1 to 3 of this Schedule

- (1) Requests for refunds must be submitted to the Chief Building Official in writing who will determine the amount of Permit Fees, if any, that may be refunded.
- (2) Except as provided in sentence (3), the amount of fees refundable shall be calculated based on the total of all building permit fees collected under the authority of Tables 1 to 3 of this Schedule, as follows:
 - ☐ 75 percent refundable if applicant cancels application prior to release of permit for issuance;
 - ☐ 50 percent refundable if Chief Building Official has released the permit for issuance;
- (3) Notwithstanding sentence (2), no refund shall be made of an amount less than \$30.00.

**CORPORATION OF THE TOWNSHIP
OF CENTRAL FRONTENAC**

BY-LAW #2022-22

**To amend By-Law 2014-27, as amended, Being A By-Law to Regulate
Construction, Demolition, and Change of Use Permits for Buildings,
Structures, and All Other Related Services**

Whereas pursuant to Section 7 of the Building Code Act, 1992, S.O. 1992, S.O. 1992, c. 23, as amended (the "Act") the municipality may pass by-laws applicable to the matters for which and in the area in which the municipality has jurisdiction for the enforcement of the Act;

And Whereas the Township passed by-law 2014-27 which by-law, *inter alia*, includes a schedule to establish permit fees and administrative charges based on the anticipated reasonable costs to administer and enforce this Act in its area of jurisdiction;

And Whereas the Township passed by-law 2021-09 to amend 2014-27 to update fees and reflect the contracted services for Part 8 of the Ontario Building Code with the Township of South Frontenac

And Whereas the Township is desirous of amending how the annual increase in the fees set out in said By-Laws are calculated;

And Whereas the Township provided public notice of its intent to amend the permit fees and administrative charges, and has held a public meeting, pursuant to Section 7(6) of the Act;

And Whereas the Township now wishes to further amend By-Law 2014-27 (as amended) to reflect the current situation.

Now Therefore the Council of the Corporation of the Township of Central Frontenac enacts as follows:

1. That Section 4.7.2 of By-Law 2014-27 be deleted and replaced with the following:

4.7.2. be accompanied by the plans, specifications, documents, non-refundable deposit as set out in Schedule "C" of this by-law, and other information prescribed in section 5 and Schedule "B" of this by-law; and

2. That section 7.4 of By-Law 2014-27 as amended be hereby deleted and replaced with the following:

7.4 The Fees set out in Schedule "C" shall be adjusted annually on and effective the 1st of February based upon the 3rd quarter Bank of Canada Total CPI (<https://www.bankofcanada.ca/rates/price-indexes/cpi/>); where such index indicates negative growth, the fees shall remain at the level established for the prior year. The Chief Building Official shall update Schedule "C" as of February 1st each year, rounding the fees up to the next dollar, however no amendment to the by-law shall be required to give effect to the fee changes.

3. That Section 8 of By-Law 2014-27 be hereby amended to add:

8.3 In the event of a request to transfer the permit, the refundable deposit, if any submitted pursuant to Schedule "C", shall be refunded to the original

payee provided that the new Transferee pays the refundable deposit to the Municipality pursuant to Schedule "C".

4. And Further that Schedule "C" of By-Law 2014-27 is hereby deleted and replaced with the Schedule attached, which forms part of this by-law.
5. All other terms and conditions of By-Law 2014-027 remain in effect.
6. That By-Law 2021-09 is hereby repealed.
7. This By-Law comes into effect on the date of passing.

Read a first, second and third time and passed this 12 day of April, 2022.



Frances Smith, Mayor



Cathy MacMunn, CAO/Clerk

TABLE 4 – REFUND OF PERMIT FEES

4.1 General Provisions

(1) Refunds of fees and refundable deposits collected under the authority of Tables 1 to 3 shall be provided in accordance with other provisions of this Part, where the:

- **Building Permits have been issued, but no construction has commenced,**
- **Building Permits have not been revoked;**
- **Building Permit Applications have not expired.**
- **In all cases, any refunds shall not include a refund of the non-refundable deposit collected under Table 1**

4.2 Refund Provisions for Permit Fees and refundable deposits found in Tables 1 to 3 of this Schedule

- (1) Requests for refunds must be submitted to the Chief Building Official in writing who will determine the amount of Permit Fees and deposit, if any, that may be refunded.**
- (2) Except as provided in sentence (3) the amount of fees refundable shall be calculated based on the total of all building permit fees collected under the authority of Tables 1 to 3 of this Schedule as follows:**
 - **75 percent refundable if applicant cancels application prior to release of permit for issuance;**
 - **50 per cent refundable if Chief Building Official has released the permit for issuance;**
- (3) Notwithstanding the above, no refund shall be made of an amount less than \$30.00**