

THE RURAL MUNICIPALITY OF WELLINGTON NO. 97

BYLAW NO. 2023 - 01

A BYLAW RESPECTING BUILDINGS

The Council of the Rural Municipality of Wellington No. 97 in the Province of Saskatchewan enacts as follows:

1. **SHORT TITLE**

This bylaw shall be referred to as the Building Bylaw.

2. **PURPOSE OF THE BUILDING BYLAW**

The purpose of this bylaw is to provide for the administration and enforcement of the Act, the regulations, the National Building Code of Canada, the National Energy Code of Canada for Buildings, ministerial interpretations and Saskatchewan Construction Standards Appeal Board Orders and building official orders within the local authority.

3. **INTERPRETATION/LEGISLATION**

Definitions contained in The Construction Codes Act, The Building Code Regulations and The Energy Code Regulations shall apply in this building bylaw.

a) "**Act**" means The Construction Codes Act.

b) "**Addition**" means any new construction expanding an existing building, either horizontally or vertically;

c) "**Administrator**" shall mean the administrator of the local authority;

d) "**Building Official**" means a person who holds a building official license;

e) "**Competent Person**" means a person who is recognized by the local authority as having:

i. A degree, certificate or professional designation; or

ii. The knowledge, experience and training:

necessary to design or review the design of a building.

f) "**Farm Buildings**" means, subject to the regulations, a building that:

i. Does not contain a residential occupancy;

ii. Is located on land used for an agricultural operation as defined in The Agricultural Operations Act; and

iii. Is used for the following purposes:

1. The housing of livestock;

2. The production, storage or processing of primary agricultural and horticultural crops or feeds;

3. The housing, storage or maintenance of equipment or machinery associated with an agricultural operation;

4. Any other prescribed purpose

g) "**Local Authority**" means the Rural Municipality of Wellington No.97;

- h) "**NBC**" means the edition and provisions of the National Building Code of Canada, including revisions, errata and amendments to it, declared to be in force pursuant to the Act and the regulations.
- i) "**NECB**" means the edition and provisions of the National Energy Code of Canada for Buildings, including revisions, errata and amendments to it, declared to be in force pursuant to the Act and the regulations.
- j) "**Occupancy Certificate**" means a certificate issued with respect to the approved use or occupancy of a building.
- k) "**Owner**" means:
 - i. Any person who has any right, title, estate or interest in land, improvements or premises other than that of a mere occupant, tenant or mortgagee;
 - ii. Any person, firm or corporation that controls the property under consideration; or
 - iii. If the building is owned separately from the land on which the building is located, the owner of the building.
- l) "**Owner's representative**" means any person, company, employee or contractor who has authority to act on behalf of an owner.
- m) "**Permit**" means written authorization issued by the local authority or its building official in the form a building permit.
- n) "**Plan Review**" means the examination of building drawings and related documents by a building official to ascertain whether those drawings and documents meet the requirements of the act and the regulations.
- o) "**Regulations**" means The Building Code Regulations and The Energy Code Regulations.
- p) "**Residential Occupancy**" means the occupancy or use of a building or part thereof by persons for whom sleeping accommodation is provided but who are not harboured for the purpose of receiving care or treatment and are not involuntarily detained.
- q) "**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.
- r) "**Work**" means any construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building.
- s) "**SAMA fee**" means a fee charged to the local authority by the Saskatchewan Assessment management Agency with respect to the work.

4. SCOPE OF THE BYLAW

- a) This building bylaw applied to all work undertaken or to be undertaken within the geographical jurisdiction of the local authority.
- b) Farm buildings that meet the definition of farm building in the definitions of this building bylaw are exempt from this bylaw.
- c) This bylaw applies to building used as the following:
 - i. Any dwelling or building with sleeping quarters;

- ii. Any building used for a business/commercial purpose, except within the practice of agriculture (per the "Farm Buildings" definition)
- iii. All buildings located within the Light Industrial and Commercial District, and Hamlet District.

5. **GENERAL**

- a) It is the duty of every owner or the owner's representative of a building in Saskatchewan to ensure that the building and work is in accordance with the Act, regulations, any associated codes, interpretations and orders and any bylaws adopted by the local authority in which the building is associated.
- b) It shall be the responsibility of the owner or the owner's representative to arrange for all permits, inspections and certificates as required by any other applicable Acts, Regulations and bylaws.
- c) A building or part of a building for which a permit has been granted shall not be occupied prior to the issuance of an occupancy certificate by the local authority or the building official pursuant to clause 16(11)(h) of the Act.
- d) This building bylaw shall apply to buildings greater than 10 square meters (107.6 square feet) unless otherwise exempted by the Act or the regulations.

6. **PERMITS – ISSUANCE**

- a) Every application for a permit to work shall be in Form A, and shall be accompanied by two sets of the plans and specification of the proposed building and work.
- b) Every permit application shall be reviewed and approved by the building official including plan review and approval.
- c) Once the building official has completed a review of the plan to determine if the work described in the permit application complies with the requirements of the building bylaw, the codes, the Act and the regulations and upon receipt of the required fee, the building official will provide the local authority with a recommendation to issue the building permit. The permit and one set of the approved plans and specifications shall be returned to the owner or the owner's representative.
- d) A permit issued pursuant to this building bylaw must include:
 - i. The name of the person, or company to whom the permit is issued;
 - ii. The period for which the permit is valid;
 - iii. A statement of all fees, deposits or bonds charged for the permit;
 - iv. The scope of the work authorized by the permit;
 - v. The civic address or legal land description of the property on which the work described in the permit is located;
 - vi. The buildings or portion of buildings to which the permit applies;

- vii. The date of completion of the stages of construction for which a permit holder must inform the local authority;
- viii. Any conditions that the permit holder is required to comply with; and
- ix. Any information required by this bylaw.

e) No person, or company to whom a permit is issued pursuant to the Act and this building bylaw shall fail to comply with the terms and conditions of the permit.

f) Approval in writing from the local authority or its authorized agent is required for any deviation, omission or revision to work for which a permit has been issued under this section.

g) Work must not commence prior to the permit being issued.

h) The permit fee shall be calculated according to the sum of the following:

- i. Municipal Administration Fee;
- ii. Fees for plan review, inspection of construction and enforcement pursuant to the agreement with the building official;
- iii. The value of construction fees may be established by, the owner's statement of costs, the contractor's construction values and/or estimations of value of the construction as determined by the building official.
- iv. Saskatchewan Assessment Management Agency Appraisal fees;
- v. A deposit, if required by the local authority. The deposit to be refunded upon satisfactory completion of work requiring the deposit.

i). The following fees shall be collected prior to the permit being issued:

- i. Municipal Administration fee
- ii. Plan review fee
- iii. Deposit if required

All other fees will be invoiced by the local authority upon receipt of invoices from the building official. Unpaid invoices will be considered a debt due to the local authority and may be recovered from the owner of the land or premises in or on which the work was carried out as per the Act.

j) It is the responsibility of the owner or the owner's representative to ensure that all notifications required by Section 7 of the Act and this building bylaw are given to the local authority and that all inspections are scheduled and completed. Failure to do so may result in additional fees for follow-up inspections.

7. **PERMITS – REFUSAL TO ISSUE**

a) The local authority may refuse to issue a permit if:

- i. The proposed work described on the permit application would contravene:
 - 1. The Act;
 - 2. The Regulations;
 - 3. An order of the appeal board;

- 4. A written interpretation of the minister pursuant to Section 8 of the Act;
or
- 5. The local authority's building bylaw;
- ii. The person who designed or reviewed the design of the proposed building that is within the scope of Part 9 of the NBC is not a competent person;
- iii. The person who designed or completed a design review of a proposed building that is within the scope of the NECB is not an architect or engineer;
- iv. The application for a permit is incomplete;
- v. Any fees, deposits or bonds required pursuant to the local authority's building bylaw for the issuance of a permit have not been paid; or
- vi. The proposed work described on the permit application would contravene any other Act, Regulations or bylaw that applies to the proposed work.

b) Where the local authority refuses to issue a permit pursuant to subsection a, the local authority shall:

- i. Provide written notice to the applicant as to the reasons for the local authority's refusal to issue a permit; and
- ii. Refund any fee or deposit paid as part of the permit application for work pursuant to the Act, less any fees paid for:
 - 1. Plan review; and
 - 2. Permit application or administration.

8. REVOCATION OF PERMIT

a) The local authority may revoke a permit issued pursuant to the Act:

- i. If the holder of the permit requests in writing that it be revoked;
- ii. If the permit was issued on mistaken, false or incorrect information;
- iii. If the permit was issued in error;
- iv. If after six (6) months from date of issue if work is not commenced within that period;
- v. If work is suspended for a period of six months;
- vi. If work is suspended for a period of longer than six months and no written agreement for the delay has been given by the local authority or the building official.

b) Where the local authority revokes a permit pursuant to subsection a it shall provide written notice to the permit holder as to the reasons for the revocation.

9. EXPIRY OF PERMIT

a) The expiry of a permit does not relieve the owner or the owner's representative from the obligation to complete the work approved in the permit.

b) All permits issued pursuant to this building bylaw shall expire on the date stated in the permit, or if no date is stated:

- i. Twenty-four months from date of issue;
- ii. Six months from date of issue if work has not commenced within that period;

- iii. On the date specified by the local authority if the work has not seriously commenced and is suspended for a period of six months; or
 - iv. On the date specified by the local authority if work has been suspended with written permission by the local authority or building official and the agreed upon period has been exceeded.
- c) An owner or the owner's representative that does not complete all the work listed on a permit before the permit expires shall apply to the local authority that issued the permit to do one of the following:
- i. Revoke the permit;
 - ii. Extend the term of the permit;
 - iii. Vary the condition of the permit.
- d) The local authority may revoke, extend or vary the conditions of a permit on written application of the permit holder and subject to any condition or fees listed in the bylaw.

10. **ENFORCEMENT**

a) The local authority or the building official may take any measures as permitted by section 24, 225 or 26 of the Act and Sections 13 and 14 of The Building Code Regulations for the purpose of ensuring compliance with this building bylaw.

11. **NOTIFICATION**

- a) All notifications to the local authority shall be in writing.
- b) Prior to the work beginning, the owner or owner's representative shall ensure that all of the information on the permit application is current and accurate.
- i. Prior to and during the construction, pursuant to subsection 11(a) any and all changes that deviates from the plans approved, the information on permit application shall be reported to the local authority as soon as the changes are made.
- c) The owner or the owner's representative shall notify the local authority of the following:
- i. When the work is intended to commence;
 - ii. When the excavation is to be commence;
 - iii. When the foundation is to be placed;
 - iv. When a superstructure is to be placed on the foundation;
 - v. Any other event at the time required by the permit under which work has been undertaken; and
 - vi. Any other specified event at the specified time.
- d) The owner or the owner's representative shall notify the local authority of the following:
- i. The intent to do any work that has been ordered by a building official or local authority during construction;

- ii. The intent to enclose work that has been order by a building official or local authority that requires inspection prior to enclosure; and
- iii. The completion of work.

e) The owner or the owner's representative shall notify the local authority immediately of the following:

- i. Any change or termination of employment of a person or firm identified on the Permit including but not limited to:
 - 1. The contractor or person in charge of the construction;
 - 2. The designer of the work;
 - 3. The person or firm that will determine if the construction conforms to the design; and
 - 4. Any inspection or testing agency that is engaged to monitor the work.
- ii. Any proposed deviations or any construction that deviates from the plans approved and permitted by the local authority;
- iii. Any change in ownership or change in address of the owner or the owner's representative that occurs before the issuance of an occupancy certificate immediately when the change occurs; and
- iv. The owner's or owner's representatives' intention to occupy a portion of the building if the building is to be occupied in stages.

f) The owner of a building or the owner's representatives, contractors, employees, successors or assigns or the registered owner of the land on which the building is situated shall submit a written report to the local authority in the event of any of the following that causes or has potential to cause serious injury or loss of life:

- i. Structural failure of the building or part of the building;
- ii. Failure of any equipment, device or appliance that is regulated by the Act or the regulations.

g) A report pursuant to subsection (f) must:

- i. Contain the following:
 - 1. Name and address of the owner;
 - 2. The address or legal land description of the building involved in the failure;
 - 3. The name and address of the contractor of the building; and
 - 4. The nature of the failure
- ii. Be submitted to the local authority within 15 days after the occurrence of the failure mentioned in subsection (f)(i) or (f)(ii).

h) Upon receipt of the report pursuant to subsection f, the local authority may require an owner to do the following:

- i. Provide any other information that the building official or local authority may consider necessary;
- ii. Complete any additional work that is necessary to ensure compliance.

12. **SPECIAL CONDITIONS**

- a) The owner or owner's representative that undertakes the construction of a building that is within the scope of Parts 3, 5, 6 and 7 of the NBC shall have an architect or engineer complete the design or design review of:
- i. The building; and
 - ii. All building systems.
- b) The owner or owner's representative that undertakes the construction of a building with a structure that is within the scope of Part 4 of the NBC shall have an architect or engineer complete:
- i. The design or design review of the structure;
 - ii. An inspection of construction of the structure to ensure compliance with the design; and
 - iii. The review required by the NBC.
- c) The owner or owner's representative that undertakes the construction of a building with a structure within the scope of the NEBC shall have an architect or engineer complete:
- i. The design or design review of the structure;
 - ii. The inspection of construction of the structure to ensure compliance with the design; and
 - iii. The reviews required by the NECB
- d) In addition to the requirements of subsections (a), (b) or (c), the local authority or building official shall require that an engineer or architect provide:
- i. A Commitment for Field Review letter as part of the permit application for work; and
 - ii. An Assurance of Field Review and Compliance letter, on completion of the work, providing assurance that the work conforms to the engineer's or architect's design.
- e) The owner or the owner's representative that undertakes the construction of a building that is within the scope of Part 9 of the NBC shall ensure that a competent person has designed or reviewed the design of the building.
- f) The owner or the owner's representative shall ensure that copies of any inspection or review reports made pursuant to this section are made available to a building official or the local authority when requested to do so.
- g) No owner of a building or an owner's representative shall cause or allow the ground elevations of a building to be changed so as to place in contravention of the NBC:
- i. The building or part of the building; or
 - ii. An adjacent building.
- h) If the property boundaries of a building lot are changed so as to place a building or part of a building in contravention of the NBC, the owner or the owner's representative

shall immediately alter the building or part of the building to bring it into compliance with the NBC.

13. **PENALTY**

- a. (i) Any person who contravenes any of the provisions of this bylaw shall be liable to the penalties provided in Part 8 of the Act.
- (ii) Conviction of a person or corporation for breach of any provision of this bylaw shall not relieve him from compliance with the Act and Regulations.

14. **ENACTMENT**

- a) Enactment of this bylaw is pursuant to Section 17 of The Construction Codes Act.
- b) This bylaw shall come into effect upon final approval of the Minister.


Reeve, Schenley Borys




Administrator, Michelle Klein

Read a third time and adopted
this 1 day of November, 2023

Certified to be a true copy of Bylaw No 1-2023
adopted by Council for the RM of Wellington
No. 97 on November 1, 2023



