

APPENDIX B

BYLAW NO. 1766

A BYLAW OF THE MUNICIPAL DISTRICT OF BONNYVILLE NO. 87, IN THE PROVINCE OF ALBERTA TO REGULATE THE USE AND DEVELOPMENT OF MUNICIPAL LAND AND RESERVES HEREBY CITED AS THE MUNICIPAL LAND AND RESERVES BYLAW.

WHEREAS, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, a Council's power to pass a bylaw for the protection and preservation of Municipal Lands and Reserves;

AND WHEREAS, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, a Council's power to pass a bylaw includes a power to amend or repeal a bylaw;

NOW THEREFORE, the Council of the Municipal District of Bonnyville No. 87, duly assembled in the Province of Alberta, hereby enacts the following:

1 DEFINITIONS

1.1 In this Bylaw:

- (a) "Bylaw Enforcement Officer" means the Chief Administrative Officer of the Municipal District of Bonnyville No. 87, or any person designated by the Chief Administrative Officer to enter and inspect property in accordance with the provisions of this Bylaw;
- (b) "Chief Administrative Officer" means the Chief Administrative Officer of the Municipal District of Bonnyville No. 87 appointed by Council regardless of any subsequent title that may be conferred on that Officer by Council or statute, or their authorized delegate;
- (c) "Council" means the duly elected Council of the Municipal District of Bonnyville No. 87;
- (d) "Development" means any structure or use deemed adequate by the Municipal District of Bonnyville No. 87 and is consistent with the purpose for which the land was taken;
- (e) "Development Authority" means the Development Officer or Council of the Municipal District of Bonnyville No. 87;
- (f) "Encroachment" means any structure, building or landscaping development constructed by a private landowner which encroaches over or under the property line onto municipal owned land;
- (g) "Environmental Reserve" (ER) means a part of land parcel designated as an Environmental Reserve as defined under Section 664(1) of the Municipal Government Act R.S.A. 2000, Chapter M-26;
- (h) "Litter" means any solid or liquid material or product or combination of solid or liquid materials or products including, but not limited to:

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- i. any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, or sewage or the whole or part of an animal carcass;
 - ii. the whole or part of any article, raw or unprocessed material, motor vehicle or other machinery, that is disposed of;
 - iii. any dirt, gravel, rock, sand, rubble, or clean fill; or
 - iv. any other material or product that is designated as litter in the Alberta Environmental Protection and Enhancement Act R.S.A. 2000, Chapter E-12 and the Regulations thereunder.
- (i) “Motor Vehicle” means a vehicle propelled by any power other than muscular power or a moped. This does not include a bicycle, power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails as defined in Section 1 of the Traffic Safety Act R.S.A. 2000, Chapter T-06;
 - (j) “Municipal Land” means a parcel of land or a part of a parcel of land owned by the municipality or land in which the municipality is in the process of acquiring. Such lands include, but are not limited to, lands designated as Walkways, Reserves, Municipal Reserve, School Reserve, Municipal and School Reserve, Environmental Reserve, or Public Utility Lot. This does not include road allowances;
 - (k) “Municipal Reserve” means a land parcel designated as a Municipal Reserve as defined in Section 666(1) of the Municipal Government Act R.S.A. 2000, Chapter M-26;
 - (l) “Municipal and School Reserve” (MSR) means a part of a land parcel designated as Municipal School Reserve as defined in Section 666(1) of the Municipal Government Act R.S.A. 2000, Chapter M-26;
 - (m) “Nuisance” means any activity or condition within the Municipal District of Bonnyville No. 87 which interferes with, annoys, disturbs, injures, or endangers the safety, comfort, peace, or health of others;
 - (n) “Order to Comply” means an order or warning issued under this Bylaw;
 - (o) “Peace Officer” means a Peace Officer appointed under the Peace Officer Act, SA 2016, P-35 and employed by the municipality or a Bylaw Enforcement Officer employed by the municipality;
 - (p) “Permit” means a written authorization issued pursuant to approval granted by the Municipal District of Bonnyville No. 87 in respect to activities on Municipal Lands, Reserves, or structures;
 - (q) “Permittee” means a person who applied and obtained a permit in respect to activities on Municipal Lands, Reserves, or other structures;
 - (r) “Public Utility Lot” (PUL) means a part of a land parcel designated as a public utility lot as defined in the Municipal Government Act, R.S.A. 2000, Chapter M-26;

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- (s) “Reserve Lands” (R) means an Environmental Reserve, a walkway, a Municipal Reserve, a School Reserve, a Municipal and School Reserve, as defined in the Municipal Government Act, R.S.A. 2000, Chapter M-26. The designation of these lands classified as “R” is under the opinion of the approving authority and may be categorized as Environmental Reserve if the lands contain swamps, gullies, ravines or natural drainage courses or lands which in the opinion of the approval authority is unsuitable for building sites, Municipal or School Reserve use;
- (t) “School Reserve” (SR) means a part of a land parcel designated as a School Reserve as defined in the Municipal Government Act, R.S.A. 2000, Chapter M-26;
- (u) “Structures” means any man-made building or feature with the exception of seasonal docks or piers;
- (v) “Unauthorized Use” means any use which falls under offenses on any Municipal Land without a valid permit or license.

2 PERMISSION FOR ACTIVITIES ON MUNICIPAL LAND

- 2.1 Notwithstanding any other provision of this Bylaw, a person may carry out any development or activity on current or future Municipal Land otherwise regulated, restricted, or prohibited by this Bylaw if:
- (a) a permit or license has been issued by the Municipal District of Bonnyville No.87 allowing such development;
 - (b) the activity is permitted by the Municipal District of Bonnyville No.87 and an erected sign is in place;
 - (c) another bylaw of the Municipal District of Bonnyville No.87 permits the activity on Municipal Land; or
 - (d) the person is an employee or authorized agent of the Municipal District of Bonnyville No.87 acting within the scope of their functions, duties, or powers.

3 AUTHORITY OF BYLAW ENFORCEMENT OFFICERS AND PEACE OFFICERS

- 3.1 Any Bylaw Enforcement Officer or Peace Officer as identified by this Bylaw is authorized to enforce any section of this Bylaw.
- 3.2 Bylaw Enforcement Officers and Peace Officers for the purpose of this Bylaw, may:
- (a) enforce any part of this Bylaw within the municipal boundary;
 - (b) access any Municipal Land or structure located on Municipal Land at any time for inspection or enforcement activities;
 - (c) order a person or corporation to cease and desist any activity on or within Municipal Land or structure located on Municipal Land, which in the opinion of the Bylaw Enforcement Officer or Peace Officer such activity may comprise the quality of the Land or Reserve;

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- (d) order the restoration of any disturbed Municipal Land to their original conditions at the offender's expense;
 - (e) remove or seize any items not described within the terms of an authorized permit or license; and
 - (f) engage the Notification Protocol, as per Section 4 of this Bylaw.
- 3.3 No provision of this Bylaw shall restrict, limit, prevent or preclude the municipality from pursuing any other remedy deemed necessary in relation to Municipal Land.

4 NOTIFICATION PROTOCOL

- 4.1 Where a Bylaw Enforcement Officer or Peace Officer believes that a person has contravened any provisions of this Bylaw, they may begin a Notification Protocol prior to enforcement actions.
- 4.2 A notification will be presented to those thought to have conducted activity not authorized by the municipality.
- 4.3 The notification will contain information regarding the unauthorized activity, contact deadlines, any required information or compliance work, and scheduled meetings, as follows:
- (a) Notification 1 – a notification will be delivered to the offending individual(s) of the unauthorized activity. A 30-day contact period will be established from date of letter.
 - (b) Notification 2 – a second notification will be delivered to the offending individual(s) after the 30-day contact period has expired. A 15-day contact period will be established from date of letter; and
 - (c) Notification 3 – a final notification will be delivered to the offending individual(s).
- 4.4 A notification shall be deemed to have been sufficiently served if provided in any of the following manners:
- (a) serving the document personally on the accused;
 - (b) leaving the document at the accused's most usual place of residence with a resident thereof, who is apparently 16 years of age or older;
 - (c) posting the document on the front door of the accused's place of residence;
 - (d) mailing the document to the accused's last known address by registered mail; or
 - (e) via electronic communication if the notification is a non-commencement document only.
- 4.5 In accordance with Section 7, the Bylaw Enforcement Officer or Peace Officer reserves the right to immediately issue a Stop Order or Order to Comply, in the event that the non-compliance is that of an urgent safety, health or environmental concern.

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5 REGULATION OF ACTIVITIES ON MUNICIPAL LAND

5.1 No person shall, unless otherwise allowed in accordance with Section 2:

- (a) fail to produce a valid permit or license at the request of a Bylaw Enforcement Officer or Peace Officer, on any Municipal Land or structure;
- (b) conduct any activity, which in the opinion of the Bylaw Enforcement Officer or Peace Officer, causes a disturbance to anyone's peaceful enjoyment of public or private property;
- (c) discard any litter on or within Municipal Land;
- (d) obstruct any Bylaw Enforcement Officer or Peace Officer in the performance of their investigation and lawful authority to enforce this Bylaw;
- (e) injure, deface, cut, or remove any turf, tree, shrub, hedge, plant, or flower, in any way, on Municipal Land;
- (f) discard any contaminates or utilize herbicides, pesticides, or fertilizers on or within Municipal Land;
- (g) place or construct any fire pit/ring or light any fire on Municipal Land;
- (h) sell or offer for sale any article of food, drink, or merchandise, or carry out any business on any Municipal Land;
- (i) park or operate any motorized vehicle or camper/holiday trailer on Municipal Land;
- (j) camp or take occupancy on Municipal Land;
- (k) permit any livestock to graze on Municipal Land;
- (l) hunt or trap any animal on Municipal Land;
- (m) restrict public access to Municipal Land;
- (n) dig, excavate, stockpile, or alter the natural grade/features of Municipal Land;
- (o) construct or remove any structures, such as stairs, decks, paths/trails, sheds, retaining walls, or boat houses on any Municipal Land, unless a permit has been issued in accordance with the following:
 - i. Deck structures must not exceed 100sq.ft.
 - ii. Stairs must be constructed in a zig-zag pattern and must not exceed a width of 1.8 meters (6.0 ft)
 - iii. Pathways must be a single, meandering trail and must not exceed a width of 1.8 meters (6.0 ft)

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- iv. Stairs and/or retaining walls may require engineering or geo-technical design;
- (p) place or erect any signs, bulletins, posts, poles, or advertising devices of any kind, nor attach any notice, bill, poster, wire, or cord to any tree or shrub on Municipal Land;
- (q) deposit or store building materials, topsoil, rock, clay, sand, or other aggregate on or within Municipal Land;
- (r) clear Municipal Land for the purpose of access or aesthetics from private land to water;
- (s) store or place on Municipal Land any recreational equipment including, but not limited to, boat lifts, docks, watercrafts, buoys, seasonal equipment, or holiday trailers;
- (t) host, occupy or utilize Municipal Land in any capacity for personal/private events, community events, fundraisers, or charitable organization; or
- (u) conduct any other unauthorized activity in which the Bylaw Enforcement Officer or Peace Officer deems as a contravention to the protection of the Municipal Land.

6 MAINTENANCE OF MUNICIPAL LAND

- 6.1 Any Municipal Land under the care and control of the Municipal District of Bonnyville No. 87 will be maintained subject to applicable provincial and municipal policy.

7 ENFORCEMENT

- 7.1 Where the Bylaw Enforcement Officer or Peace Officer finds that a development or use of a Municipal Land is not in accordance with this Bylaw, the Bylaw Enforcement Officer or Peace Officer may (following the notification protocol) proceed with an order to the person(s) responsible for the offence to:
 - (a) stop the development or activity on the land in whole or in part as directed by the notice;
 - (b) demolish, remove, or replace the offending development and restore the natural features of the Municipal Land; and/or
 - (c) take such other measures as are specified in the notice so that the development or activity on the Municipal Land is in accordance with the Municipal Government Act, the regulations, a development permit, a subdivision approval, or this Bylaw.
- 7.2 Where the Bylaw Enforcement Officer or Peace Officer carries out an order, the offending person(s) shall be held liable for all costs and expenses incurred.
- 7.3 Any person(s) who contravenes any provisions of this Bylaw is guilty of an offence and is liable for the following:
 - (a) a fine not exceeding \$10,000, exclusive of costs;

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- (b) land restoration works; and/or
 - (c) any other remedy deemed necessary by the Bylaw Enforcement Officer or Peace Officer.
- 7.4 Where a Bylaw Enforcement Officer or Peace Officer issues an Order to Comply, the ticket shall:
- (a) identify the unauthorized development or activity;
 - (b) direct the person to take action or measures necessary to remedy the Unauthorized Use including, but not limited to, the restoration of the Municipal Land to a natural or pre-disturbance state;
 - (c) state the time within which the person must fulfill the Order to Comply;
 - (d) state that if the person does not abide by the Order to Comply in a specified time, the municipality may take action or measures at the expense of the person; and
 - (e) specify the fine to be paid, if any.

8 MINIMUM AND SPECIFIED PENALTIES

- 8.1 Any person who contravenes any provisions of this Bylaw shall be subject to a penalty specified for such offence and the amount set out in Schedule "A" of this Bylaw.
- 8.2 The Bylaw Enforcement Officer or Peace Officer may, if they consider the offence sufficiently serious in addition to the penalties provided in this Bylaw, direct or order restoration of the affected land. Failure to comply with the restoration order may result in the municipality taking restoration actions and applying any incurred costs to the taxes of the person(s) responsible.

9 INSURANCE

- 9.1 Any persons required by the Municipal District of Bonnyville No. 87 to enter into agreements for structures, encroachments, or developments will be subject to the conditions of the agreement and shall require personal liability insurance.
- 9.2 The individual will be required to make their own arrangements regarding liability insurance naming the Municipal District of Bonnyville No. 87 as an additional insured in an amount of not less than \$2,000,000.

10 SEVERABILITY

- 10.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed, and the remainder of the Bylaw is deemed valid and enforceable.

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11 REPEAL

11.1 Upon third reading of Bylaw No. 1766, Bylaw No. 1440 and all amendments thereto are hereby repealed.

12 EFFECTIVE DATE

12.1 That this Bylaw shall come into force and have effect from and after the date of third and final reading thereof.

READ A FIRST TIME IN COUNCIL THIS 24th DAY OF AUGUST, 2022.

READ A SECOND TIME, AS AMENDED, IN COUNCIL THIS 23 DAY
OF November, 2022.

READ A THIRD TIME IN COUNCIL THIS 23 DAY OF November, 2022.



REEVE



CHIEF ADMINISTRATIVE OFFICER

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Schedule "A"

Specified Penalty Listing

SECTION	OFFENCE	FINE
5.1 (a)	Fail to Produce a valid permit or license	\$200.00
5.1 (b)	Conduct any activity causing disturbance	\$300.00
5.1 (c)	Discard litter	\$300.00
5.1 (d)	Obstruct a Peace Officer in performance of duties	\$500.00
5.1 (e)	Injure, deface, cut, or remove any turf, tree, shrub, hedge, plant, or flower	\$1000.00
5.1 (f)	Discard contaminates, herbicides or fertilizers	\$500.00
5.1 (g)	Place or construct any fire pit or light any fire	\$500.00
5.1 (h)	Sell or offer for sale any food, drink, or merchandise	\$300.00
5.1 (i)	Park or operate any motorized vehicle or camper/holiday trailer	\$200.00
5.1 (j)	Camp or take occupancy	\$200.00
5.1 (k)	Permit livestock to graze	\$500.00
5.1 (l)	Hunt or trap any animal	\$300.00
5.1 (m)	Restrict public access	\$200.00
5.1 (n)	Dig, excavate, stockpile, or alter the natural grade/features	\$1000.00
5.1 (o)	Construct or remove any structure	\$1000.00
5.1 (p)	Place or erect any signs, bulletins, posts, poles, or advertising devices of any kind	\$200.00
5.1 (q)	Deposit or store building materials, topsoil, rock, clay sand or other aggregate	\$500.00
5.1 (r)	Clear Municipal Lands for the purpose of access or aesthetics	\$1000.00
5.1 (s)	Store or place any recreational equipment	\$200.00
5.1 (t)	Host, occupy or utilize Municipal Land for personal/private events	\$500.00
5.1 (u)	Any other unauthorized activity	Up to \$1000.00