

Building Bylaw

BYLAW NO. 2008-08

A BYLAW RESPECTING BUILDINGS

The Municipal Council of the Village of Viscount 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, and amendments.
- 2.2 "Administrative Requirements" means *The Administrative Requirements for Use with The National Building Code*.
- 2.3 "Authorized representative" means a building official appointed by the local authority pursuant to subsection 5(4) of the Act or the municipal official.
- 2.4 "Local authority" means the Municipal Council of The Village of Viscount.
- 2.5 "Regulations" means regulations made pursuant to the Act.
- 2.6 "Definitions contained in the Act and Regulations shall apply in this bylaw.
- 2.7 "Value of construction" means the cost of the building work, materials of construction, labour, overhead and profit to the contractor and subcontractors. Costs of labour and used material are deemed to be the current market rate.

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.
- 3.2 Notwithstanding subsection (1), references and requirements in the Administrative Requirements respecting matters regulated by the Act and Regulations shall not apply.
- 3.3 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.
- 4.2 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.
- 4.3 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.
- 4.4 Subsection (1) shall not apply to the restoration of painting or plastering or the maintenance of any existing part of a building or of its fixtures or appurtenances by which the height, bulk or fire risk is not increased or the strength is not diminished, when the said work is of a maintenance nature only.

BUILDING PERMITS

- 5.1 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.
- 5.2 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 Form B and return one set of submitted plans to the applicant.
- 5.3 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.
- 5.4 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.
- 5.5 The permit fee for construction, erection, placement, alteration, repair, renovation or reconstruction of a building shall be based on the following fee schedule. And in addition Council may add on the cost to provide plans review, inspection or other services when a person, firm or corporation is in contract with the Municipality. Any extra costs incurred for other charges and mileage for a building official will be in addition to any permit fees.

Building Permit Fees

**Construction / Alteration / Renovation Value Under \$ 5,000
\$6.00 per \$1000 value of construction or portion thereof plus \$25 administration fee**

**Construction / Alteration / Renovation Value Over \$ 5,000
\$6.00 per \$1000 value of construction or portion thereof plus \$40 administration fee**

New House or move in house is figured at \$90.00 per square foot.

Garage is \$25.00 per square foot.

Basement is calculated at a value of \$20 000.00

Minimum Charge on Buildings subject to Building Inspection Fees

- Principal Buildings \$500.00 plus mileage
- Accessory Buildings (garages, shops) \$100.00 plus \$25.00/hours after plus mileage
- Additions \$200.00 plus \$25.00/hours after plus mileage
- Renovations \$200.00 plus \$25.00/hours after plus mileage
- Additional Re-inspections \$ 80.00 plus mileage

Buildings to be moved from within or outside the municipality

- Pre-move inspection \$240.00 plus
- Mileage 1.00/km
- Post move As outlined above

A penalty for proceeding without a permit shall result in the permit fees increasing to twice the regular fees as outlined in the above schedule.

- 5.6 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.
- 5.7 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.
- 5.8 All permits issued under this section expire
 - (a) 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.
- 5.9 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 No person or corporation shall demolish or remove an existing building, structure or portion thereof within the Village of Viscount without first obtaining a demolition or removal permit.
- 6.2 To obtain a demolition or removal permit an owner or an agent for the owner, shall file an application on Form C to the Local Authority.
- 6.3 The fee for a permit to demolish a building shall be based on the following schedule.
- (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 authorized representative, not dangerous to public safety.
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|---|---|
| <i>Residential Buildings
(including apartments,
hotels, motels and detached
occupancies)</i> | <i>- a \$40.00 permit fee plus a
\$ 7 000.00 deposit fee.</i> |
| <i>Accessory Buildings:</i> | <i>- a \$25.00 permit fee plus a
\$ 500.00 deposit fee.</i> |
| <i>Commercial/Industrial Buildings:</i> | <i>- a \$100.00 permit fee plus a
\$ 7 000.00 deposit fee.</i> |
- A penalty for proceeding without a permit shall result in the permit fees increasing To twice the regular fees as outlined in the above schedule.***
- (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.
 - (c) If the site is not restored to a safe and tidy condition upon completion or abandonment of demolition or removal or, in any event within 6 months of the date of issuance of the permit, the applicant's deposit is forfeited, and the Local Authority may perform such work as is necessary to ensure the site is not dangerous to public safety. In such a case, the applicant shall be liable for the costs of site restoration and such costs shall be set off from the deposit. The applicant shall be liable to pay to the Local Authority any shortfall upon demand.
- 6.4 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 in Form D.
- 6.5 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 in Form D.
- (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 Form D.
 - (b) In addition, the local authority, upon receipt of the fee prescribed in Section 5.5, shall issue a permit for the placement of the building in Form B.
- 6.6 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 written application to the local authority.
- 6.7 As part of the requirement of demolition or removal, the owner is responsible for terminating water and sanitary sewer services at the utility mains located within the public right-of-way, and such termination shall be undertaken at the sole cost and expense of the registered property owner.
- 6.8 The owner shall ensure that all building components, substructures or framework located below ground level have been removed and disposed of in the proper manner.
- 6.9 Waste material generated from a demolition shall not be buried on the site but shall be removed from the site and disposed of at an approved location.

- 6.10 Upon completion of the demolition, the owner shall:
- a) Remove all rubbish and building materials from the property.
 - b) Fill and level any excavation on the property with clean non-expansive fill, to an elevation compatible with abutting properties.
 - c) Provide topsoil on the property after leveling has been completed, and;
 - d) Ensure that the property is left in a safe and sanitary condition.
- 6.11 Should it become necessary to close or block any street, lane, or sidewalk during demolition or removal, the owner or owner's contractor shall obtain the prior written approval of the Local Authority.
- 6.12 During the demolition or removal the owner shall supply and maintain, at his own expense, all warning signs, barricades, fences or other services that may be required to warn the public of, and/or protect the public from the work in progress.

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.
- 7.2 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).
- 7.3 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.
- 8.2 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.
- 8.3 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.
- 8.4 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

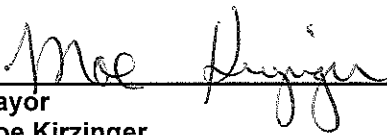
- 9.1 Any person who contravenes any of the provisions of this bylaw shall be liable to the penalties provided in Section 22 of the Act.
- 9.2 Conviction of a person or corporation for breach of any provision of this bylaw shall not relieve him from compliance therewith.

REPEAL OF FORMER BYLAWS

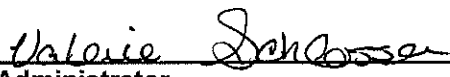
10.1 That Bylaw No. 2007-04 passed on 18th day of April, 2007 is hereby repealed.

11.1 This Bylaw shall come into force and take effect from the day of its approval by Corrections and Public Safety - Building and Fire Safety, of the Province of Saskatchewan.

VILLAGE OF VISCOUNT



Mayor
Moe Kirzinger



Administrator
Valerie Schlosser

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

(SEAL)



Certified a true copy of bylaw number 2008-08
adopted by resolution on the
7th day of May 2008.