

**Town of Carnduff  
BYLAW 473-15**

**A BYLAW RESPECTING BUILDING IN THE TOWN OF CARNDUFF**

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

**SHORT TITLE**

1. This bylaw may be referred to as the Building Bylaw.

**DEFINITIONS/LEGISLATION**

Definitions contained in the Act and regulations, and the municipal Zoning Bylaw shall apply in this bylaw. In the event of any conflict, definitions in *The Uniform Building and Accessibility Standards Act* and regulations and in the National Building code will take precedence over definitions in the municipal bylaws.

2. (1) “Act” means *The Uniform Building and Accessibility Standards Act* being Chapter U-1.2 of The Statutes of Saskatchewan, 1983-84 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) “Crawl Space” means any accessible uninhabitable area beneath a floor.
- (5) “Deck” means an open structure used as an extension to the interior of a dwelling with or without direct access from the principal dwelling or the ground, constructed above-grade with or without a foundation to hold it erect and attached to or abutting a dwelling. Shall not include a landing or stair.
- (6) “Floor Space” means the maximum habitable area contained within the outside walls of a building including, in the case of a dwelling, any enclosed veranda, sunroom or walk-out basement, and excluding any private garage, exterior porch veranda, undeveloped basement or attic.
- (7) “Local Authority” means the Town of Carnduff.
- (8) “Moved-in-Home” means a single family dwelling that was constructed on another site and was not originally intended to be portable. This does not include a ready-to-move (RTM) home or a mobile home.
- (9) “Municipality” means the Town of Carnduff.
- (10) “Regulations” means regulations made pursuant to the Act.
- (11) “Value of construction means the total costs to the owner for the building construction in its completed form and includes the cost of all building work, materials of construction, building systems, labour and overhead, and profit of the contractor and subcontractors.
- (12) “Walk-out Basement” means a basement having at least one exposed wall with a door and full-sized windows accessing the yard of the residence and shall be deemed to be developed floor area for the purpose of this bylaw.

**SCOPE OF THIS BYLAW**

3. (1) The requirements of *The Uniform Building and Accessibility Standards Act* and Regulations shall apply to all building and construction that falls within the jurisdiction of the Municipality, unless otherwise authorized in this bylaw.
- (2) Notwithstanding subsection (1), references and requirements in the Administrative Requirements respecting matters regulated by the Act and Regulations shall not apply.

**GENERAL**

4. (1) A permit is required whenever work is to be undertaken to erect, move, place, construct, alter, reconstruct, repair, renovate, demolish, remove or occupy a building.
  - (a) A building permit is required for accessory buildings and decks.
  - (b) Exemptions: Notwithstanding clause 4(1)(a), the following are exempt from obtaining building permits:
    - i. Cosmetic repairs and renovations which do not involve any structural alterations or additions to the superstructure. This may

include, but is not limited to: new flooring, paint, trim or light fixtures; new kitchen cabinets, although they must meet minimum clearing requirements; replacing shingles or siding with like material; and replacing windows if they are the same size.

- ii. An accessory building 10m<sup>2</sup> or less provided the building does not constitute a hazard.

- (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 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 building restriction agreement, bylaw, act, and/or regulation affecting the site described in the permit.
- (4) The building standards shall apply to all residences constructed, erected, placed, altered, repaired, renovated, relocated, used or occupied in the municipality.

#### BUILDING PERMITS

5. (1) All applications for a building permit shall be in Form "A" prescribed by the Municipality, and attached hereto. The building application may require, but shall not be limited to, the following information:
  - (a) the legal and civic description of the land;
  - (b) the estimated value of construction;
  - (c) the size of the building;
  - (d) the names, addresses, and telephone numbers of the owner, contractor, architect, or engineer.
- (2) Except when authorized by the building inspector, or the municipality, the following construction drawings shall be submitted at the time of application:
  - (a) Two sets of structural/architectural plans;
  - (b) Two sets of engineered foundation designs;
  - (c) Loading on concrete telepost pads or piles;
  - (d) Wood and/or steel beam sizes;
  - (e) Geo-tech report if applicable;
  - (f) Two sets of engineered truss plan and layout for all roof truss systems and floor truss system;
  - (g) Two sets of site plans indicating the distance between all property lines and existing and proposed buildings.
- (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 local authority, upon receipt of the prescribed fee, shall issue a permit in Form "B" and return one set of submitted plans to the applicant.
- (4) All permits issued under this section expire:
  - (a) two years from the date of first issuance, or
  - (b) six months from the date of issue if work is not commenced within that period, or
  - (c) If work is suspended for a period of six months, except
  - (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.
- (5) 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.

## BUILDING OFFICIAL

6. (1) The municipality may appoint, on an annual basis, any person that is a licensed building official to provide services to review building plans and to perform building inspections.
- (2) When necessary, the building official may require the owner or contractor of a building to engage an architect or professional engineer, registered in the Province of Saskatchewan, for an assessment of design and inspection of construction, or certification of a building or part of a building.
- (3) The building official may require the owner or contractor to supply additional plans, drawings or specifications pertaining to a building project where, in his opinion, the plans are unclear or do not comply to the minimum standards of the National Building Code, the Act or the Building Bylaw.

## OBLIGATIONS OF THE OWNER

7. (1) Every owner is responsible to obtain all required permits or approvals prior to commencement of the work to which they relate.
- (2) No person shall occupy a building until it has been approved for occupancy by the building official and an Occupancy Certificate has been issued by the municipality. If the use or type of occupancy of building changes, approval must be attained again.
- (3) It shall be the responsibility of the owner to ensure that changes in ground elevations or changes in property lines will not bring the building or an adjacent building into contravention of this bylaw or the Zoning 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.

## PERMIT FEES & CHARGES

8. (1) The permit fee for construction, erection, placement, alteration, repair, renovation or reconstruction of a building shall be based on the fee of \$1.00 per \$1,000.00; plus
- (2) The service fees for plan review, field inspection of construction and enforcement services in accordance with the agreement between the provider of building official services and the local authority; plus
- (3) All permit fees will be collected prior to the permit being issued and subject to applicable taxes.
- (4) Whenever any work for which a permit is required has commenced without the authorization of such a permit, a special inspection permit fee equal to 25% of the permit fee or \$150, whichever is higher, may be charged in addition to the permit fees.
- (5) The municipality may, at its discretion, rebate or reduce a portion of a building fee where work is reduced in scope or is discontinued, where there are fewer building inspections required, or where other exceptional circumstances occur.

## BUILDING INSPECTIONS

9. (1) Pursuant to the Act, the building official may, at their discretion, inspect any building in the Municipality at any time during any reasonable hour of the day.
- (2) Inspections may include:
  - (a) Foundation inspection
  - (b) Framing inspection
  - (c) Final inspection
  - (d) Basement development pre-inspection
- (3) For all buildings requiring a permit, the owner, or its authorized agent, shall be required to notify the building official at least 24 hours in advance of the following:
  - a) when the foundation is ready to be poured;
  - b) when a superstructure is to be placed on the foundation;
  - c) when the building is ready for a framing inspection prior to insulating;
  - d) when the building is substantially completed and prior to occupancy.

(4) The building official may require additional inspections at any time throughout the construction project. In the event that additional inspections are required as a result of faulty workmanship or an exceptional number of building deficiencies, or if the owner or the owner's agent has requested an additional inspection, the fees mentioned in Schedule 1 shall apply.

(5) Final Inspection and Approval for Occupancy: A building shall not be approved for occupancy until the municipality is satisfied that all outstanding infractions, as noted on the building official's final inspection report, have been corrected

#### DEMOLITION OR REMOVAL PERMITS

10. (1) The fee for a permit to demolish or move a building shall be:

	MOVE	DEMOLISH
Residential Buildings	\$50.00	\$10.00
Accessory Buildings	\$50.00	\$10.00
Commercial/Industrial Buildings	\$100.00	\$10.00

(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) 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 authority 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".

(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 local authority. Written application must be received prior to the expiration date.

#### OCCUPANCY

11. (1) Occupancy Approval Required

(a) No person shall occupy a building without first receiving final approval from the building official.

(b) Approval for occupancy shall not be granted until the building has passed the final building inspection or the building official is satisfied that the building conforms to the minimum requirements of the National Building Code.

#### SPECIAL CONDITIONS

12. (1) It shall be the responsibility of the owner to ensure that changes in property ground elevations shall not disturb and affect the drainage of adjacent and adjoining properties and be in contravention of this bylaw.

#### ENFORCEMENT OF BYLAW

13. (1) If any building or part thereof or addition thereto is constructed, erected, placed, altered, repaired, renovated, removed or reconstructed in contravention of any provision of this Bylaw, the local authority 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 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 hereof, 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 in subsection 14(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 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.

**PENALTY**

14. (1) Any person who contravenes any of the provisions of this bylaw shall be liable to the penalties provided in the Act.
- (2) Conviction of a person or corporation for breach of any provision of this bylaw shall not relieve him from compliance therewith.
- (3) If any section, subsection, sentence, clause, phrase or other portion of this bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.

**REPEAL OF EXISTING BYLAW**

15. Bylaw No. 448-13 is hereby repealed.

(SEAL)

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Mayor

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Administrator