

CITY OF PRINCE ALBERT

BYLAW NO. 1 OF 2018



Disclaimer:

This consolidation is not an Official Copy of the Bylaw. Amendments have been incorporated solely for research convenience purposes only. Original Bylaw and amendments are available from the City Clerk's Office and must be consulted for purposes of interpretation and application of the law.

OFFICE CONSOLIDATION

Building Bylaw

BYLAW NO. 1 OF 2018

Including the Following Amendments:

AMENDMENTS

DATE PASSED

Bylaw No. 1 of 2022

February 15, 2022

City of Prince Albert Bylaw No. 1 of 2018

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 Construction Codes Act* provides 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:

Title

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

Definitions

2. (1) In this Bylaw:
 - (a) "Act" means *The Construction Codes Act*,
 - (b) "Administrative Requirements" means *The Administrative Requirements for Use with the National Building Code, 1985*, as same may be amended and adopted for use from time to time in the Province of Saskatchewan;
 - (c) "Building Permit" means a permit issued by the Building Inspector to proceed with construction or reconfiguration of a specific structure at a particular site in accordance with the approved drawings and specifications, or use or occupancy of a building.
 - (d) "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;

- (e) “City” means the City of Prince Albert;
- (f) “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;
- (g) “Council” means the Prince Albert City Council;
- (h) “Custom Work Order” 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; 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;
- (i) “Demolition Permit” means a permit issued by the Building Inspector to proceed with demolition or removal of any or all of a structure.
- (j) “Director of Financial Services” means the Director of Financial Services for the City of Prince Albert and anyone acting or authorized to act on the Director of Financial Services behalf;
- (k) “Grade Certificate” means a certificate prepared by the City’s Public Works 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 or easement 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;
- (l) “municipality” means the City of Prince Albert;
- (m) “*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;
- (n) “permit” means any permit issued by the Building Inspector in relation to a building, and includes but is not limited to the design, construction, erection, placement, renovation, demolition, removal, use or occupancy of the building.
- (o) “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;

- (p) "regular working hours" means between 8:00 a.m. and 4:45 p.m. on working days;
- (q) "Regulations" means Regulations passed pursuant to the Act;
- (r) "Site Plan" means a report or plan prepared by a member of the Saskatchewan Land Surveyors' Association in accordance with the *National Building Code*;
- (s) "Zoning Bylaw" means the City of Prince Albert Zoning Bylaw as may be amended from time to time 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, all joints must be sealed to ensure continuity of the barrier, 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 of Canada, The National Energy Code of Canada, The Construction Codes Act, The Building Code Regulations, The Energy Code Regulations and the 1995 Administrative Requirements*.

(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.

(7) Any secondary suite for which a building permit has not been issued, discovered in a one or two unit dwelling constructed prior to January 1, 1989, will be subject to the provisions defined within the Property Maintenance Bylaw, as same may be amended by Council from time to time. Any secondary suite discovered in a one or two unit dwelling constructed after January 1, 1989 will be subject to the provisions of the current edition of the *National Building Code of Canada* in force at the time of discovery.

Permit Required

4. (1) Subject to Section 15, 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 permit as the case may require, and such permit has not expired pursuant to Section 17.

(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.

(3) Anyone who commences work without first obtaining a permit will have a \$250.00 fee added to the cost of their permit, in addition to the regular permit fees.

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 cornices 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 be issued 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.

(4) Every permit application that includes a treated wood assembly in use, below grade, must be submitted in the form of a stamped drawing as certified by a professional architect or structural engineer registered in the province of Saskatchewan.

Permit Application

7. Every application for a permit shall:

- (1) be completed to the satisfaction of the Building Inspector;
- (2) be signed by the applicant, the applicant being either:
 - (a) the registered owner of the property wherein construction is occurring; or
 - (b) a tradesman/contractor who has a current valid business license in the City of Prince Albert; or
 - (c) a person who holds a valid contractual commitment with the City to purchase the property upon which construction is to occur.

Building Permits

8. (1) Any Building Permit application must be accompanied by one hard copy and one digital set or two hard copies of specifications and scaled drawings of the building with respect to which the work is to be carried out, including but not limited to:

- (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
- (2) 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.

Demolition Permits

9. (1) Every applicant for a Demolition Permit shall pay a fee pursuant to The Building Fee Bylaw, as amended.
- (2) If the site is not restored to a safe and tidy condition within 30 days of completion or abandonment of demolition or, in any event, within 30 days of the date of expiry of the permit, 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 be liable to pay to the City any shortfall upon demand.
- (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.
- (4) No Demolition Permit shall be issued with respect to any building on which taxes are in arrears or outstanding without approval of the Director of Financial Services.

Real Property Report

10. (1) For any new building, the owner will be required to provide a Real Property Report to the Building Inspector.
- (2) In the case of an accessory building 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 8(1)(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 8(1)(c) before any work beyond the completion of

foundation work is undertaken.

(3) The Building Inspector may request a Real Property Report at any time to verify the building's setbacks.

Grade Certificate & Drainage of Storm Water

11. Every applicant for a Building Permit to construct a new building or reconstruct the foundation of an old building shall obtain a Grade Certificate from the Public Works Department.

12. No Building Permit shall be issued until the plans in respect to drainage of storm water from a building site have been approved by the City Engineer.

Refusal or Revocation of Permits

13. (1) If the Building Inspector is of the opinion that an application for a 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 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 a Development Permit, or any other applicable bylaw of the City which provisions are in any way related to the permit.

(4) A Building Inspector may within the confines of an Order dictate the right to refuse issuance of a new permit to the owner of a building, or his agents, contractors, employees, successors or assigns or the registered owner of the land on which the building is to be situated, upon expiry of the timelines listed within the Order until such time as the conditions of the Order are resolved.

Work not to Vary

14. 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 the Building Inspector.

Small Buildings

15. No 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

16. (1) Every applicant for a Building Permit, Demolition Permit, or for other services provided by the Building Division, shall pay a fee pursuant to the Building Fee Bylaw, as amended.

Expiry of Permits

17. (1) A Building Permit issued under this Bylaw expires:

- (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) 24 months from the date of issue.

(2) A Demolition Permit issued under this Bylaw expires 6 months from the date of issue.

Rectification of Hazards

18. 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 and same may be collected in the manner referred to in section 16 of *The Construction Codes 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.

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 13(2) 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; or
- (e) the owner's failure to have displayed on site the permit site identification, and all applicable site inspection cards.

(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 No. 11 of 2003 is hereby repealed.

Coming into Force

22. This Bylaw shall come into force and effect subject to the final approval pursuant to *The Uniform Building and Accessibility Standards Act*.

INTRODUCED AND READ A FIRST TIME THIS 22nd DAY OF January , A.D., 2018.

READ A SECOND TIME THIS 22nd DAY OF January , A.D., 2018.

READ A THIRD TIME AND PASSED THIS 22nd DAY OF January , A.D. 2018.

**“Greg Dionne”
MAYOR**

**“Sherry Person”
CITY CLERK**