

TOWN OF PICTURE BUTTE

BYLAW NO. 734/96

A Bylaw of the Municipal Corporation of the Town of Picture Butte, in the Province of Alberta, to administer the SAFETY CODES ACT being R.S.A. 1991, Chapter S-0.5 as it relates to the following disciplines:

- (a) building;
- (b) electrical;
- (c) fire;
- (d) gas and plumbing

NOW THEREFORE, the Council of the Town of Picture Butte duly assembled, hereby enacts as follows:

SECTION 1 - TITLE

- 1.1 This Bylaw may be cited as the “**Safety Codes Bylaw**”.

SECTION 2 - GENERAL

SUBSECTION 2.1 - DEFINITIONS

- 2.1.1 Words and phrases used in this Bylaw which are specifically defined in the Act, Regulations under the Act, or in this Bylaw shall bear the meaning expressed in the definition. Words and phrases used in this Bylaw which are not so defined shall have the meanings which are commonly assigned to them in the context in which they are used in this Bylaw, taking into account the specialized use of terms within the various trades and professions to which the terminology applies.

- 2.1.2 Whenever used herein:

Act: means the Safety Codes Act, R.S.A. 1991, Chapter S-0.5, and any regulations passed pursuant to that Act.

Administrator: means an administrator appointed under the Safety Codes Act, R.S.A. 1991, Chapter S-0.5.

Contractor: means a Person who contracts with an Owner or his authorized agent to undertake a project, and includes an Owner who contracts with more than one Person for the work on a project or undertakes the work on a project or any part thereof.

Detached Single Family Dwelling: means a single family residence that is detached from any other type or residence or occupancy classification.

Electrical Equipment: means plant, machinery, equipment, appliances and devices of every kind and description that are used or intended to be used in the generation, transformation, transmission, distribution, delivery or use of electrical power or energy in Alberta.

Electrical Work: means the actual installation, repair and maintenance of cables, conduits, wiring, switchgear, transmission lines, transformers, motors and generators used for the projections, transmission and utilization of electrical energy for light and power purposes.



Gas: means any gas or compressed gas or any mixture or dilution of gasses and includes any combustible or flammable fluid but does not include any gas, mixture or dilution of gases or combustible or flammable fluid excluded by the regulations from the definition of gas.

Gas System: means any equipment or installation used or intended to be used in or in conjunction with the processing, transmission, storage, distribution, supply or use of gas but does not include any thing excluded by the regulations from the definition of gas system.

Owner: means any person controlling the property under consideration.

Permit: means an authorization in writing by a Safety Codes Officer to perform work regulated by this Bylaw.

Person: means an individual, partner, corporation, firm, society, cooperative or other incorporated legal entity and their respective heirs, executors, administrators and assignee.

Plumbing Equipment: means

- (i) any piping, equipment, appliance or device used or intended to be used in a plumbing system, and
- (ii) any other thing defined as plumbing equipment in the regulations.

Plumbing System: means the whole or any part of a drainage system, a venting system or a water system but does not include any thing excluded by the regulations from the definition of plumbing system.

Quality Management System: means on the Quality Management Plans attached hereto and forming part of this Bylaw as Appendices A-D, inclusive.

Safety Code Officer: means the person or persons designated by an Administrator and appointed by the Town to act as a Safety Codes Officer or Persons employed by accredited agencies as designated from time to time by a Safety Codes Officer appointed by the Town.

Town: means the municipal corporation of the Town of Picture Butte, Alberta

SUBSECTION 2.2 - SCOPE

- 2.2.1 This Bylaw applies to the administration and enforcement of the Act to the extent described in the Quality Management Plans for the various disciplines forming Appendices A-D to this Bylaw, as amended from time to time.

SUBSECTION 2.3 - QUALITY MANAGEMENT PLANS

- 2.3.1 The Quality Management Plans attached to and forming part of this Bylaw as Appendices A-D are meant to reflect the intention on the part of the Town to exercise its powers and perform its duties under the Act in good faith. Nothing in any Quality Management Plan shall be taken to derogate from any defence afforded to the Town, its employees, officers or Administrators by virtue of the provisions of the Safety Codes Act as amended from time to time, and without restricting the generality of the foregoing by virtue of Section 12 of the Act.

SECTION 3 - ADMINISTRATION



- 3.1.1** This Bylaw shall be administered by the Safety Codes Officer or Officers designated by an Administrator and appointed by the Town to act as a Safety Codes Officer as well as by Safety Codes Officers employed by accredited agencies as designated from time to time by the Safety Codes Officer appointed by the Town.
- 3.1.2** Subject to the terms of his or her designation by an Administrator, and to the provisions of the Act, a Safety Codes Officer may administer and enforce the provisions of this bylaw, and is authorized to do all things necessary and necessarily incidental to such administration and enforcement.

SECTION 4 - PERMITS AND FEES

SUBSECTION 4.1 - PERMITS

- 4.1.1** Every Owner shall obtain all required permits or approvals prior to commencing the work to which they relate.
- 4.1.2** An application for a permit shall be made to the Town Office at 420 - 4 Street North, Picture Butte, Alberta.
- 4.1.3** On receipt of an application, a Safety Codes Officer may issue a permit to a person who complies with the requirements of the Act or issue a permit with respect to a thing, process or activity if it complies with the requirements of the Act, and the relevant Quality Management Plan attached hereto and forming part of this Bylaw.
- 4.1.4** A Safety Codes Officer may include terms and conditions in a permit.
- 4.1.5** If a Safety Codes Officer refuses to issue a permit, the Safety Codes Officer shall serve the applicant with a written notice of the refusal.

SUBSECTION 4.2 - BUILDING PERMITS

- 4.2.1** No person shall construct, add to, alter, repair, demolish, reconstruct, relocate any building or excavate for the purpose of constructing a building within the Town until and unless a building permit has been obtained pursuant to this Bylaw. The Town may require that a person installing, or removing a system or equipment for heating, ventilating or air conditioning a building obtain a building permit, and such persons should inquire to the Town Office in this regard before commencing any work.

SUBSECTION 4.3 - ELECTRICAL PERMITS

- 4.3.1** Electrical permits shall be required in accordance with the Quality Management Plan for the Electrical Discipline forming Appendix B of this Bylaw and without limiting the foregoing shall be required by all homeowners performing their own electrical work on their own residence and all electrical contractors performing electrical work within the Town.

SUBSECTION 4.4 - FIRE PERMITS

- 4.4** Permits related to the Fire Code shall be required in accordance with the Quality Management Plan for the Fire Discipline forming Appendix C of this Bylaw and without limiting the generality of the foregoing may be required for outdoor burning or the discharge of fireworks. Certification of occupant loads of buildings, when required under the Act may be applied for at the Town Office.



SUBSECTION 4.5 - GAS PERMITS

- 4.51.** Gas permits shall be required in accordance with the Quality Management Plan for the Gas Discipline forming Appendix D of this Bylaw, and without limiting the generality of the foregoing shall be required by all contractors intending to install, renew, remove or change any part of a gas system within the Town.

SUBSECTION 4.6 - PLUMBING PERMITS

- 4.6.1** Plumbing permits shall be required in accordance with the Quality Management Plan for the Plumbing Discipline forming Appendix D of this Bylaw and without limiting the foregoing shall be required by all homeowners or contractors intending to install, renew, remove or change any plumbing equipment or a plumbing system within the Town.

SECTION 5 - CONTRACTORS

SUBSECTION 5.1 - GENERAL

- 5.1.1** Every Contractor shall comply with the requirements of all applicable legislation relating to the construction being performed.
- 5.1.2** All Contractors who perform work authorized by a permit must hold a valid Town Business License with the exception of an Owner undertaking the work on a project on his or her own property.

SECTION 6 - INSPECTION MANDATE

SUBSECTION 6.1 - GENERAL

- 6.1.1** The Town and its Safety Codes Officers may perform any inspections authorized under the Act including but not necessarily limited to those inspections referred to in the Quality management Plans attached as Appendices A-D inclusive of this Bylaw.

SUBSECTION 6.2 - POLICY CONSTRAINTS ON THE SCOPE OF INSPECTION

- 6.2.1** Subject to any obligations it may have under the Act, Council may from time to time, taking into account social and economic factors, including the resources available to it and the various demands made upon those resources by the residents of the Town, make planning and policy decisions respecting the level of allocation of resources to the administration which may affect the operational performance in regard to the frequency of an extent to which inspections are made under this Bylaw.

SUBSECTION 6.3 - NO WARRANTY ON INSPECTIONS

- 6.3.1** Any inspections undertaken by Safety Codes Officers or the Town are to be undertaken in good faith in an effort to administer and enforce the Act, but are in no way or under any circumstances to be taken to be a guarantee or warranty of compliance with the Act or any related legislation.

SECTION 7 - RESPONSIBILITIES AND OBLIGATIONS

SUBSECTION 7.1 - GENERAL RESPONSIBILITIES

- 7.1.1** No Contractor or Owner shall deviate from the plans and specifications forming a part of a permit, or omit or fail to complete, work required by the said plans and specifications accepted by the Town, without first having obtained in writing the



approval of the Town to do so, and subject to the above, any person who acts pursuant to a permit shall do so in accordance with the Act and shall comply with the Act in any terms or conditions contained in the permit.

- 7.1.2** No Owner or Contractor involved in any work for which a permit is required shall cause, allow or maintain any unsafe condition.
- 7.1.3** Any Owner or Contractor who knowingly submits false or misleading information contravenes this Bylaw.
- 7.1.4** Every Owner shall allow a Safety Codes Officer to enter any building or premises at any reasonable time for the purpose of administering and enforcing this Bylaw.
- 7.1.5** Every Owner shall, prior to commencing the work, give notice in writing to the appropriate Safety Codes Officer of
 - a) the name, address and telephone number of
 - (i) the Contractor or other Person in charge of the work and
 - (ii) any inspection or testing agency engaged to monitor the work, and;
 - b) any change in or termination of employment of such Persons during the course of the construction as soon as such change or termination occurs.
- 7.1.6** Every Owner shall given notice in writing to the appropriate Safety Codes Officer
 - a) as soon as any change in ownership or change in the address of the Owner occurs prior to the completion of the work for which a permit was issued;
 - b) prior to Occupying any portion of the building if it is to be occupied in stages.
- 7.1.7** Every Owner shall give such other notice to the appropriate Safety Codes Officer as may be required by the provisions of this Bylaw.
- 7.1.8** Every Owner shall make, or have made at his own expense, the tests or inspections necessary to provide compliance with this bylaw and shall promptly file a copy of all such test or inspection reports with the appropriate Safety Codes Officer.
- 7.1.9** Every Owner shall provide an up-to-date Real Property Report, prepared by a registered land surveyor, of the building site when and as required by a Safety Codes Officer.
- 7.1.10** Every Owner is responsible for the cost of repair of any damage to public property or works located thereon that may occur as a result of undertaking work for which a permit was required,
- 7.1.11** Should occupancy occur prior to the completion of any work being undertaken that requires a permit, every Owner shall ensure that no unsafe condition exists or will exist because of work being undertaken or not completed.
- 7.1.12** When required by a Safety Codes Officer, every Owner shall provide a letter to certify compliance with this Bylaw and with an required permits.
- 7.1.13** Neither the issuance of a permit nor the carrying out of inspections made by a Safety Codes Officer shall in any way relieve the Owner of a building from full responsibility for carrying out the project or having the project carried out in accordance with this Bylaw, and any other relevant legislation.

- 7.1.14** The issuance of permits, or the carrying out of any inspections pursuant to this Bylaw shall in no way be construed as a warranty by the Town of any plans, designs or construction.
- 7.1.15** When a building or part thereof, or where a thing, process or activity to which this Act applies is in an unsafe condition, the Owner or Contractor shall forthwith take all necessary action to put the building, thing, process or activity in a safe condition.
- 7.1.16** An Owner or person designated in the regulations shall, if required by the regulations, forthwith report to the Town anything, process or activity under the administration of the Town pursuant to this Act where there is an unsafe condition, accident or fire.

SECTION 8 - AUTHORITY OF THE TOWN

SUBSECTION 8.1 - GENERAL

- 8.1.1** Subject to the provisions of the Act, a Safety Codes Officer may enter any building or premises at any reasonable time for the purpose of administering or enforcing this Bylaw, or if there is reason to believe an unsafe condition exists.
- 8.1.2** A Safety Codes Officer may exercise any and all powers given to him or her under the Act, and without restricting the generality of the foregoing is empowered to order:
 - a) a Person who contravenes the Act or this Bylaw to comply with the provision thereof within the time period specified;
 - b) work to stop on the building or any part thereof if such work is proceeding in contravention of the Act or this Bylaw, or if there is deemed to be an unsafe condition;
 - c) the removal of any building or part thereof constructed in contravention of this Bylaw;
 - d) the cessation of any occupancy if any unsafe condition exists because of work being undertaken or not completed, and
 - e) correction of any unsafe condition, or contravention of the Act or this Bylaw.
- 8.1.3** A Safety Codes Officer shall require any Owner to submit, in addition to any information otherwise required, an up-to-date Real Property Report, prepared by a registered land surveyor, which shall contain sufficient information regarding the site and the location of any building:
 - a) to establish before construction begins that all the requirements of this Bylaw related to this information will be complied with, and
 - b) to verify that, upon completion of the work, all such requirements have been complied with.
- 8.1.4** When a Safety Codes Officer has received a completed application for a permit and is satisfied that the project described in the application meets the requirements of the Act and this Bylaw, the Safety Codes Officer may issue a permit to the applicant and may impose such conditions on the permit, as he or she deems necessary to ensure compliance with the Act and this Bylaw.
- 8.1.5** A Safety Codes Officer may issue a written variance with respect to any thing, process or activity to which the Act applies if the Safety Codes Officer is of the opinion

that the variance provides approximately equivalent or greater safety performance with respect to persons and property as that provided for by the Act. A Safety Codes Officer may include terms and conditions in the variance.

- 8.1.6** A Safety Codes Officer may issue a permit at the risk of the Owner, with conditions, to ensure compliance with this Bylaw and any other applicable legislation, to excavate or to construct a portion of a building before all the plans of the project have been submitted or accepted by a Safety Codes Officer.
- 8.1.7** A Safety Codes Officer in his or her absolute discretion, may issue a permit for the whole project prior to work commencing thereon, conditional upon the submission, of additional information not available at the time of issue.
- 8.1.8** A Safety Codes Officer may refuse to issue any permit:
- a) whenever information submitted is inadequate to determine compliance with the provisions of the Act and this Bylaw;
 - b) whenever incorrect information is submitted;
 - c) that would authorize any building, work or occupancy that would not be permitted by this Bylaw, or
 - d) that would be prohibited by any other legislation and/or regulation.
- 8.1.9** A Safety Codes Officer may suspend or cancel a permit upon written notice to the permit holder where:
- a) there is a contravention of any condition under which the permit was issued;
 - b) the permit was issued in error;
 - c) the permit was issued on the basis of incorrect information, or
 - d) the thing, process or activity for which the permit was issued does not comply with the Act or this Bylaw.
- 8.1.10** A Safety Codes Officer may suspend or cancel a permit if the Safety Codes Officer, on reasonable and probable grounds, is of the opinion that the permit holder does not comply with this Act when acting pursuant to the permit or that the thing, process or activity does not comply with this Act. The Safety Codes Officer shall serve written notice of the suspension or cancellation on the permit holder and shall also notify an Administrator.
- 8.1.11** When immediate measures must be taken to avoid an imminent danger of fire or risk of accident, the Town may take such action as is appropriate, without notice and at the expense of the Owner.

SECTION 9 - FEES

SUBSECTION 9.1 - GENERAL

- 9.1.1** Fees shall be charged by the Town for services rendered and the application for or issuance of any permits pursuant to the Fee Schedule established or negotiated by Council from time to time.



SECTION 10 - VIOLATIONS AND PENALTIES

SUBSECTION 10.1 - VIOLATIONS

10.1.1 Any person:

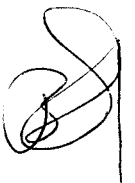
- a) who interferes with or in any manner hinders a Safety Codes Officer in the exercise of his or her duties under this Act or this Bylaw;
- b) who knowingly makes a false or misleading statement to a Safety Codes Officer either orally or in writing;
- c) who fails to prepare, submit or retain any information that he has required by the Act or this Bylaw to prepare, submit or retain;
- d) who contravenes the Act;
- e) who contravenes a condition in a permit, certificate or variance;
- f) who contravenes an Order; or
- g) who fails to carry out any action required in an Order to be taken within the time specified in it, is guilty of an offence.

SUBSECTION 10.2 - PENALTIES

10.2.1 A person who is guilty of an offence is liable

- a) for a first offence
 - (i) to a fine of not more than \$15,000.00 and, in a case of a continuing offence, to a further fine of not more than \$1,000.00 for each day during which the offence continues after the first day or part of a day; or
 - (ii) imprisonment for a term not exceeding 6 months,or to both fines and imprisonment, and
- b) for a 2nd or subsequent offence
 - (i) to a fine of not more than \$30,000.00 and, in the case of a continuing offence, to a further fine of not more than \$2,000.00 for each day or part of a day during which the offence continues after the first day, or
 - (ii) to imprisonment for a term not exceeding 12 months,or to both fines and imprisonment.

10.2.2 If a person is guilty of an offence under this Act, the court may, in addition to any other penalty imposed or order made, order the person to comply with this Act or any order, permit certificate or variance, or all or anyone or more of them, as the case requires.



SECTION 11 - APPEALS

SUBSECTION 11.1 - GENERAL

11.1.1 Any person:

- a) to whom an Order is issued by a Safety Codes Officer;
- b) whose application for a permit has been refused by a Safety Codes Officer; or
- c) whose permit has been suspended or cancelled by a Safety Codes Officer, may appeal the Order, refusal, suspension or cancellation, as the case may be, to the extent and in the manner provided for in the Act

SUBSECTION 12 - RESCINDING BYLAWS

12.1.1 This Bylaw hereby rescinds Bylaw #711/94.

SUBSECTION 13 - EFFECTIVE DATE

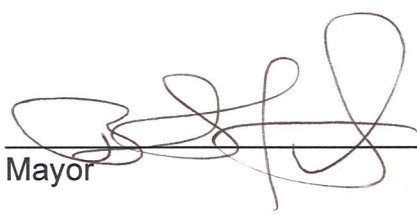
13.1.1 This Bylaw comes into force and effect upon the final reading thereof.

MOVED by Councillor S. Koenen that Bylaw #734/96 be read a first time this 9th day of September, 1996. CARRIED.

MOVED by Councillor E. Anderson that Bylaw #734/96 be read a second time this 9th day of September, 1996. CARRIED.

MOVED by Councillor V. Nemecek that permission be granted to give third reading to Bylaw #734/96 at this meeting. CARRIED UNANIMOUSLY.

MOVED by Councillor S. Ruaben that Bylaw #734/96 be read a third time and finally passed this 9th day of September, 1996. CARRIED.



Mayor



Municipal Administrator