

BUILDING BYLAW
RESORT VILLAGE OF TOBIN LAKE
BYLAW NO 05/2021

A BYLAW RESPECTING BUILDINGS

The Council of the Resort Village of Tobin Lake in the Province of Saskatchewan enacts as follows:

1. This bylaw shall be referred to as “The Building Bylaw”.

INTERPRETATION/LEGISLATION

2. (1) Act” means *The Uniform Building and Accessibility Standards Act* being Chapter U-1.2 of the Statutes of Saskatchewan, 1983-84 and amendments.

(2) Administrative Requirements” means *The Administrative Requirements for Use with The National Building Code of Canada*.

(3) Local authority” means the Council as elected by the Resort Village of Tobin Lake constituents.

(4) Municipal Official” means the Administrator or appointed designate.

(5) Authorized representative” means a Building Official appointed by the local authority pursuant to subsection 5(4) of the Act.

(6) Municipality” means the identified land boundaries for which are under the control of the Resort Village of Tobin Lake.

(7) Regulations” means regulations made pursuant to the Act.

(8) Definitions contained in the Act and Regulations shall apply in this bylaw.

SCOPE OF THE BYLAW

3. (1) This bylaw applies to matters governed by the Act and the Regulations, including the *National Building Code of Canada*, the *National Energy Code of Canada*, the *National Farm Building Code of Canada*, the *Administrative Requirements* and all other applicable Codes and Standards.

(2) Notwithstanding subsection (1), references and requirements in the *Administrative Requirements* respecting matters regulated by the Act and Regulations shall not apply.

GENERAL

4. (1) A permit is required whenever work regulated by the Act and Regulations is to be undertaken.

(2) No owner or owner's agent shall work or authorize work to proceed on a project for which a permit is required until a valid building permit is obtained and posted on the site by a municipal official.

(3) A building or part of a building for which a permit has been granted shall not be occupied prior to the approval and the permit sign removed by the authorized representative.

(4) A building permit is required for a deck, sunroom, veranda, porch, shed, garage or other non-farm building which are accessory to the dwelling unit(s) and are greater than (100 sq/ft) and are shown not to create a hazard.

(5) 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, bylaw, act and/or regulation affecting the site described in the permit, or

(b) make either the local authority, municipal official or its authorized representative 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 of a building which has been authorized by permit, does not comply with the requirements of any building restriction agreement, bylaw, act and/or regulation affecting the site described in the permit.

BUILDING PERMITS

5. (1) Every application for a permit to construct, erect, place, alter, repair, renovate or reconstruct a building shall be in a form provided by the local authority, and shall be accompanied by two sets of plans and specifications of the proposed building except as permitted by the authorized representative.

(2) If the work described in an application for building permit, to the best of the knowledge of the authorized representative, complies with the requirements of this bylaw, the municipal official, upon receipt of the prescribed fee, shall issue a permit in a form provided by the local authority to the applicant.

(3) The local authority shall have plan reviews, inspections and other services for the purpose of enforcement of the Act and Regulations provided by the authorized representative.

(4) The permit fee for construction, erection, placement, alteration, repair, renovation or reconstruction of a building shall be calculated in accordance with an approved fee structure set by the local authority.

(5) The municipal official or its authorized representative may estimate the value of construction for the work described in an application for building permit, for the purpose of evaluating a permit fee, based on established construction costs, owner's statement of costs or constructor's contract values, or similar methods selected by the municipal official or its authorized representative. The refundable permit sign deposit shall be set by the local authority and collected along with the permit fee.

(6) Approval in writing from the authorized representative is required for any deviation, omission or revision to work for which a permit has been issued under this section.

(7) All permits issued under this section expire six months from date of issue if work is not commenced within that period unless by prior written agreement of the local authority.

(8) All permits issued under this section are expected to be completed within a 24-month period. Projects that are not completed within the 24 months may be subject to penalties prescribed in Section 10 of this bylaw.

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

DEMOLITION OR REMOVAL PERMITS

6. (1) (a) The fee for a permit to demolish or remove a building shall be calculated in accordance with an approved fee structure set by the local authority.

(b) In addition, the applicant shall deposit with the local authority a security deposit as prescribed in accordance with an approved fee structure set by the local authority to cover the cost of restoring the site after the building has been demolished or removed to such condition that it is, in the opinion of the authorized representative, not dangerous to public safety.

(c) If the applicant who demolishes or removes the building restores the site to a condition satisfactory to the authorized representative the local authority shall refund the security deposit, or portion thereof.

(2) Every application for a permit to demolish or remove a building shall be in a form provided by the local authority.

(3) Where a building is to be demolished and the municipal official 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, the municipal official, upon receipt of the fee and security deposit, shall issue a permit for the demolition in a form provided by the local authority.

(4) Where a building is to be removed from the municipality, and the municipal official 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, the municipal official, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal in a form provided by the local authority.

(5) (a) Where a building is to be removed from its site and set upon another site in the municipality, and the municipal official 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, and the building when placed on its new site and completed, to the best of the knowledge of the municipal official and its authorized representative, will conform with the requirements of this bylaw, the municipal official, upon receipt of the prescribed fee and security deposit, shall issue a permit for the removal in a form provided by the local authority.

(b) In addition, the municipal official, upon receipt of the fee prescribed in Section 5(4), shall issue a permit for the placement of the building in a form provided by the local authority.

(6) All permits issued under this section expire six months from the date of issue except that a permit may be renewed for six months upon written application to the local authority.

ENFORCEMENT OF BYLAW

7. (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, municipal official or its authorized representative may take any measures as permitted by Part V of 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) obtain a restraining order.
- (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, municipal official or its authorized representative may take any measures allowed but not limited to subsection (1).
- (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 municipal official 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 of construction, and
- (c) of intended partial occupancy prior to completion of construction.

SUPPLEMENTAL BUILDING STANDARDS

8. (intentionally left blank for future development)

SPECIAL CONDITIONS

9. (1) Notwithstanding the requirements of the Regulations, an architect or professional engineer registered in the province of Saskatchewan shall be engaged by the owner for assessment of design and inspection of construction or certification of a building or part of a building where required by the local authority, municipal official or its authorized representative.

(2) An up-to-date plan or survey of the site described in a permit or permit application prepared by a registered land surveyor shall be submitted by the owner where required by the local authority, municipal official or its authorized representative.

(3) It shall be the responsibility of the owner to arrange for all permits, inspections and certificates required by all other applicable bylaws, acts and regulations.

PENALTY

10. (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.

(2) Conviction of a person or corporation for breach of any provision of this bylaw shall not relieve him from compliance therewith.

11. Bylaw No. 04/2021 is hereby repealed.

12. This bylaw shall come into force and take effect on the date of final passing thereof.

Enacted pursuant to Section 14 of
*The Uniform Building and Accessibility
Standards Act*

[SEAL]

Mayor

Clerk

Read a third time and adopted
this ____ day of _____

Clerk