

## **Item #1 Procedure Bylaw**

There has been a concerted effort to gather information from certain Carmangay citizens. This has produced a strain on time available to work on other municipal priorities. Given this fact, it is a good opportunity to streamline and update how information is made available to the public. Additionally, it is a good opportunity to review and update the remainder of the document.

The major changes from the previous bylaw are:

- a) The addition of “Committee of the Whole” means a meeting that permits Council to interact informally but where no decisions are made,
  - Minor streamlining of the agenda,
  - An extra section at the end of the bylaw titled “Public Communication”.

The request of Council is to pass reading 1 of the bylaw at this Council meeting and then the 2<sup>nd</sup> and 3<sup>rd</sup> readings at the next Council meeting. This will allow for thoughtful consideration by Council and the public of the bylaw prior to enacting it.

**MOTION to pass first reading of Bylaw 784 Procedural Bylaw.**

**VILLAGE OF CARMANGAY**  
**The Procedure (and Committees) Bylaw**  
**Bylaw No. 784**

**A Bylaw 784 of the Village of Carmangay to Regulate the Procedure and Conduct of Council, Delegates and the Public at Council Meetings and Council Committee Meetings.**

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(**WHEREAS**) GIVEN THAT Council of the Village of Carmangay considers it expedient and desirable for effective governance to regulate the procedure and conduct of council, councillors and others attending council and council committee meetings in the Village of Carmangay;

BEING A BYLAW TO DEAL WITH PROCEDURE AND THE TRANSACTION OF BUSINESS BY THE COUNCIL OF THE VILLAGE OF CARMANGAY IN THE PROVINCE OF ALBERTA AND RESCIND BYLAW 780.

Pursuant to the Municipal Government Act, RSA 2000, Chapter M-26, as amended the Council of the Village of Carmangay considers it expedient to pass this bylaw to be known and referred to as the Procedure Bylaw.

(**NOW THEREFORE**) the Council of the Village of Carmangay enacts as follows:

**Citation**

1. This bylaw may be cited as “The Procedure Bylaw” (and Committees).

**Definitions**

2. In this bylaw
  - b) “Agenda” means order of business or program of a business meeting;
  - c) “CAO” means the Chief Administrative Officer or his/her delegate, for the Municipality;
  - d) “CEO” means the Mayor;
  - e) “Committee” means a committee of council that is a standing committee, special committee, or a council committee;
  - f) “Committee of the Whole” means a meeting that permits Council to interact informally but where no decisions are made.
  - g) “Delegation” means any person that has the permission of council to appear before council or a committee of council to provide pertinent information and views about the subject before council or council committee;
  - h) “Emergent items” shall be considered as those items of an emergency nature that cannot be left until the next meeting or require immediate attention. When the nature of an

emergent item is in question, it's acceptance for the agenda shall be determined by a majority vote of council;

- i) "Ex-officio" by right of office, a member to all boards and committees in the absence of the appointed or alternate member;
- j) "Lay on the table" means a pending question is set aside temporarily when something more urgent has arisen;
- k) "Member" means a councillor or person at large appointed by council to a committee of council;
- l) "Meetings" means meetings of council and council committees
- m) "Special resolution" means a resolution passed by a two-thirds majority of all members;
- n) "Table" means a motion to defer or delay consideration of any matter in order to deal with more pressing matters, which does not set a specific time to resume consideration of the matter (or may mean to table to a time certain);
- o) "Vote by raising hand" means each member present shall indicate a vote by raising his/her hand when the question is called by the chairman for either "those in favor" or "those opposed";
- p) "Withdraw a motion" permits a member to remove a question from consideration even after the motion has been restated by the chair.

### **Applicable**

- 3. This bylaw applies to all members attending meetings of council and committees established by council of the Village of Carmangay.

### **Severability**

- 4. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

## **Meetings**

5. The regular meetings of council shall be established by a resolution of council at a council meeting at which all the councillors are present;
6. Special meetings of council and Committee of the Whole meetings shall be established as required by council according to the provisions of the Municipal Government Act and the public shall be given notice.
7. The meetings of council committees shall be established by resolution of each committee and the public must be given notice as required by the provisions of the Municipal Government Act.
8. Regular meetings of council shall begin at 6:00 p.m on the third Tuesday of every month and are located as designated by the Council.
9. If a quorum is not present within fifteen (15) minutes after the time fixed for the meeting, the CAO shall record the names of the members present and the meeting shall stand adjourned until the next meeting.
10. Regular meetings shall adjourn by 10:00 p.m., unless council passes a motion to extend the meeting by a two-thirds vote.

## **Conduct of Meetings**

11. Each member or delegate, as the case may be, shall address the chair but shall not speak until recognized by the chair.
12. The presiding officer, with the approval by resolution of the members, may authorize a person in the public gallery to address members only on the topic being discussed at that time and within the time limits specified by the presiding officer.
13. A resolution does not require a seconder.
14. A resolution may be withdrawn at any time before voting subject to no objection from any member, as the case may be.
15. The following resolutions are not debatable by members:
  - a) adjournment
  - b) to take a recess
  - c) question of privilege
  - d) point of order
  - e) to limit debate on a matter before members
  - f) postpone/table the matter to a certain time

16. Where a question under consideration contains distinct propositions, the vote upon each proposition shall be taken separately when any member so requests or when the presiding chair so directs.
17. Whenever the presiding officer is of the opinion that a motion is contrary to the rules and privileges of council, he shall inform the member thereof immediately, before putting the question, and shall cite his reasons applicable to the case without argument or comment.
18. In all cases not provided for in the proceedings of the council, a two-thirds majority of council shall determine to uphold the ruling of the presiding officer or not as the case may be.

### **Delegations**

21. A person or a representative of any delegation or group of persons who wish to bring any matter to the attention of council, or who wish to have any matter considered by council shall address a letter or other written communication to the CAO and Council outlining the subject to be discussed. The letter shall be signed by the correct name of the writer; the address of the writer, and delivered or mailed to the CAO. The letter must arrive by at least at 1:00 p.m. on a business day at least five (5) days immediately preceding the meeting at which it is to be presented. If the person wishes to appear before council on the matter it shall be stated in the letter.
22. Delegates shall be granted a maximum of ten (10) minutes to present the matter outlined in the letter. The chairman may, with consent of the majority of the members present, extend the time.
23. Decisions on delegation issues will not be made at the same meeting but rather at the next  
Regular council meeting.

### **Disturbance or Inappropriate Behavior by the Public**

24. Behavior of the public, during the proceedings of Council shall be as follows:
  - a) No person, other than the Chief Administrative Officer or his/her designate or other party identified shall record the proceedings of Council by way of either an audio or video recording.
  - b) Electronic and cellular devices shall be set on silent and no person shall talk on a cellular phone while in attendance at a Council meeting.
  - c) Shall not address Council without permission of the Chair.
  - d) Shall maintain order and quiet.

e) Shall not applaud or otherwise interrupt any speech or action of the Members or any other person addressing Council.

f) When granted permission to address Council shall not use offensive words or speak disrespectfully of Council, any Member or Administration.

g) The Chair may, at any meeting, expel and exclude any person who creates any disturbance or acts improperly. A person who refused to leave is guilty of an offense and the Chair may order a Peace Officer to remove the person and charge them under this Bylaw.

## **Order of Business**

The order of business at a meeting is the order of the items on the agenda except:

- a) When the same subject matter appears in more than one place on the agenda and council decides, by motion, to deal with all items related to the matter at the same time,
- b) Council decides not to deal with an item on the agenda and no motion is made about it.

## **Agenda and Order of Business**

- 25 Prior to each meeting, the CAO shall prepare a statement of the order of business to be known as the "Agenda" of all matters to be brought before council. To enable the CAO to do so, all documents and notice of delegations intended to be submitted to the council shall be received by the CAO not later than 1:00 p.m. on a business day at least five (7) days before the meeting and all agenda items, supporting documents and information from Councillors shall be received by the CAO not later than 1:00 p.m. on the preceding Tuesday at least five (7) days before the meeting.
- 26 The CAO shall place at the disposal of each member by email or printed copy, a copy of the agenda and all supporting materials not later than 2:30 pm on the Saturday preceding the regular council meeting.
- 27 Where the deadlines in section 23 are not met, the agenda and support materials shall be deemed to be acceptable when the agenda is adopted at the meeting with unanimous council approval.

28 The business intended to be dealt with shall be stated in the agenda in the following order where applicable:

1. Call to Order
2. Guests/Delegation
3. Approval of agenda
4. Approval of minutes Regular Council Meeting
5. Approval of minutes Special Meeting or Committee of the Whole
6. Administrator Report
7. Public Works Report
8. Financial Reports
9. New Business
10. Council Reports
11. Correspondence
12. In Camera
13. Adjournment

29 The order of business established in section 28 shall apply unless altered by the presiding officer with a majority vote of the members present, and the vote upon a matter of priority of business shall be decided without debate.

30 Standing Committees of Council shall be established and governed by policy or bylaw approved by council. Where appropriate authority is delegated to a Standing Committee, such committee and its mandate shall be established by bylaw.

### **Public Communication**

31 An agenda package that does not include financial or items not available to the public per FOIP may be made available to the public via the Village website 1 day prior to any Council meeting.

32 An audio recording of any Council meeting may be made available on the Village website within 5 business days after the Council meeting has concluded.

33 Minutes of any regular or special meeting of Council or Council of the Whole meeting may be made available to the public after the minutes have been passed by Council allowing 5 business days to be made available on the Village website.

34 The most popular bylaws of the Village may be made available on the Village website for the public to access.

35 Any documents that are available on the Village website that are requested to be printed by any Carmangay citizen shall be done at a cost of 25 cents per page.

READ A FIRST TIME this 21<sup>st</sup> day of August, 2018.

READ A SECOND TIME this 18<sup>th</sup> day of September, 2018.

READ A THIRD TIME this 18<sup>th</sup> day September of 2018

SIGNED by the Mayor and Chief Administrative Officer this 18<sup>th</sup> day of September 2018

\_\_\_\_\_  
Mayor

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

## **Item #2 5 year Capital Plan**

All municipalities are required to pass each year a 5 year capital plan. A 5 year capital plan is included in the agenda package for Councils consideration. A plan merely sets aside sums of money for anticipated upcoming capital expenditures. More work needs to be done to better qualify the costs as we move forward. Staff will seek a motion of Council and provide more details prior to any of the capital expenditures being spent.

**MOTION to pass the 5 year Capital Plan.**

## Draft 5 Year Capital Plan

Overview of Revenue and Expenses						
Capital Revenue	2018	2019	2020	2021	2022	
Carry Forwarded		\$ 132,020	\$ 17,020	\$ 117,020	\$ 122,020	
2017 MSI Capital Remaining	\$ 78,204					\$ 78,204
MSI Capital Received and Not Spent	\$ 109,444					\$ 109,444
MSI Capital Current Years	\$ 166,872	\$ 165,000	\$ 165,000	\$ 165,000	\$ 165,000	\$ 826,872
2017 Gas Tax Fund	\$ 50,000					\$ 50,000
Current Year Gas Tax Fund	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 250,000
Land Sales	\$ 20,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 60,000
<b>Totals</b>	<b>\$ 474,520</b>	<b>\$ 357,020</b>	<b>\$ 242,020</b>	<b>\$ 342,020</b>	<b>\$ 347,020</b>	<b>\$ 1,374,520</b>
<b>Capital Expenditures</b> (from 2nd page)	<b>\$ 342,500</b>	<b>\$ 340,000</b>	<b>\$ 125,000</b>	<b>\$ 220,000</b>	<b>\$ 25,000</b>	<b>\$ 1,052,500</b>
<b>Net Surplus (Deficit)</b>	<b>\$ 132,020</b>	<b>\$ 17,020</b>	<b>\$ 117,020</b>	<b>\$ 122,020</b>	<b>\$ 322,020</b>	

\*\*According the 2017 Audited Financial Statements there are net financial assets of \$275K. This is being investigated.

Capital Expenditures								
Infrastructure Category	Category	Project	2018	2019	2020	2021	2022	TOTAL
<b>Wastewater</b>	Lift Station	Replace Deficient Items	\$110,000					\$110,000
		Reporting System	\$25,000					\$25,000
	Sanitary Lines	Ongoing replacement		\$25,000	\$25,000	\$25,000	\$25,000	\$100,000
								\$0
<b>Water</b>	Water line	McFarland water line	\$30,000					\$30,000
		Fix water pressure issue	\$50,000	\$100,000	\$100,000	\$100,000		
	Water Plant	Move Electrical Panel				\$65,000		\$65,000
	Water Plant	Repurpose old water plant				\$30,000		\$30,000
<b>Land</b>	Industrial	Clear industrial land	\$10,000					\$10,000
	Parks	McFarland Trail		\$25,000				\$25,000
<b>Vehicles</b>	PW Truck	Replace PW Truck	\$50,000					\$50,000
		New Snow Plow	\$10,000					\$10,000
<b>Buildings</b>	Downtown Buildings	Renovate old grocery store	\$25,000	\$120,000				\$145,000
		Renovate village office		\$25,000				\$25,000
		Renovate library		\$20,000				\$20,000
		Replace office computer system	\$7,500					\$7,500
								\$0
<b>Administration</b>		New Accounting System	\$25,000	\$25,000				\$50,000
								\$0
<b>TOTAL</b>			<b>\$ 342,500</b>	<b>\$ 340,000</b>	<b>\$ 125,000</b>	<b>\$ 220,000</b>	<b>\$ 25,000</b>	<b>\$ 592,500</b>

\_\_\_\_\_  
Mayor

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

### **Item #3 Community Standards Bylaw**

The Community Standards Bylaw was brought to the last regular Council meeting for consideration. While there is still some work to be done in terms of how it would fit operationally into the organization and public the first step is to do a first reading and establish a public hearing date.

The Village of Champion is also working on a similar bylaw and has sought public input by mailing it to residents. It is intended to share that feedback with the Village of Carmangay. Council should consider how it would like to receive public input regarding the bylaw.

**MOTION to pass first reading of Bylaw 784 Community Standards Bylaw and set a public hearing date of September 18, 2018 at 7:15pm.**

**BEING a Bylaw of the Village of Carmangay in the Province in Alberta to ensure neighborhood safety and livability, and regulate various nuisances.**

**WHEREAS** under the delegation of the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, (M-26), the *Safety Codes Act*, Chapter S-1, and the *Traffic Safety Act*, being *Revised Statutes of Alberta 2000, Chapter T-6*, Village council may pass a bylaw in relation to:

- a) The health and welfare of people, in addition to protection of people and property;
- b) Regulation of nuisances, including untidy to unsightly private and public premises to ensure that the Village remains a desirable place to live;
- c) Oversight of activities that occur in a public space;
- d) Oversight that minimum maintenance standards are present for overall well-being and viability of the Village;
- e) Options for unsightly, unsafe, or derelict buildings and public structures; and
- f) Abating, eliminating, or limiting objectionable noise.

AND WHEREAS this Bylaw will rescind and replace Bylaws 698 Traffic Bylaw;

NOW THEREFORE, the Council of the Village of Carmangay, in the Province of Alberta, duly assembled, enacts as follows:

**Part 1: Purpose, Definitions, and Interpretations**

Bylaw Title:

1. This Bylaw shall be known as the Community Standards Bylaw.

Definitions:

2. In this Bylaw, unless otherwise stated:
  - a. “Adult offender” means any individual contravening a Village bylaw whom is over the age is eighteen (18) or older;
  - b. “Boulevard” means that portion of a street which lies between the roadway and the front property line of the land abutting said street;
  - c. “Chief Administrative Officer” refers to the person designated by Council to oversee administrative work in the Village;
  - d. “Council” means the Village Council of Carmangay, an elected body to represent the Village citizens and their interests in respect to administration of the Village;
  - e. “Construction Equipment” includes all equipment commonly used in construction, including but not limited to, a concrete mixer; gravel crusher; steam shovel; trenching machine; dragline; backhoe; air or steam compressor; jack hammer; drill; bulldozer; or machinery of a noisy nature utilized in the construction field;
  - f. “Community Peace Officer” refers to the Village of Carmangay’s hired bylaw enforcement authority, whom will be responsible for bylaw enforcement and oversight in adherence with the village administration;

- g. “Construction” means the temporary process of erecting or demolishing any structure, including repairing or improving a structure that already exists, including landscaping; home repair; property improvement; and any work in relation to the above processes;
- h. “Continuous noise” means any sound level that occurs:
  - i. for a continuous duration of three minutes or;
  - ii. sporadically for a total of more than three minutes, or in any continuous 15-minute time period.
- i. “Council” means the Council of the Village of Carmangay;
- j. “Daytime Hours” means the hours after 8 AM (0800 hours) until, but no later than, 11 PM (2300 hours);
- k. “Development Officer” means a Development Officer, or designate, for the Village and whatever subsequent title may be conferred on that officer by Council or statute;
- l. “Holiday” means any day declared as such by Municipal, Provincial, or Federal authority and includes Sundays.
- m. “Industrial Park” refers to the newly built industrial zone, as per Bylaw 2016-004 and in accordance with the current Land Use Bylaw;
- n. “Land Use Bylaw” refers to the municipal Land Use Bylaw currently in force, as amended, repealed, or replaced from time to time;
- o. “Motor vehicle” means any motor vehicle as defined in the *Traffic Safety Act* as amended, repealed, or replaced from time to time;
- p. “Municipal Tag” is an order to comply;
- q. “Non-residential development” means any land or building that is not in a residential development;
- r. “Nighttime hours” refer to the period of time between and 11PM (2300hrs) and 8AM (0700hrs);
- s. “Nuisance” refers to any act or deed, or omission, or thing, which is or could reasonably be expected to be annoying, troublesome, or destructive; harmful or inconvenient to another Person and her Property;
- t. “Premises” includes the external surface of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building or buildings;
- u. “Public Place” means any property, whether publicly or privately owned, to which members of the public have access as of right or by explicit/implicit invitation, regardless of fee payment or not;
- v. “Public Property” is property belonging to the Village, or another organization in which the general public may have access to;
- w. “Private Property” means a parcel of land, including any buildings, owned by an individual citizen;
- x. “Reasonable Person” refers to the Reasonable Person Standard, a legal term that helps to define the scope of negligence. By using “Reasonable Person”, we mean to define the measure of care (the measure in which one exercises caution or awareness for communal or individual safety) that a reasonable person would have done under the circumstances of a situation. This can apply to, for example, noise disputes; unsightly premises; etc.
- y. “Sound level” means that sound pressure measured in decibels (dBA);

- z. “Street Furniture” includes items such as poles, traffic signs, receptacles, benches, bus enclosures, trees, plants, grass, utilities, planters, bicycle racks, or similar structures in a Public Place;
  - aa. “Weekday” refers to Monday through Friday, inclusive unless it falls on a holiday;
  - bb. “Youth Offender” refers to any individual contravening a Village bylaw between the age of twelve (12) and seventeen (17);
  - cc. “Village” refers to the municipal corporation of the Village of Carmangay and the geographical boundaries within.
3. Rules of Interpretation
- a. The owner and / or lessee of any property, as registered on title at the Land Titles Office is ultimately responsible for all activities on the property.
  - b. Nothing in this Bylaw relieves an individual from compliance with federal or provincial law or regulation;
  - c. Council may direct rectification to the Community Peace Officer of an unsightly premise to the owner, lessee, or occupier of a property to take whatever measure necessary, or to ensure the abatement of nuisance. This may include giving warnings, fines, or if necessary, entering the property;
  - d. Any reference to the provisions of a statute of Alberta is a reference to that statute, and may be amended from time to time;
  - e. All schedules attached to this Bylaw shall form part of this Bylaw.

#### **Part 2: Remedial Orders**

4. (1) Every Remedial order written with respect to this Bylaw must:
- a. indicate to whom it is directed;
  - b. identify the property by municipal address or legal description, to which the Order is being related to;
  - c. identify the date and time that it is issued;
  - d. identify how the Premises fails to comply with this or another bylaw;
  - e. identify the provisions written in the Bylaw that the Premises contravenes;
  - f. identify the nature of the remedial action to be taken, to rectify the failure, and bring the Premises into compliance;
  - g. identify the time span by which remedying must be completed by (in most cases, a grace period – as per the designation of the Community Peace Officer – will be rewarded);
  - h. identify that if not completed within the time span, that the Village Council has discretion to determine whatever action or measures necessary for prevention of further occurrence;
  - i. indicate any expenses to the municipality in completing the remedial action in this section, and state an amount owing to the Village by the Person whom the order is directed;
  - j. indicate that expenses and costs referred to in this section will be attached to the tax roll of the property if such costs are not paid by a specified time;
  - k. indicate that an appeal is possible in the Remedial Order, to Council, if the recipient is aggrieved, but must be filed in writing with the Municipal Clerk within ten (10) days of the receipt of the Remedial Order.

1. Council will consider the appeal at its next regular council meeting after the appeal has been received.
- (2) Every Remedial order issued pursuant to this Bylaw may be served in the case of either an owner of a property or manager of a business/building:
  - a. by delivering it personally;
  - b. by leaving it for the individual at their place of residence, or with someone who appears to be at least eighteen (18) years of age;
  - c. delivering by registered mail to place of residence;
  - d. by delivering it by registered mail to the last address or the individual who is to be served as shown on the records of the Registrar of Motor Vehicle Services in Alberta.
- (3) If, in the opinion of the individual delivering the Remedial Order, service of the Order cannot be properly completed, or if the Person serving the Remedial Order believes that the owner of the Premises is evading service, the Person serving may post the Order:
  - a. at a conspicuous place on the Premises to which the Remedial Order relates;
  - b. at the private dwelling residence of the owner of the Premises to which the Remedial Order relates, as indicated by certificate of title pursuant to the *Land Titles Act* or shown on the municipal tax roll;
  - c. at any other property owned by the owner of the Premises to which the Remedial Order relates, as indicated by certificate of title pursuant to the *Land Titles Act* or shown on the municipal tax roll.

### **Part 3: Enforcement**

5. Where a Community Peace Officer believes on reasonable and probable grounds that a Person, owner, or occupant has contravened any provision of this Bylaw, the Peace Officer may issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act RSA 2000 c. P-24*. The specified penalty for each offence will not be less than Two Hundred Fifty Dollars (\$250.00) and not more than Two Thousand Five Hundred Dollars (\$2,500.00)
  - a. Penalties will be determined by the attached “Schedule A” based on their nature and level of contravention to this Bylaw.
6. A Community Peace Officer hereby authorized and empowered to issue a Municipal Tag to any Person in which he/she reasonably believes to have contravened the Bylaw. The Municipal Tag will be approved by the Chief Administrative Officer, and will be delivered in any of the specified, appropriated forms of notification.
7. A Community Peace Officer has the ability to issue a Violation Ticket if the Municipal Tag goes unpaid within the specified time frame, which has a heightened fine amount.

### **Part 4: Public Behaviors and Nuisances**

Littering:

8. A Person shall not have refuse in a public place except in the receptacles that are intended for such use;
  - a. For the purpose of this part “Refuse” means:

- i. rubbish, garbage, waste materials, paper, packages, containers, bottles, cans or parts thereof;
- ii. any article, product, machinery, motor vehicle, building material or manufactured goods;
- iii. trees, shrubs, sewage, straw, hay, soil, gravel, rock, animal carcasses, or any material considered foreign to a Highway or public land.

**Dangerous Action:**

- 9. A Person shall not throw, propel, or in some other way exert force in this way, in a public place that may cause injury to another person or damage to the Property. If the offender is a youth or a young child, then the parents or guardians of said child will be responsible for penalties incurred.

**Street Furniture:**

- 10. A person shall not jump on, overturn, alter, deface, damage, or in any other way destroy or tamper with Street Furniture.

**Graffiti:**

- 11. No Person shall partake in graffitiing, that is, spray painting, or in other ways defacing, a public property.

**Part 5: Property Maintenance and Untidy Properties**

***Nuisance on Property***

**Scope:** This part applies to Premises and vacant lots in residential areas and non-residential areas, but does not apply to industrial areas.

- 12. (1) A Person shall not cause or permit a nuisance to exist on Property they own or occupy. Occupancy will include temporary visitation to someone's Property, or tenants renting an individual's Property.
- (2) A Nuisance in this regard means Property that has disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, which includes:
  - a. accumulation of any material that creates unpleasant odors; any material likely to attract pests; any material such as appliances, household goods, boxes, tires, vehicle parts; or animal remains, parts of animal remains, or animal feces.
  - b. accumulation of any material that is visible to a Person viewing from outside the property, such as any appliances, household goods, boxes, tires, vehicle parts, yard waste;
  - c. any loose litter, garbage, or construction debris or refuse when located in a storage area or elsewhere on the land;
  - d. damaged, dismantled, or derelict Motor Vehicles or trailers;
  - e. grass higher than 15 centimeters (6");
  - f. excessive weeds, including the spreading of non-noxious weeds, as per *the Weed Control Act, Chapter W-5.1* as amended from time to time;
    - a. this also includes noxious weeds, in which would have to be destroyed or controlled as per the Community Peace Officer's discretion.
  - g. activities on said Property that exhume smoke, dust, or other airborne matters that may cause a disturbance to others;

- h. any tree, shrub, or other type of vegetation that interferes or could interfere with any Public Work or Utility; obstructs the Sidewalk adjacent to the Property; impairs the visibility required for safe traffic flow; that has any rot or deterioration.
- (3) An owner or occupier of a Property shall ensure that all building materials stored are done so in an orderly manner, stacked or stored;
- (4) Despite anything in this Part, it shall not be an offence to store a small amount of neatly stacked materials on Premises for basic property maintenance;
- (5) Exterior rot or damage will be subject to fine or municipal tag, such as peeling; unpainted or untreated surfaces; missing shingles, siding, windows, or doors; any hole or opening in the Building to the discretion of the Community Peace Officer;
- (6) Any roof or awning that extends over a Sidewalk from a Building is the responsibility of the owner, lessee, or occupant, and must be kept free of snow and ice;
- (7) Derelict or dangerous buildings for occupancy may be subject to review by the Village administration under the *Municipal Government Act*, Section 546.
- (8) This subsection does not apply to:
  - a. Animal remains that may result due to licensed hunting. The Village just asks that the animal carcasses be stored out of public eye, and kept in a sanitary matter to eliminate the possibility of objectionable odor.

***Sidewalks***

- 13. (1) A Person shall remove snow and ice from any Sidewalk adjacent to the Property, as to ensure the safety of the Public, within forty-eight (48) hours that the snow or ice has fallen;
- (2) If a Person fails to comply with subsection (1), the Village may arrange to have the Sidewalk cleared at the expense of the Property owner, lessee, or occupant. This shall be paid upon demand, and if not, added to the tax roll of the adjacent Property.

**Part 5: Noise Control**

***Prohibited Noise and Noise from Vehicles on Premises***

- 14. (1) A Person shall not cause, make, or permit any noise that would disturb or annoy a reasonable person;
- (2) A Person shall not cause, make, or permit any continued noise which emanates from the Premises and which would disturb or annoy a reasonable person;
- (3) No Person shall permit a vehicle located on a Premise to emit noise that would disturb or annoy a reasonable person, no shall any owner or occupier of a Premise permit a vehicle located to emit noise which emanates from that Premises, including noise from excessive or continuous engine revving, stereo, or other amplification equipment in the car as under delegation of Section 13 under the *Traffic Safety Act*.
- (4) No Person shall operate an off-highway or unlicensed vehicle that causes excessive, disruptive, or continuous noise within the Village as under the delegation of Section 13 under the *Traffic Safety Act*.<sup>1</sup>

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<sup>1</sup> The Village of Carmangay understand that individuals within the community must get from point A to point B, and that sometimes these vehicles can be noisy. The Village merely asks that excessive noise be avoided or intentionally making noise to disturb others.

(5) No Person shall cause any non-essential noise between 2200hrs of one day and 0700hrs of the next day, or between 2200hrs of one day and 1200hrs of the next day if that next day is Sunday.

### **Residential Areas: Noise Prohibitions**

#### *Daytime Decibel Limit – Residential*

(1) A person shall not cause or permit any sound exceeding 70 dBA as measured at the property line of a property zoned for residential use, between between 8AM and 10PM.

(2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 70 dBA, as measured at the property line of a property zoned for residential use, between 8AM and 10PM.

(3) This section does not apply to sounds up to:

- a. 75 dBA lasting a total period of time not exceeding two hours in any one day;
- b. 80 dBA lasting a total period of time not exceeding one hour at any one day;
- c. 85 dBA lasting a total period of time not exceeding 30 minutes of any one day; or
- d. 90 dBA lasting a total period of time not exceeding 15 minutes in one day.

(3) This bylaw does not apply to persons using air conditioning and cooling units in either domestic or commercial use if the units are properly maintained and are operated in a normal manner.

#### *Overnight Decibel Level – Residential*

(4) A person shall not cause or permit any sound exceeding 55 dBA as measured at the property line of a property zoned for use as residential, before 7AM or after 11PM.

(5) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 55 dBA, as measured at the property line of a property zoned for use as residential, before 7AM and after 11PM.

(6) This section does not apply to:

- a. Sound levels between 60 and 70 dBA that do not exceed an hour of the nighttime hours.

### **Noise Prohibitions – Non Residential**

#### *Daytime Decibel Limit – Non Residential*

(1) A person shall not cause or permit any sound exceeding 80 dBA, as measured at the property line of a property zoned for use other than residential, between 7AM and 11PM.

(2) A person shall not cause or permit property the own or occupy to be used so that any sound coming from the property exceeds 80 dBA, as measured at the property zoned for use other than residential between 7AM and 11PM.

(3) This section does not apply to sounds up to:

- a. 85 dBA lasting for a total period of time not exceeding two hours in any one day;
- b. 90 dBA lasting for a total period of time not exceeding one hour in any one day.

#### *Overnight Decibel Level – Non Residential*

(1) A person shall not cause or permit any sound exceeding 75 dBA, as measured at the property line of a property zoned for use other than residential, between 7AM and 10PM.

- (2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 75 dBA, as measured at the property line of a property zoned for use other than residential between 7AM and 10PM.
- (3) This section does not apply to:
- a. 80 dB(A) lasting for a total period of time not exceeding two hours in any one day; or
  - b. 85 dB(A) lasting for a total period of time not exceeding one hour in any one day.
- (4) Generally, this bylaw does not apply to these situations:
- a. Persons starting or operating motor vehicles intermittently;
  - b. The operator of a motor vehicle that does not allow the vehicle to warm up for a time longer than the minimum time specified by the engine manufacturer (generally 20-25 minutes);
  - c. The operator of said motor vehicle operates said vehicle as quietly as possible;
  - d. The operator of said vehicle uses a route out of Village that will have minimum impact on Village residents;
  - e. To work carried out in the Village or by its agents, contractors, or employees, acting within the scope of their employment or contract;
  - f. Been approved discretionary use within Districts and under the Land Use Bylaw;
  - g. Despite the above restrictions, a person may operate a snow clearing device powered by an engine for the purpose of commercial or non-commercial removal of snow and ice from public spaces (streets, parking lots, sidewalks) during the 48-hour period following a snowfall, rain or freezing rain, subject to the right of the Chief Administrative Officer or other designated authority.

(5) In the case where a resident has an issue with a motor vehicle contravening on the noise section of this bylaw, the complainant can file a receipt or written complaint that clearly explains why the complainant feels aggrieved. In this case, the Village may:

- a. demand that the owner or operator of said vehicle provide documentation from a source certified to provide such documentation that the sound suppression system on said vehicle is installed, maintained and functioning within specifications determined by the Province of Alberta, and/or
- b. specify the route to be taken by the operator of said vehicle in leaving the Village.

### **Part 6: Traffic and Parking**

15. This subsection is meant to regulate and organize public parking within the village as designated and in accordance with the *Traffic Safety Act*, Section 13, Division 3. It is under the municipality's jurisdiction to govern the parking of vehicles within the village; establishment of parking places; defining noise in connection with a motor vehicle, including what is objectionable noise, the measuring of that noise, or prohibiting use or operation of a vehicle if it is considered to be making objectionable noise; restricting weight of vehicles; designating routes for different classes of vehicles; and, prescribing penalties for contravention of bylaws in accordance with the *Traffic Safety Act* as amended from time to time.

The Village of Carmangay enforces, in alignment with provincial legislation as permitted in whole, or in part, enacts the following measures to ensure traffic safety and parking accessibility:

- 1) No vehicles larger than one tonne trucks to be parked on Main Street, or any other residentially zoned area;
- 2) Parked vehicles on public streets – specifically Main Street – must be on the proper side of the street, aligning with traffic flow direction;
- 3) Parked vehicles cannot remain ***parked on public streets*** for longer than 48 consecutive hours;

#### **Part 7: Outdoor Fires**

16. (1) **Scope:** Excepting when a fire is permitted by bylaw or some other acceptance, then no Person shall burn, or allow to be burned, a fire on a Premises that does not comply with the requirements of this bylaw.
  - (2) All fires must be supervised, and must ensure that the fire never goes unsupervised at any time. Every person who ignites or permits fire on a property must ensure it is supervised.
  - (4) All fires must not exceed one metre in height at any time.
  - (5) Any individual who builds a fire in a permitted receptacle – i.e., a fire pit or fire place – must have means of extinguishment on hands at all times while the fire is burning.
  - (6) Outdoor fires must be contained within a steel, concrete, or brick fire ring or factory built outdoor fireplace.
  - (7) No Person shall burn, at any time, on any Premises, any refuse, waste, junk, garbage, structures, debris or other noxious substance(s) within the boundaries of the Village.
    - (7) Fires are hereby prohibited during the hours of 12AM and 8AM on any Monday through Friday, or; between 1AM and 9AM on a Saturday or Sunday.
    - (8) If a regional, provincial, or local fire ban is in place, then that ban must be adhered to for the safety of the community to avoid risk of the fire becoming a running fire.
      - a. If a fire contravenes during a Fire Ban, then the owner or occupier of the land, or the person having control of the land in which the fire is lit, shall extinguish the fire immediately, or report to the Fire Department as soon as possible.
    - (9) This subsection does not apply to:
      - a. Indoor wood burning stoves, or other indoor fire receptacles.
17. (1) If an authority of the Village – specifically the Fire Chief, or someone designated by the Chief Administrative Officer and trained in Emergency Management – determines grass or any other vegetation to pose a fire hazard on a property, then that individual may request to the Village to place a remedial order on the property to abate the hazard.

(2) Appeals to notices in this subsection may be requested to be heard by Council at the next subsequent meeting, if there are appropriate measures taken to file the appeal (seen under Part 2: Remedial Orders of this Bylaw).

18. This Bylaw will come into force on \_\_\_\_\_ 2018.

19. Upon coming into force of this Bylaw, Bylaws

a. 698: Traffic Bylaw;

READ A FIRST TIME THIS \_\_\_\_\_ 2018.

READ A SECOND TIME THIS \_\_\_\_\_ 2018.

READ A THIRD TIME THIS DAY \_\_\_\_\_ 2018.

\_\_\_\_\_  
MAYOR  
STACEY HOVDE

\_\_\_\_\_  
CAO

SCHEDULE "A"  
FINES AND PENALTIES

Offence	Section	First Offence Penalty (Minimum)	Second Offence Penalty	Third and Subsequent Offence Penalty (Maximum)
Failure to comply with remedial order	Part 2: 4 (1)	175.00	200.00	500.00
Unsightly property/failure to comply with Property Maintenance	Pertinent to all under Part 4: 14 (2)	250.00	350.00	500.00**
Building, structure, or improvement in unreasonable or dangerous state	Part 4: 14 (8)	250.00	350.00	600.00
Accumulation of harmful material	Part 4: 14 (2a, b)	250.00	350.00	500.00
Prohibited or non-complying fire	Part 6: 21	300.00	375.00	600.00
Unsupervised fire	Part 6: 21	300.00	375.00	600.00
Outdoor fire when prohibited	Part 6: 21	300.00	375.00	600.00
Using a Fire to burn material that will produce smoke or toxic materials	Part 6: 21	300.00	375.00	600.00
Allowing Fire to become a Running Fire	Part 6: 21	400.00	475.00	700.00
Person applying Graffiti	Part 3: 13	50.00	75.00	100.00

Noise which disturbs a Person	Part 5	125.00	150.00	200.00
Continuous Sound in excess of prescribed Sound Level	Part 5: 17 (3-4)	125.00	150.00	200.00
Non-Continuous Sound in excess of	Part 5: 17 (3-4)	125.00	150.00	200.00
Owner or occupant permitting noise emanating from their property which disturbs the peace	Part 5	125.00	150.00	200.00
Idle vehicle more than 20 minutes in a residential area, or allow a vehicle to disturb the peace in another way	Part 5: 19	125.00	150.00	200.00
Use of engine retarder brakes	Part 5: 18	125.00	150.00	200.00
Parking Violations (Wrong side of street; leaving vehicle unattended for longer than 48 hours).	Part 6: 2-4	75.00	100.00	200.00
Violent disruption of a Person (fighting)	Part 3: 12	100.00	125.00	150.00
Urination or defecation	Part 3: 9	125.00	200.00	350.00

Removing, damaging, or defacing public property (Street Furniture)	Part 3: 11	125.00	200.00	350.00
Littering	Part 3: 8	125.00	200.00	350.00C

## Item #4 Update on Wastewater Lift Station

The wastewater lift station has been long overdue for an upgrade. We received an initial quote of \$103,000 to change out valves, suction pipes and motors. Through a new project manager we were able to reduce the estimated bill to less than \$80,000. The valves below have already been replaced and the motor should be replaced on Monday the 20<sup>th</sup> of August. Council had budgeted \$110,000 for this work. The intention is to complete the required work and install a new callout system as there has never been an alert system to notify public works of a failure. Staff will continue to update Council as costing and progress is made.



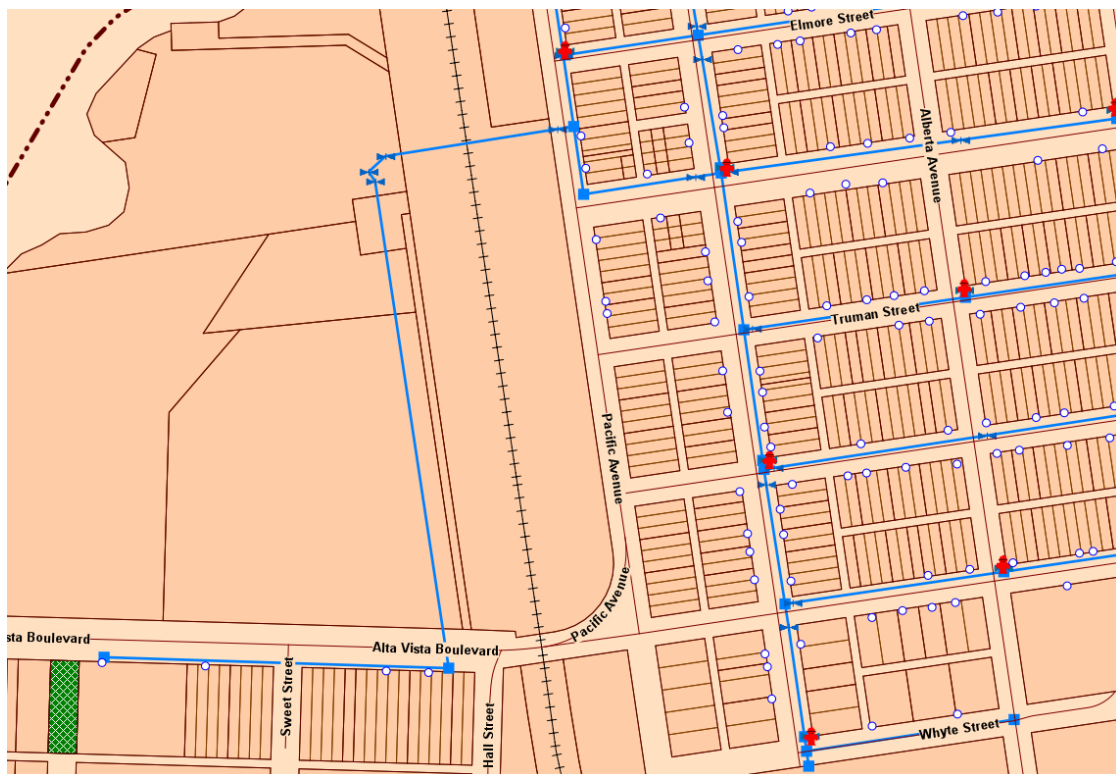
## Item #5 Water Pressure Update

As you are aware, there has been a water flow issue for a number of years in Carmangay. There are 2 major concerns with the flow;

1. When the fire truck is being filled up then residents on primarily on Armstrong and Whitney streets have little to no water pressure.
2. Do we an appropriate amount of water flow available with the existing fire equipment and manpower to handle fire events?

There are a number of factors that may have an impact on water flow.

1. The water distribution plant was designed to have space for 4 pumps but only 2 were installed. If 1 pump were to fail then there is a risk that there is no backup. Pumps are usually set up so that if additional pressure is needed a 2<sup>nd</sup> and possible a 3<sup>rd</sup> pump will come on to provide the pressure. Additionally, if there is a pump failure then other pumps can be brought online to replace them. For example, Champion's water distribution plant currently has 4 pumps.
2. There are 2 mainlines that come out of the water plant. The first is a 6 inch line that crosses the railway and supplies most of the Village. It connects at Pacific between Elmore and Carmen streets. The second line is a smaller 4 inch line that heads approximately south to handle Alta Vista.



3. A recent report indicated that the water flows are approximately 150 to 160 gallons per minute versus approximately 600 gallons per minute for Champion as an example. I have asked

Regional Deputy Fire Chief Douglas Headrick for some information about what is required for the Village.

4. The water line system slopes up as you move south. What this means is if you remove a large amount of water from the system then water pressure is primarily replaced starting with the low areas in the north and filling to the higher areas in the south. This is exacerbated by the main water line coming in by the north section between Carman and Elmore streets.
5. There is little to no looping of water lines. Each line terminates at the end of the road it serves. If the lines were looped then water pressure would return from 2 directions much more quickly.
6. There is currently no infrastructure in place to clean out the water lines. There may be some silt build up especially in the main lines that cannot currently be removed.

The plan moving forward is to continue to gather information and formulate a plan to progressively improve the situation. We are hoping for further growth so that needs to be considered in the plans as well. It makes sense to consider the water plant first as it needs to drive the whole system. We hope to have some options for Council to consider in the next 2 to 4 weeks.

## **Item #6 CAO Resolution**

Staff is requesting a change of roles for current staff with a focus on sharing resources with the Village of Champion. Staff would like to align skillsets and interests of existing staff with roles that optimize efficiency and talent. With this in mind, staff recommends moving Heather to a role that is shared with the Village of Champion that focuses on items such as; payroll, utility billing and collection, accounting oversight, taxation and other finance and reporting areas. Patrick would then take over the role of CAO for the Village of Carmangay. There is more work to identify the duties and priorities of each role as the organization progresses with upgrading and streamlining all processes for each Village. There will be some backfilling of the time Heather is away from Carmangay in Champion with a casual part time junior position.

While requesting Council's permission to do this it is a good opportunity to clean up the process of establishing the CAO role by bylaw and appointing the person to the role by a motion of Council as defined in the Municipal Government Act.

**MOTION to pass first reading of Bylaw 785 Establishment of a CAO.**

**MOTION to pass second reading of Bylaw 785 Establishment of a CAO.**

**MOTION for permission for third reading of Bylaw 785 Establishment of a CAO.**

**MOTION to pass third reading of Bylaw 785 Establishment of a CAO.**

***Village of Carmangay  
Bylaw 785  
Chief Administrative Officer Bylaw***

BEING A BY-LAW OF THE VILLAGE OF CARMANGAY TO ESTABLISH THE POSITION OF CHIEF ADMINISTRATIVE OFFICER AND TO OUTLINE THE DUTIES AND RESPONSIBILITIES OF THE CHIEF ADMINISTRATIVE OFFICER

**WHEREAS** Section 205 of the Municipal Government Act, Statutes of Alberta, states that every council must establish by bylaw a position of chief administrative officer.

**AND WHEREAS** Section 205 of the Municipal Government Act, Statutes of Alberta, states that every council must appoint one or more persons to carry out the powers, duties and function of the position of chief administrative officer.

**AND WHEREAS** Section 205 of the Municipal Government Act, Statutes of Alberta, states that council may give the position of chief administrative officer any title the council considers appropriate.

**NOW THEREFORE**, the Council of the Village of Carmangay, in the Province of Alberta duly assembled, thereby enact as follows:

**NAME OF BYLAW**

1. This bylaw may be cited as the Chief Administrative Officer bylaw

**DEFINITIONS**

2. For the purposes of this Bylaw, the following words mean:
  - (1) "Act" means the MUNICIPAL GOVERNMENT ACT, RSA 2000, c, M-26.1, section 541, as amended.
  - (2) "Council" means the Municipal Council of the Village.
  - (3) "Officer" means the Chief Administrative Officer of the Village
  - (4) "Village" means the Municipal Corporation of the Village of Carmangay.

**RESPONSIBILITIES**

3. As outlined in Section 207 of the Act, the chief administrative officer is the administrative head of the municipality and has the following responsibilities:
  - a) Ensures that the policies and programs of the municipality are implemented.
  - b) Advises and informs the council on the operation and affairs of the municipality.

- c) Performs the duties and functions and exercises the powers assigned to a chief administrative officer by the Act and this bylaw.
- d) Faithfully perform all of the duties as outlined in Appendix "A" CAO Position Profile.

#### **AUTHORITY OF CHIEF ADMINISTRATIVE OFFICER**

- 4. In order to carry out the responsibilities of the position, the chief administrative officer has the authority to:
  - a) Hire, dismiss, promote, demote, reward or discipline any employee of the Village
  - b) Implement any internal reorganization of responsibilities and duties required for the effective and efficient operation of the Village. If a major organizational change is effected, the chief administrative officer shall report such a change to Council
  - c) Be present at any meeting of the Council of Committee of the Council and be recognized to speak on any subject brought before Council.
  - d) In the case of an emergency, incur any expenditure not previously approved by Council provided a detailed report on such expenditure and its need is presented to the next meeting of the Council.
  - e) Negotiate contracts, agreements and transactions required for the effective operation of the Village and to recommend the approval of such contracts, agreements and transaction by Council
  - f) Sign any order, agreement, cheque, negotiable instrument or document made or executed on behalf of the Village
  - g) Take such other actions necessary to carry out the responsibilities assigned by Council.
  - h) In accordance with Section 209 of the Act, delegate any of the chief administrative officer's powers, duties or functions under the Act or any other enactment or by-law to a Designated Officer or an employee of the Village

#### **MAJOR ADMINISTRATIVE DUTIES**

- 5. As outlined in Section 208 of the Act, the chief administrative officer must ensure that:
  - a) All minutes of council meetings are recorded in the English language, without note or comment.
  - b) The names of the councillors present at council meetings are recorded.
  - c) The minutes of each council meeting are given to Council for adoption at a subsequent council meeting.
  - d) The bylaws and minutes of council meeting and all other records and documents of the municipality are kept safe.
  - e) The Minister is sent a list of the councillors and any other information the Minister requires within 5 days after the team of the councillors begin.
  - f) The corporate seal is kept in the custody of the chief administrative officer.
  - g) The revenues of the municipality are collected and controlled and receipts are issued in the manner directed by Council.
  - h) All money belonging to or held by the municipality is deposited in a bank, credit union, loan corporation, treasury bank or trust corporation designated by Council.
  - i) The accounts for authorized expenditures are paid.

- j) Accurate records and accounts are kept of the financial affairs of the Village, including the things on which a Village's debt limit is based and the things included in the definition of debt for the Village.
  - k) The actual revenues and expenditures of the Village compared with the estimates in the operating or capital budget approved by Council are reported to Council as often as Council directs.
  - l) Money invested by the Village is invested in accordance with Section 250 of the Act.
  - m) Assessments, assessment rolls and tax rolls are prepared in accordance to Parts 9 and 10 of the Act.
  - n) Public Auctions held to recover taxes are carried out in accordance to Part 10 of the Act.
  - o) The Council is advised in writing of its legislative responsibilities in accordance with the Act.
6. In accordance with Section 205.1 of the Act, Council must provide the chief administrative officer with an annual written performance evaluation of the results the chief administrative officer has achieved with respect to fulfilling the chief administrative officer's responsibilities as outlined in Section four (4) of this bylaw and Section 208 of the Act.

**APPOINTMENT, SUSPENSION AND REVOCATION**

- 7. In accordance with Section 206 of the Act, the appointment of a person to the position of chief administrative officer may:
    - a) Be made, suspended or revoked only if the majority of the whole council vote to do so.
    - b) Not be revoked or suspended unless Council notifies the officer, in writing, proposing to revoke or suspend the appointment providing reasons.
  - 8. If requested by the chief administrative officer, Council must give the officer or the officer's representative a reasonable opportunity to be heard before Council.
  - 9. A chief administrative officer whose appointment is revoked without cause is, subject to any written agreement between council and the officer, entitled to reasonable notice or to compensation instead of reasonable notice
10. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME THIS THE 21<sup>th</sup>DAY OF AUGUST , 2018

READ A SECOND TIME THIS THE 21<sup>th</sup>DAY OF AUGUST , 2018

READ A THIRD TIME AND PASSED THIS THE 21<sup>th</sup>DAY OF AUGUST , 2018

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Stacey Hovde  
MAYOR

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Chief Administrative Officer

**MOTION to Rescind Bylaw 750 Appointment of Administrator.**

**MOTION to appoint Patrick Bergen as the Chief Administrative Officer for the Village of Carmangay.**

**MOTION to remove Heather O'Halloran as the Chief Administrative Officer for the Village of Carmangay and continue her employment reporting to Patrick Bergen.**

## **Item #7 G3 Development Update**

Patrick is working with Carmangay Council and the Vulcan County CAO to address the concerns of affected citizens for the G3 development as well as explore opportunities for the village.

***Does Council have an update as to the G3 presentation on the 10<sup>th</sup> as well as the Land Use Redesignation on the 15<sup>th</sup>?***