

**Town of Drumheller
COMMITTEE OF THE WHOLE MEETING
AGENDA**

**Monday, February 25, 2019 at 4:30 PM
Council Chambers, Town Hall
224 Centre Street, Drumheller, Alberta**



Page

- 1. CALL TO ORDER**
 - 1.1 Councillor Fred Makowecki to be sworn in as Deputy Mayor for the months of March and April, 2019
- 2 - 3**
 - 1.2 Proclamation Freedom to Read Week February 24 - March 2, 2019
[Proclamation Freedom to Read Week](#)
- 2. REVIEW OF STRATEGIC PLAN WORK PRIORITIES**
 - 2.1 Economic Development Strategy Action Plan
Poverty Reduction Terms of Reference
ICFs Meetings
Downtown Plaza Phase 1.5
Employee Innovation Options
Emergency Scenario Practices
Community Profile / Promo Piece
- 3. DELEGATIONS**
 - 3.1 Nick Peelar and Jen Friesen - ATCO Electric - Customer Bills
- 4. REPORTS FROM ADMINISTRATION**
 - 4.1 CAO'S REPORT**
 - 4.11 Bylaw 07.18 being the Community Standards Bylaw and Bylaw 04.19 Tourism Corridor Bylaw (discussion)
[Bylaw 07.18 Community Standards Bylaw with revisions from February 19th](#)
[Bylaw 04.19 Tourism Corridor Property Standards - first reading given February 19th](#)
 - 4.12 Draft Bylaw 01.19 being the Municipal Emergency Management Bylaw
[Draft Bylaw 01.19 Municipal Emergency Management](#)
 - 4.2 DEPUTY CAO/DIRECTOR OF CORPORATE SERVICES' REPORT**
 - 4.3 DIRECTOR OF INFRASTRUCTURE SERVICES' REPORT**
 - 4.4 DIRECTOR OF EMERGENCY / PROTECTIVE SERVICES' REPORT**
 - 4.5 EDO / COMMUNICATION OFFICER**
- 5. ANNUAL BUDGET REVIEW**
- 6. COUNCIL MEMBERS ROUND TABLE DISCUSSION**
 - 6.1 Councillor Fred Makowecki - Airbnb
- 7. IN-CAMERA MATTERS**

FREEDOM TO READ

PROCLAMATION



WHEREAS Freedom to Read Week is an initiative to promote literacy, tolerance, knowledge, and a love of reading among all Canadians;

AND WHEREAS the right to pursue the truth through free inquiry is essential to democratic decision making;

AND WHEREAS the freedom to read print on paper or on-line, is the essence of free inquiry;

AND WHEREAS the freedom to read can never be taken for granted;

AND WHEREAS the freedom to read is under assault from the left and right of our society;

NOW THEREFORE BE IT RESOLVED that:

the Council of the Town of Drumheller endorses the objectives of Freedom to Read Week, and recognizes, reaffirms, and defends the rights of the citizens of Drumheller individually to decide what they will or will not read; and

calls on all residents to actively work to achieve these objectives, and in so doing ensure Drumheller continues to be a Freedom to Read zone in which the freedom to read and the right to seek information will not be violated.

NOW, THEREFORE I, Mayor Heather Colberg

DO HEREBY PROCLAIM the week of February 24 – March 2, 2019 as

FREEDOM TO READ WEEK

in the Town of Drumheller



MARIGOLD
LIBRARY SYSTEM

February 4, 2019

Dear Councils in Marigold Library System,

Freedom to Read Week, February 24 – March 2, 2019, is an annual event that encourages Canadians to think about and reaffirm their commitment to intellectual freedom, which is guaranteed them under the Charter of Rights and Freedoms.

Marigold encourages your Council to declare Freedom to Read Week. A proclamation is enclosed.

Intellectual freedom enables people to make informed decisions about issues which have an impact on their daily lives. Life decisions are supported by ready access to reliable information in books, journals and other online or print resources. Find more information, resources and celebration ideas at:
www.freedomtoread.ca

Marigold supports and celebrates this annual event by declaring Freedom to Read Week and also by having a draw for Freedom to Read displays at our January Board meeting. At this Board meeting, Marigold Board members from Wheatland, Canmore, Crossfield and Morrin won Freedom to Read displays for their libraries.

Thank you for supporting this initiative.

Sincerely,

Michelle Toombs, CEO
michelle@marigold.ab.ca
403.934.5334 or 1.855.934.5334 ext. 224

“Banning books is just another form of bullying. It's all about fear and an assumption of power.
The key is to address the fear and deny the power.” ~ James Howe

**TOWN OF DRUMHELLER
Community Standards
Bylaw Number 07-18**

Being a Bylaw of the Town of Drumheller in the Province of Alberta for the purposes of prohibiting certain activities in order to prevent and compel abatement of noise, nuisances, unsightly premises, control weeds and public disturbances.

WHEREAS the *Municipal Government Act*, being Chapter M-26 or the revised Statutes of Alberta and amendments thereto, provide that the Council of a municipality may pass bylaws for municipal purposes respecting nuisances, including unsightly property.

WHEREAS the *Municipal Government Act* authorizes a municipality to pass bylaws respecting safety, health and welfare of people and protection of people and property;

WHEREAS the *Municipal Government Act* authorizes a municipality to pass bylaws respecting the remedying of contraventions of bylaws;

WHEREAS the *Traffic Safety Act* authorizes a municipality to pass bylaws with respect to Highways under its direction, control and management and the parking of vehicles on public and private property;

WHEREAS the *Safety Codes Act* authorizes a municipality to pass bylaws respecting the minimum maintenance standards for buildings and structures; and unsightly or derelict buildings or structures;

AND WHEREAS community standards are intended to be reviewed regularly and amended as Council deems appropriate. Council's desire is to influence respect for each other as neighbors and balance enforcement with the livability of neighbors and neighborhoods.

NOW THEREFORE the Council of the Town of Drumheller, in the Province of Alberta, duly assembled, enacts the following:

PART 1 – INTERPRETATION

- 1.1 This Bylaw shall be cited as the "Community Standards Bylaw".
- 1.2 This Bylaw applies to all Premises within the corporate boundaries of the Town of Drumheller.
- 1.3 Nothing in this Bylaw shall be interpreted as conflicting with any Provincial or Federal legislation.
- 1.4 Where any provision of this Bylaw conflicts with any Provincial or Federal legislation, the Provincial or Federal legislation shall take precedence.

- 1.5 Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw remain valid and in force.
- 1.6 Nothing in this Bylaw relieves a Person from complying with any provisions of any Provincial or Federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or license.
- 1.7 All of the schedules attached to this Bylaw form a part of this bylaw.

PART 2 – DEFINITIONS

“Appeal” means the appeal of;

- (i) An Order issued pursuant to the Community Standards Bylaw;
- (ii) An Order issued pursuant to Section 545 of the *Municipal Government Act* regarding contraventions of other bylaws or enactments that the Town is authorized to enforce; or
- (iii) An Order issued pursuant to Section 546 of the *Municipal Government Act*

“Appeal Board” shall mean the Community Standards Appeal Board as established by the Community Standards Appeal Bylaw

“Boulevard” means that part of a Highway that is not a roadway.

“Building” means any structure used or intended for supporting or sheltering any use or occupation.

“Building Material” means all construction and demolition material including the packaging material accumulated on Premises arising from the construction, alteration, repair or demolition of any structure and includes, but is not limited to, earth, vegetation or rock displaced during such construction, alteration, repair or demolition;

“Bylaw Violation Tag” is a ticket or summons issued for an allegation of a Bylaw infraction and is issued by a Peace Officer and only enforceable in the Town.

“Chief Administrative Officer” shall mean a Municipal Official employed by the Town of Drumheller in the position of Chief Administrative Officer, or in his/her absence, the person appointed as Acting Chief Administrative Officer; or designate.

“Council” means the Municipal Council of the Town of Drumheller.

“Court” shall mean any Provincial Court of Alberta.

“Day Time” means the period beginning at 7:00 am and ending at 10:00 pm of the same day, on weekdays; or beginning at 9:00 am and ending at 10:00 pm of the same day, on the weekend.

“Derelict Equipment” means equipment or machinery, which has been rendered inoperative by reason of its disassembly, damage, age or mechanical condition, and includes, but is not limited to, any household appliance stored outside of a residence or other structure.

“Derelict Vehicle” means a vehicle, whether or not in operating condition; or has all or part of its structures removed or dismantled, or is in a dilapidated or unsightly condition.

“Fire Receptacle” includes a permanently affixed outdoor fire place or a portable fire pit where fuel source may be wood, gas or any other combustible substance.

“Good Repair” means a condition where the structure does not exhibit: significant damage, peeling surfaces, broken, missing, or fallen parts, rot or other significant deterioration, openings which are not secured, or other visual evidence of lack of general maintenance.

“Graffiti” means words, figures, letters, drawings, symbols, or stickers applied, scribbled, scratched, etched, sprayed or attached on or to a surface of the premises without permission of the owner and in public view.

“Highway” as stated in the Traffic Safety Act, R.S.A. 2000, c T-6 means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes (i) a sidewalk, including a boulevard adjacent to the sidewalk, (ii) if a ditch lies adjacent to and parallel with the roadway, the ditch, and (iii) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be, but does not include a place declared by regulation not to be a highway.

“Landscaping Standards” as set out in the Town of Drumheller’s Landscaping Policy.

“Land Use Bylaw” means the Town of Drumheller Land Use Bylaw and any amendment to the Land Use Bylaw.

“Lane” shall mean an alley intended primarily for access to the rear of Premises located adjacent to the alley.

“Night Time” means a period beginning at 10:00 pm and ending on the following day at 7:00 am, if the following day is a Week Day or 9:00 am if the following day is a Weekend.

“Noise” means any sound that is reasonably likely to disturb the peace of others.

“Notice” shall mean a notice issued pursuant to this bylaw to remedy a condition that is not in compliance with any provision of this bylaw.

“Nuisance” for the purpose of this bylaw includes any use of or activity upon any premises which is offensive to any person, or has or may have a detrimental impact upon any person or other premises in the neighborhood.

“Occupier” means residing on or to be in possession or control of the Premises.

“Order” means a written order identifying a contravention of this Bylaw and stipulating the actions that the Owner or Occupier shall take to remedy the contravention.

“Owner” of Premises is a Person who is registered under the Land Titles Act as the Owner of the Premises.

“Peace Officer” shall mean a Community Peace Officer, Bylaw Enforcement Officer, Police of Jurisdiction or other person appointed by the Town and who is authorized to enforce Bylaws of the Town of Drumheller.

“Person” shall mean an individual person, a corporation, association, partnership or other recognized legal entity.

“Premises” shall mean any land situated in whole or in part within the Town including the external surface of all buildings and land immediately adjacent to any building or buildings and including any land or buildings owned or leased by the Town.

“Property” shall have the same meaning as Premises.

“*Provincial Offences Procedures Act*” means the Provincial Offences Procedures Act, R.S.A. 2000, Chapter P-34 and the regulations thereof, as amended or replaced from time to time.

“Public Place” means any place within the Town to which the public may have either express or implied access including, but not limited to, areas such as streets, sidewalks, pathways, trails, and any fixture or sculpture located in such area.

“Screened” means a fence, wall, berm, hedge or other barrier providing visual and/or acoustic separation of sites.

“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.

“Town” means the Town of Drumheller, a municipal corporation and, where the context so requires, the area included within the boundaries of the said municipal corporation.

“Unightly Premises” means in respect of a Building, includes a Building whose exterior shows signs of significant physical deterioration, and in respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep.

“Violation Ticket” means an offence notice issued by means of a Violation Ticket as described in Part 2 of the *Provincial Offences Procedures Act*.

“Waste” as stated in the *Environmental Protection and Enhancement Act*, R.S.A. 2000, Chapter E-12 means any solid or liquid material or product or combination of solid or liquid material or product, including, but not limited to, rubbish, refuse, garbage, paper, packaging, containers, bottles, cans, manure, human or animal excrement, sewage or the whole or a part of an animal carcass, or the whole or part of any article, raw or processed material, vehicle or other machinery that is disposed of and any other thing that is designated as waste in the regulations.

“Waste Collection Cart” means a cart that is supplied by the Town designed to receive Waste then rolled to a collection point and emptied by an automated collection truck.

“Waste Container” means a commercial bin provided by the Occupier specifically marketed to store Waste and excludes containers that are meant for other purposes.

“Weeds” means plants designated as noxious and nuisance weeds as defined in the *Weed Control Act*, RSA 2000 cW-5 and Alberta Regulation 171/2001, as amended or replaced from time to time.

“Week Day” means Monday through Friday, inclusive, for the purpose of this Bylaw, unless it fall on a Holiday.

“Weekend” means Saturday, Sunday and any other Holiday.

“Yard Waste” shall mean any waste material of an organic nature formed as a result of gardening, horticultural pursuits, or agricultural activities including grass, tree and hedge cuttings, waste sod and decomposing plants, leaves and weeds.

PART 3 – CARE OF PREMISES

UNSIGHTLY PREMISES

3.01 No Owner or Occupier of Premises shall allow their Premises to be in unsightly condition.

ACCUMULATION OF MATERIALS

3.02 No Owner or Occupier of Premises shall allow on the Premises, the accumulation of: any material that creates unpleasant odors; any material likely to attract pests; or animal remains, parts of animal remains, or animal feces.

3.03 No Owner or Occupier of Premises shall allow the open or exposed storage on the Premises of any quantities of industrial fluid, including engine oil, brake fluid or antifreeze.

3.04 No Owner or Occupier of Premises shall allow the following to accumulate on the Premises such that the accumulation is visible to a Person viewing from outside the Premises; loose garbage; bottles, cans, boxes or packaging materials; and household furniture or other household goods.

3.05 No Owner or Occupier of Premises shall allow the accumulation of automobile parts, abandoned vehicles, or Derelict Vehicles to remain or to be parked on Premises, unless it is suitably housed to the satisfaction of the Chief Administrative Officer.

3.06 No Owner or Occupier of Premises shall allow any Derelict Equipment to remain on the Premises without first ensuring that the hinges, latches, lids or doors of the unit have been removed and is not visible to a Person viewing from outside the Premises.

3.07 No Owner or Occupier of Premises shall allow the accumulation of Building Material, whether new or used, unless that owner or occupier can establish that a construction or renovation is being carried out on the Premises and the materials relate to the project taking place and are stacked or stored in a an orderly manner. Materials are to be properly Screened from viewing.

WASTE COLLECTION

3.08 No Owner or Occupier of Premises shall allow commercial or residential Waste to be stored in such a manner that allows any material to be blown, spilled or otherwise dispersed from the Waste Collection Carts. Do not overfill the container beyond its normal, lid closed capacity. Waste Collection Carts shall be returned to the Premises from the collection point by the end of collection day.

3.09 No Owner or Occupier of Premises shall allow commercial Waste to be stored in such a manner that allows any material to be blown, spilled or otherwise dispersed from the Waste Containers. Do not overfill the container beyond its normal, lid closed capacity. All Waste Containers shall be Screened at the discretion of the Chief Administrative Officer.

3.10 No Owner of Occupier shall allow any renovation material to escape a rented industrial Waste Container while the container is on their Premises.

GRASS, TREES & WEEDS

3.11 No Owner or Occupier of Premises shall allow grass or grasses on the Premises to exceed a height of 20 centimeters including any boulevard that lies directly between the boundary of parcel of land and an adjacent highway, road or alley.

This Section shall not apply to:

- (i) Golf courses; or
- (ii) Parks and natural area under the direction and control of Town of Drumheller; or
- (iii) Areas under the direction and control of Town of Drumheller Roads including boulevards adjacent to major roadways.

3.12 No Owner or Occupier of Premises shall allow tree branches, shrubs or other type of vegetation on the Premises to overhang onto neighboring Premises, obstruct the sidewalk, interfere with any public work or utility, and impair the visibility required for safe traffic flow at any intersection adjacent to the land. The Owner or Occupier of Premises shall remove all dead branches and trees from the Premises.

3.13 No Owner or Occupier of Premises shall permit any violation of *The Weed Control Act*, R.S.A. 2008, c W-5.1 on the Premises.

NUISANCES ESCAPING PREMISES

3.14 No Owner or Occupier of Premises shall allow a thing or activity to annoy or disturb a Person or otherwise constitute a Nuisance. A Nuisance is a question of fact to be determined by a Court hearing a prosecution pursuant to this Section of the Bylaw.

- (a) In making a determination with respect to an offence under this Section a Court may take into consideration any or all of the following factors:
- (i) the frequency of the activity;
 - (ii) the intensity and duration of the activity;
 - (iii) the time of day or season;
 - (iv) the nature of the surrounding area;
 - (iv) the effect of the thing or activity on a complainant or complainants; and
 - (v) the effect of the thing or activity on the surrounding area.

3.15 No Owner or Occupier of Premises shall allow a flow of water from a hose, eavestrough or downspout or similar device on the Premises to be directed towards an adjacent Premises if it is likely the water from the device will enter the adjacent Premises. The flow shall be directed onto the Owner of Occupier's Premises.

3.16 No Owner or Occupier of Premises shall allow a flow of water from a hose or similar device, rain water, downspout or eavestrough to be directed over a public sidewalk.

3.17 A person shall not engage in any activity that is likely to allow smoke, dust or other airborne matter that may disturb any other Person to escape the Premises without taking reasonable precautions to ensure that the smoke, dust or other airborne matter does not escape the Premises.

3.18 No Owner or Occupier of Premises shall allow an outdoor light to shine directly into adjacent Premises.

3.19 An Owner or Occupier of Premises shall ensure that articles such as papers, flyers and loose debris are collected and contained on the Premises so that they do not escape onto adjacent or other neighboring Premises.

3.20 No Person shall place or permit to be placed, any snow, ice, dirt, leaves, debris or other material from their Premises onto a Highway, Town land or other private Property.

MAINTENANCE OF BUILDINGS AND FENCES

3.21 No Owner or Occupier of Premises shall allow a Building or fence to become a safety hazard.

3.22 Every Owner or Occupier of Premises shall ensure the following are maintained in Good Repair:

- (i) Fences and their structural members;
- (ii) Buildings and their structural members, including:
 - 1. Foundations and foundation walls;
 - 2. Exterior walls and their components;
 - 3. Roofs;
 - 4. Windows and their casings;
 - 5. Doors and their frames;
- (iii) Protective or decorative finishes of all exterior surfaces of a Building or fence; and
- (iv) Exterior stairs, landings, porches, balconies and decks.

3.23 If a Building has a broken window or door opening it shall be repaired within a reasonable time period. The damaged area shall be covered with a solid piece of wood or other suitable material to prevent unauthorized access to the Building. The material shall be installed subject to the satisfaction of the Development Authority and shall be:

- (i) installed from the exterior and fitted within the frame of the opening in a watertight manner;
- (ii) of a thickness sufficient to prevent unauthorized entry into the Building;
- (iii) secured in a manner sufficient to prevent unauthorized entry into the Building; and
- (iv) complimentary to the exterior of the Building.

SIGNAGE

3.24 Placement of standardized business signs on Town roads will be allowed conditional upon;

- (i) Sign to be a standardized sign as approved by Alberta Transportation and/or the Town.
- (ii) Applicant provides the standardized sign at their expense and commits to ongoing sign maintenance/replacement to the satisfaction of the Town. The applicant is responsible to install or remove sign if required.
- (iii) Installation of the sign will be in compliance with the intent of safety requirements per Land Use Bylaw regarding intersections.
- (iv) A maximum of two signs (one from each direction of travel).
- (v) Where a business has ceased operations, all signage shall be removed within four (4) weeks, failing which the Town will remove sign at the cost of the Owner or Occupier of the Premises in which the business previously operated.
- (vi) No posters shall be affixed to any municipal infrastructure for more than 24 hours without approval by the Town.

FIRE ON PREMISES

3.25 Except for a fire which is in compliance with the Fire Department Bylaw, no Person shall ignite or allow to be ignited a fire in a Fire Receptacle that does not comply with the requirements of this Bylaw.

3.26 A fire in a Fire Receptacle shall be supervised at all times.

3.27 No Person shall burn, at any time, on any Premises, the following materials:

- (i) treated or painted lumber;
- (ii) lumber products containing glue or resin;
- (iii) wet or unseasoned wood;
- (iv) leaves, brush or yard waste;
- (v) garbage;
- (vi) rubber, tires or plastic; or
- (vii) any animal carcass or part thereof.

GRAFFITI PREVENTION AND ABATEMENT

3.28 No Person or Owner shall place Graffiti or cause it to be placed on any Premises.

3.29 An Owner or Occupier of Premises shall, within 5 days of a Notice issued by a Peace Officer, ensure that Graffiti placed on their Premises is removed, painted over, or otherwise permanently blocked from public view.

EXCAVATIONS AND PONDING WATER

3.30 No Owner or Occupier of Premises shall allow an excavation, drain, ditch or other depression in the ground to become or remain a danger to public safety.

3.31 If, in the opinion of a Peace Officer, a water-course, pond or other surface of water becomes or remains a Nuisance or poses a danger to public safety, a Peace Officer may declare the water-course, pond or other surface water a Nuisance and require the Owner or Occupier of the Premises to eliminate the Nuisance or danger.

ADDRESSING

3.32 The Owner or Occupier of Premises on which a Building has been erected shall display the number assigned to the Premises at a location plainly visible from the street in front of the Premises.

3.33 The Owner or Occupier of Premises on which a Building has been erected that has access to a Lane shall display the number assigned to the Premises at a location plainly visible from the Lane.

LITTERING

3.34 No Person shall place, deposit or throw or cause to be placed, deposited or thrown upon any Premises, including any street, lane, sidewalk, parking lot, park, public transportation vehicle, or other public place or water course any Waste material.

PROHIBITED NOISE

3.35 A Person shall not cause or permit any Noise that annoys or disturbs the peace of any other Person.

3.36 A Person shall not permit Premises they own or occupy to be used so that Noise from the Premises annoys or disturbs the peace of any other Person.

3.37 In determining what constitutes noise likely to annoy or disturb the peace of others, the following criteria may be considered:

- (i) type, volume, and duration of the sound;
- (ii) time of day and day of week;
- (iii) nature and use of the surrounding area;
- (iv) any other relevant factor.

3.38 No Person shall operate a hand or power lawn mower, leaf blower, snow removal device or other device creating a noise or disturbance which may be heard in a

residential building between the hours of 10:00 pm and 7:00 am on a Week Day and from 10:00 pm to 9:00 am on a Weekend.

3.39 No Person shall operate sound amplifying equipment from any Premises, park or other public space which may be heard in a residential building between the hours of 10:00 pm and 7:00 am on a Week Day and from 10:00 pm to 9:00 am on a Weekend.

3.40 A Person who owns, keeps, houses, harbours, or allows to stay on Premises an animal which by reason of barking, or howling, disturbs Persons in the vicinity of Premises is guilty of an offence under this bylaw.

3.41 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.

3.42 In the operation or carrying on of an industrial or construction activity, the person operating or carrying on that activity shall make no more noise than is necessary in the normal method of performing or carrying on that activity.

3.43 A Person who owns, occupies or controls a truck-tractor or tractor-trailer must not at any time allow it to remain running for longer than 20 minutes when it is stationary in a residential district or within 50 meters of a residential development.

3.44 Permits

- (i) A Person may make a written application to the Chief Administrative Officer for a temporary permit allowing for noise or sound levels that would otherwise violate this Bylaw.
- (ii) Any application must be made at least 5 business days prior to the proposed activity and must contain sufficient information pertaining to the activity for which the exemption is sought.
- (iii) Upon receipt of an application, the Chief Administrative Officer may issue the temporary permit, where the Chief Administrative Officer determines those circumstances make it impractical for the applicant to comply with this Bylaw; impose any conditions on the issuance or use of the permit that the Chief Administrative Officer considers appropriate; refuse to issue a permit; or revoke the temporary permit that has been issued, where the Chief Administrative Officer determines that the applicant has not taken sufficient measures to minimize the noise or sound levels.

3.45 Exemptions

- (i) A Person may operate a snow clearing device powered by an engine for the purpose of clearing snow from Highways, school, commercial or industrial sites located adjacent to or within residential districts if it is in the best interest of the public and their safety and at a time when there will be

minimal vehicular and/or pedestrian traffic that may obstruct such snow removal operations.

PART 4 – POWERS OF PEACE OFFICERS

INSPECTIONS

4.01 A Peace Officer and Chief Administrative Officer are hereby authorized in accordance with Section 542 of the *Municipal Government Act* to enter any Premises after giving reasonable notice to the Owner or Occupier of the Premises to be inspected; and to inspect for conditions that may contravene or fail to comply with the provisions of this Bylaw upon having reasonable and probable grounds.

4.02 If a Peace Officer considers any Premises to be in contravention of any section of this Bylaw, the Peace Officer may issue a verbal or written Order to the Owner or Occupier to remedy any condition(s) of the subject Premises that have been found to be in contravention of this Bylaw.

4.03 If a Person

- (a) Refuses to allow or interferes with the entry, inspection, enforcement or action referred to in Sections 4.01 or 4.02, or
- (b) Refuses to produce anything to asset in the inspection, remedy, enforcement or action referred to in Sections 4.01 or 4.02, the municipality may apply to the Court of Queen's Bench for an Order under Section 543(2) of the *Municipal Government Act*.

ISSUANCE OF BYLAW VIOLATION TAG/PROVINCIAL VIOLATION TICKET

4.04 A Peace Officer is authorized to issue a Bylaw Violation Tag to any Person that the Peace Officer believes on reasonable and probable grounds has contravened any provision of this Bylaw.

- (a) Notwithstanding any other provision of this Bylaw a Peace Officer is authorized to immediately issue a Province of Alberta Violation Ticket pursuant to the *Provincial Offences Procedures Act*.
- (b) A Bylaw Violation Tag may be issued to a Person personally, or by mailing a copy to the person at his or her last known address.
- (c) Nothing in this Bylaw shall prevent a Peace Officer from issuing a Bylaw Violation Tag or Provincial Violation Ticket for the mandatory court appearance of any person who contravenes any provision of this Bylaw.
- (d) If the penalty specified on the Bylaw Violation Tag served to a Person is not paid within a prescribed time period then a Peace Officer is authorized to issue a Provincial Violation Ticket pursuant to the *Provincial Offences Procedures Act*.

ORDERS BY PEACE OFFICER

4.05 Where Premises are found to be in violation of any provisions of this Bylaw, the Peace Officer may in accordance with Section 545 of the *Municipal Government Act* issue a written Order to the Owner or Occupier of the Premises to remedy the condition on the Premises which violates this Bylaw.

4.06 An Order written pursuant to Section 4.05 may:

- (a) Direct a Person to stop doing something, or to change the way in which the person is doing it;
- (b) Direct a Person to take any action or measures necessary to remedy the contravention of the enactment or bylaw, including the removal or demolition of a Building that has been erected or placed in contravention of a bylaw, and if necessary, to prevent a reoccurrence of the contravention;
- (c) State a time within which the Person must comply with the directions;
- (d) State that if the Person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

4.07 Without limiting the powers under Section 4.05 and 4.06, an order written pursuant to Section 4.05 may:

- (a) Require the owner of a Building in disrepair to eliminate the danger to the public safety in the matter specified, or remove and demolish the Building and level the site;
- (b) Require the Owner of the Premises that contains the excavation or hole to eliminate the danger to public safety in the manner specified, or fill in the excavation or hole and level the site;
- (c) Require the Owner of Premises that is in an unsightly condition improve the appearance of the Premises in the manner specified, or if the Premises is a Building, remove or demolish the Building and level the site.

SERVICE OF AN ORDER

4.08 Service of an Order upon an Owner shall be sufficient if it is:

- (i) Personally served upon the Owner or Occupant;
- (ii) Only served by mail if the Premises is not occupied by the Owner;
- (a) Left with a competent Person residing with said Owner or Occupier; or
- (b) Posted to the door of the Premises or in any other conspicuous place on the Premises.

4.09 Such Orders shall be deemed to have been received:

- (a) seven (7) days from the date of mailing; or
- (b) on the day it is left with a competent Person residing with an Owner or Occupier or posted on the Premises.

- 4.10 Each Order shall:
- (a) Describe the Premises by its municipal address and legal description;
 - (b) Identify the date that it is issued;
 - (c) State how the Premises contravenes the provisions of this Bylaw;
 - (d) Give reasonable particulars of the extent of the clean-up, removal, clearing or other actions required to be made;
 - (e) State the time within which the clean-up, removal, clearing or other actions are to be done;
 - (f) State that if the required actions are not done within the time specified, the Town may:
 - (i) Carry out the actions required and charge the cost thereof against the Owner or Occupier; or
 - (ii) Cause a Violation Ticket to be served upon the Owner or Occupier pursuant to Part 2 of the Provincial Offences Procedure Act;

FAILURE TO COMPLY WITH AN ORDER

4.11 When an Owner or Occupier fails to remedy a contravention of this Bylaw within the time allowed in an Order issued under Section 4.09 of this Bylaw, the Town may exercise its powers under s 546.1, 549 or 550 of the *Municipal Government Act* in its discretion, including but not limited to entering upon the Premises to perform or complete the work necessary to remedy the violation of this Bylaw. The costs incurred by the Town to remedy the violation, as well as any applicable fines under this Bylaw, will be billed to the Person registered under the *Land Titles Act* and will be amounts owing to the Town. If the costs are not paid in the time specified by the Town, the costs may be charged against the property as a special assessment to be recovered in the same manner as other taxes and in accordance with Section 553, 553.1 or 553.2 of the MGA.

4.12 Every Person who fails to comply with a written Order issued pursuant to this section within the time set out in the written Order commits an offence.

4.13 An Owner or Occupier served with an Order may comply with the Order by entering into a written agreement with the Town, for the Town to carry out the actions required by the Order.

4.14 The Chief Administrative Officer may take whatever actions or measures necessary to eliminate any danger to public or deal with unsightly conditions of the Premises in accordance to powers and authority provided to a municipality through the *Municipal Government Act* Section 550. Pursuant to the Section 551 of the *Municipal Government Act*, in an emergency the municipality may take whatever actions or measures are necessary to eliminate the emergency.

REVIEW BY COUNCIL / APPEALS

4.15 A Person who receives a written Order to comply with section 545 of the *Municipal Government Act*, may by written notice within 14 days after the date the Order is received, request Council to review the Order.

4.16 A Person who receives a written Order to comply with section 546 of the *Municipal Government Act*, may by written notice within 7 days after the date the Order is received, request Council to review the Order.

4.17 After reviewing the Order, Council may confirm, vary, substitute or cancel the Order.

4.18 If a Person considers himself aggrieved by a decision under 4.16, he may appeal the decision by originating notice to the Court of Queen's Bench:

(i) in the case of an Appeal of an Order under section 545 of the *Municipal Government Act*, within 30 days after the date the decision under section 547 of the *Municipal Government Act* is served on the person affected by the decision, and,

(ii) in the case of an Appeal of an Order under section 546 of the *Municipal Government Act*, within 15 days after the date the decision under section 547 of the *Municipal Government Act* is served on the person affected by the decision.

4.19 For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person under their agency relationship.

GENERAL PENALTY PROVISION

4.20 Any Person who contravenes any provision of this Bylaw is guilty of a summary conviction offence punishable by a fine of not less than fifty dollars and not exceeding five thousand dollars or to imprisonment for a period not exceeding six (6) months or both. Mandatory minimum penalties for offences of this Bylaw are listed in Schedule 'A'.

4.21 Offences of a continuing nature shall be deemed to constitute a separate offence for each day or part of a day that the offence continues.

4.22 Any Person who is found in contravention of the same section of this Bylaw on more than one occasion will be liable to an increased penalty for that contravention if the Section violated in Schedule 'A' stipulates increased fines for second and third offences.

APPEALS UNDER THE WEED CONTROL ACT

4.23 Community Standards Appeal Board:

- (a) The Community Standards Appeal Board shall constitute the independent committee contemplated by Section 19 of the *Weed Control Act* to hear appeals of orders or notices relating to this Section and the *Weed Control Act*.
- (b) Any appeal filed pursuant to the *Weed Control Act* or this Section shall be heard by the Community Standards Appeal Board within five (5) days of the receipt of the notice of appeal by the Chief Administrative Officer.
- (c) A notice of appeal respecting this Section must be delivered personally or sent by certified or registered mail to the Chief Administrative Officer within 10 days of the issuance of the Order or Notice.
- (d) Pursuant to the *Weed Control Act* and the Regulation, any notice of appeal filed with respect to a notice under this Section or the *Weed Control Act* shall be accompanied by a deposit in the amount of \$500.00, which shall be refunded if the applicant's appeal is successful.

PART 5 - COMMENCEMENTS

This bylaw shall take effect on the date of the 3rd and final reading

The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.

- 1) Community Standards Bylaw 16-10 and Amendments are hereby repealed.

The Bylaw shall come into force and effect upon final passing.

Read a first time this 3rd day of December, 2018

Read a second time this day of , 2019.

Read a third time this day of , 2019.

Mayor

Chief Administrative Officer

Schedule A

COMMUNITY STANDARDS BYLAW FINES

Accumulation of Offensive Material	3.02	\$ 250.00
a) second offence		\$ 500.00
b) third and subsequent offences		\$ 750.00
Exposed Storage of Harmful Fluids	3.03	\$ 250.00
Accumulation of Material Visible from Off Premises	3.04-3.07	\$ 250.00
a) second offence		\$ 500.00
b) third and subsequent offences within same calendar year		\$ 750.00
Derelict Equipment	3.06	\$ 500.00
Waste Infraction	3.08-3.10	\$ 250.00
a) second offence		\$ 500.00
b) third and subsequent offences within same calendar year		\$ 750.00
Failure to maintain grass	3.11	\$ 250.00
a) second offence within 1 year		\$ 500.00
b) third and subsequent offences within same calendar year		\$ 750.00
Failure to maintain trees and shrubs	3.12	\$ 250.00
a) second offence within 1 year		\$ 500.00
b) third and subsequent offences within same calendar year		\$ 750.00
Failure to destroy weeds	3.13	\$ 250.00
a) second offence within 1 year		\$ 500.00
b) third and subsequent offences within same calendar year		\$ 750.00
Direct water flow to adjoining Premises	3.15	\$ 250.00
Improper direction of downspout	3.16	\$ 500.00
Smoke or dust escaping Premises	3.17	\$ 500.00
Light directed to adjacent Premises	3.18	\$ 300.00
Flyers and Debris escaping premises	3.19	\$ 300.00
Improper disposal of snow, ice, dirt, leaves, debris	3.20	\$ 300.00
Accessory Building or fence safety hazard	3.21	\$ 300.00

Accessory Building or fence unsightly	3.22	\$ 300.00
Dilapidated / Damaged Building	3.23	\$ 300.00
Signage Infraction	3.24	\$ 250.00
Prohibited or Non-Compliant Fire	3.25	\$ 500.00
Unsupervised Fire	3.26	\$ 500.00
Burn Prohibited Materials	3.27	\$ 500.00
Placing Graffiti on Premises	3.28-3:29	\$ 250.00
a) second offence within 1 year		\$ 500.00
b) third and subsequent offences within same calendar year		\$ 750.00
Hazardous excavation, drain, ditch or depression	3.30	\$ 300.00
Improper address or failure to address the front of Premises facing street	3.32	\$ 300.00
Improper address or failure to address the rear of Premises adjacent to lane	3.33	\$ 300.00
Depositing litter on Public Place	3.34	\$ 250.00
a) second offence within 1 year		\$ 500.00
b) third and subsequent offences within same calendar year		\$ 750.00
Prohibited Noise	3.35-3.43	\$ 250.00
a) second offence within 1 year		\$ 500.00
b) Third and subsequent offences within same calendar year		\$ 750.00
Failure to Comply with a Notice or an Order	4.11	\$ 500.00

*The fine for the first offence may be waived if the offender successfully completes Community Service Hours as directed by the Town.

**TOWN OF DRUMHELLER
Tourism Corridor Property Standards
Bylaw Number 04.19**

Being a Bylaw of the Town of Drumheller in the Province of Alberta for the purposes of establishing property standards along Drumheller's Tourism Corridor.

WHEREAS the Town of Drumheller is considered to be a major tourist destination and as Council values the designation of the Town as a tourist destination and as Council recognizes that in order to maintain the designation of tourist destination a higher standard of property maintenance is required along the tourism corridors to make them attractive to citizens and visitors.

WHEREAS the *Municipal Government Act*, being Chapter M-26 or the revised Statutes of Alberta and amendments thereto, provide that the Council of a municipality may pass bylaws for municipal purposes respecting nuisances, including unsightly property for industrial, commercial and residential within the Tourism Corridor .

WHEREAS the *Municipal Government Act* authorizes a municipality to pass bylaws respecting businesses, business activities and Persons engaged in business;

WHEREAS the *Municipal Government Act* authorizes a municipality to pass bylaws respecting the remedying of contraventions of bylaws;

WHEREAS the *Traffic Safety Act* authorizes a municipality to pass bylaws with respect to Highways under its direction including the maintenance of boulevards;

WHEREAS the *Safety Codes Act* authorizes a municipality to pass bylaws respecting the minimum maintenance standards for buildings; and unsightly or derelict buildings;

AND WHEREAS property standards are intended to be reviewed regularly and amended as Council deems appropriate;

NOW THEREFORE the Council of the Town of Drumheller, in the Province of Alberta, duly assembled, enact the following:

PART 1 – INTERPRETATION

- 1.1 This Bylaw shall be cited as the "Tourism Corridor Bylaw".
- 1.2 This Bylaw applies to all Premises within the corporate boundaries of the Town of Drumheller that are situated along the Tourism Corridor as identified in Schedule A - Priority Area #1 and Priority Area #2. Unless otherwise stated, all Premises within the Priority Area #2 must adhere to the Community Standards Bylaw 07.18.

- 1.3 Nothing in this Bylaw shall be interpreted as conflicting with any Provincial or Federal legislation.
- 1.4 Where any provision of this Bylaw conflicts with any Provincial or Federal legislation, the Provincial or Federal legislation shall take precedence.
- 1.5 Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw remain valid and in force.
- 1.6 Nothing in this Bylaw relieves a Person from complying with any provisions of any Provincial or Federal legislation or regulation, other bylaw or any requirement of any lawful permit, Order or license.
- 1.7 All of the schedules attached to this Bylaw form a part of this bylaw.
- 1.8 If there is a conflict between a provision in this Bylaw and a provision of any other Municipal Bylaw, the provision that establishes the highest standard shall apply for those Premises within the Tourism Corridor.

PART 2 – DEFINITIONS

“Appeal” means the appeal of;

- (i) An Order issued pursuant to the Tourism Corridor Bylaw;
- (ii) An Order issued pursuant to Section 545 of the *Municipal Government Act* regarding contraventions of other bylaws or enactments that the Town is authorized to enforce; or
- (ii) A Order issued pursuant to Section 546 of the *Municipal Government Act*;

“Appeal Board” shall mean the Community Standards Appeal Board as established by the Community Standards Appeal Bylaw.

“Boulevard” means that part of a Highway that is not a roadway.

“Business” as stated in the *Municipal Government Act* Section 1(a.1) means a commercial, merchandising or industrial activity or undertaking; a profession, trade occupation, calling or employment; or an activity providing goods or services.

“Bylaw Violation Tag” means a ticket or summons issued for an allegation of a Bylaw infraction and is issued by a Peace Officer and only enforceable in the Town.

“Chief Administrative Officer” shall mean a Municipal Official employed by the Town of Drumheller in the position of Chief Administrative Officer, or in his/her absence, the Person appointed as Acting Chief Administrative Officer; or designate.

“Council” means the Municipal Council of the Town of Drumheller.

“Court” shall mean any Provincial Court of Alberta.

“Highway” as stated in the Traffic Safety Act, R.S.A. 2000, c T-6 means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for passage or parking of vehicles and includes:

- (i) a sidewalk, including a boulevard adjacent to the sidewalk;
- (ii) if a ditch lies adjacent to an parallel with the roadway, the ditch, and
- (iii) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be,

but does not include a place declared by regulation not to be a highway.

“Landscaping Standards” as set out in the Town of Drumheller’s Landscaping Policy.

“Land Use Bylaw” means the Town of Drumheller Land Use bylaw and any amendment to the Land Use Bylaw.

“Lane” shall mean an alley intended primarily for access to the rear of Premises located adjacent to the alley;

“Notice” shall mean a notice issued pursuant to this bylaw to remedy a condition that is not in compliance with any provision of this bylaw.

“Nuisance” for the purpose of this bylaw includes any use of or activity upon any Premises which is offensive to any Person, or has or may have a detrimental impact upon any Person or other Premises in the neighborhood.

“Occupier” is a person in possession or control of the Premises.

“Order” means a written order identifying a contravention of this Bylaw and stipulating the actions that the Owner or Occupier shall take to remedy the contravention;

“Owner” of the Premises is a Person who is registered under the *Land Titles Act* as the Owner of the Premises;

“Peace Officer” shall mean a Community Peace Officer, Bylaw Enforcement Officer, Police of Jurisdiction or other Person appointed by the Town and who is authorized to enforce Bylaws of the Town of Drumheller.

“Person” shall mean an individual person, corporation, association, partnership or other recognized legal entity.

“Premises” shall mean any land situated in whole or in part within the Town including the external surface of all buildings and land immediately adjacent to any building or buildings and including any land or buildings owned or leased by the Town.

“Property” shall have the same meaning as Premises.

“*Provincial Offences Procedure Act*” means the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34 and the regulations thereof, as amended or replaced from time to time.

“Tourism Corridor” as identified on the attached Schedule A with Priority 1 and Priority 2 areas located within the Town of Drumheller corporate limits, as the context requires.

“Town” means the Town of Drumheller, a municipal corporation and, where the context so requires, the area included within the boundaries of the said Municipal Corporation.

“Violation Ticket” means an offence notice issued by means of a Violation Ticket as described in Part 2 of the *Provincial Offences Procedure Act*.

PART 3 – CARE OF PREMISES

UNSIGHTLY PREMISES / ACCUMULATION OF BUILDING MATERIAL / DERELICT EQUIPMENT

3.01 Interpretation for the purpose of this section

- (a) “Unightly Premises” means in respect of a building, includes a building whose exterior shows signs of significant physical deterioration, and in respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep.
- (b) “Building Material” means all construction and demolition material including the packaging material accumulated on Premises arising from the construction, alteration, repair or demolition of any structure and includes, but is not limited to, earth, vegetation or rock displaced during such construction, alteration, repair or demolition;
- (c) “Derelict Equipment” means equipment or machinery, which has been rendered inoperative by reason of its disassembly, damage, age or mechanical condition, and includes, but is not limited to, any household appliance stored outside of a residence or other structure.

3.02 The Owner or Occupier of the Premises, including any parking area, shall not cause, allow or permit their Premises to become or to continue to be an Unightly Premises or become detrimental to the surrounding area. Unightly Premises will be given a Remedy Order with a compliance date within a two (2) week period.

- 3.03 The Owner or Occupier of the Premises shall remove any Building Material not being used for business operations from the Premises including but not limited to concrete blocks, wood, metal, and Derelict Equipment.
- 3.04 The Owner or Occupier of the Premises must keep the Premises, including that portion of the Lane and street adjacent to the Premises, free from the accumulation of Building Material to the point where an unsightly condition develops.
- 3.05 The provisions of this Bylaw shall not be interpreted to prevent bona fide and permitted commercial, industrial, agricultural, construction, demolition, renovation, landscaping, clean-up, storage or other related activities from being carried out on, or in relation to the Premises, provided all reasonable steps are taken to minimize the duration and visual impact of any resulting untidiness or unsightliness of the Premises.

WASTE COLLECTION

- 3.06 Interpretation for the purpose of this section:
- (a) "Waste" as stated in the Environmental Protection and Enhancement Act, R.S.A. 2000, Chapter E-12 means any solid or liquid material or product or combination of solid or liquid material or product, including, but not limited to, rubbish, refuse, garbage, paper, packaging, containers, bottles, cans, manure, human or animal excrement, sewage or the whole or a part of an animal carcass, or the whole or part of any article, raw or processed material, vehicle or other machinery that is disposed of an any other thing that is designated as waste in the regulations.
 - (b) "Waste Collection Cart" means a cart that is supplied by the Town designed to receive Waste then rolled to a collection point and emptied by an automated collection truck.
 - (c) "Waste Container" means a commercial bin provided by the Occupier specifically marketed to store Waste and excludes containers that are meant for other purposes:
 - (d) "Screened" means a fence, wall, berm, hedge or other barrier providing visual and / or acoustic separation of sites.
- 3.07 No Owner or Occupier of the Premises shall allow residential Waste to be stored in such a manner that allows any material to be blown, spilled or otherwise dispersed from the Waste Collection Cart. The Owner or Occupier of the Premises shall remove the Waste Collection Cart from the collection point by the end of the collection day, or sooner if possible.
- 3.08 No Owner or Occupier of the Premises shall allow commercial Waste to be stored in such a manner that allows any material to be blown, spilled or otherwise dispersed from the Waste Container. No Owner or Occupier is permitted to overfill the Waste Receptacle beyond its normal, lid closed capacity. All Waste Containers must be Screened

GRASS, TREES AND WEEDS

3.09 Interpretation for the purpose of this section:

(a) "Weeds" means plants designated as noxious and nuisance weeds as defined in the *Weed Control Act*, RSA 2000 cW-5 and Alberta Regulation 171/2001, as amended or replaced from time to time.

(b) "Yard Waste" shall mean any waste material of an organic nature formed as a result of gardening, horticultural pursuits, or agricultural activities including grass, tree and hedge cuttings, waste sod and decomposing plants, leaves and weeds.

3.10 For Priority Area #1, between Victoria Day to Labour Day each year, the Owner or Occupier of the Premises shall mow the grass and weeds and maintain at a height not exceeding 15 centimeters.

3.11 The Owner or Occupier of the Premises shall remove all dead branches and trees, shrub, and other types of vegetation that has any rot or deterioration. Within seven (7) days of receiving a Remedy Order, trees, branches, shrubs and all vegetation showing signs of rot or deterioration shall be removed.

3.12 The Owner or Occupier of the Premises shall remove all Yard Waste on the Premises and on any boulevard which abuts or adjoins the property, including up to the center of lanes or alleys at the rear or side of the property prior to Victoria Day.

3.13 Planting of all Boulevard trees shall be carried out by the Town or its agents. An Owner may plant a Boulevard tree but only with written permission of the Town. The selection of Boulevard tree types shall be at the discretion of the Town.

3.14 All trees on Town Premises are the property of the Town and the maintenance of such trees is the responsibility of the Town. No Person shall destroy or damage any trees, shrubs, plants, flowers or damage the lawn on any boulevard, public park or public garden in the Town. No Person other than a duly authorized employee or agent of the Town shall prune, repair, clip or perform any other work on any boulevard tree. The Owner or Occupier of the Premises adjacent to the boulevard tree, may, at the sole discretion of the Town, be authorized to perform work on the Boulevard tree to the satisfaction of the Town.

3.15 The Town of Drumheller has established landscaping standards to be adhered to by residential, commercial and industrial developers. Landscaped areas must comply with the requirements of the Town's Landscaping Policy. If the Owner has not complied with the condition as outlined in the Notice of Decision following the construction of a new residential, commercial and industrial building, the Town will undertake the work and all costs associated with the landscaping requirements will be applied against the taxes.

REPAIR AND MAINTENANCE OF BUILDINGS AND FENCES**3.16 Interpretation for the purpose of this Section:**

- (a) "Good Repair" means a condition where a fence or building does not exhibit:
 - (i) significant damage,
 - (ii) peeling surfaces,
 - (iii) broken, missing, or fallen parts,
 - (iv) rot or other significant deterioration,
 - (v) openings which are not secured or
 - (vi) other visual evidence of a lack of general maintenance.
- (b) "Building" means any structure used or intended for supporting or sheltering any use or occupation;
- (c) "Screened" means a fence, wall, berm, hedge or other barrier providing visual and / or acoustic separation of sites.

3.17 By May 1st annually, every Owner or Occupier of the Premises shall ensure the following are maintained in Good Repair and shall obtain the required permits under the Land Use Bylaw for its repair:

- (i) Fences;
- (ii) Building - Exterior walls and their components including doors and windows.

3.18 If a Building has any door or window opening in disrepair the Owner or Occupier shall repair the damage within seven (7) days to the satisfaction of the Development Officer.**3.19 No Owner or Occupier shall use plywood to board up windows and doors for more than a seven (7) day period.****3.20 Where any building is unoccupied, the Owner shall ensure that appropriate window displays are visible including but not limited to art work, posters, or other displays that meets the satisfaction of the Town from Victoria Day to Labour Day annually.****3.21 Fences on construction sites shall be Screened so that the site is not readily visible to the public. Screens shall be aesthetically pleasing and may not contain advertising except to identify the Premises being constructed.****GRAFFITI ABATEMENT****3.22 For the purposes of this Section, "Graffiti" means words, figures, letters, drawings or stickers applied, scribbled, scratched, etched, sprayed or attached on or to a surface without permission of the owner and in public view.**

- 3.23 For Priority Areas #1 and #2, every Owner or Occupier of the Premises shall, within two (2) business days of being notified by a Peace Officer, ensure that Graffiti placed on their Premises is removed, painted over, or otherwise permanently blocked from public view.

SIGNAGE

- 3.24 For Priority Areas #1 and #2, installation of any sign must be in compliance with the intent of the Town of Drumheller Land Use Bylaw and every Person shall apply for and obtain a development permit.
- (i) Every Person shall apply for and obtain a building permit before constructing, repairing, erecting, allowing, installing, placing, moving, rebuilding, reconstructing or altering a sign;
 - (ii) A permit is not required for changing or repairing the lettering of a sign or the internal equipment of the sign.
- 3.25 Placement of standardized business signs on Town roads will be allowed conditional upon;
- (i) the sign be a standardized sign as approved by Alberta Transportation;
 - (ii) the applicant provides the standardized sign at their expense and commit to ongoing sign maintenance/replacement to the satisfaction of Town of Drumheller. The applicant is responsible to install or remove sign if required.
 - (iii) A maximum of two sign (one from each direction of travel).
- 3.26 If a business has ceased operations the sign must be removed within a two (2) week period following the date of closure or the Town will have the sign removed and the costs incurred for the removal of the sign will be the responsibility of the Owner.
- 3.27 If a business does not install a sign in accordance with the Land Use Bylaw, the Owner, once notified by the Town, will have two (2) weeks to be in compliance with any approved plans, drawings, and specifications.
- 3.28 The Owner shall maintain, or ensure that the sign is maintained in a proper state of repair and if not, the Owner will have a period of two (2) weeks in which to comply with a Remedial Order.

LITTERING

- 3.29 The Owner or Occupier of a business which offers for sale food, refreshments or tobacco products shall ensure that the Premises, including the building, land and all adjoining public property is kept free of discarded cartons, containers, papers or other garbage originating from the business by collecting and disposing of garbage found in that area each day that the business is open for business.

- 3.30 No Owner or Occupier of a Premises shall sweep or place dirt or litter on the road or on the sidewalk.

PART 4 – POWERS OF PEACE OFFICERS

INSPECTIONS

- 4.01 A Peace Officer and Chief Administrative Officer are hereby authorized in accordance with Section 542 of the *Municipal Government Act* to enter any Premises after giving reasonable notice to the Owner or Occupier of the Premises to be inspected; and to inspect for conditions that may contravene or fail to comply with the provisions of this Bylaw upon having reasonable and probable grounds.
- 4.02 If a Peace Officer considers any Premises to be in contravention of any section of this Bylaw, the Peace Officer may issue a verbal or written Order to the Owner or Occupier to remedy any condition(s) of the subject Premises that have been found to be in contravention of this Bylaw.
- 4.03 If a Person
- (a) Refuses to allow or interferes with the entry, inspection, enforcement or action referred to in Sections 4.01 or 4.02, or
 - (b) Refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in Sections 4.01 or 4.02, the municipality may apply to the Court of Queen's Bench for an Order under Section 543(2) of the *Municipal Government Act*.

ISSUANCE OF BYLAW VIOLATION TAG/PROVINCIAL VIOLATION TICKET

- 4.04 A Peace Officer is authorized to issue a Bylaw Violation Tag to any Person that the Peace Officer believes on reasonable and probable grounds has contravened any provision of this Bylaw.
- a) Notwithstanding any other provision of this Bylaw a Peace Officer is authorized to immediately issue a Province of Alberta Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
 - b) A Bylaw Violation Tag may be issued to a Person Personally, or by mailing a copy to the Person at his or her last known address.
 - c) Nothing in this Bylaw shall prevent a Peace Officer from issuing a Bylaw Violation Tag or Provincial Violation Ticket for the mandatory court appearance of any Person who contravenes any provision of this Bylaw.
 - d) If the penalty specified on the Bylaw Violation Tag served to a Person is not paid within a prescribed time period then a Peace Officer is authorized to issue a Provincial Violation Ticket pursuant to the *Provincial Offences Procedures Act*.

ORDERS BY PEACE OFFICER

- 4.05 Where Premises are found to be in violation of any provisions of this Bylaw, the Peace Officer may in accordance with Section 545 of the *Municipal Government Act* issue a written Order to the Owner or Occupier of the Premises to remedy the condition on the Premises which violates this Bylaw.
- 4.06 An Order written pursuant to Section 4.05 may:
- (a) Direct a Person to stop doing something, or to change the way in which the Person is doing it;
 - (b) Direct a Person to take any action or measures necessary to remedy the contravention of the enactment or bylaw, including the removal or demolition of a building that has been erected or placed in contravention of a bylaw, and if necessary, to prevent a reoccurrence of the contravention;
 - (c) State a time within which the Person must comply with the directions;
 - (d) State that if the Person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the Person.
- 4.07 Without limiting the powers under Section 4.05 and 4.06, an Order written pursuant to Section 4.05 may:
- (a) Require the owner of a Building in disrepair to eliminate the danger to the public safety in the matter specified, or remove and demolish the Building and level the site;
 - (b) Require the Owner of the Premises that contains the excavation or hole to eliminate the danger to public safety in the manner specified, or fill in the excavation or hole and level the site;
 - (c) Require the Owner of Premises that is in an unsightly condition improve the appearance of the Premises in the manner specified, or if the Premises is a Building, remove or demolish the Building and level the site.

SERVICE OF AN ORDER

- 4.08 Service of an Order upon an Owner shall be sufficient if it is:
- (i) Personally served upon the Owner or Occupier;
 - (ii) Only served by mail if the Premises is not occupied by the Owner;
- (a) Left with a competent Person residing with said Owner or Occupier; or
 - (b) Posted to the door of the Premises or in any other conspicuous place on the Premises.
- 4.09 Such Order shall be deemed to have been received:
- (a) seven (7) days from the date of mailing; or
 - (b) on the day it is left with a competent Person residing with an Owner or Occupier or posted on the Premises.
- 4.10 Each Order shall:
- (a) Describe the Premises by its municipal address and legal description;

- (b) Identify the date that it is issued;
- (c) State how the Premises contravenes the provisions of this By-law;
- (d) Give reasonable particulars of the extent of the clean-up, removal, clearing or other actions required to be made;
- (e) State the time within which the clean-up, removal, clearing or other actions are to be done;
- (f) State that if the required actions are not done within the time specified, the Town may:
 - (i) Carry out the actions required and charge the cost thereof against the Owner or Occupier; or
 - (ii) Cause a Violation Ticket to be served upon the Owner or Occupier pursuant to Part 2 of the *Provincial Offences Procedure Act*;

FAILURE TO COMPLY WITH AN ORDER

- 4.11 When an Owner or Occupier fails to remedy a contravention of this Bylaw within the time allowed in an Order issued under Section 4.09 of this Bylaw, the Town may exercise its powers under s 546.1, 549 or 550 of the Municipal Government Act in its discretion, including but not limited to entering upon the Premises to perform or complete the work necessary to remedy the violation of this Bylaw. The costs incurred by the Town to remedy the violation, as well as any applicable fines under this Bylaw, will be billed to the Person registered under the *Land Titles Act* and will be amounts owing to the Town. If the costs are not paid in the time specified by the Town, the costs may be charged against the property as a special assessment to be recovered in the same manner as other taxes and in accordance with Section 553, 553.1 or 553.2 of the MGA.
- 4.12 Every Person who fails to comply with a written Order issued pursuant to this section within the time set out in the written Order commits an offence.
- 4.13 An Owner or Occupier served with an Order may comply with the Order by entering into a written agreement with the Town, for the Town to carry out the actions required by the Order.
- 4.14 The Chief Administrative Officer may take whatever actions or measures necessary to eliminate any danger to public or deal with unsightly conditions of the Premises in accordance to powers and authority provided to a municipality through the *Municipal Government Act* Section 550. Pursuant to the Section 551 of the *Municipal Government Act*, in an emergency the municipality may take whatever actions or measures are necessary to eliminate the emergency.

REVIEW BY COUNCIL

- 4.15 A Person who receives a written Order to comply with section 545 of the *Municipal Government Act* may by written notice within fourteen (14) days after the date the Order is received, request Council to review the Order.
- 4.16 A Person who receives a written Order to comply with section 546 of the *Municipal Government Act* may by written notice within seven (7) days after the date the Order is received, request Council to review the Order.
- 4.17 After reviewing the Order, Council may confirm, vary, substitute or cancel the Order.
- 4.18 If a Person considers himself aggrieved by a decision under 4.16, he may appeal the decision by originating notice to the Court of Queen's Bench:
- i) in the case of an Appeal of an Order under section 545 of the *Municipal Government Act*, within thirty (30) days after the date the decision under section 547 of the *Municipal Government Act* is served on the Person affected by the decision, and,
 - ii) in the case of an Appeal of an Order under section 546 of the *Municipal Government Act*, within fifteen (15) days after the date the decision under section 547 of the *Municipal Government Act* is served on the Person affected by the decision.
- 4.19 For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person under their agency relationship.

GENERAL PENALTY PROVISION

- 4.21 Any Person who contravenes any provision of this Bylaw is guilty of a summary conviction offence punishable by a fine of not less than fifty dollars and not exceeding five thousand dollars or to imprisonment for a period not exceeding six (6) months or both. Mandatory minimum penalties for offences of this Bylaw are listed in Schedule 'B'.
- 4.22 Offences of a continuing nature shall be deemed to constitute a separate offence for each day or part of a day that the offence continues.
- 4.23 Any Person who is found in contravention of the same section of this Bylaw on more than one occasion will be liable to an increased penalty for that contravention if the Section violated in Schedule 'B' stipulates increased fines for second and third offences.

APPEALS UNDER THE WEED CONTROL ACT

4.24 Community Standards Appeal Board:

- (a) Shall constitute the independent committee contemplated by Section 19 of the *Weed Control Act* to hear appeals of orders or notices relating to this Section and the *Weed Control Act*.
- (b) Any appeal filed pursuant to the *Weed Control Act* or this Section shall be heard by the Community Standards Appeal Board within five (5) days of the receipt of the notice of appeal by the Chief Administrative Officer.
- (c) A notice of appeal respecting this Section must be delivered personally or sent by certified or registered mail to the Chief Administrative Officer within ten (10) days of the issuance of the Order or Notice.
- (d) Pursuant to the *Weed Control Act* and the Regulation, any notice of appeal filed with respect to a notice under this Section or the *Weed Control Act* shall be accompanied by a deposit in the amount of \$500.00, which shall be refunded if the applicant's appeal is successful.

PART 5 - COMMENCEMENTS

This bylaw shall take effect on the date of the 3rd and final reading

The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.

The Bylaw shall come into force and effect upon final passing.

Read a first time this day of _____, 2019

Read a second time this day of _____, 2019.

Read a third time this day of _____, 2019.

Mayor

Chief Administrative Officer

**Schedule A
Tourism Corridor Priority Area 1 and Priority Area 2**

Schedule B

TOURISM CORRIDOR BYLAW FINES

Unsightly Premises / Accumulation of Building Material	
Derelict Equipment Infractions	\$250.00
a) second offence	\$500.00
b) third and subsequent offences	\$750.00
Waste Collection Infraction	\$250.00
a) second offence	\$500.00
b) third and subsequent offences within same calendar year	\$750.00
Failure to Maintain Grass, Trees and Weeds	\$250.00
a) second offence within same calendar year	\$500.00
b) third and subsequent offences within same calendar year	\$750.00
Failure to Maintain Buildings and Fences	\$250.00
a) second offence within same calendar year	\$500.00
b) third and subsequent offences within same calendar year	\$750.00
Failure to Remove Graffiti	\$250.00
a) second offence within same calendar year	\$500.00
b) third and subsequent offences within same calendar year	\$750.00
Signage Infractions	\$250.00
a) second offence within same calendar year	\$500.00
b) third and subsequent offences within same calendar year	\$750.00
Littering Infractions	\$250.00
c) second offence within same calendar year	\$500.00
d) third and subsequent offences within same calendar year	\$750.00

**TOWN OF DRUMHELLER
MUNICIPAL EMERGENCY MANAGEMENT
BYLAW NUMBER 01-19**

WHEREAS the Council of the Town of Drumheller is responsible for the direction and control of its emergency response and is required, under the Emergency Management Act, Chapter E-6.8, Revised Statutes of Alberta 2000 to appoint an Emergency Management Committee and to establish and maintain a Municipal Emergency Management Agency; and

WHEREAS it is desirable in the public interest, and in the interests of public safety, that such a committee be appointed and such an agency be established and maintained to carry out Council's statutory powers and obligations under the said Emergency Management Act;

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF DRUMHELLER DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "Municipal Emergency Management Bylaw".
2. Definitions

"Act" means the Emergency Management Act, Chapter E-6.8, Revised Statutes of Alberta 2000;

"Chief Administrative Officer" shall mean a Municipal Official employed by the Town of Drumheller in the position of Chief Administrative Officer, or in his/her absence, the person appointed as Acting Chief Administrative Officer; or designate.

"Council" means the Council of the Town of Drumheller

"Disaster" means an event that has resulted or may result in serious harm to the safety, health or welfare of people, or in widespread damage to property;

"Emergency Management Committee" means the committee established under this Bylaw responsible for the development of municipal emergency programs and plans intended to coordinate prompt action or special regulation of persons or property to protect the safety, health and welfare of the population or to limit damage to property;

"Emergency" means a present or imminent event that requires prompt co-ordination of action or special regulation of persons or property to protect the health, safety or welfare of people or to limit damage to property;

"Municipal Emergency Management Agency" means the agency established under this Bylaw; and

"Municipal Emergency Plan" means the emergency plan prepared by the Director of Emergency Management to co-ordinate response to an emergency or disaster.

3. There is hereby established an Emergency Management Committee to advise Council on the development of Emergency plans and programs.
4. There is hereby established a Municipal Emergency Management Agency to act as the agent of Council to carry out its statutory powers and obligations under the Act. This does not include the power to declare, renew, or terminate a State of Local Emergency, nor the powers contained in Section 12 of this Bylaw.
5. Council shall
 - (a) by resolution, at the annual organizational meeting of Council, appoint the Mayor and two other members of council to serve on the Emergency Management Committee.
 - (b) provide for the payment of expenses of the members of the Emergency Management Committee;
 - (c) by resolution, appoint the Town Manager as the Director of Emergency Management. The Director of Emergency Management shall appoint up to three deputies who shall do those things required of the Director in that person's absence.
 - (d) ensure that Emergency plans and programs are prepared to address potential Emergencies or Disasters in the Town of Drumheller.
 - (e) approve the Town of Drumheller's Emergency plans and programs; and review the status of the Municipal Emergency Plan and related plans and programs at least once each year.
6. Council may
 - (a) by Bylaw borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the Municipal Emergency Management Agency; and
 - (b) enter into agreements with and make payments or grants, or both, to persons or organizations for the provision of services in the development

or implementation of Emergency plans or programs, including mutual aid plans and programs.

7. The Emergency Management Committee shall
 - (a) review the Municipal Emergency Plan and related plans and programs on a regular basis; and
 - (b) advise Council, duly assembled, on the status of the Municipal Emergency Plan and related plans and programs at least once each year.
8. The Municipal Emergency Management Agency shall be comprised of one or more of the following:
 - (a) the Director of Emergency Management;
 - (b) the Deputy Directors of Emergency Management;
 - (c) other administrative staff member (s) of the Town;
 - (d) the N.C.O in charge, R.C.M Police or designate;
 - (e) the Municipal Fire Chief or designate;
 - (f) the Public Information Officer or designate;
 - (g) the Towns Operations Manager or designate;
 - (h) the Towns Utility Manager or designate;
 - (i) the Towns Technical Services Manager or designate;
 - (j) the Towns Emergency Social Services coordinator or designate;
 - (k) the Alberta Health Service Ambulance Service Coordinator or designate;
 - (l) the field officers from the Alberta Emergency Management agency;
 - (m) the David Thompson Health Region CEO or designate;
 - (n) the Drumheller Health Centre Manager or designate;
 - (o) the Golden Hills School Division Board Chairperson, Drumheller Valley Secondary school and Greentree school principals or designate;
 - (p) the Christ the Redeemer School Division Board Chairman and St. Anthony's school principal or designate;
 - (q) representative(s) from Alberta Human Resources & Employment;
 - (r) representative(s) from adjacent communities which have entered into mutual aid agreements;
 - (s) representative(s) from local business or business associations (e.g. Chamber of Commerce, Board of Trade);
 - (t) representative(s) from Alta Gas;
 - (u) representative(s) from TELUS;
 - (v) representative(s) from Alberta Agriculture, Food and Rural Development;
 - (w) representative(s) from Alberta Environmental Protection;
 - (x) representative(s) from Alberta Transportation;
 - (y) representative(s) from the Drumheller Institution;

(z) representative(s) from the Ministerial Association;
(aa) representative(s) from ATCO Electric;
(bb) representative(s) from the Royal Tyrrell museum;
(cc) anyone who may serve a useful purpose in the preparation or implementation of the Municipal Emergency Plan as Directed by the Director of Emergency Management determines.

9. The Director of Emergency Management shall

- (a) prepare and co-ordinate the Municipal Emergency Plan and related plans and programs for the Town of Drumheller;
- (b) act as director of Emergency operations, or ensure that someone is designated under the Municipal Emergency Plan to so act, on behalf of the Municipal Emergency Management Agency; and
- (c) co-ordinate all Emergency services and other resources used in an Emergency; or
- (d) ensure that someone is designated to discharge the responsibilities specified in paragraphs (a), (b), and (c).

10. Council may, at any time when it is satisfied that an Emergency exists or may exist, by resolution, make a declaration of a State of Local Emergency. Such declaration may be completed by the mayor or acting mayor and, in the absence of these, two councilors.

11. When a State of Local Emergency is declared, the person[s] making the declaration shall

- (a) ensure that the declaration identifies the nature of the Emergency and the area of the Town in which it exists;
- (b) cause the details of the declaration to be published immediately by such means of communication considered most likely to notify the population of the area affected; and
- (c) forward a copy of the declaration to the Director of Emergency Management forthwith.

12. Subject to Section 19 of the Act, when a State of Local Emergency is declared and for the duration of the state of Emergency, the Director of Emergency

Management may do all acts and take all necessary proceedings including the following:

- (a) put into operation an Emergency plan or program;
- (b) acquire or utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of an Emergency or Disaster;
- (c) authorize or require any qualified person to render aid of a type the person is qualified to provide;
- (d) control or prohibit travel to or from any area of the Town;
- (e) provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and co-ordinate Emergency medical, welfare and other essential services in any part of the Town;
- (f) order the evacuation of persons and the removal of livestock and personal property from any area of the Town that is or may be affected by a Disaster and make arrangements for the adequate care and protection of those persons or livestock and of the personal property;
- (g) authorize the entry into any building or on any land, without warrant, by any person in the course of implementing an Emergency plan or program;
- (h) cause the demolition or removal of any trees, structures or crops if the demolition or removal is necessary or appropriate in order to reach the scene of a disaster, or to attempt to forestall its occurrence or to combat its progress;
- (i) procure or fix prices for food, clothing, fuel, equipment, medical supplies, or other essential supplies and the use of any property, services, resources or equipment within the Town for the duration of the State of Emergency;
- (j) authorize the conscription of persons needed to meet an Emergency;
- (k) authorize any persons at any time to exercise, in the operation of the Municipal Emergency Plan and related plans or programs, any power specified in Paragraphs (b) through (j) in relation to any part of the municipality affected by a declaration of a State of Local Emergency.

13. If the Director of Emergency Management acquires or utilizes real or personal property under subsection (12) or if any real or personal property is damaged

or destroyed due to an action of the Director of Emergency Management in preventing, combating or alleviating the effects of an Emergency or Disaster, the Director of Emergency Management shall cause compensation to be paid for it.

14. When a State of Local Emergency is declared,

- (a) neither Council nor any member of Council, and
- (b) no person appointed by Council to carry out measures relating to Emergencies or Disasters, are liable in respect of damage caused through any action taken under this Bylaw, nor are they subject to any proceedings by prohibition, certiorari, mandamus or injunction.

15. Notwithstanding Section 14,

- (a) Council and any member of Council, and
- (b) any person acting under the direction or authorization of Council, is liable for gross negligence in carrying out their duties under this Bylaw.

16. When, in the opinion of the person[s] declaring the State of Local Emergency, an Emergency no longer exists in relation to which the declaration was made, they shall, by resolution, terminate the declaration.

17. A declaration of a State of Local Emergency is considered terminated and ceases to be of any force or effect when

- (a) a resolution is passed under Section 16;
- (b) a period of seven days has lapsed since it was declared, unless it is renewed by resolution;
- (c) the Lieutenant Governor in Council makes an order for a state of Emergency under the Act, relating to the same area; or
- (d) the Director of Emergency Management cancels the State of Local Emergency.

18. When a declaration of a State of Local Emergency has been terminated, the person[s] who made the declaration shall cause the details of the termination to be published immediately by such means of communication considered most likely to notify the population of the area affected.

19. This bylaw shall take effect on the date of the 3rd and final reading.

1) The Municipal Emergency Management Bylaw 11-11 is hereby repealed.

This Bylaw shall come into force and effect upon final passing.

Read a first time this day of February, 2019

Read a second time this day of , 2019

Read a third time and finally passed this day of , 2019

TOWN OF DRUMHELLER

Mayor

Chief Administrative Officer

DRAFT