

RURAL MUNICIPALITY OF SPIRITWOOD NO. 496

BYLAW NO. 13-2017

A BYLAW RESPECTING BUILDINGS

Council for the Rural Municipality of Spiritwood No. 496 in the Province of Saskatchewan enacts as follows:

SHORT TITLE

1. This bylaw may be cited as the RM of Spiritwood No. 496 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) "Building Official" means a building official appointed by the local authority pursuant to section 5 of the Act.
- (5) "Local authority" means the Rural Municipality of Spiritwood No. 496.
- (6) "Regulations" means regulations made pursuant to the Act.
- (7) 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.
- (5) As per Clause 7(2)(c) of *The Uniform Building and Accessibility Standards Act*, farm buildings are exempt from application of building standards. The application of building standards includes the following: the design, construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal use or occupancy.
- (6) Any farm building used as a residence as defined in the Act and Regulations are not exempt from this bylaw.

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.

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- (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) Any proposed residential development shall be required to produce a Real Property Surveyor's Report if:
- (a) Parcels are smaller than 5 acres; and
 - (b) Located within the Country Residential District or Lakeshore Development District;
- (6) The Real Property Surveyor's Report shall be completed after the installation of the foundation but before the installation or construction of the building above the foundation
- (7) A Building Official or Development Officer may require the submission of an up-to-date real property survey prepared by a registered land surveyor, either before construction begins or upon completion of work, as a condition of permit approval.

BUILDING PERMITS

5. (1) 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 including site plans and specifications of the proposed building, except that when authorized by the Building Official plans and/or specifications need not be submitted. Each site plan is to include all side yard, front yard, and rear yard setbacks and list any existing buildings.
- (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 "Plan Review Letter" to the applicant with conditions.
- (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 shall be as per Schedule "A" attached to and forming part of this bylaw; plus
- a) the service provider fees for plan review, field inspection and enforcement;
 - b) the maintenance fees charged by the Saskatchewan Assessment Management Agency.
- (6) All permit fees shall be paid prior to the issuance of the building permit.

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- (7) Construction which commences prior to the issuance of a building permit will be subject to a special inspection fee. The special inspection fee will be calculated as double the amount of the fees as prescribed by the authorized representative fee schedule.
- (8) Should an applicant cancel the building permit application after the Building Official has started the review of their application, the applicant will be charged the same as the service provider's fees for service plus administration costs.
- (9) 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.
- (10) All permits issued under this section expire
 - (a) six months from date of issue if work is not commenced within that period,
 - (b) if work is suspended for a period of six months,
 - (c) if work is suspended for a period of longer than six months
 - (d) as per subsection 5.(11)
- (11) All permits issued under this section expire 6 months from the date of issue, however, for larger projects such as commercial and industrial buildings; the Building Official may provide an extension of that timeline while issuing the permit.
- (12) 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, REMOVAL AND RELOCATION PERMITS

- 6. (1) The refundable fee for a permit to demolish or remove a building shall be as per Schedule "A" attached to and forming part of this bylaw.
- (2) Every application for a permit to demolish or remove a building shall be in form provided 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, shall issue a permit for the demolition in a form provided by the local authority.
- (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, shall issue a permit for the removal in a form provided by the local authority.
- (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 or the removal in a form provided by the local authority.

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

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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, 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.

SUPPLEMENTAL BUILDING STANDARDS

8. Every application for a permit to construct, erect, place, alter, repair, renovate or reconstruct a building, where the design falls within Section 8 of The Uniform Building and Accessibility Standards Regulations, must be accompanied with a "Commitment for Field Review" letter completed by the design professional including their scope of work. The design professional must also complete a "Letter of Assurance" once the project is complete and prior to occupying the building. The letters will be in a prescribed form, available from the local authority.

SPECIAL CONDITIONS

9. (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) 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.
- (3) It shall be the responsibility of the owner to arrange for all permits, inspections and certificates required by other applicable bylaws, acts and regulations.

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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.

REPEAL

11. Bylaw No. 11-2016 is hereby repealed.

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

Shirley Dauvin

Reeve

(Sealed)

Colette Bussiere

Administrator

Read a third time this 10th day of October, 2017.

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Schedule "A"

Residential Dwelling	\$100.00	
Modular (RTM) Home	\$100.00	
Mobile Home	\$75.00	
Residential Garage	\$50.00	
Residential Addition	\$50.00	
Residential Alteration	\$50.00	
Other Residential	\$50.00	
Deck	\$25.00	
Non-Agriculture Pole Buildings	\$50.00	
Non Agriculture Accessory Structures	\$50.00	
Commercial Construction	\$200.00	
Re-location within the RM	as per classification above	
Demolish or Remove a Building (Refundable)	Residential Buildings/Structures	\$ 200
	Commercial Buildings/Structures	\$ 500
Building Official Fees	Equal to the fees charged for plan review, field inspection of construction and enforcement services charged by the building official and are in addition to the above fees	
Real Property Survey	Where required and shall be the responsibility of the property owner and are in addition to the above fees	