

Bylaw No. 939-2016

PAGE 1

A BYLAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE APPLICATION PROCEDURE AND FEES FOR PERMITS ISSUED PURSUANT TO THE SAFETY CODES ACT

WHEREAS, pursuant to section 66 of the *Safety Codes Act*, R.S.A. 2000, c. S-1 an accredited municipality may pass bylaws respecting minimum maintenance standards for buildings and structures, fees for anything issued or any material or service provided pursuant to the *Safety Codes Act*, and respecting the carrying out of the powers and duties of an accredited municipality;

AND WHEREAS, pursuant to section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS, pursuant to section 8 of the *Municipal Government Act*, a council may provide for a system of licences, permits or approvals including prohibiting any development, activity, industry, business or thing until a licence, permit, or approval has been granted, providing that conditions may be imposed on any licence, permit or approval, the nature of the terms and conditions and who may impose them, setting out the conditions that must be met before a licence, permit or approval is granted or renewed, the nature of the conditions and who may impose them, and providing for the duration of licences, permits and approvals and their suspension or cancellation for failure to comply with a term or condition or the bylaw or for any other reason specified in the bylaw;

PART I – DEFINITIONS AND INTERPRETATION

BYLAW TITLE

- 1 This Bylaw shall be known as "Safety Codes Permit Bylaw".

DEFINITIONS

- 2 In this Bylaw, unless the context otherwise requires:
 - (a) "**City**" means the Municipal Corporation of the City of Leduc;
 - (b) "**City Manager**" means the Chief Administrative Officer of the City or his delegate;
 - (c) "**Fees and Charges Bylaw**" means the City of Leduc Fees and Charges Bylaw;
 - (d) "**gas**" means natural or manufactured gas, liquefied petroleum gas or any mixture of such gases;
 - (e) "**highway**" has the same meaning as in the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended;



Bylaw No. 939-2016

PAGE 2

- (f) “**hoarding**” means any covered way, fence, railing, boarding, barricade, guard, timber buffer, temporary walkway or other structure, material or equipment;
- (g) “**municipal tag**” means a ticket alleging an offence issued pursuant to the authority of a bylaw of the City;
- (h) “**person**” means an individual, partnership, association, corporation, organization, business, cooperative, trustee, executor, administrator or legal representative;
- (i) “**Quality Management Plan**” means the quality management plan registered with the Alberta Safety Codes Council;
- (j) “**Regulations**” means any regulations passed pursuant to the Safety Codes Act including any codes adopted in such regulations;
- (k) “**Safety Codes Act**” means the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended;
- (l) “**undertaking**” means the construction of a thing or the control or operation of a thing, process or activity to which the Safety Codes Act or the Regulations applies;
- (m) “**violation ticket**” has the same meaning as in the *Provincial Offences Procedure Act*, R.S.A.2000, c. P-34, as amended.

PART II – PERMITS

PERMIT REQUIRED

- 3 (1) Subject to subsection (2), a person shall not start any undertaking for which a permit is required pursuant to this bylaw unless a permit has been issued.
- (2) If there is imminent serious danger to persons or property because of any thing, process or activity to which the Safety Codes Act applies or because of a fire hazard or risk of an explosion, a person may, without a permit, start an undertaking for which a permit is required pursuant to this bylaw but that person must apply for a permit as soon as the danger, fire hazard or risk of explosion has been remedied.

APPLICATION

- 4 In addition to any other requirement, every person applying for a permit pursuant to the Safety Codes Act, the Regulations or this bylaw must provide to the City Manager:
 - (a) an application in a form approved by the City Manager;



Bylaw No. 939-2016

PAGE 3

- (b) plans and specifications as required by the City Manager;
- (c) the value of the proposed undertaking;
- (d) any fees required pursuant to this bylaw; and
- (e) any additional information required by the City Manager.

ISSUANCE OF PERMIT

- 5 (1) The City Manager shall issue a permit pursuant to the Safety Codes Act, the Regulations or this bylaw only when:
- (a) the undertaking described in the application for the permits meets the requirements of the Safety Codes Act, the Regulations and this bylaw;
 - (b) the plans and specifications submitted in the application meet the requirements of the Safety Codes Act, the Regulations, this bylaw and any other legal requirements; and
 - (c) the fees payable pursuant to this bylaw, any fees payable pursuant to the Safety Codes Act and any applicable taxes have been paid in full.
- (2) The City Manager may impose any conditions on a permit as are deemed necessary to ensure compliance with the Safety Codes Act, the Regulations, this bylaw and any other legal requirements.

TRANSFER

- 6 A person shall not transfer a permit to any other person unless the transfer has been authorized in writing by the City Manager.

REFUSAL TO ISSUE, SUSPENSION OR CANCELLATION

- 7 In addition to any powers pursuant to the Safety Codes Act or Regulations, the City Manager may refuse to issue a permit, or suspend or cancel a permit that has been issued if:
- (a) in the case of an addition or alteration, the existing undertaking is unsafe or will reduce the level of safety of the undertaking governed by the permit to below that which is intended by the Safety Codes Act, the Regulations or this bylaw;
 - (b) incorrect or insufficient information is submitted with respect to the permit or the undertaking to be governed by the permit;



Bylaw No. 939-2016

PAGE 4

- (c) in the opinion of the City Manager, the undertaking for which the permit would be or has been issued would or does contravene the Safety Codes Act, the Regulations or this bylaw;
- (d) the fees payable for the permit have not been paid;
- (e) there is a contravention of any condition under which the permit was issued; or
- (f) the permit was issued in error.

PERMIT HOLDER OBLIGATIONS

8 A person to which a permit has been issued must:

- (a) have a copy of the plans and specifications for the undertaking at the site of the undertaking; and
- (b) ensure that the municipal address of the parcel for which the permit was issued is clearly visible from the adjacent roadway.

OCCUPANCY PERMIT

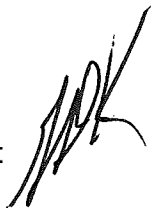
- 9 (1) No person shall occupy a new building until the Owner obtains a permit allowing that person to occupy that building.
- (2) No person shall occupy a building or portion of a building for which there has been a change in use or intended use until the Owner obtains a permit allowing that person to occupy that building or portion of a building.
- (3) A permit for occupancy is not required for a garage serving single detached housing.
- (4) The owner of building must permanently display a permit for occupancy for the building in a conspicuous location inside the building near the main entrance, except for single family residential buildings where it may be placed near the furnace serving the building.

OCCUPANCY CERTIFICATE

10 If there has been a change in the use or intended use of a building or portion of a building that does not require a permit pursuant to the Safety Codes Act, a person may apply to the City Manager for a certificate indicating compliance with the Safety Codes Act and Regulations.

HEATING, VENTILATING AND AIR-CONDITIONING PERMIT

- 11 (1) No person shall build, repair, or alter any heating, ventilating, or air-conditioning undertaking unless the person obtains a permit allowing that



Bylaw No. 939-2016

PAGE 5

person to build, repair, or alter that heating, ventilating, or air-conditioning undertaking.

- (2) This section does not apply to repairs or alterations to a heating, ventilating, or air-conditioning undertaking that:
 - (a) are minor in nature;
 - (b) do not hinder the satisfactory operation of the undertaking; and
 - (c) do not impact the health or safety of occupants of the building containing the undertaking.
- (3) A permit issued pursuant to this section may only be issued to:
 - (a) a journeyman sheet metal worker who is regularly employed for the installation, alteration, repair or addition to the hearing, ventilation and air-conditioning systems by industrial institutions or similar establishments provided the work is performed on the property of the industrial institution or similar establishment;
 - (b) a sheet metal mechanic; or
 - (c) an owner who resides at the premises and intends to perform the work which is subject to the permit.

CRANE PERMIT

- 12 (1) No person shall any erect any crane, hoist, or similar apparatus capable of projecting or swinging over a highway unless the person obtains a permit allowing that person to erect such an apparatus.
- (2) In addition to any other requirement, every person applying for a permit to erect a crane, hoist, or similar apparatus must submit to the City Manager, in a form acceptable to the City Manager:
 - (a) the location at which the crane, hoist, or similar device is proposed; and
 - (b) an executed agreement relating to the crane, hoist, or similar device in a form approved by the City Manager.

HOARDING PERMIT

- 13 (1) No person shall place any hoarding on a highway unless the person obtains a permit allowing that person to place hoarding on a highway.
- (2) In addition to any other requirement, every person applying for a permit to place hoarding on a highway must submit to the City Manager, in a form acceptable to the City Manager:

Bylaw No. 939-2016

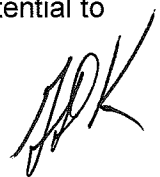
PAGE 6

- (a) the location at which the hoarding is proposed; and
- (b) an executed agreement relating to the hoarding in a form approved by the City Manager.

HOARDING REGULATIONS

14 (1) Where any covered way, fence, railing, boarding or barricade is required pursuant to the Regulations and is to be located on a highway, then the person having care and control of the undertaking shall provide protection for pedestrians as follows:

- (a) for undertakings of a height of 2.4 metres or less:
 - (i) a railing if the distance from the undertaking to the pedestrian walkway is less than 2.1 metres;
 - (ii) a railing if the distance from the undertaking to public property abutting a pedestrian walkway is less than 2.1 metres; and
 - (iii) no protection if the distance from the undertaking to the pedestrian walkway and any public property abutting the public walkway is 2.1 metres or more;
 - (b) for undertakings of a height greater than 2.4 metres:
 - (i) a fence and covered way if the distance from the undertaking to the pedestrian walkway is 2.1 metres or less;
 - (ii) a fence and covered way if the distance from the undertaking to the pedestrian walkway is less than one-fourth the height of the undertaking;
 - (iii) a fence if the distance from the undertaking to the pedestrian walkway is one-half the height of the undertaking or less; and
 - (iv) no protection if the distance from the undertaking to the pedestrian walkway is greater than one-half the height of the undertaking.
- (2) The person in care and control of an undertaking for which hoarding on a highway is required shall ensure that protective framing and boarding is built around and over every tree, street lamp, utility box, fire or police alarm box, fire hydrant, catch basin and manhole that has the potential to be damaged by any work being done.



Bylaw No. 939-2016

PAGE 7

- (3) If there is any equipment stored on the roof of a covered way required by this section, the person in care and control of the undertaking for which the covered way is required shall ensure that the ends of the roof are protected by:
- (a) a tight curb board not less than 300 millimetres high; and
 - (b) a railing not less than 1.07 metres high.

WALKWAYS

- 15 If a permit issued pursuant to the Safety Codes Act requires the permit holder to relocate a pedestrian walkway off of a sidewalk, the permit holder must provide a walking surface approved by the City Manager.

ROADWAY PROTECTION

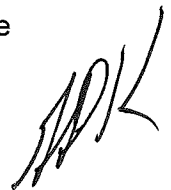
- 16 If the railing of a walkway or covered way is so close to the roadway that vehicles passing on the roadway may come into contact with the walkway or covered way then the Owner of the undertaking shall:
- (a) provide a guard without openings below the railing level between the walkway or covered way and the roadway; and
 - (b) provide a timber buffer not less than 300 millimetres in width extending to a height of 200 millimetres above the lowest level of the walkway or covered way.

EXCAVATION OF SIDEWALKS

- 17 (1) If a permit issued pursuant to the Safety Codes Act requires the permit holder to excavate any portion of a public sidewalk, the permit holder must construct a substantial temporary walkway for pedestrians over the area.
- (2) Any walkway required pursuant to this section must be:
- (a) not less than 1.5 metres in width;
 - (b) designed for a uniform load of 7.2 KN per square metre;
 - (c) provided with suitable ramps or stairs at each end; and
 - (d) equipped with a handrail not less than 1.07 metres high along each side.

PRIVATE SEWAGE SYSTEMS

- 18 No person shall construct any system set out in the Alberta Private Sewage Systems Standard of Practice in a private sewage disposal system.



Bylaw No. 939-2016

PAGE 8

PART III – INSPECTIONS

NOTIFICATION

19 When an undertaking for which a permit has been issued is ready to be tested for compliance with the Safety Codes Act and Regulations the person holding the permit shall notify the City Manager.

INSPECTIONS

20 Any inspections conducted by or on behalf of the City shall be conducted in accordance with the governing Quality Management Plan.

APPROVAL

21 If the City Manager is satisfied that an undertaking is in compliance with the Safety Codes Act, the Regulations and this bylaw the City Manager may issue an approval for the undertaking.

GAS INSPECTIONS

- 22 (1) A person shall not connect any altered or repaired gas piping to an appliance, gas meter, metering equipment, or storage container until the gas piping has been inspected and approved pursuant to this bylaw.
- (2) The City Manager may require a further inspection of gas piping after that piping has been connected to an appliance, gas meter, metering equipment, or storage container.
- (3) In addition to any other approvals, the City Manager may issue an approval to supply gas to gas piping if the City Manager is satisfied that the gas piping complies with the Safety Codes Act, the Regulations and this bylaw.

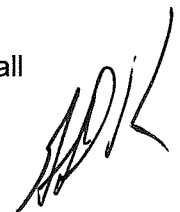
PART IV – FEES AND BONDS

FEES

- 23 (1) The fees payable for any permit issued pursuant to this bylaw are set out in the Fees and Charges Bylaw.
- (2) If an undertaking is commenced prior to permit being issued pursuant to this bylaw the fees payable for the permit are twice the fees set out in the Fees and Charges Bylaw.

INSPECTIONS FEES

- 24 (1) The fees payable pursuant to the Fees and Charges Bylaw include all mandatory inspections and one additional inspection.



Bylaw No. 939-2016

PAGE 9

- (2) The additional inspection fee set out in the Fees and Charges Bylaw is payable for every inspection where:
- (a) the municipal address of the parcel for which the permit was issued is not displayed; or
 - (b) when an inspection has been previously arranged and:
 - (i) the inspector is unable to access the building;
 - (ii) the undertaking is not ready for an inspection; or
 - (iii) a previously identified deficiency has not been corrected.

BONDS

- 25 (1) The City Manager may require a person to file a bond prior to the issuance of any permit.
- (2) Any bond required pursuant to this section shall be in a form and amount satisfactory to the City Manager and shall be issued by a licensed Alberta insurer.

PART V – OFFENCES AND PENALTIES

OFFENCE

- 26 A person who contravenes this bylaw is guilty of an offence.

CONTINUING OFFENCE

- 27 In the case of an offence that is of a continuing nature, a contravention constitutes an offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established for each such day.

VICARIOUS LIABILITY

- 28 For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.

CORPORATIONS AND PARTNERSHIPS

- 29 (1) When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act of omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the



Bylaw No. 939-2016

PAGE 10

offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

- (2) If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

FINES AND PENALTIES

- 30 (1) A person who is guilty of an offence is liable to a fine in an amount not less than established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than six months for non-payment of a fine.
- (2) Without restricting the generality of subsection (1) the following fine amounts are established for use on municipal tags and violation tickets if a voluntary payment option is offered:
- (a) \$1,000.00 for any offence for which a fine is not otherwise established in this section; and
- (b) \$2,000.00 or twice the fees payable for a permit, whichever is greater, for an offence under section 3(1).

MUNICIPAL TAG

- 31 If a municipal tag is issued in respect of an offence the municipal tag must specify the fine amount established in this bylaw for the offence.

PAYMENT IN LIEU OF PROSECUTION

- 32 A person who commits an offence may, if a municipal tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.

VIOLATION TICKET

- 33 If a violation ticket is issued in respect of an offence, the violation ticket may:
- (a) specify the fine amount established by this bylaw for the offence; or
- (b) require a person to appear in court without the alternative of making a voluntary payment.

VOLUNTARY PAYMENT

- 34 A person who commits an offence may:
- (a) if a violation ticket is issued in respect of the offence; and
- (b) if the violation ticket specifies the fine amount established by this bylaw for the offence;



Bylaw No. 939-2016

PAGE 11

make a voluntary payment equal to the specified fine.

OBSTRUCTION

35 A person shall not obstruct or hinder any person in the exercise or performance of the person's powers pursuant to this bylaw.

PART VI – GENERAL

POWERS OF THE CITY MANAGER

36 Without restricting any other power, duty or function granted by this bylaw or the Safety Codes Act the City Manager may:

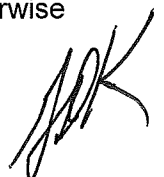
- (a) carry out any inspections to determine compliance with this bylaw;
- (b) take any steps or carry out any actions required to enforce this bylaw;
- (c) take any steps or carry out any actions required to remedy a contravention of this bylaw;
- (d) establish forms and agreements for the purposes of this bylaw;
- (e) issue permits with such terms and conditions as are deemed appropriate;
- (f) establish the criteria to be met for a permit issued pursuant to this bylaw;
- (g) require the execution of agreements by applicants for certain permits as a condition of granting the permit;
- (h) require an applicant to post a bond as a condition of granting a permit;
- (i) place a valuation on a project for the purpose of calculating any fees for a permit; and
- (j) delegate any powers, duties or functions under this bylaw to an employee of the City.

EMERGENCY

37 The City Manager may add any expenses incurred to remove or reduce an imminent serious danger to persons or property because of any thing, process or activity to which the Act applies, or because of a fire hazard or risk of an explosion, to the tax roll for the property where the danger was identified.

PROOF OF PERMIT

38 The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this bylaw is on the person alleging the existence of such a permit on a balance of probabilities.



Bylaw No. 939-2016

PAGE 12

PROOF OF EXEMPTION

39 The onus of proving that a person is exempt from the provisions of this bylaw requiring a permit in on the person alleging the exemption on a balance of probabilities.

CERTIFIED COPY OF RECORD

40 A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as *prima facie* proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

LEGAL DUTY

41 Nothing in this bylaw, including any inspections and approval conducted pursuant to this bylaw, relieves any person of their legal duty to comply with the Safety Codes Act, the Regulations and this bylaw.

REPEALS

42 The following bylaws are repealed:

- (a) 319-93 – Plumbing & Service Connection Permit Bylaw
- (b) 320-93 – Building Permit Bylaw
- (c) 364-96 – Gas Systems Permits Bylaw
- (d) 375-96 – Electrical Permits Bylaw

HEADINGS

43 The headings in this bylaw are for reference purposes only.

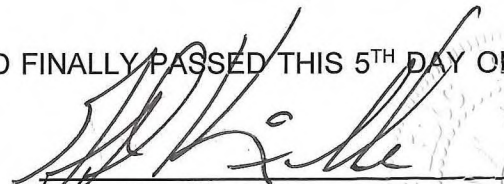
44 This Bylaw shall come into force and effect on January 1, 2017.

READ A FIRST TIME IN COUNCIL THIS 5TH DAY OF DECEMBER, 2016.


READ A SECOND TIME IN COUNCIL THIS 5TH DAY OF DECEMBER, 2016.

UNANIMOUSLY AGREED TO PRESENT BYLAW 939-2016 FOR THIRD READING.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 5TH DAY OF DECEMBER, 2016.



Greg Krischke
MAYOR



Sandra Davis
CITY CLERK

Dec 5, 2016
Date Signed