

District of Lakeland No.521

Bylaw No. 14-2014

**A Bylaw of the District of Lakeland No 521 to regulate the
erection, classification, alteration, repair, occupancy,
demolition or removal of buildings within the District of Lakeland No. 521**

Whereas The *Uniform Building and Accessibility Standards Act* provide that the District may pass bylaws in respect to certain matters and shall administer and enforce the provisions of that Act and its Regulations, which include *The National Building Code* of Canada.

NOW THEREFORE THE COUNCIL OF THE DISTRICT OF LAKELAND IN AN OPEN MEETING ASSEMBLED ACTS AS FOLLOWS:

- Short Title** 1. This bylaw may be cited as the “Building Bylaw”.
- Definitions** 2. (1) In this bylaw:
- (a) “Act “ means *The Uniform Building and Accessibility Standards Act*.
 - (b) “Administrative Requirements “ means *The Administrative Requirements for Use with The National Building Code, 2010*, as same may be amended and adopted for use from time to time in the Province of Saskatchewan;
 - (c) “Applicant” means the owner of the property or the owners agent;
 - (d) “ Licensed Building Official “ means that person appointed as Building Inspector for the District of Lakeland No. 521 and anyone authorized to act on their behalf to anyone acting in accordance with his/her instructions;
 - (e) “Local Authority“ means District of Lakeland No. 521;
 - (f) “Council “ means the Council of the District of Lakeland;
 - (g) “Municipality “ means the District of Lakeland No. 521;
 - (h) “*National Building Code* “ means *the National Building Code of Canada* only as same may be adopted and amended by the Act and the Regulations for application within the Province of Saskatchewan from time to time;
 - (i) “Real Property Report “ means a report prepared by a member of the Saskatchewan Land Surveyors’ Association in accordance with *The Saskatchewan Land Surveyors’ Act* and Bylaws of the Saskatchewan Land Association as the same may be amended from time to time or such Act or Bylaw as may be substituted therefor from time to time;

- (j) “Regulations “ means Regulations passed pursuant to the Act;
- (k) “Site Plan “means a report or plan prepared by a member of the Saskatchewan Land Surveyors’ Association in accordance with Section 2.3.2. of the *National Building Code*, or a report or plan prepared by the property owner or developer that is deemed acceptable by the district planning and development department;
- (l) “Zoning Bylaw “ means Bylaw No. 15 – 2012 of the District of Lakeland No. 521 or such Bylaw or Bylaws as may be substituted therefor from time to time;
- (m) “Moving Permit “ means a permit issued for the removal of a building from, within or into the municipal limits where the removal of the building does not entail any demolition or construction.
- (n) “Owner” means any person, firm or corporation that controls the property under consideration.

(2) Unless the context otherwise requires and subject to subsection (1), terms and expressions used in this Bylaw shall have the same meaning as in the Act and the Regulations.

(3) Unless the context otherwise requires and subject to Subsections (1) and (2), terms and expressions used in this Bylaw shall have the same meaning as in the Zoning Bylaw of the Local Authority.

Application
Of Law

3. (1) *The National Building Code* applies and is in force in the District of Lakeland No. 521

(2) The requirements for garages attached to dwelling units must comply with all regulations and requirements of the *National Building Code* including the attic space of the dwelling unit as defined under the *National Building Code*.

(3) The Bylaw shall be interpreted and applied in conjunction with the National Building Code, The Administrative Requirements, The Uniform Building and Accessibility Standards Act and its Regulations.

(4) The Licensed Building Official is hereby appointed and shall carry out the duties of inspector and as “the person appointed “by the District within the meaning of the Act.

(5) Notwithstanding Subsection (3), references and requirements in the Administrative Requirements respecting matters regulated by the Act and Regulations shall not apply.

Permit Required

4. (1) Subject to Section 14, no one shall commence, continue or cause to be commenced or continued any work to which the Act, Regulations or this Bylaw applies unless the owner of the real property on which the work is to be carried out has obtained a

building, demolition or moving permit as the case may require, and such development permit has not expired pursuant to Section 9.

(2) No one shall commence, continue or cause to be commenced or continue any work referred to in Subsection (1) in respect of which a license, permit or authorizing instrument under another bylaw or provincial or federal act, regulation or code is required until such license permit or instrument is obtained.

(3) Anyone who commences work without first obtaining a building permit will have a \$250.00 fee added to the cost of their permit, in addition to the regular fees.

(4) Anyone who transfers title to a property that has a building for which a building permit has been issued, and has not received all required inspections, shall provide the Local Authority with the contact information for the proposed buyers prior to transfer.

a) If the Local Authority has received proper notification, the new owners will be required to amend the existing permit (without cost) and provide signature as the new owner.

b) If the Local Authority has not received notification prior to transfer, the current building permit is rendered invalid and the new owner will be required to obtain a new permit at a cost relevant to the remainder of the work to be completed plus the \$250.00 fee pursuant to 4(3).

Restriction

5. Notwithstanding Subsection 6(1), no permit shall be issued in respect of any Building, the plans for which show construction of any kind (other than cornices or belt courses) on , over or under the surface of any public place or public utility, service pipe, line, wire or conduit whatsoever, without prior approval of Council. If a permit is issued in breach of this requirement, at no cost to the District, the owner shall forthwith upon notice from the building inspector or authority having jurisdiction, comply with any applicable federal or provincial acts, regulations of codes or bylaws of the District.

Permit to issue

6. (1) Where an application has been made in a form as approved by the Local Authority, and submitted to the District, completed to their satisfaction, the appropriate permit fees paid and the proposed work set out in the application conforms with this Bylaw, the National Building Code, the Act and Regulations, a permit shall be issued for which the generality of the foregoing, that the owner engage an architect or professional engineer as required in the Act and Regulations and that inspections be called for in addition to those specified in the Act and Regulations.

(2) Every permit issued shall be subject to the right of the District to impose such conditions as they may, in their opinion, deem appropriate, by reason of discovery of circumstances during the course of the proposed work described in the application for the permit or otherwise.

(3) Notwithstanding that a permit is issued in breach of Subsection (1), the owner shall ensure that the proposed work set out in the application shall conform with this Bylaw, the *National Building Code*, the Act and Regulations.

(4) Every permit application that includes a treated wood assembly in use, below grade, must meet the regulations stated in the *National Building Code*, the Act and Regulations.

(5) Every permit application utilizing screw piles shall include an engineered plan prepared by a structural engineer or licensed contractor as size, depth and spacing to ensure adequate structural support.

Building
Permit
Application

7. Every application for a building permit shall:

- (1) be completed to the satisfaction of the Local Authority;
- (2) be signed by the applicant; the applicant being either:
 - (a) the registered owner of the property wherein construction is occurring; or
 - (b) a tradesman/contractor who has a current valid business license in the District of Lakeland.
- (3) be accompanied by two sets of specifications and scale drawings of the building with respect to which the work is to be carried out, showing:
 - (a) the dimensions of the building;
 - (b) the proposed use of each room or floor area;
 - (c) the dimensions of the land on which the building is situated and the siting of the building; and
 - (d) if required by the Planning and Development Department, a Real Property Report.
- (4) contain any other information required by the Act, Regulations, Administrative Guidelines, this Bylaw or as may be further required by the Licensed Building Official, whether by conditions imposed in the permit or otherwise, including, and not to limit the generality of the foregoing, certification of an architect or professional engineer as required in the Act and Regulations.

Real Property
Report

8. In the case of additions to buildings for which the Real Property Report has not been required by the Local Authority, the owner shall submit a current Site Plan respecting the land as referred to in Subsection 7 (3)(c) to the District, which Site Plan shall indicate, in addition to those items required by the *National Building Code*, that the siting of the building or addition will be in accordance with the information on the Building Permit as referred to in Subsection 7 (3)(c) before any work beyond the completion of foundation work is undertaken.

Grade Certificate	9.	Every applicant for a permit to construct a new building or reconstruct the foundation of an old building may be requested to provide to the Local Authority, upon payment of the fees required for same as prescribed by resolution of Council, from time to time, a Grade Certificate setting out the finished level of the property on which the proposed work is to be executed, and it shall be the responsibility of the applicant or owner to set the building or reconstruct the foundation of the old building, in accordance with the Grade Certificate, at such a height above road level that adequate surface drainage from the lot to street or lake will be obtained.
Storm Water Drainage	10.	No Building Permit shall be issued until the plans in respect of drainage for storm water from a building site acceptable to the District Planning and Development Department have been received by the Local Authority.
Refusal or Revocation of Permits	11.	<p>(1) If the Local Authority is of the opinion that an application for a building permit does not demonstrate that the plans for the proposed work conforms with the requirements of Section 6(1), the Licensed Building Official may refuse to issue a Building Permit or they may issue such permit subject to such conditions as in their opinion they deem appropriate.</p> <p>(2) Notwithstanding Section 6(1), in their discretion, the Licensed Building Official may, but shall not be required to, refuse to issue any permit when the proposed work set out in the application does not conform with any other federal or provincial acts, regulations, codes or guidelines or any municipal bylaw. In the event that the Licensed Building Official requires such conformance, the owner shall ensure that the proposed work set out in the application and the executed work shall so conform.</p> <p>(3) The Local Authority may refuse to issue or revoke a permit where there is an apparent violation of a provision of any federal or provincial act, regulation or code applicable to the work or proposed work or any provision of this Bylaw, the Zoning Bylaw, a condition of the Development Permit, or any other applicable bylaw of the District which provisions are in any way related to the permit.</p>
Work not to Vary	12.	No work proposed in an application for a permit may vary from the information on which the issued permit is based without written approval of the Local Authority.
Small Buildings	13.	No building, development, demolition, or moving permit is required for any residential accessory building which is 9.29 square meters or less. Notwithstanding the foregoing, the construction of same shall conform to all other requirements of the Act, Regulations and District of Lakeland No. 521 Bylaws.
Fees	14.	<p>(1) Every applicant for a building permit, or for other services provided by the District, shall pay a fee pursuant to the charges set forward on Schedule "A".</p> <p>(2) Schedule "A" to this Bylaw, as same may be amended from time to time, is incorporated into and forms a part of this Bylaw.</p>

Expiry of
Permits

15. Any building, demolition and moving permit issued under this Bylaw expires:
- (1) In the case of a building permit:
 - (a) 6 months from the date of issue if work has not yet commenced; or
 - (b) Upon work being suspended for 6 consecutive months; or
 - (c) 12 months from the date of issuance;
[A single time extension may be granted by the District if the construction as listed in the building permit has reached the final stage, that being completion of all concrete work, framing, poly/insulation and boarding.]
 - (2) In the case of Demolition or a Moving Permit:
 - (a) 6 months of the date of issue if the work has not commenced; or
 - (b) Upon work being suspended for 60 consecutive days; or
 - (c) Such shorter period as may be specified by the Licensed Building Official.
 - (3) All permit extensions shall be subject to a maximum administration fee equal to that of the minimum value that a permit may be issued for as per Section 1 of Schedule "A". All extensions shall be subject to a time table as imposed by the Building Inspector.

Rectification of
Hazards

16. If upon inspection, the Licensed Building Official is satisfied that any building is in an unsafe condition such as may constitute an imminent danger to the safety of occupants or the public or any property and the owner cannot be conveniently located, in addition to all other authority:
- (1) The Licensed Building Official may cause such work to be carried out as she/he considers necessary to eliminate such danger and the owner shall be liable in respect of expenses incurred in carrying out such work and same may be collected in the manner referred to in section 21 of the Act whether or not an appeal is filed or a stay is ordered pursuant to the Act; and
 - (2) Neither the Local Authority, the Licensed Building Official nor anyone acting on his/her behalf shall be liable to compensate the owner, occupant or any other person by reason of anything done

without notice to any owner or a person in occupation or having control of the building and whether or not an appeal is undertaken pursuant to the Act.

Demolition,
Building or
Moving Permits

17. (1) Every applicant for demolition, building or moving permit shall pay a fee pursuant to the charges set forward on Schedule "A".
- (2) If the site or municipal property is not restored to a safe and tidy condition within 30 days of completion or abandonment of demolition or removal or, in any event, within 30 days of the date of expiry of the permit, the District may perform such work as is necessary to ensure the site is not dangerous in regards to public safety. In such a case, the applicant shall be liable for the costs of site restoration and such costs shall be deducted from the deposit. The applicant shall be liable to pay to the District any shortfall upon demand, with interest at the rate of .75 percent per month or 9 percent per annum or any shortfall unpaid 60 days after demand.
- (3) All moving permits requiring buildings to be relocated within or coming into the District shall be subject to District approval prior to the issuance of the permit.

Taxes

18. No demolition or removal permit shall be issued with respect to any building on which taxes are in arrears or outstanding without approval of Council.

Representation

19. (1) The granting of any permit which is authorized by this Bylaw shall not be construed as a representation of the compliance of any work with any bylaw, federal or provincial act, regulations or code.
- (2) The owner shall ensure that submission of an application for a permit and issuance of such permit shall not be understood as or deemed to constitute a representation by any person, the District, or any District employee that the proposed work of the executed work, in fact, complies with the acts, codes, guidelines or bylaws referred to in Section 6(1) of Section 12 whether such representation be at issue in any legal proceeding or otherwise. The issuance of a permit shall not relieve the owner of compliance with Subsection 6(1).
- (3) The owner shall indemnify and save harmless the District, the Licensed Building Official or any municipal official or employee from all losses, of any other person that may arise as a result of, from, or in any way touching upon the issuance of the permit related to the work, and not to limit the generality of the foregoing, in relation to:
- (a) The fact that a building, or the placement, erection, construction, alteration, repair, renovation, reconstruction, demolition or removal thereof authorized by permit, does not comply with the federal or provincial act, regulation, municipal zoning bylaw or code or derogates from a right of any other person;
- (b) Faulty subsoil conditions, whether such conditions were unknown to the District or not;

- (c) The fact that the owner or any other party on behalf of the owner has continued with work so as to conceal previous work, making that work impossible to inspect by the municipality or any municipal official or inspector appointed by the municipality;
- (d) The owner's failure to call for an inspection of work as required in Act and Regulations; or
- (e) The owner's failure to have displayed on site the permit site identification, and all applicable site inspection cards.

(4) The District of Lakeland No. 521, Licensed Building Official and employees, servants and agents of the District shall not be held liable in respect of any matters referred to in Subsection (3) under this clause.

- | | | |
|-------------------|-----|--|
| Offences | 20. | Any person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to the penalties as prescribed in the Act. |
| | 21. | No prosecution for a contravention of this bylaw may be commenced more than two years after the date of the alleged offence. |
| Repeal | 22. | Bylaw No. 18-2012 is hereby repealed. |
| Coming into Force | 23. | This Bylaw shall come into force and take effect on the day approved by the Minister of Government Relations in accordance with Section 23.1 of the Act. |

INTRODUCED AND READ A FIRST TIME THIS ____ DAY OF _____, A.D. 2014.
READ A SECOND TIME THIS ____ DAY OF _____, A.D. 2014.
READ A THIRD TIME AND PASSED THIS ____ DAY OF _____, A.D. 2014.

REEVE

ADMINISTRATOR

Schedule "A "

PERMIT FEES AND SERVICES CHARGES

1. Every applicant for a building permit shall pay a fee of .55/sq. ft. for all residential buildings.
2. Every applicant for a building permit shall pay a fee of .30/sq. ft. for all accessory buildings.
3. Every applicant for a building permit for Commercial construction shall pay the following fees:
 - A. Plan Review Fee — Fee per \$1000 value of construction-\$0 to \$100,000 \$2.00 per \$1000.
Minimum fee \$100.00
- Over \$100,000 -\$200.00+\$1.35 per \$1000 of the valuation over \$100,000
 - B. Plan review and inspection fee schedule- Fee per \$1000 value of construction
Below \$150,000- plan review fee as above + \$150/inspection
-\$150,000 to \$1,000,000 - \$5.00/\$1,000
-over \$1,000,000 - \$5,000 plus\$4/\$1,000 of the valuation over \$1,000,000
 - C. Small projects - plan review and inspection fee schedule (includes plan review and one onsite inspection when in the area on other projects). Fee per \$1000 value of construction. -\$1 to \$5,000 - \$100/\$1000 -\$5001 to \$10,000 - \$120/\$1000 - \$10,000 to \$15,000 - \$150/\$1000
4. All building permits with the exception of decks, small sheds 200 square feet or less and similar structures shall require a refundable damage deposit of \$500.00 to ensure the protection of municipal roads and property.
5. The fee for residential inspections outside of regular working hours is \$25.00 per hour or any part of an hour plus mileage at a rate .50/km. and \$65.00/hr. for commercial inspections outside of regular working hours plus a pre-inspection fee to the District of \$100.00.
6. Moving permit fee shall be \$50.00. If the building is being moved from a site within the District or outside of the District, the conditions referenced by Section 17 of the Building Bylaw are deemed to be in force. A refundable damage deposit shall be required in the amount of \$1000.00.
7. Demolition permit fee shall be \$50.00. A refundable damage deposit shall be required for all demolition permits in the amount of \$500.00 for buildings without a basement and \$1,000.00 for buildings with a basement. The licensed building official shall conduct a site inspection and approve all refunds after the demolition has been completed.
8. A building permit cancelled upon written request of an applicant within 90 days of issuance, will have all fees refunded less a \$50.00 administration fee. After 90 days from the date of issuance, no refund will be provided.