

CITY OF YORKTON BYLAW NO. 4/2017

**A BYLAW OF THE CITY OF YORKTON IN THE
PROVINCE OF SASKATCHEWAN TO
ESTABLISH PROCEDURES FOR THE ISSUANCE
AND ENFORCEMENT OF BUILDING PERMITS
AND TO PROVIDE FOR FEES THEREOF**

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**City of Yorkton
Saskatchewan**

Bylaw No. 4/2017

**A Bylaw of the City of Yorkton in the Province of Saskatchewan to Establish Procedures
for the Issuance and Enforcement of Building Permits and to Provide for Fees Thereof**

WHEREAS, pursuant to Part IV, Section 14 of *The Uniform Building and Accessibility Standards Act*, a local authority may make a bylaw to administer permits for building construction and occupancy;

NOW THEREFORE, the Council of the City of Yorkton in Council assembled hereby enacts as follows:

1. Short Title

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

2. Provincial Statutes Notwithstanding

The regulations in this bylaw are in addition to those contained in *The Uniform Building and Accessibility Standards Act* and *The Uniform Building and Accessibility Standards Regulations* of the Province of Saskatchewan.

3. Definitions

Definitions contained in *The Uniform Building and Accessibility Standards Act* and *The Uniform Building and Accessibility Standards Regulations* shall apply in this bylaw.

Unless otherwise stated, the words and phrases in this section shall have the following meaning when used in context to this bylaw:

Accessory building means a separate building or structure located on the same site as the principal building and includes private detached garages. It does not include a building or structure used for human habitation.

Alteration means a change or extension to any matter, thing or occupancy that is regulated by The Act.

Architect means an individual registered to practice architecture in the Province of Saskatchewan within the meaning of *The Architects Act*.

Building means a structure used or intended for supporting or sheltering any use or occupancy, and includes an addition built to an existing structure and, where applicable, the land adjoining the structure.

Building Official means an individual appointed by the City of Yorkton under the provisions of *The Uniform Building and Accessibility Standards Act (UBAS)*.

Building Permit means a document issued by a Building Official authorizing the design, construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of any building.

Building Standards means the standards prescribed pursuant to Part II of The Act.

Change of Occupancy means a change of one class of occupancy recognized by the currently adopted edition of the National Building Code of Canada to another.

Chief Building Official means the chief building official appointed pursuant to Subsection 5(1) of The Act.

City means the City of Yorkton.

Contractor means a person who contracts with a property owner or his authorized agent to undertake a building construction project, and includes a property owner who:

- a) Contracts with more than one person for the work on a building construction project; or
- b) Undertakes the work on a building construction project or any part of such a project.

Demolition means the deliberate destruction of part or all of a building or other structure.

Development Permit means a permit issued by a City of Yorkton Development Officer, that authorizes development or the use of a building or property for the purpose stated in the permit, but does not include a Building Permit.

Dwelling, Manufactured Home means a factory constructed transportable single or multiple section detached dwelling conforming to the CAN/CSA A277 or CAN/CSA Z240 MH series certified standards at the time of manufacture designed with steel frame substructure and is ready for residential occupancy upon completion of set-up in accordance with required factory recommended installation instructions including placement on a foundation and connection to utilities.

Dwelling, Modular means a finished factory constructed single or multiple section dwelling, detached designed with a wood frame substructure intended to be relocated in modules or as a single unit, assembled and placed on a permanent foundation. Finished means fully enclosed on the exterior and interior but may not include interior painting, taping, and installation of cabinets, floor covering, fixtures, heating system, and exterior finishes.

Engineer means an individual registered in the Province of Saskatchewan to practice engineering.

Extra Inspection means an inspection that is requested at a certain stage of construction that is in addition to a typical scheduled inspection conducted by a Building Official.

Finished Grade means the elevation of the finished ground surface at the foundation of a building, or at a specific point or any given location on a lot.

Foundation means that portion of a building structure that transfers the weight of the building into the ground.

Local Authority means the City of Yorkton.

Land Surveyor means a land surveyor who is registered pursuant to *The Saskatchewan Land Surveyors Act*.

Lot Grading Plan means a plan that specifies design elevations, surface gradients, swale locations, and other drainage information required for lot grading.

Occupancy means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

Parcel means any quantity of land, consisting of one or more lots, that is capable of being described with such definiteness that its location and boundaries may be established.

Permit means an official document or certificate issued by the Authority Having Jurisdiction that authorizes the performance of a specific activity. For the purposes of this bylaw, a permit means an authorization in writing by the Authority Having Jurisdiction to perform work regulated by this bylaw and in the case of an Occupancy Permit, to occupy any building or part thereof.

Redevelopment means any new construction on a site that has a pre-existing use.

Renovation means the renewal of a building or a portion of a building.

Repair means to restore to good condition by replacing or fixing parts of a building.

Replacing means to take the place of something that already exists.

Secondary Suite means a self-contained dwelling unit with a prescribed floor area located in a building or portion of a building of only residential occupancy that contains only one other dwelling unit and common spaces, and where both dwelling units constitute a single real estate entity.

Storage Garage means a garage exclusively used for the storage of motor vehicles and where no repair facilities are maintained.

Structure means anything constructed or erected that is located on or in the ground.

Unsafe Condition means a condition that could cause undue hazard to life, limb or health of any person who is authorized or expected to be on or about the premises.

The Act means *The Uniform Building and Accessibility Standards Act* being Chapter U-1.2 of the Statutes of Saskatchewan, 1983-84 and amendments.

The Regulations means *The Uniform Building and Accessibility Standards Regulations* made pursuant to *The Uniform Building and Accessibility Standards Act*.

Value of Construction means the total cost 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 contractor and subcontractors.

4. Scope of the Bylaw

4.1 This bylaw applies to matters governed by the following:

- a) *The Act*;
- b) *The Regulations*; and
- c) *The National Building Code of Canada*.

5. Permits – General

5.1 A Building Permit is required for **any work** regulated under *The Act*, *The Regulations* pertaining to *The Act* and the latest adopted edition of the *National Building Code of Canada* and shall include but not be limited to:

- a) new building construction;
- b) garages and accessory buildings greater than 9.29m² (100ft²);
- c) alteration or addition to an existing building or structure;
- d) secondary suites;
- e) decks over 457mm (18 inch) above grade and/or greater than 5.57m² (60ft²), and roof enclosures over existing or new decks;
- f) basement development of a new or existing dwelling;
- g) swimming pools;
- h) structural changes to existing buildings;
- i) new and used ready to move (RTM) buildings and mobile homes;
- j) change of occupancy or use of an existing building;
- k) demolition of structures greater than 9.29m² (100ft²); and
- l) demolition of Part 3 interior commercial spaces as determined by Building Services.

5.2 No property owner or property owner's agent shall work, authorize work or allow work to proceed on a project for which a Building Permit is required unless a valid Building Permit has been issued for the work to be done.

5.3 Anyone who commences work without first obtaining a Building Permit, the permit fee shall be doubled.

5.4 Every application for a Building Permit regarding the construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy shall be made to the City and shall be accompanied by the required submittal material as described in Section 11 of this bylaw.

5.5 The City may, at its discretion, have plan review, inspection and other services for the purpose of enforcement of *The Act* and *The Regulations* provided by building officials designated by the Minister, to assist the City pursuant to Subsection 4(4) of *The Act*.

5.6 The City may, at its discretion have plan review, inspection and other services provided by a person, firm or corporation employed under contract to the City.

5.7 The granting of any permit under 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, and/or statute affecting the property described in the Building 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 Building Permit, does not comply with the requirement of any building restriction agreement, bylaw, and/or statute affecting the site described in the Building Permit.

5.8 It is the responsibility of the owner to ensure that City infrastructure is not damaged during construction or demolition. In the event that City infrastructure is damaged, it is the responsibility of the owner to repair the damages to the current City standard within 30 days of the completion of the construction or demolition.

6. Partial Building Permits

6.1 In some cases work on a project may need to be expedited. In such instances an application may be made to issue a Building Permit for only a portion of the work prior to the issuance of a Building Permit for the entire project. In such a case, the applicant is responsible to submit complete plans and specifications for the portion of the work requiring a Building Permit.

6.2 The Building Official shall determine at their discretion, whether or not to issue a Partial Building Permit. Where such a permit is issued, the Building Official gives no assurances that a Building Permit for the remainder of the work will be granted.

6.3 Any work completed under a Partial Building Permit shall be subject to the provisions of this bylaw.

6.4 The fee for a Partial Building Permit is based on the value of construction for the work approved by it.

7. Demolition Permits

7.1 Any existing building, structure or portion thereof within the City may not be demolished without the approval of a Building Official in the form of a Demolition Permit.

7.2 No Building, Demolition or Removal Permit is required for any residential accessory building which is 9.29m² (100ft²) or less. Notwithstanding the foregoing, the construction of same shall conform to all other requirements of *The Act*, *The Regulations*, and City bylaws.

7.3 Residential Demolition Permits expire 30 days from the date of issue. No extension shall be granted without re-application and full permit fee payment (Schedule A).

7.4 Non-residential Demolition Permits expire 90 days from the date of issue. A Demolition Permit may be renewed for an additional 30 days upon written approval from a Building Official and payment of the base permit fee (Schedule A).

7.5 The property owner is responsible for obtaining an approved route from the City for the transportation of debris to an approved location.

7.6 The necessary blocking of any street, lane, or sidewalk during demolition must have prior written approval from the City.

7.7 It is the responsibility of the property owner, at their own expense, to supply and maintain any required barricades or fencing in order to protect the public from the demolition work in progress.

8. Plumbing Permits

8.1 All plumbing permits are to be obtained per the requirements of the latest adopted edition of the Province of Saskatchewan document entitled *The Plumbing Regulations*.

9. Occupancy Permits

9.1 No person shall occupy any building without first obtaining an Occupancy Permit from a Building Official.

9.2 Every building which requires an Occupancy Permit shall comply with the construction requirements for the occupancy group to be housed therein.

9.3 When an Occupancy Permit is refused, the Building Official shall notify the applicant in writing and shall indicate the reason for the refusal.

10. Temporary Occupancy Permits

10.1 The Building Official may issue a Temporary Occupancy Permit for part of a building providing that such temporary occupancy or use would not jeopardize life safety.

10.2 A Temporary Occupancy Permit may be renewed for periods of thirty days. No building shall be occupied under a Temporary Occupancy Permit for a period of more than six months.

10.3 Extra inspections required for the issuance of a Temporary Occupancy Permit are subject to the fees described in Schedule A.

11. Required Application Material

11.1 Every application for a Building Permit to construct, erect, place, alter, repair, renovate, or reconstruct a building shall be made to the Building Official and shall include the following:

- a) A completed Building Permit application form;
- b) Two sets of plans for one and two unit dwellings; and/or
- c) Three sets of plans for all other buildings along with two sets of specifications or other documents (when requested).

11.2 The drawings and documents that are required at the time of Application for any building are to be identified by the City of Yorkton, Department of Building Services list of required submittal material that may be amended from time to time.

12. Building Permit Issue

12.1 If the work described in an application for a Building Permit, to the best of the knowledge of the Building Official complies with the requirements of this Bylaw, the City, upon receipt of the prescribed fee, shall issue a Building Permit.

12.2 Approval in writing is required from the Building Official for any deviation, omission or revision to the work for which a Building Permit has been issued.

12.3 Revised plans may be required from the Building Official for any deviation, omission or revision to the work for which a Building Permit has been issued.

13. Fees

13.1 The permit fees are as prescribed in Schedule “A” of this bylaw.

13.2 The City may estimate the value of construction for the work described in any application for the purpose of calculating the Building Permit fee. This could occur when the applicant for a permit is unsure of the value of construction at the time of application. This estimate will be based on established construction costs.

13.3 The City may, at its discretion, rebate a portion of the permit fee where the final value of construction is less than the initial estimate. It is the applicant’s responsibility to provide all documentation that clarifies the revised value of construction to the Building Official.

13.4 Whenever any work for which a Building Permit is required under the provisions of this Bylaw has commenced without the receiving of the Building Permit; a special inspection of the work completed to date will be required by the Building Official. The fee for this inspection is as prescribed in Schedule A and will be added to the total cost of the Building Permit fee once it is obtained.

13.5 Extra inspections will be charged as prescribed in Schedule A. Extra inspections shall be defined as the following:

- a) Inspections outside regular office hours;
- b) Inspections required due to a revision of approved plans; and
- c) Inspections for the purpose of issuing Temporary Occupancy Permits.

13.6 Extra inspections conducted by a contracted inspection company will be charged as prescribed in Schedule A.

14. Building Permit Expiration

14.1 All Building Permits expire:

- a) Within one year from the date of issue – Building Permits may or may not be extended only by applying in writing to the Building Official for consideration;
- b) If the work authorized by the Building Permit is not commenced within six months of the date of issue of the Building Permit; or
- c) If the work authorized by the Building Permit is suspended for a period of six months.

14.2 When the Building Permit has expired, it is the responsibility of the applicant to apply for a new Building Permit or request that the Building Official issue a letter allowing the extension of the Building Permit.

14.3 Application for a new Building Permit will be subject to the Building Permit fees applied to a new application as prescribed in Schedule A.

15. Powers and Responsibilities of the City

15.1 The City is responsible for the administration and enforcement of the Building Bylaw.

15.2 The City may, at its discretion, require plan review, inspections and other services for the purpose of enforcing this bylaw.

15.3 The City may, at its discretion, have plan review, inspection and other services provided by a person, firm or corporation employed under contract to the City.

15.4 The City shall keep copies of all applications, and other documentation received as part of a Building Permit application for a period of time as required by law.

16. Powers and Responsibilities of the Building Official

16.1 The Building Official may issue Orders in cases where the provisions of this bylaw have been contravened.

16.2 The Building Official may not assist in the design or layout of any work for the purposes of applying for a Building Permit.

16.3 The Building Official may refuse to issue a Building Permit as a result of the following:

- a) Any required Development Permit has not been obtained;

- b) The information submitted for plan review is determined to be inadequate or incomplete;
- c) Proposed design, materials and methods of construction do not comply with the requirements of the current adopted edition of *The National Building Code of Canada*; or
- d) Drawings have not been sealed by a registered Architect or Engineer when required.

16.4 The Building Official may revoke a Building Permit by written notice to the Building Permit holder if:

- a) Any deviations from the approved plans are found in the construction;
- b) There is a contravention of any of the conditions of approval under which the Building Permit was issued;
- c) The Building Permit was issued in error; or
- d) The Building Permit was issued on the basis of incorrect or misleading submittal material.

16.5 The Building Official may issue a Stop Work Order in the following circumstances:

- a) Construction work is being performed without a valid Building Permit;
- b) The work is not being performed in accordance with the Building Permit conditions of approval; or
- c) Violations affect the safety of workers or the general public.

17. Enforcement

17.1 If any construction activity is found to be in contravention of this bylaw; the Building Official may take measures as permitted by Part V of *The Act*.

17.2 For the purpose of ensuring compliance with this Bylaw, a Building Official has the legal authority to:

- a) Enter a building where evidence indicates that work is being done without a valid Building Permit;
- b) Order the production of documents, tests, engineers reports, certificates etc. relating to a building;
- c) Take material samples;
- d) Issue notices to owners that order actions to be taken within a prescribed time period;
- e) Eliminate unsafe conditions;

- f) Complete ordered actions when an owner refuses to comply – the expenses incurred for such work will be added to the tax payable on the property; and
- g) Obtain restraining orders.

17.3 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, a Building Official may take any measure as described in Section 17.2 of this bylaw.

17.4 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 Building Official as required in Section 17.2 of *The Act* under the following circumstances, including, but not limited to:

- a) The start and completion of construction;
- b) A change in ownership during any phase of construction; or
- c) An intended partial occupancy prior to the completion of construction.

17.5 Occupation of any building prior to the issuance of an Occupancy or Temporary Occupancy Permit will be subject to the disconnection of water service for that building at the request of the Building Official.

17.6 Any Secondary Suite for which a Building Permit has not been issued that is discovered in a one or two unit dwelling constructed prior to the May 1, 2013 adoption of the 2010 *National Building Code of Canada*, will be subject to the provisions defined within the current Property Standards Bylaw. Any Secondary Suite discovered in a one or two unit dwelling constructed after the May 1, 2013 adoption of the 2010 *National Building Code of Canada*, will be subject to the provisions of the current edition of the *National Building Code of Canada* in force at the time of discovery.

18. Control of Grade Elevations

18.1 Grades for all projects are to follow the requirements of a Lot Grading Plan.

18.2 It is the responsibility of the property owner to ensure that final grading is in conformance with a Lot Grading Plan.

18.3 Any issues that arise that adversely affect a neighboring property, lane or street that are the result of improper adherence to a Lot Grading Plan are the responsibility of the property owner to rectify at their own expense.

19. Special Conditions

19.1 An Architect or Professional Engineer registered in the Province of Saskatchewan shall be engaged by the property owner for assessment of design and inspection of construction or certification of a building or part of a building where required by a Building Official.

19.2 An up-to-date plan or survey of the site described in a Building Permit application prepared by a registered Land Surveyor shall be submitted by the property owner where required by a Building Official.

19.3 It shall be the responsibility of the property owner to arrange for all permits, inspections and certificates required by other applicable bylaws, and statutes.

19.4 For a Residential Occupancy, where a garage is attached to a dwelling unit, a fire separation with a 45 minute fire resistance rating will be required between the dwelling unit and the attached garage. Passage doors providing direct access to the dwelling unit from the attached garage will have a twenty (20) minute fire protection rating and shall be designed and installed as per *The National Building Code of Canada*.

20. Penalties

20.1 Any person who contravenes any of the provisions of this bylaw shall be liable to the penalties outlined in Section 22 of *The Act*.

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

21. Repealing Bylaw

City of Yorkton Bylaw No. 16/2012, and all amendments thereto, are hereby repealed.

22. Effective Date of Bylaw

This Bylaw shall come into force and take effect from the date on which it is approved by the Minister.

MAYOR

CITY CLERK

Introduced and read a first time this 13th day of March, A.D., 2017.

Read a second time this 3rd day of April, A.D., 2017.

Read a third time and adopted this 3rd day of April, A.D., 2017.

SCHEDULE “A”

A Building Permit shall not be issued nor considered valid without payment of fees as prescribed in the following table and shall be determined based on the calculations derived from the following criteria.

1. Building Permit Minimum Fee	\$75.00
(a) Main Floor Level / Additions	\$0.90/ft ² (\$9.69/m ²)
(b) Additional Levels	\$0.40/ft ² (\$4.30/m ²)
(c) Basement Development	\$0.25/ft ² (\$2.69/m ²)
(d) Secondary Suite	\$0.55/ft ² (\$5.92/m ²)
(e) Garages / Accessory Buildings (Attached or Detached)	\$0.35/ft ² (\$3.77/m ²)
(f) Residential Deck	\$80.00
2. Extra Inspections Building Permit fees are based on the service rendered and each project has a standard set of inspections. A single callback inspection to deal with an identified concern is considered to be standard operating procedure. If an inspection requires more than a single callback, this shall be treated as an added service and the Building Permit applicant shall be invoiced for the service.	\$75.00. per inspection
3. Extra Inspections Performed by Contracted Inspection Company	Cost of inspection invoice to City
4. One and two unit Dwelling and Residential Accessory Building Demolition	\$75.00
5. Multi-dwelling and Commercial Demolition	\$150.00 plus \$8.00 per 1076.4ft ² (100m ²)
6. All Other Construction Not Noted Above	\$5.00 per \$1,000 Construction Value
7. SAMA Inspection Fee for all Permits	\$20.00