

**ADMINISTRATIVE REPORT: SCHEDULE A**

**Village of Wabamun Enforcement Related Bylaws for Repeal**

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**LIST OF BYLAWS AND RATIONALE FOR REPEAL****1. Village of Wabamun Bylaw No. 08-2020: Animal Control**

Parallel Parkland County Bylaws: Bylaw No. 2015-09: Animal Control Bylaw

Rationale for repeal: Enforcement Services intends to repeal Wabamun Animal Control Bylaw 08-2020. In the immediate term, we are seeking consistency between all areas within the County through the Parkland County Animal Control Bylaw 09-2015. Noting that the intent is to revise the Parkland County Animal Control Bylaw 09-2015, in the near future Enforcement Services will monitor any issues specific to Wabamun that arise until the revisions are brought forward for consideration.

Bylaw document: available at [Appendix A](#)

**2. Village of Wabamun Bylaw No. 08-2019: Cannabis Consumption Bylaw**

Parallel Parkland County Bylaws: Bylaw No. 2018-17: Consumption of Cannabis in Public Places Bylaw

Rationale for repeal: Parkland County's Consumption of Cannabis in Public Places Bylaw 2018-17 can be enforced within the Village of Wabamun, for consistency in enforcement throughout the County. There is no benefit to enforcing two separate bylaws with the same subject matter and intent.

Bylaw document: available at [Appendix B](#)

**3. Village of Wabamun Bylaw No. 01-2019: Traffic Bylaw**

Parallel Parkland County Bylaws: Bylaw 46-2002: Parkland County General Traffic Bylaw

Rationale for repeal: Parkland County's General Traffic Bylaw 46-2002 can be used throughout the Village of Wabamun for consistency in enforcement. There is no advantage to leaving Wabamun Bylaw No. 01-2019 Traffic Bylaw in place, as any changes or amendments to the Parkland County Bylaw can be made directly through Parkland County's Director of Road Maintenance & Drainage. If the Wabamun Bylaw were to be temporarily retained, any changes would have to be made through the Village of Wabamun Chief Administrative Officer.

Bylaw document: available at [Appendix C](#)

**4. Village of Wabamun Bylaw No. 12-2020: Temporary Mandatory Face Covering Bylaw**

Parallel Parkland County Bylaws: Bylaw No. 2020-14: Mandatory Face Covering Bylaw

Rationale for repeal: Parkland County's Mandatory Face Covering Bylaw 2020-14 sufficiently addresses the intent of managing the spread of the COVID-19 virus. There is no need for the

Village of Wabamun Bylaw No. 12-2020: Temporary Mandatory Face Covering Bylaw to be retained.

Bylaw document: available at [Appendix D](#)

**5. Village of Wabamun Bylaw No. 09-2020: Community Standards Bylaw**

Parallel Parkland County Bylaws: Bylaw No. 03-2012: Community Standards Bylaw

Rationale for repeal: Enforcement Services intends to repeal Wabamun Community Standards Bylaw 09-2020. In the immediate term, we are seeking consistency between all areas within the County through the Parkland County Community Standards Bylaw 03-2012. Noting that the intent is to revise the Parkland County Community Standards Bylaw 03-2012 in the near future, Enforcement Services will monitor any issues specific to Wabamun that arise until the revisions are brought forward for consideration.

Bylaw document: available at [Appendix E](#)

**6. Village of Wabamun Bylaw No. 10-2018: Bylaw Enforcement Officer Bylaw**

Parallel Parkland County Bylaws: N/A

Rationale for repeal: Wabamun Bylaw No. 10-2018: Bylaw Enforcement Officer Bylaw can be repealed as Parkland County incorporates the definition of an "Enforcement Officer" in each of its Bylaws. The act of enforcing all municipal Bylaws is permitted overall under the *Municipal Government Act*.

Bylaw document: available at [Appendix F](#)

**7. Village of Wabamun Bylaw No. 03-94: Special Constable Agreement**

Parallel Parkland County Bylaws: N/A

Rationale for repeal: Wabamun Bylaw No. 10-2018: Bylaw Enforcement Officer Bylaw can be repealed as Parkland County incorporates the definition of an "Enforcement Officer" in each of its Bylaws. The act of enforcing all municipal Bylaws is permitted overall under the *Municipal Government Act*.

Bylaw document: available at [Appendix G](#)

**APPENDIX A:  
WABAMUN BYLAW NO. 08-2020: ANIMAL CONTROL**



**BYLAW NO. 08-2020  
OF THE  
VILLAGE OF WABAMUN  
IN THE PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE VILLAGE OF WABAMUN, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING, REGULATION AND CONTROL OF DOMESTIC ANIMALS WITHIN THE VILLAGE OF WABAMUN.**

**Whereas**, pursuant to section 7(a) of the *Municipal Government Act*; being Chapter M-26, RSA 2000, a Council may pass Bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

**Whereas**, pursuant to section 7(h) of the *Municipal Government Act*, a Council may pass Bylaws for municipal purposes respecting domestic animals and activities in relation to them; and

**Whereas**, pursuant to section 7(i) of the *Municipal Government Act*, a Council may pass Bylaws for municipal purposes respecting the enforcement of Bylaws made under the *Municipal Government Act* or any other enactment including any or all of the matters listed therein; and

**Whereas**, pursuant to section 8 of the *Municipal Government Act*, a Council may in a Bylaw:

- (a) regulate or prohibit; and
- (b) provide for a system of licences and permits or approvals for any or all of the matters listed therein;

**Now Therefore**, the Council of the Village of Wabamun in the Province of Alberta, duly assembled enacts as follows:

This Bylaw may be cited as "The Animal Control Bylaw".

**PART I – PURPOSE, DEFINITIONS AND INTERPRETATION**

**PURPOSE**                    1.0    The purpose of this bylaw is to establish a system of licensing and control with respect to animals with the Village.

**DEFINITIONS**            2.0    In this Bylaw, unless the context otherwise requires:

“**CAO**” means the Chief Administrative Officer of the Village of Wabamun or his delegate;

“**Cat**” means any domesticated male or female member of the feline family;

**“Conviction”** shall also mean the voluntary payment of a penalty associated with a violation tag or violation ticket.

**“Dog”** means either a male or female species of the canine family;

**“License”** means a license that is valid for the lifetime of a dog or cat;

**“Licensee”** means a person named on a License;

**“Municipal Tag”** means a ticket alleging an offence issued pursuant to the authority of a bylaw of the Village;

**“Nuisance Dog”** means any dog that has been the subject of three or more convictions within the previous three years for any combination of the following offences under this bylaw:

- i. section 6;
- ii. section 7;
- iii. section 9.

**“Owner”** includes any person:

- i. named on a License; or
- ii. in actual or apparent possession or control of property where an animal apparently resides; or
- iii. harbouring or sheltering an animal.

**“Peace Officer”** has the same meaning as in the *Provincial Offences Procedure Act*;

**“Restricted Dog”** means any dog:

- i. that has chased, attacked or bitten any person or animal causing physical injury and resulting in a conviction under this bylaw;
- ii. that has chased, attacked or bitten any person or animal on more than one occasion, with or without causing physical injury, and resulting in separate convictions under this bylaw; or
- iii. that has been made the subject of an order under the *Dangerous Dogs Act*; or
- iv. has previously been determined to be a

restricted dog, vicious dog, or other similar designation by another jurisdiction.

“**Service Dog**” has the same meaning as in the *Service Dogs Act, S.A. 2007, c. S-7.5*.

“**Violation Ticket**” has the same meaning as in the *Provincial Offences Procedure Act*;

“**Village**” means the Municipal Corporation of the Village of Wabamun, in the Province of Alberta.

**RULES FOR INTERPRETATION**

3.0 The Marginal notes and headings in this bylaw are for reference purposes only.

**PART II – LICENSING OF DOGS**

**REQUIREMENT FOR LICENSE**

4.0 The person obtaining the license must be a least eighteen (18) years of age.

4.1 The Owner of a Dog shall obtain a License for the Dog.

4.2 The Owner of a Nuisance Dog shall obtain a License for the Nuisance Dog.

4.3 The Owner of a Restricted Dog shall obtain a License for the Restricted Dog.

4.4 This section does not apply to Dogs, Nuisance Dogs, and Restricted Dogs under the age of six (6) months.

4.5 This section does not apply to the owner of a Dog, trained and used as a Service Dog.

4.6 This section does not apply to Dogs accompanying a person temporarily in the Village on business or vacation for a period not exceeding fourteen (14) days.

**LICENSE FEES**

5.0 The License fee for a Dog is set out in Schedule “A”.

5.1 The License fee for a Dog that is either spayed or neutered is set out in Schedule “A”.

5.2 The License fee for a Nuisance Dog is set out in Schedule “A”.

5.3 The License fee for a Restricted Dog is set out in Schedule “A”.

**PART III – REGULATION OF DOGS**

**Regulations Applying to All Dogs**

**EXCESSIVE BARKING**

- 6.0 The Owner or any other person having care or control of a Dog, Nuisance Dog, or Restricted Dog shall ensure it does not bark in a manner that is reasonably likely to annoy or disturb the peace of others.
- 6.1 In determining whether barking is reasonably likely to annoy or disturb the peace of others consideration may be given, but is not limited, to the:
  - i. proximity of the property where the Dog, Nuisance Dog, or Restricted Dog resides;
  - ii. duration of the barking
  - iii. time of day and day of the week;
  - iv. nature and use of the surrounding area; and
  - v. any effect of the barking.

**DEFECATION**

- 7.0 The Owner or any other person having care or control of a Dog, Nuisance Dog, or Restricted Dog shall forthwith remove any defecation left by it on public property or private property other than that of the Owner,
- 7.1 The Owner or any other person having care or control of a Dog, Nuisance Dog, or Restricted Dog shall ensure that defecation apparently left by it on the property of the Owner does not accumulate to such an extent that it is reasonably likely to annoy or pose a health risk to others.

**DISPLAY OF LICENSE TAG**

- 8.0 The Owner or any other person having care or control of a Dog, Nuisance Dog, or Restricted Dog shall, at all times when it is off the property of the Owner, ensure it displays the License tag issued by the Village.

**Regulations Applying to Dogs and Nuisance Dogs**

**OFF PROPERTY OF OWNER**

- 9.0 The Owner or any other person having care or control of a Dog or Nuisance Dog shall, at all times when it is off the property of the Owner, have it:
  - i. under control; and
  - ii. held on a leash not exceeding two (2) metres in length.
- 9.1 Nothing in this section removes the obligation on a person to have a Dog or Nuisance Dog under control when it is off the property of the Owner.

- ATTACKS**
- 10.0 The Owner or any other person having care or control of a Dog or Nuisance Dog shall ensure it does not:
- i. damage property;
  - ii. chase, attack or bite any person or animal; or
  - iii. chase, attack or bite any person or animal so as to cause physical injury.
- 10.1 This section does not apply if the chase, attack, bite or damage is a direct result of the Dog or Nuisance Dog being provoked.

- LICENSE CONDITIONS**
- 11.0 Upon issuing a Nuisance Dog License or upon 15 days written notice to the Licensee, the CAO may impose any of the following conditions on a Nuisance Dog License:
- i. that the Owner keep the Nuisance Dog indoors or secured in a fully enclosed outdoor pen;
  - ii. that the Owner ensure the Nuisance Dog is muzzled while outdoors;
  - iii. that the Licensee or Owner undertake repairs to the property where the Nuisance Dog resides to ensure compliance with this bylaw;
  - iv. that the Licensee or Owner of the Nuisance Dog complete a behavioural modification course specified by the CAO; or
  - v. any other condition the CAO deems reasonable.
- 11.1 A Licensee may appeal the decision of the CAO to impose conditions on a Nuisance Dog License within 14 days to the Village of Wabamun Council.
- 11.2 An Owner or Licensee of a Nuisance Dog shall not contravene or allow contravention of the terms of a Nuisance Dog License.

**Regulations Applying to Restricted Dogs**

- INSURANCE**
- 12.0 The Owner of a Restricted Dog shall have liability insurance specifically covering any damages for personal injury caused by the Restricted Dog in the amount not less than One Million Dollars and shall provide proof of such insurance to the CAO annually while the Dog is under the care and control of the Owner.
- OFF PROPERTY OF OWNER**
- 13.0 The Owner of any other person having care or control of a Restricted Dog shall, at all times when it is off the property of the Owner, have it:

- i. under control;
- ii. muzzled; and
- iii. held on a leash not exceeding two (2) metres in length.

**ON PROPERTY OF OWNER** 14.0 The Owner of any other person having care or control of a Restricted Dog shall, at all times when it is on the property of the Owner, have it:

- i. indoors;
- ii. outdoors, secured in a fully enclosed pen; or
- iii. outdoors, muzzled and secured by a chain fixed to the property that prevents the Restricted Dog from coming closer than two (2) metres to the apparent boundary of the property.

**ATTACKS** 15.0 The Owner or any other person having care or control of Restricted Dog shall ensure it does not:

- i. damage property;
- ii. chase, attack or bite any person or animal; or
- iii. chase, attack or bite any person or animal so as to cause physical injury.

15.1 This section does not apply if the chase, attack, bite or damage is a direct result of the Restricted Dog being provoked.

**PART IV – LICENSING AND REGULATIONS OF CATS**

**REQUIREMENT FOR LICENSE** 16.0 The person obtaining the license must be a least eighteen (18) years of age.

16.1 The Owner of a Cat shall obtain a License for the Cat.

16.2 This section does not apply to Cats under the age of six (6) months.

16.3 This section does not apply to Cats accompanying a person temporarily in the Village on business or vacation for a period not exceeding fourteen (14) days.

**LICENSE FEES** 17.0 The License fee for a Cat is set out in Schedule “A”.

17.1 The License fee for a Cat that is either spayed or neutered is set out in Schedule “A”.

**DISPLAY OF LICENSE TAG** 18.0 The Owner or any other person having care or control of a Cat shall, at all times when it is off the property of the Owner, ensure

it displays the License tag issued by the Village.

- OFF PROPERTY OF OWNER** 19.0 The Owner or any other person having care or control of a Cat shall ensure the Cat does not enter onto private property other than that of the Owner.
- 19.1 This section does not apply if the person in charge of the private property consents to the Cat being there.

**PART V - OTHER REGULATIONS**

- LIMIT ON DOGS, NUISANCE DOGS, RESTRICTED DOGS AND CATS** 20.0 No person shall keep or have more than four (4) Cats and /or Dogs, including a total of not more than three (3) Dogs, unless a permit for a small animal breeding and/or boarding facility has been granted as included in the Village of Wabamun’s Land Use Bylaw.
- 20.1 Notwithstanding Section 20.0, no individual property shall keep or have more than four (4) Cats and/or Dogs, including a total of not more than three (3) Dogs, unless a permit for a small animal breeding and/or boarding facility has been granted by the Village of Wabamun.
- CHANGE OF INFORMATION** 21.0 A Licensee shall forthwith notify the CAO of any change with respect to any information provided as part of the License application pursuant to this bylaw.
- NOTIFICATION OF STRAY** 22.0 A person who takes control of any stray Dog, Nuisance Dog, Restricted Dog, or Cat shall forthwith notify the CAO and provide any required information.
- FALSE INFORMATION** 23.0 No person shall provide false or misleading information to any Peace Officer or CAO.
- INTERFERENCE** 24.0 No person shall interfere with a Peace Officer in the exercise of their powers and duties pursuant to the bylaw.

**PART VI- ENFORCEMENT**

- OFFENCE** 25.0 A person who contravenes this bylaw is guilty of an offence.
- CONTINUING OFFENCE** 26.0 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.
- FINES AND** 27.0 A person who is guilty of an offence is liable to a fine in an

<b>PENALTIES</b>		amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than six (6) months for non-payment of a fine.
	27.1	The fine amounts are established in Schedule “B” for use on Municipal Tags and Violation Tickets.
<b>MUNICIPAL TAG</b>	28.0	If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify the fine amount established by this bylaw for the offence.
<b>PAYMENT IN LIEU OF PROSECUTION</b>	29.0	A person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.
<b>VIOLATION TICKET</b>	30.0	If a Violation Ticket is issued in respect of an offence, the Violation Ticket may: <ul style="list-style-type: none"> <li>i. specify the fine amount established by this bylaw for the offence; or</li> <li>ii. require a person to appear in court without the alternative of making a voluntary payment.</li> </ul>
<b>VOLUNTARY PAYMENT</b>	31.0	A person who commits an offence may: <ul style="list-style-type: none"> <li>i. if a Violation Ticket is issued in respect of the offence; and</li> <li>ii. if the Violation Ticket specifies the fine amount established by this bylaw for the offence;</li> <li>iii. make a voluntary payment equal to the specified fine.</li> </ul>
<b>SEIZURE AND IMPOUNDING</b>	32.0	A Peace Officer may seize and impound: <ul style="list-style-type: none"> <li>i. any Dog or Nuisance Dog found in contravention of section 9.0</li> <li>ii. any Restricted Dog found in contravention of section 13; or</li> <li>iii. any Cat found in contravention of section 19.0.</li> </ul>
<b>SERIOUS INJURY</b>	33.0	A Peace Officer may seize and impound any Dog alleged to have seriously injured or killed a person or animal.
	33.1	Before seizing and impounding a Dog pursuant to this section the Peace Officer must consider whether the Dog was acting in self-defence or while in the course of attempting to prevent a

person from committing an unlawful act.

33.2 A Dog seized pursuant to this section may not be impounded for more than 21 days unless court proceedings for destruction or other order with respect to the Dog are commenced within that time.

**RELEASE**

34.0 Any Dog, Nuisance Dog, Restricted Dog, or Cat seized pursuant to this bylaw may be released to the Owner upon payment of any fees due with respect to shelter, care and treatment and any License fee, if not already paid.

**PART VII – GENERAL**

**OTHER FEES**

35.0 The following fees are hereby established:

- i. for shelter and care, the actual costs of shelter and care;
- ii. for any required veterinary treatment, including drugs and medicines, the actual costs of the treatment; and
- iii. for a replacement tag, the amount set out in Schedule “A”.

**CAO**

36.0 Without restricting any other power, duty or function granted by this bylaw, the CAO may:

- i. carry out whatever inspections are reasonably required to determine compliance with this bylaw;
- ii. delegate any powers, duties or functions under this bylaw to an employee of the Village or qualified contractor representative;
- iii. establish forms for the purposes of this bylaw.

**SEPARATE PROVISION**

37.0 It is the intention of the Village Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein, and it is further the intention of the Village Council that if any provision of the Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

**REPEALS**

38.0 Bylaws No. 07-2007 and 13-90, are hereby repealed.

**EFFECTIVE DATE**

39.0 This Bylaw shall come into effect when it has received third reading by Village Council.

**READ A FIRST TIME IN COUNCIL THIS 16<sup>th</sup> DAY OF JUNE, A.D. 2020.**

**READ A SECOND TIME IN COUNCIL THIS 21<sup>st</sup> DAY OF JULY, A.D. 2020.**

**READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 21<sup>st</sup> DAY OF JULY, A.D. 2020.**

\_\_\_\_\_  
Signed by the CEO this date

\_\_\_\_\_  
CHIEF ELECTED OFFICIAL

\_\_\_\_\_  
Signed by the CAO this date

\_\_\_\_\_  
CAO

**SCHEDULE "A"****DOG AND CAT LICENSE FEES**

1.	Dog License (Non-refundable or transferrable)	\$80.00
2.	Dog License (spayed or neutered) (Must provide a certificate from a vet) (Non-refundable or transferrable)	\$50.00
3.	Nuisance Dog License – must be renewed two (2) years after conviction	\$100.00
4.	Restricted Dog License – must be renewed annually	\$250.00
5.	Cat License (Non-refundable or transferrable)	\$80.00
6.	Cat License (spayed or neutered) (Must provide a certificate from a vet) (Non-refundable or transferrable)	\$50.00
7.	Replacement of Lost License	\$20.00

**SCHEDULE "B"**

Amount which will be accepted by the Village in lieu of prosecution.

**FINE AMOUNTS**

For any offence for which a fine is not established \$100.00

Section		1 <sup>ST</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> & Subsequent Offence
4.1; 8.0; 16.0	Dog or Cat License	75.00	150.00	300.00
4.2;	Nuisance Dog License	250.00		
4.3;	Restricted Dog License	500.00		
9.0;	Under Control	50.00	100.00	200.00
6.0;	Public Nuisance – Excessive Barking	75.00	150.00	200.00
7.1; 7.2;	Defecation	50.00	100.00	200.00
10.0 iii;	Dog or Nuisance Dog - Attacks	250.00		
12.0	Restricted Dog – Insurance	500.00		
13.0	Restricted Dog – Off Property of Owner	500.00		
15.0 i;	Restricted Dog – Attacks	500.00		
15.0 ii	Restricted Dog – Attacks	1000.00		
15.0 iii	Restricted Dog - Attacks	2500.00		

**APPENDIX B:  
WABAMUN BYLAW NO. 08-2019: CANNABIS CONSUMPTION BYLAW**



**BYLAW NO. 08-2019**

**THIS BEING A BYLAW OF THE VILLAGE OF WABAMUN, IN THE PROVINCE OF ALBERTA, TO REGULATE THE CONSUMPTION OF CANNABIS**

- WHEREAS,** the Government of Canada has passed the *Cannabis Act* (Bill C-45, and Act respecting cannabis and to amend the *Controlled Drugs and Substances Act*, the Criminal Code and other Acts, 1<sup>st</sup> Sess, 42<sup>nd</sup> Parl, 2017) which will permit persons to possess cannabis; and
- WHEREAS,** it is anticipated that the *Cannabis Act* will come into force in 2018; and
- WHEREAS,** the Province of Alberta has enacted an *Act to Control and Regulate Cannabis*, S.A. 2017, c. 21, which will place restrictions on the smoking or vaping of cannabis in public places; and
- WHEREAS,** pursuant to the provision of the *Municipal Government Act (MGA)*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, Council may pass a bylaw for municipal purposes respecting the safety, health and welfare of people and the protection of people and property, people activities and things in, on or near a public place or place that is open to the public; and
- WHEREAS,** Council deems it prudent to impose additional restrictions on the smoking, vaping and other forms of consumption of cannabis in public places to prevent behaviours and conduct that may have a negative impact on the enjoyment of public places;
- NOW THEREFORE,** the Council of the Village of Wabamun, in the Province of Alberta, duly assembled, enacts as follows:

**1. SHORT TITLE**

This Bylaw may be known as the "**Cannabis Consumption Bylaw**".

**2. DEFINITIONS**

In this Bylaw, unless the context otherwise requires:

- 2.1 **Cannabis** has the same meaning as defined in the *Cannabis Act*;
- 2.2 **Cannabis Act** means Bill C-45, and Act respecting cannabis and to amend the *Controlled Drugs and Substances Act*, the Criminal Code and other Acts;
- 2.3 **Chief Administrative Office (CAO)** means the person appointed to the position of Chief Administrative Officer for the Village of Wabamun by Council within the

meaning of the *MGA*;

- 2.4 **Council** means the municipal Council of the Village of Wabamun duly elected under the *Local Authorities Election Act*;
- 2.5 **Electronic Smoking Device** means an electronic device that can be used to deliver a vapour, emission or aerosol to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe;
- 2.6 **Peace Officer** means:
- a. A member of the Royal Canadian Mounted Police;
  - b. A community Peace Officer as appointed by the Solicitor General of Alberta; or
  - c. A Bylaw Enforcement Officer as appointed by the Village to enforce bylaws of the Village;
- 2.7 **Public Place** means any place to which the public has access as of right or by invitation, express or implied, including but not limited to: public roads, sidewalks, paths, parks, playgrounds, public spaces, sports and recreational facilities, public parking areas, public buildings and public facilities
- 2.8 **Smoke or Smoking** means:
- a. Inhaling or exhaling the smoke produced by burning cannabis; or
  - b. Holding or otherwise having control of any device or thing containing lit cannabis;
- 2.9 **Vape or Vaping** means:
- a. Inhaling or exhaling the vapour, emissions or aerosol produced by an electronic smoking device or similar device containing cannabis; or
  - b. Holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol from cannabis;
- 2.10 **Violation Tag** means a notice or tag in the form as approved by the CAO, issued by the Village, allowing a voluntary payment option of a fine established under this Bylaw;
- 2.11 **Violation Ticket** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedures Act*, Revised Statutes of Alberta 2000, Chapter P-34 and any amendments or regulations thereto.

### 3. PROHIBITION

- 3.1 No person shall smoke, vape, or consume cannabis in any public place.

### 4. EXEMPTION FOR MEDICAL CANNABIS

- 4.1 Notwithstanding Section 3.1, any person who is authorized to possess cannabis per a medical document issued pursuant to the *Access to Cannabis for Medical Purposes Regulations*, SOR/2015-210, and amendments thereto, is subject to all regulations contained in this bylaw and any Smoking Bylaws approved by the Village of Wabamun

- 4.2 Any person exempt pursuant to Section 4.1 must, on demand of a Peace Officer, produce a copy of such person's medical document.

#### **5. EXEMPTION FOR SPECIAL EVENTS**

- 5.1 Notwithstanding Section 3.1, a person may smoke, vape or consume cannabis at an event for which a permit has been granted by the CAO.
- 5.2 The CAO may impose conditions on any permit granted pursuant to Section 5.1.
- 5.3 The CAO may suspend or revoke any permit issued pursuant to Section 5.1 if the CAO determines that a permit holder or any person at an event for which a permit has been issued has contravened any federal or provincial legislation or any other municipal bylaw.
- 5.4 The holder of a permit issued pursuant to Section 5.1 must ensure that:
- The smoking, vaping or consumption of cannabis is only permitted in a designated area, separate and fenced off from the remainder of the event;
  - Alcohol and tobacco are not consumed in the area designated for the smoking, vaping or consumption of cannabis;
  - The sale of cannabis is not permitted in the area designated for smoking, vaping or consumption of cannabis; and
  - Any advertising or other materials relating to the promotion of cannabis cannot be seen by person under the age of 18.

#### **6. PENALTIES AND ENFORCEMENT**

- 6.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than Ten Thousand (\$10,000.00) Dollars.
- 6.2 Any person who contravenes any provision of this Bylaw is guilty of an offence shall be liable to payment of a penalty as prescribed in Schedule A attached
- 6.3 In the case of an offense that is of a continuing nature, a contravention constitutes a separate offense in respect of each day or part of a day on which it continues.
- 6.4 The levying and payment of any fine provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which that person is liable under the provisions of this Bylaw or any other Bylaw.
- 6.5 Any Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw may issue and serve:
- A violation tag allowing a payment of the specified penalty to the Village; or
  - A violation ticket allowing payment according to the provisions of the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000, Chapter P-34 and amendments thereto.
- 6.6 Service of a violation tag will be sufficient if it is:
- Personally served; or

b. Served by regular mail to the person's last known mailing address.

6.7 If a violation ticket is issued in respect to an offence, the violation ticket may:

- a. Specify the fine amount established by this Bylaw for the offence; or
- b. Require a person to appear in Court without the alternative of making a voluntary payment.

6.8 A person who commits an offence may:

- a. If a violation ticket is issued in respect of the offence; and
- b. If the violation ticket specified the fine amount established by this Bylaw for the offence;

make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Courthouse specified on the violation ticket.

## 7. GENERAL

7.1 Any person who contravenes any provision of this Bylaw by:

- a. Doing any act or thing which the person is prohibited from doing; or
- b. Failing to do any act or thing the person is required to do;

Is guilty of an offence and any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.

7.2 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other Bylaw, or any requirement of any lawful permit, order or license.

7.3 Words in the singular include the plural and words in the plural include the singular.

7.4 This Bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.

7.5 Schedule "A" shall form a part of this Bylaw and may, from time to time, be amended by Council.

7.6 No provision of this Bylaw or any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude the Village from pursuing any other remedy in relation to a premise as provide by the *Municipal Government Act*, or any other law of the Province of Alberta.

## 8. SEVERABILITY

8.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent to all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

**9. GENERAL**

- 9.1 With passage of this bylaw Cannabis Consumption Bylaw 09-2018 is hereby repealed.
- 9.2 This Bylaw shall come into force and effect on the day of the third and final reading.

READ A FIRST TIME IN COUNCIL THIS 19<sup>TH</sup> DAY OF MARCH, 2019

READ A SECOND TIME IN COUNCIL THIS 19<sup>TH</sup> DAY OF MARCH, 2019

READ A THIRD TIME IN COUNCIL AND PASSED THIS 19<sup>TH</sup> DAY OF MARCH, 2019

Signed by the CEO this date	CHIEF ELECTED OFFICIAL
Signed by the CAO this date	CHIEF ADMINISTRATIVE OFFICER

Z:\Council\BYLAWS\2019\08-2019 Cannabis Consumption Bylaw approved March 19, 2019.docx

**Schedule A**

**CANNABIS CONSUMPTION BYLAW 09-2018 - ENFORCEMENT PENALTIES**

SECTION	OFFENCE	FIRST OFFENCE	SUBSEQUENT OFFENCES
3.1	Consumption of cannabis in a public place	\$250	\$500

**APPENDIX C:  
WABAMUN BYLAW NO. 01-2019: TRAFFIC BYLAW**



**BYLAW 01-2019 - The Traffic Bylaw**

**OF THE  
VILLAGE OF WABAMUN**

**IN THE PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE VILLAGE OF WABAMUN IN THE PROVINCE OF ALBERTA TO REGULATE PEDESTRIAN AND VEHICULAR TRAFFIC WITHIN THE CORPORATE BOUNDARIES OF THE VILLAGE OF WABAMUN**

**WHEREAS** The Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended from time to time, AND the *Traffic Safety Act*, Revised Statutes of Alberta 2000, Chapter T-6, as amended from time to time, empower Municipal Councils to enact Bylaws which are not inconsistent with those ACTS, and

**WHEREAS** the Municipal Council of the Village of Wabamun deems it appropriate and expedient to consolidate Municipal Bylaws of the Village of Wabamun regulating Pedestrian and Vehicular Traffic into one document

**NOW, THEREFORE**, the Municipal Council of the Village of Wabamun hereby enacts a Bylaw to regulate Pedestrian and Vehicular Traffic in the Village of Wabamun as follows:

**TITLE:** This Bylaw may be cited and known as “The Traffic Bylaw”.

**SECTION ONE – INTERPRETATIONS**

Except wherein this Bylaw, or in a context otherwise required in this Bylaw, terms defined shall have the meaning as setout and/or as contained in the legislation referenced (as enacted by Province of Alberta and amended from time to time):

- |                              |   |
|------------------------------|---|
| 1. Alley                     | as defined in the <i>Traffic Safety Act</i> ;   |
| 2. Approved Helmet           | a safety helmet that is approved under the current <i>Vehicle Equipment Regulation</i> ;  |
| 3. Boulevard                 | as defined in the <i>Traffic Safety Act</i> ;   |
| 4. Bylaw                     | a Village Bylaw, including any amendments thereto;  |
| 5. Bylaw Enforcement Officer | a Community Peace Officer, Sheriff, Public Officer, RCMP Member or a Village Employee or contractor delegated with the authority to enforce Bylaws of this Village; |
| 6. Carrier                   | any Vehicle that is transporting any amount of Dangerous Goods into, through or out of the Village;   |
| 7. Centre Line               | as defined in the <i>Traffic Safety Act</i> ;   |
| 8. Commercial Vehicle        | as defined in the <i>Traffic Safety Act</i> ;   |
| 9. Community Peace Officer   | as defined in the <i>Traffic Safety Act</i> ;   |
| 10. Council                  | the Council of the Village of Wabamun;  |
| 11. Crossing                 | a Curb, Sidewalk or Boulevard crossing constructed for the purpose of Vehicle access;   |
| 12. Crosswalk                | as defined in the current <i>Traffic Safety Act</i> ;   |
| 13. Curb                     | the actual Curb if there is one or the division point between that portion of the Highway intended for the use of Vehicles and that portion occupied by a Sidewalk; |
| 14. Cycle                    | as defined in the <i>Traffic Safety Act</i> ;   |
| 15. Dangerous Goods          | as defined in the current <i>Dangerous Goods Transportation and Handling Act</i> ;  |
| 16. Driver                   | as defined in the <i>Traffic Safety Act</i> ;   |
| 17. Emergency Access         | a route or lane so designated to provide Emergency Vehicles with unencumbered access to adjacent or nearby areas;   |
| 18. Emergency Vehicle        | as defined in the <i>Traffic Safety Act</i> ;   |

19. Funeral Procession	a group of Vehicles, the occupants of which are gathered to attend funeral services, that is likely to block, obstruct, impede, hinder or otherwise interfere with Pedestrian or vehicular traffic on the Highway;
20. Highway	as defined in the <i>Traffic Safety Act</i> ;
21. Heavy Vehicle	a vehicle (with or without a load) weighing 4537 kgs or more or exceeding 11 meters in length, or a vehicle with a trailer (with or without a load) weighing 4537 kgs or more or exceeding 11 meters in total length, or a bus with a designated seating capacity of more than ten (10). Heavy vehicles do not include recreational vehicles;
22. Implements of Husbandry	a vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations;
23. Inoperable Vehicle	a Vehicle that, in the opinion of a Bylaw Enforcement Officer, is incapable of moving without repair;
24. Intersection	the area embraced within the prolongation or connection of the lateral Curb lines, if there are not any lateral Curb lines, the exterior edges of the roadways, or if 2 or more Highways, which join one another at an angle whether or not, one Highway crosses the other;
25. Land Use Bylaw	the <i>Village of Wabamun Land Use Bylaw, as amended from time to time</i> ;
26. Loading Zone	a portion of a Highway adjacent to the Curb designated for the exclusive use of Vehicles loading or unloading passengers or materials;
27. Mobile Home	a structure, whether ordinarily equipped with wheels or not, that is constructed or manufactured to be moved from one point to another, and is intended to be occupied by one or more Persons, but does not include a holiday Trailer or a Recreational Vehicle when the holiday Trailer or Recreational Vehicle is being used for bona fide recreational purposes;
28. Mobility Aid	as defined in the <i>Traffic Safety Act</i> ;
29. Motor Vehicle	as defined in the <i>Traffic Safety Act</i> ;
30. Municipality	the Village of Wabamun;
31. Obstruction	an encroachment, excavation, structure or other obstacle, including a tree, shrub or hedge, that interferes with or prevents the vision, passage, maintenance or use of Public Places by Vehicles or Pedestrians;
32. Off-Highway Vehicle	as defined in the <i>Traffic Safety Act</i> ;
33. Operator	a Person who drives a Vehicle or operates equipment as the Owner thereof, or as an agent, employee or servant of the Owner;
34. Operator License	as defined in the <i>Traffic Safety Act</i> ;
35. Owner	as defined in the <i>Traffic Safety Act</i> ;
36. Park	as defined in the <i>Traffic Safety Act</i> ;
37. Parking Stall	a portion of the street or designated area indicated by marking space or lines or signs;
38. Parkland	recreational areas owned or controlled by the village, whether improved or in a natural state and shall include beautification areas and other areas maintained by the village;
39. Pedestrian	as defined in the <i>Traffic Safety Act</i> ;
40. Permit	as defined in the <i>Traffic Safety Act</i> ;
41. Permitted area	any area outside of village limits where an off highway vehicle may be legally operated;
42. Playground Zone	that portion of a Highway identified as a playground zone by a traffic control device or sign;
43. Recreational Vehicle	a boat or a vehicle that provides temporary

- |   |   |
|---|---|
| <p>44. Roadway</p> <p>45. Road Maintenance</p> <p>46. School Zone</p> <p>47. Self-propelled</p> <p>48. Trailer</p> <p>49. Traffic Control Device</p> <p>50. Vehicle</p> <p>51. Violation Ticket</p> | <p>accommodation for recreation or travel purposes and includes, but is not limited to, campers, tent trailers, travel trailers, fifth wheel trailers and motor homes;</p> <p>as defined in the <i>Traffic Safety Act</i>;</p> <p>shall include, but not be limited to, repairs to the road, curb, sidewalk or infrastructure and shall include snow removal and street cleaning</p> <p>that portion of a Highway identified as a school zone by a traffic control device or sign;</p> <p>containing a motor and own means of propulsion, not requiring a vehicle to pull it to be mobile, ie motorhomes, camper vans;</p> <p>as defined in the <i>Traffic Safety Act</i>,</p> <p>as defined in the <i>Traffic Safety Act</i>;</p> <p>as defined in the <i>Traffic Safety Act</i>;</p> <p>a violation ticket issued in accordance with the current <i>Provincial Offences Procedure Act and as sited for offences of contravening this Bylaw</i>;</p> |
|---|---|

**SECTION TWO – AUTHORITIES**

**AUTHORITY OF COUNCIL**

- 201 Notwithstanding any other provisions of this Bylaw, Council may by resolution prescribe where traffic signs for controlling and regulating traffic in public places are to be located.
- 202 Notwithstanding any other provisions of this Bylaw, Council may by resolution prescribe a Highway as one to be divided into traffic lanes.

**AUTHORITY OF VILLAGE ADMINISTRATOR**

**General**

- 203 The Village Administrator is hereby delegated the authority to manage the operations of pedestrian and vehicular traffic within the Village of Wabamun not inconsistent with this Bylaw, the *Traffic Safety Act* and other applicable government legislation and designate any duties or responsibilities therein as and when required including the enforcement of this Bylaw.

**Crosswalks**

- 204 The Village Administrator is hereby authorized to designate Crosswalks upon any Roadway and cause to mark the same.

**Turns**

- 205 The Village Administrator is hereby authorized to designate a Highway intersection or other place on a Highway as a place at which no left-hand turn or no right-hand turn or both shall be made, and shall cause the place to be signed, barricaded or otherwise restricted.
- 206 The Village Administrator is hereby authorized to designate any intersection or place on a Highway, including a place where a railway right-of-way crosses a Highway, as a place where U-turns are prohibited and shall cause such intersections or places to be marked. U turns shall otherwise be regulated by the *Traffic Safety Act - Use of Highway and Rules of the Road Regulation*.
- 207 The Village Administrator is hereby authorized to designate any Highway as one, which is closed in whole or in part to traffic, and shall cause such Highway to be marked.

**Parking**

- 208 The Village Administrator is hereby authorized to designate distances from any intersection with which no parking is permitted and may cause Traffic Control Devices to be erected or

the painting of a curb yellow to indicate "No Parking". This provision shall not apply to Vehicles stopped in compliance with any provision of this Bylaw.

- 209 The Village Administrator is hereby authorized to designate portions of a Highway where parking is limited to a period of time and shall cause Traffic Control Devices to be erected indicating such parking limitations.
- 210 The Village Administrator is hereby authorized to designate parking stalls or sites on any Highway and to cause the same to be marked.
- 211 The Village Administrator is hereby authorized to designate any day or days, or parts thereof, in which parking meters will be inoperative.

#### **Traffic Control Devices**

- 212 The Village Administrator is hereby delegated the authority to authorize the placing, marking, or erecting of Traffic Control Devices at any location considered necessary for controlling Highways subject to its direct, control and management in accordance to *Section 110 of the Traffic Safety Act*.

#### **Private Driveway Prohibition Signs**

- 213 The Village Administrator is hereby authorized to prohibit or restrict the movement of Vehicles from a private driveway by Traffic Control Devices where such prohibition or restriction is deemed advisable in the public interest and for better regulation of traffic.
- 214 The Village Administrator is hereby authorized to temporarily close any existing median or divider opening on any Municipal Highway.

#### **Snow Clearing – Street Cleaning – Road Maintenance**

- 215 The Village Administrator is hereby authorized to cause Traffic Control Devices to be placed regulating parking on Highways, public parking areas or Alleys within the Village limits as follows:
- a) No parking between (specified time) and (specified time), OR
  - b) "No Parking - Emergency" or "No Parking - Snow Removal" or "No Parking - Street Cleaning" or "No Parking - Road Maintenance" or No Parking for a specified time
  - c) "No Parking - Snow Removal" or "No Parking - Street Cleaning" or "No Parking - Road Maintenance" signs must be placed a minimum of 24 hours prior to Snow Removal, Street Cleaning or Road Maintenance.

Any vehicle that is on a roadway when this Section is put into effect shall be removed promptly by the owner or operator of the vehicle. The Village Administrator is hereby authorized to move or impound vehicles from Highways, public parking areas and Alleys at the owner's expense when any vehicle is found parked in contravention of this Section or after signage placed indicating "No Parking - Snow Removal" or "No Parking - Street Cleaning" or "No Parking - Road Maintenance" has been in place for more than 24 hours. The Village Administrator is hereby authorized to move vehicles from Highways, public parking areas and Alleys at the Village's expense in the case of an emergency if required.

#### **School Zones/Playground Zones**

- 217 The Village Administrator is hereby authorized to designate "School Zones" and "Playground Zones" by marking such zones with Traffic Control Devices. These zones shall be mapped out in Schedule A of this Bylaw which is attached and hereby incorporated into and made a part of this Bylaw.

#### **Overarching Authority**

- 218 Notwithstanding anything in this Bylaw, no person shall
- a) act in contravention of the directions of a Bylaw Enforcement Officer while acting in the course of his or her employment duties;

- b) obstruct the Bylaw Enforcement Officer while carrying out their duties in relation to investigating or enforcing any Municipal Bylaw and/or other government legislation.

### **SECTION THREE – SPEED**

- 301 In accordance with the *Traffic Safety Act*, and amendments thereto, which provide that a municipal government may, by Bylaw, establish speed limits on Highways, Roadways, school zones and playgrounds; thereby,  
Unless otherwise posted by an approved Traffic Control Device, no person shall drive a vehicle at a speed in excess of 40 kilometers per hour on any Highway within the Village with the exception of the following:
- a) Playground and school zones shall be restricted to 30 kilometers per hour at all times.

### **SECTION FOUR – PARKING**

- 401 All vehicles parking in the Village shall be in accordance to the Traffic Control Devices posted and/or as indicated at the parking stall.
- 402 Unless required or permitted by a Traffic Control Device, this Bylaw, the *Traffic Safety Act*, in compliance with the direction of a Bylaw Enforcement Officer or to avoid conflict with other traffic, a driver shall not stop, park, or leave a Vehicle:
- a) on a sidewalk or boulevard;
  - b) in any area marked with a yellow curb
  - c) on a Crosswalk or any part of a Crosswalk;
  - d) between signs (specified time) and (specified time) or between "no parking" signs marked with arrows indicating no parking between signs,
  - e) within 5 (five) meters of the approach to any "STOP" sign or "YIELD" sign or as marked by a yellow curb;
  - f) within 5 (five) meters of any fire hydrant, or when the hydrant is not located at the curb, within 5 (five) meters of the point on the curb nearest the hydrant;
  - g) within 1.5 meters from an access to a garage, private road or driveway or a vehicle crossway over a sidewalk;
  - h) within 5 (five) meters from the nearest side of a marked Crosswalk;
  - i) alongside or opposite any Highway excavation or obstruction when stopping or parking would obstruct traffic;
  - j) on any bridge or on the approaches to a bridge;
  - k) on any portion of a Roadway marked as an Emergency Access Route or fire lane;
  - l) on the Roadway side of a Vehicle parked or stopped at the Curb or edge of the Roadway;
  - m) such that the Vehicle impedes or obstructs the orderly flow of Vehicle or Pedestrian traffic;
  - n) at any place for a time longer than that stated on Traffic Control Devices providing for parking for a specified time;
  - o) on wrong side of a Roadway against the flow of traffic;
  - p) in a Roadway maintenance or construction area unless the Vehicle is employed in the maintenance or construction work;
  - q) where any Vehicle may interfere with the use of a doorway intended as a fire or emergency exit from any building abutting the Highway;
  - r) such that the Vehicle obstructs access to the entrance way of a fire hall or other emergency service station;
  - s) upon Parkland, or land designated by a public authority other than the Village, as park or reserve land;
  - t) on private land which has been clearly marked by a Traffic Control Device directed by the owner, tenant, or their agent, unless such person is in charge of the private land;

- u) in any place where a Traffic Control Device indicates that parking or stopping is prohibited or restricted during the period in which the vehicle is parked or stopped.
  - v) where a sign, blue curb painting or pavement painting indicates that it is for the exclusive use of persons with disabilities who display on their vehicles a handicap placard or license plate that is issued or recognized by Province of Alberta.
  - w) in such manner as to obstruct the access to or exit from any hall, arena or other building being used for public gatherings;
  - x) in such manner as to interfere with the proper operation of any Vehicle used by the Fire Department or other department of the Village;
  - y) on any land owned by the Village unless designated as a Parking stall or with Traffic Control Device
  - z) on any land owned by the Village and designated as reserved parking for Village vehicles
  - aa) unattended on a roadway if the vehicle has been placed on a jack or a similar device and:
    - (a) one or more wheels have been removed from the vehicle or part of the vehicle is raised.
    - bb) with no license plates or with expired license plates parked on a highway, roadway or alley within the Village
    - cc) parked in a laneway or alley
    - dd) which is inoperable parked on a highway, street, roadway, alley or laneway
    - ee) abandoned on a public or private property without the express or implied consent of the owner or person in lawful possession or control of the property. A vehicle left standing for more than 72 consecutive hours shall be deemed to have been abandoned at that location. Where the abandonment or obstruction is unavoidable due to mechanical failure the operator will not be in breach of this section provided they promptly takes measure to remove the faulty vehicle
- 403 A Bylaw Enforcement Officer may cause any vehicle parked contrary to Section 4 of this bylaw to be removed and to be impounded at the owner's expense in a compound maintained by the Village, an agent of the Village for this purpose or at a commercial towing and storage lot. The owner of said vehicle shall be required to pay, in addition to the fine, all towing and storage fees before his vehicle is recovered.
- 404 No person shall place or leave on, cross, or above any part of a Highway, sidewalk, boulevard, or any other Village property, a cord or cable that may transmit electrical energy from a private property to any part of aforementioned property where a vehicle may park.
- 405 No person shall drive, park, or stop any vehicle upon any Highway in such a manner as to block, obstruct, impede or hinder traffic thereon. Where the obstruction is unavoidable due to mechanical failure of the vehicle, the operator will not be in breach of this section provided the operator promptly takes measures to clear the vehicle from the Highway.
- 406 Where a vehicle parking space is marked or designated upon a Highway, every driver of a vehicle using the same shall park such vehicle wholly within the limits of the space.
- 407 No person shall park in any truck loading or unloading space properly marked by a Traffic Control Device indicating the restrictions which apply thereto except a commercial vehicle lawfully engaged in loading or unloading merchandise.
- 408 That the vehicle concerned in such loading or unloading passengers or goods does not so obstruct the lane or highway as to prevent other vehicles or persons from passing along such lanes while the loading or unloading of passengers is taking place.
- 409 No person shall park any Trailer or Recreational Vehicle upon any highway unless the said Trailer or Recreational Vehicle is self-propelled or attached to a vehicle by which it may be propelled or drawn.
- 410 Self-propelled recreational vehicles and trailers or recreational vehicles which are attached to a vehicle by which it may be propelled or drawn may be parked on village highways from May 1 through September 30 for no more than 96 continuous hours. Between October 1 to April 30<sup>th</sup> they must be removed from all highways within the village. For the purpose of this

bylaw, a trailer or recreation vehicle shall be deemed to be continuously parked in a location unless it has been moved at least one block from that location or off the highway for a minimum of seven days.

- 411 No person shall occupy any recreational vehicle or trailer as a dwelling or sleeping place at any time while it is parked on a highway, alley or in a public parking area unless that area is designated for such use.
- 412 at no time shall a trailer or recreational vehicle be parked on a highway within the village with slides out or steps out as to impede use of the sidewalk or highway.

#### **Temporary No Parking Notification**

- 413 Notwithstanding any other provisions in this Bylaw the designated employee may cause movable signs to be placed on or near a roadway to notify the public of road repair, emergency utility repair or maintenance, pending snow removal, pending street cleaning, or other emergent public works matters.
- 414 No person shall park a vehicle, or permit a vehicle to be parked on a Highway that has been declared banned from parking by the Village Administrator or their designate and is in effect until portable notification signs are removed.
- 415 All vehicles disregarding this notification and violating the ban in effect by parking where prohibited may be subject to immediate removal of the vehicle at the expense of the registered owner of said vehicle.

#### **SECTION FIVE – PARADES AND PROCESSIONS**

- 501 Any person, community group or organization desiring to hold a parade or procession within the Village of Wabamun shall complete and submit an application for approval to the office at least forty eight (48) hours prior to the time of the event for approval
- 502 The Village of Wabamun approves the following: in accordance to Section 113.2.b of the *Traffic Safety Act*, and amendments thereto, provide a Municipal Council the authority to pass a Bylaw to permit a vehicle, in a funeral procession, during daylight hours, other than the lead car, to enter an intersection without stopping if its headlights are on and if the vehicle is immediately behind the vehicle in front of it to form a continuous line and the passage into the intersection can be made in safety. Other vehicle operators shall make every effort to not interfere or interrupt a funeral procession.

#### **SECTION SIX – PEDESTRIAN TRAFFIC**

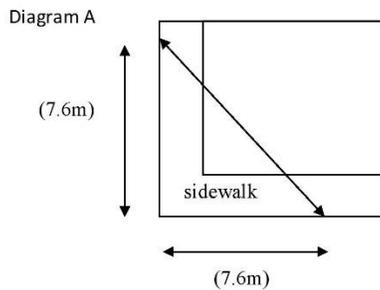
- 601 Sidewalks and boulevards shall be limited to pedestrian traffic only with the exception of
- I. Young children's tricycles or bicycles with a wheel diameter of less than sixteen (16) inches
  - II. Mobility aids including scooters, wheel chairs and walkers used by persons with a disability or reduced mobility
  - III. Temporary approval of permit application from the Village for an event or occasion
- 602 Any event or activity requiring the use of a Highway for the purpose of a race, relay, horse traffic or other similar activity necessitating pedestrians to utilize a Highway for foot traffic requires the approval from the Village at least seven (7) days prior to the scheduled day of the event.
- 603 No pedestrian is permitted to obstruct, impede, impose, annoy, inconvenience or hinder the flow of traffic by hitchhiking, erecting signage, throwing objects or missiles at traffic, pushing another pedestrian on to the Highway, assembling on the Highway, walking on Highway, selling goods from a vehicle parked on the Highway, and other similar prohibited activity without an approved permit from the Village.
- 604 Pedestrians shall cross the Highway where designated and obey the traffic rules.
- 605 The assembly of pedestrians for the purpose of watching a parade, procession, street event, or other similar permitted activity authorized by the Village Administrator or Village Council shall not be considered as a contravention of this Bylaw.

**SECTION SEVEN – RULES FOR OPERATION OF VEHICLE**

701 All operations of a vehicle shall be in compliance with the Alberta *Traffic Safety Act* and all other applicable government legislation and regulations.

**SECTION EIGHT – GENERAL PROVISIONS**

801 That nothing shall be erected, placed, planted, or allowed to grow in a manner which may restrict traffic visibility at highway intersections. This restriction applies to any development or vegetation which would materially impede vision in excess of a height of 80 cm (0.8 m) above the sidewalks of the intersecting streets in the area. This restriction includes anything within a triangle drawn 25' (7.6 meters) back of the outside of the curb as shown in diagram 'A' below. Within this restricted area tree branches between 80 cm (0.8 m) and 220 cm (2.2 m) from ground level must be removed to allow visibility



- 802 All residents within the Village shall remove and clear away within 48 hours of accumulations exceeding 4 cm, all snow, ice, dirt or debris, and other obstructions from the sidewalk and gutter adjoining the premises owned or occupied by them
- 803 All persons owning or occupying premises in areas of the business district within the Village shall remove and clear away within 48 hours of accumulations exceeding 4 cm, all snow, ice, dirt or debris, and other obstructions from the sidewalk and gutter adjoining the premises owned or occupied by them.
- 804 Sweeping, shoveling or pushing of snow or any other material from private property on to Municipal Highways is strictly prohibited.
- 805 Piling of snow or any other material on private property within the boundaries shown in Diagram 'A' so as to interfere with good visibility for safe traffic flow is strictly prohibited.

**SECTION NINE – HEAVY VEHICLE AND HEAVY VEHICLE ROUTES**

- 901 No person shall park a heavy vehicle of any type or any type of construction equipment on any highway, alley or public parking area other than that designated by this bylaw for parking of such vehicles with the only exceptions being:
  - a. commercial vehicles while actually loading or unloading of goods or people or
  - b. construction equipment that is being used during construction or improvement of property, provided that such equipment is parked adjacent to the property where such work is being done or
  - c. public utility vehicles while repairing or installing utilities within the village or
  - d. vehicles owned or in the service of the village or
  - e. service vehicles in the act of retrieving or repairing vehicles

Heavy vehicle routes and Heavy vehicle parking areas shall be mapped out in Schedule B of this Bylaw which is attached and hereby incorporated into and made a part of this Bylaw.
- 902 Heavy vehicles delivering or collecting goods or people in the Village or working in the village shall take the shortest route from the heavy vehicle route to complete the delivery or work and take the shortest route to return to the heavy vehicle route to exit the Village.

No person shall park a heavy vehicle with the engine running for more than 10 minutes total within any area of the Village between the hours of 11:00 p.m. and 7:00 a.m. of any day

- 903 No person shall operate or allow to be operated a vehicle within the Village in excess of the weight or size limits established by the government agencies regulating such activity and all required documentation and permits shall be in the possession of the operator who shall provide copies on demand. A 75% road ban shall be in effect within the Village from March 15 to May 30 of each year.
- 904 Any vehicle operator causing damage to the Village roads due to overweight oversized vehicles or by having metal spikes, lugs or cleats projecting from the wheel or tire or having skids, etc. may be required to pay for any damages in addition to the violation ticket fine.
- 905 No person shall operate a motor vehicle hauling explosives without prior approval from the Village and a permit issued.

#### **SECTION 10 – OFF HIGHWAY VEHICLES**

- 1001 Off- Highway Vehicle use is permitted in the Village only from the 1st of November through to and including the 30th of April unless it is:
- a. being used for snow clearing, or
  - b. being used by municipal employees in the act of maintenance when undertaking work on behalf of the Village
- 1002 When the use of an Off-Highway Vehicle is permitted under Section 1001 of this bylaw the following regulations apply to that use:
- a. No person shall operate an Off Highway vehicle in the Village of Wabamun except for the purpose of proceeding directly from his/her residence to a permitted area and back to his/her residence by the most direct route possible. If the most direct and shortest route of travel available to the driver is not the safest route, with reasonable care and caution by the safest and most direct route available to the driver.
  - b. In proceeding directly to a permitted area or returning to his/her residence, the operator of an Off-Highway Vehicle shall use the alleys and lanes of the Village only, except as otherwise provided in this bylaw
  - c. Off-Highway Vehicles, when proceeding directly to a permitted area or returning to his/her residence and alleys or lanes are not available, must travel on the right hand side of the road so as to not interfere or impede with the natural flow of traffic
  - d. All Off-Highway Vehicles shall be limited to the driver unless the vehicle is specifically designed to carry a passenger
  - e. Off-Highway Vehicles must not travel at a rate of speed in excess of sixteen (16) km/hr
  - f. No person shall at any time operate an Off-Highway Vehicle upon any parkland, school grounds or other restricted area within the Village limits
  - g. Without restricting the generality of the foregoing, all off highway vehicles must be licensed and insured.
  - h. The provisions of the Off-Highway Vehicle Regulations and *Traffic Safety Act* shall apply to the operation and use of the Off-Highway Vehicles within the limits of the Village.
  - i. No person shall operate or be a passenger on an Off-Highway Vehicle unless he/she is wearing an approved safety helmet securely attached to his/her head.
  - j. At no point shall an off highway vehicle be driven on a sidewalk or path meant for pedestrian use

#### **SECTION ELEVEN – ENFORCEMENT**

- 1101 Any person who contravenes this Traffic Bylaw may be subject to a Provincial Violation Ticket or a Municipal Violation Ticket.
- 1102 Any person who is issued a Municipal Violation Ticket shall be subject to a penalty as listed in Schedule C of this Bylaw
- 1103 Any person who is issued a Provincial Violation Ticket shall be subject to a penalty as listed in the Alberta *Traffic Safety Act*.

**SECTION TWELVE – SEVERANCE**

1201 If any provision herein is found to be invalid for any reason then that provision shall be severed from the remainder of this Bylaw and all other provisions of this Bylaw shall remain valid and enforceable.

**SECTION THIRTEEN – VALIDITY**

1301 This Bylaw shall come into force and effect on the final date of passing thereof.  
1302 Traffic Bylaw 09-2015 is hereby rescinded in their entirety upon the Third and Final Reading of this Bylaw

**READ A FIRST TIME IN COUNCIL THIS 5<sup>TH</sup> DAY OF FEBRUARY 2019**

**READ A SECOND TIME IN COUNCIL THIS 5TH DAY OR MARCH, 2019**

**READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS THIS 5TH DAY OR MARCH, 2019**

\_\_\_\_\_  
SIGNED BY THE CEO THIS DATE

\_\_\_\_\_  
CHIEF ELECTED OFFICIAL

\_\_\_\_\_  
SIGNED BY THE CAO THIS DATE

\_\_\_\_\_  
MUNICIPAL ADMINISTRATOR

Z:\Council\BYLAWS\2019\01-2019 Traffic Bylaw approved March 5, 2019.docx





### Wabamun Traffic Bylaw 01-2019 - Schedule C

Any person who contravenes the Traffic Bylaw may be subject to a Provincial Violation Ticket or a Municipal Violation Ticket. Any person who is issued a Municipal Violation Ticket shall be subject to a penalty as listed in this Bylaw.

Any person who is issued a Provincial Violation Ticket shall be subject to a penalty as listed in the Alberta Traffic Safety Act or associated regulations including, but not limited to, the Provincial Offences Procedure Act, (Alberta), Vehicle Equipment Regulation (AR 122/2009) the Use of Highway and Rules of the Road Regulation (AR 304/2002), Commercial Vehicle Dimension and Weight Regulation (AR 315/2002), Commercial Vehicle Safety Regulation (AR 121/2009) and amendments thereof

Every person who contravenes the provisions of this bylaw is guilty of an offence and liable to summary conviction to a penalty as prescribed in this bylaw. A notice or form commonly called an Violation Ticket, may be issued by a Bylaw Enforcement Officer, as defined in this bylaw, to any person alleged to have breached any provision of this bylaw, and the amount specified in this bylaw

An Violation Ticket shall be deemed to be sufficiently served: If served personally on the accused; or if mailed to the address of the registered owner of the property concerned, or the vehicle concerned or to the person concerned;

Except as otherwise provided in this bylaw, a person who is guilty of an offence under this bylaw for which a penalty is not otherwise provided, is liable to a fine of not more than five hundred dollars (\$500.00) and in default of payment, is liable to imprisonment for a term not exceeding six (6) months or to imprisonment for a term not exceeding six (6) months without the option of a fine.

SECTION NO.	OFFENCE	VIOLATION TICKET PENALTY
218	Failure to act on directions of a Bylaw Enforcement Officer or obstruct a Bylaw Enforcement Officer	\$270 or as per the Alberta Traffic Safety Act and associated regulations
301	Speed Limit on Village Roads	As per the Alberta Traffic Safety Act and associated regulations
401 –415	Parking	\$68 or as per the Alberta Traffic Safety Act and associated regulations
501	Parades	\$100
601-604	Pedestrians	\$68 or as per the Alberta Traffic Safety Act and associated regulations,
701	Rules for Operation	As per the Alberta Traffic Safety Act and associated regulations
801-805	General Provisions, Cleaning and Clearing	\$50
901-905	Heavy Vehicles and Heavy Vehicle-routes, weights, explosives	\$100 or as per the Alberta Traffic Safety Act and associated regulations

1001	Off Highway Vehicles	\$270 or as per the Alberta Traffic Safety Act and associated regulations
1002	Off Highway Vehicles	\$270 or as per the Alberta Traffic Safety Act and associated regulations

**APPENDIX D:  
WABAMUN BYLAW NO. 12-2020: TEMPORARY MANDATORY FACE COVERING BYLAW**



**BYLAW NO. 12-2020**

**BEING A BYLAW OF THE VILLAGE OF WABAMUN, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF TEMPORARILY MANDATING THE WEARING OF FACE COVERINGS IN INDOOR PUBLIC PLACE AND PUBLIC VEHICLES**

**WHEREAS** on March 11, 2020 the World Health Organization declared a global pandemic related to the spread of the COVID-19 virus and the COVID-19 pandemic remains a health risk;

**AND WHEREAS** the World Health Organization, Chief Public Health Officer for Canada and the Chief Medical Officer of Health for Alberta have identified Face Coverings as a way to reduce the risk of spreading COVID-19 in circumstances where physical distancing may not be possible;

**AND WHEREAS** physical distancing may not be possible in indoor Public Places and in Public Vehicles;

**AND WHEREAS** pursuant to the *Municipal Government Act*, RSA 2000, c.M-26 a council of a municipality may pass bylaws respecting the safety, health and welfare of people and the protection of people and property; people, activities and things in, on or near a public place or place that is open to the public; and businesses, business activities and persons engaged in business;

**AND WHEREAS** Council considers it expedient and desirable for the health, safety, and welfare of the inhabitants of the Village of Wabamun to require the wearing of Face Coverings in indoor Public Places and in Public Vehicles;

**NOW THEREFORE** the Council of the Village of Wabamun, in the Province of Alberta, duly assembled and under the authority of the *MGA* as amended, enacts as follows:

**SHORT TITLE**

1. This Bylaw shall be known as the **“Temporary Mandatory Face Coverings Bylaw”**.

**DEFINITIONS**

2. In this Bylaw, unless the context otherwise requires:

**Chief Administrative Officer (CAO)** means the Chief Administrative Officer or their delegate;

**Face Covering** means a mask or other face covering that covers the mouth, nose and chin ensuring a barrier that limits the transmission of infectious respiratory droplets;

**Peace Officer** means a member of the Royal Canadian Mounted Police or a Peace Officer appointed under the *Peace Officer Act*, SA 2006, c.P-3.5, as amended;

**Public Place** means any property, whether publicly or privately owned, to which members of the public have access as of right or by express or implied invitation, whether on payment of any fee or not;

**Public Vehicle** means a bus, taxi or other vehicle that is used to transport members of the public for a fee;

**Violation Ticket** means a ticket issued pursuant to Part II or III of the *Provincial Offences Procedure Act*, RSA 2000, c.P-34 amended; and

**Watch** means the designation of a region by the Government of Alberta as defined in their Relaunch Status Protocols.

### FACE COVERINGS

3. A person must wear a Face Covering at all times while in an indoor, enclosed, or substantially enclosed Public Place or in a Public Vehicle.

### EXCEPTIONS

4. Section 3 does not apply to the following persons:
  - a. persons under the age of 10;
  - b. persons who are unable to place, use, or remove a Face Covering without assistance;
  - c. persons unable to wear a Face Covering due to mental or physical concern or limitation, or protected ground under the *Alberta Human Rights Act*, RSA 2000, c.A-25.5;
  - d. persons consuming food or drink in designated seating areas or as part of a religious or spiritual ceremony;
  - e. persons engaged in physical activities, water activities or the paid supervision of water activities, or attending within a sauna or steam room;
  - f. persons providing care or assistance to a person with a disability where a face covering would hinder that caregiving or assistance;
  - g. persons engaging in services that require the temporary removal of a face covering;
  - h. persons participating in a dance, theatrical or musical performance, if all participants in the performance are able to maintain a least two metres of physical distance from each other and do not enter the areas where the public is viewing the performance;
  - i. person providing or receiving a service that requires personal consultation if that activity occurs in a closed office or meeting room and all participants in the personal consultation are able to maintain physical separation of at least two metres from each other; and

- j. persons separated from others by physical barriers or shields such as plexiglass.
5. Section 3 does not apply to the following places:
- a. schools and other educational facilities;
  - b. hospitals and health care facilities’
  - c. child care facilities; and
  - d. areas exclusively accessed or used by the Public Place’s employees or a Public Vehicle operator, or platform and stage areas in places of worship during worship services, provided that physical barriers or physical distancing practices are implemented between any person not required to wear a face covering by operation of this exception and any other person.

**ENACTMENT**

6. Council may by resolution, implement the provisions of this Bylaw at any time.
7. The provisions of this Bylaw may only be enacted by the Chief Administrative Officer if the Government of Alberta places Parkland Region under a Watch as per their existing COVID-19 case thresholds.

**REVERSION**

8. Council may by resolution, revert the enactment of this Bylaw at any time.
9. If the provisions of this Bylaw have been enacted in accordance with Section 7, they may only be reverted if the Government of Alberta rescinds the Watch designation on Parkland Region and it remains free of such for a period of thirty (30) consecutive days.

**OFFENCE AND PENALTIES**

10. A person who contravenes this Bylaw is guilty of an offence.
11. A person found guilty of an offence under this Bylaw is liable to a fine in an amount not less than \$100.00.

**ENFORCEMENT**

- 12. Where a Peace Officer believes that a person has contravened any provision of this Bylaw, the Peace Office may issue a Violation Ticket in accordance with the *Provincial Offences Procedure Act*, RSA 2000, c.P-34.
- 13. If a Violation Ticket is issued for an offence under this bylaw, the Violation Ticket may:
  - a. Specify the fine amount established by this Bylaw for the offence; or
  - b. Require a person to appear in court without the alternative of making a voluntary payment
- 14. A person who commits an offence may, if a Violation Ticket is issued specifying the fine amount established by this Bylaw for the offence, make a voluntary payment equal to the specified fine amount.

**SEVERABILITY**

- 15. Every provision of this Bylaw is independent of all other provisions and if any provision is declared invalid by a court, then the invalid provisions shall be severed and the remainder provisions shall remain valid and enforceable.
- 16. This Bylaw shall come into force and take effect on the day of its third reading and signing thereof.

READ A FIRST TIME IN COUNCIL THIS 17<sup>th</sup> DAY OF NOVEMBER, 2020

READ A SECOND TIME IN COUNCIL THIS 17<sup>th</sup> DAY OF NOVEMBER, 2020

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 1<sup>ST</sup> DAY OF DECEMBER, 2020

\_\_\_\_\_  
Signed by the CEO this date

\_\_\_\_\_  
CHIEF ELECTED OFFICIAL

\_\_\_\_\_  
Signed by the CAO this date

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

**APPENDIX E:  
WABAMUN BYLAW NO. 09-2020: COMMUNITY STANDARDS BYLAW**



**BYLAW NO. 09-2020**

**BEING A BYLAW OF THE VILLAGE OF WABAMUN, IN THE PROVINCE OF ALBERTA, TO REGULATE NEIGHBOURHOOD NUISANCE, SAFETY AND QUALITY OF LIFE MATTERS**

**WHEREAS,** pursuant to the *Municipal Government Act (MGA)*; a Council may pass bylaws for municipal purposes respecting the following matters:

- a) The safety, health and welfare of people and the protection of people and Property;
- b) Nuisances, including unsightly Property;
- c) People, activities and things in, on or near a public place or a place that is open to the public; and
- d) The enforcement of bylaws;

**AND WHEREAS,** pursuant to the *Safety Codes Act*, a Council may pass bylaws respecting the following matters:

- a) Minimum maintenance standards for buildings and structures; and
- b) Unsightly or derelict buildings or structures;

**AND WHEREAS,** it is desirable for regulations which affect neighbourhood quality of life matters to be located, as much as possible, in one Bylaw

**NOW THEREFORE,** the Council of the Village of Wabamun, in the Province of Alberta, duly assembled and under the authority of the *MGA* as amended, enacts as follows:

1. **SHORT TITLE:** This Bylaw shall be known as the **“Community Standards Bylaw”**.

2. **DEFINITIONS AND INTERPRETATIONS:**

**Boat** means water vehicles whether motor powered or not

**Boulevard** means that part of a Highway that:

- a. Is not a roadway; and
- b. Is that part of the Sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;

**Building** includes a structure and any part of a building or structure placed on or over land whether or not it is so affixed to be transferred without special mention by a transfer or sale of that land;

**Charity Collection Site** means an area accessible to the public, which is marked by signs identifying the name of a charity and identifying the area for the collection of donated goods, and which contains a receptacle or bin for the collection of donated goods;

**Chief Administrative Officer (CAO)** means the Chief Administrative Officer or their delegate;

**Composting** means the managed practice of recycling organic material, including food and yard waste, through biological degradation in a container or pile, to create a useable soil conditioner;

**Council** means The Municipal Council of the Village of Wabamun duly elected under the *Local Authorities Election Act*;

**Drinking Establishment** means any business, organization, or individual that holds a liquor license issued by the Alberta Gaming and Liquor Commission;

**Graffiti** means any words, figures, letters or drawings scribbled, scratched or spray painted on a surface with or without the consent of the Owner of the Property on which they are placed;

**Highway** has the same meaning as in the *Traffic Safety Act*;

**Holiday** includes:

- a. every Sunday;
- b. New Year's Day, Alberta Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day;
- c. December 26, or when that date falls on a Monday, then December 27;

**Industrial Fluids** includes, but is not limited to, engine oil, brake fluid, anti-freeze or hydraulic fluid;

**Motor Vehicle** has the same meaning as in the *Traffic Safety Act*;

**Municipal Government Act (MGA)** means the *Municipal Government Act*, RSA 2000, Chapter M-26 and amendments thereto;

**Noise** means any sound which, in the opinion of an Peace Officer or CAO, having regard for all circumstances, including the time of day, location, nature of the activity generating the sound and the duration, is likely to significantly annoy or disturb Persons, or to injure, endanger or detract

from the reasonable comfort, repose, health, peace or safety of Persons within the boundaries of the Village;

**Nuisance** means a condition, or the use of, or an emission from a Property which, in the opinion of an Peace Officer or the CAO, constitutes an unreasonable interference with the use and enjoyment of other private or public Property, and includes, without limiting the foregoing, Noise or an Unsightly Premises;

**Nuisance Odour** means any odour caused by smoke, decomposing materials, animal feces or other airborne matter that is excessive and deemed to be offensive, or reasonably interferes with the lawful enjoyment of another Person's Property;

**Occupant** means any Person other than the registered owner who is in possession of the Property, including but not restricted to, a lessee, tenant or agent of the Owner;

**Occupy** or **Occupies** means residing on or to be in apparent possession or control of Property;

**Open Composting Pile** means a composting site which is not fully contained in a structure;

**Order** means an Order as described in Section 545 or Section 546 of the *MGA*, and amendments thereto, and/or SECTION 25 of this Bylaw

**Own** or **Owns** means:

- a. In the case of land, to be registered under the *Land Titles Act* as the owner of the fee simple estate in a parcel of land; or
- b. In the case of Personal Property, to be in lawful possession or have the right to exercise control over it or to be the registered owner of it;

**Owner** means the Person, corporation or business registered under the Land Titles Act as owner of the land;

**Panhandling** means to communicate, in Person, using the spoken, written or printed word, a gesture or another means, for the purpose of receiving money or another thing of value, regardless of whether consideration is offered or provided in return but does not include a solicitation allowed or authorized pursuant to the *Charitable Fundraising Act*, or any other legislation permitting the solicitation of charitable donations;

**Park** means the reserve lands, recreational lands, and other lands within the Village boundaries which are owned by or controlled by the Village;

**Peace Officer** has the same meaning as in the *Provincial Offences Procedure Act*;

**Person** includes a corporation, an individual, and the heirs, executors, administrators or other legal representatives of an individual;

**Property** means a parcel of land including any Buildings within the Village boundaries;

**Public Place** means any place within the Municipality to which the public may have either expressed or implied access;

**Public Property** means any land owned by or under the control of the Village to which the public reasonably has or is permitted to have access;

**Residential District** means a district as described as such in the Wabamun Land Use Bylaw, as amended from time to time;

**Sidewalk** means that part of the Highway especially adapted to the use of or ordinarily used by pedestrians and includes that part of a Highway between the curb line or, where there is no curb line, the edge of the roadway, and the adjacent Property line whether or not it is paved or unpaved;

**Street Furniture** includes items such as poles, traffic control devices, waste receptacle, benches, bus enclosures, trees, plants, grass, utilities, planters, bicycle racks, newspaper boxes or any other similar Property placed on a Highway or Public Place;

**Structure** means anything constructed or erected on the ground, or attached to something on the ground, and includes all buildings;

**Telecommunication** means any transmission, emission or reception of signs, signals, writing, images or sounds or intelligence of any nature by wire, radio, visual or other electronic methods;

**Trailer** means a vehicle so designed that it may be attached to or drawn by a Motor Vehicle or tractor and is intended to transport people or Property;

**Unightly Premises** means any Property, whether land, building, improvements to lands and buildings, Personal Property or any other combination of the above, located within the Village that, in the opinion of the CAO or the Peace Officer, is unsightly to such an extent as to detrimentally affect the repose, amenities, use, value or enjoyment of the surrounding Properties in reasonable proximity to the Unightly Premises, or is otherwise detrimental to the surrounding area or in an Unightly condition as defined by the *MGA*;

**Village** means the Village of Wabamun, a municipal corporation in the Province of Alberta, and where the context so requires, means the area of land within the corporate boundaries thereof;

**Violation Tag** means a notice or tag in a form as approved by the CAO, issued by the Village allowing a voluntary payment option of a fine established under this Bylaw;

**Violation Ticket** means a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act*, as amended and any regulations thereto.

### 3. RULES OF INTERPRETATION

- 3.1 Nothing in this Bylaw relieves a Person from complying with any provision of any Provincial or Federal legislation, other bylaw or any requirement of any lawful permit, order or license.
- 3.2 The headings in this Bylaw are for guidance purposes and convenience only.
- 3.3 Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 3.4 Any reference to the provisions of a statute of Alberta is a reference to that statute as amended, from time to time.

### 4. UNSIGHTLY PREMISES

- 4.1 The standards, requirements and prohibitions for Unsightly Premises, described in Section Two, shall apply to all properties within the Village.
- 4.2 No Owner or Occupant of a Property in a Residential District shall allow a Property to become unsightly because of its condition or the accumulation of:
  - a. of material including but not limited to building materials, appliances, household goods, boxes, bottles, cans, tires, vehicle parts, whether of any apparent value or not;
  - b. animal remains, parts of animal remains, or animal waste;
  - c. any loose litter, garbage, construction debris or refuse where located in a storage area or elsewhere on a Property;
  - d. damaged, dismantled or derelict Motor Vehicles, Boats or Trailers, whether insured or registered or not ;
  - e. compost heap piles emanating a Nuisance Odour;

- f. grass higher than 15 centimetres;
- g. excessive weeds;
- h. production of excessive dust, dirt or smoke;
- i. production of any generally offensive odours;
- j. any tree, shrub, other type of vegetation or any Building:
  - i. That interferes or could interfere with any public work or utility;
  - ii. that obstructs any sidewalk adjacent to the Property
  - iii. that impairs the visibility required for safe traffic flow at any intersection adjacent to the Property; or
  - iv. that has any rot or other deterioration
- k. any accessible excavation, ditch, drain or standing water that could pose a danger to the public;
- l. any exterior damage or deterioration to a building, including but not limited to peeling, unpainted or untreated surfaces, missing siding, shingles, windows or doors, or any other hole or opening in the building
- m. any exterior damage or deterioration to a fence, including, but not limited to peeling, unpainted or untreated surfaces and missing or rotting fence boards or posts

4.3 No Owner or Occupant of a Property in a Residential District shall allow the open or exposed storage on the Property of any industrial fluid.

4.4 It shall not be an offence for an Owner or Occupant of a Property to allow an appliance on their Property:

- a. if the appliance is not within sight from the roadway out front of the Property AND
- b. the appliance remains locked at all times with a padlock and key or similar safety lock device.

4.5 Any construction project or activity is unsightly if:

- a. it is not completed within five years of starting construction, or
- b. where work on the project or activity has been suspended for a period exceeding 120 days.

## 5. MOTOR VEHICLES AND REPAIRING OF MOTOR VEHICLES

5.1 No Person, Owner or Occupant of a Property in a Residential District shall have more than two (2) unregistered or inoperative Motor Vehicles on that Property.

- 5.2 No Person may conduct any repair work on Motor Vehicles, including mechanical repairs, auto body work, frame repair, collision repair, auto painting or modifications to the body or rebuilding of a Motor Vehicle, on any premises in a residential district unless they have obtained a valid Development Permit for a home occupation and an annual business license issued by the Village
- 5.3 This prohibition shall not apply to routine maintenance work done on any vehicle owned, operated and registered in the name of the Owner or Occupant of the Property, provided that:
- a. the activity does not create a nuisance or noise complaints from the neighborhood;
  - b. there is no escape of offensive, annoying or noxious odors, fumes or smoke from the premises;
  - c. vehicle fluids, oil, gasoline products or other hazardous material are properly stored and disposed of and not swept or washed into lanes, streets, or down storm or sanitary sewers;
  - d. all discarded vehicle parts and materials are properly stored and disposed of from the premises;
  - e. no power washing of motor or power train is performed on the premises; and
  - f. all Building and Fire Code regulations are met.

## 6. GRAFFITI

- 6.1 No Person shall place any graffiti or cause it to be placed on any Property.
- 6.2 Every Property owner or Occupant of a Property shall ensure that graffiti placed on their Property is removed, painted over or otherwise permanently blocked from public view within seven (7) days.
- 6.3 A Property owner, who breaches the provisions of 6.2, where, following the issuance of and failure to comply with an Order under section 545 of the *MGA*, shall be liable to payment of a penalty as prescribed in the Schedule "A".

## 7. COMPOSTING

- 7.1 As described in Section Two (2), for the purposes of this Section:
- a. no Owner or Occupant of a Property shall place or allow to be placed animal waste, parts or meat on a composting pile or in composting container on the Property;
  - b. no Owner or Occupant of a Property shall allow an open composting pile on the premises within ten (10) meters of an adjacent dwelling house, measured from the

nearest part of the open composting pile to the nearest part of the adjacent dwelling house;

- c. every Owner or Occupant of a Property who allows a composting container or open composting pile to remain on a Property must ensure that it is maintained in such a manner that it does not become a nuisance by creating an offensive odor or attracting pests.

## **8. NOISE**

8.1 In addition to the description in Section Two (2) and for the purpose of this Section:

- a. construction - the temporary process of demolishing or building any structure or repairing or improving a building that already exists, including landscaping, home repairs, Property improvement, and any work in connection with that process
- b. daytime - the period:
  - i. Beginning at 7:00 am and ending at 10:00 pm of the same day on weekdays or Saturday
  - ii. Beginning at 9:00 am and ending at 10:00 pm of the same day on Sunday or holiday
- c. night time - the period beginning at 10:00 pm every day and ending the following day:
  - i. At 7:00 am if the following day is a weekday or Saturday
  - ii. At 9:00 am if the following day is a Sunday or Holiday
- d. power tool - includes any tool powered by an engine or motor, regardless of whether the mechanism is powered by compressed air, electricity or fossil fuel;
- e. signaling Device - any device that produces an audible sound used for the purpose of drawing an individual's attention, including a horn, gong, bell, klaxon or public address system;
- f. truck - any vehicle that has a gross allowable maximum vehicle weight in excess of five thousand four hundred and fifty (5,450) kilograms as listed on the official registration certificate issued by the government of the Province of Alberta, regardless of the vehicles' actual weight at a specific time and includes a truck-tractor and tractor Trailer including a refrigeration unit;

8.2 Except to the extent it is allowed by this Bylaw no Person shall make, continue, cause or allow to be made or continued any loud, unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other Persons within the Village.

8.3 No Person being the Owner, Tenant, or Occupier of Property shall allow or permit such Property to be used so that noise which occurs therein or emanates therefrom, disturbs or

tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any Person or Person within the Village.

- 8.4 In determining what constitutes noise likely to annoy or disturb the peace of any other Person, considerations may be given, but are not limited to:
- a. type, volume, and duration of sound;
  - b. time of day, and day of the week;
  - c. nature and use of the surrounding area.
- 8.5 No Person shall yell, scream or swear in any public place thereby creating a disturbance.
- 8.6 No drinking establishment shall permit any noise to emanate from the premises of such drinking establishment such that it annoys or disturbs any other Person outside the boundary of the drinking establishment.
- 8.7 A Person who owns, occupies or controls a truck must not at any time allow it to remain running for longer than twenty (20) minutes when it is stationary in a Residential District or within one hundred and fifty (150) meters of a Residential District.
- 8.8 The following does not apply to and will not be considered in contravention of this Bylaw:
- a. the ringing of bells in churches, religious establishments and schools;
  - b. the sounding of any alarm or warning to announce a fire or other emergency;
  - c. the playing of a band in connection with a parade allowed pursuant to Village Bylaw;
  - d. the use of signaling devices on vehicles in the normal operation for the purpose of giving warnings to other vehicles or Persons;
  - e. The noon siren;
  - f. work carried on by Village staff, agents, contractors or servants, while engaged in activity authorized by the Village; OR
  - g. reasonable activity occurring in the daytime hours with consideration given to others.
- 8.9 This Section does not purport to regulate the cumulative effect of noise created by vehicular traffic on roads.
- 8.10 The CAO may, at their sole discretion:
- a. waive any requirement of this Section;
  - b. make a determination on a written application for a temporary permit allowing for

noise that would otherwise violate this Bylaw after the applicant has provided all the necessary information and submitted the application within the time frame allowed as required in Policy;

- c. impose any conditions on the issuance or use of the permit the CAO considers appropriate; AND/OR
- d. revoke any temporary permit that has been issued, where the CAO determines the applicant has not taken sufficient measures to minimize the noise.

## **9. MAJOR EVENTS**

9.1 The CAO may, at their sole discretion:

- a. waive any requirement of Section 8;
- b. make a determination on a written application for a temporary permit allowing for a Major Event that would otherwise violate this Bylaw after the applicant has provided all the necessary information and submitted the application within the time frame allowed as required in Policy;
- c. impose any conditions on the issuance or use of the permit the CAO considers appropriate including the advertisement of the Major Event; AND/OR
- d. revoke any temporary permit that has been issued, where the CAO determines the applicant has not taken sufficient measures to minimize the noise.

9.2 Any approval or rejection of an application for a Major Event permit may be appealed by an affected Person to the CAO within fourteen (14) days of the date of notice.

## **10. ADDRESSING**

10.1 Every legally registered parcel of land within the Village shall be designated an address number, by the CAO, which may include numbers, words or any combination of numbers and words.

10.2 A Person who owns a Property shall cause the address number assigned pursuant to subsection 12.1 to be displayed, at all times, on the Property at a location plainly visible from the roadway adjacent to the Property and from any alley that may be adjacent to the Property.

10.3 A Person who owns a Property shall maintain the address number in good condition and shall not cause or permit the visibility of the address number to be obscured.

**11. SIDEWALKS**

- 11.1 A Person shall remove snow and ice from any Sidewalk adjacent to Property they own or occupy within 48 hours after the snow or ice has been deposited.
- 11.2 A Person shall not deposit snow or ice:
- a. upon any Highway;
  - b. upon or in any drainage ditch, culvert or catch basin;
  - c. in any Public Place;
  - d. on private Property that is not their own; or
  - e. in a location that restricts access to, or visibility or operation of, a fire hydrant.
- 11.3 If a Person fails to comply with subsection 11.1 or 11.2 the Village may arrange to have the Highway, Public Property, Sidewalk cleared and the expenses and costs incurred by the Village for removing the snow and ice shall be paid upon demand and if unpaid may be added to the tax roll.

**12. BOULEVARDS**

- 12.1 The Owner of any Property within the Village shall be responsible for the adjacent boulevard. Responsibilities shall include, but may not be limited to:
- a. keeping any grass on the boulevard cut to a length of no more than 15 centimetres;
  - b. removing any excessive accumulation of weeds, fallen leaves or other debris; and
  - c. cutting or trimming grass around trees, shrubs, sign posts, hydrants and other municipal structures located within the boulevard.

**13. LITTERING**

- 13.1 No Person shall place, deposit or throw or cause to be place, deposited or thrown upon any Village Property, including any street, lane, sidewalk, parking lot, park or other public place or water course:
- a. a cardboard or wooden box, carton, container or receptacle of any kind;
  - b. a paper, wrapper, envelope, or covering of any kind, whether paper or not, from food or confectionary;
  - c. paper of any kind, whether or not containing written or printed matter thereon;
  - d. any human, animal or vegetable matter or waste;
  - e. any glass, crockery, nails, tacks, barbed-wire or other breakable or sharp objects;
  - f. scrap metal, scrap lumber, tires, dismantled wrecked or dilapidated Motor Vehicles or parts there from;
  - g. any Motor Vehicle or any part of any Motor Vehicle which may, in whole or in part,

obstruct any highway, street, lane, alley, bi-way or other public place, or  
h. dirt, filth or rubbish of any kind whether similar or dissimilar to the foregoing.

13.2 A Person who has placed, deposited or thrown or caused to be placed, deposited or thrown anything or any matter mention in subsection 13.1 shall forthwith remove it.

13.3 A Person shall not scavenge from or disturb any goods located at a Charity Collection Site.

**14. SPITTING/HUMAN WASTE**

14.1 No Person shall urinate or deposit human waste in any Public Place or on Public Property or in view of a Public Place.

14.2 No Person shall spit at or on any Person in or near a Public Place or on Public Property.

**15. FIGHTING/LOITERING**

15.1 No Person shall engage in a fight or any physical confrontation in any public place or any place to which the public is allowed access.

15.2 Subsection 15.1 does not apply to participants of an organized sporting event who are governed by the rules of conduct of that sporting event.

15.2 No Person shall be a member of an assembly of three or more Person in any public place or any place to which the public is allowed access where a Peace Officer has reasonable grounds to believe the assembly will disturb the peace of the neighbourhood, and any such Person shall disperse as requested by a Peace Officer.

15.3 No Person shall loiter and thereby obstruct any Person in any public place.

**16. AUTHORITY TO REMOVE**

16.1 The CAO may authorize any Village employee, or other person, to remove and put in storage or destroy anything placed upon Village property in contravention of this Bylaw.

**17. FLYERS ON VEHICLES**

17.1 No Person shall place, deposit or throw or cause to be placed, deposited or thrown onto or into any motor vehicle, which is parked on any street, lane, parking lot or other public place, any leaflet, pamphlet, poster, handbill, flyer or any other paper containing printed or written matter, whether advertising or not, with the exception of any Violation Ticket or

Violation Tag or other enforcement document placed by a Peace Officer, pursuant to lawful authority.

**18. PANHANDLING**

18.1 No Person shall engage in panhandling:

- a. as a group of two or more Persons;
- b. from any Person who at the time is an occupant or engaged in operating a Motor Vehicle;
- c. from a Person who has refused or declined such solicitation;
- d. so as to obstruct the passage of, walk next to, ahead of, or follow the Person being solicited;
- e. within 10 metres of the entrance to a bank, credit union, trust company or other financial institution where cash can be withdrawn; or
- f. within 10 metres of an automated teller machine or other device from which cash can be electronically accessed.

**19. ROOFS AND AWNINGS**

19.1 A Person shall maintain any roof or awning that extends over a sidewalk from a building they own or occupy free of snow and ice.

**20. WATER, EAVES TROUGHS, DOWNSPOUTS AND SUMP PUMPS**

20.1 A Person shall direct any rainwater, downspout or eaves trough on a Property they own or occupy towards:

- a. the front of the Property;
- b. the rear of the Property;
- c. the side yard which does not abut another Property; or
- d. a side yard which abuts another Property only if there is a minimum of six (6) metres of permeable ground between the outfall of the downspout or eaves trough and the adjacent Property.

20.2 No Person shall cause or permit any water from a sump pump, rainwater, downspout or eaves trough to be directed from a Property they own or occupy onto:

- a. an adjacent Property; or
- b. an adjacent alley, street, sidewalk or other public place in any manner that is likely to cause damage or to create a danger.

**21. ODOUR**

- 21.1 No Person shall cause, permit or engage in any activity that allows any nuisance odour to originate from a premises or residential building that reasonably interferes with the lawful enjoyment of any other Person's Property.

**22. PLACEMENT OF BILLS, SIGNS AND DISPLAYS**

- 22.1 A Person shall not attach any advertisement, poster, notice or other similar item on any sign, utility pole, tree, fence or other fixture located on Property or place or cause to be placed any freestanding sign, notice or display on Property, unless the item is placed in accordance with the governing rules at a specific location approved for that purpose.
- 22.2 Where a Person has placed something that is permitted by this section, that Person shall
- a. ensure that the thing does not cause a nuisance by becoming litter, unsightly or a hazard to users of the Property, and
  - b. remove and properly dispose of the thing within 24 hours of the passing of the event if the thing refers to a specific event.
- 22.3 The CAO is authorized to designate locations on Property Owned by the Village where items described in this section may be posted and establish rules for the placement of such items.
- 22.4 Refer to Wabamun Land Use Bylaw, as amended from time to time, for further regulations regarding signage.

**23. DANGEROUS ACTIONS**

- 23.1 A Person shall not throw or propel an object, or act in any other way, in a Public Place that is reasonably likely to cause injury to another Person or damage to Property.

**24. STREET FURNITURE**

- 24.1 A Person shall not climb on, overturn, alter, deface, damage, destroy, tamper or otherwise interfere with any Street Furniture.

**25. VIOLATION TAGS AND VIOLATION TICKETS**

- 25.1 Any Peace Officer who has reasonable and probable grounds to believe that any Person has contravened any provision of this Bylaw may issue and serve;
- a. a violation tag allowing a payment of the specified penalty to the Village; or
  - b. a violation ticket allowing payment according to the provisions of the *Provincial*

*Offences Procedures Act.*

- 25.2 Service of a violation tag will be sufficient if it is:
- a. Personally served; or
  - b. served by regular mail to the Person's last known mailing address.
- 25.3 If a violation ticket is issued in respect to an offence, the violation ticket may:
- a. specify the fine amount established by this Bylaw for the offence; or
  - b. require a Person to appear in Court without the alternative of making a voluntary payment.
- 25.4 A Person who commits an offence may:
- a. if a violation ticket is issued in respect of the offence; and
  - b. if the violation ticket specifies the fine amount established by this Bylaw for the offence, make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Courthouse specified on the violation ticket.

**26. ORDERS**

- 26.1 An officer designated by the CAO may, by written order, require a Person responsible for the contravention to remedy the contravention.
- 26.2 The written order shall:
- a. state a time within which the owner must comply with the order; and
  - b. state that if the owner does not comply with the order within a specified time; the Village will undertake the action or measure at the expense of the owner and if unpaid may be added to the tax roll of the affected Property.
- 26.3 The Village may, in respect of an order, register a caveat under the *Land Titles Act* against the certificate of title for the land that is the subject of the order.

**27. APPEAL OF ORDERS**

- 27.1 Any Person to Whom an Order is issued has the right to request a review of the Order by filing an appeal in writing to the Council within fourteen (14) of the receipt of the Order.

- 27.2 An appeal filed pursuant to this Section must state the name of the appellant, the municipal address of the Property to which the order being appealed from relates, a day time telephone contact number at which the appellant may be reached and an address at which documents in relation to the appeal may be delivered.
- 27.3 The appellant may provide additional information, material or evidence in the submission package relevant for consideration at the appeal review.
- 27.4 The written appeal must be accompanied by the non-refundable fee, as set out in Schedule "A".
- 27.5 Pursuant to Section 547 of the *MGA*, the Council may be required to review appeals filed regarding:
- a. orders issued pursuant to this Bylaw;
  - b. orders issued pursuant to Section 545 of the Act, and amendments thereto, regarding contraventions of other Bylaws or enactments that the Village is authorized to enforce; and
  - c. orders issued pursuant to Section 546 of the Act, and amendments thereto.
- 27.6 Upon review of the Order, Council may confirm, vary, substitute or cancel the Order.

**28. EXERCISE OF DISCRETION**

- 28.1 The Village of Wabamun has the discretion to enforce this Bylaw and is not liable of any outcomes should a Peace Officer or the CAO decides not to enforce this Bylaw if acting in good faith.

**29. SEVERABILITY**

- 29.1 All sections of this Bylaw are separate and severable. Should any section or part of this Bylaw be deemed invalid or inoperative by any court or administrative body for any reason, the remaining sections shall remain valid and in full force and effect.

**30. GENERAL**

- 30.1 Bylaws 03-2012 and Policy #PWXX, Part - Public Works, Section - Unsightly Policy are hereby repealed.
- 30.2 This Bylaw shall come into force upon receipt of its third and final reading.

READ A FIRST TIME IN COUNCIL THIS 15<sup>th</sup> DAY OF SEPTEMBER, 2020

READ A SECOND TIME IN COUNCIL THIS 15<sup>th</sup> DAY OF SEPTEMBER, 2020

UNANIMOUS CONSENT TO GO TO THIRD READING THIS 15<sup>th</sup> DAY OF SEPTEMBER, 2020

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 15<sup>th</sup> DAY OF SEPTEMBER, 2020

\_\_\_\_\_  
Signed by the CEO this date

\_\_\_\_\_  
CHIEF ELECTED OFFICIAL

\_\_\_\_\_  
Signed by the CAO this date

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

## SCHEDULE "A" ENFORCEMENT FINES

For any offence for which a fine is not established \$100.00

Section		1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence Within One (1) year	3 <sup>rd</sup> and Subsequent Offences Within One (1) year
4	Unsightly Premises	150.00	300.00	500.00
5	Motor Vehicles & Repairing of Motor Vehicles	250.00	500.00	1,000.00
6	Graffiti	250.00	500.00	750.00
7	Composting	100.00	200.00	300.00
8	Noise	250.00	500.00	1,000.00
10	Addressing	50.00	100.00	150.00
11	Sidewalks	250.00	500.00	750.00
12	Boulevards	250.00	500.00	750.00
13	Littering	100.00	200.00	300.00
14	Spitting/Human Waste	250.00	500.00	750.00
15	Fighting/Loitering	250.00	500.00	1,000.00
17	Flyers on Vehicles	50.00	100.00	200.00
18	Panhandling	75.00	100.00	150.00
19	Roof and Awnings	250.00	500.00	750.00
20	Water, Eaves Troughs, Downspouts and Sump Pumps	250.00	500.00	750.00
21	Odour	150.00	300.00	450.00
22	Placement of Bills, Signs and Displays	250.00	500.00	1,000.00
23	Dangerous Actions	250.00	500.00	1,000.00
24	Street Furniture	250.00	500.00	750.00

Appeal Fee - \$200.00 non-refundable.

**APPENDIX F:  
WABAMUN BYLAW NO. 10-2018: BYLAW ENFORCEMENT OFFICER BYLAW**



**VILLAGE OF WABAMUN  
PROVINCE OF ALBERTA  
BYLAW NO. 10-2018**

**BYLAW ENFORCEMENT OFFICER BYLAW**

BEING A BYLAW OF THE VILLAGE OF WABAMUN, IN THE PROVINCE OF ALBERTA, TO SPECIFY THE POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICERS AND TO ESTABLISH A DISCIPLINARY PROCEDURE AND PROCESS FOR MISUSE OF POWER

**WHEREAS**, Section 556 of the *Municipal Government Act* provides every council must by bylaw specify the powers and duties of bylaw enforcement officers and establish disciplinary procedures applicable to its bylaw enforcement officers;

**AND WHEREAS**, Section 210(1) of the *Municipal Government Act* provides that a council may, by bylaw, establish one or more positions to carry out the powers, duties and functions of a designated officer;

**NOW THEREFORE**, the Council for the Village of Wabamun, duly assembled, enacts as follows:

**PART 1 – INTERPRETATION**

**Short Title**

1. This bylaw may be cited as the "Bylaw Enforcement Officer Bylaw."

**Definitions**

2. In this Bylaw, unless the context otherwise requires:
  - (a) **"Bylaw Enforcement Officer"** means an individual who has been appointed pursuant to this Bylaw as a Bylaw Enforcement Officer for the Village;
  - (b) **"Chief Administrative Officer" or "C.A.O."** means the individual appointed by Council as the Chief Administrative Officer of the Village or his or her delegate;
  - (c) **"Council"** means the municipal council for the Village;
  - (d) **"Assistant C.A.O."** means the individual appointed by the C.A.O. as the Village's Assistant C.A.O.;
  - (e) **"Municipal Tag"** means a tag or similar document issued by the Village pursuant the *Municipal Government Act* that alleges a bylaw offence and provides a person with the opportunity to pay an amount to the Village in lieu of prosecution for the offence;
  - (f) **"Village"** means the municipal corporation of the Village of Wabamun, in the Province of Alberta or, if the context requires, the geographical area within the boundaries of the municipality;
  - (g) **"Violation Ticket"** has the meaning given to it in the *Provincial Offences Procedure Act*.

**Rules of interpretation**

3. The headings in this Bylaw are for guidance purposes and convenience only.
4. Every provision in this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
5. In this Bylaw, a citation of or reference to any enactment of the Province of Alberta or of Canada, or of any other bylaw of the Village, is a citation of or reference to that enactment or bylaw as amended, whether amended before or after the commencement of the enactment or bylaw in which the citation or reference occurs.

6. Nothing in this Bylaw relieves a person from complying with any provision of any provincial or federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or licence.

#### **PART 2 – CHIEF ADMINISTRATIVE OFFICER**

##### **Powers and duties**

7. The Chief Administrative Officer:
- (a) may appoint one or more individuals as Bylaw Enforcement Officers in accordance with this Bylaw;
  - (b) may revoke, suspend, or modify the appointment of Bylaw Enforcement Officers in accordance with this Bylaw;
  - (c) may authorize or require Bylaw Enforcement Officers to carry out any powers and duties necessary to fulfill their responsibility for the preservation and maintenance of the public peace;
  - (d) may establish the standards of uniform, insignia, and identification for Bylaw Enforcement Officers;
  - (e) will ensure complaints of misuse of power by Bylaw Enforcement Officers are investigated and dealt with in accordance with this Bylaw,
  - (a) will report on the status and effectiveness of bylaw enforcement within the Village, when requested to do so by Council; and
  - (b) may delegate any of the C.A.O.'s powers, duties, or functions contained in this section to any employee of the Village, including the option to further delegate those powers, duties, and functions.

#### **PART 3 – BYLAW ENFORCEMENT OFFICERS**

##### **Appointment**

- 8.
- (1) To be eligible for appointment as a Bylaw Enforcement Officer, individuals must provide to the Chief Administrative Officer:
    - (a) a recent criminal records check acceptable to the C.A.O.;
    - (b) a recent driver's abstract acceptable to the C.A.O.; and
    - (c) any other requirements specified by the C.A.O..
  - (2) The Chief Administrative Officer may impose terms and conditions on a Bylaw Enforcement Officer appointment.

##### **Oath of office**

9. A Bylaw Enforcement Officer must, before starting his or her duties, take the official oath contained in Schedule A.

##### **Powers and duties**

- 10.
- (1) Subject to the terms and conditions of their appointment by the C.A.O., the powers and duties of Bylaw Enforcement Officers are as follows:
    - (a) to enforce the bylaws of the Village;
    - (b) to provide public education on the Village's bylaws and enforcement services;
    - (c) to conduct routine patrols to ensure compliance with bylaws;

- (d) to respond to and investigate complaints and alleged breaches of bylaws;
  - (e) to exercise all the powers and duties of a designated officer to conduct any inspections, remedies, or enforcement authorized or required by a bylaw or enactment in accordance with Section 542 of the *Municipal Government Act*;
  - (f) to exercise all the powers and duties of a designated officer to issue written orders pursuant to Section 545 and 546 of the *Municipal Government Act*;
  - (g) to issue warning notices, Municipal Tags and Violation Tickets for offences under bylaws;
  - (h) to prepare and relay informations;
  - (i) to assist in the prosecution of bylaw offences, including the gathering of evidence, the swearing of complaints, preparation of prosecution files, ensuring the attendance of witnesses, and attending Court and providing evidence as required;
  - (j) to perform all other duties as may from time to time be assigned by the C.A.O..
- (2) Bylaw Enforcement Officers must comply with their appointment and exercise their powers and duties in accordance with all Village policies, procedures, and guidelines.

#### **Officer identification**

11. While acting in the course of their duties Bylaw Enforcement Officers shall carry on their person identification, in a form approved by the C.A.O., evidencing their appointment as a Bylaw Enforcement Officer.

#### **Appointment ceases to be in effect**

12. A Bylaw Enforcement Officer's appointment ceases to be in effect
- (a) when the Bylaw Enforcement Officer ceases to be employed or engaged by the Village in the capacity of a Bylaw Enforcement Officer,
  - (b) when the Bylaw Enforcement Officer's appointment is revoked in accordance with this Bylaw, or
  - (c) while the Bylaw Enforcement Officer's appointment is suspended in accordance with this Bylaw.
13. Upon a Bylaw Enforcement Officer appointment ceasing to be in effect, other than when suspended, the Bylaw Enforcement Officer shall immediately return to the C.A.O. all uniforms, patrol cars, equipment, Municipal Tag and Violation Ticket books, appointment certificates, and all other materials or equipment supplied to the Bylaw Enforcement Officer by the Village.

### **PART 4 – MISUSE OF POWER**

#### **Complaints**

- 14.
- (1) If a person believes that a Bylaw Enforcement Officer has misused their power, the person may file a complaint in accordance with this Part.
  - (2) A complaint made under subsection (1) shall:
    - (a) be in writing,
    - (b) include the full name of the complainant,
    - (c) include contact information for the complainant,

(d) indicate the reasons for the complaint and,

(e) be sent to the Village, attention: Assistant C.A.O., Bylaw Enforcement Services

15.

(1) The Assistant C.A.O. may summarily dismiss a complaint that, in the opinion of Assistant C.A.O.:

(a) does not comply with section 14(2),

(b) is made more than 180 days after the alleged misuse of power;

(c) does not raise an issue of misuse of power by a Bylaw Enforcement Officer; or

(d) is frivolous or vexatious.

(2) If the Assistant C.A.O. dismisses a complaint under subsection (1), the Assistant C.A.O. shall send a notice to the complainant:

(a) specifying the reasons for the dismissal; and

(b) advising of the right of appeal to the Chief Administrative Officer.

#### **Investigations**

16. Unless a complaint is summarily dismissed, the Assistant C.A.O. shall, within 30 days of receiving a complaint:

(a) send written acknowledgement of receipt of the complaint to the complainant;

(b) advise the Bylaw Enforcement Officer of the allegations in the complaint and provide the Bylaw Enforcement Officer with a reasonable opportunity to respond to the allegations; and

(c) commence an investigation into the complaint.

17.

(1) The Assistant C.A.O. may conduct an investigation into a complaint in the manner that the Assistant C.A.O. considers appropriate and may, but is not required to, hold a hearing into the matter.

(2) If the Assistant C.A.O. decides to hold a hearing into a matter of complaint, the Assistant C.A.O. shall specify the procedure and send the complainant and the Bylaw Enforcement Officer notice of the procedure that will be used.

18.

(1) Despite no complaint having been received, if the Assistant C.A.O. has reason to believe that a Bylaw Enforcement Officer has misused their power the Assistant C.A.O. may conduct an investigation.

(2) If an investigation is conducted under subsection (1), the Assistant C.A.O. shall give the Bylaw Enforcement Officer notice of the matter being investigated and an opportunity to respond to the matter of concern.

19. Upon concluding an investigation, the Assistant C.A.O. shall decide that either:

(a) the Bylaw Enforcement Officer did not misuse their power; or

(b) the Bylaw Enforcement Officer misused their power.

#### **Sanctions and penalties**

20. If the Assistant C.A.O. decides that the Bylaw Enforcement Officer misused their power, the Assistant C.A.O. shall:

(a) warn the Bylaw Enforcement Officer;

(b) reprimand the Bylaw Enforcement Officer;

- (c) suspend the Bylaw Enforcement Officer from duty for an appropriate period of time;
- (d) dismiss the Bylaw Enforcement Officer; or
- (e) sanction or penalize the Bylaw Enforcement Officer in any other appropriate manner not inconsistent with Village policies, procedures and guidelines.

**Written decision**

- 21.
- (1) Within 30 days of concluding an investigation, the Assistant C.A.O. shall send written notice of the Assistant C.A.O.'s decision to the complainant (if any) and to the Bylaw Enforcement Officer.
  - (2) The written notice of decision must include:
    - (a) reasons for the Assistant C.A.O.'s decision, and
    - (b) notice advising of the right of appeal to the Chief Administrative Officer.

**PART 5 – APPEALS****Notice of Appeal**

- 22.
- (1) Within 14 days of receipt of receipt of the Assistant C.A.O.'s written decision, the complainant or the Bylaw Enforcement Officer may appeal the decision to the Chief Administrative Officer.
  - (2) An appeal under subsection (1) shall:
    - (a) be in writing,
    - (b) include the full name of the appellant,
    - (c) include contact information for the appellant,
    - (d) set out the grounds for the appeal, and
    - (e) be send to the Village, attention: Chief Administrative Officer
- 23.
- (1) The Chief Administrative Officer may summarily dismiss an appeal that, in the opinion of C.A.O., does not comply with Section 22.
  - (2) If the C.A.O. dismisses an appeal under subsection (1), the C.A.O. shall send a notice to the appellant specifying the grounds and giving the reasons for the dismissal.

**Conduct of Appeal**

24. Unless an appeal is summarily dismissed, the Chief Administrative Officer shall, within 30 days of receiving a notice of appeal:
- (d) send written acknowledgement of receipt of the appeal to the appellant;
  - (e) send the Assistant C.A.O. a notice requiring the Assistant C.A.O. to, within 7 days, forward all documents relating to the original complaint (if any), as well as the subsequent investigation and decision; and
  - (f) send the respondent (if any) a copy of the notice of appeal.
- 25.
- (1) The Chief Administrative Officer may conduct the appeal as the C.A.O. considers appropriate and may, but is not required to, conduct a new investigation and hold a new hearing.

(2) In conducting the appeal the C.A.O. shall specify the procedure and send the parties notice of the procedure that will be used.

26.

(1) Upon concluding the appeal, the Chief Administrative Officer shall dismiss or allow the appeal in whole or in part.

(2) If, in allowing the appeal in whole or in part, the C.A.O. finds that the Bylaw Enforcement Officer has misused his or her power, the C.A.O. may exercise any of the powers of the Assistant C.A.O. as set out under Section 20.

**Written Decision on Appeal**

27.

(1) Within 30 days of concluding the appeal, the Chief Administrative Officer shall send written notice of the C.A.O.'s decision to the appellant and respondent (if any).

(2) The written notice of decision must include reasons for the C.A.O.'s decision.

**Appeal is Final**

28. The Chief Administrative Officer's decision regarding an appeal is final and conclusive with no further right of appeal to the Court.

**Effective Date**

29. This bylaw shall come into force when it has received third and final reading and has been signed.

READ a first time this 16th day of October 2018.

READ a second time this 16th day of October 2018.

READ a third time and final time this 16th day of October 2018.

\_\_\_\_\_  
Signed by the CEO this date

\_\_\_\_\_  
CHIEF ELECTED OFFICIAL

\_\_\_\_\_  
Signed by the C.A.O. this date

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"

OATH OF OFFICE

[If swearing in accordance with section 2 of the *Oaths of Office Act*]

I, [name of Bylaw Enforcement Officer] swear that I will diligently, faithfully and to the best of my ability execute according to law the office of Bylaw Enforcement Officer for the Village of Wabamun.

So help me God.

SWORN BEFORE ME at the _____ of )	
_____, in the Province of )	
Alberta, this _____ day of _____, )	
20____. )	
)	
)	
_____)	_____) Signature of Bylaw Enforcement Officer
A Commissioner for Oaths )	
in and for the Province of Alberta )	

--- OR ---

[If solemnly affirming in accordance with section 4 of the *Oaths of Office Act*]

I, [name of Bylaw Enforcement Officer] solemnly affirm that I will diligently, faithfully and to the best of my ability execute according to law the office of Bylaw Enforcement Officer for the Village of Wabamun.

AFFIRMED BEFORE ME at the )	
of )	
_____, in the Province of )	
Alberta, this _____ day of _____, )	
20____. )	
)	
)	
_____)	_____) Signature of Bylaw Enforcement Officer
A Commissioner for Oaths )	
in and for the Province of Alberta )	

**APPENDIX G:  
WABAMUN BYLAW NO. 03-94: SPECIAL CONSTABLE AGREEMENT**

**BY-LAW NO. 03-94**

**OF THE**

**VILLAGE OF WABAMUN**

**IN THE PROVINCE OF ALBERTA**

**BEING A BY-LAW OF THE VILLAGE OF WABAMUN IN THE PROVINCE OF ALBERTA TO AUTHORIZE AN AGREEMENT BETWEEN THE VILLAGE OF WABAMUN AND THE SUMMER VILLAGE OF ALBERTA BEACH FOR SPECIAL CONSTABLE SERVICES.**

**WHEREAS,** the Summer Village of Alberta Beach operates an enforcement department consisting of a Special Constable an a total office operation for the enforcement department.

**WHEREAS,** the Summer Village of Alberta Beach has indicated their willingness to contract this enforcement department to the Summer Village of Wabamun with terms,

**WHEREAS,** the Council of the Village of Wabamun feels it would be beneficial to enter into an agreement with the Summer Village of Alberta Beach for service from their enforcement department,

**NOW THEREFORE,** under the authority and subject to the provisions of the Police Act, being Chapter 12.01 R.S.A. 1988, and amendments thereto, the Council of the Village of Wabamun, in the Province of Alberta, duly assembled, enacts as follows:

That the Mayor and Administrator are directed to and authorized to enter into an agreement with the Summer Village of Alberta Beach to avail the services of their Enforcement Department to the Village of Wabamun.

This agreement is attached to this By-Law as Schedule "A".

This By-Law comes into force on its final passing thereof.

READ A FIRST TIME IN COUNCIL THIS 6th DAY OF JUNE, 1994.

READ A SECOND TIME IN COUNCIL THIS 6th DAY OF JUNE, 1994.

READ A THIRD TIME AND PASSED BY COUNCIL THIS 6th DAY OF JUNE, 1994

  
DEPUTY MAYOR

  
ADMINISTRATOR

:lgb

SCHEDULE "A"

The following sums are due and payable by the Village of Wabamun to the Summer Village of Alberta Beach for "Special Constable Services".

Cost:

\$49,748.27 per year.

Formula:

Total operating costs plus total capital costs = Dept cost per hour  
Total man hours worked

<u>\$121,067</u>	+	<u>\$10,000</u>		<u>\$131,067</u>	=	\$25.28 per hour
5184		0		5184		

Note: in addition to this cost a 1% addition could be made to cover the costs of administration costs.  
 Example: 1% of \$121,067 is \$1,210.67

20 hours per week:	\$24,268.80
+ 1% Administration cost:	<u>1,210.67</u>
<b>Total</b>	<b>\$25,459.47</b>

This is to be billed and paid on a hourly pro rated basis as per hours worked per month. Invoices shall be sent out in the 1st week of the month following.

MEMORANDUM OF AGREEMENT ENTERED INTO THIS DAY OF  
A.D. 1994.

BETWEEN

THE VILLAGE OF WABAMUN  
a Municipal Corporation in the Province of Alberta  
(hereinafter referred to as "Wabamun")  
OF THE FIRST PART

- and -

THE SUMMER VILLAGE OF ALBERTA BEACH  
a Municipal Corporation in the Province of Alberta  
(hereinafter referred to as "Alberta Beach")  
OF THE SECOND PART

SPECIAL CONSTABLE SERVICES AGREEMENT

WHEREAS, Alberta Beach has entered into an Employment Agreement with a Special Constable to supply Special Constable Services to Alberta Beach and Wabamun;

AND WHEREAS, Wabamun desires to enter into an agreement with Alberta Beach to obtain the Special Constable Services of the Special Constable within the boundaries of Wabamun;

AND WHEREAS, the Special Constable has been appointed by the Solicitor General's Department as having jurisdiction to enforce within the boundaries of Alberta Beach and Wabamun the Highway Traffic Act, the Motor Vehicle Administration Act, the Liquor Control Act, the Off-Highway Protection Act, the Dangerous Dogs Act, the Petty Trespass Act and the Environmental Protection and Enhancement Act;

AND WHEREAS, the Police Act, being Chapter P-12.01, R.S.A. 1980 and amendments thereto, requires that an agreement be entered into between Alberta Beach and Wabamun with respect to the provisions of Special Constable Services through the employment of a common Special Constable;

NOW THEREFORE THIS AGREEMENT WITNESSETH, that in consideration of the terms, conditions, covenants and provisos contained herein to be observed and performed, the parties hereto agree as follows:

1. The term of this Agreement shall commence on \_\_\_\_\_, 1994 and terminate on December 31, 1994.

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SPECIAL CONSTABLE SERVICES AGREEMENT  
PAGE TWO

2. Alberta Beach agrees to supply Special Constable Services through the Special Constables employed by Alberta Beach to Wabamun. The Special Constable Services provided to Wabamun shall include the following:
  - a) Enforcement of the By-laws of the Village of Wabamun within the boundaries of Wabamun;
  - b) Enforcement of the Highway Traffic Act, the Motor Vehicle Administration Act, the Liquor Control Act, the Off-Highway Vehicle Act, the Litter Act, the Motor Transport Act, the Animal Protection Act, the Dangerous Dogs Act, the Petty Trespass Act and the Environmental Protection and Enhancement Act within the boundaries of Wabamun.
3. Wabamun agrees to pay to Alberta Beach the sums for the Special Constable Services supplied pursuant to this Agreement as stated in Schedule "A".
4. Alberta Beach acknowledges that Wabamun is to receive all fines relating to the enforcement of Provincial Statutes received by Wabamun as generated from the Special Constable Services supplied by the Special Constable pursuant to this Agreement.
5. Wabamun agrees to insure Alberta Beach's Special Constables under its general liability insurance policy to cover the performance of the Special Constable Services by the Special Constables for Wabamun pursuant to this Agreement. This insurance coverage shall be maintained by Wabamun in full force and effect throughout the term of this Agreement.
6. Wabamun agrees to be liable for the actions of the Special Constable while the Special Constable is on duty or otherwise supplying Special Constable Services to Wabamun pursuant to this Agreement.
7. Wabamun shall receive from the Special Constable monthly reports on all Special Constable Services supplied by the Special Constable to Wabamun.

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SPECIAL CONSTABLE SERVICES AGREEMENT  
PAGE THREE

- 8. Wabamun acknowledges that any written complaints received by it with respect to the provision of Special Constable Services by the Special Constable pursuant to this Agreement shall be immediately forwarded to Alberta Beach or the Law Enforcement Committee of Alberta Beach. Any disciplinary action taken against the Special Constable as a result of these complaints shall be the responsibility of Alberta Beach and the Law Enforcement Committee of Alberta Beach.
- 9. If the appointment of the Special Constable from the Solicitor General of Alberta for the jurisdiction of Wabamun is terminated, then this Agreement shall similarly immediately be terminated. Notwithstanding the foregoing, either party may terminate this Agreement on providing six months notice in writing to the other. This Agreement can be amended by mutual agreement with two months written notice.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first, above written.

VILLAGE OF WABAMUN

per: \_\_\_\_\_

per: \_\_\_\_\_

SUMMER VILLAGE OF ALBERTA BEACH

per: \_\_\_\_\_

per: \_\_\_\_\_