

OFFICE CONSOLIDATION

BYLAW NUMBER 32M2004

**BEING A BYLAW OF THE CITY OF CALGARY
TO REGULATE THE SURFACE GRADES OF
PROPERTIES**

(Amended by Bylaw Number's 15M2006, 39M2007, 50M2011)

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 THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

INTERPRETATION

1. This Bylaw shall be referred to as The Lot Grading Bylaw.
2. In this Bylaw:
 - (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 Executive Officer*" means the Person designated by Council as its chief administrative officer, or that Person's designate;
 - (d) "*City*" means the municipal corporation of The City of Calgary;
 - (e) "*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;

- (f) “*Director, Water Resources*” means the City Manager or that person’s designate.
 - (g) “*Grade Slip*” means a document issued to a Person by the City, 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 City 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) “*Occupancy Permit*” means a permit issued pursuant to Bylaw 64M94, The Calgary Building Permit Bylaw, with respect to the use or occupancy of a building;
 - (l) “*Officer*” includes a bylaw enforcement officer;
 - (m) “*Owner*” includes the Person or Persons listed on the title of a parcel of land at the Land Titles Office;
 - (n) “*Permission to Occupy*” means written permission to occupy a building, and includes an Occupancy Permit in the cases of a multi-family dwellings, Commercial, and Industrial Sites or a Residential Permission to Occupy Permit in the case of a single-detached dwelling;
 - (o) “*Person*” includes a corporation and other legal entities;
 - (p) “*Person Responsible*” includes a builder, a general contractor and an Owner;
(B/L 15M2006, 2006 January 24)
(B/L 39M2007, 2007 July 16)
3. 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 licence.
 4. 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.
 5. 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.
 6. All schedules attached to this Bylaw shall form part of this Bylaw.

LOT GRADING PERMIT

7. Every Person Responsible for:
- (a) the construction of a duplex, semi-detached or single-detached dwelling;
 - (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 City with respect to the parcel of land on which the construction is to take place, prior to the beginning of construction on the parcel.
8. The City may charge a fee, as set out in Schedule "A" to this Bylaw, for the issuance of a Lot Grading Permit.

REQUIREMENT TO SUBMIT CERTIFICATES

9. (1) Every Person Responsible for the construction of a duplex, semi-detached or single-detached dwelling must submit to the City an As Constructed Grade Certificate in a form acceptable to the Director, Water Resources respecting the parcel of land and construction to which the Lot Grading Permit relates, within TWELVE (12) calendar months of the Issuance of the Permission to Occupy.
- (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 City 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.
- (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 City 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.
- (4) Notwithstanding the time to file an As Constructed Grade Certificate set out in subsection (3), an As Constructed Grade Certificate must be filed within TWELVE (12) months of the last Permission to Occupy in relation to staged development on a parcel, if construction has not begun on a subsequent building on the parcel within that time.
- (5) Every As Constructed Grade Certificate required pursuant to this Section must:
- (a) contain both the proposed lot elevation 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.
- (6) Every Person who, having the obligation to file an As Constructed Grade Certificate in accordance with the specifications contained in Subsection 9(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, Water Resources or the Licence and Community Standards Appeal Board, commits an offence.
(B/L 15M2006, 2006 January 24)
(B/L 39M2007, 2007 July 16)
(B/L 50M2011, 2011 September 19)

POWERS OF THE DIRECTOR, WATER RESOURCES

Changing Grade Requirements

10. 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, Water Resources that the grade requirements be altered, and the Director, Water Resources may authorize such a change.
(B/L 15M2006, 2006 January 24)
(B/L 39M2007, 2007 July 16)

Application to Extend Filing Date

11. (1) The owner of a parcel to which a Lot Grading Permit relates, or a Person Responsible for construction referred to in Section 9, may apply in writing to the Director, Water Resources for an extension of time to file an As Constructed Grade Certificate.
- (2) A non-refundable fee, as set out in Schedule "A" must accompany any written request to extend an As Constructed Grade Certificate filing deadline.
- (3) An application to extend a filing deadline pursuant to this Section must be submitted to the Director, Water Resources at least 5 clear business days prior to the filing deadline the applicant is seeking to have extended.
- (4) Upon receiving an application for an extension pursuant to this Section the Director, Water Resources:
 - (a) may grant an extension of time or refuse to grant an extension of time to file an As Constructed Grade Certificate,
 - (b) may attach any conditions to an extension that the Director considers appropriate,
 - (c) shall provide a written decision regarding that application.
- (5) An extension of time to file an As Constructed Grade Certificate pursuant to this section shall not exceed Six (6) months.
- (6) An extension of time to file an As Constructed Grade Certificate pursuant to this section shall only be granted once.
- (7) Pursuant to this Section a written decision of the Director, Water Resources may be appealed to the Licence and Community Standards Appeal Board by filing a written notice of appeal with the City Clerk within 14 days of the written decision of the Director, Water Resources.

(B/L 50M2011, 2011 September 19)
- (8) 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.
- (9) The Licence and Community Standards Appeal Board may confirm, reverse or vary the decision of the Director, Water Resources.

(B/L 15M2006, 2006 January 24)
(B/L 39M2007, 2007 July 16)
(B/L 50M2011, 2011 September 19)

ENFORCEMENT - GENERAL PENALTY PROVISION

12. (1) Any Person who contravenes any provision of this Bylaw 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;
- is guilty of an offence.
- (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, to a period of imprisonment not exceeding six (6) months.

VIOLATION TICKETS AND PENALTIES

13. (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.
- (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.
- (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.
- (4) The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a Person from the necessity of doing any thing or paying any fees, charges or costs from which that Person is liable under the provisions of this Bylaw or any other bylaw.

TRANSITION AND COMING INTO FORCE

14. This Bylaw shall apply to construction pursuant to any development permit or Building Permit with an application dated on or after July 1, 2004.

15. This Bylaw comes into force on July 1, 2004.

READ A FIRST TIME THIS 26th DAY OF APRIL, 2004.

READ A SECOND TIME THIS 26th DAY OF APRIL, 2004.

READ A THIRD TIME THIS 26th DAY OF APRIL, 2004.

(Sgd.) D. Bronconnier
MAYOR

(Sgd.) B. Clifford
ACTING CITY CLERK

SCHEDULE "A"

Cost of Permits

<u>Permit</u>		<u>Fee</u>
Lot Grading Permit –	duplex, semi-detached, single-detached dwelling, and Multi-family Housing Developments consisting of less than 10 units	\$20.00 per ground floor dwelling unit
Lot Grading Permit –	Multi-family Housing Development consisting of 10 or more Units, up to and including 3 storeys	\$100.00 + \$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		\$100.00

SCHEDULE "B"

Specified and Minimum Penalties

<u>Section</u>	<u>Charge</u>	<u>Specified Penalty</u>
s. 7	Failure to obtain Lot Grading Permit prior to beginning of construction	\$1000.00
s. 9(6)	Failure to file As Built Grade Certificate	\$1000.00

SCHEDULE “C”

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 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.		4% 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)