

**RESORT VILLAGE OF KANNATA VALLEY  
PROPERTY DEVELOPMENT BYLAW  
Bylaw 84.1**

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

**PURPOSE**

The purpose of this bylaw is to regulate work on private properties within the municipality to minimize the consequence of soil excavations, addition of fill materials, landscaping and the demolition, construction or relocation of earth retaining structures on land that has a history of soil instability, slumping and erosion.

**DEFINITION OF TERMS**

1. The terms listed below are used in this bylaw in the context of the meaning described.

Act	the Municipalities Act
Municipality	the Resort Village of Kannata Valley
Council	the mayor and four elected councillors of the Resort Village of Kannata Valley
Local Authority (LA)	the Council of the Resort Village of Kannata Valley
Building Official	a person appointed by the municipality and authorized to enforce bylaw compliance on behalf of the municipality.
Principal Building	the primary use building of a lot. In a residential zoned district, a residence or dwelling is the principal building of a lot.
Accessory Building	a building subordinate to a principal building located on the same lot with a principal building
Work	the carrying out of any excavation, landfill or landscaping of property and/or construction, relocation or demolition of earth retaining structures.
Project	the sum total of all <i>Work</i> as described on any application for a <i>Permit</i> .
Grade	the elevation of the ground level at a specific point of the lot
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.
Nuisance	a condition of property, or a thing, or an activity, that adversely affects or may adversely affect: the safety, health or welfare of people in the neighbourhood; people's use and enjoyment of their property; or the amenity of a neighbourhood and includes: a building in a ruinous or dilapidated state of repair; an unoccupied building that is damaged and is an imminent danger to public safety; land that is overgrown with grass and weeds; untidy and unsightly property; junked vehicles; and open excavations on property;

**GENERAL CONDITIONS**

2. A ***Property Development Permit*** is required for work on private property that involves any destruction of mature trees and shrubs, excavation of soil, addition of fill material and/or the demolition, construction or relocation of earth retaining structures.
3. 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.
4. It is the responsibility of the applicant and/or property owner to arrange for procurement of documents, permits, inspections and certificates required by this bylaw.
5. 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.
6. 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

7. 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.
8. The municipality may, by resolution of council, waive the requirement for submission of documents with an application for a permit where circumstances deem such action to be prudent and appropriate.
9. 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.
10. 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.
11. 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.
12. Where a change in ownership occurs prior to completion of work that required a permit, the new owner shall continue to be subject to the terms and conditions of the permit.

### **PROPERTY DEVELOPMENT PERMIT**

13. A Property Development Permit is required for the following work:
  - a. Changing the existing slope of a lot by excavating soil materials or adding fill material on a lot.
  - b. Destruction of mature trees and vegetation.
  - c. Construction, erection, alteration or demolition of an earth retaining wall in excess of 1 M (3.3 ft) in height.
  - d. Construction, erection, alteration or relocation of a fence higher than 2 M (6.6 ft) in height.
14. A Property Development Permit is not required for the following work:
  - a. Maintenance or repair of a fence
  - b. Maintenance or repair of an earth retaining wall
  - c. Addition of surface finish materials such as gravel, slag, asphalt paving, top soil and other similar materials where the placement of materials do not divert the runoff water drainage to neighbouring properties.
15. Prior to the commencement of work requiring a Property Development Permit an owner or agent of the owner may apply to the municipality on an Application for a Property Development Permit (*Form 1- Appendix A*) by submitting to the municipality the application, the applicable fees and two copies of the following project documents:
  - a. A Geo-technical Report bearing the seal of a professional engineer licensed to practice in the Province of Saskatchewan where work involves a change in the slope of a lot requiring excavation and/or fill materials and/or construction of earth retaining wall.
  - b. Foundation design drawings and specifications bearing the seal of a professional engineer licensed to practice in the Province of Saskatchewan for the construction of earth retaining walls in excess of 1 meter in height
  - c. A Site Plan detailing the location of the proposed work on a lot and/or a Plan of Survey prepared by a registered land surveyor licensed to practice in the Province of Saskatchewan where required to verify the location of property lines.
16. Where, in the opinion of the municipality, work described in an Application for a Property Development 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 Property Development Permit is approved by council, the municipality shall retain one set of documents submitted and issue a Property Development Permit in Form 1.1 (*Form 1.1- Appendix A*) along with any duplicate documents that may have been submitted.
18. A Property Development Permit issued under this section shall expire twelve (12) 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 Property Development Permit shall be \$50.00 plus where applicable:
  - a. A non refundable plan review and project inspection fee at the rate provided for under agreement for such services from the firm engaged for the provision of such services, at the time the permit is issued.
  - b. A refundable Security Deposit of \$300.00 where damage to public property may occur from the use of equipment or from transporting and/or disposing of materials.
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; and/or
  - b. make good the area within the Refuse Transfer Site where the disposition of products by the owner or contractor were not compliant with the "Agreement to use the Refuse Transfer Site". (*Form 2 - Appendix A*)
  - c. Pay inspection service charges where additional inspections were required.
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 3 - 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.

#### **ENFORCEMENT**

23. Enforcement of this bylaw shall be governed by the provisions of PART XII - DIVISION 4 (*Sections 362 to 373*) of the Municipalities Act.

#### **PENALTY**

24. Every person who contravenes any provisions of this bylaw shall be liable to the penalties provided in Sections 381 of the Municipalities Act.

#### **APPEALS**

25. The recipient of an *Order (Form 4 - Appendix A)* made pursuant to section 364 of the Municipalities Act may, within 15 days after the date of the order, appeal to the council (or a local appeal board where such board is established) compliant with section 364 of the Act

#### **LICENCES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS AND LEGISLATION**

26. 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.

#### **FORMS**

27. 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 Property Development Permit
  - b. Form 1.1 - Property Development Permit
  - c. Form 2 - Refuse Transfer Site Use Agreement
  - d. Form 3 - Security Deposit Refund Report
  - e. Form 4 - Order to Remedy a Contravention

#### **REFERENCE BYLAWS**

28. Bylaw 84 is hereby repealed

**EFFECTIVE DATE**

29. This bylaw is enacted and comes into force on the time and date of having received third and final reading.

First Reading of Bylaw 84.1, "CARRIED" at the January 6, 2016 regular council meeting

Second Reading of Bylaw 84.1, "CARRIED" at the January 6, 2016 regular council meeting

Third Reading of Bylaw 84.1, "CARRIED" at the May 16, 2016 regular council meeting

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Mayor: Ken MacDonald

Seal

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Administrator: Jack McHardy