



BYLAW 2022-11

Office Consolidation Current as of August 17, 2022

A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING AN ENFORCEMENT APPEAL REVIEW COMMITTEE

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

- 1 This bylaw shall be known as the “Enforcement Appeal Review Committee Bylaw.”

INTERPRETATION

- 2 Where a bylaw references a Town staff position, department or committee, the reference is deemed to be to the current name that the staff position, department or committee is known by.

ESTABLISHMENT

- 3 The Enforcement Appeal Review Committee is hereby established.

AUTHORITY

- 4 The committee is authorized to:
 - a) review written orders, notices and decisions issued under section 545 or section 546 of the *Municipal Government Act*; and
 - b) hear appeals of written orders, notices or decisions issued by community peace officers, or relevant bylaw’s enforcement authority, pursuant to:
 - i) Animal Control Bylaw 10-2011 section 31 Nuisance Dogs and section 37 Vicious Dogs,
 - ii) Business Registry Bylaw 2015-02 section 9 Inspection and Enforcement,
 - iii) Taxi Bylaw 13-2010 sections 45(b) and 45(d), and
 - iv) Community Standards Bylaw 2022-16
- 5 In determining a review under section 4(a) the committee shall act in accordance with section 547(2) of the *Municipal Government Act*.
- 6 In determining a review under section 4(b) the committee may confirm, vary, substitute, or cancel the written orders, notices or decisions.

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MEMBERSHIP

- 7 The committee is comprised of
 - a) two members of council,
 - b) the General Manager of Municipal Services; and
 - c) the Chief Administrative Officer.
- 8 The Chief Administrative Officer is the chair of the committee.
- 9 The chair may delegate any of their powers, duties, or functions under this bylaw to any individual.
- 10 Council appoints the council members who will serve on the committee at council's annual organizational meeting.
- 11 If a vacancy occurs before council's annual organizational meeting, council may appoint a replacement for the remainder of the term.

APPLICATION FOR REVIEW HEARING

- 12 A person may request a review or submit an appeal to the committee on any matter within the committee's authority as set out in section 4 of this bylaw.
- 13 The request for review or appeal must be in a form approved by the committee chair.
- 14 Unless otherwise specified in this bylaw or another enactment, the request for review or appeal must be received by the committee chair no later than 14 days after the date the written order or written notice is received by the applicant.
- 15 A request for review of a written order under section 546 of the *Municipal Government Act* must be submitted within 7 days after the order is received, as set out in section 547(2) of the *Municipal Government Act*.
- 16 Unless specified in another enactment:
 - a) the committee must hold a review hearing within 30 days of receiving the application; and
 - b) the chair must notify the applicant of the date of the review hearing at least 7 days before the hearing.

WITHDRAWING AN APPEAL

- 17 A notice made by an appellant to withdraw an appeal must be made in writing and submitted to the committee chair before the hearing begins.
- 18 A withdrawal of an appeal must be unequivocal and unconditional.

REVIEW HEARING PROCEDURE

- 19 Public notice of a review hearing shall be provided on the Town's website at least 24 hours prior to the meeting.
- 20 The committee conducts its review hearings in public except where authorized by the *Municipal Government Act* to close a meeting to the public.
- 21 The chair shall appoint members to form a panel to conduct the review hearing as follows:
 - a) appeals pursuant to section 31 of Animal Control Bylaw 10-2011 shall be heard by a 1-member panel consisting of the General Manager of Municipal Services;
 - b) appeals pursuant to section 37 of Animal Control Bylaw 10-2011 shall be heard by a 3-member panel that excludes the General Manager of Municipal Services;
 - c) reviews pursuant to section 9 of Business Registry Bylaw 2015-02 shall be heard by a 3-member panel;
 - d) appeals pursuant to sections 45(b) and s.45(d) of Taxi Bylaw 13-2010 shall be heard by a 1-member panel consisting of the General Manager of Municipal Services;
 - e) reviews pursuant to s. 545 and s. 546 of the MGA shall be heard by a 3-member panel;
 - f) should the General Manager of Municipal Services be unavailable to conduct hearings outlined in 21(a), the Chief Administrative Officer will conduct the hearing.
- 22 Panels have any or all the powers, duties and responsibilities of the committee and a decision of a panel is the decision of the committee.
- 23 For a 3-member panel, if the chair is not available then the members of the panel will appoint a chair of the review hearing from amongst themselves prior to the commencement of the review hearing.
- 24 Quorum is one for a 1-member panel and three for a 3-member panel.
- 25 The following persons are entitled to make submissions at the review hearing:
 - a) the applicant;
 - b) if the order or notice is in respect of a property and the applicant is not the owner of the property, the owner of the property; and
 - c) the person who issued the order or notice.
- 26 The chair of the panel, in their sole discretion, may permit any other person to make verbal submissions at a review hearing and may set limits on the time and content of the presentation.

- 27 The chair of the panel shall provide an overview of the hearing procedure at the start of the hearing.
- 28 The panel may ask questions of the hearing participants.
- 29 Matters are decided by majority vote.
- 30 A decision must be read into the record before a review hearing adjourns unless otherwise directed by the chair of the committee in which case the committee must make a decision within 5 business days, which decision shall also be read into the record.

MEETING RECORDS

- 31 An agenda package containing all documents submitted in relation to a review hearing shall be made available to committee members at least three days prior to a meeting and, subject to any exceptions to disclosure under the *Freedom of Information and Protection of Privacy Act*, made available to the public at least one day prior to a meeting.
- 32 Minutes are prepared for every committee meeting and contain the following:
 - a) the date, time and location of the meeting;
 - b) the names of all committee members present;
 - c) the name of anyone other than a committee member who participated in the meeting; and
 - d) the decision of the committee, including the written reasons of the majority.
- 33 Questions and debate are not recorded in the minutes.
- 34 Minutes are public documents.
- 35 Minutes are approved and signed by the committee chair.
- 36 Any member may request a correction to the minutes after they are approved by the committee chair and are deemed adopted at the discretion of the committee chair.

CONSEQUENTIAL AMENDMENTS

- 37 Animal Control Bylaw 10-2011 is amended:
 - a) by repealing section 2(g);
 - b) in section 39, by adding “in writing” after declaration and by striking out “CAO in accordance with the rules and procedures set forth in this Bylaw” and substituting “Enforcement Appeal Review Committee”; and
 - c) by repealing sections 40, 41, 42, and 43.

- 38 Business Registry Bylaw 2015-02 is amended:
- a) in section 10.1, by striking out “Town’s chief administrative officer” and substituting “Enforcement Appeal Review Committee”;
 - b) by repealing section 10.2; and
 - c) in section 10.3, by striking out “chief administrative officer” and substituting “Enforcement Appeal Review Committee”.

- 39 Taxi Bylaw 13-2010 is amended:
- a) in section 51 and 52, by striking out “Chief License Inspector in accordance with the rules and procedures set forth in this Bylaw” and substituting “Enforcement Appeal Review Committee”; and
 - b) by repealing sections 53, 54, and 55.

ENACTMENT/TRANSITION

40 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

41 This bylaw comes into force on the date it is passed.

FIRST READING: July 5, 2022

SECOND READING: July 5, 2022

THIRD READING: July 5, 2022

Approved on behalf of the Town of Canmore:

OFFICE CONSOLIDATION

This document is a consolidation of a bylaw with one or more amending bylaws. Anyone making use of this consolidation is reminded that it has no legislative sanction. Amendments have been included for convenience of reference only. The approved bylaws should be consulted for all purposes of interpreting and applying the law.

Bylaws included in this consolidation:

Enforcement Appeal Review Committee Bylaw 2022-11
Community Standards 2022-16

