



**REGULAR MEETING OF COUNCIL**  
**Held on Monday November 28, 2011 in the**  
**Town Hall Council Chambers, commencing at 6:00 p.m.**

**IN ATTENDANCE:** Mayor E. Olsen  
Councillors D. Anderberg; L. Jackson; M. Lauder;  
R. Smyth; S. Nodge  
*Absent with Regrets Councillor W. Oliver and CAO L. Wilgosh*  
Staff W. Catonio, Director of Finance and  
Human Resources; D. Burt-Stuckey,  
Director of Community Services; G. Pitt,  
Community Peace Officer; D. Poole,  
Administrative Assistant

**1. CALL TO ORDER**

Mayor E. Olsen called the meeting to order at 6:00 p.m.

**2. ADOPTION OF AGENDA**

**ANDERBERG:**

That the Council for the Town of Pincher Creek approves the November 28, 2011 agenda as presented.

**CARRIED 11-382**

**3. SCHEDULED PUBLIC HEARING**

**4. DELEGATIONS/PRESENTATIONS**

**4.1 Scheduled Delegations/Presentations – none**

**4.2 Unscheduled Delegations/Presentations**

Director of Community Services Diane Burt Stuckey informed Mayor and Council that the Town recently received a Communities ChooseWell Award. As a part of the Government of Alberta's Healthy U campaign, Communities ChooseWell is an energizing healthy eating and active living initiative by Alberta Health and Wellness and managed by the Alberta Recreation and Parks Association (ARPA). As well as receiving a glass award the Town of Pincher Creek received a monetary sum to put toward future healthy challenges.

**5. ADOPTION OF MINUTES**

**5.1 Minutes of the Regular Meeting of Council held on November 14, 2011**

**SMYTH:**

That Council for the Town of Pincher Creek approves the Minutes of the Regular Council Meeting held on November 14, 2011 as presented.

**CARRIED 11-383**

6. **OLD BUSINESS/BUSINESS ARISING FROM THE MINUTES**

6.1 **Nuisance Bylaw 1574 – 11 – second and third reading**

**NODGE:**

That Council for the Town of Pincher Creek agree to give second reading to Nuisance Bylaw #1574-11.

**CARRIED 11- 384**

**JACKSON:**

That Council for the Town of Pincher Creek to give third and final reading to Nuisance Bylaw #1574-11 and a copy of which be attached hereto and form part of the minutes.

**CARRIED 11- 385**

7. **DISPOSITION OF DELEGATIONS FROM COUNCIL MEETING HELD ON NOVEMBER 14, 2011**

7.1 **Huddleson Senior Centre – water issue**

**NODGE:**

That Council for the Town of Pincher Creek accept the disposition of delegations from the Council Meeting held on November 14, 2011 as information.

**CARRIED 11-386**

8. **NEW BUSINESS**

8.1 **Fee Structure Bylaw 1584-11 – first reading**

**LAUDER:**

That Council for the Town of Pincher Creek agree to give first reading to the Fee Structure Bylaw #1584-11.

**CARRIED 11-387**

8.2 **Regional Services Steering Committee**

**SMYTH:**

That Council for the Town of Pincher Creek approves participation of the Town of Pincher Creek on a Regional Services Partnership Steering Committee.

AND

That Council for the Town of Pincher Creek authorizes a grant funding application to be submitted to the Municipal Affairs Regional Collaboration Program.

AND

That Council for the Town of Pincher Creek agree to the appointment of the Municipality of the Crownsnest Pass as lead Municipality of the Regional Services Partnership Steering Committee.

AND

That Council for the Town of Pincher Creek appoint a Council member on behalf of the Town to the Regional Services Partnership Steering Committee.

**CARRIED 11-388**

**ANDERBERG:**

That Council for the Town of Pincher Creek appoint Councillor Nodge as Council member on behalf of the Town of Pincher Creek to the Regional Services Partnership Steering Committee.

**CARRIED 11-389**

**8.3 ORRSC – GIS – Regional Collaboration Grant Application**

**JACKSON:**

That Council for the Town of Pincher Creek authorizes participation of the Town of Pincher Creek in an application for the Oldman River Region GIS Enhancement Project submitted by the Town of Cardston under the Regional Collaboration component of the Regional Collaboration Program.

AND

That Council for the Town of Pincher Creek, a participant, agrees to abide by the terms of the Conditional Grant Agreement, governing the purpose and use of the grant funds.

**CARRIED 11-390**

**8.4 Business License Bylaw 1150-11 – first reading**

**NODGE:**

That Council for the Town of Pincher Creek agree to give first reading to Business License Bylaw #1550-11.

**CARRIED 11-391**

**9. REPORTS:**

**9.1 Councillors' Report**

**LAUDER**

November 14 Regular Council  
November 24 Alberta Health Services  
November 24 Economic Development  
Committee

**SMYTH**

November 14 Regular Council  
November 15 MDSA  
November 17 Crestview Lodge Committee  
November 17 Joint Council  
November 18 Landfill  
November 23 Budget  
November 24 Economic Development  
Committee  
November 25 Crestview Lodge Christmas Party

**NODGE**

November 14 Regular Council  
November 16 EMS  
November 16 Budget  
November 17 Joint Council  
November 23 Budget  
November 24 Economic Development  
Committee

**JACKSON**

November 14 Regular Council  
November 15 MDSA  
November 16 Metis Flag Raising/126<sup>th</sup>  
Anniversary of the death of Louis  
Riel  
November 17 Joint Council  
November 23 Budget

November 24 Alberta Health Services  
November 24 Economic Development  
Committee

9.2 Mayor's Report  
**OLSEN:**

November 14 Regular Council  
November 16 EMS  
November 16 Budget  
November 17 Crestview Lodge Committee  
November 17 Joint Council  
November 23 Budget  
November 24 Alberta Health Services  
November 24 Economic Development  
Committee  
November 25 Crestview Lodge Christmas Party

**LAUDER:**

That the Council for the Town of Pincher Creek accept the Mayor and Councillors reports for the November 28, 2011 meeting as information.

**CARRIED 11-392**

10. ADMINISTRATION

10.1 Council Information Distribution List

**JACKSON:**

That the Council for the Town of Pincher Creek accept the Council Information Distribution List as information.

**CARRIED 11-393**

11. NOTICE OF MOTION (if any)

*Mayor Olsen called a recess at 6:45p.m.*

*D. Poole left the meeting at 6:45p.m.*

*Mayor Olsen called the meeting back to order at 6:52p.m.*

12. CONFIDENTIAL MATTERS

**SMYTH:**

That the Council for the Town of Pincher Creek agree to go to an "In Camera" session of Council on Monday November 28, 2011 at 6:52 p.m. with the CPO Gord Pitt and Director of Finance and Human Resources Wendy Catonio in attendance.

**CARRIED 11-394**

*CPO Gord Pitt left the in camera session at 7:03p.m.*

**JACKSON:**

That the Council for the Town of Pincher Creek agree to revert to an open meeting of Council on Monday November 28, 2011 at 7:45p.m.

**CARRIED 11-395**

**12.1 Land – Lease Agreement**

**JACKSON:**

That Council for the Town of Pincher Creek accepts the land lease agreement information as presented.

**CARRIED 11-396**

**12.2 Personnel – Economic Development Committee Appointment**

**JACKSON:**

That Council for the Town of Pincher Creek appoint Ras Takac as a member at large to the Town of Picher Creek Economic Development Committee for the remainder of the vacant term.

**CARRIED 11-397**

**ANDERBERG:**

That Council for the Town of Pincher Creek recommend to the Economic Development to approach Alan Vaughan to participate in an advisory position.

**CARRIED 11-398**

*Director of Finance and Human Resources Wendy Catonio left the meeting at 7:53p.m.*

**NODGE:**

That the Council for the Town of Pincher Creek agree to go to an “In Camera” session of Council on Monday November 28, 2011 at 7:54 p.m.

**CARRIED 11-399**

**NODGE:**

That the Council for the Town of Pincher Creek agree to revert to an open meeting of Council on Monday November 28, 2011 at 9:04 p.m.

**CARRIED 11-400**

*Mayor Olsen asked Director of Finance and Human Resources Wendy Catonio to return to the meeting at 9:05 p.m.*

**12.3 Personnel**

**NODGE:**

That Council for the Town of Pincher Creek agree Mayor Olsen and Councillor Jackson present the CAO with her performance evaluation.

**CARRIED 11-401**

**NODGE:**

That Council for the Town of Pincher Creek agree to authorize Mayor Olsen to present the CAO with a compensation package proposal.

**CARRIED 11-402**


**13. ADJOURNMENT**

**JACKSON:**

That this meeting of Council on November 28, 2011 be hereby adjourned at 9:13 p.m.

**CARRIED 11-403**

  
MAYOR, E. Olsen

  
CAO, L. Wilgosh

**APPROVED BY RESOLUTION  
OF THE COUNCIL OF THE  
TOWN OF PINCHER CREEK,  
THIS 12 DAY OF DEC., 2011**

**S E A L**

**NEXT REGULAR MEETING OF COUNCIL TO BE HELD ON MONDAY  
DECEMBER 12, 2011 AT 6:00 P.M.**



**BYLAW #1574-11**  
of the  
**TOWN OF PINCHER CREEK**  
**FOR THE PURPOSE OF THE PREVENTION AND**  
**CONTROL OF NUISANCES AND REGULATING**  
**UNTIDY AND UNSIGHTLY PREMISES**

**WHEREAS**, under the authority of the Municipal Government of Alberta, being Chapter M-26 of the Revised Statutes of Alberta, R.S.A. 2000 and amendments thereto, the Council of a municipality may pass bylaws for the preventing of nuisances generally, and regulating untidy and unsightly private and public premises.

**AND WHEREAS**, the Council deems it expedient to pass a bylaw pursuant to Chapter M-26 of the Municipal Government Act, Revised Statutes of Alberta and amendments thereto,

**NOW THEREFORE**, the Council of the Town of Pincher Creek, in session duly assembled, enacts as follows:

**TITLE**

1. This bylaw may be cited as the "Nuisance Bylaw."

**DEFINITIONS:**

2. **"BOULEVARD"** means that portion of a street which lies between the roadway and the front property line of the land abutting said street
3. **"BYLAW ENFORCEMENT OFFICER"** means a person authorized by Council to carry out the provisions of this bylaw or the Town Manager of the Town of Pincher Creek or a member of the Royal Canadian Mounted Police.
4. **"COUNCIL"** means the Council of the Town of Pincher Creek.
5. **"LITTER"** as defined by the Litter Act Chapter L-19 means,
  - a. any solid or liquid material or product or combination of solid or liquid materials or liquid materials of products, including but not limited to:
  - b. any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, human or animal excrement or sewage of the whole or a part of an animal carcass, or
  - c. the whole or part of any article, raw or processed material, motor vehicle or other machinery that is disposed of.
6. **"MUNICIPAL ADMINISTRATOR"** means a person appointed under the Municipal Government Act by the Town of Pincher Creek Council.
7. **"NUISANCE"** means any act or deed, or omission, or thing, which is, or could reasonably be expected to be annoying, or troublesome, or destructive, or harmful, or inconvenient, or injurious to another person and/or his property, or anything troublesome or bothersome to other people for which complaints are received.

**Bylaw #1574-11**  
**November 2011**

8. **"OCCUPANT"** means any person occupying any property, whether he is the owner or lessee of such property or whether such person resides thereon or conducts a business thereon.
9. **"OWNER"** means a person having title to, or legal possession of any property, or who possesses property under a purchase agreement.
10. **"PEST"** means any animal, bird, reptile or insect which causes or could reasonably be expected to cause annoyance or damage or injury to any person, or animal or plant.
11. **"RUBBISH"** means and includes any paper product, or fabric, or wood, or plastic, or glass, or metal and/or any matter or substance of any kind which has apparently been discarded, or abandoned, or in any way disposed of.
12. **"TOWN"** means the Town of Pincher Creek.
13. **"UNTIDY"** or **"UNSIGHTLY"** means any property or part of it on which there is litter, rubbish or debris of any kind which causes the property or any part of it to look untidy or unsightly.

**REGULATIONS:** Every owner, lessee, tenant or agent of the owner of any real property within the Town of Pincher Creek, or if such property is unoccupied, the owner thereof shall ensure that:

14. No person being the owner, agent of the owner, lessee or occupant of land or premises, shall permit that land or premises or boulevard adjacent to property to be or remain untidy or unsightly.
15. No person being the owner, lessee, tenant or agent of the owner of any land or premises with the Town shall permit any building structures or erection of any kind whatsoever, or any excavation, depression, drain or ditch, watercourse, pond, surface water, refuse or other matter or thing upon private land, street or road in or about any building or structure of which such person is the owner, lessee, tenant or agent of the owner, to be or to remain a nuisance and/or dangerous to the public safety or health.
16. Every person who is an owner, lessee, tenant or agent of the owner of land or premises shall eradicate dandelions and noxious weeds and plants from the property occupied by him and from the boulevard which abuts or flanks a property occupied by him.
17. Every person who is an owner, lessee, tenant or agent of the owner of land or premises shall cut the grass on the property which he occupies, on the boulevard which abuts or flanks a property occupied by him and on any lane or alley which abuts or flanks a property occupied by him to prevent it from growing to a height of more than six inches.
18. Every person who is an owner, lessee, tenant or agent of the owner of land or premises shall remove from property occupied by him any dead grass or brush or rubbish which may be untidy or unsightly and which may harbour vermin or pests.
19. Council may direct the owner, agent of the owner, lessee or occupier of any property to take such measures as the CAO and/or Bylaw Enforcement Officer in their discretion deems necessary for the prevention or abatement of a nuisance or for the remedying or any untidy or unsightly condition on any premises.
20. The owners of residential properties in the Town of Pincher Creek shall ensure the neat and orderly storage of unregistered and non-operational vehicles is limited to no more than two vehicles on any one property.

21. The owners of residential properties in the Town of Pincher Creek shall ensure the neat and orderly storage of, or disposal of, discarded or dilapidated furniture or household appliances, scrap metals, scrap lumber, tires and motor vehicle parts.

**CONTROL OF LITTER**

22. No person shall place, deposit, throw or cause to be placed, deposited or thrown any litter upon any street, land, sidewalk, parking lot, park or other public place or water course; or on property not his own; except in a receptacle provided for such purpose.
23. All private or general contractors shall during the construction, renovation or demolition of a building, keep the land in a reasonable condition so as not to constitute a nuisance, and shall secure all manner of debris so as to prevent it from blowing onto any other private or public property.
24. A person who has placed, deposited or thrown or caused to be placed or thrown any litter upon any street, land, sidewalk, parking place, park or other public place or water course or on any property not his own shall forthwith remove it.
25. If any person fails to remove any litter or any materials or objects referred to in this section or any other obstruction deposited by him, off and from the highways or streets, lanes, alleys and byways, property not his own or public places of the Town, the Bylaw Enforcement Officer shall cause such removal to be done at the expense of such person and the expense of so doing shall be recoverable from such person in any court of competent jurisdiction.

**NO DUST IN THE AIR**

26. No person being the owner, agent of the owner, lessee or occupant of land or premises shall cause or permit any opaque or dense dust to be emitted to the atmosphere from any operations on the premises from that land or premises.

**POSTERS ON WALLS, ETC.**

27. No person shall post or exhibit, or cause, permit or allow to be posted or exhibited on any wall or fencepost or elsewhere on or adjacent to a highway or public place, any placard, playbill, poster, writing or picture, without the prior written permission of the Town Manager.
28. The Bylaw Enforcement Officer is hereby authorized to remove and destroy any such placard, playbill, poster, writing or picture erected or maintained without such permission.

**NO PILING, STORING MATERIAL OR EQUIPMENT ON TOWN PROPERTY**

29. No person shall place, pile or store any material or equipment on Town property without first applying for and obtaining a permit for such purpose from the Town. The Council is hereby authorized to make provisions and regulations for the granting of such permits and to set the charges and terms in respect thereof.
30. Any person placing or causing to be placed, any dirt, gravel, concrete, equipment or any such obstruction on Town property without a permit shall remove or cause the removal thereof within twenty-four (24) hours. If the person fails to remove such mater within twenty-four hours after being notified to do so, Council may authorize the removal of the obstruction and completion of any necessary repairs, and charge the cost thereof to the person causing the obstruction.

**PEST CONTROL**

- 31 No person shall permit the proliferation of any pest that is likely to spread disease, be destructive or dangerous or otherwise become a nuisance.

**CONTROL OF TREES AND SHRUBS**

- 32 Every owner, agent, lessee or occupier of premises shall ensure that branches, stems or trunks of trees or shrubs, whether on private property or otherwise shall not in any way interfere with or endanger the lines, poles, conduits, pipes, sewers or other works of a utility serving or owned by the Town of Pincher Creek: the Council for the Town of Pincher Creek, CAO, Director of Operations or the Bylaw Enforcement Officer may direct the owner, agent, lessee or occupier of the property on which such tree or shrub stands to remove or prune the tree or shrub, or to take such other steps as the Council, CAO, Director of Operations or the Bylaw Enforcement Officer deem necessary to alleviate the interference with or danger to such works.
- 33 Every owner, agent, lessee or occupier of premises shall ensure that their tree branches and shrubs overhanging or encroaching a public sidewalk, road, lane or alley shall be pruned or trimmed to a height of at least twelve feet above said public sidewalk, road, lane or alley.
- 34 Every person who is an owner, agent, lessee or occupier of premises shall be responsible for the trimming, maintenance and removal of trees and shrubs
- a) On the said premises.
  - b) On the boulevard which abuts or flanks the said premises.
  - c) And on any lane or alley which abuts or flanks the said premises.
- An application for removal of trees on Town boulevards, lanes or alleys, attached hereto as Schedule A, must be completed and submitted to the Town of Pincher Creek for approval prior to removal.
- 35 Maintenance to trees on property owned by the Town of Pincher Creek that, in the opinion of the Director of Operations or a Town appointed arborist, is required to mitigate an exigent situation, will be the responsibility of Operations.

**AUTHORITY TO ENTER AND ENFORCE**

- 36 The Bylaw enforcement Officer is hereby authorized to enter lands within the Town of Pincher Creek for the inspection of conditions that may constitute a nuisance and/or is dangerous to public safety or health or otherwise contravenes or fails to comply with the provisions of this Bylaw.
- 37 The Bylaw Enforcement Officer may declare that any property of premises within the Town is in contravention of this Bylaw.
- 38 The Bylaw Enforcement Officer may direct the owner, agent or the owner, lessee or occupier of any property to take such measures as the Bylaw Enforcement officer in his discretion deems necessary for the prevention or abatement of a nuisance or for the remedying of any untidy or unsightly condition on any premises or to ensure that the provisions of this Bylaw are complied with, and may:
- a. Issue a warning notice by mail to the owner, agent, lessee or occupier of the land or premises in question advising them of the condition and directing that the condition be rectified within fourteen (14) days.
  - b. Upon non-compliance to a warning notice referred to in Section 11(b), issue an offence ticket in accordance with Section 11.

**Bylaw #1574-11  
November 2011**

39. Should any property owner, agent, lessee or occupier fail, neglect or refuse to remedy the conditions as directed in the said Notice, the Town of Pincher Creek may cause the work to be performed as deemed necessary to remedy the condition and charge the costs of such work to the owner, agent, lessee or occupier, and in default of payment,
- a. Recover the cost as a debt due to the Town, or
  - b. Charge the cost against the land concerned as taxes due and owing in respect of that land and recovers the cost as much.
40. Any person who enters property to remedy a condition as directed by the CAO or the Bylaw Enforcement Officer shall be deemed to have the authorization of Council and shall not incur any liability therefore.

**PENALTIES**

41. Any person who breaches a provision of this bylaw shall be guilty of an offence and shall be liable upon summary conviction to a fine of not less than \$200.00 and not more than \$500.00.
42. Notwithstanding the foregoing, a person charged with an offence under this Bylaw may make a voluntary payment at the Town Office at any time up to 14 days after the date the offence ticket is issued and in such case, prosecution for the offence will not proceed.
43. The voluntary payment shall be \$75.00.
44. Where an alleged offender has made payment under this bylaw and is prosecuted under a summons issued for the offence in respect of which such payment has been made, such payment will be refunded.
45. If an alleged offender does not pay the penalty amount, then such person may, by summons, be required to appear in Court and shall be liable on summary conviction to pay a minimum fine equal to the penalty amount plus Court costs.

**APPEAL PROVISIONS**

46. A person who considers themselves aggrieved by a direction given pursuant to this Bylaw may appeal the direction to Council.
47. An appeal under this section shall be delivered in person or sent by registered mail to the CAO within ten (10) days of the date on which the direction was served on the owner, agent, lessee or occupier.
48. Council shall consider the appeal at its next regular meeting after the appeal has been received.
49. After considering the appeal, Council may confirm the direction or if it is satisfied that the direction is unreasonable, unjust or in any manner contrary to the intent and meaning of this Bylaw, set aside, vary or modify the direction.

**SEVERABILITY**

50. Should any section or part of this Bylaw be found to have been improperly enacted or ultra vires, for any reason, then such section or part shall be regarded as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this bylaw.


**Bylaw #1574-11  
November 2011**

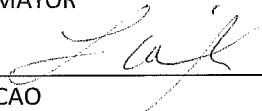
51. That bylaw #1574-06 and amendments thereto are hereby repealed.

**EFFECTIVE DATE**

52. This bylaw shall come into force and effect on the final date of passing thereof.


READ A FIRST TIME THIS 14 DAY OF November, 2011, A.D.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CAO


READ A SECOND TIME THIS 28 DAY OF NOVEMBER, 2011, A.D.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CAO

READ A THIRD TIME AND FINALLY PASSED THIS 28 DAY OF Nov., 2011, A.D.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CAO

SCHEDULE „A“  
TOWN OF PINCHER CREEK  
APPLICATION FOR REMOVAL OF TREES  
TOWN BOULEVARDS, LANES OR ALLEYS

Date: \_\_\_\_\_

Applicant: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Civic Address: \_\_\_\_\_

Location of Tree(s) to be Removed: \_\_\_\_\_

\_\_\_\_\_

Reason for Removal : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

.....  
To be Completed by Municipality

Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_

Date of Inspection: \_\_\_\_\_

Inspected by: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Permission Granted \_\_\_\_\_ Permission Refused: \_\_\_\_\_

Conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date