

TOWN OF MORINVILLE  
PROVINCE OF ALBERTA

BYLAW NO. 5/99

BEING A BYLAW REGULATING THE FORM, CONTENT AND COST OF PERMITS FOR THE USE, OCCUPANCY, RELOCATION CONSTRUCTION OR DEMOLITION OF BUILDING WITHIN THE CORPORATE LIMITS OF THE TOWN OF MORINVILLE.

WHEREAS the Town of Morinville has been authorized by the Safety Codes Act, as amended, to enforce the Safety Codes Amendment Act, 1994 within the Town of Morinville.

NOW THEREFORE, the Municipal Council of the Corporation of the Town of Morinville in the Province of Alberta, duly assembled in Council, enacts as follows:

Title

1. The Bylaw which shall be known as the Town of Morinville Building Discipline Bylaw, may be cited as such and will be referred to herein as "the Bylaw".

Definition

2. (1) "Act" means the Safety Codes Act, Revised Statutes of Alberta, 1991, Chapter S-0.5 as amended.
  - (2) "Building" means any structure used or intended for supporting or sheltering any use or occupancy.
  - (3) "Safety Codes Officer" means a person appointed by council, who shall be responsible to the council of the Town of Morinville for the enforcement of the Act. In this Bylaw the Safety Codes Officer will be referred to as "Officer".
  - (4) "Permit" means permission or authorization in writing by the Officer to perform work regulated by this Bylaw and the Act, and in the case of an occupancy permit, to allow occupancy or tenancies of any building or part thereof.
  - (5) Construction includes alterations.
  - (6) All definitions contained in the Act shall apply to this Bylaw.
3. Pursuant to the Safety Codes Act, Council may make regulations.
  4. The provisions of this Bylaw shall apply to the firm, contents and issuance of permits respecting the use, occupancy, relocation, construction or demolition of any building regulated by the Act within the Municipal Corporation of the Town of Morinville.

Powers and Duties of the Safety Codes Officer

5. (1) The Officer is hereby authorized to enforce all provisions of this Bylaw.
- (2) The Officer shall keep an accurate record(s) of all permits issued under this Bylaw. All the fees and other monies shall be collected by the Administration Department of the Town of Morinville.

Application for Permit

6. (1) Except as provided in Section 6(2) unless a permit has been obtained from the officer, no person shall commence or cause the commencement of:

- (a) the erection or construction of any building or part thereof,
- (b) the demolition of any building or part thereof,
- (c) the relocation of any building or part thereof,
- (d) the alteration of any building or part thereof,
- (e) the occupancy of any building or part thereof,
- (f) the installation or use of any mechanical equipment specifically governed by the Act,
- (g) the installation of any masonry, or factory built fireplace, or other fuel fired appliance governed by the Act,
- (h) the installation or construction of any private swimming pool,
- (i) the alteration to any basement.
- (j) the construction of a deck (refer to #4 of Schedule A).

(2) A permit is not required for:

- (a) painting or decorating if such work will not create any hazard or unsafe condition in or about the project;
- (b) minor alterations, except fireplaces or wood burning apparatus, not exceeding \$2,000.00 in construction value where matters affecting health or safety are not involved;
- (c) repairs or alterations to any heating, ventilating or air conditioning system which is of a minor nature and which, will not hinder the satisfactory operation of the system, and does not involve a matter of health or safety to the occupants of the building.

Application Forms

7. To obtain a permit, the owner of the land or his authorized agent shall first file an application in writing on the prescribed form. Such application shall:

- (a) identify and describe in detail the project, occupancy, or such other matters described in section 7;
- (b) describe the land on which the project is to be undertaken by way of a legal description and, by a municipal address, that will readily identify and definitely locate the building lot;
- (c) submit plans, specifications and documents, and show the proposed occupancy of all parts of the building;
- (d) state the square footage of the proposed project and whether the project is one or more storeys;
- (e) be signed by the owner of the land or his authorized agent, who may be required to submit evidence to indicate such authority;
- (f) be accompanied by the fee prescribed in accordance with the Planning and Development Fees Policy, adopted by resolution of Council;
- (g) give such other information as may be required by the Act, the regulation, the Bylaw or by an Officer.

Plans and Specifications

8. (1) With each application for a permit, plans, specifications and documents shall be submitted as follows:
- (a) 3 sets of plans for single family residential construction.
  - (b) 4 sets of plans for all other construction.
- (2) 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 Act and all applicable Provincial and Federal Laws and Regulations, and all the Bylaws of the Town of Morinville.
- (3) 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 plan, and when an agent represents the owner, the name and address of the agent.
- (4) 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 line.
- (5) Except in cases where such a requirement is, in the opinion of the Officer, obviously unnecessary, a plan of 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 Officer.
- (6) When requested by the Officer, the applicant shall submit computations, test results, and all other evidence deemed necessary to show that the work will comply with the Act.
- (7) Any changes to the original plans must be submitted to the Safety Codes Officer. Failure to do so shall result in a fine as outlined in Section 23 of the Bylaw.

Estimate of Building Costs

9. Building costs for building permit purposes shall be determined as the greater of the m<sup>2</sup> or per square foot estimated cost of construction or:

Estimate of Building Costs

21. Building costs for building permit purposes shall be determined as the greater of the square metre or square foot costs based on the following:

a) New Industrial Construction

Warehouse: \$485.00 per square metre or \$45.00 per square foot  
Building: \$699.25 per square metre or \$65.00 per square foot

b) New Commercial Construction

Retail: \$538.20 per square metre or \$50.00 per square foot  
Office: \$699.25 per square metre or \$65.00 per square foot

c) New Institutional Uses

Hospital Uses: \$1,614.65 per square metre or \$150.00 per square foot  
All Other Uses: \$1,399.30 per square metre or \$130.00 per square foot

d) New Residential Construction

All Residential: \$861.11 per square metre or \$80.00 per square foot

All other buildings to be accepted as contract price or a bona fide tender. In the absence of a bona fide tender the value shall be determined by the Officer.

Issuance of Permit

10. (1) Plans and specification may be examined by other departments of the Town of Morinville and Province to check compliance with the orders, regulations or Bylaws under their jurisdiction.
- (2) When the Officer issues the permit, he shall write or stamp on both sets of plans and specifications 'EXAMINED'.
- (3) The examined plans and specifications shall not be changed, modified or altered without authorization from the Officer and all work shall be done in accordance with the examined plans, and performed to meet the requirements of the Act.
- (4) The Officer 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 detailed statements have been filed complying with all pertinent requirements of the Act and this Bylaw.
- (5) 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.
- (6) 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 Officer.
- (7) Plans, submitted for checking, for which no permit is issued, and on which no action is taken by the applicant for 90 days may be destroyed by the Officer.
- (8) The issue of 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.
- (9) No permit presuming to have given 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.
- (10) The issue of a permit based upon plans and specifications shall not prevent the Officer 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 Morinville.
- (11) Every permit issued by the Officer shall expire by limitation and become null and void if the work authorized by the permit has not commenced within 90 days from the date of issuance of the permit, or if the work authorized by the permit is suspended or abandoned or deemed to be abandoned by the Officer for a period of 120 days at any time after the work has commenced. Construction must be completed within one year of taking out the permit.
- (12) Except as permitted in Section 6, no permit for the installation, repair or alteration of any heating, ventilating or air condition system shall be issued to a person other than a qualified contractor holding a valid Alberta Provincial Licence who engages only tradesmen who hold certificate of proficiency in their respective trades pursuant to the Tradesmen's Qualification Act.
- (13) Notwithstanding the requirements of Section 6:
  - (a) a person who undertakes the installation, repair or alteration of a heating, ventilation, or air conditioning system regulated by the Act in or about a single family detached dwelling which is or will be owned and occupied by that person, or

- (b) a journeyman who holds a certificate of proficiency pursuant to the Tradesmen's Qualification Act in a specific trade relevant to the work to be undertaken in Section 6 (a), if the work is performed on the property of his employer is not prohibited from obtaining a permit.
- (14) The Officer may, in writing, suspend or revoke a permit whenever the permit has been issued
  - (a) in error;
  - (b) on the basis of incorrect information supplied;
  - (c) in violation of any provision of the Act, Provincial or Federal legislation and regulations or any Bylaw of the Town of Morinville.
- (15) The Officer 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.

The "Stop Work" Order shall be in the form approved and the procedure for enforcing the "Stop Work" Order shall be as follows:

- (a) The Officer shall cause to be placed a "Stop Work" Order on the construction site;
- (b) The Officer shall by written notice either serve personally upon job foreman/owner or send by double registered prepaid mail to the owner of the property involved, notice of the reason for the "Stop Work" Order;
- (c) 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 of use is required and
  - (2) The time within which compliance with the provision of this Bylaw or of the Act shall be effected, which time shall in no case be more than two (2) months computed from the date of the notice.
- (d) 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 required to be done or effected and may recover the expenses 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.

#### Inspections

- 11. The Officer may require the person concerned to apply for inspection by the Officer, at each of the following stages and if so required by the Officer, 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 and insulation;
  - (d) Completion of construction;
  - (e) If inspection is so required by the Officer, the construction of each of the stages above specified shall be inspected when so requested by the person concerned;

Real Property Report

12. A Real Property Report, including final elevations, certified by an Alberta Land Surveyor, shall be submitted to the Safety Code Officer thirty (30) days after completion of residential, commercial, industrial or institutional building.

Occupancy Permit

13. (1) Changes in the occupancy of a building shall not be made except in accordance with the provisions of the Act.
- (2) An occupancy permit may be issued by the Officer if the building does not contravene the provisions of the Act, this Bylaw and if a request has been made by the applicant.

Construction on, over, or under municipal property

14. (1) Authorization may be granted by the Town of Morinville subject to such regulations and charges as may be determined by the Town of Morinville.
- (2) Where any public property is damaged during construction of a building, the owner shall be liable to the Town of Morinville for damages so caused if any such damage becomes apparent within one year after completion of the work. The owner shall pay on demand to the Town of Morinville the cost of having the said public property repaired to the satisfaction of the Town of Morinville.

Temporary Buildings

15. (1) No person shall erect a temporary building without first obtaining a permit from the Officer.
- (2) A temporary building shall not exceed one storey in height and shall not have a basement or cellar, nor be connected to any municipal sanitary or water system.
- (3) A permit for a temporary building may be for a period of one year. However, the permit may be renewed subject to approval by the Officer.
- (4) The temporary building shall be properly maintained by the owner and shall be immediately removed upon expiration of the permit.
- (5) Temporary buildings to be used in connection with construction work may be erected without a permit but shall be removed by the owner immediately upon completion of said work.

Removal/Relocation of Buildings

16. No person shall move a building, or part of a building, from one site to another within the corporate limits of the Town unless the owner has:
  - a) obtained a permit from the officer, and
  - b) obtained the necessary permits for the siting and/or renovations of the building to be moved.
17. No person shall move a building unless a written statement of ownership has been produced for the officer before a relocation permit is issued.
18. The owner of the building to be moved shall be responsible for obtaining the necessary approval from, but not limited to, the following municipal

and/or provincial departments or such others that may be affected by the move:

- a) Transportation Services
- b) Fire Department
- c) Police Department
- d) Alberta Government Telephones
- e) TransAlta Utilities
- f) Centra Gas Ltd.

#### Permit Fees

19. (1) Every person applying for a permit shall pay the permit fee as set out in the Planning and Development Fees Policy, adopted by resolution of Council.
- (2) If a new permit is required, after expiry of a permit in accordance with Section 10 (11), the fee for the new permit shall be as defined in the Planning and Development Fees Policy.
  - (3) If the documents submitted with an application for a permit contain substantial errors or omissions and the documents have to be re-submitted again for further examinations, a fee equal to one half of the amount required in the Planning and Development Fees Policy may be charged for each and every re-examination.
  - (4) If any unauthorized work has been started, including excavation, before the issuance of a permit, the permit fee shall be double the fee required in the Planning and Development Fees Policy.

#### Fee Schedule

20. The Planning and Development Fees Policy governs the structure of fees and charges pursuant to this Bylaw, may be amended from time to time by resolution of Council.

#### Liability Respecting Permits

21. Neither the Town of Morinville nor the authority having jurisdiction shall be liable for any damages or loss, or expense by any person as a result of:
- (a) the granting of a permit; or
  - (b) if the permit has been revoked as a result of a contravention of any condition under which the permit was issued; or
  - (c) a permit issued in error; or
  - (d) a permit issued on the basis of incorrect information.

#### Damage Deposit Fees

22. (1) A damage deposit for each building permit shall be paid in accordance with the Planning and Development Fees Policy.
- (2) Such damage deposit shall be held by the Town against damages which could occur to Town property during the course of construction.
  - (3) The person to whom a permit has been issued shall notify the Town prior to the commencement or actual development of the property.
  - (4) The Town shall inspect or cause to be inspected, the Town property adjacent to the development site for possible existing defects.

- (5) Upon completion of the development for which approval has been granted and which has been authorized by the issuance of a permit, the Town shall inspect or cause to be inspected the Town property, and
  - (a) in the event there are damages to the Town property, the damage deposit will be used to the extent of the damages; if the damages exceed the actual damage deposit a caveat will be placed against the property;
  - (b) in the event there are no damages the deposit shall be refunded without interest.

#### Violations and Penalties

23. If 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. Penalties shall be as outlined below:
- a) Any person contravening any provision of this Bylaw shall be guilty of an offence and liable on summary conviction;
    - i) to a fine of two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00) and costs for the first offence;
    - ii) to a fine of not less than one hundred dollars (\$100.00) for every day the offence continues, exclusive of costs;
  - b) As an alternative to subsection 1 of this section, the license inspection or the Bylaw Enforcement Officer may enforce the provisions of this Bylaw and may issue an offence ticket, pursuant to the summary conviction act, to any person alleged to have committed one or more breaches of the Bylaw. The offence ticket shall state the alleged offence and require forfeiture and payment of the appropriate fine as follows:
    - i) first offence; two hundred dollars (\$200.00) plus one hundred dollars (\$100.00) for each day the offence continues exclusive of costs;
    - ii) second or subsequent offences; five hundred dollars (\$500.00) plus two hundred dollars (\$200.00) for each day the offence continues, exclusive of costs.

#### Validity of Bylaw

24. It is the intention of the Municipal Council that each separate provision of this Bylaw shall be independent of all other provisions and it is further the intention of the Municipal Council that if any provisions of this Bylaw be declared invalid all other provisions shall remain valid and enforceable.

#### Conflict with any other Bylaws

25. Where the provisions of this Bylaw are in conflict with or contrary to any provisions in any other Bylaw of the Town of Morinville relating to the duties of the Officer or matters related to the issuance of a building permit, the provisions of this Bylaw take precedence and have full force and effect.

#### Repeal of Bylaw

26. (1) Bylaws No. 12/98, 36/95, 4/97 and 15/97 are hereby repealed.

(2) Notwithstanding Subsection 1., any permit issued prior to the times when this Bylaw came into force shall continue in force subject to the terms and conditions under which such permit was issued.

Date of Commencement

27. This Bylaw comes into full force effect on the date of third and final reading.

READ a first time this 26<sup>th</sup> day of January, 1999.

READ a second time this 26<sup>th</sup> day of January, 1999.

READ a third time and finally passed this 26<sup>th</sup> day of January, 1999.

  
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Mayor

  
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Town Manager