

## BYLAW NO. 2005-13

### A BYLAW RESPECTING BUILDINGS

The Council of the Town of Herbert 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 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*.  
  
(3) "Authorized representative" means a building official appointed by the local authority pursuant to subsection 5(4) of the Act or the municipal official.  
  
(4) "Local authority" means the Town of Herbert.  
  
(5) "Regulations" means regulations made pursuant to the Act.  
  
(6) 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*, and the Administrative Requirements.  
  
(2) Notwithstanding subsection (1), references and requirements in the Administrative Requirements respecting matters regulated by the Act and Regulations shall not apply.  
  
(3) Notwithstanding subsection (1), references and requirements in the Administrative Requirements respecting "occupancy permits" shall not apply except as and when required by the local authority or its authorized representative.

#### **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 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, 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 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.  
  
(2) 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 this 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.  
  
(3) 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 officials designated by the minister to assist the local authority pursuant to subsection 4(4) of the Act.  
  
(4) 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.  
  
(5) If Council exercises its discretion in Clause 5(4), the permit fee shall be the cost of those services provided by a person, firm or corporation employed under contract to the local authority.  
  
(6) For all permit applications not applicable in Clause 5(4) and 5(5), the permit fee for construction, erection, placement, alteration, repair, renovation or reconstruction of a building shall be zero (\$0.00).  
  
(7) The local authority 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 local authority.  
  
(8) 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.  
  
(9) All permits issued under this section expire
  - (a) six months from date of issue if work is not commenced within that period, or
  - (b) if work is suspended for a period of six months, or
  - (c) if work is suspended for a period of longer than six months by prior written agreement of the local authority or its authorized representative.  
(10)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 \$ 50.00.  
  
(b) (i) In addition, the applicant shall deposit with the local authority the following sum 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 local authority or its authorized representative, not dangerous to public safety.

<u>Description of Building to be removed or Demolished</u>	<u>Deposit Amount</u>
Up to 1,000 square feet (90 square meters) without a basement	\$ 750.00
Up to 1,000 square feet (90 square meters) with a basement	\$ 1,500.00
1,001 – 2,000 square feet (91-180 square meters) without a basement	\$ 2,000.00
1,001 – 2,000 square feet (91-180 square meters) with a basement	\$ 2,500.00
2,001 – 4,000 square feet (181-360 square meters) without a basement	\$ 2,500.00
2,001 – 4,000 square feet (181-360 square meters) with a basement	\$ 3,000.00
Over 4,000 square feet (over 361 square meters)	\$ 5,000.00

(ii) If the applicant who demolishes or removes the building restores the site to a condition satisfactory to the local authority or its authorized representative, the sum deposited, or portion thereof, shall be refunded.

(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 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 demolition in Form D.

(4) Where a building is to be removed from the local authority, 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.

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

(b) In addition, the local authority, upon receipt of the fee prescribed in Section 5(5), shall issue a permit for the placement of the building in Form B.

(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 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) 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 (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 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. Void.

**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 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 property 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.

**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 2004-13 is hereby repealed.

READ THREE TIMES and passed by the Council of the Town of Herbert in the Province of Saskatchewan this 29<sup>th</sup> day of August, 2005

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

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
ADMINISTRATOR

(S E A L)

Town of Herbert, Saskatchewan

APPLICATION FOR BUILDING PERMIT

I hereby make application for a permit to \_\_\_\_\_ construct \_\_\_\_\_ alter \_\_\_\_\_ reconstruct a building according to the information below and to the plans and documents attached to this application.

Civic address or location of work \_\_\_\_\_
Legal description — Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_
Owner \_\_\_\_\_ Address \_\_\_\_\_ Telephone \_\_\_\_\_
Designer \_\_\_\_\_ Address \_\_\_\_\_ Telephone \_\_\_\_\_
Contractor \_\_\_\_\_ Address \_\_\_\_\_ Telephone \_\_\_\_\_
Nature of work \_\_\_\_\_
Intended use of building \_\_\_\_\_
Size of building \_\_\_\_\_ Length \_\_\_\_\_ Width \_\_\_\_\_ Height \_\_\_\_\_
Number of storeys \_\_\_\_\_ Fire escapes \_\_\_\_\_
Number of stairways \_\_\_\_\_ Width of stairways \_\_\_\_\_
Number of exits \_\_\_\_\_ Width of exits \_\_\_\_\_

Foundation Soil Classification and Type \_\_\_\_\_
Footings \_\_\_\_\_ Material \_\_\_\_\_ Size \_\_\_\_\_
Foundations \_\_\_\_\_ Material \_\_\_\_\_ Size \_\_\_\_\_
Exterior Walls \_\_\_\_\_ Material \_\_\_\_\_ Size \_\_\_\_\_
Roof \_\_\_\_\_ Material \_\_\_\_\_ Size \_\_\_\_\_
Studs \_\_\_\_\_ Material \_\_\_\_\_ Spacing \_\_\_\_\_
Floor Joists \_\_\_\_\_ Material \_\_\_\_\_ Spacing \_\_\_\_\_
Girders \_\_\_\_\_ Material \_\_\_\_\_ Spacing \_\_\_\_\_
Rafters \_\_\_\_\_ Material \_\_\_\_\_ Spacing \_\_\_\_\_
Chimneys \_\_\_\_\_ Number \_\_\_\_\_ Size \_\_\_\_\_
Material \_\_\_\_\_ Thickness \_\_\_\_\_
Heating \_\_\_\_\_ Lighting \_\_\_\_\_ Plumbing \_\_\_\_\_

Estimated value of construction (excluding site) \$ \_\_\_\_\_
Building area (area of largest storey) \_\_\_\_\_ square metres
Fee for building permit \$ \_\_\_\_\_

I hereby agree to comply with the Building Bylaw of the local authority and acknowledge that it is my responsibility to ensure compliance with the Building Bylaw of the local authority and with any other applicable bylaws, acts and regulations regardless of any plan review or inspections that may or may not be carried out by the local authority or its authorized representative.

\_\_\_\_\_
Date

\_\_\_\_\_
Signature of Owner or Owner's Agent

Town of Herbert, Saskatchewan

**BUILDING PERMIT #** \_\_\_\_\_

Permission is hereby granted to \_\_\_\_\_  
 to \_\_\_\_\_ a building to be used as a \_\_\_\_\_  
 on civic address or location \_\_\_\_\_  
 Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_ in accordance with the  
 application dated \_\_\_\_\_. **This permit expires six months from the date of issue if  
 work is not commenced within that period or if work is suspended for a period of six months, unless  
 otherwise authorized by the local authority or its authorized representative.** Grade lines of the building site  
 are to be as indicated below and as shown on the diagram.

**STREET NAME:** \_\_\_\_\_

**Indicate Which Direction North**

STREET ELEVATION

ELEVATIONS:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

NOTE: If Street Elevation Unknown, use Elev. 100.0'

1. Minimum clearance (if required) from Lot Lines are as per diagram.  
**2. Direction of slope from building to Lot Lines are as per diagram.**

**This permit is issued subject to the following conditions:**

\_\_\_\_\_

\_\_\_\_\_

Any deviation, omission or revision to the approved application requires approval of the local authority or its authorized representative.

Estimated value of construction \$ \_\_\_\_\_

Permit fee \$ \_\_\_\_\_

\_\_\_\_\_

Date

\_\_\_\_\_

Signature of Authorized Representative

Town of Herbert, Saskatchewan

**APPLICATION FOR A PERMIT TO DEMOLISH OR MOVE A BUILDING**

I hereby make application for a permit to demolish a building now situated on

Civic address or location \_\_\_\_\_  
Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_

The demolition will commence on \_\_\_\_\_, 20\_\_\_\_\_.  
and will be completed on \_\_\_\_\_, 20\_\_\_\_\_.

**OR**

I hereby make application for a permit to move a building now situated on

Civic address or location \_\_\_\_\_  
Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_

to Civic address or location \_\_\_\_\_  
Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_

or Out of the municipality \_\_\_\_\_

The building has the following dimensions: length \_\_\_\_\_ width \_\_\_\_\_ height \_\_\_\_\_

The building mover will be \_\_\_\_\_  
and the date of the move will be \_\_\_\_\_, 20\_\_\_\_\_.

The building will be moved over the following route: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The site work (filling, final grading, landscaping, etc.) which will be done after removal of the building includes \_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**I hereby agree to comply with the Building Bylaw of the local authority and to be responsible and pay for any damage done to any property as a result of the demolition or moving of the said building, and to deposit such sum as may be required by Section 6(1)(b) of the Building Bylaw. I acknowledge that it is my responsibility to ensure compliance with any other applicable bylaws, acts and regulations, and to obtain all required permits and approvals prior to demolishing or moving the building.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner or Owner's Agent

**FORM D to Bylaw No. 2005-13**

Town of Herbert, Saskatchewan

**DEMOLITION OR MOVING PERMIT # \_\_\_\_\_**

Permission is hereby granted to \_\_\_\_\_ to

\_\_\_\_\_ Demolish                      **OR**                      \_\_\_\_\_ Move

a building now situated on

Civic address or location \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_

to Civic address or location \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_

or Out of the municipality \_\_\_\_\_

in accordance with the application dated \_\_\_\_\_, 20 \_\_\_\_\_. **This permit expires six months from the date of issue.**

This permit is issued subject to the following conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Any deviation, omission or revision to the approved application requires approval of the local authority or its authorized representative.

Permit fee \$ \_\_\_\_\_

Deposit fee \$ \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Representative