

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 105-2007

BEING A BY-LAW TO ESTABLISH AND REQUIRE PAYMENT OF BUILDING RATES, FEES AND CHARGES FOR SERVICES PROVIDED BY THE MUNICIPALITY AND TO REPEAL BY-LAW 163-2002, BY-LAW 78-2005 AND ALL OTHER PREVIOUS USER FEE BY-LAWS PASSED PRIOR TO AUGUST 27th, 2007.

WHEREAS pursuant to section 7(1) of the *Building Code Act*, S.O. 1992, c.23, the council of a municipality may pass by-laws prescribing classes of permits and requiring the payment of fees on applications for and on the issuance of permits, requiring the payment of fees for maintenance inspections, and prescribing the amounts of the fees.

AND WHEREAS pursuant to section 7(2) of the *Building Code Act*, S.O. 1992, c.23, the total amount of the fees under clause (1)(c) shall not exceed the anticipated reasonable costs of the principal authority to administer and enforce the Act in its area of jurisdiction.

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1. **THAT** the rates and fees for building permit applications be established as set out in Schedule 'A' to this by-law.
2. **THAT** the rates and fees for 2007 as set forth in Schedule 'A' attached hereto shall remain in effect to the date or dates as specified within the Schedule.
3. **THAT** the rates and fees for 2008 as set forth in Schedule 'A' attached hereto shall come into effect on the date or dates as specified within the Schedule.
4. **THAT** all previous user fee By-laws passed prior to August 27th, 2007 are hereby repealed, including but not limited to By-Law 163-2002 and By-Law 78-2005.
5. **THAT** interest be added to rates, fees and charges including any collection costs, that are due and unpaid after 30 days at the rate of 1.25% per month.
6. **THAT** no request by any person for any information, service or activity described in Schedule 'A' will be processed or provided unless and until the person requesting the information, service or activity has paid the applicable fee in the prescribed amount as set out in Schedule 'A' to this By-law.

7. **THAT** should any part of this By-law, including any part of Schedule 'A', be determined by a Court of competent jurisdiction to be invalid or of no force and effect, it is the stated intention of Council that such invalid part of the By-law shall be severable and that the remainder of this By-law including the remainder of Schedule 'A', as applicable, shall continue to operate and to be in force and effect.

8. **THAT** the following definitions and guidelines will apply:

8.1 Calculation of Permit Fees

a) Permit fees payable shall be calculated based on the formula given below, unless otherwise specified in this by-law or in Schedule 'A':

Permit Fee = SI x A, where SI = Service Index for the Classification of the work proposed, as described in Schedule 'A' Classes of Permits and Permit Fees and A = Floor Area in m² of proposed work. (Note: ft² provided for information only)

b) *Floor area* is measured to the outer face of exterior walls and to the centre of party walls or demising walls for each storey of construction. No deductions shall be allowed for floor openings for such facilities as stairs, elevators, escalators, shafts and ducts. Interconnected floor spaces and atriums above their lowest level may be deducted from the calculated floor area.

c) The Chief Building Official shall determine fees for any class of permit not described or included in Schedule 'A' (based upon 1.28% of the prescribed construction value, as determined by the Chief Building Official).

d) Elective changes (revisions) filed after the issuance of a building permit, or prior to the issuance of a building permit and requiring the repetition of processes already commenced or completed, shall be subject to an additional Elective Changes (Revisions) fee as prescribed in Schedule 'A' as determined by the Chief Building Official.

e) Where they serve detached, semi-detached or townhouse dwellings, no additional fee applies for attached decks, fireplaces, unfinished basements or attached garages proposed and constructed at the same time as the dwelling they serve.

f) No additional fee applies for sprinklers, fire alarms, electromagnetic locks, or other mechanical systems or equipment proposed and installed at the same time as the construction they serve, except in the case of revisions to proposed systems, which will be charged in accordance with paragraph 8.1(d) above.

g) For interior partitioning, floor areas used for the calculation of fees shall be the

lesser of:

- i) The area contained within a rectangle encompassing the partitions being erected, or
 - ii) The actual area of the tenant space.
- h) The occupancy classifications used in this By-law are based upon the Ontario Building Code major occupancy classifications. For mixed occupancy floor areas, the fee multiplier (SI) for each occupancy applies.

8.2 Minimum Fee

Notwithstanding the fee calculation, a minimum fee as prescribed in Schedule 'A' shall be charged for all permit classifications, unless otherwise noted in Schedule 'A'.

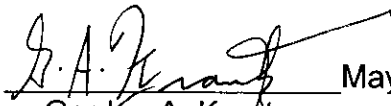
8.3 Administrative Fee

- a) Where construction or demolition is carried out prior to permit issuance, to offset the additional investigative and administrative costs incurred by the municipality, upon issuance, the permit fee prescribed in Schedule 'A' shall be increased by the Order to Comply fee and/or the Stop Work Order Fee in Schedule 'A'.
- b) Where an inspector determines that the work for which an inspection has been requested is not sufficiently complete to allow for a proper inspection, the subsequent re-inspection fee as prescribed in Schedule 'A' will apply, payable upon receipt of a written invoice.
- c) Where a requested inspection reveals an infraction that was identified at a previous inspection and not remedied, the fee for subsequent re-inspection as prescribed in Schedule 'A' will apply, payable upon receipt of a written invoice.
- d) The fee for a Conditional Building Permit shall be 25% of the permit fee payable for the complete building permit and additional thereto. A minimum fee of \$1,046.50 and a maximum fee of \$10,465.00 apply to Conditional Permits.
- e) Upon request, the Chief Building Official may authorize a priority, fast track, after-hours service, at a rate of 1.5 times the permit fee prescribed herein.
- f) Upon request, the Chief Building Official may authorize special inspections outside of normal working hours at the rate prescribed in Schedule 'A', subject to a minimum 3 hour charge.
- g) Upon request, the Chief Building Official may authorize a Partial Building Permit at the rate prescribed in Schedule 'A' for the following classes of

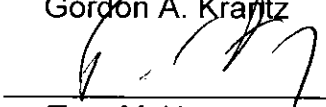
permits:

- i) Foundation Component (no charge for Firebreak Lots);
- ii) Foundation to Roof Component;
- iii) Plumbing Component; and
- iv) Drain Component (this may include drains within a building and/or mechanical component).

READ A FIRST, SECOND AND THIRD TIME and FINALLY PASSED this 24th day of September, 2007.



Gordon A. Krantz Mayor



Troy McHarg Clerk

BUILDING CLASSIFICATION	2007 Fees		2008 Fees	
	Effective Until December 31, 2007		Effective as of January 1, 2008	
	SERVICE INDEX (SI) (unless otherwise indicated)		SERVICE INDEX (SI) (unless otherwise indicated)	
	\$/m ²	\$/ft ²	\$/m ²	\$/ft ²
Minimum permit fee, unless otherwise noted	\$110.00		\$105.00	
A) CONSTRUCTION - New Buildings and Additions to Existing Buildings				
<i>Group A (Assembly Uses)</i>				
All Recreation Facilities, Schools, Libraries, Places of Worship, Restaurants (finished), Theatres, Arenas, Gymnasias, Indoor Pools	12.83	1.19	12.22	1.14
Portable Classrooms	\$209.00 (Flat Rate)		\$ 199.00 (Flat Rate)	
<i>Group B (Care or Detention Uses)</i>				
All Group B Buildings	15.88	1.47	15.12	1.40
<i>Group C (Residential Uses)</i>				
Single/Semi-detached Dwellings, Townhouses and Duplexes	10.32	0.96	9.83	0.91
Repeats (Single, Semi-detached & Townhouses)	9.23	0.85	8.79	0.82
Hotels, Motels	12.83	1.19	12.22	1.14
All other Multiple Unit Buildings	9.23	0.85	8.79	0.82
Unfinished Basement/Foundation to accommodate a Building moved from elsewhere	4.26	0.39	4.06	0.38
Detached garage or other Accessory Structure (over 27.9 m ² or 300 ft ²)	7.32	0.68	6.97	0.65
Detached garage or other Accessory Structure (up to 27.9 m ² or 300ft ²)	\$110.00 (Flat Rate)		\$ 60.00 (Flat Rate)	
Unenclosed deck, porch or carport/garage attached to Detached/ Semi-detached or Townhouse dwellings	\$110.00 (Flat Rate)		\$ 60.00 (Flat Rate)	
<i>Group D (Business and Personal Services Uses)</i>				
Shell Only	10.58	0.98	10.08	0.94
Partitioned and/or Finished	12.83	1.19	12.22	1.14
<i>Group E (Mercantile Uses)</i>				
Shell Only	7.66	0.71	7.30	0.68
Partitioned and/or Finished	9.45	0.87	9.00	0.84
Temporary Real Estate Sales Pavilion	9.45	0.87	9.00	0.84

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	\$/m ²	\$/ft ²	\$/m ²	\$/ft ²
<i>Group F (Industrial Uses)</i>				
Shell Only	5.85	0.54	5.57	0.52
Partitioned and/or Finished	6.30	0.59	6.00	0.56
Gas Station, Car Wash	6.86	0.64	6.53	0.61
Canopy over pump island, outside storage, etc	\$260.00 (Flat Rate)		\$248.00 (Flat Rate)	
Parking Garage	4.26	0.39	4.06	0.38
Farm Building	2.81	0.26	2.68	0.25
Greenhouse/Storage	2.25	0.21	2.14	0.20
Poly Hoop	1.13	0.10	1.08	0.10
<i>All Occupancies</i>				
Occupancy Permit	\$53.37 per dwelling unit (or per 300 m ² or part thereof for other building types)		\$50.83 per dwelling unit (or per 300 m ² or part thereof for other building types)	
Permanent Tent, Air-Supported Structure	5.85	0.54	5.57	0.52
Temporary Tent (s)	\$110.00 (Flat Rate)		\$105.00 (Flat Rate)	
Temporary Building (trailer or buildings on construction site for office purposes, and other similar temporary bldgs)	\$267.00 (Flat Rate)		\$254.00 (Flat Rate)	
Move or Relocate a Building to an existing foundation (except portable classrooms)	\$162.00 (Flat Rate)		\$154.00 (Flat Rate)	
Designated Structures - mobile homes and those listed in the Ontario Building Code	\$267.00 (Flat Rate)		\$254.00 (Flat Rate)	
<i>Miscellaneous</i>				
H.O.M.E.S. Program Registration Fee	\$300.00 (Flat Rate)		\$300.00 (Flat Rate)	
B) CHANGE OF USE - No construction proposed or required				
	\$110.00 (Flat Rate)		\$105.00 (Flat Rate)	
C) ALTERATION (Alteration or Repair to existing or damaged construction, and partitioning of new or previously occupied construction, and CHANGE OF USE (No construction proposed but Change of Use results in an increase in hazard and construction is required):				
<i>All Occupancies (see Group C below for exceptions)</i>				
	3.13	0.29	2.98	0.28
<i>Group C (Residential Uses)</i>				
Finished Basement and/or Accessory Apartment	5.06	0.46	4.82	0.45
Parking Garage Repair	1.23	0.12	1.17	0.11
Farm building Alterations	2.10	0.20	2.00	0.19
Basement walkouts, exterior stairs, attached decks	\$110.00 (Flat Rate)		\$60.00 (Flat Rate)	

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	SERVICE INDEX (SI) (unless otherwise indicated)		SERVICE INDEX (SI) (unless otherwise indicated)	
	\$/m ²	\$/ft ²	\$/m ²	\$/ft ²
D) DEMOLITION				
<i>All Occupancies</i>	\$110.00 (Flat Rate)		\$ 105.00 (Flat Rate)	
E) MECHANICAL WORK (Heating, Ventilating, Air-conditioning and Fire Protection NOT Proposed with the Original Building)				
<i>Group A (Assembly Uses), Group B (Care or Detention Uses), Group D (Business and Personal Services Uses)</i> Heating, Ventilating, Air-conditioning	0.78	0.07	0.74	0.07
<i>Group C (Residential Uses), Group E (Mercantile Uses), Group F (Industrial Uses)</i> Heating, Ventilating, Air-conditioning	0.56	0.05	0.53	0.05
<i>All Occupancies</i> Sprinkler System	0.56	0.05	0.53	0.05
Fire Alarm	\$267.00 (Flat Rate)		\$ 254.00 (Flat Rate)	
Electromagnetic Locks	\$110.00 (Each)		\$ 105.00 (Each)	
Fireplace, Woodstove	\$110.00 (Flat Rate)		\$ 105.00 (Flat Rate)	
Special Systems (Commercial Exhausts, Spray Booths, Dust Collectors, CO Detection, etc.)	\$267.00 (Flat Rate)		\$ 254.00 (Flat Rate)	
F) PLUMBING (Proposed Separately)				
<i>All Occupancies</i> New/replacement drainage system, water supply system or parts thereof	\$110.00 (Flat Rate)		\$ 105.00 (Flat Rate)	
Site Servicing (sanitary, storm, water)	3.08 lin. m.	.93 lin. ft.	2.93 lin. m.	.89 lin. ft.

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	SERVICE INDEX (SI) (unless otherwise indicated)		SERVICE INDEX (SI) (unless otherwise indicated)	
	\$/m ²	\$/ft ²	\$/m ²	\$/ft ²
G) PRIVATE SANITARY SEWAGE DISPOSAL SYSTEMS (Proposed Separately or in relation to other construction)				
<i>All Occupancies</i>				
Evaluation of a Building Addition or Change of Use	\$160.00 (Flat Rate)		\$ 152.00 (Flat Rate)	
Evaluation and Inspection related to replacement or repair of a tank or leaching bed	\$320.00 (Flat Rate)		\$ 305.00 (Flat Rate)	
New/replacement System	\$640.00 (Flat Rate)		\$ 610.00 (Flat Rate)	
H) SIGNS				
<i>All Signs</i>	1.28% of prescribed value		1.28% of prescribed value	
I) ADMINISTRATIVE FEES				
<i>Order to Comply</i>	\$262.00 (Flat Rate)		\$ 250.00 (Flat Rate)	
<i>Stop Work Order</i>	\$523.75 (Flat Rate)		\$ 499.00 (Flat Rate)	
<i>Permit Transfer</i>	\$113.00 (Flat Rate)		\$ 108.00 (Flat Rate)	
<i>Subsequent Re-Inspection</i>	\$80.50 (Flat Rate)		\$ 77.00 (Flat Rate)	
<i>Elective Changes (Revisions)</i>	The greater of \$80.50 per hour of required review time, or \$110		The greater of \$77 per hour of required review time, or \$105	
<i>Special Inspections</i>	\$80.50 (Flat Rate)		\$ 77.00 (Flat Rate)	
<i>Partial Building Permit</i>	\$110.00 (Flat Rate)		\$ 105.00 (Flat Rate)	