

# CITY OF NIAGARA FALLS

## **By-law No. 2007 - 33**

A By-Law under the *Building Code Act* respecting construction, demolition, change of use, occupancy, transfer of permits and inspections.

WHEREAS pursuant to the *Building Code Act, S.O. 1992 c.23* as amended, the Lieutenant Governor in Council has established a Building Code which is in force throughout Ontario; and WHEREAS section 7 of the *Building Code Act, S.O. 1992 c.23* as amended empowers Council to pass by-laws respecting construction, demolition, change of use, transfer of permits, inspections, and the setting and refunding of fees;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

### SHORT TITLE

This By-law may be cited as the “Building Permit By-Law”.

### Part 1

#### DEFINITIONS

- 1.1 In this By-law;
- 1.1.1 “Act” means the Building Code Act, S.O. 1992, c.23 as amended.
- 1.1.2 “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 including but not limited to the Architect, Professional Engineer, Contractor and/or builder.
- 1.1.3 “Architect” means the holder of a license, certificate of practice or a temporary license issued under the Architects Act as defined in the Building Code.
- 1.1.4 “Building Code” means the regulations made under section 34 of the Act.
- 1.1.5 “Chief Building Official” means a Chief Building Official appointed by By-law by the Corporation of the City of Niagara Falls for the purposes of enforcement and administration of the Act.
- 1.1.6 "City" means the City of Niagara Falls.
- 1.1.7 “Construct” means construct as defined in subsection 1(1) of the Act.
- 1.1.8 "Corporation" means the Corporation of the City of Niagara Falls.
- 1.1.9 “Demolish” means demolish as defined in subsection 1(1) of the Act.
- 1.1.10 “Fast Track Service” means, when authorized by the Chief Building Official, an expedited plan examination service conducted outside the normal review process, usually contracted out, with no guarantee of earlier permit issuance.
- 1.1.11 “Inspector” means an inspector appointed by By-law by the Corporation of the City of Niagara Falls for the purposes of enforcement of the Act.
- 1.1.12 “Owner” means the registered owner of a property and includes a lessee, a mortgagee in possession, and any person who proves to the satisfaction of the Chief Building Official that they are the authorized agent of the owner of a property and any person who qualifies as the owner of a property pursuant to section 15.1 of the Act.

- 1.1.13 “Permit” means permission or authorization given in writing from 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.
- 1.1.14 “Permit Holder” means the owner to whom a permit has been issued or where a permit has been transferred, the new owner to whom the permit has been transferred.
- 1.1.15 “Professional Engineer” means a person who holds a licence or temporary licence under the Professional Engineers Act, as defined in the Building Code.
- 1.1.16 “Registered Code Agency” means a registered code agency, as defined in subsection 1(1) of the Act.
- 1.1.17 “Sewage System” means a sewage system, as defined in the Building Code.
- 1.1.18 “Work” means construction or demolition of a building or part thereof, as the case may be.
- 1.2 Words or terms not defined in this By-law shall have the meaning ascribed to them in the Act or the Building Code.

## Part 2

### CLASSES OF PERMITS

- 2.1 Set out – Schedule A  
Classes of permits required for construction, demolition or change of use are set forth in Schedule “A” of this By-law.

## Part 3

### PERMITS

- 3.1 File application – on forms – prescribed

To obtain a permit, an applicant shall file an application electronically or in writing, on forms prescribed by the Province of Ontario and available from the Chief Building Official or from the Building Code website, [www.obc.mah.gov.on.ca](http://www.obc.mah.gov.on.ca), and supply any other information relating to the application, as required by the Chief Building Official.

- 3.2 Information submitted – Chief Building Official

Every application for a permit shall be submitted to the Chief Building Official, and contain the following information:

- (1) Where application is made for a construction permit under subsection 8(1) of the Act, the applicant shall:
  - (a) use the provincial application form, “Application for a Permit to Construct or Demolish”;
  - (b) include complete plans and specifications, documents and other information as required by Article 2.4.1.1B of the Building Code and as described in this By-law for the work to be covered by the permit;
  - (c) include completed form as set out in Schedule “D”, where applicable; and
  - (d) provide all applicable documentation as set out in Part 4, Subsection 4.1 to 4.4, and Schedule “C”.

- (2) Where application is made for a demolition permit under subsection 8(1) of the Act, the application shall:
  - (a) use the provincial application form, “Application for a Permit to Construct or Demolish”;
  - (b) include complete plans and specifications, documents and other information as required by Article 2.4.1.1B and Sentence 2.4.1.1(2) of the Building Code and as described in this By-law for the work to be covered by the permit;
  - (c) include completed demolition pre-permit clearance form as set out in Schedule “E”; and
  - (d) provide all applicable documentation as set out in Part 4, Subsection 4.1 to 4.4, and Schedule “C”.
  
- (3) Where application is made for a conditional permit under subsection 8(3) of the Act, the application shall:
  - (a) use the provincial application form, “Application for a Permit to Construct or Demolish”;
  - (b) include complete plans and specifications, documents and other information as required by Article 2.4.1.1B of the Building Code and as described in this By-law for the work to be covered by the permit;
  - (c) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
  - (d) state the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained;
  - (e) state the time in which plans and specifications of the complete building will be filed with the Chief Building Official;
  - (f) be subject to the applicant entering into an agreement as provided for in subsection 8(3) of the Act; and
  - (g) provide all applicable documentation as set out in Part 4, Subsection 4.1 to 4.4, and Schedule “C”.
  
- (4) Where application is made for a sewage permit issued under subsection 8(1) of the Act, the application shall:
  - (a) use the provincial application form, “Application for a Permit to Construct or Demolish”;
  - (b) include complete plans and specifications, documents and other information as required under Article 2.4.1.1B of the Building Code and as described in this By-law for the work to be covered by the permit;
  - (c) include a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official:
    - (i) include the date the evaluation was done;
    - (ii) include name, address, telephone number and signature of the person who prepared the evaluation; and

- (iii) include a scaled site plan showing:

- the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal/utility corridors;
  - the location and clearances of items listed in Column 1 of Tables 8.2.1.6.A., 8.2.1.6.B. and 8.2.1.6.C. of the Building Code;
  - the location of the proposed sewage system;
  - the location of any unsuitable, disturbed or compacted areas;
  - proposed access routes for system maintenance;
  - depth to bedrock;
  - depth to zones of soil saturation;
  - soil properties, including soil permeability; and
  - soil conditions, including the potential for flooding; and
- (d) provide all applicable documentation as set out in Part 4, Subsection 4.1 to 4.4, and Schedule “C”.
- (5) Where application is made for a change of use permit issued under subsection 10(1) of the Act, the application shall:
- (a) use the prescribed form in Schedule “B” of this By-law;
  - (b) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
  - (c) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made;
  - (d) include complete plans and specifications showing the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the Building Code, including: floor plans; details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities, and details of the existing sewage system, if any;
  - (e) state the name, address and telephone number of the owner;
  - (f) be signed by the owner or their authorized agent who shall certify the truth of the contents of the application; and
  - (g) provide all applicable documentation as set out in Part 4, Subsection 4.1 to 4.4, and Schedule “C”.
- (6) Where application is made for a transfer of permit because of a change of ownership of the land, as permitted under clause 7(h) of the Act, the application shall:
- (a) use the prescribed form in Schedule “B” of this By-law;
  - (b) provide the names and addresses of the previous and new land owner;
  - (c) provide the date that the land ownership change took place;
  - (d) describe the permit that is being transferred; and
  - (e) provide all applicable documentation as set out in Part 4, Subsection 4.1 to 4.4, and Schedule “C”.
- (7) Where application is made for occupancy of an unfinished building as provided for in Article 2.4.3.1 of the Building Code, the application shall:
- (a) use the prescribed form in Schedule “B” of this By-law;
  - (b) describe the part of the building for which occupancy is requested; and
  - (c) provide all applicable documentation as set out in Part 4, Subsection 4.1 to 4.4, and Schedule “C”.

An application is deemed incomplete if it does not contain the prescribed information or is not accompanied by plans, certificates and documents specified in this By-law. Where an application is found to be incomplete and does not comply with Sentence 2.4.1.1B (5) of the Building Code, the application shall be refused.

#### 3.4 Partial permits – requirements

When feasible, the Chief Building Official may consider approval of a portion of the building or project prior to the issuance of a permit for the entire building or project,

- (a) application shall be made and all applicable fees be paid for the entire project; and
- (b) complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the Chief Building Official; and where a partial permit is requested the full building or project application is deemed to be incomplete.

#### 3.5 Partial permits – limitations

Where a permit is issued for part of a building or project, this shall not be construed to authorize construction beyond the plans for which approval was given, nor that approval will necessarily be granted for the entire building or project.

#### 3.6 Inactive permit application

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. If an application is deemed to be abandoned, a new application must be filed for the proposed work.

### Part 4

#### PLANS AND SPECIFICATIONS

##### 4.1 Information sufficient to determine conformity

Sufficient information shall be submitted with each application for a permit to enable the Chief Building Official to determine whether or not the proposed construction, demolition, change of use or transfer of permit will conform with the Act, the Building Code and any other applicable law.

##### 4.2 Two complete sets required unless specified

Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete sets of the plans, documents and specifications as described in this By-law and Schedule “C” of this By-law.

#### 4.3 Plans drawn to scale on durable material – legible

Plans shall be drawn to scale (min. 1:75 or 3/16"=1') on paper, electronic media approved by the Corporation or other durable material and shall be legible. 4.4 Site plans referenced to plan of survey – certified Site plans shall be referenced to an up-to-date survey and, when required to demonstrate compliance with the Act, the Building Code or other applicable law, a copy of the survey shall be submitted to the Chief Building Official. Site plans shall show:

- (1) rights-of-way, easements and municipal services.
- (2) lot size and the dimensions of property lines and setbacks to any existing or proposed buildings;
- (3) existing and proposed finished ground levels or grades; and existing

#### 4.5 Surveyor's certificate – location of foundation

A surveyor's certificate, prepared by a registered Ontario Land Surveyor, shall be submitted and approved prior to commencement of the framing or the above grade portion, and shall show the location of the foundation or foundations on the lot for the buildings, and for single family, semi-detached, duplex, triplex, four-plex, and row house, elevations shall be given for the top of foundation(s).

#### 4.6 As constructed plans

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.

#### 4.7 Plans – property of Corporation

Plans and specifications furnished according to this By-law or otherwise required by the Building Code and the Act become the property of the Corporation and will be dealt with accordingly.

### Part 5

#### REGISTERED CODE AGENCIES

##### 5.1 Registered Code Agency – hired by Chief Building Official

The Chief Building Official is authorized to enter into and sign contracts for service agreements with Registered Code Agencies and appoint them to perform specified functions from time to time in order to maintain the time periods for permits prescribed in subsection 2.4.1 of the Building Code.

##### 5.2 Duties of Registered Code Agency

The registered code agency may be appointed to perform one or more of the specified functions described in section 15.15 of the Act.

## Part 6

### FEES AND REFUNDS

#### 6.1 Fees – Schedule “A”

The Chief Building Official shall determine the required fees for the work proposed, calculated in accordance with Schedule “A” of this By-law and the applicant shall pay such fees. If a fee cannot be calculated in accordance with Schedule “A”, the Chief Building Official shall calculate the fee and the applicant shall pay such fee. No permit shall be issued until the fees therefore have been paid in full.

#### 6.2 Revisions to permits – fee

Where the applicant for a building permit or other permit makes material changes to plans, specifications or calculations after submission to the Building Department for approval, the Chief Building Official may increase the required permit fee or fees by applying the rates in Schedule “A” to these changes and require payment of such increased fee or fees before the applications for permit, permits or approvals are issued.

#### 6.3 Work without benefit of permits at any stage of construction – fee

Any person or Corporation who commences construction, demolition or changes the use of a building before submitting an application for a permit or receiving a permit, shall in addition to any other penalty under the Act, Building Code, or this By-law pay an additional fee equal to 100% of the amount calculated as the full permit fee for the entire project in order to compensate the Corporation for the additional work incurred by such early start of work.

Where a project receives multiple partial permits, the additional fee shall be based on the overall permit fee and will not exceed \$5,000 per occurrence and for each stage of construction.

#### 6.4 Additional fee and penalty

The additional fee in section 6.3 shall not relieve any person or other corporate entity from complying with the Building Code and other applicable law or from any penalty prescribed by the Building Code Act for commencing construction prior to obtaining a building permit.

#### 6.5 Fast Track Service– fee

Where the applicant for a building permit requests a Fast Track Service, additional fees as detailed in Schedule “A” shall apply.

#### 6.6 Conditional permit – fee

Where the applicant for a building permit requests and is granted a conditional permit, additional fees as detailed in Schedule “A” shall apply.

6.7 Limiting distance – fee

Where the applicant for a building permit enters into a limiting distance agreement, additional fees as detailed in Schedule “A” shall apply.

6.8 Administrative fees – not refundable

Administrative fees collected under this Section are not refundable.

6.9 Refunds

Where there is a written request for a refund of permit fees paid, the Chief Building Official shall retain the following amounts of the permit fee payable:

- (i) 10% for administration where no plans examination has commenced;
- (ii) 45% for permit processing where plans examination has commenced; and
- (iii) in addition to (i) and (ii), 5% of the permit fee payable for every monitoring inspection carried out to a maximum of 9 inspections or 45%, at which time no refund is payable.

6.10 Minimum permit fee – not refundable

Notwithstanding 6.9, no refund will be made which shall result in the retention by the City of a sum less than the minimum permit fee payable.

Part 7

TRANSFER OF PERMITS

7.1 Application – completed by new owner

In any case wherein the ownership of the land is transferred after permit is issued, the ownership of that permit may be transferred if the new land owner completes the permit application form in accordance with the requirements of Part 3 of this By-law.

7.2 Fee – Schedule “A”

A fee shall be payable on an application for a transfer of permit as provided in Schedule “A” of this By-law.

7.3 New owner – permit holder – upon transfer

The new owner shall, upon a transfer of a permit, be the permit holder for the purpose of the Act and the Building Code.

## Part 8

### REVOCACTION OF PERMITS

#### 8.1 Notice of revocation

Prior to revoking a permit under sub-section 8(10) of the Act, the Chief Building Official may serve a notice by personal service or registered mail at the last known address to the permit holder.

#### 8.2 Deferral of revocation

A permit holder may, within thirty (30) days from the date of service of a notice under this Part, request in writing the Chief Building Official to defer the revocation by stating reasons why the permit should not be revoked. The Chief Building Official having regard to any changes to the Act, Building Code or other applicable law may allow the deferral, in writing.

#### 8.3 Fee for deferral

A request for deferral shall be accompanied by the non-refundable fee therefore set out in Schedule “A” of this By-law.

## Part 9

### LIMITING DISTANCE AGREEMENT

#### 9.1 Entering into an agreement

An applicant may enter into a limiting distance agreement with the City as provided for in Sentence (8) of Article 3.2.3.1 or in Sentence (5) of Article 9.10.14.12 of the Ontario Building Code.

## Part 10

### NOTICE REQUIREMENTS FOR INSPECTION

#### 10.1 Notice prior to each stage – Chief Building Official

The permit holder shall notify the Chief Building Official or a Registered Code Agency, where one is appointed, of each stage of construction for which a mandatory notice is required under Article 2.4.5.1 of the Building Code. The permit holder shall provide the notice of completion as prescribed by Section 11 of the Act, or where occupancy is required prior to completion, notice of inspection to ensure that the requirements of Section 11 of the Act and subsection 2.4.3 of the Building Code are complied with.

In addition, the permit holder shall notify the Chief Building Official or a Registered Code Agency where one is appointed, of the following stages of construction as required under Article 2.4.5.2 of the Building Code:

- (a) commencement of construction of the building;
- (b) substantial completion of structural framing for each storey, if the building is a type of building that is within the scope of Parts of the Building Code other than Part 9;
- (c) 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;
- (d) substantial completion of interior finishes; and
- (e) substantial completion of heating, ventilation, air-conditioning and aircontaminant extraction equipment.

#### 10.2 Effective when received – Chief Building Official

A notice pursuant to this part of the By-law is not effective until notice is actually received by the Chief Building Official or the Registered Code Agency. Notice shall be deemed to have been received when the Chief Building Official or an inspector, as the case may be, makes a written record of the request for inspection.

#### 10.3 Time periods – inspections

Upon receipt of proper notice, the inspector or a Registered Code Agency, if one is appointed, shall make a written record of the time notice is received and undertake a site inspection of the building to which the notice relates in accordance with the time periods stated in Article 2.4.5.3 of the Building Code and Section 11 of the Act.

#### 10.4 FIRE SAFETY MATTERS

The Chief of the Fire Department, as an inspector, shall be responsible for fire safety matters in accordance with section 2.4.4 of the Building Code, namely:

- (a) fire alarm systems;
- (b) fire detection systems;
- (c) voice communication systems;
- (d) sprinkler systems;
- (e) portable fire extinguishers;
- (f) standpipe and hose systems; and
- (g) exhaust ventilation and fire protection systems of cooking equipment in restaurants and other commercial cooking equipment;
- (h) structural components damaged by fire or other unapproved use.

Part 11

MODIFIED REQUIREMENTS

11.1 Discretion of Chief Building Official

The Chief Building Official may waive the requirements of Part 4 or Schedule “C” with respect to any particular applications. Where the Chief Building Official exercises his discretion as set out in this section, the requirements of this By-law are deemed to be modified accordingly.

Part 12

REPEAL – ENACTMENT

12.1 Previous By-law

By-Law 2001-58 and all of its amendments are hereby repealed.

12.2 Short title

This By-law may be referred to as the Building Permit By-law.

12.3 Schedules

The Schedules to this by-law are a part of this by-law.

12.4 Effective date

This By-law comes into force on the date passed.

Passed this nineteenth day of February, 2007.

.....  
DEAN IORFIDA, CITY CLERK

.....  
R. T. (TED) SALCI, MAYOR

First Reading: February 19, 2007  
Second Reading: February 19, 2007  
Third Reading: February 19, 2007

**SCHEDULE "A"**

<b><u>CLASS OF PERMIT</u></b>	<b><u>SERVICE INDEX</u></b>	
	<b><u>\$/sq.ft</u></b>	<b><u>\$/sq.m</u></b>
1. <b><u>Group A - Assembly</u></b>		
a) School, Church, Restaurant over 30 seats, Library, Theatre, Educational or Recreational Facility and occupancies of a similar nature, listed in Section 3.1.2 of the Ontario Building Code 1990, as amended.	\$1.339	\$14.42
b) Casino	\$2.167	\$23.33
2. <b><u>Group B - Institutional</u></b>		
Hospital, Nursing Home, Reformatory, Prison and occupancies of a similar nature, listed in Section 3.1.2 of the Ontario Building Code 1990, as amended.	\$1.339	\$14.42
3. <b><u>Group C - Residential</u></b>		
a) Basic minimum house - less than 1,000 sq. ft, no garage	\$0.794	\$ 8.54
b) Average quality house - under 3,000 sq. ft., with garage	\$0.891	\$ 9.59
c) Superior quality house - over 3,000 sq. ft., with garage	\$1.054	\$11.34
d) Townhouse - without garage	\$0.746	\$ 8.04
- with garage	\$0.828	\$ 8.91
e) Add for finished basement in any of the above	\$0.255	\$ 2.74
f) Apartment Building (low rise)	\$0.670	\$ 7.21
g) Apartment Building (high rise)	\$0.810	\$ 8.72
h) Hotel - 2 storeys or less, motel	\$0.997	\$10.74
i) Hotel - over 2 stories	\$1.339	\$14.42

<u>CLASS OF PERMIT</u>	<u>SERVICE INDEX</u>	
	\$/sq.ft	\$/sq.m
4. <u>Group D - Business &amp; Personal Services</u>		
a) Office building, medical building, financial institution and similar occupancies , listed in Section 3.1.2 of the Ontario Building Code 1990, as amended.	\$1.339	\$14.42
5. <u>Group E - Mercantile</u>		
a) Retail Store (Low Rise), strip plaza, restaurant with 30 seats or less, and similar occupancies, listed in Section 3.1.2 of the Ontario Building Code 1990, as amended.	\$1.089	\$11.73
b) Add for offices or apartments over the above	\$0.625	\$ 6.72
c) Supermarket, department store and occupancies of a similiar nature, listed in Section 3.1.2 of the Ontario Building Code.	\$0.946	\$10.18
d) Add for basement to any of the above mercantile uses	\$0.375	\$ 4.05
6. <u>Group F - Industrial</u>		
(a) Factory, plant, warehouse, industrial building and occupancies of a similar nature, listed in Section 3.1.2 of the Ontario Building Code 1990, as amended:		
(i) Less than 50,000 sq. ft.	\$0.530	\$ 5.71
Shell and exterior cladding only	\$0.353	\$ 3.81
(ii) 50,000 sq. ft. or greater	\$0.429	\$ 4.62
Shell and exterior cladding only	\$0.295	\$ 3.17
(b) Offices in industrial building	\$0.997	\$10.74
7. <u>Other Permits</u>		
(a) Service station, car wash	\$0.909	\$ 9.79
(b) Air-supported structure, tent - (i) Under 250 sq. m.	Flat fee	\$75.00 (See Note 4)
(ii) 250 sq. m. or more	\$0.106	\$ 1.14

<u>CLASS OF PERMIT</u>	<u>SERVICE INDEX</u>	
	\$/sq.ft	\$/sq.m
(c) Parking garage	\$0.381	\$ 4.10
(d) Accessory storage building, farm building, greenhouse	\$0.268	\$ 2.88
(e) Conversion of the interior of an existing building to a Casino	\$1.085	\$11.69
(f) Change of use - (i) Less than 4,300 sq.ft (400 sq.m)	Flat fee \$125.00	
(ii) 4,300 sq. ft (400 sq. m), or more	\$0.340	\$ 3.50
(g) Foundation only	10% of full permit fee	
(h) Structural shell (frame) and foundation	50% of full permit fee	
(j) Architectural shell and foundation (see Note 6.)	67% of full permit fee	
(k) Demolition of a building or structure	\$0.021	\$ 0.22
(l) Public Pool	Flat rate	\$350.00
(m) Private Pool	Value Method	
(o) Miscellaneous Residential:		
(i) Addition to existing dwelling	\$0.871	\$ 9.38
(ii) Garage	\$0.281	\$ 3.02
(iii) Accessory building, closed porch, solarium	\$0.248	\$ 2.67
(iv) Finishing basement	\$0.255	\$ 2.74
(v) Carport, open porch, deck	Flat fee	\$ 75.00
(vi) Mobile Home (CSA. certified) - foundation extra.	Flat fee	\$100.00
(vii) Mobile Home (Uncertified) - including foundation	\$0.488	\$ 5.25
(viii) Mobile Home foundation	Plus	\$0.140 \$ 1.51

8. Plumbing, Drains & Sewers

PERMIT FEE

- |   |  |
|---|--|
| (a) Plumbing in a single family dwelling, motel or hotel. | \$75.00 for all plumbing installations, including up to seven fixtures, plus \$4.00 for each additional fixture. |
|---|--|

**PERMIT FEE**

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|---|--|
| (b) Plumbing in a semi-detached, duplex triplex and other multi-family dwelling or apartment building.        | \$75.00 for all plumbing installations, of up to seven fixtures, in each unit, plus \$4.00 for each additional fixture |
| (c) Plumbing in any building or structure not described 8(a) or 8(b) above.                                   | \$75.00 for all plumbing installations, of up to seven fixtures, in each unit, plus \$4.00 for each additional fixture |
| (d) Water service pipe  | \$20.00 per run.   |
| (e) Building drain, building sewer, building storm drain, building storm sewer, private sewer, private drain. | \$75.00 for the initial 150 feet of pipe, or portion thereof, plus \$15.00 for each additional 50 feet of pipe         |
| (f) Manhole, catchbasin, rain water leader, area drain.   | \$4.00 each  |

For the purpose of this By-law, a fixture shall be deemed to be a fixture as defined in Part 7 of the Ontario Building Code and shall also include a vent stack, floor drain, hot water tank, appliance, grease, oil or grit interceptor and sewage ejector.

9. Minimum fees

Minimum fee for a permit classified in Sections 1. to 7., inclusive, in this Schedule is \$75.00. Minimum fee for a permit classified in Section 8. in this Schedule is \$75.00.

10. Miscellaneous fees

- |  |                                      |
|--|--------------------------------------|
| (a) Transfer of permit to new owner                        | 10% of original fee<br>min. \$ 75.00 |
| (b) Extension of revocation date of permit                 | Flat fee \$80.00                     |
| (c) Conditional Permit Agreement - (i) Registered on Title | \$250.00 min.**                      |
| (ii) Unregistered  | \$120.00 min.**                      |

\*\* The fee for a Conditional Permit Agreement (CPA) shall be based on the full permit fee. Where the permit fee is \$2,000 or less, the CPA fee shall be 10% of the permit fee with a minimum of \$110.00. Where the CPA fee is more than \$2,000, the CPA shall be 20% of the full permit fee and in the event that the CPA is complied with, in full by the due date, then 50% of the CPA fee will be refunded upon completion.

11. Unclassified Construction

For categories of construction not listed herein the permit fee shall be \$70.00 for the initial \$5,000.00 of valuated cost, or portion thereof, plus \$10.00 for each additional \$1000.000 of valuated cost, or portion thereof, with a minimum fee of \$75.00.

12. Special Inspections

- (a) Authorization of Occupancy of an Unfinished Building - The fee shall be \$60.00 per hour of inspection time during regular business hours and \$82.00 per hour of inspection time at any other time with a minimum fee of \$240.00 on weekends or holidays.
- (b) Non-routine Inspection (refer to Note 5, below) - the fee shall be \$60.00 flat fee.
- (c) Requested Inspection outside of Regular Business Hours - The fee shall be \$90.00 per hour of inspection time with a minimum fee of \$240.00 on weekends or holidays.

13. Sewage Disposal Systems

	<u>Fee</u>
(1) Installation of Sewage System	
(a) Less than 10,000 litres per day including major repair	\$802.50
(b) Less than 10,000 litres per day involving minor repair	\$401.25
(c) Holding Tank	\$802.50
(d) Winery Waste Holding Tank ( to complement new system)	\$401.25
(e) Winery Waste Holding Tank (stand alone)	\$401.25
(f) Repair - Tank only	\$401.25
(2) Land Severence & Niagara Escarpment Commission Applications	
(a) Each parcel severed	\$250.00
(b) Each parcel retained	\$250.00
(3) Subdivision & Condominium Applications	
(a) Each lot or unit	\$250.00

NOTE: The above fees apply only to those lots serviced by private sewage systems.

	<u>Fee</u>
(4) Special requests	
(a) For preliminary site inspections related to proposed lot development, where no other application has been made. NOTE: Standard application fees will be reduced by this amount if made within one year.	\$200.00
(b) For routine non- Part 8 inspections after business hours.	\$240.00
(5) Real Estate Enquiries which include site inspections	
(a) Initial fee	\$321.00
(b) Each additional hour, or part thereof, over two hours	\$107.00
(c) Real Estate Enquiries which include existing file search only	\$133.75
(6) Minor Variance	\$250.00
(7) Disinterment	
(a) Initial Fee	\$100.00
(b) Each additional hour or part thereof	\$100.00

14. Basis of Fees

Except as specified otherwise, the permit fee shall be determined by multiplying the Service Index, for each category listed in Sections 1 to 7, inclusive by the Gross Floor Area of the applicable building, to determine the permit fee.

Gross Floor Area means the total area of all floors in a building, including a finished basement, measured between the outside surface of exterior walls or between the outside surface of exterior walls and the centre line of a fire wall or party wall. (See Notes 1 & 2 below) In the case of a new house, the area of an attached garage is not included in the calculation.

The minimum permit fee for all categories of construction is \$75.00.

15. Construction or Installation prior to Permit Issuance

Notwithstanding the fees listed above, where construction or installation has commenced or occurred prior to the issuance of a permit, the fee, or minimum fee, as the case may be, shall be double the amount listed above for the category of construction or installation.

16. Fast Track Service

Notwithstanding the fees set out in Sections 1 to 12, above, at the request of an applicant for Fast Track Service, the appropriate fee shall have a premium of 50% added, where Fast Track Service is made available by the City.

NOTES

1. Where there is no floor or exterior walls for the project on any storey, or part thereof, the floor area for that storey, or floor, shall be included as part of the Gross Floor Area, and shall be the greatest horizontal area of the structure, on that storey or floor.
2. There are no deductions from the gross floor area for openings such as stairs, elevators, shafts, ducts, etc.
3. Major occupancy for each class of permit is based upon the Ontario Building Code.
4. Where a tent or air-supported structure has a permanent foundation then an additional permit fee shall be payable, based on the value of construction of such foundation.
5. The Non-routine Inspection Fee is applied where it is necessary to repeat a requested inspection, because the work was not ready, or incomplete, after a second inspection.
6. The Architectural Shell, for the purpose of this By-law, means the frame of a building including the roof, exterior cladding and open interior walls with no interior finishes.

SCHEDULE "B"

Application for Change of Use, Transfer of Permits and Occupancy Permits

Application for a Permit:

Partial Occupancy – Unfinished Building

Transfer of Permit – Ownership

Change of Use – No Construction

For use of Municipality Authority

Application Number:

Permit Number (if different): Date Received (yyyy/mm/dd): Roll Number:

A) Purpose of Application

Partial Occupancy - Unfinished Building - Change of Use - No Construction

Transfer of Permit - Ownership

Proposed use of building: \_\_\_\_\_

Current use of building (if applicable): \_\_\_\_\_

Description of work: \_\_\_\_\_

B) Applicant Information – Applicant is:

The owner: or, the authorized agent of the owner.

(If corporation or partnership, name of person applying on its behalf)

C) Owner Information (if different from applicant)

(If corporation or partnership, name of person applying on its behalf)

Last Name, First Name, Middle Initial, Last Name, First Name, Middle Initial,

Corporation or Partnership (if applicable), Corporation or Partnership (if applicable),

Full Address, Full Address, Building Number, Street Name, Unit Number, Lot/con.,

Building Number, Street Name, Unit Number, Lot/con., Municipality, Province, Postal

Code, Country, Municipality, Province, Postal Code, Country.

Telephone, Fax Number (optional), Cell Number (optional), Telephone, Fax Number

(optional), Cell Number (optional).

D) Former Owner (Transfer of Permit)

E) Project Information (Full Address of Project)

Last Name, First Name, Middle Initial, Building Number, Street Name, Unit

Number, Lot/con., Corporation or Partnership (if applicable), Municipality, Province,

Postal Code, Full Address, Plan Number, Lot/Parcel Number, Building Number, Street

Name, Unit Number, Lot/con., Other Location Information – describe area to be occupied

Municipality, Province, Postal Code, Country.

Telephone, Fax Number (optional), Cell Number (optional).

F) Permit Via, Mail To, Pick Up By, Applicant, Owner, Authorized Agent.

G) Building Designer/Architect/Professional Engineer

Name

Telephone Number

Fax Number

H) Declaration of applicant

I \_\_\_\_\_ certify that:

(Print Name)

1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.
2. I have authority to bind the corporation or partnership (if applicable).

\_\_\_\_\_  
(Date) (Signature of Applicant)

Personal information contained in this form and schedules is collected under the authority of subsection 8(1.1) of the Building Code Act, 1992.

Questions about the collection of personal information may be addressed to the Chief Building Official of the Municipality of Niagara Falls.

SCHEDULE "C"

SCHEDULE OF DRAWINGS, SPECIFICATIONS AND DOCUMENTS REQUIRED FOR CONSTRUCTION, DEMOLITION, AND CHANGE OF USE PERMITS.

- 1.0 Two sets/copies of the following list of drawings, specifications and documents are required to be submitted in order for the various types of Building Permit Applications listed to be considered a complete application pursuant to section 2.4 of the Building Code Act, 1992 as amended:
- (a) Demolition (Full or partial)
    - (i) Proof of those arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, gas, electric and telephone or other utilities and services.
    - (ii) Description of the structural design characteristics of the building and method of demolition prepared by a professional engineer where deemed necessary by the Chief Building Official (OBC Part 2).
    - (iii) Where a building is designated under the Heritage Act, approval must be obtained from Heritage Niagara LACAC.
  - (b) On-Site Sewage System
    - (i) Site Evaluation Report prepared by a professional engineer including soil permeability, and soil conditions, including the potential for flooding.
    - (ii) Site plan (property survey) and/or and lot grading/drainage and servicing plan.
    - (iii) Sewage system design and drawings (prepared by a professional engineer).
  - (c) Residential Deck or Porch Permit
    - (i) Approved zoning certificate (including approved drawings)
    - (ii) Site plan (property survey)
    - (iii) Floor plan (framing)
    - (iv) Elevation(s)
    - (v) Cross-section and detail of guards
  - (d) Residential Accessory Buildings
    - (i) Approved zoning certificate (including approved drawings)
    - (ii) Site plan (property survey)
    - (iii) Foundation plan/eng. floor slab
    - (iv) Floor plan (one per floor & include framing)
    - (v) Building elevations (min. 4)
    - (vi) Building section (min. 1)
  - (e) Residential Addition or Renovation Permit
    - (i) Approved zoning certificate (including approved drawings)
    - (ii) Site plan (property survey)
    - (iii) Foundation plan
    - (iv) Floor plan (one per floor & include framing)
    - (v) Building elevations (min. 3)
    - (vi) Building section (min. 1)
    - (vii) Private sewage system evaluation where applicable

- (f) New Residential House or Semi-Detached
  - (i) Approved lot grading, drainage and servicing plan
  - (ii) Approved zoning certificate (including approved drawings)
  - (iii) TARION (ONHWP) registration form
  - (iv) Where applicable, a complete on-line sewage system permit application
  - (v) Site plan (property survey)
  - (vi) Floor plan (one per floor)
  - (vii) Floor and roof framing plans/truss specifications sealed by Professional Engineer
  - (viii) Building elevations (min. 4)
  - (ix) Building section (min. 1)
  - (x) Mechanical ventilation form
  - (xi) Heat loss / heat gain calculations and furnace make/model
- (g) New Residential Townhouse or Tri-plex
  - (i) Approved lot grading, drainage and servicing plan
  - (ii) Approved zoning certificate (including approved drawings)
  - (iii) Approved Site Plan (agreement and drawings)
  - (iv) TARION (ONHWP) registration form
  - (v) Floor plan (one per floor)
  - (vi) Floor and roof framing plans
  - (vii) Building elevations (min. 4)
  - (viii) Building section (min. 1)
  - (ix) Mechanical ventilation form
  - (x) Heat loss / heat gain calculations and furnace make/model
- (h) New Residential Apartment Building
  - (i) Approved lot grading, drainage and servicing plan
  - (ii) Approved zoning certificate (including approved drawings)
  - (iii) Approved Site Plan (agreement and drawings)
  - (iv) Geotechnical Investigation Report (2 copies)
  - (v) Site plan (property survey)
  - (vi) Floor plan (one per floor)
  - (vii) Foundation plan and details (include de-watering & shoring where applicable)
  - (viii) Floor and roof structural plans
  - (ix) Building elevations
  - (x) Building sections
  - (xi) Window & door / hardware schedules
  - (xii) Room finish schedules
  - (xiii) Mechanical drawings (plumbing and HVAC)
  - (xiv) Electrical drawings (lighting, fire alarm system)
  - (xv) Sprinkler shop drawings if applicable
  - (xvi) Standpipe shop drawings if applicable
- (i) New Non-Residential Building or Addition (Part 3 or 9 Building)
  - (i) Approved lot grading, drainage and servicing plan
  - (ii) Approved zoning certificate (including approved drawings)

- (iii) Approved Site Plan (agreement and drawings)
- (iv) Geotechnical Investigation Report (2 copies)
- (v) Site plan (property survey)
- (vi) Floor plan (one per floor)
- (vii) Foundation, framing and roof plans
- (viii) Building elevations
- (ix) Building section (min. 1)
- (x) Window schedule
- (xi) Door & hardware schedule
- (xii) Wall sections and/or details
- (xiii) Mechanical plans (plumbing & HVAC)
- (xiv) Electrical plans (general lighting, emergency/exit lighting, and fire alarm system)
- (xv) Automatic sprinkler and standpipe drawings where applicable
- (xvi) Private sewage system evaluation where applicable
- (j) Non-Residential Renovation (Part 3 or 9 Building)
  - (i) Site plan (property survey), and/or key plan
  - (ii) Floor plan(s)
  - (iii) Door, hardware and partition schedule
  - (iv) Building elevations if exterior work proposed
  - (v) Building section if exterior work proposed
  - (vi) Mechanical plans (plumbing & HVAC) where applicable
  - (vii) Electrical plans (lighting, fire alarm system) where applicable
- (k) Designated Structures  
The following plans prepared and stamped by a registered Architect or Professional Engineer;
  - (i) Approved lot grading, drainage and servicing plan
  - (ii) Approved zoning certificate (including approved drawings)
  - (iii) Site plan (property survey)
  - (iv) Floor plan and roof plan (where applicable)
  - (v) Elevations (where applicable)
  - (vi) Sections and details (where applicable)
- (l) Commercial Exhaust Hood (NFPA 96)
  - (i) Floor plan
  - (ii) Mechanical plan, details and section
- (m) Electro-Magnetic Locking Devices
  - (i) Floor plan
  - (ii) Electrical plan, details of inter-face with fire alarm system
- (n) Plumbing or Backflow Prevention Device
  - (i) Floor plan/Plumbing layout
  - (ii) Where applicable, a company letter describing proposed work

2.0 Unless otherwise specified by the Chief Building Official plans or working drawings showing and detailing the following information shall accompany all building permit applications: A building permit application is not complete until such plans are attached to it.

- 2.1 The site plan (property survey) drawing shall show:
- (a) Survey property boundaries and dimension, all building lines, bearing of metes and bounds and compass orientation (legal description),
  - (b) The location, use, height and dimensions of any existing and proposed buildings including, but not limited to front, side, and rear yard dimensions and relationships to adjoining property lines, condominium corporation lines and buildings, common element lines (where applicable),
  - (c) Relation of buildings and finished grade to existing elevations and storm water drainage control plan on site where applicable,
  - (d) All existing and proposed parking layouts, retaining walls, swimming pools, accessory buildings and any other such physical additions necessary to the site.
- 2.2 The lot grading, drainage and servicing plan(s) shall show:
- (a) The property lines, building location, sidewalks, driveways, curb cuts, swales, all utility services and new/existing service connections,
  - (b) Existing and proposed spot elevations for this project and adjacent properties, slopes of driveways, sidewalks and swales, direction of drainage flow,
  - (c) Location of storm water catchment area, catch basins, below grade and above grade utilities and connections into services at property line.
- 2.3 The architectural drawings shall show:
- (a) OBC matrix, foundation and grade details,
  - (b) Each floor plan with exact dimensions of the layout of all proposed areas and identify each with room names,
  - (c) All wall thickness and type of construction, window and door openings and schedules, elevator, sections and details of all walls, stairs and exits, fire walls, fire separations, shaft and duct openings and other related pertinent information,
  - (d) Building elevations, cross sections and wall sections showing all floor to floor heights, materials and thickness, etc.,
  - (e) Specifications where applicable.
- 2.4 The structural drawings shall show:
- (a) All foundation, floor, roof and wall structural elements indicating sizes, shapes and proper locations, and all dead and live design loads and conditions of loading,
  - (b) All reinforced concrete work indicating thickness and strength of concrete, size spacing minimum cover and type of reinforcing steel,
  - (c) All lintels, column and beam locations and their size and snowdrift loading,
  - (d) Where applicable de-watering report and shoring or pile driving.
  - (e) Flow Control Roof Drainage Declaration to be completed.
  - (f) Specifications where applicable.
- 2.5 The mechanical and electrical drawings shall show:
- (a) Mechanical drawings are to show the plumbing, heating, ventilation and air conditioning including legends and schedules for compliance with the OBC. For Part 9 buildings, if room allows this information can be shown on the same plan as the architectural,

- (b) Electrical drawings are to show lighting, emergency lighting, exit signs, fire alarm systems and their legends and schedules for compliance with the OBC. For Part 9 buildings, if room allows this information can be shown on the same plan as the architectural,
- (c) Sprinkler and standpipe drawings are to include floor plans and riser diagrams to locate the entire system including connections, sprinkler heads.
- (d) Specifications where applicable.

2.6 The on-site sewage system report shall include the following:

- (a) The name, mailing address and telephone/fax numbers of the person who prepared the report and the system installer,
- (b) The date the evaluation was complete,
- (c) The provincial sewage system installer's registration number, date of issuance, and the name of the qualified person supervising the work to be done under the permit,
- (d) A scaled map of the site showing:
  - (i) Legal description, lot size, property dimension, existing rights-of-way, easements or municipal/utility corridors,
  - (ii) The locations of items listed in Column 1 of Tables 8.2.1.6.A, 8.2.1.6.B and 8.2.1.6.C of the Building Code,
  - (iii) The location of the proposed sewage system,
  - (iv) The location of any unsuitable, disturbed or compacted areas, and
  - (v) The proposed access routes for system maintenance.
- (e) Soil investigation including:
  - (i) Depth to bedrock,
  - (ii) Depth to zones of soil saturation,
  - (iii) Soil properties and permeability,
  - (iv) Potential for flooding

2.7 The following supporting documentation shall accompany applications for a permit unless otherwise waived by the Chief Building Official:

- (a) Real property report (survey plan) prepared by an Ontario Land Surveyor,
- (b) Driveway access and road occupancy permit approved by the authority having jurisdiction as may be applicable,
- (c) Approval by the Ministry of the Environment for the design and construction of a private sewage disposal and water supply systems where applicable,
- (d) Approval by the Niagara Regional Health Department for onsite private sewage disposal system less than 10,000 liters per day
- (e) Such other approvals as may be required to demonstrate compliance with "applicable law".

SCHEDULE "D"

THE CORPORATION OF THE CITY OF NIAGARA FALLS  
BY-LAW \_\_\_\_\_

Additional Forms:

- 1) Confirmation of Commitment Form
- 2) Building Analysis Form
- 3) Schedule 1: Designer Information
- 4) Certificate of Design and Manufacturing Conformance for the Steel Building System.