



OFFICE CONSOLIDATION

BY-LAW NUMBER 2005-91,
AS AMENDED

THE BUILDING BY-LAW

JANUARY 18, 2012

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THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2005-91

BEING A BY-LAW RESPECTING PERMITS FOR CONSTRUCTION, DEMOLITION, OCCUPANCY AND CHANGE OF USE, TRANSFER OF PERMITS, AND INSPECTIONS AND TO REPEAL BY-LAW 10230 AND ALL AMENDMENTS THERETO

WHEREAS Section 7 of Building Code Act 1992, S.O. 1992, Chapter 23, as amended, empowers Municipal Councils to pass by-laws respecting matters relating to permits for construction, demolition, occupancy and change of use, transfer of permits, inspections, fees for permits, and other matters pertaining thereto;

AND WHEREAS Section 3.(1) of Building Code Act 1992, S.O. 1992, Chapter 23, as amended, provides that the Council of each municipality is responsible for enforcement of this Act in the municipality;

AND WHEREAS Section 3.(2) of Building Code Act 1992, S.O. 1992, Chapter 23, as amended, provides that the Council of each municipality shall appoint a Chief Building Official and such Inspectors as are necessary for enforcement of this Act in the areas in which the municipality has jurisdiction;

AND WHEREAS Section 130 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, provides that a municipality may regulate matters not specifically provided for by the Municipal Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS Sections 9, 11 and 390 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, confer broad authority on a municipality to govern their affairs, provide for the imposition of conditions as a requirement of obtaining a permit, and gives authority for imposing fees and charges including refundable fees (deposits);

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

SECTION 1 **SHORT TITLE**

1.1 This by-law may be cited as "The Building By-law".

SECTION 2 **DEFINITIONS**

2.1 In this by-law,

- (a) "Act" means the Building Code Act, 1992 and amendments thereto;
- (b) "Applicant" means the owner of a building or property who applies for a permit or the person authorized by the owner to apply for a permit on the owner's behalf;
- (c) "Architect" means the holder of a license, a certificate of practice, or a temporary license under the Architect's Act as defined in the Building Code;
- (d) "Building" means a structure or plumbing or a sewage system as defined in Section 1 (1) of the said Act;
- (e) "Building Code" means the regulations made under Section 34 of the Act;
- (f) "Chief Building Official" means the Chief Building Official appointed by the Corporation of the City of Welland for the purpose of enforcement of the Act and includes a person designated by the Chief Building Official to act on his/her behalf;
- (g) "City" means the Corporation of the City of Welland;
- (h) "City website" means the current internet website of the City;
- (i) "Construct" means construct as defined in the Act and construction has a corresponding meaning;
- (j) "Demolish" means demolish as defined in the Act and demolition has a corresponding meaning;
- (k) "Design" means a plan, specification, sketch, drawing or graphic representation respecting the construction, demolition or change of use of a building;
- (l) "Designer" means the Architect, Professional Engineer or person who performs design activities;
- (m) "House" means a single detached dwelling, semi-detached dwelling, duplex, triplex, row house, townhouse or street townhouse;
- (n) "Inspector" means an inspector appointed by the Corporation of the City of Welland for the purpose of enforcement of the Act;
- (o) "Ministry website" means the current Building Code internet website of the Ministry of Municipal Affairs and Housing;
- (p) "Owner" means the registered owner of the property and includes a lessee, mortgagee in possession, and the authorized agent in lawful control of the

property;

- (q) "Permit" means written permission or written authorization from the Chief Building Official to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by this by-law and the Act and the Building Code;
- (r) "Permit holder" means the person to whom the permit has been issued or where a permit has been transferred, the new owner to whom the permit has been transferred;
- (s) "Professional Engineer" means a person who holds a license or a temporary license under the Professional Engineer's Act as defined in the Building Code;
- (t) "Registered Code Agency" means a person or entity that has the qualifications and meets the requirements described in subsection 15.11(4) of the Act;
- (u) "Sewage system" means a sewage system as defined in the Building Code.
- (v) "Work" means construction or demolition of a building or part thereof, as the case may be.

2.2 Any word or term not defined in this by-law, that is defined in the Act or Building Code shall have the meaning ascribed to it in the Act or Building Code.

SECTION 3 PERMITS AND APPLICATIONS

3.1 Classes of Permits

3.1.1 Classes of permits with respect to the construction, demolition, change in use and occupancy of buildings, together with permit fees shall be as set out in Schedule "A" to this by-law.

3.2 Application for Permit

3.2.1 To obtain a permit, the owner, or an agent authorized in writing by the owner, shall file an application in writing for each building by completing the prescribed form available from the office of the Chief Building Official or from the Ministry website. Application forms prescribed by the City under Section 7(f) of the Act are set out in Schedule "B" to this by-law and are available on the City website.

3.2.2 Every application for a permit shall be submitted to the office of the Chief Building Official and, except as otherwise permitted by the Chief Building Official, shall contain the following

information, in addition to the information set out in sections 3.2.3, 3.2.4, 3.2.5, 3.2.6, 3.2.7, 3.2.8. and 3.2.9 for the type of permit sought:

- (a) identify and describe in detail the work, use and occupancy to be covered by the permit for which application is made, and
- (b) identify and describe in detail the existing use(s) and the proposed use(s) (including the number of dwelling units existing and proposed) for which the premises are intended, and
- (c) describe the land to which the application applies, by a description that will readily identify and locate the property, and where necessary describe the particular building and location within the building where the work, change of use, or occupancy applies, and
- (d) state the names, addresses, telephone numbers, facsimile numbers, and e-mail addresses of the owner, applicant, tenant, architect and/or professional engineer(s), where applicable, or other designer and the constructor, and
- (e) be accompanied by a written acknowledgement of the owner that he has retained an architect and/or professional engineer(s) to carry out the field review of the construction where required by the Building Code including the signature of the respective professionals, and
- (f) be accompanied by a written acknowledgement of the owner that he has retained a Master Plumber licensed by the City to install the plumbing where required including the signature of the Master Plumber, and
- (g) state the estimated valuation of the proposed work after completion, where applicable, and
- (h) be accompanied by information sufficient to enable the Chief Building Official to determine if the proposal complies with the Act, the Building Code, and all applicable law as defined in the Building Code, and
- (i) contain such other information as the Chief Building Official may require, including supplementary information forms prescribed in Schedule "B" of this by-law, designed to streamline the application and review process, and
- (j) be accompanied by the application fees as prescribed in Section 4, and
- (k) be signed by the owner or his/her authorized agent who shall certify the truth of the

contents of the application.

CLASS 1 - CONSTRUCTION PERMIT

3.2.3

Where application is made for a construction permit under subsection 8(1) the Act, the application shall:

- (a) use the provincial application form "Application for Permit to Construct or Demolish", and
- (b) include 2 (two) complete sets of plans, specifications, documents and other information as required by Article 2.4.1.1B of the Building Code and as described in this by-law for the work to be covered by the permit, and
- (c) be accompanied by a deposit as described in Schedule "G" to this by-law, and
- (d) for new houses and row houses be accompanied by:
 - (i) in the case of a lot in respect of which an accepted master grading plan has been filed with the City, (such as in a Subdivision Agreement or other multiple lot development agreement), and not yet assumed by the City, a Detailed Lot Grading Plan approved by the subdivision owner's Professional Engineer who is responsible for the overall subdivision grading, certifying thereon that the Detailed Lot Grading Plan conforms with the master grading plan filed with the City,
 - (ii) in the case of: (1) a lot in respect of which no accepted master grading plan or other grading plan has been filed with the City, or (2) a lot in respect of which an accepted master grading plan has been filed with the City, in which the subdivision owner is no longer responsible for the development of the subdivision, or (3) a lot in respect of which an accepted single lot grading plan has been filed with the City (such as a single lot development or grading agreement); a Detailed Lot Grading Plan approved by a Professional Engineer, or an Ontario Land Surveyor, certifying thereon that the Detailed Lot Grading Plan conforms with the grading plan filed with the City, or that the drainage scheme depicted on the Detailed Lot Grading Plan will be compatible with the existing drainage patterns, in the case where there is no grading plan filed with the City, and
- (e) payment of the municipal service fees, if applicable, described in Section 4.3 of this

by-law.

CLASS 2 – DEMOLITION PERMIT

3.2.4 Where application is made for a demolition permit under subsection 8 (1) of the Act, the application shall:

- (a) use the provincial application form “Application for Permit to Construct or Demolish”, and
- (b) include 2 (two) complete sets of plans, specifications, documents and other information as required by Article 2.4.1.1B of the Building Code and as described in this by-law for the work to be covered by the permit, and
- (c) be accompanied by satisfactory proof that arrangements have been made or will be made with the proper authorities for the termination, capping or plugging of all water, sewer, gas, electric, telephone or other utilities and services, and
- (d) be accompanied by a deposit as described in Schedule “G” to this By-law which will be retained by the City for purposes described in Section 4 and for the purposes of ensuring removal from the site of the demolition material, leaving the site in a safe and reasonably levelled condition and to ensure completion of the termination, capping or plugging of abandoned sewer/water services to the satisfaction of the City.

CLASS 3 – CONDITIONAL PERMIT

3.2.5 Where application is made for a conditional permit under subsection 8(3) of the Act, the application shall:

- (a) use the provincial application form “Application for Permit to Construct or Demolish”, and
- (b) include 2 (two) complete sets of plans, specifications, documents and other information as required by Article 2.4.1.1B of the Building Code and as described in this by-law for the work to be covered by the permit, and
- (c) state the reasons why the applicant believes unreasonable delays in construction would occur if a conditional permit is not granted, and
- (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, and

- (e) be accompanied by security in the form of cash or a Letter-of-Credit in an amount as the Chief Building Official considers necessary to remove the building and restore the site if approvals are not obtained in the time agreed upon, and
- (f) be accompanied by a surcharge fee of 50% of the permit fee for the works proposed in the conditional permit.

CLASS 4 – CHANGE OF USE PERMIT

3.2.6 Where application is made for a change of use permit under subsection 10(1) of the Act, the application shall:

- (a) use the City application form prescribed in Schedule “B” of this by-law, “Application Form for Change of Use”, and
- (b) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building, and
- (c) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made, and
- (d) 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, and details of the existing sewage system, if any.

CLASS 5 – SEWAGE SYSTEM PERMIT

3.2.7 Where application is made for a sewage system permit under subsection 8(1) of the Act, the application shall:

- (a) use the provincial application form “Application for Permit to Construct or Demolish”, and
- (b) include 2 (two) complete sets of plans, specifications, documents and other information as required by Article 2.4.1.1B of the Building Code and as described in this by-law for the work to be covered by the permit, and
- (c) include 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) the location on site of the evaluation,
- (iii) the name, address, telephone number, facsimile number, e-mail address and signature of the person who prepared the evaluation, and
- (iv) a scaled map of the site showing the legal description, lot size, property dimensions, rights-of-way, easements, utilities; the location of items listed in Column 1 of Tables 8.2.1.6.A, 8.2.1.6.B and 8.2.1.6.C in the Building Code; the location of the proposed sewage system; the location of any unsuitable, disturbed or compacted areas; the proposed access routes for system maintenance; the depth to bedrock; the depth of zones of soil saturation; soil properties including soil permeability and soil conditions including the potential for flooding.

CLASS 6 – OCCUPANCY PERMIT

3.2.8 Where application is made for an occupancy permit with respect to an unfinished building as provided for in Article 2.4.3.1. of the Building Code, the application shall:

- (a) use the City application form prescribed in Schedule “B of this by-law, “Application Form for Occupancy of Unfinished Building”, and
- (b) describe the building or the part of the building for which occupancy is requested, and the proposed date of occupancy, and
- (c) identify the persons who are proposing to occupy the building including their names, addresses, facsimile numbers and telephone numbers.

CLASS 7 – TRANSFER PERMIT

3.2.9 Where application is made for a transfer of permit because of change of ownership of the land, as permitted in clause 7(h) of the Act, the application shall:

- (a) use the City application form prescribed in Schedule “B” of this by-law, “Application Form for Transfer of Permit”, and
- (b) provide the names, addresses, facsimile numbers, and e-mail addresses of the previous and new land owner, and
- (c) provide the date the land ownership change took place or is proposed to take place, and

(d) describe the permit for which transfer is requested.

- 3.2.10 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 a permit was issued shall be submitted in writing to the Chief Building Official together with the details of such change, and no such change is to be made without the written authorization of the Chief Building Official and payment of the permit amendment fee prescribed in Schedule "A" to this by-law.
- 3.2.11 Where an application for permit remains incomplete or inactive for six months from the date the application was made, the application may be deemed by the Chief Building Official to have been abandoned or withdrawn and the application may be cancelled, without notice to the applicant. Any other application which remains deficient and is not issued for reasons which have been disclosed to the applicant and owner, may be cancelled by the Chief Building Official upon reasonable notice to the applicant and owner, at any time prior to six months from the date of application.
- 3.2.12 Where an application for permit is found to be incomplete and does not comply with Sentence 2.4.1.1B(5) of the Building Code, the application may be accepted for processing and the applicant may be requested to acknowledge same and complete the form as set out in Schedule "D" of this by-law.
- 3.3 Plans, Specifications and Information
- 3.3.1 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, occupancy or change in use will conform with the Act, the Building Code and any other applicable law.
- 3.3.2 Each application shall, except as otherwise specified by the Chief Building Official, be accompanied by two complete sets of the plans, specifications and information required by this by-law.
- 3.3.3 Plans shall be drawn to scale (minimum 1:75 or $\frac{3}{16}" = 1'-0"$) on paper, electronic media approved by the Chief Building Official, or other durable material, shall be legible and, without limiting the generality of the foregoing, shall include such working drawings as set out in Schedule "C" to this by-law except as otherwise specified by the Chief Building Official. General plans may be drawn to a lesser scale if other detail plans drawn to the requisite scale convey the necessary information.

3.3.4 Site plans shall be referenced to an up-to-date survey, certified by a registered Ontario Land Surveyor, and when required to demonstrate compliance with the Act, the Building Code or other applicable law, a copy of the survey shall be submitted to the Chief Building Official.

Site plans shall show:

- (a) lot size and the dimensions of property lines and set backs to existing and proposed buildings,
- (b) existing and proposed finished ground elevations, when required by the Chief Building Official,
- (c) existing right-of-ways, easements,
- (d) existing and proposed municipal services, private services and utility locations,
- (e) existing and proposed driveway entrances and fire routes,
- (f) existing and proposed parking spaces.

3.3.5 Where required by the Chief Building Official, a certified copy of a current PIN sheet or deed shall be submitted to verify ownership or legal description of a property.

3.3.6 Where an application for a permit or for authorization to make a material change to a plan, specifications, document or other information on the basis of which a permit was issued, contains an equivalent material, system or building design for which authorization under Section 9 of the Act is requested, the following information shall be provided:

- (a) a description of the proposed material, system or building design for which authorization under Section 9 of the Act is requested,
- (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.

3.3.7 Plans, specifications and information submitted in support of an application for permit become the property of the City and may be retained or disposed of accordingly.

3.4 Approval in Part – Partial Permits

3.4.1 When, in order to expedite work, approval of a portion of the building or project is desired, prior to the issuance of a permit for the complete building or project, application shall be

made and the appropriate fees in Schedule "A" paid. There shall be a surcharge fee of 50% of the permit fee for the works proposed in the partial permit. Complete plans, specifications and information covering the portion of the work for which immediate approval is desired shall be filed with the Chief Building Official.

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

3.5 City Plan Examination and Inspection Service Delivery Options

3.5.1 The Chief Building Official shall meet the timeframes mandated by the province for issuance or refusal of permit specified in Article 2.4.1.1B of the Building Code, and for inspections specified in Section 5 of this by-law.

3.5.2 The Chief Building Official may utilize any one or combination of service delivery options below in order to achieve the timeframes required by regulation:

- (a) Conditional Permits described in Section 3.2.5 of this by-law,
- (b) Partial Permits described in Section 3.4 of this by-law,
- (c) providing inspection and/or plan review services outside normal working hours as described in Schedule "F" of this by-law,
- (d) developing and recommending to Council:
 - (i) service sharing agreements with other municipalities for plan review services as described in Section 6 of the Act,
 - (ii) agreements with other municipalities for sharing inspection services,
 - (iii) agreements with contract employees for plan review or inspection services,
 - (iv) agreements with Registered Code Agencies for plan review or inspection services.

SECTION 4 FEES, DEPOSITS AND REFUNDS

4.1 Fees

4.1.1 Application fees for a required permit shall be as set out in Schedule "A" to this by-law and are due and payable upon application for a permit.

- 4.1.2 Where the fees payable in respect of an application for a permit are based on the value of the proposed work, such value shall mean the total value of all work regulated by the permit including the cost of all material, labour, equipment, overhead and professional and related services.
- 4.1.3 The Chief Building Official shall place a value on the cost of work and if the permit applicant disagrees with such value, the prescribed fee shall be paid before the issuance of the permit. Upon completion of the work, if the permit applicant or owner claims that the actual cost of the work was less than the value placed by the Chief Building Official, an audited statement may be submitted to the Chief Building Official detailing the cost of all component parts of the work. Upon receiving the audited statement, the Chief Building Official may, if the said statement contains the cost of all component parts of the work upon which the value was required to be based, re-value the work in accordance with the said statement, and, if the actual cost is found to be less than the original value placed by the Chief Building Official, authorize the appropriate refund.
- 4.1.4 Prior to the issuance of a permit, other fees and/or deposits may be required to be paid as authorized by other applicable law, and no permit shall be issued until such fees have been paid.
- 4.2 Deposits
- 4.2.1 Every permit application for work shall require submission of a deposit in accordance with Schedule "G". The deposit is to be retained by the City until completion of the project as security to facilitate compliance with Lot Grading requirements, the Act, the Building Code, this by-law, and other permit requirements.
- 4.2.2 The deposit shall also be held by the City to cover repair costs associated with damage to municipal sidewalks, curbs, boulevards, roads, water or sewer services, existing driveway entrances or any other municipal property which may arise from the work associated with construction or demolition authorized by the permit. If in the opinion of the City, such damage has occurred, the permit holder must repair the damage to a standard equal or better than that which existed prior to the damage, as approved by the City. The City may give the permit holder or the owner an opportunity to repair the damage within a reasonable timeframe, or, if the damage creates an unsafe condition, may cause the damage to be repaired immediately by City forces or by contractors hired by the City. If the permit holder or owner does not repair the damage within the specified timeframe, the City may authorize all or a portion the deposit to be retained for repair costs, however the City is under no obligation to repair the damage

immediately, and may postpone repair until such time as it sees fit. Should the cost of repair be greater than the amount of the deposit, the City shall invoice the owner or the permit holder the amount in excess of the deposit, and if such bill is not paid, the City may recover the costs by action or by adding the costs to the tax roll of the property to which the permit relates, and collecting them in the same manner as taxes according to Section 427 of the Municipal Act.

4.2.3 Where a deposit has been taken and a Detailed Lot Grading Plan submitted pursuant to this by-law, a Final Lot Grading Certificate shall be provided to the City within 1 year of building occupancy, approved by a Professional Engineer, or an Ontario Land Surveyor, certifying thereon that the finished elevations and the grading of the lot, as constructed, generally conforms to the Detailed Lot Grading Plan accepted with the permit application.

4.2.4 The deposit shall be returned to the person who paid the deposit upon completion of the Final Inspection and outstanding matters resulting from such inspection, receipt of all final certificates and reports, and once the City is satisfied there has been no damage to municipal property and closed the permit file.

4.3 Municipal Services/Fees/Deposits

4.3.1 If municipal sewer or water mains are available in the municipal street upon which a lot has frontage, no building shall be constructed unless the plumbing system in the building will be connected to the respective municipal main which is available on the street. No building shall be constructed, and no permit shall be issued for a building proposed to be connected to municipal service mains on the street, until municipal sewer and water service laterals, as the case may be, are installed to the property line, for the building which is the subject of the permit application.

4.3.2 No building shall be constructed and no permit shall be issued until a vehicular access route is installed to the property line, for the building which is the subject of the permit application.

4.3.3 Notwithstanding Sections 4.3.1 and 4.3.2 of this by-law, payment of the required municipal service fees and deposits as prescribed in Schedule "J" of this by-law, as provision for the installation of such services, shall constitute compliance with Sections 4.3.1 and 4.3.2 of this by-law.

4.3.4 No. building requiring a metered water service shall be constructed, and no permit shall be issued with respect to a lot which is fronting on a municipal street with water mains until provision has been made for the installation of a water meter for the building which is the

subject of the permit application. Provision for a water meter shall mean payment of the appropriate meter installation fee specified in the City Fees and Charges By-law, or as otherwise determined by Council. (By-law 2007-193)

4.4 Work Without Permit

4.4.1 No construction or demolition shall commence until the required Permits have been issued. **Construction or demolition without a Permit is an offence.** Notwithstanding Section 4.1 of this by-law, the Application fees described in Schedule "A" shall be increased by 10% for the commencement of every stage of construction or demolition described herein prior to the issuance of a Permit authorizing its construction or demolition:

- (a) excavation for a proposed building or structure;
- (b) footings or foundation or building sewer or water service;
- (c) filling or backfilling;
- (d) structural framing;
- (e) insulation;
- (f) plumbing system or system rough-in;
- (g) heating or ventilation system or system rough-in;
- (h) fire protection system including sprinkler or fire alarm system;
- (i) interior finishes;
- (j) final inspection or occupancy;
- (k) sewage system distribution pipes or tank;

and the minimum fee as specified in the City Fees and Charges By-law. (By-law 2007-193)

4.5 Refunds

4.5.1 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 application fees that may be returned to the applicant, if any, in accordance with Schedule "E" attached to, and forming part of this by-law.

SECTION 5 NOTIFICATION FOR INSPECTIONS

5.1 The permit holder shall notify the Chief Building Official of each stage of construction for

which a mandatory notice is required under Article 2.4.5.1 of the Building Code. In addition to the notice of completion as prescribed in Section 11 of the Act, a demolition permit holder shall provide a mandatory notice upon completion of the termination of the water/sewer laterals and after completion of the demolition work to ensure completion of the site grading and other works described in Section 3.2.4(d) of this by-law.

- 5.2 A notice required under this Section of the by-law is not effective until the notice is actually received by the office of the Chief Building Official.
- 5.3 Except as otherwise provided in the Act and Building Code, an Inspector shall undertake a site inspection of the building to which the notice relates within two (2) business days after receipt of such notice, commencing on the day following receipt of the notice. Business day shall not include Saturdays, Sundays, holidays and all other days when the offices of the City are not open for the transaction of business with the public.
- 5.4 Inspections may be provided outside normal working hours in accordance with Schedule "F" to this by-law.
- 5.5 Cancellation of an inspection already scheduled, or scheduling an inspection when the stage of construction for which inspection is requested is not substantially finished, will require payment of a fee as specified in the City Fees and Charges By-law (for every such cancelled or scheduled inspection), prior to authorizing occupancy or closing the permit file. (By-law 2007-193)

SECTION 6 FIRE SAFETY MATTERS

- 6.1 The Fire Chief, or, the Fire prevention Office if he/she so designates, shall be responsible for the enforcement, plan examination and field inspections of the following sections of the Building Code, as amended, respecting fire matters; namely:
- (a) Fire alarm systems, and all ancillary functions, fire detection systems,
 - (b) Standpipe, hose systems and water supply,
 - (c) Sprinkler systems,
 - (d) Portable fire extinguishing equipment,
 - (e) Voice communication systems,
 - (f) Systems for the ventilation of restaurant and other commercial cooking equipment designed, constructed and installed to conform to NFPA 96,

"Ventilation Control and Fire Protection of Commercial Cooking Operations,

- (g) Solid fuel burning stoves and appliances, and
- (h) Access for the Fire Department Vehicles.

6.2 The Fire Chief or designate shall approve all drawings submitted pursuant to an application for a permit as complying with the requirements of the Building Code, respecting fire safety matters specified in Section 6.1 of this by-law prior to the issuance of a permit by the Chief Building Official.

SECTION 7 AS CONSTRUCTED PLANS

7.1 The Chief Building Official may require that a set of plans of a building or any class of buildings, as constructed, including a plan of survey showing the location of the building, be filed with the Chief Building Official on completion of construction under such conditions as may be prescribed in the Building Code.

SECTION 8 TRANSFER OF PERMITS

8.1 If the ownership of land, for which a permit has been issued, changes prior to commencement or completion of construction, demolition, change of use or occupancy, the permit may be transferred to the new owner, if the new owner complies with the requirements for permits and applications in Section 3 of this by-law and provided the following conditions are met:

- (a) The new owner assumes responsibility for all the work covered by the permit, and
- (b) The new owner submits proof of retention of design professionals and Master Plumber, where appropriate.

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

SECTION 9 APPOINTMENTS

9.1 The persons employed by the City of Welland and listed in Schedule "H" to this by-law are hereby appointed to the positions as set out in Schedule "H" to this by-law.

SECTION 10 CODE OF CONDUCT

10.1 Each person listed in Schedule "H" of this by-law shall be governed by the Code of Conduct set out in Schedule "I" of this by-law, with respect to exercising powers and performing duties under the Act.

SECTION 11 VALIDITY/SEVERABILITY

11.1 In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this by-law.

SECTION 12 CONTRAVENTION OF BY-LAW AN OFFENCE

12.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided in Section 36 of the Building Code Act, 1992, S.O. 1992 c.23, as amended.

SECTION 13 REPEAL OF OTHER BY-LAWS

13.1 By-law 10230 and all amendments thereto are hereby repealed.

13.2 Notwithstanding Section 13.1 of this by-law, for any application received prior to July 1, 2005, the permit fee including deposits shall be calculated in accordance with By-law 10230, as amended.

SECTION 14 EFFECTIVE DATE

14.1 This by-law shall come into force and take effect on July 1, 2005.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 21ST DAY OF JUNE, 2005.

As Amended by: By-law 2007-193 passed December 11, 2007

As Amended by: By-law 2009-122 passed September 15, 2009

As Amended by: By-law 2011-20 passed February 15, 2011

NOTE: This Office Consolidation is prepared for purposes of convenience only, and for accurate reference, recourse should be had to the original By-law.

SCHEDULE "A"
 TO BY-LAW 2005-91 OF THE CITY OF WELLAND
CLASSES OF PERMITS AND PERMIT APPLICATION FEES

Permit application fees payable upon application for permit shall be as specified in the City Fees and Charges By-law. (By-law 2007-193)

EXCERPT FROM BY-LAW 2006-193, AS AMENDED BY BY-LAW 2012-3

CLASS OF PERMIT	PERMIT DESIGNATION PREFACE	PERMIT APPLICATION FEE ¹⁻¹⁸
1. CONSTRUCTION		
1.1. NEW BUILDING CONSTRUCTION AND ADDITIONS^{6,8}	B	
MAJOR OCCUPANCY⁷		
GROUP A - ASSEMBLY OCCUPANCIES		
School; church; restaurant; daycare; hall; transit; recreation facility; other		\$1.32/ft ²
GROUP B – INSTITUTIONAL OCCUPANCIES		
Hospital; retention facility; nursing home; other		\$1.55/ft ²
GROUP C - RESIDENTIAL OCCUPANCIES		
Single detached dwelling		\$1.01/ft ²
Semi-detached dwelling; duplex dwelling		\$1.01/ft ²
Multiple unit dwellings; apartment building; townhouse		\$0.83/ft ²
Hotels; motels		\$0.83/ft ²
Other residential		\$0.83/ft ²
GROUP D – BUSINESS/PERSONAL SERVICES OCCUPANCIES		
Office; bank; medical; police stations; other		\$1.26/ft ²
GROUP E - MERCANTILE OCCUPANCIES		
Store; shopping mall/plaza; shop; market; retail; other		\$1.01/ft ²
GROUP F – INDUSTRIAL OCCUPANCIES		
Industrial mall/plaza/garage; plant; factory;		\$0.65/ft ²

CLASS OF PERMIT	PERMIT DESIGNATION PREFACE	PERMIT APPLICATION FEE ¹⁻¹⁸
warehouse; other		
Industrial buildings with no partitions; no plumbing and no mechanical		\$0.35/ft ²
SPECIAL CATEGORIES/OCCUPANCIES		
Farm building; greenhouse		\$0.17/ft ²
Trailer; air supported structure		\$0.09/ft ²)
Tent; temporary fabric structure		\$0.09/ft ² (to maximum of \$161.00)
Houses: ¹⁴		
Garage; carport		\$0.35/ft ²
Covered deck/porch		\$0.35/ft ²
Uncovered deck/porch		\$0.25/ft ²
Sunroom/solarium		\$0.65/ft ²
Shed/accessory building		\$0.35/ft ²
1.2 ALTERATIONS	B	
DESCRIPTION		
Unfinished basement		\$0.25/ft ²
Under pinning foundation		See Note 12
Roof structure		\$0.09/ft ²
Fireplace; woodstove; chimney		\$100.00
Interior Alterations:		
including plumbing and mechanical		\$0.35/ft ²
including plumbing or mechanical		\$0.25/ft ²
excluding plumbing and mechanical		\$0.18/ft ²
Finishing Basement Other Than Houses		\$0.50/ft ²
Houses: ¹⁴		
finishing basement		\$0.25/ft ²
other minor alteration		\$100.00

CLASS OF PERMIT	PERMIT DESIGNATION PREFACE	PERMIT APPLICATION FEE ¹⁻¹⁸
1.3 PARTIAL PERMIT/STAGED CONSTRUCTION¹¹	B	
All partial permits subject to a surcharge in addition to other applicable fees		\$263.00
FOUNDATION STAGE¹¹		
Complete to grade including or excluding underground services within building		15%
BUILDING SHELL STAGE¹¹		
Completed structural shell stage		40%
Completed architectural shell stage		80%
BUILDING COMPLETION STAGE¹¹		
Includes completed building stage		100%
1.4 PLUMBING ONLY	P	
Fixture; plumbing appliance; stack; interceptor; tank; floor drain; sewage ejector; sump; manhole; catchbasin; rain water leader; other		\$6.83 each
All buried piping including building drain and sewer; building storm drain and sewer; storm drainage piping; water service pipe		\$1.07/lf ¹³
Water distribution pipe inside a building		\$100.00
1.5 MECHANICAL HVAC ONLY	M	
Group A, B, C (except houses), D, E		\$0.07/ft ²
Houses		\$100.00
Group F		\$0.05/ft ²
Commercial type Kitchen Exhaust		\$132.00
1.6 POOL	W	
Public pool		\$344.00
Inground pool		\$111.00
1.7 DESIGNATED STRUCTURE	G	
Retaining wall; pedestrian bridge; crane runway		\$1.75/lf
Communication tower		\$240.00

CLASS OF PERMIT	PERMIT DESIGNATION PREFACE	PERMIT APPLICATION FEE ¹⁻¹⁸
Other designated structure		\$100.00
2. DEMOLITION	D	
One-family dwelling; buildings less than 3,000 sq. ft. gross area		\$100.00
Other demolitions		\$0.04/ft ²
3. CONDITIONAL ¹⁶	C	
Surcharge		\$525.00
4. USE CHANGE	U	
Permit for the change of use of a building or part thereof		\$100.00
5. SEWAGE SYSTEM	H	
Class 4		\$801.00
Repair of Class 4		\$235.00
Other than Class 4		\$481.00
6. OCCUPANCY	O	
Permit to allow occupancy		
Houses, semi-detached dwellings, townhouses ¹⁸		\$0.00
Other buildings		\$100.00 min ⁴
7. TRANSFER	T	
Transfer of permit to a new owner		\$100.00

NOTES TO SCHEDULE "A":

1. Permit application fee is \$/square foot (sq. ft.), \$/linear foot (lf), or \$ (flat fee).
2. Sq. ft. is gross area of all floors above grade measured from the outer face of exterior walls, unless noted otherwise. Mezzanines, lofts and habitable attics are included.
3. Where there is no floor or exterior walls for the project, sq. ft. is the greatest horizontal area of the structure.
4. \$100.00 paid at application plus \$69/hour for each inspection in excess of one which must be paid prior to issuance of Occupancy Permit.
5. There are no deductions from the gross floor area for openings such as stairs, elevators, shafts, etc.
6. Unfinished basements and crawl spaces are not used in the fee calculation for new construction and additions, and attached garages are not used in the fee calculation for new dwellings.
7. Major occupancy is based upon the Ontario Building Code.
8. New construction and additions include interior plumbing, HVAC and all other regulated building services/components. (Site servicing fees specified in Section 1.4 plumbing only not included)
9. Minimum permit fee is \$100.00.
10. Revision or amendment to permit is \$69/hour with a minimum \$69.00 fee.
11. For a Partial Permit, the percentage shown for the applicable stage of construction (minus the percentage for any previous Partial Permits) must be multiplied by the applicable permit application fee shown for new construction and then increased by the surcharge to obtain the required total fee for that stage.
12. If the work regulated by the permit cannot be described otherwise, the permit application fee shall be \$13.81 for each \$1,000.00 value of work proposed.
13. For water and fire service pipes 4" and greater in diameter the permit application fee is 5% of the estimated value of work as prescribed by the Engineering Department.
14. Houses in Special Categories and Alterations includes semi-detached, duplexes, triplexes, and townhouses.
15. See Schedule "G" for deposits which may be required.
16. The fee for a Conditional Permit is equal to the regular permit fee described in Classes 1-7 plus an additional surcharge of \$525.00. If the Conditional Permit also happens to be a Partial Permit, the Conditional Permit and Partial Permit surcharges both apply.
17. Application fee for an Objective-based Alternative Solution under Building Code Division A is \$263.00.
18. Fee included in cost of building permit for houses.

SCHEDULE "B"
TO BY-LAW 2005-91 OF THE CITY OF WELLAND
PERMIT APPLICATION FORMS PRESCRIBED BY THE CITY
SUPPLEMENTARY INFORMATION FORMS

1. The following application forms developed from time to time by the Chief Building Official, and maintained at the office of the Chief Building Official and on the City website are hereby prescribed for the Class 4, 6 and 7 applications listed in Section 3 of this By-law:
 - Application Form for Change of Use
 - Application Form for Occupancy of Unfinished Building
 - Application Form for Transfer of Permit

2. The following supplementary information forms developed from time to time by the Chief Building Official, and maintained at the office of the Chief Building Official and on the City website, are hereby prescribed for the Class 1, 2, 3 and 5 applications listed in Section 3 of this by-law:
 - Supplementary Information Form(s) for Construction
 - Supplementary Information Form for Demolition
 - Supplementary Information Form for Conditional Permit
 - Supplementary Information Form for Sewage System

SCHEDULE "C"
TO BY-LAW 2005-91 OF THE CITY OF WELLAND
PLANS AND SPECIFICATIONS REQUIRED FOR PERMITS

The following plans, working drawings, documents and specifications shall be submitted with each permit application, except as otherwise specified by the Chief Building Official:

- (a) A Site Plan With Site Servicing
- (b) A Lot Grading and Drainage Plan
- (c) Architectural Floor Plans
- (d) Foundation Plans
- (e) Framing Plans / Roof Plans
- (f) Architectural and Structural Sections and Details
- (g) Building Elevations
- (h) Electrical Drawings – Plans and Details
- (i) Heating, Ventilation and Air Conditioning Drawings – Plans and Details
- (j) Plumbing Drawings – Plans and Details
- (k) Fire Protection Drawings – Suppression, Detection – Plans and Details
- (l) Geotechnical Investigation required for Part 4 Buildings
- (m) Sewage System – Plans, Sections and Details

SCHEDULE "D"
TO BY-LAW 2005-91 OF THE CITY OF WELLAND
ACKNOWLEDGEMENT BY APPLICANT OF INCOMPLETE APPLICATION

ACKNOWLEDGEMENT BY APPLICANT OF AN INCOMPLETE APPLICATION
Pursuant to Sentence 2.4.1.1B (5) of the Building Code

Part A

A pre-screening of the Application to _____ at
(describe work)

reveals that the Application is incomplete in that the following items are missing:

(location of work)

As such, the pre-screening time periods prescribed in Column 3 of Table 2.4.1.1B of the Building Code are not applicable. The City of Welland, however, will commence processing the incomplete Application if the Acknowledgement below is completed.

Part B

I _____
(print name of Applicant)

Acknowledge that my Application to _____ at _____
(describe work) *(location of work)*

Does not meet the requirements of 2.4.1.1B (5) of the Building Code and therefore the processing time periods prescribed in Table 2.4.1.1B of the Building Code are not applicable. Notwithstanding the above, I request that the City commence processing the incomplete Application. I understand that a Permit cannot be issued until all the required information is submitted, reviewed for compliance and all fees paid.

I have authority to bind the Corporation or partnership (if applicable).

(Date)

(Signature of Applicant)

SCHEDULE "E"
TO BY-LAW 2005-91 OF THE CITY OF WELLAND
REFUND OF PERMIT APPLICATION FEES

Status of Permit/Application	Percentage of Fee Eligible for Refund
1) Application filed. Administrative functions only have been performed.	90%
2) Application filed. Administrative and zoning functions only have been performed.	80%
3) Application filed. Administrative, zoning and plan examination functions have been performed.	60%
3) Permit issued. No field inspections have been performed.	50%
4) Additional deduction from eligible refund for each field inspection that had been performed.	\$69.00 *

* EXCERPT FROM BY-LAW 2006-193, AS AMENDED BY BY-LAW 2012-3

NOTES TO SCHEDULE "E":

1. If the calculated refund is less than the minimum fee applicable to the permit, no refund shall be made of the fees paid.
2. In instances where an applicant wishes to withdraw the application on the business day immediately following the day of application, Note 1 above does not apply.

SCHEDULE "F"
TO BY-LAW 2005-91 OF THE CITY OF WELLAND
PLAN EXAMINATION/INSPECTION SERVICES PROVIDED OUTSIDE NORMAL WORKING HOURS

Inspections Outside Normal Working Hours:

- (a) The City will endeavour to provide inspections outside normal working hours, in special circumstances, subject to the approval of the Chief Building Official, if requested. The City will not guarantee this service will be provided.
- (b) If the service will be provided, the person requesting the inspection shall pay a non-refundable fee as specified in the City Fees and Charges By-law prior to the inspection being scheduled.
- (c) If the cost to the City of providing the inspection exceeds the specified fee, the person requesting the inspection shall be billed the amount in excess of the specified fee, calculated at the hourly rate specified in the City Fees and Charges By-law, which must be paid prior to authorizing occupancy or closing the permit file.

Plan Review Outside Normal Working Hours:

- (a) The City will endeavour to provide expedited plan review outside normal working hours, in instances where permit application review times become lengthy due to increased building construction activity in the City, subject to the approval of the Chief Building Official, if requested. The City will not guarantee this service will be provided.
- (b) This service will only be provided where a pre-screening of the application indicates sufficient information appears to have been submitted to enable a proper review to be undertaken and where other applicable law has been complied with.
- (c) If the service will be provided, the person requesting the expedited plan review shall pay a non-refundable fee as specified in the City Fees and Charges By-law prior to the plan review being scheduled. This fee is in addition to the permit application fee.
- (d) If the cost to the City of providing the expedited plan review exceeds the specified fee, the person requesting the plan review shall be billed the amount in excess of the specified fee, calculated at the hourly rate specified in the City Fees and Charges By-law, which must be paid prior to permit issuance. (By-law 2007-193)

SCHEDULE "G"
 TO BY-LAW 2005-91 OF THE CITY OF WELLAND
DEPOSITS REQUIRED FOR PERMITS

EXCERPT FROM BY-LAW 2006-193, AS AMENDED BY BY-LAW 2012-3

DESCRIPTION OF BUILDING AND TYPE OF CONSTRUCTION			AMOUNT OF DEPOSIT		
			% OF APPLICATION FEE	MINIMUM	MAXIMUM
1(a)	New Main Buildings	Houses ³		\$3,000	\$3,000
1(b)		Other Than Houses ³	50%	\$1,000	\$3,000
2(a)	Additions, Accessory	Houses ³		\$250	\$250
2(b)		Other Than Houses ³	50%	\$250	\$1,000
3(a)	Alterations	Houses ³	50%	\$100	\$250
3(b)		Other Than Houses ³	50%	\$100	\$500
4(a)	Demolitions	Main Building		\$1,000	\$1,000
4(b)		Accessory, Partial		\$250	\$250
4(c)		Large Buildings > 6,000 sq. ft.	1000%	\$2,000	\$5,000
6(a)	Other ⁴	See Note 4	50%	\$100	\$250

NOTES TO SCHEDULE "G":

1. No deposit is required for the following:
 - Farm buildings
 - Uncovered decks on piers
 - Water service and building sewer
 - Tents and fabric structures
2. No deposit is required where the City holds security for Lot Grading or Damage Control or other purpose relating to development of the subject lot pursuant to a Site Plan Agreement, Subdivision Agreement, Conditional Permit Agreement or other agreement between the owner and the City.
3. Houses includes semi-detached, duplexes, triplexes and townhouses.
4. "Other" includes Plumbing Only, Mechanical HVAC Only, Designated Structures, Sewage Systems.
5. The requirement for a new deposit may be waived where the City already holds a deposit with an owner on the same property with respect to an open permit file with the City, provided:
 - (a) the deposit already held is equal or larger than the amount specified in this Schedule "G",
 - (b) there is no existing damage to City property as a result of work on the lot,
 - (c) the existing deposit is recorded on all applicable permit files as being held as security for other permits.

SCHEDULE "H"
TO BY-LAW 2005-91 OF THE CITY OF WELLAND

APPOINTMENT OF A CHIEF BUILDING OFFICIAL AND INSPECTORS

1. The following person employed by the City of Welland is appointed Chief Building Official for the purpose of the enforcement of the Building Code Act in the City of Welland:

Michael Mantesso

2. The following persons employed by the City of Welland are appointed an Inspector for the purpose of the enforcement of the Building Code Act in the City of Welland:

- (a) Mohamed Ali Abou-El-Hoda
- (b) James Callaghan
- (c) Thomas Ferguson
- (d) Gary Graziani
- (e) Jennifer McRae
- (f) Silvestro Ravenda
- (g) Michael Agnew
- (h) Cheri Busch

3. The person appointed under sub-paragraph 2.(f) is hereby appointed Chief Building Official during the absences for any reason of the person appointed Chief Building Official under paragraph 1, above, and shall exercise any of the powers or perform any duties of the Chief Building Official.

(By-law 2011-20)

SCHEDULE "I"
TO BY-LAW 2005-91 OF THE CITY OF WELLAND
CODE OF CONDUCT FOR BUILDING OFFICIALS

1.0 INTRODUCTION

The City of Welland maintains this Code of Conduct in accordance with the provisions of the Building Code Act. Building Officials undertake building inspection functions that ensure the quality, structural integrity and safety of buildings. Building Officials are exposed to potential conflicts of interest because of the special powers conferred on them. The conduct and behaviour of Welland's Building Officials reflects Welland Building Division's commitment to the highest standards of professionalism, technical competence, skill, honesty, fairness and independence. Building Officials shall observe both the letter and the spirit of this Code of Conduct as it pertains to situations that bear on their responsibilities.

2.0 PURPOSE

The purpose of this Code of Conduct are:

- To promote appropriate standards of behaviour by Building Officials in the exercise of their powers and performance of their duties;
- To prevent practices which may constitute an abuse of power, and
- To promote appropriate standards of honesty and integrity.

3.0 STANDARDS OF CONDUCT AND PROFESSIONALISM

Building Officials shall comply with any Code of Conduct that may be generally appropriate to employees of the City of Welland and in addition shall undertake at all times to:

- 1) Act in the public interest, particularly with regard to the safety of buildings and structures regulated by the Building Code.
- 2) Maintain their knowledge and understanding of the best current building practice, the building laws and regulations relevant to their building inspection 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 or their functions.

- 5) Avoid situations where they 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 as a designer or constructor of a building within the City of Welland, except where it is reasonably unavoidable such as for a Building Official's own dwelling unit, provided the Building Official has declared such potential conflict to his/her supervisor, who has implemented measures in the workplace to remove the Building Official from any conflict which may arise.
- 7) Not act beyond their level of competence or outside their area of expertise – obtain the counsel of persons with expertise where the Chief Building Official or Inspector does not possess sufficient knowledge to make an informed judgement.
- 8) Apply all relevant building by-laws, regulations and standards without favour and independent of influence of interested parties.
- 9) Perform their inspection duties impartially and in accordance with the highest professional standards.
- 10) Not divulge any confidential or sensitive information or material, that they become privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy.
- 11) Avoid any conduct that could bring Building Officials or the City of Welland into disrepute.
- 12) Extend professional courtesy to all.
- 13) Not act officiously or permit personal feelings, prejudices, animosities or friendships to influence decisions.
- 14) Recognize the appointment under the Building Code Act as a symbol of public faith.
- 15) Maintain current accreditation to perform the functions assigned to them.
- 16) Take all reasonable steps to ascertain and document all available facts relevant to the performance of their duties.
- 17) 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.
- 18) Act honestly, reasonably and professionally in the discharge of their duties.

4.0 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, the Chief Building Official shall direct an investigation and where appropriate, recommend disciplinary action against any Building Official who fails to comply with this Code of Conduct.

Where the allegation is against the Chief Building Official, the General Manager, Planning and Development Services and/or the City Manager will direct the investigation and make such recommendations as are reasonable.

In determining the appropriate discipline, the Chief Building Official or the General Manager, Planning and Development Services and/or the City Manager will have regard to the relevance of the conduct to the Official's powers and responsibilities as well as the severity of any misconduct.

Disciplinary action arising from violations of this Code of Conduct is the responsibility of Welland's administration and is subject to relevant Collective Agreements, Employment Laws and Standards.

SCHEDULE "J"
TO BY-LAW 2005-91 OF THE CITY OF WELLAND
MUNICIPAL SERVICE FEES/DEPOSITS

Water Service and Sewer Lateral Fees and Deposits

Water service lateral fees/deposits, sanitary sewer lateral fees/deposits, and storm sewer lateral fees/deposits shall be as specified in the City Fees and Charges By-law.

Driveway Entrance Deposit

\$750.00 refundable deposit – owner is permitted to construct the new driveway entrance, only if constructed to City Standards – deposit will be released upon inspection by Engineering, Public Works, and Transportation Services Department if the City is able to verify construction was performed in accordance with City Standards. (By-law 2007-193)