

RM OF MERVIN #499
BUILDING BYLAW

BYLAW NO. 2022-21

A BYLAW OF THE R.M. OF MERVIN #499 TO ADOPT A BUILDING BYLAW

The Council of the Rural Municipality of Mervin No. 499, in the Province of Saskatchewan, enacts this bylaw, known as the "Building Bylaw".

1. SHORT TITLE

1.1. This Bylaw shall be cited as the Building Bylaw.

2. INTERPRETATION/LEGISLATION

(1) In this Bylaw:

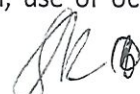
- (a) "Act" means *The Construction Codes Act* being Chapter 9 of the Statutes of Saskatchewan, 2021 and amendments.
- (b) "Administrative Requirements" means *The Administrative Requirements for Use with The National Building Code*.
- (c) "Authorized Representative" means a building official appointed by the local authority pursuant to subsection 16(2) of the Act.
- (d) "Local authority" means the Rural Municipality of Mervin No. 499 and its Council.
- (e) "Municipal official" means the Administrator of the Rural Municipality or their designate.
- (f) "Regulations" means the The Building Code Regulations made pursuant to the Act.
- (g) "Value of Construction" means the total costs to the owner for the building construction in its completed form and includes the cost of design, all building work, materials of construction, building systems, labour and profit of the contractor and subcontractors.
- (h) Definitions contained in the Act and Regulations shall apply in this bylaw.

3. SCOPE OF THE BYLAW

- (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.

4. GENERAL

- (1) A permit is required whenever work regulated by the Act or Regulations is to be undertaken.
- (2) No owner or owner's agent 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 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 its authorized representative liable for damages or otherwise by reason of the fact that a building, the construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use or occupancy of



which has been authorized by a permit, does not comply with the requirements of any building restriction agreement, Bylaw, Act and/or Regulation affecting the site described in the permit.

- (4) An accessory building not greater than 10 m² (108 ft²) is exempt from this bylaw, provided it does not create a hazard.

5. BUILDING PERMITS

- (1) Every application for a permit to construct, erect, place, alter, repair, renovate or reconstruct a building shall be a form provided by the local authority, and shall be accompanied by **two (2) 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 a building permit, to the best of the knowledge of the local authority or its authorized representative, complies with the requirements of this bylaw, the building official, upon receipt of the prescribed fee, shall issue a permit in a form provided by the building official and return one set of submitted plans to the applicant.
- (3) The local authority may, at its discretion, have a 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 16(6) of the Act.
- (4) The local authority may, at its discretion, have a plan review, inspection and other services provided by a person, firm or corporation employed under contract to the local authority.
- (5) The permit fee for construction, erection, placement, alteration, repair, renovation or reconstruction of a building shall be based on the following:
 - (a) A permit administration fee of \$30.00 for the processing, handling and issuance of a building permit; plus
 - (b) The service fees for a plan review, field inspection of construction and enforcement services in accordance with the agreement between the provider of building official services and the local authority;
 - (c) All permit fees will be collected prior to the permit being issued and subject to applicable taxes.
- (6) The building official may estimate the value of the construction costs for the work described in an application for a building permit, for the purpose of evaluating a permit fee based on the definition of the *value of construction* as per subsection 2(g).
- (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 shall expire:
 - (a) Twelve (12) months from date of issue, but may be re-issued for additional one-year periods at the discretion of the building official;
 - (b) Six months from date of issue if work is not commenced within that period; or
 - (c) If work is suspended for a period of six months; or
 - (d) If work is suspended for a period of longer than six months by prior written agreement of the local authority or its authorized representative.
- (9) Where a permit has expired, as per subsection 5(8) the owner can make application to the local authority for the renewal of the permit application. Such renewal may be subject to a building permit fee equal to fees required in subsection 5(5) or some alternate renewal fee.
- (10) 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 in consultation with the building official.



6. DEMOLITION OR REMOVAL PERMITS

- (1) The permit fee for the demolition or removal of a building shall be based on the following:
 - (a) The fee for a permit to demolish or remove a building shall be **\$75.00**.
 - (b) At Council's discretion, additional fees may include, but are not limited to:
 - (i) In addition, the applicant shall deposit with the municipal official an irrevocable standby letter of credit, acceptable to the municipality, and amount equal to (100%) of the total estimated cost to cover the cost of demolishing and restoring the site after the building has been demolished or removed to such condition that it is, in the opinion of the local authority or its authorized representative, not dangerous to public safety. The irrevocable standby letter of credit shall:
 - (1) Be from a recognized financial institution;
 - (2) Be kept valid by the applicant until the municipality is satisfied that the applicant has met all obligations under this bylaw;
 - (3) Be in an amount, which both parties hereby agree equals one hundred (100%) of the total estimated cost of all restoration.
 - (ii) If and when the municipality is satisfied (i) that the applicant has completed all of the restoration and (ii) that there are no outstanding claims or liens respecting the same, upon the request of the applicant, the municipality shall supply a letter addressed to the financial institution which issued the letter of credit, a release of the same.
 - (iii) If the municipality is not satisfied that the applicant has completed all the restoration as, when and to the standards required under this bylaw, the municipality may declare the applicant to be in default. A declaration of default shall be sent by prepaid registered mail to the applicant. Should the applicant fail to remedy the default within seven (7) days of the mailing of the declaration, the municipality shall have the right to enter upon the land to complete the restoration, including repair or reconstruction of faulty work and the replacement of materials not in accordance with the specifications in this bylaw. The costs or any measures taken by the municipality pursuant to this section, shall be an amount owing by the applicant to the municipality and shall be payable on demand. Should the applicant fail to pay the municipality within thirty (30) days of the demand, the money owing may be obtained from the financial institution which issued the letter of credit.
- (2) Every application for a permit to demolish or remove a building shall be in a form provided by the local authority.
- (3) Where a building is to be demolished and the municipal official 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 municipal official, upon receipt of the fee and deposit prescribed above, shall issue a permit for the demolition in a form provided by the local authority.
- (4) Where a building is to be removed from within all lands lying within the jurisdiction of the RM of Mervin No. 499, and the municipal official 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 municipal official, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal in a form provided by the local authority.
- (5) The permit for moving or relocating a building shall be based on the following:
 - (a) Where a building is to be removed from its current site and set upon another site within all lands lying within the jurisdiction of the RM of Mervin No. 499, and the municipal official 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 municipal official, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal in a form provided by the local authority.



- (b) In addition, the municipal official, upon receipt of the fee prescribed in subsection 5(5), shall issue a permit for the placement of the building in a form provided by the local authority.
- (6) All permits issued under this section must include asbestos test results. It is the owner's responsibility to remove the materials safely according to Occupational Health and Safety regulations and must provide the local authority with a removal plan.
- (7) All permits issued under this section expire six (6) months from the date of issue except that a permit may be renewed for six (6) months upon approval by the local authority.

7. ENFORCEMENT OF BYLAW

- (1) If any building or part thereof or addition thereto is constructed, erected, placed, altered, repaired, renovated or reconstructed in contravention of any provision of this bylaw the 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 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 7 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.

8. SUPPLEMENTAL BUILDING STANDARDS

- (1) Void.

9. SPECIAL CONDITIONS

- (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) A Real Property Surveyor's Report (RPSR) of the site described in a permit or permit application prepared by a Saskatchewan Land Surveyor (SLS) shall be submitted by the owner where required by the local authority as prescribed in the Official Community Plan or Zoning Bylaw, or its authorized representative.
 - (a) Residences proposed on potentially hazardous land:
 - (i) A development permit application for a proposed residence on potentially hazardous land as defined in the municipality's Official Community Plan and Zoning Bylaw or lands that have an interest registered on the title pursuant to Section 130 of the *Planning and Development Act 2007*, must be accompanied

by a RPSR prepared by an SLS, which illustrates that the proposed elevation of the finished main floor is above the Safe Building Elevation as defined therein.

- (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.


10. PENALTY

- (1) Any person who contravenes any of the provisions of this bylaw shall be liable to the penalties provided in Section 11 of the Act.
- (2) Conviction of a person or corporation for breach of any provision of this bylaw shall not relieve the person from compliance herewith.


11. EFFECTIVE DATE OF BYLAW

- (1) Bylaw No. 2016-03 is hereby repealed.
- (2) This Bylaw shall come into force and effect upon the final passing thereof.






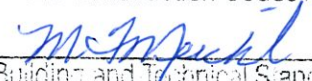
Reeve



Administrator

CERTIFIED A TRUE COPY
DATED THIS 18 DAY OF December 2022


ADMINISTRATOR

APPROVED
In accordance with Clause 17(6)(A) of
The Construction Codes Act


Building and Technical Standards
Ministry of Government Relations
January 16, 2023
Date