

**RURAL MUNICIPALITY OF WAWKEN NO. 93
BYLAW NO. 06/2017**

A BYLAW RESPECTING BUILDINGS

The Council of the Rural Municipality of Wawken No. 93 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 regulations made pursuant to the Act;
- (3) "Administrative Requirements" means *The Administrative Requirements for Use with The National Building Code of Canada*;
- (4) "Authorized representative" means a licensed building official appointed by the local authority pursuant to subsection 5(4) of the Act or the municipal official;
- (5) "Local authority" means the Rural Municipality of Wawken No. 93;
- (6) Definitions contained in the Act and Regulations shall apply to 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) Notwithstanding 4(1) the following are exempt from obtaining building permits:
 - (a) Farm buildings are exempted from application of *The National Building Code of Canada* in Saskatchewan by provision of *The Uniform Building*

and Accessibility Standards Act, and

- (b) Cosmetic repairs and renovations which do not involve any structural alterations or additions to the super structure.
- (3) 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.
- (4) 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 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.
- (5) The owner shall indemnify and save harmless the local authority or its authorized representative from all losses, costs, claims, or damages whatsoever brought by or on behalf of the owner or any other person that may arise as a result of, from, or in any way touching upon the issuance of the permit related to the work, and not to limit the generality of the foregoing, in relation to:
 - (a) the fact that a building, or the placement, erection, construction, alteration, repair, renovation, reconstruction, demolition or removal thereof authorized by permit, does not comply with the requirements of this Bylaw or any other Bylaw of the Rural Municipality, federal or provincial act, regulation or code or derogates from a right of any other person;
 - (b) faulty subsoil conditions, whether such conditions were unknown to the Rural Municipality or not;
 - (c) the fact that the owner or any other party on behalf of the owner has continued to work so as to conceal previous work, making that work impossible to inspect by the Rural Municipality or any other municipal official or inspector appointed by the Rural Municipality; or
 - (d) the owner's failure to call for an inspection of work as required in the Act and regulations.
- (6) The local authority, its authorized representative, and employees, servants and agents of the Rural Municipality shall not be held liable in respect of any matters referred to in (5) under this clause.

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" as required by the local authority, and shall be accompanied by two sets of the plans and specifications of the proposed building, including:

- (a) site plan and specifications of the proposed building, except that when authorized by the local authority or its authorized representative plans and specifications need not be submitted.
 - (b) the dimensions of the building;
 - (c) the proposed use of each room and floor area;
 - (d) the dimensions of the land on which the building is to be situated;
 - (e) the position, height and horizontal dimensions of all buildings on the land;
 - (f) any other information required by this Bylaw or by the local authority;
- (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 the submitted plans to the applicant.
- (3) 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.
- (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 authorized representative may require submission of an up-to-date plan or survey prepared either before construction begins or upon completion of work by a registered land surveyor, as a condition of permit approval.
- (6) The permit fee for construction, erection, placement, alteration, repair, renovation or reconstruction of a building shall be based on the following fee schedule.

BUILDING PERMIT FEE SCHEDULE

- i. 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 of 15% 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. The maintenance fee(s) charged by the Saskatchewan Assessment Management Agency; and
 - d. All permit fees will be collected prior to the permit being issued and subject to applicable taxes.
- ii. Construction which commences prior to the issuance of a building permit will be subject to a special inspection fee. The special inspection fee will be calculated as double the amount of the fees as prescribed by the authorized representative fee schedule.
- iii. Should an applicant cancel the building permit application after the authorized representative has started the review of their application, the applicant will be charged the same as the service provider's inspection fees plus 15% for administration costs.
- iv. All permits issued under this section expire one year from the date of issue. However, for larger projects such as commercial and industrial buildings, the local authority may provide an extension of that timeline in respect of the permit.
- v. 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.
- vi. All permits issued under this section expire one (1) year from the date of issue except that a permit may be renewed for six (6) months under written application to the local authority.
 - vii. 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)(a) The fee for a permit to demolish or remove a building shall be \$80.00.
- (b) (i) In addition, the applicant shall deposit with the local authority such sum as indicated in Schedule "A" below 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.

Schedule "A"

Type of Structure	Deposit Required
Farm Buildings	<i>NIL</i>
Residence/Accessory Buildings (Above Grade Only)	\$1,000.00
Residence/Accessory Buildings (Above and Below Grade)	\$2,500.00
All Other Buildings/Structures	\$4,000.00

- (ii) Once works have been completed, the applicant shall notify the authorized representative to arrange for an inspection of the premises. 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". Every application for a permit to remove a building shall be in Form "D". In addition, every application to remove a building from its site and set it upon another site in the municipality shall be in Form "A".
 - (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 municipality upon receipt of the fee and deposit prescribed, shall issue a permit for the demolition in Form "E".
 - (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 the removal in Form "F".
 - (5) (a) Where a building is to be removed from its site and/or 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 the removal in Form "F".

(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 a form required by the local authority.

- (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

7. (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 of 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 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 give notice in writing to the local authority as required in Section 17.2 of the *Act* including, but not limited to:
- (a) start, progress and completion of construction,
 - (b) change in ownership prior to completion of construction, and
 - (c) intended partial occupancy prior to completion of construction.

SUPPLEMENTAL BUILDING REGULATIONS

8. (1) The building standards shall apply to all residences (excluding farm buildings) constructed, erected, placed, altered, repaired, renovated, relocated, used or occupied in the municipality.
- (2) Industrial, Commercial, and Institutional buildings must have an Engineer's design approval, and will require a Letter of Design Compliance, except when deemed unnecessary by the local authority or its authorized representative.



Certified a True Copy of the original bylaw passed
by resolution of Council on the 9th day of March 2017.

Administrator

SPECIAL CONDITIONS

9. (1) Notwithstanding the requirements of the Regulations, 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 any provision of this bylaw shall not relieve him from compliance therewith.

COMING INTO FORCE

This bylaw shall come into force and take effect from on the date of approval by the Ministry of Government Relations.

Rural Municipality of Wawken No. 93



Reeve



Administrator

Enacted pursuant to Section 14 of *The Uniform Standards Act*



(SEAL)

Read a Third time and Adopted
This 9th day of March 2017.



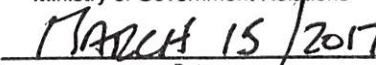
Administrator

APPROVED

In accordance with Clause 23.1(3)(a) of
The Uniform Building and Accessibility Standards Act



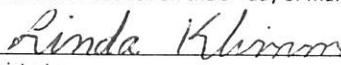
Executive Director
Building Standards and Licensing
Ministry of Government Relations



Date



Certified a True Copy of the original bylaw passed
by resolution of Council on the 9th day of March 2017.



Administrator