

TOWN OF MILESTONE

BYLAW NO. 2023-02

A BYLAW RESPECTING BUILDINGS

The Council of the Town of Milestone, in the Province of Saskatchewan enacts as follows:

1. SHORT TITLE

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

2. PURPOSE OF THE BUILDING BYLAW

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 Appeal Board orders and building official orders within the local authority.

3. INTERPRETATION/LEGISLATION

1. Definitions contained in *The Construction Codes Act*, *The Building Code Regulations* and *The Energy Code Regulations* shall apply in this building bylaw.
 - a) "**Act**" means *The Construction Codes Act*.
 - b) "**building official**" means a person who holds a building official licence and 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 the proposed work.
 - d) "**local authority**" means the Town of Milestone and its elected council.
 - e) "**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.
 - f) "**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*.
 - g) "**occupancy certificate**" means a certificate issued with respect to the approved use or occupancy of a building.
 - h) "**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.
 - i) "**owner's representative**" means any person, company, employee or contractor who has authority to act on behalf of an owner.
 - j) "**permit**" means written authorization issued by the local authority or its building official in the form of a building permit.
 - k) "**permit fees**" means as defined in this building bylaw.
 - 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 Act and the regulations.
 - 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 company providing building official services to the local authority.
 - p) "**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.

- q) "**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.
- 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 OF THE BYLAW

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 m² (107.6 ft²) 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 m² (107.6 ft²) 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.

5. GENERAL

1. It is the duty of every owner or the owner's representative of a building in Saskatchewan to ensure that the building and work is in accordance with the Act, the regulations, any associated codes, interpretations and orders and any bylaws adopted by the local authority with which the building is associated.
2. It shall be the responsibility of the owner or the owner's representative to arrange for all permits, inspections and certificates required by any other applicable bylaws, Acts and regulations.
3. A building or part of a building for which a permit has been granted shall not be occupied before the issuance of an occupancy certificate by the local authority or the building official pursuant to clause 16(11)(h) of the Act.
4. The provisions of this building bylaw apply to buildings greater than 10m² (107.6 ft²) in building area except as otherwise exempted by the Act or the regulations.

6. PERMIT - ISSUANCE

1. Every application for a permit for work shall be on Form A, as attached to this bylaw, and shall be accompanied by a minimum of two sets of plans and specifications of the proposed building and work.
2. Every permit application shall be reviewed and approved by the building official including plan review and approval.
3. If the work described in an application for a permit, to the best of the knowledge of the local authority or the building official, complies with the requirements of this building bylaw, the Act, or the regulations, the local authority or the building official shall, on receipt of the required fee, issue a permit on the form provided by the local authority. In addition, one set of the approved plans and specifications will be returned to the owner or the owner's representative with the permit.
4. A permit issued pursuant to this building 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 or bonds charged for the permit;
 - d) the scope of work authorized by the permit;
 - e) the municipal address or legal description of the property on which the work described in the permit is located;
 - f) the buildings or portion 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 building bylaw.
5. No person, or company to whom a permit is issued pursuant to the Act shall fail to comply with the terms and conditions of the permit.

6. Work must not commence before a permit is issued.
7. The permit fees shall be calculated as the follow:
 - a) a \$100 permit application fee for the processing, handling, issuance of a permit, and to cover the fees charged to the local authority by the Saskatchewan Assessment Management Agency;
 - b) the fees for plan review, field inspection of construction and enforcement based on the fee schedule charged to the local authority by the building official; and
 - c) a deposit, if required, in an amount determined by the local authority.
8. If a deposit is collected it shall, on request by the owner or owner's representative, be refundable on satisfactory completion of the work or on approval of use or occupancy of the building by the local authority or the building official.
9. All permit fees and deposits will be collected before the permit is issued and subject to any applicable taxes.
10. The local authority or the building official may establish the value of construction for the work described in an application for a permit, for the purpose of calculating a permit fee, 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 local authority or the building official.
11. It is the responsibility of the owner or the owner's representative to ensure that all notifications required by section 7 of the Act and this building bylaw are given to the local authority and that all inspections are scheduled and completed. Failure to do so may result in additional fees for follow up inspections.
12. The owner or the owner's representative will be invoiced by the local authority for additional inspection fees and payment of the inspection fees will be due on receipt of an invoice. Unpaid inspection fees will be considered a debt due to the local authority and may be recovered from the owner of the land or premises in or on which the work was carried out as per the Act.
13. The local authority may, at its discretion, rebate a portion of a permit fee or deposit where work is reduced in scope or discontinued, or where other exceptional circumstances occur.

7. PERMITS - REFUSAL TO ISSUE

1. The local authority may refuse to issue a permit if:
 - a) the proposed work described on the permit application would contravene:
 - i. the Act;
 - ii. the regulations;
 - iii. an order of the appeal board;
 - iv. a written interpretation of the minister pursuant to section 8 of the Act; or
 - v. the local authority's building bylaw;
 - b) the person who designed or reviewed the design of a proposed building 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 a proposed building 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 the local authority's building 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, regulations or bylaw that applies to the proposed work.
2. Where the local authority refuses to issue a permit pursuant to subsection (1), the local authority shall:
 - a) provide written notice to the applicant as to the reasons for the local authority's refusal to issue a permit; and
 - b) refund any fee or deposit paid as part of the permit application for work pursuant to the Act, less any fees paid for:
 - i. plan review; and
 - ii. permit application or administration.

8. PERMITS - REVOCATION

1. The local authority may revoke a permit issued pursuant to the Act:
 - a) if the holder of the permit requests in writing that it be revoked;
 - b) if the permit was issued on mistaken, false or incorrect information;

- c) if the permit was issued in error;
 - d) subject to subsection (2), if, after 6 months after the permit's issuance, the work for which the permit was issued has not, in the opinion of the local authority's building official, been seriously commenced and no written agreement for the delay has been given by the local authority; or
 - e) subject to subsection (2), if the work for which the permit was issued is, in the opinion of the local authority's building official, substantially suspended or discontinued for a period of more than 6 months after the permit's issuance and no written agreement for the delay has been given by the local authority.
2. If the local authority revokes a permit pursuant to subsection (1) it shall provide written notice to the permit holder as to the reasons for the revocation.

9. PERMITS - EXPIRY

1. The expiry of a permit does not relieve the owner or the owner's representative from the obligation to complete the work approved in the permit.
2. All permits issued pursuant to this building bylaw shall expire on the date stated in the permit, or if no date is stated:
 - a) twenty-four months from date of issue;
 - b) six months from date of issue if work is not commenced within that period;
 - c) on the date specified by the local authority if work has not seriously commenced and is suspended for a period of six months; or
 - d) on the date specified by the local authority if work has been suspended with written permission by the local authority or building official and the agreed upon period has been exceeded.
3. An owner or the owner's representative that does not complete all the work listed on a permit before the permit expires shall apply to the local authority that issued the permit to do one of the following:
 - a) revoke the permit;
 - b) extend the term of the permit;
 - c) vary the condition of the permit.
4. The local authority may revoke, extend or vary the conditions of a permit on written application of the permit holder and subject to any condition or fees listed in the bylaw.

10. ENFORCEMENT

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 Building Code Regulations* for the purpose of ensuring compliance with this building bylaw.

11. NOTIFICATION

1. The owner or the owner's representative of a building to be constructed shall ensure that the local authority is notified of:
 - a) when excavation is to be commenced;
 - b) when the foundation is to be placed;
 - c) when a superstructure is to be placed on the foundation;
 - d) any other event at the time required by the permit under which work has been undertaken; and
 - e) any other specified event at the specified time.
2. Before commencing work at a building site, the owner or the owner's representative shall give notice to the local authority of:
 - a) the date on which the owner or the owner's representative intends to commence the work; and
 - b) subject to subsection (8), the name, address and telephone number of:
 - i. the constructor or other person in charge of the work;
 - ii. the designer of the work;
 - iii. the person or firm that is to review the work to determine whether or not the construction conforms to the design; and
 - iv. any inspection or testing agency that is engaged to monitor the work.
3. During the course of construction, the owner or the owner's representative shall give notice to the local authority of:
 - a) subject to subsection 8., any change in, or termination of, the employment of a person or firm mentioned in clause 2.b);
 - b) the owner's or owner's representative intent to do any work that has been ordered by a building official or local authority to be inspected during construction;
 - c) the owner's or owner's representative intent to enclose work that has been ordered by a building official or local authority to be inspected before enclosure;

- d) subject to subsection (8), any proposed deviation from the plans approved and permitted by the local authority;
 - e) subject to subsection (8), any construction undertaken that deviate from the plan approved and permitted by the local authority; and
 - f) the completion of work.
4. Subject to subsection (8), the owner or the owner's representative of a building under construction shall give notice to the local authority of:
 - a) any change in ownership or change in address of the owner or the owner's representative that occurs before the issuance of an occupancy certificate as soon as the change occurs; and
 - b) the owner's or owner's representative intention to occupy a portion of the building if the building is to be occupied in stages.
 5. The owner of a building 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 of the building;
 - b) failure of any equipment, device or appliance that is regulated by the Act or the regulations.
 6. A report submitted pursuant to subsection 5. must
 - a) contain:
 - i. the name and address of the owner;
 - ii. the 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 days after the occurrence of the failure mentioned in clause (5)(a) or (b).
 7. On receipt of the report pursuant to subsection (5), the local authority may require an owner to do the following:
 - a) provide any other information that the building official or local authority may consider necessary;
 - b) complete any additional work that is necessary to ensure compliance.
 8. Notice given pursuant to clause (2)(b), (3)(a), (3)(d), (3)(e) or subsection (4) is to be in writing.

12. AUTHORITY OF A BUILDING OFFICIAL

1. 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.
2. If any work to a building, or part thereof, or addition thereto is in contravention of any provision of the construction standards, 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 building;
 - b) be accompanied into a building by a person having special or expert knowledge on any matter to which this 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 documents;
 - 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 this Act;
 - f) direct the local authority to register an interest on title pursuant to section 20 of the Act;
 - g) exercise any other power or undertake any action as prescribed;
 - h) eliminating unsafe conditions;
 - i) completing actions, upon an owner's non-compliance with an order, and adding the expenses incurred to the tax payable on the property; and

- j) obtain 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 measures allowed by the Act.

13. SPECIAL CONDITIONS

1. An owner or the owner's representative that undertakes to construct or have constructed a building that is within the scope of Parts 3, 5, 6 and 7 of the NBC shall have an architect or engineer complete the design or design review of:
 - a) the building; and
 - b) all building systems.
2. An owner or the owner's representative that 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 complete:
 - a) the design or design review of the structure;
 - b) an inspection of construction of the structure to ensure compliance with the design; and
 - c) the reviews required by the NBC.
3. An owner or the owner's representative that undertakes to construct or have constructed a building with a structure within the scope of the NECB shall have an architect or engineer complete:
 - a) the design or design review of the structure;
 - b) the inspection of construction of the structure to ensure compliance with the design; and
 - c) the reviews required by the NECB.
4. In addition to the requirements of subsection (1), (2) or (3), the local authority or building official shall require that an engineer or architect provide:
 - a) a Commitment for Field Review letter as part of the permit application for work; and
 - b) an Assurance of Field Review and Compliance letter, on completion of the work, providing assurance that the work conforms to the engineer's or architect's design.
5. An owner or the owner's representative that 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.
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 on the request of the building official or local authority, as the case may be.
7. No owner of a building or an owner's representative shall cause or allow the ground elevations of a building to be changed so as to place in contravention of the NBC:
 - a) the building or part of the building; or
 - b) 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 owner or the owner's representative shall immediately alter the building or part of the building to bring it into compliance with the NBC.

14. PENALTY

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 with the Act and regulations.

15. REPEAL OF PREVIOUS BUILDING BYLAW

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

Enactment pursuant to Section 17 of *The Construction Codes Act*.

(SEAL)

Reeve

Administrator

Read a third time and adopted this
__ day of _____, 20__

Administrator