

TOWN OF CANMORE

BYLAW 25-2008

PROVINCE OF ALBERTA

THE TOWN OF CANMORE BUILDING PERMIT BYLAW, REGULATING THE FORM, CONTENT AND COST OF PERMITS FOR THE USE, OCCUPANCY, RELOCATION, CONSTRUCTION, ALTERATION, REPAIR OR DEMOLITION OF BUILDINGS.

WHEREAS The Town of Canmore has been authorized by Section 66 of the Safety Codes Act to make a bylaw;

- (a) respecting fees for Building Permits issued pursuant to this Act, and
- (b) respecting the carrying out of its powers and duties as an accredited municipality; and

WHEREAS Alberta Regulation (204/2007) allows the Town to administer and regulate the issuance of permits; and

NOW THEREFORE The Municipal Council of the Town of Canmore in the Province of Alberta duly assembled, hereby enacts as follows:

SECTION 1 TITLE

1. This bylaw shall be known as the Town of Canmore Building Permit Bylaw, may be cited as such and will be referred to herein and “this Bylaw”.

SECTION 2 DEFINITIONS

1. In this Bylaw:
 - (a) “Act” means the Safety Codes Act Chapter/Regulation: S-1 RSA 2000, as amended from time to time.
 - (b) “Regulation” means the “Permit Regulation” (Alberta Regulation (204/2007)).
 - (c) “Safety Codes Officer” means an individual designated as a Safety Codes Officer under Section 31 of the Act.All definitions contained in the Act or the Regulation shall apply to this Bylaw.

SECTION 3 SCOPE

1. The provisions of this Bylaw shall apply to the issuing of permits respecting the use, occupancy, relocation, construction, alteration, repair or demolition of any building regulated by the Act, or by regulations made pursuant to the Act, within the Town of Canmore.

SECTION 4 POWER AND DUTIES OF THE SAFETY CODES OFFICER

1. The Safety Codes Officer is hereby authorized and directed to enforce all provisions of this Bylaw, the Act, the Regulation and the Alberta Building Code.
2. The Safety Codes Officer shall perform all responsibilities outlined in the Town’s Quality Management Plan signed by the Town and the Administrator of Accreditation for the Alberta Safety Codes Council.
3. The Safety Codes Officer shall perform, in addition to the responsibilities and inspections contained in the Town’s Quality Management Plan, those inspections contained in Schedule A of this Bylaw.
4. The Safety Codes Officer shall ensure that all roofing materials on residential projects shall have a minimum Class “C” U.L.C. rating.

SECTION 5 PROHIBITION

1. (a) No person shall:
 - (i) use;

- (ii) demolish;
 - (iii) relocate
 - (iv) construct;
 - (v) alter;
 - (vi) repair;
 - (vii) renovate; or
 - (viii) occupy or allow a change in occupancy of; any building unless there is a valid and subsisting Permit issued under this Bylaw.
- (b) No person shall commence or cause the commencement of:
- (i) the excavation of any land for the purpose of erecting or locating any building; and
 - (ii) any work or undertaking which is regulated by the Act; for which a Permit under the Regulation or this Bylaw, or the Act has not been issued.
2. A Permit is not required for:
- (a) Painting, decorating, re-roofing or re-siding if;
 - (i) Matters affecting health and safety are not at risk; and
 - (ii) There is no structural change to the building; nor
 - (b) Construction that does not exceed five thousand dollars (\$5,000.00) in total prevailing market value, if matters of health and safety are not at risk, and is not of a structural nature, in the opinion of the Safety Codes Officer; nor
 - (c) Construction of an accessory building or structure less than 10m² (square metres) in area and located on a temporary foundation, and less than five thousand dollars (\$5,000.00) in total prevailing market value; nor
 - (d) The replacement or alteration of ducting serving a space heating appliance if;
 - (i) it is located in a single family residential dwelling, and
 - (ii) there is no design change required to the heating and ventilation system.
3. 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 Regulation or this Bylaw but that person must apply for a Permit as soon as the Town is available.

SECTION 6 APPLICATIONS

1. To obtain a Permit an applicant shall file an application in writing on the prescribed form attached as Schedule "C" to this Bylaw; and each application shall:
- (a) state the use or proposed use of the premises; and
 - (b) identify and fully describe the work to be covered by the permit for which the application is made; and
 - (c) clearly set forth the address or location and legal description of the land at or in which the undertaking will take place; and
 - (d) include the owner's name and mailing address; and
 - (e) include information indicating the prevailing market value of the undertaking to enable the Town to determine the permit fee; and
 - (f) describe the undertaking, including information, satisfactory to the permit issuer, regarding the technical nature and extent of the undertaking; and
 - (g) set out the name, complete address, telephone number and evidence of credentials required of the applicant, together with the written or electronic signature of the applicant; and
 - (h) state the type of occupancy; and
 - (i) be signed by the owner of the land or his authorized agent showing or providing evidence of authorization; and
 - (j) include site plans as required in Section 7 of this Bylaw; and
 - (k) include copies of plans and specifications for the proposed undertaking; and

- (l) include documentation required to verify information provided by the applicant; and
 - (m) include any further information that the permit issuer considers necessary; and
 - (n) give such other information as may be required by the Act.
2. The Town may require a separate Permit for specific parts of the undertaking to which the Alberta Building Code applies if the specific parts involve a compulsory certification trade under the Apprenticeship and Industry Training Act.

SECTION 7 PLANS AND SPECIFICATIONS

1. 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.
2. Plans and specifications shall be drawn to scale upon substantial 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 and this Bylaw.
3. Each set of plans shall include a site plan showing the actual dimensions of the lot or property containing the building or buildings where the work is to be performed and the location of the proposed work in relation to the lot or property lines, as well as an approved drainage plan.
4. The applicant shall include with each set of plans a plan, certified by an Alberta Land Surveyor, showing the information required by Section 7.3 if required by the Safety Codes Officer.
5. If required by the Safety Codes Officer, the applicant shall submit computations, test results and all other evidence deemed necessary to show that the work will be in accordance with the Act.

SECTION 8 ISSUANCE OF PERMIT

1. Plans and specifications may be submitted for examination to other departments of the Town of Canmore and the Province to check for compliance with orders, regulations or bylaws under their jurisdiction.
2. If the Safety Codes Officer is satisfied that the work described in an application for permit and the plans filed therewith are in accordance with the provisions of the Act and of this Bylaw, and that the fees specified in Section 17 have been paid, he may issue a Permit.
3. A permit issuer may issue a Permit to an applicant that is the owner of the building or to the owner's agent.
4. If the Safety Codes Officer issues a Permit under Subsection 1(b) of this Bylaw, the Permit shall be released to the applicant only upon the Town being satisfied that the applicant has complied with all engineering and other requirements specified under the Land Use Bylaw.
5. Upon the applicant satisfying the Town that all engineering and other requirements specified under the Town's Land Use Bylaw have been complied with, the Town shall release the Permit to the applicant.
6. The Town may issue a permit for an undertaking referred to in section 6(2) to the following:
 - (a) a person having the appropriate certification to carry out the undertaking as required by the *Apprenticeship and Industry Training Act*;
 - (b) an owner who resides in a single family residential dwelling for the installation of building systems in the dwelling.
7. Without limiting the generality of Section 44(2) of the Act, for the purpose of achieving the level of safety intended by the Act and the regulations, the Town may limit the type and scope of the undertaking for which a Permit is issued under subsection 8(6)(b).
8. One set of examined plans, specifications and computations shall be retained as outlined in the Quality Management Plan, and one set of examined plans and specifications shall be returned to the applicant.
9. Plans, submitted for checking, for which no Permit is issued, and on which no appeal is made by the applicant or no action is taken by the Safety Codes Officer for 90 days, may be destroyed by the Safety Codes Officer.

10. The issuance of a Permit or examination of plans and specifications shall not be construed to be a Permit for, an approval of a contravention of any provision or any other Act, Bylaw or regulation.
11. 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 of Canmore.

SECTION 9 PERMIT

1. A Permit issued under this Bylaw:
 - (a) must include a permit number assigned by the Town to the undertaking; and
 - (b) must state the date on which the Permit is issued; and
 - (c) must state the name of the owner and the owner's agent to whom the permit has been issued; and
 - (d) must state where the undertaking is to take place; and
 - (e) must describe the undertaking or portion of the undertaking governed by the Permit; and
 - (f) may contain any other information that the Town considers necessary.

SECTION 10. TERMS AND CONDITIONS OF PERMIT

1. 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 the occupancy or use of the construction, process or activity under the Permit; and
 - (b) setting the date by which the undertaking must be completed as one (1) year from the date of issuance of the Permit; or
 - (c) 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 if, in the opinion of the Safety Codes Officer, the project requires a longer construction time because of size or complexity of the undertaking; and
 - (d) setting a condition that causes the Permit to expire; and
 - (e) setting the period of time that the undertaking may be occupied, used or operated; and
 - (f) setting out the scope of the undertaking being permitted; and
 - (g) setting the location or locations of the undertaking being permitted; and
 - (h) setting the qualifications of the person responsible for the undertaking; and
 - (i) requiring the approval of the Safety Codes Officer before any part of the building or system is covered or concealed.

SECTION 11 RESPONSIBILITIES OF THE PERMIT HOLDER

1. On the issuance of a Permit, the permit holder must:
 - (a) comply with the terms and conditions of the Permit; and
 - (b) undertake the construction, process or activity in accordance with the Act and applicable codes and standards; and
 - (c) notify the Town:
 - (i) if the permit holder does not intend to complete the undertaking, or
 - (ii) if there is a change in ownership from the owner as stated on the Permit application,
 - (d) ensure that all plans and specifications required to apply for the Permit are available at the construction site at all reasonable times for inspection by a Safety Codes Officer, and
 - (e) ensure that the Permit is posted, or otherwise identified, at the construction site.

SECTION 12 TERM OF A PERMIT

1. In the absence of a different term set under Section 10, a permit expires if the undertaking to which it applies

- (a) is not commenced within 90 days from the date of issue of the permit, or
 - (b) is suspended or abandoned for a period of 120 days, or
 - (c) is in respect of a seasonal use residence and the undertaking is suspended or abandoned for a period of 240 days after the undertaking is started.
- (2) Despite subsection (1), when the term of a Permit has not expired, the Town may, in writing, and on the request of the Permit holder, extend the permit for an additional fixed period of time that the Town considers appropriate.

SECTION 13. REFUSAL TO ISSUE, SUSPENSION OR CANCELLATION

- 1 Without restricting the generality of Section 46 of the Act, the Town may refuse to issue a Permit and, without restricting the generality of Section 44 of the Act, a Safety Codes Officer may suspend or cancel a permit that has been issued if:
- (a) in the case of an addition or alteration, the existing undertaking is unsafe or will reduce the level of safety of the undertaking governed by the Permit to below that which is intended by the Act and regulations, codes, standards or body of rules declared to be in force pursuant to the Act; or
 - (b) incorrect or insufficient information is submitted with respect to the permit or the undertaking to be governed by the permit; or
 - (c) in the opinion of the Town, the undertaking for which the permit would be or has been issued would or does contravene the Act or another enactment; or
 - (d) the Permit fee has not been paid; or
 - (e) there is a contravention of any condition under which the Permit was issued; or
 - (f) the Permit was issued on the basis of incorrect information supplied; or
 - (g) the Permit was issued in error.

SECTION 14. DEVIATION FROM PERMIT CONDITIONS

1. No person shall deviate or authorize a deviation from a Permit or terms or conditions of a Permit without first obtaining the written permission of the Town.

SECTION 15 PERMIT TRANSFER, TERMINATION

1. If a holder of a Permit relinquishes the holder's interest or participation in the undertaking governed by the Permit before the undertaking is completed, the Permit or any label or identification number issued as part of a Permit:
- (a) is terminated, and
 - (b) applies only to the part of the undertaking completed before the termination unless the Town authorizes the Permit or label or identification number to be transferred.
- (2) A Permit is not transferable to any other person unless the transfer is authorized in writing by the Town.

SECTION 16 OCCUPANCY PERMISSION

1. An 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.

SECTION 17 FEES

1. The fee for each permit shall be submitted at the time of application.
2. When applying for a Building Permit, substantiating evidence or a letter from the architect or engineer stating the total construction cost including mechanical, plumbing and electrical should accompany the application. In the absence of such evidence, the Safety Codes Officer may place a value on the cost of relocation, construction and additions.
3. If no work, including excavating, has been carried out prior to the issuance of a permit, the fee for a permit for relocation, construction, or alterations of any building shall be as specified in the attached Schedule B, forming part of this Bylaw, which may be amended by resolution of Council from time to time.
4. If the documents submitted with an application for a permit contain substantial errors or omissions and the documents have to be submitted again for further

examination, a fee equal to one-quarter of the amount required under this Section shall be charged for each and every re-examination.

5. If any work, including excavation, has been started before the issuance of a permit, the permit fee shall be doubled.

SECTION 18 REFUND OF PERMIT FEES

1. A person who has paid a permit fee pursuant to Section 17 may surrender the Permit to the Town of Canmore and make application in writing for a refund in accordance with the provisions of this section.
2. 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 of the Permit has been granted.
3. Pursuant to Subsection 17(1) and further subject to the provisions of Subsection 17(2), a Safety Codes Officer may authorize a refund of a permit fee less twenty-five percent (25%).
4. Notwithstanding anything elsewhere contained in this Section, no refund whatsoever shall be made in respect of any permit fee of less than one hundred dollars (\$100.00).

SECTION 18 OFFENSES AND PENALTIES

1. Any person who contravenes this bylaw is guilty of an offense under Section 67 of the Act.
2. A person who is guilty of an offense is liable to a penalty under Section 68 of the Act.

SECTION 19 APPEALS

1. Any person may appeal a decision of the Safety Codes Officer, pursuant to Section 51 of the Act and Section 1.2.8 of the Alberta Building Code (1997) as amended.
2. Appeals must be made to the Safety Codes Council.

SECTION 20 COMMENCEMENT AND REPEAL

1. This Bylaw comes into full force and effect on the date of the Third and Final Reading.
2. Bylaw No. 10-2006 of the Town of Canmore are hereby repealed upon this Bylaw coming into force.

FIRST READING: October 7, 2008

SECOND READING: November 4, 2008

THIRD READING: November 4, 2008

MAYOR

DESIGNATED OFFICER

SCHEDULE A

REVIEW OF COMPLIANCE DURING CONSTRUCTION

PART 9: Housing & Small Buildings

Type of Project	Major Occupancy	Items Requiring Assurance of Compliance
Single & Two Family Dwellings	C	<ul style="list-style-type: none"> ▪ Foundation before backfilling ▪ Framing / fireplace before covering with insulation and vapour barrier, HVAC rough-in, underground portion ▪ Insulation and vapour barrier before covering, HVAC rough-in, above ground portion ▪ Final before occupancy
Multi Family Residential (Townhouses, small Apartments)	C	<ul style="list-style-type: none"> ▪ Foundation before backfilling ▪ Framing / fireplace before covering with insulation and vapour barrier, HVAC rough-in, underground portion ▪ Insulation and vapour barrier before covering, HVAC rough-in, above ground portion ▪ Final before occupancy
Residential Improvements (Garages, Decks, Basement Renovations, Retaining Walls, Miscellaneous)	C	<ul style="list-style-type: none"> ▪ Before occupancy / use
Business & Personal Services Mercantile Medium & Low Hazard Industrial	D E F2, F3	<ul style="list-style-type: none"> ▪ Foundation before backfilling ▪ HVAC rough-in, underground portion ▪ Framing, structure before covering with insulation and vapour barrier ▪ Insulation and vapour barrier before covering, HVAC rough-in, above ground portion ▪ Final before occupancy
Interior Partitioning Business & Personal Services Mercantile Medium & Low Hazard Industrial	D E F2, F3	<ul style="list-style-type: none"> ▪ Partitioning ▪ Final before occupancy

SCHEDULE A

REVIEW OF COMPLIANCE DURING CONSTRUCTION

Part 3: Use & Occupancy

Type of Project	Major Occupancy	Items Requiring Assurance of Compliance
Non - Residential New Buildings Assembly Institutional Business Mercantile Industrial	A B D E F	<ul style="list-style-type: none"> ▪ Foundation before backfilling ▪ HVAC rough-in, underground portion ▪ Framing, structure before covering with insulation and vapour barrier ▪ Insulation and vapour barrier before covering, HVAC rough-in, above ground portion ▪ Partitioning ▪ Final before occupancy
Multi Family Residential New Buildings (High Rise Apartments)	C	<ul style="list-style-type: none"> ▪ Foundation before backfilling ▪ HVAC rough-in, underground portion ▪ Framing, structure before covering with insulation and vapour barrier ▪ Insulation and vapour barrier before covering, HVAC rough-in, above ground portion ▪ Partitioning ▪ Final before occupancy
Interior Partitioning Assembly Institutional High Hazard Industrial	A B F1	<ul style="list-style-type: none"> ▪ Partitioning ▪ Final before occupancy
Interior Partitioning Business & Personal Service Mercantile Medium & Low Hazard Industrial	D E F2, F3	<ul style="list-style-type: none"> ▪ Partitioning ▪ Final before occupancy

SCHEDULE B
BUILDING PERMIT FEE SCHEDULE
 (Subject to amendment by resolution of Council from time to time.)

Building Permit Fees and Requests	Application Fee
Safety Codes Council Fees	ALSC Fee 3.5% of permit fee, minimum fee \$4.00, maximum fee \$500.00
Residential	Basic Fee
	Building permit fee \$8.25 per \$1,000 of Cost of Construction
	Residential minimum fee \$50.00
Commercial/Industrial/ Institutional	\$8.25 per \$1,000 cost of work Minimum \$100.00
Fireplace Installation	\$8.25 per \$1,000 cost of work Minimum \$100.00
Accessory Building	\$8.25 per \$1,000 cost of work Minimum Fee \$50.00
Occupancy Permission	Flat Fee \$50.00
Demolition Permit	Flat Fee \$50.00
Miscellaneous (Deck, Basement Development etc.)	\$8.25 per \$1,000 cost of work Minimum Fee \$50.00
Accessory Suite Legalization - Post Construction (Garden, Garage, Basement)	\$500
Re-inspection Fee (Note: A re-inspection may be levied if deficiencies noted in the initial inspection and the 1 st . re-inspection have not been corrected.)	Initial inspection included in application fee 1 st . Re-inspection - No Charge 2 nd . Re-inspection - \$100.00

**SCHEDULE C
BUILDING PERMIT APPLICATION FORM**

<p>TOWN OF CANMORE Phone (403) 678-1543 Fax (403) 678-1534</p> <p>BUILDING PERMIT APPLICATION FOR NEW CONSTRUCTION</p> <p>FOIP Notification: The personal information you provide on this form is being collected under the authority of Section 1.2.1.4 of the <i>Alberta Building Code 1997</i> and Sections 33(b) and 33(c) of the <i>Freedom of Information and Protection of Privacy Act</i>. This information will be used to determine eligibility for a building permit, ensure compliance with the <i>Safety Codes Act</i> and the <i>Land Use Bylaw</i>, for purposes of tax assessment and provision of utility services and for the enforcement of the Business Registry Bylaw. Your personal information is protected by the privacy provisions of the <i>Freedom of Information and Protection of Privacy Act</i>. If you have any questions about the collection of this information please contact the FOIP Coordinator, 902 7th Avenue, Canmore, AB., T1W 3K1, (403)678-1500.</p>				<p>OFFICE USE ONLY</p> <p>BUILDING PERMIT NO.: _____</p> <p>ROLL NO.: _____</p> <p>PERMIT FEE: _____</p> <p>UTILITIES FEE: _____</p> <p>RECREATION CONTRIBUTION: _____</p> <p>ALSC FEE-3.5% OF PERMIT FEE/MAX \$500: _____</p> <p>CZ/BP CONFORMITY REVIEW FEE: \$ 75.00</p> <p>TOTAL:\$ _____</p>	
PERMIT TO <input type="checkbox"/>		Construct <input type="checkbox"/> Demolish <input type="checkbox"/>		DESCRIPTION OF WORK <input type="checkbox"/>	
Alter/Repair <input type="checkbox"/>		TYPE OF DEVELOPMENT <input type="checkbox"/>			
CIVIC ADDRESS <input type="checkbox"/>				Floor Joist Type <input type="checkbox"/>	
LEGAL DESCRIPTION <input type="checkbox"/>		Lot	Block	Plan	Foundation: <input type="checkbox"/>
					Concrete/PWF/Foam Block
Cost of Work \$		Evaluation for Permit \$		P.Eng. Trusses: <input type="checkbox"/>	
				Yes/No	
Existing use of Land/Building <input type="checkbox"/> New Water Service Required : YES <input type="checkbox"/> NO <input type="checkbox"/>				Roofing Material: <input type="checkbox"/>	
				Asphalt/Shakes/Clay/Metal/Concrete	
DEVELOPMENT PERMIT <input type="checkbox"/>		YES <input type="checkbox"/> NO <input type="checkbox"/>		DEVELOPMENT PERMIT NO:	
Registered Owner:		E-Mail		Primary Heating System	
Mailing Address:				Natural Gas Forced Air	
Phone Number :::: <input type="checkbox"/>		Fax Number ::: <input type="checkbox"/>		Fan Coil Forced Air <input type="checkbox"/>	
General Contractor:				Radiant Hydronic	
Mailing Address:				Other (Specify)	
Phone Number (work)::: <input type="checkbox"/>		Fax Number ::: <input type="checkbox"/>			
Designer:					

Mailing Address:			
Phone Number (work)::::□		Fax Number :::□	
I/We hereby make application for a Building Permit pursuant to the Building Permit Bylaw # 25-2008 of The Town of Canmore. I certify that I am the named Owner/or the Owner's Agent in this application:			
DATE:	PRINT NAME:	SIGNATURE:	OWNER'S NAME: OWNER'S SIGNATURE:
DATE:	SAFETY CODES OFFICER:		