

# **Town of Drumheller COUNCIL MEETING AGENDA**

April 12, 2010 at 4:30 PM

Council Chamber, Town Hall

703-2nd Ave. West, Drumheller, Alberta



Page

## **1.0 CALL TO ORDER**

## **2.0 MAYOR'S OPENING REMARK**

- 3           2.1    Letter from Hon. Hector Goudreau, Minister of Municipal Affairs announcing that the Town of Drumheller has been approved for a grant of \$73,791 for the Baseball Diamond Development.
- 4-5       2.2    Letter from Hon. Hector Goudreau, Minister of Municipal Affairs advising that the Province has made it easier for local governments to access and achieve the best value from municipal grants by consolidating and streamlining a number of the grants that are provided to municipalities.
- 6           2.3    Letter from Stacy Knull, VP, Clearwater BU, EnCana Corporation presenting EnCana's cheque in the amount of \$250,000 for sponsorship of the Badlands Community Facility.
- 7           2.4    Letter from Richard P. Coates, Lieutenant-Colonel, The King's Own Calgary Regiment thanking the Town for the outstanding receptiveness and cooperation, and enthusiasm in the support of their exercise, 'Dinosaur Scout' held in the Drumheller area over the weekend of 19 to 21 March, 2010.

## **3.0 PUBLIC HEARING**

- 8-9       3.1    The purpose of the Public Hearing is to consider amendments to the Land Use Bylaw 10.08: Definitions / Additions: Liquor Store, Renewable Energy System, Small Animal Care Centre, Small Wind Energy System, Service Stations, Kennels, Drive Though

## **4.0 ADOPTION OF AGENDA**

## **5.0 MINUTES**

### **5.1. ADOPTION OF REGULAR COUNCIL MEETING MINUTES**

- 10-13     5.1.1   Regular Council Meeting Minutes of March 29, 2010

### **5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION**

**5.3. BUSINESS ARISING FROM THE MINUTES**

**6.0 DELEGATIONS**

6.1 Chris Marion, Community Garden

6.2 Downtown Parking Task Force

**7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS**

**8.0 REQUEST FOR DECISION REPORTS**

**8.1. CAO**

14-26

8.1.1 Bylaw 10.10 Waste Collection Bylaw - 2nd and 3rd readings

**8.2. Director of Infrastructure Services**

8.2.1 RFD - Solid Waste Collection Contracts

**8.3. Director of Corporate Services**

**8.4. Director of Community Services**

**9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION**

**10.0 PUBLIC HEARING DECISIONS**

27-33

10.1 Bylaw 11.10 - 2nd and 3rd readings

**11.0 UNFINISHED BUSINESS**

34-38

11.1 Bylaw 03.10 (Amendment to Land Use Bylaw 10.08 Section 25 "CR - Country Residential District is hereby amended by adding 'kennel' to the list of discretionary uses) - (tabled 2nd reading at the Council Meeting of February 1st, 2010)

**12.0 NOTICES OF MOTIONS**

**13.0 COUNCILLOR REPORTS**

**14.0 IN-CAMERA MATTERS**



ALBERTA  
MUNICIPAL AFFAIRS

*Office of the Minister*  
*MLA, Dunvegan - Central Peace*

*J. C. Lay*  
MAR 30 2010

AR45728

March 23, 2010

His Worship Bryce Nimmo  
Mayor, Town of Drumheller  
703 - 2 Avenue West  
Drumheller, AB T0J 0Y3

Dear *Bryce* Mayor Nimmo:

Thank you for your recent application for a grant under the 2009 Municipal Sponsorship Program.

I am pleased to inform you that the Town of Drumheller has been approved for a grant of \$73,791, which includes the priority bonus, to help support your municipal project: Baseball Diamond Development. The conditional grant agreement will be mailed shortly to your chief administrative officer to obtain municipal signatures.

I wish you, your council, and the municipality's staff success with the project.

Sincerely,

Hector Goudreau  
Minister of Municipal Affairs  
MLA, Dunvegan-Central Peace

cc: Honourable Jack Hayden, MLA, Drumheller-Stettler  
Ray Romanetz, Chief Administrative Officer, Town of Drumheller

*Alberta*

104 Legislature Building, Edmonton, Alberta T5K 2B6 Canada Telephone 780-427-3744 Fax 780-422-9550  
PO Box 1054, 035 - 1 Avenue SW, Falher, Alberta T0H 1M0 Canada Tel 780-837-3846 Fax 780-837-3849  
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ALBERTA  
MUNICIPAL AFFAIRS

*Office of the Minister*  
*MLA, Drumheller - Central Peace*

APR 09 2010

AR45780

March 31, 2010

His Worship Bryce Nimmo, Mayor  
Town of Drumheller  
703 - 2 Avenue West  
Drumheller, Alberta T0J 0Y3

Dear Mayor Nimmo:

In December of 2009, municipal consultation sessions were held across the province as part of the provincial government's municipal grant re-engineering process, giving an opportunity for local government administrators to provide their input into the grant application process. Throughout these sessions, we heard strong support for our efforts to consolidate and simplify grants, improve processes and make it easier to locate and apply for provincial funding. In particular, municipalities requested a single information portal to access grant information across ministries.

To make it easier for local governments to access and achieve the best value from municipal grants, the Alberta government has consolidated and streamlined a number of the grants that are provided to municipalities. This consolidation will reduce duplication, increase efficiencies, speed up the application process and reduce the administrative burden on local governments in accessing the variety of provincially-administered programs. Overall funding amounts have not changed as a result of this re-engineering initiative. Any program funding decisions are made through the normal funding processes.

To ensure coordinated support to municipalities, a cross-ministry group reviewed the input collected from municipal staff in developing a new, consolidated suite of municipal grant programs that will take effect for the 2010/11 fiscal year. In addition, the province has worked to streamline the grant administration process and to develop new tools designed to reduce the amount of resources municipalities expend on researching and applying for municipal grants. All of this was done with the overarching theme of making the grant application process as client-focused and efficient as possible.

.../2

104 Legislature Building, Edmonton, Alberta T5K 2B6 Canada Telephone 780-427-3744 Fax 780-422-9550  
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His Worship Bryce Nimmo  
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In order to assist municipalities with the grant research and application processes, the province has developed a number of tools that were requested at the municipal consultation sessions in December:

- a **Municipal Grants Web Portal**, a single point of contact for information on all provincial grant programs supporting municipalities, to make researching programs more efficient;
- an online **search function** that will allow municipalities to search for grants by the type of project they are looking to support; and
- downloadable **iCalendar** entries that will set reminders for grant program application and compliance dates in your electronic calendar.

Enclosed with this letter is an information booklet specifically outlining the changes to municipal grant programs and how they will affect municipalities. The booklet provides details on the new programs and the types of projects they are intended to support.

Also included with this letter is a brochure detailing the new Municipal Grants Web Portal and its features. This brochure will serve as a guide to your first encounter with the web portal as it explains how to effectively navigate the site and find the information you require. The web portal can be accessed at [www.municipalaffairs.alberta.ca/municipalgrants.cfm](http://www.municipalaffairs.alberta.ca/municipalgrants.cfm).

I have asked my staff to continue to dialogue with municipalities on ways to further simplify application processes and I look forward to continuing to work together to make the municipal grant administration process as efficient and effective as possible. I will continue to keep you updated.

Sincerely,



Hector Goudreau  
Minister of Municipal Affairs and  
MLA, Dunvegan-Central Peace

Enclosures



**EnCana Corporation**

EnCana on 9th

tel: (403) 645-2000

150 9th Avenue SW

PO Box 2850

Calgary AB Canada T2P 2S5

www.encana.com

Town of Drumheller  
703 - 2 Avenue, West  
Drumheller, AB T0J 0Y3  
Canada

**ATTN: MR. RAYMOND ROMANETZ**

**RE: BADLANDS COMMUNITY FACILITY**

Dear Mr. Romanetz:

I am pleased to enclose EnCana's cheque in the amount of \$250,000.00 for sponsorship of the Badlands Community Facility. We are delighted to partner with you on this program.

EnCana is committed to listening and responding to the needs of our neighbours. Our Community Investment Program focuses on creating sustainability, and we work to develop relationships with organizations that help us realize this goal in communities where we operate.

Thank you for the opportunity to participate in your initiative and we wish you the best for success with the program. Kindly forward a business or charitable tax receipt to Salwa El-Maghwry at the address above within sixty days.

Sincerely,  
EnCana Corporation  
Canadian Division

A stylized, handwritten signature of Stacy Knull.

Stacy Knull  
VP, Clearwater BU

A stylized, handwritten signature of Luigi Vescarelli.

Luigi Vescarelli  
Community Relations Advisor

sem:ss  
Encl.

EnCana has introduced an online grant application form.  
If you apply for a grant in the future, please use the online form which can be found at  
[www.encana.com/responsibility/investment/guidelines](http://www.encana.com/responsibility/investment/guidelines).

APR 08 2010

*Mayor's  
Council*



31 March 2010

Mayor Bryce Nimmo, Councillors and Administrators  
The Town of Drumheller  
703 - 2nd Avenue West  
Drumheller, Alberta T0J 0Y3

*Ladies & Gentlemen*

On behalf of all ranks of The King's Own Calgary Regiment, and the members of the other participating Canadian Forces Reserve and Regular units, I would like to thank each of you not only for your outstanding receptiveness and cooperation, but also for your enthusiasm in the support of our exercise, "Dinosaur Scout", held in the Drumheller area over the weekend of 19 to 21 March, 2010. It was truly a heart-warming experience for our soldiers to see how well received and appreciated they were.

The opportunity for the units to work in a real and complex environment, with the factors of normal infrastructure, traffic and citizenry, greatly assisted us in preparing for deployment not only on Domestic Operations should our help be requested at home for events such as floods or earthquakes, but also for deployment on overseas taskings, such as to Afghanistan or Haiti. To become truly proficient in our jobs, we much constantly train. Being afforded the chance to train in and around Drumheller was, quite simply, invaluable to all participants.

Once again, our heartfelt gratitude to you all for your much appreciated support and encouragement.

Yours Truly,

Richard P. Coates  
Lieutenant-Colonel  
Commanding Officer  
The King's Own Calgary Regiment

The King's Own Calgary Regiment (R.C.A.C.) 🍁 Mewata Armoury 🍁 801 11th Street S.W. 🍁 Calgary, Alberta 🍁 T2P 2C4 🍁 Canada

## Town of Drumheller

### NOTICE of PUBLIC HEARING FOR BYLAW 11-10 PROPOSED AMENDMENT TO LAND USE BYLAW NO. 10-08

**DATE:** April 12, 2010

**TIME:** 4:30 p.m.

**PLACE:** Town of Drumheller Council Chambers, Drumheller, Alberta

**PURPOSE:** The purpose is to consider amendments to Land Use Bylaw No.10-08 to provide additional land uses, definitions and general regulations within the Town of Drumheller as follows:

1. **The addition of definitions for the following uses to Part 1 (2) Definitions:**  
Liquor Store, Renewable Energy System, Small Animal Care Centre, Small Wind Energy System, Small Wind Energy System – Blade, Small Wind Energy System-Total System Height, Small Wind Energy System-Tower Height, Small Wind Energy System-Turbine, Small Wind Energy System-Turbine Tower, Small Wind Energy System-Visual Impact.
2. **Amendments to the permitted and discretionary land uses in Part VI Land Use Districts for consistency throughout the various land use districts and for the addition of certain land uses as defined in 1. above as follows:**
  - a. **Addition of the following uses as discretionary in the appropriate land use districts:**  
  
Small Wind Energy System as a discretionary use in CR, SCR, R-CH, UT, P, HWY-C, M-1, M-2, M-2R and A Districts  
  
Small Animal Care Centre as a discretionary use in R-CH, C-B, DT, C-1, HWY-C, M-1, M-2, M-2R and A Districts  
  
Kennel as a discretionary use in M-1, M-2, M-2R and UT Districts  
  
Liquor Store as a discretionary use in C-B, DT, C-1 and HWY-C Districts
3. **The addition of specific regulations for 'Kennels' as Section 72a. under Part VII General Land Use Regulations.**
4. **The addition of specific regulations for 'Small Wind Energy Systems' as Section 82. under Part VII General Land Use Regulations**
5. **The addition of specific regulations for 'Renewable Energy Systems' as Section 83. under Part VII General Land Use Regulations.**
6. **The addition of specific regulations for 'Liquor Stores' as Section 67a. under Part VII General Land Use Regulations.**
7. **Deletion of the following requirement from the R-4 Land Use District and addition to the R-1A and R-3 Land Use Districts:**
  - (c) One 3 m (10 ft.) side yard (excluding corner lots) to provide alternate access to the rear of buildings in a laneless subdivision;
8. **Amendments to Part VII Section 51 – Drive Through and Section 70 – Service Stations to provide textual clarification of the requirements for these uses in the Town of Drumheller.**

**PRESENTATION:** Oral and written comments and suggestions are invited and should be addressed to the point of the proposed amendment. They may be made by any person or group of persons or a person acting on his/her or their behalf, who claims to be affected by the proposed amendment, and by any other

## ***Agenda Item # 3.1***

persons that the Council wishes to hear at the hearing. Written submissions may be made by the persons above, and may be received in the Town of Drumheller office by 4:00 P.M. on April 12th, 2010. Oral presentation may be made at the hearing by the persons above, whether or not they have made a written presentation. The time limit of oral presentations is subject to the direction of the Chairperson.

**DOCUMENTATION:** Copies of the proposed amendment to Land Use Bylaw No. 10-08 are available for public inspection at the Town of Drumheller office during regular office hours.

This notice is given pursuant to Sections 606 and 692 of the Municipal Government Act.

First Publication: March 31, 2010

Second Publication: April 6, 2010

**Chief Administrative Officer**

Approved

## Town of Drumheller COUNCIL MEETING MINUTES

March 29, 2010 at 4:30 PM  
Council Chamber, Town Hall  
703-2nd Ave. West, Drumheller, Alberta



### PRESENT:

#### MAYOR:

Bryce Nimmo

#### COUNCIL:

Andrew Berdahl

Karen Bertamini

Blaine McDonald

Don Guidolin

Sharel Shoff

Terry Yemen

#### CHIEF ADMINISTRATIVE OFFICER/ENGINEER:

Ray Romanetz

#### DIRECTOR OF INFRASTRUCTURE SERVICES:

Allan Kendrick

#### DIRECTOR OF CORPORATE SERVICES:

Micheal Roy

#### DIRECTOR OF COMMUNITY SERVICES:

Paul Salvatore

#### RECORDING SECRETARY:

Janice Armstrong

### 1.0 CALL TO ORDER at 4:30 PM

### 2.0 MAYOR'S OPENING REMARK

### 3.0 PUBLIC HEARING

### 4.0 ADOPTION OF AGENDA

- 4.1 Additions - Councillor S. Shoff - Appointment to the Marigold Library System.  
**MO2010.62** McDonald, Berdahl moved to adopt the agenda as amended.  
Carried unanimously.

Approved

Council Meeting Minutes  
March 29, 2010

## **5.0 MINUTES**

### **5.1. ADOPTION OF REGULAR COUNCIL MEETING MINUTES**

#### **5.1.1 Regular Council Meeting Minutes of March 15, 2010**

**MO2010.63** Shoff, McDonald moved to approve the regular Council Meeting Minutes of March 15, 2010 as presented. Carried unanimously.

### **5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION**

### **5.3. BUSINESS ARISING FROM THE MINUTES**

### **6.0 DELEGATIONS**

### **7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS**

### **8.0 REQUEST FOR DECISION REPORTS**

#### **8.1. CAO**

##### **8.1.1 Bylaw 10.10 Waste Collection Bylaw - 1st reading**

R. Romanetz advised that Bylaw 10.10 was presented to Council at their Committee Meeting of March 22, 2010 and changes as recommended by Council at that time have been added.

##### **Questions and Comments:**

Councillor K. Bertamini asked if the resident is responsible to replace their cart if it goes missing and at what cost. A. Kendrick stated that it is the resident's responsibility to replace the cart at a cost of \$100.00 plus an administration fee. Councillor A. Berdahl asked if there is a tracking mechanism for missing carts. A. Kendrick stated that there are options available however the cost of the software would be in the range of \$30,000. Councillor K. Bertamini asked if the carts are to be placed in front of the resident's house or in the back alley. R. Romanetz advised that the cart will be placed in the alley unless the driver finds the alley difficult to manoeuvre. He further stated that Infrastructure Services will work with residents should they require a level area to place their carts. Councillor Bertamini also stated that some disabled residents will require assistance to move their cart. A. Kendrick advised that a sticker can be placed on the carts where the residents require extra assistance.

Page 2 of 4



Approved

Council Meeting Minutes  
March 29, 2010

**MO2010.64** Yemen, McDonald moved first reading to Bylaw 10.10. Carried unanimously.

8.1.2 Bylaw 11.10 (Land Use Amendment) - 1st reading

R. Romanetz presented Bylaw 11.10 which includes amendments to Land Use Bylaw 10.08 as follows: Definitions / Additions: Liquor Store, Renewable Energy System, Small Animal Care Centre, Small Wind Energy System / Service Stations, Kennels/ Drive Through for Council's consideration. He asked Brad Wiebe, Director of Palliser Regional Municipal Services to provide an overview on the proposed amendments.

Council requested the following changes:

Council agreed to the following changes:

Include the definition of Liquor Store in Part 1(2) Definitions: *"means a use where alcohol beverages are sold for consumption off the retail outlet premises, that have been licensed by the Alberta Gaming Commission and Liquor Commission."* Section 67(b) and (c) moved to general regulations and the words *'unless otherwise permitted by the development authority'* added.

Kennels: Section 72(b) changes to be consistent with the Town of Drumheller Noise Bylaw and addition of (e) *'shall limit the term of the permit to a period not to exceed three years'*.

Wind Energy - Section 82(3) changes to read that *'a professional sound report may be required.'*

R. Romanetz advised that a Public Hearing will be held on April 12th at 4:30 PM.

**MO2010.65** Bertamini, Guidolin moved first reading to Bylaw 11.10 as amended. Carried unanimously.

8.1.3 Appointment to the Marigold Library System

**MO2010.66** Shoff, McDonald to appoint John Serkiz to the Marigold Library System for a term of one year expiring March 31, 2011. Carried unanimously.

**8.2. Director of Infrastructure Services**

**8.3. Director of Corporate Services**

**8.4. Director of Community Services**

**9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION**

**10.0 PUBLIC HEARING DECISIONS**

Approved

Council Meeting Minutes  
March 29, 2010

## 11.0 UNFINISHED BUSINESS

## 12.0 NOTICES OF MOTIONS

## 13.0 COUNCILLOR REPORTS

- 13.1 Councillor T. Yemen provided the results of the Drumheller & District Chamber of Commerce AGM Election as follows: Cindy Clark - President; Barry Fullerton - Secretary/Treasurer; and Mike Todor - Vice President.

## 14.0 IN-CAMERA MATTERS MO2010.67 McDonald, Guidolin to go in camera at 5:30 PM. Carried unanimously.

### 14.1 Land Matter

### 14.2 Personnel Matter

**MO2010.68** Guidolin, McDonald to revert to regular Council meeting at 6:45 PM. Carried unanimously.

### 14.2 Personnel Matter

**MO2010.69** Bertamini, Berdahl moved that Council approve the Town of Drumheller out of scope wage and salary schedule for 2010 as presented by the CAO. Carried unanimously.

There being no further business, the Mayor declared the meeting adjourned at 6:45 PM.

\_\_\_\_\_  
MAYOR

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

### **TOWN OF DRUMHELLER BYLAW #10-10**

Being a Bylaw of the Town of Drumheller, in the Province of Alberta, to establish a bylaw to outline the provision of Solid Waste Management.

**WHEREAS** pursuant to the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of the people and the protection of the people and premises, nuisances, services provided by or on behalf of the municipality and

**WHEREAS** the Municipal Government Act also provides that a Council may pass bylaws to establish a system for the collection, removal and disposal of garbage and waste;

**NOW THEREFORE** the Municipal Council of the Town of Drumheller, in the Province of Alberta, duly assembled in a regular meeting, enacts as follows:

#### **1. TITLE:**

This Bylaw will be cited as "The Solid Waste Management Bylaw".

#### **2. DEFINITIONS**

- a) "Ashes" means cold residue from the burning of wood, coal and other like material for the purpose of cooking, heating buildings and disposition of waste combustible materials.
- b) "Automated Collection" means the collection of waste by a system of mechanical lifting and tipping of receptacles into specifically designed vehicles.
- c) "Biomedical Waste" means medical waste that requires proper handling and disposal because of environmental, aesthetic and health and safety concerns as well as risks to human health and safety concerns as well as risks to human health and includes:
  - i. Human anatomical waste;
  - ii. Infectious human waste;
  - iii. Infectious animal waste;
  - iv. Blood and body fluid waste; and
  - v. Medical sharps, such as needles, syringes, blades or other clinical laboratory material capable of causing punctures or cuts.
- d) "Boulevard" means:
  - i. The strip of land between the curb and the sidewalk and between the sidewalk and the property line, or;
  - ii. Where there is no curb, the strip of land between the near edge of the road and the property line.

- e) "Building Waste" means all produced in the process of constructing, demolishing, altering or repairing a building and shall include, but not be limited to soil, vegetation and rock displaced during the process of building.
- f) "Bylaw Enforcement Officer" means an appointed Bylaw Officer or Community Bylaw Enforcement Officer, Peace Officer, Chief Administrative Officer or the Royal Canadian Mounted Police – Drumheller Detachment.
- g) "Chief Administrative Officer" means the CAO for the Town of Drumheller or a person appointed by the CAO to oversee the Engineering and Infrastructure Services Department and/or their duly authorized delegate, authorized agent or representative.
- h) "Collection Day" means the day which is scheduled by the Chief Administrative Officer for municipal collection of Solid Waste.
- i) "Collector" means a person or corporation who collects waste within the Town for and on behalf of the Town.
- j) "Commercial Bin" means a bin used for the storage of waste materials generated by the industrial, commercial or institutional sector that is collected by a Contractor and approved by the Chief Administrative Officer.
- k) "Commercial Premises" means a premise which:
  - i) houses a waste generator producing an average volume equivalent to more than five (5) bags of solid waste per week;
  - ii) has activity which is likely to be, but not limited to Institutional, Commercial or Industrial in nature;
  - iii) is not regularly a residential dwelling or condominium;
  - iv) is any premises which is an apartment consisting of more than four (4) self-contained suites;
  - v) has, at the sole discretion of the Chief Administrative Officer, been otherwise described as commercial and therefore not entitled to residential waste collection and removal.
- l) "Cubic Meter" for the purposes of collection shall be one Cubic Meter of volume of solid waste.
- m) "Curb" means the actual curb, if there be one and if there is no curb in existence, shall mean the division of roadway between that part intended for the use of vehicles and that part intended for the use of pedestrians.
- n) "Exclusive Franchise" means a contractual agreement between the Town and a single Contract Hauler, for a fixed time period, for the removal of solid waste from commercial premises. At the discretion of the Town, the description of solid waste shall be expanded to include the removal of recyclable and compostable materials.

## ***Agenda Item # 8.1.1***

- o) "Food Waste Disposal Unit" means an electrically operated unit intended to be used with kitchen sinks, designed to grind garbage into a state suitable for discharge into the sanitary sewer system.
- p) "Garbage" means waste bi-products produced from household and commercial process and can be composed of organic and inorganic material.
- q) "Hazardous Waste" means any substance or thing that falls within the definition of Hazardous Waste in Schedule 1 of the Alberta Regulation of July 6, 1999 192/96, the Waste Control Regulation.
- r) "IC&I Waste" means waste materials generated from the industrial, commercial or institutional sector.
- s) "Lane" means a narrow roadway intended chiefly to give access to the rear of buildings and parcels of land.
- t) "Leaf and Yard Waste" means grass clippings, leaves, brush, twigs, house and garden plants, sawdust and wood shavings or other similar items as designated by the Chief Administrative Officer.
- u) "Manual Collection" means collecting waste by manually tipping cans or lifting bags into a waste collection vehicle.
- v) "Material Recycling Facility" "MRF" means both of the material recycling facilities located at the Drumheller and District Regional Landfill which are approved to accept uncontaminated recyclable material.
- w) "Occupant" means a person or corporation in actual possession of any premises either as an owner or tenant.
- x) "Plastic Garbage Bag" means a sturdy plastic bag specifically marketed to store waste and excludes bags that are intended for other purposes.
- y) "Premises" means any land, building, supplied with utilities by the Town.
- z) "Recyclable" means refuse, garbage, waste or other which, when separated and uncontaminated, is deemed by the Chief Administrative Officer to have available a disposal method alternate to Landfill.
- aa) "Residential" means any premises which:
  - i. Is actually used as a dwelling;
  - ii. Consists of four (4) or fewer self contained suites;
  - iii. Produces an average volume equivalent to five (5) bags or less of solid waste per dwelling or self contained suite per week;

- iv. Has one (1) storage location to permit refuse collection to be made directly from a street;
  - v. Is constructed and located to permit refuse collection to be made directly from a street;
  - vi. Has, at the sole discretion of the Chief Administrative Officer, been described otherwise as residential and therefore entitled to residential waste collection and removal.
- bb) "Shared Receptacle Service" means garbage collection services provided to a specific multi-premise site in Town in which several premises share one or more waste receptacles for garbage collection.
- cc) "Sidewalk" means that part of a roadway primarily intended for the use of pedestrians and includes the part lying between the curb line or edge of the roadway and the adjacent property line, whether or not paved or improved.
- dd) "Street" means any thoroughfare, highway, road, trail, avenue, parkway, driveway, viaduct, lane, alley square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
- i. A sidewalk, including a boulevard adjacent to the sidewalk;
  - ii. If a ditch lies adjacent to and parallel with the roadway, the ditch, and
  - iii. If a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences or all the land between the fence and the edge of the roadway, as the case may be, but does not include a place declared by regulation not to be a highway.
- ee) "Town" means the corporation of the Town of Drumheller or the area contained within the boundaries thereof, as the context requires.
- ff) "Waste" means any discarded household debris, commercial debris, recyclables or household hazardous waste as herein defined.
- gg) "Waste Container" means a waste receptacle provided by the occupant specifically marketed to store waste and excludes containers that are meant for other purposes.
- hh) "Waste Collection Cart" means a cart that is supplied by the Town designed to receive waste then rolled to a collection point and emptied by an automated collection truck.
- ii) "Waste Receptacle" means a commercial bin, waste collection cart, waste container or a plastic garbage bag.

### **3. GENERAL**

Authority of the Town:

3.1 Except as otherwise provided in this Bylaw, the town shall provide for the public collection and removal of waste within the limits of the Town and shall supervise the facilities and equipment necessary or desirable for the management of waste collected or disposed by the Town.

Authority of the Chief Administrative Officer (CAO):

3.1 The CAO shall:

- a) Supervise the collection, removal and disposal of waste, and;
- b) Set the days and times that collection shall be undertaken in different portions of the Town;
- c) Outline the quantities and classes of waste to be removed from any premises or accepted by the Town for disposal;
- d) Decide which method will be used to collect waste;
  - i. Manual Collection, or
  - ii. Automated Collection, or
  - iii. Shared Receptacle Services.
- e) State the location from which waste will be collected;
  - i. Front Street Collection, or
  - ii. Rear Lane Collection.
- f) Set instructions and operating policy for Automated Cart Collection;
- g) May specify availability of waste collection for commercial pick-up;
- h) May specify that private waste haulers report the total volume of solid waste to be hauled out of the Town's boundaries;
- i) Carry out any inspections required to determine compliance with this Bylaw;
- j) Take any steps or carry out any actions required to enforce this Bylaw;
- k) Take any steps to carry out any actions required to remedy a contravention of this Bylaw;

#### **4. WASTE RECEPTACLES**

- a) Any waste that is to be collected must be:
  - i. Must be bagged to prevent loose waste from escaping, or
  - ii. When bagging is not possible must be prepared or packaged in a manner that will prevent loose material from escaping;
- b) The occupant of any residential premises in the Town from which waste is to be collected shall provide and maintain waste containers sufficient to hold the amount of garbage which accumulates in between designated pick-up periods;
- c) Except as otherwise provided, no person shall place waste elsewhere than in waste receptacles, which comply with the requirements of this bylaw;
- d) Waste receptacles provided by the occupant shall be either a waste container or a plastic garbage bag;
- e) The occupant shall ensure that waste containers used:
  - i. Are constructed of a sturdy, water-tight material
  - ii. Are maintained in good condition;
  - iii. Have fixed rigid handles and a smooth rim;
  - iv. Have properly fitted lids that are kept closed except when the containers are loaded and unloaded;



- v. Are of a tapered cylindrical design such that waste will slide out, and
- vi. Not be less than 70 litres and not more than 100 litres in size;
- f) Waste containers larger than 100 litres may be used only if the container is wheeled and plastic garbage bags are used in the waste container so that the bags can be easily removed without the need to lift the container. Each plastic garbage bag counts as one waste receptacle;
- g) The occupant shall ensure that plastic bags used:
  - i. Are made of material capable of bearing the weight of its contents without tearing or breaking when lifted, and;
  - ii. Are securely tied or fastened so that the contents are wholly enclosed by the bag, and;
  - iii. Are no smaller than 60 litres, no larger than 100 litres, approximately 85 cm in height, approximately 70 cm in width, and;
  - iv. Are placed in a waste enclosure or waste receptacle to adequately protect the bags from scavenging by animals;
- h) The occupant of the premises will be provided with a Waste Collection Cart if they are party to Automated Collection Service;
- i) The Town will provide the first Waste Collection Cart to premises:
  - i. The cart is to remain at the premises at all times;
  - ii. The Town may, at the time of collection or any other time, remove, repair or replace any obsolete, damaged or non-serviceable carts;
  - iii. If the Waste Collection Cart is lost, stolen or damaged the occupant shall be responsible for purchasing a replacement cart from the Town or pay for the cost of repairs;
  - iv. The Town owns all Waste collection Carts;
- j) A Waste Receptacle or Collection Cart shall not be filled to a height greater than 5 cm from the top of the receptacle;
- k) The Waste Receptacle or Collection Cart shall be cleaned out regularly by the customer to avoid build-up of odours;
- l) No person shall place waste in any Waste Receptacle without the permission of the owner or occupant of the premise;
- m) The Chief Administrative Officer reserves the right to withhold collection of waste where the Waste Receptacle does not meet the necessary requirements or is in a depilated, unsafe or in an unsanitary condition or in a contrary to the instructions and operating policy of the Chief Administrative Officer.

### **5. WASTE BOXES OR ENCLOSURES – MANUAL COLLECTION SYSTEM**

The occupant of the premises from which waste is to be collected under a Manual Collection System when the premises are fenced from the lane or street where collection is made:

- a) Shall provide waste boxes or enclosures for the protection of waste containers or plastic garbage bags and in other applications as required by the Chief Administrative Officer.
- b) Residents with boxes or enclosures for Manual Collection are responsible for ensuring that the design, construction and state of repair of any permanent enclosure for the storage of waste containers and plastic garbage bags at collection

locations allow for the safe and efficient collection of waste and meets the following requirements:

- i. Enclosure doors should be hinged at the sides with the bottom of the door located a minimum of 15 cm above grade level;
- ii. Door latches should be large enough to be used by Waste Collectors even while wearing mitts or gloves;
- iii. An enclosure should allow a minimum clearance of 30 cm above the waste receptacles and lids;
- iv. An enclosure should not be constructed in such a way that it requires Waste collectors to lift waste receptacles over any obstacle exceeding 15 cm in height, and;
- v. Be free of rodents, wasps and other pests;
- c) Residential enclosures shall meet the minimum instructions, operating policy and design standards as set by the Chief Administrative Officer;
- d) Residential enclosures that are permanent can not encroach past the property line on to public lands or land;
- e) Enclosures for commercial waste bins shall meet the minimum instructions, operating policy and design standards as set by the Chief Administrative Officer.

### **6. WEIGHT OF WASTE**

- i. For Manual Collection shall not exceed 27 kilograms or 60 lbs;
- ii. For Automated Collection, the maximum weight will be set by the Chief Administrative Officer

### **7. LOCATION OF WASTE RECEPTACLES**

- a) Except as otherwise provided herein, no person shall place or keep waste receptacles upon any portion of the street or lane. Any waste receptacle improperly left in the street may be removed and disposed of by the Town;
- b) No person who receives waste collection shall set out waste receptacles at locations that are: unsafe, obstructed, blocked by snow, ice poorly maintained or that prevent Waste Collectors from collecting waste in a safe and efficient manner in the opinion of the Chief Administrative Officer or their designate;
- c) The occupant of residential premises shall place waste receptacles for collection in such a way that Collectors shall have access without entering into private property;
- d) Waste receptacles set out for Manual Collection at premises serviced by front street pickup must be placed such that:
  - i. Where there is a combined curb sidewalk, the receptacles are placed not more than 1 metre away from the travel portion of the sidewalk adjacent to and directly in front of the premises;
  - ii. Where there is a separated curb and sidewalk by a boulevard, the receptacles are placed not more than 1 metre away from the travel portion of the street adjacent to and directly in front of the premises;
  - iii. Where there is a curb and no sidewalk, the receptacles are placed not more than 1 metre away from the travel portion of the street adjacent to and directly in front of the premises.

- e) Except where in the opinion of the Chief Administrative Officer, it is impractical to store waste receptacles outside of the building, no Collector shall make a collection of waste from inside any building;
- f) Automated Waste Collection Cart shall be:
  - i. Set out in accordance with the instructions and operating policy of the Chief Administrative Officer;
  - ii. Placed in the alley if the resident has back alley pick-up or set out on the street if the resident has frontal pickup;
  - iii. Set out so that they will not likely be overturned;
  - iv. Stored out of sight on the premise;
- g) The Town shall collect waste from only one pick-up point from each premise, except where the Chief Administrative Officer has designated any other pick-up point he considers necessary;
- h) Waste receptacles must be laced in a located that is free of rodents, wasps and other pests.

### **8. GARBAGE, WASTE & ASHES**

- a) An occupant of premises from which garbage is to be collected shall:
  - i. Thoroughly drain all household garbage and place it in a plastic garbage bag before disposing of it in the waste receptacle;
  - ii. Quench all ashes for collection and if possible put them in separate waste receptacles from the other waste;
  - iii. Double bag all light, dusty or objectionable materials including cooled ashes, powders, sawdust, vacuum cleaner bags, furnace filters, animal feces and absorbents and disposable diapers;
  - iv. Use protective packaging (sturdy sealed cardboard box or rigid disposable plastic container) for the disposal of sharp, dangerous items including broken glass, razor blades, sheet metal scraps and items with exposed screws or nails;
  - v. Ensure material unsuitable for bagging is to be bundled and securely tied with the bundles not exceeding 1.2 metres (4 feet) in length, 0.75 metres (2.5 feet) in diameter and 27 kg (60 lbs) in weight;
- b) Other than as stated elsewhere in this Bylaw, the Town shall not remove the following from premises:
  - i. Highly combustible or explosive materials including but not limited to liquid or solid fuels, gunpowder, ammunition or explosives;
  - ii. Hot ashes which are not properly quenched and appear to be hot or likely to cause a fire;
  - iii. Compressed propane or butane cylinders;
  - iv. Toxic or household hazardous waste including solvents, oven cleaners, paints, automotive fluids, wet cell batteries, pesticides, herbicides or any material commonly referred to as household, commercial or industrial hazardous waste;
  - v. Biomedical waste including hypodermic needles or syringes, lancets or any sharp item used in home medical care;
  - vi. Large bulky items such as mattresses, box springs, dressers, tables, chairs, major appliances, auto and truck parts, tires, tree limbs, whole shrubs or discarded heavy machinery;

- vii. Sheet iron, large pieces of scrap metal or machine parts;
  - viii. Electronic equipment including televisions, computers, computer monitors, keyboards and associated cables;
  - ix. Renovation, construction or demolition material
  - x. Stumps, concrete blocks or slabs, soil, rocks or aggregate;
  - xi. Dead animals and animal parts from hunting or trapping;
  - xii. Transient waste;
  - xiii. Septic tank pumping, raw sewage or industrial sludge;
  - xiv. Radioactive waste;
  - xv. Waste material which has not been placed for collection in accordance with the provision of this Bylaw;
  - xvi. Liquid waste or material that has attained a fluid consistency and has not been drained.
- c) The Town may accept from time to time and with advance notice, irregular waste items including: appliances, white goods, furniture, mattresses and the like.

### **9. BUILDING MATERIALS AND CONSTRUCTION WASTE**

- a) A person carrying out the construction, demolition or alteration of buildings or other building operations on any property shall do so in such manner as to not permit building material or building waste material to remain loose, free or uncontrolled on the property;
- b) The main contractor on the building site shall be responsible for the actions of any subcontractor or tradesman who fail to comply with subsection a);
- c) Any building material or building waste material which blows free from the building site shall be recaptured, returned to the building site and deposited in a waste receptacle;
- d) The main contractor on a building site shall be responsible for the term of the construction in providing a suitable waste receptacle capable of receiving all building waste material and maintaining the same in a safe contained manner;
- e) Where the contractor is working on more than one building site and they are adjoining, he may provide one building waste receptacle for each three building sites;
- f) The main contractor on a building site shall be responsible for having all unused building material and building waste material disposed of in a Landfill or appropriate area;
- g) The Chief Administrative Officer may direct the person carrying out the construction or alteration of a building to provide a fence of a type that will trap any building material or building waste material in such a manner as to prevent it from escaping from the building site.

### **10. COLLECTION SCHEDULE**

The Town shall collect waste:

- a) From each residential premises once each week.
- b) The Town may provide one leaf and yard waste collection cart for the collection of leaf and yard materials from each residential premise;

- c) Any waste that is stored in a commercial bin may be collected by the Town at the Chief Administrative Officer discretion;
- d) The Town may establish an exclusive franchise at the discretion of Town Council, for the collection and removal of refuse and recyclables from commercial premises and direct commercial waste generators to be responsible for their own contractual relations as described in the franchise;
- e) Where the town does not collect waste at commercial premises, the occupant, either by contractors, agents or by employees, shall remove and dispose of the waste in compliance with all applicable Federal, Provincial and Municipal laws.

### **11. TRANSPORTATION OF WASTE**

No person shall convey through any street in the Town any waste except in a properly enclosed receptacle or in a vehicle which is covered with canvas or tarpaulin or secured such that the contents are protected from being wind borne or falling on the streets.

### **12. DAMAGE TO PRIVATE ROADS AND INFRASTRUCTURE**

The Town will not be responsible for any damage to roads or infrastructure on a private site resulting from legitimate operation of waste collection vehicles during waste collection activity at that private site.

### **13. OTHER PROVISIONS**

- a) It shall be unlawful for any person to dump building waste, garbage or other waste material anywhere within the limits of the Town of Drumheller, except in the location designated by the Chief Administrative Officer;
- b) No person, other than the occupant of the premise, shall pick over, remove, disturb, or otherwise interfere with any waste material that has been set out for municipal collection;
- c) No person shall place residential or commercial waste in a public litter container;
- d) No person shall burn household refuse, burnable debris or prohibited debris in any fireplace or fire pit within the Town;
- e) The Town reserves the right to withhold collection of improperly prepared waste, prohibited waste, excessive quantities of waste or waste located at unsafe or non-compliant set out locations;
- f) The occupant shall keep the lane at the rear of the premises occupied or under his control – to the centre of the lane – in a clean and tidy condition and free from refuse of any nature;
- g) The occupant shall keep the curb and gutter at the front of the premises in a clean and tidy condition.
- h) No person shall dispose of waste or recyclable materials in the Landfill or at the Material Recycling Facilities except as directed by the Landfill Manager, employee or agent of the Landfill.
- i) All IC&I generators shall be required to deliver, dispose of or allow or cause to be delivered or disposed of only such recyclable materials that the Material Recycling Facilities are approved to accept and shall ensure that all recyclable material is source separated and free of any contamination.

- j) The Chief Administrative Officer shall determine which commercial operations will be required to source separate their recyclables.

### **14. CONTRAVENTION**

Any person who contravenes a provision of the Bylaw is guilty of an offence and is liable of a fine not exceeding \$2,500 dollars.

### **15. VIOLATION TICKETS AND PENALTIES**

- a) Where a Bylaw Enforcement Officer and/or the Chief Administrative Officer believes on reasonable and probable grounds that a person has contravened any provision of this Bylaw, he may serve upon such person a violation tag provided by this section:
  - i. Either personally on the premises or by leaving it for the occupant at their residence with a person on the premises who appears to be a least eighteen (18) years of age or by registered mail and such service shall be adequate for the purpose of this Bylaw;
  - ii. A violation tag shall be in such form as determined by the Town of Drumheller and shall state the section of the Bylaw which was contravened and the amount which is provided, that will be accepted by the Town in lieu of prosecution;
  - iii. Upon production of a violation tag issued pursuant to this section within fourteen (14) days from the issue thereof together with the payment to the Town of Drumheller of the fee as provided, the person to whom the tag was issued shall not be liable for prosecution for the contravention in respect of which the tag was issued;
  - iv. Notwithstanding the provisions of this section, a person to whom a tag has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of the provisions of this Bylaw.
- b) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in the attached Schedule A in respect of that provision;
- c) The minimum penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in the attached Schedule A in respect of that provision;
- d) Notwithstanding subsection 16 b:
  - i. Where any person contravenes the same provision of the Bylaw twice within one eighteen month period, the specified penalty payable in respect of the second contravention is double the amount shown in current Schedule A in respect of that provision, and
  - ii. Where any person contravenes the same provision of this Bylaw three or more times within one twelve month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount shown in the current Schedule A in respect of that provision.

### **16. COMPLIANCE WITH OTHER LEGISLATION**

No section of this Bylaw relieves a person from complying with any federal or permit, order, consent or other direction.

### **17. VALIDITY OF BYLAW**

## ***Agenda Item # 8.1.1***

Every provision of this Bylaw is independent of all other provisions, if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

### **18. ENACTMENT**

1. This Bylaw will take full force and effect on the first day of . 2010.
2. Upon enactment of this Bylaw, Bylaw #28-98 as amended is hereby rescinded.

READ A FIRST TIME this 29<sup>th</sup> day of March, 2010.

\_\_\_\_\_  
Mayor

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

READ A SECOND TIME this day of , 2010.

\_\_\_\_\_  
Mayor

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

READ A THIRD AND FINAL TIME this day of , 2010.

\_\_\_\_\_  
Mayor

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



## CONTRAVENTION PENALTIES

### SCHEDULE A

1. Contravention of the following provisions within the Town of Drumheller Solid Waste Management Bylaw shall be as follows:
  - a. Waste Receptacles Section 4 (a–m) - liable to a minimum of \$ 50.00
  - b. Waste Boxes or Enclosures Section 5 (a-e) - liable to a minimum of \$ 50.00
  - c. Weight of Waste Section 6 (i) - liable to a minimum of \$ 50.00
  - d. Location of Waste Receptacles Section 7 - liable to a minimum of \$ 50.00
  - e. Other Provisions Section 13 (c, f &g) - liable to a minimum of \$ 50.00
  - f. Garbage Waste and Ashes  
Section 8 (a (i, iii, iv & v) - liable to a minimum of \$ 50.00
  - g. Garbage Waste and Ashes Section 8 (a (ii) - liable to a minimum of \$150.00
  - h. Building Materials and Construction Waste  
Section 9 - liable to a minimum of \$250.00
  - i. Transportation of Waste Section 11 - liable to a minimum of \$350.00
  - j. Other Provisions Section 13 (b, d & h) - liable to a minimum of \$500.00
  - k. Other Provisions Section 13 (i) - liable to a minimum of \$1,000.00
  - l. Other Provisions Section 13 (a) - refer to clause 14 Contravention

## TOWN OF DRUMHELLER BYLAW NUMBER #11-10

BEING A BYLAW TO AMEND LAND USE BYLAW NO. 10-08 FOR THE TOWN OF  
DRUMHELLER IN THE PROVINCE OF ALBERTA.

**WHEREAS** pursuant to the provision of Section 639 of the *Municipal Government Act*, RSA 2000, Chapter M-26, the Council of the Town of Drumheller (hereinafter called the Council), has adopted Land Use Bylaw No. 10-08;

**AND WHEREAS** the Council deems it desirable to amend Land Use Bylaw 10-08; and

**NOW THEREFORE** the Council hereby amends Land Use Bylaw No. 10-08 as follows:

**1. The addition of the following definitions in Part 1 (2) Definitions:**

**"Liquor Store"** means a use where alcoholic beverages are sold for consumption off the retail outlet premises, that has been licensed by the Alberta Gaming and Liquor Commission;

**"Renewable Energy System"** means a use:

- (a) that produces electrical power to be used for the on-site consumption requirements by alternative means such as but not limited to active and passive solar collectors, photovoltaic solar panels, geothermal energy;
- (b) may be connected or disconnected from the electrical grid in accordance with the requirements of the appropriate authority;
- (c) may provide residual power to the grid but is not intended to produce power primarily for resale;
- (d) a Renewable Energy System shall be in accordance with *Section 83*.

**"Small Animal Care Centre"** means a use:

- (a) where small animals are washed, groomed, trained or boarded;
- (b) where the animals must not be boarded overnight; and
- (c) that may have the incidental sale of products relating to the services provided by the use; and
- (d) must not have any outside enclosures, pens or exercise areas.

**"Small Wind Energy System"** means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 300 kW, and which is intended to primarily provide electrical power for the on-site consumption requirements, either on or off-grid, and may provide residual power to the grid but is not intended to produce power primarily for resale. A SWES shall be in accordance with *Section 82*.

**"Small Wind Energy System – Blade"** means an element of a SWES rotor that acts as a single airfoil and extracts kinetic energy directly from the wind.

**"Small Wind Energy System - Total System Height"** means the height from ground level to the tip of the blade at its highest point.

**"Small Wind Energy System - Tower Height"** means the height above-grade of the fixed portion of the wind turbine tower, excluding the wind turbine and rotor.

**"Small Wind Energy System – Turbine"** means the parts of the wind system including the rotor, generator and tail.

**"Small Wind Energy System – Turbine Tower"** means the guyed or freestanding structure that supports a wind turbine generator.

**"Small Wind Energy System – Visual Impact"** means the impact of a small turbine's visibility beyond the property lines of the subject parcel. The visual impact shall take into consideration the landscape setting, the points from which it would be viewed, and the perception of the surrounding land owners where significant views may be affected.

## **2. Amendments to Part VI Land Use Districts as follows:**

**Addition** of 'Small Wind Energy System' as a discretionary use in the following land use districts:

- 25. CR – Country Residential
- 27. SCR - Suburb Community Residential District
- 28. R-CH – Residential Cottage Housing District
- 37. A—Agricultural District
- 32. HWY-C - Highway Commercial District
- 33. M-1 -- Light Industrial District
- 34. M-2 – Medium Industrial District
- 35. M-2R – Restricted Industrial District
- 36. P – Community Service District
- 38. UT—Urban Transitional District

**Addition** of 'Small Animal Care Centre' as a discretionary use in the following land use districts:

- 28. R-CH – Residential Cottage Housing District
- 29. C-B—Central Commercial District
- 30. DT—Downtown Transition District
- 31. C-1 -- Local Commercial District
- 32. HWY-C - Highway Commercial District
- 33. M-1 -- Light Industrial District
- 34. M-2 – Medium Industrial District
- 35. M-2R – Restricted Industrial District
- 37. A—Agricultural District

**Addition** of 'Kennel as a discretionary use in the following land use districts:

- 33. M-1 -- Light Industrial District
- 34. M-2 -- Medium Industrial District
- 35. M-2R -- Restricted Industrial District
- 38. UT—Urban Transitional District

**Addition** of 'Liquor Store as a discretionary use in the following land use districts:

- 29. C-B—Central Commercial District
- 30. DT—Downtown Transition District
- 31. C-1 -- Local Commercial District
- 32. HWY-C - Highway Commercial District

**3. The amendment of the following under Part VII General Land Use Regulations:**

**Amendment of:**

**51. Drive Through**

**The following regulations shall apply to the development of drive through services that are applied for in connection with another use:**

- (a) If outdoor speakers are provided they shall be a minimum 20 metres (66 ft.) from the property boundary of a parcel designated as a residential district and separated from a residential district by a building;
- (b) Drive through aisles shall be screened from residential land uses and not located within 20 metres (66 ft.) and shall be separated by a building;
- (c) drive through aisles may be located in a required setback area if there are no safety or nuisance concerns identified with adjacent land uses;
- (d) drive through aisles must not provide direct access to any land or street;

**As follows:**

**51. Drive Through**

**The following regulations shall apply to the development of drive through services that are applied for in connection with another use:**

- (a) If outdoor speakers are provided they shall be:
  - i. a minimum 20 metres (66 ft.) from the property boundary of a parcel designated as a residential district; or
  - ii. separated from a residential district by a building; or
  - iii. appropriately screened and/ or designed so that the noise from the speaker does not adversely affect adjacent residential land uses at the discretion of the approving authority.

- (b) Drive through aisles shall be appropriately screened from residential land uses and/ or not located within 20 metres (66 ft.) of a residential building at the discretion of the approving authority;
- (c) drive through aisles may be located in a required setback area if there are no safety or nuisance concerns identified with adjacent land uses or if any concerns are sufficiently remedied;
- (d) a drive through window shall not provide direct access to any street or adjacent property;

**Amendment of:**

**70. Service Stations**

Service stations, where permitted in this Bylaw, shall comply with the following requirements:

- (b) Minimum Requirements
  - (i) no part of a service station building or any pump island shall be within 6.1 m (20 ft.) of front, side or rear property lines;
  - (ii) minimum front yard of 10.6 m (35 ft.) with no pumping island closer than 4.5 m (15 ft.) to the building.

**As follows:**

**70. Service Stations**

Service stations, where permitted in this Bylaw, shall comply with the following requirements:

- (b) Minimum Requirements
  - (iii) no part of a service station building or any pump island shall be within 6.1 m (20 ft.) of front, side or rear property lines or a greater setback if required as part of the minimum requirements of the land use district;
  - (iv) minimum front yard of 10.6 m (35 ft.) from the service station building with no pumping island closer than 4.5 m (15 ft.) to the building.

**Addition of:**

**72a. Kennels**

The following regulations shall apply to any development permit application for a Kennel:

- (a) A Kennel must be a minimum distance of 150.0 metres from any adjacent dwelling, which must be measured from the nearest point of the building containing the use to the nearest point of the adjacent dwelling unless the residence is associated with the operation.
- (b) All animals shall be kept indoors during the quiet hours in accordance with the Town of Drumheller Noise Bylaw.

- (c) Kennels should not be approved in areas with clustered residential developments due to the potential for land use conflict and nuisance effects including noise, smell, and public safety.
- (d) Any development permit application for a Kennel shall be circulated to all neighbouring property owners within a 300 metre radius of the property boundaries of the proposed location of the Kennel.
- (e) If a Development Permit application for a Kennel is approved, a condition of approval shall limit the term of the permit to a period not to exceed three years. Upon expiration, any new application shall be evaluated with due consideration for any complaints and/ or intensification of residential land uses in the vicinity of the Kennel.

### Addition of:

#### 82. Small Wind Energy Systems

It is the purpose and intent to promote the safe, effective and efficient use of small wind energy systems (SWES) to reduce the on-site consumption of utility-supplied electricity while protecting public health and safety without significantly increasing the cost or decreasing the efficiency of a SWES. An SWES may be appropriately located on larger residential parcels, commercial/ industrial sites or for public facilities and shall be considered an accessory structure and use in the land use districts where it is listed in accordance with the following requirements:

##### (1) Maximum Tower Height:

- (a) Parcel size – 0.2 ha. (0.5 acres) – 0.4 ha. (1.0 acre)  
25 m (80 ft.)
- (b) Parcel size greater than 0.4 ha. (1.0 acre)  
No maximum

Tower height shall be in accordance with the manufacturer requirements and shall conform to the setback requirements below.

##### (2) Setback Requirements:

###### (a) Setbacks from property lines

The SWES tower base shall be no closer to the property line than the **total system height** of the SWES, and no part of the tower structure, including guy wire anchors, may extend closer than 3 m (10 ft.) to the property boundaries of the installation site. The Development Authority may waive the tower base setback requirements if the adjacent property owner grants an easement for the location of the SWES to be closer than these requirements.

###### (b) Setbacks from Structures

###### (i) Dwellings:

The SWES tower base shall be no closer to a dwelling unit on an **adjacent** property than the **total system height** of the SWES.

###### (ii) Accessory buildings or structures

No requirements

The Development Authority may waive the tower base setback requirements if the affected adjacent property owner grants an easement registered on title for the location of the SWES to be closer than these requirements.

##### (3) Sound

Sound levels from a SWES shall not negatively impact adjacent property owners. A satisfactory report from a sound engineering professional may be required to ensure noise levels are not above that of normal ambient background noise on adjacent properties. This determination shall be measured at the at the property line of the adjacent property.

(4) Visual Impact

The nature of a SWES requires the installation of the turbine on a tall tower, 25-30 ft. above structures or trees to reach wind conditions and avoid turbulence. Visual Impact concerns shall be considered where there is significant scenic or historical value associated and where there is a clear public benefit.

(5) Consultation Requirements

Applicants for a SWES shall be responsible for circulating the proposal prior to application to adjacent property owners using the approved form. Any comments received from the circulation shall be included with the application.

(6) Decommissioning

If the active production of electricity from a SWES is discontinued for two years or more the SWES shall be removed. Upon termination of the use, the entire facility shall be removed and the site shall be restored to pre-construction condition.

**83. Renewable Energy Systems**

Renewable energy systems such as, but not limited to, active and passive solar, photovoltaic solar panels, heat exchange systems and generators are encouraged as a method to reduce green house gas emissions and to promote sustainability objectives within the Town of Drumheller. Alternative Energy Systems shall require a development permit to ensure there are no nuisance effects that extend beyond the site and shall have consideration for the following requirements:

- (a) Renewable energy systems shall meet the minimum requirements of the appropriate land use district including setbacks and height; and
- (b) Renewable energy systems shall be considered a discretionary use in all land use districts.
- (c) Renewable Energy Systems shall follow the minimum requirements for accessory buildings and uses in the appropriate Land Use District.

**Addition of:**

**67a. Liquor Store**

- (a) must not be located within 300 metres of any other liquor store, when measured from the closest point of a liquor store to the closest point of another liquor store; and
- (b) must not be located within 150 metres of a parcel that contains a school, when measured from the closest point of a liquor store to the closest point of a parcel that contains a school;

Unless otherwise approved by the development authority.

**Deletion** of the following requirement from the R-4 Land Use District and addition to the R-1A and R-3 Land Use Districts:

- (c) One 3 m (10 ft.) side yard (excluding corner lots) to provide alternate access to the rear of buildings in a laneless subdivision;



## ***Agenda Item # 10.1***

READ A FIRST TIME THIS 29<sup>th</sup> DAY OF March, 2010

READ A SECOND TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.

READ A THIRD TIME AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.

\_\_\_\_\_  
MAYOR

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

**TOWN OF DRUMHELLER  
BYLAW NUMBER # 03 - 10**

BEING A BYLAW TO AMEND LAND USE BYLAW NO. 10-08 FOR THE TOWN OF  
DRUMHELLER IN THE PROVINCE OF ALBERTA.

**WHEREAS** pursuant to the provision of Section 639 of the *Municipal Government Act*, RSA 2000, Chapter M-26, the Council of the Town of Drumheller (hereinafter called the Council), has adopted Land Use Bylaw No. 03-10;

**AND WHEREAS** the Council deems it desirable to amend Land Use Bylaw 10-08; and

**NOW THEREFORE** the Council hereby amends Land Use Bylaw No. 10-08 as follows:

1. Section 25 "CR – Country Residential District", is hereby amended by adding 'kennel' to the list of discretionary uses.

READ A FIRST TIME THIS 18 DAY OF JANUARY, 2010.

READ A SECOND TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.

READ A THIRD TIME AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010.

\_\_\_\_\_  
MAYOR

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

FORM D

**TOWN OF DRUMHELLER**  
Land Use Bylaw No 10-08

**APPLICATION FOR AMENDMENT TO THE LAND USE BYLAW**

I / We hereby make application to amend the Land Use Bylaw.

**APPLICANT**

NAME: MIKE + BRANDI YAVIS TELEPHONE: [REDACTED]

ADDRESS: [REDACTED]

**OWNER OF LAND**

NAME: MIKE + BRANDI YAVIS TELEPHONE: [REDACTED]

ADDRESS: [REDACTED]

**LEGAL DESCRIPTION**

LOT: 2 BLOCK: 4 REGISTERED PLAN: 0412557

QTR./L.S.D.:        SEC.:        TWP.:        RNG.:        M.:       

CERTIFICATE OF TITLE:       



**AMENDMENT PROPOSED**

FROM: CR

TO: AMEND BYLAW 10-08

DISCRETIONARY USE TO INCLUDE KENNEL BUSINESS

**REASONS IN SUPPORT OF APPLICATION FOR AMENDMENT:**

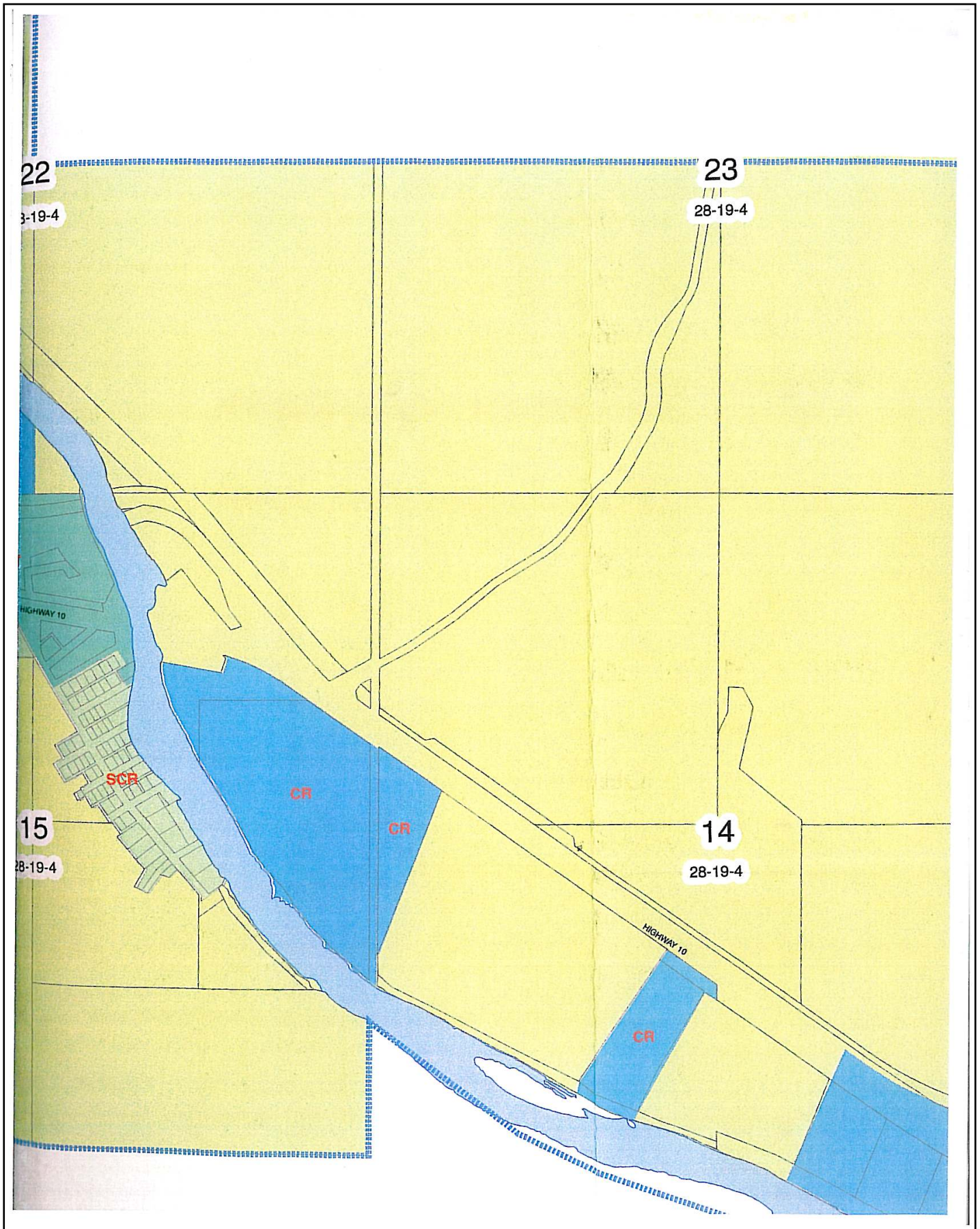
- Town of Drumheller needs this Service and support of Drumheller Humane Society.
- closest neighboring House approx 1500 feet will not be disturbed.
- closest Kennel is 1/2 hour drive from Town

I / We enclose \$ 100<sup>xx</sup> being the application fee.

DATE: Oct 9/09

SIGNED: [Signature]

## Agenda Item # 11.1





Approved

**Council Meeting Minutes  
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between the Town of Drumheller and Shaw Cablesystems Limited at their Council Committee meeting of January 25th. He advised that the permit and inspection fees have not been set as of yet however Administration is meeting with Shaw tomorrow and the rates should be set at that time. He recommended that Council approve the agreement subject to the rates for permit and inspection fees being negotiated between the Town and Shaw Cable.

**MO2010.32** Yemen, Bertamini that Council approve the Municipal Access Agreement between the Town of Drumheller and Shaw Cablesystems Limited subject to the permit and inspection rates being negotiated between the Town and Shaw Cablesystems Limited. Carried unanimously.

**8.2. Director of Infrastructure Services**

**8.3. Director of Corporate Services**

**8.4. Director of Community Services**

**9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION**

- 9.1 CAO, R. Romanetz presented his Quarterly Report October to December 2009 and the 2009 Annual Report.
- 9.2 Director of Infrastructure Services, A. Kendrick presented his department's Quarterly Report October to December 2009 and the 2009 Annual Report.
- 9.3 Director of Corporate Services, M. Roy presented his department's Quarterly Report October to December 2009 and advised that his 2009 Annual Report consisted of the Audited Financial Statements which will be presented in the Spring.
- 9.4 Director of Community Services, P. Salvatore presented his department's Quarterly Report October to December 2009 and the 2009 Annual Report.

**10.0 PUBLIC HEARING DECISIONS**

**10.1 Bylaw 03.10**

**MO2010.33** Yemen, Berdahl for second reading to Bylaw 03.10.

Discussion on Motion: Councillor K. Bertamini asked if standards have been set. R. Romanetz advised that this would require a further amendment to the Land Use Bylaw as well as advertising. He further stated that the bylaw as presented this evening can be turned down and create one that had the standards in place. Councillor A. Berdahl stated that it is appropriately designated as a discretionary use and through the Municipal Planning Commission, it would be the most practical way to develop the standards, as

Approved

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conditions are set on any application. He further stated that once an application is made it is considered on its own merits and the conditions as set are the guiding principles. He stated that he is not sure if the Land Use Bylaw can list all the possible requirements that are based on individual merits. R. Romanetz stated that the bylaw should set some standards for kennels. He suggested Palliser research standards that exist in our Land Use Bylaw. Councillor B. McDonald stated that standards should be set because the Town needs a kennel in the community.

**MO2010.34** McDonald, Yemen moved to table second reading on Bylaw 03.10 to allow for more information to be presented to Council on setting standards for kennels. Carried unanimously.

## 10.2 Bylaw 04.10

**MO2010.35** McDonald, Shoff moved for second reading of Bylaw 04.10.

5 - in favour - Yemen, McDonald, Nimmo, Shoff, Berdahl

1 - opposed - Bertamini

Motion Carried.

**MO2010.36** Yemen, McDonald for third reading of Bylaw 04.10.

5 - in favour - Yemen, McDonald, Nimmo, Shoff, Berdahl

1 - opposed - Bertamini

Motion Carried.

Councillor A. Berdahl asked Councillor K. Bertamini her reason for opposing the Bylaw. Councillor K. Bertamini advised that she was not comfortable with the zoning change as proposed.

## 10.3 Bylaw 05.10

**MO2010.37** Shoff, Yemen moved for second reading to Bylaw 05.10.

Discussion on Motion:

Councillor Bertamini requested that the Council delay the vote until the neighbor has been contacted for their comment. Council agreed and requested that Administration send a letter by registered mail requested a response prior to their next Council meeting of February 16th.

**MO2010.38** Bertamini, Yemen moved to table the vote on Bylaw 05.10 to allow for time to contact the adjacent neighbor for their comments. Carried unanimously.

## 10.4

Bylaw 06.10

Council requested Administration to confirm whether the bylaw as wording for consolidation needs to be changed if the applicant's intention is to purchase the property to create a separate title. As well it was noted, that the neighbor to the east was not contacted and Council requested that a letter be forwarded. Council requested that Bylaw 06.10 be discussed at their next Council meeting to be held on February 16th.

## 11.0 UNFINISHED BUSINESS