

BY-LAW NO. 1484

OF THE TOWN OF FORT MACLEOD IN THE PROVINCE OF ALBERTA

Being a bylaw to regulate the form, content and cost of permits for the use, construction, demolition, relocation, alteration, repair or occupancy of buildings.

WHEREAS, The Albert Uniform Building Standards Act, being Chapter U-4, RSA 1980 as amended, provides that by regulation the Minister of Labour may authorize any local authority to enforce The Alberta Uniform Building Standards Act in its respective municipality;

AND WHEREAS, if a local authority is so authorized the local authority may make bylaws with respect to the following matters:

- a) prohibiting the commencement by any person of the use, construction or demolition of any building unless that person is authorized by a permit to do so;
- b) providing for the form and content of permits for the use, construction or demolition of a building;
- c) providing for issuance of permits;
- d) providing that the granting of a permit does not entitle the permit tee, his successors or assigns or anyone on his or their behalf, to construct any building restriction agreement affecting the site described in the permit;
- e) prescribing the fees to be charged for the issuing of permits;

AND WHEREAS, the Municipal Council of the Town of Fort Macleod, in the Province of Alberta, has been so authorized by Alberta Regulations #34/84.

NOW THEREFORE, the Municipal Council of the Town of Fort Macleod duly assembled ENACTS AS FOLLOWS:

1. Title

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

2. Definitions

- a) “Act” means The Alberta Uniform Building Standards Act, being Chapter U-4, RSA 1980 as amended, henceforth from time to time and regulations made pursuant to Section 3 of The Alberta Uniform Building Standards Act.
- b) “Council” shall mean the Council of the Town of Fort Macleod, in the Province of Alberta.
- c) “Inspector” means a person, appointed pursuant to Section 2 of The Alberta Uniform Building Standards Act, responsible to the Council of the Town of Fort Macleod for the enforcement of the Act.
- d) All definitions contained in the Act shall apply to this bylaw.

3. Scope

The provisions of this bylaw shall apply to the issue of permits respecting the use, construction, demolition, relocation, alteration, repair or occupancy of any building or part thereof regulated by the Act within the Town of Fort Macleod.

4. Power & Duties of the Inspector

- a) The inspector is hereby authorized and directed to enforce all provisions of this bylaw.
- b) The inspector 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 a permit has previously been obtained from the Inspector, no person shall commence or cause the commencement of:
 - 1) the erection or construction of any building or part thereof;
 - 2) the demolition of any building or part thereof;
 - 3) the relocation of any building or part thereof;
 - 4) the alteration of any building or part thereof;
 - 5) the repair of any building or part thereof;
 - 6) the occupancy of the building or part thereof;
 - 7) the excavation of any land for the purpose of erecting or locating any building or part thereof;
 - 8) the installation or use of any mechanical equipment specifically governed by the Act.
 - 9) no person shall place or locate or move a mobile home or modular unit on any land without first obtaining a permit hereunder from the inspector.
- b) A permit is not required for:
 - 1) Painting and decorating;
 - 2) Minor repairs not exceeding five thousand dollars (\$5,000.) in value where matters affecting health or safety are not involved.

6. Application Form

- a) To obtain a permit an applicant shall first file an application in writing on the prescribed form and each such application shall:
 - 1) Identify and describe the work to be covered by the permit for which the application is made;
 - 2) Describe the land on which the proposed work is to be done, by a legal description and, when available, by street address, that will readily identify and definitely locate the proposed work;
 - 3) Show the use of occupancy of all parts of the work;
 - 4) Be accompanied by plans and specifications as required in Section 7;
 - 5) State the prevailing market cost of the proposed work;
 - 6) Be signed by the owner of the land or his authorized agent, who shall submit evidence to indicate such authority;
 - 7) Give such other information as may be required by the inspector.

7. Plans and Specifications

- a) With each application for a permit, two sets of plans and specifications shall be submitted, except that specifications need not be submitted.
- b) Plans and specifications shall be drawn to scale upon substantial paper or cloth 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 Act and all applicable Provincial and Federal Laws and Regulations, and all the bylaws of the Town of Fort Macleod.
- c) Each set of plans shall state the building address, the name and address of the owner of the building, the name and address of the person who prepared the plans, and, when an agent represents the owner, the name and address of the agent.
- d) Each set of plans shall include a site plan showing the actual dimensions of the lot or property and the location of the proposed work in relation to the lot or property lines.
- e) Except in cases where such a requirement is, in the opinion of the inspector, obviously unnecessary, a plan or survey, certified by an Alberta Land Surveyor, shall be included with each set of plans showing such of the above information as may be deemed necessary by the inspector.
- f) When required by the inspector the accepted contract or a bona fide detailed estimate of the prevailing market cost of the work, satisfactory to the inspector, shall be submitted.
- g) When requested by the inspector, the applicant shall submit computations, test results, and all other evidence deemed necessary to show that the work will comply with the Act.

8. Issue of Permit

- a) Plans and specifications may be examined by other departments of the Town of Fort Macleod and the Province to check compliance with the orders, regulations, or bylaws under their jurisdiction.
- b) If the inspector is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of the Act, this bylaw, and other pertinent orders, regulations and bylaws, and that the fees specified in Section 11 have been paid, he shall issue a permit therefore to the applicant.
- c) When the inspector issues the permit, he shall write or stamp on both sets of plans and specifications "Examined".
- d) The examined plans and specifications shall not be changed, modified or altered without authorization from the inspector and all work done shall be done in accordance with the examined plans, and performed to meet the requirements of the Act.
- e) The inspector may issue a permit for part of the work before the entire plans and specifications for the complete work have been submitted or examined provided adequate information and detained statements have been filed complying with all pertinent requirements of the Act and of this bylaw.
- f) The holder of a permit for part of the work shall proceed at his own risk without assurance that a permit for the remainder of the work will be granted.

8. Issue of Permit (cont'd.)

- g) One set of examined plans, specifications, and computations shall be retained by the authority having jurisdiction and one set of examined plans and specifications shall be returned to the applicant, which set shall be kept at the work site at all times during which the work authorized thereby is in progress, and shall be made available to the inspector.
- h) Plans submitted for checking, for which no permit is issued, and on which no action is taken by the inspector for 90 days, may be destroyed by the inspector.
- i) The issue or granting of a permit or examination of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the Act.
- j) No permit presuming to give authority to violate or cancel the provisions of the Act shall be valid except insofar as the work or use which it authorizes is lawful.
- k) The issue of a permit based upon plans and specifications shall not prevent the inspector from thereafter requiring the correction of work being carried on thereunder when in violation of the Act, this bylaw or any other bylaw of the Town of Fort Macleod.
- l) Every permit issued by the inspector shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 90 days from the date of issue of such permit, or if the work authorized by such permit is suspended or the work is commenced. 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.
- m) 1) The inspector may, in writing, suspend or revoke a permit whenever the permit has been issued:
 - i) in error;
 - ii) on the basis of incorrect information supplied;
 - iii) in violation of any provision of the Act, Provincial or Federal legislation and regulations or any bylaw of the Town of Fort Macleod.
- n) The inspector may cause a "Stop Work" Order to be clearly displayed on the construction site and shall take all necessary action including prosecution to enforce this "Stop Work" Order:
 - 1) The "Stop Work" Order shall be in the form approved and the procedure for enforcing the "Stop Work" Order shall be as follows:
 - i) The Inspector shall cause to be placed a "Stop Work" Order on the construction site;
 - ii) The Inspector shall by written notice either serve personally upon or send by single registered prepaid mail to the owner of the property involved, notice of the reasons for the "Stop Work" Order;
 - iii) The notice shall be given within three (3) working days from the date the "Stop Work" Order was placed on the construction site and shall state:
 - 1) The grounds upon which the cessation of work or use is required, and;
 - 2) The time within which compliance with the provisions of this bylaw or the Act shall be effected, which time shall in no case be more than two (2) months computed from the date of the notice.

8. Issue of Permit (cont'd.)

iv) If an owner of property to whom notice is given fails to comply with the requirements of the notice, the Council, by its designated officials or servants may enter upon the property and carry out or effect such removal, alteration or cessation of use as the notice requires to be done or effected and may recover the expense thereof from the owner by action, and the expenses until paid are a charge and lien upon the property in respect of which such notice was given.

9. The Inspector may require the person concerned to apply for inspection by the Inspector, at each of the following stages and if so required by the Inspector, the person concerned shall not proceed with any further stage until such inspection has been carried out and approval received.

- a) Pouring of footings;
- b) Completion of foundation before backfilling around foundation;
- c) Completion of framing;
- d) Completion of insulation;
- e) Completion of construction;
- f) If inspection is so required by the Inspector, the construction at each of the stages above specified shall be inspected within two working days when so requested by the person concerned.

10. Building Permit Fees

- a) Fees for building permits shall be set from time to time by resolution of Council.
- b) In the event of any work being started on any building including excavation, before a permit for such work has been obtained, double the fee shall then be charged.
- c) The determination of value or valuation under any of provisions of the Act or this bylaw shall be made by the Inspector.

11. 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.
- b) Any person who commits a breach of any of the provisions of this bylaw is guilty of an offence and shall be liable on summary conviction of a fine not exceeding one thousand dollars (\$1,000.) and in default of payment distress.
- 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 of 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.

12. Where the provisions of this bylaw are in conflict with or contrary to any provision in any other bylaw of the Town of Fort Macleod relating to the duties of the Inspector or matters related to the issuance of a building permit, the provisions of this bylaw take precedence and have full force and effect.

13. The provisions of this bylaw come into full force and effect November 1st, 1990.