



BYLAW NO. 2019-01

A BYLAW RESPECTING BUILDING

The Council of the R.M. of Aberdeen No. 373 in the Province of Saskatchewan enacts as follows:

1.0 SHORT TITLE

- 1) This bylaw may be cited as the Building Bylaw.

2.0 INTERPRETATION/LEGISLATION

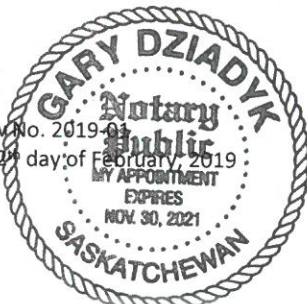
- 1) "Act" means *The Uniform Building and Accessibility Standards Act* being Chapter U-1.2 of the Statutes of Saskatchewan, 1983-84 and amendments.
- 2) "Administrative Requirements" means The Administrative Requirements for Use with *The National Building Code*.
- 3) "Authorized Representative" means a building official appointed by the local authority pursuant to subsection 5(4) of the Act or the municipal official.
- 4) "Building" means a structure used for the shelter or accommodation of persons, animals, or chattels.
- 5) "Development" means the carrying out of any building, engineering, mining or other operations, in, on, or over land, or the making of any material change in the use or intensity of use of any building or land.
- 6) "Local Authority" means the Rural Municipality of Aberdeen No. 373.
- 7) "Mobile Home" means a trailer coach that may be used as a dwelling all year round; has water faucets and shower or other bathing facilities that may be connected to a water distribution system; and has facilities for washing and a water closet or other similar facility that may be connected to a sewage system.
- 8) "Regulations" means regulations *The Uniform Building and Accessibility Standards Regulations* made pursuant to the Act.
- 9) "Value of Construction" means the total costs to the owner for the building construction in its completed form and includes the cost of design, all building work, materials of construction, building systems, overhead and profit of the contractor and subcontractors.
- 10) Definitions contained in the Act and Regulations shall apply in this bylaw.

3.0 SCOPE OF THE BYLAW

- 1) This bylaw applies to matters governed by the Act and the Regulations, including *The National Building Code of Canada*, and the Administrative Requirements.

Certified a true copy of Bylaw No. 2019-01
Adopted by Council on the 12th day of February, 2019

Gary Dziadyk, Administrator



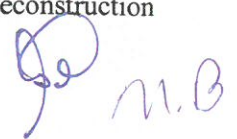
- 2) Notwithstanding subsection (1), references and requirements in the Administrative Requirements respecting matters regulated by the Act and Regulations shall not apply.
- 3) Notwithstanding subsection (1), references and requirements in the Administrative Requirements respecting occupancy permits shall not apply except as and when required by the local authority or its authorized representative.
- 4) Notwithstanding subsection (1), this bylaw applies to all dwelling units constructed on farm properties.

4.0 GENERAL

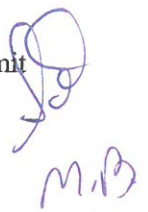
- 1) A permit is required whenever work regulated by the Act and Regulations is to be undertaken.
- 2) No owner or owner's agent shall work or authorize work or allow work to proceed on a project for which a permit is required unless a valid permit exists for the work to be done.
- 3) The granting of 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) Accessory single storey buildings with a building floor area less than 10 m² do not require a permit.

5.0 BUILDING PERMITS

- 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 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.
- 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 provided by the local authority.
- 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 based on the following:

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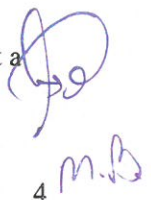
- a) A permit administration fee for the processing, handling and issuance of a building permit; plus
- b) The service fees for plan review, field inspection of construction and enforcement services in accordance with the agreement between the provider of building official services and the local authority; plus
- c) Maintenance fees charged by the Saskatchewan Assessment Management Agency.
- d) Moved-in buildings: pre-move inspection fee in addition to the above noted building permit fees.
- e) All permit fees will be collected prior to the permit being issued and subject to applicable taxes.
- f) Farm buildings **excluding farm residences** are exempt from the above-noted fees.
 - i) In addition where an application relates to a farm building or a building intended to be used as a farm building, the permit fee otherwise payable will be waived where the application is accompanied by an affidavit sworn or affirmed by the owner (or one owner if there is more than one owner) in which the owner states the building is used or intended to be used for the purposes of a farming operation; and either:
 - A) Sets forth and swears to the truth of a valid farm fuel credit number and or
 - B) Exhibits and swears to the truth of a partial copy of his or her income tax return for the previous year disclosing a "Statement of Farming Activities" or such form as may be used from time to time for that purpose which statement shall verify gross farming income of no less than \$10,000.00
- 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 in its completed form and includes cost of design, all building work, materials of construction, building systems, labour and profit of contractors and subcontractors, or similar methods selected by the local authority. The cost of do-it-yourself labour and used materials are deemed to be current market cost of new materials and labour.
- 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) twelve (12) months from date of issue except that a permit may be renewed for six (6) months upon written application to the local authority.
 - b) if work is not commenced within (6) months of issue, or
 - c) if work is suspended for a period of six (6) months without prior written agreement of the local authority or its authorized representative.
- 9) Where a permit has expired as per clause 5(8)(a) the owner can make application to the authority to renew the permit application. Such renewal may be subject to a building permit renewal fee as required in subsection 5.5 or some alternate renewal fee.

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- 10) 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.
- 11) Where work for which a permit is required has commenced prior to the physical issuance of such permit, an additional building permit fee shall be paid in an amount equal to 100% of the permit fee or \$10,000.00, whichever is less.

6.0 DEMOLITION OR REMOVAL PERMITS

- 1) a) Each application for a permit to demolish or remove a building will be charged a fee.
 - b) i) In addition, the applicant shall deposit \$ 1,000.00 with the local authority to cover the cost of restoring the site after the building has been demolished or moved to such condition that it, in the opinion of the local authority or its authorized representative, is not dangerous to public safety.
 - A) The deposit shall also cover the cost of restoring road allowances or roads, in which the damage was a result of moving a building, to such a condition that, in the opinion of the local authority or its authorized representative, is not dangerous to public safety.
 - ii) When all required works have been completed, the applicant shall notify the local authority to arrange for an inspection of the premises. If in the opinion of the local authority, the site has been restored to a condition satisfactory 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 a form provided by the local authority. In addition, the applicant will sign a form, provided by the local authority accepting responsibility for any damage as a result of the demolition or removal.
- 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 in a form provided by the local authority.
- 4) Where a building is to be moved from the geographical jurisdiction of the local authority, and the municipal official 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 municipal official, upon receipt of the fee and deposit prescribed, 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 current site and set upon another site in the geographical jurisdiction of the local authority, and the municipal official is satisfied that there are no debts 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 municipal official, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal in a form provided by the local authority
 - b) In addition, the local authority, upon receipt of the fee prescribed in subsection 5(5) shall issue a permit for the placement of the building in a form provided 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.

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7.0 PERMIT TO MOVE

- 1) a) Each permit to Move a building will be charged a fee.
 - b) i) In addition, the applicant shall deposit \$ 1,000.00 with the local authority to cover the cost of restoring the site after the building has been moved to such condition that it, in the opinion of the local authority or its authorized representative, is not dangerous to public safety.

A) The deposit shall also cover the cost of restoring road allowances or roads, in which the damage was a result of moving a building, to such a condition that, in the opinion of the local authority or its authorized representative, is not dangerous to public safety.

 - ii) When all required works have been completed, the applicant shall notify the local authority to arrange for an inspection of the premises. If in the opinion of the local authority, the site has been restored to a condition satisfactory to the local authority or its authorized representative, the sum deposited, or portion thereof, shall be refunded.
 - c) Farm buildings, excluding farm residences, are exempt from the above-noted fees.
- 2) All permits issued under this section expire twelve (12) months from date of issue except that a permit may be renewed for six (6) months upon written application to the authority.

8.0 ENFORCEMENT OF BYLAW

- 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) 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.



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9.0 SUPPLEMENTAL BUILDING STANDARDS

- 1) Any plan submitted for a wood basement shall have the design approval and certification of an architect or professional engineer registered in the province of Saskatchewan, except when deemed unnecessary by the local authority or its authorized representative because it is constructed in accordance with the standard, CAN/CSA S406 Construction of Preserved Wood Foundations.

10.0 SPECIAL CONDITIONS

- 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) An up-to-date Site specific geotechnical investigation report from a professional engineer licensed to practice in Saskatchewan shall be submitted by the owner where required by the local authority or its authorized representative.
- 4) 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.
- 5) It shall be the responsibility of the owner to arrange for all permits, inspections and certificates required by other applicable bylaws, acts and regulations.
- 6) During the period of construction of any building, it shall be the responsibility of the owner or owner's agent, to arrange for a minimum 14 yard disposal bin to be located onsite for the disposal of construction materials.
- 7) Approval for Occupancy: A building shall not be approved for occupancy until the municipality is satisfied that all outstanding infractions and deficiencies, as noted on the building official's final inspection report, have been corrected and the permit has been closed.
 - a) Where deficiencies exist following a final inspection, an Occupancy permit may be issued at the discretion of council prior to closing the permit when it can be shown that the objectives of The National Building Code of Canada and *The Uniform Building and Accessibility Standards Act* have been met, namely:
 - i) the protection of lives of the occupants in the event of fire;
 - ii) the structural sufficiency of the building; and
 - iii) the health of the building occupants.



M.B.

11.0 PENALTY

- 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.


12.0. REPEAL OF BYLAWS

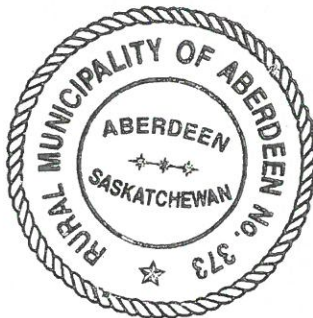
- 1) Bylaw 2015-06 and Bylaw 2018-10

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

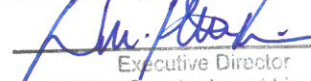
on this 12th day of February, 2019


Reeve, Martin Bettker


Administrator, Gary Dziadyk



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

FEB 20 2019

Date

