

BYLAW NO. 03-15

A BYLAW RESPECTING BUILDINGS

The Municipal Council of the Village of Buena Vista 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, 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) "Local authority" means the Village of Buena Vista.
- (5) "Regulations" means regulations made pursuant to the Act.
- (6) 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.

GENERAL

4. (1) A permit is required whenever work regulated by the Act and Regulations are 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 such building restriction agreement, bylaw, act and/or regulation affecting the site described in the permit.

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 structure, 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 Form B.
- (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 fee schedule A – Building Permit Fee Schedule, which forms part of this bylaw.

- (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 contractor's contract values, or similar methods selected by the local authority.
- (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) 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 or the local authority or its authorized representative;
- (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.
- (10) Permit fees shall be increased by 50% if construction begins prior to the permit being issued.

DEMOLITION OR REMOVAL PERMITS

6. (1) Every application for a permit to demolish or remove a building shall be in Form C. The fee for this permit is set out in Schedule A.
- (2) If the application is approved, the applicant shall deposit with the local authority by Certified Cheque the sum of \$2,000.00 to cover, after the demolition or removal, the cost of:
 - (a) restoring the site to such condition that it is, in the opinion of the local authority or its authorized representative, not dangerous to public safety.
 - (b) *Landscaping, drainage and grading of the yard after demolition or removal shall be carried out in such a manner as to prevent recurrent ponding of water, unstable soil conditions or erosion, and so as to direct the flow of surface water away from neighbouring properties or from the walls of all buildings.*
 - (c) repairing damage done to other properties during the demolition or removal to such condition as the local authority or its authorized representative is satisfied with the repair.

- (c) The deposit or portion thereof shall be returned after the demolition or removal is completed. Any and all costs of restoration and repair exceeding the deposit amount are the responsibility of the applicant.

- (3) Where a building is to be demolished or removed, 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, shall issue a permit for the demolition or removal in Form D.

- (4) All permits issued under this section expire six months from the date of issue except that a permit may be extended for six months upon written application at a cost of \$50.00. After twelve months, a new permit must be applied for.

MOVING PERMITS

- 7. (1) Buildings to be moved from outside the municipality into the municipality, or, within the municipality, must first be inspected by the building official who will evaluate the structural soundness of the building and determine the work required to be established as conditions attached to the permit.
 - (a) Every application for a permit to move a building shall be in Form C. The fee for this permit is set out in Schedule "A".
 - (b) A fee for the pre-move inspection shall be paid to the local authority before the inspection is made. A charge of \$1.00/km travel for the building official will be levied once this amount has been determined.

- (2) If the Application is approved, the applicant shall deposit with the local authority by Certified Cheque the sum of \$2,000.00 to cover the cost of:
 - (a) restoring, if applicable, the pre-move site to such condition that it is, in the opinion of the local authority or its authorized representative, not dangerous to public safety.
 - (b) repairing damage done to other property during the move to such condition as the local authority or its authorized representative is satisfied with the repair.
 - (c) any inspection fees that exceed the permit fee submitted.
 - (d) The deposit or portion thereof shall be returned after the move is completed. Any and all costs of restoration, repair and fees exceeding the deposit amount are the responsibility of the applicant.

- (3) (a) Where a building is to be moved, 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, 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 move 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.
- (4) All permits issued under this section expire six months from date of issue except that a moving permit may be extended for six months upon a written application at a cost of \$50.00. After twelve months, a new permit must be applied for.

GRADING AND LEVELLING OF A LOT

- 8. *Any lot proposed for development shall be graded and levelled at the owner's expense to provide for adequate surface drainage, which shall not adversely affect the natural drainage or that of any adjacent properties. An approval permit shall be required for any excavation that exceeds 0.6m (2 feet) plus or minus from the natural grade.*

RETAINING WALLS

- 9. (1) *All retaining walls require a Building Permit when they are greater than 1.5m (5'-0") in height, or when they support ground that is critical to the stability of building foundations.*
- (2) *Existing retaining walls may be inspected by a qualified building inspector to determine the safety and functionality. If the wall is deemed unsafe or no longer able to confidently provide intended results, it shall be replaced or repaired at the cost of the owner.*
- (3) *Retaining walls shall not be allowed to interfere with sight triangles or sightline setbacks at intersections or corners.*
- (4) *Retaining walls must be erected entirely on the owners lot.*

ENFORCEMENT OF BYLAW

- 10. (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,

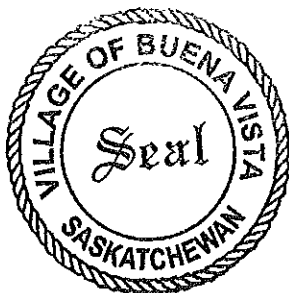
- (f) completing actions, upon an owner's non-compliance with an order, and adding the expenses incurred to the tax payable on the property, and obtaining restraining orders.
- (2) If any building or part thereof, is in an unsafe condition due to its faulty construction, dilapidated state, abandonment, 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) 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.

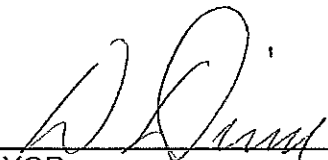
SPECIAL CONDITIONS

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

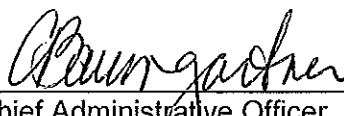
PENALTY

- 12. (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.
- 13. Bylaw No. 1/11 is hereby repealed.





 MAYOR



 Chief Administrative Officer