

BYLAW NO. 02-2025

RURAL MUNICIPALITY OF KEYS NO. 303

A BYLAW TO ESTABLISH A BUILDING BYLAW

The Council for the Rural Municipality of Keys No. 303 in the Province of Saskatchewan enacts as follows:

1. SHORT TITLE

This Bylaw shall be referred to as the “Building Bylaw”

2. PURPOSE OF THE BUILDING BYLAW

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 Rural Municipality.

3. INTERPRETATION/LEGISLATION

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

- (a) “**Act**” means The Construction Codes Act.
- (b) “**administrative requirements**” means The Administrative Requirements for Use with The National Building Code of Canada 1985.
- (c) “**authorized representative**” means the building official, bylaw officer and/or other entity that has been appointed by the Rural Municipality.
- (d) “**accessory building**” mean any permanent structure including but not limited to storage sheds, garages, carports, decks and other structures not designed for residential occupancy. Accessory Buildings shall not be defined as an Accessory Building if they are attached to a building designed for residential occupancy.
- (e) “**building official**” means a person who holds a building official license and is appointed by the Rural Municipality.
- (f) “**building official services**” means plan review services, inspection services and enforcement services carried out by an appointed building official.
- (g) “**competent person**” means a person who is recognized by the Rural Municipality as having:
 - (i) a degree, certificate or professional designation; or
 - (ii) the knowledge, experience and training; necessary to design or review the design of a building.
- (h) “**certificate of occupancy**” means a written document issued by the Rural Municipality giving the owner of the building permission to occupy the building for its intended use.
- (i) “**inspection**” means the inspection of the following by an appointed building official to ascertain whether the Act and the regulations have been or are being complied with:
 - (i) ongoing or incomplete building construction, materials of construction or building systems;
 - (ii) completed or existing building construction, materials of construction or building systems.

- (j) **“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.
- (k) **“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.
- (l) **“owner”** means:
 - (i) 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;
 - (ii) any person, firm or corporation that controls the property under consideration; or
 - (iii) if the building is owned separately from the land on which the building is located, the owner of the building.
- (m) **“owner's representative”** means any person, company, employee or contractor who has authority to act on behalf of an owner.
- (n) **“permit”** means written authorization issued by the Rural Municipality or its building official.
- (o) **“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.
- (p) **“regulations”** means *The Building Code Regulations* and *The Energy Code Regulations*.
- (q) **“residential occupancy”** means a residential occupancy as defined in the National Building Code of Canada.
- (r) **“Rural Municipality”** means the Rural Municipality of Keys No.303, including the Organized Hamlet of Crystal Lake.
- (s) **“SAMA fee”** means a fee charged to the Rural Municipality by the Saskatchewan Assessment Management Agency with respect to the work.
- (t) **“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.
- (u) **“work”** means any construction, addition, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use, occupancy or change of occupancy of a building.
- (v) **“Zoning Bylaw”** means the current zoning bylaw enacted by the Rural Municipality of Keys No. 303 as amended from time to time and any subsequent Zoning Bylaw passed by the Council of the Rural Municipality of Keys No. 303 and substituted therefore.
- (w) Definitions contained in the Zoning Bylaw of the Rural Municipality shall apply in this Bylaw.

4. SCOPE OF THE BYLAW

4.1. This building bylaw applies to all work undertaken or to be undertaken within the geographical jurisdiction of the Rural Municipality.

4.2. The bylaw applies to matters governed by the Act and the regulations, including the *NBC*, *NECB*, *National Building and Fire Code*, and the administrative requirements.

4.3. A building or part of a building for which a permit has been granted shall not be occupied before the issuance of a certificate of occupancy by the Rural Municipality or the authorized representative pursuant to clause 16(11)(h) of the Act.

4.4. Notwithstanding subsection 4.2. references and requirements in the Administrative Requirements respecting matters regulated in the Act and regulations shall not apply.

4.5. Notwithstanding subsection 4.2. references and requirements in Administrative Requirements respecting “occupancy permits” shall not apply except as and when required by the Rural Municipality or its authorized representative.

5. GENERAL

5.1. A permit is required for any work governed by the Act and regulations is to be undertaken except as provided hereafter.

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. It is the duty of every owner or the owner's representative of a building in Saskatchewan to ensure that the building and work is in accordance with the Act, the regulations, any associated codes, interpretations and orders and any bylaws adopted by the Rural Municipality with which the building is associated.

5.4. The provisions of the building bylaw apply to buildings greater than 10m² (107.6 ft²) in building area except as otherwise exempted by the Act or the regulations.

5.5. No owner or owner's representative shall 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.

5.6. The granting of any permit that is authorized by this bylaw shall not:

- (a) Entitle the owner or owner's representative 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.

5.7. The Rural Municipality, authorized representatives, employees, servants, and agents of the Rural Municipality shall not be held liable in respect to any matters referred to in this bylaw for any matter or thing done or omitted to be done by any of them in good faith and with reasonable care or in exercising their powers or carrying out their duties.

6. PERMIT – ISSUANCE

6.1. Every application for a permit for work shall be on the form provided by the Rural Municipality and shall be accompanied by plans and specifications of the proposed building and work.

6.2. Every permit application shall be reviewed and approved by the building official.

6.3. If the work described in an application for a permit, to the best of the knowledge of the Rural Municipality or the authorized representative, complies with the requirements of this building bylaw, the Act, or the regulations, the Rural Municipality or the authorized representative shall, on receipt of the required fee, issue a permit on the form provided by the Rural Municipality. In addition, one set of the approved plans and specifications will be returned to the owner or the owner's representative with the permit.

6.4. A permit issued pursuant to this building 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 stages of construction for which a permit holder must inform the Rural Municipality;
- (h) Any conditions that the permit holder is required to comply with; and
- (i) Any information required by this building bylaw.

6.5. Work must not commence before a permit is issued.

6.6. All permit fees and deposits will be collected before the permit is issued and subject to any applicable taxes.

6.7. The permit fee shall be calculated according to the sum of the following:

- (a) An administration fee listed in a Fees Bylaw for the processing, handling and issuance of a permit;
- (b) The fees for plan review, field inspections of construction and enforcement in accordance with a Fees Bylaw or the agreement between the provider of building official services and the Rural Municipality;
- (c) The fee charged by the Saskatchewan Assessment Management Agency;
- (d) Additional fees, if required, listed in the Fees Bylaw; and
- (e) A deposit, if required, in an amount determined by the Rural Municipality or stated in the Fees Bylaw.

6.8. For the purposes of subsection 6.6. completed project value shall be used as determined by mutual agreement between the builder and the building official. If there is a disagreement in the completed project value, the SAMA Assessment Value shall be used upon completion of the project. In the case of disagreement, the higher value shall be used as an estimate for the purpose of determining the fees with a refund to be granted once the value has been confirmed.

6.9. The Rural Municipality 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 Rural Municipality or the building official.

6.10. The owner or the owner's representative will be invoiced by the Rural Municipality for additional inspection fees and payment of the inspection fees will be due on receipt of an invoice. Unpaid inspection fees will be considered a debt due to the Rural Municipality 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.

6.11. It is the responsibility of the owner or the owner's representative to ensure that all notifications required by section 7 of the Act and this building bylaw are given to the Rural Municipality and that all inspections are scheduled and completed. Failure to do so may result in additional fees for follow-up inspections.

6.12. The Rural Municipality 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. This amount shall not be less than any fees charged by the building official plus 15%.

7. PERMIT - DEMOLITION OR REMOVAL

- 7.1. The fee for a permit to demolish or remove a building shall be outlined on the fee schedule in the Fees Bylaw.
- 7.2. In addition, the owner shall deposit with the Rural Municipality a deposit as listed in the fee schedule of the Fees Bylaw to cover the cost of restoring the site after the building has been demolished or removed to such conditions that is, in the opinion of the Rural Municipality or its authorized representative, not dangerous to public safety.
- 7.3. If the owner who demolished or removed the building restores the site to a condition satisfactory to the Rural Municipality or its authorized representative, the sum deposited, or portion thereof, shall be refunded.
- 7.4. The deposit referred to in subsection 7.2. may be waived at the discretion of the Council of the Rural Municipality if a building permit is issued for new construction to start immediately subsequently to the permitted demolition or removal on the parcel of land where the demolition or removal is authorized.
- 7.5. To obtain a permit to demolish or remove a building, the owner shall file an application in writing on a form prescribed by the Rural Municipality.
- 7.6. It shall be unlawful for any person to move or remove any building on or from a site unless a permit is obtained from the Municipality prior to commencing.
- 7.7. No person, other than a licensed building mover, shall move any building within the limits of the Rural Municipality. Every permit application to the Rural Municipality to move any building shall contain full particulars regarding the location of the building, the place to which it is being moved, the object of removal, the proposed route and the expected timeline. The application shall be accompanied by an inspection fee as set by the Rural Municipality or authorized representative.
- 7.8. Before issuing the said permit, the Rural Municipality shall be satisfied that:
- (a) The structure of the building is such that the moving or removal can be safely completed;
 - (b) A pre-move inspection prior to approval is acquired.
 - (c) The structure of the building complied with or will be made to comply with the requirements of this Bylaw and the Rural Municipality may require a performance bond or other satisfactory undertaking that building that the building will be made to comply with the requirements of this Bylaw;
 - (d) The removal shall, if applicable, be in accordance with the requirements of SaskPower and Sask Energy and SaskTel.
- 7.9. No permit shall be issued for the demolition or removal of any building unless the land from which it is to be removed or demolished is clear of all taxes and tax sales, or tax liens, except with the permission of the Rural Municipality as provided by *The Municipalities Act*.
- 7.10. An application to whom a permit is granted to demolish any building shall demolish the same within 90 days from the date of the permit, after which date, the permit shall be deemed to expire. If the building has not been demolished within the said period of 90 days, the Rural Municipality may, upon application, renew the said permit for a further period not exceeding 21 days. There shall be no charge for the first renewal.

7.11. An application to whom a permit is granted to move any building shall move the same within 90 days from the date of the permit, after which date the permit shall be deemed to expire. If the building has not been moved within the said period of 21 days, the Rural Municipality may, upon application, renew the said permit for a further period not exceeding 21 days. There shall be no charge for the first renewal.

8. PERMITS - REFUSAL TO ISSUE

8.1. The Rural Municipality 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) The Rural Municipality's building 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 Part 3, 4, 5, 6 or 7 of the NBC or NECB is not an architect or engineer;
- (d) The application for a permit is incomplete;
- (e) Any fees, deposits or bonds required pursuant to the Rural Municipality's refusal to issue a permit; and
- (f) The proposed work described on the permit application would contravene any other Act, regulations or bylaw that applies to the proposed work.

8.2. Where the Rural Municipality refuses to issue a permit pursuant to subsection 8.1. the Rural Municipality shall:

- (a) Provide written notice to the owner as to the reasons for the Rural Municipality'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.

9. PERMITS – REVOCATION

9.1. The Rural Municipality 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 section 9.2. if after 6 months after the permit's issuance, the work for which the permit was issued has not, in the opinion of the authorized representative, been seriously commenced and no written agreement for the delay has been given by the Rural Municipality; or
- (e) Subject to section 9.2. if the work for which the permit was issued is, in the opinion of the authorized representative, substantially suspended or discontinued for a period of more than 6 months after the permit's issuance and no written agreement for the delay has been given by the Rural Municipality.

9.2. If the Rural Municipality revokes a permit pursuant to section 9.1. it shall provide written notice to the permit holder as to the reasons for the revocation.

10. PERMITS – EXPIRY

10.1. 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.

10.2. All permits issued pursuant to this bylaw expire on the date stated in the permit, or if no date is stated:

- (a) Twenty-four months from date of issue;
- (b) Six months from date of issue if work is not commenced within that period;
- (c) On the date specified by the Rural Municipality if work has not seriously commenced and is suspended for a period of six months; or
- (d) On the date specified by the Rural Municipality if work has been suspended with written permission by the Rural Municipality or authorized representative and the agreed upon period has been exceeded.

10.3. An owner or the owner's representative that does not complete all the work listed on a permit before the permit expires shall apply to the Rural Municipality that issued the permit to do one of the following:

- (a) Revoke the permit;
- (b) Extend the term of the permit;
- (c) Vary the condition of the permit.

10.4. The Rural Municipality 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.

11. ENFORCEMENT

11.1. Notwithstanding any other Act, for the purpose of ensuring compliance with the provision of the Act or the regulations or the conditions of a permit, a building official may:

- (a) At any reasonable hour, enter land or a building;
- (b) Be accompanied into a building by a person having special or expert knowledge on any matter to which this Act or the regulations relate;
- (c) Order the production of a register, certificate, plan or other document relating in any manner to the design or work of a building and may examine and make copies of the document;
- (d) Inspect and take samples of any material, equipment or appliance being used in the work of a building;
- (e) Issue an order pursuant to the Act;
- (f) Direct the Rural Municipality to register an interest on title pursuant to section 20 of the Act; and
- (g) Exercise any other power or undertake any action as prescribed.

11.2. If any building whether commenced or completed is in a condition that constitutes an unsafe condition, the building official may order the owner to take any steps set out in the order to eliminate the unsafe condition or if the condition constitutes an imminent risk or danger, the building official may enter the land or the building and do, or cause to be done any acts necessary to eliminate the imminent risk or danger and take any measures authorized by the Act to eliminate the risk or danger, and subsection 26(3) and (4) or the Act apply, with any necessary modification, to the expenses incurred in eliminating the risk or danger.

12. NOTIFICATION

- 12.1. The owner or the owner's representative of a building to be constructed shall ensure that the Rural Municipality and building official 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.
- 12.2. Before commencing work at a building site, the owner or the owner's representative shall give notice to the Rural Municipality and building official of:
- (a) The date on which the owner or the owner's representative intends to commence the work; and
 - (b) Subject to section 12.8. 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.
- 12.3. During the course of construction, the owner or the owner's representative shall give notice to the Rural Municipality and building official of:
- (a) Subject to section 12.8. any change in, or termination of, the employment of a person or firm mentioned in subsection 12.2.(b);
 - (b) The owner's or owner's representative intent to do any work that has been ordered by a building official or Rural Municipality 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 Rural Municipality to be inspected before enclosure;
 - (d) Subject to section 12.8. any proposed deviation from the plans approved and permitted by the Rural Municipality;
 - (e) Subject to section 12.8. any construction undertaken that deviates from the plans approved and permitted by the Rural Municipality; and
 - (f) The completion of work.
- 12.4. Subject to section 12.8. the owner or the owner's representative of a building under construction shall give notice to the Rural Municipality and building official 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 inspection 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.
- 12.5. 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 shall submit a written report to the Rural Municipality 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.
- 12.6. A report submitted pursuant to section 12.5. 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 Rural Municipality within 15 days after the occurrence of the failure mentioned in clause 12.5.(a) or (b).

12.7. On receipt of the report pursuant to section 12.5. the Rural Municipality may require an owner to do the following:

- (a) provide any other information that the authorized representative or Rural Municipality may consider necessary;
- (b) complete any additional work that is necessary to ensure compliance.

12.8. Notice given pursuant to subsection 12.2.(b), 12.3.(a), 12.3.(d), 12.3.(e) or section 12.4. is to be in writing.

13. SPECIAL CONDITIONS

13.1. An owner or the owner's representative that undertakes to construct or have constructed a building that is within the scope of Parts 3, 4, 5, 6 and 7 of the NBC shall have an architect or engineer complete the design or design review of:

- (a) The design or design review of the building and all building systems;
- (b) An inspection of construction of the building and all building systems to ensure compliance with the design;
- (c) The reviews required by the NBC.

13.2. 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 shall have an architect or engineer complete:

- (a) The design or design review of the structure;
- (b) A field review of construction of the structure to ensure compliance with the design; and
- (c) The reviews required by the NECB.

13.3. In addition to the requirements of section 13.1. and 13.2. the Rural Municipality 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.

13.4. 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 shall ensure that a competent person has designed or reviewed the design of the building.

13.5. An owner or the owner's representative shall ensure that copies of any inspection or review reports made pursuant to this section are made available to a building official or the Rural Municipality on the request of the building official or Rural Municipality.

13.6. No owner of a building or an owner's representative shall 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.

13.7. 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 shall immediately alter the building or part of the building to bring it into compliance with the

NBC.

- 13.8. Any building or structure that is constructed, reconstructed or relocated shall be required to meet the flood proofing measures.
- 13.9. 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 when required by the Rural Municipality or building official.
- 13.10. Every owner to whom a permit is issued shall be responsible for the cost of repair of any damage to municipal works and property that occurs in the course of the work authorized by the permit.

14. PENALTY

- 14.1. Any person who contravenes any of the provisions of this building bylaw may be subject to the penalties provided in Part 8 of the Act.
- 14.2. Where it is determined that work has commenced for which a permit has not been issued:
- (a) A stop work order will be issued until a building permit has been issued by the Rural Municipality; and
 - (b) An additional fee as set out in the Fees Bylaw, in addition to all permit fees required.
- 14.3. Conviction of a person or corporation for breach of any provision of this building bylaw shall not relieve the person or corporation from compliance with the Act and regulations.

15. REPEAL OF BYLAW

- 15.1. That Bylaw 09-2019 is hereby repealed.

16. BYLAW IN EFFECT

- 16.1. This Bylaw shall come into force and effect on the date of approval by the Minister of Government Relations.

[SEAL]

Reeve

Administrator

Read a third time and adopted
this ____ day of _____

Administrator