

TOWN OF SALTCOATS

BYLAW NO. 08-2015

A BYLAW OF THE TOWN OF SALTCOATS TO PROVIDE FOR THE INSPECTION OF BUILDINGS

The Council of the Town of Saltcoats 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) “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 Town of Saltcoats and its Council.

(5) “Municipal official” means the clerk or administrator of the municipality or their designate.

(6) “Regulations” means the Uniform Building and Accessibility Standards’ Regulations made pursuant to the Act.

(7) “Value of Construction” means the total cost 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 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.
 - (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 authorized representative liable for damages or otherwise by reason of the fact that a building, the construction, erection, placement, alternation, 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.
 - (4) One accessory building per property that is not greater than 10 m² (108 ft²) in building area is exempt from this bylaw provided it does not create a hazard.

Building Permits

5. (1) (a) No person shall commence or cause to be commenced the construction=, erection, placement, alteration, repair, renovation 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 s 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 require the technical expertise of an architect or engineer, the local authority or authorized representative may, at its discretion, requires as a condition of the application that all plans and specifications, or any part thereof, be prepared, reviewed, sealed and dated by a Professional Engineer or Architect registered 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 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.
- (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 in Form B 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 equal to 10% of the services fees referenced in sub clause (b) below; 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 due and collected in full prior to the permit being issued and are subject to applicable taxes.
- e) Service fees in accordance with sub clause (b) above are based upon the construction project proceeding in a timely and competent manner. Additional inspection fees may be incurred in excess of the permit fee for:
 - i. re-inspection(s) of infractions or deficiencies to ensure NBC compliance until non-compliant items are corrected and construction is satisfactorily completed.
 - ii. A progress inspection may be initiated for construction projects where an inspection has not occurred in the past six (6) months in accordance with subsection 5 (11) (c).
 - iii. Fees 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) Any additional fees as a result of sub clause above, plus building official travel costs and GST, which are part of the inspection process shall be due upon issuance of an invoice from the local authority.

(9) The local authority or its authorized representative may estimate the value of construction costs 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) Twelve (12) months from date of issue
- (b) Twelve (12) months from date of issue if work is not commenced within that period;
or
- (c) If work is suspended for a period of twelve (12) months; or;
- (d) If work is suspended for a period of longer than twelve (12), unless there is prior written approval of the local authority or its authorized representative of such suspension.

(12) Where a permit has expired as per subsection 5 (8) the owner can make application to the local authority for the renewal of the permit application. Such renewal may be subject to a building permit renewal fee equal to fees required in subsection 5. (5) 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) (a) The fee for a permit to demolish or remove a building shall be \$30.00.
- (b) (i) In addition, the applicant shall deposit with the municipal official the following sum to cover the cost of restoring the site after the building has been demolished or removed to such a condition that it is, in the opinion of the local authority or its authorized representative, not dangerous to public safety:
- \$0.50 per sq. ft. – on grade (foundation or cement pad); \$1.00 per sq. ft. – where foundation extends below grade. On-grade (foundation or cement pad) buildings less than 120 sq. ft. (11 sq. metres) the deposit will be waived.
- (ii) If the applicant who demolishes or removes the building restores the site to a condition satisfactory to the 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 municipal 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 municipal official, upon receipt of the fee and deposit prescribed, shall issue a permit for the demolition in Form D.
- (4) Where a building is to be removed from the geographical jurisdiction of the local authority, and the municipal 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 municipal official, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal in Form D.

(5) (a) Where a building is to be removed from its current site and set upon another site in the geographical jurisdiction of the local authority, and the municipal 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 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 in Form D.

(b) In addition, the municipal official 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 approval by the local authority.

Enforcement of Bylaw

5. (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 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 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) 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

7. (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) A real property report 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

8. (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 the person from compliance herewith.

Repealing Clause:

9. Bylaws 02-2007, 10- 2007, 01-2008, 13-2012 and 06-2015 are hereby repealed.

Enacting Clause:

10. This bylaw shall be effective on the date of its approval in accordance with Section 23.1 of the Uniform Building and Accessibility Standards Act (the UBAS Act).

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

MAYOR

ADMINISTRATOR

Certified a true copy of Bylaw No. 08-2015
Having received first reading at a meeting of Council
on the 18thth day of November, 2015.

Administrator