Summer Village of White Sands

Land Use Bylaw

BYLAW 186-22

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Bylaw 186-22
First Reading – May 4, 2022
Advertised – May 12 & 19, 2022
Public Hearing – May 21, 2022
2nd Reading – June 8, 2022
3rd Reading – June 8, 2022

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PART ONE

GENERAL

1.1 Short Title

This Bylaw may be cited as the **Summer Village of White Sands Land Use Bylaw**.

1.2 Purpose

The purpose of this Bylaw is to, amongst other things,

1.2.1 Divide the municipality into districts;

1.2.2 Prescribe and regulate the use for each district the purposes for which land and buildings may be used;

1.2.3 Establish the office of Development Officer;

1.2.4 Establish a method of making decisions on applications for development permits including the issuing of development permits; and

1.2.5 Provide the manner in which notice of the issuance of a development permit is to be given.

1.3 Definitions

The following definitions shall be used in this Land Use Bylaw:

Defined Word	Definition
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 parcel of land. Examples including but are not limited to garages, decks, sheds and carports.
Accessory Use	means a use that is incidental and subordinate to the main building on a parcel of land, no accessory use is to be used for accommodations.
Adjacent Land	means land that is contiguous to the parcel of land that is the subject of an application and includes land that would be contiguous if not for a highway, road, river or stream, and in the opinion of the Development Officer any other land.
Basement	means a habitable portion of a building which is partly underground, but does not have more than 50 percent of the distance, between the floor level and the underside of the ceiling joists, above ground elevation.
Building	includes anything constructed or place on, in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.
Bylaw Enforcement Officer	means a Bylaw Enforcement Officer appointed by the Summer Village of White Sands, pursuant to the Municipal Government Act, for the purpose of enforcing the Land Use Bylaw and other Summer Village Bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Community Peace Officer.
Cantilever	means a structural portion of a building floor, excluding eaves and roof projections, bay windows and fireplace chases, which extends beyond the foundation wall and is not structurally supported from below;
Cellar	means a portion of a structure which is mainly underground, and which has less than 50 percent of the distance, between the floor level and the underside of the ceiling joists, above adjacent ground elevation.
Council	means the Council of the Summer Village of White Sands.
Corner Parcel	means a parcel where both a front or rear parcel boundary and a minimum of one (1) side parcel boundary abut a road.
Detached Dwelling	means a residential building containing one dwelling unit constructed on site, which is physically separate from any other residential building, and does not include a ready to move dwelling.
Development	means: (a) An excavation or stockpile and the creation of either of them, or (b) The removal of trees on private property for the purpose of general yard maintenance and landscaping; and that the removal is not in conjunction with a

	permit for development, or (c) A building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them, or (d) A change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or (e) A change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.
Development Authority	means the person or persons appointed pursuant to Development Authority Bylaw No. 187-22.
Development Officer	means a person appointed as Development Officer pursuant to this Land Use Bylaw.
Development Permit	means a document authorizing a development issued pursuant to this Land Use Bylaw.
Development Unit	will be used solely for determining density and capacity as outlined in the BLIDP, it does not override the type of dwelling units that may, or may not, be allowed by individual municipalities. Generally, any use that creates an overnight accommodation, or the potential to create an overnight accommodation, should be considered a development unit. Development units must include: (a) any titled lot, excluding MR, ER, PUL or other community lot; (b) residential units above one per titled lot, each self-contained unit within a duplex, triplex, fourplex, or apartment unit is considered one development unit (lot counts for first residential unit); (c) any designated or developed campsite (one stall) whether it is occupied or not; (d) any hotel room, motel room, lodge room or boarding room; and (e) recreational vehicles above one per titled lot (lot counts for first unit); that are on site for 31 consecutive days or more. (f) secondary suites Development units must not include: (a) individual rooms in a bed and breakfast; (b) recreational vehicles on site 30 consecutive days or less; and (c) recreational vehicles stored on a property but not used for accommodation. Development units not listed above will be reviewed by the municipalities to determine if they should be counted or not.
Discretionary	means the use of land or a building provided for in this Land Use Bylaw, which may

Use	be compatible with other uses in the District, for which a development permit may be issued upon an application having been made.
Dilapidated Vehicle	means any vehicle that is subject to any two of the following items as listed below: (a) Not used on a regular basis; (b) Does not have a validated license plate attached to it; (c) Is lacking one or more major body parts (i.e. fenders, hoods, etc.); and (d) Is lacking one or more of its power train parts (i.e. motor, transmission, differential, etc.).
District	means Land Use District.
Domestic Pet	means an animal which is normally kept inside a dwelling. Domestic pets include, dogs, cats, parrots, and similar-sized animals, but does not include any fur bearing animal, fowl, exotic snake, reptile, or livestock;
Driveway	means a vehicle access route between the carriageway of a road and a use on a parcel. Driveway are only permitted to access the road to which identifies the parcels municipal address.
Dwelling Unit	means a complete building or self-contained portion of a building for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and washroom facilities intended as a permanent residence.
Easement	means the right to use land, generally for access to other property or as a right-of way for a public utility.
Encroachment	means any obstruction or intrusion extending from a property onto an adjoining public right-of-way, adjoining public lands or adjoining lands.
Encroachment Agreement	means a written agreement between the municipality and a property owner which establishes particular circumstances and conditions under which a use or building on the property may incorporate the use of adjoining land owned or controlled by the municipality or a written agreement between two property owners which establishes particular circumstances and conditions under which a use or building on one property may incorporate the use of adjoining land owned or controlled by a different property owner.
Excavation	means any breaking ground, except common household gardening and ground care.
Exterior Wall	means a wall with one side on the exterior of the building finished with materials including but not limited to stucco, siding, brick or stone. The exterior wall is constructed in a way to provide load bearing capabilities and protection from the outside elements including moisture protections and insulation.
Fence	means a physical barrier constructed from typical building material for the purpose of providing privacy and/or preventing unauthorized access.
Floor Area	means for residential building buildings, the total area of all floors on a building

	measured from the outside of exterior walls including a basement as well as all cantilevers, but excluding floor areas of lofts, cellars, attached garages, sheds, carports, open porches, balconies or decks (covered or uncovered) in all residential buildings.
Front Parcel Boundary	means, in the case of an interior parcel, the boundary which abuts a street, and in the case of a corner parcel, means the shorter of the two boundaries which abut a street, except for lakeside parcels.
Front Yard	means (a) In the case of lakeside parcels, a yard extending across the full width of a parcel from the boundary of the parcel abutting the lake to the front wall of the main building situated on the parcel; or (b) In the case of non-lakeside parcels, a yard extending across the full width of a parcel from the boundary of the parcel abutting the street, or in the case of corner parcels, abutting the shortest length of street, to the front wall of the main building situated on a parcel.
Grade	means the average elevation of the natural or finished level of the ground adjoining a building at all exterior walls, or the level of the ground as established by an approved grade plan.
Holding Tank	means the use of a certified underground reinforced pre-cast concrete tank place on site for the collection and temporary storage of sewage until pumped out by a pump truck. See Summer Village of White Sands "Disposal of Sewage and Wastewater Bylaw"
Home Occupation	means any occupation, profession or craft carried on by an occupant of a residential building within that same residential building as a use secondary to the residential use of the building and which does not change the character thereof, or have any exterior evidence of such secondary use. Home Occupations are low impact uses including but not limited to music lessons, offices, indirect sales and etc.. Home Occupations do not include such uses as retail sales, cannabis retail sales, cannabis counselling or cannabis production and distribution, bitcoin mining, animal breeding and animal kennel.
Lakeside Parcel	means any parcel described within: Lots 1-27, Block 4; Lots 11-30, Block 3, Lots 12-17 Block 2; and Lots 18-23, Block 1; all originally created by Plan 4117 MC; Lots 2-5, 12-14: Block 1; all originally created by Plan 782 2467; and Lots 1-11, Block 5; all originally created by Plan 972 1576, Lots 64-70, Block 5, Plan 9823323.
Landscaped Area	means an area of land made attractive and desirable by the use of any or all of the following: grass, trees, shrubs, ornamental planting, fences, walls, and associated earthworks; however, it shall not include areas occupied by garbage, storage, parking lots or driveways.
Land Use Bylaw	means Bylaw 186-22 , and amendments thereto.
Land Use District	means an area as described in Schedule C and shown in Schedule A of this Land

	Use Bylaw.
Land Use Policies	means the policies established by the Lieutenant Governor in Council pursuant to the Municipal Government Act.
Lane	means a public thoroughfare which provides a secondary means of access to a parcel or parcels and which is registered in a land titles office.
Livestock	means livestock as defined in the Agricultural Operation Practices Act. This includes, but is not limited to poultry, horses, cattle, pigs, sheep, swine, goats, bison, and fur-bearing animals;
m	means metres ("m²" means square metres).
Main Building	means a building in which is conducted the main or principal use of the parcel on which it is erected.
Main Floor Area	means for residential buildings, the total area of the main floor of a building measured from the outside of the exterior walls.
Main Use	means the principal purpose for which a building or parcel is used.
Modular Home	means a home that is built in sections in a factory (prefabricated) and then transported to a building site on truck beds, then joined together and affixed to a permanent foundation to create a permanent dwelling Modular Homes conforms to the CSA A277 standard. All modular homes within the summer village must have a minimum width of 24 ft.
Mobile Home or Manufactured Home	means a residential unit that may be constructed with a heavy transport chassis that allows for permanent or temporary attachment of a hitch and wheel assembly to enable the relocation of the dwelling. A mobile home may be a single structure (single-wide) or two parts which are put together to comprise a complete dwelling (double-wide). Mobile Homes shall feature the following criteria: i. Minimum roof pitch of 5 cm (2 inches) of vertical rise for every 30.5 cm (12 inches) of run; and ii. A minimum floor area length to width ratio of 3:1. A mobile home does not include a single detached dwelling and conforms to the CSA Z-240 MH standard. **Mobile Home Units are not allowed within the Summer Village.**
Municipality	means the Summer Village of White Sands.
Municipal Government Act	means the Municipal Government Act, as amended.
Non Conforming Building	means a building: (a) That is lawfully constructed or lawfully under construction at the date a land use bylaw affecting the building or land on which the building is situated becomes effective, and (b) That on the date the land use bylaw becomes effective does not, or when

	constructed will not, comply with the land use bylaw.
Non Conforming Use	means a lawful specific use: (a) Being made of land or a building or intended to be made of a building lawfully under construction, at the date a land use affecting the land or building becomes effective, and (b) That on the date the land use bylaw becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw.
Owner	means the person who is registered under the Land Titles Act as the owner of the fee simple estate in the land, or in respect of any property other than land, the person in lawful possession of it.
Parcel	means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office.
Parcel of Land	means: (a) Where there has been a subdivision, any lot or block shown on a plan of subdivision that has been registered in a land titles office. (b) Where a building affixed to the land that would without special mention be transferred by a transfer of land has been erected on 2 or more lots or blocks shown on a plan of subdivision that has been registered in a land titles office, all those lots or blocks. (c) A quarter section of land according to the system of surveys under the Surveys Act or any other area of land described on a certificate of title.
Permitted Use	means a use of land or a building which is compatible with other uses in the District and for which a development permit shall be issued provided it otherwise conforms with this Land Use Bylaw.
Porch	means a covered area (open or enclosed) adjoining an entrance to a dwelling, a porch is not considered a part of a total floor area.
Portable Storage Unit	means a container which is used as a storage vault and includes sea/land/rail shipping containers;
Public and Quasi-public Use	means a use of land or a building for purposes of public administration and service and shall also include a building for the purposes of assembly, instruction, culture, recreation or other community activity.
Public Utility	means a public utility as defined in the Municipal Government Act.
Ready to Move (RTM) Dwelling	means a dwelling with a minimum width of 7.3 meters (24 feet), a minimum main floor area of 70 square meters (753.5 square feet) and a maximum height of 7.75 meters

	(25.4 feet). An RTM must have a completed main floor area constructed off site prior to transportation to the property. Dwellings are transported to the site and assembled and affixed to a permanent foundation to create a permanent dwelling unit and conform to the CSA A-277 Standard for Ready To Move Homes.
Rear Yard	means: (a) In the case of lakeside parcels, a yard extending across the full width of a parcel from the rear wall of the main building situated on the parcel to the boundary abutting the street; or (b) In the case of non-lakeside parcels, a yard extending across the full width of a parcel from the rear wall of the main building situated on the parcel to the shortest boundary of the parcel which does not abut a street
Recreational Vehicle	means a portable structure designed and built to be carried on a vehicle or to be transported/motorized on its own wheels, and which is intended to provide temporary living accommodation for travel and recreational purposes and which does not need any special license or permit to travel on the public road systems other than a usual trailer or vehicle license and, without limiting the generality of the foregoing, includes such vehicles as a motorhome, a fifth-wheel, a camper, a travel trailer. But does not include any vehicle or over 2.6 m (8.5 ft) in transit mode width, an RTM dwelling or a Recreational Vehicle – Park Model Recreational Unit.
Recreational Vehicle – Park Model Recreational Unit (or 'Cottage Model')	means a Recreational vehicle conforming to the CSA Z-241 Standard for Park Model Recreational Vehicles, or the equivalent, built on a single chassis mounted on wheels which may be removed. The unit is designed to facilitate occasional relocation using a special tow vehicle and requiring a highway movement permit to tow the unit. It has living quarters for a temporary residence or seasonal use, and must be connected to those public or private utilities necessary for the operation of installed fixtures and appliances, with a maximum CSA approved 50 amp interior electric panel. The transit mode width of this unit exceeds 2.6 m (8.5 ft). **Recreation Vehicle – Park Model Recreational Units are not allowed within the Summer Village.**
Road	means land: (a) Shown as a road on a plan of survey that has been filed or registered in a land titles office, or (b) Used as a public road, and includes a bridge forming part of a public road and any structure incidental to a public road, but does not include a highway.
Screen	means a fence, berm, hedge, wall or building used to separate areas or functions which detract from the appearance of the street scene and the view from the surrounding areas.
Set Back	means a distance additional to minimum yard requirements which may be required on parcels adjacent to public roadways.

Side Yard	means a yard extending from the front yard to the rear yard between the side boundary of the parcel and the main building thereon.
Sign	means any word, letter, model, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction.
Statutory Plan	means a municipal plan, intermunicipal development plan, area structure plan and area redevelopment plan adopted by a bylaw of the municipality, or an one or more of them.
Street	means any category of road except a lane.
Subdivision and Development Appeal Board	means a board established by Council pursuant to the Municipal Government Act.
Subdivision and Development Regulation	means the Subdivision and Development Regulation as amended.
Utility Building	means a building in which the proprietor of a public utility maintains an office, or maintains or houses equipment used in connection with the public utility.
Yard	means and open space on the same site as a building and which is unoccupied and unobstructed from the ground upward except as otherwise provided herein.

All other words and expressions have the meaning respectively assigned to them in the Municipal Government Act and the Subdivision and Development Regulation.

1.4 Establishment of Development Authority

1.4.1 The office of Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.

1.4.2 The Development Officer shall perform such duties that are specified in this Land Use Bylaw, including among other things the keeping and maintaining for the inspection of the public during all reasonable hours, a copy of this Land Use Bylaw and all amendments thereto; keeping a register of all applications for development, including the decisions thereon and the reasons therefore.

1.4.3 The Municipal Planning Commission established by Bylaw 187-22 shall perform such duties as specified in Part 2 of this Bylaw as well as the Municipal Government Act, Subdivision and Development regulation

1.5 Establishment of Forms

1.5.1 For the purpose of administering this Land Use Bylaw, the Development Officer shall prepare such forms and notices as he or she may deem necessary.

1.5.2 Any such forms or notices are deemed to have the full force and effect of this Land Use Bylaw in the execution of the purpose for which they were designed, authorized and issued.

1.6 Establishment of Supplementary Regulations

Supplementary Regulations are set forth in Schedule B hereto, hereby adopted by reference to be part of this Land Use Bylaw, and to be amended in the same manner as any other part of this Land Use Bylaw.

1.7 Establishment of Land Use District Regulations

Land Use District Regulations shall be set forth in the Schedule of Land Use District Regulations, being Schedule C hereto, hereby adopted by reference to be part of this Land Use Bylaw, and may be amended in the same manner as any other part of this Land Use Bylaw.

1.8 Establishment of Districts

1.8.1 For the purpose of this Land Use Bylaw the Summer Village of White Sands is divided into the following Districts:

Low Density Residential Small Lot – R1

Low Density Residential Large Lot – R2

Public Use - P

Environmental Open Space - EOS

Direct Control - DC1

Urban Reserve - UR

1.8.2 The boundaries of the Districts listed in subsection (1.8.1) are as delineated on the Land Use District Map being Schedule A attached hereto. All roads, water courses and lakes are excluded from the Land Use Districts.

1.9 Amendment of the Land Use Bylaw

1.9.1 A person may make application to the Development Officer for amendment to this Land Use Bylaw. The application shall include:

(a) A statement of the specific amendment requested;

(b) The purpose and reasons for the application;

(c) If the application is for a change of District, the legal description of the lands, or a plan showing the location and dimensions of the lands;

(d) The applicant's interest in the lands; and

(e) An application fee established by resolution of Council.

1.9.2 If the amendment is for a redesignation of land, the Development Officer may require:

(a) An outline plan for the area to be redesignated, to the level of detail specified by the Development Officer; and

(b) Payment of a fee equal to the costs incurred by the Municipality to review the proposed redesignation and/or related outline plan, or if necessary to prepare an outline plan.

1.9.3 Upon receipt of an application for amendment to this Land Use Bylaw, the Development Officer shall determine when the application will be placed before the Council and shall issue not less than 10 days' notice to the applicant advising that he may appear before the Council at that time, and speak to the application. An application for amendment shall be placed before the Council within 60 days of its receipt by the Development Officer.

1.9.4 The Council, in considering an application for an amendment to this Land Use Bylaw, may at its sole discretion:

(a) Refuse the application; or

(b) Refer the application for further information; or

(c) Pass first reading to a bylaw to amend this Land Use Bylaw, with or without conditions or amendments; or

(d) Defeat first reading of a bylaw to amend this Land Use Bylaw; or

(e) Pass first reading of an alternative amendment to this Land Use Bylaw, with or without conditions.

1.9.5 Following first reading of an amending bylaw, the Council shall:

(a) Establish the date, time and place for a public hearing on the proposed bylaw;

(b) A bylaw to establish procedures for public hearings has not been passed:

(i) Outline the procedures to be followed by any person, group of persons or

person representing them who wish to be heard at the public hearing, and

(ii) Outline the procedure for conducting the public hearing.

1.9.6 Following first reading of an amending bylaw, the Development Officer must give notice of the public hearing by:

(a) Publishing notice at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw relates, or

(b) Mailing or delivering notice to every residence in the area to which the proposed bylaw relates must be postmarked at least 10 days prior to the public hearing.

1.9.7 Where a notice is given in 1.9.6(a), a notice of a public hearing must be advertised at least 5 days before the public hearing occurs.

1.9.8 A notice must contain:

(a) A statement of the general purpose of the proposed bylaw and public hearing,

(b) The address where a copy of the proposed bylaw and any document relating to it or the public hearing may be inspected,

(c) The date, place and time where the public hearing will be held.

1.9.9 In the case of an amendment to change the district designation of a parcel of land, the Development Officer must, in addition to the requirements of subsection 1.9.6,

(a) include in the notice

(i) the municipal address, if any, and the legal address of the parcel of land, and

(ii) a map showing the location of the parcel of land,

(b) given written notice containing the information described in clause (a) and subsection 1.9.6 to the assessed owner of that parcel of land at the name and address shown in the assessment roll of the municipality, and

(c) give written notice containing the information described in clause (a) and subsection 1.9.6 to each owner of adjacent land at the name and address shown for each owner on the assessment roll of the municipality.

1.9.10 If the land referred to in subsection 1.9.9(c) is in the County of Stettler, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of the County of Stettler.

1.9.11 Notwithstanding subsection 1.9.5, of Land Use Bylaw may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical, grammatical or typographical errors and does not materially affect the Land Use Bylaw in principal or substance.

1.9.12 In the public hearing, the Council:

(a) Must hear any person, group of persons, or person representing them, who claims to be affected by the proposed bylaw and who has complied with the procedures outlined by Council, and

(b) May hear any other person who wishes to make representations and whom the

Council agrees to hear.

1.9.13 After considering the representations made to it about the proposed bylaw at the public hearing and after considering any other matter it considers appropriate, Council may:

(a) Pass the bylaw;

(b) Refer it for further information or comment;

(c) Make any amendment to the bylaw it considers necessary and proceed to pass it without further advertisement or hearing; or

(d) Defeat the bylaw.

1.9.14 Prior to third reading of the proposed bylaw, Council may require the applicant to apply for a development permit and negotiate a development agreement in respect of the proposal which initiated the application for amendment.

1.9.15 After third reading of the proposed bylaw, the Development Officer shall send a copy of it to:

(a) The applicant;

(b) The registered owner of the land if not the applicant;

(c) County of Stettler, if it received a copy of the proposed Bylaw pursuant to subsection 1.9.9.

1.9.16 In this section, "owner" means the person shown as the owner of land on the assessment roll prepared pursuant to the Municipal Government Act.

1.9.17 The Development Officer shall not accept an application for amendment which is identical or similar to an application which was refused by Council, for a period of 6 months after the date of the refusal unless, in the opinion of the Development Officer, the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.

1.10 Sections Found Invalid

If one or more provisions of this Land Use Bylaw are for any reason declared to be invalid, it is intended that all remaining provisions are to remain in force and effect.

1.11 Measurements

All measurements in this bylaw are metric. Imperial equivalents are provided for convenience only.

1.12 Establishment of Fees

The development permit application fee and fees for other matters arising through this land use bylaw shall be established by resolution of Council. Council may at any time by resolution increase, decrease, or establish new fees for matters covered in this Bylaw.

PART TWO

DEVELOPMENT PERMITS

2.1 Control of Development

No development shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.

2.2 Development Not Requiring a Development Permit

The following developments shall not require a development permit provided that such developments comply with all applicable provisions of this Land Use By-law.

2.2.1 The carrying out of works of improvement, maintenance or renovation to any building provided that such works do not include structural alterations or additions;

2.2.2 The completion of any development which has lawfully commenced before the passage of this Land Use By-law or any amendment thereof, provided that the development is completed in accordance with the terms of any permit granted in respect of it, and provided that it is completed within 12 months of the date of commencement;

2.2.3 The demolition of any accessory building that has a floor area less than 13.38 m² (144 ft²);

2.2.4 The use of any such development as is referred to in subsection (2) for the purpose of which development was commenced;

2.2.5 A temporary building, the sole purpose of which is incidental to the carrying out of a development for which a permit has been issued under this Land Use By-law and has been approved with the development permit issued;

2.2.6 The installation, maintenance and repair public works, public services and public utilities;

2.2.7 One accessory building used as a garden or tool shed, such building does not exceed 13.38 m² (144 ft²) in floor area and 3.0 m (9.8 ft) in height, such building may require a provincially legislated building permit.

2.2.8 The erection of one unilluminated sign of the following nature and size for each use within a building or on a parcel, provided such signs do not resemble or conflict with traffic signs:

(a) A signboard for the purpose of identification, direction and warning not exceeding 0.2 m² (2.15 ft²),

(b) A temporary signboard or notice, relating to the sale or lease of land or buildings, sale of goods by auction, carrying out of construction, or the announcement of any local event of a religious, educational, cultural, political, or governmental nature not exceeding 0.5 m² (5.38 ft²),

(c) A flag attached to a single upright flag-pole.

2.2.9 The use of a parcel developed for a detached dwelling for the parking of a maximum of one recreational vehicle for 30 consecutive days or less for the use of accommodations.

2.2.10 The use of a parcel developed for a detached dwelling for the parking of a maximum one recreational vehicle (at a given time) for storage purposes only.

2.2.11 The removal of trees on private property for the purpose of general yard maintenance and landscaping; and that the removal is not in conjunction with a permit for development.

2.2.12 Development specified in the Municipal Government Act, which includes:

(a) A highway or road,

(b) A well or battery within the meaning of the Oil and Gas Conservation Act,

(c) A pipeline or an installation or structure incidental to the operation of a pipeline, or

(d) Any other action, person, or thing specified by the Lieutenant Governor in Council

by regulation.

2.3 Permission for Development

2.3.1 An application for a development permit shall be made to the Development Officer in writing on the form prescribed by Council and shall be accompanied by:

(a) A scaled site plan in duplicate showing the treatment of landscaped areas if required, the legal description, the front, rear, and side yards, if any; any provision for off street vehicle parking and access and egress points to the parcel;

(b) Scaled floor plans, elevations and sections in duplicate; and sewage disposal plans;

(c) A statement of existing and proposed uses;

(d) A copy of Title to the land and, if the applicant is not owner, written consent of the owner to the application;

(e) The estimated commencement and completion dates;

(f) Such other plans and information as the Development Officer may consider necessary to properly evaluate the proposed development.

2.3.2 The Development Officer may refuse to accept an application for a development permit where the information required by subsection 2.3(1)(a-f) has not been supplied or where, in the opinion, the quality of the material supplied is inadequate to properly evaluate the application.

2.3.3 The Development Officer may deal with an application and make a decision without all of the information required by subsection 2.3(1)(a-f), if he/she is of the opinion that a decision on the application can be properly made without such information.

2.3.4 Each application for a development permit shall be accompanied by a non-returnable processing fee, the amount of which shall be determined from time to time by resolution of Council.

2.3.5 The Development Officer shall:

(a) Receive all applications for a development permit; and

(b) Refer all applications for development which would result in permanent overnight accommodation, including dwellings, or public facilities to the Alberta Energy and Utilities Board, if any of the land which is the subject of the application is within 1.5 km (0.93 miles) of a sour gas facility and the proposed development is not, in the opinion of the Development Officer, an infill development; and

(c) Consider and decide on applications for a development permit for those uses, listed in Schedule C, which constitute a permitted use or a discretionary use in a District.

2.3.6 For a permitted use in any District:

(a) The Development Officer shall approve, with or without conditions, an application for a development permit where the proposed development conforms in every respect to this Land Use By-law, or

(b) Subject to the provisions of subsection 2.3.6 (a) the Development Officer shall refuse an application for a development permit if the proposed development does not conform in every respect to this Land Use By-law.

2.3.7 For a discretionary use in any District:

(a) The Development Officer may approve, with or without conditions, an application for a development permit where the proposed development conforms in every respect to this Land Use By-law; or

(b) Subject to the provisions of subsection 2.3.7 (a) the Development Officer shall refuse an application for a development permit if the proposed development does not conform in every respect to this Land Use By-law.

2.3.8 The Development Officer may require with respect to a development that the applicant enter into an agreement with the municipality to do all or any of the following:

(a) Submit a Real Property Report of the property to be developed at the completion of foundation or upon completion of the development.

(b) To construct or pay for the construction of a road required to give access to the development; or

(c) To construct or pay for the construction of pedestrian walkway systems; or

(d) To install or pay for the installation of utilities other than telecommunications systems or works, that are necessary to serve the development; or

(e) To construct or pay for the construction of:

(i) Off street or other parking facilities; and

(ii) Loading and unloading facilities.

(f) To pay an off-site levy or redevelopment levy imposed by by-law; or

(g) To provide security to ensure compliance with this bylaw and ensure all work is completed as approved.

(h) To provide security to ensure the repair/replacement of any damaged infrastructure including but not limited to roads, driveways, services, trees, and etc.

(i) To give security in the amount of 5% of the project value, as determined by the safety codes valuation of construction value per ft² as amended from time to time, for each dwelling unit to ensure that the terms of the agreement under this section are carried out:

(i) Detached Dwelling – 50% refunded at completion of foundation, 50% refunded upon completion of permanent siding, roofing, windows and doors to dwelling lock up.

(ii) RTM – 50% refunded at installation on foundation, 50% refunded upon completion of project including proof of final inspection

(j) To pay to the Municipality the costs for any engineer or other person for materials testing, inspections, monitoring of construction and review of construction

drawings, and legal costs and expenses to which the municipality is put in connection with the Development Agreement and the Agreement relates.

2.3.9 In the case where an application for a development permit has been refused pursuant to this PART, the submission of another application for a permit on the same property and for the same or similar use of land by the same or any other applicant may not be accepted by the Development Officer for at least 6 months after the date of the final decision.

2.3.10 Any application for development permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made on it by the Development Officer within 40 days after receipt of the application by the Development Officer and the person claiming to be affected may appeal in writing as provided for in this PART of this Land Use By-law as though he/she had received a refusal at the end of the period specified in this subsection.

2.4 Variance Authority

2.4.1 The Municipal Planning Commission may allow a variance of any standard prescribed in this bylaw provided the variance complies with the requirements of the Alberta Building Code, and the variance does not:

(a) unduly affect the neighbourhood which includes variances for non-conforming buildings.
(b) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and
(c) the proposed development conforms to the use prescribed for the land in this bylaw.

2.4.2 In considering a variance the Municipal Planning Commission shall:

(a) Not grant a variance which would infringe the Airport zoning regulations; and
(b) Not grant a variance which would infringe the floodway/flood fringe regulations; and
(c) Have regard to the purpose and intent of the district and the nature and value of developments on adjacent properties
(d) If a variance is granted, the Development Authority shall specify its nature in the development permit approval.

2.5 Development Permits and Notices

2.5.1 A permit issued does not come into effect until 21 Days after the date on which notice of issuance of the permit is given under subsection 2.5.4, and any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.

2.5.2 The date of issue of any permit shall be the date of notification pursuant to subsection 2.5.4.

2.5.3 Where an appeal is made pursuant to Section 2.7 of this PART, a development permit which has been issued shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.

2.5.4 On the same date a development permit is issued, the Development Officer shall publicize a notice of the issuance of the permit in any or all of the forms described as follows:

(a) Mail a notice of the decision to all persons who reside within 61 m (200 ft) of the proposed development and any other person who in his/her opinion may be affected, and/or

(b) Post a notice of the decision conspicuously on the property for which the application has been made; and/or

(c) publish in a newspaper circulating in the municipality a notice of the decision.

2.5.5 If the development authorized by a permit is not commenced within 12 months from the date of its issue, or the date of decision of the Development Appeal Board, or carried out with reasonable diligence as determined by the Development Officer, the permit ceases to be effective, unless an extension to this period, being no longer than an additional 12 months, has previously been granted by the Development Officer.

2.5.6 A decision of the Development Officer on an application for a development permit shall be given in writing and a copy of it sent to the applicant.

2.5.7 When the Development Officer refuses an application for a development permit, the decision shall contain reasons for the refusal.

2.6 Contravention

2.6.1 For the information of readers, the provisions of this Bylaw may be enforced by way of stop order, injunction or such other relief as may be available under the Municipal Government Act and include those described in the following sections.

2.6.2 If the Development Officer finds that a development, land use or use of a building is not in conformity with:

(a) The Land Use Bylaw, the Municipal Government Act or Subdivision and Development Regulation; or

(b) A development permit or subdivision approval;

2.6.3 the Development Officer may, by written notice, order the owner, the person in possession of the land or building, or the person responsible for the contravention, or any or all of them, to:

(a) Stop the development or use of the land or building in whole or in part as directed by the notice;

(b) Demolish, remove or replace the development; or

(c) Maintain the land and/or building(s) in a safe condition, free from rubbish and debris;

(d) Carry out other actions required by the notice so that the development or use of the land or building complies with the Land Use Bylaw, the Municipal Government Act or Subdivision and Development Regulation, a development permit or subdivision approval; and in such order establish a time for reasonable compliance with such order.

2.6.4 If a person fails or refuses to comply with an order under subsection 2.6.1 or an order of the Subdivision and Development Appeal Board made pursuant to the Municipal Government Act, the municipality may enter on the land or building and take any action necessary to carry out the order, and the cost of such recovery shall be added to the tax roll.

2.6.5 The municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection 2.6.1 against the certificate of title for the land that is the subject of the order, but if it does so the municipality must discharge the caveat when the order has been complied with.

2.7 Appeal Procedure

An appeal of an order, a decision or a failure to make a decision of the Development Officer may be made in writing to the Subdivision and Development Appeal Board in accordance with the provisions set forth in the Subdivision and Development Appeal Board By-law.

2.8 Offences and Penalties

2.8.1 A person who contravenes or does not comply with:

(a) The Land Use By-law;

(b) The Municipal Government Act;

(c) The Subdivision and Development Regulation;

(d) An order under Section 2.6 of this By-law;

(e) A development permit or subdivision approval, or a condition therein;

(f) A decision of the Subdivision and Development Appeal Board; or

(g) Who obstructs or hinders any person in the exercise or performance of his/her powers or duties under this Land Use By-law; is guilty of an offence.

2.8.2 A person who is guilty of an offence referred to in subsection 2.8.1 above is liable to a fine of not more than $10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

2.8.3 Where a Bylaw Enforcement Officer reasonably believes that a person has contravened any provision of this Bylaw, the Bylaw Enforcement Officer may, in addition to any other remedy at law, serve upon the person a violation ticket, in the form provided under the Provincial Offenses Procedures Act, allowing payment of the specified penalty for a particular offense as provided in Schedule “D” of this Bylaw, and the recording of such payment by the Provincial Court of Alberta shall constitute acceptance of a guilty plea and the imposition of a fine in the amount of the specified penalty.

2.8.4 Where a person is convicted of a second, third or subsequent offense under a particular section of this Bylaw, and where that offense has occurred within 12 months after the date of occurrence of the first offense under that section of this Bylaw, the specified penalties applicable upon conviction shall be the amount set out in columns two and three, respectfully, of Schedule “D”.

2.8.5 Where the Council or persons appointed by it carries out an order, Council shall have the costs thus incurred placed on the tax roll as an additional tax on the property

2.8.6 This section shall not prevent any Bylaw Enforcement Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offense Procedures Act, or from laying of information in lieu of issuing a violation ticket.

2.8.7 Where a person is found guilty of an offense under this Bylaw, the court may in addition to

any other penalty imposed, order the person to comply with this Bylaw, or a development permit or condition attached thereto.

2.8.8 Development permit applications submitted after site preparation or construction has commenced may be subject to the double fee provisions described in the fee schedule adopted by Council resolution in accordance with section 1.12.

2.9 Compliance with other Legislation

2.9.1 Compliance with the requirements of this Land Use By-law does not exempt any person from:

(a) The requirements of any federal, provincial or municipal legislation; and

(b) Complying with any easement, covenant, agreement or contract affecting the development.

2.10 Repeal

This bylaw hereby repeals Land Use By-law No. 153-15 and all amendments.

2.11 Date of Commencement

2.11.1 This Land Use By-law comes into effect upon the date of it finally being passed.

2.11.2 Schedules A, B, C and D are deemed to be part of this Land Use By-law.

SCHEDULE A

LAND USE DISTRICT MAP

LAND USE DISTRICT MAP (Figure A.1)

SCHEDULE B

SUPPLEMENTARY REGULATIONS

1. Air Conditioning Units

1.1 Freestanding air conditioners shall adhere to the following:

1.1.1 They shall not be permitted to encroach into the minimum side yard for the principal building;

1.1.2 Where possible, they shall be located either in the rear or front yard of the property; and

1.1.3 Plans showing installation of sound reduction and/or visual screening shall be required if, in the opinion of the Development Officer, the location of the freestanding air conditioner may affect the quiet enjoyment of adjacent properties including if they are proposed to be located within 5 m (16.4 ft) of a window existing at the date of application on an adjacent lot.

2. Buildings

2.1 Accessory Buildings (see definitions section, page 5)

2.1.1 Subject to the provisions of subsections 2.1.2 to 2.1.3 and 2.1.5 of this Section, accessory buildings shall be sited having regard to their:

a. Environmental impact, Use, Accessibility; and

b. Location in relation to other buildings on the parcel and the future use and/or subdivision of the parcel.

2.1.2 An accessory building on a parcel abutting the lake or a reserve parcel abutting the lake shall be situated so that:

a. The exterior wall is not, in whole or in part, closer than 2.0 m (6.56 ft) from side, rear and front parcel boundaries.

2.1.3 An accessory building on a parcel which does not abut the lake or a reserve parcel abutting the lake shall be situated so that the exterior wall is:

a. 2.0 m (6.56 ft) from side and rear parcel boundaries; and

b. 9 m (29.5 ft) from the front parcel boundary.

2.1.4 An accessory building shall not be more than 6.5 m (21.3 ft) in height.

2.1.5 Notwithstanding subsection 2.1.2 of this section, no accessory building, or portion thereof, shall be erected or placed within the front yard of a lakeside parcel, except for an accessory building described in Part Two, Section 2.2.7 of this Bylaw.

2.1.6 Portable Storage Units shall not be allowed within the Summer Village.

2.1.7 Temporary structures including a garage tent or yurt shall not be allowed with the Summer Village.

2.1.8 Any building into which a vehicle may enter shall have a driveway accessing the building of at least 6 m (19.69 ft) in length. The driveway shall be connected to the vehicle access point of the building.

2.1.9 The maximum number of accessory buildings permitted on a parcel is three and that the combined total area does not exceed 12% of the total parcel area.

2.2 Building Orientation and Design

2.2.1 All detached dwellings, RTMs, accessory buildings, unenclosed verandas, porches and balconies erected or placed on a parcel shall be designed and sited such that, in the opinion of the Development Officer, the development will not cause any

material loss of privacy, sunlight or daylight enjoyed by the users of adjacent buildings or parcels.

2.2.2 All buildings erected or placed on a parcel shall be constructed of new materials only.

2.2.3 The exterior finish on all buildings shall be of permanent material, satisfactory to the Development Authority.

2.2.4 The design, character and appearance of any building, structure or sign proposed to be erected or located in any District must be acceptable to the Development Authority having due regard to:

a. Amenities such as daylight, sunlight and privacy;
b. Compatibility with the design and appearance of existing development in the vicinity, including but not necessarily limited to, the facing materials, roof pitches, eave depth, building mass and architectural detailing; and
c. The building effect of adjacent parcels.

3. Demolition of Dwelling and Accessory Building Greater than 144 ft²

3.1 Upon application for the building demolition, the Development Officer may require a demolition plan detailing the following:

3.1.1 footprint of building and site plan of property on which the building is to be demolished;

3.1.2 measures to be taken to ensure that the demolition is done in a safe and efficient manner and what measures are to be taken to ensure the disturbance and nuisances (dust, noise, debris, traffic, etc.) as a result of the demolition are mitigated or minimal;

3.1.3 timelines for completion of demolition and site restoration project;

3.1.4 salvage operation and stockpiling of building demolition material and fill from excavation; and

3.1.5 where materials from the site will be hauled to ensure proper disposal.

4. Development in Proximity to Oil and Gas wells

4.1 In accordance with the Subdivision and Development Regulation, no building shall be constructed within 100 m (328.1 ft) of the well head of a gas or oil well, unless, in the opinion of the Development Officer, may be considered an infill development or is otherwise approved in writing by the Alberta Energy and Utilities Board.

5. Development Setbacks from Landfills and Waste Sites

5.1 In accordance with the Subdivision and Development Regulation, a school, hospital, food establishment or residence must not be approved and a residence must not be constructed if the building site is within the distances from a sanitary landfill, modified sanitary landfill, hazardous waste management facility, dry waste site, waste processing site, waste storage site, waste sorting station or waste transfer station specified in the Subdivision and Development Regulation, and

5.2 In accordance with the Subdivision and Development Regulation, a sanitary landfill, modified sanitary landfill, dry waste site, hazardous waste management facility, waste processing site, waste storage site, waste sorting station or waste transfer station must not be approved within the distances from the property boundary of a school, hospital, residence, or food establishment

specified in the Subdivision and Development Regulation, unless the development is approved in writing by the Deputy Minister of the Department of Environmental Protection.

6. Fencing

6.1 Non-Lakeside Parcel

6.1.1 A fence located within a rear or side yard of a non-lakeside parcel shall not exceed 2.0 m (6.6 ft) in height.

6.1.2 A fence located within the front yard (facing road) of a non-lakeside parcel shall not exceed 1.2 m (4.0 ft) in height.

6.2 Lakeside Parcel

6.2.1 A fence located within a front or side yard of a lakeside parcel shall not exceed 2.0 m (6.6 ft) in height.

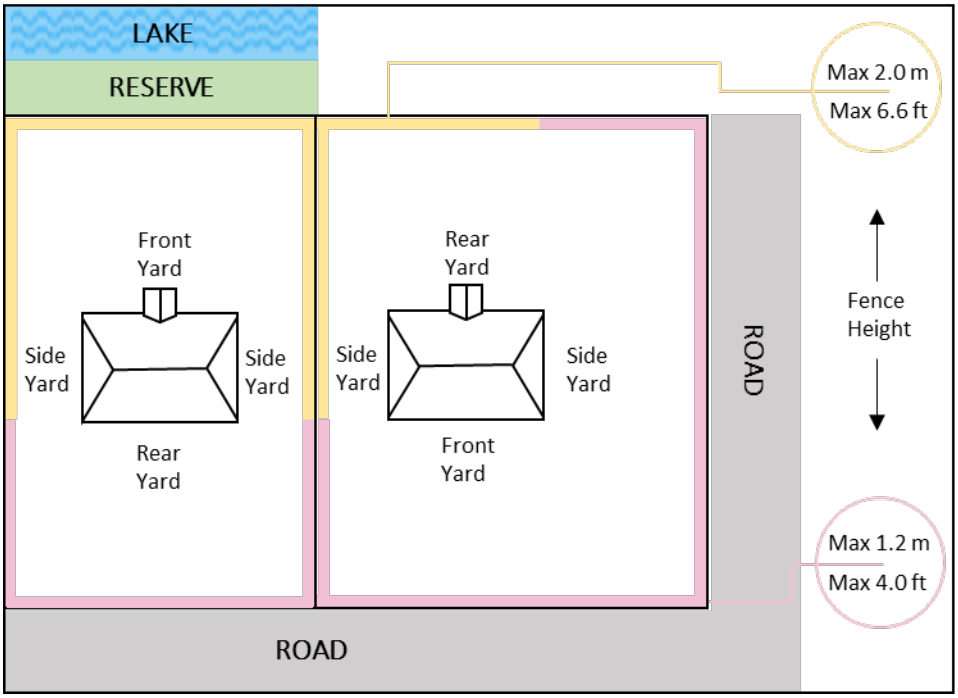
6.2.2 A fence located within the rear yard (facing a road) of a lakeside parcel shall not exceed 1.2 m (4.0 ft) in height.

6.5 A fence located within the side yard of a corner residential parcel abutting a flanking street shall not exceed 1.2 m (4.0 ft) in height.

6.6 A fence located upon a non-residential parcel shall be sited to the discretion of the Development Officer.

6.7 The construction of barbed wire fencing shall be restricted to parcels containing agricultural uses.

Fence Height Requirements (Figure 6.1)

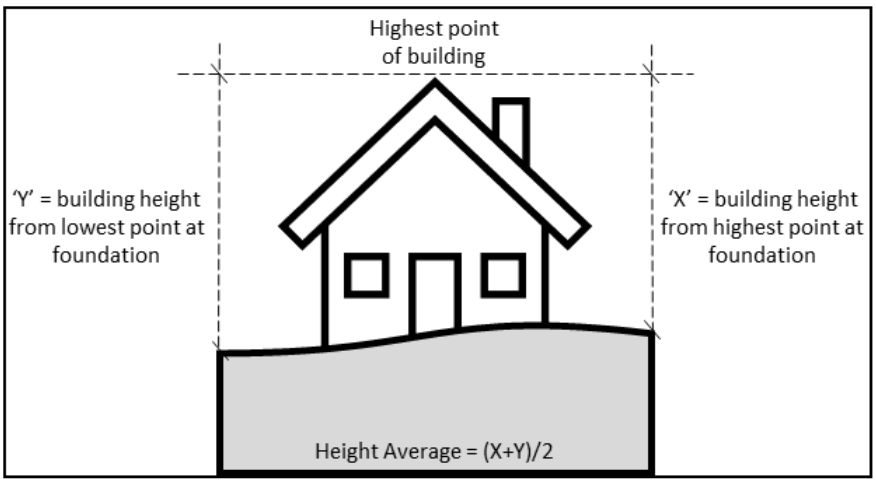


7. Finished Grade Elevation

7.1 If the height of a building is required to be measured or determined it shall be measured by calculating the average building height from lowest grade point at foundation, or the average building height from lowest grade point at foundation in the case of a sloping grade as determined by Figure 7.1.

7.2 In determining the highest points of a building, the following structures shall not be considered to be part of the building: an elevator housing; mechanical housing; roof stairway entrance; ventilations; a skylight; a steeple; a smokestack; a parapet wall, or a flagpole or similar device not structurally essential to the building.

Building Height Calculations (Figure 7.1)



8. Fire Smart

8.1 All roofing materials on new, replacement or retrofitted dwellings and accessory buildings shall have a minimum Class C Underwriters Laboratory Canada fire rating. Note wood shakes can meet the Class C rating only when treated prior to installation.

8.2 All new dwellings and accessory buildings with exposed undersides and/or raised decks and porches less than 2 metres from ground level shall be sheathed from the floor level to the ground level to prohibit the entry of sparks and embers under the structure.

8.3 No brush piles greater than 2 metres in diameter and 1 metre in height shall be allowed on the property.

9. Home Occupations

9.1 Home occupations are to be located within the main residential building and are prohibited within any accessory building ated on the same parcel; and

9.1.1 A home occupation shall not include any use or operation which detracts from the amenities of a residential neighbourhood, by way of creating dangerous or objectionable conditions; and

9.1.2 A home occupation shall not include the production or retail of cannabis or cannabis related products, bitcoin mining, animal breeding and animal kennel and

9.1.3 A home occupation shall not employ any person on-site other than the resident(s) of the residential building; and

9.1.4 a home occupation conducted from a residential building shall not require more than one business associated visit per day; and

9.1.5 there shall be no outside storage of materials, commodities or finished products.

10. Landscape, Environmental Conservation and Development

10.1 Notwithstanding any other provisions of Schedules B and C, the following areas shall generally be left in their natural state upon any development of parcels containing such features:

10.1.1 swamps, gullies and natural drainage courses;

10.1.2 unstable land;

10.1.3 land with a natural gradient of 15% or greater;

10.1.4 a strip of land not less than 15 m (49.2 ft) in width along any river, stream or creek, such distance to be measured from the top of the bank;

10.1.5 land within a 1:100 year floodplain.

10.1.6 Any development within a floodway or flood fringe may only be permitted in accordance with Alberta Environment and Parks.

a. Non obstructive development may include, green space or parkland, golf courses, parking, open structures such as gazebos, and other non-obstructive development that in the opinion of the development authority does not change the elevation of the flood way and does not negatively impact the natural flow of water.

b. Development within the Flood Fringe that is subject to flood proofing measures and may require preventative engineering and construction methods recommended by a qualified professional as part of the development permit application process

10.2 The Development Officer shall be satisfied that the design and siting of all buildings have regard for the amenities and character of existing development in the municipality, the site landscaping causes minimal environmental disruption, and the development on treed parcels shall be sited such as to conserve those trees to the maximum extent possible.

10.3 For parcels which contain lands which are below the ditch grade of the adjacent street, upon review of a Development Permit application the Development Officer shall require the parcel owner to prepare a grading plan (which also may include a geotechnical investigation) to ensure that the development will not be subject to flooding.

10.4 When possible the finished grade elevation of a parcel of land shall be equal to or greater than the crown of the road and ensure positive drainage to the ditches.

10.5 In all cases, parcel grades shall be established to prevent drainage from one parcel to the next.

10.6 Lot Grading, Storm Water Management and Drainage

10.6.1 The Development Officer may require, as a condition of a development permit, that a developer submit a storm water management plan or lot grading plan to the Village for approval.

10.6.2 The grading of a lot associated with an approved development shall conform to the storm water management plan or lot grading plan approved by the Village.

10.6.3 On-site drainage, including drainage from overland, a sump pump, roof or high water, shall not be permitted to flow onto an adjoining private property or onto Village property, except in accordance with an approved grading plan. The land owner shall direct on-site drainage, including drainage from a sump pump, roof or high water onto the yards of their property and eventually to an approved road, ditch or reserve parcel.

10.6.4 All landscaping, topographic reconstruction, retaining walls, or site grading shall be confined to the property and shall not encroach onto any adjoining property including road rights-of-way, utility easements or rights-of-way, environmental or municipal reserves, or any other public or private lands excepting only where such encroachments, are expressly approved by the Village.

10.6.5 If a person alters lot drainage on a site so that water drains onto adjacent parcels, that person shall be responsible for corrective drainage structures, including retaining walls, to divert water from neighbouring properties.

10.7 Any retaining wall over 1.2 m in height must be designed and inspected after construction by a professional engineer. The land owner shall provide to the municipality the design and inspection report, both bearing the seal and signature of a professional engineer.

10.8 Any retaining wall over 1.2 m in height is subject to obtaining a building permit and complying with the Alberta Building Code, provided the retaining wall is:

10.8.1 Adjacent to public property

10.8.2 Adjacent to an access to a building; or

10.8.3 On private property which is accessible to the public

11. Land Use Policies

11.1 Every action undertaken by the municipality and the Development Officer must be consistent with any land use policies established pursuant to the Municipal Government Act.

12. Municipally-Owned Land

12.1 Private development on municipal reserve or environmental reserve land is strictly prohibited.

12.2 Private development on municipally owned land including road allowances is strictly prohibited.

12.3 The cutting and/or removal of trees or underbrush from municipally-owned land is strictly prohibited, unless prior written permission is received from Council.

12.4 The temporary placement of any structure, object or materials on municipally owned land is prohibited, unless prior written permission is received from Council.

13. Non-conforming Buildings and Uses

13.1 non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of six consecutive months or more, any future use of the land or building shall conform with the provisions of this Land Use By-law.

13.2 A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.

13.3 A non-conforming use of part of a parcel shall not be extended or transferred in whole or in part to any other part of the parcel and no additional buildings shall be erected upon the parcel while the non-conforming use continues.

13.4 A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:

13.4.1 as may be necessary to make it a conforming building, or

13.4.2 as the Development Officer considers necessary for the routine maintenance of the building.

13.5 If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with this Land Use By-law.

13.6 The use of the land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

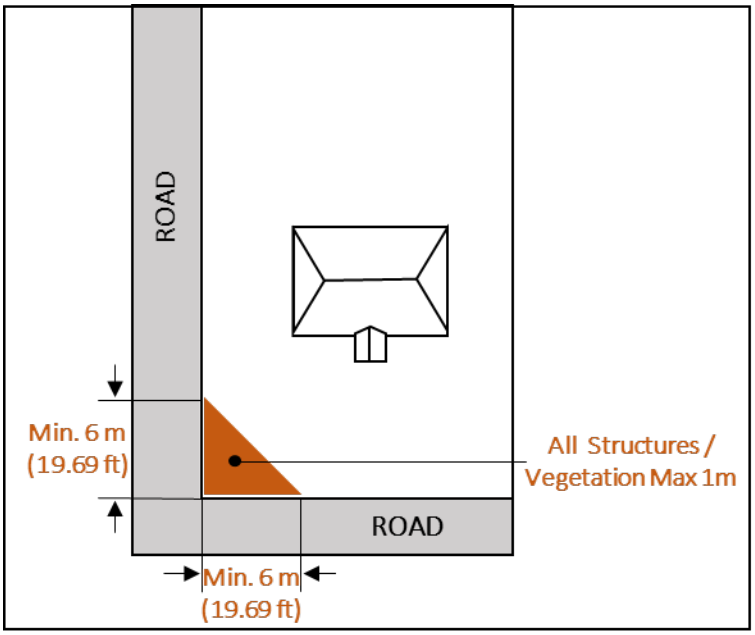
14. Number of Buildings on a Parcel

14.1 The number of dwelling units permitted on a parcel shall be limited to one.

14.2 The maximum number of accessory buildings permitted on a parcel is three and that the combined total area does not exceed 12% of the total parcel area.

15. Sight Lines at Intersections of Roadways

15.1 At the junction of two streets, no fence, wall, hedge, or other planting shall exceed 1 m (3.28 ft) in the height within a triangular area formed by the intersection of the boundaries of the said roadways, or their production (in the case where a corner cut-off has been previously registered), and points 6 m (19.69 ft) back from their intersection.



Sightlines (Figure 15.1)

16. Vehicles

16.1 Parking

16.1.1 A person using a parcel or building in any District as described in Schedule C of this Land Use By-law shall provide and maintain no less than two spaces per dwelling unit. The parking requirement for any uses not specified above shall be as required by the Development Officer.

16.1.2 Calculation of Parking Space - Each parking space shall have dimensions of no less than 3 m x 6 m (9.84 ft x 19.6 ft).

16.1.3 Parking spaces shall be located on the same parcel as the building for which they are being provided; however at the discretion of the Development Officer, parking may be located on adjoining property provided that a restrictive covenant, restricting the use of the property for parking only, is registered against its title.

16.2 Vehicle Access to Buildings and Land

16.2.1 Any building into which a vehicle may enter shall have a driveway accessing the building at least 6 m (19.69 ft) in length. The driveway shall be connected to the vehicle access point of the building.

16.2.2 Driveways will not be permitted to cross public lands such as Municipal Reserve or Environmental Open Space.

16.2.3 All driveways and the design of the driveway must be approved by the municipality and must include a minimum requirement of a culvert (sizing to be determined on a site specific basis)

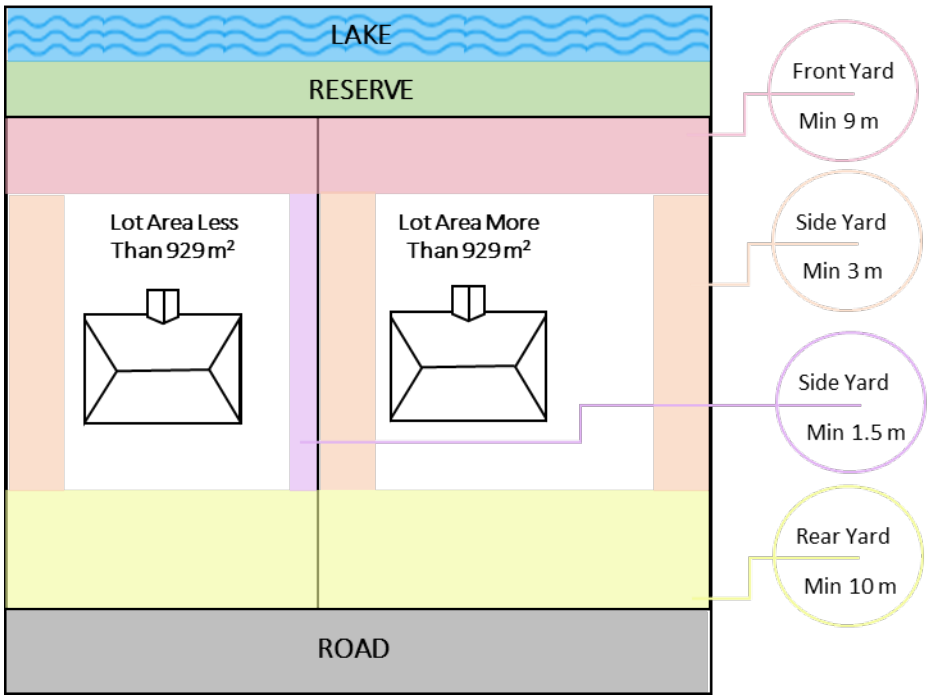
16.2.4 A width of driveways shall not exceed 7.2 meters (23 ft) unless, in the opinion of the development authority, additional width is required for public safety or to effectively convey traffic between a property and the street system.

17. Yards

17.1 Projections Over Yards

17.1.1 The portion of an attachment to a main or accessory building which may project over or on a minimum yard are:

a. Side Yards – A cornice, sill, canopy, sundeck or eave, which projects a distance not exceeding one-half of the minimum side yard required for the building;



b. Front Yards - An eave, cantilever, fireplace chase, sundeck, porch, or balcony, which projects not more than 1.5 m (4.92 ft) over or on the minimum front yard;

c. Front and Rear Yard - Unenclosed steps, if they do not project more than 2.5 m (8.20 ft) over or on a minimum front or rear yard; and

d. Rear Yard - An eave, cantilever, fireplace chase, sundeck, porch or balcony which projects not more than 3 m (9.84 ft) over the minimum rear yard.

17.2 Objects Prohibited or Restricted in Yards

17.2.1 No persons shall keep in their yards:

a. any dismantled, wrecked or dilapidated vehicle for more than 14 consecutive days; and

b. any fur bearing animal, fowl or livestock other than domestic pets.

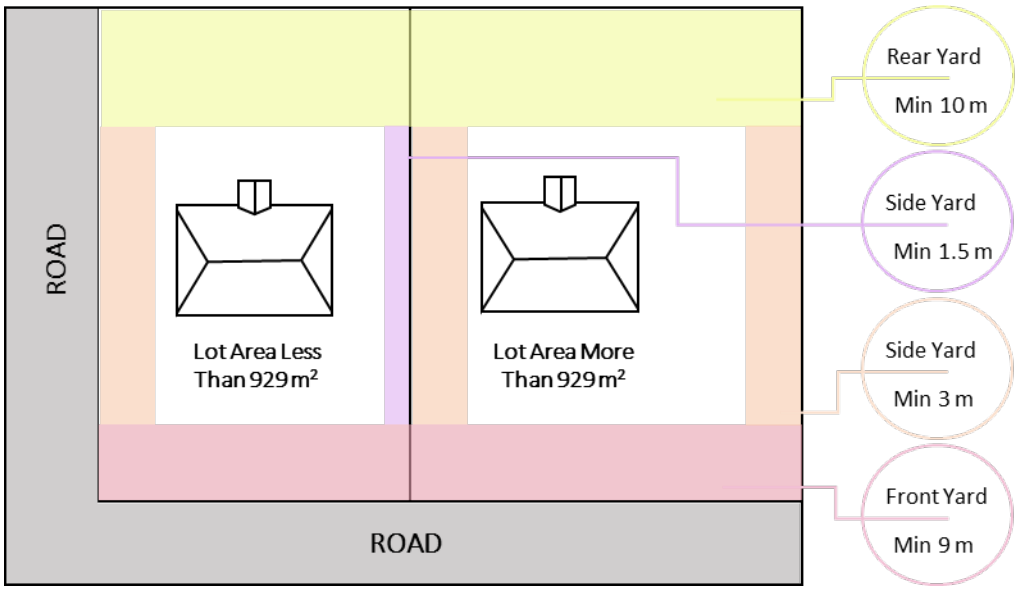
17.2.2 Location and Minimum Depth of Yards

a. The following diagrams illustrate the location and minimum depth of yards for lakeside and non-lakeside parcels/lots.

b. Refer to Schedule B for accessory building siting and Schedule C for main building siting.

Lakeside Parcels (Figure 17.1)

Non-Lakeside Parcels (Figure 17.2)



SCHEDULE C

LAND USE DISTRICT REGULATIONS

Land Uses (Table C.1)

USES	LAND USE DISTRICTS					
P= Permitted D= Discretionary	R1	R2	DC1	P	UR	EOS
Accessory Uses	D	D				
Detached Dwelling	P	P				
Existing Agriculture					P	
Existing Natural Environment					P	
Home Occupation	D	D				
Modular Home		D				
Natural Environmental Protection						P
Parks	D	D		P		
Playgrounds	D	D		P		
Public and quasi-public uses	D	D		P		
Recreation Vehicle Parking and Use	D	D				
RTMs		D				
Utility Buildings	D	D		P		
Walkways				P		

1. RESIDENTIAL DISTRICT: Small Lot (R-1)

1.1 PURPOSE
To provide an area for single detached residential development. This district is generally intended to accommodate lots and detached dwellings smaller than those found in the R2 District.

1.2 USES PERMITTED USES	DISCRETIONARY USES
Detached Dwellings	Accessory Use
	Home Occupations
	Parks
	Playgrounds
	Public and quasi-public uses
	Recreation Vehicle Parking and Use
	Utility buildings

1.3 SITE REGULATIONS	
Maximum Parcel Coverage	30%, excluding decks and patios.
Minimum Front Yard	9m (29.5 ft)
Minimum Side Yard	3 m (9.84 ft) for one side yard and 1.5 m (4.9 ft) on the remainder yard
Minimum Rear Yard	10 m (32.81 ft).
Maximum Building Height	7.75 m (25.42 ft) above finished grade with a maximum of two stories
Minimum Main Floor Area	70 m² (753.5 ft²) for a dwelling unit;
Supplementary Regulations	Refer to Schedule B for additional standards for this District.
Landscaped Areas	In the case of applications for any non-residential uses, details of the treatment of landscaped areas shall be shown on the site plan for the consideration of the Development Officer.
Removal of Vegetation	The removal of trees and shrubs, or the destruction thereof, in conjunction with a development permit. Refer to Section 10 and 12 of Schedule B for additional standards.
All Other Requirements	As determined by the Development Officer and in accordance with the Supplementary Regulations being Schedule B of this Land Use By-law.

1.4 LOT SIZE REQUIREMENTS

Parcels not intended to be served by a sewage collection system and a water distribution system shall have:	a. A width of not less than 15.24 m (50 ft); and b. An area of not less than 650 m² (7,000 ft²) and not more than 1,003.4 m² (10,800 ft²).
Parcels which are served by a water distribution system and a sewage collection system, shall have:	a. A width of not less than 15.0 m (49.21 ft); and b. An area of not less than 550 m² (5,920 ft²) and not more than 1,840 m² (19,805.6 ft²).

Parcels not complying with the requirements listed above and legally created prior to April 1, 1978, are considered grandfathered prior to the Villages' incorporation and are not subject to the requirements listed above but are subject to the following minimum parcel area of 550 m² (5,920 ft²).

1.5 PARCEL SERVICING

a. No Development Permit for a building or and Recreational Vehicle may be approved or development commenced until arrangements, satisfactory to the Provincial Plumbing Inspector, have been made for the collection, storage, if any, and disposal of sewage and copies of approvals submitted to the Development Officer.

b. The Development Officer shall either refuse to issue a development permit for any building structure works, unless arrangements under (a) above have been completed, or issue a development permit subject to the condition that arrangements under (a) above shall be completed prior to the commencement of the development.

1.6 RECREATION VEHICLE PARKING AND USE

Sewage Disposal	No sewage or wastewater shall be disposed into the ground within the Summer Village, and all self-contained sewage holding tanks shall be constructed with reinforced pre-cast concrete pursuant to the Disposal of Sewage and Wastewater Bylaw as shown as Attachment "2".

RV Structures	a. No addition, including decks can be permanently affixed to a recreation vehicle. b. Roof structures over recreation vehicles are not allowed. c. No covered decks are allowed accessory to recreation vehicles.
Parcels with Approved Dwelling Units	a. The use of a parcel developed for a detached dwelling for the parking of a maximum of one recreational vehicle for 30 consecutive days or less for the use of accommodations. b. The use of a parcel developed for a detached dwelling for the parking of a maximum one recreational vehicle (at a given time) for storage purposes only.
Parcels with No Approved Dwelling Units	a. There shall be a maximum of one recreation vehicle parked on a parcel at any time, subject to obtaining an annual development permit; b. Notwithstanding the above, One guest Recreation Vehicle may be parked for short durations of no more than 30 consecutive days, on condition that upon expiry of the 30 day period the Recreation Vehicle shall be removed from the property for a minimum of ten (10) consecutive days.
The number of recreational vehicles on a parcel may exceed the maximum allowable number of recreational vehicles to a total of three times per year subject to:	a. The Development Officer be advised in writing of the dates when more than the maximum allowable number of recreational vehicles will be on the parcel; b. Provisions satisfactory to the Development Officer be made for vehicle parking and the disposal of sewage; c. The maximum number of recreational vehicles on the parcel not exceed four; and d. The maximum period of time when more than the maximum allowable number of recreational vehicles are on site shall not exceed five consecutive days. e. The number of recreational vehicles on a parcel may exceed the maximum

allowable number of recreational vehicles to a total of three times per year

f. Recreational vehicles must be contained to the parcel or the driveway of the parcel without impeding any roadway.

2. RESIDENTIAL DISTRICT: Large Lot (R-2)

2.1 PURPOSE
This district is generally intended to provide for low density residential development on lots that are larger than those found in the R1 District.

2.2 USES PERMITTED USES	DISCRETIONARY USES
Detached Dwellings	Accessory Use
	Home Occupations
	Modular Home
	Parks
	Playgrounds
	Public and quasi-public uses
	Recreation Vehicle Parking and Use
	RTMs
	Utility buildings

2.3 SITE REGULATIONS	
Maximum Parcel Coverage	15%, excluding decks and patios
Minimum Front Yard	9m (29.5 ft)
Minimum Side Yard	3 m (9.84 ft) for both side yards
Minimum Rear Yard	10 m (32.81 ft)
Maximum Building Height	10.00 m (32.81 ft) above finished grade with a maximum of two stories and a walkout basement
Minimum Main Floor Area	70 m² (753.5 ft²) for a dwelling unit;
Supplementary Regulations	Refer to Schedule B for additional standards for this District.
Landscaped Areas	In the case of applications for any non-residential uses, details of the treatment of landscaped areas shall be shown on the site plan for the consideration of the Development Officer.
Removal of Vegetation	The removal of trees and shrubs, or the destruction thereof, in conjunction with a development permit. Refer to Section 10 and 12 of Schedule B for additional standards.

All Other Requirements	As determined by the Development Officer and in accordance with the Supplementary Regulations being Schedule B of this Land Use By-law.

2.4 LOT SIZE REQUIREMENTS

Parcels not intended to be served by a sewage collection system and a water distribution system shall have:	a. A width of not less than 30.0 m (98.43 ft); and b. An area of not less than 925 m² (9,956.7 ft²) and not more than 1,840 m² (19,805.6 ft²).
Parcels which are served by a water distribution system and a sewage collection system, shall have:	c. A width of not less than 15.0 m (49.21 ft); and d. An area of not less than 550 m² (5,920 ft²) and not more than 1,840 m² (19,805.6 ft²).

Parcels not complying with the requirements listed above and legally created prior to April 1, 1978, are considered grandfathered prior to the Villages' incorporation and are not subject to the requirements listed above but are subject to the following minimum parcel area of 550 m² (5,920 ft²).

2.5 PARCEL SERVICING

a. No Development Permit for a building or and Recreational Vehicle may be approved or development commenced until arrangements, satisfactory to the Provincial Plumbing Inspector, have been made for the collection, storage, if any, and disposal of sewage and copies of approvals submitted to the Development Officer.

b. The Development Officer shall either refuse to issue a development permit for any building structure works, unless arrangements under (a) above have been completed, or issue a development permit subject to the condition that arrangements under (a) above shall be completed prior to the commencement of the development.

2.6 RTMS

RTMs shall be placed on a permanent foundation or basement. RTMs shall only be allowed on parcels greater than 929 m² (10,000 ft²) or more and must have a minimum width of 7.3 meters (24 feet).

2.7 RECREATION VEHICLE PARKING AND USE	
Sewage Disposal	No sewage or wastewater shall be disposed into the ground within the Summer Village, and all self-contained sewage holding tanks shall be constructed with reinforced pre-cast concrete pursuant to Disposal of Sewage and Wastewater Bylaw as shown as Attachment "2".
RV Structures	a. No addition, including decks can be permanently affixed to a recreation vehicle. b. Roof structures over recreation vehicles are not allowed. c. No covered decks are allowed accessory to recreation vehicles.
Parcels with Approved Dwelling Units	a. The use of a parcel developed for a detached dwelling for the parking of a maximum of one recreational vehicle for 30 consecutive days or less for the use of accommodations. b. The use of a parcel developed for a detached dwelling for the parking of a maximum one recreational vehicle (at a given time) for storage purposes only.
Parcels with No Approved Dwelling Units	a. There shall be a maximum of one recreation vehicle parked on a parcel at any time, subject to obtaining an annual development permit; b. Notwithstanding the above, One guest Recreation Vehicle may be parked for short durations of no more than 30 consecutive days, on condition that upon expiry of the 30 day period the Recreation Vehicle shall be removed from the property for a minimum of ten (10) consecutive days.

Subject to receiving an annual Development Permit for 2 Permanent Recreational Vehicles:

Parcels that paid for and received a 2021 Development Permit for 2 Permanent Recreational Vehicles and have not applied for and received a Development Permit to change the parcel by way of a dwelling unit may continue to occupy the property with 2 Permanent Recreational Vehicles until such time that there is a change to the parcel by way of a development permit, subdivision or by an ownership change at Alberta land titles. At which time compliance with all provisions within this Bylaw will come into full force and effect including but not limited to Recreational Vehicle Parking and Use.

Municipal addresses that received a 2021 Development Permit for 2 Permanent Recreational Vehicles are listed below (13):

~~22 - Earl's Way~~

24 - Earl's Way

26 - Earl's Way

~~35 - Earl's Way~~

15 - Municipal Road

14 - Irma's Way

~~22 - Irma's Way~~

~~10 - Jennifer Drive~~

~~5 - Ranch Road~~

~~13 - Ranch Road~~

~~21 - Ranch Road~~

16 - Craig's Cove

12 - Horseshoe Lane

~~17 - Horseshoe Lane~~

18 - Horseshoe Lane

~~21 - Horseshoe Lane~~

19 - Aimee Avenue

~~13 - Nicole Way~~

The number of recreational vehicles on a parcel may exceed the maximum allowable number of recreational vehicles to a total of three times per year subject to:	a. The Development Officer be advised in writing of the dates when more than the maximum allowable number of recreational vehicles will be on the parcel; b. Provisions satisfactory to the Development Officer be made for vehicle parking and the disposal of sewage; c. The maximum number of recreational vehicles on the parcel not exceed four;

and

d. The maximum period of time when more than the maximum allowable number of recreational vehicles are on site shall not exceed five consecutive days.
e. The number of recreational vehicles on a parcel may exceed the maximum allowable number of recreational vehicles to a total of three times per year
f. Recreational vehicles must be contained to the parcel or the driveway of the parcel without impeding any roadway.

3. PUBLIC USE DISTRICT (P)

3.1 PURPOSE
To provide for an area for the development of public land, which are compatible with the adjacent surroundings.

3.2 USES PERMITTED USES	DISCRETIONARY USES
Park	Any use that is similar, in the opinion of the Development Officer, to the permitted uses described
Playground	
Public or Quasi-public Uses	
Utility Buildings	
Walkways	

3.3 SITE REGULATIONS	
All Other Requirements	As determined by the Development Officer and in accordance with the Supplementary Regulations being Schedule B of this Land Use By-law.

4. ENVIRONMENTAL OPEN SPACE DISTRICT (EOS)

4.1 PURPOSE

To provide for an area for either the preservation of public land in its natural state, to protect the natural flow of water defined as a floodway or flood fringe, or for its development as a park.

4.2 USES PERMITTED USES	DISCRETIONARY USES
Natural Environmental Protection	Any use that is similar, in the opinion of the Development Officer, to the permitted uses described

4.3 SITE REGULATIONS

All Other Requirements	As determined by the Development Officer and in accordance with the Supplementary Regulations being Schedule B of this Land Use By-law.

5. DIRECT CONTROL DISTRICT (DC1)

5.1 PURPOSE

To provide for a commercial use that is compatible with the general nature of the neighbourhood

5.2 USES

PERMITTED USES	DISCRETIONARY USES
Such uses as deemed by Council to be compatible with the general nature of the neighbourhood	

5.3 SITE REGULATIONS

In addition to the Regulations contained in Schedule B, the following regulations shall apply to every development in this district

Site Coverage	At Council's discretion
Floor Area	At Council's discretion
Minimum Parcel Area	At Council's discretion
Maximum Building Height	At Council's discretion
Front Yard Setback	At Council's discretion
Side Yard Setback	At Council's discretion
Rear Yard Setback	At Council's discretion
Parking	At Council's discretion
Accessory Buildings	At Council's discretion

6. URBAN RESERVE DISTRICT: UR

6.1 PURPOSE

To reserve land for future subdivision and development

6.2 USES PERMITTED USES	DISCRETIONARY USES
Existing Agricultural	
Existing Natural Environment	

SCHEDULE D

SPECIFIED PENALTIES FOR OFFENSES

(Table D.1)

DESCRIPTION OF OFFENCE	First Offence	Second Offence	Third or Subsequent Offence
Part Two Section 2.1 Commence development without a permit	$500.00	$1,000.00	$3,000.00
Schedule B Section 17(3) Breach of restrictions on objects prohibited or restricted in yards	$250.00	$500.00	$1,000.00
Schedule C Section (1) and (2)(i) and (2)(ii) Permitted or Discretionary Use in contravention of this Bylaw other than Recreation Vehicle Parking and Use	$500.00	$1,000.00	$3,000.00
Schedule C Section (2)(iii) Recreation vehicles in contravention of this Bylaw	$1,000.00	$2,000.00	$3,000.00
Schedule C Sections (3) to (14) Use of property that is in contravention of this Bylaw	$1,000.00	$2,000.00	$3,000.00

ATTACHMENT 1

DEVELOPMENT PERMIT APPLICATION

Summer Village of White Sands

Application No: _____ Land Use Bylaw 186-22

APPLICATION FOR DEVELOPMENT

I hereby make application under the provisions of the Land Use Bylaw for a Development Permit in accordance with the plans andsupporting information submittedherewith and which form part ofthis application.

Applicant _____ **Mailing Address** _____

City _____ **Province** _____ **Postal Code** _____

Phone _____ **Email** _____

Legal Description ofProperty to be developed:

Lot: _____ Block: _____ Plan: _____

Registered Owner _____

Property Address _____

Existing Use _____ **Land Use District** _____

MAIN BUILDING (Ifthe application is for a main building, complete this section)

Proposed Use _____

Parcel Type Interior __ Corner __ Area ofParcel __ SqFt

Property Line Setbacks

Front Yard _____ Side Yards _____ & _____ Rear Yard _____

Floor Area _____ SqFt **Portion ofparcel covered by development** _ %

Height of Building _____ **Number of Off-Street Parking Stalls** _____

ACCESSORY BUILDING (If the application is for an accessory building, complete this section)

Proposed Use ----------

Portion ofparcel covered by development % **Number of Off-Street Parking Stalls** _____

Height of Building _____ **SizeofBuilding** _____ x ____ _

Property Line Setbacks Front Yard Side Yards --- & --- Rear Yard _____

Date of Application _____

Estimated Date of Commencement _____

Estimated Date of Completion _____

Signature of Applicant _____

Appication shall be accompanied by the following:

1. A non-returnatfo processing fee: $120.00
    a. Fdlowing payment options are available:
        i. Option Pay:
        http://www.whitesandsab.ca/pay-online.html
        ii. In person at Summer Village of White Sands Office:
        #8 Front Street, White Sands, AB
        iii. By mail to:
        Summer Village of White Sands
        Box 119, Stettler, AB, TDC 2L0
2. A scaled site plan showing the treatment of landscaped areas, if required, the legal description, the front, rear, and side yard setbacks,if any; any provision of off-street parking and access and egress points to the parcel.
3. Scaled floor pans, elevations and builcfogs sections in dupicate and sewage disposal pans.
4. A copy of the Certificate of rne indicating ownership and encumbrances.

FURTHER INFORMATION MAY ALSO BE REQUIRED

1. The Development Officer may refuse to accept an application for a development permit where the required information is not suppied or where, in his/her opinion, the quality of the material supplied is inadequate to properly evaluate the application.
2. The Development Officer may deal with an application without all the information required, if he/she is of the opinion that a decision on the application can be properly made without such information.
3. You may require a building permit from Alberta Labour, Building Standards Branch.
4. As a condition of development approval invdving the construction of a dwelling unit, the Development Officer will require that the applicant provide a refundat:le security deposit in the amount of 5% of the project value to ensure project completion in accordance with the conditions of development approval.

ATTACHMENT 2

BYLAW 188-22: DISPOSAL OF SEWAGE AND WASTEWATER

ATTACHMENT 2 – BYLAW 188-22: DISPOSAL OF SEWAGE AND WASTEWATER

A BYLAW OF THE SUMMER VILLAGE OF WHITE SANDS TO REGULATE THE DISPOSAL OF SEWAGE AND WASTEWATER WITHIN THE SUMMER VILLAGE.

WHEREAS authority is granted under the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended or replaced from time to time, to regulate and prohibit for Municipal purposes respecting the safety, health and welfare of people and property; and

WHEREAS authority is granted under the *Private Sewage Disposal Systems Regulation*, AR 229/97, as amended or replaced from time to time, that a municipality may make bylaws restricting the type of systems recognized in the Alberta Private Sewage Systems Standard of Practice in force that can be constructed or used in new installations of private sewage disposal systems.; and

WHEREAS there is a concern about the risk of contamination caused by private sewage systems and/or sewage holding tanks which are not constructed of reinforced pre-cast concrete; and

WHEREAS the Municipal Council of the Summer Village of White Sands deems it desirable to prohibit the disposal of sewage and waste water into the ground upon lands within the Summer Village;

NOW THEREFORE THE COUNCIL OF THE SUMMER VILLAGE OF WHITE SANDS ENACTS AS FOLLOWS:

1. In this bylaw,

    a) "Council" means the Council of the Summer Village of White Sands.
    b) "Owner" shall mean the person or persons registered as the owner or owners of a parcel of land within the Summer Village of White Sands.
    c) "Sewage" is as defined in the current Private Sewage Disposal System Regulation.
    d) "Sewage System" means a sewage system authorized by Section 5 of this Bylaw.
    e) "Summer Village" means the Summer Village of White Sands.

2. Any Sewage System shall be installed and maintained in compliance with the provisions of the Alberta Safety Codes Act, R.S.A. 2000, c. S-1, the Alberta Private Sewage Systems Standard of Practice 2015, and the regulations thereunder as amended or repealed and replaced from time to time.

3. A Sewage System shall be installed and maintained on all those properties within the Summer Village of White Sands which are being used as permanent residences, cottages or for parking of recreational vehicles.

4. Notwithstanding Section 2 of this bylaw, a Sewage System shall be installed and maintained on all those properties within the Summer Village which have a Water System on them and or an outdoor privy.

5. Only Self-contained Sewage Systems will be permitted to be installed or replaced on parcels of land within all areas of the Summer Village of White Sands. Self-contained Sewage Systems include, connection to a municipal system and private sewage holding tanks that are constructed of reinforced pre-cast concrete and meet applicable/relevant CAN/CSA standards, but do not include non-concrete self-contained sewage holding tanks, disposal fields, treatment mounds, pit privies, or any other Approved System for the

disposal of sewage or waste water on a parcel of land which results in the disposal of sewage and/or waste water into the ground.

6. A Bylaw Enforcement Officer or any designated officer of the Summer Village of White Sands shall, subject to compliance with the requirements of Sections 542 and 543 of the Municipal Government Act (Alberta) R.S.A. 2000, Chapter M-26, be entitled to enter any lands within the Summer Village for the purpose of carrying out an inspection to determine compliance with this bylaw.

7. When the designated officer finds that a sewage system has been installed in a manner that contravenes this bylaw, the officer may, by notice in writing, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention to :

    a) demolish, remove or replace the system or
    b) take such other measures so that the installation conforms with this bylaw

8. Where a person fails or refuses to comply with an order directed to him under this bylaw within the time specified in the notice the designated officer may enter upon the land or building and take such action as is necessary to carry out the order.

9. When the designated officer carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on land.

10. Any owner of a parcel of land which contravenes this bylaw is guilty of an offence and liable on conviction:

    a) for the first offence, to a fine of $500.00;
    b) for the second offence, to a fine of $1,000.00; and
    c) for the third and each subsequent offence, to a fine of $2,500.00;

    and in addition to those fines, for each offence the owner of the parcel of land is additionally liable to a fine of $100.00 per day for each day that the property remains in contravention of this bylaw.

11. Each separate provision of this Bylaw shall be deemed independent of all other provisions, and if any provisions of this Bylaw are declared invalid all other provisions shall remain valid and enforceable.

12. Bylaws No. 125-09, 124-09, 102-05, 101-05, 87-01, 84-99, 78, 72, 57 and 155-16 are hereby repealed.

This bylaw shall come into force and effect on the date of its final reading.

READ a first time this 4th day of May, 2022

READ a second time this 4th day of May , 2022

READ a third time and finally passed this 4th day of May , 2022

_____

Mayor

_____

CAO