

## City of Prince Albert Bylaw No. 11 of 2003

A Bylaw of The City of Prince Albert to regulate the erection, classification, alteration, repair, occupancy, demolition or removal of buildings within the City of Prince Albert.

WHEREAS *The Uniform Building and Accessibility Standards Act* provides that the City may pass bylaws in respect to certain matters and shall administer and enforce the provisions of that Act and its Regulations, which include *The National Building Code of Canada*.

NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT  
IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

- Short Title      1.            This bylaw may be cited as the "*Building Bylaw*".
- Definitions      2.      (1)      In this Bylaw:
- (a)      "*Act*" means *The Uniform Building and Accessibility Standards Act*;
  - (b)      "*Administrative Requirements*" means *The Administrative Requirements for Use with the National Building Code, 1995*, as same may be amended and adopted for use from time to time in the Province of Saskatchewan;
  - (c)      "*Building Inspector*" means that person appointed as Building Inspector for the City of Prince Albert and anyone authorized to act on his behalf from time to time by resolution of Council and anyone acting in accordance with his Instructions;
  - (d)      "*City*" means the City of Prince Albert;

- (e) "City Engineer" means the City Engineer for the City of Prince Albert and anyone acting or authorized to act on the City Engineer's behalf;
- (f) "Council" means the Prince Albert City Council;
- (g) "Custom Work Order Policy" means the requirement of deposits and the estimation of the value thereof to be paid prior to the commencement of the work and the invoicing for work performed by City forces that is calculated by the City Engineer and constitutes the standard charge for all such work performed deemed by the City Engineer to reflect the actual cost to the City of labour, equipment and materials used together with an administration fee equal to 15 percent of the value of the cost; and further, includes such alterations by the City Engineer to such standard fees and charges from time to time to reflect changes in the actual costs;
- (h) "Director of Assessment and Taxation" means the Director of Assessment and Taxation for the City of Prince Albert and anyone acting or authorized to act on the Director of Assessment and Taxation's behalf;
- (i) "Grade Certificate" means a certificate prepared by the City's Engineering Department, which certificate shall set out with respect to the property on which the subject building or proposed building is situated the elevation of the sanitary sewer, street and lane abutting the said property so that the owner of the said property is able to ensure that the building or proposed building will be set at such a height above curb (or road) level that adequate surface drainage from lot to street will be obtained, and also that adequate sewer drainage from the basement to the street sewer will result;
- (j) "municipality" means the City of Prince Albert;
- (k) "*National Building Code*" means the *National Building Code of Canada* only as same may be adopted and amended by the Act and the Regulations for application within the Province of Saskatchewan from time to time;

- (l) "Real Property Report" means a report prepared by a member of the Saskatchewan Land Surveyors' Association in accordance with *The Saskatchewan Land Surveyors' Act* and Bylaws of the Saskatchewan Surveyors' Land Association as the same may be amended from time to time or such Act or Bylaw as may be substituted therefor from time to time;
- (m) "regular working hours" means between 8:00 a.m. and 4:45 p.m. on working days;
- (n) "Regulations" means Regulations passed pursuant to the Act;
- (o) "Site Plan" means a report or plan prepared by a member of the Saskatchewan Land Surveyors' Association in accordance with Section 2.3.2 of the *National Building Code*;
- (p) "Zoning Bylaw" means Bylaw No. 1 of 1987 of the City of Prince Albert or such Bylaw or Bylaws as may be substituted therefor from time to time;

(2) Unless the context otherwise requires and subject to Subsection (1), terms and expressions used in this Bylaw shall have the same meaning as in the Act and the Regulations.

(3) Unless the context otherwise requires and subject to Subsections (1) and (2), terms and expressions used in this Bylaw shall have the same meaning as in the Zoning Bylaw of the City of Prince Albert.

**Application  
of Law**

3. (1) The *National Building Code* applies and is in force in the City of Prince Albert.

(2) In addition to the requirements for garages attached to dwelling units within the *National Building Code*, attached garages are required to have a 45 minute fire separation between the garage and the dwelling unit including the attic space of the dwelling unit as defined under the *National Building Code*.

(3) This Bylaw shall be interpreted and applied in conjunction with the *National Building Code*, *The Administrative Requirements*, *The Uniform Building and Accessibility Standards Act* and its *Regulations*.

(4) The Building Inspector is hereby appointed and shall carry out the duties of Inspector and as "the person appointed" by the City within the meaning of the Act.

(5) Notwithstanding Subsection (3), references and requirements in the Administrative Requirements respecting matters regulated by the Act and Regulations shall not apply.

(6) Notwithstanding Subsection (3), references and requirements in the Administrative Requirements respecting "Occupancy Permits" shall not apply except as and when specifically required by the Building Inspector as a condition in a building permit or as otherwise provided in a bylaw of the City.

**Permit Required 4.** (1) Subject to Section 14, no one shall commence, continue or cause to be commenced or continued any work to which the Act, Regulations or this Bylaw applies unless the owner of the real property on which the work is to be carried out has obtained a building, demolition or removal permit as the case may require, and such permit has not expired pursuant to Section 9.

(2) No one shall commence, continue or cause to be commenced or continued any work referred to in Subsection (1) in respect of which a license, permit or other authorizing instrument under another bylaw or provincial or federal act, regulation or code is required until such license permit or instrument is obtained.

**Restriction 5.** Notwithstanding Subsection 6(1), no permit shall be issued in respect of any building, the plans for which show construction of any kind (other than comices or belt courses) on, over or under the surface of any public place or public utility, service pipe, line, wire or conduit whatsoever, without prior approval of Council. If a permit is issued in breach of this requirement, at no cost to the City, the owner shall forthwith upon notice from the Building Inspector or authority having jurisdiction, comply with any applicable federal or provincial acts, regulations or codes or bylaws of the City.

**Permit to Issue 6.** (1) Where an application has been made in a form as approved by the Building Inspector, submitted to the Building Inspector, completed to his satisfaction, the appropriate permit fees paid and the proposed work set out in the application conforms with this Bylaw, the *National Building Code*, the Act and Regulations, a permit shall issue for which the application was made, subject to any conditions as the Building Inspector may, in his opinion, deem appropriate, including, and not to limit the generality of the foregoing, that the owner engage an architect or professional engineer as required in the Act and Regulations and that inspections be called for in addition to those specified in the Act and Regulations.

(2) Every permit issued shall be subject to the right of the Building Inspector to impose such conditions as he may, in his opinion,

deem appropriate, by reason of discovery of circumstances during the course of the proposed work described in the application for the permit or otherwise.

(3) Notwithstanding that a permit is issued in breach of Subsection (1), the owner shall ensure that the proposed work set out in the application shall conform with this Bylaw, the *National Building Code*, the Act and Regulations.

**Building Permit 7.  
Application**

Every application for a building permit shall:

- (1) be completed to the satisfaction of the Building Inspector;
- (2) be signed by the applicant;
- (3) be accompanied by two sets of specifications and scale drawings of the building with respect to which the work is to be carried out, showing:
  - (a) the dimensions of the building;
  - (b) the proposed use of each room or floor area;
  - (c) the dimensions of the land on which the building is situated and the siting of the building;
  - (d) the grades of the street and utility mains or pipes within same abutting the land referred to in Subsection (c); and
  - (e) if required by the Building Inspector, a Real Property Report; and
- (4) contain any other information required by the Act, Regulations, Administrative Guidelines this Bylaw or as may be further required by the Building Inspector, whether by conditions imposed in the permit or otherwise, including, and not to limit the generality of the foregoing, certification of an architect or professional engineer as required in the Act and Regulations.

**Real Property  
Report**

8. In the case of new buildings or additions to buildings for which a Real Property Report has not been required by the Building Inspector, the owner shall submit a current Site Plan respecting the land as referred to in Subsection 7(3)(c) to the Building Inspector, which Site Plan shall indicate, in addition to those items required by the *National Building Code*, that the siting of the building or addition will be in accordance with the information

on the Building Permit as referred to in Subsection 7(3)(c) before any work beyond the completion of foundation work is undertaken.

**Grade Certificate** 9. Every applicant for a permit to construct a new building or reconstruct the foundation of an old building shall obtain from the City Engineer, upon payment of the fees required for same as prescribed by resolution of Council, from time to time, a Grade Certificate setting out the finished level of the street and municipal utility service lines abutting the real property on which the proposed work is to be executed, and it shall be the responsibility of the applicant or owner to set the building or reconstruct the foundation of the old building, in accordance with the Grade Certificate, at such a height above curb (or road) level that adequate surface drainage from lot to street will be obtained, and also that adequate sewer drainage from the basement to the street sewer will result.

**Storm Water Drainage** 10. No Building Permit shall issue until the plans in respect of drainage of storm water from a building site have been approved by the City Engineer of the City.

**Refusal or Revocation of Permits** 11. (1) If the Building Inspector is of the opinion that an application for a Building Permit does not demonstrate that the plans for the proposed work conforms with the requirements of Section 6(1), the Building Inspector may refuse to issue a Building Permit, or he may issue such permit subject to such conditions as, in his opinion, he deems appropriate.

(2) Notwithstanding Section 6(1), in his discretion, the Building Inspector may, but shall not be required to, refuse to issue any permit when the proposed work set out in the application does not conform with any other federal or provincial acts, regulations, codes or guidelines or any municipal bylaw. In the event that the Building Inspector requires such conformance, the owner shall ensure that the proposed work set out in the application and the executed work shall so conform.

(3) The Building Inspector may refuse to issue, revoke or recommend to Council the revocation of a permit where there is an apparent violation of a provision of any federal or provincial act, regulation or code applicable to the work or proposed work or any provision of this Bylaw, the Zoning Bylaw, a condition of the Development Permit, or any other applicable bylaw of the City which provisions are in any way related to the permit.

(4) Any person aggrieved by the revocation or refusal of a Building Permit shall have the right of appeal to Council within 30 days of the date of the revocation or refusal, provided the matter is not within the jurisdiction of the Saskatchewan Building and Accessibility Standards Appeal Board under the Act.

- Work not to Vary** 12. No work proposed in an application for a permit may vary from the information on which the issued permit is based without written approval of Council or its Building Inspector.
- Small Buildings** 13. No Building, Demolition or Removal Permit is required for any residential accessory building which is 10 square metres or less. Notwithstanding the foregoing, the construction of same shall conform to all other requirements of the Act, Regulations, and City Bylaws.
- Fees** 14. (1) Every applicant for a building permit, or for other services provided by the Building Inspector, shall pay a fee pursuant to the charges set forward on Schedule "A".
- (2) Schedule "A" to this Bylaw, as same may be amended from time to time, is incorporated into and forms a part of this Bylaw.
- Expiry of Permits** 15. Any building, demolition and removal permit issued under this Bylaw expires:
- (1) In the case of a Building Permit:
- (a) 6 months from the date of issue if work has not yet commenced; or,
- (b) upon work being suspended for 6 consecutive months; or,
- (c) 12 months from the date of issuance; unless extended by Council; and
- (2) In the case of Demolition or Removal Permit:
- (a) 60 days from the date of issue if work has not yet commenced; or
- (b) upon work being suspended for 60 consecutive days; or such shorter period as may be specified by the Building Inspector or Council.
- Rectification of Hazards** 16. If upon inspection the Building Inspector is satisfied that any building is in an unsafe condition such as may constitute an imminent danger to the safety of occupants or the public or any property and the owner cannot be conveniently located, in addition to all other authority:
- (1) the Building Inspector may cause such work to be carried out as he considers necessary to eliminate such danger and the owner shall be liable in respect of expenses incurred in

carrying out such work calculated pursuant to the Custom Work Order Policy and same may be collected in the manner referred to in section 21 of the Act whether or not an appeal is filed or a stay is ordered pursuant to the Act; and

- (2) neither the City, the Building Inspector nor anyone acting on his behalf shall be liable to compensate the owner, occupant or any other person by reason of anything done without notice to any owner or person in occupation or having control of the building and whether or not an appeal is undertaken pursuant to the Act.

**Demolition or Removal Permits** 17. (1) Every applicant for a Demolition or building moving permit shall pay a fee pursuant to the charges set forward on Schedule "A". The applicant shall deposit with the City such sum as the Building Inspector considers sufficient to cover the costs of site restoration. Such sum, which shall be a minimum of \$100.00 and a maximum of \$1,500.00, shall be returned to the applicant upon the restoration of the site, subject to Subsection (2).

(2) If the site is not restored to a safe and tidy condition within 30 days of completion or abandonment of demolition or removal or, in any event, within 3 months of the date of issuance of the permit, the applicant's deposit is forfeited, and the City may perform such work as is necessary to ensure the site is not dangerous to public safety. In such a case, the applicant shall be liable for the costs of site restoration and such costs shall be set off from the deposit. The Applicant shall be liable to pay to the City any shortfall upon demand, with interest at the rate of 1.5 percent per month or 18 percent per annum or any shortfall unpaid 60 days after demand calculated in accordance with the City's Custom Work Order Policy.

(3) The City Engineer, at his discretion, may direct that the existing sewer and/or water connection be terminated at the mains or may require the replacement of the said sewer and/or water connection or may allow the reuse of the existing sewer and water connection. In the event of any necessary connection or re-connection to the mains, the owner shall comply with the requirements of the City Engineer. As a condition of the issuance of a permit under this Bylaw, the City Engineer may require that a Custom Work Order be executed and a deposit made, equal to the estimated cost of any necessary connection or re-connection to the mains, calculated in accordance with the City's Custom Work Order Policy.

(4) No deposit pursuant to Subsection (1) of this clause is necessary where a building permit for a new building on the same site is taken out simultaneously with the demolition or removal permit.

**Taxes** 18. No demolition or removal permit shall be issued with respect to any building on which taxes are in arrears or outstanding without approval of the Director of Assessment and Taxation of the City.

**Representation** 19. (1) The granting of any permit which is authorized by this Bylaw shall not be construed as a representation of the compliance of any work with any bylaw, federal or provincial act, regulations or code.

(2) The owner shall ensure that submission of an application for a permit and issuance of such permit shall not be understood as or deemed to constitute a representation by any person, the City, the Building Inspector or any City employee that the proposed work or the executed work, in fact, complies with the acts, codes, guidelines or bylaws referred to in Section 6(1) or Section 12 whether such representation be at issue in any legal proceeding or otherwise. The issuance of a permit shall not relieve the owner of compliance with Subsection 6(1).

(3) The owner shall indemnify and save harmless the City, the Building Inspector or any municipal official or employee from all losses, costs, claims, damages whatsoever brought by or on behalf of the owner or any other person that may arise as a result of, from, or in any way touching upon the issuance of the permit related to the work, and not to limit the generality of the foregoing, in relation to:

- (a) the fact that a building, or the placement, erection, construction, alteration, repair, renovation, reconstruction, demolition or removal thereof authorized by permit, does not comply with the requirements of this Bylaw or any other City bylaw, federal or provincial act, regulation or code or derogates from a right of any other person;
- (b) faulty subsoil conditions, whether such conditions were unknown to the City or not;
- (c) the fact that the owner or any other party on behalf of the owner has continued with work so as to conceal previous work, making that work impossible to inspect by the municipality or any municipal official or Inspector appointed by the municipality; or
- (d) the owner's failure to call for an inspection of work as required in Act and Regulations.

(4) The City, Building Inspector and employees, servants and agents of the City shall not be held liable in respect of any matters referred to in Subsection (3) under this clause.

- Offences** 20. Any person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to the penalties as prescribed in the Act.
- Repeal** 21. Bylaw Nos. 58 of 1993 and No. 26 of 1995 are hereby repealed.
- Coming into Force** 22. This Bylaw shall come into force and take effect on and after the final passing thereof.

INTRODUCED AND READ A FIRST TIME THIS 27 DAY OF January, A.D., 2003.

READ A SECOND TIME THIS 27 DAY OF January , A.D., 2003.

READ A THIRD TIME AND PASSED THIS 27 DAY OF January A.D. 2003.

  
MAYOR

  
ACTING CITY CLERK

APPROVED, EXCLUDING SECTION 22, BY THE EXECUTIVE  
DIRECTOR, PROTECTION AND EMERGENCY SERVICES,  
SASKATCHEWAN CORRECTIONS AND PUBLIC SAFETY UNDER  
DATE OF FEBRUARY 13, 2003.

**SCHEDULE "A"**

**PERMIT FEES AND SERVICE CHARGES**

1. *Every applicant for a building permit shall pay a fee of \$40.00 plus \$4.00 for every \$1,000.00 of the value of construction which exceeds \$10,000.00 in value.*
2. *The fee for inspections outside of regular working hours is \$40.00.*
3. *The fee for inspections and travel time outside the City of Prince Albert is \$35.00 per hour or for each part thereof plus travel expense and sustenance at the rate established by resolution of Council from time to time for travel and sustenance for municipal employees.*
4. *The fees referred to in the above provisions shall be in addition to the fee referred to in the above provision.*
5. *Building moving permit fee shall be \$40.00. If the building is being moved from a site within the City of Prince Albert, a refundable site clean-up deposit will also be required, as per The Building Bylaw.*
6. *Building demolition permit fee shall be \$40.00 (Non Refundable) plus a refundable site clean-up deposit will also be required as per The Building Bylaw.*