

BYLAW NO. PI 1/18

BEING A BYLAW OF THE TOWN OF GIBBONS, IN THE PROVINCE OF ALBERTA, TO REGULATE THE FORM, CONTENT AND COST OF PERMITS FOR THE BUILDING, ELECTRICAL, GAS AND PLUMBING DISCIPLINES.

WHEREAS, pursuant to the Safety Codes Act, R.S.A. 2000 and amendments thereto the local authority may regulate the form, content, and cost of permits for the Building, Electrical, Gas and Plumbing disciplines;

WHEREAS, The Town of Gibbons is an accredited municipality in the building, electrical, gas and plumbing disciplines pursuant to the Safety Codes Act on the terms hereinafter set forth;

AND WHEREAS, the Town of Gibbons may make bylaws with respect to the following subject matters:

- (a) prohibiting the commencement by any person of the use, construction or demolition of any buildings, installation of electrical services or construction, installation, alteration of gas and plumbing services unless that person is authorized by a permit to do so;
- (b) providing for the form and content of permits for the use, construction or demolition of a building; installation of electrical services or gas and plumbing services;
- (c) providing for the issuance of permits;
- (d) providing that the granting of a permit does not entitle the permittee, his successors or assigns or anyone on his or her behalf, to construct any building that fails to comply with the requirements of any building restriction agreement affecting the site;
- (e) prescribing the fees to be charged for the issuing of permits.

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

1. Title

This Bylaw shall be known as the "Town of Gibbons Permit Bylaw" and may be cited as such and will be referred to herein as "This Bylaw".

2. Definitions

In this bylaw all definitions contained in the Act and Regulations made pursuant to the Act shall apply to this Bylaw.

- a) "**Accredited Agency**" shall mean an agency accredited pursuant to the Act and contractually responsible to the Town for the enforcement of the Act in the Town of Gibbons;
- b) "**Act**" shall mean the Safety Codes Act, RSA 2000, as amended and regulations, made pursuant to the Act;

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- c) **“Code”** shall mean the Alberta Building Code, as amended, and any other codes, standards and rules, promulgated by the Alberta Safety Codes Council and which is in effect at the time of the issuance of a permit;
- d) **“Safety Codes Officer”** shall mean an individual with that designation pursuant to the Act, employed by the Town of Gibbons or by an accredited agency.
- e) **“Town”** shall mean the Town of Gibbons.

3. **Duty of Accredited Agency**

- a) An Accredited Agency under contract to the Town of Gibbons shall be responsible and authorized to enforce the provisions of this bylaw and the Act.

4. **Application for A Permit**

- (a) Unless a permit or permission in writing to proceed has been previously obtained from a Safety Codes Officer, no person shall commence or cause to be commenced within the Town:
 - (1) the use of any building or part thereof, or
 - (2) the occupancy or change in occupancy of any building or part thereof, or
 - (3) the construction of any building or part thereof, or
 - (4) the demolition of any building or part thereof, or
 - (5) the relocation of any building or part thereof, or
 - (6) the repair of any building or part thereof, or
 - (7) the excavation of any land for the purpose of erecting or locating any building or part thereof;
 - (8) No person shall erect, install, add to, enlarge, move, improve, repair, alter, convert, extend any ducted air handling, heating, ventilation or air conditioning system or mechanical equipment without first obtaining a permit to do so;
 - (9) installation of any electrical, gas or plumbing devices or services;
- (b) A permit is not required for:
 - (1) Painting and decorating
 - (2) Minor repairs or alterations not exceeding Two Thousand Dollars (\$2,000.00) where matters affecting health or safety or solid fuel burning furnaces or stoves are not involved; or
 - (3) Driveways and garage pads provided the development permit has been approved;

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5. Application Form

- (a) To obtain a permit an applicant shall first file an application in writing in the form prescribed by the Town and each such application shall:
 - (1) Identify and describe the work to be covered by the permit for which the application is made.
 - (2) Describe the land on which the proposed work is to be done, by a legal description and, when available, by a street address, that will readily identify and definitely locate the proposed work;
 - (3) Show the proposed use or occupancy of all parts of the work;
 - (4) Be accompanied by plans and specification as required in Section 6;
 - (5) State the value of the proposed work, as required.
 - (6) State, as applicable, the names, addresses and telephone numbers of the owner, registered architect, professional engineer, or other designer or contractor;
 - (7) Be signed by the applicant or his authorized agent, who shall submit evidence to indicate such authority; and
 - (8) Give such other information as may be required by the Act, this bylaw or by the Town of Gibbons or its agent.

6. Plans and Specifications

- (a) With each application for a permit, three sets of plans and specifications shall be submitted, to the Town of Gibbons, except that when authorized by the Safety Codes Officer and need not be submitted.
- (b) Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity and show in detail that it will conform to the provisions of the Act and all applicable Provincial and Federal Laws and Regulations, and all Bylaws of the Town of Gibbons.
- (c) Each set of plans shall state the building address, the name and address of the person who prepared the plans, and, when an agent represents the owner, the name and address of the agent.
- (d) Each set of plans shall include a site plan showing the actual dimensions of the lot or property and the location of the proposed work in relation to the lot or property lines. This site plan also must include the location of the sump pump drainage system.
- (e) Except in cases where such a requirement is, in the opinion of the Safety Codes Officer, obviously unnecessary, a plan or survey certified by an Alberta Land Surveyor, shall be included with each set of plans showing such of the above information as may be deemed necessary by the Safety Codes Officer. In addition each set of plans shall include a finished site

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elevation grade plan, endorsed with a certified Engineer's stamp of approval.

- (f) When required by the Safety Codes Officer, the applicant shall submit computations, test results, and all other evidence deemed necessary to show that the work will comply with the Act.
- (g) When requested by the Safety Codes Officer, the accepted contract or a bona fide detailed estimate of the prevailing market cost of the work, satisfactory to the Safety Codes Officer shall be submitted.
- (h) The Town or its agent shall keep copies of all applications received, permits and orders issued, and all papers and documents connected with the administration of the Act and this Bylaw.

7. **Issuance of Permit**

- (a) Plans and specifications may be examined by other Departments of the Town of Gibbons and the Province to check compliance with the orders, regulations or bylaws under their jurisdiction.
- (b) If the Safety Codes Officer is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of the Act, this bylaw, and other pertinent orders, regulations and bylaws, and that the fees have been paid, he shall issue a permit to the applicant.
- (c) The examined plans and specifications shall not be changed, modified or altered without authorization from the Safety Codes Officer and all work shall be done in accordance with the examined plans, and performed to meet the requirements of the Act.
- (d) The Safety Codes Officer may issue a permit for part of the work before the entire plans and specifications have been submitted or examined provided adequate information and detailed statements have been filed complying with all pertinent requirements of the Act and of this bylaw.
- (e) The holder of a permit for part of the work shall proceed at his own risk without assurance that a permit for the remainder of the work will be granted.
- (f) One set of examined plans, specifications, and computations shall be retained by the authority having jurisdiction and one set of examined plans and specifications shall be returned to the applicant, which set shall be kept at the work site at all times during which the work authorized thereby is in progress, and shall be made available to the Safety Codes Officer.
- (g) Plans, submitted for checking, for which no permit is issued, and on which no action is taken by the Safety Codes Officer for 90 days shall be returned to the Town for filing.

- (h) The issue or granting of a permit or examination of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the Act.
- (i) No permit presuming to give authority to violate or cancel the provisions of the Act shall be valid except in so far as the work or use which it authorizes is lawful.
- (j) The issue or granting of a permit based upon plans and specifications shall not prevent the Safety Codes Officer from thereafter requiring the correction of work being carried on thereunder when in violation of the Act, this bylaw or other bylaws of the Town of Gibbons.
- (k) Every permit issued by the Safety Codes Officer shall expire by limitation and become null and void, if the work authorized by such permit, is suspended or abandoned for a period of 120 days at any time after the work has commenced. Before such work can be resumed a new permit shall first be obtained and the fee therefore shall be 65% of the amount required for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one year.
- (l) Every permit issued by the Safety Codes Officer shall expire by limitation and become null and void, if the work authorized by such permit has not commenced within one year from the date of issue.
- (m) The Town may renew a permit if a written request from the developer/owner is received prior to the expiry date and no later than 15 days after the expiry date of the permit. After that date the developer/owner must apply for a new permit.
- (n) The fee for renewal of a permit is as outlined in 7(k) and shall be based on 65% of the original permit fee paid.

8. Inspection

The Safety Codes Officer will require the person concerned to apply for inspection by the Safety Codes Officer at each stage as designated by the Town's Quality Management Plan, and if so required, the person concerned shall not proceed with any further stages until such inspection has been carried out and approval received.

9. Change In Permit Status

- (a) The Safety Codes Officer may, in writing, suspend or revoke a permit whenever the permit has been issued.
 - (i) in error;
 - (ii) on the basis of incorrect information supplied;

- (iii) in violation of any provisions of the Act, Provincial or Federal legislation and regulations or any other Town bylaws.

10. Stop Work Orders

- (a) In the event of any construction proceeding in contravention of this bylaw, the Safety Codes Officer may cause a "Stop Work" order to be clearly displayed on the construction site and shall take all necessary action including prosecution to enforce this "Stop Work" order. The "Stop Work" order shall be in the form approved and the procedure for enforcing the "Stop Work" order shall be as follows:
 - (i) The Safety Codes Officer shall cause to be placed a "Stop Work" order on the construction site;
 - (ii) The Safety Codes Officer shall by written notice, either serve personally upon, or send by single registered prepaid mail to, the owner of the property involved, notice of the reasons for the "Stop Work" order;
 - (iii) The notice shall be given within three (3) working days from the date the Stop Work order was placed on the Construction site and shall state:
 - (1) the grounds upon which the cessation of work or use is required
 - (2) the time within which compliance with the provisions of this Bylaw or of the Safety Codes Act shall be effected, which time shall in no case be more that two (2) months computed from the date of the notice.
 - (iv) If an owner of property to whom notice is given fails to comply with the requirements of the notice, the Town Council, by its designated officials or Servants may enter upon the property and carry out or effect such removal, alteration or cessation of use as the notice requires to be done or affected and may recover the expense thereof from the owner by action, and the expenses until paid are a charge and lien upon the property in respect of which such notice was given.

11. Qualified Tradesmen

- (a) Except as permitted in Subsection (d), no permit for the installation, repair or alteration to any heating, ventilation or air conditioning system shall be issued to other than qualified contractors.
- (b) It shall be the responsibility of the contractor undertaking the installation, repair or alteration of a heating, ventilation or air conditioning system to engage only tradesmen who hold a certificate of proficiency in their respective trades pursuant to the Tradesmen's Qualification Act.

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- (c) The Safety Codes Officer may refuse to issue a permit for the installation, repair or alteration of a heating, ventilation or air conditioning system to engage only tradesmen who hold a certificate of proficiency in their respective trades pursuant to the Tradesmen's Qualification Act.
- (d) Notwithstanding the requirements of Subsection(a), the following persons are not prohibited from obtaining a permit:
 - (i) anyone who personally carried out any heating, ventilation, or air conditioning installation or alteration regulated by the Act in or about a single family detached dwelling which is or will be owned and occupied by such person;
 - (ii) a journeyman who holds a certificate of proficiency pursuant to the Tradesmen's Qualification Act in a specific trade relevant to the work to be undertaken and who is regularly employed for the installation, alternation, repair or addition to heating, ventilation or air conditioning systems providing the work is performed on the property of the employer.

12. Public Property Damage Deposit

- (a) A deposit shall be applied for the public property damage holding in the amount of \$1,000.00. This deposit shall be refunded, with the exception of \$100.00 for inspection fees and provided that all items on the occupancy inspection are completed satisfactorily. Any deficiencies repaired by the Town shall be taken from this deposit and any balance refunded.
- (b) If the contractor is building in an area where the developer is holding a construction deposit, then the contractor must deposit \$400.00. This deposit shall be refunded, with the exception of \$50.00 for inspection fees and provided that all items on the occupancy inspection are completed satisfactorily. Within 30 days of notification of deficiencies a one-time 30 day extension may be granted by the Town of Gibbons if requested prior to expiration. Any deficiencies repaired by the Town shall be taken from this deposit and any balance refunded. Approval of extension will be at the discretion of the Town of Gibbons.

13. Fees

- (a) A fee of each permit shall be submitted at the time of application in accordance with the attached schedule.
- (b) In the event that any work, including excavation, has been started before the issuance of a permit the permit fee shall be double the fee required and shall be submitted at the time of application for a permit.
- (c) In the event that the documents submitted with an application for a permit contain substantial errors or omissions and the documents have to be submitted again, a fee equal to one quarter of the amount required under Subsection (a) shall be charged for each and every re-examination.


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14. Violations and Penalties

- (a) It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, improve, convert, remove, demolish, equip, use or occupy any building, or cause the same to be done without first obtaining a permit as provided by this Bylaw.
- (b) The Peace Office of the Town of Gibbons is hereby authorized and empowered to issue an Offense Tag to any person who contravenes any provision of this Bylaw.
- (c) An Offense Tag shall be in a form approved by the Council and shall state, inter alia:
 - i) The name of the offender;
 - ii) The offense
 - iii) The appropriate fine for the offense as specified in Schedule "B" of the Bylaw; and
 - iv) That the fine shall be paid within 30 days of the issuance of the offense tag.
- d) Where a contravention of this Bylaw is of a continuing nature, further offense tags for the same offense may be issued by the Peace Officer, provided however, that no more than one offense tag shall be issued for each 30 day period that the contravention continues.
- e) Where an offense tag is issued pursuant to this Bylaw the person to whom the offense tag is issued may, in lieu of being prosecuted for the offense, pay to the Town of Gibbons a sum specified on the offense tag.
- f) If the fine specified on an offense tag is not paid within the prescribed time period, then the Peace Officer is hereby authorized and empowered to lay a complaint and issue a summons by means of a Violation Ticket.
- g) The Violation Ticket shall be in the form prescribed by Alberta Regulation being the Violation Ticket Regulations passed pursuant to the Provincial Offences Procedures Act.
- h) Imprisonment in default of payment of a fine specified in the bylaw shall not be imposed under any circumstances.


15. This Bylaw repeals Bylaw No. PI 3/10.

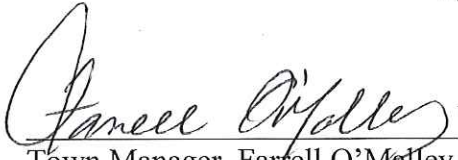
Read a first time this 14th day of February 2018.


Deputy Mayor, Amber Harris



Town Manager, Farrell O'Malley

Read a second time this 14th day of February 2018.


Deputy Mayor, Amber Harris


Town Manager, Farrell O'Malley

Read a third and final time this 14th day of February 2018.


Deputy Mayor, Amber Harris


Town Manager, Farrell O'Malley

SCHEDULE "A" FEE SCHEDULE

DEVELOPMENT PERMITS		
Residential – New Single Family Development – For Permitted Uses Only		
	For less than 1500 sq. ft.	\$275.00
	For 1501 to 2500 sq. ft.	\$450.00
	For 2501 plus sq. ft.	\$475.00
Residential – New Single Family Development - Discretionary Use or with Variance		
	For less than 1500 sq. ft.	\$450.00
	For 1501 to 2500 sq.ft.	\$625.00
	For 2501 plus sq.ft.	\$650.00
Residential Accessory Buildings (Sheds, Decks, Garages, Finished Basements etc.)		\$100.00
Multi Family Dwellings – Permitted Uses Only		
	For less than 1500 sq. ft.	\$275.00
	For 1501 to 2500 sq. ft.	\$450.00
	For 2501 plus sq. ft.	\$475.00
Multi Family Development – Discretionary Use or with Variance		
	For less than 1500 sq.ft.	\$450.00
	For 1501 to 2500 sq. ft.	\$625.00
	For 2501 plus sq. ft.	\$650.00
Secondary, Garage or Garden Suites		\$150.00
Demolition Permit		\$150.00
Commercial / Industrial / Institutional		
New Development Permitted Use		\$600.00
Addition (permitted use, no municipal service/access extension required)		\$150.00
Plus \$0.15 per \$1000 Project Value		
Accessory Buildings/Uses (Permitted use, no Municipal Services Required)		\$150.00
Plus \$0.15 per \$1000 Project Value	Minimum	\$100.00
Temporary Development / Uses (Sales Office, Temp Structure etc.)		\$150.00
Storage Yard/Parking Lot		\$150.00
Demolition Permit		\$150.00
Compliance / Zoning Certificates		
Residential – Single Family Dwelling to 4 Plex		
Regular Service (within 3 working days)		\$150.00
RUSH Service (within 24 hours of receipt)		\$200.00
Commercial, Industrial and Multi Family (larger than 4 plex)		
Regular Service (within 3 working days)		\$200.00
RUSH Service (within 48 hours of receipt)		\$250.00
Zoning Certificate, Municipal Approval of Use/Location - Letter		\$250.00
Development Permit – Signs (Each Occurrence)		\$100.00

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Miscellaneous Services/charges	
Development/Encroachment Agreement	\$1,000.00
Submission of Revised Plans, per occurrence – at dev officer’s discretion	\$250.00
Development Damage Deposit (\$500.00 non-refundable)	\$1,000.00
Development Agreement	\$1,000.00
Amendments	
Change in Zoning, per occurrence	\$2,000.00
Municipal Development Plan	\$2,000.00
Intermunicipal Development Plan	\$2,000.00
Area Structure Plan, Area Redevelopment Plan, Outline Plan (new or amended)	\$2,000.00
Home Based Business Application	
Minor	\$50.00
Major	\$100.00
Development Appeal Fee	\$250.00

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