

THE RURAL MUNICIPALITY OF BAILDON NO. 131

BYLAW NO. 07-2014

A BYLAW RESPECTING BUILDINGS

The Council of the Rural Municipality of Baidon No. 131, in the Province of Saskatchewan, hereby 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 Baidon No. 131.

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

(6) "Municipality" means the Rural Municipality of Baidon No. 131.

(7) "Council" means the council of the Rural Municipality of Baidon No. 131.

(8) "Superstructure" means that part of the building above the foundation.

(9) "Deck" means an open structure used as an extension to the interior of a dwelling with or without direct access from the principal dwelling or the ground, constructed above-grade with or without a foundation to hold it erect and attached to or abutting a dwelling. Shall not mean a landing or stair.

(10) "Floor space" means the maximum habitable area contained within the outside walls of a building including, in case of a dwelling, any enclosed veranda, sunroom or walk-out basement, and excluding any private garage, exterior porch, veranda, basement or attic.

(11) "Crawl space" means any accessible uninhabitable area beneath a floor.

(12) "Moved-in building" means a building (a dwelling or non-dwelling) that was constructed on another site and was not originally intended to be portable. This does not include a ready-to-move (RTM) home or mobile home.

(13) "Walk-out basement" means a basement having at least one exposed wall with a door and full-sized windows accessing the yard of the residence and shall be deemed to be developed floor area for the purpose of this Bylaw.

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

SCOPE OF 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) Notwithstanding subsection (1), references and requirements in the Administrative Requirements respecting matters regulated by the Act and Regulations shall not apply.
- (3) Notwithstanding subsection (1), references and requirements in the Administrative Requirements respecting “occupancy permits” shall not apply except as when required by the local authority or its authorized representative.

GENERAL

4. (1) A permit is required whenever work regulated by the Act and Regulations is to be undertaken.
- (2) A building permit is required for a deck, sunroom, veranda, porch, shed or other non-farm building where the build is over one hundred (100) square feet in area.
- (3) A building permit is not needed for buildings on farms that are used exclusively for the storage of farm equipment, livestock, grain or other farm produce and farm shops. **Excluded are farm residential buildings** and building accessory to the farm residence such as attached and detached garages.
- (4) A building permit is not needed for cosmetic repairs and renovations which do not involve any structural alterations or additions to the superstructure or foundation.
- (5) 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.
- (6) 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 make 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.
- (7) The building standards shall apply to **all non-farm residences** constructed, erected, placed, altered, repaired, renovated, relocated, used or occupied in the municipality.
- (8) Every owner is responsible to obtain all required permits and approvals prior to commencement of the work to which they relate. It shall be the responsibility of the applicant to arrange for all permits, inspections, and certifications required by the Act and its Regulations and by other applicable Acts and its respectable Regulations.

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, 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 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) The permit fee for construction, erection, placement, alteration, repair, renovation, or reconstruction of a building shall be charged at the cost provided by a person, firm or corporation employed under contract to the local authority to complete Plan Review and onsite inspections, plus an administrative fee for the Building Permit Application as provided by the local authority. Schedule A attached hereto describing the inspection fees and charges shall form part of this bylaw. Schedule B attached hereto describing the administrative fees shall also form part of this bylaw. The permit fee is those applicable fees from Schedule A and Schedule B.
6. (i) Minimum administrative fee: \$100.00

(ii) Farm buildings **including farm residences** are exempt from the above noted fees.

(iii) Where work for which a permit is required has commenced prior to the issuance of such permit, an additional fifty (\$50.00) dollars shall be added onto each fee described in Schedule B. Also the extra charges described in Schedule A shall apply.
7. 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 contractor's contract values, or similar methods selected by the local authority.
8. No person shall occupy a building until it has been approved for occupancy by the local authority or its authorized representative.
9. 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.
10. All permits issued under this section expire:
 - (a) twelve(12) months from date of issue, or
 - (b) if work is not commenced within six(6) months of issue.

(c) if work is suspended for a period of six (6) months without prior written agreement of the local authority or its authorized representative.

11. 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

12. (1) (a) The fee for a permit to demolish or remove a building shall be one hundred (\$100.00) dollars.

(b) (i) In addition, the applicant shall deposit with the local authority the sum of one thousand (\$1000.00) dollars 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.

(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 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 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 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

13. (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 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 in 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

14. Void.

SPECIAL CONDITIONS

15. (1) Notwithstanding the requirements of the Regulations, an architect or professional engineer registered with the province of Saskatchewan shall be engaged by the owner for the assessment or 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

16. (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.

MISCELLANEOUS

- 17. If any section, subsection, sentence, clause, phrase or other portion of this bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portion of the Bylaw.

Enacted pursuant to Section 14 of

The Uniform Building and Accessibility Standards Act

{Seal}

Reeve

Administrator

Read a third time and adopted this _____ day of _____, 2014.

Administrator

