

TOWN OF FORT MACLEOD  
CHINOOK INTERMUNICIPAL SUBDIVISION & DEVELOPMENT APPEAL BOARD

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**February 16, 2022**

**1:30 p.m.**

**Hearing No. SO 088-20**

**Appellant: Davidson & Williams LLP per Charlene D. Scheffelmair on behalf of:  
836663 AB Ltd, Ken Segboer, and Linnet Segboer**

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LIST OF EXHIBITS

- A. Notice of Hearing and Location Sketch Map
- B. List of Persons Notified
- C. Notice of Appeal

- C1-C17 Notice of Appeal

- C18 – C24 Tab A
    - C25 – C29 Tab B
    - C30 – C31 Tab C
    - C32 – C33 Tab D
    - C34 – C153 Tab E
    - C154 – C197 Tab F
    - C198 – C200 Tab G
    - C201 – C206 Tab H
    - C207 – C209 Tab I
    - C210 – C212 Tab J
    - C213 – C214 Tab K
    - C215 – C219 Tab L
    - C220 – C222 Tab M
    - C223 – C225 Tab N
    - C226 – C227 Tab O
    - C228 – C229 Tab P
    - C230 – C231 Tab Q
    - C232 – C234 Tab R
    - C235 – C249 Tab S
    - C250 – C257 Tab T
    - C258 – C260 Tab U
    - C261 – C264 Tab V
    - C265 – C268 Tab W

- D. Stay of Enforcement
  - E. Stop Order dated December 30, 2021
  - F. Development Permit No. 088-20
  - G. Notice of Decision DP 088-20



# TOWN OF FORT MACLEOD

## NOTICE OF CHINOOK INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING

Stop Order 088-20

THIS IS TO NOTIFY YOU THAT IN ACCORDANCE WITH SECTION 686 OF THE MUNICIPAL GOVERNMENT ACT, REVISED STATUTES OF ALBERTA, 2000, CHAPTER M-26, AS AMENDED, A PANEL OF THE CHINOOK INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD WILL HEAR AN APPEAL OF A DECISION BY THE:

**Development Authority of the Town of Fort Macleod  
with respect to a Stop Order issued for Development Permit No. 088-20**

**APPELLANTS:** Davidson & Williams LLP per Charlene D. Scheffelmair on behalf of:  
836663 AB Ltd, Ken Segboer, and Linnet Segboer

**LEGAL DESCRIPTION:** Lots 6&7, Block 27, Plan 9812195  
120 Garrison Drive

**PROPOSAL:** Appeal the issuance of a Stop Order regarding non-compliance with conditions of Development Permit No. 088-20 approving a Group Care Facility

**DECISION:** STOP ORDER

**PLACE OF HEARING:** **Fort Macleod & District Community Hall**  
301 25 Street  
Fort Macleod, AB

**DATE OF HEARING:** **February 16, 2022**

**TIME OF HEARING:** **1:30 p.m.**

**PERSONS WHO WISH TO SUBMIT A WRITTEN PRESENTATION MUST SUBMIT BRIEFS TO THE CLERK OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD NO LATER THAN THE 11<sup>th</sup> DAY OF FEBRUARY, 2022.**

**NOTE:** The Chinook Subdivision and Appeal Board will be holding the public portion of the appeal hearing in person in accordance with current public health orders.

### PROCEDURES PRIOR TO THE HEARING FOR SO 088-20:

1. **Provide Written Submissions** - The Appeal Board is encouraging all hearing participants to submit presentations, letters, and comments to the Board prior to the hearing. It is preferred that written material is emailed to the Board Clerk, ideally in a PDF format. Please contact the Clerk with your written submissions, which will be accepted until February 11, 2022.

EMAIL: bonniebrunner@orrc.com

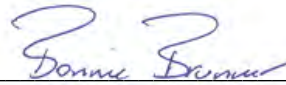
MAIL: **Bonnie Brunner, Board Clerk**  
**Oldman River Regional Services Commission**  
**3105 – 16<sup>th</sup> Avenue N., Lethbridge, Alberta T1H 5E8**

*If you are bringing information to the hearing for submission, you are required to supply 8 copies.*

A1

2. **Exhibit Viewing** - The initial appeal exhibit package will be posted on the ORRSC website at [www.orrsc.com](http://www.orrsc.com). Any additional submissions submitted up to February 11, 2022, will be posted to the website prior to the hearing.

DATE:



**Bonnie Brunner, Clerk**  
**Subdivision & Development Appeal Board**

**TOWN OF FORT MACLEOD**  
**CHINOOK INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

**Land Subject of Appeal Hearing SO 088-20**

**120 Garrison Drive**



**A2**

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TOWN OF FORT MACLEOD  
**INTERMUNICIPAL SUBDIVISION & DEVELOPMENT APPEAL BOARD**

Stop Order 088-20

List of Persons Notified

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**Municipality:**

Town of Fort Macleod CAO  
Town of Fort Macleod Development  
Officer  
ORRSC Planner, Gavin Scott

**SDAB Members:**

Gordon Wolstenholme  
Evert Vandenberg  
Alan Vaughan

**Appellants:**

Charlene Scheffelmair,  
Davidson & Williams LLP  
836663 Alberta Ltd.  
Ken & Linnet Segboer

**Other Persons Notified:**

Karen English





January 18, 2022

VIA HAND DELIVERY

**Chinook Intermunicipal Subdivision Appeal Board**  
**c/o Town of Fort Macleod,**  
**Chief Administrative Officer,**  
P.O. Box 1420  
Fort Macleod, AB  
T0L 0Z0

**NOTICE OF APPEAL**

Reply to CHARLENE D. SCHEFFELMAIR  
Direct Line: 403-328-1754  
E-mail: [charlene@dwlaw.pro](mailto:charlene@dwlaw.pro)  
Assistant: Nicki Carefoot  
Direct Line: 403-331-2885  
E-mail: [nicki@dwlaw.pro](mailto:nicki@dwlaw.pro)  
Our File: 60256-000 CDS:NHC

To whom it may concern:

**Re: NOTICE OF APPEAL**  
**Stop Order made December 30, 2021**  
**Plan 9812195, Block 27, Lot 6 and Plan 9812195, Block 27, Lot 7**  
**120 Garrison Drive, Fort Macleod, Alberta**

Our office has been retained to represent 836663 Alberta Ltd., Ken Segboer, and Linnet Segboer (the “**Appellants**”). Pursuant to sections 645 and 685 of the *Municipal Government Act*, RSA 2000, c M-26 (“**MGA**”), please accept this letter as written notice of appeal of the stop order issued on December 30, 2021 (the “**Stop Order**”) for the lands legally described as:

PLAN 9812195, BLOCK 27, LOT 6  
PLAN 9812195, BLOCK 27, LOT 7

and municipally described as 120 Garrison Drive, Fort Macleod, Alberta T0L 0Z0 (the “**Lands**”). Ken and Linnet Segboer are directors and shareholders of 836663 Alberta Ltd., who is the owner of the Lands, and therefore have standing to file this appeal.

The Stop Order indicated that it was issued due to the alleged contravention of the following conditions contained in Development Permit 088-20 (the “**2020 Development Permit**”) which was issued by the Town of Fort Macleod (the “**Town**”) on November 16, 2020:

4. *Building shall be inspected for current Alberta Building Code Standards prior to occupancy*

...

14. *Landowner shall complete the land purchase of that portion of Lot 16, Block 27, Plan 0012428 of Town owned land that is necessary to the developments parking needs prior to occupancy of the applicant.*

15. *Landowner shall by plan of survey consolidate Lots 6 & 7, Block 27, Plan 9812195 and the portion of Lot 16 Block 27 Plan 0012428 described in condition 14 prior to occupancy of the applicant.*



Attached as **Exhibit "A"** is a copy of the Stop Order and 2020 Development Permit.

As a result, it was ordered that the Appellants cease the operation of the Group Care Facility with five tenants or less as contemplated by the Development Permit or comply with the Outstanding Conditions to the satisfaction of the Development Authority by January 31, 2022.

The Appellants seek a revocation of the Stop Order, a declaration that the 2020 Development Permit is of no force and effect, and a declaration that the current use of the Lands as a Group Home (as defined by Town of Fort Macleod Land Use Bylaw 1600 ("**LUB 1600**")) remains a legal non-conforming use pursuant to section 643 of the MGA and Development Permit 99-31 (the "**1999 Development Permit**").

The Appellants submit that they are not in violation of any conditions of the 2020 Development Permit because the 2020 Development Permit is of no force and effect. The 1999 Development Permit approved a discretionary use of Group Home and therefore, the Town is estopped from relying on or enforcing the 2020 Development Permit because the issue was already decided by the 1999 Development Permit. The use of Group Home pursuant to the 1999 Development Permit is a legal non-conforming use and was not discontinued. Further, there has been no intention to discontinue the use and there was no change in the intensity of the use of the Lands.

#### **BACKGROUND AND PROCEDURAL HISTORY**

On July 16, 1999, 836663 Alberta Ltd. purchased the Lands and has remained the owner of the lands since that time. Attached as **Exhibit "B"** is a copy of the certificate of title for the Lands.

In 1999, Development Permit 99-31 was granted pursuant to the LUB 1600 for the construction and operation of a social care facility on the Lands ("**Rosewood Villa**").

On June 7, 2000, a business license was issued approving Rosewood Villa to carry on business as a Social Care Facility (the "**2000 Business License**"). Attached as **Exhibit "C"** is a copy of the 2000 Business License.

In June 2000, under the direction of Lorraine Segboer, a Licensed Practical Nurse, Rosewood Villa began operating as a provincially approved social care facility and provided rehabilitative and supportive care for residents of the group home. Rosewood Villa contains three dwelling units: one dwelling unit on the main floor and two dwelling units on the lower floor. Attached as **Exhibit "D"** is a floor plan for Rosewood Villa.

In June 2000, John and Lorraine Segboer, the operators of Rosewood Villa, moved into suite #1 on the lower floor of Rosewood Villa.

On or about January 2017, John Segboer suffered a stroke. As a result, John became a client of Rosewood Villa in May 2017 and remained until November 2018.

In early 2018, a new senior's facility, Pioneer Lodge, opened with 40 beds. In July 2018 Rosewood Villa began to lose residents to this facility and were no longer receiving referrals from Alberta Health Services

to help fill the beds at Rosewood Villa. With the exit of several residents and the lack of new residents coming in, Rosewood Villa became economically unviable by September 2018.

On October 9, 2018, Rosewood Villa suspended operations due to the economic strain placed on the facility by the opening of Pioneer Lodge; however, several patients remained in care until November 2018 while awaiting transfers to other facilities.

In October 2018, caregivers for Lorraine Segboer, moved into Suite #2 and resided there until June 2020.

On December 31, 2018, the business license for Rosewood Villa lapsed.

On February 12, 2019, John Segboer died. Lorraine remained living in suite #1 of Rosewood Villa until January 2020.

From October 2018 – November 2019, beginning immediately after the closure in October 2018, the Appellants contemplated the future of the facility and began actively pursuing potential tenants for the Lands. During this time, the basement suites remained inhabited.

#### *Re-Zoning*

On or about November 1, 2019, the Appellants finally secured a tenant, Shinah House Foundation (“**Shinah House**” or the “**Tenant**”), an indigenous owned and operated not-for-profit, who were planning to operate a Group Home for indigenous children on the Lands.

On or about November 13, 2019, the Appellants began conversations with the Town to ensure zoning and licensing was in place for the Tenants. In January 2020, the Town indicated that due to the Town’s adoption of Land Use Bylaw 1882 (“**LUB 1882**”), the Lands were no longer zoned for a Group Home and as such, would have to be re-zoned; and b) the Town was unable to locate any records relating to the construction or start up of Rosewood Villa, including a copy of the existing 1999 Development Permit.

On June 18, 2020, the Appellants made an application for an amendment to the LUB 1882 to re-zone the Lands from R1 to PI. This application was made because of the information provided by the Town of Fort Macleod and would not have been made otherwise.

On July 13, 2020, Bylaw 1919 to amend LUB 1882 was read for the first time.

On August 24, 2020, a Town Council meeting was held wherein the Appellants and other members of the public presented to Council. Two letters were submitted speaking in favour of Bylaw 1919 including one from the Applicant, Linnet Segboer. Four written submissions were received speaking against Bylaw 1919 including a list of signatures from concerned citizens. At the meeting, Ken and Linnet Segboer spoke in favour of the Bylaw and two community members spoke against the Bylaw. The meeting was continued to September 28, 2020. The themes of the dissenting submissions related to the user of the Lands, namely an Indigenous owned and led organization fostering indigenous children, not the use to which the Lands will be put. Attached as **Exhibit “E”** are the agenda and meeting minutes from the August 24, 2020 meeting.

On September 28, 2020, a Town Council meeting was held where the public hearing was reconvened from the August 24, 2020 meeting. Two additional written submissions were received prior to the meeting including an invalid petition with 179 signatures. Six community members, including the Applicant, Ken Segboer and the tenant and representatives of the tenant, Karen English and Sharon Unger, spoke in favour of the Bylaw and five community members spoke against the Bylaw. Several members of the public presented to council. The themes of the dissenting submissions continued to be focused on the user of the Lands, namely an Indigenous owned and led organization fostering indigenous children, not the use to which the Lands will be put. Upon a vote of Council, Bylaw 1919 to amend the LUB 1882 was defeated. The stated reasons were due to concerns regarding the number of off-street parking spaces available and that the Appellants did not own the adjacent lands which the Council felt was required in order to accommodate the parking needs. Attached as **Exhibit "F"** are the agenda and meeting minutes from the September 28, 2020 meeting.

On September 30, 2020, the Town sent two letters to the Appellants (the "**September Letters**"). One advising them that their re-zoning application had been defeated and indicated that the "issue[s] with access to [their] property and parking still exist and [would] need to be investigated regardless of what the zoning may be considered in the future". The second advising them that: (a) the prior use for the property of "senior citizen housing" was no longer valid due to section 4.13(4) of Land Use Bylaw 1882; (b) they were categorizing the current use as vacant; (c) if a development application was not received by October 15, 2020 a Stop Order would be issued and the family residing in the home would be required to vacate the property. Attached as **Exhibit "G"** are the September Letters.

#### *Development Permit*

The Appellants were induced by the September Letters into applying for a new development permit with the existing Residential zoning. The Town claimed that the current use of the Lands was "vacant". The existing 1999 Development Permit was valid and had already approved the contemplated use as a Group Home with the Lands zoned as Residential. The 2020 Development Permit was for a nearly identical use to what was approved under the 1999 Development Permit and had not caused any disruption to the neighbourhood in the previous 20 years with a near identical use.

On November 16, 2020, a Municipal Planning Commission meeting was held to hear the Development Permit Application and was heavily opposed by residents of the Town of Fort Macleod in the same manner and for the same reasons as the zoning application, namely who the user of the Lands would be. Development Permit 088-20 was approved with numerous conditions including a limitation to the number of residents and requirements for the Appellants to purchase the adjacent lands due to what the Municipal Planning Commission perceived as a parking and access issue, which had never been an issue prior with an nearly identical use. Attached as **Exhibit "H"** are the meeting minutes from the November 16, 2020 meeting.

On or around November 2020, the Town granted Shinah House a business license. However, due to the Town of Fort Macleod, Business License Bylaw, Bylaw 1836, Shinah House was exempt from the requirement to hold a business license due to being a not-for-profit and charity. This bylaw was not properly applied until December 2021 after the Town revoked the business license for Shinah House and it was appealed.

On or about January 2021, upon consultation with legal counsel, it became apparent that the 1999 Development Permit was the operative permit; the use contemplated by the Appellants tenant, Shinah House Foundation, was a legal non-conforming use; and the 2020 Development Permit should not have been required or applied for. On January 15, 2021, the Appellants legal counsel wrote to the Town requesting copies of a) Land Use Bylaw 1600; b) Development Permit 99-31; and c) any records pertaining to complaints or non-compliance at the Lands. On February 1, 2021, the Appellants request for records was refused.

Throughout the course of 2021, the Appellants made attempts to purchase the lands adjacent to the Lands from the Town to avoid any future access issues and increase the value of their Lands. At all times, the Appellants maintained the position that the 1999 Development Permit was the operative permit and the 2020 Development Permit was of no force and effect.

On September 15, 2021, the Town, through their legal counsel, was provided with documentation to support the legal non-conforming use including the 2000 Business License; explanation of the definition of group home under Bylaw 1600; and case law regarding the lack of intention to discontinue the use and issue estoppel. No response was received.

On November 16, 2021, the 2020 Development Permit expired and became null and void pursuant to section 4.13(1) of LUB 1882 and paragraph 8 of the 2020 Development Permit.

On December 8, 2021, Shinah House was denied a renewal of their business license and appealed the denial.

On December 15, 2021, after receiving submissions from counsel and reviewing Business Bylaw 1836, the Town held that Shinah House was not required to have a business license and refunded the appeal fee.

On December 30, 2021, the Stop Order was issued.

## REASONS FOR APPEAL

1. The Stop Order Not Properly Issued
  - a. *Issue Estoppel*

The Town is estopped from holding that the discretionary use approved by the 1999 Development Permit is no longer operative because the issue was fully decided by the 1999 Development Permit.

The central issue in the Alberta Court of Appeal case, *Sihota v Edmonton (City)*, 2013 ABCA 43, was whether the doctrine of issue estoppel exists in the municipal planning context<sup>1</sup>. The Court found that it did and summarized the law of issue estoppel in the planning context. It relied on the Supreme Court of Canada decision *Danyluk v Ainsworth Technologies Inc.*, 2001 SCC 44, [2001] 2 SCR 460 which held that issue estoppel can arise as a result of administrative proceedings. For the doctrine to be engaged:

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<sup>1</sup> Frederick A Lauz and Gwendolyn Stewart-Palmer, *Planning Law and Practice in Alberta*, 4<sup>th</sup> ed (Edmonton: Juriliber Limited, 2019) [*Planning Law*] at 10-73.

- (a) the same issue must be involved,
- (b) the decision said to create the estoppel must be final,
- (c) the same parties or their privies must be involved, and
- (d) as a discretionary matter, it must be fair and just to apply the doctrine of issue estoppel in the particular circumstances.<sup>2</sup>

The Appellants submit that in this case the same issue is involved, the decision of the Subdivision and Development Authority in 1999 was final, and the same parties are involved. Further, it would be fair and just to apply the doctrine of issue estoppel in these circumstances given the length of time that the Appellants have operated Rosewood Villa on the Lands.

The Court in *Sihota* points to the decision of *Yellowhead Engine Rebuilders Ltd. v Edmonton (City)*, 2005 ABCA 429 which held that the City of Edmonton was estopped from preventing a landowner from operating an auto salvage business on its property. The business had been operating pursuant to an existing development permit from 1988, which allowed a lawful non-conforming use. Similarly, the City of Edmonton issued a stop work order 16 years after the use was initially approved.

*Sihota*, citing *Donnelly v Bighorn (Municipal District No. 8)*, 2010 ABCA 68 stating:

*“a municipality cannot simply ignore a decision of the SDAB and issue a stop order prohibiting a use that has been considered and found to comply with a Land Use Bylaw...Land owners are entitled to rely on those decisions”* (emphasis added).<sup>3</sup>

Further:

*Once a municipality has authorized a development, it cannot later revoke or ignore that permission...it would be unfair, and economically untenable, to permit significant investments in one year, and then to allow the municipality to declare the intended use unlawful in a later year.*

...

*In the planning context, certainty is essential because of the large sums of money that can be invested in reliance on development permits. Whether the later dispute involves the original use, or some expansion of the original use, the need for certainty remains. While the public has a legitimate interest in sound urban planning, the public also benefits from the economic advantages that come from the investments of developers. It is for this reason that the law recognizes issue estoppel in this area* (emphasis added).<sup>4</sup>

The Alberta Court of Appeal has confirmed whether the dispute involves an original use, or an expansion of an original use, the doctrine of issue estoppel applies.<sup>5</sup> The Segboer family has invested considerable

<sup>2</sup> *Sihota v Edmonton (City)*, 2013 ABCA 43 [*Sihota*] at para 8; *Planning Law*, supra note 1 at 10-73.

<sup>3</sup> *Sihota*, supra note 2 at para 13.

<sup>4</sup> *Sihota*, supra note 2 at para 15.

<sup>5</sup>

resources into Rosewood Villa over the past 20 years and to revoke or ignore the permission granted by the 1999 Development Permit would be unfair and economically untenable. The Segboer's are entitled to certainty surrounding the use of the Lands. Certainty was present until January 2020 when the Town declared that there were no development permits for the Lands despite the clear existence of the 1999 Development Permit. In light of the foregoing evidence and case law, the Town is estopped from enforcing the 2020 Development Permit and by extension, the Stop Order.

*b. 2020 Development Permit had Expired and was Null and Void*

In the event the SDAB holds that the Town was not estopped from enforcing the 2020 Development Permit and Stop Order, the Appellants submit that the Stop Order was issued improperly because the 2020 Development Permit had expired at the time the Stop Order was issued. The Stop Order stated that it was being issued due to contraventions of the 2020 Development Permit; however, the 2020 Development Permit expired on November 16, 2021 and became void due to paragraph 8 of the informative section of the 2020 Development Permit and section 4.13(1) of LUB 1882.

Paragraph 8 of the 2020 Development Permit states:

***THE PERMIT IS VALID FOR A PERIOD OF 12 MONTHS FROM DATE OF ISSUE. IF, AT THE EXPIRY OF THIS PERIOD, DEVELOPMENT HAS NOT COMMENCED THE PERMIT SHALL BE NULL AND VOID.***

See page 3 of the 2020 Development Permit attached as Exhibit "A".

Section 4.13(1) states:

***4.13 VALIDITY OF DEVELOPMENT PERMIT***

***(1) Unless a development permit is suspended or cancelled, the development must be commenced or carried out with reasonable diligence in the opinion of the Development Authority within 12 months from the date of issuance of the permit, otherwise the permit is void, notwithstanding an extension approved by the Development Authority prior to the 12 month period concluding;***

Attached as **Exhibit "I"** is a copy of page 32 of LUB 1882 showing paragraph 4.13.

The Alberta Court of Appeal confirmed in *McCauley Community League v Edmonton (City)*, 2012 ABCA 86 that the one year period begins to run from the date of issuance, not the date conditions are satisfied. When something becomes void in law, it is of no legal effect and therefore, the 2020 Development Permit became of no legal effect on November 16, 2021, 12 months from the date of issuance.

A Stop Order purporting to enforce conditions of the 2020 Development Permit could not have been validly issued after November 16, 2021. Further, the Appellants advised the Town in writing on multiple occasions that they: (a) were not operating in accordance with the 2020 Development Permit (b) were not taking any steps to satisfy the conditions of the 2020 Development Permit; and (c) were operating in accordance with their valid 1999 Development Permit.

2. Compliance with Land Use Bylaw 1600 and Land Use Bylaw 1882

a. *Validity of the 1999 Development Permit*

In the event the SDAB holds that the Stop Order was validly issued, the Appellants submit that there has been no breach of the Contravened Conditions or LUB 1882 because there is a valid development permit for the Lands, which became a legal non-conforming use in August 2015 after the passing of Land Use Bylaw 1826 (“**LUB 1826**”).

In 1999, Development Permit 99-31 was granted pursuant to LUB 1600 for the construction and operation of Rosewood Villa located on the Lands. However, the Town of Fort Macleod has refused or been unable to locate a copy of the 1999 Development Permit despite its obligations under the *MGA* to keep these records safe.

When asked by the Appellants, and subsequently their counsel, to provide a copy of the 1999 Development Permit these requests were met with reluctance. In an instance such as the one at hand, the availability of historical development permits is critical, and it is unacceptable that a copy of the 1999 Development Permit could not be located. Records Management of Town records has been previously flagged as an issue by Municipal Affairs. As part of the February 2016 Town of Fort Macleod, Municipal Inspection Report at page 98 it stated that the Town was “bursting at the seams with hard copies of historical records” and that “most archival records are stored in the municipal office and are not completely secure. Attached as **Exhibit “J”** are pages 98 and 99 of the 2016 Municipal Inspection Report which include photographs of the state of the historical record storage.

The Town’s inability to locate a physical copy of the 1999 Development Permit is not a basis to declare that: (a) there are no existing development permits; (b) the 1999 Development Permit is invalid; or (c) there are no approved uses for the Lands. The Town has admitted, acknowledged, and referenced the existence and issuance of the 1999 Development Permit on multiple occasions. Attached as **Exhibit “K”** is an e-mail dated July 20, 2018 from Development Officer, Keli Sanford of the Town of Fort Macleod noting Development Permit 99-31.

b. *1999 Development Permit approved Group Home as discretionary use*

Due to the unavailability of the 1999 Development Permit, the parties are left to fill in the blanks regarding the exact uses approved. To aid in this, the Appellant’s were able to locate several documents which support that the 1999 Development Permit approved a then discretionary use, and a now legal non-conforming use, of *Group Home*:

- a) The 2000 Business License indicating that Rosewood Villa was licensed to carry on business as a Social Care Facility. Attached as Exhibit “C” is a copy of the Business License issued on June 7, 2000.
- b) Application guideline documents which were provided to the Appellants by the then Alberta Family & Social Services, Day Care Services – South Region, now known as Southwest Alberta Child and Family Services, which provided direction to the Appellants when they applied to

become a Social Care Facility pursuant to the *Social Care Facilities Licensing Act*, RSA 1980, c S-14 (the “**1999 Guideline Documents**”). Attached as **Exhibit “L”** is a copy of “Day Care Services South, Guidelines for Licensing of Residential Facilities”.

- c) Memorandum from the Office of the Municipal Manager for the Town of Fort MacLeod dated March 22, 1999 confirming that the Lands were zoned Residential - R1. Attached as **Exhibit “M”** is a copy of the Memorandum.

In 1999, pursuant to LUB 1600, the Lands were zoned Residential – R1 and the permitted, discretionary, and prohibited uses were as follows:

***Permitted Uses***

*Accessory buildings and uses*  
*One family dwellings*

***Prohibited Uses***

*Shipping containers\**

***Discretionary Uses***

*Bed and breakfast establishments*  
*Dwellings:*

***Group homes***

*Lodging and boarding houses*  
*Modular homes*  
*Two-family dwellings*  
*Three-family dwellings*

*Home occupations*

*Medical clinics*

*Parks and playgrounds*

*Places of worship*

*Public and private schools*

*Public utility structures*

*Signs*

*Similar uses*

Attached as **Exhibit “N”** are pages 11 and 12 of LUB 1600 showing Residential – R1 Land Use District.

The Town has repeatedly mischaracterized the approved use on the Lands and provided incorrect information to Council and the Municipal Planning Commission. It was suggested by the Town that the most reasonable conclusion regarding the uses approved by the 1999 Development Permit was a Similar Use of Senior Citizen Housing instead of the discretionary use of Group Home. It is illogical to suggest that in 1999 the Town would have resorted to approving a similar use before approving a discretionary use, and the Town was prevented from doing so by section 46 of LUB 1600 which states:

***SIMILAR USES***

*46. Where a use is applied for which is not specifically considered in a land use district but, in the opinion of the Municipal Planning Commission, is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the Municipal Planning Commission may:*

- (a) rule that the proposed use is either a permitted or discretionary use in the land use district in which it is proposed; and*

(b) direct that a development permit be issued in accordance with sections 24 to 26 of this bylaw.

Attached as **Exhibit "O"** is a copy of page 6 from LUB 1600 showing clause 46 – Similar Uses. A similar use would only have been applied for if the use was not specifically considered in the Land Use District. The use that the Appellants wanted to use their Lands for was specifically considered in their Land Use District R1 under the definition of Group Home which is as follows:

*Group home means development using a dwelling unit for a provincially-approved residential **social care facility** providing rehabilitative and supportive care for four or more persons. A "Group home" may incorporate accommodation for resident staff as an accessory use (emphasis added).*

Attached as **Exhibit "P"** is a copy of page 87 of LUB 1600 showing the definition of Group Home.

In 1999, social care facilities operated pursuant to the *Social Care Facilities Licensing Act*, RSA 1980, c S-14 and were defined as:

1(f) "social care facility" means

- (i) *a place of care for persons who are aged or infirm or who require special care,*
- (ii) *an institution or a shelter as defined in Part 2 of the Child Welfare Act, or*
- (iii) *a hostel or other establishment operated to provide accommodation and maintenance for unemployed or indigent persons (emphasis added).*

Attached as **Exhibit "Q"** is a copy of section 1(f) from the *Social Care Facilities Licensing Act*.

The 2000 Business License confirms that Rosewood Villa was licensed by the Town to carry on business as a Social Care Facility:

*This is to certify that ROSEWOOD VILLA has this day paid the sum of FIFTY DOLLARS for a License to carry on business as **SOCIAL CARE FACILITY** [sic] within the limits of the Town of Fort Macleod until the 31<sup>st</sup> day of December, 2000... (emphasis added)*

The only reference to "Social Care Facility" in the entirety of LUB 1600 is in the definition of Group Home (see Exhibit "P"). There are no other uses in LUB 1600 which contemplate use by a social care facility.

The sole basis for the Town's position is that the Appellants have referred to Rosewood Villa as a senior's assisted living home, a seniors care home, and a seniors personal care home in written correspondence. However, this is due to the fact that Rosewood Villa cared for seniors. The terms "senior's assisted living home", "seniors care home", and "seniors personal care home" all would be encompassed by the definition of "social care facility" under section 1(f)(i) of the *Social Care Facilities Licensing Act* which state that a social care facility is a place of care for persons who *are aged or infirm or who require special care* (See

Exhibit “Q”).

Additionally, Senior Citizens Housing is not a standalone use under LUB 1600 and does not appear in any Land Use District as a use. It is only referred to in two places in the entirety of LUB 1600, in the definition of Senior Citizens Housing and the definition of Institutional which is as follows:

*Institutional means a use by or for an organization or society for public or social purposes and, without restricting the generality of the term, includes senior citizen housing, nursing homes, day care centres, places of worship, museums, libraries, schools, service and fraternal organizations, and government buildings.*

Institutional only appeared in one Land use District: R2 – Mobile Home. The Appellants could not have been approved for Institutional use because (a) it would have required a re-zoning of the Lands at that time from R1 to R2; and (b) they would not have met the requirements of the definition because they were not an organization or society for public or social purposes and did not meet the definition of the uses described, in particular, the portion of the definition referring to Senior Citizen Housing. The definition of Senior Citizen Housing is as follows:

*Senior citizen housing means development, including lodges which is used as a residence for elderly individuals not requiring constant or intensive medical care.*

The type of care that was provided by Rosewood Villa was care that was constant or intensive and therefore, Rosewood Villa could not have complied with the definition of *Senior Citizen Housing* which required that elderly individuals “not requir[e] constant or intensive care”. LUB 1600 does not define nursing home and the only Land Use District it appears in is Public – P which would also have required the Appellants to rezone the Lands in 1999. Attached as **Exhibit “R”** are a copy of pages 88 and 95 from LUB 1600 showing the definitions of Institutional and Senior Citizen Housing.

*c. 1999 Development Permit is Still in Effect*

The Town has taken the position that two development permits cannot exist for the same or similar use on the Lands. This position cannot be supported in law and no basis has been provided for this position. The 2020 Development Permit had been approved but had not yet become a valid development permit because the conditions had not been satisfied and no steps were being taken to do so. Additionally, neither LUB 1600, LUB 1882, or the *MGA* contain any provisions which seek to limit the number of development permits that can be issued for a parcel of Land at any given time.

Development permits are ordinarily issued for an indefinite duration, subject to the non-conforming use provisions of s. 643 of the *MGA* or unless otherwise specified.<sup>6</sup> Additionally, once a development permit becomes effective, it remains in effect for an indefinite period unless otherwise provided.<sup>7</sup> There is no evidence to suggest that the 1999 Development Permit was a temporary permit, issued on a time limited basis, or that it was due to expire at a later date.

<sup>6</sup> *Planning Law, supra* note 1 at 9-32.

<sup>7</sup> *Planning Law, supra* note 1 at 9-36.

Rosewood Villa operated without interruption for 18 years and received approval for their business licenses each year. The Appellants have retained copies of several business licenses. Attached as **Exhibit “S”** are copies of the Rosewood Villa business licenses for the years 2000-2004, 2006-2013, 2017, and 2018. Over this 18-year period, if the 1999 Development Permit had expired or if it was required to be renewed, a business license would not have been issued or it would have been brought to the attention of the Appellants prior to now.

The issuance of the 2020 Development Permit cannot cancel the 1999 Development Permit unless expressly provided for in the 2020 Development Permit or the Land Use Bylaw.<sup>8</sup> No such language is included in the 2020 Development Permit.

The Alberta Court of Appeal dealt with a similar situation in the case of *Luk v Cypress (Municipal District of)*, 1999 ABCA 16 (“*Luk*”), wherein the landowner applied for a second development permit for the expansion of the size of his piggery approved by the original permit 3 months earlier. The second permit was approved but the landowner decided to abandon the expansion contemplated by the second permit and revert to his original permit. Adjacent landowners unhappy with the developments approved by the first permit and contended that the first permit was revoked by the terms of the second permit and because the landowner did not intend to proceed under the second permit, the construction contemplated by the first permit was unauthorized and in contravention of the Land Use Bylaw.

The Court stated:

*We agree with the chambers judge that nothing in the Municipal Government Act S.A. 1994, c. M-26.1 authorizes the Development Appeal Board, which is a wholly statutory body, to revoke the first permit when that permit itself is not the object of an appeal before the Board. Since the first permit was not appealed and could not be revoked by the Board, it remains extant (emphasis added).<sup>9</sup>*

Attached as **Exhibit “T”** is a copy of the Alberta Court of Appeal decision, *Luk v Cypress (Municipal District of)*, 1999 ABCA 16.

The Town does not have the authority to cancel a development permit under the *MGA*, except in accordance with an appeal under section 680, or under LUB 1882, except in accordance with the reasons set out in section 4.17 of LUB 1882, which do not include automatic cancellation upon (a) the filing of a development permit application; (b) the subsequent decision to abandon a development permit; or (c) the subsequent expiry of an abandoned development permit. The reasons for this are similar to that of issue estoppel. Once a municipality has authorized a development, it cannot later revoke or ignore that permission. It would be unfair, and economically untenable, to permit significant investments in one year, and then to allow the municipality to declare the intended use unlawful in a later year. Attached as **Exhibit “U”** is a copy of page 33 of LUB 1882 showing paragraph 4.17.

<sup>8</sup> *Planning Law*, *supra* note 1 at 9-33.

<sup>9</sup> *Luk v Cypress (Municipal District of)*, 1999 ABCA 16 at para 6.

*d. Appellants have a Legal Non-Conforming Use*

Section 643 of the *MGA* strikes a compromise between the immediate achievement of desired planning objectives and the protection of vested property rights.<sup>10</sup> On one hand, the Legislature protects property rights by permitting a once lawful, existing use to continue even though it doesn't comply with the current land use bylaw, and on the other, the legislature has served the goals of planning by imposing constraints on the continuation of non-conforming uses.<sup>11</sup>

In August 2015, LUB 1826 came into force and at that time, Rosewood Villa was operating in accordance with the use of Group Home as approved by the 1999 Development Permit. The coming into force of LUB 1826 made the current use of the Lands a non-conforming use but, the provisions of section 643(1) permit that use to continue. It is only if the use is discontinued for a period of 6 consecutive months or more that the Lands lose their non-conforming use.

Section 643(1) of the *MGA* allows for previously issued development permits to remain in effect despite the coming into force of subsequent land use bylaws:

*643(1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.*

And pursuant to section 643(2) if the use is discontinued for a period of 6 consecutive months, then any future use must conform with the then Land Use Bylaw and 643(3) provides that a non-conforming use may be extended through the building:

*643(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.*

*643(3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.*

The Town has taken the position that the use contemplated by the 1999 Development Permit is not a legal non-conforming use because the use had been discontinued and there was a change and intensification of that use which required a new development permit.

In the case of a stop order, if a land owner produces sufficient evidence to raise a doubt about whether their case falls within s. 643, the doubt should be resolved in their favour.<sup>12</sup> The Appellants have provided more than enough evidence to prove that on the balance of probabilities, the 1999 development permit

<sup>10</sup> *Planning Law, supra* note 1 at 15-29.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Planning Law, supra* note 1 at 15-30.

was issued, it remains valid, and Group Home was the most likely land use approved by that permit, however, if doubt remains it should be resolved in their favour.

*i. There Has Been No Discontinuance of the Use*

The Town has taken the position that there was a discontinuance of the legal non-conforming use. This is incorrect because Rosewood Villa has never been vacant. From the time it opened its doors to present, it has always been in use as a Group Home whether by providing rehabilitative and supportive care for four or more persons or as accommodation as an accessory use. From June 2000 to October 2018, the entire facility was used to care for patients and house the operators of Rosewood Villa, John and Lorraine Segboer as well as staff which worked at Rosewood Villa.

John, age 82, and Lorraine Segboer, age 78, resided together at Rosewood Villa from June 2000 until John was relocated to an alternative care facility in November 2018. From May 2017-November 2018, John was a client of Rosewood Villa due to the level of care required after his stroke. After John was relocated in November 2018, Lorraine continued to reside at Rosewood Villa until January 2020. Lorraine required assistance with her day to day activities and therefore, from October 2018 – June 2020, Lorraine’s caregivers occupied one of the basement dwelling units until Shinah House took possession of Rosewood Villa.

Due to the definition of Group Home in LUB 1600, Rosewood Villa had two discretionary uses, Group Home as a primary use and Accommodations as an accessory use. Further, Planning and Development authorities do not have jurisdiction to determine who the user of the Lands are, they only have jurisdiction to determine what the use of the Land may be.

Pursuant to section 643(3) of the *MGA*, the legal non-conforming use encompasses the entirety of the building, which would include those areas of the Group Home which were vacant from 2018-2020 as well as the sections that were always occupied. Therefore, there was no discontinuance of use at the Lands.

*ii. No Intention to Discontinue the Use*

In the alternative, if the SDAB finds there was a discontinuance of the use, there was no intention to discontinue the use. The Alberta Court of Appeal in *Stavely (Town) v Fern Brothers*, 1987 ABCA 233 (“*Stavely*”) held that in order for a use to be continued in accordance with section 643(2), there must be “an element of intention” to do so.<sup>13</sup> Attached as **Exhibit “V”** is a copy of the Alberta Court of Appeal decision *Stavely (Town) v Fern Brothers*, 1987 ABCA 233.

The facts of *Stavely* mirror the factual situation of the Appellants. In *Stavely*, the landowners were alleged to have discontinued a non-conforming use because the lands had become vacant despite the efforts of the landowners to find tenants.<sup>14</sup> The landowners had not been using the lands but they were striving to do so. The Court found that to hold that the landowners had discontinued their use due circumstances beyond their control, namely, the unavailability of tenants, would “work a grave hardship on [the] landowner who had a right to a continual lawful use, but is precluded from actual use by circumstance beyond [their] control.” The Court stated what is required in this situation is a “bona fide intention to use the premises

<sup>13</sup> *Stavely (Town) v Fern Brothers*, 1987 ABCA 233 [*Stavely*] at para 4

<sup>14</sup> *Ibid.*

and actual use so far is practicable.”<sup>15</sup>

*Stavely* has been subsequently considered and followed in several Alberta Court of Queen’s Bench decisions and Calgary Subdivision and Development Appeal Board decisions. It has also been recognized by the Manitoba Court of Appeal, the Saskatchewan Court of Queen’s Bench, and the British Columbia Supreme Court and continues to be followed.<sup>16</sup>

There has been no intention by the Appellants to discontinue the use of Group Home at the Lands. After Rosewood Villa ceased business operations and while the Appellants contemplated what the future of the facility would be, they inadvertently let their business license lapse. During this time, the Appellants were actively searching for tenants. They contacted multiple government agencies and social services providers to advise them of the opportunity to use Rosewood Villa for social care. Advertisements were done on social media and they were in contact with several realtors to let them know about the availability of the property for lease. The unavailability of a tenant to operate at Rosewood Villa was a circumstance outside of the Appellants control and despite the Appellants best efforts, they were unable to secure a tenant until the fall of 2019.

In the fall of 2019, the Appellants found tenants who were seeking to operate a culture-based group foster home for indigenous children. The Appellants had no contact with the Town prior to early 2020 when the Appellants sought information about their zoning and uses because their tenants required it for their licensing. At that time, the Town took the position that there were no existing permits for the Lands and due to the adoption of LUB 1882, required a rezoning of the Lands in order for the Appellants tenants to operate.

The Town has pointed to the 2020 Development Permit application as evidence of the Appellants intention to discontinue the use on their Lands. This is not evidence of any intention to discontinue because the only reason the Appellants applied for the 2020 Development Permit was due to the inducement to do so by the Town, not because the Appellants had any intention to change the use of their Lands. In actuality, the 2020 Development Permit is evidence of their intention to continue the use of their Lands because it contemplates a near identical use to their legal non-conforming use. Additionally, the type of tenant that the Appellants secured also speaks to their intention for the Lands – they were actively seeking out tenants that could use the facility as it had always been used and then did eventually do that.

From the time the Rosewood Villa business license lapsed, to the time that a new tenant was found and began operating, there was no intention to discontinue the use. Any discontinuance was due to circumstances beyond the Appellants control and to hold otherwise would be a grave hardship on the Appellants as landowners because they have a right to continual lawful use.

<sup>15</sup> *Stavely*, *supra* note 13 at para 5.

<sup>16</sup> See also: *Granville Savings & Mortgage Corp v Calgary (City)*, (1995) 171 A.R. 26, 1995 CanLII 18102; *La Caille North Point Inc v. Calgary (City)*, 2020 ABQB 803 at para 23; SDAB2010-0203 (Re), 2010 CGYSDAB 203; SDAB2007-0232 (Re), 2007 CGYSDAB 232; *Samborski Garden Supplies Ltd. v. MacDonald*, 2015 MBCA 26 at para 22; *Wong v. Maple Creek (Town)*, 2013 SKQB 240 at; *Delta v Magee*, 2003 BCSC 1722 at paras 36-37.

*iii. No Change in Intensity of the Use*

There has been no change in the intensity of the use at the Lands, in fact, the only change in the use of Rosewood Villa is the age and race of the residents who are housed there and pursuant to section 643(7) of the *MGA* and section 4.14 of LUB 1882, a change in tenancy **cannot** affect the use of land. A Planning and Development authority cannot regulate which individuals may use lands under a permitted or discretionary use. A Planning and Development authority is responsible for deciding on uses for lands, not *who* may use them. Attached as **Exhibit "W"** is a copy of section 643 of the *MGA* and page 32 of LUB 1882 showing section 4.14.

The Town has cited a need for additional parking and access as support for its position that there was a change in intensity of the use on the Lands. Parking and access were erroneously made a central issue in both the denial of the re-zoning from Residential to Public Institutional and the 2020 Development Permit.

At the time that Rosewood Villa was constructed, pursuant to LUB 1600, the Minimum Off-Street Parking Space that was required for Dwellings were 2 parking spaces per dwelling unit or as required by the Municipal Planning Commission (see Exhibit "N"). Without the 1999 Development Permit, we can only speculate as to what parking requirements were imposed by the Municipal Planning Commission at the time. As indicated by LUB 1600 at page 11, Group Homes were Dwellings for the purposes of LUB 1600. Therefore, it is reasonable to infer that at maximum 6 parking spaces would have been required or such other number as the Municipal Planning Commission designated.

In 2002, with input and approval from the Town, an access road was created and paid for by the Appellants, to provide Emergency Services access to the rear of Rosewood Villa. Beginning in 2015, this access road has been utilized by residents of four condominiums in the same neighbourhood. The Lands can accommodate six parking stalls with the use of the current garage and driveway as well as several additional stalls in the rear of the building.

Throughout the 2020 Development Permit process, the Town insisted on a calculation of between 15-20 parking spaces, which was pointed out by the Appellants on multiple occasions as incorrect due to the mischaracterization of the dwelling units (Rosewood Villa contains three dwelling units). The Town's representatives refused to engage in conversation on this point. Due to the amount of available parking in the garage and driveway and the low number of cars that would be at the group home at any given time, the Appellants submit that there is ample parking for what is required by LUB 1600 and LUB 1882.

### CONCLUSION

The Appellants and their tenant have been misled and misguided by the Town at every turn. At no point was it necessary for the Appellants to re-zone the Lands or apply for a new development permit in order for Shinah House, to operate the Group Home for indigenous children. The actions of the Town have been unprofessional and prejudicial toward the Appellants and Shinah House and as a result, the Appellants have been required to incur enormous costs participating in administrative proceedings and engaging legal counsel to continue operating a group home on the Lands as a legal non-conforming use under the 1999 Development Permit.

The Town allowed pressure from the residents of the Town to cloud the decision-making process by taking the user of the Lands into account when deciding on the use of the Lands. This fact has been made clear

by the lack of evidence to support their position; refusals to assist the Appellants; written and oral submissions received at the August 24, 2020 and September 28, 2020 Town Council Meetings; and the attitudes of Town employees and representatives toward the Appellants and Shinah House.

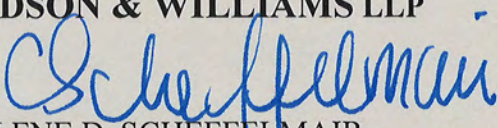
The evidence provided to the Town now and prior to this appeal support that the use of Group Home is a legal non-conforming use as was approved by the 1999 Development Permit and as contemplated by section 643 of the *MGA*. The use of group home was not discontinued at Rosewood Villa and if it was, there was never any intention by the Appellants to discontinue this use nor has there been a change in intensity of the use. The positions taken by the Town cannot be supported in law. There is ample case law illustrating that not only is an element of intention required to discontinue a use but that the Town is estopped from relying on the 2020 Development Permit, the Stop Order, and from revoking its permission for the Appellants to operate a Group Home at the Lands.

Therefore, the Appellants submit that the CISAB should vacate the Stop Order, declare the 2020 Development Permit of no force and effect, and declare that the use of Group Home remains a legal non-conforming use pursuant to the 1999 Development Permit.

Yours truly,

DAVIDSON & WILLIAMS LLP

PER:

  
CHARLENE D. SCHEFFELMAIR,  
Barrister & Solicitor

# TAB A



# Town of Fort Macleod

BOX 1420, FORT MACLEOD, ALBERTA, TEL: (403)553-4425 FAX (403)553-2426

## STOP ORDER

Section 645, *Municipal Government Act*

R.S.A. 2000, c. M-26, as amended

Date Order Made: December 30, 2021

- HAND DELIVERED/POSTED ON  
SITE Date: December 30, 2021
- REGISTERED MAIL  
Tracking  
Number(s): RN483908049CA  
RN483908021CA  
RN483908018CA

**Recipients:**

836663 Alberta Ltd., Landowner  
Box 87  
Fort Macleod, AB  
T0L 0Z0

Kenneth and Linnet Segboer, Directors of 836663 Ltd.  
188 Crystal Shores Drive  
Okotoks, Alberta  
T1S 2L1

Karen English, Applicant  
Box 2667  
Fort Macleod, Alberta  
T0L 0Z0

RE: **Legal Description(s): Plan 9812195, Block 27, Lot 6 and Plan 9812195, Block 27, Lot 7**  
**Municipal Description: 120 Garrison Drive**

In my capacity as Development Officer for the Town of Fort Macleod (the "Town"), I hereby issue to the above named Recipients, a Stop Order pursuant to Section 645 of the *Municipal Government Act*, with respect to the following lands legally described as:

**Plan 9812195**  
**Block 27**  
**Lot 6**

and

**Plan 9812195  
Block 27  
Lot 7,**

and municipally described as:

**120 Garrison Drive,**

(hereinafter referred to as the "Lands").

The Town's Land Use Bylaw No. 1882 (the "Land Use Bylaw") states:

### **3.2 USE OF LAND**

A person who develops land or buildings in the Town shall comply with the requirements of this bylaw including all conditions attached to a development permit if one is required, and all other applicable federal, provincial, and municipal requirements.

Further, Part 17 of the *Municipal Government Act* and Sections 5.2 and 5.3 of the Land Use Bylaw authorize a Development Officer to issue a Stop Order where a development or use of land or buildings is not in accordance with the *Municipal Government Act*, the Subdivision and Development Regulation, a development permit or subdivision approval, or the land use bylaw.

At present, the Lands do not comply with the Land Use Bylaw for the following reasons:

On November 16, 2020, the Town issued Development Permit 088-20 approving a Group Care Facility for five or less residents (the "Development Permit"), subject to the conditions attached to the Development Permit.

The Development Permit required the Recipients to satisfy several conditions of approval prior to the commencement of the approved Group Care Facility for five or less residents' use. The Recipients commenced the Group Care Facility use on or about September 30, 2020. As of the date of this Order, the Recipients have not satisfied the conditions. Thus, the development does not comply with the Development Permit or the Land Use Bylaw.

The contravened Development Permit conditions are the following:

4. Building shall be inspected for current Alberta Building Code Standards *prior to occupancy*.

...

14. Landowner shall complete the land purchase of that portion of Lot 16, Block 27, Plan 0012428 of Town owned land that is necessary to the developments parking needs *prior to occupancy* of the applicant.

15. Landowner shall by plan of survey consolidate Lots 6 & 7, Block 27, Plan 9812195 and the portion of Lot 16 Block 27 Plan 0012428 described in condition 14 *prior to occupancy* of the applicant,

(hereinafter referred to as the "Contravened Conditions").

Accordingly, you are hereby ordered to take the following steps:

1. **By no later than January 31, 2022:** cease the operations of the Group Care Facility with five or less tenants as contemplated by the Development Permit;

OR

2. **By no later than January 31, 2022:** comply with the Outstanding Conditions, to the satisfaction of the Development Authority.

You are hereby advised that you have the right to appeal this Order to the Subdivision and Development Appeal Board. If you wish to exercise this right, written notice of an appeal together with the applicable appeal fee of \$500.00 as required by Appendix B to the Land Use Bylaw must be delivered to the Secretary of the Subdivision and Development Appeal Board within twenty-one (21) days of the date this Order was made. The address for filing an appeal is:

**Subdivision and Development Appeal Board  
c/o Chief Administrative Officer, Town of Fort Macleod  
Box 1420  
Fort Macleod, Alberta  
T0L 0Z0**

Be advised that the Town has the authority, in the event that this Stop Order is not complied with within the time limit provided, to enter onto your lands in accordance with Sections 646 and 542 of the *Municipal Government Act* to take whatsoever actions are determined by the Town to be necessary to bring the lands into compliance with this Order, and may seek an Injunction or other relief from the Court of Queen's Bench of Alberta pursuant to Section 554 of the *Municipal Government Act*. Further, the Town has the authority to add the costs and expenses for carrying out the enforcement of this Stop Order to the tax roll for the Lands pursuant to Section 553(1)(h.1) of the *Municipal Government Act*.

YOURS TRULY,

**TOWN OF FORT MACLEOD**

Per:



**Keli Sandford**  
Development Officer



## TOWN OF FORT MACLEOD DEVELOPMENT PERMIT No. 088-20

Name of Applicant (Landowner): Karen English (836663 Alberta Ltd/ Rosewood Villa)

Zoning District: Residential -R Roll No. 21020218

In the matter of development on a property located at: 120 Garrison Drive

Legal Land Description: Lot 6 & 7, Block 27, Plan 9812195

The development as specified in Application No: 088-20 for the following use: Operate a group care facility for children between the ages of 10 & 17 years old for five (5) residents (clients) or less with 24 hour supervision, utilizing selected main floor suites and facilities within the existing building. No more than four (4) employees to be on site at any one time; No renovations are planned interior or exterior.


has been APPROVED subject to the following conditions:

1. DEVELOPMENT SHALL CONFORM TO THE PLANS IN THE DEVELOPMENT APPLICATION SUBMITTED TO THE TOWN OF FORT MACLEOD;
2. DEVELOPMENT SHALL CONFORM TO SCHEDULE 2, RESIDENTIAL-R; SCHEDULE 3, STANDARDS OF DEVELOPMENT AND SCHEDULE 4 -USE SPECIFIC STANDARDS OF DEVELOPMENT (SECTION 4) OF LAND USE BYLAW NO. 1882;
3. APPLICANT/CONTRACTOR TO ACQUIRE BUILDING, ELECTRICAL, GAS & PLUMBING PERMITS FROM THE TOWN OF FORT MACLEOD AS REQUIRED.(Park Enterprises Ltd.);
4. **BUILDING SHALL BE INSPECTED FOR CURRENT ALBERTA BUILDING CODE STANDARDS PRIOR TO OCCUPANCY;**
5. APPLICANT MUST ACQUIRE APPLICABLE PERMITS ISSUED UNDER THE SAFETY CODES ACT AND /OR ANY OTHER FEDERAL OR PROVINCIAL AGENCY OR ACT THAT REQUIRES ONE,
6. DEVELOPMENT MUST COMPLY WITH ANY AND ALL FEDERAL AND PROVINCIAL STATUTES AND REGULATIONS, AND ANY AND ALL TOWN OF FORT MACLEOD MUNICIPAL BYLAWS AND POLICIES, APPROVALS SHALL BE SUPPLIED TO THE TOWN AND A COPY TO BE KEPT ON FILE;
7. REGULATIONS FROM ALBERTA HEALTH SERVICES AND OCCUPATIONAL HEALTH AND SAFETY SHALL BE ADHERED TO, APPROVALS SHALL BE SUPPLIED TO THE TOWN AND A COPY TO BE KEPT ON FILE;
8. DOCUMENTATION OF ANY FEDERALLY OR PROVINCIALY LEGISLATED APPROVALS SHALL BE SUPPLIED TO THE TOWN AND A COPY TO BE KEPT ON FILE (Such as, but not limited to; THE HOUSING ACT REGULATIONS, CHILDREN'S SERVICES, ALBERTA HEALTH SERVICES AND ACCREDITATION APPROVALS ETC.)
9. A MUNICIPAL BUSINESS LICENSE SHALL BE OBTAINED ANNUALLY AS PER BYLAW NO. 1836.
10. A NEW DEVELOPMENT APPLICATION SHALL BE SUBMITTED IF SIGNAGE IS REQUIRED;
11. REFUSE AND GARBAGE STORAGE AREAS SHALL BE EFFECTIVELY SCREENED UNTIL SUCH TIME AS COLLECTION AND DISPOSAL ARE POSSIBLE.
12. APPLICANT/CONTRACTOR TO ENSURE NO DAMAGE OCCURS TO EXISTING SIDEWALKS WALKWAYS OR ROADS AS A RESULT OF CONSTRUCTION. SHOULD THIS HAPPEN, APPLICANT WILL BE RESPONSIBLE TO REPAIR DAMAGES TO ORIGINAL CONDITION OR TO TOWN STANDARDS, WHICHEVER REPRESENTS THE BETTER DEVELOPMENT.

13. DOWNSPOUTS AND EXTENSIONS MUST BE IN PLACE SUCH THAT POSITIVE DRAINAGE IS AWAY FROM THE BUILDING AND FLOWS TOWARD THE STREET. WATER MUST NOT CROSS INTO ADJACENT PROPERTIES. THE TOWN OF FORT MACLEOD RESERVES THE RIGHT TO REQUEST A DRAINAGE PLAN PROFESSIONALLY PREPARED BY A SURVEYOR OR ENGINEER SHOULD DRAINAGE PROBLEMS OCCUR.
14. **LANDOWNER SHALL COMPLETE THE LAND PURCHASE** OF THAT PORTION OF LOT 16, BLOCK 27 PLAN 0012428 OF TOWN OWNED LAND THAT IS NECESSARY TO THE DEVELOPMENTS PARKING NEEDS PRIOR TO OCCUPANCY OF THE APPLICANT.
15. **LANDOWNER SHALL BY PLAN OF SURVEY CONSOLIDATE** LOT 6 & 7, BLOCK 27, PLAN 9812195 AND THE PORTION OF LOT 16 BLOCK 27 PLAN 0012428 DESCRIBED IN CONDITION 14 PRIOR TO OCCUPANCY OF THE APPLICANT.
16. THE DEVELOPER OR **LANDOWNER SHALL PROVIDE A PARKING LAYOUT DRAWING** FOR THE REAR OF THE PROPERTY INDICATING THE LOCATION OF THE REQUIRED 15 PARKING STALLS, DRIVING AREAS, GARBAGE PICKUP, AND LOADING ZONES. ALL PARKING FOR THIS DEVELOPMENT SHALL BE IN THE REAR OF THE BUILDING EXCEPTING SHORT TERM VISITATION, THE ONE (1) REQUIRED BARRIER FREE STALL, AND DELIVERY SERVICE WHICH MAY UTILIZE THE FRONT DRIVEWAY.
17. **WITH 3 HOURS NOTICE, THE APPLICANT OR OWNER** MUST PROVIDE THE DEVELOPMENT AUTHORITY **ACCESS TO THE BUILDING FOR INSPECTION** TO ENSURE COMPLIANCE WITH THIS APPROVAL.
18. **NO OVERNIGHT VISITORS ARE ALLOWED, VISITING HOURS SHALL BE BETWEEN 8 A.M. AND 9 P.M. DAILY**

DATE OF DECISION: November 16, 2020

Signed: \_\_\_\_\_

  
Keli Sandford  
Planning and Development Officer

**DEVELOPMENT MAY NOT COMMENCE PRIOR TO ISSUANCE OF A VALID DEVELOPMENT PERMIT FOLLOWING NOTICE OF DECISION.**

(See Over)

**INFORMATIVE:**

1. ALBERTA-ONE-CALL MUST BE CONTACTED AT 1-800-242-3447 TO LOCATE UNDERGROUND UTILITIES PRIOR TO COMMENCEMENT OF DEVELOPMENT.
2. A WATER METER MUST BE ACQUIRED FROM THE TOWN OFFICE WITH A \$200 REFUNDABLE DEPOSIT AND INSTALLED BY A LICENSED PLUMBER PRIOR TO TOWN'S PUBLIC WORKS DEPARTMENT TURNING ON WATER. THE WATER CURB STOP MUST NOT BE TURNED ON BY THE PLUMBER. (If Required)
3. ATCO GAS PROVIDER TO BE CONTACTED AT 403-310-5678 TO ESTABLISH GAS SERVICES. (If required)
4. FORTIS TO BE CONTACTED TO ESTABLISH ELECTRICAL SYSTEM. PLEASE CALL 310-WIRE
5. IF AN APPEAL IS LODGED PURSUANT TO SECTION 686 OF THE MUNICIPAL GOVERNMENT ACT, AS AMENDED, THEN A PERMIT WILL NOT BECOME EFFECTIVE UNTIL THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD HAS DETERMINED THE APPEAL.
6. NOTICE OF APPROVAL IN NO WAY REMOVES THE NEED TO OBTAIN ANY PERMIT OR APPROVAL REQUIRED BY ANY FEDERAL, PROVINCIAL OR MUNICIPAL LEGISLATION, ORDER AND/OR REGULATIONS PERTAINING TO THE DEVELOPMENT APPROVED.
7. THE PERMIT INDICATES ONLY THE DEVELOPMENT TO WHICH IT RELATES IS AUTHORIZED IN ACCORDANCE WITH THE PROVISIONS OF THE LAND USE BYLAW, AND IN NO WAY RELIEVES OR EXCUSES THE APPLICANT FROM COMPLYING WITH THE LAND USE BYLAW OR ANY OTHER BYLAW, LAWS, AND/OR REGULATIONS AFFECTING SUCH DEVELOPMENT.
8. THE PERMIT IS VALID FOR A PERIOD OF 12 MONTHS FROM DATE OF ISSUE. IF, AT THE EXPIRY OF THIS PERIOD, DEVELOPMENT HAS NOT COMMENCED THE PERMIT SHALL BE NULL AND VOID.
9. DEVELOPMENT OFFICER MAY REQUIRE CESSATION OF WORK WHERE THE DEVELOPMENT FOR WHICH THE PERMIT HAS BEEN ISSUED IS NOT BEING CARRIED OUT OR COMPLETED TO THE EXTENT OR IN THE MANNER ORIGINALLY APPROVED.
10. THE PERMIT RUNS WITH THE LAND AND IS TRANSFERABLE BETWEEN OWNERS OF SAID LAND.
11. **ALL CONTRACTORS ARE REQUIRED TO OBTAIN A BUSINESS LICENSE FROM THE TOWN OF FORT MACLEOD, OR ALTERNATELY PROOF OF A REGIONAL LICENSE MAY BE SUBMITTED.**

A **Development Permit IS NOT** a building permit, plumbing permit, electrical permit, a permit to install underground or above-ground fuel tanks, a permit issued by a Public Health Inspector, or a business license. These and other separate permits or licenses may be required by municipal, provincial or federal authorities.

# TAB B



LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0027 577 288            9812195;27;6            991 201 824

LEGAL DESCRIPTION  
PLAN 9812195  
BLOCK 27  
LOT 6  
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE  
ATS REFERENCE: 4;26;9;11;E

MUNICIPALITY: TOWN OF FORT MACLEOD

REFERENCE NUMBER: 981 237 771

---

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
991 201 824	16/07/1999	TRANSFER OF LAND		SEE INSTRUMENT

---

OWNERS

836663 ALBERTA LTD.  
OF BOX 87  
FORT MACLEOD  
ALBERTA T0L 0Z0

---

ENCUMBRANCES, LIENS & INTERESTS		
REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
981 308 622	05/10/1998	UTILITY RIGHT OF WAY GRANTEE - TOWN OF FORT MACLEOD. AS TO PORTION OR PLAN:9812196
121 171 299	09/07/2012	MORTGAGE MORTGAGEE - 1ST CHOICE SAVINGS AND CREDIT UNION LTD. 1320-3 AVENUE SOUTH LETHBRIDGE

---

( CONTINUED )

REGISTRATION  
NUMBER      DATE (D/M/Y)      PARTICULARS

ALBERTA T1J0K5  
ORIGINAL PRINCIPAL AMOUNT: \$650,000

121 171 300      09/07/2012 CAVEAT  
RE : ASSIGNMENT OF RENTS AND LEASES  
CAVEATOR - 1ST CHOICE SAVINGS AND CREDIT UNION LTD.  
1320-3 AVENUE SOUTH  
LETHBRIDGE  
ALBERTA T1J0K5  
AGENT - HERBERT R BESWICK

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 17 DAY OF  
JANUARY, 2022 AT 10:38 A.M.

ORDER NUMBER:    43474827

CUSTOMER FILE NUMBER:    60256 NC



\*END OF CERTIFICATE\*

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED  
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,  
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM  
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,  
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS  
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING  
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0027 577 296            9812195;27;7            991 201 824 +1

LEGAL DESCRIPTION  
PLAN 9812195  
BLOCK 27  
LOT 7  
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE  
ATS REFERENCE: 4;26;9;11;E

MUNICIPALITY: TOWN OF FORT MACLEOD

REFERENCE NUMBER: 981 237 771 +1

---

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
991 201 824	16/07/1999	TRANSFER OF LAND		SEE INSTRUMENT

OWNERS  
836663 ALBERTA LTD.  
OF BOX 87  
FORT MACLEOD  
ALBERTA T0L 0Z0

---

ENCUMBRANCES, LIENS & INTERESTS		
REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
981 308 622	05/10/1998	UTILITY RIGHT OF WAY GRANTEE - TOWN OF FORT MACLEOD. AS TO PORTION OR PLAN:9812196
121 171 299	09/07/2012	MORTGAGE MORTGAGEE - 1ST CHOICE SAVINGS AND CREDIT UNION LTD. 1320-3 AVENUE SOUTH LETHBRIDGE

( CONTINUED )

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2  
# 991 201 824 +1

REGISTRATION  
NUMBER DATE (D/M/Y) PARTICULARS

ALBERTA T1J0K5  
ORIGINAL PRINCIPAL AMOUNT: \$650,000

121 171 300 09/07/2012 CAVEAT  
RE : ASSIGNMENT OF RENTS AND LEASES  
CAVEATOR - 1ST CHOICE SAVINGS AND CREDIT UNION LTD.  
1320-3 AVENUE SOUTH  
LETHBRIDGE  
ALBERTA T1J0K5  
AGENT - HERBERT R BESWICK

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 17 DAY OF  
JANUARY, 2022 AT 10:38 A.M.

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APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS  
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING  
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

C29

TAB C

No. 208/2000

# Town of Fort Macleod

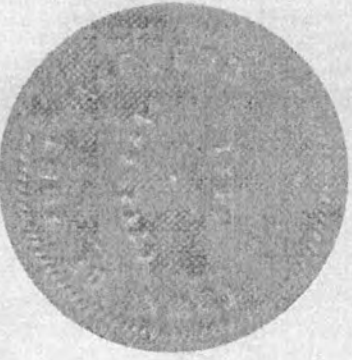


Fort Macleod, Alberta

**\$ 50.00**

# LICENSE

This is to certify that **ROSEWOOD VILLA** has this day paid the sum of FIFTY DOLLARS for a License to carry on business as **SOCIAL CARE FACILITY** within the limits of the Town of Fort Macleod until the 31st day of December, 2000 unless this license be sooner suspended or forfeited, and this license is issued to the said **ROSEWOOD VILLA** and is accepted and held by **LORRAINE SEGBOER** subject to any or all By-laws, rules and regulations that are now, or hereafter may be in force, respecting the same or the trade, business or calling hereby licensed to be carried on.



Given under my hand and the corporate seal of the

TOWN OF FORT MACLEOD

*Ph*

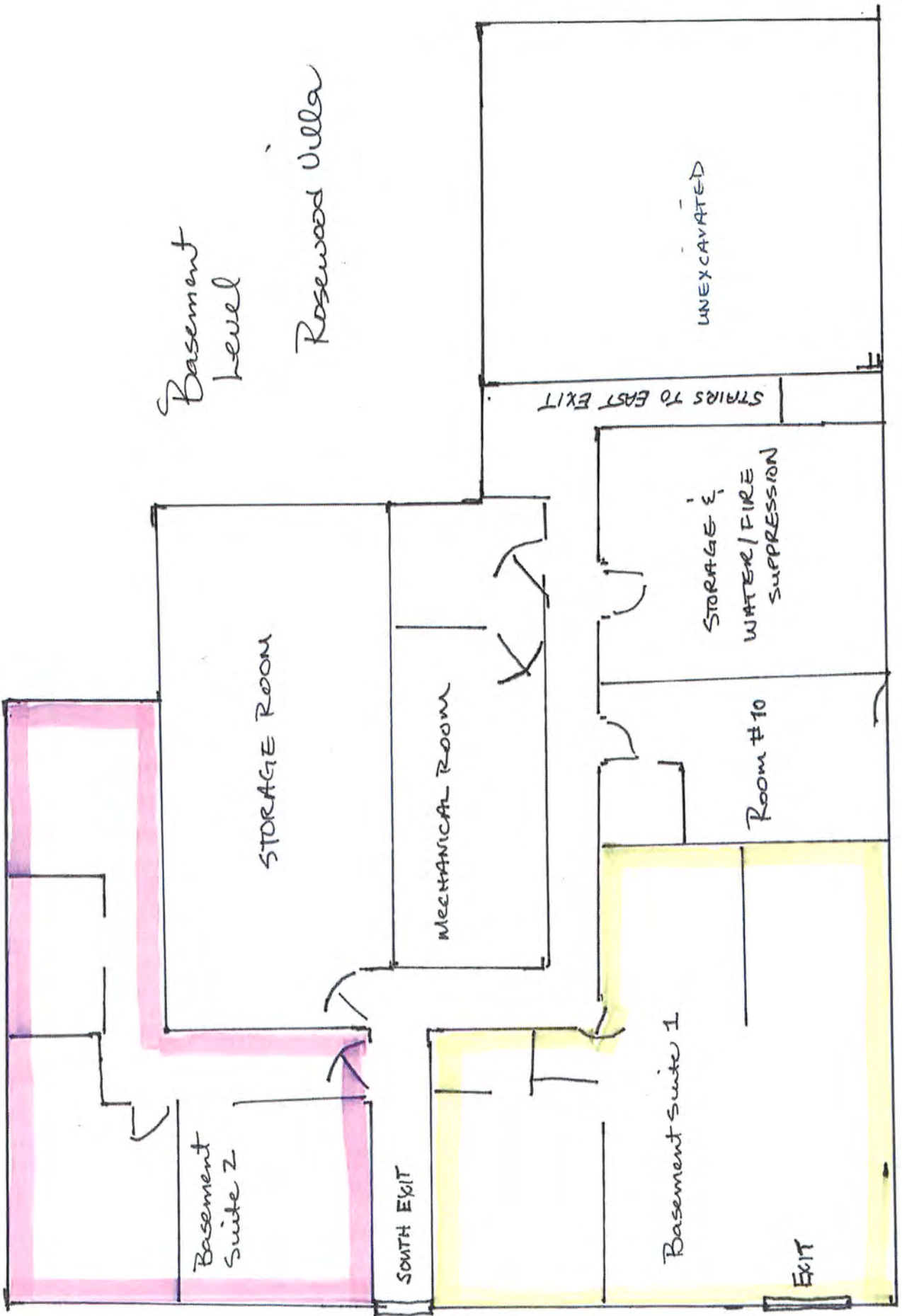
this ..... day of *June* ..... A.D. 2000

*J. A. Gorman*

Clerk

TAB D

Basement level  
Rosewood Villa



# TAB E

**Town of Fort Macleod  
Council Meeting Agenda  
Monday August 24<sup>th</sup>, 2020  
GR Davis Administration Building  
Council Chambers 6:00 pm**

*Section 197 of the MGA states that councils and council committees must conduct their meetings in public unless the matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy (FOIPP) Act (Sections 16 to 29).*

**Mayor Brent Feyter, Deputy Mayor Marco Van Huigenbos**

*This agenda has not been approved by Council and is subject to change.*

**A. CALL TO ORDER**

**B. MOMENT OF REFLECTION**

**C. APPROVAL OF AGENDAS**

1. [Consent Agenda](#)
2. Regular Meeting Agenda

**D. IN CAMERA**

1. Land Sale
2. Legal

**E. FOR THE GOOD OF COUNCIL**

**F. DELEGATIONS**

**G. PUBLIC HEARINGS**

1. [Operations: Removal of MR Designation and Disposal of Land](#) – *DO Adrian Pedro*
2. [Bylaw 1918: Land Use Bylaw Amendment R to CN](#) -*Gavin Scott, ORRSC*
3. [Bylaw 1919: Land Use Bylaw Amendment R to PI](#) – *Gavin Scott, ORRSC*
  - a) Letters submitted in favour of Bylaw 1919
  - b) Letters submitted against 1919

**H. CONSIDERATION OF DELEGATIONS and PUBLIC HEARINGS**

1. Operations: Removal of MR Designation and Disposal of Land – *DO Adrian Pedro*
2. Bylaw 1918: Land Use Bylaw Amendment R to CN - *Gavin Scott, ORRSC (2<sup>nd</sup> & 3<sup>rd</sup> reading)*
3. Bylaw 1919: Land Use Bylaw Amendment R to PI – *Gavin Scott, ORRSC*

**I. UNFINISHED BUSINESS**

1. [Bylaw 1915: Southwest Industrial Utility Upgrade Financing](#)– *DF Kris Holbeck (2<sup>nd</sup> & 3<sup>rd</sup> reading)*

**J. NEW BUSINESS**

1. [Administration: Municipal Stimulus Grant 2021](#)– *DF Kris Holbeck*
2. [Bylaw 1878: Union Cemetery Bylaw](#)– *DF Kris Holbeck (first reading)*
3. [Administration: Youth Ice Rental Rates 2020/21](#)– *DCPS Liisa Gillingham*
4. [Administration: MOU Environment Committee](#)– *CAO Sue Keenan*
5. [Administration: AUMA Convention](#)– *CAO Sue Keenan*
6. [Operations: OP Policies #10 & 11](#)– *DO Adrian Pedro*

**K. ADMINISTRATIVE REPORTS**

**Town of Fort Macleod**  
**C1. CONSENT AGENDA**  
**Monday August 24<sup>th</sup>, 2020**

**A. Council Meeting Minutes**

1. [Council Meeting Minutes – July 13, 2020](#)
2. [Special Council Meeting Minutes – August 5, 2020](#)

**B. Correspondence and Information Items**

1. [River Valley Letter – Delle Schmidt](#)
2. [Joint Media Release – Completion of the Intermunicipal Emergency Services Agreement Announced](#)
3. [Criminal Code Amendment Letter – City of Cold Lake](#)
4. [FAQs – July 31, 2020](#)

**C. Financials**

1. [Payables](#)

**Town of Fort Macleod  
Council Meeting Minutes  
Monday July 13<sup>th</sup>, 2020  
GR Davis Administration Building  
Council Chambers 7:00 pm**

**Council Present:** Mayor Brent Feyter, Councillors Kristi Edwards, Marco Van Huigenbos, Gord Wolstenholme, David Orr, Jim Monteith and Werner Dressler.

**Administration:** CAO Sue Keenan, Director of Community and Protective Services Liisa Gillingham, Director of Operations Adrian Pedro, and Executive Assistant Meranda Day Chief.

**Other:** Gavin, Scott, ORRSC.

**A. CALL TO ORDER**

Mayor Feyter called the meeting to order at 7:01 pm.

**B. MOMENT OF REFLECTION**

**C. APPROVAL OF THE AGENDA**

1. Consent Agenda

**R.219.2020** Moved by Councillor Wolstenholme that Council approves the consent agenda as presented.

**CARRIED**

2. Regular Meeting Agenda

**R.220.2020** Moved by Councillor Van Huigenbos that Council approves the regular meeting agenda with additions.

Addition: **L. IN CAMERA**

1. Legal

**CARRIED**

Councillor Dressler entered the meeting at 7:05 pm.

**D. FOR THE GOOD OF COUNCIL**

**E. DELEGATIONS**

**F. PUBLIC HEARING**

Councillor Van Huigenbos declared a pecuniary interest and excused himself from the meeting at 7:09 pm.

1. Bylaw 1912: Tax Incentive Bylaw – *CAO Sue Keenan*

**R.221.2020** Moved by Councillor Dressler that Bylaw 1912, hereby being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of tax incentives; be given first reading.

**CARRIED**

**R.222.2020** Moved by Councillor Dressler that Council hereby open the Public Hearing for Bylaw 1912: Tax Incentive Bylaw at 7:14 pm.

**CARRIED**

*Page 1 of 4*

Mayor Feyter requested comment from the gallery either for or against Bylaw 1912: Tax Incentive Bylaw, none forthcoming.

**R.223.2020** Moved by Councillor Wolstenholme that Council hereby close the Public Hearing for Bylaw 1912: Tax Incentive Bylaw at 7:15 pm.

**CARRIED**

#### **G. CONSIDERATIONS OF DELEGATIONS and PUBLIC HEARINGS**

1. Bylaw 1912: Tax Incentive Bylaw (2<sup>nd</sup> & 3<sup>rd</sup> reading) – *CAO Sue Keenan*

**R.224.2020** Moved by Councillor Edwards that Bylaw 1912 being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of tax incentives; with edit to section 6.3.1 to remove "(2020, 2021, 2022)"; be hereby given second reading.

**CARRIED**

**R.225.2020** Moved by Councillor Dressler that Bylaw 1912 hereby being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of tax incentives; proceed to third reading.

**UNANIMOUSLY CARRIED**

**R.226.2020** Moved by Councillor Orr that Bylaw 1912 hereby being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of tax incentives; be given third reading and finally declared passed.

**CARRIED**

**Councillor Van Huigenbos returned to the meeting at 7:17 pm.**

#### **H. UNFINISHED BUSINESS**

##### **I. NEW BUSINESS**

1. Bylaw 1918: Land Use Amendment Rezone R to CN (first reading) – *Gavin Scott, ORRSC*

**R.227.2020** Moved by Councillor Dressler that Bylaw 1918 being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of re-designating lands legal described as: Lot 28, Block 393, Plan 92B within the NW1/4 of Section 12, Township 9, Range 26, W4M from "Residential: R" to "Commercial Neighbourhood: CN"; be given first reading; and further schedule a public hearing to be held on August 24, 2020.

**CARRIED**

2. Bylaw 1919: Land Use Amendment Rezone R to PI (first reading) – *Gavin Scott, ORRSC*

**R.228.2020** Moved by Councillor Dressler that Bylaw 1919 being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of re-designating lands legal described as: Lot 6-7, Block 27, Plan 9812195 and Lot 16, Block 27, Plan 0012428 within the NE1/4 of Section 11, Township 9, Range 26, W4M from "Residential: R" to "Public Institutional: PI"; be given first reading; and further schedule a public hearing to be held on August 24, 2020.

**CARRIED**

3. Bylaw 1920: Community Standards Bylaw (All readings) – CAO Sue Keenan

**R.229.2020** Moved by Councillor Wolstenholme that Bylaw 1920 hereby being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of regulating nuisance, safety, and livability issues; be given first reading.

**CARRIED**

**R.230.2020** Moved by Councillor Orr that Bylaw 1920 hereby being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of regulating nuisance, safety, and livability issues; with edit to section 16.5 to read "(a) before 7:00 am or after 10:00 pm Monday through Saturday; or (b) before 9:00 am or after 10:00 pm on a Sunday or holiday."; be given second reading.

**CARRIED**

**R.231.2020** Moved by Councillor Dressler that Bylaw 1920 hereby being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of regulating nuisance, safety, and livability issues; proceed to third reading.

**UNANIMOUSLY CARRIED**

**R.232.2020** Moved by Councillor Van Huigenbos that Bylaw 1920 hereby being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of regulating nuisance, safety, and livability issues; be given third reading and finally declared passed.

**CARRIED**

4. Administration: Problem Properties – CAO Sue Keenan

**R.233.2020** Moved by Councillor Dressler that Council approves the allocation of \$100,000 from the land reserves to assist with the clean up and/or demolition of problem properties and legal fees when required.

**CARRIED**

5. Financial Services: 2020 Tax Recovery Public Auction – CAO Sue Keenan

**R.234.2020** Moved by Councillor Van Huigenbos that Council approves the date of the 2020 tax recovery public auction as Monday, October 5, 2020 at 9:00 am and sets the reserve bids as follows:

Boyle Avenue (Lot 1, Block 35, Plan 9711017) - \$218,000.00  
343 10<sup>th</sup> Street (Lot 13, Block 323, Plan 92B) - \$65,000.00  
452 18<sup>th</sup> Street (Lot W 1/2 3 & Part 4, Block 382, Plan 92B) - \$115,000.00  
354 26<sup>th</sup> Street (Lot 12, Block 447, Plan 92B) - \$171,250.00

**CARRIED**

6. Council: Policing Meeting – Mayor Feyter

**R.235.2020** Moved by Councillor Wolstenholme that Council accepts the Policing Meeting email as information.

**CARRIED**

7. Council: Addressing Racism in the Kainai Area– *Mayor Feyter*

**R.236.2020** Moved by Councillor Dressler that Council approves Mayor Feyter and Councillor Edwards to work with Administration in the participation of the research project “Addressing Racism in the Kainai Area” led by Blood Tribe Tribal Government.

**CARRIED**

8. Administration: AUMA Summer Caucus Meeting – *CAO Sue Keenan*

**R.237.2020** Moved by Councillor Edwards that Council approves Mayor Feyter to attend in person the AUMA Summer 2020 Municipal Leaders Caucus in person, Councillor Gord Wolstenholme as an alternate in his place and any other Councillors who wish to attend virtually.

**CARRIED**

**J. ADMINISTRATIVE REPORTS**

**K. COMMITTEE REPORTS**

**L. IN CAMERA**

**R.238.2020** Moved by Councillor Dressler that Council moves in camera to discuss legal items at 8:18 pm.

**CARRIED**

1. Legal

**R.239.2020** Moved by Councillor Van Huigenbos that Council moves out of in camera at 9:03 pm.

**CARRIED**

**M. ADJORNMENT**

**Mayor Feyter adjourned the meeting at 9:03 pm.**

\_\_\_\_\_  
Mayor Brent Feyter

\_\_\_\_\_  
CAO Sue Keenan

**Special Council Meeting  
GR Davis Administration Building  
Conference Room  
Wednesday August 5<sup>th</sup>, 2020  
3:00 pm**

**Council Present:** Mayor Brent Feyter, Councillors Jim Monteith, Kristi Edwards, Gord Wolstenholme, Werner Dressler and David Orr.

**Regrets:** Councillor Marco Van Huigenbos.

**Administration:** CAO Sue Keenan, Director of Operations Adrian Pedro, Director of Community and Protective Services Liisa Gillingham.

**A. CALL TO ORDER**

Mayor Brent Feyter called the meeting to order at 3:00 pm.

**B. APPROVAL OF AGENDA**

R.240.2020 Moved by Councillor Edwards that Council approves the meeting agenda as presented.

CARRIED

**C. NEW BUSINESS**

**D. IN CAMERA**

R.241.2020 Moved by Councillor Dressler that Council moves in camera to discuss land sale items at 3:00 pm.

CARRIED

1. Land

R.242.2020 Moved by Councillor Edwards that Council moves out of in camera at 4:23 pm.

CARRIED

**E. ADJOURNMENT**

Mayor Brent Feyter adjourned the meeting at 4:24 pm.

\_\_\_\_\_  
Mayor Brent Feyter

\_\_\_\_\_  
CAO Sue Keenan

July 2, 2020

ATTENTION: Members of Fort Macleod Town Council

The River Valley has been a playground for residents of Fort Macleod ever since they settled this area. In the late 1980's it was noticed that off road vehicles were conflicting with passive users and damaging the terrain by constructing mud holes and crashing through game trails thereby damaging trees and leaving gouged out ruts on these trails.

The town asked Darcy Donahue, their recreation director, to formulate a plan that would offer more acceptable activity for the River Valley area. They then applied for and received a Community Enhancement Provincial Grant to fulfil that proposal. At the same time, they invited input from the townspeople. Overwhelmed by the response a committee of 15 originally – then later pared down to 5 working members was charged with using the grant money to develop the River Valley for passive recreation. Our mandate was to develop the area so that access would not be limited but at same time leave the Valley as 'natural as possible'.

With the above preamble I wish Town Council Members to consider the reasons the road for vehicles was constructed and how permanent closure would inhibit community access.

Although many users walk on this road it is not part of the walking trail system. (In 30 years there has been no conflict). It is an access road for vehicles that was part of the original mandated plan so that everyone could readily reach the berry picking areas that abound. The road also provides park access for our disabled population. Further, blocking it permanently will in effect close the far west section from bushwhacking hikers. It also shortens the hike for those who are keen to visit the historic McLaren Mill Dam site construction of which was abandoned after the flood of 1915. That flood redirected the main river channel and left the dam sitting high and dry. This fascinating structure still stands.

Have you actually walked the entire park? Please do. Even young and able as you are I'm sure you will reconsider permanently closing the access road to vehicles.

Sincerely <><<< delle schmidt

## Joint Media Release – July 16, 2020

### COMPLETION OF THE INTERMUNICIPAL EMERGENCY SERVICES AGREEMENT ANNOUNCED

The Council's of the Municipal District of Willow Creek, Town of Nanton, Town of Stavely, Town of Fort Macleod and Town of Claresholm announce the successful completion of the Intermunicipal Emergency Services Agreement.

The municipalities each understand the value of establishing policies, programs and processes for collaborating on the planning, development, training and operation of their respective Emergency Services Departments, the purchase, operation, use, maintenance, repair and replacement of their respective equipment and facilities, and the coordination and delivery of the Emergency Services, for the joint benefit of all citizens regardless of their community.

The cornerstone of the agreement is the establishment of a Level of Service for Emergency Services to be delivered by each of the fire departments to the citizens of the Municipal District of Willow Creek. This level of service establishes the required training, equipment and other resources that are to be dedicated on an annual basis. This ensures that regardless of where a citizen resides within the M.D. of Willow Creek that they can expect to receive the same level of service as any other citizen.

All signatories to this Agreement will participate in regular committee meetings where local and intermunicipal initiatives and concerns pertaining to Emergency Services will be discussed.

Completion of this agreement is another milestone for the implementation of the Willow Creek Regional Intermunicipal Collaboration Framework Agreement which outlines the many agreements for services that are currently in effect, and outlines the requirements for additional agreements that are to be developed.

Collectively the municipalities are pleased with the outcome of the Intermunicipal Emergency Services Agreement and welcome the opportunities that will arise for innovation as well as effective and efficient delivery of services through the development of joint service agreements.

**Media Inquiries may be made to any of the following Municipalities:**

**Town of Claresholm**  
Mayor Doug MacPherson  
CAO – Marian Carlson  
marian@claresholm.ca  
403-625-3381



**Town of Stavely**  
Mayor Gentry Hall  
CAO – Candice Greig  
cao@stavely.ca



**Town of Nanton**  
Mayor Jennifer Handley  
CAO – Neil Smith  
cao@nanton.ca  
403-646-2029



**Town of Fort Macleod**  
Mayor Brent Feyter  
CAO – Sue Keenan  
s.keenan@fortmacleod.com  
brent.feyter@fortmacleod.com  
403-553-4425



**Municipal District of Willow Creek No. 26**  
Reeve Maryanne Sandberg  
CAO – Derrick Krizsan  
MD26@mdwillowcreek.com  
403-625-3351





COPY

City of Cold Lake

OFFICE OF THE MAYOR

July 7, 2020

Via Email [ps.ministerofpublicsafety-ministredelasecuritepublique.sp@canada.ca](mailto:ps.ministerofpublicsafety-ministredelasecuritepublique.sp@canada.ca)

Minister of Public Safety & Emergency Preparedness  
House of Commons  
Ottawa, ON  
K1A 0A6

Attention: Honourable Bill Blair

RECEIVED  
JUL 13 2020

Dear Minister Blair:

Re: Criminal Code Amendment

At the City of Cold Lake's regular Council meeting of June 23, 2020, City Council debated and passed a motion regarding concerns relating to the criminal code amendments approved under an "Order in Council" on May 1, 2020. The City of Cold Lake is calling upon all municipalities in Alberta, Saskatchewan, and Manitoba to voice their concerns along with their respective provincial governments.

The following resolution has been passed:

*"that Council lobby the federal government to revoke the amendments to the criminal code on May 1, 2020 under an "Order in Council" titled and referred to as "Regulations Amending the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted: SOR/2020-96."*

*The City of Cold Lake supports initiatives to end violence; however, feels very strongly that the Government of Canada is wasting valuable resources and taking the wrong approach to gun control that will have zero effect on gun crime.*

.../2

5513 - 48 Avenue, Cold Lake, AB T9M 1A1  
Telephone (780) 594-4494 Fax (780) 594-3480  
[www.coldlake.com](http://www.coldlake.com)

C44



-2-

**WHEREAS** on May 1, 2020, the federal government amended the Criminal Code by ordering regulations prescribing certain firearms, components and parts of firearms, accessories, cartridge magazines, ammunition and projectiles as prohibited or restricted;

**AND WHEREAS** the Government of Canada is planning a buyback program to get the guns out of circulation, which is expected to cost between \$400 million and \$600 million, and if the history of federal estimating repeats itself, will likely be in excess of \$1 Billion;

**AND WHEREAS** the City of Cold Lake supports the Government of Canada's commitment to end violence, whether firearms are involved or not, by taking the opportunity to be more engaged and to collaborate with the public and local stakeholders to develop more effective solutions on the issue;

**NOW THERE BE RESOLVED** that the Council of the City of Cold Lake urges the Government of Canada to revoke the amendment, and instead institute the following:

*Target crime, and focus on enforcement through enhanced enforcement capacity for law enforcement and border services, as well as harsher punishments for firearms trafficking and crimes involving firearms. The current ban targets law-abiding owners, rather than the holders of illicit firearms, and would not greatly impact crime reduction;*

*Collect and share relevant data on crime involving firearms through improved collection and sharing of data on crimes involving firearms, particularly in terms of sources of illicit firearms, and the types of crime being committed. This data is critical for supporting law enforcement and border agencies efforts, as well as informing policy and legislation;*

*Collaborate with the firearms community and industry to support communication, training and public education regarding firearms to create a multi-faceted approach rather than implementing a ban in isolation.*

.../3



-3-

The City feels that the federal government's gun ban will be an expensive exercise that will only serve to take law abiding people's property, while doing nothing to reduce crime. Municipalities are the level of government closest to the people, and a large part of our budget and operations is focused on providing safe and healthy communities. We see forecasts of hundreds of millions of federal dollars to be spent to buy guns back from people. As these are people who went through the necessary education, background checks, and licensing to purchase them, it seems to be a poorly thought out plan, especially if its aim is to reduce crime.

Respectfully,

Craig Copeland,  
Mayor

cc: Council

Chief Administrative Officer K. Nagoya  
Right Honourable Justin Trudeau Prime Minister of Canada  
The Honourable David Lametti, Attorney General  
The Honourable Andrew Scheer, Leader of the Official Opposition  
David Yurdiga, MP Fort McMurray - Cold Lake  
The Honourable Jason Kenny, Premier of Alberta  
The Honourable Doug Schweitzer, Solicitor General  
Federation of Canadian Municipalities (FCM)  
Alberta Urban Municipalities Association (AUMA)  
Rural Municipalities Association of Alberta (RMA)  
and all municipalities within the provinces of Alberta, Saskatchewan and Manitoba

KN/cjr

# Municipal Governance

## During the COVID-19 Outbreak

Frequently Asked Questions – July 31, 2020

Over the last several months, the COVID-19 pandemic has presented unique operational challenges for local government operations. Since March 2020, Alberta Municipal Affairs has released 15 Municipal Governance (During the COVID-19 Outbreak) updates, which remain available at [www.alberta.ca/municipal-government-resources.aspx](http://www.alberta.ca/municipal-government-resources.aspx).

The following issue will be the last regularly scheduled update. Future information will be provided to you on a timely basis as new information arises.

This final issue provides information on the additional funding available to help municipalities address operational needs relating to COVID-19 and respond to recent questions about updated relaunch strategies and resources.

### Municipal Advisory Services

If you have any questions relating to municipal governance, finance, planning, etc., please call:

780-427-2225 or toll-free by first dialing 310-0000 or email [ma.lqsmail@gov.ab.ca](mailto:ma.lqsmail@gov.ab.ca)

### Funding to Help Municipalities Cope with COVID-19

The province recently announced additional funding for infrastructure projects as part of Alberta's Recovery Plan and additional funds to support municipal operating costs during the pandemic. Are there additional details and can we apply now for the funds?

**YES.** Municipalities and Metis Settlements can now apply for capital funding under the Municipal Stimulus Program (MSP), which is providing \$500 million for projects aimed at supporting local jobs and stimulating the economy. MSP project eligibility is based on the Municipal Sustainability Initiative guidelines, modified to exclude categories and activities with minimal contribution to economic recovery. MSP funding has been allocated using the same formula as the federal Gas Tax Fund and municipalities can access their allocation by submitting project applications before October 1, 2020. More information about the MSP, including program guidelines, project application forms and allocation amounts, is available on the [program website](#). MSP applications will be reviewed as they are received and payments will begin shortly after projects are approved.

The province also announced \$606 million in funding, shared on a 50/50 basis between the federal and provincial governments, to support municipal and public transit operating costs. Further information about this funding will be made available soon.

## General Questions

Has additional information been made available to assist municipalities with addressing beaches and recreational areas near water?

**YES.** A guidance document is now available to support local authorities, visitors and operators in reducing the risk of transmitting COVID-19 at recreational water sites.

If public gatherings contravene public health orders for social distancing or limits to the size of gatherings (e.g., gatherings on local beach areas), can public health orders be enforced?

**YES.** Municipalities have the authority to close or restrict access to municipal parks and facilities. Community signage may also promote public awareness and education. In addition, local bylaws can be enacted and enforced.

Community peace officers are encouraged to continue educating individuals on the public health orders. If enforcement is required, the RCMP or public health inspectors are authorized to enforce orders issued under the *Public Health Act*.

Our municipality is planning an outdoor vocal concert? Is there new information available?

**YES.** Municipalities planning outdoor vocal concerts (a vocalist with or without a band) should review the Guidance for Outdoor Vocal Concerts prepared by Alberta Biz Connect to ensure steps are being taken to reduce the risk of COVID-19 transmission among attendees (including workers, volunteers, patrons and the general public).

### Have a question?

If you have a specific question you would like answered, please email your request to [mailgsmail@gov.ab.ca](mailto:mailgsmail@gov.ab.ca).

Have there been other relevant updates and information made available to help municipalities and businesses reopen during stage 2?

**YES.** Alberta Biz Connect has also released new guidance documents addressing sport, physical activity and recreation, swimming pools and whirlpools, and trade shows and exhibiting events. The guidance provided outlines public health and infection prevention and control measures and is subject to change, as it will be updated as needed. Current information can be found at: <https://www.alberta.ca/covid-19-information.aspx>.



## Additional Resources

Are there additional resources for municipalities to help with the COVID-19 response and reopening of communities?

**YES.** The Federation of Canadian Municipalities continues to compile a list of links and resources for municipalities at <https://fcm.ca/en/resources/covid-19-resources-municipalities>.

In addition, Alberta municipal associations continue to provide comprehensive resources to assist members during the pandemic. The Alberta Urban Municipalities Association has developed a webpage to act as a quick first reference with links to credible sources for up-to-date information at <https://auma.ca/business-services/employee-benefits/employers/covid-19>. The Rural Municipalities of Alberta's COVID-19 response hub is accessible via <https://rmaalberta.com/about/covid-19-response-hub/>.





# TOWN OF FORT MACLEOD

## Cheque Listing For Account Payable

2020-Aug-19  
4:59:00PM

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20201384	2020-07-16			169	CANADIAN UNION OF PUBLIC EMPLOYEES 70	917.19
20201385	2020-07-16	EFT	EFT	999	DEGRAZIO, MARLENE & SLEIMAN, KALAM	873.94
20201386	2020-07-16			1598	F.M. STORAGE	55.00
20201387	2020-07-16	EFT	EFT	241	FORT MACLEOD AGENCIES (1989) LTD.	65.00
20201388	2020-07-16	EFT	EFT	1582	FOX ENERGY SYSTEMS INC.	427.47
20201389	2020-07-16	EFT	EFT	352	LARSON'S TIRE SHOP	164.85
20201390	2020-07-16	EFT	EFT	374	MACLEOD GAZETTE LTD.	1,142.09
20201391	2020-07-16	EFT	EFT	454	PITNEY WORKS	2,232.71
20201392	2020-07-16			1216	TWISTED HUMMINGBIRD	3,083.85
20201393	2020-07-16	EFT	EFT	593	VALUE STEEL & PIPE	303.47
						<b>14,515.57</b>
						<b>Batch # 11360</b>
20201394	2020-07-20	EFT	EFT	55	AMSC INSURANCE SERVICES LIMITED	15,667.86
20201395	2020-07-20	EFT	EFT	644	AVAIL LLP	5,250.00
20201396	2020-07-20	EFT	EFT	80	BCD ENTERPRISES LTD.	22.00
20201397	2020-07-20	EFT	EFT	101	BROWNLEE LLP (EDMONTON)	11,001.38
20201398	2020-07-20	EFT	EFT	112	CANADIAN LINEN & UNIFORM SERVC	80.30
20201399	2020-07-20	EFT	EFT	1595	DELVER, CASSIE	92.40
20201400	2020-07-20	EFT	EFT	201	ECONOMY CASHWAY LUMBER	513.87
20201401	2020-07-20	EFT	EFT	223	EVCON EQUIPMENT LTD.	7,273.74
20201402	2020-07-20	EFT	EFT	281	GREGG DISTRIBUTORS LP	706.48
20201403	2020-07-20	EFT	EFT	308	HILLTOP GREENHOUSES	624.85
20201404	2020-07-20	EFT	EFT	360	LETHBRIDGE HERALD	455.70
20201405	2020-07-20	EFT	EFT	1584	LIVE ELECTRIC INC.	1,064.06
20201406	2020-07-20	EFT	EFT	373	MAC AUTOGLASS & GRAPHICS LTD	336.00
20201407	2020-07-20	EFT	EFT	414	MPE ENGINEERING LTD.	2,918.48
20201408	2020-07-20	EFT	EFT	393	MUNICIPAL DISTRICT OF WILLOW CREEK	6,661.73
20201409	2020-07-20	EFT	EFT	978	NEXT HOME AND GARDEN	23.32
20201410	2020-07-20	EFT	EFT	432	O CONNOR ANGELA	438.19
20201411	2020-07-20	EFT	EFT	1616	PEDRO, ADRIAN	943.06
20201412	2020-07-20	EFT	EFT	480	REG O'SULLIVAN CONST LTD.	1,033.31
20201413	2020-07-20	EFT	EFT	8	RMA TRADE	320.25
20201414	2020-07-20	EFT	EFT	492	RP WATERWORKS INC.	628.95
20201415	2020-07-20	EFT	EFT	514	SILVER AUTOMOTIVE FORT MACLEOD LTD.	940.39
20201416	2020-07-20	EFT	EFT	443	SURECALL CONTACT CENTRES LTD.	407.48
20201417	2020-07-20	EFT	EFT	578	TOWN OF FORT MACLEOD	7,641.44
20201418	2020-07-20	EFT	EFT	1086	TRINUS TECHNOLOGIES INC.	52.50
20201419	2020-07-20	EFT	EFT	594	VAN HOUTTE COFFEE SERVICES INC.	140.25
20201420	2020-07-20	EFT	EFT	85	WASTE CONNECTIONS OF CANADA INC.	388.96
20201421	2020-07-20	EFT	EFT	882	WESTERN TRACTOR COMPANY INC.	259.79
20201422	2020-07-20	EFT	EFT	1597	ZUK, AMANDA	167.21
						<b>66,053.75</b>



# TOWN OF FORT MACLEOD

## Cheque Listing For Account Payable

2020-Aug-19  
4:59:00PM

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						300.00	
							11362
20201424	2020-07-16	EFT	EFT	537	STAPLES	494.02	11362
						494.02	
							11381
20201425	2020-07-22	EFT	EFT	1156	DIRECT ENERGY BUSINESS	37,948.69	11381
20201426	2020-07-22	EFT	EFT	1279	GOVERNMENT OF ALBERTA, LAND TITLES	20.00	
20201427	2020-07-22	EFT	EFT	455	POSTAGE BY PHONE	1,111.85	
20201428	2020-07-22	EFT	EFT	564	TELUS MOBILITY	517.28	
						39,597.92	
							11383
20201429	2020-07-24	EFT	EFT	72	ALBERTA WATER & WASTEWATER	288.75	11383
20201430	2020-07-24	EFT	EFT	55	AMSC INSURANCE SERVICES LIMITED	306.58	
20201431	2020-07-24	EFT	EFT	1271	ATWOOD GERRI JO	215.02	
20201432	2020-07-24	EFT	EFT	1205	BRIDGE AIR SYSTEMS LTD.	623.70	
20201433	2020-07-24	EFT	EFT	414	MPE ENGINEERING LTD.	30,444.75	
20201434	2020-07-24	EFT	EFT	418	MUNIWARE	1,159.68	
20201435	2020-07-24	EFT	EFT	432	O CONNOR ANGELA	107.01	
20201436	2020-07-24	EFT	EFT	1250	PATTISON OUTDOOR ADVERTISING LP	161.53	
20201437	2020-07-24	EFT	EFT	1565	PONOMAR, ERIK	272.99	
20201438	2020-07-24	EFT	EFT	1204	QUADIENT LEASING SERVICES CANADA LTD.	1,643.96	
20201439	2020-07-24	EFT	EFT	480	REG O'SULLIVAN CONST LTD.	20,829.00	
20201440	2020-07-24	EFT	EFT	449	SOUTHERN CONNECT	84.00	
20201441	2020-07-24	EFT	EFT	85	WASTE CONNECTIONS OF CANADA INC.	9,431.07	
20201442	2020-07-24	EFT	EFT	1079	WOLF DEN ENTERPRISES	374.98	
20201443	2020-07-24	EFT	EFT	1597	ZUK, AMANDA	119.43	
						66,062.45	
							11384
20201444	2020-07-22			1598	CFRV-FM	242.55	11384
20201445	2020-07-22			1548	GREEN ARROW RECYCLING	31.50	
20201446	2020-07-22	EFT	EFT	1321	HANSEN'S FAMILY FOODS	1,186.08	
20201447	2020-07-22			1495	LETHBRIDGE ASPHALT SUPPLY CO	49,300.00	
20201448	2020-07-22	EFT	EFT	374	MACLEOD GAZETTE LTD.	2,976.77	
20201449	2020-07-22			1	CENTURY 2 MOTEL	174.40	
20201450	2020-07-22	EFT	EFT	1	DYNAMIC MARINE SERVICES INC.	200.00	
20201451	2020-07-22	EFT	EFT	1	HERWEYER, MICHAEL	1,000.00	
						55,091.30	
							11386
20201452	2020-07-22			900100	WESTRATE, ROBERT JAN	304.17	11386
						304.17	





# TOWN OF FORT MACLEOD

## Cheque Listing For Account Payable

2020-Aug-19  
4:59:00PM

Cheque #	Cheque Date	CEO	CAO	Vendor #	Vendor Name	Amount	Batch #
20201497	2020-07-31			562	TELUS	1,524.85	11387
						1,524.85	
20201498	2020-07-31			900100	ATB FINANCIAL	1,446.12	11414
						1,446.12	
20201499	2020-07-31			1594	94.1 C.JOC VISTA RADIO LTD.	598.50	11416
20201500	2020-07-31			648	ALBERTA NWT COMMAND	285.00	
20201502	2020-07-31			159	CANADIAN PACIFIC RAILWAY COMPANY	592.00	
20201503	2020-07-31			169	CANADIAN UNION OF PUBLIC EMPLOYEES 70	913.60	
20201504	2020-07-31			1548	GREEN ARROW RECYCLING	31.50	
20201505	2020-07-31			323	IMPREST CASH - FCSS	238.00	
20201506	2020-07-31			1134	KEENAN, SUSAN	44.60	
20201507	2020-07-31			1617	LYBBERT, AMANDA	1,943.50	
20201508	2020-07-31			1399	SOUTH COUNTRY DOORS	325.83	
20201509	2020-07-31			562	TELUS	290.30	
20201510	2020-07-31			1523	TOWNFOLIO INC.	840.00	
20201511	2020-07-31			1492	WELLS FARGO EQUIPMENT FIN CO	4,233.10	
20201512	2020-07-31			1	HENGERER, DANIEL F.	1,300.00	
						11,635.93	
20201513	2020-08-04			1344	AIR-STREAM EXHAUST & DUCT CLEANING LTD	1,569.75	11417
20201514	2020-08-04			644	AVAIL LLP	105.00	
20201515	2020-08-04			127	CHINOOK ARCH REGIONAL LIBRARY	12,120.20	
20201516	2020-08-04			1260	DIGITEX	290.22	
20201517	2020-08-04			1005	DMT MECHANICAL LTD.	4,332.86	
20201518	2020-08-04			213	EMPRESS THEATRE SOCIETY	60.00	
20201519	2020-08-04			846	GMS MECHANICAL & EQUIPMENT LTD.	52.33	
20201520	2020-08-04			281	GREGG DISTRIBUTORS LP	1,171.89	
20201521	2020-08-04			1173	HIFAB HOLDINGS LTD.	383.96	
20201522	2020-08-04			1083	LIVINGSTONE RANGE SCHOOL DIV NO 68	8,174.80	
20201523	2020-08-04			877	LOOMIS EXPRESS	69.67	
20201524	2020-08-04			373	MAC AUTOGLASS & GRAPHICS LTD.	908.25	
20201525	2020-08-04			1088	METERCOR INC.	3,276.00	
20201526	2020-08-04			978	NEXT HOME AND GARDEN	111.10	
20201527	2020-08-04			8	RMA TRADE	222.14	
20201528	2020-08-04			449	SOUTHERN CONNECT	103.93	
20201529	2020-08-04			1398	T.L.C. VENTURES INC.	1,828.05	
20201530	2020-08-04			583	UFA CO-OPERATIVE LIMITED	12.99	
20201531	2020-08-04			615	WATER PURE & SIMPLE	19.50	
20201532	2020-08-04			1597	ZUK, AMANDA	15.12	
						34,827.76	



# TOWN OF FORT MACLEOD

## Cheque Listing For Account Payable

2020-Aug-19  
4:59:00PM

Cheque #	Cheque Date	CEO	CAO	Vendor #	Vendor Name	Amount	Batch #
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20201562	2020-08-11			1620	AVENSYS	829.50	
20201563	2020-08-11			1307	CHLB FM	551.25	
20201564	2020-08-11			999	DEGRAZIO, MARLENE & SLEIMAN, KALAM	873.94	
20201565	2020-08-11			225	EXTENDICARE	600.25	
20201566	2020-08-11			1619	JOHN BROOKS COMPANY LIMITED	746.30	
20201567	2020-08-11			352	LARSON'S TIRE SHOP	61.95	
20201568	2020-08-11			1621	MEQUIPCO LTD.	1,050.00	
20201569	2020-08-11			1412	SAFEGUARD BUSINESS SYSTEMS LTD.	203.03	
20201570	2020-08-11			1618	WAJAX INDUSTRIAL COMPONENTS LP	258.17	
						149,390.20	
							<b>11463</b>
20201571	2020-08-13			1196	ADAIR ADVERTISING	2,873.85	
20201572	2020-08-13			17	ALBERTA HARDWARE LTD.	428.45	
20201573	2020-08-13			55	AMSC INSURANCE SERVICES LIMITED	14,081.22	
20201574	2020-08-13			1543	AQUA PLANS AQUATIC CONSULT INC.	2,260.00	
20201575	2020-08-13			83	BENCHMARK ASSESSMENT	4,511.33	
20201576	2020-08-13			101	BROWNLEE LLP (EDMONTON)	6,950.10	
20201577	2020-08-13			143	CLEARTECH INDUSTRIES INC.	6,338.89	
20201578	2020-08-13			201	ECONOMY CASHWAY LUMBER	1,909.75	
20201579	2020-08-13			1006	FIFTH AVENUE CABS	190.96	
20201580	2020-08-13			281	GREGG DISTRIBUTORS LP	174.49	
20201581	2020-08-13			699	HOUSENGA, WADE	446.25	
20201582	2020-08-13			337	KAIZENLAB	126.89	
20201583	2020-08-13			360	LETHBRIDGE HERALD	113.93	
20201584	2020-08-13			877	LOOMIS EXPRESS	179.46	
20201585	2020-08-13			787	MD PLUMBING & HEATING	209.42	
20201586	2020-08-13			408	MO BOOTS AG MECHANICAL LTD.	188.79	
20201587	2020-08-13			393	MUNICIPAL DISTRICT OF WILLOW CREEK	4,151.97	
20201588	2020-08-13			419	NAPA AUTO PARTS	655.37	
20201589	2020-08-13			978	NEXT HOME AND GARDEN	31.72	
20201590	2020-08-13			980	RICOH CANADA INC.	643.61	
20201591	2020-08-13			8	RMA TRADE	209.65	
20201592	2020-08-13			514	SILVER AUTOMOTIVE FORT MACLEOD LTD.	393.70	
20201593	2020-08-13			449	SOUTHERN CONNECT	31.48	
20201594	2020-08-13			443	SURECALL CONTACT CENTRES LTD.	444.15	
20201595	2020-08-13			583	UFA CO-OPERATIVE LIMITED	472.49	
20201596	2020-08-13			594	VAN HOUTTE COFFEE SERVICES INC.	101.69	
20201597	2020-08-13			85	WASTE CONNECTIONS OF CANADA INC.	8,189.19	
20201598	2020-08-13			1586	WESTWOOD, JENNIFER	15.74	
20201599	2020-08-13			619	WILLOW CREEK REGIONAL WASTE	23,267.30	
20201600	2020-08-13			640	WOLSTENHOLME, GORDON	93.50	
						78,785.34	
<b>Total</b>						<b>520,029.38</b>	

\*\*\* End of Report \*\*\*





**Town of Fort Macleod**  
**Operations: Removal of MR Designation and Disposal of Land**

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**Recommendation:**

That Council proceed with removal of the "Municipal Reserve" (MR) designation from Lot R1, Block 19, Plan 7910036 and continue with the sale of the land to the interested party.

**Rationale:**

Removal of the MR designation would allow the Town to proceed with the sale of the land.

**Background:**

The Town has been approached by the adjacent landowner who has an interest in purchasing the land to facilitate expansion of their property. Given the current MR designation of the parcel, the Town is required under MGA Section 674 to advertise and hold a Public Hearing in order to dispose of the land.

**Financial:**

None.

**Council Strategic Plan:**

Strategic Priority: *Business and Residential Growth*


- Objective 3: Support expansion and sustainability of existing business.

**Enclosures:**

Notice of Public Hearing


---

**Prepared by:**

Adrian Pedro,   
Director of Operations

**Date:** August 19, 2020

**Approved by:**

Sue Keenan,  
CAO 

**Date:** August 20, 2020

**Submitted to:**

Town Council

**Date:** August 24, 2020

## NOTICE OF PUBLIC HEARING TOWN OF FORT MACLEOD IN THE PROVINCE OF ALBERTA

Pursuant to provisions of the *Municipal Government Act*, RSA 2000, c M-26 (the "MGA"), Section 674, it is the intention of the Council of the Town of Fort MacLeod to remove the Municipal Reserve Designation to certain lands for the purposes of sale of the land, and namely Lot R1 Block 19 Plan 7910036 (the "Property").

Relevant details of the proposed removal of the Municipal Reserve Designation are:

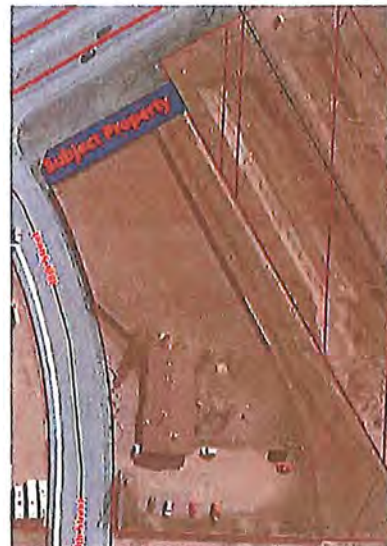
1. For the potential sale of the land
2. There has been an expression of interest in the purchase of the land

A Public Hearing regarding this sale will be held in the Council Chambers, located at 410 20<sup>th</sup> Street., Fort Macleod, on Monday, August 24<sup>th</sup>, 2020, at 7:00 p.m. Any persons wishing to appear before Council may attend the hearing and their submissions may be heard.

Written submissions may be submitted to the Town Office prior to the hearing. If you wish to see the Appraisal Report, or any other document relating to the sale, please visit the Town Office of Fort Macleod at 410 20<sup>th</sup> Street, Fort Macleod, Alberta.

Any questions regarding the proposed removal of the Municipal Reserve designation may be directed to:

Sue Keenan, Chief Administrative Officer  
Town of Fort Macleod  
P.O. Box 1420  
410 20<sup>th</sup> Street, Fort Macleod AB, T0L 0Z0  
403-553-4425





**TOWN OF FORT MACLEOD  
BYLAW 1918  
LAND USE BYLAW AMENDMENT  
RESIDENTIAL-R TO COMMERCIAL NEIGHBORHOOD-CN  
PUBLIC HEARING AND SECOND AND THIRD READING**

**Recommendation:**

That Council give second and third reading to Bylaw 1918 to redesignate land legally described as:

Lot 28, Block 393, Plan 92B  
within the NW1/4 of Section 12, Township 9, Range 26, W4M

from "Residential: R" to "Commercial Neighborhood: CN" should there be no concerns from the Public Hearing or Council.

**Background:**

Request to redesignate the property from "Residential: R" to "Commercial Neighborhood: CN", to allow for the sale of the property to the applicant, and for future development considerations regarding uses. Public Hearing was advertised in the Gazette on August 12<sup>th</sup> and 19<sup>th</sup> 2020.

Council gave first reading at the July 13<sup>th</sup>, 2020 meeting with a resolution as follows:

***R.227.2020** Moved by Councillor Dressler that Bylaw 1918 being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of re-designating lands legal described as: Lot 28, Block 393, Plan 92B within the NW 1/4 of Section 12, Township 9, Range 26, W4M from "Residential: R" to "Commercial Neighborhood: CN"; be given first reading; and further schedule a public hearing to be held on August 24, 2020.*

**CARRIED**



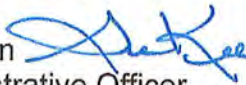
**External Communications/Participation:**

ORRSC and Benchmark Assessments

**Enclosures:**

Applicant letter  
Bylaw 1918  
Location Map

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Prepared by:	Keli Sandford  Planning and Development Officer	Date: 8/14/2020
Reviewed by:	Adrian Pedro  Director of Operations	Date: 8/14/2020
Approved by:	Susan Keenan  Chief Administrative Officer	Date: 8/14/2020
Submitted to:	Town Council	Date: 8/24/2020

**C55**

**LAND USE REDESIGNATION**

Daniel Hengerer  
PO Box 454  
Fort Macleod, AB T0L0Z0

06/11/2020

Town of Fort Macleod  
Designated Officer  
499-401 20 ST, Fort Macleod, AB  
T0L0Z0

CC:  
Sue Keenan – CAO/Municipal Manager  
Town of Fort Macleod Council

Re: Land Use Bylaw Amendment – Proposed Land Use Designation Change

Dear Designated Officer and Town Council Members:

As a property owner I would like to formally request a redesignation of the current property located at 1819 2 Avenue, Fort Macleod, AB. A formal conditional offer has been made and accepted by the seller of this property dependent on rezoning the building under commercial land use. Previously to rezoning to residential, this building was designated commercially as a church.

I would like to formally request the rezoning of this building to commercial in order to develop a future community day care facility in the Town of Fort Macleod. While a daycare facility could go through a residential request and gain approval through Municipal Planning, for insurance and property purchasing I would require an approved commercial designation.

Under Section 5.2 of the Land Use Bylaw the availability of utilities and services would remain local to the Town of Fort Macleod and there would be no potential impacts to public roads upon rezoning approval. Upon review and formal property inspection, there are no major upgrades required that would require services/municipal services and/or road closures to the Town of Fort Macleod.

Presently, the conditional offer would allow for possession to the property on July 17<sup>th</sup>, 2020. Upon review by the Town of Fort Macleod Designated Officer and Council, I would request for this designation to be reviewed at your earliest convenience in order to approve the purchase of this property.

I want to thank you for taking the time to consider the rezoning of this property and look forward to hearing back from you regarding your decision. As a current resident of Fort Macleod, I look

**C56**

forward to providing a resource to the Town of Fort Macleod and in turn, creating work to residents of Fort Macleod.

Sincerely,

Daniel (Danny) Hengerer  
PO Box 454, Fort Macleod AB

**C57**

**TOWN OF FORT MACLEOD  
in the Province of Alberta  
BYLAW NO. 1918**

BEING a bylaw of the Town of Fort Macleod in the Province of Alberta, to amend Bylaw No. 1882, being the municipal Land Use Bylaw.

WHEREAS the Town of Fort Macleod Council is in receipt of a request to redesignate certain lands within the municipality;

WHEREAS the intent of proposed Bylaw No. 1918 is to redesignate a lands legally described as:

Lot 28, Block 393, Plan 92B  
within the NW1/4 of Section 12, Township 9, Range 26, W4M

from "Residential: R" to "Commercial Neighbourhood: CN";

WHEREAS the lands that are the subject of this proposed redesignation are shown on the map in Schedule 'A' attached hereto;

AND WHEREAS the purpose of the bylaw is to designate the lands for commercial development and that a municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act, Revised Statutes of Alberta 2000*, Chapter M-26, as amended, the Council of the Town of Fort Macleod in the Province of Alberta duly assembled does hereby enact the following:

1. Lands legally described as Lot 28, Block 393, Plan 92B be redesignated such that those lots designated as "Residential: R" to "Commercial Neighbourhood: CN".
2. The Land Use Districts Map shall be amended to reflect this change.
3. Bylaw No. 1882 is hereby amended and consolidated.
4. This bylaw shall come into effect upon third and final reading hereof.

READ a **first** time this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
*Mayor – Brent Feyler*

\_\_\_\_\_  
*Chief Administrative Officer – Sue Keenan*

READ a **second** time this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

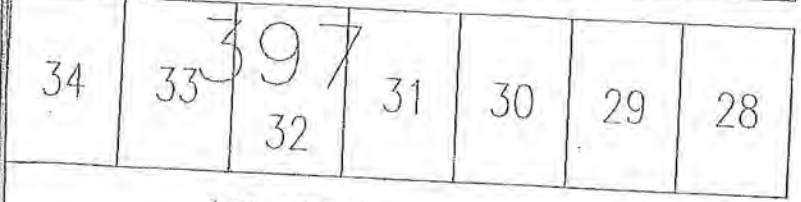
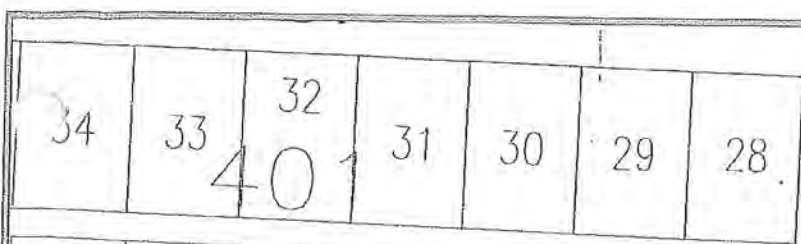
\_\_\_\_\_  
*Mayor – Brent Feyler*

\_\_\_\_\_  
*Chief Administrative Officer – Sue Keenan*

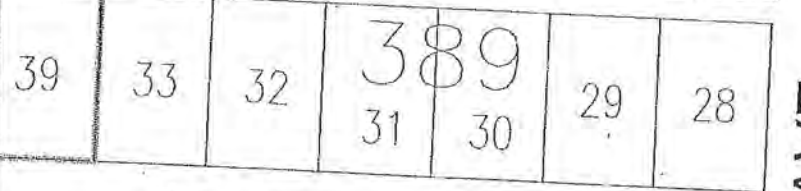
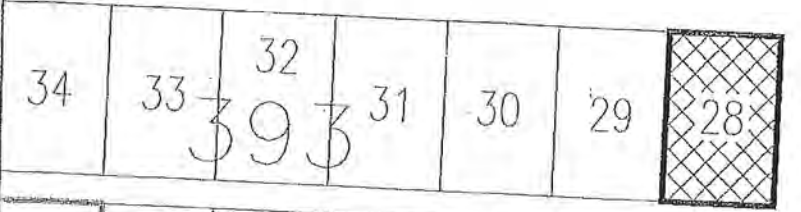
READ a **third** time and finally PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
*Mayor – Brent Feyler*

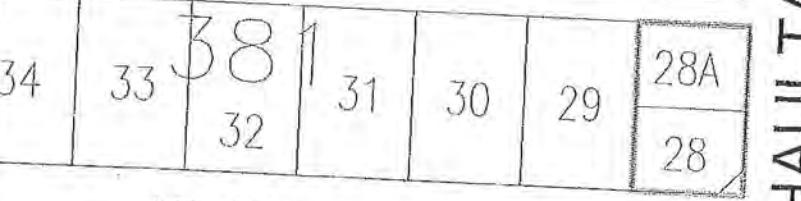
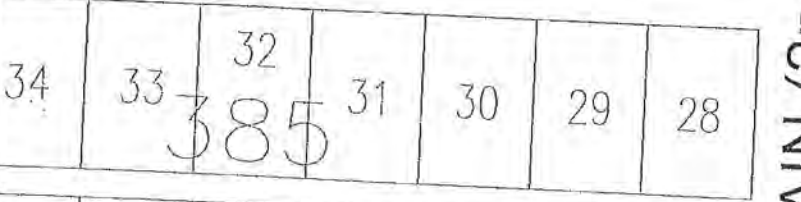
\_\_\_\_\_  
*Chief Administrative Officer – Sue Keenan*



19 ST

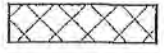


18 ST



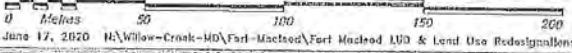
17 CT

LAND USE DISTRICT REDESIGNATION SCHEDULE 'A'

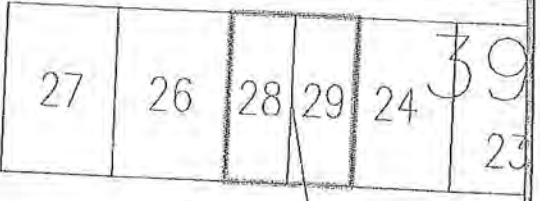
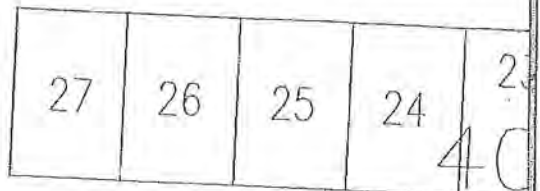


FROM: Residential - R  
TO: Commercial Neighbourhood - CN

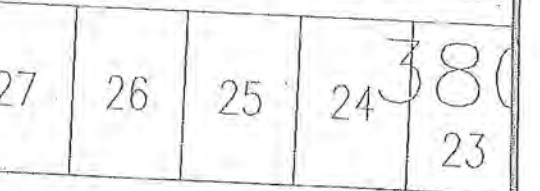
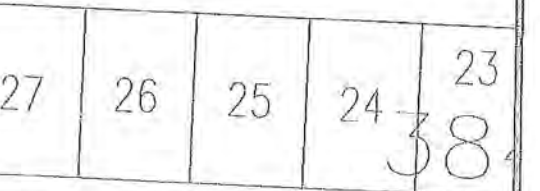
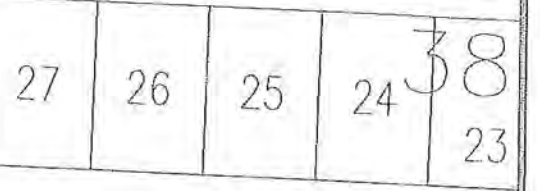
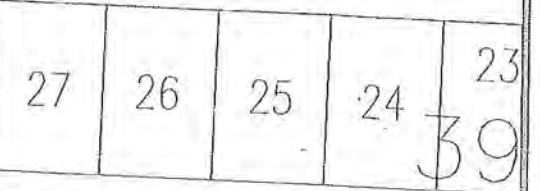
LOT 28; BLOCK 393; PLAN 92B  
WITHIN NW 1/4 SEC 12, TWP 9, RGE 26, W 4 M  
MUNICIPALITY: TOWN OF FORT MACLEOD  
ATE: JUNE 16 2020



June 17, 2020 H:\Willow-Crook-MD\Fort-Macleod\Fort Macleod LUO & Land Use Redesign\Plans\LUO Redesign\ford\1 Macleod Lot 26, 28, 30, Plan 92B.dwg



1013295



HAULTAIN (2nd) AVE

Bylaw #: 1918  
Date: \_\_\_\_\_

MAP PREPARED BY:  
OLDMAN RIVER REGIONAL SERVICES COMMISSION  
3105 16th AVENUE NORTH, LEITHBRIDGE, ALBERTA T1H 5E8  
TEL. 403-329-1344  
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

C59



**TOWN OF FORT MACLEOD  
BYLAW 1919  
LAND USE BYLAW AMENDMENT  
RESIDENTIAL-R TO PUBLIC AND INSTITUTIONAL-PI  
PUBLIC HEARING AND SECOND AND THIRD READING**

**Recommendation:**

That Council open the required Public Hearing for Bylaw 1919 to redesignate:

Lot 6-7, Block 27, Plan 9812195  
Lot 16, Block 27, Plan 0012428  
within the NE1/4 of Section 11, Township 9, Range 26, W4M  
from "Residential: R" to "Public and Institutional: PI"

and call for continuance for Bylaw 1919. Recess the Public Hearing and reconvene the Public Hearing on the September 28<sup>th</sup> Council meeting to allow for additional information to be presented and considered.

**Background:**

Request from the applicant for Council to redesignate the property from "Residential: R" to "Public and Institutional: PI", to allow for a group care home to lease the building as a future development consideration. The town owned parcel, which is **NOT** leased for parking by the applicant also forms part of this application as suggested at first reading. Public Hearing was advertised in the Gazette on August 12<sup>th</sup> and 19<sup>th</sup> 2020.

Council gave first reading at the July 13<sup>th</sup>, 2020 meeting with a resolution as follows:

***R.228.2020** Moved by Councillor Dressler that Bylaw 1919 being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of re-designating lands legal described as: Lot 6-7, Block 27, Plan 9812195 and Lot 16, Block 27, Plan 0012428 within the NE1/4 of Section 11, Township 9, Range 26, W4M from "Residential: R" to "Public Institutional: PI"; be given first reading; and further schedule a public hearing to be held on August 24, 2020.*

**CARRIED**

**External Communications/Participation:**

ORRSC

**Enclosures:**

Applicant letter  
Bylaw 1919  
Location Map

Prepared by: Keli Sandford Date: 8/14/2020  
Planning and Development Officer

Reviewed by: Adrian Pedro Date: 8/14/2020  
Director of Operations

Approved by: Susan Keenan Date: 8/14/2020  
Chief Administrative Officer

Submitted to: Town Council Date: 8/24/2020

**C60**

APPLICATION FOR A LAND USE BYLAW AMENDMENT IN THE TOWN OF FORT MACLEOD  
DESCRIPTIVE NARRATIVE

**Section 5.2 of the Administration part of the Land Use Bylaw:**

- the proposed designation and future land use(s):

Civic Address: 120 Garrison Drive, Fort Macleod, Alberta (formerly Rosewood Villa). Request change from Residential zoning to Public and Institutional, for the purpose of reopening a group care home.

- if and how the proposed redesignation is consistent with applicable statutory plans:

This building opened in 2000 as a Seniors Assisted Living home and operated as Rosewood Villa until October of 2018. This building was designed by an architect and constructed to meet all the building codes for the Town of Fort Macleod and the Province of Alberta. It was built to be commercial facility for multiple residents: 9 suites on the main floor each with its own bathroom. The site design met the specifications of the Town of Fort Macleod at the time of construction. *This building site was rezoned to Residential in 2015, and Rosewood Villa was 'grandfathered in' to allow it to operate as a public/institutional facility. The owners did not know this occurred at the time.*

- the compatibility of the proposal with surrounding uses and zoning:

The building at 120 Garrison Drive was a part of the early landscape of Garrison Estates. Upon construction beginning in 1999, there were few homes in the neighborhood. It was designed specifically to blend into the neighborhood and to look like a large home rather than an institution. That was an important part of the vision for this facility—that it feels and looks like a home. The building is situated next to public green space on 3 sides, providing a natural separation from neighboring properties. Immediately next to 120 Garrison Drive is multi-residential housing. For these reasons, we feel this property blends well with the community. SEE PHOTO PAGE 3 AND MAP PAGE 4

- the development suitability or potential of the site, including identification of any constraints and/or hazard areas (e.g. easements, soil conditions, topography, drainage, etc.);

There appears to be no concerns about the site of the building since the beginning construction in 1999.

- availability of facilities and services (sewage disposal, domestic water, gas, electricity, fire and police protection, schools, etc.) to serve the subject property while maintaining adequate levels of service to existing development:

The building is fully serviced and has continued to pay commercial taxes and utilities since its inception. Town location means access to emergency services. There is ample space at the rear of the building for garbage collection.

- any potential impacts on public roads:

None. Parking for both visitors and employees is at the rear of the building, accessed via 1st Avenue. This is not the type of facility that generates high-traffic volume.

An Area Structure Plan or Conceptual Design Scheme may be required in conjunction with this application where:

- redesignating land from Transitional to another district:

N/A

- multiple parcels of land are involved:

120 Garrison Drive consists of Lots 6 & 7 in Garrison Estates. See Map.

- more than four lots could be created:

N/A

- several pieces of fragmented land are adjacent to the proposal:

N/A

- internal public roads would be required:

N/A, property has existing access lane.

- municipal services would need to be extended:

N/A, property currently has the appropriate and necessary services to operate.

- required by Council or the Subdivision and Development Authority:

Unknown

The Designated Officer or the Subdivision and Development Authority may also require a:

- geotechnical report; and/or
- evaluation of surface drainage and any other information; if deemed necessary by the Designated Officer or the Municipal Planning Commission

Unknown/not certain. Proposed reopening will be within 24 months of the closure of the original business at this address.

There have not been drainage issues at this site to date.

**SITE PLAN:**

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Advised by ORRPC that plans and drawings are not needed for this application.



120 Garrison Drive in Garrison Estates, Fort Macleod, AB

**TOWN OF FORT MACLEOD  
in the Province of Alberta  
BYLAW NO. 1919**

BEING a bylaw of the Town of Fort Macleod in the Province of Alberta, to amend Bylaw No. 1882, being the municipal Land Use Bylaw.

WHEREAS the Town of Fort Macleod Council is in receipt of a request to redesignate certain lands within the municipality;

WHEREAS the intent of proposed Bylaw No. 1919 is to redesignate a lands legally described as:

Lots 6-7, Block 27, Plan 9812195  
Lot 16, Block 27, Plan 0012428  
within the NE1/4 of Section 11, Township 9, Range 26, W4M

from "Residential: R" to "Public and Institutional: PI";

WHEREAS the lands that are the subject of this proposed redesignation are shown on the map in Schedule 'A' attached hereto;

AND WHEREAS the purpose of the bylaw is to designate the lands for an existing public institutional use and that a municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act, Revised Statutes of Alberta 2000*, Chapter M-26, as amended, the Council of the Town of Fort Macleod in the Province of Alberta duly assembled does hereby enact the following:

1. Lands legally described as Lots 6-7, Block 27, Plan 9812195 and Lot 16, Block 27, Plan 0012428 be redesignated such that those lots designated as "Residential: R" to "Public and Institutional: PI".
2. The Land Use Districts Map shall be amended to reflect this change.
3. Bylaw No. 1882 is hereby amended and consolidated.
4. This bylaw shall come into effect upon third and final reading hereof.

READ a **first** time this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
*Mayor – Brent Feyter*

\_\_\_\_\_  
*Chief Administrative Officer – Sue Keenan*

READ a **second** time this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
*Mayor – Brent Feyter*

\_\_\_\_\_  
*Chief Administrative Officer – Sue Keenan*

READ a **third** time and finally PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.


\_\_\_\_\_  
*Mayor – Brent Feyter*

\_\_\_\_\_  
*Chief Administrative Officer – Sue Keenan*





**LAND USE DISTRICT REDESIGNATION  
SCHEDULE 'A'**

 FROM: Residential - R  
 TO: Public and Institutional - PI  
 LOT 16; BLOCK 27; PLAN 0012428 &  
 LOT 6 & 7; BLOCK 27; PLAN 9812195  
 WITHIN SE & NE 1/4 SEC 11, TWP 9, RGE 26, W 4 M  
 MUNICIPALITY: TOWN OF FORT MACLEOD  
 DATE: JUNE 19, 2020

Bylaw #: 1919  
 Date: \_\_\_\_\_



MAP PREPARED BY:  
 OLDMAN RIVER REGIONAL SERVICES COMMISSION  
 3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 6E8  
 TEL: 403-329-1344  
 "NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

**C65**

FYI - As per recommendation in Report.

- 10.6 If written submissions were received, administration will read the written submissions into the record or, where determined to be appropriate by administration, administration may provide a report on the number of written submissions received and a general overview of the contents of the written submissions;
- 10.7 If applicable, the applicant(s) will be entitled to provide a final five (5) minute verbal submission, followed by questions by Council;
- 10.8 At the conclusion of the business of the Public Hearing, the Chair shall declare the Public Hearing closed, or call for continuance and establish a date for reconvening the Public Hearing, and recess the Public Hearing.
- 10.9 At the discretion of the Chair, the time limits for speaking and presentations may be extended to ensure that all interested parties have had a fair and equitable opportunity to express their views.
- 10.10 The use of slides, maps, videos and other similar materials is permitted and these, along with written submissions, become the property of the Municipality as exhibits to the hearing.
- 10.11 The Chair is hereby authorized to make any other decisions or determinations with respect to the process or rules of order for the Public Hearing.
- 10.12 The minutes of a Council meeting during which a Public Hearing is held must contain the names of the speakers and a summary of the nature of representations made at the Public Hearing.

## 11. COUNCIL REVIEW HEARINGS

- 11.1 In this section, the following terms have the following meanings:
  - a) "Enforcement Order" means an order issued under section 545 or section 546 of the *Municipal Government Act*;
  - b) "Review" means a review by Council of an Enforcement Order in accordance with section 547 of the *Municipal Government Act*;
  - c) "Staff" means a designated officer of the Municipality or an employee of the Municipality that has been delegated the responsibility to issue an Enforcement Order.
- 11.2 A request for a Review must be submitted in writing and provide the following information:
  - a) the name of the applicant requesting the Review;
  - b) the address of the property to which the Enforcement Order relates;
  - c) the reasons for the request to Review the Enforcement Order;
  - d) daytime contact telephone number of the applicant requesting the Review; and
  - e) an address to which documents relating to the Review may be delivered.



**Town of Fort Macleod**  
**Bylaw 1919 – Land Use Bylaw Amendment**  
**Residential to Public Institutional**  
**a) Letters submitted in favour of Bylaw 1919**

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**1) Robert Rippin & Niesje Vanden Dool**

August 20, 2020

Sue Keenan  
Town of Fort Macleod  
Box 1420  
Fort Macleod, AB T0L 0Z0  
Sent via email: [I.gillingham@fortmacleod.com](mailto:I.gillingham@fortmacleod.com) and [skeenan@fortmacleod.com](mailto:skeenan@fortmacleod.com)

RE: Proposed Group Home at 120 Garrison Drive Fort Macleod, AB Bylaw No. 1919

In response to the rezoning at the above noted address we would like to offer the following comments:

- We own #1- 110 Garrison Drive directly next to 120 Garrison Drive and share a lawn.
- The facility as it stands was a successful residential care facility that contributed positively to the citizens of Fort Macleod, both residents and employees.
- The current tenant's proposed business model and facility usage is new with no history of successes or problems.
- We would like to see this facility be successful. We would rather see a successful business model than an unsuccessful slumlord rental situation.
- We suggest that Council, in appreciation of the risks/benefits to the local community and using the Municipal tools at hand create a time limited approval which provides the company an opportunity to prove themselves, places the impetus for neighbourhood engagement and proactive conflict resolution on the company and allows a simple mechanism to close the facility if problems develop. Such as,
  - A temporary rezoning with one-year duration for review with successful outcome to permanent rezoning, or
  - Zoning approval linked to a one-year term business license.

We have attended the two meetings to date but are unable to make the public hearing. We would like to have our opinion considered by Council as they proceed through the zoning request. We can be reached at 403-715-4042 as needed.

Sincerely,

Robert Rippin & Niesje Vanden Dool

**C67**

## 2) Linnet Segboer

Town Council Meeting and Public Hearing August 24, 2020

Good Evening Mayor and Councillors,

My name is Linnet Segboer. I am here tonight with my husband Ken and my mother-in-law Lorraine Segboer.

In 1999 our family began construction of a unique home at 120 Garrison Drive called Rosewood Villa. In those days there were few homes in the area as this was a new development in the town. Fort Macleod residents John and Lorraine Segboer had a vision to create a private seniors care home that would be an alternative to large institutions. The goal was to build a facility that would look like a large family home and offer the personalized care that our elderly residents need and deserve. That vision and goal came true! For some 18+ years, Rosewood Villa was proud to be a part of the neighborhood and proud to be a part of the Fort Macleod business community. Our building was designed by an architect and met all the requirements of a commercial building at that time, *which included a fire suppression system*. After the business was discontinued, we knew we needed to sell or lease the building. Original bylaws allowed for group home use, but today's bylaws do not. Our rationale for applying for rezoning is simply to have the zone match the original purpose of the building. It was designed to be a multiple resident group home. We cannot move forward in any way, whether that means selling our building, leasing it, or starting a new project ourselves, without having the town approve 120 Garrison Estates as a public and institutional zone.

Shinah House Foundation approached us several months ago with their vision for creating a unique foster home for indigenous children. That vision also includes reuniting children with their parents where possible. They were eager to have us involved in the planning process, and we were pleased to offer our expertise as businesspeople in the human services field. We are humbled and amazed by their vision.

However, in the past few weeks, we have been harshly challenged and criticized which has been deeply disappointing. I do want to make it clear that negative comments have been made publicly. Things have been said that are, without a doubt, slanderous and defamatory. Unfortunately, this has been our recent experience in the Town of Fort Macleod, and it is very sad indeed.

In closing, we simply ask: Consider that we built this facility over 20 years ago, it has been a part of the community all this time. Please support our request for rezoning so that we can market our building for sale or lease and establish a meaningful future for 120 Garrison Drive.



**Town of Fort Macleod**  
**Bylaw 1919 – Land Use Bylaw Amendment**  
**Residential to Public Institutional**  
**b) Letters submitted against Bylaw 1919**

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**1) Dianne & Stanley Perrin**

**From:** Dianne Perrin <[dsperrin2@gmail.com](mailto:dsperrin2@gmail.com)>

**Sent:** Wednesday, August 19, 2020 12:56 PM

**Subject:** Re-Zoning of Lots 6,7 and 16;Block 27 Fort Macleod

We are the owners/taxpayers of property at 145 Garrison Drive, Fort Macleod. We were born in Fort Macleod and returned over 15 years ago to build our "Retirement Dream Home" in an area the Town assured Us was "Residential".

We are opposed to Lots 6,7 and 16,Block 27 being rezoned as "Public Institutional", for the following reasons:

**1. Increased Neighbourhood Activity:**

Criteria for "Public Institutional" zoning includes expansion of property usages which are not in harmony or desirable within a residential neighbourhood. We lived in harmony with quiet Senior's care for many years, and if the zoning must be changed from Residential, a change to R-LL (Residential Large Lot), By-law 1882, Section 9, which would allow Bed and Breakfast, child care, group care, Senior's care, etc. but limit the number of clients and employees, would be more suited to this residential area. We would urge zoning officials to consider future uses of this land and how making it more "Public" could impact residential taxpayers.

**2. Security:**

Rezoning to "Public Institutional" would result in increased traffic (people and vehicles), increased noise levels, increased transient population (as observed in the past two months) and increased crime rate. (Will there be additional policing?) Safety of Senior's, Adults and Children is important to us. Increased crime, followed by increased insurance rates will likely ensue if the area becomes "Public".

**3. Property Values:** "Public Institutional" zoning broadens land usage in our area and will ultimately result in a decrease in residential property values. One Councillor stated in a meeting on Monday, August 17th that this "Will not happen in Fort Macleod". The REALITY is this can and Does happen everywhere. Our property values are important to Us, and crucial when it comes time to sell and move to the final "care-stages" of life.

Therefore, We stand opposed to the "Public Institutional" rezoning in this residential neighbourhood.

Dianne Perrin, B.Ed. (retired)

Stanley Perrin, Master Electrician (retired)

**2) Mary, Bobby, Bryon & Darryl Campbell**

**From:** Mary Campbell <[marycamp32@outlook.com](mailto:marycamp32@outlook.com)>

**Sent:** Wednesday, August 19, 2020 12:52 PM

**Subject:** REZONING OF 120 GARRISON DRIVE.

We wish to advise the persons we have addressed this to that we are owners/residents of 111 – 17<sup>th</sup> Street, Fort Macleod.

We wish to advise each of you that we are against the rezoning of 120 Garrison Drive to be that of Public - Institutional and we are most certainly not in favour of the proposed use of the premises as a rehabilitation/child care centre. We believe it a form of racism that only indigenous children are to be rehabilitated at this premises – a rehabilitation program should be all-encompassing for all persons with social problems. With our heritage/background we cannot support such an exclusion of 'others'.

When we built our home we paid a purchase price for the land that reflected the fact that 120 Garrison Drive was a seniors' care facility. Going forward, we would have no problem with the facility being a seniors' care facility for whatever group wished to advance that agenda. HOWEVER under no circumstances are we in favour of the proposed Shinah House project, and we never will be.

MARY CAMPBELL

BOBBY CAMPBELL

BRYON CAMPBELL

DARRYL CAMPBELL

DATED August 18, 2020

### 3) Henry & Tilly Van Sluys

From: Tilly <[htsluys@telus.net](mailto:htsluys@telus.net)>

Sent: Tuesday, August 18, 2020 9:27 AM

Subject: Rezoning of 120 Garrison Drive

WE, HENRY VAN SLUYS and TILLY VAN SLUYS of 134 Garrison Drive, Fort Macleod, owners and residents of said property, wish to make our intentions known to the Development Office and Town Council that we are not in favour of the re-zoning of the property application being made in Chambers [on August 24, 2020](#), known as 120 Garrison Drive, Fort Macleod. We are irrevocably against such application and proposed use of the premises as being proposed by the current owners, the Segboer family.

HENRY VAN SLUYS & TILLY VAN SLUYS

DATED August 18, 2020

### 4) Shannon Wiggle (7 page document to follow)

**Zoning changes to Lot 6-7, Block 27, Plan 9812195 and Lot 16, Block 27,  
Plan0012428**

We would like to express our opposition to the re-zoning of the above property.  
Our concerns are as follows:

- 1.) We feel that the guiding principles to re-zoning should encompass the other properties in the neighbourhood as well as the thoughts of the property owners. We feel that those thoughts and feelings have value and should be considered by Town Council and the Administration.
- 2.) All properties in Garrison Estates are zoned Residential.
- 3.) We are concerned that if zoned Public Institutional we could be dealing with issues of;
  - noise
  - parking
  - security
- 4.) We built or bought our homes knowing that the above property was not zoned Public/Institutional and we feel it is unfair to change the zoning now as it will affect property values.
- 5.) We were led to believe with the mayor in attendance that the property was first commercial, then rezoned in 2015 to residential, now there is a proposed application to rezone it again. Our concern is the cost, lack of transparency, and confusion that goes along with these rezoning changes.

In conclusion, as an elected council it is your responsibility to represent the citizens of Fort Macleod and we the undersigned are opposed to this zoning change.

Name	Address	Email
<del>Charles Furman</del>	<del>103-17 St.</del>	<del>Furman333@gmail.com</del>
<del>John London</del>	<del>Box 2446 114-17 St.</del>	<del>silvermellow@gmail.com</del>
<del>Keith Lewis</del>	<del>114 17 St</del>	<del>"</del>
<del>Troy Marsh</del>	<del>122 17 St</del>	<del>lcealimber1@hotmail.com</del>
<del>Karen Marsh</del>	<del>122 17 St</del>	
<del>K. H. H. H.</del>	<del>131 17<sup>th</sup> St.</del>	<del>thertter2@telus.net</del>
<del>Calvin Dal Crawford</del>	<del>157 17th</del>	<del>valcave@gmail.com</del>
<del>Monica Hays</del>	<del>143 17th St</del>	<del>freckled79@gmail.com</del>
<del>ROB BOURASSA</del>	<del>1701 3<sup>rd</sup> Ave.</del>	<del>rebouassa1973@gmail.com</del>
<del>Malackowski</del>	<del>160-17 St</del>	
<del>Michael</del>	<del>119-17 St</del>	<del>petersonhair@gmail.com</del>
<del>Steve</del>	<del>119-17 St</del>	
<del>Joseph Carlson</del>	<del>461-17 St</del>	
<del>Jerry Chapman</del>	<del>1619-2nd Ave.</del>	
<del>Dave McArthur</del>	<del>1922 2nd Ave</del>	
<del>Jean Edmunds</del>	<del>451-11 St</del>	
<del>David McArthur</del>	<del>1922-2<sup>nd</sup> Ave.</del>	<del>dave mc arthurinez@gmail.com</del>
<del>Rab. Church</del>	<del>571 11 St</del>	
<del>NORM BROWN</del>	<del>244-19<sup>th</sup> St</del>	

Al Ramos-Charlton Box 643, Town m. ramoscharlton@prol.com

Eric & Wilene Aleman 137 Garrison Drive, Fort Macleod.

George & Deloratie Brown Box 1987, F. Macleod.

BOB CAMPBELL Box 1408 FORT MACLEOD

Mary Campbell Box 1408 Fort Macleod, AB

Byrd Campbell Box 1408 F.M. AB

Stanley & Dianne Perwin 145 Garrison Drive Box 651

Frank Herk

M. Herk Maria van Herk 142 Garrison Drive PO Box 1855

Bob & Sarah Knight Box 1645 139. Garrison

Borala & Suzanne Plattner Box 865 133 Garrison

Mestlin Heal Box 504 Fort Macleod AB

Jetta Heil Box 504 FORT MACLEOD AB

Gertrude Marianne van Huisstede Box 1086 Fort Macleod, AB

Janet & Mike

Tommy & Rick Parha Box 2208 Fort Macleod, AB

KEITH TROWBRIDGE 126 GARRISON DRIVE

Angela Zimmertko 122-19<sup>th</sup> St Fort Macleod AB.

Rebecca Thomas 111-20<sup>th</sup> Street Fort Macleod AB

Name	Address	Email
Frank Fehr	Aug 19 <del>Full St</del> 112 19 <sup>th</sup> St	frankfehr28@hotmail.com
ARBI SAUNDERS	113-19 St. Aug. 19/20	Asaunders@icloud.com
WALTER SAUNDERS	113-19 St Aug 19.20	walters@icloud.com
Darla Fehr	Aug 19/20 112 19 <sup>th</sup> St	dfest74@hotmail.com
Courtney Houserpa	Aug 19/20 112 19 <sup>th</sup> St	Courtneyhouserpa@gmail.com
BOB RIPLEY	103-19 <sup>th</sup> ST	BobRipley@yahoo.ca
NIGEL OVENSEN	102-19 <sup>th</sup> St	nigelovensens72@gmail.com
Pat Hill	136-19 <sup>th</sup> St. Fort Meleod P.O. Box 19063 280 St. awmney Calgary	weldanite123@gmail
Barbara Schileo	156-19 <sup>th</sup> St	
Bernad Nelson	164-19 <sup>th</sup> St	
Calli Van Sluys	117 Garrison Dr	vancluys@telus.net
Brenne Van Sluys	117 Garrison Dr	
Lorey Poytress	144 Garrison Dr	poytress@gmail.com
Aaron Poytress	"	"

Name	Address	Email
KEITH Olson	152-16st	
Mary Gygala	128-16	
Stan Gygala	128-16	
Norma Bellinghrook	159-16	
Nancy LaChance	159-16	
Helen Shamaker	412-16	
Jolene Vance	1520-16	
Wilco Vance	1520-16	
Chris Christensen	153-16	
Clara Fowler	153-16 st	
PHIL LEWIS	125-16 st	
Dale Kellington	#2 Sunset Trailer Park	
Rick PAIWA	107-16st.	

Julie Magson ~~Julie Magson~~ 403-894-1757 jmagson@telus.net  
Box 99 (of Fort Macleod) AB T0L0Z0

Joyce Magson ~~Joyce Magson~~ Box 1388 Town 403-553-4956

Arie Bieschewel ~~Arie Bieschewel~~ 48-A ST (403) 625-0757

Michael Wise ~~Michael Wise~~ 118 GARIBOLDI DRIVE, 403-360-3521

WYNN DICKSON ~~WYNN DICKSON~~ 1168 15th 403-553-0124

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\_\_\_\_\_

Larry Athanas - 219-17 st.

Joe Filles - 725-2757

Went 453-1850



**Town of Fort Macleod  
Administration – Bylaw 1915 Southwest  
Industrial Utility Upgrade Financing (Phase 1)**

**Recommendation:** That Council gives second and third reading to Bylaw 1915 – Southwest Industrial Utility Upgrade Financing (Phase 1).

**Rationale:**

The 2020 capital budget contained this project which was to be funded via grants and from reserve balances. This bylaw is the statutory requirement for this project being partially self-financed from a reserve and the reserve to be repaid.

**Background:**

The Southwest Industrial Utility Upgrade Project (Phase 1) was a 2020 approved capital project with a cost of \$3,553,846 plus GST. Of this amount the Town has committed both Federal Gas Tax Fund and Municipal Sustainability Initiative grants to it in the amount of \$2,241,000 leaving \$1,312,846 to be funded through the Town's self-financing reserve.

**Financial Implications:**

The reserve will need to be repaid in annual instalments over the next twenty-five years. Council has determined that no interest will be charge on the self-financing of this project.

**Enclosure:** Bylaw 1915 – Southwest Industrial Utility Upgrade (Phase 1) Borrowing Revised cash flow scenario w/updated project cost and 25 year repayment

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**Prepared by:** Kris Holbeck, DF **Date:** August 17, 2020

**Approved by:**  Sue Keenan, CAO **Date:** August 20, 2020

**Submitted to:** Town Council **Date:** August 24, 2020

**TOWN OF FORT MACLEOD  
BYLAW NO. 1915**

**A BYLAW TO AUTHORIZE THE COUNCIL OF THE TOWN OF FORT MACLEOD TO  
PROVIDE FOR FINANCING THE SOUTHWEST INDUSTRIAL UTILITY UPGRADE  
PROJECT (PHASE 1) DEFICIT FOR FISCAL YEAR ENDED DECEMBER 31, 2020.**

**WHEREAS**, pursuant to the *Municipal Government Act*, being a Chapter M-26, Revised Statutes of Alberta, 2000, and amendments thereto, the Council of The Town of Fort Macleod wishes to issue a bylaw pursuant to Section 258 of the *Municipal Government Act* to authorize the financing of capital expenditures for the Southwest Industrial Utility Upgrade Project (Phase 1) for the fiscal year ended December 31, 2020.

**NOW THEREFORE** under the authority of the *Municipal Government Act*, the Council of the Town of Fort Macleod, in the Province of Alberta, enacts as follows:

1. That the Council of the Town of Fort Macleod authorized the capital deficit of the Southwest Industrial Upgrade Project (Phase 1) for fiscal year ended December 31, 2020 in the amount of One Million Three Hundred and Twelve Thousand Eight Hundred and Forty-Six Dollars (\$1,312,846.00).
2. That for the purpose aforesaid, the sum of One Million Three Hundred and Twelve Thousand Eight Hundred and Forty-Six Dollars (\$1,312,846.00) be borrowed from the Capital Internal Financing Reserve.
3. The internal financing under this Bylaw shall not exceed the sum of One Million Three Hundred and Twelve Thousand Eight Hundred and Forty-Six Dollars (\$1,312,846.00 as authorized by the Bylaw.
4. The indebtedness shall bear an annual interest charge during the term of the internal financing at Zero Percent (0%).
5. The internal financing shall be issued in such a manner that the payable amount be made in, as nearly as possible, equal annual installments over a period of twenty-five (25) years. Such annual installments shall be a charge to the Southwest Industrial Utility Upgrade (Phase 1) Project with the first payment due July 1, 2022 per Schedule "A".
6. The amount realized by the internal financing issued under this Bylaw may be applied only for the purpose for which the indebtedness was created.
7. That the Mayor and Chief Administrative Officer be authorized to sign the necessary cheques, notes, contracts, and agreements that may be necessary to carry into effect this Southwest Industrial Utility Upgrade project deficit.
8. That this bylaw shall take effect on the date of the third and final reading.

Read a first time on this 25<sup>th</sup> day of May, 2020. R 171. 2020

Read a second time on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Read a third time and passed on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

TOWN OF FORT MACLEOD  
 CASH FLOW ANALYSIS  
 RESERVE REPAYMENT  
 FORECAST  
 2021 - 2071

	2021	2022	2023	2024	2025	2026	2027	2028
Loss of interest (cumulative)	(137,500.00)	(136,449.70)	(134,328.09)	(131,143.76)	(126,784.83)	(121,319.03)	(114,893.61)	(106,885.39)
Reduction to existing debentures	0.00	55,525.00	55,525.00	131,223.00	131,223.00	208,259.00	208,259.00	208,259.00
Repayment to reserve (principle)	0.00	(52,515.00)	(52,515.00)	(52,515.00)	(52,515.00)	(52,515.00)	(52,515.00)	(52,515.00)
Net impact to cash flow for mill rate	(137,500.00)	(133,439.70)	(131,318.09)	(52,405.76)	(48,076.83)	34,424.97	41,050.39	48,958.62
Cumulative repayment to reserves	0.00	52,515.00	105,030.00	157,545.00	210,060.00	252,575.00	315,090.00	367,605.00
Interest earned (2%) by reserve repayments (compounding)	0.00	1,050.30	2,121.61	3,214.34	4,328.92	5,485.80	6,625.42	7,808.23

Negative cash flow  
 Positive cash flow  
 Debenture(s) repaid in this year

Full reserve borrowing repaid

	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039
	(97,870.69)	(87,525.40)	(76,124.91)	(63,344.11)	(49,257.39)	(33,838.64)	(17,061.21)	1,102.07	20,678.91	41,697.58	64,186.94
	208,259.00	208,259.00	208,259.00	208,259.00	291,839.00	370,879.00	377,787.00	511,184.00	511,184.00	511,184.00	511,184.00
	(52,515.00)	(52,515.00)	(52,515.00)	(52,515.00)	(52,515.00)	(52,515.00)	(52,515.00)	(52,515.00)	(52,515.00)	(52,515.00)	(52,515.00)
	57,873.31	68,118.60	79,619.09	92,399.89	190,066.81	284,525.36	308,210.79	459,771.07	479,347.91	500,366.58	522,855.94
	420,120.00	472,635.00	525,150.00	577,665.00	630,180.00	682,695.00	735,210.00	787,725.00	840,240.00	892,755.00	945,270.00
	9,014.69	10,245.29	11,500.49	12,780.80	14,086.72	15,418.75	16,777.43	18,163.28	19,576.84	21,018.68	22,489.35

	2040	2041	2042	2043	2044	2045	2046	TOTALS
	88,176.37	113,895.90	140,776.12	169,448.24	199,744.11	231,696.19	265,337.61	(97,656.70)
511,184.00	511,184.00	511,184.00	511,184.00	511,184.00	511,184.00	511,184.00	511,184.00	8,494,838.00
(52,515.00)	(52,515.00)	(52,515.00)	(52,515.00)	(52,515.00)	(52,515.00)	(52,515.00)	(52,515.00)	(1,312,875.00)
546,845.37	572,364.90	599,445.12	628,117.24	658,413.11	690,365.19	724,006.61	7,084,306.30	
997,785.00	1,050,300.00	1,102,815.00	1,155,330.00	1,207,845.00	1,260,360.00	1,312,875.00		17,067,375.00
23,989.44	25,519.53	27,080.22	28,672.12	30,295.86	31,952.08	33,641.42		402,837.61

**BYLAW 1915 - SOUTHWEST INDUSTRIAL UTILITY UPGRADE BORROWING  
SCHEDULE "A"**

TOWN OF FORT MACLEOD  
SOUTHWEST INDUSTRIAL UNDERGROUND UTILITIES PROJECT  
AMORTIZATION SCHEDULE

Annual Interest Rate	0.00%
Years	25
Payments Per Year	1
Amount	\$1,312,846

Phase One cost	\$3,553,846.00	
Capital Grants	\$2,241,000.00	2020 and 2021
Self Financed	<u>\$1,312,846.00</u>	

Payment #	Date	Payment	Principal	Interest	Balance
1	01-Jul-22	(\$52,513.84)	(\$52,513.84)	\$0.00	\$1,260,332.16
2	01-Jul-23	(\$52,513.84)	(\$52,513.84)	\$0.00	\$1,207,818.32
3	01-Jul-24	(\$52,513.84)	(\$52,513.84)	\$0.00	\$1,155,304.48
4	01-Jul-25	(\$52,513.84)	(\$52,513.84)	\$0.00	\$1,102,790.64
5	01-Jul-26	(\$52,513.84)	(\$52,513.84)	\$0.00	\$1,050,276.80
6	01-Jul-27	(\$52,513.84)	(\$52,513.84)	\$0.00	\$997,762.96
7	01-Jul-28	(\$52,513.84)	(\$52,513.84)	\$0.00	\$945,249.12
8	01-Jul-29	(\$52,513.84)	(\$52,513.84)	\$0.00	\$892,735.28
9	01-Jul-30	(\$52,513.84)	(\$52,513.84)	\$0.00	\$840,221.44
10	01-Jul-31	(\$52,513.84)	(\$52,513.84)	\$0.00	\$787,707.60
11	01-Jul-32	(\$52,513.84)	(\$52,513.84)	\$0.00	\$735,193.76
12	01-Jul-33	(\$52,513.84)	(\$52,513.84)	\$0.00	\$682,679.92
13	01-Jul-34	(\$52,513.84)	(\$52,513.84)	\$0.00	\$630,166.08
14	01-Jul-35	(\$52,513.84)	(\$52,513.84)	\$0.00	\$577,652.24
15	01-Jul-36	(\$52,513.84)	(\$52,513.84)	\$0.00	\$525,138.40
16	01-Jul-37	(\$52,513.84)	(\$52,513.84)	\$0.00	\$472,624.56
17	01-Jul-38	(\$52,513.84)	(\$52,513.84)	\$0.00	\$420,110.72
18	01-Jul-39	(\$52,513.84)	(\$52,513.84)	\$0.00	\$367,596.88
19	01-Jul-40	(\$52,513.84)	(\$52,513.84)	\$0.00	\$315,083.04
20	01-Jul-41	(\$52,513.84)	(\$52,513.84)	\$0.00	\$262,569.20
21	01-Jul-42	(\$52,513.84)	(\$52,513.84)	\$0.00	\$210,055.36
22	01-Jul-43	(\$52,513.84)	(\$52,513.84)	\$0.00	\$157,541.52
23	01-Jul-44	(\$52,513.84)	(\$52,513.84)	\$0.00	\$105,027.68
24	01-Jul-45	(\$52,513.84)	(\$52,513.84)	\$0.00	\$52,513.84
25	01-Jul-46	(\$52,513.84)	(\$52,513.84)	\$0.00	\$0.00
		(\$1,312,846.00)	(\$1,312,846.00)	\$0.00	



**Town of Fort Macleod  
Administration – Municipal Stimulus Grant  
2021**

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**Recommendation:** That Council accepts this report as information.

**Rationale:**

This report is to update Council as to the changes to the Southwest Industrial Utility Upgrades (Phase 2) project funding parameters in regard to the newly rolled out Municipal Stimulus Grant.

**Background:**

The provincial government unveiled the municipal stimulus grant and the Town of Fort Macleod has applied under this grant for the Southwest Industrial Utility Upgrades (Phase 2) project to be completed in 2021. This project has not been approved in the Town's capital budgeting process; however, it will be in the 2021 capital budget.

The grant parameters are for new projects that have not been started, so the Phase 1 of this project and the pool project are not eligible.

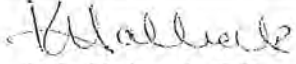
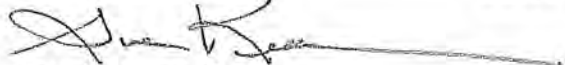
The grant application requirements also state that the project must not cause taxes to increase. This means that this project cannot be funded with local improvement taxes (as per prior discussions regarding how this project could be funded previously) as a local improvement tax is a property tax increase.

The estimated cost of the project per MPE is \$1,720,000 and the Municipal Stimulus grant amount is \$352,685 which is 20% of the project cost. This amount is comparable to what the Town could have charged for a local improvement tax on the project.

**Financial Implications:** Implication would be based on what percentage of the project would have been charged a local improvement tax.

**Enclosure:** None

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<b>Prepared by:</b>	 Kris Holbeck, DF	<b>Date:</b> August 20, 2020
<b>Approved by:</b>	 Sue Keenan, CAO	<b>Date:</b> August 20, 2020
<b>Submitted to:</b>	Town Council	<b>Date:</b> August 24, 2020



**Town of Fort Macleod**  
**Administration – Bylaw 1878 – Union Cemetery**  
**Bylaw**

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**Recommendation:** That Council gives first reading to Bylaw 1878 – Union Cemetery Bylaw.

**Rationale:**

With the 2018 expansion at the Union Cemetery, some operational changes to how the Town allows cremains to be placed in full caskets plots, and the updated fee schedule, it was time to review the cemetery bylaw in its entirety and make any changes necessary to have a functional and detailed bylaw for both the public and staff.

**Background:**

The previous Cemetery Bylaw #1815 was passed in 2014 by Town Council and numerous changes have happened both physically and operationally since that time which requires an update to the bylaw.

An expansion has occurred at the cemetery adding cremains and full casket plots, Council has passed a moratorium on selling new full casket plots in the old area of the cemetery, a new fee schedule was passed and operationally, the Town now allows up to six (6) sets of cremains to be added to a full casket plot once the full casket has been interred.

**Financial Implications:**

None.

**Enclosure:** Bylaw 1878 – Union Cemetery Bylaw  
Bylaw 1815 – Cemetery Bylaw (being rescinded) for information

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**Prepared by:** Kris Holbeck, DF **Date:** August 17, 2020

**Approved by:** Sue Keenan, CAO  **Date:** August 20, 2020

**Submitted to:** Town Council **Date:** August 24, 2020

**TOWN OF FORT MACLEOD  
PROVINCE OF ALBERTA  
BYLAW NO. 1878**

**UNION CEMETERY BYLAW**

**BEING A BYLAW OF THE TOWN OF FORT MACLEOD, IN THE PROVINCE OF  
ALBERTA, TO PROVIDE FOR THE CONTROL AND REGULATION OF THE UNION  
CEMETERY**

**BY-LAW NO. 1878**

**OF THE TOWN OF FORT MACLEOD  
IN THE PROVINCE OF ALBERTA**

A bylaw of the Town of Fort Macleod, in the Province of Alberta, to provide for the control and regulation of the Union Cemetery.

WHEREAS the Town of Fort Macleod owns and operates a cemetery on land, described as 3050 - 9<sup>th</sup> Avenue Fort Macleod, known as the Union Cemetery;

AND WHEREAS the Council of the Town of Fort Macleod deems it necessary to pass a bylaw respecting the operation of the Union Cemetery;

AND WHEREAS the *Municipal Government Act* authorizes a municipality to regulate services provided by, or on behalf of the municipality;

AND WHEREAS the *Cemeteries Act* requires a municipality, which owns and operates a cemetery within its boundaries, to operate and maintain the cemetery in accordance with the *Cemeteries Act* and any regulations passed thereunder;

NOW THEREFORE the Council of the Town of Fort Macleod, duly assembled, enacts as follows:

**PART I BYLAW TITLE**

1. This bylaw shall be known as the Fort Macleod "Union Cemetery Bylaw".

**PART II DEFINITIONS**

1. In this bylaw, unless the context otherwise requires, the word, term or expression:
  - a) "Act" means the *Cemeteries Act*, as amended from time to time, and any regulations enacted thereunder.
  - b) "Adult" means any person seven (7) years of age or over.

- c) "Block" means a subdivision within the Cemetery.
- d) "Bronze Plaque" is a memorial marker of bronze metal for installation on the Memorial Wall.
- e) "Burial" means the interment of human remains in an earth plot or cremated human remains in an earth plot or a Columbarium Niche or; the act of burying a deceased person; interment, inurnment.
- f) "Burial Rights" means the purchased rights of burial in plots or columbarium niches sold in accordance with the provisions set out in Schedule "B" of this Bylaw, the Contract for Services and the Pre-need Contract as set out by the Town.
- g) "Burial Permit" means a burial permit issued under the *Vital Statistics Act*.
- h) "CAO" means the Chief Administrative Officer of the Town of Fort Macleod or their delegate.
- i) "Caretaker" means an employee of the Town who has been assigned caretaker duties at the Cemetery.
- j) "Cemetery" means the land legally described as a ten acre parcel being a portion within the Town that is set apart or used as a place for the burial of dead human bodies or other human remains, or in which dead human bodies or other human remains are buried all of which are owned, operated and under the control of the Town of Fort Macleod Union Cemetery.
- k) "Cemetery Services" has the same meaning given to it in the *Cemeteries Act*.
- l) "Cemetery Supplies" has the same meaning given to it in the *Cemeteries Act*.
- m) "Child" means an individual over the age of one (1) year and under the age of seven (7) years.
- n) "Children Section" means that section of the Cemetery set aside for children six (6) years of age and under.
- o) "Clerk" means the Cemetery Clerk and shall include any person acting as their designate in carrying out the provisions of this Bylaw unless context otherwise requires.
- p) "Columbarium" means a permanent structure erected in the cemetery containing several niches for the placement of cremated human remains.
- q) "Continuous Concrete Foundation" means a strip of concrete used for the placement of monuments.
- r) "Contract" means the agreement made and signed between the purchaser of the burial rights in the cemetery, or their representative for any services requested to be done within the cemetery.
- s) "Coping" means a permanent structure covering the surface of a grave.

- t) "Council" means the elected Council of the Town of Fort Macleod.
- u) "Cremains" means the ashes of a dead human body or other human remains that have been cremated.
- v) "Cremation Plot" means a plot designated for the interment of cremated human remains.
- w) "Disinter" or "Disinterment" means the authorized removal of human remains, including cremains, from a closed or sealed pot or niche.
- x) "Disinterment Permit" means the permit issued by the Registrar of Vital Statistics authorizing a disinterment.
- y) "Earth Burial" means the depositing of human remains or cremated human remains in the earth.
- z) "Field of Honour" means the area of the cemetery reserved for the burial of veterans.
- aa) "Footstone" means a flat monument that is placed flush with the surrounding turf at the foot of a grave for memorial purposes (also known as a flat marker).
- bb) "Foundation" means a permanent support providing a base for a monument.
- cc) "Grave" means a plot that has been opened for the purpose of the interment human remains or cremains.
- dd) "Holiday" means all general holidays proclaimed by the Town of Fort Macleod, the Province of Alberta or the Dominion of Canada.
- ee) "Indigent Person" means any unclaimed body, or body of a person without means, support, or known relatives requiring burial at the cemetery.
- ff) "Infant" means a person under the age of one (1) year.
- gg) "Interment" means the placing of dead human remains or cremains underground in the cemetery or placing cremains in a niche.
- hh) "Lot" means a subdivision within a Block within the Cemetery.
- ii) "Maintenance" means the ongoing care of plots/graves, columbarium and Town owned monuments.
- jj) "Marker" means a memorial constructed of bronze, marble, granite, or other such other material as approved by the Supervisor, set flush and level with the ground at the foot of a grave for memorial purposes.
- kk) "Memorial" means all markers, monuments, and columbarium niche fronts, and any other form used to inscribe the names of individuals interred within the cemetery.

- ll) "Memorial Wall" means an object or structure within the cemetery upon which a bronze plaque may be placed.
- mm) "Monument" means an above-ground upright memorial placed or constructed on a designated monument plot, containing the memorial inscription.
- nn) "Monument Company" means all individuals, firms, partnerships and corporations, who manufacture, sell or install monuments in the regular course of business.
- oo) "Niche" means a recessed space in a columbarium used, or intended to be used, for the interment of cremains.
- pp) "Open and Close" means the digging and preparation of the grave, the placing of the greens on the soil removed, the repairing of any damage to the grave caused by cave-ins etc., and the levelling and reestablishing the grass on the grave.
- qq) "Peace Officer" means a bylaw enforcement officer appointed by the Town and includes members of the Royal Canadian Mounted Police.
- rr) "Permanent Outer Box" is a concrete box placed in the ground to enclose totally a casket (includes a protective casket) in a grave in the Cemetery, designed and built to support the weight of the earth and standard cemetery maintenance equipment and to prevent the grave from collapsing.
- ss) "Plot" means a subdivision within a Lot, within a Block, within the Cemetery, to be used for the interment of human remains or cremated human remains.
- tt) "Pre-Need Contract" means a contract for the provision (purchase) of burial rights prior to the death of the person for whose benefit the contract is entered.
- uu) "Section" means a subdivision within the Cemetery which holds within the Block, Lot and Plot.
- vv) "Supervisor" means the individual, or their designate, appointed by the CAO who is responsible for overseeing the operations of the Cemetery and carrying out any act or function on behalf of the Town pertaining to the Cemetery.
- ww) "Town" means the Town of Fort Macleod, a municipal corporation.
- xx) "Vase" means a vessel intended to contain fresh or artificial flowers.
- yy) "Vault" means a lined and sealed burial receptacle which performs all the functions of the concrete grave box (permanent outer box), and in addition is designed and constructed using one or more lining and sealing materials to increase the overall tensile strength of the finished unit and to reduce the risk of the intrusion of exterior elements.
- zz) "Vehicle" has the same meaning as it has in the *Traffic Safety Act*, as amended from time to time.
- aaa) "Veteran" means a former member of Her Majesty's Armed Forces as determined by the *War Veterans Allowance Act* (Canada).

bbb) "Veteran – NWMP/RCMP" means a former member of the North West Mounted Police or the Royal Canadian Mounted Police.

ccc) "Violation Ticket" has the meaning given to it in the *Provincial Offences Procedure Act*.

### **PART III ADMINISTRATION**

#### **1. SUPERVISOR RESPONSIBILITIES**

- a. The Supervisor shall have control over all matters concerning the organization, operation, and management of the cemetery, including:
  - 1. Preparing and maintaining all the records and files necessary for the proper administration, operation, and management of the cemetery;
  - 2. Overseeing the general maintenance of the cemetery;
  - 3. Reviewing, issuing, and administering contracts, applications, permits, and other documents relating to the cemetery;
  - 4. Authorizing and interment or disinterment;
  - 5. Coordinating, supervising, and directing the work of all employees, contractors, and suppliers relating to the cemetery; and
  - 6. Dividing the cemetery into blocks or sections, including imposing restrictions on the types and forms of memorials or other markers.

#### **2. SUBDIVISION OF CEMETERY**

- a. The Clerk reserves the right to designate sections within the Cemetery, and imposes restrictions, including the types and forms of monuments, memorials, plaques or other markers to be used; and once the first Plot in a Block has been sold, the designation shall not be changed without the approval of Town Council. Regulations governing size and construction of such monuments shall be found in Schedule "C".
- b. Those parts of the abovementioned areas of land not heretofore laid out and subdivided into Plots for burial purposes shall be suitably laid out from time to time by plans to be prepared under the supervision of the CAO.
- c. No person shall further subdivide or alter any Plot in any manner at variance with the subdivision of such plot as shown on the plans in the office of the CAO.

#### **3. POWERS AND AUTHORITY OF THE TOWN**

- a. The Town is responsible for the operation of and maintaining order in the Cemetery. This includes the general supervision, charge and control of the management and operation of the Union Cemetery, and of all books, plans, records, and documents relating.
- b. The Town shall keep a permanent record of all sales, location description, and the name(s) of any person(s) buried in any Plot or Niche, together with the date of any such purchase and burial, and all information as required on the Cemetery Contract.
- c. The Town shall have charge of the said cemetery and of all persons employed therein, and of all works of whatsoever nature carried out therein, and shall be charged with the duty of seeing that the said cemetery is kept in good order.
- d. Only persons under the authority of the Town shall open and close any grave for a burial of, or the removal of, a dead body or the ashes of a dead body.

- e. The Town has the right to remove from the Cemetery any person who disturbs the quiet or good order of the Cemetery whether by noise or improper conduct or otherwise.

#### **PART IV BURIAL RIGHTS**

##### **1. BURIAL ALTERNATIVES**

- a. Earth burial (Body/Ashes)
- b. Niche/Columbarium (Ashes interred aboveground)

##### **2. MORATORIUM OF FULL CASKET SALES IN THE OLD CEMETERY**

- a. Full casket sales in the old cemetery are no longer allowed to ensure that unmarked graves are not unintentionally disturbed and also because of the tree roots throughout the old section.

##### **3. PRE-NEED SALES**

- a. A contract for the reservation of burial rights in plots or niches, or the rights to memorialize on Town owned Monuments shall:
  - i. Be in writing, and
  - ii. Be signed by the purchaser (if possible) and the Clerk, and
  - iii. State the name of the salesperson and the name of the funeral home for who the salesperson is acting, and
  - iv. Contain a clause of the right to cancel by the purchaser or Town as set forth in this Bylaw, and the notice shall be at least as prominent as the contents of the contract, and
  - v. A copy of the contract is received by the purchaser, by personal delivery or by email, or by mail within seven (7) days after the contract was signed by them.
- b. The contract for the purchase of burial rights in a Plot, or Niche, or the contract for the purpose of the rights for memorialization on a Town owned Monument shall include maintenance.
- c. All persons who purchase burial rights in the Cemetery shall be responsible for the cost thereof and for all charges incurred now and, in the future, as set forth in Schedule "B" in this Bylaw.
- d. The Clerk shall upon payment by any person of the full price of any Plot, Columbarium Niche or of memorialization rights for Town owned Monuments, issue to each purchaser or such person as otherwise designated by such purchaser, a copy of the contract.
- e. The owner of the burial rights of a Plot or Niche may authorize the use of such Plot or Niche for the interment of another person by submitting to the Clerk the name of the person to be interred and into which Plot or Niche. Such authorization must be in writing and signed by the owner of the Burial Rights.
- f. All persons who purchase burial rights in Plots or Niches, or the rights to memorialization on Town owned monuments in the cemetery shall be responsible for compliance with the regulations governing the erection of monuments applicable to that part of the cemetery in which the purchase is located as set forth in Schedule "C" of this Bylaw.
- g. No persons shall accept any fee or reward for a burial or the resale of burial rights in a Plot or Columbarium Niche of which such a person is the owner of the contract for burial rights, or over which they exercise any power or control. When a lot becomes vacant by removal of the body or bodies therein, the land may revert to the Town at the licensee's option and the Town may in such case rebate

the original purchase price less a transfer fee. It shall be the condition of each sale of burial space in the Cemetery that the purchaser expressly waives any claim arising by reason of any error or mis-descriptions of any burial space. The Town undertakes that it will attempt, insofar as is reasonably possible, to avoid such errors, but its liability shall only extend to refund in case of error, of any money paid to the Town for the burial rights in a Plot or Columbarium Niche, or the rights for memorialization on a Town owned monument, or the Town will undertake to make available equivalent quality of Plots or Niches, or space on a Town owned monument, in lieu of those originally allocated.

#### 4. TERMINATION OR CANCELLATION OF BURIAL RIGHTS

- a. The purchaser may cancel the contract at any time for any reason. The purchaser may cancel without charge or penalty at any time during the period from the day the contract is entered into until thirty (30) days after receipt of a copy of the contract. If cancelled after 30 days payment shall be required for burial rights and any cemetery supplies and cemetery services that have already been supplied, performed or delivered, as the case may be.
- b. Upon receipt of an application and upon proof of ownership, the Town may redeem the burial rights in vacant graves and in columbarium niches, and the memorial rights to a Town owned Monument in the Cemetery; on the basis of ninety (90%) percent of the original purchase price or thirty-five (35%) percent of the current selling price, whichever is the greater amount.
- c. Where Goods & Services Tax (GST) was applicable to the original purchase price, it will be refunded based on the portion of the purchase price refunded.
- d. The owner, or their personal representative, of burial rights may sell their burial rights for a price which will not be greater than what is listed on the Schedule "B", or may transfer the burial rights to another individual. The Clerk upon receipt of an application and upon proof of ownership, and the inspection of the plot in the event there is a monument on or encroaching onto the plot at time of return, the plot owner will be responsible to have said monument moved prior to approval of transfer, and of payment of a transfer fee in accordance with Schedule "B", shall issue a new contract of ownership as required. The transfer of ownership must be registered with the Clerk.
- e. Proof of inheritance – when the owner of the burial rights in a Plot or Niche, or memorialization rights on the Memorial Wall dies and the burial rights pass to the new owners, before the new owners can obtain registration of their interest to it, the Town requires proof of their right to such interest.

#### 5. EXCHANGE/TRANSFER OF BURIAL RIGHTS

- a. Upon application and subject to the Clerk's approval, Plots may be exchanged within the Cemetery. All plots are subject to inspection.
  - i. Owners of unused burial plots or columbarium niches, or the rights to memorialize on a Town owned monument, may exchange their rights for other burial space of equal value with payment of fee as set forth in Schedule "B" of this Bylaw.
- b. All applications for exchange/transfer of burial Plots shall be subject to plot inspections, and in the event there is a monument on or encroaching onto the Plot, the plot owner at the time of exchange shall be responsible to have said monument moved prior to approval of exchange being given.

#### 6. PLOT SIZES

- a. As per Schedule "A".

**7. DESTITUTE, UNCLAIMED, OR INDIGENT BODIES**

- a. In accordance with the Cemetery Act, the Town shall be responsible for a portion of the costs related to burial and disposal of destitute, indigents or unclaimed bodies. In the case of transients (a person who does not have a fixed address in Alberta or intend to establish a permanent residence in Alberta), the Minister of Family and Social Services is responsible for all costs related to burial. Fees will be paid in accordance with the fee as set forth in Schedule "B" of this Bylaw and approved by the Clerk.

**PART V BURIALS, INTERMENTS, INURNMENTS AND DISINTERMENTS**

**8. EARTH BURIALS**

- a. No burial or disinterment shall take place in the Cemetery unless and until there shall have been produced and shown to the Clerk, the following documents:
- i. An original burial permit or disinterment permit issued by the proper official of the Province of Alberta or such other written authority as may be required from time to time under the laws of the Province of Alberta.
    - 1. A burial permit is required when the fetus completed twenty (20) weeks gestation or weighed five hundred (500) grams or more, prior to any disposition of the remains.
    - 2. A burial permit is not required for interments of a fetus of less than 20 weeks gestation.
  - ii. A completed contract for burial or disinterment acknowledging receipt of a payment in full of fees and charges, or approval of credit by the Clerk for work to be done at the expense of the Town, and signed by the owner, or their personal representative, of the burial rights.
- b. The owner of the burial rights or their personal representative, of a plot/niche may authorize the use of such plot/niche for the interment of a person by submitting to the Clerk the name of the person to be interred and into which plot/niche. Such authorization must be in writing and signed by the owner or their personal representative.
- c. The Clerk may request proof of purchase to identify the plot and/or prove the right to use the plot.
- d. If a child or adult grave is required to be opened, a minimum of two (2) business days prior to the time set for the interment shall be given to the Clerk during non-winter months and three (3) full business days of notice is required during winter months.
- e. The Town reserves the right to extend these timelines in the case of inclement weather or other emergent situations where more time is required to prepare the burial site. The Town will notify the parties involved of the extra time required.
- f. The Town requires written/mailed confirmation of all burial arrangements made by telephone call.
- g. The Town accepts no responsibility for any error or misunderstanding that may arise from burial arrangements made by phone where there has been no written confirmation.

- h. It shall be a condition of each sale of burial space in the Cemetery that the purchaser expressly waives any claim arising by reason of any error or misdescriptions of any burial space. The Town undertakes that it will attempt, insofar as is reasonably possible, to avoid such errors, but its liability shall only extend to refund in case of error, of any money paid to the Town for the burial rights in a plot or columbarium niche, or the rights for memorialization on a Town owned monument, or the Town will undertake to make available equivalent quality of plots or niches, or space on a Town owned monument, in lieu of those originally allocated.
- i. Any person signing a contract for interment or disinterment shall be responsible for the prepayment of all charges in connection with such service as set forth in Schedule "B" of this Bylaw.
- j. The Clerk shall upon payment by any person of the full price of the burial rights in any plot, columbarium niche, or of memorialization rights on a Town owned monument, issue to each purchaser or such person as otherwise designated by such purchaser, a copy of the contract.
- k. Any child of a deceased interred in a plot is deemed to have authority to give permission for interment in that plot.
- l. All traditional casket burials of a person seven (7) years of age or older require the use of a permanent outer box or vault.
- m. The Town accepts no responsibility for a burial site not prepared due to the late arrival of a vault or concrete box.
- n. Funeral Directors must close the casket/coffin and fasten it securely before it is lowered into the ground.
- o. Burial or funeral services shall be permitted in the Cemetery on the weekend and on holidays as per approval by the Clerk. Charges for burials on these days will be per Schedule "B".
- p. The Clerk reserves the right to limit the number of burials within a working day, or assessing fees accordingly.
- q. All burials are to be made within the confines of the designed plots. There must be a minimum of twelve (12) inches of earth between remains buried in adjoining plots and a minimum of two (2) feet of earth covering a permanent outer box, or a minimum of three (3) feet of earth covering a casket without a permanent outer box.
- r. No persons shall accept any fee or reward for a burial or the resale of burial rights in a plot or Columbarium Niche of which such a person is the owner of the contract for burial rights, or over which they exercise any power or control
- s. For disinterment, the Town's responsibility will end at the point where the soil is sufficiently excavated to permit access to the body for removal by the attending Funeral Home.

#### **7. MULTIPLE BURIALS IN PLOTS**

- A. No more than one body shall be buried in a single grave except a parent and an infant when both are in the same casket coffin.
- B. The placement of cremains first in a casket plot changes the plot from a casket plot to a cremains plot. No casket placement is allowed after cremains placement up to a maximum of six (6).
- C. A maximum of six (6) cremations shall be permitted in any full-sized plot after a traditional casket burial is already in that plot.
- D. The placement of additional cremains shall be placed in a plot as permitted by the Clerk and be charged per Schedule "B".

- E. Once cremains are placed, they cannot be disinterred to add additional cremains to the container.
- F. Multiple cremations in a columbarium shall be permitted when all the ashes are in a single container of a maximum size to fit in the Columbarium niche.
- G. The removal of an existing set of placed cremains and additional cremains being added to the same urn is not allowed.

**8. VETERANS SECTION/FIELD OF HONOUR**

- A. Upon application and confirmation of eligibility, a member of the Royal Canadian Legion shall be buried in the Veterans/Field of Honour section of the Cemetery.
- B. The Fort Macleod branch of the Royal Canadian Legion grants the burial rights in this section of the Cemetery.
- C. Notwithstanding other regulations in this Bylaw, the Fort Macleod branch of the Royal Canadian Legion is hereby delegated as the authority to establish policies and regulations for monuments in the Veterans section of the Cemetery.
- D. Monuments need to follow the Fort Macleod branch of the Royal Canadian Legion regulations.
- E. The Veterans section of the Cemetery is per Schedule "D" – Cemetery Maps.

**9. VETERANS "NWMP & RCMP"**

- A. Upon application and confirmation of eligibility, a member of the North West Mounted Police & the Royal Canadian Mounted Police shall be buried in the NWMP/RCMP Field of Honour section of the Cemetery.
- B. Only in circumstances where a grave in the NWMP/RCMP Field of Honour section has been used for burial of a veteran, either traditional casket burial or cremation burial, will it be permitted to inter the ashes of the spouse.
- C. The NWMP/RCMP section of the Cemetery is per Schedule "D" – Cemetery Maps.

**10. HOLY CROSS CEMETERY**

- A. Upon application and confirmation of eligibility, a member shall be buried in the Holy Cross section of the Cemetery.
- B. The Holy Cross section of the Cemetery is per Schedule "D" – Cemetery Maps.

**11. MONUMENTS/MARKERS**

- A. The Clerk shall specify the type and form of monuments, memorials, plaques or other markers, as set for in Schedule "C", governing size and construction of such monuments and monument foundations and bases.
- B. The Clerk shall issue a contract to each purchaser of the rights to memorialization on the Memorial Wall supplied by the Town. A record of the deceased will also be kept if the purchasers provide such information. The rights for memorialization on a Town owned monument must be purchased from the Town prior to the placement of a bronze plaque.
- C. All costs of construction, erection installation, alteration and removal of any foundation, base, or monument shall be borne by the person requiring the same. Any work in the Cemetery in connection therewith shall require a permit and be approved by the Clerk before any such work is undertaken as per the fees set forth in Schedule "B" of this Bylaw and approved by the Clerk.

- D. All persons who purchase burial rights in plots or a columbarium niche, for memorialization on a Town owned monument in the Cemetery shall be responsible for compliance with the regulations governing erection of monuments applicable to that part of the Cemetery in which the purchase is located as set forth in Schedule "C" of this Bylaw.
- E. Where the original purchaser of a grave is deceased and a family member or any other person makes application for the placement of a monument, the Town does not accept any responsibility for resolutions regarding the placement of the monument.
- F. No monument may be placed, altered, or removed from any plot until permission expressed in writing from the Clerk for the work to be done has been received.
- G. In areas of the Cemetery where there is a continuous concrete foundation in place, monuments are restricted to a size that allows six (6) inches of exposed concrete around the entire limits of the memorial whether it is a smooth or rough surface.
- H. Pillow monuments may or may not be set on a granite or marble base. If a granite or marble base is used, it must project not less than six (6) inches on all sides of the pillow and be of a thickness not greater than eight (8) inches and not less than three (3) inches. All pillow monuments with or without marble or granite bases must be set on a concrete foundation projecting a minimum of six (6) inches on all sides of the pillow. The foundation will be set to ground level.
- I. Upright monuments may or may not be set on a granite or marble base. If a granite or marble base is used, it must project not less than six (6) inches on all sides of the monument and be of a thickness not greater than eight (8) inches and not less than three (3) inches. All upright monuments with or without marble or granite bases must be set on a concrete foundation projecting a minimum of six (6) inches on all sides of the monument. The foundation will be set to ground level.
- J. All earth, debris, litter and rubbish arising or resulting from work done on any plot by or on behalf of the owner of the burial rights must be back filled, carefully cleaned up and removed from the Cemetery by the said owner or their contractor or workmen.
- K. All monuments must be constructed of granite, marble or bronze.
- L. All monuments shall be installed facing onto the plot regardless of previous installations.
- M. Statues are not permitted in the Cemetery on individual plots as part of a monument or as a monument.
- N. All foundations and monuments must be confined within the boundaries of the respective plots, and all monuments must be placed in a manner as to maintain whenever possible, a proper alignment consistent with monuments on adjacent plots.
- O. Full length grave covers shall not be allowed.
- P. Only one monument, upright or pillow, may be placed upon a single standard plot, except for up to six (6) flat markers on each plot for cremated remains. The flat markers are to be flush with the ground and the maximum allowable size will depend on the plot area limitations and must be approved by the Clerk.
- Q. Only one monument may be placed for each space of the rights for memorialization on Town owned monuments. ie. Memorial Wall.
- R. The purchaser or their designate of the burial rights is liable and responsible for damages from theft, vandalism or damage, howsoever caused, to monuments erected upon a plot, unless such damage is shown to be caused by the negligence of the Town or Town employees.

- S. The Town accepts no responsibility for the maintenance of monuments due to normal wear or deterioration. Minor scraping of the base portion of the upright monuments due to the turf mowing operation is considered normal wear.
- T. Vases must be constructed of non-breakable material and are to be affixed and make up part of the monument. Vases shall not be placed on foundations.
- U. No tablet, monument, plaque, fence, coping, enclosure, or structure shall, except as provided, be removed by any person from any plot in the said Cemetery without the permission of the Clerk expressed in writing.
- V. Monuments are defined as per Schedule "C".

## 12. COLUMBARIUM

### A. MEMORIALIZATION

- i. Any expenses to having the niche cover engraved shall be covered by the owner.
- ii. The monument company meets with the client to obtain their requested information.
- iii. The monument company completes the appropriate permit and contacts the Town if additional information is required.
- iv. The monument company faxes/emails the permit request to the Town. The permit must be signed by the monument company and submitted to the Clerk for approval. The monument company will be notified by the Clerk once the permit has been approved.
- v. The Town requires notice of two (2) business days from the monument company when they plan to perform the work of the permit at the Cemetery.
- vi. The removal or installation of the niche cover must be done by the monument company once approval has been given by the Clerk.
- vii. The door of each unit will be used to engrave the desired memorial.
- viii. Engraving is the only method to be used for memorialization.
- ix. No coloring or blacking of letters will be allowed.
- x. Any damage to a columbarium unit because of work performed by the engraver or their employee shall be repaired at the expense of the engraver within thirty (30) days and to the satisfaction of the Clerk.
- xi. The Town will inspect the niche door after engraving to ensure no damage has occurred during the engraving process.
- xii. Niches sold back to the Town once engraving has been started will be charged the current cost of a door replacement.
- xiii. One (1) inch of space must be left on all sides of the door's edges.
- xiv. Font and space sizes may range to accommodate the best fit of names, dates and memorialization.
- xv. A proof of the engraving must be provided to, and approved by, the Clerk.
- xvi. Memorialization may include a language other than English.
- xvii. A small ribbon vase applique (must not be bolted or screwed onto face) may be placed in the lower left hand corner of the door (one and a half inches (1 ½) wide by three and a half (3 ½) long in size.
- xviii. Further personalization will be permitted as space permits.

## 13. MEMORIAL WALL – BRONZE PLAQUE

### A. MEMORIALIZATION

- i. A bronze plaque may be placed on the Memorial Wall after a completed contract of purchase of space has been signed with the Town.

- ii. All bronze plaques placed on the Memorial Wall must carry a certificate of warranty as to alloy content being:
  - 1. Not less than 85 – 88% copper,
  - 2. Not less than 4.5 – 6% tin,
  - 3. Not less than 5 – 9% zinc,
  - 4. Not less than 2 – 5% lead,
  - 5. Not less than 1 -2% all other metals.
- iii. Dimensions of the bronze plaque for the memorial wall must be constructed two (2) inches in height by ten (10) inches in width.

#### 14. OPERATION AND MAINTENANCE

##### A. CLEARING OF DEBRIS

- i. All earth, debris, litter and rubbish arising or resulting from work done on any plot by or on behalf of the owner of the burial rights therein must forthwith be carefully cleaned up and removed from the Cemetery by the said owner or their contractor or workmen as to the satisfaction of the Clerk.

##### B. DILAPIDATED GRAVES

- i. Should any tombstone, monument or other structure placed or erected in the Cemetery be in a state of disrepair the Town may; after notice in writing to the licensee of the lot on which such structure is located at his last known address, have the said structure removed from the Cemetery if the owner or their agent does not have the same repaired in accordance with the said notice.
- ii. Any notice required may be given by serving the owner personally with any such notice or by mailing such notice by registered mail at the Post Office in the Town in an envelope addressed to the owner at their last known place of residence, and any such notice so sent by registered mail shall be deemed to have been received by the owner.

##### C. FLOWERS, TREES, SHRUBS AND PLANT MATERIAL

- i. Planting – No trees, plants, shrubs, flowers or any other thing intended for growth shall be planted, seeded, grown or maintained on any lot in the Cemetery unless permission for the same is first obtained from the Clerk. The Caretaker may remove or prevent the placing of any stand, holder, vase or other receptacle for flowers or plants which he deems to be unsuitable for such purpose or unsightly in appearance.
- ii. Removal of – If any trees, shrubs or plants growing or situated on any plot shall in the opinion of the Caretaker become in any way detrimental to adjacent plots, walks or driveways, or prejudicial to the general appearance of the Cemetery or dangerous or inconvenient to the public, the Caretaker shall have the right to enter upon the said plot and remove said trees, shrubs or plants or such parts thereof as they may consider detrimental, dangerous, inconvenient or objectionable. An attempt will be made to notify the owner/family member of the plot prior to any work being done.
- iii. No person shall injure any tree, shrub or plant growing in the Cemetery, or pick or destroy any flower growing therein, or write upon, mark, scratch or deface any amenity, monument, plaque, cross, fence, gate, building or structure within or around the Cemetery.

- iv. The Town will not accept responsibility for lost or damaged floral arrangements under any circumstances.
- v. Fresh flowers are permitted on the plot year-round. Artificial flowers and potted plants are permitted but must be totally contained in a vase that is part of the permanent monument, and no part of the artificial flowers shall be in contact with the grass. Artificial flowers or potted plants that are not totally contained in a permanent vase attached to a monument will be removed.
- vi. The Caretaker shall have full authority for and shall be responsible for maintaining order in the cemeteries, and for removing flowers, wreaths or funeral pieces or anything else that in their opinion makes the said plot untidy or unsightly.
- vii. Flowers, funeral designs or floral pieces may be placed only at the base of the Columbarium, unless placed in a vase on the Columbarium monument. Placements on the top of the Columbarium are prohibited.
- viii. No person shall place or deposit a glass encased wreath, or any stand, holder, vase, receptacle, jar, bottle or pot made of glass or other breakable material on any plot.
- ix. The Town reserves the right to plant all perennial flowers, shrubs and trees and to landscape or to carry out any improvements to the grounds.
- x. No flowerbeds will be permitted on individual graves in the Cemetery.
- xi. Donations of plant material will be gratefully accepted. Placement is at the discretion of the Town.

#### D. GENERAL/MISCELLANEOUS

- i. No fence, railing, coping or any other enclosure structure of any kind than a monument or plaque, which is in accordance with the provisions of this Bylaw, shall be erected or installed at the Fort Macleod Union Cemetery.
- ii. No vault or similar structure may be erected, constructed or be placed in the Cemetery except such vaults as are totally buried and the highest point is at least two (2) feet below the soil surface, and where the size is such as to fit grave excavations of a normal size in the Cemetery.
- iii. The Caretaker shall have full authority for and shall be responsible for maintain order in the cemeteries and for removing from anything that in their opinion makes the said plot untidy or unsightly.
- iv. The Caretaker shall remove from the Cemetery or from any plot therein any monument, plaque, cross, fence, railing, coping, other enclosure, structure, thing, any tree, shrub, plant, growing thing, or any inanimate object, which is within the Cemetery or in, upon or around any plot, that may have been placed without proper authority or permission as prescribed or required by any of the provisions of this Bylaw, without notice to any interested person.
- v. The Funeral Homes shall be allowed to install their own high-line vaults if they provide an appropriate vault cart and appropriate lifting and lowering equipment, with the approval of the Clerk.
- vi. No plot or grave shall be raised above the level of the surrounding ground.
- vii. Workers shall cease work when a burial is taking place in the Cemetery.
- viii. The only winter road maintenance within the Cemetery will be in the case of a funeral service.

## 15. PUBLIC ACCESS

### A. CEMETERY HOURS

- i. Cemetery Sales/ Record Office (Town Administration Building) 8:30 am to 4:30 pm Monday through Friday, closed weekends, and holidays.
- ii. Cemetery Staff: 7:00 am to 4:00 pm Monday through Friday, excluding weekends and holidays.
- iii. Cemetery is open to the public year-round.
- iv. No persons other than an employee under the direction of the CAO shall enter or remain in the Cemetery between sunset on one day and sunrise of the next day following.
- v. The Town reserves the right to restrict vehicular access at any time.

### B. ANIMALS

- i. No animals shall be brought into or permitted to be within the Cemetery except that pets may be carried in vehicles provided that they are not allowed out of the vehicle.
- ii. No animal shall be buried in the Fort Macleod Union Cemetery.

### C. FIREARMS/SALUTES

- i. Salutes involving the discharge of firearms will be permitted only for military funerals and provided that the Clerk is notified in advance. Any use of live ammunition must be approved by the RCMP detachment for the Town.

### D. INJURY

- i. The Town shall not be responsible for any injury resulting to any person who enters the cemeteries.

### E. PATHS AND WALKWAYS

- i. All persons walking in the Cemetery shall keep to the paths and walkways and shall not walk upon or across any plot except for maintenance operations.

### F. PICNICS, PARTIES – PROHIBITED

- i. No picnics or other parties or gatherings, except for funerals or some ceremony or observance permitted by the Clerk shall be held or be allowed within the Cemetery and no person, without the permission of the Clerk shall be or remain within the Cemetery during the hours of darkness in any day.

### G. VEHICLES

- i. No vehicle, carriage or conveyance shall travel within the said Cemetery at a speed greater than fifteen (15) kilometers per hour. Travel must be on driveways wide enough and intended for vehicular travel.
- ii. The owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the Cemetery.
- iii. The Caretaker may prohibit the driving of vehicles in any part of the Cemetery.
- iv. The Caretaker may prohibit the driving of any vehicle in the Cemetery when the roads are in an unfit condition.

- v. The Caretaker may specify times and conditions under which motor vehicles may be in the Cemetery and shall have such regulations posted at the entrance.
- vi. No recreational vehicle (such as all-terrain vehicles or snowmobiles) will be allowed to enter the Cemetery.

H. OFFENCES AND PENALTIES

- i. A person who contravenes any provision of this Bylaw is guilty of an offence.

I. PENALTIES

- i. A person who is guilty of an offence is liable for a fine in an amount not less than \$250.00 and not exceeding \$10,000.00.
- ii. Under no circumstances shall a person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

J. VIOLATION TICKET

- i. A Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to the Provincial Offences Procedure Act to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- ii. If a violation ticket is issued in respect of an offence, the violation ticket may:
  - 1. Specify the fine amount established by this Bylaw for the offence; or
  - 2. Require a person to appear in court without the alternative of making a voluntary payment.

K. VOLUNTARY PAYMENT

- i. A person who commits an offence may:
  - 1. If a violation ticket is issued in respect of the offence; and
  - 2. If the violation ticket specifies the fine amount established by this Bylaw for the offence;Make a voluntary payment by submitting to a Supervisor of the provincial court, on or before the initial appearance date indicated on the violation ticket, the specified penalty set out on the violation ticket.

L. BYLAW SCHEDULE

- i. Schedules "A" – "D" attached hereto form part of this Bylaw.

M. PASSAGE OF THE BYLAW

- i. Bylaw #1815 and all amendments are hereby repealed.
- ii. This Bylaw shall come into effect upon passage of third reading.

READ a First time this \_\_\_\_ day of \_\_\_\_\_ 2020.

READ a Second time this \_\_\_\_ day of \_\_\_\_\_ 2020.

READ a Third time this \_\_\_\_ day of \_\_\_\_\_ 2020.

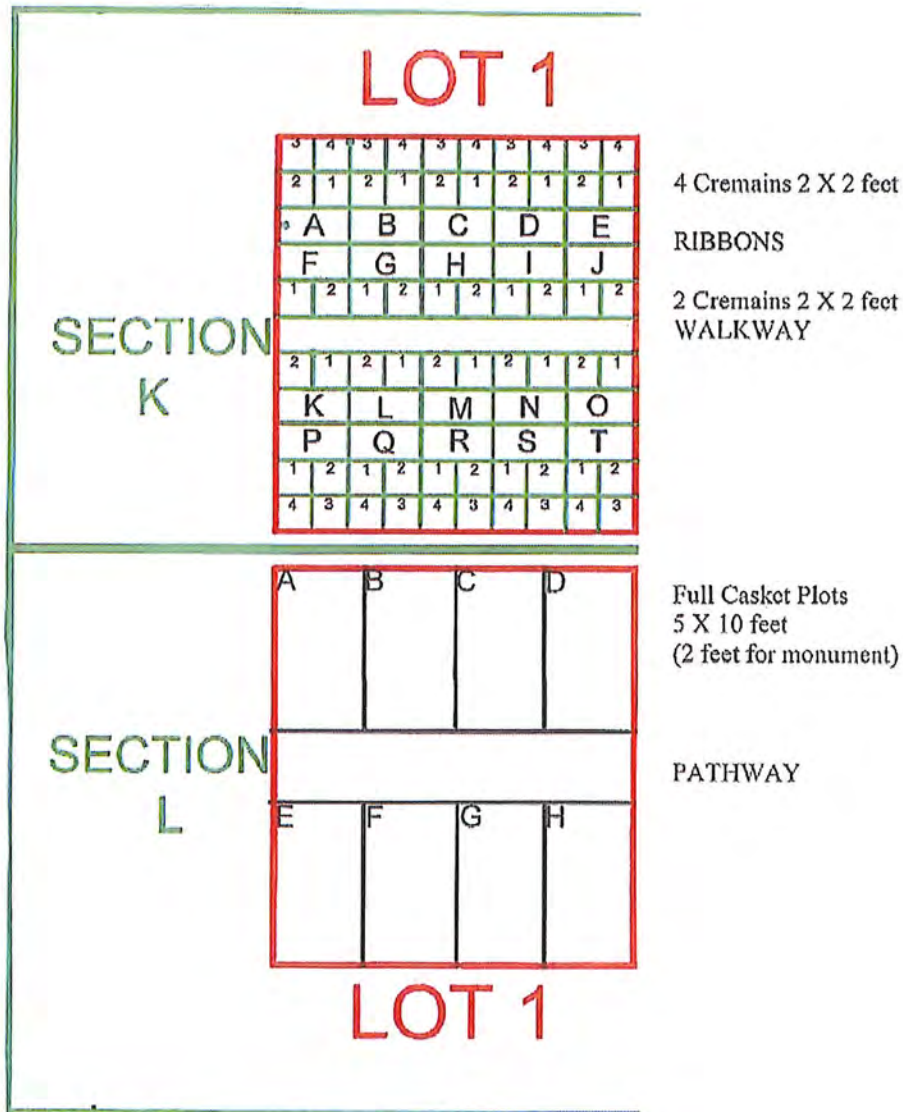
SIGNED AND PASSED this \_\_\_\_ day of \_\_\_\_\_ 2020

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

## Schedule "A" To Bylaw # 1878 Plot Sizes

TYPE OF PLOT (Sections A-C)	SIZE
Single Depth Plot	5' by 10'
Cremation Plot	4' by 4'
Child's Section Plot	40" by 6'
Columbarium Niche (all units)	10" w by 10" h by 10" d



## Schedule "B" To Bylaw # 1878 Fees and Charges

	2019	2020	2021	2022	2023	2024
<b>BURIAL RIGHTS</b>						
CASKET (FULL)	820	836	853	870	888	905
CREMAINS (OLDER SECTIONS)	250	255	260	265	271	276
CREMAINS (2 SPACE EXPANSION)	250	255	260	265	271	276
CREMAINS (4 SPACE EXPANSION)	400	408	416	424	433	442
CHILD	325	332	338	345	352	359
NICHE	600	612	624	637	649	662
<b>INTERMENT FEES</b>						
CASKET (FULL)	650	663	676	690	704	718
CREMAINS	200	204	208	212	216	221
CHILD	350	357	364	371	379	386
NICHE	85	87	88	90	92	94
SURCHARGE FOR ADDITIONAL CREMAINS	100	102	104	106	108	110
<b>WEEKEND/HOLIDAY/AFTER HOURS INTERMENT FEES</b>						
CASKET	875	893	910	929	947	966
CREMAINS	325	332	338	345	352	359
CHILD	N/C	N/C	N/C	N/C	N/C	N/C
<b>DISINTERMENT FEES</b>						
CASKET (FULL)	1300	1326	1353	1380	1407	1435
CREMAINS	400	408	416	424	433	442
CHILD	700	714	728	743	758	773
NICHE (INCLUDES DOOR REPLACEMENT)	750	765	780	796	812	828
<b>OTHER FEES</b>						
MONUMENT PERMIT	N/C	N/C	N/C	N/C	N/C	N/C
TRANSFER OF BURIAL RIGHTS	50	51	52	53	54	55
MEMORIALIZATION ON MEMORIAL WALL	100	102	104	106	108	110
MONUMENT COMPLIANCE INSPECTION	N/C	N/C	N/C	N/C	N/C	N/C
PERPETUAL CARE	N/C	N/C	N/C	N/C	N/C	N/C

GST IS ADDED TO ALL PRICES LISTED.

## Schedule "C" To Bylaw # 1878 Monument Definitions

### DEFINITIONS

"Length" means the measurement of the monument as it would face the plot measured from left to right.

"Height" means the measurement of the monument from the concrete foundation to the highest portion of the top of the monument.

"Width" means the measurement of the monument as it would face the plot measured from the head of the plot towards the foot of the plot.

### FLAT MONUMENTS/FOOTSTONE MARKERS

The top of a flat monument must be aligned with the level of the ground in which it is set. Metal flat markers must be set in/on a suitable foundation. A flat monument must be placed in a concrete foundation with at least six (6) inches of concrete surrounding the perimeter of the monument or be a part of a complete marker where at least six (6) inches of granite around the perimeter is unmarked.

#### Maximum Size of Flat Monuments/Footstone Markers

	Length	Width
Single Headstone	42"	18"
Double & Multiple Headstone	60"	18"
Child Headstone	20"	12"
Single Footstone	24"	14"

### PILLOW MONUMENTS

The top of a pillow monument (including base if applicable) must not be more than sixteen (16) inches measured vertically from the foundation, and inscribed with such lettering and/or artwork as may be desired by the licensee of the burial/internment rights. A pillow monument may or may not be set on granite or marble base, but must be set on a foundation projecting six (6) inches on all sides of the pillow or base. A pillow monument must be placed only at the head of the lot.

#### Maximum Size of Pillow Monuments (including rough edge)

	Length	Width	Height
Single	42"	30"	16"
Double or Multiples	60"	30"	16"
Child	30"	18"	16"

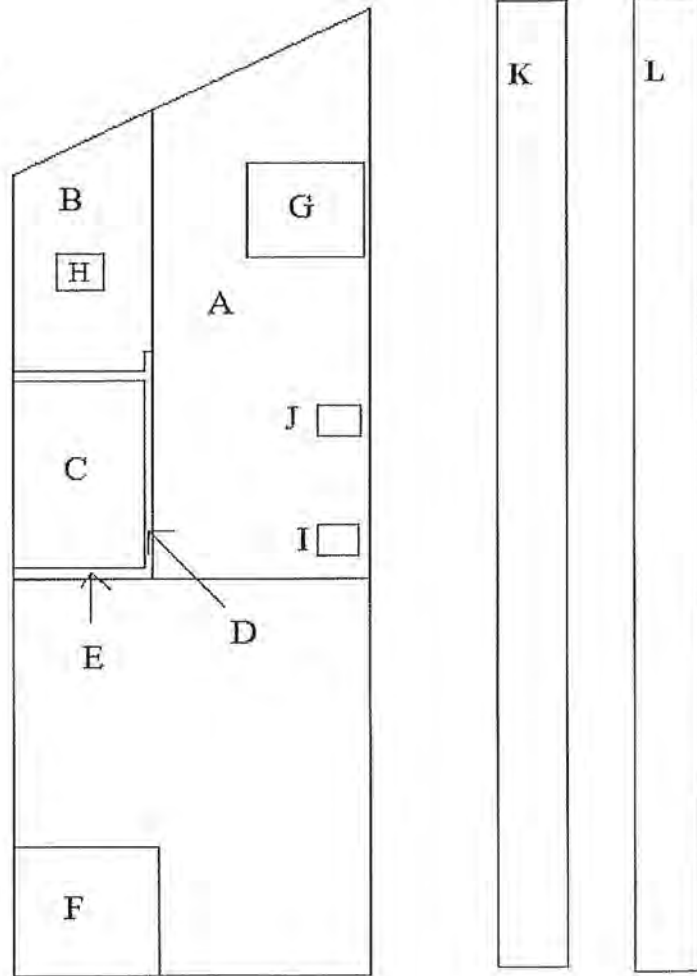
**UPRIGHT MONUMENTS**

An upright monument must not be more than thirty-six (36) inches measured vertically from the foundation. An upright memorial must be placed only at the head of the lot. An upright monument may or may not be set on granite or marble base. If a granite or marble base is used, the foundation will project not less than six (6) inches on each side of the base. No portion of an upright monument shall protrude beyond six (6) inches inside the outer limits of the foundation. Width of an upright monument must be relative to the height at a rate of two (2) inches thickness per foot of height. (ie. 2" in width/1" in height; 8" in width/4" in height).

Maximum Size of Upright Monuments (including rough edge)

	Length	Width	Height
Single	42"	20"	36"
Double or Multiples	60"	20"	36"
Child	30"	18"	36"

# Schedule "D" To Bylaw # 1878 Cemetery Maps Fort Macleod Union Cemetery



## LEGEND

- A) Older Section
- B) Older Section
- C) Older Section
- D) Cremation Section
- E) Children Section
- F) Holy Cross Cemetery Section
- G) Historic NWMP Section
- H) Field Of Honour #1
- I) Field Of Honour # 2
- J) Field Of Honour # 3
- K) Cremains Expansion (2018)
- L) Casket Expansion (2018)

BY-LAW NO. 1815

BEING A BYLAW OF THE TOWN OF FORT MACLEOD TO PROVIDE FOR THE OPERATIONS AND CONTROL OF THE FORT MACLEOD UNION CEMETERY.

\*\*\*\*\*

WHEREAS The Cemeteries Act being Chapter C-3 R.S.A. (2000) provides that the Council of the Town of Fort Macleod may authorize the purchase, maintenance and control of cemeteries;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE TOWN OF FORT MACLEOD, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. SHORT TITLE

This Bylaw may be cited as the "Cemetery Bylaw".

2. BURIAL IN APPROVED CEMETERY

- A. No person shall bury a human body within the limits of the Town except in the Cemetery designated by this Bylaw in accordance with the provisions of this Bylaw.
- B. The Fort Macleod Union Cemetery is solely for the purpose of the burial of dead human remains and for the memorialization of dead humans.

3. INTERPRETATION

In this Bylaw, unless the context otherwise requires:

- "Act" means the Cemeteries Act, R.S.A. 2000, C-3 as amended from time to time, and any regulations enacted thereunder;
- "Adult" means any person seven (7) years of age or over;
- "Amenities" means useful and pleasant facilities;
- "Child's Section" means that section of the Cemetery set aside for children 6 years and under;
- "Block" means a subdivision within the Cemetery;
- "Bronze Plaque" is a memorial marker of bronze metal for installation on the Memorial Wall.
- "Burial" means the interment of human remains in an earth plot or cremated human remains in a earth plot or a Columbarium Niche or; the act of burying a deceased person; interment; inurnment;
- "Burial rights" means the purchased rights of burial in plots or columbarium niches sold in accordance with the provisions set out in Schedules "B" (rates) of this Bylaw, and the Contract as set out in the Cemetery Procedure Manual.
- "Burial permit" means a burial permit issued under the Vital Statistics Act;
- "CAO" is the Chief Administrative Officer of the Town of Fort Macleod or designate;
- "Caretaker" means an employee of the Town who has been assigned caretaker duties in the Cemetery by the Town.
- "Cemetery" means the land legally described as, a ten acre parcel being a portion within the Town that is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains are buried, all of which are owned, operated and under the control of the Town and shall mean the Fort Macleod Union Cemetery;
- "Cemetery services" means the supplying of any service to be rendered at the Union Cemetery in respect to any plot or niche, burial rights, maintenance, opening and closing of graves at time of need, and a permit to erect a monument;
- "Child" means an individual over the age of one year and under the age of 7 years;
- "Clerk" means the Cemetery Clerk and shall include any person acting as his or her designate in carrying out the provisions of this Bylaw, unless context otherwise requires;
- "Columbarium" means a permanent structure containing a number of niches for the placement of cremated human remains;
- "Continuous concrete foundation" means a strip of concrete used for the placement of monuments;
- "Contract" means the agreement made and signed between the purchaser of the burial rights in the cemetery, or his/her representative for any services requested to be done within the cemetery;
- "Coping" means permanent structure covering the surface of a grave;



"Council"	means the elected Council of the Town of Fort Macleod, duly assembled.
"Cremation plot"	means a plot designated for the interment of cremated human remains;
"Disinter"	means exhumed; (to remove from a grave or out of the earth; dig out of the earth, ground)
"Disinterment"	means exhumation; the act of exhuming/disinterring;
"Earth burial"	means the depositing of a human remains or cremated human remains in the earth;
"Family plot"	means one or more plot(s) or one or more niches, which were purchased prior to need;
"Footstone"	means a flat monument that is placed flush with the surrounding turf at the foot of a grave for memorial purposes (also known as flat marker);
"Foundation"	means a permanent support providing a base for a monument;
"Grave"	means a plot that has been opened or used as a place of burial; an opening dug in a burial plot for the purpose of the interment of human remains or cremated human remains;
"Holiday"	means all general holidays proclaimed by the Town of Fort Macleod, the Province of Alberta or the Dominion of Canada;
"Indigent person"	means any unclaimed body, or body of a destitute or indigent person as set out in the Act;
"Infant"	means a person under the age of one year;
"Interment"	means the burial of human remains in a grave; the act of burying a deceased person; burial;
"Inurnment"	means the placement of cremated human remains in a niche or to bury in a grave;
"Legal representative"	means a person or persons directed in a deceased persons will or by the courts to carry out the requests of the deceased person;
"Lot"	means a subdivision within a block; (see "block")
"Maintenance"	means the ongoing care of plots/graves, columbaria, and Town owned monuments;
"Memorial"	means any object or structure within the cemetery upon which a memorial marker may be placed, including a memorial wall, a bench, a tree, etc.
"Monument"	means a structure in a cemetery placed or constructed on any plot for the purpose of memorialization;
"Monument Company"	means all individuals, firms, partnerships and corporations, who manufacture, sell or install memorials in the regular course of business;
"Niche"	means a single compartment of a columbarium for cremated human remains;
"Open and close"	means the digging and preparation of the grave, the placing of the greens on the soil removed, the repairing of any damage to the grave caused by cave-ins, etc., and levelling and re-establishing the grass on the grave.
"Permanent outer box"	is a box placed in the ground to enclose totally a casket (includes a protective casket) in a grave in the Cemetery, designed and built to support the weight of the earth and standard cemetery maintenance equipment and to prevent the grave from collapsing;
"Plot"	means a subdivision within a lot, within a block, within the Cemetery, to be used for the interment of human remains or cremated human remains; (see block, grave);
"Pre-need contract"	means a contract for the provision (purchase) of burial rights prior to the death of the person for whose benefit the contract is entered into;
"Section"	means a subdivision within the cemetery which holds within the block, lot & plot;
"Town"	means the Town of Fort Macleod, a Municipal Corporation;
"Traditional burial plot"	means a plot designated for full casket burial;
"Treasurer"	means the Director of Finance and Administration for the Town;
"Vault"	means a lined and sealed burial receptacle which performs all the functions of the concrete grave box (permanent outer box), and in addition is designed and constructed using one or more lining and sealing materials to increase the overall tensile strength of the finished unit and to reduce the risk of the intrusion of exterior elements;
"Vehicle"	has the same meaning as it has in the Highway Traffic Act, R.S.A. 2000, Chapter T-6;
"Veteran"	means a former member of Her Majesty's Armed Forces as determined by the Department of Veteran's Affairs Canada;

"Veteran -  
NWMP/RCMP"

means a former member of the North West Mounted Police or the Royal Canadian Mounted Police;

#### 4. SUBDIVISION OF CEMETERY

- A. The Clerk reserves the right to designate sections within the cemetery, and impose restrictions, including the types and forms of monuments, memorials, plaques or other markers to be used, and once the first plot in a block has been sold, the designation shall not be changed without approval of Town Council. Regulations governing size and construction of such monuments shall be found in "Schedule D".
- B. Those parts of the above mentioned areas of land not heretofore laid out and subdivided into plots for burial purposes shall be suitably laid out from time to time by plans to be prepared under the supervision of the CAO.
- C. No person shall further subdivide or alter any plot in any manner at variance with the subdivision of such plot as shown on the plans in the office of the CAO.

#### 5. MAINTENANCE

- A. Maintenance to be supplied by the Town means and includes: seeding of plots, grave surfaces, re-seeding when necessary, cultivation as may be necessary in connection with such seeding and re-seeding, seasonal cutting of grass and weeds, keeping plots in neat condition and of good appearance, upkeep of the Columbarium and Town owned memorialization structures, and such other work as may be authorized by the CAO.
- B. Maintenance to be supplied by the Town shall not include the care, upkeep, repair of or replacement of any monument, plaque, or similar object which has been placed, or may in the future be placed in the cemetery regardless whether such placing has the Town approval or not.
- C. Upon the payment by any person of the full price of the burial rights in any plot, columbarium niche, or the memorialization rights for Town owned monuments, the Town will, so far as funds are available, do all that is necessary to keep the said plot, and the columbarium and Town owned monument structures in a neat and tidy condition.

#### 6. POWERS AND AUTHORITY OF THE TOWN

- A. The Town is responsible for the operation of and maintaining order in the cemetery. This includes the general supervision, charge and control of the management and operation of the Union Cemetery, and of all books, plans, records and documents relating;
- B. The Town shall keep a permanent record of all sales, location description, and the name(s) of any person(s) buried in any plot or niche, together with the date of any such purchase and burial, and all information as required on the Cemetery Contract.
- C. The Town shall have charge of the said cemetery and of all persons employed therein, and of all works of whatsoever nature carried out therein, and shall be charged with the duty of seeing that the said cemetery is kept in good order.
- D. Only persons under the control and supervision of the Town shall open any grave for a burial of, or the removal of, a dead body or the ashes of a dead body.

#### 7. BURIAL ALTERNATES

- A. Earth Burial (Body/Ashes)
- B. Niche/Columbaria (Ashes interred above ground)

#### 8. PRE-NEED SALES

- A. A contract for the reservation of burial rights in plots or niches, or the rights to memorialize on Town Owned Monuments shall,
  - 1. be in writing; and
  - 2. be signed by the purchaser, and the Clerk; and
  - 3. state the name of the salesperson and the name of any Funeral Home for whom the salesperson is acting, and
  - 4. it contains a clause of the right to cancel by the purchaser or Town as set forth in this Bylaw, and the notice shall be at least as prominent as the contents of the contract, and
  - 5. A copy of the contract is received by the purchaser, by personal delivery, or by mail, within 7 days after the day the contract was signed by him.
- B. The contract for the purchase of burial rights in a plot, or niche, or the contract for the purpose of the rights for memorialization on a Town Owned Monument shall include maintenance.
- C. All persons who purchase burial rights in the cemetery shall be responsible for the cost thereof and for all charges incurred now and in the future as set forth in Schedule "B" in this Bylaw.

- D. The Clerk shall upon payment by any person of the full price of any plot, columbarium niche or of memorialization rights for Town owned monuments, issue to each purchaser or such person as otherwise designated by such purchaser, a copy of the contract.
- E. The owner of the burial rights of a plot or niche may authorize the use of such plot or niche for the interment of another person by submitting to the Clerk the name of the person to be interred and into which plot or niche. Such authorization must be in writing and signed by the owner of the burial rights.
- F. All persons who purchase burial rights in plots or niches, or the rights for memorialization on Town owned monuments in the cemetery shall be responsible for compliance with the Regulations governing the erection of monuments applicable to that part of the cemetery in which the purchase is located as set forth in Schedule "D" of this Bylaw.
- G. No persons shall accept any fee or reward for a burial or the resale of burial rights in a plot or Columbarium niche of which such a person is the owner of the contract for burial rights, or over which he exercises any power or control. When a lot becomes vacant by removal of the body or bodies therein, the land may revert to the Town at the licensee's option and the Town may in such case rebate the original purchase price less a transfer fee.
- H. It shall be the condition of each sale of burial space in the Cemetery that the purchaser expressly waives any claim arising by reason of any error or misdescriptions of any burial space. The Town undertakes that it will attempt, in so far as is reasonably possible, to avoid such errors, but its liability shall only extend to refund in case of error, of any money paid to the Town for the burial rights in a plot or columbarium niche, or the rights for memorialization on a Town owned monument, or the Town will undertake to make available equivalent quality of plots or niches, or space on a Town owned monument, in lieu of those originally allocated.

#### 9. TERMINATION OR CANCELLATION OF BURIAL RIGHTS

- A. The purchaser may cancel the contract at any time for any reason. The purchaser may cancel without charge or penalty at any time during the period from the day the contract is entered into until 30 days after receipt of a copy of the contract. If cancelled after 30 days payment shall be required for burial rights and any cemetery supplies and cemetery services that have already been supplied, performed or delivered, as the case may be.
- B. Upon receipt of an application and upon proof of ownership, the Town may redeem the burial rights in vacant graves and in columbarium niches, and the memorial rights to a Town owned monument in the cemetery, on the basis of 90% (ninety percent) of the original purchase price or 35% (thirty-five percent) of the current selling price, whichever is the greater amount.
- C. Where G.S.T. was applicable to the original purchase price, it will be refunded based on the portion of the purchase price refunded.
- D.
  - a. The owner, or his/her personal representative, of burial rights may sell his/her burial rights for a price which will not be greater than what is listed on the current Fees and Charges Schedule, or may transfer the burial rights to another individual. The Clerk upon receipt of an application and upon proof of ownership, and the inspection of the plot in the event there is a monument on or encroaching onto the plot at time of return, the plot owner will be responsible to have said monument moved prior to approval of transfer, and of payment of a transfer fee in accordance with the provisions set out in Schedule "B", shall issue a new contract of ownership as required. The transfer of ownership must be registered with the Clerk.
  - b. "Proof of Inheritance" When the owner of the burial rights in a plot or niche, or memorialization rights on the Memorial Wall dies and the burial rights pass to the new owners, before the new owners can obtain registration of their interest to it, the Town requires proof of their right to such interest.

#### 10. EXCHANGE OF BURIAL RIGHTS

- A. Upon application and subject to the Clerks approval, plots may be exchanged within the cemetery. All plots are subject to inspection.
  - 1. Owners of unused burial plots or columbarium niches, or the rights to memorialize on a Town owned monument, may exchange their rights for other burial space of equal value with payment of fee as set forth in Schedule "D" of this Bylaw.
- B. All applications for exchange of burial plots shall be subject to plot inspections, and in the event there is a monument on or encroaching onto the plot, the plot owner at the time of exchange shall be responsible to have said monument moved prior to approval of exchange being given.

#### 11. PLOT SIZES

As per Schedule "A".

#### 12. DESTITUTE, INDIGENT, UNCLAIMED BODIES

In accordance with the Cemetery Act, the Town shall be responsible for costs related to burial and disposal of destitute, indigents or unclaimed bodies. In the case of transients (a person who does not have a fixed address in Alberta or intend to establish a permanent residence in Alberta), the Minister of Family and Social

Services is responsible for all costs related to burial. Fees will be paid in accordance with the fee as set forth in Schedule "B" of this Bylaw and approved by the Clerk.

13. BURIALS, INTERMENTS, INURNMENTS, DISINTERMENTS

- A. No burial or disinterment shall take place in the cemetery unless and until there shall have been produced and shown to the Clerk the following documents:
1. An original burial permit or disinterment permit issued by the proper official of the Province of Alberta or such other written authority as may be required from time to time under the laws of the Province of Alberta.
    - a. A burial permit is required where the fetus completed 20 weeks gestation or weighted 500 grams or more, prior to any disposition of the remains.
    - b. A burial permit is not required for interments of a fetus of less than 20 weeks gestation.
  2. A completed contract for burial or disinterment acknowledging receipt of payment in full, of fees and charges or approval of credit by the Clerk for work to be done at the expense of the Town, and signed by the owner, or his/her personal representative, of the burial rights.
- B. The owner of the burial rights or his/her personal representative, of a plot/niche may authorize the use of such plot/niche for the interment of a person by submitting to the Clerk the name of the person to be interred and into which plot/niche. Such authorization must be in writing and signed by the owner or his/her personal representative.
- C. The Clerk may request proof of purchase to identify the plot and/or prove the right to use the plot.
- D. The Town accepts no responsibility for any error or misunderstanding that may arise from burial arrangements made by phone.
- E. It shall be the condition of each sale of burial space in the Cemetery that the purchaser expressly waives any claim arising by reason of any error or misdescriptions of any burial space. The Town undertakes that it will attempt, in so far as is reasonably possible, to avoid such errors, but its liability shall only extend to refund in case of error, of any money paid to the Town for the burial rights in a plot or columbarium niche, or the rights for memorialization on a Town owned monument, or the Town will undertake to make available equivalent quality of plots or niches, or space on a Town owned monument, in lieu of those originally allocated.
- F. Any person signing a contract for interment or disinterment shall be responsible for the prepayment of all charges in connection with such service as set forth in Schedule "B" of this Bylaw.
- G. The Clerk shall upon payment by any person of the full price of the burial rights in any plot, columbarium niche, or of memorialization rights on a Town owned monument, issue to each purchaser or such person as otherwise designated by such purchaser, a copy of the contract.
- H. Any child of a deceased interred in a plot is deemed to have the authority to give permission for interment in that plot.
- I. All traditional casket burials of a person 7 (seven) years of age or older require the use of a permanent outer box or vault.
- J. The Town accepts no responsibility for burial site not prepared due to the late arrival of a vault or concrete box.
- K. Funeral Directors must close the casket/coffin and fasten it securely before it is lowered into the ground.
- L. Burial or funeral services shall be permitted in the Cemetery on the Weekend and on Holidays as per approval by the Clerk.
- M. If a child or adult grave is required to be opened, a minimum accumulation of 2 business days prior to the time set for the interment shall be given for the Fort Macleod Union Cemetery.
- N. If, under extreme or adverse weather conditions, more time is required to prepare burial sites, the Clerk shall notify the parties involved of the extra time required, and this extra time will remain in effect until further notice.
- O. The Clerk reserves the right to limit the number of burials within a working day, or assessing fees accordingly.
- P. All burials are to be made within the confines of designed plots. There must be a minimum of twelve (12) inches of earth between remains buried in adjoining plots and a minimum of two (2) feet of earth covering a permanent outer box, or a minimum of three (3) feet of earth covering a casket without a permanent outer box.
- Q. No persons shall accept any fee or reward for a burial or the resale of burial rights in a plot or Columbarium niche of which such a person is the owner of the contract for burial rights, or over which he exercises any power or control.
- R. For disinterment's the Town's responsibility will end at the point where the soil is sufficiently excavated to permit access to the body for removal by the attending Funeral Home.

14. MULTIPLE BURIALS IN PLOTS

- A. No more than one body shall be buried in a single grave except a parent and an infant when both are in the same casket/ coffin.
  - B. No cremations shall be permitted in any traditional casket burial plot prior to any traditional casket burial.
  - C. A maximum of four (4) cremations shall be permitted in any full sized plot after a traditional casket burial is already in that plot.
  - D. The placement of cremations shall be placed in plot as permitted by the Caretaker.
  - E. Multiple cremations in a cremation plot shall be permitted when all the ashes are in a single container.
  - F. Multiple cremations in a Columbarium shall be permitted when all the ashes are in a single container of a maximum size to fit in the Columbarium niche.
15. VETERANS SECTION/FIELD OF HONOUR
- A. Notwithstanding other regulations in this Bylaw, the Fort Macleod branch of the Royal Canadian Legion is hereby-delegated authority to establish policies and regulations for monuments in the Veterans sections of the cemetery.
16. VETERANS "NWMP" & "RCMP"
- A. Upon application and confirmation of eligibility, a member of the North West Mounted Police & the Royal Canadian Mounted Police shall be buried in the NWMP/RCMP Field of Honor section of the cemetery.
  - B. Only in circumstances where a grave in the NWMP/RCMP Field of Honor section has been used for burial of a veteran, either traditional casket burial or cremation burial, will it be permitted to inter the ashes of the spouse.
17. MONUMENTS
- A. The Clerk shall specify the type and form of monuments, memorials, plaques or other markers, as set forth in "Schedule D", governing size and construction of such monuments and monument foundations and bases.
  - B. The Clerk shall issue a contract to each purchaser of the rights to memorialization on the Monuments supplied by the Town. A record of the deceased will also be kept if the purchasers provide such information: The rights for memorialization on a Town owned Memorial must be purchased from the Town prior to the placement of a bronze plaque.
  - C. All costs of construction, erection installation, alteration and removal of any foundation, base, or monument shall be borne by the person requiring the same. Any work in the Cemetery in connection therewith shall require a permit and be approved by the Clerk before any such work is undertaken as per the fees set forth in Schedule "B" of this Bylaw and approved by the Clerk.
  - D. All persons who purchase burial rights in plots or a columbarium niche, for memorialization on a Town owned monument in the cemetery shall be responsible for compliance with the regulations governing erection of monuments applicable to that part of the cemetery in which the purchase is located as set forth in Schedule "D" of this Bylaw.
  - E. Where the original purchaser of a grave is deceased and a family member or any other person makes application for the placement of a monument, the Town does not accept any responsibility for resolutions regarding the placement of the monument.
  - F. No monument may be placed, altered or removed from any plot until permission expressed in writing from the Clerk for the work to be done has been received.
  - G. In areas of the Cemetery where there is a continuous concrete foundation in place, monuments are restricted to a size that allows 6" of exposed concrete around the entire limits of the memorial whether it is a smooth or rough surface.
  - H. Pillow monuments may or may not be set on a granite or marble base. If a granite or marble base is used, it must project not less than 6" on all sides of the pillow and be of a thickness not greater than 8" and not less than 3". All pillow monuments with or without marble or granite bases must be set on a concrete foundation projecting a minimum of 6" on all sides of the pillow. The foundation will be set to ground level.
  - I. Upright monuments may or may not be set on a granite or marble base. If a granite or marble base is used, it must project not less than 6" on all sides of the pillow and be of a thickness not greater than 8" and not less than 3". All upright monuments with or without marble or granite bases must be set on a concrete foundation projecting a minimum of 6" on all sides of the pillow. The foundation will be set to ground level.
  - J. All earth, debris, litter, and rubbish arising or resulting from work done on any plot by or on behalf of the owner of the burial rights must be back filled, carefully cleaned up and removed from the cemetery by the said owner of his/her contractor or workmen.
  - K. All monuments must be constructed of granite, marble, or bronze.

- L. All monuments shall be installed facing onto the plot regardless of previous installations.
- M. Statues are not permitted in the Cemetery on individual plots as part of a monument or as a monument.
- N. All foundations and monuments must be confined within the boundaries of the respective plots, and all monuments must be placed in a manner as to maintain whenever possible, a proper alignment consistent with monuments on adjacent plots.
- O. Full length grave covers shall not be allowed.
- P. Only one monument, upright or pillow, may be placed upon a single standard plot, with the exception of up to (4) flat markers on each plot for cremated remains. The flat markers are to be flush with the ground and the maximum allowable size shall not exceed 24" X 14" X 3".
- Q. Only one monument may be placed for each space of the rights for memorialization on Town owned monuments. i.e. Memorial Wall.
- R. The purchaser or his/her designate of the burial rights is liable and responsible for damages resulting from theft, vandalism or damage howsoever caused to monuments erected upon a plot, unless such damage is shown to be caused by the negligence of the Town or Town employees.
- S. The Town accepts no responsibility for the maintenance of monuments due to normal wear or deterioration. Minor scraping of the base portion of upright monuments due to the turf mowing operation is considered normal wear.
- T. Vases must be constructed of non-breakable material and are to be affixed and make up part of the monument. Vases shall not be placed on foundations.
- U. No tablet, monument, plaque, fence, coping, enclosure or structure shall, except as provided, be removed by any person from any plot in the said Cemetery without the permission of the Clerk expressed in writing.
- V. Monuments Defined as per schedule "D".

18. COLUMBARIUM

A. MEMORIALIZATION

1. Any expenses to having the niche cover engraved shall be covered by the owner.
2. The monument company meets with the client to obtain their requested information.
3. The monument company completes the appropriate permit and contacts the Town if additional information is required.
4. The monument company faxes or emails the permit request to the Town. The permit must be signed by the monument company and submitted to the Clerk for approval. The monument company will be notified by the Clerk once the permit has been approved.
5. The Town requires notice of two (2) business days from the monument company when they plan to perform the work of the permit at the Cemetery.
6. The removal or installation of the niche cover must be done by the monument company once approval has been given by the clerk.
7. The door of each unit will be used to engrave the desired memorial.
8. Engraving is the only method to be used for memorialization.
9. No coloring or blacking of letters will be allowed.
10. Any damage to a columbarium unit as a result of work performed by the engraver or his employee shall be repaired at the expense of the engraver within 30 days and to the satisfaction of the Clerk.
11. Niches sold back to the Town once engraving has been started will be charged the current cost of a door replacement.
12. All lettering is to be done in Press Condensed Roman Font or a Font that closely matches it.
13. One inch of space must be left on all sides of the door's edges.
14. Font & space sizes may range to accommodate the best fit of names, dates & memorialization.
15. Memorialization may include a language other than English but must conform as closely as possible to the Press Condensed Font.
16. A small ribbon vase applique\* (must not be bolted or screwed onto face) may be placed in the lower left-hand corner (1 1/2 inches wide and 3 1/2 inches long in size).
17. a portrait may be placed in the upper right-hand corner and may be either etched or in porcelain in an oval applique\* (maximum size 2 1/1 inches wide by 3 1/8 inches long).

19. Further personalization will be permitted as space permits.
19. MEMORIAL WALL - BRONZE PLAQUE
- A. MEMORIALIZATION
1. A bronze plaque may be placed on the Memorial Wall after a completed contract of purchase of space has been signed with the Town.
  2. All bronze plaques placed on the Memorial Wall must carry a certificate of warranty as to alloy content being:
    - a. Not less than 85-88% Copper,
    - b. Not less than 4.5-6% Tin,
    - c. Not more than 5-9% Zinc,
    - d. Not more than 2-5% Lead,
    - e. Not more than 1-2% all other metals.
  3. Dimensions of the bronze plaque for the memorial wall must be constructed 2" in height by 10" in width.
20. OPERATION AND MAINTENANCE
- A. CLEANING OF DEBRIS
- All earth, debris, litter and rubbish arising or resulting from work done on any plot by or on behalf of the owner of the burial rights therein must forthwith be carefully cleaned up and removed from the Cemetery by the said owner or his/her contractor or workmen as to the satisfaction of the Clerk.
- B. DILAPIDATED GRAVES
1. Should any tombstone, monument or other structure placed or erected in the Cemetery be in a state of disrepair the Town may, after notice in writing to the licensee of the lot on which such structure is located at his last known address, have the said structure removed from the Cemetery if the owner or his agent does not have the same repaired in accordance with the said notice.
  2. Any notice required may be given by serving the owner personally with any such notice or by mailing such notice by registered mail at the Post Office in the Town in an envelope addressed to the owner at his last known place of residence, and any such notice so sent by registered mail shall be deemed to have been received by the owner.
- C. FLOWERS, TREES, SHRUBS AND PLANT MATERIAL
1. Planting--No trees, plants, shrubs, flowers or any other thing intended for growth shall be planted, seeded, grown or maintained on any lot in the Cemetery unless permission for the same is first obtained from the Clerk. The Caretaker may remove or prevent the placing of any stand, holder, vase, or other receptacle for flowers or plants which he deems to be unsuitable for such purpose or unsightly in appearance.
  2. Removal of--If any trees, shrubs or plants growing or situated on any plot shall in the opinion of the Caretaker become in any way detrimental to adjacent plots, walks or driveways, or prejudicial to the general appearance of the Cemetery or dangerous or inconvenient to the public, the Caretaker shall have the right to enter upon the said plot and remove said trees, shrubs or plants or such parts thereof as he may consider detrimental, dangerous, inconvenient or objectionable. An attempt will be made to notify the owner/family member of the plot prior to any work being done.
  3. No person shall injure any tree, shrub or plant growing in the Cemetery, or pick or destroy any flower growing therein, or write upon, mark, scratch or deface any amenity, monument, plaque, cross, fence, gate, building or structure within or around the Cemetery.
  4. The Town will not accept responsibility for lost or damaged floral arrangements under any circumstances.
  5. Fresh flowers are permitted on the plot year round. Artificial flowers & potted plants are permitted but must be totally contained in a vase that is part of a permanent monument, and no part of the artificial flowers or potted plant shall be in contact with the grass. Artificial flowers or potted plants that are not totally contained in a permanent vase attached to a monument will be removed.
  6. The Caretaker shall have full authority for and shall be responsible for maintaining order in the cemeteries, and for removing flowers, wreaths or funeral pieces or anything else that in his/her opinion makes the said plot untidy or unsightly.
  7. Flowers, funeral designs or floral pieces may be placed only at the base of the Columbarium, unless placed in a vase on the Columbarium monument. Placements on the top of the Columbarium are prohibited.

8. No person shall place or deposit a glass encased wreath or any stand, holder, vase, receptacle, jar, bottle or pot made of glass or other breakable material on any plot. The Town reserves the right to plant all perennial flowers, shrubs and trees and to landscape or to carry out any improvements to the grounds.
9. No flowerbeds will be permitted on individual graves in the Cemetery.
10. No flowerbeds will be permitted on individual graves in the Cemetery.
11. Donations of plant material will be gratefully accepted. Placement is at the discretion of the Clerk.

D. GENERAL/MISCELLANEOUS

1. No fence, railing, coping or any other enclosure structure of any kind other than a monument or plaque, which is in accordance with the provisions of this Bylaw, shall be erected or installed at the Fort Macleod Union Cemetery.
2. No vault or similar structure may be erected, constructed or be placed in the Cemetery except such vaults as are totally buried and the highest point is at least 2 feet below the soil surface, and where the size is such as to fit grave excavations of a normal size in the Cemetery.
3. The Caretaker shall have full authority for and shall be responsible for maintain order in the cemeteries and for removing from anything that in his/her opinion makes the said plot untidy or unsightly.
4. The Caretaker shall remove from the cemetery or from any plot therein any monument, plaque, cross, fence, railing, coping, other enclosure, structure, thing, any tree, shrub, plant, growing thing, or any inanimate object, which is within the Cemetery or in, upon or around any plot, that may have been placed without proper authority or permission as prescribed or required by any of the provisions of this Dylaw, without notice to any interested person.
5. The Funeral Homes shall be allowed to install their own high-line vaults if they provide an appropriate vault cart and appropriate lifting and lowering equipment, with the approval of the Clerk.
6. No plot or grave shall be raised above the level of the surrounding ground.
7. Workers shall cease work when a burial is taking place in the Cemetery.

21. PUBLIC ACCESS

A. CEMETERY HOURS

As set forth in "Schedule C" of this Bylaw.

B. ANIMALS

1. No animals shall be brought into or permitted to be within the Cemetery except that pets may be carried in vehicles provided that they are not allowed out of the vehicle.
2. No animal shall be buried in the Union Cemetery.

C. FIREARMS/SALUTES

Salutes involving the discharge of firearms will be permitted only for military funerals and provided that the Clerk is notified in advance. Any use of live ammunition must be approved by the RCMP Detachment for the Town.

D. INJURY

The Town shall not be responsible for any injury resulting to any person who enters the cemeteries.

E. PATHS AND WALKWAYS

All persons walking in the Cemetery shall keep to the paths and walkways, and shall not walk upon or across any plot except for maintenance operations.

F. PICNICS, PARTIES – PROHIBITED

No picnic or other parties or gatherings, except for funerals or some ceremony or observance permitted by the Clerk shall be held or be allowed within the Cemetery and no person, without the permission of the Clerk shall be or remain within the Cemetery during the hours of darkness in any day.

G. VEHICLES

1. No vehicle, carriage or conveyance shall travel within the said Cemetery at a greater speed than 15 kilometers per hour. Travel must be on driveways wide enough and intended for vehicular travel.

- 2. The owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the Cemetery.
- 3. The Caretaker may prohibit the driving of vehicles in any part of a cemetery.
- 4. The Caretaker may prohibit the driving of any vehicle in the cemetery when the roads are in an unfit condition.
- 5. The Caretaker may specify times and conditions under which motor vehicles may be in the Cemetery and shall have such regulations posted at the entrance.
- 6. No recreational vehicle (such as all-terrain vehicles or snowmobiles) will be allowed to enter the cemetery.

H. PENALTIES

A person who:

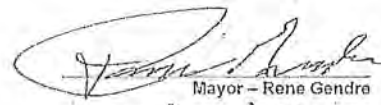
- 1. Willfully destroys, mutilates, defaces, injures or removes any monument, gravestone or other structure placed in Cemetery, or any fence, railing or other work for protection or ornament of a Cemetery, or plot within a Cemetery, or
  - 2. Willfully destroys, cuts, breaks or injures any tree, shrub or plant in a Cemetery, or
  - 3. Plays at any game of sport in a Cemetery, or,
  - 4. Discharges firearms in a Cemetery, except at a military funeral, or,
  - 5. Willfully and unlawfully disturbs persons assembled for the purpose of burying a body in a Cemetery, or,
  - f. Commits a nuisance in a Cemetery, is guilty of an offence as set forth in The Cemetery Act.
- i. Bylaw No. 1598 & 1614 and amendments thereto are hereby repealed.
  - J. This Bylaw shall take full force and effect on the date of final passing thereof.

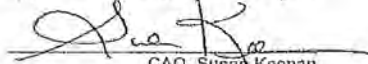
READ a first time this 19<sup>th</sup> day of December 2014, A.D.

READ a second time this 19<sup>th</sup> day of December 2014, A.D.

READ a third time and finally declared passed by Council this 19<sup>th</sup> day of December 2014, A.D.

Signed this the 28 day of November, 2016

  
 Mayor - Rene Gendre

  
 CAO - Susan Keenan

## SCHEDULE "A"

## PLOT SIZES

TYPE OF PLOT	SIZE
Single Depth Plot	5' x 10'
Cremation Plot	4' x 4'
Child's Section Plot	40" x 6'
Columbarium Niche Ali Units	12"w x 12"h x 12" d

## SCHEDULE "B"

## Town of Fort Macleod Cemetery Fees and Charges

## COST OF CEMETERY PLOTS (BURIAL RIGHTS)

	2015	2016	2017	2018
In Ground:				
Single depth plot without continuous foundation	\$750.00	\$773.00	\$796.00	\$820.00
Childs Section plot (6 years and under)	\$300.00	\$309.00	\$318.00	\$328.00
Columbarium Niches: 12" x 12" x 12" (All Units)	\$700.00	\$721.00	\$743.00	\$765.00
Monument Permit Fee - is required at time of sale on each rights to interment space & rights to memorialize on Town owned monuments	N/C			
INTERMENT FEES - Per interment (includes permanent record)				
Adult casket Plot	\$600.00	\$616.00	\$637.00	\$656.00
Child plot in Childs Section - full casket	\$350.00	\$361.00	\$372.00	\$383.00
In Ground Cremation - open	\$75.00	\$78.00	\$81.00	\$84.00
Close	\$75.00	\$78.00	\$81.00	\$84.00
Columbarium Niche -	\$75.00	\$78.00	\$81.00	\$84.00
OTHER FEES				
Transfer of Rights to Interment Space	\$50.00	\$52.00	\$54.00	\$56.00
Rights to memorialize on City owned monument - 2" x 10" space	\$100.00	\$103.00	\$106.00	\$109.00
WEEKEND/HOLIDAY SURCHARGE				
Casket burial	\$800.00	\$825.00	\$850.00	\$875.00
Cremation burial - open	\$200.00	\$206.00	\$212.00	\$218.00
- close	\$200.00	\$206.00	\$212.00	\$218.00
MONUMENT COMPLIANCE INSPECTION				
1st non-compliant inspection	N/C			
2nd and subsequent inspection	\$50.00			
	\$100.00			
DISINTERMENT FEES				
Adult Casket Plot	\$1200.00	\$1236.00	\$1274.00	\$1312.00
Cremation Plot	\$150.00	\$156.00	\$162.00	\$168.00
Columbarium Niche	\$150.00	\$156.00	\$162.00	\$168.00
Child Casket Plot	\$700.00	\$724.00	\$744.00	\$766.00

\*\*THE FEES DO NOT INCLUDE G.S.T.

\*\*G.S.T. WILL BE ADDED AT TIME OF TRANSACTION

SCHEDULE "C"

CEMETERY HOURS

Cemetery Sales/Record Office (Town Administration Building) 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding Statutory/Declared Holidays

Cemetery Staff 7:00 a.m. to 4:00 p.m. Monday through Friday, excluding Statutory/Declared Holidays

Cemetery Open to the Public year round

No persons other than an employee under the direction of the CAO shall enter or remain in the Cemeteries between sunset of one day, and sunrise of the day next following.

**SCHEDULE "D"**

**MONUMENTS DEFINED**

**FLAT MONUMENTS/FOOTSTONE MARKERS**

The top of a flat monument must be aligned with the level of the ground in which it is set. Metal flat markers must be set in/on a suitable foundation. A flat monument must be placed in a concrete foundation with at least 6" of concrete surrounding the perimeter of the monument or be a part of a complete marker where at least 6" of granite around the perimeter is unmarked.

Maximum Size of Flat Monuments/Footstone Markers

	Length	Width
Single Headstone	42"	18"
Double & Multiple Headstone	60"	18"
Child Headstone	20"	12"
Single Footstone	24"	14"

**PILLOW MONUMENTS**

The top of a pillow monument (including base if applicable) must not be more than 16" measured vertically from the foundation, and inscribed with such lettering and/or artwork as may be desired by the Licensee of the Burial/Interment Rights. A pillow monument may or may not be set on granite or marble base, but must be set on a foundation projecting 6" on all sides of the pillow or base. A pillow monument must be placed only at the head of the lot.

Maximum Size of Pillow Monuments (Including rough edge)

	Length	Width	Height
Single	42"	30"	16"
Double or Multiples	60"	30"	16"
Child	30"	18"	16"

**UPRIGHT MONUMENTS**

An upright monument must not be more than 36" measured vertically from the foundation. An upright memorial must be placed only at the head of the lot. An upright monument may or may not be set on granite or marble base. If a granite or marble base is used, the foundation will project not less than 6" on each side of the base. No portion of an upright monument shall protrude beyond 6" inside the outer limits of the foundation. Width of an upright monument must be relative to the height at a rate of 2" thickness per foot of height, ie. 2" in width/1' height, 8" in width/4' height.

Maximum Sizes For Upright Monuments (including rough edge)

	Length	Width	Height
Single	42"	20"	36"
Double and Multiples	60"	20"	36"
Child	30"	18"	36"



**Town of Fort Macleod**  
**Administration: MOU Environment Committee**

**Recommendation:**

That Council approves the attached Memorandum of Understanding with the Fort Macleod Environment Committee until December 2022, for the purpose of cooperation through environmental projects.

**Background:**

The purpose of this MOU is to document a cooperative framework to address existing and potential environment projects that the Parties may collaborate on that are in the best interests of the community of Fort Macleod. Whereas the Municipality, by means of its policies and plans and with direction from Council, acts to initiate, develop and maintain manage a variety of projects within the Town, the FMEC through its volunteers advises the Municipality on environmentally related issues, projects and citizen concerns and, where possible, conducts associated operations that support and enhance the lives of residents throughout the community.

Enclosures: MOU attached

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Prepared by:	Meranda Day Chief	Date: August 12, 2020
Approved by:	Sue Keenan	Date: August 12 2020
Submitted to:	Town Council	Date: August 24, 2020

**C122**



# Town of Fort Macleod

BOX 1420, FORT MACLEOD, ALBERTA, CANADA T0L 0Z0

TEL: (403)553-4425 FAX (403)553-2426

WWW.FORTMACLEOD.COM

## MEMORANDUM OF UNDERSTANDING

Between

**Town of Fort Macleod (Municipality)**

And

**Fort Macleod Environment Committee (FMEC)**

This Memorandum of Understanding (MOU) is made and entered into as of the date of the last signature by and between the entities noted above. The entities listed above may collectively be referred to as the Parties to this MOU.

### I. PURPOSE:

The purpose of this MOU is to document a cooperative framework to address existing and potential environment projects that the Parties may collaborate on that are in the best interests of the community of Fort Macleod. Whereas the Municipality, by means of its policies and plans and with direction from Council, acts to initiate, develop and maintain manage a variety of projects within the Town, the FMEC through its volunteers advises the Municipality on environmentally related issues, projects and citizen concerns and, where possible, conducts associated operations that support and enhance the lives of residents throughout the community.

### II. STATEMENT OF MUTUAL BENEFIT AND INTEREST:

The Parties agree that it is to their mutual benefit and interest to work cooperatively to prevent, inventory, monitor, and manage all environmental assets within the Municipality. This cooperative effort will help to achieve better stakeholder awareness while improving working relationships between the Parties and those stakeholders who live, work, and recreate in Fort Macleod. This MOU will serve as the foundation for a cooperative and mutually beneficial working relationship.

The Parties to this MOU have common areas of responsibilities for being proactive and progressive in serving the citizens within the community. There are common areas that require communication and support of each party for the other with respect to:

- Making recommendations to citizens, business owners, visitors, and other Fort Macleod stakeholders regarding environmental issues including but not limited to water conservation, tree planting, garden maintenance and overall Town beautification, weed control and prevention, recycling, the management of invasive species, and the provision of education and awareness for all of the above.

- Formalizing the interactions of the Parties in relation to programs and responsibilities to track commitments, projects status and recommended future initiatives.

### III. EACH PARTY SHALL:

A. Agree to cooperatively work to ensure that the functions of the FMEC, as documented in Appendix A to this agreement and approved by Council, are supported by both Parties.

B. Agree to cooperatively establish and support a Steering Committee, as documented in Appendix B to this agreement, to provide expertise and oversight to those projects planned for municipal lands and to other environmental activities occurring within municipal boundaries.

C. Designate representatives to serve on the Steering Committee. For the Municipality this is to be the Director of Operations unless otherwise designated. For the FMEC the representative will be a committee appointee.

D. Work through the Steering Committee representative to provide necessary information to:

- Revise or delete the Appendices to this MOU;
- Establish a proactive and sustainable environmental plan (3 years) with a budget and
- Develop and implement an Annual Operating Plan (AOP).

E. Agree that the AOP will have goals, objectives, and actions that align with this MOU.

F. Agree that the AOP shall describe the responsibilities of each Party associated with implementation of the plan.

G. Agree to jointly coordinate priorities, actions, and resources for achieving the aims of the AOP.

### IV. IT IS MUTUALLY AGREED AND UNDERSTOOD BY AND BETWEEN THE PARTIES THAT:

A. **Principal Contacts.** The principal contacts for this MOU are the Steering Committee Representatives and/or key contacts for the Parties to this MOU as defined in Appendix A.

B. **Freedom of Information & Protection of Privacy Act (FOIP).** Any information furnished between Parties under this MOU are subject to Alberta's FOIP legislation.

C. **Participation in Similar Activities.** This MOU in no way restricts the Parties from participating in similar activities with other public or private agencies, organizations, and individuals.

D. **Non-Fund Obligating Document.** This MOU is neither a fiscal nor a funds obligation document. Any endeavor or transfer of anything of value involving reimbursement or contribution of funds between the Parties to this MOU will be handled in accordance with applicable laws, regulations, and procedures of the Town of Fort Macleod.

E. **Modification.** Modifications within the scope of this MOU shall be made by mutual consent of the Parties, by the issuance of a written modification, signed and dated by all Parties, prior to any changes being performed.

F. **Termination.** Any Party may terminate participation in this MOU in whole or in part at any time before the date of expiration by giving 30 days written notice to the other Parties.

G. **Commencement/Expiration Date.** This MOU is executed as of the date of the last signature and is effective through **December 31, 2022** at which time it will be reviewed and renewed by agreement of the Parties, or shall expire.

**Signatures:**

\_\_\_\_\_  
**Ms. Susan Glover, Member  
Administrative Officer**  
**Fort Macleod Environment Committee**  
**Date:** \_\_\_\_\_

\_\_\_\_\_  
**Ms. Susan Keenan, Chief**  
**Town of Fort Macleod**  
**Date:** \_\_\_\_\_

**Attachments to the MOU:**

- Appendix A. Steering Committee Representatives and Responsibilities
- Appendix B. Fort Macleod Environment Committee Terms of Reference dated March 22, 2010
- Appendix C. Perpetual List of Past Completed Projects and Annual Projects
- Appendix D. New Tree Planting Requirements
- Appendix E. Reference Maps



## Appendix A: Steering Committee Representatives, Organization and Responsibilities

The Steering Committee will consist of the following individuals:

- Appointed Chair from the Steering Committee representatives.
- Director of Operations or their designate from the Municipality
- Appointed member from the FMEC

The Steering Committee will operate by consensus and will keep written notes of all discussions for future reference.

The Steering Committee will meet quarterly or as required to plan and refine the overall Annual Operating Plan.

The Steering Committee will invite other staff from the Municipality, or any other stakeholders, public or private, that can assist with accomplishing the goals.

The Steering Committee will communicate informally or formally with senior administration of the Municipality on the progress of the overall Annual Operating Plan.

## Appendix B: Environment Committee Terms of Reference

<i>*Subject</i> <b>Environment Board</b>	<i>*Policy No.</i>
<i>*Reference</i> <b>Terms of Reference</b>	<i>*Pages</i> <b>1</b>
<i>*Council Resolution Approving Policy</i> <b>R. 78-2010</b>	<i>*Effective Date</i> <b>March 22, 2010</b>

### ***AUTHORITY***

- To make recommendations to Council on issues within their jurisdiction.

### ***MEMBERSHIP***

- One Town Councillor
- Any number of Public At Large Members (minimum of 4)

All appointed by Council at their Organizational Meeting for two (2) year terms. Terms are to be staggered to provide for overlapping membership.

### ***FUNCTION***

- To promote environmental awareness including our visual environment;
- To act as a liaison for people with environmental concerns;
- To assist Council with environmental solutions;
- To assist Council in accessing funding sources for environmentally friendly activities and projects;
- To promote the concepts of reducing, reusing, recycling and recovery on a local level;
- To organize and promote beautification projects with the consent of Council.

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Approved by Council as noted above:

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Municipal Manager – Town of Fort Macleod

## Appendix C: Perpetual Project List

Project List to be developed once MOU is executed and Steering Committee established. FMEC calendar of environmental events for 2020 attached, for reference, as an preliminary version of the project list.

### ENVIRONMENT COMMITTEE

#### 2020 CALENDAR OF EVENTS

2020	Event	Details
<b>January</b>		
January 22	Regular Meeting	5:00-7:00 pm Health Centre
<b>February</b>		
<b>March</b>		
March 25	Regular Meeting	5:00-7:00 pm
<b>April</b>		
April 22	Earth Day Community Cleanup & BBQ	5:00 pm Arena Parking; Rain barrels
<b>May</b>		
May 7	Rain Barrel Distribution	6:00 pm Arena Parking Lot
May 19	Tree Planting	7:30 am Centennial Park
May 26	Xeriscape Weeding	4:00-6:00 pm Xeriscape Garden
May 27	Regular Meeting	5:00-7:00 pm
<b>June</b>		
June 1-4	Planting barrels, baskets, and signs	
June 6	E-Waste/Toxic Cleanup (MD managed)	10:00 am Parking Lot opposite Fort
June 9	Xeriscape Weeding	4:00-6:00 pm Xeriscape Garden
June 27	Weed Pull	Fish and Game Park
<b>July</b>		
July 7	Xeriscape Weeding	4:00-6:00 pm Xeriscape Garden
<b>August</b>		
August xx	Marathon? Wilderness Run?	Second Saturday in August?
August 4	Xeriscape Weeding	4:00-6:00 pm Xeriscape Garden
<b>September</b>		
September 1	Xeriscape Weeding	4:00-6:00 pm Xeriscape Garden
September 5	Tree Planting/Fortis Community Day	TBD
September 23	Regular Meeting	5:00-7:00 pm Health Centre
<b>October</b>		
October 6	Barrel Transplanting	4:00-6:00 pm Xeriscape Garden
<b>November</b>		
November 25	Regular Meeting	5:00-7:00 pm Health Centre
<b>December</b>		
Jan-Dec 2021		

**Legend:**

- Red – Community Events
- Green – World and National Days
- Purple – Environment Committee Events

As of June 28, 2020

## Appendix D: New Tree Planting Requirements

The following tree planting requirements are a part of the Town of Fort Macleod Tree Policy. They were originally derived as excerpts from the "Tree Canada Planting Guide" (<https://treecanada.ca/resources/tree-planting-guide/>)

### Planting Recommendations for New Trees

#### Watering:

Newly installed trees require regular deep watering to ensure their roots take hold and to thrive for many years thereafter.

Water slowly and deeply immediately after planting and once a week or more as needed during dry conditions to keep the soil moist.

For the first two years of a tree being transplanted, check the soil regularly and make sure it is always slightly damp. Without rain, the tree requires deep watering twice a week.

#### Mulch:

Apply two to four inches of mulch around the tree over the area of the root ball to reduce the growth of weeds and retain water in the soil. Be sure to keep mulch two to three inches away from the trunk of the tree.

#### Staking:

Staking trees is not necessary unless they are exposed to high winds or if the soil is shallow. Remove stakes after one year.

#### Pruning:

Prune at planting to improve branch spacing and promote a strong structure by removing dead, damaged, or rubbing branches. Trees should be pruned while dormant in late fall or early spring. (For edible trees this is the responsibility of the Fort Macleod Community Gardeners).

## Appendix E: Reference Maps

As of the signing date of this MOU, the key reference maps are those that outline the underground infrastructure and any/all water lines at various parks throughout the Municipality as listed below; however, all relevant maps that will assist the Parties in attaining the goals of this MOU will become a part of this Appendix.

As of June 29, 2020, the referenced maps

1. Centennial Park
2. Triangle Park
3. Lions Park and Scout Hall
4. Lioness Park
5. Garrison Green (pending)
6. Community Garden
7. South East Park



## Town of Fort Macleod Administration: AUMA Convention

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### **Recommendation:**

That Council advises Administration if any Council members will be attending in person and/or virtually for the 2020 AUMA Convention September 23-25, 2020.

### **Background:**

Each municipality will be offered one spot to attend in person. Virtual attendance also available.

Only elected Officials representing regular member municipalities are permitted to vote during both elections and resolutions. A unique voting ID will be provided to each elected officials registered as a participant. Elected officials must be registered as an attendee to receive voting credentials.

*"2020 AUMA Convention - Together We Can!*

*Join Alberta's elected officials, administrators, and business partners from the comfort of your home for the 2020 AUMA Convention, September 24th & 25th.*

*While our approach in changing, the content will be better than ever! This year's Convention will include:*

*Dialogue sessions with provincial Ministers, Two exciting keynotes, Resolutions, Board elections, Award winning entertainment, Virtual networking events, and A week of education sessions leading up to the live virtual event*

### **Wednesday, September 23:**

*Evening Welcome: 6:30 pm to 7:30 pm*

### **Thursday, September 24:**

*Morning program: 9:00 am to 12:00*

*Afternoon program: 1:00pm to 4:30 pm*

*Evening event: 6:00 pm to 8:00 pm*

### **Friday, September 25:**

*Morning only: 9:00 am to 12:30 pm*

*Member registration fee: \$100*

*Non-member registration fee: \$200*

*Opening Keynote Speaker - Peter Mansbridge"*

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<b>Prepared by:</b>	Meranda Day Chief	<b>Date:</b> August 11, 2020
<b>Approved by:</b>	Sue Keenan 	<b>Date:</b> August 11, 2020
<b>Submitted to:</b>	Town Council	<b>Date:</b> August 24, 2020

**C131**


[Log in / Sign up](#)

# 2020 AUMA Convention

[Event Details](#) [Program & Speakers](#)

## Education Sessions

Dates	Topic & Descriptions
Septmber 16 - 23 @ 9:00 am	TBD
Septmber 16 - 23 @ 2:30 pm	TBD

\*These sessions will be updated in the coming days, please check back regularly

## VIRTUAL CONVENTION

### Thursday, September 24

9:00 - 9:45 am	Opening Ceremonies
9:45 - 10: 30 am	Opening Keynote - <b>Peter Mansbridge</b>
10:30 - 10:50 am	Coffee Break
10:50 - 11:30 am	Annual General Meeting
11:30 am - 12:00 pm	Elections - Board of Directors
12:00 - 1:00 pm	Lunch & AUMA Awards video presentation
1:00 - 4:30 pm	Resolutions
6:00 - 7:00 pm	Alberta Local Mix & Mingle
7:00 - 7:30 pm	Evening Entertainment - <b>Announcement Coming Soon!</b>

**Friday, September 25**

9:00 am	Welcome to Day 2!
9:10 - 9:15 am	Minister of Municipal Affairs Remarks
9:15 - 10:15 am	Minister Dialogue Session #1
10:15 - 10:30 am	Coffee Break
10:30 - 11: 30 am	Minister Dialogue Session #2
11:30 - 11: 45 am	Video message from Premier
11:45 am - 12:15 pm	Closing Keynote - <b>Hayley Wickenheiser</b>
12:20 pm	Introduction of 2020/2021 Board of Directors
12:30 pm	Prize draws & Convention closing remarks

*\*All agenda items are subject to change at any time*

[Back to all events](#)



## Town of Fort Macleod Youth Ice Rental Rate 2020/21

**Recommendation:** That Council approves Fort Macleod Minor Hockey Associations request for the ice rental rate for the 2020/21 season to remain at \$80.00 per hour and that the rate also applies to the Fort Macleod Skating Club.

**Rationale:**

Fort Macleod Minor Hockey Association (FMMHA) was given approval from Hockey Alberta to move forward with registrations for the 2020/21 season. In an effort to accommodate those families who may be experiencing financial hardships due to covid19 FMMHA has requested that the scheduled ice rental fee increase for the 2020/2021 year to \$85 be reconsidered, this would allow for no increase to player fees. Administration also recommends that the rate of \$80 per hour be applied to the skating club as a youth organization that also has the same hourly rental fee.

**Background:**

An increase of \$5.00/hour for local youth ice rate was approved by Council at the December 9, 2019 Council meeting R:289.2019

**Financial Implications:**

We would not see the following increase in revenue:

Minor Hockey uses approximately 415 hours per year x \$5.00	= \$2075.00
Skating Club uses approximately 182 hours per year x \$5.00	= \$ 910.00
	<u>\$2985.00</u>

**Enclosures:**

Minor Hockey Letter to Council dated – July 27, 2020

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Prepared by:

Liisa Gillingham

Date: July 27, 2020

Approved by:

Sue Keenan

Date: July 27, 2020

Submitted to:

Town Council

Date: August 24, 2020

**C134**

Town of Fort Macleod Council & Ice Arena Staff,

As you well know, the year 2020 has been a very tumultuous year so far with many uncertainties due to the COVID-19 Pandemic situation. Recently the Province of Alberta has opened Stage 2 of their relaunch strategy which includes team sports, indoor recreation, fitness and sports, including gyms and arenas.

The Fort Macleod Minor Hockey Association is now allowed to open registration to our participants with the hope that the Minor Hockey program will see enrolment similar to previous years. Although Fort Macleod Minor Association can't predict what enrolment will be or what the coming months may bring, we did decide to maintain our registration fees with no increase this season due to the economic uncertainty across the Province.

The Fort Macleod Minor Hockey Association is asking the Town of Fort Macleod Council & Ice Arena Staff to consider keeping the ice rental rate of \$80.00/hour consistent with no increase for the upcoming season. Ice rental costs are the largest expense for the Association and account for over 50% of the yearly budget. The stability of ice rental rates would be greatly appreciated as we get ready for another enjoyable season on the ice.

Thank you for your time and consideration in this matter.

Regards,

Fort Macleod Minor Hockey Executive

July 27, 2020

**C135**



**Town of Fort Macleod**  
**Operations: Operation Policies #10 and 11**

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**Recommendation:**

That Council reviews and receives as information the following Policies as presented;  
OP#10 – Driveway and Approach Policy  
OP#11 – Trees on Municipal Lands Policy

**Rationale:**

Implementation of operational policies will help define the objectives of the Town in their respective areas and provide guidance on how to achieve those objectives.

**Background:**

To date, the Town has been deficient in policies that outline objectives and procedures. Administration has drafted policies which provide clarity and guidance to Town staff and to the public.

**Financial:**

No additional funds required at this time. Any related work funded out of operating budgets.

**Council Strategic Plan:**

Strategic Priority: *Town Infrastructure & Appearance*


- Objective 1: manage the necessary ongoing upgrades and maintenance of Town infrastructure.
- Objective 4: Enhance the beauty and appeal of the Town.

**Enclosures:**

OP#10 – Driveway and Approach Policy  
OP#11 – Trees on Municipal Lands Policy

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Prepared by:

Adrian Pedro,   
Director of Operations

Date: August 17, 2020

Approved by:

Sue Keenan,  
CAO 

Date: August 21, 2020

Submitted to:

Town Council

Date: August 24, 2020



## DRIVEWAY AND APPROACH POLICY

<b>Policy Number:</b>	OP10
<b>Administered By:</b>	Director of Operations
<b>Approved By:</b>	Chief Administrative Officer
<b>Effective Date:</b>	

### Purpose:

This policy shall define the Town's requirements for allowing landowners to modify or construct a new driveway or approach with the Town's boundaries.

### Scope:

The policy shall apply to all new and modified residential, commercial, industrial, institutional and field driveways and approaches; with or without curb cuts within the Town.

### Responsibilities:

The Public Works Foreman and Development Officer are responsible to ensure driveway and approach construction or modification are completed as per this policy and all applicable Bylaws and Engineering Standards.

### Definitions:

Hard Surfaced Road - means asphalt, concrete pavement, or chip - sealed surface applied over an engineered road base;

Non-Hard Surfaced Road - means a gravel surfaced road meeting Engineering Standards;

### Policy:

The Town will allow the construction and modification of driveways and approaches. This work will require a Driveway and Approach Application to be submitted and will be subject to the terms and schedules as set herein. All costs associated to construction or modification will be the responsibility of the applicant.

### Procedure:

Approval for any new installation or modification of driveways and approaches within the Town's right-of-way are mandatory and shall be issued by the Public Works Foreman. Approval shall comply with all applicable bylaws and regulations.

Applications for driveway permits must be made a minimum of ten (10) business days in advance of the proposed installation or modification date. All applications shall include the following:

- 1) A signed and completed Driveway and Approach Application;
- 2) A plan showing all existing topographical features, grades, all property boundary lines for the serviced lot and shall be labelled with street names, municipal addresses, and a north arrow. The plan shall show the dimensions of the existing and/or proposed driveway and its location relative to fixed features (curb lines, property lines, trees, sidewalks, etc.), so that the proposed installation or modification work can be identified in the field;

- 3) If applicable, seek approval for curb cutting, curb removal and culvert installation or modification at the time of permit application. Alternatively, should no curb cutting be required, the length and diameter of culvert must be submitted;
- 4) Prior to issuance of "permission to construct", the applicant must provide a refundable security to the Town as per Schedule "A" in the Driveway and Approach application, to remain with the Town until the completion of the work.

### Terms and Conditions

- 1) All work must be completed within one (1) year of approval or the application will lapse and be revoked.
- 2) Installation and modification work:
  - a) All work is to be constructed to Town standards and approval conditions.
  - b) Applicant must not commence any work until the application is approved.
  - c) Applicant must provide 48 hours' notice prior to commencing work.
  - d) A traffic accommodation plan in accordance with Alberta Transportation's Traffic Accommodation in Work Zones Manual (2018 Edition), where required, must be submitted 48 hours prior to the work commencing.
- 3) All driveways and approaches within the Town right-of-way shall connect to a driveway within a private lot to provide access/egress to private property. The portion of the driveway on the Town right-of-way shall not be used to perform any other function, including parking of vehicles or storage of materials and equipment. All driveways must conform to the Land Use Bylaw requirements.
- 4) Approval will not be issued where the installed or modified driveway or approach does not provide suitable sightline clearance at the entry point into the Town right-of-way.
- 5) All risk, responsibility and expense associated with any driveway or approach located in Town right-of-way is the responsibility of the landowner.
- 6) The Public Works Foreman may direct the removal or modification of any driveway or approach within Town right-of-way which has not been:
  - a) approved;
  - b) installed or modified in accordance with the issued approval; or
  - c) maintained in a good service condition.

### Geometric Design Requirements

- 1) Driveway or approaches shall meet the travelled portion of the road allowance at an angle of ninety degrees (90°), unless otherwise approved by the Public Works Foreman.
- 2) Shall not be located within 6.0m of an intersection.
- 3) Maximum width requirements:
  - a) Single residential = 7.4m in width or 50 percent of the width of the lot on which the driveway is situated, whichever is the lesser of the two options.
  - b) Shared residential = 8.0m.
  - c) Commercial/industrial = 10.0m, unless otherwise approved by the Public Works Foreman.
  - d) Field approaches = 8.0m, unless otherwise approved by the Public Works Foreman.
- 4) Maximum and minimum slopes:
  - a) Residential - 1% min. and 7% max.
  - b) Shared residential, commercial, industrial and institutional – 1% min. and 5% max.
- 5) Turning radius requirements:
  - a) Residential and shared residential = 3.0m.
  - b) Commercial, industrial and institutional = 6.0m.
- 6) Surfacing requirements:
  - a) Hard surfaced road = asphalt, concrete, or paving stones. Minimum thickness is 50mm.
  - b) Non-hard surfaced road = gravel, or other material as approved by the Public Works Foreman. Minimum thickness is 75mm.

- 7) Maximum number of driveways and approaches:
  - a) Residential = 1 driveway per lot as per the Land Use Bylaw.
  - b) Commercial, industrial, and institutional properties = approved at the discretion of the Development Officer or Public Works Foreman.
- 8) Culvert Requirements:
  - a) Minimum 250mm CSP culvert required for all approaches, unless otherwise approved by the Public Works Foreman. Culverts are not required for approaches located at a high point.
  - b) All culverts must have hand-placed rip-rap around the bevel and extending 1m past the each invert.
- 9) Curb and sidewalk cuts:
  - a) All curb and sidewalk cuts shall be repaired to a thickness matching the adjacent curb or sidewalk.
  - b) All disturbed pavement shall be repaired to a thickness matching the adjacent curb.
- 10) Side slopes and back slopes:
  - a) 3:1 minimum side slope ratio preferred.
  - b) 2:1 minimum backslope ratio preferred.
- 11) Temporary approaches shall be constructed to the same geometric requirements as permanent approaches, unless otherwise approved by the Public Works Foreman.

### **Further Information:**

For further information regarding this Policy, please contact the department identified in the title bar under Administered By.

---

CAO – Town of Fort Macleod



TOWN OF FORT MACLEOD
DRIVEWAY AND APPROACH
APPLICATION

FOR OFFICE USE ONLY
Date Received:
Deemed Complete Date:
Security Submitted (y/n):

Date of Application: \_\_\_\_\_

IMPORTANT NOTICE: This application does not permit you to commence construction until such time as you have signed "Permission to Construct" on Page 3

APPLICANT INFORMATION

Name of Applicant: (please print): \_\_\_\_\_ Phone (primary): \_\_\_\_\_
Mailing Address: \_\_\_\_\_ Phone (alternate): \_\_\_\_\_
City: \_\_\_\_\_ Fax: \_\_\_\_\_
Postal Code: \_\_\_\_\_ Email: \_\_\_\_\_

Is the applicant the owner of the property? [ ] Yes [ ] No
IF "NO" please complete box below

Name of Owner: \_\_\_\_\_ Phone: \_\_\_\_\_
Mailing Address: \_\_\_\_\_
City: \_\_\_\_\_
Postal Code: \_\_\_\_\_
Applicant's interest in the property:
[ ] Agent
[ ] Contractor
[ ] Tenant
[ ] Other \_\_\_\_\_

PROPERTY INFORMATION

Municipal Address: \_\_\_\_\_
Legal Description: Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_

DECLARATION OF APPLICANT/AGENT

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a driveway or approach. I also consent to an authorized person designated by the municipality to enter upon the subject land for the purpose of an inspection during the processing of this application.

Applicant

Registered Owner (if not the same as applicant)

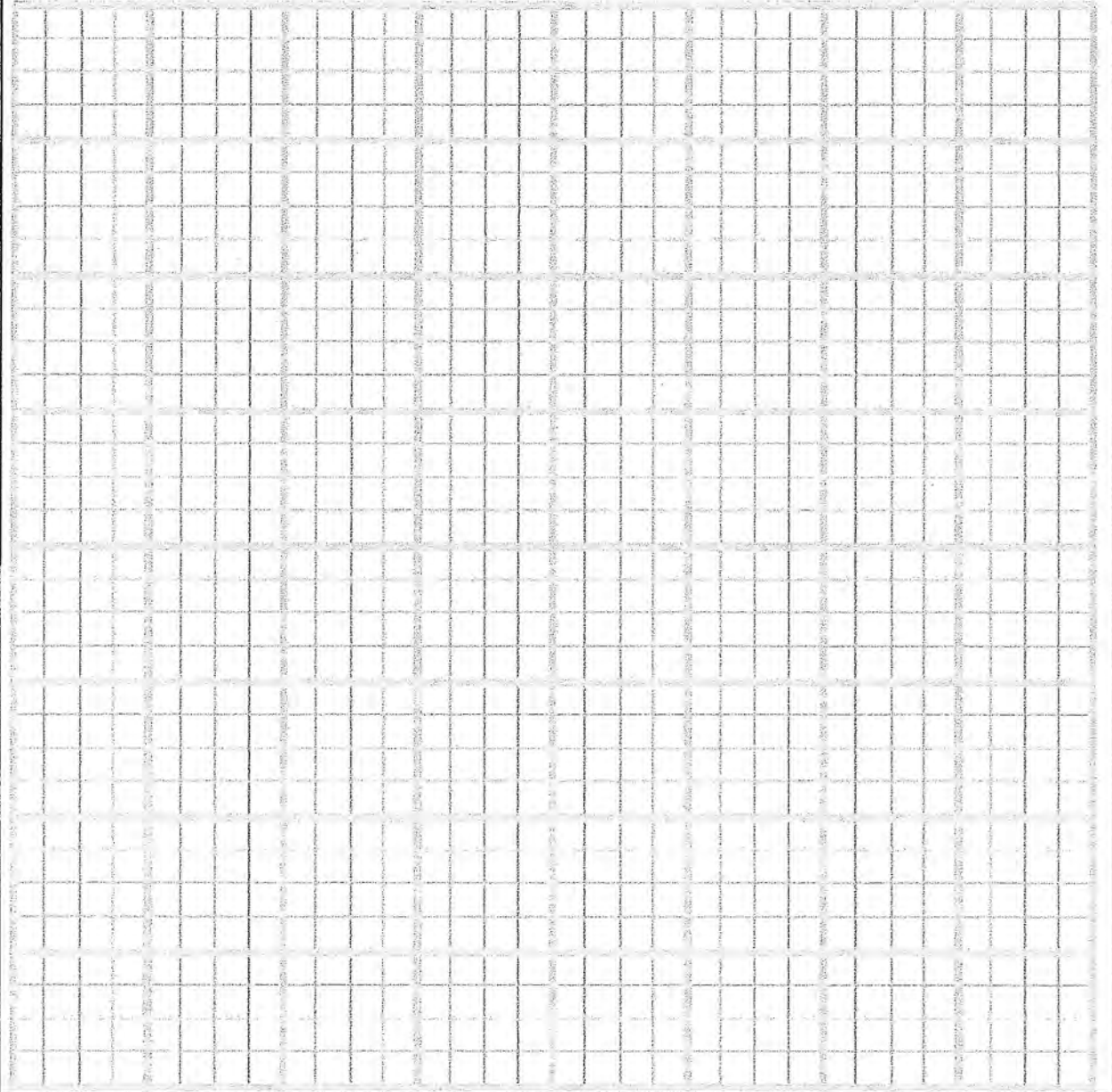


# PROPOSED DRIVEWAY AND APPROACH INFORMATION

## Approach Type:

- Commercial/Institutional
- Industrial
- Residential
- Field Access
- Temporary

## Site Plan:



**APPLICATION SUBMISSION REQUIREMENTS**

The following items shall be attached to all Development Agreement Applications. This is not an exhaustive list and the Designated Officer may request additional information that is required to assess the application.

**Site Plan Requirements.** Site plan shall provide the following information:

- |   | Yes                      | No                       | N/A                      |
|---|--------------------------|--------------------------|--------------------------|
| 1. North arrow and address.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. The boundaries and measurements of the lot in metric.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Location of existing driveway, sidewalks, trees, poles, signs, streetlights, buildings and powerlines. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Location and measurements of proposed driveway or approach.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Location of adjacent intersecting streets or avenues.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Refundable Security Fee (as per Fee Schedule below).**

**SCHEDULE "A" - REFUNDABLE SECURITY FEE SCHEDULE**

1. Residential = \$750
2. Commercial/Industrial/Institutional = \$1,000
3. Field Access = \$500
4. Temporary Approach = \$1,500

FOR OFFICE USE ONLY	
<i>Pre-construction Inspection Date:</i>	
<i>Permission to Construct Date:</i>	<i>Approved By:</i>
<i>Post-construction Inspection Date:</i>	
<i>Approved (yes/no):</i>	<i>Approved By:</i>
<i>Comments:</i>	





## TREES ON MUNICIPAL LANDS POLICY

Policy Number:	OP11
Administered By:	Chief Administrative Officer & Director of Operations
Approved By:	Chief Administrative Officer
Effective Date:	

### Purpose:

To guide decisions of Municipal staff in planting, maintenance and removal of trees located on Municipal property outside of the road allowance.

### Scope:

The Town recognizes that trees beautify the landscape, reduce the impact of extremes in weather, provide habitat for wildlife, add value to property, and contribute to a healthy environment. Council encourages municipal operations that are considerate of these values and benefits through the endorsement of this Policy and through the advice of the Environment Committee on planting, preservation, care and removal of trees with the Town of Fort Macleod.

### Responsibilities:

The Public Works Foreman and Development Officer are responsible to ensure driveway and approach construction or modification are completed as per this policy and all applicable Bylaws and Engineering Standards.

### Policy:

#### General:

- 1) The Policy relates specifically to trees on all municipal lands outside of the road allowance.
- 2) The Policy shall be reviewed annually in consultation with the Environment Committee and recommended changes shall be submitted to Council for consideration.
- 3) Preservation and protection of trees shall be an important consideration in municipal operations.
- 4) The Town of Fort Macleod, in partnership with the Environment Committee shall develop operating and best practice guidelines for the implementation of this Policy.
- 5) As a general courtesy, Town staff shall adopt the operational practice of advising landowners with respect to proposed tree work on adjacent municipal property including tree planting and non-emergency tree removal. Where practical, a minimum notice period of two (2) weeks shall be provided to receive public comment with regard to the proposed work.
- 6) The Town will provide options for public participation in tree on Town lands. Financial contributions for memorial and other plantings shall be accepted contingent upon the proposed proposal meeting all provisions of this Policy. All proposals shall be submitted in writing to the Environment Committee for consideration and recommendations. Annually, the cost to supply and plant an individual tree shall be established. This cost shall be a guide for accepting tree donations.
- 7) The Environment Committee shall maintain a current list of suitable locations for tree planting which will include a choice of appropriate species and a target date for planting. The list will be based on known tree losses reported by staff, citizen requests for tree(s) and activities of the Environment Committee. The Town, with the assistance of the Environment Committee, shall maintain a record of all trees lost due to wind damage, natural mortality, vandalism, etc. Town Administration shall consider the allocation of sufficient funds to replace these losses annually.
- 8) Property owners will not be permitted to plant trees on Town property. If the location is deemed suitable, the Town will assume the responsibility and add the location to the list of suitable planting sites for future consideration.

- 9) Tree replacement shall generally be on the basis of a tree planted for every tree removed and as outlined in the Master Tree Planting Plan (to be developed).

## **Procedure:**

### **Planting:**

- 1) All new development projects shall, where reasonable and practical, include a tree planting component that is acceptable to the Town of Fort Macleod and meets the intent of the Policy. Refer to Schedule 1 and Schedule 2 of this Policy.
- 2) All road reconstruction and construction projects shall, where reasonable and practical, include a component for tree protection, tree planting and/or tree replacement.
- 3) Trees for planting shall be selected from an established list of species with favours native plants as included in Schedule 1.
- 4) Trees shall be planted to the standards and conditions prescribed in Schedule 2.

### **Maintenance:**

- 1) IN ALL CASES, saving a tree through proper pruning and maintenance shall be first considered versus tree removal.
- 2) Tree maintenance shall be conducted in accordance with accepted industry standards in the nursery, landscape, and arborist trades.
- 3) Town of Fort Macleod departments shall consider the allocation of sufficient funds to adequately maintain existing trees and new stock from new development, reconstruction, and other planting projects.

### **Removal:**

- 1) In all non-hazardous situations, alternatives to tree removal shall be the first consideration.
- 2) All non-emergency and non-hazardous request for tree removal shall, where reasonable and practical, be submitted in writing to the Environment Committee for consideration and recommendation. Costs of such removals shall come out of the annual tree maintenance operating budget (to be developed).
- 3) The Environment Committee may request professional assessment on tree removal proposals. The costs of such assessments shall come out of the annual tree maintenance operating budget.
- 4) All tree removal projects shall contain a tree replacement component which requires the planting of a tree in a suitable location on Town property within one (1) year of tree removal. These plantings shall be situated close to existing water sources if possible.

## **Further Information:**

For further information regarding this Policy, please contact the Director of Operations.

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CAO – Town of Fort Macleod

## TREE POLICY – SCHEDULE 1

### Trees Recommended for Planting

- Limber Pine
- Colorado Blue Spruce
- White Spruce
- Round Leaved Hawthorn
- Amur Maple
- Green Ash or Red Ash
- Black Chokecherry
- Bur Oak
- Western Mountain Ash
- Linden
- Elm

DRAFT

## TREE POLICY – SCHEDULE 2

### **Planting Standards and Conditions:**

Planted trees shall be a minimum size of 45-50mm caliper at 15cm above the ground. Unless otherwise approved, planting shall be completed in early spring (mid-April to mid-May), weather dependent.

Trees shall be planted to a standard that is commonly considered acceptable in the landscape trade.

All trees shall be planted in accordance with the following:

### **Standards:**

- 1) Tree shall bear same relation to grade as it bore to its condition in the nursery and must have root ball planted on undisturbed soil;
- 2) Cut, loosen, and roll back approved ½ of twine, burlap and wire on root ball;
- 3) All twine and burlap on the root ball must be biodegradable;
- 4) Backfill to prevent air pockets;
- 5) The placement of protective guard 56cm in height intended to prevent mechanical and rodent damage to the trunk;
- 6) Initial tree staking shall consist of:
  - a) All stakes shall be driven outside the ledge of the root ball;
  - b) Galvanized wire or cable (14 gauge) with plastic hose around the tree;
  - c) Tuck away loose ends of wire or cable into the wire wrap so that no sharp ends are exposed.
- 7) Fertilization shall occur once planted;
- 8) Mulching 1 meter in diameter and 10cm in thickness;
- 9) Initial staking and utility locates shall be performed prior to the work; and
- 10) Delivery of "door hanger" notification (supplied by Public Works or Facilities) to adjacent residents at the time of staking.

### **Conditions:**

- 1) All trees shall be No. 1 grade nursery grown stock of grade and quality, conforming to the Horticultural Standards and grown under proper cultural practices as adopted by the Canadian Nursery Trades Association;
- 2) Two-year survival/replacement guarantee from date of planting;
- 3) Annual maintenance – see Schedule 3 for details.

## TREE POLICY – SCHEDULE 3

### Maintenance Guidelines for Newly Planted and Young Trees:

#### Scope of Work:

Removal of broken, damaged, dead, or hazardous branches.

Proper framing of crown (including but not limited to the pruning of double leaders or crossover branches).

Removal of root and trunk suckers.

Removal of tree support stakes, wires, and ties after one year, or during the second year.

Removal of trunk protective guards when they are outgrown.

Levelling of water saucers and mulch where they still exist (except where maintained by adjacent landowners) and removed at the end of the second year (in the fall).

Removal of weeds and grass.

Maintain or replace mulch in a 1 meter circle, 10cm thick in the form of a water saucer (except where maintained by the adjacent landowner).

Collection and removal from the site of pruned material, sod and other debris.

#### Conditions:

All pruning to be completed to a standard normally accepted in the landscape and arboriculture trades or under the direct supervision of a qualified arborist.

**Town of Fort Macleod  
Council Meeting Minutes  
Monday August 24<sup>th</sup>, 2020  
GR Davis Administration Building  
Council Chambers 6:00 pm**

**Council Present:** Mayor Brent Feyter, Councillors Kristi Edwards, Marco Van Huigenbos, Gord Wolstenholme, David Orr, Jim Monteith and Werner Dressler.

**Administration:** CAO Sue Keenan, Director of Community and Protective Services Liisa Gillingham, Director of Operations Adrian Pedro, Director of Finance, Kris Holbeck and Executive Assistant Meranda Day Chief.

**Other:** Gavin, Scott, ORRSC.

**A. CALL TO ORDER**

**Mayor Feyter called the meeting to order at 5:58 pm.**

**B. MOMENT OF REFLECTION**

**C. APPROVAL OF THE AGENDA**

1. Consent Agenda

**R.243.2020** Moved by Councillor Dressler that Council approves the consent agenda as presented, moving item **C1. B3**.Criminal Code Amendment Letter- City of Cold Lake to item **I8**. of the Regular portion of the meeting.

**CARRIED**

2. Regular Meeting Agenda

**R.244.2020** Moved by Councillor Dressler that Council approves the regular meeting agenda as presented with the item moved from the Consent Agenda **C1. B3**. Criminal Code Amendment Letter – City of Cold Lake to New Business **J7**.

**CARRIED**

**R.245.2020** Moved by Councillor Wolstenholme that Council moves in camera to discuss Land Sales and Legal Items at 6:01 pm.

**CARRIED**

**D. IN CAMERA**

1. Land Sale
2. Legal

**R.246.2020** Moved by Councillor Van Huigenbos that Council moves out of in camera at 6:53 pm.

**CARRIED**

**Mayor Feyter recessed the meeting at 6:53 pm.  
Mayor Feyter called the meeting back to order at 7:02 pm.**

**E. FOR THE GOOD OF COUNCIL**

**F. DELEGATIONS**

**G. PUBLIC HEARING**

1. Operations: Removal of MR Designation and Disposal of Land – *DO Adrian Pedro*

**R.247.2020** Moved by Councillor Dressler that Council hereby open the Public Hearing for the Removal of Municipal Reserve (MR) designation from Lot R1, Block 19, Plan 7910036 at 7:09 pm.

**CARRIED**

**Mayor Feyter requested comment from the gallery either for or against the Removal of Municipal Reserve (MR) designation from Lot R1, Block 19, Plan 7910036, none forthcoming.**

**R.248.2020** Moved by Councillor Wolstenholme that Council hereby close the Public Hearing for the Removal of Municipal Reserve (MR) designation from Lot R1, Block 19, Plan 7910036 at 7:10 pm.

**CARRIED**

2. Bylaw 1918: Land Use Bylaw Amendment R to CN -*Gavin Scott, ORRSC*

**R.249.2020** Moved by Councillor Van Huigenbos that Council hereby open the Public Hearing for Bylaw 1918: Land Use Bylaw Amendment R to CN at 7:11 pm.

**CARRIED**

**Mayor Feyter requested comment from the gallery either for or against Bylaw 1918.**

Applicant Mackenzie Hengerer came forward representing herself and her husband Danny Hengerer (who sends his regrets), speaking in FAVOUR of Bylaw 1918. Stating the building is intended to have a tenant opening a day care service. Also sharing that Danny and herself have taken in the following considerations for the property; parking and availability to the building, minor exterior changes with landscaping and building improvements, sole use for the daycare and working with the tenant to meet Alberta Health Services regulations and provincial licensing requirements, as well as local use and working with local businesses to achieve these goals.

**Mayor Feyter requested two more times for comment from the gallery either for or against Bylaw 1918.**

**R.250.2020** Moved by Councillor Dressler that Council hereby close the Public Hearing for Bylaw 1918: Land Use Bylaw Amendment R to CN at 7:17 pm.

**CARRIED**

3. Bylaw 1919: Land Use Bylaw Amendment R to PI – *Gavin Scott, ORRSC*

- a) Letters submitted in favour of Bylaw 1919
- b) Letters submitted against Bylaw 1919

**R.251.2020** Moved by Councillor Dressler that Council hereby open the Public Hearing for Bylaw 1919: Land Use Bylaw Amendment R to PI at 7:17 pm.

**CARRIED**

Two letters were submitted speaking in FAVOUR of Bylaw 1919 and attached in the Agenda Package from applicant Linnet Segboer, and Robert Rippen & Neisje Vanden Dool.

Four submissions speaking AGAINST Bylaw 1919 were attached in the Agenda Package from Dianne & Stanley Perrin, Mary, Bobby, Bryon & Darryl Campbell, Henry & Tilly Van Sluys, and Shannon Wigle with a list of signatures from concerned citizens.

Mayor Feyter confirmed other communications were received to Mayor & Council and will be forwarded to Administration and thanked everyone for their feedback for Council's consideration.

**Mayor Feyter requested comment from the gallery for anyone speaking in favor of Bylaw 1919.**

Applicant Linnet Segboer came forward representing herself and her husband Ken Segboer and her mother in law Lorraine Segboer speaking in FAVOUR of Bylaw 1919. Linnet provided a brief history of the original vision and building at 120 Garrison Drive (previously Rosewood Villa for 18 years). Stating the business has been discontinued less than 24 months ago and their rationale for rezoning is to match the original purpose of a multi-residential home. They can not move forward with selling, starting a new project or leasing the building. They were approached by Shinah House Foundation with a vision to create a foster home and have been working together to make this possible. In the last weeks they feel they have been harshly challenged and criticized. In closing they ask for support of their request for rezoning so they can market their building for sale or lease.

Applicant Ken Segboer came forward to confirm that they have not been out of business over two years and that they have parking available for 4 vehicles with the garage.

**Mayor Feyter requested two more times for comment from the gallery for speaking in favour of Bylaw 1919, none were forthcoming.**

**Mayor Feyter then requested from the gallery for anyone speaking against Bylaw 1919.**

Cali Van Sluys came forward speaking AGAINST Bylaw 1919. Stating she has concerns with the potential uses of Public Institutional zoning in the future regarding noise, parking, security, and negative impact on property values.

Shannon Wigle came forward speaking AGAINST Bylaw 1919. Stating that the neighbourhood has been able to obtain over 80 signatures against the rezoning of the property. After speaking to a realtor, she estimates property values will decrease from 10% to 50% and that this decrease will impact land taxes \$8,000.00 to \$40,000.00. Concerned about parking, lack of sidewalks on north and west side, security and criminal activity increasing with a commercial property.

**Mayor Feyter requested two more times for comment from the gallery for anyone speaking against Bylaw 1919, none were forthcoming.**

**R.252.2020** Moved by Councillor Dressler that Council hereby call for a continuance of the Public Hearing for Bylaw 1919: Land Use Bylaw Amendment R to PI to reconvene on September 28<sup>th</sup>, 2020 to allow for additional information to be presented and considered.

**CARRIED**

**H. CONSIDERATIONS OF DELEGATIONS and PUBLIC HEARINGS**

1. Operations: Removal of MR Designation and Disposal of Land – *DO Adrian Pedro*

**R.253.2020** Moved by Councillor Dressler that Council approve the removal of the "Municipal Reserve" (MR) designation from Lot R1, Block 19, Plan 7910036 and continue with the sale of the land to the interested party.

**CARRIED**

2. Bylaw 1918: Land Use Bylaw Amendment R to CN - *Gavin Scott, ORRSC*

**R.254.2020** Moved by Councillor Orr that Bylaw 1918 being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of re-designating lands legal described as: Lot 28, Block 393, Plan 92B within the NW1/4 of Section 12, Township 9, Range 26, W4M from "Residential: R" to "Commercial Neighbourhood: CN"; be given second reading.

**CARRIED**

**R.255.2020** Moved by Councillor Van Huigenbos that Bylaw 1918 being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of re-designating lands legal described as: Lot 28, Block 393, Plan 92B within the NW1/4 of Section 12, Township 9, Range 26, W4M from "Residential: R" to "Commercial Neighbourhood: CN"; be given third reading and finally declared passed.

**CARRIED**

3. Bylaw 1919: Land Use Bylaw Amendment R to PI – *Gavin Scott, ORRSC*

#### **I. UNFINISHED BUSINESS**

1. Bylaw 1915: Southwest Industrial Utility Upgrade Financing– *DF Kris Holbeck*

**R.256.2020** Moved by Councillor Dressler that Bylaw 1915 hereby being a Bylaw of the Town of Fort Macleod in the Province of Alberta to authorize the Council of the Town of Fort Macleod to provide for financing the Southwest Industrial utility upgrade project (Phase 1) deficit for fiscal year ended December 31, 2020; be given second reading.

**CARRIED**

#### **J. NEW BUSINESS**

1. Administration: Municipal Stimulus Grant 2021– *DF Kris Holbeck*

**R.257.2020** Moved by Councillor Van Huigenbos that Council approve the Municipal Stimulus Grant report as information.

**CARRIED**

2. Bylaw 1878: Union Cemetery Bylaw– *DF Kris Holbeck*

**R.258.2020** Moved by Councillor Edwards that Bylaw 1878 being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of providing control and regulation of the Union Cemetery; be given first reading.

**CARRIED**

**R.259.2020** Moved by Councillor Dressler that Bylaw 1878 being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of providing control and regulation of the Union Cemetery; be given second reading.

**CARRIED**

**R.260.2020** Moved by Councillor Dressler that Bylaw 1878 being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of providing control and regulation of the Union Cemetery; proceed to third reading.

**UNANIMOUSLY CARRIED**

**R.261.2020** Moved by Councillor Edwards that Bylaw 1878 being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of providing control and regulation of the Union Cemetery; be given third reading and finally declared passed.

**CARRIED**

3. Administration: Youth Ice Rental Rates 2020/21– *DCPS Liisa Gillingham*

**R.262.2020** Moved by Councillor Wolstenholme that Council approves Fort Macleod Minor Hockey Associations request for the ice rental rate for the 2020/2021 season to remain at \$80.00 per hour and that the rate also applies to the Fort Macleod Skating Club.

**CARRIED**

4. Administration: MOU Environment Committee– *CAO Sue Keenan*

**R.263.2020** Moved by Councillor Van Huigenbos that Council approves the attached Memorandum of Understanding with the Fort Macleod Environment Committee until December 2022.

**CARRIED**

5. Administration: AUMA Convention– *CAO Sue Keenan*

**R.264.2020** Moved by Councillor Edwards that Council approves all Council members who would like to attend the virtual AUMA Convention September 23-25, 2020 be registered, meeting together to watch as a group and have meals brought in for the event.

**CARRIED**

6. Operations: OP Policies #10 & 11– *DO Adrian Pedro*

**R.234.2020** Moved by Councillor Dressler that Council approves as information the following Policies as presented;

OP#10 - Driveway and Approach Policy

OP#11 – Trees on Municipal Lands Policy

**CARRIED**

7. (C1.B3.) Criminal Code Amendment Letter – City of Cold Lake

**R.266.2020** Moved by Councillor Dressler that Councillor Dressler prepare a report to Council at a future meeting with more information on the subject of "Regulations Amending the Regulations Prescribing Certain Firearms and Other Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted: SOR/2020-96" to make a decision if they would like to send a letter of support as recommended by the City of Cold Lake.

**CARRIED**

## **K. ADMINISTRATIVE REPORTS**

**L. COMMITTEE REPORTS**

**M. IN CAMERA**

**R.267.2020** Moved by Councillor Edwards that Council moves in camera to discuss personnel items at 9:14 pm.


1. Personnel


**CARRIED**

**R.268.2020** Moved by Councillor Wolstenholme that Council moves out of in camera at 9:30 pm.  
**CARRIED**

**M. ADJORNMENT**

**Mayor Feyter adjourned the meeting at 9:31 pm.**

  
\_\_\_\_\_  
Mayor Brent Feyter

  
\_\_\_\_\_  
CAO Sue Keenan

TAB F

C154

**Town of Fort Macleod  
Council Meeting Agenda  
Monday September 28<sup>th</sup>, 2020  
GR Davis Administration Building  
Council Chambers 7:00 pm**

*Section 197 of the MGA states that councils and council committees must conduct their meetings in public unless the matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy (FOIPP) Act (Sections 16 to 29).*

**Mayor Brent Feyter, Deputy Mayor Marco Van Huigenbos**

*This agenda has not been approved by Council and is subject to change.*

**A. CALL TO ORDER**

**B. MOMENT OF REFLECTION**

**C. APPROVAL OF AGENDAS**

1. [Consent Agenda](#)
2. Regular Meeting Agenda

**D. FOR THE GOOD OF COUNCIL**

**E. DELEGATIONS**

**F. PUBLIC HEARINGS**

1. [Bylaw 1919: Land Use Bylaw Amendment R to PI](#) (Continued from August 24, 2020)

**G. CONSIDERATION OF DELEGATIONS and PUBLIC HEARINGS**

1. Bylaw 1919: Land Use Bylaw Amendment R to PI

**H. UNFINISHED BUSINESS**

**I. NEW BUSINESS**

1. [Bylaw 1921: Land Use Bylaw Amendment CG to R](#) – Gavin Scott, ORRSC
2. [Administration: Operational and Capital Budget 2021](#) – CAO Sue Keenan

**J. ADMINISTRATIVE REPORTS**

**K. COMMITTEE REPORTS**

*List of Committee appointments below - First meeting of month*

**L. ADJOURNMENT**

**Monthly Committee/Board**

Housing Committee Mins  
 AB South West  
 Built Heritage Advisory Board  
 Crime Prevention  
 Council Timesheet  
 CHTA  
 Diversity & Inclusion  
 Early Childhood  
 Empress Theatre  
 Environment Committee  
 FCSS  
 FM Community Hall  
 FM Library  
 FM Historical Association  
 Foothills Alcohol Action Society  
 Hwy 3 EDC  
 Mayors & Reeves  
 Municipal Planning Commission

Regional Waste  
 Willow Creek Foundation

**Occasional Meetings, Liaison or as needed meetings**

Chinook Arch  
 FM Drug Coalition, Liaison  
 Oldman River Regional Services Com.  
 Agenda & Minutes  
 FM Interagency  
 FM AG Society, Liaison  
 Chamber of Commerce, Liaison  
 FM Community Initiative Assc. Liaison

**Councillor**

Councillor Van Huigenbos, Councillor Monteith  
 Mayor Feyter  
 Councillor Orr, Councillor Van Huigenbos  
 Councillor Dressler  
 Councillor Wolstenholme, Councillor Monteith  
 Councillor Orr  
 Councillor Edwards  
 Councillor Dressler  
 Councillor Orr  
 Councillor Orr, Councillor Dressler (alt)  
 Councillor Edwards  
 Councillor Dressler  
 Councillor Monteith  
 Mayor Feyter, Councillor Dressler (alt)  
 Mayor Feyter  
 Mayor Feyter  
 Mayor Feyter  
 Councillor Dressler, Councillor Van Huigenbos,  
 Mayor Feyter (alt)  
 Councillor Wolstenholme  
 Councillor Wolstenholme, Councillor Monteith

Councillor Monteith, Councillor Edwards (alt)  
 Councillor Dressler  
 Councillor Wolstenholme  
 Councillor Monteith  
 Councillor Van Huigenbos  
 Mayor Feyter  
 Councillor Edwards

**Town of Fort Macleod**  
**C1. CONSENT AGENDA**  
**Monday September 28<sup>th</sup>, 2020**

**A. Council Meeting Minutes**

1. [Council Meeting Minutes – September 14<sup>th</sup>, 2020](#)
2. [Committee of the Whole Meeting Minutes – September 22<sup>nd</sup>, 2020](#)

**B. Correspondence and Information Items**

**C. Financials**

1. [Payables](#)

**Town of Fort Macleod  
Council Meeting Minutes  
Monday September 14<sup>th</sup>, 2020  
GR Davis Administration Building  
Council Chambers 7:00 pm**

**Council Present:** Mayor Brent Feyter, Councillors Kristi Edwards, Marco Van Huigenbos, Gord Wolstenholme, David Orr, and Werner Dressler.

**Regrets:** Councillor Jim Monteith

**Administration:** CAO Sue Keenan, Director of Community and Protective Services Liisa Gillingham, Director of Finance Kris Holbeck and Executive Assistant Meranda Day Chief.

**A. CALL TO ORDER**

Mayor Feyter called the meeting to order at 7:00 pm.

**B. MOMENT OF REFLECTION**

**C. APPROVAL OF THE AGENDA**

1. Consent Agenda

R.269.2020 Moved by Councillor Dressler that Council approves the consent agenda as presented.

**CARRIED**

2. Regular Meeting Agenda

R.270.2020 Moved by Councillor Wolstenholme that Council approves the regular meeting agenda as presented with additions.

Additions:

16. Meeting Updates from Mayor Feyter (Moving item I6. Council: Hate Crime to item I7.)

L. IN CAMERA 1. Legal (Moving item L. ADJOURNMENT to M.)

**CARRIED**

**E. DELEGATIONS**

1. Cheque Presentation – Fort Macleod Ladies Golf Scramble Fundraiser

**D. FOR THE GOOD OF COUNCIL**

**F. PUBLIC HEARING**

**G. CONSIDERATIONS OF DELEGATIONS and PUBLIC HEARINGS**

**H. UNFINISHED BUSINESS**

1. Administration: RCMP Establishment of New Resources for 2020/2021 – CAO Sue Keenan

R.271.2020 Moved by Councillor Van Huigenbos that Council accept the Establishment of New Resources for 2020/2021 letter from the RCMP as information.

**CARRIED**

Page 1 of 3

**J. NEW BUSINESS**

1. Administration: Auditor Appointment 2020 – 2024 – *Director of Finance, Kris Holbeck*

**R.272.2020** Moved by Councillor Orr that Council appoints Avail LLP as the Town of Fort Macleod's financial auditors for the 2020 through 2024 fiscal year audits.

**CARRIED**

2. Administration: ATCO Gas and Pipelines Ltd. Franchise Fee – *Director of Finance, Kris Holbeck*

**R.273.2020** Moved by Councillor Wolstenholme that Council leaves the ATCO gas distribution franchise fee at 12.5% for 2021.

**CARRIED**

3. Administration: Provincial Assessment Model Review – *Director of Finance, Kris Holbeck*

**R.274.2020** Moved by Councillor Dressler that Council accepts the Provincial Assessment Model Review report from AUMA as information; further directing Administration to write and send a letter addressed to the Honorable Tracy Allred, Minister of Municipal Affairs and MLA Roger Reid Livingstone Macleod with Council's concerns of the impacts to municipalities regarding the assessment model changes and provincial downloading.

**CARRIED**

4. Administration: Sponsorship Request – *CAO Sue Keenan*

**R.275.2020** Moved by Councillor Dressler that Council approves a \$250.00 Buckle Sponsorship for the "Beauty and the Beast Barrel and Bull Challenge" event on October 10<sup>th</sup>, 2020.

**CARRIED**

5. Administration: 39<sup>th</sup> Annual Santa Claus Parade – *Director of Community & Protective Services, Liisa Gillingham*

**R.276.2020** Moved by Councillor Edwards that Council approves supporting the Santa Claus Parade Committee in their efforts to host the 39<sup>th</sup> Annual Santa Claus parade as a "Reverse Parade" and that Administration provides an official letter of support.

**CARRIED**

6. Meeting updates from Mayor Feyter

**R.277.2020** Moved by Councillor Dressler that Council approves Mayor Feyter's meeting updates email dated September 8<sup>th</sup>, 2020 as information.

**CARRIED**

7. Council: Hate Crime

**R.278.2020** Moved by Mayor Feyter **WHEREAS** in the recent weeks there was a targeted act of the destruction of a Pride flag displayed on private property, an act which has occurred before to these very residents;

**AND WHEREAS** Town Council has communicated via social media and a news release their most serious condemnation for such acts;

**AND WHEREAS** a formal motion registering Council's condemnation of such recent acts of vandalism has not been made;

**BE IT THEREFORE RESOLVED** the Town of Fort Macleod Council along with Town Administration condemn such acts of discrimination, hate and bigotry and affirm that all law-abiding individuals and groups are welcome and belong in the Town of Fort Macleod, and in this case in particular those who identify with the LGBTQ+ community.

**CARRIED**

#### **J. ADMINISTRATIVE REPORTS**

#### **K. COMMITTEE REPORTS**

#### **L. IN CAMERA**

**R.279.2020** Moved by Councillor Edwards that Council moves in camera to discuss legal items at 8:01 pm.

**CARRIED**

1. Legal

**R.280.2020** Moved by Councillor Wolstenholme that Council moves out of in camera at 8:45 pm.

**CARRIED**

#### **M. ADJORNMENT**

**Mayor Feyter adjourned the meeting at 8:46 pm.**

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Mayor Brent Feyter

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CAO Sue Keenan

**Committee of the Whole  
GR Davis Administration Building  
Council Chambers  
Tuesday September 22<sup>nd</sup>, 2020  
6:00 pm**

**Council Present:** Mayor Brent Feyter, Councillors Jim Monteith, Werner Dressler, Gord Wolstenholme, Marco Van Huigenbos, Kristi Edwards and David Orr.  
**Administration:** CAO Sue Keenan and Director of Operations Adrian Pedro.

**A. CALL TO ORDER**

**Mayor Brent Feyter called the meeting to order at 6:02 pm.**

**B. APPROVAL OF AGENDA**

**R.281.2020** Moved by Councilor Van Huigenbos that Council approves the meeting agenda with additions.

Addition- C. NEW BUSINESS 1) Scougall Motors Cheque Presentation

**CARRIED**

**C. NEW BUSINESS**

1. Scougall Motors Cheque Presentation
  
2. Additional Capital Work – SW Industrial
  - Adrian Pedro- Director Operations
  - Jody Patron, MPE
  - a) Cost Estimates
  - b) Drawings
  
3. Rosewood Villa – Additional Information
  - Adrian Pedro – Director Operations
  - Gavin Scott, Senior Planner ORRSC
  - a) Land File summary
  - b) Business License Information

**D. IN CAMERA**

**E. ADJOURNMENT**

**Mayor Brent Feyter adjourned the meeting at 8:58 pm.**

\_\_\_\_\_  
Mayor Brent Feyter

\_\_\_\_\_  
CAO Sue Keenan



# TOWN OF FORT MACLEOD

## Cheque Listing For Account Payable

2020-Sep-23  
10:47:21AM

Cheque #	Cheque Date	CEO	CAO	Vendor #	Vendor Name	Batch #	Amount
20201858	2020-09-15			1312	ALBERTA RURAL DEVELOPMENT NETWORK	11585	7,300.00
20201859	2020-09-15			80	BCD ENTERPRISES LTD.		62.50
20201860	2020-09-15			1307	CHLB FM		441.00
20201861	2020-09-15			223	EVCON EQUIPMENT LTD.		108.85
20201862	2020-09-15			1006	FIFTH AVENUE CABS		182.00
20201863	2020-09-15			235	FISHER SCIENTIFIC COMPANY		1,738.51
20201864	2020-09-15			262	FORT PHARMACY (1988) LTD.		5,638.94
20201865	2020-09-15			281	GREGG DISTRIBUTORS LP		144.61
20201866	2020-09-15			337	KAIZENLAB		2,101.42
20201867	2020-09-15			360	LETHBRIDGE HERALD		2,426.76
20201868	2020-09-15			855	LETHBRIDGE HONDA		195.41
20201869	2020-09-15			1584	LIVE ELECTRIC INC.		1,411.67
20201870	2020-09-15			877	LOOMIS EXPRESS		92.93
20201871	2020-09-15			393	MUNICIPAL DISTRICT OF WILLOW CREEK		335.07
20201872	2020-09-15			978	NEXT HOME AND GARDEN		275.92
20201873	2020-09-15			432	O'CONNOR ANGELA		251.96
20201874	2020-09-15			1250	PATTISON OUTDOOR ADVERTISING LP		161.53
20201875	2020-09-15			770	PLEASURE POOL 2011 LTD.		103.43
20201876	2020-09-15			980	RICOH CANADA INC.		643.61
20201877	2020-09-15			484	RITE-WAY FENCING (2000) INC.		39.31
20201878	2020-09-15			8	RMA TRADE		159.72
20201879	2020-09-15			854	SECURTEK		103.79
20201880	2020-09-15			514	SILVER AUTOMOTIVE FORT MACLEOD LTD.		152.51
20201881	2020-09-15			1625	SMITH CAMERON PUMP SOLUTIONS INC.		239.40
20201882	2020-09-15			1024	SOUTHERN IRRIGATION		1,538.50
20201883	2020-09-15			1068	TAXERVICE		1,083.60
20201884	2020-09-15			594	VAN HOUTTE COFFEE SERVICES INC.		63.11
20201885	2020-09-15			85	WASTE CONNECTIONS OF CANADA INC.		12,407.64
20201886	2020-09-15			1079	WOLF DEN ENTERPRISES		1,294.08
							<b>40,697.66</b>

**C162**



# TOWN OF FORT MACLEOD

## Cheque Listing For Account Payable

2020-Sep-23  
10:47:21AM

Cheque #	Cheque Date	CEO	CAO	Vendor #	Vendor Name	Amount
						<b>Batch # 11587</b>
20201887	2020-09-11			1496	ACAPULCO POOLS LIMITED	232,056.56
20201888	2020-09-11			1439	BLUE REIN RANCH	100.00
20201889	2020-09-11			924	CANADIAN PLAYGROUND	120.75
20201890	2020-09-11			169	CANADIAN UNION OF PUBLIC EMPLOYEES 70	798.51
20201891	2020-09-11			999	DEGRAZIO, MARLENE & SLEIMAN, KALAM	873.94
20201892	2020-09-11			1627	DENNIS DIRTWORX LTD.	389,012.98
20201893	2020-09-11			225	EXTENDICARE	589.50
20201894	2020-09-11			1598	F.M. STORAGE	55.00
20201895	2020-09-11			229	FCSS ASSOCIATION OF ALBERTA	578.00
20201896	2020-09-11			254	FORT MACLEOD VETERINARY CLINIC LTD.	485.10
20201897	2020-09-11			732	GOVERNMENT OF ALBERTA	1,061.60
20201898	2020-09-11			1626	GROUND BREAKERS CONSTRUCTION INC.	161,813.93
20201899	2020-09-11			1321	HANSEN'S FAMILY FOODS	160.23
20201900	2020-09-11			323	IMPREST CASH - FCSS	229.05
20201901	2020-09-11			352	LARSON'S TIRE SHOP	121.80
20201902	2020-09-11			374	MACLEOD GAZETTE LTD.	853.33
20201903	2020-09-11			313	RX DRUG MART #2020	18.87
20201904	2020-09-11			1318	WESTON MANUFACTURING LTD.	1,680.00
20201905	2020-09-11			1	KOSHNEY, DEVEN AND KATIE	200.00
						790,809.15
						<b>Batch # 11588</b>
20201929	2020-09-23			852	BIG D ENTERPRISES LTD.	19,978.35
20201930	2020-09-23			169	CANADIAN UNION OF PUBLIC EMPLOYEES 70	776.67
20201931	2020-09-23			909	CBV COLLECTION SERVICES LTD.	37.04
20201932	2020-09-23			1548	GREEN ARROW RECYCLING	63.00
20201933	2020-09-23			1038	HABITAT SYSTEMS INCORPORATED	799.05
20201934	2020-09-23			1134	KEENAN, SUSAN	1,100.00
20201935	2020-09-23			352	LARSON'S TIRE SHOP	105.00
20201936	2020-09-23			436	OLDMAN RIVER REGIONAL SERVICES	7,166.25
20201937	2020-09-23			1293	PARK ENTERPRISES LTD.	156.00
20201938	2020-09-23			1628	SMITHS CUSTOM AUDIO VIDEO INC.	2,436.84
20201939	2020-09-23			626	WESTCO CONSTRUCTION LTD.	109.46
20201940	2020-09-23			1	HAPPY HORSE	250.00
20201941	2020-09-23			1	VANDRIESTEN, MARY	350.00
						33,327.66
						<b>Batch # 11620</b>
20201942	2020-09-23			900100	VERANOVA PROPERTIES	605.35
						605.35
						<b>Batch # 11621</b>
20201943	2020-09-23			900200	11596756 CANADA CORP.	104.71
20201944	2020-09-23			900200	DAVIS CHRYSLER DODGE JEEP RAM LTD.	401.88
20201945	2020-09-23			900200	SPARKS, KAREN	114.30
						620.89



# TOWN OF FORT MACLEOD

## Cheque Listing For Account Payable

2020-Sep-23  
10:47:21AM

Cheque #	Cheque Date	CEO	CAO	Vendor #	Vendor Name	Batch #	Amount
20201975	2020-09-23			454	PITNEY WORKS		2,121.00
20201976	2020-09-23			537	STAPLES		694.48
20201977	2020-09-23			564	TELUS MOBILITY		520.77
							3,336.25
<b>Total</b>							<b>869,396.96</b>

\*\*\* End of Report \*\*\*

**C164**



**TOWN OF FORT MACLEOD  
BYLAW 1919 - LAND USE BYLAW AMENDMENT  
RESIDENTIAL-R TO PUBLIC AND INSTITUTIONAL-PI  
CONTINUANCE OF PUBLIC HEARING  
AND SECOND AND THIRD READING**

**Recommendation:**

That Council reconvene the required Public Hearing for Bylaw 1919 to redesignate:

Lot 6-7, Block 27, Plan 9812195  
Lot 16, Block 27, Plan 0012428  
within the NE ¼ of Section 11, Township 9, Range 26, W4M  
from "Residential: R" to "Public and Institutional: PI"

and once the hearing is closed proceed cautiously with second reading only.

**Background:**

Request from the applicant for Council to redesignate the property from "Residential: R" to "Public and Institutional: PI", to allow for a group care home to lease the building as a future development consideration.

Council gave first reading at the July 13<sup>th</sup>, 2020 meeting with a resolution as follows:

***R.228.2020** Moved by Councillor Dressler that Bylaw 1919 being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of re-designating lands legal described as: Lot 6-7, Block 27, Plan 9812195 and Lot 16, Block 27, Plan 0012428 within the NE1/4 of Section 11, Township 9, Range 26, W4M from "Residential: R" to "Public Institutional: PI"; be given first reading; and further schedule a public hearing to be held on August 24, 2020.*

**CARRIED**

A public hearing was advertised for August 24, 2020. The public hearing was held and a resolution to ask for a continuance was made as follows:

***R.252.2020** Moved by Councillor Dressler that Council hereby call for a continuance of the Public Hearing for Bylaw 1919: Land Use Bylaw Amendment R to PI to reconvene on September 28<sup>th</sup>, 2020 to allow for additional information to be presented and considered.*

**CARRIED**

The continuance of the Public Hearing for Bylaw 1919 to be reconvened on September 28<sup>th</sup> at 7 p.m. was advertised in the Gazette on September 9<sup>th</sup>, 16<sup>th</sup> and 23<sup>rd</sup>.

**Enclosures:**

Bylaw 1919  
Location Map  
Petition (Deemed Invalid)  
Resident Letter

**C165**

Prepared by:

Keli Sandford   
Planning and Development Officer

Date: 9/23/2020

Reviewed by:

Adrian Pedro  
Director of Operations

Date: 9/23/2020

Approved by:

Susan Keenan   
Chief Administrative Officer

Date: 9/23/2020

Submitted to:

Town Council

Date: 9/28/2020

**C166**

**TOWN OF FORT MACLEOD  
in the Province of Alberta  
BYLAW NO. 1919**

BEING a bylaw of the Town of Fort Macleod in the Province of Alberta, to amend Bylaw No. 1882, being the municipal Land Use Bylaw.

WHEREAS the Town of Fort Macleod Council is in receipt of a request to redesignate certain lands within the municipality;

WHEREAS the intent of proposed Bylaw No. 1919 is to redesignate a lands legally described as:

Lots 6-7, Block 27, Plan 9812195  
Lot 16, Block 27, Plan 0012428  
within the NE1/4 of Section 11, Township 9, Range 26, W4M

from "Residential: R" to "Public and Institutional: PI";

WHEREAS the lands that are the subject of this proposed redesignation are shown on the map in Schedule 'A' attached hereto;

AND WHEREAS the purpose of the bylaw is to designate the lands for an existing public institutional use and that a municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act, Revised Statutes of Alberta 2000*, Chapter M-26, as amended, the Council of the Town of Fort Macleod in the Province of Alberta duly assembled does hereby enact the following:

1. Lands legally described as Lots 6-7, Block 27, Plan 9812195 and Lot 16, Block 27, Plan 0012428 be redesignated such that those lots designated as "Residential: R" to "Public and Institutional: PI".
2. The Land Use Districts Map shall be amended to reflect this change.
3. Bylaw No. 1882 is hereby amended and consolidated.
4. This bylaw shall come into effect upon third and final reading hereof.

READ a **first** time this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor – Brent Feyter

\_\_\_\_\_  
Chief Administrative Officer – Sue Keenan

READ a **second** time this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor – Brent Feyter

\_\_\_\_\_  
Chief Administrative Officer – Sue Keenan

READ a **third** time and finally PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor – Brent Feyter

\_\_\_\_\_  
Chief Administrative Officer – Sue Keenan

**C167**



**LAND USE DISTRICT REDESIGNATION  
SCHEDULE 'A'**

FROM: Residential - R  
 TO: Public and Institutional - PI

LOT 16; BLOCK 27; PLAN 0012428 &  
 LOT 6 & 7; BLOCK 27; PLAN 9812195  
 WITHIN SE & NE 1/4 SEC 11, TWP 9, RGE 26, W 4 M  
 MUNICIPALITY: TOWN OF FORT MACLEOD  
 DATE: JUNE 19, 2020

Bylaw #: 1919  
 Date: \_\_\_\_\_



MAP PREPARED BY:  
 OLDMAN RIVER REGIONAL SERVICES COMMISSION  
 3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8  
 TEL. 403-329-1344  
 "NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

**C168**

**Zoning changes to Lot 6-7, Block 27, Plan 9812195 and Lot 16, Block 27,  
Plan0012428**

We would like to express our opposition to the re-zoning of the above property.  
Our concerns are as follows:

1.) We feel that the guiding principles to re-zoning should encompass the other properties in the neighbourhood as well as the thoughts of the property owners. We feel that those thoughts and feelings have value and should be considered by Town Council and the Administration.

2.) All properties in Garrison Estates are zoned Residential.

3.) We are concerned that if zoned Public Institutional we could be dealing with issues of;

- noise
- parking
- security

*Total 179*

4.) We built or bought our homes knowing that the above property was not zoned Public/Institutional and we feel it is unfair to change the zoning now as it will affect property values.

5.) We were led to believe with the mayor in attendance that the property was first commercial, then rezoned in 2015 to residential, now there is a proposed application to rezone it again. Our concern is the cost, lack of transparency, and confusion that goes along with these rezoning changes.

In conclusion, as an elected council it is your responsibility to represent the citizens of Fort Macleod and we the undersigned are opposed to this zoning change.

<u>Name</u>	<u>Address</u>	<u>Email</u>
<u>Joe Rigaux</u>	<u>310 20<sup>th</sup> St.</u>	<u>rigworks@hotmail.com</u>
<u>Elith Rigaux</u>	<u>310 20<sup>th</sup> St.</u>	<u></u>
<u>Murray Sopher</u>	<u>213- 11<sup>th</sup> Street</u>	<u>Crankygreenlant@yahoo.ca</u>
<u>Bill Doyle</u>	<u>622- 21<sup>st</sup></u>	<u>righopper40@gmail.com</u>
<u>Randy Marshall</u>	<u>640 12<sup>st</sup></u>	<u>Randy1999@hotmail.com</u>

**Zoning changes to Lot 6-7, Block 27, Plan 9812195 and Lot 16, Block 27,  
Plan0012428**

We would like to express our opposition to the re-zoning of the above property.

Name	Address	Email
Mark R. Baird	313-15 <sup>th</sup> St	} Rem
Carla Baird	313-15 <sup>th</sup> St.	
C. Woodman	420-10 St.	
R. Schumpeter	428 10 St	
Francis Pastoral	249 Lyndon Rd.	
John Kirk	304-26 St	
Jim Jenkins	304-26 St.	
Brad Vanstays	329 26 St.	
WILE ROSS	393-3694.	
Sam Henderson	553 30 0 3	
Juanita Headrick	382-9733 or 328-6468.	
Tom Allison	332-1449	
<del>Tom</del>	380-7764	
Al Coma	1623 3 <sup>rd</sup> Ave 403-553-3302	
Evelyn McPherson	330-17 <sup>th</sup> St. 403-553-4236	
Doug McPherson	330 17 St. 403-553-4236	
Debra Fox	250 17 <sup>th</sup> St 403 553-3713	
C. Cornell	259 17 <sup>th</sup> 403 359 1108	
Christy Fox	243 17 <sup>th</sup> 403-331-0698	
Alan Collier	243 17 <sup>th</sup> 403-553-4761	} Dec Coma
Cony Walker	1703 3 <sup>rd</sup> Ave	
Pete Meald	—u—	
Christina Genetics	1703 3 <sup>rd</sup> Ave	
Jamie VanEe	1612 3 <sup>rd</sup> Ave 403-359-1525	
Dina Neels	306-17 <sup>th</sup> St	
John Neels	306-17 <sup>th</sup> St	



**Zoning changes to Lot 6-7, Block 27, Plan 9812195 and Lot 16, Block 27,  
Plan 0012428**

We would like to express our opposition to the re-zoning of the above property.

Name	Address	Email
HENRY VAN SLUYS	Box 973	134 Garrison DRIVE
Jilly Van Sluys	134 Garrison DR	htsluys@telus.net
Tim Van Sluys	305 Lyndon RD	tsvanstuys@gmail.com
Sandra Van Sluys	305 Lyndon Road	tsvanstuys@gmail.com
Jeff Van Sluys	329 26 st	jvsluys@gmail.com
Triston Van Sluys	329 26st	tristonvsluys@gmail.com
Alberta Van Sluys	329 26st	birdavsl@gmail.com
Alan Frampton	569 21st	AlanFrampton@yahoo.com
BBB	2722 - 5 AVE	eversolo@telus.net
JASSU VANEE	252 LYNDON RD.	JASSU@WESTCOCONSTRUCTION.CA.
Genyee Van Ee	"	gvanee@hotmail.com

Zoning changes to Lot 6-7, Block 27, Plan 9812195 and Lot 16, Block 27,  
Plan0012428

We would like to express our opposition to the re-zoning of the above property.

Name	Address	Email
GERALD RIGAUX	535. 25th ST	GERALDRIGAUX@BMAC.COM
LOBBAIN-LARSON	2003 7A AVE	
Michelle Harris	213-115T	michHarris55@gmail.com
TIFFANY Van Gool	Box 2140	
Heather Sopher	Box 1684	
Carey Flaek	351 26 st.	
<del>R</del> Cora Steel	Box 214 Granum	
Rita McDonald	311 51 Ave	
Melissa Bremner	403-625-9377	
Mike Poelman	Box 2140	
DIANE BALE	Box 1902	
Mary May	Box 2815	Mrigaux830@gmail.com
Dan May	Box 2815	Maydan6rd62@gmail.com
Michael + Amy Amberly	Box 374	Wrong place for this
Margaret Rigaux	Box 2146	
Stacy Liron	Box 671	

Name	Address	Email
<del>Charles Furman</del>	103-17 St.	<del>cfurman333@gmail.com</del>
Debra Landon	Box 2946 114-17 St.	silvermellow@gmail.com
Keith Landon	114 17 St	"
Troy Marsh	122 17 St	1centlimber1@hotmail.com
Karen Marsh	122 17 St	
<del>Frank</del>	131 17 <sup>th</sup> St.	therters2@telus.net
Calvin Dal Crawford	137 17th	valcove@gmail.com
Monica Sharp	143 17th St	freckled79@gmail.com
ROB BOURASSA	1701 3 <sup>rd</sup> Ave.	rebouassa1973@gmail.com
Malachowski	160-17 St	
<del>Wesley</del>	119-17 St	petersonhair@gmail.com
<del>Wesley</del>	119-17 St	
Joey Carlson	461-17 St	
Jerry Chapman	1619-2nd Ave.	
Jay McArthur	1822 2nd Ave	
Jean Edmunds	451-11 St	
David McArthur	1922-2 <sup>nd</sup> Ave.	dave mc arthur inez@gmail.com
Rah Ouchak	511 11 St	
Norm Brown	244-19 <sup>th</sup> St	

Al Ramos - Charlton Box 643, Town m. ramoscharlton@world  
.com

Eric & Wilrene Aleman 137 Garrison Drive, Fort Macleod.

George & Deloratie Brown Box 1987, F. Macleod.

Bob Campbell Box 1408 FORT MACLEOD

Mary Campbell Box 1408, Fort Macleod, AB

Bob Campbell Box 1408 F.M. #

Stanley & Dianne Perrin 145 Garrison Drive Box 651

Frank Herk

M. Herk Maria van Herk 142 Garrison Drive PO Box 1855

Bob & Sandra Knight Box 1645 139. Garrison

Harold & Suzanne Platt Box 865 133 Garrison

Mervin Heald Box 504 Fort Macleod AB

John Heald Box 504 Fort Macleod AB

Gerrit & Marianne van Huizen Box 1086 Fort Macleod, AB

Jayman Midge

Tommy & Rick Paha Box 2208 Fort Macleod, AB

KEITH THORNTON 126 GARRISON DRIVE

Angela Eummentko 122-19<sup>th</sup> st Fort Macleod AB.

Rebecca Thomas 111-20<sup>th</sup> street Fort Macleod AB

Name	Address	Email
Frank Fehr	Aug 19 <del>112 19 St</del> 112 19 st	frankfehr28@hotmail.com
ABBI SAUNDERS	113-19 St. Aug. 19/20	ASaunders@icloud.com
WALTER SAUNDERS	113-19 St Aug 19.20	awsaund@icloud.com
Darla Fehr	Aug 19/20 112 19 st	dfeist74@hotmail.com
Courtney Houserpa	Aug 19/20 112 19 st	Courtneyhouserpa@gmail.com
BOB RIPLEY	103-19 <sup>th</sup> ST	Bob Ripley b_ripley@yahoo.ca
NIGEL OVENSON	104-19 St	nigelovensontz@gmail.com
Dan Hill	136-19 St, Fort Meleod P.O. Box 19063 RPO Stawney Calgary	weldanite123@gmail
Barbara Schiller	156-19 the St	
Brenna Nelson	164-19 <sup>th</sup> St	
Calli Van Sluys	117 Garrison Dr	vansluys@telus.net
Brennae Van Sluys	117 Garrison Dr	
Lorey Paytress	144 Garrison Dr	paytress@gmail.com
Aaron Paytress	"	"

Name	Address	Email
KEITH Olson	152-16st	
Mary Gugala	Mary Gugala	128-16
Stan Gugala	Stan Gugala	128-16
Norma Balingbroke		159-16
Nora LaChance		159-16
Helen Shamer		412-16
Jolene Vance	Bluebree	1520-16
Wilco Vance		1520-16
Chris Christensen		153-16
Clara Fowler		153-16 st
PHIL Lewis		121-16 st
Dale Kellington		42 Sunset Trailer Park
R. Rick PAIHA		107-16st.



Name

Address

Email

Karen Christie 138 Garrison Drive Klchrist55@gmail.com

Mary Anne Hendre 135 Garrison Drive

~~Vanessa~~ 135 Garrison Dr.

~~Doug Christie~~ 138 Garrison Dr. ~~138~~ d-u-g@LIVE.com

Vanessa Boeder Fort Macleod 757 27 Street vanessa.israk@yahoo.ca

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Name

Address

Email

Johna Masoal 6-98 Garrison Dr.

Jetka MONTA 128 20th St.

Bernadette Masoal Box # 2351

Jimmy Masoal # 2024

Eula Mengullo Box 2308

5

Zoning changes to Lot 6-7, Block 27, Plan 9812195 and Lot 16, Block 27,  
Plan0012428

We would like to express our opposition to the re-zoning of the above property.

Name	Address	Email
Branda Wesley	Box 225 Fort Macleod	
Bob Burt	351 23rd St	
Gregory Hoag	227-15 St FM	
Wairlm Loewer	405-26 St.	
Aisla Kellner	Box 1351 FM	
Janet Lilher	Box 1 F.M.	
LINDA ACM	Box 2443 FORT MACLEOD	
Crystal CRISTAL ALM	Box 2443 Fort Macleod	






Name

Address


Email


Sharon Cleaver Fort Macleod

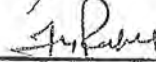
Gloria Drummond Ft Macleod. 

Charles Russell Ft. Macleod Chuck Russell.

Karen Robson Fort Macleod KRobson

Geord Van Klugebus Fort Macleod 

Suzy Magallanes Fort Macleod 

Jeannet Pappas Fort Macleod 

Blank lined area for additional entries.

1

Larry Thomas - 219-17 st.

Joe Filler - 725-27 st

Joe Mont. 453-18 st

Joe Rigaux 310 20th Street

Jay Ham

Joe Sabey 222-10 st

John Kennedy

Attention: Brent Feytor, Mayor & Town Council

9/21/2020

I am requesting to present my concerns on this 120 Garrison Drive Rezoning on Sept 28, 2020 @ the next sitting of Town Council

**RE: 120 Garrison Drive Rezoning**

I would like answers to the specific points made regarding the Shinah House Project that is being proposed at 120 Garrison Drive.

- What individual will be housed here?
- What barriers & challenges, mental health issues are these individuals dealing with?
- What is the age group of the residents being housed here?
- What case plans are in place for these individuals? (what will the case plan look like & how comprehensive will it be?)
- What professional designations will the hired staff (on-site) have? (RSW, RN, Certified Addictions youth Counsellor, MD, Therapist)
- What education will the hired staff have? Diploma, degree? (as they are working with multiple barrier individuals with challenges in addictions & mental Health)
- In the new article in the paper Ms. Laurie English Stated "the residents will be free to come and go, will not be held against there will to stay at this home". So, in that one statement with the barriers & challenges these youth face they're allowed to roam the community with their mental health issues & challenges unsupervised?
- Why reinvent the wheel - the town has a group home facility already on the one way – why can't this Shinah house work with them to house these individuals? cost share on expenses??
- What is the insurance policy for this organization? (my own company has a 2-million-dollar insurance policy for youth programming only)

My concern is:

- No security. (24/7)
- No Professional staff Designations.
- No certified staff?
- Wellbeing of the children in the neighbourhood.
- More traffic in an already high traffic area of town.
- This very same organization failed in the town of Cardston!
- No concrete case plans for clients in this facility.

I am part of this community and have been for the last 15 years and as a first nation member from the Pliikani Nation and a small business owner myself this organization has not met all the Human Service aspects of operating a group home (basically that what this is with a fancy name). Individuals with barriers & mental Health issues need structured, secured facilities.

I spoke with the Mayor on an Evening Messenger call on this issue and he has good intentions in helping the individuals but as a community member and first nation we already have programs, organizations in our community dealing with issues, barriers, mental health concerns and they do a great job at addressing these concerns. This Shinah house is requesting to bring in more barriers & mental health issues to our community from an already overwhelmed issue.

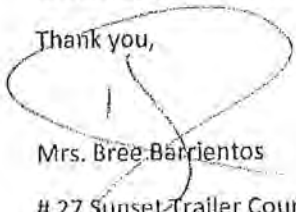
They can team up with FCSS, Alberta Mental Health, the two neighboring Nations, Lethbridge friendship Centre, youth organization's boys & girls' programs, YMCA we have a lot of resources around us that they can tap into to have an alternative program for youth with barriers & challenges.

The Shinah house are asking the Town to bring in youth from parts of northern Alberta, other provinces to deal with their barriers & challenges here in our community, while we have the same issues with our youth & community families. My question is: why would the town allow them to bring more issues to our community and stress the already stressed system out more?

The mayor has good intentions and listens well to First Nations concerns in speaking with him on Facebook Messenger on the evening of August 25, 2020 he spoke about helping the First Nation people and that he understood their issues. Yes, he does to a point however he mentioned Religion and spoke of the Devil – I interpreted that very negatively and I didn't like how he eluded to points of the bible. This whole Shinah house is a concern because as a First Nation person and community member I see to much of organizations trying to save the "Indian" and using government funding to get there. However, at the end of the day it never works, look at the Child welfare system on my reserve Peigan Nation!!

Respectfully mayor and Town Council I ask you to please reconsider this 120 Garrison Drive Rezoning

Thank you,



Mrs. Bree Barrientos

# 27 Sunset Trailer Court & Piikani Nation Member # 1521



**TOWN OF FORT MACLEOD  
BYLAW 1921- LAND USE BYLAW AMENDMENT  
COMMERCIAL GENERAL CG- RESIDENTIAL-R  
FIRST READING AND ADVERTISE PUBLIC HEARING**

---

**Recommendation:**

That Council give first reading to bylaw 1921 to redesignate land legally described as:

Lot 9, Block 439, Plan 92B  
within the NW ¼ of Section 12, Township 9, Range 26, W4M

from "Commercial General: CG" to "Residential: R"; and schedule a Public Hearing to be held on October 26<sup>th</sup> 2020 at 7 pm.

**Background:**

Request from Landowner to approach Council to redesignate the property from Commercial General-CG to Residential- R- to allow for an addition to be built for barrier free needs and to accommodate a wheelchair ramp. Current zoning does not allow the proposed use. Past zoning was Retail Transitional- C2. (Bylaw 1600)

**External Communications/Participation:**

ORRSC , Benchmark Assessment

**Enclosures:**

Bylaw 1921  
Map  
Notice

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Prepared by: Keli Sandford Date: 9/22/2020  
Development Officer

Reviewed by: Adrian Pedro Date: 9/22/2020  
Director of Operations

Approved by: Sue Keenan Date: 9/22/2020  
CAO

Submitted to: Town Council Date: 9/28/2020

**TOWN OF FORT MACLEOD  
in the Province of Alberta  
BYLAW NO. 1921**

BEING a bylaw of the Town of Fort Macleod in the Province of Alberta, to amend Bylaw No. 1882, being the municipal Land Use Bylaw.

WHEREAS the Town of Fort Macleod Council is in receipt of a request to redesignate certain lands within the municipality;

WHEREAS the intent of proposed Bylaw No. 1921 is to redesignate a lands legally described as:

Lot 9, Block 439, Plan 92B  
within the NW1/4 of Section 12, Township 9, Range 26, W4M

from "Commercial General: CG" to "Residential: R";

WHEREAS the lands that are the subject of this proposed redesignation are shown on the map in Schedule 'A' attached hereto;

AND WHEREAS the purpose of the bylaw is to designate the lands for residential development and that a municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act, Revised Statutes of Alberta 2000*, Chapter M-26, as amended, the Council of the Town of Fort Macleod in the Province of Alberta duly assembled does hereby enact the following:

1. Lands legally described as Lot 9, Block 439, Plan 92B be redesignated such that those lots designated as "Commercial General: CG" to "Residential: R".
2. The Land Use Districts Map shall be amended to reflect this change.
3. Bylaw No. 1882 is hereby amended and consolidated.
4. This bylaw shall come into effect upon third and final reading hereof.

READ a **first** time this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
*Mayor – Brent Feyter*

\_\_\_\_\_  
*Chief Administrative Officer – Sue Keenan*

READ a **second** time this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

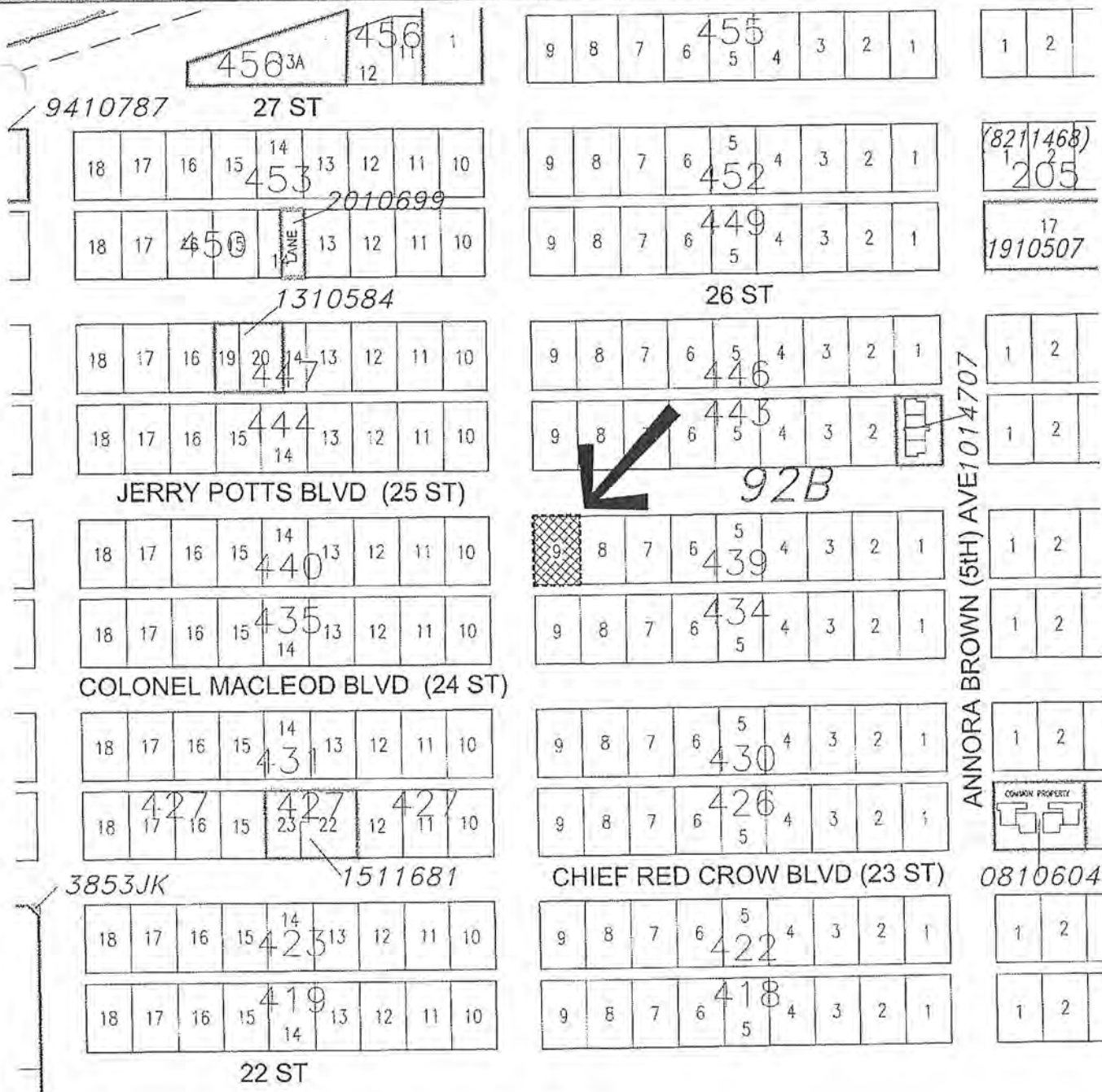
\_\_\_\_\_  
*Mayor – Brent Feyter*

\_\_\_\_\_  
*Chief Administrative Officer – Sue Keenan*

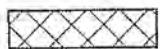
READ a **third** time and finally PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
*Mayor – Brent Feyter*

\_\_\_\_\_  
*Chief Administrative Officer – Sue Keenan*



**LAND USE DISTRICT REDESIGNATION  
SCHEDULE 'A'**



FROM: COMMERCIAL GENERAL CG  
TO: RESIDENTIAL R

LOT 9, BLOCK 439, PLAN 92B WITHIN  
PORTION OF NW 1/4 SEC 12, TWP 9, RGE 26, W 4 M  
MUNICIPALITY: TOWN OF FORT MACLEOD  
DATE: SEPTEMBER 15, 2020

Bylaw #: 1921  
Date: \_\_\_\_\_



MAP PREPARED BY:  
OLDMAN RIVER REGIONAL SERVICES COMMISSION  
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8  
TEL. 403-329-1344  
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

**C189**

# NOTICE OF PUBLIC HEARING

TOWN OF FORT MACLEOD  
IN THE PROVINCE OF ALBERTA

## PROPOSED BYLAW NO. 1921

7:00 p.m., October 26, 2020  
Town of Fort Council Chambers  
410 20th Street, Fort Macleod, AB

PURSUANT to sections 230, 606 and 692 of *the Municipal Government Act, Revised Statutes of Alberta 2000*, Chapter M-26, as amended, the Council of the Town of Fort Macleod in the Province of Alberta hereby gives notice of its intention to consider Bylaw No. 1921, being a bylaw to amend Bylaw No. 1882, being the municipal Land Use Bylaw.

THE PURPOSE of Bylaw No. 1921 is to redesignate the lands legally described as Lot 9, Block 439, Plan 92B within the NW1/4 of Section 12, Township 9, Range 26, W4M for residential development where those portions designated as "Commercial General: CG" be redesignated to "Residential: R" as shown on the map in Schedule 'A' attached hereto;

THEREFORE, TAKE NOTICE THAT a public hearing to contemplate proposed Bylaw No. 1921 will be held in the Town of Fort Macleod Council Chambers at 7:00 p.m. on the 26<sup>th</sup> day of October, 2020.

AND FURTHER TAKE NOTICE THAT anyone wishing to make a presentation regarding the proposed bylaw should contact the Chief Administrative Officer no later than 4:00 p.m. on the 19<sup>th</sup> day of October, 2020. Both written and/or verbal presentations may be given at the public hearing.

A copy of the proposed bylaw may be inspected at the Town of Fort Macleod municipal office during normal business hours.

DATED at the Town of Fort Macleod in the Province of Alberta this 28<sup>th</sup> day of September, 2020.

*Sue Keenan  
Chief Administrative Officer  
Town of Fort Macleod  
Box 1420  
Fort Macleod, Alberta T0L 0Z0*

Please advertise in the gazette October 7 and 14<sup>th</sup> 2020

C190



**Town of Fort Macleod  
Administration: Operational and Capital  
Budget 2021**

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**Recommendation:**

That Council choose a date to discuss draft operational and capital budget 2021.

**Background & Availability:**

Administration would like to meet with Council to review the 2021 budget. End of October or early November.

Attached is the calendar for October and November for Council to use to look at, the days marked with an X Council Chambers and Conference Room are unavailable. (Wednesday October 14<sup>th</sup>, Wednesday October 21<sup>st</sup> Wednesday October 28<sup>th</sup>, Thursday October 29<sup>th</sup>, 2020, Wednesday November 4<sup>th</sup> and Tuesday November 10<sup>th</sup>.)

Council can still choose to meet these days; however, it will be in the TOFM Boardroom.

**2021 Operating Budget Plan Timeline:**

- 1) "DATE CHOSEN BY COUNCIL" - 2021 draft operating budget plan to be discussed and reviewed in detail by Council and Administration.
- 2) December 14, 2020 Council meeting - 2021 operating budget (updated from #1 above) presented to Council as interim 2021 budget.
- 3) 2021 Operating budget to be presented to Council in conjunction with mill rate bylaw during mill rate bylaw process.
- 4) Draft 2021 mill rate bylaw presented to Committee of the Whole (COTW) for discussion and changes in February/March 2021 (after assessment has been uploaded by assessor).
- 5) Monday, April 12<sup>th</sup>, 2021 2021 Mill Rate Bylaw presented to Council for 1<sup>st</sup> reading
- 6) Monday, April 26<sup>th</sup>, 2020 2021 Mill Rate Bylaw and final 2021 Operating plan presented to Council for 2<sup>nd</sup> & 3<sup>rd</sup> reading and approval.

**2021 Capital Budget Plan Timeline:**

- 1) "DATE CHOSEN BY COUNCIL" - 2021 draft capital budget plan to be discussed and reviewed in detail by Council and Administration.
- 2) December 14, 2020 Council meeting - 2021 capital budget plan (updated from #1 above) presented to Council as final and approval.

**Enclosures:**

Calendar

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Prepared by: Kris Holbeck & Meranda Day Chief Date: September 22, 2020

Approved by: Sue Keenan  Date: September 22, 2020

Submitted to: Town Council Date: September 28, 2020

# October 2020

# November 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
	Training	Council Meeting	X			
18	19	20	21	22	23	24
		COTW	X			
25	26	27	28	29	30	31
	ORE's Council Meeting		X	X		

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
	Council Meeting	X	Remembrance Day			
15	16	17	18	19	20	21
		COTW				
22	23	24	25	26	27	28
	Council Meeting					
29	30					

www.a-printable-calendar.com

*D* Preference dates  
SR

X = Conference Room 3 Council Chambers unavailable during evening.

**Town of Fort Macleod  
Council Meeting Minutes  
Monday September 28<sup>th</sup>, 2020  
GR Davis Administration Building  
Council Chambers 7:00 pm**

**Council Present:** Mayor Brent Feyter, Councillors Kristi Edwards, Gord Wolstenholme, David Orr, Jim Monteith and Werner Dressler.

**Regrets:** Councillor Marco Van Huigenbos

**Administration:** CAO Sue Keenan, Director of Community and Protective Services Liisa Gillingham, Director of Operations Adrian Pedro, Executive Assistant Meranda Day Chief, Planning and Development Officer Keli Sandford.

**Other:** Gavin, Scott, ORRSC.

**A. CALL TO ORDER**

**Mayor Feyter called the meeting to order at 7:04 pm.**

**B. MOMENT OF REFLECTION**

**C. APPROVAL OF THE AGENDA**

1. Consent Agenda

**R.282.2020** Moved by Councillor Dressler that Council approves the consent agenda as presented.

**CARRIED**

2. Regular Meeting Agenda

**R.283.2020** Moved by Councillor Wolstenholme that Council approves the regular meeting agenda as presented.

**CARRIED**

**D. FOR THE GOOD OF COUNCIL**

**E. DELEGATIONS**

**F. PUBLIC HEARING**

1. Bylaw 1919: Land Use Bylaw Amendment R to PI *(Continued from August 24, 2020)*

**R.284.2020** Moved by Councillor Dressler that Council hereby reconvene the Public Hearing for Bylaw 1919: Land Use Bylaw Amendment R to PI at 7:08 pm.

**CARRIED**

Two submissions speaking AGAINST Bylaw 1919 were attached in the Agenda Package, one being an invalid petition with 179 signatures, the other letter from Bree Barrientos.

**Mayor Feyter requested comment from the gallery for anyone speaking for or against  
Bylaw 1919.**

Darla Fehr came forward speaking against Bylaw 1919. Stating she is a homeowner at 112 19<sup>th</sup> street, expressing her concern over institution and commercial business in her neighbourhood. Feels over the last few months there has been an increase in noise, traffic, parking concerns. RCMP presence etc. Concerned about safety of herself, her family and neighbors. Rezoning opens to future undesirable outcomes, decrease in property values, and taxes. Asked Council to represent the 179 signatures on the submission.

Karen English came forward speaking in favour of Bylaw 1919. Homeowner in Fort Macleod since 2003. Started a program under the Shinah House Foundation, a home facility for families and children. Some of the concerns that have been brought forward are false including security, professional development, designations, certification of staff, and well being of children in neighbourhood. Would like to address these concerns for the programs they will be licenced and accredited through Health Services, requiring that they will have to follow guidelines as would any other program. Karen gave her background as an indigenous social worker who has experienced multiple trauma's including the murder of her niece and nephew in 2015, leading her to want to plant positive seeds in indigenous children's lives. Wanting to create these positive seeds in her home of Fort Macleod, thinking she would be welcomed. Feeling saddened that she is not. The false accusations are very disheartening. Encouraging those against to come talk to her face to face so she can educate them about her program. Regarding the rezoning, based on the building being built in 1999 and paying commercial taxes since then. Feels it should be grandfathered in and the controversy is over the programing more than the actual rezoning of the property.

Charlene Furman came forward speaking against Bylaw 1919. Opposed to the rezoning of lots 6 and 7 also known as Rosewood Villa. Important to note that the petition submitted has increased to over 170 signatures. Concerned for neighbourhood. Speaks about the details of the Shinah House Foundation program and claiming they are unsupervised and knocking on her door. Neighbours telling her that the RCMP have been to the location with a weapon being taken from the facility. Concerned about property value decreases if zoning reoccurs and Shinah House Foundation becomes a tenant. Asks Council if the Town has plans to reimburse taxpayers for losses. Stating no one wants to move into a neighbourhood that houses a group home, especially when there has been limited communication and transparency from elected officials. On September 26<sup>th</sup>, 2020 she counted 4 cars parked in the front of the building and 7 cars in the rear of the building, with lots of cars coming and going. Asks Council if Shinah House Foundation is up and running as she was told it was not running. Stating the residents of Fort Macleod deserve to know what is happening in their neighbourhood and the Town should be implementing the same expectations for a business to operate in the Town. Feels there are no positive outcomes for the residents or the Town.

Bree Barrientos came forward speaking against Bylaw 1919. Looking at buying current residence. Has questions and concerns about Shinah House. Feels there has been an increase in traffic, vehicle vandalism, people knocking on her door, police presence, and human trafficking has increased over the last three years. Spoke about another group home in Fort Macleod and her business. Would like Shinah House to network together rather than create a new business. For the safety of the children feels if this rezoning happens, she will not pursue homeownership.

Angie Creighton came forward speaking in favour of Bylaw 1919. She is a resident at 1803 1<sup>st</sup> Avenue and lives directly behind the proposed rezoning. Does not feel there is a traffic increase, her children play basketball in the back without concern. Has a petition started from neighbours that live behind the property who feel the same as she does. Bothered by the misinformation being shared regarding Shinah House Foundation. Wants to know why kids cannot be on their bikes playing and being kids. Stating the kids that are in there are young, not out in the night

causing disruptions. Wants to know why it is so bad that we (the Shinah House) has a vision to save children's lives and give people a second chance at life who didn't have that opportunity. The claims for the car break ins being blamed on the Shinah House Foundation, however they were committed by someone from a different community. Feels that Fort Macleod can benefit from this business with the increase to businesses like grocery stores and schools. Does not want a good property to go to waste because it can not be used. Feels this is a good opportunity and that it should be rezoned.

Robert Rippin came forward speaking against Bylaw 1919. Robert is the adjacent property owner of the condominium. On August 24<sup>th</sup>, 2020 meeting the right of access issue arose. Feels prior to the rezoning of this property that this issue should be resolved. Seeking clarification of the details for this easement issue before this Bylaw is passed.

Ingrid Hess came forward speaking in favour of Bylaw 1919. Stating she is a lawyer retained by Shinah House to provide legal advice. Feels the heart of the issue, being the Shinah House Program needs be addressed as well as the rezoning, regardless of the difficulty. Speaks about her history as a child protection lawyer. Stating that you can not separate these two issues as the way the opposition has poised themselves and that Council has a duty as leaders in this community to abide by the truth and reconciliation commissions calls to action. Also stating you can not allow racism to be the heart of the opposition. Feels that a commercial building that was used for 18 plus years to be left derelict as it can not be rezoned. Explaining the building is not functional for a single-family residence with its layout of 8 bedrooms with adjoining bathrooms. If this building can not be used, how will it be in 5 years of being unoccupied. Feels that claims that property values will decrease due to a rezoning are false. There is no other way to use the building other than a business and urging Council to meet this issue through commitment and courage.

Sharon Unger came forward speaking in favour of Bylaw 1919. Sharon is the founder of Shinah House Foundation. Stating that the rezoning is the only integrity as the owners of this property have paid property taxes commercially for 18 years. Telling the Shinah House that they should not be here is like telling all Foster care families in the Town also should not be welcome either as it is the same thing. That the Town had no problem taking money from the applicants as a commercial building for property taxes and now you are saying they can not have a business there. The allegations of the family who is under their care is causing disturbances of fires, knocking on doors in the night and needles are false and slanderous.

Kim Weasel Fat came forward speaking in favour of Bylaw 1919. Resident of Fort Macleod for three years. Read a letter of support for the Shinah House Foundation from Karen Sparks, an advocate for aboriginal services and family school liaison for over 20 years. Feels that allowing this will bring more peace. Stating she lives a couple blocks away from here and there are break ins all over town not just that area. Leading to misinformation and exaggeration. Hoping Council can see that truth.

Frank Fehr came forward speaking against Bylaw 1919. Feels that if you buy a house where there is an institution around the corner it will affect the property value.

Dee Coma came forward asking Council why there is a rezoning and was unsure if she was speaking in favour or against Bylaw 1919.

**Mayor Feyter requested two more times for comment from the gallery for anyone speaking against Bylaw 1919, none were forthcoming.**

Applicant Ken Segboer came forward speaking in favour of Bylaw 1919. Stating there is a lot of misinformation. Confirming that he spent a lot of time working with Shinah House Foundation before working with them. Anyone who has used drugs or illegal substances are not able to attend this program until after rehabilitation. His family built this building long before most of these homes were there and they did develop the back side with the condo owners for access, consulting with the Town at the time to help pay for the road. He continues working with the Town as they were under the understanding, they had purchased that piece of property. Wondering why this was not addressed sooner.

**R.285.2020** Moved by Councillor Dressler that Council hereby close the Public Hearing for Bylaw 1919: Land Use Bylaw Amendment R to PI at 7:52 pm.

**CARRIED**

#### **G. CONSIDERATIONS OF DELEGATIONS and PUBLIC HEARINGS**

##### **1. Bylaw 1919: Land Use Bylaw Amendment R to PI**

**R.286.2020** Moved by Councillor Orr that Bylaw 1919 being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of re-designating lands legal described as: Lot 6-7, Block 27, Plan 9812195 and Lot 16, Block 27, Plan 0012428 within the NE1/4 of Section 11, Township 9, Range 26, W4M from "*Residential: R*" to "*Public Institutional: PI*"; be given second reading.

**DEFEATED**

**R.287.2020** Moved by Councillor Dressler that Council take a brief recess.

**CARRIED**

**Mayor Feyter recessed the meeting at 8:19 pm.  
Mayor Feyter called the meeting back to order at 8:28 pm.**

#### **H. UNFINISHED BUSINESS**

#### **I. NEW BUSINESS**

##### **1. Bylaw 1921: Land Use Bylaw Amendment CG to R – Gavin Scott, ORRSC**

**R.288.2020** Moved by Councillor Dressler that Bylaw 1921 being a Bylaw of the Town of Fort Macleod in the Province of Alberta for the purpose of re-designating lands legally described as: Lot 9, Block 439, Plan 92B within the NW1/4 of Section 12, Township 9, Range 26, W4M from "*Commercial General: CG*" to "*Residential: R*"; be given first reading and further schedule a Public Hearing to be held on October 26<sup>th</sup>, 2020 at 7:00 pm.

**CARRIED**

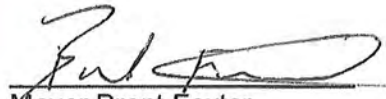
##### **2. Administration: Operational and Capital Budget 2021 – CAO Sue Keenan**


#### **J. ADMINISTRATIVE REPORTS**

#### **K. COMMITTEE REPORTS**

**L. ADJORNMENT**

**Mayor Feyter adjourned the meeting at 8:40 pm.**

  
\_\_\_\_\_  
Mayor Brent Feyter

  
\_\_\_\_\_  
CAO Sue Keenan

**TAB G**

**C198**



September 30, 2020

836663 Alberta Ltd.  
188 Crystal Shores Drive  
Okotoks, Alberta  
T1s 2L1

Dear Ken and Linnet Segboer;

**RE: CHANGE OF USE-NONCOMPLIANCE OF LAND USE BYLAW 1882**  
**RESIDENTIAL-R -VACANT USE TO SINGLE FAMILY DWELLING**  
**ROLL # 1020218**

In regard to the above, the prior use for this property of senior citizen housing is no longer valid (Bylaw 1882 Administration Section 4.13(4)) therefore the current use of the building is categorized as "vacant". To use the building as a "single detached dwelling" (or any other use listed in the Residential: R district) a Development Permit for change of use must be applied for prior to occupancy.

Please submit a Residential Development Application (attached) to use the building as a SINGLE FAMILY DWELLING ONLY if you wish to continue to house the current resident family. If no Development Application is received by October 15, 2020 a STOP ORDER will be issued and the family residing in the home will be required to vacate the property until the matter is resolved.

Again, the issue with access to your property and parking will still need to be investigated. Also, please note that the property titles should be consolidated legally as the current property line runs directly through the building.

If you need any further information, please let me know.

Regards,

A handwritten signature in black ink, appearing to read "Keli Sandford".

Keli Sandford  
Planning and Development Officer  
Town of Fort Macleod

Cc: CAO Sue Keenan  
Director of Operations, Adrian Pedro  
ORRSC Planner, Gavin Scott



September 30, 2020

836663 Alberta Ltd.  
188 Crystal Shores Drive  
Okotoks, Alberta  
T1s 2L1

Dear Ken and Linnet Segboer;

**RE: Bylaw 1919- Land Use Redesignation**  
**From Residential-R to Public/Institutional-PI**  
**Roll # 1020218**

In regard to the above, and as you may be aware, at the September 28, 2020 Council Meeting the Public Hearing was reconvened by Council to hear additional information regarding the proposed land use amendment. After the closing of the Public Hearing Council proceeded with second reading of Bylaw 1919 which was defeated.

Going forward, this bylaw is considered DEFEATED as per section 23.9 of the Council Procedures Bylaw 1903. However, the issue with access to your property and parking still exist and will need to be investigated regardless of what the zoning may be considered in the future. Town Administration is currently in process of developing a road plan that will run east/west off 1<sup>st</sup> Avenue.

If you wish to seek other zoning, please contact the undersigned and we can discuss what may be appropriate zoning options for the area. If you wish to know more about the road plan please contact Adrian Pedro, Director of Operations.

If you need any further information, please let me know.

Regards,

A handwritten signature in black ink, appearing to read "Keli Sandford", is written over the word "Regards,".

Keli Sandford  
Planning and Development Officer  
Town of Fort Macleod

Cc: CAO Sue Keenan  
Director of Operations, Adrian Pedro  
ORRSC Planner, Gavin Scott

# TAB H

C201

# MUNICIPAL PLANNING COMMISSION MINUTES

G.R. DAVIS ADMINISTRATION BUILDING

MONDAY NOVEMBER 16, 2020

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**In attendance:** Chairperson David Arnoldussen, Members Donna Bird and Sharan Randle, Werner Dressler, and alternate member Brent Feyter, ORRSC Planner, Gavin Scott, Planning and Development Officer Keli Sandford and Director of Operations Adrian Pedro.

**Absent:** Member Marco Van Huigenbos

**Public attendees:** 11 members of the public and Frank McTighe from the Gazette

The meeting was called to order by Chairperson David Arnoldussen at 12:15 p.m.

## **1.0 WELCOME BACK APPOINTED MEMBERS**

Chairman David Arnoldussen welcomed back the appointed MPC members.

## **2.0 APPOINTMENT OF CHAIRPERSON AND VICE CHAIRPERSON**

Outgoing Chairperson David Arnoldussen called for nominations.

Member Werner Dressler nominated Member Donna Bird for Chairperson.

Member Donna Bird declines the nomination.

Second call for nominations.

Member Sharan Randle nominated Member David Arnoldussen for Chairperson.

Member Arnoldussen lets his name stand.

Third call for nominations

Member Werner Dressler nominated Member Sharan Randle for Vice Chairperson.

Member Randle lets her name stand.

Nominations cease.

David Arnoldussen won by acclamation and was appointed Chairperson and Sharan Randle won by acclamation and was appointed Vice Chairperson for the upcoming term of 1 year, to expire October 2021.

## **3.0 ADDITIONS AND ADOPTION OF AGENDA**

**M. 047-20** Moved by Member Werner Dressler that the November 16, 2020 Agenda be approved as presented.

**CARRIED**

## **4.0 APPROVAL OF MINUTES**

a) October 19, 2020

**M. 048-20** Moved by Member Werner Dressler to approve the MPC minutes from October 19, 2020 as presented.

**CARRIED**

## **5.0 DEVELOPMENT APPLICATIONS**

- a) 088-20 English - Group Care facility for children ages 10-17 (5 residents or less).  
Details of the application were presented to the MPC members for consideration.

## **6.0 IN CAMERA DELIBERATIONS**

**M. 049-20** Moved by Member Werner Dressler that the meeting moves in-camera at 1:09 p.m.

**CARRIED**

**M. 050-20** Moved by Member Donna Bird that the meeting moves out of in-camera at 2:10 p.m.

**CARRIED**

**Adrian Pedro, Director of Operations left the meeting at 2:10 p.m.**

## **5.0 DEVELOPMENT APPLICATIONS CONTINUED**

- a) 088-20 English – Care Facility for children( 5 residents or less)

**M. 051-20** Moved by Member Brent Feyter that Development Application 088-20 to operate a group care facility for children between the ages of 10 & 17 years old for five (5) residents (clients) or less with 24 hour supervision, utilizing selected main floor suites and facilities within the existing building. No more than four (4) employees to be on site at any one time; No renovations are planned interior or exterior be APPROVED subject to the following conditions:

1. DEVELOPMENT SHALL CONFORM TO THE PLANS IN THE DEVELOPMENT APPLICATION SUBMITTED TO THE TOWN OF FORT MACLEOD;
2. DEVELOPMENT SHALL CONFORM TO SCHEDULE 2, RESIDENTIAL-R; SCHEDULE 3, STANDARDS OF DEVELOPMENT AND SCHEDULE 4 -USE SPECIFIC STANDARDS OF DEVELOPMENT (SECTION 4) OF LAND USE BYLAW NO. 1882;
3. APPLICANT/CONTRACTOR TO ACQUIRE BUILDING, ELECTRICAL, GAS & PLUMBING PERMITS FROM THE TOWN OF FORT MACLEOD AS REQUIRED.(Park Enterprises Ltd.);
4. BUILDING SHALL BE INSPECTED FOR CURRENT ALBERTA BUILDING CODE STANDARDS PRIOR TO OCCUPANCY;
5. APPLICANT MUST ACQUIRE APPLICABLE PERMITS ISSUED UNDER THE SAFETY CODES ACT AND /OR ANY OTHER FEDERAL OR PROVINCIAL AGENCY OR ACT THAT REQUIRES ONE,
6. DEVELOPMENT MUST COMPLY WITH ANY AND ALL FEDERAL AND PROVINCIAL STATUTES AND REGULATIONS, AND ANY AND ALL TOWN OF FORT MACLEOD MUNICIPAL BYLAWS AND POLICIES, APPROVALS SHALL BE SUPPLIED TO THE TOWN AND A COPY TO BE KEPT ON FILE ;
7. REGULATIONS FROM ALBERTA HEALTH SERVICES AND OCCUPATIONAL HEALTH AND SAFETY SHALL BE ADHERED TO, APPROVALS SHALL BE SUPPLIED TO THE TOWN AND A COPY TO BE KEPT ON FILE ;
8. DOCUMENTATION OF ANY FEDERALLY OR PROVINCIALY LEGISLATED APPROVALS SHALL BE SUPPLIED TO THE TOWN AND A COPY TO BE KEPT ON FILE (Such as, but not limited to; THE HOUSING ACT REGULATIONS, CHILDREN'S SERVICES, ALBERTA HEALTH SERVICES AND ACCREDITATION APPROVALS ETC.)
9. A MUNICIPAL BUSINESS LICENSE SHALL BE OBTAINED ANNUALLY AS PER BYLAW NO. 1836.
10. A NEW DEVELOPMENT APPLICATION SHALL BE SUBMITTED IF SIGNAGE IS REQUIRED;
11. REFUSE AND GARBAGE STORAGE AREAS SHALL BE EFFECTIVELY SCREENED UNTIL SUCH TIME AS COLLECTION AND DISPOSAL ARE POSSIBLE.

12. APPLICANT/CONTRACTOR TO ENSURE NO DAMAGE OCCURS TO EXISTING SIDEWALKS WALKWAYS OR ROADS AS A RESULT OF CONSTRUCTION. SHOULD THIS HAPPEN, APPLICANT WILL BE RESPONSIBLE TO REPAIR DAMAGES TO ORIGINAL CONDITION OR TO TOWN STANDARDS, WHICHEVER REPRESENTS THE BETTER DEVELOPMENT.
13. DOWNSPOUTS AND EXTENSIONS MUST BE IN PLACE SUCH THAT POSITIVE DRAINAGE IS AWAY FROM THE BUILDING AND FLOWS TOWARD THE STREET. WATER MUST NOT CROSS INTO ADJACENT PROPERTIES. THE TOWN OF FORT MACLEOD RESERVES THE RIGHT TO REQUEST A DRAINAGE PLAN PROFESSIONALLY PREPARED BY A SURVEYOR OR ENGINEER SHOULD DRAINAGE PROBLEMS OCCUR.
14. LANDOWNER SHALL COMPLETE THE LAND PURCHASE OF THAT PORTION OF LOT 16, BLOCK 27 PLAN 0012428 OF TOWN OWNED LAND THAT IS NECESSARY TO THE DEVELOPMENTS PARKING NEEDS PRIOR TO OCCUPANCY OF THE APPLICANT.
15. LANDOWNER SHALL BY PLAN OF SURVEY CONSOLIDATE LOT 6 & 7, BLOCK 27, PLAN 9812195 AND THE PORTION OF LOT 16 BLOCK 27 PLAN 0012428 DESCRIBED IN CONDITION 14 PRIOR TO OCCUPANCY OF THE APPLICANT.
16. THE DEVELOPER OR LANDOWNER SHALL PROVIDE A PARKING LAYOUT DRAWING FOR THE REAR OF THE PROPERTY INDICATING THE LOCATION OF THE REQUIRED 15 PARKING STALLS, DRIVING AREAS, GARBAGE PICKUP, AND LOADING ZONES. ALL PARKING FOR THIS DEVELOPMENT SHALL BE IN THE REAR OF THE BUILDING EXCEPTING SHORT TERM VISITATION, THE ONE (1) REQUIRED BARRIER FREE STALL, AND DELIVERY SERVICE WHICH MAY UTILIZE THE FRONT DRIVEWAY.
17. WITH 3 HOURS NOTICE, THE APPLICANT OR OWNER MUST PROVIDE THE DEVELOPMENT AUTHORITY ACCESS TO THE BUILDING FOR INSPECTION TO ENSURE COMPLIANCE WITH THIS APPROVAL.
18. NO OVERNIGHT VISITORS ARE ALLOWED, VISITING HOURS SHALL BE BETWEEN 8 A.M. AND 9 P.M. DAILY

**CARRIED**

- b) 087-20 Soetendaal - Request a rear yard variance for construction of accessory building.
- c) 089-20 Vanee - Home Occupation 3- Use of accessory building & outdoor storage.
- d) 093-20 Scotter - Request two(2) as-built setback variances for a non-conforming building to comply with the LUB to facilitate the proposed construction of an addition, deck, and ramp.

Details of the applications were presented to the MPC members for consideration.

## **7.0 SUBDIVISION APPLICATIONS**

NONE

## **6.0 IN CAMERA DELIBERATIONS CONTINUED**

**M. 052-20** Moved by Member Werner Dressler that the meeting moves in-camera at 2:18 p.m.

**CARRIED**

**M. 053-20** Moved by Member Werner Dressler that the meeting moves out of in-camera at 2:23 p.m.

**CARRIED**

## 5.0 DEVELOPMENT APPLICATIONS CONTINUED

b) 087-20 Soetendaal - Request a rear yard variance for construction of accessory building.

**M. 054-20** Moved by Member Sharan Randle that Development Application 087-20 to request a rear yard setback variance of 4.0 ft. to allow for a 1 ft. rear yard setback to construct a new 21 ft. x 25 ft. detached garage for personal storage be APPROVED subject to the following conditions:

1. DEVELOPMENT SHALL CONFORM TO THE PLANS IN THE DEVELOPMENT APPLICATION SUBMITTED TO THE TOWN OF FORT MACLEOD;
2. DEVELOPMENT SHALL CONFORM TO SCHEDULE 2, RESIDENTIAL; SCHEDULE 3, STANDARDS OF DEVELOPMENT OF LAND USE BYLAW NO. 1882.
3. A VARIANCE OF APPROXIMATELY 1.22 M (4.0 FEET) FOR THE REAR YARD SETBACK IS HEREBY GRANTED TO ALLOW FOR A REAR YARD SETBACK OF 0.30 M (1 FOOT);
4. PRIOR TO CONSTRUCTION, APPLICANT/CONTRACTOR MUST ACQUIRE A BUILDING PERMIT FROM PARK ENTERPRISES. (Park Enterprises may require more detailed and /or engineered plans);
5. APPLICANT/CONTRACTOR TO ACQUIRE ELECTRICAL, GAS & PLUMBING PERMITS FROM PARK ENTERPRISES LTD. AS REQUIRED.
6. REFUSE AND GARBAGE STORAGE AREAS SHALL BE EFFECTIVELY SCREENED UNTIL SUCH TIME AS COLLECTION AND DISPOSAL ARE POSSIBLE.
7. DOWNSPOUTS, EXTENSIONS AND GROUND ELEVATIONS MUST BE IN PLACE SO THAT POSITIVE DRAINAGE IS AWAY FROM THE BUILDING AND FLOWS TOWARD THE STREET. WATER MUST NOT CROSS INTO ADJACENT PROPERTIES, THE TOWN OF FORT MACLEOD RESERVES THE RIGHT TO REQUEST A DRAINAGE PLAN PROFESSIONALLY PREPARED BY A SURVEYOR OR ENGINEER SHOULD DRAINAGE PROBLEMS OCCUR.

**CARRIED**

c) 089-20 Vanee - Home Occupation 3- Use of accessory building & outdoor storage.

**M. 055-20** Moved by Member Brent Feyter that Development Application 089-20 to request the use of accessory building and outdoor storage on site for a "Home Occupation 3" consisting of; use of building for fleet maintenance and equipment storage, outdoor parts and vehicle storage, and a 1000 gallon diesel storage tank, four (4) non- resident employees will be attending the site; operating Monday to Friday 7 a.m. – 5 p.m. under the business name of "Lexcon Trenching and Excavating Ltd." be APPROVED subject to the following conditions:

1. DEVELOPMENT SHALL CONFORM TO THE PLANS IN THE DEVELOPMENT APPLICATION SUBMITTED TO THE TOWN OF FORT MACLEOD.( New site plan needed with road access updated)
2. DEVELOPMENT SHALL CONFORM TO SCHEDULE 2, COUNTRY RESIDENTIAL-CR AND SCHEDULE 4, HOME OCCUPATIONS OF LAND USE BYLAW NO. 1882.
3. AS PER ALBERTA TRANSPORTATION APPROVAL IN RELATION TO SUBDIVISION 2009-0-234 AND ALBERTA TRANSPORTATION PERMIT NO. 3454-09 THE FIELD ACCESS TO THE NORTH SHALL BE REMOVED AND RECLAIMED AND NO ADDITIONAL ACCESS TO HIGHWAY 811 SHALL BE ALLOWED;
4. OUTDOOR STORAGE TO BE KEPT IN A NEAT AND TIDY MANNER;
5. A PERMIT SHALL BE OBTAINED FOR THE DIESEL TANK FROM THE SAFETY CODES COUNCIL PLEASE CALL 1-888-413-0099 FOR DETAILS;
6. A BUSINESS LICENCE SHALL BE OBTAINED ANNUALLY AS PER BUSINESS LICENSE BYLAW 1836.

**CARRIED**

d) 093-20 Scotter - Request two(2) as-built setback variances for a non-conforming building to comply with the LUB to facilitate the proposed construction of an addition, deck, and ramp.

**M. 056-20** Moved by Member Donna Bird that Development Application 093-20 to request a front yard setback variance of 6.59 ft. to allow for a 9.80 ft. front yard setback; request a secondary front yard setback variance of 1.47 ft. to allow for 8.37 ft. secondary front yard setback to comply with Land Use Bylaw 1882 to facilitate the construction of a new 195 sq. ft. home addition, a 260 sq. ft. deck with ramp; for barrier free accessibility be APPROVED subject to the following conditions:

1. DEVELOPMENT SHALL CONFORM TO THE PLANS IN THE DEVELOPMENT APPLICATION SUBMITTED TO THE TOWN OF FORT MACLEOD;
2. DEVELOPMENT SHALL CONFORM TO SCHEDULE 2, RESIDENTIAL; SCHEDULE 3, STANDARDS OF DEVELOPMENT AND SECTION 4.3 CLEAR VISION ZONES FOR CORNER LOTS (SPECIFICALLY BUSHES THAT ARE IMPEDING VISION IN EXCESS HEIGHT OF 2.6 FT) OF LAND USE BYLAW NO. 1882;
3. A VARIANCE OF 2.01 M (6.59 FT.) FOR THE FRONT YARD SETBACK AND A 0.45 M (1.47 FT) VARIANCE FOR THE SECONDARY FRONT YARD SETBACK ARE HEREBY GRANTED TO ALLOW FOR A FRONT YARD SETBACK OF 2.99 M (9.80 FT) AND A SECONDARY FRONT YARD SETBACK OF 2.55 M(8.37 FT. );
4. PRIOR TO CONSTRUCTION, APPLICANT/CONTRACTOR MUST ACQUIRE A BUILDING PERMIT FROM PARK ENTERPRISES. (Park Enterprises may require more detailed and /or engineered plans);
5. APPLICANT/CONTRACTOR TO ACQUIRE ELECTRICAL, GAS & PLUMBING PERMITS FROM PARK ENTERPRISES LTD. AS REQUIRED;
6. REFUSE AND GARBAGE STORAGE AREAS SHALL BE EFFECTIVELY SCREENED UNTIL SUCH TIME AS COLLECTION AND DISPOSAL ARE POSSIBLE;
7. DOWNSPOUTS, EXTENSIONS AND GROUND ELEVATIONS MUST BE IN PLACE SO THAT POSITIVE DRAINAGE IS AWAY FROM THE BUILDING AND FLOWS TOWARD THE STREET. WATER MUST NOT CROSS INTO ADJACENT PROPERTIES. THE TOWN OF FORT MACLEOD RESERVES THE RIGHT TO REQUEST A DRAINAGE PLAN PROFESSIONALLY PREPARED BY A SURVEYOR OR ENGINEER SHOULD DRAINAGE PROBLEMS OCCUR

**CARRIED**

## **8.0 REPORTS, GENERAL REQUESTS, AND INFORMATION ITEMS**

NONE

## **9.0 ADJOURNMENT**

Meeting was adjourned at 2:24 p.m.



David Arnoldussen, Chairperson



Keli Sandford, Development Officer  
Recording Secretary

# TAB I

- (e) in the instance of the notice being placed in a newspaper, be deemed received on the date of publication of the newspaper.

#### 4.11 NOTICE OF DECISION

- (1) Upon the decision on a development permit application for a permitted use that complies with this bylaw, the Development Officer shall mail, email or hand deliver a written notice of decision to the applicant;
- (2) upon the decision of all other development permit applications, the Development Officer shall:
  - (a) mail, email or hand deliver a written notice of decision to the applicant; and
  - (b) consistent with the method(s) of notice that were followed when notice of receipt of the application was undertaken in accordance with Section 4.10, provide a copy of the decision to those originally notified of the development permit application, those that made written or oral submissions, and any other person, government department or agency that, in the opinion of the Development Officer, is likely to be affected; and
- (3) regarding notices of decision, the dates upon which the notices are deemed received shall be the same as prescribed in Section 4.10(4)(e) of this bylaw.

#### 4.12 COMMENCEMENT OF DEVELOPMENT

Despite the issuance of a development permit, no development is authorized to commence until the appeal period has expired in compliance with the following:

- (1) Permitted uses:
  - (a) for development permits issued for permitted uses that comply with this bylaw, development shall not commence until 21 days from the date of the written notice of decision is given as per section 686(1) of the *MGA*;
  - (b) for development permits issued for permitted uses that contain variance requests, development shall not commence until 21 days from the date of the written notice of decision is given as per section 686(1) of the *MGA*;
- (2) development permits issued for discretionary uses, shall not commence until 21 days from the date of the written notice of decision is given as per section 686(1) of the *MGA*;
- (3) notwithstanding sub-sections (1) and (2), if an optional *Voluntary Waiver of Claims* form (found in Appendix A) is completed by the applicant, development may commence immediately after the permit has been issued; and
- (4) for development permits issued that have been appealed, no development shall commence until the appeal is decided upon.

#### 4.13 VALIDITY OF DEVELOPMENT PERMIT

- (1) Unless a development permit is suspended or cancelled, the development must be commenced or carried out with reasonable diligence in the opinion of the Development Authority within 12 months from the date of issuance of the permit, otherwise the permit is void, notwithstanding an extension approved by the Development Authority prior to the 12 month period concluding;

- (2) an application to extend the validity of a development permit may be made at any time prior to the expiration of the approved permit;
- (3) the validity of a development permit may be extended up to 18 months or another time period as may be approved by the Development Authority; and
- (4) when any use has been discontinued for a period of 24 months or more, any development permit that may have been issued is no longer valid and the use may not be recommenced until a new application for a development permit has been made and a new development permit issued.

#### **4.14 TRANSFER OF DEVELOPMENT PERMIT**

Except for Home Occupation permits, a valid development permit is transferable when the use remains unchanged and the development is affected only by a change in ownership, tenancy or occupancy.

#### **4.15 FAILURE TO MAKE A DECISION**

In accordance with section 684 of the *MGA*, an application for a development permit is, at the option of the applicant, deemed refused if a decision has not been made by the Development Authority within 40 days of an application being deemed complete under Section 4.4(5)(7), unless the applicant has entered into an agreement with the Development Authority to extend the 40-day period.

#### **4.16 REAPPLICATION FOR A DEVELOPMENT PERMIT**

- (1) If an application for a development permit is refused by the Development Authority, another application for development on the same lot for the same or similar use may not be made for 6 months from the date of refusal; or
- (2) if an application was refused solely because it did not comply with the standards of this bylaw, the Development Officer may accept another application on the same lot for the same or similar use before the time period referred to in sub-section (1) is up, provided the application has been modified to comply with this bylaw.

#### **4.17 SUSPENSION OR CANCELLATION OF A PERMIT**

- (1) If, after a development permit has been issued, the Development Authority finds:
  - (a) the application for the development permit contained a misinterpretation; or
  - (b) facts concerning the application on the development that were not disclosed and which should have been disclosed at the time the application was considered, have subsequently become known; or
  - (c) the permit was issued in error; or
  - (d) the applicant's development has deviated from what was approved;the Development Authority may suspend or cancel the development permit by notice in writing to the permit holder;
- (2) upon receipt of the written notification of suspension or cancellation of the permit, the permit holder must cease all development and activities to which the development permit relates;

TAB J

C210

### 7.1.5 Records Management

The safekeeping of municipal records is an administrative duty, however, the council also has a responsibility to ensure that budget resources are allocated to ensure that appropriate space and systems are available for the storage of municipal records. Additionally, the council approves records management bylaws and policies, such as the Records Retention Bylaw No. 1809 passed by council on August 25, 2014.

Partly because of the historical nature of the town, the inspection found that Fort Macleod is bursting at the seams with hard copies of historical records. Most archival records are stored in the municipal office and are not completely secure. For example, taxation, financial, and personnel records were found in unlocked storage areas in the basement of the municipal office.

The physical space available at the town office is problematic for the storage of large volumes of records and documents. Many areas of shelving were constructed and most storage boxes were organized, although not all, as shown in the following photos of the town office basement storage areas as taken while on site during the inspection:



The inspection found a lack of controls for electronic documents with administrative staff accessing shared computer files, including some human resource records. Certain files are expected to be shared among staff, but not all computer files should be accessible to all office staff.

**RECOMMENDATION FOR RECORDS MANAGEMENT:** That Fort Macleod council approve a records management project to safeguard, coordinate, organize, archive, and destroy records as required through FOIP legislation and the records management bylaw; and to ensure the safety and privacy of all electronic, historical and current municipal records as applicable.

#### 7.1.6 Procurement Practices

Fort Macleod accesses external resources to assist in procurement of large projects. For example, the town engaged an engineer to review and provide a recommendation to award a major project tender for the 20<sup>th</sup> street project. The tender was awarded on May 13, 2013. In 2014, Fort Macleod continued to rely on external consulting expertise and engineering services for major projects. For example, the following resolution to prepare tender documents was passed on April 28, 2014:

**8) 28th Street Repairs and Upgrades**

*R.205-2014 Moved by Councillor Collar to have Administration direct MPE Engineering to prepare the tender documents for the 28th Street repairs and that it be sent out to tender upon completion. CARRIED*

The 28<sup>th</sup> Street project tenders were reviewed in mid-2014 and all tenders were rejected. The project tender was reissued in early 2015 and the project was awarded for \$1 million lower than the previous year's low bidder. The town exercised good stewardship in rejecting earlier bids and re-tendering the project in a subsequent year at a substantially lower project cost. The town engineer was interviewed and confirmed that Fort Macleod complied with tender advertising requirements through the Alberta Purchasing Connection, the *Agreement for Internal Trade* and the *New West Partnership Trade Agreement*.

# TAB K

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**E: Re verification of zoning**

1 message

**Keli Sandford** <k.sandford@fortmacleod.com>  
To: Linnet Segboer <rosewoodvilla.linnet@gmail.com>

Fri, Jul 20, 2018 at 1:48 PM

All I can verify is what I sent in the first email. The zoning and the use. And noted DP 99-31. There is a copy of occupancy but that is all I have.  
(attached)

Keli


**From:** Linnet Segboer [mailto:rosewoodvilla.linnet@gmail.com]  
**Sent:** Friday, July 20, 2018 1:30 PM  
**To:** Keli Sandford  
**Subject:** Re verification of zoning

Thanks for all your help on this Keli! Our Auditor from Alberta Health Services has said she's fine with an email from you but she needs very specific information. Correspondence needs to say that 120 Garrison Drive is zoned as residential, and that the Town of Fort Macleod is permitting this property to be used as a senior care home. Please let me know if there is anything else we can do with regard to this request.

Thank you!

Linnet Segboer

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 20180720135041506.pdf  
81K

# TAB L

## DAY CARE SERVICES SOUTH

### GUIDELINES FOR LICENSING OF RESIDENTIAL FACILITIES

#### Purpose

The purpose of this document is to provide prospective license applicants with complete information about the licensing of residential facilities.

This document:

- Identifies the types of services that require licensing under the Social Care Facilities Licensing Act, as well as those services that are NOT covered by this Act;
- describes recommended guidelines for obtaining a license;
- describes the recommended contents of a Program Plan; and
- includes an Application Form.

#### Licensing under the Social Care Facilities Licensing Act

Under the Social Care Facilities Licensing Act a license is required wherever accommodation or care is provided for four or more persons. Please note that licensing is required wherever personal care is provided, but not required for health care facilities.

#### Legislation Applying to Residential Facilities

Residential facilities must comply with all applicable federal, provincial and municipal legislation.

\* → In addition, in order to obtain a Social Care Facility License, applicants must provide evidence that they meet the requirements of the following specific legislation:

- Ⓞ Public Health Act and Regulations *620+95r*
- Ⓞ Safety Codes Act
- ✓\* • Municipal Government Bylaws (zoning, development, occupancy).
- Social Care Facilities Licensing Act

Copies of provincial legislation are available from the Queen's Printer Bookstore:

In EDMONTON (walk-in or mail order)

Queen's Printer Building  
11510 Kingsway Avenue  
Edmonton AB T5G 2Y5  
Telephone: 427-4952  
Fax: 452-0668

In CALGARY (walk-in service only)

Main Floor, McDougall Centre  
455 - 6<sup>th</sup> Street SW  
Calgary AB T2P 4E8  
Telephone: 297-6251

## APPLYING FOR A SOCIAL CARE FACILITY LICENSE

It may take a number of months to complete the license application process. It is recommended that applicants set an estimated date of opening for the facility which allows enough time to meet all of the legislated requirements. It is illegal to operate a social care facility for 4 or more persons without a license

Before beginning the application process, prospective applicants who are intending to serve seniors are strongly advised to read the "Guide for Private Care Home Operators", available from the Seniors' Advisory Council for Alberta (in Edmonton 427-7876, Toll free 1-800-642-3853).

### Step 1: Letter of Intent

The letter should be sent to the Regional Licensing Office (Day Care Services) for the region in which the service will be located. Regional Day Care Services' Licensing Office addresses and telephone numbers are listed below

Alberta Family & Social Services  
Day Care Services – Central Region  
5<sup>th</sup> Floor, Centre 5010  
501, 5010 – 43 Street  
Red Deer, Alberta T4N 6H2  
Telephone: 340-5338

Alberta Family & Social Services  
Day Care Services – Calgary Region  
9<sup>th</sup> Floor, 1520 – 4<sup>th</sup> Street SW  
Calgary, Alberta T2R 1H5  
Telephone: 541-6402

*Judy  
Panchan*

Alberta Family & Social Services  
Day Care Services – South Region  
Lethbridge Office  
343 Provincial Building  
200 – 5<sup>th</sup> Avenue South  
Lethbridge, Alberta T1J 4L1  
Telephone: 382-4275

Alberta Family & Social Services  
Day Care Services – South Region  
Medicine Hat Office  
202 Provincial Building  
346 – 3<sup>rd</sup> Street SE  
Medicine Hat, Alberta T1A 0G7  
Telephone: 529-3174

The Letter of Intent provides a brief description of the applicant, the intended operation, and the intended service. It is recommended the Letter of Intent address the following:

#### A) Applicant

- Indicate whether the license applicant is an individual or an organization;
- List any other human service operations the applicant operates or has operated (e.g. group homes, home care);
- Describe the applicant's philosophy regarding the provision of care to the client group;
- List relevant care experience and qualifications of the applicant

#### B)

B) Proposed Operation

- . indicate whether this is a new service, or whether an existing service is being taken over;
- . describe: desired capacity; proposed start-up date; geographic area to be served; location of facility;
- . indicate the need for this service (eg. no other service available, vacancies/waiting list at existing services, needs study, feasibility study).

C) Proposed Service

- . indicate the client group that will be served, stating their age range, expected abilities, level of dependency, health;
- . describe the range of specific services that will be provided to clients;
- . indicate whether services will be offered to clients on a short-term or a long-term basis.

The Regional Licensing Office will review the Letter of Intent to determine whether the proposed service requires licensing under the Social Care Facilities Licensing Act. If the service requires licensing, the applicant will be requested to submit an application form with all required attachments.

If the service does not require licensing under the Social Care Facilities Licensing Act, the applicant will be notified to that effect in writing by the Regional Licensing Office.

**Step 2: Submit Application Form**

The application process is not final until a completed application form, license fee and ALL required information has been submitted. The requirements for an initial license include:

- written approvals from Zoning, Fire, Building and Health authorities;
- articles of incorporation and list of current shareholders/directors (if applicable);
- Program Plan (see attached).

**Step 3: Collateral Inspections**

Obtain written approvals from municipal Zoning and provincial Building, Fire and Health authorities and submit these approvals to the Regional Licensing Office.

**Step 4: Program Plan**

A plan that describes the proposed service in detail is also part of the license application. It is requested that the Program Plan be submitted prior to licensing approval (see the attached outline and the list of suggested questions to ask yourself while preparing your plan and developing your service!)

*Can I buy the extra  
Equipment  
Bed, Bedside Locker  
from CPH?  
rent or borrow*

**Step 5: Prepare Facility**

Prepare the physical setting (facility) and obtain furnishings and equipment.

**Step 6: Inspection by Licensing Office**

Contact the Regional Licensing Office to arrange for a licensing officer to inspect the facility. **A licensing officer will only inspect the facility after all required approvals and documentation are submitted and complete.**

During the inspection the licensing officer will determine whether all requirements are in place to carry out the program as described in the Program Plan. In general, licensing officers will assess the following:

- the physical setting (indoors and outdoors): safety, adequacy of equipment and furnishings;
- administrative requirements: record keeping and storage; and
- the program.

**Step 7: License**

The final decision to issue a license rests with the Director of Social Care Facilities or the Director's regional delegate.

License holders are required to post the license in a conspicuous place in the facility. It is illegal for the facility to operate before the license is posted.

**Step 8: Monitoring**

The licensing officer will conduct periodic inspections to monitor the facility and ensure that clients are receiving proper care according to the program specified in the Program Plan.

Licensing officers will also inspect the facility in response to complaints about the service. The Department of Family and Social Services may take action under the authority of the Social Care Facilities Licensing Act against a license holder who fails to meet all legislated requirements.

TAB M

C220

**OFFICE OF THE MUNICIPAL MANAGER  
TOWN OF FORT MACLEOD**



# MEMO

**TO: Lorraine Segboer**

**March 22/99**

**FROM: L McLaren**

**RE: Lots 6 & 7, Block 27, Plan 9812195**

Further to your inquiry, I would confirm the above property is zoned;

- Residential - R1

Attached is a copy of the permitted and discretionary uses for this class of property.

I trust this is satisfactory, however if you have any questions, please call me.

*LML*

BUILDING  
PERMIT  
DEVELOPMENT  
APPROVAL

**C221**

## RESIDENTIAL - R-1

### 1. PERMITTED USES

One-family dwellings  
 Accessory buildings and use

### DISCRETIONARY USES

Bed and breakfast establishments  
 Dwellings:  
     Group homes  
     Lodging and boarding houses  
     Two-family dwellings  
     Three-family dwellings  
 Home occupations  
 Medical clinics  
 Parks and playgrounds  
 Places of worship  
 Public and private schools  
 Public utility structures  
 Signs  
 Similar uses

### 2. MINIMUM LOT SIZE

Use	Width feet (m)	Length feet (m)	Area sq. ft. (m <sup>2</sup> )
One family dwellings	44 (13.41)	99 (30.18)	6534 (607)
Two family dwellings	50 (15.24)	99 (30.18)	6534 (607)
All other	As required by the Municipal Planning Commission		

### 3. BUILDING SETBACKS

Use	Front Yard feet (m)	Side Yard feet (m)	Rear Yard feet (m)
One-family dwellings	20 (6.10)	5 (1.52)	30 (9.14)
Two-family dwellings	20 (6.10)	5 (1.52)	30 (9.14)
Accessory buildings (without lane)	20 (6.10)	2 (0.61)	2 (0.61)
(with lane)	20 (6.10)	2 (0.61)	5 (1.52)
All other	As required by the Municipal Planning Commission		

### 4. MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED BY ALL USES

- (a) Principal building - 35%
- (b) Accessory building - 15%  
 (includes carports and garages)

TAB N

C223

## RESIDENTIAL – R1

### 1. PERMITTED USES

Accessory buildings and uses  
One-family dwellings

### PROHIBITED USES

Shipping containers\*

### DISCRETIONARY USES

Bed and breakfast establishments  
Dwellings:  
    Group homes  
    Lodging and boarding houses  
    Modular homes  
    Two-family dwellings  
    Three-family dwellings  
Home occupations  
Medical clinics  
Parks and playgrounds  
Places of worship  
Public and private schools  
Public utility structures  
Signs  
Similar uses

### 2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	ft.	(m)	ft.	(m)	sq. ft.	(m <sup>2</sup> )
One-family dwellings	44	(13.4)	99	(30.2)	4356	(404.7)
Two-family dwellings	50	(15.2)	99	(30.2)	4950	(459.9)
All other uses	As required by the Municipal Planning Commission					

### 3. MINIMUM BUILDING SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	ft.	(m)	ft.	(m)	ft.	(m)
One-family dwellings	20	(6.1)	5	(1.5)	25	(7.6)
Two-family dwellings	20	(6.1)	5	(1.5)	25	(7.6)
Accessory buildings						
– without lane	20	(6.1)	2	(0.6)	2	(0.6)
– with lane	20	(6.1)	2	(0.6)	5	(1.5)
All other uses	As required by the Municipal Planning Commission					

### 4. MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED BY ALL USES

Principal building – 35%  
Accessory buildings – 15% (includes carports and garages)

\* List of Grandfathered Shipping Containers – See Appendix 2.

**5. MINIMUM FLOOR AREA**

- Dwellings – 800 square feet (74.3 m<sup>2</sup>) per unit
- All other uses – As required by the Municipal Planning Commission

**6. MAXIMUM HEIGHT OF BUILDINGS**

- Dwellings – 28 feet (8.5 m)
- Accessory buildings – 15 feet (4.6 m)
- All other uses – As required by the Municipal Planning Commission

**7. MINIMUM OFF-STREET PARKING SPACE**

- Dwellings – 2 parking spaces per dwelling unit
- All other uses – As required by the Municipal Planning Commission

**8. STANDARDS OF DEVELOPMENT – See Schedule 4.**

**9. HOME OCCUPATIONS – See Schedule 5.**

**10. MOVED-IN DWELLINGS – See Schedule 11.**

**11. SIGNS – See Town of Fort Macleod Municipal Signage Bylaw.**

TAB O

C226

(b) facts concerning the application or the development that were not disclosed, and which should have been disclosed at the time of the application was considered, have subsequently become known; or

(c) a development permit was issued in error;

the development officer or the Municipal Planning Commission may suspend or cancel the development permit by notice in writing to the holder of it stating the reasons for any suspension or cancellation.

43. If a development permit is suspended, the Subdivision and Development Appeal Board shall review the application if requested by the applicant and either:

(a) reinstate the development permit; or

(b) cancel the development permit if the development officer or the Municipal Planning Commission, as the case may be, would not have issued the development permit if the facts subsequently disclosed had been known during consideration of the application.

44. In addition to the conditions that a development officer or Municipal Planning Commission may impose on a development permit issued under Schedule 2, the development officer or Municipal Planning Commission may impose such other conditions as are considered necessary to ensure that this bylaw or any statutory plan is complied with.

#### **STOP ORDERS**

45. The development officer is authorized to issue a stop order pursuant to the Act whenever he considers it necessary to do so.

#### **SIMILAR USES**

46. Where a use is applied for which is not specifically considered in a land use district but, in the opinion of the Municipal Planning Commission, is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the Municipal Planning Commission may:

(a) rule that the proposed use is either a permitted or discretionary use in the land use district in which it is proposed; and

(b) direct that a development permit be issued in accordance with sections 24 to 26 of this bylaw.

#### **TEMPORARY PERMITS**

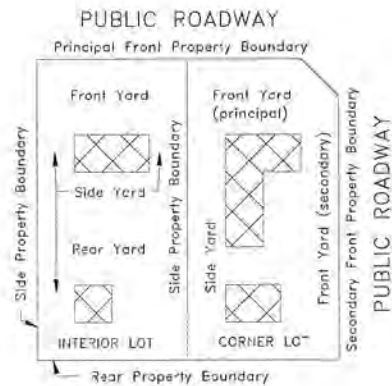
47. When, in the opinion of the Municipal Planning Commission, a proposed use is of a temporary or discretionary nature, it may issue a temporary development permit valid for such a period as it considers appropriate. It shall be a condition of every temporary development permit that the Town of Fort Macleod shall not be liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period. The Municipal Planning Commission may require the applicant to post a guarantee for the cessation or removal of the use and any associated development.

TAB P

C228

Front property boundary, Secondary means the front property boundary as shown in Figure 1.

FIGURE 1



**Garage (residential)** means an accessory building designed and used for storage of non-commercial motor vehicles.

**Garage height** means the height of an accessory building measured from the floor to the top of the trusses at the apex of the structure.

**Garden centre** means the use of land or buildings for the sale, display, growing and storage of garden, household, and ornamental plants and trees provided that the retail sale and display of plants and trees remains the principal use. This use includes the supplementary retail sale of fertilizers, garden chemicals and implements as well as associated products.

**Grain elevator** means a building normally located adjacent to a railway constructed for the purpose of storing harvested cereal crops until such time that the product can be transported to market.

**Group home** means development using a dwelling unit for a provincially-approved residential social care facility providing rehabilitative and supportive care for four or more persons. A "Group home" may incorporate accommodation for resident staff as an accessory use.

**Highway** means:

- (a) a highway or proposed highway that is designated as a primary highway; or
- (b) a road, street or highway designated as a secondary road and numbered between 500 and 999;

pursuant to the Public Highways Development Act.

**Highway commercial** is a general term used to describe development, typically along a major roadway or highway that provides goods and services to the travelling public. Typical highway commercial uses include service stations, truck stops, motels, motor-hotels, drive-in and fast-food restaurants.

TAB Q

C230

## SOCIAL CARE FACILITIES LICENSING ACT

### CHAPTER S-14

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

#### Definitions

#### 1 In this Act,

- (a) "Director" means the Director of Social Care Facilities;
- (b) "inspector" means a person appointed under section 3(1) as an inspector and includes the Director;
- (c) "licence" includes a conditional licence;
- (d) "local authority" means
  - (i) a city, town, village, municipal district or county, or
  - (ii) the Minister of Municipal Affairs, in the case of an improvement district or special area;
- (e) "Minister" means the Minister of Social Services and Community Health;
- (f) "social care facility" means
  - (i) a place of care for persons who are aged or infirm or who require special care,
  - (ii) an institution or a shelter as defined in Part 2 of the *Child Welfare Act*, or
  - (iii) a hostel or other establishment operated to provide accommodation and maintenance for unemployed or indigent persons.

1977 c91 s1

#### Application of Act

#### 2 This Act does not apply to

- (a) a contract nursing home under the *Nursing Homes Act*,
- (b) a home or unit under the *Senior Citizens Housing Act*, or

6061

C231

**TAB R**

**C232**

**Home occupation** means an occupation, trade, profession, service or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the lot, and which does not change the character thereof or have any exterior evidence of such secondary use.

**Hotel** means a building used primarily for sleeping accommodation and ancillary services provided in rooms or suites of rooms which may contain bar/kitchen facilities. The building may also contain commercial or other uses and may offer such additional services as parking facilities, restaurant or dining room, room service or public convention facilities.

**Improvement** means any installation or physical change made to a property with a view to increasing its value, utility or beauty.

**Institutional** means a use by or for an organization or society for public or social purposes and, without restricting the generality of the term, includes senior citizen housing, nursing homes, day care centres, places of worship, museums, libraries, schools, service and fraternal organizations, and government buildings.

**Intensive horticultural operations or facilities** means a use of land or buildings for the high yield production and/or sale of specialty crops. This use includes greenhouses, nurseries, hydroponic or market gardens, tree, mushroom and sod farms and such other uses that the Municipal Planning Commission considers similar in nature and character to any one or all of these uses.

**Lane** means a public thoroughfare which provides a secondary means of access to a lot or lots.

**Light industrial/manufacturing** means development used for manufacturing, fabricating, processing, assembly, production or packaging of goods or products, as well as administrative offices and warehousing and wholesale distribution uses which are accessory uses to the above, provided that the use does not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the developed portion of the site or lot upon which it is situated.

**Liquor sales** means development for the sale of unopened alcoholic beverages intended for the consumption of those beverages at an off-site premises.

**Livestock confinement operation or facility** means any land enclosed by buildings, shelters, fences, corrals or other structures which may, in the opinion of the development officer, be capable of confining, rearing, feeding, dairying or auctioning livestock and excepting the wintering of a basic herd of cattle unless so provided for in a land use bylaw or a statutory plan.

**Loading space** means a portion of a lot or parcel that is designated or used by a vehicle while loading or unloading goods or materials to a building or use on that parcel or lot.

**Lot**, in accordance with the Act, means:

- (a) a quarter section;
- (b) a river lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a land titles office;
- (c) a settlement lot shown on an official plan referred to in the Surveys Act that is filed or lodged in a land titles office;

**Screening** means a fence, wall, berm or hedge used to visually separate areas or functions which detract from the urban street or neighbouring land uses.

**Semi-detached dwelling** means a residential building containing only two dwelling units located side by side with separate access to each dwelling unit. Each dwelling unit in a "Semi-detached dwelling" is joined to the other unit by at least one common wall which extends from the foundation to at least the top of the first storey of both dwelling units.

**Senior citizen housing** means development, including lodges which is used as a residence for elderly individuals not requiring constant or intensive medical care.

**Service station** means premises or the portion thereof used or intended to be used for the servicing and minor repairing of motor vehicles and for the sale of gasoline, lubricating oils and minor accessories for motor vehicles.

**Setback** means the distance required between a building, development or use from a property line facing a street or other property line.

**Shall** means that the action is mandatory.

**Should** means that the action is recommended.

**Shipping container** means a rectangular steel compartment with or without axles used to transport commodities by ocean vessel, rail and/or tractor-trailer to a destination point for unloading of its contents.

**Shopping centre** means a group of two or more commercial establishments planned, developed, owned and managed as a unit, having internal access or external access, or both, to any or all establishments and provided with off-street parking and loading facilities on the site. The term "Shopping mall" shall have the same meaning as the term "Shopping centre".

**Sign** means an object or thing intended for the purpose of advertising or calling attention to any person, matter, thing or event and includes a marquee.

**Similar use** means a use which is not specifically considered in a land use district but, in the opinion of the Municipal Planning Commission, is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the Municipal Planning Commission may:

- (a) rule that the proposed use is either a permitted or discretionary use in the land use district in which it is proposed; and
- (b) direct that a development permit be issued in accordance with this bylaw.

**Single-wide mobile home** means a mobile home which is:

- (a) typically not greater than 16 feet (4.9 m) in width; and
- (b) permanently fixed to a single chassis; and
- (c) not intended to be expanded, telescoped or twinned for additional floorspace.

"Double-wide mobile home" is a separate use.

**Site** means that part of a parcel or a group of parcels on which a development exists or for which an application for a development permit is being made.

# TAB S



No. 150/2001

# Town of Fort Macleod

# LICENSE

\$ 50.00

This is to certify that **ROSEWOOD VILLA** has this day paid the sum of FIFTY DOLLARS for a License to carry on business as **SOCIAL CARE FACILITY** within the limits of the Town of Fort Macleod until the 31st day of December, 2001 unless this license be sooner suspended or forfeited, and this license is issued to the said **ROSEWOOD VILLA** and is accepted and held by **LORRAINE SEGBOER** subject to any or all By-laws, rules and regulations that are now, or hereafter may be in force, respecting the same or the trade, business or calling hereby licensed to be carried on.

Given under my hand and the corporate seal of the

TOWN OF FORT MACLEOD

this 9th day of September A.D. 2001

*[Signature]*

Clerk



C236



No. 145/2004

# Town of Fort Macleod

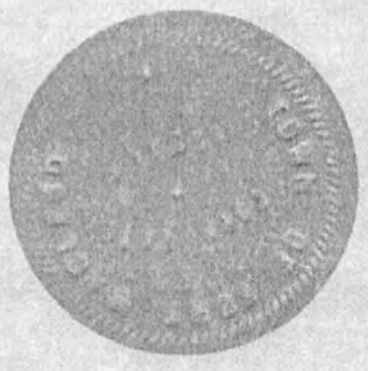
\$ 50.00

# LICENSE

This is to certify that **ROSEWOOD VILLA** has this day paid the sum of FIFTY DOLLARS for a License to carry on business as **SOCIAL CARE FACILITY** within the limits of the Town of Fort Macleod until the 31st day of December, 2004 unless this license be sooner suspended or forfeited, and this license is issued to the said **ROSEWOOD VILLA** and is accepted and held by **LORRAINE SEGBOER** subject to any or all By-laws, rules and regulations that are now, or hereafter may be in force, respecting the same or the trade, business or calling hereby licensed to be carried on.

Given under my hand and the corporate seal of the

TOWN OF FORT MACLEOD



this ..... day of ..... A.D. 2004

*[Handwritten signature]*

Clerk

C237



No. 155/2003

# Town of Fort Macleod

\$ 50.00

# LICENSE

This is to certify that **ROSEWOOD VILLA** has this day paid the sum of FIFTY DOLLARS for a License to carry on business as **SOCIAL CARE FACILITY** within the limits of the Town of Fort Macleod until the 31st day of December, 2003 unless this license be sooner suspended or forfeited, and this license is issued to the said **ROSEWOOD VILLA** and is accepted and held by **LORRAINE SEGBOER** subject to any or all By-laws, rules and regulations that are now, or hereafter may be in force, respecting the same or the trade, business or calling hereby licensed to be carried on.

Given under my hand and the corporate seal of the

TOWN OF FORT MACLEOD

this *6th* day of *January* A.D. 2003

*[Signature]*

Clerk



C238



# Town of Fort Macleod

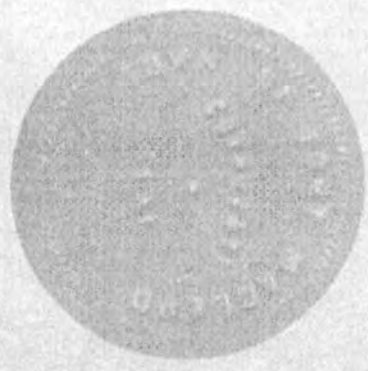
No. 150/2002

C239

\$ 50.00

# LICENSE

This is to certify that **ROSEWOOD VILLA** has this day paid the sum of FIFTY DOLLARS for a License to carry on business as **SOCIAL CARE FACILITY** within the limits of the Town of Fort Macleod until the 31st day of December, 2002 unless this license be sooner suspended or forfeited, and this license is issued to the said **ROSEWOOD VILLA** and is accepted and held by **LORRAINE SEGBOER** subject to any or all By-laws, rules and regulations that are now, or hereafter may be in force, respecting the same or the trade, business or calling hereby licensed to be carried on.



Given under my hand and the corporate seal of the

TOWN OF FORT MACLEOD

this ..... 9<sup>th</sup> ..... day of ..... A.D. 2002

*[Handwritten signature]*

Clerk



No. **134/2006**

## Town of Fort Macleod

# LICENSE

**\$ 50.00**

This is to certify that **ROSEWOOD VILLA** has this day paid the sum of FIFTY DOLLARS for a License to carry on business as **SOCIAL CARE FACILITY** within the limits of the Town of Fort Macleod until the 31st day of December, 2006 unless this license be sooner suspended or forfeited, and this license is issued to the said **ROSEWOOD VILLA** and is accepted and held by **LORRAINE SEGBOER** subject to any or all By-laws, rules and regulations that are now, or hereafter may be in force, respecting the same or the trade, business or calling hereby licensed to be carried on.

Given under my hand and the corporate seal of the

TOWN OF FORT MACLEOD

this ..... day of ..... A.D. 2006

A handwritten signature in cursive script, appearing to read "Schmidt".

Clerk



**C240**



# Town of Fort Macleod

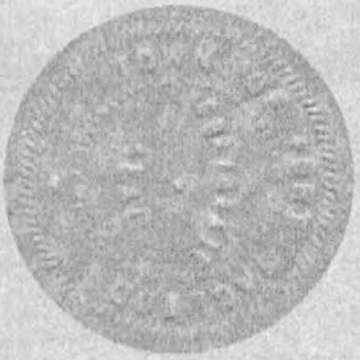
No. 140/2007

C241

\$ 100.00

# LICENSE

This is to certify that **ROSEWOOD VILLA** has this day paid the sum of ONE HUNDRED DOLLARS for a License to carry on business as SOCIAL CARE FACILITY within the limits of the Town of Fort Macleod until the 31st day of December, 2007 unless this license be sooner suspended or forfeited, and this license is issued to the said ROSEWOOD VILLA and is accepted and held by LORRAINE SEGBOER subject to any or all By-laws, rules and regulations that are now, or hereafter may be in force, respecting the same or the trade, business or calling hereby licensed to be carried on.



Given under my hand and the corporate seal of the  
TOWN OF FORT MACLEOD

this ..... 8 ..... day of ..... January ..... A.D. 2007

*Burke Spethen*  
Clerk



Fort Macleod, Alberta

\$ 100.00

No. 133/2008

# Town of Fort Macleod

# LICENSE

This is to certify that **ROSEWOOD VILLA** has this day paid the sum of ONE HUNDRED DOLLARS for a License to carry on business as **SOCIAL CARE FACILITY** within the limits of the Town of Fort Macleod until the 31st day of December, 2008 unless this license be sooner suspended or forfeited, and this license is issued to the said **ROSEWOOD VILLA** and is accepted and held by **LORRAINE SEGBOER** subject to any or all By-laws, rules and regulations that are now, or hereafter may be in force, respecting the same or the trade, business or calling hereby licensed to be carried on.

Given under my hand and the corporate seal of the

TOWN OF FORT MACLEOD



this ..... 8th ..... day of ..... JANUARY ..... A.D. 2008

*Barbara Kopp*

Clerk

C242



No. 129/2009

# Town of Fort Macleod

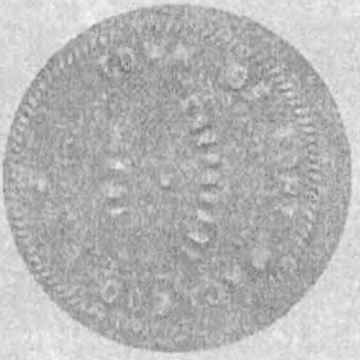
\$ 100.00

# LICENSE

This is to certify that **ROSEWOOD VILLA** has this day paid the sum of ONE HUNDRED DOLLARS for a License to carry on business as **SOCIAL CARE FACILITY** within the limits of the Town of Fort Macleod until the 31st day of December, 2009 unless this license be sooner suspended or forfeited, and this license is issued to the said **ROSEWOOD VILLA** and is accepted and held by **LORRAINE SEGBOER** subject to any or all By-laws, rules and regulations that are now, or hereafter may be in force, respecting the same or the trade, business or calling hereby licensed to be carried on.

Given under my hand and the corporate seal of the

TOWN OF FORT MACLEOD



this 31<sup>st</sup> day of December A.D. 2008

Jane Rowed

Clerk

C243



No. 125/2010

# Town of Fort Macleod

\$ 100.00

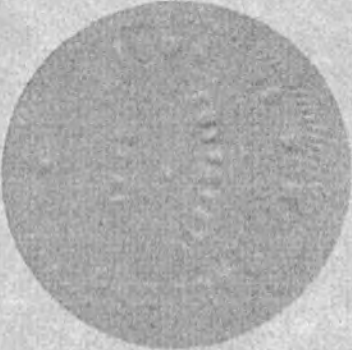
# LICENSE

This is to certify that **ROSEWOOD VILLA** has this day paid the sum of ONE HUNDRED DOLLARS for a License to carry on business as **SOCIAL CARE FACILITY** within the limits of the Town of Fort Macleod until the 31<sup>st</sup> day of December 2010 unless this license be sooner suspended or forfeited, and this license is issued to the said **ROSEWOOD VILLA** and is accepted and held by **LORRAINE SEGBOER** subject to any or all By-laws, rules and regulations that are now, or hereafter may be in force, respecting the same or the trade, business or calling hereby licensed to be carried on.

Given under my hand and the corporate seal of the

TOWN OF FORT MACLEOD

this .....<sup>7<sup>th</sup></sup> day of .....*January*..... A.D. 2010



*[Signature]*

Clerk

C244



# Town of Fort Macleod

No. 129/2011

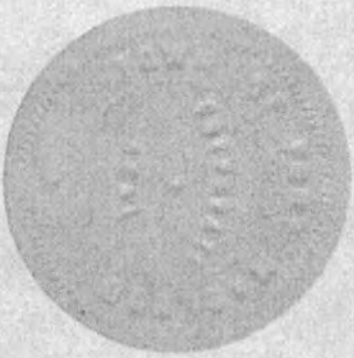
\$ 100.00

# LICENSE

This is to certify that **ROSEWOOD VILLA** has this day paid the sum of ONE HUNDRED DOLLARS for a License to carry on business as SOCIAL CARE FACILITY within the limits of the Town of Fort Macleod until the 31<sup>st</sup> day of December 2011 unless this license be sooner suspended or forfeited, and this license is issued to the said ROSEWOOD VILLA and is accepted and held by LORRAINE SEGBOER subject to any or all By-laws, rules and regulations that are now, or hereafter may be in force, respecting the same or the trade, business or calling hereby licensed to be carried on.

Given under my hand and the corporate seal of the

TOWN OF FORT MACLEOD



this ..... day of **JANUARY** ..... A.D. 2011

A handwritten signature in black ink, appearing to be "Lorraine Segboer".

Clerk

C245

2012

# BUSINESS LICENSE

2012



License No. 20120060

Name of License Holder: 836663 ALBERTA LTD

Type of Business: HEALTH CARE/SERVICES

Fees Paid: 100.00

Expiry Date: December 31, 2012

This Certifies that the license holder may carry on business as described above within the Corporate limits of the  
**TOWN OF FORT MACLEOD**

unless this license be sooner suspended or forfeited. This license is issued to the License Holder and is accepted and held by the Municipal Corporation subject to any or all By-laws, rules and regulations that are now, or hereafter may be in force, respecting the same or the trade, business or calling, hereby licensed to be carried on.

TOWN OF FORT MACLEOD  
P.O BOX 1420  
FORT MACLEOD, AB T0L 0Z0

Phone: (403) 553-4425

Dated at FORT MACLEOD, AB  
this 3 day of January 2012

2012 BUSINESS LICENSE

C246

# 2013 BUSINESS LICENSE 2013

License No. 20130015

Name of License Holder: 836663 ALBERTA LTD

Type of Business: HEALTH CARE/SERVICES

Fees Paid: 100.00

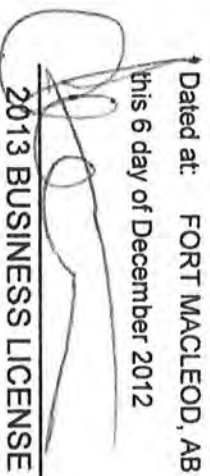
Expiry Date: December 31, 2013

This Certifies that the license holder may carry on business as described above within the Corporate limits of the

## TOWN OF FORT MACLEOD

unless this license be sooner suspended or forfeited. This license is issued to the License Holder and is accepted and held by the Municipal Corporation subject to any or all By-laws, rules and regulations that are now, or hereafter may be in force, respecting the same or the trade, business or calling, hereby licensed to be carried on.

TOWN OF FORT MACLEOD  
P O BOX 1420  
FORT MACLEOD, AB T0L 0Z0  
Phone: (403) 553-4425

↑ Dated at: FORT MACLEOD, AB  
this 6 day of December 2012  
  
2013 BUSINESS LICENSE

C247



# 2017


## BUSINESS LICENSE

License No.	20170109
Expiry Date:	December 31, 2017
Type of Business:	HEALTH CARE/SERVICES
Development Permit #	

This is to certify that **836663 ALBERTA LTD**  
 Operating at **120 GARRISON DRIVE**

This Certifies that the license holder may carry on business as described above within the Corporate limits of the Town of Fort Macleod unless this license be sooner suspended or forfeited. This license is issued to the License Holder and is accepted and held by the Municipal Corporation subject to any or all By-laws, rules and regulations that are now, or hereafter may be in force, respecting the same or the trade, business or calling, hereby licensed to be carried on.

**TOWN OF FORT MACLEOD**  
 P.O BOX 1420  
 FORT MACLEOD, AB T0L 0Z0  
 Phone: (403) 553-4425

Dated at FORT MACLEOD, AB  
 this 20 day of January 2017  
  
 2017 BUSINESS LICENSE

**C248**



# 2018

License No.	2018073
Expiry Date:	December 31, 2018
Type of Business:	HEALTH CARE/SERVICES
Development Permit #	

## BUSINESS LICENSE

This is to certify that **836663 ALBERTA LTD.**  
Operating at **120 GARRISON DRIVE**

This Certifies that the license holder may carry on business as described above within the corporate limits of the Town of Fort Macleod unless this license be sooner suspended or forfeited. This license is issued to the License Holder and is accepted and held by the Municipal Corporation subject to any or all bylaws, rules and regulations that are now, or hereafter may be in force, respecting the same or the trade, business or calling, hereby licensed to be carried on.

TOWN OF FORT MACLEOD  
P.O BOX 1420  
FORT MACLEOD, AB T0L 0Z0  
Phone: (403) 553-4425

Dated at: FORT MACLEOD, AB  
this 11 day of January 2018

  
2018 BUSINESS LICENSE

C249

TAB T

C250

**Luk v. Cypress (Municipal District of), 1999 ABCA 16**

Date: 19990118  
Docket: 17816

IN THE COURT OF APPEAL OF ALBERTA

---

THE COURT:

THE HONOURABLE MR. JUSTICE IRVING  
THE HONOURABLE MADAM JUSTICE RUSSELL  
THE HONOURABLE MADAM JUSTICE HUNT

---

IN THE MATTER OF Part 21 OF THE RULES OF COURT (SPECIAL CASE)  
STATING QUESTIONS OF LAW;

AND IN THE MATTER OF a proposed appeal by ENID LUK and IVAN LUK and  
DONALD KRELL and LOIS KRELL, from a decision of the order of the Court of  
Queen's Bench of Alberta, Judicial District of Medicine Hat;

BETWEEN:

ENID LUK AND IVAN LUK  
DONALD KRELL AND LOIS KRELL

Applicants  
(Appellants)

- and -

THE MUNICIPAL DISTRICT OF CYPRESS

Respondent  
(Respondent)

APPEAL FROM THE ORDER OF MR. JUSTICE HEMBROFF  
DATED JUNE 1, 1998

MEMORANDUM OF JUDGMENT

1999 ABCA 16 (CanLII)

**C251**

**C252**

ENID AND IVAN LUK  
on their own behalf

COUNSEL:

B. HILL  
for the Respondent

---

MEMORANDUM OF JUDGMENT

---

**THE COURT:**

[1] This is an appeal from a chambers judge's refusal to grant an order of mandamus directing the respondent to issue a stop work order to John McLeod with respect to the construction of a barn on his land, and to order him to comply with a decision of the Development Appeal Board. Mr. McLeod is not a party to the appeal. The respondent is the Municipal District which issued him with permits which are in question in the appeal.

[2] The barn is intended to house a piggery which the appellants believe will become a nuisance to them since they live in close proximity.

[3] In November of 1997, the respondent issued McLeod with a permit to place a mobile home on his land and construct the barn. That permit was issued in accordance with the Municipal Land Use Bylaw 95/19. The issuance of that permit was not appealed. Since the development was a permitted use under the Bylaw, it could not have been appealed unless the provisions of the Bylaw were relaxed, varied or misinterpreted. Even if the development were not a permitted use, in our view, the time limit prescribed in the Land Use Bylaw for appeals also applies to permits which might have been issued in error. In any event, the Land Use Bylaw clearly contemplates that the construction of a "farmstead" for the housing of less than "30 sows farrow to finish" or "50 sows farrow to wean" is a permitted use (see: s. 6(22), (27)). Though both the application for the permit and the permit specify that the operation contemplated a "20 sow farrow to finish" barn, the Bylaw does not require that specificity, and no condition is attached to the permit that would limit the operation to that number. Because the Bylaw permits piggeries of less than "50 sows farrow to wean", any operation of less than that number falls within the permitted use of that land. Hence, a change by McLeod in the use of the barn from "20 sows farrow to finish" to "49 sows farrow to wean" does not constitute a change in the use of the land.

[4] In February of 1998, the Municipal Planning Commission of the respondent issued a second permit to McLeod permitting him to expand the piggery to "50 sows farrow to wean". The Bylaw required that this permit be issued by the Municipal Planning Commission because the operation was now of a size to constitute a discretionary use. The appellants appealed the issuance of that permit to the Development Appeal Board which revised the permit and purported to revoke the first permit. An application for leave to appeal that decision was filed in this Court. But prior to hearing that application,

McLeod advised the respondent that he intended to abandon the intended expansion granted under that permit and to revert to his original permit. As a result, the leave application was adjourned *sine die*. Subsequently, this Court refused an application by the appellants to stay the construction of the barn.

[5] The appellants contend that since the first permit was revoked by the terms of the second permit, and McLeod did not intend to proceed under the second permit, the construction of the barn was unauthorized and in contravention of the Land Use Bylaw. Accordingly, they sought the order of mandamus to stop the construction of the barn and to compel the respondent to enforce the provisions of the Bylaw against McLeod.

[6] We agree with the chambers judge that nothing in the *Municipal Government Act* S.A. 1994, c. M-26.1 authorizes the Development Appeal Board, which is a wholly statutory body, to revoke the first permit when that permit itself is not the object of an appeal before the Board. Since the first permit was not appealed and could not be revoked by the Board, it remains extant. So McLeod could not have breached the Land Use Bylaw, in failing to apply for a further permit to operate the piggery. Hence, even assuming without deciding, that the respondent had a duty to enforce the bylaw, it certainly could not be compelled to do so where there was no evidence of any breach. Thus, the chambers judge did not commit any reversible error in the exercise of his discretion to decline to grant the application for mandamus.

[7] Nor are we satisfied that the record establishes any judicial bias, or inappropriate interruptions of the proceedings by the chambers judge. In our view, his conjectures merely reflect attempts to convey his understanding of the facts and proceedings before him.

[8] However, comment is warranted concerning the awkward municipal regulatory scheme and process relating to the issuance of permits which created much of the confusion giving rise to these proceedings. Some of that confusion arises from the General Development Plan adopted by the respondent and neighbouring municipal entities, and incorporated into the Land Use Bylaw, which contain some terms which are not easily accommodated with those of the Bylaw itself. Some other confusion pertains to the issuing of a third permit by the respondent for the placement of the mobile home on McLeod's land, which suggests an acknowledgment by the respondent that the first permit was no longer valid, even though it has argued in these proceedings that the first permit was extant. Still further confusion is evidenced by publication of notices of permit applications which contain irrelevant information, and which omit other information which, although not legally mandated, might have assisted lay members of the municipality to better understand the process being engaged upon. In these

circumstances, despite the respondent's success on the appeal, we invite it to make written submissions concerning the question of its entitlement to costs, within 30 days of the filing of this decision. If the respondent makes submissions, the appellants will have 15 days thereafter to reply. In the absence of submission by the respondent on costs, the panel will make an order it deems appropriate in the circumstances.

[9] Although we must dismiss the appeal, we reiterate our compliments to the appellant Enid Luk, a lay person, for her excellent submissions. We are also grateful to counsel for the respondent, Mr. Bruce Hill, for his candid and helpful assistance.

APPEAL HEARD on January 11, 1999  
at Calgary, Alberta

JUDGMENT DATED at CALGARY, Alberta,  
this Day of January,  
A.D. 1999

---

IRVING J.A.

---

RUSSELL J.A.

---

HUNT J.A.

TAB U

C258

- (2) an application to extend the validity of a development permit may be made at any time prior to the expiration of the approved permit;
- (3) the validity of a development permit may be extended up to 18 months or another time period as may be approved by the Development Authority; and
- (4) when any use has been discontinued for a period of 24 months or more, any development permit that may have been issued is no longer valid and the use may not be recommenced until a new application for a development permit has been made and a new development permit issued.

#### **4.14 TRANSFER OF DEVELOPMENT PERMIT**

Except for Home Occupation permits, a valid development permit is transferable when the use remains unchanged and the development is affected only by a change in ownership, tenancy or occupancy.

#### **4.15 FAILURE TO MAKE A DECISION**

In accordance with section 684 of the *MGA*, an application for a development permit is, at the option of the applicant, deemed refused if a decision has not been made by the Development Authority within 40 days of an application being deemed complete under Section 4.4(5)(7), unless the applicant has entered into an agreement with the Development Authority to extend the 40-day period.

#### **4.16 REAPPLICATION FOR A DEVELOPMENT PERMIT**

- (1) If an application for a development permit is refused by the Development Authority, another application for development on the same lot for the same or similar use may not be made for 6 months from the date of refusal; or
- (2) if an application was refused solely because it did not comply with the standards of this bylaw, the Development Officer may accept another application on the same lot for the same or similar use before the time period referred to in sub-section (1) is up, provided the application has been modified to comply with this bylaw.

#### **4.17 SUSPENSION OR CANCELLATION OF A PERMIT**

- (1) If, after a development permit has been issued, the Development Authority finds:
  - (a) the application for the development permit contained a misinterpretation; or
  - (b) facts concerning the application on the development that were not disclosed and which should have been disclosed at the time the application was considered, have subsequently become known; or
  - (c) the permit was issued in error; or
  - (d) the applicant's development has deviated from what was approved;the Development Authority may suspend or cancel the development permit by notice in writing to the permit holder;
- (2) upon receipt of the written notification of suspension or cancellation of the permit, the permit holder must cease all development and activities to which the development permit relates;

- (3) a person whose development permit has been suspended or cancelled under this section may appeal within 21 days of the written decision, to the Subdivision and Development Appeal Board; and
- (4) if a development permit is suspended or cancelled, the Subdivision and Development Appeal Board shall review the application if an appeal is filed by the applicant, and either:
  - (a) reinstate the development permit;
  - (b) cancel the development permit if the Development Authority would not have issued the permit if all the facts had been known at the time of application; or
  - (c) reinstate the development permit and may impose such other conditions considered necessary to ensure this bylaw and any other statutory plan is complied with.

#### 4.18 APPEALS

- (1) Any person applying for a development permit or any other person affected by an order, decision, or development permit made or issued by the Development Authority, may appeal to the Subdivision and Development Appeal Board in accordance with sections 683 to 687 of the *MGA* inclusive of any other part of the *MGA* referenced in these sections;
- (2) notwithstanding sub-section (1) and in accordance with section 685(4) of the *MGA*, there is no avenue for an appeal if the application was made on lands zoned as Direct Control, if the decision was made by Council. If the decision was made by the Municipal Planning Commission or Development Officer as a delegated authority of Council, the appeal is limited to whether the Development Authority followed the directions of Council, as per section 641 of the *MGA*; and
- (3) in accordance with the *Municipal Government Act*, any land owner who applied for subdivision and was refused an approval or had conditions attached to the approval, may appeal the decision to the Subdivision and Development Appeal Board, or the Municipal Government Board (where the *Subdivision and Development Regulation* requires it). Adjacent or affected land owners have no right to appeal under the *MGA*.

### SECTION 5 ENFORCEMENT

#### 5.1 DESIGNATED OFFICERS

In accordance with section 210 of the *MGA*, an officer designated to carry out enforcement of the *MGA*, the Subdivision and Development Regulation, a development permit or subdivision approval, or this bylaw is herein referred to as an Officer, and includes:

- (1) the Development Officer or another designated officer in Section 2.1(4) of this bylaw; and
- (2) a Bylaw Enforcement Officer in accordance with the *MGA*; and
- (3) a Community Peace Officer in accordance with the *Alberta Peace Officer Act*; and
- (4) a Police Officer in accordance with the *Alberta Police Act*.

# TAB V

**In the Court of Appeal of Alberta**

**Citation: Stavely (Town) v. Fern Brothers, 1987 ABCA 233**

**Date: 19871130  
Docket: 18901  
Registry: Calgary**

**Between:**

**Town of Stavely**

**Appellant  
(Applicant)**

**- and -**

**Fern Brothers; Beverly Stacey; and Credit Foncier Trust Company**

**Respondents  
(Respondents)**

---

**The Court:**

**The Honourable Mr. Justice Stevenson  
The Honourable Mr. Justice Foisy  
The Honourable Mr. Justice Stratton**

---

**Memorandum of Judgment  
Delivered from the Bench**

**COUNSEL:**

R. Dodic, Esq., for the Appellant (Applicant)

T. Gould, Esq., for the Respondents for Fern Brothers, Beverly Stacey appeared in person  
and No-one appeared for Credit Foncier

---

**MEMORANDUM OF JUDGMENT  
DELIVERED FROM THE BENCH**

---

**STEVENSON, J.A. (for the Court):**

1987 ABCA 233 (CanLI)

**C262**

[1] The issue on this appeal is whether the respondents, landowners, have "discontinued" a non-conforming use, so as to lose the benefit of s. 74(2) of the Planning Act. The section says:

A non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building shall conform with the provisions of the land use by-law then in effect.

[2] The evidence shows that the lands were being used as a residence prior to the passage of the zoning by-law which now zones the lands as commercial. For some time they have been vacant, notwithstanding efforts to find residential tenants. Apparently, there have been occasional tenancies but periods of vacancy for at least six months are established with respect to each parcel.

[3] The question is whether there must be an intention to end the use, coupled with the actual non-use. We were referred to City of Saint John v. Killam (1973), 6 N.B.R. (2d) 642. There the New Brunswick Court of Appeal noted that there was a large body of U.S. authority that discontinuance is synonymous with abandonment and that there must be a concurrence of intention and action or failure to act. In that case, the New Brunswick Court said:

A distinction must, I think, be drawn between a provision that the right to a nonconforming use is lost by mere discontinuance and a provision that it is lost by discontinuance for a specified time. In the former, discontinuance may be equivalent to abandonment which requires an intention to abandon, while in the latter, the right to the use is lost merely by ceasing to exercise it for the specified period. In such circumstances "discontinued" is not equivalent to abandonment.

[4] We do not agree with the distinction and prefer the generally held view that a discontinuance requires an element of intention. It is true the owners here were not using the property for residential purposes but they were striving to do so. We would not hold the discontinuance to be found in the unavailability of tenants. To so hold would work a grave hardship on a landowner who had a right to continual lawful use, but is precluded from actual use by circumstances beyond his control.

[5] In our opinion, what is required is a bona fide intention to use the premises and actual use so far as is practicable. That conclusion is consistent not only with American authority but with the Canadian authority of long standing referred to in the trial judgment in the City of Saint John v. Killam case.

[6] We would, therefore, dismiss the appeal as against the respondents who appeared before us. Credit Foncier has not appeared in the proceedings and, in the absence of any evidence from it, the only inference to be drawn is that it has discontinued the residential use and the appeal against it is allowed. We will hear counsel as to costs.

**TAB W**

**C265**

(3) A decision of a development authority on an application for a development permit must be in writing, and a copy of the decision, together with a written notice specifying the date on which the written decision was given and containing any other information required by the regulations, must be given or sent to the applicant on the same day the written decision is given.

(4) If a development authority refuses an application for a development permit, the development authority must issue to the applicant a notice, in the form and manner provided for in the land use bylaw, that the application has been refused and provide the reasons for the refusal.

(5) Despite subsections (1) and (2), a development authority must not issue a development permit if the proposed development does not comply with the applicable requirements of regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises.

RSA 2000 cM-26 s642;2016 c524 s102;2017 c13 s1(58);  
2017 c21 s28;2018 c11 s13;2020 c39 s10(31)

#### **Non-conforming use and non-conforming buildings**

**643(1)** If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw.

(2) A non-conforming use of land or a building may be continued but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building must conform with the land use bylaw then in effect.

(3) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, may not be enlarged or added to and no structural alterations may be made to it or in it.

(4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional buildings may be constructed on the lot while the non-conforming use continues.

(5) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except

- (a) to make it a conforming building,
  - (b) for routine maintenance of the building, if the development authority considers it necessary, or
  - (c) in accordance with a land use bylaw that provides minor variance powers to the development authority for the purposes of this section.
- (6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building may not be repaired or rebuilt except in accordance with the land use bylaw.
- (7) The land use or the use of a building is not affected by a change of ownership or tenancy of the land or building.

1995 c24 s95

**Acquisition of land designated for public use**

**644(1)** If land is designated under a land use bylaw for use or intended use as a municipal public building, school facility, park or recreation facility and the municipality does not own the land, the municipality must within 6 months from the date the land is designated do one of the following:

- (a) acquire the land or require the land to be provided as reserve land;
  - (b) commence proceedings to acquire the land or to require the land to be provided as reserve land and then acquire that land within a reasonable time;
  - (c) amend the land use bylaw to designate the land for another use or intended use.
- (2) Subsection (1) does not apply if the Crown in right of Canada, the Crown in right of Alberta, an irrigation district, a board of a drainage district or a local authority, within 6 months from the date the land is designated under that subsection,
- (a) acquires that land, or
  - (b) commences proceedings to acquire that land or requires that land to be provided as reserve land and then acquires it within a reasonable time.
- (3) Subsection (1) does not apply to land designated by the municipality as conservation reserve.

RSA 2000 cM-26 s644,2016 cs24 s103

- (2) an application to extend the validity of a development permit may be made at any time prior to the expiration of the approved permit;
- (3) the validity of a development permit may be extended up to 18 months or another time period as may be approved by the Development Authority; and
- (4) when any use has been discontinued for a period of 24 months or more, any development permit that may have been issued is no longer valid and the use may not be recommenced until a new application for a development permit has been made and a new development permit issued.

#### **4.14 TRANSFER OF DEVELOPMENT PERMIT**

Except for Home Occupation permits, a valid development permit is transferable when the use remains unchanged and the development is affected only by a change in ownership, tenancy or occupancy.

#### **4.15 FAILURE TO MAKE A DECISION**

In accordance with section 684 of the *MGA*, an application for a development permit is, at the option of the applicant, deemed refused if a decision has not been made by the Development Authority within 40 days of an application being deemed complete under Section 4.4(5)(7), unless the applicant has entered into an agreement with the Development Authority to extend the 40-day period.

#### **4.16 REAPPLICATION FOR A DEVELOPMENT PERMIT**

- (1) If an application for a development permit is refused by the Development Authority, another application for development on the same lot for the same or similar use may not be made for 6 months from the date of refusal; or
- (2) if an application was refused solely because it did not comply with the standards of this bylaw, the Development Officer may accept another application on the same lot for the same or similar use before the time period referred to in sub-section (1) is up, provided the application has been modified to comply with this bylaw.

#### **4.17 SUSPENSION OR CANCELLATION OF A PERMIT**

- (1) If, after a development permit has been issued, the Development Authority finds:
  - (a) the application for the development permit contained a misinterpretation; or
  - (b) facts concerning the application on the development that were not disclosed and which should have been disclosed at the time the application was considered, have subsequently become known; or
  - (c) the permit was issued in error; or
  - (d) the applicant's development has deviated from what was approved;the Development Authority may suspend or cancel the development permit by notice in writing to the permit holder;
- (2) upon receipt of the written notification of suspension or cancellation of the permit, the permit holder must cease all development and activities to which the development permit relates;



January 18, 2021

**HAND DELIVERED**

**Town of Fort Macleod**  
c/o Chief Administrative Officer,  
P.O. Box 1420  
Fort Macleod, Alberta T0L 0Z0

Reply to CHARLENE D. SCHEFFELMAIR  
Direct Line: 403-328-1754  
E-mail: [charlene@dwlaw.pro](mailto:charlene@dwlaw.pro)  
Assistant: Nicki Carefoot  
Direct Line: 403-331-2885  
E-mail: [nicki@dwlaw.pro](mailto:nicki@dwlaw.pro)  
Our File: 60256-000 CDS:NHC

To whom it may concern:

**Re: Stay of Enforcement: Stop Order made December 30, 2021 ("Stop Order")  
Plan 9812195, Block 27, Lot 6 and Plan 9812195, Block 27, Lot 7  
120 Garrison Drive, Fort Macleod, Alberta**

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Our office has been retained to represent 836663 Alberta Ltd., Ken Segboer, and Linnet Segboer (the "Appellants") in relation to the above captioned Stop Order. Enclosed are two copies of the Appellants notice of appeal with written reasons and a solicitor's trust cheque in the amount of \$500 for the appeal fee.

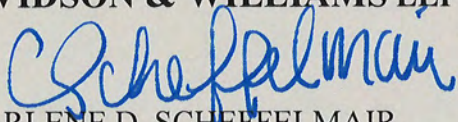
**Please confirm in writing that enforcement of the above captioned Stop Order will be stayed until the conclusion of the appeal process.** The Appellants position throughout the duration of this matter has remained unchanged, namely, that the current use was approved by the 1999 Development Permit. Evidence of this position has been provided to the Town previously and has been expanded on extensively in the written appeal submissions.

The current inhabitants of the group foster home at 120 Garrison Drive are foster children who do not have any alternative accommodation. Relocating these children is not feasible or practical in the circumstances and prematurely removing these children before the appeal process has been concluded would cause considerable disruption and distress to their lives.

We look forward to your confirmation as soon as possible.

Yours truly,

**DAVIDSON & WILLIAMS LLP**

Per:   
CHARLENE D. SCHEFFELMAIR,  
Barrister & Solicitor





# Town of Fort Macleod

BOX 1420, FORT MACLEOD, ALBERTA, TEL: (403)553-4425 FAX (403)553-2426

## STOP ORDER

**FILE COPY**

Section 645, *Municipal Government Act*

R.S.A. 2000, c. M-26, as amended

Date Order Made: December 30, 2021

HAND DELIVERED/POSTED ON SITE Date: December 30, 2021

REGISTERED MAIL

Tracking

Number(s): RN483908049CA

RN483908021CA

RN483908018CA

**Recipients:**

836663 Alberta Ltd., Landowner

Box 87

Fort Macleod, AB

T0L 0Z0

Kenneth and Linnet Segboer, Directors of 836663 Ltd.

188 Crystal Shores Drive

Okotoks, Alberta

T1S 2L1

Karen English, Applicant

Box 2667

Fort Macleod, Alberta

T0L 0Z0

**RE: Legal Description(s): Plan 9812195, Block 27, Lot 6 and Plan 9812195, Block 27, Lot 7**  
**Municipal Description: 120 Garrison Drive**

In my capacity as Development Officer for the Town of Fort Macleod (the "Town"), I hereby issue to the above named Recipients, a Stop Order pursuant to Section 645 of the *Municipal Government Act*, with respect to the following lands legally described as:

**Plan 9812195**

**Block 27**

**Lot 6**

and

**Plan 9812195  
Block 27  
Lot 7,**

and municipally described as:

**120 Garrison Drive,**

(hereinafter referred to as the “Lands”).

The Town’s Land Use Bylaw No. 1882 (the “Land Use Bylaw”) states:

**3.2 USE OF LAND**

A person who develops land or buildings in the Town shall comply with the requirements of this bylaw including all conditions attached to a development permit if one is required, and all other applicable federal, provincial, and municipal requirements.

Further, Part 17 of the *Municipal Government Act* and Sections 5.2 and 5.3 of the Land Use Bylaw authorize a Development Officer to issue a Stop Order where a development or use of land or buildings is not in accordance with the *Municipal Government Act*, the Subdivision and Development Regulation, a development permit or subdivision approval, or the land use bylaw.

**At present, the Lands do not comply with the Land Use Bylaw** for the following reasons:

On November 16, 2020, the Town issued Development Permit 088-20 approving a Group Care Facility for five or less residents (the “Development Permit”), subject to the conditions attached to the Development Permit.

The Development Permit required the Recipients to satisfy several conditions of approval **prior to the commencement** of the approved Group Care Facility for five or less residents’ use. The Recipients commenced the Group Care Facility use on or about September 30, 2020. As of the date of this Order, the Recipients have not satisfied the conditions. Thus, the development does not comply with the Development Permit or the Land Use Bylaw.

The contravened Development Permit conditions are the following:

4. Building shall be inspected for current Alberta Building Code Standards *prior to occupancy*.

...

14. Landowner shall complete the land purchase of that portion of Lot 16, Block 27, Plan 0012428 of Town owned land that is necessary to the developments parking needs *prior to occupancy* of the applicant.

15. Landowner shall by plan of survey consolidate Lots 6 & 7, Block 27, Plan 9812195 and the portion of Lot 16 Block 27 Plan 0012428 described in condition 14 *prior to occupancy* of the applicant,

(hereinafter referred to as the “Contravened Conditions”).



Accordingly, you are hereby ordered to take the following steps:

1. **By no later than January 31, 2022:** cease the operations of the Group Care Facility with five or less tenants as contemplated by the Development Permit;

OR

2. **By no later than January 31, 2022:** comply with the Outstanding Conditions, to the satisfaction of the Development Authority.

You are hereby advised that you have the right to appeal this Order to the Subdivision and Development Appeal Board. If you wish to exercise this right, written notice of an appeal together with the applicable appeal fee of \$500.00 as required by Appendix B to the Land Use Bylaw must be delivered to the Secretary of the Subdivision and Development Appeal Board within twenty-one (21) days of the date this Order was made. The address for filing an appeal is:

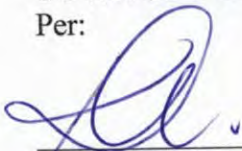
**Subdivision and Development Appeal Board  
c/o Chief Administrative Officer, Town of Fort Macleod  
Box 1420  
Fort Macleod, Alberta  
T0L 0Z0**

Be advised that the Town has the authority, in the event that this Stop Order is not complied with within the time limit provided, to enter onto your lands in accordance with Sections 646 and 542 of the *Municipal Government Act* to take whatsoever actions are determined by the Town to be necessary to bring the lands into compliance with this Order, and may seek an Injunction or other relief from the Court of Queen's Bench of Alberta pursuant to Section 554 of the *Municipal Government Act*. Further, the Town has the authority to add the costs and expenses for carrying out the enforcement of this Stop Order to the tax roll for the Lands pursuant to Section 553(1)(h.1) of the *Municipal Government Act*.

YOURS TRULY,

**TOWN OF FORT MACLEOD**

Per:



**Keli Sandford**  
Development Officer





# TOWN OF FORT MACLEOD DEVELOPMENT PERMIT No. 088-20

Name of Applicant (Landowner): Karen English (836663 Alberta Ltd/ Rosewood Villa)

Zoning District: Residential -R Roll No. 21020218

In the matter of development on a property located at: 120 Garrison Drive

Legal Land Description: Lot 6 & 7, Block 27, Plan 9812195

The development as specified in Application No: 088-20 for the following use: Operate a group care facility for children between the ages of 10 & 17 years old for five (5) residents (clients) or less with 24 hour supervision, utilizing selected **main floor suites** and facilities within the existing building. No more than four (4) employees to be on site at any one time; No renovations are planned interior or exterior.

has been APPROVED subject to the following conditions:

1. DEVELOPMENT SHALL CONFORM TO THE PLANS IN THE DEVELOPMENT APPLICATION SUBMITTED TO THE TOWN OF FORT MACLEOD;
2. DEVELOPMENT SHALL CONFORM TO SCHEDULE 2, RESIDENTIAL-R; SCHEDULE 3, STANDARDS OF DEVELOPMENT AND SCHEDULE 4 -USE SPECIFIC STANDARDS OF DEVELOPMENT (SECTION 4) OF LAND USE BYLAW NO. 1882;
3. APPLICANT/CONTRACTOR TO ACQUIRE BUILDING, ELECTRICAL, GAS & PLUMBING PERMITS FROM THE TOWN OF FORT MACLEOD AS REQUIRED. (Park Enterprises Ltd.);
4. **BUILDING SHALL BE INSPECTED FOR CURRENT ALBERTA BUILDING CODE STANDARDS PRIOR TO OCCUPANCY;**
5. APPLICANT MUST ACQUIRE APPLICABLE PERMITS ISSUED UNDER THE SAFETY CODES ACT AND /OR ANY OTHER FEDERAL OR PROVINCIAL AGENCY OR ACT THAT REQUIRES ONE,
6. DEVELOPMENT MUST COMPLY WITH ANY AND ALL FEDERAL AND PROVINCIAL STATUTES AND REGULATIONS, AND ANY AND ALL TOWN OF FORT MACLEOD MUNICIPAL BYLAWS AND POLICIES, APPROVALS SHALL BE SUPPLIED TO THE TOWN AND A COPY TO BE KEPT ON FILE ;
7. REGULATIONS FROM ALBERTA HEALTH SERVICES AND OCCUPATIONAL HEALTH AND SAFETY SHALL BE ADHERED TO, APPROVALS SHALL BE SUPPLIED TO THE TOWN AND A COPY TO BE KEPT ON FILE ;
8. DOCUMENTATION OF ANY FEDERALLY OR PROVINCIALY LEGISLATED APPROVALS SHALL BE SUPPLIED TO THE TOWN AND A COPY TO BE KEPT ON FILE (Such as, but not limited to; THE HOUSING ACT REGULATIONS, CHILDREN'S SERVICES, ALBERTA HEALTH SERVICES AND ACCREDITATION APPROVALS ETC.)
9. A MUNICIPAL BUSINESS LICENSE SHALL BE OBTAINED ANNUALLY AS PER BYLAW NO. 1836.
10. A NEW DEVELOPMENT APPLICATION SHALL BE SUBMITTED IF SIGNAGE IS REQUIRED;
11. REFUSE AND GARBAGE STORAGE AREAS SHALL BE EFFECTIVELY SCREENED UNTIL SUCH TIME AS COLLECTION AND DISPOSAL ARE POSSIBLE.
12. APPLICANT/CONTRACTOR TO ENSURE NO DAMAGE OCCURS TO EXISTING SIDEWALKS WALKWAYS OR ROADS AS A RESULT OF CONSTRUCTION. SHOULD THIS HAPPEN, APPLICANT WILL BE RESPONSIBLE TO REPAIR DAMAGES TO ORIGINAL CONDITION OR TO TOWN STANDARDS, WHICHEVER REPRESENTS THE BETTER DEVELOPMENT.

13. DOWNSPOUTS AND EXTENSIONS MUST BE IN PLACE SUCH THAT POSITIVE DRAINAGE IS AWAY FROM THE BUILDING AND FLOWS TOWARD THE STREET. WATER MUST NOT CROSS INTO ADJACENT PROPERTIES. THE TOWN OF FORT MACLEOD RESERVES THE RIGHT TO REQUEST A DRAINAGE PLAN PROFESSIONALLY PREPARED BY A SURVEYOR OR ENGINEER SHOULD DRAINAGE PROBLEMS OCCUR.
14. **LANDOWNER SHALL COMPLETE THE LAND PURCHASE** OF THAT PORTION OF LOT 16, BLOCK 27 PLAN 0012428 OF TOWN OWNED LAND THAT IS NECESSARY TO THE DEVELOPMENTS PARKING NEEDS PRIOR TO OCCUPANCY OF THE APPLICANT.
15. **LANDOWNER SHALL BY PLAN OF SURVEY CONSOLIDATE** LOT 6 & 7, BLOCK 27, PLAN 9812195 AND THE PORTION OF LOT 16 BLOCK 27 PLAN 0012428 DESCRIBED IN CONDITION 14 PRIOR TO OCCUPANCY OF THE APPLICANT.
16. THE DEVELOPER OR **LANDOWNER SHALL PROVIDE A PARKING LAYOUT DRAWING** FOR THE REAR OF THE PROPERTY INDICATING THE LOCATION OF THE REQUIRED 15 PARKING STALLS, DRIVING AREAS, GARBAGE PICKUP, AND LOADING ZONES. ALL PARKING FOR THIS DEVELOPMENT SHALL BE IN THE REAR OF THE BUILDING EXCEPTING SHORT TERM VISITATION, THE ONE (1) REQUIRED BARRIER FREE STALL, AND DELIVERY SERVICE WHICH MAY UTILIZE THE FRONT DRIVEWAY.
17. **WITH 3 HOURS NOTICE, THE APPLICANT OR OWNER** MUST PROVIDE THE DEVELOPMENT AUTHORITY **ACCESS TO THE BUILDING FOR INSPECTION** TO ENSURE COMPLIANCE WITH THIS APPROVAL.
18. **NO OVERNIGHT VISITORS ARE ALLOWED, VISITING HOURS SHALL BE BETWEEN 8 A.M. AND 9 P.M. DAILY**

DATE OF DECISION: \_\_\_\_\_ November 16, 2020 \_\_\_\_\_ Signed: \_\_\_\_\_

  
Keli Sandford  
Planning and Development Officer

**DEVELOPMENT MAY NOT COMMENCE PRIOR TO ISSUANCE OF A VALID DEVELOPMENT PERMIT FOLLOWING NOTICE OF DECISION.**

(See Over)

**INFORMATIVE:**

1. ALBERTA-ONE-CALL MUST BE CONTACTED AT 1-800-242-3447 TO LOCATE UNDERGROUND UTILITIES PRIOR TO COMMENCEMENT OF DEVELOPMENT.
2. A WATER METER MUST BE ACQUIRED FROM THE TOWN OFFICE WITH A \$200 REFUNDABLE DEPOSIT AND INSTALLED BY A LICENSED PLUMBER PRIOR TO TOWN'S PUBLIC WORKS DEPARTMENT TURNING ON WATER. THE WATER CURB STOP MUST NOT BE TURNED ON BY THE PLUMBER. (If Required)
3. ATCO GAS PROVIDER TO BE CONTACTED AT 403-310-5678 TO ESTABLISH GAS SERVICES. (If required)
4. FORTIS TO BE CONTACTED TO ESTABLISH ELECTRICAL SYSTEM. PLEASE CALL 310-WIRE
5. IF AN APPEAL IS LODGED PURSUANT TO SECTION 686 OF THE MUNICIPAL GOVERNMENT ACT, AS AMENDED, THEN A PERMIT WILL NOT BECOME EFFECTIVE UNTIL THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD HAS DETERMINED THE APPEAL.
6. NOTICE OF APPROVAL IN NO WAY REMOVES THE NEED TO OBTAIN ANY PERMIT OR APPROVAL REQUIRED BY ANY FEDERAL, PROVINCIAL OR MUNICIPAL LEGISLATION, ORDER AND/OR REGULATIONS PERTAINING TO THE DEVELOPMENT APPROVED.
7. THE PERMIT INDICATES ONLY THE DEVELOPMENT TO WHICH IT RELATES IS AUTHORIZED IN ACCORDANCE WITH THE PROVISIONS OF THE LAND USE BYLAW, AND IN NO WAY RELIEVES OR EXCUSES THE APPLICANT FROM COMPLYING WITH THE LAND USE BYLAW OR ANY OTHER BYLAW, LAWS, AND/OR REGULATIONS AFFECTING SUCH DEVELOPMENT.
8. THE PERMIT IS VALID FOR A PERIOD OF 12 MONTHS FROM DATE OF ISSUE. IF, AT THE EXPIRY OF THIS PERIOD, DEVELOPMENT HAS NOT COMMENCED THE PERMIT SHALL BE NULL AND VOID.
9. DEVELOPMENT OFFICER MAY REQUIRE CESSATION OF WORK WHERE THE DEVELOPMENT FOR WHICH THE PERMIT HAS BEEN ISSUED IS NOT BEING CARRIED OUT OR COMPLETED TO THE EXTENT OR IN THE MANNER ORIGINALLY APPROVED.
10. THE PERMIT RUNS WITH THE LAND AND IS TRANSFERABLE BETWEEN OWNERS OF SAID LAND.
11. **ALL CONTRACTORS ARE REQUIRED TO OBTAIN A BUSINESS LICENSE FROM THE TOWN OF FORT MACLEOD, OR ALTERNATELY PROOF OF A REGIONAL LICENSE MAY BE SUBMITTED.**

A **Development Permit IS NOT** a building permit, plumbing permit, electrical permit, a permit to install underground or above-ground fuel tanks, a permit issued by a Public Health Inspector, or a business license. These and other separate permits or licenses may be required by municipal, provincial or federal authorities.



# TOWN OF FORT MACLEOD

BOX 1420, FORT MACLEOD, AB T0L 0Z0 PH: (403) 553-4425 FAX: (403) 553-2426

## PUBLIC NOTICE OF DECISION

Please be advised that an adjacent development has been reviewed by the Development Authority.

Name of Applicant (Landowner): Karen English (836663 Alberta Ltd/ Rosewood Villa)

Zoning District: Residential -R Roll No. 21020218

In the matter of development on a property located at: 120 Garrison Drive

Legal Land Description: Lot 6 & 7, Block 27, Plan 9812195

The development as specified in Application No: 088-20 for the following use: Operate a group care facility for children between the ages of 10 & 17 years old for five (5) residents (clients) or less with 24 hour supervision, utilizing selected **main floor suites** and facilities within the existing building. No more than four (4) employees to be on site at any one time; No renovations are planned interior or exterior.

has been APPROVED subject to the following conditions:

1. DEVELOPMENT SHALL CONFORM TO THE PLANS IN THE DEVELOPMENT APPLICATION SUBMITTED TO THE TOWN OF FORT MACLEOD;
2. DEVELOPMENT SHALL CONFORM TO SCHEDULE 2, RESIDENTIAL-R; SCHEDULE 3, STANDARDS OF DEVELOPMENT AND SCHEDULE 4 -USE SPECIFIC STANDARDS OF DEVELOPMENT (SECTION 4) OF LAND USE BYLAW NO. 1882;
3. APPLICANT/CONTRACTOR TO ACQUIRE BUILDING, ELECTRICAL, GAS & PLUMBING PERMITS FROM THE TOWN OF FORT MACLEOD AS REQUIRED. (Park Enterprises Ltd.);
4. **BUILDING SHALL BE INSPECTED FOR CURRENT ALBERTA BUILDING CODE STANDARDS PRIOR TO OCCUPANCY;**
5. APPLICANT MUST ACQUIRE APPLICABLE PERMITS ISSUED UNDER THE SAFETY CODES ACT AND /OR ANY OTHER FEDERAL OR PROVINCIAL AGENCY OR ACT THAT REQUIRES ONE,
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8. DOCUMENTATION OF ANY FEDERALLY OR PROVINCIALY LEGISLATED APPROVALS SHALL BE SUPPLIED TO THE TOWN AND A COPY TO BE KEPT ON FILE (Such as, but not limited to; THE HOUSING ACT REGULATIONS, CHILDREN'S SERVICES, ALBERTA HEALTH SERVICES AND ACCREDITATION APPROVALS ETC.)
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17. **WITH 3 HOURS NOTICE, THE APPLICANT OR OWNER** MUST PROVIDE THE DEVELOPMENT AUTHORITY **ACCESS TO THE BUILDING FOR INSPECTION** TO ENSURE COMPLIANCE WITH THIS APPROVAL.
18. **NO OVERNIGHT VISITORS ARE ALLOWED, VISITING HOURS SHALL BE BETWEEN 8 A.M. AND 9 P.M. DAILY**

DATE OF DECISION: November 16, 2020

Signed: \_\_\_\_\_

  
Keli Sandford

Planning and Development Officer

**DEVELOPMENT PERMIT WAS ISSUED ON:**

**November 17, 2020**

**DEVELOPMENT MAY NOT COMMENCE PRIOR TO ISSUANCE OF A VALID DEVELOPMENT PERMIT FOLLOWING NOTICE OF DECISION.**

**INFORMATIVE ONLY:**

1. IF AN APPEAL IS LODGED PURSUANT TO SECTION 686 OF THE MUNICIPAL GOVERNMENT ACT, AS AMENDED, THEN A PERMIT WILL NOT BECOME EFFECTIVE UNTIL THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD HAS DETERMINED THE APPEAL.
2. NOTICE OF APPROVAL IN NO WAY REMOVES THE NEED TO OBTAIN ANY PERMIT OR APPROVAL REQUIRED BY ANY FEDERAL, PROVINCIAL OR MUNICIPAL LEGISLATION, ORDER AND/OR REGULATIONS PERTAINING TO THE DEVELOPMENT APPROVED.
3. THE PERMIT INDICATES ONLY THE DEVELOPMENT TO WHICH IT RELATES IS AUTHORIZED IN ACCORDANCE WITH THE PROVISIONS OF THE LAND USE BYLAW, AND IN NO WAY RELIEVES OR EXCUSES THE APPLICANT FROM COMPLYING WITH THE LAND USE BYLAW OR ANY OTHER BYLAW, LAWS, AND/OR REGULATIONS AFFECTING SUCH DEVELOPMENT.

The Municipal Government Act provided that any person affected the issue of a Development Permit may appeal to the Municipal Planning Commission Appeal Board by serving written notice to the Secretary of the Municipal Planning Appeal Board, c/o Town Manager within 14 days of the date this Decision was issued. The appeal fee of \$500.00 must accompany the appeal request.

