

**BYLAW 833-P-09-21
TOWN OF COALDALE
PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE TOWN OF COALDALE
TO AMEND BYLAW 722-P-02-17
TO REGULATE LOT GRADES WITHIN THE TOWN OF COALDALE.**

WHEREAS the Legislature of the Province of Alberta has passed the Municipal Government Act, R.S.A. 2000, Chapter M-26;

AND WHEREAS the Municipal Government Act R.S.A 2000, c. M-26 and amendments thereto authorize a municipality to pass bylaws respecting public utilities, the protection of property and the enforcement of bylaws;

AND WHEREAS the Municipal Government Act R.S.A 2000, c. M-26 and amendments thereto authorizes a municipality to deal with development and provide for a system of permits;

AND WHEREAS it is desirable to ensure that properties are graded at the completion of construction in compliance with approved grades;

NOW THEREFORE, the Municipal Council of the Town of Coaldale, Alberta duly assembled, hereby enacts as follows:

1. This Bylaw shall be known as "Lot Grading Bylaw".
2. In this Bylaw:
 - a. 'APPLICANT' means the person who has applied for a development permit for the construction of a building.
 - b. 'AS BUILT DRAWINGS' is a drawing, supplied by the applicant, which depicts a lot upon completion of grading.
 - c. 'AS CONSTRUCTED GRADE CERTIFICATE' is a post-construction Plot Plan, completed in accordance with Schedule 'C' of this bylaw, bearing the stamp or seal of either:
 - i. A Registered Alberta Land Surveyor, as the term is used in the Land Surveyor Act; or
 - ii. A Professional Engineer, as the term is used in the Engineering Geological and Geophysical Professionals Act; or
 - iii. A Registered Architect, as that term is used in the Architects Act;

- d. 'BUILDER' means a person directly responsible for the construction of a building and may be an Applicant or another entity designated by the Applicant.
 - e. 'BUILDING GRADE PLAN' means a drawing stamped and signed by a Registered Professional indicating the suggested grades for a piece of property which has been authorized by the Town of Coaldale Planning and Development Department to allow for construction.
 - f. 'TOWN' means the municipal corporation of The Town of Coaldale.
 - g. 'TOWN COUNCIL' means the municipal council of the Town.
 - h. 'GRADE SLIP' means a document issued by a developer which contains the approved and required final surface grades and elevations for a parcel of land;
 - i. 'PERSON' means an Applicant or Builder as applicable.
 - j. 'LOT GRADING PERMIT' means a permit issued by the Town pursuant to this Bylaw;
 - k. 'PLOT PLAN' means a plan view of a lot, showing the proposed location of the home and any other information as required in this Bylaw or other Bylaws of the Town of Coaldale;
 - l. 'SIDE YARD' means the area between the side of the house and the property line.
3. It is the purpose of this Bylaw to stipulate the conditions, requirements and fees for permits for the grading of a lot upon which a building is sited.
4. All schedules attached to this Bylaw shall form part of this Bylaw.
5. If a Builder identifies any grade discrepancy on site, that Builder must contact the Town of Coaldale's Development Department and have the grade discrepancy resolved. The Builder is responsible for making homeowners aware that they must not grade their lot until a final As Constructed Grade Certificate has been completed by the Builder. Noncompliance will be noted on file for future reference.
6. A person who applies for the construction of a single-detached dwelling, semi-detached dwelling, duplex, three-plex or four-plex, shall obtain a Lot Grading Permit from the Town of Coaldale prior to beginning construction. The Builder must complete the lot grading as per the approved Building

Grade Plan. A tolerance of plus or minus five (5) cm may be acceptable. A subgrade tolerance of minus five (5) cm to minus twenty (20) cm may also be acceptable.

7. Building Grade Plans submitted with a Lot Grading Permit or an As Constructed Grade Certificate shall show:
 - a. All corner grades of the lot;
 - b. Elevations at top of foundation walls;
 - c. The drainage pattern of the lot;
 - d. Right of way and easements;
 - e. Dimensions from property lines to the building
 - f. Top of footing elevations

All information on the Plot Plan shall be legible and drawn to a scale of 1:200.

The Town of Coaldale may charge a fee as set out in the Fees and Rates Bylaw for the issuance of Lot Grading Permits

8. A person who applies for a development permit for a dwelling, other than a building for which Professional Involvement is required, must submit to the Town of Coaldale an As Constructed Grade Certificate for the parcel of land to which the Lot Grading Permit relates within twelve (12) months of the final building inspection.

Every As Constructed Grade Certificate required by this bylaw must:

- a. Demonstrate that it conforms to the Building Grade Plan provided prior to foundation wall construction.
- b. State that the lot grading as shown on the Building Grade Plan will provide positive slope to the property lines and will not have an adverse effect on the common boundary with adjacent properties.
- c. Be prepared no earlier than that time after the final heavy load of materials (i.e. gypsum board) has been delivered to site.

A person who fails to obtain a Lot Grading Permit, or a person who fails to submit an As Constructed Grade Certificate shall be subject to penalties as stated in the Fees and Rates Bylaw.

9. The Builder or Applicant may apply in writing for an extension of time within which to submit an As Constructed Grade Slip by submitting a completed Schedule 'D' of this bylaw, along with the prescribed non-refundable fee, not less than five (5) working days prior to the expiry date of the original filing deadline.
10. The fee for each permit shall be paid at the time the application is submitted.
11. (1) Any Person who contravenes any provision of this Bylaw by:
 - (a) doing any act or thing which the Person is prohibited from doing; or
 - (b) failing to do any act or thing the Person is required to do; is guilty of an offence.

(2) Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00 and in default of payment of any fine imposed, to a period of imprisonment not exceeding six (6) months.

(3) Where a designated officer believes that a Person has contravened any provision of this Bylaw, the officer may commence proceedings against the Person by issuing a violation ticket pursuant to the Provincial Offences Procedures Act, R.S.A. 2000 c. P-24.

(4) Where there is a specified penalty listed for an offence in the Fees and Rates Bylaw, that amount is the specified penalty for the offence.

(5) This Section shall not prevent any officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedures Act, R.S.A. 2000 c. P-24, or from laying an information in lieu of issuing a violation ticket.

(6) The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a Person from the necessity of doing any thing or paying any fees, charges or costs from which that Person is liable under the provisions of this Bylaw or any other bylaw.
12. It is the intention of Town Council that each separate provision of the Bylaw shall be deemed independent of all other provisions herein and it is further the intention of Town Council that if any provisions of the Bylaw be declared invalid all other provisions thereof shall remain valid and enforceable.

13. The Town shall issue Notices of Compliance, Field Compliance or Non-Compliance in approximately the form as set out in Schedules 'B', 'C' and 'E'.
14. That this Bylaw 833-P-09-21 rescinds the following bylaw:
Bylaw 722-P-02-17.
15. Lot Grading Bylaw 833-P-09-21 shall come into force when it receives
THIRD and FINAL reading and is duly signed.

READ a FIRST time this 27th day of September, 2021, Lot Grading Bylaw 833-P-09-21.



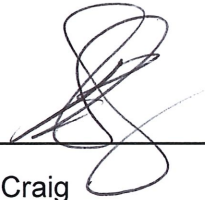
Mayor – Kim Craig

Motion #: 341-2021



CAO – Kalen Hastings

READ a SECOND time this 27th day of September, 2021, Lot Grading Bylaw 833-P-09-21.



Mayor – Kim Craig

Motion #: 342-2021



CAO – Kalen Hastings

UNANIMOUS CONSENT provided to hold all three readings at one meeting, for Lot Grading Bylaw 833-P-09-21.



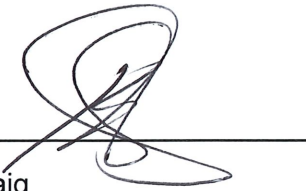
Mayor – Kim Craig

Motion #: 343-2021

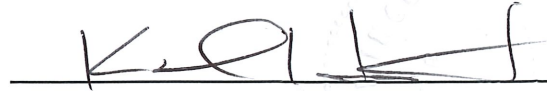


CAO – Kalen Hastings

READ a THIRD and FINAL time this 27th day of September, 2021, Lot Grading Bylaw 833-P-09-21.



Mayor – Kim Craig



CAO – Kalen Hastings

Motion #: 344-2021

SCHEDULE 'A'

As Constructed Grade Certificate

Date: _____

Attention: _____

RE: As Constructed Grade Certificate

Project Address: _____

Legal Description Lot: _____ Block: _____ Plan: _____

Builder/ Applicant: _____

Subdivision: _____ Phase: _____

I hereby certify that I have been appointed by the builder as the Registered Professional of Record for the property indicated above. I have reviewed the information below in compliance with the current Town of Coaldale Lot Grading Bylaw and have performed and/or reviewed the items below and certify that this information is correct to the best of my knowledge:

I confirm that the relative difference between the elevations at the points shown on the Building Grade Plan and those surveyed on ____ day of _____, 20____, shown on the attached *As Constructed Grade Certificate*, meet the required tolerances set out in the Town of Coaldale Lot Grading Bylaw.

I confirm that the respecting As Built lot grades as provided by the Builder shown on the attached Plot Plan provide positive slope from the building to the property lines and I confirm that the lot grading as shown on the As Built Grade Certificate reflects the status of the grades as of the date of survey only.

Signature: _____

Title: _____

SCHEDULE 'B'

Notice of Non-Compliance

Date: _____

To: _____

RE: Lot Grading - **Notice of Non-Compliance**

The Town of Coaldale serves notice to the _____ of Lot _____ Block _____ Plan _____ that the lot grading requirements of the Town of Coaldale have not been met for the above-mentioned property as of the ____ day of _____, 20____.

Condition(s) of Lot Grading permit number _____ dated the ____ day of _____ 20 ____ stated that a Constructed Grade Certificate was to be submitted to the Town of Coaldale within twelve (12) months of the final building inspection.

This letter is notice that a response is required on or before the ____ day of _____, 20 ____ or a penalty may be issued in accordance with the Town of Coaldale Lot Grading Bylaw.

Note: An extension can be requested in accordance with the Town of Coaldale Lot Grading Bylaw.

Signature: _____

Title: _____

SCHEDULE 'C'

Notice of Compliance

Date: _____

To: _____

RE: As Constructed Grade Certificate - **Notice of Compliance**

Development Permit # _____

Project Address: _____

Legal Description Lot: _____ Block: _____ Plan: _____

Builder/ Applicant: _____

Subdivision: _____ Phase: _____

The Town of Coaldale Development Department has received and reviewed the 'As Constructed Grade Certificate' submitted for the above property and is satisfied with the contents of the certificate.

The closure of this file is based upon the builder/applicant certifying that the grades of the above property conform to the Town of Coaldale Lot Grading Bylaw #722-P-02-17.

Please forward a copy of this letter to the homeowner of the above property for their information.

Respectfully,

Signature: _____

Title: _____

SCHEDULE 'D'

Request for Extension of Time for Filing an As Constructed Grade Certificate

Date: _____

Town of Coaldale
Development Department
1920 - 17th Street
Coaldale, AB T1M 1M1

Attention: _____

Re: Request for an Extension of Time to File as Constructed Grade Certificate

Development Permit # _____

Project Address: _____

Legal Description Lot: _____ Block: _____ Plan: _____

Final Inspection Date: _____

Builder/ Applicant: _____

Subdivision: _____ Phase: _____

In accordance with the Town of Coaldale Lot Grading Bylaw, the above-mentioned Builder/ Applicant is requesting an extension to file an As Constructed Grade Certificate for the building at the above-mentioned address until _____. We understand that this extension request is required to be filed at least five (5) business days prior to the filing deadline as set out in the Lot Grading Bylaw.

The reason for the extension request is as follows: _____

\$100.00 Fee for filing a request for Extension to File a Construction Grade Certificate - Must be paid at the time of the request

Office Use Only

Extension Refused: _____ Reason: _____

Extension Granted By: _____ Date: _____

Extended Until: _____ Builder/Applicant notified: _____

SCHEDULE 'E'

Notice of Field Compliance

Date: _____

To: _____

RE: As Constructed Grade Certificate - **Notice of Field Compliance**

Development Permit # _____

Project Address: _____

Legal Description Lot: _____ Block: _____ Plan: _____

Builder/ Applicant: _____

Subdivision: _____ Phase: _____

The Town of Coaldale's Development Department has received and reviewed the 'As Constructed Grade Certificate' submitted for the above property and is satisfied with the contents of this certificate.

The adjacent property(ies) were completed prior to the implementation of the Lot Grading Bylaw, or are existing lots which are being infilled with newly constructed homes. These adjacent properties are therefore exempt from the compliance process.

The closure of this file is based upon the builder certifying that the grades of the above property conform to the Town of Coaldale Lot Grading Bylaw # 722-P-02-17.

Please forward a copy of this letter to the homeowner of the above property for their information.

Respectfully,

Signature: _____

Title: _____