

BYLAW NO. 12—2017
A BYLAW RESPECTING BUILDINGS
Town of Indian Head, Saskatchewan

The Council of the Urban Municipality of the Town of Indian Head in the Province of Saskatchewan 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) "Regulations" means the Uniform Building and Accessibility Standards Regulations made pursuant to the Act.
- (3) "Administrative Requirements" means *The Administrative Requirements for Use with The National Building Code of Canada*.
- (4) "Local Authority" means the Town of the Town of Indian Head and its elected Council.
- (5) "Authorized Representative" means a building official appointed by the Local Authority pursuant to subsection 5(4) of the Act, or the Municipal Official.
- (6) "Municipal Official" means the clerk or administrator or their designate of the municipality.
- (7) "Value of construction" means the total costs to the owner for the building construction in its completed form and includes the cost of design, all building work, materials of construction, building systems, labour and profit of the contractor and subcontractors.
- (8) Definitions contained in the Act and regulations shall apply in this bylaw.

SCOPE OF THE 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 and 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) No owner or agent of the owner 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.

- (3) The granting of any permit which 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 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 such building restriction agreement, Bylaw, Act and/or Regulation affecting the site described in the permit.

BUILDING PERMITS

5. (1) (a) No person shall commence or cause to be commenced the construction, addition, alteration, renovation, repair or reconstruction of a building without first having obtained a building permit from the Local Authority.
- (b) Failure to apply for the required permit may result in the issuance of a “Stop Work Order”. Where a Stop Work order is issued, the permit fees will be double the amount set out in subsection 5(8).
- (2) No building permit shall be issued unless a Development Permit, where required, has first been applied for and obtained from the Local Authority. Building permits shall be subject to any conditions stated on the Development Permit.
- (3) Whenever the character of the proposed work requires the technical expertise of an Architect or Engineer, the Local Authority or Authorized Representative may, at its discretion, require as a condition of the application that all drawings and specifications, or any part thereof, be prepared, reviewed, sealed, dated and signed by a Professional Engineer or Architect registered or licensed to practice in the Province of Saskatchewan.
- (4) Every application for a permit to construct, erect, place, alter, repair, renovate or reconstruct a building shall be in a form as required by the Local Authority or its Authorized Representative, 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.
- (5) 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 municipal official, upon receipt of the prescribed fee, shall issue a permit on a form provided by the Local Authority and return one set of submitted plans to the applicant.
- (6) The Local Authority may, at its discretion, have plan review, inspection and other services for the purpose of enforcement of the Act and Regulations provided by building officials designated by the minister to assist the Local Authority pursuant to subsection 4(4) of the Act.
- (7) 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.
- (8) The permit fee for construction, erection, placement, alteration, repair, renovation, or reconstruction of a building shall be based on the following:
- a) A permit administration fee seventy five (\$75.00) dollars for the processing, handling and issuance of a building permit; plus

- b) The service fees for plan review, field inspection of construction and enforcement services in accordance with the agreement between the provider of building official services and the Local Authority; plus
 - c) A maintenance fee charged by the Saskatchewan Assessment Management Agency.
 - d) All permit fees will be collected prior to the permit being issued and subject to applicable taxes.
 - e) Service fees in accordance with subclause (b) above are based upon the construction project proceeding in a timely and competent manner. Additional inspection fees may be incurred in the excess of the permit fee for:
 - i. Re-inspection of infractions or deficiencies to ensure compliance.
 - ii. A Progress inspection for construction projects where an inspection or a contact with an Authorized Representative has not occurred in the past eight (8) months.
 - iii. Changes related to any deviation, omission or revision to work for which a permit has already been issued under this section.
 - iv. Action required to issue Orders, Affidavits or other work to remedy non-compliance.
 - f) A Progress inspection may be initiated at an additional fee for construction projects where an inspection, or contact with an Authorized Representative, has not occurred in eight (8) months.
 - g) No person shall occupy a new building without first receiving occupancy approval from the Local Authority or its Authorized Representative. Occupancy without prior approval may result in an additional investigation fee.
 - h) It is the responsibility of the owner to ensure that all required inspections are called for. Failure to do so shall result in the missed inspection(s) being charged for, as well as an additional fee for any follow-up work that may be required by the Authorized Representative as a result of the missed inspection.
 - i) Any additional fees charged as a result of subclauses e) to h) above, plus building official travel costs and GST, shall be due upon issuance of an invoice from the Local Authority.
- (9) 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 the definition of *value of construction* as per subsection 2(7).
- (10) 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.
- (11) All permits issued under this section expire:
- (a) Twenty-four (24) months from the date of issue; or
 - (b) six (6) months from date of issue if work is not commenced within that period, or
 - (c) if work is suspended for a period of six (6) months or longer, unless there is prior written approval from the Local Authority or its Authorized Representatives of such suspension, or
 - (d) If work is terminated and there is written approval from the Local Authority or its Authorized Representative.

- (12) If a building permit expires and construction is not completed in accordance with the Act and the Regulations, then the owner may make application to the Local Authority for an extension or renewal of the permit. Such extension or renewal may be subject to a building permit renewal fee equal to fees required in subsection 5(8) or some alternate renewal fee.
- (13) 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

6. (1) No person shall demolish or remove, or cause to be demolished or removed, any building without first having obtained a permit from the Local Authority.
- (2) (a) The fee for a permit to demolish or move a building shall be one hundred (\$100.00) dollars. This fee shall be payable in advance and includes an inspection upon completion of the demolition or removal of a building. Any additional inspections will require an additional inspection fee.
- (b) In addition, the applicant may deposit with the municipality such sum as the Local Authority or its Authorized Representative considers sufficient 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 Council or its authorized representative, not dangerous to public safety. If the applicant who demolishes or removes the building restores the site to a condition satisfactory to the Council or its authorized representative, the sum deposited, or portion thereof, shall be refunded.
- (3) Every application for a permit to demolish or remove a building shall be on a form provided by the Local Authority.
- (4) 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 Municipal Official, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal on a form provided by the Local Authority.
- (5) Where a building is to be removed from the geographical jurisdiction of 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 Municipal Officer, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal on a form provided by the Local Authority.
- (6) (a) Where a building is to be removed from its site and set upon another site in the geographical jurisdiction of 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 Municipal Official, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal on a form provided by the Local Authority.
- (b) In addition, the Municipal Official, upon receipt of the fee prescribed in subsection 5(8), shall issue a building permit for the placement of the building on the new site.
- (7) Prior to commencing demolition, the owner shall arrange for the disconnection or removal of gas, electrical, telephone and cable, in addition to turning off water service by installation of a water shut-off valve, at the expense of the owner.

- (8) As part of the requirements of demolition, the owner is responsible for terminating water and sanitary services at the utility main 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 specification directed by the Local Authority.
- (9) The owner shall ensure that all building components, substructures or framework located below ground level have been removed and disposed of in the proper manner.
- (10) Waste material generated from a demolition, including any and all concrete from a basement and/or foundation, shall not be buried on the site, but shall be removed from the site and disposed of at an approved location.
- (11) Upon completion of a demolition, the owner shall:
 - (a) Remove all rubbish and building materials from the property:
 - (b) Fill and level any excavation on the property with clean non-expansive fill, to an elevation compatible with abutting properties: and
 - (c) Ensure that the property is left in a safe and sanitary condition.
- (12) Should it become necessary to close or block any street, lane, or sidewalk during demolition, the owner or owner's agent shall obtain the prior written approval of the Local Authority.
- (13) During 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 and/or protect the public from the work in progress.
- (14) All permits issued under this section expire six (6) months from the date of issue except that a permit may be renewed for six (6) months upon written application to the Local Authority.

ENFORCEMENT OF BYLAW

7. (1) If any building, or part thereof, or addition thereto is constructed erected, placed, altered, repaired, renovated, 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 of documents, tests, certificates, etc. relating to a building,
 - (c) taking material samples,
 - (d) issuing notices to owners which 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 by subsection 7(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.

SPECIAL CONDITIONS

8. Void.

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9. (1) An architect or professional engineer registered in the province of Saskatchewan shall be engaged by the owner for assessment of design and inspection of construction or certification of a building or part of a building where required by 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

10. (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 this Bylaw shall not relieve the person from compliance herewith.
11. Bylaw No. 41—2010 and Bylaw No. 15 - 2016 are hereby repealed.

Enacted pursuant to Section 14 of *The Uniform Building and Accessibility Standards Act*.



Mayor



Administrator



A Certified true copy of
Bylaw No. 12--2017, adopted
by resolution of Council on the
28, day of Aug, 2017.



Administrator