

**DISTRICT OF KATEPWA
BYLAW NO. 7-2016**

A BYLAW RESPECTING BUILDINGS

The Council of the District of Katepwa in the Province of Saskatchewan enacts as follows:

TITLE

This bylaw may be cited as "The Building Bylaw".

INTERPRETATION/LEGISLATION

Definitions contained in the Act and Regulations, and the municipal Zoning Bylaw shall apply in this bylaw. In the event of any conflict, definitions in *The Uniform Building and Accessibility Standards Act* and regulations and in the *National Building Code* will take precedent over definitions in this bylaw.

- a) **"Act"** means *The Uniform Building and Accessibility Standards Act being Chapter U-1.2 of the Statutes of Saskatchewan, 1983-84 and amendments.*
- b) **"Administrative Requirements"** means *The Administrative Requirements for Use with The National Building Code.*
- c) **"Building Official"** means an authorized representative appointed by the local authority pursuant to subsection 5(4) of the Act or the municipal official.
- d) **"Deck"** means an open air 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 foundation as prescribed by the National Building Code of Canada to hold it erect and attached to or abutting a dwelling. A deck is not defined as a landing or a stair.
- e) **"Final Elevation Certificate"** means the rough grade elevation that is prepared by a registered land surveyor. The rough grade stage is after the building has been constructed, but prior to landscaping.
- f) **"Initial Elevation Certificate"** means the rough elevation of the ground prior to commencement of building constructed and is prepared by a registered land surveyor.
- g) **"Local Authority"** means the District of Katepwa
- h) **"Modular"** means a single family dwelling built in a factory setting, typically indoors, after which the finished parts are transported to the building location where they are assembled by builders (does not include a mobile home).

- i) **"Move-in Home"** means a single family dwelling that was constructed on another site and was not originally intended to be portable. This does not include a ready to move (modular or mobile home).
- j) **"Property Owner"** means any individual or corporation that is registered on title with Information Services Corporation.
- k) **"Regulations"** means regulations made pursuant to the Act.
- l) **"Surveyor's Real Property Report - Surveyors Certificate"** means the legal document prepared by a registered land surveyor that identifies the location of the pre and post building structures, and the registered easements in relation to the boundaries of the said property and includes staking of the post building corner reference points.

SCOPE OF THE BYLAW

- 1.1. The requirements of *The Uniform Building and Accessibility Standards Act* and Regulations shall apply to all buildings and construction that falls within the jurisdiction of the District, unless otherwise authorized in this bylaw.
- 1.2. Notwithstanding Section 1.1, references and requirements in the *Administrative Requirements for use with The National Building Code* respecting matters regulated by the Act and Regulations shall not apply.

GENERAL REGULATIONS

- 2.1 A building permit is required whenever work regulated by the Act and Regulations is to be undertaken.
- 2.2 No property owner or property 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.
- 2.3 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 building official 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.

LOCAL AUTHORITY/BUILDING OFFICIAL

- 3.1 The local authority may appoint, on an annual basis, any person that is a licensed building official to provide services to review building plans and to perform building inspections.
- 3.2 When necessary, the building official may require the property owner or property owner's agent of a building, to engage an architect or professional engineer registered in the Province of Saskatchewan, for an assessment of design and inspection of construction, certification of a building or part of a building.
- 3.3 The local authority or building official may require the property owner or property owner's agent to supply additional plans, drawings or specifications pertaining to a building project where, in his/her opinion, the plans are unclear or do not comply to the minimum standards of the *National Building Code*, the Act or the Building Bylaw.

BUILDING/DEVELOPMENT PERMITS

- 4.1 Every building permit application shall be in **Form A**. The application may include, but shall not be limited to the following information:
 - a) The legal and civic description of the land;
 - b) The estimated value of construction;
 - c) The size of the building;
 - d) Plans/drawings prepared by a experienced Draftsman, Architect and/or Engineer; and
 - e) The names, address and telephone numbers of the owner, contractor, experienced Draftsman, Architect and/or Engineer
- 4.2 The following plans/drawings shall be submitted at the time of building application:
 - a) Two (2) sets of plans and specifications of the proposed building;
 - b) One (1) electronic set of plans and specifications of the proposed building;
 - c) Foundation Plans signed and sealed by a Structural Engineer;
 - d) Certified Truss Plan and layout for all roof truss systems and floor truss systems; and
 - e) Plan/drawing that shows the zoning setbacks from and between all property lines to existing and proposed buildings;
- 4.3 Every property owner is responsible to obtain a building permit approval prior to the commencement of the proposed work.
- 4.4 Every building permit application shall be accompanied with a Development Permit in the prescribed **Form D**.
- 4.5 **Engineered Plans** in addition to the foundation plans, may be required as part of the building permit approval, and shall be supplied by the property owner if requested by the local authority or building official.
- 4.6 A **Surveyor's Real Property Report - Surveyors Certificate** shall be required for a principal residence and accessory use buildings as part of the building permit approval, and shall be supplied by the property owner.

- 4.7 An **Initial and Final Elevation Certificate** of the site described in the building permit application may be required as part of the building permit approval, and shall be supplied by the property owner if requested by the local authority or building official.
- 4.8 It shall be the responsibility of the property owner to obtain an initial and final elevation certificate to ensure drainage does not impede onto adjacent land parcels.
- 4.9 The property owner shall be responsible to arrange for all permits, inspections and certificates required by other applicable bylaws, Acts and Regulations.
- 4.10 Any modular home to be moved in must have the CSA-A277 certification.
- 4.11 If the work described in a building permit application, to the best of the knowledge of the local authority or its building official, complies with the requirements of this bylaw, the local authority, upon receipt of the prescribed fee, shall issue permit.
- 4.12 The local authority may, at its discretion, have a 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.
- 4.13 The local authority may, at its discretion, have a plan review, inspection and other services provided by a person, firm or corporation employed under contract to the local authority.
- 4.14 Approval in writing from the local authority or its building official is required for any deviation, omission or revision to work for which a permit has been issued under this section.
- 4.15 All building permits issued under this section expire:
- a) six (6) months from date of issue if work is not commenced within that period; or
 - b) two years from the date on which the permit was issued.
- 4.16 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

- 5.1 The fee for a permit to demolish or remove a building, shall be \$100.00, plus the inspection fee as per Schedule "A".
- a) In addition, the applicant shall deposit with the local authority the following sum 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 building official, not dangerous to public safety.

DEMOLITION OR REMOVAL PERMIT DEPOSIT \$1000.00

- b) If the applicant who demolished or removes the building restores the site to a condition satisfactory to the local authority or its building official, the sum deposited, or portion thereof, shall be refunded.
- 5.2 Every application for a permit to demolish or remove a building shall be in **Form C**.
- 5.3 Where a building is to be demolished or removed and the local authority or its building official 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 permit.
- 5.4 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 building official 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 building official, will conform with the requirements of this bylaw, the local authority, upon receipt of the fee and deposit prescribed, shall issue permit.
- 5.5 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.
- 5.6 The applicant is responsible to ensure compliance with any other applicable bylaws, acts, regulations, and to obtain all required and approvals prior to demolishing or moving building.

PERMIT FEES AND CHARGES

- 6.1 The **Permit Fee** for construction, erection, placement, alteration, repair, renovation or reconstruction of a building shall include and be based on the following:
 - a) \$25.00 Building Permit Fee;
 - b) \$100.00 Development Permit Fee;
 - c) 10% of Inspection Fees for Administration Fee;
 - d) Inspection Fees as per **Schedule "A"**;
 - e) SAMA Inspection Fee(s) as per **Schedule "B"**.
- 6.2 Revisions to the fees in **Schedule "A"** shall be completed annually without affecting this bylaw.
- 6.3 The permit fee and inspection fee for **Demolition** or **Removal** of a building as follows:
 - a) Permit Fee \$100.00
 - b) Inspection Fee as per **Schedule "A"**

BUILDING INSPECTIONS

- 7.1 Pursuant to the Act, the building official may at his/her discretion, inspect any building in the District at any time during any reasonable hour of the day.
- 7.2 For all buildings requiring a permit, the property owner, or property owner's agent, shall notify the building official a minimum of 24 hours in advance for the following site inspections:
 - i. Foundation Inspection – Rebar prior to concrete pour
 - ii. Foundation Inspection – Prior to backfilling
 - iii. Framing Inspection – Including insulation and vapour barrier prior to gyproc application
 - iv. Final inspection – Interior and Exterior (prior to occupancy)
- 7.3 The building official may require additional inspections at any time throughout the construction project. In the event that additional inspections are required as a result of faulty workmanship or an exceptional number of building deficiencies, or if the property owner or the property owner's agent has requested additional inspections, the fees prescribed in **Schedule "A"** shall apply.

OCCUPANCY

- 8.1 No person shall occupy a building, unless the building official or the local authority has provided a written final inspection report indicating approval for occupancy.
- 8.2 Approval for occupancy shall not be granted until the building has passed the final inspection and the building official is satisfied that the building conforms to the minimum requirements of the *National Building Code*.
- 8.3 Should occupancy occur prior to the completion of any work being undertaken that requires a permit, every property owner shall ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed.

ENFORCEMENT OF BYLAW

- 9.1 If any building or part thereof, or addition thereto is construction, erected, placed, altered, repaired, renovated or reconstructed in contravention of any provision of this bylaw, the local authority or its building official 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 property owners that order actions within a prescribed time;
 - e) eliminating unsafe conditions;
 - f) completing actions, upon a property owner's non-compliance with an order, and adding the expenses incurred to the tax payable on the property, and; or
 - g) obtaining restraining orders.

- 9.2 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 building official may take any measures allowed by Section 9.1.
- 9.3 The property 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.

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.
- 10.2 Conviction of a person or corporation for breach of any provision of this bylaw shall not relieve the property owner from compliance therewith.

REPEAL BYLAW

- 11.1 That Bylaw No.2014-01 and any amendments be repealed.

This bylaw shall come into force on the date of final approval by the *Building Standards and Licensing Ministry of Government Relations*.

(SEAL)

MAYOR

CAO

Certified a true and correct copy of a Bylaw passed by resolution of Council of the District of Katepwa at a meeting held on the _____ day of _____, 2016.

CAO

SCHEDULE "A"
TOWN & COUNTRY BUILDING INSPECTION SERVICES

SCHEDULE "B"

SASKATCHEWAN ASSESSMENT MANAGEMENT AGENCY (SAMA)

Minimum of Two (2) Inspections

Fee(s) as imposed by SAMA