

COMMITTEE OF THE WHOLE AGENDA

Tuesday, December 5, 2023, 8:30 a.m.

1600 2nd Street NE

Three Hills, AB T0M 2A0



<https://www.youtube.com/@kneehillcounty48>

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1. Call to Order	
1.1 Approval of Agenda	
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4. Adjournment	



Committee of the Whole Minutes

November 21, 2023, 8:30 a.m.
1600 2nd Street NE
Three Hills, AB T0M 2A0

Council Present: Faye McGhee, Councillor
Jerry Wittstock, Deputy Reeve
Carrie Fobes, Councillor
Laura Lee Machell-Cunningham, Councillor
Wade Christie, Councillor
Kenneth King, Reeve

Council Absent: Debbie Penner, Councillor

Staff Present: Mike Haugen, Chief Administrative Officer
Mike Ziehr, Director of Infrastructure
Kevin Gannon, Director of Community Services
Debra Grosfield, Manager of Protective Services
Barb Hazelton, Manager of Planning and Development
Fallon Sherlock, Manager of Parks and Agricultural Service Board
Jenna Kester, Economic Development Intern
Carolyn Van der Kuil, Legislative Services Coordinator

2. New Business

2.1 Business Retention & Expansion Survey Report

1. Call to Order

Reeve King called the meeting to order at 8:30 a.m.

1.1 Approval of Agenda

Additions to the Agenda:

2.0 New Business

2.4 AUC Renewable Engagement

Resolution: CW053

Moved by: Councillor Christie

That the Committee of the Whole approve the agenda as amended.

CARRIED UNANIMOUSLY

_____Initials

1.2 Approval of Minutes

1.2.1 Approval of the October 17, 2023, COW Meeting Minutes

Resolution: CW054

Moved by: Councillor McGhee

That the Committee of the Whole approves the adoption of the minutes of the October 17, 2023, Committee of the Whole meeting, as presented.

CARRIED UNANIMOUSLY

2. New Business

2.2 Bylaw 1889 Amendment to Land Use Bylaw 1808

Resolution: CW055

Moved by: Councillor McGhee

That the Committee of the Whole accept the update on proposed Bylaw 1889 for information, as presented.

CARRIED UNANIMOUSLY

2.3 Future of Growing Kneehill Event Discussion

The Chair called for a recess at 9:33 a.m. and called the meeting back to order at 9:47 a.m. with all previously mentioned members present.

The Chair called for a recess at 10:48 a.m. and called the meeting back to order at 11:02 a.m. with all previously mentioned members present.

Resolution: CW056

Moved by: Councillor Cunningham

That the Committee of the Whole requests that Administration provide options for future Growing Kneehill Events to Council for consideration as discussed.

CARRIED UNANIMOUSLY

2.4 AUC Renewables Review Comment Matrix

Resolution: CW057

Moved by: Councillor Christie

That the Committee of the Whole receive for information the AUC Renewable Review document, as discussed.

CARRIED UNANIMOUSLY

_____Initials

Resolution: CW058

Moved by: Councillor Cunningham

That the Committee of the Whole recommend to Council that the County take part in the AUC Oral Engagement Process and have the opportunity to withdraw if necessary.

CARRIED UNANIMOUSLY

3. Closed Session

The Chair called for a recess at 12:18 p.m. and called the meeting back to order at 1:00 p.m. with all previously mentioned members present.

The Chair called for a recess at 2:31 p.m. and called the meeting back to order at 2:40 p.m. with all previously mentioned members present.

Resolution: CW059

Moved by: Councillor Fobes

That this meeting goes into closed session at 1:00 p.m. for the following reason(s):

- Third Party Business (FOIP- Section 16)
- Third Party Business (FOIP- Section 16)

CARRIED UNANIMOUSLY

Resolution: CW060

Moved by: Councillor McGhee

That Council return to open meeting at 3:01 p.m.

CARRIED UNANIMOUSLY

3:02 p.m. - meeting recessed to allow return of public.

3:03 p.m. - meeting resumed.

4. Adjournment

The meeting adjourned at 3:03 p.m.

Kenneth King, Deputy Reeve

Mike Haugen, CAO

_____ Initials






Committee of the Whole Discussion Report

Subject: **Economic Development Portfolio**
Meeting Date: Wednesday, August 2, 2023
Prepared By: Kevin Gannon, Director of Community Services
Presented By: Kevin Gannon, Director of Community Services

RECOMMENDATION:

That the Committee of the Whole receive the report as information

STRATEGIC PLAN ALIGNMENT: (Check all that apply)

	<input type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>
High Quality Infrastructure		Economic Resilience		Quality of Life		Effective Leadership		Level of Service	

RELEVANT LEGISLATION:

Provincial (cite)- NA

Council Bylaw/Policy (cite)- NA

BACKGROUND/PROPOSAL:

During the Council meeting on November 28th, Councilor McGhee proposed the inclusion of an RFD for the December 5th Committee of the Whole meeting, focusing on Economic Development matters.

Administration comprehends that Council aims to gain insight into the extent of efforts made by Administration to align with Council's Strategic Plan and other governance documents.

It is understood by Administration that Council's current direction is to continue the development/opportunity of Horseshow Canyon and to continue to explore ways for the Canyon to benefit Kneehill County.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES/OTHER CONSIDERATIONS:

Administration would like to seize this opportunity to engage openly with Council and address any questions pertaining to the County's Economic Development Portfolio.

FINANCIAL & STAFFING IMPLICATIONS:

ATTACHMENTS:

APPROVAL(S):



Mike Haugen, Chief Administrative Officer

Approved- ☒

Kevin Gannon, Director of Community Services

Approved- ☒



Subject: **Unsightly Premises Process**

Meeting Date: Tuesday, December 5, 2023






Prepared By: Debra Grosfield, CLGM, Protective Services Manager

Presented By: Kevin Gannon, Director of Community Services

RECOMMENDATION:

That the Committee of the Whole recommend to Council to request Administration to provide further information on Unsightly Premises file processes.

STRATEGIC PLAN ALIGNMENT: (Check all that apply)

	<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>
High Quality Infrastructure		Economic Resilience		Quality of Life		Effective Leadership		Level of Service	

RELEVANT LEGISLATION:

Provincial (cite)- Municipal Government Act:

Municipal inspections and enforcement

542(1) If this or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or the structure to be entered to carry out the inspection, remedy, enforcement or action,

- (a) enter on that land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the enactment or bylaw,
- (b) request anything to be produced to assist in the inspection, remedy, enforcement or action, and
- (c) make copies of anything related to the inspection, remedy, enforcement or action.

(1.1) A consent signed under section 653 is deemed to be a reasonable notice for the purposes of subsection (1).



(2) The designated officer must display or produce on request identification showing that the person is authorized to make the entry.

(3) In an emergency or in extraordinary circumstances, the designated officer need not give reasonable notice or enter at a reasonable hour and may do the things in subsection (1)(a) and (c) without the consent of the owner or occupant.

(4) Nothing in this section authorizes the municipality to remedy the contravention of an enactment or bylaw.

1994 cM-26.1 s542;1995 c24 s81

Order to remedy contraventions

545(1) If a designated officer finds that a person is contravening this or any other enactment that the municipality is authorized to enforce or a bylaw, the designated officer may, by written order, require the person responsible for the contravention to remedy it if the circumstances so require.

(2) The order may

- (a) direct a person to stop doing something, or to change the way in which the person is doing it;
- (b) direct a person to take any action or measures necessary to remedy the contravention of the enactment or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and, if necessary, to prevent a re-occurrence of the contravention;
- (c) state a time within which the person must comply with the directions;
- (d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

1994 cM-26.1 s545

Order to remedy dangers and unsightly property

546(0.1) In this section,

- (a) “detrimental to the surrounding area” includes causing the decline of the market value of property in the surrounding area;
- (b) “unsightly condition”,
 - (i) in respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, and



- (ii) in respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep.
- (1) If, in the opinion of a designated officer, a structure, excavation or hole is dangerous to public safety or property, because of its unsightly condition, is detrimental to the surrounding area, the designated officer may by written order
 - (a) require the owner of the structure to
 - (i) eliminate the danger to public safety in the manner specified, or
 - (ii) remove or demolish the structure and level the site;
 - (b) require the owner of the land that contains the excavation or hole to
 - (i) eliminate the danger to public safety in the manner specified, or
 - (ii) fill in the excavation or hole and level the site;
 - (c) require the owner of the property that is in an unsightly condition to
 - (i) improve the appearance of the property in the manner specified, or
 - (ii) if the property is a structure, remove or demolish the structure and level the site.
- (2) The order may
 - (a) state a time within which the person must comply with the order;
 - (b) state that if the person does not comply with the order within a specified time, the municipality will take the action or measure at the expense of the person.

1994 cM-26.1 s546;1999 c11 s31

Council Bylaw/Policy (cite)

Attached: Bylaw Enforcement Officer Bylaw #1793, Nuisance & Unsightly Bylaw #1630

BACKGROUND/PROPOSAL:

At the November 28th Council meeting, Councilor Fobes requested that Administration bring forward a discussion item to the December 5th Committee of the Whole meeting in order to discuss concerns she has received with regards to unsightly premises.

Any new direction from Council will require Administration to explore potential organizational avenues aligning with Council's vision. This could involve revising bylaws, enhancing educational initiatives, adjusting service delivery methods, or a blend of these approaches.

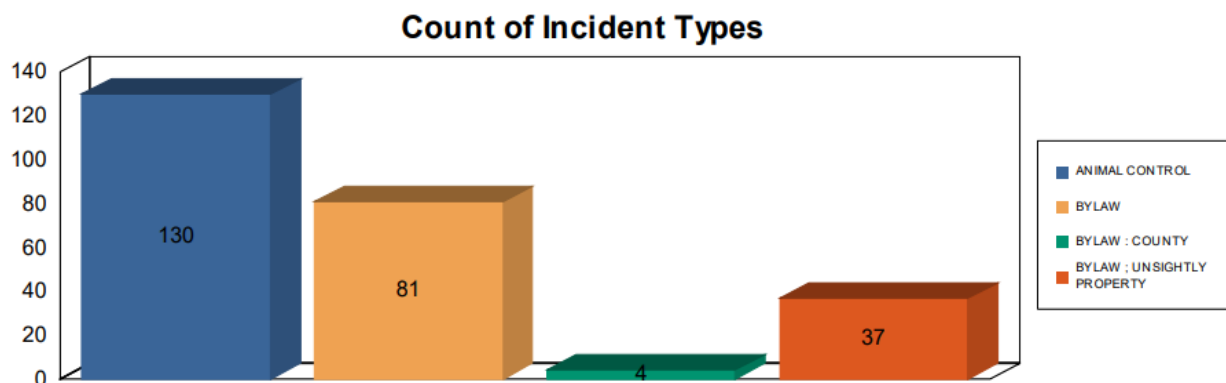
DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES/OTHER CONSIDERATIONS:

The Planning Department and the Protective Services Department work together on many files as they may impact the Land Use and the premises in general, requiring enforcement of bylaws.

Typically, our Peace Officer program initiates with an emphasis on education, allowing for deadline extensions if individuals exhibit signs of compliance. Adopting a ticketing-first approach in such cases has proven to impede the timely resolution of issues. When legal processes become necessary for a file, it can significantly prolong the resolution time and may demand substantial follow-up efforts and resources to achieve the intended outcomes.

Protective Services Files:

5 years of Bylaw enforcement files in Kneehill County only:



85 - Bylaw and Bylaw County include some files that would be considered Unsightly: Snow/grass files (8), fencing issues (6), and unsightly/garbage (6)

37 - Unsightly property files:

Hesketh (2), Torrington/Wimborne (8), Sunnyslope (2), Huxley (7), Swalwell (13), Rural (5), files referred to RCMP (5) ie: suspicious activities.

Most of these have been resolved, but as you can see, some have been turned over to other Agencies (RCMP or Planning) for further enforcement.

Planning Department Files:

Our records show that since 2013 we have worked on 76 enforcement files in Kneehill County. The breakdown in hamlets is as follows: 5 in Huxley, 2 in Sunnyslope, 3 in Swalwell and 6 in Torrington. Most of them have been resolved. However, we have had a couple of enforcement files go to court, which has been very costly and time-consuming. Saddle Up is still not resolved.

Further note regarding enforcement in general: When we start enforcement, we may not get compliance, for any number of reasons. We try to work with individuals to come up with a plan to resolve the issue in a way that works for everyone. Money, age, and health can all be issues in obtaining compliance.



If we issue a Stop Order, we need to be sure that it is a big enough issue that we will potentially want to get a court order to resolve. The court could provide us with the authority to correct the issue, however, these get very complicated and need to be well documented. Typically, we would only utilize a Stop Order for extreme cases as we need to be seen as being reasonable by the courts. We would also want to ensure that we have Administration and Council backing to proceed to that level as it can be very costly.

FINANCIAL & STAFFING IMPLICATIONS:

Bylaw enforcement may be a quick fix with a phone call and a visit, taking less than an hour. However, some of the files may take days, or years, making the costs of bylaw enforcement challenging to track.

ATTACHMENTS:

Bylaw Enforcement Officer Bylaw #1793

Nuisance & Unsightly Bylaw #1630

APPROVAL(S):

Mike Haugen, Chief Administrative Officer

Approved- ☒

Kevin Gannon, Director of Community Services

Approved- ☒



**KNEEHILL COUNTY
BYLAW NO. 1630
NUISANCE AND UNSIGHTLY PREMISES BYLAW
BEING A KNEEHILL COUNTY BYLAW TO REGULATE AND ABATE
UNSIGHTLY PREMISES AND OTHER NUISANCES WITHIN THE HAMLETS
OF KNEEHILL COUNTY**

WHEREAS: The provisions of Section 7 of the *Municipal Government Act*, RSA 2000, Chapter M-26 permits the Council to pass Bylaws respecting nuisances, including unsightly property; the safety, health and welfare of people; and the protection of people and property;

AND WHEREAS: Council deems it necessary to provide an efficient and effective means of regulating and encouraging the abatement of unsightly premises and other nuisances contained exclusively within Hamlets in Kneehill County;

AND WHEREAS: Council deems it necessary to repeal and replace the existing Nuisance Bylaw No. B1349;

NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE KNEEHILL COUNTY, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. TITLE

This Bylaw may be cited as the "Nuisance and Unsightly Premises Bylaw".

2. DEFINITIONS

2.1 In this Bylaw, unless the context otherwise requires:

2.1.1 **"Animal Material"** means any animal excrement and includes all material accumulated on a premise from pet pens or pet yards, veterinary clinics, animal hospitals, or kennels;

2.1.2 **"Building material"** means material or debris which may result from the construction, renovation or demolition of any building or other structure and includes, but is not limited to, wood, gypsum board, roofing material, vinyl siding, metal, packaging material, containers of building material, gravel, concrete, asphalt, and any earth, rocks or vegetation displaced during such construction, renovation or demolition of any building or other structure;

2.1.3 **"Chief Administrative Officer (CAO)"** means that person appointed to the position and title by the Municipal Council of Kneehill County and includes any person appointed by the CAO to act as his/her appointee;

2.1.4 **“Control”** in reference to weeds means:

- a) Cut, mow or carry out measures designed to inhibit propagation of the weed, or
- b) Destroy the weed if so requested by an Enforcement Officer or Weed Inspector employed/authorized/contracted by the Kneehill County, or
- c) Carry out other measures as prescribed by an Enforcement Officer or Weed Inspector employed/authorized/contracted by the Kneehill County;

2.1.5 **“Council”** means the Council of the Kneehill County.

2.1.6 **“County”** means the Municipal Corporation of Kneehill County, or the area of land within the corporate boundaries thereof, as the context so requires;

2.1.7 **“Court”** means the Provincial Court of Alberta;

2.1.8 **“Enforcement Officer”** means a Community Peace Officer, Bylaw Enforcement Officer, RCMP Officer or Designated Officer/ inspector employed/authorized/contracted by the County with respect to the enforcement of Bylaws of Kneehill County;

2.1.9 **“Garbage”** means any household or commercial rubbish including, but not limited to, boxes, cartons, bottles, cans, containers, packaging, wrapping material, waste paper, cardboard, food, and discarded clothing, fabric or other household items;

2.1.10 **“Graffiti”** means words, figures/symbols, letters or drawings scribbled, scratched, painted or sprayed upon any surface without the consent of the owner of the building or premises on which such graffiti is placed;

2.1.11 **“Highway”** as defined in the *Traffic Safety Act*;

2.1.12 **“Including”** when introducing a list of items, does not limit the meaning of the words to those items or to items of a similar kind;

2.1.13 **“Notice”** means a notice issued to an Owner of a Premises pursuant to this Bylaw to remedy a condition that is not in compliance with any provision of this Bylaw;

2.1.14 **“Owner”** means: a) a person who is registered under the *Land Titles Act* as the owner of a parcel of land;

or

b) a person who is recorded as the owner of a property on the tax assessment roll of Kneehill County; or

c) a person who has purchased or otherwise acquired a parcel of land, whether he has purchased or otherwise acquired the land directly from the owner or from

another purchaser, and has not yet become the registered owner thereof; or
d) a person holding himself out as the person having the powers and authority of ownership of a property or premises or who for the time being exercises the powers and authority of ownership; or
e) a person in possession or control of a property or premises under construction; or
f) a person who is the occupant of a property or premises pursuant to a written or verbal rental or lease agreement, license or permit and/or being in care/control;

2.1.15 **“Person”** means an individual or any business entity including a firm, partnership, association, corporation, company or society;

2.1.16 **“Premise(s)”** means any land situated in whole or in part within the County including the external surfaces of all buildings and land immediately adjacent to any building or buildings and includes any land or buildings owned or leased by the County;

2.1.17 **“Provincial Offences Procedure Act (POPA)”** means the *Provincial Offences Procedure Act*, R.S.A. 2000, Chapter P-34, and the regulations thereof, as amended or replaced from time to time;

2.1.18 **“Residential building”** means a structure used as a residence containing one or more dwelling units, including a house, multi-family dwelling, apartment building, hospital, lodging house, hotel, motel, mobile home, tent, trailer, motor home, camper or recreational vehicle of any type;

2.1.19 **“Residential development”** means any land that is the site of one or more residential buildings;

2.1.20 **“Unightly Premises”** means any property or part of it that exhibits visual evidence of a lack of general maintenance, clean-up and upkeep, including the excessive accumulation on the premises of:

- a) garbage, animal or human excrement, sewage, the whole or a part of an animal carcass, dirt, soil, gravel, rocks, petroleum products, hazardous materials, disassembled equipment or machinery, broken household chattels or goods;
- b) the whole or any part of any vehicle or vehicles which are not registered with the Motor Vehicle Registry for the current year and which are inoperative by reason of disrepair, removed parts or missing equipment, or any vehicles which are otherwise not in a roadworthy condition;
- c) equipment, household appliances, power tools or machinery which has been rendered inoperative by reason of disassembly, age or mechanical condition;
- d) animal material, building material, garbage and yard material as defined in this Bylaw, or
- e) any other form of scrap, litter, trash, junk or waste of any kind;

2.1.21 “**Vehicle**” has the same meaning as defined in the *Traffic Safety Act*, and includes any motorized vehicle that is unable to be moved under its own power;

2.1.22 “**Weeds**” noxious weeds as defined by the *Weed Control Act*; and designated in accordance with the Weed Control Regulations.

2.1.23 “**Yard material**” means waste material of an organic nature formed as a result of gardening, horticultural pursuits, or agricultural activities and includes grass, tree and hedge cuttings, waste sod and decomposing plants, leaves and weeds.

3. GENERAL PROHIBITION

3.1 No owner or owners of a premise shall cause, allow or permit the premises to become or to continue to be an Unsightly Premises as defined in this Bylaw.

3.2 The questions of whether or not a particular premises exhibits “visual evidence of a lack of general maintenance, clean-up and upkeep”, or whether there is an “excessive accumulation” of the materials listed in Section 2.1.20 of this Bylaw, are questions of fact to be determined by a Court hearing a prosecution pursuant to the provisions of this Bylaw.

3.3 When making the determination during a trial as to whether a person is guilty of an offence under Section 3.1 of this Bylaw, the Court’s considerations shall include any admissible evidence as to:

- a) The general condition and state of tidiness of the neighboring or surrounding premises; and
- b) The location and permitted use of the premises and whether or not the premises is located within a Residential Development; and
- c) The period of time the premises has been in the state complained of; and
- d) Whether or not the premises is undergoing construction or renovation, and the period of time that such activity has been ongoing; and
- e) Any other circumstances or facts relating to the premises that the Court deems are relevant to the said determination.

3.4 Every owner or occupier of a premise shall ensure that graffiti placed on the premises is removed, painted over, or otherwise permanently blocked from public view within 14 days of the owner becoming aware or notified of the presence of said graffiti.

4. WEEDS, GRASS, TREES, PESTS AND SMOKE

4.1 Every occupant or owner of any property or premises within the County shall:

- a) Eradicate or control all weeds on the premises, and on any boulevard which

abuts or adjoins the premises, including up to the center of lanes or alleys at the rear or side of the premises;

- b) Prune or remove any and all trees located on the premises that, due to a deterioration of condition or for any other reason, interfere with any public utility or public works, and are a public safety hazard;
- c) Remove or prune any shrub located on the premises which is, or could be, a nuisance to any person using any publicly owned or maintained sidewalk or street;
- d) Prevent unnecessary stagnant water from remaining on the premises so as to avoid it becoming a potential breeding place for mosquitoes or other pests;
- e) Cut or mow the grass on any boulevard or street, situated on County owned land adjoining, or abutting or adjacent to the premises owned or occupied by him, to prevent such grass from growing to such a height as to be unsightly, having regard to the height of the grass on adjacent or surrounding premises;
- f) Remove from such property any dead grass or brush or rubbish which is clearly untidy or unsightly, or which may harbor vermin or pests therein;
- g) Cut or mow the grass on such property before said grass reaches such a height as to be unsightly, having regard to the height of the grass on adjacent or surrounding property.

4.2 No occupant or owner of any property or premises, whether presently occupied or not, shall:

- a) Allow weeds to grow and propagate uncontrolled or excessively on the premises;
- b) Suffer or permit trees, or other vegetation growing on the property to interfere or endanger the lines, poles, conduits, pipes, sewers or other works of the County;
- c) Allow any infectious blight or disease of the trees or other vegetation located on the property to go uncontrolled or unchecked;
- d) Allow, permit or cause any opaque or dense smoke or dust to be emitted to the atmosphere from the premises.

5. CONSTRUCTION SITES

5.1 An owner of a property or premises under construction shall ensure that building materials and waste materials on the premises are removed or contained and secured in such a manner that prevents such material from being blown off or scattered from the property.

5.2 An owner of a property or premises under construction shall ensure that waste building material on the premises is removed or secured within a reasonable time by means of appropriate containers.

6. EXEMPTIONS & EXCEPTIONS

6.1 The provisions of this Bylaw shall not be interpreted to prevent bona fide and permitted commercial, industrial, agricultural, construction, demolition,

renovation, landscaping, clean-up, storage or other related activities from being carried out on, or in relation to a premises.

6.2 The owner of a premises that carries on or permits the carrying on of any activities referred to in Section 6.1 of this Bylaw shall ensure that all reasonable steps are taken to minimize the duration and visual impact of any resulting untidiness or unsightliness of the premises.

6.3 Whether or not an owner has taken "all reasonable steps" to minimize the duration and visual impact of any resulting untidiness or unsightliness of a premises, as referred to in Section 6.2 of this Bylaw, is a question of fact to be determined by the Court hearing a prosecution pursuant to the provisions of this Bylaw.

7. BYLAW COMPLIANCE NOTICES

7.1 Where an owner or occupant of a premise is found by an Enforcement Officer to be in non-compliance with any provision of this Bylaw, the owner or occupant of the premises may be issued a Notice containing the following provisions:

a) The address and/or legal description of the property where remedial action is required; b) The condition or conditions that are not in compliance with this Bylaw; c) The remedial action that is required to bring the property into compliance; d) The deadline for completion of the remedial action required. The deadline for completion of the remedial action must not be less than 7 days after the date of service of the Notice and must not be greater than 30 days after the date of service of the Notice.

7.2 An application for an extension of the deadline for the completion of the remedial action required and provided for in a Notice may be applied for in writing to the Enforcement Officer not later than 7 days after the service of the Notice. The application must include the reasons why the deadline extension is required, and the anticipated date for completion of the required remedial action. Any such deadline extension applied for may be allowed or refused at the sole discretion of the Enforcement Officer, and the extension shall not exceed 120 days after the deadline provided in the Notice (giving consideration to environmental factors).

7.3 Any Notice issued pursuant to Section 7.1 of this Bylaw will be deemed to have been sufficiently served upon the owner or occupant of the premises when the Notice is:

a) Served personally upon the owner or occupant, or served upon any person who is or appears to be 18 years of age or older who resides in the subject premises;

b) Served personally upon the property manager or person apparently in charge of the premises, if the premises is not occupied or managed by the owner;

- c) Posted at a conspicuous location(s) near the main entry to the premises; or
- d) Mailed by regular mail to the owner of the premises using the address provided by the owner and/or on record with the Kneehill County as the mailing address for the owner of the premises.

7.3.1 In the event of a mailed notice (as outlined in section 7.3) it shall be deemed sufficiently served seven (7) days from date of mailing.

7.4 The owner or occupant of a premise who has been served with a Notice issued pursuant to this Section shall fully comply with the Notice within the time allowed for compliance.

8. ENFORCEMENT

8.1 Where an Enforcement Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, the Enforcement Officer may commence 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.

8.2 Where an Enforcement Officer issues a person a Violation Ticket in accordance with section 8.1(a) of this Bylaw, the Officer may either:

- a) Allow the person to pay the specified penalty as provided for in sections 10.1 and 10.2 of this Bylaw by indicating such specified penalty on the Violation Ticket; or
- b) Require a Court appearance of the person where the Enforcement Officer reasonably believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*.

8.3 Notwithstanding any other provision of this Bylaw, an Enforcement Officer, upon receiving and reviewing a nuisance or unsightly premises complaint, shall assess the condition of the premises that is the subject of the complaint. The investigating Officer shall then recommend or take whatever actions are considered appropriate to address the complaint, in all of the circumstances.

8.4 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 or nuisance as provided by the *Municipal Government Act*, or any other law of the Province of Alberta.

9. GENERAL PENALTY PROVISION

9.1 Any person that violates any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of TEN THOUSAND DOLLARS (\$10,000.00) or in default of payment of the fine to imprisonment for a period not

exceeding one (1) year, or to both fine and imprisonment in such amounts.

10. MINIMUM AND SPECIFIED PENALTIES

10.1 See "Schedule A" for minimum and specified penalty (except 4.1, 4.2)

10.2 See "Schedule A" for minimum specified penalty for violation of 4.1 or 4.2.

10.3 See "Schedule A" for all violations of this Bylaw beyond those specified.

11. GENERAL

11.1 Provisions of this bylaw will be applied exclusively to properties contained within the boundaries of Kneehill County Hamlets.

11.2 It is the intention of the Council of Kneehill County that each provision of this Bylaw should be considered as being separate and severable from all other provisions. Should any section or provision of this Bylaw be found to have been improperly enacted, then such section or provision shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall remain effective and enforceable.

11.3 It is the intention of the Council of Kneehill County that all offences created pursuant to this Bylaw be construed and considered as being Strict Liability Offences.

11.4 Whenever the singular and masculine gender is used in this Bylaw, the same shall include the plural, feminine and neutral gender whenever the context so requires.

11.5 This Bylaw shall come into force and effect upon it receiving third reading by Council, and Bylaw # B1349 of Kneehill County is hereby repealed upon this bylaw coming into effect.

12. READINGS:

COUNCILLOR WITTSTOCK	moved first reading of Bylaw 1630 on May 10, 2011.	CARRIED
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COUNCILLOR HOPPINS	moved second reading of Bylaw 1630 on May 24, 2011.	CARRIED
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COUNCILLOR LONG

moved third reading of Bylaw 1630 on May 24,
2011.

CARRIED



Reeve



CAO

Appendix A of Bylaw #1630

10.1 The minimum and specified penalty for a violation of any provision of this Bylaw (excepting Sections 4.1, 4.2) is a fine in the amount of:

First Offence @250.00 Second Offence \$500.00 Third Offence \$1000.00

10.2 The Minimum and specified penalty for a violation of Sections 4.1 and 4.2 of this Bylaw is a fine in the amount of:

First Offence \$150.00 Second Offence \$250.00 Third Offence \$500.00

10.3 Notwithstanding any other provision of this Section, if a person violates the same provision of this Bylaw FOUR times (or more) within a one-year period, the minimum and specified penalty allowable for each subsequent offence shall be a fine in the amount of **ONE THOUSAND DOLLARS (\$1000.00)**.



BYLAW NO. 1793

A BYLAW OF KNEEHILL COUNTY, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE ESTABLISHMENT AND SPECIFY THE DUTIES AND POWERS OF BYLAW ENFORCEMENT OFFICERS

WHEREAS the *Municipal Government Act, R.S.A. 2000*, as amended, provides that a Council may pass bylaws respecting the enforcement of bylaws;

AND WHEREAS Section 555 of the *Municipal Government Act* provides that a Council may appoint Bylaw Enforcement Officers.

AND WHEREAS Section 556 of the *Municipal Government Act* provides that if a Council appoints Bylaw Enforcement Officers, the Council shall establish a bylaw specifying the powers and duties of such Bylaw Enforcement Officers as well as disciplinary procedures for misuse of power, including penalties and an appeal process applicable to misuse of power by Bylaw Enforcement Officers.

NOW THEREFORE the Council of Kneehill County, duly assembled, enacts the following:

SECTION 1 DEFINITIONS

1.1 In this Bylaw:

- a) "Bylaw Enforcement Officer" shall mean any person appointed as a Bylaw Enforcement Officer for Kneehill County;
- b) "Chief Administrative Officer" shall mean the County Manager for Kneehill County or designate;
- c) "Council" shall mean the Council of Kneehill County as constituted from time to time;
- d) "County" shall mean Kneehill County;
- e) "Manager" shall mean Manager of Protective Services;
- f) "Misuse of Power" by a Bylaw Enforcement Officer shall mean any one or more of the following:
 - i. Failure to perform or carryout his/her duties according to law;
 - ii. Failure to carry out the duties and responsibilities given to him/her within the terms of their appointment as a Bylaw Enforcement Officer;

SECTION 2 POWERS AND DUTIES

2.1 The Chief Administrative Officer may:

- a. appoint Bylaw Enforcement Officer(s) for the purpose of enforcing compliance with County bylaws;
- b. revoke, suspend, or modify the appointment of Bylaw Enforcement Officers in accordance with this Bylaw;
- c. monitor and investigate complaints of misuse of power by Bylaw Enforcement Officers;
- d. take whatever actions or measures are necessary to eliminate an emergency in accordance with Section 551 of the *Municipal Government Act*;
- e. exercise all powers, duties and functions under the *Provincial Offences Procedure Act*;
- f. grant written authorization to issue violation tickets under the *Provincial Offences Procedure Act*;
- g. authorize or require Bylaw Enforcement Officers to carry out any powers, duties, or functions necessary to fulfill their responsibility for the preservation and maintenance of public peace;
- h. delegate any other the CAO's powers, duties or functions contained in this section to any employee of the County, including the option to further delegate those powers, duties and functions.

2.2 A Bylaw Enforcement Officer shall:

- a. be responsible for the enforcement of all the bylaws of the County unless otherwise specified in a Bylaw or resolution of Council;
- b. issue municipal notices and/or violation tickets for offences under Bylaws;
- c. exercise all powers, duties, and functions of a designated officer to conduct any inspections, remedies, or enforcement authorized or required by a bylaw or enactment in accordance with Section 542 of the *Municipal Government Act*.

SECTION 3 COMPLAINTS

3.1 Receipt of Complaint

- a. Any complaint concerning the misuse of power of a Bylaw Enforcement Officer shall be handled in accordance with the provisions set out in this Part and shall be directed to the Chief Administrative Officer.
- b. All complaints shall be in writing and any complaints received verbally shall be confirmed in writing by the complainant prior to being proceeded with.
- c. Upon receipt of complaint, it shall be immediately forwarded to the Manager.
- d. The Manager shall provide written acknowledgement of the complaint, and to the person against whom the complaint was made.

3.2 Investigation

- a. The Manager shall investigate the complaint.
- b. Upon conclusion of the investigation, the Manager shall provide notice in writing to the Bylaw Enforcement Officer of the allegations made and the findings of the investigation.
- c. The Bylaw Enforcement Officer shall be given the opportunity to make a full response to the allegations and investigations. The response shall be in writing and directed to the Manager.
- d. Upon review of the response of the Bylaw Enforcement Officer and any other information the Manager believes appropriate in the circumstances to determine the facts, the Manager shall either dismiss the complaint as unfounded or as unsubstantiated or find that the Bylaw Enforcement Officer has misused his or her power.
- e. If the Manager determines that the misuse of power has occurred, corrective disciplinary procedures shall be commenced.
- f. The Manager may resolve complaints informally, arriving at a solution that is satisfactory to the complainant and the Bylaw Enforcement Officer against whom the complaint was directed.

3.3 Disciplinary Action

- a. If it has been determined that a misuse of power has been committed by the Bylaw Enforcement Officer, any one of the following measures may be taken by the Manager:
 - i A reprimand of the Bylaw Enforcement Officer;
 - ii A suspension of the Bylaw Enforcement Officer, with pay, for a period not to exceed seventy-two (72) hours;
 - iii A suspension of the Bylaw Enforcement Officer, without pay, for a period not to exceed seventy-two (72) hours;
 - iv The Bylaw Enforcement Officer is dismissed.

3.4 Disposition

- a. The Manager shall notify the complainant and the Bylaw Enforcement Officer, in writing, of the results of the investigation and the actions to be taken within thirty (30) days from the date of receipt of the complaint.

3.5 Appeal procedures

- a. If either the complainant or the Bylaw Enforcement Officer wishes to appeal the decision of the Manager, the appeal shall be delivered to the Chief Administrative Officer within thirty (30) days of the date of receipt of the notice of the results of the investigation.
- b. Within thirty (30) days from the date of the receipt of the notice of appeal, the Chief Administrative Officer shall review the complaint, investigation report, speak to the person(s) involved as deemed necessary and review any other related documents associated with the complaint.
- c. The Chief Administrative Officer, in considering the appeal, may dismiss the appeal or allow the appeal, and impose or vary the discipline.

- d. The Chief Administrative Officer shall, within thirty (30) days, notify the complainant and the Bylaw Enforcement Officer, in writing as to the results of the appeal. The decision of the Chief Administrative Officer with regard to the appeal is final.

SECTION 4 OATH OF OFFICE

- 4.1 Prior to commencing their duties, all Bylaw Enforcement Officers must take the official oath of office.

SECTION 5 REFERENCES

- 5.1 All references in the bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to any person or a corporation.

SECTION 6 SEVERABILITY

- 6.1 If any provisions of this Bylaw are declared invalid because of any word, phrase, clause, sentence, paragraph, or section of this Bylaw, or any documents which form part of this Bylaw or an application to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

SECTION 7 EFFECTIVE DATE & REPEAL

- 7.1 Bylaw 1562 shall be repealed upon this Bylaw coming into effect following third reading of this Bylaw.

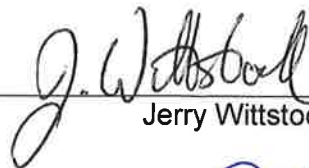
READ a first time on this 12th day of March, 2019.

READ a second time on this 12th day of March, 2019.

UNANIMOUS permission for third reading given in Council on the 12th day of March, 2019.

READ a third time and final time on this 12th day of March, 2019.

Signed this 21 of March, 2019.



Jerry Wittstock, Reeve



Chief Administrative Officer