

THE CITY OF MELFORT

Office Consolidation

THE BUILDING BYLAW

NO. 2008-26

Including Amendments to June, 2009

All persons making use of this consolidation are reminded that it has no legal status and that the amendments have been embodied for convenience of reference only. A certified copy of the Bylaw and amendments should be consulted for all purposes of interpreting and applying the law.

Amendments to the City of Melfort Building Bylaw 2008-26

AMENDMENTS

DATE PASSED

Bylaw No. 2009-12 Add Subsection 2.4.5

June 15, 2009

Bylaw No. 2011-14 Amend Schedule 2q

May 16, 2011

CITY OF MELFORT

BYLAW NO. 2008-26

A BYLAW OF THE CITY OF MELFORT RESPECTING BUILDINGS

The Council of the City of Melfort enacts as follows:

SECTION 1. ADMINISTRATION

1.1 **Short Title**

This Bylaw will be called the Building Bylaw.

1.2 **Adoption of National Building Code**

The documents described in the attached Schedule 1, together with all future amendments of the said documents, are hereby adopted and form part of this Bylaw, and the provisions contained therein are in force in the City of Melfort.

1.3 In this Bylaw, the term authority having jurisdiction shall mean the Director of Community Services for the City of Melfort or his designate.

1.4 **Building Permits**

No Person shall commence or cause to be commenced:

- (a) the erection or construction of any building;
- (b) the addition, extension, improvement, alteration or conversion of any building;
- (c) the repair of any building;
- (d) the relocation or removal or demolition of any building; or
- (e) the excavation of any land for the purpose of erecting or locating therein any building;

without first having obtained a permit from the authority having jurisdiction.

1.5 **Occupancy Permits**

- 1.5.1 (a) Every building which requires an occupancy permit shall comply with the construction requirements for the major occupancy group to be housed therein.
- (b) Notwithstanding compliance with the regulations contained in this Bylaw, an occupancy permit shall not be issued if the building or the proposed use is in violation of the City of Melfort Zoning Bylaw.
- (c) No person shall occupy a building without first obtaining an occupancy permit or temporary occupancy permit from the authority having jurisdiction.

1.5.2 (a) An application for an occupancy permit for a project that is comprised of 4 or more residential dwelling units shall contain:

- i) a certificate of compliance by the designer or another qualified person for the review of the construction of project in compliance with the requirements for design conformance as contained in the current National Building Code of Canada.
 - ii) a Real Property Report prepared by a land surveyor registered in the Province of Saskatchewan showing the dimensions of the land ownership and the position of all buildings on the site.
- (b) An application for an occupancy permit for a project comprised of 3 or fewer residential dwelling units requires only the document described in 1.5.2(a)(ii).
 - (c) When an occupancy permit is refused, the authority having jurisdiction shall notify the applicant in writing and shall indicate the reason for such refusal.

1.5.3 The authority having jurisdiction may issue a Temporary Occupancy permit for part of a building, provided that such temporary occupancy or use would not jeopardize life or property. Temporary occupancy permits may be renewed for periods of thirty (30) days but no building shall be occupied under a Temporary Occupancy permit for more than six (6) months.

1.6 **Forms**

No person shall commence the erection or construction of any building above the foundation level without first having provided the authority having jurisdiction with a survey certificate prepared by a land surveyor registered in the Province of Saskatchewan showing the dimensions of the land ownership and the position of all buildings on the site.

1.7 **Fees**

The permit fees and deposits required for work done pursuant to this Bylaw shall be those fees and deposits set out on the attached Schedule 2.

SECTION 2. SPECIAL REQUIREMENTS

2.1 **Existing Buildings**

2.1.1 **Structural Alterations and Additions**

- (1) Where repairs or alterations to an existing building are made necessary on account of damage by fire or other causes, and where the cost of such repairs or alterations exceed 75% of the assessed value of the building prior to such damage, such repairs or alterations shall be considered a re-erection thereof and are prohibited unless the entire building is made to conform with the requirements of this Bylaw for new construction.
- (2) When repairs or alterations to an existing building are made necessary on account of dilapidation, and where the cost of such repairs or alterations exceed 75% of the assessed value of the building at the time of application for a permit, such repairs or alterations shall be

considered a re-erection thereof and are prohibited unless the entire building is made to conform with the requirements of this Bylaw for new construction.

- (3) Where the cost of replacements, alterations or additions made to an existing building exceed 75% of the assessed value of the building, the entire building shall be made to conform with this Bylaw.

2.1.2 **Removals, Relocations and Demolitions**

- (1) No building shall be removed or relocated if the building:
 - (a) is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could be moved without endangering persons or property, or
 - (b) is structurally unsafe or unfit for the proposed use at its new location.
- (2) Buildings to be removed or relocated in the City of Melfort shall comply in all respects with the provisions of this Bylaw.
- (3) Upon application for a permit to demolish or remove a building to another site, the applicant shall submit a statement from the City Assessor concerned that the taxes upon the land and buildings from which the building is to be demolished or removed have been paid in full, and that the land and buildings have not been sold for taxes, or if so sold, have been redeemed.
- (4) The application for a removal, relocation or demolition permit shall set forth:
 - (a) a description of the building giving the existing location, construction materials, dimensions, number of rooms and condition of exterior and interior;
 - (b) a legal description of the existing site of the building;
 - (c) a legal description of the site to which it is proposed such building be moved;
 - (d) a plot plan of the site to be occupied by the building when relocated;
 - (e) all required approvals from local and Provincial governing bodies and including utility corporations shall be supplied by the mover prior to the issuance of the permit.
 - (f) a full inspection and report of the Building Official.
- (5) Every person who applies for a permit to remove a building from a property or to demolish a building shall:
 - (a) Upon application for the permit, secure services of the Director of Public Works and Engineering to seal off or remove all water and

- sewer connections to the property, and make payment for such services;
- (b) Upon application for the permit arrange for the discontinuation or removal of gas, electrical and telephone utilities;
 - (c) Commence removal or demolition of the building or buildings to which the permit relates within 10 consecutive days next following the date of issuance of the permit;
 - (d) Complete the demolition or removal:
 - i. in the case of buildings not exceeding 600 square meters in area or 3 storeys in height, within 30 consecutive days next following the date of issuance of the permit;
 - ii. in the case of buildings exceeding 600 square meters in area or 3 storeys in heights, within 90 consecutive days next following the date of issuance of the permit.
 - (e) Upon completion of demolition or removal:
 - i. remove all rubbish and building materials from the property;
 - ii. fill any excavation on the property to an elevation compatible with abutting properties, and provide proper drainage of water to the front or rear of the property, or both;
 - iii. cause the property to be left in a safe and sanitary condition.

The authority having jurisdiction may but shall not be obliged to extend the time limits set forth in Section 2.1.2(5) (c) and (d), upon written application for such extension.

- (6)
 - (a) No building or structure shall be demolished without a demolition permit.
 - (b) No building or structure exceeding 10 m² shall be removed or relocated without a moving permit.
 - (c) No moving permit will be issued as required in 2.1.2(6) (b) unless the applicant has contacted all provincial utilities regarding disconnection or termination of service.
 - (d) An application to move a building or structure shall be made on the form prescribed by the authority having jurisdiction.
 - (e) The authority having jurisdiction shall determine the cash deposit required to cover the probable cost of putting the site from which the building or structure is moved in a safe condition and the possible damage to trees, sidewalks, street and other public property. The said deposit is to be returned to the applicant when the foundation has been removed, with all excavations filled and

the site cleared to the satisfaction of the authority having jurisdiction and where any damage has been done to City trees, sidewalks, street, lanes or other public property by reason of the moving of the building full settlement for same has been received by the City.

- (f) No building shall be demolished until the applicant applying for a demolition permit provides the Building Official with the following:
 - i. detailed specifications as to both the manner and method to be employed in demolishing the building, and
 - ii. indication as to whether or not closure or encroachment by any means upon streets, lanes, etc., will be utilized.

The demolition permit will not be issued until the above requirements have been complied with and approval granted for the closure or encroachment.

- (g) No building shall be relocated on its existing site nor relocated in the City of Melfort unless the plans and specifications for the building, in its new location, meet all the requirements of this Bylaw and said relocation has been approved by the authority with jurisdiction.

2.2 Temporary Buildings

2.2.1 For the purposes of this Section, a temporary building shall mean a building not exceeding 74 m² in area, one storey in height and erected or placed on a nonconforming foundation.

- 2.2.1 (1) The authority having jurisdiction may issue a permit for a temporary building subject to the restrictions hereinafter, set forth:
 - (a) Temporary buildings may be permitted in excess of this area for Schools and Churches.
 - (b) Temporary buildings shall not be permitted for a period of more than one year, except for Schools and Churches.
 - (c) The Temporary building shall not be used for human habitation.

2.2.1 Temporary buildings to be used in connection with construction work and located on the construction site may be erected without a permit but shall be removed immediately upon completion of the said work.

2.3 Valuation of Buildings for the Purpose of Permits

- (1) The value to be shown on building permits shall mean the total monetary worth of all construction or work including all painting, papering, roofing, electrical work, plumbing, permanent or fixed heating equipment, elevator equipment, fire sprinkler equipment, and any permanent equipment used in the processing and/or manufacturing for which the use of the building was intended and all labor costs and professional fees, materials and other devices entering into and necessary to the prosecution of the work in its

completed form. No portion of any building, including mechanical, electrical, and plumbing work, shall be excluded from the valuation for a building permit because of any other permits required by any governing Bylaw or agency.

- (2) Notwithstanding the provisions of sentence (1) above, the value of a building permit in the case of the relocation of a building to a new site shall include the cost to move the building, excavation at the new site, cleaning and leaving the former site in the condition specified in this Bylaw and alterations or repairs to the building.
- (3) In the case of the erection, alteration or enlargement of any sign or encroachment, the value shall reflect the cost of any contract for the prosecution of the work with all contractors which shall include all labor costs, materials and devices necessary to complete the work.
- (4) The determination of value or valuation shall be made by the authority having jurisdiction and shall be the reproduction cost new without depreciation and without regard to any loss occasioned from fire, used material, or other causes.
- (5) The Council of the City of Melfort is hereby authorized to establish by resolution from time to time, minimum values for various types of construction to be used by the Building Official for the purpose of issuing Building Permits.

2.4 **Addressing**

- 2.4.1 Every building shall have an address determined by the street abutting the front entrance and the authority having jurisdiction shall assign a number for each such address.
- 2.4.2 In the case of a building having more than one front entrance, the authority having jurisdiction shall determine and assign an address for each said front entrance.
- 2.4.3 Any existing address in the City that in the opinion of the authority having jurisdiction gives rise to confusion, shall be given a new address and the owner of the said premises, upon being notified by registered mail, shall forthwith change the numbers on the exterior of his building to comply with the new address.
- 2.4.4 Numbers containing the address shall be placed on a wall within 1 meter of the front entrance and plainly visible from the street.
- 2.4.5 Buildings in the commercial area shall be required to have the numbers contained in the street address placed on the rear wall of the premises, plainly visible from the rear lane.

2.5 **Mobile Homes**

- 2.5.1 **Mobile Home** . a transportable, factory-built one family dwelling house which conforms to Canadian Standards Association standards or the City of Melfort Building Bylaw standards and is designed to be transported on its own wheels and chassis or other means and arriving at a mobile home lot or mobile home site ready for occupancy.

Mobile Home, Single-Wide Unit . a mobile home designed to be towed in a single load.

Mobile Home, Expandable Unit . a mobile home containing parts which may be folded, collapsed or telescoped when in tow but which can be extended for additional space when located on a mobile home lot or site.

Mobile Home, Double-Wide Unit . a mobile home consisting of two sections separately towable, but designed to be joined together into one integral unit.

Mobile Home Development . a generic term covering both mobile home parks and mobile home subdivisions.

Mobile Home Lot- a lot, parcel or a piece of land in a mobile home subdivision, created and designed for the placement of a mobile home and for the exclusive use of its occupants.

Mobile Home Park . a lot, parcel or piece of land under single ownership and management, planned and developed for the placement of two or more mobile homes.

Mobile Home Site - a tract of land within a mobile home park designed and designated for the placement of a mobile home and for the exclusive use of its occupants.

Mobile Home Stand . a prepared area within a mobile home lot or site upon which the unit is sited.

Mobile Home Subdivision . a division of land into lots designed and intended exclusively for mobile home use and registered in the Land Titles Office for the Prince Albert Land Registration District

2.5.2 All mobile homes used in the City of Melfort shall conform to the current C.S.A. Z.240 standard.

2.5.3 A building permit shall be obtained before a mobile home is located on a mobile home lot or mobile home site.

2.5.4 Construction of and placement of a mobile home on a basement in a Mobile Home Park is prohibited.

Notwithstanding the above, a mobile home may be placed on an approved full-sized basement, if the owner of the mobile home is the titled owner of the lot which is situated in a district properly zoned for the placement of mobile homes.

2.5.5 The foundation for a mobile home shall consist of 6+x 16+x 10qslab pads and 10qto 12qintervals the length of the mobile home. The pads shall be reinforced with two 19-mm rebar the full length of the pad footing. Tie down eyelets shall be embedded in the concrete for purposes of connecting the chassis of the trailer to the footing by means of cables or chains. Placement of mobile homes shall be in

accordance with C.S.A. Z.240 standards or a method approved by the City of Melfort Building Official.

- 2.5.6 A mobile home shall be rigidly supported on its foundation by piers, posts, jacks or other acceptable means at such points on its chassis frame as indicated by the manufacturer or as determined by the latest edition of C.S.A. Mobile Home Structural Standards Z.240.2.
- 2.5.7 A mobile home shall be anchored to its foundation. Anchors in the form of cast in place ~~%~~lead men+eyelets embedded in the concrete piles shall be provided at all corners of the mobile home, and such additional points as may be necessary to secure the mobile home against the forces exerted by wind. Such anchors shall be connected to the anchoring points of the mobile home chassis frame by a cable or other approved device. Both the anchor and the connection shall be capable of withstanding a tension of at least 2000 kg and shall be taut. The use of screw-in piles, in accordance with C.S.A. Z.240 standards, is also an acceptable method of anchoring the foundation.
- 2.5.8 The entire area beneath the mobile home including extensions and expanded portions shall be paved or topped with well compacted gravel at a grade elevation specified by this Bylaw. A mobile home lot or site shall be graded in accordance with grades established by this Bylaw.
- 2.5.9 A mobile home shall be provided with skirting extending from the bottom of the mobile home unit to the ground with adequate provision to compensate for vertical movement. Skirting shall be factory prefabricated units clad in pre-painted metal siding or finished with an acceptable protective coating and shall be so attached to the mobile home stand to prevent entry of rodents and other small animals. The skirting shall have a readily accessible removable panel not less than 1000 mm wide and 600 mm high giving access to service connections.
- 2.5.10 Mobile homes shall be provided with steps, landings and handrails to all entrances in accordance with this bylaw.
- 2.5.11 The construction of structural additions to the mobile home including ancillary structures shall require a building permit. Such addition shall be clad with material similar to that of the mobile home. Ancillary structures shall be clad with a material similar to that of the mobile home or a material acceptable to the authority having jurisdiction. Attached structures shall not obstruct required openings for light and ventilation of the mobile home and shall not prevent inspection of mobile home equipment or utility connections.
- 2.5.12 The water line shall extend vertically from the ground directly beneath the water connection in the mobile home. It shall be encased in a minimum 75-mm diameter pipe extending 150 mm above and 2 m below the mobile home stand to allow for the installation of electrical heat tape. The water line shall be appropriately insulated and taped from the ground to the floor of the mobile home. Interior piping within the mobile home shall be rearranged where required to permit the installation of water meter and wiring to accommodate outside readout.

- 2.5.13 Sewer service connections shall be extended vertically from the ground and connected to the sewer service outlets of the mobile home. Sewer service connections shall be equipped with an expansion joint and installed in accordance with the regulations of this Bylaw. Exposed sewer pipes shall be adequately insulated beneath the floor of the mobile home and the mobile home stand.
- 2.5.14 Each mobile home shall be directly connected and serviced with natural gas supplied from the Saskatchewan Power Corporation distribution system. The natural gas services to the mobile home shall be installed in accordance with the Provincial Government Regulations governing installation of gas services. Outside fuel tanks for propane and fuel oil are prohibited.
- 2.5.15 Electrical service connections to the mobile home shall be installed in accordance with the Provincial Government Regulations governing installation of electrical services.
- 2.5.16 Telephone service connections to the mobile home shall be installed in accordance with the regulations of Saskatchewan Telecommunications.

2.6 **Factory Built Houses**

- 2.6.1 All factory-built houses intended for location in the City of Melfort shall meet the requirements of the current C.S.A. A277 and be labeled by C.S.A.
- 2.6.2 All factory-built houses, excluding mobile homes, must be situated on a permanent foundation.

2.7 **Barbed Wire**

- 2.7.1 The use of barbed wire for fencing is prohibited in the City of Melfort, except if it is used as part of a security fence and is suspended at a height of not less than five (5) feet above ground level.

2.8 **Unightly Land or Buildings**

- 2.8.1 The Building Official of the City of Melfort is an authorized municipal employee for the purpose of administering the standards as set out in the City of Melfort's Property Maintenance and Nuisance Abatement Bylaw.

2.9 **Demolition of Buildings**

- 2.9.1 Every demolition permit application shall be accompanied by a deposit in the amount specified in Schedule 2.
- 2.9.2 The deposit shall be refunded to the applicant on request upon completion of the demolition work provided that the Building Official is satisfied, in his sole discretion, that the applicant has fulfilled the following conditions:

- a) the demolition work has not caused any damage to City-owned property, or that any damage has been repaired, and;
- b) any open excavation has been filled and the site cleaned and leveled, and;
- c) the utility services have been properly disconnected.

2.9.3 In the event that the applicant does not fulfill the conditions in 2.9.2, the City may undertake the necessary work to fulfill the conditions and such part of the deposit as is equal to the cost of such work shall be forfeited to the City.

2.10 In the event that the work authorized in any construction or demolition permit causes damage to any City-owned property, the City shall have the right to recover by action from the applicant and the owner the cost of repair or replacement of the damaged property. The City shall have the right to deny any new application for a building or demolition permit to any applicant who owes money to the City pursuant to this paragraph.

2.11 **Standards for Detached Garages and Accessory Buildings**

2.11.1 Any building with an area over 18 m² must be supported with a concrete foundation at least 150 mm wide by 300 mm deep with a minimum elevation above exterior finished grade level of 150 mm.

2.11.2 Any building with an area under 18 m² may be supported on a monolithic slab at least 75 mm thick or on a treated wood foundation or treated wood skids.

2.11.3 The total combined floor area of all assessable detached accessory buildings (garage, shed or outbuildings) situated on property used or zoned for residential purposes shall not be greater than eleven (11%) percent of the area of the property on which it is placed.

2.11.4 Garage floors may be crushed rock or concrete.

SECTION 3. ENFORCEMENT

3.1 **Show Cause Notice**

If any building or part thereof, or addition thereto is erected, altered, or placed in contravention of any provision of this Bylaw, the Building Official may cause a notice in writing to be delivered to the owner personally or by registered letter addressed to him at his last known place of residence, requiring him within a period of thirty (30) days from the date of delivery or mailing thereof, by a statement in writing to Council to show sufficient cause why such a building or part thereof or addition thereto should not be pulled down or removed.

3.2 **Notice Requiring Work**

If at the expiration of the thirty (30) days, the owner shall have failed to show sufficient cause why such building, part thereof or addition thereto should not be pulled down or removed, the Council may by resolution order that the Building

Official give such person notice in writing to be delivered to him personally or by registered mail, that the offending building must be pulled down or removed within thirty (30) days. The notice shall also state that if the owner does not do the required work within the specified time, the City will do the work at the owner's expense.

3.3 **Work by the City**

If any person fails to do the work required in Section 3.2 to be done by him, the Council may cause the work to be done at his expense, and may recover the expense thereof with costs by action in any court or in a like manner as municipal taxes.

SECTION 4 PENALTIES

4.1 Any person found guilty of an infraction of any of the provisions of this Bylaw shall be liable to the penalties provided in the General Penalty Bylaw of the City of Melfort.

SECTION 5 MISCELLANEOUS

5.1 Bylaw 85-4 of the City of Melfort and all amendments thereto are hereby repealed.

5.2 This Bylaw shall come into full force and effect on the 1st day of January, 2009.

INTRODUCED AND READ the first time this 3rd day of November, 2008.

READ the second time this 3rd day of November, 2008

READ the third time this 3rd day of November, 2008, and passed as read.

MAYOR

CITY CLERK

(SEAL)

CERTIFIED a true copy of Bylaw No. 2008-26,
Passed by the Council of the City of Melfort, at their
Regular meeting held on the 3rd day of November,
2008.

City Clerk

SCHEDULE 1

This schedule refers to current publications of the following codes and standards, and all future amendments thereto:

National Building Code of Canada

Supplements to the National Building Code

National Fire Code of Canada

Province of Saskatchewan Uniform Building and Accessibility Standards Act.

National Plumbing Code

SCHEDULE 2

BUILDING PERMIT FEES

1. Every person who makes an application for a permit as required by the Building Bylaw for the City of Melfort shall tender with his application therefore a fee calculated according to the following schedule:

- (a) For excavation, erection, alteration or repair of any

Residential, Commercial, Institutional or Industrial Buildings:

- i) for the first \$1,000.00 of estimated value or fraction thereof: \$40.00.
- ii) for each additional \$1,000.00 of estimated value or fraction thereof: \$4.50.
- (b) In any case where the construction or the excavation of a parcel of property on which a building or structure is to be erected has been commenced before such time that the building permit is obtained, the building permit fee shall be twice the amount otherwise determined in accordance with the above fee structure.

2. **Special Inspection Fee**

- (a) For inspection during regular office hours:
- | | |
|---|------------------------|
| i) Inside city limits | Included in permit fee |
| ii) Outside city limits or for special requests where no permit is involved | \$40/hour plus mileage |
- (b) For inspection outside regular office hours:
- | | |
|-------------------------|------------------------|
| i) Inside city limits | \$60/hour |
| ii) Outside city limits | \$75/hour plus mileage |

3. **Permit Cancellation**

Whenever a building permit is voluntarily surrendered for cancellation within six months of the date of issuance and no work has been done pursuant thereto and where the cost of a permit is more than \$100.00, a refund shall be made to the applicant of the amount paid less \$50.00. 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, in writing, by the City of Melfort.