

RURAL MUNICIPALITY OF LOREBURN NO. 254

BYLAW NO. 10-2019

A BYLAW RESPECTING BUILDINGS

The Council of the Rural Municipality of Loreburn No. 254 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) "Farm Operation" means an individual or corporation that meets one of the two following minimum farm size criteria:
 - (a) Cereal crop and Canola growers:
 - i. A cereal crop or canola grower must operate a farm where they own, lease or rent at least 30 cultivated hectares of land (75 acres) used for the growing of barley, canola, flax, oats rye or wheat for sale.
 - (b) Livestock and other crop producers:
 - i. All other types of farm operations must consist of an area of land that the farmer owns, rents or leases and is used to produce primary farm products that generated at least:
 - A. \$10,000 of gross revenue in the past year, or
 - B. \$20,000 of gross revenue over the past 2 years, or
 - C. \$20,000 in value added to their crops or animals in the past year.

It's up to the farmer/applicant to declare such value added, with the understanding that they may be required to produce evidence.

- (5) "Local authority" means the Council of the Rural Municipality of Loreburn No. 254.
- (6) "Regulations" means regulations made pursuant to the Act.
- (7) "Value of Construction" means the total cost of the building to the owner in its completed form and includes the cost of all building work, materials of construction, building systems, labour, overhead and profit of the contractor and subcontractors. The cost of labour and used material is deemed to be the current market cost of new material and labour.
- (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 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, 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.
- (4) Notwithstanding the exemption applicable to farm buildings an applicant must also satisfy the conditions of subsection 2. (4) to determine exemption from the application of this bylaw.
- (5) Accessory buildings which are less than 10 m² (100 ft²) are exempt from, the application of this bylaw provided they do not create a hazard or are not used as residential occupancies.

BUILDING PERMITS

5. (1) Every application for a permit to construct, erect, place, alter, repair, renovate or reconstruct a building shall be in the approved form provided by the municipality's building inspector, 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, specifications of the proposed building.
- (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 a form utilized by the building official and return one set of 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 permit fee for construction, erection, placement, alteration, repair, renovation or reconstruction of a building greater than ten (10) square meters (100 sq. ft) shall be based on the fee schedule charged by the local authority's building official.
 - (a) Small projects such as garages, sheds, decks, patios, and basement developments will have a plan review and one on-site inspection when the building official is doing inspection work for other projects in the area at the minimum fee based on the fee schedule charged by the local authority's building official.

- (6) 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 established construction costs, owner's statement of costs or constructor's contract values, or similar methods selected by the local authority.
- (7) 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.
- (8) All permits issued under this section expire:
 - (a) 24 months from the date of issue, or
 - (b) six months from date of issue if work is not commenced within that period, or
 - (b) if work is suspended for a period of six months, or
 - (c) if work is suspended for a period of longer than six months by prior written agreement of the local authority or its authorized representative.
- (9) 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 \$100.00
 - (b) (i) In addition, each application shall be accompanied by the payment of a deposit fee of \$5,000.00 to cover the cost of restoring the site after the building has been demolished or removed to such condition that is, in the opinion of the local authority or its authorized representative not dangerous to public safety. This fee shall be based on the quotation received by the applicant with a copy supplied to the municipality; or, the applicant shall supply the municipality with a Performance Bond prior to commencing the work.
 - (ii) If the applicant who demolishes or removes the building restores the site to a condition satisfactory, which includes no burying of any materials on site, 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 the form used by the appointed building official and approved by the local authority.
 - (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 local authority, upon receipt of the fee and deposit prescribed, shall issue a permit for the demolition.
 - (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.
 - (5) (a) 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 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 the form used by the appointed building official and approved by the local authority.

(b) In addition, the local authority, upon receipt of the fee prescribed in Section 5(7), shall issue a permit for the placement of the building in the form used by the appointed building official and approved by the local authority.

(6) 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 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) 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. (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 or any bylaw of the Rural Municipality of Loreburn.
- (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.
- (5) Every application for a building being moved into the municipality, which is not of new construction, shall include a pre-location inspection report that has been prepared by a licensed building official. All costs associated with the pre-location inspection are the responsibility of the applicant.

SUPPLEMENTAL BUILDING STANDARDS

9. All newly constructed dwellings on farm land in the Rural Municipality of Loreburn No. 254 shall be subject to the provisions of this bylaw.

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.
- (3) Any person who commences construction without the necessary permits shall be charged a permit fee of two (2) times the usual rate.

11. Bylaws No. 04/2013 are hereby repealed.



Reeve

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



Administrator



Certified a true copy of Bylaw No. adopted by resolution on the 11th day of Sept. , 2019.



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

SEP 25 2019

Date

