

**RESORT VILLAGE OF KANNATA VALLEY
BUILDING BYLAW
Bylaw 73.2**

The Council of the Resort Village of Kannata Valley in the Province of Saskatchewan hereby enacts as follows:

PURPOSE

1. The purpose of this bylaw is to regulate building construction activities in the *Municipality* to assure compliance with the Uniform Building and Accessibility Standards Act.

DEFINITION OF TERMS

2. Definitions contained in the Uniform Building and Accessibility Standards Act (*UBAS Act*) and the National Building code of Canada (*NBC*) shall apply and take precedence over context in which the terms described below are used in this Bylaw.

Act	the Uniform Building and Accessibility Standards Act (<i>UBAS Act</i>) and Regulations
Municipality	the Resort Village of Kannata Valley
Council	the mayor and four elected councillors of the Resort Village of Kannata Valley
Local Authority (<i>LA</i>)	the Council of the Resort Village of Kannata Valley
Building Official	a person licensed by the chief building official pursuant to Section 5 of the Act
Building	a structure used or intended for supporting or sheltering any use or occupancy, and includes an addition built to an existing structure and, where applicable, the land adjoining a structure.
Principal Building	the primary use building of a lot. In the municipality, a residence, dwelling, home or cottage shall be considered the principal building of a lot.
Accessory Building	a building subordinate to a principal building located on the same lot with a principal building
Building Area	the greatest horizontal area of a building above grade within the outside surface of exterior walls also referred to as floor area.
Work	the carrying out of any construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of any building.
Grade	the average level of finished ground adjoining a building at all exterior walls
Slope of a lot	refers to a change in grade that determines the flow of runoff water on a lot.
Plan Review	the examination of building drawings and related documents to ascertain whether they meet the requirements of the <i>Act</i> and the <i>Bylaws</i> of the municipality
Permit	a document issued by the municipality authorizing <i>Work</i> on property within the municipality
Unsafe Condition	a condition that could cause undue hazard to life, limb or health of any person authorized or expected to be on or about the premises.

GENERAL CONDITIONS

3. The principal building on a property shall have a minimum 74.32 sq. M (800 sq. ft.), subject to council allowing 55.74 sq. M (600 sq ft) for circumstances requested.
A permit is required for the construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building.
4. No owner or owner's agent may 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 that is proposed.
5. It is the responsibility of the applicant and/or property owner to arrange for procurement of documents, permits, inspections and certificates required by the Act and/or this bylaw.
6. The granting of any permit that is authorized by this bylaw does not entitle the grantee, his successor or assigns, or anyone on his behalf to complete work that fails to comply with the requirements of any Building Restriction Agreement, Bylaw, Act or Regulation affecting the site described in the permit.
7. The granting of any permit that is authorized by this bylaw does not make the municipality liable for damages by reason of the fact that the proposed work does not comply with the requirement of any Building Restriction Agreement, Bylaw, Act and/or Regulation affecting the site described in the permit
8. The municipality may, by resolution of council, waive the requirements for submission of documents with an application for a permit where circumstances deem such action to be prudent and appropriate.

9. Where a permit has been issued and/or an action is taken in compliance with an order, the owner or agent of the owner named in a permit shall give notice in writing to the municipality as required by Section 17.2 of the Act including, but not limited to information as to the start, progress and completion of construction, a change in ownership prior to completion of construction, and/or the intended occupancy prior to completion of construction.
10. It is the responsibility of the applicant and/or property owner to ensure work on the project will not bring a building or structure or an adjacent building or structure into contravention of this or any other municipal bylaw.
11. The municipality may, at its discretion, have plan review, project inspection and other services provided by a person, firm or corporation employed under contract to the municipality.
12. The municipality may, at its discretion, have plan review, inspection and other services provided by building officials designated by the minister to assist the municipality to enforce the provisions of the Act and Regulations pursuant to subsection 4(4) of the Act.
13. The municipality may estimate the value of the work described in an application based on established construction costs, owner's statement of costs, constructor's contract values, or similar methods selected by the municipality
14. The applicant shall not proceed with any deviation, omission or revision to work described in an application after a permit has been issued without approval in writing from the municipality.

BUILDING PERMIT

15. Prior to the commencement of work requiring a Building Permit an owner or agent of the owner shall apply to the municipality on an Application for a Building Permit in Form 1 (*Form 1 - Appendix A*) by submitting to the municipality the application, the applicable fees, and two copies of the following applicable project documents:
 - a. A Site Plan detailing the location of existing and proposed buildings in relation to property lines and/or, where required by the municipality, a Plan of Survey prepared by a registered land surveyor licensed to practice in the Province of Saskatchewan.
 - b. A Geo-technical Report that confirms a suitable building site for the proposed work, bearing the seal of a professional engineer licensed to practice in the Province of Saskatchewan.
 - c. Foundation design, drawings and specifications bearing the seal of a professional engineer licensed to practice in the Province of Saskatchewan where work involves:
 - i. construction of a principal building or addition thereto
 - ii. construction of an accessory building (garage) attached to a principal building
 - d. Industry standard construction drawings showing the building floor plan(s), elevations (front, rear, left side and right side), a building cross section plan, construction details and construction specifications.
 - e. Structural design drawings and specifications where engineered beams, floor trusses and/or roof trusses are proposed.
16. Where, in the opinion of the municipality, work described in an Application for a Building Permit complies with the requirements of this bylaw, the council shall, by resolution, approve the work as presented or approve the work subject to terms and conditions council may deem prudent and appropriate.
17. Where the Application for a Building Permit is approved by council, the municipality shall retain one set of documents submitted and issue a *Building Permit* in Form 1.1 (*Form 1.1 - Appendix A*) along with any duplicate documents that may have been submitted.
18. A Building Permit issued under this section shall expire twenty four (24) months from date of issue unless the expiry date is extended following a written agreement between the applicant and the municipality.
19. The fee for each Building Permit shall be **\$100.00** plus where applicable:
 - a. a non refundable plan review and project inspection fee at the rate provided for under agreement with a firm engaged by the municipality for the provision of such services; and
 - b. a refundable Security Deposit of **\$300.00**.
20. The municipality may, by resolution of council, waive or rebate any portion of a *Permit* fee where work is reduced in scope, discontinued, or where other exceptional circumstances occur.

21. The municipality may retain part or all of the Security Deposit and seek additional compensation from the owner in the amount sufficient to equal costs incurred to:
 - a. repair damage to public property resulting from the actions of an applicant, the contractor or any other person working on the project.
22. The municipality shall, within a reasonable time after project completion, make an assessment of damage subject to *article 22* and issue, to the permit applicant, a "Security Deposit Refund Report" (*Form 5- Appendix A*) along with cheque in the amount of the balance of the refund or an invoice for damages in excess of the deposit held.

PERMIT TO DEMOLISH OR RELOCATE A BUILDING

23. Prior to the commencement of work requiring a Permit to Demolish or Relocate a Building an owner, or agent of the owner, shall apply to the municipality on an Application for a Permit to Demolish or Relocate a Building in *Form 2 (Form 2 - Appendix A)* by submitting to the municipality the application, the applicable fees, and one copy of
 - a. A site plan detailing the location of the building to be demolished
 - b. a site plan or other documents indicating the resulting change in water drainage from the property
 - c. an *Aquatic Habitat Protection Permit* from the *Water Security Agency (where applicable)*
24. Where, in the opinion of the municipality, work described in an application on *Form 2* and associated documents complies with the requirements of this bylaw and there are no debts or property taxes outstanding with respect to the building or land on which the building is situated, the council shall, by resolution, approve the work as presented or approve the work subject to terms and conditions council may deem prudent and appropriate
25. Where the Application for a Permit to Demolish or Relocate a Building is approved by council, the municipality shall retain one set of documents submitted and issue a Permit to Demolish or Relocate a Building in *Form 2.1 (Form 2.1- Appendix A)* along with any duplicate documents that may have been submitted.
26. A Permit to Demolish or Relocate a Building issued under this section shall expire six (6) months from date of issue unless the expiry date is extended following a written agreement between the applicant and the municipality.
27. The fee for each Permit to Demolish or Relocate a Building shall be **\$100.00** plus where applicable:
 - a. a non refundable plan review and project inspection fee at the rate provided for under agreement with a firm engaged by the municipality for the provision of such services; and
 - b. a refundable Security Deposit of **\$300.00**.
28. The municipality may, by resolution of council, waive or rebate any portion of a *Permit* fee where work is reduced in scope, discontinued, or where other exceptional circumstances occur.
29. The municipality may retain part or all of the Security Deposit and seek additional compensation from the owner in the amount sufficient to equal costs incurred to:
 - a. repair damage to public property resulting from the actions of an applicant, the contractor or any other person working on the project;
 - b. restore the site after the building has been demolished or removed to a condition that it is not a danger to public safety.
30. The municipality shall, within a reasonable time of project completion, make an assessment of damage subject to *article 29* and issue, to the applicant, a "Security Deposit Refund Report" (*Form 4- Appendix A*) along with cheque in the amount of the balance of the refund or an invoice for damages in excess of the deposit held.

REFERRALS

31. Permits and compliance inspections for the installation and operation of plumbing and sewage systems are referred to the Saskatchewan Department of Health as administered by the Regina Qu'Appelle Health Authority.
32. Permits and compliance inspections for the installation of natural gas and electrical systems are referred to the local office of Sask Power &/or Sask Energy.

ENFORCEMENT

33. A *building official* appointed by the local authority may, for the purpose of ensuring compliance with the provisions of this bylaw, take any measures as permitted by Part V of the *Act* that includes but is not limited to:
 - a. entering a building at any reasonable hour;
 - b. be accompanied into a building by a person having special or expert knowledge on any matter to which the Act relates;
 - c. ordering the production of documents, tests and/or certificates relating to a building;
 - d. inspecting and taking samples of any material, equipment or appliance being used in the design, construction, erection, placement, alteration, repair renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building;
 - e. Issuing notices to the owner that require an action within a prescribed time
 - f. eliminating unsafe conditions
 - g. completing actions or having actions completed at the expense of the owner where the owner has failed to comply with an order within a prescribed time
 - h. issuing an order to 'stop work' or obtaining other restraining orders
34. Where a building or part thereof is in an unsafe condition due to faulty construction, its ruinous or dilapidated state, its abandonment, its open or unguarded condition or any other reason, the municipality may take measures allowed by Section 8 of the Act and/or provisions of this bylaw.
35. Where a permit is suspended and council is reassured that work will be carried out in conformity with the terms and conditions of a *Permit*, council may, by resolution, reinstate the permit subject to any further terms and conditions council may deem prudent and appropriate.

PENALTY

36. Every person who contravenes any provisions of this bylaw shall be liable to the penalties provided for in the *Act*.

APPEALS

37. The owner of a building may appeal an Order made pursuant to section 17 of the Act within 15 days after service of the Order on the owner by:
 - a. filing a written notice of the Appeal with the chief building official as provided for in section 18 of the Act by:
 - b. submitting to the chief building official all substantiating information considered necessary by the chief building official; and
 - c. submitting a deposit in the prescribed amount with the chief building official.

LICENCES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS AND LEGISLATION

38. Nothing in this bylaw shall exempt any person from complying with the requirements of any other bylaw in force within the municipality or from obtaining any licence, permission, permit, authority or approval required by this or any other municipal bylaw. Where requirements in this bylaw conflict with those of any other municipal requirements, the more stringent requirement shall prevail.

REFERENCE BYLAWS

39. Bylaw 73.1 is hereby repealed.

FORMS

- 40. The following forms included in Appendix A of this bylaw may be used in the administration of this bylaw:
 - a. FORM 1 - Application for a Building Permit
 - b. FORM 1.1 - Building Permit
 - c. FORM 2 - Application for a Permit to Demolish or Relocate a Building
 - d. FORM 2.1 – Permit to Demolish or Relocate a Building
 - e. FORM 4 - Security Deposit Refund Report
 - f. FORM 5 - Order to Remedy a Contravention of Bylaw 73.2

EFFECTIVE DATE

41. This bylaw is enacted pursuant to Section 14 of the *Act* and takes effect on the date of the Minister’s approval.

First Reading of Bylaw 73.2, “CARRIED” at the Dec.9, 2015 regular council meeting
Second Reading of Bylaw 73.2, “CARRIED” at the Jan.6, 2016 regular council meeting
Third Reading of Bylaw 73.2, “CARRIED” at the May 16, 2016 regular council meeting

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Mayor, Ken MacDonald

Seal

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Administrator: Jack McHardy