

## BYLAW NO. 16/009

### **A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO TEMPORARILY CONTROL ACCESS AND REGULATE RE-ENTRY TO CERTAIN PORTIONS OF THE MUNICIPALITY IN RESPONSE TO THE CIRCUMSTANCES ARISING FROM THE RECENT WILDFIRE**

WHEREAS the *Municipal Government Act* authorizes a council to pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the Regional Municipality of Wood Buffalo has suffered extensive damage as a result of the wildfire of May 2016 which caused the mandatory evacuation of over 80,000 people;

AND WHEREAS the wildfire is no longer an imminent threat to the Regional Municipality, and critical infrastructure and protective services have been restored to basic service levels in all but the most severely impacted neighborhoods;

AND WHEREAS the Council of the Regional Municipality understands and respects that evacuees are anxious to return to the community to resume their lives and begin recovery efforts;

AND WHEREAS there remain areas in the Regional Municipality impacted by the wildfire which may contain risks to public health and safety, including areas where critical infrastructure, businesses and homes have been damaged or destroyed and areas where demolition and cleanup activities are beginning and are anticipated to continue for weeks or months;

AND WHEREAS the Province has allowed re-entry but the Chief Medical Officer of Health has recommended restricted access to portions of the Regional Municipality of Wood Buffalo that were most severely damaged by the wildfire;

AND WHEREAS the Council of the Regional Municipality of Wood Buffalo deems it advisable to establish the authority to temporarily restrict access to portions of the Regional Municipality until such time as it is safe for the public to enter;

AND WHEREAS the Council of the Regional Municipality of Wood Buffalo deems it advisable to establish the authority to regulate and control access to fire impacted portions of the Municipality to facilitate cost-efficient and timely demolition of damaged and destroyed structures and cleanup of demolition debris;

**NOW THEREFORE BE IT RESOLVED** that the Council of the Regional Municipality of Wood Buffalo enacts as follows:

#### **PART I – DEFINITIONS AND INTERPRETATION**

##### **Short Title**

1 This Bylaw may be cited as the “Controlled Access Bylaw”.

## Definitions

2 In this Bylaw, words have the meanings set out the Act, except that:

- a) “Act” means the *Municipal Government Act*, R.S.A. 2000, c. M-26;
- b) “Chief Administrative Officer” means the Chief Administrative Officer of the Regional Municipality, or that person’s delegate;
- c) “Controlled Access Plan” means a plan adopted by resolution of Council to regulate access to any part of the Regional Municipality for any purpose related to: maintaining public health and safety, demolition and cleanup, recovery of personal property, inspection, insurance adjusting, re-entry and re-habitation, or any service or function ancillary to any of these purposes;
- d) “Council” means the municipal council of the Regional Municipality;
- e) “Essential Personnel” means those employees, agents and contractors who are authorized to enter and remain in the Regional Municipality to support the wildfire recovery efforts;
- f) “Peace Officer” means a Bylaw Enforcement Officer appointed by the Regional Municipality pursuant to the Act and includes a member of the Royal Canadian Mounted Police and, when authorized, a Community Peace Officer appointed under the *Peace Officer Act*;
- g) “Person” includes an individual, corporation, firm, partnership, society or other body corporate;
- h) “Restricted Zone(s)” means the areas identified in section 6, including both the lands and any structures erected on the lands whether still standing or wholly or partially destroyed by fire;
- i) “Regional Municipality” means the municipal corporation of Regional Municipality of Wood Buffalo and includes the geographical boundaries of the Regional Municipality of Wood Buffalo as the context requires; and
- j) “Violation Ticket” means a violation ticket issued for an offence committed against any provision of this Bylaw under Part 2 of the *Provincial Offences Procedure Act*.

## Rules for Interpretation

- 3 References in this Bylaw to a statute, regulation or other bylaw refer to the current laws at the time this Bylaw was enacted and as they are amended from time to time, including successor legislation.
- 4 Headings and sub-headings in this Bylaw are included for convenience only, and shall not be considered in interpreting the substantive content of this Bylaw.

- 5 The preamble paragraphs that precede the numbered paragraphs of this Bylaw are an integral and necessary part of this Bylaw and not a mere recital.

## **PART II – RESTRICTED ZONES AND CONTROLLED ACCESS PLAN**

### **Restricted Zones**

- 6 Restricted Zones include Abasand, Beacon Hill and Waterways as shown in Schedule “A” of this Bylaw, and Council may by resolution designate additional areas of the Regional Municipality as Restricted Zones.

### **Controlled Access Plan**

- 7 Council may by resolution approve one or more Controlled Access Plans.

### **Controlled Access**

- 8
- (1) Subject to subsection (2), no Person shall enter or remain in a Restricted Zone excepted in compliance with the provisions of an approved Controlled Access Plan.
  - (2) Essential Personnel acting within the scope of their functions, duties or powers are exempt from this section.
  - (3) Any Person found within a Restricted Zone contrary to the provisions of an approved Controlled Access Plan shall immediately leave the area upon request by Essential Personnel or upon being ordered to do so by a Peace Officer

### **Powers of the Chief Administrative Officer**

- 9
- (1) The Chief Administrative Officer shall:
    - (a) cause a Controlled Access Plan to be implemented;
    - (b) ensure that the public receives notice of a Controlled Access Plan by posting on the Regional Municipality’s website and through any other means that the Chief Administrative Officer deems advisable;
    - (c) cause temporary signage to be visibly displayed alerting the public to any terms and conditions of a Controlled Access Plan; and
    - (d) ensure that Council is kept informed of steps being taken to implement a Controlled Access Plan and any concerns or issues that may arise in the course of so doing.
  - (2) Without restricting any other power, duty or function granted by this Bylaw or any other bylaw or statute, the Chief Administrative Officer may:

- (a) carry out any inspections to determine compliance with this Bylaw;
- (b) take any steps or carry out any actions required to enforce this Bylaw;
- (c) take any steps or carry out any actions required to remedy a contravention of this Bylaw;
- (d) establish standard forms for the purposes of this Bylaw; and
- (e) delegate any powers, duties or functions under this Bylaw to an employee or authorized agent of the Regional Municipality.

### **Powers of a Peace Officer**

10 Without restricting any other power, duty or function granted by this Bylaw or any other bylaw or statute, a Peace Officer may:

- (a) enter on and inspect any land or structure, in accordance with Section 542 of the Act;
- (b) order any Person to cease or refrain from any action or conduct that, in the opinion of the Peace Officer, is dangerous to life or property;
- (c) order any unauthorized Person to immediately leave a Restricted Zone;
- (d) remove or cause to be removed from a Restricted Zone any unauthorized Person who fails to immediately leave the area upon request by Essential Personnel or a Peace Officer;
- (e) refuse to admit entry by any Person into a Restricted Zone to which the Person is not authorized to enter under the Controlled Access Plan; and
- (f) issue Violation Tickets with respect to offences under this Bylaw.

## **PART III – ENFORCEMENT**

### **Offence and Penalties**

11

(1) Any Person who

- (a) cannot provide proof of residency in a Restricted Zone, and who is not otherwise authorized to be in a Restricted Zone, or
- (b) interferes with or obstructs any Person in the carrying out of a power or duty under this Bylaw

is guilty of an offence and liable, upon summary conviction, to a fine in an amount not less than that established in this Section, and not exceeding \$10,000.00, and to imprisonment for not more than six months for non-payment of a fine.

- (2) Without restricting the generality of subsection (1), the specified penalty for use on Violation Tickets if a voluntary payment option is offered is \$1000.00.
- (3) In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.
- (4) For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person under their agency relationship.
- (5) When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- (6) If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

### **Violation Ticket**

12

- (1) A Peace Officer is hereby authorized and empowered to issue a Violation Ticket to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (2) If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
  - (a) specify the fine amount established by this Bylaw for the offence; or
  - (b) require a person to appear in court without the alternative of making a voluntary payment.

### **Voluntary Payment**

13

- (1) A Person who commits an offence may:
  - (a) if a Violation Ticket is issued in respect of the offence; and

(b) if the Violation Ticket specifies the fine amount established by this Bylaw for the offence;

make a voluntary payment by submitting to a Clerk 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.

- (2) When the Clerk records in the Court records the receipt of a voluntary payment pursuant to subsection (1) and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.

## **PART IV – GENERAL**

### **Severability**

- 14 Every provision of this Bylaw is independent of all other provisions and it is the intention of the Council that if any provision of this Bylaw is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

### **Mandatory Review**

- 15 This Bylaw shall be reviewed within forty-two (42) days of the effective date to determine whether this Bylaw continues to be required for the safety, health and welfare of people and the protection of people and property within the Regional Municipality.

### **Effective Date**

- 16 This Bylaw comes into effect when the Provincial State of Emergency declared on May 4, 2016 and extended by resolution of the Legislative Assembly of Alberta on May 31, 2016 expires or is rescinded.

READ a first time this 8<sup>th</sup> day of June, 2016.

READ a second time this 14<sup>th</sup> day of June, 2016.

READ a third and final time this 14<sup>th</sup> day of June, 2016.

SIGNED and PASSED this 20<sup>th</sup> day of June, 2016.

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Mayor

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Chief Administrative Officer