

CITY OF WEYBURN

BYLAW NO. 2012-3241

A BYLAW RESPECTING BUILDINGS AND RELATED ACTIVITIES

Whereas The *Uniform Building and Accessibility Standards Act* provides that a Municipality may pass bylaws in respect to certain matters, and shall administer and enforce the provisions of that Act and its Regulations, which include the National Building Code of Canada.

Now therefore, The Council of the Urban Municipality of the City of Weyburn in the Province of Saskatchewan enacts as follows:

SHORT TITLE

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

DEFINITIONS

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, 1995* and amendments.
- (3) "Authorized Representative" means a building official appointed by the local authority pursuant to subsection 5(4) of the Act or the municipal official.
- (3) "Building Official" means a Licensed Building Official of the City of Weyburn as appointed by Council.
- (4) "City" means the Urban Municipality of the City of Weyburn.
- (5) "Council" means the duly elected council of the Urban Municipality of the City of Weyburn.
- (6) "Local Authority" means the Urban Municipality of the City of Weyburn.
- (7) "Municipality" means the Urban Municipality of the City of Weyburn.
- (8) "National Building Code" means the *National Building Code of Canada* as adopted and amended by the Act and Regulations from time to time, for application within the Province of Saskatchewan.
- (9) "Occupancy" means the use or intended use of all or part of a building for the shelter or support of persons, animals or property.
- (10) "Owner" means any person, firm, or Corporation that controls the property under consideration.
- (11) "Regulations" means *The Uniform Building and Accessibility Standards Regulations*.
- (12) "Stop Work Order" means a building official or other municipal official finds hazardous, unsafe work and or conditions, or violations to the City Building Bylaw, the Act, Regulations or National Building Code therefore requiring the owner and or agent to stop work immediately until remedial actions have been completed or permits issued.
- (13) Additional definitions as contained in the Act and regulations shall apply in this bylaw.

PURPOSE OF THE BYLAW

3. (1) This bylaw has been enacted for the purpose of regulating construction within the City of Weyburn in the general public interest. The activities undertaken by or on behalf of the City of Weyburn pursuant to this bylaw are for the sole purpose of providing a limited and interim review and inspection function for reason of health, safety, and the protection of persons and property.
- (2) It is not intended that this bylaw reduce in any way the owner's responsibility, legislated in the Act, to comply in all respects with applicable building codes and standards.
- (3) Issuance of a required permit is not a warranty or guarantee that a project conforms in all respects to applicable building codes and regulations. Owners are responsible to make a determination, and ensure that all applicable Codes, Standards, and Regulations have been complied with.
- (4) Council may from time to time, taking into account social and economic factors, including the resources available to it and various demands made upon those resources by the residents of the City, and further, after consultation with the Engineering and Inspections division make planning and policy decisions respecting the level of allocation of resources to the inspections division which may affect the operational performance of the division in regard to the frequency of and extent to which inspections are made under this By-law.

SCOPE OF THE BYLAW

4. (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 matter 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.

DUTIES OF THE OWNER

5. (1) A permit is required whenever work regulated by the Act and Regulations is to be undertaken; and shall include but not be limited to:
 - a) New building construction, including garages, decks, and mobile homes;
 - b) Structural changes to existing buildings;
 - c) New and ready to move (RTM) buildings;
 - d) Demolition, repair, relocation, alteration or addition to an existing building or structure;
 - e) Change of occupancy or use of an existing building;
 - f) Accessory buildings larger than 10 sq m (100 sq ft);
 - g) Decks over 1200mm (12") above grade, and roof enclosures over existing or new decks; and
 - h) Basement development in existing or new buildings
- (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.
- (3) An owner shall apply for and obtain the necessary permit(s), before proceeding with any work regulated by this bylaw, and shall post the permit prominently on-site for the duration of the work.

- (4) The owner and agents of the owner, shall ensure that work regulated by this bylaw is completed in conformity with applicable codes, regulations, and standards.
- (5) An owner shall obtain local authority approval of the finished height of a new foundation prior to commencement of construction and shall ensure that the height proposed along with surface grades, provides for positive surface drainage which does not negatively impact adjacent properties.
- (6) An owner shall permit the Building Official or persons authorized by the Building Official to enter any building or property at any reasonable hour, and shall not obstruct or interfere with the Local Authority in the performance of its duties.
- (7) No person shall place or construct on City property, any curbing, terracing, retaining wall, or other structure, nor shall the same be constructed on any site so as to extend onto City property, unless specific written approval is granted by the City of Weyburn.
- (8) No owner shall permit occupancy or use of a new building, or a building which has undergone a significant change of use, or major renovation without first obtaining an occupancy inspection and occupancy permit from the local authority.
- (9) 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 municipality or any municipal official or any building official appointed by the municipality liable for damages or otherwise, by reason of the fact that a building, the placement, erection, construction, alteration, repair, renovation, reconstruction, 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 and/or regulation.

DUTIES OF THE LOCAL AUTHORITY

6. (1) The local authority shall administer and enforce this bylaw.
- (2) The local authority shall keep proper records of all applications received, permits and orders issued, inspections and tests made, and shall retain all papers and documents connected with the administration of these duties.
- (3) The local authority may deliver inspections, orders or related documents, as permitted by Part II Section 13 of the Regulations.
- (4) For purposes of administration and enforcement of this bylaw the Building Official may designate building officials appointed the local authority.

BUILDING PERMITS

7. (1) Every application for a permit to erect, place, construct, alter, repair, renovate or reconstruct a building shall be in a format approved by the Building Official, and shall be accompanied by two sets of detailed building plans and specifications of the proposed work, acceptable to the Building Official, and showing the proposed use of each room or floor area. The Building Official may authorize lesser plans and specifications when warranted by the size or nature of the project.
- (2) Whenever the scope of the proposed work requires the technical expertise of an Architect or Professional Engineer the Building Official may, at his or her discretion, require as a condition of the application, that all of the drawings and specifications, or any part thereof, be prepared, reviewed, sealed, and signed by a Professional Engineer or Architect registered in the Province of Saskatchewan.

- (3) The 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 Council or its authorized representative, complies with the requirements of this bylaw, the municipality, upon receipt of the prescribed fee, shall issue a building permit in a format approved by the Building Official, and return one set of submitted plans to the applicant.
- (5) The Building Official may refuse to issue any permit:
 - a) That would contravene any provision of the City's zoning bylaw, Waste and Waste Water Bylaw, Solid Waste Management Bylaw, Traffic Bylaw or other bylaw or regulatory provision of the Local Authority.
 - b) Where required approval of any other Federal or Provincial authority or City Business License Division has not been obtained.
 - c) Whenever information submitted is inadequate to determine compliance with the Act and Regulations.
 - d) Whenever incorrect or incomplete information is submitted.
 - e) Whenever permit issuance would be prohibited by any other Act or regulation.
- (6) The Building Official may revoke a permit by written notice to the permit holder if:
 - a) There is a contravention of any condition under which the permit was issued;
 - b) Any deviations are found from the approved plans are found in the construction;
 - c) The permit was issued in error or;
 - d) The permit was issued on the basis of incorrect or misleading information.

Building Permit Fee Schedule

8. (1) The application fee for a building permit is shown in the schedule of fees - Schedule "A".
- (2) For the purpose of determining a building permit fee, the Building Official, at his or her discretion, may place a value on the cost of the work based on an owners statement of costs, consultants statement of costs, contractor statement of costs or an estimate of costs based on historical permit information.
- (3) Permit fees shall be doubled where work is commenced prior to issuance of a building permit.
- (4) Approval in writing from Council or its authorized representative is required for any deviation, omission or revision to work for which a permit has been issued under this section.
- (5) Building permits are issued on the express condition that the permitted work shall commence within a period of six months from the date of permit issuance, and that the permitted work, once commenced, shall proceed in a diligent and forthright manner so as to expedite its completion.
 - a) All permits issued under this section expire six months from date of issue if work is not commenced within that period, or

- b) All permits issued under this section expire if work is suspended for a period of six months, unless allowed by prior agreement of the Council or an Authorized Representative.
 - c) Other arrangements may be applied for and approved in writing at the discretion of Council or an Authorized Representative.
- (6) Council or an Authorized Representative 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.

OCCUPANCY PERMITS

9. (1) a) No person or owner shall permit occupancy or use of a newly constructed building, or a building which has undergone a significant change or use, or major renovation without first obtaining an occupancy inspection and occupancy permit from the local authority.
- b) Newly constructed buildings, buildings which have undergone significant changes in use, or major renovations shall comply with the construction requirements and minimum building standards as set out in the Act, Regulations and National Building Code.
- c) Occupancy permits will be issued upon satisfaction to the building official that life safety and building safety shall not be jeopardized due to non-conformities, deficiencies or incomplete work.
- d) If an occupancy permit is refused, the building official shall notify the applicant and or owner in writing and shall indicate the reason for the refusal and remedial action required.

DEMOLITION OR REMOVAL PERMITS

10. (1) a) The application fee for a permit to demolish or remove a building is shown in the schedule of fees - Schedule "A".
- b) In addition, the applicant shall deposit, with the municipality, the sum of \$1,500.00 to cover any costs incurred to the City for restoring the site, roadway, sidewalks, curbs or gutter, after the building has been demolished or removed to such condition that it is, in the opinion of the Council or its representative, not dangerous to public safety. If the applicant who demolished or removes the building restores the site, roadway, sidewalks, curbs or gutters, to a condition satisfactory to the Council or its authorized representative, the sum deposited, or portion thereof, shall be refunded.
- c) The owner shall ensure that rubble and debris from demolition activities is removed from the site and disposed of in a responsible manner, in a recognized landfill. Recycling of used building materials is encouraged whenever possible.
- d) Building foundations shall be removed from the site, and excavations shall be filled and leveled so as to eliminate water ponding or adverse drainage of the site. Demolition sites shall be left in a safe and sanitary condition.
- (2) Every application for a permit to demolish or remove a building shall be in a format approved by the Building Official.
- (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 and deposit prescribed, shall issue a permit for the demolition, signed and approved by Council or its representative.

- (4) Where a 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 and deposit prescribed, shall issue a permit for the removal.
- (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 and deposit prescribed, shall issue a permit for the removal signed and approved by Council or its representative. The authority having jurisdiction may refuse such a permit for relocation of a structure where the proposed site and building to be placed on the site does not comply with the current City of Weyburn Zoning Bylaw or if there are non-conformities with regards to minimum building standards as set out in the current National Building Code.
- (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 municipality.

ENFORCEMENT OF BYLAW

11. (1) A permit may be refused to be issued to any person who has failed to pay any fees due and owing under this bylaw, or who has failed to remedy a defect in construction under a previous permit, or where the Local Authority determines that the work proposed does not conform with requirements, or for such other reasons as the local authority deems advisable.
- (2) If any building or part thereof, or addition thereto is erected, placed, altered, repaired, renovated or reconstructed 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:
 - 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 which order actions within a prescribed time, and which may include stop work orders,
 - 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.
- (3) 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 (2).
- (4) 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 48 hours notice in writing to the municipality as required in Section 17.2 of the Act including, but not limited to:
 - a) The start of construction,
 - b) Prior to backfilling drain tile or weeping tile systems,
 - c) Prior to backfill of damproofing or foundation systems,
 - d) upon completion of ground preparation for slab placement,
 - e) Upon completion of structural framing and sheathing systems ,
 - f) Upon completion of insulation and vapour barrier installation,
 - g) Upon installation, deactivation, or significant change to fire alarm or fire suppression systems,

- h) Prior to occupancy of a building,
- i) In the event of a change in ownership prior to completion of construction, and
- j) in the event of intended partial occupancy prior to completion of construction.
- k) As otherwise specified in building permit approval conditions.

And shall not cover up or conceal such work without authorization in writing from the Local Authority. In the event work is concealed without authorization the Building Official may order work be completed to facilitate a required inspection.

MOVING PERMITS AND REGULATIONS

12. (1) No owner shall move any building into, or through Weyburn, without having first made an application to, and received a moving permit from the Building Official. Application shall be made on a form approved by the Building Official.
- (2) The authority having jurisdiction may refuse such a permit for relocation of a structure where the proposed site and building to be placed on the site does not comply with the current City of Weyburn Zoning Bylaw or if there are non-conformities with regards to minimum building standards as set out in the Act, Regulations, or National Building Code.
- (3) The application fee for a moving permit is shown in the schedule of fees - Schedule "A".
- (4) No person shall commence to move any building onto City property without having received written approval of the date and time of the move, and approval of the route proposed to be used.
- (5) Immediately after the building has reached its new site the Local Authority shall be advised of the completion of the move.
- (6) No trees may be trimmed or adversely affected to facilitate moving a building without specific written approval of the owner of the tree.
- (7) Written approval of utility companies must be obtained approving the route to be used for moving a building. The owner is responsible for any costs associated for raising or protecting power lines or other utility structures.
- (8) Every applicant for a Moving Permit under Section 8.1.1 shall deposit the sum of five hundred dollars (\$500.00) with the City and furnish proof that the mover is covered by satisfactory insurance, including public liability, to the end that the City shall be indemnified and saved harmless in connection with any claims, losses, damages, actions, or demands it may sustain directly or indirectly resulting from the granting of the said permit. The deposit shall be returned to the applicant less any costs incurred in repairing or replacing property which was damaged as a result of the move.
- (9) No person engaged or employed in moving any building shall handle or permit to be handled, cut or disconnect, damage or interfere with any telephone or electric light wires, gas lines or water and sewer lines and connections.
- (10) No person engaged or employed in moving any building shall use any hydrant, telephone or electric light pole for the purpose of anchoring any rope or other instrument used in moving buildings.
- (11) Except as allowed by subsection (12), it shall be unlawful for any person to move any building or structure into the limits of the City of Weyburn or locating same therein; and no permit shall be issued for said purposes.
- (12) It shall be lawful for any person to move a building into the City of Weyburn provided the following conditions are complied with:

- a) said building is of new construction, has never been lived in by any person or persons, whether said building be completely or partly constructed, or in a pre-fab or pre-cut form or;
 - b) the building complies with building relocation policy as adopted by Council from time to time, or
 - c) Special approval has been granted by Council, in unusual circumstance, and
 - d) the owner shall obtain a mover's license and pay any mover's license fee that may be payable under the License Bylaw of the City of Weyburn, and
 - e) the owner shall apply for and obtain from the Building Official a moving permit to move said building into the City.
- (13) Before any moving permit shall be granted under subsection (11), the owner must:
- a) provide satisfactory proof that the building has been constructed in conformity with this Bylaw; and
 - b) provide satisfactory proof that the building has passed the inspection of a qualified person who is satisfactory to the Building Official, or in the event that the said building has not been so inspected, and is within a 30 mile radius of the City limits, the owner shall pay an inspection fee of One Hundred Fifty (\$150.00) Dollars plus one \$1.00 per kilometer both ways, in order that the building may be inspected, and if acceptable, approval granted. Inspections do not include electrical or plumbing works and it is the owner's responsibility to have these works inspected and approved by the proper authorities and submit evidence of approval to the Building Official.
 - c) have made application for and received a building permit for the relocation site as provided by Section 7 of this bylaw.

SPECIAL CONDITIONS

- 13 (1) An architect or professional engineer registered in the province of Saskatchewan must be engaged by the owner, at any time it is considered necessary by the local authority, for assessment of design and inspection of construction or certification of a building.
- (2) It shall be the responsibility of the owner to ensure that change in property lines will not bring the building or an adjacent building into contravention of this bylaw.
- (3) It shall be the responsibility of the owner to ensure that change in ground elevations will not bring the building or an adjacent building into contravention of this bylaw.
- (4) It shall be the responsibility of the Owner to arrange for all permits, inspections and certificates required by this bylaw or other applicable Acts and regulations.
- (5) Building eavestroughs shall not be connected to the City sanitary sewer system.
- (6) All newly constructed residential dwellings are required to have a sump pump system according to the following regulations;
- a) A sump pump shall be installed in the sump pit;
 - b) The sump pump discharge shall be piped in a manner so that the ground water is discharged to the street or avenue side of the building. The ground water shall be discharged in a manner so it will not return to the granular layer located directly adjacent to the footing and exterior wall of the basement foundation;

- c) The installation of the sump pump and all piping, connectors, couplings, and fasteners shall conform to the requirements of the current plumbing and electrical codes.
- d) It is the responsibility of the homeowner to ensure that the sump pump is operation and functioning at all times.

PENALTY

- 14. (1) Any person who contravenes any of the provisions of this bylaw by doing any act or thing that is prohibited, or by failing to do any act or thing that is required, is guilty of an offence and is liable upon summary conviction to the penalties provided in Section 22 of the Act.
- (2) Any offence created pursuant to this by-law shall be considered to be a strict liability offence.
- (3) A Peace Officer may issue a summary offence ticket in the form prescribed by *The Summary Offences Procedure Act* to any person who violates any provisions of this bylaw and such person may, in lieu of prosecution, pay the City the Voluntary Penalty as set out in Schedule “B” attached to this bylaw.
- (4) Conviction of a person or corporation for breach of any provision of this bylaw shall not relieve him, her or it from compliance therewith.
- (5) In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day or part of a day during which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.
- (6) Thy owner of property on which a Stop Work Order has been posted by the Building Official, and every other person working for, with or under the owner, shall immediately cease all construction work until all applicable provisions of this bylaw have been complied with and the Stop Work Order has been rescinded in writing, by the Building Official.
- (7) If an owner permits occupancy or use of a new building or a building which has undergone a significant change of use, or major renovation without first obtaining an occupancy permit, as per Section 9 of this Bylaw, that shall be considered a violation of this Bylaw and such person may, in lieu of prosecution, pay the City the Voluntary Penalty as set out in Schedule “B” attached to this bylaw.

SEVERABILITY

- 14. (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 to be a separate, distinct, and independent provision and the holding of the court shall not affect the validity of the remaining portions of the bylaw.

EFFECTIVE DATE

- 15. (1) This bylaw shall come into force and take effect on the date on which it is approved by the Minister.

REPEAL

Bylaws number 1044, 1158, 75-1262, 81-1429, 84-1560, 87-1672, 92-1816, and 92-1822 are hereby repealed.

Mayor

City Clerk

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

Schedule “A”

Permit Fees	
Building Permit:	\$5.00 per \$1,000 of construction value, not including land
Minimum Fee for NBC 2005 Part 9 Project	\$50.00
Minimum Fee for NBC 2005 Part 3 Project Part 3 Project – as described in section 1.3.3.2 of NBC 2005	\$2,000.00
	Starting without a permit doubles the applicable fee
Moving Permit	\$50.00
Moving Permit Deposit - refundable	\$500.00
Demolition or Removal Permit	\$50.00
Demolition / Removal Permit Deposit - refundable	\$1,500.00

Schedule “B”

Voluntary Fines	
1. Failure to comply with an order:	
a) Individual	\$200.00
b) Corporation	\$1,000.00
2. Failure to display permit on site	\$50.00
3. Failure to obtain permit	
a) Individual	\$200.00
b) Corporation	\$1,000.00
4. Failure to comply with permit conditions	\$500.00
5. Contravention / Violation of Building Bylaw	\$500.00
6. Occupying a building without Occupancy Permit	\$500.00
7. For each week occupancy of a building continues without occupancy permit	\$200.00