

BYLAW NO. 69-1

BEING A BYLAW OF THE TOWN OF BANFF, REGULATING AND CONTROLLING THE FORM, CONTENT AND COST OF PERMITS FOR THE USE, OCCUPANCY, ALTERATION, RECONSTRUCTION, RELOCATION, CONSTRUCTION OR DEMOLITION OF BUILDINGS

WHEREAS the Town of Banff is an accredited municipality pursuant to the SAFETY CODES ACT, S.A. 1991, Chapter 0.5;

AND WHEREAS pursuant to the SAFETY CODES ACT an accredited municipality may make bylaws:

- (a) respecting fees for anything issued or any materials or services provided pursuant to the SAFETY CODES ACT; and
- (b) respecting the carrying out of its powers and duties as an accredited municipality.

NOW THEREFORE, THE COUNCIL OF THE TOWN OF BANFF, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "Banff Building Permit Bylaw."

DEFINITIONS

2. In this Bylaw:

- (a) Any capitalized words not defined within this Bylaw will have the meaning as set out in the Town of Banff Interpretation Bylaw, as amended from time to time.
- (b) "Act" means the SAFETY CODES ACT, being Chapter S-0.5 of the Statutes of Alberta, 1991, as amended from time to time;
- (c) "Estimated Cost" means a letter signed and sealed by a registered Architect or Professional Engineer which summarizes the estimated total construction costs for the proposed building including all architectural, structural, electrical, and mechanical costs, or other evidence of actual construction cost acceptable to the Safety Codes Officer;
- (d) "Occupancy" means the actual use or occupation of a building for the intended use or purpose;

- (e) "Permit" shall mean a Permit issued pursuant to this Bylaw for the use, occupancy, alteration, reconstruction, relocation, construction or demolition of any building, as the context requires.
 - (f) "Safety Codes Officer" means a person designated pursuant to Section 27 of the SAFETY CODES ACT;
- 3. All definitions contained in the Act and the Regulations made pursuant to the Act shall apply in this Bylaw.
 - 4. Words importing the masculine gender only also include the feminine gender where the context requires.
 - 5. Words importing the singular only also include the plural and vice versa where the context requires.

SCOPE

- 6. This Bylaw applies to the issue of Permits for the use, occupancy, alteration, reconstruction, relocation, construction or demolition of any building regulated by the Act within the Town.

PROHIBITION

- 7. (a) No person shall:
 - (i) Use;
 - (ii) Occupy or change the occupancy of;
 - (iii) Relocate;
 - (iv) Construct;
 - (v) Alter
 - (vi) Reconstruct; or
 - (vii) Demolish any building,unless there is a valid subsisting Permit therefor.
- (b) A Permit is not required for construction with an Estimated Cost of construction of Five Thousand Dollars (\$5,000.00) or less in total value where, in the opinion of a Safety Codes Officer, matters affecting health or safety are not involved.

PERMIT APPLICATION

8. (a) To obtain a Permit an applicant shall file an application on a form prescribed by a Safety Codes Officer and each applicant shall:
- (i) Sign the application;
 - (ii) Furnish such other information that is required by the Act or by Regulations made pursuant to the Act; and
 - (iii) Submit with each application, two sets of plans and specifications, except that when authorized by a Safety Codes Officer in writing, plans and specifications need not be submitted.

ISSUANCE OF PERMITS

9. (a) If a Safety Codes Officer is satisfied that the work described in an application for a Permit and the plans filed are to the best of his knowledge in accordance with the provisions of the Act and regulations made pursuant to the Act, that the fee specified pursuant to Section 8 have been paid, and that all conditions attached to any existing Development Permit for the work, land use, or lands have been or will be satisfied, a Permit shall be issued to the applicant, with or without conditions.
- (b) When a Permit is issued one set of submitted plans and specifications shall be returned to the applicant and shall be kept at the site at all times during which the work is in progress and shall be made available to a Safety Codes Officer on demand.
- (c) One set of examined plans and specifications shall be retained by the Town of Banff.
- (d) The issuance of a Permit or review of plans and specifications shall not be construed to be a Permit for, or an approval of a contravention of any provision of the Act or Regulations made pursuant to the Act or any other Act, Regulations or Bylaws.

- (e) No Permit presuming to give authority to contravene the provisions of the Act or Regulations made pursuant to the Act shall be valid except in so far as the work or use that it authorizes is lawful.
- (f) The Permit shall be posted at all times at a conspicuous place on site that is the subject of the Permit.

OCCUPANCY PERMIT

- 10. (a) No building that is regulated by Regulations made pursuant to the Act shall be used or occupied until an Occupancy Permit has been issued.
- (b) If a Safety Codes Officer is satisfied that the work described in a Permit and plans filed have been carried out in accordance with the provisions of the Act and that all conditions attached to any existing Development Permit for the work, land use or lands have been or will be satisfied an Occupancy Permit shall be issued to the applicant, with or without conditions.

FEEES

- 11. (a) The fee for issue of Permit shall be tendered to the Town at the time of application.
 - (b) The fees payable for Permits to be issued pursuant to this Bylaw shall be those set out in **Schedule "A"** attached hereto and forming part of this Bylaw.
 - (c) If the documents submitted with an application for a Permit contain substantial errors or omissions and the documents are required to be submitted again for further review, the fee provided for in Schedule "A" attached hereto shall be charged for each and every re-examination.
- 12. The Estimated Cost of construction shall be determined in accordance with **Schedule "B"** attached hereto and forming part of this Bylaw.
 - 13. Schedules "A" and "B" to this Bylaw may be amended, from time to time, by resolution of Council and any such amendment shall form part of this Bylaw.

REFUNDS

14. (a) A person who has paid a Permit fee pursuant to Section 8 may surrender the Permit to the Town and make application in writing for a refund in accordance with the provisions of this Section.
- (b) No refund shall be made:
- (i) If the Permit has been revoked or has expired;
 - (ii) If use, occupancy, relocation, construction, or demolition has commenced; or
 - (iii) An extension of the Permit has been granted.
- (c) Subject to the provisions of Subsection (2), a Safety Codes Officer may authorize a refund of a Permit fee less the following charges:
- (i) Twenty-Five Percent (25%) of the Permit fee with a minimum charge of Fifty Dollars (\$50.00).
- (d) Notwithstanding anything elsewhere contained in this Section, no refund whatsoever shall be made in respect of any Permit fee of less than Fifty Dollars (\$50.00).

PERMIT TERM AND EXTENSIONS

15. (a) A Permit issued pursuant to this Bylaw, other than a Permit for the use or occupancy of a building, shall expire:
- (i) If the work authorized by the Permit has not commenced within Six (6) Months of the date of issue of the Permit; or
 - (ii) If the work authorized by the Permit is commenced but is later suspended or abandoned for a continuous period of more than One (1) Year.
- (b) A Safety Codes Officer may, from time to time, extend a Permit for additional periods of Six Months unless the Permit has been revoked or has expired.
- (c) All applications for extension of a Permit shall be in writing and shall be accompanied by the fee set out in **Schedule "A"** attached hereto.

OFFENCE

16. Any person who contravenes this Bylaw is guilty of an offence under Section 63 of the Act.

REPEAL

17. Bylaw Numbers 69 and 114 are hereby repealed upon this Bylaw coming into force.

COMING INTO FORCE

18. This Bylaw shall come into force upon receiving Third Reading.

READ a first time this 12th day of August, A.D. 1996.

READ a second time this 12th day of August, A.D. 1996.

READ a third time and finally passed this 12th day of August, A.D. 1996.

SIGNED AS OF THE 12th
DAY OF August,
A.D. 1996

) _____
) MAYOR *[Signature]*
) _____
) *[Signature]*
) DIRECTOR OF CORPORATE SERVICES

SCHEDULE A – Building Permit Fees

Amended 2011.03.21 – Bylaw 307
Amended 2016.02.08 – Bylaw 356

Project/Fee Type	Fee
Alberta Safety Codes Council	All building and demolition permits are subject to surcharge for the Alberta Safety Codes Council which is \$4.50 or 4% of the total permit cost, whichever is greater, to a maximum of \$560.00
Commercial/Institutional	\$10.25 per \$1000 of estimated construction cost. The estimated construction cost is the total cost of constructing and finishing the building, including labour, materials and site servicing. Minimum \$125.00
Residential Additions/Alterations	\$10.25 per \$1000 of estimated construction cost Minimum \$125.00
Residential Development	\$10.25 per \$1000 of estimated construction cost Minimum \$125.00
Accessory Buildings	\$9.75 per \$1000 of estimated construction cost Minimum \$110.00
Decks	\$9.75 per \$1000 of estimated construction cost Minimum \$110.00
Fireplace and chimney permit	\$100.00
Demolition	\$2.25 per square metre. Minimum \$125.00 Maximum \$2,500.000
Permit issued after construction started without a permit	Double current fee
Plan Re-examination	Resubmission of plans or specifications where re-examination is required or requested by a Safety Codes Officer due to revisions, inaccuracies or lack of information in the plans or specifications originally submitted. \$250.00
Re-inspections	Where an inspection is required due to correction of noted deficiencies. \$250.00
Safety Inspections	When an inspection is required for a building closed due to an order or unsafe conditions. \$3,200.00
Weekend/Statutory Holiday Inspection	When an inspection is required on a weekend or statutory holiday. \$150.00 per hour per staff person (Minimum 4 hours- \$600.00)
Partial Permits	\$125.00 per dwelling unit. All other buildings \$1.00 per square

Project/Fee Type	Fee
	metre. Minimum fee \$75.00, maximum fee \$3,500.00
Foundation Permit	\$450.00 This fee is non-refundable and shall be credited against the building permit fee at the time of issuance.
Permit Extension – no revisions	10% of the building permit fee(Minimum fee \$125.00)
Permit Extension – with revisions	10% of the building permit fee (minimum fee \$150.00) or \$85 per hour per staff person, whichever is greater.
Re-instatement	Where an applicant wishes to re-instate a permit that has expired within 30 days of the expiry date, they shall be charged a fee equal to one half of the building permit fee.
Refunds	Upon receipt of a written request for refund of a building permit fee, for which construction work has not commenced, 25% of the original fee shall be withheld (subject to a minimum of \$75.00)

SCHEDULE A – Building Permit Fees

Amended 2011.03.21 – Bylaw 307
 Amended 2016.02.08 – Bylaw 356
 Amended 2017.01.01 – Bylaw 378
 Amended 2019.01.01 – Bylaw 388-1

Project/Fee Type	Fee
Alberta Safety Codes Council	All building and demolition permits are subject to surcharge for the Alberta Safety Codes Council which is \$4.50 or 4% of the total permit cost, whichever is greater, to a maximum of \$561.00
Commercial/Institutional	\$11.32 per \$1000 of estimated construction cost. The estimated construction cost is the total cost of constructing and finishing the building, including labour, materials and site servicing. Minimum \$200.00
Residential Additions/Alterations	\$10.45 per \$1000 of estimated construction cost Minimum \$150.00
Residential Development (New Construction)	\$11.32 per \$1000 of estimated construction cost Minimum \$200.00
Accessory Buildings	\$10.45 per \$1000 of estimated construction cost Minimum \$150.00
Decks	\$10.45 per \$1000 of estimated construction cost Minimum \$150.00
Fireplace and chimney permit	\$103.00
Demolition	\$2.30 per square metre. Minimum \$150.00 Maximum \$2,500.000
Permit issued after construction started without a permit	Double current fee
Plan Re-examination	Resubmission of plans or specifications where re-examination is required or requested by a Safety Codes Officer due to revisions, inaccuracies or lack of information in the plans or specifications originally submitted. \$250.00
Re-inspections	Where an inspection is required due to correction of noted deficiencies. \$250.00
Safety Inspections	When an inspection is required for a building closed due to an order or unsafe conditions. \$3,200.00
Weekend/Statutory Holiday Inspection	When an inspection is required on a weekend or statutory holiday. \$160.00 per hour per staff person (Minimum 4 hours- \$600.00)

Project/Fee Type	Fee
Partial Permits	<p>\$150.00 per dwelling unit. All other buildings \$1.00 per square metre.</p> <p>Minimum fee \$75.00, maximum fee \$3,500.00</p>
Foundation Permit	<p>\$750.00 This fee is non-refundable and shall be credited against the building permit fee at the time of issuance.</p>
Permit Extension – no revisions	<p>10% of the building permit fee(Minimum fee \$125.00)</p>
Permit Extension – with revisions	<p>10% of the building permit fee (minimum fee \$150.00) or \$85 per hour per staff person, whichever is greater.</p>
Re-instatement	<p>Where an applicant wishes to re-instate a permit that has expired within 30 days of the expiry date, they shall be charged a fee equal to one half of the building permit fee.</p>
Refunds	<p>Upon receipt of a written request for refund of a building permit fee, for which construction work has not commenced, 25% of the original fee shall be withheld (subject to a minimum of \$75.00)</p>