BYLAW # 2024-2083

A BYLAW OF THE CITY OF ESTEVAN TO REGULATE THE DESIGN, CONSTRUCTION, ADDITION, ERECTION, PLACEMENT, ALTERATION, REPAIR, RENOVATION, DEMOLITION, RELOCATION, REMOVAL, USE, CHANGE OF USE, OCCUPANCY OR CHANGE OF OCCUPANCY OF ANY BUILDING OR STRUCTURE.

WHEREAS, the Council of the City of Estevan, in the Province of Saskatchewan is required to adopt a building bylaw pursuant to Section 17 of the *Construction Codes Act* for the purpose of administrating and enforcing construction standards.

NOW THEREFORE, the Council of the City of Estevan, in open meeting, enacts as follows;

PREAMBLE:

1) That this Bylaw be known as the *City of Estevan Building Bylaw*.

2) That *City of Estevan Building Bylaw 2004-1662*, and any amendments thereto, be rescinded.

3) This Bylaw shall:

   a) 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, Saskatchewan Construction Standards Appeal Board orders and building official orders within the City of Estevan.
   b) establish a structure for the acceptance, review and issuance of Building Permits,
   c) provide the manner in which inspections and occupancy status is determined, and
   d) provide a fee structure for activities performed in accordance with this Bylaw.

PART I - INTERPRETATION

4) 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 means the following:

a) A structure used or intended for supporting or sheltering any use or occupancy;
b) If applicable, the land adjoining a structure mentioned in clause (a) and includes an addition.

Building Official means a person who holds a building official licence.

Building Official Services means plan review services, inspection services and enforcement services carried out by an appointed building official.

Certificate of Occupancy means a written document issued by the City of Estevan or its appointed building official giving the owner of the building permission to occupy the building for its intended use.

City means the City of Estevan.

Competent Person means a person who is recognized by the City 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.

Deposits mean Security and/or Performance Deposits provided for in this bylaw.

Development Permit means a document authorizing a development issued pursuant to a zoning bylaw or a development control adopted by the minister pursuant to Part VI of *The Planning and Development Act, 2007.*

Fees mean fees provided for in this Bylaw.

Final Grading Plan means a professionally prepared plan by a Saskatchewan Land Surveyor, professional engineer or architect, including the final design elevation less top-soil, surface grade, lot boundary, swales, building and retaining wall footprint, dimensions, drainage patterns, etc.

Inspection means the inspection of the following by an appointed building official to ascertain whether the *Act* and the regulations have been or are being complied with:

a) ongoing or incomplete building construction, materials of construction or building systems;
b) completed or existing building construction, materials of construction or building systems.

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 *Energy Code Regulations*.

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.

Owners 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 City or the City's building official.

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 changed to the City by the Saskatchewan Assessment Management Agency with respect to the work.

Value of Construction means the total cost to the owner of the project 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 design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, change of use, occupancy or change of occupancy of a building.

PART II – SCOPE OF BYLAW

5) Except as otherwise provided herein, the *Act* and its regulations shall apply to the design, construction, addition, alteration, erection, placement, repair, reconstruction, renovation, demolition, removal, relocation, use, change of use, occupancy or change of occupancy of a building within the City.

6) This building bylaw applies to all work undertaken or to be undertaken within the geographical jurisdiction of the City.

7) Appeals shall be conducted in accordance with Part 6 of the *Act*.

8) The City shall comply with the Administrative Requirements as provided in Section 16 of the *Act*.

9) The provisions of this building bylaw apply to buildings greater than $10m^2$ ($107.6\ ft^2$) in building area except as otherwise exempted by the *Act* or the regulations.

PART III – GENERAL

10) 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 City with which the building is associated.

11) 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.

12) A building or part of a building for which a permit has been granted shall not be occupied before the issuance of a certificate of occupancy by the Building Official pursuant to clause 16(11)(h) of the *Act*.

13) No owner or owner representative shall work or authorize work to proceed on a project for which a permit is required unless a valid permit exists for the work to be done.

14) The City, is not liable for any damages or otherwise by reason of the fact that a building, the design, construction, addition, alteration, erection, placement, repair, reconstruction, renovation, demolition, removal, relocation, use, change of use, occupancy or change of occupancy of a building which has been authorized by a permit does not comply with the requirements of any building restriction agreement, bylaw, *Act* and/or regulation affecting the site described in the permit.

15) The number, type (in-person, photography, video) and timing of inspection(s) by a building official is at their discretion notwithstanding this Bylaw provided the inspection services are in compliance with the *Act*.

PART IV – BUILDING PERMITS

General:

16) An approved Building Permit issued by the City is required for any work that is regulated by the *Act* and Regulations undertaken within the City.

17) A permit is not required for:
    a) Repairs or alterations, that do not affect the structure, foundation, or insulation and vapour barrier of a building which, as determined by the City will not create a hazard and where matters affecting health and safety are not involved;
    b) A single storey accessory building no greater than 10 m^2 in area provided it does not create a hazard and where matters affecting health and safety are not involved; or
    c) A temporary building where the said building is removed from the lot immediately upon completion of the construction work on the lot.

Building Permit:

18) A Building Permit shall not be issued unless a Development Permit, if applicable, has first been applied for and obtained from the City. Building Permits are subject to any conditions described on the Development Permit provided said conditions are in compliance with the *Act* and its regulations.

19) Whenever the character of proposed work requires the technical expertise of an Architect or Engineer, the Building Official, may require as a condition of the application that all drawings and specifications, or any part thereof, be prepared, reviewed, sealed, and signed by a Professional Engineer or Architect registered in the Province of Saskatchewan.

20) 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 Building 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 City or the Building Official.

21) The City may charge a fee based upon the value of construction. The applicable fee shall be determined in the Service Fees Bylaw.

22) Where required, submitted plans shall detail all components that are applicable under the *Act* and this Bylaw, including, but not limited to: foundation, building structural, building mechanical, building electrical and Building Site plan as required by the.

23) Plans shall be submitted in the following form:
    a) Single, Semi and Duplex Dwellings and accessory residential building: A minimum of 2 sets of plans on paper.
    b) Other: A minimum of 3 sets of plans.
    c) One set of plans in *.pdf format

24) One set of the plans approved by the City, in paper format, shall be maintained on the construction site for the duration of the construction project.

25) Any deviations from the plans, once approved, shall require written approval of the Building Official.

26) Where a Building Permit application has been submitted in its complete form, is in full compliance with the *Act* and this Bylaw, and the prescribed fee has been paid in full, a Building Permit shall be issued.

27) To expedite work on a construction project the scope of work may be divided into two or more Building Permits at the discretion of the Building Official.

Preparation of Plans:

28) 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.

29) 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.

30) 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.

31) In addition to the requirements of Section 28), 29) & 30) the City or building official shall require that an engineer or architect 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.

32) 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.

33) 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 City on the request of the Building Official or the City, as the case may be.

34) 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.

35) 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.

Issuance:

36) Every application for a permit for work shall be on the form provided by the City and shall be accompanied by a minimum of two sets of plans or one .pdf and specifications of the proposed building and work.

37) Every permit application shall be reviewed and approved by the Building Official including plan review and approval.

38) If the work described in an application for a permit, to the best of the knowledge of the Building Official, complies with the requirements of this Building Bylaw, the *Act*, or the regulations, the Building Official shall, on receipt of the required fee, issue a Building Permit on the form provided by the City. In addition, one set of the approved plans and specifications will be returned to the owner or the owner's representative with the Building Permit.

39) A Building Permit issued pursuant to this Building Bylaw must include:
    a) the name of the person, or company to whom the Building Permit is issued;
    b) the period for which the Building Permit is valid;
    c) a statement of all fees, deposits or bonds charged for the Building Permit;
    d) the scope of work authorized by the Building Permit;
    e) the City address or legal description of the property on which the work described in the Building Permit is located;
    f) the buildings or portion of buildings to which the Building Permit applies;
    g) the stages of construction at which a permit holder must inform the City of completion;
    h) any conditions that the permit holder is required to comply with; and
    i) any information required by this Building Bylaw.

40) 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.

41) Work must not commence before a Building Permit is issued.

42) The permit fee shall be calculated according to the sum of the following:
    a) a permit administration fee listed in Service Fees Bylaw for the processing, handling and issuance of a Building Permit;
    b) the fees for plan review, field inspection of construction and enforcement in accordance with the Service Fees Bylaw or the agreement between the provider of Building Official services and the City;
    c) the fees charged by the Saskatchewan Assessment Management Agency; and
    d) a Performance Deposit for work listed in Section 99), if required, in an amount determined by the City.

43) 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 City or the Building Official.

44) All permit fees and deposits will be collected before the permit is issued and subject to any applicable

taxes.

45) 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 City and that all inspections are scheduled and completed. Failure to do so may result in additional fees for follow up inspections.

46) The owner or the owner's representative will be invoiced by the City 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 City and may be recovered from the owner of the land or premises in or on which the work was carried out as per subsections 16(9) and 16(10) of the *Act*.

47) The City may, at its discretion, rebate a portion of a Building Permit fee or deposit where work is reduced in scope or discontinued, or where other exceptional circumstances occur.

Refusal To Issue:

48) The Building Official may refuse to issue a permit if:
    a) the proposed work described on the permit application would contravene:
        (i) the *Act*;
        (ii) the regulations;
        (iii) an order of the appeal board;
        (iv) a written interpretation of the Minister pursuant to section 8 of the *Act*; or
        (v) the City's Building Bylaw;

    b) the person who designed or reviewed the design of a proposed building that is within the scope of Part 9 of the NBC is not a competent person;

    c) the person who designed or completed a design review of a proposed building that is within the scope of Part 3, 4, 5, 6 or 7 of the NBC is not an architect or engineer;

    d) the person who designed or completed a design review of a proposed building that is within the scope of the NECB is not an architect or engineer;

    e) the application for a permit is incomplete;

    f) any fees, deposits or bonds required pursuant to the City's Building Bylaw for the issuance of a Building Permit have not been paid; or

    g) the proposed work described on the permit application would contravene any other *Act*, regulations or bylaw that applies to the proposed work.

Building Permit Expiration:

49) Once issued, a Building Permit shall expire in six months from the date of issuance should work not commence within that time, or if work was suspended for a period of six months.

50) A relocation permit shall expire within 30 days of the date of issuance. It is required that the move be completed within the duration of the permit.

51) The expiry of a permit does not relieve the owner or the owner's representative from the obligation to complete the work approved in the permit.

52) A demolition permit shall expire within 45 days of the date of issuance. Demolition shall commence within that time period.

53) An owner or the owner's representative that does not complete all the work listed on a permit before the permit expires shall apply to the City that issued the permit to do one of the following:
    a) revoke the permit;
    b) extend the term of the permit;
    c) vary the condition of the permit.

54) The City may revoke, extend or vary the conditions of a permit on written application of the permit holder and subject to any conditions or fees listed in the bylaw.

55) In the event an order issued by the Court or Saskatchewan Standards Appeal Board does not specify an expiry period for their respective order, the expiry period as provided in section 49),50), or 52) shall apply as applicable.

56) The Building Official may consider extenuating circumstances, including but not limited to:
    a) unusually adverse weather;
    b) labour availability; and
    c) supply chain issues; and

    determine upon written request that a Building Permit expiry date may be extended provided the original permit was not revoked and the permit is still in compliance with the *Act* and its regulations.

57) A time extension shall not be granted for the sole purpose of allowing for a permit surrender refund.

58) Where a Building Permit has been issued without a stated expiry date, the expiry date shall be 24 months from the date of issue where work has commenced; or six months from the date of issue should work not be commenced.

Occupancy:

59) A certificate of occupancy is required to allow occupancy of a newly constructed building or party thereof, and/or when the occupancy of an existing building or part thereof is changed to an alternate occupancy group or type of use.

60) City Engineering and Land Development Services may request that the certificate of occupancy be withheld until conditions of City Engineering permits or Development Permits that affect occupant or public safety have been complied with. Where the reason for the request is within the scope of the *Act* the Building Official shall withhold the certificate of occupancy.

Transfer of a Building Permit:

61) The holder of a building permit may request the transfer of a building permit by submitting a written request for the building permit to be transferred to a new owner of the property to which the building permit relates.

62) The City may grant a transfer of the building permit on the following conditions:
    a) The transferee is an owner of the property to which the building permit relates;
    b) The transferee has provided to the City a written consent to the permit transfer;

c) The transferee has acknowledged acceptance of all conditions applied by the City to the building permit; and
d) The transfer of the building permit does not extend the expiry date of the building permit.

Notifications:

63) The owner or the owner's representative of a building to be constructed shall ensure that the City is notified:
   a) when excavation is to be commenced;
   b) when the foundation is to be placed;
   c) when a superstructure is to be placed on the foundation;
   d) any other event at the time required by the permit under which work has been undertaken; and
   e) any other specified event at the specified time.

64) Before commencing work at a building site, the owner or the owner's representative shall give notice to the Cityof:
   a) the date on which the owner or the owner's representative intends to commence the work; and
   b) the name, address and telephone number of:
      (i) the constructor or other person in charge of the work;
      (ii) the designer of the work;
      (iii) the person or firm that is to review the work to determine whether or not the construction conforms to the design; and
      (iv) any inspection or testing agency that is engaged to monitor the work.

65) During the course of construction, the owner or the owner's representative shall give notice to the of:
   a) any change in, or termination of, the employment of a person or firm mentioned in Section 64);
   b) the owner's or owner's representative intent to do any work that has been ordered by a Building Official or City to be inspected during construction;
   c) the owner's or owner's representative intent to enclose work that has been ordered by a Building Official or City to be inspected before enclosure;
   d) any proposed deviation from the plans approved and permitted by the City;
   e) any construction undertaken that deviates from the plans approved and permitted by the City; and
   f) the completion of work.

66) The owner or the owner's representative of a building under construction shall give notice to the Cityof:
   a) any change in ownership or change in address of the owner or the owner's representative that occurs before the issuance of an occupancy certificate as soon as the change occurs; and
   b) the owner's or owner's representative intention to occupy a portion of the building if the building is to be occupied in stages.

67) The owner of a building or the owner's agents, contractors, employees, successors or assigns or the registered owner of the land on which the building is situated shall submit a written report to the City of the occurrence of the following that causes or has the potential to cause serious injury or loss of life:
   a) structural failure of the building or part of the building; and/or
   b) failure of any equipment, device or appliance that is regulated by the *Act* or the regulations.

68) A report submitted pursuant to Section 67) must:
   a) contain:
      (i) the name and address of the owner;
      (ii) the address or location of the building involved in the failure;

(iii) the name and address of the constructor of the building;
(iv) the nature of the failure; and

b) be submitted to the City within 15 days after the occurrence of the failure mentioned in Section 67)(a) or 67)(b).

69) On receipt of the report pursuant to Section 67), the City may require an owner to do the following:
a) provide any other information that the Building Official or City may consider necessary;
b) complete any additional work that is necessary to ensure compliance.

70) All notifications under this Part are to be given in writing.

PART V: ENFORCEMENT:

71) The City 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.

Revocation of a Building Permit

72) A Building Permit issued pursuant to the *Act* may be revoked if:
a) the holder of the Building Permit requests in writing that it be revoked;
b) there is a contravention of any condition of approval;
c) the permit was issued in error;
d) the permit was issued on the basis of incorrect or false information;
e) the work is being done contrary to the terms of the Building Permit;
f) written notification of a change in ownership of the site relating to the Building Permit is not provided to the Building Official.
g) if, after six month after the issuance of the Building Permit the work for which the permit was issued has not, in the opinion of the Building Official, been seriously commenced and no written agreement for the delay has been provided to the City; and/or
h) if the work for which the permit was issued is, in the opinion of the Building Official, substantially suspended or discontinued for a period of more than six months after the permit's issuance and no written agreement for the delay has been provided to the Building Official.

73) Where a permit is revoked the City shall provide written notice to the Building Permit holder as to the reasons for the revocation.

74) If any Building or part thereof or addition thereto is designed, added to, constructed, erected, placed, altered, repaired, renovated, demolished, relocated, removed, used, undergoes a change of use, is occupied or undergoes a change of occupancy or reconstructed in contravention of any provision of this Bylaw, the Building Official may take any measures as permitted by the *Act* for the purpose of ensuring compliance with this Bylaw including, but not limited to:
a) At any reasonable hour, enter land or a building;
b) be accompanied into a building by a person having special or expert knowledge on any matter to which the *Act* or the regulations relate;
c) order the production of a register, certificate, plan or other document relating in any manner to the design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, change of use, occupancy or change of occupancy of a building and may examine and make copies of the document;

d) inspect and take samples of any material, equipment or appliance being used in the design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building;
e) issue an order pursuant to the *Act*;
f) direct the City to register an interest on title pursuant to section 20 of the *Act*; and
g) exercise any other power or undertake any action as prescribed.

75) If any building or part thereof or addition is in a condition that constitutes an imminent danger to the safety of the occupants or the public, the building official or City may enter the land or building and do or cause to be done, any measures the building official or City considers necessary to eliminate the risk or danger. If the building is in an unsafe condition due to faulty work, dilapidated state, abandonment, open or unguarded condition or any other reason the building official may by notice in writing order the owner to take any steps set out in the notice to eliminate the unsafe condition.

Penalty

76) 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*.
77) 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.

PART VI: SITE GRADING/DRAINAGE

Site Grading and Foundation Locations:

78) All Buildings must maintain positive storm water drainage to a City approved location such as a roadway catchment basin, laneway or drainage swale.
    a) The construction of a principal building on an otherwise undeveloped lot shall require a final grading plan to be submitted prior to an Occupancy Permit being issued.
    b) The final grading plan shall be reviewed by City Engineering for compliance with stormwater management requirements.
    c) The Building Official shall notify the owner of any deficiencies that have to be corrected to the final grading plan to ensure compliance with City Engineering requirements.
    d) All Buildings shall be equipped with eavestrough and downspouts or other systems, approved by the City, for controlling roof run-off of water.
    e) Building downspouts shall be positioned to discharge roof water to a hard surfaced area or splash pad which directs surface runoff away from the foundation.

79) The certificate of occupancy shall not be issued prior to approval of the submitted final grading plan.

80) Notwithstanding Section 79), the certificate of occupancy may be issued if, in the opinion of the Building Official, the required site grading work necessary for a final grading plan is not practical due to seasonal weather conditions.

81) An application for a Building Permit for a principal building shall include a foundation staking plan prepared by a Saskatchewan Land Surveyor, professional engineer, or architect.

PART VII: SUPPLEMENTAL REQUIREMENTS

Demolition Permits:

82) A security deposit to ensure the performance of the owner in restoring the site following completion of the demolition to a condition suitable for development is required as per subsection 42)d).

83) Upon closure of the Demolition Permit the Demolition deposit, or portion thereof, shall be refunded.

84) It is the responsibility of the owner to ensure that demolition in proximity to a property line and a building on an adjoining property be done in a manner that does not result in any damages to the building or land on the adjoining property.

85) Demolished materials shall be removed from the site in a timely manner.

86) The Building Official may require the owner to consult/coordinate with the City regarding drainage and any required traffic routing during demolition.

87) During the 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 of, and/or protect the public from the work in progress.

88) The owner is responsible for terminating water and sanitary sewer services at the utility mains, located within the public right of way, and such termination shall be undertaken at the sole cost and expense of the registered property owner in accordance with the requirements and specifications set forth by City Engineering Services.

89) Notwithstanding Section 89) above, where the property owner intends to redevelop the lot within one year of the demolition permit issuance date, and subsequently proposes to reutilize the existing water and sanitary sewer services, the City may, where it deems the services are in good condition, defer the termination requirement for a maximum of one year, provided the owner submits a cash deposit to the City to cover the cost of service termination and public right-of-way restoration. Upon the services being reutilized pursuant to the issuance of a new water and sewer permit, the City shall, upon request of the owner, refund the full deposit amount. Failing reutilization and/or termination of the utility services by the owner within the one year period, the owner shall forthright forfeit the deposit amount to the City, and the City may draw upon the deposit and at it's sole discretion proceed to complete service termination and restoration of the public right-of-way.

Relocation, placement and moving Permits:

90) No person shall relocate an existing building into or within the City without first obtaining a placement permit from the Building Official.

91) Should there be City tax arrears or other City debts applicable to the receiving property, it is the responsibility of the owner to obtain approval from the City Taxation prior to the issuance of a moving permit.

92) An issued occupancy permit is required prior to the building's occupancy for any building that is relocated, placed or moved.

Encroachments:

93) The Building Official may approve the following encroachments:

a) Existing encroachments that include multiple parcels that are under the same ownership and connected through a Parcel Tie;
b) Encroachments onto public land as approved by the City
c) Awnings, canopies, overhead passages and signage over a public sidewalk where approved by the City Engineering Services;
d) Retaining Walls onto public land where approved by the City;

Real Property Report:

94) A Real Property Report (RPR) shall be required by the City:

a) upon the completion of the foundation stage for a new building that is:
    (i) the principal building on a lot; and/or
    (ii) an accessory building or building addition with foundation less than or equal to 1.0 metres from a property line.
    (iii) construction of a retaining wall that is within 0.3 metres of a property line.

95) Where the structure/building is:

a) an addition to a building and the addition is less than or equal to 1.0 meters from a property line; or
b) a retaining wall that is within 0.3 metres of a property line; and
c) a previous RPR was prepared for the site;

the Building Official may accept a Saskatchewan land surveyor report to confirm the distance from the property line to the structure as an alternative to an RPR.

PART VIII: REFUNDS AND DEPOSITS

Voluntary Surrender:

96) Whenever a Building Permit is voluntarily surrendered for cancellation within six months of issuance and no work has been done pursuant to the permit, the amount of the permit fee, less $100 and expenses incurred through the initial plan review may be refunded.

97) Where a Building Official has refused to issue a Building Permit the City shall refund fees and deposits paid as part of the Building Permit application for work pursuant to the *Act*, less any fees paid for plan review and administration.

Performance Deposits:

98) A Performance Deposit shall be required for the following construction activities:

a) The initial development of the property;
b) The preparation of a final grading plan;
c) A demolition permit to ensure that the site is prepared for future use;
d) Development of a building that is located within an area prone to flooding from the Souris River to ensure compliance with required flood proofing measures;
e) A relocation or placement permit to ensure:
    (i) Clean up of the site where the building is to be relocated off of a property in the City; and/or
    (ii) Compliance with Building Permit requirements where the building is to be relocated onto a property within the City.
f) A Performance Deposit may be waived or reduced:
    (i) if it is shown that a deposit for the same issue has been secured as part of another City approval; and
    (ii) if, in the case of a demolition permit, where the Building Official is satisfied that a new Building permit will be issued for a building in the same location of the property where the demolition is to take place and construction is to begin within 30 days of the demolition being completed.

99) A performance deposit may be required as part of any Building Permit where it is demonstrated that there is a City or public interest in ensuring that the Building Permit be completed in accordance with the permit's conditions of approval.

Development Without a Building Permit:

100) Where work for which a permit is required has commenced prior to the issuance of a Building Permit, an additional fee shall be paid as described in the Service Fees Bylaw.

101) Where a Building Permit has been applied for and it comes to the attention of the Building Official that a Demolition took place without the knowledge of the Building Official, a surcharge equivalent to the cost of a demolition permit may be applied to the cost of the Building Permit.

PART IX: ADOPTION & AMENDMENT

102) Bylaw 2004-1662 and 2023-2076 and all amendments thereto are hereby repealed.

103) Enactment pursuant to Section 17 of *The Construction Codes Act.*

104) If any section, subsection, sentence, clause, subclause, 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, and distinct and independent provision and the holding of the Court shall be affecting the validity of the remaining portions of the Bylaw.

105) Any fees in the bylaw setting fees may be amended without Ministerial approval pursuant to Subsection 17(3) of the *Act*.

This bylaw comes into force upon the minister's approval.

CITY OF ESTEVAN

ROY LUDWIG, MAYOR

JUDY PILLOUD, CITY CLERK

Read a first time this 27th day of May, 2024.
Read a second time this 10th day of June, 2024.
Read a third time this 10th day of June, 2024.