

Planning, Property & Buildings Department Standard Operating Procedure (SOP)

Standard Operating Procedure: Stop Work Orders

* Supplementary document to the City of Brandon Zoning By-law No. 7124

Effective Date: February 1, 2016

Subject: Stop Work Orders Issuance Procedures

Purpose:

In order to ensure public safety and to address adverse impacts on neighbouring properties, public infrastructure, and rights-of-way within the City of Brandon, for development activity that is in contravention of the City of Brandon Zoning By-law, the following course of action will be undertaken by the Planning & Building Safety department.

1 Stop Work Orders

1.1. Application

- a) This procedure applies to development activities governed by the City of Brandon Zoning By-law. (See section 16 of the City of Brandon Zoning By-law)

1.2. Stop Work Notice

- a) A Stop Work Notice will be served where any activities on a property are deemed to be in contravention of the Zoning By-law; work must be stopped immediately until all conditions and/or deficiencies are corrected within a predetermined amount of time. This will apply to one or more of the following conditions:
 - i) work is proceeding in contravention of the City of Brandon Zoning By-law
 - ii) work is proceeding in contravention of any condition under which the permit was issued, or
 - iii) where no permit was issued.

- b) When the Director or designee has determined that conditions listed in Section 1.2(a) exist, a Stop Work Notice will be issued in person, by telephone, email or written letter to
 - i) the applicant,
 - ii) the contractor, or
 - iii) the owner.

- c) The Director or designee will take photos of the job site to document the work conditions at the time of issuing the Notice.

1.3. Stop Work Order

- a) If conditions listed in section 1.2. persist, a Stop Work Order will be issued by the Director or designee.
- b) The applicant, contractor, or the owner will be subject to the Stop Work Order Issuance Fee as part of the Stop Work Order in the amount of \$1,000 as set out in the City of Brandon Schedule of Fees Bylaw No. 7082.
- c) The Director or designee will take photos of the job site to document the work conditions and to monitor the conditions at the time of issuing the Stop Work Order.

1.4. Penalties For Continued Violation

- a) Pursuant to section 16 of the City of Brandon Zoning By-law, if the owner, and/or his/her agents fails to comply with the Order issued by the Planning, Property & Buildings Department, or allows a condition that violates the Zoning By-law to continue, he/she is subject to further penalties as set out in section 18.
- b) If the owner, and/or his or her agents knowingly violates an Order issued by the City of Brandon Planning, Property & Buildings Department, they may be found guilty of an offense, on summary conviction, of fines not exceeding five thousand dollars (\$5,000) in the case of an individual, and twenty thousand dollars (\$20,000) in the case of a corporation, for each day the condition exists, pursuant to sections 18(d)1 and 18(d)2 of the City of Brandon Zoning By-law.

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Planning, Property & Buildings Department