

Construction Issues – Relevant Legislation

ISSUE	ISSUE DESCRIPTION	LEGISLATION OR POLICY
Damage to Neighbouring Property	Construction activity that causes damage to neighbouring property such as: <ul style="list-style-type: none"> fences, window wells, sidewalks, landscaping, etc. 	Alberta Building Code 2014: Division C: 2.2.14.2 The owner shall ensure that work undertaken does not damage or create hazard to adjacent properties.
	Refusal to repair damage to neighbouring property .	None
Damage to Public Property	Damage to public property during construction.	Alberta Building Code 2014: Division C: 2.2.14.2 The owner is responsible for the repair of any damage to public property or works located on the property that may occur as a result of work regulated by the Alberta Building Code. The owner shall ensure that work undertaken does not damage or create a hazard to adjacent properties. Zoning Bylaw 12800: Section 15 Conditions Attached to Development Permit The Development Officer may, as a condition of issuing a Development Permit require that an applicant enter into an agreement, which shall be attached to and form part of such Development Permit, to do all or any of the following: <ul style="list-style-type: none"> to repair or reinstate, or to pay for the repair or reinstatement, to original condition, any street furniture, curbing, sidewalk, boulevard Landscaping and tree planting which may be damaged or destroyed or otherwise harmed by development or building operations upon the Site.
Development without a Development Permit	Development without a valid development permit.	Zoning Bylaw 12800: Section 23.2: Enforcement and Penalties It is an offence for any person; <ul style="list-style-type: none"> to construct a building or structure; to make an addition or alteration thereto; to commence a Use or change of intensity of Use; or to place a Sign on land for which a Development Permit is required but has not been issued or is not valid under this Bylaw.

ISSUE	ISSUE DESCRIPTION	LEGISLATION OR POLICY
Debris and Waste Disposal	Construction debris or waste on neighbouring property .	Community Standards Bylaw 14600 Property Maintenance: Section 12.1 A person shall not place, cause or permit to be placed any litter, garbage, refuse or other waste material upon the privately owned property of another person.
Dirt and Mud Tracked onto the Road	Material such as dirt or mud is tracked onto a roadway through vehicles accessing the site	Traffic Bylaw 5590: Section 78 A person shall not operate a vehicle on a highway so as to track any earth, sand gravel or other material on the highway.
Drainage & Lot Grading	A change in drainage resulting from new development floods or damages a neighbouring property .	None unless an infraction to City regulations. Drainage Bylaw 16200 The owner of a property must establish and maintain surface grades and elevations in compliance with the approved lot grading plan. No person shall release or permit the release of any prohibited waste into the sewerage system except as permitted by the Bylaw. Any person who keeps, stores or transports a prohibited or restricted waste shall do so in a manner that ensures that the prohibited or restricted waste is not released into the sewerage system. Zoning Bylaw 12800: Section 14 Special Information Requirements A Development Officer may require an applicant for a Development Permit to submit information relating to the proposed drainage from a site, including but not limited to: <ul style="list-style-type: none"> • Lot grading plans; • Site mechanical plans; • Flood control plans; • Stormwater management plans and calculations; or • Similar plans, drawing or engineering reports that, in the opinion of the Development Officer are required to determine if the Site is suitable for the full range of uses contemplated.
Excavation	Excavation which causes: <ul style="list-style-type: none"> • neighbouring window wells to fill with water or cave in, or • neighbouring fences or walks to drop or become damaged by excavation. 	None
	Proposed excavation which may cause damage to a neighbouring property (building permit requirement).	Alberta Building Code 2014: Division B:8.2.2.2 If the stability of adjoining buildings may be endangered by the work of excavating, adequate underpinning, shoring and bracing

ISSUE	ISSUE DESCRIPTION	LEGISLATION OR POLICY
		<p>shall be provided to prevent damage to, or movement of, any part of the adjoining building, and the creation of a hazard to the public.</p> <p>Alberta Building Code 2014: Division C:2.2.14.2 The owner shall ensure that work undertaken does not damage or create a hazard to adjacent properties.</p> <p>(For circumstances where side yards are less than 1.2 metres or if the depth of excavation is greater than 1.2 metres, shoring with drawings stamped by a professional engineer may be required prior to issuing a permit.)</p>
	Excavation within close proximity to trees on Private Property.	None
Fencing	Failure to enclose a construction site with protective fencing.	<p>Alberta Building Code 2014: Division B:8.2.1.3 When a construction or demolition activity may constitute a hazard to the public and is located 2 metres or more from a public roadway, a strongly constructed fence, boarding or barricade not less than 1.8 m high shall be erected between the site and the public way or open sides of a construction site.</p> <p>Alberta Fire Code 2014: Division B:5.6.3.3 A strongly constructed fence, boarding or barricade not less than 1.8 m high shall be erected around the perimeter of the construction or demolition site.</p> <p>Access openings through barricades shall be equipped with gates, which shall be:</p> <ul style="list-style-type: none"> kept closed and locked when the site is unattended, and maintained in place until completion of the construction or demolition activity.
Noise	Noise from development of a property disturbs neighbours.	<p>Community Standards Bylaw 14600 Section 14(1) & 14(2)</p> <ul style="list-style-type: none"> A person shall not cause or permit any noise that disturbs the peace of another individual. A person shall not cause or permit property they own or occupy to be used so that noise from the property disturbs the peace of any other individual. <p>Section 15 In determining if a sound is reasonably likely to disturb the peace of others the following criteria may be considered:</p>

ISSUE	ISSUE DESCRIPTION	LEGISLATION OR POLICY
		<p>(a) type, volume, and duration of the sound;</p> <p>(b) time of day and day of week;</p> <p>(c) nature and use of the surrounding area;</p> <p>(d) decibel level, if measured; and</p> <p>(e) any other relevant factor.</p> <p>Section 16 A person shall not cause or permit any construction activity on property they own or occupy on any Sunday or holiday before 9 a.m. or after 7 p.m.</p>
Non-compliance to Approved Development (Changes to Approved Plans)	<p>The development under construction does not comply with the Development Permit or conditions of that permit. This may include issues such as:</p> <ul style="list-style-type: none"> development over maximum height; inappropriate setbacks provided; or windows placed in non-approved locations. 	<p>Zoning Bylaw 12800: Section 17.1 Validity of a Development Permit When an application for a Development Permit has been approved by the Development Officer, the Development Permit shall not be valid unless and until:</p> <ul style="list-style-type: none"> any conditions of approval, except those of a continuing nature, have been fulfilled
Nuisance on Land	Untidy and unsightly property resulting from construction debris.	<p>Community Standards Bylaw 14600 Section 6 A person shall not cause or permit a nuisance to exist on land they own or occupy.</p> <p>A nuisance may include: excessive accumulation of materials, garbage, or refuse; productions of excessive dirt or smoke; or loose litter, garbage, or refuse.</p>
Parking	Parking of construction vehicles in front of construction site on City streets.	All construction vehicles must park in accordance with Traffic Bylaw 5590 .
	Parking of construction related vehicles on neighbouring property without the property owner's permission.	All construction vehicles must park in accordance with Traffic Bylaw 5590 .
	Parking of construction related vehicles on neighbouring property with the property owner's permission.	<p>Zoning Bylaw 12800: Section 54.2 Required Off-street Vehicular Accessory Parking Parking shall not be located within a Front Yard and shall be limited to defined parking spaces, or parking pads.</p>
	Parking of construction vehicles inappropriately in alleys and lanes.	<p>Traffic Bylaw 5590: Section 12 A vehicle shall not be parked in any alley unless:</p> <ul style="list-style-type: none"> a traffic control device permits such parking; or the vehicle is a commercial vehicle with hazard warning lights alight and in the process of loading or unloading goods.

ISSUE	ISSUE DESCRIPTION	LEGISLATION OR POLICY
	Parking of unattached trailers in front of or near construction sites.	Traffic Bylaw 5590: Section 20 Notwithstanding any other provision of this bylaw, a trailer shall not be parked on a highway unless the trailer is attached to a vehicle by which it may be drawn.
Obstruction of Sidewalks or Boulevards	Sidewalks or boulevards are blocked by: <ul style="list-style-type: none"> • construction materials, • machinery, • garbage bins, or • portable toilets. 	Traffic Bylaw 5590: Section 48 A person shall not place, cause to be placed any earth, sand gravel, grass, leaves, snow, ice, or other material upon any sidewalk or roadway. Traffic Bylaw 5590: Section 66 A person shall not place, cause or permit to be placed an obstruction of any kind on a highway unless a permit authorizing placement of the obstruction has been issued by the City.
Site Access	Workers at a site crossing the curb or boulevard to access a site for construction.	Traffic Bylaw 5590: Section 74 A person shall not operate a motor vehicle so as to cross a sidewalk or boulevard except at a crossing authorized by the City.
Storage of Construction Materials	Construction materials, excavated materials, and refuse stored on public property .	Traffic Bylaw 5590: Section 66 A person shall not place, cause or permit to be placed an obstruction of any kind on a highway unless a permit authorizing placement of the obstruction has been issued by the City.
	Construction materials, excavated materials, and refuse stored on neighbouring private property without permission.	None
Trees	Protection of trees during construction on public property .	Traffic Bylaw 5590: Section 55 A person shall not remove or damage any tree on a boulevard; or prune, cut, repair or perform any other work on any tree on a boulevard.
Vibration Control	Construction activity causing vibrations which impact adjacent buildings or structures outside of the construction site including jackhammering, or driving piles.	Alberta Building Code 2014: Division C: 2.2.14.2 The owner shall ensure work undertaken does not damage or create hazard to adjacent properties.
Water & Power	Neighbouring property's power or water being used without the landowners authorization or permission.	None