

BY-LAW NO. 59-4

A BY-LAW OF THE TOWN OF BANFF IN THE PROVINCE OF ALBERTA
TO AUTHORIZE THE LEVY OF OFF-SITE COSTS ON DEVELOPED
OR REDEVELOPED LANDS WITHIN THE TOWN FOR RESIDENTIAL
AND NON-RESIDENTIAL PROPERTIES

WHEREAS new development and redevelopment of residential and non-residential sites is occurring within the Town;

AND WHEREAS the Town will be required to upgrade or expand facilities for the treatment, movement or disposal of sanitary sewage to accommodate the growth that is occurring in the Town;

AND WHEREAS the Town will be required to upgrade or expand the water supply facilities to accommodate the growth occurring and the growth projected for the Town;

AND WHEREAS the Town will be required to upgrade or expand storm sewer drainage facilities;

AND WHEREAS development contributes to the necessity of said upgrading or expansion, therefore it is deemed just and reasonable that development should bear a part of those costs.

NOW THEREFORE, pursuant to the Planning Act (Alberta), as amended, the Council of the Town of Banff duly assembled, enacts as follows:

1. This By-law may be cited as the "Banff Off-Site Levies By-law".
2. In this By-law:
 - (a) "Council" shall mean the Mayor and Councillors of the Town acting as a council at duly assembled meetings thereof.
 - (b) "Director" shall mean the individual who holds the position of Director of Planning and Development for the Town at any given time and includes any person authorized to act for and in the name of that individual.
 - (c) "Dwelling Unit" shall mean one or more self contained rooms provided with sleeping and cooking facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a household and either up to two lodgers, roomers, or boarders; or four foster children; and does not include more than one room which, due to its design, plumbing, equipment and furnishings, is or may be used primarily as a kitchen.

- (d) "Town" shall mean the Municipal Corporation of the Town of Banff in the Province of Alberta and where the context so requires means the land included in the boundaries of the Town.
 - (e) "Development" shall mean activities as defined as development in the Planning Act, R.S.A., 1980, Chapter P-9.
 - (f) "Gross Floor Area" shall mean the total floor area of the building or structure with a clear ceiling height of 1.8 meters or more, contained within the outside of the exterior and basement walls or glazing line of windows, but excluding parking and loading areas and floor areas devoted exclusively to mechanical or electrical equipment servicing the development.
3. The Town is hereby authorized to levy:
- (a) against all residential property located in the Town of Banff, and
 - (b) against all non-residential property located in the Town of Banff,
- such sums as are hereinafter set forth, for the purpose of offsetting part of the capital costs for upgrading or expanding the sewage treatment system and the upgrading or expansion of the water supply system and the storm sewer drainage facilities for the Town.
4. The levies provided for in this By-law shall be levied and become payable:
- (a) at the time a building permit is issued for the property; or,
 - (b) at the time a subdivision is approved for the property,
- whichever first occurs.
5. Such levies shall be in addition to any other levy, fees or charges required for the building permit, development permit or subdivision.
6. All funds derived from the application of this By-law shall be set up as reserve funds to pay all or part of the capital costs of all or any of the following:

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- (a) new or expanded facilities for the storage, transmission, treatment or supplying of water;
 - (b) new or expanded facilities for the treatment, movement or disposal of sanitary sewage;
 - (c) new or expanded storm sewer drainage facilities;
 - (d) land required for or in connection with and facilities described in clauses (a) to (c) hereof.
7. The amount of the off-site levies hereunder shall be as provided for in Schedule "A" hereto.
 8. Council shall be at liberty from time to time by resolution to exempt or defer or to partially exempt or defer the collection of off-site levies in the case of the development of lands owned in whole or in part by a public service body or bodies where the development of the lands will be used in whole or in part for public service purposes.
 9. On January 1 of each year, commencing January 1, 1993, the amount of the off-site levies described in Schedule "A" of this By-law shall by resolution, be altered by an amount to be determined by Council to reflect the changes in the Consumer Price Index in Calgary in the preceding calendar year.
 10. The off-site levies imposed hereunder are determined in accordance with Schedule "B" hereto.
 11. The Council of the Town of Banff shall be at liberty from time to time to enter into an agreement or agreements in respect of the payment of the levies imposed by this By-law, which agreement may provide for all matters connected with the payment of the said off-site levies, including the deferment of payment in whole or in part, interest on any amounts By-law deferred, the depositing of security for payment of any amount or amounts deferred and the construction by a Developer of a portion or portions of the new or expanded facilities described in paragraph 6 above, in lieu of the payment by the Developer of all or a portion of the levy imposed by this By-law.
 12. By-law 59-3 is hereby repealed upon this by-law coming into force.

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This By-law comes into effect on the date of final passing.

READ a first time this 28th day of JUNE, 1993.

READ a second time this 28th day of JUNE, 1993

READ a third time and finally passed this 28th day of JUNE, A.D.
1993.



MAYOR



MUNICIPAL ADMINISTRATOR

SCHEDULE A – Off-Site Levies (Bylaw 59-4)

Amended 2011.01.28 – Bylaw 305

Amended 2016.02.08 – Bylaw 356

The levies provided for in this bylaw shall be levied and become payable:

a) When a building permit is issued for the property:

\$21.14/m² for each square meter of gross residential or non-residential floor area to be constructed or developed.

b) When a subdivision is approved for the property:

\$21.14/m² for each square meter of gross residential or non-residential floor area based upon the maximum gross floor area ration possible for the lands in question.

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SCHEDULE "B"

**BANFF OFFSITE LEVIES BY-LAW
CALCULATION OF OFFSITE LEVIES FOR NON-RESIDENTIAL
AND RESIDENTIAL DEVELOPMENTS WITHIN
THE TOWN OF BANFF**

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PART I
ESTIMATED ANNUAL COSTS FOR ADDITIONS TO OR THE
EXPANSION OF SANITARY SEWAGE COLLECTION
AND TREATMENT SYSTEM FOR
TWENTY FIVE YEARS

Yr.	PLANT & TRUNKS			COLLECTION SYSTEM		
	Yearly Cost	Town Portion (25%)	Developer Portion (75%)	Yearly Cost	Town Portion (75%)	Developer Portion (25%)
1990	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
1991	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
1992	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
1993	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
1994	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
1995	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
1996	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
1997	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
1998	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
1999	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
2000	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
2001	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
2002	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
2003	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
2004	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
2005	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
2006	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
2007	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
2008	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
2009	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
2010	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
2011	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
2012	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
2013	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
2014	\$392,000	\$98,000	\$294,000	\$57,800	\$43,350	\$14,450
	----- \$9,800,000 -----			----- \$1,445,000 -----		

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PART 2
ESTIMATED ANNUAL COSTS FOR ADDITIONS TO OR THE
EXPANSION OF THE WATER SUPPLY, TREATMENT, STORAGE
AND DISTRIBUTION SYSTEM FOR TWENTY FIVE YEARS

TREATMENT PLANT & TRUCK MAINS				WATER DISTRIBUTION SYSTEM		
Yr.	Yearly Cost	Town Portion (25%)	Developer Portion (75%)	Yearly Cost	Town Portion (75%)	Developer Portion (25%)
1990	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
1991	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
1992	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
1993	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
1994	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
1995	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
1996	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
1997	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
1998	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
1999	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
2000	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
2001	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
2002	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
2003	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
2004	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
2005	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
2006	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
2007	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
2008	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
2009	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
2010	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
2011	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
2012	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
2013	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
2014	\$65,080	\$16,270	\$48,810	\$12,040	\$9,030	\$3,010
	----- \$1,627,000 -----			----- \$301,000 -----		

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PART 3

**ESTIMATED ANNUAL COSTS FOR ADDITIONS TO OR THE
EXPANSION OF STORM WATER COLLECTION & DISPOSAL SYSTEM
FOR TWENTY FIVE YEARS**

Yr.	Yearly Cost	Town Portion (50%)	Developer Portion (50%)
1990	\$88,720	\$44,360	\$44,360
1991	\$88,720	\$44,360	\$44,360
1992	\$88,720	\$44,360	\$44,360
1993	\$88,720	\$44,360	\$44,360
1994	\$88,720	\$44,360	\$44,360
1995	\$88,720	\$44,360	\$44,360
1996	\$88,720	\$44,360	\$44,360
1997	\$88,720	\$44,360	\$44,360
1998	\$88,720	\$44,360	\$44,360
1999	\$88,720	\$44,360	\$44,360
2000	\$88,720	\$44,360	\$44,360
2001	\$88,720	\$44,360	\$44,360
2002	\$88,720	\$44,360	\$44,360
2003	\$88,720	\$44,360	\$44,360
2004	\$88,720	\$44,360	\$44,360
2005	\$88,720	\$44,360	\$44,360
2006	\$88,720	\$44,360	\$44,360
2007	\$88,720	\$44,360	\$44,360
2008	\$88,720	\$44,360	\$44,360
2009	\$88,720	\$44,360	\$44,360
2010	\$88,720	\$44,360	\$44,360
2011	\$88,720	\$44,360	\$44,360
2012	\$88,720	\$44,360	\$44,360
2013	\$88,720	\$44,360	\$44,360
2014	\$88,720	\$44,360	\$44,360

\$2,218,000

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PART 4
TOTAL OFFSITE LEVIES PER METER SQUARED
(PARTS 1, 2 & 3)

Yr.	Total for Developers	Assumed Area of Development (sq.m.)	Offsite Levy
1990	\$404,630	35,000	\$11.56
1991	\$404,630	35,000	\$11.56
1992	\$404,630	35,000	\$11.56
1993	\$404,630	35,000	\$11.56
1994	\$404,630	35,000	\$11.56
1995	\$404,630	35,000	\$11.56
1996	\$404,630	35,000	\$11.56
1997	\$404,630	35,000	\$11.56
1998	\$404,630	35,000	\$11.56
1999	\$404,630	35,000	\$11.56
2000	\$404,630	35,000	\$11.56
2001	\$404,630	35,000	\$11.56
2002	\$404,630	35,000	\$11.56
2003	\$404,630	35,000	\$11.56
2004	\$404,630	35,000	\$11.56
2005	\$404,630	35,000	\$11.56
2006	\$404,630	35,000	\$11.56
2007	\$404,630	35,000	\$11.56
2008	\$404,630	35,000	\$11.56
2009	\$404,630	35,000	\$11.56
2010	\$404,630	35,000	\$11.56
2011	\$404,630	35,000	\$11.56
2012	\$404,630	35,000	\$11.56
2013	\$404,630	35,000	\$11.56
2014	\$404,630	35,000	\$11.56

\$10,115,750

SCHEDULE A – Off-Site Levies (Bylaw 59-4)

Amended 2011.01.28 – Bylaw 305
Amended 2016.02.08 – Bylaw 356
Amended 2017.01.01 – Bylaw 378
Amended 2018.01.01 – Bylaw 388
Amended 2019.01.01 – Bylaw 388-1

The levies provided for in this bylaw shall be levied and become payable:

a) When a building permit is issued for the property:

\$22.08/m² for each square meter of gross residential or non-residential floor area to be constructed or developed.

b) When a subdivision is approved for the property:

\$22.08/m² for each square meter of gross residential or non-residential floor area based upon the maximum gross floor area ration possible for the lands in question.

