

THE CORPORATION OF THE CITY OF NORTH BAYBY-LAW NO. 115-69

BEING A BY-LAW REGULATING THE CONSTRUCTION, ALTERATION OR REPAIR OF BUILDING AND OTHER RELATED MATTER, INCLUDING THE ISSUING OF BUILDING PERMITS AND PROVIDING FOR INSPECTIONS;

AND BEING A BY-LAW TO ADOPT IN PART THE NATIONAL BUILDING CODE OF CANADA 1965 AS AMENDED FOR THE CORPORATION OF THE CITY OF NORTH BAY;

AND BEING A BY-LAW TO REPEAL BY-LAW NO. 2248 OF THE CORPORATION OF THE CITY OF NORTH BAY;

AND BEING A BY-LAW TO REPEAL BY-LAW NO. 890 OF THE FORMER TOWNSHIP OF WEST FERRIS;

AND BEING A BY-LAW TO REPEAL BY-LAW NO. 912 AS AMENDED BY BY-LAW NO. 920 AND BY-LAW NO. 992, OF THE FORMER TOWNSHIP OF WIDDIFIELD.

WHEREAS the Council of the Corporation of the City of North Bay deems it advisable and expedient to enact the within By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

SECTION 1

SHORT TITLE, application of zoning By-law and the National Building Code

1.1 This By-law may be cited as the Building By-law and is hereinafter referred to as "this Code".

1.2 This Code shall be subject to the provisions of the Zoning By-law of The Corporation of the City of North Bay. Notwithstanding anything contained in this code, all by-laws passed by the Council of the Corporation of the City of North Bay in respect to 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 or restriction by-law, then the latter shall take precedence insofar as zoning, use of land and specific restrictions are concerned only.

1.3 Subject to such amendments as are contained in this Code, Parts 2, 3, 4, 5, 6 and 9 of The National Building Code of Canada, 1965 as amended, are hereby adopted by the Council of The Corporation of The City of North Bay and they shall be deemed to be incorporated in and form a part of this By-law and they shall mutatis mutandis apply to and be in full force and effect in The Corporation of the City of North Bay.

1.4 DEFINITIONS

Part 2 of the Building Code is hereby amended to include the following definitions:

1.4.1 "Building" shall mean any structure used or intended for supporting or sheltering any use or occupancy as set forth in this By-law and shall include any structure, wall, excavation, storage tank, gasoline pump, pump island, bin bunker, loading dock, platform, staging, gallery, stadium, grandstand or bleacher, fence, and/or any accessory to a building or structure that is intended for supporting or sheltering any use or occupancy as set forth in this By-law.

1.4.2 "Building Inspector" shall mean the Chief Building Inspector or the Deputy Chief Building Inspector or the Building Inspector for the time being of The Corporation of the City of North Bay.

1.4.3 "City" shall mean The Corporation of the City of North Bay.

1.4.4 "City Engineer" shall mean the Director of Planning and Works, the City Engineer or the Deputy City Engineer for the time being of The Corporation of the City of North Bay.

1.4.5 "Clerk" shall mean the Clerk for the time being of The Corporation of the City of North Bay.

1.4.6 "Council" or "Municipal Council" shall mean the Council of the Corporation of the City of North Bay.

1.4.7 "Person" shall include a firm, partnership, company, corporation, contractor or owner.

1.5 AMENDMENTS TO THE NATIONAL BUILDING CODE

The application of The National Building Code is hereby amended as follows:

1.5.1 Parts 2, 3, 4, 5 and 6 of the National Building Code, inclusive of this By-law, shall apply to all buildings other than those provided for by Section 1.5.10.

1.5.2 Notwithstanding Part 3 of The National Building Code or any other parts or sections of the Code, the classification for major occupancy for buildings shall be amended as follows:

1.5.3 Apartment building containing six or more dwelling units or that is more than two storeys high shall be non-combustible construction.

1.5.4 All public buildings, including convents, dormitories, fire stations (incorporating sleeping quarters), hotels, motels, lodging houses, monasteries, being more than two storeys high shall be non-combustible construction.

1.5.5 Residential college building and residential school building shall be non-combustible construction.

1.5.6 All buildings as listed in Subsection 1.5.4 being two storeys or less shall be constructed in accordance with applicable section of standards as set forth in the applicable sections in Part 3 of The National Building Code.

1.5.7 Apartment buildings being two storeys or less and containing not more than five dwelling units shall be constructed as provided for by Section 1.5.10.

1.5.8 Non-combustible construction shall mean that the construction complies with the standard for non-combustible construction as set forth by the applicable sections of Part 3 of The National Building Code.

1.5.9 Fire resistance rating for non-combustible construction shall, in all cases, be equal to the requirements as set forth by Part 3 of The National Building Code and pertaining to buildings and fire resistance rating for non-combustible construction.

1.5.10 Part 9 of The National Building Code and Supplement No. 5 to The National Building Code, being the Residential Standard shall apply to detached houses, semi-detached houses, duplex houses, semi-detached duplex houses, row-housing, and apartment buildings containing not more than five dwelling units and being not more than two storeys in height with the following amendments: All common or party walls separating any two adjoining buildings shall be non-combustible construction.

1.5.11 FIRE AREA

Any building or structure being constructed, altered, remodelled or added to, or any part or accessory to any building or structure shall, when located within the boundary of area as described by this section, be non-combustible construction as defined by The National Building Code. Fire rating shall in all cases be equal to fire rating specified by The National Building Code in accordance with the classification for type of building or structure being erected.

Description of Area:

COMMENCING at a point at the north-easterly corner of Lot 236, according to plan registered in the registry office for the Registry Division of the District of Nipissing as Plan #10, thence westerly a distance of eight hundred and forty-five feet (845') parallel with the northerly limit of Cassells Street; thence southerly three thousand, one hundred and eighty-two (3,182') parallel with the westerly limit of Oak Street; thence easterly eight hundred and forty-five feet (845') parallel with the southerly limit of Fisher Street; thence northerly a distance of three thousand, one hundred and eighty-two feet (3,182') parallel with the easterly limit of McIntyre Street to the point of commencement.

1.5.12 Notwithstanding any parts of sections of the Building Code, the City shall, where deemed necessary by the authority having jurisdiction and in accordance with Section 3.2, Subsection 3.2.1.6 of Part 3 of the Building Code, retain the jurisdiction to enforce any of Articles 3.2.3.4. to 3.2.3.56 to any building or structure, any area or any height.

1.5.13 APPLICATION OF BY-LAW

1.5.13.1 Where a building is built, this By-law applies to the design and construction and occupancy of the building.

1.5.13.2 Where the whole or any part of a building is moved, this By-law applies to all parts of the building whether moved or not;

1.5.13.3 Where the whole or any part of a building is demolished, this by-law applies to any remaining part and to the work involved in the demolition;

1.5.13.4 Where a building is altered, this by-law applies to the whole building except that the by-law applies only to part, if that part is completely self-contained with respect to the facilities and safety measures required by this by-law.

1.5.13.5 Where the occupancy of a building is changed, this by-law applies to all parts of the building affected by the change.

1.5.13.6 Any building to be used for summer dwelling only must be made to conform to this by-law and all other by-laws of the City excepting that insulation may not be required.

1.6 BUILDING INSPECTOR

There shall be Building Inspectors for the City who shall be appointed by by-law and it shall be their duty to enforce the provisions of this Code and shall report to Council any infraction thereof.

1.7 RESPONSIBILITY OF THE OWNER AND CONTRACTOR

1.7.1 Subject to the provisions of Subsections 2.2.4 and 2.2.5 neither the granting of a permit, nor the approval of the drawings and specifications, nor inspections made by the Building Inspector during erection of the building shall, in any way, relieve the owner or contractor of such building from full responsibility for carrying out and completing the work in accordance with the requirements of this By-law.

1.7.2 INSPECTION

The Building Inspector shall be permitted, at all reasonable hours, to enter into and upon any building or premises for the purpose of ascertaining whether or not the provisions of this by-law are being complied with. The owner shall ensure that the following inspections are carried out on all buildings erected, moved, altered or remodelled in the municipality.

1.7.3 Excavation Inspection: excavation dug and footing forms erected.

1.7.4 Foundation Inspection: footings poured, basement walls erected and damp-proofed drainage tile laid around footings and foundations to grade as per grade certificates.

1.7.5 Framing Inspection: All walls framed, including non-bearing partitions and roof complete.

1.7.6 Rough plumbing inspection (to be inspected by Plumbing Inspector and/or Sanitary Inspector) including sewer or septic tank connection and venting.

1.7.7 Insulation Inspection.

1.7.8 Final Inspection: Ready for occupancy.

1.7.9 No owner or his agent, builder or contractor shall permit or cause construction to proceed beyond the above stages until inspections have been made and verified.

1.8 CERTIFICATE OF OCCUPANCY

A certificate of occupancy will only be issued when all provisions of this by-law have been complied with and the structure is completed in accordance with Section 3.1.6.

1.9 PROHIBITION

1.9.1 No person shall commence or continue any of the work referred to in Section 1.5.13 unless the owner of the building to be constructed or in respect of which the work is to be carried out, has obtained a building permit and the permit is in good standing.

1.9.2 No person shall commence or continue any part of the work referred to in Section 1.5.13 for which part a permit is required by this by-law, unless he has just obtained a permit to carry out that part of the work.

1.9.3 No persons shall commence or continue any part of the work referred to in Section 1.5.13 in respect of which a permit is required under any other by-law unless he has first obtained a permit under that by-law.

1.9.4 No person shall carry out any blasting operations or dangerous building operations or authorize or allow the same to be carried out without first obtaining permit under this by-law authorizing the same. The applicant, prior to the issue of the permit, shall deposit with the City Solicitor or Clerk an Indemnity Bond in such amount as the Clerk and the City Solicitor shall deem adequate for the protection of persons and property. The applicant shall take all necessary steps and precautions to ensure that the blasting operations or dangerous building operations, as the case may be, are carried out and performed in a safe, lawful and proper manner. In addition thereto, he shall comply with all conditions or directions that the Building Inspector, City Engineer or the Chief of Police of the City may deem advisable and necessary for the protection of persons and property.

1.9.5 No person shall store or pile any materials on the street or sidewalk or close or barricade any part of a street or sidewalk without first obtaining a permit so to do. In addition thereto, he shall comply with all conditions or directions that the Building Inspector, the City Engineer or the Chief of Police of the City may deem advisable and necessary for the protection of persons and property.

1.9.6 No person shall commence or continue any part of the work referred to in Section 1.5.13 for which a permit is required unless he has first obtained a service application and paid for all charges shown thereon.

1.9.7 No person shall construct or maintain or permit use or occupancy of a structure or an accessory to a structure or a part of a structure that, in any way, is violating this code or any other by-law or regulation applicable in the City.

1.9.8 No person shall construct or maintain a dwelling unit in a building that is in excess of the number of dwelling units permitted by the Zoning By-law and/or that is in excess of the number of dwelling units shown on the approved building permit.

1.9.9 No person shall erase, alter, modify or deviate from any specifications or drawings in respect of which a building permit has been granted without first obtaining the approval in writing of the Building Inspector.

1.10 PERMITS

1.10.1 A building permit shall be obtained from the Building Inspector by the owner or his authorized agent for the excavation, erection, alteration, reconstruction, removal or wrecking of, or repairs to any building or structure or part thereof, including fences, and no such work shall be commenced by the owner, his authorized agent, builder or contractor, until a building permit has been obtained.

1.10.2 PRIVATE DISPOSAL SYSTEM

In all areas where sanitary sewers are not available the installation of a private disposal system may be allowed, provided that the complete installation shall comply with the following regulations:

1.10.2.1 All septic tanks shall be precast concrete, poured reinforced concrete and/or any other materials that are approved by the North Bay and District Area Health Unit, and accepted in writing by the City Engineer.

1.10.2.2 In areas where the City Engineer certifies that sanitary sewers will be installed within 5 years, a steel tank may be installed subject to approval in writing by the City Engineer, and subject to approval by the North Bay and District Area Health Unit.

1.10.2.3 In all cases, an approval to install the complete disposal system shall be obtained from the North Bay and District Area Health Unit prior to obtaining a building permit. The approval shall embrace the capacity of tank, capacity of disposal bed, location of tank and disposal bed, any special conditions, and/or regulation that is enforced by the North Bay and District Area Health Unit.

Subject to compliance with above regulations and approvals, a building permit incorporating a private disposal system may be issued.

1.10.3 PERMIT TO CHANGE LOCATION

No owner, his authorized agent, builder or contractor shall cause or permit a building or structure to be moved to a different location unless a permit for such change of location has first been obtained from the Building Inspector, and no building or structure shall be moved by an owner, his authorized agent, builder or contractor, into the City without first obtaining a permit. Where it is necessary to make use of any street or other public property, a further permit must be obtained by the owner, his authorized agent, the builder or contractor from the City Engineer.

1.10.4 SERVICE APPLICATION

No building permit shall be issued until the applicant has obtained a service application and paid for all charges as estimated by the Engineering Department for servicing of the lands and/or roads in accordance with all applicable by-laws.

1.10.5 MOVING OF DAMAGED BUILDINGS

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

1.10.6 DEMOLITION PERMIT

No person shall demolish a building or any part of a building without first obtaining a demolishing permit from the Building Inspector. Having obtained a permit, the owner and/or his authorized agent shall be fully responsible to carry out the work in a safe manner and in strict accordance with all provincial and local laws and/or regulations. The owner or his agent shall be fully responsible to have all public utilities, such as sewer, water, gas and hydro properly disconnected and capped and left in a safe and sanitary manner. Upon completion of demolition work, all materials and debris from the demolished building shall be removed from the site or stored in an enclosed area as approved by the Building Inspector. Any excavated areas shall immediately be backfilled and/or properly barricaded to protect the public from any possible hazard.

1.11.1 EXISTING BUILDINGS

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 safety of the public or adjacent property.

1.12 UNCOMPLETED AND UNOCCUPIED STRUCTURES

1.12.1 Excavations, unoccupied buildings and buildings left uncompleted by any person shall be so protected by barricading or other means as to afford protection against accidents to persons in or about the premises.

1.12.2 Where an excavation has been caused and the building permit has lapsed, the Building Inspector may backfill the excavation at the expense of the owner after notice has first been given to such owner or his agent and such expense may be recovered from such owner by action or may be recovered in a like manner as municipal taxes.

1.13 STATUS OF CHANGE OF LOCATION

1.13.1 A change of location of a building by an owner, his authorized agent, builder or contractor shall be considered a re-erection of such building and, as such, is subject to the provisions of this By-law.

1.13.2 Any building which is moved by an owner, his authorized agent, builder or contractor, from one location to another, or moved into the City shall, within ninety (90) days of such move, be made to comply with the requirements of this by-law.

1.14 REPAIR AND ALTERATION EXCEEDING 50%

Repairs and alterations by an owner, his authorized agent, builder or contractor, to any building to the extent of over 50% of the value of such building, as it was before such repair and alteration were necessary, shall be considered a re-erection of such building and, as such, is subject to the requirements of this by-law.

1.15 FENCE REGULATION

1.15.1 No person shall erect a fence without first obtaining a permit from the Building Department.

1.15.2 No person shall erect, construct or maintain a barbed wire, electric, or any other fence that is likely to cause injury.

1.15.3 A fence shall be erected in compliance with regulations as set forth by the Zoning by-laws and/or any other by-law which applies to a fence or fences.

1.15.4 A fence in a residential area shall not exceed 4'-0" in height when located in front yard or shall not exceed 6' in height when located in the side yard or rear yard and shall be so constructed that it will permit at least 25% passage of light and air.

1.15.5 A front yard shall mean a yard extending across the full width of the lot between the street line and the face of the building and includes the entire flankage on corner lots.

SECTION II APPLICATION FOR BUILDING PERMIT

SECTION 2.1 Applications for permits shall be on official forms supplied by the Building Inspector and shall set forth all details of the proposed work and its correct estimated cost with such other information as the Building Inspector may require. Where required by the Building Inspector, the applicant shall verify, by Statutory Declaration, the correctness of the information supplied in the said application.

- The application referred to above shall
- 2.1.1 be made on forms to be supplied by the City;
 - 2.1.2 be signed by the applicant;
 - 2.1.3 state the intended use of the building;
 - 2.1.4 include copies in duplicate of the specifications and scale drawings of the building, with respect to which the work is to be carried out showing:
 - 2.1.4.1 the dimensions of the building;
 - 2.1.4.2 the proposed use of each room or floor area;
 - 2.1.4.3 the dimensions of the land on which the building is, or is to be situated;
 - 2.1.4.4 the position, height and horizontal dimensions of all buildings on the land referred to in subclause 2.1.4.3 and
 - 2.1.4.5 contain any other information required by this by-law or by the Building Inspector.
 - 2.1.4.6 Where, in the opinion of the Building Inspector or the City Engineer, a proposed building may encroach upon public or private property, the Building Inspector may require the applicant or owner to deposit with the Building Inspector a plot plan prepared by an Ontario Land Surveyor and the applicant shall comply with such demand before receiving a permit under this By-law.
 - 2.1.4.7 Where, in the opinion of the Building Inspector or the City Engineer, the excavation for the construction of a proposed building or a building under construction may encroach upon public or private property, the Building Inspector may issue a Stop-Order forbidding continuance of any further work in connection with the aforesaid excavation or construction until such time as the applicant or owner has deposited with the Building Inspector a plot plan prepared by an Ontario Land Surveyor showing whether or not the aforesaid excavation or building encroaches upon public or private property and in the event of such encroachment, the applicant or owner shall promptly take all necessary steps and measures to correct or abate such encroachment and, in addition thereto, the applicant or owner shall restore the land or property so encroached upon to a condition satisfactory to the Building Inspector and the owner of the land or property so encroached upon.
 - 2.1.4.8 The cost of the plot plan by an Ontario Land Surveyor referred to in Sections 2.1.4.6 and 2.1.4.7 shall be paid by the applicant or owner.
 - 2.1.4.9 The application for a building permit shall be signed by the owner and/or his authorized agent of the land shown on plans submitted with the application.

SECTION 2.2 CONDITIONS OF PERMIT

Every permit is issued upon:

- 2.2.1 The conditions that construction is to be started within six (6) months from the date of issuing of the permit.

2.2.2 The condition that construction is not to be discontinued or suspended for a period of more than one (1) year; and

2.2.3 Such other condition as the Building Inspector may deem advisable.

2.2.4 The Building Inspector shall refer to the Council plans and specifications for any building or structure that is not provided for in this by-law and for which an application for a building permit has been received.

2.2.5 No permit shall be issued for a building or structure referred to in Subsection 2.2.4 without the prior approval of the Council.

2.2.6 Every permit shall expire if active work is not commenced within a period of six (6) months from the date of its issue, or if work is suspended or discontinued for a period of more than one (1) year, but when it has so expired, it may be renewed at the discretion of the Building Inspector, provided the proposed work is found to comply with the provisions of all by-laws of the City as revised at the time of the proposed renewal.

2.2.7 PLANS TO BE SUBMITTED

Applicants for permits shall submit to the Building Inspector, in 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 the foot, showing the actual dimensions, including the dimensions of the lot to be built upon, the location of the work on the lot, with the height and dimensions of all such buildings or structures the height and dimensions of the proposed buildings or structures, and any other information as may be necessary to provide for the enforcement of this by-law. In addition, information as to details of construction, and dimensions of material to be used, and any other information required and deemed necessary by the Building Inspector, shall be provided, if such is not included on the plans or in the specification.

2.2.8 SAFETY OF DESIGN

Any public building to be erected, constructed or altered by an owner, his authorized agent, builder or contractor, in the City shall be designed by and the specification therefor be prescribed by and alteration thereof 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.

2.2.9 ISSUE OF PERMIT

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 by-law and all other by-laws or regulations applicable thereto, the Building Inspector shall issue the Building Permit upon receipt of the required fee and one copy of the plans and specifications shall be retained by the Building Inspector.

2.2.10 The issuance of a building permit shall not relieve the owner, his agent, builder or contractor of the responsibility of conforming to any other by-law of this, or any other authority.

2.2.11 A building permit may be refused not only on the grounds that the building would be contrary to the by-law of the City but also on the grounds that the building would be contrary to any laws of Ontario or Canada in force in the City.

2.2.12 Where a building or structure has been erected by an owner, his authorized agent, builder or contractor, contrary to the plans in respect of which such permit was issued, the building or structure shall be made to comply with the by-law of the City and the laws of other authority, and a certificate of compliance shall be obtained for a fee of Twenty (\$20.00) Dollars.

2.2.13 The use of any such building or structure by an owner, any person or persons, company, firm or corporation is prohibited until certificate of compliance has been obtained.

2.2.14 DOCUMENTS ON THE SITE

The owner, his authorized agent, builder or contractor, shall cause to be posted in a conspicuous place on the premises, a copy of the permit applicable thereto, or a poster or placard in lieu thereof.

The owner, his authorized agent, builder or contractor shall cause to be kept a copy of the approved drawings and specifications on the premises at all times during construction for inspection by the Building Inspector or other authority, of the proposed work.

2.2.15 REVOCAION OF PERMIT

The Building Inspector may revoke or recommend to Council the revocation of any permit if the work being performed under such permit does not comply with the plans and specifications submitted with the application or comply with the requirements of this by-law or of 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 or any person doing any of the work. After service of the notice of revocation all work for which the permit was granted shall cease forthwith.

SECTION 3 DUTIES OF THE OWNER

3.1 Every owner of property shall:

3.1.1 Permit the Building Inspector to enter any building or premises at any reasonable time for the purpose of administering or enforcing this by-law.

3.1.2 Obtain and pay for, from the appropriate authority, permits relating to building, zoning, grades, sewers, watermains, plumbing, signs, blasting, street occupancy, electricity, highways, and all other permits required in connection with the proposed work.

3.1.3 Give at least 48 hours notice to the building inspector of the intention to start work on the building site.

3.1.4 Give notice to the Building Inspector:

3.1.4.1 Where a foundation wall below land surface has been placed and before any back filling of the excavation has been carried out.

3.1.4.2 As may otherwise be required by this by-law.

3.1.4.3 Give written notice to the Building Inspector within thirty (30) days of completion of the work described in the permit.

3.1.5 USE AND OCCUPANCY PERMIT

3.1.5.1 The owner may obtain a use and occupancy permit from the Building Department. A use and occupancy permit will only be issued provided that:

3.1.5.2 Number of dwelling units conforms with the number of units approved by the building permit.

3.1.5.3 Location of building and parking area (including driveways) conforms with the location and size of buildings and parking area as shown on approved plot plan.

3.1.5.4 All of the building, including the structure, materials, fire enclosures, usage and occupancy conforms with the approved application for building permit or the approved plans and specifications.

3.1.5.5 All regulations as set forth by this By-law and/or any other applicable by-law is complied with.

3.1.5.6 The exterior is completely finished; chimney erected; toilet facilities installed and usable; sewer connection made and passed by the City Engineer, or Septic Tank and Weeping Tile installed, inspected and passed by the Sanitary Inspector;
Interior: Exterior walls and ceilings insulated and sheeted (i.e. lath, gyproc, drywall); interior partitions sheeted on both sides; bathroom door installed.

3.2 TEST OF MATERIALS

Where tests of any materials are made to ensure conformity with the requirements of this by-law, records of the test data shall be kept available for inspection during the construction of the building and for such a period thereafter as required by the Building Inspector.

SECTION 4 DUTIES OF THE BUILDING INSPECTOR

4.1 The Building Inspector shall:

4.2 Administer this by-law;

4.3 Enforce the provisions of this by-law.

4.4 Keep proper records of all applications received, permits and orders issued, inspections and tests made, and shall retain copies of all paper and documents connected with the administration of his duties.

4.5 Where, in the opinion of the Building Inspector, any building, fence, scaffolding or erection is, by reason of its ruinous or dilapidated state, faulty construction or otherwise, in an unsafe condition as regards danger from fire or risk of accident, he shall notify the owner in writing to forthwith cause the same to be put in a safe condition, or where, in the opinion of the Building Inspector, the conditions so warrant, he shall notify the owner in writing to forthwith demolish the same.

4.6 Where the owner has been notified, as aforesaid, to demolish any building, fence, scaffolding or erection, the owner shall promptly remove all rubble, debris and materials resulting from the aforesaid demolition and he shall promptly take all necessary steps to put the land or property upon which the aforesaid building, fence, scaffolding or erection was situated in a safe, neat and proper condition and in a condition satisfactory to the Building Inspector.

4.7 Notwithstanding anything contained in this by-law, where in the opinion of the Building Inspector or the Fire Chief for the City, it is necessary to pull down or demolish any building or other erection for the purpose of suppressing fires or preventing the spread of fire, the Building Inspector or the Fire Chief for the City and all persons acting under his or their direction are hereby authorized and empowered to take all necessary steps as aforesaid.

SECTION 5 POWERS OF THE BUILDING INSPECTOR

The Building Inspector may:

5.1 Enter any building or premises at any reasonable time for

the purpose of administering or enforcing this by-law.

5.2 Cause a written Notice to be served upon the owner of any property directing him to correct any condition where, in the opinion of the Building Inspector, that condition constitutes a violation of this By-law.

5.3 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, where such evidence or proof is necessary to determine whether the material, device, construction or foundation condition meets the requirements of this by-law.

5.4 Revoke or refuse to issue a permit where in his opinion, the results of the tests referred to in Clause 3.2 are not satisfactory and/or when a condition exists that is violating any part of this by-law, as set forth by Section 2.2.15.

5.5 SERVICE OF NOTICES

Any notice issued pursuant to this by-law may be served upon the owner personally or mailed by prepaid registered post, addressed to the owner at his address, as shown on the application for the applicable permit under this by-law, or as shown on the last revised Assessment Roll for the City and service upon the owner shall be deemed effective on the date of such personal service or as of the date of mailing of the notice as aforesaid.

SECTION 6 PENALTIES FOR NON-COMPLIANCE

6.1 Any person guilty of an infraction of any of the provisions of this by-law shall, on conviction before the Police Magistrate or any other Justice of the Peace having jurisdiction, forfeit and pay a fine or penalty not exceeding Three-Hundred (\$300.00) Dollars, exclusive of costs, for each offence and, in default of payment thereof, and costs (if any), it shall be lawful to levy the same by distress and sale of goods and chattels of the offender and in case of no distress sufficient to satisfy the amount of the fine and cost shall be found, it shall be lawful for the Police Magistrate or said Justice of the Peace to commit the offender to the common gaol of the District of Nipissing for a period of not more than twenty-one (21) days with or without hard labour, unless the fine and costs (if any) and the expense of committing and conveying such offenders to the said gaol are sooner paid.

6.2 Upon a conviction for a breach of the provisions of this by-law, the convicting Magistrate, besides imposing a penalty under the next preceding Subsection, may order the offender to carry out the provisions of this by-law within a time to be limited by the Order and in default of the defendant carrying out such order, the Inspector or authority having jurisdiction shall forthwith, at the expense of the offender, take such means as to carry out the requirements of this by-law, as shall be necessary and the expense thereof, with costs, may be recovered by action or distress and in case of nonpayment thereof, the same may be recovered in a like manner as municipal taxes.

6.3 Where the owner of any building fails to comply with any Notice issued pursuant to the provisions of this by-law, requiring such owner to comply with the provisions of this by-law, or any of them, and where such default continues for a period exceeding the time limitation given by such Notice, the Building Inspector is hereby authorized and empowered to take all necessary steps and measures to ensure due compliance with the provisions of this by-law and the cost thereof shall be borne by the owner aforesaid and shall be added to the Collector's Roll for the City and collected in like manner as taxes. In addition thereto, the owner aforesaid shall be liable to the penalties imposed by this by-law.

SECTION 7 PERMIT FEES


The Building Permit fees payable pursuant to the provisions of this by-law shall be based upon the estimated cost of the building as defined in this by-law and they are hereby fixed and set at the following amounts:

- 7.1 Where the estimated cost is less than \$100.00, no fee is applicable.
- 7.2 Where the estimated cost is \$1,000.00 or less, the fee shall be \$3.00.
- 7.3 Where the estimated cost exceeds \$1,000.00, the fee shall be \$3.00 for the first \$1,000.00 of estimated value and \$2.00 for each additional \$1,000.00 or portion thereof.
- 7.4 The fee payable for a blasting permit shall be the sum of \$5.00 for each project or contract.
- 7.5 The fee payable for a barricade permit shall be the sum of \$5.00 for each project or contract.
- 7.6 The fee payable for a permit to move a building shall be the sum of \$25.00.
- 7.7 The fee payable for a permit to demolish any building shall be the sum of \$3.00.
- 7.8 The fee payable for a compliance permit shall be \$20.00.
- 7.9 The fee payable for the renewal of a permit shall be 50% of the original fee.
- 7.10 50% of the fee of a cancelled permit shall be refundable.
- 7.11 Fee for revoked permit shall not be refundable.

READ A FIRST TIME IN OPEN COUNCIL THIS 15TH DAY OF OCTOBER, 1969.

READ A SECOND TIME IN OPEN COUNCIL THIS 10TH DAY OF DECEMBER, 1969.

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 10TH DAY OF DECEMBER, 1969.


DEPUTY MAYOR


CITY CLERK