

THE CORPORATION OF THE TOWN OF MINTO

BY-LAW NUMBER 07-39

Being a by-law respecting construction, demolition, sewage systems, change of use, conditional permits and inspections

WHEREAS section 7 of the *Building Code Act*, 1992, S.O. 1992 c.23 empowers Council to pass certain by-laws respecting construction, demolition, change of use permits, sewage systems, inspections and enforcement related matters of the *Building Code Act*

NOW THEREFORE the Council of the Corporation of the Town of Minto enacts as follows:

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PART I - INTERPRETATION

Short Title

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

Gender and Number

- 1.02 In this by-law, unless the contrary intention is indicated, words used in singular shall include the plural and words used in the male gender shall include the female gender and a corporation or vice versa where applicable.

Definitions

- 1.03 For the purpose of interpreting the provisions set forth in this by-law, the following definitions shall apply:
- (a) “Act” refers to the *Building Code Act, 1992*, S.O. 1992, c. 23, including amendments thereto, except where specific reference is made to another Act of the Legislature of the Province of Ontario or the Parliament of Canada;
 - (b) “As Constructed Plans” means as constructed plans as defined in the Building Code;
 - (c) “Building” means a building as defined in subsection 1(1) of the Act;
 - (d) “Building Area” means the greatest horizontal area occupied by a building but does not include roof overhang, bow windows, chimneys and other similar projections less than 24 inches measured from the building exterior walls or roof bearing members;
 - (e) “Building Code” means the 2006 Ontario Building Code enacted under Section 34 of the Act;
 - (f) “Chief Building Official” means the Chief Building Official appointed by a by-law of the Corporation of the Town of Minto for the purposes of enforcement of the Act;
 - (g) “Construct” means to construct as defined in Section 1(1) of the Act;
 - (h) “Council” means the Council of The Corporation of the Town of Minto
 - (i) “Farm building” means a farm building as defined in the Building Code;
 - (j) “Inactive permits” are permits for which there are no records of an inspection being done or requested for at least one year;
 - (k) “Inspector” means a person appointed by Council as an inspector under the Act;
 - (l) “Permit” means written permission or written authorization from the Chief Building Official;
 - (m) “Person” means an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and includes the heirs, executors, assigns, successors or legal representatives of the Person;
 - (n) “Plumbing” means plumbing as defined in subsection 1(1) of the Act;
 - (o) “Sewage system” means a sewage system as defined in the Building Code; and
 - (p) “Special Inspection” means an inspection that is requested and carried out not in connection with a permit and this also includes inspections requested on permits that are more than 36 months old with no records of an inspection being done or requested for at least one year.

PART II- PERMITS AND INSPECTIONS

Classes and Types

- 2.01 Classes of permits with respect to the construction, demolition and change of use of buildings are as set out in Schedule "A" to this by-law.
- 2.02 Types of permits and inspections for sewage systems are as set out in Schedule "B" to this bylaw.
- 2.03 Other types of inspections, reports and record searches are as set out in Schedule "C" to this bylaw.

Notice of Requirements for Inspections

- 2.04 The owner or an authorized agent shall notify the Chief Building Official at least two (2) business days prior to each stage of construction for which notice in advance is required under the Building Code. In addition to the prescribed notice contained in Division C, 1.3.5.1 of the Building Code, notice of any solid fuelled fire appliance rough in and notice of the final inspection detailed in clauses Division C, 1.3.5.2 (1) (c) and 1.3.5.2.(1) (i).
- 2.05 Notice shall not be effective unless given in one of the following ways:
 - (a) Phone message given to the Town of Minto Building Department at (519) 338-2511
 - (b) Fax message given to the Town of Minto Building Department at (519) 338-2005
 - (c) In person at the Town of Minto Building Department Customer Service Counter.

Transfer of Permits

- 2.06 If land changes ownership after a building permit has been issued, a building permit may be transferred to the new owner for a fee in accordance with Schedule "G" Tariff of Fees. When a building permit is transferred, the new owner assumes all responsibility and may be required to provide additional information and, if necessary proof, of engagement of a design professional. Changes made to plans submitted for the original building permit may require payment of an additional fee.

PART III - REQUIREMENTS FOR APPLICATIONS

The Application

- 3.01 To obtain a permit, the owner or an agent authorized by the owner shall file an application in writing by completing a prescribed form available at the Town of Minto Building Department Customer Service Counter or from the Building Code website www.obc.mah.gov.on.ca

Building Permits

- 3.02 Where application is made for a building permit under subsection 8(1) of the Act, the application shall:
- (a) Identify and describe in detail the work and occupancy to be covered by the permit for which application is made;
 - (b) Describe the land on which the work is to be done, by a description that will readily identify and locate the building lot;
 - (c) Include a minimum of two sets of complete plans and specifications in accordance with sections 3.08 – 3.13 of this by-law for the work to be covered by the permit and show the occupancy of all parts of the building;
 - (d) State the valuation of the proposed work including materials, labour, and including the required fee;
 - (e) State the names, addresses and telephone numbers of the owner and of the architect or engineer, where applicable, or other designer or contractor;
 - (f) Be accompanied by a written acknowledgement of the owner that he has retained an architect or professional engineer to carry out the field review of the construction where required by the Building Code;
 - (g) Attach approvals for all applicable federal and provincial statutes and regulations and municipal by-laws; and
 - (h) Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

Demolition Permits

- 3.03 Where application is made for a demolition permit under subsection 8(1) of the Act, the application shall:
- (a) Contain the information required by clauses 3.02 of this Building Bylaw,
 - (b) May be required to be accompanied by satisfactory proof that arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, electric, telephone or other utilities and services.

Conditional Permits

- 3.04 Where application is made for a conditional permit under subsection 8(3) of the Act, the application shall:
- (a) Contain the information required by clauses 3.02 of this Building Bylaw;
 - (b) Contain such other information, plans and specifications concerning the complete project as the Chief Building Official may require;
 - (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 complete plans and specifications of the complete building will be filed with the Chief Building Official.

Change of Use Permits

- 3.05 Every application for a change of use permit issued under subsection 10(1) of the Act shall be submitted to the Chief Building Official and shall:
- (a) Describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
 - (b) Identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made;
 - (c) Include plans and specifications which show the current and proposed occupancy of all parts of the building and which contain sufficient information to establish compliance with the requirements of the Building Code including floor plans, details of wall, ceiling and roof assemblies, identifying required fire resistance ratings and load bearing capacities;
 - (d) Be accompanied by the required fee;
 - (e) State the name, address and telephone number of the owner; and
 - (f) Be signed by the owner or his or her authorized agent who shall certify the truth of the contents of the application.

Alternative Solutions

- 3.06 Where an application for a permit or for authorization to make a material change to a plan, specification, document or other information on the basis of which a permit was issued, contains an alternative solution, system or building design for which authorization under Division A, 1.2.1.1. (1) (b) is requested, the following information shall be provided:
- (a) A completed application as provided in Schedule "H" for Alternative Solutions;
 - (b) Any applicable provisions of the Building Code; and
 - (c) Evidence that the proposed material, system or building design will provide the level of performance required by the Building Code.

Sewage Systems

- 3.07 Every application for a sewage system permit shall be submitted to the Chief Building Official and contain the following information:
- (a) Contain the information required by clauses 3.02 of this Building Bylaw;
 - (b) A site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official:
 - (i) The date the evaluation was done;
 - (ii) Name, address, telephone number and signature of the person who prepared the evaluation;
 - (iii) A scaled map of the site in accordance with section 3.12 of this by-law;
 - (iv) Depth to bedrock;
 - (v) Depth to zones of soil saturation;
 - (vi) Soil properties, including soil permeability;
 - (vii) Soil conditions, including the potential for flooding.

Plans and Specifications

- 3.08 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 or change of use will conform to the Act, the Building Code and any other applicable law;
- 3.09 After the issuance of a permit under the Act, notice of any material change to a plan, specification, document or other information on the basis of which the permit was issued, must be given in writing to the Chief Building Official together with the details of such change which is not to be made without his or her written authorization.
- 3.10 Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete sets of plans and specifications required under this by-law;
- 3.11 Plans shall be drawn to scale and dimensioned on paper, shall be legible and, without limiting the generality of the foregoing, shall include such working drawings as set out in Schedule "D" to this by-law, unless otherwise specified by the Chief Building Official;
- 3.12 Site plans shall be accurately drawn to scale and dimensioned, and when required by the Chief Building Official to demonstrate compliance with the Act, the Building Code or other applicable law, a copy of a survey prepared by an Ontario Land Surveyor shall be submitted. Site plans shall show:
- (a) The legal description, lot size, property dimensions, existing rights-of-way, easements of municipal/utility corridors;
 - (b) The location and voltage of hydro-electric transmission lines;
 - (c) Lot size and the dimensions of the property lines and setbacks to any existing or proposed buildings;
 - (d) Existing and finished ground levels or grades;
 - (e) Existing rights-of-way, easements and municipal services;
 - (f) The location of any existing or proposed sewage system; and
 - (g) In connection with applications for sewage systems under section 3.07 of this by-law:
 - (i) The location of any unsuitable, disturbed or compacted areas;
 - (ii) Proposed access routes for system maintenance;
 - (iii) The location of clearances located both on the property and in proximity to the property, as described in Division B, Tables 8.2.1.5., 8.2.1.6.A and 8.2.1.6.B of the Building Code, which includes, structures, well with a water tight casing to a depth of 6m, other well, lake, pond, reservoir, river, spring not used as a source of potable water, stream and property line; and
 - (iv) The location of above ground electrical conductors and the voltage for same.
- 3.13 Verification by an Ontario Land Surveyor of by-law compliance may be required before proceeding past foundation stage, if required by the Chief Building Official.

As Constructed Plans

- 3.14 The Chief Building Official may require that a set of plans of a building or any class of building as constructed be filed with the Chief Building Official on completion of construction under such conditions as may be prescribed in the Building Code.

PART IV - FEES

- 4.01 Fees for a required permit or inspection shall be in accordance with the Fees By-law.
- 4.02 Fees for a required permit or inspection under this by-law shall be as set out in Schedule "G" of this by-law.
- 4.03 Where the fees payable in respect of an application for a construction or demolition permit issued under subsection 8(1) of the *Building Code Act, 1992*, S.O. 1992, c. 23, including amendments thereto (the "Building Code Act") or a conditional permit under subsection 8(3) of the Building Code Act are based on the cost of valuation of the proposed work, the cost of valuation of the proposed work shall mean the total cost of all work regulated by the permit, including the cost of all material, labour, equipment, overhead and professional and related services, provided that where application is made for a conditional permit, fees shall be paid for the complete project.

Refunds

- 4.04 In the case of withdrawal of an application or the abandonment of all or a portion of the work or the non-commencement of any project, the Chief Building Official shall determine the amount of paid permit fees that may be refunded to the applicant, if any, in accordance with Schedule F of this by-law. Application for refund must be made within 6 months of the date of permit application in order to be eligible for a refund of any permit fee.

PART V- ENFORCEMENTOffences

- 5.01 No person shall:
- (a) Construct a building without a permit contrary to subsection 8(1) of the Act;
 - (b) Cause construction of a building without a permit contrary to subsection 8(1) of the Act;
 - (c) Demolish a building without a permit contrary to subsection 8(1) of the Act;
 - (d) Cause demolition of a building without a permit contrary to subsection 8(1) of the Act;
 - (e) Change plans without authorization contrary to subsection 8(12) of the Act;
 - (f) Construct a building not in accordance with plans contrary to subsection 8(13) of the Act;
 - (g) Change the use of a building without a permit contrary to subsection 10(1) of the Act;
 - (h) Occupy a building newly erected without notice or inspection contrary to Section 11 of the Act;
 - (i) Obstruct or remove a posted order without authorization contrary to Section 20 of the Act;
 - (j) Furnish false information on an application for a permit contrary to clause 36(1) (a) of the Act.
- 5.02 No person shall fail to comply with:
- (a) An order to comply made by an Inspector under subsection 12(2) of the Act;
 - (b) An order not to cover made by an Inspector under subsection 13(1) of the Act;
 - (c) An order to uncover made by an Inspector under subsection 13(6) of the Act;
 - (d) An order to cease construction made by the Chief Building Official under subsection 14(1) of the Act;
 - (e) An order to render a building safe made by an Inspector under subsection 15(3) of the Act;

- (f) An order prohibiting occupancy of an unsafe building made by the Chief Building Official under clause 15(5)(a) of the Act;
- (g) An order to repair a dangerous building made by the Chief Building Official under subsection 17(1) of the Act.

5.03 No person shall:

- (a) Commence demolition before a building has been vacated contrary to Division C, Sentence 1.3.1.1 (4) of the Building Code.
- (b) Fail to post permit on construction site contrary to Division C, Sentence 1.3.2.1(1) of the Building Code.
- (c) Fail to post permit on demolition site contrary to Division C, Sentence 1.3.2.1(1) of the Building Code;
- (d) Occupy an unfinished building without a permit contrary to Division C, Sentence 1.3.3.1(1) of the Building Code.
- (e) Occupy an unfinished residential building contrary to Division C, Sentence 1.3.3.2(1) of the Building Code.
- (f) Fail to provide required notification of construction phase contrary to Division C, Sentence 1.3.5.1(1) of the Building Code.

5.04 Every Person who hinders or obstructs a Person lawfully carrying out the enforcement of this by-law is guilty of an offence.

Penalties

5.05 Every Person who contravenes any provision of this by-law or the Act or is party to such contravention is guilty of an offence and on conviction is liable to a fine:

- (a) in accordance with Section 36 of the Act with respect to offences arising from Sections 5.01, 5.02, 5.03 and 5.04 of this by-law; or
- (b) otherwise as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

5.06 Every Person who is guilty of an offence under this by-law may, if permitted under the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, pay a set fine, and the Chief Judge of the Ontario Court of Justice shall be requested to establish set fines as set out in Schedule "E" to this by-law.

5.07 In addition to the penalties prescribed in Sections 5.05 and 5.06 of this by-law, the Chief Building Official may apply under subsection 38(1) of the Act for an order directing compliance with the Act.

PART VI- GENERAL PROVISIONS

Severability

6.01 If any provision, or part of a provision, of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

Conflict With Any Other By-Law

6.02 In the event of any conflict between any provisions of this by-law and any other by-law heretofore passed, the provisions of this by-law shall prevail.

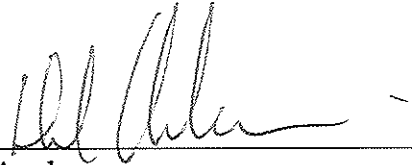
Effective Date

6.03 This by-law comes into force and effect on the date it is passed.

Repeal of Previous By-Laws

This by-law repeals By-law 05-45

Read a first and second time this 9th day of May, 2007.



Mayor David Anderson

Seal



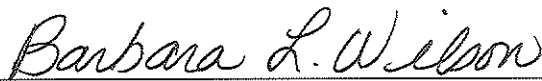
Clerk Barbara L. Wilson

Read a third time and finally passed this 23rd day of May, 2007.



Mayor David Anderson

Seal



Clerk Barbara L. Wilson

SCHEDULE "A"

Classes of Permits

- Building Permit
- Class 4 On-Site Septic Permit
- Demolition Permit
- Foundation Permit
- Conditional Permit
- HVAC Permit
- Sign Permit
- Change of Use Permit
- Revision or Renewal Permit
- Plumbing Permit

SCHEDULE "B"

Septic System Permits and Inspections

TYPE OF PERMIT OR INSPECTION
Permit To Bring Existing System into Compliance
Permit for New Sewage System
Permit for a Sewage System Alteration

SCHEDULE "C"

Other Inspections and Record Searches

TYPE OF INSPECTION OR SEARCH
Final Inspection
Special Inspection
Transfer of Permits
Searching of Records (no charge if part of full Municipal Records Search)

SCHEDULE "D"

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

1. The Site Plan
2. Foundation Plans
3. Floor Plans
4. Framing Plans
5. Roof Plans
6. Sections & Details
7. Building Elevations
8. Electrical Drawings
9. Heating, Ventilation and Air Conditioning Drawings (HVAC) include heat loss and duct layout
10. Plumbing Drawings
11. Sewage System Details
12. Site Drainage Details
13. Site Servicing Details
14. Life Safety Plans

NOTE:The Chief Building Official may specify on a permit application that not all the above-mentioned plans are required to accompany that application.

SCHEDULE “E”

Set Fines

Item	Short Form Wording	Offence creating provision or defining offence	Set Fines
1	Construct a building without a permit	s. 5.01 (a); [s. 8(1) of the Act]	\$450.00
2	Cause construction of a building without a permit	s. 5.01 (b); [s. 8(1) of the Act]	\$450.00
3	Demolish a building without a permit	s. 5.01 (C); [s. 8(1) of the Act]	\$450.00
4	Cause demolition of a building without a permit	s. 5.01 (d); s. 8(1) of the Act]	\$450.00
5	Change plans without authorization	s. 5.01 (e); [s. 8(12) of the Act]	\$200.00
6	Construct a building not in accordance with plans	s. 5.01 (f); [s. 8(13) of the Act]	\$300.00
7	Change the use of a building without a permit	s. 5.01 (g); [s. 10(1) of the Act]	\$400.00
8	Occupy a building newly erected without notice or inspection	s. 5.01 (h); [s. 11 of the Act]	\$200.00
9	Remove posted order without authorization	s. 5.01 (I); [s. 20 of the Act]	\$450.00
10	Furnish false information on an application for a permit	s. 5.01 (j); [s. 36(1)(a) of the Act]	\$200.00
11	Fail to comply with an order made by an Enforcement Authority	s. 5.02 (a); [s. 12(2) of the Act]	\$450.00
12	Fail to comply with an order not to cover	s. 5.02 (b); [s. 13(1) of the Act]	\$300.00
13	Fail to comply with an order made to uncover	s. 5.02 (c); [s. 13(6) of the Act]	\$450.00
14	Fail to comply with an order to cease construction	s. 5.02 (d); [s. 14(1) of the Act]	\$450.00
15	Fail to comply with an order to render a building safe	s. 5.02 (e); [s. 15(3) of the Act]	\$450.00
16	Fail to comply with an order prohibiting occupancy of an unsafe building	s. 5.02 (f); [s. 15(5)(a) of the Act]	\$475.00
17	Fail to comply with an order to repair a dangerous building	s. 5.02 (g); [s. 17(1) of the Act]	\$450.00
18	Commence demolition before a building has been vacated	s. 5.03 (a); Div. C, 1.3.1.1(4) of the Building Code	\$400.00
19	Fail to post permit on construction site	s. 5.03 (b); Div. C, 1.3.2.1(1) of the Building Code	\$75.00
20	Fail to post permit on demolition site	s. 5.03 (c); Div. C, 1.3.2.1(1) of the Building Code	\$75.00
21	Occupy an unfinished building without a permit	s. 5.03 (d); Div. C, 1.3.3.1(1) of the Building Code	\$200.00
22	Occupy an unfinished residential building	s. 5.03 (e); Div. C, 1.3.3.2(1) of the Building Code	\$200.00
23	Fail to provide required notification of construction phase	s. 5.03 (f); Div. C, 1.3.5.1(1) of the Building Code	\$75.00
24	Obstruction	s. 5.04; [s. 19(1) of the Act]	\$500.00

The Corporation of the Town of Minto

SCHEDULE 'F'

TO BY-LAW NUMBER 07-39

Refund of Fees

STAGE OF PERMIT APPLICATION	REFUND (% OF ENTIRE FEES PAYABLE)
Application received No administrative functions done	90%
Application process Plans reviewed and permit issued or refused	60%
Permit issued and inspection(s) completed	0%

Notes To Table:

- a) When an application for a Building Permit has been revoked by the Chief Building Official, the amount refundable, as per above table, will be refunded to the applicant. In cases where the Building Permit fee has not been paid at the time of the application, the amount due at the time of revocation will be the Building Permit fee minus the refundable amount.
- b) No refund will be given when the application for refund has not been made within 12 months of the issuance of the permit.

Approved by Council Resolution May 5, 2010

Schedule 'A'

The Corporation of the Town of Minto

SCHEDULE 'G'

TO BY-LAW NUMBER 07-39

Tariff of Fees

No.	Building	Admin Fee	BP Fee (per sq. ft. unless noted)
1	Group A & B - Assembly and Institutional Occupancies		
	a) New Construction	\$200.00	\$0.65
	b) Renovation/Alteration	\$100.00	\$0.37
	c) Accessory Structures	\$100.00	\$0.46
2	Group C - Residential Occupancies		
	a) New Construction	\$200.00	\$0.65
	b) Finished/Unfinished Basement	\$200.00	\$0.15
	c) Renovation/Alteration	\$100.00	\$0.34
	d) Attached Garage	\$100.00	\$0.30
	e) Accessory Structure	\$100.00	\$0.30
	f) Deck/Porch	\$100.00	\$0.30
3	Group D & E Occupancies		
	a) New Construction	\$200.00	\$0.65
	b) Renovation/Alteration	\$100.00	\$0.38
	c) Accessory Structures	\$100.00	\$0.46
4	Group F Occupancies		
	a) New Construction	\$200.00	\$0.45
	b) Renovation/Alteration	\$100.00	\$0.38
	c) Accessory Structures	\$100.00	\$0.46
5	Agricultural		
	a) New Construction	\$100.00	\$0.16
	c) Liquid Manure Tanks		\$4.07 per Lin. Ft.
	d) Grain Bin (not exceeding 12m in height)		\$280.00 Flat Fee
	e) Tower Silos		\$280.00 Flat Fee
	f) Bunk Silos		\$350.00 Flat Fee
6	Demolition Permits		
	a) Class 'A'		\$100.00 Flat Fee
	b) Class 'B'		\$200.00 Flat Fee
7	Class 4 On-Site Septic Systems		
	a) New/Replacement System		\$425.00 Flat Fee
	b) Replacement Tank		\$150.00 Flat Fee
	c) Bed Replacement		\$275.00 Flat Fee
8	Plumbing Permit		
	Conditional Permit		\$120.00 Flat Fee
9			
			\$300.00 Flat Fee Plus Completion Permit Amount
10	Solid Fuel Fired Appliance		
			\$120.00 Flat Fee
11	Tent Permit		
			\$120.00 Flat Fee
12	Temporary Structure (Temp Dwelling, School Portable, Etc)		
			\$210.00 Flat Fee
13	Change of Use (No Construction)		
			\$100.00 Flat Fee
14	Pool Fence Enclosure		
			\$120.00 Flat Fee

Notes To Table:

- a) An investigation fee of \$150.00 shall be applied where work has commenced prior to the issuance of the required building permit in addition to the building permit fee
- b) Any other building or structure not included above or where square footage cannot be calculated effectively, a rate of \$9.00 per \$1000.00 of construction value shall be charged for a building permit.
- c) Inspection only - no permit required: a fee of \$75.00 per hour shall be applied
- d) Inspection requested and not ready: a fee of \$75.00 shall apply

Approved by Council Resolution May 5, 2010

SCHEDULE "H"

Application for Evaluation of Alternative Solutions

Project:			Roll #		
Proponent Contact Information					For Office Use Comments
Name:					
Company:					
Address:					
Phone:		Cell:		Fax:	
Agent:					
Qualifications:					
Summary of Proposed Alternative Solution <i>Please provide all information that is pertinent to the application for review</i>					
Applicable Division B Provisions					
Sentence			Summary of Provision		
Applicable Objectives and Functional Statements					
Sentence		Functional Statement	Objective	Level of Performance Established in Submission Documentation (yes/no)	
			Division B	Proposed Alternative Solution	
Supporting Documentation					
Author			Title of documentation		