BYLAW NO. 5-2022

A BYLAW OF THE RURAL MUNICIPALITY OF MOOSE MOUNTAIN NO. 63 RESPECTING BUILDINGS

The Council of the Rural Municipality of Moose Mountain No.63 in the Province of Saskatchewan enacts as follows:

1.0 SHORT TITLE

This bylaw may be cited as the Building Bylaw.

2.0 PURPOSE OF THE BUILDING BYLAW

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.

3.0 INTERPRETATION/LEGISLATION

Definitions contained in *The Construction Codes Act*, *The Building Code Regulations* and *The Energy Code Regulations* shall apply in this building bylaw.

"Act" means The Construction Codes Act.

"Addition" means any new construction expanding an existing building, either horizontally or vertically.

"Alteration" means a change to any matter, thing or occupancy that is regulated by The Act but does not include an addition.

"Building Official" means a person who holds a building official license.

"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 building.

"Construction Standards" in this building bylaw means the construction standards described in Part 2 of the Act.

"Farm Building" means, subject to the regulations, a building that:

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

"Local Authority" means the municipality to which this Building Bylaw applies.

"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.

"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 regulations.

"Occupancy Certificate" means a certificate issued with respect to the approved use or occupancy of a building.

"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.

"Owner's Representative" means any person, company, employee or contractor who has authority to act on behalf of an owner.

"Permit" means written authorization issued by the local authority or its building official in the form of a building permit.

"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.

"Regulations" means *The Building Code Regulations* and *The Energy Code Regulations*.

"Value of Construction" means the total costs 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 and overhead, and profit of the contractor and subcontractors.

"Work" means any construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building.

4.0 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 $10m^2$ ($107.6\ ft^2$) in building area except as otherwise exempted by the Act or the regulations.

3) Farm buildings are exempt in accordance with subsection 6(2)(c) of the Act.

4) Minor alterations, or regular maintenance and repairs, which do not change the structure of the building are exempt from this bylaw.

5.0 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.

6.0 PERMIT - ISSUANCE

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 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 fee shall be in accordance with the Building Permit Fees Bylaw.

8) All permit fees will be collected before the permit is issued and subject to any applicable taxes.

9) 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.

10) 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.

11) 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.

12) 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.

7.0 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.

8.0 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 subjection (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.

9.0 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.

10.0 ENFORCEMENT

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.

11.0 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:
   (c) the constructor or other person in charge of the work;
   (d) the designer of the work;

(e) the person or firm that is to review the work to determine whether or not the construction conforms to the design; and
(f) 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 deviates from the plans 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.

12.0 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 a 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 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 this Act;
(f) direct a 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 owner's non-compliance with an order, and adding expenses incurred to the tax payable on the property; and
(j) obtaining restraining orders.

13.0 BUILDING DESIGN REQUIREMENTS

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.

14.0 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.

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

[redacted]

Reeve

[redacted]

Administrator

Read a first time this 12th day of July, 2022.

Read a second time this 12th day of July, 2022.

Read a third time and adopted this 12th day of July, 2022.

RURAL MUNICIPALITY OF MOOSE MOUNTAIN NUMBER 63 INCORPORATED 1912 SASKATCHEWAN

[redacted]

Reeve

[redacted]

Administrator

Certified a True Copy of Bylaw No. 5-2022

Adopted by Resolution of Council on the 12th

Day of July 2022

RURAL MUNICIPALITY OF MOOSE MOUNTAIN NUMBER 63 INCORPORATED 1912 SASKATCHEWAN

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

[redacted]

Building and Technical Standards
Ministry of Government Relations

July 21, 2022
Date