

THE CORPORATION OF THE TOWN OF PELHAM

BY-LAW NUMBER 25 (1970)

A BY-LAW TO REGULATE THE ERECTION, ALTERATION AND REPAIR OF BUILDINGS AND STRUCTURES AND TO PROVIDE FOR THE SAFETY THEREOF.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM
ENACTS AS FOLLOWS:-

PART 1

ADMINISTRATION

SHORT TITLE	1. This By-law shall be known as the "Building Regulation By-law" and is hereinafter referred to as the "Code".
SCOPE	2. The Code applies (a) to all buildings or structures to be constructed; (b) where a building or structure is moved in whole or in part, to all parts whether moved or not; (c) where a building is demolished in whole or in part, to any remaining part, and to the work involved in demolition; (d) where a building is altered, to the whole building or to only part of the building if such part is completely self contained.
BUILDING INSPECTOR	3. The Council shall appoint, by by-law, a Building Inspector or Inspectors for the Town of Pelham and it shall be the duty of each Inspector to enforce the provisions of the Code.
DUTIES OF BUILDING INSPECTOR	4. (1) It shall be the duty of the Building Inspector (a) to receive applications for building permits, inspect plans, specifications and other material submitted, and issue or refuse permits, and in performing this duty, he shall satisfy himself that the required fees have been paid before he proceeds with any such inspection, and he shall not be bound to issue or refuse any permit before reasonable time has elapsed after the application has been made along with all plans and other material required under the provisions of this Code. (b) to refuse a permit for any building or structure that, if constructed, would be contrary to the provisions of any by-law of the Town of Pelham, or the laws of Ontario or Canada in force in the Town of Pelham. (c) to answer such relevant questions as may be reasonable with respect to the laying-out of any projects or work, but to refrain from acting in the capacity of a consulting engineer or architect; (d) to direct that tests of materials, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the owner or agent, where such evidence or proof is necessary to determine whether the material, device, construction or foundation condition meets the requirements of this Code;

	tests made, and to retain copies of all papers and documents connected with the administration of his duties;
DUTIES OF BUILDING INSPECTOR	(f) to enter any building or premises at any reasonable time for the purpose of administering or enforcing this Code;
	(2) the Building Inspector or any member of his staff shall not be employed or engaged, directly or indirectly, in any branch of the building business, or have any financial interest in connection with the construction or repair of buildings, or the supply of building materials.
EXISTING BUILDINGS	5. Nothing in this Code shall require the removal, alteration or abandonment of, nor prevent continuance of the use or occupancy of an existing building, unless in the opinion of the Building Inspector such building constitutes a hazard to the safety of the occupants, the public, or adjacent property.
BUILDING PERMITS	6. (a) Save as hereinafter provided, no excavation, erection, alteration, reconstruction, removal or demolition of any building or structure or part thereof, or installation, alteration or extension of any equipment or apparatus regulated by the provisions of this Code, shall be commenced or performed or caused or permitted to be commenced or performed by any owner, contractor or person until a permit therefor has first been obtained, signed by the Building Inspector. (b) the foregoing, however, shall not be deemed to require the obtaining of a permit for any alteration or repair which does not affect the existing structural members, providing such alteration or repair does not constitute a sub-division or resubdivision of any floor area. (c) Neither the granting of a building permit, approval of plans and specifications or inspections made by the Building Inspector, or his assistants, during the erection of a structure shall in any way relieve the owner or his agents from full responsibility for the carrying out of the work in strict accordance with this Code or for the stability of the structure. (d) The issue of a permit shall not relieve the owner of the responsibility of complying with any by-law of the Town of Pelham.
CERTIFICATE OF COMPLIANCE	7. (a) Any person who has caused a building for residential use other than a single family dwelling to be erected, altered or repaired which, under this Code, requires a permit for such work, shall obtain upon completion of the same a Certificate of Compliance signed by the Building Inspector certifying that the said work conforms with the provisions of this Code and such other by-laws and regulations that may be applicable. (b) No such building or structure, as referred to in (a) above, shall be occupied in whole or in part until the said Certificate of Compliance has been obtained.
BUILDING PERMIT FEES	8. The fees for inspection and approval of plans and the issuing of building permits and the inspections required herein shall be in accordance with the provisions of the Schedule of Fees attached hereto and marked Schedule "A".

APPLICA-
TION FOR
BUILDING
PERMIT

9. Applications for permits shall be on official forms supplied by the Building Inspector and shall set forth the details of the proposed work and its correct estimated cost with such other information as the Building Inspector may require. The Building Inspector shall not be required to issue any permit in accordance with any under estimate of the cost of the proposed work, and in the event of continued dispute shall not issue the permit until a certified cost estimate prepared by a registered architect or engineer for the Province of Ontario has been submitted by the applicant.

PLANS TO
BE SUB-
MITTED

10. Applicants for permits shall submit to the Building Inspector duplicate copies of the plans and specifications of the proposed work, drawn to a scale of not less than one-eighth of an inch to a foot, showing

- (a) the height and dimensions of the proposed structure;
- (b) the dimensions of the lot to be built upon;
- (c) the location thereon of the proposed and existing structures;
- (d) details of construction;
- (e) materials to be used;
- (f) such other information as may be required by the Building Inspector.

ISSUE OF
PERMIT

11. The application, plans and specifications filed by an applicant for a building permit shall be examined by the Building Inspector and if it appears that such plans and specifications are in conformity with the requirements of this Code and all other laws or regulations applicable thereto, the Building Inspector shall issue the Building Permit upon receipt of the required fee. One copy of the plans shall be retained by the Building Inspector.

PERMIT TO
CHANGE
LOCATION

12. (1) No building shall be moved to a different location within the ~~City of Welland~~ **TOWN OF PELHAM**, unless a permit for such change of location has been first obtained from the Building Inspector.

(2) Where it is necessary to make use of any street or other public property for the moving of such building, written approval must be obtained from the City Engineer of the ~~City of Welland~~ **TOWN OF PELHAM**.

MOVING OF
DAMAGED
BUILDINGS

13. A permit to move a building to another location shall not be granted if such building has been damaged by wear and tear, the action of the elements, fire or by other means, to an extent greater than 50% of its undamaged value.

STATUS OF
CHANGE OF
LOCATION
REPAIRS AND
ALTERATIONS
EXCEEDING
FIFTY
PERCENT
EXPIRY AND
SURRENDER
OF BUILDING
PERMIT

14. A change of location of a building shall be considered a re-erection of such building and subject to the provisions of this Code.

15. Repairs and alterations to any building to the extent of reconstruction of fifty percent or more of such building shall be considered a re-erection of such building, the whole of which shall become subject to the provisions of this Code.

16. (1) Every permit issued under the authority of this by-law shall expire 6 months after the date it is issued unless in the meantime the work for which the permit was issued has been commenced.

(2) If at any time after the work for which a permit issued under the authority of this by-law was commenced, is abandoned, the permit shall ipso facto expire.

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under the authority of this by-law may surrender the same at any time before the commencement of the work for which the permit was issued, and if such surrender is made within 6 months after the date of issue of the permit, the person to whom the permit was issued shall be entitled to a refund of 75% of the fees paid for the permit.

(4) No work shall be done upon any building or structure after the expiry or surrender of the permit issued in respect thereto, unless in the meantime a new permit has been issued therefor.

WORK ON
PUBLIC
PROPERTY

17. (1) No person shall cut curbs, install curb ramps or install driveway culverts or carry out any type of work on any road allowance.

(2) The Owner or his agent shall keep the street and sidewalks adjacent to his property clear of all debris and exercise the necessary precautions to protect same from damage, including curbs, sidewalks, and trees during construction. Any repairs necessary shall be executed by the Town and the cost of such repairs shall be charged to the owner.

(3) For proper drainage it is mandatory that all driveway culverts be installed by the Town Works Department according to the specifications of the Town and the owner shall pay the total cost of the culvert before installation.

REVOCATION
OF PERMITS

18. (a) The Building Inspector may revoke any permit if the work being performed under such permit does not comply with the plans and specifications submitted with the application, or does not comply with the requirements of this Code or any other by-law applicable in the area where the work is being carried out. Such revocation shall be in writing and shall be served on the owner or his agent personally or by a registered letter addressed to the address of the permit holder as shown on the application for the permit. After service of the notice of revocation all work for which the permit was granted shall cease forthwith.

(b) A permit that has been revoked may not be renewed. The owner or his agent must obtain a new permit before recommencing any work.

REQUIRE-
MENTS AFTER
ISSUANCE OF
BUILDING
PERMIT

19. (a) Where house numbers are not available, a placard shall be posted visible from the street, bearing the lot number and the plan number of the Subdivision.

(b) The Building Permit Card shall be placed in a conspicuous location on or adjacent to the structure. It shall be an offence to destroy, mutilate, damage or remove a building permit card before the completion and final inspection of the work.

(c) Construction shall not proceed beyond the following stages until the Town Building Department has been notified. The Inspector shall designate approval at each stage of construction without which no further construction shall be proceeded with and, in cases where the work is under architectural or engineering supervision, the Building Inspector may waive specific inspections. The following are the stages:

(i) Excavation complete and forms for the footings in place.

(ii) Foundation wall complete, weeping tile in place and covered with stone, prior to back-filling.

(iii) Superstructure complete, prior to insulation, lath and plaster.

(d) The owner or his agent shall keep a copy of the approved drawings and specifications on the premises at all times during construction for inspection of the proposed work.

ALTERATIONS
TO PLANS

20. (1) No person shall erase, alter or modify any drawings and specifications on which a building permit has been granted unless the Building Inspector, in writing, has agreed to such changes.

(2) If during the progress of the work it is desired to deviate from the plans, filed with the application, for the building permit, in any manner affecting the construction or other essentials of the building, notice of such desired alterations shall first be made in writing to the Building Inspector and approval, in writing, obtained before such alterations shall be commenced.

DESIGN AND
SUPERVISION
OF PUBLIC
BUILDINGS

21. (a) Public buildings, as defined in section 31 (23) (a) of the Planning Act, to be erected, constructed or altered in the Town of Pelham, shall be designed by and the specifications therefor shall be prescribed by and the erection, construction and alteration thereof shall be controlled and supervised by a member or licensee of the Ontario Association of Architects under the Architects Act, or a civil engineer who is a member or licensee of the Association of Professional Engineers of the Province of Ontario under the Professional Engineers Act.

(b) A certificate bearing the official stamp of a Registered Professional Engineer or of a Registered Architect shall appear on the specifications and on every plan filed with an application for the erection of any building or structure of any of the classes indicated in the Schedule following, if same has a cubic content to the extent shown; and such a certificate shall also be required in the case of any alteration of a structural nature to any such building, or any alteration the carrying out of which may, in the opinion of the Building Inspector, affect its strength or stability.

SCHEDULE

<u>Type or Class of Building or Structure</u>	<u>Content in cubic feet greater than</u>
(1) Every Apartment Building	48,000
(2) Business Buildings	50,000
(3) Every storage building	50,000
(4) Mercantile, Commercial & Industrial	50,000
(5) Every other building or structure other than Buildings regulated by Part 9 of the National Building Code of Canada, 1965	28,000

DISCRETIONARY
POWERS

22. Subject to section 31 (1) paragraph 3 of the Planning Act, the Building Inspector, in special cases that in his judgement warrant it, may permit such deviation from this by-law as he may deem proper.

DANGEROUS
BUILDING
EXCAVATION
FENCE OR
ERECTION

23. (a) Whenever any building, excavation, fence, scaffolding or erection, or any part thereof 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 Building Inspector or Safety Inspector shall notify the owner, or his agent, in writing, delivered by registered mail to the last known address of the owner or his agent, specifying wherein such unsafe condition exists and the time within which the same must be remedied, and the owner or his agent shall within the time specified, put such building, fence, excavation, scaffolding or erection, or part thereof in a safe condition.

(b) In the event of the notice referred to not being complied with within the time specified, the Inspector shall be, and he is hereby authorized to pull down, fill in, or repair, or renew at the expense of the owner, any such building, excavation, fence, scaffolding or erection, or part thereof, and all expense of such pulling down, filling in, or repairing or renewing, shall be paid by the owner and in default of immediate payment, may be recovered by action or the same may be charged against the property and recovered in a like manner as municipal taxes.

(c) Whenever any building, excavation, fence, scaffolding or erection or part thereof is in the condition described in subsection (a) hereof and the Inspector is of the opinion that such danger may be averted by the immediate taking of precautionary measures, he shall so notify the owner, or his agent, in the manner set out in the said subsection, and if the owner or his agent refuses or neglects to carry out such precautionary measures immediately, the Inspector shall be and he is hereby authorized, to take such precautionary measures as in his opinion may be necessary to render such building, excavation, fence, scaffolding or erection, or part thereof, in a safe condition as regards danger from fire or risk of accident at the expense of the owner, and in default of immediate payment, the same may be recovered in a like manner as municipal taxes.

PENALTIES
FOR NON-
COMPLIANCE

24. Every person who contravenes any of the provisions of this by-law shall, upon conviction thereof, forfeit and pay at the discretion of the convicting Magistrate a penalty not exceeding (exclusive of costs) the sum of \$300 for each offence.

ZONING
BY-LAWS
ETC. COM-
PLEMENTARY

25. Notwithstanding anything contained in this Code, all by-laws in effect in the Corporation of the Town of Pelham in respect of Zoning, Land-use and Restrictions shall be considered complementary to the requirements of this Code. Should a variance exist between the Code and any Zoning, Land-use or Restriction By-law, then the latter shall take precedence insofar as Zoning, use of land and specific restrictions are concerned.

26. The National Building Code of Canada, 1965 as amended to the 2nd. day of January, A.D. 1970 attached hereto as Schedule "B" is, except for the administrative section thereof, hereby adopted and incorporated in and shall form part of this by-law.

27. Where any of the provisions of the National Building Code conflict with the requirements of the Ontario Water Resources Commission, respecting plumbing and sewers the latter shall prevail.

28. Where any of the provisions of the National Building Code 1965 conflict with the requirements of the Construction Safety Act respecting safety the latter shall prevail.

29. By-law # 524 of the former Village of Fonthill
and by-law # 1706 of the former Township of Pelham
are hereby repealed.

ENACTED THIS 17 DAY OF MARCH 1970.



CLERK



MAYOR