

**TOWN OF WOLSELEY**

**BYLAW NO. 03-2021**

**BUILDING BYLAW**

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

**1. SHORT TITLE**

This bylaw may be cited as *The Building Bylaw*.

**2. INTERPRETATION/LEGISLATION**

In this bylaw:

- (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 1985*.
- (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) **“Decommissioned”** means a formal process to make inoperative, dismantle and to remove from service.
- (5) **“Local Authority”** means the Town of Wolseley.
- (6) **“Municipal Official”** means the Chief Administrative Officer (“CAO”) or the Mayor of the Local Authority.
- (7) **“Regulations”** means *The Uniform Building and Accessibility Standards Regulations* made pursuant to the Act.
- (8) **“The Statement of Provincial Interests Regulations”** means the clause 6.7.4. of Chapter P-13.2 REG 3
- (9) **“Value of Construction”** means the total cost 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.
- (10) **“Work”** means any construction, erection, placement, alteration, addition, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building.
- (11) Definitions contained in the Act and Regulations shall apply to this bylaw.

**3. SCOPE OF THE BYLAW**

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

**4. 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, work as listed in Appendix A.
- (2) No owner or owner’s agent shall begin or authorize the commencement or allow work to proceed on a project for which a permit is required unless a valid permit exists for the project.

- (3) In any case where the construction or the excavation of a parcel of property on which a building or structure is to be erected has been commenced before such time that the building permit is obtained, the building permit fee shall be twice the amount otherwise determined in accordance with the fee structure outlined in Appendix B.
- (4) The granting of any permit that is authorized by this bylaw shall not:
  - a. entitle the grantee, his successor or assigns, or anyone on behalf of the owner 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 and/or the work 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.
- (5) It is the responsibility of the owner to ensure that Local Authority's infrastructure is not damaged during construction or demolition. In the event that Local Authority's infrastructure is damaged, it is the responsibility of the owner to repair the damages to the current Local Authority's standard within 30 days of the completion of the construction or demolition.
- (6) The necessary blocking of any street, lane, or sidewalk during construction or demolition must have prior written approval from the Local Authority.
- (7) It is the responsibility of the owner, at their own expense, to supply and maintain any required barricades or fencing in order to protect the public from the infrastructure construction or demolition area.

## **5. BUILDING PERMITS**

- (1) Every application for a permit for work 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 when authorized by the Local Authority or its Authorized Representative plans and/or specifications need not be submitted. Plans submitted electronically will also be acceptable.
- (2) There shall be no authorization for work to proceed on any building without first having obtained a valid permit from the Local Authority.
- (3) 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 Municipal Official, upon receipt of the prescribed fees, shall issue a permit in a form provided by the Local Authority and return one set of submitted plans to the applicant.
- (4) The Local Authority may 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.
- (5) The Local Authority shall, at its discretion, have plan review, inspection, and other services provided by an Authorized Representative. Applicants shall be required to comply with the requirements of the service provider inspections and policies.
- (6) 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. Where services are provided by an Authorized Representative, applicants shall be required to comply with the requirements of the service provider inspections and policies.
- (7) The permit fee for work shall be based on the following:
  - a. A permit administration fee as adopted by resolution of Council 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 Authorized Representative and the Local Authority; plus
  - c. The maintenance fee(s) charged by the Saskatchewan Assessment Management Agency.

- d. All permit fees will be collected prior to the permit being issued and subject to applicable taxes.
  - e. Inspection requests during the stages of construction are the responsibility of the owner or owner's agent.
  - f. As and when required by the Local Authority or its Authorized Representative, an Occupancy permit is required in writing from the Local Authority or its Authorized Representative prior to new building occupancy. Failure to obtain Occupancy Permit may result in additional fees.
  - g. Changes such as, but not limited to, infractions, deviations, omission or revision of work, Stop Work Order, etc. may result in additional fees.
- (8) The Local Authority may estimate the value of construction for the work described in an application for the 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 the Local Authority.
  - (9) 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.
  - (10) All permits issued under this section shall expire:
    - a. Twelve (12) months from date of issue; or
    - b. Six (6) months from date of issue if work is not commenced within that period; or
    - c. If work is suspended for a period exceeding six (6) months without prior written agreement of the Local Authority or its Authorized Representative.
  - (11) Where a permit has expired as per Subsection 5(10), the owner may apply to the Local Authority for the renewal of the permit application. The Local Authority may renew a building permit upon receipt of a renewal fee imposed by the Local Authority.
  - (12) 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.

## **6. DEMOLITION OR REMOVAL PERMITS**

- (1) The fee for a permit to demolish or remove a building shall be set by resolution of Council.
  - a. In addition, the owner or owner's agent shall deposit funds with the Local Authority, as prescribed in Appendix B 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 Local Authority or its Authorized Representative, not dangerous to public safety.
  - b. The owner or the owner's representative shall ensure that all building utilities and services have been decommissioned and that components, substructures or framework located below ground level have been removed and disposed of in the approved manner at an approved site.
  - c. If the applicant who demolishes or removes the building restores the site to a condition satisfactory to the Local Authority or its Authorized Representative, the demolition or removal deposit 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 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 shall, upon receipt of the fee and deposit prescribed, issue a permit for the demolition in a form provided by the Local Authority.



- (4) Where a building is to be removed from the geographical jurisdiction of the Local Authority, 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 shall, upon receipt of the fee and deposit prescribed, 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 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, 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 shall, upon receipt of the fee and deposit prescribed, 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 Appendix B 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 approval by the Local Authority.

## **7. POWERS AND RESPONSIBILITIES OF THE LOCAL AUTHORITY**

- (1) The Local Authority is responsible for the administration and enforcement of the Building Bylaw.
- (2) The Local Authority may, at its discretion, require plan review, inspections and other services for the purpose of enforcing this bylaw.
- (3) The Local Authority shall have plan review, inspection and other services provided by a person, firm or corporation who is employed or under contract to the Local Authority.
- (4) The Local Authority shall keep copies of all applications, and other documentation received as part of a Building Permit application for a period of time as required by law.

## **8. POWERS AND RESPONSIBILITIES OF THE AUTHORIZED REPRESENTATIVE**

- (1) The Authorized Representative may issue Orders in cases where the provisions of this bylaw, the Act and Regulations have been contravened.
- (2) The Authorized Representative shall not assist in the design, layout, construction, engineering or architectural services of any work in relation to a building that is, or will be, under the jurisdiction of the Local Authority.
- (3) The Authorized Representative may refuse to issue a Building Permit as a result of the following:
  - a. Any required Development Permit has not been issued by the Local Authority;
  - b. The information submitted for the Building Permit application is determined to be inadequate or incomplete;
  - c. Proposed design, materials and methods of construction do not comply with the requirements of the in-force editions of The National Building Code of Canada, The National Energy Code of Canada for Buildings; or
  - d. Drawings have not been sealed by a registered Architect or Engineer when required.
- (4) The Authorized Representative may revoke a Building Permit by written notice to the Owner or Owner's representative if:
  - a. Any deviations from the approved plans are found in the construction;
  - b. There is a contravention of any of the conditions of approval under which the Building Permit was issued;

- c. The Building Permit was issued in error; or
  - d. The Building Permit was issued on the basis of incorrect or misleading submitted material.
- (5) The Building Official may issue a Stop Work Order in the following circumstances:
- a. Construction work is being performed without a valid Building Permit; or
  - b. The work is not being performed in accordance with the Building Permit conditions of approval.

## **9. ENFORCEMENT OF BYLAW**

- (1) If any work is in contravention of any provision of this bylaw the 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 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.
- (4) A building shall not be approved for use or occupancy until the Local Authority is satisfied that all outstanding infractions and deficiencies, as noted on the final inspection report of the Authorized Representative, have been corrected and the permit has been closed.

## **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 Local Authority or its Authorized Representative.
- (2) A real property report 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 bylaws, acts and regulations.
- (5) New buildings and additions to buildings shall be flood proofed to an elevation of 0.5 meters above the 1:500-year flood elevations of any watercourse or water body in the flood fringe as required by the Statements of Provincial Interest 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 the person from compliance herewith.

## 12. **REPEAL**

The following Bylaws are hereby repealed:

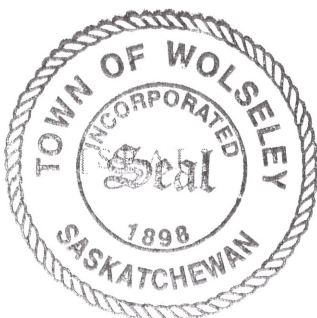
- (1) Bylaw No. 2001-01 *The Building Bylaw*
- (2) Bylaw No. 2007-10 *Amendment to The Building Bylaw*
- (3) Bylaw No. 2007-11 *Building Permit Fees*
- (4) Bylaw No. 2007-12 *Amendment to The Building Bylaw*
- (5) Bylaw No. 2009-12 *Amendment to The Building Bylaw*


READ A FIRST TIME this 4<sup>TH</sup> day of AUGUST, 2021.

READ A SECOND TIME this 18<sup>TH</sup> day of AUGUST, 2021.

READ A THIRD TIME and ADOPTED this 1<sup>ST</sup> day of September, 2021.

*This Bylaw shall come into force and take effect upon approval from the Ministry of Government Relations, Building and Technical Standards Branch.*



  
 \_\_\_\_\_ Mayor  
 Candie Ciechewicz  
 \_\_\_\_\_ CAO

Certified true copy of

Candie Ciechewicz  
 Administrator

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

  
 Building Standards and Licensing  
 Ministry of Government Relations

September 17, 2021  
 Date

## **APPENDIX A: PERMITS REQUIRED**

A permit is required whenever work regulated by the Act or Regulations is to be undertaken and shall include, but not be limited to:

1. new building construction, garages and carports;
2. accessory buildings greater than 9 m<sup>2</sup> (97 ft<sup>2</sup>), new and used Ready To Move (“RTM”) buildings, mobile homes and any relocated buildings or structures greater than 9 m<sup>2</sup> (97 ft<sup>2</sup>);
3. alteration or addition to an existing building or structure;
4. secondary suites;
5. decks over 203 mm (8 in) above grade and/or greater than 5.57 m<sup>2</sup> (60 ft<sup>2</sup>), and roof enclosures over existing or new decks;
6. basement development of a new or existing dwelling;
7. structural changes to existing buildings;
8. change of occupancy or use of an existing building;
9. demolition of structures greater than 9 m<sup>2</sup> (97 ft<sup>2</sup>);
10. fire places, fire devices installed indoors;
11. retaining walls over 609 mm (2 ft)
12. temporary buildings

**APPENDIX B: PERMIT FEES**

BUILDING PERMIT FEE SCHEDULE	
<b>Residential Building Permit Application Fees</b>	
Minimum fee if value of new construction is equal to or less than \$100,000	\$ 100/each
Minimum fee if value of new construction is greater than \$100,000	\$ 175/each
<b>Commercial Building Permit Application Fees</b>	
Base fee	\$ 100/each
Per \$1,000 of Construction Value up to and including \$50,000	\$ 5
Per \$1,000 of Construction Value over \$50,000	\$ 2
<b>Building Plan Review and Inspection Fees</b>	
	As per Building Official
<b>SAMA Fee</b>	\$ 20/each

DEMOLITION OR REMOVAL PERMIT FEE SCHEDULE	
Demolition or Removal Permit Application Fee	\$ 100/each
Demolition or Removal Deposit Fee	\$ 1,000/each