

**Bylaw
Amendments**

TOWN OF LUMSDEN

BYLAW NO. 3/95

No. 13-2005 Repealed

No. 1-2008 Repealed

No. 11-2011 Repealed

No. 06-2013 Repealed

No.

A BYLAW RESPECTING BUILDINGS

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

SHORT TITLE

1. This bylaw may be cited as the Building Bylaw.

INTERPRETATION/LEGISLATION

2. (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) "Administrative Requirements" means the Administrative Requirements for Use with the National Building Code 1985.
- (4) "Municipality" means the Urban Municipality of the Town of Lumsden.
- (5) "Council" means the Council of the Urban Municipality of the Town of Lumsden.
- (6) Definitions contained in the Act and regulations shall apply in this Bylaw.

SCOPE OF THE BYLAW

3. (1) The Uniform Building and Accessibility Standards Act and Regulations and 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.

GENERAL

4. (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 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 any municipal officer or any inspector appointed by the municipality 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.

BUILDING PERMITS

5. (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, specifications, and requirements, as set out in Appendix to Form "A", of the proposed building, except that when authorized, by an inspector, plans and specifications need not be submitted.
- (2) An inspector may require submission of an 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.
- (3) If the work described in an application for a 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 for the purpose of enforcement of the Act and Regulations provided by an inspector or inspectors designated by the minister to assist the municipality pursuant to subsection 4(4) of the Act.
- (5) Council may, at its discretion, have 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 based on the following fee schedule.

1. **DEPOSIT** - Applicable to Section 5, Subsection (6), clause 2, 3 and 4

A deposit of \$500.00 for a principal building permit application or on any application as determined by Council, payable when the permit is issued, shall be collected to cover additional on-site inspections which may be required over and above the basic inspections as determined by the Building Inspector. The \$500.00 will be refunded in whole or in part to the applicant on completion of the final inspection.

2. RESIDENTIAL BUILDINGS

- | | |
|---|----------|
| a) Minimum Charge - Principal Building | \$400.00 |
| Additional Charge of \$2.20 per square meter for area of buildings over 139 square meters | |
| b) Accessory Buildings | \$ 75.00 |
| c) Decks | \$ 25.00 |
| d) Addition to dwellings | \$250.00 |
| plus \$2.20 per square meter for area of addition over 75 square meters | |
| e) Renovations | \$175.00 |
| f) Re-inspection | \$ 75.00 |

3. COMMERCIAL / INDUSTRIAL / INSTITUTIONAL BUILDINGS AND MULTI-FAMILY DWELLINGS

- a) All buildings \$ 1.00 per square meter
- b) Minimum Charge
- | | |
|---|----------|
| - principal building | \$500.00 |
| - accessory building | 100.00 |
| - additions | 300.00 |
| plus \$1.00 per square meter for area of addition over 45 square meters | |
| - renovations | 200.00 |
| - re-inspection | 75.00 |

4. BUILDINGS TO BE MOVED FROM WITHIN OR OUTSIDE THE TOWN OF LUMSDEN

- a) Pre-move inspection \$150.00 plus \$75.00 per hour for travel time
- b) Post-move (fees under Clause 2 or 3 above depending on the type of building shall apply).

- (7) Approval in writing from Council or its authorized representative is required for any deviation, omission or revision to work for which a permit has been issued under this section.
- (8) 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 longer by prior written agreement of the Council.
- (9) Council may, at its discretion, rebate either a portion of or all of a permit fee where work is reduced in scope or discontinued, or where other exceptional circumstances occur.

DEMOLITION OR REMOVAL PERMITS

6. (1) (a) The fee for a permit to demolish or move a building shall be \$25.00.
- (b) In addition, the applicant shall deposit with the municipality such sum as the Council or its authorized representative considers sufficient 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 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.
- (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 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 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 in Form "D".
- (5) Where a building is to be removed from its site and set upon another site in the municipality, and the municipality 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 in Form "D"
- (6) All permits issued under this section expire six month from the date of issue except that a permit may be renewed for six months upon written application to the municipality.

ENFORCEMENT OF BYLAW

- 7. (1) 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 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 owner's non compliance with an order, and adding the expenses incurred to the tax payable on the property, and
 - g) obtaining restraining orders.
- (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 subsection (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.
 - b) of change in ownership prior to completion of construction and,
 - c) of intended partial occupancy prior to completion of construction.

SUPPLEMENTAL BUILDING REGULATIONS

8. All development, redevelopment and major alterations and additions behind an approved floodproofing dyke system are **encouraged** to adequately floodproof to the design flood level of 1:500 (1985) standard) plus freeboard.

SPECIAL CONDITIONS

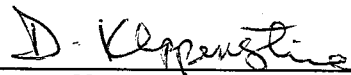
9. (1) An architect or professional engineer registered in the Province of Saskatchewan shall be engaged by the owner for assessment of design and inspection of construction or certification of a building or part of a building where required by the Council or its authorized representative.
- (2) It shall be the responsibility of the owner to ensure that change in property lines will not bring the building or an adjacent building into contravention of this bylaw and the Town of Lumsden 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 Lumsden 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.

PENALTY

10. (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 him from compliance therewith.

REPEAL OF BYLAW

11. That Bylaw No. 1/95 and amendments thereto are hereby repealed.



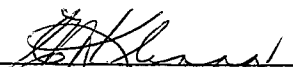
 Mayor



 Town Administrator

Enacted pursuant to Section 14 of The
 Uniform Building and Accessibility Standards Act.

CERTIFIED A TRUE COPY of Bylaw No. 3/95
 passed by resolution of Council on the
 13th day of March, 1995.



 Town Administrator

APPENDIX TO FORM "A"

Documents required for Building Permit:

1. Two copies of the site plan showing:
 - North arrow
 - Land location
 - Location of existing and proposed buildings
 - Front, rear, and side yard set backs
 - Location of all existing and proposed roads
2. Two full sets of working plans including:
 - Floor plans
 - Foundation plans
 - Elevations
 - Sections
 - Construction details (often shown on sections)
3. Engineer stamped foundation design
4. Engineer stamped truss design for all roofs and all floors (where required)
5. Engineered truss layout including bracing details (these are required for all non-conventional designs or any thing else other than common trusses)
6. Copy of the permit application including names, addresses, and telephone numbers of the owner and contractor
7. Any other plans, documents, specifications, legal survey or any others that may be required in support of the building permit application or at any time during construction.

Additional Documents required for Commercial, Industrial, Institutional and Multi-Family Building Permit:

8. Two complete sets of Plans and Specifications stamped by
 - a) Mechanical Engineers
 - b) Electrical Engineers
 - c) Structural Engineer and/or Architect

REQUIREMENTS FOR NOTICE OF INSPECTION

The contractor and/or owner shall provide notice to the Council or its representative, for inspection, at least two working days in advance for each of the following stages of construction:

- 1) Prior to any excavation or start of construction
- 2) Connection of water/sewer - open trench
- 3) Foundation - At the form setting stage
 - (i) concrete foundation -before pouring concrete and after placement of reinforcing steel
 - (ii) wood foundation - upon completion of framing
- 4) Framing - on completion of framing and before further work proceeds
- 5) Final - before occupancy of the building

Waiver of Requirements:

Council may, at its discretion, waive any or all of the above requirements.

FORM A

TOWN _____ of LUMSDEN _____, Saskatchewan

APPLICATION FOR BUILDING PERMIT

I hereby make application for a permit to construct alter reconstruct a building according to the information below and to the plans and documents attached to this application.

Civic address or location of work _____

Legal description Lot _____ Block _____ Plan _____

Owner _____ Address _____ Telephone _____

Designer _____ Address _____ Telephone _____

Contractor _____ Address _____ Telephone _____

Nature of work _____

Intended use of building _____

Size of building _____ Length _____ Width _____ Height _____

Storeys - No. _____ Fire Escapes _____

If public building, state width of stairways _____ No. _____

width of exits _____ No. _____

Construction Details

Footings _____ Material _____ Size _____

Foundations _____ Material _____ Size _____

Exterior Walls _____ Material _____ Size _____

Roof _____ Material _____ Size _____

Studding _____ Material _____ Spacing _____

Floor Joists _____ Material _____ Spacing _____

Girders _____ Material _____ Spacing _____

Rafters _____ Material _____ Spacing _____

Chimneys _____ No. _____ Size _____

Material _____ Thickness _____

Heating _____ Lighting _____ Plumbing _____

Foundation Soil Classification and Type _____

Estimated cost of building (excluding site) \$ _____

Floor area of building (excluding unfinished basement) _____ square metres

Fee for building permit \$ _____

I hereby agree to comply with the bylaw of the municipality respecting building and acknowledge that it is my responsibility to ensure compliance with the Building Bylaw of the municipality and applicable Acts and regulations regardless of any review of drawings or inspections that may or may not be carried out by an inspector.

Signature of Owner or Agent _____

FORM B

TOWN _____ of LUMSDEN _____, Saskatchewan

BUILDING PERMIT # _____

_____ 19 _____

Permission is hereby granted to _____

to _____ a building to be used as a _____

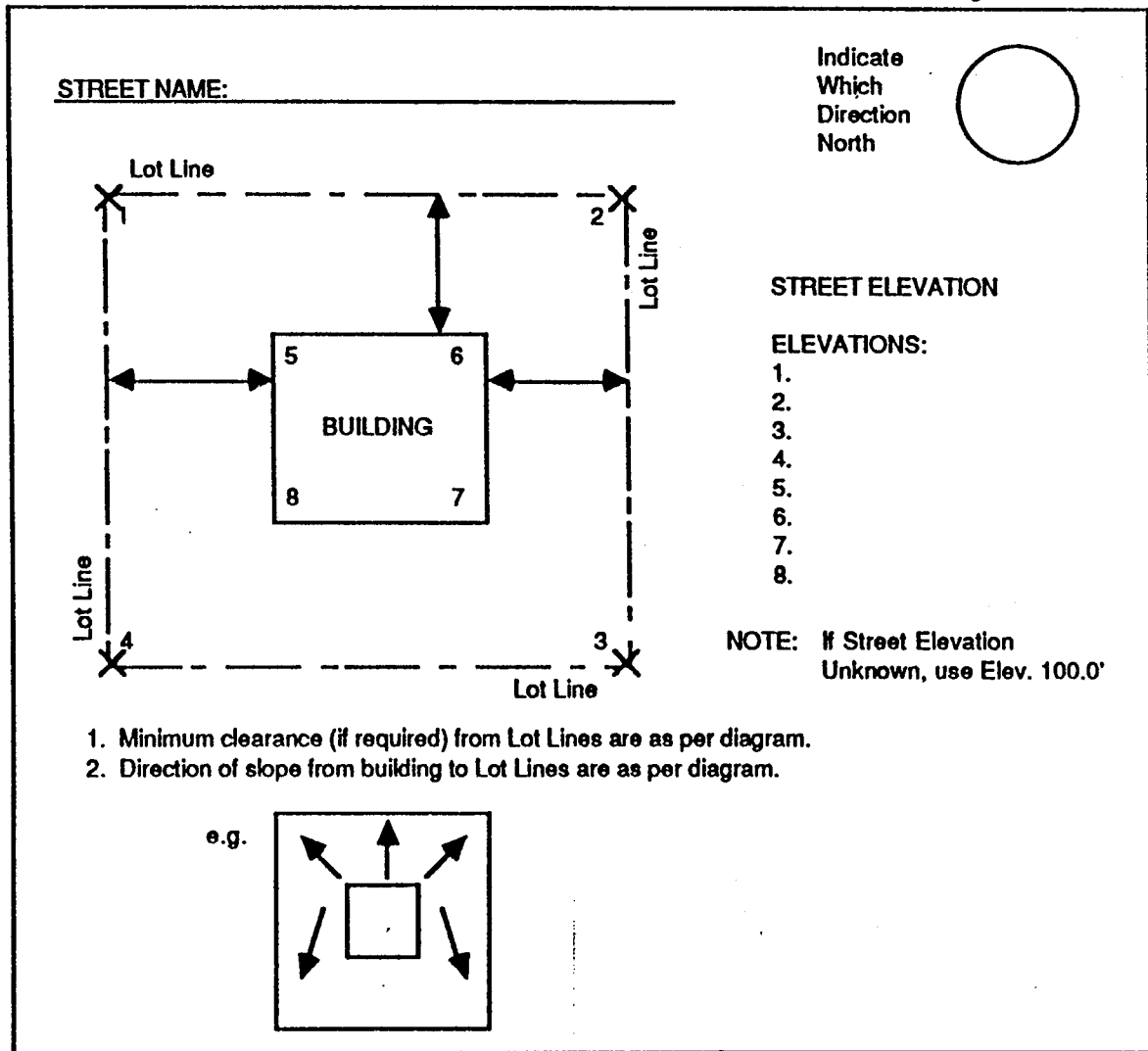
on civic address or location _____

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.

Grade lines of the building site are to be as indicated below and as shown on the diagram.



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 \$ _____

Deposit \$ _____

Basic Number of Inspections _____ Authorized Municipal Official _____

FORM C

_____ TOWN _____ of _____ LUMSDEN _____, Saskatchewan

APPLICATION FOR A PERMIT TO MOVE OR DEMOLISH A BUILDING

_____ 19 _____

I hereby make application for a permit to demolish a building now situated on
civic address or location _____

lot _____ block _____ plan _____

The demolition will commence on _____ 19 _____, and will be completed on
_____ 19 _____.

OR

I hereby make application for a permit to move a building now situated on
civic address or location _____

lot _____ block _____ plan _____

to civic address or location _____

lot _____ block _____ plan _____

OR

out of the municipality.

The building has the following dimensions: length _____ width _____ height _____

The building mover will be _____

and the date of the move will be _____ 19 _____.

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 _____

I hereby agree to comply with the provisions of the Building Bylaw of the municipality 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)(b) 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.

Signature of Owner or Agent

FORM D

TOWN _____ of LUMSDEN _____, Saskatchewan

PERMIT TO MOVE OR DEMOLISH A BUILDING

_____ 19 _____

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 _____

to civic address or location _____

lot _____ block _____ plan _____

in accordance with application dated _____ 19 _____. This permit expires
six months from the date of issue.

This permit is issued under the following conditions:

Authorized Municipal Official



March 23, 1995

Ms. C. M. Klemp, Administrator
Town of Lumsden
Box 160
Lumsden, Saskatchewan
S0G 3C0

Dear Ms. Klemp:

Re: Bylaw No. 3/95, Town of Lumsden

On behalf of the Minister of Municipal Government, I am pleased to acknowledge receipt of a copy of your new Building Bylaw.

The municipality's Building Bylaw has been found to be in accordance with the provisions of *The Uniform Building and Accessibility Standards Act* and has been duly filed with departmental records. A copy of comments from the department staff is enclosed for your information.

Thank you for your cooperation in matters of building control and public safety.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Reader".

Bill Reader

Enclosure

**Building Bylaw Review**

Municipality: Town of Lumsden
Bylaw No.: 3/95
Date Passed: March 13, 1995

Comments:

Section 2(1) — The correct reference for *The Uniform Building and Accessibility Standards Act* (the UBAS Act) is Chapter U-1.2.

Section 5(6) — Permit fees should reflect the level of building control the municipality provides. Our recommendation regarding permit fees is that the fees should be set at a level that will recover the municipality's cost to provide this public service.

The terms used in this section to describe the different occupancies should reflect the building classification terms as used by the National Building Code (NBC) of Canada 1990. For example, "commercial" is not a building classification term. As well, there are other occupancies listed in Table 3.1.2.A of the NBC that have been overlooked in your fee schedule. The NBC uses the term "residential" to mean houses, apartments and hotels, among others. It appears that your intent in clause 2 is for "one and two unit dwellings" and clause 3 is for "all other buildings". If this is correct, you should adjust the terms accordingly.

In clause 1., what is the relationship between the deposit required for additional inspections and the re-inspection fee listed in clauses 2.f) and 3.b)? You may want to link these two requirements. How will you refund the deposit "in whole or in part" if all funds are used for additional inspections?

In clauses 2.a), 2.d) and 3.a) and 3.b), you should state "per square metre of floor area" to clarify how the permit fee is being calculated.

Is the permit fee in clause 3. the amount of a) plus b)?

Even if council makes the changes suggested above, you should consider establishing a standard procedure for application of these permit fees to reduce the risk of anyone challenging how you are applying the bylaw provisions.

Section 8 — This section is unenforceable and therefore should not be included in your building bylaw. You may want to provide this information to the permit applicant on a separate form to communicate Council's advice.

March 22, 1995

Section 11 — Our records show that the Town of Lumsden's previous bylaw was Bylaw No. 6/89. Bylaw No. 3/95 should also repeal this 1989 bylaw.


Appendix to Form "A" — If changes are made to the building classification terms used in Section 5(6), then these changes should be incorporated into this Appendix also.

The requirements in Section 8 of the Appendix exceed the requirements of the UBAS Regulations. Therefore, council should be able to justify that these requirements are necessary for the municipality.

Waiving the requirements included in the Appendix should be at the discretion of the Building Inspector and not Council.

One copy of the bylaw is being returned to you, as we require only one for our files. A copy of any amendments to the bylaw should be filed with this office. Please call if you have questions on any of these comments.

Date: March 22, 1995

Signature: 
Shelly Toniello
Administrative Coordinator
787-3642

cc: Bob Watson, Sask Water