

TOWN OF KINISTINO

BYLAW NO. 01/11

A BYLAW RESPECTING BUILDINGS

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

SHORT 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 Town of Kinistino.

(5) “Regulations” means regulations made pursuant to the Act.

(6) 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 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) The granting of any permit that is authorized by this bylaw shall not:
- (a) entitle the grantee, his successor 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 placement, erection, construction, 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 erect, place, construct, alter, repair, renovate or reconstruct a building shall be in Form "A", and shall be accompanied by two sets 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.
- (2) 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.
- (3) 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.
- (4) 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 municipality.
- (5) The permit fee for erection, placement, construction, alteration, repair, renovation or reconstruction of a building shall be based on Schedule "A" attached.
- (6) The local authority may estimate the value of construction for the work described in an application for building permit, for the purpose of evaluating 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.

(7) 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.

(8) All permits issued under this section expire

- (a) one year 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 not complete after eighteen months from date permit was issued, unless prior written agreement of the local authority or its authorized representative has been obtained.

Upon application, expired permits will be reissued for a one-year period at the rate set out in Schedule "A".

(9) 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 MOVING PERMITS

6. (1) (a) The fee for a permit to demolish a building or to move a building shall be \$50.00.

(b) (i) In addition, the applicant shall deposit with the local authority a sum sufficient to cover the cost of restoring the site after the building has been demolished or removed to a satisfactory condition in the opinion of the local authority or its authorized representative. The sum is calculated to be \$5.00 per square foot of building.

(ii) If the applicant who demolishes or removes the building restores the site to a condition satisfactory to the local authority or its authorized representative, the sum deposited, or portion thereof, shall be refunded.

(2) Every application for a permit to demolish or move 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(5), shall issue a permit for the placement of the building in Form B.

(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.

ENFORCEMENT OF BYLAW

7. (1) If any building, or part thereof, or addition thereto is erected, constructed, reconstructed, altered, or placed 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 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. Void.

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.

(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.

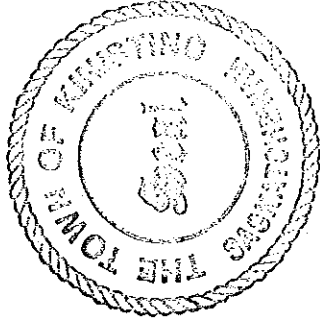
PENALTY

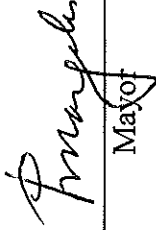
10. (1) Any person who contravenes any of the provisions of this bylaw shall be liable to the penalties provided in Section 22 of the Act.

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

REPEAL

11. Bylaw Nos. 02/08 and 11/09 are hereby repealed.





Mayor



Town Administrator

SCHEDULE "A"

Residential

Small projects: plan review and one (1) inspection: \$100
(garages, basement developments, decks)

Fee per \$1000 value of construction

New home construction: \$4.25/\$1000

CSA certified RTM home: \$3.75/\$1000

CSA certified mobile home: \$3.25/\$1000

Commercial

Project estimated value of construction	Fee
< \$500,000	\$4.30/\$1000
\$500,000 - \$2,500,000	\$3.75/\$1000
\$2,500,001 - \$5,000,000	\$3.20/\$1000
\$5,000,001 - \$10,000,000	\$2.80/\$1000
> \$10,000,000	\$2.25/\$1000

Miscellaneous

Reissuance of an expired building permit will be \$100.00.

Form A

APPLICATION FOR BUILDING PERMIT

Application No. _____ Present Zoning _____

I hereby make application for a permit to _____ construct _____ alter _____ reconstruct _____ renovate _____ a building according to the information below and to the plans and documents submitted herewith.

Legal Land Description: _____ Quarter of Section _____ Township _____ Range _____ W2
Lot _____ Block _____ Plan No. _____

Other (If subdivision): _____

Owner and/or Applicant: _____

Address: _____

Home Phone: _____ Cell Phone: _____

Fax: _____ Email Address: _____

Contractor: _____

Address: _____

Home Phone: _____ Cell Phone: _____

Fax: _____ Email Address: _____

Nature of Work: _____

Intended Use of Building: _____

Floor Area of Building (excluding unfinished basement) _____ square metres.

Estimated Value of Building (excluding site) \$ _____

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.

PLEASE PRINT NAME: _____

Signature of Owner or Owner's Agent _____ Date _____

PLEASE INCLUDE 2 COMPLETE SETS OF BUILDING PLANS (INCLUDING SITE PLAN)



Form B

BUILDING PERMIT

Permission is hereby granted to : _____
to _____construct _____alter _____reconstruct _____ renovate _____ a building to be used as a:

_____ at: _____
Legal Land Description: _____Quarter of Section _____ Township _____ Range _____ W2
Lot _____ Block _____ Plan No. _____

Other (if subdivision): _____

In accordance with the application dated _____.

This permit expires:

- (a) one year 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 not complete after eighteen months from date permit was issued, unless prior written agreement of the local authority or its authorized representative has been obtained.
- Upon application and receipt of fees, expired permits will be reissued for a one-year period .

This permit is issued under the following conditions:

Any deviation, omission or revision to the approved application requires approval of the local authority or its authorized representative.

Estimated Value of Construction \$ _____ Permit Fee: \$ _____

Authorized Municipal Official _____ Date

Form C

APPLICATION FOR DEMOLITION OR MOVING PERMIT

I hereby make application for a permit to demolish a building now situated on

Civic address or location _____
Lot _____ Block _____ Plan _____

The demolition will commence on _____, 20____
and will be completed on _____, 20____

OR

I hereby make application for a permit to move a building now situated on

Civic address or location _____
Lot _____ Block _____ Plan _____

to

Civic address or location _____
Lot _____ 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 _____, 20____.

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 Building Bylaw of the local authority and to be responsible and pay 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 Building Bylaw. I acknowledge that it is my responsibility to ensure compliance with any other applicable bylaws, acts and regulations, and to obtain all required permits and approvals prior to demolishing or moving the building.

Date

Signature of Owner or Owner's agent

Town of Kinistino
P.O. Box 10
Kinistino, SK S0J 1H0

Form D

DEMOLITION OR MOVING PERMIT

_____, 20____

Permission is hereby granted to _____ to _____

_____ Move **OR** _____ Demolish

a building situated on:

Legal Description: _____ Section _____ Township _____ Range West 2nd
Lot _____ Block _____ Plan _____

To:
Legal Description: _____ Section _____ Township _____ Range West 2nd
Lot _____ Block _____ Plan _____

In accordance with application dated _____ 20____. This permit expires
six months from the date of issue.

This permit is issued under the following conditions:

Any deviation, omission or revision to the approved application requires approval of the
local authority or its authorized representative.

Permit fee \$ _____

Deposit fee \$ _____

Authorized Municipal Official