

PROPOSED

PUD2018-1009
ATTACHMENT 1

BYLAW NUMBER 39M2018

BEING A BYLAW OF THE CITY OF CALGARY RESPECTING PERMITS ISSUED PURSUANT TO THE SAFETY CODES ACT

WHEREAS The City of Calgary has been designated as an accredited municipality by the Safety Codes Council of Alberta to administer and enforce the Safety Codes Act, R.S.A. 2000, c. S-1 (the “*Act*”), and the Codes established pursuant to the *Act*;

AND WHEREAS The City issues permits pursuant to the *Act* and the Permit Regulation, AR 204/2007;

AND WHEREAS pursuant to section 66(3) of the *Act*, The City may make bylaws (a) respecting fees for anything issued pursuant to the *Act*; and (b) respecting the carrying out of its powers and duties as an accredited municipality;

AND WHEREAS Council has considered PUD2018-1009 and deems it necessary to enact a bylaw respecting permits issued pursuant to the *Act*;

SHORT TITLE

1. This Bylaw may be cited as the “Safety Codes Permit Bylaw”.

DEFINITIONS

2. (1) In this Bylaw:

(a) “*Act*” means the Safety Codes Act, R.S.A. 2000, c. S-1;

(b) “*applicant*” means:

(i) the owner of a building or property, or

(ii) the authorized representative of the owner,

who applies for a *permit* for that building or property;

(c) “*Building Code*” means the Alberta Building Code 2014 as declared in force by the Building Code Regulation AR 31/2015;

(d) “*building permit*” means a permit in the building discipline issued pursuant to this Bylaw;

(e) “*building permit placard*” is an identification card issued to notify the owner and the public that a *building permit* has been approved and issued for a building;

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- (f) “Codes” means the *Building Code*, the *Electrical Code*, the *Gas Code* and the *Plumbing Code*;
- (g) “*Electrical Code*” means any code, standard or body of rules declared in force pursuant to the Electrical Code Regulation AR 209/2006;
- (h) “*electrical permit*” means a permit in the electrical discipline issued pursuant to this Bylaw;
- (i) “*electrical system*” means an assembly or any part of an assembly of electrical equipment or components used or intended to be used for the generation, transmission, distribution, control or utilization of electric energy;
- (j) “*Gas Code*” means any code, standard or body of rules declared in force pursuant to the Gas Code Regulation AR 111/2010;
- (k) “*gas permit*” means a permit in the gas discipline issued pursuant to this Bylaw;
- (l) “*gas system*” means any equipment or installation used or intended to be used in or in conjunction with the processing, transmission, storage, distribution, supply or use of gas;
- (m) “*mechanical permit*” means a permit issued for the installation of a *mechanical system* pursuant to this Bylaw;
- (n) “*mechanical system*” means any equipment of installation used or intended to be used in conjunction with a:
 - (i) heating, ventilation or air conditioning system;
 - (ii) automatic fire extinguishing system;
 - (iii) geoexchange system; or
 - (iv) solar air system;
- (o) “*occupancy permit*” means a permit issued with respect to the use or occupancy of a building pursuant to section 11 of this Bylaw;
- (p) “*officer*” means a safety codes officer appointed pursuant to section 31 of the *Act* who is employed by The City of Calgary;
- (q) “*permit*” means a *building permit*, *electrical permit*, *gas permit*, *mechanical permit*, *occupancy permit* or *plumbing permit*;
- (r) “*permit issuer*” means:
 - (i) an *officer*, or

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- (ii) a person authorized to issue a permit pursuant to section 44 of the *Act* who is employed by The City of Calgary;
 - (s) “*Plumbing Code*” means the National Plumbing Code of Canada 2010, as declared in force pursuant to the Plumbing Code Regulation AR 119/2007;
 - (t) “*plumbing permit*” means a permit in the plumbing discipline issued pursuant to this Bylaw;
 - (u) “*plumbing system*” means the whole or any part of a drainage system, a venting system or a water system;
 - (v) “*Regulation*” means the Permit Regulation AR 204/2007;
 - (w) “*site*” means the physical location of the work that is the subject of the *permit*.
- (2) All definitions contained in the *Act*, the *Regulation* and the *Codes* apply to this Bylaw.
 - (3) Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
 - (4) Where this Bylaw cites or refers to any act, regulation, code or other bylaw, the citation or reference is to the act, regulation, code or other bylaw as amended, whether amended before or after the commencement of this Bylaw, and includes reference to any act, regulation, code or other bylaw that may be substituted in its place.
 - (5) 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.
 - (6) 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.
 - (7) The issuance of a *permit* pursuant to this Bylaw or the review of plans, drawings and specifications shall not be construed to be permission for, or an approval of, a contravention of any provision of any other act, regulation or bylaw.

SCOPE

- 3. This Bylaw applies to the issuance of and fees charged for *permits* for:
 - (a) the construction or demolition of any building, including the installation of *mechanical systems*;
 - (b) the installation of *electrical systems*;

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- (c) the installation of *gas systems*;
 - (d) the installation of *plumbing systems*, including private sewage disposal systems; and
 - (e) the occupancy of buildings;
- within the City of Calgary.

FEES

4. (1) The General Manager, Planning and Development, may set fees in relation to *permits* and their administration, including fees for:
- (a) the issuance of *permits*;
 - (b) review of plans;
 - (c) inspections relating to *permits*;
 - (d) extensions of *permits*; and
 - (e) reinstatement of *permits*.
- (2) The General Manager, Planning and Development, may establish:
- (a) a method to be used by a *permit issuer* to determine the value of a proposed undertaking for the purposes of calculating the *permit fee*; and
 - (b) a process for determining the amount of a *permit fee* that may be refunded if a *permit holder* has cancelled a *permit*.

PERMIT APPLICATIONS

5. (1) An *applicant* applying for a *permit* must provide:
- (a) an application in a form approved by the *permit issuer*;
 - (b) plans and specifications as required by the *permit issuer*;
 - (c) an estimate of the value of the proposed undertaking;
 - (d) the *permit fee* as set pursuant to subsection 4(1); and
 - (e) any additional information required by the *permit issuer*.
- (2) Where plans are required to be submitted pursuant to subsection (1)(b), the *permit issuer* may charge an additional fee for plan review as set pursuant to subsection 4(1).

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PERMIT ISSUANCE

6. (1) If a *permit issuer* is satisfied that the work described in an application for a *permit* and the plans filed are to the best of the *permit issuer's* knowledge in accordance with the provisions of the *Act* and the *Codes* and the required fees as set pursuant to subsection 4(1) have been paid, a *permit* will be issued to the *applicant*, with or without conditions, together with a *building permit placard* if required.
- (2) The *building permit placard*, if required, shall be posted at the *site* at all times in plain view of the public.

ADDITIONAL PLAN REVIEW

7. If the *permit issuer* determines that additional plan review is required, a fee as set pursuant to subsection 4(1) may be charged.

EXTENSIONS

8. (1) A *permit issuer* may, in writing, extend a *permit* up to two times if:
 - (a) the term of each extension of the *permit* does not exceed 180 days, and
 - (b) the *permit* has not been revoked or has not expired
- (2) All applications for extension of a *permit* must be in writing and must be accompanied by the fee for extension as set pursuant to subsection 4(1).

REINSTATEMENT

9. A *permit* which has expired may be reinstated by a *permit issuer* at the written request of the holder of the expired permit within 30 days of expiry if:
 - (a) there have been no changes to the documents submitted with the original *permit* application; and
 - (b) a reinstatement fee as set pursuant to subsection 4(1) is paid.

REFUNDS

10. (1) A *permit holder* may cancel and surrender the *permit* to The City of Calgary and may make an application in writing for a refund of the *permit* fee.
- (2) The *permit issuer* may authorize a refund of a *permit* fee in accordance with the process established pursuant to subsection 4(2).
- (3) No refund will be made if:
 - (a) if the work authorized by the *permit* has commenced;
 - (b) an extension of the *permit* has been granted, or

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- (c) the *permit* has expired.
- (4) Despite subsection 10(3), when a written request is received for a refund of a *permit* for which work has commenced, a *permit* for which an extension has been granted, or for a *permit* which has expired, the *permit issuer* may take into consideration extenuating circumstances in order to authorize a refund of the *permit* fee.
- (5) For the purposes of subsection 10(4), extenuating circumstances include unusually adverse weather or broad labour or materials supply issues.

OCCUPANCY PERMIT AND PERMISSION TO OCCUPY

- 11. (1) An *officer* may issue permission to occupy or an *occupancy permit* for all or part of a building, if, in the opinion of the *officer*, the building or part of the building does not contravene the provisions of the *Act*, the *Codes*, or any other applicable act, regulation or bylaw.
- (2) A building that is regulated by the *Act*, must not be used or occupied unless permission to occupy or an *occupancy permit* has been issued for the building.
- (3) A building which has been closed due to unsafe conditions pursuant to subsection 48(2) of the *Act* must not be used or occupied unless permission to occupy or an *occupancy permit* has been issued for the building.
- (4) An *officer* may impose terms and conditions on an *occupancy permit*.

EMERGENCIES

- 12. Emergency work may proceed after hours without first obtaining a *permit*, in which case the *permit* application must be made on the first business day following commencement of the emergency work.

CONSEQUENTIAL AMENDMENTS

- 13. In Bylaw 32M2004, The Lot Grading Bylaw:
 - (a) in subsection 2(k), the words “Bylaw 64M94, The Calgary Building Permit Bylaw” are deleted and replaced with “Bylaw 39M2018, the Safety Codes Permit Bylaw”; and
 - (b) subsection 2(n) is deleted and replaced with the following:
 - “(n) “*Permission to Occupy*” means written permission to occupy a building issued pursuant to Bylaw 39M2018, the Safety Codes Permit Bylaw, with respect to the use or occupancy of a building;”.

REPEAL

- 14. (1) The following bylaws are hereby repealed:

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- (a) The Safety Codes Permit Fee Bylaw 63M94;
 - (b) the Calgary Building Permit Bylaw 64M94; and
 - (c) the Electrical Permit Bylaw 46M2014.
- (2) Despite subsection (1):
- (a) any *permit* issued pursuant to a bylaw listed in subsection (1) prior to the time this Bylaw came into force remains valid subject to the terms and conditions under which such *permit* was issued; and
 - (b) any fee set by a bylaw listed in subsection (1) in relation to *permits* remains in effect until and including December 31, 2018.

COMING INTO FORCE

15. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

CITY CLERK

SIGNED ON _____