

BYLAW #19/09

A BYLAW OF THE RESORT VILLAGE OF AQUADEO
IN THE PROVINCE OF SASKATCHEWAN RESPECTING BUILDINGS

1. SHORT TITLE:

This bylaw may be cited as the Building Bylaw.

2. 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.
- 2.2 “Regulations” means regulations made pursuant to the Act.
- 2.3 “Administrative Requirements” means the Administrative Requirements for use with the National Building Code.
- 2.4 “Local Authority” means the Resort Village of Aquadeo
- 2.5 “Council” means the council of the Resort Village of Aquadeo
- 2.6 Definitions contained in the Act and Regulations shall apply in this bylaw.

3. SCOPE OF THE BYLAW:

- 3.1 This bylaw applies to matters governed by the act and Regulations, including the National Code of Canada and the Administrative Requirements.
- 3.2 Notwithstanding subsection (1) references and requirements in the Administrative Requirements respecting matters regulated by the Act and Regulations shall not apply.
- 3.3 Notwithstanding subsection (1) references and requirements in the Administrative Requirements respecting “occupancy permits” shall not apply except as and when required by Council or its authorized representative.

4. GENERAL:

- 4.1 A permit is required whenever work regulated by the Act and Regulations is to be undertaken.
- 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:
 - 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 any municipal official or any inspector appointed by the local authority liable for damages or otherwise by reason of the fact that a building, the placement, erections, 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 affecting the site described in the permit.

5. 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 specification of the proposed building, except that when authorized by an inspector or authorized representative, plans and specifications need not be submitted.
- 5.2 Any permit may require submission of an up-to-date survey by a registered land surveyor or locating of pins prior to the start of construction as a condition of permit approval.
- 5.3 If the work described in an Application for Building Permit, to the best of 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 (1) set of submitted plans to the applicant.
- 5.4 The permit fee for erection, placement, construction, alteration, repair, renovation or reconstruction of all buildings authorized by council shall be based on the following fee schedule:
- \$25.00 flat fee for construction under \$10,000
 - \$25.00 plus \$1.00 per thousand for construction \$10,000 and over
- 5.5 The permit fee for erection, placement, construction, alteration, repair, renovation or reconstruction of all buildings authorized by a representative of council shall be based on the fee schedule of the individual representative and/or business of said representative.
- 5.5 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.
- 5.6 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 longer by prior written agreement of the Council
- 5.7 Where construction is taking place under the authority of a building permit, the exterior of the building shall be completed within twelve (12) months of the issuance of the permit. The initial landscaping of the lot shall be completed within two (2) years. The lot shall be free of stored building materials and be leveled for proper drainage within two years of the issuance of the building permit.
- 5.8 Any lot proposed for development shall be graded and leveled at the owner's expense to provide for adequate surface drainage, which shall **not** adversely affect the natural drainage or adjacent property, in accordance with the requirements of the Resort Village of Aquadeo. An approval permit shall be required for any excavation that exceeds 0.6m (2 feet) from the natural grade.
- 5.9 At council's discretion, a retaining wall may be inspected by a qualified building inspector to determine the safety and functionality of an existing or proposed retaining wall. If the wall is deemed unsafe or no longer able to confidently provide intended results, it shall be replaced or repaired at the cost of the owner. Retaining walls shall not be allowed to interfere with sight triangles or sightline setbacks at intersections or corners. If a wall is absolutely required the village shall take appropriate measures to ensure the safe flow of traffic in the area.
- 5.10 Council 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.

6. BUILDING OFFICIAL:

- 6.1 Council may, at its discretion, have plan review, inspection and other services for the purpose of enforcement of the Act and Regulations, provided by an inspector or inspectors designated by the Minister to assist the municipality pursuant to subsection 4 (4) of the ACT.
- 6.2 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.
- 6.3 When necessary, the building official, or local authority may require the owner/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
- 6.4 The building official may require the owner or contractor to supply additional plans, drawings or specification 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 and 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 or designate (if applicable).
- 7.3 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.
- 7.4 To ensure that all permits, inspections and certifications required by other applicable Acts and Regulations are obtained and adhered to.

8. BUILDING INSPECTIONS:

- 8.1 Pursuant to section 16(1)(a) of the Act, the building official may, at its discretion, inspect any building in the local authority at any time during any reasonable hour of the day.

Inspections may include, but shall not be limited to:

- a) foundation inspection
- b) framing inspection
- c) final inspection
- d) basement development pre-inspection
- e) pre-move inspection

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 (if applicable)

- a) when the foundation is ready to be poured
- b) prior to backfill
- c) when a superstructure is to be placed on the foundation
- d) when the building is ready for a framing inspection
- e) when the building is substantially completed and prior to occupancy

The building official may require additional inspections at any time throughout the construction project.

Final Inspection and Approval for Occupancy (if applicable)

A building shall not be approved for occupancy until the local authority is satisfied that all outstanding infractions, as noted on the building official's final inspection report, have been corrected.

9. DEMOLITION OR REMOVAL PERMITS:

- 9.1 The fee for a permit to demolish or move a building shall be \$25.00.
- 9.2 The applicant shall be responsible to restore the site after the building has been demolished or removed to such condition that it is, in the opinion of council or its authorized representative, not dangerous to public safety and all debris (cement, brush, lumber, shingles etc) has been removed from the site and is aesthetically pleasing to the surrounding community.
- 9.3 Every *application* for a permit to demolish or remove a building shall be in form “C”.
- 9.4 Where a building is to be demolished or removed and the local authority 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 shall issue a *permit* for the demolition in Form “D”.
- 9.5 a) 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 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 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 9.1, shall issue a permit for the placement of the building in Form B.
- 9.6 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.

10. MOVING A BUILDING INTO THE VILLAGE

- 10.1 Minimum building size shall be 74 sq. meters (800 sq. ft). Basements and attached garages are not included. Anyone wishing to move a building into the village shall be responsible for:
- a) arranging for a pre-move inspection by contacting the village office
- b) payment for pre-move inspection
- c) completing an application for moving – attaching pictures of building
- d) site plan drawn to scale, indicating, all measurements pertaining to property lines, setbacks, existing buildings has been filed
- e) surveyors certificate or proof of property line pins have been located
- f) legal document or letter signed by owner of property if not owned by applicant
- 10.2 Once all information is submitted to the village office a letter will be sent (picture attached) to all residents in a 75 meter radius giving them 10 business days from the date of the letter to respond with any concerns.

11. MOBILE HOMES:

- 11.1 Mobile homes must be certified by the manufacturer that it complies with the Canadian Standards Association Code CSA-Z240 series standards. Mobile homes are only allowed in the Resort Village of Aquadeo R1 Residential District at the discretion of Council and must conform to all setbacks as indicated in the section called Single Detached Dwelling. A moving permit is required at the time of move, along with a building application, site plan, foundation plans, support & anchoring being used and cribbing specs.
- 11.2 Must comply with Zoning Bylaw #19/89, Section 6.1.5.3

12. ENFORCEMENT OF BYLAW

12.1 If any building, or part thereof, or addition thereto is erected constructed, reconstructed, altered, 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:

- a) issuance of a stop work order
- b) entering a building
- c) ordering production of documents, tests, certificates etc. relating to a building
- d) issuing notices to owners which order actions within a prescribed time
- e) taking material samples
- f) eliminating unsafe conditions
- g) completing actions, upon an owner's non-compliance with an order, and adding the expenses incurred to the tax payable on the property and
- h) obtaining restraining orders

12.2 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 (1).

12.3 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.

13. PENALTY:

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

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

13.3 Building without a permit will result in a "Stop Work Order" being issued and the permit fee will be increased to 2 times the original amount.

14. REPEAL:

14.1 Bylaw #27/92 is hereby repealed

14.2 Bylaw #07/06 is hereby repealed

14.3 Bylaw #16/08 is hereby repealed

Enacted pursuant to Section 23.1 of The Uniform Building and Accessibility Standards Act.

(Seal)

MAYOR

Certified a true copy of Bylaw #19/09 adopted

By Resolution of Council April 24/09

ADMINISTRATOR

Sharon Spence, Administrator

Read a third time and adopted the 24th day of April 2009.