



CITY OF MOOSE JAW

Office  
Consolidation

## The Building Bylaw

Bylaw No. 5524

Date of Passage September 19, 2016  
(effective date September 16, 2016)

Including amendments to June 10, 2019  
(effective date July 11, 2019)

### Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available at the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.

This Bylaw has been consolidated under the authority of the City Clerk. It represents proof, in absence of evidence to the contrary of:

- (a) the original bylaw and of all bylaws amending it; and
- (b) the fact of passage of the original and all amending bylaws.

**AMENDMENTS**

Bylaw No. 5581

**DATE PASSED**

June 10, 2019

**FORCE/EFFECT**

July 11, 2019

**City of Moose Jaw**

**Building Bylaw**

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## **Bylaw No. 5524**

### **A BYLAW OF THE CITY OF MOOSE JAW REGULATING THE CONSTRUCTION, ERECTION, PLACEMENT, ALTERATION, REPAIR, RENOVATION, DEMOLITION, RELOCATION, REMOVAL, USE, OCCUPANCY OR CHANGE OF OCCUPANCY OF ANY BUILDING OR STRUCTURE**

Pursuant to the provisions of *The Uniform Building and Accessibility Standards Act* and *The Cities Act*, and any amendments or substitutions thereto, the Council of the City of Moose Jaw herein enacts as follows;

#### **SECTION 1-TITLE**

##### **Short Title**

1. This Bylaw is herein cited as “The Building Bylaw”.

#### **SECTION 2- DEFINITIONS**

##### **Definitions**

2. Except where otherwise defined in this Bylaw, the words and terms used in this Bylaw shall have the same meaning prescribed to those words and terms by the Act and the Regulations.
  - (a) **“Accessory Building”** means a separate building or Structure located on the same site as the principal building that is normally incidental and subordinate, and includes private detached garages. It does not include a building or Structure used for human habitation;
  - (b) **“Act”** means *The Uniform Building and Accessibility Standards Act* SS 1983-84, c U-12, as amended;
  - (c) **“Administrative Requirements”** means The Administrative Requirements for use with the National Building Code 1985;
  - (d) **“Alteration”** means a change or extension to any matter, thing or occupancy that is regulated by the Act;
  - (e) **“Architect”** means a registered Architect within the meaning of *The Architects Act*, SS 1996, c A-25.1;
  - (f) **“Authority Having Jurisdiction”** means, for the purposes of the Act and the Regulations, any Building Official appointed by Council of the City pursuant to the Act, except where otherwise provided herein;
  - (g) **“Building Official”** means a person who is appointed by the Council of the City of Moose Jaw;

- (h) **“Change of Occupancy”** means a change from one class of Occupancy recognized by the edition of the National Building Code of Canada that is declared in force pursuant to the Act to another such class of Occupancy;
- (i) **“City”** means the City of Moose Jaw;
- (j) **“Commercial Premise”** means any lands, buildings, or units which have been approved for use as a business or commercial operation in accordance with the Zoning Bylaw;  
*Bylaw No. 5581, July 11, 2019*
- (k) **“Constructor”** means a person who contracts with an owner or his authorized agent to undertake a building construction project, and includes an owner who:
- (i) Contracts with more than one person for the work on a building construction project; or
  - (ii) Undertakes the work on a building construction project or any part of such a project;
- (l) **“Council”** means the Council of The City of Moose Jaw;
- (m) **“Demolition”** means the deliberate destruction of part or all of a building or other Structure;
- (n) **“Development Permit”** means a Permit issued by a City of Moose Jaw Development Officer, that authorizes development or the use of a building or site for the purpose stated in the Permit, but does not include a Building Permit;
- (o) **“Elevation”** means the vertical distance above or below the mean sea level;
- (p) **“Enclosure”** means any Structure or combination of Structures and buildings which completely and continuously surround a Private Swimming Pool on all sides;
- (q) **“Engineer”** means a professional Engineer as defined *The Engineering and Geoscience Professions Act*, SS 1996, c E-9.39, and includes the holder of a certificate of authorization granted pursuant to section 22 of that Act;
- (r) **“Factory- Built Commercial Building”** means any commercial building construction to the standards established by this Bylaw in:
- (i) A lumber yard;
  - (ii) A building contractor’s yard; or
  - (iii) A factory
- for which a Building Permit has been issued under this Bylaw.
- (s) **“Factory- Built House”** means a dwelling unit construction to the standards established by the Bylaw in:
- (i) A lumber yard;
  - (ii) A building contractor’s yard; or
  - (iii) A factory

for which a Building Permit has been issued under this Bylaw.

- (t) **“Finished Grade”** means the Elevation of the finished ground surface at the Foundation of a building, or at a specific point on a Lot, or between two specific Elevations at any given location on a Lot;
- (u) **“Foundation”** means a system or arrangement of Foundation units through which the loads from a building are transferred to supporting soil or rock;
- (v) **“Foundation Staking Plan”** means a plan that specifies design Elevations, surface gradients, swale locations, and other drainage information required for Lot grading;
- (w) **“Hard Surface Parking Area”** means an area that is covered by a permanent surface, including concrete, asphalt, pavers, or any combination of materials with pervious features, such as ribbon driveways, that have been permitted by the Building Official as a functionally equivalent hard surface.
- (x) **“Land Surveyor”** means a Land Surveyor who is registered pursuant to *The Saskatchewan Land Surveyors Act* (Saskatchewan), SS 2000, c L-4.1;
- (y) **“Lot”** means an area of land with fixed boundaries having a frontage on a public right-of-way and registered under a Certificate of Title;
- (z) **“Mobile Home”** means a transportable, factory-built single detached dwelling designed to be transported on its own wheels and chasses or by other means, which conforms to CSA Mobile Home Structural Standards Z.240.2MH series-M86;
- (aa) **“Mobile Home Site”** means any site within the City where Mobile Homes are a permitted use or an approved discretionary use under the City’s Zoning Bylaw, but does not include any Mobile Home park;
- (bb) **“Municipal Refuse Management Regulations”** means *The Municipal Refuse Management Regulations*, RRS c E-10.2 Reg 4 made pursuant to *The Environment Management and Protection Act*, SS 2010, c E-10.22, as amended or substituted from time to time;
- (cc) **“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;
- (dd) **“Occupancy”** means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;
- (ee) **“Parcel”** means any quantity of land, consisting of one or more Lots, that is capable of being described with such definiteness that its location and boundaries may be established;
- (ff) **“Permit”** means an official document or certificate issued by the Local Authority that authorizes the performance of a specific activity.  
For the purposes of this Bylaw, a Permit means an authorization in writing by the Local Authority to perform work regulated by this Bylaw and in the case of an Occupancy Permit, to occupy any building or part thereof;

- (gg) **“Portable Classroom”** means a building constructed by or for any School Division that is to be used for the purpose of accommodating students during instruction, and is to be located wholly within any school ground within the City of Moose Jaw;
- (hh) **“Portable Grain Storage Bin”** means a building constructed either in whole or in part of steel or wood, specifically designed for the purpose of storage grain or granular fertilizer;
- (ii) **“Private Swimming Pool”** means an artificially created basin, lined with concrete, fibreglass, vinyl or similar material, which is at least 600 millimetres in depth, and includes pools situated on top of the ground and hot tubs, but does not include any swimming pool defined as a “pool” in the Swimming Pool Regulations, RSS c P-37.1 Reg 7;
- (jj) **“Public Swimming Pool”** means any swimming pool defined as a “pool” in the Swimming Pool Regulations, RSS c P-37.1 Reg 7;
- (kk) **“Plumbing and Drainage Regulations”** means The Plumbing and Drainage Regulations, RSS c P.37.1 Reg 13 enacted pursuant to The Public Health Act, 1994, SS 1994, c P-37.1, as such may be amended substituted from time to time.
- (ll) **“Property”** means a Parcel of land containing one or more abutting Lots, or parts thereof, or Parcel of land defined by plan, deed, and certificate of title or other document of record at Information Services Corporation of Saskatchewan held under separate ownership;
- (mm) **“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 therefore from time to time;
- (nn) **“Regulations”** means the Regulations made pursuant to the Act;
- (oo) **“Renovation”** means the renewal of a building or a portion of a building;
- (pp) **“Relocation”** means the moving of an existing building and the placement of same at another location on the same Property or from one Property to another Property;
- (qq) **“Removal”** means the moving of an existing building from one Property to another Property;
- (rr) **“Repair”** means to restore to good condition by replacing or fixing parts of a building;
- (ss) **“Sign”** means any device which is affixed to a building, Structure or land and which identifies or advertises any object, product, place, activity, person, organization or business in such a way as to be visible to the public on any street or thoroughfare;
- (tt) **“Site Plan”** means a report or plan prepared by a member of the Saskatchewan Land Surveyors’ Association in accordance with the Section 2.3.2. of the National Building Code;
- (uu) **“Storm Drainage”** includes
  - (i) the discharge of water from the roofs of all buildings;

- (ii) the discharge of water from all parking areas; and
- (iii) ground water collected by the drainage tile system.
- (vv) **“Structure”** means anything constructed or erected that is located on or in the ground;
- (ww) **“Swimming Pool Regulations”** means the *Swimming Pool Regulations*, RSS c P-37.1 Reg 7 being Regulations P-37 Reg 1 made pursuant to *The Public Health Act*, 1994, SS 1994, c P-37.1 as amended or substituted from time to time;
- (xx) **“Unsafe Condition”** means a condition that could cause undue hazard to the life, limb or health of any person who is authorized or expected to be on or about the premises;
- (yy) **“Value of Construction”** means the total cost to the owner for the building construction in its completed form and includes the cost of all building work, materials of construction, building systems, labour, overhead and profit of the contractor and subcontractors; and
- (zz) **“Waste Management Regulations”** means the *Waste Management Regulations* being Regulations 198/72 made under *The Public Health Act*, 1994, SS 1994, c P-37.1 as amended or substituted from time to time.

### **SECTION 3 – ADMINISTRATIVE REQUIREMENTS**

#### **Scope**

- 3.1 Except as otherwise provided herein, the Act, the Regulations and the Administrative Requirements shall apply to the design, construction and Occupancy of new buildings, and the Alteration, reconstruction, Demolition, Removal, Relocation, and Occupancy of existing buildings.
- 3.2 Any construction or condition that lawfully existed within the City prior to the effective date of these requirements need not conform to the requirements of the Act, the Regulations and the Administrative Requirements provided that such construction or condition does not constitute an Unsafe Condition.

#### **Administrative Requirements and Plumbing**

- 3.3 For the purpose of Subsections 2.4, and 2.4.1. to 2.4.8. inclusive of the Administrative Requirements respecting Inspection and Testing of Plumbing Systems, and Subsections 3.1.5(1), (2) and (3) inclusive respecting the issuing of plumbing Permits, the term “Authority Having Jurisdiction” means the “Local Authority” defined in the *Plumbing and Drainage Regulations*, and where there is any inconsistency between the Administrative Requirements set forth in the aforesaid subsections, the provisions of the *Plumbing and Drainage Regulations* shall prevail.

#### **Administrative Requirements and Appeals**

- 3.4 For the purposes of Section 5 of the Administrative Requirements respecting appeals, all appeals shall be in accordance with the Act.



## **SECTION 4 - PERMITS**

### **Building Permit**

- 4.1 A Permit is required for any work regulated under the Act, Regulations pertaining to the Act and the latest adopted edition of the National Building Code of Canada.
- 4.2 No owner or owner's agent shall work, authorize work or allow work to proceed on a project for which a Permit is required unless a valid Permit has been issued for the work to be done.
- 4.3 Every application for a Permit regarding the construction, erection, placement, Alteration, Repair, Renovation, Demolition, Relocation, Removal, use, Occupancy or Change of Occupancy shall be made to the City on the form provided by the City, and shall be accompanied by the following:
- (i) A completed Building Permit application form;
  - (ii) Two sets of plans for one and two unit dwellings; and
  - (iii) Three sets of plans for all other buildings with all specifications and other documents required.
- 4.4 The City may, at its discretion, have plan reviews, inspections and other services for the purpose of enforcement of the Act and Regulations provided by Building Officials designated by the Minister to assist the City pursuant to subsection 4(4) of the Act.
- 4.5 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 City.
- 4.6 The granting of any Permit under this Bylaw shall not 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.
- 4.7 No Building Permit shall be issued unless a Development Permit, where required, has first been applied for and obtained from the Local Authority. Building Permits shall be subject to any conditions stated on the Development Permit.
- 4.8 No Building, Demolition or Moving Permit is required for any residential Accessory Building which is 10m<sup>2</sup> or less. Notwithstanding the foregoing, the construction of same shall conform to all other requirements of the Act, Regulations and City Bylaws.

### **Partial Building Permit**

- 4.9 (a) In some cases work on a project may need to be expedited. In such instances an application may be made to issue a Building Permit for only a portion of the work prior to the issuance of a Building Permit for the entire project. In such a case, the applicant is responsible to submit complete plans and specifications for the portion of the work requiring a Building Permit.
- (b) The Building Official shall determine at his/her discretion, whether or not to issue a Partial Building Permit. Where such a Permit is issued, the Building Official gives no assurances that a Building Permit for the remainder of the work will be granted.

- (c) Any work completed under a Partial Building Permit shall be subject to the provisions of this Bylaw.
- (d) The fee for a Partial Building Permit is based on the Value of Construction for the work approved by it.

### **Demolition Permit**

- 4.10 (a) Except as permitted by subsection 4.8, any existing building, Structure or portion thereof within the City may not be demolished without the approval of a Building Official in the form of a Demolition Permit.
- (b) An owner or agent shall submit an application which complies with Section 8 of this Bylaw, along with the fee prescribed in the Fee Schedule.

### **Temporary Permit**

- 4.11 (a) Notwithstanding anything contained elsewhere in this Bylaw, a Permit for a temporary building may be issued by the City of Moose Jaw Building Official, authorized for a limited time only, for the erection and existence of a building, or part thereof, which, because of its nature, will exist for a short period of time, under circumstances which warrant only selective compliance with these requirements.
- (b) Temporary buildings shall not be used for residential Occupancy.
- (c) A Permit for a temporary building shall state the date after which the Permit is no longer valid, up to a maximum of six months.
- (d) A Permit for a temporary building may be extended for a single time for six months provided permission in writing is granted by the City of Moose Jaw.
- (e) A Permit for a temporary building shall be posted on the building.
- (f) Temporary buildings to be used in connection with construction work, on the construction site, may be erected without a Permit, but shall be removed immediately upon completion of the work.

### **Occupancy Permit**

- 4.12 (a) An Occupancy Permit is required to allow Occupancy of a building or part thereof or when the Occupancy of a building or part thereof is changed.
- (b) Every building which requires an Occupancy Permit shall comply with the construction requirements for the Occupancy group to be housed therein.
- (c) When an Occupancy Permit is to be issued, the form shall be provided by the City.
- (d) When an Occupancy Permit is refused, the Building Official shall notify the applicant in writing and shall indicate the reason for the refusal.

### **Temporary Occupancy Permit**

- 4.13 (a) The Building Official may at their discretion issue a Temporary Occupancy Permit for part of a building providing that such temporary Occupancy or use would not jeopardize life safety.
- (b) A Temporary Occupancy Permit may be renewed for periods of thirty days. No building shall be occupied under a Temporary Occupancy Permit for a period of more than six months.

### **Moving Permit**

- 4.14 Except as permitted by clause 4.8, a Moving Permit is required for all buildings and must meet the conditions as provided in Section 11.

### **Permits for Swimming Pools**

- 4.15 All applications for the design, construction, Alteration, reconstruction, Demolition, Removal or Relocation of swimming pools shall comply with Section 10 of this Bylaw.

### **Permits for Mobile Homes**

- 4.16 All applications for the moving and locating of a Mobile Home on any Mobile Home site shall comply with Section 12 of this Bylaw.

### **Permits for Secondary Suites**

- 4.17 All legal suites shall comply with Section 14 of this Bylaw and must obtain a Permit complying with the Administrative Requirements, the National Building Code, the Act and the Regulations.

### **Permits for Decks**

- 4.18 A Permit is required for a deck that is .4 meters or more above the ground measured from grade to the walking surface, and/or is larger than 10 meters squared.

### **Expiry Date of Building Permits**

- 4.19 (a) All building Permits expire 2 years after the date of issuance. Building Permits may be extended only by applying in writing to the City of Moose Jaw Building Official.
- (b) Notwithstanding subsection 4.19(a), a Permit expires and the rights of an owner under the Permit terminate, if:
- i) the work authorized by the Permit is not commenced within six (6) months of the date of issue of the Permit and actively carried out thereafter; or
  - ii) work is suspended for a period of six months.

### **Permits for Temporary Use of Streets or Public Property**

- 4.20 Where a person requires a permit for the temporary use of a street or other public place during the construction, Alteration, reconstruction, Demolition, Removal or Relocation of a building, such person shall obtain a Street Permit.

## **Power of the Building Official**

- 4.21 The Building Official may refuse to issue any Permit provided for herein, where the proposed design, Occupancy, construction, Alteration, reconstruction, Demolition, Removal, or Relocation of the building or swimming pool contravenes the Act, the Regulations, this Bylaw or the City's Zoning Bylaws. The Permit must comply with Section 15 – Responsibilities and Obligations.

## **SECTION 5 - FEES**

### **Permit Fees**

- 5.1 The fees for all Permits issued pursuant to the provisions of this Bylaw shall be the fees set forth in Schedule 1 annexed to this Bylaw, or as the said Schedule 1 is amended or substituted from time to time.
- 5.2 The Building Official shall not review or approve any application for any Permit provided for herein, and the Building Official shall not issue any Permit provided for herein unless and until the appropriate Permit Fee is paid.
- 5.3 A Building Permit cancelled upon the written request of an applicant prior to approval will have all fees refunded less an administration fee as outlined in Schedule 1.

### **Permit Fee Surcharges**

- 5.4 Where work for which a Permit is required has commenced prior to the issuance of such Permit, the Property owner is guilty of an offence and liable on summary conviction:
- (a) in the case of an individual, a fine of not more than \$5,000 and, in the case of a continuing offence, to a further fine of not more than \$5,000 for each day during which the offence continues;
  - (b) in the case of a corporation, a fine of not more than \$10,000 and, in the case of a continuing offence, to a further fine of not more than \$10,000 for each day during which the offence continues.

A conviction for an offence does not relieve the person convicted from compliance with the order, and the judge shall, in addition to any fine imposed, order the owner to do, within a specified period, any act or work necessary to remedy the non-compliance with the order.

### **Valuation of Buildings for the Purpose of Permits**

- 5.5 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 labour costs, professional and other construction 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.

- 5.6 The City of Moose Jaw, 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 selected by the City of Moose Jaw or its authorized representative.

## **SECTION 6 - ADDRESSES**

### **Addresses**

- 6.1 Every building shall have an address determined by the street abutting the front entrance and the Department of Planning and Development Services shall assign a number for each such front entrance.
- 6.2 In the case of a building having more than one unit and more than one front entrance, the Department of Planning and Development Services shall determine and assign an address for each said front entrance.
- 6.3 The owner or occupant of a building with more than one unit and more than one front entrance shall cause the building number to be prominently displayed at each such entrance door.
- 6.4 Any existing address in the City that, in the opinion of the Department of Planning and Development Services, gives rise to confusion, shall be given a new address and the owner of the said premises shall forthwith, upon being notified by registered mail, change the number on the existing of the building to comply with the new address.
- 6.5 Every address number shall be of sufficient size and shall be placed on the exterior of the building so as to be plainly visible from the street for which the address was given.
- 6.6 In any case where an owner or occupant of a building neglects to install or properly install the building number as required, the Department of Planning and Development Services may serve a written request upon the owner or occupant to cause the building number to be installed or properly installed as required by this Section, and if the owner or occupant of the building does not comply with this request of the Department of Planning and Development Services within 30 days of the request, the Department of Planning and Development Services may proceed to install or properly install the building number as required by this Section, and the cost of doing so shall be recoverable from the owner or occupant.
- 6.7 This section shall apply to all buildings whether constructed before or after the passing of this Bylaw.

## **SECTION 7 – STREET AND LOT GRADES**

### **Grade Certificates**

- 7.1 Every applicant for a Permit to construct a principal one or two unit dwelling or reconstruct the Foundation of an old building shall set the building or reconstruct the Foundation of the old

building in accordance with the Grade Certificate approved by the Department of Engineering Services at such a height that adequate surface drainage will occur.

- 7.2 Every principal building constructed on a site shall be constructed so that adequate sanitary sewer drainage from the basement to the City's sanitary sewer system will occur, which sanitary sewer line Elevations are approved by the Department of Engineering Services.
- 7.3 Lot Grading Plans are required from the permit applicant at the time of application for all infill developments and must be prepared by a Saskatchewan Land Surveyor, Engineer or Architect and approved by the Department of Engineering Services.

#### **Control of Lot Grades for One or Two Unit Dwellings**

- 7.4 (a) The owner of the Lot shall at all times be responsible for keeping and maintaining the given grade Elevations as set out in the Grade Certificate and the following conditions also apply:
- i) finished Grade Elevation around all buildings shall provide continuous slopes away from Foundation walls;
  - ii) any terracing shall be approved by the City of Moose Jaw;
  - iii) driveway, walks, terraces or retaining walls shall be so constructed so as not to interfere with surface drainage and the owner whose land is retained by a retaining wall shall be responsible for the erection and maintenance of the retaining wall; and
  - iv) all grading in the rear property must be constructed to have a continuous slope away from the principal building and away from any neighboring properties
- (b) Any issues that arise that are adversely affecting a neighboring Property, lane or street that are the result of improper Lot grading are the responsibility of the owner to rectify at their own expense.

#### **Control of Lot Grades for All Other Buildings**

- 7.5 (a) For buildings not regulated by Section 7.3, the drawings and specifications filed with the City of Moose Jaw prior to the issuing of a Building Permit for all new construction or alterations involving new Foundations shall show the following:
- (i) the Elevation of the first floor of the building;
  - (ii) the grade Elevation or grade Elevations at the perimeter of the building and the perimeter of the Lot, where the latter abuts on a City easement or a public street or lane and the said Elevation is as established by the Department of Engineering Services;
  - (iii) the hard surface and grassed areas of the Lot;
  - (iv) the location and rim Elevations of the catch basins and the location, size, slope and invert Elevations of storm and sanitary sewers required, and the point at which said sewers exit from the Lot and connect to the sewer main;
  - (v) the proposed method of draining from roof areas; and

- (vi) the grade and drainage of the Lot, all of which shall meet with the approval of the City of Moose Jaw.
- (b) Any issues that arise that are adversely affecting a neighboring Property, lane or street that are the result of improper Lot grading are the responsibility of the owner to rectify at their own expense.

### **Foundation Staking Plan & Real Property Report for all Principal Buildings**

- 7.6 (a) the application for a Building Permit must include a Foundation staking plan prepared by a Land Surveyor;
- (b) on completion of the Foundation for the building, the owner of the Lot shall submit to the City of Moose Jaw a Real Property Report showing the lateral location of the Foundation in relation to the Property lines and shall also show the Elevation of the top of the joists for the first storey of the said dwelling in relation to the given bench mark.
- 7.7 In the case of principal building additions for which a Real Property Report has not been previously required by the Department of Planning and Development Services, the owner shall submit a current Real Property Report, which they shall indicate, in addition to those items required by the current edition of the National Building Code, that the siting of the building or addition will be in accordance with the information on the Building Permit before any work beyond the completion of Foundation work is undertaken.

## **SECTION 8 – DEMOLITION OF BUILDINGS**

### **Permits**

- 8.1 No person shall demolish a building or Structure within the City without first obtaining a Demolition Permit.
  - (a) Demolition Permits expire 60 days from the date of issue except that a Permit may be renewed for an additional 30 days upon written approval of the City of Moose Jaw Building Official.
  - (b) In the case of a Demolition ordered by the City of Moose Jaw, the Demolition shall be completed by the date indicated in the resolution of the City of Moose Jaw.

### **Information Required**

- 8.2 (a) The application for a Demolition Permit shall contain the following information:
  - (i) approval from the City Treasurer that there are no outstanding taxes owing on the Property pursuant to the provisions of *The Cities Act*, SS 2002, c C-11.1; and
  - (ii) the Asbestos Removal Notification Form, if applicable.
- b) In the case of a commercial building, the following additional information is required:
  - (i) detailed specifications as to both the manner and the method to be employed in demolishing the building; and

- (ii) a Street Permit, where closure or partial closure or encroachment by any means upon streets, lanes or other public places is required.

### **Inspections Required**

- 8.3 The owner or owner's agent shall notify the Building Official for an inspection:
- (a) prior to any fill being replaced in an open excavation after removal of all Demolition debris; and
  - (b) after the site has been levelled and returned to an acceptable Elevation.

### **Applicant to Arrange for Disconnects**

- 8.4 Upon issuance of a Demolition Permit the applicant shall make arrangements for the disconnection or removal of any gas, electrical, telephone utilities or other utilities.

### **Disposal Site for Demolition Material and Refuse**

- 8.5 Except as per 8.6, pursuant to the Municipal Refuse Management Regulations, the Waste Management Regulations and the City's Waste Collection and Disposal Bylaw, all Demolition material and other refuse generated from the Demolition of any building or Structure within the City shall be disposed of at the City's Landfill Site.
- 8.6 The Property owner may choose an alternative disposal location, upon written consent from a Building Official for the City of Moose Jaw.
- 8.7 The Demolition shall include:
- (a) the removal of all rubbish and building materials from the Property;
  - (b) the filling in of any excavation on the Property to an elevation compatible with abutting properties and provisions of proper drainage of water to the front or rear of the Property or both; and
  - (c) leaving the Property in a safe and sanitary condition.

## **SECTION 9 – STORM DRAINAGE**

### **Building to be Equipped with Downspouts and Eaves Trough**

- 9.1 All buildings on every site shall be equipped with eaves troughs and downspouts or other drainage systems approved in writing by the Building Official.
- 9.2 Subject to Section 9.1 of this Bylaw, the downspouts from every building shall be vertical and shall discharge through an elbow at 45 degrees to the vertical into either:
- (a) a hard surface driveway; or
  - (b) an approved trough at or near the surface of the ground, a minimum of 2 meters in length laid with its length perpendicular to the wall of the building and discharging either into a front yard or rear yard and maintained so as to drain away from the building and neighboring Property at all times.



- 9.3 Every eaves trough and downspout installed on any building shall not extend past any Property lines and the water collected must discharge within the Property lines.
- 9.4 Every eaves trough and downspout installed on any building shall be maintained in a safe and good workable condition.

#### **Certain Buildings to Drain into Storm Sewer**

- 9.5 All principal and Accessory Buildings in excess of 400 square meters in area shall drain directly into a storm sewer where a storm sewer is accessible.
- 9.6 Where no storm sewer is accessible, or the proposed piping system is impractical in the circumstances, the proposed drainage of the site shall first be submitted to the Department of Engineering Services for their written approval.

#### **Drainage from Parking Areas**

- 9.7 All parking areas exceeding 1200 square meters shall drain Storm Drainage by means of a catch basin piped directly into a storm sewer where a storm sewer is accessible.
- 9.8 For the purpose of calculating the parking area in Section 9.5 of this Bylaw, the areas of the roofs of all principal and Accessory Buildings less than 400 square meters located on the site, shall be included in determining the total amount of parking area.
- 9.9 Where no storm sewer is accessible, the proposed Storm Drainage of the site shall first be submitted to the Department of Engineering Services for their written approval prior to a Building Permit being issued.

#### **Drainage into Sanitary Sewer System Prohibited**

- 9.10 No person shall construct downspouts or a drainage system which drains Storm Drainage into the City's sanitary sewer system.
- 9.11 Drainage tile at the footing level of a basement is required to connect to a sump pit. The owner is responsible for pumping out the pit when necessary, and discharging this water to the front or rear of the Property.

## **SECTION 10 – SWIMMING POOLS**

### **Definitions**

- 10.1 For the purposes of this Section, “owner” includes an occupant, as “occupant” is defined in *The Cities Act* as amended.

### **Fences, Gates and Safety Regulations**

- 10.2 The owner of every Private Swimming Pool shall erect and maintain an Enclosure which:
- (a) is not less than 1.8m in height;
  - (b) is designed and constructed to discourage unauthorized entry;

- (c) presents an exterior surface such that climbing on, over, in, under or through the Enclosure is extremely difficult;
  - (d) does not have openings anywhere on the Enclosure that exceed ten (10) centimetres in width;
  - (e) is equipped with self-closing and self-latching devices placed on any gates or doors that may form part of the Enclosure; and
  - (f) has key operated locks on all doors or gates that form part of the Enclosure.
- 10.3 The Enclosure described in Section 10.2 must be built prior to the swimming pool being filled with water.
- 10.4 When a swimming pool is not attended by the owner or occupant, gates, doors and other entrances to the swimming pool area must be locked.
- 10.5 Where any gates or doors are constructed in the Enclosure described in Section 10.2, the gates or doors shall:
- (a) be not less than 1.8 metres in height;
  - (b) discourage unauthorized entry; and
  - (c) present an exterior surface so as to make climbing on, over, in, under or through the gate or door extremely difficult.
- 10.6 The owner or occupant must have the following safety devices present at the swimming pool at all times:
- (a) a reaching pole of sufficient length to reach mid-pool; and
  - (b) a first aid kit.
- 10.7 No unauthorized person shall enter any Public or Private Swimming Pool Enclosure.
- 10.8 No unauthorized person shall climb on, over, in, under, or through any Enclosure surrounding any Public or Private Swimming Pool.

### **Construction and Maintenance of Swimming Pools**

- 10.9 No person shall construct any Private or Public Swimming Pool unless a Building Permit authorizing the construction thereof is first obtained from the Building Official.
- 10.10 All applications for a Building Permit to construct a swimming pool, whether public or private, shall be accompanied by plans and specifications showing or stating:
- (a) size and location of the swimming pool in relation to Property lines and buildings on the Property;
  - (b) the height of, and the construction details of, the Enclosure for the swimming pool area; including the location of any gates or doors giving access to the swimming pool area; and
  - (c) the details of the drainage of the swimming pool into the City's sanitary sewer system.

- 10.11 The structural design of all swimming pools, whether public or private, shall meet the minimum structural requirements of this Bylaw.
- 10.12 Nothing in this Bylaw shall be construed as relieving the owner of a Private Swimming Pool from complying with the *Swimming Pool Regulations*, and where there is any inconsistency between this Bylaw and the *Swimming Pool Regulations*, the *Swimming Pool Regulations* shall prevail.

### **Discharging Water from Swimming Pools**

- 10.13 The owner of every swimming pool, whether public or private, shall ensure that all water drains into the sanitary sewer of the Property upon which the swimming pool is located and which complies with all relevant legislation governing plumbing and drainage.
- 10.14 No person shall drain the water of a swimming pool into any adjacent public or private Property or any street, lane, or walkway.

## **SECTION 11 – MOVING OF BUILDINGS**

### **Permit Requirement**

- 11.1 No person shall:
- (a) Remove, relocate, or move any building or Accessory Building greater than 10m<sup>2</sup> in building area from one location to another location within the City limits; or
  - (b) Remove or relocate any building or Accessory Building greater than 10m<sup>2</sup> in building area from a location outside the City limits to a location within the City limits; or
  - (c) Remove or relocate any building or Accessory Building greater than 10m<sup>2</sup> in building area from a location within the City limits to a location outside of the City limits, other than a Portable Grain Storage Bin;

without first obtaining a “Building Moving Permit” from the authorized Building Official of the City of Moose Jaw.

### **Application Procedures**

- 11.2 Application for approval to Relocate:
- (a) any building being moved from a location within the City to a location outside of the City;
  - (b) Portable Classrooms;
  - (c) new Factory Built Houses; and
  - (d) Factory Built Commercial Buildings

shall be accompanied by the Building Moving Permit application and the fee as required.

- 11.3 For new Factory Built Houses, the applicant/builder shall provide an inspection report by a certified Building Official or Engineer which verifies that the dwelling has been constructed in accordance with all requirements of the National Building Code.

- 11.4 Application for Relocation of a previously lived-in residential building shall be accompanied by the following:
- (a) completed application form signed by the applicant;
  - (b) details of the existing building or plans which detail any work, additions or upgrades that are proposed for the building;
  - (c) an accurate Site Plan which identifies proposed building orientation on the site including building dimensions, Lot dimensions and building setbacks from legal Property lines;
  - (d) Site survey plans (prepared by a legal surveyor) which show existing site grades and which include existing grade Elevations of the fronting street, rear lane and abutting Lots/dwellings;
  - (e) photographs of the front, rear and sides of the building;
  - (f) description/plan of any proposed site development, drainage, landscape work to be carried out at the site;
  - (g) submission of Professional Engineered/pre-approved Foundation plans and construction plans (if applicable);
  - (h) an \$850.00 non-refundable application fee in the form of a certified cheque;
  - (i) where available, sanitary sewer invert Elevation on serviced Lots;
  - (j) where structural Alterations are required to be made to the building in order to make it conform to the zone in which it is to be moved, or make it harmonize with adjacent properties in the proposed new location, the following additional information shall be provided:
    - (i) drawings showing clearly the front, side, and rear Elevations of the completed building;
    - (ii) floor plans and any other drawings and details necessary in order to clearly set out proposed changes and Alterations; and
    - (iii) such other information as the Building Official may require.

11.5 The Department of Planning and Development Services reserves the right to reject any relocation application which does not contain the above noted information requirements.

### **Residential Standards**

- 11.6 Any residential building to be moved to the City must meet all the requirements of the National Building Code of Canada and UBAS Act. The building proposed for Relocation shall also meet the following:
- (a) any residential building proposed for Relocation must be no older than the average age (allowable 10% variance) of all residential dwellings located within a 90 metre radius of the site where it shall be relocated; and

- (b) any subdivision or phase of subdivision which was developed less than 5 years prior, shall require all dwellings proposed for Relocation to be new (never lived in) and all buildings must be either new RTM bungalows, split levels or bungalows.
- 11.7 The building, including the proposed site of Relocation, shall meet the following minimum standards:
- (a) Foundation:
    - (i) all houses must be placed on a permanent Foundation as per the National Building Code. Foundations must be designed by a Professional Engineer registered in the Province of Saskatchewan.
  - (b) Roof:
    - (i) must maintain a minimum pitch of 50mm vertical rise for each 300mm horizontal run (2:12);
    - (ii) must maintain a minimum of 305mm roof overhang on each building perimeter wall, such that the overhang is architecturally and structurally integrated into the building's design;
    - (iii) roof surfacing must consist of wood shakes, asphalt shingles, wood shingles, metal cladding, or other roofing materials permitted in the Building Bylaw and/or National Building Code for single-detached residential buildings. All surfacing materials must be in good to excellent condition as determined by the City; and
    - (iv) must have eaves trough and downspouts in good to excellent condition, as determined by the City.
  - (c) Soffit/Fascia:
    - (i) exterior soffit/fascia (including finish on exposed portion of Foundation) will be of material consisting of wood, metal, stucco, Masonite or other siding material permitted in the Building Bylaw and/or National Building Code for single residential dwellings. All surfacing materials must be in good to excellent condition, as determined by the City; and
    - (ii) all exterior windows and doors must be in good to excellent condition, as determined by the City.
  - (d) Site Grading/Landscaping:
    - (i) site must be satisfactorily graded and levelled as per City standards and landscaping will be required to be compatible with surrounding developed properties. Lot grading should be done in such a way that drainage water does not flow to the neighbouring Property.
  - (e) Water and Sanitary sewer:
    - (i) the site where the building will be located must be serviced by municipal water and sewer services in accordance with all applicable Bylaws of the City. It is the applicant's responsibility to ensure:

- (A) proposals shall comply with all zoning, building and other applicable Bylaws and standards of the City;
- (B) all other utility service connections such as power, gas, or telephone/co-ax are the responsibility of the applicant; and
- (C) any other standards applicable for the proposed Relocation as identified by the Building Official.

### **Approval Procedures**

- 11.8 (a) Upon the application being filed for:
- (i) any building being moved from a location outside the City to a location within the City;
  - (ii) Portable Classrooms;
  - (iii) new Factory Built Houses; and
  - (iv) Factory Built Commercial Buildings,
- the Building Official shall:
- (i) examine the plans, drawings, photographs and other information submitted with the application;
  - (ii) inspect the building to be moved, if the building is located within a radius of fifty (50) kilometres from the City limits; and
  - (iii) inspect the location within the City on which the building is proposed to be located.

Once satisfied with the proposal, the Building Official may grant permission to move or relocate the building, subject to such terms and conditions as the Building Official deems fit.

- (b) Upon the application being filed for a previously lived-in residential building, the approval procedure shall be:
- (i) plans, drawings, photographs and other information submitted with the application and afterwards, are reviewed to ensure compliance with any applicable Zoning Bylaw, Building Bylaw, and other City Bylaw requirements;
  - (ii) the building to be moved shall be inspected, at the cost of the applicant, to ensure the building is structurally sound and to identify what, if any requirements are needed pursuant to current building codes, fire codes, and other requirements. The City may conduct such inspection at its sole discretion based on the availability of the Building Official. In order to conduct the inspection, the applicant will be charged \$40.00 per hour, plus mileage at \$0.46/km. The minimum charge for inspection by a Building Official is \$100.00. If the inspection is to be conducted by a contracted Building Official and/or Structural Engineer, full expenses related to the inspection will be charged to the applicant;

- (iii) the location within the City on which the building is proposed to be located shall be inspected;
- (iv) a determination shall be made as to the condition and suitability of exterior aesthetics (including roofing materials, exterior doors/windows/soffit/fascia materials) and direction given to the applicant as to what aesthetic improvements are required. The Building Official shall further make determination about any landscaping work required for the proposed site;
- (v) once satisfied with the proposal, notify the Property owners within a 90 metre radius of the proposed Relocation site, in writing;
- (vi) a copy of the application shall be forwarded to the City Clerk with a request for public advertisement. The City Clerk, within five (5) days of receipt of the copy of the application and request from the Building Official, shall publish a notice on the City of Moose Jaw website and in a local newspaper, in two issues not less than seven (7) days apart, stating:
  - (A) that application to move a building of a specified width, length and height has been received;
  - (B) that it is proposed to locate the building on a specified Lot or Lots; and
  - (C) that any interested person may look at the plans and photographs of the building to be relocated at the Department of Planning and Development Services.
- (vii) based on the public notification, any member of the public and/or any Property owner may submit written comments to the Department of Planning and Development Services for consideration on the Relocation proposal within five days of the second advertisement. If written submissions are received expressing concerns or opposing a Relocation proposal, the application will be forwarded to the Executive Committee of the City Council for further consideration. Provided there are no written submission(s) in opposition to the proposed building Relocation, the Building Official will, in accordance with the policy make the determination/decision as to whether to approve, approve conditionally, or refuse the Relocation proposal:
- (viii) where approval or conditional approval of a Relocation proposal is granted, the applicant shall provide the following:
  - (A) submit a certified cheque, performance bond, or letter of credit (from a recognized financial institution) equal to the value of the proposed upgrading work as estimated by the Building Official and the amount shall not be less than \$3,500. The full deposit amount will be refunded/released upon satisfactory completion of the project as determined by the Building Official. Deposit refund is contingent upon all work being completed including site grading, levelling, and landscaping; and

- (B) Sign a prepared letter of undertaking agreeing to satisfactorily complete all required work within one year of the date of the issuance of the moving Permit. Failing to meet this requirement, the full deposit amount shall be forfeited to the City, and the City or its' authorized agent, may undertake whatever actions are necessary to ensure all outstanding work is completed. The applicant shall assume full responsibility and related costs associated with any damage to public Property and/or services resulting from the Relocation.

### **Licensed Building Mover to Move Buildings**

11.9 All buildings being moved anywhere into, out of, or within the City limits except:

- (a) Accessory Buildings less than 5 metres in width; and
- (b) Portable Grain Storage Bins,

shall be moved by a licensed building mover who holds a current Building Mover's License issued under provisions of the City's License Bylaw. Prior to issuance of the moving Permit, the City may request a copy of the mover's insurance policy and withhold issuance of the Permit until such time a copy of the policy is produced.

### **Approval of Moving Time and Route**

11.10 The applicant shall obtain the approval of both the Manager of Engineering Services and the Chief of Police as to both the time and route over which the building is to be moved prior to the moving thereof.

### **Notice of the Relocation of Buildings**

11.11 Prior to moving a building within the City of Moose Jaw, the person moving the building is responsible to ensure that the following residences have been notified a minimum of 24 hours prior to the time of the move:

- (a) Residences within 60 metres (200 feet) of the site where the building is being moved from; and
- (b) Residences within 60 metres (200 feet) of the site where the building is being moved to.

### **Permit Expiry**

11.12 An applicant to whom a Permit is issued to move any building shall move the building within 30 days from the date of Permit, after which date the Permit shall have expired. If the building has not moved within the said period of 30 days, the Building Official may, upon application, issue a single renewal Permit for a further period not exceeding 30 days. There shall be no charge for any such renewal Permit.

### **Refuse Permit Issuance**

11.13 No Permit shall be granted to any applicant desiring to move an Accessory Building of a size less than 70 m<sup>2</sup> in building area and 4.5 metres in height, where, in the opinion of the Building Official, the Accessory Building would be objectionable in its new location, and the decision of the Building Official under this section is final and no appeal lies therefrom.



## **SECTION 12 – MOBILE HOMES**

### **Permit to Be Obtained**

- 12.1 (a) No person shall move or locate any Mobile Home on any Mobile Home site within the City, without the owner first obtaining a Building Permit.
- (b) The owner shall provide satisfactory proof with the Building Permit Application that the Mobile Home has been constructed in conformity with CSA Z.240MH series-M86, with this Bylaw, and its physical condition is acceptable to the Building Official.

### **Mobile Home Foundations and Anchoring**

- 12.2 (a) Every owner of a Mobile Home shall place the Mobile Home on a Foundation on the Mobile Home site as follows:
- (i) the Foundation for a Mobile Home shall consist of minimum 300mm diameter concrete piles not less than 4250mm in length;
  - (ii) the top of the piles shall be no more than 75mm above the grade Elevation of the Mobile Home;
  - (iii) the piles shall be reinforced vertically with a minimum of one 3050mm long by 19mm wide rebar down the centre;
  - (iv) the concrete shall be sulphate resistant with a minimum of 20 MPa, at 28 days;
  - (v) the location of the piles shall be as indicated by the manufacturer or as determined by CSA Mobile Home Structural Standards Z.240.2MH series-M86; and
  - (vi) if the Foundation meets the requirements of CAN/CSA-Z240.10.1, “Site Preparation, Foundation and Anchorage of Mobile Homes”, as permitted under Section 9.15 and Article 9.23.6.3. of the National Building Code, then 12.2 (a) doesn’t apply.
- (b) The owner of every Mobile Home on any Mobile Home site shall ensure the Mobile Home is anchored to its Foundation as follows:
- (i) anchors in the form of cast in place “dead men” eyelets embedded in the concrete piles shall be provided at all corners of the Mobile Home of the Mobile Home against forces exerted by wind;
  - (ii) the anchors shall be connected to the anchoring points of the Mobile Home chassis frame by a cable or other approved device; and
  - (iii) both the anchor and the connection shall be capable of withstanding a tension of at least 2000kg and shall be taut.
- (c) Construction of and placement of a Mobile Home on a basement on any Mobile Home site is prohibited.

**Mobile Home Grades and Elevations**

- 12.3 The owner of a Mobile Home site shall grade the site such that:
- (a) adequate surface drainage from the site to the street will occur; and
  - (b) adequate sanitary sewer drainage from the Mobile Home to the City's sanitary sewer system will occur.

**Mobile Home Skirting**

- 12.4 (a) The owner of every Mobile Home on any Mobile Home site shall provide the Mobile Home with skirting extending from the bottom of the Mobile Home to the ground with adequate provision to compensate for vertical movement.
- (b) The skirting required under Section 11.4(a) shall be factory pre-fabricated 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.
- (c) The skirting required under Section 11.4(a) shall have a readily accessible removable panel not less than 1000mm wide and 600mm high giving access to service connections.

**Mobile Home Steps**

- 12.5 The owner of every Mobile Home on any Mobile Home site shall provide the Mobile Home with steps, landings and handrails to all entrances in accordance with this Bylaw and the requirements of the Act.

**Mobile Home Additions**

- 12.6 (a) The owner of a Mobile Home on any Mobile Home site shall obtain a Building Permit under the provisions of this Bylaw prior to the construction of structural additions or ancillary Structures to the Mobile Home.
- (b) The owner of a Mobile Home on any Mobile Home site shall ensure attached Structures do not obstruct required openings for light and ventilation of the Mobile Home and do not prevent inspection of utility connections to the Mobile Home.

**Sewer and Water Connections to Mobile Homes**

- 12.7 (a) The owner of every Mobile Home on any Mobile Home site shall make a water connection to the City's water service in accordance with the City's Bylaws, provide a meter pit, or other location to house the water meter, proper frost protection for same, and the owner shall be responsible for all damages to water lines or the water meter occasioned by frost or any other circumstances.
- (b) The owner of every Mobile Home on any Mobile Home site shall make sewer service connections to the City's sanitary sewer service in accordance with the City's Bylaws and the owner shall be responsible for all damage to the sewer lines occasioned by frost or other circumstances.

## **SECTION 13 – SPECIAL REQUIREMENTS**

### **Insulation**

- 13.1 Buildings to be constructed for residential Occupancy shall have:
- (a) Wall assembly construction with a minimum thermal resistance RSI value equal to 2.2;
  - (b) Roof assembly construction with a minimum thermal resistance RSI value equal to 3.3; and
  - (c) Basement wall construction with a minimum thermal resistance RSI value equal to 1.4.

### **Garages, Carports and Accessory Buildings**

- 13.2
- (a) Garages that are attached to a one or two unit dwelling are required to have a fire separation with a 45 minute fire resistance rating on the shared assembly between the dwelling unit and the attached garage, including the attic space of the dwelling unit.
  - (b) All garages shall have a reinforced concrete floor.
  - (c) All carports shall have a hard surfaced parking area.
  - (d) All canvas/tent garages shall comply with Article 3.1.6. of the National Building Code.

### **Retaining Wall**

- 13.3 Retaining walls require a building Permit if the walls are higher than .6m (24 inches) above grade. If the retaining wall is higher than 1.22m (4 feet), above grade, then the drawings submitted with the Building Permit Application must be prepared and sealed by a Professional Engineer. The height of the retaining wall is measured from grade on the low side.

### **Treated Wood Assembly Below Grade**

- 13.4 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.

### **Interior Basement Partitions**

- 13.5 All non-loadbearing partition walls in the basement are required to be constructed as floating partitions. A small space of 19mm (0.75in) or more must be left at the top or the bottom of each partition wall.

### **Sound Transmission Protection**

- 13.6 (a) Where a new dwelling unit(s) is being developed and shares a common wall or party wall with a commercial premise, or if a wall of a dwelling unit and a wall of a commercial premise are flush against one another, the residential occupancy shall be responsible for providing sound protection to separate the dwelling unit(s) from the commercial premise.
- (b) Where a commercial premise is being developed and shares a common wall or party wall with a residential occupancy, or if a wall of a commercial premise and a wall of a residential occupancy are flush against one another, the commercial premise shall be responsible for providing sound protection to separate the commercial premise from the residential occupancy.
- (c) The required sound protection for either the commercial premise or residential occupancy shall be provided by an assembly having a sound transmission class (STC) rating of not less than 50. STC ratings shall comply with the appropriate Subsection 5.8.1 or Subsection 9.11.1, referencing Table 9.10.3.1.-A or Table 9.10.3.1-B of the National Building Code.

*Bylaw No. 5581, July 11, 2019*

## **SECTION 14 – SECONDARY SUITES**

### **Secondary Suite Permits**

- 14.1 (a) Every application to legalize or create a secondary suite shall include drawings showing that the following regulations are met:
- (i) access to every dwelling unit must be gained without passage through a service room;
  - (ii) every door providing access to a suite must be a minimum 45mm solid core door, equipped with a latch and self-closing device;
  - (iii) the rise, run, tread depth, width and head room of stairs forming part of an interior stairway used for the purpose of exiting a dwelling unit must conform to The National Building Code;
  - (iv) an exit corridor forming part of a means of egress from a dwelling unit must have a minimum ceiling height of 1.95 meters (6'-4"). Projections or obstructions in a room must not reduce the ceiling height to less than 1.80 meters (6'-0");
  - (v) every room in a dwelling unit must have a minimum ceiling height of 1.95 meters over not less than 75% of the room area. Projections or obstructions in a room must not reduce the ceiling height to less than 1.80 meters (6'-0");
  - (vi) a smoke alarm must be in every service room, and shall be wired so the activation of the smoke alarm will cause the smoke alarms throughout the building to sound;
  - (vii) every dwelling unit must have at least two outside windows openable from the inside without the use of tools or special knowledge. Every bedroom in a dwelling unit must have at least one openable window. Windows must provide

unobstructed openings with areas not less than 0.35m square meters and with no dimension less than 380mm;

- (viii) every bathroom in a dwelling unit must have heating and ventilation in conformance with the National Building Code;
- (ix) every bathroom in a dwelling unit must be fully enclosed and equipped with a door capable of being locked from the inside;
- (x) every dwelling unit must be separated from another dwelling unit ( walls and ceiling) be a fire separation having a fire-resistance rating of not less than 45 minutes; and
- (xi) every service room must be separated from all adjacent areas by a fire separation having a fire-resistance rating of not less than 45 minutes. Every service room must have a solid core door complete with a latch and closer.

### **Changes Required to First Storey Dwelling Unit**

- 14.2
- (a) Every door providing access to the first floor must be a minimum 45mm solid core door, equipped with resistance to forced entry according to the current National Building Code;
  - (b) Smoke alarms in a first storey dwelling unit must be installed by permanent connections to an electrical circuit and must be located and maintained in accordance with the National Building Code; and
  - (c) Smoke alarms in a first storey dwelling unit must be wired so that the activation of the smoke alarm in a service room will cause the smoke alarms to sound.

## **SECTION 15 – RESPONSIBILITIES AND OBLIGATIONS**

### **General Responsibilities**

- 15.1
- (a) Any person who fails to comply with any order or notice issued by the City of Moose Jaw, or who allows a violation of these requirements to continue, contravenes the provisions of these requirements.
  - (b) No person shall work or authorize 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.
  - (c) No person shall deviate from the plans and specifications forming a part of the building Permit, or omit or fail to complete, work required by the said plans and specifications accepted by the City of Moose Jaw, without first having obtained in writing the approval by the City of Moose Jaw to do so.

### **Responsibilities of Owner**

- 15.2
- (a) Every owner shall obtain all required Permits or approvals prior to commencing the work where a Permit is necessary.

- (b) Every owner is responsible for the cost of Repair of any damage to public Property or works located thereon that may occur as a result of undertaking work for which a Permit was required.

### **Powers and Responsibilities of the Building Official**

- 15.3
- (a) The Building Official is responsible for the administration and enforcement of the Building Bylaw.
  - (b) The Building Official may not assist in the design or layout of any work for the purposes of applying for a Building Permit.
  - (c) The Building Official may refuse to issue a Building Permit when:
    - (i) a Development Permit has not been issued by the City;
    - (ii) the information submitted for plan review is determined to be inadequate or incomplete;
    - (iii) proposed design, materials, and methods of construction do not comply with the requirements of the current adopted edition of the National Building Code of Canada; or
    - (iv) drawings have not been sealed by a registered Architect or Engineer when required.
  - (d) The Building Official may revoke a Permit by written notice to the Permit holder if:
    - (i) any deviations from the approved plans are found in the construction;
    - (ii) there is a contravention of any of the items noted in the conditions under which the Permit was issued;
    - (iii) the Permit was issued in error; or
    - (iv) the Permit was issued on the basis of incorrect or misleading submittal material.
  - (e) The Building Official may issue orders in cases where the provisions of the Bylaw have been contravened.

### **Rectification of Hazards**

- 15.4 If, upon inspection, the Building Official is satisfied that any building is in an Unsafe Condition such that it 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:
- (a) The Building Official may cause such work to be carried out as they consider necessary to eliminate such danger and the owner shall be liable in respect of expenses incurred in carrying out the work.
  - (b) Neither the City, the Building Official nor anyone acting on the Cities behalf shall be liable to compensate the owner, occupant or any other person by reason of anything done without notice and whether or not an appeal is undertaken pursuant to the Act.

**Enforcement**

15.5 This Bylaw, the Act and the Regulations may be enforced by the Building Official pursuant to the provisions of Part V of the Act.

**Owner to Give Notice**

15.6 Every owner of a building to be constructed shall notify the City at all times when required under the Act.

**Penalty**

- 15.7 (a) Any person who contravenes any provision of the Bylaw is liable to prosecution, and upon summary conviction thereof is liable to the penalties prescribed in the Act.
- (b) Conviction of a person for breach of any provision of this Bylaw shall not relieve him from compliance therewith.

**Severability**

15.8 If any section, subsection, sentence, clause, phrase or other portion of the Bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.

**Bylaws Repealed**

15.9 Bylaw Nos. 2696, 2747, 2762, 4112, 4131, 4173, 4424, 4529, 4690 and all amendments thereto, if not heretofore repealed, are hereby repealed.

**Coming into Force**

15.10 This Bylaw comes into force and effect upon approval by the Minister.

READ A FIRST TIME ON SEPTEMBER 6, 2016

READ A SECOND TIME ON SEPTEMBER 6, 2016

READ A THIRD TIME AND PASSED ON SEPTEMBER 19, 2016

(Sgd.) "Deb Higgins"

\_\_\_\_\_  
MAYOR

(Sgd.) "Myron Gulka-Tiechko"

\_\_\_\_\_  
CITY CLERK

## Schedule "1"

## Bylaw No. 5524, the Building Bylaw

1. The fees for Permits for the construction, Alteration or reconstruction of a building shall be as follows:
  - 1.1. \$6.00 per \$1000 of construction value
  - 1.2. \$100 Minimum Fee
  - 1.3. Cancellation Fee - \$50 Administration Fee, actual contractor's plan review fee, or 0.05% of construction value, whichever is greater
  - 1.4. Municipal Heritage Designated Properties- No Fee
2. The fees for Permits for the Demolition of a building shall be as follows:
  - 2.1. \$50 Fee
3. The fees for Occupancy Permits shall be as follows:
  - 3.1. Where issued in connection with a Permit for construction, Alteration or reconstruction of a building- No Fee
  - 3.2. Where otherwise issued- \$15
4. The fees for Permits for the construction of swimming pools shall be as follows:
  - 4.1. \$6.00 per \$1000 of value
  - 4.2. \$50 Minimum Fee
5. The fees for Permits for the removal or Relocation of buildings shall be as follows:
  - 5.1. Except where otherwise provided for in this Schedule the fee for a Building Moving Permit shall be \$850.
  - 5.2. The fee for a Building Moving Permit for any building being moved from a location within the City Limits to a point outside the City Limits, other than a Portable Grain Storage Bin, shall be \$25
  - 5.3. The fee for a Building Moving Permit for an Accessory Building of a size less than 70m<sup>2</sup> and 4.5 meters in height shall be \$25
  - 5.4. The fee for a Building Moving Permit for a Portable Classroom or Portable Grain Storage Bin being moved to a location within the City shall be \$25
6. The fees for Permits for the Temporary Use of Streets or Public Property shall be as follows:
  - 6.1. \$1.00 per month per lineal metre of street frontage
  - 6.2. Minimum fee- \$15