

## **BYLAW NO. 2021-24**

### **A BYLAW OF THE COUNTY OF ST. PAUL NO. 19, IN THE PROVINCE OF ALBERTA, PROVIDING FOR THE REGULATION OF MUNICIPAL LAND AND RESERVES.**

**Whereas**, pursuant to Section 7 (a) of the Municipal Government Act Revised Statutes of Alberta, 2000, Chapter M-26 and the amendments thereto, as amended from time to time, the County of St. Paul No. 19 may pass Bylaws for the protection and preservation of Municipal Lands and Reserves.

**Now Therefore**, the Council of the County of St. Paul No. 19, in the Province of Alberta, duly assembled, hereby enacts as follows:

#### **1. TITLE**

1.1 This Bylaw may be cited as the “Municipal and Reserve Lands Regulation Bylaw.”

#### **2. DEFINITIONS**

2.1 “Bylaw Enforcement Officer” means

- a) Any member of the Royal Canadian Mounted Police
- b) Any Community Peace Officer
- c) The Chief Administrative Officer of the County of St. Paul No. 19 or any person designated by the Chief Administrative Officer to enter and inspect property in accordance with the provisions of this Bylaw.

2.2 “Chief Administrative Officer” means the Chief Administrative Officer of the County of St. Paul No. 19 regardless of any subsequent title that may be conferred on that Officer by Council or statute, or his or her designate.

2.3 “Clear-cutting” means the felling and removal of all or most of the trees from a given tract of land.

2.4 “Council” means the Municipal Council of the County of St. Paul No. 19.

2.5 “County” means the County of St. Paul No. 19, a municipal corporation in the Province of Alberta and where the context so requires means the area contained within the corporate boundaries of the said municipality.

2.6 “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, c-M-26.

2.7 “Litter” means any solid or liquid material or product or combination of solid or liquid materials or products including, but not limited to:

- a) Any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, or sewage or the whole or part of an animal carcass; or
- b) The whole or part of any article, raw or unprocessed material, motor vehicle or other machinery, that is disposed of; or
- c) Any dirt, gravel, rock, sand, rubble, or clean fill; or

- d) Any other material or product that is designated as litter in the Alberta Environmental Protection and Enhancement Act, as amended from time to time, and the Regulations thereunder.
- 2.8 “Motor Vehicle” means a motor vehicle as defined in the *Traffic Safety Act*, R.S.A. 2000 c. T.6., as amended from time to time and the regulations thereunder.
- 2.9 “Municipal Land” means a parcel of land or a part of a parcel of land owned by the County or land in which the County is in the process of acquiring and does not include lands designed for public use including but not limited to campgrounds. Such lands include but are not limited to lands designated as Municipal Reserve, School Reserve, Municipal and School Reserve, Environmental Reserve, or Public Utility Lot.
- 2.10 “Municipal Reserve” (MR) means a part of land parcel designated as a Municipal Reserve as defined in Section 666(1) of the *Municipal Government Act* R.S.A. 2000, c. M-26.
- 2.11 “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, c. M-26.
- 2.12 “Nuisance” means any activity or condition within the County of St. Paul No. 19 which interferes with, annoys, disturbs, injures, or endangers the safety, comfort, peace, or health of others.
- 2.13 “Order to Comply” means an Order or warning, issued under this Bylaw.
- 2.14 “Permit” means a written authorization issued pursuant to approval granted by the County of St. Paul No. 19 in respect to activities on Municipal Lands, reserves, or structures.
- 2.15 “Permittee” means a person who applied and obtained a permit in respect to activities on Municipal Lands, reserves, or other structures.
- 2.16 “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, c. m-26.
- 2.17 “Reserve Lands” 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, c. M-26.
- 2.18 “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, c. M-26.
- 2.19 “Strict Liability” means a Person is responsible for the damage and loss caused by their acts and omissions regardless of culpability.
- 2.20 “Structures” means any man-made building or feature with the exception of seasonal docks or piers.
- 2.21 “Unauthorized Use” means any use which falls under offenses on any Reserve Lands without a valid permit.

- 2.22 “Violation Tag” means a tag or similar document issued by the County pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26 as amended; and
- 2.23 “Violation Ticket” means a ticket issued to Part 2 or Part 3 of the *Provincial Offences and Procedures Act*, R.S.A. 2000, c. P-34.

### **3. AUTHORITY OF BYLAW ENFORCEMENT OFFICERS**

- 3.1 Any Bylaw Enforcement Officer appointed or employed by the County are authorized to enforce any section of this Bylaw.
- 3.2 Bylaw Enforcement Officers for the purpose of this Bylaw may:
- a) Enforce any part of this Bylaw within the County corporate boundary;
  - b) Access any Municipal Land, Municipal Reserve, or Structure, at any time for inspection or enforcement activities;
  - c) Suspend or cancel permits issued pursuant to any Municipal Land or Municipal Reserve;
  - d) Order a person or corporation to cease and desist any activity on Municipal Land, Municipal Reserve or Structure, which in the opinion of the Bylaw Enforcement Officer, such activity may compromise the quality of the Land or Reserve;
  - e) Order the restoration of any disturbed Municipal Land or Municipal Reserve to their original condition at the offender’s expense;
  - f) Remove or seize any items not described within the terms of an authorized Permit.
  - g) Serve written notice describing the unsatisfactory condition(s), expectations of restoration, and a date to which such restoration is to be completed by. Failure to meet conditions may result in prosecution.

### **4. OFFENCES**

- 4.1 No person shall without, a written authorized Permit:
- a) Dig in the earth, or remove any natural feature or man-made Structure from Municipal Land or Municipal Reserve;
  - b) Construct or remove Structure on any Municipal Lands or Municipal Reserve; or
  - c) Place or erect any Structures, signs, bulletins, posts, poles or advertising devices or any kind, attach any notice, bill, poster, wire, or cord to any tree, shrub, fence, railing, post, or Structure on any Municipal Land or Municipal Reserve.
- 4.2 No person shall under any circumstances:

- a) In any way injure or deface any turf, tree, shrub, hedge, plant, flower, or structure on Municipal Land or Municipal Reserve;
- b) Fail to produce a valid permit at the request of a Bylaw Enforcement Officer, on any Municipal Land, Municipal Reserve, or Structure;
- c) In the opinion of a Bylaw Enforcement Officer, conduct any activity, which causes the disturbance to anyone's peaceful enjoyment or public or private property;
- d) Discard any litter on land or water on Municipal Land or Municipal Reserve;
- e) Obstruct at Bylaw Enforcement Officer in the performance of his investigation and lawful authority to enforce this Bylaw;
- f) Discharge contaminants including but not limited to fuel, herbicides, and fertilizers;
- g) Sell or offer for sale any article of food, drink, or merchandise, or carry on any business on any Municipal Land or Municipal Reserve;
- h) Park or operate any Motor Vehicles or trailers on Municipal Land or Municipal Reserve;
- i) Camp or take occupancy on any Municipal Land or Municipal Reserve;
- j) Light any outdoor fire on Municipal Land or Municipal Reserve;
- k) Permit any livestock to graze on any Municipal Land or Municipal Reserve;
- l) Discharge any firearms, rockets, or other projectiles on Municipal Land or Municipal Reserve;
- m) Hunt or trap any animal on Municipal Reserve, Environmental Reserve, School Reserve, or Municipal and School Reserve; or
- n) Clear-cutting.

## **5. GENERAL PENALTY PROVISION**

- 5.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine as set out under the Penalties Bylaw.
- 5.2 Notwithstanding Section 5.1 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within one (1) year of committing another offence under this Bylaw; and who was:
  - a) Found liable on summary conviction for that earlier offence; or
  - b) Who was issued a Violation Tag and paid the amount specified in the Violation tag within thirty (30) days;
  - c) May be liable on summary conviction to a fine as set out under the Penalties Bylaw.

- 5.3 All violations will be accompanied by the appropriate fee, as identified in the Penalties Bylaw.

## **6. MINIMUM AND SPECIFIED PENALTIES**

- 6.1 The minimum and specified penalty for violation of any provision of this Bylaw is set out in the County's Penalties Bylaw, as amended from time to time.
- 6.2 The levying and payment of any fine or the imprisonment for any period in this section shall not relieve a person from the necessity of paying any fees, charges, or costs from which he is liable under the provisions of this Bylaw.
- 6.3 If a person violates the same provision of this Bylaw twice within a one-year period, the minimum and specified penalty for the second violation shall increase in amount from the first violation.
- 6.4 A Provincial Judge or Commissioner, in addition to penalties, may if they consider the offence sufficiently serious, direct or order restoration of the affected land or, order compensation to be paid to the County as a result of costs incurred by the County for restoration.

## **7. VIOLATION TAGS**

- 7.1 An Officer is hereby authorized and empowered to issue a Violation Tag to any person, whom the Officer has reasonable and probable grounds to believe contravened any provision of this Bylaw.
- 7.2 Violation Tag may be issued to such a person:
- a) Either personally;
  - b) By mailing a copy to the Owner's last known post office address
- 7.3 The violation tag shall be in a form approved by the County and shall state:
- a) The name of the Owner;
  - b) The offence;
  - c) The appropriate penalty for the offence as set out in the County Penalties Bylaw, as amended from time to time;
  - d) That the penalty shall be paid within thirty (30) days on the issuance of the Violation Tag; and
  - e) Any other information the County deems pertinent.
- 7.4 Where a contravention of this Bylaw is of a continuing nature, further violation tag may be issued by the Officer, provided however, that no more than one violation tag shall be issued for each day the contravention continues.
- 7.5 Where a Violation Tag is issued pursuant to this Section, the person to

whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified on the Violation Tag.

- 7.6 Nothing in this Bylaw shall prevent the Officer from immediately issuing a Violation Ticket.

## 8. VIOLATION TICKETS

- 8.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period, then a Bylaw Officer is authorized and empowered to issue a Violation Ticket pursuant to Part 2 or Part 3 of the *Provincial Offences Procedures Act*, S.A. 2000, c. P-34.
- 8.2 Notwithstanding anything in this Bylaw, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 or Part 3 of the *Provincial Offences Procedure Act*, S.A. 2000, c. P-34 to any person who the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

## 9. ENFORCEMENT

- 9.1 Where a Bylaw Enforcement Officer has reasonable grounds to believe that a person has violated any provision of this Bylaw, the Bylaw Enforcement Officer may issue a Violation Tag, or may commence court proceedings against such a person by issuing a Violation Ticket or an Order to Comply to remedy the contravention in any manner deemed necessary in the circumstances pursuant to Section 545 of the *Municipal Government Act*; or
- 9.2 Where a Bylaw Enforcement Officer issues a person an Order to Comply, the Officer may:
- a) Identify the Unauthorized use;
  - 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 or Reserve Land to a natural state; and
  - 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 County may take action or measures at the expense of the person.
- 9.3 Where a contravention of this Bylaw is of a continuing nature, further violation tags may be issued by the Officer, provided however, that no more than one violation tag shall be issued for each day the contravention continues.

- 9.4 Where a Bylaw Enforcement Officer issues a person a Violation Ticket, the Officer may either:
- a) Allow the person to pay the specified penalty as indicated on the Violation Ticket; or
  - b) Require a court appearance of the person where the Bylaw Enforcement Officer believes that such an appearance is in the public interest, pursuant to the provisions of Part 2 or Part 3 of the *Provincial Offences Procedure Act*.
- 9.5 No provision of this Bylaw nor any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent, or preclude the County from pursuing any other remedy in relation to a premises provided by the *Municipal Government Act*, or any other law in the Province of Alberta.

## **10. STRICT LIABILITY**

- 10.1 It is the intention of Council that all offences created by this Bylaw be interpreted to be Strict Liability offences.

## **11. SEVERABILITY**

- 11.1 Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

## **12. RESCISSION**

- 12.1 Bylaw 2017-11 is hereby repealed.

## **13. EFFECTIVE DATE**

- 13.1 This Bylaw comes into effect upon receiving third reading.

Read a first time in Council this 14<sup>th</sup> day of December, A.D. 2021.

Read a second time in Council this 14<sup>th</sup> day of December, A.D. 2021.

Read a third time in Council this 14<sup>th</sup> day of December, A.D. 2021.

*Original signed by Reeve G. Ockerman*

*Original signed by CAO S. Kitz*

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REEVE

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CHIEF ADMINISTRATIVE OFFICER