

TOWN OF DRUMHELLER
BYLAW NUMBER 15.24
DEPARTMENT: DEVELOPMENT AND PLANNING

A BYLAW OF THE TOWN OF DRUMHELLER IN THE PROVINCE OF ALBERTA, TO
REGULATE THE PROVISIONS OF THE SAFETY CODES ACT FOR THE PURPOSE OF
PERMITTING AS AN ACCREDITED MUNICIPALITY

WHEREAS, the Town of Drumheller has been designated as an accredited municipality by the Safety Codes Council of Alberta to administer and enforce the *Safety Codes Act*, RSA 2000, c S-1, and the codes established pursuant to this Act;

AND WHEREAS, pursuant to Section 66 of the *Safety Codes Act*, RSA 200, c S-1 an accredited municipality may pass bylaws respecting minimum maintenance standards for buildings and structures, fees for anything issued or any material or service provided, and respecting the carrying out of the power 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 Subsection 8(b) of the *Municipal Government Act*, RSA 2000, c M-26, 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;

AND WHEREAS, pursuant to Subsection 8(c) of the *Municipal Government Act*, RSA 2000, c M-26, a Council may pass bylaws to provide for a system of licences, permits or approvals.

NOW THEREFORE, THE COUNCIL OF THE TOWN OF DRUMHELLER, DULY
ASSEMBLED, ENACTS AS FOLLOWS:

1. SHORT NAME

1.1 This Bylaw shall be cited as the "Safety Codes Permit Bylaw".

2. DEFINITIONS

2.1 For the purposes of the Bylaw, the following definitions shall apply:

- a) "**Act**" means the *Safety Codes Act*, RSA 2000, c S-1, as amended from time to time and successor legislation;
- b) "**Bylaw**" means the Safety Codes Permit Bylaw;
- c) "**Construction Value**" means a total cost of all labour and materials required to build or construct the project for which the permit is requested or issued;

- d) “**Fee Schedule**” means the Town of Drumheller Fees, Rates and Charges Bylaw 01.24, as amended from time to time, and its successor legislation;
- e) “**Master Electrician**” means a person who is a holder of a Master Electrician Certificate issued by the Board of Certification;
- f) “**Occupancy**” means the use of intended use of a building or any part of a building for the shelter or support of individuals, animals, or property;
- g) “**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 power and authority of ownership;
- h) “**Quality Management Plan**” means the Quality Management Plan for the **Town**;
- i) “**Quality Management Plan Manager**” means an employee of the **Town** responsible for the administration of the **Quality Management Plan**;
- j) “**Permit**” means the written authorization from the **permit issuer** to perform work regulated by this **Bylaw**, and may include permits for building, gas, electrical, plumbing, and private sewage;
- k) “**Permit Issuer**” means a **Safety Codes Officer** or a **person** designated to issue **permits** pursuant to the **Act**;
- l) “**Person**” means an individual, partnership, association, corporation, organization, business, cooperative, trustee, executor, administrator, or legal representative;
- m) “**Regulations**” means any regulations passed pursuant to the **Act**, including any codes adopted in such regulations;
- n) “**Safety Codes Officer**” means a certified building, electrical, plumbing, gas, or private sewage Safety Codes Officer pursuant to the **Act** and **Regulations** who is employed either by the **Town** or an accredited agency, contracted by the **Town**, to enforce the **Act**;
- o) “**Single-Family Dwelling**” means a house used or intended to be used by the **owner** of the building with habitable spaces;
- p) “**Skilled Trades and Apprenticeship Education Act**” means the *Skilled Trades and Apprenticeship Education Act*, SA 2021, c S-7.88, as amended from time to time and successor legislation;
- q) “**Town**” means the Town of Drumheller, a municipal corporation in the Province of Alberta, and includes the area contained within the corporate boundaries of the Town, as the context may require; and,
- r) “**Undertaking**” means the construction of a thing, control or operation of a thing, and process or activity to which the **Act** applies.

3. INTERPRETATION

- 3.1 Unless otherwise defined herein, the definitions contained in the **Act** and **Regulations** shall have a similar meaning in this **Bylaw**.
- 3.2 Nothing in this **Bylaw** relieves a **person** from complying with any provision of any federal, provincial, or municipal law or regulation or any requirement of any lawful **permit**, order or licence.
- 3.3 The issuance of **permits**, or the carrying out of any inspections pursuant to this **Bylaw**, shall in no way be construed as a warranty by the **Town** of the fitness or suitability of any plans, designs or construction to meet the **owner's** purposes.
- 3.4 Each provision of this **Bylaw** is independent of all other provisions and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this **Bylaw** remain valid and enforceable.
- 3.5 In this **Bylaw**, words in the singular include the plural and words in the plural include the singular.

4. SCOPE

- 4.1 This **Bylaw** applies to the issuance of **permits** respecting:
- a) The construction, demolition, installation, alteration, repair, and removal of a building within the **Town**;
 - b) **Occupancy** or change in use of any building regulated by the **Act** within the **Town**; and,
 - c) The installation, alteration, or repair of electrical, plumbing, and gas equipment and systems regulated by the **Act** within the **Town**.

5. PERMITS REQUIRED

- 5.1 A **person** shall not start any **undertaking** for which a **permit** is required pursuant to the **Act**, the **Regulations**, or this **Bylaw** unless a valid and subsisting permit has been issued and is in effect.
- 5.2 A building **permit** is required to carry out work for any excavation, construction, change in **occupancy**, relocation, alteration, addition, repair, and demolition of any building or structure, at the discretion of the Development Authority.
- 5.3 An electrical **permit** is required to install, alter, or add to an electrical system except for:
- a) Communication systems;
 - b) Electrical installations to which the CSA Standard CAN/CSA M421-00(R2000) The Use of Electricity in Mines applies;
 - c) Electrical installations related to an elevating device;
 - d) Extra low voltage, Class 2 electrical circuits unless they are for any of the following:

- i. safety control;
 - ii. locations described as hazardous in the Electrical Code;
 - iii. electro-medical purposes; and,
 - iv. lighting.
- e) The replacement of electrical equipment with units of a similar type if the replacement is made for the purpose of maintaining the system and does not modify the ratings or characteristics of the electrical installation.

5.4 A plumbing or private sewage **permit** is required to install, renew, or change any plumbing equipment or system except for:

- a) Repairs or maintenance of a plumbing system or private sewage system; or,
- b) The replacement of any fixture, water heater, faucet, valve, septic tank, or cistern provided there is no change to the piping system.

5.5 A gas **permit** is required to install, alter, or make an addition to any gas installation except:

- a) The replacement of a gas dryer or gas range if there is no design change made to the gas piping and venting system;
- b) Connection of a residential water heater or residential heating appliance with a similar type;
- c) Relocation, by a gas utility provider, of a meter from interior to the exterior of a building; or,
- d) New or replacement of a liquified petroleum tank with a capacity of not more than 300 litres including service line.

5.6 Notwithstanding this Section, if there is imminent serious danger to **persons** or property because of any thing, 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** but that **person** must apply for a permit as soon as the danger, fire hazard or risk of explosion has been remedied.

6. PERMIT ELIGIBILITY

6.1 A **permit issuer** may issue a **permit** in the building discipline to the following:

- a) A **person** having the appropriate certificate to carry out the **undertaking** as required by the **Skilled Trades and Apprenticeship Education Act**;
- b) An **owner** who resides or intends to reside in a **single-family dwelling** for the installation of building systems in the dwelling; or,
- c) An **owner's** agent.

6.2 A **permit issuer** may issue a **permit** in the electrical discipline to the following:

- a) A **master electrician** for any electrical system within the scope of the **master electrician's** certification;
- b) A restricted **master electrician** for any electrical system within the scope of the restricted **master electrician's** certification;
- c) A rural wireman for an electrical undertaking in a residence, farm building or similar structure, in an area of Alberta prescribed by an administrator, if the service ampacity does not exceed 100 amperes and 300 volts single phase;
- d) An **owner** who resides or intends to reside in a **single-family dwelling** for the installation of building systems in the dwelling;
- e) An **owner** of a farm building served by a single-phase electrical system;
- f) An **owner**, operator or designate of a power line construction company or an electrical utility for the construction of an overhead or underground power system governed by the Alberta Electrical Utility Code; and,
- g) A sign installation technician to perform electrical undertakings within the scope of the technician's duties as permitted by the **Skilled Trades and Apprenticeship Education Act**.

6.3 A **permit issuer** may issue a permit in the gas discipline to the following:

- a) A gasfitter as defined in the **Skilled Trades and Apprenticeship Education Act**;
- b) An **owner** who resides or intends to reside in a **single-family dwelling** if the gas system serves the dwelling;
- c) An **owner** of a farm building if the gas system serves the farm building;
- d) A **person** who has satisfactorily completed a course of training acceptable to the Administrator for the installation of liquefied petroleum tanks;
- e) A **person** who has satisfactorily completed a course of training acceptable to the Administrator for the installation of natural gas secondary lines; or,
- f) A sheet metal worker as defined in the **Skilled Trades and Apprenticeship Education Act** if the **permit** is for the replacement of a furnace in a **single-family dwelling** including, if applicable, the replacement of the gas piping downstream of the shut off valves for the furnace.

6.4 A **permit issuer** may issue a **permit** in the plumbing discipline to the following:

- a) A plumber as defined in the **Skilled Trades and Apprenticeship Education Act**;
- b) An **owner** who resides or intends to reside in a **single-family dwelling** if the plumbing system serves the dwelling;

- c) An **owner** of a farm building if the plumbing system serves the farm building; or,
- d) A **person** holding a valid private sewage installer certificate of competency, in respect of a portion of a plumbing system that is:
 - i. located outside the building; or,
 - ii. required for the treatment, flow control or pressure delivery of wastewater from a plumbing system that discharges into a municipal sewage collection system.

6.5 A **permit issuer** may issue a **permit** in the private sewage discipline to the following:

- a) A certified private sewage system installer;
- b) an **owner** who resides or intends to reside in a **single-family dwelling** for any private sewage system if the private sewage system serves the dwelling; and,
- c) an **owner** of a farm building for any private sewage system if the private sewage disposal system serves the farm building.

7. PERMIT APPLICATION

7.1 In addition to to any other requirement, every **person** applying for a **permit** pursuant to the **Act**, the **Regulations**, or this **Bylaw** must provide to the **permit issuer**:

- a) A completed application for the appropriate discipline;
- b) Plans and specifications as required by the **permit issuer**;
- c) The **construction value** of the proposed **undertaking**;
- d) Any fees or charges outlined in the **fee schedule**; and,
- e) Any additional information deemed necessary by the **permit issuer** for purposes of evaluation or processing of the application.

8. ISSUANCE OF PERMIT

8.1 The **permit issuer** shall issue a **permit** pursuant to the **Act**, the **Regulations**, or this **Bylaw** only when:

- a) The **undertakings** described in the permit application, meets the requirements of the **Act**, the **Regulations**, and this **Bylaw**;
- b) The plans and specifications submitted in the application meet the requirements of the **Act**, the **Regulations**, and this **Bylaw**; and,
- c) Any outstanding fees and charges as outlined in the **fee schedule** are paid in full.

8.2 The **permit issuer** may place a valuation on any **undertakings** for the purpose of calculating the required fee.

8.3 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 **Act**, this **Bylaw**, and any other legislative requirements.

9. PERMIT HOLDER OBLIGATIONS

9.1 A **person** to which a **permit** has been issued must:

- a) Comply with the terms and conditions of the **permit**;
- b) Call for inspections as outlined in the **Town'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 **Act**, the **Regulations**, and this **Bylaw**;
- e) Make at their own expense, the tests necessary to prove compliance with a **permit** or this **Bylaw** and shall promptly file a copy of all such tests or inspection reports with the appropriate **Safety Codes Officer**;
- 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 other identified at the construction site;
- h) Be responsible for any cost to repair any damage to public property or works located that occur as a result of the **undertaking** for which the **permit** was required; and,
- i) Ensure the civic address for the property for which the **permit** was issued is clearly visible from the roadway to which the property is address.

10. REVISIONS & RE-EXAMINATION

10.1 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.

10.2 Documents submitted with an application for a **permit** are incomplete or contain errors or omissions, the application may be rejected by the **permit issuer**. The documents may be re-submitted for further re-examinations upon payment in full of the required fee.

10.3 Any documents submitted which are incomplete and do not form the basis of the **permit** issued may be destroyed by the **permit issuer**.

11. TRANSFER

11.1 A **person** shall not transfer a **permit** to any other **person** unless the transfer has been authorized in writing by the **permit issuer**.

12. REFUSAL TO ISSUE, SUSPENSION, OR CANCELLATION

12.1 In addition to any powers pursuant to the *Act*, 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) An addition or alteration is made to an ongoing *undertaking* which renders it unsafe or reduces the level of safety below that which is intended in the *Act* or this *Bylaw*;
- b) The *permit* was issued on the basis of incorrect, inadequate or insufficient information;
- c) Payment in full has not been received for any applicable fee outlined in the *fee schedule*;
- d) There is a contravention of any condition under which the *permit* was issued; or,
- e) The *permit* was issued in error.

13. PERMIT TERM AND EXTENSION

13.1 A *permit*, other than an *occupancy permit*, shall expire according to the expiry date, and terms and conditions set in the *permit*.

- a) In the absence of an expiry date, a *permit* will expire in conformance with the *Act* and *Regulations*.

13.2 A *permit issuer* may extend a *permit* for a fixed period of time that they consider appropriate, if:

- a) A written request from the permit holder is submitted;
- b) The required fee outlined in the *fee schedule* is paid in full; and,
- c) The existing *permit* has not been closed, expired, or revoked.

13.3 A *permit* that has expired may be reinstated by the *permit issuer* at the written request of the applicant within 30 days of expiry of the *permit* provided that:

- a) No changes are made to the original *undertaking* originally applied for; and,
- b) The required fee outlined in the *fee schedule* have been paid in full.

13.4 A closed *permit* may be re-opened in the following circumstances:

- a) The *permit* was closed in error;
- b) Within thirty (30) days after the *permit* was closed, provided the *permit* has not expired; or,
- c) At the *permit issuer's* sole discretion if the *permit* has been closed for more than thirty (30) days.

14. OCCUPANCY PERMIT

14.1 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 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.

14.2 No **person** shall allow a change in use, tenancy or the **occupancy** classification is permitted without approval of a building **Safety Codes Officer**.

14.3 A **Safety Codes Officer** shall have the right to inspect the **occupancy permit** at any reasonable time.

15. INSPECTIONS

15.1 Any inspection conducted by the **Safety Codes Officer** shall be conducted in accordance with the **Town's Quality Management Plan**.

16. FEES AND BONDS

16.1 Every application for a **permit** required pursuant to this **Bylaw** must be accompanied by any applicable fees or charges as outlined in the **fee schedule**.

16.2 If any **undertaking** is commenced prior to a **permit** being issued pursuant to this **Bylaw**, the amount payable for the **permit** shall be double the cost of the fee as outlined in the **fee schedule**.

16.3 An additional fee is payable 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; or,
- b) When an inspection has been previously arranged, and:
 - 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 arrival of the **Safety Codes Officer**; or,
 - iii. A previously identified deficiency has not been corrected.

16.4 The **Quality Management Plan Manager** may require a **person** to file a bond prior to the issuance of any **permit**.

- a) Any bond required pursuant to this Section must be in the form and amount satisfactory to the **Quality Management Plan Manager** and shall be issued by a licensed Alberta bond issuer.

17. REFUNDS

17.1 A **person** who has paid a fee for a **permit** may cancel, withdraw or surrender the **permit** to the **permit issuer**, and make an application in writing for a refund.

- a) The **Town** will maintain a holdback of 50% for any refunds issued.
- b) The Safety Code Levy is non-refundable regardless of amount.
- c) No refund of a fee shall be made if:
 - i. the **permit** has been revoked or has expired;
 - ii. the **occupancy**, relocation, construction, or demolition of the building or the installation of the mechanical equipment systems has commenced;
 - iii. an extension of the **permit** has been granted; or,
 - iv. an inspection has been completed.

18. SAFETY CODE OFFICER AUTHORITY

18.1 A **Safety Codes Officer** may exercise any and all powers given to him or her under the **Act**, and without restricting the generality of the foregoing is empowered to order:

- a) The removal or demolition of any building or part thereof constructed in contravention of this **Bylaw**;
- b) The removal or disconnection of any electrical, plumbing, or gas work **undertaken** in contravention of this **Bylaw**; and,
- c) The cessation of any **occupancy** if any unsafe condition exists because of work being **undertaken** or not completed.

19. OFFENCE

19.1 Any **person** who contravenes the **Act** or regulations made pursuant thereto, including this **Bylaw**, shall be guilty of an offence under the **Act**.

20. GENERAL

20.1 The onus of proving that the **permit issuer** has issued a **permit** in relation to any **undertaking** otherwise regulated, restricted or prohibited by this **Bylaw** is on the person alleging the existence of such a **permit**.

20.2 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.

21. TRANSITION

21.1 This **Bylaw** shall come into force and effect when it receives third reading and is duly signed.

21.2 Bylaw 01.12 is hereby repealed.

READ A FIRST TIME THIS 21st DAY OF MAY, 2024

READ A SECOND TIME THIS 17th DAY OF JUNE, 2024

READ A THIRD AND FINAL TIME THIS 8th DAY OF JULY, 2024



MAYOR

CHIEF ADMINISTRATIVE OFFICER