

## SMOKY LAKE COUNTY

### **A G E N D A: County Council: Committee of the Whole Meeting**

for the purpose of **Administration**, to be held on

Wednesday, **June 8, 2022** at 1:00 P.M.

Virtual through Zoom Platform

<https://us02web.zoom.us/j/87855847212?pwd=RWp5K01vdXRUb2ptYWtJYkRRRL0xaUT09>

Meeting ID: 878 5584 7212 Passcode: 645523

And with Council physically present in the County Council Chambers, Smoky Lake.

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**1 Meeting:**

1.1 Call to Order

**2 Agenda:**

2.1 Acceptance of Agenda:  
as presented or subject to additions or deletions.

**3 Minutes:**

No Minutes.

**4 Request for Decision:**

N/A.

**5 Issues for Information:**

- 5.1 Broadband Connectivity. ©
- 5.2 Discussion: Policy Statement No. 01-38-03: Smoky Lake County Strategic. ©
- 5.3 Environmental Reserve Bylaw & Accretion. ©

**6 Correspondence:**

No Correspondence.

**7 Delegation:**

No Delegation.

**8 Executive Session:**

**Adjournment.**

<b>Committee of the Whole Issue for Information</b>		<b>DATE</b>	<b>June 8, 2022</b>	<b>Agenda Item # 5.1</b>
<b>TOPIC</b>	<b>Broadband Connectivity</b>			

**BACKGROUND:**

**March 24, 2022 – County Council Meeting Motion #486-22:**

That Smoky Lake County appoint Councillors Halisky and Cere as members, and Councillor Serben as alternate, to a working group committee with Buffalo Lake Métis Settlement, to work towards a solution-based plan to gain full broadband and cellular phone coverage.

**May 17-18, 2022 Alberta Rural Connectivity Coalition’s 2nd annual Alberta Rural Connectivity Forum**

Attended by Lorne, Linda & Dominique.

**PROPOSAL:**

The goal of this Committee of the Whole Meeting is to prepare for:

- developing a planning framework to determine priorities within the County,
- engaging the public to get a sense of urgency as to priority areas,
- engaging with professionals as to costs, scheduling of a report and impact to budgets within the next 3 years,
- discussions at a “Strategic Planning” level as an Initiative for broadband/connectivity which requires significant levels of planning, collaboration, engagement, governance, legal, and business strategies to address, and
- continued commitment to work collaboratively with Buffalo Lake Métis Settlement to address the need for full-service cell phone tower / broadband connectivity.

At the moment, we really do not have a project nor a sense of what a project would look like. We also do not have any kind of estimated cost analysis or options as to how the County would contribute the balance of costs outside of a grant.

We would need to get direction, prepare a budget and get a resolution from Council to proceed with this project, unless of course, there was a ready-made project with all those details already identified.

**ATTACHMENTS:**

1. Letter from the County requesting partnerships. ©
2. Response from Buffalo Lake Métis Settlement. ©
3. Response from Kikino Métis Settlement. ©

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# Smoky Lake County

P.O. Box 310  
4612 McDougall Drive  
Smoky Lake, Alberta T0A 3C0  
Phone: 780-656-3730  
1-888-656-3730  
Fax: 780-656-3768  
[www.smokylakecounty.ab.ca](http://www.smokylakecounty.ab.ca)

April 19, 2022

Sent to: Buffalo Lake Métis Settlement  
Kikino Métis Settlement  
Saddle Lake Cree Nation  
Town of Smoky Lake  
Village of Vilna  
Village of Waskatenau  
Whitefish Lake First Nations #128

Dear Chief Elected Officials,

**Re: Broadband/Connectivity – Request for Partnerships**

In response to the recent announcements in Broadband/Connectivity funding, Smoky Lake County is gathering information to work towards a solution-based planning framework for full broadband/connectivity coverage within our region. We want to gain insight into your community's needs and collaborate to find a solution. A major component of our analysis will be to gauge the support of residents for a willingness to support addition costs associated with increased broadband/connectivity facilities and subscriptions for services. In doing so, we are seeking your input regarding concerns and/or initiatives which your community is experiencing or planning. We ask for your support and partnership to bring this vital service to all our people we serve.

To better position ourselves for a "shovel ready" project, Smoky Lake County will likely be seeking to engage a consultant with experience in this subject in order to take full advantage of the Government of Canada's Connectivity Strategy and Alberta's Broadband Strategy by the fall of 2022. The government programs aim to connect every Alberta home and business to high-speed Internet by the end of the 2026–27 fiscal year.

Currently, Smoky Lake County has a population of 2459, dispersed over an area covering approximately 2500 square kilometres; our population density is less than one person per square kilometer. The majority of our residents are more than 16 km from public buildings and institutions like a hospital, school, library, or community centre, and therefore are out of range of Alberta's "Supernet" or greater broadband capacities.

Like most rural Albertans, we access the internet via point of presence towers (POPs) provided by smaller ISPs as our population is too small and spread out for the larger corporations to provide broadband or wireless service comparable to larger urban or sub-urban areas. These towers cover an average area of 200 km<sup>2</sup> to 1,000 km<sup>2</sup> and in our community, usually only serve 200 to 600 rural households each.



April 19, 2022

And while we may live outside urban centres, like all Albertans, in this growing technological (and post-covid) age we need fast, reliable, affordable internet service in order to be able to run our businesses and farms, build new businesses, educate, and connect to healthcare and the rest of the country and the outside world. Yet, despite all this need, most of our residents still live with download speeds in the 1-3 Mbps range which is a frequent complaint from our residents, farmers, and businesses.

I urge you to participate with us; as we can make a bigger impact and are more likely to succeed together, rather than alone. I look forward to your response. Should you have any questions, comments, or require additional information please do not hesitate to contact the undersigned.

Yours truly,

A handwritten signature in purple ink, consisting of several overlapping loops and a long horizontal stroke.

Lorne Halisky,  
Reeve, Smoky Lake County  
[lhalisky@smokylakecounty.ab.ca](mailto:lhalisky@smokylakecounty.ab.ca)  
780-650-5401 cell

Cc: Glenn van Dijken, MLA for Athabasca-Barrhead-Westlock





**KIKINO METIS SETTLEMENT GEN DEL KIKINO, AB TOA 2B0 (780)623-7868 FAX (780)623-7080**

May 24, 2022

Lorne Halisky,  
Reeve, Smoky Lake County  
Email: [lhalisky@smokylakecounty.ab.ca](mailto:lhalisky@smokylakecounty.ab.ca)

RE: **BROADBAND\CONNECTIVITY - PARTNERSHIP**

The Kikino Metis Settlement is definitely interested in this initiative and would like to invite you to a meeting here in Kikino to further discuss this issue. Please let me know if you are able to attend a meeting of this nature and I will arrange for the session – our Settlement Council meets each Tuesday of the month.

Sincerely:

A handwritten signature in black ink, appearing to read 'Roger L. Littlechilds', written over a horizontal line.

Roger L. Littlechilds  
Settlement Administrator



**SMOKY LAKE COUNTY**

<b>Title: Smoky Lake County Strategic Plan 2018-2020</b>		<b>Policy No: 38-03</b>
<b>Section: 01</b>	<b>Code: P-I</b>	<b>Page No.: 1 of 10</b>

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<b>Legislative Reference:</b>	Alberta Provincial Statutes
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<b>Purpose:</b>	The Strategic Plan is the principle guiding document for governance, community development and service delivery throughout the County to remain responsive to the needs of all our citizens and stakeholders today and for the future.
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**Policy Statement and Guidelines:**

**1. STATEMENT:**

1.1 Strategic Planning is a process through which Council determines the municipality’s long-term vision of what we would like to see in place for the future and developing goals for achieving opportunities and issues that currently exist. County Council adopted the **2018-2020 Strategic Priorities Plan** on October 25, 2018 – Motion # 57-18.

**2. OBJECTIVE:**

2.1 Smoky Lake County remains committed to the mission, guiding values and goals as identified in the Strategic Plan; and through this commitment, we believe we can make Smoky Lake County a safe and vibrant community to live, work, and play.

**VISION STATEMENT:** Leading the way in positive growth with healthy, sustainable, rural living.

**MISSION STATEMENT:** Smoky Lake County strives for collaboration and excellence in the provision of transparent and fiscally responsible governance and services.

**VALUES:** Integrity, Sustainability/Stability, Pride, Fairness and Freedom.

**3. GUIDELINES:**

3.1 The Strategic Plan as per **Schedule “A”: Strategic Plan 2018-2020** serves as the foundation on which the County’s work plans and annual budgets are developed.

**Strategic Plan 2018 – 2020 shall be an exhibit to this policy.**

3.2 The Plan is a “living document” and therefore amendments or updates may be required to ensure that it remains consistent with the current needs of the community.

<b>Title: Smoky Lake County Strategic Plan 2018-2020</b>		<b>Policy No: 38-03</b>
<b>Section: 01</b>	<b>Code: P-I</b>	<b>Page No.: 2 of 10 E</b>

**Policy Statement and Guidelines:**

3.3 Strategic Plan - **Core Strategy Areas:**

The County recognizes that achieving success in these Five Core Strategy Areas is fundamental to providing sustainable economic development, socially responsible governance and sound environmental stewardship throughout the region. This Strategic Plan therefore addresses Smoky Lake County’s **Integrated Community Sustainability Plan (ICSP)** which was finalized in November 2006, in accordance with the Year-2005 Federal Government’s “New Deal for Cities and Communities” funding qualification requirement for the Federal Gas Tax Fund (FGTF). The County’s ongoing Strategic Priorities are linked to these strategy areas:

- Governance: 2018 - 2020 Focus Area
- Social Services, Arts and Culture
- Economic Development: 2018 – 2020 Focus Area
- Physical Environment and Infrastructure: 2018 – 2020 Focus Area
- Built Environment

3.4 Strategic Plan ensures that strategies and goals are aligned with community and Council needs, through setting Strategic Priorities as outlined in **Policy Statement No. 01-43: Strategic Priorities** that defines a framework for identifying and prioritizing Strategic Priorities. This process can be referenced to guide the development of the Strategic Plan review.

**4. PROCEDURES:**

4.1 The Smoky Lake County Strategic Plan will be implemented through the establishment of Smoky Lake County Strategic Priorities.

4.2 County Council and Administration will consider of the Strategic Plan goals and follow the Strategic priorities when creating budgets and work plans.

4.3 County Council and Administration will review and evaluate this plan following each Election Term, normally in the Month of September at a **County Council Budget Meeting** to ensure it remains consistent with our current needs and goals. Updates and amendments may be considered at any time if deemed necessary by Council, by resolution, and monitored as per **Schedule “B”: Strategic Priorities – Project Plan.**

**5. REPORTING:**

5.1 The “Strategic Priorities and Tactics” as per **Schedule “B”: Strategic Priorities – Project Plan**, is an accountability framework, useful as a tracking tool to monitor operational progress on a quarterly basis to measure the Plan’s success for each current year stated and provides information to assist the decision-making process at the County’s annual budget deliberations, since the strategic direction and goals should drive funding decisions.

<b>Title: Smoky Lake County Strategic Plan 2018-2020</b>		<b>Policy No: 38-03</b>
<b>Section: 01</b>	<b>Code: P-I</b>	<b>Page No.: 3 of 10</b>

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<b>Policy Statement and Guidelines:</b>	
5.2	The Chief Administrative Officer will produce a report to County Council on a quarterly basis which will identify the status of progress towards achieving the Strategic Priority goals within the <b>2018-2020 Strategic Priorities Plan</b> , through the “PMH Local Government Framework” reporting software.
5.3	To convey the goals and priorities for the Smoky Lake County resident's, <b>Schedule “C”:</b> <b>“Strategic Plan Report Card”</b> , has been established to provide a snapshot of the County’s achievements for the current year and “going forward” of priorities for the upcoming year; and shall be adopted by County Council Meeting by resolution.
5.3.1	The Report Card is intended to provide any interested persons or organizations a brief overview of the Smoky Lake County’s current year priorities outcomes achieved and will be published annually towards the end of the current year.
5.3.2	A clear linkage will exist in the alignment of the Smoky Lake County Strategic Plan and Strategic Priorities to identify annually the work done by Council and Administration to communicate to the citizens and stakeholders throughout the County.
5.4	<b>Release:</b>
5.4.1	To assist with communication of the Strategic Plan, following Council’s adoption, the Report Card will be released to the public via the County’s website ( <a href="http://www.smokylakecounty.ab.ca">www.smokylakecounty.ab.ca</a> ). Hard copies can be made available upon request.

	<b>Date</b>	<b>Resolution Number</b>
<b>Approved</b>	<b>September 27, 2012</b>	# 838-12 - Page # 10186
<b>Amended</b>	<b>August 20, 2015</b>	# 860-15 - Page # 11888
<b>Amended</b>	<b>April 30, 2020</b>	# 724-20 - Page # 14124
<b>Amended</b>		

**SCHEDULE "A"**





Photo Courtesy of Tyler Fehr

**Values**

- Integrity
- Sustainability/Stability
- Pride
- Fairness
- Freedom

**Vision**

Leading the way in positive growth with healthy, sustainable, rural living.

**Mission**

Smoky Lake County strives for collaboration and excellence in the provision of transparent and fiscally responsible governance and services.

**Strategic Priorities**

**Economic Development**

Land Use Bylaw Changes	Q4 2018 - Q4 2019
Victoria District Economic Development Plan	Q4 2018 - Q3 2020
Warspite Ironhorse Trail RV Park	Q1 2019 - Q3 2020
Industrial Park	Q3 2019

**Infrastructure**

Expand Public Works Yard	Q3 2018 - Q3 2019
North Saskatchewan Emergency River Access(es) Plan	Q4 2018 - Q4 2019

**Governance**

Develop Inter-municipal Collaborative Framework(s)	Q4 2018 - Q2 2020
Develop High Priority HR Policies	Q4 2018 - Q1 2019
Succession Planning	Q1 2019 - Q2 2020

### Reeve's Message

If you fail to plan, you plan to fail.

Everyone knows that plans must change as reality changes, so our new Council has, over the last year, pursued a new direction and a new Strategic Plan.

Council and Management conducted workshops, public surveys, and a public consultation in order to refine the new Strategic Plan. We sincerely appreciate all the input we received from County citizens.

Cathy Goulet from Killick Leadership was a great asset to all of Council and Administration in helping achieve Smoky Lake County's new direction for the upcoming years. Several sessions were held and the leadership, style and professionalism of Killick Leadership was much appreciated by all who attended. This refreshing collaborative style has given us a great new direction for our county.

On behalf of my Council colleagues, thank you very much to all who contributed to making our new Strategic Plan happen.

Sincerely,  
Craig Lukinuk  
Reeve



### About Smoky Lake County

Smoky Lake County is in northeastern Alberta, along Highway 28 about 100 km from the provincial capital, Edmonton. Rural living, safety and open spaces are important to our 2,461 residents (2016).

Smoky Lake County features great opportunities for development, recreation, agriculture and affordable country living. While agriculture is our proud heritage, the County has large deposits of natural gas, extensive areas of peat and some forested areas suitable for logging.

We are home to many lakes and natural areas attractive to vacationers and wildlife enthusiasts, and a 50 mile stretch of the North Saskatchewan River north shore that is positioned for future development.

Smoky Lake County is very excited to welcome the upcoming historic Metis Crossing cultural tourism site along the river, and looks forward to emerging partnerships to diversify our economy while reflecting our pride.



## Our Thinking Process

### Smoky Lake County Council Retreat

Smoky Lake County Council and Management held a retreat April 9 and 10, 2018. The objective of the retreat was to determine the strategic direction and purpose of Smoky Lake County and to set draft priorities that are achievable, tangible and agreeable, while providing clarity. Our deliverables were a statement of values, vision and mission statements, draft priorities and core areas of concern to present to the community. Three clear priority areas emerged: Economic Development, Infrastructure and Governance.

After the results of the Community Open House and Strategic Direction Survey were compiled, Council met again to compare their initial thinking to public input. The strategic statements and priorities were then reviewed one final time by Council on July 16, 2018 and delegated to staff for operational planning.



## Engaging the Community

### Strategic Direction Survey

In April 2018, 44 members of the community completed an online survey, which had each participant rank four or five concerns in the following dimensions:

- Governance
- Social Services
- Economic Development
- Physical Environment
- Infrastructure

The comprehensive responses were analyzed and provided to Council for consideration. The data reflected heavy emphasis on economic development, infrastructure and governance. Divisional reports were also generated so that Council could identify any trends based on location within the County.

### The Community Open House

An open house was held at the Ukrainian National Hall on Thursday, May 3, 2018, during which the ‘core areas’ were presented for public feedback. Community members participated in four ‘conversations’:

- 1) Values, Vision and Mission,
- 2) Economic Development,
- 3) Governance, and
- 4) Infrastructure.

Council members and senior County staff chaired the “conversation pits” and the 24 citizens circulated through those over the course of the evening. This feedback was used to fine tune the priority areas and the key deliverables.

Schedule “B”

**Strategic Priorities – Project Plan**

Focus Area	Strategic Priorities and Tactics	2018				2019				2020				Target Complete	Status
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4		
<b>Economic Development</b>															
Smoky Lake County diversifies its economy with innovative planning and by supporting infrastructure that encourages investment.															
<b>1.0</b>	<b>Good planning that supports growth</b>														
1.1	Land Use Bylaw Changes													Dec 2019	
1.2	Victoria District Economic Development Plan													July 2020	
<b>2.0</b>	<b>Creating growth through infrastructure</b>														
2.1	Warspite Ironhorse Trail RV Park													June 2020	
2.2	Industrial Park													Sept 2019	
<b>Infrastructure</b>															
The County ensures its municipal infrastructure meets residents’ expectations for excellence in service delivery and fiscal responsibility.															
<b>1.0</b>	<b>Meeting service delivery and fiscal responsibility expectations</b>														
1.1	Expand Public Works Yard													Aug 2019	
1.2	North Saskatchewan Emergency River Access(es) Plan													Nov 2018	
<b>Governance</b>															
Smoky Lake County delivers excellence in governance by managing strategic relationships and utilizing fiscal and human resources.															
<b>1.0</b>	<b>Strategic Relationships</b>														
1.1	Develop Inter-municipal Collaborative Framework(s)													April 2020	
<b>2.0</b>	<b>Human Resources</b>														
2.1	Develop High Priority HR Policies													June 2019	
2.2	Succession Planning													June 2020	

Status: **On Track** / **Behind** / **Complete**

**Smoky Lake County**  
**2018 -2020 Strategic Plan**

**2020**

*Leading the Way in positive growth with healthy, sustainable, rural living.*



**Report Card**

GOALS	Our Priorities	Our Achievements	Going Forward
Economic Development	Smoky Lake County diversifies its economy with innovative planning and by supporting infrastructure that encourages investment.	<p><b><u>Good Planning that support growth:</u></b></p> <p>Victoria District Economic Development Plan:</p>	
Infrastructure	The County ensures its municipal infrastructure meets residents' expectations for excellence in service delivery and fiscal responsibility.	<p><b><u>Meeting service delivery and fiscal responsibility expectations:</u></b></p> <p>North Saskatchewan Emergency River Access(es) Plan:</p>	
Governance	Smoky Lake County delivers excellence in governance by managing strategic relationships and utilizing fiscal and human resources.	<p><b><u>Strategic Relationships:</u></b>                      Develop Inter-municipal Collaborative Framework(s):</p> <p><b><u>Human Resources:</u></b>                      Succession Planning:</p>	



# Environmental Reserve Bylaw & Accretion

# Reserve/ER Backgrounder

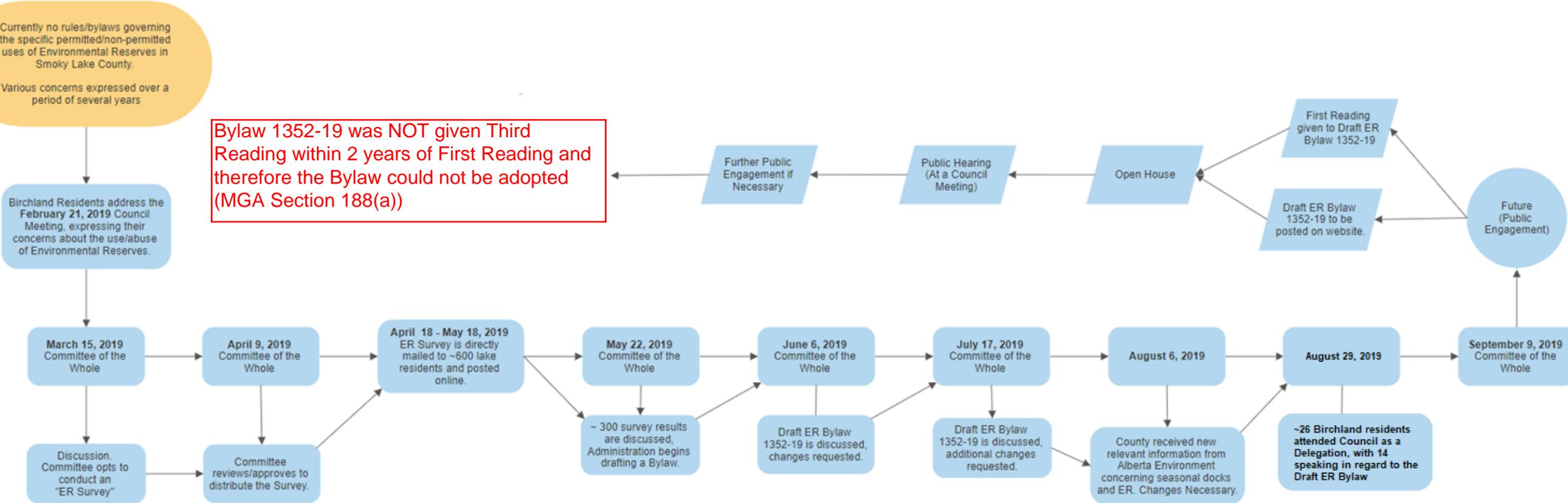
- ▶ At Garner Lake and elsewhere, private individuals have been accessing and utilizing County lands classified as Reserve or Environmental Reserve (ER)
  
- ▶ Per Council Motion No. 993-16 of August 25, 2016:

MOTION NO.	RESOLUTION
993-16	That Smoky Lake County research and prepare a bylaw <u>in regards to the permitted use on Environmental Reserves.</u>



# ER Bylaw Process To-date Flowchart

Bylaw 1352-19 was NOT given Third Reading within 2 years of First Reading and therefore the Bylaw could not be adopted (MGA Section 188(a))



Created via: <https://cloud.smartdraw.com/editor.aspx?templateId=490dad73-de30-42bf-9a58-1789d56c1afd&flags=128#depold=15487915&credID=-27097325>

## Relevant Documents

- ▶ Municipal Government Act
- ▶ Municipal Development Plan
- ▶ Garner Lake Area Structure Plan
- ▶ Land Use Bylaw

## Types of Reserve

Reserve lands are taken at the time of subdivision, and their purposes vary:

- ▶ CR - Conservation Reserve
- ▶ ER - Environmental Reserve
- ▶ MR - Municipal Reserve
- ▶ SR - School Reserve
- ▶ PUL - Public Utility Lot
- ▶ Other

# Types of Reserve

## 1. ER - Environmental Reserve

- a swamp, gully, ravine, coulee or natural drainage course,
- land that is subject to flooding or is, in the opinion of the subdivision authority, unstable, or
- a strip of land, not less than 6 metres in width, abutting the bed and shore of any body of water.
  - to preserve the natural features of land where, in the opinion of the subdivision authority, those features should be preserved;
  - to prevent pollution of the land or of the bed and shore of an adjacent body of water;
  - to ensure public access to and beside the bed and shore of a body of water lying on or adjacent to the land;
  - to prevent development of the land where, in the opinion of the subdivision authority, the natural features of the land would present a significant risk of personal injury or property damage occurring during development or use of the land.
- For the purposes of subsection (1.1)(b) and (c), “bed and shore” means the natural bed and shore as determined under the Surveys Act.

## 2. CR - Conservation Reserve

- in the opinion of the subdivision authority, the land has environmentally significant features,
- the land is not land that could be required to be provided as environmental reserve,
- the purpose of taking the conservation reserve is to enable the municipality to protect and conserve the land, and
- the taking of the land as conservation reserve is consistent with the municipality’s municipal development plan and area structure plan.

# Types of Reserve

3. MR - Municipal Reserve, and;
4. SR - School Reserve
  - a subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision
    - to provide part of that parcel of land as municipal reserve, school reserve or municipal and school reserve,
    - to provide money in place of municipal reserve, school reserve or municipal and school reserve, or
    - to provide any combination of land or money
  - The aggregate amount of land that may be required may not exceed the percentage set out in the municipal development plan, which may not exceed 10% of the parcel of land less all land required to be provided as conservation reserve or environmental reserve or made subject to an environmental reserve easement.
5. PUL - Public Utility Lot
6. Other

A council may by bylaw require that a parcel of land or a part of a parcel of land that it owns or that it is in the process of acquiring be designated as municipal reserve, school reserve, municipal and school reserve, environmental reserve, conservation reserve or public utility lot.

### Environmental reserve

**664(1)** Subject to section 663 and subsection (2), a subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land as environmental reserve if it consists of

- (a) a swamp, gully, ravine, coulee or natural drainage course,
- (b) land that is subject to flooding or is, in the opinion of the subdivision authority, unstable, or
- (c) a strip of land, not less than 6 metres in width, abutting the bed and shore of any body of water.

**(1.1)** A subdivision authority may require land to be provided as environmental reserve only for one or more of the following purposes:

- (a) to preserve the natural features of land referred to in subsection (1)(a), (b) or (c) where, in the opinion of the subdivision authority, those features should be preserved;
- (b) to prevent pollution of the land or of the bed and shore of an adjacent body of water;
- (c) to ensure public access to and beside the bed and shore of a body of water lying on or adjacent to the land;
- (d) to prevent development of the land where, in the opinion of the subdivision authority, the natural features of the land would present a significant risk of personal injury or property damage occurring during development or use of the land.

**(1.2)** For the purposes of subsection (1.1)(b) and (c), “bed and shore” means the natural bed and shore as determined under the *Surveys Act*.

**(2)** If the owner of a parcel of land that is the subject of a proposed subdivision and the municipality agree that any or all of the land that is to be taken as environmental reserve is instead to be the subject of an environmental reserve easement for the protection and enhancement of the environment, an easement may be registered against the land in favour of the municipality at a land titles office.

**(3)** The environmental reserve easement

(a) must identify which part of the parcel of land the easement applies to,

- (b) must require that land that is subject to the easement remain in a natural state as if it were owned by the municipality, whether or not the municipality has an interest in land that would be benefitted by the easement,

### Agreement respecting environmental reserve

**664.1(1)** In this section, “subdivision approval application” means an application under section 653 for approval to subdivide a parcel of land referred to in subsection (2).

**(2)** A municipality and an owner of a parcel of land may, before a subdivision approval application is made or after it is made but before it is decided, enter into a written agreement

- (a) providing that the owner will not be required to provide any part of the parcel of land to the municipality as environmental reserve as a condition of subdivision approval, or
- (b) providing that the owner will be required to provide part of the parcel of land to the municipality as environmental reserve as a condition of subdivision approval, and specifying the boundaries of that part.

**(3)** Where the agreement provides that the owner will not be required to provide any part of the parcel of land to the municipality as environmental reserve, the subdivision authority must not require the owner to provide any part of the parcel as environmental reserve as a condition of approving a subdivision approval application.

**(4)** Where the agreement specifies the boundaries of the part of the parcel of land that the owner will be required to provide to the municipality as environmental reserve, the subdivision authority must not require the owner to provide any other part of the parcel as environmental reserve as a condition of approving a subdivision approval application.

**(5)** Subsections (3) and (4) do not apply on a subdivision approval application where either party to the agreement demonstrates that a material change affecting the parcel of land occurred after the agreement was made.

### Conservation reserve

**664.2(1)** A subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land to the municipality as conservation reserve if

- (a) in the opinion of the subdivision authority, the land has environmentally significant features,
- (b) the land is not land that could be required to be provided as environmental reserve,
- (c) the purpose of taking the conservation reserve is to enable the municipality to protect and conserve the land, and
- (d) the taking of the land as conservation reserve is consistent with the municipality’s municipal development plan and area structure plan.

### Designation of municipal land

**665(1)** A council may by bylaw require that a parcel of land or a part of a parcel of land that it owns or that it is in the process of acquiring be designated as municipal reserve, school reserve, municipal and school reserve, environmental reserve, conservation reserve or public utility lot.

(2) Subject to subsection (3), on receipt of a copy of a bylaw under this section and the applicable fees, the Registrar must do all things necessary to give effect to the order, including cancelling the existing certificate of title and issuing a new certificate of title for each newly created parcel of land with the designation of

- (a) municipal reserve, which must be identified by a number suffixed by the letters “MR”,
- (b) public utility lot, which must be identified by a number suffixed by the letters “PUL”,
- (c) environmental reserve, which must be identified by a number suffixed by the letters “ER”,
- (c.1) conservation reserve, which must be identified by a number suffixed by the letters “CR”,
- (d) school reserve, which must be identified by a number suffixed by the letters “SR”,
- (e) municipal and school reserve, which must be identified by a number suffixed by the letters “MSR”, or
- (f) a lot, which must be identified by a number.

(3) The certificate of title for a municipal reserve, school reserve, municipal and school reserve, environmental reserve, conservation reserve or public utility lot under this section must be free of all encumbrances, as defined in the *Land Titles Act*.

### Disposal of conservation reserve

**674.1(1)** Subject to this section, a municipality must not sell, lease or otherwise dispose of conservation reserve and must ensure that the land remains in its natural state.

(2) A municipality may dispose of conservation reserve if all of the features referred to in section 664.2(1)(a) are wholly or substantially destroyed by fire, flood or another event beyond the municipality’s control with the result that, in the opinion of council, there is no remaining purpose in protecting or conserving the land.

(3) Before a municipality disposes of conservation reserve under subsection (2),

- (a) a public hearing must be held in accordance with section 230 and must be advertised in accordance with section 606, and
- (b) notices containing the information required under section 606 must be posted on or near the conservation reserve that is the subject of the hearing.

(4) Despite subsections (2) and (3),

- (a) if a municipality receives a notice under section 103 of a proposed amalgamation, the municipality must not dispose of conservation reserve lying within the municipality until after the report under section 106 is submitted to the Minister and the amalgamation proceedings, if any, are complete, and

- (b) if a municipality receives a notice under section 116 of a proposed annexation of land, the municipality must not dispose of conservation reserve lying within the proposed annexation area until after the report under section 118 is submitted to the Municipal Government Board and the annexation proceedings, if any, are complete.

### Removal of designation as conservation reserve

**674.2(1)** A council may, after taking into consideration the representations made at a public hearing under section 674.1(3), direct a designated officer to notify the Registrar that the provisions of this Division have been complied with and request the Registrar to remove the designation of conservation reserve.

(2) If the Registrar is satisfied that this Part has been complied with, the Registrar must remove the designation in accordance with the request made under subsection (1).

(3) On removal of the designation, the municipality may sell, lease or otherwise dispose of the land, but the proceeds from the sale, lease or other disposition may be used only for the purpose of enabling the municipality to protect and conserve land that, in the opinion of council, has environmentally significant features or for a matter connected to that purpose.

### Removal of designation as municipal reserve

**675(1)** A council in the case of municipal reserve or community services reserve or a council and a school board in the case of municipal and school reserve may, after taking into consideration the representations made at a public hearing under section 674(1), direct a designated officer to notify the Registrar that the provisions of this Division have been complied with and request the Registrar to remove the designation of municipal reserve, community services reserve or municipal and school reserve.

(2) If the Registrar is satisfied that this Part has been complied with, the Registrar must remove the designation in accordance with the request made under subsection (1).

(3) On removal of the designation, the municipality or the municipality and the school board may sell, lease or otherwise dispose of the land, but the proceeds from the sale, lease or other disposition may be used

- (a) in the case of the sale, lease or other disposition of a municipal reserve or a municipal and school reserve, only for any or all of the purposes referred to in section 671(2) or for any matter connected to those purposes, and
- (b) in the case of the sale, lease or other disposition of a community services reserve, only for any or all of the purposes referred to in section 671(2.1) or for any matter connected to those purposes.

### Changes to environmental reserve’s use or boundaries

**676(1)** A council may by bylaw, after giving notice in accordance with section 606 and holding a public hearing in accordance with section 230,

- a) use an environmental reserve for a purpose not specified in section 671(1),
- b) transfer an environmental reserve to the Crown or an agent of the Crown for consideration, as agreed, lease or dispose of an environmental reserve other than by a sale for a term of not more than 3 years, and
- c) change the boundaries of an environmental reserve or environmental reserve easement in order to correct an omission, error or other defect in the certificate of title, or to rectify an encroachment problem or other concern.

(2) A council may include terms and conditions in a bylaw under subsection (1).

(3) Any proceeds from a lease or other disposition under subsection (1) may be used only to provide land for any or all of the purposes referred to in section 671(2).

(4) On receipt of a bylaw under subsection (1)(b) or (d), the Registrar must cancel the existing certificates of title or amend an environmental reserve easement affected by the bylaw and issue any new certificates of title required by the bylaw.

# Municipal Development Plan

## 3.2 Environmental Management

Smoky Lake County includes a range of valuable and unique environmental features which support not only the County's ecosystem but also the economic, social and cultural systems throughout the County. Recognizing that a successful and sustainable future is dependent on the vitality of all of the interconnected systems (built and natural environment, economic, social and cultural) the County has adopted a strong approach, for environmental management.

### *Low Net Negative Environmental Impact*

The County recognizes that the goal of environmental protection cannot mean total ecological integrity. Simply put, a municipality cannot reasonably expect to maintain the full structure of the ecosystem and still have roads and buildings. Rather the goal must be the achievement of a healthy environment or one that does not show symptoms of stress such as:

- ▶ decreased water quality; and/or
- ▶ significantly reduced biodiversity.

# Municipal Development Plan

## 3.3 Reserves and Conservation Easements

In certain instances - as outlined in the Municipal Government Act - the subdivision process can involve the dedication of Reserve lands to the County. Currently the Municipal Government Act identifies three (3) types of reserves which may be taken during subdivision by a County. They are: Municipal Reserves, Environmental Reserves and Environmental Reserve Easements. Conservation Easements cannot be taken by a municipality at time of subdivision but can be utilized by a private land owner or a Municipality to protect significant environmental areas.

Municipal Reserves can be used by a municipality as public parks, public recreation areas, for school authority purposes or as buffers between parcels of land which are used for different purposes. Depending on the circumstances, money may be taken by the County in lieu of Municipal Reserve dedication.

Environmental reserves, environmental reserve easements and conservation easements are three tools municipalities can use to ensure that:

- a) development does not occur on hazard lands;
- b) significant environmental areas are protected; and
- c) the public can access Significant Cultural Landscapes.

Environmentally sensitive ecological features require special attention when being considered for development. Such areas include lands subject to a flooding hazard, ravines, steep slopes, and areas subject to erosion. Council intends to have regard for these sensitive areas when making development decisions.

# Municipal Development Plan

## 3.5 Recreation

As the demand for recreational land for both public and private use continues to increase, so does the need for planned recreational facilities and areas. The intent of this Plan is to recognize and encourage local recreational uses based on the capabilities of an area to sustain intensive or extensive development. Recreation development shall be located in areas and under circumstances where it does not adversely affect the agricultural economy and community, or the natural environment.

Recreation also forms an important component of the tourism potential of the region, and is to be encouraged as much as possible within the term of this Plan, provided, of course, that the tourist activities or facilities do not threaten the potential itself, the agricultural economy and community, or the natural environment.

# Garner Lake Area Structure Plan

## 1.2 Garner Lake Today

Garner Lake is a desirable active recreation destination, although water quality and water levels of the lake have decreased in recent years. As a result, recreational use around the lake is changing from being “consumptive” to being “non-consumptive”. Subdivision has been restricted around the lake and as a result, residential development has not significantly increased over the last 30 years. In some developments sewage disposal systems have been of a high quality and in others illegal private sewage systems (pit toilets) have been a problem.

Lower water levels, which are a province-wide phenomenon, may have had a negative effect on the water quality at Garner Lake. Area residents indicated that water quality has deteriorated over time. Fish stocks and the general water related recreational experience of Garner Lake lot-owners, residents and lake users have been affected. The lake is too shallow in many areas to use for safe, unrestricted motor boating (except for small horsepower motors). While in other areas the lake is deep. The shallow waters in the shore land areas limit the potential for developing boat launches. This has resulted in some conflicts around public access to the lake. Recreational fishing is a popular all season pursuit of area residents. Preserving the lake as a water resource and also preserving the resources (fish and water fowl habitat areas) within the lake were identified as high priorities by both current residents in the country residential communities and traditional lake users. Residents have indicated, and site visits and consultation sessions with stakeholders confirm, that the inlet to and outlet from the lake have dried up and spawning habitat areas have been altered and damaged as a result of cottages and camping activities taking place along the southern, eastern and (in a more limited area) the northern shore lines of the lake.

... The Garner Lake area may still be considered a recreation destination for lot owners and day users. The recreation experience provided is predominantly lake-oriented both as a result of the water quality and the orientation of the existing developments. However, there are a number of designated non-lake oriented recreational opportunities specifically located in Garner Lake Provincial Park and associated with the Iron Horse Trail.

An analysis of the background information revealed that the lake is both a **recreation amenity** and a **landscape amenity**.

# Garner Lake Area Structure Plan

## 1.3 Plan Goals, Management Principles

The goals of the ASP are based on the values expressed by County Council, administration and the Garner Lake community. There are seven (7) major plan goals for Garner Lake:

- Goal #1** To protect the water resources in the Garner Lake watershed.
- Goal #2** To maintain a healthy lake watershed.
- Goal #3** To enhance and maintain a range of sustainable public and private accesses within the Plan area in an environmentally, socially and economically responsible manner.
- Goal #4** To maintain functional rural residential/recreational values and development while allowing the evolution of sustainable land and water uses.
- Goal #5** To maintain agriculture as the primary use in the larger watershed.
- Goal #6** To protect environmentally significant ecosystems.
- Goal #7** To improve emergency preparedness in the area through the implementation of FireSmart policies.

**3.3.11.** ATV and snowmobile use shall be limited to recognized trails and roadways, as per the County’s Land Use Bylaw, within the Residential Land Use Areas in order to mitigate potential safety conflicts between pedestrians and motorized recreational vehicles.

# Land Use Bylaw

## 6.17 SITE CONDITIONS & BUFFERING REQUIREMENTS

- 5. The County will require Environmental Reserves, an Environmental Reserve Easement or a combination thereof adjacent to bodies of water and lands containing significant environmental features.
- 6. The amount of Reserves/Easement lands shall be at the discretion of the County and the Subdivision Authority who will normally base environmental reserve and environmental reserve easement requirements on the following:
  - A. The Guidelines for Environmental Reserves and Environmental Reserve Easements established by Sustainable Resource Development (See **Appendix A**); or
  - B. If this reserve/easement amount is disputed by the proponent of a development or subdivision then the developer may provide the County and the Subdivision Authority with a biophysical, engineering and/or geotechnical study which indicates that an alternative reserve/easement amount is appropriate for the subject site. If the report from the engineer indicates that a lesser reserve/easement would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser reserve/easement area then the Approving Authority may, at their sole discretion, approve a subdivision with a lesser reserve/easement area.
- 7. Notwithstanding **Subsection (6)**, additional reserves/easements may be required by the County based on the recommendations of any engineering and/or geotechnical study provided for the subject site.

- 8. The County will require development setbacks adjacent to bodies of water and lands containing significant environmental features.
- 9. Normally, no buildings of any kind shall be allowed within required setback areas.
- 10. However, notwithstanding (10) the width of the required development setback shall be at the sole discretion of the Development Authority who will normally base setback requirements on the following:
  - A. The Guidelines for Environmental Reserves and Environmental Reserve Easements established by Sustainable Resource Development (**See Appendix A**); or
  - B. If this setback amount is disputed by the proponent of a development then the developer may provide the approving Authority with a biophysical, engineering and/or geotechnical study which indicates that an alternative setback amount is appropriate for the subject site. If the report from the engineer indicates that a lesser setback would be suitable and/or provides mitigation recommendations which, if followed would allow for a lesser setback then the Approving Authority may, at their sole discretion, approve the development with a lesser reserve/easement area.

# Land Use Bylaw

## Sustainable Resource Development Recommended Guidelines for Minimum Environmental Reserve/Easement Widths

In reference to Section 664 of the *Municipal Government Act*, the following are recommended where a boundary to a proposed subdivision is a water body or watercourse.

**Table 1. Standard recommended minimum widths for Environmental Reserves or Environmental Reserve Easements based on type of water feature.**

Water Feature	Minimum ER Width <sup>2</sup>	Notes
Reservoirs & Regulated Lakes	30 m from right of way or easement boundary	A regulated lake is a lake where water levels are established to a predetermined elevation and actively managed through use of a licensing requirement (e.g. to pump water into the water body).
Lake (natural & controlled)	30 m from natural boundary	On controlled lakes, 30 m from sill elevation of licensed control structure.
Swamp/wetland <sup>1</sup>	Variable, include wet meadow zone	Wet meadow zone can be extensive in some situations, and in these instances the ER should be wide enough to preserve ecological function.
Large River (≥ 15m width)	30+ m	See additional requirements for hazardous lands.
Small River/Large Stream (6-15 m)	15 m	See additional requirements for hazardous lands.
Medium Stream (3 - 6 m)	10 m	See additional requirements for hazardous lands.
Small Stream (≤ 3 m)	6 m	See additional requirements for hazardous lands.
Ephemeral watercourse (no defined channel)	0 m	Use bylaw to regulate tree cutting within a defined distance from feature to maintain riparian vegetation and drainage.
Braided Stream	10 m from outside boundary of active floodway	

<sup>1</sup> Sustainable Resource Development views the term "swamp" to mean any area with hydrological conditions of sufficient duration to have developed saturated soils and hydrophytic vegetation (i.e. wetlands or peatlands).  
<sup>2</sup> In addition to the recommended ER width for the water feature itself, associated landscape features may require the ER width to be modified to factor in additional inherent hazards to development.

For lands described in section 664(1)(b) of the *Municipal Government Act* (unsuitable for development because they are subject to flooding, have high risk of erosion, or have existing topographical or geo-technical constraints) the following are recommended.

**Table 2. Additional factors that may necessitate an increase in the width of an Environmental Reserve or Environmental Reserve Easement.**

Hazardous Lands	ER Modifier	Notes
Floodplam	<ul style="list-style-type: none"> <li>The width of the 1:100 year flood line or 30m from the natural boundary of a watercourse or lake, whichever is less.</li> <li>The width of meander belt for watercourses that tend to meander or entire floodplain if it is highly constrained within a confined valley.</li> </ul>	<ul style="list-style-type: none"> <li>Residential development within a floodplam is discouraged.</li> <li>Development within flood fringe area should only be considered if flood proofing undertaken to reduce risk of flood damage. Flood risk mapping or delineation of the 1:100 year flood line generally defines the extent of expected flood occurrence (see Alberta Environment policy and guidelines).</li> <li>The width of a meander belt is determined by multiplying bankfull width by 20 for each reach, and is split equally on either side of creek along axis of meander belt.</li> </ul>
Erosion prone areas	Provide for a toe erosion allowance.	Consider highly erosive soils and annual recession rates.
Gully, ravine, coulee, or valley escarpments	Provide for a stable slope allowance. Apply construction and building setbacks from this line.	Boundary of stable slope allowance measured from top of crest of plateau (terrace), valley slope or tableland.
Steep Slopes (>15%)	3X escarpment height or as recommended by a geotechnical report on slope stability, rate of erosion, etc.	

## Item 5.3 - Environmental Reserve Bylaw

### Proposed Environmental Reserve Bylaw 1352-19

#### BACKGROUND:

**March 15, 2019** – Committee of the Whole for the Purposes of Planning adopted **Recommending Motion 495-19:**

“That Smoky Lake County Council recommend administration prepare a survey for public participation of all lake-resort-area-landowners of property adjacent to an Environmental Reserve, to obtain public input on Environmental Reserve use; and include a County informational brochure on lake shoreline/riparian setback with the said survey.”

**April 9, 2019** – Committee of the Whole for the Purposes of Planning adopted **Recommending Motion 562-19:**

“That Smoky Lake County Council recommend Administration proceed to distribute an educational brochure on riparian setback including the Public Feedback Survey as amended with a return deadline of May 15, 2019, for the purpose of obtaining public input on Environmental Reserve use.”

**May 22, 2019** – Committee of the Whole for the Purposes of Planning adopted **Recommending Motion 693-19:**

“That Smoky Lake County Council recommend Administration proceed to research relevant surrounding municipalities’ encroachment agreements and Environmental Reserve use protocol to develop an Environmental Reserve Use Bylaw which includes the following concepts:

- all Environmental Reserve land by treated equally,
- the maximum fine for noncompliance be \$500.00, and
- there be a special event permit to allow for unique situations.”

**June 6, 2019** – Committee of the Whole for the Purposes of Legislation/Planning adopted **Recommending Motion 760-19:**

“That Smoky Lake County recommend further discussion of Bylaw No. 1352-19: Environmental Reserve be deferred to a future Smoky Lake County Council Committee of the Whole Meeting to allow time to further research options in respect to addressing public property encroaching on Environmental Reserve.”

**July 17, 2019** – Committee of the Whole for the Purposes of Planning adopted **Recommending Motion 918-19:**

“That Smoky Lake County defer further discussion in regard to Bylaw No. 1352-19: Environmental Reserve (ER) and Municipal Reserve (MR) Land Management to a future County Council Meeting after exploring concepts, that may include, but are not limited to:

- maintaining the Environmental Reserve Use signage as is;
- maintaining the existing community trails within the ER and MR;
- removing all reference to piers, docks and boat launches within the Bylaw;
- allowing residents to enter into Encroachment Agreements for fixed structures within the MR; and
- recommending Garner Lake Residents create a Garner Lake Community Association similar to the Mons Lake Community Association model.”

## Item 5.3 - Environmental Reserve Bylaw

**August 6, 2019** – During a site-visit/meeting at Garner Lake, Alberta Environment and Parks Provided Administration with information regarding an updated docks policy. Going forward under the new policy, owners will be required to apply for a Temporary Field Authorization (TFA) under the *Public Lands Act*, for any seasonal docks or mooring structures. **A component of said application will be providing proof of consent from adjacent landowners, which will often be the municipality in cases of Environmental Reserves.**

**August 29, 2019** – Approx. 26 Garner Lake/Birchland Residents attended County Council to appear as a Delegation, and voice concerns regarding any potential ER Bylaw, and request due consideration for optimal public engagement prior to adoption.

**September 9, 2019** – Committee of the Whole for the Purposes of Planning has been scheduled for further discussion.



# GARNER LAKE

SHORELINE ISSUES AND CREATIVE SOLUTIONS



Aquality Environmental Consulting Ltd.



# Overview



- Bed and shore ownership
- Lake accretion
- Compliance and enforcement
- Environmental Reserve law and policy
- Resolutions for shoreline misuse
- Dock disturbance standard in Alberta



# Water Act (1999)



- Water owned by the Provincial Crown
- Defines “water” and a “waterbody”
- Regulates and enforces actions that affect water and water use management, the aquatic environment, fish habitat protection practices, and storm water management
- Prohibits anyone from draining, altering or infilling wetlands on **private or public land** unless authorized to do so by the Province through an approval under the provisions of the *Act*



# Water News (from 1894)



You don't own the water on your land!

- *Water Act* Defines “water” and a “waterbody”
- Regulates and enforces actions that affect water and water use management, the aquatic environment including wetlands
- **Does not** distinguish between wetlands in the White Zone and Green Zone
- Prohibits anyone from draining, altering or infilling wetlands on **private or public land** unless authorized to do so by the Province through an approval under the provisions of the *Act*
- Definition of an **Activity**





# Item 5.3 - Environmental Reserve Bylaw *Public Lands Act*



- The Crown owns the **beds and shores** of all permanent and naturally occurring bodies of water including wetlands in the White Area, and ALL the land in the Green Area, including its wetlands
- Differentiates wetlands into **White** (settled) and **Green** (forested) Zone areas





# Land News (from 1930)

You don't own the land under the water!

## ***Public Lands Act:***

(1) Subject to subsection (2) but notwithstanding any other law, the title to the beds and shores of

(a) all **permanent** and naturally occurring bodies of water

(b) all naturally occurring rivers, streams, watercourses and lakes is vested in the Crown in right of Alberta





# Municipal Government Act (1998)



## **Municipal Government Act**

- Section 60(1) of the MGA states:

*“Subject to any other enactment, a municipality has the direction, control and management of the rivers, streams, watercourses, lakes and other natural bodies of water within the municipality, including the air space above and the ground below.”*

## Section 664:

- A municipal government can take the entirety of ravines, floodplains, or unstable ground as Environmental Reserve (ER)
- A buffer around any body of water to allow access or prevent pollution





# Municipalities and Water



## Not our problem!

Province regulates water under the *Water Act*  
Feds regulate fish habitat under the *Fisheries Act*

...but

MGA gives broad powers to Municipalities for the management of water on Municipal lands AND Municipalities make decisions about development, which impacts wetlands, water bodies and bodies of water

...Muni's are the OWNER of "works" and are liable (Lac La Biche County Admin Penalty \$11,500 March 2017)

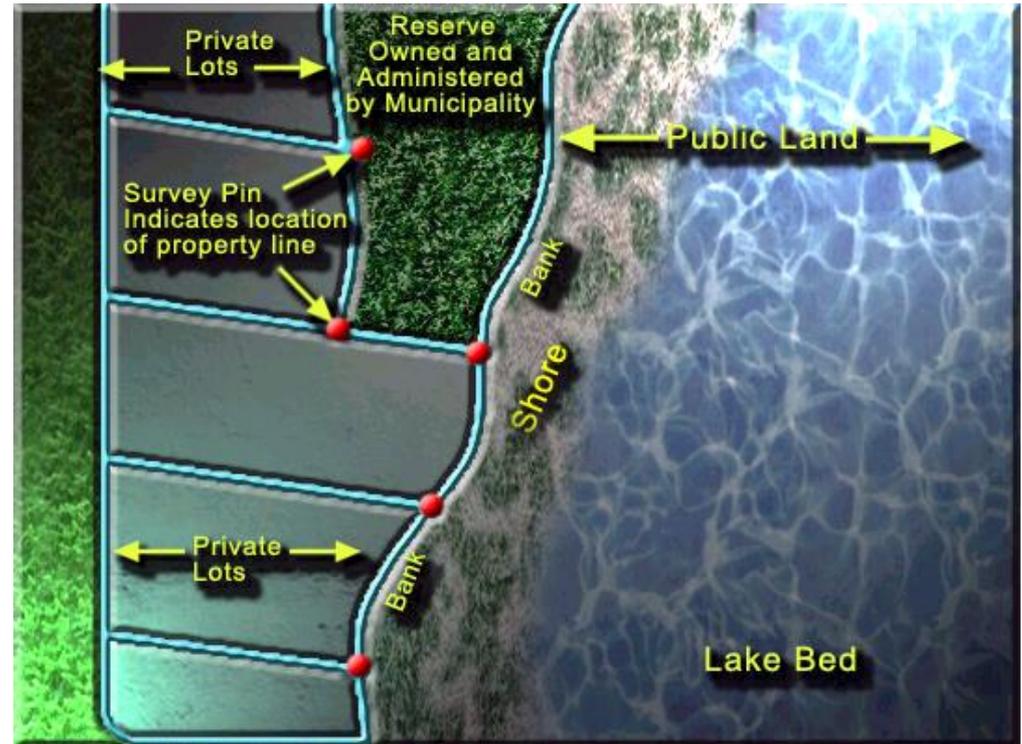




# Bed and Shore Ownership

## Terms

- **Bed:** land on which water sits
- **Shore:** part of the bed which is exposed when water levels are at their lowest
- **Bank:** upper limit of the bed and shore

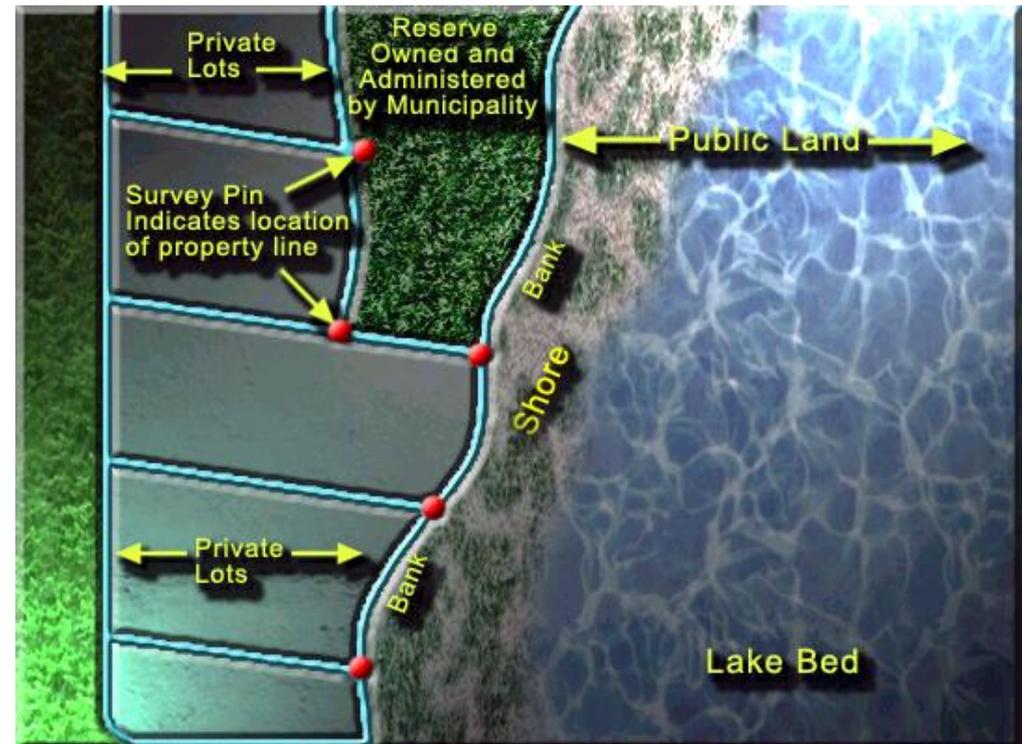




# Bed and Shore Ownership

## *Public Lands Act 2000*

- The **Crown** owns the **beds and shores** of all permanent and naturally occurring bodies of water
- **Beyond the bank** (upper limit of the bed and shore) is **privately owned**





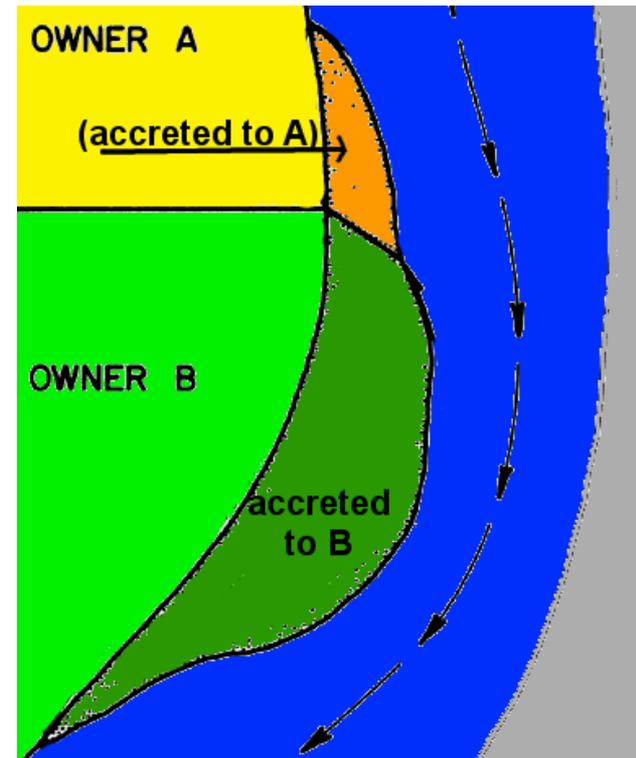
# Lake Accretion Defined



A gradual, imperceptible increase in the size of land that borders a body of water

Occurs by two processes:

1. Gradual recession of water
2. Gradual accumulation of sediment





# Lake Accretion



## **Influence of Flooding on Ownership**

- Banks can erode private property
- Landowners have right to protect land against flooding
- Reinforce with washed rock and cobbles.
- **If flooding causes privately owned land to be lost:**
  - **Landowners can rebuild land**
  - **Must prove that the loss is due to flooding and reclamation doesn't need to occur beyond the pre-flood area**



# Lake Accretion



## Influence of Drought on Ownership

- Permanent water body that is **occasionally** dry:
  - **Crown** still owns bed and shore
- Permanent water body that has the **bed exposed for long periods** AND **upland vegetation** has established:
  - Adjacent **landowner or Crown** can request ownership by applying to the Registrar of Land Titles





# Compliance and Enforcement



If landowners have **purposely** and **artificially** created an accretion, landowners are **NOT** entitled to accreted lands

Damage can result in:

1. Fines
2. Land reclamation to restore lake shoreline stability





# Enforcement Example



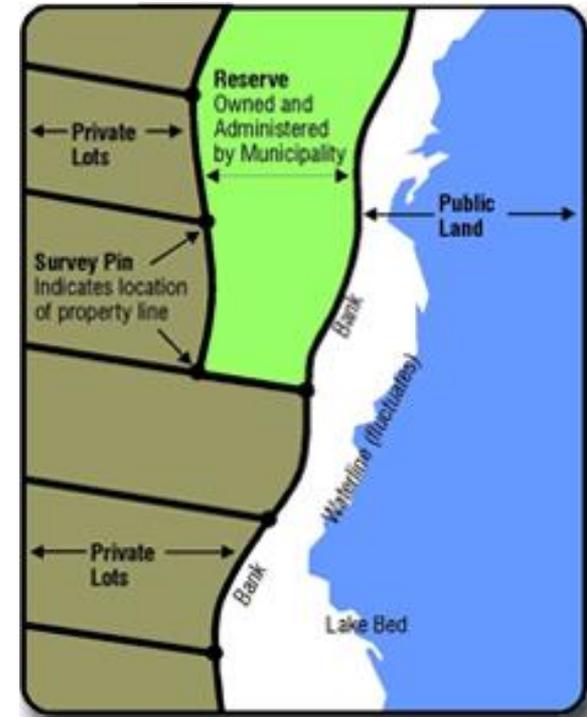
March 12, 2013

- Dale Andrew Mather fined **\$20,000**
- Charged under the *Water Act* for willfully altering the shoreline of Gull Lake
  - Removed aquatic vegetation to “improve the view” from his property
- Creative sentencing:
  - \$ 15,000 paid to the Gull Lake Water Quality Management Society to fund their Streambed Improvement Project



## Environmental reserves (ER) on the edge of a lake is meant to:

- Act as a pollution buffer
- Provide public access to the bed and shore
- Safeguards that development does not occur on land sensitive to disturbances



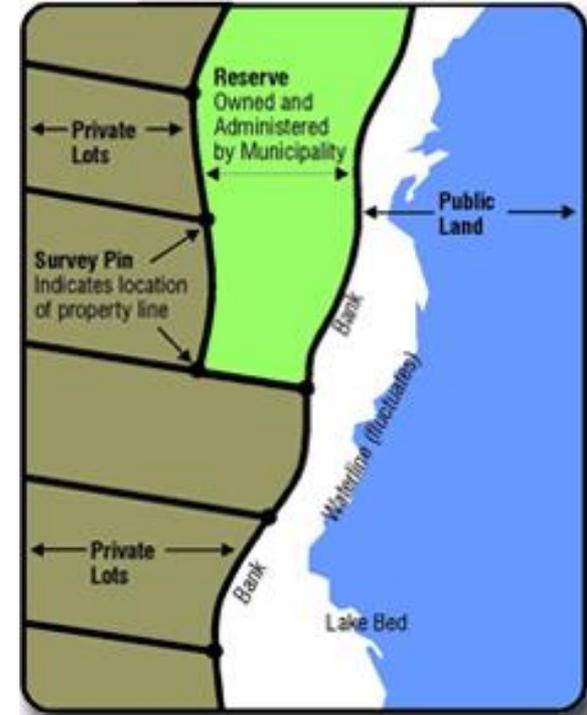


### ***Municipal Government Act (MGA)*** **(Section 671)**

- An ER must be used as a public park or remain in its natural conditions

#### Examples:

- Swamp, gully, ravine or natural drainage course
- Land that is unstable or exposed to flooding
- A strip of land  $\leq 6\text{m}$  in width next to the bed and shore of any body of water





## Who owns ER's?

- The MGA gives municipalities the ability to create ER's when land is subdivided

## **MGA (Section 664)**

- ER easement requires that the land remain in its natural state
- An ER easement **does not lapse** when:
  - There is a non-enforcement
  - The use of the land subject to the easement is for a purpose that is not outlined in the easement
  - A change in the use of land that surrounds or is adjacent to the land subject to the easement



## Problems

- Landowners consider reserves to be part of their land
- May clear vegetation, develop on the ER, build fences to keep public out
- Abuse of lands may require updating bylaws for ER's





# Shoreline Misuse at Garner Lake

Item 5.3 - Environmental Reserve Bylaw



## Environmental Reserves

- Councils must be prepared to take action and enforce bylaws or create new ones
- Get the word out about who owns where
- Fines paid to water management organizations
- Key aspect: protect the vegetation in this buffer zone





# Shoreline Misuse at Garner Lake



Littoral zone of a lake occurs below the bank

- Contains the highest diversity of wildlife and plants
- Protects against erosion
- Development of docks, stairs, decks, lawns disturbs habitat, especially when landowners don't own it





# Shoreline Misuse at Garner Lake



## ATV's on shorelines

- *Public Lands Administration Regulation 2011 Sec. 43* outlines that **no wheeled or tracked conveyance** shall enter the bed or shore
- Fines, peace officers to enforce
- Public education is key
- Signage





# Resolutions for Shoreline Misuse



- Educating the public on who owns what
- Informing residents on how to legally and ecologically maintain shoreline properties
- Fines paid to local water management organizations
- Careful planning for dock development: building community docks
- Disturbance standard in draft



# Item 5.3 - Environmental Reserve Bylaw Questions?



**Item 5.3 - Environmental Reserve Bylaw**  
**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44**  
**BYLAW NO. C-5756-2003**

Page 1

A Bylaw of the Municipal District of Rocky View No. 44 providing for the regulation of municipal land and reserves.

**WHEREAS** pursuant to Section 7 (a) of the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26 and amendments thereto, the Municipal District of Rocky View may pass Bylaws for the protection and preservation of Municipal Lands and Reserves.

**NOW THEREFORE,** the council of the Municipal District of Rocky View No. 44 in the province of Alberta, duly assembled, hereby enacts as follows:

**TITLE**

1. This Bylaw may be cited as “The Municipal Land and Reserves Bylaw”.

**DEFINITIONS**

2. In this Bylaw, unless the content otherwise requires:

- (a.) “Council” – means the Municipal Council of the Municipal District of Rocky View No. 44.
- (b.) “Environmental Reserve” (ER) – means a part of a land parcel designated as an environmental reserve as defined under section 664(1) of the Municipal Government Act R.S.A. 2000, c. M-26.
- (c.) “Litter” - any solid or liquid material or product or- combination of solid **or** liquid materials or products, including, but not limited to:
  - (i.) any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, or sewage **or** the whole or a part of an animal carcass or
  - (ii.) the whole **or** part of any article, raw or processed material, Motor Vehicle or other machinery, that **is** disposed of; or
  - (iii.) any dirt, gravel, rock, sand, rubble **or** clean fill; or
  - (iv.) any other material or product that is designated as litter in the Alberta Environmental Protection and Enhancement Act, as amended and the Regulations thereunder.
- (d.) “Motor Vehicle” – means a motor vehicle as defined in the Traffic Safety Act, R.S.A. 2000 c. T.6, as amended from time to time and the regulations thereunder.
- (e.) “Municipality” – means the Municipal District of Rocky View No. 44 a municipal corporation in the Province of Alberta and where the context so requires means the area contained within the corporate boundaries of the said municipality.
- (f.) “Municipal Land” – means a parcel of land or a part of a parcel of land owned by the municipality or land in which the municipality is in the process of acquiring. Such lands are designated as Municipal Reserve, School Reserve, Municipal and School Reserve, Environmental Reserve or Public Utility Lot.
- (g.) “Municipal Reserve” (MR) – means a part of a land parcel designated as a Municipal Reserve as defined in section 666(1) of the Municipal Government Act R.S.A.2000, c. M-26.

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44  
BYLAW NO. C-5756-2003**

Page 2

- (h.) “Municipal and School Reserve” (MSR) – means part of a land parcel designated as a municipal school reserve as defined in section 666(1) of the Municipal Government Act R.S.A. 2000, c. M-26.
- (i.) “Nuisance” - means any activity or condition within the Municipal District of Rocky View No. 44 which interferes with, annoys, disturbs, injures or endangers the safety, comfort, peace or health of others.
- (j.) “Peace Officer” - means a member of the Royal Canadian Mounted Police, a Special Constable or Bylaw Officer employed by the Municipal District of Rocky View or any other sworn Police Officer in the Province of Alberta.
- (k.) “Permit” – means a written authorization issued pursuant to approval granted by the Municipal District of Rocky View No. 44 in respect to activities on municipal lands, reserves or structures.
- (l.) “Permittee” – means a person who applied and obtained a permit in respect to activities on municipal lands, reserves or structures.
- (m.) “Person” – means the person who owns a vehicle, a person whose name appears on the vehicle registration or any person in care and control of a vehicle by implied permission of the owner or by rental agreement.
- (n.) “Public Utility Lot” (PUL) – means a part of a land parcel designated as a public utility lot as defined in the Municipal Government Act R.S.A. 2000, c. M-26.
- (o.) “School Reserve” (SR) – means a part of a land parcel designated as a school reserve as defined in the Municipal Government Act R.S.A. 2000, c. M-26.
- (p.) “Special Constable” – means a person appointed under the authority of the Police Act R.S.A. 2000, chapter P-17, section 42 and employed as such by the Municipal District of Rocky View No. 44.
- (q.) “Violation Ticket” – means a ticket issued to Part 2 of the Provincial Offences and Procedures Act, R.S.A. 2000 c. P-34.

**PEACE OFFICERS AUTHORITY**

- 3. Any member of the Royal Canadian Mounted Police, Special Constable or Bylaw Officer appointed and employed by the Municipal District of Rocky View are authorized to enforce any section of this Bylaw.

**POWERS OF PEACE OFFICERS**

- 4. Peace Officers for the purpose of this Bylaw may:
  - (a.) enforce any part of this Bylaw within the Municipal District of Rocky View No. 44 corporate boundary.
  - (b.) access any municipal land, reserve or structure, at any time for inspection or enforcement activities.
  - (c.) suspend or cancel any permits issued pursuant to any municipal land, reserve or structure.
  - (d.) order any person or corporation to cease and desist any activity on municipal land, reserve or structure, which in the opinion of the peace officer, such activity may compromise the quality of the land, reserve or structure.
  - (e.) order the restoration of any disturbed land, reserve or structures to their original condition at the offender’s expense.
  - (f.) remove and seize any items not described within the terms of an authorized permit.

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44  
BYLAW NO. C-5756-2003**

- (g.) serve written notice under “Schedule A” describing the unsatisfactory condition(s), expectations of restoration and a date to which such restoration is to be completed by. Failure to meet conditions may result in prosecution.

**OFFENCES**

5. No person shall without, a written authorized permit:

- (a.) Fail to produce a valid permit at the request of a peace officer, on any municipal land, reserve or structure.
- (b.) In any way injure or deface any turf, tree, shrub, hedge, plant, flower or structure on municipalland or reserve.
- (c.) Dig in the earth, or remove any natural feature or man-made structure from municipal land, reserve or structure.
- (d.) Conduct any activity, which causes a disturbance to anyone’s peaceful enjoyment of public or private property.
- (e.) Discard any litter on land or water on municipal land, reserve or structure.
- (f.) Obstruct any peace officer in the performance of his investigation and lawful authority to enforce this Bylaw.

5.1 No person shall, without a written authorized permit:

- (a.) Place or erect any structures, sign, bulletin board, post, pole, or advertising device of any kind, attach any notice, bill, poster, sign, wire, or cord to any tree, shrub, fence, railing, post or structure on any municipal land, reserve or structure.
- (b.) Sell or offer for sale any article of food, drink, or merchandise, or carry on any business on any municipal land, reserve or structure.
- (c.) Discharge or ignite any fireworks or missiles from any municipal land, reserve or structure.
- (d.) Park or operate any motorized vehicles / trailers on municipal land or reserve.
- (e.) Camp or take up occupancy on any municipal land, reserve or structure.
- (f.) Light any outdoor fire on municipal land, reserve or structure.
- (g.) Permit any livestock to graze on any municipal land or reserve.
- (h.) Discharge any firearms on municipal land, reserve or structure.
- (i.) Hunt or trap any animal on municipal land, reserve or structure.

**GENERAL PENALTY PROVISION**

6. Any Person that violates any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of \$10,000 or in default of payment of the fine to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts.

**MINIMUM AND SPECIFIED PENALTIES**

7(a.). The minimum and specified penalty for a violation of any provision of this Bylaw is a fine in the amount of \$500.

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44  
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- (b.). Notwithstanding Section 9 of this Bylaw, if a Person violates the same provision of this Bylaw twice within a one-year period, the minimum and specified penalty for the second such violation shall be a fine in the amount of \$1000.
- (c.) The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this Bylaw.
- (d.) A Provincial Judge/Commissioner, in addition to the penalties provided in this section, may if they consider the offence sufficiently serious, directs or order restoration of the affected land or, order compensation to be paid to the Municipal District of Rocky View No. 44 as a result of costs incurred to the Municipality for restoration.

**ENFORCEMENT**

- 8. Where an Enforcement Officer has reasonable grounds to believe that a Person has violated any provision of this Bylaw, the Enforcement Officer may commence Court proceedings against such Person by:
  - (a) Issuing the Person a Violation Ticket pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act; or
  - (b) Swearing out an Information and Complaint against the Person.

Where an Enforcement Officer issues a Person a Violation Ticket in accordance with Section 11 of this Bylaw, the Officer may either:

- (a) allow the Person to pay the specified penalty as provided for the offence in Sections 9 and 10 of this Bylaw by including such specified penalty in the Violation Ticket; or
- (b) require a Court appearance of the Person where the Enforcement Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act.

No provision of this Bylaw nor any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude the Municipal District from pursuing any other remedy in relation to a Premises provided by the Municipal Government Act, or any other law of the Province of Alberta.

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

**STRICT LIABILITY OFFENCE**

- 11. It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

Item 5.3 - Attachment 3 - Page 5 of 6

**Item 5.3 - Environmental Reserve Bylaw**  
**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44**  
**BYLAW NO. C-5756-2003**

Page 5

**REPEAL**

- 12(a.) Bylaw No. C-5547-2002 is hereby repealed.
- (b.) That Bylaw C-5547-2002 is hereby rescinded.

**EFFECTIVE DATE**

13. This Bylaw comes into force and effect upon it receiving third reading.

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta this 22nd day of July, 2003, on a motion by Councillor Habberfield.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta this 22nd day of July, 2003, on a motion by Councillor Goode.

Permission for third reading was passed unanimously in open Council, assembled in the City of Calgary in the Province of Alberta this 22nd day of July, 2003, on a motion by Councillor McLean.

Third and final reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta this 22nd day of July, 2003, on a motion by Councillor Kent.

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REEVE OR DEPUTY REEVE

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MUNICIPAL SECRETARY

BYLAW 68-2005

A BYLAW OF STRATHCONA COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSES OF PROTECTING AND ENHANCING THE ENVIRONMENT THROUGH THE USE AND ENFORCEMENT OF ENVIRONMENTAL AND CONSERVATION EASEMENTS.

WHEREAS pursuant to Section 7 of the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended, a Council of a Municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the *Municipal Government Act*, R.S.A. 2000, c.M-26, and the *Environmental Protection and Enhancement Act* R.S.A. 2000, c.E-12 as amended or repealed and replaced from time to time, provides Strathcona County the authority to enter into Environmental Reserve Easements and Conservation Easements;

AND WHEREAS the Council of Strathcona County deems it expedient and in the public's interest to pass a Bylaw to protect municipal lands and to protect and enhance the environment through the use and enforcement of Environmental and Conservation Easements;

NOW THEREFORE the Council of Strathcona County pursuant to the authority conferred upon it by the laws of the Province of Alberta, enacts as follows:

**SECTION 1 – SHORT TITLE**

- 1.1 This Bylaw may be cited as the Strathcona County " Unauthorized Use of Conservation Easements".

**SECTION 2 - DEFINITIONS**

- 2.1 "Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by the County pursuant to the *Municipal Government Act*, for the purpose of enforcing County bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable.
- 2.2 "Council" means the council of the Strathcona County.
- 2.3 "Commissioner" means the Chief Commissioner of the Municipality or his or her delegate.
- 2.4 "Conservation Easement" means an easement entered in pursuant to the *Environmental Protection and Enhancement Act*.
- 2.5 "County" means the Municipality of Strathcona County.
- 2.6 "Designated Officer" means a Bylaw Enforcement Officer and/or such other person as may be appointed by the Commissioner from time to time.
- 2.7 "*Environmental Protection and Enhancement Act*" means the *Environmental Protection and Enhancement Act* R.S.A. 2000, c.E-12 as amended.
- 2.8 "Environmental Reserve Easement" means an easement for the protection and enhancement of the environment entered into pursuant to *Municipal Government Act*.
- 2.9 "*Municipal Government Act*" means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended.
- 2.10 "Order" means an Order issued under this Bylaw in accordance with section as described in Section 545 of the *Municipal Government Act*.

- 2.11 "Parcel of Land" means land that is the subject of an Environmental Reserve Easement or Conservation Easement.
- 2.12 "Person" includes one or more individuals, partnerships, bodies corporate, unincorporated organizations, governments, government agencies, trustees, executors, administrators or other legal representatives, other than the Municipality or its legal representatives.
- 2.13 "Violation Tag" means a tag or similar document issued by the County pursuant to the *Municipal Government Act*.
- 2.14 "Violation Ticket" means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*, and any Regulations thereunder.

**SECTION 3 – PROHIBITION, INSPECTION AND ORDER**

- 3.1 A person shall not cause or allow a Parcel of Land that is subject to an Environmental Reserve Easement or Conservation Easement to be varied from its natural state, except with the prior written authorization of the Commissioner.
- 3.2 A Designated Officer may, for the purpose of ensuring that the provisions of this Bylaw are being complied with, enter in or upon any Parcel of Land in accordance with Section 542 of the *Municipal Government Act* to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the *Municipal Government Act* or statute.
- 3.3 A Designated Officer shall provide the owner or occupant of the Parcel of Land with reasonable notice as required by the *Municipal Government Act* when exercising the Designated Officer's authority to enter onto Property for inspection or enforcement under this section.
- 3.4 A Designated Officer may Order a Person responsible for a variance of a Parcel of Land subject to an Environmental Reserve Easement or Conservation Easement from its natural state to remedy that variance. An Order must:
  - a. identify the variance;
  - b. direct the Person to take any action or measures necessary to remedy the variance including, but not limited to, the restoration of the Environmental Reserve Easement or Conservation Easement Parcel of Lands to a natural state; and
  - c. state the time within which the Person must comply with the order;
  - d. state that if the Person does not comply with the Order in the specified time the County may take action or measure at the expense of the Person.
- 3.5 An Order under this Bylaw may be served on a Person, and is deemed to have been served on the Person, when the Order has been:
  - a. personally delivered to the Person;
  - b. left for the Person at his residence with a person on the premises who appears to be at least eighteen (18) years of age;
  - c. sent via registered mail addressed to the last known postal address of the Person; or
  - d. posted in a conspicuous place on the Parcel of Land referred to on the Order, when the Designated Officer has reason to believe:

- i. that the Person to whom the Order is addressed is evading service; or
- ii. no other means of services available.

- 3.6 No Person shall fail to comply with an Order under this section.
- 3.7 A Person who contravenes section 3.1 or section 3.6 is guilty of an offence.
- 3.8 A Person who receives an Order under this section may by written notice request Council review the Order with 14 days after the date the Order is received. The written request must be accompanied by the amount set out in Schedule "B".

**SECTION 4 – OFFENCES AND PENALTIES**

- 4.1 Upon an Order being issued under this Bylaw and expiry of the time for the Person to request Council review the Order, the County may take whatever action or measures are necessary to remedy the contravention of this Bylaw and the expenses or costs shall become an amount owing to the County by the Person.
- 4.2 Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable on conviction to pay a penalty as set out at Schedule "A" herein.

**SECTION 5 – VIOLATION TAGS**

- 5.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person, who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 5.2 A Violation Tag shall be served upon such a Person personally, or in the case of a corporation, by serving the Violation Tag personally upon the Manager, Secretary or other Executive Officer, or Person apparently in charge of a branch office, by mailing a copy to such Person by registered mail, or the case of an individual, by leaving it with a Person on the premises who has the appearance of being at least eighteen (18) years of age.
- 5.3 The Violation Tag shall be in a form approved by the Commissioner and shall state:
  - a. the name of the Person;
  - b. a description of the Parcel of Lands or Municipal Lands;
  - c. the offence;
  - d. the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
  - e. that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tags; and
  - f. any other information as may be required by the Commissioner.
- 5.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Bylaw Enforcement Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 5.5 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom a Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County Treasurer the penalty specified on the Violation Tag.

**SECTION 6 – VIOLATION TICKET**

- 6.1 In those cases where a Violation Tag has been issued and the penalties specified on the Violation Tag has not been paid within the prescribed time, then a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34, as amended.
- 6.2 A Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any person whom the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

**SECTION 7 – GENERAL**

- 7.1 Evidence that a Person is an owner of land contiguous to an Environmental Reserve Easement or Conservation Easement on which there is variance from the natural state of the Parcel of Lands is prima facie proof that the owner of the lands is responsible for the variance.
- 7.2 Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

READ a first time this 28 day of June, 2005.

READ a second time this 28 day of June, 2005.

READ a third and finally passed this 28 day of June, 2005.

Cathy Olson  
MAYOR

[Signature]  
MANAGER OF LEGISLATIVE AND  
LEGAL SERVICES

Date Signed: July 4, 2005

Schedule "A"

**PENALTIES**

Any owner/occupant that does not comply with the Bylaw may be subject to a fine of:

- a. \$1,000.00 for the first offence; and
- b. \$2,500.00 for the second offence; and
- c. \$5,000.00 for any subsequent offences

## Item 5.3 - Environmental Reserve Bylaw

### BYLAW NO. 2021-24

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

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

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

#### 1. TITLE

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

#### 2. DEFINITIONS

2.1 “Bylaw Enforcement Officer” means

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

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

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

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

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

2.6 “Environmental Reserve” (ER) – means a part of land parcel designated as an environmental reserve as defined under section 664(1) of the Municipal Government Act R.S.A. 2000, c-M-26.

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

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

## Item 5.3 - Environmental Reserve Bylaw

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

## Item 5.3 - Environmental Reserve Bylaw

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

### 3. AUTHORITY OF BYLAW ENFORCEMENT OFFICERS

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

### 4. OFFENCES

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

## Item 5.3 - Environmental Reserve Bylaw

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

### 5. GENERAL PENALTY PROVISION

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

## Item 5.3 - Environmental Reserve Bylaw

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

### 6. MINIMUM AND SPECIFIED PENALTIES

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

### 7. VIOLATION TAGS

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

## Item 5.3 - Environmental Reserve Bylaw

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

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

### 8. VIOLATION TICKETS

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

### 9. ENFORCEMENT

- 9.1 Where a Bylaw Enforcement Officer has reasonable grounds to believe that a person has violated any provision of this Bylaw, the Bylaw Enforcement Officer may issue a Violation Tag, or may commence court proceedings against such a person by issuing a Violation Ticket or an Order to Comply to remedy the contravention in any manner deemed necessary in the circumstances pursuant to Section 545 of the *Municipal Government Act*; or
- 9.2 Where a Bylaw Enforcement Officer issues a person an Order to Comply, the Officer may:
- a) Identify the Unauthorized use;
  - b) Direct the person to take action or measures necessary to remedy the Unauthorized Use including, but not limited to, the restoration of the Municipal or Reserve Land to a natural state; and
  - c) State the time within which the person must fulfill the Order to Comply;
  - d) State that if the person does not abide by the Order to Comply in a specified time, the County may take action or measures at the expense of the person.
- 9.3 Where a contravention of this Bylaw is of a continuing nature, further violation tags may be issued by the Officer, provided however, that no more than one violation tag shall be issued for each day the contravention continues.

## Item 5.3 - Environmental Reserve Bylaw

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

### 10. STRICT LIABILITY

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

### 11. SEVERABILITY

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

### 12. RESCISSION

- 12.1 Bylaw 2017-11 is hereby repealed.

### 13. EFFECTIVE DATE

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

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

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

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

*Original signed by Reeve G. Ockerman*

*Original signed by CAO S. Kitz*

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REEVE

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CHIEF ADMINISTRATIVE OFFICER

**BYLAW NO. 1440**

Being a bylaw of the Municipal District of Bonnyville No. 87 in the Province of Alberta providing for the regulation of municipal land and reserves.

**WHEREAS** pursuant to Section 7 (a) of the Municipal Government Act Revised Statutes of Alberta, 2000, Chapter M-26 and amendments thereto, the Municipal District of Bonnyville may pass Bylaws for the protection and preservation of Municipal Lands and Reserves.

**NOW THEREFORE** the Council of the Municipal District No. 87 in the province of Alberta, duly assembled, hereby enacts as follows:

**TITLE**

1. This Bylaw may be cited as "The Municipal Land and Reserves Bylaw."

**DEFINITIONS**

2. In this Bylaw, unless the content otherwise requires:
  - (a) "Council" - means the Municipal Council of the Municipal District of Bonnyville No. 87
  - (b) "Environmental Reserve" (ER) – means a part of a land parcel designated as an environmental reserve as defined under section 664(1) of the Municipal Government Act R.S.A. 2000, c.M-26.
  - (c) "Litter" – any solid or liquid material or product or combination of solid or liquid materials or products, including, but not limited to:
    - (i.) Any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, or sewage or the whole or part of an animal carcass or
    - (ii.) The whole or part of any article, raw or processed material, Motor Vehicle or other machinery, that is disposed of; or
    - (iii.) Any dirt, gravel, rock, sand, rubble or clean fill; or
    - (iv.) Any other material or product that is designated as litter in the Alberta Environmental Protection and Enhancement Act, as amended and the Regulations thereunder.
  - (d) "Motor Vehicle" – means a motor vehicle as defined in the Traffic Safety Act, R.S.A. 2000 c T.6, as amended from time to time, and the regulations thereunder.
  - (e) "Municipality" – means the Municipal District of Bonnyville No. 87 a municipal corporation in the Province of Alberta and where the context so requires means the area contained within the corporate boundaries of the said municipality.
  - (f) "Municipal Land" – means a parcel of land or a part of a parcel of land owned by the municipality or land in which the municipality is in the process of acquiring. Such lands are designated as Municipal Reserve, School Reserve, Municipal and School Reserve, Environmental Reserve or Public Utility Lot.
  - (g) "Municipal Reserve" (MR) – means a part of a land parcel designated as a Municipal Reserve as defined in section 666(1) of the Municipal Government Act R.S.A. 2000, c. M-26
  - (h) "Municipal and School Reserve" (MSR) – means part of a land parcel designated as a municipal school reserve as defined in section 666(1) of the Municipal Government Act R.S.A. 2000, c. M-26.
  - (i) "Nuisance" – means any activity or condition within the Municipal District of Bonnyville No. 87 which interferes with, annoys, disturbs, injures or endangers the safety, comfort, peace or health of others.
  - (j) "Order to comply" means an Order, or warning, issued under this Bylaw.

- (k.) "Peace Officer" – means a member the Royal Canadian Mounted Police, a Peace Officer or Bylaw officer employed by the Municipal District of Bonnyville or any other sworn Police Officer in the Province of Alberta.
- (l.) "Permit" – means a written authorization issued pursuant to approval granted by the Municipal District of Bonnyville No. 87 in respect to activities on municipal lands, reserves or structures.
- (m.) "Permittee" – means a person who applied and obtained a permit in respect to activities on municipal lands, reserves or other structures.
- (n.) "Person" – means the person who owns a vehicle, a person whose name appears on the vehicle registration or any other person in care and control of a vehicle by implied permission of the owner or by rental agreement.
- (o.) "Public Utility Lot" (PUL) – means a part of a land parcel designated as a public utility lot as defined in the municipal Government Act R.S.A. 2000, c. M26.
- (p.) "Reserve Lands" – means an Environmental reserve, a Walkway, a Municipal Reserve, a School Reserve and a Municipal & School Reserve as defined in the Municipal Government Act.
- (q.) "School Reserve" (SR) – means a part of a land parcel designated as a school reserve as defined in the Municipal Government Act R.S.A 2000, c. M-26.
- (r.) "Strict Liability" – means a person is responsible for the damage and loss caused by his/her acts and omissions regardless of culpability.
- (s.) "Structures" – means any man-made building or feature with the exception of seasonal piers and docks
- (t.) "Unauthorized Use" means any use which falls under offenses on the Reserve Land without a valid permit
- (u.) "Violation Ticket" – means a ticket issued to Part 2 of the Provincial Offences and Procedures Act, R.S.A. 2000 c. P-34

**PEACE OFFICERS AUTHORITY**

- 3. Any member of the Royal Canadian Mounted Police, Peace Officer or Bylaw Officer appointed and employed by the Municipal District of Bonnyville are authorized to enforce any section of this Bylaw.

**POWERS OF PEACE OFFICERS**

- 4. Peace Officers for the purpose of this Bylaw may:
  - (a.) Enforce any part of this Bylaw within the Municipal District of Bonnyville No. 87 corporate boundary.
  - (b.) Access any municipal land, reserve or structure, at any time for inspection or enforcement activities.
  - (c.) Order any person or corporation to cease and desist any activity on municipal land, reserve or structure, which in the opinion of the peace officer, such activity may compromise the quality of the land, reserve or structure.
  - (d.) Order the restoration of any disturbed land, reserve or structures to their original condition at the offender's expense.
  - (e.) Remove and seize any items not described within the terms of an authorized permit.
  - (f.) Serve written notice under "Schedule A" describing the unsatisfactory condition(s), expectations of restoration and a date to which such restoration is to be completed by. Failure to meet conditions may result in prosecution.

**OFFENCES**

5. No person shall:

- (a.) Fail to produce a valid permit at the request of a peace officer, on any municipal land, reserve or structure.
- (b.) Conduct any activity, which causes a disturbance to anyone's peaceful enjoyment of public or private property.
- (c.) Discard any litter on land or water on municipal land, reserve or structure.
- (d.) Obstruct any peace officer in the performance of his investigation and lawful authority to enforce this Bylaw.
- (e.) Discard any contaminants or utilize herbicides and fertilizers on land or water on municipal land, reserve or structure.

5.1. No Person Shall, without a written authorized permit:

- (a.) Place or erect any structures, sign, bulletin board, post, pole, or advertising device of any kind, attach any notice, bill, poster, sign, wire, or cord to any tree, shrub, fence, railing, post or structure on any municipal land, reserve or structure.
- (b.) Dig in the earth, or remove any natural feature or man-made structure from municipal land, reserve or structure.
- (c.) In any way injure or deface any turf, tree, shrub, hedge, plant, flower or structure (except weeds identified in the Weed Control Act, Revised Statutes of Alberta, 2000, Chapter w-5, and amendments thereto) on municipal land or reserve
- (d.) Discharge or ignite any fireworks or missiles from any municipal land, reserve or structure.
- (e.) Park or operate any motorized vehicles or trailers on municipal land or reserve except in designated areas.
- (f.) Park or operate any ATV's on municipal land or reserve except within designated municipal reserves or trails.
- (g.) Camp or take up occupancy on any municipal land, reserve, or structure that are not designated as day use areas for recreational purposes.
- (h.) Light any outdoor fire on municipal land, reserve or structure.
- (i.) Permit any livestock to graze on municipal land or reserve.
- (j.) Discharge any firearms on or over municipal land, reserve or structure.

5.2. No Person Shall, without a development permit:

- (a.) Construct or remove structures such as stairs/decks on any municipal land or reserve.

**GENERAL PENALTY PROVISION**

- 6. Any Person that violates any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of \$10,000 or in default of the payment of the fine to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts.

**MINIMUM AND SPECIFIED PENALTIES**

- 7(a.) Notwithstanding Section 6 of this Bylaw, every person who contravenes any provisions of this Bylaw, as enumerated in Schedule B herein is guilty of an offence and shall be liable on Summary Conviction to the penalty specified therein for such offence.
- (b.) The Levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this Bylaw.
- (c.) A Provincial Judge/Commissioner, in addition to the penalties provided in this section, may if they consider the offence sufficiently serious, direct or order restoration of the affected land or, order compensation to be paid to the Municipal District of Bonnyville No. 87 as a result of costs incurred to the Municipality for restoration.

**ENFORCEMENT**

8. Where a Peace Officer has reasonable grounds to believe that a Person has violated any provision of this Bylaw, the Peace Officer may commence Court proceedings against such Person by:
- (a.) Issuing an Order to Comply to remedy the contravention in any manner deemed necessary in the circumstances pursuant to Section 545 of the Municipal Government Act, or,
- (b.) Issuing the Person a Violation Ticket pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act.

Where a Peace Officer issues a Person an Order to Comply in accordance with Section 5 of this Bylaw, the Officer may :

- (a.) Identify the Unauthorized Use
- (b.) Direct the person to take any action or measures necessary to remedy the Unauthorized Use including, but not limited to, the restoration of the Reserve Land to a natural state; and
- (c.) State the time within which the Person must fulfill the Order to Comply;
- (d.) State that if the Person does not abide by the Order to Comply in the specified time the Municipality may take action or measures at the expense of the Person.

Where a Peace Officer issues a Person a Violation Ticket in accordance with Section 5 of this Bylaw, the Officer may either:

- (a.) Allow the Person to pay the specified penalty as provided for the offence in Section 7 of this Bylaw by including such specified penalty in the Violation Ticket; or
- (b.) Require a Court appearance of the Person where the Enforcement Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act.

No provision of this Bylaw nor any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent, or preclude the Municipal District from pursuing any other remedy in relation to a Premises provided by the Municipal Government Act, or any other law of the Province of Alberta.

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

**STRICT LIABILITY OFFENCE**

- 10. It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

**MUNICIPAL DISTRICT EMPLOYEES**

- 11. The provisions of this Bylaw do not apply to actions and operations of the Municipal District of Bonnyville No. 87, or persons acting upon the instructions of the Municipal District of Bonnyville in respect to any activities with municipal lands, reserves or structures.

**EFFECTIVE DATE**

- 12. This Bylaw comes into force and effect on the dated upon final passing thereof.

READ A FIRST TIME IN COUNCIL THIS 30<sup>TH</sup> DAY OF SEPTEMBER, 2009.

READ A SECOND TIME IN COUNCIL THIS 30<sup>TH</sup> DAY OF SEPTEMBER, 2009.

READ A THIRD TIME AND FINAL TIME, WITH THE UNANIMOUS CONSENT OF ALL COUNCILLORS PRESENT, THIS 30<sup>TH</sup> DAY OF SEPTEMBER, 2009.

  
 \_\_\_\_\_  
 REEVE

  
 \_\_\_\_\_  
 CHIEF ADMINISTRATIVE OFFICER

Schedule A

Municipal District of Bonnyville No. 87

**Order to Comply**

Pursuant to Section 4F of the Municipal District of Bonnyville Bylaw 1440



MUNICIPAL DISTRICT  
BONNYVILLE NO. 87

Order No.:
OFFICE USE ONLY

Date Order Issued: \_\_\_\_\_

Application/Permit Number: \_\_\_\_\_

Address to which Order applies: \_\_\_\_\_

Order issued to (name and address if different from above): \_\_\_\_\_

The inspection on or about \_\_\_\_\_ (date) at the above-referenced address found the following unsatisfactory conditions.

You are hereby ordered to correct the contraventions itemized below immediately, by the dates listed below, or by \_\_\_\_\_ (date).

Activity	Description and Location	Required Action and Compliance Date

**Order issued by:**

Name \_\_\_\_\_ Contact Name (opt.) \_\_\_\_\_

Signature \_\_\_\_\_ Contact Tel No. (opt.) \_\_\_\_\_

Telephone No. \_\_\_\_\_

**Bylaw No. 1440  
The Municipal Land and Reserves Bylaw  
Schedule B  
Specified Penalty Listing**

<b>SECTION</b>	<b>OFFENCE</b>	<b>FINE</b>
5(a)	Fail to produce valid permit	\$200
5(b)	Conduct activity causing disturbance	\$300
5(c)	Discard litter	\$300
5(d)	Obstruct a Peace Officer in performance of duties	\$500
5(e)	Discard contaminates/utilize herbicides/fertilizers	\$300
5.1(a)	Place/Erect/attach any structure/sign/bulletin board/post/pole/advertising device/notice/bill/poster/sign/wire/cord to a tree/shrub/fence/railing/post or structure without authorization	\$500
5.1(b)	Dig in the earth/remove any natural feature/manmade structure	\$500
5.1(c)	Injure/deface turf/tree/shrub/hedge/plant/flower/structure	\$300
5.1(d)	Discharge/ignite fireworks/missles	\$500
5.1(e)	Park trailer/operate motorized vehicle	\$200
5.1(g)	Camp/occupy land on Reserve land	\$200
5.1(h)	Light fire on Reserve Land	\$500
5.1(i)	Permit livestock to graze on Reserve Land	\$500
5.1(j)	Discharge Firearm on/over Reserve Land	\$500
5.2(a)	Construct/Remove Structure on Reserve Land without Permit	\$1000



Town of Blackfalds  
POLICY

<p><b>Policy No:</b> 120/16  <b>Policy Title:</b> Management of MR and ER Lands  <b>Department:</b> Planning &amp; Development  <b>Council Approval:</b>  <b>Reviewed:</b> January 18, 2016  <b>Revised:</b> N/A  <b>Supersedes Policy/Bylaw:</b> n/a</p>	<p>M# <i>RES. 26/16</i> Date: <i>JANUARY 26, 2016</i></p>
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**Policy Statement**

**1. Reason for Policy**

- 1.1 Municipalities may request a landowner who is subdividing land to dedicate a portion of their property as municipal and/or environmental reserve as per the current Alberta Municipal Government Act. All reserve lands once subdivided are owned and managed by the municipality.
- 1.2 The purpose of this policy is to provide direction for the management of Town owned reserve lands, how to deal with existing encroachments on reserves, the potential disposal and leasing of existing reserve lands and the acquisition of reserve lands in new subdivisions.

**2. Related Information**

2.1 Use and Management of Municipal Reserves (MR)

MR lands are intended to provide land area for public recreation and park space use for the enjoyment of Town residents and the general public as identified in the current Alberta Municipal Government Act. MR lands may provide important access links to other lands, and can also offer undeveloped green spaces that act as buffers between different land uses.

The Town supports the following uses of MR lands:

- (i) Recreation facilities including indoor and outdoor ice arenas,
- (ii) indoor and outdoor sport fields,
- (iii) playgrounds,
- (iv) passive park and greenspaces,
- (v) trail systems,
- (vi) other facilities utilized for recreation and leisure activities and associated facilities supporting these amenities including parking lots and public washrooms.



## Town of Blackfalds POLICY

### 2.2 Use and Management of Environmental Reserves (ER)

Environmental Reserve lands are intended to protect the natural environment, protect people and property from hazardous conditions (e.g. flooding) and provide public access to or along lakes and rivers as identified in current Alberta Municipal Government Act.

The Town will manage ER lands as follows:

- (i) ER lands will be generally left in their natural condition as much as possible.
- (ii) Public trails may be developed within a dedicated Environmental Reserve where conditions are suitable above the 1:100 flood levels with a minimum setback at 5metres within the 15metre Reserve area requirement.

### 2.3 Encroachments and Unauthorized Structures on Reserves

The Municipality will protect Municipal Reserves and environmental Reserves within its Municipal boundaries from unauthorized encroachments. All encroachments on reserves will be removed through the identified process outlined in the attached procedure.

### 2.4 Disposal of Reserves

The Town will not normally dispose of reserve lands. Sale or lease will only be considered in exceptional circumstances where the Town has carefully considered existing and future use of the property and has determined the reserve lands to be surplus to the Town needs.

Where the Town is considering disposal of reserve lands, a public hearing will be held to receive public input prior to deciding to proceed.

## 3. Definitions

- 3.1 **Development Authority (DA)** as defined under the current Town of Blackfalds Land Use Bylaw.
- 3.2 **Municipal Reserve (MR)** shall mean land designated as municipal reserve, held by the Town under the current Alberta Municipal Government Act.
- 3.3 **Environmental Reserve (ER)** shall mean land designated as environmental reserve, held by the Town under the current Alberta Municipal Government Act.

## 4. Responsibilities

### 4.1 Municipal Council to:

- 4.1.1 Approve by resolution this policy and any amendments.
- 4.1.2 Consider the allocation of resources for successful implementation of this policy in the annual budget process.



## Town of Blackfalds POLICY

4.1.3 Where the Town is considering disposal of reserve lands, a public hearing will be held to receive public input prior to deciding to proceed

4.2 Chief Administrative Officer to:

4.2.1 Implement this policy and approve procedures.

4.2.2 Ensure policy and procedure reviews occur and verify the implementation of policies and procedures.

4.3 Director of the Department to:

4.3.1 Ensure implementation of this policy and procedure.

4.3.2 Ensure that this policy and procedure is reviewed every three years.

4.3.3 Make recommendations to the Chief Administrative Officer of necessary policy or procedure amendments.

4.4 Manager to:

4.4.1 Understand, and adhere to this policy and procedure.

4.4.2 Ensure employees are aware of this policy and procedure.

4.5 All Employees to:

4.5.1 Understand and adhere to this policy and procedure.

### 5. Exclusions

5.1 This policy does not dictate how much reserve land will be dedicated to the municipality at the time of new subdivision, only how to manage and dispose of said lands once the dedication has been completed as outline in the MGA and through development negotiations.



**Town of Blackfalds  
POLICY**

**PROCEDURE**

<p><b>Policy No: 120/16</b>  <b>Policy Title: Management of MR and ER Lands</b>  <b>Department: Planning and Development</b></p>	
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**1 Maintenance of Municipal Reserves**

1.1 Municipal forces will be utilized to maintain Municipal Reserves.

- 1.1.1 In MR locations that are in their natural state with or without developed recreation facilities, the removal of vegetation will be at the discretion of the Director of Community Services or the Director of Infrastructure. However, vegetation removal may be considered where there is a public safety hazard as determined by the Town.
- 1.1.2 Mowing will only occur to control weeds and to reduce fire hazards. Removal of vegetation and mowing will be undertaken by the Town or as approved by the Town.
- 1.1.3 Placement of fill material and other yard wastes (e.g. grass clippings, tree pruning's) or the removal of any material will not be allowed.

**2 Encroachments on MR and/or ER Lands**

- 2.1 Responsible partie(s) of the encroachment as determined by the DA will be asked to remove unauthorized materials and structures will be asked to remove the structure and reclaim the lands within a reasonable amount of time as determined by the DA and typically shall not exceed one year.
- 2.2 If the responsible party/parties do not comply with the DA's order, the Town may take the necessary action to remove said encroachment and will charge the owner for all costs incurred.
- 2.3 Public Pathways and trails may be authorized with the approval of the Town upon request.

**3 Disposal of MR property by the Town**

The following procedure shall apply to the disposal of MR Lands by the Town:

**3.1 Declaration of Surplus MR Property**

- 3.1.1. Prior to the disposal of MR land by the Town, Council shall declare the land to be surplus in the following manner:
  - (i) The Director of Infrastructure and Property Services in conjunction with the Community Services Director with the advice of the Manager of Planning and Development will submit a report to Council recommending that the land in question be declared surplus to the needs of the Town once any recreational



Town of Blackfalds  
POLICY

potential has been considered due to the importance of the property as open and environmental space;

- (ii) Where Council deems it advisable to adopt any recommendation from Administration with respect to declaring any MR land owned by the Town as being considered surplus for all municipal purposes;
- (iii) When the recommendation is to keep a site, the recommendation is forwarded to Council without neighborhood consultation. Council will determine whether to end the process or to proceed with neighborhood consultation and a disposal hearing
- (iv) If Council, in a meeting open to the public, passes a resolution declaring any such land surplus to the needs of the Town then Council must proceed with consultation in accordance with the current Alberta Municipal Government Act.

3.2 Notice of Consultation

3.2.1 Notice will be circulated to the residents in the area of the MR land to be disposed and shall state:

- (i) Council's consideration of selling the land
- (ii) Reasons for the consideration of the sale of the MR land and associated details
- (iii) A map of the subject land
- (iv) Time and date of Council's consideration of the issue and opportunity to make a presentation at that time.

3.2.2 Public Input and Council's Consideration

- (i) Based on information presented, including public presentations, Council will determine by majority vote, whether to proceed with the sale of the MR land.
- (ii) Council will determine the method by which the MR land is to be sold and staff will initiate the disposal process.
- (iii) Council will decide on the method of establishing a "price" for the market value of the MR land whether it be by appraisal or review of land sales in the area.

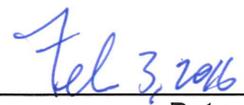
4 Removal of land base from the Town

Administration will take all required steps to remove the land base from any Town records as required by the current Alberta Municipal Government Act.

5. End of Procedure

Approval

  
\_\_\_\_\_  
Chief Administrative Officer

  
\_\_\_\_\_  
Date