

Town of Drumheller COUNCIL MEETING AGENDA

**February 11, 2013 at 4:30 PM
Council Chamber, Town Hall
703-2nd Ave. West, Drumheller, Alberta**



Page

1.0 CALL TO ORDER

2.0 ACTING MAYOR'S OPENING REMARK

3.0 PUBLIC HEARING

- 3 3.1 Purpose of the Public Hearing is to consider Bylaw 05.13 pursuant to Section 674 and 675 of the Municipal Government Act. The Town of Drumheller intends to consider Bylaw 05.13 for closing and removing from public use a Municipal Reserve and disposing of same to adjacent owners and others for development.

4.0 ADOPTION OF AGENDA

5.0 MINUTES

5.1. ADOPTION OF REGULAR COUNCIL MEETING MINUTES

- 4-9 5.1.1 Regular Council Meeting Minutes of January 28, 2013

5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION

- 10-17 5.2.1 Municipal Planning Commission Meeting Minutes of January 17, 2013

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. CAO

- 18-39
- 8.1.1 Bylaw 06.13 being a bylaw of the Town of Drumheller for the purposes of regulating animals and activities in relation to them - first reading MO2013.23 (tabled), second and third readings
- 40-41
- 8.1.2 RFD - New Town Hall Communication / Security System and Install

8.2. Director of Infrastructure Services

8.3. Director of Corporate Services

- 42-43
- 8.3.1 RFD (Direction) - Business Tax
- 44-45
- 8.3.2 RFD (Direction) - Borrowing Bylaw (East Coulee Wastewater Plant Upgrade)

8.4. Director of Community Services

9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION

10.0 PUBLIC HEARING DECISIONS

- 46-48
- 10.1 Bylaw 05.13 - second and third readings

11.0 UNFINISHED BUSINESS

12.0 NOTICES OF MOTIONS

13.0 COUNCILLOR REPORTS

14.0 IN-CAMERA MATTERS

- 14.1 Land Matter

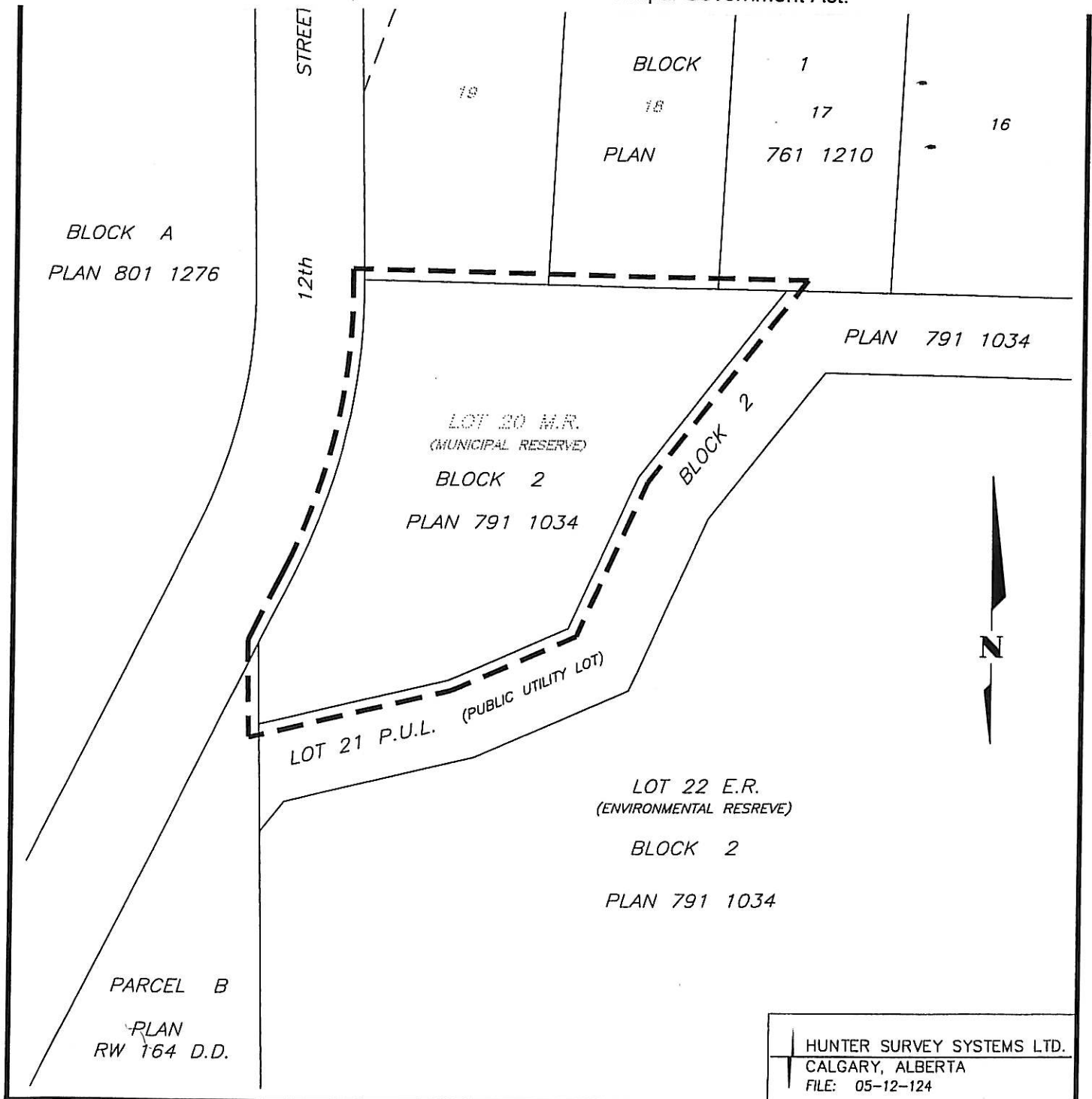
PUBLIC NOTICE

Agenda Item # 3.1

Pursuant to Section 674 and 675 of the Municipal Government Act; The Town of Drumheller intends to consider **By-Law 05.13** for closing and removing from public use a Municipal Reserve and disposing of same to adjacent owners and others for development.

The attached plan designated Schedule A shows the Municipal Reserve affected by this By-Law.

Any person adversely affected by the removal of the Municipal Reserve from public use or otherwise wishing to address Council related to this issue shall attend the Council meeting of The Town of Drumheller at 703 2nd Avenue West, Drumheller to be held in Council Chambers on **February 11th, 2013 at 4:30 PM**; said meeting being convened to provide the public at large an opportunity to be heard in accordance with the Municipal Government Act.



**Town of Drumheller
COUNCIL MEETING
MINUTES**

January 28, 2013 at 4:30 PM
Council Chamber, Town Hall
703-2nd Ave. West, Drumheller, Alberta



PRESENT:

MAYOR:

Terry Yemen

COUNCIL:

Andrew Berdahl

Jay Garbutt

Lisa Hansen-Zacharuk

Sharel Shoff

Doug Stanford

Tom Zariski

CHIEF ADMINISTRATIVE OFFICER/ENGINEER:

Ray Romanetz

ACTING DIRECTOR OF CORPORATE SERVICES:

Bill Wulff

DIRECTOR OF COMMUNITY SERVICES:

Paul Salvatore

RECORDING SECRETARY:

Linda Handy

ABSENT: DIRECTOR OF INFRASTRUCTURE SERVICES: Allan Kendrick

1.0 CALL TO ORDER

Mayor T. Yemen called the public hearing to order at 4:30 PM.

2.0 MAYOR'S OPENING REMARK

Mayor T. Yemen advised that he attended the Building Block Literacy Day event on January 26th where Cenovus made a generous donation to their program.

3.0 PUBLIC HEARING

4.0 ADOPTION OF AGENDA

MO2013.19 Shoff, Hansen-Zacharuk moved to adopt the agenda as presented. Carried unanimously.

5.0 MINUTES

5.1. ADOPTION OF REGULAR COUNCIL MEETING MINUTES

5.1.1 Regular Council Meeting Minutes of January 14, 2013

MO2013.20 Garbutt, Zariski moved to adopt the regular Council meeting minutes of January 14, 2013 as presented. Carried unanimously.

5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION

5.2.1 Municipal Planning Commission Meeting Minutes of December 6, 2012

5.3. BUSINESS ARISING FROM THE MINUTES

6.0 DELEGATIONS

6.1 Jon Ohlhauser- Hope College

J. Ohlhauser provided an overview of Hope Clinic / College's program at their facility located at the former St. Anthony's school (240 12th Street E). Hope Clinic, which provides naturopathic health care, has been accepting patients since opening on January 2nd. He stated that some patients have an element of coverage under their Blue Cross. On January 10th, an open house was held at which time it was announced that the college has received provincial approval for the launch of Hope College on September 12, 2013. It is confirmed that two programs will be offered, business administration and tourism, with a possible justice studies program as per the press release of January 10th. The in-house two year programs are designed and delivered locally based on local business and local economy. He explained that another type of program will be offered at some point – the brokered two year program with a professional designation - which requires a partnership based on Drumheller being the host program but the program is developed based on the partnering school's cost and delivery. He further explained that a brokered program instruction's base cost must be a full cost recovery model which includes shared costs such as utilities, president's salary, etc. Drumheller has not yet found a partner where these line item costs can be agreed upon. It is hoped that the college will be successful in finding a partner for the brokered program and to move forward with this type of programming in 2015.

J. Ohlhauser presented the requests from Hope College to the Town of Drumheller as follows:

- 1) Continued validation of Hope College as a good development project for the community and region as identified by the Economic Development Task Force.
- 2) Provide strategic opportunities for Hope College to share its vision – welcome all opportunities to present the program of Hope College.
- 3) Continue to converse directly with Hope College on necessary development plans / decisions to ensure that mutually beneficial decisions are rendered.
- 4) Consider adopting a relationship with Hope College similar to that which exists between Hope College and Starland County.
- 5) Consider a motion to formally begin the conversion of 2011 pledge support to donation support as identified in the handout for the 2013-2016 operational needs.

Questions and Comments from Council:

Councillor J. Garbutt stated that he understands why the brokered programs costs are higher and suggested competition being the reason why these costs cannot be passed onto the students. J. Ohlhauser agreed, stating that students would go to another college with lower tuition costs. Councillor J. Garbutt asked the minimum number of students needed for a green light. J. Ohlhauser stated that a minimum of 10-12 students are required for the programs to proceed. Councillor J. Garbutt stated that there have been various evolutions of this project and he asked for clarification as public funds have been allotted. J. Ohlhauser stated that the clinic is for profit and they have their own separate registered company. The college has its own board and has a not for profit status. Starland County is providing a charitable fund which donors will be issued a charitable income tax receipt. Funds are then deposited into a County account to be used to cover Hope College operational needs.

Councillor T. Zariski stated that originally the proposal was for an exclusive health care college which was identified by the community as being a valuable post secondary opportunity for Drumheller. J. Ohlhauser agreed, stating that the health care college remains their priority however due to the brokering requirements; it will take longer to reach that goal. Councillor D. Stanford asked if the setback has created competition problems with Olds College. J. Ohlhauser stated that the Drumheller programs will attract students outside of the Old's area such as Stettler to Bassino.

Council thanked Jon Ohlhauser for his presentation.

7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS

8.0 REQUEST FOR DECISION REPORTS

8.1. CAO

8.1.1 Bylaw 01.13 being a bylaw for the purpose of borrowing monies as permitted by Section 256 of the MGA - third reading

MO2013.21 Shoff, Zariski moved third reading of Bylaw 01.13 Carried unanimously.

8.1.2 Bylaw 04.13 being a bylaw to authorize the supplementary assessment for improvements within the Town of Drumheller for the purpose of imposing a tax under Part 10 of the MGA for the 2013 tax year - third reading

MO2013.22 Shoff, Hansen-Zacharuk moved third reading of Bylaw 04.13. Carried unanimously.

8.1.3 Bylaw 06.13 Responsible Pet Ownership Bylaw - first reading

R. Romanetz advised that Council heard a presentation on the draft bylaw for responsible pet ownership from Community Enforcement Supervisor, Greg Peters and Director of Community Services, Paul Salvatore at their Council Committee meeting of January 21st. The changes as recommended by Council were incorporated into the draft bylaw and G. Peters was in attendance to provide an overview of those changes and to answer any further questions.

MO2013.23 Hansen-Zacharuk, Berdahl for first reading of Bylaw 06.13.

Discussion on the Motion:

Councillor T. Zariski referred to the Notice of Animal Seizure and asked the timeframe for delivery to the owner. G. Peters stated that the notice would be hand delivered to the owner.

Councillor L. Hansen-Zacharuk asked how micro chipped animals would be identified. G. Peters advised that the Town must purchase a scanner and work with the veterinarian.

Councillor D. Stanford stated that his comments concerning fees are not reflected in the bylaw. He stated that the costs to neuter or spayed an animal as well as identification are significant and this needs to be reflected in the costs for licensing for an altered or unaltered animal. R. Romanetz stated that Administration will prepare a fee schedule for Council's consideration.

Council debated Clause 5.4 whether tethering an animal where the public has access and Clause 5.5 whether tethering an animal two meters from the property line were grounds for enforcement. G. Peters stated that both clauses were in place to reduce the risk to the public and the animal and common sense prevails when dealing with these types of offenses.

Council requested that fees be revised to reflect Councillor D. Stanford's comments.

MO2013.24 Hansen-Zacharuk, Berdahl moved to table MO2013.23. Carried unanimously.

8.1.4 RFD - 2013 Strategic Business Plan

MO2013.25 Zariski, Stanford moved that Council approve the 2013 Strategic Business Plan as presented. Carried unanimously.

8.1.5 RFD - Motion re: Hope College

R. Romanetz stated that based on new information that has come forward regarding Hope College, Administration is requesting Council's direction on whether MO2011.43 remains a budgetary item. Mayor T. Yemen asked Council to consider the change from Hope College's original presentation to Council on February 28th, 2011 whereby a motion was made for \$5,000 for three consecutive years (2011, 2012, 2013) and further that Mr. Ohlhauser has requested this evening that the pledge be changed to a donation.

Councillor T. Zariski stated that the health education component does take more time for certification and partnership with other colleges and as they are working on it, he is comfortable with the donation. Councillor J. Garbutt stated that because there is a distinction with Hope College and Hope Clinic and no connection of the financial operations of both facilities, he is comfortable with the pledge. He did express concern with the possible challenges for housing for the students. Councillor D. Stanford agreed with Councillor Garbutt's comments as well as the parking component. Councillor S. Shoff stated that there is a need for health care in our area however Hope College's direction is not going there now and she would like that certainty. Councillor L. Hansen-

Zacharuk agreed with Councillor Shoff's comments and she would be more comfortable with monetary support after a year's operation to ensure that the dollars are spent wisely. Councillor A. Berdahl stated that their original plans have not changed and Council needs to fulfill its pledge with these dollars for the start up phase.

MO2013.26 Hansen-Zacharuk, Shoff moved to rescind MO2011.43.

4 - In favor Hansen-Zacharuk, Stanford, Shoff, Yemen

3 - Opposed Berdahl, Garbutt, Zariski

Motion Carried.

8.1.6 RFD - Plan 0813007 Block 15 Lot 1

R. Romanetz advised that Council at their meeting of January 14th considered an Offer to Purchase from Mr. Bruce Nimmo. At that time, Council heard that Mr. Nimmo wished to transfer the ownership of the above noted lands from himself to the Town of Drumheller. R. Romanetz advised that this property will allow the Town to move forward with plans for land along Highway 10 and recommended that Council accept Mr. Nimmo's offer.

MO2013.27 Shoff, Hansen-Zacharuk moved that Council approve the Offer to Purchase from Mr. Bruce Nimmo to the Town of Drumheller for Plan 0813007 Block 15 Lot 1 and for a Tax Deductible receipt to be issued in the amount of \$18,700 and for the Town to cancel the outstanding taxes in the amount of \$1027.09. Carried unanimously.

Mayor Yemen recessed the meeting at 6:00 PM.

Mayor Yemen reconvened the meeting at 6:06 PM.

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's Quarterly Report from October to December, 2012
CAO's 2012 Annual Report

9.2 Director of Corporate Services' Quarterly Report from October to
December, 2012
Director of Corporate Services' 2012 Annual Report

9.3 Director of Community Services' Quarterly Report from October to
December, 2012
Director of Community Services' 2012 Annual Report

10.0 PUBLIC HEARING DECISIONS

11.0 UNFINISHED BUSINESS

12.0 NOTICES OF MOTIONS

13.0 COUNCILLOR REPORTS

14.0 IN-CAMERA MATTERS MO2013.28 Hansen-Zacharuk, Shoff moved to go in camera at 6:22 PM. Carried unanimously.

14.1 Land Matter - Plan RW289

MO2013.29 Hansen-Zacharuk, Shoff moved to revert to regular Council meeting at 6:30 PM. Carried unanimously.

MO2013.30 Hansen-Zacharuk, Zariski moved that Council accept the Offer to Purchase from Wood Mountain Lands to the Town of Drumheller for Plan RW289 as identified on Certificate of Titles 1) #041114687; 2) #041114687+1; and 3) #041114687+2 for a total area of 12.49 acres in the amount of \$55,000.

6 in favor – Yemen, Zariski, Shoff, Hansen-Zacharuk, Garbutt, Stanford

1 opposed – Berdahl

Motion carried.

There being no further business, the Mayor declared the meeting adjourned at 6:32 PM.

Mayor

Chief Administrative Officer



**Municipal Planning Commission
MINUTES
Meeting of Thursday January 17, 2013**

Present: Paul Salvatore, Director of Community Services
Doug Stanford, Councillor/Member
Brad Wiebe, Palliser Regional Municipal Services
Cindy Woods, Development Officer
Judy Quintin-Arvidson, Recording Secretary
Robert Greene, Chairperson
Shawn Francis, Member
Sharon Clark, Member
Scott Kuntz, Member
Art James, Agent for the owner

Absent: Andrew Berdahl, Councillor/Member – Regrets

1.0 CALL TO ORDER – 12:05 p.m.

2.0 MINUTES FROM PREVIOUS MEETINGS

2.1 December 6 , 2012

Motion: D. Stanford moved to accept the minutes of December 6, 2012 as presented.

Second: S. Francis – Carried

3.0 DEVELOPMENT PERMITS

3.1 T00001-13D – Last Chance Saloon – Fred Drayman – Allow Live Entertainment and Dancing on Licensed Outdoor Patio – "C-1" Local Commercial District

C. Woods presented Development Permit T00001-13D submitted by Fred Drayman for Allowing Live Entertainment and dancing on the outdoor patio at the Last Chance Saloon located at 555 Jewel Street on Plan 2553JK Lot 1, NE-7-28-19-W4M, Wayne. Zoning is "C-1" Local Commercial District. Hotel and Drinking Establishment is a discretionary use in this district.

C. Woods advised this is a second application. His last permit expired December 31, 2012. He had reapplied in time over the Christmas break. She gave the history of the permit which shows no complaints with the live entertainment. Mr. Dayman is requesting this permit be approved on a permanent basis to prevent him having to do this annually for the same thing.

The Community Standards Bylaw was discussed and, although there have been no complaints in the past, the Last Chance Saloon is for sale and giving a permanent permission for this would be transferrable to a new owner with no past history. The noise issue can be handled through our present Community Standard Bylaws. It is felt we should grant approval on a yearly basis and give Mr. Dayman our point of view and also grant a waiver for the fee on a yearly basis.

Motion: S. Clark moved Development Permit T00001-13D submitted by Fred Dayman for Allow Live Entertainment and Dancing on Outdoor licensed Patio located on Lot 1, NE-7-28-19-W4M, Wayne be approved, subject to the following conditions:



1. Must conform to Land Use Bylaw 10-08.
2. Must conform to the Town of Drumheller Community Standards Bylaw.
3. Development to conform and meet the requirements of the AGLC (Alberta Gaming and Liquor Commission).
4. If the holder of the permit wishes to make any change in the conduct of the business that departs from the description in the application or from any other condition or restrictions imposed, the holder of the permit must obtain prior permission of the Development Officer/Municipal Planning Commission.
5. Garbage, grease and waste materials must be stored in weather proof and animal proof containers and screened from adjacent sites and public thoroughfares.
6. Landscaping Plan to be in accordance with Policy C04-02 and Land Use Bylaw 10-08 and to the satisfaction of the Development Officer/Municipal Planning Commission.
7. Development to conform to any and all Federal, Provincial and/or Municipal regulations and/or guidelines that may apply.
8. Development to conform and meet the requirements of the Regional Fire and Health Authority.
9. The site and buildings, structures and improvements shall be maintained in a clean, neat, tidy and attractive condition and free from all rubbish and debris.
10. Permit shall be revocable with 30 days written notice if the use is or has become detrimental to the amenities of the neighborhood.
11. An Annual Business License is required.
12. Permit expires December 31, 2013.

Second: D. Stanford - Carried

3.2 T00002-13D – Drumheller Gymnastics Club – Elektra Holdings – “P-CS – Community Service District”

C. Woods presented Development Permit T00002-13D submitted by Elektra Holdings for Use of Gymnasium for Gymnastics (Old St. Anthony's School) located at 420 12 Street East , Drumheller on Plan 1259JK; Block 2; Lots . Zoning is “P – CS – Community Service District” Recreational uses are a discretionary use in this district.

C. Woods advised the applicant is requesting use of the gymnasium to conduct classes. This is a discretionary use in this area. A discussion about parking resulted in a recommendation for on site parking.

Motion: D. Stanford moved that Development Permit T00002-13D submitted by Elektra Holdings for Use of the Gymnasium for Gymnastics (Old St. Anthony's School) located at 420 12 Street East , Drumheller on Plan 1259JK; Block 2 be approved subject to the following conditions:

1. Must conform to Land Use Bylaw 10-08.
2. Must conform to the Town of Drumheller Community Standards Bylaw.
3. If the holder of the permit wishes to make any change in the conduct of the business that departs from the description in the application or from any other condition or restrictions imposed, the holder of the permit must obtain prior permission of the Development Officer/Municipal Planning Commission.
4. Garbage, grease and waste materials must be stored in weather proof and animal proof containers and screened from adjacent sites and public thoroughfares.
5. Development to conform to any and all Federal, Provincial and/or Municipal regulations and/or guidelines that may apply.
6. The site and buildings, structures and improvements shall be maintained in a clean, neat, tidy and attractive condition and free from all rubbish and debris.
7. Development application is required for signage placement and to be made under separate application prior to placement.
8. Applicant to encourage all participants to utilize on-site parking whenever possible.

Second: S. Kuntz – Carried



4.0 PALLISER REGIONAL MUNICIPAL SERVICES

4.1 Planning Report dated January 16, 2013. Old St. Anthony's School Subdivision Concept Planning Review Prepared by Brad Wiebe RPP, MCIP

B. Wiebe presented the following report on the preliminary Concept. This is a formal process and includes a public consultation and is an MPC issue:

The portion of the Old St. Anthony's parcel that was previously ball fields/ park space is proposed as a conventional R1 residential subdivision. The following report outlines the concept and related planning policies to consider as part of this application.

Concept:

- 15 R-1 residential lot subdivision – lot widths from 47.7 ft. – 60 ft. and lot depth of 104.6 ft..
- a new proposed roadway between 6th and 7th Ave (Railway Ave) East proposed to provide double frontage to the easterly row of new lots from 14th St and the new proposed roadway.
- a proposed back lane to the west of the westerly new lots between the new lots and the remaining St. Anthony's school facility.

The Municipal Planning Commission discussed the subdivision report. Commission members made recommendations.

Land Use Bylaw/ Planning Considerations:

Historically the proposed site was a K-12 School and related park space. The school relocated to North Dinosaur Trail and a land swap occurred between the Christ the Redeemer School Division and Electra Holdings, the current owner.

Land Use District – the proposed development area is currently within the CS – Community Service District and requires a land use district amendment to R-1 Low density residential prior to subdivision.

Proposed Use – the proposed low density residential land use is similar to the surrounding neighbourhood in terms of lot sizes.

Distance from Park Space – the school maintained a tot lot/ playground on the site. This park space is located within the subdivision area and is assumed to be removed at the time of subdivision. The nearest Town playground facility is located approximately 255 meters (836 ft.) north of the proposed subdivision area.

Other Land Use Considerations – the proposed subdivision area is located in close proximity to the existing school facility with minimal yard/ buffer areas. This would be considered a side yard area where the minimum requirement is 3 m (10 ft.). It is not confirmed at this time if this requirement has been met.

Relevant MDP Policies:

3.0 Growth management Strategy

3.2 Policies

- ☐ Wherever possible, growth and development will be encouraged in infill areas to maximize the benefits of existing services.

4.0 Land Use

4.1 Future Development Pattern

4.1.1 Objectives

- ☐ To ensure urban expansion is compatible with existing development to avoid environmental and land use conflicts.
- To ensure planning applications are dealt with transparently with appropriate public consultation opportunities.
- ☐ To avoid development patterns that are not contiguous with existing developed areas.

4.1.2 Policies

The subdivision approving authority shall not approve the subdivision of land



within the Town of Drumheller unless the proposed land use conforms to the policies contained in the Municipal Development Plan.

Council when considering the adoption of an Area Structure Plan, Area Concept Plan or Area Redevelopment Plan shall ensure compliance with the Municipal Development Plan and the policies in Section 4.2.

Applicants for planning approvals including subdivision, Area Structure Plans, Area Concept Plans, and development may be required to hold a public meeting with the community to provide a detailed overview of the proposal and to create a more transparent planning process with relevant public input.

4.2 Area Planning Documents

4.2.1 Objectives

- To provide transparency and future direction within specific areas of the community where applications may be more complex;
- To define the differences between an Area Concept Plan and Area Structure Plan and the intentions of the various documents.

4.2.2 Policies

- For more complex applications as determined by the Planning staff and Council an Area Structure Plan or Area Concept Plan may be required. Complexities may be determined by:
 - a. Number of parcels proposed;
 - b. Potential for future development subsequent to the proposal;
 - c. Nature of the proposed land use and potential environmental constraints or effects;
 - d. Nature of the proposed land use and potential land use conflicts with adjacent land uses;
 - e. Requirements for infrastructure and servicing;
 - f. Presence of nuisance factors. Previous land uses that may conflict with the application.
- An Area Concept Plan is to be used to display a large area within the Town with general information such as road alignments, existing and proposed land uses and existing natural and man-made features. An Area Concept Plan would generally be utilized by the municipality when determining the future land use framework of an area.
- An Area Structure Plan is to be used to display a specific area within the municipality and the land use context and specific plans that display the intentions of the application including, but not limited to:
 - a. the sequence of development proposed for the area,
 - b. the land uses proposed for the area, either generally or with respect to specific parts of the area,
 - c. the density of population proposed for the area either generally or with respect to specific parts of the area, and
 - d. the general location of major transportation routes and public utilities;and
- e. may contain any other matters the council considers necessary such as engineering reports, environmental site assessments, servicing and infrastructure plans, storm water management plans, traffic impact assessment and any other matters that are deemed necessary.

6.0 Residential Land Use

6.1 Urban Residential Development – all policies relevant

10.0 Transportation

10.2 Future Development Considerations

10.2.2 Policies

- Intersection location, access and spacing points to development shall minimize impacts on traffic flow.



12.0 Parks and Recreation

12.1 Objectives

- To ensure that parks and recreational facilities are located and designed in a manner that optimizes their accessibility, safety, and usefulness to the populations intended to be served.
- To coordinate community recreation, cultural and open space development with the policies contained in the Town of Drumheller Community Services Master Plan.

12.2 Policies

- The Town of Drumheller Community Services Master Plan, shall provide the detailed policy framework for the provision of park sites and facilities that address the active and passive recreational needs of the Town of Drumheller.
- The Town shall acquire municipal reserve, school reserve and/or municipal and school reserve through the subdivision approval process as the method of obtaining sufficient land for local park and school needs. The evaluation of proposed reserve will be based on the following factors:
 - a) size and shape of the proposed municipal, school and/or municipal and school reserve;
 - b) accessibility to users;
 - c) site characteristics; and d) development potential.
- Policy should be formulated to provide future direction in the allocation of school and/or municipal and school reserve.
- Details of open space and recreational development will be considered in the preparation of Area Structure Plans and Area Redevelopment Plans. Neighborhood parks and open spaces in new Area Structure Plan areas should be incorporated into an integrated trail system, whenever possible.

Planning Considerations:

As an initial review, the site appears to be appropriate for the proposed low-density residential land use. The most significant planning considerations include the double frontage lot design, Municipal Reserve requirements and future uses of the St. Anthony's school.

The subdivision design is not supported in the manner proposed due to the double frontage of the easterly lots from the new proposed roadway and 14th Street. The existing properties on the east side of 14th Street front towards the street and the proposed subdivision would have the new lots backing onto the same street. This is poor urban design when considering local low traffic volume streets. This would also place the intersection with the new proposed road only 115 ft. +/- from the existing intersection of 14th St with 6th and Railway Ave. An acceptable alternative would be placing the new roadway to the west of the new subdivision area between the St. Anthony's school and the westerly lots. The easterly lots would then front onto 14th Street and provide consistency in appearance and function with the existing neighbourhood.

Municipal Reserve requirements will need to be determined in consideration of the removal of the tot lot and historical park space on the site.

The future use of the St. Anthony's school is a necessary consideration as re-use of the property will be required to meet the Land Use Bylaw requirements for that use including appropriate parking requirements. Site limitations due to the re-subdivision of the property will not be considered relevant considerations if relaxations are requested in the future due to inadequate site planning at the concept stage.

MPC Considerations:

As the proposed subdivision concept is currently in the initial planning phase an official planning application is not being considered at this time. The MPC should determine the following:

1. Any comments/ considerations that the MPC has in consideration of the proposed subdivision concept prior to an official application.
2. If a conceptual scheme/ ASP and public meeting process is required prior to a land use district amendment and subdivision application.
3. Future use of the St. Anthony's school.



Statement from the Agent acting for the Owner;

In reference to 4.1.1 – this was put into place for a large tract of land. For 2.5 acres there is no future development possible. The requirement for structure plan is redundant – what else would we do with the land?

4.2.2

- a. conforms***
- b. No potential for future development – the plot is not big enough***
- c. It has been a playground for years***
- d. As the property is not zoned R1, it conforms.***
- e. Simple Infrastructure requirement – all three sides***
- f. No nuisance factors.***
- g. Redundant***

The municipal reserve on the parcel was done previously and you cannot take municipal reserve land twice from the same parcel. The reserve land that was taken was for more than the deed required.

To clarify the laneway – the 20' laneway is actually inside the 10' requirement so it is actually 30'.

A lengthy discussion took place in regards to the design of the sub division and how it would affect the existing neighborhood. The agent for the owner, stated the lots would back onto 14th street and the existing houses would be facing a single fence, instead of facing an "unsightly lane". Therefore, it was in his view, the market value of the properties in the area would see no change in value from one side of the street to the other.

The agent for the owner felt having a single access to the in fill site would not be an issue, and would not require a major area structural plan. The distance to the corners is not too much different. Highway 10 has the high traffic and 7th Avenue is already designed at this point. The agent stated 15 Units for this subdivision should not be considered high density.

The Palliser Regional Municipal Services report states there is a future consideration for the use of the old St. Anthony's school parcel. Originally 2.5 acres was approved, Council has since had the opportunity to reconsider potential uses for the old St. Anthony school site and understand how this might affect future development in the area.

The Palliser Representative indicated that, although the proposed 15 units do fit developmentally, the new roadway and the double frontage is the issue. The Community Standards bylaw would require the land be rezoned to R-1 "Residential District" before any development would be possible. The development of the parcel would increase the distance to a park area, therefore the public should be consulted for their input and comments. *This is stated on page 5 of the report – MPC Considerations, Number 2.*

Municipal Planning Commission asked for clarification on the number of titles held on the Old St. Anthony's parcel. At present only one title is held for the entire property, and Mr. A. James is acting as an agent for the owner.

Parking for the proposed subdivision was discussed. The Municipal Planning Commission through discussion felt that the lots maybe be too small to support an average two car family. The agent for the owner stated each home proposed for the subdivision would have a double car garage and a driveway to accommodate 2 cars.



The Municipal Planning Commission questioned the Agent, about the future parking requirements for the Hope College, the Agent stated he was *"not going there again"*. When questioned again as to where the Hope College would provide parking for the potential 200 to 400 students, the Agent stated under the existing zoning for a school, the bylaw only required 4 parking stalls per class. The Development Officer informed the Agent that the Land Use Bylaw has changed to include parking requirements for a Post Secondary facility, which differs from a school.

Discussion continued about Hope College and if a lease existed between Hope College and the owner of the Old St. Anthony's parcel, as the College is actively advertising their upcoming classes. The Municipal Planning Commission specified, that the board's overall interest was about the parcel as a whole. A suggestion to the Agent was to have the developer possibly examine the idea of reversing the laneway and the road in the proposed development.

The discussion then turned to the possibility of using a Cul De Sac design with 7 curb cuts and the cost of paving. The water and sewer would have to be looped around, cut back in and could be an inconvenience for residents of the neighborhood for about 2 weeks. The Agent would require information as to which road would need to be looped before a formal application could be put forward. After examining submitted images, the Municipal Planning Commission is of the opinion it is best to keep options open for development of the parcel. Should Hope College move what could occur, or if it increases in size, adequate parking would be required. A responsible planning approach, could be to have a housing development on the east, along 14 Street, leaving options open for the remainder of the land.

The Agent for the owner stated that from a developers viewpoint, to develop half the number of houses would not be in their best interest. The owner supports the Hope College, however he is a business man and wants to develop the property, should the project not go ahead he may sell, ultimately it is his decision.

Mr. James left the meeting.

Municipal Planning Commission discussed reserve land, and learned that reclassification is done at the sub division stage. A historical look at this property is necessary to determine reserve land requirements at that time, the Palliser Representative will report back with his findings. A proposed reserve, or cash in lieu, is for the development of park spaces. A developer can put up the money for a park or build a park. The Municipal Planning Commission would like to ensure a park development or cash in lieu is addressed with this development.

The Municipal Planning Commission would like to see a concept plan with a proposal of only one row of houses, on the east side of the property, and address the future parking requirements for the Hope College for about 200 vehicles. Hope College is now offering courses and the Gymnastics Club is to use the gymnasium for classes.

The Palliser Representative clarified to the Municipal Planning Commission, that a concept plan is required before re zoning can take place. One land title is existing for the Old St. Anthony's site, therefore a concept plan for the entire property is required. Included in the concept plan should be a plan for both the present and future development of the site. The plan should contain information on the Hope College with its success in mind as well as the possibility of its relocation. A concept plan should work for the Developer and meet the Municipal government's requirements.

S. Francis left the meeting at 1:15 p.m.



DRUMHELLER

COMMUNITY SERVICES

Agenda Item # 5.2.1



5.0 OTHER DISCUSSION ITEMS

6.0 Adjournment – Meeting adjourned by B. Greene at 1:30 pm.

Chairperson

Development Officer

**TOWN OF DRUMHELLER
BYLAW NO. 06.13**

**BEING A BY-LAW OF THE TOWN OF DRUMHELLER FOR THE PURPOSES OF
REGULATING ANIMALS AND ACTIVITIES IN RELATION TO THEM.**

WHEREAS the MGA enables a Council to pass Bylaws respecting animals;

AND WHEREAS the purpose of the municipality includes providing services that in the opinion of Council are necessary and desirable;

AND WHEREAS it is desirable to pass a Bylaw dealing with the licensing and regulation of animals in the Town;

AND WHEREAS it is desirable for citizens owning animals to be responsible and continually aware of the health and welfare of animals in their charge and in addition to be continually aware of the specific needs, physical and mental condition, location, temperament and safety of these animals.

NOW THEREFORE, the Council of the Town of Drumheller enacts as follows:

SECTION 1 - INTERPRETATION AND DEFINITIONS

- 1.1 This Bylaw may be cited as the RESPONSIBLE PET OWNERSHIP BYLAW.
- 1.2 Nothing in this Bylaw relieves a person from complying with any federal, provincial law or regulation or other Bylaw.
- 1.3 Where this Bylaw refers to a person or thing with reference to gender or the gender neutral the intention is to read the Bylaw with the gender applicable to the circumstances.
- 1.4 References to the plural include the singular as applicable
- 1.5 The words include, includes and including are to be read as not limiting the phrases of descriptions that precede them.
- 1.6 Any reference to specific laws already in force and applicable in the province of Alberta as at the same time that this Bylaw was enacted will be stipulated and referred to as such in the Bylaw. Provincial laws will be referenced as to the relevant chapter of the Revised Statutes of Alberta 2000, as amended from time to time including succeeding legislation. Federal laws will be referenced as to the relevant chapter of the Revised Statutes of Canada 1985 as amended from time to time including succeeding legislation.

- 1.7 Any reference in this Bylaw to a clause, section or part unless otherwise stipulated is a reference to a clause, section or part in this Bylaw.
- 1.8 Wherever a word is used in this Bylaw the meaning of that word is as specified in the definitions section of this Bylaw. Words not specified in the definitions section will have their regularly applied meaning in the English language.
- 1.9 Any clause, section or part of this Bylaw that may be declared invalid for any reason by a court of competent jurisdiction will be disengaged from the Bylaw and all other provisions of this Bylaw shall remain enforceable and valid.
- 1.10 Documents attached to this Bylaw and marked as schedules shall form part of this Bylaw.

SECTION 2 - DEFINITIONS

- 2.1 "Animal" means any mammal, bird, reptile or amphibian and does not include humans.
- 2.2 "Animal Control Shelter or Animal Control Facility" means a facility designated by the Town for the housing of animals.
- 2.3 "Animal Control Officer" means any Bylaw Enforcement officer in the employ of the Town, a member of the Royal Canadian Mounted Police or an independent contractor employed by the Town.
- 2.4 "Animal Shelter Supervisor" means a person, firm or body corporate or servants and employees of a person, firm or body corporate employed or appointed to manage and operate an animal control shelter.
- 2.5 "Aggressive Animal" means any animal, whether on public or private property, that has:
 - a) Bitten or chased a human or other animal,
 - b) Attempted to bite a human or has otherwise displayed, threatened or created by its behavior the reasonable apprehension of a threat to a person.
- 2.6 "Attack" means an assault by an animal exerting force on a human or other animal.
- 2.7 "Bite" means a wound to the skin causing a puncture, bruise, abrasion or break.

Agenda Item # 8.1.1

- 2.8 "Bylaw Violation Tag" is a ticket or summons issued for an allegation of a Bylaw infraction and is issued by a Peace Officer and only enforceable in the Town. See Schedule 'E'.
- 2.9 "Bylaw Enforcement Officer" means a person employed by the Town as a Bylaw Enforcement or Community Officer or a member of the Royal Canadian Mounted Police.
- 2.10 "Cat" means a domestic feline of either sex over the age of 90 days.
- 2.11 "Cat Tag" means a device bearing a distinctive serial number intended to be attached to the collar of the cat and issued by the Town upon payment of a license fee as prescribed in this Bylaw.
- 2.12 "CAO" means the Chief Administrative Officer of the Town or his designate.
- 2.13 "Controlled Confinement" means the confinement of an animal in a pen, cage or other structure having:
- a) Secure sides and a secure top,
 - b) The bottom secured to the sides or the sides embedded in the ground or secured to a floor or wall which forms part of the secure structure,
 - c) Minimum dimensions of 1.5 meters by 3.0 meters and
 - d) A minimum height of 1.5 meters'
 - e) And includes a pickup truck bed enclosed with a covering typically made of fiberglass with or without windows and with a rear door.
- 2.14 "Dangerous Dog" means a dog determined by a Judge of the Provincial Court to be dangerous under the provisions of the Dangerous Dogs Act of Alberta.
- 2.15 "Dog" means a domestic canine of either sex over the age of 90 days.
- 2.16 "Dog Tag" means a device bearing a distinctive serial number intended to be attached to the collar of the dog and issued by the Town upon payment of a license fee as prescribed in this Bylaw.
- 2.17 "Domestic Animal" means an animal which has been habituated to live and breed in a tame state in or about the habitations of humans.
- 2.18 "Exotic Animal" an introduced, alien, non-indigenous or non-native species which has been found living outside its native distributional range and arrived there by human activity.

Agenda Item # 8.1.1

- 2.19 "Foster Animal" means an animal placed in a person's custody on a temporary basis by the humane society.
- 2.20 "Humane Society" means the Drumheller and District Humane Society or another similar society or corporate entity that rescues, cares for and arranges fostering and adoption of animals.
- 2.21 "Infectious Condition" means any sickness, disease or affliction of a contagious nature affecting an animal and liable to be passed onto other animals and/or humans.
- 2.22 "Injury" means bleeding, bruising, abrasions, punctured flesh, broken bones, sprains, wounds or lacerations.
- 2.23 "Justice" means a judge of the provincial court of Alberta or a justice of the peace.
- 2.24 "Land Use Bylaw" means the Land Use Bylaw of the Town.
- 2.25 "Leash" means a device, strap or tether intended to control the dog to whom it is attached and is securely attached to the dog by a collar, choke collar, body harness or halter.
- 2.26 "License" means an annual permit for a dog or cat purchased from the Town.
- 2.27 "Livestock" means the following:
- a) A horse, mule, donkey, swine, sheep, goat, llama or alpaca;
 - b) Cattle, bison or other member of the bovine specie;
 - c) Domestically reared or kept deer, caribou, moose or elk;
 - d) Fur bearing animals raised for commercial purposes including mink, chinchillas, fox, non domestic cats and rabbits;
 - e) Camels, emus and ostriches;
 - f) Chickens, ducks, turkeys, geese, pheasants or partridges;
 - g) Any other animal kept for agricultural purposes.
- 2.28 "Microchip" means a unit of packaged computer circuitry often made of silicon and used to relay specific information and capable of being implanted in a dog or cat by a veterinarian, animal health technician or other qualified person to assist in identification and ownership tracking.

Agenda Item # 8.1.1

- 2.29 "Muzzle" means a device designed to be securely placed over the snout of an animal to keep it from opening its mouth or biting.
- 2.30 "Nuisance Animal" means any animal that by its continued behavior is obnoxious, causes offence, annoyance, disturbs others or damages or destroys public or private property or has been found at large or has been found at large and detained by Animal Control Officers more than twice.
- 2.31 "Open Trailer" means a trailer of any configuration that does not have a roof.
- 2.32 "Order to Remedy" a written order intended to redress an unlawful or unsatisfactory situation and requiring a person to rectify the identified issue within a specific time.
- 2.33 "Owner" means a person or body corporate:
- a) who is the licensed owner of the animal; or
 - b) to whom a dog or cat license tag was issued in accordance with this Bylaw; or
 - c) who has legal title to the animal; or
 - d) who has lawful charge or custody of the animal either temporarily or permanently; or
 - e) a person who claims and receives the animal from the custody of an animal control officer, the Drumheller and District Humane Society, animal control shelter or other Town designated facility to keep and care for lost, found or stray animals; or
 - f) who harbors the animal or allows the animal to remain on his or her premises
- 2.34 "Owner Property" means any property where the owner of the animal regularly resides or conducts a business, any property in which the owner has a legal or equitable interest or which is otherwise under the control or is in possession of the owner and shall include land, buildings and vehicles.
- 2.35 "Peace Officer" includes any member of Town Bylaw/ community enforcement who is a Peace Officer or any member of the Royal Canadian Mounted Police.
- 2.36 "Pet" is a domesticated animal kept in Town and has an owner.
- 2.37 "Park" means a public space controlled by the Town and set aside as a place to be used by the public for rest, recreation, exercise, pleasure, amusement and enjoyment and includes: playgrounds, sports fields, natural areas, pathways, park roadways, and trails but does not include golf courses or cemeteries.

- 2.38 "Residential Area or District" means any area in Town that is predominantly occupied by the dwellings of citizens or an area designated as such by the Town.
- 2.39 "Running at Large" means:
- a) an animal or animals which are not under the control of a person by means of a leash and is or are actually upon property other than the property which the owner of the animal or animals have the right of occupation, or upon any highway, thoroughfare, street, road, trail, avenue, parkway, lane, alley, square, bridge, causeway, sidewalk, boulevard, park or other public place which has not been designated as an off leash area by the Town.
- 2.40 "Service Dog" means a dog trained or being trained and certified to assist disabled persons.
- 2.41 "Shelter" means any facility that rescues, cares for and arranges fostering and adoption of animals or to offer protection and distress relief to an animal.
- 2.42 "Tattoo" a permanent mark or design made on the skin by a process of pricking and ingraining an indelible pigment or by raising scars.
- 2.43 "Town" means the Town of Drumheller and the entire area within its corporate boundaries.
- 2.44 "Unsuitable Pet Owner" means a person who appears to be abusive, neglectful or impaired and unable to provide proper care for an animal.
- 2.45 Vicious dog means any dog, whatever its age, whether on public or private property, that has:
- a) Bitten or chased a human or other animal, or
 - b) attempted to bite a human or has otherwise displayed, threatened or created by its behavior the reasonable apprehension of a threat to a person, or
 - c) has been previously determined to be a Dangerous Dog under the Dangerous Dogs Act.
- 2.46 "Violation Ticket" means a violation ticket as defined in the Provincial Offences Procedure Act of Alberta or a Bylaw violation tag.

SECTION 3 – RESPONSIBILITY OF OWNERS

- 3.1 No owner or person in charge of an animal shall abuse an animal or cause an animal to be in distress or to remain in a distressed state.
- 3.2 The owner or person in charge of an animal shall ensure at all times that the animal is not running at large.
- 3.3 No person shall do anything or omit to do anything where such act or omission has or may have the effect of causing or permitting the running at large of an animal in the Town.
- 3.4 The owner of an animal shall ensure at all times that the animal is housed, kept and cared for in a satisfactory manner ensuring that the animal has water, food and shelter.
- 3.5 The owner of an animal shall forthwith remove any defecation left by the animal on any public property or private property other than that of the owner.
- 3.6 The owner of the animal shall ensure that defecation left by an animal or animals on the property of the owner does not accumulate to such an extent that it is reasonably likely to pose a health risk, create a nuisance for other property owners or cause fecal odor to prevail in the air surrounding other adjacent or nearby properties.

SECTION 4 - PROHIBITIONS - GENERAL

- 4.1 No person shall harm, tease, harass, abuse, molest or mistreat an animal in any way.
- 4.2 No person shall permit an animal to run at large.
- 4.3 An animal may run in an area where this is lawfully permitted, for example an area posted with signage designated as an off leash zone, however
 - a) No owner convicted of an offence under this Bylaw relating to biting, injuring or chasing a human or other animal may allow the animal that was the subject of this offence to be off leash or not wearing a muzzle when in a public place in Town at any time.
- 4.4 Any owner or person having care or control of an animal which:
 - a) Bites or chases a human, or,
 - b) Exerts force in any way on a human, or,
 - c) Exerts force in any way that injures a human, or,

- d) Barks, howls or otherwise behaves itself in such a fashion as to alarm or cause any human to fear for their personal safety, or,
- e) Barks, howls or otherwise comports itself in such a fashion as to disturb any person, or in the opinion of a Bylaw Enforcement officer or peace officer is likely to disturb any person, or
- f) Causes the death of, injures or chases another animal, or,
- g) Bites, chases or otherwise is a nuisance to other animals, livestock, automobiles, wildlife or other vehicles, or,
- h) Damages any public or private property, or,
- i) Is found in a cemetery in the Town, or,
- j) Is found in any area where the animal is prohibited, or
- k) Causes a nuisance, or,

Whether or not the animal is running at large, is guilty of an offence.

- 4.5 An owner, having been charged or convicted in respect of an offence under this Bylaw shall ensure that the animal wears a properly affixed muzzle and be on a leash under the control of an adult human at all times when that animal is not on the property of the owner.

SECTION 5 - PROHIBITIONS – UNATTENDED ANIMALS

- 5.1 No person shall leave an animal unattended in or on a motor vehicle so that the animal's well being or safety is placed in jeopardy.
- 5.2 No person shall leave an animal restrained and unattended inside or outside a motor vehicle, or in the case of a truck, where an animal is found in the open bed or box of the truck unrestrained and unattended so that the animal can come into contact with any other person or animal outside the motor vehicle.
- 5.3 No person shall leave an untethered or unrestrained animal in the open bed or box of a truck or open trailer while the truck is in motion or parked.
- 5.4 No person shall leave an animal unattended while the animal is tethered on premises where the public has access whether access is express or implied.
- 5.5 No person shall leave an animal tethered in a residential yard in such a manner that permits the animal to get within 2 meters of a fence or property line.

SECTION 6 - LICENSING – DOGS

- 6.1 No person shall own or keep any dog within the Town unless such dog is licensed as provided in this Bylaw.
- 6.2 **The owner of a dog shall obtain or renew a license for the dog from the Town and shall pay the license fee as set out in Schedule 'A'.**

A dog that has had a microchip identification implant or tattoo and proof of this and microchip information has been provided to the CAO is exempt from the provisions of Section 6 regarding the wearing of a dog tag.

- 6.3 Upon receipt of the license fee the Town shall issue a license and a dog tag to the owner.
- 6.4 A dog tag issued under this Bylaw is valid for the term of the license. Replacement tag shall be issued for lost tag.
- 6.5 The owner of a dog shall provide the dog with a collar and affix the dog tag securely to the collar.
- 6.6 The owner shall ensure that the collar and dog tag are worn by the dog when the dog is not on the property of the owner.
- 6.7 No person shall affix or permit to be affixed to a dog's collar a dog tag which has been issued in respect of another dog.
- 6.8 The owner of a dog shall obtain a license for a dog within 21 days after becoming the owner of the dog.
- 6.9 The owner of a dog purchased that is not yet 90 days old shall purchase a license for the dog once it has become 90 days old.
- 6.10 The owner of a dog under 90 days of age shall, if the dog is found running at large, obtain a license for the dog.
- 6.11 A guide dog or service dog of an owner who lives in the Town is not required to pay a fee for a license.
- 6.12 The requirements of this Bylaw to license a dog shall not apply to a humane society or other recognized animal control shelter or person holding a valid business license to a retail pet store, veterinary clinic, or an animal boarding facility.

SECTION 7 - LICENSING – CATS

- 7.1 No person shall own or keep any cat within the Town unless such cat is licensed as provided in this Bylaw.
- 7.2 **The owner of a cat shall obtain or renew a license for the cat from the Town and shall pay the license fee as set out in Schedule 'A'.**

A cat that has had a microchip identification implant or tattoo and proof of this and microchip information has been provided to the CAO is exempt from the provisions of Section 7 regarding the wearing of a cat tag.

- 7.3 Upon receipt of the license fee the Town shall issue a license and a cat tag to the owner.
- 7.4 A cat tag issued under this Bylaw is valid for the term of the license. Replacement tag shall be issued for lost tag.
- 7.5 The owner of a cat shall provide the cat with a collar and affix the cat tag securely to the collar.
- 7.6 The owner shall ensure that the collar and cat tag is worn by the cat when the cat is not on the property of the owner.
- 7.7 No person shall affix or permit to be affixed to a cat's collar a cat tag which has been issued in respect of another cat.
- 7.8 The owner of a cat shall obtain a license for a cat within 21 days after becoming the owner of the cat.
- 7.9 The owner of a cat purchased that is not yet 90 days old shall purchase a license for the cat when it becomes 90 days old.
- 7.10 The owner of a cat under 90 days of age shall, if the cat is found running at large, obtain a license for the cat.

The requirements of this Bylaw to license a cat shall not apply to a humane society or other recognized animal control shelter or person holding a valid business license to operate a retail pet store, veterinary clinic, or an animal boarding facility.

SECTION 8 - DOG AND CAT OWNERSHIP LIMITS

- 8.1 No person residing in the Town shall be permitted to keep more than three dogs.
 - a) This limit shall not apply to persons residing in an agricultural or rural zone, as per the Land Use Bylaw, keeping dogs not for commercial purposes providing there are no violations at this location of this Bylaw.
- 8.2 No person residing in the Town shall be permitted to keep more than five cats.
 - a) This limit shall not apply to persons residing in an agricultural or rural zone, as per the Land Use Bylaw, keeping cats not for commercial purposes providing there are no violations at this location of this Bylaw.
- 8.3 The ownership limits of section 8.1 and 8.2 do not apply to a humane society or person holding a valid business license to operate a retail pet store, veterinary

clinic, or an animal boarding or breeding facility as long as the Land Use Bylaw permits same.

SECTION 9 - ANIMAL TRAPPING

- 9.1 No person shall set any animal trap outdoors in a manner that makes it probable any animal trapped will be injured, poisoned or killed.
- 9.2 No person shall set a cat trap outdoors :
 - a) When the ambient temperature is zero degrees Celsius or below or in an area not shaded from the sun, unless the trap is being continually monitored by a resident of a property or animal control officer.
 - b) Between the hours of 11:00 p.m. and 6:00 a.m.
- 9.3 Cat and animal trapping will be primarily conducted by animal control officers.
 - a) A resident with the approval of an animal control officer may be temporarily issued a cat trap to locate and detain a nuisance cat.
 - b) Any person trapping a cat shall immediately advise an animal control officer who shall take custody of the trapped cat. See Schedule 'D'.
 - c) Animal control officers shall make every reasonable effort to locate the owner of any trapped cat.
- 9.4 Animal Control Officers may set traps at their discretion to capture nuisance animals or animals that are running at large.
- 9.5 An animal repeatedly found at large by animal control officers shall be considered a nuisance animal and shall be seized and detained at the discretion of the CAO or his designate.
- 9.6 A nuisance animal detained shall not be returned to the owner until the owner has complied with, or contracted with the Town to comply with, direction contained in an order to remedy served on the owner by an animal control officer.
- 9.7 Animal control officers shall make every reasonable effort to locate and notify the owner of any trapped animal.

SECTION 10 - OTHER ANIMALS

- 10.1 No person shall keep livestock in any area of the Town except:
 - a) Where the keeping of such animals is permitted under the Land Use Bylaw or
 - b) A person has had grandfathered permission for the keeping of such animals at the discretion of the Town.

- 10.2 No person shall keep exotic animals unless such animals are maintained in accordance with required provincial and federal permits, policies and any other law regulating their possession.

SECTION 11 - POWERS OF ANIMAL CONTROL OFFICERS

- 11.1 An animal control officer in the execution of the officer's duty is authorized to take all reasonable steps to immediately relieve the distress of an animal and,
- a) Once the distress is relieved the animal shall forthwith be taken to a qualified veterinarian for examination if, in the opinion of the animal control officer, such treatment is needed.
 - b) The cost of any veterinary treatment of the animal shall be the responsibility of the owner.
- 11.2 No person shall interfere, hinder or obstruct an Animal Control Officer in the execution of the Officer's duty in accordance with this Bylaw.
- 11.3 An animal control officer may seize and impound any animal:
- a) When there are reasonable and probable grounds to believe that the animal is the subject of an offence committed under this Bylaw.
 - b) The seizure of which is required pursuant to the provisions of any statute of the Province of Alberta, or any regulation made thereunder,
 - c) Pursuant to a court order enforceable in the Province of Alberta.
- 11.4 No action shall be taken against any owner of a dog or a dog:
- a) Found to be acting in self defense,
 - b) Found to have been provoked,
 - c) Acting in the course of attempting to prevent a person from committing an unlawful act.
- 11.5 An Animal Control Officer may, in the public interest, enter upon land surrounding any building for the purpose of pursuing any animal which has been observed to be running at large.
- 11.6 Any seized dog or cat shall be forthwith taken by Animal Control Officers to an animal control shelter.
- 11.7 Every reasonable effort shall be made by Animal Control Officers to locate and notify the owner of any animal seized under the authority of this Bylaw.

SECTION 12 - ORDERS TO REMEDY/ SEIZURE OF DISTRESSED AND SURRENDERED ANIMALS

- 12.1 A Bylaw Enforcement Officer believing on reasonable and probable grounds that an animal is living in unsatisfactory conditions and/or has become a nuisance

may issue and deliver a written order to remedy, see Schedule 'F', to the owner or person in charge of the animal to rectify the issue:

- a) The owner of the animal will have 3 days to rectify the problem and advise Bylaw Enforcement Officers of the remedial action taken; or
- b) A Bylaw Enforcement Officer may, after complying with section 542 of the Municipal Government Act, R.S.A. 2000 c.M-26, enter on private property for purpose of inspecting and assessing improvements made as stipulated in the order to remedy.
- c) If no improvements are undertaken as per the order to remedy the owner or person in charge of the animal served the order to remedy is guilty of an offence.

12.2 Notwithstanding any other provision of this Bylaw, a Bylaw Enforcement officer believing on reasonable and probable grounds that an animal is in distress may exercise his authority under the provincial Animal Protection Act to immediately relieve the distress of the animal including taking any action the peace officer considers necessary to locate the animal and relieve its distress including taking custody and arranging veterinary care for the animal.

- a) Notwithstanding any other provision of this Bylaw, if an owner is unable or unwilling to rectify the unsatisfactory living conditions of an animal, or can no longer provide for the animal, the owner of that animal may, at any time, voluntarily relinquish ownership of the animal and the animal shall be unconditionally surrendered by the owner to any Animal Control Officer.

SECTION 13 - ANIMAL CONTROL

13.1 The Town may contract with any person, firm, society or body corporate for the purpose of maintaining an animal control shelter of such size and design and in such a location as the CAO may from time to time direct and for the purposes of this Bylaw any such facility is the animal control shelter.

13.2 The Town may, from time to time, set fees and costs for care and sustenance of impounded animals kept at an animal control shelter.

13.3 An owner of an impounded animal may reclaim their animal upon providing proof of identity of the owner, proof of ownership of the seized animal to an animal control officer and payment to the Town of:

- a) The total of all impoundment fees, care and sustenance charges.
- b) Veterinary expenses if such care was needed for the animal,
- c) Any outstanding license fees unless satisfactory proof, the onus of which is on the owner to produce, is shown to an animal control officer indicating that the animal is not normally a resident of the Town.

13.4 When an animal has been in the Animal Control Shelter for seventy two hours or more and the owner has not reclaimed the animal in accordance with Section 13.3 the animal in question becomes the property of the Town and the animal, at the discretion of the CAO or his designate, will be:

- a) Sold, or
 - b) Placed with a new owner, or
 - c) Placed under the care of the Drumheller and District Humane Society, or
 - d) Euthanized.
- 13.5 When the owner of an impounded animal advises an animal control officer that the owner has no further interest in the impounded animal the owner shall sign a declaration of forfeiture and by doing so will surrender any claim of ownership to the animal notwithstanding that the animal may have been in the Animal Control Shelter less than seventy two hours.
- a) Any surrendered animal immediately becomes the property of the Town and shall be disposed of under the conditions of Section 13.4.
 - b) Notwithstanding any forfeiture an owner shall remain liable for any costs and fees incurred in respect of the animal.
- 13.6 When the owner of an animal advises an Animal Control Officer that the owner has no further interest in the animal and requests an Animal Control Officer to pick up the animal from property of the owner the owner shall sign a declaration of forfeiture and by doing so will surrender any claim of ownership to the animal.
- a) Any surrendered animal immediately becomes the property of the Town and shall be disposed of under the conditions of Section 13.4.
 - b) Notwithstanding any forfeiture an owner shall remain liable for any costs and fees incurred in respect of the animal.
- 13.7 Statutory holidays shall not be included in calculating the length of time an animal has been impounded.

SECTION 14 - OFFENCES AND PROSECUTION

14.1 ISSUANCE OF BYLAW VIOLATION TAG/PROVINCIAL VIOLATION TICKET

14.1.1 A Peace Officer may in their discretion issue a Bylaw Violation Tag in the form similar to that contained in Schedule 'E' to any person that the Peace Officer believes on reasonable grounds has contravened any provision of this Bylaw prior to issuing a Province of Alberta Violation Ticket.

- a) Notwithstanding any other provision of this Bylaw a Peace Officer is authorized to issue a Province of Alberta Violation Ticket pursuant to the Provincial Offences Procedure Act without the prior issuing of a Bylaw Violation Tag.
- b) A Bylaw Violation Tag may be issued to a person personally, or by mailing a copy to the person at his or her last known address.
- c) If the penalty specified on the Bylaw Violation Tag served on a person is not paid within a prescribed time period then a Peace Officer may as a next step

issue a Province of Alberta Violation Ticket pursuant to the Provincial Offences Procedures Act.

14.2 OFFENCES/PROSECUTION/PENALTIES

- 14.2.1 Any person who contravenes any provision of this Bylaw is guilty of a summary conviction offence punishable by a fine of not less than fifty dollars and not exceeding five thousand dollars or to imprisonment for a period not exceeding 6 months or both. Mandatory minimum penalties for offences of this Bylaw are listed in Schedule 'B'.
- 14.2.2 Offences of a continuing nature shall be deemed to constitute a separate offence for each day or part of a day that the offence continues.
- 14.2.3 Any person who is found in contravention of the same section of this Bylaw on more than one occasion will be liable to an increased penalty for that contravention if the Section violated in Schedule 'B' stipulates increased fines for second and third offences.
- 14.2.4 An owner of a dog that has bitten, injured, chased or exerted force in any way on a human or other animal may be prosecuted under the Dangerous Dogs Act in lieu of, or in addition to, being prosecuted under the provisions of this Bylaw.

SECTION 15 - APPEALS

- 15.1 Any order to remedy issued by an Animal Control Officer, not including the issuance of a Violation Ticket with the order to remedy, can be appealed in writing to the Community Standards Appeal Board of the Town by filing written notice with the Town Clerk within 7 days of the delivery of the Order to a person.
- 15.2 The Appeal Board may confirm, revoke or modify the order to remedy.

SECTION 16 - REPEAL

Town of Drumheller Bylaw number 23-00 is hereby repealed.

SECTION 17 - COMMENCEMENT

This Bylaw shall become effective on the date of the final passing thereof.

Mayor

Chief Administrative Officer

SCHEDULE 'A'

FEE SCHEDULE

Dog, or Cat Annual Registration

Year of Registration	Option 'A'	Option 'B'	Option 'C'	Option 'D'	
*Altered Animal – with microchip or tattoo**	\$37.00	\$25.00	\$25.00	\$30.00	Dog
			\$10.00	\$15.00	Cat
*Altered Animal – without microchip or tattoo	\$37.00	\$35.00	\$35.00	\$40.00 -	Dog
			\$15.00	\$20.00	Cat
Unaltered Animal with microchip or tattoo**	\$63.00	\$45.00	\$45.00	\$50.00	Dog
			\$25.00	\$30.00	Cat
Unaltered Animal without microchip or tattoo	\$63.00	\$50.00	\$50.00	\$55.00	Dog
			\$30.00	\$35.00	Cat
Budget Revenue Projection	\$31,000.00	\$23,415.00	\$21,405.00	\$22,950.00	
Budget Expense Projection	\$66,500.00	\$66,500.00	\$66,500.00	\$66,500.00	
Net Budget (loss)- 2013 values	\$35,500.00-	\$43,085.00-	\$45,095.00-	\$43,550.00-	
Net Budget (loss)- 2012 values	\$7,500.00-	\$15,085.00-	\$17,095.00-	\$15,550.00-	
New Resident / New Animal		Pro-rated based on the number of months of new residency / possession of new animal			

Total animals registered in 2012 = 535

Total revenue collected in 2012 = \$26,316.50 (Additional revenue of \$6,000 was not realized as the bylaw was not in place for the collection of cat registration fees).

Budget Expenses include 30% of Community Enforcement Officer time (\$45,000) – previously \$17,000. plus costs associated with Humane Society Agreement (\$21,500). Amount shown is \$28,000 higher than 2012 amount.

*A Proof of alteration (spaying, or neutering) certificate from a veterinarian is required in order to apply the "altered animal" rate.

** A Proof of Microchip, or Tattoo certificate from a veterinarian is required in order to apply the Tattoo / Microchip rate.

SCHEDULE 'B'

MANDATORY MINIMUM SPECIFIED PENALTIES

FAIL TO COMPLY WITH ORDER TO REMEDY
\$250.00

OWNER OF ANIMAL RUNNING AT LARGE
1st Offence - \$100.00
2nd Offence - \$150.00
3rd Offence - \$250.00

DOG UNLICENSED
1st Offence -50.00
2nd Offence -150.00
3rd Offence- 250.00

CAT UNLICENSED
1st Offence-50.00
2nd Offence-150.00
3rd Offence-250.00

DOG BITING A HUMAN
1st Offence-250.00
2nd Offence -500.00

DOG BITING ANOTHER ANIMAL
Offence - \$250.00
Offence - \$500.00

ANIMAL CRUELTY
\$500.00

ANNOY, TORMENT OR HARASS AN ANIMAL
\$350.00

SET KILLING TRAP
\$500.00

DOG HABITUALLY BARKING/DISTURBING OTHERS/CAUSE NUISANCE
1st Offence - \$100.00
2nd Offence - \$150.00
3rd Offence - \$250.00

KEEPING ANIMALS IN EXCESS OF LIMIT
\$250.00

KEEPING ANIMALS CONTRARY TO LAND USE DISTRICT
\$250.00

FAIL TO REMOVE ANIMAL DEFECATION FROM PUBLIC AREA
\$50.00

**FAIL TO REMOVE DEFECATION FROM OWN PROPERTY/CAUSE NUISANCE
/OFFENSIVE ODOUR**
\$250.00

OBSTRUCT ANIMAL CONTROL OFFICER DURING EXECUTION OF DUTIES
\$500.00

DOG UNLEASHED IN PUBLIC AREA / NOT IN OFF LEASH AREA
\$150.00

DOG NOT UNDER CONTROL IN OFF LEASH AREA
\$150.00

**DOG BARKS, HOWLS OR OTHERWISE BEHAVES CAUSING PERSON TO BE
DISTURBED OR FEAR FOR THEIR SAFETY**
\$350.00

IMPROPER USE OF DOG/CAT TAG
\$150.00

ANIMAL IN PROHIBITED AREA
\$150.00

ANIMAL UNATTENDED IN MOTOR VEHICLE
\$150.00

**ANIMAL UNRESTRAINED IN OPEN BOX OF TRUCK OR TRAILER WHILE
TRUCK OR TRAILER IS IN MOTION OR PARKED**
\$150.00

ANIMAL IN CEMETERY
\$100.00

**LEAVE DOG OR CAT UNATTENDED WHILE TETHERED ON PREMISES
ACCESSIBLE TO PUBLIC**
\$150.00

**FAILURE TO KEEP DOG CONVICTED OF BITING, INJURING OR CHASING A
HUMAN OR OTHER ANIMAL ON LEASH WITH MUZZLE AFFIXED**
\$250.00

SCHEDULE 'C'

FORM OF NOTICE OF ANIMAL SEIZURE

TO: (Owner of Animal – address of Owner as shown in Town records)

Take notice that an animal bearing Town of Drumheller dog/cat tag # _____ registered under the above name and address was impounded on _____ pursuant to the provisions of the Town of Drumheller Responsible Pet Ownership Bylaw and that, unless this animal is claimed by the owner and all applicable charges paid on or before _____ the animal may be disposed of under the authority of Section 115 of the Responsible Pet Ownership Bylaw without further notice to you.

This animal may be claimed by contacting the Town of Drumheller at 403 823 6300 or attending Town Hall at 703 2nd Ave. West Drumheller. Thank you.

Town of Drumheller
Community/Bylaw Enforcement



DRUMHELLER

COMMUNITY SERVICES

Agenda Item # 8.1.1

Agenda Item # 5.4.2



SCHEDULE
(D)

CAT TRAP AGREEMENT

Between the Town of Drumheller and trap user noted below

I, (full name of trap user) _____
 of (address) _____
 with the home phone # of: _____ alternate #: _____

agree to the following:

- to accept full responsibility for the cat trap and for any animal caught in the trap. Animal cruelty or neglect may result in prosecution under provincial/federal laws.
- to check the trap during reasonable intervals in order to ensure that an animal's health is not jeopardized while caught in the trap. The trap will not be set: overnight, on weekends, during periods of severe temperatures/weather, or while myself or family members leave the Town. A Bylaw Officer may only be able to collect the animal during business hours from Monday to Friday, between the hours of 8:00 am and 3:30 pm. I am willing to allow a Bylaw Officer to access my property to set, check on, or remove the trap.
- if a cat or other animal is caught in the trap I will phone a Bylaw Officer at (403) 823-7590 or (403) 823-0094 (cell).
- to properly care for the welfare of the animal (food, water, and shelter) until the animal is in the custody of a Bylaw Officer. Sheltering the animal may be achieved by placing a blanket over the trap or placing the trap in a cardboard box. If an unusual situation occurs, I understand that I may need to release the animal from the trap or contact a Veterinarian regarding the health of the animal.
- to allow the Town of Drumheller - Protective Services to release copies of this completed form. Under the appropriate authority, copies may be available to federal or provincial government departments/agencies. In the event that this investigation leads to a civil, criminal, or administrative proceeding, this completed form will be made available to the person(s) under investigation, their counsel, or agent acting on their behalf. I understand that I could be required to testify during such a proceeding.

This information is being collected for law enforcement purposes in accordance with section 33 of the Freedom of Information and Protection of Privacy Act (Chapter F-25). Questions about the collection of this information can be directed to the *Freedom of Information and Protection of Privacy Coordinator* for the Town of Drumheller at: 703 - 2 Avenue West, Drumheller, Alberta, T0J 0Y3 Phone: (403) 823-6300

Date: _____ Signature of trap user: _____

Signature of Bylaw Officer: _____



BYLAW VIOLATION TAG

This official Tag is issued for breach of:
 Bylaw _____ Section _____
 Description of Offence: _____

VIOLATION LOCATION

	DATE (yr\mo\da)	TIME
--	-----------------	------

Upon presentation of this Bylaw Violation Tag within **fourteen (14) days** from the date of issuance, together with voluntary payment of penalty indicated, such payment will be accepted in lieu of prosecution.

PAYMENT FAILURE WILL RESULT IN PROSECUTION IN PROVINCIAL COURT
 Payment can be made at Town of Drumheller office during regular office hours. Payment may be made in cash, interac, money order or cheque, (payable at par.)

Penalty: \$ _____

REGISTERED OWNER

NAME (Last, Given Names) _____

ADDRESS _____

VEHICLE LICENCE No.	PROV	VEHICLE MAKE	YEAR
---------------------	------	--------------	------

COLOUR	VEHICLE SERIAL NUMBER
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SUBJECT NAME: (if known)

NAME (Last, Given Names) _____

ADDRESS _____

RESIDENCE TELEPHONE No.	BUSINESS TELEPHONE No.	DATE OF BIRTH (yr\mo\da)
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OPERATOR'S LICENSE No.	YEAR	PROVINCE	CLASS
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Animal(s) Description: _____
 What type of Animal(s) is it: _____
 What colour is the animal(s)?: _____
 You are required to remedy the above condition on or before the date shown.

REPORT FOR PAYMENT AT	Before DATE (yr\mo\da)
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TOWN OF DRUMHELLER

Town Hall
 703 - 2nd Avenue West
 Drumheller, Alberta T0J 0Y3
 Phone: (403) 823-6300 Fax: (403) 823-7739

Violation Tag No. [REDACTED]

ISSUED BY (Member's Signature)	MEMBER No.
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SCHEDULE 'F'
ORDER TO REMEDY

DATE: _____

CIVIC ADDRES: _____

LEGAL DESCRIPTION: _____

NAME OF OWNER/OCCUPANT: _____

**PLEASE TAKE NOTICE THERE EXISTS A VIOLATION OF THE TOWN OF
DRUMHELLER RESPONSIBLE PET OWNERS'S BYLAW**

SECTION NUMBER: _____

At the above noted address or land description there exists the following violation:

**You are therefore directed and ordered to remedy the violations mentioned above
on or before the _____ day of _____, ____.**

**Upon the noted violations being remedied a designated Municipal Officer shall
attend and inspect the corrections.**

**Please contact the Town of Drumheller Community and Bylaw Enforcement at
403 823 1363 if you require assistance or further explanation.**

**Failure to remedy the violations aforesaid and to comply with the applicable
provisions of the Bylaw shall constitute an offence and a violation ticket shall be
issued.**

(Issuing Community Peace Officer)

Date: _____



DRUMHELLER

CHIEF ADMINISTRATIVE OFFICER

Agenda Item # 8.1.2



Request for Decision

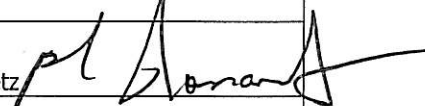
		Date:	February 8, 2013																		
Topic:	New Town Hall – Communication / Security and Install																				
Proposal:	<p>Backgrounder:</p> <p>On October 22nd, 2012, the contract for the Town Hall renovation was awarded to the low bidder, Govan Brown in the amount of \$1,741,377.00. The total project cost of \$2,045,458.00, which includes a 5% contingency and professional consulting fees, falls closely within the approved capital budget of \$2M.</p> <p>Separate prices for furniture, mobile shelving (file room), audio visual equipment, security equipment, data / telecommunications package was estimated to be about \$400,000.</p> <p>These separate costs will need to be expensed from the 2013 MSI (Municipal Sustainability Initiatives Grant) operating and capital grants. It is expected that the Town will received \$1.8M from MSI dollars for 2013.</p> <p>Separate pricing for furniture and audio visual equipment is currently being tendered.</p> <p>Telecommunications</p> <p>Tenders for telecommunications closed on January 10, 2013. One tender was received for the cable supply and installation from All Systems Contracting Calgary Inc. (ASCCI) – in the amount of \$62,432.50. Two Requests for Quotes were received for the electronics component from The ITeam (MSI) in the amount of \$31,235.70 and Reality Bytes Inc. in the amount of \$34,545.00. MSI's estimate to install the electronic components is \$10,000.</p> <p>Security System</p> <p>Tenders for the security system closed on December 13, 2012. One tender was received from All Systems Contracting Calgary Inc. for the security supply and installation (ASCCI) in the amount of \$95,353.55. ASCCI has offered a reduction of 5% (\$4,767.68) for the install if they are successful for both bids. ASCCI is the firm who supplied and installed the security system for the BCF. A benefit of using the same firm is that the security system for the Town Hall will be controlled and monitored by the same server as the BCF.</p> <p>Summary Table of Costs</p> <table><tr><td>Telecommunications</td><td>ASCCI – cabling</td><td>\$62,432.50</td></tr><tr><td></td><td>The ITeam (MSI) – electronics</td><td>\$31,235.70</td></tr><tr><td></td><td>The ITeam (MSI) – installation</td><td>\$10,000.00</td></tr><tr><td>Security</td><td>ASCCI</td><td>\$95,353.55</td></tr><tr><td></td><td>ASCCI (reduction)</td><td><u>\$(4,767.68)</u></td></tr><tr><td></td><td>Total</td><td>\$194,254.07</td></tr></table> <p>With the progress on Town Hall, there is an urgency in approving both the telecommunications and security system as the contractor, Govan Brown, is being held back until these installations are completed.</p>			Telecommunications	ASCCI – cabling	\$62,432.50		The ITeam (MSI) – electronics	\$31,235.70		The ITeam (MSI) – installation	\$10,000.00	Security	ASCCI	\$95,353.55		ASCCI (reduction)	<u>\$(4,767.68)</u>		Total	\$194,254.07
Telecommunications	ASCCI – cabling	\$62,432.50																			
	The ITeam (MSI) – electronics	\$31,235.70																			
	The ITeam (MSI) – installation	\$10,000.00																			
Security	ASCCI	\$95,353.55																			
	ASCCI (reduction)	<u>\$(4,767.68)</u>																			
	Total	\$194,254.07																			
Proposed by:	CAO – Ray Romanetz, Directors - Bill Wulff and Allan Kendrick																				

CHIEF ADMINISTRATIVE OFFICER

Telephone: (403) 823-1339

	Created By:	1
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Agenda Item # 8.1.2

Correlation to Strategic Business Plan	The project is a corporate priority approved by Council in the 2012 Strategic Business Plan. The project is identified in the Capital Plan approved by Council. Current Town Hall is antiquated and does not meet Safety Code standards.		
Benefits:	The security system for the New Town Hall will be controlled and monitored by the same server as the BCF. This system can be further expanded to the Town's other buildings as time and circumstances permit.		
Disadvantages:	Further delays to the telecommunications and security system may result in the contractor asking for a delay to the project.		
Alternatives:	Council reject this proposal. Council retender the project.		
Finance/Budget Implications:	2013 capital budget components of the New Town Hall		
Operating Costs:		Capital Cost:	\$194,254.07
Budget Available:		Source of Funds:	
Budget Cost:		Over-budgeted Cost:	
Communication Strategy:	Affected parties will be notified.		
Recommendations:	<p>Council award the tender for the New Town Hall Telecommunications to ASCCI in the amount of \$62,432.50 for the cable supply and install; to the ITeam in the amount of \$31,235.70 for the electronics portion and to the ITeam in the amount of \$10,000 for the installation of the electronics for a total of \$103,668.20;</p> <p>And further that Council award the tender for the New Town Hall Security System to ASCCI in the amount of \$95,353.55 for the supply and installation of the security components, as well as the interfaces and software required to the existing security server with a 5% reduction by ASCCI for doing both portions of the install at a cost savings of \$4,767.68 for a total of \$90,585.87.</p>		
Report Writer:	Bill Wulff	CAO:	R. M. Romanetz 
Position:			



Request for Direction

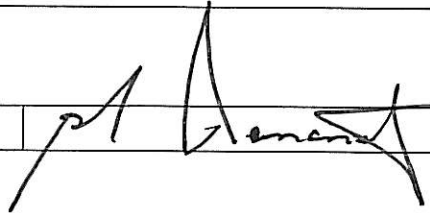
Date: February 8, 2013	
Topic:	Business Tax
Proposal:	<p>Further to Council's meeting of January 14th, 2013 relating to the Town's current practice of imposing a business tax based on annual assessment on commercial premises, Administration is seeking Council's direction on this matter.</p> <p>Considerations:</p> <ul style="list-style-type: none">- The business tax is payable by the person who operates the business, not the property owner.- If the property owners also operates a business on the property, then the owner of that property would pay both property and business taxes.- There are five methods of calculating business assessment set out the Municipal Government Act. The methods that business assessment can be based on and which Council may choose the method they feel best suits their municipality are:<ul style="list-style-type: none">- A percentage of the gross (before deductions) rental value of the building;- A percentage of the net (after deductions) rental value of the building;- The storage capacity for the building occupied by the assessed business;- The floor space occupied by the business; or- A percentage of the property assessment (Drumheller's current practice) which raises \$85,000.- Administration has reported that similar sized municipalities comparable to Drumheller are no longer charging a Business Tax.- The Business Tax is in addition to the business license and is based on 3% of the annual assessment on the premises. The revenue is needed and normally budgeted for, so if it does not come from businesses, it would come from a tax on non residential properties.- There is an outstanding amount of \$23,000 on previous years' business tax and it is difficult to collect on a closed business. The collection process would entail using the services of a sheriff as there is no recourse under the Municipal Government Act to collect as regular property taxes. <p>Administration is seeking Council's direction on whether to continue with Drumheller's current practice of imposing a percentage of 3% of the annual assessment on the premises as a business tax or for Drumheller to collect a tax on the non residential assessment based on the dollars collected being revenue neutral.</p>
Proposed by:	R.M. Romanetz, CAO
Correlation to Business (Strategic) Plan	
Benefits:	
Disadvantages:	

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

Telephone: (403) 823-1339

	Created By: Ray Romanetz	1
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Agenda Item # 8.3.1

Alternatives:			
Finance/Budget Implications:	\$85,000 Operating Revenue		
Operating Costs:		Capital Cost:	
Budget Available:	\$0.00	Source of Funds:	
Budget Cost:	\$0.00	Underbudgeted Cost:	
Communication Strategy:			
Recommendations:	As per Council's direction.		
Report Writer:	R.M. Romanetz, P. Eng.	CAO:	
Position:	Chief Administrative Officer		



DRUMHELLER

CORPORATE SERVICES

Agenda Item # 8.3.2



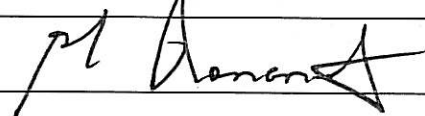
Request for Decision

		Date:	February 11, 2013
Topic:	Access of Borrowings – East Coulee Wastewater Treatment Plant		
Proposal:	<p>The 2012 Capital Budget adopted by Council approved borrowings for two projects:</p> <p>Bylaw 10.12 - East Coulee Wastewater Treatment Plant Grants \$956,250 Borrowings \$318,750 Total Project \$1,275,000</p> <p>Bylaw 11.12 - Cambria/East Coulee Water Transmission Line Grants \$3,922,200 Borrowings 435,800 Total Project \$4,358,000</p> <p>The East Coulee Wastewater Treatment Plant is substantially completed and we are now ready to access these funds. The Cambria/East Coulee Transmission Line project is about to start and we will be requiring these funds later this summer.</p>		
Proposed by:	Ray Romanetz, CAO and Bill Wulff, Director of Corporate Services, Acting		
Correlation to Business (Strategic) Plan	These borrowings are already approved in the adoption of the 2012 Capital Budget, and approved by the adoption of the above mentioned Borrowing Bylaws.		
Benefits:	Accessing these borrowings will allow us pay the contractors in a timely manner without requiring access to our Line of Credit.		
Disadvantages:	n/a		
Alternatives:	<p>To fund from Wastewater Reserves. The reserves at December 31, 2011 are:</p> <p>Wastewater \$895,042 Water \$149,488 Total \$1,044,530</p> <p>and the recommended target from the Capital Financing Strategy is \$5.5 million for each utility.</p>		
Finance/Budget Implications:	n/a		
Operating Costs:	n/a	Capital Cost:	n/a
Budget Available:	n/a	Source of Funds:	n/a

CORPORATE SERVICES

Telephone: (403) 823-1311

RFD -2013 Access of Borrowings for EC Sewer and Cambria-EC Transmission Line.doc	Created By: Bill Wulff 2/8/13 3:11 PM	1
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Budget Cost:	n/a	Underbudgeted Cost:	n/a
Communication Strategy:			
Recommendations:	That Council approve accessing the borrowings for the East Coulee Wastewater Treatment Plant in the amount of \$318,750 as approved in the Borrowing Bylaw 10.12.		
Report Writer:	Bill Wulff Director of Corporate Services, Acting	CAO:	

CORPORATE SERVICES

Telephone: (403) 823-1311

RFD -2013 Access of Borrowings for EC Sewer and Cambria-EC Transmission Line.doc	Created By: Bill Wulff 2/8/13 3:11 PM	2
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THE TOWN OF DRUMHELLER

BY-LAW 05.13

THIS IS A BY-LAW OF THE TOWN OF DRUMHELLER, a Municipal Corporation in the Province of Alberta for the purpose of closing and removing from public use a Municipal Reserve pursuant to with Section 674 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, as amended; and disposing same to adjacent owners and others for development.

WHEREAS; the Municipal Reserve hereinafter has never been used by the public for Municipal Reserve purposes nor will these lands be required for Municipal Reserve or other public purposes in the foreseeable future and adjacent owners and others have expressed an interest in acquiring same for development; and

WHEREAS; a notice was published in The Insider once a week for two consecutive weeks; on January 25, 2013 and again on February 1, 2013 the last of such publications being at least five days before the day fixed for the passing of this By-Law, and

WHEREAS: in addition a notice in this regard was posted on or near the Municipal Reserve; and

WHEREAS: the Council of the Town of Drumheller held a public hearing on the 11th day of February, 2013 at their regular or special meeting of Council in which all interested parties were provided an opportunity to be heard, and

WHEREAS: the Council of the Town of Drumheller was not petitioned for an opportunity to be heard by any person prejudicially affected by this By-Law, and

WHEREAS: the Council of the TOWN OF DRUMHELLER is satisfied that the cancelling the Municipal Reserve contained in this By-Law will not adversely affect the adjacent owners or prejudicially affect the public at large,

NOW THEREFORE; be it resolved that THE COUNCIL of THE TOWN OF DRUMHELLER, a Municipal Corporation in the Province of Alberta does hereby enact to remove the Municipal Reserve hereafter defined from public use and further designates the Chief Administrative Officer of the Town of Drumheller to notify the Registrar of the Land Titles Office that all provisions of the Municipal Government Act with respect to closing Municipal Reserves have been complied with and to request the Registrar to remove the Municipal Reserve designation accordingly.

**DESCRIPTION OF MUNICIPAL RESERVE
CANCELLED BY THIS BY-LAW**

SHOWN ON THE ATTACHED SCHEDULE - >A=

AND MORE PARTICULARLY DESCRIBED AS:

PLAN 791 1034
BLOCK 1
LOT 20 M.R.(MUNICIPAL RESERVE)

EXCEPTING THEREOUT ALL MINES AND MINERALS.

.....2

THIS BY-LAW takes effect on the day of the final passing thereof.

READ AND PASSED THE FIRST TIME BY THE
COUNCIL OF THE TOWN OF DRUMHELLER this 14th day of January, A.D. 2013.

MAYOR, TERRY YEMEN

Seal

RAYMOND M. ROMANETZ, P.ENG.
CHIEF ADMINISTRATIVE OFFICER

READ AND PASSED THE SECOND TIME BY THE
COUNCIL OF THE TOWN OF DRUMHELLER this _____ day of _____, A.D. 2013.

MAYOR, TERRY YEMEN

Seal

RAYMOND M. ROMANETZ, P.ENG.
CHIEF ADMINISTRATIVE OFFICER

READ AND PASSED THE THIRD TIME BY THE
COUNCIL OF THE TOWN OF DRUMHELLER this _____ day of _____, A.D. 2013.

MAYOR, TERRY YEMEN

Seal

RAYMOND M. ROMANETZ, P.ENG.
CHIEF ADMINISTRATIVE OFFICER

