

BYLAW 69-2

THE TOWN OF BANFF BUILDING PERMIT BYLAW, REGULATING AND CONTROLLING THE FORM CONTENT AND COST OF PERMITS FOR THE USE, OCCUPANCY, ALTERATION, RECONSTRUCTION, RELOCATION, REPAIR, RENOVATION, CONSTRUCTION OR DEMOLITION OF BUILDINGS

WHEREAS the Town of Banff is an accredited municipality pursuant to the Safety Codes Act, RSA 2000, c S-1, s 26;

AND WHEREAS Banff is, first and foremost, a town within a National Park and World Heritage Site whose purposes and objectives are set out in the Banff National Park of Canada Management Plan and Banff Incorporation Agreement;

AND WHEREAS pursuant to s.66 of the Safety Codes Act, an accredited municipality may make bylaws:

1. Except as provided in this section, a bylaw of a municipality that purports to regulate a matter that is regulated by this Act is inoperative.
2. Notwithstanding subsection (1), an accredited municipality may make bylaws
 - a) respecting fees for anything issued or any material or service provided pursuant to this Act, and
 - b) respecting the carrying out of its powers and duties as an accredited municipality.

AND WHEREAS Sections 7 and 8 of the Municipal Government Act, RSA 2000, Chapter M-26 authorizes a Council to give the Council authority to pass such a Bylaw;

NOW THEREFORE, the Council of the Town of Banff, in the Province of Alberta, duly assembled, enacts as follows:

CITATION

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

INTERPRETATION

2. In this bylaw:
 - a) Any reference to a named act is a reference to an Act of the Legislature of Alberta, as amended from time to time.
 - b) Any reference to a Town of Banff staff position, department or committee, the reference is deemed to be to the current name that the staff position, department or committee is known by.
 - c) “Act” means the Safety Codes Act, c S-1 RSA 2000, as amended from time to time.

- d) “Estimated Cost of Construction” means the summarized 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.
 - e) “Occupancy” means the actual use or occupation of a building for the intended use or purpose.
 - f) “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.
 - g) “QMP” means the Town of Banff Quality Management Plan.
 - h) “Regulation” means the “Permit Regulation” (Alberta Regulation 204/2007)
 - i) “Safety Codes Officer” means an individual designated as a Safety Codes Officer under Section 31 of the Act.
3. All definitions contained in the Act and the Regulations made pursuant to the Act shall apply in this bylaw.

PROHIBITION

4. No person shall:
- i. Use;
 - ii. Occupy or change the occupancy of;
 - iii. Relocate;
 - iv. Construct;
 - v. Alter;
 - vi. Reconstruct;
 - vii. Repair or renovate; or
 - viii. Demolish any building,
- unless there is a valid and subsisting Permit issued under this Bylaw
5. A Permit is not required for construction that with an Estimated Cost of Construction of Ten Thousand Dollars (\$10,000.00) or less in total value where, in the opinion of the Safety Codes Officer, matters affecting health or safety are not involved.
6. If the Town cannot readily issue a Permit and there is imminent serious danger to, or imminent serious danger of damage to, persons or property because of any thing, process or activity to which this Bylaw applies or because of a fire hazard or risk of an explosion, a person may, without a Permit, start an undertaking for which a permit is required under the Regulations or this Bylaw but that person must apply for a Permit as soon as the Town is available.

PERMIT APPLICATION

7. To obtain a Permit, an applicant shall file a building permit application with the Town and each applicant shall provide the information required by the QMP.

PLANS AND SPECIFICATIONS

8. Unless otherwise directed by the Safety Codes Officer in writing, two sets of plans and specifications for the work shall be submitted with each application.
9. Plans and specifications shall be drawn to scale upon paper or in acceptable digital media to the Town, and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of the Act, this Bylaw, and the QMP.
10. If required by the Safety Codes Officer, the applicant shall include a plan certified by a Canada Lands Surveyor.

ISSUANCE OF PERMIT

11. If the Safety Codes Officer is satisfied that the work described in the application for the permit and the plans filed therewith are in accordance with the provisions of the Act, this Bylaw, the QMP and that the building permit fees have been paid, and that all conditions attached to any applicable Development Permit for the work, land use, or lands have been or will be satisfied, with or without conditions, they may issue a Permit.
12. When a Permit is issued, one set of submitted plans, specifications, and computations shall be returned to the applicant and shall be always kept at the site during which the work is in progress and shall be available to the Safety Codes Officer on demand.
13. 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.
14. 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 the use that it authorizes is lawful.
15. The issuance of a Permit based upon plans and specifications shall not prevent the Safety Codes Officer from thereafter requiring the correction of work being carried on when in contradiction of any provision of the Act, this Bylaw, or any other bylaw of the Town.
16. The Permit shall be posted at all times at a conspicuous place on the site that is the subject of the Permit.

PERMIT ELEMENTS AND TERMS

17. Permits issued under this Bylaw must include all elements required by the QMP.
18. The Town may issue a Permit for an undertaking, or part of the undertaking, and may, without limiting the generality of section 44(2) of the Act, impose terms and conditions on the permit that are consistent with the purpose and intent of the Regulation, including, but not limited to:
 - a. Requiring that permission be obtained from the Town before occupancy or use of the construction, process or activity under the Permit;
 - b. Setting the date by which the undertaking must be completed and on which the Permit expires, for a period in excess of one (1) year, in the opinion of the Safety Codes Officer, the project requires a longer construction time because of size or complexity of the undertaking;
 - c. Setting a condition that causes the permit to expire;
 - d. Setting the period of time that the undertaking may be occupied, used or operated;
 - e. Setting out the scope of the undertaking being permitted;
 - f. Setting the qualifications of the person responsible for the undertaking; and
 - g. Requiring the approval of the Safety Codes Officer before any part of the building or system is covered or concealed.

OCCUPANCY

19. A permit holder shall obtain permission to occupy in writing from the Safety Codes Officer and the Town prior to the occupancy of a building after construction, relocation, alteration, partial demolition, or a change of the existing occupancy classification has taken place.

FEES

20. The fee for each permit shall be submitted at time of application.
21. The fee payable for Permits to be issued pursuant to the Town's Fees and Charges Bylaw.

REFUNDS

22. A person who has paid a Permit fee may surrender the Permit to the Town and make an application in writing for a refund in accordance with the provisions of this Section.
23. No refund shall be made:
 - a. If the Permit has been revoked or has expired;
 - b. If use, occupancy, relocation, construction, alteration, repair or demolition has commenced; or,
 - c. An extension to the Permit has been granted.

PERMIT TERM AND EXTENSIONS

24. A Permit issued pursuant to this Bylaw, other than a Permit for the use or occupancy of a building, shall expire:
 - a. If the work authorized by the Permit has not commenced within twelve (12) months of the date of issue of Permit; or
 - b. 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.
25. A Safety Codes Officer may, from time to time, extend a Permit for additional periods of six (6) months unless the Permit has been revoked or expired.
26. All applications for extension of a Permit shall be in writing and shall be accompanied by the fee set out in the Town's Fees and Charges Bylaw.

OFFENCES

27. Any person who does not comply with the provisions of the Town of Banff QMP is guilty of an offence.
28. Any person who contravenes this Bylaw is guilty of an offence under Section 67 of the Act.

REPEAL

29. 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.
30. Bylaw 69-1 is repealed upon this Bylaw coming into force.
31. 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 11th day of July, 2022

READ A SECOND TIME this 12th day of September, 2022.

READ A THIRD TIME, as amended, this 12th day of September, 2022.

SIGNED AND PASSED, as amended, this 12th day of September, 2022.

On Original
Corrie DiManno
Mayor

On Original
Kelly Gibson
Town Manager