

BYLAW 1631/23
BYLAW ENFORCEMENT OFFICER TECHNICAL AMENDMENTS
STURGEON COUNTY, ALBERTA

A BYLAW OF STURGEON COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF AMENDING BYLAWS 1385/17, 1433/19, 1558/21, AND 1616/23

WHEREAS, the *Municipal Government Act*, RSA 2000 c M-26 (the Act), any regulations thereunder, and any amendments or successor legislation thereto, authorize the Council of Sturgeon County (Council) to establish and amend Land Use Bylaw 1385/17, Community Standards Bylaw 1433/19, Civic Addressing Bylaw 1616/23, and Surface Drainage Bylaw 1558/21;

AND WHEREAS the Act authorizes a municipality to pass bylaws regarding the remedying of contraventions of bylaws;

AND WHEREAS, Council has deemed it desirable to amend Land Use Bylaw 1385/17, Community Standards Bylaw 1433/19, Civic Addressing Bylaw 1616/23, and Surface Drainage Bylaw 1558/21;

NOW THEREFORE, the Council of Sturgeon County, in the Province of Alberta, duly assembled, enacts as follows:

1. Title

- 1.1 This Bylaw may be referred to as the “Bylaw Enforcement Officer Technical Amendments”.

2. Purpose

- 2.1 The purpose of this Bylaw is to amend the Land Use Bylaw, Community Standards Bylaw, Civic Addressing Bylaw, and Surface Drainage Bylaw to improve enforceability and consistency by the Bylaw Enforcement Officer and other related changes include revising and adding definitions, terminology and regulations related to Municipal Tags.

3. Land Use Bylaw 1385/17 is amended as follows:

- 3.1 Amend subsection 4.5.2 to read:

A Peace Officer or Bylaw Enforcement Officer may issue, with respect to an offence under this Bylaw, a Provincial violation ticket or Municipal violation tag.

- 3.2 Amend subsection 4.5.3 to read:

Where a Provincial violation ticket or Municipal violation tag specifies a fine amount in accordance with Table 4.1, a voluntary payment equal to the specified fine amount may be made.

4. Community Standards Bylaw 1433/19 is amended as follows:

4.1 Add the following definitions to Part 1(3)

"Municipal violation tag" means a County issued notice or ticket that alleges a Bylaw offence and provides a person with the opportunity to pay an amount to the County in lieu of prosecution for the offence.

"Provincial violation ticket" means a "violation ticket" as defined in the Provincial Offences Procedures Act, RSA 2000, c.P-34.

4.2 Amend subsection 14(4) to read:

Where a property in Sturgeon County is deemed by a Designated Officer to be in contravention of this Bylaw, the Designated Officer may, at ~~his~~ the Officer's discretion, prior to issuing a violation ticket or a Municipal violation tag, issue an Order under the *Municipal Government Act*, to the Person who is in contravention with this Bylaw.

4.3 Amend Subsection 14(9) to read:

a. Issue a violation ticket or a Municipal violation tag, imposing a payment or fine as outlined in Sections 14(9) through 14(14) of this Bylaw;

5. Civic Addressing Bylaw 1616/23 is amended as follows:

5.1 Add the following definitions to Section 3 Definitions:

"Bylaw Enforcement Officer" means a person appointed by the County to enforce bylaws.

"Municipal violation tag" means a County issued notice or ticket that alleges a Bylaw offence and provides a person with the opportunity to pay an amount to the County in lieu of prosecution for the offence.

"Provincial violation ticket" means a "violation ticket" as defined in the Provincial Offences Procedures Act, RSA 2000, c.P-34.

5.2 Amend subsection 8.1 to read:

Where a contravention of this Bylaw occurs, a Peace Officer or a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Provincial Violation Ticket pursuant to the Provincial Offences Procedure Act, RSA 2000, c P-34, and any amendments thereto.

5.3 Add subsection 8.2 to read:

Where a contravention of this Bylaw occurs, a Peace Officer or Bylaw Enforcement Officer is hereby authorized and empowered to issue a Municipal violation tag providing a person with the opportunity to pay an amount to the County in lieu of prosecution for the offence.

6. Surface Drainage Bylaw 1558/21 is amended as follows:

6.1 Add the following definitions to Section 3 Definitions:

"Bylaw Enforcement Officer" means a person appointed by the County to enforce bylaws.

"Municipal violation tag" means a County issued notice or ticket that alleges a Bylaw offence and provides a person with the opportunity to pay an amount to the County in lieu of prosecution for the offence.

"Provincial violation ticket" means a "violation ticket" as defined in the Provincial Offences Procedures Act, RSA 2000, c.P-34.

6.2 Amend Subsection 7.6 to read:

The Peace Officer or a Bylaw Enforcement Officer is hereby authorized to issue a violation tag to any Owner or Person who the Peace Officer or Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

6.3 Amend Subsection 7.11 to read:

In those cases where a violation tag has been issued, and the penalty specified on the violation tag has not been paid within the prescribed time, the Peace Officer or a Bylaw Enforcement Officer is hereby authorized to issue a violation ticket pursuant to the Provincial Offences Procedure Act, RSA 2000, c. P-34, as amended or repealed and replaced from time to time.

6.4 Amend Subsection 7.12 to read:

Notwithstanding section 7.11, the Peace Officer or a Bylaw Enforcement Officer is hereby authorized to immediately issue a violation ticket to any Owner or Person who the Peace Officer or a Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

6.5 Amend Subsection 7.14 to read as:

The Peace Officer or a Bylaw Enforcement Officer has the discretion to require a mandatory court appearance by an Owner or Person who has committed an offence for which no penalty is specified in Schedule "A".

7. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the Bylaw is deemed valid.

8. This Bylaw shall come into force upon being passed.

Read a first time this 27th day of June, 2023.

Read a second time this _____ day of _____, 2023.

Read a third time this _____ day of _____, 2023.

Alanna Hnatiw
MAYOR

Reegan McCullough
COUNTY COMMISSIONER (CAO)

DATE SIGNED