

CITY OF ST. ALBERT

BYLAW 10/2024

SAFETY CODES PERMIT BYLAW

A Bylaw to establish the application procedure & fees for permits issued pursuant to the Safety Codes Act, the Regulations, and this Bylaw.

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

AND WHEREAS, pursuant to section 7 of the *Municipal Government Act*, RSA 2000, c M-26, a council may pass bylaws for municipal purposes respecting the following matters: the safety, health, and welfare of people, and the protection of people and property, and for any services provided by or on behalf of the municipality;

AND WHEREAS, pursuant to section 8 of the *Municipal Government Act*, a council may pass bylaws to deal with any development, activity, industry, business or thing in different ways, divide each of them into classes, and deal with each class in different ways to provide for a system of licenses, permits or approvals.

NOW THEREFORE, the Council of the City of St. Albert ENACTS AS FOLLOWS:

TITLE

1. This bylaw may be referred to as the “Safety Codes Permit Bylaw.”

PURPOSE

2. The purpose of this bylaw is to establish the application procedure and fees for permits issued or any other material or service provided pursuant to the *Safety Codes Act*, the Regulations and this bylaw.

DEFINITIONS

3. In this bylaw, the following definitions shall apply:
 - a. “City” means the municipal corporation of the City of St. Albert, or where the context so requires, the area contained within the boundaries of the City of St. Albert;

- b. “Chief Administrative Officer” or “CAO” means the individual appointed by Council to the position of Chief Administrative Officer under section 205 of the *Municipal Government Act* and pursuant to the Chief Administrative Officer Bylaw;
- c. “City” means the municipal corporation of the City of St. Albert, or where the context so requires, the area contained within the boundaries of the City of St. Albert;
- d. “construction value” means the total cost of all labour and materials required to build or construct the thing or project for which is the permit is requested or issued;
- e. “Master Rates Bylaw” means the City’s *Master Rates Bylaw* 1/82, as amended;
- f. “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;
- g. “Peace Officer” has the same meaning as in the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended;
- h. “Permit Issuer” means a Safety Codes Officer or a person designated to issue permits pursuant to the Safety Codes Act;
- i. “person” means an individual, partnership, association, corporation, organization, business, cooperative, trustee, executor, administrator or legal representative;
- j. “Quality Management Plan” or “QMP” means the City’s quality management plan registered with the Alberta Safety Codes Council;
- k. “Regulations” means any regulations passed pursuant to the Safety Codes Act including any codes adopted in such Regulations;
- l. “Safety Codes Act” means the Safety Codes Act, RSA 2000, c S-1, as amended;
- m. “Safety Codes Officer” means an individual designated as a Safety Codes Officer pursuant to the Safety Codes Act;
- n. “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; and

- o. “violation ticket” has the same meaning as in the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended.
- 3.1 Unless otherwise defined herein, the definitions contained in the Safety Codes Act and Regulations shall have a similar meaning in this bylaw.

SCOPE

- 4. This bylaw applies to the issuance of permits respecting:
 - a. the construction, demolition, installation, placement, alteration, repair and removal, occupancy or change in occupancy of any building regulated by the Safety Codes Act and Regulations within the City; and
 - b. the installation, alteration or repair of heating, ventilation, and air conditioning, electrical, plumbing and gas equipment and systems regulated by the Safety Codes Act and Regulations within the City.

PERMITS REQUIRED

- 5. Subject to section 6, a person shall not start any Undertaking for which a permit is required pursuant to the Safety Codes Act, the Regulations, or this bylaw unless a valid and subsisting permit has been issued and is in effect.
- 6. If there is imminent or serious danger to persons or property because of any thing, process, or activity to which the Safety Codes Act or Regulations apply, 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 cease the Undertaking and apply for a permit as soon as the danger, fire hazard or risk of explosion has been remedied.

PERMIT APPLICATION

- 7. 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 Permit Issuer:
 - a. an application in a form approved by the Permit Issuer;
 - b. plans and specifications as required by the Permit Issuer;
 - c. the construction value of the proposed Undertaking;
 - d. all fees required; and
 - e. any additional information required by the Permit Issuer.

ISSUANCE OF PERMIT

8. A Permit Issuer may 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 permit 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 and this bylaw; and
 - c. the fees payable pursuant to the Master Rates Bylaw, the Safety Codes Act, the Regulations, this bylaw, and all applicable taxes have been paid in full.

REVISIONS AND RE-EXAMINATION

9. If the documents submitted with an application for a permit contain substantial errors or omissions, the application may be rejected, the documents may be re-submitted for further evaluation, and a fee must be paid in accordance with the Master Rates Bylaw.
10. Any documents submitted by an applicant with an application for a permit which are incomplete and do not form the basis of the permit issued may be destroyed by the Permit Issuer.

TRANSFER

11. A person shall not transfer a permit to any other person unless the transfer has been authorized in writing by the Permit Issuer. A request in writing from the original applicant for any permit transfer must be made to the Permit Issuer prior to work commencing by any potential transfer recipient.

REFUSAL TO ISSUE, SUSPENSION, OR CANCELLATION

12. In addition to any powers pursuant to the Safety Codes Act or the Regulations, the Permit Issuer may refuse to issue a permit, and the Safety Codes Officer may revoke, 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 Permit Issuer, 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. a permit was issued on the basis of inadequate or incorrect information;
- e. the fees payable for the permit have not been paid;
- f. there is a contravention of any condition under which the permit was issued;
or
- g. the permit was issued in error.

PERMIT HOLDER OBLIGATIONS

13. A person to which a permit has been issued must:
- a. comply with the terms and conditions of the permit;
 - b. call for all stage inspections as outlined in the City's Quality Management Plan and the permit conditions;
 - c. comply with all inspection conditions and recommendations;
 - d. undertake the construction, process or activity in accordance with the Safety Codes Act, the Regulations, and this bylaw;
 - e. notify the Permit Issuer:
 - i. if the permit holder does not intend to complete the Undertaking, or
 - ii. if there is a change in ownership from the Owner as stated on the permit application;
 - f. ensure that all approved plans and specifications are available at the construction site at all reasonable times for inspection by a Safety Codes Officer;
 - g. ensure that a permit for the building discipline is posted, or otherwise identified at the construction site; and
 - h. ensure that the civic address of the property for which the permit was issued is clearly visible from the roadway to which the property is addressed.

PERMIT TERM AND EXTENSIONS

14. A permit issued under this bylaw expires:
- a. if work authorized by the permit is not commenced within 90 days of the date of issue of the permit;
 - b. if the work is suspended or abandoned for a continuous period of more than 120 days at any time after the work is commenced; or
 - c. within the following time periods for the applicable permit type from the date of issue of the permit, unless the terms and conditions of the permit provide otherwise:
 - i. Building -Accessory - 1 year;
 - ii. Building-Single Family Dwelling - 2 years;
 - iii. Building- Multi Family- Each individual building - 2 years; and
 - iv. Building-Commercial, Industrial, Institutional - 2 years.
15. The Permit Issuer may extend a permit for one additional time period if:
- a. written application has been received by the Permit Issuer specifying a completion date;
 - b. the required fees have been paid; and
 - c. the existing permit has not expired or been closed, suspended, or revoked for any reason.

REFUNDS

16. A person who has paid a fee for a permit may cancel, withdraw, or surrender the permit to the Permit Issuer, and make application in writing for a refund.
- 16.1 Refunds will not be granted in the following circumstances:
- a. for fees paid in accordance with the Safety Codes Act or the Regulations;
 - b. if the permit has been revoked, suspended, cancelled, or has expired;
 - c. if the occupancy, relocation, construction, or demolition of the building or the installation of the mechanical equipment or systems has commenced;
 - d. if an extension of the permit has been granted;

- e. if an inspection has been completed; or
- f. if a building permit has been issued.

OCCUPANCY

- 17. No person shall occupy, or allow the occupancy of, or use of, any building or portion thereof until:
 - a. a final inspection has occurred in all applicable Safety Code Act disciplines; and
 - b. the building Safety Codes Officer has deemed the building or portion thereof ready to use or occupy via a Final Inspection Report.
- 18. No change in use, tenancy, or the occupancy classification of an existing building is permitted without approval of a Safety Codes Officer.

RE-INSPECTIONS

Fees

- 19. Unless otherwise specified, the fee payable for a permit includes all mandatory inspections. A re-inspection fee is payable in accordance with the Master Rates Bylaw if an additional inspection is required for any of the following reasons:
 - a. the municipal address of the parcel for which the permit was issued is not displayed;
 - b. in accordance with section 20 of this bylaw;
 - c. when an inspection has been previously arranged,
 - i. the Safety Codes Officer is unable to access the building during the scheduled inspection;
 - ii. the Undertaking is not ready for an inspection upon the Safety Codes Officer's arrival;
 - iii. a previously identified deficiency has not been corrected, or
 - iv. a second re- inspection of any QMP required inspection.

Inspection Requirements – Electrical

20. The Master Electrician whose Master Number appears on the issued permit must be on site for any re-inspection of work done, even in a case where the electrical work was completed by a different electrician.

PROHIBITED METHODS

21. The following construction methods are prohibited in the City:
 - a. Vibratory Sheet Piling.

ENFORCEMENT

Offence

22. A person who contravenes this bylaw or authorizes or directs another person to contravene this bylaw is guilty of an offence.
23. 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.

Continuing Offence

24. In the case of an offence that is of a continuing nature, a contravention of a provision of this bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such separate offence.

Vicarious Liability

25. 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.

Corporations and Partnerships

26. When a corporation commits an offence under this bylaw, every principal, director 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 the corporation has been prosecuted for the offence.

27. 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

28. A person who is guilty of an offence under this bylaw is liable:
- a. to a fine as prescribed in Schedule “A”;
 - b. to a fine of \$250 for any offence for which a fine is not otherwise established in Schedule “A”; or
 - c. on summary conviction, to a fine not exceeding \$10,000, or to an order of imprisonment for not more than one year, or both.

Violation Ticket

29. A Peace Officer may issue, with respect to an offence under this bylaw, a violation ticket:
- a. specifying the fine amount established by this bylaw; or
 - b. requiring an appearance in court without the option of making a voluntary payment.
30. Where a violation ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed.

GENERAL

31. Without restricting any other power, duty, or function granted by this bylaw, the Safety Codes Act, or the Regulations, the CAO may:
- a. carry out any inspections to determine compliance with this bylaw;
 - b. refuse to carry out inspections on an Undertaking if any fines or penalties under this bylaw remain outstanding;
 - c. take any steps or carry out any actions required to enforce this bylaw;
 - d. take any steps or carry out any actions required to enforce this bylaw;

- e. establish forms and agreements for the purposes of this bylaw;
 - f. issue permits with such terms and conditions as are deemed necessary to ensure compliance with the purpose and intent of the Safety Codes Act, the Regulations, this bylaw and any other legal requirements;
 - g. establish the criteria to be met for a permit issued pursuant to this bylaw;
 - h. establish the amount payable for any additional inspection, search, certificate, document, or any other service related to the administration of this bylaw;
 - i. require an applicant to execute an agreement as a condition of granting a permit;
 - j. place a construction value on a project for the purpose of calculating any fee for a permit, based on comparable projects of the same nature within the City; and
 - k. delegate any powers, duties, or functions under this bylaw to an employee of the City.
32. 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.
33. 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 of a balance of probabilities.
34. 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.
35. Should any provision of this bylaw be invalid, then the invalid provision shall be severed, and the remainder of this bylaw shall be maintained.

EFFECTIVE DATE

36. This bylaw comes into effect on the date on which it is passed.

TRANSITION

37. All new permit applications received on or after the date this bylaw comes into force shall be processed and considered upon the provisions outlined herein.

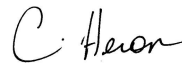
38. If a new application for a permit is received before this bylaw comes into force, that application will be dealt with as though this bylaw had not been enacted.
39. A permit that was in force and effect on the date this bylaw comes into force continues to be in force and effect, and is subject to the following sections of this bylaw: 9-20; and 22-39.

READ a First time this 2 day of April 2024.

READ a Second time this 2 day of April 2024.

READ a Third time this 2 day of April 2024.

SIGNED AND PASSED this 3rd day of April 2024.



MAYOR



Marta Caufield (Apr 3, 2024 13:25 MDT)

CHIEF LEGISLATIVE OFFICER

Schedule “A” Penalties

*Without restricting the generality of section 28 of the bylaw, a fine amount of \$250 is established for use on violation tickets for any offence for which a fine is not otherwise established in this Schedule A and for which a voluntary payment option is offered.

Offence	Bylaw Section	Fine Amount
Undertaking started without required permit	5	\$500
Building Occupied prior to Final Inspection Report – occupancy of building < 600 m ²	17	\$500
Building Occupied prior to Final Inspection Report - occupancy of buildings equal to or greater than 600 m ²	17	\$3000
Failure to obtain a “Change of Use” permit	18	\$250
Failure to display address	13(g)	\$125
Failing to arrange a required inspection	13(b)	\$125
Master Electrician- Failure to be at site	20	\$200