



# TOWN OF PELHAM POLICY MANUAL

## Building & Enforcement Services Department Index

<u>Number</u>	<u>Name of Policy</u>	<u>Effective Date</u>
BLDG/01R	Complaints	Feb. 20, 1995
BLDG/02	Issuance of Permits	Feb. 20, 1995
BLDG/03R	Conditional Permits	Oct. 6, 2004
BLDG/04	Permit Inspections	Feb. 20, 1995
BLDG/05	Compliance Requests	Feb. 20, 2005
BLDG/06	Parking Enforcement	Feb. 20, 2005
BLDG/07R	Municipal Building Maintenance	Feb. 20, 2005
BLDG/08	Municipal Building Preventive Maintenance	Feb. 20, 2005
BLDG/09	Weed Control	Mar. 6, 1995
BLDG/10	Dog Licensing	April 18, 1995
BLDG/11	Permits on Lots Created by Testamentary Devise	RESCINDED Mar. 15, 2004
BLDG/12R	When is a Permit Required?	Apr. 18, 1995
BLDG/13R	Builder's Security Deposits	July 17, 1995
BLDG/14	Permits & Professional Design	May 17, 1999
BLDG/15R	Lot Grading Control Policy	May 21, 1996
BLDG/16	Closing Permit Files	Under Construction
BLDG/17	Code of Conduct for Building Officials	Apr 19, 2004
BLDG/19	Removal, storage and return of unlawful Signs (Sign By-law Enforcement)	June 18, 2007



# TOWN OF PELHAM POLICY MANUAL

BLDG/01R

Department	Name of Policy
Building & Enforcement Services	Complaints

Page 1 of 1

**APPROVAL DATE:** February 16, 1998

---

## POLICY STATEMENT:

The Council of the Town of Pelham is committed to the thorough, prompt and courteous receipt, processing, investigation and resolution of formal complaints within a reasonable amount of time in accordance with the appropriate Works Steps Procedure.

Due to financial and staffing constraints, the Council of the Town of Pelham will only act on formal complaints received from the complainant, who shall provide their full name, phone number and address.

See Workstep Procedure #BLDG/01R

<b>Department</b>	<b>Name of Policy</b>
<b>Building &amp; Enforcement Services</b>	<b>Issuance of Permits</b>

**APPROVAL DATE:** February 20, 1995

**LAST REVISION APPROVAL DATE:** November 20, 2006

---

**POLICY STATEMENT:**

The Council of the Town of Pelham is committed to the provision of the staff and resources necessary to ensure thorough, prompt and courteous processing of applications for permits and subsequent issuance of all classes of permits within a reasonable amount of time. It is Council's goal to have any permit issued or refused by the chief building official within the time limits set out by the Building Code Act and Section 2.4.1.1B of the Ontario Building Code provided the chief building official has received the completed application, pertinent information relevant to the application and other agency approvals required prior to permit issuance.

**PERMIT FEES:** It is Council's policy on permit fee recovery that permit fee revenues cover the reasonable cost of the Town to administer and enforce the Building Code Act and Ontario Building Code and that an additional percentage be collected and deposited in a reserve fund to offset costs where revenues in any given year do not meet projected costs or where there are anticipated new costs which are projected in future years. Permit fees will generate revenues that would reflect 125% of the eligible costs for the service and all surplus funds will be put in a Cost Stabilization Reserve Fund for anticipated new capital and operational costs and to offset reductions in revenues.

See Work Step Procedure #BLDG/02



# TOWN OF PELHAM POLICY MANUAL

BLDG/03R

<b>Department</b> <b>Building &amp; Enforcement Services</b>	<b>Name of Policy</b> <b>Conditional Permits</b>
---	---

Page 1 of 1

**APPROVAL DATE:** October 1, 2001

---

## **POLICY STATEMENT:**

The Council of the Town of Pelham supports the issuance of Conditional Permits in conformance with recent amendments to the Ontario Building Code Act to help expedite construction that meets critical zoning and environmental regulations but has not obtained all other required approvals.

The Council of the Town of Pelham hereby authorizes the Chief Building Official to enter into Conditional Permit Agreements in accordance with the provisions of the Building Code Act, this policy and the associated work step procedures where, in the opinion of the Chief Building Official, unreasonable delays in the construction would occur if a conditional permit is not granted and all requirements for the issuance of conditional permits have been met.

See Work Step Procedure #BLDG/03R



# TOWN OF PELHAM POLICY MANUAL

BLDG/04

Department	Name of Policy
Building & Enforcement Services	Permit Inspections

Page 1 of 1

APPROVAL DATE: February 20, 1995

---

## POLICY STATEMENT:

The Council of the Town of Pelham is committed to the provision of the staff and resources necessary to ensure thorough, prompt and courteous inspections of works pursuant to any permits issued by Building and Enforcement Services in accordance with the provisions of the Building Code Act, Building Code and the Town's Building By-law.

See Work Step Procedure #BLDG/04.

## PURPOSE:

To schedule, provide, record and report permit inspections to (1) establish that inspections were actually made, (2) document the scope of the inspections, (3) provide easy reference to a contractor or owner on remedial action or corrections that may be necessary to rectify infractions, (4) provide an ongoing record of items needing follow-up, (5) eliminate any disparity or disagreement over results of an inspection, and (6) allow the municipality to record and monitor inspection reports and project progress.



TOWN OF PELHAM POLICY MANUAL

BLDG/05

Department	Name of Policy
Building & Enforcement Services	Compliance Requests

Page 1 of 1

APPROVAL DATE: February 20, 1995

POLICY STATEMENT:

The Council of the Town of Pelham is committed to provide and ensure prompt and accurate responses to all compliance requests which have been made in writing and for which the prescribed fee has been paid.

See Work Step Procedure #BLDG/05.



# TOWN OF PELHAM POLICY MANUAL

BLDG/06R

Department	Name of Policy
Building & Enforcement Services	Parking Enforcement

Page 1 of 1

**APPROVAL DATE:** February 1, 1999

---

## **POLICY STATEMENT:**

The Council of the Town of Pelham undertakes this policy as its commitment to provide by-law enforcement of Town of Pelham Parking By-law, Region of Niagara Parking By-law, Fire Route By-law and Handicapped Parking By-law on a random basis in addition to complaints received pursuant to the Town's Complaint Policies.

It shall be the enforcement philosophy of the Council of the Town of Pelham that all enforcement be carried out in a courteous, diplomatic and respectful manner at all times and that municipal representatives shall strive to promote goodwill with the public. Enforcement emphasis is to be placed on violations in the commercial areas, safety concerns, hazardous situations, habitual violators, complaints and as directed by resolution of Council from time to time.

By agreement with Her Majesty the Queen in Right of Ontario as represented by the Ministry of the Attorney General the Council of the Town of Pelham undertakes, to process its own Parking Tags, collect its own fines and conduct a "first attendance" parking tag facility in accordance with statutory and regulatory requirements as well as the procedures appended hereto.

See Work Step Procedure #BLDG/06R

## **PURPOSE:**

To ensure consistent enforcement of the Town's parking restrictions, processing of parking tags and collection of fines.



# TOWN OF PELHAM POLICY MANUAL

BLDG/06

Department	Name of Policy
Building & Enforcement Services	Parking Enforcement

Page 1 of 1

APPROVAL DATE: February 20, 1995

## POLICY STATEMENT:

The Council of the Town of Pelham undertakes this policy as its commitment to provide by-law enforcement of Town of Pelham Parking By-law #89-2000, Region of Niagara Parking By-law #89-2000, Fire Route By-law #1496 (1992) and Handicapped Parking By-law #1497 (1992).

By agreement with Her Majesty the Queen in Right of Ontario as represented by the Ministry of the Attorney General the Council of the Town of Pelham undertakes, by authority provided in Bill 25, "An Act to amend the Provincial Offences Act and the Highway Traffic Act in relation to Parking Infractions", to process its own Parking Tags and collect its own fines in accordance with statutory and regulatory requirements as well as the procedures appended hereto.

See Work Step Procedure #BLDG/06

## PURPOSE:

To ensure consistent enforcement of the Town's parking restrictions, processing of parking tags and collection of fines.





## TOWN OF PELHAM POLICY MANUAL

BLDG/07R

Department	Name of Policy
Building & Enforcement Services	Municipal Building Maintenance

Page 1 of 1

APPROVAL DATE: February 20, 1995

---

### POLICY STATEMENT:

The Council of the Town of Pelham undertakes this policy as its' commitment to provide prompt, effective and economical day to day maintenance repair works and emergency repair work for all municipal buildings and facilities.

See Work Step Procedure #BLDG/07R.



# TOWN OF PELHAM POLICY MANUAL

BLDG/08

Department	Name of Policy
Building & Enforcement Services	Municipal Building Preventive Maintenance

Page 1 of 1

APPROVAL DATE: February 20, 1995

---

## POLICY STATEMENT:

The Council of the Town of Pelham undertakes this policy as its commitment to provide preventive maintenance for all municipal buildings and facilities.

This policy will serve to provide a preventive maintenance program aimed at preserving the Town buildings, structures and associated service systems, all of which are considered valuable physical resources by the Council of the Town of Pelham.

See Work Step Procedure #BLDG/08.



**TOWN OF PELHAM POLICY MANUAL**

**BLDG/09**

<b>Department</b>	<b>Name of Policy</b>
<b>Building &amp; Enforcement Services</b>	<b>Weed Control</b>

**Page 1 of 1**

**APPROVAL DATE:** March 6, 1995

**POLICY STATEMENT:**

The Council of the Town of Pelham undertakes to exercise its' right of enforcement of the Weed Control Act in its' jurisdiction by the appointment of Municipal Weed Inspector to control noxious and local weeds that cause economic losses in field crops and horticultural crops, or cause health problems and health hazards.

The Council of the Town of Pelham further exercises its' right to publicly declare that it will direct its' Municipal Weed Inspector to cause noxious weeds, local weeds and weed seeds to be destroyed by cutting on all or any part of any lot shown on a registered plan of subdivision and on lots not exceeding 10 acres that are not shown on such a plan, after having published notice of its' intent to have the noxious weeds, local weeds or weed seeds destroyed in a newspaper having general circulation in the Town.

See Work Step Procedure #BLDG/09.



# TOWN OF PELHAM POLICY MANUAL

BLDG/10

Department	Name of Policy
Building & Enforcement Services	Dog Licensing

Page 1 of 1

APPROVAL DATE: April 18, 1995

POLICY STATEMENT:

The Corporation of the Town of Pelham is committed to the licensing and registration of all dogs within the Town and the maintenance of an accurate record of all such licences issued in accordance with the Dog Control By-law.

See Work Step Procedure #BLDG/10.



# TOWN OF PELHAM POLICY MANUAL

BLDG/11

Department	Name of Policy
Building & Enforcement Services	Permits on Lots Created by Testamentary Devise

Page 1 of 2

APPROVAL DATE: March 6, 1995

POLICY STATEMENT:

The Council of the Town of Pelham undertakes this policy of strategies and criteria for the appropriate and orderly development of those lots created by Testamentary Devise which are, by decision of the Supreme Court of Ontario, lawful and conveyable and which must fully comply with all other applicable laws including, but not limited to, Town Zoning By-laws.

The Council of the Town of Pelham deems it appropriate to require, as its policy with respect to the issuance of building permits on lots created by Testamentary Devise, that the following conditions be met prior to any permits being issued for buildings on such lots:

1. The applicant shall supply a deed of good title for the lands to the satisfaction of the Town's solicitor;
2. The parcel must satisfy the minimum requirements of the Town's Zoning By-law No. 1136 (1987), as amended, for lot frontage, lot area and Minimum Distance Separation Formula of the Agricultural Code of Practice;
3. All requirements of the Niagara Peninsula Conservation Authority shall be met, and without limiting the generality of the foregoing, that sufficient land associated with the subject parcel is properly situated outside any floodplain or similarly controlled area for a dwelling and septic system to be constructed;
4. The owner shall sign an acknowledgement that the Town shall not provide urban municipal services such as sewers, waterworks or parks;



# TOWN OF PELHAM POLICY MANUAL

BLDG/11

Department	Name of Policy
Building & Enforcement Services	Permits on Lots Created by Testamentary Devise

Page 2 of 2

5. The owner shall provide a lot grading and drainage plan with each application for permit conforming to a "Master" lot grading and drainage plan of all lots contained in the appropriate Schedules attached to Work Step Procedure BLDG/11, such "Master" plan having been engineered and designed to the satisfaction of the Town's Engineer prior to construction on the lands.

**PURPOSE:**

This policy is undertaken by the Council of The Town of Pelham to ensure that multi-lot residential development on lots created by Testamentary Devise without benefit of municipal planning procedures and safeguards will not result in negative cumulative impacts on the affected lands, neighbourhoods and environment.

See Work Step Procedure #BLDG/11



# TOWN OF PELHAM POLICY MANUAL

BLDG/12R

Department	Name of Policy
Building & Enforcement Services	When is a Permit Required?

Page 1 of 2

APPROVAL DATE: April 18, 1995

## POLICY STATEMENT:

Whereas the Ontario Building Code requires that no person shall construct or demolish a building or cause a building to be constructed or demolished in a municipality unless a permit has been issued therefor by the Chief Building Official, the Council of the Town of Pelham, in concurrence with the Chief Building Official, undertakes this policy to clarify it's understanding of the intent of the Building Code Act to require permits for demolition and the following construction defined by the Building Code Act to include anything in the erection, installation or extension or material alteration or repair of a building:

NEW BUILDINGS	over 107 square feet (10 m <sup>2</sup> ) in area (i.e. houses and other dwelling or residential buildings)
ACCESSORY BUILDINGS	over 107 square feet (10 m <sup>2</sup> ) in area (i.e. detached garages, tool sheds, etc.)
WOOD DECKS	greater than 24 inches (600 mm) above ground level
ADDITIONS/EXTENSIONS	to existing building even if under 107 square feet (10 m <sup>2</sup> ) in area (i.e. sunrooms, porches, carports, garages, dormers, second storeys, etc.)
RENOVATIONS	(i.e. skylights, patio doors, rec rooms, family rooms, interior renovations to commercial/ industrial, etc.)
CHANGES IN USE	to a use with an increased hazard (i.e. from office to retail)
STRUCTURAL ALTERATION	(i.e. removing loadbearing walls, beams or columns, repairing or reconstructing basement walls, foundations, floors, roof structures, etc.)
PREFABRICATED BUILDINGS	over 107 square feet (10 m <sup>2</sup> ) in area (i.e. portable classrooms, kiosks, garages, tool sheds, patio roofs/enclosures, etc.)



# TOWN OF PELHAM POLICY MANUAL

BLDG/13R

Department	Name of Policy
Building & Enforcement Services	Builder's Security Deposit

Page 1 of 1

APPROVAL DATE: July 17, 1995

---

## POLICY STATEMENT:

The Council of the Town of Pelham considers it necessary that the Chief Building Official collect, from all persons receiving permits, a security deposit in the amount set out in Work Step Procedure BLDG/13.

Such deposit shall be paid at the time of issuance of a permit and shall be held by the Town until a final inspection of the project has been passed and occupancy has been granted.

Such deposit shall be held by the Town to guarantee the builder's re-instatement of any damage done to Town property and completion of site grading.

Such deposit may be used by the Town to pay for the cost of any work performed by the Town and necessitated by the builder's failure to re-instate damage done to Town property or properly execute an approved grading plan.

See Work Step Procedure #BLDG/13





# TOWN OF PELHAM POLICY MANUAL

BLDG/14

Department	Name of Policy
Building & Enforcement Services	Permits & Professional Design

Page 1 of 2

APPROVAL DATE: May 17, 1999

## POLICY STATEMENT:

The Council of the Town of Pelham, in concert with its policies respecting Issuance of Permits BLDG/02 and Permit Inspection BLDG/04, deems it necessary to make the following policy decisions:

Whereas professional engineers are governed by the Association of Professional Engineers of Ontario (PEO), are licensed to practice engineering in the province of Ontario and are bound by a strict Code of Ethics, the Professional Engineers Act, the Building Code Act, and regulations made thereunder all established to ensure that reasonable standards are maintained for the safeguarding of life, health and protection of property;

And whereas architects are governed by the Ontario Association of Architects (OAA), are licensed to practice architecture in the province of Ontario and are bound by a strict Code of Ethics, the Architects Act, the Building Code Act and regulations made thereunder also established to ensure that reasonable standards are maintained for the safeguarding of life, health and protection of property;

And whereas the Ontario Building Code (OBC) requires that certain construction, including, for greater certainty, enlargement or alteration, of every building or part thereof as described in the OBC shall be designed and reviewed by an architect, professional engineer or both;

And whereas the building officials appointed by the Council of the Town of Pelham for the enforcement of the Building Code Act are not architects or professional engineers and Council does not have the financial resources to hire or retain licensed architects and/or professional engineers to conduct detailed reviews of architects' and/or professional engineers' plans, drawings or specifications, for the purpose of ascertaining compliance with the standards set out in the OBC prior to the issuance of a building permit or to conduct detailed inspections of the construction which is subject to general review by an architect and/or professional engineer after such permits are issued;



## TOWN OF PELHAM POLICY MANUAL

BLDG/14

Department	Name of Policy
Building & Enforcement Services	Permits & Professional Design

Page 2 of 2

**APPROVAL DATE:** May 17, 1999

Now therefore, it shall be the policy of the Council of the Town of Pelham that the Town's building officials need only provide a cursory review of plans, drawings and specifications prepared by an architect and/or professional engineer which said review shall consist of:

1. Checking for the seal and signature of an architect and/or professional engineer;
2. Checking that the owner has retained the architect and/or professional engineer to design the construction and conduct general review during construction;
3. Checking that all plans and drawings coincide with each other;
4. Checking that all relevant specifications and reports have been submitted, such as a soil report, where applicable;
5. Conducting such other review as may be deemed necessary by the Chief Building Official in the circumstances.

And further, it shall be the policy of the Council of the Town of Pelham that the Town's building officials need only provide cursory inspection of construction which is required to be designed and is subject to general review by an architect and/or professional engineer and as may be deemed necessary by the Chief Building Official in the circumstances.

The Council of the Town of Pelham supports it's building officials' reliance upon the expertise of architects and professional engineers in the performance of their duties with respect to professional design and review of construction not within the training or expertise of the building officials appointed by Council to enforce the Building Code Act.

It shall also be the policy of the Council of the Town of Pelham that where the OBC requires that any design is to be carried out by a competent person that such competent person shall only be an architect and/or professional engineer.

Department	Name of Policy
Building & Enforcement Services	Lot Grading Control

- 
- To establish a schedule whereby the Subdivider and Lot Owner are responsible for the construction of a drainage scheme after which the maintenance of the system becomes the Owner's responsibility.
  - To ensure that good drainage practices are established for newly severed lots and existing vacant lots scheduled for new construction.
  - To ensure future maintenance of, and management of revisions to, the system by means of the building permit process.
  - To ensure that post-development surface drainage flows do not exceed pre-development surface drainage flows or adversely affect adjacent properties.

See Work Step Procedure #BLDG/15



# TOWN OF PELHAM POLICY MANUAL

BLDG/17

Department	Name of Policy
Building & Enforcement Services	Code of Conduct for Building Officials

Page 1 of 3

APPROVAL DATE: April 19, 2004.

## POLICY STATEMENT:

**WHEREAS** the Building Code Statute Law Amendment Act, 2002 amended the Building Code Act, 1992 to include a provision requiring that municipalities establish and enforce a Code of Conduct for chief building officials and inspectors not later than July 1, 2005, and bring it to the attention of the public;

**NOW THEREFORE** the Council of the Town of Pelham enacts this policy and its standards of conduct and professionalism as its Code of Conduct for Building Officials. The Code of Conduct applies to the chief building official and inspectors appointed under the Building Code Act in the exercise of a power or the performance of a duty under the Building Code Act or the Ontario Building Code. The purpose of this Code of Conduct is to promote appropriate standards of behaviour and enforcement actions to ensure building officials apply standards of honesty and integrity, and to prevent practices constituting an abuse of power including unethical or illegal practices.

## STANDARDS OF CONDUCT FOR BUILDING OFFICIALS

Building Officials undertake **at all times** to:

1. Act in the public interest, particularly with regard to the safety of buildings and designated structures;
2. Maintain their knowledge and understanding of the best current building practice, the building laws and regulations relevant to their building certifying functions;
3. Commit themselves to a process of continuous education so as to constantly be aware of developments in building design, practice and the law relevant to their duties;
4. Comply with the provisions of the Building Code Act, the Building Code and any other Act or applicable law that regulates or governs building officials and their functions;

<b>Department</b>	<b>Name of Policy</b>
<b>Building &amp; Enforcement Services</b>	<b>Code of Conduct for Building Officials</b>

- 
- 5. Avoid situations where there may be, or where there may reasonably appear to be, a conflict between their duties to their clients, their profession, their peers and the public at large and their personal interests;
  - 6. Not act beyond their level of competence or outside their area of expertise;
  - 7. Apply all relevant building laws, regulations and standards strictly and without favor and independent of the influence of interested parties or members of municipal council;
  - 8. Perform their inspections and certifying duties impartially and in accordance with the highest professional standards;
  - 9. Not divulge any confidential or sensitive information or material, that they became privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy;
  - 10. Extend professional courtesy to all;
  - 11. Not act officiously or permit personal feelings, prejudices, animosities or friendships to influence decisions;
  - 12. Recognize the appointment under the Building Code Act as a symbol of public faith;
  - 13. Maintain current accreditation to perform the functions assigned to them;
  - 14. Take all reasonable steps to ascertain and document all available facts relevant to the performance of their duties; and,
  - 15. Exemplify compliance with all regulations and standards that govern building construction, health and safety or other matters related to their status as a building official.

Department	Name of Policy
Building & Enforcement Services	Code of Conduct for Building Officials

**GUIDELINE FOR RESPONDING TO MISCONDUCT ALLEGATIONS**

The Building Code Act provides that the performance of building officials will be measured against this code of conduct. In response to any allegation of a breach of this code by an inspector, the chief building official shall direct an investigation and where appropriate, recommend disciplinary action against any inspector who fails to comply with this code of conduct to the Chief Administrative Officer. Where the allegation is against the chief building official, the Chief Administrative Officer shall direct the investigation and take such disciplinary action as is reasonable in the circumstances and report such action to the Council.

In determining the appropriate discipline, the chief building official or chief administrative officer will have regard to the relevance of the conduct to the building official’s powers and responsibilities as well as the severity of any misconduct.

**PUBLIC NOTIFICATION PRACTICE**

This Code of Conduct will be posted on the Town’s web site, published in the Town’s annual Municipal & Community Services Brochure and inserted in the Building & Enforcement Services Department “Building Permits - A Guide for Homeowners” handout to ensure that the Code of Conduct has been brought to the attention of the public.



## TOWN OF PELHAM POLICY MANUAL

BLDG/19

Department	Name of Policy
Building & Enforcement Services	Removal, storage and return of unlawful signs (Sign By-law enforcement)

Page 1 of 1

**APPROVAL DATE:** June 18, 2007

---

### **POLICY STATEMENT:**

Whereas the Town of Pelham Sign By-law provides that “the municipal law enforcement officer may pull down or remove or have pulled down or removed at the expense of the owner any sign or other advertising device that is erected in contravention of this by-law”, the Council of the Town of Pelham considers it necessary to establish procedures and fees for the removal, storage and return of such signs which have been pulled down by the municipal law enforcement officer.

Therefore, the Council of the Town of Pelham adopts the procedures and fees outlined in Work Step Procedure BLDG/19, “Removal, storage and return of unlawful signs”.

See Work Step Procedure # BLDG/19.