

**PARKLAND COUNTY
PROVINCE OF ALBERTA**

BYLAW 2018-21

**BEING A BYLAW OF PARKLAND COUNTY FOR THE PURPOSE OF AMENDING
LAND USE BYLAW 2017-18 IN RELATION TO SECTION 18 ENFORCEMENT AND VIOLATIONS**

WHEREAS the Council of Parkland County passed a Bylaw pursuant to Part 17, Section 630 of the *Municipal Government Act, R.S.A. 2000, c.M-26*, known as the Parkland County Land Use Bylaw 2017-18 for the purpose of regulating and controlling the use and development of land and buildings within Parkland County;

WHEREAS and pursuant to Part 17, Section 692 of the *Municipal Government Act* the Council of a municipality is authorized to amend a Land Use Bylaw; and

WHEREAS Section 692 of the *Municipal Government Act* requires the Council of a municipality to hold a public hearing and advertise such a Bylaw in accordance with Sections 230 and Section 606 of the *Municipal Government Act*, respectively.

NOW THEREFORE the Council of Parkland County duly assembled and under the authority of the *Municipal Government Act*, as amended, hereby enacts the following:

BYLAW 2017-18 AMENDMENTS:

1. That Bylaw 2017-18, being the Land Use Bylaw is amended as follows:

The following will be deleted:

SECTION 18 - ENFORCEMENT

18.1 Contravention

1. Pursuant to Sections 545 and 645 of the *Act*, the Designated Officer may enforce the provisions of the *Act*, the conditions of a development permit and this Bylaw. Enforcement may be by written notice of contravention, written stop order notice, or any other authorized action to ensure compliance.

18.2 Prohibitions

1. No person shall contravene or permit a contravention of this Bylaw. No person shall commence or undertake a development, use, or sign that is not in compliance with this Bylaw.
2. No person shall contravene a condition of a permit issued under this Bylaw.
3. No person shall authorize or do any development that is at variance with the description, specifications or plans that formed the basis for the issuance of a development permit. No person shall modify any description, specifications, or plans that formed the basis for the issuance of any permit by a Development Authority.

18.3 Non-Compliance

1. If, after a development permit has been issued, the Development Authority becomes aware that:
 - a) the application for the development contains a misrepresentation;
 - b) facts concerning the application or the development were not disclosed which should have been disclosed at the time the application was considered;
 - c) the development permit was issued in error;
 - d) the application was withdrawn by way of written notice from the applicant; and/or
 - e) if the condition(s) imposed in the development permit have not been complied with;the Development Authority may cancel, suspend or modify as considered appropriate, the development permit by notice, in writing, to the holder of the permit.

2. A person whose development permit is cancelled, suspended or modified under this Subsection may appeal to the Subdivision and Development Appeal Board in accordance with Section 17.

18.4 Right of Entry

1. Where the Development Authority finds that a development or use of land or buildings is not in accordance with:

- a) Part 17 of the *Act*, regulations thereto, and/or the Land Use Bylaw; or
- b) a development permit;

the Development Authority may take such action as specified in Sections 542 and 543 of the *Act*.

18.5 Stop Orders and Enforcement

1. Pursuant to Section 645 of the *Act*, The Designated Officer may by written notice order the registered owner, the person in possession of the land or buildings or the person responsible for the contravention or all or any of them to:
 - a) stop the development or use of the land or buildings in whole or in part as directed by the notice;
 - b) demolish, remove, replace the development or landscaping; or
 - c) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the *Act*, a development permit, subdivision approval, or this Bylaw as the case may be, within the time specified by the notice.
2. Pursuant to Section 645 if the *Act*, the order shall specify a deadline for compliance and:
 - a) state a time within which the development must comply with the order; and/or
 - b) state that if the development does not comply with the order within the specified time, the municipality will take the action or measure at the expense of the Person.
3. Pursuant to Section 646 of the *Act*, if a person fails to comply with the order of the Development Authority, a Designated Officer may enter on the land or building and take any action necessary to carry out the order.
4. Parkland County may register a caveat, under the *Land Titles Act*, against the certificate of title for the land that is subject to the order, provided that the caveat is discharged when the order has been complied with.
5. Parkland County's costs of carrying out any actions required for compliance may be added to the tax roll of the land subject to the order.

The following be added:

SECTION 18 – ENFORCEMENT AND REGULATIONS

18.1 General

1. When deciding to prosecute a violation of, or enforce compliance with, this Bylaw a Development Officer, Designated Officer or Community Peace Officer must be satisfied there is sufficient evidence to provide a realistic prospect of conviction or enforcement and will consider whether or not further prosecution or enforcement is in the public interest.

18.2 Offences

1. Any owner, lessee, tenant or occupant of land, a building, a structure or a sign thereon, who, with respect to such land, building, structure:
 - a) contravenes; or
 - b) causes, allows or permits a contravention of any provision of this Bylaw; commits an offence.
2. It is an offence for any person to:
 - a) construct a building or structure;
 - b) commence a Use or change of intensity of Use;
 - c) make an addition or alteration thereto;
 - d) not comply with the directions of an Order, or
 - e) place a Sign on land;

for which a development permit is required but has not been issued or is not valid under this Bylaw.

18.3 Non-Compliance

- 1. If, after a development permit has been issued, the Development Authority becomes aware that:
 - a) the application for the development contains a misrepresentation;
 - b) facts concerning the application or the development were not disclosed which should have been disclosed at the time the application was considered;
 - c) the development permit was issued in error;
 - d) the application was withdrawn by way of written notice from the applicant; and/or
 - e) one or more condition(s) imposed in the development permit have not been complied with;the Development Authority may cancel, suspend or modify as considered appropriate, the development permit by notice, in writing, to the holder of the permit.
- 2. A person whose development permit is cancelled, suspended or modified under this Subsection may appeal to the Subdivision and Development Appeal Board in accordance with Section 17.

18.4 Enforcement

- 1. The Development Authority and/or a Designated Officer of the municipality may issue warnings or orders and take actions or measures, consistent with the authority granted by the *Municipal Government Act*, to enforce this Bylaw.
- 2. Where a Community Peace Officer or Bylaw Enforcement Officer of the municipality believes, on reasonable and probable grounds, that a person has committed an offence with respect to this Bylaw, the officer may issue a summons by means of a violation ticket in accordance with the *Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34*, and as amended from time to time.

18.5 Offences and Specified Penalties

- 1. A Violation Ticket may be issued for a non-compliant development or development without approval.
 - a) Penalties:

Section	Offence	Minimum	Maximum
1.3	Commercial / Industrial Business	\$200.00	\$500.00
1.3	Development prior to permit approval	\$100.00	\$950.00
11.8	Stripping/Grading/Filling	\$200.00	\$500.00
12.12	Natural Resource Extraction	\$500.00	\$950.00
12.14	Recreational Vehicle Storage	\$100.00	\$500.00
12.16	Secondary Suite	\$150.00	\$400.00
12.21	Tourist Campground	\$200.00	\$500.00
12.24	Work Camp	\$200.00	\$500.00
12.8	Home Based Business	\$100.00	\$200.00
12.9	Kennel	\$150.00	\$300.00
16.2	Fences	\$100.00	\$300.00
18.2.2(d)	Fail to comply with an Order	\$250.00	\$500.00
18.3	Non-compliance with Development Permit conditions	\$100.00	\$950.00

- 2. Where there is no specified penalty listed for an offence in 18.5.1(a), the minimum fine shall be \$100.00.
- 3. Where any person contravenes the same provision of this Bylaw twice within a twelve (12) month period, the specified penalty payable in respect of the second contravention is double the amount shown in Section 18.5.1 (a).
- 4. Where any person contravenes the same provision of this Bylaw three or more times within a twelve (12) month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount shown in Section 18.5.1 (a).

- 5. Payment of any fine, or other penalty imposed by a Court of competent jurisdiction shall not relieve any person from the requirement to remedy the conditions that constitute the original offence or to pay any fees, charges or costs associated to the enforcement of this Bylaw.
- 6. Pursuant to Section 7(i)(ii) of the *Municipal Government Act*, a person who violates any provisions of this Bylaw, or permits a contravention of this Bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine in an amount not to exceed \$10,000.00.

ENACTMENT/TRANSITION

- 1. Should any provision of this bylaw be deemed invalid then such invalid provision will be severed from this bylaw and such severance will not affect the validity of the remaining portions of this bylaw, except to the extent necessary to give effect to such severance.
- 2. This bylaw shall come into force and take effect on the day of third reading and signing thereof.

READ A FIRST TIME this _____ day of _____, 2018.

READ A SECOND TIME this _____ day of _____, 2018.

READ A THIRD TIME and finally passed this _____ day of _____, 2018.

SIGNED AND PASSED this _____ day of _____, 2018

Mayor

Chief Administrative Officer