

## BYLAW NO. 3551/2015

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 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 licences, permits or approvals.

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

### PART I – TITLE, PURPOSE AND DEFINITIONS

#### 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) “**B.T.U.**” refers to a unit of energy;
  - (b) “**kV.A**” refers to a unit of power;
  - (c) “**Municipal Tag**” means a document alleging an offence issued pursuant to the authority of a bylaw of the City;
  - (d) “**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;
  - (e) “**Permit Issuer**” means a Safety Codes Officer or a person designated to issue permits pursuant to the *Safety Codes Act*;
  - (f) “**person**” means an individual, partnership, association, corporation, organization,

- business, cooperative, trustee, executor, administrator or legal representative;
- (g) “**Quality Management Plan**” means the City’s quality management plan registered with the Alberta Safety Codes Council;
  - (h) “**Regulations**” means any regulations passed pursuant to the *Safety Codes Act* including any codes adopted in such Regulations;
  - (i) “**Safety Codes Act**” means the *Safety Codes Act*, RSA 2000, c S-1, as amended;
  - (j) “**Safety Codes Officer**” means an individual designated as a Safety Codes Officer pursuant to the *Safety Codes Act*;
  - (k) “**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;
  - (l) “**Violation Ticket**” has the same meaning as in the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended; and
  - (m) Unless otherwise defined herein, the definitions contained in the *Safety Codes Act* and Regulations shall have a similar meaning in this bylaw.

## **PART II – PERMITS**

### **Scope**

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

### **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.
- 6. If there is 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.

### **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 value of the proposed Undertaking;
  - (d) any fees required pursuant to this bylaw; and
  - (e) any additional information required by the Permit Issuer.

### **Issuance of Permit**

8. A Permit Issuer 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 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 this bylaw, any fees payable pursuant to the *Safety Codes Act* and any applicable taxes have been paid in full.
9. The Permit Issuer may impose any terms and conditions on any permit issued under this bylaw 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.

### **Revisions and Re-examination**

10. The Safety Codes Officer 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 as set out in Schedule "A."
11. If the documents submitted with an application for a permit contain substantial errors or omissions, the application may be rejected by the Safety Codes Officer. The documents may be re-submitted for further re-examinations, and a fee in accordance with Schedule "A" may be charged for each and every re-examination.
12. Any documents submitted which are incomplete and do not form the basis of the permit issued may be destroyed by the Permit Issuer.

### **Transfer**

13. A person shall 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**

14. 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 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) 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**

15. A person to which a permit has been issued must:
- (a) comply with the terms and conditions of the permit;
  - (b) undertake the construction, process or activity in accordance with the *Safety Codes Act*, the Regulations, and this bylaw;
  - (c) 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;
  - (d) ensure that all approved plans and specifications are available at the construction site at all reasonable times for inspection by a Safety Codes Officer;
  - (e) ensure that a permit for the building discipline is posted, or otherwise identified at the construction site; and

- (f) 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**

- 16. A permit issued under this bylaw, other than a permit for the occupancy or use of a building, shall expire:
  - (a) if work authorized by the permit has not commenced within 90 days of the date of issue of the permit; or
  - (b) if the work authorized by the permit is commenced but is later suspended or abandoned for a continuous period of more than 120 days; or
  - (c) if the work authorized by the permit is commenced but is not completed within 18 months of the date of issue of the permit;

unless the terms and condition of the permit provide otherwise, in which case the terms and conditions of the permit shall take precedence over this section.

- 17. The Permit Issuer may, from time to time, extend a permit for an additional period when:
  - (a) a written application has been received specifying a completion date; and
  - (b) a permit fee for extension as set out in Schedule “A” has been paid

except when the permit has expired or been revoked.

- 18. A permit that has expired may be reinstated by the Permit Issuer at the written request of an applicant within 30 days of expiry provided that:
  - (a) no changes are made in the documents submitted with the original application; and
  - (b) a fee equivalent to half of the original permit fee has been paid.

### **<sup>2</sup>Completion Report**

- 19. <sup>3</sup>No person shall occupy, or allow the occupancy of, or use of, any building or portion thereof until a final inspection has occurred in all applicable *Safety Code Act* disciplines and the Safety Codes Officers have deemed the building or portion thereof ready to use or occupy and the Permit Issuer has issued a completion report.
- 20. <sup>4</sup>No person shall allow a change in use, tenancy or the occupancy classification (as determined by

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<sup>2</sup> 3551/A-2016, 3551/B-2018

<sup>3</sup> 3551/A-2016, 3551/B-2018

<sup>4</sup> 3551/B-2018

the Safety Codes Officer) of an existing building until approved by a Safety Codes Officer in writing or other form of approval by the City Manager has been granted.

21. <sup>5</sup>A completion report shall be issued on request if the building does not contravene the provisions of the *Safety Codes Act*, the Regulations and this bylaw.
22. <sup>6</sup>A completion report is not required for the following residential construction uses:
  - (a) an accessory structure serving a detached dwelling;
  - (b) basement development;
  - (c) hot tubs; and
  - (d) a deck or a deck covering.
23. <sup>7</sup>The Owner of building must permanently display the completion report in a conspicuous location inside the building near the main entrance, except for single family residential buildings where it may be placed near the electrical panel serving the building.
24. <sup>8</sup>A Safety Codes Officer shall have the right to inspect any site at any reasonable time.
25. <sup>9</sup>The issuance of a completion report shall not be construed to be permission for, or approval of, a contravention of any provision of any other act, regulation or bylaw.

### **Heating, Ventilating and Air-Conditioning Permit**

26. No person shall build, repair, or alter any heating, ventilating, or air-conditioning Undertaking unless the person obtains a permit allowing that person to build, repair, or alter that heating, ventilating, or air-conditioning Undertaking.
27. This section does not apply to repairs or alterations to a heating, ventilating, or air-conditioning Undertaking that in the opinion of the Safety Codes Officer:
  - (a) are minor in nature;
  - (b) do not hinder the satisfactory operation of the Undertaking; and
  - (c) <sup>10</sup>are to replace or alter ducting serving a space heating appliance if it is locating in a single family residential dwelling and there is no design change required to the heating and ventilation system; and

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<sup>5</sup> 3551/A-2016

<sup>6</sup> 3551/A-2016

<sup>7</sup> 3551/A-2016

<sup>8</sup> 3551/B-2018

<sup>9</sup> 3551/A-2016

<sup>10</sup> 3551/A-2016

(d) <sup>11</sup>do not impact the health or safety of occupants of the building containing the undertaking.

28. A permit issued pursuant to this section may only be issued to:

(a) a journeyman sheet metal worker who is regularly employed for the installation, alteration, repair or addition to the heating, ventilation and air-conditioning systems by industrial institutions or similar establishments, provided the work is performed on the property of the industrial institution or similar establishment;

(b) a sheet metal mechanic; or

(c) <sup>12</sup>an Owner who resides or intends to reside in a single family residential dwelling where the heating, ventilating, or an air-conditioning system serves that dwelling.

## **PART III – INSPECTIONS**

### **Notification of Inspection**

29. When an Undertaking for which a permit has been issued is ready to be inspected for compliance with the *Safety Code Act* and Regulations, the person holding the permit shall notify the Safety Codes Officer. .

### **Inspections**

30. Any inspections conducted by or on behalf of the Safety Codes Officer shall be conducted in accordance with the governing Quality Management Plan.

## **PART IV – FEES**

### **Fees**

31. The fees payable for any permit issued pursuant to this bylaw are set out in Schedule “A”.

32. The fees payable for any search, certificate, document, or other service related to the administration of this bylaw are set out in Schedule “A.”

33. The City Manager may adjust the fees set out in Schedule “A.” on April 30 of each year by the change in the Alberta average consumer price index, with the exception of those fees marked with an asterisk (\*) which shall not be adjusted each year, and shall update Schedule “A” accordingly.

34. The permit fees set out in Schedule “A” are subject to an additional Safety Codes Levy, as set by the Safety Codes Council.

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<sup>11</sup> 3551/A-2016

<sup>12</sup> 3551/A-2016

35. The Safety Codes Officer may place a valuation on any work for the purpose of calculating fees for a permit.
36. If any Undertaking 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 Schedule "A".

### **Inspection Fees**

37. Unless otherwise specified, the fees payable pursuant to Schedule "A" include all mandatory inspections.
38. The additional inspection fee set out in Schedule "A" 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 Safety Codes Officer 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.

### **Refunds**

39. A person who has paid a permit fee in accordance with Schedule "A" may cancel, withdraw or surrender the permit to the Permit Issuer and make application in writing for a refund in accordance with the provisions of this bylaw.
40. The Safety Codes Levy is non-refundable.
41. No refund shall be made if:
  - (a) the permit has been revoked or has expired;
  - (b) the occupancy, relocation, construction or demolition of the building or the installation of the mechanical equipment or systems has commenced; or
  - (c) an extension of the permit has been granted.

## **PART V – OFFENCES AND PENALTIES**

### **Offence**

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

### **Vicarious Liability**

43. 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**

44. 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 or not the corporation has been prosecuted for the offence.

### **Fines and Penalties**

45. Any person who contravenes any provision of this bylaw is guilty of an offence and is liable, on summary conviction, to the specified penalty as set out in Schedule "B," and in default of payment of the specified penalty, to imprisonment for up to six months.
46. Any person who contravenes the same provision of this bylaw twice is guilty of a second offence and is liable, on summary conviction, to a specified penalty for a second offence as set out in Schedule "B" and in default of payment of the specified penalty, to imprisonment for up to six months.
47. Any person who contravenes the same provision of this bylaw three or more times is guilty of a third or subsequent offence and is liable, on summary conviction, to a specified penalty for a third or subsequent offence as set out in Schedule "B" and in default of payment of the specified penalty, to imprisonment for up to six months.
48. When a penalty is not specified under this bylaw, a person who is guilty of an offence is liable to a fine not exceeding \$10,000.00, and in default of payment of the fine, to imprisonment for up to six months.

### **Continuing Offence**

49. 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 of \$100 for each day that the offence continues.

## **Municipal Tag**

50. A Municipal Tag may be issued to any person where there are reasonable and probable grounds to believe the person has contravened any provision of this bylaw.
51. If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify:
- (a) the name of the person;
  - (b) the offence;
  - (c) the fine amount;
  - (d) that the fine amount shall be paid within 14 days of the issuance of the Municipal Tag; and
  - (e) any other information as may be required.
52. A Municipal Tag may be issued to such person :
- (a) either personally; or
  - (b) by mailing a copy to such person at his or her last known post office address;

## **Payment in Lieu of Prosecution**

53. Where a Municipal Tag is issued in respect of an offence, the person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay the penalty specified within the time period indicated on the Municipal Tag.

## **Violation Ticket**

54. If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, a Violation Ticket may be issued pursuant to the *Provincial Offences Procedure Act*.
55. Despite section 50, a Violation Ticket may be immediately issued to any person where there are reasonable and probable grounds to believe that person has contravened any provision of this bylaw.
56. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) impose the specified penalty established by this bylaw for the offence and permit a person to make a voluntary payment; or
  - (b) require a person to appear in court without the alternative of making a voluntary payment.

## **Voluntary Payment**

57. A person who commits an offence and who wishes to plead guilty may:
- (a) if a Violation Ticket has issued in respect of the offence; and
  - (b) if the Violation Ticket includes a specified penalty as established by this bylaw for the offence;

plead guilty to the offence by making a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

### **Obstruction**

58. A person shall not obstruct or hinder any person in the exercise or performance of the person's powers pursuant to this bylaw.

## **PART VI – GENERAL**

### **Proof of Permit**

59. The onus of proving that the Permit Issuer has issued a permit in relation to any activity otherwise regulated, restricted or prohibited by this bylaw is on the person alleging the existence of such a permit.

### **Proof of Exemption**

60. 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.

### **Legal Duty**

61. 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**

62. This bylaw takes effect beginning on November 23, 2015.

READ A FIRST TIME IN OPEN COUNCIL this 13<sup>th</sup> day of October 2015.

READ A SECOND TIME IN OPEN COUNCIL this 26<sup>th</sup> day of October 2015.

READ A THIRD TIME IN OPEN COUNCIL this 26<sup>th</sup> day of October 2015.

AND SIGNED BY THE MAYOR AND CITY CLERK this 26<sup>th</sup> day of October 2015.

'Tara Veer'  
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MAYOR

'Frieda McDougall'  
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CITY CLERK

**SCHEDULE “A”  
FEES FOR PERMITS AND SERVICES UNDER  
SAFETY CODES ACT**

**Charges based on “Construction Cost” or “Installation Cost”  
shall include the costs for materials and labour.**

<b>Building Permits</b>	<b>Fees</b>
Minimum fee	\$109.93
Non-residential - For each \$1,000.00, or part of, construction costs	\$9.40
Residential	
- Main and upper floor areas	\$7.15/m <sup>2</sup>
- Basement development	\$2.96/m <sup>2</sup>
- Garages and carports	\$2.83/m <sup>2</sup>
- Decks	\$109.93
- Apartments	\$7.15/m <sup>2</sup>
Completion report – Residential	\$109.93/unit
Completion report – Non-residential	\$84.32/100m <sup>2</sup> or portion of it  (minimum \$84.32; maximum \$386.40)
Completion report – Apartments	\$14.01/unit  (minimum \$84.32; maximum \$386.40)
<b>Demolition/Relocation (without a Building Permit)</b>	<b>Fees</b>
Residential (all floors, including basement)	
- Up to 200m <sup>2</sup>	\$219.86
- Over 200m <sup>2</sup>	\$329.79
Non-residential , removal of building and internal demolition	
- Up to 200m <sup>2</sup>	\$329.79
- Over 200m <sup>2</sup>	\$494.69



<b>Heating Permits</b>	<b>Fees</b>
Minimum fee	\$109.93
Residential <ul style="list-style-type: none"> <li>- New build – per living unit</li> <li>- Renovations</li> </ul>	\$109.93/unit \$109.93
Non-residential <ul style="list-style-type: none"> <li>- Minimum plus per installed appliance</li> <li>- Includes apartments</li> </ul>	\$109.93 + \$82.45 per appliance
<b>Plumbing Permits</b>	<b>Fees</b>
Minimum fee	\$109.93
Residential <ul style="list-style-type: none"> <li>- New build (including an addition), m<sup>2</sup> of all floors, including basement <ul style="list-style-type: none"> <li>- Up to 200m<sup>2</sup></li> <li>- Over 200 m<sup>2</sup></li> </ul> </li> <li>- Renovations</li> </ul>	\$164.90 \$274.83 \$109.93
Non-residential, construction cost including materials & labour	
Installation cost <ul style="list-style-type: none"> <li>- \$0.00 - \$500.00</li> <li>- \$500.01 - \$5,000.99</li> <li>- \$5,001.00 - \$10,000.99</li> <li>- \$10,001.00 and over</li> </ul>	\$109.93 \$164.90 \$274.83 \$274.83 plus 1.2% of the installation cost over \$10,001.00
Apartment construction	\$87.94/unit
Private sewage disposal	\$219.86
Backflow device	\$109.93/device

General Fees	Fees
Homeowner permit premium	Additional 26% of permit fee
Service connection	\$109.93
Requested additional inspection	\$109.93
Re-inspection fee	\$153.90
Non-residential and apartments plan re-submission for review	\$109.93/hour to a max. of \$1,099.31
Alternative solution review	\$109.93/hour to a max. of \$1,099.31
Permit extension request prior to permit expiry	½ permit fee to a max. of \$109.93
Reinstate a permit within 30 days of permit expiry	\$137.42
Environmental remediation (ex. grow-op, derelict buildings, etc.)	\$109.93/hour to a max. of \$5496.55
Inspection request of occupied space, per permit	\$274.83

## SCHEDULE "B" PENALTIES

		FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE
15 (d)	Failure to ensure all approved plans and specifications are available at construction site	\$100	\$200	\$300
15(e)	Failure to post or otherwise identify the Building Permit at construction site	\$100	\$200	\$300
19	Failing to obtain a completion report for closure of all safety codes permits for the use or occupancy of a building	\$250	\$500	\$1000
20	Failing to obtain an approval for a change in occupancy classification	\$250	\$500	\$1,000
23	Failure to display Completion Report	\$100	\$200	\$300
38	Re-inspection – Deficiencies not corrected	\$200	\$400	\$600