

BYLAW No. 1-2021

THE VILLAGE OF BORDEN BUILDING BYLAW

The Council of the Village of Borden, in the Province of Saskatchewan, enacts this bylaw, known as the "Building Bylaw", as follows;

SHORT TITLE

1 This bylaw may be cited as the Building Bylaw.

INTERPRETATION/LEGISLATION

2(1) In this Bylaw:

- (a) "**Act**" means *The Uniform Building and Accessibility Standards Act* being, Chapter U-1.2 of the Statutes of Saskatchewan, 1983-84 and amendments.
- (b) "**Administrative Requirements**" means *The Administrative Requirements for Use with The National Building Code, 1985*.
- (c) "**Authorized Representative**" means a building inspector or building official appointed by the local authority pursuant to subsection 5(4) of the Act.
- (d) "**Local authority**" means the Village of Borden and its Council.
- (e) "**Municipal official**" means the Administrator of the Village or their designate.
- (f) "Permit" means building permit or demolition permit or relocation permit and authorizes the applicant to proceed with the work, subject to any conditions noted on the issued permit from the local authority.
- (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, labour and profit of the contractor and subcontractors.
- (i) 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 2015 (NBC)*, the *National Energy Code of Canada for buildings 2017 (NECB)*, 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 or Regulations is 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 building restriction agreement, Bylaw, Act and/or Regulation affecting the site described in the permit.

(4) An accessory building not greater than 10.0 m² (107 ft²) is exempt from this bylaw, provided it does not create a hazard.

BUILDING PERMITS

- 5(1) Every application for a permit to construct, erect, place, alter, relocate, repair, renovate or reconstruct a building shall be submitted on a form provided by the local authority, and shall be accompanied preferably by electronic plans. The submission of **two (2) printed sets** of the plans and specifications of the proposed building may also be accepted when an electronic version is not available.
- (2) If the work described in an application for the permit, to the best of the knowledge of the local authority or its authorized representative, complies with the requirements of this bylaw, the authorized representative shall upon receipt of the prescribed fee, issue a permit and return one set of the printed plans submitted by the applicant.
- (3) Pursuant to subsection 4(4) of the Act, the local authority may, at its discretion, request to have the minister designate an authorized representative to undertake the plan review, inspection and other services for the purpose of enforcement of the Act and Regulations.
- (4) The local authority may, at its discretion, undertake a plan review, inspection and or other services provided by a person, firm or corporation employed under contract by the local authority.
- (5) The permit fee for construction, erection, placement, alteration, relocation, repair, renovation or reconstruction of a building shall be based on the following:
 - (a) A permit administration fee of **\$25.00** for the processing, handling and issuance of a permit; plus
 - (b) The service fees for undertaking the plan review, field inspection of construction and enforcement services in accordance with the agreement between the provider of the authorized representative services and the local authority; plus
 - (c) Saskatchewan Assessment Management fee; plus
 - (d) All permit fees will be collected prior to the permit being issued and subject to applicable taxes.
- (6) The authorized representative may estimate the value of the construction costs for the work described in an application for a permit, for the purpose of calculating a permit fee based on the definition of *value of construction* as per subclause 2(6)(h).
- (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 shall expire:
 - (a) Twelve (12) months from date of issue but may be re-issued for additional one-year periods at the discretion of the authorized representative.
 - (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 for a period of longer than six months by prior written agreement of the local authority or its authorized representative.

- (9) Where a permit has expired as per subsection 5(8) the owner can make application to the local authority for the renewal of the permit application. Such renewal may be subject to the permit fee as required by subsection 5(5) or some alternate renewal fee.
- (10) 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 in consultation with the building official.

DEMOLITION OR REMOVAL PERMITS

- 6(1) The permit fee for the demolition or removal of a building shall be based on the following:
 - (a) The fee for a permit to demolish or remove a building shall be **\$25.00**.
 - (b) At Council's discretion, additional fees may include, but are not limited to:
 - (i) In addition, the applicant shall deposit with the municipal official an irrevocable standby letter of credit, acceptable to the local authority that shall remain valid until the local authority or its authorized representative, is satisfied the site does create a danger to public safety. The irrevocable standby letter of credit shall:
 - (1) Be from a recognized financial institution;
 - (2) Be kept valid by the applicant until the local authority is satisfied that the applicant has met all obligations under this bylaw;
 - (3) Be in an amount, which both parties hereby agree equals one hundred (100%) of the total estimated costs of all the demolition and restoration work.
 - (ii) If and when the local authority is satisfied (i) that the applicant has completed all of the restoration and (ii) that there are no outstanding claims or liens respecting the same, upon the request of the applicant, the municipality shall supply a letter addressed to the financial institution which issued the letter of credit, a release of the same.
 - (iii) If the local authority is not satisfied that the applicant has completed all the restoration as, when and to the standards required under this bylaw, the local authority may declare the applicant to be in default, and
 - (1) issue a declaration of default shall be sent by prepaid registered mail to the applicant.
 - (2) should the applicant fail to remedy the default within seven (7) days of the mailing of the declaration, the local authority shall have the right to enter upon the land to complete the restoration, including repair or reconstruction of faulty work and the replacement of materials not in accordance with the specifications in this bylaw.
 - (3) The costs or any measures taken by the local authority pursuant to this section, shall be an amount owing by the applicant to the municipality and shall be payable on demand.
 - (4) Should the applicant fail to pay the local authority within thirty (30) days of the demand, the money owing may be obtained from the financial institution which issued the letter of credit.
 - (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 municipal official 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 municipal official, upon receipt of the fee and deposit prescribed above, shall forward the application to the authorized representative for review. If satisfied with asbestos abatement, securing or removal of foundation requirements; and capping of services, the municipal official will issue a permit for the demolition in a form provided by the local authority.

(4) Where a building is to be removed from within all lands lying within the jurisdiction of the Village of Borden, and the municipal official 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 municipal official, upon receipt of the fee and deposit prescribed, shall forward the application to the authorized representative for review. If satisfied with asbestos abatement, securing or removal of foundation requirements; and capping of services, the municipal official will issue a permit for the removal in a form provided by the local authority.

(5) The permit for moving or relocating a building shall be calculated on the following:

- (a) Where a building is to be removed from its current site, and no structure is constructed on the removal site – demolition permit is required.
- (b) Where the building is placed upon another site within all lands lying within the jurisdiction of the Village of Borden, and the municipal official 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, a building permit for installation of the building at relocation site is required.
- (c) 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 municipal official, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal in a form provided by the local authority, in addition.
- (d) the municipal official, upon receipt of the fee prescribed in subsection 5(5), shall issue a permit for the placement of the building in a form provided by the local authority.
- (e) Where there is reconstruction once the existing building is moved a building permit is required, if the new structure is placed on the foundation from where the original building was removed.

(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.

ENFORCEMENT OF BYLAW

7(1) If any building or part thereof or addition thereto is constructed, erected, placed, altered, relocated, repaired, renovated or reconstructed 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 the 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.

SUPPLEMENTAL BUILDING STANDARDS

8(1) Void.

SPECIAL CONDITIONS

9(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) It shall be the responsibility of the owner to ensure that any change in property lines and/or any change in ground elevations will not bring the building or an adjacent building into contravention of this bylaw.

(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

10(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.

OTHER

11(1) Bylaw 02/2000 is hereby repealed.

(2) Bylaw 01/2007 is hereby repealed.

(3) Bylaw 01/2020 is hereby repealed.

(S E A L)

Enacted pursuant to Section 14 of
The Uniform Building and Accessibility
Standards Act

MAYOR

Certified a true copy of
Bylaw No.____ adopted by
Resolution of Council this
Day or 20____.

MUNICIPAL OFFICIAL