

BYLAW NO. 08.23

A BYLAW OF THE VILLAGE OF MACOUN IN THE PROVINCE OF SASKATCHEWAN TO REGULATE BUILDING CONSTRUCTION AND RELATED ACTIVITIES

Council of the Village of Macoun in the Province of Saskatchewan enacts as follows:

SHORT TITLE

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

INTERPRETATION / LEGISLATION

2. (1) "Act means *The Construction Codes Act*.
(2) "Administrative Requirements" means regulations made pursuant to The Act.
(3) "Authorized representative" means a building inspector appointed by the local authority who holds a building official license.
(4) "Deck" means an open structure used as an extension to the interior of a dwelling with or without direct access from the principal dwelling to the ground, constructed 24 inches or higher above-grade with a foundation to hold it erect and attached to or abutting a dwelling. Shall not include a landing.
(5) "Dwelling" means a house, apartment or other place of residence.
(6) "Landing" means an open structure used as an extension to the interior of a dwelling with direct access from the principal dwelling to the ground, constructed no more than 24 inches above-grade with a foundation to hold it erect and attached to or abutting a dwelling. Shall not include a deck.
(7) "Local authority" means the Village of Macoun.
(8) "Moved-in-Home" means a single-family dwelling that was constructed on another site and was not originally intended to be portable. This does not include a ready-to-move (RTM) home, manufactured home or a mobile home.
(9) "Regulations" means regulations made pursuant to The Act.
(10) Definitions contained in The Act and Regulations shall apply in this bylaw.

SCOPE OF THE BYLAW

3. (1) This building bylaw applies to all work undertaken or to be undertaken within the geographical jurisdiction of the local authority.

GENERAL

4. (1) A permit approved by Village Council at a council meeting is required whenever work is to be undertaken that is regulated by The Act and Regulations. This includes work undertaken to erect, move, place, construct, alter, reconstruct, repair, renovate, demolish, remove or occupy a building.
 - (a) A building permit is required for accessory building and decks.
 - (b) Exemptions: Notwithstanding clause 4(1)(a), the following are exempt from obtaining building permits:
 1. Cosmetic repairs and renovation which do not involve any structural alteration or additions to the superstructure.
 2. Fences or landings erected on private property.
 3. Any structure 100 square feet or smaller in dimension.

- (2) No owner or owner's agent shall work or 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.
- (3) 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 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 which has been authorized by permit, does not comply with the requirements of any building restriction agreement bylaw and / or regulation affecting the site described in the permit.
- (4) The building standards shall apply to all residences constructed, erected, placed, altered, repaired, renovated, relocated, used or occupied in the Village of Macoun.
- (5) All buildings or mobile homes to be moved into the Village must first be approved by Council at a Council meeting.
- (6) No person shall erect a dwelling in the Village of Macoun except in compliance with the site regulations set out herein;
- (a) Minimum front yard from foundation to property line shall be four and a half (4 ½) meters;
 - (b) Minimum side yard from the foundation to adjacent property line shall be two (2) meters;
 - (c) Dwelling on corner Lot shall be four and a half (4 ½) meters from Foundation to both property lines;
 - (d) No part of any structure shall enter into any adjacent property line, including but not limited too; eaves, cantilevers, garage, shed, shops.
 - (e) These rules can be adjusted only with Council's written approval.
- (7) Any property that does not have legal survey pins must provide a survey certificate to accompany any new building permit application for development that requires a building permit approved by Council.
- (8) Notwithstanding the imposition of a penalty for violation of this bylaw, the Council may require the owner of any building erected contrary to the regulations herein to remove or demolish such building. If the owner fails to do so, Council may proceed to have removal or demolition carried out at the expense of the owner, cost of which will be added to the property taxes on the said land(s).

BUILDING PERMITS

5. (1) Every application for a permit to construct, erect, place, alter, repair, renovate or reconstruct a building shall be in Form A and shall be accompanied by two sets of the plans and specifications of the proposed building, except that when authorized by the local authority or its authorized representative plans and / or specifications need not be submitted. The building application may require, but shall not be limited to the following information:
- (a) the legal and civic description of the land;
 - (b) the estimated value of construction;
 - (c) the size of the building;
 - (d) the names, addresses and telephone numbers of the owner, contractor, architect and / or engineer.
- (2) Except when authorized by the building official or the local authority, the following construction drawings shall be submitted at the time of application:
- (a) two sets of construction drawing and specifications;
 - (b) a certified truss plan and layout for all roof truss systems and floor truss system;
 - (c) a site sketch indicating the distance between all property lines, existing and proposed buildings.
 - (d) stamped engineered drawings (where applicable)
 - (e) CSA stickers or equivalent (where applicable)

(3) If the work described in an application for building permit, to the best of the knowledge of the local authority or its authorized representative, complies with the requirements of the bylaw, the local authority upon receipt of the prescribed fee, shall issue a permit in Form B and return one set of submitted plans to the applicant.

(4) 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 inspectors designated by the minister to assist the local authority.

(5) 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.

(6) All permits issued under this section expire:

(a) one year from the date of first issuance, or

(b) six months from the date of issue if work is not commenced within that period; or

(c) if work is suspended for a period of six months, except

(d) if work is suspended for a period of longer than six months by prior written agreement of the local authority or its authorized representative.

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

(8) The permit fee for construction as per subsection 4(1) is based on the fee schedule in Appendix "A" as attached. Updates to the fee schedule can occur through an agreed upon process without affecting 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.

BUILDING INSPECTIONS

6. (1) Pursuant to The Act, the building inspector may, at their discretion, inspect any building in the Village of Macoun at any time during any reasonable hour of the day.

(2) Inspections may include:

(a) Foundation Inspection

(b) Framing Inspection

(c) Final Inspection

(d) Basement development pre-inspection

(3) For all buildings requiring a Building Inspector, the owner or its authorized agent, shall be required to notify the Building Inspector at least 48 hours in advance of the following:

(a) when the foundation is ready to be poured

(b) when a superstructure is to be placed on the foundation

(c) when the building is ready for framing inspection prior to insulating

(d) when the building is substantially completed and prior to occupancy

(4) The building inspector may require additional inspections at any time throughout the construction projects. In the event that additional inspections are required as a result of faulty workmanship or an exceptional number of building deficiencies, or if the owner or the owner's agent has requested an additional inspection, the fees mentioned in subsection 5(8) and 5(9) or fees as outlined by the building inspection company shall apply.

(5) A building shall not be approved for occupancy until the local authority is satisfied that all outstanding infractions as noted on the building inspector's final inspection report have been corrected at which time an Occupancy Certificate will be issued.

(6) An Occupancy Certificate will not be issued until all building and development fees are paid in full.

(7) Once a building permit has been approved by Village Council and all fees for the permit and inspection have

been paid in full to the Village, it is then the responsibility of the land owner to communicate directly with the building inspector to complete the inspection process.

DEMOLITION OR REMOVAL PERMITS

7. (1) The fee for a permit to demolish or remove a building is based on the fee schedule in Appendix "A", unless the Village of Macoun requires professional services.
- (2) Every application for a permit to demolish or remove a building shall be in Form C.
- (3) Where a building is to be demolished and / or removed and the local authority or its authorized representative 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 local authority, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal in Form D.
- (4) 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.
- (5) Any and all custom work to be completed on the land after demolition or removal, due to damage related to the demolition or removal, shall be at the cost of the property owner and applied to the property taxes associated with the land.
- (6) It is hereby required that before filling in old basements, cisterns or wells, that all stones and cement be removed to prevent the harboring of snakes.

ENFORCEMENT OF BYLAW

8. (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 The Act for the purpose of ensuring compliance with this bylaw including, but not limited to:
 - (a) entering a building,
 - (b) ordering a production of documents, tests, certificates, etc. relating to building,
 - (c) taking material samples,
 - (d) issuing notices to owners that order actions within a prescribed time,
 - (e) eliminated 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.
- (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 8(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 local authority 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.

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 of assessment of design and inspection of construction or certification of a building or part of a building where required by the local authority 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 or its authorized representative.

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

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

(5) Every request by property owner to cancel a building permit shall be in Form E.

(6) If a land owner requests a special meeting to be held by Village Council to rush the review process of their building permit, the land owner will be responsible to cover the cost of Council and staff remuneration to hold that special meeting.

Penalty

10. (1) Any person who contravenes any of the provisions of this bylaw shall be liable to the penalties provided in 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. 4.23 is hereby repealed.

Enacted pursuant to Section 17
of *The Construction Codes Act*

SEAL

Mayor

Certified a true copy of Bylaw
No. 08.23 adopted by resolution
on the ____ day of _____, 20__.

Administrator

Administrator

Appendix "A"

Fee Schedule

| Project | Permit Fee \$ |
|---|---------------|
| New Home Build – Provincially Accredited Building Inspection Required at Homeowners expense | \$100.00 |
| RTM or Modular Home – Must Provide CSA approved documentation | \$100.00 |
| Mobile Manufactured Home – Must provide CSA approved documentation | \$100.00 |
| Attached Garage - Provincially Accredited Building Inspection Required at Homeowners expense | \$100.00 |
| Addition - Provincially Accredited Building Inspection Required at Homeowners expense | \$100.00 |
| Deck – greater than 24 inches above grade, must be measured by Village employee | \$100.00 |
| Shed – over 100 square feet | \$100.00 |
| Existing home to be moved in – Pre-approval of Village Council | \$100.00 |
| Foundation for existing home to be moved in | \$100.00 |
| All other buildings (detached garage, pole building, etc.) 30 x 50 in size or smaller– Stamped engineered drawings and truss designs | \$100.00 |
| All other buildings (detached garage, pole building, etc.) 30 x 50 in size or larger– Stamped engineered drawings and truss designs with Provincially Accredited Building Inspection Required at Homeowners expense | \$100.00 |
| Demolition | \$50.00 |
| Administration Fee for all building permits requiring a building official | \$50.00 |