

TOWN OF CANMORE
AGENDA
Regular Meeting of Council
Council Chamber at the Civic Centre, 902 – 7 Avenue
Tuesday, June 4, 2024 at 9:00 a.m.

Times are estimates only.

- 9:00 – 9:05 **A. CALL TO ORDER AND APPROVAL OF AGENDA**
- 1. Land Acknowledgement
 - 2. Agenda for the Tuesday, June 4, 2024 Regular Meeting of Council
- B. PUBLIC HEARINGS – none**
- C. DELEGATIONS**
- 9:05 – 9:20 1. Homelessness Society of the Bow Valley
- 9:20 **D. APPROVAL OF MINUTES**
- 1. Minutes of the April 23, 2024 Special Meeting of Council
 - 2. Minutes of the May 7, 2024 Regular Meeting of Council
- E. BUSINESS ARISING FROM THE MINUTES – none**
- F. UNFINISHED BUSINESS - none**
- G. BYLAW APPROVAL**
- 9:20 – 9:35 1. Land Use Bylaw Amendment 2024-05 Political Campaign Signs
- Recommendation:
- (1) That Council give first reading to Land Use Bylaw Amendment 2024-05 Political Campaign Signs.
 - (2) That Council schedule a Public Hearing for Land Use Bylaw Amendment 2024-05 Political Campaign Signs on July 2, 2024.
- 9:35 – 10:05 2. Fireworks Ban and Fire Bylaw Amendment 2024-11 – Community Safety
- Recommendation:
- (1) That Council give first reading to Fireworks Ban and Fire Bylaw Amendment 2024-11 – Community Safety.
 - (2) That Council give second reading to Fireworks Ban and Fire Bylaw Amendment 2024-11 – Community Safety.
 - (3) That Council give leave for third reading of Fireworks Ban and Fire Bylaw Amendment 2024-11 – Community Safety.
 - (4) That Council give third reading Fireworks Ban and Fire Bylaw Amendment 2024-11 – Community Safety.
- 10:05 – 10:20 3. Community Standards Bylaw Amendment 2024-15 – Human Wildlife Co-Existence Recommendations
- Recommendation:
- (1) That Council give first reading to Community Standards Bylaw Amendment 2024-15 Human Wildlife Co-Existence.
 - (2) That Council give second reading to Community Standards Bylaw Amendment 2024-15 Human Wildlife Co-Existence.

- (3) That Council give leave for third reading of Community Standards Bylaw Amendment 2024-15 Human Wildlife Co-Existence.
- (4) That Council give third reading Community Standards Bylaw Amendment 2024-15 Human Wildlife Co-Existence.

10:20 – 10:35 **Meeting Break**

10:35 – 10:50 **4. Traffic and Road Use Bylaw Amendment 2024-16 – Quarry Lake Early Parking Fine and Camping in Vehicle**

Recommendation:

- (1) That Council give first reading to Traffic and Road Use Bylaw Amendment 2024-16 – Quarry Lake Early Parking Fine and Camping in Vehicle.
- (2) That Council give second reading to Traffic and Road Use Bylaw Amendment 2024-16 – Quarry Lake Early Parking Fine and Camping in Vehicle.
- (3) That Council give leave for third reading of Traffic and Road Use Bylaw Amendment 2024-16– Quarry Lake Early Parking Fine and Camping in Vehicle.
- (4) That Council give third reading Traffic and Road Use Bylaw Amendment 2024-16– Quarry Lake Early Parking Fine and Camping in Vehicle.

10:50 – 10:55 **5. Canmore Community Housing Stewart Creek Rise Construction Loan Guarantee Bylaw 2024-12**

Recommendation:

- (1) That Council give second reading to Canmore Community Housing Stewart Creek Rise Construction Loan Guarantee Bylaw 2024-12.
- (2) That Council give third reading to Canmore Community Housing Stewart Creek Rise Construction Loan Guarantee Bylaw 2024-12.

H. NEW BUSINESS

10:50 – 11:05 **1. Scope Change for the Canmore Recreation Centre (CRC) Life Cycle Maintenance (LCM) Project (CAP 7009)**

Recommendation: That Council direct administration to amend the scope of the CRC Life Cycle Maintenance (LCM) project (CAP 7009) as presented.

11:05 – 11:20 **2. 2024 New Capital Project – Off-Site Levy Bylaw Litigation**

Recommendation: That Council approve a new 2024 capital project for Off-Site Levy Bylaw litigation for \$500,000, to be funded from the General Capital Reserve.

I. REPORTS FROM ADMINISTRATION – none

J. NOTICES OF MOTION – none

K. CLOSED SESSION – none

11:20 **L. ADJOURNMENT**



2024- Homelessness Society of the Bow Valley Delegation Report to Council

Background

The Homelessness Society of the Bow Valley (HSBV) is a community-based organization with a mission to provide local, community-based, wrap-around support to individuals who are unhoused and housing insecure within the Bow Valley. As of March 2024, HSBV has been an official, non-profit organization for two years. Over the past two years, HSBV has continued to focus on program development and community engagement - serving as a critical and reliable resource that provides winter emergency shelter to those who are unhoused and housing insecure within the Bow Valley.

The 2023/2024 winter marked the fourth consecutive year of operating our local, low-barrier Emergency Winter Shelter program. Thanks to the generous support of HSBV donors and funders, this year was HSBV's longest operating period to date; the shelter opened on December 11, 2023 and closed the morning of April 1, 2024. To accommodate a growing number of guests looking to access the Emergency Winter Shelter, HSBV increased our nightly capacity to 8. For the first time ever, HSBV received funding from the Government of Alberta's Ministry of Seniors, Community and Social Services (SCSS) to support 2023/2024 Emergency Winter Shelter operations. Gratefully, the same funding agreement will be implemented by SCSS to support the 2024/2025 shelter operating season.

In addition to the Emergency Winter Shelter program, HSBV continued to operate a community Outreach Program. The 2023 year marked the first year of daily Outreach Programming. The Outreach Program continues to operate daily throughout the 2024 year, where individuals in need of support can connect with our team via phone, email or social media up until 7 PM. All inquiries are addressed within 24 hours of initial contact. Through the Outreach Program, unhoused and housing insecure individuals can seek support with basic system navigation, program referrals, and, on a case-by-case basis, emergency support services (contingent on budget and availability).

Need for the Program

During the 112 nights the Emergency Winter Shelter was open (December 11, 2023 to April 1, 2024), 40 unique individuals accessed the shelter space. On average, the shelter supported 5.9 guests per night, totalling 640 warm bed nights. Across the operating period, 19 out of 112 nights reached or exceeded our nightly capacity. Importantly, the Emergency Winter Shelter operated for 5 nights with extreme cold weather as alerted by Environment Canada, with temperatures at or below -40 Celsius, and 11 nights with temperatures at or below -20 Celsius.

Within the 2023/2024 operating season, the Outreach Program provided 199 instances of support, made dozens of referrals to local resources and supports, connected individuals in need with 7 emergency taxi rides, and 46 nights of emergency commercial accommodation.

A sincere note of gratitude to the Town of Canmore for the continued support and collaborations.

Future Focus

HSBV continues to grow to meet community needs and fill the role of emergency, low-barrier shelter within our local Bow Valley system of care. There are five key areas that HSBV will be continuing to focus on:

- 1) Establishing and/or securing a long-term permanent shelter solution, where HSBV can increase operational hours and provide a broader range of services, such as: laundry, showers, storage, day-time support, and enhanced accessibility.
- 2) Continued annual outreach to ensure that there is support available when there are individuals who are in need.
- 3) Continued Emergency Winter Shelter operations with a plan based on current 2024/2025 funding and contingent on space availability, to operate from November 1st, 2024 to April 1st, 2025 in the next winter season.
- 4) Long-term sustainable funding to shift from programming based on funding availability to longer-term program development based on need.
- 5) Transitioning toward charitable designation (contingent on CRA review of charity status application)

Request to the Town of Canmore Council

HSBV was grateful for the opportunity to rent Scout Hall for the operations of the 2023/2024 winter emergency shelter. We deeply appreciate the in-kind donation between the hours of 12 AM to 6 AM. We continue to explore a number of space options, but to date have nothing confirmed.

HSBV would like to put forward two requests to council for consideration:

1. HSBV is requesting that council consider endorsement of access to Scout Hall for shelter operations between October 1st to May 1st of each year, moving forward. Contingent and dependent on yearly funding and capacity (which can be variable) HSBV will continue to operate the Emergency Winter Shelter within the timeframe of October 1st to May 1st of each year. This request will provide HSBV with the security and certainty of interim access to space for continued operations. HSBV remains committed to exploring other space alternatives and longer-term shelter solutions.
2. HSBV is requesting that council consider extending in-kind hourly rent support from 12 AM to 6 AM to 10 PM to 9 AM each night (HSBV traditionally accesses the space between 9 PM to 10 AM daily). Based on the 2023/2024 operating season, rental fees to operate the Emergency Winter Shelter totalled \$16,517 with a nightly fee of \$140 (a \$20 hourly non-profit rate applied between 9 PM to 12 AM and 6 AM to 10 AM). In extending the in-kind rent for the 2024/2025 operating season, HSBV will save \$100 per night for a total of \$15,100 (based on 151 nights of operation). HSBV intends to allocate savings to support future program development.

A sincere note of gratitude to the Town of Canmore for the continued support and collaborations.

TOWN OF CANMORE
MINUTES
Special Meeting of Council
Council Chamber at the Civic Centre, 902 – 7 Avenue
Tuesday, April 23, 2024 at 10:00 a.m.

COUNCIL MEMBERS PRESENT

Sean Krausert	Mayor
Jeff Mah	Deputy Mayor
Tanya Foubert	Councillor
Wade Graham	Councillor
Jeff Hilstad	Councillor
Karen Marra	Councillor
Joanna McCallum	Councillor

COUNCIL MEMBERS ABSENT

None

ADMINISTRATION PRESENT

Sally Caudill	Chief Administrative Officer
Therese Rogers	General Manager of Corporate Services
Whitney Smithers	General Manager of Municipal Infrastructure
Caitlin Miller	Acting General Manager of Municipal Services Manager of Protective Services
Cheryl Hyde	Manager of the Municipal Clerk’s Office
Ben Stiver	Municipal Clerk (recorder)
Adam Robertson	Manager of Communications
Adam Driedzic	Town Solicitor
Riley Welden	Acting Manager of Planning and Development
Harry Schnider	Senior Development Planner
Andy Esarte	Manager of Engineering

Mayor Krausert called the April 23, 2024 special meeting to order at 10:10 a.m.

A. CALL TO ORDER AND APPROVAL OF AGENDA

1. Land Acknowledgement
2. Agenda for the April 23, 2024 Special Meeting of Council

72-2024

Moved by Mayor Krausert that Council approve the agenda for the April 23, 2024 special meeting as circulated.

CARRIED UNANIMOUSLY

B. PUBLIC HEARINGS – none

C. DELEGATIONS – none

D. APPROVAL OF MINUTES – none

E. BUSINESS ARISING FROM THE MINUTES – none

F. UNFINISHED BUSINESS – none

G. BYLAW APPROVAL

1. Revised Land Use Bylaw Amendment 2024-04 – Three Sisters Village Phase 1 and Three Sisters Village Phase 1 Conceptual Scheme

Administration spoke to a written presentation, alongside Jessica Karpat and Chris Ollenberger from Quantum Place Developments, on the Revised Land Use Bylaw Amendment 2024-04 – Three Sisters Village Phase 1 and Three Sisters Village Phase 1 Conceptual Scheme.

73-2024

Moved by Mayor Krausert that Council give first reading to Revised Land Use Bylaw Amendment 2024-04 – Three Sisters Village Phase 1.

CARRIED UNANIMOUSLY

Council vote in support as required by provincial ruling on s.619 of the Municipal Government Act.

74-2024

Moved by Mayor Krausert that Council give second reading to Revised Land Use Bylaw Amendment 2024-04 – Three Sisters Village Phase 1.

CARRIED UNANIMOUSLY

Council vote in support as required by provincial ruling on s.619 of the Municipal Government Act.

75-2024

Moved by Mayor Krausert that Council give leave to go third reading of Revised Land Use Bylaw Amendment 2024-04 – Three Sisters Village Phase 1.

CARRIED UNANIMOUSLY

76-2024

Moved by Mayor Krausert that Council give third reading to Revised Land Use Bylaw Amendment 2024-04 – Three Sisters Village Phase 1.

CARRIED UNANIMOUSLY

Council vote in support as required by provincial ruling on s.619 of the Municipal Government Act.

77-2024

Moved by Mayor Krausert that Council approve the Conceptual Scheme for Three Sisters Village Phase 1 as presented.

CARRIED UNANIMOUSLY

Council vote in support as required by provincial ruling on s.619 of the Municipal Government Act.

H. NEW BUSINESS – none

I. REPORTS FROM ADMINISTRATION – none

J. NOTICES OF MOTION – none

K. CLOSED SESSION – none

Minutes approved by: _____

L. ADJOURNMENT

78-2024

Moved by Mayor Krausert that Council adjourn the April 23, 2024 special meeting at 10:40 a.m.

CARRIED UNANIMOUSLY

Sean Krausert
Mayor

Ben Stiver
Municipal Clerk

Minutes approved by: _____

**TOWN OF CANMORE
MINUTES**

Regular Meeting of Council
Council Chamber at the Civic Centre, 902 – 7 Avenue
Tuesday, May 7, 2024 at 9:00 a.m.

COUNCIL MEMBERS PRESENT

Sean Krausert	Mayor
Jeff Mah	Deputy Mayor
Tanya Foubert	Councillor
Wade Graham	Councillor (via Zoom) – left the meeting at 4:30 p.m.
Jeff Hilstad	Councillor
Karen Marra	Councillor
Joanna McCallum	Councillor

COUNCIL MEMBERS ABSENT

None

ADMINISTRATION PRESENT

Sally Caudill	Chief Administrative Officer
Therese Rogers	General Manager of Corporate Services
Whitney Smithers	General Manager of Municipal Infrastructure
Scott McKay	General Manager of Municipal Services
Cheryl Hyde	Manager of the Municipal Clerk's Office
Ben Stiver	Municipal Clerk (recorder)
Amanda Hunter	Peace Officer
Anika Drost	Development Planner
Riley Weldon	Acting Manager of Planning and Development
Andy Esarte	Manager of Engineering
Chelsey Gibbons	Manager of Finance
Caitlin Miller	Manager of Protective Services / Director of Emergency Management
Walter Gahler	Interim Fire Chief
Nicky Pacas	Communications Advisor
Adam Robertson	Manager of Communications
Adam Driedzic	Town Solicitor

Mayor Krausert called the May 7, 2024 regular meeting to order at 9:00 a.m.

A. CALL TO ORDER AND APPROVAL OF AGENDA

- 1. Land Acknowledgement**
- 2. Agenda for the May 7, 2024 Regular Meeting of Council**

79-2024 Moved by Mayor Krausert that Council approve the agenda for the May 7, 2024 regular meeting as circulated.

CARRIED UNANIMOUSLY

B. PUBLIC HEARINGS

1. Bylaw 2023-36 Palliser Lane Perpetual Affordable Housing DC District

(1) Call to order

Mayor Krausert called the public hearing to order for Bylaw 2023-36 at 9:05 a.m.

(2) Administration Summary

Administration provided a verbal briefing on the proposed Bylaw 2023-36 Palliser Lane Perpetual Affordable Housing District.

(3) Applicant Summary

Kris Mathieu and Drew Steinhauer from Canmore Community Housing provided a verbal briefing on the CCH Palliser Lands building development status and next steps.

(4) Public Submissions

In favour

Name	Verbal	Written
Steve Ashton, Ashton Construction Services		X
Bow Valley Climate Action Society		X
Rob Murray, Canmore Community Housing		X
Laurie Edward, Banff Canmore Foundation		X

Neutral or Unstated

Name	Verbal	Written
Dan Evans		X
Vanessa Keay		X
Teresa Yau		X
Amy Krause		X
Frank Liszczak		X

Opposed

Name	Verbal	Written
Keith Boyko	X	X
Andrej Matyas	X	X
Alan Mazur		X
Matthew Perdeaux		X
Garnett Fugle	X	X
Talia Kassner		X
Alan Saveaux	X	

(5) Public Written Submissions

The recording secretary read into the record the names of those who provided written submissions. These submissions are recorded in the list of public submissions above and are published in the record of public submissions for this meeting.

(6) Council Questions of the Applicant

The applicant addressed questions of clarification from Council.

Minutes approved by: _____

(7) Closing Comments from Administration

Administration provided final closing comments based on the verbal and written submissions and addressed questions of clarification from Council.

(8) Council Questions of Administration

Administration addressed question of clarification from Council.

(9) Adjournment

Mayor Krausert adjourned the public hearing at 10:00 a.m.

C. DELEGATIONS – none

D. APPROVAL OF MINUTES

1. Minutes of the April 2, 2024 Regular Meeting of Council

80-2024

Moved by Mayor Krausert that Council approve the minutes of the April 2, 2024 regular meeting as circulated.

CARRIED UNANIMOUSLY

E. BUSINESS ARISING FROM THE MINUTES – none

F. UNFINISHED BUSINESS – none

G. BYLAW APPROVAL

1. Bylaw 2023-36 Palliser Lane Perpetual Affordable Housing DC District

81-2024

Moved by Mayor Krausert that Council give second reading to Land Use Bylaw Amendment 2023-36 Palliser Lane Perpetual Affordable Housing DC District.

81A-2024

Moved by Mayor Krausert that Council amend motion 81-2024 by adding: amend section 14.43.8.1 of Schedule B by inserting “per unit. Perpetually Affordable Housing parking stalls and” between “parking stalls” and “Visitor parking stalls”.

CARRIED UNANIMOUSLY

81-2024

The vote followed on motion 81-2024 as amended: that Council give second reading to Land Use Bylaw Amendment 2023-36 Palliser Lane Perpetual Affordable Housing DC District, amended as follows:

- amend section 14.43.8.1 of Schedule B by inserting “per unit. Perpetually Affordable Housing parking stalls and” between “parking stalls” and “Visitor parking stalls”.

CARRIED UNANIMOUSLY

82-2024

Moved by Mayor Krausert that Council give third reading to Land Use Bylaw Amendment 2023-36 Palliser Lane Perpetual Affordable Housing DC District.

CARRIED UNANIMOUSLY

Meeting Break 10:25 a.m. – 10:40 a.m.

Minutes approved by: _____

2. Canmore Community Housing Stewart Creek Rise Construction Loan Guarantee Bylaw 2024-12

83-2024 Moved by Mayor Krausert that Council give first reading to Canmore Community Housing Stewart Creek Rise Construction Loan Guarantee Bylaw 2024-12.

83A-2024 Moved by Mayor Krausert that Council amend motion 83-2024 by adding: amend section 3 by moving "(Housing Units)" after "205 Stewart Creek Rise".

CARRIED UNANIMOUSLY

83B-2024 Moved by Mayor Krausert that Council amend motion 83-20224 by adding: amend sections 4 and 8 by striking out both occurrences of "CCH" and substituting "CCHC".

CARRIED UNANIMOUSLY

83-2024 The vote followed on motion 83-2024 as amended: that Council give first reading to Canmore Community Housing Stewart Creek Rise Construction Loan Guarantee Bylaw 2024-12, amended as follows:

- amend section 3 by moving "(Housing Units)" after "205 Stewart Creek Rise", and
- amend sections 4 and 8 by striking out both occurrences of "CCH" and substituting "CCHC".

CARRIED UNANIMOUSLY

3. 2024 Property Tax Rates

84-2024 Moved by Mayor Krausert that Council give first reading to Property Tax Rate Bylaw 2024-13.

CARRIED UNANIMOUSLY

85-2024 Moved by Mayor Krausert that Council give second reading to Property Tax Rate Bylaw 2024-13.

CARRIED UNANIMOUSLY

86-2024 Moved by Mayor Krausert that Council give leave to go to third reading of Property Tax Rate Bylaw 2024-13.

CARRIED UNANIMOUSLY

87-2024 Moved by Mayor Krausert that Council give third reading to Property Tax Rate Bylaw 2024-13.

CARRIED UNANIMOUSLY

4. Downtown Business Improvement Area (BIA) Tax Rate Bylaw Amendment 2024-14

88-2024 Moved by Mayor Krausert that Council give first reading to Downtown Business Improvement Area (BIA) Tax Rate Bylaw Amendment 2024-14.

CARRIED UNANIMOUSLY

89-2024 Moved by Mayor Krausert that Council give second reading to Downtown Business Improvement Area (BIA) Tax Rate Bylaw Amendment 2024-14.

CARRIED UNANIMOUSLY

Minutes approved by: _____

90-2024 Moved by Mayor Krausert that Council give leave to go to third reading of Downtown Business Improvement Area (BIA) Tax Rate Bylaw Amendment 2024-14.

CARRIED UNANIMOUSLY

91-2024 Moved by Mayor Krausert that Council give third reading to Downtown Business Improvement Area (BIA) Tax Rate Bylaw Amendment 2024-14.

CARRIED UNANIMOUSLY

H. NEW BUSINESS

1. Roam Housing Unit Purchase – Canmore Share

92-2024 Moved by Mayor Krausert that Council approve a new capital project (7382) titled “Roam Housing Unit Purchase”, and that Council approve funding for \$256,919, being Canmore’s portion of the housing unit purchased by Bow Valley Regional Transit Services Commission (BVRTSC), as follows:

- \$100,000 from the Town of Canmore operating reserves held by BVRTSC.
- \$156,919 for capital project 7382 to be funded from the Integrated Transportation Management Reserve.

CARRIED UNANIMOUSLY

2. Housing Action Plan

93-2024 Moved by Mayor Krausert that Council rename CAP 7327 to Housing Action Plan.

CARRIED UNANIMOUSLY

94-2024 Moved by Mayor Krausert that Council approve a budget increase to CAP 7327 Housing Action Plan from \$200,000 to \$750,000 with the additional \$550,000 to be funded from the General Capital Reserve.

CARRIED UNANIMOUSLY

3. Bow Valley Trail and Teepee Town Street and Drainage Improvements Budget Amendment

95-2024 Moved by Mayor Krausert that Council approve a budget increase to CAP 7297 Bow Valley Trail and Teepee Town Street and Drainage Improvements from \$3,900,000 to \$4,150,000, with the additional \$250,000 to be funded by Investing Canada Infrastructure Program.

CARRIED UNANIMOUSLY

Meeting Break 11:53 a.m. – 1:00 p.m.

4. Paid Parking Peak Season Weekday Rate Reduction

96-2024 Moved by Councillor Graham that Council direct administration to implement a \$4/hour parking rate on Fridays, Saturdays, Sundays, and long weekends and maintain a \$3/hour rate during all other times in the downtown during peak season.

CARRIED

**In favour: Graham, Foubert, Mah, Marra
Opposed: Hilstad, Krausert, McCallum**

Minutes approved by: _____

5. Wildfire Preparedness Briefing

Erica Samis, Calgary Forest Area Manager and Kevin Topolnicki, Wildfire Prevention, both from Alberta Forestry, joined administration in presenting to Council.

Meeting Break 2:20 p.m. – 2:30 p.m.

6. FRIAA Community Fireguard Program Application

97-2024

Moved by Mayor Krausert that Council approve the submission of the application for the 2024 Forest Resource Improvement Association of Alberta (FRIAA) Community Fireguard program.

CARRIED UNANIMOUSLY

98-2024

Moved by Mayor Krausert that Council table a motion arising with respect to the Item H6 until after item H7.

CARRIED UNANIMOUSLY

7. A Friendship Agreement with Sedona, AZ, USA

Rob Seeley, Canmore working group Chair of the Agreement's Canmore Chapter spoke introduced the working group members: Patrick McCloskey, Anne Walton, Lynda Damen, Martin Buckley, Janet Krausert, Sue Webb, Eric Kuhn, and Heather Walter.

99-2024

Moved by Mayor Krausert that Council direct Mayor Krausert to execute A Friendship Agreement with Sedona, AZ, USA on behalf of the Town of Canmore.

CARRIED UNANIMOUSLY

6. FRIAA Community Fireguard Program Application (Continued)

100-2024

Moved by Mayor that Council approve a new 2024 capital project (7383) for the Forest Resource Improvement Association of Alberta (FRIAA) project (Phase 1: Planning) in the amount of \$192,000 funded through the FRIAA Community Fireguard Program grant process.

CARRIED UNANIMOUSLY

8. Municipal Response to Bill 18 and Bill 20 (Verbal Update)

101-2024

Moved by Mayor Krausert that Council direct Mayor Krausert to provide feedback to the Province on Bill 18 and Bill 20.

CARRIED UNANIMOUSLY

I. REPORTS FROM ADMINISTRATION – none

J. NOTICES OF MOTION – none

K. CLOSED SESSION

1. Confidential – Offsite Levy Bylaw Amendment 2024-01 (Verbal Update)

2. Confidential – TSMV PL Litigation (Verbal Update)

102-2024

Moved by Mayor Krausert that Council close the meeting to the public at 3:15 p.m. to:

(1) Prevent disclosure of information that could reasonably be expected to

Minutes approved by: _____

- reveal advice, proposals, recommendations analyses or policy options developed for the Town in accordance with Section 24(1)(a), and
- (2) Prevent disclosure of information subject to solicitor-client privilege in accordance with Section 27(1)(a) of the *Freedom of Information and Protection of Privacy Act*.

CARRIED UNANIMOUSLY

Administration present at the closed session: Sally Caudill, Whitney Smithers, Therese Rodgers, Scott McKay, Adam Robertson, Adam Driedzic, Cheryl Hyde, and Ben Stiver.

Councillor Graham left the meeting at 4:30 p.m.

103-2024 Moved by Mayor Krausert that Council return to the public meeting at 4:38 p.m.

CARRIED UNANIMOUSLY

L. ADJOURNMENT

104-2024 Moved by Mayor Krausert that Council adjourn the May 7, 2024 regular meeting at 4:38 p.m.

CARRIED UNANIMOUSLY

Sean Krausert
Mayor

Ben Stiver
Municipal Clerk

Minutes approved by: _____



Request for Decision

DATE OF MEETING: June 4, 2024 **Agenda #: G 1**

TO: Council

SUBJECT: Land Use Bylaw Amendment 2024-05 Political Campaign Signs

SUBMITTED BY: Caitlin Miller, Manager of Protective Services
Anika Drost, Senior Development Planner

RECOMMENDATION: That Council give first reading to Land Use Bylaw Amendment 2024-05 Political Campaign Signs.

That Council schedule a Public Hearing for Land Use Bylaw Amendment 2024-05 Political Campaign Signs on July 2, 2024.

EXECUTIVE SUMMARY

Council has directed Administration to create a bylaw that bans political election signs on public property. To advance this work, a Land Use Bylaw amendment and a public hearing are required.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

Motion 44-2024 – Council directed administration to prepare:

- 1) a bylaw that restricts political campaign signs to private property, and
- 2) an amendment to the Town’s Land Use Bylaw to remove the political campaign signs section.

DISCUSSION

In 2022, Council directed administration to return to Council with options for regulating or managing election signs by December 2023. In December 2023, Council directed administration to return with a municipal election sign bylaw that restricted election signs on public property to four locations. Administration returned to Council in March 2024 for clarity on Council’s direction and Council then directed administration to return to Council with a bylaw that bans political election signs on public property. This requires amending the Land Use Bylaw which results in the need for a public hearing. Attached to this report is both the Land Use Bylaw Amending Bylaw 2024-05 to remove political campaign signs and the proposed Political Campaign Sign Bylaw 2024-06. Should Council move to give first reading to Land Use Bylaw 2024-05 and schedule a public hearing, administration will bring forward a recommendation at the July 2, 2024 meeting for Council to give three readings to the Political Campaign Sign Bylaw 2024-06.

The Political Campaign Sign Bylaw will provide greater clarity to candidates running in any election that signs are only to be placed on private property. This bylaw will also create greater clarity when it comes to the enforcement of the bylaw. Collaboration with the Municipal Clerk’s Office and the Returning Officer to ensure future candidates are aware of the bylaw and fines associated with contravening the bylaw would occur prior to the next election.

ANALYSIS OF ALTERNATIVES

None.

FINANCIAL IMPACTS

None.

STAKEHOLDER ENGAGEMENT

A Public Hearing will be scheduled for the Land Use Bylaw amendment.

In municipal elections, candidates will receive information packages that inform them of the Political Campaign Sign Bylaw.

ATTACHMENTS

- 1) Political Campaign Sign Bylaw 2024-06
- 2) Land Use Bylaw Amending Bylaw 2024-05
- 3) Land Use Bylaw 2018-22 REDLINE Excerpts

AUTHORIZATION

Submitted by:	Caitlin Miller Manager of Protective Services	Date: <u>May 14, 2024</u>
Approved by:	Harry Shnyder, RPP, MCIP Manager of Planning and Development	Date <u>May 13, 2024</u>
Approved by:	Scott McKay General Manager of Municipal Services	Date: <u>May 14, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>May 28, 2024</u>

BYLAW 2024-06

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO
REGULATE THE PLACEMENT AND LOCATION OF POLITICAL CAMPAIGN
SIGNS**

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 “Political Campaign Sign Bylaw.”

INTERPRETATION

- 2 In this bylaw:
- a) “Political Campaign Sign” means temporary sign used for municipal, school board, regional health authority, provincial, or federal political elections;
 - b) “Highway” has the same meaning as set out in *Traffic Safety Act RSA 2000 Chapter T-6*.
 - c) “Peace Officer” means:
 - i) a person appointed as a bylaw enforcement officer pursuant to the Municipal Government Act, as amended;
 - ii) a person appointed as a Peace Officer pursuant to the Peace Officer Act, as amended; or
 - iii) a police officer.
 - d) “Private Property” means land owned in fee simple, held under a lease, sub-lease or license of occupation and is controlled by an individual or business.
 - e) “Public Place” means any land owned or leased by the municipality, other than a Highway, that the public is ordinarily entitled or permitted to use and includes:
 - i) Parks, as defined in the Parks Bylaw, as amended,
 - ii) Parking lots, and
 - iii) Land developed, used or managed by the Town for public utilities;
 - f) “Violation Tag” means a municipal tag or similar document issued by a Peace Officer in relations to an offence under this bylaw;
 - g) “Violation Ticket” means a ticket issued pursuant to the Provincial Offences Procedures Act, as amended, and the regulations thereunder;

Bylaw approved by: _____

Page 1 of 3

PROVISIONS

- 3 A person may place a Political Campaign Sign on Private Property with the permission of the property owner.
- 4 A person must not place Political Campaign Sign at a Public Place or Highway.
- 5 Notwithstanding s. 9.13.0.6 of the Land Use Bylaw, as amended, a Political Campaign Sign may be constructed from plastic panel foam or fiberglass.
- 6 A Political Campaign Sign is exempt from requirements for Certificates of Signage Conformance and Development Permits as set out in the Land Use Bylaw as amended.
- 7 A person must not place a Political Campaign Sign on Private Property in a manner that interferes with the safety and convenience of pedestrians, cyclists, or motorists.
- 8 Political campaign signs must be removed from Private Property within 48 hours of the closing of the polls following the election.

ENFORCEMENT AND PENALTIES

- 9 Any person who contravenes any provision of this bylaw is liable to a minimum penalty of \$250.
- 10 Any person who contravenes any provision of this bylaw is guilty of an offence and upon conviction shall be liable for a minimum penalty in accordance with section 10 of this bylaw, and not exceeding \$10,000.
- 11 A Peace Officer is hereby authorized to seize, remove, and impound any Political Campaign Sign found in contravention of any provision of this bylaw.
- 12 The owner of the Political Campaign Sign is liable for a fee of \$50 per day for the impounding and storage of the sign.
- 13 The Town may destroy any Political Campaign Sign impounded by a Peace Officer and not claimed by the owner within 14 days without compensation to the owner.
- 14 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person, who a Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 15 A Violation Tag may be issued to such person:
 - a) either personally; or
 - b) by mailing a copy to such person at their last known address.

- 16 The person to whom a Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Violation Tag.
- 17 If the penalty specified on a Violation Tag has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, as amended.
- 18 Notwithstanding section 14 of this bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, as amended, to any person who a Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 19 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw.

ENACTMENT/TRANSITION

- 20 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.
- 21 This bylaw comes into force on the date it is passed.

FIRST READING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

 Sean Krausert
 Mayor

 Date

 Cheryl Hyde
 Manager, Municipal Clerk’s Office

 Date

Bylaw approved by: _____

BYLAW 2024-05

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO
AMEND REVISED LAND USE BYLAW 2018-22**

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 “Revised Land Use Bylaw Amendment 2024-05 – Political Campaign Signs.”

INTERPRETATION

- 2 Words defined in revised Land Use Bylaw 2018-22 shall have the same meaning when used in this bylaw.

PROVISIONS

- 3 Revised Land Use Bylaw 2018-22 is amended by this bylaw.
- 4 The following sections are repealed:
 - a) section 9.12.6, and
 - b) section 9.14.0.1(e)
- 5 Section 13.2 is amended by striking the definition for “political campaign sign”.

ENACTMENT/TRANSITION

- 6 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.
- 7 This bylaw comes into force on the date it is passed.

FIRST READING:

PUBLIC HEARING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

Sean Krausert
Mayor

Date

Cheryl Hyde
Manager, Municipal Clerk's Office

Date

public frontage.

- 9.12.3.3 The Sign shall have a maximum overall area of 1.5 m² in residential districts.
- 9.12.3.4 The Sign shall have a maximum overall area of 2.0 m² in non-residential districts.
- 9.12.3.5 The Sign may include contact details and website addresses.
- 9.12.3.6 The Sign may be designed with plastic or banner material.
- 9.12.3.7 The Sign may be displayed for the period of work and shall be removed within 48 hours once the work is complete.
- 9.12.3.8 Signs shall be displayed for no longer than three (3) consecutive months, except that Signs for new construction shall be displayed for no longer than 12 consecutive months or until an Occupancy Certificate is issued.
- 9.12.3.9 Sites that contain new construction may display one (1) Freestanding Sign per 10.0 m of frontage.

9.12.4 Public Event Signs

- 9.12.4.1 Signs may be installed for a maximum of two (2) weeks prior to the event and shall be removed within 24 hours following an event.
- 9.12.4.2 The type of Sign may be Freestanding Sign, Window Sign, Banner or Flag Sign.
- 9.12.4.3 The maximum size of a Sign should relate to the site and the pedestrian environment.
- 9.12.4.4 Approval in principle from the Town of Canmore Arts and Events Committee should accompany a Development Permit application.
- 9.12.4.5 A location plan and design for all Signs shall be submitted to the Development Authority and approved prior to installation.

9.12.5 Private Event Signs

- 9.12.5.1 Signs may be installed to announce an event at a business.
- 9.12.5.2 A Window Sign shall have a maximum size of 0.5 m² and located on the main floor of the building. The Sign may be displayed for two (2) weeks and removed within 48 hours following an event.
- 9.12.5.3 A Banner Sign shall have a maximum size of 1.0 m² and located on the main floor of the building. The Sign may be displayed for two (2) weeks and removed within 48 hours following the event.
- 9.12.5.4 The business shall have a maximum of one (1) event Sign per street frontage.

~~9.12.6 Political Campaign Signs~~

- ~~9.12.6.1 Signs may be installed on public or private property.~~
- ~~9.12.6.2 The Sign shall have a maximum overall area of 0.5 m² when installed on public property.~~

- ~~9.12.6.3 There is no maximum area for Signs installed on private property.~~
- ~~9.12.6.4 The Sign may be designed with plastic material.~~
- ~~9.12.6.5 Signs shall not interfere with the safety and convenience of pedestrians, cyclists or motorists, or other uses of public sidewalks, streets, boulevards or property.~~
- ~~9.12.6.6 Signs shall be removed within 48 hours of the closing of the polls following the election.~~

9.13 PROHIBITED SIGN LOCATIONS, TYPES AND CONTENT

- 9.13.0.1 A Sign shall not be located to obstruct the movement or free and clear vision of a pedestrian, cyclist or motorist.
- 9.13.0.2 A Sign shall not be located such that it interferes with or be confused with an authorized traffic sign, signal or device.
- 9.13.0.3 A Sign shall not be located where it creates a pedestrian, cyclist or motorist hazard.
- 9.13.0.4 A Sign shall not be located on or overhang a street or public property, including but not limited to, municipal reserve, unless specifically exempted or approved by the development Authority. An encroachment agreement is required for a Sign that is allowed to overhang a street or public property.
- 9.13.0.5 Signs that interfere with building architecture are prohibited, as follows:
 - a. A Sign shall not be mounted on or above a roof eaveline.
 - b. A Sign shall not be located on a balcony or railing above the main floor.
 - c. A Sign shall not be located on an awning or canopy, except a structural awning that has been designed to incorporate a signage area as an integrated architectural element.
 - d. A Sign shall not be located below storefront windows (e.g. in the base panel).
- 9.13.0.6 The following Sign types and designs are prohibited unless otherwise stated in this Bylaw:
 - a. Mobile signs, including any non-fixed moveable signs such as “A” frame signs, inverted “T” frame, signs with wheels, vehicle signs, handheld commercial signs, or other forms of signage designed and constructed to be moved on a frequent or regular basis except Chalkboard Signs or Menu Signs approved in accordance with the above regulations.
 - b. Changeable copy signs.
 - c. Signs with moving parts, or moving, animated, chasing border, scintillating or flashing lights .
 - d. Electronic signs, including video or image displayed on a device or projected on a building/structure that is intended to be viewed from the exterior of a building or site.
 - e. Billboard signs.
 - f. Signs from business no longer in operation and all related structural components.
 - g. Unsightly signs that have decayed, cracked, chipped or have deteriorated through age, neglect, damage, or misuse and no longer perform their intended function adequately.

- h. Internally lit signs or internally lit sign areas or awnings.
- i. Exterior vending machines with internal lighting.
- j. Plastic panel foam or fiberglass signs.
- k. Sign backgrounds, lettering or logos with fluorescent, luminous or reflective materials.
- l. Banner or Flag Signs used as permanent signs.
- m. Continuous sign bands.
- n. Inflatable or balloon signs.
- o. Poster signs unless posted on a Town approved Kiosk or a specific Town approved notice board on private property.
- p. Neon signs except as exempted in this Bylaw.
- q. Graffiti signs.
- r. Building wrap that includes signage.

9.14 EXEMPTED SIGNS

9.14.0.1 Unless explicitly stated in the above regulations, the following Signs do not require a Certificate of Signage Conformance or Development Permit:

- a. A Sign that is located inside a building and is not visible from the exterior.
- b. A Flush-Mounted Sign or Individual Letter Sign that states the municipal address, owner or name of the building, to a maximum area of 0.2 m² in a Residential district and 0.5 m² in all other districts.
- c. International, national, municipal or provincial flags to a maximum area of 3.0 m².
- d. A Sign, notice, placard or bulletin required to be displayed pursuant to provisions of Federal, Provincial or Municipal legislation and by or on behalf of the Federal, Provincial, or Municipal Governments for community awareness, warning, or traffic management purposes.
- ~~e. A Political Campaign Sign used for Municipal, School Board, Regional Health Authority, Provincial or Federal Political elections located on private or public property and in accordance with the above regulations.~~
- f. Neon Signs that states “open”, “closed”, “vacancy”, or “no vacancy”, to a maximum area of 0.5 m² per frontage in commercial, industrial, and where appropriate, direct control districts located on the main or second floor of the building.
- g. A Menu Sign with a sign face area of 0.5 m² and located on the interior of a window.
- h. A Window Sign with a sign face area of 0.2 m² stating only the opening hours of the business.
- i. Directional Signs or Signs placed on a site for the guidance, warning, danger, hazard or restraint of persons.
- j. Temporary Real Estate, Directional, Contractor, Business and Event Signs installed in accordance with Subsection 9.12.

13 DEFINITIONS

include the Town, or its employees.

Personal Service Business means a facility for the provision of services which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This may include such businesses as barbershops, naturopathic and holistic services, physiotherapy clinics, chiropractic offices, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops.

Pet Care Facility means a facility for the cleaning, grooming and care of domestic pets where no overnight kenneling or keeping of any animals occurs.

plan of subdivision means a plan of survey prepared in accordance with the relevant provisions of the Land Titles Act for the purpose of effecting subdivision.

plastic panel sign means a Sign constructed of a plastic material usually vinyl, PVC or coroplast.

~~**political campaign sign** means temporary Sign used for Municipal, School Board, Regional Health Authority, Provincial or Federal Political elections.~~

porch see the definition for deck. [2020-16]

poster sign means a temporary paper or similar Sign used generally for the advertisement of concerts or events that may direct people to another off-site location.

primary access means the location and manner of the principal means of vehicular access and egress from a site or building.

principal building means a building which accommodates the principal use of the site and includes any attached private garage or carport.

principal dwelling means a dwelling that is the primary use on a residential property and is larger in GFA than any Accessory Dwelling Unit that may also exist on a property.

principal use means the main purpose for which a building or site is used.

Printing Establishment means a retail business providing photocopying and/or commercial offset printing and retail services, or a facility providing non-retail commercial, industrial printing and publishing services normally using automated, web-type presses or full colour process printing.

private event sign means a Sign used to announce an event at a business. Events may include grand opening, new management, or sale.

product sign means a Sign that advertises a product that directly relates to the principal use of such premises (e.g. a shoe store with the word 'shoes'). Such signs may only advertise a generic product, and not a specific brand or product, unless that product is being manufactured on site.

projecting or hanging sign means a Sign that is double-sided and is mounted on a building at



Request for Decision

DATE OF MEETING: June 4, 2024 **Agenda #: G 2**

TO: Council

SUBJECT: Fireworks Ban and Fire Bylaw Amendment 2024-11 – Community Safety

SUBMITTED BY: Jeanie Macpherson, Supervisor Arts and Culture
Caitlin Miller, Manager of Protective Services

RECOMMENDATION: That Council give first reading to Fireworks Ban and Fire Bylaw Amendment 2024-11 – Community Safety.

That Council give second reading to Fireworks Ban and Fire Bylaw Amendment 2024-11 – Community Safety.

That Council give leave for third reading of Fireworks Ban and Fire Bylaw Amendment 2024-11 – Community Safety.

That Council give third reading Fireworks Ban and Fire Bylaw Amendment 2024-11 – Community Safety.

EXECUTIVE SUMMARY

Fireworks have been a part of the tradition of bringing people together to mark and celebrate the New Year and Canada Day in Canmore since the late 1990s. While they provide a festive and celebratory atmosphere for the community, they also pose risks and disturbances to the community and wildlife. This report to Council details alternatives to fireworks, recommends amendments to the Fireworks Ban and Fire bylaws to assist with enforcement of rogue fireworks, and details some of the education and enforcement tactics that will be used to encourage adherence to relevant bylaws.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

Motion 145-2023 – Council passed the Fireworks Ban Bylaw 2023-23 on June 6, 2023

Motion 30-2024 – Council passed a motion to direct administration to report back to Council on the following matters by June 4, 2024:

- 1) Potential alternatives to having fireworks on Canada Day and New Year’s Eve that do not pose a wildfire risk and have less potential impact on wildlife, pets, and people, including the estimated costs;
- 2) Advice on increasing the fines as set out in Fireworks Ban Bylaw 2023-23 from \$5,000 per occurrence to \$10,000 per occurrence; and
- 3) Options for enhancing awareness and municipal enforcement with respect to illegal fireworks, including the estimated costs.

DISCUSSION

Alternatives to Fireworks

Since the late 90s, fireworks have been part of the tradition of bringing people together to mark and celebrate the New Year and Canada Day in Canmore. They provide a festive and celebratory atmosphere and can be enjoyed from a variety of locations within the community. As part of pandemic budget amendments and pandemic programming adaptations in 2020, fireworks and the associated budget were removed from the Canada Day Celebrations. In subsequent years, the Canada Day Society was to provide funding for the fireworks display. The Canada Day Society dissolved in 2023, and the budget for fireworks on Canada Day has not been reinstated. Fireworks are currently part of the planned celebrations and budget (\$10,000) for New Year's Eve 2024.

Administration researched the following alternatives to fireworks: increased cultural programming elements, drone show, laser show.

Increased cultural programing: Lantern Performance Art, Interior Art or Performance Experiences, Projection Art

These alternatives do not have the same negative community impacts associated with fireworks (e.g. noise and fire risk) but are unlike fireworks in that they cannot be viewed from across the community at the same time. Production timelines for these alternatives range from 6-12 months so they are not viable options for Canada Day or New Year's Eve 2024. Preliminary cost estimates are as follows:

- Lantern performance art: additional \$8-\$10K
 - Illuminated canvas puppets are animated and brought to life by theatrical performers and puppeteers to tell stories and entertain audiences. Mask and art puppeteers can perform in dimly lit indoor environments or exterior landscapes at dusk or at night. Example: <https://www.cbc.ca/player/play/video/1.5752748>
- Interior curated light, art and performance experiences: additional \$10 - \$15K
 - A combination of small-scale interior interactive art and light experiences, with illuminated puppetry performances. Interactive artistic assets contain highlights and shadows that respond to audience movements within controlled indoor environments.
- Outdoor projection mapping / interactive projection art: additional \$15 - \$20K
 - Projection mapping is a projection technique used to turn objects, often irregularly shaped, into display surfaces for video projection. The objects may be complex industrial landscapes, such as buildings.

If Council wishes to consider the inclusion of one or more of the above alternatives for 2025 Canada Day and/or New Year's Eve (NYE) celebrations as part of the 2025-2026 budget process, the motion would be:

That Council direct administration to include [Lantern Performance Art/Indoor Curated Light Experiences/Outdoor Projection Mapping] as part of the [Canada Day and/or New Year's Eve] celebration(s) budget as an option for Finance Committee consideration during the 2025-2026 budget process.

Drone Shows

Synchronized drones can form intricate patterns and designs in the sky, offering a modern and innovative alternative to fireworks. While a viable summer option, administration does not recommend pursuing a drone

show for NYE. While in warm temperatures (summer months), drones can fly for up to 18 mins, they can only fly for 10 minutes in temperatures between +5 degrees and -10 degrees, and in colder temperatures they may be unable to operate at all. Wind conditions can also lead to delay or cancellation of drone shows. While some variation exists between drone models, a drone show may need to be postponed or cancelled if wind speeds are greater than ~25 km/h.

Depending on the number of drones used, drone show costs range from \$12,000 - \$28,000+ per show. Service providers have recommended that a minimum of 90 drones be used for a show in Canmore which would cost \$18,000.

Laser Light Show

Few laser light production companies exist in Canada, and fewer still who have the experience and ability to produce outdoor laser shows. Administration contacted a Canadian laser show provider who provided some advice regarding the planning and execution of outdoor laser shows. Outdoor laser shows often require complex coordination with aviation industry partners to avoid potential impacts on commercial air traffic however, careful pre-production planning could identify locations where laser beams could terminate on mountain faces, reducing the potential of a need to work with Transport Canada to clear airspace/re-route air traffic. While lasers may be seen from various locations across Canmore, they are directional and are best viewed by an audience congregating in one area. Graphics and atmospheric effects such as fog machines are often used within the designated viewing area to create impact and effect. It's estimated that a 20 to 30-minute laser show in Canmore would cost \$30K.

Fireworks and Bylaws

Currently, the Fireworks Ban Bylaw disallows the use of fireworks by members of the public but allows the Town of Canmore to ignite fireworks on Canada Day and New Year's Eve. Administration is recommending that the Fireworks Ban Bylaw be amended to prohibit the use of fireworks within the municipality with no exemptions for the Town of Canmore. This amendment would further demonstrate the Town of Canmore's commitment to human-wildlife coexistence and public safety while establishing a consistent expectation for the municipality and other individuals or organizations who may wish to use low-impact fireworks with appropriate safety measures in place.

The following amendment to section 3 of the Fireworks Ban Bylaw is recommended:

No Person shall set off, light, discharge, fire, or otherwise use Fireworks within the town of Canmore. ~~Events approved by the Town of Canmore are exempt from this bylaw for the purposes of delivering low impact fireworks as part of a community event on December 31, January 1, or July 1 each year.~~

Administration is also recommending amending the Fire Bylaw to strike out section 4 which addresses fireworks:

~~4.1 No person shall offer fireworks for sale.~~

~~4.2 No person shall discharge fireworks unless the person has been issued a permit in accordance with this bylaw.~~

Striking out section 4 from the Fire Bylaw gives greater clarity that fireworks are not to be discharged or sold within the Town of Canmore.

The current fine amount in the Fireworks Ban Bylaw is set at \$5,000 to discourage the use of fireworks within the municipality. Given that the smaller rogue fireworks are often set off by individuals or small groups, the \$5,000 fine amount is a practical deterrent. A higher fine amount may be more appropriate for businesses, corporations, or other entities with more monetary resources that contravene the Fireworks Ban Bylaw by having a large or planned firework show, but administration believes these activities will cease through direct messaging and education. Currently, the fine for violating a fire ban is \$2,000 which is \$3,000 more than the \$5,000 fine amount for violating the fireworks ban. Violating a fire ban poses as much, if not more, wildfire risk to the community as setting off fireworks. To support the argument that violating the Fireworks Ban Bylaw should result in a larger fine amount due to the public safety risk, administration recommends that the fine amount remain at \$5,000 instead of increasing to \$10,000 as there is already a large disparity between the two fine amounts.

To further address wildfire risk, Council could choose to increase the fine amount for violating a fire ban in the Fire Bylaw (\$2,000) to match the fine amount for violating the Fireworks Ban Bylaw (\$5,000). Violating a fire ban is another contravention that puts the community at significant risk, as outdoor fires when a fire ban is in place can quickly ignite fuels and structures around it during a time when fire risk is high. To amend the Fire Bylaw to increase the fine amount, the following motion could be considered:

That Council add the following as section 8 to Bylaw 2024-11 and renumber the subsequent sections as required:

8. Schedule A section 6.3 Fail to comply with a Fire Ban is amended by striking out the minimum penalty of \$2,000 and substituting \$5,000.

Education and Enforcement of the Fireworks Ban Bylaw

The protective services, fire-rescue and municipal enforcement departments are working with the communications department to include public safety messaging around fireworks, including how it may increase risk of wildfire and how it impacts wildlife and pets. In addition, administration will continue to work with external partners to reach visitors who may wish to ignite fireworks while in the community. Administration will directly contact businesses within the community who may have allowed fireworks shows to be set off from their properties in the past to inform them of the bylaw and fines. Administration will assess the effectiveness of communication efforts and make recommendations for other actions as is warranted.

To support the enforcement of the Fireworks Ban Bylaw, the municipal enforcement department will be scheduling Community Peace Officers until 1am on Canada Day. They will be patrolling areas where fireworks have anecdotally been ignited in the past and will be looking to educate and prevent the use of fireworks on this date, as well as enforce the Fireworks Ban Bylaw if required. To help ensure timely and effective follow up on bylaw infractions on an ongoing basis, the municipal enforcement department has also established processes for when other agencies respond to bylaw infractions called “pass-over reports”. The RCMP, Alberta Fish & Wildlife, and now the Canmore Fire Rescue departments complete a pass-over report when they respond to a bylaw infraction, which then gets submitted to the municipal enforcement department for follow-up and potential enforcement action. Any time of the year, residents may submit

reports of fireworks being deployed to either the RCMP non-emergency line or to the municipal enforcement department.

ANALYSIS OF ALTERNATIVES

Council could choose to amend the Fireworks Ban Bylaw to allow the ignition of fireworks on New Years Eve only. This is not recommended by administration because while wildfire risk is typically low during the winter months, wildfire season has been increasingly expanding and has been declared as a year-round risk in neighbouring provinces. Additionally, continuing to allow fireworks on New Years Eve does would result in continued impacts on wildlife. If Council should choose to allow fireworks on New Years Eve, the motion would be as follows:

That Council strike out section 4 of Bylaw 2024-11 and substitute the following:

- 4. Section 3 is amended by striking out “or July 1 each year”.

FINANCIAL IMPACTS

Alternatives to Fireworks

A multi-year contract is in place with a Fireworks provider for New Year’s Eve celebrations until January 2, 2027. The contract can be terminated with no penalty if a minimum 30 days' written notice is provided. If the recommended bylaw amendments are approved, a fireworks display would not occur on NYE 2024 resulting in a \$10,000 savings in the Arts & Culture operating budget.

Education & Enforcement

All expenses related to education and enforcement will be absorbed in the current Municipal Enforcement operating budget.

STAKEHOLDER ENGAGEMENT

Internal engagement and collaboration between the protective services and municipal enforcement departments, the communications department, the fire rescue department, and the economic development and arts and culture department have occurred. The Town of Canmore’s current NYE Fireworks provider has been notified that Council will be discussing the Fireworks Ban Bylaw.

ATTACHMENTS

- 1) Fireworks Ban and Fire Bylaw Amendment 2024-11 – Community Safety
- 2) Fireworks Ban Bylaw – REDLINE
- 3) Fire Bylaw – REDLINE

AUTHORIZATION

Submitted by: Jeanie Macpherson
Supervisor of Arts and Culture Date: May 13, 2024

Submitted by: Caitlin Miller
Manager of Protective Services Date: May 13, 2024

Approved by: Chelsey Gibbons
Manager of Financial Services Date: May 14, 2024

Approved by:	Eleanor Miclette Manager of Economic Development	Date	<u>May 13, 2024</u>
Approved by:	Walter Gahler Fire Chief	Date	<u>May 14, 2024</u>
Approved by:	Scott McKay General Manager, Municipal Services	Date:	<u>May 16, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date:	<u>May 29, 2024</u>

BYLAW 2024-11

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO
AMEND FIREWORKS BAN BYLAW 2023-23 AND FIRE BYLAW 2013-08**

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 “Fireworks Ban and Fire Bylaw Amendment 2024-11 – Community Safety.”

INTERPRETATION

- 2 Words defined in Bylaw 2013-08 and 2023-23 shall have the same meaning when used in this bylaw.

FIREWORKS BAN BYLAW 2023-23

- 3 Bylaw 2023-23 is amended by this bylaw.
- 4 Section 3 is amended by striking out “Events approved by the Town of Canmore are exempt from this bylaw for the purposes of delivering low impact fireworks as part of a community event on December 31, January 1, or July 1 each year.”
- 5 The following is added after section 3:
 - 3.1 No person shall offer fireworks for sale.

FIRE BYLAW 2013-08

- 6 Bylaw 2013-08 is amended by this bylaw.
- 7 Sections 4 is repealed.
- 8 Section 2.1 is amended by capitalizing all defined words throughout the bylaw.
- 9 The entire bylaw is amended by striking out title numbers and numbering all sections in chronological order.

ENACTMENT/TRANSITION

- 10 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.

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

FIRST READING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

Sean Krausert
Mayor

Date

Cheryl Hyde
Manager, Municipal Clerk's Office

Date

BYLAW 2023-23 REDLINE VERSION

A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO BAN FIREWORKS

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 Fireworks Ban Bylaw.

INTERPRETATION

- 2 In this bylaw:
 - a) “Fireworks means and includes any combustible or explosive composition or substance or combination of substances, or except as hereinafter provided, any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. The term includes blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, pyrotechnics and any devices containing any explosives or flammable compound or any tablets or other device containing any explosive substance. The term “fireworks” does not include sparklers, toy pistols, toy canes, and toy guns;
 - b) “Peace Officer” means a bylaw enforcement officer appointed by the chief administrative officer to do any act or perform any duties under this bylaw and includes a member of the Royal Canadian Mounted Police and, when authorized, a peace officer under the Peace Officer Act.
 - c) “Person” means any individual, firm, partnership, association, corporation, or other legal entity.

GENERAL PROHIBITION

- 3 No Person shall set off, light, discharge, fire, or otherwise use Fireworks within the town of Canmore. ~~Events approved by the Town of Canmore are exempt from this bylaw for the purposes of delivering low impact fireworks as part of a community event on December 31, January 1, or July 4 each year.~~

~~3.1 No person shall offer fireworks for sale.~~

ENFORCEMENT AND PENALTIES

- 4 Any person who contravenes any provision of this bylaw is guilty of an offence and upon conviction shall be liable for a minimum penalty of \$5,000 per occurrence.
- 5 A Peace Officer is hereby authorized and empowered to issue a violation tag to any person, who a peace officer has reasonable and probable grounds to believe has contravened any provision of this

bylaw.

- 6 A violation tag may be issued to such person:
 - a) either personally; or
 - b) by mailing a copy to such person at their last known address.
- 7 The person to whom a violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the violation tag.
- 8 If the penalty specified on a violation tag has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to the *Provincial Offences Procedure Act*, as amended.
- 9 Notwithstanding section 8 of this bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to the *Provincial Offences Procedure Act*, as amended, to any person who a Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 10 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw.

ENACTMENT/TRANSITION

- 11 If any clause in this bylaw contradicts a provision of any other Town of Canmore bylaw, then the clause in this bylaw shall prevail to the extent of the contradiction.
- 12 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.
- 13 This bylaw comes into force on the date it is passed.

FIRST READING: June 6, 2023

SECOND READING: June 6, 2023

THIRD READING: June 6, 2023

BYLAW 2013-08 REDLINE VERSION

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO
ESTABLISH REGULATIONS RELATED TO FIRE PROTECTION SERVICES**

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

1: TITLE

1.1. This bylaw shall be known as the “Fire Bylaw.”

2: INTERPRETATION

2.1. In this bylaw:

“apparatus” means any vehicle, machinery or equipment used for fire protection services, including any vehicle used for transporting members or fire protection supplies;

“equipment” means any tools, devices, or materials used by members to carry out any function or activity related to fire protection;

“fire ban” means any order from the Province of Alberta or the fire chief which prohibits outdoor fires within town limits;

“fire chief” means the person filling the role of the fire chief for the town, who performs the duties and responsibilities of fire chief, or his designate;

“fire pit” means any container or enclosure used to burn material outdoors, but does not include a barbecue or any device fueled only by natural gas or propane;

“fireplace” means an enclosed and permanently affixed fire receptacle that is used to burn material outdoors and that incorporates a permanently affixed chimney or flue;

“incident” means any situation to which a member has responded due to danger or possible danger to the safety, health and welfare of people, property, or the environment;

“member” means any employee of the Town of Canmore Fire-Rescue Department;

“peace officer” means a bylaw enforcement officer appointed by the chief administrative officer to do any act or perform any duties under this bylaw and includes a member of the Royal Canadian Mounted Police and, when authorized, a peace officer under the Peace Officer Act.

“violation tag” means a municipal tag or similar document issued by a peace officer in relation to an offence under this bylaw;

“violation ticket” means a ticket issued pursuant to the Provincial Offences Procedures Act, as amended, and the regulations thereunder.

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

3: OUTDOOR FIRES

3.1 No person shall build, ignite, cause, or allow an outdoor fire unless one of the following conditions exists:

- a) the person has been issued a permit in accordance with this bylaw;
- b) the fire is contained on private property in fire pit or fireplace that meets the requirements of this bylaw;
- c) the fire is contained in a barbecue or in a device fueled by natural gas or propane; or
- d) the fire is contained in a device explicitly provided for such use in a campground.

3.2 A person may build, ignite, or allow an outdoor fire in a fire pit only if:

- a) it is located at least 2 metres, measured from the nearest edge of the fire pit, from any building or combustible material;
- b) the sides are fully enclosed and constructed from a non-combustible material;
- c) it is set upon or built into the bare ground or set upon a non-combustible material;
- d) it is not located directly under any tree or overhanging branches;
- e) the opening of the fire pit is:
 - i) no more than 1 metre across, and
 - ii) no more than 60 centimetres above the surrounding surface grade.

3.3 A person may build, ignite, or allow an outdoor fire in a fireplace as long as that person complies with sections 3.4, 3.5 and 3.6 of this bylaw.

3.4 Every person who builds, ignites or allows an outdoor fire in a fire pit, fireplace, or a device explicitly provided for such use in a campground must ensure that:

- a) the fire is attended continuously by at least one person 14 years of age or older;
- b) a means of extinguishing the fire is immediately available at all times while the fire is burning;
- c) the fire is fully contained within the fire pit, fireplace, or device explicitly provided for such use in a campground at all times;

- d) the flames do not exceed 1 metre in height at any time; and
- e) once the fire is no longer being attended, it is extinguished completely to the point that no heat is radiating from the fire, charcoal, ashes or remains.

3.5 No person shall build, ignite or allow an outdoor fire in a fire pit or fireplace between the hours of 1 a.m. and 10 a.m. other than in a dedicated campsite, which is restricted between the hours of 1 a.m. and 5 a.m.

3.6 Unless the person has been issued a permit in accordance with this bylaw, which authorizes the burning of one or more of the following materials no person shall burn, at any time, on any property, the following materials:

- a) treated or painted lumber;
- b) lumber products containing glue or resins;
- c) wet wood;
- d) leaves, brush or yard waste;
- e) garbage; and
- f) rubber, tires or plastic, or any other materials that in the opinion of a member of peace officer is emitting noxious odours, visible particulates or toxins, other than smoke.

3.7 No person shall throw, place or leave upon the ground any burning material or substance.

3.8 No person shall permit, suffer or allow property under their ownership or control to be used in any manner that contravenes this bylaw.

4: FIREWORKS

~~4.1. No person shall offer fireworks for sale.~~

~~4.2. No person shall discharge fireworks unless the person has been issued a permit in accordance with this bylaw.~~

5: FIRE PERMITS

5.1. The fire chief is authorized to issue permits for:

- a) outdoor fires, and
- b) the discharging of fireworks.

5.2. The fire chief shall determine the terms and conditions of any permit issued pursuant to this bylaw.

- 5.3. A person to whom a permit has been issued pursuant to this bylaw shall comply with any terms or conditions forming part of the permit.
- 5.4. A person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this bylaw.
- 5.5. If any term or condition of a permit issued pursuant to this bylaw is contravened, or if a false or misleading statement or false or misleading information was provide to obtain the permit, the fire chief may immediately cancel the permit.

6: FIRE BANS

- 6.1. The fire chief is authorized to issue fire bans, and to determine the terms and conditions of those fire bans.
- 6.2. A fire ban shall be in effect from the time it is issued until such time as the fire chief gives notice to the public that it has been lifted.
- 6.3. When a fire ban is in effect, no person shall build, ignite, cause or allow an outdoor fire, or cause or allow a fire to be ignited on property under his control in the area affected by the fire ban.
- 6.4. Notwithstanding section 6.3, a person may build, ignite, cause or allow an outdoor fire if the fire is contained in a barbeque or in a device fueled by natural gas or propane, unless specifically stated in the fire ban.
- 6.5. Any permits issued pursuant to this bylaw for property located in an area affected by a fire ban shall be suspended for the duration of the fire ban.

7: FIRE PROTECTION FEES

- 7.1. The chief administrative officer may charge fees in accordance with the Town's master fee schedule to any person requesting or requiring a service described in that schedule.
- 7.2. Where the Town has extinguished a fire or responded to a fire call or incident within or outside the Town for the purpose of preserving life or property from injury or destruction by fire or other incident, including any such action taken by the Town on a false alarm, the chief administrative officer may, in respect of any costs related to or incurred by the Town in taking such action, charge any costs so incurred by the Town to:
 - a) The person who caused the incident;
 - b) The owner of the property or the person in possession and control of the property where the incident occurred; or

- c) The person in possession and control of the property if the location of the incident is not privately owned land.

7.3. In respect of the fees or charges required to be paid under this bylaw:

- a) the Town may recover such fees or charges as a debt due and owing to the Town;
- b) in the case of action taken by the Town and where permitted under the *Municipal Government Act*, such fees or charges may be charged against the land as taxes due and owing in respect of that land.

8: INTERFERENCE WITH FIREFIGHTING ACTIVITIES OR EQUIPMENT

- 8.1. No person shall impede, obstruct, or hinder a member or any other person acting under the direction of the member in charge of any incident, while that person is in the performance or execution of their duties.
- 8.2. No person shall damage or destroy apparatus or equipment.
- 8.3. No person shall drive a vehicle over any apparatus or equipment unless authorized to do so by the member in charge at the incident for which the apparatus or equipment is being used.
- 8.4. No person shall cross the boundary or limit of an area designated by the member in charge at an incident unless authorized to do so by the member in charge.
- 8.5. No person shall falsely represent themselves as a member.
- 8.6. No person shall obstruct or otherwise interfere with access, any connection provided to or approaches to any fire alarm, fire hydrant, emergency access, fire main, stand pipe, sprinkler, cistern, or body of water designated for firefighting purposes.

9: AUTHORITY

- 9.1. The fire chief may delegate any responsibilities under this bylaw.
- 9.2. The fire chief shall perform such functions and have such powers and responsibilities as the chief administrative officer may prescribe from time to time.
- 9.3. The fire chief or any other member is empowered to enter on any land or premises, including adjacent land or premises, to combat, control, or deal with an incident in whatever manner is deemed necessary.
- 9.4. The limits of jurisdiction of the Canmore Fire-Rescue Department shall extend to the boundaries of the municipality, any areas beyond the boundaries of the municipality where provided by the express authorization of a written agreement with another municipality, and any areas beyond the boundaries of the municipality where provided by a mutual aid agreement or by the express authorization of the chief administrative officer.

10: ENFORCEMENT AND PENALTIES

10.1. Any person who contravenes any provision of this bylaw is guilty of an offence and shall be liable for a minimum penalty in accordance with Schedule A of this bylaw, and not exceeding \$10,000.

10.2. Any person who contravenes any provision of this bylaw for which a penalty is not set out in Schedule A of if this bylaw is liable to a minimum penalty of \$250.00.

10.3. A peace officer is hereby authorized and empowered to issue a violation tag to any person, who a peace officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

10.4. A violation tag may be issued to such person:

- a) either personally; or
- b) by mailing a copy to such person at their last known address.

10.5. The person to whom a violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the violation tag.

10.6. Nothing in this Bylaw shall prevent a peace officer from immediately issuing a violation ticket.

10.7. If the penalty specified on a violation tag has not been paid within the prescribed time, then a peace officer is hereby authorized and empowered to issue a violation ticket pursuant to the *Provincial Offences Procedures Act*, as amended.

10.8. Section 10.7 of this bylaw, a peace officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to the *Provincial Offences Procedures Act*, as amended, to any person who a peace officer has reasonable grounds to believe has contravened any provision of this Bylaw.

10.9. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw.

11: ENACTMENT/TRANSITION

11.1. 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.

11.2. Schedule A forms part of this bylaw.

11.3. Bylaw 2001-30 is repealed.

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

FIRST READING: July 2, 2013

SECOND READING: July 2, 2013

THIRD READING: July 2, 2013

Schedule A – Minimum Penalties

Section	Offence	Minimum Penalty
6.3	Fail to comply with fire ban	\$2,000.00
8.1	Impede, obstruct, or hinder a member performing duties at an incident	\$600.00
8.2	Damage or destroy apparatus or equipment	\$2000.00
8.6	Obstruct access or connections to fire alarms and water supplies	\$600.00



Request for Decision

DATE OF MEETING: June 4, 2024 **Agenda #: G 3**

TO: Council

SUBJECT: Community Standards Bylaw Amendment – Human Wildlife Co-Existence Recommendations

SUBMITTED BY: Greg Burt, Supervisor of Municipal Enforcement

RECOMMENDATION: That Council give first reading to Community Standards Bylaw Amendment 2024-15 – Human Wildlife Co-Existence.

That Council give second reading to Community Standards Bylaw Amendment 2024-15 – Human Wildlife Co-Existence.

That Council give leave for third reading to Community Standards Bylaw Amendment 2024-15 – Human Wildlife Co-Existence.

That Council give third reading to Community Standards Bylaw Amendment 2024-15 – Human Wildlife Co-Existence.

EXECUTIVE SUMMARY

Reducing wildlife encounters within Canmore’s urban footprint is a key objective in reaching one of Council’s Strategic Plan goals of Canmore being a recognized leader in managing human impact on our environment. Council approved a Human Wildlife Co-Existence Implementation and Action Plan on March 5, 2024, which recommends two amendments to the Community Standards Bylaw which are included in the proposed Bylaw 2024-15.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

On August 15, 2022, Council approved Community Standards Bylaw 2022-16.

On March 5, 2024, Council approved the Human Wildlife Co-Existence Implementation and Action Plan for planning purposes.

DISCUSSION

The Canmore Human-Wildlife Coexistence Implementation and Action Plan approved by Council for planning purposes on March 05, 2024, included the following recommendations to increase compliance with the wildlife attractant section of the Community Standards Bylaw:

1. Amend the Community Standards Bylaw to increase fines for a person or property owner allowing a wildlife attractant to remain on their property from \$250 to \$1000.

2. Amend the Community Standards Bylaw to increase the fine amount for Section 57 (No Person shall feed, attempt to feed, or permit the feeding of Wildlife) from \$250 for first offence, \$500 for second offence and \$1000 for third and subsequent offences to \$1000 for the first offence.

The proposed bylaw amendment includes an editorial change to Section 55 and adds a new Section 55.1.

Section 55 addresses owners and occupants that have wildlife attractants on their property (such as crab apples) and Section 55.1 creates a new section for when dangerous wildlife (typically a bear) is attracted to a wildlife attractant. Section 55.1 includes higher fine amounts of \$1,000 for the first offence, \$5,000 for the second offence and \$10,000 for the third offence.

Administration recommends an additional amendment to achieve compliance of Section 57 regarding feeding or permitting wildlife to be fed by adding a fine amount of \$5,000 for a second offence and \$10,000 for third and subsequent offences. These fine amounts are consistent with the fines in the Waste and Recyclables Bylaw 2016-11 related to commercial waste disposal, food waste disposal, locating cooking oil containers in enclosures and maintaining animal-resistant carts.

In addition to the recommendations in the Canmore Human-Wildlife Coexistence Implementation and Action Plan, administration is recommending a change to the fine structure for the Community Standards Bylaw to standardize all fines to \$250 for first offence, \$500 for second offence and \$1000 for third and subsequent offences with the exception of the two recommendations from the Canmore Human-Wildlife Coexistence Implementation and Action Plan. This standardization is being proposed so there is consistent understanding within the community that fine amounts will increase if a Peace Officer reattends for the same offence. Administration believes this bylaw amendment will result in greater compliance with the Community Standards Bylaw. The proposed bylaw amendment would see an increase to the following parts of the bylaw to the proposed \$250 for first offence, \$500 for second offence and \$1000 for third and subsequent offences, from a the current fine of \$250:

- Activities in Residential Areas (Sections 13, 14 and 17)
- Outdoor Speaker Systems (Section 24 and 25)
- Clearing of Sidewalks (Sections 32, 33, 35, 36, 38, 39 and 40)
- Accumulation of Materials (Sections 42, 43, 44 and 46)
- Maintenance of Exterior Structures (Sections 51 and 52)

The two editorial changes in the proposed bylaw are highlighted below:

Section 55 - No Person **or Owner** shall permit a Wildlife Attractant to be placed or remain in an outdoor location where the Wildlife Attractant is accessible to Wildlife.

Section 70 - Any Person who contravenes any provision of this bylaw for which a penalty is not set out in Schedule A of ~~if~~ this bylaw is liable to a minimum penalty of \$250.

Education and Enforcement of the Bylaw

Peace Officers will continue to enforce the Community Standards Bylaw when complaints are lodged, observations of wildlife being attracted to specific properties and on a neighbourhood focused proactive

basis. Additionally, each year Peace Officers select an area of town to conduct patrols to educate property owners about the requirements to remove fruit and wildlife attractants from their properties, promote and highlight the fruit tree incentive program and when needed, conduct enforcement if property owners fail to remove wildlife attractants from fruit trees. The Municipal Enforcement department also focuses on proactive patrols in areas in town where wildlife have been observed to frequent or if there are observations being attracted to specific properties. If approved, Section 55.1 will provide an extra incentive for owners to remove fruit and wildlife attractants from their property. In addition to the patrols conducted by the Peace Officers, the Protective Services team works collaboratively with the Environment and Sustainability team to utilize the Keep Wildlife Alive Ambassadors for increased education on wildlife attractant removal in the community. Working collaboratively with the education approach of the Keep Wildlife Alive Ambassadors supports an education first approach to enforcement.

ANALYSIS OF ALTERNATIVES

None.

FINANCIAL IMPACTS

There are no financial impacts associated with the amendments proposed to the Community Standards Bylaw.

STAKEHOLDER ENGAGEMENT

Internal stakeholder engagement took place with the Manager of Protective Services, the Supervisor of Environment and Sustainability and Municipal Enforcement Peace Officers.

ATTACHMENTS

- 1) Community Standards Bylaw Amendment 2024-15 – Human Wildlife Co-Existence.
- 2) Community Standards Bylaw 2022-16 REDLINE

AUTHORIZATION

Submitted by:	Greg Burt Supervisor of Municipal Enforcement	Date: <u>May 13, 2024</u>
Approved by:	Caitlin Miller Manager of Protective Services	Date: <u>May 13, 2024</u>
Approved by:	Scott McKay General Manager, Municipal Services	Date: <u>May 16, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>May 28, 2024</u>

BYLAW 2024-15

A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO AMEND COMMUNITY STANDARDS BYLAW 2022-16

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 Community Standards Bylaw Amendment – Human Wildlife Co-Existence.

INTERPRETATION

- 2 Words defined in Bylaw 2022-16 shall have the same meaning when used in this bylaw.

PROVISIONS

- 3 Bylaw 2022-16 is amended by this bylaw.

- 4 Section 55 is amended by adding “or Owner” after “Person”.

- 5 The following is added after Section 55:

55.1 No Person or Owner shall permit or allow a Wildlife Attractant to be placed or remain in an outdoor location where it attracts Dangerous Wildlife.

- 6 Section 70 is amended by:

- a) Striking out “if” between “of” and “this”; and
- b) inserting “for the first offence, \$500 for the second offence and \$1,000 for third and subsequent offences” after “\$250”.

- 7 Strike out the table in Schedule A and substitute the following table:

Section	Description	Penalty
55.1	Person or Owner permit or allow a Wildlife Attractant to be placed or remain in an outdoor location where it attracts Dangerous Wildlife	\$1,000 – first offence \$5,000 – second offence \$10,000 – third and subsequent offences
57	Person feed Wildlife	\$1,000 – first offence \$5,000 – second offence \$10,000 – third and subsequent offences

Bylaw approved by: _____

ENACTMENT/TRANSITION

- 8 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.

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

FIRST READING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

 Sean Krausert
 Mayor

 Date

 Cheryl Hyde
 Manager, Municipal Clerk's Office

 Date

Bylaw approved by: _____

BYLAW 2022-16 REDLINE VERSION
Office Consolidation Current as of July 5, 2023

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO
ESTABLISH COMMUNITY STANDARDS**

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 “Community Standards Bylaw.”

INTERPRETATION

- 2 In this bylaw,
 - a) “Concrete Mixer” means a machine that is capable of carrying concrete in a mixed or partially mixed form and pouring it at the location where it is to be used and which is mounted onto a trailer or the chassis of a Truck as defined herein;
 - a.1) “Commercial Premises” includes any building, structure or premises which is not used for residential purposes, and for greater certainty, but not to be restricted to the generality of the foregoing, any building, structure, or premises which is used by any business or non-profit-organization, or for any professional, institution, industrial, commercial, retail, or restaurant operation;
2023-25
 - b) “Construction” means the temporary process of building, constructing, repairing, deconstructing or demolishing any Structure, including landscaping, home repair, home renovations, property improvements, and any work in connection with those processes;
 - c) “Dangerous Wildlife” means species or individual animals that could cause serious bodily injury in the event of an aggressive encounter, including, but not limited to, bear, elk, cougar, coyote, wolf, or any wildlife species or individual animal deemed dangerous by a Peace Officer, fish and wildlife officer, or conservation officer;
 - d) “Daytime” means the period
 - i) beginning at 7:00 a.m. and ending at 10:00 p.m. of the same day on Weekdays, or
 - ii) beginning at 9:00 a.m. and ending at 10:00 p.m. of the same day on a Weekend;
 - e) Enforcement Appeals Review Committee means the committee that reviews Orders issued under sections 545 and 546 of the *Municipal Government Act* for the purpose of section 547 of the *Municipal Government Act*, and which performs other municipal enforcement review functions as provided by Enforcement Appeal Review Committee Bylaw 2022-11;

- f) “Fruit” means the fleshy, seed-bearing structure of a flowering plant species and includes fruit and berries;
- g) “Fruit Bearing Vegetation” means any vegetation that bears Fruit and is a Wildlife Attractant, including but not limited to
 - i) mountain ash trees,
 - ii) crabapple trees,
 - iii) chokecherry, and
 - iv) buffalo berry;
- h) “Garbage Truck” means any vehicle equipped for transporting waste, refuse, or recyclable materials or any vehicle equipped to load, unload, and transport containers for handling waste, refuse, or recyclable materials;
- i) “Good Repair” means a condition where something is free from
 - i) broken, damaged, missing, detached, or fallen parts,
 - ii) rot or other physical deterioration,
 - iii) openings which are not secured against trespassers, and
 - iv) openings which are not secured against the infiltration of air or precipitation.
- j) “Graffiti” means words, figures, letters, drawings, or stickers applied, scribbled, scratched, etched, sprayed, or attached on or to the surface of any Premises, Structure, or other property, without the owner’s consent, but does not include words, figures, letters, drawings, or stickers applied, scribbled, scratched, etched, sprayed, or attached on or to the surface of any vehicle;
- k) “Motorized Garden Tool” means any tool used for gardening or horticulture that is powered by an engine or motor, regardless of whether that mechanism is powered by compressed air, electricity, or a fossil fuel;
- l) “Motor Vehicle Parts” includes, but is not limited to, any motor vehicle part or collection of motor vehicle parts, or one or more vehicles that are dilapidated, derelict, or not in operable condition;
- m) “Non-Residential District” has the same meaning as in Land Use Bylaw 2018-22;
- n) “Nighttime” means the period
 - i) beginning at 10:00 p.m. and ending at 7:00 a.m. on Weekdays, or

- ii) beginning at 10:00 p.m. and ending at 9:00 a.m. on a Weekend;
- o) “Occupant” means the Person residing in or in apparent possession or control of Premises;
- p) “Outdoor Speaker System” means any sound amplification device that converts electrical impulses into sound, whether the device is independent or incorporated into a musical instrument amplifier, radio, stereo, television, public address system, or other system which is positioned
 - i) outside of a building,
 - ii) inside a building and within 2 metres of any opening in the building including a window or doorway, where it is directed outside of the building, or
 - iii) in a tent;
- q) “Owner” means
 - i) in the case of land registered under the *Land Titles Act*, the owner of a fee simple estate or registered leasehold interest in a parcel of land,
 - ii) in the case of personal property, the registered owner,
 - iii) in the case of unregistered personal property, any person with lawful possession and control over the property;
- r) “Order” means an order issued pursuant to section 545 or section 546 of the *Municipal Government Act*;
- s) “Peace Officer” means
 - i) a person appointed as a bylaw enforcement officer pursuant to the *Municipal Government Act*,
 - ii) a person appointed as a peace officer pursuant to the *Peace Officer Act* or
 - iii) a police officer;
- t) “Person” means any individual, firm, partnership, association, corporation, or other legal entity;
- u) “Point of Reception” means any location, be it a place of work or residence, where noise or Sound Levels are heard by an individual;
- v) “Power Tool” includes any tool powered by an engine or motor, regardless of whether that mechanism is powered by compressed air, electricity, or a fossil fuel;

- w) “Premises” includes any real property that may be owned, occupied, managed, or controlled by an Owner or Occupier, including parcels of land, any subdivisions of land or units of real property, and any Structures that may owned, occupied managed or controlled by an Owner or Occupier;
- x) “Public Place” means any Property, whether publicly or privately owned, to which members of the public have access as of right or by express or implied invitation, whether on payment of any fee or not;
- y) “Residential Area” or “Residential Areas” means any area, location, or parcel of land, that is zoned as a Residential Land Use District, a Direct Control District that lists residential use among its uses, or is otherwise zoned for a primary purpose of residential use under Land Use Bylaw 2018-22;
- z) “Sidewalk” means that part of a street, road, or highway that is adapted or designated for the use of pedestrians, including that part of a street, road, or highway between the curb line and the adjacent properties or, where there is no curb line, that piece of land between the edge of the street, road, or highway and the adjacent property line;
- aa) “Signaling Device” means any device that produces an audible sound used for the purpose of drawing an individual’s attention, including a horn, gong, bell, klaxon, or public address system;
- bb) “Sound Level”, unless otherwise defined in this bylaw, means the sound pressure measured in decibels using the “A” weighted network of a Sound Level Meter with fast response;
- cc) “Sound Level Meter” means any Type 2 or better integrating instrument that measures Sound Levels;
- dd) “Structure” means any building, extension from a building, garage, shed, shelter, fence, or other thing erected or placed in, on, over, or under land, whether or not it is movable or affixed to the land;
- ee) “Truck” means any vehicle that has a gross allowable maximum vehicle weight in excess of 5450 kilograms as listed on the government issued registration, regardless of the vehicle’s actual weight at a specific time, and includes a truck-tractor and tractor-trailer;
- ff) “Violation Tag” means a municipal tag or similar document issued by a Peace Officer in relation to an offence under this bylaw;
- gg) “Violation Ticket” means a ticket issued pursuant to the *Provincial Offences Procedures Act*, and the regulations thereunder;
- hh) “Weekday” means Monday, Tuesday, Wednesday, Thursday, and Friday;
- ii) “Weekend” means Saturday and Sunday;

- jj) "Wildlife" means any free-living species of vertebrate animal that is not a domesticated, escaped, or stray domestic animal;
 - kk) "Wildlife Attractant" means any substance that could reasonably be expected to attract Wildlife, including, but not limited to, Fruit, garbage, refuse, food, food waste, and compost.
- 3 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.

PART 1 REGULATION OF NOISE

- 4 This Part does not purport to regulate the cumulative effect of noise created by vehicular traffic on roads or aeronautical related activities of aircraft.

GENERAL PROHIBITIONS

- 5 Except as authorized by this bylaw, no Person shall make, cause, continue, or allow to be made, caused, or continued, any noise which is likely to disturb the peace, enjoyment, comfort, or convenience of another individual.
- 6 Except as authorized by this bylaw, no Owner or Occupier of a Premises shall make, cause, continue, or allow to be made, caused, or continued, any noise which emanates from the Premises and which is likely to disturb the peace, enjoyment, comfort, or convenience of another individual.
- 7 No Person shall permit a vehicle located on a Premises to emit noise which would disturb the peace, enjoyment, comfort, or convenience of another individual, including, but not limited to, noise from excessive engine revving and music or amplification equipment in the vehicle.
- 8 No Owner or Occupier of a Premises shall permit a vehicle located on the Premises to emit noise which emanates from that Premises, including noise from excessive engine revving and music or amplification equipment in the vehicle, is likely to disturb the peace, enjoyment, comfort, or convenience of another individual.
- 9 A person may be found guilty of a contravention of sections 5 to 8 whether or not the noise
- a) is measured, or
 - b) if measured, exceeds any Sound Level limit prescribed by this bylaw.
- 10 In determining if a noise is likely to disturb the peace, enjoyment, comfort, or convenience of another individual, the following criteria may be considered:
- a) the type, volume, and duration of the noise,
 - b) the time of day and day of week,

- c) the nature and use of the surrounding area,
 - d) the Sound Level in decibels, if measured, and
 - e) any other relevant factor.
- 11 A Person shall not cause or permit any noise exceeding a Sound Level of 60 decibels (dBA) as measured at the property line of a property in a Residential Area between the hours of 10:00 p.m. and 7:00 a.m.
- 12 An Owner or Occupier shall not allow a property that they own or occupy to be used in a manner that results in noise coming from the property to exceed a Sound Level of 60 decibels (dBA) as measured at the property line of a property in a Residential Area between the hours of 10:00 p.m. and 7:00 a.m.

ACTIVITIES IN RESIDENTIAL AREAS

- 13 No Person in a Residential Area during the Nighttime shall operate or use
- a) a lawn mower,
 - b) a Motorized Garden Tool,
 - c) a Power Tool outside of any building or Structure,
 - d) a snow clearing device powered by an engine of any kind, or
 - e) a motorized snow or leaf blowing device.
- 14 No Person shall load or unload a Truck, Concrete Mixer, or Garbage Truck in a Residential Area or within 150 metres of a Residential Area during the Nighttime.
- 15 Notwithstanding section 14, a Person may, at any time, unload a vehicle containing
- a) fresh produce and perishable merchandise including milk products and baked goods, or
 - b) daily or weekly newspapers being delivered to vendors.
- 16 Notwithstanding section 14, a Person may load a Garbage Truck between 6:00 a.m. and 10:00 p.m. on any day.
- 17 A Person must not use a Signaling Device in a Residential Area during the Nighttime.
- 18 Notwithstanding section 13(a), (b), and (c), it is not an offence to use a Motorized Garden Tool, lawn mower, or other grass cutting device on a golf course between the hours of 5:30 a.m. and 9:00 a.m. on any day of the week.

- 19 Notwithstanding section 13(d) and (e), a person may operate a snow clearing device powered by an engine for the purpose of commercial and non-commercial removal of snow and ice from streets, parking lots and Sidewalks during the forty-eight-hour period following a snowfall, rain or freezing rain, subject to the authority of the chief administrative officer, in their sole discretion, to withdraw this exception on a site-specific basis.

CONSTRUCTION ACTIVITY

- 20 A Person shall not cause or permit any Construction activity on property they own or occupy
- a) between the hours of 10 p.m. and 7 a.m. on any Weekday and Weekend,
 - b) at any time on Sunday or statutory holiday, or
 - c) at any time contrary to a written notice issued by the chief administrative officer pursuant to section 22.
- 21 Notwithstanding section 20, a Person may on Sundays and statutory holidays conduct construction, alterations, or renovations on their own home and property, or by persons assisting them if the persons assisting do not receive financial compensation or any other compensation for their labour.
- 22 Subject to section 20, the chief administrative officer may, by written notice, direct that a person shall not cause or permit any Construction activity or certain types of Construction activity on property they own or occupy during the time specified in the written notice.
- 23 Prior to issuing a written notice pursuant to section 22, the chief administrative officer must consider
- a) the proximity of the Construction activity to adjacent properties,
 - b) the nature of the Construction activity occurring on the property,
 - c) the nature and use of adjacent properties,
 - d) the number and nature of previous complaints regarding the Construction activity occurring on the property received by the chief administration officer,
 - e) the intended schedule for completion of the Construction activity occurring on the property, including the potential impact of noise-restricted hours on the completion of the Construction activity, and
 - f) any other factor deemed relevant by the chief administrative officer related to the Construction activity occurring on the property.

OUTDOOR SPEAKER SYSTEMS

- 24 No Person shall operate an Outdoor Speaker System during the Nighttime on a parcel where the property line of the parcel is within 150 metres of a Residential Area.
- 25 Regardless of the time of day, an Outdoor Speaker System must always comply with the Sound Levels established in this bylaw.

EXEMPTIONS AND SCOPE

- 26 The prohibitions on noise in Part 1 of this bylaw do not apply to
 - a) emergency vehicles,
 - b) Construction in Residential Areas during the Daytime, except for Sundays, whether or not the Construction requires any Town permits,
 - c) the use of Motorized Garden Tools in Residential Areas where the tool is used during the Daytime and for less than three (3) hours during any given day,
 - d) work on a Town street or on a public utility carried out by the owner or operator of the public utility, or its contractors,
 - e) any activity within the jurisdiction of the Government of Canada or the Government of Alberta, and
 - f) the operation of air conditioning units and heat pumps in Good Repair.
- 27 Notwithstanding section 26, the chief administrative officer may apply any other provision of Part 1 to the activities in sections 13 to 25 on a site-specific basis in the chief administrative officer's sole discretion.
- 28 The provisions contained in Part 1 shall not be interpreted to prevent
 - a) the ringing of bells in churches, religious establishments, and schools,
 - b) the sounding of any alarm or warning to announce a fire or other emergency,
 - c) the playing of a band in connection with a parade or special event allowed pursuant to any Town permit, or
 - d) the use of Signaling Devices on vehicles in their normal operation for the purpose of giving warnings to other vehicles or Persons.

2023-25

PERMITS FOR EXEMPTIONS TO NOISE REGULATIONS

- 29 A Person may make a written application to the chief administrative officer for a noise exemption permit allowing for noise or Sound Levels that would otherwise violate this bylaw.

- 30 Applications made pursuant to section 29 must be made in writing in a form approved by the chief administrative officer.
- 31 The chief administrative officer may in their sole discretion
- a) issue a noise exemption permit where the chief administrative officer determines that circumstances make it impractical for the applicant to comply with this bylaw,
 - b) revoke any noise exemption permit where the chief administrative officer determines that the permit holder has not met the terms or conditions of the permit or taken sufficient measures to minimize noise or Sound Levels, and
 - c) impose any conditions on the issuance or the use of the Noise Exemption Permit the chief administrative officer considers appropriate.

**PART 2
CLEARING OF SIDEWALKS**

- 32 The Owner or Occupant of any land adjacent to a Sidewalk shall remove, or cause to be removed, any ice or snow from all adjacent Sidewalks within forty-eight hours after the ice or snow was formed or deposited.
- 33 Whenever snow or ice is deposited or formed on a Sidewalk adjacent to a parcel of land that is the subject of a condominium plan, the condominium corporation associated with the parcel of land shall remove, or cause to be removed, the snow or ice from the Sidewalk within forty-eight hours after the ice or snow was formed or deposited.
- 34 In the event that the Owner or Occupant of land adjacent to a Sidewalk or a condominium corporation associated with land adjacent to a Sidewalk fails or neglects to remove and clear away all snow or ice from a Sidewalk within forty-eight hours, the chief administrative officer may cause the snow or ice to be removed from such Sidewalk, with all costs and expenses plus a 10% administration fee charged to the Owner, Occupant, or condominium corporation responsible for the removal of the snow or ice, and any unpaid costs or expenses shall be added to the tax roll for the land to be recovered in the same manner as other taxes pursuant to the provisions of the *Municipal Government Act*.
- 35 Any Person who has an awning, canopy, marquee, roof drainage controlled by eaves troughing, or other Structure extending from a portion of their Premises over a Sidewalk or other portion of a roadway shall keep the said awning, canopy, marquee, eaves troughing, or other Structure free from snow or ice so that it will not drip or fall upon the Sidewalk or roadway below.
- 36 The Owner or Occupant of Premises with an awning, canopy, marquee, roof drainage controlled by eaves troughing, or other Structure extending from the Premises, shall cause to be cleaned up any water from melting snow or ice that could otherwise drip onto the Sidewalk or roadway below, and

take all necessary precautions to ensure that an icy or dangerous situation is not allowed to exist on the Sidewalk or roadway.

- 37 No Person operating a business Premises, to which entry or exit for vehicles is made by a crossing located between the curb and the private property line, shall allow mud, water, slush, ice, or icy frozen snow to remain on the public Sidewalk or roadway portion of the said crossing; but shall keep the same clean and clear of all such materials, liquids or substances as may be or become a hazard to pedestrians.
- 38 A Person may use a power-driven device to remove snow and ice from any portion of a Sidewalk for which that person is responsible for removing snow and ice under this bylaw, provided that the power-driven device is used in a way that will not injure or unduly interfere with any other person lawfully using the Sidewalk or injure the surface of the Sidewalk.
- 39 A Person who removes snow or ice from Sidewalks and or any public or private property shall not deposit the said snow or ice upon any roadway or Public Place without permission from the chief administrative officer to deposit the snow or ice upon the roadway or Public Place.
- 40 A Person who removes snow or ice from public or private Sidewalks and or public or private property shall not deposit said snow or ice
 - a) in a manner that impedes storm sewer run off or blocks access to any storm sewer grate,
 - b) in the entranceway, ramps, or gated access to any fire hall, ambulance station, emergency vehicle lane, marked fire laned or in any other manner that interferes with the proper operation of and access of emergency vehicles,
 - c) in any area of the Sidewalk where the curb is depressed to allow for the passage of mobility aids,
 - d) on any physical infrastructure or amenity owned by the Town of Canmore including, but not limited, to bicycle racks and transit stops, or
 - e) generally upon any public street, road, highway or any Public Place unless expressly permitted by the chief administrative officer.

PART 3 PROPERTY MAINTENANCE

SCOPE

- 41 Part 3 applies to all Premises except for those located in industrial areas where outdoor storage has been approved under Land Use Bylaw 2018-22 for materials the accumulation of which would otherwise be prohibited under this Part.

ACCUMULATION OF MATERIALS

- 42 No Owner or Occupier of a Premises shall allow on the Premises, the accumulation of
- a) any material that creates unpleasant odors,
 - b) any material likely to attract pests or animals, whether or not defined as Wildlife, or
 - c) animal remains, parts of dead animals, or animal feces.
- 43 No Owner or Occupier of a Premises shall allow the outdoor storage of any toxic or hazardous substance, including but not limited to industrial fluids, automotive fluids, petroleum products, paints, and solvents in a manner that is open, exposed, or accessible by other Persons or animals.
- 44 No Owner or Occupier of a Premises shall allow the following to accumulate on the Premises in a manner that is visible to a Person viewing from outside the property:
- a) loose litter, garbage, or refuse,
 - b) bottles, cans, boxes, recyclable materials, or packaging materials,
 - c) household furniture or other household goods,
 - d) Motor Vehicle Parts,
 - e) parts of or disassembled machinery, equipment, or appliances,
 - f) yard waste, including grass, tree and hedge cuttings, leaves and other refuse,
 - g) any tree, shrub, other type of vegetation or any Structure, or
 - i) that interferes or could interfere with any public work or utility,
 - ii) that obstructs any Sidewalk adjacent to the Land,
 - iii) that impairs the visibility required for safe traffic flow at any intersection or roadway adjacent to the Land, or
 - iv) that reasonably interferes with the use and enjoyment of a neighbouring Premises or Public Place.
- 45 No Owner or Occupier of a Premises shall allow on the Premises the accumulation of building or landscaping materials, whether new or used, unless that Owner or Occupier can establish that a Construction activity on the Premises is actively underway or that the beginning of the Construction activity is imminent.

- 46 An Owner or Occupant of a Premises shall ensure that all building and landscaping materials stored on a Premises, are stacked or stored in an orderly manner.

EQUIPMENT IN OUTDOOR LOCATIONS

- 47 No Owner or Occupant of a Premises shall place, cause, or permit the placement of a refrigerator, freezer, or other similar appliance in an outdoor location on Premises that they own or occupy unless effective measures have been taken to prevent the opening and closing of the appliance.
- 48 Without limiting the generality of section 47, effective measures for preventing the opening and closing of an appliance include, but are not limited to, the following:
- a) the removal of the door from the appliance,
 - b) the removal of the door handle mechanism if this prevents opening and closing of the door,
 - c) the removal of the door hinges,
 - d) the locking of the appliance, or
 - e) otherwise wrapping or containing the appliance so that the interior is inaccessible.
- 49 No Owner or Occupant of a Premises shall place, cause, or permit a refrigerator, freezer or other similar appliance to be placed in an outdoor location on the Premises where the appliance is visible to a Person viewing from outside the Premises.
- 50 No Owner or Occupant of a Premises shall place, cause, or permit the placement of Power Tools or other potentially dangerous equipment in an outdoor location on the Premises except during active use for their intended purposes unless secured so as to not be potentially dangerous.

MAINTENANCE OF EXTERIOR STRUCTURES

- 51 Any Structure shall be maintained in Good Repair and in a manner that does not contribute to health, safety, and fire hazards.
- 52 Every Person, Owner, or Occupant of a Premises shall ensure the following Structures are maintained in Good Repair:
- a) fences,
 - b) retaining walls, terraces, patios, and other hardscaping,
 - c) foundations and foundation walls,
 - d) exterior walls and exterior wall components,
 - e) windows and window casings,

- f) roofs and roof components,
 - g) doors and door frames,
 - h) exterior stairs, landings, porches, balconies, and decks, and
 - i) the protective and decorative finishes of all exterior surfaces of Structures.
- 53 If an Owner or Occupant fails to keep a Structure in Good Repair, the chief administrative officer may direct the Owner of the subject Premises to repair, rehabilitate, or replace or remove that portion of the Structure. Failure by the Owner to adhere to the direction of the chief administrative officer shall constitute an offence under this bylaw.

PART 4 WILDLIFE ATTRACTANTS

- 54 No Person or Owner, other than a Peace Officer or a Person appointed by the chief administrative officer who is acting in the course of their duties shall store, collect, handle, or dispose of Wildlife Attractants in such a way that the Wildlife Attractants are accessible to or may attract Wildlife.
- 55 No Person or Owner shall permit a Wildlife Attractant to be placed or remain in an outdoor location where the Wildlife Attractant is accessible to Wildlife.
- 55.1 No Person or Owner shall permit or allow a Wildlife Attractant to be placed or remain in an outdoor location where it attracts Dangerous Wildlife.
- 56 Except for Fruit-Bearing Vegetation located on any premises at the time of coming into effect of this bylaw, no Owner or Occupant shall plant, install, place, or allow or cause to be planted, installed, or placed, any Fruit-Bearing Vegetation on any Premises under the ownership or occupation of the Owner or Occupier.
- 57 No Person shall feed, attempt to feed, or permit the feeding of Wildlife.
- 58 No Person shall feed any animal, whether domestic or wild, in a manner that is likely to attract Dangerous Wildlife.
- 59 Notwithstanding sections 56 and 57, a Person may place or permit the placement of an outdoor bird feeder containing bird feed, seeds, suet, nectar, or any other bird attractant between the dates of December 1 and March 31, provided that
- a) the bird feeder is suspended on a cable or other device in such a manner that it is inaccessible to Wildlife other than birds, and
 - b) the area below any bird feeder is kept free of accumulations of any Wildlife Attractants.

- 60 No Person shall place or permit the placement of outdoor bird feeders containing bird feed, seeds, suet, nectar, or any other attractant between April 1 and November 30 of each year.
- 61 Notwithstanding section 58, no Person or Owner shall place, or cause to be placed, on or near the property of that Person or Owner, any material or substance which has the effect of attracting pigeons.

**PART 5
GRAFFITI PREVENTION AND ABATEMENT**

- 62 No Person shall create or apply Graffiti on or to any
- a) Premises,
 - b) Structure, or
 - c) other property which is owned or occupied by another Person.
- 63 Every Owner or Occupant of a Premises shall ensure that Graffiti placed on their Premises is removed, painted over, or otherwise blocked from public view.

**PART 6
HUMAN WASTE**

- 64 No Person shall urinate, defecate, or deposit any human waste in any Public Place, other than a washroom.

**PART 6.1
OPEN DOORS**

- 64.1 No Owner or Occupier of a Commercial Premises shall allow a door permitting entrance or exit from the Commercial Premises to the outdoors to be held, secured, or propped open between the Tuesday after Thanksgiving Day and until the last Friday in April except when temperatures rise above +10°C, as noted by the Environment Canada weather forecast for Canmore.

2023-25

- 64.2 The provisions of section 64.1 shall not be construed to prevent
- a) Persons from entering or exiting a Commercial Premises through a door in the normal course of events,
 - b) a door into a Commercial Premises being held open by a Person to provide another Person ease of entrance or exit,

- c) a door into a Commercial Premises which is equipped with a handicapped control from being used in the normal course of events to enable entrance or exit,
- d) Persons from holding, securing, or propping a door open for the purpose of allowing Persons to exit a Commercial Premises during an emergency,
- e) Persons from holding, securing, or propping a door open for the purpose of allowing deliveries to a Commercial Premises, while the delivery is taking place, and
- f) Persons from holding, securing, or propping a door open for the purpose of allowing construction and construction related activities on the Premises, while such construction is taking place.

2023-25

PART 7 ORDERS, ENFORCEMENT AND PENALTIES

ORDERS

65 Every Order issued with respect to a contravention of this bylaw must

- a) indicate the Person to whom the Order is directed,
- b) identify the property or Premises to which the Order relates by municipal address or legal description,
- c) identify the date that it is issued,
- d) identify how the property or Premises fails to comply with this bylaw,
- e) identify the specific provisions of this bylaw that the property or Premises contravenes,
- f) identify the nature of the remedial action required to be taken to bring the property or Premises into compliance with this bylaw or the *Municipal Government Act*, as applicable,
- g) identify the time within which the remedial action required by the Order must be completed,
- h) indicate that if the required remedial action is not completed within the time specified, the chief administrative officer may take whatever action or measures are necessary to remedy the contravention,
- i) indicate that the expenses and costs of any action or measures taken by the chief administrative officer under this Section are an amount owing to the Town by the Person to whom the Order is directed,
- j) indicate that the expenses and costs referred to in this section may be attached to the tax roll of the property if such costs are not paid by a specified time, and

- k) indicate that a review of the Order lies with the Enforcement Appeal Review Committee if an application for review is filed in writing with the municipal clerk within fourteen days of the receipt of the Order.

66 An Order issued pursuant to this bylaw may be served

- a) where the Person to whom the Order is directed is an individual,
 - i) by delivering it personally to the individual,
 - ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age,
 - iii) by delivering it by registered mail to the individual at the place of residence listed on the tax roll for the individual, or
 - iv) by delivering it by registered mail to the last address of the individual who is to be served as shown on the records of the Registrar of Motor Vehicle Services in Alberta;
- b) where the Person to whom the Order is directed is a corporation,
 - i) by delivering it personally to a director or officer of the corporation,
 - ii) by delivering it personally to any person apparently in charge of an office of the corporation at the address held out by the corporation to be its address, or
 - iii) by delivering it by registered mail addressed to the registered office of the corporation;
- c) where the Person to whom the Order is directed is a partnership or association,
 - i) through service on Persons who are partners in the partnership or members in the association;
- d) if, in the opinion of a person serving a Order, service of the Order cannot be reasonably effected, or if the person serving the Order believes that the Person subject to the Order is evading service, the person serving the Order may post the Order
 - i) at a conspicuous place on the Premises to which the Order relates,
 - ii) at the private dwelling place of the Person to whom the Order is directed, as shown on a certificate of the title pursuant to the *Land Titles Act* or on the municipal tax roll,
 - iii) at any other property owned by the Person to whom the Order is directed, as shown on a certificate of title pursuant to the *Land Titles Act* or shown on the municipal tax roll, or

- iv) at any other Premises occupied by the Person to whom the Order is directed, and
- v) the Order shall be deemed to be served upon the expiry of 3 days after the Order is posted.

REVIEW BY COMMITTEE

- 67 The Person to whom an Order is directed or the Owner of a Premises to which an Order relates may request the Enforcement Appeals Review Committee to review the Order by making a written application for review within fourteen days of the date the Order is received.
- 68 Every Person who fails to comply with an Order issued pursuant to this bylaw which has not been rescinded or overturned by the Enforcement Appeals Review Committee commits an offence.

ENFORCEMENT AND PENALTIES

- 69 Any Person who contravenes any provision of this bylaw is guilty of an offence and upon conviction shall be liable for a minimum penalty in accordance with Schedule A of this bylaw, and not exceeding \$10,000.
- 70 Any Person who contravenes any provision of this bylaw for which a penalty is not set out in Schedule A of ~~if~~ this bylaw is liable to a minimum penalty of \$250 for the first offence, \$500 for the second offence and \$1,000 for third and subsequent offences.
- 71 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who a Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 72 A Violation Tag may be issued to such person
 - a) either personally, or
 - b) by mailing a copy to such Person at their last known or registered address.
- 73 The Person to whom a Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Violation Tag.
- 74 If the penalty specified on a Violation Tag has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
- 75 Notwithstanding section 70 of this bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, as amended, to any person who a Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 76 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an

offence is liable to a fine in an amount not less than that established by this bylaw.

**PART 8
ENACTMENT/TRANSITION**

- 77 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.
- 78 Schedule A forms part of this bylaw.
- 79 Section 4 of Enforcement Appeal Review Committee Bylaw 2022-11 is amended
- a) in subsection ii) by striking out “and”,
 - b) in subsection iii) by adding “and” at the end of the section, and
 - c) by adding the following after subsection iii):
 - iv) Community Standards Bylaw 2022-16.
- 80 Noise Bylaw 11-97 is repealed.
- 81 Wildlife Attractant Bylaw 2017-10 and Wildlife Amending Bylaw 2019-23 – Fruit Trees are repealed.
- 82 Sections 87 – 97 of Traffic and Road Use Bylaw 2020-03 are repealed.
- 83 This bylaw comes into force on the date it is passed.

FIRST READING: August 16, 2022

SECOND READING: August 16, 2022

THIRD READING: August 16, 2022

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:

2022-16	Community Standards Bylaw
2023-25	Amendment – Open Doors

SCHEDULE A**PENALTIES**

Section	Description	Penalty
5	Person cause a noise that disturbs the peace of another individual	\$250 — first offence \$500 — second offence \$1000 — third and subsequent offences
6	Owner/occupier allow noise to emanate from premise which disturbs the peace of another individual	\$250 — first offence \$500 — second offence \$1000 — third and subsequent offences
7	Person permit a vehicle located on a premise to emit noise which disturbs the peace of an individual	\$250 — first offence \$500 — second offence \$1000 — third and subsequent offences
8	Owner/occupier permit a vehicle located on a premise to emit noise which disturbs the peace of an individual	\$250 — first offence \$500 — second offence \$1000 — third and subsequent offences
11	Person cause or permit noise exceeding 60 decibels (dBa) in residential area between the hours of 10:00 p.m. and 7:00 a.m.	\$250 — first offence \$500 — second offence \$1000 — third and subsequent offences
12	Owner/occupier allow property they own or occupy to have noise exceeding 60 decibels (dBa) in residential area between the hours of 10:00 p.m. and 7:00 a.m.	\$250 — first offence \$500 — second offence \$1000 — third and subsequent offences
20	Person cause or permit construction activity during prohibited times	\$250 — first offence \$500 — second offence \$1000 — third and subsequent offences
25	Person operate outdoor speakers between the hours of 10:00 p.m. and 7:00 a.m.	\$250 — first offence \$500 — second offence \$1000 — third and subsequent offences
54	Person or Owner store, collect, handle or dispose of wildlife attractants so that they are accessible to or may attract wildlife	\$250 — first offence \$500 — second offence \$1000 — third and subsequent offences
55	Person permit wildlife attractant to be place or remain outdoors accessible to wildlife	\$250 — first offence \$500 — second offence \$1000 — third and subsequent offences
57	Person feed wildlife	\$250 — first offence \$500 — second offence \$1000 — third and subsequent offences
58	Person feed any animal in a manner that is likely to attract wildlife	\$250 — first offence \$500 — second offence

Section	Description	Penalty
		\$1000 — third and subsequent offences
59	Person place birdfeeder between April 1 and November 30	\$250 — first offence \$500 — second offence \$1000 — third and subsequent offences
62	Person apply graffiti	\$250 — first offence \$500 — second offence \$1000 — third and subsequent offences

Section	Description	Penalty
55.1	Person or Owner permit or allow a Wildlife Attractant to be placed or remain in an outdoor location where it attracts Dangerous Wildlife	\$1,000 – first offence \$2,500 – second offence \$5,000 – third and subsequent offences
57	Person feed Wildlife	\$1,000 – first offence \$2,500 – second offence \$5,000 – third and subsequent offences



Request for Decision

DATE OF MEETING: June 4, 2024 **Agenda #: G 4**

TO: Council

SUBJECT: Traffic and Road Use Bylaw Amendment – Quarry Lake Early Parking Fine and Camping in Vehicle

SUBMITTED BY: Greg Burt, Supervisor of Municipal Enforcement

RECOMMENDATION: That Council give first reading to Traffic and Road Use Bylaw Amendment 2024-16 – Quarry Lake Early Parking Fine and Camping in Vehicle.

That Council give second reading to Traffic and Road Use Bylaw Amendment 2024-16 – Quarry Lake Early Parking Fine and Camping in Vehicle.

That Council give leave for third reading of Traffic and Road Use Bylaw Amendment 2024-16 – Quarry Lake Early Parking Fine and Camping in Vehicle.

That Council give third reading to Traffic and Road Use Bylaw Amendment 2024-16 – Quarry Lake Early Parking Fine and Camping in Vehicle.

EXECUTIVE SUMMARY

Administration is proposing amendments to the Traffic and Road Use Bylaw to help achieve greater compliance with the paid parking program at Quarry Lake and to give Peace Officers another enforcement tool to address illegal camping in vehicles in Canmore when there is a large number of offences observed or the occupants refuse to open their door and speak with a Peace Officer.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

On December 5, 2023, Council approved the 2024 budget amendments which included a rate increase to peak season parking at Quarry Lake to \$10 per hour, with a minimum time allotment of 2 hours.

On March 3, 2020, Council approved Camping Bylaw 2020-04.

DISCUSSION

Quarry Lake Fine Amounts

The Traffic and Road Use Bylaw 2020-03 currently sets the fines for parking in a controlled zone without making payment, or for parking longer than paid for, at \$45 if paid within seven days and \$90 after seven days. With the increase to the rate at Quarry Lake to \$10 per hour (with a minimum of 2 hours increments),

the \$45 early fine option would be cheaper to pay than paying for parking durations of 6 hours or longer. The proposed bylaw creates specific sections related to Quarry Lake that do not include the early fine payment option. The intent is to create a reasonable fine amount that encourages compliance and is a proportionate penalty when a violator is caught contravening a bylaw.

For reference, in 2023, during peak season, 496 tickets were issued at Quarry Lake for parking without making payment and 38 were issued for parking longer than payment made. The average paid parking session in 2023, during peak season was 144 minutes. Paid parking is in effect at Quarry Lake from 7am to 10pm (park hours).

Camping/sleeping in vehicles

The Camping Bylaw prohibits people from camping on highways, parking lots, Town of Canmore parks and land developed or used for public utilities between the hours of 10:00pm and 8:00am. During the summer months, Peace Officers conduct daily early morning patrols of the above noted locations with a focus on conducting education and enforcement of the Camping Bylaw. No camping signs are clearly posted at all entrances to town and many parking lots are signed for no overnight camping. Peace Officers routinely attempt to contact individuals sleeping or camping in their vehicles to ascertain why they were camping and to provide details about the Town's Safe Park program when appropriate. However, there are times when Peace Officers have difficulty contacting the individuals sleeping in the vehicles. Due to the current wording in the Camping Bylaw, Peace Officers cannot issue tickets to the vehicle because they need to be issued to the occupant.

The Camping Bylaw reads:

5. No Person shall park or stop a Vehicle or Trailer on any Highway or part of Highway, Town right-of-way or Public Place between the hours of 10:00 p.m. and 8:00 a.m. for the purpose of sleeping in the vehicle or trailer, or sleep in a vehicle or trailer so parked or stopped during those times, except where a sign authorized by the Town or other traffic control device indicates that a place may be used for that purpose.

The new addition to the Traffic and Road Use Bylaw is very similar and reads:

42.2 No person or owner shall park or stop a recreational vehicle, vehicle or trailer on any highway or part of highway, or Town right of-way between the hours of 10:00 p.m. and 8:00 a.m. for the purpose of sleeping in the recreational vehicle, vehicle or trailer, or sleep in a recreational vehicle, vehicle or trailer so parked or stopped during those times, except where a sign authorized by the Town or other traffic control device indicates that a place may be used for that purpose.

The proposed addition to the Traffic and Road Use Bylaw will allow Peace Officers to issue a ticket with the same fine amount in the Camping Bylaw to the vehicle instead of the individuals camping refuse to exit the vehicle to identify themselves. For reference 77 tickets and 51 warnings were issued in 2023 for camping bylaw offences.

ANALYSIS OF ALTERNATIVES

None.

FINANCIAL IMPACTS

There are no financial impacts associated with the proposed amendments to the Traffic and Road Use Bylaw.

STAKEHOLDER ENGAGEMENT

Internal stakeholder engagement took place with the Paid Parking Coordinator and Municipal Enforcement Officers.

The Rocky Mountain Heritage Foundation has requested the Town of Canmore ensure greater compliance with the paid parking program at Quarry Lake.

ATTACHMENTS

- 1) Traffic and Road Use Bylaw Amendment 2024-16 – Quarry Lake Early Parking Fine and Camping in Vehicle. Traffic and Road Use Bylaw 2020-03 REDLINE

AUTHORIZATION

Submitted by:	Greg Burt Supervisor of Municipal Enforcement	Date:	<u>May 13, 2024</u>
Approved by:	Caitlin Miller Manager of Protective Services	Date:	<u>May 13, 2024</u>
Approved by:	Scott McKay General Manager, Municipal Services	Date:	<u>May 16, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date:	<u>May 28, 2024</u>

BYLAW 2024-16

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO
AMEND THE TRAFFIC AND ROAD USE BYLAW 2020-03**

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 Traffic and Road Use Bylaw Amendment 2024-16 – Quarry Lake Early Parking Fine and Camping in Vehicle.

INTERPRETATION

- 2 Words defined in Bylaw 2020-03 shall have the same meaning when used in this bylaw.

PROVISIONS

- 3 Bylaw 2020-03 is amended by this bylaw.

- 4 The following is added after Section 42.1:

42.2 No person or owner shall park or stop a recreational vehicle, vehicle or trailer on any highway or part of highway, or Town right of-way between the hours of 10:00 p.m. and 8:00 a.m. for the purpose of sleeping in the recreational vehicle, vehicle or trailer, or sleep in a recreational vehicle, vehicle or trailer so parked or stopped during those times, except where a sign authorized by the Town or other traffic control device indicates that a place may be used for that purpose.

- 5 The following is added after Section 50:

50.1 No owner or driver of a vehicle shall leave the vehicle stopped in the Quarry Lake controlled pay parking zone specified in Schedule C:

- (a) without registering or making any required payment, or
- (b) for longer than the period of time for which payment is made.

- 6 Schedule A is amended by adding the following items:

- a) Add the following after row “42” and before row “43”:

42.1	Person/Owner park rv/vehicle or trailer on a highway between the hours of 10:00pm and 8:00am for purposes of sleeping	n/a	\$100
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Bylaw approved by: _____

b) Add the following after row “47” and before row “51(a)”:

50.1 (a)	Park in Quarry Lake controlled pay parking zone without making payment	n/a	\$90
50.1 (b)	Park in Quarry Lake controlled pay parking zone for longer than payment made	n/a	\$90

7 The following is added following Schedule B:

Schedule C – Quarry Lake Controlled Parking Zone



ENACTMENT/TRANSITION

8 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.

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

FIRST READING:

SECOND READING:

THIRD READING:

Bylaw approved by: _____

Approved on behalf of the Town of Canmore:

Sean Krausert
Mayor

Date

Cheryl Hyde
Manager, Municipal Clerk's Office

Date

Bylaw approved by: _____

BYLAW 2020-03 REDLINE
Office Consolidation Current as of August 17, 2022

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA,
TO CONTROL AND REGULATE TRAFFIC, PARKING, AND
THE USE OF ROADS AND PUBLIC PLACES**

WHEREAS the *Traffic Safety Act RSA 2000 Chapter T-6* as amended authorizes council to make bylaws that are not inconsistent with that Act; and

WHEREAS the *Municipal Government Act RSA 2000 Chapter M-6* as amended authorizes council to pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; people, activities and things in, on or near a public place or place that is open to the public; and transport and transportation systems;

NOW THEREFORE The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts:

TITLE

1. This bylaw shall be known as the Traffic and Road Use Bylaw.

INTERPRETATION

2. Words which have been defined in the Traffic Safety Act and its regulations, the Municipal Government Act, and/or the Interpretation Act shall have the same meaning when used in this bylaw unless otherwise defined in section 3. A glossary of these words is attached as Schedule B; where there is a discrepancy between the glossary and a provincial statute, the definition in the statute shall apply.
3. In this bylaw,
 - (a) “bicycle” means:
 - (i) any cycle propelled by human muscular power upon which a person may ride, regardless of the number of wheels that the cycle may have; and
 - (ii) a pedal electric bicycle.
 - (b) “controlled pay parking zone” means that portion of a street or parking lot where parking is subject to payment and regulation in accordance with the applicable traffic control device or permitting in accordance with this bylaw.

2022-08
 - (b.1) “controlled resident parking zone” means that portion of a street or parking lot where parking is subject to regulation in accordance with the applicable traffic control device or permitting in accordance with this bylaw.

2022-08

- (c) “curb” means the concrete or asphalt edge of a roadway or the division point between the roadway and a boulevard or sidewalk.
 - (d) “cycle crossing” means a crossing designated exclusively for the use of people riding bicycles or anyone permitted by this bylaw to use an exclusive bicycle lane.
 - (e) “dispose” means discharge, dump, place, throw, drop, discard, abandon, spill, leak, pour, emit, or empty.
 - (f) “dwelling unit” has the same meaning as set out in the Town of Canmore Land Use Bylaw as amended.
 - (f.1) “e-scooter” means an electric powered vehicle that
 - (i) consists of a footboard mounted on one or more wheels and may include a long steering handle,
 - (ii) is designed to be operated from the standing position, and
 - (iii) while capable of being propelled by muscle power, may be propelled by one or more electric motors.
- 2022-08
- (g) “multi-use crossing” means a crossing designated for pedestrians and people riding bicycles.
 - (h) “multi-use trail” means:
 - (i) any asphalt pathway or natural trail or pathway under the control of the Town; and
 - (ii) any concrete sidewalk designated as a multi-use trail by a traffic control device.
 - (h.1) “notice of administrative penalty” specifically refers to a notice of administrative penalty issued in accordance with the *Provincial Administrative Penalties Act*, as amended, and the regulations thereunder.
- 2022-08
- (i) “occupant” means the person residing or carrying on business within any premises, as a lessee of the owner or pursuant to a licence of occupation granted by the owner.
 - (i.1) “parking permit” means a parking permit issued by the chief administrative officer in accordance with this bylaw.
- 2022-08
- (j) “pedal electric bicycle” means a bicycle where the rider’s pedaling is assisted by a small electric motor which is activated by a sensors only when the bicycle is pedaled.
 - (k) “private property” means land owned in fee simple, held under a lease, sub-lease or license of occupation and is controlled by an individual or business.

- (l) “public place” means any land owned or leased by the municipality, other than a highway, that the public is ordinarily entitled or permitted to use and includes:
 - (i) parks, as defined in the Parks Bylaw, as amended,
 - (ii) parking lots, and
 - (iii) land developed, used or managed by the Town for public utilities.
- (m) “recreational vehicle or recreation trailer” means a motor vehicle or trailer designed or used for travel with temporary living accommodation for vacations or camping purposes.
- (n) “special event” means any activity or event that is open to, or intended to attract, the general public;
- (o) “Town” means the Town of Canmore in the Province of Alberta or the land lying within the corporate limits of the Town, as the context requires.
- (p) “violation tag” means a municipal tag or similar document issued by a peace officer in relation to an offence under this bylaw,
- (q) “violation ticket” means a ticket issued pursuant to the Provincial Offences Procedures Act, as amended, and the regulations thereunder.
- (r) “written permission” means the explicit approval of the chief administrative officer through a written permit or agreement.

PART 1: TRAFFIC

OPERATION OF VEHICLES

- 4. No person shall operate a vehicle on a sidewalk, pathway, or trail, except where:
 - (a) there is a lane or prepared crossing,
 - (b) written permission has been granted from the Town, or
 - (c) operation is permitted elsewhere in this bylaw.
- 5. No person shall drive a vehicle into any intersection or crosswalk unless there is sufficient space to allow the vehicle to clear the intersection or crosswalk.
- 5.1 No owner of a vehicle or driver shall stop a vehicle or permit a vehicle to be left upon any highway in such a manner that as to obstruct traffic, unless the obstruction is unavoidable due to mechanical failure of a vehicle, provided the owner or driver of the vehicle promptly takes measures to remove the vehicle from the highway.

2022-08

6. No person shall drive a vehicle on a roadway with more than one vehicle in tow, except for a truck combination consisting of a truck tractor and two trailers, one of which is attached to the other, where the arrangement complies with all the requirements of the *Traffic Safety Act*, as amended.
7. No person shall operate a commercial passenger bus with a capacity to carry more than 24 people on a roadway other than on a roadway designated by the chief administrative officer, unless operated on the most direct and practicable route between the passenger loading location and the nearest approved roadway.
8. Any vehicle in a funeral procession, except the lead vehicle, may during daylight hours enter an intersection without stopping if:
 - (a) The vehicle's headlamps and hazard warning lamps are alight;
 - (b) The vehicle is travelling immediately behind the vehicle in front of it in the funeral procession so as to form a continuous line of traffic;
 - (c) The lead vehicle in the funeral procession is showing a purple flashing light; and
 - (d) The passage into the intersection can be made in safety.

HEAVY AND OVERSIZED VEHICLES

9. Unless issued written permission from the Town, no owner of a vehicle or driver shall:
 - (a) Operate a vehicle, other than a recreational vehicle, with a registered gross vehicle weight rating in excess of 4,500 kilograms on a roadway which is not designated as a truck route by the chief administrative officer, unless operated on the most direct and practicable route between the delivery, pick-up or other location concerned and the nearest truck route;
 - (b) Park a vehicle, other than a recreational vehicle, with a registered gross vehicle weight rating in excess of 4,500 kilograms on a roadway which is not designated as a truck parking zone by the chief administrative officer, unless it is:
 - (i) parked for the purposes of delivering or collecting goods to or from a premises for a duration of less than four hours; or
 - (ii) parked for construction purposes in accordance with the Land Use Bylaw, as amended.
 - (c) Operate a vehicle which exceeds a length of 23 metres, a height of 4.1 metres, or a width of 2.6 metres on a roadway which is not designated as a truck route by the chief administrative officer, unless the vehicle is:
 - (i) operated on the most direct and practicable route between the delivery, pick-up or other location concerned and the nearest truck route; or
 - (ii) operated in accordance with section 43 of this bylaw.

10. No person shall apply or engage engine retarder brakes within the limits of the Town.

BICYCLES

11. No person over the age of 12 shall ride a bicycle on a sidewalk unless:

- (a) A traffic control device indicates otherwise, or
- (b) That person is accompanying a person 12 years of age or younger.

11.1 No person shall ride a bicycle on a sidewalk on Main Street from 8 Avenue to 6 Avenue.

12. Bicycles are permitted on multi-use trails.

13. A person riding a bicycle on a sidewalk, multi-use trail, or in a closure/special event area shall yield the right of way to pedestrians

2021-11

14. A person riding a bicycle through a multi-use or cycle crossing shall yield the right-of-way to vehicles unless right-of-way is otherwise indicated by a traffic control device.

15. No person shall operate any electrically powered vehicle on a sidewalk or multi-use trail unless otherwise authorized by this bylaw.

16. No person shall store items other than bicycles and bicycle accessories in bicycle lockers.

17. No person shall store items in a bicycle locker for a period longer than 24 hours.

18. No person shall store a bicycle on a bicycle rack for a period longer than 72 hours.

19. Notwithstanding anything to the contrary contained in this or any bylaw, a Peace Officer may operate a bicycle while on duty on a highway or public place where the use of bicycles by the general public is prohibited or restricted.

EXCLUSIVE BICYCLE LANE

20. Only persons operating bicycles and non-motorized vehicles are permitted in exclusive bicycle lanes with the exception of:

- (a) a pedestrian on foot crossing the exclusive bicycle lane;
- (b) a pedestrian using a mobility aid;
- (c) a person operating an emergency vehicle;
- (d) a person operating a vehicle operated by the Town for Town purposes; or

- (e) a person operating a vehicle which has received authorization from the chief administrative officer to be operated, stopped or parked in an exclusive bicycle lane.
21. Notwithstanding section 20, a person may drive a vehicle across an exclusive bicycle lane:
- (a) to enter or exit from adjacent driveways or intersecting streets; or
 - (b) to enter or exit from existing parking structures, on-street parking spaces or parking lots adjacent to an exclusive bicycle lane.
22. A person other than a pedestrian who is about to enter onto a roadway or sidewalk from an exclusive bicycle lane or multi-use trail must yield before entering the roadway or sidewalk, unless the intersection is marked with a stop sign.
23. A person using an exclusive bicycle lane in accordance with section 20 must yield the right of way to a pedestrian crossing in a designated crosswalk.

OTHER VEHICLES

24. No person over the age of 12 shall roller skate, in-line skate, skateboard or ride a scooter or other non-motorized vehicle on a sidewalk unless:
- (a) A traffic control device indicates otherwise, or
 - (b) That person is accompanying a person 12 years of age or younger.
25. Use of roller skates, in-line skates, skateboards, scooters and other non-motorized vehicles are permitted on multi-use trails.
- 25.1 Use of e-scooters is permitted on multi-use trails. 2022-08
26. A person using roller skates, in-line skates, skateboards, scooters or other non-motorized vehicles on a sidewalk or multi-use trail shall yield the right of way to pedestrians.
- 26.1 A person using an e-scooter on a multi-use trail shall yield the right of way to pedestrians. 2022-08
27. No person shall cling to or attach themselves or their conveyance to a vehicle on a highway or within a public place. 2022-08

PEDESTRIANS

28. No pedestrian shall cross a roadway at a point where a traffic control device prohibits such crossing.
29. A pedestrian who is crossing an exclusive bicycle lane at any point other than in a crosswalk must yield the right of way to bicycles.

30. A pedestrian shall not stand or be in any other position on a highway so as to obstruct the entrance to a building, unless that pedestrian is participating in or assembled to watch a special event for which written permission has been issued pursuant to this bylaw.

PART 2: PARKING

GENERAL PARKING RESTRICTIONS

31. Unless required or permitted by this bylaw, by written permission, by a traffic control device, or in compliance with the directions of a peace officer, or to avoid conflict with other traffic, no owner of a vehicle or driver shall leave a vehicle stopped:
- (a) where a traffic control device prohibits stopping or parking;
 - (b) for any period longer than is designated and marked by the applicable traffic control device;
 - (c) in the entranceway, ramps, or gated access to any fire hall, ambulance station, emergency vehicle lane, marked fire lane or in any other manner so as to interfere with the proper operation of and access of emergency vehicles;
 - (d) where the vehicle will, in any way, interfere with the use of a doorway intended as a fire or emergency exit, or marked on the exterior as a fire or emergency exit;
 - (e) upon any land owned by the Town which is used as a playground, a recreation area, a public park, a grassed or seeded boulevard, or a multi-use trail;
 - (f) in any parking space upon Town owned property where such space has been reserved for vehicles operated by Town employees;
 - (g) on any Town owned or operated parking lot in contravention of the prohibitions stated on any traffic control devices posted in said parking lots;
 - (h) if the vehicle has a wheelbase greater than 270 centimetres, in a parking space designated for “small cars only;”
 - (i) in front of or within 7 metres of the side of any animal proof waste or recycling container;
 - (j) in any bus stop, taxi stand, passenger loading zone, or in any other place or area where a traffic control devices indicates that parking is restricted to a certain class of vehicles, unless the vehicle is a member of the exempt class
 - (k) in any loading zone marked by a traffic control device, except any commercial vehicle lawfully engaged in loading or unloading merchandise;
 - (l) unless for an emergency, for the purpose of servicing or repairing the vehicle, or

- (m) in excess of 72 consecutive hours on a highway.
32. Unless required or permitted by this bylaw, by written permission, by a traffic control device, or in compliance with the directions of a peace officer, or to avoid conflict with other traffic, no owner of a vehicle or driver shall leave a vehicle stopped:
- (a) on a sidewalk;
 - (b) on a crosswalk or on any part of a crosswalk;
 - (c) within 5 metres from the near side of a marked crosswalk;
 - (d) within 5 metres from any fire hydrant, or when the hydrant is not located at the curb, within 5 metres from the point of the curb nearest the hydrant;
 - (e) at an intersection nearer than 5 metres to the projection of the corner property line immediately ahead or immediately to the rear, except when the vehicle is parked in a space where a parking meter or other traffic control device indicated parking is permitted;
 - (f) within an intersection other than immediately next to the curb in a “T” intersection;
 - (g) within 5 metres on the approach to a stop or yield sign;
 - (h) within 1.5 metres from an access to a garage, private road, or driveway or a vehicle crossway over a sidewalk;
 - (i) on any bridge or in any underpass or on the approaches to either of them; or
 - (j) on the roadway side of a vehicle that is parked or stopped at the curb or edge of roadway.
33. No owner of a vehicle or driver shall leave a vehicle standing in a parking space designated as being for the use of disabled persons without having a placard issued by the Motor Vehicles Branch of the Alberta Government as a vehicle operated or used by the identified disabled person;
34. An owner of a vehicle or driver parking a vehicle in a parking space designated by painted lines shall ensure the vehicle remains wholly within the limits of the parking space designated by the painted lines.
35. A person being in charge or control of a new or used car dealership, garage, service station, radio shop or other premises where repairs or installations are made to vehicles for compensation, shall not leave, cause or suffer or permit to be left on any roadway or public place a vehicle which is left in his possession for carrying out of repairs or making installations or for any other purpose whatsoever.
36. No owner of a vehicle or driver shall park a vehicle in an alley except:

- (a) while engaged in the loading or unloading of goods from a commercial vehicle for a period not exceeding 30 minutes;
 - (b) while engaged in the load or unloading of goods or passengers from a vehicle other than a commercial vehicle, for a period not exceeding 5 minutes, provided that the vehicle concerned does not obstruct the safe passage of other vehicles or persons along the alley; or
 - (c) where authorized by a traffic control device.
37. No owner of a vehicle or driver shall load or unload goods or merchandise across a sidewalk or boulevard into a premise where alternate, non-obstructing loading and unloading facilities for the premise have been provided.
38. No operator or owner of a taxicab shall leave a taxicab unattended in a taxi stand for longer than ten minutes.
39. No owner of a vehicle or driver shall park a passenger bus with a capacity to carry more than 15 people on a highway within the town except at such locations as have been designated by a traffic control device.
40. No owner of a vehicle or driver shall park or leave his vehicle at a standstill with the engine running or idling anywhere within the Town for more than 5 minutes.
41. Where parallel parking is allowed, a person shall park their vehicle with:
- (a) the sides of the vehicle parallel to the curb or edge of the roadway; and
 - (b) the right hand wheels of the vehicle not more than 500 millimetres from the right hand curb or edge of the roadway or;
 - (c) in the case of a one-way highway where parking on either side is permitted, with the vehicle wheels closest to a curb or edge of the roadway not more than 500 millimetres from that curb or edge and with the vehicle facing the direction that travel is authorized for that highway.
42. No owner or driver shall park a vehicle or permit a vehicle to be parked on privately owned property to which vehicles driven by members of the public generally have access unless the permission or authorization of the owner of the private property or a person having lawful possession or control of the privately owned property has been given for such parking.
- 2022-08
- 42.1 Section 42 applies only where the privately owned property has been clearly identified as having restrictions on parking.
- 2022-08
- 42.2 No person or owner shall park or stop a recreational vehicle, vehicle or trailer on any highway or part of highway, or Town right of-way between the hours of 10:00 p.m. and 8:00 a.m. for the purpose of sleeping in the recreational vehicle, vehicle or trailer, or sleep in a recreational vehicle,

vehicle or trailer so parked or stopped during those times, except where a sign authorized by the Town or other traffic control device indicates that a place may be used for that purpose.

RECREATIONAL VEHICLES AND TRAILERS

43. No owner of a vehicle or driver shall park a recreational vehicle or a recreational trailer attached to a motor vehicle between midnight and 8 a.m. on a roadway or public place other than a campground unless:
 - (a) it is parked on the area of the street immediately adjoining the owner or operator's place of residence;
 - (b) it is parked for a period no longer than 36 consecutive hours;
 - (c) it has not been parked in an area of the street immediately adjoining the owner or operator's place of residence at any time during the preceding 48 hour period.
44. No owner of a vehicle or driver shall park a recreational vehicle or a recreational trailer attached to a motor vehicle on a roadway in such a manner as to constitute a hazard to other persons.
45. No owner of a vehicle or driver shall extend any projections from a recreational vehicle or recreational trailer while parked on a roadway.
46. No owner of a vehicle or driver shall leave parked on any roadway or public place between midnight and 8 a.m. a trailer, a semi-trailer or mobile equipment attached to a vehicle where the length of the two vehicles combined exceeds 10 metres.
47. No owner of a vehicle or driver shall leave parked on any roadway or public place a trailer, a semi-trailer, mobile equipment or any vehicle which has been detached from the vehicle which is used to draw it.
48. When attached to the vehicle which is used to draw it, the trailer, semi-trailer or mobile equipment shall be deemed to be a part of the vehicle and subject to the regulations and provisions of this bylaw and the *Traffic Safety Act*, as amended.

CONTROLLED PAY PARKING ZONE

49. When parking in a controlled pay parking zone, the owner or driver of a vehicle shall register for the use of the parking space in the controlled pay parking zone immediately after parking in accordance with the instructions on the payment terminal or given by the cellular phone payment service or other payment service as may be designated by the Town.

2022-08
50. Where parallel parking is permitted, a vehicle or combination of a vehicle and attached trailer may be parked in two adjoining spaces, both parallel to the curb in a controlled pay parking zone, if the owner or driver of the vehicle has registered payment for both the vehicle and the trailer.

2022-08

50.1 No owner or driver of a vehicle shall leave the vehicle stopped in the Quarry Lake controlled pay parking zone specified in Schedule C:

- (a) without registering or making any required payment, or
- (b) for longer than the period of time for which payment is made.

51. No owner or driver of a vehicle shall leave the vehicle stopped in a controlled pay parking zone:

- (a) without registering or making any required payment,
- (b) for longer than the period of time for which payment is made; or
- (c) contrary to the terms and conditions of any permit or pass issued for parking in a controlled pay parking zone.

2022-08

CONTROLLED RESIDENT PARKING ZONE

51.1 No owner or driver of a vehicle shall park in a controlled resident parking zone without a valid parking permit.

2022-08

PARKING PERMITS

52. A vehicle for which a valid and subsisting parking permit has been issued may be parked in a controlled pay parking zone and be exempt from sections 49 and 51 provided the vehicle is parked in accordance with the conditions of the permit and in the zone for which the permit was issued.

2022-08

52.1 A vehicle for which a valid and subsisting parking permit has been issued may be parked in a controlled resident parking zone and may be exempt from section 51.1. provided the vehicle is parked in accordance with the conditions of the permit and in the zone for which the permit was issued.

2022-08

53. The owner or operator of a vehicle that

- (a) has a valid Alberta vehicle registration showing a physical address in Canmore, or
 - (b) owns, but does not permanently reside in, a dwelling unit in Canmore, or
 - (c) meets the eligibility requirements of any overnight parking or reasonably comparable program established by the Town, or
 - (c.1) meets any other eligibility requirements set by the chief administrative officer
- is eligible to apply to the Town for a parking permit.

2022-08

54. A person applying for a parking permit must submit an application to the chief administrative officer on a form supplied by the Town.
55. The chief administrative officer is authorized to create parking permit regulations including but not limited to:
- (a) maximum number of permits per dwelling unit;
 - (b) parking permit fees;
 - (c) types and sizes of vehicles for which a permit will be granted;
 - (d) programs for overnight parking established by the Town;
 - (e) locations that permit holders are permitted to park; and
 - (f) duration and expiry of permits.
56. The chief administrative officer, upon being satisfied that:
- a) either
 - i) a person resides on a parcel of land or directly adjacent to a parcel of land where controlled spaces have been designated, or
 - ii) owns, but does not reside in, a dwelling unit on a parcel of land or directly adjacent to a parcel of land where controlled spaces have been designated, or
 - iii) meets the eligibility requirements of any overnight parking or reasonably comparable program established by the Town, and
 - b) that meets the requirements as set out in this Bylaw and the regulations established by the chief administrative officer,
- may issue a parking permit for the vehicle owned or operated by that person.
57. Any person who relies on a permit has the onus of proving that they were the holder of valid and subsisting permit.

2022-08

EXCEPTIONS TO PARKING RESTRICTIONS

58. The provisions of this bylaw relating to stopping or parking of vehicles and the restriction of idling vehicles do not apply to any of the following vehicles while being used in work requiring that the vehicle be stopped or parked and idling:
- (a) emergency and automated traffic enforcement vehicles;

- (b) vehicles used in conjunction with the servicing of public utilities including telephone systems, electric systems, natural gas systems and cable vision systems;
- (c) municipal and other government public works vehicles; or
- (d) towing service vehicles.

2022-08

- 59. The provisions of this bylaw relating to stopping or parking vehicles in controlled spaces do not apply to municipal government vehicles.
- 60. Where the operator of a vehicle stops, stands or parks pursuant to section 58, contrary to other provisions of this bylaw, they shall take due precautions to indicate the presence of such vehicle on a highway while so parked or stopped.
- 61. The provisions of this bylaw relating to the restriction of idling vehicles do not apply to a refrigeration vehicle, delivery vehicle, or taxi that, while in use for its commercial purpose, complies with the stopping and parking requirements of this bylaw.

PART 3: HIGHWAY USE AND MAINTENANCE

GENERAL HIGHWAY USE

- 62. No person shall stop or restrict pedestrians, cyclists or vehicles in the lawful use of a highway or public place, unless written permission has been issued authorizing use of a highway or public place, or a portion of either.
- 63. No person shall undertake any of the following activities on any portion of a highway or public place unless authorized by the Land Use Bylaw, as amended, or by written permission:
 - (a) placement of any building materials or building tools or machinery or construction device,
 - (b) parking, leaving, standing, or stationing a mobile crane or other mobile building construction machine,
 - (c) leave standing a portable garbage or recycling container,
 - (d) placement of scaffolding,
 - (e) excavation/breaking up the surface of a roadway or public place,
 - (f) placement of a pole or a guywire, or other means of support for a pole,
 - (g) placement of a vending machine,
 - (h) placement of a sign,

- (i) commercial filming,
 - (j) a special event,
 - (k) the sale or offer for sale of any goods or services,
 - (l) busking, and
 - (m) installation of sidewalk seating/café.
64. Where an activity requires the partial or complete closure of a highway or public place, the applicant may, at the discretion of the chief administrative officer, be required to:
- (a) pay all costs incurred by the Town in connection with the activity, including advertising, signage, barricading and labour; and
 - (b) provide evidence of general liability insurance coverage for a minimum amount of two million (\$2,000,000) dollars to cover any loss, claim, liability, or damage of any kind which is suffered by any person using the roadway or public place by reason of the existence or presence of the activity, under which the Town shall be named an additional insured.
65. Notwithstanding section 63, a utility company may proceed with an excavation prior to obtaining written permission in emergency situations where services must be restored to the public.
66. No person shall distribute advertising material on any portion of a highway or public place.

SIGNS

67. Unless a receptacle or structure has been provided for the express purpose of posting of notices or advertising, as in the case of a kiosk or notice board, no person shall post, exhibit, or cause to be posted or exhibited, any notice, bill, placard, pamphlet, leaflet, notice, or printed matter to or on any highway or public place including:
- (a) a building or structure of any nature that is the property of the Town;
 - (b) any traffic control device; or
 - (c) a bridge, fence, post, sign post, roadway light pole, electric pole, railing, monument, overpass, or receptacle of any kind that is the property of the Town.
68. Subject to any contrary provisions in the Land Use Bylaw, no sign shall:
- (a) obstruct the free and clear vision of vehicular or pedestrian traffic,
 - (b) be located or display any colours, where it may interfere with or be confused with a traffic control device,

- (c) be attached to any Town signpost or traffic control device, or
- (d) otherwise create a traffic hazard.

PROTECTION OF SURFACES

- 69. No owner of a vehicle or driver shall drive, operate, or permit any tractor, tracked vehicle or machinery of any kind with cleats, with or without lugs attached to such vehicle, upon a highway unless proper means are taken to protect the highway or prevent any damage to the highway.
- 70. No person shall tamper with or remove a manhole cover or valve cover from a highway.
- 71. A registered owner or operator of a vehicle shall not permit engine or transmission fluids, or vehicle fluids of any type, from being discharged onto a highway or public place. If such a discharge occurs, the registered owner of the vehicle shall remove the fluid from the highway or public place promptly.
- 72. A vehicle found to be leaking engine, transmission or other chemical fluids or fluids of any type shall be deemed to constitute a danger to public safety and may be removed by the Town without notice and taken to a place of storage, and returned to the owner upon payment of any costs for removal and storage.
- 73. No person shall direct a flow of water onto or across any portion of a highway from a private property adjacent to a highway.
- 74. No person shall permit or allow soaps or solvents, petroleum products, mud, dirt, or other construction debris to be tracked or drained onto a roadway from their business premises, or property that they own or lease.
- 75. No person shall wash vehicles so as to result in mud, slush, or any non-biodegradable substance upon any town highway
- 76. No person, in the course of developing private land, shall alter the existing grade of an adjacent highway unless authorized by written permission.

PRIVATE PROPERTY OBSTRUCTIONS

- 77. No person shall place an electrical cord, hose, chain, or other similar obstruction upon or across any portion of a highway.
- 78. No person shall place or dispose of any material on any portion of a highway, unless the material consists of sand, gravel, or de-icer placed only upon an icy portion of a sidewalk to minimize the danger of slippery conditions.

79. An owner of a dwelling unit or commercial unit within a structure shall be deemed responsible for any object disposed of from within the premises of such unit onto any portion of a highway adjacent to the premises.
80. The owner or occupant of any private property adjacent to a highway shall not allow any hedge, shrub or tree which may overhang from such property to interfere with pedestrians or the sight-line of vehicular traffic lawfully using such highway.
81. An owner or occupant of any private property shall be liable for damage to municipal infrastructure caused by the roots of any hedge, shrub, or tree planted on property owned or occupied by them.
2022-08

DRIVEWAYS

82. Every owner or occupant of a premises who, for the purpose of entering the premises, is required to drive a vehicle across a sidewalk or boulevard, or both, where no crossing is constructed, shall obtain written permission and cause a crossing to be constructed at the expense of the owner or occupant.
83. No owner or occupant shall prepare, construct, commence or attempt to prepare or construct a driveway between the roadway and their own property, whether such driveway is merely excavated, built-up, filled or strengthened with rock or gravel, paved with concrete or asphalt, or any other preparation unless written permission is received prior to commencement of the work.
2022-08
84. No owner or occupant shall paint, damage, cut away, break or remove any portion of a curb or sidewalk without written permission.
85. No owner or occupant shall use a boulevard as a driveway without written permission.

SHOPPING CARTS

86. All retail outlets or stores of any nature that provide shopping carts shall:
 - (a) not permit a person to remove such shopping cart from the legal boundaries of the parking lot or the property where such retail outlet or store is located, and
 - (b) have the name of such retail outlet or store displayed on each shopping cart for identification purposes, and
 - (c) ensure any shopping cart abandoned outside of the retail or store property is returned to the store within twenty-four (24) hours of being notified by the Town to do so.
87. Repealed 2022-16
88. Repealed 2022-16
89. Repealed 2022-16
90. Repealed 2022-16
91. Repealed 2022-16
92. Repealed 2022-16

- 93. Repealed 2022-16
- 94. Repealed 2022-16
- 95. Repealed 2022-16
- 96. Repealed 2022-16
- 97. Repealed 2022-16

BOULEVARD MAINTENANCE

- 98. The owner or occupant of any private property adjacent to a boulevard that is sown to grass or where there is grass growing naturally shall cut such grass at such regular intervals as are necessary to keep the boulevard in a tidy and attractive condition and shall control weeds.
- 99. No owner or occupant of private property adjacent to a highway shall plant any trees, plants, or shrubbery of any nature on the boulevard without first obtaining written permission.

PART 4: AUTHORITY AND ENFORCEMENT

DELEGATION OF AUTHORITY

- 100. The chief administrative officer is authorized to:
 - (a) prescribe speed limits;
 - (b) temporarily close any portion of a highway or public place as deemed necessary;
 - (c) locate traffic control devices;
 - (d) designate portions of sidewalks as multi-use trails;
 - (e) designate multi-use crossings and cycle crossings, and shall mark these crossings with traffic control devices;
 - (f) designate any portion of a highway or public place as an exclusive bicycle lane;
 - (g) establish time limits for parking;
 - (h) establish parking zones for the exclusive use of special classes of vehicles which, without restricting the generality of the foregoing, may include taxis, buses, and disabled persons' vehicles;
 - (i) designate parking spaces on any street or in any parking lot as controlled spaces and cause to be installed a payment terminal, or offer cellular phone payment, or any other designated method of payment, for the payment for the use of the space;
 - (j) designate fees and any method of payment for the use of controlled spaces;
 - (k) designate routes for vehicles or classes of vehicles;

- (l) restrict the weight of vehicles;
- (m) issue written permission for:
 - (i) oversize weight or oversized vehicles;
 - (ii) special events and any other use of a roadway or a public place that may temporarily interrupt normal traffic or pedestrian movement;
 - (iii) the construction of driveway access; and
 - (iv) excavations;
- (n) schedule roadway cleaning, snow removal, line painting, or any other roadway maintenance program as may be necessary;
- (o) remove, impound, or dispose of any signs or any other objects located on Town highways, boulevards, or sidewalks; and
- (p) alter, or cause to be altered, the grade of any roadway at any time; and relocate or relay any poles or utility services of any type.

101. A peace officer, when enforcing the provisions of the Traffic Safety Act, as amended, or this bylaw, may place an erasable chalk mark on the tread face of a tire on any parked or stopped vehicle without such peace officer or the Town incurring any liability for doing so.

102. No person shall remove an erasable chalk mark placed under section 101 while the vehicle remains parked in the location where it was marked.

103. Any vehicle parked in a temporary no parking zone prior to the placement of a traffic control device prohibiting parking may be removed and impounded by the Town 72 hours after the placement of the traffic control device.

104. A peace officer may remove and impound, or cause to be removed and impounded, any vehicle or trailer parked or left at a standstill in contravention of this bylaw or when emergency conditions may require such removal from a roadway.

105. Pursuant to sections 103 and 104, any vehicle or trailer may be removed by a towing company contracted by the Town to perform such services to a place designated by the chief administrative officer, where it will remain impounded until claimed by the owner or his authorized agent.

106. A peace officer may seize and impound for a period not exceeding 30 days a bicycle, roller skates, in-line skates, skateboards, scooters and other similar vehicles:

- (a) used or operated in contravention of this bylaw or the *Traffic Safety Act*, as amended; or

- (b) deemed by a peace officer to be lost or abandoned.
107. A peace officer may seize and impound any of the following when displayed on a roadway or public place in contravention of this bylaw or the Traffic Safety Act, as amended:
- (a) any goods or structures related to the sale of goods, and
 - (b) any sign, notice, or other object.
108. Any item seized and impounded in accordance with this bylaw or the Traffic Safety Act, as amended will be returned to the owner upon payment of the fee specified in Schedule A.
109. The Town will dispose of any item not claimed within 30 days.
110. Fees charged in accordance with section 108 of this bylaw shall be in addition to any penalty paid in lieu of prosecution.

VIOLATIONS AND ENFORCEMENT

111. Any person who contravenes the provisions of this bylaw is guilty of an offence and shall be liable for a minimum penalty in accordance with Schedule A of this bylaw, and not exceeding \$10,000.
112. Any person who contravenes any provision of this bylaw or condition of written permission issued pursuant to this bylaw for which a penalty is not set out in Schedule A of this bylaw is liable to a minimum penalty of \$250.
- Section 112 amended May 8, 2021 by Bylaw 2021-11*
113. If a vehicle is involved in an offence referred to in this bylaw, the owner of that vehicle is guilty of an offence.
114. A peace officer is hereby authorized and empowered to issue a violation tag to any person, who a peace officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
115. A violation tag may be issued to such person:
- (a) either personally; or
 - (b) attached to the vehicle in respect of which an offence is alleged to have been committed; or
 - (c) by mailing a copy to such person at their last known address.
116. The person to whom a violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the violation tag.

117. If the penalty specified on a violation tag has not been paid within the prescribed time, then a peace officer is hereby authorized and empowered to issue a violation ticket pursuant to the Provincial Offences Procedures Act, as amended, or notice of administrative penalty.

2022-08

118. Notwithstanding Section 114 of this bylaw, a peace officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to the Provincial Offences Procedures Act, as amended, or a notice of administrative penalty to any person who a peace officer has reasonable grounds to believe has contravened any provision of this bylaw.

2022-08

119. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw.

120. Upon the failure by any person to comply with the provisions of this bylaw, the Town may proceed in accordance with the Municipal Government Act, as amended and perform any corrective measures required. All costs incurred may be recovered from the person specified in the violation tag and shall be deemed a debt due to the Town by the person specified in the violation tag. Debts due may be charged against the property concerned as a special lien to be recovered in like manner as property taxes.

121. If, in the opinion of the chief administrative officer, a contravention of this bylaw requires immediate action, the Town may perform any work necessary to address the contravention of this bylaw without prior notice and all costs incurred by the Town will be payable by the person alleged to have contravened this bylaw.

122. The imposition of a fine either by issuance of a violation tag or by summary conviction in court shall not relieve any person so fined from any liability to pay to the Town any expenses arising from any damage caused by that person to Town property, including any costs incurred in having work performed by the Town where authorized by this bylaw.

123. A person other than the owner or operator of a vehicle shall not remove any violation tag or notice placed on or affixed to the vehicle by a peace officer in the course of their duties.

2022-08

ENACTMENT/TRANSITION

124. Should any provision of this bylaw be found to be invalid by a court of law it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

125. Schedule A **and C forms** part of this bylaw.

126. Bylaws 2014-06 and 2017-20 hereby repealed.

127. This bylaw comes into force on March 9, 2020.

FIRST READING: March 3, 2020

SECOND READING: March 3, 2020

THIRD READING: March 3, 2020

DATE IN FORCE: March 9, 2020

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:

- 2020-03 Traffic and Road Use
- 2021-11 Traffic and Road Use Amendment – Street Closures
- 2022-08 Traffic and Road Use Amendment – Parking Amendments and Addition of E-Scooters
- 2022-16 Community Standards Bylaw

SCHEDULE A – FEES AND SPECIFIED PENALTIES**Seizing and Impoundment Fees**

Non-motorized, self-propelled wheeled device	\$50.00
Sign	\$50.00
Other Items	\$50.00
Vehicle: Towing	as specified by Tow Operator
Vehicle: Impoundment	as specified by Impoundment Operator

Specified Penalties

Section	Description	If paid within 7 days of offense	Minimum Specified Penalty
5.1	Park obstructing traffic	\$45	\$90
11	Ride Bicycle on Sidewalk	n/a	\$90
11.1	Ride Bicycle on Main Street	n/a	\$90
16	Store unlawful items in locker	n/a	\$90
17	Use locker longer than 24 hours	n/a	\$90
18	Use a bicycle rack longer than 72 hours	\$45	\$90
20	Stopping, parking or operating in a bicycle lane	\$45	\$90
22	Failing to yield before entering roadway or sidewalk	\$45	\$90
24	Skateboard on Sidewalk	n/a	\$90
28	Cross a highway where prohibited	n/a	\$50
29	Pedestrian fail to yield right of way when crossing exclusive bicycle lane	n/a	\$45
31	General parking	\$45	\$90
32	General parking	\$40	\$78
34	Park outside painted lines	\$45	\$90
36	Park in alley	\$45	\$90
37	Load/unload vehicle unlawfully	n/a	\$90
39	Park bus where not permitted	\$125	\$250
40	Allow vehicle to idle	\$45	\$90
41	Parallel parking	\$40	\$78
42	Parking on private property	\$45	\$90
42.1	Person/Owner park rv/vehicle or trailer on a highway between the hours of 10:00pm and 8:00am for purposes of sleeping	n/a	\$100
43	Park RV or a recreational trailer attached to motor vehicle between midnight and 8 a.m.	\$45	\$90
46	Attached trailer exceeding size limit	\$45	\$90
47	Unattached trailer	\$45	\$90
50.1(a)	Park in Quarry Lake controlled pay parking zone without making payment	n/a	\$90
50.1(b)	Park in Quarry Lake controlled pay parking zone for longer than payment made	n/a	\$90
51(a)	Park in controlled pay parking zone without making payment	\$45	\$90

51(b)	Park in controlled pay parking zone for longer than payment made	\$45	\$90
51(c)	Park in controlled pay parking zone contrary to condition of permit	n/a	\$90
51.1	Parking in a controlled resident parking zone without a valid parking permit	n/a	\$90
67	Post illegal notice	n/a	\$90

2022-08

SCHEDULE B – GLOSSARY

This glossary is provided for information and does not form part of Bylaw 2020-03.

“alley” means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land;

“boulevard” means that part of a highway in an urban area that

- a) is not a roadway, and
- b) is the part of sidewalk that is not especially adapted to the use or ordinarily used by pedestrians;

“commercial vehicle” means a vehicle operated on a highway by or on behalf of a person for the purpose of providing transportation but does not include a private passenger vehicle.

“crosswalk” means

- a) that part of a roadway at an intersection included within the connection of the lateral line of the sidewalks on opposite sides of the highway measured from the curbs, or, in the absence of curbs, from the edges of the roadway; or
- b) any part of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by line or by other markings on the road surface;

“development” means:

- a) an excavation or stockpile and the creation of either of them;
- b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them;
- c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or
- d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or buildings.

“emergency vehicle” means

- a) a vehicle operated by a police service or peace officer service as defined in the Police Act or Peace Officer Act,
- b) a fire-fighting or other type of vehicle operated by the fire protection service of a municipality,
- c) an ambulance operated by a person or organization providing ambulance services,
- d) a vehicle operated as a gas disconnection unit of a public utility,
- e) a vehicle designated by regulation as an emergency response unit.

“highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way, 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:

- a) a sidewalk, including a boulevard adjacent to the sidewalk;
- b) if a ditch lies adjacent to and parallel with the roadway, the ditch, and
- c) 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.

“off-highway vehicle” means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel:

- a) 4-wheel drive vehicles,
- b) low pressure tire vehicles,
- c) motor cycles and related 2-wheel vehicles,
- d) amphibious machines;
- e) all terrain vehicles;
- f) miniature motor vehicles;
- g) snow vehicles;
- h) minibikes, and
- i) any other means of transportation that is propelled by any power other than muscular power or wind,

but does not include

- a) motor boats, or
- b) any other vehicle exempted from being an off-highway vehicle by regulation.

“owner” means

- a) in respect of unpatented land, the Crown,
- b) in respect of other land, the person who is registered under the Land Titles Act as the owner of the fee simple estate in the land,
- c) in respect of any property other than land, the person in lawful possession of it, and
- d) the persons who owns a vehicle and includes any person renting a vehicle or having the exclusive use of a vehicle under a lease that has a term of more than 30 days or otherwise having the exclusive use of a vehicle for a period of more than 30 days.

“park” when prohibited, means allowing a vehicle to remain stationary in one place, except

- a) while actually engaged in loading or unloading passengers, or
- b) when complying with a direction given by a peace officer or traffic control device.

“peace officer” means a bylaw enforcement officer appointed by the chief administrative officer to do any act or perform any duties under this bylaw and includes a member of the Royal Canadian Mounted Police and, when authorized, a peace officer under the Peace Officer Act.

“pedestrian” means

- a) a person on foot, or
- b) a person in or on a mobility aid,
- c) and includes those persons designated by regulation as pedestrians.

“person” includes a corporation and the heirs, executors, administrators or other legal representatives of a person;

“power bicycle” means a vehicle that is a power-assisted bicycle under the Motor Vehicle Safety Regulations (Canada)(C.R.C., c.1038)

“roadway” means that part of a highway intended for use by vehicular traffic.

“registered gross vehicle weight” means

- a) the total weight in kilograms registered on the certificate ownership for the vehicle, or
- b) combination of vehicles that may or may not include the load.

“sidewalk” means the area between the curb lines or lateral lines of a roadway and the adjacent property lines improved for the use of pedestrians.

“recreational vehicle” means a motor vehicle designed or used for travel with temporary living accommodation for vacations or camping purposes;

“traffic control device” means any sign, signal, traffic island, marking or device placed, marked or erected, under the authority of the Traffic Safety Act or of this bylaw, for the purpose of regulating, warning or guiding traffic; and includes devices, whether manually, electrically, or mechanically operated, by which traffic is directed to stop and to proceed;

“trailer” means a vehicle so designed that it:

- a) may be attached to or drawn by a motor vehicle or tractor, and
- b) is intended to transport property or persons,

and it includes any vehicle defined by regulation as a trailer but does not include machinery or equipment solely used in the construction or maintenance of highways;

“vehicle” means a device in, on, or by which a person or thing may be transported or drawn on a highway includes a combination of vehicles but does not include a mobility aid.

SCHEDULE C – Quarry Lake Controlled Parking Zone





Request for Decision

DATE OF MEETING: June 4, 2024 **Agenda #: G 5**

TO: Council

SUBJECT: Canmore Community Housing Stewart Creek Rise Construction Loan Guarantee Bylaw 2024-12

SUBMITTED BY: Chelsey Gibbons, Manager of Finance

RECOMMENDATION: That Council give second reading to Canmore Community Housing Stewart Creek Rise Construction Loan Guarantee Bylaw 2024-12.

That Council give third reading to Canmore Community Housing Stewart Creek Rise Construction Loan Guarantee Bylaw 2024-12.

EXECUTIVE SUMMARY

Council is being asked to provide second and third reading to the bylaw to guarantee a maximum of 35% or not more than \$3,375,000 of the construction financing being taken by Canmore Community Housing (CCH) for the purposes of constructing a Vital Homes project at 205 Stewart Creek Rise. The guarantee would end once the indebtedness is repaid or by July 31, 2026, whichever is sooner.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

Section 266 of the Alberta *Municipal Government Act* (MGA) permits a municipality to guarantee a loan between a third party and one of its controlled corporations, but the guarantee must be authorized by bylaw and this bylaw must be advertised.

Council gave first reading to this bylaw on May 7, 2024.

DISCUSSION

Canmore Community Housing (CCH) is proceeding with a project to develop 18 Vital Homes units at 205 Stewart Creek Rise. To do so, CCH needs to fund construction and has sought proposals from various lending institutions. Prospective lenders require that the Town guarantee a portion of the funds loaned for the period through construction and unit sales. It is anticipated that financing requirements will not exceed \$9,442,575. To secure this financing, the preferred lending institution requires a guarantee of up to 35% of the loaned funds from the Town until the funds are repaid to the lender upon sales of the homes, or July 31, 2026, whichever is earlier.

The process for enacting guaranteeing bylaws requires that they be advertised for two weeks, and the public be given 15 days to provide comment or to petition against the proposed borrowing guarantee. To ensure a valid guaranteeing bylaw, the following process is being followed.

- First Reading May 7, 2024
- Advertising Week 1 May 9, 2024

- Advertising Week 2 May 16, 2024
- Start of the 15-Day Petition Period May 17, 2024
- End of the 15-Day Petition Period June 3, 2024
- Second and Third Readings June 4, 2024
- Valid Bylaw 30 Days after Bylaw has been Passed July 4, 2024

During the petition period, no petitions were received.

ANALYSIS OF ALTERNATIVES

Rather than a loan guarantee, the Town has explored an option to set aside the required funds in a separate restricted account with the lender. These funds would be unavailable to meet any other Town requirements during this period but could be structured in a way to continue to earn some investment income. This process would not require a bylaw or advertising and so would permit the project to proceed more quickly. This alternative was not recommended due to the greater impact to the Town of those funds being unavailable during the construction period, with competing requirements on financial resources for the Town’s own budgeted projects and services.

FINANCIAL IMPACTS

The \$3,375,000 loan guarantee will count against the Town’s debt limit until construction is complete and the units sold and would increase the level of debt by approximately 3%, up to 57% of the maximum allowed under the MGA. The current level of debt, including valid borrowing bylaws for approved projects not yet taken, is \$56.6M, or 54% of the Town’s approximately \$105.8 million debt limit. In the Town’s Debt Management Policy, the Town has an internally imposed limit of 70% of the total debt limit allowable under the MGA.

If CCH defaults on the loan during construction, section 9 of the bylaw addresses the funding source if the Town is required to make payments to the lender, which would be the proceeds from the sale of these Vital Homes units and then the Town’s operating budget, which would have to be approved by Council.

STAKEHOLDER ENGAGEMENT

Administration has worked with Kristopher Mathieu, Acting Executive Director, CCH.

The guaranteeing bylaw was advertised in accordance with the advertising requirements, in the Outlook and on the Town’s website.

ATTACHMENTS

- 1) Canmore Community Housing Stewart Creek Rise Construction Loan Guarantee Bylaw 2024-12

AUTHORIZATION

Submitted by:	Chelsey Gibbons Manager of Financial Services	Date: <u>May 13, 2024</u>
Approved by:	Therese Rogers GM of Corporate Services	Date: <u>May 15, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>May 28, 2024</u>

BYLAW 2024-12

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO
AUTHORIZE A LOAN GUARANTEE FOR THE CANMORE COMMUNITY
HOUSING CORPORATION STEWART CREEK RISE CONSTRUCTION.**

WHEREAS pursuant to the provisions of the *Municipal Government Act*, R.S.A. 2000, Chapter M- 26 and amendments thereto, a municipality may guarantee the repayment of a loan between a lender and one of its controlled corporations;

AND WHEREAS the Town of Canmore views the development of affordable housing in Canmore as beneficial to the community and wishes to support such development;

AND WHEREAS Canmore Community Housing Corporation (CCHC) is a not-for-profit body, controlled corporation duly incorporated under the laws of the Province of Alberta and established to provide housing solutions in Canmore;

AND WHEREAS CCHC is the owner of 205 Stewart Creek Rise;

AND WHEREAS CCHC intends to build an affordable housing project on these lands;

AND WHEREAS CCHC will be financing up to \$9,442,575 of the said construction;

AND WHEREAS CCHC has requested assistance in its housing development project from the Town of Canmore through the provision of a loan guarantee during construction;

AND WHEREAS the principal amount of the outstanding debt of the Town of Canmore at December 31, 2023 is \$37,042,129 and no part of the principal or interest is in arrears; and;

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

TITLE

1. This bylaw shall be known as the “Canmore Community Housing Corporation Stewart Creek Rise Construction Loan Guarantee Bylaw.”

INTERPRETATION

2. In this bylaw, CCHC means the Canmore Community Housing Corporation, a corporation of that name created to provide housing solutions in the Town of Canmore and whose address is 203, 600A – 9th Street, Canmore, Alberta, T1W 3L9.

LOAN GUARANTEE

3. Subject to the provisions and limitations herein, Council authorizes the guaranteeing of 35% (\$3,375,000) of the total loan amount of \$9,442,575 to be borrowed by CCHC for construction of its affordable housing project at 205 Stewart Creek Rise (Housing Units), in the Town of Canmore.
4. For further clarification of the provisions of Section 3 herein, the guarantee of CCHC’s indebtedness authorized in respect of the development shall not exceed THREE MILLION, THREE HUNDRED AND SEVENTY-FIVE THOUSAND dollars (\$3,375,000).
5. The guarantee of CCHC’s indebtedness shall not continue beyond the earlier of the date on which the indebtedness is repaid or July 31, 2026. CCHC is required to provide Council with written confirmation from their lender when the guarantee is no longer required.
6. The interest rate under the loan will be Prime Rate (“Prime”)(currently at 7.2%) plus 65 basis points (Prime + 0.65%), as such rate is agreed to between CCHC and its lender.
7. Loan repayment by CCHC shall be in the form of monthly interest only payments for 24 months during the period of construction, with principal repayment on demand, or in the absence of demand, not later than 24 months from the date of initial loan advance from the net sales proceeds.
8. If the Town of Canmore is required to repay any amount of CCHC’s loan indebtedness, interest at the loan rate of Prime plus up to 0.65%, shall be applicable.

FUNDING SOURCES

9. Funding to repay any principal and interest amounts potentially accruing from the loan guarantee shall be derived from two sources:
 - a) Sale proceeds to be derived from the sale of Housing Units available to the Town by virtue of the Town’s ownership position as 100% shareholder of CCHC;
 - b) Sale proceeds to be derived from the sale of Housing Units available to the Town by virtue of a security interest in the Housing Units granted by CCHC to the Town in consideration for the guarantee; and
 - c) In the event such proceeds are insufficient to fully cover the guaranteed amount payable to the Lender, any remainder owing will be paid from the Town’s approved operating budget.

LOAN GUARANTEE AGREEMENT

10. Council hereby authorizes the chief administrative officer to enter into a loan guarantee agreement with CCHC and its lender for the purposes of construction at 205 Stewart Creek Rise, in the Town of Canmore.

ENACTMENT/TRANSITION

- 11. If any provision herein is adjudged by a court of competent jurisdiction to be invalid for any reason, then that provision shall be severed from the remainder of this bylaw and all other provisions of this bylaw shall remain valid and enforceable.

- 12. If any provision herein is adjudged to be repugnant to any federal or provincial regulation or legislation, this Bylaw shall continue in full force and effect, but any such repugnant provision shall be of no force or effect until such time as the repugnancy is removed by repeal or amendment of the federal or provincial legislation or regulation.

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

FIRST READING:

SECOND READING:

THIRD READING:

DATE IN EFFECT:

Approved on behalf of the Town of Canmore:

 Sean Krausert
 Mayor

 Date

 Cheryl Hyde
 Manager, Municipal Clerk's Office

 Date



Request for Decision

DATE OF MEETING: June 4, 2024 **Agenda #:** H 1

TO: Council

SUBJECT: Scope Change for the Canmore Recreation Centre (CRC) Life Cycle Maintenance (LCM) Project (CAP 7009)

SUBMITTED BY: Rob Shears, Facilities Supervisor

RECOMMENDATION: That Council direct administration to amend the scope of the CRC Life Cycle Maintenance (LCM) project (CAP 7009) as presented.

EXECUTIVE SUMMARY

The Canmore Recreation Centre (CRC) Life Cycle Maintenance (LCM) Project is nearly complete, with approximately \$129,000 of the total project budget of \$12,905,000 remaining (Attachment 1). The scope of the originally approved project did not capture all of the life cycle maintenance required in the building. As such, administration is seeking Council approval to amend the project scope to allow use of the remaining budget for additional required life cycle maintenance work.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

- December 19, 2017 (motion 336-2017) - the 2018 capital budget was approved as presented, including CAP 7009, CRC - Lifecycle Maintenance Construction, for \$10,320,000.
- February 27, 2018 (motion 25-2018) – Council approved the amended scope to include the addition of ventilation system to support open cooking in the concession with an increase of budget up to \$105,000 to be funded from the general capital reserve.
- May 15, 2018 (motion 118-2018) – Council approved a \$2.1 million budget increase to award trades to construct the CRC LCM project scope as tendered and approved the Cash In-Lieu of Municipal Reserve fund as the funding source.
- April 2, 2019 (motion 105-2019) – Council approved a new capital project entitled Alex Kaleta Arena Seat Replacement, which included a \$20,000 transfer out of this project.

In addition to the above, on April 16, 2018, in keeping with Council’s Budget Amendments Policy FIN-001, administration reallocated the previously approved budget of \$400,000 from CAP 7010 – Spatial Needs Implementation to CAP 7009 to achieve efficiencies by combining the work.

DISCUSSION

The CRC LCM project was a major and positive renovation that has effectively revitalized this well used community recreation facility. Administration expects remaining specialized scopes of work (e.g. exterior envelope repairs) from the approved project to be closed out this year. Upon completion of this outstanding work, budget remains from the approved CAP 7009 project to complete additional required life cycle maintenance scopes of work that were not originally specified in the project description.

The following is a list of potential scopes of work consistent with the original intent of the CRC LCM project that administration deems necessary to complete.

Project Name	Description	Estimated Cost
Spray Foam Insulation	A building envelope report indicated many areas of the CRC are missing sufficient insulation. The CRC has some of the highest electricity and gas consumption in the Town. There are potential significant energy savings in spending funds on improving certain areas of the CRC.	\$14,000
Drywall Ceiling Repairs	New cracks have appeared in the ceilings on both levels of the CRC. This is due to the building shifting over the freeze and thaw cycle. Remediation and repairs are now needed.	\$17,000
Rubber Mondo Flooring	Additional floor coverage required in areas of the Thelma Crowe arena that were not covered during the LCM flooring replacement project. Areas in change rooms also need replacing due to water buildup under the rubber flooring, causing raised bubbles.	\$45,000
CO2 Gas Detector Replacement	This life safety equipment is 20 years old and at the end of its estimated life.	\$8,000
Thelma Crowe Snow Melt Pit Coil	The heating coil was not replaced during the LCM project and has corroded and failed. This has caused a contained environmental spill. Replacement is necessary.	\$38,000
Upgrade the Network Switches	This scope would allow the dehumidifier, energy monitoring unit, and HVAC units to be added to the Building Management System, which would improve operations and monitoring capabilities.	\$7,000
	Total:	\$129,000

Administration suggests the above projects are consistent with the intent of the original project. The total amount of the work listed exceeds the funds that remain and is provided to describe the type of lifecycle work and related costs that the amended project scope could enable. Administration would implement the work on a priority and fund availability basis.

ANALYSIS OF ALTERNATIVES

Administration considered closing out the project upon completion of remaining exterior building envelope work scheduled this year, with the remaining funds directed to the General Capital Reserve. However, this is not recommended as the scopes of work listed above are required life cycle projects. Should Council choose this alternative, a capital project will be proposed as part of the 2025 budget to undertake this necessary work.

FINANCIAL IMPACTS

These scopes of work are in alignment with original intent of the CRC LCM project and address several scopes of work that would otherwise need to be funded in future years in operational and/or capital budgets.

Implementing the insulation scope of work has positive financial and environmental impacts. Enhanced insulation will reduce electricity and natural gas operating costs as well as reduce corporate gas emissions.

STAKEHOLDER ENGAGEMENT

The Facilities department will work with the Recreation department to minimize the disruption to programs and the public while work is in progress.

Several contractors and consultants have been engaged with to define the scopes of work as outlined above.

ATTACHMENTS

- 1) CRC - Lifecycle Maintenance Construction Capital Project Sheet – REDLINE
- 2) CRC - Lifecycle Maintenance Construction Capital Project Sheet (Revised 2024)

AUTHORIZATION

Submitted by:	Rob Shears Facilities Supervisor	Date:	<u>May 16, 2024</u>
Approved by:	Chelsey Gibbons Manager of Financial Services	Date:	<u>May 17, 2024</u>
Approved by:	Stephen Hanus Facilities Manager	Date:	<u>May 16, 2024</u>
Approved by:	Whitney Smithers GM Municipal Infrastructure	Date:	<u>May 17, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date:	<u>May 28, 2024</u>



CRC - Lifecycle Maintenance Construction

Project Summary

Project Number

7009

Budget Year:	2018	Budget:	\$12,905,000
Department:	Facilities - Rec Centre	Project Type:	Asset Replacement
Questica Reference:	FAC-13-02	Priority:	A

Project Description:

Scope:

A life cycle maintenance construction project that implements the detailed design from capital project 1612 (FAC-14-07) associated with the Canmore Recreation Centre (CRC - 1900 8th ave.). The project focus is on core life cycle maintenance and component replacement.

Background:

- With an area of 103,934 sqFt (9,656 sqM), the CRC is Canmore's largest municipal facility.
- The CRC has a significant list of maintenance/replacement projects that have been accumulating and deferred.
- This project incorporates the recommendations from the Building Condition Assessment conducted by CCI Group (2014), along with the following:
 - new building for the refrigeration plant
 - seating replacement in Thelma Crowe and Alex Kaleta Arenas
 - addition of a flex change room
 - office space modification- addition of TOC staff lunch room, two closed and 3 open offices
 - replace existing lighting in Alex Kaleta (AK) Arena over the ice surface with brighter more energy efficient lighting and installing additional lighting fixtures over the ice surface and stands.

This project will focus on core asset maintenance/replacements, ~~enhancements other than those listed above are currently not in scope due to fiscal constraints.~~

~~See attached list of BCA recommendations that form this project scope.~~

END.

Budget Funding:

	2018	2019	2020	2021	2022	2023	Total
Cash in lieu of Municipal Reserve	\$2,100,000	0	0	0	0	0	\$2,100,000
Debenture	\$5,000,000	0	0	0	0	0	\$5,000,000
General Capital Reserve	\$825,000	(\$20,000)	0	0	0	0	\$805,000
MSI Capital	\$5,000,000	0	0	0	0	0	\$5,000,000
Total	\$12,925,000	(\$20,000)	0	0	0	0	\$12,905,000

Operating Budget Impact:

No extra staff resources are expected during or following the implementation of this project.

- Mechanical system upgrades will be significantly more efficient than those they are replacing, thus reducing power and gas consumption.
- There will be lost revenue as a result of shutting down portions of the facility in order to accommodate construction if required, -
- The risk of lost revenue from future planned and unplanned shut-downs is expected to decrease following this renovation, since aged core components will have been replaced.
- reduced electricity and maintenance costs are expected from the lighting replacement

END.



CRC - Lifecycle Maintenance Construction

Project Summary

Project Number

7009

Project Rationale:

Asset Life Cycle:

- Alex Kaleta Arena, Community Hall, Lobby & Lower Offices: 1983. -Pool area: 1987. Thelma Crowe Arena: 2007
- Mechanical and roof components of buildings typically last 25yrs, which has been exceeded throughout the building with the exception of the recently built Thelma Crowe Arena.
- Due to several cost saving measures and other issues, components and finishes within the Thelma Crowe Arena are wearing out earlier than expected.

The Need:

- The CRC was the indoor recreational hub of the community since 1983, throughout which time it was heavily used causing wear throughout the facility.
- Even with the opening of Elevation Place, this facility continues to be heavily used by residents, part-time residents and visitors. The re-development of the pool area into a gymnastics facility, and converting the Peaks of Grassi area into a dry-land training facility will ensure these areas of the building continue to get heavily used.
- Due to the age of most of the building, major components require replacement to ensure the facility functions effectively and safely for the next 25-30 years.
- The AK roof does not meet new snow load capacity codes, that will be triggered when the roof gets replaced. Structural upgrades may be as high as \$3M in order to meet the new code.
- The Condensing Tower, Refrigeration plant and all the mechanical systems are at risk of failure, that could cause safety risks and unexpected service disruptions.
- Many components of this project will result in reduced energy consumption within the Town's largest facility.
- Much of the true cost of this project includes the maintenance and replacement of asset components required to maintain the current level of service.
- Asset management and life cycle maintenance on the CRC is identified as a strategic priority in the Town of Canmore 2016 Budget and Business Plan

Lighting has exceeded their useful life, and is insufficient for televised broadcasting, video recording and high performance events.

At least one additional row of lighting over the ice surface and additional lighting over stands are needed to meet current lighting standards/expectations. New technology lighting will result in energy savings.

Construction Management is the expected project delivery mode for the project. As such, for optimizing contractual agreements and continuity of work and relationships it is ideal to start construction in 2018 right after design. The construction phase will span 2018 and 2019. The budget proposed on this project is for all the work. The remaining budget for the work that is to be done in 2019 will be WIPed to 2019.

END.

Options Considered:

END.



CRC - Lifecycle Maintenance Construction (revised 2024)

Project Summary

Project Number

7009

Budget Year:	2018	Budget:	\$12,905,000
Department:	Facilities - Rec Centre	Project Type:	Asset Replacement
Questica Reference:	FAC-13-02	Priority:	A

Project Description:

Scope:

A life cycle maintenance construction project that implements the detailed design from capital project 1612 (FAC-14-07) associated with the Canmore Recreation Centre (CRC - 1900 8th ave.). The project focus is on core life cycle maintenance and component replacement.

Background:

- With an area of 103,934 sqFt (9,656 sqM), the CRC is Canmore's largest municipal facility.
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 - replace existing lighting in Alex Kaleta (AK) Arena over the ice surface with brighter more energy efficient lighting and installing additional lighting fixtures over the ice surface and stands.

This project will focus on core asset maintenance/replacements-

END.

Budget Funding:

	2018	2019	2020	2021	2022	2023	Total
Cash in lieu of Municipal Reserve	\$2,100,000	0	0	0	0	0	\$2,100,000
Debenture	\$5,000,000	0	0	0	0	0	\$5,000,000
General Capital Reserve	\$825,000	(\$20,000)	0	0	0	0	\$805,000
MSI Capital	\$5,000,000	0	0	0	0	0	\$5,000,000
Total	\$12,925,000	(\$20,000)	0	0	0	0	\$12,905,000

Operating Budget Impact:

No extra staff resources are expected during or following the implementation of this project.

- Mechanical system upgrades will be significantly more efficient than those they are replacing, thus reducing power and gas consumption.
- There will be lost revenue as a result of shutting down portions of the facility in order to accommodate construction if required, -
- The risk of lost revenue from future planned and unplanned shut-downs is expected to decrease following this renovation, since aged core components will have been replaced.
- reduced electricity and maintenance costs are expected from the lighting replacement

END.



CRC - Lifecycle Maintenance Construction

Project Summary

Project Number

7009

Project Rationale:

Asset Life Cycle:

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The Need:

- The CRC was the indoor recreational hub of the community since 1983, throughout which time it was heavily used causing wear throughout the facility.
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- The AK roof does not meet new snow load capacity codes, that will be triggered when the roof gets replaced. Structural upgrades may be as high as \$3M in order to meet the new code.
- The Condensing Tower, Refrigeration plant and all the mechanical systems are at risk of failure, that could cause safety risks and unexpected service disruptions.
- Many components of this project will result in reduced energy consumption within the Town's largest facility.
- Much of the true cost of this project includes the maintenance and replacement of asset components required to maintain the current level of service.
- Asset management and life cycle maintenance on the CRC is identified as a strategic priority in the Town of Canmore 2016 Budget and Business Plan

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Construction Management is the expected project delivery mode for the project. As such, for optimizing contractual agreements and continuity of work and relationships it is ideal to start construction in 2018 right after design. The construction phase will span 2018 and 2019. The budget proposed on this project is for all the work. The remaining budget for the work that is to be done in 2019 will be WIPed to 2019.

END.

Options Considered:

END.



Request for Decision

DATE OF MEETING: June 4, 2024 **Agenda #:** H 2

TO: Council

SUBJECT: 2024 New Capital Project- Off-Site Levy Bylaw Litigation

SUBMITTED BY: Adam Driedzic, Town Solicitor

RECOMMENDATION: That Council approve a new 2024 capital project for Off-Site Levy Bylaw litigation for \$500,000, to be funded from the General Capital Reserve.

EXECUTIVE SUMMARY

The Town has been served with an application for judicial review and an appeal to the Land and Property Rights Tribunal (LPRT) regarding the 2024 amendments to the Off-Site Levy Bylaw. The total costs to respond to the LPRT appeal are estimated at \$500,000. This is an extraordinary, emergent expenditure that is disproportionate to the Legal Department operations budget. Administration proposes that this be a new capital project funded from the General Capital Reserve.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

Council approved amendments to Offsite Levy Bylaw 2020-27 on March 5, 2024 through Bylaw 2024-01 (the 2024 OSL Amendments).

DISCUSSION

The Municipal Government Act (MGA) provides for appeals of off-site levy bylaws to the LPRT. Before these provisions were added to the MGA, legal challenges to offsite-levy bylaws were made by judicial review to the Court of Kings Bench.

The Bow Valley Builders and Developers Association (BOWDA) and Three Sisters Mountain Village Properties Ltd. (TSMVPL) filed an application for judicial review of the 2024 OSL Amendments in the Court of Kings Bench of Alberta on April 30, 2024. BOWDA, TSMVPL and four further development entities filed a notice of appeal with the LPRT on May 24, 2024. The judicial review has been adjourned by consent to no set date to run the LPRT proceedings first. The LPRT has requested the Town to provide initial comments on the notice of appeal by June 7, 2024.

This is a significant, emergent matter that did not exist when the 2024 capital budget was approved. Administration needs funds for outsourced work to begin as soon as possible. Outsourced legal counsel with the capacity and expertise to conduct litigation and LPRT appeals is crucial. Only municipalities with large legal departments have capacity for in-house counsel to act on large litigation and appeals. Non-lawyer experts are also necessary for this matter. Offsite levies are a highly technical and multi-disciplinary subject matter. The LPRT appeals will foreseeably involve live witnesses and presentations. The Town may also need funds for contractors to boost capacity of departments or backfill for staff who are supporting the legal actions.

Litigation costs are difficult to estimate. It is impossible to say with certainty which steps will occur, what each step will take and what the outcomes will be. These uncertainties increase when there are multiple litigations on the same topic. Ballpark estimates with contingency funds are best.

The Town has a similar precedent for funding large litigation events through capital projects. In 2021, the Town was served with multiple legal actions by TSMVPL concerning the same area structure plans. In 2022, Council funded CAP 7212 for TSMVPL litigation. These funds were drawn from the General Capital Reserve. The project included sufficient funds to respond to judicial reviews and LPRT appeals, to appeal the LPRT to the Court of Appeal, and for further contingencies. The funds are still being used to respond to the Stoney Nakoda First Nations judicial review against adoption of the ASPs, which was directly related but not contemplated at the time the project was approved. The funds were further used for contractors to help staff respond to a major FOIP request.

ANALYSIS OF ALTERNATIVES

N/A

FINANCIAL IMPACTS

The amounts that otherwise fall on the municipal ratepayers or taxpayers from not updating the OSL Bylaw will greatly exceed the proposed costs of responding to the legal actions. The financial impacts of the 2024 OSL Amendments were discussed in the staff report for first reading of the bylaw at the Council meeting of February 13, 2024 as follows:

The proposed bylaw amendment will result in the collection of levies that fairly and transparently offset the costs of new infrastructure construction. Not updating this bylaw would result in a significant under collection of required funds for new development applications, as the current model relies on both outdated infrastructure requirements and cost inputs. The resulting financial burden in this instance is placed on taxpayers. The substantial increase in total leviable project costs, increased inflation and interest costs have resulted in almost doubling of the required off-site levy rates to support growth and development. With a historical average annual collection of \$2 million per year (2019-2022), the Town of Canmore stands to forego approximately \$1 to \$2 million in levies for each year that the Off-Site Levy Bylaw amendment is postponed, assuming the recent pace of development continues.

Based on a review of multiple previous files and estimates from multiple law firms, administration is estimating up to \$300,000 in legal fees, up to \$150,000 in expert fees, and contingency funds of \$50,000 for a total of \$500,000 for this capital project for the LPRT appeal. This does not include costs of judicial review. The judicial review was not costed as the outcome of the LPRT appeal will determine whether or not the judicial review proceeds, and it is possible that there will be funds remaining at that time. If running the LPRT appeal to conclusion requires the full budget and the judicial review is revived, then administration may need to request amendment to the budget at that time.

Town Solicitor time will be required to coordinate and support the legal actions. This will create a corresponding need to outsource legal work through the operations budget. Additional outsourcing due to Town Solicitor time on litigation typically costs \$30,000 to \$60,000 a year on the operations budget.

The time of multiple staff people in the Municipal Infrastructure branch, the Corporate Services branch and the executive office will be needed to support the legal actions. These costs are not included in the capital project budget estimate.

STAKEHOLDER ENGAGEMENT

Administration consulted with BOWDA on the Utility Master Plan (UMP) and on the amendments to the offsite levy bylaw. The amendments to the bylaw as passed on March 5th included changes made in response to a proposal from BOWDA. There were discussions between the Town Solicitor and legal counsel for BOWDA before the bylaw amendments were passed, and a facilitated discussion between members of administration and BOWDA after the bylaw amendments were passed. Administration has continued to engage with BOWDA and to respond to questions and document requests.

ATTACHMENTS

- 1) Capital Project Detail Sheet

AUTHORIZATION

Submitted by:	Adam Driedzic Town Solicitor	Date: <u>May 27, 2024</u>
Approved by:	Chelsey Gibbons Manager of Finance	Date: <u>May 21, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>May 28, 2024</u>



Off-Site Levy Bylaw Litigation

Project Summary

Project Number

Budget Year:	2024	Budget:	\$500,000
Department:	Chief Administrative Officer	Project Type:	Legal/Regulatory
Questica Reference:	ADM-24-11	Priority:	A

Project Description:

The Bow Valley Builders and Developers Association (BOWDA) and Three Sisters Mountain Village (TSMVPL) have commenced legal actions against 2024 amendments to the 2020 Offsite Levy Bylaw.

Project funds will be used to respond to a judicial review of the bylaw decision, an appeal to the Land and Property Rights Tribunal (LPRT) and any related legal actions. Approximate use of funds will be for outsourced legal counsel (\$300,000), experts on retainer (\$150,000) and contingencies (\$50,000).

END

Budget Funding:

	2024	2025	2026	2027	2028	2029	Total
General Capital Reserve	\$500,000	0	0	0	0	0	\$500,000
Total	\$500,000	0	0	0	0	0	\$500,000

Operating Budget Impact:

\$30,000-60,000 a year for 2024-2024 in increased outsourcing for operational legal work resulting from Town Solicitor supporting the litigation. This will be covered by the current approved operating budget.

END



Off-Site Levy Bylaw Litigation

Project Summary

Project Number

Project Rationale:

Without updating the 2020 Offsite Levy Bylaw, the Town has a shortfall on the collection of levies needed to account for the cost of public infrastructure attributable to new growth. This shortfall will fall on the municipal utility ratepayers, taxpayers, or otherwise on the public purse. The revenue impact of the 2024 amendments to the Off-Site Levy Bylaw is measurable in millions of dollars a year over the 25-year timespan provided by the amendments. This positive financial impact on the municipality exceeds the estimated \$500,000 cost of responding to the litigation.

Responding to the litigation is an extraordinary, emergent expense that was not planned at the time of the original 2024 capital budget approval and is disproportionate to the legal operations budget. New funds for outsourced legal counsel and experts are required for a legal matter of this nature

END

Options Considered:

Not responding to the litigation and appeals is unviable as this could result in default judgements against the Town and/or inability to settle the litigation.

END