BYLAW NO. 1/2023

A BYLAW RESPECTING BUILDINGS

The Council of the Village of Simpson

in the Province of Saskatchewan enacts as follows:

SHORT TITLE

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

PURPOSE OF THE BUILDING BYLAW

2 (1) The purpose of this building 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.

INTERPRETATION/LEGISLATION

3 (1) Definition contained in *The Construction Codes Act, The Building Code Regulations* and *The Energy Code Regulations* shall apply in this building bylaw.

(2) "**Act**" means *The Construction Codes Act*.

(3) "**building official**" means a person who holds a building official license and appointed by the local authority to provide building official services.

(4) "**competent person**" means a person who is recognized by the local authority as having:
(a) a degree, certificate or professional designation; or
(b) the knowledge, experience and training;
necessary to design or review the design of a proposed work.

(5) "**farm building**" means, subject to the regulations, a building that:
(a) does not contain a residential occupancy;
(b) is located on land used for an agricultural operation as defined in *The Agricultural Operations Act*; and
(c) is used for the following purposes:
  (i) the of housing livestock;
  (ii) the production, storage or processing of primary agricultural and horticultural crops and feeds;
  (iii) the housing and storage or maintenance of equipment or machinery associated with an agricultural operation;
  (iv) any other prescribed purpose.

(6) "**local authority**" means the Village of Simpson and its elected council.

(7) "**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.

(8) "**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 Energy Code Regulations*.

(9) "**occupancy certificate**" means a certificate issued with respect to the approved use or occupancy of a building.

(10) "**owner**" means:
(a) 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;
(b) any person, firm, or corporation that controls the property under consideration; or
(c) if the building is owned separately from the land on which the building is located, the owner of the building.

(11) "**owner's representative**" means any person, corporation, employee or contractor who has authority to act on behalf of the owner.

(12) "**permit**" means written authorization issued by the local authority or its building official in the form of a building permit.

(13) "**permit fees**" means as defined in this building bylaw.

(14) "**plan review**" means the examination of building drawings and related documents by a building official to ascertain whether those drawings and documents meet the requirement of the standards of construction.

(15) "**regulations**" means *The Building Code Regulations* and *The Energy Code Regulations*.

(16) "**SAMA fee**" means a fee charged to the local authority by the Saskatchewan Assessment Management Agency with respect to the work.

(17) "**service provider**" means the company providing building official services to the local authority.

(18) "**standards of construction**" in this building bylaw means the Act, the regulations, The National Building Code of Canada, The National Energy Code of Canada for Buildings, ministerial interpretations pursuant to section 8 of the Act and Saskatchewan Construction Standards Appeal Board orders, interpretations and orders of building officials within the local authority and any related bylaws adopted by the local authority.

(19) "**value of construction**" means the total costs to the owner for the work in its completed form and includes the cost of design, all building work, materials of construction, building systems, labour, overhead, and profit of the contractor and subcontractors.

(20) "**work**" means any design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy, or reconstruction of a building.

SCOPE OF THE BYLAW

4 (1) This building bylaw applies to all work undertaken or to be undertaken within the geographical jurisdiction of the local authority.

(2) The provisions of this building bylaw apply to buildings greater than 10 m^2 (107.6 ft^2) in building area except as otherwise exempted by the Act or the regulations.

(3) Retaining walls attached to a structure or free standing greater than 600 mm (2 ft) in differential grade height on lands not used for agricultural purposes.

(4) An accessory building not greater than 10 m^2 (107.6 ft^2) is exempt from this building bylaw provided it does not create a hazard and provided it does not have sleeping accommodations.

(5) Decks under 600 mm (2 ft) in differential grade height on lands for residential use are deemed as patios exempt from this building bylaw.

PERMIT FEE AND PAYMENT

5 (1) The permit fee shall be determined by the local authority, and may include the following:
(a) an administration fee as described in the Schedules for the processing, handling and issuance of a permit;
(b) any deposit as described in the Schedules;
(c) the service fee charged to the local authority by a building official engaged to review, inspect and enforce the standards of construction as per the agreement between the local authority and building official and as described in the service provider agreement;
(d) the SAMA fee; and
(e) all applicable taxes.

(2) The deposit may be refunded, on request by the owner or the owner's representative, if the local authority or building official deem the work satisfactorily complete.

(3) The local authority may, at its discretion, rebate a portion of a permit fee or additional fees where work is reduced in scope or discontinued, or where other exceptional circumstances occur.

(4) The local authority may double the permit fee if work commences prior to obtaining a permit.

(5) For a demolition or removal permit, the applicant shall provide a refundable deposit to the local authority to cover the cost of restoring the site after the building, as described in the Schedules. The local authority shall hold the refundable deposit until, in the opinion of the local authority or the building official, the conditions are not dangerous to public safety.

(6) The building official may establish the value of construction for the work described in the application for a permit, for the purpose of determining the permit fee or additional fees, based on established current construction costs, the owner's or the owner's representative statement of costs or constructor's contract values, or similar methods selected by the building official.

(7) The permit fee and additional fees are the amounts due and are 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 or service was carried out.

(8) If amounts due are not paid within 30 days of the date the local authority notifies the owner or owner's representative of the amount due, the local authority may add the amount due to the owner's property taxes, as per the Act.

(9) Where the local authority refuses to issue or revokes a permit, the local authority shall refund any fee or deposits paid as part of the application for the permit, less administration and service fees.

GENERAL DUTIES OF THE OWNER

6 (1) The duties of the owner or the owner's representative as applicable, includes but not limited to:

(a) ensuring that the building and work is in accordance with the standards of construction;
(b) not commencing or cause to be commenced work without first having obtained a valid permit from the local authority;
(c) complying with the terms and conditions of the permit;
(d) complying with the terms and conditions of the plan review;
(e) ensuring all notifications required by this building bylaw are given to the local authority;
(f) ensuring all inspections are scheduled and completed by the building official;
(g) not enclosing prior to inspection the work that requires inspection by a building official;
(h) paying all cost associated with showing compliance with the construction code;
(i) not occupying the building or part of the building before the issuance of an occupancy certificate by the local authority or the building official pursuant to clause 16(11)(h) of the Act;
(j) obtaining prior written approval from the local authority before closing or blocking any road, street, lane, or sidewalk;
(k) suppling and maintaining, at their own expense, all warning signs, barricades, fences or other services that may be required to warn the public and protect the public from the work;
(l) fill and level any excavation on the property with clean non-expansive fill, to an elevation compatible with abutting properties; and
(m) ensuring that the property is left in a safe and sanitary condition, including removing all rubbish and building materials to an approved location. For greater clarity, this includes not burying on the site any waste material, including concrete from demolition of a basement or foundation, or below ground level substructures or framework.
(n) arranging for all permits, inspections and certifications required by any other applicable bylaws, Acts and the regulations, and ensuring all copies of any inspection or review reports conducted by others are made available to the building official or local authority;

PERMITS – GENERAL CONDITONS

7 (1) Permits shall be subject to any geotechnical requirements stated by the local authority.

(2) Permits will be required for retaining walls attached to a structure or free standing that is greater than 600 mm (2 ft) in differential grade height on lands not used for agricultural purposes. An architect or engineer will be required to design such structures.

(3) The granting of any permit by this building 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 Act, the regulations or bylaw affecting the site described in the permit; or
(b) make either the local authority or the building official liable for damages or losses in the event that a building does not comply with the requirements of any Act, the regulations or bylaw regardless of whether or not occupancy has been authorized by a permit.

(4) Approval in writing from the local authority or building official is required for any deviation, omission or revision to the work.

PERMITS - APPLICATION AND ISSUANCE

8 (1) Every application for a permit for work shall be in a form as required by the local authority or its building official, and shall be accompanied by a minimum of one set of plans and specifications in electronic format (PDF) of the proposed building and work.

(2) The owner or owner's representative consents to the use of email for communications.

(3) Whenever the proposed work requires the technical expertise of an architect or engineer, the local authority or building official may require that all drawings and specifications, or any part thereof, be prepared or reviewed, sealed, dated and signed by an architect or engineer.

(4) Where a building is to be demolished or removed, the local authority shall not issue a permit until 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.

(5) The application for a permit shall be reviewed and approved by the building official. The building official will return an approved plan review, showing all required inspections by the building official.

(6) The local authority shall issue a permit if:
- (a) All permit fees, deposits and any applicable taxes have been paid; and
- (b) If the work described in the application for a permit, to the best of the knowledge of the local authority or building official, complies with the requirements of the standards of construction.

PERMITS - REFUSAL TO ISSUE AND REVOCATION

9 (1) The local authority may refuse to issue a permit if:
- (a) the proposed work would contravene the standards of construction;
- (b) the person who designed or reviewed the design of the proposed works that is within the scope of Part 9 of the NBC is not a competent person;
- (c) the person who designed or completed a design review of the proposed works that is within the scope of the NECB is not an engineer or architect;
- (d) the application for a permit is incomplete;
- (e) any fee, or deposit required by the local authority are not paid; or
- (f) the proposed work would contravene any other Act, the regulations or bylaws that applied to the proposed work.

(2) The local authority may revoke a permit if:
- (a) the holder of the permit requests in writing that it be revoked and the work has not commenced;
- (b) there is contravention of any condition under which the permit was issued;
- (c) the permit was issued on mistake, false or incorrect information; or
- (d) the permit was issued in error; or

(3) Where the local authority refuses to issue or revokes a permit, the local authority shall provide written notice to the applicant or permit holder as to the reasons for the refusal or revocation.

PERMITS - EXPIRY

10 (1) All permits shall expire on the date stated in the permit, or if no date is stated, the earliest of the following:
- (a) 24 months from the date of issue;
- (b) 6 months from date of issue if work is not commenced within that period;

(c) 6 months from date of last inspection by a building official where work has not seriously progressed to the satisfaction of the building official and without prior authorization from the local authority;

(2) All permits issued for demolition, removal expire 6 months from the date of issue.

(3) If the owner wishes to terminate the work, the owner or the owner's representative must first receive written approval for the local authority to terminate the permit.

(4) If the permit expires, but not all of the work is complete, the owner or the owner's representative shall apply to the local authority in writing requesting:
(a) to extend the term of the permit. The local authority may extend the permit to a maximum of 24 months; or
(b) vary the conditions of the permit.

(5) The expiration of a permit does not relieve the owner or owner's representative from the obligation to put the building in safe condition or demolish the building.

PERMITS – ENFORCEMENT

11 (1) The local authority or building official may take any measures as permitted in the Act or the regulations for the purpose of ensuring compliance with the standards of construction.

(2) Failure to obtain a permit or follow the terms of the permit, including ensuring that all inspections are scheduled and completed by the building official, may result in the issuance of a building official's order, in accordance with section 25 of the Act.

(3) The building official may direct the local authority to register an interest in the lands through Land Titles Registry if a building official's order was not adhered to, in accordance with section 20 of the Act.

NOTIFICATION

12 (1) Before commencing work, the owner or owner's representative shall give notice to the local authority, in writing, of:
(a) the contractor or other person in charge of the work;
(b) the designer of the work;
(c) the person or firm reviewing the work to determine whether or not the work conforms to the design;
(d) any inspection or testing agency that is engaged to monitor the work;
(e) the date the work is intended to commence;
(f) when the excavation is to be commence;

(2) The owner or owner's representative must call for all inspections set out by the building official in the plan review.

(3) Failure to provide notice and ensure that all inspections are scheduled and completed by the building official could result in destructive testing efforts requested by the building official at the cost of the owner or the owner's representative.

(4) During the course of the work, the owner or owner's representative shall give notice to the local authority in writing of any:
(a) change in, or termination of, the employment of a person or firm listed in subsection (1);
(b) intent to do any work requiring inspections by the building official;
(c) intent to enclose any work requiring inspection by a building official;

(d) proposed or undertaken deviations from the plans approved and permitted by the local authority;
(e) the completion of the work;
(f) change in ownership, or change in address of the owner or the owner's representative that occurs before the completion as soon as the change occurs; and
(g) intention to occupy the building or portions of the building prior to the issuance of occupancy.

(5) A real property report of the site prepared by a registered land surveyor shall be submitted by the owner or owner's representative for principal buildings and dwellings required by the local authority. Failure to do so may result in the issuance of a stop work order with additional fees.

NOTICE OF A FAILURE

13 (1) The owner, owner's representative or owner's agents, contractors, employees or successors or the registered owner of the land on which the building is situated shall submit a written report to the local authority of the occurrence of the following that causes or has the potential to cause serious injury or loss of life:
(a) structural failure of the building or part of the building;
(b) failure of any equipment, device or appliance that is regulated by the Act or the regulations.

(2) The report must be submitted to the local authority within 15 days after the occurrence of the failure. The report must contain:
(a) the name and address of the owner;
(b) the address or location of the building involved in the failure;
(c) the name and address of the constructor of the building; and
(d) the nature of the failure.

(3) On receipt of the report, the local authority may require an owner or owner's representative to:
(a) provide other information that the building official or local authority may consider necessary;
(b) complete any additional work that is necessary to ensure immediate compliance.

ENFORCEMENT OF STANDARDS OF CONSTRUCTION

14 (1) The local authority or the building official may take any measures as permitted by section 24, 25 or 26 of the Act and sections 13 and 14 of the regulations for the purposes of ensuring compliance with this building bylaw.

(2) If any work to a building or part thereof or addition thereto is in contravention of any provision of the standards of construction, the local authority may take any measures as permitted by the Act for the purpose of ensuring compliance, 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) ordering actions to be completed 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.

(3) If any building or part thereof or addition thereto is in an unsafe condition due to faulty work, dilapidated state, abandonment, open or unguarded condition or any other reason, the local authority may take any measures allowed by the Act.

BUILDING DESIGN REQUIREMENTS

15 (1) The owner or owner's representative that undertakes to or has constructed a building that is within the scope of Parts 3, 5, 6 and 7 of the NBC shall have an architect or engineer:
(a) complete the design or design review and inspection of the building and all buildings systems;
(b) provide a Commitment of Field Review letter as part of the permit application for work; and
(c) provide an Assurance of Field Review and Completion letter, on completion of the work, providing assurance that the work conforms to the architect's or engineer's design and the standards of construction.

(2) The owner or owner's representative that undertakes to or has constructed a building with a structure that is within the scope of Part 4 of the NBC shall have an architect or engineer:
(a) complete the design or design review of the structure;
(b) complete an inspection of construction of the structure to ensure compliance with the design;
(c) complete the reviews required by the NBC;
(d) provide a Commitment of Field Review letter as part of the permit application for work; and
(e) provide an Assurance of Field Review and Completion letter, on completion of the work, providing assurance that the work conforms to the architect's or engineer's design and the standards of construction.

(3) Foundations for residential occupancies including modular homes with A277 certification shall be designed pursuant to subsection (2).

(4) The owner or owner's representative that undertakes to or has constructed a building that is within the scope of Part 9 of the NBC shall have a competent person:
(a) complete the design or review of designs of the building;

(5) The owner or owner's representative that undertakes to or has constructed a building with a structure that is within the scope of the NECB shall have an architect or engineer:
(a) complete the design or design review of the structure;
(b) complete an inspection of construction of the structure to ensure compliance with the design;
(c) complete the reviews required by the NECB;
(d) provide a Commitment of Field Review letter as part of the permit application for work; and
(e) provide an Assurance of Field Review and Completion letter, on completion of the work, providing assurance that the work conforms to the architect's or engineer's design and the standards of construction.

(6) On the request of the local authority or building official, the owner or owner's representative shall ensure copies of any inspections or review reports made pursuant to this section are made available to the local authority or building official.

(7) No owner or 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. This includes the building or part of the building, or an adjacent building.

(8) 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 regulations or bylaws, the owner or owner's representative shall immediately alter the building or part of the building to bring it into compliance with the NBC.

PENALTY

16 (1) Any person who contravenes any of the provisions of this building bylaw may be subject to the penalties provided in Part 8 of the Act.

(2) Conviction of a person or corporation for breach of any provision of this building bylaw shall not relieve the person or corporation from compliance the standards of construction.

REPEAL OF PREVIOUS BUILDING BYLAW

17 (1) On enactment of this building bylaw, all previous building bylaws, including building bylaw amendments, are repealed.

Helen Walker
Mayor

Darlene Mann
MUNICIPAL OFFICIAL
(Administrator)

VILLAGE OF SIMPSON SEAL INCORPORATED 1911 SASKATCHEWAN

"Certified to be a true copy of Bylaw No. 1/2023 adopted by the council of the Village of Simpson on the 8th day of March, 2023."

Darlene Mann
Administrator

VILLAGE OF SIMPSON SEAL INCORPORATED 1911 SASKATCHEWAN

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

M. Jones
Building and Technical Standards
Ministry of Government Relations
April 27, 2023
Date

Schedule A: Permit Fees

Permit	Administration Fee	Refundable Fee:
Building Permit	$25.00	
Demolition Permit	$25.00	$5000.00