

VILLAGE OF LAKE LENORE

BYLAW 3/2023

A BYLAW OF THE VILLAGE OF LAKE LENORE RESPECTING BUILDINGS

The Council of The Village of Lake Lenore in the Province of Saskatchewan enacts as follows:

SHORT TITLE

- ¹ This Bylaw may be cited as the Building Bylaw.

PURPOSE OF THE BUILDING BYLAW

- ² The purpose of this bylaw is to 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 and Saskatchewan Construction Standards Appeal Board orders and building official orders within the local authority.

INTERPRETATION/LEGISLATION

- ³ Definitions contained in *The Construction Codes Act*, *The Building Code Regulations* and *The Energy Code Regulations* shall apply in this building bylaw.

(1) "Act" means *The Construction Codes Act*.

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

(3) "Administrative Requirements" means *The Administrative Requirements for Use with the National Building Code*.

(4) "**building official**" means a person who holds a building official licence.

"**competent person**" means a person who is recognized by the local authority 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.

"**local authority**" means the municipality to which this Building Bylaw applies

"**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 regulations.

"occupancy certificate" means a certificate issued with respect to the approved use or occupancy of a building.

"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.

"owner's 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 local authority or its building official in the form of a building permit.

"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 charged to the local authority by the Saskatchewan Assessment Management Agency with respect to the work.

"value of construction" means the total costs 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 and overhead, and profit of the contractor and subcontractors.

"work" means any construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building.

SCOPE OF THE BYLAW

- 4 This building bylaw applies to all work undertaken or to be undertaken within the geographical jurisdiction of the local authority.

GENERAL

- 5
- (1) 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 local authority with which the building is associated.
 - (2) 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.
 - (3) A building or part of a building for which a permit has been granted shall not be occupied before the issuance of an occupancy certificate by the local authority or the building official pursuant to clause 16(11)(h) of the Act.
 - (4) The provisions of this building bylaw apply to buildings greater than 10m² (107.6 ft²) in building area except as otherwise exempted by the Act or the regulations.

PERMIT-ISSUANCE

- 6
- (1) Every application for a permit to erect, place or construct a building shall be on the form provided by the Village and shall be accompanied by two sets of the plans and specifications of the proposed building, except that when authorized by the Village or its building official 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 Village or its building official, complies with the requirements of this Bylaw, the Village upon receipt of the prescribed fee, shall issue a permit in the form prescribed by the Village and return one set of submitted plans to the applicant.
 - (3) The Village may, at its discretion, have plan review, inspection and other services provided by a person, firm or corporation employed under contract to the Village.
 - (4) The permit fee for erection, placement or construction of a building shall be based on the following fee schedule:
 - (a) a permit administration fee of thirty-five (\$35.00) for the processing, handling and issuance of a permit;
 - (b) the fees for plan review, field inspection of construction and enforcement in accordance with the agreement between the provider of building official services and the Village.
 - (5) The Village or its building official may estimate the value of construction for the work described in an application for building permit, for the purpose of calculating a permit fee, based on established construction costs, owner's statement of costs or constructor's contract values, or similar methods.
 - (6) Approval in writing from Village or its building official is required for any deviation, omission or revision to work for which a permit has been issued under this section.

- (7) The owner or the owner's representative will be invoiced by the Village 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 Village and may be recovered from the owner of the land premises in or on which the work was carried out as per the Act.
- (8) All permits issued under this section expire
 - a. six months from the date of issue if work is not commenced within that period, or
 - b. if work is suspended for a period of six months, or longer without prior written agreement of the Village.
- (9) The Village 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:

- 7 (1) The fee for a permit to demolish or move a building shall be set out pursuant to subsection (7).
- (2) In addition, the applicant shall deposit with the Village such sum as the Village or its building official considers sufficient to cover the cost of restoring the site after the building has been demolished or removed to such condition that is, in the opinion of the Village, or its building official, not dangerous to public safety. If the applicant who demolished or removes the building restores the site to a condition satisfactory to the Village or its authorized representative, the sum deposited shall be refunded.
- (3) In the case of an existing building being placed in the Village, a picture of the existing building shall accompany Form "A".
- (4) Every application for a permit to demolish or remove a building shall be in Form "C".
- (5) Where a building is to be demolished and the Village 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 Village, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal in Form "D".
- (6) Where a building is to be removed from the Village, and the municipality 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 Village, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal in Form "D".
- (7) Where a building is to be removed from its site and set upon another site in the Village and the Village 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 building official, will conform with the requirements of this bylaw, the Village shall, upon receipt of the fee and deposit prescribed, issue a permit for the removal in Form "D".
- (8). All permits issued under this section expire six months from the date of issue except that permit may be renewed for six months upon written application to the Village.

(9) The fee for a permit to demolish or remove a building shall be as follows:

Residential: house or garage \$35.00

Commercial or Industrial: \$250.00

(10) In addition, the applicant shall deposit with the local authority the following sum to cover the cost of restoring the site and or damage to the Village's property (sidewalks, roads) after the building has been demolished or removed to such condition that is, in the opinion of the local authority or its building official not dangerous to the public safety. The deposit fee shall be as follows:

Residential - \$5,000.00

Commercial & Industrial - \$10,000

ENFORCEMENT OF BYLAW

- 8 (1) If any building, or part thereof is erected, constructed or placed in contravention of any provision of this Bylaw, the Village or its building official may take any measures as permitted in Part 5 of the Act and Sections 13 and 14 of the Building Code regulations 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 this Act or the regulations relate,
 - c) order the production of documents, tests, certificates, etc. relating to a building,
 - d) inspect and take samples of any material equipment, or appliance being used for the work,
 - e) issue notices to owners which order actions within a prescribed time,
 - f) eliminate unsafe conditions and imminent risks or dangers,
 - g) complete actions, upon an owner's non-compliance with an order, and adding the expenses incurred to the tax payable on the property, and
 - h) obtain restraining orders.
- (2) If any building or part thereof is in an unsafe condition and or imminent risk of danger due to its faulty construction, dilapidated state, abandonment, open or unguarded condition or any other reason, the Village or its building official 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 notify the Village as required in Section 7 of the Act, including, but not limited to:
- 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) progress and completion of construction,
 - e) of change in ownership prior to completion of construction, and
 - f) of intended partial occupancy prior to completion of construction.

SPECIAL CONDITIONS

- ⁹ (1) 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.
- (2) 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.
- (3) 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.
- (4) In addition to the requirements of subsections (1), (2) or (3), the local authority 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.
- (5) 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.
- (6) 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 local authority on the request of the building official or local authority, as the case may be.
- (7) 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.

- (8) 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.

PENALTY

- 10 (1) Any person who contravenes any of the provisions of this Bylaw shall be liable to the penalties provided in Part 8 of the Act.
- (2) Conviction of a person or corporation for breach of any provision of the Bylaw shall not relieve the person from compliance with the Act and regulations.

REPEAL OF BYLAWS(S)

1. On enactment of this building bylaw, all previous building bylaws, including bylaw Amendments, are repealed.

COMING INTO FORCE

1. This bylaw shall come into force and take effect when approved by the Minister.

Mayor

Enacted pursuant to Section 17 of *The Construction Code Act*

Administrator



Certified to be a true copy of Bylaw No. B-2023
adopted by the Council of the Village of Lake Lenore
on the 11th day of JULY, 2023

Administrator / Mayor

Certified as a true copy of bylaw number B/2023
Adopted by resolution on the 11th day of
JULY, 2023

APPROVED
In accordance with Clause 17(6)(A) of
The Construction Codes Act

Building and Technical Standards
Ministry of Government Relations

August 11, 2023
Date

