

**Subject: Bylaw No. 18/001 - Repealing Controlled Access Bylaw No. 16/009**

**APPROVALS:**

**Annette Antoniak**

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Director

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Chief Administrative Officer

**Recommended Motion:**

1. THAT Bylaw No. 18/001, being a bylaw to repeal Bylaw No. 16/009, the Controlled Access Bylaw, be read a second time.
2. THAT Bylaw No. 18/001 be read a third and final time.

**Summary:**

In June 2016, Council passed Bylaw 16/009, the Controlled Access Bylaw when there were still concerns about the health and safety of residents re-entering Abasand, Beacon Hill and Waterways. The Bylaw gave the Municipality the legal authority to monitor and if necessary, restrict movements of people into these areas, until the situation stabilized.

The Bylaw was never implemented since the Mayor chose to declare a new State of Local Emergency ("SOLE") to take effect upon expiry of the provincial State of Emergency, and that SOLE remained in effect through most of the year 2016. The SOLE provided adequate legal authority for monitoring and controlling access to these areas. Now that all of the restrictions on re-entry have been removed there is no longer a need for this Bylaw and it is recommended that it be repealed.

**Background:**

In May 2016, prior to re-entry on June 1, 2016; the Municipality was advised that the areas of Abasand, Beacon Hill and Waterways were restricted given the amount of damage that were sustained in these areas due to the wildfire. In order to temporarily control access and regulate re-entry to these areas, in June 2016, Council passed Bylaw 16/009, the Controlled Access Bylaw, to provide the Municipality with the legal authority to monitor, and if necessary, restrict movements of people into those areas, until the situation stabilized.

Rather than using the Bylaw to its full authority; the Mayor declared a SOLE that took effect when the Provincial State of Emergency lapsed on June 30, 2016. The SOLE remained in place until November 2016; when the Chief Medical Officer of Health lifted

all the restrictions for the areas of Abasand, Beacon Hill and Waterways and re-entry of those areas was complete. The SOLE provided sufficient legal authority to restrict and control access to these areas to the extent that was appropriate in the immediate aftermath of the wildfire.

**Rationale for Recommendation:**

Given the purpose of the Bylaw was to temporarily control access and regulate re-entry to certain portions of the Municipality in response to the circumstances arising from the wildfire and while this Bylaw was not used to its full authority given the Local State of Emergency; these restrictions were removed in November 2016. As such, there is no longer a need for this Bylaw and it is recommended that the Bylaw be repealed.

**Strategic Plan Linkages:**

Pillar 1 - Building Responsible Government

**Attachments:**

1. Controlled Access Bylaw 16-009
2. Bylaw No 18.001 - Repealing Bylaw No. 16.009 Controlled Access Bylaw