

Town of Sexsmith

Bylaw 864

BEING A BYLAW IN THE TOWN OF SEXSMITH IN THE PROVINCE OF ALBERTA BYLAW NO. 864, THE TOWN OF SEXSMITH BUILDING PERMIT BYLAW

WHEREAS the Council of the Town of Sexsmith has adopted a Building Permit Bylaw; and

WHEREAS the Council has the authority under the provisions of the Municipal Government Act, Statutes of Alberta 2000, Chapter M-26.1 with amendments, to Repeal the Building Permit Bylaw No. 768; and

WHEREAS the Council of the Town of Sexsmith deems it desirable to enact a new Building Permit Bylaw

NOW THEREFORE, the Council of the Town duly assembled, hereby enacts the following:

1. This Bylaw shall be known as the Town of Sexsmith Building Permit Bylaw, may be cited as such and will be referred to herein as “this bylaw”.

2. Definitions

- a) The term Development Officer means the person who shall be responsible to the Town of Sexsmith for the enforcement of the Alberta Safety Codes and may issue building permit applications to be forwarded to the Building Safety Codes Officer (Building Inspector) for the issuance of a building permit. The Development Officer then delivers the building permit to the builder in question.
- b) “The Alberta Safety Codes Act” means those parts of the National Building Code of Canada, its amendments and revisions as are incorporated in the said Act.
- c) “Permit” means building permit as associated with this Bylaw.
- d) All definitions contained in “Safety Codes” shall apply to this Bylaw.

3. Scope

The provisions of this Bylaw shall apply to the issue of permits respecting the construction, alteration, repair and demolition of any building within the Town of Sexsmith.

4. Powers and Duties of the Development Officer

- a) The Development Officer is hereby authorized and directed to enforce all provisions of this Bylaw.
- b) Records: The Secretary-Treasurer shall keep an accurate account of all permits issued and all fees and other monies collected and received under this bylaw.

5. Application for Permit

- a) Unless the person concerned has previously obtained a permit from the Building Inspector or Development Officer, no person shall commence or cause to be commenced:
 - 1) The erection or construction of any building,
 - 2) The addition, extension, enlargement, improvement, alteration or conversion of any building,

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- 3) The repair of any building, including basement development,
 - 4) The demolition of any building, if within the Town's ability for approval
 - 5) The excavation of any land for the purpose of erecting or locating on or above any building,
 - 6) The installation or use of any mechanical equipment specifically governed by the Alberta Building Codes.
 - 7) No person shall erect, install, add to, move, alter, convert or extend any ducted, air handling, heating, ventilating or air conditioning system without first obtaining a permit from the Development Officer.
 - 8) Building permit shall, upon approval by Inspector, be granted within 15 days.
- b) A permit is not required for:
- 1) painting and decorating except in the general shopping area.
 - 2) minor repairs not exceeding \$500.00 in value where matters affecting health or safety are not involved, except in the general shopping area also termed the downtown area.
 - 3) In any case when in the opinion of the Development Officer repairs or alterations of minor nature and will not hinder the satisfactory operation of any system, and do not involve a matter of health or safety to the occupants of the building concerned the work may be performed by a person other than a qualified contractor and no permit shall be required.
 - 4) Balconies, decks, porches (if less than 150 sq. ft.) but construction must be in accordance with the Alberta Building Code and the Town of Sexsmith Land Use Bylaw.
- c) Consideration
- 1) It shall be the responsibility of the contractor to engage only tradesmen with at least the minimum qualification requirements in the Sheet Metal trades specified by the Department of Manpower and Labour in the Province of Alberta. When the work performed by these employees is of a consistently poor standard which could result in hazardous or unsafe conditions, or where corrections to work performed are not made in the time specified by written notice, the Development Officer may refuse to issue further permits to the contractor until these infractions have been corrected.
 - 2) Notwithstanding the requirements of subsection (1), the following persons are not prohibited from obtaining a permit.
 - i) Anyone who personally carries out any heating, ventilation, or air conditioning installations regulated by the Alberta Building Codes Act in or about a one-family dwelling he owns or occupies.
 - ii) A journeyman sheet metal worker who is regularly employed for the installation, alteration, repair or addition to heating, ventilation and air conditioning systems be industrial institution or similar establishment.

6. Application Form

- a) To obtain a permit an applicant shall first file an application in writing on the prescribed form. Each such application shall:

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- i) Identify and describe the work to be covered by the permit for which the application is made;
- ii) Describe the land on which the proposed work is to be done, by lot, block, plan and building street address, or similar description that will readily identify and definitely locate the proposed building;
- iii) Show the use or occupation of all parts of the building;
- iv) Be accompanied by plans and specifications as required in Section 7;
- v) State the valuation or contract cost of the proposed work, whichever is greater;
- vi) Be signed by the applicant or his authorized agent, who may be required to submit evidence to indicate such authority;
- vii) Give such other information as may be required by the Development Officer.

7. Plans and Specifications

- a) With each application for a building permit, and when required by the Development Officer for enforcement of any provision of the Alberta Building Codes, two sets of plans and specifications (heat loss plan, lot grading plan) shall be submitted.

- b) Exceptions:

When authorized by the Development Officer plans and specifications need not be submitted.

8. Information Required on Plans and Specifications

- a) Plans and specifications shall be drawn to scale upon substantial paper or medium and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of the Alberta Building Codes and all Provincial and Federal Laws and Regulations, and all Town of Sexsmith Bylaws. Each set of plans shall state the building address and the name and address of the owner of the building and person who prepared such plans. Plans shall include a site plan showing the actual dimensions of the lot or lots and the proposed building or buildings to the lot or lots and proposed building or buildings to the lot or property lines, together with such information in detail as may be necessary to comply with the provisions of the Alberta Building Codes Act and other legislation applicable thereto, and excepting in cases where such a requirement is in the opinion of the Development Officer obviously unnecessary, a plan of survey certified by an Alberta Land Surveyor, showing such of the above information as may be deemed necessary by the Development Officer to secure compliance with the requirements of the Alberta Building Codes Act.

- b) Estimate of Building Cost:

When required by the Development Officer, the accepted contract or a bona fide detailed estimate of the cost of the building shall be submitted to the satisfaction of the Development Officer.

9. Building Permits

- a) Issue - The application, plans and specifications filed by an applicant for a permit shall be checked by the Building Inspector. Such plans may be reviewed by other Departments of the Town of Sexsmith or the Government of Alberta to check compliance with the orders, regulations or Bylaws under their jurisdiction. If the

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Building Inspector is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of the Alberta Building Codes Act, this Bylaw, and other pertinent orders, regulations and bylaws, and that the fee specified in Section 10 has been paid, he shall issue a permit therefore to the applicant. Where a development permit is required in accordance with the Land Use Bylaw a building permit shall be subject to the issuance of said development permit.

- b) When the Building Inspector issues the permit, he shall endorse in writing or stamp both sets of plans and specifications "Reviewed". Such approved plans and specifications shall not be changed, modified or altered without authorization from the Building Inspector and all work shall be done in accordance with the approved plans.
- c) The Building Inspector may issue a permit for the construction of part of a building before the entire plans and specifications for the whole building have been submitted or approved provided adequate information and detailed statements have been filed complying with all pertinent requirements of the Alberta Building Codes Act and of this Bylaw. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted.
- d) Retention of Plans - One set of approved plans, specifications and computations shall be retained by the authority having jurisdiction for a period of not less than 90 days from date of completion of the work covered therein, and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such building at all times during which the work authorized thereby is in progress, and available for inspection by the Building Inspector.
- e) Plans, submitted for checking, for which no permit is issued, and on which no action is taken by the Development Officer for 90 days, may be destroyed by the Development Officer.
- f) Validity - The issue or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or approval of, any violation of any of the provisions of the Alberta Building Codes Act. No permit presuming to give authority to violate or cancel the provisions of the Alberta Building Codes Act shall be valid except in so far as the work or use which it authorizes is lawful.
- g) The issue of a permit based upon plans and specifications shall not prevent the Building Inspector from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of the Alberta Building Codes Act, this Bylaw or any other Bylaw of the Town of Sexsmith.
- h) Expiration - Every permit issued by the Building Inspector shall expire by limitation and become null and void, if the building authorized by such a permit is not commenced within 90 days from the date of such permit or if the building authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 120 days. Before such work can be recommenced a new permit shall first be obtained and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one year.
- i) Suspension and Revocation - The Building Inspector and the Development Officer may in writing, suspend or revoke a permit whenever the permit is issued in error, or on the basis of incorrect information supplied, or in violation of any provision of the Alberta Building Codes Act, Provincial or Federal Legislation or regulations, or any Bylaw of the Town of Sexsmith.

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10. Building Permit Fees

A fee for each building permit shall be paid as per Schedule "A: and may be amended by Council from time to time.

11. Occupancy Permit

a) Use or Occupancy

No building shall be used or occupied, and no change in the existing occupancy classification of a building or portion thereof shall be made until the Building Inspector has approved a final inspection indicating that occupancy may occur.

b) Changes in use

Changes in the character or the use of a building shall not be made except as specified in the Alberta Building Codes Act.

c) Issue of Permit

After final inspection when it is found that the building complies with the provisions of the Alberta Building Codes Act, and a request has been made by the applicant or owner, the Development Officer shall issue a permit for occupancy.

12. Violations and Penalties

- a) It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, improve, convert, remove, demolish, equip, use or occupy any building, or cause the same to be done without first obtaining a permit as provided by this Bylaw. Where a violation of Section 5 a) of this Bylaw occurs a voluntary penalty of equal to the building permit cost may be affected.
- b) Any person who commits a breach of any of the provisions of this bylaw is guilty of an offense and shall be liable on summary conviction of a fine not exceeding \$1,000 for each day, and in default of payment to imprisonment for a term not exceeding 90 days or to both fine and imprisonment.
- c) The conviction of a person for any violation of this bylaw does not operate as a bar to further prosecution under this bylaw for the continued neglect or failure on the part of the person to comply with the provisions of this Bylaw, and any such violation of this Bylaw shall be regarded as of a continuing nature.

13. Bylaw No. 768 is hereby repealed.

vii) This Bylaw shall come into effect at the final passage thereof.

READ A FIRST TIME THIS 21ST DAY OF APRIL, 2008.

READ A SECOND TIME THIS 21ST DAY OF APRIL, 2008.

READ A THIRD AND FINAL TIME THIS 5TH DAY OF MAY, 2008.

Schedule “A”

Building Permit:

Six dollars and 25 cents (\$6.25) per thousand dollars of planned construction costs or the construction value, whichever is the greatest, a minimum of \$200.

Demolition Permit:

\$45

(As per Resolution 006-01-07)