

# CITY OF HUMBOLDT

## BYLAW NO. 21/2007

### A BYLAW OF THE CITY OF HUMBOLDT RESPECTING BUILDINGS

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The Council of The City of Humboldt 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 – 1984 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) “Authorized Representative” means an inspector appointed by the Council pursuant to Section 5(4) of the Act.
  - (5) “Council” means the Council of the City of Humboldt.
  - (6) “Municipality” means the City of Humboldt.
  - (7) Definitions contained in the Act and regulations shall apply in this Bylaw.

#### SCOPE OF THE BYLAW

3. (1) This Bylaw applies to matters governed by the Act and the Regulations, including the National Building Code of Canada and the 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 Administration Requirements respecting “occupancy permits” shall not apply except as and when required by the City 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 owner’s agent shall work or authorize work or allow work to proceed on a project for which a permit is required unless a valid permit exists for the work to be done.
  - (3) The granting of any permit which is authorized by this Bylaw shall not:

- (a) entitle the grantee, his successor or assigns or anyone on his behalf to erect any building that fails to comply with the requirements of any building restriction agreement, bylaw, Act and/or regulation affecting the site described in the permit; or
- (b) make either the Council or its authorized representative liable for damages or otherwise by reason of the fact that a building, the placement, erection, construction, alteration, repair, renovation, demolition, relocation, removal, use of occupancy of which has been authorized by permit, does not comply with the requirements of any such building restriction agreement, bylaw, Act and/or regulation, affecting the site described in the permit.

### **BUILDING PERMITS**

5. (1) Every application for a permit to erect, place, construct, alter, repair, renovate or reconstruct a building shall be on the form provided by the City and shall be accompanied by two sets of the plans and specifications of the proposed building, except that when authorized by Council or its authorized representative plans and/or specifications need not be submitted.
- (2) If the work described in an application for 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 the form prescribed by the City and return one set of submitted plans to the applicant.
- (3) 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.
- (4) The City may, at its discretion, have plan review, inspection and other services provided by a person, firm or corporation employed under contract to the municipality.
- (5) The permit fee for erection, placement, construction, alteration, repair, renovation or reconstruction of a building shall be based on the following fee schedule:
  - A. All buildings:
    - (i) Four Dollars (\$4.00) per thousand (\$1,000) dollars of the value of construction with a minimum fee of \$25.00 or the rate charged by a person, firm or corporation employed under contract to the City; whichever is greater.
  - (6) Council or its authorized representative may estimate the value of construction for the work described in an application for building permit, for the purpose of evaluating a permit fee, based on established construction costs, owner's statement of costs or constructor's contract values, or similar methods.
  - (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 the 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 City.
- (9) The Municipality may at its discretion rebate a portion 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 \$20.00.
- (b) In addition, the applicant shall provide the municipality with a deposit of \$500.00 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 the City, not dangerous to public safety. If the applicant who demolishes or removes the building restores the site to a condition satisfactory to the City the sum deposited or a portion thereof shall be refunded.
- (2) Every application for a permit to demolish or remove a building shall be in the form provided by the City.
- (3) Where a building is to be demolished, removed from the City or removed from its site and set upon another site in the City, and the City 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 City upon receipt of the fee shall issue a permit in the form provided by the City.
- (4) All permits issued under this section expire six months from the date of issue except that a permit may be renewed for one month upon written application to the City.

### **ENFORCEMENT OF BYLAW**

7. (1) If any building, or part thereof, or addition thereto is erected, constructed, reconstructed, altered, repaired, renovated or placed in contravention of any provision of this Bylaw, the Council or its authorized representative may take any measures as permitted in 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.

**SPECIAL CONDITIONS**

- 8. (1) Notwithstanding the requirements of the Regulations, 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 City.
- (2) 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 where required by the Council or its authorized representative.
- (3) It shall be the responsibility of the owner to ensure that change in property lines and/or change in ground elevations will not bring the building or an adjacent building into contravention of this Bylaw.
- (4) It shall be the responsibility of the owner to arrange for all permits, inspections and certificates required by other applicable Acts, bylaws and regulations.

**PENALTY**

- 9. (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 the Bylaw shall not relieve him/her from compliance therewith.

**REPEAL BYLAW**

- 10. Bylaw No. 15/89 and Bylaw No. 19/2007 are hereby repealed.

**COMING INTO FORCE**

This Bylaw will come into force and take effect January 1, 2008.

INTRODUCED AND READ A FIRST TIME this 13<sup>th</sup> day of November, 2007.

READ A SECOND TIME this 13<sup>th</sup> day of November, 2007.

READ A THIRD AND FINAL TIME this 13<sup>th</sup> day of November, 2007.

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Mayor – Malcolm Eaton

(SEAL)

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

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City Clerk – Sandra Pauli