

BYLAW 5917

A BYLAW OF THE CITY OF LETHBRIDGE
PASSED PURSUANT TO THE PROVISIONS OF
THE MUNICIPAL GOVERNMENT ACT OF ALBERTA

WHEREAS the Legislature of the Province of Alberta has passed the Municipal Government Act, R.S.A. 2000, Chapter M-26;

AND WHEREAS the Municipal Government Act R.S.A. 2000, c M-26 and amendments thereto 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 and amendments thereto 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 in compliance with approved grades;

NOW THEREFORE, THE COUNCIL OF THE CITY OF LETHBRIDGE, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. This Bylaw shall be known as "The City of Lethbridge Lot Grading Bylaw."
2. In this Bylaw:
 - (a) "APPLICANT" means the person who has applied for a building permit for the construction of a building.
 - (b) "AS BUILT DRAWING" is a drawing, supplied by the applicant, which depicts a lot upon completion of grading.
 - (c) "AS CONSTRUCTED GRADE CERTIFICATE" is a post-construction Plot Plan, completed in accordance with Schedule "C" of this bylaw, bearing the stamp or seal, and signature of :
 - i. A Registered Alberta Land Surveyor, as that term is used in the Land Surveyor's Act; or
 - ii. A Professional engineer, as that term is used in the Engineering and Geoscience Act; or

- iii. A Registered architect, as that term is used in the Architects Act.
 - (d) "BUILDER" means a person directly responsible for the construction of a building and may be an Applicant or another entity designated by the Applicant.
 - (e) "BUILDING GRADE PLAN" means a drawing indicating the suggested grades for a piece of property which has been authorized by the City of Lethbridge Infrastructure Department to allow for construction.
 - (f) "CITY" means the Municipal Corporation of the City of Lethbridge.
 - (g) "CITY COUNCIL" means the municipal council of the City.
 - (h) "LOT GRADING PERMIT" means a permit issued by the City pursuant to this Bylaw.
 - (i) "PERSON" means an Applicant or Builder as applicable.
 - (j) "PLOT PLAN" means a plan view of a lot, showing the proposed location of the home and any other information required in this Bylaw or other Bylaws of the City of Lethbridge.
 - (k) "SIDE YARD" means the area between the side of the building and the property line.
3. It is the purpose of this Bylaw to stipulate the conditions, requirements and fees for permits for the grading of a lot upon which a building is sited.
 4. All schedules attached to this Bylaw shall form part of this Bylaw.
 5. If a Builder identifies any grade discrepancy on site, that Builder must contact the developer or his delegate and have the grade discrepancy resolved. The Builder is responsible for making homeowners aware that they must not grade their lot until a final As Constructed Grade Certificate has been completed by the Builder. Noncompliance will be noted on file for future reference.
 6. A person who applies for the construction of a single detached dwelling, semi-detached dwelling, duplex, three-plex or four-plex, shall obtain a Lot Grading Permit from the City prior to beginning construction. The Builder must complete the lot grading as per the approved Building Grade Plan. A tolerance of plus or minus five (5) cm will be acceptable. A subgrade tolerance of minus five (5) cm to minus twenty (20) cm will also be acceptable.

7. Building Grade Plans submitted with a Lot Grading Permit or an As Constructed Grade Certificate shall show:
 - a. All corner grades of the lot;
 - b. Elevations at top of foundation walls;
 - c. The drainage pattern of the lot;
 - d. Rights of way and easements;
 - e. Dimensions from property lines to the building;
 - f. Top of footing elevations;

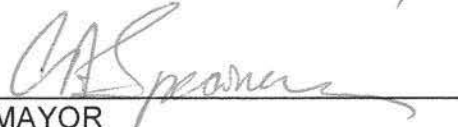

All information on the Building Grade Plan shall be legible and drawn to a scale of 1:200.

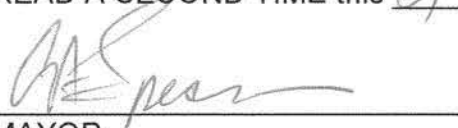
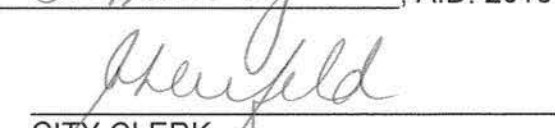
The City of Lethbridge may charge a fee as set out in Schedule "A" for the issuance of Lot Grading Permits.

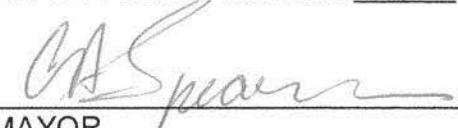
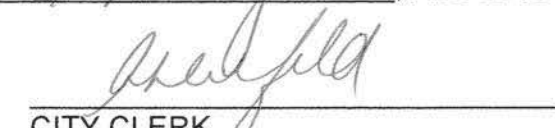
8.
 - a) A person who applies for a building permit for a dwelling, other than a building for which Professional Involvement is required, must submit to the City of Lethbridge an As Constructed Grade Certificate for the parcel of land to which the Lot Grading Permit relates within twelve (12) months of the final building inspection.
 - b) Every As Constructed Grade Certificate required by this Bylaw must:
 - i. Demonstrate that it conforms to the Building Grade Plan provided prior to foundation wall construction.
 - ii. State that the lot grading as shown on the Building Grade Plan will provide positive slope to the property lines and will not have any adverse effect on the common boundary with adjacent properties.
 - iii. Be prepared no earlier than that time after the final heavy load of materials (i.e. gypsum board) has been delivered to site.
 - c) A person who fails to obtain a Lot Grading Permit, or a person who fails to submit an As Constructed Grade Certificate shall be subject to penalties as stated in Schedule "B".
9. The Builder or Applicant may apply in writing for an extension of time within which to submit an As Constructed Grade Slip by submitting a completed

Schedule "F" of this Bylaw, along with the prescribed non-refundable fee, not less than five (5) working days prior to the expiry date of the original filing deadline.

10. The fee for each permit shall be paid at the time the application is submitted.
11. Any person guilty of an infraction or breach of any of the provisions of this Bylaw shall upon conviction be liable to a fine not exceeding Ten Thousand (\$10,000.00) Dollars.
12. It is the intention of City Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of City Council that if any provisions of this Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.
13. The City shall issue Notices of Compliance, Field Compliance or Non Compliance in approximately the form as set out in Schedules "D", "E" and "G."
14. Bylaw 5829 is hereby repealed.
15. This Bylaw shall come into force and effect on the date of final passing thereof.

READ A FIRST TIME this 19 day of January, A.D. 2015
 MAYOR  CITY CLERK

READ A SECOND TIME this 2 day of February, A.D. 2015
 MAYOR  CITY CLERK

READ A THIRD TIME this 2 day of February, A.D. 2015
 MAYOR  CITY CLERK

Lot Grading Bylaw 5917

SCHEDULE "A"
PERMIT FEES

Lot Grading Permit Fee	\$100.00
Extension fee submitted prior to expiration date (non-refundable)	\$100.00
Extension fee submitted after expiration date (non-refundable)	\$200.00

SCHEDULE "B"
PENALTIES

Failing to obtain a lot grading permit prior to Construction start	\$1000.00
Failing to submit an As Constructed Grade Certificate	\$1000.00

Lot Grading Bylaw 5917

Schedule "C"

Date: _____

Attention: Manager, Building Inspection Services

Re: As Constructed Grade Certificate

Project Address: _____

Legal Description: Lot: _____ Block: _____ Plan: _____

Builder: _____ Developer: _____

Subdivision: _____ Phase: _____

I hereby certify that I have been appointed by the builder as the Registered Professional of Record for the property indicated above. I have reviewed the information below in compliance with the current City of Lethbridge Lot Grading Bylaw and have performed and/or reviewed the items below and certify that this information is correct to the best of my knowledge.

I confirm that the relative difference between the elevations at the points shown on the plot plan and those surveyed on _____, shown on the attached As Constructed Grade Certificate, meet the required tolerances as set out within City of Lethbridge Lot Grading Bylaw.

I confirm that the respecting As Built lot grades as provided by the Builder shown on the attached Plot Plan provide positive slope from the building to the property lines I confirm that the lot grading as shown on the As Built Grade Certificate reflects the status of the grades as of the date of survey only.

Lot Grading Bylaw 5917

Schedule "D"

Date: _____

To:

Re: Lot Grading
Notice of Non-Compliance

The City of Lethbridge serves notice to the _____ of Lot _____, Block _____,

Plan _____ that the lot requirements of the City of Lethbridge have not been met for this lot as of _____ (date).

Condition of Lot Grading Permit Number _____, dated _____ stated that an As Constructed Grade Certificate was to be submitted to the City within twelve (12) months of occupancy of the dwelling.

This letter is notice that a response is required on or before _____ or a penalty may be issued in accordance with the City of Lethbridge Lot Grading Bylaw.

Note: An extension can be requested in accordance with the City of Lethbridge Lot Grading Bylaw.

Lot Grading Bylaw 5917

Schedule "E"

Date _____

Name

Address

Attention:

RE: As Constructed Grade Certificate – **Notice of Compliance**

Building Permit #:

Project Address:

Legal Description: Lot: _____, Block: _____, Plan: _____

Builder: _____ Developer: _____

Subdivision Name: _____ Phase: _____

The City of Lethbridge Building Inspections Department has received and reviewed the "As Constructed Grade Certificate" submitted for the above property and is satisfied with the contents of this certificate.

The Closure of this file is based upon the builder certifying that the grades of the above property conform to the City of Lethbridge Lot Grading Bylaw 5917.

Please forward a copy of this letter to the homeowner of the above property for their information.

Respectfully;

Manager, Building Inspections

Lot Grading Bylaw 5917

Schedule "F"

**REQUEST FOR EXTENSION OF TIME FOR FILING
AN AS CONSTRUCTED GRADE CERTIFICATE**

DATE: _____

City of Lethbridge
Building Inspection Department
910- 4 Avenue South
Lethbridge, AB T1J 0P6
Attention: Manager of Building Inspections

Re: Request for an Extension of Time to File an As Constructed Grade Certificate for the following property

Building Permit # _____ Project Address: _____

Legal Description: Lot _____, Block _____, Plan _____, Final Inspection Date: _____

Builder: _____ Fax Number: _____

Developer: _____ Subdivision: _____

In accordance with the City of Lethbridge Lot Grading Bylaw, _____ is requesting an extension to file an As Constructed Grade Certificate for the above building until _____. We understand that this extension request is required to be filed at least five (5) business days prior to the filing deadline as set out in the Lot Grading Bylaw.

The reason for the extension request is as follows: _____

\$100.00 Fee for filing a request for Extension to File a Construction Grade Certificate – Must be paid at time of request

Office Use Only

Extension Refused: Reason: _____ Date: _____

Extension Granted By: _____ Date: _____ Extended Until: _____

Faxed Back to Builder Date: _____ Fax Number: _____

Lot Grading Bylaw No. 5917

Schedule "G"

Date _____

Name

Address

Attention:

RE: As Constructed Grade Certificate – **Notice of Field Compliance**

Building Permit #: _____ Project Address: _____

Legal Description: Lot: _____, Block: _____, Plan: _____

Builder: _____ Developer: _____

Subdivision Name: _____ Phase: _____

The City of Lethbridge Building Inspections Department has received and reviewed the "As Constructed Grade Certificate" submitted for the above property and is satisfied with the contents of this certificate.

The adjacent property(ies) were completed prior to the implementation of the Lot Grading Bylaw, or are existing lots which are being infilled with newly constructed homes. These adjacent properties are therefore exempt from compliance.

The Closure of this file is based upon the builder certifying that the grades of the above property conform to the City of Lethbridge Lot Grading Bylaw No. 5774.

Please forward a copy of this letter to the homeowner of the above property for their information.

Respectfully;

Manager, Building Inspections