

**REGULAR MEETING AGENDA
SUMMER VILLAGE OF JARVIS BAY
MAY 7, 2024 @ 9:30 A.M.**

A. CALL TO ORDER

B. AGENDA - additions/deletions
- adoption

C. ADOPTION OF MINUTES - Regular Meeting Minutes, April 2, 2024

D. INFORMATION ITEMS

- 1) Accounts Payable Report
- 2) Public Works Report
- 3) Development Update
- 4) CAO Report

E. REQUESTS FOR DECISION

1) Council & Legislation

- a) ASVA Conference
- b) Seniors' Week
- c) Dog Control Bylaw

2) Planning & Development

- a) Encroachment Request

F. COUNCIL, COMMITTEES, AND CORRESPONDENCE

1) Council Reports

- a) Mayor Maplethorpe
 - Parkland Regional Library Board
- b) Deputy Mayor Wiseman
- c) Councillor Garratt

2) Committee Reports

- a) Association of Summer Villages of Alberta Newsletter

3) Upcoming Meetings

- a) Council Meeting – June 4, 2024

G. ADJOURNMENT

Summer Village of Jarvis Bay
Regular Meeting Minutes
April 2, 2024

C-1

Minutes of a Regular Council Meeting of the Summer Village of Jarvis Bay, Province of Alberta, held April 2, 2024, in the Summer Villages on Sylvan Lake Administration Office at Sylvan Lake, Alberta.

IN ATTENDANCE Mayor: Julie Maplethorpe
Deputy Mayor: Annabelle Wiseman via Zoom
Councillor: David Garratt
CAO: Tanner Evans
Public Works Manager: Justin Caslor
Development Officer: Kara Hubbard
Recording Secretary: Teri Musseau

CALL TO ORDER The Meeting was called to order at 9:30 a.m. by Mayor Maplethorpe.

AGENDA APPROVAL

JBC-24-037 MOVED by Deputy Mayor Wiseman that the agenda be adopted as amended:

D.6. Responsible Breed Ownership
Before G. Closed Session – FOIP Section 16
CARRIED

CONFIRMATION OF MINUTES

JBC-24-038 MOVED by Mayor Maplethorpe that the regular meeting minutes of Council held on March 5, 2024, be approved as presented.
CARRIED

INFORMATION ITEMS

- 1) Accounts Payable Report
- 2) Quarterly Financial
- 3) Public Works Report
- 4) Development Update
- 5) CAO Report
- 6) Responsible Breed Ownership

Council break at 10:34 a.m.

Council reconvened at 10:41 a.m.

JBC-24-039 MOVED by Mayor Maplethorpe that Council accept the information items as presented.
CARRIED

REQUEST FOR DECISION

FINANCE

- Bylaw #200-24** Mill Rate Bylaw
JBC-24-040 MOVED by Mayor Maplethorpe that Council give 1st reading to the Mill Rate Bylaw #200-24.
CARRIED
- JBC-24-041** MOVED by Councillor Garratt that Council give 2nd reading to the Mill Rate Bylaw #200-24.
CARRIED
- JBC-24-042** MOVED by Mayor Maplethorpe that by unanimous consent Council give 3rd reading to the Mill Rate Bylaw #200-24 at this meeting
CARRIED UNANIMOUSLY
- JBC-24-043** MOVED by Councillor Garratt that Council give 3rd and final reading to the Mill Rate Bylaw #200-24.
CARRIED

COUNCIL & LEGISLATION

- JBC-24-044** Fire Department Invoice
MOVED by Mayor Maplethorpe that Council uphold the Burning and Fire Pit Bylaw, Section 7.1, and not waive the fee charged to the resident.
CARRIED
- JBC-24-045** Fires on Sylvan Lake
MOVED by Mayor Maplethorpe that Council support the Town of Sylvan Lake as the second on the resolution being presented at the Alberta Municipalities Convention this fall regarding the creation of a new regulation to regulate fires on frozen lakes.
CARRIED

COUNCIL REPORTS

- Mayor Maplethorpe
- Town of Sylvan Lake Library Board
 - Parkland Regional Library Board
- Deputy Mayor Wiseman
- Sylvan Lake Regional Wastewater Commission
- Councillor Garratt
- No reports

CORRESPONDENCE

- Alberta Municipalities

Summer Village of Jarvis Bay
Regular Meeting Minutes
April 2, 2024

C-1

JBC-24-046 MOVED by Mayor Maplethorpe that Council accept the Council reports as information.

CARRIED

NEXT COUNCIL MEETING

JBC-24-047 MOVED by Mayor Maplethorpe that the next meeting of Council be held May 7, 2024, at 9:30 a.m.

CARRIED

Council break at 11:12 a.m.

Council reconvened at 11:15 a.m.

CLOSED SESSION

JBC-24-048 MOVED by Mayor Maplethorpe that Council move to a closed session to discuss third party business as per FOIP Section 16, at 11:15 a.m.

CARRIED

JBC-24-049 MOVED by Mayor Maplethorpe that Council return to an open meeting at 11:40 a.m.

CARRIED

ADJOURNMENT

JBC-24-050 MOVED by Mayor Maplethorpe that being the agenda matters have been concluded, the meeting be adjourned at 11:40 a.m.

CARRIED

JULIE MAPLETHORPE, MAYOR

TANNER EVANS, CAO

Summer Village of Jarvis Bay

Finance

May 7, 2024

Information Item

Agenda Item: *Accounts Payable Update*

Background:

Total payables processed and presented to Council \$ 76,979.06

The following list identifies any payments over \$3,000:

- | | |
|---|--------------|
| 1. Police Funding Model 2023/2024 | \$ 28,725.00 |
| a. Policing Costs | |
| 2. Al's Bobcat & Trucking | \$ 4,593.75 |
| a. Mar 1 – Mar 12 Sanding & Snow Removal | |
| b. Mar 20 – Mar 28 Sanding & Snow Removal | |
| 3. Lakeview Contracting | \$ 4,462.50 |
| a. Debris Removal | |
| 4. Sylvan Lake Regional Wastewater | \$ 3,509.64 |
| a. Mar Wastewater Services | |
| 5. Summer Village of Norglenwold | \$ 14,115.10 |
| a. Feb 2024 Muni Specific Costs | |
| b. Feb 2024 Shared Costs | |
| 6. Summer Village of Norglenwold | \$ 12,665.62 |
| a. Mar 2024 Muni Specific Costs | |
| b. Mar 2024 Shared Costs | |

Administrative Recommendations:

Council to accept as information.

Authorities:

MGA 207 (c): The chief administrative officer advised and informs the council on the operations and affairs of the municipality.

Summer Village of Jarvis Bay
List of Accounts for Approval
Batch: 2024-00031 to 2024-00047

Bank Code - MAIN - General Bank

COMPUTER CHEQUE

Payment # Invoice #	Date	Vendor Name GL Account	GL Transaction Description	Detail Amount	Payment Amount
1264 1800030608	2024-03-31	Government of Alberta 412-000-270 - Trade Accounts F	Police Funding Model 2023	27,342.88	28,725.00
		225-000-200 - Policing Costs	Police Funding Model 2024	1,382.12	
1265 2024-1	2024-03-31	Red Deer Catholic Regional 201-100-130 - ASFF - Residenti	First Quarter Tax Requisitio	1,384.36	1,384.36
1266 3124	2024-03-31	True Point Appraisals 261-000-200 - Community Planr	Appraisal - ICI	2,254.29	2,367.00
		312-000-260 - GST Paid Refunc	GST Tax Code	112.71	
1267 5961	2024-04-26	Ace Line Locating Ltd. 242-000-255 - Maintenance Pro	Line Locating	120.00	126.00
		312-000-260 - GST Paid Refunc	GST Tax Code	6.00	
1268 20069	2024-04-26	Al's Bobcat & Trucking 232-000-255 - Plowing Program	Plowing Program March 20:	2,680.00	2,814.00
		312-000-260 - GST Paid Refunc	GST Tax Code	134.00	
20081		232-000-255 - Plowing Program	Mar 20 to 28 Sanding & Sn	1,695.00	1,779.75
		312-000-260 - GST Paid Refunc	GST Tax Code	84.75	
				Payment Total:	4,593.75
1269 62628	2024-04-26	Empringham Disposal Corp 243-000-200 - Contracted Servir	Weekly 150 Garbage	1,635.00	2,331.00
		243-000-270 - Recycling Progra	BiWeekly 150 Recycling	585.00	
		312-000-260 - GST Paid Refunc	GST Tax Code	111.00	
1270 1934	2024-04-26	Lakeview Contracting Inc 232-000-200 - Green Space Pro	Debris Removal	4,250.00	4,462.50
		312-000-260 - GST Paid Refunc	GST Tax Code	212.50	
1271 1985	2024-04-26	Sylvan Lake Regional 242-000-260 - Useage Fees	Mar WW Services	3,509.64	3,509.64
1272 9358	2024-04-26	Wild Rose Assessment Service 212-400-232 - Assessment Fees	Apr-Jun/2024 Assessment I	1,650.00	1,732.50
		312-000-260 - GST Paid Refunc	GST Tax Code	82.50	
				Total Computer Cheque:	49,231.75

EFT

Payment # Invoice #	Date	Vendor Name GL Account	GL Transaction Description	Detail Amount	Payment Amount
206 2024-00030	2024-03-28	SV NGW 226-000-200 - Enforcement	UFA - Feb Bylaw Truck Fue	119.80	366.33
		261-000-110 - Development Ser	Land Titles Caveat DRR F0	35.00	
		226-000-200 - Enforcement	CPO Training Supplies	104.48	
		226-000-200 - Enforcement	CPO Training Supplies	107.05	
207 2024-00034	2024-04-08	SV NGW 212-100-110 - Salaries	Salaries	10,642.06	189.34
		212-100-130 - Training	Training	0.01	
		212-100-140 - Benefits	Shared Benefits	508.77	
		212-100-210 - Travel and Subsidi	T&S	338.35	
		212-100-211 - WCB	WCB	189.34	

Summer Village of Jarvis Bay
List of Accounts for Approval
Batch: 2024-00031 to 2024-00047

EFT					
Payment #	Date	Vendor Name	GL Transaction Description	Detail Amount	Payment Amount
Invoice #		GL Account			
		212-100-266 - PW Fleet	PW Fleet	3.94	
		212-200-215 - Postage/Freight/C	Postage/Freight	46.89	
		212-200-500 - Printing Costs	Printing Costs	42.19	
		212-200-510 - Office Supplies	Office Supplies	185.59	
		212-300-217 - Phone/Fax/Intern	Shared Phone/Fax	120.57	
		212-300-540 - Utilities	Utilities	420.71	
		212-300-250 - Facility Improverr	Facility Improvements	0.01	
		212-300-255 - Facility Maintenan	Facility Maintenance	344.24	
		212-300-263 - Condominium Co	Condominium Costs	0.00	
		212-300-240 - Computer Softwa	Computer Software	403.40	
		212-300-242 - IT equipment	IT Equipment	837.23	
		212-300-265 - Equipment Maint	Equipment Maintenance	0.00	
		212-300-270 - Equipment Renta	Equipment Rental	0.00	
		212-300-510 - Other Contingenc	Contingency	31.80	
		212-300-530 - Building Insuranc	Shared Building Insurance	0.00	14,115.10
208	2024-04-09	SV NGW			
2024-00038		212-100-110 - Salaries	Salaries	10,410.60	
		212-100-130 - Training	Training	71.87	
		212-100-140 - Benefits	Shared Benefits	508.77	
		212-100-210 - Travel and Subsi	T&S	0.00	
		212-100-211 - WCB	WCB	0.00	
		212-100-266 - PW Fleet	PW Fleet	0.00	
		212-200-215 - Postage/Freight/C	Postage/Freight	42.19	
		212-200-500 - Printing Costs	Printing Costs	245.16	
		212-200-510 - Office Supplies	Office Supplies	5.05	
		212-300-217 - Phone/Fax/Intern	Shared Phone/Fax	445.49	
		212-300-540 - Utilities	Utilities	377.93	
		212-300-250 - Facility Improverr	Facility Improvements	0.00	
		212-300-255 - Facility Maintenan	Facility Maintenance	447.40	
		212-300-263 - Condominium Co	Condominium Costs	0.00	
		212-300-240 - Computer Softwa	Computer Software	67.67	
		212-300-242 - IT equipment	IT Equipment	43.49	
		212-300-265 - Equipment Maint	Equipment Maintenance	0.00	
		212-300-270 - Equipment Renta	Equipment Rental	0.00	
		212-300-510 - Other Contingenc	Contingency	0.00	
		212-300-530 - Building Insuranc	Shared Building Insurance	0.00	12,665.62
			Total EFT:		27,147.05

OTHER					
Payment #	Date	Vendor Name	GL Transaction Description	Detail Amount	Payment Amount
Invoice #		GL Account			
3788	2024-03-27	Receiver General/OTH			
CP3-24		312-000-262 - CRA Remunerati	March Remuneration CPP F	22.42	22.42
3802	2024-04-30	Epcor			
APR22024-7333		232-000-545 - Street Light Progi	Utilities-SE-09-039-01-5	325.86	
		312-000-260 - GST Paid Refunc	GST Tax Code	16.29	342.15
3808	2024-04-24	Epcor			
APR52024-5503		232-000-545 - Street Light Progi	0040 VIRTUAL SITE ID 004	35.25	
		312-000-260 - GST Paid Refunc	GST Tax Code	1.76	37.01

Date Printed
2024-04-26 3:33 PM

Summer Village of Jarvis Bay
List of Accounts for Approval
Batch: 2024-00031 to 2024-00047

OTHER

Payment #	Date	Vendor Name	GL Transaction Description	Detail Amount	Payment Amount
Invoice #		GL Account			
3809	2024-04-24	Epcor			
APR52024-9909		242-000-255 - Maintenance Proj	Utilities-3100 50A Ave	189.22	
		312-000-260 - GST Paid Refunc	GST Tax Code	9.46	198.68
				Total Other:	600.26
				Total MAIN:	76,979.06

Certified Correct This April 26, 2024

Mayor

Administrator

Summer Village of Jarvis Bay

May 7, 2024

Public Works

Information Item

Agenda Item: *Public Works update*

Background:

The following will provide Council with an update on Public Works activities and initiatives:

Capital Projects:

- Entrance Signage installation – PW is working closely with AT on the sign location along TWP 391 and the Town of Sylvan Lake. No dates confirmed by installer yet.
- Road Overlay program – PW has posted a Request for Quote (RFQ) to Alberta Purchasing Connection. Closes on May 24, 2024. Work to include approved locations.

Operating Activities & Follow-up Items:

- Street sweeping begins in early May. PW to confirm exact date after Norglenwold is complete. May 6, the contractor begins work. Communication has been sent out.
- Sylvan Lake Lions will be opening the Petro Beach bathrooms on May 1 and will continue to provide cleaning service, garbage collection and lawn maintenance as per the contract.
- No parking signs (with tow away image) for Petro Beach have been ordered. PW to install them by mid-May 2024 before the long weekend.



- #186 JB Drive library relocation – Council to direct PW where this is to be relocated.

- Snow fence along Petro Beach was removed April 27 – 28.

Administrative Recommendations:

That Council accept as information.

Authorities:

MGA 207(c) “advises and informs the council on the operation and affairs of the municipality.

Summer Village of Jarvis Bay

May 7, 2024

Planning and Development

Information Item

Agenda Item: *Development Update*

Background:

Development Permit Update:

Currently there are 82 development permits issued in the Summer Villages (21 in Birchcliff, 5 in Half Moon Bay, 21 in Jarvis Bay, 16 in Norglenwold, and 19 in Sunbreaker Cove).

The following is the listing for Jarvis Bay:

- | | |
|--------------------------|---|
| 1. 184B Jarvis Bay Drive | Demolition & Dwelling |
| 2. 37 Jarvis Bay Drive | Deck |
| 3. 10 Twin Rose Court | Dwelling |
| 4. 208 Jarvis Bay Drive | Dwelling |
| 5. 37 Jarvis Bay Drive | Garage w Guest House |
| 6. 234 Jarvis Bay Drive | Dwelling |
| 7. 234 Jarvis Bay Drive | Garage w Guest House |
| 8. 191 Jarvis Bay Drive | Driveway & Culvert |
| 9. 2 Twin Rose Court | Dwelling |
| 10. 158 Jarvis Bay Drive | Demolition |
| 11. 165 Jarvis Bay Drive | Dwelling |
| 12. 308 Jarvis Glen Way | Tourist Home Operation |
| 13. 3 Jarvis Bay Drive | Tourist Home Operation |
| 14. 116 Jarvis Bay Drive | Demolition |
| 15. 41 Jarvis Bay Drive | Structural Front Entry Reno |
| 16. 17 Jarvis Bay Drive | Tourist Home Operation |
| 17. 216 Jarvis Bay Drive | Tourist Home Operation |
| 18. 116 Jarvis Bay Drive | Dwelling |
| 19. 243 Jarvis Bay Drive | RV Pad Expansion |
| 20. 242 Jarvis Bay Drive | Deck |
| 21. 118 Jarvis Bay Drive | Dwelling Add., Septic T., Driveway, Fence |

Permit Summary:

Year to date 2024:

2 development permits. Estimated project cost \$185,000.00.

2023 Jan.-Dec.:

12 development permits. Estimated project cost \$1,280,800.00.

2022 Jan.-Dec.:

11 development permits. Estimated project cost \$4,266,500.00

2021 Jan.-Dec.:

9 development permits. Estimated project cost \$1,518,000.00

Administrative Recommendations:

Council to accept as information.

Authorities:

Land Use Bylaw #125/13.

Summer Village of Jarvis Bay

May 7, 2024

Information

Agenda Item: *CAO Report*

Background:

- Interviews for openings within the organization have been completed. Carolyn Widmer has moved into the accounting clerk position, and we have recently filled the administrative assistant position with Stephanie Rupp.
- Attended meeting on April 11th with Alberta Transportation and other nearby municipalities to discuss the upcoming project to twin Highway 20 from Bentley to Highway 11. A number of options were presented for the area adjacent to Jarvis Bay.
- Attended a meeting with Denette Leask from AMWWP (Alberta Municipal Water/Wastewater Partnership) to discuss possible grant funding for Half Moon Bay's internal force main system.
- Attended the P.A. Douglas Management course from April 16-19 including sessions on management responsibilities, dealing with difficult people, workplace relationships with colleagues, staff and stakeholders, critical thinking and decision-making skills, effective leadership skills, and the management of time, stress, and negative emotions in the workplace.

Options for Consideration:

Council to discuss and accept as information.

Administrative Recommendations:

Council accept as information.

Authorities:

MGA 207 (c) "advises and informs the council on the operation and affairs of the municipality".

Summer Village of Jarvis Bay

May 7, 2024

Council and Legislation

Request for Decision

Agenda Item: *ASVA Annual Conference*

Background:

Administration has received information about the upcoming ASVA Conference. The ASVA Conference is being held October 17th & 18th at the Sandman Signature Sherwood Park Hotel. Registration for the conference opens May 1st, 2024, and hotel rooms can be booked now to ensure accommodations at the conference hotel.

Options for Consideration:

Council has allocated \$900 in the 2024 budget for this conference.

Administrative Recommendations:

Council to discuss and provide direction to Administration.

Authorities:

2024 Budget

SAVE - THE - DATE
October 17 & 18, 2024
Thursday & Friday

VENUE

**Sandman Signature
Sherwood Park Hotel**

**901 Pembina Road, Sherwood Park, Alberta,
T8H 0Y7**

To book accommodations, ask for the ASVA

Group Booking Rate

Phone: 780-467-7263

King Guestroom \$ 129

Standard 2 Queen Guestroom \$139

**Prices per room per night, plus tax &
Eco Fees**

CONFERENCE REGISTRATION

FEE: \$349

Cancellations must be in writing via email to execdirector@asva.ca before September 15, 2024, for a full refund, less \$50 administration fee.

**Online Conference Registration Opens
May 01, 2024. Watch for Updates.**

**Conference Registration Deadline
September 30, 2024**

This in person event will feature engaging sessions, networking opportunities, and more. Don't miss out on this chance to learn, connect, and grow with fellow professionals. Let's navigate these challenges together and come out stronger than ever!



Association of
SUMMER VILLAGES
OF ALBERTA
www.asva.ca

**ASVA'S 66th ANNUAL
CONFERENCE & AGM**
2024

**“Navigating the
Challenges Together”**



IT'S ALL ABOUT REGIONAL COLLABORATION

**A DRAFT CONFERENCE PROGRAM WILL BE SENT
TO THE MEMBERSHIP WHEN SPEAKERS ARE
CONFIRMED and POSTED ON THE ASVA WEBSITE...**

(Speakers are Subject To Change Without Notice)

October 17th Banquet Venue

- **Cocktails (Cash Bar)**
- **Hot Buffet Dinner**
- **Award Presentations**
- **Entertainment**
- **Silent Auction**



Please contact ASVA Executive Director Kathy Krawchuk if you have any questions at execdirector@asva.ca.

Summer Village of Jarvis Bay

May 7, 2024

Council and Legislation

Request for Decision

Agenda Item: *Seniors Week*

Background:

Administration has received a letter from the Minister of Seniors and Housing encouraging the Summer Village to recognize and celebrate seniors by declaring June 3rd - 9th, 2024, as senior's week.

Options for Consideration:

- 1) That Council declare June 3rd - 9th, 2024, as senior's week.
- 2) That Council accept as information.

Administrative Recommendations:

- 1) That Council declare June 3rd - 9th, 2024, as senior's week.

Authorities:

n/a



DECLARATION

In honour of the past, present and future contributions of the seniors of this community and throughout Alberta, I hereby declare June 3 – 9, 2024 to be Seniors' Week in

Community

Official Title

Official Signature

A handwritten signature in black ink, appearing to be "J. Nixon", written over a horizontal line.

The Honourable Jason Nixon; Minister of Seniors, Community and Social Services

Summer Village of Jarvis Bay

May 7, 2024

Council & Legislation

Request for Decision

Agenda Item: *Dog Bylaw*

Background:

At the April 2024 Council meeting, Administration was directed to make amendments to the Dog Control Bylaw to address Nuisance and Vicious Animals. Since the April meeting, Councillor Garratt has requested some amendments to the bylaw. The attached bylaw reflects those changes for Council's consideration.

Options for Consideration:

- 1) Council give 1st, 2nd, and 3rd readings to the Animal Control Bylaw #201-24.
- 2) Council accept as information.

Administrative Recommendations:

- 1) That Council give 1st reading to the Animal Control Bylaw #201-24.
- 2) That Council give 2nd reading to the Animal Control Bylaw #201-24.
- 3) That Council by unanimous consent give 3rd reading to the Animal Control Bylaw #201-24 at this meeting.
- 4) That Council give 3rd and final reading to the Animal Control Bylaw #201-24.

Authorities:

Municipal Government Act, Section 7

A Council may pass bylaws for municipal purposes respecting the following matters:

(h) wild and domestic animals and activities in relation to them.

**SUMMER VILLAGE OF JARVIS BAY
DOG CONTROL AND RESPONSIBLE
PET OWNERSHIP BYLAW
BY-LAW #195-23201-24**

A Bylaw of the Summer Village of Jarvis Bay, in the Province of Alberta, to provide for the regulating, controlling and confinement of dogs.

WHEREAS pursuant to the provisions of sections 7 and 8 of the *Municipal Government Act*, 2000, Chapter M-26, as amended, a Municipal Council may pass By-laws respecting domestic animals and activities in relation to them;

AND WHEREAS, the Council of the Summer Village of Jarvis Bay deems it necessary to provide for the regulating, control and confinement of dogs running at large within the Summer Village;

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

1. **TITLE**

1.1 This By-law may be known as ***“The Dog Control By-law.”***

2. **DEFINITIONS AND INTERPRETATION AND APPLICATION**

2.1 In the By-law unless the context otherwise requires:

- a) ***“Administrator”*** means the Administrator for the Summer Village of Jarvis Bay and whatever subsequent title may be conferred on that officer by Council or Statute.
- b) ***“Animal Shelter”*** means a place or facility designated by the Administrator for the purpose of holding and caring for any dogs impounded under provision of this By-law.
- c) ***“Animal Shelter Keeper”*** means the owner or operator of an animal shelter.

d) ***“At Large”*** means when a dog is off the premises of the owner’s property and is not on a leash held by a person able to control the animal. The animal or animals must be confined to the owner’s property at all times and must not be able to leave the property on its own accord without the control of a responsible person. If the animal or animals are able to leave the owners property on their own without being in the control of a responsible person, the animal or animals will be considered running at large even within the owner’s property boundaries.

d) —

- e) “Attack” means force applied by an Animal to a Person or other Animal by the animals’ mouth/teeth or paws/claws consisting of more than one Bite or Bites, puncture or punctures, one or more scratches or lacerations, resulting in bleeding, sprains, serious bruising, or multiple injuries.
- e)f) “Bite” means a wound to the skin causing it to bruise, ~~puncture~~puncture, or break.
- f)g) “Biting” means force applied by an animal by means of its mouth and teeth upon a person or other animal.
- g) “By-law Enforcement Officer” means a ~~person~~person, or persons appointed as such by Council whose duties entail carrying out the provision of this By-law.
- g) “Certified Professional Dog Trainer” means a person specializing in training dogs who is certified by the Certification Council for Professional Dog Trainers.
- i) “Chief Administrative Officer” (CAO) means the Chief Administrative Officer for the Summer Village of Jarvis Bay who has been delegated the authority to exercise the powers, duties, and functions of the Chief Administrative Officer under the Bylaw.
- h)k) “Control of Dogs” means that dogs are on a leash or otherwise restrained by a permitted leash held by a person, and that permitted leash is attached to a choke chain, collar or harness securely holding that animal. If it is difficult for a person to restrain the animal by a permitted leash, then the animal shall be deemed to be “at large” notwithstanding the presence of a permitted leash.
- h)l) “Controlled Confinement” means the confinement of a dog in a pen, cage, or building, or securely tethered in a manner that will not allow the dog to bite, harm or harass any person or dog.
- h)m) “Damage to Property” means damage to property other than the owner’s property and includes defecating or urinating on such property.”
- k)n) “Day” means a continuous period of twenty-four (24) hours.
- h)o) “Dog” means either a male or female canine.
- m)p) “Kennel” shall mean a dwelling, shelter, room, or place so considered housing or keeping four (4) or more dogs over the age of four (4) months with the provisions of this By-law.
- q) “Leash” means material capable of leading or restraining the Animal on which it is being used.
- r) “Muzzle” means a humane device of sufficient strength placed over an Animal’s mouth to prevent it from biting.

s) “Nuisance Animal” means an Animal declared to be a Nuisance Animal by the Peace Officer or CAO.

n)t) “Owner” means:

- i. a natural person or body corporate who has legal title to the dog;
- ii. a person who has the care, charge, custody, possession, or control of a dog;
- iii. a person who owns or harbors a dog; or
- iv. a person who claims and receives a dog from an animal shelter.

o) “Park” means a public space controlled by the Summer Village and set aside as a park to be used by the public for rest, recreation, exercise, pleasure, amusement, cultural heritage, education, appreciation of nature, and enjoyment and includes:

- i. playgrounds;
- ii. natural areas;
- iii. pathways; and
- iv. trails.

p) “Peace Officer” means:

- i. a member of the Royal Canadian Mounted Police;
- ii. a member of a Municipal By-law Enforcement Officer; and
- iii. a Peace Officer

qp) “Permitted Leash” means a leash adequate to control the dog to which it is attached, and which leash shall not exceed three (3) metres in length.

qr) “Pound” means such place as may, from time to time, be established for the impounding and keeping of dogs in accordance with the provisions of this By-law.

sr) “Pound Keeper” means any person or persons duly authorized to operate a ~~pound, and~~ pound and may include an Animal Control Officer.

ts) “Running at Large” means ~~any dog that is not an aggressive dog, that is:~~

- i. ~~off the premises of the Owner and not in an off-leash area; and~~ an Animal or Animals which are not under the control of a Person responsible by means of a Leash and is or are actually upon property other than the property in respect of which the Owner of the Animal or Animals has the right of occupation, or upon any highway, thoroughfare, street, road, trail, avenue, parkway, lane, alley, square, bridge,

- causeway, trestle way, park, or other public place, or
- ii. not on a permitted leash held by a person able to control the dog, an Animal or Animals which are under the control of a Person responsible by means of a Leash and which cause damage to Persons, property, or other Animals.
- iii. the animal or animals must be confined to the owner's property at all times and must not be able to leave the property on its own accord without the control of a responsible person. If the animal or animals are able to leave the owners property on their own without being in the control of a responsible person, the animal or animals will be considered running at large even within the owner's property boundaries.
- ut) **"Secure Fence"** means a secured fenced enclosure meeting the following specifications:
- i. is at least six (6) foot high, reaching the ground;
- ii. has a self-closing mechanism on all gates; and
- iii. must have the ability to lock in a way to prevent any Persons from outside the Owner's household gaining access to the Animal.
- v) **"Secure Pen"** means a pen or other structure meeting the following specifications:
- i. has secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of thirty (30) centimeters;
- ii. provides the Vicious Animal with shelter from the elements;
- iii. is of the minimum dimensions of one and one-half (1.5) meters by three (3) meters and be a minimum one and one-half (1.5) metres in height; and
- iv. is not within one (1) meter of the property line or within five (5) meters of a neighbouring dwelling unit.
- w) **"Severe Injury"** includes any injury to a Person or Animal that requires medical attention such as wounds requiring sutures, or other wound repair and closing, or surgery, disfiguring or scarring lacerations, broken bones, severe sprains, or any other similar serious injury, and any other injury as determined to be severe by a Court, CAO, or Peace Officer upon hearing the evidence.
- x) **"Summer Village"** means the Municipal Corporation of the Summer Village of Jarvis Bay, or the area contained within the boundary thereof as the context requires.

y) “Vicious Animal” means an Animal declared to be a vicious animal by the Peace Officer or CAO under this bylaw or an Animal that has been previously determined to be a Vicious Animal.

3. **REGULATIONS**

3.1 No dog shall be allowed to run at large in the Summer Village.

3.2 The owner of a dog must not leave an animal chained up, in a kennel, or at large outside between the hours of 11:00 p.m. and 8:00 ~~a.m.~~ a.m. Animals must be kept indoors during these hours so not to create a barking disturbance.

3.3 The owner of a dog shall not ~~permit the dog to be or become a public nuisance by:~~

~~a) biting, or attempts to bite a person;~~

~~b) biting, barking at, or chasing bicycles, automobiles, or other vehicles;~~

~~c) barking, howling, chasing people, or otherwise disturbing any neighbors;~~

~~d) causing damage to property;~~

~~e) causing harm (biting) to another dog; or~~

~~e) keeping~~ a female dog which is in season (*in heat*) at any location where the dog is a source of attention and accessible to other dogs.

3.4 ~~An owner of a dog who permits the dog to defecate on property other than his own shall remove forthwith any defecated matter deposited.~~

~~3.5~~ No person shall:

~~i. a) untie, loosen, or otherwise free a dog which has been tied or otherwise restrained which is not in distress unless such person has the authorization of the owner, and any person acting contrary to this section is guilty of an offence;~~

~~ii. b) negligently or willfully open a gate, door, or other opening in a fence or enclosure in which a dog has been confined and thereby allow a dog to run at large in the Summer Village; and~~

~~iii. e) no person shall tease, torment, annoy, abuse, or injure any dog, and any person who does so is guilty of an offence.~~

3.56 Breach of, or failure to comply with any of the requirements of Section 3 is an offence under this By-law which may result in prosecution or, in lieu thereof, require payment of a voluntary fine as set out in Schedule A attached hereto.

3.67 Kennel Operations

- i. shall not be permitted in the Summer Village of Jarvis Bay;
- ii. the keeping of more than three (3) dogs over the age of four (4) months will be considered the operation of a kennel;
- iii. if written complaints are received by the Summer Village or damage is proven as a result of the kennel, Council will direct the person operating the kennel to move or cease to operate the same;
- iv. breach of, or failure to comply with Section 3.67 is an offence under this By-law which may result in prosecution or, in lieu thereof, require payment of a voluntary fine as set out in Schedule "A."

4. DISEASE CONTROL (RABIES)

4.1 The Owner of an animal that has caused a serious wound, or that the Owner has reason to suspect may have been exposed to rabies or another communicable disease, shall, in addition to any other duty imposed under the *Public Health Act*, immediately inform a By-law Enforcement Officer or Peace Officer:

- i. of the infliction of the serious wound or the suspicion of exposure to rabies or other communicable disease;
- ii. in the case of a serious wound, of the name and contact information for the person that has been wounded or the Owner of the animal that has been wounded, as applicable; and
- iii. whether the matter has been reported to the local community health centre, Public Health Inspector, or the Medical Officer of Health.

4.2 A By-law Enforcement Officer or Peace Officer that has reasonable ground to believe that an animal found at large may have, or has been, exposed to rabies or another communicable disease, may confine the animal at an animal shelter, veterinary facility, or any other location as directed by the Medical Officer of Health or a Public Health Inspector.

4.3 A By-law Enforcement Officer or Peace Officer that has reasonable grounds to believe that an animal within the Summer Village has been exposed to rabies or another communicable disease shall report the matter to the Medical Officer of Health or a Public Health Inspector as soon as reasonably possible.

4.4 An Owner of an animal which is suffering from rabies or another communicable disease or who has been notified by the Summer Village that an Enforcement Officer has reasonable grounds to believe the animal has, or has been exposed to, rabies or another communicable disease shall:

- i. not permit the animal to be in any public place; and
- ii. not keep the animal in contact with or in proximity to any other animal.

4.5 An Owner who fails to comply with any provision in this part is guilty of an offence.

45. OWNER RESPONSIBLE FOR BEHAVIOURS OF ANIMAL

Keeping Animals under Control

5.1 The Owner of an Animal must ensure that the Owner's Animal is not Running at Large.

5.2 A person in control of a dog on a leash must be of sufficient size and strength to be able to fully control the dog in any situation.

5.3 Whether a dog is under control is a question of fact to be determined by the Peace Officer having taken into consideration any or all of the following:

- i. whether the dog has Bitten, Attacked, or done any act that injures a Person or another Animal;
- ii. whether the dog has chased or otherwise threatened a Person;
- iii. whether the dog caused damage to property.

5.4 An Owner who fails to immediately restrain and remove a dog upon it engaging in any of the activities listed, by restraining the dog on a Leash not exceeding three (3) metres in length and removing the dog from the area, is guilty of an offence.

6. CYCLING, SKATEBOARDING, E-SCOOTERING ETC. WITH ANIMALS

6.1 An Owner must not operate a wheeled conveyance such as a bicycle, e-bicycle, skateboard, roller-skates, scooter, e-scooter, Segway, or other similar vehicle within the Summer Village with any Animal on a Leash.

6.2 6.1 does not apply to Owners operating a device designed for Persons with disabilities.

7. UNATTENDED ANIMALS

7.1 The Owner of an Animal must ensure that such Animal is not left unattended while tethered or tied on premises where the public has access, whether the right of access is expressed or implied.

7.2 The Owner of an Animal must ensure that such Animal is not left tethered or tied up in a residential yard unless the Owner is outside with the dog at all times, or the Owner is able to maintain visual view of the dog at all times.

7.3 The Owner of an Animal must not allow the Animal when tethered or tied up in a residential yard to get closer than 1.5 metres to the property line.

7.4 The Owner of an Animal left unattended in a motor vehicle must ensure:

- i. the Animal is restrained in a manner that prevents contact between the Animal and any member of the public; and
- ii. the Animal is not confined in such a manner that places it in a life or health threatening situation by exposure to a period of extreme heat or cold, without proper ventilation or other protection from such heat or cold.

8 SECURING ANIMALS IN VEHICLES

8.1 For the purpose of this section, "roadway" means any street or highway, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles.

8.2 An Owner must not allow an Animal to be outside of the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or parked.

8.3 Notwithstanding 8.2, and owner may allow an Animal to be outside the passenger cab of a motor vehicle, including riding in the back of a pickup truck or flat bed if the Animal is:

- i. in a fully enclosed trailer,
- ii. in a topper enclosing the bed area of a truck, or
- iii. contained in a ventilated kennel or similar device securely fastened to the bed of the truck.

8.4 The owner of the vehicle involved in an offence referred to in this section is guilty of the offence, unless that vehicle owner satisfied the Peace Officer or CAO that the vehicle was:

- i. not being driven or was not parked by the vehicle's owner; and
- ii. that the Person driving or parking the vehicle at the time of the offence did so without the vehicle owner's express or implied consent.

9. NUISANCES

9.1 If an Animal defecates on any public or private property other than the property of its Owner, the Owner must remove such feces immediately.

9.2 The Owner of an Animal must ensure that such Animal does not bark, howl, or otherwise make or cause a noise which disturbs any Person.

9.3 Whether any sound annoys or disturbs a Person, or otherwise constitutes objectionable noise, is a question of fact to be determined by the Peace Officer or CAO.

9.4 The Owner of an Animal must ensure that such Animal does not upset any waste receptacles or scatter the contents thereof either in or about the street, lane, or other public property or in or about premises not belonging to or in the possession of the Owner of the Animal.

10. EXCESSIVE BARKING

10.1 The Owner or any other person having care or control of a Dog, Nuisance Dog, or Restricted Dog, shall ensure it does not bark in a manner that is reasonably likely to annoy or disturb the peace of others.

10.2 In determining whether barking is reasonably likely to annoy or disturb the peace of others, consideration may be given, but is not limited to, the:

- i. the proximity of the property where the Dog, Nuisance Dog, or Restricted Dog resides;
- ii. duration of the barking;
- iii. time of day and day of the week;
- iv. nature and use of the surrounding area; and
- v. any effect of the barking.

11. THREATENING BEHAVIOURS

11.1 The Owner of an Animal must ensure that such Animal does not:

- i. bite, bark at, chase, or stock Animals, bicycles, automobiles, or other vehicles;
- ii. chase, jump up on, or otherwise threaten a Person or Persons, whether on the property of the Owner or not;
- iii. cause damage to property or other Animals, whether on the property of the Owner or not;
- iv. do any act that injures a Person or Persons, whether on the property of the Owner or not;
- v. bite a Person or Persons, whether on the property of the Owner or not;
- vi. attack a Person or Persons, whether on the property of the Owner or not;
- vii. attack another Animal causing severe injury, whether on the property of the Owner or not;
- viii. cause death to another Animal; or
- ix. attack a Person or Persons, whether on the property of the Owner or not, causing severe injury.

11.2 No Owner must use or direct an Animal to attack, chase, harass, or threaten a Person or Animal.

12 DUTY TO REPORT BITE

12.1 An Owner must make a report within twenty-four (24) hours if the Owner's animal bites a Person or another Animal by providing the name to the person who was bit or whose Animal was bit or providing that information to the Peace Officer.

13 NUISANCE ANIMALS

13.1 The Peace Officer or CAO may designate an Animal to be a Nuisance Animal where:

- i. the Animal has engaged in repeated threatening or aggressive behaviour;
- ii. the Animal has been found Running at Large more than once;
- iii. the Animal is a dog that repeatedly barks, howls, or otherwise make or causes noise which disturbs any Person; or
- iv. the Owner has demonstrated an inability to control the Animal in a public area on more than one occasion.

Notice and Submissions

13.2 Where the Peace Officer or CAO is considering designating an Animal as a Nuisance Animal, the Peace Officer or CAO must:

- i. send written notice to the Owner of the reason why the designation is being considered;
- ii. provide an opportunity for the Owner to make written submissions within fourteen (14) days of receiving the notice on whether such Animal should be designated as a Nuisance Animal; and
- iii. consider any written submissions made by the Owner and any information provided from an Officer obtained from any investigation conducted pursuant to this Bylaw involving such Animal, whether for the incident precipitating the consideration of the designation or an earlier incident involving such Animal.

Designation Decision and Conditions on Nuisance Animals

13.3 Where the Peace Officer or CAO has decided to designate an Animal as a Nuisance Animal the designation decision must be sent to the Owner, with the reasons for that decision along with notice of any conditions imposed by the Peace Officer or CAO under section 13.7.

13.4 A Nuisance Animal designation continues to apply if the Animal is sold, given away or transferred to a new Owner.

13.5 An Owner must disclose that an Animal has been designated a Nuisance Animal when selling, giving away, or transferring that Animal to a new Owner.

13.6 An Owner must disclose a Nuisance Animal designation to any Person the Owner asks to take temporary care and control of the Nuisance Animal, such as dogwalkers, groomers, kennel operations, and veterinarians.

Nuisance Animal Conditions

13.7 The Peace Officer or CAO may impose one or more of the following conditions on an Owner of a Nuisance Animal:

- i. require the Owner to keep the Nuisance Animal indoors between 11:00 p.m. and 8:00 a.m.
- ii. require the Owner to keep the Nuisance Animal, when outdoors, on the Owner's property, in a secure pen or secure fence;
- iii. require the Owner to ensure the Nuisance Animal is muzzled while outdoors, either on the Owner's property or off the Owner's property, and in plain view of the Owner at all times while muzzled;
- iv. require that the owner undertake repairs to the property where the Nuisance Animal resides to ensure compliance with this Bylaw,
- v. require the Owner to retain the services of a Certified Professional Dog Trainer to provide the Owner with a specific type of education and training, for a specified number of hours, and require that the Owner provide proof of completion of such education and training hours.
- vi. any other additional condition that is similar to the above, and in the opinion of the Peace Officer or CAO is reasonably necessary to reduce the nuisance posed by such Nuisance Animal.

13.8 The Owner of a Nuisance Animal must comply with any conditions imposed by the Peace Officer or CAO pursuant to this section.

13.9 The Peace Officer or CAO can add or remove any conditions at any time after designating an Animal as a Nuisance Animal on written notice to an Owner.

13.10 An Owner may apply to have the Nuisance Animal designation lifted no more than once per year by written appeal to the CAO.

Appeal

13.11 An Owner who disagrees with:

- i. a decision from the Peace Officer or CAO to designate the Owner's Animal a Nuisance;

- ii. a decision of the Peace Officer or CAO to confirm the designation of an Animal as a Nuisance Animal following an annual written appeal, or
- iii. a condition imposed by the Peace Officer or CAO under section 13.7.

may appeal that decision to the Council for the Summer Village of Jarvis Bay.

13.12 The Owner of a Nuisance Animal must comply with the responsibilities imposed by this Bylaw despite any pending appeal before Council except that the Owner is not required, pending a final decision of Council, to comply with a condition imposed by the Peace Officer or CAO.

14 VICIOUS ANIMALS

Designating an Animal a Vicious Animal

14.1 The Peace Officer or CAO may designate an Animal to be a Vicious Animal where:

- i. the Animal has caused a Severe injury to a Person, whether on public or private property;
- ii. the Animal has, while off its Owner's property, caused Severe injury to another Animal or death of another Animal; or
- iii. there are reasonable grounds to believe the Animal poses a risk to the health and safety of Persons in the Summer Village.

Notice and Submissions

14.2 Where the Peace Officer or CAO is considering designating an Animal as a Vicious Animal, the Peace Officer or CAO must:

- i. send written notice to the Owner of the reason why the designation is being considered;
- ii. provide an opportunity to the Owner to make written submissions within (14) days of receipt of the notice on whether such Animal should be designated as a Vicious Animal, during which time the Animal must remain muzzled at all times while outside including within the owner's property, and not be outside of the owner's property unless in direct control of a person of sufficient size as to be able to control the animal at all times; and
- iii. consider any written submissions made by the Owner and any information provided from an Officer obtained from any investigation conducted pursuant to this Bylaw involving such Animal, whether for the incident precipitating the consideration of the designation or an earlier incident involving such Animal.

Seizure Pending a Decision

14.3 The Director may order the Owner of an Animal alleged to be a Vicious Animal to surrender the Animal to an Officer to be impounded at the Animal Services Centre pending the outcome of the Director's decision on whether the Animal should be designated a Vicious Animal and any related appeal.

Designation Decision

14.4 Where the Peace Officer or CAO has decided to designate an Animal as a Vicious Animal the designation decision must be sent to the Owner, with the reasons for making that decision, along with notice of any additional conditions imposed by the Peace Officer or CAO pursuant to Section 14.12.

14.5 A Vicious Animal designation continues to apply if the Animal is sold, given away or transferred to a new Owner.

14.6 An Owner must disclose that an Animal has been designated a Vicious Animal when selling, giving away, or transferring that Animal to a new Owner.

14.7 An Owner must disclose a Vicious Animal designation to any Person the Owner asks to take temporary care and control of the Animal, Such as dogwalkers, groomers, kennel operations, and veterinarians.

Transitional

14.8 An Owner of an Animal that was declared a Vicious Animal continues as a Vicious Animal under this Bylaw and the Owner must continue to comply with all conditions, orders, and restrictions imposed on such a Vicious Animal.

14.9 The Director may impose conditions pursuant to section 14.12 of this Bylaw on a Vicious Animal designated as such and the Owner must comply with all responsibilities set out in this Bylaw on Owners of Vicious Animals.

Conditions on Vicious Animals

14.10 Where the Peace Officer or CAO has designated an Animal a Vicious Animal the Owner must:

- i. within ten (10) days of receiving the notice of the designation:
 - a. ensure that a licenced veterinarian tattoo the Vicious Animal with a visible tattoo; or
 - b. implant an identifiable microchip in the Vicious Animal, and provide the information contained on the tattoo or microchip to the Peace Officer or CAO;
- ii. if the Animal is in an unaltered state, within ten (10) days of receiving the notice of the designation, have the Vicious Animal neutered or spayed at the Owner's expense;
- iii. ensure the Vicious Animal is kept under control at all times by:

- a. keeping the Vicious Animal indoors when on the Owner's property and under the control of a Person over the age of eighteen (18) years, and must be of sufficient size and strength to be able to control the dog at all times in all situations;
- b. keeping the Vicious animal in a secure pen or contained by a secure fence when outdoors on the Owner's property; or
- c. keeping the Vicious Animal under the control of a Person over the age of eighteen (18) years, and must be of sufficient size and strength to be able to control the dog at all times in all situations when outdoors, whether on the Owner's property or not, securely Muzzled and harnessed or Leashed on a lead which length must not exceed one (1) meter, in a manner that prevents such Vicious animal from chasing, injuring or Biting other Animals or people as well as prevent damage to public or private property;
- iv. The Owner of a Vicious Animal must, within ten (10) days of the date of the notice designating the Animal to be a Vicious Animal, display a sign on the Owner's premises warning of the presence of the Animal and must ensure that:
 - a. the sign is placed at each entrance to the premises where the Vicious Animal is kept, and on the pen or other structure in which the Vicious Animal is confined;
 - and
 - b. the sign is posted to be clearly visible and capable of being seen by any Person accessing the premises;
- v. The Owner of a vicious Animal must ensure that such Animal wears a Tag at all times.

14.11 An Owner must permit an Officer to inspect a secure fence, secure pen, or any outdoor portion of that Owner's property where a Vicious Animal may be contained.

Additional Conditions on Owners of Vicious Animals

14.12 The Peace Officer or CAO may impose one or more of the following conditions on the Owner of a Vicious Animal:

- i. require the Owner to modify the Owner's property in some manner in order to reduce the risk of the Vicious Animal leaving the property and Running at Large;
- ii. require the Owner to retain the services of a Certified Profession Dog Trainer to provide the Owner with a specific type of education and training, for a specified number of hours, and require that the Owner provide proof of completion of such education and training hours;
- iii. require that the Owner obtain liability insurance in a specified amount but not less than 2 million, for the Vicious Animal; and
- iv. any other additional condition that is similar to the above, and in the opinion of the Director is reasonably necessary to ensure the health and safety of Persons in the Summer Village.

14.13 The Owner of a Vicious Animal must comply with any conditions imposed by the Director pursuant to this section.

14.14 The Director can add or remove any conditions at any time after designating an Animal as a Vicious Animal on written notice to an Owner.

Selling, Transferring, of Gifting Vicious Animals

14.15 The Owner of a Vicious Animal must:

- i. notify the Peace Officer or CAO should the Animal be sold, gifted, or transferred to another Person or is deceased; and
- ii. remain liable for the actions of the Animal until formal notification of sale, gift or transfer is given to the Peace Officer or CAO.

Offences Involving Vicious Animals

14.16 The Owner of a Vicious Animal must ensure that such Animal does not:

- i. chase a Person or other Animals;
- ii. injure a Person or other Animals;
- iii. bite a Person or other Animals; or
- iv. Attack a Person or other Animals.

14.17 The Owner of a Vicious Animal must ensure that such Animal does not damage or destroy public or private property.

14.18 The Owner of a Vicious animal must ensure that such Animal is not Running at Large.

14.19 The Owner of a Vicious Animal must notify the Animal Services Center if the Animal is Running at Large.

Appeal

14.20 An Owner who disagrees with a decision of the Peace Officer or CAO to designate the Owner's Animal as a Vicious Animal or who disagrees with any condition imposed by the Peace Officer or CAO pursuant to section 14.12 may appeal that decision to the Summer Village of Jarvis Bay Council.

14.21 The Owner of a Vicious Animal must comply with the responsibilities imposed by this Bylaw despite any pending appeal before Council except the Owner is not required, pending a final decision of Council, to comply with the requirement to spay or neuter the Animal pursuant to section 14.10 (ii) of any condition imposed by the Peace Officer or CAO pursuant to section 14.12.

14.22 Nothing in the Bylaw precludes the Peace Officer or CAO from applying for a Vicious Animals to be destroyed pursuant to the *Dangerous Dog Act*, R.S.A. 2000, c-D-3.

~~DISEASE CONTROL (RABIES)~~

~~4.1 The Owner of an animal that has caused a serious wound, or that the Owner has reason to suspect may have been exposed to rabies or another communicable disease, shall, in addition to any other duty imposed under the *Public Health Act*, immediately inform a By-law Enforcement Officer or Peace Officer:~~

~~i. of the infliction of the serious wound or the suspicion of exposure to rabies or other communicable disease;~~

~~ii. in the case of a serious wound, of the name and contact information for the person that has been wounded or the Owner of the animal that has been wounded, as applicable; and~~

~~iii. whether the matter has been reported to the local community health centre, Public Health Inspector, or the Medical Officer of Health.~~

~~4.2 A By-law Enforcement Officer or Peace Officer that has reasonable ground to believe that an animal found at large may have, or has been, exposed to rabies or another communicable disease may confine the animal at an animal shelter, veterinary facility, or any other location as directed by the Medical Officer of Health or a Public Health Inspector.~~

~~4.3 A By-law Enforcement Officer or Peace Officer that has reasonable grounds to believe that an animal with the Summer Village has been exposed to rabies or another communicable disease shall report the matter to the Medical Officer of Health or a Public Health Inspector as soon as reasonably possible.~~

~~4.4 An Owner of an animal which is suffering from rabies or another communicable disease or who has been notified by the Summer Village that an Enforcement Officer has reasonable grounds to believe the animal has, or has been exposed to, rabies or another communicable disease shall:~~

~~i. not permit the animal to be in any public place; and~~

~~ii. not keep the animal in contact with or in proximity to any other animal.~~

~~4.5 An Owner who fails to comply with any provision in this part is guilty of an offence.~~

515. CAPTURE AND IMPOUNDMENT

~~155.1~~ A By-law Enforcement Officer or Peace Officer may capture and impound any dog in respect of which the Officer believes an offense under this By-law is being or has been committed.

~~155.2~~ The Animal Shelter Keeper shall report any apparent illness, communicable disease, injury, or unhealthy condition of any dog to

an SPCA Officer and shall act upon his recommendations. The owner, if known, shall be held responsible for all charges resulting.

155.3 When necessary, the By-law Enforcement Officer or Peace Officer may, in attempting to capture a dog found to be in contravention of this By-law, employ the use of bait or any device or other suitable means to apprehend the dog, provided that:

- i. it is not prohibited by law; and
- ii. it is employed with due respect for humane treatment of the dog.

155.4 Where a dog is on any private property or premises, without the permission of the owner or occupant, the By-law Enforcement Officer or Peace Officer may, with the permission of the property or premises owner, apprehend the dog.

166. INTERFERENCE AND OBSTRUCTION

166.1 No person shall interfere with, hinder, or impede an Animal Control Officer in the performance of any duty authorized by this By-law, and any person who does so is guilty of an offence.

166.2 No person, whether or not he is the owner of a dog which is being or has been pursued or captured, shall:

- i. interfere with or attempt to obstruct a By-law Enforcement Officer or a Peace Officer who is attempting to capture or who has captured a dog which is subject to being impounded pursuant to the provisions of this By-law; or
- ii. unlock or unlatch or otherwise open the vehicle in which dogs are kept for impoundment or have been placed so as to allow or attempt to allow a dog to escape therefrom.

166.3 Breach of, or failure to comply with any of the requirements of Section 16 is an offence under this By-law which may result in prosecution or, in lieu thereof, require payment of a voluntary fine as set out in Schedule A which is attached hereto.

177. RECLAIMING OF IMPOUNDED DOG

177.1 An impounded dog may be kept at the shelter for a period of ninety-six (96) hours (Saturdays, Sundays and statutory holidays not included). During this period, the owner may reclaim the dog by paying the facility, during normal working hours, an impoundment fee and boarding fee as set out in Schedule "B" of this By-law, and by paying the impound facility directly any veterinarian fees incurred during the impoundment.

177.2 The dog be retained for longer than ninety-six (96) hours if, in the opinion of the Administrator, the circumstances warrant the expense.

177.3 Subject to Section ~~7~~17.2, any dog not reclaimed by the owner within a period of ninety-six (96) hours from the date of the impoundment (Saturdays, Sundays and statutory holidays not included) may be sold by the Animal Shelter Keeper provided such sale is not for the purpose of medical research or to a research laboratory. Any proceeds from the sale of the impounded animals shall be the property of the Summer Village.

177.4 The purchaser of a dog from the Shelter Keeper pursuant to the provisions of this By-law shall obtain full right and title to it and the right and title of the former owner of the dog shall cease there upon or on a cost recovery basis.

177.5 Any dog not reclaimed by the owner within a period of ninety-six (96) hours (Saturdays, Sundays and statutory holidays not included) from the date of the impoundment or sold by the Animal Shelter Keeper shall become the property of the Summer Village which will then instruct the Animal Shelter Keeper to destroy or otherwise dispose of the dog with no liability to the owner for the said disposition.

188. **VIOLATION TAG**

188.1 The By-law Enforcement Officer or Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person the By-law Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this By-law.

188.2 The Violation Tag shall be in such form as determined by the Administrator and shall state:

- i. the name and address of the offender if ascertainable;
- ii. the offence and location;
- iii. date of the offence;
- iv. the appropriate penalty for the offence as provided in Schedule "A" of this By-law;
- v. that the penalty must be paid within ten (10) days of the issuance of the Violation Tag; and
- vi. any other information as may be required by the Administrator.

188.3 The Violation Tag may be issued to the Offender or Owner

- i. either personally;
- ii. by mailing a copy to such person at their last known address;

- iii. by leaving it for the defendant at his residence with a person on the premises who appears to be at least eighteen (18) years of age; or
- iv. upon retrieval of such person's dog from the Shelter.

188.4 Where a Violation Tag is issued pursuant to Section 818.1 of this By-law, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Summer Village the penalty specified on the Violation Tag.

188.5 Nothing in the By-law shall prevent the Summer Village By-law Enforcement Officer or Peace Officer from immediately issuing a Violation Ticket.

199. **VIOLATION TICKETS**

199.1 In those cases where a Violation Tag has been issued and if the penalty specified on the Violation Tag has not been paid within the prescribed time, then a Summer Village By-law Enforcement Officer or Peace Officer is hereby authorized to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended, to any person who the Summer Village By-law Enforcement Officer or Peace Officer has reasonable grounds to believe has contravened any provision of this By-law.

199.2 Notwithstanding Section 919.1 of this By-law, a Summer Village By-law Enforcement Officer or Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, RSA 2000, c P-34, supra, to any person who contravenes any provision of this By-law.

919.3 Any person to whom a Violation Ticket has been issued may make voluntary payment in respect to the Violation Ticket by delivering the Violation Ticket along with an amount equal to that specified for the offence as set out in Schedule "A" of this By-law, to the Provincial Court office specified on the Violation Ticket.

2010. **PENALTIES**

2010.1 Any person who contravenes any provision of this By-law is guilty of an offence and is liable to a penalty as set out in Schedule "A" of this By-law.

2010.2 Notwithstanding section 2010.1 of this By-law, any person who commits a second offence under this By-law within one (1) year of committing the first offence may be liable to a fine of not less than nor more than the sum set out in Schedule "B" of this By-law, while

a person who commits a third or subsequent offence under this By-law within one (1) year of committing the first offence may be liable to a fine of not less than nor more than the sum as set out in Schedule "B" of this By-law.

~~2010.3~~ Under no circumstance shall any person contravening any provision of this By-law be subject to the penalty of imprisonment.

~~2010.4~~ Where there has been a breach of this By-law, an Animal Control Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended.

~~2111.~~ **GENERAL**

~~4421.1~~ Schedule A and Schedule B is attached hereto and shall form a part of this By-law.

~~4421.2~~ Should any provision of this By-law be invalid, then such invalid provision shall be severed, and the remaining By-law shall be maintained.

~~4421.3~~ This By-law shall come into effect on final reading and passing of the By-law.

~~2111.4~~ This bylaw repeals and replaces By-law #~~187-22195-23~~.

READ a first time, this 7th day of ~~March 2023~~May 2024.

READ a second time, this 7th day of ~~March 2023~~May 2024.

READ a third and final time, this 7th day of ~~March 2023~~May 2024.

Julie Maplethorpe, Mayor

Tanner Evans, Administrator

SCHEDULE “A”

Amount which will be accepted by the Summer Village of Jarvis Bay in lieu of prosecution:

SECTION	OFFENCE DESCRIPTION	PENALTY
<u>REGULATIONS</u>		
3.1	Owner of dog at large	\$200.00
3.2	Leaving dog chained up, in a Kennel, or at large outside between 11 pm and 8 am	\$ <u>5200.00</u>
3.3 (a)	Owner of any dog which bites, or attempts to bite a person	\$500.00

~~3.3 (b) Owner of any dog which bites at, barks at, or chases vehicles \$100.00~~

~~3.3 (c) Owner of any dog barking, howling, disturbing any neighbours, or chases people \$200.00~~

~~3.3 (d) Owner of any dog causing damage to property \$250.00~~

~~3.3 (e) Owner of any dog causing harm (biting) to another dog \$250.00~~

3.3 (f) Owner keeping a female dog which is in season at any location where the dog is a source of attention and accessible to other dogs \$ 100.00

~~3.4 Failure of owner to remove defecation immediately from property which is not the Owner's property \$100.00~~

3.45 (ia) Untying, loosening or otherwise freeing any dog without the Owner's consent \$ 200.00

~~3.4 (ii) Negligently or willfully open a gate, door, or other opening in a fence or enclosure that allows dog to run at large \$ 500.00~~

~~3.45 (iie) Teasing, tormenting, annoying, abusing or injuring any dog \$ 200.00~~

~~3.6 (ii) Keeping more than 3 dogs over the age of 4 months. The fine amount will be charged for each dog kept over the permitted limit of 3 dogs. \$ 200.00~~

DESEASE CONTROL

4.4 Failure to quarantine rabid dog or dog exposed to rabies or any other communicable disease \$ 500.00

OWNER RESPONSIBLE FOR ANIMAL BEHAVIOURS

~~5.3 Failure to immediately restrain a dog As listed in 5.1 and 5.2 (i)(ii)(iii)(iv)(v) \$ 500.00~~

UNATTENDED ANIMALS

~~7.1 Leave animal unattended or out of while tethered on private property \$ 200.00~~

~~7.3 Tethered animal too close to property line \$ 200.00~~

~~7.4 Animal left unattended in vehicle \$ 200.00~~

improperly**SECURING ANIMALS IN A VEHICLE**8.2 Animal outside cab of vehicle \$ 500.00**NUISANCES**9.1 Fail to remove Animal feces \$ 500.009.2 Animal disturbing the peace \$ 250.009.4 Animal scatter garbage \$ 100.00**EXCESSIVE BARKING**10.1 Animal barking to annoy or disturb
the peace of others \$ 500.00**THREATENING BEHAVIOURS**11.1 (i) Bite, bark at, chase, stock animals,
bicycles, or vehicles \$ 500.0011.1 (ii) Chase or threaten a person \$ 500.0011.1 (iii) Cause damage to property or
another animal \$ 500.0011.1 (iv) Animal injure a person \$ 500.0011.1 (v) Animal bite a person \$ 500.0011.1 (vi) Animal attack a person \$1,000.0011.1 (vii) Animal attack another animal
causing severe injury \$1,000.0011.1 (viii) Cause death to animal \$1,750.0011.1 (ix) Animal attack a person causing
severe injury \$2,000.0011.2 Direct an animal to attack, chase,
harass, or threaten a person or
animal \$2,000.00**FAILURE TO REPORT BITE**12.1 Fail to report bite \$ 300.00**NUSIANCE ANIMAL**13.5 Failure to disclose nuisance animal
designation when selling, giving away
or transferring animal \$ 500.0013.6 Failure to disclose nuisance animal
designation to person providing
temporary care \$ 500.00

13.7 (j)(ii) Failure to comply with a nuisance \$1,000.00
(iii)(iv)(v)(vi) animal condition

VICIOUS ANIMAL

14.6 Failure to disclose vicious animal \$1,000.00
designation when selling, giving away
or transferring animal

14.7 failure to disclose vicious animal \$1,000.00
designation to person providing
temporary care

14.10 (i) Fail to tattoo or implant vicious animal \$1,000.00
(a)(b) microchip

14.10 (ii) Fail to neuter/spay vicious animal \$1,000.00

14.10 (iii)(a) Fail to keep a vicious animal confined \$1,000.00
indoors or otherwise properly under control

14.10 (v) Fail to post vicious animal sign \$1,000.00
(a)(b)

14.12 Fail to abide by vicious animal \$1,000.00
(i)(ii)(iii)(iv) condition

14.15 Fail to notify Peace Officer or CAO \$1,000.00
of sale, gift, transfer or death of
vicious animal

14.16 (i) Vicious animal – chase \$1,500.00

14.16 (ii) Vicious animal – injure \$2,000.00

14.16 (iii) Vicious animal – bite \$2,500.00

14.16 (iv) Vicious animal – attack \$3,000.00

14.17 Vicious animal – damage or destroy \$1,500.00
property

14.18 Vicious animal running at large \$1,500.00

14.19 Fail to notify Peace officer or CAO \$ 500.00
vicious animal running at large

INTERFERE WITH ENFORCEMENT

166.1 Interfere with, impeding or hindering \$ 250.00
an Animal Control Officer's
enforcement of this By-law

SUBSEQUENT OFFENCES IN ONE YEAR

10.2 Second offence within one year of
***Double the

the first offence _____ amount of
 _____ the specified
 _____ penalty for
 _____ first offence

the Third or subsequent offence within +++Triple
 one year of the first offence _____ amount of
 _____ the specified
 _____ penalty for
 _____ first offence

~~*** Double the amount of the specified~~

~~—————~~ Penalty for the first offence

~~+++ —————~~ Triple the amount of the specified
~~—————~~ penalty for the first offence

SCHEDULE “B”

Impound Feesas per required fees
Care and sustenance – per dayas per required fees
Veterinary feesas per expended

Summer Village of Jarvis Bay

May 7, 2024

Planning and Development

Request for Decision

Agenda Item: *Encroachment Agreement Requests*

Background:

Administration had property locations staked out by Alberta Land Surveyors to ensure recent tree removal that had been completed was not done on municipal land. After inspection of the staking, it appeared there are encroachments from the adjacent properties of the municipal lands. Administration has been in contact with the property owners of 143 and 139 Jarvis Bay Drive who are requesting to enter into an Encroachment Agreement. Entering into an agreement for the encroachments requires Council approval.

143 Jarvis Bay Drive

Encroaching shed, wood shack, wood, chairs, firepit, and cement circle onto the municipal lands. (Queen Street & Lane). Additionally, a portion of the lands are being maintained by the homeowners.

- In 1994 there was a development permit for the previous dwelling, and a porch addition on the property. No other development was documented on the property at that time.
- In 2004 an encroachment agreement was entered into for the shed on the property (where the current detached garage is). This agreement was no longer in place as of 2018, administration documented the shed had been removed.
- In 2007 there was a development permit for the demolition of the dwelling, and a new dwelling and detached garage. No real property reports were completed, and no encroachment agreements were entered into at that time.
- From then on, there are no development permits on file for any other development on the property.

139 Jarvis Bay Drive

Encroaching fence and shed onto the municipal lands. (Lane). Additionally the lands are being maintained by the homeowners.

- In 2000 a development permit was issued for a new dwelling. No other development was included in the approval.

- In the property file there is a real property report from 2006, there is a shed indicated at the rear of the lot, however it is within the property lines and is compliant.
- In 2020 a development permit was issued for a driveway expansion. No real property reports were completed, and no encroachment agreements were entered into at that time.

Encroachment Policy & extent of the encroachments attached.

Options for Consideration:

1. Approve all or specific encroachments for a 5 year term agreement.
2. Deny granting an agreement and administration to notify residents that encroachments shall be removed no later than May 22, 2024.

Administrative Recommendations:

Council to provide administration direction.

Authorities:

Encroachment Policy – JBC-20-046

RE: Encroachment Request for Gazebo and Fire Pit

Lorenzo Donadeo [REDACTED]

Tue 2024 03 26 5:24 PM

To: Kara Hubbard <khubbard@sylvansummervillages.ca>
[REDACTED]

Hello Kara,

Thank you for speaking with me last week regarding your letter dated March 6, 2024 and for your follow up email of today.

To begin with, we apologize for removing the trees without the summer village consent and only did so due to safety concerns, at great cost and expense to us. Had we known they were on the Summer Village's land we would have asked the Summer Village to cut them down due to the potential personal safety and property destruction legal liability and bear the cost (\$10,000). To be clear, we loved the trees and hired two separate arborists a few years ago and got independent opinions on what we should do with the badly leaning trees as we didn't want to cut them down. They both said we should cut them down due to safety concerns. When the first tree fell down a few months ago, we felt that we couldn't defer the decision any longer due to safety concerns.

We would also want to highlight that over the last 30 years our family has had several (ie. Approximately 8 - 10) developments of new homes or additions that we required development permits from the Summer Village. We abided by the Summer Village development permit requirements. We highlight this fact only to illustrate that we are respectful of the Summer Village and the role that they play in managing the development of the area.

We also wanted to summarize our discussions and emails with you over the last couple of weeks as follows:

1. My father got approval from the Summer Village prior to building his gazebo on the land adjacent to our lot. I (Lorenzo Donadeo) personally assisted him with obtaining this approval in approximately 1988 and know that we obtained one before we began construction. We cannot find a copy of the approval but were hoping you could find it in the Summer Village records. You have indicated that you could not find the encroachment agreement granted to my father by the Summer Village.
2. The fire pit was installed by my father close to 30 years ago. This is where we have spent our evenings over the years when we were at the cabin and we have many long term fond memories. It does not obstruct any use of the area or surrounding area to the public and we would like to respectfully request approval from the summer village to keep it in this location.

The fire pit and the gazebo are part of the legacy and associated memories left behind from my mother and father for me and my sisters, their families and our grandchildren. We still use both of these facilities and would all be very disappointed to have to remove the fire pit as stated in your letter.

We would also like to point out that there are some of our neighbors that have similar encroachments without encroachment approvals in place and we would hope that all encroachments are dealt with in a consistent and fair manner and that we are not being treated differently than any other resident of the Summer Village.

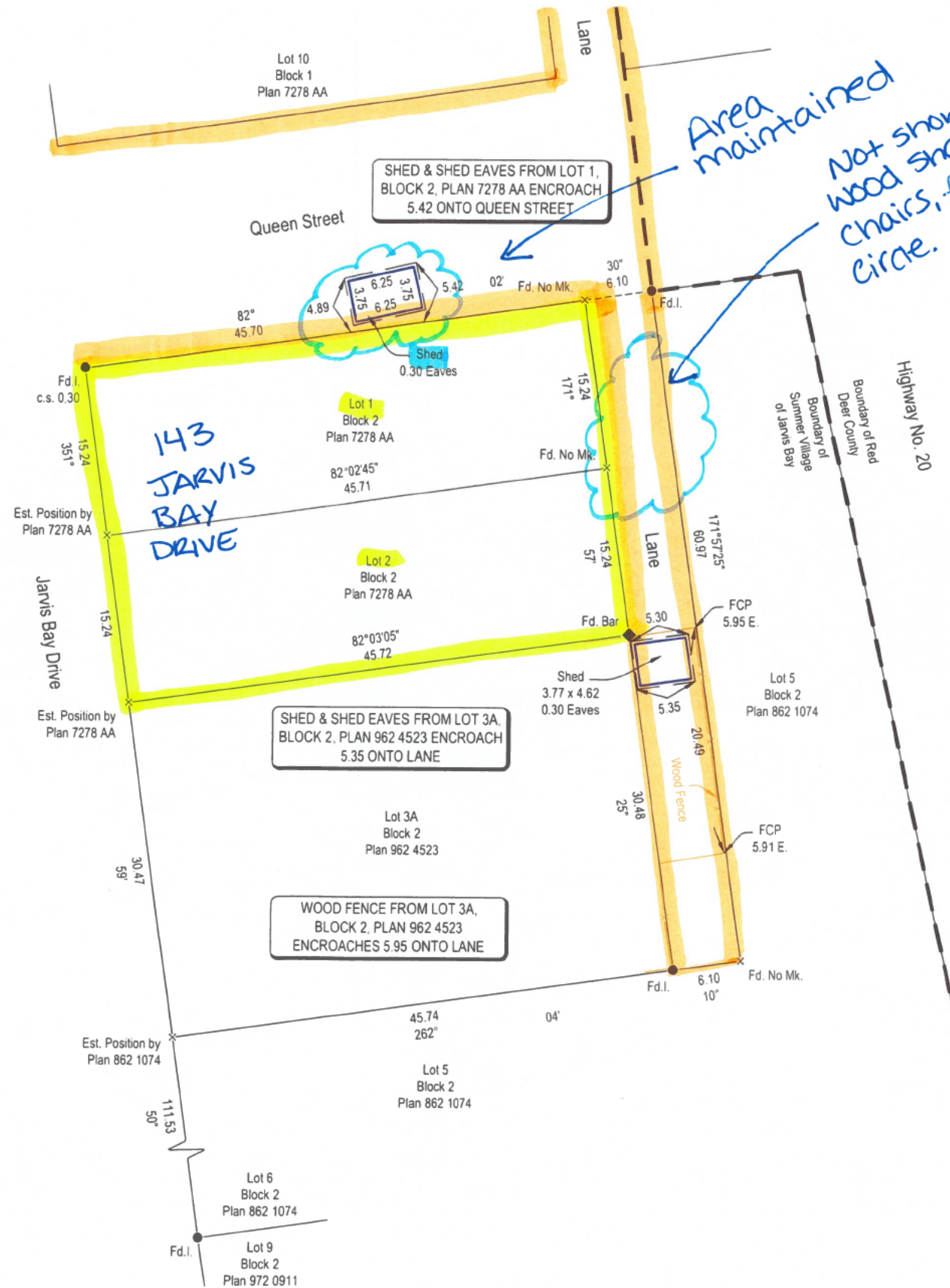
We respectfully request encroachment agreements to keep the gazebo and fire pit in their current locations.

Regards,

Lorenzo Donadeo Lina Wedderburn Luciana Donadeo Lydia Hrabec

SKETCH PLAN

SHOWING
**ENCROACHMENTS ONTO
 QUEEN STREET AND LANE**
 ADJACENT TO
 LOT 1 & 2, BLOCK 2, PLAN 7278 AA &
 LOT 3A, BLOCK 2, PLAN 962 4523
 SUMMER VILLAGE OF JARVIS BAY, ALBERTA



Area maintained

Not shown encroaching wood shack, wood chairs, firepit, cement circle.

LEGEND

Statutory Iron Post Found	●
Iron Bar Found	◆
Calculated Point	x
Reference Point	⊕
Countersunk	c.s.
Fence Corner Post	FCP
Found	Fd.
Mark	Mk.
Marker Post	Mp.
Statutory Iron Post	I.
Foundation	Fdn.
Radial	(R)
Fence Line shown thus:	— x —
Power Line shown thus:	— — — — —
Power Pole	⊗
Anchor	— T —

143 JB Drive land

Municipal land

Encroachment

NOTES:
 -Distances are in metres and decimals thereof.
 -Date of Survey: January 24th, 2024
 -Bearings are UTM NAD83(CSRS) Zone 11; Derived from GNSS Observations and processed through Precise Point Positioning.

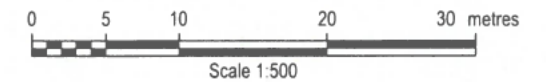
DISCLAIMER ALBERTA FIRST CALL 1-800-242-3447
 THIS PLAN REPRESENTS THE BEST INFORMATION AVAILABLE AT THE TIME OF SURVEY. COMPASS GEOMATICS LTD. AND ITS EMPLOYEES TAKE NO RESPONSIBILITY FOR THE LOCATION OF ANY UNDERGROUND PIPES, CONDUITS, OR FACILITIES, WHETHER SHOWN ON OR OMITTED FROM THIS PLAN. AN ADDITIONAL SEARCH FOR SPECIFIC BURIED FACILITIES USING ALL RESOURCES MUST BE PERFORMED JUST PRIOR TO CONSTRUCTION

COMPASS
 Geomatics Ltd.

11-4608 62nd Street
 Red Deer, Alberta T4N 6T3
 Office (403) 356-0111 Fax (403) 356-0114
 www.compassgeomatics.ca



COMPASS DWG 00057-24-SP-R0 SURVEYED BY: VM



REVISION SUMMARY

Original Issue (02/16/24) PC/JW

REV	PAGE
0	1 of 1

E-2-A

Jarvis Bay Dr

141

139

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2

Municipal Land
Area Maintained

Property Line

JAN 29 2023





Encroaching Building

JAN 29 2023



Municipal Land
Area Maintained

NOV 20 2023



Municipal Land
Area Maintained

JAN 29 2023

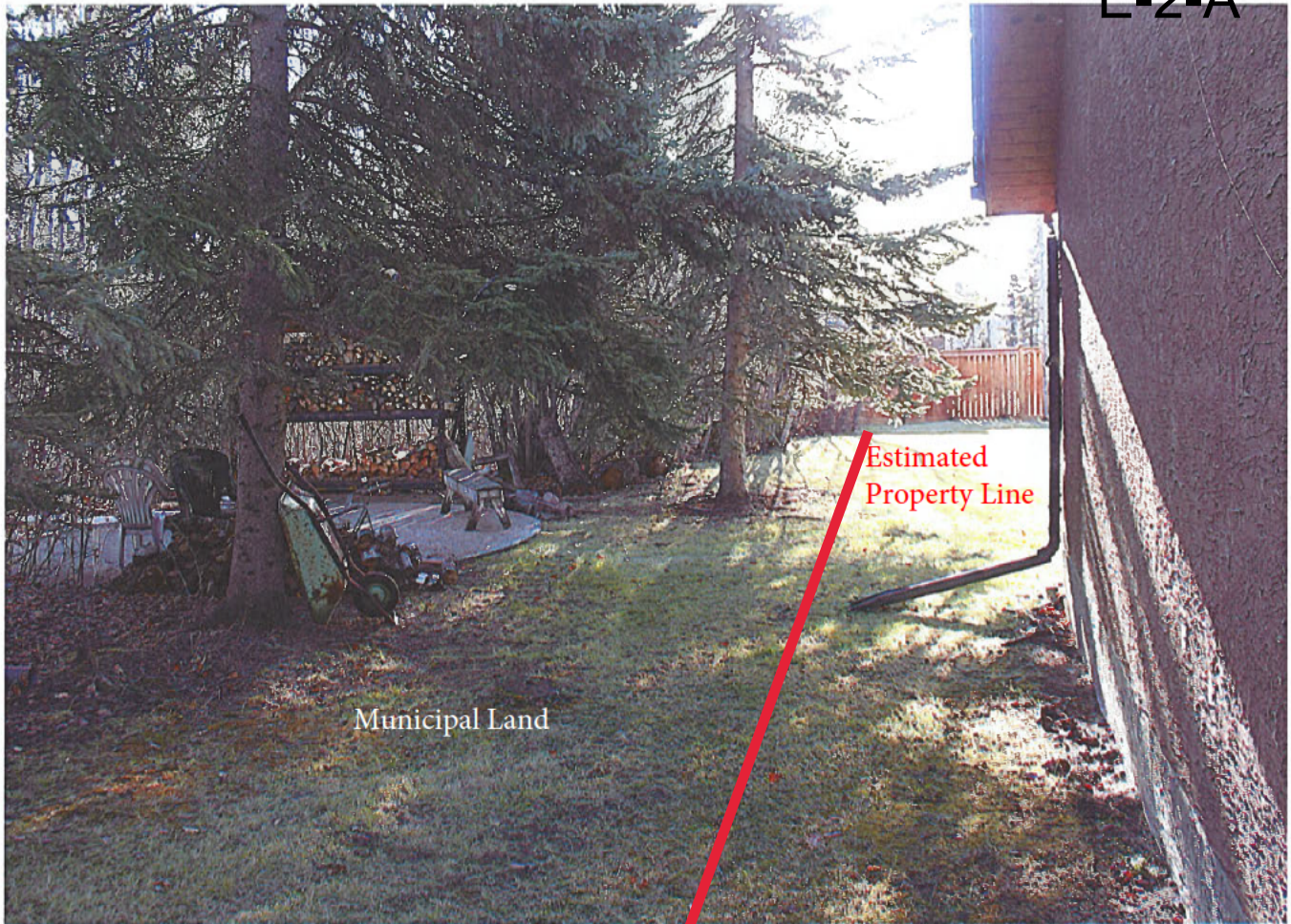




NOV 20 2023



JAN 29 2023



NOV 20 2023





Municipal Land

NOV 20 2023



Municipal Land

JAN 29 2023





NOV 20 2023



Municipal Land

E-2-A



JAN 29 2023



JAN 29 2023


April 16th, 2024

Summer Village of Jarvis Bay Council;

Regarding the letter we received from Kara Hubbard, dated March 7th, 2024, we were aware that our fence and shed were encroaching on the lane way. There has been a fence there for at least the past 25 years. Our concern with moving the fence is that this lane way will become a weed infested area. We would like to submit a request to enter into an agreement to leave the fence and the shed in place for the next 5 years.

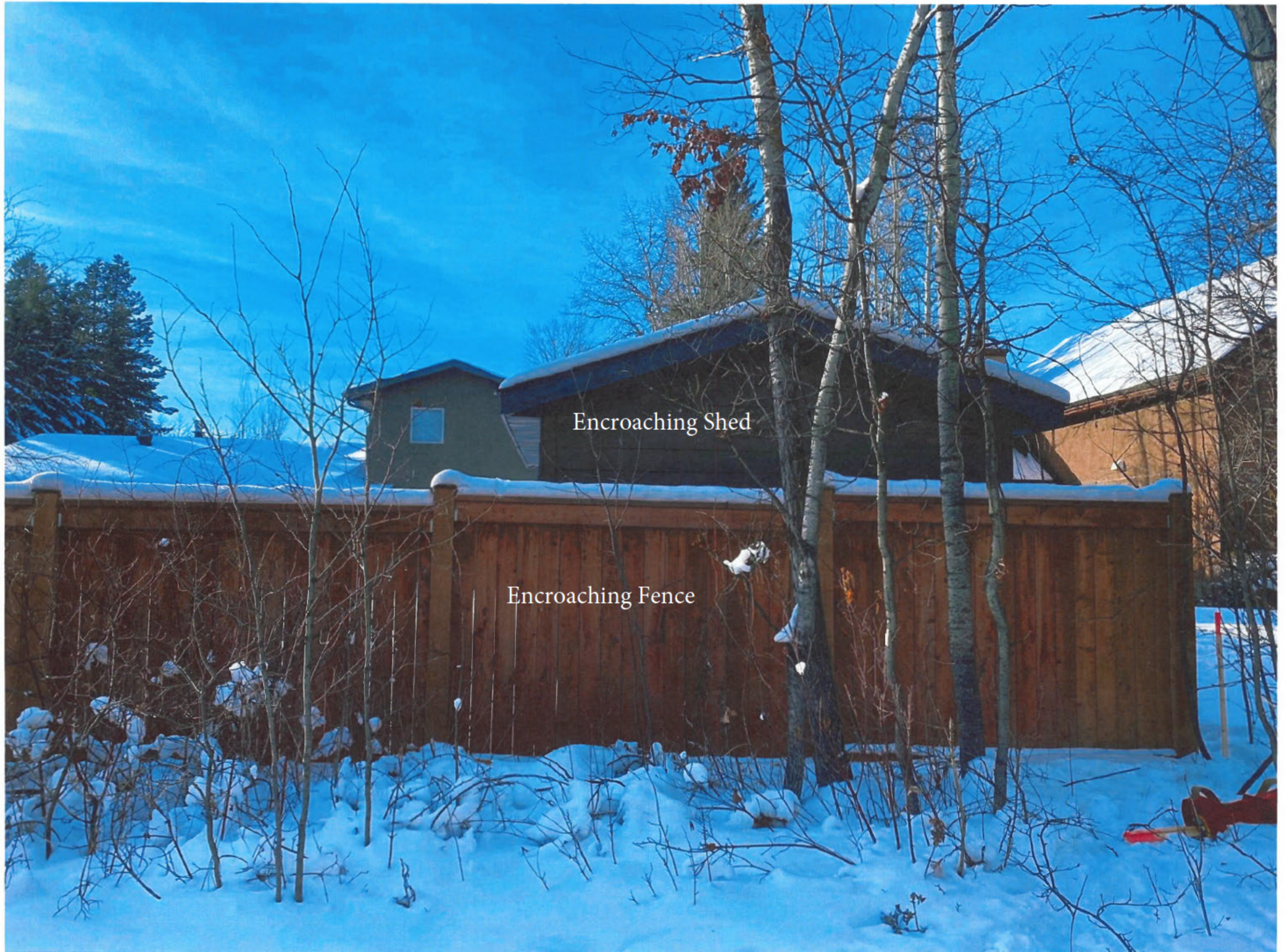
This would give council time to potentially explore other options. We would like to suggest that council look into decommissioning this lane way or offering to sell the land to the adjacent land owners.

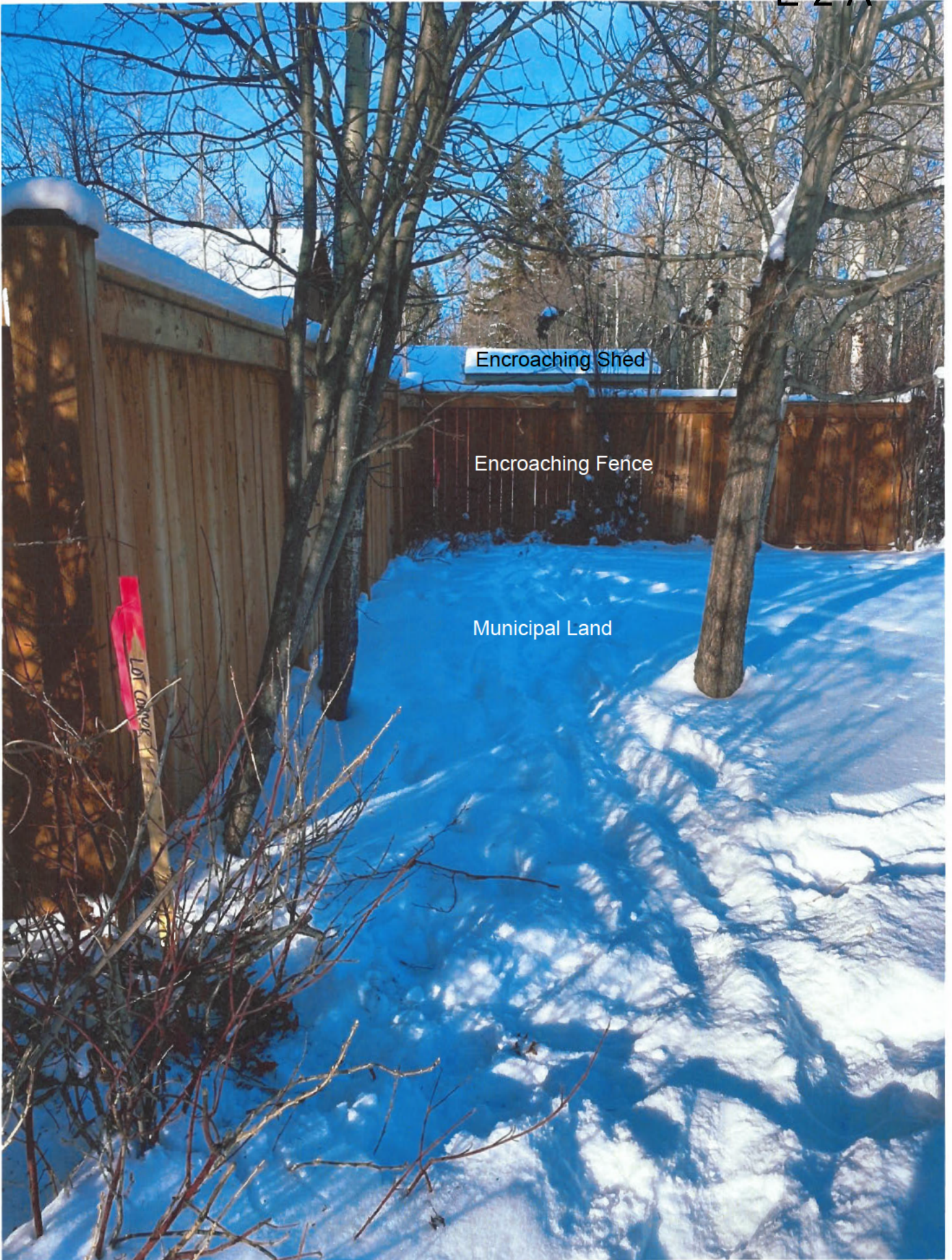
Thank you for your consideration,



Kevin and Pat Christiansen

139 Jarvis Bay Drive







Encroaching Shed

E-2-A



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Policy Title	Date	Resolution No.
Encroachment Policy	March 3, 2020	JBC-20-046

Purpose:

The Summer Village of Jarvis Bay has the responsibility to manage Municipal Reserve, Environmental Reserve, Recreational Leases, Licenses of Occupation and the Shoreline within the boundaries of the municipality.

Statement:

The Summer Village of Jarvis Bay asserts its right of ownership to all lands owners, leased and managed by the municipality. It is the policy of the Summer Village to work proactively with property owners to remove encroachments for all lands owned, leased and managed by the municipality.

General:

1. The Summer Village requires the removal of all encroachments from lands owners, leased or managed by the municipality. The owners of the encroachment shall be required to remove the encroachment and restore the site to its original / natural state to the satisfaction of the municipality, and or
2. The Summer Village may permit encroachments onto property owned, leased or managed by the municipality if the encroachment is established and recognized in accordance with the provisions of this policy as of the date of the approval of the Policy.
3. Permitted encroachments identified by a letter of consent or a license agreement from the Summer Village of Jarvis Bay shall be for no more than a five year term.

Encroachment on Environmental Reserve Lands

1. The Summer Village does not permit any type of encroachment on environmental reserve land.

Encroachments on Municipal Reserve Lands, Municipal Leased Properties and or Municipal Managed Properties

1. Existing Encroachments deemed by Council to be minor may be permitted provided a consent letter is issued by the Municipality. The consent letter shall include provisions reserving the Municipality's right to require the removal of the encroachment at any time at the expense of the owner of the encroachment and any other conditions deemed necessary by the municipality. Minor encroachments include the storing of piers and boat lifts.
2. Stairs, retaining walls, fire pits and other types of development encroaching onto Municipal property, excepting environmental reserves, may be permitted by the Council provided the owner of the encroachment:
 - a. Enters into an Agreement with the municipality outlining the terms by which both parties shall manage the encroachment.
 - b. Agrees that the existence of the encroachment in no way affect the Municipality's ownership of or authority over the lands.

ENCROACHMENT POLICY

- c. Agrees to remove the encroachment at the encroaching party's expense at any time such removal is required by the municipality.
- d. Agrees that upon the removal of the encroachment, the site will be restored to a condition acceptable to the municipality.
- e. Provides, at the request of the municipality, a survey plan illustrating the extent of the encroachment prepared by a land surveyor registered to practice in the province of Alberta to the satisfaction of the municipality prior to the execution of the agreement.
- f. Pays all costs incurred by the municipality to facilitate the execution of the agreement.
- g. Pays the annual encroachment fee of \$250.00 at time of agreement and reassessed every five years.

Rescinds Encroachment Policy Passed on September 3, 2014 by Resolution #501/14.

Summer Village of Jarvis Bay

May 7, 2024

Council Reports

Information Item

Council Reports:

Julie Maplethorpe

- Parkland Regional Library Board

Annabelle Wiseman

David Garratt

Committee Reports:

Correspondence:

- Association of Summer Villages of Alberta Newsletter

Upcoming Meetings:

Next Council Meeting – June 4, 2024



2024 Spring Newsletter

The seasons are changing and with that life at the Summer Villages will start to get busy. The ASVA is also busy working on your behalf to ensure that the Alberta Government and our sister organizations, ABmunis and RMA, understand that our members continue to be strong, viable local governments.

The Local Government Fiscal Framework (LGFF) is in its first year of existence. There have been some changes to the program guidelines and the ASVA has been in conversation with Municipal Affairs to understand how these changes might impact Summer Villages. Stay tuned for a note from us on these changes and what to expect.

The ASVA is also working on the following priorities. We see these five topics as important issues for all Summer Villages and ones that have the ability to ensure we remain resilient and viable. The ASVA is working on our approach and what our key messages will be on each topic. We will keep you informed as we proceed.

Education Property Tax - retaining more funding for local priorities

Municipal Affairs has been asked to review the feasibility of amending the Education Property Tax to assist municipalities with retaining more funding for local priorities. During the LGFF discussions, Municipal Affairs believed that since Summer Villages have lower full-time year round populations and provide fewer year round services, they should get less LGFF funding. The ASVA feels that this belief should also be applied to the recovery of the Education Property Tax; i.e. lower population equals lower tax recovery. There are a lot of options that ASVA will suggest to Municipal Affairs that could create tax space for Summer Villages to step into to fund local priorities.

ASVA Position on LGFF starting point \$1.75B

ABmunis is asking Municipal Affairs for LGFF Capital to start at \$1.75 billion (\$824M for non-charter municipalities, a 142% increase). This amount was determined based on a combination of factors including the growth in Alberta's population and the total cost of depreciation of Alberta's existing local infrastructure. Even though this increase has a minor benefit for Summer Villages, it will provide some additional funding therefore a valuable piece of work. If this was to happen, Summer Villages will have to work with other Villages and small Towns to open up the allocation formula as they are in a similar position to us where they too are dependent on Base Funding.

Municipal Census Regulation – Summer Villages and Temporary Residents

In 2024, the new Municipal Census Regulation will allow municipalities to conduct their own census. The regulation identifies a Temporary Resident as one that spends the night on Census Day in

that dwelling which is not their main residence, and who has a main residence elsewhere in Canada. Even though ASVA would like to have the Government of Alberta consider including the Temporary Resident count in the total population count used for LGFF allocations, this information could be of useful for infrastructure and emergency planning.

LGFF Time Limit to Use Allocated Funds

Current LGFF guidelines state, "To provide flexibility in scheduling projects and/or to accommodate larger projects requiring more than one year's grant allocation, capital funding allocated and not expended in the year it was allocated may be carried forward to the next five subsequent years." ASVA will advocate to have this timeframe extended, perhaps out to 10 years for Summer Villages. Our reasoning is that it takes a long time to save up for large capital infrastructure projects. With borrowing costs no longer an eligible LGFF expense this may make sense that we need to save longer to limit the amount of debt and borrowing costs required to complete large scale projects.

Golf Carts

Last fall the Summer Village of Half Moon Bay (Sylvan Lake) put forward a resolution at the ABmunis Convention that would allow Municipalities, if they so desire, to approve the use of golf carts on certain approved roads and public lands within their municipality." The ABmunis members supported this resolution and I am happy to say that work has already begun to make this a reality. The Alberta Government is in the process of creating the road rules necessary to allow this to happen. The ASVA President and Executive Director participated in a government lead meeting to gather feedback and introduce the notion of a pilot project. We will continue to work with them as part of their technical resource team.

Final Thoughts

As we all look forward to a new season, the ASVA wants to thank you for your continued support. It is important that we all stick together as a larger single voice does get more recognition.

If you have any questions, suggestions or comments, please never hesitate to call or email our Executive Director, Kathy Krawchuk at 780-236-5456 or execdirector@asva.ca or info@asva.ca

Warmest Regards.



President, ASVA