



CITY OF NORTH BATTLEFORD
SASKATCHEWAN
BYLAW NO. 2123

**A BYLAW OF THE CITY OF NORTH BATTLEFORD IN THE
PROVINCE OF SASKATCHEWAN TO REGULATE THE
ERECTION, CLASSIFICATION, ALTERATION, REPAIR,
DEMOLITION OR REMOVAL OF BUILDINGS.**

WHEREAS Section 18 of the *Construction Codes Act* requires every local authority under the *Cities Act* to have a valid Building Bylaw;

WHEREAS it is deemed necessary and expedient that the Building Bylaw be re-established;

NOW THEREFORE the Council of the City of North Battleford in the Province of Saskatchewan, in an open meeting assembled, hereby enacts as follows:

1. SHORT TITLE

1.1 This bylaw may be cited as the *Building Bylaw*.

2. PURPOSE AND INTERPRETATION

2.1 The purpose of this bylaw is to provide for the administration and enforcement of the Act, the regulations, the National Building Code of Canada, the National Energy Code of Canada for Buildings, ministerial interpretations and Saskatchewan Construction Standards Appeal Board orders and building official orders within the local authority.

2.2 This Bylaw must be interpreted in accordance with the applicable legislation, the common law, and the policies and bylaws of the City.

3. DEFINITIONS

3.1 Definitions contained in *The Construction Codes Act*, *The Building Code Regulations* and *The Energy Code Regulations* shall apply in this Bylaw.

“Act” means *The Construction Codes Act*.

“building official” means a person who holds a building official licence.

“City” means City of North Battleford

“competent person” means a person who is recognized by the local authority as having:

- (a) a degree, certificate or professional designation; or
- (b) the knowledge, experience and training; necessary to design or review the design of a building.

“local authority” means the City of North Battleford

“NBC” means the edition and provisions of the National Building Code of Canada, including revisions, errata and amendments to it, declared to be in force pursuant to the Act and the regulations.

“NECB” means the edition and provisions of the National Energy Code of Canada for Buildings, including revisions, errata and amendments to it, declared to be in force pursuant to the Act and the regulations.

“occupancy certificate” means a permit issued with respect to the use or occupancy of a building;

“owner” means:

- (a) any person who has any right, title, estate or interest in land, improvements or premises other than that of a mere occupant, tenant or mortgagee;
- (b) any person, firm or corporation that controls the property under consideration; or
- (c) if the building is owned separately from the land on which the building is located, the owner of the building.

“owner’s representative” means any person, company, employee or contractor who has authority to act on behalf of an owner.

“permit” means written authorization issued by the local authority or its building official in the form of a building permit.

“plan review” means the examination of building drawings and related documents by a building official to ascertain whether those drawings and documents meet the requirements of the Act and the regulations.

“regulations” means *The Building Code Regulations* and *The Energy Code Regulations*.

“SAMA fee” means a fee charged to the local authority by the Saskatchewan Assessment Management Agency with respect to the work.

“**value of construction**” means the total costs to the owner for the building construction in its completed form and includes the cost of all building work, materials of construction, building systems, labour and overhead, and profit of the contractor and subcontractors.

“**work**” means any construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building.

4. SCOPE OF THE BYLAW

4.1 This Bylaw applies to all work undertaken or to be undertaken within the geographical jurisdiction of the .

5. GENERAL

5.1 Every owner or owner’s representative of a building in Saskatchewan must ensure that the building and work meets the provisions as outlined in the Act, the regulations, any associated codes, interpretations and orders and any bylaws adopted by the local authority with which the building is associated.

5.2 It shall be the responsibility of the owner or the owner’s representative to arrange for all permits, inspections and certificates required by any other applicable bylaws, Acts and regulations.

5.3 A building or part of a building for which a permit has been granted shall not be occupied before the issuance of an Occupancy Permit by the local authority or the building official pursuant to Section 16(11)(h) of the Act and as required by Sections 11.4(b) and 15 of this Bylaw.

5.4 The provisions of this Bylaw apply to buildings that do not pose a hazard and are greater than 10 m² (107.6 ft²) in building area except as otherwise exempted by the Act or the regulations.

6. PERMIT – ISSUANCE

6.1 Every application for a permit for work must be on the form provided by the local authority and must be accompanied by the following documents:

- (a) one digital and/or two hardcopy set of plans, and,
- (b) one digital set of specifications of the proposed building and work.

6.2 Every permit application shall be reviewed and approved by the building official including plan review and approval.

- 6.3 If the work described in an application for a permit, to the best of the knowledge of the local authority or the building official, complies with the requirements of this Bylaw, the Act, or the regulations, the local authority or the building official shall, upon receipt of the required fee, issue a permit on the form provided by the local authority.
- 6.4 Subject to Section 6.3, and upon the issuance of a permit, the local authority shall also provide the owner or the owner's representative with a Plan Review Letter.
- 6.5 A permit issued pursuant to this Bylaw must include:
- (a) the name of the person, or company to whom the permit is issued;
 - (b) the period for which the permit is valid;
 - (c) a statement of all fees, deposits or bonds charged for the permit;
 - (d) the scope of work authorized by the permit;
 - (e) the municipal address or legal description of the property on which the work described in the permit is located;
 - (f) the buildings or portion of buildings to which the permit applies;
 - (g) the date of completion of the stages of construction for which a permit holder must inform the local authority;
 - (h) any conditions that the permit holder is required to comply with; and,
 - (i) any information required by this Bylaw.
- 6.6 No person, or company to whom a permit is issued pursuant to the Act shall fail to comply with the terms and conditions of the permit.
- 6.7 Work must not commence before a permit is issued.
- 6.8 The permit fee shall be calculated according to the sum of following:
- (a) the fees for plan review, field inspection of construction and enforcement shall be the greater of the fee's amount noted below or the agreement between the provider of building official services and the local authority:
 - i) \$5.00 per \$1,000 of construction value up to \$100,000;
 - ii) \$4.50 per \$1,000 of construction value over \$100,000; and
 - iii) that the minimum permit fee be set at \$75.00.
- 6.9 If a deposit is collected it shall, on request by the owner or owner's representative, be refundable on satisfactory completion of the work or on approval of use or occupancy of the building by the local authority or the building official.

- 6.10 All permit fees and deposits will be collected before the permit is issued and subject to any applicable taxes.
- 6.11 The local authority or the building official may establish the value of construction for the work described in an application for a permit, for the purpose of calculating a permit fee, based on established current construction costs, the owner's or the owner's representative statement of costs or constructor's contract values, or similar methods selected by the local authority or the building official.
- 6.12 The owner or the owner's representative must ensure that all notifications required by Section 7 of the Act and this Bylaw are given to the local authority and that all inspections are scheduled and completed. Failure to do so may result in additional fees for follow-up inspections.
- 6.13 The owner or the owner's representative will be invoiced by the local authority for additional inspection fees and payment of the inspection fees will be due on receipt of an invoice.
- 6.14 Unpaid inspection fees will be considered a debt due to the local authority and may be recovered from the owner of the land or premises in or on which the work was carried out as per the Act.
- 6.15 The local authority may, at its discretion, rebate a portion of a permit fee or deposit where work is reduced in scope or discontinued, or where other exceptional circumstances occur.

7. PERMITS – REFUSAL TO ISSUE

- 7.1 The local authority may refuse to issue a permit if:
- (a) the proposed work described on the permit application would contravene:
 - i) the Act;
 - ii) the regulations;
 - iii) an order of the appeal board;
 - iv) a written interpretation of the Minister pursuant to Section 8 of the Act; or,
 - v) this Bylaw;
 - (b) the person who designed or reviewed the design of a proposed building that is within the scope of Part 9 of the NBC is not a competent person;

- (c) the person who designed or completed a design review of a proposed building that is within the scope of the NECB is not an architect or engineer;
- (d) the application for a permit is incomplete;
- (e) any fees, deposits or bonds required pursuant to this Bylaw for the issuance of a permit have not been paid; or
- (f) the proposed work described on the permit application would contravene any other Act, regulations or bylaw that applies to the proposed work.

7.2 Where the local authority refuses to issue a permit pursuant to Subsection 7.1, the local authority shall:

- (a) provide written notice to the applicant as to the reasons for the local authority's refusal to issue a permit; and
- (b) refund any fee or deposit paid as part of the permit application for work pursuant to the Act, less any fees paid for:
 - i) plan review; and,
 - ii) permit application or administration.

8. PERMITS – REVOCATION

8.1 The local authority may revoke a permit issued pursuant to the Act:

- (a) if the holder of the permit requests in writing that it be revoked;
- (b) if the permit was issued on mistaken, false or incorrect information;
- (c) if the permit was issued in error;
- (d) subject to Subsection 8.2, if, after six (6) months after the permit's issuance, the work for which the permit was issued has not, in the opinion of the local authority's building official, been seriously commenced and no written agreement for the delay has been given by the local authority; or
- (e) subject to Subsection 8.2, if the work for which the permit was issued is, in the opinion of the local authority's building official, substantially suspended or discontinued for a period of more than six (6) months after the permit's issuance and no written agreement for the delay has been given by the local authority.

8.2 If the local authority revokes a permit pursuant to Subsection 8.1 it shall provide written notice to the permit holder as to the reasons for the revocation.

9. PERMITS – EXPIRY

- 9.1 The expiry of a permit does not relieve the owner or the owner's representative from the obligation to complete the work approved in the permit.
- 9.2 All permits issued pursuant to this Bylaw shall expire on the date stated in the permit or if no date is stated:
- (a) twelve (12) months from date of issue;
 - (b) six (6) months from date of issue if work is not commenced within that period;
 - (c) on the date specified by the local authority if work has not seriously commenced and is suspended for a period of six (6) months; or
 - (d) on the date specified by the local authority if work has been suspended with written permission by the local authority or building official and the agreed upon period has been exceeded.
- 9.3 Where a permit has expired and pursuant to Subsection 9.2, and the owner or owner's representative has not completed all the work listed on a permit before the permit has expired, the building official may do one of the following:
- (a) issue a permit extension for a one (1) year term subject to any conditions.
 - (b) up to a maximum of one (1) extension may be permitted;
 - (c) issue a permit renewal for a one (1) year term subject to any conditions or fees listed in the Bylaw.
 - (d) up to a maximum of two (2) permit renewals may be permitted; or
 - (e) uphold the permit expiration as per Section 9.2 and require the owner to apply for a new permit.
 - (f) new permit applications are subject to the current applicable regulations.
- 9.4 The local authority may revoke, extend or vary the conditions of a permit on written application of the permit holder and subject to any condition or fees listed in the bylaw.

10. ENFORCEMENT

10.1 The local authority or the building official may take any measures as permitted by Sections 24, 25 or 26 of the Act and Sections 13 and 14 of *The Building Code Regulations* for the purpose of ensuring compliance with this Bylaw.

11. NOTIFICATION

11.1 The owner or the owner's representative of a building to be constructed must ensure that the local authority is notified of:

- (a) when excavation is to be commenced;
- (b) when the foundation is to be placed;
- (c) when a superstructure is to be placed on the foundation;
- (d) any other event at the time required by the permit under which work has been undertaken; and,
- (e) any other specified event at the specified time.

11.2 Before commencing work at a building site, the owner or the owner's representative must give notice to the local authority of:

- (a) the date on which the owner or the owner's representative intends to commence the work; and
- (b) subject to Subsection 11.8, the name, address, and telephone number of:
 - i) the constructor or other person in charge of the work;
 - ii) the designer of the work;
 - iii) the person or firm that is to review the work to determine whether or not the construction conforms to the design; and,
 - iv) any inspection or testing agency that is engaged to monitor the work.

11.3 During the course of construction, the owner or the owner's representative must give notice to the local authority of:

- (a) subject to Subsection 11.8, any change in, or termination of, the employment of a person or firm mentioned in Subsection 11.2(b);
- (b) the owner's or owner's representative intent to do any work that has been ordered by a building official or local authority to be inspected during construction;

- (c) the owner's or owner's representative intent to enclose work that has been ordered by a building official or local authority to be inspected before enclosure;
 - (d) subject to Subsection 11.8, any proposed deviation from the plans approved and permitted by the local authority;
 - (e) subject to Subsection 11.8, any construction undertaken that deviates from the plans approved and permitted by the local authority; and,
 - (f) the completion of work.
- 11.4 Subject to Subsection 11.8, the owner or the owner's representative of a building under construction must give notice to the local authority of:
- (a) any change in ownership or change in address of the owner or the owner's representative that occurs before the issuance of an occupancy certificate as soon as the change occurs; and
 - (b) the owner's or owner's representative intention to occupy a portion of the building if the building is to be occupied in stages.
- 11.5 The owner of a building or the owner's agents, contractors, employees, successors or assigns or the registered owner of the land on which the building is situated must submit a written report to the local authority of the occurrence of the following that causes or has the potential to cause serious injury or loss of life:
- (a) structural failure of the building or part of the building;
 - (b) failure of any equipment, device or appliance that is regulated by the Act or the regulations.
- 11.6 A report submitted pursuant to Subsection 11.5 must:
- (a) contain:
 - i) the name and address of the owner;
 - ii) the address or location of the building involved in the failure;
 - iii) the name and address of the constructor of the building; and
 - iv) the nature of the failure; and
 - (b) be submitted to the local authority within fifteen (15) days after the occurrence of the failure mentioned in Subsection 11.5(a) or (b).
- 11.7 On receipt of the report pursuant to Subsection 11.5, the local authority may require an owner to do the following:

(a) provide any other information that the building official or local authority considers necessary; and,

(b) complete any additional work that is necessary to ensure compliance.

11.8 Notice given pursuant to Subsection 11.2(b), 11.3(a), (d), and (e) or 11.4 is to be in writing.

12. SPECIAL CONDITIONS

12.1 An owner or the owner's representative that undertakes to construct or have constructed a building that is within the scope of Parts 3, 5, 6 and 7 of the NBC must have an architect or engineer complete the design or design review of:

(a) the building; and,

(b) all building systems.

12.2 An owner or the owner's representative that undertakes to construct or have constructed a building with a structure that is within the scope of Part 4 of the NBC must have an architect or engineer complete:

(a) the design or design review of the structure;

(b) inspections of construction of the structure to ensure compliance with the design; and,

(c) the reviews required by the NBC.

12.3 An owner or the owner's representative that undertakes to construct or have constructed a building with a structure within the scope of the NECB must have an architect or engineer complete:

(a) the design or design review of the structure;

(b) the inspection of construction of the structure to ensure compliance with the design; and,

(c) the reviews required by the NECB.

12.4 In addition to the requirements of Subsection 12.1, 12.2 or 12.3, the local authority or building official shall require that an engineer or architect provide:

(a) a Commitment for Field Review Letter as part of the permit application for work; and,

- (b) an Assurance of Field Review and Compliance Letter, on completion of the work, providing assurance that the work conforms to the engineer's or architect's design.
- 12.5 An owner or the owner's representative that undertakes to construct or have constructed a building that is within the scope of Part 9 of the NBC must ensure that a competent person has designed or reviewed the design of the building.
- 12.6 An owner or the owner's representative must ensure that copies of any inspection or review reports made pursuant to this section are made available to a building official or the local authority on the request of the building official or local authority, as the case may be.
- 12.7 No owner of a building or an owner's representative must cause or allow the ground elevations of a building to be changed so as to place in contravention of the NBC:
 - (a) the building or part of the building; or,
 - (b) an adjacent building.
- 12.8 If the property boundaries of a building lot are changed so as to place a building or part of a building in contravention of the NBC, the owner or the owner's representative must immediately alter the building or part of the building to bring it into compliance with the NBC.

13. REAL PROPERTY REPORT

- 13.1 An owner or the owner's representative that undertakes to construct or have constructed a new building must provide a Real Property Report prior to the issuance of an "Occupancy Permit"
- 13.2 Real Property Reports shall not be required for accessory buildings or additions unless requested by the Building Official
- 13.3 The Building Official may request a Real Property Report at any time to verify the building's setbacks and compliance.

14. SEWER, WATER, LOT GRADING

- 14.1 Every applicant for a Building Permit to construct a new building or reconstruct the foundation of an existing building must obtain a Sewer, Water, Lot Grading permit from the City.
- 14.2 No Building Permit shall be issued until the plans in respect to drainage of storm water, connection of water and sanitary sewer from a building site have been approved by the City.

15. OCCUPANCY PERMIT

15.1 Approval of an Occupancy Permit required by this Bylaw may be at the discretion of any of the following:

- (a) the local authority, or,
- (b) building official;

15.2 Applications for an Occupancy Permit must be made to the local authority in the prescribed form.

16. PENALTY

16.1 Any person who contravenes any of the provisions of this Bylaw may be subject to the penalties provided in Part 8 of the Act.

16.2 Conviction of a person or corporation for breach of any provision of this Bylaw shall not relieve the person or corporation from compliance with the Act and regulations.

17.1 This Bylaw shall come into force and effect on the date of Ministerial Approval.

18.2 Bylaw Numbers 1209 and all amendments hereto, are hereby repealed, effective the date of Ministerial Approval

Introduced and read a first time this 18th day of July, 2022.

Read a second time this 18th day of July, 2022.

Read a third time and adopted this 18th day of July, 2022.

Ministerial Approval granted this _____ day of _____, 2022.


D/ Mayor


City Clerk