

## Summary of Bylaws and Legislation Applicable to Development Issues

The City of Edmonton has the authority to review development activities to ensure the development and use meets all the requirements established under the Safety Codes Act, Business Licence Bylaw 13138, Community Standards Bylaw 14600, Drainage Bylaw 16200, and Zoning Bylaw 12800.

### ***Safety Codes Act***

#### *Alberta Building Code*

The primary role of the Building Safety Codes Section is to ensure compliance with the Safety Codes Act and the Alberta Building Code. The Alberta Building Code establishes the minimum standards for the design, occupancy, construction and alteration of a building in Alberta. The Alberta Building Code is enforced by Safety Codes Officers. If a property is found to be in contravention of the Safety Codes Act, specifically by contravening the Alberta Building Code, a Safety Codes Officer may take appropriate enforcement action including working with the property owner to remedy the contravention, issuing orders under the Safety Codes Act or laying charges under the Safety Codes Act.

#### *Alberta Fire Code 2014*

The Alberta Fire Code sets the technical requirements regulating activities related to the construction, use, or demolition of buildings; the design or construction of specific elements of buildings; and protection measures for the current or intended use of buildings.

The Alberta Fire Code complements and is coordinated with Alberta Building Code, and both must be considered in construction, renovation, maintenance, change of use or demolition of buildings.

Fire prevention officers review building plans, perform construction site fire safety inspections, and participate in occupancy approvals and fire safety plan development. Through this work they consult with builders, architects, and other regulatory agencies to ensure that proposed developments conform to the Alberta Fire Code.

### ***Business Licensing Bylaw 13138***

Business licences are issued under the authority of Business Licence Bylaw 13138. Every business operating in Edmonton is required to obtain a business licence in the category under which it operates in order to legally operate in the City of Edmonton.

With respect to businesses undertaking construction activities in Edmonton, the category of licences required are either General Business or General Contractor. Requirements to obtain a business licence in either of these categories are: an application, payment of a licence fee, a corporate registry search if the business is incorporated, and a valid development permit for the location of the business operations (not the property the builder is building on).

Operating without a business licence is an offence under Business Licence Bylaw 13138 and carries a minimum fine of \$440.00.

Business Licence enforcement is conducted on a complaint basis; however, Administrative procedure requires that any business making application for a development or building permit issued by the City is verified to have a business licence.

Section 7 of Business Licence Bylaw 13138 provides powers to the City Manager to refuse to issue or renew a licence, suspend or cancel a licence, or place conditions on a licence in a number of circumstances which include:

- Failure to meet or comply with a requirement of a business licence;
- Breach of a condition of a business licence;
- Furnishing false information;
- Contravention of Business Licence Bylaw 13138;
- Failure to pay a fine imposed by a court for contravention of the Business Licence Bylaw;
- Failure to pay a fee; or
- The City Manager reasonably believes it to be in the Public Interest to do so.

Upon submission of a request to review a business licence, the Chief Licensing Officer will consider the evidence presented and provide the required notice and opportunity to respond to the business pursuant to section 8 of Business Licence Bylaw 13138. In many scenarios with respect to construction in existing neighbourhoods, the review request will be on the basis of public interest which requires the requesting party to prove, that the requested action (i.e. cancellation, refusal or conditions) is in the public interest. Decisions made by the Chief Licensing Officer pursuant to Section 7 are appealable to the Community Standards and Licence Appeal Committee.

***Community Standards Bylaw 14600***

Community Standards Bylaw 14600 and the Municipal Government Act authorize the City to address concerns relating to noise, outdoor fires, yard maintenance, and other nuisance conditions. This bylaw specifically provides Administration with the ability to undertake enforcement action to clean up unsightly properties

In response to any valid complaint, the City has the option of issuing a warning notice, a violation ticket, and/or an order under the Municipal Government Act to clean up the property. The fine for a nuisance condition under the Community Standards Bylaw is \$250, and if an order is issued that is not complied with, the City has the authority to conduct remedial action and apply the cost of the work to the tax roll for the property where the nuisance condition occurred. It is important to note that the obligations under the Community Standards Bylaw and the Municipal Government Act are the responsibility of the property owner, who would be responsible for the activities of any contractors working on site.

***Drainage Bylaw 16200***

The Drainage Bylaw 16200 requires new development be sloped away from the building and towards City right-of-ways and sewer systems. When re-development occurs in established areas the applicant is required to submit a lot grading plan for approval prior to the construction of any buildings, additions, or alterations of surface drainage on a site. An amendment to Zoning Bylaw 12800 was approved on July 6, 2015, which introduced the ability for development officers to request drainage information, including lot grading plans under Special Information Requirements (Section 14) as part of a Development Permit application. This allows development officers to obtain a lot grading plan which can be formally submitted to Drainage Services as part of the approval process.

Starting October 1, 2015, lot grading plans will be required as part of applications for development permits for all single detached, semi-detached, duplex, and row housing developments.

***Zoning Bylaw 12800***

Development permits are issued using Zoning Bylaw 12800 and are required for new buildings, changes to the exterior of an existing building, or when the use of a building changes.

Conditions may be added to development permits that refer to the repair or reinstatement, to original condition, any: street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged by construction or demolition operations on the site (Section 15.5(f) of Zoning Bylaw 12800). It should be noted that these conditions are in regards to damage to public property, and not private property.

There are no regulations in Zoning Bylaw 12800 related to the damage of neighbouring properties.

Currently development compliance officers attend active construction sites to address compliance with Zoning Bylaw 12800 and development permits on a complaint basis. Complaints that are investigated and found to contravene provisions of Zoning Bylaw 12800 are addressed through the issuance of a violation notice, ticket, or Municipal Government Act Order to remedy. The minimum penalty specified under Section 23 of Zoning Bylaw 12800 is \$400.00.

When development occurs without an approved development permit, the City requires the property owner to make an application for this development to ensure that it has appropriate technical review, or identify when further enforcement action should be taken. When development occurs without existing development permits, the City is authorized to double the cost of the application fee due to the offence.