

BYLAW NO. 7 - 2010

A BYLAW of the City of Swift Current regulating the construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of any building or structure.

WHEREAS, Section 8 of *The Cities Act* authorizes a City Council to pass Bylaws;

The Council of the City of Swift Current, in the Province of Saskatchewan, enacts as follows:

1.0 **SHORT TITLE**

This bylaw may be cited as the “**Building Bylaw**”.

2.0 **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.
- 2.2 “**Accessory Building or Use**” means a building customarily incidental, subordinate and exclusively devoted to the principal permitted use or uses of land, buildings or structure.
- 2.3 “**Administrative Requirements**” means *The Administrative Requirements for Use with the National Building Code*.
- 2.4 “**Approved Fire Sprinkler System**” means a fire sprinkler system that complies with the National Fire Protection Association (NFPA) standard 13, 13D or 13R for each specific use or occupancy.
- 2.5 “**Authorized Representative**” means an inspector appointed by the Local Authority pursuant to subsection 5(4) of the Act.
- 2.6 “**Local Authority**” means the Council of the City of Swift Current.
- 2.7 “**City**” means the City of Swift Current.
- 2.8 “**Regulations**” means regulations made pursuant to the Act.
- 2.9 “**Value of Construction**” means the total cost to the owner for the project in its completed form and includes the cost of all work, materials, building systems, labour, overhead and profit of the contractor and subcontractors.
- 2.10 Definitions contained in the Act and Regulations shall apply in this bylaw.

3.0 **SCOPE OF 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.
- 3.2 Notwithstanding subsection 3.1, references and requirements in the Administrative Requirements respecting matters regulated by the Act and Regulations shall not apply.
- 3.3 Notwithstanding subsection 3.1, 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.

4.0 **GENERAL**

- 4.1 A permit is required whenever work regulated by the Act and Regulations is to be undertaken.
- 4.2 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.
- 4.3 The granting of any permit that is authorized by this bylaw shall not:
 - 4.3.1 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
 - 4.3.2 make 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.

5.0 **BUILDING PERMITS**

- 5.1 Every application for a permit to construct, erect, place, alter, repair, renovate or reconstruct a building shall be on the form provided by the City, and shall be accompanied by two sets of 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.

- 5.2 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, or its authorized representative, upon receipt of the fee and deposit prescribed, shall issue a permit on the form provided by the City, and return one set of submitted plans to the applicant.
- 5.3 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.
- 5.4 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.
- 5.5 The permit fee for construction, erection, placement, alteration, repair, renovation or reconstruction of a building shall be based on the following fee schedule:
- 5.5.1 five (\$5.00) dollars per one thousand (\$1,000.00) dollars or part thereof of the first one hundred thousand (\$100,000.00) dollars of the value of construction; plus
- 5.5.2 four (\$4.00) dollars per one thousand (\$1,000.00) dollars or part thereof on any amount over the first one hundred thousand (\$100,000.00) dollar value of construction.
- 5.5.3 however no permit fee will be less than thirty (\$30.00) dollars.
- 5.5.4 projects started prior to the issuance of a permit, the fees shall be double the fees of subsection 5.5.1, 5.5.2 and/or 5.5.3.
- 5.6 The local authority, 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 local authority, or its authorized representative.
- 5.7 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.
- 5.8 All permits issued under this section expire:
- 5.8.1 six months from date of issue if work is not commenced within that period;
- 5.8.2 if work is suspended for a period of six months; or

- 5.8.3 if work is suspended for a period of longer than six months by prior written agreement of the local authority, or its authorized representative.
- 5.9 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.
- 5.10 Upon examination of an application, the local authority, or its authorized representative, may determine that a permit may not be required for work deemed to be:
 - 5.10.1 non-structural;
 - 5.10.2 aesthetical;
 - 5.10.3 standard building maintenance;
 - 5.10.4 work which will not affect the safety and health of occupants; or
 - 5.10.5 work which will not affect the fire and structural protection of the building.

6.0 **DEMOLITION, REMOVAL AND/OR MOVING PERMITS**

- 6.1 The fee for a permit to demolish, remove or move a building shall be fifty (\$50.00) dollars.
 - 6.1.1 projects started prior to the issuance of a permit, the fees shall be double the fees of subsection 6.1.
- 6.2 No building shall be moved or relocated if the building is:
 - 6.2.1 in a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons or property, or
 - 6.2.2 structurally unsafe or unfit for the proposed use at its new site if the proposed new site is within the City.
- 6.3 Every application for a permit to demolish, remove or move a building shall be on the form provided by the City.
- 6.4 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, or its authorized representative, upon receipt of the fee and deposit prescribed, shall issue a permit for the demolition on the form provided by the City.

- 6.5 Where a building is to be removed from the City 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, or its authorized representative, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal on the form provided by the City.
- 6.6 Where a building is to be removed from its site and set upon another site within the City 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 and other City bylaws, the local authority, or its authorized representative, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal on the form provided by the City.
- 6.6.1 In addition, the local authority, or its authorized representative, upon receipt of the fee prescribed in Section 5.5, shall issue a permit for the placement of the building on the form provided by the City.
- 6.7 Where a building is to be moved into the City and the local authority, or its authorized representative, is satisfied that the building when placed on its site and completed, to the best of the knowledge of the local authority, or its authorized representative, will conform with the requirements of this and other City bylaws, the local authority, or its authorized representative, upon receipt of the fee and deposit prescribed, shall issue a permit for the move on the form provided by the City.
- 6.8 The moving of dwellings into the City shall be regulated as outlined in the City Zoning Bylaw.
- 6.9 Where a building is demolished or removed from its site, the owner of the property, or the owner's agent, shall ensure that all foundations have been removed.
- 6.9.1 the local authority, or its authorized representative, may, at its discretion, allow a foundation or part of a foundation to remain.
- 6.10 All permits issued under this section expire six months from the date of issue except that a permit may be renewed upon written application to the local authority, or its authorized representative.

7.0 **SURETY / DAMAGE DEPOSITS**

- 7.1 A surety/damage deposit of five hundred (\$500.00) dollars, herein called the “deposit”, will be required for approved demolition or moving permits.
- 7.2 Work under approved moving permits performed by building movers that have provided the City with proof of one million (\$1,000,000.00) dollars liability insurance may not require the deposit.
- 7.3 Liability for damages to City infrastructure is not limited to the deposit; additional costs and/or charges may be invoiced.
- 7.4 Deposits will be returned after all debris, including foundation, has been removed from site, all excavations are filled level and machine tamped in a manner to prevent ponding of surface water and, if required, after all utilities servicing the property are permanently abandoned at their connections to main lines. Water and Sewer services will be required to be permanently abandoned if services will not be reconnected within one year of demolition or removal.
- 7.5 The deposit will only be returned to the property owner/contractor named on the surety/damage deposit form provided by the City. The deposit will only be redirected to a subsequent owner/contractor upon receipt of a signed declaration from the original property owner/contractor.

8.0 **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 Part V of the Act for the purpose of ensuring compliance with this bylaw including, but not limited to:
 - 8.1.1 entering a building;
 - 8.1.2 ordering production of documents, tests, certificates, etc. relating to a building;
 - 8.1.3 taking material samples;
 - 8.1.4 issuing notices to owners that order actions within a prescribed time;
 - 8.1.5 eliminating unsafe conditions;
 - 8.1.6 completing actions, upon an owner’s non-compliance with an order, and adding the expenses incurred to the tax payable on the property; and
 - 8.1.7 obtaining restraining orders.

- 8.2 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.
- 8.3 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:
 - 8.3.1 on start, progress and completion of construction;
 - 8.3.2 of change in ownership prior to completion of construction; and
 - 8.3.3 of intended partial occupancy prior to completion of construction.

9.0 **SUPPLEMENTAL BUILDING STANDARDS**

9.1 **Garages, Carports and Accessory Buildings**

- 9.1.1 All garages shall have a concrete floor.
- 9.1.2 All carports shall have a hard surfaced parking area.
- 9.1.3 All canvas/tent garages shall comply with Article 3.1.6 of the National Building Code.
- 9.1.4 All accessory buildings shall have a concrete foundation and floor or equivalent acceptable to the local authority, or its authorized representative.

9.2 **Temporary Buildings**

- 9.2.1 For the purpose of this section a “temporary building” shall mean a building not exceeding 47.0 square metres in area, one story in height and erected or placed on a temporary foundation.
- 9.2.2 Temporary buildings shall not be permitted for a period exceeding one year.

9.3 **Fire Sprinkler Systems**

- 9.3.1 The areas 7, 27, 31, 32, 34, 35 and 36 identified on the City map attached as Appendix “A” are hereby declared Fire Protected Areas.
- 9.3.2 The installation of an approved Fire Sprinkler System is required as a part of the construction of all new buildings in the Fire Protected Areas.
- 9.3.3 The following buildings shall be exempt from the requirements of Subsection 9.3.2, unless they contain a dwelling unit:
 - 9.3.3.1 accessory buildings where the property is zoned as a Residential District in the City Zoning Bylaw;

9.3.3.2 accessory buildings, in Districts zoned other than Residential, that do not exceed 150 square metres in area or do not exceed 50% of the principal building area, whichever is less;

9.3.3.3 temporary buildings; and

9.3.3.4 construction site offices, tool sheds and similar buildings during the period of construction.

9.3.4 Notwithstanding subsection 9.3.2, the installation of an approved Fire Sprinkler System is required as part of the construction for new buildings where mandated by the National Building Code wherever those buildings may be situated in the City.

10.0 **SPECIAL CONDITIONS**

10.1 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.

10.2 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.

10.3 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.

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

11.0 **PENALTY**

11.1 Any person who contravenes any of the provisions of this bylaw shall be liable to the penalties provided in Section 22 of the Act.

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

12.0 **FORMER BYLAW REPEALED**

- 12.1 Bylaw No. 26 – 1995 of the City of Swift Current and all amendments thereto are hereby repealed.
- 12.2 This Bylaw shall come into force and have effect from and after the date of the final reading.

INTRODUCED AND READ a first time this 3rd day of May, 2010.

READ a second time this 3rd day of May, 2010.

READ a third time and finally passed this 3rd day of May, 2010.

Mayor

City Clerk

FIRE DISTRICT MAP

