

BY-LAW 570/96

TOWN OF ELK POINT, ALBERTA,

A BY-LAW OF THE TOWN OF ELK POINT, IN THE PROVINCE OF ALBERTA, AUTHORIZING THE TOWN COUNCIL TO ESTABLISH A BYLAW REGULATING THE ISSUING OF, AND COST OF PERMITS IN ALL DISCIPLINES FOR THE CONSTRUCTION OF BUILDINGS WITHIN THE TOWN BOUNDARIES.

PURSUANT to the Provisions of the Municipal Government Act 1994, Chapter M26.1, S.A., Council may pass bylaws for the Safety, Health and Welfare of people and the protection of people and property;

WHEREAS, the Council for the Town of Elk Point, in the Province of Alberta, deems it proper and expedient to enact such a bylaw,

NOW THEREFORE the Council of the Town of Elk Point, in the Province of Alberta, in session duly assembled, enacts as follows:

1. SHORT TITLE:

This By-Law shall be cited as the " Building Permit By-Law".

2. DEFINITIONS:

a) In this bylaw;

" Accredited Agency " shall mean a person who has been authorized by the Safety Codes Council.

" Act" shall mean the Municipal Government Act as amended from time to time.

" Alberta Building Code (1990) and any amendments thereto.

" Building Permit" shall mean any permit necessary to the construction of a building or a component thereof.

" Council" shall mean the Municipal Council for the Town Of Elk Point.

" Development Officer" shall mean the person appointed by Council.

" Regulations" shall mean a regulation made pursuant to the Act and includes any code or standard declared to be in force by the regulation.

" Safety Codes Act" shall mean Bill 36 and any amendments thereto.

" Safety Codes Officer" shall mean the person who has been authorized by the Safety Codes Council.

" Town " shall mean the Town Of Elk Point.

b) Definitions contained in the Act shall apply in this bylaw.

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3. SCOPE:

This bylaw shall apply to the issue of building permits for the construction, renovations, and repair of any building regulated within the Town.

4. PROHIBITION:

- a) No person shall commence or cause the commencement of;
 - i) the use of any building
 - ii) the occupancy of any building
 - iii) the construction, renovation alteration or repair of any building unless a building permit has previously been obtained.

5. DUTIES OF THE DEVELOPMENT OFFICER:

- a) The Development Officer is hereby authorized to enforce the provisions of this by-law.
- b) The Development Officer shall be responsible for the issuing of all building permits and shall keep an accurate register account of all permits issued showing the date received, and action taken.

6. APPLICATION FOR BUILDING PERMIT:

- a) The following developments MUST have an approved Building permit prior to commencement of;
 - i) The erection or construction of any building,
 - ii) The addition, extension, enlargement, improvement, renovation or conversion of any building,
 - iii) The repair of any building, where costs are in excess of Five Thousand Dollars (\$5,000.00).
 - iv) The excavation of any land for the purpose of erecting or the locating on or above for any building,
 - v) The installation or use of any mechanical equipment specifically governed by the Safety Codes Act and the Alberta Building Code (1990).
 - vi) No person shall erect, install, add to, enlarge, move, improve, repair, alter, convert or extend any duct, air handling, heating, ventilating or air conditioning system without first obtaining a permit from the Development Officer.
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b) Exceptions:

A permit is not required for;

- i) Painting and decorating,
- ii) Minor repairs not exceeding \$5,000.00 in value where matter affecting health or safety are not involved.
- iii) Exterior - repairs to or replacement of, shingles, siding, windows, eavestroughs and cement,
- iv) Interior - repairs to or replacement of, floor coverings, wall coverings, painting, plumbing, electrical and heating.
- v) In any case when in the opinion of the Development Officer repairs or alterations to any heating, ventilating or air conditioning system are of a minor nature and will not hinder the satisfactory operation of the 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 Building permit shall be required.

c) Consideration:

No Building permit for the installation, repair or alteration to any heating, ventilating or air conditioning system shall be issued to other than a qualified contractor. Except;

The following persons are not prohibited from obtaining a Building permit:

- i) Anyone who personally carries out any heating, ventilation or air-conditioning installations regulated by the Safety Codes Act and the Alberta Building Code (1990). in or about a single-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 by an industrial institution or similar establishments providing the works are performed on the property of the industrial, institution or similar establishment.

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- iii) In the event any of the works mentioned in subsection (a) is commenced before a Building permit (where necessary) for the work has been obtained, double the fee under this by-law shall be charged.

7. Application For Building Permit:

- a) Building Permits shall be obtained from the Safety Codes Officer (Building) or and Accredited Agency (Building).
- b) The following information shall be provided by the applicant for the building permit.
 - i) Identify and describe the work to be covered by the permit for which the application is made,
 - ii) Legal description of the land on which the proposed work is to be done,
 - iii) Describe the use or occupation of all parts of the building, supported by a floor plan,
 - iv) Be accompanied by plans and specifications of the building to be constructed.
 - v) State the value of the proposed work,
 - vi) To be signed by the property owner or his representative, who may be required to produce such authorization,
 - vii) Provide such other information that the Safety Codes Officer (Building) or Accredited Agency (Building) deems necessary. Development Officer deems necessary.

8. Plans and Specifications:

- a) One set of plans and specifications must accompany the Development Application.
- b) Information Required on Plans and Specifications:
 - i) Plans and specifications shall be drawn to scale upon substantial paper 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 Safety Codes Act, The Alberta Building Code (1990),



and all Town By-Laws.
Each set of plans shall state
the building address
and the name and address of
the owner of the building and
the 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
property lines, together with
such information in detail as
may be necessary to comply
with the provisions of the
Uniform Building Standards 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.

c) Estimate Cost Of Building:

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.

d) Exceptions:

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

9. Building Permits:

a) Issuance:

- i) The issue of a Building permit
based upon plans and
specifications shall not prevent
the Safety Codes Officer (Building)
and/or an Accredited Agency
(Building) 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 Safety Codes
Act, this by-law or any other by-law
of the Town.

b) Expiration:

Every Building permit issued by the Safety Codes Officer
(Building) or Accredited Agency (Building) shall expire
by limitation and become null and void, if the building
authorized by such Building permit has not commenced
within 90 days from the date of such Building permit, or



if the building authorized by such Building 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 Building permit shall first be obtained and the fee shall be one-half of the amount required for a new Building permit for such work, provided no changes have been made to the original plans and specifications for such work, and provided, further, that such suspension or abandonment has not exceeded one year.

c) Suspension or Revocation:

The Safety Codes Officer (Building) or Accredited Agency (Building), may, in writing, suspend or revoke a Building permit whenever the Building permit is issued in error, or on the basis of incorrect information supplied, or in violation of any provision of the Safety Codes Act, Alberta Building Code (1990), or any Town By-Law.

10. BUILDING PERMIT FEES:

- a) Building permits fee shall be as those set by the Safety Codes Officer (Building) or Accredited Agency (Building):

11. INSPECTION AND COMPLIANCE CODES FEES:

- a) An Inspection and Compliance Code fees shall be in accordance with the following table.

RESIDENTIAL:

1. Single Family Residence.

- i) single family detached home with or without attached garage,
- ii) accessory buildings and additions, detached garage, garden sheds, etc.
- iii) alterations, renovations, includes the construction or changes in the walls within the existing building.
- iv) A deposit towards the cost of inspection and the letter of Compliance to the Municipality by Safety Codes Officer (Building) and/or Accredited Agencies (Building) in the amount of \$1,200.00 (One Thousand Two Hundred Dollars).

NOTE:

- a) Inspections are supported by invoices from the Safety Codes Officer (Building) and/or Accredited Agency (Building). Any funds in excess of the above deposit will be refunded to the Owner/Developer.



- b) Any invoices in excess of \$1,200.00 will be charged to the owner/developer.
- c) Any non-payment of invoices in excess of the \$1,200.00 not paid for will be charged to the property and forms as property taxes.

2. Multi Family Dwellings.

- i) duplexes, row housing, apartments,
- ii) accessory buildings and additions,
- iii) alterations, renovations, includes the construction or changes in the walls within the existing building,
- iv) A deposit towards the cost of inspection and the letter of Compliance to the Municipality by Safety Codes Officer (Building) and/or Accredited Agencies (Building) in the amount of \$2,000.00 (Two Thousand Dollars).

NOTE:

- a) Inspections are supported by invoices from the Safety Codes Officer (Building) and/or Accredited Agency (Building). Any funds in excess of the above deposit will be refunded to the Owner/Developer.

3. Mobile Home Residences.

- i) single family mobile home units,
 - ii) accessory buildings and additions,
 - iii) alterations, renovations, includes the construction or changes in the walls within the existing building.
 - iv) A deposit towards the cost of Inspection and the letter of Compliance to the Municipality by Safety Codes Officer (Building) and/or Accredited Agencies (Building) in the amount of \$1,200.00 (One Thousand Two Hundred Dollars).
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NOTE:

- a) Inspections are supported by invoices from the Safety Codes Officer (Building) and/or Accredited Agency (Building). Any funds in excess of the above deposit will be refunded to the Owner/Developer.
- b) Any invoices in excess of \$1,200.00 will be charged to the owner/developer.
- c) Any non-payment of invoices in excess of the \$1,200.00 not paid for will be charged to the property and forms as property taxes.

4. Commercial, Industrial and Institutional.

- i) The building permit fee will be based on the project cost.
- ii) Construction, alterations and renovations,
- iii) A deposit towards the cost of inspection and the letter of Compliance to the Municipality by Safety Codes Officer (Building) and/or Accredited Agencies (Building) in the amount of \$2,500.00 (Two Thousand Five Hundred Dollars)

NOTE:

- a) Inspections are supported by invoices from the Safety Codes Officer (Building) and/or Accredited Agency (Building). Any funds in excess of the above deposit will be refunded to the Owner/Developer.
- b) Any invoices in excess of \$2,500.00 will be charged to the owner/developer.
- c) Any non-payment of invoices in excess of the \$2,500.00 not paid for will be charged to the property and forms as property taxes.

11. REFUNDABLE DAMAGE DEPOSIT:

- a) A refundable damage deposit is hereby required to guarantee the conditions of the building permit when issued, will be met by the contractor or owner, to the satisfaction of the Development Officer.



- b) A refundable deposit shall be paid to the Town in the form of an irrevocable letter of credit, certified cheque, money order, cash or any other form of guarantee acceptable to the Town, before a Development/Building permit will be issued in accordance with the following table.

Single Family Residence.

- i) Refundable Damage Deposit
in the amount of \$100,00
(One Hundred Dollars).
- ii) single family detached home
with or without attached
garage,
- iii) accessory buildings and
additions, (detached garage,
garden sheds etc.)
- iv) alterations, renovations,
includes the construction
or changes in the walls
within the existing building.

Multi Family Dwellings.

- i) Refundable Damage Deposit
in the amount of \$200.00
(Two Hundred Dollars).
- ii) duplexes, row housing,
apartments,
- iii) accessory buildings and
additions,
- iv) alterations, renovations,
includes the construction
or changes in the walls
within the existing building.

Mobile Home Residences.

- i) Refundable Damage Deposit
in the amount of \$100.00
(One Hundred Dollars).
- ii) Single family mobile home
units,
- iii) accessory buildings and
additions, (100 sq. feet)
or portion thereof.
- iv) alterations, renovations,
includes the construction
or changes in the walls
within the existing building.



Commercial, Industrial and Institutional.

- i) Refundable Damage Deposit
in the amount of \$500.00
(Five Hundred Dollars).
- ii) Commercial, industrial
and institutional buildings,
- iii) accessory buildings and
additions,
- iv) alterations, renovations,
includes the construction
or changes in the walls
within the existing building,
- v) Signage, including illuminated
signs,

c) Forfeiture of Refundable Deposit.

- i) The whole or any portion of
a refundable deposit paid to
the Town by the contractor or
owner, by way of a charge
against the refundable deposit
by the Town, shall be forfeited
for the remedy of any condition
which the contractor or owner
fails to meet, as required by
the Development/Building permit
approval, such as but not
limited to the repairs to
public property, clean up of
the construction site and
adjacent properties, and
enforcement of any of the
conditions under which the
Development/Building permit
was originally issued.
- ii) The balance of a refundable
deposit thereof will be
refunded to the contractor
or owner upon application
from the contractor or owner
for refund of the same and a
final inspection of the
property being made by the
Development Officer and a
Receipt of the Letter Of
Compliance being issued
attesting that all
conditions of the building
permit have been complied
with to the satisfaction of
the Safety Codes Officer
(Building) and Accredited
Agency (Building).



- iii) When the whole amount of the refundable deposit paid to the Town by the contractor or owner is insufficient to remedy any conditions of the building permit which the contractor or owner has failed to meet, and which the Town shall require to be remedied, the cost of the work done may be charged to the owner and, in default of payment, the charge shall be charged against the land concerned as taxes due and owing in respect of that land and recover the costs as such.

12. OFFENCE:

Any person who contravenes this bylaw is guilty of an offence under Sections 63 and 64 of The Safety Codes Act.

13. The following By-Law is hereby rescinded, By-Law # 538/93.

READ FOR A FIRST TIME THIS 12 DAY OF February, 1996

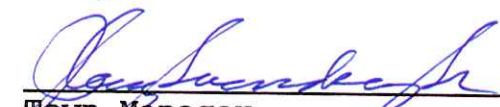
READ FOR A SECOND TIME THIS 12 DAY OF February, 1996

RESOLUTION # 96-13 TO APPROVE THIRD READING THIS 12 DAY OF February, 1996

READ FOR A THIRD TIME AND FINALLY PASSED BY A MAJORITY OF THOSE PRESENT THIS 12 DAY OF February, 1996



Mayor
Ed Buck



Town Manager
J. Curt Svendsen Sr.