

Town of Drumheller COUNCIL MEETING AGENDA

February 20, 2018 at 4:30 PM
Council Chamber, Town Hall
224 Centre Street, Drumheller, Alberta



Page

1.0 CALL TO ORDER

2.0 MAYOR'S OPENING REMARK

2.1 Councillor Fred Makowecki to be sworn in as Deputy Mayor for the months of March and April, 2018

3.0 PUBLIC HEARING

4.0 ADOPTION OF AGENDA

5.0 MINUTES

5.1. ADOPTION OF REGULAR COUNCIL MEETING MINUTES

3-10 5.1.1 Regular Council Meeting Minutes of February 5, 2018

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

11-14 8.1.1 Bylaw 08.17 being a bylaw to authorize Council to incur indebtedness by issuance of debenture in the amount of \$485,000 for the purpose of constructing a Sanitary Lift Station in East Coulee - second and third readings

8.2. DIRECTOR OF INFRASTRUCTURE SERVICES

8.3. DIRECTOR OF CORPORATE SERVICES

8.4. DIRECTOR OF COMMUNITY SERVICES

15-27 8.4.1 Bylaw 01.18 being a bylaw to regulate mobile vending - first reading (tabled)
MO2018.25 Garbutt, Lacher moved first reading of Bylaw 01.18.

8.5. DIRECTOR OF PROTECTIVE SERVICES

9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION

10.0 PUBLIC HEARING DECISIONS

11.0 UNFINISHED BUSINESS

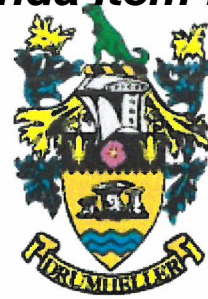
12.0 NOTICE OF MOTION

13.0 COUNCILLOR REPORTS

14.0 IN-CAMERA MATTERS

**Town of Drumheller
COUNCIL MEETING
MINUTES**

February 5, 2018 at 4:30 PM
Council Chamber, Town Hall
224 Centre Street, Drumheller, AB, T0J 0Y4



PRESENT:

ACTING MAYOR:

Tom Zariski

COUNCIL:

Kristyne DeMott

Jay Garbutt

Tony Lacher

Fred Makowecki

Lisa Hansen-Zacharuk

CHIEF ADMINISTRATIVE OFFICER/ENGINEER:

Darryl Drohomerski

DIRECTOR OF INFRASTRUCTURE SERVICES:

Armia Mikhael

DIRECTOR OF CORPORATE SERVICES

Barb Miller

DIRECTOR OF PROTECTIVE SERVICES:

Greg Peters

DIRECTOR OF COMMUNITY SERVICES:

Paul Salvatore

RECORDING SECRETARY:

Linda Handy

ABSENT: Mayor Heather Colberg

1.0 CALL TO ORDER

Acting Mayor Tom Zariski called the meeting to order at 4:30 PM.

2.0 MAYOR'S OPENING REMARK

3.0 PUBLIC HEARING

4.0 ADOPTION OF AGENDA

Addition to Agenda 14.1 Labour Matter

MO2018.17 Garbutt, Hansen-Zacharuk moved to adopt the agenda as amended.
Carried unanimously.

5.0 MINUTES

5.1. ADOPTION OF REGULAR COUNCIL MEETING MINUTES

5.1.1 Regular Council Meeting Minutes of January 22, 2018

Councillor J. Garbutt stated that under his report 13.1 Sandstone Manor the word “red” should read “rent supplement”.

MO2018.18 Garbutt, DeMott moved to adopt the Regular Council Meeting Minutes of January 22, 2018 as amended. Carried unanimously.

5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION

Municipal Planning Commission Meeting Minutes of October 26, 2017

Municipal Planning Commission Meeting Minutes of November 30, 2017

5.3. BUSINESS ARISING FROM THE MINUTES

6.0 DELEGATIONS

6.1 Drumheller Curling Club

Lorelei Martin provided background information on the Curling Club Committee’s operations to date. Larry Needham - President of the Drumheller Curling Club and members of the Badlands Hellraisers Roller Derby Club were in attendance (as they are partnering with the Curling Club on a new building). She explained that the Club’s historical records state that they have been active in the community since 1932; with incorporation as a Society in 1983. She stated that curling brings communities together and the building is more than a recreation facility; it’s a meeting place. Some of their established / recent activities include a Juniors Program, Mixed Double Drop-in League with 14 registered teams, and Bantam Events. She further stated that their expenses include utilities, one paid employee, and \$16,000 towards the cost of the ice plant. Part of their fundraising include: casinos, raffles and cleaning bees. A dedicated group of volunteers do repairs and maintenance to the building which is leased from the Town. They have recently replaced a furnace on the ice surface and one inside the building. She stated that they received a grant for some of the furnace expense as well as a grant for the feasibility study for the new building with the rest being raised by the club members.

L. Martin explained that the Roller Derby Club would like to partner on the new building as they are needing space for their activities and both groups see the partnership as a good fit. Robyn Duncalf – Derby Club explained that they are currently using the Ag Society building for practice however they are not able to host local tournaments.

L. Martin advised that GEC Architecture were retained in February 2016 to undertake a feasibility study for the replacement of the existing Drumheller Curling Club with a new facility. The Club and the Town have jointly funded the study. She explained that the site for the new facility was established based upon previous Master Planning work undertaken for the development of the Badlands Recreation Facility. The new

curling facility is proposed north of the exiting Drumheller Arena and south of the Red Dee River however a second option would be an east and west location. The majority of their members would like to see a new facility with six (6) sheets of ice. The preferred north and south location would yield more parking however the logistics surrounding the dykes and walking trail need to be discussed. L. Martin presented a design of the proposed new facility with an open area that would accommodate the needs of the Roller Derby Club and have a shared refrigeration system with the arena. The estimated cost of construction would be \$5.7M to \$8.4M with the steel four (4) sheet option at the low end and the wood six (six) sheet option at the high end.

L. Martin explained that the request today includes:

- 1) a written formal commitment for the land;
- 2) review of operating costs (ice plant power bills as there have been inabilities in the past to figure out an accurate usage); both the Town and GEC architect have acknowledge that the best strategy would be for the new building to be hooked up to the new ice plant;
- 3) geotechnical report; need support from Council to cost share; north and south option is close to the river and the geotechnical report will determine if this location is suitable;
- 4) Town to partner with the Curling Club application to the Building Canada Fund – which should be available for submission in 2018 (4 year cycle grant); three way partnering grant with Federal, Provincial and Municipal; if Town makes a commitment on the land this would be an in-kind contribution that would be included as partner costs.

Questions from Council:

Councillor L. Hansen-Zacharuk asked what the financial implications would be to move the existing berms. D. Drohomerski stated that the berms will need to be rebuilt in this location regardless. He stated that a geotechnical report was recommended by the GEC architect as the river has moved in that area and the landfill was once located there. He further stated that soil bore holes will need to be drilled not only for the location of the curling rink but also for the rebuild of the dykes; similar work was carried out prior to the construction of the BCF however the drill holes are too far from the site for the curling rink. Councillor L. Hansen Zacharuk asked the dollar commitment from the Town towards the Building Canada Grant application. L. Martin stated that the dollars are not finalized yet; ground work needs to be considered; the value of land assessed as well as any in-kind contributions; and the Club needs a firm commitment on the land and sharing of the ice plant. She further stated that both the Curling Club and Derby Club will fundraise. She explained that the cost for the geotechnical report is estimated to be \$13,000 to \$18,000 and would be a requirement for submission with the grant application. It is anticipated that the work will take six (6) months to complete. She explained that construction would be 14-18 months.

In response to questions from Council, L. Martin explained that the Roller Derby

needs a surface of 98 x 63 ft.; and the proposed ice surface is 1100 square meters; minimal design changes may need to be made to the building design to accommodate their needs. L. Martin also confirmed that six (6) sheets would attract more tournaments. She also confirmed that the Club has 150 regular members (not including spares and drop-ins) with 100 dedicated volunteers.

Council thanked Lorelei for her presentation.

7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS

8.0 REQUEST FOR DECISION REPORTS

8.1 CAO

8.1.1 Bylaw 03.18 (RFD – Municipal Government Act Amendments pertaining to appeal timelines and development permit letters of completeness) – first reading

D. Drohomerski presented two changes required under Bill 21 (Modernized Municipal Government Act): 1) notify applicants if their Development Permit application is complete or incomplete within 20 days of the submission; and 2) appeals for a development permit can now be submitted within a “21” day timeframe rather than the previous “14” days. He recommended that Council proceed to first reading to allow for a Public Hearing to be held on March 5th.

MO2018.19 Garbutt, Hansen-Zacharuk moved first reading to Bylaw 03.18. Carried unanimously.

8.2 DIRECTOR OF INFRASTRUCTURE SERVICES

8.3 DIRECTOR OF CORPORATE SERVICES

8.3.1 Bylaw 02.18 being a bylaw to authorize the supplementary assessment for improvements within the Town of Drumheller for the purpose of imposing a tax under Part 10 of the MGA for the 2018 Tax Year – first and second readings

B. Miller presented Bylaw 02.18 which authorizes supplementary assessment for improvements during the taxation year of an improvement. She further explained that in December, the assessor reviews development applications and assesses the development at the point of construction at that time, including machinery and equipment. She recommended that Council proceed with first and second readings of the Bylaw. Councillor J. Garbutt recommended that Council proceed with all three readings of the bylaw as this is an annual bylaw and taxing of supplement assessments has been a long standing practice for the Town.

MO2018.20 Lacher, Hansen-Zacharuk moved first reading of Bylaw 02.18 as presented. Carried unanimously.

MO2018.21 DeMott, Makowecki moved second reading of Bylaw 02.18 as presented. Carried unanimously.

MO2018.22 Garbutt, Hansen-Zacharuk moved no objection to third reading of Bylaw 02.18. Carried unanimously.

MO2018.23 Garbutt, Hansen-Zacharuk moved third reading of Bylaw 02.18. Carried unanimously.

8.3.2 RFD – Bad Debt – Utility Accounts

B. Miller presented outstanding utility account balances deemed uncollectable and recommended that Council approve the write off of five (5) 2016 utility accounts ranging from \$148.40 to \$4,031.03. She explained that Generally Accepted Accounting Principles (GAAP) requires an allowance for bad debt to be recorded at year to reflect probable uncollectable receivables. The allowance for these accounts was recorded as an expense in the financial statements as of December 31, 2017.

MO2018.24 Garbutt, Hansen-Zacharuk moved to approve the write off of the 2016 utility bad debts in the amount of \$5,059.63 against the allowance for bad debt account.

Councillor J. Garbutt asked if the larger amount results from a commercial operation. B. Miller confirmed yes. Councillor L. Hansen-Zacharuk asked if the Town will continue to pursue collection of these outstanding accounts through a third party. B. Miller confirmed yes.

Vote on motion:

Carried unanimously.

8.4. DIRECTOR OF COMMUNITY SERVICES

8.4.1 Bylaw 01.08 being a bylaw to regulate mobile vending – first reading

P. Salvatore presented the Bylaw 01.08 to regulate mobile vending noting that the bylaw captures Council's direction following a previous discussion at Council's meeting of January 29th. He stated that the bylaw is modeled after the Town of Olds and their application process is consistent with the Town's permitting process with a mobile vending fee in place of a development permit fee. He noted Schedule A which sets a \$250 fee for resident business and a \$350 fee for nonresident business per calendar year; and an appeal request fee of \$150.00. Schedule B lists the penalties; and Schedule C is the application for a vending business.

MO2018.25 Garbutt, Lacher moved first reading on Bylaw 01.18.

Councillor F. Makowecki asked if a distance of 25 meters from commercial retail is a standard distance? P. Salvatore explained that this distance appears in a variety of bylaws and he chose 25 meters as a reasonable distance and it can be adjusted, if Council wished. Councillor Makowecki asked how the Town would deal with free roaming units – what are the locations for a food truck? P. Salvatore explained that the locations would be applied for at the time of the application process and all submissions are reviewed by the Municipal Planning Commission. He further explained that if the location is private land, then permission from the land owner would be required (Schedule D). D. Drohomerski explained that if an applicant wanted 2-3 locations, the applicant would state this on their application. He further explained that if there are several applicants wanting the same location, a lottery for that area could be carried out. Councillor F. Makowecki concluded by stating that he does not see flexibility built into the bylaw.

Councillor J. Garbutt stated that there are two separate issues and not sure if they can be built into the one bylaw: 1) mobile vendors wanting prime locations and 2) the idea of roaming vendors. Mobile food vendors have a map identifying areas however no map for roaming vendors. He further stated that more clarity in the bylaw is needed to address the two issues.

P. Salvatore explained that Canada Day vendors would operate under a special event permit as well as the market organizers; the fee is \$50.00 per spot. He further explained that the Canada Day fee is waived for those applicants already approved for vendor permits under this bylaw however they would have to follow the requirements for Canada Day which are somewhat different as the rules provide for synergy. Councillor K. DeMott asked for clarification on vendors coming in from Calgary to sell at Drumheller markets. P. Salvatore explained that they would apply under a market organizer and the market organizer would set the fee for their participants and they also regulate the vendors they bring in. He further explained that the Town may ask for a listing of the marketing participants in case of an issue.

It was clarified that Community Futures Youth Program will need a permit but they will not be charged a fee. However, youth fees could be built into the bylaw.

It was clarified that the MPC would address issues such as noise levels for the generators (which is under the Community Standards Bylaw); and set hours of work.

It was clarified that most vendors are only at \$2M coverage however D. Drohomerski explained that new requirements for contractors are at \$5M. Councillor L. Hansen-Zacharuk stated that \$5M coverage would not be affordable for most seasonal vendors.

Councillor T. Lacher agreed with Councillor Makowecki's earlier comments and stated that the bylaw needs more flexibility for year round mobile unit owners. P. Salvatore explained that this type of business would be covered under the home occupation requirements for permitting.

It was clarified that the appeal fee is \$150 with the hearing being set within five days. P. Salvatore explained that the applicant would meet with the Development Officer who would walk them through the process to ensure that the application is ready for the MPC review process. It is at this stage that the applicant would be advised if there are items that may be questioned by the MPC and subsequently may lead to an appeal.

D. Darryl recommended that the vendors have an opportunity to provide their comments on the bylaw.

MO2018.26 Makowecki, Hansen-Zacharuk moved to table MO2018.25 until the next Council meeting. Carried unanimously.

8.4.2 RFD - Community Donation

P. Salvatore advised that further to an individual who wished to remain anonymous, and presentation to Council on January 15th regarding their donation to the community, Administration recommends that the donation be accepted by means of selling 1000 multi-facility drop-in passes at the cost of \$2.00 per pass with an expiry date of August 31, 2018.

MO2018.27 Garbutt, Hansen-Zacharuk moved to accept the anonymous donation up to 1000 multi-facility passes at \$2.00 per pass with an expiry date of August 31, 2018; and further that Administration and the Donor work together annually to ensure the success of the gift.

In response to a question from Council on the reason for an expiry date, D. Drohomerski explained that the Donor wanted an expiry date to track the usage with a limited time offer which coincides with the school year. As well, the passes will be tracked through color coding and a numbering system. He further explained that this first go around is a trial procedure and if this process is not successful, the logistics will be revisited next year with Town Administration and the Donor.

Vote on Motion:

Carried unanimously.

Acting Mayor T. Zariski, on behalf of Council, thanked the Donor for their gift to the community.

8.5 DIRECTOR OF PROTECTIVE SERVICES

9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION

10.0 PUBLIC HEARING DECISIONS

10.1 Bylaw 13.17 being a bylaw to amend the Land Use Bylaw by redesignating Plan 3099 AD Block 24 Lots 39 and 40 Plan 1712437 Block 24 Lots 39 and 40 from CB (Central Commercial) District to DT (Downtown Transition) District – second and third readings as amended

D. Drohomerski advised that Bylaw 13.17 received first reading at Council's meeting of December 11, 2017 and a Public Hearing was held on January 22nd.

MO2018.28 Garbutt, DeMott moved second reading of Bylaw 13.17.

Councillor T. Lacher abstained from voting due to his absence at the Public Hearing held on January 22nd.

Carried.

MO2018.29 Hansen-Zacharuk, Makowecki moved third reading of Bylaw 13.17.

Councillor J. Garbutt asked if this rezoning would create spot zoning in the downtown core. P. Salvatore explained that the CB (Central Commercial) and DT (Downtown Transitional) districts have compatible uses.

Councillor T. Lacher abstained from voting due to his absence at the Public Hearing held on January 22nd.
Carried.

11.0 UNFINISHED BUSINESS

Motion tabled: MO2018.10 Hansen-Zacharuk, DeMott moved that Council authorize the write-off of 2015 Business License fees that remain outstanding on Account No. R5440 \$925.83 and Account No. R5507 \$4,476.57, against the allowance for bad debt.

12.0 NOTICE OF MOTION

13.0 MAYOR AND COUNCILLORS REPORTS

14.0 IN-CAMERA MATTERS

MO2018.30 Hansen-Zacharuk, Zariski moved to go in camera at 6:17 PM for **Item 11.0** (FOIPP S. 16 Harmful to Business Interests of Third Party / S.23 (FOIPP Act) Local Public Body Confidences) **and (addition to agenda) Item 14.1** (S.17 Disclosure Harmful to Personal Privacy). Carried unanimously.

MO2018.31 Hansen-Zacharuk, DeMott moved to revert to regular Council meeting at 7:55 PM. Carried unanimously.

11.0 Unfinished Business

MO2018.10 Hansen-Zacharuk, DeMott moved that Council authorize the write-off of 2015 Business License fees that remain outstanding on Account No. R5440 \$925.83 and Account No. R5507 \$4,476.57, against the allowance for bad debt. Carried unanimously.

14.1 Labour Matter

There being no further business, the Acting Mayor declared the meeting adjourned 7:56 PM.

Chief Administrative Officer

Mayor

Agenda Item # 8.1.1

(General By-law)

BY-LAW NO. 08.17 OF THE TOWN OF DRUMHELLER

(hereinafter referred to as “the Municipality”)

IN THE PROVINCE OF ALBERTA

This by-law authorizes the Council of the Municipality to incur indebtedness by the issuance of debenture(s) in the amount of \$485,000 for the purpose of constructing a Sanitary Lift Station in East Coulee.

WHEREAS:

The Council of the Municipality has decided to issue a by-law pursuant to Section 258 of the *Municipal Government Act* to authorize the financing, undertaking and completion of a sanitary lift station in East Coulee.

Plans and specifications have been prepared and the total cost of the project is estimated to be \$1.37million and the Municipality estimates the following grants and contributions will be applied to the project:

Provincial Grants	\$ 685,000
Federal Grants	\$ 200,000
Debenture(s)	<u>\$ 485,000</u>
 Total Cost	 \$1,370,000

In order to complete the project it will be necessary for the Municipality to borrow the sum of \$485,000, for a period not to exceed 30 years, from the Alberta Capital Finance Authority or another authorized financial institution, by the issuance of debentures and on the terms and conditions referred to in this by-law.

The estimated lifetime of the project financed under this by-law is equal to, or in excess of 50 years.

The principal amount of the outstanding debt of the Municipality at December 31, 2016 is \$10,467,205 and no part of the principal or interest is in arrears.

All required approvals for the project have been obtained and the project is in compliance with all *Acts* and *Regulations* of the Province of Alberta.

Agenda Item # 8.1.1

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPALITY DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. That for the purpose of constructing a sanitary lift station in East Coulee, the sum of FOUR HUNDRED AND EIGHTY-FIVE THOUSAND DOLLARS (\$485,000) be borrowed from the Alberta Capital Finance Authority or another authorized financial institution by way of debenture on the credit and security of the Municipality at large, of which amount the full sum of \$ 485,000 is to be paid by the Municipality at large.
2. The proper officers of the Municipality are hereby authorized to issue debenture(s) on behalf of the Municipality for the amount and purpose as authorized by this by-law, namely the construction of a sanitary lift station in East Coulee.
3. The Municipality shall repay the indebtedness according to the repayment structure in effect, namely semi-annual or annual equal payments of combined principal and interest instalments not to exceed THIRTY (30) years calculated at a rate not exceeding the interest rate fixed by the Alberta Capital Finance Authority or another authorized financial institution on the date of the borrowing, and not to exceed EIGHT (8) percent.
4. The Municipality shall levy and raise in each year municipal taxes sufficient to pay the indebtedness.
5. The indebtedness shall be contracted on the credit and security of the Municipality.
6. The net amount borrowed under the by-law shall be applied only to the project specified by this by-law.
7. This by-law comes into force on the date it is passed.

READ A FIRST TIME THIS 24 DAY OF JULY, 2017.

READ A SECOND TIME THIS ____ DAY OF ____, 2017.

READ A THIRD TIME THIS ____ DAY OF ____, 2017.

(CHIEF ELECTED OFFICIAL)

(CHIEF ADMINISTRATIVE OFFICER)

SEAL

3.0 PUBLIC HEARING

4.0 ADOPTION OF AGENDA

MO2017.87 Hansen-Zacharuk, Kolafa 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 June 26, 2017

MO2017.88 Zariski, Shoff moved to adopt the Regular Council Meeting Minutes of June 26, 2017 as presented. Carried unanimously.

MO2017.89 Hansen-Zacharuk, McMillan moved to adopt the Special Council Meeting Minutes of June 28, 2017 as presented. Carried unanimously.

5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION

5.3. BUSINESS ARISING FROM THE MINUTES

6.0 DELEGATIONS

7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS

8.0 REQUEST FOR DECISION REPORTS

8.1 CAO

8.1.1 Bylaw 08.17 being a bylaw to incur indebtedness by the issuance of debenture(s) in the amount of \$485,000 for the purpose of constructing a Sanitary Lift Station in East Coulee

R. Romanetz presented Bylaw 08.17 which proposes borrowing for our portion of the costs to rebuild a lift station in East Coulee in the amount of \$485,000. The total cost of the construction is \$1.370M. He explained that the Town has been approved for federal government funding under the Clean Water and Wastewater Grant Program in the amount of \$685,000 as well as Provincial funding through the gas tax program in the amount of \$200,000. The total amount of federal and provincial funds accessed is \$885,000 leaving \$485,000 from other sources either through borrowing or reserves based on the capital financing strategy. He further explained that although Council may wish to further debate how to fund the Town's portion, having the borrowing in place allows Administration to move forward quickly to call for proposals should this be Council's direction. He recommended that Council proceed with first reading to allow for advertising of the public notice.

MO2017.90 Shoff, Garbutt moved first reading of Bylaw 08.17.

Questions from Council:

In response to a question from Council, B. Miller advised that as of May 31st, the wastewater reserve is at \$2.7M. If borrowing, the debenture would be for 25 years at an interest rate of 3.2%. Councillor P. Kolafa asked if the reserves are used for this project, how many more years would the Town have to supplement utility bills? R. Romanetz advised that based on the capital financing strategy which will be brought back to Council in August for review, Council needs to balance the growth of reserves along with borrowing. At the end of the 10 year period, the Town would be at \pm \$17M based on the proposed capital funding strategy. If the project is funded through reserves, full cost recovery of utility rates would most likely be extended by up to five (5) years. In response to a question on how the lift station works, R. Romanetz explained that East Coulee has a gravity system that drains to the centre of community where the flow drops into a wet well. The lift station picks up the flow and pumps it into the treatment plant where it is treated and the effluent is then discharged into the river.

Vote on Motion:

6 in favour – Yemen, Shoff, Zariski, Kolafa, McMillan, Hansen-Zacharuk

1 opposed - Garbutt

Carried.

8.1.2 Bylaw 09.17 being a bylaw for the purpose of creating three Public Utility Lots to accommodate a settling pond and drainage ditches constructed for the orderly flow and discharge of surface water and holding title to same in the name Town of Drumheller

R. Romanetz presented Bylaw 09.17 advising that it relates to a major redevelopment on 12th Street W by ATCO which included significant grading of hills amounting to 300,000 to 400,000 cubic meters of material which was placed on adjacent property and graded to conform to the Town's requirements. Both the road construction and grading is completed and ATCO is required to construct detention ponds and drainage channels that are properly rip rapped for erosion control. He further explained that the Town requires ATCO to hold back the water with the development of detention ponds so that flows are released at a controlled rate so there is no negative impact on downstream properties. ATCO has made arrangements with the adjacent property owners for 3 acres of land to construct the detention ponds. In this case, ATCO, the property owner involved and the Town are the only three parties affected by this. He advised that agreements are in place for the purchase of property from the owners and there is a requirement for Council to pass three readings of a bylaw to create three public utility lots for the detention ponds. He further advised that after the work is completed to the Town's satisfaction, the public utility lots will be titled to the Town of Drumheller and the Town will assume ownership and control, meaning there will be costs to maintain the ponds. He recommended that Council pass all three readings.

MO2017.91 Zariski, McMillan moved first reading of Bylaw 09.17.

Town of Drumheller Bylaw 01-18

Mobile Vendor Bylaw

A BYLAW OF THE TOWN OF DRUMHELLER A MUNICIPAL CORPORATION IN THE PROVINCE OF ALBERTA

WHEREAS the Municipal Government Act, RSA, 2000, c. M-26 and amendments thereto, authorizes a Council to pass bylaws for municipal purposes; and **WHEREAS** pursuant to section 7(e) of the Municipal Government Act, a council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business; and

WHEREAS pursuant to section 7(i) of the Municipal Government Act, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the Municipal Government Act or any other enactment including any or all of the matters listed therein; and

WHEREAS pursuant to section 8(c) of the Municipal Government Act, a council may in a bylaw provide for a system of licenses, permits or approvals, including any or all of the matters listed therein; AND

WHEREAS it is deemed expedient to provide for the permitting of mobile vendors operating in the Town; **NOW THEREFORE**, the Municipal council of the Town of Drumheller, in the province of Alberta, duly assembled, hereby enacts as follows:

1 **BYLAW TITLE**: This Bylaw may be cited as the **Mobile Vendor Bylaw**.

2 **DEFINITIONS**: In this Bylaw, unless the context otherwise requires:

"Act" means the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta, 2000 and amendments thereto.

"Applicant" means any person who makes an application for a Mobile Vendor Permit under the provisions of this Bylaw.

"Business" means: (a) a commercial, merchandising or industrial activity or undertaking; (b) a profession, trade, occupation, calling or employment; or (c) an activity providing goods or services, however organized or formed, including a cooperative or association of persons.

"Business License" means a license to be issued, pursuant to the Town of Drumheller Business License Bylaw, and all amendments thereto, for the purpose of licensing any business operating within the Town.

"Business Premises" means the store, office, warehouse, factory, building, enclosure, yard or other place occupied or capable of being occupied, by any person for the purpose of any business.

"Enforcement Officer" means any person employed by the Town to enforce this bylaw.

Agenda Item # 8.4.1

“Charitable or Non-profit Organization” means any person, association, or corporation engaged entirely in charitable activities, or engaged in the promotion of general social welfare within the Town, as defined by Revenue Canada under the Income Tax Act and that has a valid Revenue Canada Registered Charity number.

“Chief Administrative Officer” means the Chief Administrative Officer of the Town and includes any person to whom the Chief Administrative Officer’s powers are delegated or any person appointed to act in the absence of the Chief Administrative Officer.

“Council” means the Municipal Council for the Town of Drumheller in the Province of Alberta, as duly elected and defined in the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended.

“Development Authority” means the person, commission or organization authorized to exercise development powers and perform duties on behalf of the Town as referred to in Division 3 of the Municipal Government Act.

“Development Officer” means a person appointed as a Development Officer pursuant to the Town’s Land Use Bylaw.

“Farmers’ Market” means an open air or fully or partly covered market, for the sale of goods directly by the producers, or their representatives who are involved in the production, of local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local eggs, local dairy products, local plants, locally prepared and ready to eat foods and local artisan crafts.

“Fee” means the monetary amount levied on each application for a business license as set out in this bylaw. “Hawker” or “Peddler” means any person who, whether as principal or agent; (a) goes from house to house selling or offering for sale any merchandise or service, or both, to any person and who is not a wholesale or retail dealer in that merchandise or service; (b) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise or a service, or both, to be afterwards delivered in and shipped into the municipality to the customer; (c) sells merchandise or a service, or both, on the streets or roads or elsewhere other than at a building that is a permanent place of business; and (d) does not have a permanent place of business in the municipality.

“Land Use Bylaw” means the Town of Drumheller Land Use Bylaw and any amendments thereto.

“Market” means the business of providing for rent, stalls, tables or spaces to merchants displaying for sale, offering for sale and selling goods to the public.

“Merchandise” means commodities or goods that are bought and sold in business. ‘Mobile Vending Unit’ means a motor vehicle, trailer, temporary structure or display, or stand that is not permanently affixed to real property.

“Mobile Vendor” means any person selling goods, food, amusements or services from a Mobile Vending Unit that is designed for offering the sale of goods, food, amusements or services.

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“Mobile Vendor Permit” means a document authorizing a Mobile Vendor to operate in the Town of Drumheller pursuant to this Bylaw.

“Municipal Ticket” means a form prescribed by the Chief Administrative Officer, or his designate, allowing payment to the Town of the penalty specified by this Bylaw for an offence, which shall be accepted by the Town in lieu of prosecution of the offence.

“Non-resident” means a person who is not a resident of the Town of Drumheller.

“Permittee” means a person holding a valid Mobile Vendor Permit issued pursuant to this Bylaw.

“Person” means a natural person or a body corporate, and includes a partnership, a firm, an association or other group of persons acting in concert.

“Resident” means a person who: (a) is located or permanently resides within the boundaries of the Town; and/or (b) utilize the space and services including office area, telephone, mailing address or postal box from premises that are listed on the Town Tax Roll.

“Resident Business” means any business which ordinarily locates or maintains a permanent place of business within the Town.

“Sidewalk” means that part of a road or highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a road or highway between the curb line (or the edge of the roadway, where there is no curb line) and the adjacent property line, whether or not paved or improved.

“Temporary Business” means commercial or industrial business activity; a profession, trade, occupation; or an activity providing goods or services, where the duration of the business activity is equal to or less than four (4) consecutive weeks.

“Town” means the Municipal Corporation of the Town of Drumheller in the Province of Alberta, and or the area contained within the corporate boundaries of the said municipality, as the context may require.

“Vendor”, in this Bylaw, means a Mobile Vendor.

“Violation Ticket” means a violation ticket as defined in the Provincial Offences Procedure Act, R.S.A.2000.

3 PERMIT REQUIREMENTS / GENERAL REGULATIONS

3.1 The Development Authority for the Town of Drumheller is the Development Officer for permitted uses, or the Municipal Planning Commission, (MPC) for discretionary uses. The Development Authority responsible for carrying out the provisions of this Bylaw.

3.2 No person shall carry on a Mobile Vendor Business without a valid Mobile Vending Permit from the Development Authority.

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3.3 Submission of the Mobile Vendors Permit application to the Development Authority shall require the payment of the applicable fee as listed in Schedule "A", and a detailed site plan showing the area or areas in which the Mobile Vending Unit and signage is proposed to be located, and an Alberta Health Services Food Handling Permit if required.

3.4 If required, it is the responsibility of the Vendor to obtain an Alberta Health Services Food Handling Permit.

3.5 It is the responsibility of the Vendor to obtain and hold valid Provincial and Federal licenses, permits, approvals, clearances, and/or insurances required to operate this business legally and produce copies of the same to the Development Authority with the completed application.

3.6 For Mobile Vendors operating on Town owned property, the final approval of the application shall require that the Vendor indemnify and save harmless the Town of Drumheller, its employees and agents, from and against all claims, expenses, actions, losses, costs and suits caused by or arising out of, directly or indirectly, the performance of the Mobile Vendor Permit, or by reason of any matter or thing done by or not done by the Vendor, its employees or agents. Vendors are required to show proof of liability insurance.

3.7 A Mobile Vendor Permit and all other required permits and licenses must be clearly visible at the Mobile Vending Unit at all times

3.8 A new application, documentation and payment of the fee for a Mobile Vendor Permit is required each and every year. A Mobile Vendor Permit will be valid only in the year the permit has been approved and issued.

3.9 Vendors shall assume all responsibility for themselves and anyone whom they have hired or otherwise authorized to sell goods or products at the vending location and to see that they are aware of and comply with the terms and conditions of their permit approval.

3.10 Charitable or Non-Profit Organizations from within the Town who utilize the proceeds from the sale of goods and services to support projects within the community, may be exempted from permit fees, at the discretion of the Development Authority, but must meet the other requirements of this bylaw.

3.11 No Vendor, Hawker or Peddler may sell goods, foods, amusements or services within 25 metres of a commercial retail storefront operation which sells similar goods, foods, amusements or services.

3.12 ~~Permission will not be granted to Vendors to locate where a conflict with an existing business is~~ evident. Where a conflict arises with an existing business, the Development Authority reserves the right to relocate the Mobile Vendor.

3.13 Mobile Vendors operating their business on public property must stay within the permitted area/s approved by the Development Authority, as indicated on the approved Mobile Vendor Permit site plan.

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3.14 Mobile Vendors shall not set up their Business on private property without first obtaining written authorization from the property owner, signed, and submitted to the Development Authority at the time of application for a Mobile Vendor Permit.

3.15 The Mobile Vendor and the location of the Mobile Vending Unit shall not impede traffic and/or pedestrians, endanger public safety or cause an unwelcome disturbance and must be cognitive of and compliant with all other Town Bylaws.

3.16 The Vendor shall not engage in any illegal activity.

3.17 The Mobile Vending Unit and business equipment must be kept in clean and presentable condition at all times.

3.18 Advertising or signage for this type of business is limited to the space available on the Mobile Vending Unit and the location/s approved on the site plan of the Mobile Vendor Permit.

3.19 Generators used to provide power to the Mobile Vending Unit are only permitted if they do not create a noise or pollution disturbance. A Mobile Vending Unit may be relocated if the Mobile Vending Unit creates a noise or pollution disturbance.

3.20 Vendors shall provide garbage and recycling receptacles at the Mobile Vending Unit for all customers to discard any waste from the product sold.

3.21 The Development Authority may suspend or revoke a permit issued under this Bylaw and may order the relocation or removal of any structure, sign, object, Mobile Vending Unit or display unit if, in the opinion of the Development Authority, the holder of the permit, or their employee, agent or authorized representative, has failed to comply with the provisions of this Bylaw.

3.22 A Mobile Vendor may only carry on Business daily within the hours approved on their Mobile Vendor Permit.

3.23 Vendors are not permitted to leave the Mobile Vending Unit unattended during operation.

3.24 If, in the sole discretion of the Development Authority or a Peace Officer, the safety of the Mobile Vendor operator or the general public is at risk, a the Development Authority or the Peace Officer may request that the Mobile Vendor either relocate or cease carrying on business from that location.

3.25 Despite anything to the contrary in this Bylaw, an individual Vendor who participates in a Public Market located on a street does not require a permit or written permission under this Bylaw if the operator of the Public Market has obtained a Mobile Vendors Permit in accordance with this Bylaw.

3.26 Mobile Vendors that carry on business at a Public Market, as defined in the Business License Bylaw or are associated with any events that are directly supervised and controlled by a Market are not required to obtain a Mobile Vendors Permit.

3.27 Mobile Vendors that carry on business at an event that is coordinated, supervised and controlled by the Town of Drumheller, are not required to obtain a Mobile Vendors Permit, however Mobile Vendors participating in a Public Market organized by the Town may be required to pay a fee to the Town as the Public Market organizer.

3.28 No person shall carry on business as a Mobile Vendor without a valid Business License from the Town of Drumheller.

4 APPEALS

4.1 Where an application for a Mobile Vendor Permit has been refused, or where an existing Mobile Vendor Permit has been revoked, suspended, or issued subject to conditions, the Applicant or Permittee as the case may be, is entitled to appeal to the Community Standards Appeal Board regarding the refusal, suspension, or revocation of the license.

4.2 The Applicant or Permittee, as the case may be, shall have five (5) business days from the date of refusal, revocation, suspension, or issuance subject to conditions, in which to appeal to the Community Standards Appeal Board, in writing; otherwise, the right of appeal shall be barred and extinguished.

4.3 Any person desiring to appeal the decision of the Development Authority, pursuant to this bylaw, shall be required to pay an appeal fee as outlined in Schedule "A".

4.4 The Community Standards Appeal Board shall hear the appeal within fourteen (14) days of receipt and shall give forty-eight (48) hours notice of the hearing in writing to the appellant.

4.5 The Community Standards Appeal Board, after hearing an appeal, may: a) Direct a Mobile Vendor Permit be issued without conditions, b) Direct a Mobile Vendor Permit be issued with conditions, or c) Uphold the decision of the Development Authority on grounds which appear just and reasonable.

4.6 A decision of the Community Standards Appeal Board is final and binding on all parties.

5 OFFENCES & PENALTIES

5.1 Any person who contravenes any provision of this Bylaw by: a) doing any act or thing that is prohibited under the terms of this Bylaw; or b) fails to do any act or thing that is required to be done under the terms of this Bylaw; is guilty of an offence and the Town of Drumheller shall utilize whatever means deemed appropriate to affect collection.

5.2 A Violation Ticket may be issued by a Peace Officer, or the Development Authority to any person alleged to have breached any provision of this Bylaw. The Violation Ticket shall require the payment to the Town of the Specified Penalty set out in Schedule "B" to this Bylaw.

5.3 Should a person not pay the penalty provided or contravene any section of this Bylaw and a prosecution has been entered against him, he shall be liable on summary conviction to the penalties legislated under Section 566 of the Municipal Government Act, Chapter M-26, R.S.A. 2000 and amendments thereto, in addition to any Mobile Vendor Permit Fee he may be required to pay.

5.4 The Development Authority is authorized to take the necessary steps to initiate legal proceedings to enforce this Bylaw, by way of injunction or otherwise, against any Mobile Vendor business deemed in non-compliance of this Bylaw.

6 DUTIES OF AN ENFORCEMENT OFFICER

Where an Enforcement Officer believes on reasonable and probable grounds that a person is

- a) operating a Mobile Vendor business without a valid Mobile Vendor Permit issued under this bylaw;
- b) has violated a Mobile Vendor Permit condition imposed by the Development Authority; or
- c) contravened any other provision of this Bylaw; the Enforcement Officer may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with Part 2 of the Provincial Offences Procedure Act R.S.A. 2000 c. P- 34.

7 SEVERABILITY PROVISION

Should any provision of the Bylaw be adjudicated invalid such provision shall be severed and the remaining Bylaw shall be maintained in entirety.

8 AMENDMENTS TO SCHEDULES

Town Council may by resolution amend Schedules “A” and “B” from time to time as required. Administration may amend Schedule “C” from time to time as required.

9 EFFECTIVE DATE OF BYLAW

This Bylaw shall come into effect upon third and final reading.

Read for a first time on the 5th day of February 2018

Read for a second time on

Read for a third and final time on

Heather Colberg, Mayor _____

Darryl Drohomerski, Chief Administrative Officer _____

Signed by the Mayor and Chief Administrative Officer this day of 2018.

Town of Drumheller Mobile Vendor Bylaw 01-18

Schedule "A"

Fees Mobile Vendor Permit Fees Resident

Business.....	\$ 250.00 per Calendar Year
Non-Resident Business.....	\$ 350.00 per Calendar Year
Appeal Request	\$ 150.00

Town of Drumheller Mobile Vendor Bylaw 01-18

Schedule “B” Penalties

The specified penalty for breach of this Bylaw is:

First Offence - \$ 200.00

Second Offence - \$ 400.00

Third Offence - \$ 800.00

Schedule "C"

224 Centre Street Drumheller AB T0J0Y4

Main: 403.823.6300 Fax: 403.823.7739

Email: developent@dinosaurvalley.com

MVP # _____

Business License # _____

Permittee Information Trade or Business Name Applicant Tel Fax Cell Business Address Postal Code Email

Vendor Unit Type ICE CREAM TRUCK Make: _____ Model: _____ Year: _____
Color: _____ License Plate #: _____

FOOD TRUCK Make: _____ Model: _____ Year: _____ Color: _____
License Plate #: _____

TRAILER / VEHICLE Make: _____ Model: _____ Year: _____ Color: _____
License Plate #: _____

SIDEWALK PUSH CART License Plate #: _____

TABLE / KIOSK

OTHER: Describe Unit:

NOT APPLICABLE (HAWKER / PEDDLER) Products / Services Provided

Signage Yes If Yes, describe what type of signage

location/s on site plan. *Note: Show signage

No Proposed Location/s Civic Address:

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_____ Site Plan Provided (site plan is required showing the location of the Mobile Vendor Unit and signage) Owner Authorization Provided Checklist A Business License application has been submitted. A copy of Alberta Health Services Food Handling Permit, if required. A copy of Direct Sellers License, if required. Insurance documentation, if required. A photo of mobile vending unit, if required. A copy of other Provincial licenses as required. Mobile Vendor Permit Application

11 OFFICE USE ONLY

Mobile Vendor Permit App Fee \$ _____ Receipt # _____

PERMIT APPROVAL

Approved By _____ Date Approved:

Hours of Operation / Days of Week Approved:

_____ Permit Expiry Date: _____ Special Conditions:

Refused Reasons for Refusal:

Notes:

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I hereby make application under the provisions of the Mobile Vendor Bylaw # 17-XX for a Mobile Vendor Permit in accordance with the plans and supporting material submitted herein and which form part of this application. _____ Applicant

_____ Signature of Applicant

Date The personal information on this form is collected under the Freedom of Information and Protection of Privacy Act and will be used in order to process this form. Please forward questions or concerns to the FOIPP Coordinator at 224 Centre Street, Drumheller, AB T0J0Y4.

Phone 403.823.1339, Fax 403.823.8006, or email FOIP@Dinosaurvalley.com

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Authorization to Allow Mobile Vendor on Property As owner and/or manager of:

_____ Name of business I give permission for :
_____, owner/operator for _____ Name of
business owner name of business to operate as a Vendor on my property located at
_____ civic address for the time period of
_____. _____ Print name
of property or business owner _____
Signature of property or business owner Date If signing on behalf of a property owner or business
owner, paperwork must be included showing the persons authorization to sign on behalf of the property
owner or business owner.