

BUILDING BYLAW

BYLAW NO. 04/2019

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.

INTERPRETATION/LEGISLATION

2. a. Act” means *The Uniform Building and Accessibility Standards Act* being Chapter U-1.2 of the Statutes of Saskatchewan, 1983-84 and amendments.
b. Administrative Requirements” means *The Administrative Requirements for Use With the National Building Code of Canada*.
c. Authorized representative” means a building official appointed by the local authority pursuant to subsection 5(4) of the Act or the municipal official.
d. Local authority” means the Rural Municipality of Shellbrook No. 493.
e. Regulations” means regulations made pursuant to the Act.
f. Value of construction” means the total costs to the owner for the building construction in its completed form and includes the cost of design, all building work, materials of construction, building systems, labour and profit of the contractor and subcontractors.
g. Work” means any construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building.
h. Definitions contained in the Act and Regulations shall apply in this bylaw.

SCOPE OF THE BYLAW

3. a. This bylaw applies to matters governed by the Act and the Regulations, including the *National Building Code of Canada*, and the Administrative Requirements.
b. Notwithstanding subsection (1), references and requirements in the Administrative Requirements respecting matters regulated by the Act and Regulations shall not apply.
c. Notwithstanding subsection (1), references and requirements in the Administrative Requirements respecting “occupancy permits” shall not apply except as and when required by the local authority or its authorized representative.
d. In addition to the requirements for garages attached to dwelling units within the National Building code, attached garages are required to have a 45-minute fire separation between the garage and the dwelling unit including the attic space of the dwelling unit as defined under The National Building Code of Canada.
e. Notwithstanding the exemption for farm buildings, this bylaw regulates all residential occupancies, dwelling units, and houses situated on farm land.
f. An accessory building not greater than 10 m² (108 ft²) is exempt from this bylaw provided it does not create a hazard.

GENERAL

4. a. A permit is required whenever work regulated by the Act and Regulations is to be undertaken.
b. No owner or owner’s agent shall work or authorize 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.

- c. The granting of any permit that is authorized by this bylaw shall not:
 - i. 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
 - ii. make either the local authority 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.

BUILDING PERMITS

- 5. a. Every application for a permit to construct, erect, place, alter, repair, renovate or reconstruct a building shall be in a form provided by the local authority Form A, and shall be accompanied by three sets of the plans and specifications of the proposed building, except that when authorized by the local authority or its authorized representative plans and/or specifications need not be submitted.
- b. A Licensed Building Official may require submission of an up to date plan or survey prepared either before construction begins or upon completion of work by a registered land surveyor, as a condition of permit approval.
- c. If the work described in an application for building permit, to the best of the knowledge of the local authority or its authorized representative, complies with the requirements of this bylaw, the local authority, upon receipt of the prescribed fee, shall issue a permit in a form provided by the local authority.
- d. The local authority 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 local authority pursuant to subsection 4(4) of the Act.
- e. The local authority may, at its discretion, have plan review, inspection and other services provided by a person, firm or corporation employed under contract to the local authority.

BUILDING PERMIT FEE SCHEDULE

- 6. 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

7. 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.
8. 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.
9. 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.
10. 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.
11. Where it is determined that work has commenced for which a permit has not been issued, the permit fees will be doubled.
12. 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

13. 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.
14.
 - 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.
15. Every application for a permit to demolish or remove a building shall be in a form provided by the local authority.
16. 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.
17. 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.

18. 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.
19. 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. 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 local authority 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,
 - f. eliminating unsafe conditions,
 - g. completing actions, upon an owner's non-compliance with an order, and adding the expenses incurred to the tax payable on the property and,
 - h. obtaining restraining orders.
21. 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 local authority or its authorized representative may take any measures allowed by subsection (1).
22. 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 local authority 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

23. Every application for a permit to construct, erect, place, alter, repair, renovate or reconstruct a building, where the design falls into subsection 8(2) of *The Uniform Building and Accessibility Standards Regulations*, must be accompanied with a "Commitment for Field Review letter completed by a design profession and detailing their scope of work. The design professional must also provide a "Letter of Assurance" upon completion of the project and prior to the building being occupied.

SPECIAL CONDITIONS

24. a. 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 local authority or its authorized representative.
- b. 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 local authority or its authorized representative.
- c. 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.
- d. 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

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

REPEALED

26. Bylaw No. 6-2018 is hereby Repealed.

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

Rural Municipality of Shellbrook No. 493

Reeve

(Seal)

Administrator