

# **BYLAW NO. 06-2014**

## **BUILDING BYLAW.**

A Bylaw of the Rural Municipality of Great Bend No. 405 in the Province of Saskatchewan respecting buildings.

THE COUNCIL OF THE R.M. OF GREAT BEND NO. 405 IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

### **SHORT TITLE**

1. This bylaw may be cited as the Building Bylaw.

### **INTERPRETATION/LEGISLATION**

2. (1) "Act" means *The Uniform Building and Accessibility Standards Act* being Chapter U-1.2 of the Statutes of Saskatchewan, 1983-84 and amendments.  
(2) "Administrative Requirements" means *The Administrative Requirements for Use with The National Building Code*.  
(3) "Authorized representative" means a building official appointed by the local authority pursuant to subsection 5(4) of the Act or the municipal official.  
(4) "Local authority" or "Rural Municipality" means the Rural Municipality of Great Bend No. 405.  
(5) "Regulations" means regulations made pursuant to the Act.  
(6) "Zoning Bylaw" shall mean current zoning bylaw enacted by the Rural Municipality of Great Bend No. 405 as amended from time to time and any subsequent Zoning Bylaw passed by the Council of the Rural Municipality of Great Bend No. 405 and substituted therefore.  
(7) Definitions contained in the Act and Regulations shall apply in this bylaw.

### **SCOPE OF THE BYLAW**

3. (1) This bylaw applies to matters governed by the Act and the Regulations, including the *National Building Code of Canada*, and the Administrative Requirements.  
(2) Notwithstanding subsection (1), references and requirements in the Administrative Requirements respecting matters regulated by the Act and Regulations shall not apply.  
(3) Notwithstanding subsection (1), references and requirements in the Administrative Requirements respecting "occupancy permits" shall not apply except as and when required by the Rural Municipality or its authorized representative.

### **GENERAL**

4. (1) A permit is required whenever work regulated by the Act and Regulations is to be undertaken except as provided hereafter.  
(2) Notwithstanding 4(1), no building, demolition or removal permit is required for any accessory building with floor area of less than 10 square metres; provided, however, the construction of the same shall conform to all other requirements of the Act, Regulations, and Zoning Bylaw.  
(3) No owner or owner's agent shall work or allow work to proceed on a project for which a Permit is required unless a valid permit exists for the work to be done.  
(4) The Rural Municipality may prohibit the occupancy of any building or part thereof if due provision has not been made in the construction thereof, or with respect to the proposed occupancy, for all works and facilities required by any bylaw of the Rural Municipality or by any order or permit given pursuant to any bylaw of the Rural Municipality, or if the use of the building or part thereof is contrary to the Zoning Bylaw.

- (5) The granting of any permit that is authorized by this bylaw shall not:
- (a) entitle the grantee, his successor or assigns, or anyone on his behalf to erect any building that fails to comply with the requirements of any building restriction agreement, bylaw, act and/or regulation affecting the site described in the permit, or
  - (b) make either the Rural Municipality or its authorized representative liable for damages or otherwise by reason of the fact that a building, the construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use or occupancy of which has been authorized by permit, does not comply with the requirements of any building restriction agreement, bylaw, act and/or regulation affecting the site described in the permit.
- (6) The Rural Municipality, the Building Official of the Rural Municipality, and employees, servants and agents of the Rural Municipality shall not be held liable in respect of any matters referred to in clause 5 under this subsection.
- (7) The Rural Municipality may refuse to issue any permit:
- (a) whenever the information submitted is inadequate to determine compliance with the provisions of these requirements;
  - (b) whenever incorrect information is submitted;
- (8) The Rural Municipality may revoke a permit if, after written notice is given to the owner:
- (a) there is a contravention of any condition under which the permit was issued;
  - (b) the permit was issued in error; or
  - (c) the permit was issued on the basis of incorrect information.
- (9) The owner shall indemnify and save harmless the Rural Municipality, the Building Official or any municipal official or employee from all losses, costs, claims, or damages whatsoever brought by or on behalf of the owner or any other person that may arise as a result of, from, or in any way touching upon the issuance of the permit related to the work, and not to limit the generality of the foregoing, in relation to:
- (a) the fact that a building, or the placement, erection, construction, alteration, repair, renovation, reconstruction, demolition or removal thereof authorized by permit, does not comply with the requirements of this Bylaw or any other Bylaw of the Rural Municipality, federal or provincial act, regulation or code or derogates from a right of any other person;
  - (b) faulty subsoil conditions, whether such conditions were unknown to the Rural Municipality or not;
  - (c) the fact that the owner or any other party on behalf of the owner has continued to work so as to conceal previous work, making that work impossible to inspect by the Rural Municipality or any other municipal official or inspector appointed by the Rural Municipality ; or
  - (d) the owner's failure to call for an inspection of work as required in the Act and regulations.

## **BUILDING PERMITS**

5. (1) To obtain a permit to construct, erect, place, alter, repair, renovate or reconstruct a building the owner shall file an application in writing on a form prescribed by the Rural Municipality, and shall be accompanied by two sets of the plans and specifications of the proposed building, including:
- (a) the dimensions of the building;
  - (b) the proposed use of each room and floor area;
  - (c) the dimensions of the land on which the building is to be situated;
  - (d) the position, height and horizontal dimensions of all buildings on the land referred to in subsection 5(1)(c);

- (e) any other information required by this Bylaw or by the Rural Municipality; except that when authorized by the Rural Municipality or its authorized representative plans and/or specifications need not be submitted.
- (2) If the work described in an application for building permit, to the best of the knowledge of the Rural Municipality or its authorized representative, complies with the requirements of this bylaw, the Rural Municipality, upon receipt of the prescribed fee, shall issue a permit on a prescribed form and return one set of submitted plans to the applicant.
- (3) The Rural Municipality may, at its discretion, have plan review, inspection and other services for the purpose of enforcement of the Act and Regulations provided by building officials designated by the minister to assist the Rural Municipality pursuant to subsection 4(4) of the Act.
- (4) The Rural Municipality may, at its discretion, have plan review, inspection and other services provided by a person, firm or corporation employed under contract to the Rural Municipality.
- (5) The permit fee for construction, erection, placement, alteration, repair, renovation or reconstruction of a building shall be as follows:
- (a) A minimum permit fee equal to the fees required by the Saskatchewan Assessment Management Agency (SAMA); plus
  - (b) The costs prescribed by Schedule "A".
- (6) For the purposes of Subsection (5), construction value shall be based on the tender quoted for the construction of the building or a reasonable estimate for construction of the building as submitted by the applicant for the building permit, and acceptable by the Rural Municipality.
- (7) The minimum fee to be paid for building permits shall be as outlined in Schedule "A". Updates to Schedule "A" can occur through an agreed upon process without affecting this bylaw.
- (8) For the purpose of calculating the fee payable under this Section, the value of the building or shall not include the Goods and Services Tax.
- (9) Approval in writing from the Rural Municipality or its authorized representative is required for any deviation, omission or revision to work for which a permit has been issued under this section.
- (10) All permits issued under this section expire one (1) year from the date of issue except that a permit may be renewed for six (6) months upon written application to the Rural Municipality.
- (11) The Rural Municipality may, at its discretion, rebate a portion of a permit fee where work is reduced in scope or discontinued, or where other exceptional circumstances occur.
- (12) Where work for which a permit is required has commenced prior to the issuance of such permit, an additional fee shall be paid in the amount equal to 100% of the permit fee.

## **DEMOLITION OR REMOVAL PERMITS**

6. (1) (a) The fee for a permit to demolish or remove a building shall be as outlined on the fee schedule in Schedule "A".
- (b) (i) In addition, the applicant shall deposit with the Rural Municipality the following sum to cover the cost of restoring the site after the building has been demolished or removed to such condition that it is, in the opinion of the local authority or its authorized representative, not dangerous to public safety.
- One and two unit dwellings -- \$1,000.00*  
*Any assembly, care or detention, residential (other than one or two dwelling), business and personal service, mercantile, or industrial occupancy -- \$3,000.00*
- (ii) If the applicant who demolishes or removes the building restores the site to a condition satisfactory to the Rural Municipality or its authorized representative, the sum deposited, or portion thereof, shall be refunded.

(iii) The deposit referred to in subsection 6(1)(b)(i) may be waived, at the discretion of Council of the Rural Municipality of Great Bend No. 405, in accordance with the policy adopted by resolution of Council from time to time, if a building permit is issued for new construction to start immediately subsequent to the permitted demolition or removal on the parcel of land where the demolition or removal is authorized.

(2) To obtain a permit to demolish or remove a building the owner shall file an application in writing on a form prescribed by the Rural Municipality.

(3) It shall be unlawful for any person to move or remove any building on or onto or from any site unless he has first obtained a permit therefore from the Rural Municipality.

(4) No person other than a licensed building mover shall move any building within the limits of the Municipality. Every application to the Rural Municipality a permit to move any building shall contain full particulars regarding the location of the building, the place to which it is to be moved, the object of removal, the proposed route and the time when the moving is desired. The application shall be accompanied by an inspection fee as set by the Municipality.

(5) Before issuing the said permit the Rural Municipality shall be satisfied that:

- a) the structure of the building is such that the moving or removal can be safely effected;
- b) the structure of the building complies with or will be made to comply with the requirements of this Bylaw and the Rural Municipality may require a performance bond or other satisfactory undertaking that the building will be made to comply with the requirements of this Bylaw;
- c) the removal will be in accord with the requirements of SaskPower and SaskTel;
- d) the architectural design of the building will not adversely affect the general design of buildings in the district to which the building is to be moved; and

(6) No permit shall be issued for the demolition or removal of any building unless the land from which it is to be removed or demolished on is clear of all taxes and tax sales or tax liens, except with the permission of Rural Municipality as provided by *The Municipalities Act*.

(7) ) An applicant to whom a permit is granted to demolish any building shall demolish the same within 90 days from the date of permit, after which date the permit shall have expired. If the building has not been demolished within the said period of 90 days the Rural Municipality may upon application renew the said permit for a further period not exceeding 21 days. There shall be no charge for any such renewal permit.

(8) An applicant to whom a permit is granted to move any building shall move the same within 21 days from the date of permit, after which date the permit shall have expired. If the building has not been moved within the said period of 21 days the Rural Municipality may upon application renew the said permit for a further period not exceeding 21 days. There shall be no charge for any such renewal permit.

## **ENFORCEMENT OF BYLAW**

7. (1) If any building or part thereof or addition thereto is constructed, erected, placed, altered, repaired, renovated or reconstructed in contravention of any provision of this bylaw, the Rural Municipality or its authorized representative may take any measures as permitted by Part V of the Act for the purpose of ensuring compliance with this bylaw including, but not limited to:

- (a) entering a building,
- (b) ordering production of documents, tests, certificates, etc. relating to a building,
- (c) taking material samples,
- (d) issuing notices to owners that order actions within a prescribed time,
- (e) eliminating unsafe conditions,
- (f) completing actions, upon an owner's non-compliance with an order, and adding the expenses incurred to the tax payable on the property, and
- (g) obtaining restraining orders.

(2) If any building, or part thereof, is in an unsafe condition due to its faulty construction, dilapidated state, abandonment, open or unguarded condition or any other reason, the Rural Municipality or its authorized representative may take any measures allowed by subsection (1).

- (3) The owner of a building for which a permit has been issued or for which actions are being taken in compliance with an order shall give notice in writing to the Rural Municipality as required in Section 17.2 of the Act including, but not limited to:
- (a) on start, progress and completion of construction,
  - (b) of change in ownership prior to completion of construction, and
  - (c) of intended partial occupancy prior to completion of construction.

#### **SUPPLEMENTAL BUILDING STANDARDS**

8. (1) Any building or structure that is constructed, reconstructed or relocated shall be required to meet the following flood proofing measures:
- (a) the grade elevation at the building shall not be less than the 1:500 design flood level;
  - (b) buildings which have a door in the basement wall that allows direct access to the lot shall have the finished basement floor elevation 300 mm above the 1:500 design flood level.

#### **SPECIAL CONDITIONS**

9. (1) Notwithstanding the requirements of the Regulations, an architect or professional engineer registered in the province of Saskatchewan shall be engaged by the owner for assessment of design and inspection of construction or certification of a building or part of a building where required by the Rural Municipality or its authorized representative.
- (2) An up-to-date plan or survey of the site described in a permit or permit application prepared by a registered land surveyor shall be submitted by the owner where required by the Rural Municipality or its authorized representative.
- (3) It shall be the responsibility of the owner to ensure that change in property lines and/or change in ground elevations will not bring the building or an adjacent building into contravention of this bylaw.
- (4) It shall be the responsibility of the owner to arrange for all permits, inspections and certificates required by other applicable bylaws, acts and regulations.

#### **PENALTY**

10. (1) Any person who contravenes any of the provisions of this bylaw shall be liable to the penalties provided in Section 22 of the Act.
- (2) Conviction of a person or corporation for breach of any provision of this bylaw shall not relieve him from compliance therewith.

#### **MISCELLANEOUS**

11. If any section, subsection, sentence, clause, phrase or other portion of this bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portion of the Bylaw.

#### **REPEAL OF BYLAWS**

12. Bylaw No. **02 of 1990** is hereby repealed.

#### **BYLAW IN EFFECT**

13. This Bylaw shall come into force and effect on the date of approval by the Minister of Government Relations.

**READ THREE TIMES AND ADOPTED THIS \_\_\_\_<sup>th</sup> DAY OF \_\_\_\_\_, 20\_\_.**

Enacted pursuant to Section 14 of  
*The Uniform Building and Accessibility  
Standards Act*

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Administrator

Bylaw 06 – 2014 Schedule “A”

<b>Building Permit Fee Structure</b>			
	<b>2014</b>	<b>January 1 2015</b>	<b>January 1 2016</b>
<b>One and Two Unit Dwellings, Townhouses</b>			
All floor levels excluding basement	\$ 0.70/ ft <sup>2</sup>	\$ 0.75/ ft <sup>2</sup>	\$ 0.80/ ft <sup>2</sup>
Basement development or alterations to any floor area	\$ 0.24/ ft <sup>2</sup>	\$ 0.26/ ft <sup>2</sup>	\$ 0.28/ ft <sup>2</sup>
Garage/Accessory building (attached or detached)	\$ 0.21/ ft <sup>2</sup>	\$ 0.23/ ft <sup>2</sup>	\$ 0.25/ ft <sup>2</sup>
Addition of deck to existing construction	\$ 0.10/ ft <sup>2</sup>	\$ 0.11/ ft <sup>2</sup>	\$ 0.12/ ft <sup>2</sup>
Roof over decks or carports	\$ 0.10/ ft <sup>2</sup>	\$ 0.11/ ft <sup>2</sup>	\$ 0.12/ ft <sup>2</sup>
<b>Multi-Unit Dwellings (<u>New Construction Only</u>) – for those that fall under Part 9 of NBC</b>			
All floor levels excluding basement	\$ 0.70/ ft <sup>2</sup>	\$ 0.75/ ft <sup>2</sup>	\$ 0.80/ ft <sup>2</sup>
Basement development or alterations to any floor area	\$ 0.10/ ft <sup>2</sup>	\$ 0.11/ ft <sup>2</sup>	\$ 0.12/ ft <sup>2</sup>
Garage/Accessory building (attached or detached)	\$ 0.21/ ft <sup>2</sup>	\$ 0.23/ ft <sup>2</sup>	\$ 0.25/ ft <sup>2</sup>
<b>All Other Construction Not Noted Above</b>			
Fee per \$1,000 of construction value	\$ 7.50	\$ 8.50	\$ 8.50
NOTE	Minimum Building Permit Fee Effective December 10, 2014 = \$150 (includes one (1) inspection) Re-Inspection/Subsequent Inspection Fee Effective December 10, 2014 = \$150 Demolition or Move Permit Fee Effective December 10, 2014 = \$50.00		