

PART 2 – ADMINISTRATION, PROCEDURES AND ENFORCEMENT

ADMINISTRATION

2.1. Development Authority and Subdivision Authority

- 2.1.1 This Bylaw repeals Development Authority Bylaw No. 1048 and any amendments thereto.
- 2.1.2 The position of Development Authority is established in accordance with Section 624 of the Municipal Government Act, as amended.
 - a) The Chief Administrative Officer shall constitute the Development Authority for the Town and shall perform duties in accordance with the Municipal Government Act, the Subdivision and Development Regulation and this Bylaw.
- 2.1.2 For administration of this Bylaw, the Development Authority may delegate responsibility to:
 - a) A designated officer, a municipal planning commission or any other person or organization designated as the Development Officer for the Town.
- 2.1.3 The position of Subdivision Authority is established in accordance with Section 623 of the Municipal Government Act, as amended and the Towns' Subdivision Authority Bylaw.

2.2 General Interpretation

- 2.2.1 Any reference in this Bylaw to other legislation or documents shall be a reference to the bylaw or legislation then in effect and shall include all amendments and any successor legislation.

2.3 Rules of Interpretation

- 2.3.1 In this Bylaw:
 - a) words in singular include the plural and words in the plural include the singular, where the context requires;
 - b) words used in the present tense include the other tenses and derivative forms;

- c) words using masculine gender include feminine gender and, words using feminine gender include masculine gender;
- d) words in either gender include corporations;
- e) “shall”, “must”, and “required” are to be construed as a compulsory obligation; subject to the variance provisions of this Bylaw pursuant to the Municipal Government Act;
- f) “may” is to be interpreted as meaning that a choice is available, with no particular direction or guidance intended;
- g) "should" is an operative word, which means that, in order to achieve municipal goals and objectives, it is strongly advised that the action be taken. Exceptions may be made only under extenuating circumstances;
- h) words, phrases, and terms not defined in this Section of the Bylaw may be given their definition in the Municipal Government Act. Other words shall be given their usual and customary meaning;
- i) a “person” includes an individual, partnership, association, corporation, firm, trustee, executor, administrator and legal representative of a person; and

2.4 Establishment of Land Use Districts

2.4.1 The provisions of this Bylaw apply to all lands within the limits of the Town of Tofield. All lands subject to this Bylaw are contained within one of the following Land Use Districts:

LAND USE DISTRICTS	SYMBOL
Airport	A
Airport Overlay	A-O
Business Industrial	B-I
Downtown Commercial	C-DC
General Commercial	C-GC
Highway Commercial	C-HC
Service Commercial	C-SC
Medium Industrial	M-I
Recreation	P-R
Public Services	P-S
Public Utilities	P-U
Low Density Residential	R-LD
Medium Density	R-MD

2.5 Land Use Map Boundaries

- 2.5.1 The boundaries of the Land Use Districts are shown on the Land Use Map shown in Part 10 of this Bylaw.
- 2.5.2 Where a Land Use District boundary is uncertain; it shall be located based on the following:
- a) the municipal boundaries; or
 - b) the edge of a property line or parcel boundary; or
 - c) the edge, shoreline, or high-water mark of a river, lake, or other water body, or a topographic contour line, or a top of bank line. In the event of change in a line, the Land Use District boundary shall continue to align with the edge or shoreline; or
 - d) the centerline of a road, lane, railway, pipeline, power line, utility right- of-way, or easement.
- 2.5.3 Where a Land Use District boundary is shown to be generally parallel to, or as an extension to, any of the features listed above, it shall be considered as such.
- 2.5.4 Where the Land Use District boundary is in dispute, its location shall be determined by the Development Authority on the basis of the scale of the Land Use District Map.
- 2.5.5 Where the Development Authority is unable to determine a Land Use District boundary or overlay boundary by applying the above provisions, they shall fix the boundary in doubt or dispute in a manner otherwise consistent with the provisions of this Bylaw and with the degree of detail as to measurements and directions as circumstances require. The decision of the Development Authority may be appealed to the Subdivision and Development Appeal Board.
- 2.5.6 Where a road or lane is closed, it shall have the same Land Use District as the abutting property. When different Land Use Districts govern abutting lands, the centerline of the road or lane shall be the boundary unless it is shown clearly following the edge of the road or lane. If the

road or lane is consolidated with an adjacent lot, the designation of that lot shall apply to affected portions of the closed lane or road.

PROCEDURES

2.6 Land Use Bylaw Amendment Application

- 2.6.1. An application to amend the text, maps or diagrams contained within this Bylaw may be made in writing to the Town by:
- a) the owner of a lot or site; or
 - b) the Town.
- 2.6.2. The application shall be made on a form prescribed by the Town, which shall be completed and accompanied by all required information, in accordance with Town policies and procedures and this Bylaw.
- 2.6.3. A completed application shall require the following:
- a) a certificate of title from within thirty (30) days prior to the application date;
 - b) owner authorization and where applicable, an applicant signature;
 - c) a map showing the proposed change within the context of adjacent land;
 - d) a written statement to describe and justify the proposal;
 - e) the required application and any associated fees;
 - f) permission for reasonable right-of-entry by Town staff for inspection; and
 - g) any additional report, drawing or study that may be required, in order to prepare, evaluate, and make a recommendation concerning the proposed amendment. This may include, but is not limited to, an analysis by a qualified professional of the potential effect on land use, traffic, the environment, underground and aboveground utilities, and other municipal services and facilities. This information may be required to address the following:
 - i) consistency with the Municipal Development Plan and other statutory plans or policies adopted by the Town of Tofield;

ii) other Town plans and policies.

2.6.4. In addition to Section 2.6.3, at the discretion of the Town, an application may include documentation of the opinions and concerns of adjacent property owners and residents obtained through a public engagement program, together with a summary of the methods used to obtain such input.

2.6.5 An application may be considered incomplete where:

- a) information required by Section 2.6.2 or 2.6.3 or 2.6.4 is not provided;
- b) the quality of the information provided is inadequate to properly evaluate the application;
- c) the Town determines that the application does not conform to an applicable Statutory Plan. In this case the applicant may be required to submit a complete application, fee and required plans to amend the applicable Statutory Plan prior to an application to amend this Bylaw being considered as complete; or
- d) the Town determines that an Area Structure Plan or Area Redevelopment Plan is required in accordance with the MDP or Town policy. In this case the applicant may be required to submit an Area Structure Plan or Area Redevelopment Plan prepared in accordance with Town policy prior to considering the application to amend this Bylaw complete.

2.6.6 Upon deeming an application complete, the application shall be processed and an investigation and analysis of the potential effects and impacts of the proposal will be undertaken.

2.6.7 Referral and notification of an amendment application to Town departments, other agencies and bodies, adjacent owners and the public shall occur in accordance with the Municipal Government Act, the Municipal Development Plan, this Bylaw, Town policies and procedures.

2.6.8 At the discretion of the Development Authority, the applicant for an application to amend the Land Use Map may be required to post a notification sign on the lot or site within fourteen (14) days of an application being deemed complete. Proof of the notification sign being posted on the lot or site in accordance with the above shall be provided upon placement of the sign.

All required notification signs shall:

- a) have a sign face of at least 1.2 m by 1.2 m;
- b) be approved by the Town for form and content prior to installation;
- c) indicate the present Land Use District, proposed Land Use District, and a general description of the proposed uses that could be developed under the proposed Land Use District;
- d) provide the Town contact phone number;
- e) be placed inside the property line in a location clearly visible from the road;
- f) be in place until the Public Hearing is completed or the application is abandoned; and
- g) be removed within seven (7) days of the completion of the Public Hearing or abandonment of the application.

2.6.9 Where an application to amend the Land Use Map is received, a Notice of a Public Hearing for the application in accordance with the Municipal Government Act shall be mailed to the owners(s) of the subject lot(s) and the owners of all lots adjacent to, and within 60 m of, the lot(s) that is/are the subject of the proposed amendment.

2.6.10 Where an application to amend the text of the Land Use Bylaw relates to a specific parcel of land, notice of the text amendment application shall be mailed to the owner(s) of the property that is the subject of the application and adjacent owners in accordance with Section 2.6.9.

2.6.11 A Notice of a Public Hearing for an application to amend the Land Use Map or text of this Bylaw shall be published once a week for two (2) consecutive weeks, at least five (5) days before the public hearing in at least one local newspaper circulating in the Town.

2.6.12 When an application to amend either the Land Use Map or the text of this Bylaw has been defeated by Council, the Town shall not accept a new application for the same or substantially the same amendment until one (1) year has passed from the date the motion to amend the Bylaw was defeated.

2.6.13 Despite Section 2.6.12, a new application may be accepted within one (1) year of the Bylaw amendment being defeated, provided the Town is satisfied that a new application generally addresses the reasons for the initial Bylaw amendment being defeated.

2.7 Subdivision Applications

- 2.7.1 If an application for a Development Permit requires the subdivision of land prior to the issuance of a Development Permit, no permit shall be issued until a plan of subdivision for the land has been registered in the Alberta Land Titles Office.

ENFORCEMENT

2.8 General Provisions

- 2.8.1 No person shall contravene or permit a contravention of this Bylaw. No person shall commence or undertake a development, use, or sign that is not permitted by this Bylaw.
- 2.8.2 No person shall contravene a condition of a development permit or subdivision approval issued under this Bylaw.
- 2.8.3 No person shall authorize or undertake any development that is not compliant with the description, specifications or plans that were the basis for the issuance of a development permit.
- 2.8.4 No person shall modify any description, specifications, or plans that were the basis for the issuance of any permit by the Development Authority.

2.9 Right of Entry

- 2.9.1 Upon reasonable notice (generally to mean 48 hours) to the owner or occupant, in accordance with the Municipal Government Act, the Development Authority or designate may enter property at reasonable times (generally to mean 7:30 a.m. to 10:00 p.m.) to ascertain if Bylaw requirements are being met.
- 2.9.2 A person shall not prevent or obstruct the Development Authority or designate from carrying out any official duty under this Bylaw. If consent is not given, the Town may apply to the Court of Queen's Bench for an authorizing order.

2.10 Violation Warning

- 2.10.1A Designated Officer may issue a violation warning for minor offences by outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures.

2.11 Warning and Final Warning Notice

2.11.1A Designated Officer may issue a warning notice or a final warning outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures, or both.

2.12 Offenses and Fines

2.12.1A person who violates the provisions of this Bylaw or permits a contravention of this Bylaw, is guilty of an offence and is liable to a fine for a first offence and for each subsequent offense as specified in the Fees for Services Bylaw.

2.13 Stop Orders

2.13.1 On finding that a development, land use, or use of a building does not conform with the Municipal Government Act or its regulations, the Land Use Bylaw, a development permit or subdivision approval or the conditions of either, the Development Authority may, by written notice, direct the owner of the property, the person in possession of the land, building, or sign, or the person responsible for a contravention or any or all of them, to:

- a) stop the development or use of the land or building in whole or part as directed by the notice;
- b) demolish, remove, or replace the development; or
- c) carry out any other actions required by the notice for compliance, in accordance with Section 645(2) of the MGA, as amended.

2.13.2 The notice shall specify a deadline for compliance.

2.13.3 A person who receives the notice may appeal to the Subdivision and Development Appeal Board.

2.14 Enforcement of Stop Orders

2.14.1 If a person fails or refuses to comply with the order of the Development Authority or the Subdivision and Development Appeal Board, the Town may enter on the land or building and take any action necessary to carry out the order.

2.14.2 The Town may register a caveat against the certificate of title for the land that is subject to the order, provided that the caveat is discharged when the order has been complied with.

2.14.3 The Town's costs of carrying out any actions required for compliance may be added to the tax roll of the land subject to the order.

2.15 Sign Enforcement

2.15.1 The Development Authority or designate may enforce the conditions of a development permit for a sign in accordance with Part 8 of this Bylaw.