

BYLAW NO. 672-13

A BYLAW OF THE TOWN OF ESTERHAZY TO ESTABLISH THE ISSUANCE OF BUILDING PERMITS AND TO PROVIDE FOR FEES THEREOF

The Council of the Town of Esterhazy in the Province of Saskatchewan enacts as follows:

1. Short Title

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

2. The Uniform Building and Accessibility Standards Act (UBAS)

The regulations in this bylaw are in addition to those contained in the UBAS Act of the Province of Saskatchewan.

3. Definitions

Unless otherwise stated, the words and phrases in this section shall have the following meaning when used in context to this bylaw.

Definitions contained in the Act and Regulations shall apply in this bylaw.

Act means the *Uniform Building and Accessibility Standards Act* being Chapter U-1.2 of the Statutes of Saskatchewan, 1983-84 and amendments.

Accessory building means a separate building or structure located on the same site as the principal building and includes private detached garages. It does not include a building or structure used for human habitation.

Alteration means a change or extension to any matter, thing or occupancy that is regulated by the Act.

Architect means a registered architect within the meaning of "*The Architects Act, 1996*".

Building means a structure used or intended for supporting or sheltering any use or occupancy, and includes an addition built to an existing structure and, where applicable, the land adjoining the structure.

Building Official means a Building Official appointed pursuant to section 5 of the Act.

Building Permit means a document issued by the Chief Administrative Office or Development Officer, authorizing the design, construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of any building.

Building Standards means the standards prescribed pursuant to Part II of the Act.

Change of occupancy means a change from one class of occupancy recognized by the edition of the National Building Code of Canada that is declared in force pursuant to subsection 8(2) to another such class of occupancy.

Constructor means a person who contracts with an owner or his authorized agent to undertake a building construction project, and includes an owner who:

- I. Contracts with more than one person for the work on a building construction project; or
- II. Undertakes the work on a building construction project or any part of such a project.

Demolition means the deliberate destruction of part or all of a building or other structure.

Development Permit means a permit issued by the Town of Esterhazy Chief Administrative Officer or Development Officer, that authorizes development or the use of a building or site for the purpose stated in the permit, but does not include a building permit.

Engineer means a professional engineer as defined in *The Engineering and Geoscience Professions Act*, and includes the holder of a certificate of authorization granted pursuant to section 22 of that Act.

Extra Inspection means an inspection that is requested at a certain stage of construction that is in addition to a typical scheduled inspection conducted by a Building Official.

Finished Grade means the elevation of the finished ground surface at the foundation of a building, or at a specific point or any given location on a lot.

Foundation means a system or arrangement of foundation units through which the loads from a building are transferred to supporting soil or rock.

Inspection means:

I. The inspection of ongoing or incomplete building construction, materials of construction or building systems; or

II. The inspection of completed or existing building construction, materials of construction or building systems;

Local Authority means the Town of Esterhazy

Land Surveyor means a land surveyor who is registered pursuant to *The Saskatchewan Land Surveyors Act*.

Lot Grading Plan means a plan that specifies design elevations, surface gradients, swale locations, and other drainage information required for lot grading

Manufactured Home (formerly known as a Mobile Home) means a single family detached one storey home comprising of one or more large factory built sections produced in full compliance with the "CAN/CSA Z240.2 Structural Requirements for Manufactured Homes" standard, as well as a specification sheet that provides technical information required by local Building Officials. Each section will incorporate longitudinal steel frame rails under the floor that become part of the permanent foundation system on which the home is supported. Manufactured Home foundations will be constructed in compliance with the "Z240.10.1-08 Site Preparation, Foundation, and Anchorage of Manufactured Homes".

Modular Built Home means a single detached or multi-family, single level or multistory dwelling unit comprising one or more factory built sections. It must be designed and manufactured in full compliance with the *National Building Code* and CAN/CSAA277-08 "Procedure for Factory Certification for Buildings". Compliance can be confirmed by an inspection agency accredited by the Standards Council of Canada for purposes of inspecting to CSA A277 "Procedure for Factory Certification of Buildings"

Occupancy means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

Parcel means any quantity of land, consisting of one or more lots, that is capable of being described with such definiteness that its location and boundaries may be established.

Permit means an official document or certificate issued by the Local Authority that authorizes the performance of a specific activity.

For the purposes of this Bylaw, a permit means an authorization in writing by the Local Authority to perform work regulated by this bylaw and in the case of an Occupancy Permit, to occupy any building or part thereof.

Redevelopment means any new construction on a site that has a pre-existing use.

Regulations means regulations made pursuant to the Act.

Renovation means the renewal of a building or a portion of a building.

Repair means to restore to good condition by replacing or fixing parts of a building.

Replacing means to take the place of.

RTM-Built Home means a single detached or multi-family, single level or multi-storey dwelling unit comprising one or more large factory built sections. It must be designed and manufactured in full compliance with the National Building Code. Compliance can be confirmed by an inspection agency accredited by the Standards Council of Canada for purposes of inspecting to CSA A277 "Procedure for Factory Certification of Buildings" or by "course of construction" inspection reports from a Licensed Building Official, usually based close to where the RTM was built, that must accompany the home to its final destination.

Storage Garage means a building or part thereof intended for the storage or parking of motor vehicles and containing no provision for the repair or servicing of such vehicles.

Structure means anything constructed or erected that is located on or in the ground.

Unsafe Condition means a condition that could cause undue hazard to life, limb or health of any person who is authorized or expected to be on or about the premises.

Value of Construction means the total cost 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, overhead and profit of the contractor and subcontractors.

4. Scope of the Bylaw

4.1 This bylaw applies to matters governed by the following:

- a) *The Uniform Building and Accessibility and Standards Act*
- b) *The Uniform Building and Accessibility Standards Act Regulations.*
- c) *The National Building Code of Canada*
- d) *The Administrative Requirements for Use with The National Building Code.*

5. Permits – General

5.1 A permit is required for **any work** regulated under the Act, Regulations pertaining to the Act and the latest adopted edition of the *National Building Code of Canada*.

5.2 No owner or owner's agent shall work, authorize work or allow work to proceed on a project for which a permit is required unless a valid permit has been issued for the work to be done.

5.3 Every application for a permit regarding the construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy shall be made to the Town and shall be accompanied by the required submittal material as described in Section 11 of this bylaw.

5.4 The Town 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 Town pursuant to subsection 4(4) of the Act.

5.5 The Town, may at its discretion have plan review, inspection and other services provided by a person, firm or corporation employed under contract to the Town.

5.6 The granting of any permit under 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 requirement of any building restriction agreement, bylaw, act and/or regulation affecting the site described in the permit.

5.7 All moveable buildings (on skids,) 9 m² (100 ft²) or less, with a limit of one building (garden shed/tool shed) per lot, do not require a Building Permit.

Amended by Bylaw No. 693-13

6. Partial Building Permits

6.1 In some cases work on a project may need to be expedited. In such instances an application may be made to issue a Building Permit for only a portion of the work prior to the issuance of a Building Permit for the entire project. In such a case, the applicant is responsible to submit complete plans and specifications for the portion of the work requiring a Building Permit.

6.2 The Building Official shall determine at their discretion, whether or not to issue a partial permit. Where such a permit is issued, the Building Official gives no assurances that a Building Permit for the remainder of the work will be granted.

6.3 Any work completed under a Partial Building Permit shall be subject to the provisions of this bylaw.

6.4 The fee for a Partial Building Permit is based on the value of construction for the work approved by it.

7. Demolition Permits

7.1 Any existing building, structure or portion thereof within the Town may not be demolished without the approval of the Chief Administrative Officer or Development Officer in the form of a Demolition Permit.

7.2 An owner or agent shall submit an application form along with the fee prescribed in Schedule A.

7.3 Demolition permits expire 30 days from the date of issue. A Demolition Permit may be renewed for additional 30 days upon written approval from the Chief Administrative Officer or Development Officer.

7.4 All waste material resulting from a demolition shall be removed from the site and disposed of at an approved location.

7.5 The owner is responsible for obtaining an approved route from the Town for the transportation of debris to an approved location.

7.6 The necessary blocking of any street, lane, or sidewalk during demolition must have prior written approval from the Town.

7.7 It is the responsibility of the owner, at their own expense, to supply and maintain any required barricades or fencing in order to protect the public from the demolition work in progress.

8. Plumbing Permits

8.1 All plumbing permits are to be obtained per the requirements of the latest adopted edition of the Province of Saskatchewan document entitled *The Plumbing Regulations*.

9. Occupancy Permits

9.1 No person shall occupy any building without first obtaining an Occupancy Permit from an appointed Licensed Building Official.

9.2 Every building which requires an Occupancy Permit shall comply with the construction requirements for the occupancy group to be housed therein.

9.3 When an Occupancy Permit is refused, the appointed Licensed Building Official shall notify the applicant in writing and shall indicate the reason for the refusal.

10. Temporary Occupancy Permits

10.1 The Building Official may issue a Temporary Occupancy Permit for part of a building providing that such temporary occupancy or use would not jeopardize life safety.

10.2 A Temporary Occupancy Permit may be renewed for periods of thirty days. No building shall be occupied under a Temporary Occupancy Permit for a period of more than six months.

10.3 Extra inspections required for the issue of a Temporary Occupancy Permit are subject to the fees described in Schedule A.

11. Required Application Material

11.1 Every application for a permit to construct, erect, place, alter, repair, renovate, or reconstruct a building shall be made to the Building Official and shall include the following:

- a) A completed Building Permit application form.
- b) Three sets of plans and specifications or other documents (when requested) of the proposed building

11.2 The drawings and documents that are required at the time of application for any building are to be identified by the Town of Esterhazy.

12. Permit Issue

12.1 If the work described in an application for a building permit, to the best of the knowledge of the Building Official complies with the requirements of this bylaw, the Town, upon receipt of the prescribed fee, shall issue a Building Permit.

12.2 Approval in writing is required from the Building Official for any deviation, omission or revision to the work for which a permit has been issued.

12.3 Revised plans may be required from the Building Official for any deviation, omission or revision to the work for which a permit has been issued.

13. Fees

13.1 The permit fees are as prescribed in Schedule A of this Bylaw.

13.2 The Town may estimate the value of construction for the work described in any application for the purpose of calculating the permit fee. This could occur when the applicant for a permit is unsure of the value of construction at the time of application. This estimate will be based on established construction costs.

13.3 The Town may, at its discretion, rebate a portion of the permit fee where the final value of construction is less than the initial estimate. It is the applicant's responsibility to provide all documentation that clarifies the revised value of construction to the Building Official.

13.4 Whenever any work for which a permit is required under the provisions of this bylaw has commenced without the receiving of the permit; a special inspection of the work completed to date will be required by the Building Official.
The fee for this inspection is as prescribed in Schedule A and will be added to the total cost of the permit fee once it is obtained.

13.5 Extra inspections will be charged as prescribed in Schedule A. Extra inspections shall be defined as the following:

- a) Inspections outside regular office hours.
- b) Inspections required due to a revision of approved plans.
- c) Inspections for the purpose of issuing Temporary Occupancy Permits.

14. Permit Expiration

14.1 All permits expire:

a) **Within two years from the date of issue. Building Permits may be extended only by applying in writing to the Chief Administrative Officer or Development Officer.**

Amended by Bylaw No. 701-14

b) If the work authorized by the permit is not commenced within six months of the date of issue of the permit.

c) If the work authorized by the permit is suspended for a period of six months.

14.2 When the permit has expired it is the responsibility of the applicant to apply for a new permit or request that the Chief Administrative Officer or Development Officer issue a letter allowing the extension of the permit.

14.3 Application for a new permit will be subject to the permit fees applied to a new application as prescribed in Schedule A.

15. Powers and Responsibilities of the Town

15.1 The Town is responsible for the administration and enforcement of the *Building Bylaw*.

15.2 The Town may, at its discretion, require plan review, inspections and other services for the purpose of enforcing this bylaw.

15.3 The Town may, at its discretion, have plan review, inspection and other services provided by a person, firm or corporation employed under contract to the Town.

15.4 The Town shall keep copies of all applications, and other documentation received as part of a Building Permit application for a period of time as required by law.

16. Powers and Responsibilities of the Building Official

16.1 The Building Official may issue orders in cases where the provisions of this bylaw have been contravened.

16.2 The Building Official may not assist in the design or layout of any work for the purposes of applying for a Building Permit.

16.3 The Building Official may refuse to issue a Building Permit as a result of the following:

- a) A Development Permit if required has not been issued by the Town.
- b) The information submitted for plan review is determined to be inadequate or incomplete.
- c) Proposed design, materials and methods of construction do not comply with the requirements of the current adopted edition of the *National Building Code of Canada*.
- d) Drawings have not been sealed by a registered Architect or Engineer when required.

16.4 The Building Official may revoke a permit by written notice to the permit holder if:

- a) Any deviations from the approved plans are found in the construction.
- b) There is a contravention of any of the “Conditions of Approval” under which the permit was issued.
- c) The permit was issued in error.
- d) The permit was issued on the basis of incorrect or misleading submittal material.

16.5 The Building Official may issue a Stop Work Order in the following circumstances:

- a) Construction work is being performed without a valid Building Permit.
- b) The work is not being performed in accordance with the permit “Conditions of Approval”.
- c) Violations regarding the safety of workers or the general public.

17. Enforcement

17.1 If any construction activity is found to be in contravention of this bylaw; the Building Official may take measures as permitted by Part V of The Act.

17.2 For the purpose of ensuring compliance with this bylaw, a Building Official has the legal authority to:

- a) Enter a building where evidence indicates that work is being done without a valid Building Permit.
- b) Order the production of documents, tests, engineers reports, certificates etc. relating to a building.
- c) Take material samples
- d) Issue notices to owners that order actions to be taken within a prescribed time period.
- e) Eliminate unsafe conditions.
- f) Complete ordered actions when an owner refuses to comply. The expenses incurred for such work will be added to the tax payable on the property.
- g) Obtain restraining orders.

17.3 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, a Building Official may take any measure as described in section 17.2.

17.4 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 Building Official as required in Section 17.2 of The Act including but not limited to:

- a) The start and completion of construction.
- b) A change in ownership during any phase of construction.
- c) An intended partial occupancy prior to the completion of construction.

18. Control of Grade Elevations

18.1 Grades for all projects are to follow the requirements of a Lot Grading Plan.

18.2 It is the responsibility of the owner to ensure that final grading is in conformance with a Lot Grading Plan.

18.3 Any issues that arise that adversely affect a neighbouring property, lane or street that are the result of improper adherence to a Lot Grading Plan are the responsibility of the owner to rectify at their own expense.

19. Special Conditions

19.1 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 a Building Official.

19.2 An up-to-date plan or survey of the site described in a permit application prepared by a registered Land Surveyor shall be submitted by the owner where required by a Building Official.

19.3 It shall be the responsibility of the owner to arrange for all permits, inspections and certificates required by other applicable bylaws, acts and regulations.

20. Penalties

20.1 Any person who contravenes any of the provisions of this Bylaw shall be liable to the penalties outlined in Section 22 of The Act.

20.2 Conviction of a person or corporation for breach of any provision of this Bylaw shall not relieve them from compliance therewith.

21. Repealing Bylaw

Bylaw No.550-03 passed on the 8th day of January, 2003, and all amendments thereto are hereby repealed.

22. Effective Date of Bylaw

This bylaw shall come into force and take effect from the date on which it is approved by the Minister.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Schedule A to Bylaw No. 672-13

A *Building Permit* shall not be issued nor considered valid without payment of fees and approval of the Building Permit by the Building Inspector as prescribed in the following table.

Amended by Bylaw No. 686-13

Permit Type	Fee
Building	\$1.00 per \$1,000 Construction Value
Building (if Work Commenced Without Permit)	2X Calculated Permit Fee
Building Minimum Fee	\$50.00
Demolition	\$50.00
Extra Inspections	\$25.00 per Inspection