

BYLAW NO. 11-2012

A BYLAW RESPECTING BUILDINGS

The Council of the Rural Municipality of Dufferin No.190 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" means the Rural Municipality of Dufferin No. 190.

(5) "Regulations" means regulations made pursuant to the Act.

(6) "Zoning Bylaw" shall mean Bylaw 11-2006 of the Rural Municipality of Dufferin No 190 as amended from time to time and any subsequent Zoning Bylaw passed by the Council of the Rural Municipality of Dufferin No 190 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) 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*.

(3) Notwithstanding subsection (1), references and requirements in the Administrative Requirements respecting matters regulated by the Act and Regulations shall not apply.

(4) 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.

GENERAL

4. (1) (a) A permit is required whenever work regulated by the Act and Regulations is to be undertaken.
(b) Notwithstanding 4(1)(a) the following are exempt from obtaining Building Permits;
 - (i) Cosmetic repairs and renovations which do not involve any structural alterations or additions to the super structure;
 - (ii)

- (2) Notwithstanding 4(1), no building demolition or removal permit is required for any residential accessory building with a floor area of less than 10 sq meters; 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 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) 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) 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.
- (6) The Rural Municipality, the Building Official of the Rural Municipality, and employees' servant and agents of the Rural Municipality shall not be held liable in respect of any matters referred to in Subsection 4 under this clause.

BUILDING PERMITS

5. (1) Every application for a permit to construct, erect, place, alter, repair, renovate or reconstruct a building shall be in Form A, 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 building 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 local authority 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 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 Form B and return one set of submitted plans to the applicant.

(3) 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.

(4) 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.

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

Attached SCHEDULE "A" to this Bylaw

(b) *Farm Buildings, excluding residential sites, are exempt from the provisions of the fee schedule.*

(6) 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.

(7) 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.

(8) All permits issued under this section expire

(a) six months from date of issue if work is not commenced within that period, or

(b) if work is suspended for a period of six months, or

(c) if work is suspended for a period of longer than six months by prior written agreement of the local authority or its authorized representative.

(9) 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

6. (1) (a) The fee for a permit to demolish or remove a building shall be \$ 25.00.

(b) (i) 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.

One and two dwelling units - \$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 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 Form C.

(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 Form D.

(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 Form D.

(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 Form D.

(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 Form B.

(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

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 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.

(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 (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 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

8. Void.

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 local authority 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 local authority 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.

BYLAW IN EFFECT

11.0 This bylaw shall come into force and take effect on the date of approval by the Minister of Corrections and Public Safety

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

Reeve

Administrator

Certified a true copy of the bylaw
Passed by the unanimous consent of
the Council present at their regular meeting
held on the 12th Day of December 2013.

Administrator

FORM A to Bylaw No. _____

_____ of _____, Saskatchewan

APPLICATION FOR BUILDING PERMIT

I hereby make application for a permit to _____ construct
_____ alter a building according to
_____ reconstruct
the information below and to the plans and documents attached to this application.

Civic address or location of work _____

Legal description — Lot _____ Block _____ Plan _____

Owner _____ Address _____ Telephone _____

Designer _____ Address _____ Telephone _____

Contractor _____ Address _____ Telephone _____

Nature of work _____

Intended use of building _____

Size of building _____ Length _____ Width _____ Height _____

Number of storeys _____ Fire escapes _____

Number of stairways _____ Width of stairways _____

Number of exits _____ Width of exits _____

Foundation Soil Classification and Type _____

Footings _____ Material _____ Size _____

Foundations _____ Material _____ Size _____

Exterior Walls _____ Material _____ Size _____

Roof _____ Material _____ Size _____

Studs _____ Material _____ Spacing _____

Floor Joists _____ Material _____ Spacing _____

Girders _____ Material _____ Spacing _____

Rafters _____ Material _____ Spacing _____

Chimneys _____ Number _____ Size _____

_____ Material _____ Thickness _____

Heating _____ Lighting _____ Plumbing _____

Estimated value of construction (excluding site) \$ _____

Building area (area of largest storey) _____ square metres

Fee for building permit \$ _____

I hereby agree to comply with the Building Bylaw of the local authority and acknowledge that it is my responsibility to ensure compliance with the Building Bylaw of the local authority and with any other applicable bylaws, acts and regulations regardless of any plan review or inspections that may or may not be carried out by the local authority or its authorized representative.

Date

Signature of Owner or Owner's Agent

FORM B to Bylaw No. _____

_____ of _____, Saskatchewan

BUILDING PERMIT # _____

Permission is hereby granted to _____
to _____ a building to be used as a _____
on civic address or location _____
Lot _____ Block _____ Plan _____ in accordance with the
application dated _____. **This permit expires six months from the date of issue if
work is not commenced within that period or if work is suspended for a period of six months, unless
otherwise authorized by the local authority or its authorized representative.** Grade lines of the building site
are to be as indicated below and as shown on the diagram.

STREET NAME: _____

Indicate Which Direction North

STREET ELEVATION

ELEVATIONS:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

NOTE: If Street Elevation Unknown, use Elev. 100.0'

1. Minimum clearance (if required) from Lot Lines are as per diagram.
2. Direction of slope from building to Lot Lines are as per diagram.

This permit is issued subject to the following conditions:

Any deviation, omission or revision to the approved application requires approval of the local authority or its authorized representative.

Estimated value of construction \$ _____

Permit fee \$ _____

Date

Signature of Authorized Representative

FORM C to Bylaw No. _____

_____ of _____, Saskatchewan

APPLICATION FOR A PERMIT TO DEMOLISH OR MOVE A BUILDING

I hereby make application for a permit to demolish a building now situated on

Civic address or location _____
Lot _____ Block _____ Plan _____

The demolition will commence on _____, 20_____.
and will be completed on _____, 20_____.

OR

I hereby make application for a permit to move a building now situated on

Civic address or location _____
Lot _____ Block _____ Plan _____

to Civic address or location _____
Lot _____ Block _____ Plan _____

or Out of the municipality _____

The building has the following dimensions: length _____ width _____ height _____

The building mover will be _____
and the date of the move will be _____, 20_____.

The building will be moved over the following route: _____

The site work (filling, final grading, landscaping, etc.) which will be done after removal of the building includes ____

I hereby agree to comply with the Building Bylaw of the local authority and to be responsible and pay for any damage done to any property as a result of the demolition or moving of the said building, and to deposit such sum as may be required by Section 6(1)(b) of the Building Bylaw. I acknowledge that it is my responsibility to ensure compliance with any other applicable bylaws, acts and regulations, and to obtain all required permits and approvals prior to demolishing or moving the building.

Date

Signature of Owner or Owner's Agent

FORM D to Bylaw No. _____

_____ of _____, Saskatchewan

DEMOLITION OR MOVING PERMIT # _____

Permission is hereby granted to _____ to

_____ Demolish **OR** _____ Move

a building now situated on

Civic address or location _____

Lot _____ Block _____ Plan _____

to Civic address or location _____

Lot _____ Block _____ Plan _____

or Out of the municipality _____

in accordance with the application dated _____, 20 _____. **This permit expires six months from the date of issue.**

This permit is issued subject to the following conditions:

Any deviation, omission or revision to the approved application requires approval of the local authority or its authorized representative.

Permit fee \$ _____

Deposit fee \$ _____

Date

Signature of Authorized Representative