

District of Katepwa

BUILDING BYLAW NO. 2019-03

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BUILDING STANDARDS

The municipal council of the District of Katepwa in the Province of Saskatchewan enacts as follows:

1. **SHORT TITLE**

This bylaw may be cited as “the Building Bylaw”.

2. **INTERPRETATION/LEGISLATION**

Definitions contained in the Act and Regulations, and the municipal Zoning Bylaw shall apply in this bylaw. In the event of any conflict, definitions in *The Uniform Building and Accessibility Standards Act* and regulations and in *The National Building Code* will take precedent over definitions in this bylaw.

- 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 Authorized Representative appointed by the Local Authority pursuant to subsection 5(4) of the Act, or the municipal official.
- d) “**Deck**” means an open air structure used as an extension to the interior of a dwelling with or without direct access from the principal dwelling or the ground, constructed above grade with or without foundation as prescribed by the *National Building Code of Canada* to hold it erect and attached to or abutting a dwelling. A deck is not defined as a landing or a stair.
- e) “**Definitions**” contained in the Act and Regulations shall further apply in this bylaw.
- f) “**Final Elevation Certificate**” means the rough grade elevation that is prepared by a registered land surveyor. The rough grade stage is after the building has been constructed, but prior to landscaping.
- g) “**Initial Elevation Certificate**” means the rough elevation of the ground prior to commencement of building constructed and is prepared by a registered land surveyor.
- h) “**Local Authority**” means the District of Katepwa and its elected Council.
- i) “**Municipal official**” means the clerk or administrator of the municipality or their designate.
- j) “**Modular**” means a single family dwelling built in a factory setting, typically indoors, after which the finished parts are transported to the building location where they are assembled by builders (does not include a mobile home).



- k) **“Move-in Home”** means a single family dwelling that was constructed on another site and was not originally intended to be portable. This does not include a ready to move (modular or mobile home).
- l) **“Owner”** means any person, firm or corporation that controls the property under construction as provide by the *The Uniform Building and Accessibility Standards Act*.
- m) **“Regulations”** means the Uniform Building and Accessibility Standards Regulations made pursuant to the Act.
- n) **“Surveyor’s Real Property Report - Surveyors Certificate”** means the legal document prepared by a registered land surveyor that identifies the location of the pre and post building structures, and the registered easements in relation to the boundaries of the said property and includes staking of the post building corner reference points.
- o) **“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.

3. SCOPE OF THE BYLAW

- 3.1. The requirements of *The Uniform Building and Accessibility Standards Act* and Regulations shall apply to all buildings and construction that falls within the jurisdiction of the District, unless otherwise authorized in this bylaw.
- 3.2. Notwithstanding Section 3.1, references and requirements in the *Administrative Requirements for use with The National Building Code* respecting matters regulated by the Act and Regulations shall not apply.

4. GENERAL

- 4.1. A building permit is required whenever work regulated by the Act and Regulations is to be undertaken.
- 4.2. 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.
- 4.3. 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 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.

5. **LOCAL AUTHORITY/AUTHORIZED REPRESENTATIVE**

- 5.1. The local authority may appoint, on an annual basis, any person that is a licensed Authorized Representative to provide services to review building plans and to perform building inspections.
- 5.2. Whenever the character of the proposed work requires the technical expertise of an Architect or Engineer, the Local Authority or Authorized Representative may, at its discretion, require as a condition of the application that all drawings and specifications, or any part thereof, be prepared or reviewed, sealed, dated and signed by a Professional Engineer or Architect registered or licensed to practice in the Province of Saskatchewan.
- 5.3. The local authority or Authorized Representative may require the owner or owner's agent to supply additional plans, drawings or specifications pertaining to a building project where, in his/her opinion, the plans are unclear or do not comply to the minimum standards of the *National Building Code*, the Act or the Building Bylaw.

6. **BUILDING/DEVELOPMENT PERMIT**

- 6.1. No building permit shall be issued unless a Development Permit, where required, has first been applied for and obtained from the Local Authority. Building permits shall be subject to any conditions stated on the Development Permit.
- 6.2. No person shall commence or cause to be commenced the construction, addition, alteration, renovation, repair, relocation or reconstruction of a building without first having obtained a valid building permit from the Local Authority.
- 6.3. Failure to apply for the required permit may result in the issuance of a "Stop Work Order". Where a Stop Work Order is issued, the permit fees may be double the amount set out in subsection (6.8)
- 6.4. Every application for a permit to construct, erect, place, alter, repair, renovate or reconstruct a building shall be on a form as required by the Local Authority or its Authorized Representative, and shall be accompanied by two sets of paper plans and specifications and one set in electronic format (PDF) for the proposed project, as required by the Local Authority or its Authorized Representative, except that when authorized by the Local Authority or its Authorized Representative plans and/or specifications need not be submitted.
- 6.5. A **Surveyor's Real Property Report - Surveyors Certificate** shall be required for a principal residence and accessory use buildings as part of the building permit approval, and shall be supplied by the owner.
- 6.6. An **Initial and Final Elevation Certificate** of the site described in the building permit application may be required as part of the building permit approval, and shall be supplied by the owner if requested by the local authority or Authorized Representative.



- 6.7. It shall be the responsibility of the owner to obtain an initial and final elevation certificate to ensure drainage does not impede onto adjacent land parcels.
- 6.8. 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 municipal official, upon receipt of the prescribed fee, shall issue a permit on a form provided by the Local Authority and return one set of submitted plans and/or a plan review report to the applicant.
- 6.9. 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.
- 6.10. 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. Where a contract is in place with a service provider, applicants are required to comply with the service provider's required inspections and policies.
- 6.11. The permit fee for construction, erection, placement, alteration, repair, renovation, or reconstruction of a building shall be based on the following:
- a) \$25.00 Development Permit Fee
 - b) A permit administration fee of 10 % of service providers fees for the processing, handling and issuance of a building permit; plus
 - c) The service fees for plan review, field inspection of construction and enforcement services in accordance with the agreement between the provider of building official services and the Local Authority; plus
 - d) A maintenance fee charged by the Saskatchewan Assessment Management Agency.
 - e) All permit fees will be collected prior to the permit being issued and subject to applicable taxes.
 - f) Service fees in accordance with clause (b) above are based upon the construction project proceeding in a timely and competent manner. Additional inspection fees may be incurred in excess of the permit fee for:
 - i. Re-inspection of infractions or deficiencies to ensure compliance.
 - ii. Changes related to any deviation, omission or revision to work for which a permit has already been issued under this section.
 - iii. Action required to issue Orders for non-compliance.
 - g) A Progress inspection may be initiated at an additional fee for construction projects where an inspection, or contact with an Authorized Representative, has not occurred in eight (8) months, or to follow-up on non-compliance with a deadline given in an inspection report.

- h) No person shall occupy a new building without first receiving occupancy approval in writing from the Local Authority or its Authorized Representative. Occupancy without prior approval may result in an additional investigation fee.
 - i) It is the responsibility of the owner, or owner's agent, to ensure that all required inspections are called for. Failure to do so may result in additional fees for any follow-up work that may be required by the Authorized Representative as a result of the missed inspection.
 - j) Any additional fees charged as a result of clauses e) to h) above, plus building official travel costs and GST, shall be due upon issuance of an invoice from the Local Authority.
- 6.12. The Local Authority or its Authorized Representative 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 the definition of *value of construction* as per subsection 2(o).
- 6.13. 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.
- 6.14. All permits issued under this section expire:
- (a) Twenty-four (24) months from the 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 six (6) months or longer, unless there is prior written approval from the Local Authority or its Authorized Representative of such suspension, or
 - (d) if work is terminated and there is written approval from the Local Authority or its Authorized Representative.
- 6.15. If a building permit expires and construction is not completed in accordance with the Act and the Regulations, then the owner can make application to the Local Authority for an extension or renewal of the permit. Such extension or renewal may be subject to a building permit renewal fee equal to fees required in subsection 6(8) or some alternate renewal fee.
- 6.16. The Local Authority may revoke a permit if, after written notice is given to the permit holder:
- (a) there is 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.
- 6.17. 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.
- 6.18. The owner shall be responsible to arrange for all permits, inspections and certificates required by other applicable bylaws, Acts and Regulations.
- 6.19. Any modular home to be moved in must have the CSA-A277 certification.

7. DEMOLITION OR REMOVAL

- 7.1. No person shall demolish or remove, or cause to be demolished or removed, any building without first having obtained a permit from the Local Authority.
- 7.2. The fee for a permit to demolish or remove a building, shall be \$100.00, plus the inspection fee as per accordance with the agreement between the provider of building official services and the Local Authority.
- (a) In addition, the applicant shall deposit with the local authority 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.

DEMOLITION OR REMOVAL PERMIT DEPOSIT \$1000.00

- (b) If the applicant who demolished 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.
- 7.3. Every application for a permit to demolish or remove a building shall be in a form provided by the Local Authority.
- 7.4. Where a building is to be demolished or removed 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 permit.
- 7.5. 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 permit.
- 7.6. 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.
- 7.7. The applicant is responsible to ensure compliance with any other applicable bylaws, acts, regulations, and to obtain all required and approvals prior to demolishing or moving building.
- 7.8. The owner shall ensure that all building components, substructures or framework located below ground level have been removed and disposed of in the proper manner.

- 7.9. Waste material generated from a demolition, including any and all concrete from a basement and/or foundation, shall not be buried on the site, but shall be removed from the site and disposed of at an approved location.
- 7.10. Upon completion of a demolition, the owner shall:
- (a) Remove all rubbish and building materials from the property;
 - (b) Fill and level any excavation on the property with clean non-expansive fill, to an elevation compatible with abutting properties; and
 - (c) Ensure that the property is left in a safe and sanitary condition.
- 7.11. Should it become necessary to close or block any road, street, lane, or sidewalk during demolition, the owner or owner's agent shall obtain the prior written approval of the Local Authority.
- 7.12. During demolition, the owner shall supply and maintain, at his own expense, all warning signs, barricades, fences or other services that may be required to warn the public and/or protect the public from the work in progress.

8. **OCCUPANCY**

- 8.1. No person shall occupy a building, unless the Authorized Representative or the local authority has provided a written final inspection report indicating approval for occupancy.
- 8.2. Approval for occupancy shall not be granted until the building has passed the final inspection and the Authorized Representative is satisfied that the building conforms to the minimum requirements of the *National Building Code*.
- 8.3. Should occupancy occur prior to the completion of any work being undertaken that requires a permit, every owner shall ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed.

9. **ENFORCEMENT OF BYLAW**

- 9.1. 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 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,
 - (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.

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- 9.2. 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 Local Authority or its Authorized Representative may take any measures allowed by subsection 10(1).
- 9.3. 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 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.

10. SUPPLEMENTAL BUILDING STANDARDS

Void.

11. SPECIAL CONDITIONS

- 11.1. 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 Local Authority or its Authorized Representative.
- 11.2. A real property report 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. Failure to do so may result in the issuance of a Stop Work Order at additional fees, as noted in subsection 6(8).
- 11.3. 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.
- 11.4. It shall be the responsibility of the owner to arrange for all permits, inspections, certificates and documents required by the Local Authority or its Authorized Representative, as well as other applicable Bylaws, Acts and Regulations.

12. PENALTY

- 12.1. Any person who contravenes any of the provisions of this Bylaw shall be liable to the penalties provided in Section 22 of the Act.
- 12.2. Conviction of a person or corporation for breach of any provision of this Bylaw shall not relieve the person from compliance herewith.

13. MISCELLANEOUS

13.1. 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.

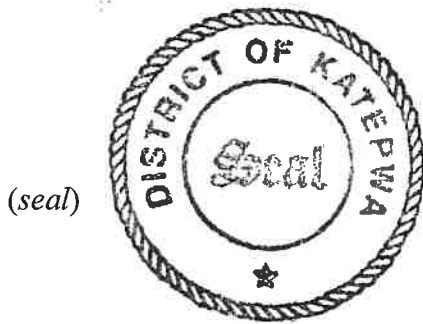
14. REPEAL BYLAW

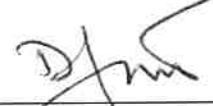
14.1. That Bylaw 7-2016 and any amendments be repealed.

15. ADOPTION


1st Reading May 21, 2019
2nd Reading June 18, 2019
3rd Reading June 18, 2019

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





MAYOR



CHIEF ADMINISTRATIVE OFFICER

Certified a true copy of bylaw number 2019-03
adopted by resolution on the 18th
day of June, 20 19

APPROVED
In accordance with Clause 23.1(3)(a) of
The Uniform Building and Accessibility Standards Act



Executive Director
Building Standards and Licensing
Ministry of Government Relations

JUL 08 2019

Date