

BYLAW NO. LU 572

BEING A BYLAW OF THE MUNICIPAL DISTRICT OF BONNYVILLE NO. 87 IN THE PROVINCE OF ALBERTA, TO AMEND BYLAW NO. 1667, BEING THE MUNICIPAL DISTRICT OF BONNYVILLE NO. 87 LAND USE BYLAW

WHEREAS Council has adopted the Municipal District of Bonnyville No. 87 Land Use Bylaw; and

WHEREAS it is deemed expedient to amend Bylaw No. 1667 as set out in Section 692 of the Municipal Government Act, S.A. 2000, as amended.

NOW THEREFORE under the authority and subject to the provisions of the Municipal Government Act, and by virtue of all other powers enabling it, the Council of the Municipal District of Bonnyville No. 87 hereby assembled enacts as follows:

BYLAW NO. 1667 being the Municipal District of Bonnyville No. 87 Land Use Bylaw is hereby amended as follows:

Areas of Application:

Part 2 MUNICIPAL OFFICES

Section 9 Development Officer

Section 9, Subsection 9.2 (e) to be amended to include:

- i) with the exception of an application that is consistent with a licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC, in which case the Development Officer shall approve the application to the extent that it complies with the license, permit, approval or other authorization.

Section 10 Municipal Planning Commission

Section 10, Subsection 10.2 (a) to be amended to include:

- i) with the exception of an application that is consistent with a licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC, in which case the Development Officer shall approve the application to the extent that it complies with the license, permit, approval or other authorization;

Part 3 DEVELOPMENT APPLICATIONS

Section 14 When a Development Permit is Not Required

Section 14, Subsection 14.1 (o) to be amended to include:

- i) No person shall cause or allow the alteration of the surface grade or elevations of any land in a way which interferes with the natural flow or pooling of surface water onto adjacent lands or lands under the municipality's direction, control and management, or which has the potential to cause a nuisance, hazard or damage.

Section 17 Development Permit Referrals

Section 17, Subsection 17.2 to be amended to include:

- (a) with the exception of an application that is consistent with a licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC, in which case no notification to adjacent landowners shall be required.

Section 18 Development Permit Decisions

Section 18, Subsection 18.2 (b) to be amended to include:

- i) with the exception of an application that is consistent with a licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC, in which case the Development Officer shall approve the application to the extent that it complies with the license, permit, approval or other authorization.

Section 20 Variance Authority

Amend Section 20, Subsection 20.1:

Existing:

20.1 The Development Authority may allow a variance of up to 10% in regard to front, rear and side yard setbacks, building height requirements, and floor area.

To be amended to:

20.1 The Development Officer may allow a variance of up to 25% in regard to front, rear and side yard setbacks, building height requirements, floor area, and lot coverage. Any variance that exceeds these limits shall be referred to the Municipal Planning Commission for a decision.

Part 5 CONTRAVENTION AND ENFORCEMENT

Section 28 Stop Order

Amend Section 28, Subsections 28.1 and 28.2:

Existing:

28.1 If the Development Authority finds that a development, land use or use of a building is not in accordance with the Act, this Bylaw, regulations under the Act, a development permit or subdivision approval, the Development Authority may, by written notice, order the owner, the person in possession of the land or building, or other person responsible for the contravention, or all or any of them to:

28.2 If a person fails or refuses to comply with an order directed to him pursuant to Section 28.1 above, an order of the Municipal Planning Appeal Board under the Municipal Development, Council or a person appointed by it may, in accordance with the Act, enter upon the land or building and take such action as is necessary to carry out the order.

To be amended to:

- 28.1 If the Development Authority finds that a development, land use or use of a building is not in accordance with the Municipal Government Act, this Bylaw, regulations under the Act, a development permit or subdivision approval, the Development Authority may, by written notice, order the owner, the person in possession of the land or building, or other person responsible for the contravention, or all or any of them to:
- 28.2 If a person fails or refuses to comply with an order directed to him pursuant to Section 28.1 above, an order of the Subdivision and Development Appeal Board under the Municipal Government Act, Council or a person appointed by it may, in accordance with the Act, enter upon the land or building and take such action as is necessary to carry out the order.

Section 29 Penalties

Remove Section 29 in its entirety and amend to read as follows:

- 29.1 Council has, by Bylaw, established penalties for contravention of or non-compliance with the provisions of this Bylaw.
- 29.2 In addition to the provisions outlined herein, and those provided for in the Municipal Government Act, a person who contravenes or does not comply with this Bylaw, development permit, or subdivision approval is guilty of an offence and is liable to a fine for each offence as defined in Section 29.7.
- 29.3 **AUTHORITY OF A PEACE OFFICER**
 - (a) A notice, in the form commonly called a Bylaw Tag, may be issued by a Peace Officer to any person who contravenes any provision of this bylaw, and served in accordance with Paragraph 29.5(a). The tag shall require payment to the Municipal District for the specific amount for that particular breach of the Bylaw.
- 29.4 **VIOLATION TAGS**
 - (a) A Peace Officer is authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
 - (b) A Violation Tag may be issued:
 - i) Personally; or
 - ii) by mailing a copy of the Violation Tag to the person at their last known mailing address.
 - (c) The Violation Tag shall state:
 - i) the name of the person;
 - ii) the offence;
 - iii) the appropriate penalty for the offence as set out in this Bylaw;
 - iv) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
 - v) any other information as may be required by the Peace Officer.

- (d) Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay the Municipality, the penalty specified on the Violation Tag.
- (e) If the penalty specified on the Violation Tag is not paid within the prescribed time period then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, S.A. 2000, c. P-34 as amended from time to time.
- (f) Notwithstanding anything in this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the Provincial Offences Procedure Act, S.A. 2000, c P-34 as amended from time to time, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

29.5 VIOLATION TICKETS

- (a) A Peace Officer is authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedures Act* to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (b) If a violation ticket is issued in respect of an offence, the violation ticket may:
 - i) Specify the fine amount established as per Section 29.7; or
 - ii) Require a person to appear in Court without the alternative of making a voluntary payment.

29.6 VOLUNTARY PAYMENT

- (a) A person who commits an offence may;
 - i) If a violation ticket is issued in respect of the offence; and
 - ii) If the violation ticket specifies the fine amount established by the M.D. of Bonnyville Fees Bylaw for the offence;

make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the violation ticket, the specified fine set out on the violation ticket.

29.7 PENALTIES AMOUNTS

OFFENCE	SECTION	PENALTY
Commencing development prior to obtaining a development permit, first contravention for residential development	12.1	\$1,500.00
Commencing development prior to obtaining a development permit, second and subsequent contravention for residential development	12.1	\$3000.00
Commencing development prior to obtaining a development permit, first contravention for non-residential development under \$20,000.00	12.1	\$1,000.00
Commencing development prior to obtaining a development permit, second and subsequent contravention for non-residential development under \$20,000.00	12.1	\$3,000.00
Commencing development prior to obtaining a development permit, first contravention for non-residential development over \$20,000.00	12.1	\$3,500.00
Commencing development prior to obtaining a development permit, second and subsequent contravention for non-residential development over \$20,000.00	12.1	\$10,500.00
Failing to comply with conditions of development permit, first contravention for non-residential development under \$20,000.00	19	\$1000.00
Failing to comply with conditions of development permit, second and subsequent contravention for non-residential development under \$20,000.00	19	\$3,000.00
Failing to comply with conditions of development permit, first contravention for non-residential development over \$20,000.00	19	\$3,500.00
Failing to comply with conditions of development permit, second and subsequent contravention for non-residential development over \$20,000.00	19	\$10,500.00

Part 8 – Definitions be amended to add the following:

NON-RESIDENTIAL DEVELOPMENT means any development of the land other than for residential development, including but not limited to industrial and commercial purposes.

PEACE OFFICER means any sworn member of the Royal Canadian Mounted Police, a Peace Officer appointed under the Peace Officer Act, SA 2016, P-35 and amendments thereto and employed by the Municipality or a Bylaw Enforcement Officer employed by the Municipality.

RESIDENTIAL DEVELOPMENT means any development of the land for the building or siting of a dwelling unit or related accessory building.

VIOLATION TAG means a tag or similar document, in a form approved by the Municipal district, pursuant to the Municipal Government Act, R.S.A. 2000, c M-26.

VIOLATION TICKET means a violation ticket issued pursuant to the Provincial Offences Procedure Act RSA 2000, Chapter P-34.

READ A FIRST TIME IN COUNCIL THIS 11TH DAY OF DECEMBER, 2019.

REEVE

CHIEF ADMINISTRATIVE OFFICER

READ A SECOND TIME IN COUNCIL THIS DAY OF 2020.

REEVE

CHIEF ADMINISTRATIVE OFFICER

READ A THIRD TIME AND FINALLY PASSED THIS DAY OF 2020.

REEVE

CHIEF ADMINISTRATIVE OFFICER