

# **Town of Drumheller COUNCIL MEETING AGENDA**

**January 14, 2013 at 4:30 PM  
Council Chamber, Town Hall  
703-2nd Ave. West, Drumheller, Alberta**



Page

## **1.0 CALL TO ORDER**

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

## **3.0 PUBLIC HEARING**

- 3-5 3.1 Purpose of the Public Hearing is to consider Bylaw 18.12 with amendments to the Land Use Bylaw 10.08 to provide modifications and additions to the land use regulations within the Town of Drumheller

## **4.0 ADOPTION OF AGENDA**

## **5.0 MINUTES**

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

- 6-11 5.1.1 Regular Council Meeting Minutes of December 17, 2012

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

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

## **6.0 DELEGATIONS**

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

## **8.0 REQUEST FOR DECISION REPORTS**

### **8.1. CAO**

- 12-34 8.1.1 Bylaw 15.12 being the Livery Transport Bylaw - third reading

**8.1. CAO**

- 35-37 8.1.2 Bylaw 17.12 being the Utility Rate Rate Bylaw as amended (3% increase with a \$1.00 per utility account infrastructure investment surcharge) - second and third readings
- 38-39 8.1.3 Bylaw 01.13 being a bylaw for the purpose of borrowing monies as permitted by Section 256 of the MGA - all three readings
- 40-41 8.1.4 Bylaw 02.13 being a bylaw providing the assessment of all businesses and for the payment of a business tax by any person, partnership and / or corporation carrying on any business - all three readings
- 42 8.1.5 Bylaw 03.13 being a bylaw establishing the business tax rate for 2013 - all three readings
- 43-45 8.1.6 Bylaw 04.13 being a bylaw to authorize the supplementary assessment for improvements whtin the Town of Drumheller for the purpose of imposing a tax under Part 10 of the MGA for the 2013 tax year - all three readings
- 46-48 8.1.7 Bylaw 05.13 being a bylaw to remove and close a Municipal Reserve from public use

**8.2. Director of Infrastructure Services**

**8.3. Director of Corporate Services**

**8.4. Director of Community Services**

**9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION**

**10.0 PUBLIC HEARING DECISIONS**

- 49-61 10.1 Bylaw 18.12 - second and third readings

**11.0 UNFINISHED BUSINESS**

**12.0 NOTICES OF MOTIONS**

**13.0 COUNCILLOR REPORTS**

- 13.1 Councillor Lisa Hansen-Zacharuk - Drumheller Ag Society

**14.0 IN-CAMERA MATTERS**

- 14.1 Land Matter

**NOTICE of PUBLIC HEARING FOR BYLAW 18.12  
PROPOSED AMENDMENT TO LAND USE BYLAW NO. 10-08**

**DATE:** January 14, 2013

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

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

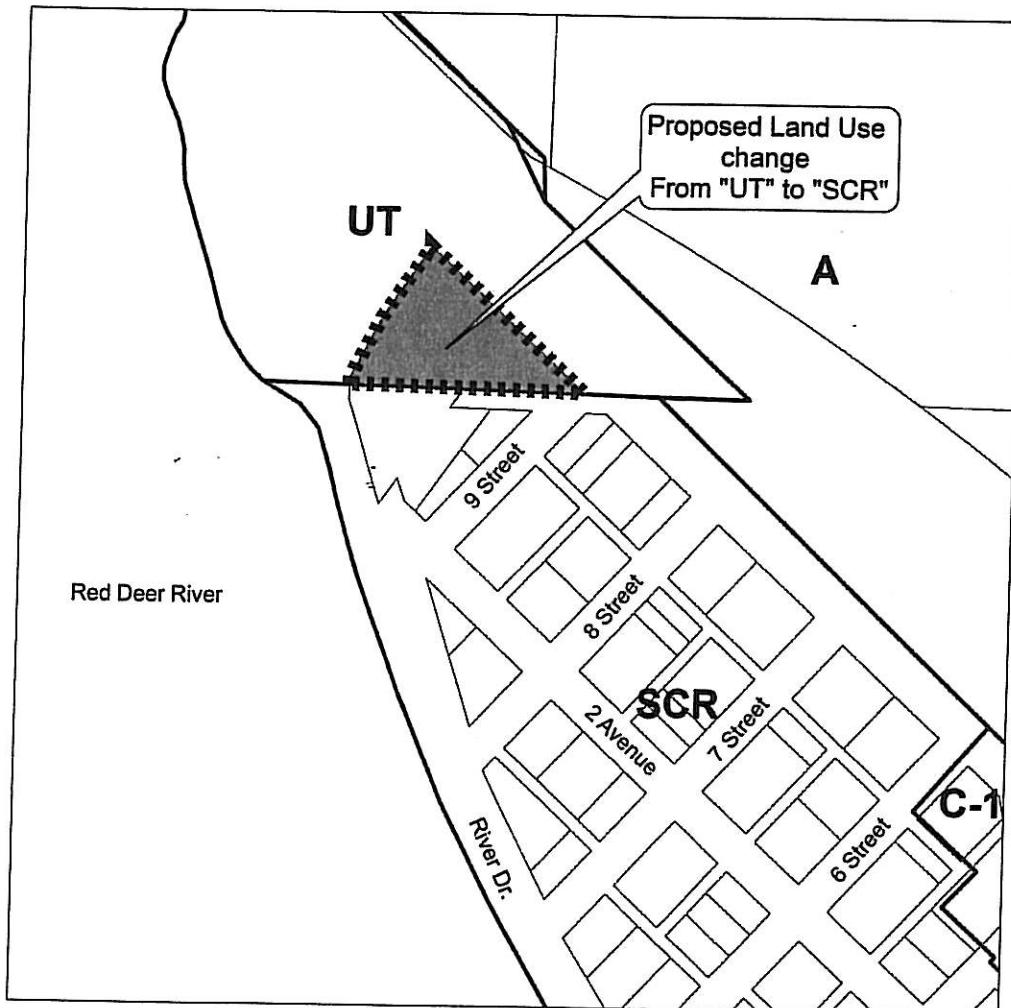
**PURPOSE:** The purpose is to consider amendments to Land Use Bylaw No.10-08 to provide modifications and additions to the land use regulations within the Town of Drumheller as follows:

1. **The addition and revision of definitions for the following uses in Part 1 (2) Definitions:**  
Bareland Condominium, Grade level, Dwelling, Digital Sign, Drinking Establishment and Home Occupation
2. **Amendment of Part III Sec. 7 (g) Development Not Requiring a Development Permit for Town land and Sec. 9 Deciding on Development Permit Applications - relaxation standards**
3. **Amendment of Part VI Land Use Districts to redefine land uses and development requirements in various land use districts throughout the Town**
4. **Amendment of Part VIII General Land Use Regulations for further clarification including relocation of buildings, Kennels, Projections over Yards, and the deletion of Sec. 55 Objects Prohibited or Restricted in Yards**
5. **The addition of Section 84 Bareland Condominium to provide clarification on regulations and requirements.**
6. **Parking requirements removed from individual land use districts and added to Sec. 52 Parking with the addition of Parking requirements for Post-Secondary Education Facilities.**
7. **Sec. 81 Sign requirements amended for clarification and to provide the development authority with greater discretion. Sec. 81 (12) Illuminated Signs is amended by replacing 'illuminated' with 'digital' throughout and adding (f) to provide increased evaluation of Digital Signs.**

## Agenda Item # 3.1

### 8. Amendment of Schedule A, Land Use District Map as follows:

by re-designating the north portion of DESCRIPTIVE PLAN 1210225, BLOCK 6, LOT 7 in the Town of Drumheller (East Coulee) from "UT" – Urban Transitional District to "SCR" – Suburb Community Residential District as shown on the plan below:



**PRESENTATION:** Oral and written comments and suggestions are invited and should be addressed to the point of the proposed amendment. They may be made by any person or group of persons or a person acting on his/her or their behalf, who claims to be affected by the proposed amendment, and by any other persons that the Council wishes to hear at the hearing. Written submissions may be made by the persons above, and may be received in the Town of Drumheller office by 4:00 P.M. on January 14, 2013. Oral presentation may be made at the hearing by the persons above, whether or not they have made a written presentation. The time limit of oral presentations is subject to the direction of the Chairperson.

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

This notice is given pursuant to Sections 606 and 692 of the Municipal Government Act.  
First Publication: December 28, 2012  
Second Publication: January 4, 2013

**Chief Administrative Officer**



P.O. DRAWER 1900 HANNA, AB. T0J 1P0 Ph:(403) 854-3371 Fax:(403) 854-4684

## **Planning Report**

To: **Town of Drumheller Council**

Date: **December 19, 2012**

Re: **LUB No. 10-08 consolidated amendments - summary**

Prepared By: **Brad Wiebe RPP, MCIP**

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### **Purpose:**

The Town of Drumheller Land Use Bylaw continues to be reviewed with specific concerns being addressed over time to ensure the rules and regulations for land use and development provide an appropriate framework for related decision making. The proposed amendments have been researched and developed over many months and reviewed by the Municipal Planning Commission.

### **Significant LUB Sections under review:**

Bareland Condominium – to provide definitions and regulations related to bareland condominium development within the Town of Drumheller including how building setbacks and height are determined.

DT – Downtown Transitional Land Use District – significant amendments proposed to allow for development on the already existing smaller lots in these areas of Drumheller and to recognize older mature neighbourhoods with higher density characteristics.

Manufactured Homes – these have been found to exist in many areas where they are a non-conforming use. This has caused problems with insurance availability in these locations. Amendments are proposed in specific districts that would allow existing sites where Manufactured Homes exist to be compliant with the regulations and any changes to the development on the site would require discretionary review by the Municipal Planning Commission.

Signage – proposed amendments to the sign regulations for clarification and the addition of specific regulations for 'Digital Signs'.

Relocation of Buildings – expansion and clarification of the regulations for relocating buildings to, or within, the Town of Drumheller.

Suburb Community Residential District – Parcel size requirements are proposed to be adjusted in accordance with requirements for private sewage systems where applicable.

**Town of Drumheller  
COUNCIL MEETING  
MINUTES**

December 17, 2012 at 4:30 PM  
Council Chamber, Town Hall  
703-2nd Ave. West, Drumheller, Alberta



**PRESENT:**

**MAYOR:**

Terry Yemen

**COUNCIL:**

Andrew Berdahl

Jay Garbutt

Sharel Shoff

Doug Stanford

Tom Zariski

**CHIEF ADMINISTRATIVE OFFICER/ENGINEER:**

Ray Romanetz

**DIRECTOR OF INFRASTRUCTURE SERVICES:**

Allan Kendrick

**ACTING DIRECTOR OF CORPORATE SERVICES:**

Bill Wulff

**DIRECTOR OF COMMUNITY SERVICES:**

Paul Salvatore

**RECORDING SECRETARY:**

Linda Handy

**Absent:** Lisa Hansen-Zacharuk

**1.0 CALL TO ORDER**

Councillor Sharel Shoff was sworn in as Deputy Mayor for the months of January and February, 2013.

**2.0 MAYOR'S OPENING REMARK**

- 2.1 **MO2012.163** Zariski, Garbutt moved to cancel Council Committee Meeting of December 24, 2012 and the Regular Council Committee Meeting of December 31, 2012. Carried unanimously

**3.0 PUBLIC HEARING**

**4.0 ADOPTION OF AGENDA**

**MO2012.164** Shoff, Garbutt 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 December 3, 2012

**MO2012.165** Berdahl, Garbutt moved to adopt the regular Council meeting minutes of December 3, 2012 as presented. Carried unanimously.

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

5.2.1 Municipal Planning Commission Meeting Minutes of October 4, 2012

5.2.2 Municipal Planning Commission Meeting Minutes of October 25, 2012-

5.2.3 Municipal Planning Commission Meeting Minutes of November 8, 2012

**5.3. BUSINESS ARISING FROM THE MINUTES**

**6.0 DELEGATIONS**

**7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS**

**8.0 REQUEST FOR DECISION REPORTS**

**8.1. CAO**

8.1.1 Bylaw 15.12 being the Livery Transport Bylaw - two readings

R. Romanetz advised that at the Council Committee meeting of December 10<sup>th</sup>, Council heard a presentation from Community Enforcement Supervisor, Greg Peters on the changes to the proposed bylaw as recommended by Council, the Taxi Commission and Administration.

**MO2012.166** Garbutt, Shoff moved first reading of Bylaw 15.12.

Discussion on Motion:

Councillor A. Berdahl stated that accessible transportation remains a concern in the community for all residents.

Vote on Motion

Carried unanimously.

**MO2012.167** Garbutt, Stanford moved second reading of Bylaw 15.12. Carried unanimously.

**MO2012.168** Berdahl, Shoff moved no objection to third reading.

4 in favor – Berdahl, Yemen, Garbutt, Zariski, Stanford

1 opposed - Shoff

Defeated.

8.1.2 Bylaw 17.12 being the Utility Rate Bylaw - first reading

## ***Agenda Item # 5.1.1***

R. Romanetz presented two utility rate bylaws scenarios for Council's consideration – first with a 3% water rate increase and the second with a 5% water rate increase on both the fixed and consumption rates. There is no increase to the waste water rate

**MO2012.169** Shoff, Zariski moved first reading to Bylaw 17.12 (3% to water rates) with no increase to the wastewater rates.

### Discussion on Motion:

Councillor A. Berdahl asked what a 3% increase would yield for the surplus. R. Romanetz explained that a 3% increase on water rates would raise required revenue to cover operating costs, depreciation (reserves) and interest on existing debentures. An additional 2% increase on water rates from 3% to 5% would increase allocation to reserves by \$30,000. He further stated that an utility rate model based on this calculation does not include an allowance for return on equity. He further explained that if the Town continues with the meter replacement program, \$100,000 per year for five years must be set aside. Currently this project is being funded through the water reserves and because of this expenditure and others, the water reserves have not grown substantially. Another major project proposed is the residual solids management reduction with a total project cost of \$4M (50% provincial/50% municipal). If the project moves forward, this project would require a borrowing component.

Councillor J. Garbutt stated that the balancing act for Council is to weigh the community's ability to shoulder the greater burden against the desire to establish an appropriate level of reserve for this utility. He further stated that no bylaws are on the table that includes the surcharge reserve option as dedicated funds to help shore up this reserve. He explained that the extra dollars would be designated to improve the sustainability of this crucial utility. R. Romanetz explained that as mentioned by the consultant, it is commonplace to include borrowing for major projects that are funded over 25 years that can provide longer service to the public. The strategy for funding for capital projects includes a combination of reserves, borrowing and grants. Our current capital financing strategy recommends that utility reserves be set at 10% of tangible capital assets based on original costs (\$5.5M for water). He noted that this reserve strategy fits with what other municipalities are using to develop their reserve target. He further stated that the capital financing strategy should be reviewed on annual basis by Council.

### Vote on Motion:

3 in favour – Shoff, Stanford, Yemen

3 opposed – Garbutt, Zariski, Berdahl

Motion Defeated.

**MO2012.170** Garbutt, Zariski for first reading to Bylaw 17.12 ( 3%) with an amendment to include a \$1.00 per utility account infrastructure investment surcharge.

### Discussion on motion

It was clarified that a \$1.00 surcharge per utility account would yield approximately \$40,000 annually for the water reserve.

Vote on Motion:

4 in favour – Shoff, Berdahl, Zariski, Stanford,

1 opposed - Yemen

Motion Carried.

Council requested a public communication on the proposed bylaw with a 3% water rate increase and a \$1.00 surcharge per utility account.

**8.1.3 Bylaw 18.12 Amendments to the LUB - first reading**

R. Romanetz introduced Bylaw 18.12 stating that the proposed amendments have been researched and developed over several months and reviewed by the Municipal Planning Commission. The MPC has indicated support to move it forward. He recommended that Council proceed to first reading of the bylaw to allow for the advertising period of two weeks to set the public hearing for January 14, 2013.

**MO2012.171** Shoff, Stanford for first reading of Bylaw 18.12.

Discussion on Motion:

Councillor A. Berdahl requested an overview of the proposed amendments prior to the public hearing. R. Romanetz stated that he would request a summary of the proposed changes from B. Wiebe for review at Council's Committee meeting of January 7<sup>th</sup>.

Councillor A. Berdahl requested that the summary go out as a public communication as well prior to the public hearing.

Vote on Motion:

Carried unanimously.

**8.1.4 RFD - Appointment to the Drumheller Housing Administration**

R. Romanetz advised that the Drumheller's Housing Administration has one vacancy. Two applications were received from Philip Wade and Ian Castles. CAO recommended appointment by secret ballot.

**MO2012.172** Zariski, Stanford moved that Council approve the appointment of Ian Castles to the Drumheller Housing Administration for a term of three years expiring on the date of the 2015 Annual Organizational meeting. Carried unanimously.

**MO2012.173** Shoff, Garbutt moved that the ballots be destroyed. Carried unanimously.

**8.2. Director of Infrastructure Services**

**8.2.1 Green Team Initiatives**

A. Kendrick presented the Green Team's top twelve (12) initiatives for Council's consideration:

1. Urban Systems Landscape Plan and Beautification Project;
2. Christmas Tree Recycling Project;
3. Green Streets Project;
4. Tame Project – Energy Efficient Retrofits;
5. Water Meter Replacement Program;



6. Natural Gas Vehicle Introduction;
7. Alternative Transportation Options;
8. Develop Green Purchasing Policies;
9. Street Lighting Upgrade;
10. Christmas Light Upgrade;
11. Introduce Electronic A/R & A/P Options; and
12. Summer Ice Review

**Comments from Council:**

In response to a concern expressed from Council, A. Kendrick stated that the Town hopes to eliminate those cheating on the water system – any discrepancies will be reviewed as well. With regards to the pathway expansion, the Town will expand the system to Rosedale as grants become available. Currently, the Town must maintain what is in place.

**8.3. Director of Corporate Services**

**8.4. Director of Community Services**

**8.4.1 DMO Update**

P. Salvatore provided an update on the Destination Marketing Organization from a meeting held with the tourism operators on December 13<sup>th</sup>. He stated that outcomes from the workshop included:

1. Recognition that the Town's Fee for Service Agreement with the Chamber of Commerce could be re-negotiated and funds redirected to the DMO to cover Administrative costs. Funds allocated in support of the Visitor Information Centre would continue to be provided to the Chamber of Commerce under this scenario.
2. Support from the Destination Marketing Fund (DMF) managed by Canalta, that the Town's marketing dollars (committed to the Chamber of Commerce – for marketing) would be reallocated to cover administrative costs. In return for this exchange of funds, the DFM would match the Town's administrative dollars in equivalent marketing dollars.
3. A commitment from the Consortium members to move forwards as the Interim DMO while the group continues work to define the terms of reference and the most suitable organizational structure which would include hiring of a DMO Administrator in 2013.

He further stated that the "Interim DMO" would like to request an opportunity to present to Council at a Committee of the Whole meeting in mid-late January 2013. The presentation would include reference to the proposed organization structure and the draft 2013 budget.

He further stated that the group is moving forward to increase the level of participation of operators within Drumheller's tourism sector, including campgrounds and bed and breakfasts.

**9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION**

**10.0 PUBLIC HEARING DECISIONS**

**11.0 UNFINISHED BUSINESS**

**12.0 NOTICES OF MOTIONS**

**13.0 COUNCILLOR REPORTS**

13.1 Mayor Terry Yemen provided an update on the Canadian Badlands Ltd. activities:

- 1) March Conference held at the BCF;
- 2) Two separate summer media tours - Belles of the Badlands and Echoes of the Badlands;
- 3) Minister of Tourism had a three day tour of the Badlands including Drumheller;
- 4) Tourism Leadership Seminar held in October in Trochu;
- 5) Ongoing quarterly meetings with the CAO re Tourism Master Plan;
- 6) Meetings held regarding development of regional wide initiatives; and
- 7) Reduction in grants - Canadian Badlands downsizing - Office is now in Drumheller.

13.2 Mayor Terry Yemen provided an update on the Red Deer River Municipal Users Group activities as follows:

- 1) March – overview of the Alberta Water Council / Water Storage Synopsis
- 2) May – overview of hydraulic fracturing in Alberta;
- 3) July – overview of the Plains Midstream Pipeline spill;
- 4) September – economics of water / potential disasters to the river study / water quality studies and public education / reliability quality of water supply – reports are available on the RDRMUG website; and
- 5) December – 2013 budget set at 25 cents per capita.

**14.0 IN-CAMERA MATTERS at 6:05 PM.**

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Mayor

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Chief Administrative Officer

**TOWN OF DRUMHELLER  
LIVERY TRANSPORT BYLAW 15.12**

**A BYLAW OF THE TOWN OF DRUMHELLER TO LICENSE AND REGULATE TAXI AND LIMOUSINE BUSINESSES**

Whereas the MGA provides that Council may pass bylaws respecting business, business activities and persons engaged in business and the safety, health and welfare of people;

And whereas the purposes of this bylaw are:

- a. To ensure public safety, service quality and consumer protection for customers and service providers in the livery industry;
- b. To establish a system of licensing livery vehicles, drivers and brokerages;
- c. To establish a system for the inspection of livery vehicles
- d. To create and maintain an enduring livery industry that considers the interests of service providers and meets the needs of the travelling public in the town;
- e. To provide the administrative and regulatory mechanisms to administer a controlled entry licensing system and ensure sufficient industry support to meet consumer demand.

Therefore the Council of the Town of Drumheller enacts as follows:

**1. INTERPRETATION AND DEFINITIONS**

- 1.1 This bylaw may be cited as the LIVERY TRANSPORT Bylaw.
- 1.2 Nothing in this bylaw relieves a person from complying with any federal, provincial law or regulation, other bylaw or any requirements of any lawful permit, order or other direction.
- 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.
- 1.11 This bylaw does not apply to:
  - a) A motor vehicle that has the capacity to carry 15 or more passengers including the operator.
  - b) Any motor vehicle owned by the Town of Drumheller.
  - c) A motor vehicle other than a taxi or limousine that is carrying passengers in accordance with a contract with a school board.
  - d) A motor vehicle that is carrying passengers in accordance with a contract with the Town of Drumheller.
  - e) Any non motorized vehicle, a conveyance propelled by human muscular power or animal power, an implement of husbandry, a vehicle that operates on treads, tracks or rails.
  - f) Any service where the passenger is driven in his own motor vehicle.
  - g) A motor vehicle carrying passengers who pay a fee or fare for the service and the passenger is picked up outside the limits of the Town of Drumheller.
  - h) A motor vehicle used in the course of providing care to clients who require personal assistance with the activities of daily living and the arrangement or provision of that transportation is not the primary business of the person providing the service and no fee is collected for the provision of that transportation.

## **2. DEFINITIONS**

2. In this bylaw the following terms will have the following definitions:
  - a) "Application" means a written application for a broker license, taxi license or chauffeur license and includes an application to renew, transfer for amend any of the above noted licenses.
  - b) "Broker" means an individual or company who owns and operates a livery service in the Town.
  - c) "Broker License" means a license issued to a broker by the Town permitting the operation of a livery service.
  - d) "Business Location" means the premises used or occupied by any person in the conduct of a business.
  - e) "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.
  - f) "CAO" means the Chief Administrative Officer of the Town.

- g) "Certified Mechanic" means a person who holds a valid and subsisting certificate of proficiency as a journeyman motor mechanic or heavy duty mechanic issued by the province of Alberta.
- h) "Chauffeur" means a person who drives a taxi or limousine.
- i) "Chauffeur License" means the permit issued by the Town permitting a person to operate a livery vehicle in the Town.
- j) "Chief License Inspector" means the CAO of the Town or his designate.
- k) "Community Standards Appeal Board" means the general appeal board of the Town.
- l) "Criminal Record Check" means a criminal record check obtained from the Royal Canadian Mounted Police or another Police service in the province of Alberta and includes a "vulnerable sector" search as part of the criminal record check.
- m) "Criminal Record Information" means the information obtained, but not limited to, the information provided by the Royal Canadian Mounted Police, by way of a search of the central repository of criminal records at RCMP headquarters Ottawa, in a criminal record check .
- n) "Driving Record" also referred to as driver abstract means the driving record of a person issued by the province of Alberta or by the authority of another province in Canada.
- o) "Garage" means a facility licensed to repair motor vehicles and employs certified mechanics for that purpose
- p) "Hail" means to call out, yell or gesture to get the attention of a livery vehicle operator.
- q) "Highway" means a highway as defined in the Traffic Safety Act of Alberta.
- r) "Inspection Certificate" means documentation provided by a mechanic indicating a livery vehicle is in good repair and safe for highway use.
- s) "License Inspector" means the CAO or his designate.
- t) "Limousine" means a motor vehicle used to convey persons for a fee with at least four doors, not equipped with a taximeter and having standard seating capacity for at least five adult persons not including the operator and includes a stretch limousine, sedan limousine or specialized limousine and does not include a van, light truck or bus.
- u) "Limousine Service" means a business conducting the operation of limousines.
- v) "Livery Vehicle" means a taxi or limousine.
- w) "Livery Vehicle License" means a license issued in accordance with the provisions of this bylaw allowing the use of a livery vehicle for hire.
- x) "Livery Service" means a business engaged in the transport of persons that uses a motor vehicle with four wheels and at least three doors including the trunk or hatchback.
- y) "Motor Vehicle" means a motor vehicle as defined in the Traffic Safety Act of Alberta.
- z) "Operator" means the chauffeur or driver of a motor vehicle.
- aa) "Owner" means a person or body corporate named as the registered owner of the livery vehicle by the province of Alberta.
- bb) "Peace Officer" means any member of bylaw enforcement or community enforcement of the Town of Drumheller or any member of the Royal Canadian Mounted Police.

- cc) "Person" means a natural person or a body corporate and includes a partnership, a group of persons acting in concert or an association.
- dd) "Service Animal" means an animal that has been trained and certified to assist a person with disabilities.
- ee) "Taxi" means a motor vehicle equipped with a taximeter used to transport persons for a fee.
- ff) "Taxi Commission" means a committee comprised of two Town Councillors and the CAO or his designate.
- gg) "Taxi Meter" means a device which calculates the fare for services provided by a taxi and will display the cost and total hired distance of a trip and will record the total hired distance, total distance travelled and total number of all trips.
- hh) "Town" means the Town of Drumheller and the entire area within its corporate boundaries.
- ii) "Violation Ticket" means a violation ticket as defined in the Provincial Offences Procedure Act of Alberta or a Bylaw Violation Tag.

### **3. BROKER LICENSES**

- 3.1 No Broker shall operate a livery service in the Town unless that Broker is in possession of a valid Town Business License.
- 3.2 No Broker shall operate a livery service in the Town unless that Broker is in possession of a valid Broker License issued by the Town.
- 3.3 All Broker Licenses shall expire on December 31<sup>st</sup> of each year.
- 3.4 An applicant for a Broker License shall provide to the License Inspector:
  - a) A list of the livery vehicles to be used by the livery service.
  - b) The name and applicable policy number, or numbers if more than 1 insurance policy is involved, of the insurance provider used by the Broker for all livery vehicles in his or her fleet.
  - c) A list of all chauffeurs to be employed by the applicant including their full names addresses and Alberta Driver's License numbers.
  - d) The applicable broker license fee as set out in schedule 'B'.
  - e) Any other information required by the License Inspector.

### **4. CHAUFFEUR LICENSES**

- 4.1 An applicant for chauffeur license shall present his application for chauffeur licensing in person to the License Inspector along with:
  - a) An RCMP criminal record check dated not more than three weeks prior to date of this application.
  - b) Driving record abstracts from Alberta and any other province the applicant has resided in during the past five years prior to this application.
  - c) Head and shoulders photo of the applicant.
  - d) Proof of eligibility to work in Canada if requested by the License Inspector.
  - e) The applicable chauffeur license fee as set out in Schedule 'A'.
  - f) Any other pertinent information requested by the License Inspector.

- 4.2 A chauffeur license shall contain a photo of the chauffeur, be laminated in plastic and be displayed in the livery vehicle at all times so as to be visible to all passengers.
- 4.3 No person shall operate a livery vehicle unless that person is in possession of a valid class 4 Alberta driver's license and a valid chauffeur license.
- 4.4 Each broker is responsible for each chauffeur in his employ operating a livery vehicle to be in possession of a valid class 4 Alberta driver's license and a valid chauffeur license.
- 4.5 All chauffeur licenses expire on December 31 of each year.
- 4.6 No one shall be issued a chauffeur license without their suitability being assessed by the License Inspector. This shall include the driving record, criminal record, character, state of health and any other information available to the License Inspector who shall in his or her sole discretion refuse or approve the chauffeur license.
- 4.7 New pertinent information, not previously considered and coming to the attention of the License Inspector, about a person who has been issued a chauffeur license may be assessed by the License Inspector. This assessment may lead to the determination that the chauffeur license be revoked by the license Inspector.
- 4.8 No chauffeur license or renewal shall be issued to any person who:
  - a) Has been convicted under the Criminal Code within the 5 year period immediately preceding the date of application of:
  - b) A sexual offence or offence relating to the corruption of public morals.
  - c) An offence relating to homicide, assault, kidnapping, arson, robbery, extortion or criminal negligence.
  - d) An offence relating to operating a motor vehicle with excess blood alcohol or refusing to provide samples of breath or dangerous driving or criminal negligence in the operation of a motor vehicle or driving while suspended.
  - e) Has been convicted under the Controlled Drugs and Substances Act within the 5 year period immediately preceding the date of application.
  - f) At the discretion of the Town is deemed unsuitable to operate a livery vehicle in the Town.

## **5. LIVERY VEHICLE LICENSES**

- 5.1 No livery vehicle shall operate in the Town unless it is possession a valid Town Livery Vehicle License.
- 5.2 All Livery Vehicle Licenses shall expire on midnight of December 31 of each year.
- 5.3 A Livery Vehicle License may be issued by the Town for a period of less than 1 year. See Schedule 'C'.

- 5.4 An applicant for a Livery Vehicle License shall provide to the Town:
- The name of the registered owner, proof of motor vehicle registration and proof of insurance for each vehicle to be used in the business
  - An inspection certificate attesting to the mechanical fitness of each vehicle completed within one month prior to the application date.
  - Proof that the taximeter has been calibrated and sealed by a person or company approved by the License Inspector within one month prior to the application date.
  - The Livery Vehicle License fee as set out in Schedule 'C'.
  - A Livery Vehicle License shall be carried in the livery vehicle at all times and shall be produced by the broker or chauffeur upon request of the License Inspector or a Peace Officer.
  - Any other pertinent information required by the License Inspector.
- 5.5 Notwithstanding any other provision of this Livery Bylaw a motor vehicle belonging to a livery service of which there is not a valid Livery License may be operated in Town providing that:
- Any passengers in the livery vehicle are picked up outside the Town and
  - The operation of the livery vehicle is limited to entering Town, taking passengers to their destination in Town and then leaving Town.

## **6. LIVERY VEHICLE INSPECTIONS**

- 6.1 A livery vehicle license shall be carried in the livery vehicle at all times and shall be produced by the broker or chauffeur upon request of the License Inspector or a Peace Officer.
- 6.2 The License Inspector or a Peace Officer may at any time inspect a livery vehicle to determine:
- The validity of the Livery Vehicle License.
  - The validity of the Driver's License of the chauffeur.
  - A Livery Vehicle License shall be carried in the livery vehicle at all times and shall be produced by the broker or chauffeur upon request of the License Inspector or a Peace Officer.
  - The mechanical and physical condition of the livery vehicle.
  - The accuracy of the taximeter in a taxi.
  - The cleanliness and state of repair of the interior.
- 6.3 The License Inspector can at any time issue an order verbally or in writing requiring a livery vehicle to be inspected by a certified mechanic and the broker or chauffeur shall deliver the livery vehicle in question to the garage as directed by the License Inspector. The costs of the mechanical inspection shall be paid by the broker.
- 6.4 Upon inspecting a livery vehicle the License Inspector or Peace Officer acting on reasonable grounds that a livery vehicle is deficient and unsafe for highway travel may;
- Seize the vehicle and cause it to be removed from the highway and stored at a suitable location. Towing and storage costs shall be paid by the broker.



- b) Issue an order to remedy to correct the deficiency and/or bylaw violation tag or provincial violation ticket.
- c) A Peace Officer shall forthwith advise the License Inspector of action taken under this bylaw.

6.5 A Broker shall provide to the License Inspector proof of repair, by way of inspection certificate completed by a designated garage, to any livery vehicle ordered inspected before the livery vehicle will be permitted to resume operation as a livery vehicle in the Town.

6.6 A broker shall provide to the License Inspector proof of mechanical fitness of each livery vehicle in his or her fleet by way of an inspection certificate completed by a designated garage yearly and submitted by December 31 of each year. -

## **7. CHAUFFEUR AND BROKER RESPONSIBILITIES**

7.1 Each chauffeur shall be civil and polite to customers and passengers.

7.2 Each chauffeur shall be clean and neat about their person and clothing.

7.3 Each chauffeur shall maintain a log book in a manner that may be prescribed by the License Inspector.

7.4 Each chauffeur shall deliver all passengers by the most direct route available to their destination.

7.5 Each chauffeur shall keep all appointments or promises made in relation to requests from persons for transport and to not promise any service that the car service is incapable of keeping.

7.6 A chauffeur shall not refuse service to a person accompanied by a service animal.

7.7 A chauffeur shall assist a passenger upon a passenger's reasonable request for assistance including the loading and unloading of a passenger's mobility aid.

7.8 A chauffeur is entitled to refuse service to a person if that person:

- a) Is impaired by alcohol or drugs.
- b) Is indebted to the chauffeur or broker to which the livery vehicle is associated.
- c) Requests that the chauffeur transport an animal in the livery vehicle other than a service animal.
- d) Requests that the chauffeur carry baggage in the livery vehicle which can be detrimental to the cleanliness, sanitary condition or repair of the livery vehicle.
- e) Requests that the chauffeur carry any passengers or baggage which the livery vehicle cannot reasonably carry.
- f) Is disorderly or abusive to the driver.
- g) Insists on smoking or attempts to smoke in the livery vehicle.

7.9 A chauffeur is not obligated to accept a passenger if the livery vehicle is not in service.

- 7.10 A chauffeur shall not transport more passengers than for which there are seats in a livery vehicle.
- 7.11 A chauffeur must not allow consumption of alcohol by any passenger in a livery vehicle unless the livery vehicle is otherwise so licensed to permit same.
- 7.12 A chauffeur shall not drive a livery vehicle while under the influence of alcohol or any other impairing substance.
- 7.13 A chauffeur shall not knowingly misinform any person as to the time, date or place of arrival or departure of any livery vehicle or the location of any building, place or site.
- 7.14 A chauffeur shall not influence any person to hire his livery vehicle or any other livery vehicle by false representation.
- 7.15 A chauffeur's only use of a cell phone while carrying passengers shall be the cell phone used in concert with a device commonly known as a "hands free" device.
- 7.16 A chauffeur or broker upon being requested by the license inspector shall advise the address of any place to or from which any passenger has been driven.
- 7.17 A broker shall upon the request of the License Inspector advise the name and address of the chauffeur of any taxi owned by the broker.
- 7.18 A chauffeur at his or her discretion may request a cash deposit of not more than \$40.00 to be applied to the taximeter fare from any person and shall provide a receipt for this amount to a person seeking transport, prior to the commencement of the transport, that begins and ends in Town.
- 7.19 No broker or chauffeur shall monitor any radio traffic of a competing car service by any electronic means or device.
- 7.20 A broker shall advise the License Inspector of any collision involving any of the broker's vehicles within 5 business days of the event. Any livery vehicle needing repair from a collision shall be regarded as unfit for duty and shall not be reengaged into service until proof of repair and mechanical fitness has been provided to the License Inspector.
- 7.21 A broker or chauffeur shall take all reasonable steps to return any property left in a livery vehicle to the owner. If such steps are unsuccessful then the property shall be turned over to the License Inspector within 48 hours of the property being found.
- 7.22 A Broker shall within 5 business days from the date of change inform the License Inspector of any additions or deletions to any list furnished regarding livery vehicles or Chauffeurs.

- 7.23 Every Broker shall within the first 5 business days of each month provide to the License Inspector a list of Chauffeurs employed by the Broker during the entire previous month.
- 7.24 A Broker shall ensure that all livery vehicles operating in his livery service have a clean interior in good condition and that all livery vehicles are mechanically maintained, safe for the carriage of customers and certified fit for highway use.
- 7.25 A person shall not make a false statement in a document, application, statement, declaration, or report required or made under this bylaw.
- 7.26 A person shall not make any false or misleading statements through any advertising media with respect to any services provided by a livery vehicle.

## **8. LIMOUSINES**

- 8.1 No person operating a limousine shall operate on a fixed or recurring route.
- 8.2 No limousine broker or limousine chauffeur shall:
- a) stand his or her limousine in any public place or parking lot except while under hire
  - b) stand his or her limousine in any taxi stand for the purpose of soliciting or obtaining passengers.
- 8.3 The chauffeur of a limousine shall always have a current written contract that was previously agreed upon with a client who is present in the limousine and shall produce the contract upon request of a Peace Officer or the License Inspector. See template marked as Schedule "G".
- 8.4 A limousine will not be licensed to operate with a taximeter.

## **9. TAXIMETERS**

- 9.1 The broker of a taxi service shall ensure that each taxi is equipped with a taximeter that has been calibrated annually and sealed.
- 9.2 It is an offence if the License Inspector or Peace Officer acting upon reasonable grounds finds a taximeter with a broken seal this shall be considered grounds to have the taximeter calibrated and resealed immediately.
- 9.3 The broker shall install the taximeter in such a position inside the taxi so that the fare on the meter can be read at any time of the day by a passenger in either a front or rear seat.
- 9.4 The taximeter shall be tested by a Town approved person or firm and if on reasonable grounds an order is issued, either verbally or in writing, by the License Inspector the broker shall comply and provide proof within one month of the order that the taximeter has been repaired and has been resealed.



9.5 All costs for testing and repairing a taximeter shall be the responsibility of the broker.

9.6 A taximeter shall be turned on and determining a fare while transporting a person within the Town limits.

## **10. TAXI RATES**

10.1 A livery vehicle shall measure the fare charged to the passenger on the basis of:

- a) The distance travelled;
- b) The amount of time for which the vehicle was hired; or
- c) A combination of distance travelled and the amount of time for which the vehicle is hired.

10.2 The chauffeur shall collect the fares and charges pursuant to a metered rate in a taxi or in the case of a limousine a contract or flat rate.

10.3 The meter rate fares to be charged for the hire of a taxi shall be decided upon with input from local brokers and subject to yearly review by Town Council.

10.4 Taxi rates may be amended from time to time by Town Council resolution.

10.5 For taxi rates please refer to Schedule "E".

## **11. GRATUITIES/DISCOUNTS/EXTRA CHARGES**

11.1 A broker or chauffeur may offer a discount at his or her discretion to any passenger.

11.2 A chauffeur may accept gratuities.

11.3 No extra charge shall be levied against any passenger for additional assistance provided by a chauffeur to assist a person with disabilities or pursuant to Section 43 of this Bylaw.

## **12. TAXI IDENTIFICATION**

12.1 Each taxi shall prominently display on both sides of its exterior the name and phone number of the broker/taxi company.

12.2 Each taxi shall prominently display a taxi identification number.

12.3 No person shall operate a motor vehicle in Town which has markings, decals or equipment identifying it as a taxi unless that vehicle has a valid livery license.

12.4 Each taxi shall prominently display on each rear passenger window the current taxi fares determined by the taxi meter and methods of payment.

12.5 Each taxi shall display on its exterior a notice indicating that the chauffeur at his or her discretion may request a person pay a deposit of \$40.00 before commencing any transport that begins and ends in Town.

**13. TAXI ADVERTISING**

- 13.1 All roof units and signs must be standard commercially manufactured equipment.
- 13.2 Any Illumination of the roof display shall be non flashing and not exceed 40 watts.
- 13.3 The color of a livery vehicle or the color scheme of more than one livery vehicle owned by a broker is the choice of the broker.

**14. COMPLAINTS AND INVESTIGATIONS**

- 14.1 The License Inspector or any Peace Officer may receive a complaint regarding livery vehicle service.
- 14.2 All complaints related to the specifics of the bylaw will be referred to, and investigated by, the License Inspector.
- 14.3 Complaints related to allegations of violations of other laws will be referred to the appropriate authority by the License Inspector.
- 14.4 Any investigation conducted by the License Inspector will, unless extenuating circumstances prevail, be completed within 30 days.
- 14.5 The investigational report will be provided to the Taxi Commission and /or Community Standards appeal board immediately.

**15. OFFENCES / PROSECUTION / ORDER TO REMEDY**

- 15.1 When the License Inspector, or Peace Officer, believes on reasonable and probable grounds that an offence has been committed under this bylaw in relation to a livery vehicle the License Inspector or Peace Officer may:
- a) Seize the livery vehicle and cause it to be removed and stored at a suitable location; and
  - b) Suspend and seize the chauffeur's license and livery vehicle license; and/or
  - c) Issue an order to remedy and give the chauffeur or broker a provincial Traffic Violation Notice noting the violations or livery vehicle deficiencies and time permitted to correct same. Inspection certificate to be provided to the License Inspector upon completion of repair.
  - d) In addition to, or in place of, action authorized under part a) and b) of this section, issue a Province of Alberta violation ticket in part 2 or a bylaw violation tag to the offender.  
If any authority noted previously in this section, other than the License Inspector, takes any of the above noted action, that authority shall forthwith advise the License Inspector of the action taken.
  - e) The broker shall be responsible for all towing and storage costs of a livery vehicle seized.
  - f) No livery vehicle seized shall be permitted to return to service until, proof of repair and an inspection certificate attesting to the mechanical fitness of the livery vehicle have been received by the License Inspector, and, all costs for towing and storage owed to a third party have been satisfied.

**16. BYLAW VIOLATION TAG/PROVINCIAL VIOLATION TICKET**

- 16.1 A Peace Officer is authorized to issue a bylaw violation tag to any person that the Peace Officer believes on reasonable and probable grounds has contravened any provision of this bylaw.
- a) Notwithstanding any other provision of this bylaw a Peace Officer is authorized to immediately issue a Province of Alberta violation ticket pursuant to the Provincial Offences Procedure Act.
  - b) A bylaw violation tag may be issued to an accused personally, or by mailing a copy to the accused at his or her last known address.
  - c) Nothing in this bylaw shall prevent a Peace Officer from issuing a bylaw violation tag or provincial violation ticket for the mandatory court appearance of any person who contravenes any provision of this Bylaw.
  - d) If the penalty specified on the bylaw tag served to a person is not paid within a prescribed time period, then a Peace Officer is authorized to issue a provincial violation ticket pursuant to the Provincial Offences Procedures Act.

**17. PENALTIES**

- 17.1 Any person who contravenes any provision of this Bylaw is guilty of a summary conviction offence punishable by a fine, not less than two hundred and fifty dollars and not exceeding five thousand dollars or to imprisonment for a period not exceeding one year or both.

17.2 Specific fine penalties for offences of this bylaw are listed in schedule 'F'.

17.3 Offences for each day or part of a day that the offence continues.

**18. APPEALS**

- 18.1 Any decision of the License Inspector, not including the issuance of a violation ticket, can be appealed in writing to the Community Standards Appeal Board of the Town, by filing written notice with the Town Clerk within 14 days of the License Inspector's decision.

18.2 The Appeal Board may confirm, revoke or modify the decision of the License Inspector.

18.3 Any order to remedy issued by the License Inspector or a Peace Officer, may be appealed to the Community Standards Appeal Board.

**19. REPEAL**

Town of Drumheller Bylaw number 15.00 is hereby repealed.

**20. COMMENCEMENT**

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

READ A FIRST TIME this 17<sup>th</sup> day of December, 2012

READ A SECOND TIME as amended this 17<sup>th</sup> day of December, 2012

READ A THIRD AND FINAL TIME as amended this \_\_\_\_\_ day of \_\_\_\_\_, 2012

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER

READ A FIRST TIME this 17<sup>th</sup> day of December, 2012

READ A SECOND TIME as amended this 17<sup>th</sup> day of December, 2012

READ A THIRD AND FINAL TIME as amended this \_\_\_\_\_ day of \_\_\_\_\_, 2012

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER

**TOWN OF DRUMHELLER  
SCHEDULE 'A' TO BYLAW 15.12  
CHAUFFEUR APPLICATION FORM**

To be completed and signed by the applicant. Please complete form as complete and accurately as possible. Failure to do so will result in delays in the licensing process and may result in refusal of this application and any existing chauffeur's license in the name of the application being rescinded. The applicant must submit an Alberta Motor Vehicle Branch Driver's Abstract and an RCMP Criminal Record Check, including vulnerable sector checks, completed and dated not more than 3 weeks prior to the date of this application. If the applicant has resided outside of Alberta at any time in the previous 5 years, a Driver's Abstract from the Province of residency must accompany this application. The applicant must provide proof of eligibility to work in Canada, if-so requested by the License Inspector.

The completed form is to be submitted, in person, by the applicant to the License Inspector or any member of Drumheller Bylaw/Community Enforcement.

THIS APPLICATION MUST BE ACCOMPANIED BY A FEE OF \$25 AND A HEAD AND SHOULDERS PHOTO OF THE APPLICANT.

NAME: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_

ADDRESS \_\_\_\_\_

LIST ALL ADDRESSES WHERE HAS APPLICANT HAS RESIDED IN PAST 5 YEARS

HOME TELEPHONE NUMBER \_\_\_\_\_

CELL TELEPHONE NUMBER \_\_\_\_\_

ALBERTA DRIVER'S LICENSE # \_\_\_\_\_ EXPIRY DATE \_\_\_\_\_

CLASS \_\_\_\_\_

RESTRICTIONS \_\_\_\_\_

APPLICANT'S HEIGHT \_\_\_\_\_ APPLICANT'S WEIGHT \_\_\_\_\_

APPLICANT'S HAIR COLOUR \_\_\_\_\_

NAME OF BROKER WHO IS APPLICANT'S EMPLOYER \_\_\_\_\_

HAVE YOU BEEN CONVICTED IN THE PAST FIVE YEARS OF ANY CRIMINAL OFFENCE? \_\_\_\_\_

HAVE YOU BEEN CONVICTED IN THE PAST THREE YEARS OF ANY PROVINCIAL TRAFFIC OFFENCE? \_\_\_\_\_

I, \_\_\_\_\_ DO HEREBY STATE:

The information provided by me on this application form is true and accurate to the best of my knowledge. I agree to abide by the all provisions and requirements of the Town of Drumheller Livery Transport bylaw.

SIGNATURE OF APPLICANT: \_\_\_\_\_

SIGNATURE OF BROKER CONFIRMING APPLICANT'S EMPLOYMENT: \_\_\_\_\_

DATE: \_\_\_\_\_

---

FOR TOWN USE ONLY:

Application for Livery Transport Chauffeur license is:

APPROVED: \_\_\_\_\_

NOT APPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
(License Inspector)

**TOWN OF DRUMHELLER  
SCHEDULE 'B' TO BYLAW 15.12  
BROKER APPLICATION FORM**

NAME OF COMPANY \_\_\_\_\_

BUSINESS ADDRESS \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

NAME, ADDRESS AND PHONE NUMBER OF BROKERAGE OWNER

\_\_\_\_\_

PLEASE LIST YEAR, MAKE, VIN NUMBER AND LICENSE PLATES OF ALL TAXI OR LIMOUSINES OWNED AND OPERATED IN TOWN BY THIS BROKERAGE:

\_\_\_\_\_

A PHOTOCOPY OF THE REGISTRATION DOCUMENTS FOR EACH TAXI OR LIMOUSINE IS ACCEPTABLE IN LIEU OF LISTING SAME BELOW.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PLEASE PROVIDE PHOTO COPY OF INSURANCE PINK CARD THAT STIPULATES NAME OF INSURANCE PROVIDER, POLICY NUMBER AND INSURANCE EXPIRY DATE, FOR ALL MOTOR VEHICLES LISTED ABOVE. PLEASE PROVIDE PROOF THAT THE BROKER'S POLICY INCLUDES THE PUBLIC PASSENGER VEHICLE ENDORSEMENT. (SAME CAN BE ATTACHED TO THIS APPLICATION FORM.)

PLEASE PROVIDE PROOF OF MECHANICAL FITNESS, COMPLETED IN THE LAST 30 DAYS, OF EACH LIVERY VEHICLE. (SAME CAN BE ATTACHED TO THIS APPLICATION FORM.)

I, the Broker, possess a valid Town Chauffeur License.(circle one) YES NO

DATE OF APPLICATION:

SIGNATURE OF BROKERAGE OWNER:

\_\_\_\_\_



## DOCUMENTS/FEES TO BE ATTACHED:

- A) Copy of Town of Drumheller Business License.
- B) List of all Chauffeurs to be employed by Broker.
- C) Copy of RCMP Criminal Record (if not already submitted through chauffeur application)
- D) Broker Application Fee - \$150.00
- E) Schedule of fees to be charged – taxi rates of limousine hire fees.

**TOWN OF DRUMHELLER  
SCHEDULE 'C' TO BYLAW 15.12  
LIVERY VEHICLE LICENSE APPLICATION**

NAME OF BROKER: \_\_\_\_\_

PLEASE PROVIDE COPY OF REGISTRATION FOR LIVERY VEHICLE LICENSE  
PLATE NUMBER: \_\_\_\_\_

PLEASE PROVIDE PROOF OF INSURANCE (\$2,000,000 LIABILITY AND PUBLIC  
PASSENGER VEHICLE ENDORSEMENT) FOR EACH LIVERY VEHICLE.

\_\_\_\_\_

BROKER UNIT NUMBER: \_\_\_\_\_

TAXIMETER CALIBRATED AND SEALED ON: \_\_\_\_\_  
BY: \_\_\_\_\_

PLEASE ATTACH PROOF OF MECHANICAL FITNESS COMPLETED IN LAST 30  
DAYS.

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**TOWN OF DRUMHELLER  
SCHEDULE 'D' TO BYLAW 15.12**

**BROKER/CHAUFFEUR/LIVERY LICENSE APPLICATION FEE YEARLY**

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BROKER	\$150.00
CHAUFFEUR	\$ 25.00
LIVERY- PER VEHICLE	\$ 50.00

**TOWN OF DRUMHELLER  
SCHEDULE 'E' TO BYLAW 15.12  
FARES/RATES/CHARGES**

PICK UP FEE - \$3.50 AND \$0.10 PER 70 METERS OF TRAVEL

WAITING CHARGE - \$30.00 PER HOUR

**TOWN OF DRUMHELLER  
SCHEDULE 'F' TO BYLAW 15.12  
VOLUNTARY PAYMENT FINES SECTION**

SECTION 3.1 - OPERATING WITHOUT BROKER'S LICENSE, BUSINESS LICENSE	\$500.00
SECTION 4.3 – OPERATE LIVERY VEHICLE WITHOUT CHAUFFEUR LICENSE	\$500.00
SECTION 5.1 - OPERATE LIVERY VEHICLE WITHOUT LIVERY LICENSE	\$500.00
SECTION 6.6 - BROKER FAIL TO SUPPLY LICENSE INSPECTOR WITH CERTIFICATE OF MECHANICAL FITNESS FOR LIVERY VEHICLE	\$250.00
SECTION 7.0 PLUS APPLICABLE SUB-SECTIONS – CHAUFFEUR FAIL TO MAINTAIN RESPONSIBILITIES	\$250.00
SECTION 7.1 – OPERATE LIVERY VEHICLE WITH EXCESS PASSENGERS	\$250.00
SECTION 7.2 – BROKER FAIL TO REPORT LIVERY VEHICLE COLLISION TO INSPECTOR	\$250.00
SECTION 7.21 – BROKER FAIL TO TURN FOUND PROPERTY OVER TO LICENSE INSPECTOR	\$250.00
SECTIONS 7.22 & 7.23 – BROKER FAIL TO COMPLY WITH REQUIRED MONTHLY REPORT	\$250.00
SECTION 7.24 – OPERATE UNSAFE LIVERY VEHICLE	\$500.00
SECTION 7.25 – MAKE FALSE STATEMENT ON APPLICATION	\$500.00
SECTION 8.2.b – STAND LIMOUSINE IN TAXI STAND	\$250.00
SECTION 8.3 – OPERATE LIMOUSINE WITH PASSENGERS WITHOUT SUBSISTING CONTRACT IN POSSESSION OF CHAUFFEUR	\$250.00
SECTION 9.1 – OPERATE TAXI WITHOUT TAXIMETER	\$500.00
SECTION 9.2 – OPERATE TAXI WITHOUT TAXIMETER PROPERLY SEALED	\$500.00
SECTION 12 PLUS APPLICABLE SUB-SECTIONS – IMPROPER/INADEQUATE TAXI IDENTIFICATION, MARKINGS, DECALS	\$250.00
SECTION 13 – IMPROPER ADVERTISING	\$250.00
SECTION 15 - FAIL TO COMPLY WITH ORDER TO REMEDY / DIRECTION OF LICENSE INSPECTOR	\$500.00
VOLUNTARY PENALTY FOR VIOLATION OF ALL OTHER OFFENCES	\$250.00
SECOND CONVICTION ALL OFFENCES WITHIN 12 MONTHS	\$750.00

**TOWN OF DRUMHELLER  
SCHEDULE 'G' TO BYLAW 15.12  
LIMOUSINE CONTRACT TEMPLATE**

(NAME OF CARRIER)

DATE:

PASSENGER NAME:

TRANSPORT FROM:

TRANSPORT TO:

START TIME:

END TIME:

TOTAL CHARGES: GST AND LIMOUSINE FEE

**TOWN OF DRUMHELLER**

**BYLAW NO. 17.12**

**A BYLAW OF THE TOWN OF DRUMHELLER TO ESTABLISH UTILITY RATES.**

This Bylaw shall be cited as the "Utility Rate Bylaw".

The Council for the Town of Drumheller, duly assembled enacts as follows:

**1. Definitions**

"Commercial Premises" or "Industrial Premises" for the purpose of this bylaw shall mean one or more spaces useable for business purposes and having its own sanitary facilities connected to a single meter.

"Dwelling Unit" shall mean a complete building or self contained portion of a building containing a room or suite of rooms operated as a single housekeeping unit, intended to be used as a permanent or semi-permanent domicile by one or more persons and usually containing cooking, eating, living, sleeping, and sanitary facilities, and including serviced lots in a manufactured home park, and not necessarily connected to an individual meter, excluding institutional premises.

"Group 1" includes connections with meters 1" and under

"Group 2" includes connections with meters from 1 1/4" to 2"

"Group 3" includes connections with meters from 3" to 4"

"Group 4" includes connections with meters from 6" to 8"

"Institutional Premises" shall mean a complete building that operates as a school, hospital, nursing home, or seniors lodge.

"Manufactured Home Park" means a parcel of land under one title which has been planned, divided into manufactured home lots and improved for placement of manufactured homes for permanent residential use and may include convenience stores, parking facilities, home occupations and other accessory uses;

"Unit" shall mean a Dwelling Unit, Commercial Premises, Industrial Premises, or Institutional Premises.

2. Monthly Meter Charges – zero (0) consumption included

Rate Group	Water	Wastewater
Group 1	\$ 10.80	\$ 11.50
Group 2	\$ 37.10	\$ 77.00
Group 3	\$ 504.70	\$ 278.00
Group 4	\$ 949.70	\$ 927.00

3. Water Rate

Per cubic meter (Per thousand gallons) \$1.4008 (\$6.3673)

4. Infrastructure Investment Initiative (Water)

Per account per month \$1.00

5. Waste Water Rate

Per cubic meter (Per thousand gallons) \$1.8500 (\$8.409)  
Sewage volume is calculated at 80% of water consumption

Or

Properties with only a sewer connection \$33.50 monthly

6. Bulk Water per cubic meter \$4.53

7. Recycling Fee per unit \$2.00

8. Penalty Rate

All accounts are subject to a penalty of 2% per month compounded monthly (effective rate of 26.82% per annum) if unpaid within thirty (30) days from the date the account is rendered.

9. Utility Deposit

Tenant \$150.00  
New rate to apply to all new applications or reconnections.

10. Disconnection/Reconnection

Disconnection notice service fee \$25.00  
Reconnection/Disconnection during business hours \$50.00  
Reconnection/Disconnection during non-business hours \$150.00



If the water supply has been disconnected for non-payment of accounts,  
all fees and costs must be paid prior to reconnection

11. Bylaw 03.12 is hereby repealed.

This bylaw comes into effect on the day of its passing.

READ A FIRST TIME this 17<sup>th</sup> day of December, 2012

READ A SECOND TIME as amended this \_\_\_\_ day of \_\_\_\_\_, 2012

READ A THIRD AND FINAL TIME as amended this \_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
MAYOR

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

**Town of Drumheller  
Bylaw No. 01.13**

**Being a Bylaw of the Town of Drumheller for the Purpose of Borrowing Monies as Permitted by Section 256 of the Municipal Government Act.**

WHEREAS the Council of the Town of Drumheller (hereinafter called the "Corporation") in the Province of Alberta, considers it necessary to borrow certain sums of money for the purpose of:

Covering operating expenses pending the collection of monies growing due.

NOW THEREFORE pursuant to the provisions of The Municipal Government Act, it is hereby enacted by the Council of the Corporation as a bylaw that:

1. The Corporation borrow from Chinook Credit Union ("Chinook") up to the principal sum of \$2,020,000.00 repayable upon demand at a rate of interest per annum not to exceed the Prime Lending Rate from time to time established by Chinook, and such interest will be calculated daily and due and payable monthly on the last day of each and every month.
2. The Chief Elected Officer and the Chief Administrative Officer are authorized for and on behalf of the Corporation:
  - (a) to apply to Chinook for the aforesaid loan to the Corporation and to arrange with Chinook the amount, terms and conditions of the loan and security or securities to be given to Chinook;
  - (b) as security for any money borrowed from Chinook
    - (i) to execute promissory notes and other negotiable instruments or evidences of debt for such loans and renewals of all such promissory notes and other negotiable instruments or evidences of debts;
    - (ii) to give or furnish to Chinook all such securities and promises as Chinook may require to secure repayment of such loans and interest thereon; and
    - (iii) to execute all security agreements, hypothecations, debentures, charges, pledges, conveyances, assignments and transfers to and in favour of Chinook of all or any property, real or personal, moveable or immovable, now or hereafter owned by the Corporation or in which the Corporation may have any interest, and any other

documents or contracts necessary to give or to furnish to Chinook the security or securities required by it.

3. The source or sources of money to be used to repay the principal and interest owing under the borrowing from Chinook are:  
  
Taxes, reserves, grants, etc.
4. The amount to be borrowed and the term of the loan will not exceed any restrictions set forth in The Municipal Government Act.
5. In the event that The Municipal Government Act permits extension of the term of the loan and in the event the Council of the Corporation decides to extend the loan and Chinook is prepared to extend the loan, any renewal or extension, bill, debenture, promissory note, or other obligations executed by the officers designated in paragraph 2 hereof and delivered to Chinook will be valid and conclusive proof as against the Corporation of the decision of the Council to extend the loan in accordance with the terms of such renewal or extension, bill, debenture, promissory note, or other obligation, and Chinook will not be bound to inquire into the authority of such officers to execute and deliver any such renewal, extension document or security.
6. Town of Drumheller Bylaw No. 08.12 is hereby repealed.
7. This Bylaw comes into force on the final passing thereof.

READ A FIRST TIME THIS 14th day of January 2013.

READ A SECOND TIME THIS.

READ A THIRD TIME THIS.

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Mayor

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Chief Administrative Officer

**TOWN OF DRUMHELLER  
BYLAW NO. 02.13**

A BYLAW OF THE TOWN OF DRUMHELLER PROVIDING FOR THE ASSESSMENT OF ALL BUSINESSES AND FOR THE PAYMENT OF A BUSINESS TAX BY ANY PERSON, PARTNERSHIP AND/OR CORPORATION CARRYING ON ANY BUSINESS THEREIN.

WHEREAS Section 371 of the Municipal Government Act, R.S.A., 2000, Chapter M-26, as amended, provides that a Council of a Municipality may pass a Business Tax Bylaw;

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

1. This Bylaw shall be known as the "Business Tax Bylaw".
2. In this Bylaw, unless the context otherwise requires, "person" shall include a corporation or partnership.
3. The Chief Administrative Officer or his delegate shall be the assessor for the purpose of making business assessments.
4. All businesses operating out of any property assessed as non-residential within the corporate limits of the Town of Drumheller shall be assessed a business assessment equal to 3% of the current annual assessment for the premises;
5. The assessor shall assess any person that:
  - (a) carried on any business for a temporary period; or
  - (b) commenced business after the final revision of the business assessment roll and whose name is not entered on such roll; or
  - (c) moved into new premises or opened new premises or branches of an existing business after the final revision of the business assessment roll, notwithstanding that his or her name is not entered on such roll; or
  - (d) commenced business before the final revision of the Business Assessment Roll but whose name is omitted from such Roll.
6. The Business Assessment Roll shall be completed not later than the 30<sup>th</sup> day of April in each year.
7. In each year a business tax shall be levied as a percentage of the current business assessment;
8. The business tax levy shall be calculated by the Assessor utilizing the annual business tax rate as established annually by Council in accordance with the Municipal Government Act.
9. If the Assessor is satisfied that any person subject to the business assessment has given up, sold, or disposed of such business to any person who is continuing the same, the Assessor shall, in preparing the Business Tax Roll, charge such person with the business tax pro-rata in

respect to the number of months during which he has carried on such business, a portion of the month being taken as a month, and the Assessor shall, upon the same basis of assessment, charge the successor in business on such premises, with the remainder of the tax in respect of the year in question.

10. If it appears to the Assessor that any person has resumed business in assessed premises or that any other person has subsequently commenced business therein, he may charge against the party so resuming or commencing business a business tax pro-rata for the proportion of the remainder of the year in which the business is carried on in the premises.
11. The business tax levied in respect of business assessments shall be on a pro-rata basis in respect to the number of months during which such business has been carried on, a portion of a month being taken as a month and shall be on the same basis as regards percentages and classes of businesses herein before set forth.
12. Business Taxes are due and payable on August 31, 2013.
13. In the event of any Business Tax remaining unpaid after December 31 in the year for which the same has been levied, there shall be added thereto on January 1 of the succeeding a penalty of such tax or unpaid balance and thereafter on each January 1 of succeeding year an 8% penalty shall be levied on the unpaid balance so long as the said tax remains unpaid.
14. Bylaw 06.12 is hereby repealed.
15. This Bylaw takes effect on the date of the third and final reading.

READ A FIRST TIME this 14<sup>th</sup> day of January 2013.

READ A SECOND TIME this.

READ A THIRD AND FINAL TIME this.

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER

**TOWN OF DRUMHELLER  
BYLAW NO 03.13**

**BEING A BYLAW OF THE TOWN OF DRUMHELLER ESTABLISHING THE  
BUSINESS TAX RATE FOR 2013.**

WHEREAS Section 377 of the Municipal Government Act, R.S.A. 2000, as amended, provides that a council that has passed a business tax bylaw must pass a business tax rate bylaw annually; and

WHEREAS, Business Tax Bylaw No. 02.13 has been duly enacted by the Council for the Town of Drumheller.

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

1. This bylaw may be called the "2013 Business Tax Rate Bylaw."
2. That all businesses included in the 2013 Business Assessment Roll be levied a business tax.
3. The 2013 Business Tax Rate be set as follows:  
  
All Businesses: 2% of current business assessment
4. Town of Drumheller Bylaw 07.12 is hereby repealed.
5. This Bylaw takes effect on the date of third reading and final adoption by Council.

READ A FIRST TIME THIS 14<sup>th</sup> day of January 2013.

READ A SECOND TIME THIS.

READ A THIRD AND FINAL TIME THIS.

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER

**TOWN OF DRUMHELLER  
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 MUNICIPAL GOVERNMENT ACT FOR THE 2013 TAX YEAR.

**THE COUNCIL OF THE TOWN OF DRUMHELLER, DULY ASSEMBLED  
ENACTS AS FOLLOWS:**

1. In this Bylaw unless the context otherwise requires:
  - (a) "Act" means the Municipal Government Act;
  - (b) "assessor" means the assessor for the Town of Drumheller;
  - (c) "improvement" means:
    - (i) a structure,
    - (ii) any thing attached or secured to a structure, that would be transferred without special mention by a transfer or sale of the structure,
    - (iii) a designated manufactured home, and
    - (iv) machinery and equipment;
  - (d) "linear property" and other words and phrases defined in the Act have the meanings provided in the Act.
  - (e) "Town" means the Town of Drumheller;
2.
  - (a) The assessor is authorized to prepare the supplementary assessments contemplated in Part 9 Division 4 of the Act for the purpose of imposing a tax under Part 10 of the Act for the 2013 tax year.
  - (b) The improvement tax contemplated in Section 2(a) shall be imposed on all improvements.
  - (c) The assessor shall not prepare supplementary assessments for linear property.
3.
  - (a) The assessor shall prepare supplementary assessments for machinery and equipment used in manufacturing and processing if those improvements are completed or begin to operate in the year in which they are to be taxed under Part 10 of the Act.

- (b) The assessor shall prepare supplementary assessments for other improvements if:
    - (i) they are completed in the year in which they are to be taxed under Part 10 of the Act;
    - (ii) they are occupied during all or any part of the year in which they are to be taxed under Part 10 of the Act; or
    - (iii) they are moved into the Town during the year in which they are to be taxed under Part 10 of the Act and they will not be taxed in that year by another municipality.
  - (c) A supplementary assessment shall reflect:
    - (i) the value of an improvement that has not been previously assessed; or
    - (ii) the increase in value of an improvement since it was last assessed.
  - (d) Supplementary assessments shall be prepared in the same manner as assessments are prepared under Division 1 of Part 9 of the Act, but must be pro-rated to reflect only the number of months during which the improvement is complete, occupied, located in the municipality or in operation, including the whole of the first month in which the improvement was completed, was occupied, was moved into the municipality or began to operate.
4. Before the end of the year in which supplementary assessments are prepared, the municipality shall prepare a supplementary assessment roll in accordance with section 315 of the Act.
5. Before the end of the year in which supplementary assessments are prepared, the municipality shall:
- (a) prepare a supplementary assessment notice for every assessed improvement shown on the supplementary assessment roll; and
  - (b) send the supplementary assessment notices to the assessed persons

in accordance with section 316 of the Act.



6. Town of Drumheller Bylaw No 05.12 is hereby repealed.
7. This Bylaw shall take effect on the day of the final passing thereof.

READ A FIRST TIME ON THE 14<sup>th</sup> day of January 2013.

READ A SECOND TIME ON THE

READ A THIRD AND FINAL TIME ON THE

\_\_\_\_\_  
MAYOR

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

THE TOWN OF DRUMHELLER

**Agenda Item # 8.1.7**

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 Drumheller Mail 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 14<sup>th</sup> 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

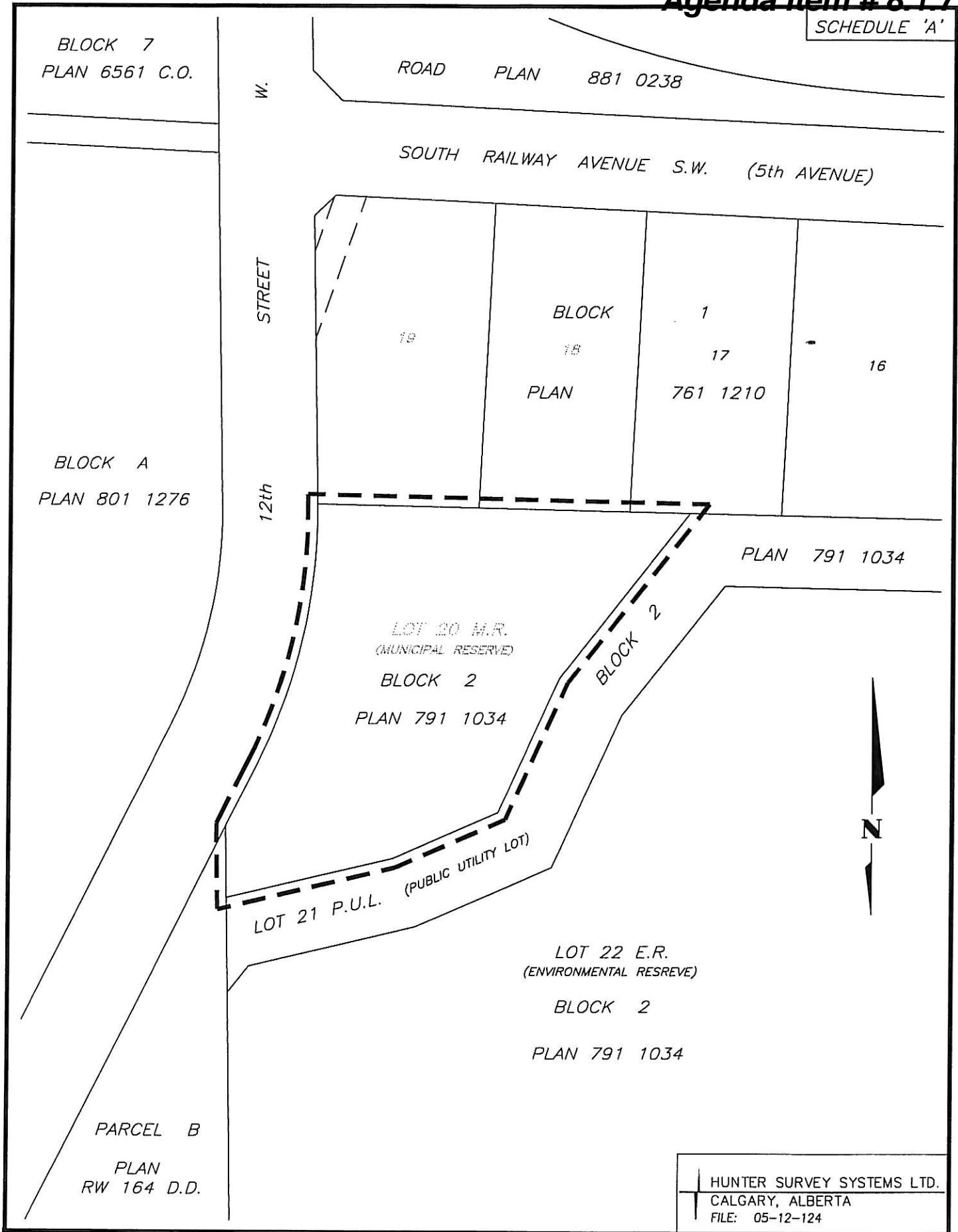
\_\_\_\_\_  
RAYMOND M. ROMANETZ, P.ENG.  
CHIEF ADMINISTRATIVE OFFICER

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



TOWN OF DRUMHELLER  
BYLAW NUMBER 18.12

**Agenda Item # 10.1**

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

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

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

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

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

**"Bareland Condominium"** means land that is situated within a parcel and described as a unit in a condominium plan by reference to boundaries governed by monuments placed pursuant to the provisions of the Surveys Act respecting subdivision surveys, a Bare Land Condominium shall be processed as a subdivision in accordance with Part 17 of the Municipal Government Act;

**"Grade Level"** means the elevation of the finished ground surface. Where grade level is varied on the site such as a walk-out basement the lowest finished elevation on the property abutting the building/ development shall be determined to be grade level for measurement purposes;

**"Dwelling"** means any building or structure used exclusively for human habitation and which is supported on a permanent foundation or base extended below ground level and includes multiple dwellings, apartments, lodging and boarding houses, etc.; ~~but does not include manufactured homes of any kind whether standing on wheels or supported by blocks, jacks, or any other temporary foundation;~~

**"Digital Sign"** means any Sign that is remotely changed on or off Site and has a Message Duration time established. Digital Signs incorporate a technology or method allowing the Sign to change Copy without having to physically or mechanically replace the Sign face or its components.

**Amendment** of the definitions for 'Drinking Establishment – Major and Minor' to a single definition as follows:

**"Drinking Establishment" means a use where:**

- a. liquor is sold for consumption on the premises;
- b. where a license for the sale of liquor is issued by Alberta Gaming and Liquor Commission *that may prohibit minors on the premises during certain hours or at any time;*

- c. that may include the preparation and sale of food for consumption on the premises;
- d. must not have any openings , except emergency exits, non-opening windows or loading bay doors on a façade that faces a residential district or abuts a lane separating the parcel from a residential district;
- e. considerations are made for appropriate distances from a residential district including access, egress and parking areas including screening as determined appropriate by the development authority.

Where a 'Drinking Establishment Major or Minor' is listed as a permitted or discretionary use it shall be changed to 'Drinking Establishment'

**Amendment** of the definition for 'Home Occupation' as follows:

**"Home Occupation"** means any occupation, trade, profession, or craft carried on by an occupant of a residential building or a use secondary to the residential use of the building, and which does not change the residential nature of the building nor the neighborhood ~~or have any exterior evidence of such secondary use other than a small name plate, not exceeding 0.28-m<sup>2</sup> (3-sq. ft.) in area. A home occupation does not include the outside storage of materials, goods or equipment, nor the employment of more than one paid assistant other than the occupant and the occupant's family;~~

**2. The amendment of the following under Part III Development Permit:**

- 7. Development Not Requiring a Development Permit
- (g) The use by the Town of land of which the Town is the legal or equitable owner for a purpose directed or approved by a two-thirds majority vote of Council ~~in connection with any public utility carried on by the Town.~~

**3. The amendment of the following under Part VI Land Use Districts:**

**Amendment of:**

**27. SCR - Suburb Community Residential District**

**(c) Minimum Requirements**

- 1. Site Area:
  - a. Unserved residential lots: 20,000 sq. ft. (1858m<sup>2</sup>);
  - b. Residential lots serviced by a public water system but not a public sewer system: 19,500 sq. ft. (1,800 sq. m.);
  - c. Residential lots serviced by public sewer system but not a public water system: 10,000 sq. ft. (929 m<sup>2</sup>);
  - a. Non-residential uses at the discretion of the Municipal Planning Commission.

- ...
- e. Site areas may be modified at the discretion of the Development Authority provided compliance with the Building Regulations. **Agenda Item # 10.1**

As follows:

1. Site Area:
  - a. Unserved residential lots: ***as determined in accordance with a private sewage disposal system site evaluation that meets the requirements of the Private Sewage Disposal System Standard of Practice and applicable Town bylaws or policies;***
  - b. Residential lots serviced by a public water system but not a public sewer system: ***as determined in accordance with a private sewage disposal system site evaluation that meets the requirements of the Private Sewage Disposal System Standard of Practice and applicable Town bylaws or policies;***
  - c. Residential lots serviced by public sewer system but not a public water system: 10,000 sq. ft. (929 m<sup>2</sup>);
  - d. Non-residential uses at the discretion of the Municipal Planning Commission.
  - e. Site areas may be modified at the discretion of the Development Authority provided compliance with all applicable Building Regulations ***and shall not be less than 464.5 sq. m. (5,000 sq. ft.).***

**Amendment** of the following in the CB – Central Business and DT – Downtown Transition District:

Dwelling - One or more dwelling units above the first storey of a Commercial building

As follows:

Dwelling - One or more dwelling units ***completely self-contained and accessory to a principal commercial use***

**Amendment** of the following in the R2 Residential District Discretionary uses:

Dwelling – Manufactured Home

As follows:

Dwelling – manufactured Home ***in existence prior to January 1, 2013***

**Addition** of the following as a discretionary use in the R-1 and R-1a Residential Districts:

Dwelling – manufactured Home ***in existence prior to January 1, 2013***

...

**Addition** of the following as discretionary uses in the CB – Central Business District: **Agenda Item # 10.1**

Fitness Centre

Worship Facility

**Deletion** of the following discretionary use in the CB – Central Business District:

Building material sales establishments which existed prior to the adoption of this Bylaw or additions to the same

**Amendment** of the following from discretionary uses to permitted uses in the R1-a Residential Land Use District:

Dwelling - Single-detached

Dwelling – Ready To Move (RTM)

Parks and Playgrounds

Permitted signs

**Amendment** of the following from discretionary uses to permitted uses in the M-2 Industrial Land Use District:

Storage Structure

Storage Yard

**Amendment** of the following in the R-1, R-1a, R-2, R-3, R-4, DT Land Use Districts:

- (c) unless otherwise approved by the Municipal Planning Commission, accessory buildings shall not exceed the lesser of 67 m<sup>2</sup> (728 sq. ft.) or 15% of lot coverage;

**As follows:**

- (c) Accessory buildings shall not exceed the lesser of 67 m<sup>2</sup> (728 sq. ft.) or 15% of lot coverage unless otherwise approved by the Municipal Planning Commission, relaxations to lot coverage greater than 20% may be permitted with consideration for:
  - (i) the size and configuration of the lot; and
  - (ii) shall not exceed the floor area of the principal building.

**Addition** of the following in the CR Land Use District:



- 5. Rear Yard:
  - (b) 0.91 m (3. ft.) for accessory buildings.

**Amendment** of the DT – Downtown Transitional Land Use District as follows:

- 1. Site Area:
  - (a)  $418 \text{ m}^2$  (4,500 sq. ft.) for single- detached dwellings;
  - (b)  $325 \text{ m}^2$  (3,500 sq. ft.) for semi-detached dwellings;

**As follows:**

- 1. Site Area:
  - a.  $278.7 \text{ m}^2$  (3,000 sq. ft.) for all dwelling types; and
  - b. Other uses at the discretion of the Municipal Planning Commission.
- 2. Lot Width:
  - (a) 12.2 m (40 ft.) for a single- detached dwellings;
  - (b) 7.6 m (25 ft.) for each dwelling unit in a semi-detached dwelling;
  - (c) 15.2 m (50 ft.) for duplex dwellings; and

**As follows:**

- 2. Lot Width:
  - (a) 7.6 m (25 ft.) for single and semi-detached detached dwellings; and
  - (b) Other uses at the discretion of the Municipal Planning Commission.
- 3. Front Yard:
  - (a) 6.1 m (20 ft.), or as required by the Municipal Planning Commission for non-residential buildings and uses.

**As follows:**

- 3. Front Yard:
  - (a) 6.1 m (20 ft.), or may be in accordance with existing buildings on the same street at the discretion of the Municipal Planning Commission.

4. Side Yard:
- (a) 1.5 m (5 ft.), except those buildings having the principal entrance provided from a side yard. The minimum side yard shall then be 2.1 m (7ft);
  - d) No side yard is required where a firewall is provided.

**As follows:**

4. Side Yard:
- (a) 1.2 m (4 ft.) unless a lesser side yard is approved by the MPC in consideration of existing surrounding development;
  - (b) Accessory buildings 3 m (10 ft.) on street side of corner lots, on all other sites 0.91 m (3 ft.);
  - (c) In the case of zero lot line housing (*subject to Section 65*) the required side yard may be reduced to zero (0) where the owner of the adjacent lot grants a 1.5 m (5 ft.) private maintenance access easement which shall:
    - (i) be registered against the title of that adjacent lot; and
    - (ii) all roof drainage from the building is directed onto the lot by eaves-troughs and down-spouts or other suitable means;

6. Floor Area:
- (a) 88.3 m<sup>2</sup> (950 sq. ft.) for single- detached dwellings;

**As follows:**

6. Floor Area:
- (a) 65.0 m<sup>2</sup> (700 sq. ft.) for single- detached dwellings;

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

**Amendment of:**

**53. Relocation of Buildings**

- (a) Where a development permit has been granted for the relocation of a building on the same site or from another site, the Municipal Planning Commission may require the applicant to provide a Performance Bond in the amount of \$10,000 (\$1,000 where the building to be relocated is accessory to a dwelling) to ensure completion of any renovations set out as a condition of approval of the permit.
- (b) All renovations to a relocated building are to be completed within one year of the issuance of the development permit.
- (c) Prior to approving a development permit for a moved in building, The Development Authority may obtain the views in writing of the adjacent registered property owners within a minimum of 60 m (196 ft) from the proposed building.

**53. Relocation of Buildings**

- (a) Where a development permit has been granted for the relocation of a building on the same site or from another site, the Municipal Planning Commission shall require the applicant to provide a Performance Bond in an amount suitable to complete any renovations required as set out as a condition of development permit approval and may be determined by a quote provided from a certified contractor. The amount of a performance bond shall not be less than \$10,000 (\$1,000 where the building to be relocated is accessory to a dwelling) to ensure completion of any renovations set out as a condition of approval of the permit and repair or replacement of any damaged municipal infrastructure as a result of the building relocation (may include curb stops, valve boxes, manhole cover, catch basins, culverts, pipelines, sidewalks, curbs and gutters, lanes, roads and any surface or underground improvement on or abutting the land).
- (b) All renovations to a relocated building are to be completed within one year of the issuance of the development permit.
- (c) Prior to approving a development permit for a moved in building, The Development Authority may obtain the views in writing of the adjacent registered property owners at a distance deemed appropriate for the proposed development.
- (d) The Development Officer may request that an application to relocate a building or structure be accompanied by recent photographs of the building/structure, and wherever possible the Development Officer may inspect the building/structure. If the relocated building is not in compliance with the photographs provided the Town may require the building to be removed.
- (e) The design, external finish and architectural appearance of any relocated building/structure shall be similar to and complement the existing structures on the parcels adjacent to the parcel onto which the building/structure is to be located.
- (f) It is the owner's or agent's responsibility to ensure, prior to commencement of construction or demolition, there is no previous damage to any Town infrastructure. If there is existing damage, it shall be reported to the Town before the work commences and verified by Town personnel.
- (g) The property owner or agent shall apply to the Development Officer for the refund of the bond/ deposit.
- (h) The deposit/ performance bond shall be refunded as follows:
  - i. 75% at the completion of all exterior renovations to the satisfaction of the Development Authority; and
  - ii. the final 25% at the completion of final landscaping to the satisfaction of the Development Authority.
  - iii. If no damage has occurred and all conditions are met, the deposit/ bond shall be refunded in full.

- (i) The property owner or agent is responsible to have the development visited for the initial and final inspection by the Town.
- (j) If damage has occurred or renovations have not been completed within the time frame determined, the deposit shall be used to cover the cost of completion/ repair and any outstanding amount shall be directed to the property owner.
- (k) If the deposit/ bond is not sufficient to cover the costs of work completed by the Town, or agents of the Town, the additional costs shall be added to the tax roll of the property.
- (l) The deposit/ bond is not transferable to another property or property owner.

**Amendment of:**

**72a. Kennels**

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

- (a) A Kennel must be a minimum distance of **150.0 metres** from any adjacent dwelling, which must be measured from the nearest point of the building containing the use to the nearest point of the adjacent dwelling unless the residence is associated with the operation.

**As follows:**

- (a) A Kennel must be a minimum distance of **300.0 metres** from any adjacent dwelling, which must be measured from the nearest point of the building containing the use to the nearest point of the adjacent dwelling unless the residence is associated with the operation.

**Amendment of:**

**PART III DEVELOPMENT PERMITS**

**9. Deciding on Development Permit Applications**

- (7) (a) The Municipal Planning Commission at its discretion may relax the front, side or rear yard setbacks, site coverage, floor area, or building height in any land use district beyond the standards outlined in the Land Use Bylaw up to 20% if in the opinion of the Municipal Planning Commission the proposed development would not:
  - (i) unduly interfere with the amenities of the neighborhood;
  - (ii) materially interfere with or affect the use, enjoyment or value of the neighboring properties; and

- (iii) the proposed development conforms with the use prescribed for that land or building in this Bylaw;
- (iv) side yards in a residential land use district shall not be less than 1.2m (4 ft.)

**As follows:**

- (7) (a) The Municipal Planning Commission at its discretion may relax the ***minimum requirements or maximum limits*** ~~front, side or rear yard setbacks, site coverage, floor area, or building height~~ in any land use district beyond the standards outlined in the Land Use Bylaw up to 20% if in the opinion of the Municipal Planning Commission the proposed development would not:
  - (i) unduly interfere with the amenities of the neighborhood;
  - (ii) materially interfere with or affect the use, enjoyment or value of the neighboring properties; and
  - (iii) the proposed development conforms with the use prescribed for that land or building in this Bylaw;
  - (iv) side yards in a residential land use district shall not be less than 1.2m (4 ft.) **unless the proposed development is determined to be consistent with the neighbourhood and appropriate fire rating and building code considerations are provided.**

**Deletion of the following in Part III Development Permits**

**9. Deciding on Development Permit Applications**

- (8) The Municipal Planning Commission, at its discretion, may relax the minimum requirement of gross floor area in the R-1, R-1a, R-2, R-3, R-4, and SCR Districts by 20%.

**Amendment of:**

**56. Projection Over Yards**

- (b) Side Yards
  - i. Eaves, shade projections, chimneys, may project a distance not exceeding one half of the minimum side yard requirement for the lot;
  - ii. Unenclosed steps and landings shall be at grade to a side entrance and may project onto the entire required side yard. Unenclosed steps and landings above grade shall be at the discretion of the Municipal Planning Commission;

- iii. Residential building with a side entrance requiring a side yard relaxation and/or having projections as described above shall maintain one side yard with no relaxation or projection except for eaves;
  - iv. Cantilevers and balconies may project into a sideyard but must maintain a minimum 4 ft. separation from property lines.
- (c) Rear Yards
- (i) Eaves, cantilevers, balconies, bay windows, shade projections, chimneys, unenclosed decks and steps may project a maximum of 1.5 m (4.9 ft.) over or onto a required rear yard.

**As follows:**

- (b) Side Yards
- i. Eaves, shade projections, chimneys, **cantilevers** may project a distance not exceeding one half of the minimum side yard requirement for the lot;
  - ii. Unenclosed steps and landings shall be at grade to a side entrance and may project onto the entire required side yard. Unenclosed steps and landings above grade shall be at the discretion of the Municipal Planning Commission;
  - iii. Residential building with a side entrance requiring a side yard relaxation and/or having projections as described above shall maintain one side yard with no relaxation or projection except for eaves;
  - iv. Cantilevers and balconies may project into a sideyard but must maintain a minimum 4 ft. separation from property lines.
- (c) Rear Yards
- (i) Eaves, cantilevers, balconies, bay windows, **enclosed decks**, shade projections ~~unenclosed decks and steps~~ may project a maximum of 1.5 m (4.9 ft.) over or onto a required rear yard.
  - (ii) ***Unenclosed decks and steps may project a maximum of 50% of the required rear yard where the height is less than 0.61 m (2 ft.) above grade. Decks greater than 0.61 m (2 ft.) above grade shall meet the requirements of (i) above or may be relaxed at the discretion of the M.P.C.***

**Deletion of Section 55. Objects Prohibited or Restricted in Yards**

**4. The addition of the following under Part VII General Land Use Regulations:**

**84. Bare Land Condominium**

- a. An application for a Bare Land Condominium shall include a conceptual scheme or Area Structure Plan to be approved prior to a subdivision or development application;

- b. A Bare Land Condominium shall be considered in accordance with the general regulations and requirements in this bylaw and with the regulations of the applicable land use district such that each Bare Land Condominium Unit is to be treated in the same respect as a lot;
- c. The Subdivision/ Development Authority may relax bylaw standards/ regulations including site coverage and yard/ setback requirements beyond the maximum relaxation requirements in Part III of this bylaw where the relaxations only affect internal bare land condominium boundaries and properties. No relaxations to Land Use District minimum and maximum requirements shall be permitted at the outer boundaries of a Bare Land Condominium project and/ or adjacent to properties not associated with the project; and
- d. Where a Bare Land condominium is served by a private roadway such roadway must allow for safe and efficient movement of emergency vehicles to a standard acceptable to the Infrastructure and Emergency Services Departments.

**5. Parking requirements removed from the individual land use districts and added to Section 52 Parking**

**Additions to parking requirements as follows:**

Post-Secondary Education Facility	1 per 3 students based on the maximum number of students anticipated to be at the use at any given time or in accordance with a parking study submitted at the time of the development permit application at the discretion of the development officer.
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**6. Section 81 Sign requirements amended as follows:**

**2. Free-Standing Signs**

- (a) height of the sign does not exceed 9 m (30 ft.) *unless otherwise approved by the Municipal Planning Commission with consideration for distance from residential areas and compatibility with the neighbourhood;*
- (b) the sign does not exceed ~~13.9 m<sup>2</sup> (150 sq. ft.)~~ **23.2 m<sup>2</sup> (250 sq. ft.)** in area, unless otherwise approved by the Municipal Planning Commission.

**3. Fascia Signs**

- (a) the sign does not exceed ~~20%~~ **25%** of the area of the face of the building to which the sign is attached unless otherwise approved by the Municipal Planning Commission.
- (b) ~~the sign does not exceed 13.9 m<sup>2</sup> (150 sq. ft.) in area unless otherwise approved by the Municipal Planning Commission.~~

**Amendment** of the following under Section 81 Signs 12. Illuminated Signs:

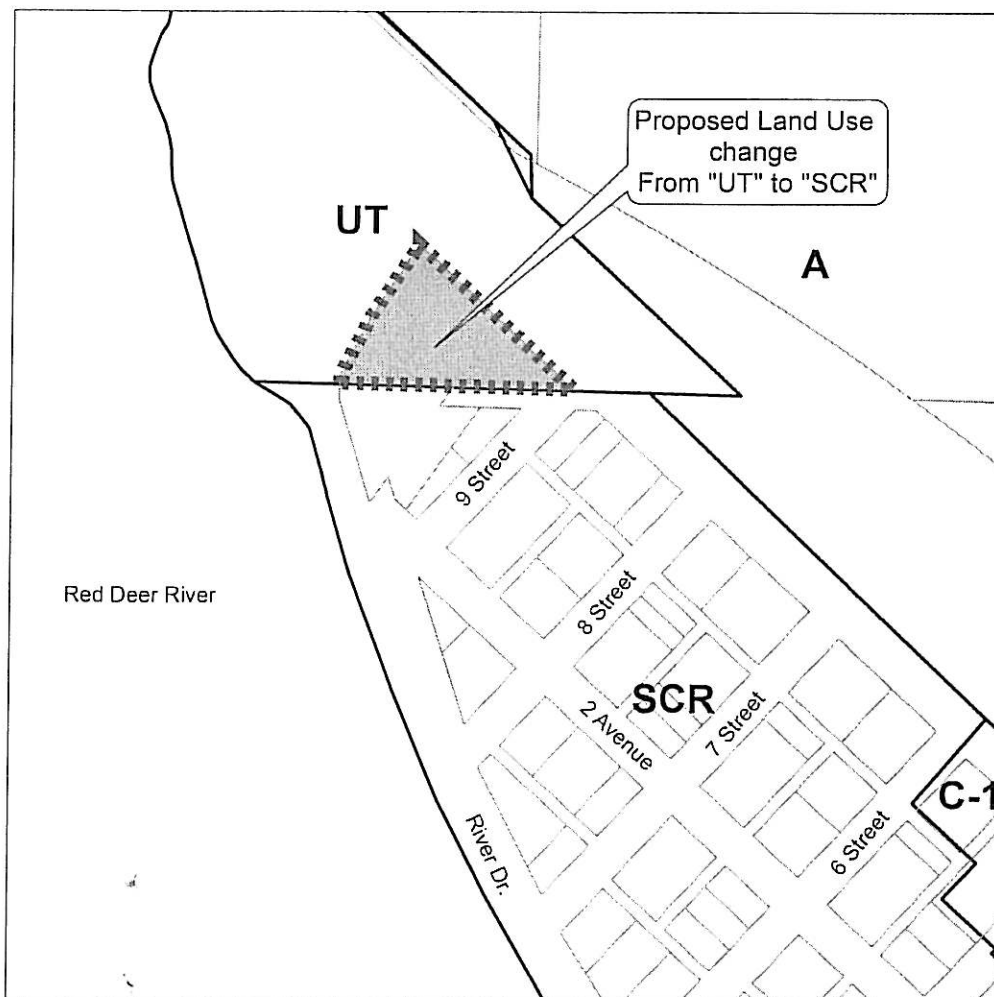
*Illuminated*' is replaced with *Digital*' throughout the section.

**Addition of:**

- (f) For all Digital Sign Applications the Development Officer shall review the application in context with the surrounding development, such as (but not limited to): the architectural theme of the area; any historic designations; the requirements of any Statutory Plan; any streetscape improvements; proximity to residential development; driver decision points; and traffic conflict points. The Development Officer may require application revisions to mitigate the impact of a proposed Sign, and may refuse a permit that adversely impacts the built environment.

**7. Amendment of Schedule A, Land Use District Map as follows:**

by re-designating the north portion of DESCRIPTIVE PLAN 1210225, BLOCK 6, LOT 7 in the Town of Drumheller (East Coulee) from "UT" – Urban Transitional District to "SCR" – Suburb Community Residential District as shown on the plan below:





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***Agenda Item # 10.1***

READ A FIRST TIME THIS 17th DAY OF December, 2012

READ A SECOND TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.

READ A THIRD TIME AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
MAYOR

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