

# Bylaw No. 2015 - 26

## Rural Municipality of Edenwold No. 158 A Bylaw Respecting Buildings

The Council of the Rural Municipality of Edenwold No. 158 in the Province of Saskatchewan enacts as follows:

### 1.0 Title

1.1 Short Title: This bylaw may be cited as the Building Bylaw.

### 2.0 Definitions

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 precedence over definitions in the municipal bylaws.

Act: shall mean *The Uniform Building and Accessibility Standards Act* being Chapter U-1.2 of the Statutes of Saskatchewan, 1983-84 and amendments.

Administrative Requirements: shall mean The Administrative Requirements for use with the National Building Code.

Council: shall mean the council of the Rural Municipality of Edenwold No. 158.

Crawl Space: shall mean any accessible uninhabitable area beneath a floor.

Deck: an open 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 a foundation to hold it erect and attached to or abutting a dwelling. Shall not include a landing or stair.

Floor Space: shall mean the maximum habitable area contained within the outside walls of a building including, in the case of a dwelling, any enclosed veranda, sunroom or walk-out basement, and excluding any private garage, exterior porch veranda, undeveloped basement or attic.

Moved-in-Home: shall mean 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 (RTM) home or a mobile home.

Municipality: shall mean the Rural Municipality of Edenwold No. 158.

Regulations: shall mean regulations made pursuant to the Act.

Superstructure: That part of a building above the foundation.

Walk-out Basement: A basement having at least one exposed wall with a door and full-sized windows accessing the yard of the residence and shall be deemed to be developed floor area for the purpose of this Bylaw.

### 3.0 Scope of the Bylaw

3.1 The requirements of *The Uniform Building and Accessibility Standards Act* and Regulations shall apply to all building and construction that falls within the jurisdiction of the Municipality, unless otherwise authorized in this bylaw.

3.2 Notwithstanding subsection (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.

**4.0 General**

- 4.1 A permit is required whenever work is to be undertaken to erect, move, place, construct, alter, reconstruct, repair, renovate, demolish, remove or occupy a building.
  - 4.1.1 A building permit is required for accessory buildings and decks.
  - 4.1.2 Exemptions: Notwithstanding section 4.1, the following are exempt from obtaining building permits:
    - (a) Cosmetic repairs and renovations which do not involve any structural alterations or additions to the superstructure.
- 4.2 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.
- 4.3 The granting of any permit which is authorized by this bylaw shall not:
  - 4.3.1 entitle the grantee, his successor or assigns, or anyone acting on his behalf, to erect any building that fails to comply with the requirements of any building restricting agreement, bylaw, Act or regulation affecting the site described in the permit; or,
  - 4.3.2 make either the municipality, or any municipal official or building official appointed by the municipality, 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 or regulation affecting the site described in the permit.
- 4.4 The building standards shall apply to all residences constructed, erected, placed, altered, repaired, renovated, relocated, used or occupied in the municipality.
- 4.5 A Real Property Report may be required for all new principal buildings in the Residential, Commercial and Industrial Zoning Districts as defined in the municipality's Zoning Bylaw. Council may require a Real Property Report for other buildings at any time in these and other Zoning Districts, as required.
- 4.6 An elevation certificate may be required to be submitted for all new principal buildings in the Agricultural Residential, Commercial and Industrial Zoning Districts as defined in the municipality's Zoning Bylaw. Council may require an elevation certificate for other buildings at any time in these and other Zoning Districts, as required.

**5.0 Building Permits**

- 5.1 All applications for a building permit shall be in Form "A" prescribed by the Municipality, and attached hereto. The building application may require, but shall not be limited to, the following information:
  - 5.1.1 the legal and civic description of the land;
  - 5.1.2 the estimated value of construction;
  - 5.1.3 the size of the building;
  - 5.1.4 the names, addresses, and telephone numbers of the owner, contractor, architect, or engineer.
- 5.2 Except when authorized by the building inspector, or the municipality, the following construction drawings shall be submitted at the time of application:

- 5.2.1 three full sets of construction drawings and specifications;
  - 5.2.2 a certified foundation plan designed by an architect or professional engineer;
  - 5.2.3 a certified truss plan and layout for all roof truss systems and floor truss systems;
  - 5.2.4 a site sketch indicating the distance between all property lines and existing and proposed buildings;
- 5.3 If the work described in an application for building permit, to the best of the knowledge of the municipality or its authorized representative, complies with the requirements of this bylaw, the municipality, upon receipt of the prescribed fee, shall issue a permit in Form A and return one set of submitted plans to the applicant.
- 5.4 All building permits expire:
- 5.4.1 six months from the date of issue if the work is not commenced within that period; or,
  - 5.4.2 two years from the date on which the permit was issued.
- 5.5 A one year extension may be requested in writing and must be approved by the local authority prior to the expiration date.
- 5.6 Any deviation, omission, or revision of work, for which a permit has been issued, requires approval of the building official.
- 6. Building Official**
- 6.1 The municipality 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.
- 6.2 When necessary, the building official may require the owner or contractor 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, or certification of, a building or part of a building.
- 6.3 The building official may require the owner or contractor to supply additional plans, drawings or specifications pertaining to a building project where, in his opinion, the plans are unclear or do not comply to the minimum standards of the National Building Code, the Act or the Building Bylaw.
- 7. Obligations of the Owner**
- 7.1 Every owner is responsible to obtain all required permits or approvals prior to commencement of the work to which they relate.
- 7.2 No person shall occupy a building until it has been approved for occupancy by the building official.
- 7.3 It shall be the responsibility of the owner to ensure that changes in ground elevations or changes in property lines will not bring the building or an adjacent building into contravention of this bylaw or the Zoning Bylaw.
- 7.4 It shall be the responsibility of the owner to arrange for all permits, inspections and certificates required by other applicable Acts and regulations.
- 8. Permit Fees & Charges**
- 8.1 Unless otherwise noted, building permit fees shall be charged in accordance with Schedule "A."
- 8.2 A \$185.00 fee over and above the building permit fee will be charged for:
- 8.2.1 each inspection required after the expiration of a building permit;

- 8.2.2 each additional or non-scheduled inspection;
- 8.2.3 each additional inspection required due to a code infraction.

- 8.3 The municipality may, at its discretion, rebate or reduce a portion of a building fee where work is reduced in scope or is discontinued, where there are fewer building inspections required, or where other exceptional circumstances occur.
- 8.4 Construction projects shall be deemed “inactive” when a building inspection has not occurred within 9 months. A progress report may be initiated by the building official and subject to an additional charge of \$185.

**9. Building Inspections**

- 9.1 Pursuant to the Act, the building official may, at their discretion, inspect any building in the Municipality at any time during any reasonable hour of the day.
- 9.2 Inspections may include, but shall not be limited to:
  - 9.2.1 Foundation inspection
  - 9.2.2 Framing inspection
  - 9.2.3 Final inspection
  - 9.2.4 Basement development pre-inspection
- 9.3 For all buildings requiring a permit, the owner, or its authorized agent, shall be required to notify the building official at least 24 hours in advance of the following:
  - 9.3.1 when the foundation is ready to be poured;
  - 9.3.2 when a superstructure is to be placed on the foundation;
  - 9.3.3 when the building is ready for a framing inspection prior to insulating;
  - 9.3.4 when the building is substantially completed and prior to occupancy.
- 9.4 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 owner or the owner’s agent has requested an additional inspection, the fees mentioned in Section 8.2 shall apply.
- 9.5 Final Inspection and Approval for Occupancy: A building shall not be approved for occupancy until the municipality is satisfied that all outstanding infractions, as noted on the building official’s final inspection report, have been corrected.

**10. Fines and Surcharges**

- 10.1 Commencement of Work: Whenever any work for which a permit is required has commenced without the authorization of such a permit, a surcharge of 25% of the permit fee or \$150, whichever is higher, may be charged in addition to the permit fees.

**11. Demolition Permits and Moving Permits**

- 11.1 The fee for a permit to demolish or move a building shall be:
 

Agricultural buildings	\$ 25
Residential buildings	\$125
Accessory buildings	\$ 25
Commercial/Industrial buildings	\$250
- 11.2 Every application for a permit to demolish or move a building shall be in Form “B”.
- 11.3 Where a building is to be demolished and the municipality 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, shall issue a permit for the demolition in Form "B".

- 11.4 Where the building is to be removed from the municipality, and the municipality 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, shall issue a permit for the removal in Form "B".
- 11.5 Where a building is to be removed from its site and set upon another site in the municipality, and the municipality 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 Council or its authorized representative, will conform with the requirements of this bylaw, the municipality, upon receipt of the fee, shall issue a permit for the removal in Form "B".
- 11.6 Where a building is to be moved through the municipality, the municipality shall issue a permit on Form "B", stating thereon the route to be followed by the applicant.
- 11.7 Permits issued for demolition or removal shall expire six months from the date of issue.
- 11.8 The applicants' responsibility is to ensure compliance with any other applicable bylaws, acts, regulations, and to obtain all required permits and approvals prior to demolishing or moving building.

## **12. Occupancy Deposit**

- 12.1 A building permit for one and two unit dwellings, including RTM's and moved-in-homes, shall not be issued until the applicant has deposited \$1,000.00 with the municipality to ensure compliance with the municipal building bylaw and the National Building Code.
- 12.2 The municipality shall refund the occupancy deposit in whole, or in part, as the case may be, at such time that the municipality is satisfied that all outstanding infractions, as noted on the building official's final inspection report, have been corrected.
- 12.3 Deductions from the occupancy deposit will occur, in whole or in part, when one of the following occurs:
  - 12.3.1 Where the building official requires an additional building inspection due to the number of infractions against the National Building Code;
  - 12.3.2 Where an owner or contractor calls for a building inspection and the building official determines that the owner or contractor is not ready for the inspection;
  - 12.3.3 When the owner or contractor fails to call for a building inspection at the required intervals.
  - 12.3.4 Whenever a dwelling is occupied prior to the final inspection, approval of an occupancy permit, or approval of a temporary occupancy permit.
- 12.4 If a final inspection has not been completed within 3 years from the date the building permit has been issued the building shall be deemed incomplete; and any occupancy deposit being held by the municipality shall be forfeited.

## **13. Occupancy**

- 13.1 Occupancy Approval Required
  - 13.1.1 No person shall occupy a building without first receiving final approval from the building official or the municipality.
  - 13.1.2 Approval for occupancy shall not be granted until the building has passed the final building inspection and the building official are

satisfied that the building conforms to the minimum requirements of the National Building Code.

**14. Special Provisions**

**14.1 Culverts and Drainage**

14.2.1 A culvert and drainage deposit of \$1,000.00 may be required for certain sites as determined by the Municipality in accordance with a drainage plan.

14.2.2 The culvert and drainage deposit shall be refunded upon satisfactory completion of the approach/driveway, culvert installation and drainage.

14.2.3 Where a culvert is required in a municipal road allowance the culvert shall be installed at the approved elevation and inspected by the municipality.

14.2.4 If an owner or contractor does not satisfactorily complete the required driveway drainage or culvert installation within one year from the date of occupancy, the municipality may undertake the necessary work and deduct all costs from the culvert and drainage deposit.

**14.2 Central Sewer System**

14.2.1 Sump pump connections to the central sewer system are prohibited.

**15. Enforcement of Bylaw**

15.1 If any building or part thereof or addition thereto is erected, constructed, reconstructed, altered, repaired, renovated, removed or placed in contravention of any provision of this bylaw, the Council 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:

15.1.1 entering into a building,

15.1.2 ordering production of documents, tests, certificates, etc. relating to a building,

15.1.3 taking material samples,

15.1.4 issuing notices to owners which order actions within a prescribed time,

15.1.5 eliminating unsafe conditions,

15.1.6 completing actions, upon an owner's non-compliance with an order, and adding the expenses incurred to the tax payable on the property, and

15.1.7 obtaining restraining orders.

15.2 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 Council or its authorized representative may take any measures allowed by subsection 15.1.

15.3 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 municipality as required by the Act including, but not limited to:

15.3.1 on start, progress and completion of construction,

15.3.2 of change in ownership prior to completion of construction, and

15.3.3 of intended partial occupancy prior to completion of construction.

**16. Penalty**

16.1 Any person who contravenes any of the provisions of this bylaw shall be liable to the penalties provided in the Act.

16.2 Conviction of a person or corporation for breach of any provision of this bylaw shall not relieve him from compliance therewith.

**17. Miscellaneous**

17.1 If any section, subsection, sentence, clause, phrase or other portion of this bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.

17.2 Bylaw No. 2015-01 and 2011-21, and all subsequent amendments, shall hereby be repealed.

**18. Adoption**

1<sup>st</sup> Reading: January 13<sup>th</sup>, 2015

2<sup>nd</sup> Reading: May 26<sup>th</sup>, 2015

3<sup>rd</sup> Reading: May 26<sup>th</sup>, 2015



[Signature]  
Reeve

[Signature]  
Administrator

CERTIFIED A TRUE AND CORRECT COPY OF

Bylaw No. 2015-26

[Signature] - Administrator

DATED AT BALGONIE, SASK.

THIS 26<sup>th</sup> DAY OF May 2015

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

[Signature]  
Executive Director

Building Standards and Licensing  
Ministry of Government Relations

June 10 / 2015  
Date