

DISTRICT OF LAKELAND

BYLAW NO. 14 - 2020

A BYLAW RESPECTING ALTERATION, CLASSIFICATION, DEMOLITION, ERECTION, REPAIR, REMOVAL OR OCCUPANCY OF BUILDINGS.

The Council of the District of Lakeland No. 521 in the Province of Saskatchewan enacts as follows:

TITLE

This bylaw shall be referred to as the “*Building Bylaw*”.

PURPOSE

To provide for the administration, enforcement, and inspection of building and to ensure public safety and compliance with requirements of the Municipality, *The Uniform Building and Accessibility Standards Act* and *The National Building Code of Canada* and any associated Regulations.

DEFINITIONS

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*, as same may be amended and adopted for use from time to time in the Province of Saskatchewan;
- (c) “Applicant” means the owner of the property or the owner’s agent;
- (d) “Council” means the Council of the Municipality;
- (e) “Licenced Building Official” means that person appointed by the Municipality;
- (f) “Local Authority” means the Municipality;
- (g) “Moving Permit” means a permit issued for the moving of a building from its foundation, the removal of a building from, within or into the municipal limits

where the removal of the building does not entail any demolition or construction.

- (h) “Municipality” means the District of Lakeland No. 521;
- (i) “*National Building Code*” means *the National Building Code of Canada* only as same may be adopted and amended by the Act and the Regulations for application within the Province of Saskatchewan from time to time;
- (j) “Owner” means any person, firm or corporation that controls the property under consideration.
- (k) “Real Property Report” means a report prepared by a member of the Saskatchewan Land Surveyors’ Association in accordance with *The Saskatchewan Land Surveyors’ Act* and Bylaws of the Saskatchewan Land Association as the same may be amended from time to time or such Act or Bylaw as may be substituted therefor from time to time;
- (l) “Regulations” means Regulations passed pursuant to the Act;
- (m) “Site Plan” means a plan prepared by the member of the Saskatchewan Land Surveyors’ Association in accordance with Division C, Article 2.2.2.2. of the *National Building Code*, or a report or plan prepared by the property owner or developer that is deemed acceptable by the Municipality;
- (n) “Zoning Bylaw” shall mean the Zoning Bylaw of the Municipality;

2. Unless the context otherwise requires and subject to section 1., terms and expressions used in this Bylaw shall have the same meaning as in the Act and the Regulations.
3. Unless the context otherwise requires and subject to sections 1. and 2., terms and expressions used in this Bylaw shall have the same meaning as in the Zoning Bylaw of the Local Authority.
4. *The National Building Code* applies and is in force in the Municipality.
5. The construction of garages attached to dwelling units must comply with all regulations and requirements of *The National Building Code* including the attic space of the dwelling unit as incorporated into the dwelling.
6. This Bylaw shall be interpreted and applied in conjunction with the *National Building Code*, *The Administrative Requirements*, *The Uniform Building and Accessibility Standards Act* and its Regulations.

7. The Licenced Building Official is hereby appointed and shall carry out the duties of the Licenced Building Official and as “the person appointed” by the Municipality within the meaning of the Act.
8. Notwithstanding Section 6, references and requirements in the Administrative Requirements respecting matters regulated by the Act and Regulations shall not apply.
9. Subject to Section 34, no one shall commence, continue or cause to be commenced or continued any work to which the Act, Regulations or this Bylaw applies unless the owner of the real property on which the work is to be carried out has obtained a building, demolition, or moving permit as the case may require, and such development permit has not expired pursuant to section 29.
10. No one shall commence, continue or cause to be commenced or continue any work referred to in section 9 in respect of which a license, permit or authorizing instrument under another bylaw or provincial or federal act, regulation or code is required until such license permit or instrument is obtained.
11. Anyone who commences work without first obtaining a permit as may be required by this bylaw, will have a fee added to the cost of their permit, in addition to the regular fees.
12. Anyone who transfers title to a property that has a building for which a building permit has been issued, and has not received all required inspections, shall provide the Local Authority with the contact information for the proposed buyers prior to transfer.
13. If the Local Authority has received proper notification identified in section 12, the new owners will be required to amend the existing permit, without cost, and provide signature as the new owner.
14. If the Local Authority has not received notification prior to transfer, the current building permit is rendered invalid and the new owner will be required to obtain a new permit at a cost relevant to the remainder of the work to be completed plus the fee pursuant to 11.
15. Notwithstanding section 16, no permit shall be issued in respect of any Building, the plans for which show construction of any kind (other than cornices or belt courses) on, over or under the surface of any public place or public utility, service pipe, line, wire or conduit whatsoever, without prior approval of Council. If a permit is issued in breach of this requirement, at no cost to the Municipality, the owner shall forthwith upon notice from the Licenced Building Official or authority having jurisdiction, comply with any applicable federal or provincial acts, regulations of codes or bylaws of the Municipality.
16. Where an application has been made in a form as approved by the Local Authority, and submitted to the Municipality, along with the appropriate permit fees paid and the proposed work set out in the application conforms with this Bylaw, the *National Building Code*, the Act and Regulations, a permit shall be issued for which the generality of the foregoing, that the owner engage an architect or professional engineer as required in the

Act and Regulations and that inspections be called for in addition to those specified in the Act and Regulations.

17. Every permit issued shall be subject to the right of the Municipality to impose such conditions as they may, in their opinion, deem appropriate, by reason of discovery of circumstances during the course of the proposed work described in the application for the permit or otherwise.
18. Notwithstanding that a permit is issued in breach of section 16, the owner shall ensure that the proposed work set out in the application shall conform with this Bylaw, the *National Building Code*, the Act and Regulations.
19. Every permit application that includes treated wood assembly in use, below grade, must meet the regulations stated in the *National Building Code*, the Act and Regulations.
20. Every application where helical piles are used shall include an engineered plan prepared by a registered professional engineer skilled in such design and licenced to practice in Saskatchewan. The plan shall include the number and spacing of the piles required to carry all the loads. A signed and sealed certificate attesting to the conformity of the installation and the allowable loads for the piles must be prepared by the engineer to the municipality for every project. All helical piles and accessories are required to be hot-dipped galvanized, meeting the requirements of CAN/CSA-G164 or ASTM A123/A123M with a minimum thickness of 610 g/m².
21. Every application for a permit under this bylaw shall:
 - (a) be completed to the satisfaction of the Local Authority;
 - (b) be signed by the applicant; the applicant being either:
 - i. the registered owner of the property wherein construction is occurring; or
 - ii. a tradesman/contractor who has a current valid business license in the District of Lakeland and has submitted an Authorization form attesting to their delegation from the registered property owner.
 - (c) In the case of a building permit;
 - i. be accompanied by two sets of specifications and scale drawings of the building with respect to which the work is to be carried out, showing:
 - ii. the dimensions of the building;
 - iii. the proposed use of each room or floor area;
 - iv. the dimensions of the land on which the building is situated and the siting of the building; and
 - v. when required by the Municipality, a Real Property Report.
 - (d) contain any other information required by the Act, Regulations, Administrative Guidelines, this Bylaw or as may be further required by the Licensed Building Official or Local Authority, whether by conditions imposed in the permit or otherwise, including, and not to limit the generality of the foregoing, certification of an architect or professional engineer as required in the Act and Regulations.

22. In the case of additions to buildings for which the Real Property Report has not been required by the Local Authority, the owner shall submit a current Site Plan respecting the land as referred to in section 21 (c) iv. to the Municipality, which Site Plan shall indicate, in addition to those items required by the *National Building Code*, that the siting of the building or addition will be in accordance with the information on the Building Permit as referred to in section 21 (c) iv. before any work beyond the completion of foundation work is undertaken.
23. Every applicant for a permit to construct a new building or reconstruct the foundation of an old building may be requested to provide to the Local Authority, upon payment of the fees required for same as prescribed by resolution of Council, from time to time, a Grade Certificate setting out the finished level of the property on which the proposed work is to be executed, and it shall be the responsibility of the applicant or owner to set the building or reconstruct the foundation of the old building, in accordance with the Grade Certificate, at such a height above road level that adequate surface drainage from the lot to street or lake will be obtained.
24. No Building Permit shall be issued until;
 - a. the plans in respect of drainage for storm water from a building site are submitted to the Local Authority.
 - b. those plans are acceptable and meet the requirements of the Local Authority.
25. If the Local Authority is of the opinion that an application for a building permit does not demonstrate that the plans for the proposed work conforms with the requirements of section 16, the Licensed Building Official may refuse to issue a Building Permit or they may issue such permit subject to such conditions as in their opinion they deem appropriate.
26. Notwithstanding Section 16, in their discretion, the Licensed Building Official may, but shall not be required to, refuse to issue any permit when the proposed work set out in the application does not conform with any other federal or provincial acts, regulations, codes or guidelines or any municipal bylaw. In the event that the Licensed Building Official requires such conformance, the owner shall ensure that the proposed work set out in the application and the executed work shall so conform.
27. The Local Authority may refuse to issue or may revoke a permit where there is an apparent violation of a provision of any federal or provincial act, regulation or code applicable to the work or proposed work or any provision of this Bylaw, the Zoning Bylaw, a condition of the Development Permit, or any other applicable bylaw of the Municipality which provisions are in any way related to the permit.
28. No work proposed in an application for a permit may vary from the information on the issued permit is based without prior written approval of the Local Authority.

29. Any building, demolition and moving permit issued under this Bylaw expires:
- (a) In the case of a building permit;
 - i. 6 months from the date of issue if work has not yet commenced; or
 - ii. Upon work being suspended for 6 consecutive months; or
 - iii. 12 months from the date of issuance.
 - (b) In the case of demolition or a moving Permit:
 - i. 6 months of the date of issue if the work has not commenced; or
 - ii. Upon work being suspended for 60 consecutive days; or
 - iii. Such shorter period as may be specified by the Licensed Building Official or Municipality.
30. A single time extension may be granted by the Municipality for a building permit if the construction as listed in the building permit has reached the final stage, that being completion of all concrete work, framing, poly/insulation and boarding, and written application is made for the extension, within one month of the permit expiring.
31. All permit extensions shall be subject to an administration fee.
32. All extensions shall be subject to a time table as imposed by the Municipality
33. If upon inspection, the Licensed Building Official is satisfied that any building may be in an unsafe condition or that if any buildings condition may constitute an imminent danger to the safety of occupants or the public or any property and the owner cannot be conveniently located, in addition to all other authority:
- (a) The Licensed Building Official or Municipality may cause such work to be carried out as she/he considers necessary to eliminate such danger and the owner shall be liable in respect of expenses incurred in carrying out such work and same may be collected in the manner referred to in section 21 of the Act whether or not an appeal is filed or a stay is ordered pursuant to the Act; and
 - (b) Neither the Local Authority, the Licensed Building Official nor anyone acting on his/her behalf shall be liable to compensate the owner, occupant or any other person by reason of anything done without notice to any owner or person in occupation or having control of the building and whether or not an appeal is undertaken pursuant to the Act.
34. Every applicant for demolition, building or moving permit shall pay a fee as authorized and approved by the Municipality. No permit shall be issued until the fees required are paid.

35. If as a result of the issuance of a demolition or moving permit, the site or municipal property for which the permit relates is not restored to a safe and tidy condition within 30 days of completion or abandonment of demolition or removal or, in any event, within 30 days of the date of expiry of the permit, the Municipality may perform such work as is necessary to ensure the site is not dangerous in regards to public safety. In such a case, the applicant shall be liable for the costs of site restoration and such costs shall be deducted from any deposit. The applicant shall be liable to pay to the Municipality any shortfall upon demand, with any interest on any shortfall unpaid 60 days after demand.
36. All moving permits requiring buildings to be relocated within or coming into the Municipality shall be subject to Municipal approval prior to the issuance of the permit.
37. No demolition or moving permit for the removal of any building shall be issued with respect to any building on which taxes are in arrears or outstanding without approval of Council.
38. The granting of any permit which is authorized by this Bylaw shall not be construed as a representation of the compliance of any work with any bylaw, federal or provincial act, regulations or code.
39. The owner shall ensure that submission of an application for a permit and issuance of such permit shall not be understood as or deemed to constitute a representation by any person, the Municipality, or any Municipal employee that the proposed work of the executed work, in fact, complies with the acts, codes, guidelines or bylaws referred to in this Bylaw whether such representation be at issue in any legal proceeding or otherwise. The issuance of a permit shall not relieve the owner of compliance with section 16.
40. The owner shall indemnify and save harmless the Municipality, the Licensed Building Official or any municipal official or employee from all losses, of any other person that may arise as a result of, from, or in any way touching upon the issuance of the permit related to the work, and not to limit the generality of the foregoing, in relation to:
 - (a) The fact that a building, or the placement, erection, construction, alteration, repair, renovation, reconstruction, demolition or removal thereof authorized by permit, does not comply with the federal or provincial act, regulation, municipal zoning bylaw or code or derogates from a right of any other person;
 - (b) Faulty subsoil conditions, whether such conditions were unknown to the District or not;
 - (c) The fact that the owner or any other party on behalf of the owner has continued with work so as to conceal previous work, making that work impossible to inspect by the Municipality or any municipal official or Licenced Building Official appointed by the Municipality;

(d) The owner's failure to call for an inspection of work as required in Act and Regulations; or

(e) The owner's failure to have displayed on site the permit site identification, and all applicable site inspection cards.

41. The Municipality, Licensed Building Official and employees, servants and agents of the Municipality shall not be held liable in respect of any matters referred to in section 40 under this clause.

42. Any person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to the penalties as prescribed in the Act.

43. No prosecution for a contravention of this bylaw may be commenced more than two years after the date of the alleged offence.

44. Bylaw Nos. 14-2014 and 11-2019 are hereby repealed.

45. This Bylaw shall come into force and take effect on the day approved by the Minister of Government Relations in accordance with Section 23.1 of the Act.

(seal)

Reeve

Administrator