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1913  
THE MUNICIPALITY OF THE  
TOWN OF

ATHABASCA

Building By-Law No. 42

*1913  
Athabasca Archives*

The Municipality of  
the Town of  
**ATHABASCA**

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**BUILDING BY-LAW**

**No. 42**

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**PART I.**

Bylaw regulating the construction, erection, enlargement, raising, alteration, repair, removal, maintenance, use and height of buildings, regulating character and use of materials in and for such buildings, and creating and establishing the office of Building Inspector and defining the duties thereof, within the limits of the Town of Athabasca, in the Province of Alberta.

The Council of the Town of Athabasca aforesaid enacts as follows:

(1) This bylaw shall be known as the "Building Bylaw" of the Town of Athabasca in the Province of Alberta.

(2) This bylaw shall apply to all buildings hereafter to be erected, constructed, altered, repaired, raised, added to, or built upon, within the limits of the Town of Athabasca aforesaid.

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**PART II.**

Relating to the issuance of permits, filing of plans, specifications and statements, demolition of buildings, methods and interpretations of this Bylaw.

Permits must be obtained from the Building Inspector.

Section 1. Before the erection, construction, alteration, enlargement, repair, removal or alteration of any building or structure, or part thereof, the person, firm or corporation performing the work shall obtain a permit from the said Building Inspector.

Section 2. The permit may be applied for and obtained by the owner or lessee direct or acting through an architect, engineer, contractor, or other agent. The applications shall state the location of the proposed building or structure. It shall give the name and residence address of the actual owner or owners of the land, of the building or structure, the name and residence address of the lessee or lessees, if any, and the name and address of the architect, engineer, or designer of the building or structure. The application shall be made out upon blanks furnished by the Building Inspector, and shall conform to the requirements as indicated on the blanks furnished.

The application shall be accompanied by plans and specifications which shall plainly show all parts of the proposed construction.

Said application and copy of specifications and plans shall be kept on file by the Building Inspector, and the erection, construction or alteration of said building, structure or any part thereof, when proceeded with, shall be in accordance with such approved copy of specifications and plans, and any modifications in drawings or specifications which may be made after the approval by the said Building Inspector shall be subject to his further approval.

When the estimated cost of erecting, altering, or repairing any building or structure does not exceed \$500 the person, firm or corporation proposing to make such improvement shall file with the Building Inspector, in lieu of the plans and specifications hereinafter provided for, a statement in writing setting forth what repairs, alterations, or improvements are contemplated, and describing the general character, nature and extent of same.

## ISSUANCE OF PERMIT

Section 3. Upon the filing of an application in accordance with the requirements of the aforesaid Section 2, the Building Inspector shall ascertain whether such plans and specifications embody all such requirements applicable by law and ordinance in such case, and if the requirements be met, shall issue a building permit to the applicant, giving him permission to erect the building or structure at the place and in accordance with said plans and specifications.

Such permits shall be exhibited to any authorized representative of either Police, Fire or Health Departments, making a demand therefor, and for the purpose of such exhibition it must, during the time of construction, be kept on the premises where the erection, alteration, or improvement of the building or structure is being made.

The Building Inspector may grant a permit for the erection of any part of a building, or any part of a structure, where plans and specifications and detailed statements have been presented for the same, before the entire specifications, plans and detailed statements of said building or structure have been submitted.

Any approval which may be issued by the Building Inspector pursuant to the provisions of this Bylaw, but after which no work is commenced within twelve months from the time of issuance shall expire by limitation, but may at the discretion of the Council be renewed without further charge.

The Council may at any time, for such cause as they, or a majority of them, upon investigation, may deem sufficient, revoke any permission or license granted under this Bylaw; and it is specially ordained and declared that all such permits and licenses granted in accordance with the provisions of this Bylaw, although granted for a nominal term of one year, are held at the pleasure of the Council.

All plans for buildings submitted to the Building Inspector for which a permit is desired, must be left with the said Building



Inspector an adequate length of time to allow a thorough and complete examination before the permit is issued.

### **CERTIFICATE OF OCCUPANCY TO BE ISSUED.**

Section 4. It shall be the duty of the Building Inspector to make or cause to be made a final inspection and examination of all buildings before any such buildings are occupied; and if such buildings are found to have been erected in conformity to all the provisions and requirements of this Bylaw, said Inspector shall issue a written or printed certificate thereof to the owner or lessee.

No person, firm or corporation shall occupy any building or structure until such certificate has been issued.

### **DEMOLITION OF BUILDING**

Section 5. When a building or structure is to be demolished it shall be done in a manner which is approved by and satisfactory to the Building Inspector. Said owner or lessee shall in all cases notify the Building Inspector when said building is ready for inspection.

### **TEMPORARY CERTIFICATE OF OCCUPANCY**

Section 6. The Building Inspector may issue a certificate of temporary occupancy, allowing the use of a portion of said building, provided said portion of said building has been erected and constructed in accordance with all the requirements of this Bylaw governing the erection and construction of the said building.

### **NON-LIABILITY OF TOWN FOR DAMAGES**

Section 7. Every application for a building permit shall contain an agreement to save the Town harmless from all costs and damages which may arise from use or occupancy of the sidewalks, streets or sub-sidewalk spaces.

### **FEES FOR PERMITS**

Section 8. Before the erection, construction, alteration or removal (without entering upon any public street or lane) of a building, or any part of a building, in the Town of Athabasca, the owner, architect, or builder shall pay to the Building Inspector of the said Town of Athabasca the following fees:

For all buildings, additions, removals (without entering upon any street or lane) or alterations of buildings costing \$50 and not more than \$500 the sum of One Dollar.

For all buildings, additions, removals (without entering upon any street or lane) or alterations of buildings, costing more than \$500 and not exceeding \$1,000, the sum of Two Dollars. And for each additional \$500 up to \$3,000 the sum of One Dollar. For each additional \$1,000, and up to \$10,000 the sum of One Dollar for each \$1,000, and for each and every \$1,000 over \$10,000, the sum of Fifty Cents.

In cases of removal of buildings without entering upon any street or lane in so doing, the cost of the moving added to the cost of the repairs, additions or alterations, shall constitute the total cost for the purpose of determining the fee to be paid for the same according to the foregoing schedule of fees.

### **PERMIT FOR THE TEMPORARY OCCUPANCY OF A PUBLIC STREET.**

Section 9. No person, firm or corporation shall place, or cause to be placed, upon a public street, or any portion thereof, in the Town of Athabasca, any materials or appliances for the use in the construction, alteration or repair of a building of any kind necessitating temporary occupancy of any portion of the public street, without first obtaining a permit therefor from the Building Inspector. Such material or appliances shall not occupy more than one-third of the width of the roadway of the street, and not more than one half of the sidewalk, and shall be

placed thereon under the direction and to the satisfaction of the Building Inspector, but in no case shall they be placed within six feet of the centre of a railroad track.

The permit aforementioned and required shall be granted only to the owner or lessee or the duly authorized agent of the owner or lessee of the lot upon which a building, or in front of which a sidewalk or other work is proposed to be constructed, altered or repaired, upon the depositing by such owner or lessee or agent with the said Building Inspector the sum of Ten Dollars for each and every fifty feet frontage or fraction thereof, of such building, as a guarantee to the Town that the permittee will remove, or cause to be removed, all dirt, debris and material of any kind from the street to the satisfaction of the Building Inspector, immediately upon the completion of the construction, alteration and repair of such building or sidewalk, or at such times prior thereto, when in the judgment of the said Building Inspector, the public interest or convenience will be subserved by the removal of the same, or any portion thereof. And every permit granted as in this Bylaw provided shall be subject to such guaranty.

The said Building Inspector shall prescribe in the permit granted the time for such occupancy of a street.

Upon the failure or neglect of the permittee to remove or cause to be removed, to the satisfaction of the said Building Inspector, such dirt and debris or material, as aforesaid, within forty-eight hours after being notified so to do by the Building Inspector by the notice posted on the premises, the money so deposited as a guaranty, or so much thereof as may be necessary, shall be used by the said Building Inspector for the removal of such dirt, debris or materials.

All the materials intended for the use in the purposes aforesaid shall be confined to and occupy only such portion of the street as the permit may designate, and all sand, dirt or other material or debris of any kind shall be prevented from being blown or

otherwise moved to any other portion of the street, or from interfering in any way whatsoever with the carrying on of any business or enjoyment of any property.

During the time obstructions exist under a permit from the Building Inspector, as herein provided, the person, firm or Company maintaining the same shall from 5:30 p.m. of each day to 6:30 a.m. of the following day during the months of November, December, January and February, and from 6:30 p.m. of every day to 5:30 a.m. of the following day during the other months of the year, caused to be maintained a lighted lantern hung on each side of the obstruction so as to indicate the location of the same, and thus prevent the obstruction from becoming dangerous to life and property.

No material of any kind shall be deposited in any gutter way of any street so as in any manner to obstruct the same.

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### BRICK

Section 10. The brick used in all buildings shall be good, hard, well burned brick or some approved form of hard sand-lime or cement brick.

All material must be of good quality. When old brick are used in any wall they shall be thoroughly cleaned before being used and shall be whole and good.

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### SAND

Section 11. The sand used for mortar in all buildings shall be clean grit sand, free from loam or dirt.

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### LIME MORTAR

Section 12. Lime Mortar shall be made of one part lime and not more than five parts of sand, measured dry. All lime used for mortar shall be thoroughly burned, of good quality and properly slacked before it is mixed with the sand. Such mortar shall be mixed at least five days before using.

## CEMENT MORTAR

Section 13. Cement mortar shall be made of cement and sand in the proportion of one part of cement and not more than three parts of sand, and shall be used before the initial set has taken place.

The cement and sand are to be measured and thoroughly mixed before adding water.

## CEMENT AND LIME MORTAR

Section 14. Cement and lime mortar, mixed, shall be made of one part cement to not more than six parts of lime mortar, measured in a box.

## CONCRETE

Section 15. Concrete shall be made of Portland Cement, sharp, clean sand and broken stone. Rock concrete for foundations shall be composed of not less than one part Portland cement, three parts sand and five parts broken stone of main dimensions not more than two inches. All concrete shall be turned not less than twice dry, and shall be mixed before adding water, and then turned twice wet.

## BRICK MASONRY

Section 16. All brick masonry shall be of brick laid in cement mortar or lime and cement mortar. All bricks shall be well wet before being laid, and shall have close joints filled with mortar.

For foundations, not less than four courses eight inches thick and six inches in the ground or to solid ground, and shall not be more than twelve courses high, with a bond every sixth course, with double footing sixteen inch course and one fourteen inch course.

## PROVISIONS RELATING TO THE CONSTRUCTION OF FRAME OR WOODEN BUILDINGS

Section 17. A frame or wooden building is a building or structure whose exterior walls, or a portion thereof, are constructed of wood, wooden frames, or frame or wooden buildings covered with metal, plaster, tiles, or terra cotta veneered with masonry shall be deemed to be frame or wooden structures.

Section 18. Frame or wooden buildings shall be limited to a height of forty feet.

## WALLS.

Section 19. The walls of frame or wooden buildings over one storey in height shall be constructed with studding covered with not less than five-eighths inch thick weather boarding on the outside. If exterior walls are to be covered with shingles said walls must be close boarded and the boards must be placed across and securely nailed to each stud. No uncovered studding will be allowed against the wall of an adjoining building or structure.

Section 20. The walls of one storey wood frame buildings may be constructed with 2x3 studding not more than thirty-two inches from centers, and with up and down boarding, the boarding must rest upon the mud sill or wall plate and be securely nailed to the main sill or floor joists. The ribbon or plate at the top of the boarding shall not be less than 2x4 inches and shall not be placed more than nine feet above the finished floor.

The underpinning shall not be less than 2x4 inches and shall not be placed more than thirty-two inches from centers. Buildings erected under this section shall not exceed eighteen feet in height at the highest point of the roof. All rafters ten feet or over in length must have one by six collar beams. All walls must be braced at corners, material to be used to be two inches thick and same width of studding. Floor joist spans of twelve feet or

less shall be 2x8 inches, placed sixteen inches on centers. Spans not exceeding eighteen feet shall be 2x10 inches placed sixteen inches on centers. Spans not exceeding twenty-four feet shall be 2x12 inches placed sixteen inches on centers. Underpinning where 2x4 is to be used, and exceeding five feet in height shall be placed sixteen inches on centers, 2x6 underpinning to be placed twenty-four inches on centers. Porch joists must be sixteen inches on centers.

#### RESTRICTIONS IN CERTAIN AREAS

Section 21. Area No. 1: Any building or structure costing less than \$2,000 will not be permitted to be erected to face on the streets in the following area: Lichfield Avenue on the north, to and including both sides of Morgan Avenue on the South, Main Street on the east, and Coles Street on the west. Any building or structure costing less than \$2,000 will not be permitted to be erected within 65 feet of the property line in front of the lot to be built upon.

Area No. 2: Any building or structure costing less than \$1,500 will not be permitted to be erected to face on the following streets: Stephenson Street or Fleming Street, from Lichfield Avenue to and including both sides of Morgan Avenue. Any building costing less than \$1,500 in above area will not be permitted to be erected within 65 feet of the property line in front of the lot to be built upon.

Area No. 3: Any building or structure costing less than \$1,000 will not be permitted to be erected to face on either sides of the following streets: Strathcona Street, Main Street, Fleming Street from Morgan Avenue, except as before mentioned, to King Avenue and on the Boulevard from Lichfield Avenue including Short Avenue and Hope Avenue. Any building or structure costing less than \$1,000 in the above area will not be permitted to be erected within 65 feet of the property line in front of the lot to be built upon.

All buildings to be erected within the foregoing areas must be painted and finished.

Plan showing above areas can be seen at the Municipal Offices, Athabasca.

#### THICKNESS OF FOUNDATION WALLS

Section 22. Brick or concrete foundations for frame or wooden buildings one and two storeys in height, used as dwellings, must not be less than eight inches thick and not over seven feet high. When the foundations are more than seven feet high they must not be less than thirteen inches thick.

When foundation walls of frame or wooden buildings are used for embankment or retaining walls, two and three storey buildings with basement shall have foundation or basement walls of brick, concrete or stone not less than thirteen inches thick and not higher than eight feet from top of top footing to bottom of first floor joists. (First Tier).

If a deeper basement be desired the walls thereof shall not be less than seventeen inches thick, the bottom footing of said walls shall not be higher than ten feet from top of top footing to under side of first storey floor joist, and the footing shall have a spread of one-half the thickness of the wall resting upon it.

Where it is not allowable to have footings on the outside of a foundation or basement wall, the footings must extend far enough on the inside to make them of the required width.

#### SIZE OF STUDDING FOR EXTERIOR WALLS AND BEARING PARTITIONS

Section 23. For a building of two storeys in height, except factories, mills or warehouses, the studding for the outside walls and bearing partitions shall not be less than 2x4 inches; for a building three storeys in height, the studding shall not be less than 3x4 inches to the bottom of the upper floor joists and 2x4 inches for the remaining



height. Where the bearing partitions are less than twelve feet apart, the studding may be less than the outside walls, but never less than 2x4 inches. Partitions dividing several stairways and sliding doors may, by permission of the Building Inspector, be less than 2x4 inches.

Studding on the exterior and interior walls of buildings over one storey in height shall not be placed more than sixteen inches from centers.

The underpinning of buildings shall be one inch thicker than the studding of the storey immediately above, except one storey buildings, and said underpinning shall not be placed more than sixteen inches from centers.

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## FRAMING

Section 24. When storeys are framed separately, each tier of studding must have top and bottom plates; when storeys are not framed separately, proper bridging must be placed behind the ribbon at the ceiling line and on top of the joists at the floor line. Bridging must be two inches thick and of the full width of the studding in every case.

All wood beams or joists shall be trimmed away at least one and one-half inches from all flues and chimneys, whether the same be smoke, air or any other kind of a chimney or flue.

The trimmer beam shall not be less than eight inches from the inside face of the flue, and four inches from the outside of the chimney breast, and the header beam must not be less than two inches from the outside of the brick or stone work of the same, except for the smoke flues or boilers and furnaces, when the brick work is required to be eight inches in thickness, the trimmers shall not be less than eight inches from the inside of the flue.

All openings through partitions and walls shall be trussed or provided with carrying girders.

## BRIDGING

Section 25. All stud walls or partitions hereafter built, altered, or repaired shall have one row of bridging for every seven feet in height over the first seven. Said bridging shall in all cases extend to the lathing or sheathing, so as to prevent the passage of fire and smoke, and shall be the same thickness as the studding.

All outside walls and cross partitions shall be thoroughly angle braced; all joists shall have solid end blocking. All buildings over twenty-five feet in width shall have a row of solid blocking over girder of partition of stairways. A row of cross-bridging at least two inches thick must be placed between the floor joists at least every eight feet, except where spans are less than twelve feet between supports.

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## FURRING

Section 26. When a chimney is furred out, the space between the chimney and the breast shall be so built that the passage of fire and smoke shall be intercepted, and wherever cove ceilings are used they shall be solid blocked between the studding at the spring of the cove.

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## BAY WINDOWS

Section 27. In frame or wooden buildings the space between bay, oriel or swell windows shall be not less than five feet in width, measured on outside of building, clear of finish, provided that in buildings built on lots having a frontage of twenty-five feet or less, the space between said bay, oriel or swell windows may be decreased, provided that the studding in said space shall be increased so as to contain the same amount of lumber as would be contained in the studding of the piers in the aforesaid space of five feet, but the spaces shall be at least two feet six inches between bays in any case.



Such windows may project not more than two feet over the street line, measured to the finish; they must not be more than twelve feet wide, measured from end to end, and the finish of their soffits must be at least twelve feet above the sidewalk, unless the window is entirely back from the street line.

### FRAME FACTORIES NOT OVER TWO STOREYS HIGH

Section 28. The height of frame or wooden buildings of two storeys or less, used as factories, shall be limited to thirty-five feet, and the exterior or bearing walls of said building shall be built of 2x6 studs sixteen inches from centers.

### FIREPLACES

Section 29. All fireplaces and chimney breasts where mantels are placed whether intended for ordinary fireplaces or not, shall have brick, stone, burned clay or concrete at least twenty inches wide, measured from the face of the chimney breast, and their length shall not be less than the width of the chimney breast. Wood centers shall be removed from under trimmer arches, and no timber shall be placed under any fireplace or hearths. Hearths shall be of brick, tile or stone.

Fireplaces shall have arched heads with iron arch over the top of the opening and not less than one-quarter by two and one-half inches turned up at the ends two inches in each side of a chimney breast, so as to make a perfect bond for arch.

All fireplace openings where furred with wood on face shall be surrounded by a brick rim eight inches wide projecting four inches into brickwork. The firebacks and jambs of all fireplaces shall not be less than eight inches thick, of solid masonry.

When a grate is set in a fireplace at least two inches thick shall be added to the fire-back, unless soapstone, tile or cast iron are

used, and filled solidly behind with fireproof material. No mantel or other woodwork shall be exposed at the back of a summer piece; the iron work of the summer piece shall be placed against the brick or stone work of the fireplace. No fireplace shall be closed with a wooden fireboard. Open fireplaces shall have arched heads, which shall, whenever possible, extend to the back of the tile or marble facing.

### CHIMNEYS AND FLUES

Section 30. All chimneys shall be constructed of brick or stone, the walls of such chimneys to be of a thickness of four inches, and to the satisfaction of the Building Inspector or Fire Chief, and all stovepipes must enter the chimneys at least ten inches from the ceiling or wall, and whenever stovepipes go through a wall, such wall must have at least twelve inches square of non-combustible material to protect them, or ventilating thimbles having at least one inch air space, or otherwise protected. All chimneys to be carried not less than three feet above the peak of the roof of the building in which they are constructed, and no chimney shall be commenced in any loft unless there are fixed stairs leading to the same, easy of access at all times, and the chimneys shall be cleaned at least twice in each and every year.

### GIVING THE BUILDING INSPECTOR POWER TO STOP CONSTRUCTION OF CERTAIN BUILDINGS

Section 31. The Building Inspector shall have power to stop the construction of any building or the making of any alterations or repairs to any building, when the same is done in a careless or reckless manner, or in violation of any of the provisions of this Bylaw, and to order in writing, or verbally, any and all persons in any way or manner whatever engaged in so constructing, altering or repairing any such building, to stop and desist therefrom, and the person or persons so ordered shall immediately comply therewith.

## HOUSE MOVING

Section 32. No person, firm or corporation shall move, or cause to be moved, any building in the Town of Athabasca, on, over or through any public street or highway therein, except after having first complied with the provisions hereof.

Any person, firm or corporation desiring to remove, or have removed, a building on, over or through any public street or highway therein, shall first obtain the written assent to such removal from persons owning a majority of feet front of lots in the same block, on the same street in which it is proposed to locate such removed building, and also a majority of feet front opposite the proposed location and within one hundred and fifty feet of the same; provided, however, that this section shall not apply to any person removing or building upon his own premises or in the same block, and not going upon any street, alley or other public place in making such removal; and, provided further, that if the consent hereinbefore provided for cannot be obtained, then such removal may be made after consent obtained from the Council of the Town of Athabasca.

## PERMIT, BOND, ETC.

Section 33. No person, firm or corporation shall move or cause to be moved on, over, or through any public street or highway in the said Town, any building, without first obtaining from the Building Inspector or other official appointed by the Town aforesaid, a permit in writing so to do.

## APPROVAL OF AUTHORITIES

Section 34. All removals made under such permits shall be done in a careful manner, and shall be prosecuted with diligence, and shall be under the superintendence and control and to the satisfaction of the Building inspector.

## OBSTRUCTING STREETS

Section 35. No person, firm or corporation owning or having charge of the removal of any building through the public streets, shall permit said building to be or stand on any street, lane, alley or public grounds within one block for a longer period than twenty-four hours except by written permission obtained from the Building Inspector.

## INJURY TO PUBLIC STREETS

Section 36. No person, firm or corporation owning or having charge of the removal of any building through the public streets shall allow or cause the injury of any street, sidewalk, curb, tree, fence or private or public property by reason of such removal.

## GENERAL

Section 37. Any person, firm or corporation that violates, disobeys, neglects or refuses to comply with, or that resists or opposes the execution of any of the provisions of this Bylaw, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding two hundred and fifty dollars, or by imprisonment for not more than three months, or by both such fine and imprisonment; and every such person, firm or corporation shall be deemed guilty of a separate offence for every day such violation, neglect or refusal shall continue, and shall be subject to the penalty imposed by this section for each and every separate offence; and any builder or contractor who shall construct any building in violation of any of the provisions of this Bylaw, and any architect having charge of such building, who shall permit it to be so constructed, shall be liable to the penalties provided and imposed by this section.

This Bylaw shall go into effect on the day of its passage and adoption.

Done and passed in open council at Athabasca, this third day of June, A.D., 1913.

(Signed) Jas. H. Wood, Mayor.

(Signed) S. R. Farquharson, Sec.-Treas.