

BYLAW 2022-31

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO
REGULATE BUILDING PERMITS ISSUED PURSUANT TO THE SAFETY CODES ACT**

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

TITLE

- 1 This bylaw shall be known as the "Building Permit Bylaw."

INTERPRETATION

- 2 In this bylaw

- a) *Act* means the *Safety Codes Act, R.S.A. 2000, c. S-1*, as amended or replaced from time to time, and regulations made pursuant to the *Act*;
- b) Applicant means
 - i) the owner of a building or property who applies for a Building Permit, or
 - ii) the authorized representative of the property owner who applies for a Building Permit in relation to the property;
- c) Building Permit means a permit in the building discipline issued pursuant to this bylaw;
- d) Building Permit Placard means an identification card issued to notify the owner and the public that a Building Permit has been approved and issued for a property;
- e) *Code* means the *National Building Code Alberta Edition*, as amended or replaced from time to time;
- f) Commencement of Construction means when stripping and grading, demolition, or assembly activity has begun on a property for the purpose of constructing a project;
- g) Development Permit means a document issued by the development authority pursuant to the Land Use Bylaw (as amended or replaced from time to time), which authorizes a development and includes the plans and conditions of approval; Development Permit means a document issued by the development authority pursuant to the Land Use Bylaw (as amended or replaced from time to time), which authorizes a development and includes the plans and conditions of approval;
- h) Development Officer means an official of the Town charged with the responsibility of processing and reviewing Building Permits, in addition to issuing Occupancy Certificates as it relates to the Building Permit process;
- i) *Energy Code* means the *National Energy Code of Canada for Buildings* as amended or replaced from time to time;

- j) Inspection means the review of completed construction by a Safety Codes Officer to determine compliance with the *Code* and the corresponding approved building plans;
- k) New Construction means a building, or a portion of a building, that is newly built, and which may include the repurposing of an existing foundation;
- l) Master Fee Schedule means the master fee schedule approved by Council, as amended or replaced from time to time;
- m) Occupancy Certificate means a certificate issued by the Development Officer which authorizes the applicant to occupy a building;
- n) Permit Issuer means the individual designated as a Safety Codes Officer pursuant to the Act who is employed by the Town and charged with the responsibility of reviewing and issuing Building Permits;
- o) Permit Services Report and PSR mean the documentation issued by the Safety Codes Officer, confirming the final Inspection has been passed and the building/space is safe to occupy in accordance with the requirements of the *Code* or for when a permit is closed;
- p) *Permit Regulation* means the *Permit Regulation 204/2007* as amended or replaced from time to time;
- q) Project means a proposed development that requires a Building Permit to be issued before construction can commence;
- r) Quality Management Plan and QMP mean the terms and conditions approved by the Safety Codes Council of Alberta, which specifies the operational requirements and service delivery standards necessary to maintain the Town's accreditation in the building discipline;
- s) Safety Codes Officer mean a person who has obtained the appropriate credentials and competencies and meets the requirements as a Safety Codes Officer with respect to all or part of the *Act*;
- t) Small-Scale Development means development consisting of one or a combination of the following: detached dwelling, duplex dwelling, accessory dwelling unit, accessory building, deck, or building addition;
- u) Total Construction Value means the total expense incurred to complete a specific Project for a site which includes costs of labor, material, equipment, and any professional services;
- v) Trade Permit means the documentation issued by a Safety Codes Officer, in accordance with the applicable code, authorizing the commencement of work in the electrical, gas, or plumbing disciplines.

SCOPE

- 3 The provisions of this bylaw shall apply to the issuing of Building Permits respecting the use, occupancy, relocation, construction, alteration, repair, or demolition of any building or structure regulated by the *Act*, or by regulations made pursuant to the *Act*, within the town.

POWERS AND DUTIES OF THE SAFETY CODES OFFICER

- 4 The Safety Codes Officer is hereby authorized to exercise their authority as provided in the Town's QMP and as provided for in the *Act*.
- 5 Development Officers are hereby authorized to
 - a) process and review Building Permits, and
 - b) issue Occupancy Certificates as it relates to the Building Permit process.

BUILDING PERMIT REQUIRED

- 6 Except as otherwise provided in this bylaw, no person shall demolish, relocate, construct, alter, repair, renovate, or allow a change of occupancy of any building unless a valid Building Permit has been issued in accordance with this bylaw.
- 7 Except as otherwise provided in this bylaw, no person shall
 - a) excavate land for the purpose of erecting or locating any building or structure that is regulated by the *Code*, or
 - b) commence any Project which is regulated by the *Act* and the *Code* and has not been issued a Building Permit in accordance with this bylaw.

BUILDING PERMIT NOT REQUIRED

- 8 A Building Permit is not required where, in the opinion of the Permit Issuer, the construction will not affect matters of health and safety, and
 - a) the estimated construction does not exceed \$5,000 in value, and
 - b) the construction of an accessory building or structure less than 10m² in area, located on a temporary foundation, and less than \$5,000.00 in total construction value.
- 9 If the Permit Issuer cannot readily issue a Building Permit for any reason and there is
 - a) imminent serious danger or imminent serious risk of damage to persons or property because of any thing, process, or activity to which this bylaw applies, or
 - b) a fire hazard or risk of an explosion,

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a person may, without a Building Permit, commence construction for which a Building Permit is required under this bylaw, but that person must apply for a Building Permit as soon as practically possible.

- 10 Where a Project is commenced without a Building Permit in accordance with section 8, the Applicant must apply for a Building Permit as soon as possible after starting the Project.

ENERGY CODE COMPLIANCE

- 11 All necessary reports and tests required to demonstrate compliance with the *Code* or the *Energy Code* shall be completed by a professional qualified to issue such reports and conduct such tests.

APPLICATION REQUIREMENTS

- 12 To obtain a Building Permit, an Applicant must submit an application in a form and manner that is consistent with the requirements of the Town and in alignment with the QMP.
- 13 A Building Permit application must be submitted using the applicable requirements checklist along with the required application form as made available on the Town's Website.
- 14 An Applicant must submit the PSRs for all Trade Permit(s) as they relate to the plumbing, electrical and gas disciplines for a Project prior to the occupancy of a building to which the *Code* applies, and such PSRs must be issued by a Safety Codes Officer.
- 15 Where an Applicant is seeking a Building Permit for a multi-building development which would not qualify as a Small-Scale Development, the Applicant must submit a separate Building Permit for each building.
- 16 At the Permit Issuer's discretion, where the timing for occupancy is anticipated to be the same, two (or more) Small Scale Development buildings/structures may appear on one application and be contained within one Building Permit.
- 17 Where only one building is granted occupancy by the Development Officer under section 16,
 - a) the initial Building Permit shall be closed for the building granted occupancy,
 - b) the Applicant must apply for a new Building Permit for the remaining building that has not been granted occupancy and pay all applicable fees as per the Master Fee Schedule.

PLANS AND SPECIFICATIONS

- 18 Unless otherwise directed by the Town in writing, all sets of plans and specifications for the proposed Project shall be submitted electronically with each application.
- 19 At the discretion of the Permit Issuer, the Applicant may be required to submit computations, test results and/or other evidence deemed necessary to show that the work will be completed in accordance with the *Act*, the *Code*, and the *Energy Code*.

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PARTIAL BUILDING PERMIT

20 A partial Building Permit may be issued at the discretion of the Permit Issuer, under a separate permit, for Projects which have been issued a Development Permit.

21 The Permit Issuer may issue a partial Building Permit for

- a) preparation and excavation of a site,
- b) footings and foundation,
- c) the main floor slab of a new building, or
- d) all the above,

in advance of issuing a Building Permit for the entire Project.

ISSUANCE OF A PERMIT

22 If the Permit Issuer is satisfied that

- a) the work described in the Building Permit submitted and the plans filed are in accordance with the provisions of the *Act*, the *Code*, and this bylaw,
- b) all applicable fees have been paid, and
- c) the Town's administrative departments who reviewed the Building Permit are satisfied that their respective requirements have been met,

a Building Permit may be issued to the applicant.

23 The Applicant shall post the Building Permit Placard at a conspicuous place on the site of the Project so that it is visible to the general public.

24 The issuance of a Building Permit based upon plans and specifications shall not prevent the Permit Issuer from thereafter requiring the correction of work being carried out when that work is performed contrary to any provision of the *Act*, the *Code*, this bylaw, or any other bylaw of the Town.

25 A Building Permit shall contain information in accordance with the requirements of the QMP.

TERMS AND CONDITIONS OF A PERMIT

26 The Permit Issuer may issue a Building Permit for a Project or part of a Project and may, without limiting the generality of the foregoing, impose terms and conditions on the Building Permit including, but not limited to:

- a) the requirement for an Occupancy Certificate to be issued by the Town to the applicant prior to the occupancy or use of a building,
 - b) setting the date by which the Project must be completed as one year from the date of issuance of the Building Permit where the Total Construction Value is documented to be less than \$50,000,
 - c) setting the date by which the Project must be completed as two years from the date of issuance of the Building Permit where the Total Construction Value is documented to be equal to or greater than \$50,000,
 - d) setting the date by which the Project must be completed and expires, for a period more than two years if, in the opinion of the Safety Codes Officer, the Project requires a longer construction time because of its size, complexity, or fire or natural disaster, all of which may slow the Project's progress,
 - e) authorizing the Town to exercise its freedom and authority to expire and terminate a Building Permit when the Project has not been finished by the established expiry date,
 - f) setting out the scope of the Project,
 - g) setting the qualifications of the person(s) responsible for the Project, and
 - h) requiring the Inspection and approval by the Permit Issuer before any part of the building or system is covered or concealed.
- 27 No person shall deviate or authorize a deviation from a Building Permit or terms or conditions of the permit without first obtaining the written permission of the Town.
- 28 In the absence of a term established under section 26, a Building Permit is deemed expired if:
- a) Commencement of Construction has not occurred within 90 days from the date the Building Permit was issued, or
 - b) the Project has been suspended or abandoned for a period of 120 days.
- 29 Despite section 28, when the term of a Building Permit has not yet expired the Town may, in writing and at the request of the applicant, extend the Building Permit for an additional 12 months and subject to the Applicant paying any additional fees set out in the Master Fee Schedule.
- 30 No more than one extension shall be granted for a Building Permit.
- 31 Where a Building Permit has been extended in accordance with section 29, the Building Permit is deemed expired if the Project is not completed by the granted extension date.

- 32 Once a Building Permit or Building Permit extension has expired, no further work shall be undertaken to complete the Project until the Applicant has been issued a new Building Permit and paid any applicable fees charged to the applicant in accordance with the Master Fee Schedule.

PERMIT REFUSAL AND CANCELLATION

- 33 The Town may refuse to issue or cancel a Building Permit if:
- a) in the case of an addition or alteration, the existing Project is unsafe or will reduce the level of safety of the Project governed by the Building Permit to below that which is required by the *Act*,
 - b) the Building Permit was issued based on incorrect information supplied by the applicant,
 - c) in the opinion of the Permit Issuer, the project for which the Building Permit would be or has been issued would or does contravene the *Act* or another enactment,
 - d) the Building Permit fees have not been paid,
 - e) There is a contravention of any condition under which the Building Permit was issued, or
 - f) the Building Permit was issued in error.

- 34 A PSR is issued when a permit is closed.

TRANSFER OF A PERMIT

- 35 If an Applicant abandons their interest or participation in a Project governed by a Building Permit before it is completed without providing written notice to the Town to transfer the Building Permit to another party, the Building Permit shall be cancelled.
- 36 An Applicant may transfer a Building Permit to another person only if the Applicant submits a written request to the Town and receives written approval from the Town.

OCCUPANCY CERTIFICATES

- 37 An Applicant shall obtain an Occupancy Certificate from a Development Officer prior to occupying a building after construction, relocation, alteration, partial demolition, or a change of the existing occupancy classification has occurred.
- 38 The issuance of a PSR from the Permit Issuer shall not be construed as permission to occupy a building.
- 39 A Development Officer shall issue an Occupancy Certificate when the following conditions are met:
- a) all occupancy requirements set by the Town have been satisfied, and
 - b) A copy of a PSR has been provided for each of the Trade Permits issued for the Project from all disciplines involved:

- i) building,
 - ii) electrical,
 - iii) plumbing, and
 - iv) gas.
- 40 The Development Officer may issue a partial Occupancy Certificate to the Applicant to allow for occupancy of the Project if, in the opinion of the Development Officer, the building or outstanding requirements do not contravene the provisions of the *Act*, the *Code*, or any other applicable act, regulation, or bylaw.

FEES

- 41 Fees are charged in accordance with the Master Fee Schedule.
- 42 The Applicant shall submit the fee for each Building Permit upon receiving a request for payment from the Town.
- 43 The Development Officer shall not circulate the Building Permit application and plans until all application fees have been paid in full.
- 44 If no work, including excavation, has been carried out prior to the issuance of a Building Permit, the fee for a Building Permit for relocation, construction, or alterations of any building shall be as specified in the Master Fee Schedule.
- 45 Except for construction pursuant to section 9, where construction has commenced (including excavation or demolition) prior to the issuance of a Building Permit, the fee shall be doubled.
- 46 If the documents submitted with an application for a Building Permit contain errors or omissions which warrant a resubmission and comprehensive review, additional fees may be charged.
- 47 When applying for a Building Permit, the Applicant shall include substantiating evidence or a letter from the Project Architect or Engineer stating the Total Construction Value to determine the appropriate application fees.
- 48 The Safety Codes Officer is hereby authorized to exercise their expertise and judgement to correct or adjust the provided Total Construction Value where they have determined it to have not been estimated appropriately.

REFUND OF PERMIT FEES

- 49 A person who has paid a fee in accordance with this bylaw may cancel a Building Permit and submit a written request for a refund in accordance with the provisions of sections 50 – 52.

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50 No refund shall be issued if:

- a) the Building Permit has been revoked or has expired,
- b) the use, occupancy, relocation, construction, alteration, repair, or demolition has commenced, or
- c) an extension to the Building Permit has been granted.

51 Despite sections 50 and 51, the Town may, in its sole discretion, authorize a refund of a fee less than 25% of the original fee charged.

52 Despite section 50, no refund shall be made in respect of any fee charged of less than \$100.00.

OFFENCES AND PENALTIES

53 A person who contravenes this bylaw, the *Permit Regulation* or the *Act* is guilty of an offence under the *Act* and subject to the penalties set out in the *Act*.

RECORDS MANAGEMENT

54 One copy of the final approved plans, specifications and computations shall be issued to the Applicant and one copy shall be retained by the Town in accordance with QMP.

ENACTMENT/TRANSITION

55 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.

56 Building Permit Bylaw 25-2008 is hereby repealed.

57 This bylaw comes into force on the date it is passed.

FIRST READING: December 6, 2022

SECOND READING: December 6, 2022

THIRD READING: December 6, 2022

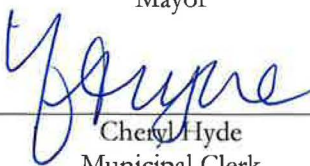
Approved on behalf of the Town of Canmore:



 Sean Krausert
 Mayor

December 6, 2022

 Date



 Cheryl Hyde
 Municipal Clerk

December 6, 2022

 Date

Bylaw approved by: CH SH