

BUILDING BYLAW

BYLAW NO. 2023-01

A BYLAW RESPECTING BUILDINGS

The Rural Municipality of Shellbrook No. 493 of Shellbrook in the Province of Saskatchewan enacts as follows:

SHORT TITLE

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

PURPOSE OF THE BUILDING BYLAW

2. The purpose of this bylaw is to provide for the administration and enforcement of the Act, the regulations, the National Building Code of Canada, the National Energy Code of Canada for Buildings, ministerial interpretations and Saskatchewan Construction Standards Appeal Board orders and building official orders within the local authority.

INTERPRETATION/LEGISLATION

3. Definitions contained in The Construction Codes Act, The Building Code Regulations and The Energy Code Regulations shall apply in this building bylaw.

"**Act**" means The Construction Codes Act.

"**building official**" means a person who holds a building official license.

"**competent person**" means a person who is recognized by the local authority as having:

- (a) a degree, certificate or professional designation; or
- (b) the knowledge, experience and training necessary to design or review the design of a building.

"**local authority**" means the municipality to which this Building Bylaw applies.

"**NBC**" means the edition and provisions of the National Building Code of Canada, including revisions, errata and amendments to it, declared to be in force pursuant to the Act and the regulations.

"**NECB**" means the edition and provisions of the National Energy Code of Canada for Buildings, including revisions, errata and amendments to it, declared to be in force pursuant to the Act and the regulations.

"**occupancy certificate**" means a certificate issued with respect to the approved use or occupancy of a building.

"**owner**" means:

- (a) any person who has any right, title, estate or interest in land, improvements or premises other than that, of a mere occupant, tenant or mortgagee;
- (b) any person, firm or corporation that controls the property under consideration; or
- (c) if the building is owned separately from the land on which the building is located, the owner of the building

"**owner's representative**" means any person, company, employee or contractor who has authority to act on behalf of an owner.

"permit" means written authorization issued by the local authority or its building official in the form of a building permit.

"plan review" means the examination of building drawings and related documents by a building official to ascertain whether those drawings and documents meet the requirements of the Act and the regulations.

"regulations" means The Building Code Regulations and The Energy Code Regulations.

"SAMA fee" means a fee charged to the local authority by the Saskatchewan Assessment Management Agency with respect to the work.

"value of construction" means the total costs to the owner for the building construction in its completed form and includes the cost of all building work, materials of construction, building systems, labour and overhead, and profit of the contractor and subcontractors.

"work" means any construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building.

Livestock and other Crop Producers

All other types of Farm Operations must consist of an area of land that the farmer owns, rents or leases and is used to produce primary farm products that generate at least:

- i. \$ 10,000 of gross revenue in the past year, or
- ii. \$ 20,000 of gross revenue in the past 2 years, or
- iii. \$ 20,000 in value added to their crops or animals in the past year.

It is up to the farmer to declare such value added with the understanding that the farmer shall be required to produce evidence in support of the exemption applicable to farm buildings.

SCOPE OF THE BYLAW

4. a. This building bylaw applies to all work undertaken or to be undertaken within the geographical jurisdiction of the local authority.
- b. Notwithstanding the exemption for farm buildings, this bylaw regulates all residential occupancies, dwelling units, and houses situated on farm land.

GENERAL

5. (1) It is the duty of every owner or the owner's representative of a building in Saskatchewan to ensure that the building and work is in accordance with the Act, the regulations, any associated codes, interpretations and orders and any bylaws adopted by the local authority with which the building is associated.

(2) It shall be the responsibility of the owner or the owner's representative to arrange for all permits, inspections and certificates required by any other applicable bylaws, Acts and regulations.

(3) A building or part of a building for which a permit has been granted shall not be occupied before the issuance of an occupancy certificate by the local authority or the building official pursuant to clause 16(11)(h) of the Act.

(4) The provisions of this building bylaw apply to buildings greater than 10m² (107.6 ft²) in building area except as otherwise exempted by the Act or the regulations.

BUILDING PERMITS

6. (1) Every application for a permit for work shall be on the form provided by the local authority, and shall be accompanied by a minimum of two sets of plans and specifications of the proposed building and work.

(2) Every permit application shall be reviewed and approved by the building official including plan review and approval.

(3) If the work described in an application for a permit, to the best of the knowledge of the local authority or the building official, complies with the requirements of this building bylaw, the Act, or the regulations, the local authority or the building official shall, on receipt of the required fee, issue a permit on the form provided by the local authority. In addition, one set of the approved plans and specifications will be returned to the owner or the owner's representative with the permit.

(4) A permit issued pursuant to this building bylaw must include:

- (a) the name of the person, or company to whom the permit is issued;
- (b) the period for which the permit is valid;
- (c) a statement of all fees, deposits or bonds charged for the permit;
- (d) the scope of work authorized by the permit;
- (e) the municipal address or legal description of the property on which the work described in the permit is located;
- (f) the buildings or portion of buildings to which the permit applies;
- (g) the date of completion of the stages of construction for which a permit holder must inform the local authority;
- (h) any conditions that the permit holder is required to comply with; and
- (i) any information required by this building bylaw.

(5) No person, or company to whom a permit is issued pursuant to the Act shall fail to comply with the terms and conditions of the permit.

(6) Work must not commence before a permit is issued.

(7) The permit fee shall be calculated according to the sum of the following:

- (a) a permit administration fee listed in a fee bylaw for the processing, handling and issuance of a permit;
- (b) the fees for plan review, field inspection of construction and enforcement in accordance with a fee bylaw or the agreement between the provider of building official services and the local authority;
- (c) the fees charged by the Saskatchewan Assessment Management Agency; and
- (d) a deposit, if required, in an amount determined by the local authority.

(8) If a deposit is collected it shall, on request by the owner or owner's representative, be refundable on satisfactory completion of the work or on approval of use or occupancy of the building by the local authority or the building official.

(9) All permit fees and deposits will be collected before the permit is issued and subject to any applicable taxes.

(10) The local authority or the building official may establish the value of construction for the work described in an application for a permit, for the purpose of calculating a permit fee, based on established current construction costs, the owner's or the owner's representative statement of costs or constructor's contract values, or similar methods selected by the local authority or the building official.

(11) It is the responsibility of the owner or the owner's representative to ensure that all notifications required by section 7 of the Act and this building bylaw are given to the local authority and that all inspections are scheduled and completed. Failure to do so may result in additional fees for follow up inspections.

(12) The owner or the owner's representative will be invoiced by the local authority for additional inspection fees and payment of the inspection fees will be due on receipt of an invoice. Unpaid inspection fees will be considered a debt due to the local authority and may be recovered from the owner of the land or premises in or on which the work was carried out as per the Act.

(13) The local authority may, at its discretion, rebate a portion of a permit fee or deposit where work is reduced in scope or discontinued, or where other exceptional circumstances occur.

BUILDING PERMIT FEE SCHEDULE

7. The permit fee for construction, erection, placement, alteration, repair, renovation or reconstruction of a building shall be based on the following fee schedule:

- a. The permit fee for residential including dwelling units and houses shall be a minimum of \$200.00 or \$5.00 per \$1,000.00 (whichever is greater) of value as determined by the appointed building inspector.
- b. For all other buildings, the permit fee shall be a minimum of \$200.00 or \$5.00 per \$1,000.00 (whichever is greater) up to 2 million. After 2 million the fee is reduced to \$3.00 per \$1000.00
- c. For demolition, the permit fee shall be \$25.00 plus a \$1000.00 refundable deposit. The deposit will be refunded after completion of the demolition and inspection of the completed demolition site ensuring safety and cleanliness.
- d. For moving a building into the R.M., the permit fee shall be the same as that for new construction and alterations.
- e. For moving a building out of R.M., the permit fee shall be \$25.00
- f. For construction or alterations to a deck, the permit fee shall be a minimum of \$200.00 or \$5.00 per \$1000.00 of value (whichever is greater).
- g. Permit fees will also include applicable maintenance fees charged by the Saskatchewan Assessment Management Agency (SAMA).
- h. Permit fees will be collected prior to the issuance of the permit.
- i. An applicant for a development permit shall pay an application fee in accordance with the following:

Permitted use	\$100.00
Discretionary	\$200.00

(1). The local authority may estimate the value of construction for the work described in an application for building permit, for the purpose of evaluating a permit fee, based on established construction costs, owner's statement of costs or constructor's contract values, or similar methods selected by the local authority.

- (2). Approval in writing from the local authority or its authorized representative is required for any deviation, omission or revision to work for which a permit has been issued under this section.
- (3). All permits issued under this section expire
 - a. Twelve (12) months from date of issue; or
 - b. Six (6) months from date of issue if work is not commenced within that period, or
 - c. If work is suspended for a period of twelve (12) month, or
 - d. If work is suspended for a period of longer than twelve (12) months by prior written agreement of the local authority or its authorized representative.
- (4). Where a permit has expired as per subsection 5(9), the owner shall make application for the renewal of the permit to the local authority. Approval of such renewal will be at the discretion of the local authority and subject to any conditions necessary including a minimum renewal fee of \$50.00.
- (5). Where it is determined that work has commenced for which a permit has not been issued, the permit fees will be doubled.
- (6). The local authority 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.

DEMOLITION OR REMOVAL PERMITS

8. The fee for a permit to demolish or remove a building shall be \$25.00. A \$1,000.00 refundable deposit will need to be paid prior to the issuance of. Please see Fee Schedule under Section 6.
- (1). a. In addition, the applicant shall deposit with the local authority such sums as the local authority deems appropriate to ensure the site is restored, 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.
 - b. If the applicant who demolishes or removes the building restores the site to a condition satisfactory to the local authority or its authorized representative, the sum deposited, or portion thereof, shall be refunded.
- (2). Every application for a permit to demolish or remove a building shall be in a form provided by the local authority.
- (3). Where a building is to be demolished and the local authority or its authorized representative is satisfied that there are no debts or taxes in arrears or taxes outstanding with respect to the building or land on which the building is situated, the local authority, upon receipt of the fee and deposit prescribed, shall issue a permit for the demolition in a form provided by the local authority.
- (4). Where a building is to be removed from the local authority, and the local authority or its authorized representative is satisfied that there are no debts or taxes in arrears or taxes outstanding with respect to the building or land on which the building is situated, the local authority, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal in a form provided by the local authority.
- (5). a. Where a building is to be removed from its site and set upon another site in the local authority, and the local authority or its authorized representative is satisfied that there are no debts or taxes in arrears or taxes outstanding with respect to the building or land on which the building is situated, and the building when placed on its new site and completed, to the best of the knowledge of the local authority or its authorized representative, will conform with the requirements of this bylaw, the local authority, upon receipt of the fee

and deposit prescribed, shall issue a permit for the removal in a form provided by the local authority.

- b. In addition, the local authority, upon receipt of the fee prescribed in Section 5(5), shall issue a permit for the placement of the building in a form provided by the local authority.

- (6). All permits issued under this section expire six months from the date of issue except that a permit may be renewed for six months upon written application to the local authority.

ENFORCEMENT OF BYLAW

20. The local authority or the building official may take any measures as permitted by section 24, 25 or 26 of the Act and sections 13 and 14 of The Building Code Regulations for the purpose of ensuring compliance with this building bylaw.

SPECIAL CONDITIONS

9. (1) An owner or the owner's representative that undertakes to construct or have constructed a building that is within the scope of Parts 3, 5, 6 and 7 of the NBC shall have an architect or engineer complete the design or design review of:

- (a) the building; and

- (b) all building systems.

(2) An owner or the owner's representative that undertakes to construct or have constructed a building with a structure that is within the scope of Part 4 of the NBC shall have an architect or engineer complete:

- (a) the design or design review of the structure;

- (b) an inspection of construction of the structure to ensure compliance with the design; and

- (c) the reviews required by the NBC.

(3) An owner or the owner's representative that undertakes to construct or have constructed a building with a structure within the scope of the NECB shall have an architect or engineer complete:

- (a) the design or design review of the structure;

- (b) the inspection of construction of the structure to ensure compliance with the design; and

- (c) the reviews required by the NECB.

(4) In addition to the requirements of subsection (1), (2) or (3), the local authority or building official shall require that an engineer provide:

- (a) a Commitment for Field Review letter as part of the permit application for work; and

- (b) an Assurance of Field Review and Compliance letter, on completion of the work, providing assurance that the work conforms to the engineer's or architect's design.

(5) An owner or the owner's representative that undertakes to construct or have constructed a building that is within the scope of Part 9 of the NBC shall ensure that a competent person has designed or reviewed the design of the building.

(6) An owner or the owner's representative shall ensure that copies of any inspection or review reports made pursuant to this section are made available to a building official or the local authority on the request of the building official or local authority, as the case may be.

(7) No owner of a building or an owner's representative shall cause or allow the ground elevations of a building to be changed so as to place in contravention of the NBC:

(a) the building or part of the building; or

(b) an adjacent building.

(8) If the property boundaries of a building lot are changed so as to place a building or part of a building in contravention of the NBC, the owner or the owner's representative shall immediately alter the building or part of the building to bring it into compliance with the NBC.

PENALTY

10. 1) Any person who contravenes any of the provisions of this building bylaw may be subject to the penalties provided in Part 8 of the Act.

(2) Conviction of a person or corporation for breach of any provision of this building bylaw shall not relieve the person or corporation from compliance with the Act and regulations.

REPEALED

11. On enactment of this building bylaw, Bylaw No. 04/2019 is hereby Repealed.

Enactment pursuant to Section 17 of The Construction Codes Act.

Read a first time this 10th day of February, 2023

Read a second time this 10th day of February, 2023

Read a Third time and passed this 10th day of February, 2023

Affix certification seal below

Rural Municipality of Shellbrook No. 493

X _____

REEVE

X _____

ADMINISTRATOR

Certified as a true copy of bylaw number _____

adopted by resolution on the _____ day of

_____, 20____

