

## TOWN OF LEROY

### BYLAW NO. 5-2020

#### A BYLAW OF THE TOWN OF LEROY IN THE PROVINCE OF SASKATCHEWAN RESPECTING BUILDINGS AND RELATED ACTIVITIES

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Whereas the *Uniform Building and Accessibility Standards Act* provides that a Municipality 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 Town of LeRoy in the Province of Saskatchewan enacts as follows:

#### 1. **SHORT TITLE**

This bylaw may be cited as the Building Bylaw.

#### 2. **PURPOSE**

The purpose of this Bylaw is to enact municipal regulations regarding building, occupancy and demolition permits as provided for in *The Uniform Building and Accessibility Standards Act*.

#### 3. **INTERPRETATION/LEGISLATION**

- (1) “Act” means the *Uniform Building and Accessibility Standards Act* being Chapter U-1.2 of the Statutes of Saskatchewan, 1983-84 as amended from time to time.
- (2) “Administrative Requirements” means the *Administrative Requirements for use with The National Building Code, 1985*.
- (3) “Applicant” means the owner of a building or a property or an authorized representative of the owner who applies for a building permit.
- (4) “Authorized Representative” means a building official appointed by the Municipality pursuant to subsection 5(4) of the Act or the municipal official.
- (5) “Local Authority” means the Town of LeRoy.
- (6) “Regulations” means regulations made pursuant to the Act.
- (7) “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, labour and profit of the contractor and subcontractors.
- (8) Additional definitions contained in the Act and Regulations shall apply in this bylaw.

#### **4. 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.
- (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. GENERAL**

- (1) A permit is required whenever work regulated by the Act and Regulations is to be undertaken and shall include but not be limited to:
  - a) New building construction, including garages, decks, and mobile homes;
  - b) Structural changes to existing buildings;
  - c) New and ready to move (RTM) buildings;
  - d) Demolition, repair, relocation, alteration or addition to an existing building or structure;
  - e) Change of occupancy or use of an existing building;
  - f) Accessory buildings larger than 10 sq. m (100 sq. ft.);
  - g) Decks over 1200mm (12”) above grade, and roof enclosures over existing or new decks;  
and
  - h) Basement development in existing or new buildings
- (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) An owner shall apply for and obtain the necessary permit(s), before proceeding with any work regulated by this bylaw, and shall post the permit prominently on-site for the duration of the work.
- (4) The owner and agents of the owner shall ensure that work regulated by this bylaw is completed in conformity with applicable codes, regulations, and standards.
- (5) An owner shall obtain local authority approval of the finished height of a new foundation prior to commencement of construction and shall ensure that the height proposed along with surface grades, provides for positive surface drainage which does not negatively impact adjacent properties.
- (6) An owner shall permit the Building Official or persons authorized by the Building Official to enter any building or property at any reasonable hour, and shall not obstruct or interfere with the Local Authority in the performance of its duties.
- (7) No owner shall permit occupancy or use of a new building, or a building, which has undergone a significant change of use, or major renovation without first obtaining an occupancy inspection and occupancy permit from the local authority.
- (8) The granting of any permit which 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.

- (9) Accessory buildings with a building area not more than 10 m<sup>2</sup> are exempt from this bylaw provided they do not create a hazard.

## **6. DUTIES OF THE LOCAL AUTHORITY**

- (1) The local authority shall administer and enforce this bylaw.
- (2) The local authority shall keep proper records of all applications received, permits and orders issued, inspections and tests made, and shall retain all papers and documents connected with the administration of these duties.
- (3) The local authority may deliver inspections, orders or related documents, as permitted by Part II Section 13 of the Regulations.

## **7. BUILDING PERMITS**

- (1) Every application for a permit to erect, place, construct, alter, repair, renovate or reconstruct a building shall be on 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 a 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 on a form provided by the local authority and return one set of submitted plans to the applicant.
- (3) Council 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 municipality pursuant to subsection 4(4) of the Act.
- (4) Council may, at its discretion, have plan review, inspection and other services provided by a person, firm or corporation employed under contract to the municipality.
- (5) The permit fee for construction, erection, placement, alteration, repair, renovation, or reconstruction of a building shall be based on the following conditions:
- a) A permit administration fee of \$100 for the handling, processing and issuance of a building permit; plus
  - b) The service fees for plan review, field inspection of construction and enforcement services; plus

- c) A flat fee(s) as charged by the Saskatchewan Assessment Management Agency for assessment maintenance.
  - d) Permit fees will be collected prior to the permit being issued and are subject to applicable taxes.
- (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 constructor's contract values, or similar methods selected by Council.
  - (7) Approval in writing from Council 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 as follows:
    - a) six months from date of issue, or
    - b) six months from date of issue if work is not commenced within that period, or
    - c) if work is suspended for a period of six months, or
    - d) if work is suspended longer than six months by prior written agreement of the Council or its authorized representative.
  - (9) Where a building permit has expired as per subsection 5 (8), the owner may apply to the local authority for a renewal of the building permit and pay a permit renewal fee.
  - (10) Council 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 issuance of such permit, an additional fee shall be paid in an amount equal to 100% of the permit fee or \$10,000.00, whichever is less.

**8. DEMOLITION OR REMOVAL PERMITS**

- (1) a) The fee for a permit to demolish or remove a building shall be \$50.00.
- b) (i) In addition, in cases where Council deems it appropriate, the applicant shall deposit with the municipality such a sum as the Council or its authorized representative considers sufficient to cover the cost of restoring the site after the building has been demolished or removed to such condition that it is, in the opinion of the Council or its authorized representative, not dangerous to public safety.
- (ii) Any applicant who demolishes or removes a building, shall completely remove the foundation and/or screw piles, have utility and or water and sewer lines capped at the property line and the site appropriately levelled. Once the site is 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.
- (3) Where a building is to be demolished and the municipality 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 municipality, 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 removed from the municipality and the municipality or its authorized representative is satisfied that there are no debts or taxes in arrears or taxes outstanding with respect to the municipality, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal of on a form provided by the local authority.
- (5) Where a building is to be removed from its site and set upon another site in the municipality, and the municipality 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 Council or its authorized representative, will conform with the requirements of this Bylaw, the municipality, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal on a form provided by the municipality. In addition, the municipality, upon receipt of the fees prescribed in Section 5(6), shall issue a permit for the placement of the building on a form provided by the municipality.
- (6) All permits issued under this section expire six months from the date of issue except that a permit may be renewed for six months upon written application to the municipality.

## **9. 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 Act, the Regulations, or the conditions of the permit with respect thereto approved pursuant to this Bylaw, the Council 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 which 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 municipality 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.

**10. 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 Council 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 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.
- (4) It shall be the responsibility of the owner to arrange for all permits, inspections and certificates required by other applicable Acts and regulations.

**11. 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. REPEAL**

Bylaw No. 4/92 and Bylaw 3-2020 are hereby repealed.

**13. EFFECTIVE DATE OF BYLAW**

This bylaw shall come into force on the date of final approval by the Minister of Government Relations.

Read a First Time the  
Read a Second Time the  
Given the Third reading and adopted by  
Council this

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Mayor – Brian Thoen

(SEAL)

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Chief Administrative Officer – Glenda Hamilton