



**BYLAW NO. 2019/06/P**

**Name of Bylaw: Temporary Shelter Bylaw**

**WHEREAS** pursuant to the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta 2000 and amendments thereto. Council may pass Bylaws for the safety, health and welfare of people and the protection of people and property, and for services provided by or on behalf of the municipality;

**WHEREAS** pursuant to the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta 2000 and amendments thereto. Council has the authority to pass a Bylaw respecting people, activities and things in, on or near a public place or place that is open to the public;

**AND WHEREAS** the Council of the Town of Drayton Valley deems it desirable to regulate camping and the construction of temporary shelters for human habitation;

**NOW THEREFORE** the Council of the Town of Drayton Valley, duly assembled, hereby enacts as follows:

**TITLE**

1. This Bylaw may be cited as the “Temporary Shelter Bylaw” of the Town of Drayton Valley.

**PURPOSE**

2. The purpose of this Bylaw is to regulate tenting and temporary shelters used for camping, sleeping accommodations, and human habitation in the Town of Drayton Valley.

**DEFINITIONS**

3. In this Bylaw, including this section, unless the context otherwise requires:
  - 3.1 *Accessory Building* means a building separate and subordinate to the main building, the use of which is incidental to that main building, and is located on the same lot, including but is not limited to: garages, carports, sheds, and storage buildings;
  - 3.2 *Act* means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto;
  - 3.3 *Camp or Camping* means the locating of, erecting of, or use of a tent, trailer, motor home, truck and camper, lean-to, a vehicle or part of a vehicle, a portable cabin, storage shed, or any other similar temporary structure for the provision of sleeping or Human Habitation ;
  - 3.4 *Camping Equipment* means the tools and supplies used for the purposes of living in the outdoors which includes but is not limited to: sleeping bags,

pillows, mattresses, blankets, cooking gear, propane/butane bottles, coolers, clothes, axes, hatchets, knives, tarps, bug repellent, netting, backpacks, lighting, generators, food, and drinks;

- 3.5 *Campground* means a specified area designated by the Town for Camping;
- 3.6 *Camping Unit* means a tent, trailer, fifth wheel, truck camper, motor home, camperized van, or other certified recreational unit used as a shelter while persons Camp or in conjunction with Camping;
- 3.7 *CAO* means the Chief Administrative Officer for Town of Drayton Valley;
- 3.8 *Construction Materials* means any article, item, material, or supply consumed or used in the construction process and incorporated in a building or structure;
- 3.9 *Human Habitation* means the occupancy of any Accessory Building, Camping Unit, or Temporary Shelter, whether commercially manufactured or hand-made, for the purpose of sheltering a person or persons;
- 3.10 *Peace Officer* means a person appointed as a Peace Officer pursuant to section 7 of the *Peace Officer Act*, S.A. 2006, Chapter P-35, and also includes but is not limited to Royal Canadian Mounted Police Officer, Special Constable, or Bylaw Enforcement Officer;
- 3.11 *Public Place* means any highway, parkland, bridge, municipal reserve, or right of way, whether a thoroughfare or not, and includes any open space to which the public may have or are permitted to have access, that is owned by the Town of Drayton Valley;
- 3.12 *Tent* means a portable or moveable shelter, partially or fully enclosed, partially or wholly assembled or constructed out of canvass, cardboard, cloth, synthetic material, plastic, metal, wood, or like materials suitable to provide temporary accommodation for one or more persons, whether or not the said shelter is designed or intended to provide such accommodation, or whether commercially manufactured or hand-made;
- 3.13 *Temporary Shelter* means a structure, improvement, shield, or cover that protects people or things and includes a lean-to or other shelter made of cardboard, tarpaulin, plastics, metal, logs, brush, branches, or other materials or things, whether commercially manufactured or hand-made;
- 3.14 *Town* means the municipal corporation of the Town of Drayton Valley;
- 3.15 *Violation Tag* means a document issued by the Town for the purpose of notifying a person that an offence has been committed for which a penalty may follow;
- 3.16 *Violation Ticket* means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*.

- 3.17 *Waste* means any solid or liquid material or product, including, but not limited to: rubbish, refuse, garbage, cast-off clothing, paper, packaging, containers, bottles, cans, branches, shrubbery, human or animal excrement, sewage, or the whole or a part of an animal carcass, or the whole or part of any raw or processed material, vehicle or other machinery and includes sharps and biomedical waste.

## **OFFENCES**

4. No person shall Camp in any area of the Town which is not designated as a Campground pursuant to the requirements of the Town's Land Use Bylaw except for the following:
- 4.1 No person shall reside or Camp in any Public Place in the Town unless special permission has been granted in writing, subject to conditions by the CAO or his/her designate.
- 4.2 No person shall reside or Camp in any Accessory Building, Camping Unit, Temporary Shelter, or Tent on private property for a period not longer than seven (7) consecutive days within one (1) calendar year unless special permission has been granted in writing, subject to conditions by the CAO or his/her designate.
5. A Peace Officer may direct the owner or occupant of a Camping Unit, Temporary Shelter, or Tent to relocate to a Campground **within twenty-four (24) hours** if the Peace Officer believes that the Camping Unit, Temporary Shelter, or Tent is being used, or is intended to be used, for the purpose of Human Habitation.
6. Notwithstanding any provision of this Bylaw, a Camping Unit, Temporary Shelter, or Tent may be used for temporary Human Habitation in the Town, provided:
- 6.1 the Camping Unit, Temporary Shelter, or Tent is not situated partially or fully on any Public Place;
- 6.2 the Peace Officer has been satisfied that the Camping Unit, Temporary Shelter, or Tent is situated on such property with the full knowledge and approval of the owner of the property; and
- 6.3 the Camping Unit, Temporary Shelter, or Tent is in use for a period not longer than seven (7) consecutive days within one (1) calendar year unless special permission has been granted in writing, subject to conditions by the CAO or his/her designate.

## **INSPECTION**

7. A Peace Officer may at reasonable times inspect or cause to be inspected an Accessory Building, Camping Unit, Temporary Shelter, or Tent that is subject to the Bylaw.

## **ENFORCEMENT**

8. A Peace Officer is hereby authorized to remove or cause to be removed any Camping Unit, Temporary Structure, Tent, Camping Equipment, or Waste and Construction Materials used for Human Habitation found in contravention of this Bylaw.
9. Any such Camping Unit, Temporary Structure, Tent, or Camping Equipment may be removed to a place designated by the CAO where it will remain impounded until claimed by the owner or his authorized agent for a maximum of 60 days after such time may be disposed of.
10. Any such Waste or Construction Materials of a Temporary Shelter used for Human Habitation found in contravention of this Bylaw may be immediately disposed of at the discretion of the CAO.
11. The storage and removal charges relating to any impounded Camping Unit, Temporary Structure, Tent, Camping Equipment, Waste, or Construction Materials which are unclaimed by the owner may be collected by the Town as specified in the Town Fee Schedule..
12. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to:
  - 12.1 payment of the penalty as set out in Schedule "A" hereto; or
  - 12.2 in default of payment of any penalty, to imprisonment for up to six (6) months.
13. A Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw, may issue and serve:
  - 13.1 a Violation Tag allowing payment of the specified penalty to the Town, which payment will be accepted by the Town in lieu of prosecution for the offence; or
  - 13.2 a summons under the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34 as amended, by means of a Violation Ticket; or
  - 13.3 a Violation Ticket, allowing a voluntary payment of the specified penalty to the Provincial Court, or, requiring a person to appear in Court without the alternative of making a voluntary payment; and
14. The recording of the payment of a specified penalty made to the Town pursuant to a Violation Tag or the Provincial Court of Alberta pursuant to a Violation Ticket shall constitute an acceptance of a guilty plea and conviction of the offence.
15. Service of a Violation Tag shall be sufficient if it is:
  - 15.1 personally served;
  - 15.2 left with the person on the premises who has the appearance of being at least eighteen (18) years of age; or

- 15.3 sent and served by regular mail to the person or corporation's last known mailing address.
16. A Violation Tag shall be in a form approved by the CAO, and shall state:
  - 16.1 the name of the person to whom the Violation Tag is issued;
  - 16.2 a description of the property upon which the offence has been committed, a civic address, or legal description, if applicable;
  - 16.3 the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
  - 16.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
  - 16.5 any other information as may be required by the CAO.
17. In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act* to the person to whom the Violation Tag was issued.
18. Notwithstanding the foregoing, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any person to whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
19. A Violation Ticket used with respect to a violation of this Bylaw may be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
20. The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect for of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided by this Bylaw.
21. Where a Clerk of the Court records in the Court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and imposition of a fine in the amount of the specified penalty.
22. Nothing in this Bylaw shall limit any other rights or remedies of the Town or the Town's development authority under the Act.

### **INTERPRETATION**

23. Words used in the singular include the plural and vice-versa.
24. When a word is used in the masculine or feminine it will refer to either gender.
25. Words used in the present tense include the other tenses and derivative forms.

**SEVERABILITY**

26. If any provision of this Bylaw is held be invalid by a court of competent jurisdiction, that decision will not affect the validity of the remaining provisions of the Bylaw.

**AND THAT** this Bylaw shall come into force and have effect from and after the date of Third Reading thereof.

Read a First time this 10<sup>th</sup> day of April, 2019, A. D.

Public Hearing held this 1<sup>st</sup> day of May, 2019, A. D.

Read a Second time this 1<sup>st</sup> day of May, 2019, A. D.

Read a Third and Final time this 1<sup>st</sup> day of May, 2019, A. D.

  
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MAYOR

  
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CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE "A"**  
**PENALTIES**

Section	Violation	Penalty		
		First Offence	Second Offence	Third Offence
4	Camp in any area of the Town which is not designated as a Campground	\$100.00	\$200.00	\$400.00
4.1	Reside, Camp on, or use for Human Habitation any Public Place in Town unless special permission has been received	\$250.00	\$500.00	\$1,000.00
5	Fail to move the Camping Unit, Temporary Shelter or Tent to a designated Campground	\$250.00	\$500.00	\$1,000.00
6.1	Camping Unit, Temporary Shelter or Tent situated partially or fully on any Public Place	\$100.00	\$200.00	\$400.00
6.2	Camping Unit, Temporary Shelter or Tent situated without the full knowledge and approval of the owner of the property	\$150.00	\$300.00	\$600.00
6.3	Camping Unit, Temporary Shelter or Tent in use for a period longer than seven (7) consecutive days within one (1) calendar year	\$150.00	\$300.00	\$600.00

