

TOWN OF COCHRANE

BYLAW NO. 22/2003

A Bylaw of the Municipal Corporation of the Town of Cochrane to administer the Safety Codes Act being R.S.A. 1991 c.S-0.5 as it relates to the following disciplines:

- a) Building;
- b) Electrical;
- c) Gas; and
- d) Plumbing

NOW THEREFORE THE Council of the Town of Cochrane duly assembled, hereby enacts as follows:

SECTION 1 TITLE

- 1.1. This Bylaw may be cited as the “Safety Codes Bylaw” and replaces Bylaw 1/2000 referred to as the “Cochrane Safety Permit Bylaw”.

SECTION 2 GENERAL

- 2.1.1. Words and phrases used in this Bylaw that 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 that 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.

- 2.1.2. Whenever used herein:

- Act:** means the Safety Codes Act, R.S.A.1990.5, and any Regulations passed pursuant to that Act;
- Administrator:** means an Administrator appointed under the Safety Codes Act, R.S.A. 1991 c.S-05;
- Building:** means a structure and any part of a building or structure but does not include anything excluded by the regulations from the definition of building;
- Contractor:** means a person or organization that does or undertakes to do, either for his own use or benefit or for that of another, whether or not for the purposes of any gain, any process or activity to which the Act applies;

Council:	means the Council of The Town of Cochrane;
Town of Cochrane:	means The Town of Cochrane, its' officers, employees and its successors under law;
Electrical System:	means an assembly or part of an assembly of electrical equipment or components used or intended to be used for the generation, transmission, distribution, control or utilization of electrical energy, but does not include any thing excluded by the regulations from the definition of electrical system;
Electrical Work:	means the actual installation, repair and maintenance of an electrical system used for the production, transmission and utilization of electrical energy for heat, light and power purposes;
Gas:	means any gas or compressed gas or any mixture or dilution of gases and includes any combustible or flammable fluid but does not include any gas, mixture or dilution of gases or combustible or flammable fluid excluded by the regulations from the definition of gas:
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 but does not include anything excluded by the regulations from the definition of gas system;
Occupancy:	means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;
Owner:	means any person controlling any property under construction and includes a lessee, a person in charge, a person who has care and control and a person who holds out that the person has the powers and authority of ownership or who for the time being exercises the powers and authority of ownership;
Permit:	means an authorization in writing by a Safety Codes Officer to perform work regulated by this Bylaw;
Person:	means an individual, partner, corporation, firm, society, cooperative or other incorporated legal entity and their respective heirs, executors, administrators, successors and assigns, as the case may be;

Plumbing Equipment: means

- i. any piping, equipment, appliance or device used or intended to be used in a plumbing system, and
- ii. any other thing defined as plumbing equipment in the regulations;

Plumbing System: means the whole or any part of a drainage system, a venting system or a water system but does not include anything excluded by the regulations from the definition of plumbing systems;

Quality Management System: means one or more of the Quality Management Plans for the disciplines of building, electrical, gas and plumbing, as approved by an Administrator, and as amended from time to time;

Regulations: means regulations passed pursuant to the Act;

Safety Codes Officer: means the person or persons designated by an Administrator and employed by the Town of Cochrane 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 Town to administer a portion of the Act within the Town.

SUBSECTION 2.2 SCOPE

2.2.1. This Bylaw applies to the administration and enforcement of the Act within the town for the disciplines of building, electrical, gas and plumbing.

SUBSECTION 2.3 QUALITY MANAGEMENT PLANS

2.3.1. The Quality Management Plans, collectively and individually, are meant to reflect the intention on the part of the Town to exercise its powers and perform its duties under the Act in good faith. Nothing in any Quality Management Plan shall be taken to derogate from any defense afforded to the town, 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 Section 12 of the Safety Codes Act, R.S.A. 1991 c.S-0.5, and Sections 529, 530 and 535 of the Municipal Government Act, R.S.A 1980 c.M-26.1.

SECTION 3 ADMINISTRATION

- 3.1.1.** 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 contract from time to time with the Town, to administer a portion of the Act within the Town.
- 3.1.2.** 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 PERMITS

SUBSECTION 4.1 PERMITS

- 4.1.1.** Every Owner shall, directly or through its Contractor obtain all Required Permits or approvals prior to commencing the work to which they relate.
- 4.1.2.** Inquiries regarding the necessity for any Permit and the procedure for obtaining one may be made to the Town of Cochrane.
- 4.1.3.** On receipt of an application, a Safety Codes Officer may issue a Permit to a Person who complies with the requirements of the Act or issue a Permit with respect to a thing, process or activity if it complies with the requirements of this Act, and the relevant Quality Management Plan.
- 4.1.4.** A Safety Codes Officer may include terms and conditions in a Permit. If a Safety Codes Officer refuses to issue a Permit, the Safety Codes Officer shall serve the applicant with a written notice of the refusal.

SUBSECTION 4.2 BUILDING PERMITS

- 4.2.1.** Subject to the provisions of the Act, no Person shall construct, (including excavation for the purpose of construction) add to, alter, renovate, demolish, relocate, or change the Occupancy of any Building within the Town until and unless a Building Permit has been obtained pursuant to this Bylaw.

SUBSECTION 4.3 ELECTRICAL PERMITS

- 4.3.1. Subject to the provisions of the Act, no Person shall carry out work to which the Canadian Electrical Code, applies until and unless an Electrical Permit has been obtained pursuant to this Bylaw.

SUBSECTION 4.4 GAS PERMITS

- 4.4.1. Subject to the provisions of the Act, no Person shall install, alter or make an addition to any Gas installation until and unless a Gas Permit has been obtained pursuant to this Bylaw, and without restricting the generality of the foregoing shall be required by all Contractors intending to install, renew, remove or change any part of a Gas System within the Town. The Town may require that a Person installing or removing a system or equipment for heating, ventilating or air-conditioning a Building obtain a Gas Permit, and such Persons should inquire to the Town office in this regard before commencing any work.

SUBSECTION 4.5 PLUMBING PERMITS

- 4.5.1. Subject to the provisions of the Act, no Person shall install, renew, remove or change any Plumbing Equipment or a Plumbing System within the Town until and unless a Plumbing Permit has been obtained pursuant to this Bylaw.

SECTION 5 CONTRACTORS

- 5.1.1. Every Contractor shall comply with the requirements of all applicable legislation relating to the construction being performed.

SECTION 6 INSPECTION MANDATE

SUBSECTION 6.1. GENERAL

- 6.1.1. Town and its Safety Codes Officers may perform any Inspections Authorized under the Act including but not necessarily limited to those inspections referred to in the Quality Management Plans.

SUBSECTION 6.2 POLICY CONSTRAINTS ON THE SCOPE OF INSPECTION

- 6.2.1. Subject to any obligations it may have under the Act, the Town may From time to time, taking into account social and economic factors, including the resources available to it and the various demands made upon those resources by the residents of the Town, make planning and policy decisions respecting the level of allocation of resources to the administration which may affect the operational performance in

regard to the frequency of and extent to which inspections are made under this Bylaw.

SUBSECTION 6.2 NO WARRANTY ON INSPECTIONS

Any inspections undertaken by Safety Codes Officers or the Town are to be undertaken in good faith in an effort to administer and enforce the Act, but are in no way or under any circumstances to be taken to be a guarantee or warranty of compliance with the Act or any related legislation.

SECTION 7 RESPONSIBILITIES AND OBLIGATIONS

SUBSECTION 7.1 GENERAL RESPONSIBILITIES

- 7.1.1.** No contractor or Owner shall deviate from the plans and specifications forming a part of a Permit, or omit or fail to complete work required by the said plans and specifications accepted by the Town, without first having obtained in writing the approval of the Town to do so, and subject to the above, any Person who acts pursuant to a Permit shall do so in accordance with the Act and shall comply with the Act in any terms or conditions contained in the Permit.
- 7.1.2.** No Owner or Contractor involved in any work for which a Permit is required shall cause, allow or maintain any unsafe condition.
- 7.1.3.** Any Owner or Contractor who knowingly submits false or misleading information contravenes this Bylaw.
- 7.1.4.** Every owner shall allow a Safety Codes Officer to enter any Building or premises at any reasonable time for the purpose of administering and enforcing this Bylaw.
- 7.1.5.** Every Owner shall, prior to commencing the work, give notice in writing to the appropriate Safety Codes Officer of:
 - a) The name, address and telephone number of:
 - i. the Contractor or other Person in charge of the work and
 - ii. any inspection or testing agency engaged to monitor the work and
 - b) Any change in or termination of employment of such Persons during the course of the construction as soon as such change or termination occurs.

- 7.1.6.** Every Owner shall give notice in writing to the appropriate Safety Codes Officer
- a) as soon as any change in Ownership or change in the address of the Owner occurs prior to the completion of the work for which a Permit was issued,
 - b) at least one full working day prior to Occupying any portion of the Building, and
 - c) as directed by a Safety Codes Officer at the time of issuance of the Permit.
- 7.1.7.** Every Owner shall give such other notice to the appropriate Safety Codes Officer as may be required by the provisions of this Bylaw.
- 7.1.8.** 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 test or inspection reports with the appropriate Safety Codes Officer.
- 7.1.9.** 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.
- 7.1.10.** 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.
- 7.1.11.** Should Occupancy occur prior to the completion of any work being undertaken that requires a Permit, every Owner shall ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed.
- 7.1.12.** When required by a Safety Codes Officer, every Owner shall provide a letter to certify compliance with this Bylaw and with any required Permits.
- 7.1.13.** 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 this Bylaw, and any other relevant legislation.
- 7.1.13.** 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.

- 7.1.14.** 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.
- 7.1.15.** An owner or Person designated in the Regulations shall, if required By the Regulations, forthwith report to the Town any thing, process or Activity under the administration of the Town pursuant to this Act where there is an unsafe condition, accident or fire.

SECTION 8 AUTHORITY OF THE TOWN OF COCHRANE

SUBSECTION 8.1 GENERAL

- 8.1.1.** Subject to the provisions of the Act, a Safety Codes Officer who has Been designated as such by a provincially appointed Administrator, may, by virtue of the Act, enter any Building or premises at any reasonable time for the purpose of administering or enforcing this Bylaw, or if there is reason to believe an unsafe condition exists.
- 8.1.2.** 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) a Person who contravenes the Act or this Bylaw to comply with the provisions thereof within the time period specified;
 - b) work to stop if such work is proceeding in contravention of the Act or this Bylaw, or if there is deemed to be an unsafe condition;
 - c) the removal of any Building or part thereof constructed in contravention of this Bylaw;
 - d) the cessation of any Occupancy if any unsafe condition exists because of work being undertaken or not completed, and
 - e) correction of any unsafe condition, or contravention of the Act or this Bylaw.
- 8.1.3.** A Safety Codes Officer may require any Owner to submit, in addition to any information otherwise required, an up-to-date plan or survey, prepared by a registered land surveyor, which shall contain sufficient information regarding the site and the location of any Building:
- a) to establish before construction begins that all the requirements of this Bylaw relate to this information will be complied with, and
 - b) to verify that, upon completion of the work, all such requirements have been complied with.
- 8.1.4.** When a Safety Codes Officer, or other Person designated by an Administrator, has received a completed application for a Permit and

is satisfied that the project described in the application meets the requirements of the Act and this Bylaw, the Safety Codes Officer or other Person designated by an Administrator, may issue a Permit to the applicant and may impose such conditions on the Permit, as he or she deems necessary to ensure compliance with the Act and this Bylaw.

- 8.1.5.** A Safety Codes Officer may issue a written variance with respect to any thing, process or activity to which the Act applies if the Safety Codes Officer is of the opinion that the variance provides approximately equivalent or greater safety performance with respect to Persons and property as that provided for by the Act. A Safety Codes Officer may include terms and conditions in the variance.
- 8.1.6** A Safety Codes Officer or other Person designated by an Administrator, may issue a Permit at the risk of the Owner, 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 Safety Codes Officer or other Person designated by an Administrator.
- 8.1.7.** A Safety Codes Officer or other Person designated by an Administrator in his or her absolute discretion 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.
- 8.1.8.** A Safety Codes Officer or other Person designated by an Administrator 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
 - (i) would not be Permitted by this Bylaw, or
 - (ii) that would be prohibited by any other regulation.
- 8.1.9.** A Safety Codes Officer may suspend or cancel a Permit upon written Notice to the Permit holder where:
 - a) there is 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 if incorrect information; or
 - d) the, process or Activity for which the Permit was issued does not comply with the Act.

8.1.10. A Safety Codes Officer may suspend or cancel a Permit if the Safety Codes Officer, on reasonable and probable grounds, is of the opinion that the Permit holder does not comply with the Act when Acting pursuant to the Permit or that the thing, process or Activity for which the Permit was issued does not comply with this Act. The Safety Codes Officer shall serve written notice of the suspension or cancellation on the Permit holder and shall also notify an Administrator.

8.1.11. When immediate measures must be taken to avoid an imminent danger of fire or risk of accident, the Town may take such Action as is appropriate, without notice and at the expense of the Owner.

SECTION 9 FEES

SUBSECTION 9.1 GENERAL

9.1.1. Fees shall be charged by the Town for services rendered and the Application for or issuance of any Permits pursuant to the Fee Schedule approved by Council resolution from time to time.

9.1.2. Work started prior to the permit being issued shall be subject to double the required permit Fees.

SECTION 10 VIOLATIONS

SUBSECTION 10.1 VIOLATIONS

10.1.1. Without in any way limiting any penalties or remedies which may be Available to the Town pursuant to the Municipal Government Act, any Person who contravenes the Act remains subject to the penalties set forth in the Act. For clarity and reference, an excerpt of the Act with respect to violations and penalties is attached to this Bylaw as Schedule A.

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

SECTION 11 APPEALS

SUBSECTION 11.1 GENERAL

11.1.1. Pursuant to the Act, any Person:

- a) to whom an Order is issued by a Safety Codes Officer;
- b) whose application for a Permit has been refused by a Safety Codes Officer; or

c) whose Permit has been suspended or cancelled by a Safety Codes Officer;
may appeal the Order, refusal, suspension or cancellation, as the case may be, to the extent and in the manner provided for in the Act.

SECTION 12 SEVERABILITY

SUBSECTION 12.1 GENERAL

12.1.1. Should any provisions of this Bylaw be invalid, then such invalid Provisions shall be severed and the remaining Bylaw shall be maintained.

SECTION 13 REPEALS

That Bylaw 1/2000 and all subsequent amendments are hereby repealed.

SECTION 14 EFFECTIVE DATE

This Bylaw shall come into effect upon third reading.

Read a first time the 8th day of December, 2003.

Read a second time the 8th day of December, 2003.

Read a third time the 8th day of December, 2003.

Mayor

Municipal Clerk

SCHEDULE "A"

PROHIBITIONS AND PENALTIES

Prohibitions

Offences

- 63(1) Person who interferes with or in any manner hinders an Administrator or a Safety Codes Officer in the exercise of his or her powers and duties under this Act is guilty of an offence.
- (2) A Person who knowingly makes a false or misleading statement under section 30(4)(c) either orally or in writing is guilty of an offence.
- (3) A Person who fails to prepare, submit or retain any information that he is required by this Act to prepare, submit or retain is guilty of an offence.
- (4) A Person who:
- a) contravenes this Act,
 - b) contravenes a condition in a Permit, certificate or variance,
 - c) contravenes an order, or
 - d) fails to carry out any Action required in an order to be taken within the time specified in it, is guilty of an offence.

Penalty

- 64(1) A Person who is guilty of an offence is liable
- (a) for a first offence
 - i. to a fine of not more than \$15,000.00 and, in the case of a continuing offence, to a further fine of not more than \$1,000.00 for each day during which the offence continues after the first day or part of a day, or
 - ii. imprisonment for a term not exceeding 6 months, or to both fines and imprisonment, and
 - (b) for a second or subsequent offence
 - i. to a fine of not more than \$30,000.00 and, in the case of a continuing offence, to a further fine of not more than \$2,000.00 for each day or part of a day during which the offence continues after the first day, or

ii. to imprisonment for a term not exceeding 12 months, or to both fines and imprisonment.

(2) If a Person is guilty of an offence under this Act, the court may, in addition to any other penalty imposed or order made, order the Person to comply with this Act or any order, Permit, certificate or variance, or all or any one or more of them, as the case requires.