



Government
of
Saskatchewan

Building Standards and
Licensing

Ministry of Government Relations

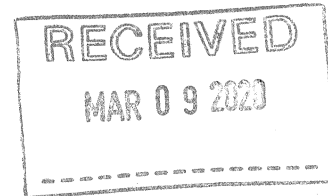
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March 2, 2020

Luke Grazier, Director of Planning and Development
Town of Lumsden
Box 160
LUMSDEN SK SOG 3C0



Dear Luke Grazier:

Thank you for providing two true certified copies of Bylaw No. 2020-02 for review. The copies were received on March 2, 2020, as the building bylaw for the Town of Lumsden.

The review finds that Bylaw No. 2020-02 is in accordance with the provisions of *The Uniform Building and Accessibility Standards Act* (the UBAS Act) and the bylaw is approved under clause 23.1(3)(a) which states:

“(a) where the minister is of the opinion that the bylaw does not conflict with this Act or the regulations, the minister shall approve the bylaw;”

With the review completed, Bylaw No. 2020-02 is in force effective March 2, 2020. A copy of the approved bylaw is enclosed for your records.

Should you have concerns or questions please feel free to contact me directly by telephone at 306-798-5170 or by e-mail to marvin.meickel@gov.sk.ca.

Thank you for promoting safe, healthy, habitable and energy efficient buildings in your community.

Sincerely,

M.F. Meickel,
Assistant Chief Building Official

Attachment

TOWN OF LUMSDEN

BYLAW NO. 2020-02


A BYLAW TO ESTABLISH A BUILDING BYLAW

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

1. SHORT TITLE

This bylaw may be referred to as "The Building Bylaw".

2. INTERPRETATION

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- (a) **"Act"** means *The Uniform Building and Accessibility Standards Act* being Chapter U-1.2 of the Statutes of Saskatchewan, 1983-84 and amendments.
 - (b) **"Administrative Requirements"** means *The Administrative Requirements for use with the National Building Code*.
 - (c) **"Authorized Representative"** means a Building Official appointed by Council pursuant to Subsection 5(4) of the Act.
 - (d) **"Building Permit"** means a permit issued by the Local Authority that authorizes the erection, placement, construction, alteration, repair, renovation, or reconstruction for all or part of a building or structure but does not include development permit requirements or conditions.
 - (e) **"Extra Inspection"** means an additional inspection requested by the property owner, required by an Authorized Representative or Local Authority.
 - (f) **"Municipality", "Council" or "Local Authority"** means the Town of Lumsden.
 - (g) **"Regulations"** means regulations made pursuant to the Act.
 - (h) **"SAMA Maintenance Fee"** means a maintenance fee charged by the Saskatchewan Assessment Management Agency.
 - (i) Definitions contained in the Act and Regulations shall apply to this Bylaw.

3. SCOPE OF BYLAW

- (a) This Bylaw applies to matters governed by the Act and the Regulations, including the *National Building Code of Canada* and The Administrative Requirements.
- (b) Notwithstanding Subsection 3(a) above, references and requirements in the Administrative Requirements respecting matters regulated by the Act and Regulations shall not apply.
- (c) Notwithstanding Subsection 3(a) above, 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. GENERAL

- (a) A permit is required whenever work regulated by the Act and Regulations is to be undertaken.
- (b) 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.
- (c) The granting of any permit that is authorized by this Bylaw shall not:
 - (i) entitle the grantee, his or her successor or assigns, or anyone on his or her 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

- (ii) 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 requirement of any building restriction agreement, Bylaw, Act and/or Regulation affecting the site described in the permit.
- (d) Accessory buildings with a building area less than 10 square metres (107.6 square feet) are exempt from this bylaw provided they do not create a hazard.

5. BUILDING PERMITS

- (a) No person shall commence or cause to be commenced the construction, addition, alteration, renovation, repair, relocation or reconstruction of a building without having first obtained a valid Building Permit from the Local Authority. Failure to apply for the required permit may result in the issuance of a "Stop Work Order".
- (b) No Building Permit shall be issued, unless a Development Permit, where required, has first been applied for and obtained from the Local Authority. Building Permits shall be subject to any conditions stated on the Development Permit.
- (c) Whenever the character of the proposed work requires the technical expertise of an Architect or Engineer, the Local Authority or Authorized Representative may, at its discretion, require as a condition of the application, that all drawings and specifications, or any part thereof, be prepared or reviewed, sealed, dated and signed by a Professional Engineer or Architect registered or licensed to practice in the Province of Saskatchewan.
- (d) Every application for a permit to erect, place, construct, alter, repair, renovate or reconstruct a building shall be in a form prescribed by the Local Authority and shall be accompanied by three sets of the plans, including site plan and specifications of the proposed building, and one set in an electronic format (PDF), except that when authorized by the Authorized Representative, plans and specifications need not be submitted.
- (e) The Local Authority or Authorized Representative may require submission of up-to-date plan or survey prepared either before construction begins, or at any time during construction, by a registered land surveyor, as a condition of permit approval.
- (f) If the work described in an application for a Building Permit, to the best of the knowledge of the Local Authority or Authorized Representative, complies with the requirements of this Bylaw, the Local Authority, upon receipt of the prescribed fee, shall issue a permit in a form prescribed by the Local Authority.
- (g) The Local Authority at its discretion, may have plan review, inspection and other services for the purposes 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.
- (h) The Local Authority at its discretion, may have plan review, inspection and other services provided by a person, firm or corporation employed under contract to the Local Authority. Where a contract is in place with an Authorized Representative (service provider) applicants are required to comply with the Service Provider's required inspections and policies.
- (i) Building Permit fees shall be the same as the Authorized Representative's or Service Provider's inspection fees plus a municipal administration fee equal to 20% of the Authorized Representative's inspection fees and a SAMA Maintenance Fee; where applicable. All permit fees will be collected prior to the permit being issued.
- (j) Building Permit fees in accordance with Subsection 5(i) above are based upon the construction project proceeding in a timely and competent manner. Additional inspection fees may be incurred for:
 - (i) re-inspection of infractions or deficiencies to ensure compliance;
 - (ii) changes related to any deviation, omission or revision to work for which a Building Permit has already been issued under this Section;

- (iii) action required to issue Orders for non-compliance.
- (k) A progress inspection may be initiated at an additional fee for construction projects where an inspection, or contact with an Authorized Representative, has not occurred in eight (8) months, or to follow-up on non-compliance with a deadline given in an inspection report.
- (l) No person shall occupy a new building without first receiving occupancy approval in writing from the Local Authority or its Authorized Representative. Occupancy without prior approval may result in an additional inspection fee.
- (m) It is the responsibility of the owner, or owner's agent, to ensure that all required inspections are called for. Failure to do so may result in additional fees for any follow-up work that may be required by the Authorized Representative as a result of the missed inspection.
- (n) Any additional fees charged as a result of Subsection 5(i) through Subsection 5(m) , plus Building Official travel costs and GST, shall be due upon issuance of an invoice from the Local Authority.
- (o) All outstanding permit and inspection fees will be billed to the owner by the Local Authority.
- (p) Construction which commences prior to the issuance of a Building Permit will be subject to a special inspection fee. The special inspection fee will be calculated as double the amount of the Authorized Representative's inspection fees plus a municipal administration fee equal to 20% of the Authorized Representative's inspection fees and a SAMA Maintenance Fee; where applicable.
- (q) Approval in writing from the Local Authority or its Authorized Representative is required for any deviation, omission or revision to work for which a Building Permit has been issued under this Section.
- (r) All Building Permits expire two (2) years after the date of issuance. If a Building Permit expires and construction is not completed in accordance with the Act and the Regulations, then the owner can make application to the Local Authority for an extension or renewal of the Building Permit. Such extension or renewal may be subject to a Building Permit renewal fee equal to the fees required in Subsection 5(i) or some alternate renewal fee.
- (s) Notwithstanding Subsection 5(r), a Building Permit expires and the rights of an owner under the permit terminate, if:
 - (i) the work authorized by the Building Permit is not commenced within six (6) months of the date of the issuance of the Building Permit and actively carried out thereafter; or
 - (ii) work is suspended for a period of six (6) months, or longer prior to the consent of the Local Authority.
- (t) The Local Authority may revoke a Building Permit if, after written notice is given to the permit holder:
 - (i) there is a contravention of any condition under which the permit was issued;
 - (ii) the permit was issued in error; or
 - (iii) the permit was issued on the basis of incorrect information.
- (u) The Local Authority may, at its discretion, rebate either a portion of or all of a Building Permit fee where work is reduced in scope or discontinued, or where other exceptional circumstances may occur.

6. DEMOLITION OR REMOVAL PERMITS

- (a) Any existing building, structure or portion thereof within the Town of Lumsden shall not be demolished or moved without the approval of the Local Authority in the form of a Demolition Permit or Building Move Permit.

- (b) The fee for a permit to demolish or move a building exceeding 10 m² (107.6 square feet) shall be \$50.00.
- (c) In addition, the applicant may be required by to deposit with the Local Authority such sum as the Local Authority considers sufficient to cover the cost of restoring the site after the building has been demolished or removed to such condition that is, in the opinion of the Local Authority not dangerous to public safety. If the applicant who demolishes or removes a building restores the site to a condition satisfactory to the Local Authority, the sum deposited, or a portion thereof, shall be refunded.
- (d) Every application for a permit to demolish a building shall be in a form prescribed by the Local Authority.
- (e) Every application for a permit to remove a building shall be in a form prescribed by the Local Authority.
- (f) Where a building is to be demolished and the Local Authority is satisfied 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 a form prescribed by the Local Authority.
- (g) Where a building is to be removed from its site and/or set upon another site in the Municipality and the Local Authority 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 knowledge of the Local Authority and its Authorized Representative, will conform to the requirements of the Bylaw and any other applicable municipal bylaws, the Local Authority, upon receipt of the fee and deposit prescribed, shall issue a permit for removal in a form prescribed by the Local Authority.
- (h) All permits issued under this Section, expire six (6) months from the date of issue. Permits may be renewed for six (6) months upon written approval from the Local Authority.
- (i) 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 or building removal work in progress.
- (j) The necessary blocking of any street, lane, or sidewalk during demolition must have prior written approval from the Local Authority.

7. ENFORCEMENT OF BYLAW

- (a) If any building, or part thereof, or addition thereto is erected, constructed, reconstructed, altered or placed in contravention of any provision of this Bylaw, the Local Authority or 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:
 - (i) entering a building;
 - (ii) ordering the production of documents, tests, certificates or etcetera, relating to a building;
 - (iii) taking material samples;
 - (iv) issuing notices to owners which order actions within a prescribed time;
 - (v) eliminating unsafe conditions;
 - (vi) completing actions, upon an owner's non-compliance with an order, adding the expenses incurred to the tax payable on the property; and
 - (vii) obtaining restraining orders.
- (b) If any building, 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 outlined in Subsection 7(a).

- (c) 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:
 - (i) start, progress, and completion of construction;
 - (ii) change in ownership prior to completion; and
 - (iii) intended partial occupancy prior to completion of construction.

8. SPECIAL CONDITIONS

- (a) 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.
- (b) 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/or the Town of Lumsden Zoning Bylaw.
- (c) 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/or the Town of Lumsden Zoning Bylaw.
- (d) 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

- (a) Any person who contravenes any of the provisions of this Bylaw shall be liable to the penalties prescribed in Section 22 of the Act.
- (b) Conviction of a person or corporation for breach of any provision of this Bylaw shall not relieve him or her from compliance therewith.

10. REPEALING OF BYLAW

- (a) Town of Lumsden Bylaw No. 03-1995, and all amendments thereto, are hereby repealed.

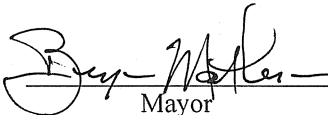
11. EFFECTIVE DATE OF BYLAW

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

Readings

<i>Read a first time this</i>	<i>11th day of February, 2020.</i>
<i>Read a second time this</i>	<i>25th day of February, 2020.</i>
<i>Read a third time this</i>	<i>25th day of February, 2020.</i>





Mayor



Chief Administrative Officer