

MUNICIPALITY OF JASPER
REGULAR COUNCIL MEETING AGENDA
May 17, 2022 | 1:30 pm
Conducted virtually through Zoom



Notice: Council members and a limited number of staff are returning to Council chambers in the Quorum Room of the Jasper Library and Cultural Centre for meetings. Presentations will continue to take place online until further notice. Members of the public can attend meetings in person; view meetings through the Zoom livestream; or view archived Council meetings on YouTube at any time. **To live-stream this meeting starting at 1:30 pm, use the following Zoom link:** <https://us02web.zoom.us/j/87657457538>

- 1 CALL TO ORDER**
- 2 APPROVAL OF AGENDA**
 - 2.1 Regular meeting agenda, May 17, 2022 attachment
- 3 APPROVAL OF MINUTES**
 - 3.1 Regular meeting minutes, May 3, 2022 attachment
 - 3.2 Legislative Committee meeting minutes, May 3, 2022 attachment
 - 3.3 Committee of the Whole meeting minutes, May 10, 2022 attachment
- 4 BUSINESS ARISING FROM PREVIOUS MINUTES**
- 5 BYLAWS**
 - 5.1 Bylaw Summary attachment
 - 5.2 Tax Rate Bylaw – 1st & 2nd reading attachment
 - 5.3 Commercial Use of Public Space Bylaw – 2nd reading attachment
 - 5.4 Emergency Management Bylaw – 1st & 2nd reading attachment
- 6 REQUESTS FOR DECISION**
 - 6.1 Policy Review Priority List attachment
 - 6.2 National Public Works Week Proclamation attachment
- 7 CORRESPONDENCE FOR INFORMATION, CONSIDERATION OR ACTION 7.1**
 - Petro Canada attachment
 - 7.2 Parks Canada – Private Home Accommodation Draft Policy attachment
 - 7.3 Parks Canada – Response to Request to Amend Discretionary Use Permit attachment
- 8 OTHER NEW BUSINESS**
- 9 MOTION ACTION LIST** attachment
- 10 COUNCILLOR REPORTS** [10.1 Council’s appointments to boards and committees](#)
- 11 UPCOMING EVENTS**

NETMA – May 18, 5-7pm, the Legion & June 15, 5-7pm, Location TBD
Jasper Park Chamber of Commerce Annual General Meeting – June 21
- 12 ADJOURNMENT**

Please note: All regular and committee meetings of Council are video recorded and archived on YouTube.

Municipality of Jasper
Regular Council Meeting Minutes
 Tuesday, May 3, 2022 | 1:30 pm
 Jasper Library and Cultural Centre, Quorum Room

Virtual viewing and participation	Council attendance is primarily back in Council chambers at the Jasper Library and Cultural Centre. This meeting was also conducted virtually and available for public livestreaming through Zoom. Public viewing and participation during Council meetings is through both Zoom livestreaming and in-person attendance.		
Present	Mayor Richard Ireland, Councillors Helen Kelleher-Empey, Ralph Melnyk, Wendy Hall, Rico Damota, Kathleen Waxer and Scott Wilson		
Also present	Bill Given, Chief Administrative Officer Christine Nadon, Director of Protective & Legislative Services Christopher Read, Director of Community Development Natasha Malenchak, Director of Finance & Administration John Greathead, Director of Operations Amanda Stevens, Communications Manager Emma Acorn, Legislative Services Coordinator Jason Stockfish, The Fitzhugh Bob Covey, The Local 8 observers		
Call to order	Mayor Ireland called the meeting to order at 1:33pm and acknowledged May 1-7, 2022 is Emergency Preparedness Week in the Municipality of Jasper.		
Approval of agenda #185/22	MOTION by Councillor Kelleher-Empey – BE IT RESOLVED that Council approve the agenda for the May 3, 2022 regular meeting as presented.		
	FOR 7 Councillors	AGAINST 0 Councillors	CARRIED
Approval of regular minutes #186/22	MOTION by Councillor Hall – BE IT RESOLVED that Council approve the minutes of the April 19, 2022 regular meeting as presented.		
	FOR 7 Councillors	AGAINST 0 Councillors	CARRIED
Business arising from previous minutes	none		
Bylaw Summary	Council received a summary of bylaws currently in force.		
Regional Assessment Review Board Bylaw 2022 – 3 rd reading #187/22	MOTION by Councillor Wilson – BE IT RESOLVED that Council read for the third time, Bylaw #245: the Regional Assessment Review Board Bylaw 2022, being a bylaw of the Specialized Municipality of Jasper in the province of Alberta to establish a regional assessment review board.		
	FOR 7 Councillors	AGAINST 0 Councillors	CARRIED
Traffic Safety Bylaw – 3 rd reading #188/22	Administration presented the Traffic Safety Bylaw to Council for third reading. It included new sections to enable the Bylaw Enforcement Services team to enforce paid parking provisions. The additional clauses are aligned with the direction provided by Council in January of 2022, and intended to provide the necessary legislative framework to deliver the paid parking program as intended. Parks Certification was received on May 2 for the amendments.		
	MOTION by Councillor Wilson – BE IT RESOLVED that Council read for the third time, Bylaw #244: the Traffic Safety Bylaw, being a bylaw of the Specialized Municipality of Jasper in the province of Alberta for the purpose of regulating and controlling traffic in the town of Jasper.		
	FOR	AGAINST	

	6 Councillors	1 Councillor (Councillor Kelleher-Empey)	CARRIED
Commercial Use of Public Space Bylaw #189/22	MOTION by Councillor Wilson – BE IT RESOLVED that Council read for the first time, Bylaw #246: the Commercial Use of Public Space Bylaw; and That Council direct administration to return with the amendments discussed today to Schedule A for second reading at the next regular Council meeting.		
	FOR 7 Councillors	AGAINST 0 Councillors	CARRIED
Activity Centre Renovation - RFD #190/22	MOTION by Councillor Hall – BE IT RESOLVED that Council:		
	<ol style="list-style-type: none"> 1. Approve the Activity Centre renovation project scope inclusive of all Required Scope items at a total cost of \$10,160,444; and 2. Approve the inclusion of the following Council Requested scope items: <ul style="list-style-type: none"> • Arena Dressing room expansion to the west and south \$3,355,756 • Activity Centre Conversion of the Sauna to additional washrooms \$133,238 • Aquatic Centre Complete renovation of all existing change rooms \$342,497. 3. Approve an amendment to the Capital Budget as required to reflect the above items as funded. 		
	FOR 7 Councillors	AGAINST 0 Councillors	CARRIED
Recess	Mayor Ireland called a recess from 3:23 to 3:33pm.		
Garage Suites Feedback #191/22	MOTION by Councillor Melnyk – BE IT RESOLVED that Council accept the Interim Garage Suite Policy in principle.		
	FOR 7 Councillors	AGAINST 0 Councillors	CARRIED
Communities in Bloom Proclamation #192/22	MOTION by Councillor Waxer – BE IT RESOLVED that Council proclaim 2022 the Year of the Garden in Jasper.		
	FOR 7 Councillors	AGAINST 0 Councillors	CARRIED
Policing Invoice – Shadow Population Modifier #193/22	MOTION by Councillor Kelleher-Empey – BE IT RESOLVED that Council authorize the Mayor to write to the appropriate Minister to request that the shadow population modifier be applied to the Municipality of Jasper.		
	FOR 7 Councillors	AGAINST 0 Councillors	CARRIED
Lutheran Church Property Opportunity	Council discussed an opportunity arising with the Lutheran Church Property. Councillor Damota will be consulting with the Jasper Community Team Society to determine if there is a joint interest in pursuing and how it might be organized.		
Alberta Japan Twinning Association #194/22	MOTION by Councillor Melnyk – BE IT RESOLVED that Council approve the expenses for both Councillors to attend the upcoming Alberta/Japan Twinned Municipalities Association Conference in Taber on June 3 & 4, 2022.		
	FOR 7 Councillors	AGAINST 0 Councillors	CARRIED
Correspondence:	Council received three pieces of correspondence.		

Ailsa Ross Ailsa Ross emailed Mayor & Council asking them to consider a public awareness campaign addressing outdoor domestic cats, birds, and Bylaw 126. Council asked that her request be added to Council Highlights to help reach community members.

Jasper Food Bank #195/22 MOTION by Councillor Melnyk – BE IT RESOLVED that Council direct administration to report back to a future Committee meeting with options in regards to the Jasper Food Bank request for a cardboard recycling bin to be located adjacent to the Anglican church.

FOR 7 Councillors AGAINST 0 Councillors CARRIED

Community Futures West Yellowhead (CFWY) Councillor Kelleher-Empey spoke to the letter sent by CFWY which shared the news that May 9-13 is Economic Development Week and highlighted the work CFWY have been doing with the regional business community by sharing their 2021-2022 stats.

Other new business Mayor Ireland asked that Council acknowledge ‘Be Kind to Municipal Treasurers Day’ this upcoming Friday by thanking the Municipality’s Director of Finance & Administration Natasha Malenchak for her hard work.

Council reports Councillor Hall will be attending the Adult Community Conversation tomorrow and is taking an online library board course.

The first meeting of the Legislative Committee took place this morning. Minutes are forthcoming.

Councillors Damota and Kelleher-Empey attended the Community Futures Board meeting on April 28.

Mayor Ireland and Councillors Wilson, Hall, Melnyk and Kelleher-Empey attended the launch of the new brand and logo for the Municipality on Wednesday, April 27 in the Quorum Room.

Mayor Ireland was interviewed by both CBC and the Fitzhugh this past week.

Mayor Ireland, Mr. Given and their counterparts in Canmore and Banff had a Zoom meeting this past Friday with MLA Martin Long and MLA Miranda Rosin to discuss ongoing efforts in regards to tourism communities in the province.

Councillor Damota attended the last Jasper Community Team Society meeting and shared the annual general meeting is taking place May 26, 2022.

Upcoming events Council received a list of upcoming events for information.

Adjournment #196/22 MOTION by Councillor Melnyk – BE IT RESOLVED that, there being no further business, the regular meeting of May 3, 2022 be adjourned at 4:31pm.

FOR 7 Councillors AGAINST 0 Councillors CARRIED

Mayor

Chief Administrative Officer

Legislative Committee Minutes

Tuesday, May 3, 2022

Quorum Room, Jasper Municipal Library & Cultural Centre



In attendance:

Mayor Richard Ireland, Councillor Wendy Hall, Bill Given (CAO), and Emma Acorn (Legislative Services Coordinator and recorder)

Absent:

Councillor Rico Damota

1. Call to order

- The meeting was called to order at 10:30 am

2. Terms of Reference Discussion

- Mayor Ireland suggested the purpose and responsibilities section be expanded to include:
 1. The committee taking the lead on some council advocacy (ie. considering and recommending resolutions to present to FCM or AB Municipalities);
 2. Might substitute 'consider' for "deal with";
 3. Having the Committee act as a first filter for items to include in Intergovernmental agendas; and
 4. A definition or criteria could be added for selecting the chair (may consider assigning chair during organizational meeting or a chair other than the Mayor could be elected by the Committee).

MOTION by Councillor Hall that Committee direct Administration to prepare revisions to the Legislative Committee Terms of Reference and return to a future committee meeting. CARRIED

3. Work Plan Discussion

- Attendees discussed how best to review the Procedure Bylaw (#190) and set priorities. Items discussed included:
 1. Having Committee minutes approved at the following Regular Council meeting;
 2. The order of items on agendas;
 3. The structure of meetings and public delegations;
 4. Differences between discussion and debate;
 5. The role of 'business arising from minutes'; and
 6. Definition of 'notice of motion'.

MOTION by Councillor Hall that Legislative Committee begin the next meeting with the 'Agenda Structure' portion of the Procedure Bylaw. CARRIED

4. Adjournment

- The meeting was adjourned at 12:08 pm.
- The next meeting is scheduled for June 7, 2022 at 10:30am.

Municipality of Jasper
Committee of the Whole Meeting Minutes
Tuesday, May 10, 2022 | 9:30am
Jasper Library and Cultural Centre, Quorum Room

Virtual viewing and participation	Council attendance is primarily back in Council chambers at the Jasper Library and Cultural Centre. This meeting was also conducted virtually and available for public livestreaming through Zoom. Public viewing and participation during Council meetings is through Zoom livestreaming.		
Present	Mayor Richard Ireland, Deputy Mayor Kathleen Waxer, Councillors Helen Kelleher-Empy, Wendy Hall, Scott Wilson, Ralph Melnyk, and Rico Damota		
Also present	Bill Given, Chief Administrative Officer Natasha Malenchak, Director of Finance & Administration Christine Nadon, Director of Protective & Legislative Services John Greathead, Director of Operations Christopher Read, Director of Community Development Mathew Conte, Fire Chief / Director of Emergency Management Angie Thom & Joyce Melnyk, Jasper Municipal Library Board Jason Stockfish, The Fitzhugh Bob Covey, The Jasper Local 4 observers		
Call to Order	Deputy Mayor Waxer called the May 10, 2022 Committee of the Whole meeting to order at 9:30am and began with a Traditional Land Acknowledgement.		
Approval of agenda #197/22	MOTION by Mayor Ireland to approve the agenda for the May 10, 2022 Committee of the Whole meeting as presented.		
	FOR 7 Councillors	AGAINST 0 Councillor	CARRIED
Approval of minutes #198/22	MOTION by Councillor Wilson to approve the minutes of the April 26, 2022 Committee of the Whole meeting as presented		
	FOR 7 Councillors	AGAINST 0 Councillors	CARRIED
Business arising from minutes	none		
Presentation - Jasper Municipal Library #199/200	Angie Thom and Joyce Melnyk of the Jasper Municipal Library Board presented updates from the past year and the priorities looking towards 2020-2024.		
	MOTION by Councillor Hall that Committee receive the Jasper Municipal Library presentation for information.		
	FOR 7 Councillors	AGAINST 0 Councillors	CARRIED

Department
Report – Finance
& Administration
#200/22

Council received a departmental report from the Director of Finance & Administration. The report highlighted the latest information on assessments, taxation, utilities, information technology, debenture, and the upcoming audit.

MOTION by Councillor Wilson that Committee receive the Finance & Administration department report for information.

FOR	AGAINST	
7 Councillors	0 Councillors	CARRIED

The full report is available in the May 10, 2022 agenda package.

Recess

Deputy Mayor Waxer called a recess from 10:40 to 10:48am.

Emergency
Management
Bylaw
#201/22

Administration presented information and a first draft of Bylaw #247: Emergency Management Bylaw.

MOTION by Mayor Ireland that Committee recommend Council give first and second reading to Bylaw #247: Emergency Management Bylaw with revisions to reflect the amendments to the wording of headings, items 3.3, 4.5.2, and 5.1.

FOR	AGAINST	
7 Councillors	0 Councillors	CARRIED

Correspondence

Council acknowledged receipt of a letter dated May 1, 2022 from Tourism Jasper expressing support in respect to the upcoming Activity Centre Renovation.

Motion Action List

Administration reviewed the Motion Action List, which included revised target dates and the removal of items which were addressed today.

#202/22

MOTION by Councillor Kelleher-Empy that Committee approve the updated Motion Action List as amended.

FOR	AGAINST	
7 Councillors	0 Councillors	CARRIED

Councillor reports

Councillor Kelleher-Empy will be attending the Early Childhood Community Conversation tomorrow at 2pm. She will also attending the Evergreens Foundation strategic planning sessions at Overlander Lodge for two days next week.

Councillor Hall attended the Adult Community Conversation last Wednesday and will be attending a Jasper Municipal Library Board meeting tomorrow night. Councillor Hall is currently participating in an online library board basics course hosted through Zoom.

Mayor Ireland confirmed the meeting tomorrow with Ron Hallman; CEO of Parks Canada, is still scheduled for 10am. The Mayor also asked Councillors who might be able to attend the meeting with the executive members of the Jasper Park Chamber of Commerce this

Thursday.

Councillors Melnyk and Waxer attended the FireSmart Information Session last night and reminded others of this Saturday's Community Wide FireSmart Day.

Councillor Damota left the meeting at 11:27am.

Upcoming Events Council reviewed a list of upcoming events.

In Camera #203/22 MOTION by Mayor Ireland to move in camera at 11:31am to discuss agenda items:
13.1 Deliberative matter, intergovernmental relations – FOIP, s. 21(1)

FOR	AGAINST	
6 Councillors	0 Councillors	CARRIED

Mr. Given and Ms. Malenchak also attended the in camera session.

Meeting Extension #204/22 MOTION by Mayor Ireland to extend the meeting beyond 4 hours.

FOR	AGAINST	
6 Councillors	0 Councillors	CARRIED

Revert to open meeting #205/22 MOTION by Mayor Ireland that Committee of the Whole revert to open meeting at 2:49pm.

FOR	AGAINST	
6 Councillors	0 Councillors	CARRIED

Adjournment #206/22 MOTION by Councillor Kelleher-Empey, there being no further business, the Committee of the Whole meeting of May 10, 2022 be adjourned at 2:50pm.

FOR	AGAINST	
6 Councillors	0 Councillors	CARRIED

Municipality of Jasper Bylaw Summary

Updated: 5/13/2022

	Bylaw	Date Repealed	Repeals Bylaw	Replaced by Bylaw	Scheduled date for next reading			Date Forwarded	Date Certified
					First Reading	Second Reading	Third Reading & Approval		
248	Taxation Rates Bylaw 2022		236		2022-May-17	2022-May-17			
247	Emergency Management Bylaw		162		2022-May-17	2022-May-17			
246	Commercial Use of Public Space		194		2022-May-03	2022-May-17			
245	Regional Assessment Review Board Bylaw 2022		210		2022-April-19	2022-April-19	2022-May-03	2022-April-20	2022-April 21
244	Traffic Safety Bylaw		195		2022-March-15	2022-March-15	2022-May-03	2022-Mar-17	2022-Mar-25
243	Utilities Fees Levy and Collection Bylaw 2022		232		2022-Jan-18	2022-Jan-18	2022-Feb-01	2022-Jan-20	2022-Jan-21
242	Supplementary Tax Bylaw 2022		234		2022-Jan-18	2022-Jan-18	2022-Feb-01	2022-Jan-20	2022-Jan-21
241	Supplementary Assessment of Improvements Bylaw 2022		233		2022-Jan-18	2022-Jan-18	2022-Feb-01	2022-Jan-20	2022-Jan-21
240	Connaught Utilities Local Improvement Tax Bylaw				2021-July-6	2021-Aug-17	2021-Aug-17	2021-Aug-3	2021-Aug-4
239	Connaught Utilities Borrowing Bylaw				2021-July-6	2021-Aug-17	2021-Aug-17	2021-Aug-3	2021-Aug-4
238	Temporary Compulsory Face Covering Repeal Bylaw		228, 230 & 231		2021-Jun-15	2021-Jun-15	2021-Jun-15	2021-Jun-10	2021-Jun-11
237	Rotation of Ballots Bylaw 2021		204		2021-Jun-01	2021-Jun-01	2021-Jun-15	2021-May-26	2021-May-28
236	Taxation Rates Bylaw 2021		227		2021-May-18	2021-Jun-01	2021-Jun-01	2021-May-26	2021-May-28
235	Code of Conduct for Elected Officials Bylaw				2021-May-18	2021-Jun-01	2021-Jun-15	2021-May-26	2021-May-28
234	Supplementary Tax Bylaw 2021		225	242	2021-Jan-19	2021-Jan-19	2021-Feb-02	2021-Jan-20	2021-Jan-22
233	Supplementary Assessment of Improvements 2021		224	241	2021-Jan-19	2021-Jan-19	2021-Feb-02	2021-Jan-20	2021-Jan-22
232	Utility Fees Levy and Collection Bylaw 2021		226	243	2021-Jan-05	2021-Jan-05	2021-Jan-05	2020-Dec-24	2020-Dec-24
231	Temporary Compulsory Face Covering Amending Bylaw #2				2020-Dec-08	2020-Dec-08	2021-Jan-05	2020-Dec-09	2020-Dec-10



REQUEST FOR DECISION

Subject: Taxation Rates Bylaw 2022
From: Natasha Malenchak, Director of Finance & Administration
Reviewed by: Bill Given, Chief Administrative Officer
Date: May 17, 2022

Recommendations:

- That Council give first and second readings to the 2022 Tax Rate Bylaw as presented.

Alternatives:

- That Council give first reading to the 2022 Tax Rate Bylaw, and;
- Provide amendments prior to second and third readings.

Background:

The Tax Rate Bylaw is amended on annual basis to reflect adjustments in mill rates. In the approved 2022 budget the total tax funded budget equates to \$24,915,456 of this amount Municipal taxes to collect are \$9,122,313. The other 63.4% of the Municipal expenses in the tax supported budget are recovered through grants and user fees.

The Municipal tax amount of \$9,122,313 can be adjusted by \$32,726 to account for an over levy amount down to \$9,089,577, should council desire. This is reflected in option 2 below.

Of the \$9,122,313, the Municipality collects and pays for 2022-2023 Land Rent to the Federal Government at an estimated amount \$696,906 and to Alberta Rural Policing in the amount of \$252,539 (10.4% of Municipal taxes).

The Municipality of Jasper is a requisitioning body for Alberta School Foundation Fund (ASFF), Designated Industrial Property (DIP) and for the Evergreens Foundation Senior Housing.

The 2022 requisitions are for the following:

- ASFF is estimated to be \$5,398,276,
- DIP is \$5,398; and,
- Evergreen Foundation requisition is \$859,368.

Discussion:

Presented below is a same of 2021 Mill rates vs the new 2022 Mill Rate Options

	2021				Option 1				without	Option 2				with
	Urban	Per \$100,000 Assessed	Rural	Per \$100,000 Assessed	2022			overlevy applied \$100,000 Assessed		2022			overlevy applied \$100,000 Assessed	
					Urban	Per \$100,000 Assessed	Rural			Per \$100,000 Assessed	Urban	Per \$100,000 Assessed		Rural
Residential														
Evergreens	0.000440	\$44	0.000440	\$44	0.000513	\$51	0.000513	\$51		0.000513	\$51	0.000513	\$51	
Education	0.002567	\$257	0.002567	\$257	0.002509	\$251	0.002509	\$251		0.002509	\$251	0.002509	\$251	
Municipal	0.002306	\$231	0.000978	\$98	0.002619	\$262	0.001059	\$106		0.002611	\$261	0.001051	\$105	
Total	0.005313	\$531	0.003985	\$399	0.005641	\$564	0.004081	\$408		0.005633	\$563	0.004073	\$407	
Lake Edith (7 months)														
Evergreens	-		0.000440	\$44	-		0.000513	\$51		-		0.000513	\$51	
Education	-		0.002567	\$257	-		0.002509	\$251		-		0.002509	\$251	
Municipal	-		0.000570	\$57	-		0.000618	\$62		-		0.000613	\$61	
Total			0.003577	\$358			0.003640	\$364				0.003635	\$364	
Non-Residential														
Evergreens	0.000440	\$44	0.000440	\$44	0.000513	\$51	0.000513	\$51		0.000513	\$51	0.000513	\$51	
Education	0.004048	\$405	0.004048	\$405	0.004453	\$445	0.004453	\$445		0.004453	\$445	0.004453	\$445	
Municipal	0.011528	\$1,153	0.004888	\$489	0.013095	\$1,310	0.005294	\$529		0.013057	\$1,306	0.005256	\$526	
Total	0.016016	\$1,602	0.009376	\$938	0.018061	\$1,806	0.010260	\$1,026		0.018023	\$1,802	0.010222	\$1,022	
M&E Electrical Residual PILT														
Evergreens	0.000440		0.000440	\$44	0.000513	\$51	0.000513	\$51		0.000513	\$51	0.000513	\$51	
Education (Exempt)	-		-		-		-			-		-		
Municipal	0.011528	\$1,153	0.004888	\$489	0.013095	\$1,310	0.005294	\$529		0.013057	\$1,306	0.005256	\$526	
Total	0.011968	\$1,197	0.005328	\$533	0.013608	\$1,361	0.005807	\$581		0.013570	\$1,357	0.005769	\$577	
DIP Assessment Requisition on DIP Properties														
Designated Industrial Properties	-		0.000077	\$8	-		0.000077	\$8		-		0.000077	\$8	
Total	-		0.000077	\$8	-		0.000077	\$8		-		0.000077	\$8	

The proposed rates for 2022 and their impact on customers are presented below.

Residential Urban- No commercial		2021	2022	Difference	Extra/ Annually	Extra/ Month	Extra/ Day	2022	Difference	Extra/ Annually	Extra/ Month	Extra/ Day
Assessed at			Option 1					Option 2				
\$800,000	Evergreens	\$352	\$410	\$58				\$410	\$58			
	Education	\$2,054	\$2,007	-\$46				\$2,007	-\$46			
	Municipal	\$1,845	\$2,095	\$250				\$2,089	\$244			
	Total	\$4,250	\$4,513	\$262	\$21.87	\$0.72		\$4,506	\$256	\$21.33	\$0.70	
Commercial Urban												
Assessed At												
\$10,000,000	Evergreens	\$4,400	\$5,130	\$730				\$5,130	\$730			
	Education	\$40,480	\$44,530	\$4,050				\$44,530	\$4,050			
	Municipal	\$115,280	\$130,950	\$15,670				\$130,570	\$15,290			
	Total	\$160,160	\$180,610	\$20,450	\$1,704.17	\$56.03		\$180,230	\$20,070	\$1,672.50	\$54.99	

**MUNICIPALITY OF JASPER
BYLAW #248**

BEING A BYLAW OF THE MUNICIPALITY OF JASPER IN THE PROVINCE OF ALBERTA TO AUTHORIZE THE RATES OF TAXATION TO BE LEVIED AGAINST ASSESSABLE PROPERTY WITHIN THE MUNICIPALITY OF JASPER FOR THE 2022 TAXATION YEAR.

Contents

1. Citation
2. Definitions
3. Taxation Rates
4. Severance

WHEREAS at its meeting of January 4, 2022, the Council of the Municipality of Jasper prepared and adopted detailed estimates of the municipal revenues, expenditures and requisitions required for the year 2022;

AND WHEREAS the estimated expenditures, requisitions, services and surplus set out in the operating budget for the Municipality of Jasper for 2022 total \$24,915,456;

AND WHEREAS the 2022 estimated municipal revenues and transfers from all sources other than taxation are estimated at \$15,793,153) and the balance of \$9,122,305 to be raised by general municipal taxation;

AND WHEREAS the 2022 Alberta School Foundation requisition is \$5,398,276 be collected as follows:

	2022 Requisition	Prior Year (Over)/Under-levy	Total
Residential	\$2,562,921	\$2,085	\$2,565,006
Non-Residential	\$2,835,355	\$1,300	\$2,836,655
Total	\$5,398,276	\$3,385	\$5,401,661

AND WHEREAS the Council of the Municipality of Jasper has received a requisition in 2022 in the amount of \$859,369 from the Evergreens Foundation to be collected as follows:

	2022 Requisition	Prior Year (Over)/Under-levy	Total
Operating	\$363,594	\$0	\$363,594
Capital	\$495,774	\$1	\$495,775
Total	\$859,368	\$1	\$859,369

AND WHEREAS for the purposes of collecting the portion of the requisition defined in section 326(1)(a)(vi) of the *Municipal Government Act* (RSA 2000, cM-26) and amendments thereto, the Chief Administrative Officer is hereby authorized to impose the tax rate set by the Minister in accordance with section 359.3 of the Act on the assessed value of all taxable Designated Industrial Property (DIP) shown on the 2021 assessment roll of the Municipality of Jasper for 2022 total \$5,398;

AND WHEREAS the Council of the Municipality of Jasper is required each year to levy on the assessed value of all property, tax rates sufficient to meet the estimated expenditures and requisitions;

AND WHEREAS the Council of the Municipality of Jasper is required each year to levy on the assessed value of all property, tax rates sufficient to meet the Alberta School Foundation (ASFF) requisition;

AND WHEREAS the Council of the Municipality of Jasper is authorized to classify assessed property, and to establish different rates of taxation in respect to each class of property subject to the *Municipal Government Act* (RSA 2000, cM-26) and amendments thereto;

AND WHEREAS the assessed value of all property in the Municipality of Jasper as shown on the current assessment roll is:

Assessment for	Education	Municipal	Evergreens	DIP
Residential	\$1,022,126,010	\$1,028,099,150	\$1,022,126,010	
Non-Residential	\$636,983,560	\$639,559,690	\$651,958,840	
Electric Power Generation Machinery & Equipment GIL – Parklands		\$16,853,040		
DIP Assessment Requisition Properties				\$70,471,830
Total	\$1,659,109,570	\$1,684,511,880	\$1,674,084,850	\$70,471,830

NOW THEREFORE be it resolved that the Council of the Municipality of Jasper in the Province of Alberta, duly assembled, enacts:

1. CITATION

- 1.1 This Bylaw may be cited as Municipality of Jasper Bylaw #248, the "Jasper Taxation Rates Bylaw 2022".
- 1.2 The Municipality of Jasper Bylaw #236, the "Jasper Taxation Rates Bylaw 2021" is hereby repealed.

2. DEFINITIONS

- 2.1 In this Bylaw:
 - 2.1.1 "Chief Administrative Officer" shall mean the individual duly appointed to that position for the Municipality of Jasper at any given time and includes any person authorized to act for and in the name of that individual;
 - 2.1.2 "Council" shall mean the Council of the Municipality of Jasper;
 - 2.1.3 "Municipality" and "Municipality of Jasper" shall mean the Municipality of Jasper in Jasper National Park in the Province of Alberta;

2.1.4 "Rural Properties" shall mean those properties located outside the boundaries of the Town of Jasper but inside the boundaries of the Municipality of Jasper as defined in the Agreement for the Establishment of Local Government in Jasper dated June 13th, 2001; and

2.1.5 "Urban Properties" shall mean those properties located within the Town of Jasper as defined in the Agreement for the Establishment of Local Government in Jasper dated June 13th, 2001.

3. TAXATION RATES

3.1 The Chief Administrative Officer is hereby authorized to levy the following rates of taxation on the assessed value of all property shown on the assessment roll of the Municipality of Jasper:

	Urban	Rural
Residential		
Evergreens	0.000513	0.000513
Education	0.002509	0.002509
Municipal	0.002619	0.001059
	0.005641	0.004081
Lake Edith (7 months)		
Evergreens	-	0.000513
Education	-	0.002509
Municipal	-	0.000618
		0.003640
Non-Residential		
Evergreens	0.000513	0.000513
Education	0.004453	0.004453
Municipal	0.013095	0.005294
	0.018061	0.010260
M&E Electrical Residual PILT		
Evergreens	0.000513	0.000513
Education (Exempt)	-	-
Municipal	0.013095	0.005294
	0.013608	0.005807
DIP Assessment Requisition on DIP Properties		
DIP Requisition Applied to DIP Properties	-	0.000077
	-	0.000077

4. SEVERANCE

If any section in this bylaw is found to be invalid by a court of competent jurisdiction, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

COMING INTO EFFECT

This Bylaw shall come into force and effect on the final day of passing thereof.

GIVEN FIRST READING THIS DAY OF , 2022

GIVEN SECOND READING THIS DAY OF , 2022

GIVEN THIRD AND FINAL READING THIS DAY OF , 2022

Mayor

Chief Administrative Officer

AGENDA ITEM 5.3

BYLAW REPORT

Subject: Commercial Use of Public Space Bylaw
From: Bill Given, Chief Administrative Officer
Prepared by: Christine Nadon, Director of Protective and Legislative Services
Date: May 17, 2022



Recommendation:

- That Council give second reading to Bylaw #246, the Commercial Use of Public Space Bylaw.

Background:

At the May 3, 2022 meeting, Council gave first reading to Bylaw #246, the Commercial Use of Public Space Bylaw, to update the fees associated with sidewalk seating and the use of parking lanes in the commercial business district. Edits to Schedule A, as directed at the May 3 meeting, are included in the attached bylaw to provide clarity around fees for the use of parking lanes for purposes other than sidewalk seating.

Strategic Relevance:

Governance and Social Equity

- Seek out and pursue alternate sources of revenue

Economic Health and Fiscal Equity

- Pursue equitable allocation of costs between the community and visitors and among community rate-payers by expanding visitor user fees where feasible.
- Where appropriate, improve equitable distribution of municipal service costs and ease the tax burden through implementation of user fees.

Financial:

Updates to the Commercial Use of Public Space Bylaw are required to continue collecting user fees at the rates directed by Council.

Attachments:

- Commercial Use of Public Space Bylaw (#246) – with amendments for second reading

**MUNICIPALITY OF JASPER
BYLAW #246**

BEING A BYLAW OF THE SPECIALIZED MUNICIPALITY OF JASPER, IN THE PROVINCE OF ALBERTA, TO CONTROL AND REGULATE THE USE OF STREETS AND PUBLIC SPACES IN THE MUNICIPALITY AND TO RESTRICT AND REGULATE ACTIVITIES ON, ADJACENT, OR NEAR TO STREETS AND PUBLIC SPACES.

CONTENTS

1. Citation
2. Definitions
3. Commercial Use of Public Space
4. Commercial Use of Public Space Permits
5. Sidewalk Seating
6. Special Events
7. Violations and Enforcement
8. Reviews and Appeals
9. Severance
- Schedule A – Streets and Public Space Use Fees
- Schedule B – Penalties

WHEREAS the Government of Canada as represented by Her Majesty the Queen, in the Right of Canada as represented by Parks Canada Agency, has issued to the Municipality of Jasper leases for certain lands in accordance with the Agreement for the Establishment of Local Government in the Town of Jasper;

AND WHEREAS the Municipal Government Act (Alberta) provides that the Council of the Municipality of Jasper has the direction, control and management of all roads within the municipality;

AND WHEREAS the Municipal Government Act (Alberta) provides that Council of the Municipality of Jasper may pass bylaws respecting people, activities, and things in, on or near a public space or space that is open to the public;

NOW THEREFORE the Council of the Specialized Municipality of Jasper, in the Province of Alberta, duly assembled, enacts as follows:

1. CITATION

- 1.1. This Bylaw may be called the "Commercial Use of Public Space" bylaw.
- 1.2. Municipality of Jasper Bylaw #193, the "Commercial Use of Public Space Bylaw", is hereby repealed.

2. DEFINITIONS

- 2.1. In this Bylaw:
 - 2.1.1. Where another Municipality of Jasper bylaw is referenced anywhere within the Commercial Use of Public Space Bylaw, it shall refer to that bylaw currently in effect and will include any and all amendments to such bylaw or any other bylaw passed in substitution.
 - 2.1.2. "Council" shall mean the Council of the Specialized Municipality of Jasper;
 - 2.1.3. "Chief Administrative Officer or designate" means a person appointed as Chief Administrative Officer by Council, and the person designated by the Chief Administrative Officer to act on his behalf.
 - 2.1.4. "Commercial Filming" means recording images by film, video, digital or other technology to broadcast or publicly exhibit for commercial purposes, but does not include photography.
 - 2.1.5. "Commercial Use of Public Space Permit" means a permit issued by the Municipality of Jasper authorizing use of a Public Space, Park, Sidewalk, Street or portion of a Street.
 - 2.1.6. "Encroachment" means the temporary occupation of any portion of the Street or other Public Space and includes the airspace over such Street and any area beneath the surface of the Street or other public space.
 - 2.1.7. "Farmers' Market" means an event for the sale of goods and produce in a public space

- 2.1.8. "Municipal Government Act" means the Alberta Municipal Government Act, R.S.A. 2000, Chapter M-26 and any amendment or successor thereto.
- 2.1.9. "Municipality" means the Specialized Municipality of Jasper in Jasper National Park in the Province of Alberta.
- 2.1.10. "Municipality of Jasper Notice of Offence" means any ticket or tag, in a form approved by the Municipality of Jasper or authorized under the Provincial Offences Procedures Act, issued for any offence in which a penalty may be paid out of court in lieu of appearing to answer a summons.
- 2.1.11. "Owner" means
 - 2.1.11.1. In respect of unpatented land, the Crown,
 - 2.1.11.2. A Person who is the lessee of Crown land and that Person's successors and assigns, and
 - 2.1.11.3. In respect of any property other than land, the actual owner, occupant, operator or Person in lawful possession of the property.
- 2.1.12. "Peace Officer" shall mean:
 - 2.1.12.1. a member of the Royal Canadian Mounted Police; or
 - 2.1.12.2. a Community Peace Officer appointed by the Alberta Solicitor General pursuant to the Community Peace Officer Act (Alberta) as amended; or
 - 2.1.12.3. a Municipal Compliance Officer; or
 - 2.1.12.4. a park warden appointed pursuant to the Canada National Parks Act, while that person is in the exercise or discharge of that person's powers or duties in a national park established under that Act;
- 2.1.13. "Pedestrian" means an individual on foot or in a wheelchair or other device used to facilitate the transport of a person with a physical disability.
- 2.1.14. "Permit Holder" means the holder of a valid and subsisting permit issued pursuant to the provisions of this Bylaw.
- 2.1.15. "Person" includes a corporation and the heirs, executors, administrators or other legal representative of a person.
- 2.1.16. "Public Space" means lands under the Municipality's management and within the Municipality of Jasper other than Streets leased to the Municipality
- 2.1.17. "Sidewalk" shall mean that part of a Street especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a Street between the curb line (or the edge of the Street, where there is no curb line) and the adjacent property line, whether or not paved or improved;
- 2.1.18. "Sidewalk Seating/Café" means seating outside of an established place of business whose primary or secondary business is the sale of food, or whose business desires to place outdoor seating for the convenience of their customers and the general public use and whose business location is immediately adjacent to the sidewalk space requested for use for said outdoor seating.
- 2.1.19. "Special Event" means any activity or event that is open to, or intended to attract the general public, whether or not admission is charged
- 2.1.20. "Street" means any thoroughfare, sidewalk, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway or other space or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles

3. COMMERCIAL USE OF PUBLIC SPACE

- 3.2. No Person shall stop or restrict Pedestrians, cyclists or vehicles in the lawful use of a Street or Public Space, unless:
 - 3.2.1. A Commercial Use of Public Space Permit has been issued authorizing use of a Street or Public Space, or a portion of either;

- 3.2.2. An Encroachment Agreement has been entered into for the temporary occupation of any portion of the Street or other Public Space, including the airspace over and any area beneath the surface of the Street or Public Space; or
- 3.2.3. An agreement or authorization for a Public Utility installation has been entered into with the applicant or vendor;
- 3.3. No Person shall place or allow to be placed anything that creates an obstruction over or across any portion of a Street or Public Space, unless otherwise authorized by the Municipality.

The Owner or occupant of premises adjacent to a Street or Public Space shall not allow any object to project into any portion of a Street or Public Space except as provided for in this Bylaw.

4. COMMERCIAL USE OF PUBLIC SPACE PERMITS

- 4.1. A Commercial Use of Public Space Permit is required to undertake any of the following activities on any portion of a Street or Public Space:
 - 4.1.1. Commercial Filming
 - 4.1.2. Farmers' Market
 - 4.1.3. Sidewalk Seating/Café
 - 4.1.4. Special Event
 - 4.1.5. Or similar uses, in the Chief Administrative Officer's or designate's discretion
- 4.2. Every applicant for a Commercial Use of Public Space Permit must provide the following information, in the form required by the Chief Administrative Officer or designate:
 - 4.2.1. The type of Street or Public Space use requested;
 - 4.2.2. The purpose of the Street or Public Space use;
 - 4.2.3. The date(s) and time(s) the Street or Public Space use is required;
 - 4.2.4. The full name, mailing address and telephone number of the applicant;
 - 4.2.5. Any permit, licence, assessment or other document of qualification under this or any other bylaw, or under any Statute of Canada or the Province of Alberta that may be required in connection with the proposed use;
 - 4.2.6. Any other information the Chief Administrative Officer or designate may reasonably require for each specific permit
- 4.3. An application for a Commercial Use of Public Space Permit will not be processed nor issued by the Chief Administrative Officer or designate until the application fee(s) as set out in Schedule "A" have been received by the Municipality.
- 4.4. An application for a Commercial Use of Public Space Permit will not be approved by the Chief Administrative Officer or designate until the applicant has provided evidence of general liability insurance as specified by the Commercial Use of Public Space Permit
- 4.5. A Commercial Use of Public Space Permit Holder shall abide by all conditions imposed in the Commercial Use of Public Space Permit.
- 4.6. The Chief Administrative Officer or designate may revoke any permit or authorization given or made under the terms of this Bylaw if:
 - 4.6.1. The Permit Holder fails to comply with the terms and conditions of the Permit, or
 - 4.6.2. The Chief Administrative Officer or designate is of the opinion that the Permit or authorization was given in error or on the basis of false or inaccurate information.
- 4.7. A Person who, without written authorization in the form of a Commercial Use of Public Space Permit or contrary to any such Commercial Use of Public Space Permit, makes use of any portion of a Street or Public Space in connection with a building or Special Event of any nature shall, notwithstanding any penalty assessed under this Bylaw, immediately cease such use and remove any and all things from the Street or Public Space upon the direction of a Peace Officer or the Chief Administrative Officer or designate,.

- 4.8. Notwithstanding the insurance required by Section 4.5, the applicant for a Commercial Use of Public Space Permit shall deposit a surety as per the fee schedule of this bylaw for any damage to municipal property.
- 4.9. A Permit may be revoked by the Chief Administrative Officer or designate upon 72 hours' notice in writing or immediately upon breach of any condition by the applicant for a Commercial Use of Public Space Permit.

5. SIDEWALK SEATING/CAFÉ

- 5.1. When a Commercial Use of Public Space Permit has been granted for a sidewalk seating/café area, in addition to any requirements of this Bylaw and the Commercial Use of Public Space Permit, the following conditions apply:
 - 5.1.1. The size, appearance, and locations of sidewalk seating/café areas are subject to the approval of the Chief Administrative Officer or designate and are placed at the sole risk, responsibility, and expense of the Owner;
 - 5.1.2. The permit holder for a sidewalk seating/café area placed in a Public Space is responsible for maintaining the sidewalk seating/café area to ensure furniture is physically sound and aesthetically acceptable;
 - 5.1.3. The permit holder shall bear all financial responsibility for any and all improvements necessary to the public space, both within and surrounding the sidewalk seating/café area. At no time and for no reason shall public funds be expended for improvements designated to benefit the permit holder;
 - 5.1.4. No portion of a sidewalk seating/café area may be used for any purpose other than authorized by permit;
 - 5.1.5. No portion of a sidewalk seating/café area may be used for the storage or sale of merchandise or for the storage of objects other than for uses as authorized by permit.

6. SPECIAL EVENTS

- 6.1. When a Commercial Use of Public Space Permit has been granted for a Special Event:
 - 6.1.1. the Chief Administrative Officer or designate may close all or portions of the Street along the route or location set out in the Commercial Use of Public Space Permit for the anticipated time of the Special Event and for such additional time as necessary to again clear the Street for normal traffic; and
 - 6.1.2. the Chief Administrative Officer or designate may temporarily suspend parking and loading privileges on all or a portion of Street on the proposed route or location.

7. VIOLATIONS & ENFORCEMENT

- 7.1. Any Person who contravenes the provisions of this Bylaw or the terms and conditions of a Commercial Use of Public Space Permit is guilty of an offence and is liable upon summary conviction for the specified penalty set out in Schedule B.
- 7.2. Except as otherwise provided in this Bylaw, a Person who is guilty of an offence under this Bylaw for which a penalty is not otherwise provided, is liable upon summary conviction to a fine of not more than \$100.00 to be imposed in the discretion of the Court having jurisdiction, having regard to s. 7(i) of the Municipal Government Act.
- 7.3. When a Person is alleged to have contravened any provision of this bylaw, or the terms and conditions of a Commercial Use of Public Space Permit, a Peace Officer may issue a Municipality of Jasper Notice of Offence which shall state:
 - 7.3.1. The nature of the offence;
 - 7.3.2. The penalty payable in connection with the offence; and
 - 7.3.3. The time period within which the penalty must be paid.
- 7.4. A Municipality of Jasper Notice of Offence shall be deemed to be sufficiently served for the purposes of this bylaw if:
 - 7.4.1. Served personally on the accused;
 - 7.4.2. Served on a designate of the permit holder; or

- 7.4.3. Mailed by registered post to the address of the registered Owner of the property concerned or to the Person concerned.
- 7.5. In lieu of prosecution, the Person named in the Municipality of Jasper Notice of Offence may elect to voluntarily make payment to the Municipality of the penalty amount specified in the Violation Ticket.
- 7.6. If the payment specified in the Municipality of Jasper Notice of Offence is not paid in accordance with the terms of the ticket and in the time required by the ticket, a prosecution may be commenced for the alleged contravention of this bylaw.
- 7.7. Notwithstanding anything else in this Bylaw, upon the failure by any Person to comply with the provisions of this bylaw, the Municipality may take enforcement proceedings in accordance with the Municipal Government Act and perform any corrective measures required. All costs incurred may be recovered from the Person specified in the Municipality of Jasper Notice of Offence and shall be deemed a debt due to the Municipality by the Person specified in the Municipality of Jasper Notice of Offence. Debts due may be charged against the property concerned as a special lien to be recovered in like manner as property taxes.
- 7.8. Any Peace Officer or Bylaw Enforcement Officer when enforcing the provisions of this Bylaw, is hereby authorized to seize any equipment and or property used in the contravention of this bylaw and return the said equipment and/or property upon payment of any outstanding Offence Ticket in relation to the contravention or upon the setting aside of such Offence Ticket by a court of competent jurisdiction.
- 7.9. Any items removed pursuant to section 7.8, if in the opinion of the Chief Administrative Officer or designate to be of value, will be removed to a place of safekeeping and will:
- 7.9.1. Be subject to a daily fee for storage costs according to Schedule A; and
- 7.9.2. If unclaimed within ninety (90) days of removal, will be sold or disposed of at the discretion of the CAO or his delegate.
- 7.10. If, in the opinion of the Chief Administrative Officer or designate, a contravention of this bylaw requires immediate action, the Municipality may perform any work necessary to address the contravention of this bylaw without prior notice and all costs incurred by the Municipality will be payable by the Person alleged to have contravened this bylaw.
- 7.11. Notwithstanding Section 7.1 the imposition of a fine either by issuance of a Municipality of Jasper Notice of Offence or by Summary Conviction in court shall not relieve any Person so fined from any liability to pay to the Municipality any expenses arising from any damage caused by that Person to Municipality property.
- 7.12. The imposition of a fine either by issuance of a Municipality of Jasper Notice of Offence or Summary Conviction Summons shall not relieve any Person so fined of any costs incurred in having work performed by the Municipality where authorized by this bylaw.
- 7.13. In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.
- 7.14. A Person shall not obstruct or hinder any Person in the exercise or performance of the Person's powers pursuant to this Bylaw.
- 7.15. The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this Bylaw is on the Person alleging the existence of such a permit on a balance of probabilities.

8. REVIEWS AND APPEALS

- 8.1. Where an Application has been refused, a permit revoked or suspended, a condition or conditions attached to a Commercial Use of Public Space Permit the Applicant in question may require the Chief Administrative Officer to review such refusal, revocation, suspension, attachment by submitting to the Chief Administrative Officer in writing a request for such review not more than ten (10) working days after such refusal, revocation, suspension or attachment.
- 8.2. Where the Chief Administrative Officer is in receipt of a request for a review pursuant to Section 8.1 herein, he shall conduct such review within five (5) working days of such receipt of the request and on completion of his review:

- 8.2.1. may direct an Application be accepted and a Permit issued; or
 - 8.2.2. may confirm the refusal, revocation or suspension of a Permit; or
 - 8.2.3. may reinstate a revoked Permit; or
 - 8.2.4. may vary or remove a suspension; or
 - 8.2.5. may confirm, vary or remove conditions; and
 - 8.2.6. shall advise the Applicant in writing of his decision and the reasons for it not less than five working days after the conclusion of his review.
- 8.3. Every refusal, revocation, suspension or attachment of conditions which is the subject of a review by the Chief Administrative Officer shall remain in effect during such review and until or unless varied or removed by the Chief Administrative Officer.
- 8.4. An Applicant who makes a request pursuant to section 8.1 may appeal to Council a decision of the Chief Administrative Officer pursuant to section 8.2 herein by submitting to Council in writing a request for such appeal not more than ten (10) working days after delivery by the Chief Administrative Officer of notification of his decision pursuant to Section 8.2 herein.
- 8.5. Where Council is in receipt of an appeal pursuant to Section 8.4 herein, it shall within 21 working days of such receipt convene an appeal hearing to which the Applicant shall be invited in writing and upon conclusion of such appeal shall within five working days notify the Applicant, in writing, of its decision to:
- 8.5.1. direct an Application be accepted and a Permit issued; or
 - 8.5.2. confirm the refusal, revocation or suspension of a Permit; or
 - 8.5.3. reinstate a revoked Permit; or
 - 8.5.4. vary or remove a suspension; or
 - 8.5.5. confirm, vary or remove conditions;
- 8.6. Where Council is in receipt of an appeal pursuant to section 8.4 herein, the Chief Administrative Officer's decision pursuant to Section 8.2 herein shall remain in effect during such appeal and until Council has delivered notification of its decision pursuant to the requirements of Section 8.5 herein.

9. SEVERANCE

- 9.1. If any section in this bylaw is found to be invalid by a court of competent jurisdiction, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 9.2. The Municipality or any Person who inspects Property under this Bylaw or any person who performs work on behalf of the Municipality is not liable for any damages caused by the inspection, the work or disposing of anything authorized to be disposed of by this Bylaw.

Coming into Force

This Bylaw shall come into force and effect on the final day of passing thereof.

READ a first time this 3rd day of May, 2022

READ a second time this day of , 2022

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

Mayor

Chief Administrative Officer

Schedule A – Streets and Public Space Use Fees

Description	Fee
Commercial Public Space Use Permit Fee*	\$50
Commercial Public Space Use Fees:*	\$50 - \$400
Farmers' Market	\$60 per event
Sidewalk Seating or Use of Parking Lane – permit application fee	\$100
Sidewalk Seating – use of public sidewalk	\$25 per seat
Use of parking lane, 2022 season	\$825 per parking stall
Use of parking lane, 2023 and beyond	\$1,650
Storage for Items Removed from the Street	\$105 per day
Work Performed by Municipality	Cost plus 25%

* Exemptions from Fees:

- Jasper charitable and not-for-profit organizations
- Any other application deemed by the CAO or his designate to be exempt

Schedule B – Penalties

Section	Description	Penalty
4.1	Failure to obtain Commercial Use of Public Space Permit	\$100.00
4.2	Provide false information on Street and Public Use Permit Application	\$100.00
4.5	Failure to follow the conditions in Bylaw and provided in Commercial Use of Public Space Permit	\$100.00
4.1.5	Use of Street or Public Space for building operation without authorization	\$100.00
5.1	Unauthorized placement or use of a sidewalk seating/cafe area	\$100.00
5.1	Failure to maintain a sidewalk seating/cafe area	\$100.00
4.5	Failure to maintain a Farmers' Market area	\$100.00
4.1	Unauthorized activities on the Street or Public Space	\$100.00
3.3	Unauthorized obstruction over or across any portion of a Street or Public Space	\$100.00

BYLAW REPORT

Subject: Emergency Management Bylaw
From: Bill Given, Chief Administrative Officer
Prepared by: Christine Nadon, Director of Protective and Legislative Services
Date: May 17, 2022



Committee Recommendation:

- That Council give first and second reading to Bylaw #247, the Emergency Management Bylaw, with revisions to reflect the amendments to the wording of the headings, items 3.3, 4.5.2, and 5.1.

Background:

In 2019 and 2020, the Government of Alberta updated the legislative framework around Emergency Management by amending the *Emergency Management Act* and *Local Authority Emergency Management Regulation*. Jasper's current Emergency Management Bylaw was passed in 2012, and needs to be updated to meet the new regulatory requirements set out by the province.

The Emergency Management Bylaw establishes the bodies, processes and mechanisms that guide and support the development of the Municipal Emergency Plan; sets out elected officials' roles and responsibilities; and specifies the parameters of the delegation of authority to specific staff members to enact plans and manage community emergencies. Clarity around these items is required to ensure the effective, coordinated delivery of emergency response in the event of a community emergency or disaster.

Strategic Relevance:

Public and Community Safety

- Encourage and support staff and Council with training, resources and equipment for enhanced emergency readiness
- Work with government and corporate partners to continually maintain, update and improve the comprehensive Municipal Emergency Management Plan, and to develop a disaster recovery framework

Organizational Health

- Review and evaluate committee and board roles, structures and responsibilities
- Foster enhanced Council –Staff relationships by: confirming mutual expectations.

Financial:

Establishing the appropriate structures around emergency management will support the development of appropriate, operationally and legislatively sound mechanisms to cover the costs of a potential community emergency response, including gaining access to the provincial Disaster Recovery Program. An updated emergency management framework will also support more accurate budget projections for the Emergency Management portion of the Protective and Legislative Services operating budget.

Attachments:

- Draft Emergency Management Bylaw (#247), with amendments as directed at the May 10, 2022 Committee of the Whole meeting.

**MUNICIPALITY OF JASPER
BYLAW #247**

BEING A BYLAW OF THE SPECIALIZED MUNICIPALITY OF JASPER IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE DIRECTION AND CONTROL OF THE MUNICIPALITY'S EMERGENCY RESPONSES.

WHEREAS, pursuant to the *Emergency Management Agreement* between the Municipality of Jasper and Her Majesty the Queen in Right of Canada as represented by the Minister of the Environment for the purposes of the Parks Canada Agency, Council of the Municipality of Jasper has in the Town of Jasper all powers and authorities of a local authority under the *Emergency Management Act* (RSA 2000, cE-6.8) and the *Local Authority Emergency Management Regulation* (AR 203/2018).

AND WHEREAS, pursuant to the *Emergency Management Act* (RSA 2000, cE-6.8), Council is responsible for the direction and control of the local authority's emergency responses;

AND WHEREAS, pursuant to the *Emergency Management Act* (RSA 2000, cE-6.8), Council is responsible for approving emergency plans and program, and is required to appoint an Emergency Advisory Committee; appoint a Director of Emergency Management; and establish and maintain an Emergency Management Agency;

NOW THEREFORE the Council of the Specialized Municipality of Jasper, in the Province of Alberta, duly assembled, enacts as follows:

1. Citation

- 1.1 This Bylaw may be cited as the "Emergency Management Bylaw".
- 1.2 The Municipality of Jasper Bylaw #162 "Emergency Management Bylaw" is hereby repealed.

2. Definitions

- 2.1 In this Bylaw:
 - 2.1.1 *AEMA* means the Alberta Emergency Management Agency, which is the Alberta Government agency responsible for the coordination, collaboration and cooperation of all organizations involved in the prevention, preparedness and response to Disasters and Emergencies;
 - 2.1.2 *CAO* means the Chief Administrative Officer or designate for the Municipality of Jasper;
 - 2.1.3 *Council* means the municipal Council for the Municipality, and may include the Mayor, individual Councillors, or Council as a whole;
 - 2.1.4 *DDEM* means a Deputy Director of Emergency Management appointed by the DEM;
 - 2.1.5 *DEM* means the Municipal employee appointed as Director of Emergency Management pursuant to this bylaw, or appointed by the CAO pursuant to this bylaw;
 - 2.1.6 *Disaster* means an event that results in serious harm to the safety, health or welfare of people or in widespread damage to property;
 - 2.1.7 *DRP* means the Disaster Recovery Program managed by the Alberta Government to provide financial assistance to individuals, small businesses (including farming operations), not-for-profit organizations (including not-for-profit cooperatives), Local Authorities and government departments for uninsurable loss and damage caused by Emergencies and Disasters;
 - 2.1.8 *EMA* means the Emergency Management Agency established under this Bylaw exercising those powers and duties, which are granted by the *EM Act* and assigned to the EMA under this Bylaw;
 - 2.1.9 *EM Act* means the *Emergency Management Act* (RSA 2000, c.E-6.8);
 - 2.1.10 *Emergency* means an event that requires prompt coordination of action or special regulation of Persons or property to protect the safety, health or welfare of people or to limit damage to property or the environment;

- 2.1.11 *EAC* means the Emergency Advisory Committee, which is established under this Bylaw consisting of 1 or more Council members;
- 2.1.12 *Emergency Management* means the development, coordination and execution of plans, measures and programs pertaining to prevention, preparedness, response and recovery before, during and after an Emergency event;
- 2.1.13 *Emergency Procurement* means a procurement of goods or services, including sole source procurements, that bypasses normal procurement requirements, such as the need for a standing offer agreement, request for quote, request for proposal or an invitation to tender, when necessitated by Emergency or other unforeseen circumstances;
- 2.1.14 *ECC* means the Emergency Coordination Centre or a site from where Municipal officials can coordinate, monitor and direct Emergency response and recovery activities and disseminate information during an Emergency, or a location used for command and control of planned, non-emergent civic events;
- 2.1.15 *Evacuation Order* means an evacuation order made under s. 19(1)(g) or s. 24(1)(b) of the *EM Act*;
- 2.1.16 *Fire Chief* means the Person appointed as head of the Municipal Fire Department;
- 2.1.17 *IC* means the Incident Commander responsible for Emergency Management of an incident and may include the DEM, DDEM, or if a further sub-delegation has been made, the IMT IC assigned to manage an incident;
- 2.1.18 *ICP* means Incident Command Post;
- 2.1.19 *IMT* means incident management team;
- 2.1.20 *LEMR* means the *Local Authority Emergency Management Regulation 203/2018*, in force on January 1, 2020;
- 2.1.21 *Local Authority* means a municipality which has a council, pursuant to the MGA;
- 2.1.22 *MEP* means the Municipal Emergency Plan prepared and maintained by the EMA to coordinate the response to an Emergency event;
- 2.1.23 *MGA* means the *Municipal Government Act* (RSA 2000, cM-26);
- 2.1.24 *Minister* means the Minister responsible for the EM Act;
- 2.1.25 *Municipality* means the Municipality of Jasper;
- 2.1.26 *Peace Officer* means a police officer or peace officer having jurisdiction and authority to enforce the EM Act, LEMR, and this Bylaw;
- 2.1.27 *Person* means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, department, board, agency, association, society or any other legal entity;
- 2.1.28 *Risk* means a probability or Threat of damage, injury, liability, loss, or other negative occurrence that is caused by external or internal vulnerabilities, and that may be neutralized through preemptive action;
- 2.1.29 *SOLE* means a declaration of a State of Local Emergency by a Local Authority relating to all or any part of the Local Authority at any time when it is satisfied that an Emergency exists or may exist; and
- 2.1.30 *Threat* means a negative event that can cause a Risk to become a loss, expressed as an aggregate of Risk, consequences of Risk and the likelihood of the occurrence of the event. A Threat may be a natural phenomenon such as an earthquake, flood, storm or a human caused incident such as fire, power failure, sabotage, etc.

3. Emergency Advisory Committee

- 3.1 The Emergency Advisory Committee (EAC) is hereby established.

- 3.2 Council hereby delegates its powers and duties under the EM Act to the EAC.
- 3.3 The Mayor and two councillors shall be appointed as members of the EAC. The Mayor is the Chair of the EAC. If the Mayor is absent, the Deputy Mayor shall chair the EAC.
- 3.4 Councillors shall be appointed to the EAC at Council's organizational meeting, or by Council resolution shall the need arise to appoint EAC members at a different time.
- 3.5 The EAC shall meet at minimum, twice each year and more frequently as required. Members of the EAC, including the Chair, shall be entitled to expenses in accordance with Council policy.
- 3.6 The EAC may meet on less than 24 hours' notice. Where meetings in person are not feasible, the EAC may convene by electronic means of communication.
- 3.7 Where the EAC is not able to meet in a timely manner; the powers of the EAC may be exercised by the Mayor acting alone, or in the Mayor's absence the Deputy Mayor, or in absence of the Mayor and Deputy Mayor, by any 2 members of Council.
- 3.8 The command, control and coordination system to be used by the EAC shall be the same as the one prescribed by the Managing Director of AEMA.
- 3.9 Council members shall complete the courses prescribed by the Managing Director of AEMA. Any prescribed courses shall be completed within 90 days of the Council member taking an official oath as required by the MGA.
- 3.10 The DEM may call an emergency meeting of the EAC when the DEM considers that an Emergency exists or may exist in the Municipality.
- 3.11 A quorum for an emergency meeting of the EAC is not dependent on the number attending, but on those Council members available to attend as described in section 3.5.
- 3.12 The EAC shall apply appropriate provisions of the Municipality's Procedure Bylaw for matters relating to parliamentary procedure.

4. Emergency Advisory Committee Roles and Responsibilities

- 4.1 The EAC will guide and direct the Municipality's EMA in the development of a MEP and any related programs.
- 4.2 The Municipality shall appoint the DEM as per the LEMR, which stipulates that this Bylaw shall appoint a Person as the DEM, or state the Person who holds a specified title or position and is appointed the DEM by virtue of holding that title or position.
- 4.3 The Municipality's DEM:
 - 4.3.1 shall be appointed through this Bylaw, and the EAC shall appoint the Person who holds the office of Fire Chief as the DEM;
 - 4.3.2 in the absence of the DEM, the CAO may delegate another Municipal employee to serve as the DEM; and
 - 4.3.3 if another Municipal employee is appointed to serve as the DEM, the CAO shall cause that appointment to be recorded pursuant to the Municipality's Delegation of Authority.
- 4.4 When no Disaster or Emergency exists, the EAC shall:
 - 4.4.1 on an annual basis, review and advise the Municipality about the MEP and related programs;
 - 4.4.2 on an annual basis, approve the MEP;
 - 4.4.3 assess the hazards, Risks, and mitigation strategies affecting the Local Authority; and
 - 4.4.4 review and recommend to Council the level of Emergency Management resourcing for the Municipality.
- 4.5 During an Emergency or Disaster, the EAC:

- 4.5.1 shall maintain regular Council member duties, to the extent possible;
 - 4.5.2 shall advise Council with respect to political, financial and resourcing support to the EMA; and
 - 4.5.3 may be required to declare a SOLE.
- 4.6 Following an Emergency or Disaster, the EAC may:
- 4.6.1 within 90 days, make an application to the DRP to provide financial assistance to individuals, small businesses (including farming operations), not-for-profit organizations (including not-for-profit cooperatives), municipalities and government departments for uninsurable loss and damage caused by Emergencies and Disasters; and
 - 4.6.2 seek reasonable remuneration by the Person who caused the Emergency, for expenses and costs of the actions or measures for any Person who provides labour, services, equipment or materials to the municipality to eliminate the Emergency, pursuant to the MGA.

5. Emergency Management Agency

- 5.1 The Emergency Management Agency (EMA) is hereby established.
- 5.2 The CAO, Director of Protective and Legislative Services, Fire Chief, and other staff members as required and determined by the DEM, shall be members of the EMA.
- 5.3 The Municipality's EMA is responsible for:
 - 5.3.1 the administration of the Local Authority's Emergency Management program;
 - 5.3.2 the development, maintenance and implementation of the MEP. A Local Authority must review the MEP that applies to that Local Authority at least once per year;
 - 5.3.3 the maintenance, establishment and operation of the ECC or ICP;
 - 5.3.4 the provision of Emergency Management advice to the DEM and the EAC as required;
 - 5.3.5 the conduct of all coordination and liaison with AEMA; and
 - 5.3.6 coordinating and conducting all appropriate training to ensure the effective operation of the ECC or ICP.
- 5.4 The EMA shall provide updates to the EAC at least twice annually, or more frequently if directed to do so by the EAC. Updates may include:
 - 5.4.1 a summary of the EMA's prevention, preparation, response and recovery efforts;
 - 5.4.2 the status of the Local Authority's EMA MEP;
 - 5.4.3 status of training of ECC or ICP personnel;
 - 5.4.4 planned training events; and
 - 5.4.5 budget recommendations.
- 5.5 The EMA will utilize the command, control and coordination system prescribed by the Managing Director of AEMA (e.g., Incident Command System – Canada).

6. Emergency Management Agency Training Requirements

- 6.1 The EMA shall meet the minimum training requirements set out in the LEMR.
- 6.2 Members of the EMA shall complete the courses prescribed by the Managing Director of the AEMA.
- 6.3 Staff who have been assigned responsibilities respecting the implementation of the MEP must complete the prescribed courses within 6 months of being identified for their role.

7. Emergency Management Agency Training Exercises

- 7.1 Unless an exercise under subsection 7.2 is carried out that year, a Local Authority's EMA shall engage in at least one (1) exercise per year in which participants identify a significant possible Emergency or Disaster scenario, and discuss how the Local Authority would respond to and resolve Emergency Management issues which may arise from the scenario.
- 7.2 A Local Authority's EMA shall engage in at least one (1) exercise every four (4) years in which participants identify a significant possible Emergency or Disaster scenario, and carry out actions as if the significant Emergency or Disaster was actually occurring, but without deploying personnel or other resources.
- 7.3 Section 7.2 does not apply to a Local Authority EMA that has responded to an Emergency or Disaster within the previous four (4) years, which resulted in the implementation of the Local Authority's MEP and where a written post-incident assessment was completed that included observations, recommendations for improvement, and corrective action to be conducted.
- 7.4 A Local Authority EMA may fulfill the obligations set out in Sections 7.1 and 7.2 by participating in regional Emergency exercises that require the Local Authority to utilize relevant portions of the Local Authority's MEP.
- 7.5 A Local Authority EMA shall submit an exercise notification to the AEMA 90 days before engaging in the exercise required under 7.1 or 7.2. The exercise notification must outline the exercise scenario, state the exercise objectives, identify the participants, and state the date the exercise will be conducted.

8. Director of Emergency Management

- 8.1 The DEM plans and leads the responses to natural Disasters and other Emergencies, and ensures Municipal Council members and staff become familiar with Emergency procedures.
- 8.2 The DEM shall:
 - 8.2.1. ensure that all Emergency plans are prepared and coordinated as required by the EM Act, LEMR, and this Bylaw;
 - 8.2.2. act as Director of the ECC or Incident Commander;
 - 8.2.3. coordinate all Emergency operations within the Municipality;
 - 8.2.4. conduct or direct appropriate training to ensure effective operation of the ECC or ICP, such as:
 - 8.2.4.1 the Incident Command System and all position-specific training required by the Alberta Government under the EM Act or LEMR; and
 - 8.2.4.2 optional position-specific training or training intended to ensure the readiness or mental well-being of personnel assigned to Emergency Management for the Municipality (e.g., standard or emergency first-aid, and mental health resiliency training);
 - 8.2.5. perform other duties as required by the Municipality during an Emergency;
 - 8.2.6. appoint one (1) or more Deputy DEM(s) as required; and
 - 8.2.7. appoint an Interim DEM as required.
- 8.3 The DEM is authorized to delegate and authorize further delegations of any powers, duties, and functions delegated to the DEM under this Bylaw.
- 8.4 The DEM may invite any Person or entity to work with or support the activation and management of the ECC or ICP, including:
 - 8.4.1. all departments within the Municipality;
 - 8.4.2. Alberta Health Services;
 - 8.4.3. public and separate school divisions;

- 8.4.4. police or RCMP Services;
- 8.4.5. municipalities that have entered into mutual-aid agreement(s) with the Municipality;
- 8.4.6. an IMT or Persons forming part of an IMT;
- 8.4.7. local business or industry, or business or industry associations;
- 8.4.8. local utility companies;
- 8.4.9. Alberta or Canadian Government boards or agencies; and
- 8.4.10. any other Person or non-governmental organization who might serve a useful purpose in the preparation or implementation of the MEP.

9. Director of Emergency Management Training Requirements

- 9.1 The LEMR sets out minimum training requirements for the DEM.
- 9.2 The DEM shall complete the courses prescribed by the Managing Director of the AEMA (e.g., Basic Emergency Management, ICS 100, 200 & 300, and the Director of Emergency Management course).
- 9.3 The DEM shall complete such courses within 18 months of being appointed as the Director of a Local Authority's EMA.

10. Deputy Director of Emergency Management

- 10.1. The DDEM is to assist the DEM in planning and leading the responses to natural Disasters and other Emergencies, and to ensure Council members and staff become familiar with the Emergency procedures.
- 10.2. The DDEM shall assist the DEM to:
 - 10.2.1. ensure that all Emergency plans are prepared and coordinated as required by the EM Act, LEMR, and this Bylaw;
 - 10.2.2. act as Director of the ECC or Incident Commander when appointed to do so by the DEM, or in the absence of the DEM;
 - 10.2.3. coordinate all Emergency operations within the Municipality;
 - 10.2.4. conduct or direct appropriate training to ensure effective operation of the ECC or ICP; and
 - 10.2.5. perform other duties as required by the Municipality during an Emergency.

11. Deputy Director of Emergency Management Training Requirements

- 11.1 A DDEM shall meet the minimum training requirements required for a DEM as defined in the LEMR.

12. State of Local Emergency (SOLE)

- 12.1 By resolution, the EAC may at any time when it is satisfied that an Emergency exists or may exist, make a declaration of a SOLE relating to all or any part of the Municipality.
- 12.2 The EAC shall ensure that the declaration identifies the nature of the Emergency and the area of the Municipality in which it exists.
- 12.3 When a SOLE is declared, the EAC shall:
 - 12.3.1. cause the details of the declaration to be published by any means of communication that it considers most likely to make known to the population of the area affected the contents of the declaration; and
 - 12.3.2. forward a copy of the declaration to the Minister.
- 12.4 When a SOLE is declared, the DEM, IC or ECC Director may at any time, in accordance with the MEP or related plans or programs:

- 13.4.1. cause the MEP or any related plans or programs to be put into operation, if not already in operation;
- 13.4.2. acquire or utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of an Emergency or Disaster;
- 13.4.3. authorize or require any qualified Person to render aid of any type they are qualified to provide;
- 13.4.4. control or prohibit travel to and from any area of the Municipality;
- 13.4.5. provide for the restoration of essential services and the distribution of essential supplies, and provide, maintain and coordinate Emergency medical, welfare and other essential services in any part of the Municipality;
- 13.4.6. cause the evacuation of Persons and the removal of livestock and personal property from any area of the Municipality that is or may be affected by a Disaster and make arrangements for the adequate care and protection of those Persons or livestock, and of their personal property;
- 13.4.7. authorize the entry into any building or on any land, without warrant, by any Person in the course of implementing an Emergency plan or program;
- 13.4.8. cause the demolition or removal of any trees or structures if the demolition or removal is necessary or appropriate in order to reach the scene of a Disaster, to attempt to forestall its occurrence, or to combat its progress;
- 13.4.9. procure or fix prices for food, clothing, fuel, equipment, medical supplies or other essential supplies, and the use of any services, resources or equipment within the Municipality for the duration of the SOLE. If impractical to procure equipment or services in accordance with the Municipality's procurement policy, the DEM may authorize an Emergency Procurement; and
- 13.4.10. authorize the conscription of Persons needed to meet an Emergency.

13. State of Local Emergency (SOLE) Cancellation or Termination

- 14.1 When, in the opinion of the EAC, an Emergency no longer exists in a Local Authority in relation to which a declaration of a SOLE was made, it shall by resolution, terminate the SOLE declaration.
- 14.2 Immediately after:
 - 14.2.1. the passage of a resolution terminating a declaration of a SOLE; or
 - 14.2.2. the termination by lapse of seven (7) days of a declaration of a SOLE,the EAC shall cause the details of the declaration, cancellation, or the termination lapse to be published by any means of communication that it considers most effective to the residents of the affected areas.
- 14.3 Upon cancellation or termination of a SOLE, a copy of the notice shall be forwarded to the Minister.

14. Evacuation Orders

- 15.1 Following a declaration of a SOLE made by the EAC, an Evacuation Order may be issued by the DEM, DDEM, IC or Director of the ECC leading the Emergency response.
- 15.2 When circumstances permit, the DEM, DDEM, IC or Director of the ECC should communicate notice of their intent to issue an Evacuation Order to the EAC, prior to issuing the Evacuation Order.
- 15.3 If the Emergency situation does not permit notice to be given to the EAC in advance, the DEM, DDEM, IC or Director of the ECC may issue an Evacuation Order without seeking or obtaining further direction or input from the EAC.
- 15.4 Subject to s. 15.3, an Evacuation Order issued by the DEM, DDEM, IC or Director of the ECC shall be communicated to the EAC as soon as reasonably practicable.

- 15.5 Pursuant to s. 19.1(1) of the EM Act, if an Evacuation Order is made, every Person within the area that is the subject of the Evacuation Order shall leave the area:
- 15.5.1. immediately; or
 - 15.5.2. if a deadline for evacuation is specified in the Evacuation Order, by that deadline.
- 15.6 Section 19.1(1) of the EM Act does not apply to a Person acting under the direction of a Person exercising powers under s. 19(1) or 24(1)(b) of the EM Act, as the case may be, so long as there is a plan for safely evacuating that Person in a timely manner and the means available to carry out the plan.
- 15.7 An Evacuation Order shall be enforced by a Peace Officer having authority to enforce the EM Act or LEMR, and holding jurisdiction for the Municipality.

15. Financial

- 16.1 In accordance with the EM Act, Council may, by a bylaw which does not require advertising, borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the EMA.
- 16.2 Council may, during or within 60 days after the SOLE, by a bylaw which does not require advertising but that is approved by the Minister responsible for the MGA, borrow any money necessary to pay expenses caused by the Emergency. This may include payment for services provided by the Provincial or Federal Government, when the services were provided at the request of the Municipality.
- 16.3 Council may enter into agreements with and, make payments or grants or both, to Persons or organizations for the provision of services in the development or implementation of MEP and related programs.
- 16.4 Council may, in accordance with the EM Act and this Bylaw, expend all sums required for the response to and recovery from an Emergency event.
- 16.5 In the event of a Disaster, the Alberta Government may provide financial assistance to individuals, small businesses, not-for-profit organizations (including not for-profit cooperatives), Local Authorities and government departments after a Local Authority applies for DRP relief on behalf of their residents, and if the program is approved.

16. Offence

- 17.1. Any Person who violates any provision of this Bylaw or interferes with or obstructs any Person in the exercise of any power or the performance of any duty conferred or imposed by this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of \$10,000, or in default of payment of the fine to imprisonment for a period not exceeding 1 year, or to both fine and imprisonment in such amounts.
- 17.2. Section 17 of the EM Act states that when a Local Authority declares a SOLE, any Person who:
- 17.2.1. contravenes the EM Act or the or the LEMR;
 - 17.2.2. fails to comply with an Evacuation Order; or
 - 17.2.3. interferes with or obstructs any Person in the carrying out of a power or duty under the EM Act or the LEMR,
- is guilty of an offence and liable to imprisonment for a term of not more than 1 year or to a fine of not more than \$10,000, or to both imprisonment and a fine.
- 17.3. No action lies against Council or a Person acting under the direction or authorization of Council for anything done or omitted to be done in good faith while carrying out a power or duty under the EM Act or this Bylaw.

18. Severability

- 10.1 If any provision herein is adjudged by a Court of competent jurisdiction to be invalid for any reason, then that provision shall be severed from the remainder of this Bylaw and all other provisions of this Bylaw shall remain valid and enforceable.

11. Coming into Force

- 11.1 This Bylaw shall come into force and effect on the final day of passing thereof.
- 11.2 If any provision herein is adjudged to be repugnant to any federal or provincial legislation or regulation, this Bylaw shall continue in full force and effect but any such repugnant provision shall be of no force or effect until such time as the repugnancy is removed by repeal or amendment of the federal or provincial legislation or regulation.

READ for a first time this day of , 2022.

READ for a second time this day of , 2022.

READ for a third time and finally passed this day of , 2022.

Mayor

Chief Administrative Officer

DRAFT



REQUEST FOR DECISION

Subject: Policy Review Priority List
Prepared by: Emma Acorn, Legislative Services Coordinator
Reviewed by: Christine Nadon, Director of Protective & Legislative Services
Date: May 17, 2022

Recommendation:

- That Council approve the Policy Review Priority List as presented.

Options:

- That Council approve the Policy Review Priority List with the following amendments:
 - (...)

Background:

Policies are Council statements that set service priorities or standards of performance for the Municipality. A policy addresses recurring issues to provide guidelines setting out the level and manner the Municipality will perform duties imposed on itself or those imposed on the Municipality by legislation.

Administrative Procedures are developed by the Municipality's Management Team and are approved by the Chief Administrative Officer (CAO), and are intended to operationalize policy.

Together, policies and procedures ensure that a point of view held by the Municipality of Jasper is translated into steps that result in an outcome compatible with that view.

On July 20, 2021 Council approved the Policy Development and Review Policy (A-001). The policy establishes that: the Municipality of Jasper will operate a standardized system of developing, recording, approving, distributing and reviewing policies and procedures; policies and procedures will be maintained centrally and will be easily accessible; and, policies and accompanying administrative procedures will be reviewed every four years from the date adopted by Council unless there is a legislative requirement for a policy to be reviewed earlier.

Council or Administration may also request to review a specific policy if it is deemed to no longer be meeting or fulfilling its original purpose or intent.

On July 13, 2021 Committee directed Administration to establish a Policy Review Priority list to guide the review cycle and that the following be the first priority: B-009 – Fiscal and Financial Control Policy.

Following the election, Council asked Administration to propose a more detailed list of priorities for Council consideration. At the January 11, 2022 meeting, Committee recommended Council approve the Policy Review Priority List presented by Administration. Council then approved the revised and updated Internal Fiscal Controls and Reporting Policy (B-109) on March 15, 2022, but the Proposed Initial Priority List, however, was never formally endorsed by Council at a regular meeting. This current request is before Council to close the loop and formally approve the priorities list outlined below.

Proposed Initial Priority List

- A-004 Citizen Engagement - A-004 Admin Procedure
- D-003 Joint Use of Municipal Facilities - D-003 Admin Procedure
- B-021 Interim Electronic Meetings and Participation - B-021 Admin Procedure
- B-012 Debt & Reserve Limits - B-012 Admin Procedure
- B-018 Budgets - B-018 Admin Procedure
- D-006 Project Approvals
- E-004 Staff Recruitment - E-004 Admin Procedure
- F-008 Encroachments
- F-009 Service Standards Policy - F-009 Admin Procedure

Consider Removal

- B-017 Community Economic Development Fund- B-017 Admin Procedure
- C-002 Electronic Communications Devices Policy - C-002 Admin Procedures
- C-003 No Smoking Zones Policy - C-003 Admin Procedure

Relevant Legislation:

- A-001 Policy Development and Review

Financial:

Administration is currently using internal staff resources already funded through the operating budget, namely the Legislative Services Coordinator, to advance the policy review process.

REQUEST FOR DECISION

Subject: National Public Works Week Proclamation
From: Bill Given, Chief Administrative Officer
Prepared by: Emma Acorn, Legislative Services Coordinator
Date: May 17, 2022



Recommendation:

- That Council proclaim May 15 to 21, 2022, National Public Works Week in the Municipality of Jasper.

Background:

Public works employees help keep communities strong by providing an infrastructure of services in transportation, water, wastewater and storm water treatment, public buildings and spaces, parks and grounds, emergency management and first response, solid waste, and right-of-way management. They are what make our communities great places to live and work.

National Public Works Week is observed each year during the third full week of May and is now in its 62nd year. The Alberta Public Works Association (APWA) encourages everyone to take the opportunity to celebrate the week.

Strategic Relevance:

Organizational Health

- Foster enhanced Council-Staff relationships by maintaining a focus on a healthy organizational culture

Attachments:

- Letter from the Alberta Public Works Association – March 12, 2022
- National Public Works Week Proclamation



PROCLAMATION

**National Public Works Week
May 15 – 21, 2022
“Ready and Resilient”**

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the Municipality of Jasper; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in the Municipality of Jasper to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2022 marks the 62nd annual National Public Works Week,

THEREFORE, I, Richard Ireland, Mayor of the Municipality of Jasper, do hereby designate the week May 15 – 21, 2022 as National Public Works Week; I urge all citizens to join with me in recognizing our public works professionals, engineers, managers, and employees and to celebrate the substantial contributions they make to protecting our health, safety, and quality of life.

Richard Ireland

Municipality of Jasper Mayor





Dated: 9th May 2022

To Mayor/ Councilor,
Municipality of Jasper

Subject: Creating provision for west bound traffic to directly access Petro-Canada Jasper station

Dear Mayor/ Councilor,

This is to bring to your attention that the west bound traffic heading towards Petro-Canada Jasper station (701 Connaught Drive), currently accesses the station by taking a U-turn situated far away from the station. To add to the inconvenience of the customers, this U-turn is not prominent which results in many vehicles to miss the turn, causing significant loss of business for the station. The station currently has a one-way flow of traffic where vehicles enter from the east end and exit from the west. To curtail these undue losses, the Municipality is requested to slightly modify the road plan and provide provision for west bound traffic to directly access the station by creating an opening/Left-turn near the entrance of the station. This would require constructing an additional turning lane for the west bound traffic which can be easily achieved by altering the width of a median.

Given that the speed limit is being reduced this would make the left -turn safe nears the entrance of the station. The simple act of moving the Left -turn nearer to the entrance of the station will significantly help to boost our business and at the same time add convenience for our customers.

Since Municipality has always worked to support local businesses, we hope that our request will be given due consideration and work on creating a Left-turn for the west bound traffic near the entrance of the station will commence soon.

Regards,
Subtain Ashraf
RL- Petro Canada Jasper
701 Connaught Drive
POB - 2437
Jasper Alberta T0E1E0
Tel 780 852 3114
Cell 403 991 7579
Email bo84325@petro-canada.ca





Parks
Canada

Parcs
Canada

AGENDA ITEM 7.2



Jasper Field Unit
P.O. Box 10
Jasper, Alberta
T0E 1E0

May 5, 2022

Municipality of Jasper
c/o Bill Given CAO
Email: BGiven@town.jasper.ab.ca

**Subject: Private Home Accommodation
Proposed Draft Land Use Policy Amendment Package**

The Municipality of Jasper has been identified as a key stakeholder in this process and as such we are sending the draft amendment package directly for your review and feedback.

Feedback on the proposed draft PHA Amendments will be gathered for review and consideration up until **June 13, 2022** and can either be sent to the Development Office email: jasperdevelopment@pc.gc.ca or dropped off at front desk of the Parks Canada Administration Office, Jasper Heritage Train Station, #607 Connaught Drive during business hours (8am – 4pm closed during lunch 12:30pm – 1:30pm).

Sincerely,

Dave Kreizenbeck
Senior Realty and Development Advisor

Attachments: Summary of Proposed Land Use Policy (LUP) Amendments
Proposed Draft Private Home Accommodation Amendments
PHA Proposed Draft Amendment FAQs

Private Home Accommodations (PHA)- Summary of Proposed Land Use Policy (LUP) Amendments

Through past compliance issues, permitting challenges, and public consultation, three major challenges have been identified with regards to Private Home Accommodations (PHAs) in Jasper: life safety code issues; excessive commercial floor area in residential areas; and on-site parking and compliance issues.

Life Safety Code Issues

Private Home Accommodations (PHAs) are intended to provide short-term commercial accommodation rental within private residences, for tourists and the visiting public. Much like traditional bed and breakfasts, PHAs are meant to consist of a private bedroom within a resident's dwelling. This is not a new interpretation of what PHAs were intended to be, however historical practices, unclear policy, and administrative errors have led to a number of existing PHAs within the community that mimic a self-contained hotel room, or a secondary suite, with a kitchen area and private entrance. These configurations require much stricter adherence to life safety codes than a simple bedroom within a dwelling unit. As an example, a PHA area with a kitchenette would not have been inspected, as a secondary suite would, for fire safety codes and could present a life safety issue for the entire household.

Preservation of Residential Areas

Given Jasper's ongoing housing shortage and affordability challenges, managing the commercial use (e.g. home-based businesses such as PHAs) of residential districts is essential. Converting residential spaces into commercial spaces, such as home based businesses (including short-term commercial accommodation rentals), erodes potential community residential housing and character. Throughout Canada, standard community land use planning practices recognise this and utilize land use policies / bylaws to ensure commercial use in residential areas are controlled. Jasper is no different than other communities in this respect and the current policy limits the number of home based businesses within a dwelling, as well as the area within a residential dwelling unit, that can be used for commercial purposes. Although these policies have been in place since 2005, historical practices, unclear policy, and administrative errors have led to a number of PHAs exceeding the maximum area as detailed in policy and cumulatively contribute to a reduction in space that could be used for long-term residential use (e.g. increased residential occupant capacity or conversion of space to a secondary suite).

Parking and compliance

Street parking congestion is another contentious issue in the community. Parking congestion on public roadways is more prevalent in the evenings, which is also the typical timeframe that PHA parking is required. PHAs are currently required to have on-site parking stalls, but many operators are not ensuring these are being used by their patrons, leading to frequent complaints. Previous ambiguity in policy did not clarify that PHA parking was to not obstruct a home's required parking which resulted in the lessee's personal vehicles being parked on the street rather than onsite, contributing to street parking congestion.

Recommended Adjustments

The intent of the proposed amendments to the Jasper Land Use Policy summarized below is to address the above major concerns and bring clarity to PHA policy to enable clear, consistent and fair implementation for future applications and employ a fair and efficient transition strategy for existing PHA operators.

Requirement	New/Clarification/Modification	Proposed Change	Why?
No Kitchen in PHA Area	Clarification	Kitchens are already prohibited in existing policy, but current wording is inexplicit. The proposed change would increase clarity in the Land Use Policy to explicitly state that kitchens are prohibited in PHA Areas.	<ul style="list-style-type: none"> • Improve policy clarity to support consistent interpretation and implementation • Address life safety issues
PHA Gross Floor Area (GFA) Limitation	Clarification	The LUP already limits the floor area of Home-Based Businesses (which include PHAs) to 10% of a dwelling's GFA. However, the LUP will be updated to make it clear that this limit also applies to PHAs.	<ul style="list-style-type: none"> • Improve policy clarity to support consistent interpretation and implementation • Preservation of residential areas
PHA Area Definition	Clarification	PHAs are intended to take up a small portion of a primary dwelling, and consist of 1 or 2 bedrooms and associated bathrooms only. However, the LUP does not contain a clear definition of PHA area. The LUP will be updated with a PHA Area definition that clearly states what constitutes a PHA.	<ul style="list-style-type: none"> • Improve policy clarity to support consistent interpretation and implementation • Preservation of residential areas
PHA Parking (Not Obstructed)	Clarification	Clarification that PHA on-site parking stalls may not block (tandem parking) other on-site required parking stalls. For properties with no lane access, PHA parking stalls may still be located in the front setback, provided required soft landscaping ratios are being met.	<ul style="list-style-type: none"> • Improve policy clarity to support consistent interpretation and implementation • Address parking congestion and landscaping issues

PHA Parking Signage	New	Required on-site PHAs stalls will need to be clearly signed.	<ul style="list-style-type: none"> Encourage use of dedicated PHA stalls to address on-street parking congestion
No Independent Access to PHAs	Clarification	PHAs with independent access resemble and have been used as illegal secondary suites. The LUP will be updated to clarify no independent access to PHAs and unimpeded access from the dwelling to the PHA area from within the primary dwelling.	<ul style="list-style-type: none"> Improve policy clarity to support consistent interpretation and implementation Preservation of residential areas Address life safety issues
Compliance Inspections	Modification	Current LUP requires compliance issues to be rectified within 60 days. The proposed update is to strengthen compliance action by more closely aligning with current lease wording to enable the Superintendent to request compliance with a “reasonable time”, and upon default, the ability to suspend, or terminate the PHA permit.	<ul style="list-style-type: none"> Address compliance effectiveness

Grandfathering and Compliance Transition Clauses

Requirement	New/Clarification/Modification	Proposed Change	Why?
PHA Existing Non Conforming Expiry	New	Past practice had PHA permits issued with no expiry, and little information on the permit, resulting in difficulty with compliance actions. Instead of grandfathering past-issued permits indefinitely, all existing PHA permits will expire on December 31, 2024.	<ul style="list-style-type: none"> Address non-compliance, permitting errors and potential life-safety issues
PHA DU 3-Year Term	New	New PHA Discretionary Use permits will be issued for a maximum term of 3 years. Upon expiry, a new permit must be obtained, demonstrating compliance with all requirements.	<ul style="list-style-type: none"> Address non-compliance, permitting errors and potential life-safety issues
Non-conforming Secondary Suite PHAs	New	Some existing non-conforming PHAs resemble secondary suites, with independent access and their own kitchens. In an effort to make these existing PHAs comply with life safety codes,	<ul style="list-style-type: none"> Address non-compliance, permitting errors and potential life-safety issues

		<p>permit holders will be allowed to apply for secondary suite permits for their existing PHA area (until December 31, 2022) and obtain a new PHA DU Permit for the space. This new PHA type would be exempt from the new / clarified restrictions on independent access, 10% gross floor area, and kitchen and could be operated as both a PHA or a secondary suite.</p>	
<p>Removal of PHA Kitchen</p>	<p>New</p>	<p>Many PHAs were erroneously approved with components that, considered together, meet the definition of a “kitchen” (e.g. sinks, cupboards, microwaves, toasters and mini refrigerators). With the exception of PHAs that have submitted applications to convert to a secondary suite, removal of kitchen appliances (refrigerators, microwaves, toasters, etc.) will be required by December 31, 2022. Removal of sinks and cupboards will be required by December 31, 2024.</p>	<ul style="list-style-type: none"> • Address non-compliance, permitting errors and potential life-safety issues

Town of Jasper Land Use Policy
Proposed Draft Private Home Accommodation Amendments
May 5, 2022

Notes to reader:

- The wording in “black font” is the existing wording as contained in the Land Use Policy.
- The wording in “blue font” is the proposed wording that has been added or amended to the Land Use Policy.
- The Explanatory Notes in “*italics*” are solely as a record of the intent of each amendment but shall not form part of the Land Use Plan amendment.
- These excerpts are intended to note the specific private home accommodation amendments and the numbering is being kept consistent with the full draft Land Use Policy Amendment to cross reference specifically how these excerpts interact with the complete amendment. For the full proposed draft amendment please contact jasperdevelopment@pc.gc.ca

The following are the proposed draft Private Home Accommodation amendments to the Land Use Policy:

Section 1.07 Non-Conforming Uses and Buildings

- h. If a permit for the discretionary use of Private Home Accommodation has been issued on or before the day on which these Polices, or an amendment thereto, comes into force and the Polices or amendment would make the permit a non-conforming use, the permit shall only be valid up to December 31, 2024.

Explanatory Note: The intent is to place an expiry date for all existing private home accommodation permits.

“Private Home Accommodation” means a Home Based Business which provides commercial visitor accommodation on a per night basis. (*gîte touristique*)

Explanatory Note: The intent is to clarify that a PHA is a home based business; update the antiquated wording of the existing Land Use Policy by removing “transient paying guest” terminology to visitor accommodation; and the remove the ambiguous statement that it can be within a “one or two-dwelling unit”.

“Private Home Accommodation Area” means the gross floor area used for the purpose of a Private Home Accommodation which shall include any areas beyond a secured locked door from the dwelling unit it is within.

Explanatory Note: The intent is to clarify what area of a dwelling unit, subject to the limitation of 10% of the dwelling’s gross floor area, is attributable to the Private Home Accommodation. The PHA should not have a locked door, securing it from the dwelling, other than on the bedroom door it is contained within.

Section 5.05 Procedure for Other Development and Discretionary Use Permit Applications

- a. Following receipt of a complete:
 - ii. Discretionary Use Permit application, excluding a Private Home Accommodation or a Home Based Business that does not involve client visitation, the superintendent shall cause a public hearing to be conducted by the Planning and Development Advisory Committee.

Explanatory Note: The intent is to update the LUP with preapproved variances approved by the Executive Director as part of the 2016 Routine Variance Briefing Note. The addition of (ii) preapproves the discretionary use of PHAs “where all requirements have been met” without having to go through the PDAC process. The amendment of (ii) also replaces the previous “Type 1” definition home based business with simply stating home based businesses that do not involve client visitation.

Section 30.03 Discretionary Use Permit Application Requirements for Home Based Businesses

- c. Discretionary Use Approval:
 - ii. A Private Home Accommodation that meets all stated may be issued a Discretionary Use Permit without appearing before the Planning and Development Advisory Committee, if, in the opinion of the Superintendent, the business clearly conforms to all policy requirements.

Explanatory Note: The intent of (c)(ii) is to is to update the LUP with preapproved variance for PHAs, where all requirements have been met, as per the approved by the Executive Director as part of the 2016 Routine Variance Briefing Note.

- d. Every application for a Discretionary Use Permit shall be accompanied by:
 - i. written confirmation that the applicant is the lessee of the site;
 - ii. a statutory declaration regarding eligible residency complete with proof of eligible residency;
 - iii. detailed description of the business and services to be provided including parking and storage requirements, and client visitation;
 - iv. dimensioned and scaled floor plans of the dwelling and of the area of dwelling to be used for the Home Based Business; and
 - v. proof of compliance with all applicable legislation, regulations, code standards, policies, and guidelines.”

Explanatory Note: The intent is to clarify the required PHA application accompanying documents.

Section 30.04 General Home Based Business Requirements

- a. A **Discretionary Use Permit** for a Home Based Business is specific to the permittee and the **site**, and is not transferable to another **site** or to another person.
- b. A Home Based Business **Discretionary Use Permit** shall remain in effect until the sooner of the date of the expiry or if the use is **discontinued** for a consecutive period of greater than six months.

Explanatory Note: The intent is to clarify that if a home based business use discontinued for six consecutive months the permit is considered revoked.

- c. A Home Based Business **Discretionary Use Permit**, or employment by a Home Based Business, shall not grant eligible resident status.
- d. Only a permittee of a Home Based Business **Discretionary Use Permit**, and other occupants who reside in the dwelling unit, may be employees of the Home Based Business.

Explanatory Note: The intent is to clarify that the only limit for number of employees of a home based business is that they must also reside in the dwelling unit.

Section 30.05 Home Based Business Specific Requirements

- a. All Home Based Businesses shall comply with the following:
 - iv. no more than 10% of the gross floor area of a dwelling unit shall be used for a home based business **including associated storage of materials, goods, supplies or equipment**;

Explanatory Note: The intent is to clarify that the maximum 10% gross floor area for the home based business is a total of all cumulative areas that may be associated with the home based business.

- vi. for a site not abutting a lane, a Home Based Business required on-site parking stall may be located within the front setback if it does not obstruct any other required on-site parking or interfere with other requirements of this Policy including the required front yard soft landscaping for the site;

Explanatory Note: The intent is to grant some leniency for home based business on-site parking for sites that do not have lane access, but it cannot be at the cost of meeting the front yard soft landscaping requirements. Soft landscaping in the front yard is essential for streetscape, storm water absorption, and snow storage.

Section 30.06 Private Home Accommodation Additional Requirements

- a. In addition to all Home Based Business requirements, a Private Home Accommodation shall:
- i. only be allowed in those Districts where it is identified as a Discretionary Use in these Policies;
 - ii. be a secondary use within a Dwelling Unit and not be contained within a Secondary Suite;

Explanatory Note: The intent is to ensure the PHA area is located in the dwelling as the lessee / permittee's residence and not within a secondary suite.

- iii. require a Discretionary Use Permit for a Private Home Accommodation issued to a person and not a corporate entity;

Explanatory Note: The intent is to clarify that a corporate entity may be a lessee, but is not considered to reside within in a dwelling unit that a PHA is within, and therefore cannot be a PHA discretionary use permittee.

- iv. a permittee operating a Private Home Accommodation shall be the lessee of record and shall reside in the Dwelling Unit as their primary residence;
- v. have a maximum of two Private Home Accommodation bedrooms approved, with the exception of permittees who prior to March 24, 2005 obtained a permit for three Private Home Accommodation bedrooms, and have operated continuously in compliance with the permit, subject to Section 30.06 (c), may continue to operate the three bedrooms;

Explanatory Note: The intent is to limit new PHAs to just two bedrooms while previously approved three bedroom PHAs may continue to operate subject to (c).

- vi. have a total Private Home Accommodation Area that must not exceed the maximum gross floor area as stated in 30.05 (a) (iv);

Explanatory Note: The intent is to reinforce that the home based business maximum gross floor area of 10% of the dwelling applies to PHAs.

- vii. not contain a kitchen;

Explanatory Note: The intent is to provide clarity that a PHA, being within a dwelling, cannot contain a kitchen, or elements of a kitchen. Elements of a kitchen include plumbing, appliances, countertops, or cabinetry that may be used for the preparation, storage, or cooking of food.

- viii. have unencumbered access through the Dwelling Unit to the Private Home Accommodation Area and not have independent access to the exterior or a connecting stairway accessing onto an enclosed entrance hall or vestibule;

Explanatory Note: The intent is to clarify that PHA's must have access through the dwelling it is contained within and not have independent access to the exterior, which is reserved for secondary suites only.

- ix. be required to provide one on-site parking stall for each bedroom of Private Home Accommodation, up to a maximum of two on-site parking stalls, in addition to the site's on-site parking requirements of Sections 7.03 and 7.06, which shall not obstruct any other required on-site parking stalls;

Explanatory Note: The intent is to ensure that each bedroom of PHA is required to have a dedicated on-site parking stall (up to 2 so grandfathered 3 bedroom PHA's do not have to add another stall) but these dedicated PHA stalls cannot block the sites other required on-site parking stalls

- x. sign each required on-site Private Home Accommodation parking stall, in accordance with Section 3.06(b)(iv), ensure all parking associated with the Private Home Accommodation is restricted to only these designated parking stall(s), and maintain the required on-site parking stall(s) to the satisfaction of the Superintendent; and

Explanatory Note: The intent is to ensure signage identifies the PHA dedicated parking stalls and the expectation that they will be used for clients and that no clients are to be parking off-site.

- xi. have obtained a Discretionary Use Permit, in accordance with these Policies, which shall be valid for up to a maximum of three (3) years.

Explanatory Note: The intent is that any new PHA discretionary use permits are only issued up to a maximum of three years to ensure regular inspections and that they would be subject to any new policies in the future.

- b. The types, maximum number, and sizes of signs permitted for Private Home Accommodation are as follows:

- iv. an approved Private Home Accommodation parking sign, freestanding or affixed to a structure, limited to 0.14 m², immediately in front of each required private home accommodation on-site parking stall, with regard to freestanding signs, the top of the sign shall be no higher than 1.8m above grade and no signs may be displayed above the first storey.

Explanatory Note: the intent of (iv) is to provide some uniformity to the new PHA parking sign.

c. A permittee authorized by the Superintendent to operate a Private Home Accommodation prior to January 1, 2022, who continuously met the terms and conditions as stated on the existing non-conforming permit, shall:

i. remove from the Private Home Accommodation Area:

1. all kitchen appliances used for the preparation, storage, or cooking of foods (including refrigerators, microwaves, toasters, hotplates, etc.) by December 31, 2022; and

2. sinks and cupboards by December 31, 2024.

Failure to remove any of the above items, by the stated deadline, shall result in the Private Home Accommodation Permit being revoked.

Explanatory Note: The intent of this addition is to clearly require all PHAs to remove kitchen appliances, whether or not they were previously approved in error, by December 31, 2022 in an effort to remove the life safety risk of having a kitchen in an area that was never constructed or inspected by a building code safety officer to be a kitchen. The lessee would then have until December 31, 2024 to remove the sinks and cupboards in the PHA area, whether or not they were previously approved in error, to totally remove the kitchen from the PHA area.

ii. subject to (i), have the option to redevelop the Private Home Accommodation Area into a Secondary Suite and apply for a replacement Discretionary Use Permit for a non-conforming Private Home Accommodation which shall exclude the requirements stated in sections 30.05 (a)(iv), 30.06(a)(ii), (v), (vi), and (vii).

Explanatory Note: The intent of this addition is to allow a PHA that resembles a secondary suite to have the ability to convert into a secondary suite, and to then be grandfathered to retain the ability to obtain a non-conforming PHA discretionary use permit in this secondary suite area. These non-conforming PHA Secondary Suites would be exempt from the maximum 10% of dwelling unit; have the ability to operate out of a secondary suite, may continue to operate 3 PHA bedrooms if previously approved, and have a kitchen. When not operating as a PHA the secondary suite may be rented monthly to eligible resident tenants as long as the residential use does not interfere with the requirement of the PHA use not to cease continuous operation for over 6 months. If the PHA permit was to ever to cease, the lessee, or any future lessees may continue to use the area as a secondary suite. All new PHA applications will be subject to these policies and will not be allowed to operate out of a secondary suite.

iii. subject to (i) and (ii), and prior to the expiry of the existing non-conforming permit, be considered for a replacement Discretionary Use Permit for a non-

conforming Private Home Accommodation if the permittee has submitted a Discretionary Use permit application for Private Home Accommodation.

Explanatory Note: The intent is to allow: (1) existing non-conforming PHAs (approved prior to January 1, 2022 and operated within the terms of the permit) with the kitchens entirely removed, or (2) existing non-conforming PHAs (approved prior to January 1, 2022 and operated within the terms of the permit) that have converted their PHA into a secondary suite, to have the ability to apply for a replacement non-conforming PHA Discretionary Use Permit.

**PHA Proposed Draft Amendment 2022
FAQs**

Q1. Why is Parks Canada making these changes?

A1. There are three main reasons for these changes: there are currently unsafe conditions for guests and potential tenants; public consultations have told us that adequate housing is a top priority for Jasperites; and there are frequent on-site parking and compliance issues.

Q2. I currently operate a PHA and had obtained a Parks Canada Development Permit for my two bedroom PHA, with a separate exterior entrance, sink, microwave, bar refrigerator, cupboards, and countertop with a sink that were all previously approved. How do these new rules apply to me?

A2. In the new PHA policies there are three paths you may choose:

- a) Remove Kitchen Appliances by December 31, 2022: You can remove your microwave and bar refrigerator by December 31, 2022 to continue your PHA operation under your existing permit which will now expire on December 31, 2024. If you wish to continue to operated a PHA after December 31, 2024 you will have to reapply prior to December 31, 2024 and have removed the sink, cupboards, and countertops prior to obtaining a new non-conforming PHA Discretionary Use Permit.
- b) PHA Area Secondary Suite Conversion Prior to December 31, 2022: You can apply prior to December 31, 2022 to have your PHA Area converted into a Secondary Suite, in accordance with the Interim Policy for Secondary Suites in the Town of Jasper, and obtain a non-conforming PHA Discretionary Use Permit. This permit would have to conform to the new PHA policies (parking would have to conform to the new policies) but will be excluded from: the maximum size restriction of 10% of the dwelling unit; not being able to operate out of a secondary suite; have a kitchen, and; have independent access to the building exterior.
- c) PHA Area Secondary Suite Conversion prior to December 31, 2024: You can remove your microwave and bar refrigerator by December 31, 2022 to continue your PHA operation under your existing permit which will now expire on December 31, 2024. You can apply to have your PHA Area converted into a Secondary Suite and obtain a non-conforming PHA Discretionary Use Permit. This permit would have to conform to the new PHA policies (parking would have to conform to the new policies) but will be excluded from: the PHA Area maximum size restriction of 10% of the dwelling unit, not being able to operate out of a secondary suite; have a kitchen, and; have independent access to the building exterior.

Q3. I currently operate a PHA with two bedrooms, I don't have lane access and my two PHA parking stalls are located on my driveway at the front of my garage. How do these new rules apply to me?

A3. If your existing PHA resembles a secondary suite, as described in Q2, then the A2 options would be available to you.

Without lane access, the ability to provide PHA parking is limited as it may block the home's required parking (the previously approved PHA parking might have been in tandem with the homes required on-site parking stalls that are generally found in the garage) and the ability to add more stalls at the front of the property, not in tandem, within the front setback, may not be possible as it may impact your site's required minimum soft landscaping. For these scenarios, if the PHA area meets the Interim Secondary Suite Policy requirements to convert to a secondary suite, and meets the secondary suite parking requirements (may have tandem parking as long as it is one stall per dwelling unit (including the secondary suite), the secondary suite parking can be grandfathered in as the PHA parking. This option would not be available to new PHA applications.

Q4. I don't want strangers to have access to my house. Can I put a lock to separate them from my family?

A4. Individual bedrooms may have locks, however the PHA area cannot be locked off from the rest of the house. Since PHAs cannot have separate entrances, for the safety of your guests, they must be able to exit the house from all exits.

If this is an existing PHA, you may want to consider option A.2 (b).

Q5. How easy is it to convert my PHA to a Secondary Suite?

A5. It depends. Some PHAs with separate entrances, and other features may be relatively simple to convert. Some PHA's may have been a secondary suite previously and may also be easier to convert back. The [Interim Policy for Secondary Suites in the Town of Jasper](#) contains the Parks Canada requirements and you may want to consult with a Parks Canada Approved Safety Codes Agency regarding the requirements for secondary suites from the National Building Code – Alberta Edition. Please consult with the development office for more information.

The Parks Canada Approved Safety Code Agencies can be found on our development website: <https://www.pc.gc.ca/en/pn-np/ab/jasper/info/permis-permits/a-menagement-development/appliquer-apply/building>

Q6. My PHA has been grandfathered with three bedrooms. Can I keep them?

A6. Permittees who prior to March 24, 2005 (when the Town of Jasper Land Use Policy came into effect) obtained a permit for three Private Home Accommodation bedrooms, and have operated continuously in compliance with the permit, may continue to operate the three bedrooms as long as they meet all conditions under the draft Town of Jasper Land Use Policy PHA Specific Amendments section 30.06 in the Land Use Policy.

Q7. My neighbour operates a PHA with multiple people staying each night and multiple vehicles on the street. Will these changes address that problem?

A7. An intention of these amendments is to clarify that PHA parking is to be in the required designated (and signed), on-site parking stalls. A key requirement for a discretionary use permit is that it cannot “unduly interfere with the amenities of the area or the use, enjoyment, safety, aesthetics, or value of neighbouring properties”. If a complaint is received, a compliance officer will investigate, and if the complaint is found to be legitimate, compliance actions will be taken which may include the suspension, or revocation, of the PHA discretionary use permit.

Q8. I have a PHA that is about 20% of my house that you permitted. What happens now?

A8. If you fall within option A2 (b) or (c) and convert to a Non-conforming PHA Secondary Suite you would be exempt from the PHA Area maximum 10% of dwelling unit. Otherwise, you will be required to reduce the area of your PHA Area prior to reapplying when your permit expires December 31, 2024.

Q9. I have just some cupboards with teacups and a kettle for the guest to make a cup of coffee, tea or hot chocolate. Is that considered a kitchen? Do I have to make any changes?

A9. From the existing Town of Jasper Land Use policy “*kitchen*” means facilities designed for the storage, preparation or cooking of food, and includes any room containing counters, cabinets, plumbing, or electrical wiring which, in the opinion of the superintendent, may be intended for the preparation or cooking of food. This clause is very standard with other development authorities and intentionally subjective as every situation may be different, but generally cupboards for tea cups and a kettle are found in a kitchen and not within a bedroom.

Q10. What happens if I sell my house, or buy a house, that had a PHA?

A10. The new home owner may apply for a PHA permit but will be required to meet all policy requirements at the time of application.



Jasper Field Unit
P.O. Box 10
Jasper, Alberta
T0E 1E0

May 10, 2022

Ms. Christine Nadon
cnadon@town.jasper.ab.ca

Subject: Discretionary Use Permit Amendment Denial

Dear Ms. Nadon:

Further to your request to Dave Kreizenbeck on May 3, 2022, to amend the Discretionary Use Permit for the seasonal extension of retail and eating establishment places issued April 13, 2022, I must respectfully deny your request.

I was pleased to see that your submission reinforces that Municipality of Jasper is committed to uphold the Jasper National Park Architecture Motif Guidelines.

We are of the opinion that tents or free standing canopies are not in keeping with these guidelines, nor are tents supported by feedback received. To reach this conclusion, we consulted the following:

- business community feedback received from the Chamber of Commerce,
- recommendations from the Planning and Development Advisory Committee public consultation process (attached),
- guidelines and reports from the Town of Banff which has similar motif guidelines, and
- the joint Parks Canada and Municipality of Jasper's Community Sustainability Plan.

The Jasper Community Sustainability Plan has numerous references to the physical "character" of the town. From the plan's Vision, Community Values, Marketing and Delivering the Visitor Experience, Community Character and Identity, and Strategic Environment Assessment Cultural Vitality sections the guiding document of this character is stated to be the Town of Jasper Architectural Motif ("Motif"). The significance of this cornerstone guiding document to this community cannot be understated.

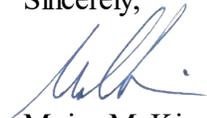
The Motif is built upon Jasper's history and its place in this significant mountain setting. The Motif gives, and maintains our community-specific character which is defined as Mountain Architecture having a building appearing as part of the landscape and not separate from it. The impact of tents and canopies on our downtown core, the area visitors most associate Jasper's character with, during our peak visitation period, has a clear impact on the character of this community. Tents are only permitted as a short term (generally a day or two and rarely more than a week) structure that is permitted only for special events, mostly in green spaces, with very minimal impact and is not compliant with the form, style, colour, texture, or material that the Motif presents as the character of the Town of Jasper.

A Planning and Development Advisory Committee (PDAC) public consultation meeting was held on January 21, 2021 to review the use of Patio Seating on the public sidewalks / parking areas. The Chamber of Commerce presented the application, on behalf of the Municipality of Jasper, along with a survey of local businesses, that contained feedback that also noted the look of existing patios appeared random and “circus like” and many calls for standardizing the aesthetic appeal of the patios. The letter of recommendation from PDAC noted safety concerns with sight lines as well as the wide variety of tables / umbrellas, and tents and expressed concern regarding the aesthetics of the downtown core. The committee further commented that the Motif might be in jeopardy. With the Parks Canada approval for the use, the decision was made that with the continued COVID-19 restaurant indoor seating restrictions in 2021, that the standardizing of the aesthetic towards the Motif would have to wait until the 2022 season. Permits issued in 2021 that included tents clearly stated that these structures would not be permitted after the 2021 season.

Many communities enacted relaxations to assist restaurants through COVID restrictions. The Town of Banff conducted an extensive community-wide consultation process at the end of the 2020 summer season including the use of public spaces for patio seating for restaurants. The What We Heard Banff COVID-19 Public Opinions report is available at: <https://banff.ca/DocumentCenter/View/11462/What-We-Heard-Banff-COVID-Opinions-Report--Oct22-2020>. This report shows an overwhelming opposition to tents (page 45). In the comments section there are 16 negative references to the tents and the “circus” appearance they created. The Town of Banff subsequently created the 2022 Downtown Banff Pedestrian Zone Guidelines – Food and Beverage Operators (available at: <https://banff.ca/DocumentCenter/View/13636/2022-Banff-Avenue-Pedestrian-Zone-Guidelines-Food-and-Beverage?bidId>). These guidelines do not permit tents or oversized shades. You will note that, unlike Jasper, the Town of Banff also specifies that patio furnishings be consistent with the Town of Banff Design Guidelines (the equivalent and very similar to the Jasper Motif) and have specific material requirements.

I hope that this explains our rationale for denying your request to amend your discretionary use permit (JNP-DU-22-006) to allow tents and canopies in the C1 and C3 Districts. If you have any further questions, please contact me at email: moira.mckinnon@pc.gc.ca or phone: (780)852-8127.

Sincerely,



Moira McKinnon
Realty and Municipal Services Manager

Cc: Dave Kreizenbeck, Senior Realty and Development Advisor
Cc: Alan Fehr, Field Unit Superintendent

MOTION ACTION LIST

SHORT TITLE	REQUESTED (DATE)	RESPONSIBLE (WHO)	COUNCIL MOTION (DESCRIPTION)	TARGET (DATE)
S-Block Parking	September 14, 2021	Director of Protective & Legislative Services	That Committee direct Administration to return to a future Committee of the Whole meeting with a policy level discussion regarding the use of S-block parking.	June 2022
Relationship with JCTS & Friends of Jasper Culture & Recreation	September 14, 2021	Director of Community Development	That Committee direct Administration to bring forward recommendations on how to enhance the relationship between the municipality and local non-profit organizations including Jasper Community Team Society and Friends of Jasper Culture and Recreation.	May 2022
Sledding at Snape's Hill	January 11, 2022	Director of Operations	That Committee direct Administration to return to Council with a report identifying any opportunities for closure or partial closure of Willow Street and Geikie Street to accommodate sledding at Snape's hill.	May 2022
Parcel GB Development Information	March 8, 2022	CAO	That Committee direct Administration to request preliminary information such as renderings and site plans for the proposed GB development and return to a future Committee of the Whole meeting.	June 2022
Commercial Use of Public Space	April 26, 2022	Director of Protective & Legislative Services	That Committee direct Administration to apply to Parks Canada for an amendment to the discretionary use permit for commercial use of public space to include the use of tents or freestanding canopies for the 2022 season subject to applicable building codes requirements.	May 2022
Jasper Food Bank	May 3, 2022	Director of Operations	That Council refer the request from the Food Bank Society for a cardboard recycling bin and pick up service, to administration for a report back at a future committee of the whole meeting.	May 2022

Municipality of Jasper

List of recommendations
Regular meeting, Tuesday, May 17, 2022



Additions to agenda

That Council agree to add/delete the following items to the May 17, 2022 regular meeting agenda:

Approval of agenda

That Council approve the agenda for the regular meeting of May 17, 2022 as presented.

Approval of minutes

That Council approve the minutes of the May 3, 2022 Regular Council meeting as presented.

That Council approve the minutes of the May 3, 2022 Legislative Committee meeting as presented.

That Council approve the minutes of the May 10, 2022 Committee of the Whole meeting as presented.

Taxation Rate Bylaw 2022 – 1st & 2nd reading

That Council give first reading to Bylaw #248, the Taxation Rate Bylaw 2022.

That Council give second reading to Bylaw #248, the Taxation Rate Bylaw 2022.

Commercial Use of Public Space Bylaw – 2nd reading

That Council give second reading to Bylaw #246, the Commercial Use of Public Space Bylaw.

Emergency Management Bylaw – 1st & 2nd reading

That Council give first reading to Bylaw #247, the Emergency Management Bylaw.

That Council give second reading to Bylaw #247, the Emergency Management Bylaw.

Policy Review Priority List

That Council approve the Policy Review Priority List as presented.

National Public Works Week

That Council proclaim May 15 – 21, 2022 National Public Works Week in the Municipality of Jasper.

Correspondence

That Council receive the correspondence for information.

Adjournment

That, there being no further business, the regular meeting of May 17, 2022 be adjourned at

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