

**BYLAW 18-XXX
OF
LAC LA BICHE COUNTY**

A BYLAW OF LAC LA BICHE COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF PROTECTING AND ENHANCING THE ENVIRONMENT THROUGH THE USE AND OPERATION OF ENVIRONMENTAL RESERVES AND NATURAL AREAS OF PROTECTION WITHIN LAC LA BICHE COUNTY.

WHEREAS pursuant to the *Municipal Government Act* Revised Statutes of Alberta 2000 Chapter M-26 and the amendments thereto, as amended from time to time. Lac La Biche County may pass Bylaws for the safety, health and welfare of people and the protection of people and property.

WHEREAS Council has deemed it necessary and in the public's interest to pass a Bylaw to regulate and control the use and operation of Environmental Reserve Lands within Lac La Biche County. In order to insure public safety and natural preservation of these lands, to prevent pollution of adjacent water bodies, and to provide public access to and beside the bed and shore of adjacent water bodies.

NOW THEREFORE under the authority and subject to the provisions of the *Municipal Government Act*, and by virtue of all other powers enabling it, the Council of Lac La Biche County, duly assembled, enacts as follows:

1. Title

1.1 This Bylaw shall be cited as the Lac La Biche County "Environmental Reserve Bylaw"

2. Definitions

2.1 "Abutting" means immediately contiguous to or physically touching, and when used with respect to a lot or site, means that the lot or site physically touches upon another lot, site or piece of land, and shares a lot line with it.

2.2 "Access" means the right vested in the owner of the land that adjoins a road or other highway to go and return from his own land to the highway without obstruction. Access to property does not necessarily carry with it possession.

2.3 "Act" means the *Municipal Government Act*, RSA 2000, c. M-26, and any amendments thereto.

2.4 "Council" means the Council of Lac La Biche County.

2.5 "County" means Lac La Biche County.

2.6 "Development Authority" as defined in the Land Use Bylaw 17-004 and any amendments thereto.

2.7 "Designated Officer" as defined in the Act and any amendments thereto.

2.8 "Earthmoving equipment" means a machine (such as skid-steer) for excavating, pushing, or transporting large quantities of material.

2.9 "Environmental Reserve Easement" means an easement created for purposes specified in the Act

- 2.10 “Environmental Reserve” or “Environmental Reserve Lands” means land designated as an environmental reserve as defined under the *Act* and/or as determined by the Lac La Biche County Riparian Setback Matrix Policy No. PI-63-003, and amendments thereto.
- 2.11 “Encroachment” means any improvements, structure, building or landscaping improvement constructed by a private landowner which encroaches over or under the property line onto County owned land.
- 2.12 “County owned land” includes all land registered in the name of Lac La Biche County and includes but not limited to land under the direction, control and management of the County, including parcels of land designated as Municipal Reserve, Environmental Reserve, Public Utility Lots and Road Allowances, as well as easements and right-of-ways registered in the County’s name across privately owned land.
- 2.13 “Major encroachment” means an encroachment that covers 50m² or greater in area.
- 2.14 “Minor encroachment” means an encroachment that covers less than 50m² in area.
- 2.15 “Off-highway Vehicle” means an off-highway vehicle as defined in the Traffic Safety Act, RSA 2000 C-T.6, as amended from time to time and the regulations thereunder.
- 2.16 “Order to Remedy” means an Order to Remedy issued under Section 545 of the *Act*.
- 2.17 “Peace Officer” means any sworn member of the Royal Canadian Mounted Police, a Peace Officer appointed under the Peace Officer Act, SA 2016, P-35 and amendments thereto and employed by the County or a Bylaw Enforcement Officer employed by the County.
- 2.18 “Person” includes a corporation or other form of body corporate or other legal construct, and their successors or assigns, and individuals and their heirs, executors, administrators, other legal representatives or assigns.
- 2.19 “Provincial Offences Procedure Act” means the Provincial Offences Procedure Act, RSA 2000 c. P-34 as amended from time to time and the regulations thereunder.
- 2.20 “Reserve” means lands designated as “R” under former legislation that are adjacent to water bodies and shall be considered and treated as Environmental Reserve under this Bylaw.
- 2.21 “Service vehicle” means a County-owned vehicle utilized in completing operations of maintenance, or an “emergency vehicle” as defined in the Traffic Safety Act, RSA 2000 c-T.6, as amended from time to time and the regulations thereunder.
- 2.22 “Shall” means mandatory compliance.
- 2.23 “Strict Liability” means a Person is responsible for the damage and loss caused by their acts and omissions regardless of culpability.
- 2.24 “Structures” may include, but are not limited to, sheds, decks, boathouses, stairs and fire pits or any other building.
- 2.25 “Unauthorized Use” means any use of County owned land that contravenes any of the provisions of this Bylaw or the *Act*.
- 2.26 “Vehicle” means a motor vehicle as defined in the Traffic Safety Act, RSA 2000 c-T.6, as amended from time to time and the regulations thereunder.
- 2.27 “Violation Ticket” means a ticket issued pursuant to the Provincial Offences and Procedures Act, RSA 2000 c. P-34.

3. Environmental Reserve Regulations and Restrictions

- 3.1 All environmental reserve lands in the County shall remain in their natural state and are available for public enjoyment and the preservation of vegetation. The municipality shall enforce all environmental reserve lands and easements. No person shall restrict public access to environmental reserves or deface or in any way disrupt the natural growth of any tree or plant life within environmental reserves, except by:
- i. Hand-pulling weeds (as identified in the *Weed Control Act*, SA 2008, c. W-5.1, and amendments thereto); or,
 - ii. Mowing a single meandering trail, a maximum of two metres wide (6.6 ft.), from an abutting landowner's private lot in a perpendicular manner directly across an Environmental Reserve parcel to the lake-ward side of that parcel.
- 3.2 The County may provide designated public access to a water body over environmental reserve lands if in the County's opinion such access does not result in deterioration of the environmental reserve. Where deterioration occurs, the County may at its discretion and without prior notice discontinue and prohibit public access until revegetation mitigates the deterioration of the lands.
- 3.3 Subject to Sections 3.9 and 3.10, encroachments on Environmental Reserve are prohibited.
- 3.4 In addition to and without limitation to any other prohibition or restriction in this Bylaw, no person shall do any one or more of the following on environmental reserve land:
- i. Injure or remove any turf, tree, shrub, plant or any other vegetation;
 - ii. construct any structure;
 - iii. excavate, dig or remove any natural feature;
 - iv. place or erect any structures, signs, bulletin board, post, pole, or advertising device of any kind, or attach any notice, bill, poster, sign, wire, or cord to any tree, shrub, fence, railing, post or structure;
 - v. conduct or engage in any activity which in the opinion of a Peace Officer causes a disturbance to anyone's peaceful enjoyment of public or private property;
 - vi. County signs marking the environmental reserve, shall not be altered, defaced, or removed;
 - vii. deposit or store building materials/topsoil/clay/sand/rock or other aggregate;
 - viii. discard contaminants or apply pesticides, herbicides, or fertilizers;
 - ix. discard any litter;
 - x. camp or otherwise take up occupancy;
 - xi. light any outdoor fire;
 - xii. discharge any firearms, fireworks, or other projectiles; or
 - xiii. cause or permit livestock to graze;

on environmental reserve lands except with the prior written authorization of the County, Any person who fails to produce evidence of authorization at the request of a Peace Officer as required by this provision is guilty of an offence.

- 3.5 No person shall operate, drive or abandon a vehicle, any earthmoving equipment, an off-highway vehicle, or a service vehicle within or upon any environmental reserve unless it is (i) a service vehicle responding to an emergency, (ii) a service vehicle for which there is no other reasonable access to the subdivision lot that requires the respective service and that necessary access is conducted in the most direct and least damaging manner, or (iii) any type of vehicle that is crossing directly across the environmental reserve from a private lot to the lakeward side of the environmental reserve pursuant to Section 3.8 of this Bylaw.
- 3.6 Temporary piers and boatlifts may only be stored on environmental reserve lands with the prior written authorization from the County, respecting all applicable regulations.
- 3.7 If an unauthorized temporary pier or boatlift is located on environmental reserve lands, the County may without notice, and in addition to any other remedy available to it under this Bylaw or the Act, remove and impound the pier/dock or boatlift.
- 3.8 Access over environmental reserve will be permissible twice a year for the placement and removal of small removable piers or docks, and boat lifts across environmental reserve lands. These structures are for seasonal use only, must not prevent public access along the shore, and are subject to section 3.6 and 3.7 of this Bylaw. Where deterioration of the environmental reserve occurs, the County may at its discretion and without prior notice discontinue and prohibit public access until revegetation stabilizes the lands.
- 3.9 Application to the County may be made to allow a Major encroachment existing as of the date this bylaw is passed to remain on environmental reserve. Such application shall be decided upon by County Council taking into consideration liability, operational, financial and public safety issues. Encroachment agreements may be required and may be time limited.
- 3.10 Encroachments existing as of the date of this bylaw for which approval is not obtained pursuant to Section 3.19 and shall be removed within 60 days from the date the owner or person responsible for the encroachment is notified by the County.
- 3.11 The County will ensure signage along environmental reserves is in place to identify where these lands are in relation to private property.
- 3.12 The provisions of this Bylaw do not apply to actions and operations of the County or persons acting upon the instructions of the County in respect to any activities within environmental reserves.

4. Penalties

- 4.1 Any Person who contravenes any provisions of this Bylaw, is guilty of an offence and shall be liable on summary conviction to the penalty specified for such offence and the amount set out in Schedule 'A' hereto is the specified penalty for such offence.

- 4.2 The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is otherwise liable under the provisions of this Bylaw.
- 4.3 A person who contravenes this Bylaw may be subject to enforcement proceedings under this Bylaw and the Act, including but not limited to the issuance of a Violation Ticket and/or an Order to Remedy requiring the person to take whatever action or measures necessary to remedy the contravention of the Bylaw at the person's expense, failing which the County may remedy the contravention and the County's expenses and costs of remediation of the lands are an amount owing by the person to the County.
- 4.4 A person who is guilty of an offence may pay the applicable penalty amount specified in Schedule 'A' or a minimum penalty of \$1,000.00 for a first offence and \$2,500.00 for any subsequent offence for which a fine is not otherwise established in Schedule 'A'.
- 4.5 Where there is a penalty listed for an offence in Schedule 'A', that amount is the minimum penalty for that offence. A subsequent offence means an offence committed by a person after that person has already been convicted of the same offence or has voluntarily paid a fine for the same offence.

5. Compliance and Enforcement

- 5.1 No person shall obstruct or hinder a Peace Officer in the performance of their duties and responsibilities, and exercise of their authority, pursuant to this Bylaw.
- 5.2 Where the Designated Officer finds that a development or use of an environmental reserve is not in accordance with this Bylaw, the Designated Officer may, by Order to Remedy, order the person in possession of the adjacent land or the person responsible for the contravention or all or any of them to:
- ii stop the development or use of the environmental reserve land in whole or in part as directed by the notice; and
 - iii demolish, remove, or replace the development and restore the natural features of the environmental reserve; and
 - iiii take such other measures as are specified in the notice so that the development or use of the environmental reserve is in accordance with the Act, the regulations, a development permit, a subdivision approval, or this Bylaw, as the case may be.
- 5.3 Where a Designated Officer issues a Person an Order to Remedy in accordance with this Bylaw, the officer may;
- i. Identify the Unauthorized Use;
 - ii. Direct the person to take any action or measures necessary to remedy the Unauthorized Use including, but not limited to, the restoration of the environmental reserve to its pre-disturbed state; and,
 - iii. State a time within which the Person must fulfill the Order to Remedy;
 - iv. State that if the Person does not abide by the Order to Remedy in the specified time, the County may take action or measures at the expense of the Person.

- 5.4 The Order to Remedy may not be prescriptive in the direction as to what slopes, soil replacement or vegetation regeneration methods/species are to be used to remediate a major clearing of vegetation that could negatively impact slope stability. To properly and effectively address the potential soil erosion, or other factors caused by unauthorized clearing of Environmental Reserve, the Designated Officer may direct the person to whom is issued the Order to Remedy to contract an environmental planner to create a mitigation plan to the satisfaction of the County.
- 5.5 Peace Officers may, for the purposes of this Bylaw;
- i. Enforce any part of this Bylaw within the County;
 - ii. Access or enter upon any County owned land or structure located in whole or in part on County land at any time for inspection for compliance with or enforcement of this Bylaw;
 - iii. Order any person to cease and desist any activity on County owned land, when, in the opinion of the Peace Officer, such activity that may compromise the quality of the land, and order the restoration of any disturbed County land to its original condition, and;
 - iv. Remove or seize and dispose of any encroachment, structure, or other item located in whole or in part on County owned land in contravention of this Bylaw or the Act.
- 5.6 Where a Peace Officer has reasonable grounds to believe that a person has violated any provision of this Bylaw, the Peace Officer may do any one or more of the following:
- i. Issue a Violation Ticket under of the *Provincial Offences Procedure Act*.
- 5.7 A Violation Ticket shall be served to a person by either:
- i. leaving it with a person on the subject property who is at least (18) years of age;
 - ii. mailing a copy to the subject property by ordinary mail;
- 5.8 Where a Peace Officer issues a person a Violation Ticket in accordance with this Bylaw, the Officer may either:
- i. Allow the person to pay the specified penalty as provided for the offence in Schedule A of this Bylaw by including such specified penalty in the Violation Ticket; or
 - ii. Require a Court appearance of the person where the Peace Officer believes that such appearance is in the public interest pursuant to the Provisions of the *Provincial Offences Procedure Act*.
 - iii. Where a contravention of this Bylaw is of a continuing nature, a Peace Officer may issue further Violation Tickets, provided however, that no more than one Violation Ticket shall be issued for each day that the contravention continues.
- 5.9 No provision of this Bylaw nor any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent, or preclude the County from pursuing any other remedy provided by the Act, or any other law of the Province of Alberta.

6. Strict Liability Offence

6.1 It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

7. Severability

7.1 Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

8. Effective Date

8.1 This bylaw shall come into effect upon passing of the third reading.

MOTION BY COUNCILLOR _____ THAT BYLAW XX-XXX BE GIVEN FIRST READING
THIS _____ DAY OF _____, 20____.

Mayor

Chief Administrative Officer

MOTION BY COUNCILLOR _____ THAT BYLAW XX-XXX BE GIVEN SECOND READING
THIS _____ DAY OF _____, 20____.

MOTION BY COUNCILLOR _____ THAT BYLAW XX-XXX BE GIVEN THIRD READING
THIS _____ DAY OF _____, 20____.

Mayor

Chief Administrative Officer

SCHEDULE "A"

Environmental Reserve Bylaw

Specified Penalties for Offences

Section	Offence	Minimum Penalty First Offence	Minimum Penalty Subsequent Offence
3.3	Unauthorized encroachment	\$750.00	\$1,500.00
3.4 (i)	Degrade or remove of any turf, tree, shrub, plant or any other vegetation	\$750.00	\$1,500.00
3.4 (i)	Construct or remove any structure	\$750.00	\$1,500.00
3.4 (ii)	Excavate, stockpile or grade	\$750.00	\$1,500.00
3.4 (iii)	Placement or erection of any structures, signs, bulletin board, post, poles, or advertising device of any kind, or attach any notice, bill, poster, sign, wire, or cord to any tree, shrub, fence, railing, post or structure	\$250.00	\$500.00
3.4 (iv)	Any activity which in the opinion of a Peace Officer causes a disturbance to anyone's peaceful enjoyment of public or private property	\$400.00	\$800.00
3.4 (v)	Anyone who alters, defaced, or removes County signage marking environmental reserves lands	\$500.00	\$1,000.00
3.4 (vi)	Deposit or store building materials/topsoil/clay/sand/rock or other aggregate	\$500.00	\$1,000.00
3.4 (vii)	Discard contaminates or apply pesticides, herbicides, or fertilizers	\$500.00	\$1,000.00
3.4 (viii)	Discard any litter	\$250.00	\$500.00
3.4 (ix)	Camp or otherwise take up occupancy	\$250.00	\$500.00
3.4 (x)	Light any outdoor fire	\$250.00	\$500.00
3.4 (xi)	Discharging any firearms, fireworks, or other projectiles	\$250.00	\$500.00
3.4 (xii)	Cause or permit livestock to graze	\$250.00	\$500.00
3.4	Failure to provide evidence of authorization	\$250.00	\$500.00

3.5	Operations or abandonment of a vehicle, earthmoving equipment, an off-highway vehicle on environmental reserve lands	\$500.00	\$1000.00
3.6	Unauthorized storage of temporary pier or boatlifts	\$250.00	\$500.00
5.1	Obstruct or hinder with a Peace Officer in the performance or their duties and responsibilities, and exercise of their authority	\$500.00	\$1,000.00
5.8 (iii)	Failing/neglecting/refusing to remedy a contravention	\$100.00/day	

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