

MAR 04 2015

**A BYLAW OF THE VILLAGE OF ELBOW
RESPECTING BUILDINGS**

The Council of the Village of Elbow in the Province of Saskatchewan,
enacts as follows:

TITLE

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

INTERPRETATION / LEGISLATION

2. (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.
- (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) "Local authority" means the Village of Elbow.
- (5) "Regulations" means the regulations made pursuant to the Act.
- (6) "Value of Construction" means the total cost of the building to the owner in its completed form and includes the cost of all building work, materials of construction, building systems, labour, overhead and profit of the contractor and subcontractors. The cost of labour and used material is deemed to be the current market cost of new material and labour.
- (7) 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, 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 and 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.

BUILDING PERMITS

5. (1) Every application for a permit to construct, erect, place, alter, repair, renovate or reconstruct a building shall be in Form A. This shall be accompanied by one set 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, as well as a site plan including the location and size of existing and proposed buildings showing distances from the property lines.
- (2) Every application for a building being moved into the Village, which is not of new construction, shall include a pre-location inspection report that has been prepared by a licensed building official. All costs associated with the pre-location inspection are the responsibility of the applicant.
- (3) A building official may require submission of an up to date plan or survey prepared either before construction begins or upon completion of work by a registered land surveyor, as a condition of permit approval.
- (4) 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 local authority, upon receipt of the prescribed fee, shall issue a permit in Form B.
- (5) The local authority 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 local authority pursuant to subsection 4(4) of the Act.

- (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.
- (7) The permit fee for construction, erection, placement, alteration, repair, renovation or reconstruction of a building greater than 10 square meters (108 sq ft) the fee shall be based on the following:
 - a. An administration fee of \$10 for the processing, handling, and issuance of a building permit; plus
 - b. A maintenance fee charged by the Saskatchewan Assessment Management Agency; plus
 - c. The service fees for plan review, field inspection of construction and enforcement services in accordance with the agreement between the Village of Elbow and the provider of building official services.
 - d. All fees will be collected prior to the issuance of the building permit.
- (8) The local authority may estimate the value of construction for the work described in an application for a 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 expire:
 - (a) six months from date of issue if work is not commenced within that period, or
 - (b) if work is suspended for a period of six months, or
 - (c) if work is suspended for a period of longer than six months by prior written agreement of the local authority or its authorized representative.
- (11) 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.

DEMOLITION OR REMOVAL PERMITS

- 6. (1) (a) The fee for a permit to demolish or remove a building shall be \$25.00.
 - (b) "in addition, each application shall be accompanied by the payment of a deposit fee to cover the cost of restoring the site after the building has been demolished or removed to such condition that it, in the opinion of the local authority or its authorized representative, is not dangerous to public safety.
 - (i) a deposit of \$500 to demolish or move any residential dwelling;
 - (ii) the deposit to demolish or move all other buildings shall be at the discretion of the Council or its authorized representative.
 - (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, which includes no burying of any materials on site, and as to not cause a danger to public health or safety, the sum deposited, or portion thereof, shall be refunded.

- (2) Every application for a permit to demolish or remove a building shall be in Form C.
- (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, upon receipt of the fee and deposit prescribed, shall issue a permit for the demolition in Form D.
- (4) Where a building is to be removed from 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 the local authority, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal in Form D.
- (5) (a) Where a building is to be removed from its site and set upon another site in 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, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal in Form D.

(b) In addition, the local authority, upon receipt of the fee prescribed in Section 5(7), shall issue a permit for the placement of the building in Form B.
- (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 written application to the local authority.

ENFORCEMENT OF BYLAW

7. (1) If any building or part hereof 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 measure 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 with 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 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. The Village of Elbow falls within the Restricted Building Area of the Lake Diefenbaker Reservoir Development Area (RDA), and as such, the Reservoir Development Area Regulations administered under *The Saskatchewan Watershed Authority Act* remain in effect and the developments shall comply with the provisions of the Regulations.

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) 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 or any bylaw of the Village of Elbow.
 - (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.

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 him from compliance therewith.

REPEAL

11. Bylaws No. 12-03 and 12-04 are hereby repealed.

EFFECTIVE DATE OF BYLAW

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

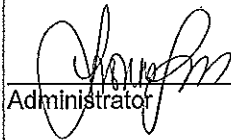



Mayor


Administrator

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

Certified a true copy of Bylaw No. 15-02
Adopted by resolution of Council
On the 9th day of February, 2015.


Administrator



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


Executive Director

Building Standards and Licensing
Ministry of Government Relations

March 11 / 2012 6
Date