

## VILLAGE OF WINDTHORST

### BYLAW NO. 4/2023

#### A BYLAW RESPECTING BUILDINGS

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

#### SHORT TITLE

- 1 (1) This bylaw may be cited as the Building Bylaw.

#### PURPOSE OF THE BUILDING BYLAW

- 2 (1) The purpose of this building 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.
- (2) Notwithstanding the definitions prescribed in this section for the purpose of administration and enforcement of this building bylaw, definitions contained in The Construction Codes Act, The Building Code Regulations and The Energy Code Regulations, shall apply in this building bylaw.

#### INTERPRETATION/LEGISLATION

- 3 (1) “**Act**” means *The Construction Codes Act*.
- (2) “**building official**” means a person who holds a building official license.
- (3) “**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 the building.
- (4) “**construction standards**” means the construction standards described in Part 2 of the Construction Code Act.
- (5) “**farm building**” means, subject to the regulations, a building that:
- (a) does not contain a residential occupancy;
  - (b) is located on land used for an ag agricultural operation as defined in *The Agricultural Operations Act*; and
  - (c) is used for the following purposes:
    - (i) the of housing livestock;
    - (ii) the production, storage, or processing of primary agricultural and horticultural crops or feeds;
    - (iii) the housing, storage, or maintenance of equipment or machinery associated with an agricultural operation;
    - (iv) any other prescribed purpose.
- (6) “**local authority**” means the Village of Windthorst and its elected council.
- (7) “**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.
- (8) “**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.
- (9) “**occupancy certificate**” means a certificate issued with respect to the approved use or occupancy of a building.
- (10) “**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.
- (11) “**owner’s representative**” means any person, company, employee or contractor who has authority to act on behalf of the owner.
- (12) “**permit**” means written authorization issued by the local authority or its building official in the form of a building permit.
- (13) “**permit fees**” means as defined in this building bylaw.

- (14) “**plan review**” means the examination of building drawings and related documents by a building official to ascertain whether those drawings and documents meet the requirement of the Construction Codes Act, the Building Code Regulations and The Energy Code Regulations.
- (15) “**regulations**” means *The Building Code Regulations* and *The Energy Code Regulations*.
- (16) “**SAMA**” means the Saskatchewan Assessment Management Agency.
- (17) “**service provider**” means the appointed building official providing building official services to the local authority.
- (18) “**value of construction**” means the total costs to the owner for the work in its completed form and includes all building work, materials of construction, building systems, labour, overhead, and profit of the contractor and subcontractors.
- (19) “**work**” means any construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy, or reconstruction of a building.

## SCOPE OF THE BYLAW

- 4 (1) This building bylaw applies to all work undertaken or to be undertaken within the geographical jurisdiction of the local authority.
- (2) The provisions of this building bylaw apply to buildings greater than 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) in building area except as otherwise exempted by the Act or the regulations.
- (3) Decks under 200 mm (8 inches) in differential grade height on lands for residential use are deemed as patios exempt from this building bylaw.
- (4) Minor alterations or regular maintenance and repairs, which do not change the structure of the building, are exempt from this bylaw.

## GENERAL DUTIES OF THE OWNER

- 5 (1) The duties of the owner or the owner’s representative as applicable, includes but not limited to:
  - (a) ensuring that the building and work is in accordance with the construction standards;
  - (b) not commencing or cause to be commenced work without first having obtained a valid permit from the local authority;
  - (c) complying with the terms and conditions of the permit;
  - (d) complying with the terms and conditions of the plan review;
  - (e) ensuring all notifications required by this building bylaw are given to the local authority;
  - (f) ensuring all inspections are scheduled and completed by the building official;
  - (g) not enclosing, prior to inspection, the work that requires inspection by a building official;
  - (h) paying all cost associated with showing compliance with the construction code;
  - (i) not occupying the building or part of the building before the issuance of an occupancy certificate by the local authority or the building official pursuant to clause 16(11)(h) of the Act;
  - (j) fill and level any excavation on the property with clean non-expansive fill, to an elevation compatible with abutting properties; and
  - (k) ensuring that the property is left in a safe, neat and tidy condition, including removing all rubbish and building materials to an approved location. For greater clarity, this includes not burying on the site any waste material, including concrete from demolition of a basement or foundation, or below ground level substructures or framework.
  - (l) arranging for all permits, inspections and certifications required by any other applicable bylaws, Acts and the regulations, and ensuring all copies of any inspection or review reports conducted by others are made available to the building official or local authority;

## PERMITS – GENERAL CONDITONS

- 6 (1) The granting of any permit by this building 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 Act, the regulations or bylaw affecting the site described in the permit; or
  - (b) make either the local authority or the building official liable for damages or losses in the event that a building does not comply with the requirements of any Act, the regulations or bylaw regardless of whether or not occupancy has been authorized by a permit.

- (2) Approval in writing from the local authority or building official is required for any deviation, omission or revision to the work.
- (3) Whenever the proposed work requires the technical expertise of an architect or engineer, the local authority or building official may require that all drawings and specifications, or any part thereof, be prepared or reviewed, sealed, dated and signed by a professional engineer or architect registered or licensed to practice in the Province of Saskatchewan.

#### **PERMIT - ISSUANCE**

- 7 (1) Every application for a permit for work shall be on Form A, as attached to this bylaw, and must be accompanied by a minimum of one set of plans and specifications of the proposed building and work.
- (2) Every permit application shall be reviewed and approved by the building official. The building official will return an approved plan review, showing all required inspections by the building official.
- (3) If the work described in an application for a permit, to the best of the knowledge of the local authority or the building official, complies with the requirements of this building bylaw, the Act, and the regulations, the local authority or the building official shall, on receipt of the required fee, issue a permit on the form provided by the local authority.
- (4) A permit issued pursuant to this building bylaw must include:
  - (a) the name of the person or company to whom the permit is issued to;
  - (b) the period for which the permit is valid;
  - (c) a statement of all fees, deposits or bonds charged for the permit;
  - (d) the scope of the work authorized by the permit;
  - (e) the municipal address or legal description of the property on which the work described in the permit is located;
  - (f) the buildings or portion of buildings to which the permit applies;
  - (g) the date of completion of the stages of construction for which a permit holder must inform the local authority;
  - (h) any conditions that the permit holder is required to comply with; and
  - (i) any information required by this building bylaw.
- (5) 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.
- (6) Work must not commence before a permit is issued.
- (7) The permit fees shall be calculated as follows:
  - (a) a \$50.00 permit application fee for the processing, handling, issuance of a permit, and to cover the fees charged to the local authority by the Saskatchewan Assessment Management Agency;
  - (b) the building permit fees are \$3.00/\$1000.00 of construction value for all classes of buildings with a minimum fee of \$50.00;
  - (c) the fees for plan review, field inspection of construction and enforcement based on the fee schedule charged to the local authority by the building official; and
  - (d) a deposit, if required, in an amount determined by the local authority.
- (8) 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 local authority or the building official.
- (9) All permit fees, including plan review and inspections, and deposits will be collected before the permit is issued and subject to any applicable taxes. If additional inspections are needed, the owner will be invoiced by the local authority and fees will be due upon receipt.
- (10) The building official may establish the value of construction for the work described in the application for a permit, for the purpose of determining the permit fee or additional fees, 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 building official.

- (11) 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 local authority and that all inspections are scheduled and completed. Failure to do so may result in additional fees for follow up inspections.
- (12) For a demolition or removal permit, in addition to the application and permit fee, the applicant shall provide a refundable deposit to the local authority to cover the cost of restoring the site after the building, as described below. The local authority shall hold the refundable deposit until, in the opinion of the local authority or the building official, the conditions are restored and are not dangerous to public safety.
  - \$500.00 for any building 10 to 93 square meters
  - \$4000.00 for any residential
  - \$5000.00 for commercial buildings
- (13) Where a building is to be demolished or removed, the local authority shall not issue a permit until the local authority 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.

**PERMITS - REFUSAL TO ISSUE AND REVOCATION**

- 8 (1) The local authority may refuse to issue a permit if:
  - (a) the proposed work would contravene:
    - i) the Act;
    - ii) the regulations;
    - iii) an order of the appeal board;
    - iv) the local authority's building bylaw;
  - (b) the person who designed or reviewed the design of the proposed works 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 the proposed works that is within the scope of the NECB is not an engineer or architect;
  - (d) the application for a permit is incomplete;
  - (e) any fee, or deposit required by the local authority are not paid; or
  - (f) the proposed work would contravene any other Act, the regulations or bylaws that applied to the proposed work.
- (2) The local authority may revoke a permit if:
  - (a) the holder of the permit requests in writing that it be revoked and the work has not commenced;
  - (b) there is contravention of any condition under which the permit was issued;
  - (c) the permit was issued on mistake, false or incorrect information; or
  - (d) the permit was issued in error; or
- (3) Where the local authority refuses to issue or revokes a permit, the local authority shall provide written notice to the applicant or permit holder as to the reasons for the refusal or revocation.

**PERMITS - EXPIRY**

- 9 (1) All permits shall expire on the date stated in the permit, or if no date is stated, the earliest of the following:
  - (a) 12 months from the date of issue;
  - (b) 6 months from date of issue if work is not commenced within that period;
  - (c) 6 months from date of last inspection by a building official where work has not seriously progressed to the satisfaction of the building official and without prior authorization from the local authority;
- (2) All permits issued for demolition or removal expire 6 months from the date of issue.
- (3) If the owner wishes to terminate the work, the owner or the owner's representative must first receive written approval for the local authority to terminate the permit.
- (4) If the permit expires, but not all of the work is complete, the owner or the owner's representative shall apply to the local authority in writing requesting:
  - (a) to extend the term of the permit. The local authority may extend the permit to a maximum of 12 months; or
  - (b) vary the conditions of the permit.

- (5) The expiration of a permit does not relieve the owner or owner's representative from the obligation to complete the work approved in the permit.

## **PERMITS – ENFORCEMENT**

- 10 (1) The local authority 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 regulations for the purposes of ensuring compliance with this building bylaw.

## **NOTIFICATION**

- 11 (1) Before commencing work, the owner or owner's representative shall give notice to the local authority, in writing, of:
- (a) the contractor or other person in charge of the work;
  - (b) the designer of the work;
  - (c) the person or firm reviewing the work to determine whether or not the work conforms to the design;
  - (d) any inspection or testing agency that is engaged to monitor the work;
  - (e) the date the work is intended to commence;
  - (f) when the excavation is to be commence;
- (2) The owner or owner's representative must call for all inspections set out by the building official in the plan review which includes:
- (a) when the foundation is to be placed;
  - (b) when a superstructure is to be placed on the foundation;
  - (c) any other event at the time required by the permit under which work has been undertaken; and
  - (d) any other prescribed event at the prescribed time.
- (3) Failure to provide notice and ensure that all inspections are scheduled and completed by the building official could result in destructive testing efforts requested by the building official at the cost of the owner or the owner's representative.
- (4) During the course of the work, the owner or owner's representative shall give notice to the local authority in writing of any:
- (a) change in, or termination of, the employment of a person or firm listed in subsection (1);
  - (b) intent to do any work requiring inspections by the building official;
  - (c) intent to enclose any work requiring inspection by a building official;
  - (d) proposed or undertaken deviations from the plans approved and permitted by the local authority;
  - (e) the completion of the work;
  - (f) change in ownership, or change in address of the owner or the owner's representative that occurs before the completion as soon as the change occurs; and
  - (g) intention to occupy the building or portions of the building prior to the issuance of occupancy.
- (5) The owner, owner's representative, contractors, employees or successors on which the building is situated shall submit a written report to the local authority 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;
  - (b) failure of any equipment, device or appliance that is regulated by the Act or the regulations.
- (6) The report must be submitted to the local authority within 15 days after the occurrence of the failure. The report must contain:
- (a) the name and address of the owner;
  - (b) the address or location of the building involved in the failure;
  - (c) the name and address of the constructor of the building; and
  - (d) the nature of the failure.
- (7) On receipt of the report, the local authority may require an owner or owner's representative to:
- (a) provide other information that the building official or local authority may consider necessary;
  - (b) complete any additional work that is necessary to ensure immediate compliance.

## **AUTHORITY OF A BUILDING OFFICIAL**

- 12 (1) Failure to obtain a permit or follow the terms of the permit, including ensuring that all inspections are scheduled and completed by the building official, may result in the issuance of a building official's order, in accordance with section 25 of the Act.
- (2) The building official may direct the local authority to register an interest in the lands through Land Titles Registry if a building official's order was not adhered to, in accordance with section 20 of the Act.
- (3) If any work to a building or part thereof or addition thereto is in contravention of any provision of the construction standards, the local authority may take any measures as permitted by the Act for the purpose of ensuring compliance, 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 a certificate, plan, or other document relating in any manner to the design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, of the occupancy of a building and may examine and make copies of the documents;
  - (d) inspect and take material samples;
  - (e) eliminate unsafe conditions and or imminent risk or dangers;
  - (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.
- (4) If any building or part thereof or addition thereto is in an unsafe condition due to faulty work, dilapidated state, abandonment, open or unguarded condition, and or imminent risk of danger the local authority may take any measures allowed by the Act.

## **SPECIAL CONDITIONS**

- 13 (1) The owner or owner's representative that undertakes to or has 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 the building and all building systems.
- (2) The owner or owner's representative that undertakes to or has 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;
  - (c) the reviews required by the NBC;
- (3) The owner or owner's representative that undertakes to or has constructed a building with a structure that is 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;
  - (c) the reviews required by the NECB;
- (4) In addition to the requirements of subsection (1), (2) and (3), the local authority or building official shall require that an architect or engineer provide:
- (a) a Commitment of Field Review letter as part of the permit application for work; and
  - (b) an Assurance of Field Review and Completion letter, on completion of the work, providing assurance that the work conforms to the architect's or engineer's design and the construction standards.
- (5) Foundations for residential occupancies including modular homes with A277 certification shall be designed pursuant to subsection (2).
- (6) The owner or owner's representative that undertakes to or has 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.
- (7) On the request of the local authority or building official, the owner or owner's representative shall ensure copies of any inspections or review reports made pursuant to this section are made available to the local authority or building official.

- (8) No owner or 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. This includes the building or part of the building, or an adjacent building.
- (9) 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 regulations or bylaws, the owner or owner's representative shall immediately alter the building or part of the building to bring it into compliance with the NBC.

**PENALTY**

- 14 (1) 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.
- (2) Conviction of a person or corporation for breach of any provision of this building bylaw shall not relieve the person or corporation from compliance the construction standards.

**COMING INTO FORCE**

- 15 (1) This Bylaw shall come into force on the date of approval of the minister.
- (2) Bylaw 4/98, amendments Bylaw 2/2021, and Bylaw 1/2023 are repealed.



*David Lowenberg*  
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 MAYOR

*Healey McLeish*  
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 ADMINISTRATOR

Certified a true copy of bylaw number 4/2023 adopted by resolution of Council on June 13, 2023.

*Healey McLeish*  
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 Administrator

APPROVED  
 In accordance with Clause 17(6)(A) of  
 The Construction Codes Act  
*M. McNeil*  
 \_\_\_\_\_  
 Building and Technical Standards  
 Ministry of Government Relations  
*July 20, 2023*  
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 Date