

BYLAW 68-2005

(CONSOLIDATED ON October 7, 2008)

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Act*, R.S.A 2000, c.M-26, and the *Environmental Protection and Enhancement Act* R.S.A. 2000, c.E-12 as amended or repealed and replaced from time to time, provides Strathcona County the authority to enter into Environmental Reserve Easements and Conservation Easements;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 Peace Officer.
(S.1, Bylaw 47-2008, October 7, 2008)
- 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 the *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 know 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 a written Order under this part may request a review of the Order by written notice within fourteen (14) days of the day on which the Order is received. The request for review must be accompanied by the required fee as set out in the Fees and Charges Bylaw, as amended and replaced from time to time. Upon reviewing the Order, the Bylaw Enforcement Order Review Committee may confirm, vary, substitute or cancel the Order.
- (S.2, Bylaw 47-2008, October 7, 2008)

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 probably 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.

NOTE: Consolidation made under Section 69 of the Municipal Government Act, R.S.A. 2000, c.M-26 and Bylaw 21-2015 Section 8, and printed under the Chief Commissioner's authority.

Bylaw 68-2005, passed by Council June 28, 2005

Amendments

Bylaw 47-2008, October 7, 2008

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