

**BYLAW NO. B-45/2023
THE CITY OF AIRDRIE**

SAFETY CODES PERMIT BYLAW

Being a bylaw to regulate the administration of permits for the use, occupancy, relocation, construction, demolition, alteration, repair, or removal of buildings and the installation of mechanical equipment systems.

WHEREAS under the *Safety Codes Act* (the “Act”), a municipality may pass bylaws setting minimum maintenance standards for buildings and structures, and fees for anything issued or any material or service provided pursuant to the Act;

AND WHEREAS under the *Municipal Government Act*, 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 under the *Municipal Government Act*, a council may provide for a system licences, permits, or approvals;

NOW THEREFORE the Council of the City of Airdrie enacts as follows:

Title

- 1 This bylaw may be cited as the “Safety Codes Permit Bylaw”.

Definitions

- 2 Unless otherwise defined in this bylaw, the words in this bylaw have the same meaning as defined in the Act and its regulations.
- 3 In this Bylaw the following definitions apply:
 - (1) "Act" means the *Safety Codes Act*, RSA 2000, c S-1, and its regulations, including safety codes, as amended or replaced;
 - (2) "applicant" means the owner of a building or a property or an authorized representative in writing by the owner who applies for a building permit;
 - (3) “Code” means the building, electrical, gas, plumbing and energy codes currently in force under the Act;
 - (4) "estimated construction cost" means the total cost of constructing and finishing the building including site servicing but excluding furniture and office equipment;

- (5) “fee(s)” means the fees established in the City of Airdrie’s *User Fees and Charges Bylaw*, as amended or replaced;
- (6) “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 at the time being exercises the powers and authority of ownership;
- (7) “permit issuer” means a safety codes officer or a person designated to issue permits pursuant to the Act;
- (8) “permit” means a permit issued pursuant to this bylaw and as defined in the code;
- (9) “safety codes officer” means an individual designated as a safety codes officer pursuant to the Act;
- (10) “undertaking” means the construction of a thing or the control or operation of a thing, process, or activity to which the Act applies;

Scope

- 4 This bylaw applies to the administration and enforcement of the Act within the City for the disciplines of building, HVAC (heating, ventilation, and air conditioning), electrical, gas, and plumbing.

Prohibition

- 5 A person must not start any undertaking that requires a permit pursuant to the Act or this bylaw without the issuance of a valid and subsisting permit.
- 6
 - (a) Despite section 5 of this bylaw, if there is imminent and serious danger to persons or property because of anything, process, or activity to which the 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.
 - (b) A person who starts an undertaking to prevent or rectify an imminent and serious danger to persons or property without the required permit must apply for a permit as soon as the danger, fire hazard, or risk of explosion is remedied.
- 7 A person undertaking a demolition must dispose of demolition debris at the appropriate waste management facility in accordance with the *Waste Control Regulation*, AR 192/1996, as amended or replaced.

Permit applications

- 8 A person applying for a permit pursuant to the Act or this bylaw must provide to the permit issuer:
- (1) an application in a form approved by the permit issuer;
 - (2) plans and specifications as required by the permit issuer;
 - (3) the value of the proposed undertaking;
 - (4) any required fees; and
 - (5) any additional information required under the Act.
- 9 Fees are based on the final estimated construction costs, unless otherwise indicated in the *User Fees and Charges Bylaw*.
- 10 All applicable fees and taxes must be paid in full at the time of application.

Issuance of permit

- 11 A permit issuer issues a permit pursuant to the Act or this bylaw, only when:
- (1) the undertaking described in the application for the permit meets the requirements of the Act and this bylaw;
 - (2) the plans and specifications submitted in the application meet the requirements of the Act and this bylaw; and
 - (3) the required fees and taxes are paid in full.
- 12 The permit issuer may impose any terms and conditions on a permit issued under this bylaw as deemed necessary to ensure compliance with the purpose and intent of the Act, this bylaw, and any other legal requirements.

Revisions and re-examination

- 13 The permit issuer may accept a revision to the construction for which a permit has been issued and determine the appropriate fee to be charged for the service in accordance with the *User Fees and Charges Bylaw*.
- 14
- (a) The safety codes officer may reject a permit application if the supporting documents submitted contain substantial errors or omissions.
 - (b) Documents containing errors or omissions may be re-submitted for further re-examinations.

- (c) The City may charge a fee for each document that is re-examined.
- 15 The permit issuer may destroy any documents submitted which are incomplete and do not form the basis of the permit issued.

Transfer

- 16 A person must not transfer a permit to any other person unless the transfer has been authorized in writing by the permit issuer.

Refusal to issue, suspension, or cancellation

- 17 In addition to any powers pursuant to the Act, the permit issuer may refuse to issue a permit, and the safety codes officer may suspend or cancel a permit that has been issued, if:
 - (1) in the case of an addition or alteration, the existing undertaking is unsafe or may reduce the level of safety of the undertaking governed by the permit to below that which is intended by the Act or this bylaw;
 - (2) incorrect or insufficient information is submitted with respect to the permit or the undertaking to be governed by the permit;
 - (3) in the opinion of the permit issuer, the undertaking for which the permit would be or has been issued would or does contravene the Act or this bylaw;
 - (4) the required fees for the permit have not been paid;
 - (5) there is a contravention of any condition under which the permit was issued; or
 - (6) the permit was issued in error.
- 18 If a permit application is paid for but not issued within 90 days of the application date because required or requested information is missing, the permit is deemed expired.

Permit term and extensions

- 19 A permit issued under this bylaw, other than a permit for the use or occupancy of a building, may expire for reasons set out in the Act or this bylaw.
- 20 Before a permit expires, a permit holder may apply for an extension to the permit's term. The request must be in writing to the permit issuer and accompanied with the required application fee.

- 21 Upon receiving a permit holder's application to extend a permit's term, the permit issuer may, in writing, extend the permit as the permit issuer considers appropriate, upon the following conditions:
- (1) the term of each extension of the permit does not exceed 180 days; and
 - (2) the permit has not been revoked or is not expired.
- 22 If a new permit is required after the expiry of a permit, the fee for the new permit is reduced by half if:
- (1) there are no current or future changes to the original plans and specifications; and
 - (2) the suspension or abandonment of the work has not exceeded 180 days.

Re-instatement

- 23 A safety codes officer may re-instate an expired permit if:
- (1) the applicant makes a written request within 30 days of the permit expiring; and
 - (2) no changes are made in the documents submitted with the application.

Occupancy permit

- 24 Buildings regulated by the Act, other than a single-detached dwelling, a duplex dwelling, or a semi-detached dwelling, must not be used or occupied unless an occupancy permit is issued.
- (1) Despite section 24, a building that was closed due to unsafe conditions pursuant to section 48(2) of the Act must not be used or occupied unless a safety codes officer issues written permission for the building's use or occupancy.
- 25 A single-detached dwelling, duplex dwelling, or semi-detached dwelling must not be used or occupied without written permission for use or occupancy.
- 26 Upon application, an occupancy permit is issued if, in the opinion of the safety codes officer, the building does not contravene the provisions of the Act or the Code.
- 27 Where an occupancy permit is issued, the owner of the building must permanently display the occupancy permit in a conspicuous location inside the building near the main entrance.

- 28 The issuance of an occupancy permit is not permission for, or an approval of, a contravention of any provision of any other act, regulation, or bylaw.

Fees

- 29 The fee for any permit and levies charged pursuant to the Act are payable by the applicant at the time the application is filed with the City.
- 30 The fees payable for any search, certificate, document, or other service related to the administration of this bylaw are set out in the *User Fees and Charges Bylaw*.
- 31 A safety codes officer may place a value on the cost of the undertaking for the purpose of determining the permit fee using current construction methods or techniques, including resources for estimating prevailing market values.
- 32 (1) To determine the cost of the undertaking, the safety codes officer may require an applicant to submit an executed contract or genuine estimate of the cost of the undertaking when submitting the application.
- (2) The value of the cost of the undertaking must include all labour and materials and all lighting, heating, ventilation, water supply, plumbing, electrical, fire sprinklers, and elevator equipment.
- 33 Unless otherwise specified, the fees payable pursuant to the *User Fees and Charges Bylaw* include all mandatory inspections.
- 34 If an undertaking, including excavation, is commenced prior to a permit being issued pursuant to this bylaw, the fees payable for the permit are double the permit fees set out in the *User Fees and Charges Bylaw*.
- 35 The additional fees set out in the *User Fees and Charges Bylaw* is payable where:
- (1) at time of inspection, the municipal address of the parcel for which the permit was issued is not clearly displayed and legible from the street;
- (2) when an inspection was scheduled :
- (a) the safety codes officer is unable to access the building, or the site is not safe;
- (b) the undertaking is not ready for an inspection; or
- (c) a previously identified deficiency has not been corrected;
- (3) a verification of compliance required by the safety codes officer was not submitted on time;

- (4) the applicant fails to schedule a required inspection;
 - (5) a building is occupied before the required inspections and approvals;
 - (6) a Safety inspection is required where all or part of a building for which the permit application is closed due to unsafe conditions pursuant to the Act.
- 36 The environmental remediation fee in addition to permit fees, as set out in the *User Fees and Charges Bylaw*, must be paid in full.
- 37 The owner is responsible for the cost of security fencing if a safety codes officer determines security fencing is necessary to secure premises the premises.

Unpaid fees

- 38 If there are outstanding fees on a permit, no further inspections are provided until the fees are paid.

Refunds

- 39 If a person who has paid a permit fee and cancelled, withdrawn, or surrendered their permit, that person may request in writing to the City Manager for a fee refund.
- 40 A permit fee is not refunded if:
- (1) the permit was revoked;
 - (2) the use, occupancy, relocation, construction, or demolition of the building or the installation of the mechanical equipment or systems has commenced; or
 - (3) an extension of the permit was granted.

Offence

- 41 A permit applicant is responsible for, and is not excused from, ascertaining and complying with the requirements of any relevant federal, provincial, or other municipal legislation and the related codes.
- 42 Nothing in this bylaw, including the issuance of a permit, any approval, and any inspections conducted pursuant to this bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order, or licence.

- 43 Any person who contravenes this bylaw is guilty of an offence under section 67 of the Act.

Miscellaneous

- 44 Any headings or sub-headings in this bylaw are included for guidance purposes and convenience only, and do not form part of this bylaw.
- 45 Where this bylaw refers to another act, bylaw, regulation, or agency, it includes reference to any act, bylaw, regulation, or agency that may be substituted for it.
- 46 Where the context requires or permits, words importing the singular include the plural.
- 47 If there is a conflict between the provisions of this bylaw and the provisions of a provincial or federal legislation, the provincial or federal legislation prevails.
- 48 If any provision or part of this bylaw is declared invalid by a court of competent jurisdiction, all other provisions of this bylaw remain valid and enforceable.

Transitional

- 49 Bylaw No. B-30/2008 and any amendments to that bylaw are repealed.
- 50 This bylaw comes into force and effect on January 1, 2024.

Read for a first time on December 18, 2023.
Read for a second time on December 18, 2023.
Read for a third time on December 18, 2023.

Peter Brown

Mayor

Charlotte Satink

City Clerk