

Authority: Item 10, Planning Committee
Report 16-021 (PED16214)
CM: December 14, 2016

Bill No. 328

CITY OF HAMILTON

BY LAW NO. 16-328

To Amend By-law No. 15-058 A By-law respecting Building Permits and Related Matters

WHEREAS Council of the City of Hamilton desires to amend By-law No. 15-058, the Building By-law, to change Building Permit Fees;

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* authorizes Council of the City of Hamilton to pass by-laws concerning the issuance of permits and related matters;

AND WHEREAS sections 8, 9, and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular, paragraphs 3, 5, 6 and 8 of subsection 10(2) authorize by-laws respecting the financial management of the municipality, the economic, social, and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property;

AND WHEREAS section 391 of the *Municipal Act, 2001* authorizes the City of Hamilton to pass by-laws to impose fees or charges on persons for services provided done by or on behalf of the City of Hamilton;

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

1. Section 2.1 of By-law 15-058 is amended by adding the word “means” after “Building Code”.
2. Paragraph 9.1(5)(a) of By-law 15-058 is amended by changing the number of subparagraph (iv) to (iii).
3. Schedule “A” of By-law No. 15-058 is deleted and replaced with Schedule “A” attached to and forming part of this By-law.
4. Sections 1 and 2 come into force on the day this By-law is passed.

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5. Section 3 comes into force on January 1, 2017.

PASSED this 14th day of December, 2016.

F. Eisenberger
Mayor

R. Caterini
City Clerk

SCHEDULE “A” TO BUILDING BY-LAW NO. 16-328
RESPECTING CLASSES OF PERMITS AND 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 Fee	
Minimum fee for processing and issuance of permits, except where specifically noted otherwise in this By-law	\$234
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	\$21.87
Portable Classrooms	\$349 (flat fee)
Shell Only	\$18.98
Finishing only	\$4.96
Non-Residential – Outdoor Patio	\$175 (flat fee)

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Group B (Institutional Occupancies)	Service Index (SI) \$/m ² unless otherwise indicated
Institutional, Hospitals, Medical Care Facilities, Nursing Homes, and other Group B Buildings	\$26.13
Group C (Residential Occupancies)	Service Index (SI) \$/m ² unless otherwise indicated
Single Family Dwelling, semi, duplex, row house, townhouse	\$14.72
Apartment buildings	\$14.72
Hotels, Motels	\$19.46
Group D (Business and Personal Services)	Service Index (SI) \$/m ² unless otherwise indicated
Office Buildings (up to 10 storeys) (Shell only)	\$14.69
Office Buildings (up to 10 storeys) (Finishing only)	\$4.70
Office Buildings (up to 10 storeys) (Finished)	\$19.38
Office Buildings (more than 10 storeys) (Shell only)	\$17.77
Office Buildings (more than 10 storeys) (Finishing only)	\$4.99
Office Buildings (more than 10 storeys) (Finished)	\$22.75
Group E (Mercantile)	Service Index (SI) \$/m ² unless otherwise indicated
Retail (Shell only)	\$12.06
Retail (Finishing only)	\$4.07
Retail (Finished)	\$16.13
Group F (Industrial)	Service Index (SI) \$/m ² unless otherwise indicated
Industrial (Shell only)	\$7.32
Industrial (Finishing only)	\$4.00
Industrial (Finished)	\$11.32
Parking Garages	\$6.67
Gas Stations	\$12.16

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Foundation and Conditional Permits (in addition to the regular permit fee)	Flat Fee
Residential under Part 9 of Division B of the Building Code	\$363
Residential/Commercial/Industrial/Institutional under Part 3 of Division B of the Building Code (up to 1200 m ²)	\$904
Residential/Commercial/Industrial/Institutional under Part 3 of Division B of the Building Code (greater than 1200 m ²)	\$2,714
Designated Structures	Flat Fee
Communication Tower	\$420
Crane Runway	\$420
Exterior Storage Tanks – Above and below ground (except for fire fighting water reservoirs)	\$420
Pedestrian Bridge/Walkway	\$420
Retaining Wall	\$420
Satellite Dish (face area equal to or greater than 5 m ²)	\$420
Silos	\$420
Outdoor Public Spa	\$861
Outdoor Public Swimming Pool	\$1,704
Fire Protection Systems (stand alone – excludes relocation of components for existing system)	Service Index (SI) \$/m ² unless otherwise indicated
Electromagnetic Locks	\$199 each (maximum \$595)
Fire Alarm System	\$349 (flat fee)
Sprinkler System	\$0.58
Standpipe System	\$349 (flat fee)
Combined Sprinkler and Standpipe System	\$0.58 (minimum \$349)

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Mechanical Systems (stand alone)	Flat Fee
Commercial Cooking Exhaust System	\$349
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	\$0.44
Accessory structures to a residential use	\$0.44 (\$150 minimum)
Non-residential and multi residential	\$0.44 (\$373 minimum)
Plumbing Devices (stand alone)	Flat Fee
Backflow Preventer	
For first premise or zone device	\$234
For each additional premise or zone device	\$150
Backwater Valve	\$234
Grease/Oil Interceptor	\$234
Renewable (Green) Energy Systems	Flat Fee
Geothermal System for a Single/Two Family Dwelling	\$420
Geothermal System for all other Buildings	\$563
Solar Collector for a Single/Two Family Dwelling	\$234
Solar Collector for all other Buildings	\$420
Wind Turbine	\$420
Sewage Systems	Flat Fee
To construct a sewage system pursuant to the provisions of the Act	\$812
To construct a Class 5 sewage systems or to repair a sewage system pursuant to the provisions of the Act	\$497
Sewage System Maintenance Inspection Program	\$228

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Signs	Flat Fee
Ground Sign with a sign area of less than or equal to 2.5 m ²	\$209
Ground Sign with a sign area of greater than 2.5 m ² and up to 4.0 m ²	\$368
Ground Sign with a sign area greater than 4.0 m ²	\$737
Awning, Canopy, Marquee, Parapet, Projecting and Wall Signs	\$368
Billboard	\$737
Water and Sewer Permits	Flat Fee
New water service	\$150
New sewer service	\$150
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	\$5.28
Farm Buildings	\$2.69
Greenhouses	\$1.62 (Maximum \$5,320)
Tents	\$1.75 (Maximum \$373)
Residential greenhouses, deck, balcony, open porch, exterior stair, ramp, open carport	\$4.30
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	\$3.26
Exterior barrier free access in existing single and two family dwellings	\$0.00
Re-roofing without any structural changes (except for buildings containing less than 4 dwelling units or townhouses)	\$0.27

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Administrative Fees	Flat Fee
<p>Additional Plan Review (Resubmission) Where a non-compliant resubmission is submitted above and beyond the first resubmission</p>	\$150 (per hour of review time)
<p>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)</p>	\$150
<p>For each additional hour, or part thereof, of review time</p>	\$150
<p>Alternative Solution Application for an Alternative Solution under Section 2.1, of Division C, of the Building Code (up to 4 hours review time)</p>	\$530
<p>For each additional hour, or part thereof, of review time</p>	\$150
<p>Applicable Law Review Review and consultation for Applicable Law requirements</p>	\$229
<p>Building Code Compliance Letters Written requests for information concerning a building's compliance with the current Building Code</p>	\$150 (per hour of review time)
<p>Change of Use Permit Change of use Permit with no construction</p>	\$234
<p>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</p>	\$530
<p>Occupancy Permit of an Unfinished Building Occupancy inspection prior to completion as per Subsection 1.3.3 of Division C of the Building Code</p>	\$150 (per unit)
<p>Permit or Application Extensions Extension of a building permit or permit application where no revisions are required</p>	\$150
<p>Pre-Consultation Building Code preliminary design consultation/review for proposed designs prior to a complete permit application being submitted</p>	\$150 (per hour of review time)

Administrative Fees (continued)	Flat Fee
<p>Premature/Additional Inspections Where an inspection request is premature and the inspector must re-attend the site to complete the necessary inspection, or an additional inspection is requested or required</p>	<p>\$199 (per inspection)</p>
<p>Stock Plans Review of stock plans for new single family dwellings in a Plan of Subdivision prior to a complete permit application being submitted</p>	<p>\$380</p>
<p>Suspended Permit Where an inspection is requested for a Permit that has been suspended</p>	<p>\$199 (per inspection)</p>
<p>Transfer of Permit Where ownership changes on a property and there are no other changes to the project or the professional services required.</p>	<p>\$150</p>

4. Where no new floor area is created, or where materials, systems or equipment regulated by the Building 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 subsection 6.1 of this By-law, subject to a minimum fee as per section 3 of this Schedule.

5. The total fees under this Schedule and Schedule “C” shall be paid prior to the issuance of a 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.