

THE CORPORATION OF THE TOWNSHIP OF PRINCE

BY-LAW NO. 73-2

A By-law to regulate the erection and provide for the safety of buildings and to adopt the National Building Code of Canada

WHEREAS the Planning Act, Revised Statutes of Ontario, 1970, Chapter 349, as amended, provides that the Council of a municipality may enact by-laws related to buildings for the purpose of regulating their construction, alteration, repair, wrecking, use, occupancy and safety from fire or risk of accident;

AND WHEREAS the aforementioned Act further provides that the Council of a municipality may adopt, with such changes as may be considered necessary, by including in the said by-laws, either in whole or in part, the National Building Code of Canada, and any codes or standards adopted, made or sponsored by the Canadian Standards Association, the Canadian Government Specifications Board, The American Society for Testing Materials, or any other such body and approved by the National Research Council (Canada);

AND WHEREAS the Council of the Township of Prince deems it necessary to enact such by-laws;

NOW THEREFORE the Council of The Township of Prince pursuant to Section 38 of The Planning Act, ENACTS AS FOLLOWS:

THE CORPORATION OF THE TOWNSHIP OF PRINCE BUILDING

BY-LAW

All other previous Building-By-laws are hereby repealed.

This by-law comes into force on the day of final passing.

PASSED this 10th day of April 1973.

Reeve

J. Konkin

Township Clerk

SHORT TITLE

SECTION I (a) This By-law may be cited as THE BUILDING BY-LAW.

PURPOSE

SECTION I (b) It is the purpose of this By-law to safeguard life or limb, health, property and public welfare with respect to the design, construction and alteration of buildings and other structures by the provisions of appropriate minimum standards.

SECTION 2 The application of this By-law shall be in accordance with Sections I - 26 inclusive.

Subsection (a) When a building, structure, sign, fence, garage or anything structural on land, or attached to any existing building, is built, this by-law applies to the design and construction of such building, structure, sign, fence, garage or thing;

Subsection (b) When the whole or any part of a building is demolished, this by-law applies to any part remaining, and to the work involved in the demolition.

Subsection (c) When the whole or any part of a building is moved, either within or into the Township of Prince, this by-law applies to all parts of the building.

Subsection (d) When a building is altered, this by-law applies to the whole building, except that the by-law may apply only to part of the building, if that part is completely self-contained with respect to the facilities and safety measures required by this by-law.

Subsection (e) When the occupancy of a building is changed, this by-law applies to all parts of the building affected by the change.

Subsection (f) When materials and equipment regulated by this by-law are replaced or altered, in a building, this by-law applies to all such replacements and alterations.



PROHIBITION

SECTION 3

Subsection (a) No part of the work referred to in Section 2 for which part a permit is required by this By-law, shall be started or continued unless the owner has obtained a building permit to carry out that part of the work.

Subsection (b) No part of the work referred to in Section 2 in respect of which a permit is required under any other By-law, shall be started or continued unless the owner has obtained a permit under that By-law.

SECTION 4 Offences. Without limiting the generality of

Section 2, no person shall:

(a) commence or continue the erection or construction of any building, structure, sign, awning, marquee, advertising device, fence, garage, driveway or anything structural, or any part thereof, on land, including land covered by water, or attached to any existing building, structure or erection, without first obtaining a permit therefor from the authority having jurisdiction.

(b) move, alter, wreck, demolish, or change the occupancy or use of any building, structure, erection, garage, sign, marquee, awning, advertising device, or any other thing structural, or any part thereof, on land covered by water, or attached to any existing building, structure or erection without first having obtained a permit therefor from the authority having jurisdiction.

(c) no person shall commence or continue all, or any part of the work referred to in Section 2, in respect of which a permit is required under this by-law or any other by-law, where such permit has been revoked.

(d) No changes in Specifications: No person shall make changes in the approved design, specifications, or materials for the work referred to in Section 2, without having first applied in writing for approval therefor and having received approval in writing from the Director of Building and Property.

SECTION 5

- (a) No person shall perform any work regulated by this by-law in a manner other than in accordance with this by-law.
- (b) No person being the owner of land shall permit on such land any work, which is regulated by this by-law, to be performed in a manner other than in accordance with this by-law.

SECTION 6

REFERENCED DOCUMENTS

Subsection (a) When detailed technical information regarding materials, equipment and methods of structural design is necessary to ensure their compliance with the performance requirements of this By-law, reference is made in the text to the specific edition of an appropriate technical standard issued by a recognized standards organization. This By-law therefore includes as a part of its provisions, these reference documents to the extent that they relate to buildings.

Subsection (b) In the case of any conflict between the provisions of this By-law and those of any referenced document, the provisions of this By-law will take precedence. Provincial regulations respecting building take precedence over this By-law.

SECTION 7

GRANTING OF PERMITS

Subsection (a) Subject to all relevant conditions being met and:  
(i) the prescribed fee has been paid;  
(ii) the application, drawings, specifications and block plan or survey conform to the requirements of this and any other pertinent by-law;  
(iii) the proposed work set out in the application



and the intended use of which the building or other structure is to be put on its completion conforms to the requirements of this by-law, the relevant zoning by-laws, and all other pertinent by-laws, laws of the Province of Ontario, or Dominion of Canada; and

(iv) the owner has applied for and obtained any approvals from the Council of the Township of Prince that may be required by by-laws; then the authority having jurisdiction shall issue the permit for which the application is made.

Subsection (b) Re-issue after Permit Revoked

If a permit has been revoked under Section 15 (a) - (e), the authority having jurisdiction shall issue a new permit for the work, if all other terms of this by-law are complied with and if the authority having jurisdiction is satisfied that the work to be authorized by the permit will be completed within a reasonable time, provided the proposed work is found to comply with the provisions of this by-law as revised to the time of the proposed renewal.

Subsection (c) Permit Subject to Conditions

Every permit is issued upon the following conditions:

- (i) Construction shall be started within six months from the date of issue of the permit;
- (ii) construction shall not be discontinued or suspended for a period of more than 3 months;
- (iii) a fee of \$3.00 per unit shall be paid to the Treasurer for every occupancy permit where such permit is required by clauses (i) and (ii) or paragraph (g) of Section II of this by-law; and
- (iv) such further and other conditions as the authority having jurisdiction may deem proper in the circumstances.

Subsection (d) Reference to Council

The authority having jurisdiction may refer to the Council, plans and specifications for any building or structure that is not provided for in this by-law, and for which an application for a building permit has been received.

Subsection (e) Decision of Council

No permit shall be issued for a building or structure referred to in subsection (d) without the prior approval of the Council, which approval is sufficiently given by resolution thereof.

Subsection (f) Form and Content of Permit Application

The application referred to in Section 8 shall:

- (i) be made in writing in the form prescribed by the authority having jurisdiction;
- (ii) be signed by the applicant;
- (iii) state the intended use of the building;
- (iv) include copies of the specifications and scale drawings of the building, in duplicate, with respect to which the work is to be carried out showing:
  - (a) the dimensions of the building;
  - (b) the proposed use of each room or floor area;
  - (c) the dimensions of the land on which the building is, or is to be situated;
  - (d) the grades of the street and sewers abutting the land referred to in subclause (iii);
  - (e) the position, height, and horizontal dimensions of all the buildings on the land referred to in subclause (c);
  - (f) any additional relevant information required by this by-law or by the authority having jurisdiction.

Subsection (g) Erection Drawings and Procedures

For all buildings of skeleton construction the applicant shall submit to the authority having jurisdiction, in addition to other information and material required by this by-law, the following:

- (i) erection drawings;
- (ii) descriptive erection procedure and, where required by the authority having jurisdiction, erection procedure drawings indicating the sequence of erection, the location of temporary connections, when such connections are made permanent, details of shoring; and temporary bracing and when such shoring and bracing is removed, and the location of lifting equipment.
- (iii) when required, the basis of determining wind loads and other forces on the frame at various stages of erection, and calculations indicating the adequacy of bracing measures to be adopted.



Subsection (h)      Revocation of Permit

The authority having jurisdiction may revoke or recommend to Council, the revocation of a permit where there is a violation of:

- (1) any condition under which the permit was issued, or
- (11) any provision of this by-law

Subsection (i)      Fees

The fees set out in Schedule "A" to this part, shall be paid to the Treasurer of the Township of Prince, for every permit to be issued under this By-law.

SECTION 8      Survey of Property Required

In any case where the applicant's knowledge of the location of his lot lines is such that the authority having jurisdiction is in doubt as to where the building will be situated on the lot in question, the authority having jurisdiction may refuse a permit or revoke a permit already issued to prevent any or further work until the owner has had the property properly surveyed, a plan of such survey given to the authority having jurisdiction.

SECTION 9      Confine Operations to Owner's Property

Failure of the owner or his agent to confine building operations within the limits of the owner's property, shall in no way be the responsibility of the authority having jurisdiction.

SECTION 10      Double Fees Where Work Commenced Without a Permit

Without in any way limiting, waiving, or restricting any of the penal provisions of this By-law, if any person commences the construction, alteration, repair, removal or demolition of any building or does any other act for which a permit is required by this By-law, without first having obtained such permit, he shall pay for such permit a fee equal to two times the fee provided therefor in Schedule "A" to this By-law.

SECTION 11      Duties of the Owner

Every owner of property:

- (a) shall permit the authority having jurisdiction to enter any building or premises at any reasonable time



for the purpose of administering or enforcing this by-law;

- (b) shall obtain, where applicable, from the appropriate authority, permits relating to building, zoning, grades, sewers, watermains, plumbing, signs, blasting, street occupancy, electricity, highways, culverts, moving buildings, and all other permits required in connection with the proposed work;
- (c) may commence construction on the building site within 7 days of the issuance of the permit without notice.
- (d) subject to clause (c) above shall give at least 48 hours notice to the authority having jurisdiction of the intention to start work on the building site;
- (e) give notice to the authority having jurisdiction when the work is ready so that the following inspections may be made by the authority having jurisdiction:
  - (i) site inspection prior to the commencement of the work.
  - (ii) septic bed inspection.
  - (iii) footing form inspection prior to pouring concrete;
  - (iv) re-inforcing steel inspection prior to enclosure of forms and pouring of concrete;
  - (v) foundation form inspection prior to the pouring of concrete;
  - (vi) foundation water proofing inspection prior to backfilling exterior walls;
  - (vii) weeping tile inspection prior to any backfilling
  - (viii) structural steel inspection after steel is erected prior to its being enclosed;
  - (ix) septic tank connection inspection prior to backfilling;
  - (x) wall inspection when roughing is completed, and
  - (xi) as may otherwise be required by this by-law, or the authority having jurisdiction.



(f) shall refrain from permitting any backfilling to be done until any foundation wall placed below land surface has been inspected by the authority having jurisdiction;

(g) shall obtain any occupancy permit from the authority having jurisdiction prior to any

(i) occupancy of a building or part thereof after construction, wrecking or major alteration of that building, or any part thereof, or

(ii) change in the class of occupancy of any building or part thereof, and;

(h) shall refrain from permitting construction or work to continue so that the authority having jurisdiction cannot properly make an inspection of the work as set out in Section 11 (e) of this by-law.

(i) shall ensure that during the course of construction of any building or structure on his land, that such lands shall be kept reasonably clean and free of rubbish, and other debris, having regard to the nature of the work being performed thereon.

SECTION 12 (a) Occupancy Permit - Uncompleted Building

If an occupancy permit is requested for a completed part of an uncompleted building, the authority having jurisdiction shall issue such permit if such completed part is <sup>inside</sup> safe and habitable for occupancy, and for this purpose the authority having jurisdiction shall attach conditions to such occupancy permit where, in his opinion, it is proper so to do. *outside completed*

SECTION 12 (b) Inspection

No person shall prevent the authority having jurisdiction from entering into any building or premises for the purpose of ascertaining whether or not the terms of this by-law or any portion thereof are being complied with.

SECTION 12 (c) Tests

To the extent that is possible, all tests required by the authority having jurisdiction, shall be carried out in accordance with recognized standard test methods, at the expense of the owner of the property. In the absence of such standard test methods, the



authority having jurisdiction, may specify the test procedure to be followed. Copies of the results of all such tests shall be retained by the authority having jurisdiction after construction is complete, and shall form part of the public records.

SECTION 13 Documents on the Site

The person to whom a permit is issued shall:

- (a) until the work is fully constructed keep the building permit posted in a conspicuous place on the property, in respect of which the permit is issued.
- (b) until the work is fully constructed, keep a copy of the approved drawings and specifications referred to in paragraph 8 (d) on the property in respect of which the permit is issued.
- (c) if any materials have been tested as provided in clause 12 (c) and upon request being made before the expiration of the time determined by clause 12 (c) furnish to the authority having jurisdiction a copy of the results of tests so made.

SECTION 14 (a) Penalties

Any person who contravenes any of the provisions of this by-law is liable on summary conviction to a fine or not more than \$1,000 exclusive of costs.

SECTION 15 DUTIES OF THE AUTHORITY HAVING JURISDICTION

Subsection (a) The authority having jurisdiction shall:

- (i) administer this by-law and enforce the provisions of this by-law;
- (ii) keep proper records of all applications received, permits and orders issued, inspections and tests made and shall retain copies of all papers and documents connected with the administration of his duties;
- (iii) revoke any permit if:



- (1) the work being carried out under such permit is being done in a manner that does not reasonably comply in every respect with requirements of this by-law, or any other pertinent by-law, law, or regulation, or
- (2) in the opinion of the authority having jurisdiction, satisfactory progress is not being made to complete the said work;
- (iv) give notice in writing of any revocation of a permit to the owner, his agent, or any person doing any of the work and thereafter all work shall at once cease thereon.

SECTION 16 Powers of the Authority Having Jurisdiction

Authority having Jurisdiction - The authority having jurisdiction is the Building Inspector for the Corporation of the Township of Prince, and such other persons as are employed by the Corporation to administer the provisions of this by-law, under his direction and control.

Right to make Inspections, Orders and Tests

The authority having jurisdiction, may:

- (a) enter any building, or premises, at any reasonable time for the purpose of administering or enforcing this by-law;
- (b) give verbal or written notice to the person to whom a permit is issued, or to the person constructing the work, his architect, or consulting engineer, directing that any condition be corrected, if, in the opinion of the authority having jurisdiction that condition contravenes this or any other By-law.
- (c) direct that tests of materials, devices, construction methods, soil conditions, and soil composition, structural assemblies or foundation conditions be made at the expense of the owner, or sufficient evidence or proof is necessary to determine whether the material, device, soil, foundation or construction conditions meet the requirements of this by-law.

- (d) revoke or refuse to issue a permit where in his opinion the results of the tests referred to in clause (c) are not satisfactory.
- (e) require the certificate of a qualified architect or a registered professional engineer who, in the opinion of the authority having jurisdiction, is an engineer qualified in building construction, when the authority having jurisdiction deems it advisable and at the expense of the owner, that plans and specifications submitted comply with the provisions of this by-law.
- (f) revoke a permit where in his opinion the provisions of this by-law are being contravened, and order all work to be stopped on the land in respect of which the permit was issued, and all such work shall be stopped until arrangements have been made by or on behalf of the owner to the satisfaction of the authority having jurisdiction, when such order may be rescinded.

SECTION 17     Dangerous Buildings

Subsection (a) Direction to repair or Remove Whereover, in the Opinion of the authority having jurisdiction any building, fence, sign, scaffolding, or erection, is by reason of its ruinous or dilapidated state, faulty construction, or otherwise in an unsafe condition as regards danger from fire or risk of accident, the authority having jurisdiction may require the owner of the said building, fence, scaffolding, or erection, to pull down, repair or renew such building, fence, scaffolding or erection as the authority having jurisdiction shall decide. Such work shall be done within the time stipulated by the authority having jurisdiction, and shall be done at the expense of the owner.

Subsection (b)     Action by the Township in Default

Whenever the authority having jurisdiction has required work to be done under subsection (a) above, and such work is not done as required, then the authority having jurisdiction may undertake such work on behalf of the Corporation at the expense of the owner, and the Corporation shall recover the expense incurred in doing the



work by action or in like manner as municipal taxes.

Subsection (c) Immediate Safety Precautions

If the authority having jurisdiction finds any building, fence, sign, scaffolding or erection or any part of any or all of them in such condition as to endanger life or to be liable to cause serious accident, and believes that such danger may be averted by the immediate application of precautionary measures, the Corporation through its Chief Building Inspector, may take such precautionary measures as he in his opinion deems necessary to render said building, fence, scaffolding or erection or part thereof safe, provided the owner, lessor, occupant or agent of said building has refused or, neglected to, carry out such measure immediately on being notified so to do by the authority having jurisdiction. All costs so incurred shall be borne by the owner or agent of the building, fence, scaffolding, or structure and in default of payment shall be collected by action or in like manner as municipal taxes.

SECTION 18 SEVERABILITY

Should any section, subsection, clause, paragraph 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 the by-law as a whole or any part thereof, other than the provision so declared to be invalid.

SECTION 19 Projections over Highways

No part of any building or structure shall project over any highways or other public property except as permitted by this or any other by-law and as follows:

Subsection (a) Awnings, Cornices

Any awning container, awning cover, or any cornice on or over any store-front, may project not more than 15 inches provided that in each case the lowest part of every such container, cover, or cornice be not less than 10 feet in height above established grade:



Subsection (b) Building Ornaments

Any band, belt or string course, sill, base, capital, bracket, keystone, sculpture, or other architectural or structural feature of a similar nature, may project not more than 10 inches over the street line provided that in each case, the lowest part of every such projection shall be not less than 10 feet in height above the established grade;

Subsection (c) Cornices, Eaves

The main cornice or eaves of any building may project within the limits of a scale graduated, according to height above established grade, from a maximum of 15 inches at a height of 10 feet to a maximum of 3 feet, at a height of 60 feet, and said 3 feet shall be the maximum projection for any cornice or eaves exceeding 60 feet in height;

Subsection (d) Cornice, Balcony

Any intermediate or pediment cornice, or any balcony may project to a maximum of 20 inches except that in no case shall such cornice or balcony project beyond the aforesaid limitation prescribed for a main cornice or eaves.

Subsection (e)

All heights mentioned in this section (d) shall be measured from the established grade to the underside of the projection in question.

SECTION 20 Removals, Repairs & Alterations

Subsection (a) Permit to Change Location

No building shall be moved to a different location unless a permit for such a change of location has been first obtained from the Building Inspector. Where it is necessary to make use of any street or other public property for the moving of a building, the owner of the building shall pay to the Corporation in advance of the moving, a deposit of \$100.00 to reimburse the Corporation and the Public Utilities Commission in case of damage, and such deposit shall be refunded on completion of the moving less the cost of repairing any damage which shall have occurred. If such cost exceeds the deposit, the owner shall pay the excess amount to the Corporation on demand.



Subsection (b) Moving of Damaged Buildings

No permit to move a building to another location shall be granted if such building has been damaged to a greater extent than fifty per cent of its actual value by wear and tear, the action of the elements, fire or other cause.

Subsection (c) Status of Change of Location

A change of location of a building shall be deemed to be an erection of such building as a new building, and subject to the provisions of this by-law for new buildings.

Subsection (d) Repairs and Alterations Exceeding 50%

Repairs to any existing building made necessary on account of dilapidation, injury or fire, or other cause amounting to fifty per cent or more of the actual value of such building, shall be considered an erection thereof as a new building, and are hereby prohibited unless the entire building is made to conform with the provisions of this by-law for new buildings. In determining such value, a deduction for depreciation shall be made, based on the character of construction, and the age of the building at the following rates per annum:

Fire resisting construction-----1-1/2%

Frame construction-----2-1/2%

SECTION 21 Backfilling

No person shall use any clay, silt or other highly expandable soil as backfilling material, shall be done with pit run gravel or sand.

SECTION 22 Footing Drainage

If a storm sewer connection is available at the property, drain tiles shall be placed around the outside perimeter of the footings, and connected to the storm sewer by an underground drain pipe of a diameter of at least 6 inches. The size and quality of every drain pipe required under this by-law, shall be in conformity with the provisions of this by-law.

SECTION 23    STORM WATER DRAINAGE

In this section "saturated land" means land that contains:

- (a)    sandy soil saturated with water, or
- (b)    an underground water table the level of which is higher than the level of the lowest portion of the inside of the foundation weeping tiles for an existing or proposed building on such land.

SECTION 24

Every owner of saturated land in the Township of Prince, who

- (a)    erects or permits the erection of a building on such land, or
- (b)    alters or permits the alteration of plumbing below the ground level of such land, shall
  - (i)    cause the home to be constructed such that the main floor shall be at least six inches in height above the crown of the abutting road;
  - (ii)    construct or cause to be constructed in such land at the time of such erection or alteration a private water drain separate from the private sanitary service drain, and adequate to discharge the water from the foundation weeping tiles in such land into municipal storm sewer in the street, on which the land abuts, or where there is no such municipal storm sewer in the street, into the nearest roadside drainage ditch in such street.
  - (iii)    instal or cause to be installed on such land at the same time, an electrically operated sump pump adequate to discharge the water from the said tiles into the said private water drain, and;
  - (iv)    maintain such private water drain and such sump pump in operating condition.



SECTION 25 FEES

Subsection (a) Building Permit

For every work or erection, alteration or reconstruction of any building or structure or part thereof or the installation, alteration or extension of any equipment, apparatus or thing regulated by this by-law, but without limiting the generality of the foregoing, the installation of heating, ventilating, air conditioning and air pollution control equipment, sprinkler system and fire alarm systems, save as hereinafter otherwise provided.

- (i) where the cost is less than \$100.00 ----- \$5.00
- (ii) where the cost is more than \$500.00 ----- \$5.00
- (iii) Where the cost is more than \$500.00  
and less than \$1,000.00 ----- \$5.00
- (iv) where the cost is over \$1,000.00 an  
initial fee of \$5.00 plus for every  
additional \$1,000.00 or part thereof  
a fee of , ----- \$2.00

For the purpose of this by-law "cost" means the estimated cost as approved by the authority having jurisdiction.

Subsection (b) Occupancy Permit

Per occupancy unit ----- \$3.00

Subsection (c) Fence Permit

(as per building permit) -----

SECTION 26

In respect of any matter not covered in this By-Law as to materials and procedures, The National Building Code as is revised, published and dated by the National Research Council, shall apply and form an integral part of this By-Law.

