

RURAL MUNICIPALITY OF SUTTON NO. 103

BYLAW NO. 3/23

A BYLAW RESPECTING BUILDINGS

The Council of the Rural Municipality of Sutton No. 103 in the Province of Saskatchewan enacts as follows:

1. **Short Title**

1.1 This bylaw may be cited as "The Building Bylaw".

2. **Purpose**

2.1 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 Appeals Board orders, and building official orders within the local authority.

3. **Definitions**

3.1 Notwithstanding the definitions prescribed in this section for the purpose of administration and enforcement of this bylaw, definitions contained in *The Construction Codes Act*, *The Building Code Regulations*, and *The Energy Code Regulations* shall apply in this bylaw.

3.2 In this bylaw:

- a) "Act" means *The Construction Codes Act*;
- b) "Building official" means a person who holds a building official license and is appointed by the local authority to provide building official services;
- c) "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;
- d) "Farm building" 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:
 - (A) the housing of livestock;
 - (B) the production, storage, or processing of primary agricultural and horticultural crops or feeds;
 - (C) the housing and storage or maintenance of equipment or machinery associated with an agricultural operation; or
 - (D) any other prescribed purpose;
- e) "Local authority" means the Rural Local authority of Sutton No. 103;
- f) "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;
- g) "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*;
- h) "Occupancy certificate" means a certificate issued with respect to the approved use or occupancy of a building;
- i) "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;

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- j) "Owner's representative" means any person, company, corporation, employee, or contractor who has authority to act on behalf of an owner;
- k) "Permit" means written authorization issued by the local authority or its building official in the form of a building permit;
- l) "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 standards of construction;
- m) "Regulations" means *The Building Code Regulations* and *The Energy Code Regulations*;
- n) "SAMA fee" means a fee charged to the local authority by the Saskatchewan Assessment Management Agency with respect to the work;
- o) "Service provider" means the appointed building official providing building official services to the local authority;
- p) "Standards of construction" in this 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 and interpretations, and orders of building officials within the local authority, and any related bylaws adopted by the local authority;
- q) "Value of construction" means the total cost 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, overhead, and profit of the contractor and subcontractors; and
- r) "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.

4. Scope

- 4.1 This bylaw applies to all work undertaken or to be undertaken within the geographical jurisdiction of the local authority.
- 4.2 The provisions of this building bylaw apply to buildings greater than 10 m² (107.6 ft²) in building area except as otherwise exempted by the Act or the regulations.
- 4.3 An accessory building not greater than 10 m² (107.6 ft²) in area is exempt from this bylaw provided it does not create a hazard and provided it does not have sleeping accommodations.
- 4.4 Decks under 600 mm (2 ft) in differential grade height on lands for residential use are deemed as patios and are exempt from this bylaw.

5. General Duties of the Owner

- 5.1 The duties of the owner (or the owner's representative) include, but are not limited to:
 - a) ensuring that the building and work is in accordance with the standards of construction;
 - b) not commencing or causing 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 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 costs associated with showing compliance with the Act and the regulations;
 - 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;

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- k) supplying 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) filling and levelling any excavation on the property with clean non-expansive fill, to an elevation compatible with abutting properties;
 - m) ensuring that the property is left in a safe and tidy condition, including removing all rubbish and building materials to an approved location. For greater clarity, this includes not burying any waste material on the site, including concrete from demolition of a basement or foundation, or below ground-level structures or framework; and
 - n) arranging for all permits, inspections, and certifications required by any other applicable bylaws, Acts, and regulations, and ensuring all copies of any inspection or review reports conducted by others are made available to the building official or local authority.
- 5.2 Any owner to whom a permit is issued shall be responsible for the cost of repairs of any damage to municipal works or property that occurs in the course of the work authorized by the permit.
- 5.3 If intending to construct a farm building exempt from this bylaw, the owner (or the owner's representative) shall provide to the satisfaction of the local authority on the form provided by the local authority, that the building satisfies the definition of a farm building in this bylaw. For greater clarity, as per the Act, residential occupancies cannot be exempt.

6. Permits – Fees and Payment

- 6.1 The permit fee shall be determined by the local authority and may include:
- 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 Act and regulations as per the agreement between the local authority and the building official and as described in the service provider agreement;
 - d) the SAMA fee; and
 - e) all applicable taxes.
- 6.2 Permit fees and deposits shall be charged in accordance with Schedule "A" attached hereto.
- 6.3 The owner (or the owner's representative) may be invoiced by the local authority for additional fees as described in the building official service provider agreement as determined by the local authority or the service provider.
- 6.4 If a deposit is collected it shall be refunded, on request by the owner (or the owner's representative), if the local authority or the building official deems the work satisfactorily complete.
- 6.5 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.
- 6.6 The local authority may double the permit fee if work commences prior to obtaining a permit.
- 6.7 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 has been demolished or removed, 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.
- 6.8 The building official may establish the value of construction for the work described in the application for 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's) statement of costs or constructor's contract values, or similar methods selected by the building official.
- 6.9 If amounts due are not paid within 30 days of the date the local authority notifies the owner (or the owner's representative) of the amount due, the

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local authority may add the amount due to the owner's property taxes, as per the Act.

7. Permits – General Conditions

- 7.1 Permits shall be subject to any geotechnical requirements stated by the local authority.
- 7.2 Permits will be required for retaining walls, attached to a structure or free-standing, that is greater than 600 mm (2 ft) in differential height on lands not used for agricultural purposes. An architect or engineer will be required to design such structures.
- 7.3 The granting of any permit by this bylaw shall not:
 - a) entitle the grantee, their successor or assigns, or anyone on their 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;
 - 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.
- 7.4 Approval in writing from the local authority or the building official is required for any deviation, omission, or revision to the work.

8. Permits – Application and Issuance

- 8.1 Every application for a permit for work shall be on the form provided by the local authority, and shall be accompanied by a minimum of one set of plans and specifications of the proposed building and work, in electronic format (PDF).
- 8.2 By applying for a permit, the owner (or the owner's representative) consents to the use of email for communications.
- 8.3 Whenever the proposed work requires the technical expertise of an architect or engineer, the local authority or the 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.
- 8.4 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.
- 8.5 The application for 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.
- 8.6 The local authority shall issue a building permit if:
 - a) all permit fees, deposits, and any applicable taxes have been paid; and
 - b) the work described in the application for permit, to the best knowledge of the local authority or the building official, complies with the requirements of the standards of construction.
- 8.7 A permit issued pursuant to this bylaw must include:
 - a) the name of the person or company to whom the permit is issued;
 - b) the period for which the permit is valid;
 - c) a statement of all fees, deposits, and/or bonds charged for the permit;
 - d) the scope of work authorized by the permit;
 - e) the civic address or legal land description of the property on which the work described in the permit is located;
 - f) the buildings or portion(s) of buildings to which the permit applies;
 - g) the date of completion of the stages of construction for which a permit holder must inform the local authority;
 - h) any conditions that the permit holder is required to comply with; and
 - i) any information required by this bylaw.

9. Permits – Refusal to Issue and Revocation

- 9.1 The local authority may refuse to issue a permit if:
 - a) the proposed work described on the permit application would contravene the standards of construction;
 - b) the person who designed or reviewed the design of the proposed work that is within the scope of Part 9 of the NBC is not a competent person;

- c) the person who designed or reviewed the design of the proposed work that is within the scope of the NECB is not an architect or engineer;
- d) the application for a permit is incomplete;
- e) any fees, deposits, or bonds required pursuant to this bylaw for the issuance of a permit have not been paid; or
- f) the proposed work described on the permit application would contravene any other Act, the regulations, or bylaws that apply to the proposed work.

9.2 The local authority may revoke a permit if:

- a) the holder of the permit requests in writing that the permit be revoked and the work has not commenced;
- b) there is a contravention of any condition under which the permit was issued;
- c) the permit was issued on mistaken, false, or incorrect information; or
- d) the permit was issued in error.

9.3 Where the local authority refuses to issue or revokes a permit, the local authority shall:

- a) provide written notice to the applicant as to the reasons for the refusal or revocation; and
- b) refund any fee or deposit paid as part of the permit application for work pursuant to the Act, less administration and service fees.

10. Permits – Expiry

10.1 All permits issued pursuant to this bylaw shall expire on the date stated in the permit, or if no date is stated, the earliest of:

- a) twenty-four (24) months from the date of issue;
- b) six (6) months from the date of issue if work is not commenced within that period;
- c) six months from the 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.

10.2 All permits issued for demolition or removal expire six (6) months from the date of issue.

10.3 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.

10.4 The local authority may revoke, extend, or vary the conditions of the permit upon written application of the permit holder and subject to any conditions or fees listed in this bylaw.

10.5 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, up to a maximum of twenty-four (24) months; or
- b) to vary the conditions of the permit.

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

11. Permits – Enforcement

11.1 The local authority or the 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.

11.2 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.

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



12. Notification

- 12.1 Before commencing work, the owner (or the 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 commence;
 - g) when the foundation is to be placed;
 - h) when a superstructure is to be placed on the foundation;
 - i) any other event at the time required by the permit under which work has been undertaken; and
 - j) any other specified event at the specified time.
- 12.2 The owner (or the owner's representative) must call for all inspections set out by the building official in the plan review.
- 12.3 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).
- 12.4 During the course of the work, the owner (or the owner's representative) shall give notice to the local authority, in writing, of:
- a) any change in, or termination of, the employment of a person or firm mentioned in clause subsection 12.1;
 - b) any intent to do any work requiring inspection by the building official;
 - c) any intent to enclose any work requiring inspection by the building official;
 - d) any proposed or undertaken deviation from the plans approved and permitted by the local authority;
 - e) the completion of work;
 - f) any change in ownership, or change in address of the owner (or the owner's representative) that occurs before the completion of the work (as soon as the change occurs); and
 - g) intention to occupy the building or portions of the building prior to the issuance of an occupancy certificate.
- 12.5 A real property report of the site prepared by a registered land surveyor shall be submitted by the owner (or the owner's representative) for principal buildings and dwellings when required by the local authority. Failure to do so may result in the issuance of a stop work order with additional fees.

13. Notice of a Failure

- 13.1 The owner, the owner's representative, or the owner's agents, 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 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(s) of the building;
 - b) failure of any equipment, device, or appliance that is regulated by the Act or the regulations.
- 13.2 A report submitted pursuant to subsection 13.1 must:
- a) contain:
 - i. the name and address of the owner;
 - ii. the civic address or location of the building involved in the failure;
 - iii. the name and address of the constructor of the building; and
 - iv. the nature of the failure; and
 - b) be submitted to the local authority within 15 (fifteen) days after the occurrence of the failure.
- 13.3 Upon receipt of the report, the local authority may require an owner (or the owner's representative) to:
- a) provide any other information that the building official or the local authority may consider necessary; and

- b) complete any additional work that is necessary to ensure compliance.

14. Enforcement of Standards of Construction

- 14.1 The local authority or the building official may take any measures as permitted by section 24, 25, and 26 of the Act and sections 13 and 14 of the regulations for the purposes of ensuring compliance with this bylaw.
- 14.2 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) at any reasonable hour, enter land or a building;
 - b) be accompanied into a building by a person having special or expert knowledge on any matter to which the Act or the regulations relate;
 - c) order the production of a register, certificate, plan, or other document relating in any manner to the design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy, or change of occupancy of a building, and may examine and make copies of the document;
 - d) inspect and take samples of any material, equipment or appliance being used in the design, construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy, or change of occupancy of a building;
 - e) issue an order pursuant to the Act;
 - f) direct a local authority to register an interest against the title pursuant to section 20 of the Act; and
 - g) exercise any other power or undertake any action as prescribed.
- 14.3 If any building or part thereof or addition thereto is an imminent danger or 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.

15. Building Design Requirements

- 15.1 An owner (or the owner's representative) who undertakes to construct or have constructed a building that is within the scope of Parts 3, 5, 6, or 7 of the NBC shall have an architect or engineer:
 - a) complete the design or design review and inspection of the building and all building 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 Compliance 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.
- 15.2 An owner (or the owner's representative) who undertakes to construct or have 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 Compliance 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.
- 15.3 Foundations for residential occupancies including modular homes with A277 certification shall be designed pursuant to subsection 15.2.
- 15.4 An owner (or the owner's representative) who undertakes to construct or have constructed 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.
- 15.5 An owner (or the owner's representative) who undertakes to construct or have constructed a building with a structure that is within the scope of the NECB shall have an architect or engineer:

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- 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 Compliance 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.
- 15.6 An 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 upon the request of the building official or the local authority, as the case may be.
- 15.7 No owner of a building (or the owner's representative) shall cause or allow the ground elevations of a building to be changed so as to place it in contravention of the NBC. This includes the building or part(s) of the building, or an adjacent building.
- 15.8 If the property boundaries of a building lot are changed so as to place a building or part(s) of a building in contravention of the NBC, the regulations or bylaws, the owner (or the owner's representative) shall immediately alter the building or part(s) of the building to bring it into compliance with the NBC.

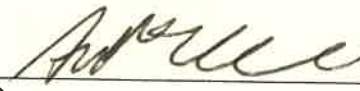
16. Penalty

- 16.1 Any person who contravenes any of the provisions of this bylaw may be subject to the penalties provided in Part 8 of the Act.
- 16.2 Conviction of a person or corporation for breach of any provision of this bylaw shall not relieve the person or corporation from compliance with the Act and the regulations.


17. Coming into Force

17.1 This bylaw shall come into force and take effect January 1, 2024, or on the date of final approval by the Minister of Government Relations, pursuant to section 17(6) of *The Construction Codes Act*, whichever is later.






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Administrator


Read a third time and adopted
this 14th day of September, 2023.



Administrator



Certified a true copy of Bylaw No. 3/23
adopted by Resolution of Council on
the 14th day of September, 2023.



Reeve

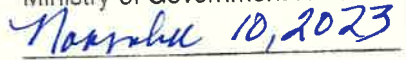


R.M. Administrator

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



Building and Technical Standards
Ministry of Government Relations



Date

SCHEDULE "A"
Bylaw No. 3/23

FEES

Residential

Administration Fee (all project types) \$100.00
Deposit (all project types) nil
Service FeeAll fees charged to the municipality by the building official
SAMA Maintenance Fee..... \$25.00

Agricultural

Exempt from bylaw, except where there is a residential component

Commercial

Administration Fee (all project types) \$100.00
Deposit (all project types) nil
Service FeeAll fees charged to the municipality by the building official
SAMA Maintenance Fee..... \$25.00

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