

Attachment 5

## **Research Summary**

For Bylaw 2018-21 Land Use Bylaw Amendment for Land Use  
Enforcement

November 2018

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## 1. Background research

### 1.1. Purpose

Conducting background research of Land Use Bylaws in Alberta provides an insight into how other municipalities respond to enforcements related to non-compliance issues.

Using this information, Administration is able to choose the best approach to amending the Land Use Bylaw.

### 1.2. Summary of comparator municipalities

Researching other land use bylaws has shown that municipalities all differ in their enforcement approach. Some municipalities rely solely on the direction set out in the *Municipal Government Act* while others include specified penalties for offences.

#### Summary of relevant land use regulations

Name, Bylaw	Land Use Enforcement Regulations																																																									
Camrose County Bylaw 1373	Part 5 Enforcement <ul style="list-style-type: none"><li>The regulations are consistent with the <i>Municipal Government Act</i>.</li><li>No specified fines within the Land Use Bylaw</li></ul>																																																									
Town of Canmore Bylaw 22-2010	Section 1 Administration <ul style="list-style-type: none"><li>The regulations are consistent with the <i>Municipal Government Act</i>.</li><li>Sec. 1.22 Violation Tags<ul style="list-style-type: none"><li>Authorizes and empowers Peace Officers it issue violation ticket.</li><li>Sets out minimum and maximum penalties.</li></ul></li><li>a. General offences related to developments conducted without development permits or contrary to the conditions of a development permit as described in "a", "b", and "c" of Subsection 1.25.0.1, above:<table><tr><td>First offence within calendar year:</td><td>Minimum penalty:</td><td>\$500</td></tr><tr><td>Second offence within calendar year:</td><td>Minimum penalty:</td><td>\$1,000</td></tr><tr><td>Third and additional offences:</td><td>Minimum penalty:</td><td>\$ 2,000</td></tr></table></li><li>b. Offenses related to unpermitted dwelling units<table><tr><td>First offence within calendar year:</td><td>Minimum penalty:</td><td>\$2,500</td></tr><tr><td>Second and additional offences:</td><td>Minimum penalty:</td><td>\$5,000</td></tr></table></li><li>c. Offenses related to unpermitted tourist homes<table><tr><td>First offence within calendar year:</td><td>Minimum penalty:</td><td>\$2,500</td></tr><tr><td>Second and additional offences:</td><td>Minimum penalty:</td><td>\$5,000</td></tr></table></li><li>d. Offenses related to vehicles on residential properties<table><tr><td>First offence within calendar year:</td><td>Specified penalty:</td><td>\$100</td></tr><tr><td>Second offence within calendar year:</td><td>Specified penalty:</td><td>\$200</td></tr><tr><td>Third and additional offence:</td><td>Specified penalty:</td><td>\$500</td></tr></table></li><li>e. Offenses related to unauthorized occupancy of premises<table><tr><td>First offence within calendar year:</td><td>Specified penalty:</td><td>\$250</td></tr><tr><td>Second offence within calendar year:</td><td>Specified penalty:</td><td>\$350</td></tr><tr><td>Third and additional offence:</td><td>Specified penalty:</td><td>\$500</td></tr></table></li><li>f. Offenses relating to signage<table><tr><td>First offence within calendar year:</td><td>Specified penalty:</td><td>\$50</td></tr><tr><td>Second offence within calendar year:</td><td>Specified penalty:</td><td>\$100</td></tr><tr><td>Third &amp; additional offence:</td><td>Specified penalty:</td><td>\$250</td></tr><tr><td>Signage Impound Fee:</td><td>Specified penalty:</td><td>\$50</td></tr></table></li><li>g. Offenses relating to unauthorized logging<table><tr><td>First offence within calendar year:</td><td>Minimum penalty:</td><td>\$1,000</td></tr><tr><td>Second and additional offences:</td><td>Minimum penalty:</td><td>\$5,000</td></tr></table></li></ul>	First offence within calendar year:	Minimum penalty:	\$500	Second offence within calendar year:	Minimum penalty:	\$1,000	Third and additional offences:	Minimum penalty:	\$ 2,000	First offence within calendar year:	Minimum penalty:	\$2,500	Second and additional offences:	Minimum penalty:	\$5,000	First offence within calendar year:	Minimum penalty:	\$2,500	Second and additional offences:	Minimum penalty:	\$5,000	First offence within calendar year:	Specified penalty:	\$100	Second offence within calendar year:	Specified penalty:	\$200	Third and additional offence:	Specified penalty:	\$500	First offence within calendar year:	Specified penalty:	\$250	Second offence within calendar year:	Specified penalty:	\$350	Third and additional offence:	Specified penalty:	\$500	First offence within calendar year:	Specified penalty:	\$50	Second offence within calendar year:	Specified penalty:	\$100	Third & additional offence:	Specified penalty:	\$250	Signage Impound Fee:	Specified penalty:	\$50	First offence within calendar year:	Minimum penalty:	\$1,000	Second and additional offences:	Minimum penalty:	\$5,000
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	Nothing in this Bylaw shall prevent a Peace Officer from issuing summons for the Mandatory Court appearance of any person or company who contravenes any provision of this Bylaw.			
<b>MD of Foothills No. 31 Bylaw 60-2014</b>	Part 3 Enforcement and Appeals <ul style="list-style-type: none"> <li>The regulations are consistent with the <i>Municipal Government Act</i>.</li> <li>Authorizes and empowers Peace Officers it issue violation ticket.</li> <li>Sets out minimum and maximum penalties. Penalties are minimum \$500 to maximum of \$1500 mostly related to non-compliant signs.</li> </ul>			
<b>Lac Ste. Anne County Bylaw 24-2014</b>	Section 6 Enforcement <ul style="list-style-type: none"> <li>The regulations are consistent with the <i>Municipal Government Act</i>.</li> <li>Authorizes and empowers a Designated Officer to issue municipal tickets.</li> <li>Where a person undertakes development prior to a development permit being issued, the following fees shall apply:               <ol style="list-style-type: none"> <li>\$500.00 for the first offence; and</li> <li>\$1000.00 for a second offence within the same one (1) calendar year from the date of the first offence.</li> </ol> </li> </ul>			
<b>Red Deer County Bylaw 2006-6</b>	Part 6 Contravention and Enforcement <ul style="list-style-type: none"> <li>The regulations are consistent with the <i>Municipal Government Act</i>.</li> <li>Authorizes and empowers Peace Officers it issue violation ticket.</li> <li>Sets out minimum and maximum penalties</li> <li>A person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and liable upon summary conviction to the specified penalty set out in Section 36.6, or in the case for which there is no specified penalty set out in Section 36.6, to a fine of \$250.00 for a first offence, \$500.00 for a second offence and \$1,000.00 for a third or subsequent offence, and in default of payment of any penalty, to imprisonment for up to 6 months.</li> </ul>			
	Section 36.6			
	Section	Description of Offence	First Offence	Second Offence
				Third or Subsequent Offence
	16.1	Residential Development: Commence Development without Permit or proceed contrary to conditions	\$500.00	\$1,000.00
	16.1	Industrial/Commercial/Institutional Development: Commence Development without Permit or proceed contrary to conditions	\$5,000.00	\$7,500.00
	56.3	Altered Drainage	\$500.00	\$1,000.00
	59.1	Unsightly premises	\$500.00	\$750.00
	59.6	Livestock in a residential district	\$500.00	\$1,000.00
	80.1	Displaying a Sign in contravention of this Bylaw	\$500.00	\$1,000.00
<b>Rocky View County Bylaw C-4841-97</b>	Section 18 Contravention and Enforcement <ul style="list-style-type: none"> <li>The regulations are consistent with the <i>Municipal Government Act</i>.</li> <li>Peace Officer issues violation ticket</li> </ul>			

	<table><tr><th>Section</th><th>Offence</th><th>Minimum Specified Penalty First Offence</th></tr><tr><td>6</td><td>Fail to obtain a Development Permit</td><td>\$1500.00</td></tr><tr><td>7.12(d)</td><td>Fail to comply with rules for temporary signs</td><td>\$1500.00</td></tr><tr><td>14.1</td><td>Fail to comply with Development Permit/Development Permit conditions</td><td>\$1500.00</td></tr><tr><td>20.6(d)</td><td>Failure to contain construction materials/refuse</td><td>\$1500.00</td></tr><tr><td>21.1(b)</td><td>Exceed allowable outside storage/outside parking</td><td>\$1500.00</td></tr><tr><td>35.10</td><td>Display unapproved advertising signage</td><td>\$1500.00</td></tr><tr><td>30.1 (h)(ii)</td><td>Fail to identify disabled stalls through signs</td><td>\$1500.00</td></tr></table>	Section	Offence	Minimum Specified Penalty First Offence	6	Fail to obtain a Development Permit	\$1500.00	7.12(d)	Fail to comply with rules for temporary signs	\$1500.00	14.1	Fail to comply with Development Permit/Development Permit conditions	\$1500.00	20.6(d)	Failure to contain construction materials/refuse	\$1500.00	21.1(b)	Exceed allowable outside storage/outside parking	\$1500.00	35.10	Display unapproved advertising signage	\$1500.00	30.1 (h)(ii)	Fail to identify disabled stalls through signs	\$1500.00
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City of St Albert Bylaw 9-2005	<p>Part 5 Enforcement and Administration</p> <ul style="list-style-type: none"><li>The regulations are consistent with the <i>Municipal Government Act</i>.</li><li>No specified penalties</li></ul>																								
Strathcona County Bylaw 6-2015	<p>Section 2.18 Compliance and Enforcement</p> <ul style="list-style-type: none"><li>The regulations are consistent with the <i>Municipal Government Act</i>.</li><li>Designated Officer may issue a violation ticket.</li><li>Penalties are specified in the Fees and Charges Bylaw</li></ul>																								
Municipal Policy Handbook SER-008-024	The policy outlines the process and refers to principles of compliance through education before prosecution.																								
Sturgeon County 1385-17	<p>Part 4 Enforcement</p> <ul style="list-style-type: none"><li>The regulations are consistent with the <i>Municipal Government Act</i>.</li><li>Peace Officer may issue violation ticket</li></ul> <table><tr><th>Bylaw reference</th><th>Offence</th><th>Minimum Specified Penalty</th></tr><tr><td>2.1 and 4.2</td><td>Contravening approved development permit or conditions of approved development permit</td><td>\$500 for first offence \$1000 for a second and following offence</td></tr><tr><td>2.12</td><td>Developing with expired development permit or continuing development after development permit cancellation</td><td>\$1000</td></tr><tr><td>4.2</td><td>Contravention of any part of this bylaw</td><td>\$500 for first offence \$1000 for a second and following offence</td></tr><tr><td>4.2.1</td><td>Failing to comply with any order issued under Section 4.4 of this bylaw</td><td>\$1000</td></tr><tr><td>4.3.3</td><td>Obstruction of a Peace Officer or Bylaw Enforcement Officer</td><td>\$1000</td></tr></table>	Bylaw reference	Offence	Minimum Specified Penalty	2.1 and 4.2	Contravening approved development permit or conditions of approved development permit	\$500 for first offence \$1000 for a second and following offence	2.12	Developing with expired development permit or continuing development after development permit cancellation	\$1000	4.2	Contravention of any part of this bylaw	\$500 for first offence \$1000 for a second and following offence	4.2.1	Failing to comply with any order issued under Section 4.4 of this bylaw	\$1000	4.3.3	Obstruction of a Peace Officer or Bylaw Enforcement Officer	\$1000						
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<b>Wetaskiwin County Bylaw 2017-48</b>	<p>Section 5 Enforcement</p> <ul style="list-style-type: none"> <li>The regulations are consistent with the <i>Municipal Government Act</i>.</li> <li>Sets out specified penalties.</li> </ul> <p>Any person who commits a second or subsequent offence under this Bylaw within one calendar year of committing a first offence under this Bylaw is liable on summary conviction to an increased fine as follows:</p> <p>a) First offence - \$500 b) Second offence - \$1,000 c) Third and subsequent offence(s) - \$5,000</p>
<b>Wheatland County Bylaw 2016-01</b>	<p>Part 6 Enforcement and Appeals</p> <ul style="list-style-type: none"> <li>The regulations are consistent with the <i>Municipal Government Act</i>.</li> <li>Sets out specified penalties.</li> </ul> <p>Any person that violates any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of \$5,000.00 or in a default of payment of a fine to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts. Specified penalties for 1st, 2nd and 3rd offences are stated below.</p> <p>1st Offence \$1,000 2nd Offence \$2,000 3rd Offence \$5,000</p>

### 1.3. Options

Based on above research, there are 2 options available when amending Parkland County's land use bylaw.

Administration determined that Option No. 1, to include the penalties within Section 18 of the Land Use Bylaw 2017-18 was the preferred option.

#### Options for Amending Parkland County's Land Use Bylaw

OPTION	DETAILS	PROS	CONS
1. Amend the land use bylaw to include specified penalties.	<p>This option is a comprehensive rewrite of Section 18 Enforcement which would give the County the ability to determine specific penalties for offences.</p> <p>This option provides transparency with the minimum and maximum penalties.</p>	<p>Ensures consistency and transparency of penalties</p> <p>Specific penalties within the LUB is easy for administration and the public to access.</p> <p>Easy to find the minimum and maximum penalties.</p> <p>Municipalities using this approach take more proactive approach to enforcement</p>	The LUB would have to be amended to increase minimum and maximum penalties.
2. Amend the land use bylaw without specified penalties.	<p>This option would rely heavily on the <i>Municipal Government Act</i>.</p> <p>The Act allows the County to issue penalties however they</p>	Consistent with the <i>Municipal Government Act</i> .	There are not specified penalties within the Land Use Bylaw which can contribute to varying degrees of penalties being issued for similar offences.

	would not be substantiated in the Land Use Bylaw.		
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