

VILLAGE OF BETHUNE
BYLAW NO. 3/2010

A BYLAW OF THE VILLAGE OF BETHUNE RESPECTING BUILDINGS

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

1.0 Title

1.1 Short Title: This bylaw may be cited as the Building Bylaw

2.0 Definitions

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.

Act: shall mean *The Uniform Building and Accessibility Standards Act* being Chapter U-1.2 of the Statutes of Saskatchewan, 1983-84 and amendments.

Administrative Requirements: shall mean The Administrative Requirements for use with the National Building Code.

Council: shall mean the council of the Village of Bethune

Crawl Space: shall mean any accessible uninhabitable area beneath a floor.

Deck: 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.

Floor Space: shall mean 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.

Moved-In-Home: shall mean 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.

Municipality: shall mean the Village of Bethune.

Regulations: shall mean regulations made pursuant to the Act.

Superstructure: That part of a building above the foundation.

Walk-out-Basement: 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.

3.0 Scope of the 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.

3.2 Notwithstanding subsection (1), references and requirements in "The Administrative Requirements for use with the National Building Code" respecting matters regulated by the Act and Regulations shall not apply.

4.0 General

4.1.1 A permit is required whenever work regulated by the act and regulations is to be undertaken

4.1.2 A building permit is required for accessory building and decks.

4.1.3 Exemption: Notwithstanding section 4.1, the following are exempt from obtaining building permits:

(a) Cosmetic repairs and renovations which do not involve any structural alterations or additions to the superstructure.

4.2 No owner or agent of the owner 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.

4.3 The granting of any permit which is authorized by this bylaw shall not:

4.3.1 entitle the grantee, his successor or assigns, or anyone acting on his behalf, to erect any building that fails to comply with the requirements of any building restricting agreement, bylaw, Act or regulation affecting the site described in the permit; or

4.3.2 make either the municipality, or any municipal official or building official appointed by the municipality, liable for damages or otherwise, by reason of the fact that a building, the construction, erection, placement, alteration, repairs, renovation, demolition, relocation, removal, use or occupancy of which has been authorized by permit, does not comply with the requirements of any such building restriction, agreement, bylaw, Act or regulation affecting the site described in the permit.

4.4 The building standards shall apply to all residences constructed, erected, placed, altered, repaired, renovated, relocated, used or occupied in the municipality.

4.5 A Real Property Report may be required for all new principal buildings in the R, UR, C, HC and I Zoning Districts as defined in the municipality's Zoning Bylaw. Council may require a Real Property Report for other buildings at any time in these and other Zoning Districts, as required.

4.6 An elevation certificate may be required to be submitted for all new principal building in the R, UR, C, HC and I Zoning Districts as defined in the municipality's Zoning Bylaw. Council may require an elevation certificate for other buildings at any time in these and other Zoning Districts, as required.

4.7 All new homes shall be built parallel to the property line.

5.0 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:

- 5.1.1 the legal and civic description of the land;
- 5.1.2 the estimated value of construction;
- 5.1.3 the size of the building;
- 5.1.4 the names, addresses, and telephone numbers of the owner, contractor, architect, or engineer.

5.2 Except when authorized by the building inspector, or the municipality, the following construction drawings shall be submitted at the time of application:

- 5.2.1 two full sets of construction drawings and specifications;

- 5.2.2 a certified foundation plan designed by an architect or professional engineer;
- 5.2.3 a certified truss plan and layout for all roof truss systems and floor truss systems;
- 5.2.4 a site sketch indicating the distance between all property lines and existing and proposed buildings.

5.3 If the work described in an application for building permit, to the best of the knowledge of the municipality or its authorized representative, complies with the issue a permit in Form A and return one set of submitted plans to the applicant.

5.4 All building permits expire:

that 5.4.1 six months from the date of issue if the work is not commenced within period; or

5.4.2 two years from the date on which the permit was issued.

5.5 Any deviation, omission, or revision of work, for which a permit has been issued, requires approval of the building official.

6. 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.

6.2 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 the construction, or certification of, a building or part of a building.

6.3 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.

7. 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.

7.2 No person shall occupy a building until it has been approved for occupancy by the building official.

7.3 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.

7.4 It shall be the responsibility of the owner to arrange for all permits, inspections and certificates required by other applicable Acts and regulations.

8. Permit Fees & Charges

Building permit fees shall be charged in accordance with the fee scheduled provided under agreement between the Village of Bethune and the Building Official service provider."

9. Building Inspections

9.1 Pursuant to section 16(1)(a) of 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.

9.2 Inspections may include, but shall not be limited to:

9.2.1 Foundation inspection

9.2.2 Framing inspection

9.2.3 Final inspection

9.2.4 Basement development pre-inspection

9.3 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:

- 9.3.1 when the foundation is ready to be poured;
- 9.3.2 when a superstructure is to be placed on the foundation;
- 9.3.3 when the building is ready for a framing inspection prior to insulating;
- 9.3.4 when the building is substantially completed and prior to occupancy.

9.4 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 Section 8.2 shall apply.

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

10. Fines and Surcharges

10.1 **Commencement of Work:** Whenever any work for which a permit is required has commenced without the authorization of such a permit, a surcharge of 10% of the permit fee or \$50, whichever is higher, may be charged in addition to the permit fees.

11. Demolition Permits and Moving Permits

11.1 The fee for a permit to demolish or move a building shall be \$25.

11.2 Every application for a permit to demolish or move a building shall be in Form "B".

11.3 Where a building is to be demolished and the municipality 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 municipality, upon receipt of the fee, shall issue a permit for the demolition in Form "B".

11.4 Where the building is to be removed from the municipality, and the municipality 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 municipality, upon receipt of the fee, shall issue a permit for the removal in Form "B".

11.5 Where a building is to be removed from its site and set upon another site in the municipality, and the municipality 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 Council or its authorized representative, will conform with the requirements of this bylaw, the municipality, upon receipt of the fee, shall issue a permit for the removal in Form "B".

11.6 Where a building is to be moved through the municipality, the municipality shall issue a permit on Form "B" stating thereon the route to be followed by the applicant.

11.7 Permits issued for demolition or removal shall expire six months from the date of issue.

12. Occupancy Deposit

12.1 A building permit for one and two unit dwellings, including RTM's and moved-in-homes, shall not be issued until the applicant has deposited \$500 with the municipality to ensure compliance with the municipal building bylaw and the National Building Code.

12. The municipality shall refund the occupancy deposit in whole, or in part, as the case may be, at such time that the municipality is satisfied that all outstanding infractions, as noted on the building official's final inspection report, have been corrected.

12.3 Forfeiture of the occupancy deposit, in whole or in part, may result when one of the following occur:

12.3.1 Where the building official requires an additional building inspection due to the number of infractions against the National Building Code;

12.3.2 Where an owner or contractor calls for a building inspection and the building official determines that the owner or contractor is not ready for the inspection;

12.3.3 When the owner or contractor fails to call for a building inspection at the required intervals;

12.3.4 Whenever a dwelling is occupied prior to the final inspection approval of an occupancy permit, or approval of a temporary occupancy permit.

12.4 If a final inspection has not been completed within 3 years from the date the building permit has been issued the building shall be deemed incomplete, and any occupancy deposit being held by the municipality shall be forfeited.

13. Occupancy

13.1 Occupancy Approval Required

13.1.1 No person shall occupy a building without first receiving final approval from the building official or the municipality.

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

14. Enforcement of Bylaw

14.1 If any building or part thereof or addition thereto is erected, constructed, reconstructed, altered, repaired, renovated, removed or placed in contravention of any provision of this bylaw, the Council 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:

14.1.1 entering into a building,

14.1.2 ordering production of documents, tests, certificates, etc. relating to a building,

14.1.3 taking material samples,

14.1.4 issuing notices to owners which order action within a prescribed time,

14.1.5 eliminating unsafe conditions,

14.1.6 completing actions, upon an owner's non-compliance with an order, and adding the expenses incurred to the tax payable on the property, and

14.1.7 obtaining restraining orders.

14.2 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 Council or its authorized representative may take any measures allowed by subsection 14.1.

14.3 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 municipality as required in Section 17.2 of the Act including, but not limited to:

14.3.1 on start, progress and completion of construction,

14.3.2 of change in ownership prior to completion of construction, and

14.3.3 of intended partial occupancy prior to completion of construction.

15 Penalty

15.1 Any person who contravenes any of the provisions of this bylaw shall be liable to the penalties provided in Section 22 of the Act.

15.2 Conviction of a person or corporation for breach of any provision of this bylaw shall not relieve him from compliance therewith.

16 Miscellaneous

16.1 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 portion of the Bylaw.



[Handwritten Signature]
MAYOR

[Handwritten Signature]
ADMINISTRATOR



Certified a True Copy of
Bylaw No., adopted by
Resolution of Council this 3rd
day of May, 2010

[Handwritten Signature]
Administrator

APPROVED ON CONDITION
In accordance with Clause 23.1(3)(c) of The Uniform
Building and Accessibility Standards Act.

[Handwritten Signature]

Executive Director
Protection and Emergency Services
Ministry of Corrections, Public Safety and Policing

DATE: *July 30/10*

APPROVED IN PART

Classes 4, 5, 4.6 & 4.7 & Clause 10
conflict with the UBAS Act as stated
in letter dated July 29, 2010

Executive Director

[Handwritten Signature] *July 30/10*

FORM "A"

VILLAGE OF BETHUNE

APPLICATION FOR BUILDING PERMIT

I hereby make application for a permit to:
Construct _____ Alter _____ Reconstruct _____
a building according to the information below and to the plans and documents attached to
this application.

Civic address or location of work _____
Legal description Lot(s) _____ Block _____ Plan _____

Owner _____ Phone _____

Designer _____ Phone _____

Address _____

Contractor _____ Phone _____

Address _____

Nature of work _____

Intended use of building _____

Size of building Length _____ Width _____ Height _____

Storys - No. _____ Fire Escapes _____

If public building, state width of stairways _____ No.
width of exits _____ No.

Construction Details

Footings _____ Material _____ Size _____

Foundations _____ Material _____ Size _____

Exterior Walls _____ Material _____ Size _____

Roof _____ Material _____ Size _____

Studding _____ Material _____ Spacing _____

Floor Joists _____ Material _____ Spacing _____

Girders _____ Material _____ Spacing _____

Rafters _____ Material _____ Spacing _____

Chimneys _____ No. _____ Size _____ Material _____

Heating _____ Lighting _____ Plumbing _____

Foundation Soil Classification and Type _____

Estimated cost of building (excluding site) \$ _____

Floor area of building (excluding unfinished basement) Square Meters _____

Fee for building permit \$

I hereby agree to comply with the bylaw of the municipality respecting building and acknowledge that it is my responsibility to ensure compliance with the Building Bylaw of the municipality and applicable Acts and regulations regardless of any review of drawings or inspections that may or may not be carried out by an inspector.

SIGNATURE OF OWNER OR AGENT

FORM "B"
VILLAGE OF BETHUNE
APPLICATION FOR A PERMIT TO MOVE OR DEMOLISH A BUILDING

DATE: _____

I hereby make application for a permit to demolish a building now situated on civic address or location _____

Lots(s) _____, Block _____, Plan _____

The demolition will commence on _____, and will be completed on _____
(date) (date)

OR

I hereby make application for a permit to move a building now situated on civic address or location _____

Lots(s) _____, Block _____, Plan _____

To civic address or location _____

Lot(s) _____, Block _____, Plan _____

OR

Out of the municipality _____

The building has the following dimensions: Length _____ Width _____
Height _____

The building mover will be _____

And the date of the move will be _____

The building will be moved over the following route: _____

The site work (filling, final grading, landscaping, etc.) which will be done after removal of the building includes _____

I hereby agree to comply with the provisions of the Building Bylaw of the municipality and to become responsible for any damage done to any property as a result of the demolition or moving of the said building, and to deposit such sum as may be required by Section 6(1)(b) of the said bylaw. I acknowledge that it is my responsibility to ensure compliance with any other applicable bylaws, Act and regulations, and to obtain all required permits and approvals prior to demolishing or moving the building.

SIGNATURE OF OWNER OR AGENT
