

**BYLAW NUMBER 1690-2022
TOWN OF INNISFAIL
SAFETY CODES PERMIT BYLAW**

Being a bylaw of the Town of Innisfail, in the Province of Alberta, to establish minimum standards and fees for the issuance of certain permits under Town bylaws and 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;

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;

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 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 of the bylaw or for any other reason specified in the bylaw;

NOW THEREFORE, the Council of the Town of Innisfail, duly assembled, enacts as follows:

DEFINITIONS

ALLEY means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land;

BOULEVARD means that part of a Highway that is not a roadway, and is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;

CAO means the Chief Administrative Officer of the Town of Innisfail or their designate, including but not limited to those who act as a Safety Codes Officer or Permit Issuer;

HIGHWAY means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes: a sidewalk, including a boulevard adjacent to the sidewalk, if a ditch lies adjacent to and parallel with the roadway, the ditch, and if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway.

HOARDING means any covered way, fence, railing, boarding, barricade, guard, timber buffer, temporary walkway or other structure, material or equipment;

MUNICIPAL TICKET means a ticket alleging an offence issued pursuant to the authority of a bylaw of the Town;

OWNER means a Person who has care and control of an undertaking and includes a lessee, a Person in charge, and a Person who holds out that the Person has the powers and authority of ownership or who the time being exercises the power and authority of ownership;

PERSON means an individual, partnership, association, corporation, organization, business, cooperative, trustee, executor, administrator or legal representative;

QUALITY MANAGEMENT PLAN means the Town of Innisfail Quality Management Plan registered with the Alberta Safety Codes Council;

REGULATIONS means any regulations passed pursuant to the Safety Codes Act including any codes adopted in such regulations;

ROADWAY means that portion of a Highway intended for use by vehicular traffic;

SAFETY CODES ACT means the Safety Codes Act, R.S.A. 2000, c. S-1, as amended;

SIDEWALK means that part of a Highway especially adapted to the use of or ordinarily used by pedestrians;

TOWN means the Municipal Corporation of the Town of Innisfail;

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;

VIOLATION TICKET has the same meaning as in the Provincial Offenses Procedure Act, R.S.A. 2000, c. P-34, as amended.

PERMIT REQUIRED

- 1) 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 an 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 to the satisfaction of the CAO.

APPLICATION

- 3) 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 CAO:
 - a) an application in a form approved by the CAO;
 - b) plans and specifications as required by the CAO;
 - c) the value of the proposed undertaking;
 - d) any fees required pursuant to this bylaw; and
 - e) any additional information required by the CAO.

ISSUANCE OF PERMIT

- 4) The CAO 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 including but not limited to applicable Town bylaws; 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.
- 5) The CAO may impose any conditions on a permit as are deemed necessary to ensure compliance with the Safety Codes Act, the Regulation, this bylaw and any other legal requirements including but not limited to applicable Town bylaws.

TRANSFER

- 6) A Person shall not transfer a permit to any other Person unless the transfer has been authorized in writing by the CAO.

REFUSAL TO ISSUE, SUSPENSION OR CANCELLATION

- 7) In addition to any powers pursuant to the Safety Codes Act or Regulations, the CAO 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;
 - c) in the opinion of the CAO, 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 examined plans and specifications for 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.

TIME LIMIT FOR ISSUED PERMIT

- 9) A Person to which a permit has been issued must complete the undertaking described in the application by the date specified on the permit in accordance with the Town's Quality Management Plan.
- 10) The CAO may, in writing, provide an extension for completing the work beyond the initial 18 month period. The extension shall not exceed an additional 6 months.
- 11) Only one extension of the permit shall be allowed. If the undertaking is not complete after 24 months a new permit application must be submitted for which the processing fee shall be half of the fee of the original application.

CRANE AGREEMENT

- 12) No Person shall erect any crane, hoist, or similar apparatus capable of projecting or swinging over a Highway unless the Person enters into an agreement with the Town in a form acceptable to the CAO.

HOARDING PERMIT

- 13) No Person shall place any hoarding on a Highway unless the Person obtains a permit allowing that Person to place hoarding on a Highway.
- 14) In addition to any other requirement, every Person applying for a permit to place hoarding on a Highway must submit to the CAO, in a form acceptable to the CAO:
 - a) The location at which the hoarding is proposed; and
 - b) an executed agreement with the Town relating to the hoarding in a form approved by the CAO.

HOARDING REGULATIONS

- 15) If any covered way, fence, railing, boarding or barricade is required pursuant to the Regulations and it to be located on a Highway, then the owner shall provide protection for pedestrians as follows:
- a) for undertaking 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.
- 16) The owner of an undertaking for which hoarding on a Highway is required shall ensure that:
- a) the hoarding is securely anchored;
 - b) the hoarding is lit during twilight hours; and
 - c) 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
- 17) If there is any equipment stored on the roof of a covered way required by this section, the owner 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

- 18) 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 CAO.

ROADWAY PROTECTION

- 19) If the railing of a walkway or covered way is located such 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 1.07 metres 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

- 20) 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.
- 21) 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 7.2KN per square metre;
- c) provided with suitable ramps or stairs at each end; and
- d) equipped with a railing not less than 1.07 metres high along each side.

NOTIFICATION

- 22) 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 CAO.

INSPECTIONS

- 23) Any inspections conducted by or on behalf of the Town shall be conducted in accordance with the governing Quality Management Plan and the service levels, which may exceed the minimums established in the Quality Management Plan, set by the Town.

FEEES

- 24) The fees payable for any permit issued pursuant to this bylaw are set out in the Town's current "Rates and Fees Bylaw".
- a) The fees payable for any search, certificate, document, or other service related to the administration of this bylaw are set out in the "Rates and Fees Bylaw".
 - b) If an undertaking is commenced prior to a permit being issued pursuant to this bylaw the fees payable for the permit are twice the fees set out in the "Rates and Fees Bylaw".
 - c) Where a permit is issued to the registered owner of property and the fees under this bylaw have not been paid in full the CAO may direct the outstanding amount to be transferred to the tax roll account of the subject property. The Town shall provide written notice to the registered owner of such transfer.
 - d) Where a permit is issued to a third party undertaking work for a property owner and the fees under this bylaw have not been paid in full the CAO may direct that no business license or business license renewal shall be issued for the third party until such time as the outstanding amount has been paid.

INSPECTION FEES

- 25) Unless otherwise specified, the fees payable pursuant to the "Rates and Fees Bylaw" include all mandatory inspections.
- 26) The additional inspection fee set out in "Rates and Fees 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.

OFFENCE

- 27) A Person who contravenes any section of this bylaw is guilty of an offence.

CONTINUING OFFENCE

- 28) 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

- 29) 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

- 30) When a corporation commits an offence under this bylaw, every principal, director, manager, employee, or agent of the corporation 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 whether or not the corporation has been prosecuted for the offence.
- 31) If a partner in a partnership is guilty of an offence under the bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

FINES AND PENALTIES

- 32) 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, and to imprisonment for not more than six months for non-payment of a fine.
- 33) Without restricting the generality of section (1) the following fine amounts are established for use on municipal tags and violation tickets if a voluntary payment option is offered:
- a) \$250 for any offence for which a fine is not otherwise established in this section; and
 - b) \$400 or twice the fees payable for a permit, whichever is greater, for an offence under section (2) of this bylaw.

MUNICIPAL TICKET

- 34) If a municipal ticket is issued in respect of an offence the Municipal Ticket must specify the fine amount established in this bylaw for the offence.

PAYMENT IN LIEU OF PROSECUTION

- 35) A Person who commits an offence may, if a municipal ticket 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

- 36) 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

- 37) 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 make a voluntary payment equal to the specified fine.

OBSTRUCTION

- 38) A Person shall not obstruct or hinder any Person in the exercise or performance of the Person's powers pursuant to this bylaw.

POWERS OF THE CAO

- 39) Without restricting any other power, duty or function granted by this bylaw or the Safety Codes Act, the CAO 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 an applicant to execute an agreement as a condition of granting a permit;
 - h) place a valuation on a project for the purpose of calculating any fees for a permit;
 - i) waive all or a portion of any fees payable; and
 - j) delegate any powers, duties or functions under this bylaw to an employee of the Town or a service provider contracted by the Town.

PROOF OF PERMIT

- 40) 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 permit on a balance of probabilities.

PROOF OF EXEMPTION

- 41) The onus of proving that a Person is exempt from the provisions of this bylaw requiring a permit is on the Person alleging the exemption on a balance of probabilities.

CERTIFIED COPY OF RECORD

- 42) A copy of record of the Town, certified by the CAO 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

- 43) Nothing in this bylaw, including the issuance of a permit, any approval, and any inspections conducted pursuant to this bylaw, relieves any Person of their legal duty to comply with the Safety Codes Act, the Regulations and this bylaw.

EFFECTIVE DATE

44) That Bylaw 1584-2015, and any amendments thereto, are hereby repealed.

Read a first time on the 11 day of July, 2022

Read a second time on the 11 day of July, 2022

Read a third and final time on the 11 day of July, 2022



Mayor



Chief Administrative Officer