

## BYLAW 44-2003

### A BYLAW OF STRATHCONA COUNTY TO ADMINISTER THE SAFETY CODES ACT BEING REVISED STATUTES OF ALBERTA 2000 CHAPTER S-1 AS IT RELATES TO THE BUILDING, ELECTRICAL, GAS AND PLUMBING DISCIPLINES.

**WHEREAS** Strathcona County is an accredited municipality pursuant to Order No. 000000491 and the Safety Codes Act, Revised Statutes of Alberta 2000 Chapter S-1, as amended;

**NOW THEREFORE** the Council of Strathcona County duly assembled, hereby enacts as follows:

#### SECTION 1: TITLE

Short Title      1.1. This Bylaw may be cited as the "Safety Codes Bylaw".

#### SECTION 2: GENERAL

Definitions      2.1. Words and phrases used in this Bylaw which are specifically defined in the Act, Regulations under the Act, or in this Bylaw shall bear the meaning expressed in the definition. Words and phrases used in this Bylaw which are not so defined shall have the meanings which are commonly assigned to them in the context in which they are used in this Bylaw, taking into account the specialized use of terms within the various trades and professions to which the terminology applies.

2.2 Whenever used herein:

2.2.1 "**Act**" means the Safety Codes Act, Revised Statutes of Alberta 2000 Chapter S-1, as amended, and any Regulations passed pursuant to that Act;

2.2.2 "**Council**" means the Council of Strathcona County;

2.2.3 "**County**" means Strathcona County, its officers, employees and its successors under law;

2.2.4 "**County Engineer**" means the Manager of Engineering & Environmental Planning Services of the County responsible for the development, implementation and enforcement of Engineering Standards, Policies and Practices or whatever subsequent title may be conferred on that individual by Council.

2.2.5 "**Designated Permit Issuer**" means a person employed or engaged by the County and designated by an Administrator to issue Permits under the Act.

2.2.6 "**Fees and Charges Bylaw**" means Bylaw #134-2002, a bylaw of Strathcona County to establish fees and charges for the provision of Permits and services, as amended or replaced from time to time.

2.2.7 "**Occupancy**" means the use or intended use of a Building or part thereof for the shelter or support of Persons, animals or property.

2.2.8 "**Permit**" means an authorization in writing by a Safety Codes Officer or Designated Permit Issuer to perform work regulated by this Bylaw;

2.2.9 "**Person**" means an individual, partner, corporation, firm, society, co-operative or other incorporated legal entity and their respective heirs, executors, administrators, successors and assigns, as the case may be;

2.2.10 "**Quality Management Plan**" means the Uniform Quality Management Plan as it relates to the disciplines of Building, Electrical, Gas and Plumbing, as approved by an Administrator,

and as amended from time to time;

2.2.11 "**Regulations**" means Regulations passed pursuant to the Act;

2.2.12 "**Safety Codes Officer**" means the Person or Persons designated by an Administrator and appointed by the County to act as a Safety Codes Officer or Persons designated by an Administrator and employed as Safety Codes Officers by accredited agencies which may contract from time to time with the County to administer a portion of the Act within the County.

2.2.13 "**Surface Drainage Bylaw**" means Bylaw #17-2001, a Bylaw of Strathcona County to regulate and control surface drainage within Strathcona County, as amended or replaced from time to time.

2.2.14 "**Surface Drainage Plan**" means a plan that establishes grades, surface elevations, storm water management and discharge control requirements for a site, in compliance with requirements set out in the site grading guidelines and engineering standards, duly sealed and signed by a Professional Engineer.

Scope            2.3    This Bylaw applies to the administration and enforcement of the Act within the County for the disciplines of Building, Electrical, Gas, and Plumbing.

Quality Management Plan            2.4    The Quality Management Plan is meant to reflect the intention on the part of the County to exercise its powers and perform its duties under the Act in good faith. Nothing in the Quality Management Plan shall be taken to derogate from any defence afforded to the County, its employees, officers or Administrators by virtue of any statute as amended from time to time and without restricting the generality of the foregoing by virtue of the Act, and the Municipal Government Act, RSA 2000, C. M-26.

**SECTION 3: ADMINISTRATION**

Administration            3.1    This Bylaw shall be administered by the Safety Codes Officer or Officers designated by an Administrator and appointed by the County as well as by Safety Codes Officers employed by accredited agencies which may contract from time to time with the County, to administer a portion of the Act within the County.

3.2    Subject to the terms of his or her designation by an Administrator, and to the provisions of the Act, a Safety Codes Officer may administer and enforce the provisions of this Bylaw, and is authorized to do all things necessary and necessarily incidental to such administration and enforcement.

**SECTION 4: FEES**

4.1    Fees to be charged by the County for services rendered and the application for or issuance of any Permits shall be as set out in the Fees and Charges Bylaw.

**SECTION 5: PERMITS REQUIRED**

5.1    Every Owner shall, directly or through its Contractor obtain all required Permits or approvals prior to commencing the work to which they relate.

Emergency            5.2    Notwithstanding 5.1, a Safety Codes Officer may allow work that

- work requires a Permit to proceed before a Permit is obtained if, in the opinion of the Safety Codes Officer who is designated authority to issue Permits in that discipline, the work is required to be done on an emergency basis.
- Building Permits required** 5.3 A Building Permit is required to carry out work to which the Alberta Building Code applies, except that:
- (a) a Permit is not required for a building to be constructed within a plant by a manufacturer who has a quality assurance program acceptable to an Administrator,
  - (b) a Permit is not required for minor work of less than \$5000 in prevailing market value where health, safety, or structural sufficiency is not affected,
  - (c) a Permit is required for a retaining wall exceeding 1 meter in height.
- Electrical Permits required** 5.4 An Electrical Permit is required to carry out work to which the Electrical Code applies, except in the case of:
- (a) electric railways and motor car wiring, car houses and passenger and freight stations used in the operation of electric railways that are supplied with electric current from a railway power circuit,
  - (b) aircraft,
  - (c) the facilities directly associated with the operation of mines to which the Coal Mines Safety Act or the Quarries Regulation Act apply,
  - (d) self propelled marine vehicles,
  - (e) recreational vehicles or mobile homes manufactured on a repetitive assembly line and approved by an acceptable certification agency,
  - (f) electrical installations related to an elevating device,
  - (g) extra low voltage, Class 2 electrical circuits unless they are safety control circuits or circuits installed in areas classified as hazardous in the Electrical Code, or
  - (h) electrical work performed in replacing fuses, receptacles, switches and utilization equipment with proper units of a similar type where the replacement can be made without other modifications.
- Plumbing, Private Sewage Permits required** 5.5 A Permit is required to install, renew, remove, or change any plumbing equipment or a plumbing system except for the repair or maintenance of a plumbing system or private sewage disposal system or the renewal or change of any fixture, water heater, faucet, trap, valve, septic tank, or cistern, if there is no change to the piping system.
- Gas Permits required** 5.6 A Permit is required to install, alter or make an addition to any gas installation except:
- (a) alternate or principal carburetion on a motor vehicle,
  - (b) to provide conditioned air in a cargo transport unit,
  - (c) for a gas appliance in or on a recreational vehicle,

- (d) a replacement of a gas dryer or gas range if there is no design change made to the gas piping or venting system,
- (e) within a mobile home that is being manufactured on a production line and is subject to a quality assurance program acceptable to an Administrator,
- (f) a connection to replace a residential water heater or a residential heating appliance with a unit of a similar type,
- (g) a relocation, by a gas utility company, of a natural gas meter from the interior to the exterior of a building, or
- (h) or a new or replacement liquefied petroleum tank with a capacity of not more than 300 litres, including the service line.

### **SECTION 6: PERMIT ELIGIBILITY AND CONDITIONS**

#### **Application requirements**

**6.1** A person making a Permit application must do so in a form satisfactory to the County and the application must include:

- (a) the property address and legal description at which the work is to be performed,
- (b) the name and address of the applicant and the owner,
- (c) the prevailing market value of the work if required by the County to calculate the cost of the Permit,
- (d) information satisfactory to a Safety Codes Officer describing the proposed work,
- (e) the signature of the applicant, or the certificate number and name of the contractor for Permits where the contractor is required to have a certificate of competency under the Act, and
- (f) the applicable fee.

#### **Permit eligibility**

**6.2** A person is eligible for a Permit as follows:

- (a) in the Building discipline; the Owner, or an Agent of the Owner, of the property to which the work applies,
- (b) in the Electrical discipline; a Master Electrician, a Journeyman Electrician for work related to a service of not more than 100 amps, or the Homeowner if they reside in the single family residential premises to which the work applies and are doing the work themselves,
- (c) in the Plumbing discipline for work other than a Private Sewage System or service connection; a Journeyman Plumber, or the Homeowner if they reside in the single family residential premises to which the work applies and are doing the work themselves,
- (d) in the Plumbing discipline for a Private Sewage System; a Journeyman Plumber, a certified Private Sewage System installer, or the Homeowner if they reside in the single family residential premises to which the work applies and are doing the work themselves,
- (e) in the Gas discipline, a Journeyman Gasfitter, or the Homeowner if they reside in the single family residential premises to which the work applies and are doing the work themselves.

Permit expiry    **6.3**    A Permit expires:

- (a)    if the work does not commence within 90 days of the date of issue of the Permit,
- (b)    if the work is suspended or abandoned for a period of 120 days at any time after the work is commenced, or
- (c)    one year from the date of issue of the Permit.

Permit renewal    **6.4**    Exceptions to the Permit expiry provisions of 6.3 may be made at the discretion of a Safety Codes Officer, in writing.

Transfer of Permits    **6.5**    At the discretion of a Safety Codes Officer, a Permit may be renewed for an additional term. Permits renewed in this manner shall be subject to a Permit renewal fee as provided for in the Fees and Charges Bylaw.

**6.6**    A Permit is not transferable to any other person unless the transfer is authorized by written permission of a designated Safety Codes Officer.

#### **SECTION 7: PERMIT ADMINISTRATION**

**7.1**    Where a Development Permit is required, a Building Permit shall not be issued prior to issuance of a valid Development Permit, except in exceptional circumstances at the discretion of the Manager of Planning and Development Services.

**7.2**    Where a Development Permit or Building Permit is required an Electrical Permit shall not be issued prior to the issuance of the Development Permit and Building Permit, except in exceptional circumstances at the discretion of an Electrical Safety Codes Officer.

**7.3**    Where a Development Permit or Building Permit is required a Plumbing Permit shall not be issued prior to the issuance of the Development Permit and Building Permit, except in exceptional circumstances at the discretion of a Plumbing Safety Codes Officer.

**7.4**    Where a Development Permit or Building Permit is required a Gas Permit shall not be issued prior to the issuance of the Development Permit and Building Permit, except in exceptional circumstances at the discretion of a Gas Safety Codes Officer.

**7.5**    On a site required to have a Surface Drainage Plan pursuant to the Surface Drainage Bylaw, a Building Permit shall not be issued prior to approval of a Surface Drainage Plan by the County Engineer, except in exceptional circumstances at the discretion of a Building Safety Codes Officer.

**7.6**    A Building Safety Codes Officer may issue, at the risk of the Owner, a Building Permit, with conditions to ensure compliance with this Bylaw and any other applicable legislation, to excavate or to construct a portion of a Building before all the plans of the project have been submitted or accepted by a Building Safety Codes Officer.

**7.7**    A Safety Codes Officer may issue a Permit for the whole project prior to work commencing thereon, conditional upon the submission of additional information not available at the time of issue.

**7.8**    A Safety Codes Officer or Designated Permit Issuer, in his or her absolute discretion, may refuse to issue any Permit:

- (a) whenever information submitted is inadequate to determine compliance with the provisions of this bylaw;
- (b) whenever incorrect information is submitted;
- (c) that would authorize any Building, work or Occupancy that would not be permitted by this Bylaw or that would be prohibited by any other regulation.

**7.9** A Safety Codes Officer or Designated Permit Issuer, with written endorsement from the Manager of Planning and Development Services, may refuse to issue a Permit to a Person having unresolved health, safety, or structural deficiencies with respect to any other code, bylaw or Permit.

**7.10** A Safety Codes Officer may refuse to issue a Permit for work for a proposed construction method or system that in the opinion of the Safety Codes Officer may pose a health, safety, or environmental concern.

**7.11** A Safety Codes Officer may suspend or cancel a Permit upon written notice to the Permit holder where:

- (a) there is a contravention of any condition under which the Permit was issued;
- (b) the Permit was issued in error;
- (c) the Permit was issued on the basis of inadequate or incorrect information; or
- (d) the thing, process or Activity for which the Permit was issued does not comply with the Act.

**7.12** A Safety Codes Officer may require, as a condition to a Permit, work or construction methods that exceed the minimum requirements of Regulations pursuant to the Act, when in the discretion of the Safety Codes Officer, such work or construction methods are necessary to ensure that work will meet the intent of Regulations pursuant to the Act.

#### **SECTION 8: SERVICE CONNECTIONS**

Water Utility  
Connection

**8.1** The operator of a public water supply system shall not connect the water service from the public water supply system to any new plumbing system until the Permit issued in respect of that plumbing system is presented to the operator of the public water supply system.

Gas Utility  
Connection

**8.2** A gas supplier shall not connect or supply gas to any new installation until the Permit issued in respect of that gas installation is presented to the gas supplier.

Electrical  
Utility  
Connection

**8.3** A supply authority shall not connect or allow its electrical system to be connected to a consumer's electrical installation until the supply authority has received a copy of, or confirmation of, a Permit issued in respect of the consumer's electrical installation.

#### **SECTION 9: INSPECTIONS**

General

**9.1** The County and its Safety Codes Officers shall conduct inspections to assure compliance with the Act and pursuant codes and regulations to ensure the health and safety of the public respecting work conducted under the Act. Contractual issues or workmanship issues related to aesthetics are not covered under the Act and pursuant codes

and regulations, and are not part of the mandate of the County and its Safety Codes Officers.

No Warranty  
on Inspections

**9.2** The County and its Safety Codes Officers shall conduct inspections in good faith in an effort to administer and enforce the Act, but these inspections are in no way taken to be a guarantee or warranty of compliance with the Act or any related legislation.

**9.3** The County and its Safety Codes Officers shall endeavour to conduct all inspections as required in the County's Quality Management Plan, but there is no guarantee or warranty that all such inspections shall be conducted.

**9.4** The County, subject to its obligations under the Act, may from time to time, taking into account social and economic factors including available resources and the various demands made upon those resources, make planning and policy decisions respecting the level of allocation of resources to the administration of the Act which may affect its operational performance in regard to the frequency of and extent to which inspections are made under this Bylaw.

#### **SECTION 10: UNSAFE CONDITIONS**

**10.1** No Owner or Contractor involved in any work for which a Permit is required shall cause, allow or maintain any unsafe condition.

**10.2** When a Building or part thereof, or where a thing, process or Activity to which this Act applies is in an unsafe condition, the Owner or Contractor shall forthwith take all necessary Action to put the Building, thing, process or Activity in a safe condition.

**10.3** An Owner or Person designated in the Regulations shall, if required by the Regulations, forthwith report to the County any thing, process or Activity under the administration of the County pursuant to this Act where there is an unsafe condition, accident or fire.

#### **SECTION 11: RESPONSIBILITIES AND OBLIGATIONS**

General

**11.1** Any Owner or Contractor who knowingly submits false or misleading information contravenes this Bylaw.

**11.2** Every Owner shall make, or have made at his own expense, the tests or inspections 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.

**11.3** Every Owner shall provide an up-to-date survey of the Building site when and as required by a Safety Codes Officer, or as required by the Act.

**11.4** Every Owner is responsible for the cost of repair of any damage to public property or works located thereon that may occur as a result of undertaking work for which a Permit was required.

**11.5** Neither the issuance of a Permit nor the carrying out of inspections made by a Safety Codes Officer shall in any way relieve the Owner of a Building from full responsibility for carrying out the project or having the project carried out in accordance with the Act and this Bylaw.

**11.6** 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 County of the fitness or suitability of any plans, designs or construction to meet the Owner's purposes.

**SECTION 12: AUTHORITY OF THE COUNTY**

**12.1** 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 or part thereof 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.

**SECTION 13: VIOLATIONS**

**13.1** Without in any way limiting any penalties or remedies which may be available to the County pursuant to the Municipal Government Act, any Person who contravenes the Act remains subject to the penalties set forth in the Act.

**13.2** Under no circumstances shall any Person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

**SECTION 14: SEVERABILITY**

**14.1** Should any provisions of this bylaw be invalid, then such invalid provisions shall be severed and the remaining bylaw shall be maintained.

**SECTION 15: REPEALS**

**15.1** Bylaws No. 4-97, and 28-97 and all subsequent amendments are hereby repealed.

**SECTION 16: EFFECTIVE DATE**

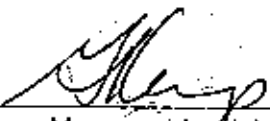
**16.1** This Bylaw shall come in effect upon receiving Third Reading.

READ a First Time this 4 day of November, 2003.

READ a Second Time this 4 day of November, 2003.

READ a Third Time and Finally Passed this 4 day of November, 2003.

  
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MAYOR

  
\_\_\_\_\_  
Manager, Legislative & Legal Services

Date Signed: November 14, 2003