

Authority: Item 6, Planning Committee
Report 12-019 (PED12227)
CM: December 12, 2012

Bill No. 281

CITY OF HAMILTON

BY LAW NO. 12-281

To Amend By-law No. 08-161

A By-law respecting Building Permits and Related Matters

WHEREAS Council of the City of Hamilton desires to amend By-law No. 08-161, the Building By-law, to change Building Permit Fees and to make certain housekeeping amendments;

AND WHEREAS public notice has been given and a public meeting held as required for this By-law, in addition to other public consultation;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The Recitals of By-law No. 08-161 are deleted and replaced with the following new Recitals:

WHEREAS Council of the City of Hamilton desires to provide for the issuance of permits and related matters under the Building Code Act, 1992 S.O. 1992, c. 23 as amended, to obtain sufficient information from applicants to determine compliance with the Act and applicable laws, for the purpose of providing for the safety and health of the public through compliant construction, demolition and related issues, and to fix fees for cost recovery purposes;

AND WHEREAS public notice has been given and a public meeting held as required for this By-law, in addition to other public consultation;

AND WHEREAS Section 7 of the Building Code Act, 1992 S.O. 1992, Chapter 23, authorizes a municipal council to pass by-laws concerning the issuance of permits and related matters, and the Municipal Act, 2001 S.O. 2001, Chapter 25, particularly sections 8, 9, 10 and 391, authorize the City of Hamilton to pass by-laws concerning financial management, services and things the municipality is authorized to provide, for the protection of persons and property, and for structures;

2. Subsection 3(3) of By-law No. 08-161 is deleted and replaced by the following new subsection 3(3):

- (3) Schedule "C" being an additional fee required to be paid where indicated stages of the work have been commenced or changes have been made

prior to issuance of the **permit**, intended to cover additional costs associated with the additional administrative and regulatory actions of the City made necessary by the commencement, carrying out or completion of work or change of use without the required **permit** and to encourage the submission of complete and timely applications for **permits**.

3. Subsection 5(5) of By-law No. 08-161 is amended by deleting the words "of a building" after the words "upon completion of the construction".
4. Schedule "A" of By-law No. 08-161 is deleted and replaced with Schedule "A" attached to and forming part of this By-law.
5. This By-law comes into force on January 1, 2013.

PASSED this 12th day of December, 2012

R. Bratina
Mayor

R. Caterini
City Clerk

SCHEDULE "A" TO BUILDING BY-LAW NO. 08-161

RESPECTING CLASSES OF PERMITS AND PERMIT FEES

CALCULATION OF PERMIT FEES

1. Permit fees shall be calculated based on the formula given below, unless otherwise specified in this schedule:

$$\text{Permit Fee} = \text{SI} \times \text{A}$$

Where SI = Service Index for the applicable Classification under section 3 below of the work proposed, and A = floor area in m² of work involved.

PERMIT FEES

2. (a) Permit fees shall be rounded off to the nearest full dollar.
- (b) Where the permit fee is in excess of \$50,000.00 an **applicant** may elect to pay 50% of the full permit fee at the time of building **permit** application and the balance at the time of **permit** issuance.

CLASSES OF PERMITS AND FEES

3. Permit fees shall be calculated using the following table:

TABLE 1 – CLASSES OF PERMITS AND FEES

Minimum Permit Fee	
Minimum permit fee for processing and issuance of permits, except where specifically noted otherwise in this By-law	\$211
Group A (Assembly Occupancies)	Service Index (SI) \$/m ² unless otherwise indicated
All Recreation Facilities, Elementary Schools, Daycare Facilities, Libraries, Places of Worship, Restaurants, Theatres, Arenas, Gymnasiums, Indoor Pools, Secondary Schools and all other Group A Buildings	\$19.73
Portable Classrooms/Classroom Unit	\$315 (flat fee)
Shell Only	\$17.11
Finishing only	\$4.47
Non-Residential – Outdoor Patio	\$158 (flat fee)

Group B (Institutional Occupancies)	Service Index (SI) \$/m ² unless otherwise indicated
Institutional, Hospitals, Medical Care Facilities, Nursing Homes, and other Group B Buildings	\$23.53
Group C (Residential Occupancies)	Service Index (SI) \$/m ² unless otherwise indicated
Single Family Dwelling, semi, duplex, row house, townhouse	\$13.28
Apartment buildings	\$13.28
Hotels, Motels	\$17.54
Group D (Business and Personal Services)	Service Index (SI) \$/m ² unless otherwise indicated
Office Buildings (up to 10 storeys) (Shell only)	\$13.25
Office Buildings (up to 10 storeys) (Finishing only)	\$4.24
Office Buildings (up to 10 storeys) (Finished)	\$17.48
Office Buildings (more than 10 storeys) (Shell only)	\$16.02
Office Buildings (more than 10 storeys) (Finishing only)	\$4.50
Office Buildings (more than 10 storeys) (Finished)	\$20.51
Group E (Mercantile)	Service Index (SI) \$/m ² unless otherwise indicated
Retail (Shell only)	\$10.87
Retail (Finishing only)	\$3.68
Retail (Finished)	\$14.55
Group F (Industrial)	Service Index (SI) \$/m ² unless otherwise indicated
Industrial (up to 4,650 m ²)	\$10.20
Industrial (greater than 4,650 m ²)	\$7.17
Parking Garages	\$6.02
Gas Stations	\$10.97

Foundation and Conditional Permits (in addition to the regular permit fee)	Flat Fee
Residential under Part 9 of Division B of the Building Code	\$327
Residential/Commercial/Industrial/Institutional under Part 3 of Division B of the Building Code (up to 1200 m ²)	\$816
Residential/Commercial/Industrial/Institutional under Part 3 of Division B of the Building Code (greater than 1200 m ²)	\$2,447
Designated Structures	Flat Fee
Communication Tower	\$378
Crane Runway	\$378
Exterior Storage Tanks – Above and below ground (except for fire fighting water reservoirs)	\$378
Pedestrian Bridge/Walkway	\$378
Retaining Wall	\$378
Satellite Dish (face area equal to or greater than 5 m ²)	\$378
Silos	\$378
Outdoor Public Spa	\$776
Outdoor Public Swimming Pool	\$1,537
Fire Protection Systems (stand alone – excludes relocation of components for existing system)	Service Index (SI) \$/m ² unless otherwise indicated
Electromagnetic Locks	\$179 each (maximum \$537)
Fire Alarm System	\$315 (flat fee)
Sprinkler System	\$0.53
Standpipe System	\$315 (flat fee)
Combined Sprinkler and Standpipe System	\$0.53 (minimum \$315)

Mechanical Systems (stand alone)	Flat Fee
Commercial Cooking Exhaust System	\$315
Demolition (complete or partial building – not issued under Demolition Control By-law)	Service Index (SI) \$/m ² unless otherwise indicated
Residential – single/two family dwelling and townhouses	\$0.39
Accessory structures to a residential use	\$0.39 (\$136 minimum)
Non-residential and multi residential	\$0.39 (\$337 minimum)
Plumbing Devices (stand alone)	Flat Fee
Backflow Preventer	
For first premise or zone device	\$211
For each additional premise or zone device	\$136
Backwater Valve	\$211
Grease/Oil Interceptor	\$211
Renewable (Green) Energy Systems	Flat Fee
Geothermal System for a Single/Two Family Dwelling	\$378
Geothermal System for all other Buildings	\$507
Solar Collector for a Single/Two Family Dwelling	\$211
Solar Collector for all other Buildings	\$378
Wind Turbine	\$378
Sewage Systems	Flat Fee
To construct a sewage system pursuant to the provisions of the Act	\$732

To construct a Class 5 sewage systems or to repair a sewage system pursuant to the provisions of the Act	\$448
Signs	Flat Fee
Ground Sign with a sign area of less than or equal to 2.5 m ²	\$189
Ground Sign with a sign area of greater then 2.5 m ² and up to 4.0 m ²	\$332
Ground Sign with a sign area greater than 4.0 m ²	\$663
Awning, Canopy, Marquee, Parapet, Projecting and Wall Signs	\$332
Billboard	\$663
Water and Sewer Permits	Flat Fee
New water service	\$136
New sewer service	\$136
Other Classifications (not previously listed)	Service Index (SI) \$/m ² unless otherwise indicated
Accessory structures, garage, storage shed, new basement, cold cellar, unenclosed canopies, air supported structures	\$4.77
Farm Buildings	\$2.43
Greenhouses	\$1.45
Tents	\$1.58 (Maximum \$337)
Residential greenhouses, deck, balcony, open porch, exterior stair, ramp, open carport	\$3.87
Temporary buildings, alterations/partitioning/renovations to existing finished areas (where no building systems are being installed or altered), relocation/moving permits, finishing a basement in a single family dwelling	\$2.95
Exterior barrier free access in existing single and two family dwellings	\$0.00

Administrative Fees	Flat Fee
Additional Plan Review (Resubmission) Where a non-compliant resubmission is submitted above and beyond the first resubmission	\$136 (per hour of review time)
Administrative Fees (continued)	Flat Fee
Additional Permit Fee (Revision) Where an applicant makes a material change to a plan, specification, document, or other information, following the issuance of a building permit (includes first hour of review time)	\$136
For each additional hour, or part thereof, of review time	\$136
Alternative Solution Application for an Alternative Solution under Section 2.1, of Division C, of the Building Code (up to 4 hours review time)	\$479
For each additional hour, or part thereof, of review time	\$136
Applicable Law Review Review and consultation for Applicable Law requirements	\$206
Building Code Compliance Letters Written requests for information concerning a building's compliance with the current Building Code	\$136 (per hour of review time)
Change of Use Change of use Permit with no construction	\$274
Limiting Distance Agreements For Review and approval of Limiting Distance Agreements under Sentence 3.2.3.1.(8), 9.10.14.2.(4) or 9.10.15.2.(4), of Division B, of the Building Code	\$479
Occupancy of an Unfinished Building Occupancy inspection prior to completion as per Subsection 1.3.3 of Division C of the Building Code	\$136 (per unit)
Permit or Application Extensions Extension of a building permit or permit application where no revisions are required	\$136

Pre-Consultation Building Code preliminary design consultation for proposed designs and developments	\$136 (per hour of review time)
Special/Extra Inspections Where an inspection request is premature and the inspector must re-attend the site to complete the necessary inspection, upon notice to the owner an additional fee of:	\$179 (per inspection)
Administrative Fees (continued)	Flat Fee
Stock Plans Review of stock plans for a new single family dwelling prior to a complete permit application being submitted	\$342
Suspended Permit Where an inspection is requested for a Permit that has been suspended	\$179 (per inspection)
Transfer of Permit Where ownership changes on a property and there are no other changes to the project or the professional services required.	\$136

4. Where no new floor area is created, or where materials, systems or equipment regulated by the Code render it impossible to determine the **permit** fee on the basis of the classifications noted in this Schedule, the **permit** fee payable shall be 1% of the **prescribed value** as determined by the **Chief Building Official** under section 6 of this by-law, subject to a minimum fee as per Section 3 of this Schedule.
5. Where construction, demolition, or a change in the use of the building has commenced prior to the issuance of the required **permit**, the prescribed fees in Schedule "A" of this By-law shall be subject to a surcharge as prescribed by Schedule "C". The total fees under this Schedule and Schedule "C" shall be paid prior to the issuance of the **permit**.

6. **INTERPRETATION**

In addition to referring to the **Act** and the **Building Code**, in determining the fees under this by-law, the **Chief Building Official** may have regard to the following explanatory notes as may be needed in the calculation of **permit** fees:

- (a) Floor area of the proposed work is to be measured to the outer face of exterior walls and to the centre line of party walls or demising walls (but excluding residential garages);
- (b) In the case of interior alterations or renovations, area of proposed work is the actual space receiving the work (e.g. tenant space);

- (c) Mechanical penthouses and floors, mezzanines, lofts, habitable attics and interior balconies are to be included in all floor area calculations;
- (d) Except for interconnected floor spaces, no deduction is made for openings within the floor area (e.g. stairs, elevators, escalators, shafts, ducts, and similar openings);
- (e) Unfinished basements for single family dwellings, semis, duplexes and townhouses are not included in the floor area;
- (f) Attached garages and fireplaces are included in the permit fee for individual dwelling units;
- (g) Where interior alterations and renovations require relocation of sprinkler heads or fire alarm components, no additional charge is applicable;
- (h) Corridors, lobbies, washrooms, lounges, and similar areas are to be included and classified according to the major classification for the floor area on which they are located;
- (i) The occupancy categories in the Schedule correspond with the major occupancy classifications in the **Building Code**. For mixed occupancy floor areas, the Service Index for each of the applicable occupancy categories shall be used and the floor area associated with the major occupancy;
- (j) For Rack Storage use apply the square footage charge for industrial for the building;
- (k) A temporary building is considered to be a building that will be erected for not more than one year; and
- (l) Where a change of use **permit** is subject to a fee based on floor area, "floor area" shall mean the total floor space of all storeys subject to the change of use.