

**TOWN OF LAFLECHE
BYLAW NO. 503-18**

A BYLAW RESPECTING BUILDINGS

The Council of the Town of Lafleche, in the Province of Saskatchewan, enacts as follows:

SHORT TITLE

1. This bylaw may be cited as the "Building Bylaw".

DEFINITIONS/LEGISLATION

2.
 - a) "Act" means *The Uniform Building and Accessibility Standards Act*, being Chapter U-1.2 of the Statutes of Saskatchewan, 1983-84 and amendments and its *Regulations*;
 - b) "Administrative requirements" means the Administrative Requirements For Use with the National Building Code, 1985;
 - c) "Authorized representative" means a building official appointed by the local authority pursuant to subsection 5(4) of the Act or the municipal official;
 - d) "Local authority" means the Town of Lafleche;
 - e) "Municipal official" means the clerk or Administrator of the local authority;
 - f) "Owner" means any person, firm or corporation that controls the property under consideration;
 - g) "Regulations" means the *Uniform Building and Accessibility Standards Regulations* made pursuant to the Act;
 - h) "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, labor and profit of the contractor and subcontractors;
 - i) Definitions contained in the Act and Regulations shall apply to this bylaw.

SCOPE

3.
 - a) The requirements of this bylaw apply to the design and construction, alteration, reconstruction, demolition, removal, relocation of new and existing buildings.
 - b) This bylaw applies to matters governed by the Act and the *National Building Code of Canada* and the Administrative Requirements for Use with the National Building Code, 1985;
 - c) Notwithstanding subsection a), references and requirements in the Administrative Requirements respecting matters regulated by the Act shall not apply;
 - d) Notwithstanding subsection a), references and requirements in the Administrative Requirements respecting "occupancy permits" shall not apply except as and when required by the local authority or the authorized representative.



GENERAL

4. a) Every owner shall obtain the required permit and approvals *prior* to commencing the work to which they relate.
- b) Every owner is responsible for the cost of repair of any damage to property that belongs to the local authority and/or public property or works located thereon that may occur as a result of undertaking work for which a permit is required.
- c) Any person who fails to comply with an order or notice issued by the authorized representative, or who allows a violation of the requirements to continue, contravenes the provisions of these requirements.
 - i. The authorized representative shall issue in writing such notices or orders as may be necessary to inform the owner where a contravention of these requirements has been observed.
- d) No person shall work or authorize 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.
- e) No person shall deviate from the plans and specifications forming a part of the building permit, or omit or fail to complete, the work required by the said plans and specifications accepted by the authorized representative, without first having obtained in writing the approval from the authorized representative to do so.
- f) The granting of any permit under this bylaw shall not make either the local authority or the authorized representative liable for damages, or otherwise by reason of the fact that a building, the construction, erection, placement, alteration, repair, renovation, demolition, relocation or removal, of which has been authorized by permit does not comply with the requirements of any such building restriction agreement, bylaw, Act and/or regulation.
- g) A Building Permit is required for any work that is regulated under *The Act* and the latest adopted edition of the *National Building Code of Canada* and shall include but not limited to:
 - i. New building construction;
 - ii. Garages and/or accessory buildings greater than 100ft.²;
 - iii. Alteration and/or addition to an existing building or structure;
 - iv. Secondary suites;
 - v. Decks over 18inch. above grade and/or greater than 100ft.²;
 - vi. Basement development of a new or existing dwelling;
 - vii. Structural changes to existing buildings;
 - viii. New and/or used ready to move (RTM) buildings and mobile homes;
 - ix. Demolition of structures greater than 100ft.²

BUILDING PERMIT

5. a) For the purpose of this section, a permit means an authorization or approval in writing by the authorized representative and the local authority to perform work regulated by these requirements.
- b) A permit is required whenever work regulated by these requirements is to be undertaken.
- c) To obtain a permit, the owner shall file an application in writing on a form prescribed by the local authority;
- d) The permit fee for construction, erection, placement, alteration, repair, renovation, or reconstruction of a building shall be based on the following:

- i. A permit administration fee of \$200 for the processing, handling and issuance of a building permit, plus;
 - ii. The service fees for plan review, field inspection of construction and enforcement services in accordance with the agreement between the provider of the building official services and the local authority;
 - iii. All permit fees will be collected prior to the permit being issued and subject to applicable taxes.
- e) When an application for a permit has not been completed in conformance with the requirements of the authorized representative, it may be refused.
- f) The authorized representative shall issue permit approval to the owner when, to the best of his or her knowledge, the applicable conditions, as set forth in these requirements, have been met.
- g) The authorized representative may refuse to issue any permit:
- i. Whenever the information submitted is inadequate to determine compliance with the provisions of these requirements;
 - ii. Whenever incorrect information is submitted;
 - iii. Whenever the plans submitted disclose that the proposed construction would restrict, interfere with or damage any municipal service or property;
 - iv. Where the proposed construction would be prohibited by any other regulations.
- h) The authorized representative may answer such relevant questions as may be reasonable with respect to the provisions of these requirements when requested to do so, but will refrain from assisting in the laying out of any work and from acting in the capacity of an engineer, architect or carpenter.
- i) The local authority and authorized representative will keep copies of all applications received, permit and orders issued, inspections and tests made and all papers and/or documents associated with the administration of these requirements for such a time as required by law.
- j) Should there be any deviation, omission or revision to the scope of the work for which a permit has been issued, approval must be given by the authorized representative or the local authority.
- k) All permits issued under this section shall expire:
- i. Twelve months from date of issue, or;
 - ii. Six months from date of issue if work is not commenced within that period, or;
 - iii. If the work is suspended for a period of six months, or;
 - iv. If the work is suspended for a period of longer than six months by prior written agreement of the local authority or its authorized representative.
- l) Where a permit has expired, the owner can make application to the local authority for a renewal as prescribed in Section 5, subsection d.
- m) The local authority may, at its discretion, rebate a portion of the permit fee where work is reduced in scope or discontinued, or where other exceptional circumstances occur.



DEMOLITION OR REMOVAL PERMIT

6. a) To obtain a permit, the owner shall file an application in writing on a form prescribed by the local authority.
- b) The fee for a Demolition or Removal Permit Application shall be \$50, as outlined in 'Schedule A' of this bylaw.
- c) In addition, the applicant will leave a deposit of \$2500 with the local authority sufficient to cover the cost of restoring the site after the building has been demolished or removed to such condition that is satisfactory, in the opinion of the local authority or its authorized representative. Should the applicant restore the site to a condition satisfactory to the local authority or its authorized representative, the sum deposited shall be refunded.
- d) Where a building is to be demolished or removed from a site and the local authority is satisfied that there are no debts or taxes in arrears or taxes outstanding, with respect to the building on the land, the local authority, upon receipt of the fee and deposit as prescribed, shall issue a permit.
- e) No Demolition or Removal Permit is required for buildings less than 100ft.²
- f) All permits under this section will expire after six months of issuance if the work has yet to commence.
- g) The owner is responsible for the proper disposal of all non-salvageable materials being removed from the demolition site. All materials shall be disposed of during the regular operating hours of the municipal nuisance ground.
- h) Completing a demolition shall include the following, to the satisfaction of the local authority:
 - i. Removal of all building materials from the site;
 - ii. Filling in any/all excavation(s) on the property;
 - iii. Causing the property to be left in a safe and sanitary condition.

ENFORCEMENT

7. a) 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:
 - i. Entering a building;
 - ii. Ordering the production of documents, tests, certificates, etc. relating to a building;
 - iii. Taking material samples;
 - iv. Issuing notices to owners that order actions to be taken within a prescribed time;
 - v. Eliminating unsafe conditions;
 - vi. Completing ordered actions, upon an owner's non-compliance, and adding the expenses incurred to the tax roll of that property, and;
 - vii. Obtaining restraining orders.
- b) 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 authorized representative may take any measure as describe in 7.a).

- c) The owner of a building for which a permit has been issued, or for which action are being taken in compliance with an order, shall give notice in writing to the authorized representative and/or the local authority as required in Section 17.2 of *The Act* under the following circumstances, including, but not limited to:
- i. The start and completion of construction;
 - ii. A change in ownership during any phase of construction; or
 - iii. An intended partial occupancy prior to the completion of construction.

SPECIAL CONDITIONS

8. a) 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 authorized representative or local authority.
- b) A Real Property Report shall be submitted along with the Building Permit Application by the owner where required by the authorized representative or the local authority.
- c) It shall be the responsibility of the owner to ensure that changes in the property lines and/or ground elevations will not bring the building or an adjacent building in to contravention of this bylaw.

PENALTY

9. a) Any person who contravenes any of the provisions of this bylaw shall be liable to the penalties outlined in Section 22 of *The Act*.
- b) Conviction of a person or corporation for breach of any provision of this bylaw shall not relieve them from compliance therewith.

REPEALING BYLAW

10. a) Bylaw No. 446-10 is hereby repealed.

EFFECTIVE DATE

11. a) This bylaw shall come into force and effect from the date on which it is approved by the Minister and its final passing by the local authority.

APPROVED
 In accordance with Clause 23.1(3)(a) of
 The Uniform Building and Accessibility Standards Act

[Signature]
 Executive Director
 Building Standards and Licensing
 Ministry of Government Relations

OCT 31 2018
 Date

Read a third time and adopted this 11th day of October, 2018.

[Signature]
 MAYOR

CERTIFIED A TRUE COPY OF THE BYLAW
 ADOPTED BY THE RESOLUTIONS OF THE COUNCIL

ON THE 11th DAY OF October
 A.D. 2018

[Signature]
 TOWN ADMINISTRATOR

