

1976 Bill 23

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Second Session, 18th Legislature, 25 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 23**

**THE PLUMBING AND DRAINAGE ACT**

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MR. DONNELLY

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**First Reading** .....

**Second Reading** .....

**Third Reading** .....

# **BILL 23**

1976

## **THE PLUMBING AND DRAINAGE ACT**

*(Assented to \_\_\_\_\_, 1976)*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

**1.** In this Act,

- (a) "chief inspector" means the person appointed as chief provincial plumbing inspector for the purposes of this Act and the regulations;
- (b) "council" means
  - (i) the council of a city, town, village, summer village, municipal district or county, or
  - (ii) the board of administrators of a new town;
- (c) "inspector" means
  - (i) a provincial inspector, or
  - (ii) a municipal inspector, or
  - (iii) the chief inspector;
- (d) "Minister" means the member of the Executive Council who is charged with the administration of this Act by the Lieutenant Governor in Council;
- (e) "municipal inspector" means a person appointed pursuant to section 4 as a municipal plumbing inspector for the purposes of this Act and the regulations;
- (f) "municipality" means the area of a city, town, new town, village, summer village, municipal district or county;
- (g) "owner" includes the person in charge of premises;
- (h) "permit" means a plumbing permit issued by a municipal inspector or the chief inspector pursuant to section 8;
- (i) "plumbing equipment" means
  - (i) any piping, equipment, appliance or device used or intended to be used in a plumbing system, and
  - (ii) any other thing defined as plumbing equipment in the regulations;

## **Explanatory Notes**

### **1. Definitions.**

- (j) “plumbing system” means the whole or any part of all or any of the following systems:
  - (i) a sanitary drainage system;
  - (ii) a storm drainage system;
  - (iii) a venting system that connects a drainage system with outside air;
  - (iv) a water distribution system;
  - (v) a private sewage disposal system;
  - (vi) water service piping;
  - (vii) sewage service piping;
- (k) “provincial inspector” means a person appointed as a provincial plumbing inspector for the purposes of this Act and the regulations;
- (l) “stop order” means an order issued by the chief inspector under section 19, subsection (2).



## PART 1

### GENERAL

**2.** Unless exempted by the regulations, this Act and the regulations apply to all plumbing equipment and plumbing systems.

**3.** (1) In accordance with *The Public Service Act* there may be appointed

- (a) a chief provincial plumbing inspector, and
  - (b) such persons who are qualified as journeymen plumbers, as provincial plumbing inspectors,
- and such other officers and employees as may be required for the purposes of this Act and the regulations.

(2) Where the chief inspector is given any power or duty under this Act or the regulations, he may authorize in writing one or more provincial inspectors to exercise or perform that power or duty upon such conditions or in such circumstances as the chief inspector prescribes and thereupon that power or duty may be exercised or performed by the one or more provincial inspectors so authorized in addition to the chief inspector.

**4.** (1) A council or any person authorized to do so on its behalf may appoint any person who is qualified as a journeyman plumber as a municipal plumbing inspector for the purposes of this Act and the regulations.

(2) Upon the appointment of a municipal inspector pursuant to subsection (1), the council or a person on its behalf shall send the name of the person appointed, with satisfactory evidence of his qualification as a journeyman plumber, to the chief inspector.

(3) Where a municipal inspector resigns or where his employment is terminated, the council or a person on its behalf shall notify the chief inspector accordingly.

**5.** (1) A municipal inspector is entitled to exercise the powers and duties of an inspector only within the boundaries of the municipality in respect of which he is appointed.

(2) A provincial inspector and the chief inspector are entitled to exercise

- (a) in the case of a provincial inspector, the powers and duties of an inspector, and
  - (b) in the case of the chief inspector, the powers and duties of an inspector and the chief inspector,
- anywhere in Alberta.

**2. Application of the Act.**

**3. Staff and delegation of power.**

**4. Appointment of municipal inspectors.**

**5. Authority of the chief inspector, provincial inspectors and municipal inspectors.**

## PART 2

### INSTALLATION OF PLUMBING SYSTEMS AND PLUMBING EQUIPMENT

6. (1) Subject to the regulations, where a person intends to install, renew, remove or change any plumbing equipment or a plumbing system, he shall apply to the chief inspector or a municipal inspector for a permit to do so in accordance with this section and the regulations.

(2) Where the installation is to take place in a municipality in which there is appointed one or more municipal inspectors, the person applying for a permit shall apply to a municipal inspector.

(3) Where the installation is to take place

(a) in a municipality for which there are no municipal inspectors appointed, or

(b) outside a municipality,

the person applying for a permit shall apply to the chief inspector.

(4) The person applying for a permit shall submit such plans, specifications and other information relating to the installation of the plumbing equipment or plumbing system as may be required by the regulations.

(5) Any application for a permit shall be accompanied by the fee prescribed for that application in the regulations or by a council, as the case may be.

7. No permit shall be issued to any person unless that person

(a) holds a qualification of at least a journeyman plumber, or

(b) is a person or organization employing a person holding at least the qualification of a journeyman plumber, or

(c) is the person registered in a land titles office as the fee simple owner of premises and satisfies the chief inspector or a municipal inspector that he resides on or intends to reside on the premises, or

(d) is authorized to apply for and be issued a permit by the regulations.

8. (1) Where the chief inspector or a municipal inspector is satisfied that the person applying for a plumbing permit and the plans and specifications meet the requirements of this Act and the regulations, he shall issue a plumbing permit to the person applying therefor.



**6. Application for a permit.**

**7. Persons to whom a permit may be issued.**

**8. Issue of permit.**

- (2) Any permit issued under subsection (1)
  - (a) shall be signed by the municipal inspector or the chief inspector issuing it,
  - (b) may contain such conditions and restrictions with respect to the installation, renewal, removal or change of the plumbing equipment or a plumbing system as the chief inspector or the municipal inspector considers necessary,
  - (c) shall specify the date upon which it is issued,
  - (d) shall specify the name of the person to whom it is issued, and
  - (e) may contain such other information as the chief inspector or municipal inspector considers necessary.
- (3) The chief inspector may issue a permit by signing it or by stamping or causing the permit to be stamped on his behalf with a reproduction of his signature.

**9.** (1) Subject to subsection (3), a permit expires one year from the date upon which it is issued.

(2) A person to whom a permit is issued may apply to a municipal inspector or to a provincial inspector for an extension of the term of the permit.

(3) Upon an application under subsection (2), the provincial inspector or the municipal inspector may grant an extension of the term of the permit for any period not exceeding one year by notice in writing to the person applying for the extension.

**10.** (1) Where a permit has been issued to a person and the person to whom it is issued wishes to change his plans and specifications or either of them, he shall apply to do so to a provincial inspector or a municipal inspector in accordance with the regulations.

(2) Where an inspector is satisfied that the change to the plans and specifications or either of them, complies with this Act and the regulations he shall approve the change by notifying the applicant in writing.

**11.** (1) Except as provided in the regulations, no person shall install, renew, remove or change any plumbing equipment or plumbing system unless he holds a permit to do so or in respect thereof.

(2) No person shall install, renew, remove or change any plumbing equipment or plumbing system contrary to

- (a) any condition or restriction contained in the permit, or

**9.** Permit valid for one year unless extension granted.

**10.** Amendments to plans and specifications.

**11.** Prohibition on installation of plumbing equipment or a plumbing system without a permit or contrary to a permit.

- (b) the plans and specifications in respect of which the permit is issued or any amendment thereto.

**12.** No person shall install, renew, remove or change or cause or permit to be installed, renewed, removed or changed a plumbing system or any plumbing equipment unless it

- (a) complies with this Act and the regulations, or
  - (b) is approved for installation and use by the chief inspector in accordance with the regulations,
- and the installation, renewal, removal or change is effected in accordance with the regulations.

**12. Plumbing systems and equipment must comply with the Act and regulations.**

### PART 3

#### INSPECTION OF PLUMBING SYSTEMS AND PLUMBING EQUIPMENT

**13.** (1) For the purposes of this Act and the regulations, an inspector may, at any reasonable time,

- (a) enter upon any property, place or thing, other than a private dwelling that is in use as a dwelling, or
- (b) in the case of a private dwelling that is in use as a dwelling, upon giving reasonable notice of his intention, enter the private dwelling,

to inspect any plumbing equipment or plumbing system.

(2) Any inspector appointed pursuant to this Act shall

- (a) in the case of a provincial inspector, be furnished by the Minister with a certificate of his appointment, and
- (b) in the case of a municipal inspector, be furnished by the council with a certificate of his appointment, and upon entering any place to inspect any plumbing equipment system shall
- (c) in the case of a private dwelling, produce the certificate to the owner thereof, and
- (d) in any other case, produce the certificate upon request to do so.

**14.** (1) No person shall

- (a) refuse admission to an inspector, or
- (b) obstruct or hinder an inspector,

who presents his certificate of appointment and who is engaged in carrying out any inspection under this Act or the regulations.

(2) No person shall make a false or misleading statement either orally or in writing to an inspector engaged in carrying out any inspection under this Act or the regulations.

**15.** (1) The person in charge of the construction, installation, renewal, removal, change, condition, testing, inspection, maintenance, alteration, repair, operation or use of plumbing equipment or a plumbing system and every person employed by him or in connection therewith shall give an inspector all reasonable assistance to enable the inspector to carry out his inspection.

(2) The owner or person in charge of plumbing equipment or a plumbing system shall ensure, during any inspection by an inspector, that

**13. Entering property.**

**14. Inspector not to be hindered.**

**15. Assistance and safety equipment.**

- (a) there is a person in attendance who is capable of taking all necessary precautions to ensure the safety of an inspector, and
- (b) any safety equipment that the inspector considers necessary is immediately available for his use.

**16.** An inspector may, for the purpose of an inspection of any plumbing equipment or plumbing system or both

- (a) inspect and examine all books, records, permits, plans and specifications that in any way relate to its construction, testing, installation, renewal, removal, change, condition, inspection, maintenance, alteration, repair, operation or use;
- (b) take extracts from or make copies of any entry in the books and records, permits, plans and specifications referred to in clause (a) and for that purpose may temporarily remove them after notifying the person in charge thereof;
- (c) require any person to make full disclosure either orally or in writing of any matter concerning its construction, testing, installation, renewal, removal, change, condition, inspection, maintenance, alteration, repair, operation or use and to produce and deliver to him all records, documents, permits, plans or specifications or copies thereof that he has in his possession or under his control that in any way relate to the plumbing equipment or plumbing system;
- (d) take or remove or order the removal of samples of any material, substance or thing and shall notify either the owner, manufacturer or contractor of the material, substance or thing taken or removed.

**17.** (1) Where an inspector is not satisfied with the construction, alteration, repair, installation, renewal, removal, change, testing, inspection, condition, operation or use of any plumbing system or plumbing equipment or both he may, where

- (a) his inspection takes place within one year of the plumbing system or plumbing equipment being put into operation, and
  - (b) the plumbing system or plumbing equipment is such that a permit was required for its installation,
- issue a correction notice in writing in accordance with subsections (2) and (3) and section 18.

(2) A correction notice shall be issued to

- (a) the person who installed, renewed, removed or changed the plumbing equipment or plumbing system, or



**16. Powers of inspector.**

**17. Issue of correction notice.**

- (b) where the person referred to in clause (a), after reasonable enquiry, cannot be determined or in the opinion of the inspector is unable to comply with the notice, the person to whom the permit was issued for the installation of the plumbing equipment or plumbing system, or
- (c) where the persons referred to in clauses (a) and (b), after reasonable enquiry, cannot be determined or in the opinion of the inspector are unable to comply with the notice, or if no permit was issued for the installation, renewal, removal or change of the plumbing system or plumbing equipment, the owner thereof,

stating the changes required to be made for the purpose of making the thing inspected comply with this Act, the regulations and the permit, if any, or any one or more of them.

(3) Where the inspector, after reasonable enquiry, is unable to determine the person to whom the correction notice should be issued, the inspector may serve the notice on all or any two of the persons referred to in subsection (2).

(4) Where an inspector makes an inspection following the expiration of one year after the plumbing system or plumbing equipment is put into operation and the inspector is not satisfied with respect to the construction, alteration, repair, installation, renewal, removal, change, testing, inspection, maintenance, condition, operation or use of any plumbing system or plumbing equipment, he may issue a correction notice to the owner of the system or equipment.

**18. (1) A correction notice**

- (a) shall specify the name of the person to whom it is issued,
- (b) shall describe the action required to be taken to make the plumbing system or plumbing equipment comply with this Act, the regulations or the permit or any one or more of them,
- (c) shall state the time within which the notice must be complied with,
- (d) shall specify the date it is issued,
- (e) shall be signed by the inspector issuing it, and
- (f) may contain such other matters as the inspector considers necessary.

(2) Where a person is unable to comply with a correction notice within the time specified by the notice, he may apply to an inspector to extend the time within which the notice must be complied with.

**18. Contents of correction notice.**

(3) Upon receipt of an application made pursuant to subsection (2), an inspector may grant an extension of time by notice in writing to the person applying therefor.

(4) Where a correction notice is issued, the person to whom the notice is issued shall comply with the notice within the time specified in the notice or within any extension of time granted by an inspector, as the case may be.

(5) Upon a correction notice being complied with, the person to whom it is issued shall notify the inspector of that fact.

**19.** (1) Where a provincial inspector or a municipal inspector is not satisfied with the construction, alteration, repair, installation, renewal, removal, change, testing, inspection, maintenance, condition, operation or use of any plumbing system or plumbing equipment, he may apply to the chief inspector to issue an order in writing forbidding the installation, operation or use thereof or any part used in connection therewith until the requirements of the order are complied with.

(2) Upon receipt of an application to do so, or upon his own initiative, the chief inspector may, where he considers the matter sufficiently serious, issue an order which shall

- (a) specify the name of the person to whom it is issued,
- (b) state the installation, renewal, removal or change that is to stop or the action that is to cease,
- (c) describe any action required to be taken and the time within which the action must be taken,
- (d) specify the date it is issued, and
- (e) be signed by the chief inspector.

(3) Where the chief inspector issues a stop order under this section, no person shall install, operate or use the plumbing system or plumbing equipment the subject of the stop order until

- (a) the requirements of the stop order have been complied with, and
- (b) the person to whom the stop order is issued notifies the chief inspector in writing that the order has been complied with.

**19. Stop order.**

## PART 4

### APPEALS, REGULATIONS, OFFENCES AND PENALTIES

**20.** (1) Any person who is the subject of a correction notice issued by a provincial inspector or a municipal inspector may appeal to the chief inspector.

(2) An appeal under subsection (1) shall be made within 14 days of the date the correction notice is received by the person to whom the notice was issued.

(3) The appeal shall be in writing and shall contain

- (a) the name and address of the appellant,
- (b) the name of the provincial or municipal inspector issuing the correction notice, and
- (c) the reasons for appeal,

and shall have attached to it a copy of the correction notice in respect of which the appeal is made.

(4) The chief inspector after hearing the appeal and considering such other information as to him appears relevant may

- (a) confirm the correction notice, or
- (b) allow the appeal and cancel the correction notice, or
- (c) vary the correction notice or substitute a correction notice of his own,

and notify the parties to the appeal in writing accordingly.

**21.** (1) Any person who is the subject of a decision of the chief inspector under section 20 or to whom a correction notice or stop order has been issued by the chief inspector may appeal to the Minister to establish an appeal board.

(2) An appeal under subsection (1) shall be made

- (a) within 14 days of the date of receipt of notification of the decision of the chief inspector, or
- (b) within 14 days of the date of receipt of the correction notice or stop order, as the case may be.

(3) The appeal shall be in writing and shall contain

- (a) the name and address of the appellant, and
- (b) the reasons for appeal,

and shall have attached to it a copy of the decision, the correction notice or the stop order in respect of which the appeal is made.

**22.** (1) Upon receipt of an appeal the Minister shall, within 20 days, appoint an appeal board consisting of not more than five persons to hear the appeal.

**20.** Appeal from correction notice issued by a provincial or municipal inspector.

**21.** Appeal from chief inspector's decision, a correction notice or a stop order issued by the chief inspector.

**22.** Appeal board established.

(2) The Minister may prescribe such remuneration, travelling and living expenses for the members of the appeal board as he considers reasonable.

(3) The Minister shall designate one member of the appeal board as chairman.

**23.** (1) The appeal board shall establish its own rules of procedure but shall provide each party to the appeal an opportunity to be heard.

(2) The appeal board after hearing the appeal and considering such other information as to it appears relevant may

- (a) confirm the decision of the chief inspector, the stop order or correction notice, or
- (b) allow the appeal and cancel the decision, stop order or correction notice, or
- (c) vary the decision, stop order or correction notice or substitute a decision, stop order or correction notice of its own,

and shall notify the parties to the appeal in writing accordingly.

(3) The decision of the appeal board under this section is final.

**24.** The Lieutenant Governor in Council may make regulations

- (a) governing the installation, renewal, removal, change, design, specification, testing and inspection of plumbing systems or plumbing equipment or any part thereof;
- (b) governing the issue of permits in connection with the installation, renewal, removal or change of a plumbing system or plumbing equipment;
- (c) prescribing the fees payable to the Minister for applications for permits;
- (d) authorizing the chief inspector to issue certificates of inspection with respect to any plumbing system or plumbing equipment inspected by him;
- (e) exempting any plumbing system or plumbing equipment from all or any of the provisions of this Act or the regulations subject to such conditions as may be specified in the regulations;
- (f) prescribing or authorizing the chief inspector to prescribe forms, notices or tags for the purpose of this Act and the regulations;
- (g) governing the persons who are authorized to apply for permits and the persons to whom permits may be issued;



**23.** Decision of the appeal board.

**24.** Regulations.

- (h) governing the issue of tags by inspectors where any plumbing system or plumbing equipment does not comply with this Act or the regulations including the manner in which they are to be affixed and removed from any system or equipment;
- (i) defining plumbing equipment for the purpose of this Act and the regulations;
- (j) governing the making of appeals under this Act or the regulations;
- (k) prohibiting the removal of, tampering with or mutilation of tags.

**25. (1) Any person who**

- (a) contravenes or fails to comply with any provision of this Act or the regulations, or
- (b) contravenes or fails to comply with a permit or any condition or restriction in a permit, or
- (c) contravenes or fails to comply with a stop order issued pursuant to this Act, or
- (d) fails to carry out any action required to be taken in a stop order within the time specified therein,

is guilty of an offence.

(2) A person who is guilty of an offence under subsection (1) is liable on summary conviction

- (a) for a first offence, to a fine of not less than \$50 and not more than \$1000, and
- (b) for a second or subsequent offence, to a fine of not less than \$150 and not more than \$1500,

and in default of payment to imprisonment for a term not exceeding 90 days.

**26.** Any person who fails to comply with a correction notice issued pursuant to this Act is guilty of an offence and liable on summary conviction to a fine of \$10 for each day or part thereof that he fails to comply with the notice up to a maximum of \$1000 and in default of payment to imprisonment for not more than 90 days.

**27.** No proceeding under section 25, subsection (1), clause (a) for installing, renewing, removing or changing a plumbing system or plumbing equipment without a permit to do so contrary to section 11 shall be instituted more than six months after an inspector first becomes aware that a plumbing system or plumbing equipment was installed, renewed, removed or changed without a permit.

**25. General penalty.**

**26. Penalty for failing to comply with a correction notice.**

**27. Six month limitation period begins to run from discovery.**

**28.** *The Department of Labour Act is amended by striking out section 6.*

**29.** This Act comes into force on July 1, 1976.

**28. Amends chapter 196 of the Revised Statutes of Alberta 1970.**

**Section 6 presently reads:**

6. (1) The Lieutenant Governor in Council may make regulations
  - (a) governing the installation, design, specifications, testing and inspection of equipment, fixtures, pipes, apparatus and other things used for or in connection with plumbing or drainage;
  - (b) providing for the issue of certificates, licences, permits or approvals in connection with the administration of the regulation and prohibiting the doing of any act except under the authority of a certificate, licence, permit or approval;
  - (c) prescribing the fees payable to the Minister pertaining to applications under, or certificates, licences, permits or approvals issued under the regulations;
  - (d) prescribing the powers and duties of the Minister or any officer of the Department in connection with the administration of the regulations;
  - (e) prescribing the powers and duties of any person who is required to obtain or who is the holder of a certificate, licence, permit or approval issued under the regulations;
  - (f) providing for any other matter or procedure in connection with the administration of the regulations.
- (2) A person who contravenes a provision of the regulations under subsection (1) or any order made thereunder is guilty of an offence and liable on summary conviction to a fine of not more than \$500 and in default of payment to imprisonment for a term of not more than three months.