

**BYLAW NO. 22-02
OF THE TOWN OF STRATHMORE
IN THE PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE TOWN OF STRATHMORE IN THE PROVINCE OF ALBERTA TO
REGULATE THE SURFACE GRADES OF PROPERTIES**

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26 authorizes a municipality to pass bylaws respecting public utilities, the protection of property and the enforcement of bylaws;

AND WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26 authorizes a municipality to deal with development, and provide for a system of permits;

AND WHEREAS it is desirable to ensure that properties are graded at the completion of construction processes in compliance with approved grades;

NOW THEREFORE BE IT RESOLVED THAT the Municipal Council of the Town of Strathmore, in the Province of Alberta duly assembled **HEREBY ENACTS AS FOLLOWS:**

1. SHORT TITLE:

1.1. This Bylaw shall be referred to as the "Lot Grading Bylaw."

2. DEFINITIONS:

2.1. In this Bylaw the following words and terms shall have the following meanings:

- (a) "As Constructed Grade Certificate" means a post-construction plot plan bearing the stamp or seal of a:
 - i. practitioner, as that term is used in the Land Surveyors Act R.S.A. 2000 c. L-3;
 - ii. professional engineer, as that term is used in the Engineering Geological and Geophysical Professionals Act R.S.A. 2000 c. E-11; or
 - iii. registered architect, as that term is used in the Architects Act R.S.A. 2000 c. A-44.
- (b) "Building Permit" means a building permit issued pursuant to the Building Permit Bylaw authorizing construction.
- (c) "Chief Administrative Officer" means the individual appointed to the position of the Chief Administrative Officer for the Town or his or her designate.
- (d) "Commercial or Industrial Site" means any parcel where something other than a Multi-family Housing Development, duplex, semi-detached, or single-detached dwelling will be built.
- (e) "Director" means the Town Director of Infrastructure, Operations, and Development Services or that person's designate.
- (f) "Final Inspection" means the Final Building Inspection applied for by the Applicant

through The Town of Strathmore's Building Department. On passing the final inspection, occupancy of the home is granted.

- (g) "Grade Slip" means a document issued to a Person by the Town or, in the case of a new subdivision, issued to a builder by a developer and containing the approved and required final surface grades and elevations for a parcel of land to which a Building Permit relates.
- (h) "Lot Grading Permit" means a permit issued by the Town pursuant to this Bylaw in relation to the surface grades of a parcel of land.
- (i) "Lot Grading Tolerances" means the set of minimum permitted grades and permitted variations, as set out in Schedule "C", between Grade Slip elevation and slope requirements, and the elevations and slopes on a parcel as built, to which a Building Permit relates.
- (j) "Multi-family Housing Development" means a residential development consisting of three or more dwelling units on a parcel of land.
- (k) "Officer" means a Municipal Enforcement Officer or Peace Officer.
- (l) "Owner" means the Person or Persons listed on the title of a parcel of land at the Land Titles Office.
- (m) "Person" means an individual, corporation, or other legal entities.
- (n) "Person Responsible" means a builder, a general contractor, or an Owner.
- (o) "Town" means the municipal corporation of The Town of Strathmore.

3. APPLICATION

- 3.1. Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial law or regulation, other bylaw, or any requirement of any lawful permit, order, or license.
- 3.2. Where this Bylaw refers to any other Act, bylaw, regulation, or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted, therefore.
- 3.3. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 3.4. All schedules attached to this Bylaw shall form part of this Bylaw.

4. LOT GRADING PERMIT

- 4.1. Every Person Responsible for:
 - (a) The construction of a duplex, semi-detached or single-detached dwelling; or
 - (b) The construction of a Multi-family Housing Development; or

(c) The construction of any building on a Commercial or Industrial Site

shall obtain a Lot Grading Permit from the Town with respect to the parcel of land on which the construction is to take place, prior to the beginning of construction on the parcel.

- 4.2. Every Person who receives a Lot Grading Permit from the Town will be responsible for the construction, re-construction, or landscaping of a building, site, or parcel where grades are anticipated to change.
- 4.3. The Town may charge a fee, as set out in Schedule "A" to this Bylaw, for the issuance of a Lot Grading Permit.

5. REQUIREMENT TO SUBMIT CERTIFICATES

- 5.1. Every Person Responsible for the construction of a duplex, semi-detached, or single-detached dwelling must submit to the Town an As Constructed Grade Certificate in a form acceptable to the Director respecting the parcel of land and construction to which the Lot Grading Permit relates within twelve (12) calendar months of the Final Inspection.
- 5.2. In the case of a Multi-family Housing Development or construction on a Commercial or Industrial Site of one building on a parcel, the Person Responsible for that construction must submit to The Town an As Constructed Grade Certificate within twelve (12) calendar months of the issuance of an Occupancy Permit respecting the building and parcel to which the Lot Grading Permit relates.
- 5.3. In the case of a Multi-family Housing Development or construction on a Commercial or Industrial Site consisting of more than one building on a parcel, the Person Responsible for that construction must submit to the Town an As Constructed Grade Certificate respecting the parcel to which the Lot Grading Permit relates, within twelve (12) calendar months of the issuance of an Occupancy Permit for the final building on the parcel.
- 5.4. Notwithstanding the time to file an As Constructed Grade Certificate set out in subsection (5.3), an As Constructed Grade Certificate must be filed within twelve (12) months of the last Final Inspection in relation to staged development on a parcel, if construction has not begun on a subsequent building on the parcel within that time.
- 5.5. Every As Constructed Grade Certificate required pursuant to this Section must:
- (a) contain both the proposed lot elevations on the Building Permit Application and the as constructed lot elevations.
 - (b) contain both the proposed drainage slopes on the Building Permit Application and the as constructed drainage slopes.
 - (c) contain both the lowest top of footing elevation shown on the Building Permit Application and the as constructed actual top of footing elevation.
 - (d) contain both the registered minimum grade and the as constructed underside of floor joists elevation.

- (e) confirm that the minimum building entrance grades are above the minimum building opening elevation required pursuant to the Building Permit Application.
- (f) indicate whether the parcels on either side of the property to which the certificate relates are vacant, under construction or built and loamed.
- (g) certify that, at the date set out in the certificate, the grades and elevations as constructed are within the Lot Grading Tolerances of Building Permit Application requirements, as set out in Schedule "C" of this Bylaw.
- (h) in the case of certificates relating to Multi-Family Housing Developments and Commercial or Industrial Sites, contain surface drainage features including:
 - i. trap low areas with low point, spill elevation, and volume;
 - ii. drainage swale slopes and elevations; and
 - iii. storm water ponds including volume, depth, and the location of escape routes and elevations.

5.6. Every Person who, having the obligation to file an As Constructed Grade Certificate in accordance with the specifications contained in Subsection 5.5, fails to do so either within the times set out in this Section or within the time as set out in an extended filing date granted by the Director are subject to the penalties provided in Schedule "B."

6. POWERS OF THE DIRECTOR, INFRASTRUCTURE OPERATIONS, AND DEVELOPMENT SERVICES

6.1. Changing Grade Requirements

- (a) In the event that a Person Responsible for construction referred to in this Bylaw determines during construction that grades or elevations contained in a Grade Slip will not achieve adequate site drainage or are otherwise inappropriate, that Person may request in writing to the Director that the grade requirements be altered, and the Director may authorize such a change.

6.2. Application to Extend Filing Date

- (a) The owner of a parcel to which a Lot Grading Permit relates, or a Person Responsible for construction referred to in Section 4, may apply in writing to the Director for an extension of time to file an As Constructed Grade Certificate.
- (b) A non-refundable fee, as set out in Schedule "A" must accompany any written request to extend an As Constructed Grade Certificate filing deadline.
- (c) An application to extend a filing deadline pursuant to this Section must be submitted to the Director at least five (5) clear business days prior to the filing deadline the applicant is seeking to have extended.
- (d) Upon receiving an application for an extension pursuant to this Section the Director:

- i. may grant an extension of time or refuse to grant an extension of time to file an As Constructed Grade Certificate in accordance with Section 6.2(e) and 6.2(f),
 - ii. may attach any conditions to an extension that the Director considers appropriate,
 - iii. shall provide a written decision regarding that application.
- (e) An extension of time to file an As Constructed Grade Certificate pursuant to this section shall not exceed six (6) months.
- (f) An extension of time to file an As Constructed Grade Certificate pursuant to this section shall only be granted once.
- (g) Pursuant to this Section, a written decision of the Director may be appealed to the Chief Administrative Officer by filing a written notice of appeal with the Manager of Legislative Services within 14 days of the written decision of the Director.
- (h) An appeal filed pursuant to this Section must state the name of the appellant, the municipal address of the property to which the decision is being appealed from relates, a day-time telephone contact number at which the appellant may be reached, and an address to which documents in relation to the appeal may be delivered.
- (i) The Chief Administrative Officer may confirm, reverse, or vary the decision of the Director.

7. ENFORCEMENT – GENERAL PENALTY PROVISION

- 7.1. Any Person who contravenes any provision of this Bylaw is guilty of an offence by:
 - (a) doing any act or thing which the Person is prohibited from doing; or
 - (b) failing to do any act or thing the Person is required to do.
- 7.2. Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00 and in default of payment of any fine imposed, addition of payment to the tax roll and/or to loss of held development securities.

8. VIOLATION TICKETS AND PENALTIES

- 8.1. Where an Officer believes that a Person has contravened any provision of this Bylaw, the Officer may commence proceedings against the Person by issuing a violation ticket pursuant to the Provincial Offences Procedures Act, R.S.A. 2000 c. P-24.
- 8.2. Where there is a specified penalty listed for an offence in Schedule "B" to this Bylaw, that amount is the specified penalty for the offence.
- 8.3. This Section shall not prevent any Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedures Act, R.S.A. 2000 c. P-24, or from laying an information in lieu of issuing a violation ticket.

- 8.4. The levying and payment of any fine for any period provided in this Bylaw shall not relieve a Person from the necessity of doing anything or paying any fees, charges or costs from which that Person is liable under the provisions of this Bylaw or any other bylaw.


9. ENACTMENT

- 9.1. This Bylaw shall apply to construction pursuant to any development permit or Building Permit with an application dated on or after May 1, 2022.
- 9.2. This Bylaw comes into full force and effect upon third and final reading.


READ A FIRST TIME this 9th day of February 2022.

READ A SECOND TIME this 9th day of February 2022.

READ A THIRD TIME and final reading this 9th day of February 2022.



MAYOR



CAO

SCHEDULE 'A'
COST OF PERMITS

<i>Permit</i>		<i>Permit Fee</i>
Lot Grading Permit	Duplex, semi-detached, single-detached dwelling, and Multi-family Housing Developments consisting of less than 5 units	\$20.00 per ground floor dwelling unit
Lot Grading Permit	Multi-family Housing Development consisting of 5 or more Units, up to and including 3-storeys	\$50.00 + \$10.00 per ground floor unit
Lot Grading Permit	Apartment Building (greater than 3 storeys), Commercial and Industrial Development	\$80.00 per hectare (minimum \$80.00)
Non-Refundable Application Fee for Filing Extension		\$100

SCHEDULE 'B'**SPECIFIED AND MINIMUM PENALTIES**

<i>Section</i>	<i>Charge</i>	<i>Specified Penalty</i>
Section 3	Failure to obtain Lot Grading Permit prior to beginning of construction	\$200.00
Section 4.6	Failure to file As Built Grade Certificate	\$500.00

SCHEDULE 'C'
TOLERANCES AND MINIMUM GRADES

The following tolerances and minimum grades apply to the construction of single-detached, semi-detached and duplex dwellings, Multi-family Housing Developments, and construction on Commercial and Industrial Sites.

ITEM	ACCEPTABLE GRADE TOLERANCES BETWEEN GRADE SLIP & AS-BUILT	OVER-RIDING MINIMUM GRADES	OTHER
Top of Footing Verification	± 0.15 metres (6 inches)	Top of footing must not be lower than the recommended lowest top of the footing per Grade Slip	If house or building constructed with minimum entrance grade below minimum grade (MG) or Registered Minimum Grade (RMG) specified, 0.08 metres (3.15 inches) maximum tolerance
As constructed grades for landscape after loaming	± 0.15 metres (6 inches)	2% grade	Maximum grade ratio of 3:1 without a retaining wall
Areas within 1.2 metres of house or building foundation wall under decks and cantilevers.		2% grade	
Concrete driveways, sidewalks, and patios		2% grade from garage entrance or house or building foundation wall	Not applicable to driveways in cases where below-grade garages are approved pursuant to a development permit
Multi-family Housing Developments and Commercial or Industrial Sites			Trap-low areas must have volume capacity set out in Storm Water Management Report (Drainage Plan)