



TOWN OF BANFF COUNCIL ORDER OF BUSINESS

Special Meeting of Council Re: Third reading of Bylaw 403, the Business Licence Moratorium (Bed and Breakfast) Bylaw

**Town of Banff Council Chamber and Zoom
Wednesday, July 12, 2023, at 9:00 a.m.**

PLEASE NOTE:

The July 12, 2023, Special Meeting of Council will be conducted both in-person in the Council Chamber located at Banff Town Hall and virtually using Zoom. The meeting will be live streamed on the internet, and recorded, in accordance with Council Policy C8002-1, Video Recording and Live Streaming of Legislated Meetings. It will be made available on the Town of Banff website.

Members of the Public may either attend the meeting in-person or watch the live stream of this at www.banff.ca/live

1.0 CALL TO ORDER

We acknowledge that we live, work, and play on the traditional and ancestral territories of the Blackfoot Confederacy, Stoney Nakoda Nation, and Tsuut'ina Nation. We also recognize this land is traditionally, spiritually, and culturally shared with other Indigenous peoples including the Métis, Ktunaxa, and Secwépemc Nations.

Council is committed to improving the Town's understanding of these Nations' interests and working in partnership with Indigenous communities in the spirit of reconciliation and change.

2.0 CONFIRMATION OF AGENDA

- 2.1 Agenda for the July 12 2023, Special Meeting of Council Re: Third Reading of Bylaw 408, the Business Licence Moratorium (Bed and Breakfast) Bylaw

Recommendation:

That Agenda for the July 12, 2023, Special Meeting of Council, Re: Third Reading of Bylaw 408, the Business Licence Moratorium (Bed and Breakfast) Bylaw, be confirmed.



3.0 SPECIAL MEETING BUSINESS

3.1 Bylaw Tabulation: Third Reading of Bylaw 408, the Business Licence Moratorium (Bed and Breakfast) Bylaw

Administrative Recommendation:

That Council give third reading to Bylaw 408, the Business Licence Moratorium (Bed and Breakfast) Bylaw (Attachment).

4.0 ADJOURNMENT



**THE TOWN OF BANFF
TABULATION OF BYLAW 408
TO BE PRESENTED TO COUNCIL ON
WEDNESDAY, JULY 12, 2023**

BYLAW 408

Being a Bylaw of the Town of Banff to amend the Business Licence Bylaw 22-10, to impose a temporary moratorium on the issuance of new Business Licences for Bed and Breakfast Homes in order to allow Council time to review, consider, and process amendments to the Town of Banff Land Use Bylaw with respect to Bed and Breakfast Homes.

BACKGROUND: First and Second reading of this Bylaw occurred on Monday, July 10, 2023, as part of a Regular Meeting of Council. Authorization for Third reading did not pass unanimously. As such, Council passed a motion (COU23-213) to schedule a Special Meeting to consider third reading of Proposed Bylaw 408, Business Licence Moratorium (Bed and Breakfast) Bylaw.

INELIGIBLE TO VOTE: None

Excerpt from the Unapproved Minutes of the Regular Meeting of Council, held July 10, 2023

7.1 Request for Decision: Proposed Bylaw 408 – Business Licence Moratorium (Bed and Breakfast) Bylaw

COU23-199 **Moved by** Councillor Pelham

That with respect to Item 7.1 Request for Decision: Proposed Bylaw 408 – Business Licence Moratorium (Bed and Breakfast) Bylaw, that the following be adopted:

That Proposed Bylaw 408 be introduced and read a first time.

For: (4): Mayor DiManno, Councillor Canning, Councillor Olver, and Councillor Pelham

Against: (2): Councillor Christensen and Councillor Pettigrew

MOTION CARRIED



COU23-201 **Moved by** Councillor Pettigrew

That Bylaw 408 be amended by deleting Subsection 69 (a), contained in Section 2.1, be deleted in its entirety.

For: (2): Councillor Christensen and Councillor Pettigrew

Against (4): Mayor DiManno, Councillor Canning, Councillor Olver, and Councillor Pelham

MOTION DEFEATED

COU23-200 **Moved by** Mayor DiManno

That with respect to Item 7.1 Request for Decision: Proposed Bylaw 408 – Business Licence Moratorium (Bed and Breakfast) Bylaw, that the following be adopted:

That Proposed Bylaw 408 be read a second time.

For: (4): Mayor DiManno, Councillor Canning, Councillor Olver, and Councillor Pelham

Against: (2): Councillor Christensen and Councillor Pettigrew

MOTION CARRIED

COU23-202 **Moved by** Councillor Pelham

That with respect to Item 7.1 Request for Decision: Proposed Bylaw 408 – Business Licence Moratorium (Bed and Breakfast) Bylaw, that the following be adopted:

That authorization now be given to read Bylaw 408 a third time.

For: (4): Mayor DiManno, Councillor Canning, Councillor Olver, and Councillor Pelham

Against: (2): Councillor Christensen and Councillor Pettigrew

MOTION NOT CARRIED UNANIMOUSLY

[...]



COU23-213 **Moved by** Mayor DiManno

That Council schedule a Special Meeting for Wednesday, July 12, 2023, at 9:00 a.m. in the Council Chamber to consider third reading of proposed Bylaw 408. The Business Licence Moratorium (Bed and Breakfast) Bylaw.

For: (6): Mayor DiManno, Councillor Christensen, Councillor Olver, Councillor Pelham, Councillor Canning, and Councillor Pettigrew

MOTION CARRIED

RELATED LINKS

[Agenda for the July 10, 2023, Regular Meeting of Council \(Item 7.1, Request for Decision: Proposed Bylaw 408 – Business Licence Moratorium \(Bed and Breakfast\) Bylaw\)](#)

[Video for the July 10, 2023, Regular Meeting of Council \(Item 7.1, Request for Decision: Proposed Bylaw 408 – Business Licence Moratorium \(Bed and Breakfast\) Bylaw\)](#)

ATTACHMENT:

Attach: Proposed Bylaw 408

PROPOSED

Item #: 3.1
Attachment

TOWN OF BANFF BYLAW 408

Being a Bylaw of the Town of Banff to Amend the Business Licence Bylaw 22-10

WHEREAS the Council of the Town of Banff has enacted Bylaw 22-10 being a Bylaw of the Town of Banff to provide for licensing of businesses operating within the Town of Banff (the “Business Licence Bylaw”);

AND WHEREAS Sections 7 and 8 of the *Municipal Government Act*, RSA 2000, c. M-26 authorizes Council to pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business, which bylaws may regulate or prohibit and provide for a system of licenses, permits or approvals;

AND WHEREAS Council considers it to be in the best interests of the municipality to impose a temporary moratorium on the issuance of new Business Licences for Bed and Breakfast Homes in order to allow Council time to review, consider, and process amendments to the Town of Banff Land Use Bylaw with respect to Bed and Breakfast Homes;

NOW THEREFORE the Council of the Town of Banff, in the Province of Alberta, duly assembled, ENACTS AS FOLLOWS:

1.0 CITATION

1.1 This Bylaw may be cited as the “Business Licence Moratorium (Bed and Breakfast) Bylaw”.

2.0 PROVISIONS

2.1 The Business Licence Bylaw, being Bylaw 22-10 of the Town of Banff, is hereby amended by adding the following new heading and sections:

TEMPORARY MORATORIUM ON ISSUANCE OF NEW BUSINESS LICENCES FOR BED AND BREAKFAST HOMES

68. No new Business Licences shall be issued for Bed and Breakfast Homes until such time as Council of the Town of Banff has considered amendments to the Town of Banff Land Use Bylaw with respect to Bed and Breakfast Homes (the “Land Use Bylaw Amendments”) and:
- (a) the Land Use Bylaw Amendments are given third reading by the Council of the Town of Banff and receive approval of the Federal Minister in accordance with the requirements of the Town of Banff Incorporation Agreement;
 - (b) the Land Use Bylaw Amendments are defeated by the Council of the Town of Banff, at any reading of the bylaw to amend the Land Use Bylaw, or;

PROPOSED

- (c) The Federal Minister refuses to approve the Land Use Bylaw Amendments.
69. The following Applications for a Licence or renewal of a Licence shall be exempt from the temporary moratorium on issuance of new Business Licences for Bed and Breakfast Homes:
- (a) Applications for a Business Licence, or renewal thereof, for a Bed and Breakfast Home which has been identified as a historic resource by the Town of Banff Heritage Corporation;
 - (b) Applications for the renewal of a valid and subsisting Business Licence for a Bed and Breakfast Home which was issued prior to the effective date of the moratorium;
 - (c) Applications for a Business Licence for a Bed and Breakfast Home, or renewal thereof, for which a Business Licence was not issued prior to the effective date of the moratorium but for which:
 - i. a Development Permit was issued, or conditionally approved, by the Development Authority of the Town of Banff prior to the effective date of the moratorium, or;
 - ii. a complete Development Permit Application was received prior to the effective date of the moratorium, and for which a Development Permit is subsequently issued.
 - (d) Applications for a Business Licence for a Bed and Breakfast Home for which a Business Licence was not issued prior to the effective date of the moratorium, and to which the exceptions set out in subsections (a) and (c) herein do not apply, if the issuance of the Licence would not result in the total number of Business Licences issued for Bed and Breakfast Homes in the Town of Banff exceeding the combined total of:
 - i. the number of such licences that existed as the effective date of the moratorium, and;
 - ii. the number of such licences issued pursuant to subsection (c) herein.
- For the purposes of determining the total number of Business Licences issued for Bed and Breakfast Homes in the Town of Banff in accordance with this subsection (d) any Business Licence issued for a Bed and Breakfast Home which has been identified as a historic resource by the Town of Banff Heritage Corporation shall be excluded.

For further clarity, the prohibition set out in Section 68 of this Bylaw shall not apply to the applications referred to in subsections (a)-(d) herein.

70. Any Bed and Breakfast Home for which a Business Licence was issued prior to the effective date of the moratorium, or for which a Business Licence or renewal is issued in accordance with Section 69 herein, may continue to operate in accordance with its approved Business Licence. Nothing in the foregoing shall be interpreted as contrary

PROPOSED

to a Licence Inspector's authority to suspend or revoke a Licence, or refuse to issue a Licence, or the Licensee's obligation to comply with all applicable federal, provincial and municipal legislation, regulations and bylaws.

2.2 Section 2.1 of this Bylaw, the addition of Sections 68 to 69 to the Business Licence Bylaw, will be deemed to have been repealed upon such time as Council of the Town of Banff has considered amendments to the Town of Banff Land Use Bylaw with respect to Bed and Breakfast Homes (the "Land Use Bylaw Amendments" and:

- (a) the Land Use Bylaw Amendments are given third reading by the Council of the Town of Banff and received Ministerial consent, or;
- (b) the Land Use Bylaw Amendments are defeated by the Council of the Town of Banff, at any reading of the bylaw to amend the Land Use Bylaw, or;
- (c) Ministerial consent for the Land Use Bylaw Amendments is refused.

without any further action or notice on behalf of Council.

3.0 SEVERABILITY

3.1 If any clause in this Bylaw is found to be invalid, it shall be severed from the remainder of the Bylaw and shall not invalidate the whole Bylaw.

4.0 ENACTMENT

4.1 This Bylaw comes into force when it receives third reading and is signed by the Mayor and the Town Manager or designates.

READ A FIRST TIME this 10th day of July, 2023.

READ A SECOND TIME this 10th day of July, 2023.

READ A THIRD TIME this xx day of XXXX, 202X.

SIGNED AND PASSED this xx day of XXXX, 202X.

Corrie DiManno
Mayor

Kelly Gibson
Town Manager