

## BYLAW NO. 2020-20

### BUILDING BYLAW

#### A BYLAW OF THE TOWN OF LEMBERG RESPECTING BUILDINGS

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COUNCIL of the *Town of Lemberg*, in the Province of Saskatchewan, enacts as follows:

#### SHORT TITLE

1. This bylaw may be cited as the **Building Bylaw**.

#### INTERPRETATION/LEGISLATION

2.
  - 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) “**Authorized Representative**” means a building official appointed by the Local Authority pursuant to subsection 5(4) of the Act or the municipal official.
  - d) “**Local Authority**” means the Town of Lemberg.
  - e) “**Municipal Official**” means the Administrator or Mayor of the municipality.
  - f) “**Regulations**” means the Building and Accessibility Standards Administration Regulations made pursuant to the Act.
  - g) Definitions contained in the Act and Regulations shall apply in this bylaw.

#### SCOPE OF THE BYLAW

3.
  - a) This bylaw applies to matters governed by the Act and the Regulations, including the *National Building Code of Canada*, and the Administrative Requirements.
  - b) Notwithstanding subsection (a) references and requirements in the Administrative Requirements respecting matters regulated by the Act and Regulations shall not apply.
  - c) Notwithstanding subsection (a), 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.
  - a) A permit is required whenever work regulated by the Act or Regulations is to be undertaken and shall include but not be limited to work as listed in Appendix A.

- b) 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.
- c) Anyone who commences work without first obtaining a Building Permit, the permit fee shall be doubled.
- d) The granting of any permit that is authorized by this bylaw shall not:
  - i) 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
  - ii) 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.
- e) It is the responsibility of the owner to ensure that Town infrastructure is not damaged during construction or demolition. In the event that Town infrastructure is damaged, it is the responsibility of the owner to repair the damages to the current Town standard within 30 days of the completion of the construction or demolition.
- f) The necessary blocking of any street, lane, or sidewalk during demolition must have prior written approval from the Town
- g) It is the responsibility of the landowner, at their own expense, to supply and maintain any required barricades or fencing in order to protect the public from the demolition work in progress.

## **BUILDING PERMITS**

- 5. a) Every application for a permit to construct, erect, place, alter, repair, renovate or reconstruct a building shall be in a form provided by the Local Authority, 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. Plans submitted electronically will also be acceptable.
- b) There shall be no construction, demolition, alteration, renovation repair, removal or addition of any building without first having obtained a valid permit from the Local Authority.
- c) As part of the required plans, the Authorized Representative may require submission of an up-to-date or survey prepared by a registered land surveyor.

- d) 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 fees, shall issue a permit in a form provided by the Local Authority and return one set of submitted plans to the applicant.
- e) The Local Authority shall 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. Where services are provided by an Authorized Representative, applicants shall be required to comply with the requirements of the Service provider inspections and policies.
- f) 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. Where services are provided by an Authorized Representative, applicants shall be required to comply with the requirements of the Service provider inspections and policies.
- g) The permit fee for construction, erection, placement, alteration, repair, renovation or reconstruction of a building shall be based on the following:
  - i. A permit administration fee of as adopted by annual resolution of Council for the processing, handling and issuance of a building permit; plus
  - ii. 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
  - iii. The maintenance fee(s) charged by the Saskatchewan Assessment Management Agency; plus
  - iv. All permit fees will be collected prior to the permit being issued and subject to applicable taxes.
  - v. Inspection requests during the stages of construction are the responsibility of the owner or owner's agent.
  - vi. As and when required by the Local Authority or its Authorized Representative, an Occupancy permit is required in writing from the Local Authority or its Authorized Representative prior to new building occupancy. Failure to obtain Occupancy Permit may result in additional fees.
  - vii. Changes such as but not limited to infractions, deviations, omission or revision of work, Stop Work Order, etc. may result in additional fees.
- h) 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.

- i) All permits issued under this section shall expire:
  - (a) Twelve (12) months from date of issue; or
  - (b) Six (6) months from date of issue if work is not commenced within that period; or
  - (c) if work is suspended for a period of six (6) months; or
  - (d) if work is suspended for a period of longer than six (6) months by prior written agreement of the Local Authority or its Authorized Representative.
- j) Where a permit has expired as per subsection 5(i), 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(g) or some alternate renewal fee.
- k) 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.

## **PLUMBING PERMITS**

- 6. All plumbing permits are to be obtained per the requirements of the latest adopted edition of the Province of Saskatchewan document entitled The Plumbing Regulations.

## **DEMOLITION OR REMOVAL PERMITS**

- 7. a) i) The fee for a permit to demolish or remove a building shall be set annually by resolution of Council
- ii) A) In addition, the owner or owner's agent shall deposit with the Local Authority a sum as set annually by resolution of Council 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.
  - B) 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.
- b) Every application for a permit to demolish or remove a building shall be in a form provided by the Local Authority.
- c) 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, may issue a permit for the demolition in a form provided by the Local Authority.
- d) Where a building is to be removed from the geographical jurisdiction of the Local Authority, and the Local Authority 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, may issue a permit for the removal in a form provided by the Local Authority.

- e) i) 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 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, may issue a permit for the removal in a form provided by the Local Authority.
- ii) In addition, the Local Authority, upon receipt of the fee prescribed in Appendix B) may issue a permit for the placement of the building in a form provided by the Local Authority
- f) 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 approval by the Local Authority.

#### **POWERS AND RESPONSIBILITIES OF THE TOWN**

- 8. a) The Town is responsible for the administration and enforcement of the Building Bylaw.
- b) The Town may, at its discretion, require plan review, inspections and other services for the purpose of enforcing this bylaw.
- c) The Town shall have plan review, inspection and other services provided by a person, firm or corporation who is employed or under contract to the Town.
- d) The Town shall keep copies of all applications, and other documentation received as part of a Building Permit application for a period of time as required by law.

#### **POWERS AND RESPONSIBILITIES OF THE BUILDING OFFICIAL**

- 9. a) The Building Official may issue Orders in cases where the provisions of this bylaw have been contravened.
- b) The Building Official may not assist in the design or layout of any work for the purposes of applying for a Building Permit.
- c) The Building Official may refuse to issue a Building Permit as a result of the following:
  - i. Any required Development Permit has not been obtained;
  - ii. The information submitted for plan review is determined to be inadequate or incomplete;

- iii. Proposed design, materials and methods of construction do not comply with the requirements of the current adopted edition of The National Building Code of Canada; or
  - ix. Drawings have not been sealed by a registered Architect or Engineer when required.
- d) The Building Official may revoke a Building Permit by written notice to the Building Permit holder if:
- i. Any deviations from the approved plans are found in the construction;
  - ii. There is a contravention of any of the conditions of approval under which the Building Permit was issued;
  - iii. The Building Permit was issued in error; or
  - iv. The Building Permit was issued on the basis of incorrect or misleading submitted material.
- e) The Building Official may issue a Stop Work Order in the following circumstances:
- i. Construction work is being performed without a valid Building Permit;
  - ii. The work is not being performed in accordance with the Building Permit conditions of approval; or

### **ENFORCEMENT OF BYLAW**

10. a) 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:
- i. entering a building,
  - ii. ordering production of documents, tests, certificates, etc. relating to a building,
  - iii. taking material samples,
  - iv. issuing notices to owners that order actions within a prescribed time,
  - v. eliminating unsafe conditions,
  - vi. completing actions, upon an owner's non-compliance with an order, and adding the expenses incurred to the tax payable on the property, and
  - vii. obtaining restraining orders.
- b) 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 (a).
- c) 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:
- i) on start, progress and completion of construction,
  - ii) of change in ownership prior to completion of construction, and
  - iii) of intended partial occupancy prior to completion of construction.

- d) A building shall not be approved for use or occupancy until the Local Authority is satisfied that all outstanding infractions and deficiencies, as noted on the final inspection report of the Authorized Representative, have been corrected and the permit has been closed.

**SPECIAL CONDITIONS**

- 11. a) 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.
- b) 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.
- c) 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.
- d) 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**

- 12. a) Any person who contravenes any of the provisions of this bylaw shall be liable to the penalties provided in Section 22 of the Act.
- b) Conviction of a person or corporation for breach of any provision of this bylaw shall not relieve the person from compliance herewith.

**REPEAL**

- 13. Bylaw No. 2/2007 is hereby repealed.
- 14. This Bylaw shall come into force and take effect upon approval from the Ministry of Government Relations, Building Standards and Licensing Branch.

First Reading: October 20, 2020  
Second Reading: October 20, 2020  
Third and Final Reading: October 20, 2020

Certified a True Copy of Bylaw 2020-20  
adopted by Resolution of the Council  
of the Town of Lemberg, in the  
Province of Saskatchewan on  
The 20<sup>th</sup> day of October 2020.

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Administrator

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[SEAL]

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Mayor

Administrator

## APPENDIX A

A permit is required whenever work regulated by the Act or Regulations is to be undertaken and shall include but not be limited to:

- i. new building construction, garages and carports
- ii. accessory buildings greater than 10m<sup>2</sup> (108ft<sup>2</sup>), new and used ready to move (RTM) buildings and mobile homes;
- iii. alteration or addition to an existing building or structure;
- iv. secondary suites;
- v. decks over 203 mm (8 inch) above grade and/or greater than 5.57m<sup>2</sup> (60ft<sup>2</sup>), and roof enclosures over existing or new decks;
- vi. basement development of a new or existing dwelling;
- vii. structural changes to existing buildings;
- viii. change of occupancy or use of an existing building;
- ix. demolition of structures greater than 10m<sup>2</sup> (108 ft<sup>2</sup>);
- x. pools
- xi. fire places, fire devices installed indoors
- xii. retaining walls over 609 mm (2 ft)
- xiii. temporary buildings



**COUNCIL:**

**FYI:**

**As per the Act:**

**Section 22:**

**Offence and penalty**

22(1) No person shall:

- (a) contravene this Act, the regulations or a bylaw passed pursuant to this Act;
  - (b) fail to comply with an order made pursuant to section 17 or 18; or
  - (c) obstruct or hinder a building official in the performance of the building official's duties pursuant to this Act or the regulations.
- (2) Every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction:
- (a) in the case of an individual, to a fine of not more than \$25,000 and, in the case of a continuing offence, to a further fine of not more than \$5,000 for each day or part of a day during which the offence continues; and
  - (b) in the case of a corporation, to a fine of not more than \$200,000 and, in the case of a continuing offence, to a further fine of not more than \$20,000 for each day during which the offence continues.
- (3) If a person is found guilty of contravening any provision of subsection (1), the convicting judge may, in addition to any other penalty imposed, order the person to do any act or work, within the time specified by the judge in the order.
- (4) A person to whom an order is given pursuant to subsection (3) who fails to comply with the decision, order or directive within the specified period is guilty of an offence and liable on summary conviction:
- (a) in the case of an individual, to a fine of not more than \$5,000 for each day during which the non-compliance continues; and
  - (b) in the case of a corporation, to a fine of not more than \$10,000 for each day during which the non-compliance continues.

## Section 8 of the Regs:

### Construction requirements

8(1) An owner who undertakes to construct or have constructed a building within the scope of Parts 3 to 7 of the Code shall have an architect or engineer complete the design or design review of:

- (a) the building; and
- (b) all building systems.

(2) An owner who undertakes to construct or have constructed a building with a structure within the scope of Part 4 of the Code shall have an architect or engineer complete:

- (a) the design or design review of the structure;
- (b) an inspection of construction of the structure to ensure compliance with the design; and
- (c) the reviews required by the Code.

(3) An owner who undertakes to construct or have constructed a building within the scope of Part 9 of the Code shall ensure that a competent person acceptable to the appropriate local authority has designed or reviewed the design of the building.

(3.1) An owner who undertakes to construct or have constructed a building with a structure within the scope of the NECB shall have an architect or engineer complete:

- (a) the design or design review of the structure;
- (a) an inspection of construction of the structure to ensure compliance with the design; and
- (b) the reviews required by the NECB.

(4) An owner shall ensure that copies of any inspection or review reports made pursuant to this section are made available to a building official or the appropriate local authority on the request of the building official or appropriate local authority, as the case may be.

**Local authority and inspector**

**9(1)** No local authority or building official shall:

- (a) assist in the laying out of any work;
- (b) assist in any construction work; or
- (c) act in the capacity of an engineering or architectural consultant;

in relation to a building that is, or will be, under the jurisdiction of the local authority or building official, as the case may be.

(2) Notwithstanding subsection (1), a local authority or building official may answer questions that are relevant to the Code and the NECB to the extent that is reasonably necessary for the administration of these regulations.

10 Apr 92 cU-1.2 Reg 5 s9; 13 Mar 98 SR 23/98  
s6; 14 Dec 2018 SR 93/2018 s7.

**Availability of plans**

**10** The owner or the owner's contractor shall ensure that the plans, specifications and related construction documents and drawings for a building under construction are available at the work site during working hours for inspection by:

- (a) a building official;
- (b) the person who or firm that is to review the work pursuant to the Code, or pursuant to both the Code and the NECB, as the case may be.