

## TOWN OF BIRCH HILLS

### BYLAW 07/17

#### A BYLAW OF THE TOWN OF BIRCH HILLS IN THE PROVINCE OF SASKATCHEWAN RESPECTING BUILDINGS

---

The Council of the Town of Birch Hills, in the Province of Saskatchewan, enacts as follows:

1. SHORT TITLE

This bylaw may be cited as the Building Bylaw.

2. INTERPRETATION/LEGISLATION

(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) “Regulations” means regulations made pursuant to the Act.

(3) “Authorized Representative” means a building official appointed by the Municipality pursuant to subsection 5(4) of the Act or the municipal official.

(4) “Administrative Requirements” means The Administrative Requirement for Use with *The National Building Code*.

(5) “Municipality” means the Urban Municipality of the Town of Birch Hills

(6) “Council” means the Council of the urban Municipality of the Town of Birch Hills

(7) “Value of Construction” is the total 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, overhead and profit of the contractors and subcontractors.

3. SCOPE OF THE BYLAW

(1) This bylaw applies to matters governed by the Act and 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 Council or its authorized representative.

#### 4. GENERAL

- (1) A permit is required whenever work regulated by the Act and Regulations is to be undertaken.
- (2) No owner or agent of the owner 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 which 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 municipality or its authorized representative liable for damages or otherwise by reason of the fact that a building, the placement, erection, construction, alteration, repair, renovation or reconstruction of which has been authorized by permit, does not comply with the requirements of any such building restriction agreement, bylaw, Act and/or regulation affecting the site described in the permit.

#### 5. BUILDING PERMITS

- (1) Every application for a permit to erect, place, construct, 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 a building official plans and specifications need not be submitted.
- (2) An inspector may require submission of an up-to-date plan of survey prepared either before construction begins or upon completion of work by a registered land surveyor, as a condition of permit approval.
- (3) If the work described in an application for building permit, to the best of the knowledge of the Council or its authorized representative, complies with the requirements of this bylaw, the municipality, upon receipt of the prescribed fee, shall issue a permit in Form "B" and return one set of submitted plans to the applicant.
- (4) Council may, at its discretion, have plan review, inspection and other services provided for the purpose of enforcement of the Act and Regulations provided by a building official or building officials designated by the Minister to assist the municipality pursuant to subsection 4(4) of the Act.

- (5) Council may, at its discretion, have a plan review, inspection and other services provided by a person, firm or corporation employed under contract to the municipality.
- (6) The permit fee for erection, placement, construction alteration, repair, renovation or reconstruction of a building shall be:
- a. The full cost of those services provided by a person, firm or corporation employed under contract to the local authority in reference to Clause (4), plus
  - b. A flat fixed administration fee as follows:
    - One- and two-family dwellings, mobile homes and residential garages \$50
    - Decks, basements and accessory buildings \$25
    - All other buildings \$150
- (7) The municipality 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 municipality.
- (8) Approval in writing from the municipality 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 municipality or its authorized representative.
- (10) Council 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.

6. DEMOLITION OR REMOVAL PERMITS

- (1) (a) The fee for the permit to demolish or move a building shall be:
- i. \$50.00 flat fee, plus
  - ii. refundable deposit:
 

One- and two-family dwellings or mobile homes	\$ 150
Residential garages and accessory buildings	\$ 75
All other buildings	\$1,000

- (b) In addition, the applicant shall deposit with the local authority a deposit as described in Section 6(1)(a)(ii) of this bylaw 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 Council or its authorized representative, not dangerous to public safety. If the applicant who demolishes or removes the building restores the site to a condition satisfactory to the Council or its authorized representative, the sum deposited shall be refunded.
  - (c) In the case of an existing building being moved into and placed into the municipality, a picture of the existing building shall accompany Form "A".
- (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 municipality 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 municipality, 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 municipality, and the municipality 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 municipality, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal of Form "D".
- (5) Where a building is to be removed from its site and set upon another site in the municipality, and the municipality 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 Council or its authorized representative, will conform with the requirements of this bylaw, the municipality, upon receipt of the fee and deposit prescribed, shall issue a permit for the removal of Form "D". In addition the municipality, upon receipt of the fees prescribed in Section 5(6), 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 municipality.

## 7. ENFORCEMENT OF BYLAW

- (1) If any building, or part thereof, or addition thereto is erected, constructed, repaired, reconstructed, altered, or placed in contravention of any provision of this bylaw, the Council 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 which order actions within a prescribed time,
  - e. eliminating unsafe conditions,
  - f. completing actions upon an owners' non-compliance with an order, and adding the expenses incurred to the tax payable on the property, and
  - g. obtaining restraining order.
- (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 Council or its authorized representative may take any measures allowed by sub-section (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 municipality as required in Section 17.2 of the Act including, but not limited to:
  - a. on start, progress and completion of construction, and
  - b. of change in ownership prior to completion of construction, and
  - c. of intended partial occupancy prior to completion of construction.

## 8. SPECIAL CONDITIONS

- (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 Council or its authorized representative.
- (2) It shall be the responsibility of the owner to ensure that change in property lines will not bring the building or adjacent building into contravention of this bylaw and the Town of Birch Hills Zoning Bylaw.
- (3) It shall be the responsibility of the owner to ensure that change in ground elevations will not bring the building or an adjacent building into contravention of this bylaw and the Town of Birch Hills Zoning Bylaw.

(4) It shall be the responsibility of the owner to arrange for all permits, inspections and certificates required by other applicable Acts and regulations.

9. PENALTY

(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 them from compliance therewith.

10. ADDITIONAL

(1) Bylaw #2 - 1979 is hereby repealed.

(2) This bylaw shall come into force on the date of approval pursuant to Section 23.1(4) of *The Uniform Building and Accessibility Standards Act*.

Introduced a read a first time this 10<sup>th</sup> day of May 2017.

Read a second time this 24<sup>th</sup> day of May 2017.

Read a third time and carried unanimously this 14<sup>th</sup> day of June 2017.

---

Mayor

(seal)

---

Chief Administrative Officer

**TOWN OF BIRCH HILLS**

**APPLICATION FOR BUILDING PERMIT**

# \_\_\_\_\_

Name of Owner: \_\_\_\_\_ Phone #: \_\_\_\_\_  
Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
General Contractor: \_\_\_\_\_ Phone #: \_\_\_\_\_  
Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_  
Civic Address: \_\_\_\_\_, Birch Hills, SK  
Legal Description: Lot \_\_\_\_\_, Block \_\_\_\_\_, Plan \_\_\_\_\_  
Intended use of building (circle one): Residential Commercial Industrial Institutional  
Value of Construction: \$ \_\_\_\_\_

The following forms need to be completed:

- |   |  |
|---|--|
| <input type="checkbox"/> Attached Garages, Form A2        | <input type="checkbox"/> Blueprints for new construction |
| <input type="checkbox"/> Detached Garages, Form A3        | <input type="checkbox"/> Site Plan                       |
| <input type="checkbox"/> Decks, Form A4                   | <input type="checkbox"/> Ventilation form                |
| <input type="checkbox"/> Mobile Homes, Form A5            |  |
| <input type="checkbox"/> List of Contractors (Addendum A) |  |

**NOTE:** Contractors are required to arrange for a waste bin to be on-site during construction. Materials will not be accepted in Town.

*I hereby agree to comply with the Town of Birch Hills bylaw respecting buildings and acknowledge that it is my responsibility to ensure compliance with all other applicable acts and regulations, including "The National Building Code", "The Uniform Building and Accessibility Standards Act" and the Town of Birch Hills Zoning Bylaw regardless of any review of drawings or inspections that may or may not be carried out by the building inspector or any authorized official of the Town of Birch Hills.*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner or Agent

ADDENDUM "A" TO FORM "A"

List General Contractor: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List Sub-Contractors:

Trades	Name	Address
1. Excavation and Gravel	_____	_____
2. Cement and Basement Work	_____	_____
3. Framing	_____	_____
4. Shingling, Roofing	_____	_____
5. Siding	_____	_____
6. Insulation and Board	_____	_____
7. Plaster	_____	_____
8. Joint Filling	_____	_____
9. Floor Covering	_____	_____
10. Finishing and Cabinets	_____	_____
11. Plumbing and Heating	_____	_____
12. Electrical Work	_____	_____
13. Painting and Decorating	_____	_____
14. Other Work	_____	_____
	_____	_____

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Owner or Agent*



FORM "B"  
Town of Birch Hills

**Building Permit #** \_\_\_\_\_

Permission is hereby granted to \_\_\_\_\_ to  
\_\_\_\_\_ a building to be used as a \_\_\_\_\_ on civic address  
or location \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan No. \_\_\_\_\_ 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.

This permit is issued under the following conditions:

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

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

Estimated cost of building: \$ \_\_\_\_\_

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

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Authorized Municipal Official*

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

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

Civic address or location \_\_\_\_\_  
Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan No. \_\_\_\_\_

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

OR

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

Civic address or location \_\_\_\_\_  
Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan No. \_\_\_\_\_

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

OR

out of the municipality

The building has the following dimensions: Length \_\_\_\_\_ width \_\_\_\_\_ and height \_\_\_\_\_.

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

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Condition of Building: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*I hereby agree to comply with the provisions of the Building Bylaw of the Town of Birch Hills and to become 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)(a) of the said 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 Agent*

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

Permission is hereby granted to \_\_\_\_\_ to  
(name of owner or agent)

move

OR

demolish

A building now situated on:

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

Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan No. \_\_\_\_\_

to civic address or location \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan No. \_\_\_\_\_

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

This permit is issued under the following conditions:

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

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Authorized Municipal Official*