

BYLAW 2440/D&P/11

BEING A BYLAW OF THE TOWN OF STONY PLAIN IN THE PROVINCE OF ALBERTA TO REGULATE THE ISSUANCE OF PERMITS FOR THE USE, OCCUPANCY OR CONSTRUCTION OF BUILDINGS

WHEREAS the Safety Codes Act, being Chapter S-1, Revised Statutes of Alberta 2000, and amendments thereto authorizes a municipality to pass a Bylaw to carry out the municipality's powers and duties under the Act and Regulations under the Act. *(s.66 SCA 2000)*

WHEREAS this Bylaw shall be subject to the provisions of the Safety Codes Act, being Chapter S-1, Revised Statutes of Alberta 2000, and amendments thereto, and Regulations and Codes under the Act.

NOW THEREFORE Town Council hereby establishes the following rules and regulations.

1.0.0 Title

1.1.0 This Bylaw may be cited as "The Building Permit Bylaw", and will be referred to herein as "this Bylaw".

2.0.0 Definitions

In this Bylaw

2.1.0 "Act" means The Safety Codes Act, being Chapter S-1, Revised Statutes of Alberta 2000, as amended from time to time and any regulations, codes, or standards made pursuant to the Safety Codes Act.

2.2.0 "Town Council" means Council for the Town of Stony Plain.

2.3.0 "Permit" means Building Permit.

2.4.0 "Regulations" means Regulations passed pursuant to the Act.

2.5.0 "Safety Codes Officer" means an individual designated as a Safety Codes Officer under section 31 of the Safety Codes Act.

2.6.0 "Town" means the Town of Stony Plain.

2.7.0 Capitalized terms used in this Bylaw shall have the meaning given to them in the Act, unless specifically defined in this Bylaw.

3.0.0 General

3.1.0 Scope

The provisions of this Bylaw shall apply to the administration and enforcement of the Act and Regulations, codes and standards under the Act for the building discipline within the Town of Stony Plain.

3.2.0 Administration

This Bylaw shall be administered by the Safety Codes Officer or Officers designated by an Administrator and appointed by the Town, as well as by Safety Codes Officers employed by Accredited Agencies which may be contracted with the Town to administer a portion of the Act.

3.3.0 Application for Permit

- 1) Where applicable under the regulations of the Town of Stony Plain's Land Use Bylaw, and amendments thereto, a Development Permit must be obtained prior to obtaining a Building Permit.
- 2) Application and issuance of a Building Permit will be done in accordance with the Safety Codes Act, the Permit Regulations, Alberta Building Code and the Town's Uniform Quality Management Plan, as amended from time to time.

- 3) Where regulated by the Alberta Building Code, Building Permits are required for the construction of a building, including the renovation or addition to a building; and a change in occupancy of a building.
- 4) Application for a Building Permit must be made using the Town of Stony Plain's official Development and Building Permit Application and permit applications must be complete in full, including, but not limited to:
 - a) Applicant, contractor and owner names, mailing address, and telephone number;
 - b) Project municipal and legal address;
 - c) A description of the proposed undertaking, state the use or proposed use of the premises and type of occupancy;
 - d) The signature of the applicant;
 - e) Date of the application;
 - f) Estimated value of construction of the project; and
 - g) Permit fees as set out in the Fees and Charges Schedule as approved by Town Council.
- 5) The following documentation must be submitted with the Building Permit application:
 - a) Surveyed plot plan showing lot dimensions, building pocket, location and dimensions of proposed structure, setbacks to property lines, grading elevations, and any existing structures on the property;
 - b) Current Certificate of Title verifying ownership;
 - c) If application is made by someone other than the landowner, written landowner consent may be required;
 - d) Two sets of construction drawings, drawn to scale and clearly legible;
 - e) Any letters and schedules required under the Alberta Building Code;
 - f) Any documents signed and sealed by a registered Architect and/or Professional Engineer if professional involvement is required by the Alberta Building Code;
 - g) Each set of drawings, letters, and schedules will include the project address, and the name, address and telephone number of the organization(s) that prepared the documents; and
 - h) If required by the Safety Codes Officer, computations, test results and all other evidence deemed necessary to show that the work will be in accordance with the Act.
- 6) A Safety Codes Officer may issue a Building Permit if it complies with the requirements of the Act and will:
 - a) Complete a review of the construction documents in accordance with the requirements of the Alberta Building Code and prepare a plans review report.
 - b) Stamp the documents reviewed "EXAMINED" with the Safety Codes Officer's name, designation number and signature.
 - c) Circulate the drawings to other departments within the Town of Stony Plain and the Province of Alberta to check for compliance with orders, regulations or bylaws under their jurisdiction where necessary.
 - d) Retain one set of the examined plans, specifications, and computations. One set of examined plans, specifications and computations shall be returned to the applicant and 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.
- 7) The Safety Codes Officer may issue a permit for part of the work before the entire plans and specifications for the complete work have been submitted or examined if adequate information and detailed statements have been filed in accordance with the provisions of the Act and this Bylaw.
 - a) The holder of a permit for part of the work may proceed at his/her own risk without assurance that a permit for the remainder of the work will be granted.

3.4.0 Change in Scope of Work, Deviation from Permit Conditions

- 1) No person shall deviate from the approved scope of work and conditions of a permit, unless they receive written authorization from the Safety Codes Officer.
- 2) Amended documentation may be required to be submitted for review by the Safety Codes Officer prior to continuing the undertaking.

3.5.0 Inspections

Inspections will be conducted in accordance with the Act, including, but not limited to those inspections referred to in the Town's Uniform Quality Management Plan.

3.6.0 Permit Refused, Cancelled, Suspended, Expired

- 1) The Safety Codes Officer may refuse, cancel, suspend or expire a Building Permit in accordance with the Act.
- 2) A person whose permit is refused, cancelled, or suspended may appeal to the Council in accordance with the Act and the bylaws of the Council.
- 3) A Building Permit shall expire in accordance with the Regulations, and in any event a Building Permit will expire one year from the date of issuance by the Safety Codes Officer.
- 4) The Safety Codes Officer may, in writing, and on the written request of the applicant, extend the Building Permit for an additional fixed period of time that the Safety Codes Officer considers appropriate.

3.7.0 Permit Transfer, Termination

- 1) A Building Permit may only be transferred in accordance with the Regulations under the Safety Codes Act.
- 2) Request to transfer of a permit must be made by the permit holder in writing, specifying:
 - a) Reasons for the request to transfer the permit;
 - b) The date the new permit holder will assume responsibility for the undertaking; and
 - c) The stage that the new permit holder will be responsible for the undertaking.
- 3) Inspections must be complete to the stage that the permit is to be transferred.
- 4) No permit will be transferred at the request of anyone other than the current permit holder. If the lands change hands during the undertaking, and for whatever reason the permit holder is unwilling to request the transfer of the permit, the new owner will be required to apply for a new Building Permit.

3.8.0 Occupancy

- 1) Changes in the use or occupancy of a building shall not be made except in accordance with the provisions of the Act and the Town of Stony Plain's Land Use Bylaw and amendments thereto.
- 2) No building shall be used or occupied and no change in the existing occupancy classification of a building shall be made until applicable permits are in place and occupancy has been granted by the Safety Codes Officer.
- 3) No building which is subject to a Building Permit shall be occupied or used for its intended purpose until the Safety Codes Officer has completed a Final Inspection which confirms that the undertaking has been completed without deficiencies, or is subject only to such minor deficiencies as do not, in the opinion of the Safety Codes Officer, pose a safety threat or threat of imminent danger to an occupant. The report of the Final Inspection confirming completion in accordance with this Article 3.8.0 shall constitute permission to occupy the building.

3.9.0 Fees

Fees shall be charged in accordance with the annual "Fees and Charges Schedule" as approved by Town Council.

4.0.0 Penalties

4.1.0 Any person who contravenes the Safety Codes Act remains subject to the penalties set forth in the Act.

4.2.0 Any person who proceeds with an undertaking for which a permit is required under the Act without first obtaining the required permit, may be subject to a penalty as set forth within the Fees and Charges Schedule as approved by Town Council.

5.0.0 Authority

5.1.0 The Safety Codes Officer is authorized to enact and enforce any and all parts of the Safety Codes Act and Regulations which fall under his/her designation under the Act and the terms of his/her employment.

5.2.0 The Safety Codes Officer is authorized to enact and enforce the provisions of this Bylaw.

6.0.0 Effective

6.1.0 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

6.2.0 Bylaw 920 and amendments thereto are hereby repealed.

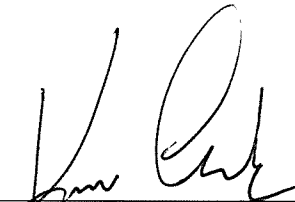
6.3.0 This Bylaw shall take full force and effect upon third and final reading upon signing in accordance with Section 213, Municipal Government Act, Revised Statutes of Alberta 2000.

Read a first time this 12th day of December, AD 2011.


Read a second time this 12th day of December, AD 2011.

Given unanimous consent this 12th day of December, AD 2011.

Read a third time this 12th day of December, AD 2011.



Mayor Ken Lemke



Louise Frostad, CMA, CLGM
Director, Finance and Administration