

**CITY OF MELVILLE  
BYLAW NO. 05/2021**

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**A BYLAW OF THE CITY OF MELVILLE RESPECTING BUILDINGS**

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**WHEREAS**, pursuant Section 4, 5, 8.1 and 23.1 of *The Uniform Building and Accessibility Standards Act* and section 8(1) of *The Cities Act* to provide regulations governing the design, construction and occupancy of new buildings and the alteration, reconstruction, demolition, removal, relocation and occupancy of existing buildings;

**NOW THEREFORE**, the Council of the City of Melville in Council enacts as follows:

The Council of the City of Melville in the Province of Saskatchewan enacts as follows:

**1. SHORT TITLE**

This bylaw may be cited as “The Building Bylaw”.

**2. DEFINITIONS**

- (a) **“Act”** – shall mean *The Uniform Building and Accessibility Standards Act* being, Chapter U-1.2 of the Statutes of Saskatchewan, 1983-84 and amendments. All definitions included in the Act shall apply in this Bylaw.
- (b) **“Administrative Requirements”** – shall mean The Administrative Requirements for Use with the National Building Code, 1985
- (c) **“Applicant”** – shall mean the owner of a building or a property or an authorized representative of the owner who applies for a building permit.
- (d) **“Building Official”** – shall mean the person(s) appointed by Council resolution to administer the requirements in this bylaw as per subsection 5(4) of the Act.
- (e) **“City”** – shall mean the City of Melville.
- (f) **“Director of Public Works and Planning Services”** – shall mean the City appointed employee responsible for the Public Works Department or their designate.
- (g) **“Engineer”** – shall mean a professional engineer, as defined by *The Engineering and Geoscience Professions Act*, and includes the holder of a certificate of authorization granted pursuant to section 22 of that Act.

- (h) **“Local Authority”** – shall mean the City of Melville.
- (i) **“NBC”** – shall mean the edition of *The National Building Code of Canada (NBC)* as adopted by the Uniform Building and Accessibility Standards Regulations. All definitions in the NBC shall apply in this Bylaw.
- (j) **“Occupancy Permit”** – shall mean a permit issued with respect to the use or occupancy of a building and includes an occupancy permit authorizing the occupancy of an existing dwelling.
- (k) **“Regulations”** – shall mean regulations made pursuant to the Act.
- (l) **“Temporary Building”** – shall mean a building or structure placed on a site for a limited period of time and used in connection with construction work on a construction site.

### **3. SCOPE OF BYLAW**

- 3.1 The requirements of the building bylaw apply to the design, construction and occupancy of new buildings, repair, renovation, and the alteration, demolition, relocation, removal and change of use or occupancy of existing buildings.
- 3.2 This bylaw applies to matters governed by the Act and the Regulations, including the National Building Code, and the Administrative requirements.
- 3.3 Notwithstanding subsection 3.2, references and requirements in the Administrative Requirements respecting matters regulated by the Act and Regulations shall not apply.

### **4. DESIGNATION OF APPOINTMENT**

- 4.1 For the purposes of this Bylaw and the NBC, the City will designate by Council Resolution to exercise the duties in this bylaw as the authority having jurisdiction and in accordance to section 5(4) of *The Uniform Building and Accessibility Standards Act*.

### **5. PERMIT REQUIRED**

- 5.1 A permit is required whenever work regulated by the Act and Regulations is to be undertaken.
- 5.2 No owner shall:
  - a) Construct, erect, place, alter, repair, renovate, demolish,

relocate, remove, use or occupy any building, including a seasonal building or part thereof;

- b) Install or remove an underground storage tank; or
- c) Relocate any building on or onto a site or remove a building from a site

Without a building permit issued pursuant to this Bylaw for the scope of the work.

5.3 The granting of any permit that 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 local authority or its authorized representative liable for damages or otherwise by reason of the fact that a building, the construction, erection, placement, alteration, repair, renovation, demolition, relocation, removal, use or occupancy of which has been authorized by permit, does not comply with the requirements of any building restriction agreement, bylaw, act and/or regulation affecting the site described in the permit.

5.4 A permit is not required for:

- 5.4.1 Repair or alteration of a building which, as determined by the local authority in consultation with the appointed Building Official, will not create a hazard and where matters affecting health and safety are not involved;
- 5.4.2 One single storey accessory building not more than 10m<sup>2</sup> in building area provided it does not create a hazard and where matters affecting health and safety are not involved.

## 6. PERMIT APPLICATION

- 6.1 An applicant for a permit shall file an application in the prescribed form.
- 6.2 In addition to the requirements contained in the NBC, every application shall:



- a) Identify and describe details of the work, use and occupancy of the building to be covered by the permit; and
  - b) Be signed by the applicant.
- 6.3 An application for a permit will be considered accepted when all required information and documentation is supplied to the local authority.
- 6.4 Where, in order to expedite work, approval of a portion of the building is desired prior to issuance of a permit for the entire project, an application together with plans and specifications covering the portion of the work for which immediate approval is desired, shall be filed with the local authority.
- 6.5 Work under the scope of the building permit **shall not** commence until the prescribed fee is paid in full and the building permit has been issued.

## **7. PLANS AND SPECIFICATIONS**

- 7.1 Every applicant shall submit plans, drawings, specifications, testing certificates, engineering reports and any other information required by the local authority or building official with each application.

## **8. REVISIONS AND RE-EXAMINATION**

- 8.1 The local authority may accept an application to revise the construction for which a permit has been issued and approve or deny it.
- 8.2 If the revision is deemed substantial, as determined by the local authority, a new building permit application may be required. The appropriate fee will be charged for the new building permit in accordance with Schedule "A"

## **9. CONSTRUCTION VALUE FOR THE PURPOSE OF PERMITS**

- 9.1 The construction value to be shown on a building permit shall be total monetary worth of the construction, as submitted by the applicant and accepted by the local authority and shall include:
- a) The cost of all materials, but not limited to, items such as: paint; , air and vapour barrier material; , roofing materials, electrical parts, plumbing parts, permanent or fixed heating equipment, elevator equipment, fire sprinkler

- equipment and any permanent equipment that is constructed as part of the building; plus
- b) All labour costs, professional and other construction fees;
  - c) The cost of all material and other devices necessary for the completion of the work.
  - d) No portion of any building, including mechanical, electrical and plumbing work, shall be excluded from the valuation for a building permit by reason of any other permit required by any legislation, regulation, bylaw or government agency.
  - e) In addition to the requirements of subsection (10.1.1), the construction value of a building permit in the case of the removal or relocation of a building to a new site shall include the cost of excavation at the new site, cleaning and leaving the former site in the condition specified in this bylaw or the permit and the cost of alterations or repairs to the building.
  - f) The final determination of construction value shall be made by the local authority of building official.

## **10. PERMIT FEES**

- 10.1 Permit fees payable shall be those set out in Schedule "A".
- 10.2 No permit shall be issued until the fees have been paid in full.
- 10.3 The owner is responsible for accurately reporting the construction value shown on the permit. Where the actual value of the project substantially differs from the projected value as shown on the permit the following shall apply:
  - a) Where the actual value is less than the projected value, the excess permit fee may be refunded.
  - b) Where the actual value is greater than the projected value, the owner shall pay the additional amount of the permit fee to the local authority.
- 10.4 Where work has commenced prior to the issuance of the permit as required, an additional fee shall be paid in the amount prescribed in Schedule "A".

## **11. PERMIT ISSUANCE**

A building permit may be issued if the work described in the permit application and plans filed in support of the application are in accordance with the provisions of the Act, this bylaw and the City of Melville Zoning Bylaw.

## **12. PERMIT CANCELATION**

Whenever a building permit is voluntarily surrendered for cancellation within six months of issuance and no work has been done pursuant to the permit the amount of the permit fee, less \$200, shall be refunded. No refund shall be made whenever a building permit is submitted for cancellation after the expiration of six months from the date of issuance unless an application for an extension of time is made by the owner in writing prior to such expiry date and the said extension is granted.

## **13. REFUSAL TO ISSUE A BUILDING PERMIT**

13.1 The issuance of the building permit may be refused for the following reasons:

13.1.1 work or occupancy which is not in accordance to the City of Melville Zoning Bylaw.

13.1.2 work or site work which has not been approved by any other City department where such approval is required;

13.1.3 to any person who:

a) Has failed to obtain a building permit previously approved for a given site, and until such time said person has come into compliance with all permits required; or

b) Has failed to pay any fee required pursuant to this Bylaw.

## **14. PERMIT TERM AND EXTENSION**

14.1 A building permit expires:

a) For the construction of buildings two (2) years after the date of issuance.

b) For the demolition of buildings, 60 days after the date of issuance.



- 14.2 Notwithstanding the provisions of subsection 14.1, a building permit shall be considered expired:
- a) If work authorized by the permit has not commenced within 180 days of the date of issue of the permit and, in the opinion of the local authority, is not actively carried out thereafter; or
  - b) If work authorized by the permit has commenced but is suspended or abandoned for a period of 180 days.
- 14.3 The local authority, in determining whether to consider a building permit expired, may take into consideration extenuating circumstances, including but not limited to:
- a) Unusually adverse weather;
  - b) Broad labour availability shortages; or
  - c) Materials supply issues
- 14.4 The Local authority may extend the term of a building permit if the permit has not been revoked.
- 14.5 A request for an extension of a permit term shall be in writing and shall contain a reasonable schedule for completion.

## **15. REVOCATION OF A PERMIT**

- 15.1 A building permit may be revoked by the local authority if:
- a) There is contravention of any condition under which the permit was issued;
  - b) The permit was issued in error;
  - c) The permit was issued on the basis of incorrect or false information;
  - d) The work is being done contrary to the terms of the building permit; or
  - e) Written notification of a change in ownership of the site relating to the building permit is not provided to the local authority.

## **16. TRANSFER OF A BUILDING PERMIT**

- 16.1 An owner or previous owner may request the transfer of a building permit by written notice to the local authority together with the most recent inspection report relating to the construction of the building, signed by the proposed transferee of the permit.
- 16.2 Transfer of a building permit does not constitute an extension of the permit term.

## **17. CONDITIONS OF A BUILDING PERMIT**

- 17.1 Approved plans shall be located on site and made available for review upon request by the local authority or building official.
- 17.2 The applicant shall be responsible for keeping the construction site clean and tidy and shall be required to obtain containers or secure areas for waste material.
- 17.3 The applicant shall be responsible for all costs of repairs and clean-up of any damage to City property that occurs as a result of the work covered by the permit. For the purpose of this subsection:
- a) "City Property" includes all road allowances, trees, land and easements, with all works, utilities, structures and appurtenances therein and thereon; and
  - b) "Damage" includes, but is not limited to, the placement, dropping or deposit of any dirt, debris, materials, objects or substances upon City property, excessive soil compaction or ruts caused by storage of material or driving vehicles or equipment over boulevards.

## **18. DEMOLITION BUILDING PERMIT REGULATIONS**

- 18.1 No person undertaking a demolition shall dispose of waste material from the demolition site except in a permitted landfill site or at a facility satisfactory to the local and provincial authorities.
- 18.1 Demolition work shall not be considered as complete until the demolition site is free of all debris and graded to the satisfaction of the local authority.
- 18.2 The owner shall ensure all utilities are disconnected and in the case of water and sewer connections – disconnected in a fashion that is satisfactory to the local authority.



**19. OFFENCES**

No owner shall undertake construction or demolition unless the owner has obtained a permit from the local authority.

No owner shall permit the occupancy of a building unless the owner has obtained an occupancy permit from the local authority.

Any person who contravenes any provision of this Bylaw is liable to prosecution under Section 21(1) of *The Uniform Building and Accessibility Standards Act*.

**20. REPEAL**

The following Bylaws are hereby repealed:

Bylaw No. 15/1997

Bylaw No. 23/1998

Bylaw No. 09/1999

Bylaw No. 17/2003

Bylaw No. 13/2004

Bylaw No. 01/2012

Bylaw No. 16/2014

**21. COMING INTO FORCE**

This bylaw shall come into force following three readings of Council.

**INTRODUCED and READ A FIRST TIME** this 19<sup>th</sup> Day of July, 2021 A.D.

**READ A SECOND TIME** this 19<sup>th</sup> Day of July, 2021 A.D.

**READ A THIRD TIME AND PASSED** by consent of members of Council present this 19<sup>th</sup> Day of July, 2021 A.D.

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Mayor

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City Manager

### SCHEDULE "A" FEES

FEE SCHEDULE		
	MINIMUM	PER \$1,000 COST OF CONSTRUCTION
RESIDENTIAL PERMIT	\$200.00	\$4.04
COMMERCIAL PERMIT	\$200.00	\$4.62
Commence work without a permit	\$250.00	-
Demolition Permit	\$125 PER INSPECTION	-