

BYLAW #2004-1662

A BYLAW OF THE CITY OF ESTEVAN, IN THE PROVINCE OF SASKATCHEWAN TO REGULATE BUILDING CONSTRUCTION AND RELATED ACTIVITIES.

Pursuant to the Provisions of the *Uniform Building and Accessibility Standards Act* and the *Cities Act*, and any amendments or substitutions thereto, the Council of the City of Estevan herein enacts as follows;

Section 1: Bylaw Title

This Bylaw is herein cited as “**THE BUILDING BYLAW**”.

Section 2: Definitions

Unless otherwise stated, the words and phrases in this section shall have the following meaning when used in context to this bylaw.

- a) “Act” means *The Uniform Building and Accessibility Standards Act* being Chapter U-1.2 of the Statutes of Saskatchewan, 1983-84 and amendments.
- b) “Administrative Requirements” means *The Administrative Requirements for Use with the National Building Code, 1995 and amendments.*
- c) “Authority having jurisdiction” means a Building official appointed by the Local authority pursuant to subsection 5(4) of the Act.
- d) “Elevation”: means the vertical distance above or below the mean sea level.
- e) “Extra Inspections”: means an inspection(s) that is requested at a certain stage of construction which is in addition to a typical scheduled inspection offered by the Authority having jurisdiction, during the construction process.
- f) “Finished Grade”: means the elevation of the finished ground surface at the foundation of a building, or at a specific point on a lot, or between two specific elevations at any given location on a lot.
- g) “Local authority” means the City of Estevan.
- h) “Lot” means an area of land with fixed boundaries having a frontage on a public right-of-way and registered under a Certificate of Title.
- i) “Pre-assembled Residential Dwelling”: means any residential building which has been constructed, manufactured, assembled, or pre-fabricated off the site it is intended to be placed, including but not limited to R.T.M’s, Sectional/Modular Homes, and Conventional and Double wide mobile homes.
- j) “Regulations” means regulations made pursuant to the Act.
- k) Definitions contained in the Act and Regulations shall further apply in this bylaw.

Section 3: Scope of Bylaw

3.1 This Bylaw applies to matters governed by the Act and Regulations, including the National Building Code of Canada and the Administrative Requirements.

3.2 Any construction or condition that lawfully existed prior to the effective date of this bylaw is not required to conform to the provisions of this bylaw, provided that such construction or condition does not constitute an unsafe condition.

Section 4: Powers and Responsibilities of the Authority having Jurisdiction

4.1 The Authority having jurisdiction is responsible for the administration and enforcement of the building bylaw.

4.2 The Local authority may, at its discretion, have 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 4(4) of the Act.

4.3 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 Local authority.

4.4 The Authority having jurisdiction shall keep copies of all applications/plans received, permits and orders issued, inspection and tests made, and of all papers and documentation connected with the administration of this bylaw for such time as is required by law.

4.5 The Authority having jurisdiction shall issue, in writing, such notices or orders as may be necessary to inform the owner where a contravention of this bylaw has been observed.

4.6 The Authority having jurisdiction may answer such relevant questions as may be reasonable with respect to the provisions of this bylaw when requested to do so, but shall refrain from assisting in the design or layout out of any work, and from acting in the capacity of a consultant.

4.7 The Authority having jurisdiction may refuse to issue any permit:

- a) That would contravene any provisions of the City's Zoning Bylaw, Water and Waste Water Bylaw, Solid Waste Management Bylaw, Traffic bylaw, or other bylaw or regulatory provision of the Local Authority.
- b) Where required approval of any other Federal or Provincial authority or City Business Division has not been obtained.
- c) Whenever information submitted is inadequate to determine compliance with the Act and Regulations.
- d) Whenever incorrect or incomplete information is submitted, or;
- e) Whenever permit issuance would be prohibited by any other Act or regulation.

- f) Where an owner, contractor or representative/agent is in possession of a building permit for another project and has outstanding requirements that require completion and/or deficiencies that require correction (*Bylaw #2010-1841*);
- g) Such refusal to issue any permit noted in Section 4.7 f) shall be in effect until such time as the requirements from the other permit(s) are met and/or the deficiencies from other permit(s) are corrected (*Bylaw #2010-1841*).

4.8 The Authority having jurisdiction may revoke a permit by written notice to the permit holder if;

- a) There is a contravention of any condition under which the permit was issued;
- b) Any deviations from the approved plans are found in the construction;
- c) The permit was issued in error, or;
- d) The permit was issued on the basis of incorrect or misleading information.

Section 5: Permits

5.1 A permit is required whenever work regulated by the Act and Regulations is to be undertaken.

5.2 No owner or owner's agent shall work, 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.

5.3 To obtain a permit, an owner or an agent for the owner shall file an application in writing on a form prescribed by the Authority having jurisdiction, as herein set forth in the attached appendices.

5.4 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, development/servicing agreement, Permit, Bylaw, Act and /or regulation affecting the site described in the permit, or
- (b) make either the Local authority or the Authority having jurisdiction 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 or which has been authorized by permit, does not comply with the requirements of any building restriction agreement, development/servicing agreement, Permit, bylaw, Act and/or regulation affecting the site described in the permit.

Section 6: Building Permits

6.1 No Person shall commence or cause to be commenced the construction, addition, alteration, renovation, repair, or reconstruction of a building without first have obtained a building permit from the Authority having jurisdiction.

6.2 No Building Permit shall be issued unless a Development Permit, where required, has first been applied for and obtained from the Local Authority. Building permits shall be subject to any conditions stated on the Development Permit.

6.3 Whenever the character of the proposed work requires the technical expertise of an Architect or Engineer, the Authority having jurisdiction may at its discretion, require as a condition of the

application, that all drawings and specifications, or any part thereof, be prepared, reviewed, sealed, and signed by an Professional Engineer or Architect registered in the Province of Saskatchewan.

- 6.4 For the purpose of determining a building permit fee, the Authority have jurisdiction may place a value on the cost of the work based on either the construction values stated in Section 13, owner's statement of costs, consultants statement of costs or contractors statements of costs. Building permit fees shall be submitted with a complete Building permit application.
- 6.5 Every application for a building permit shall be accompanied by complete and detailed plans showing all the building components including but not limited to, Foundations, Building Structural, Building Mechanical, Building Electrical, Building Site plan, except when the Authority having jurisdiction determines such plans and details are not required. The following number of sets of plans and specifications shall further be submitted;
- a) Residential Development (*Single Family dwellings, Duplex/Semi-detached dwellings & Accessory Buildings*); Minimum 2 sets of plans. 1 set of plans for Local authority's files and 1 set stamped "approved" and returned.
 - b) Commercial, Industrial, Institutional and Multi-family Residential (*3 or more units*); Minimum 4 sets of plans. Building Department (1), Fire Department(1), Public Health (1), Applicant (1- "stamped approved" and returned).
- 6.6 No person shall deviate from plans and specifications approved and forming part of the building permit, or omit or fail to complete work required by the said plans and specifications, unless approved in writing by the Authority having jurisdiction.
- 6.7 Any building permit issued in connection with construction shall expire within six (6) months from the date of issue if work is not commenced within that period, or if work is suspended for a period of sixth months.
- 6.8 If the work described in an application for building permit, to the best of the knowledge of the authority having jurisdiction, complies with the requirements of this bylaw, the Authority having jurisdiction, upon receipt of the prescribed fee, shall issue a building permit.

Section 6A: Occupancy Permits

- 6A.1 An Occupancy Permit is required to allow occupancy of a newly constructed building or part thereof, and/or when the occupancy of an existing building or part thereof is changed to an alternate occupancy group or type of use.
- 6A.2 Every building which requires an Occupancy permit shall comply with the conditions of building permit and occupancy group to be housed therein.
- 6A.3 Every Occupancy permit request shall require a final inspection be carried out by the authority having jurisdiction.
- 6A.4 Failure to request and obtain an Occupancy permit shall result in forfeiture of any building performance deposit and further enforcement measures against the property, including refusal to issue a permanent water service turn on and/or transfer of water meter service.

6A.5 When an Occupancy permit is refused, the Authority having jurisdiction shall notify the applicant in writing and shall indicate the reason for refusal.

6A.6 The Authority having jurisdiction, may at its discretion issue a temporary occupancy permit for a building or part thereof, providing such temporary occupancy or use would not jeopardize building and/or life safety.

6A.7 A Temporary occupancy permit may be renewed for periods of thirty days but no building shall be occupied under a temporary occupancy permit for a period of more than six months.

Section 7: Partial Building Permits

7.1 Where, in order to expedite work, approval of a portion of the building is desired prior to the issuance of a complete permit for the whole work, application may be made for a portion of the building and complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the Authority having jurisdiction.

7.2 The Authority having jurisdiction shall determine, at its discretion, whether or not to issue a partial permit, and where such a permit is issued, the Authority gives no assurances that a permit for the remainder of the building will be granted.

7.3 Any work completed under a partial building permit shall be subject to the provisions contained within this bylaw.

Section 8: Building Permits for Temporary Buildings

8.1 Notwithstanding anything contained elsewhere in this Bylaw, a permit for a temporary building may be issued by the Authority having jurisdiction, authorized for a limited time only, for the erection and existence of a building, or part thereof, which, because of its nature, will exist for a short period of time, under circumstances which warrant only selective compliance with these requirements.

8.2 For the purposes of this Section, a temporary building shall mean a building not exceeding 85m² in area, and one storey in height.

8.3 Temporary buildings shall have foundations that comply with the requirements described in CSA Z240.10.1 "Site Preparation, Foundation, and Anchorage of Mobile Homes".

8.4 Temporary buildings shall not be used for residential occupancy.

8.5 A permit for a temporary building shall state the date after which the conditions under which the permit is no longer valid.

8.6 A permit for a temporary building may be extended provided permission in writing is granted by the Authority having jurisdiction.

8.7 Temporary buildings to be used in connection with construction work, on the construction site may be erected without a permit, but shall be removed immediately upon completion of the work.

Section 9: Demolition Permits

- 9.1 No person or corporation shall demolish an existing building, structure or portion thereof, within the City of Estevan without first obtaining a demolition permit from the Authority having jurisdiction.
- 9.2 To obtain a demolition permit an owner or an agent for the owner, shall file an application on a form prescribed by the Authority having jurisdiction, and submit with the prescribed application fees.
- 9.3 Where the Local authority is satisfied that there are no debts or tax arrears with respect to the land on which the building is to or will be situated, the Authority having jurisdiction, upon receipt of the fee and any deposit prescribed pursuant to Articles 9.8 and 11.6, shall issue a demolition permit.
- 9.4 Demolition permits expire six months from the date of issue except that a permit may be renewed for six months upon written approval of the Authority having jurisdiction.
- 9.5 In the case of a demolition ordered by the Local authority, the demolition shall be completed by the date indicated in the resolution of the Local authority.
- 9.6 Prior to commencing demolition, the owner shall arrange for the disconnection or removal of gas, electrical, telephone and co-ax utilities, in addition to turning off water service and removal of water meter(s).
- 9.7 As part of the requirements of demolition, the owner is responsible for terminating water and sanitary sewer services at the utility mains located within the public right-of-way, and such termination shall be undertaken at the sole cost and expense of the registered property owner in accordance with the requirements and specifications directed by the City Engineering Services Business Division.
- 9.8 Notwithstanding Section 9.7 above, where the property owner intends to redevelop the lot within one year of the demolition permit issuance date, and subsequently proposes to reutilize the existing water and sanitary sewer services, the Local authority may, where it deems the services are in good condition, defer the termination requirement for a maximum of one year, provided the owner submits a cash deposit [in the amount prescribed in Section 12.2 (d)] to the Local authority to cover the cost of service termination and public right-of-way restoration. Upon the services being reutilized pursuant to the issuance of a new water and sewer permit, the Local authority shall, upon request of the owner, refund the full deposit amount. Failing reutilization and/or termination of the utility services by the owner within the one year period, the owner shall forthright forfeit the deposit amount to the Local authority, and the Local authority may draw upon the deposit and at its sole discretion proceed to complete service termination and restoration of the public right-of-way.
- 9.9 The owner shall ensure that all building components, substructures or framework located below ground level have been removed and disposed of in the proper manner.
- 9.10 Waste material generated from a demolition shall not be buried on the site, but shall be removed from the site and disposed of at an approved location.
- 9.11 Upon completion of a demolition, the owner shall:
 - a) Remove all rubbish and building materials from the property;
 - b) Fill and level any excavation on the property with clean non-expansive fill, to an elevation compatible with abutting properties, and;

c) Ensure that the property is left in a safe and sanitary condition.

9.12 Should it become necessary to close or block any street, lane, or sidewalk during demolition, the owner or owner's contractor shall obtain the prior written approval of the Local authority.

9.13 During demolition, the owner shall supply and maintain, at his own expense, all warning signs, barricades, fences or other services that may be required to warn the public of, and/or protect the public from the work in progress.

Section 10: Moving Permits

10.1 No person or corporation shall move an existing building into or within the City of Estevan without first obtaining a moving permit from the Authority having jurisdiction.

10.2 Any person proposing to relocate a pre-assembled residential dwelling into or within the City of Estevan must first obtain approval in accordance with the City of Estevan Pre-assembled Housing Policy, following which a moving permit must be obtained from the Authority having jurisdiction.

10.3 To obtain a moving permit an owner or an agent for the owner, shall file an application on a form prescribed by the Authority having jurisdiction, and submit with the prescribed application fees.

10.4 Where the Local authority is satisfied that there are no debts or tax arrears with respect to the land on which the building is to or will be situated, the Authority having jurisdiction, upon receipt of the fee and any deposit prescribed pursuant to article 11.6, shall issue a moving permit.

10.5 Moving permits expire six (6) months from the date of issue except that a permit may be renewed for an additional 30 days upon written approval of the authority having jurisdiction.

10.6 Should it become necessary to close or block any street, lane, or sidewalk during moving, the owner or owner's contractor shall obtain the prior written approval of the Local authority.

10.7 During moving, the owner shall supply and maintain, at his own expense, all warning signs, barricades, fences or other services that may be required to warn the public of, and/or protect the public from the work in progress.

Section: 11: Special Requirements

11.1 Upon the foundation for a new building being completed, an owner shall arrange for a Registered Land Surveyor to prepare a Real Property Report for the site described in a permit, and submit the report to the Local authority. In the absence of a Real Property Report being filed with the Local authority, the Authority having jurisdiction may issue an order to stop work on the site until the Real Property Report is submitted.

11.2 Foundations for Residential dwelling additions, Attached and Detached Residential Garages

11.2.1; Foundations for Residential dwelling additions, including attached Residential garages shall conform to the provisions of the National Building Code, and may have either;

- a) Strip footing and piers constructed below frost line; or
- b) Pile and Grade beam foundation in accordance with Appendix 'D' or 'F' ; or

- c) Design prepared and sealed by a Professional engineer or Architect registered in the Province of Saskatchewan

11.2.2; There shall be no specific foundation requirements for detached Residential garages with a floor area under 50m² (538 ft²) provided such design/construction is undertaken with proper consideration given to loading, soil conditions, and resistance to wind uplift.

11.2.3.; Foundations for detached Residential Garages with a floor area exceeding 50 m² (538 ft²), and with roof truss spans not exceeding 10 meters (32 feet 10 inches) may, subject to the discretion of the Authority having jurisdiction, be constructed as shown in Appendix 'E', or as designed by a Professional Engineer or Architect registered to practice in the Province of Saskatchewan.

11.2.4.: Foundations for detached Residential Garages with roof truss spans in excess of 10 meters (32 feet 10 inches), may be constructed as shown in Appendix 'D' or as designed by a Professional Engineer or Architect registered to practice in the Province of Saskatchewan.

11.3 Building and Site Drainage

11.3.1; All Buildings shall be equipped with eavestrough and downspouts or other systems approved by the Authority having jurisdiction for controlling roof run-off of water.

11.3.2; Building downspouts shall be positioned so as to discharge roof water to a hard surfaced area or splash pad which directs surface runoff away from the foundation.

11.3.3; The owner shall ensure that new building construction has been set to finished grade elevations approved and/or assigned by the Local authority.

11.4 It shall be the responsibility of the owner to arrange for all permits, inspections and certificates required by this or any other applicable bylaw, Acts and regulations.

11.5 The Local authority may, in accordance with City policy, rebate a portion of a permit fee where work is reduced in scope or discontinued, or where other exceptional circumstances occur.

11.6 Demolition and Moving Permit-Special Clauses;

a) The Local authority may, as part of the permit fee, prescribe a deposit requirement up to the amount noted in article 12.2(e) to ensure the performance of the owner in restoring the site (*after the building has been demolished or removed*) to a condition which in the opinion of the Authority having jurisdiction, is not dangerous to public safety.

b) If the applicant who demolishes or removes the building restores the site to a condition satisfactory to the Local authority or its authorized representative, the deposit amount, or portion thereof, shall be refunded.

11.7 It shall be the responsibility of the owner to ensure that any change in property lines and/or change in ground elevations will not bring the building or an adjacent building into contravention of this bylaw.

Section 12: Permit & Inspection Fees;

12.1 Building Permit Fee;

- a) Fee is based on **\$6.00** per **\$1,000.00** of computed building value. *(Bylaw #2007-1740)*
- b) Minimum building permit fee shall be **\$100.00**.
- c) Building Permit fee shall be doubled (to a maximum of \$9,000.00 in cases where construction has commenced without a building permit having first been issued by the City. *(Bylaw #2010-1832)*).
- d) S.A.M.A maintenance fee; \$20.00 per project

12.1.2 Building Performance Deposit

- a) All building permits shall be subject to a performance deposit of 5% of the commuted building value to a maximum of \$5,000.00. Performance deposits shall be fully refundable upon final inspection being conducted and all work completed to the satisfaction of the authority having jurisdiction. Performance deposits shall be held for a maximum two years from the date of permit issuance and forfeited to the City in the event the conditions of permit have not been met and/or final inspection/occupancy permit not requested and carried out within the two year period.

12.2 Demolition & Moving Permit Fees

- a) All Buildings and Structures; \$100.00
- b) Where applicable, demolition & moving permits shall further be subject to a utility service termination deposit fee of; \$5,000.00
- c) Demolition & Moving Permit-Performance Deposit; \$500.00

12.3 Extra Inspections *(at the discretion of the Authority having jurisdiction)*

- a) \$75.00 per inspection

12.4 Special Inspections (including outside City limits, subject to policy of the Authority having jurisdiction)

- b) \$65.00 per hour plus mileage

Section 13: Building Valuations

The following rates are the minimum rates in computing values for Building Permit fees;

13.1 Residential Dwelling *(2 units or less)*

- a) Main Floor \$2000.00/m²
- b) Per Additional Floor \$580.00/m²
- c) Basement \$850.00/m²
- d) Dwelling Addition: same as a),b),c) above

13.2 Town or Row Housing

- a) Main Floor \$1650.00/m²

b) Second Floor	\$1,100.00/m ²
c) Other Floors	\$750.00/m ²
d) Basement	\$750.00/m ²
13.3 Multi-family Residential (3 or more units)	\$750.00/m ² per floor
13.4 Garages (attached or detached)	\$475.00/m ²
13.5 Carports & Storage Sheds (over 10m ²)	\$200.00/m ²
13.6 Decks;	
a) uncovered	\$255.00/m ²
b) covered with roof	\$265.00/m ²
13.7 Fireplaces	\$9,000.00 (metal) \$7,000.00 (masonry)
13.8 Outdoor Swimming Pools (heated & filtered)	\$550.00/m ²
13.11A Construction value for Warehouses, Manufacturing Plants, Commercial and Office buildings shall be based on the Contractor's tendered price.	
13.12 Minimum construction value for buildings/structures not listed in this section may be based on Contractor's tendered price.	

Section 14: Bylaw Enforcement

- 14.1 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 Local authority or its authorized representative may take any measures as permitted by Part V or 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.
- 14.2 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 Local authority or its authorized representative may take any measures allowed by subsection 14.1.
- 14.3 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 or construction, and

(c) Of intended partial occupancy prior to completion of construction.

Section 15: Penalty provisions

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

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

Section 16: Appendix

16.1 The attached Appendix shall form an integral part of the Building Bylaw;

- i) Appendix 'A/1'-Building Application/Permit Form (*Bylaw #2010-1832*)
- ii) Appendix 'B'-Building/Structure Moving Application/Permit Form
- iii) Appendix 'C'-Building/Structure Demolition Application/Permit Form
- iv) Appendix 'D'-City of Estevan Standard Pile & Grade Beam Section
- v) Appendix 'E'-City of Estevan (Typical) Slab on Grade Section.
- vi) Appendix 'F'-City of Estevan Standard Foundation Design-Residential Dwelling Additions

Section 17: Repeal of Bylaw #87-1176

17.1 Bylaw 87-1176 and all its amendments are hereby repealed.

CITY OF ESTEVAN

John Empey, Mayor

Yvette Wright, City Clerk

Read a first time this ____ day of _____, 2004

Read a Second time this ____ day of _____, 2004

Read a Third and Final time and Adopted for use this ____ day of _____, 2004