



# CITY OF FORT SASKATCHEWAN AGENDA

## Regular Council Meeting Tuesday, May 24, 2016 – 6:00 P.M. Council Chambers – City Hall

- 6:00 P.M.**
1. **Call to Order** Mayor Katchur
  2. **Approval of Minutes of May 10, 2016 Regular Council Meeting** (attachment)
  3. **Delegations**  
*Those individuals in attendance at the meeting will be provided with an opportunity to address Council regarding an item on the agenda, with the exception of those items for which a Public Hearing is required or has been held. Each individual will be allowed a maximum of five (5) minutes.*
  4. **Unfinished Business**
    - 4.1 Policy GEN-023-C - Community Grants Sheila Gagnon (attachment)
    - 4.2 Harbour Pool Swimming Lesson Registration Troy Fleming (attachment)
  5. **New Business**
    - 5.1 Fort Saskatchewan Gymnastics Club Troy Fleming / Leanne Cameron, Head Coach, Fort Gymnastics (attachment)
    - 5.2 RCMP 2016/2017 Performance Plan Priorities Brad Ward / S/Sgt. Craig O'Neill / S/Sgt. Peter Tewfik (attachment)
  6. **Bylaws**
    - 6.1 Bylaw C7-16 – Animal Control Bylaw – Repeals Bylaw C1-02 – 3 readings Ed Barden (attachment)
  7. **Notice of Motion**
  8. **Points of Interest**
  9. **Councillor Inquiries**
  10. **In-Camera**
    - 10.1 Land Matter (attachment)
    - 10.2 Labour Relations
  11. **Adjournment**



**CITY OF FORT SASKATCHEWAN  
MINUTES  
REGULAR COUNCIL  
Tuesday, May 10, 2016 - 6:00 PM  
Council Chambers – City Hall**

**Present:**

Members of Council:

Mayor Gale Katchur  
Councillor Birgit Blizzard  
Councillor Sheldon Bossert  
Councillor Frank Garritsen  
Councillor Stew Hennig  
Councillor Arjun Randhawa  
Councillor Ed Sperling

Administration:

Kelly Kloss, City Manager  
Troy Fleming, General Manager, Infrastructure & Community Services  
Brenda Rauckman, General Manager, Corporate & Protective Services  
Brenda Molter, Director, Legislative Services  
Wendy Kinsella, Director, Corporate Communications  
Jeremy Emann, Chief Financial Officer  
Janel Smith-Duguid, Director, Planning & Development  
Bradley McDonald, Manager, Utility Services  
Mike Erickson, Economic Development Officer  
Reade Beaudoin, Digital Media Coordinator  
Sheryl Exley, Recording Secretary

**1. Call to Order**

Mayor Katchur called the regular Council Meeting of May 10, 2016 to order at 6:00 p.m.

**2. Approval of Minutes of April 26, 2016 Regular Council Meeting**

**R75-16**

MOVED BY Councillor Blizzard that the minutes of the April 26, 2016 regular Council Meeting be adopted as presented.

In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa,  
Birgit Blizzard, Sheldon Bossert, Ed Sperling

CARRIED UNANIMOUSLY

**3. Delegations**

The following individuals were in attendance to support the Fort Saskatchewan Food Gatherers' request for the City to lease the land adjacent to the Families First location situated at 9901 - 90 Street, to the Society:

- Marlene Leroux, President, Fort Saskatchewan Food Gatherers
- Patty Gignac, Treasurer, Fort Saskatchewan Food Gatherers
- Allison Haggerty, resident

#### 4. Unfinished Business

##### 4.1 Water Billing System External Assessment Report

Presented by: Karina Guy, KPMG, LLP

**R76-16**

MOVED BY Councillor Bossert that Council direct Administration to present information to Council addressing recommendations arising from the water billing system assessment. The information should outline alternatives, timelines for implementation, cost estimates, and available funding sources.

In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa, Birgit Blizzard, Sheldon Bossert, Ed Sperling

CARRIED UNANIMOUSLY

##### 4.2 Food Gatherers Society Land Lease Request

Presented by: Troy Fleming, General Manager, Infrastructure & Community Services

**R77-16**

MOVED BY Councillor Blizzard that Council designate the 0.45 acre north-eastern section of vacant land at 9901 - 90 Street (Lot 7, Plan 932 3415) in Fort Saskatchewan for the use of the Food Gatherers Society for the purposes of constructing a new Food Bank facility; and direct Administration to lease the 0.45 acre north-eastern section of vacant land at 9901 - 90 Street (Lot 7, Plan 932 3415) in Fort Saskatchewan to the Food Gatherers Society for \$10.00 per year for a minimum period of 10 years.

In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa, Birgit Blizzard, Sheldon Bossert, Ed Sperling

CARRIED UNANIMOUSLY

Mayor Katchur called a short recess at 7:30 p.m.

The regular Council Meeting reconvened at 7:37 p.m.

##### 4.3 Solid Waste Collection Service Levels

Presented by: Bradley McDonald, Manager, Utility Services and Tamara Shulman, Tetra Tech Waste

**R78-16**

MOVED BY Councillor Sperling that Council approve the residential solid waste collection service levels outlined in Appendix 3 as attached to the Council report dated May 4, 2016, with the new waste collection program to commence in the spring of 2018.

In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Birgit Blizzard,  
Sheldon Bossert, Ed Sperling

Against: Arjun Randhawa

CARRIED

## 5. New Business

### 5.1 Uniform Quality Management Plan

Presented by: Janel Smith-Duguid, Director, Planning & Development

**R79-16** MOVED BY Councillor Hennig that Council approve the Uniform Quality Management Plan, as presented.

In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa,  
Birgit Blizzard, Sheldon Bossert, Ed Sperling

CARRIED UNANIMOUSLY

**R80-16** MOVED BY Councillor Hennig that Council rescind the existing Quality Management Plans for Building, Electrical, Plumbing, Gas (approved October 2000), and Fire Services (approved December 2001).

In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa,  
Birgit Blizzard, Sheldon Bossert, Ed Sperling

CARRIED UNANIMOUSLY

## 6. Bylaws

### 6.1 Bylaw C9-16 – Business Licence Bylaw – 3 readings

Presented by: Mike Erickson, Economic Development Officer

**R81-16** MOVED BY Councillor Randhawa that Council give first reading to Business Licence Bylaw C9-16.

In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa,  
Birgit Blizzard, Sheldon Bossert, Ed Sperling

CARRIED UNANIMOUSLY

**R82-16** MOVED BY Councillor Randhawa that Council give second reading to Business Licence Bylaw C9-16.

In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa,  
Birgit Blizzard, Sheldon Bossert, Ed Sperling

CARRIED UNANIMOUSLY

**R83-16**

MOVED BY Councillor Randhawa that Council provide unanimous consent to proceed with third and final reading of Business Licence Bylaw C9-16.

In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa, Birgit Blizzard, Sheldon Bossert, Ed Sperling

CARRIED UNANIMOUSLY

**R84-16**

MOVED BY Councillor Randhawa that Council give third reading to Business Licence Bylaw C9-16.

In Favour: Gale Katchur, Frank Garritsen, Stew Hennig, Arjun Randhawa, Birgit Blizzard, Sheldon Bossert, Ed Sperling

CARRIED UNANIMOUSLY

**7. Notice of Motion**

None.

**8. Points of Interest**

Members of Council were given the opportunity to bring forward information that would be of interest to the public.

**9. Councillor Inquiries**

Members of Council were given the opportunity to ask questions and provide concerns and comments.

**10. Adjournment**

The regular Council Meeting of May 10, 2016 adjourned at 9:31 p.m.

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Mayor

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Director, Legislative Services

## CITY OF FORT SASKATCHEWAN

### Policy GEN-023-C – Community Grants

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#### **Motion:**

1. That Council adopt Community Grants Policy GEN-023-C.
2. That Council appoint the following members of Council to the Community Grants Committee:
  - a) \_\_\_\_\_;
  - b) \_\_\_\_\_;
  - c) \_\_\_\_\_.

#### **Purpose:**

To implement a Community Grants Program.

#### **Background:**

At the November 23, 2015 regular Council Meeting, Council approved the following resolution:

“That Council hereby agrees to the following:

1. A grants-to-organizations program be established for an initial period of two years subject to a review at the end of that period;
2. That within the 2016 Budget \$75,000.00 for grants and \$10,000.00 to administer the program be allocated from the Financial Stabilization Reserve; and
3. Administration develop a policy for Council’s consideration, which will guide the implementation of the program.”

Administration has drafted a Council Policy, which recommends three members of Council be appointed to the Community Grants Committee to oversee a Community Grant Program. The Committee will oversee the funding and allocation of the funds for Community Grants in Fort Saskatchewan. This type of a program will allocate funding for 2016 and 2017 to provide one-time grants for groups to aid in the development of tourism, and to enhance the City’s profile at the international, federal, provincial, or regional levels.

In an effort to effectively inform potential applicants of the Policy, Administration will work with the Corporate Communications Department to advertise the initiative on the City’s website, and to use other appropriate methods of communication.

#### **Next Steps:**

Administration has developed preliminary processes to administer the program, which includes the following recommendations:

- The need to appoint three members of Council to the Community Grants Committee.
- The Committee be authorized to allocate grants in accordance with Policy GEN-023-C.
- The grant be available to any eligible community group located in the City of Fort Saskatchewan.
- The grant be for non-continuing programs or events that do not financially sustain a community group.
- Community groups already receiving grants from the City are not eligible to apply.

- Procedures will be established for the administration of this Policy.

**Plans/Standards/Legislation:**

*City of Fort Saskatchewan Strategic Plan:*

3.5. Develop a strategy to support hosting of special events.

*Community Sustainability Plan:*

Well maintained and utilized parks, greenbelts and greenways incorporating the natural environment with heritage and recreation.

**Financial Implications:**

Budget from the Financial Stabilization Reserve has been approved in the amount of \$75,000 for 2016 and 2017.

**Internal Impacts:**

The Recreation, Infrastructure Management and Finance Departments will work cooperatively to develop appropriate procedures for this Policy.

**Recommendation:**

1. That Council adopt Community Grant Policy GEN-023-C.
2. That Council appoint three members of Council to the Community Grants Committee.

**Attachment:**

Community Grant Policy GEN-023-C

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File No.:

Prepared by:	Sheila Gagnon Recreation Development Coordinator	Date: May 18, 2016
Approved by:	Barb Shuman, Director, Recreation Services	Date: May 18, 2016
Approved by:	Troy Fleming General Manager, Infrastructure and Community Services	Date: May 18, 2016
Reviewed by:	Kelly Kloss City Manager	Date: May 18, 2016
Submitted to:	City Council	Date: May 24, 2016

## **COMMUNITY GRANTS**

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Date Issued: XXXXX

Mandated by: City Council

Current Revision: XX.XXX.XX

Cross Reference:

Next Review: Jan 1, 2019

Responsibility: City Manager

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### **PURPOSE**

To support events held by locally based non-profit community groups who, through their efforts, promote the City of Fort Saskatchewan.

### **POLICY**

The City may, subject to budget approval, provide direct monetary grants to non-profit organizations that:

1. Are of significant value to a wide segment of the citizens of Fort Saskatchewan; and
2. Encourage the development of local cultural, recreational, artistic or social events with a focus on tourism or enhances Fort Saskatchewan's profile at the international, federal, provincial or regional level

### **DEFINITIONS**

*City* – the City of Fort Saskatchewan

*Local* – within the municipal boards defined as Fort Saskatchewan

### **GOVERNING PRINCIPLES**

1. A Community Grants Committee, made of up 3 members of Council, is established and has the authority to award grants in accordance with this policy, applicable procedures, and budget allocation.
2. There is no appeal to a decision made by the Committee.
3. Grants are available to non-profit organizations based in the City. Non-resident groups may be considered for projects that directly benefit City residents.
4. Events must occur within the City's municipal boundaries and directly benefit residents and businesses.

5. Events must be completed within a 12 month period from the day the grant is approved.
6. Of the funds budgeted, the Committee will retain at least 25% until September of the grant year for requests arising from an emergent issue. If this portion is not used by September the 25% may be allocated by the Committee.
7. Grants are based on one-time events and will not form part of ongoing operating or capital budgets.
8. Grants awarded will be published on the City's website at least once in the calendar year.
9. The Committee will determine how the availability of funds will be communicated to the public.
10. A system of accountability is to be established to ensure funds granted are used for the intended purpose and adequate oversight is maintained.

**AUTHORITY / RESPONSIBILITY TO IMPLEMENT**

The City Manager is authorized to establish procedures for the implementation of this Policy which are consistent with the governing principles.

# CITY OF FORT SASKATCHEWAN

## Harbour Pool Swimming Lesson Registration

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### **Purpose:**

To provide Council with information regarding swimming lesson registration practices as it relates to resident versus non-resident policies.

### **Background:**

Council approved the following resolution at the April 6, 2016 regular Council Meeting:

*That Council direct Administration to bring back a report by June 1, 2016 with policy proposals outlining the possibility of aiding in aquatic program subscription issues by looking at an advance registration period for residents.*

The City of Fort Saskatchewan provides a variety of high quality aquatic program opportunities to ensure citizens are able to learn about aquatic safety in a fun, welcoming atmosphere. The Harbour Pool is programmed to meet the various demands of the community by providing the public with water safety education in the form of swimming lessons, public swim, fitness classes, leadership programs, and specialty programs, such as the Piranhas Swim Club.

### Resident Feedback:

Following aquatic program registration days, feedback is received from registrants regarding the challenges of getting children registered into prime-time swimming lesson programs. Since 2014, this feedback has been especially notable through social media, although it has been received in years prior as well. Staff continuously review the feedback and look for new ways to accommodate more registration capacity based on the needs and wants of citizens.

Typical feedback received:

1. e-Connect is always overloaded on the first day of registration;
2. more info needed on how to successfully register for programs (on-line, in person at a City facility, or phoning in); and
3. classes are full.

The 2015 Recreation Facility and Parks Master Plan Update clearly identified aquatics capacity as being a top concern within the community. A strong message was sent that more aquatics capacity needs to be added and a preference was given for aquatics services at the Dow Centennial Centre (DCC). On April 12, 2016, Council set the plebiscite for aquatics to coincide with the 2017 municipal election and on April 26, 2016, Council chose a "split aquatics" concept for the focus of that plebiscite.

### Current Situation:

The Harbour Pool schedule is reviewed regularly for efficiencies and areas of improvement. The Pool itself has many unique design features that limit the amount of safe instructor stations that can be provided to the community. For example, high walls, varied depth in shallow areas, and the Pool's design limits the capacity of lessons which can be programmed at any given time.

This is taken within the context that the amount of aquatic space square footage has not increased since the facility was built in 1982 (with a significant renovation in 1989). The population of the City when the original facility was constructed was 12,455. The City's current population is 24,040, which means that while the population has doubled in size, the amount of physical aquatic space has remained constant. This highlights the importance of continually evaluating and investing in recreation amenities and the benefit of building additional capacity when making those investments. The specific challenge with aquatics space construction is that it is an extremely expensive space to build and operate, and aquatics spaces are not easily expanded or scalable due to mechanical requirements.

Due to the population trend mentioned above, limited amounts of spaces are available for the growing population in swimming lessons during the peak desirable times. While capacity still exists in less desirable times, feedback is often focused on the inability to register in prime-times that better suits their schedule. Due to the growth in the region, aquatic centres from nearby municipalities are reporting similar registration challenges.

Residents versus Non-Residents:

The desire to implement a resident requirement registration advantage is not a new concept and is often the result of frustration from citizens who are not successful in securing registration spaces in prime-time lesson programs. The advantage of implementing these policies is that taxpayers are given the opportunity to register in the prime-time slots, while non-residents would wait a pre-determined period before being allowed to register.

Comparable Research

A comparison was completed to determine what types of registration processes occur throughout Alberta. The chart below shows a comparison of registration processes throughout the region and of facilities in Alberta that are commonly used by the City of Fort Saskatchewan as comparators.

	Leduc Rec Centre	Strathcona County	Cochrane	Beaumont Aquafit Ctr	St. Albert Servus Centre	St. Albert Fountain Park	Whitecourt	Hinton	Lloydminster	City of Edmonton	City of Red Deer	Tri-Leisure	Camrose
Type of Lessons	Red Cross	Red Cross	Red Cross	Red Cross	None	Lifesaving Society	Red Cross	Lifesaving Society	Red Cross	Red Cross	Red Cross	Red Cross	Red Cross
<b>Resident vs Non-Resident Policies</b>													
Resident vs Non Resident Pricing	No	No	No	No	None	No	No	No	No	No	Yes	No	Yes
Non-Resident Extra Program Fee	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Non resident pay 25% more	N/A	Youth save \$6 Adult/Teen & Infant/Pre save \$5
Resident Advanced Registration Period	N/A	N/A	Yes-1 week *on-line registration not	N/A	N/A	N/A	N/A	N/A	N/A	N/A	No	N/A	No
<b>Member vs Non-Member Policies</b>													
Member versus Non-Member Pricing	Yes	No	No	No	Yes	No	Yes	No	No	No	No	Yes	No
Member Program Discount	None	N/A	N/A	N/A		N/A	15%	N/A	N/A	N/A	N/A	15%	N/A
Member Advanced Registration Period	Yes-2 days	No	N/A	No	Yes-1 week	N/A	Yes-1 week	N/A	N/A	N/A	N/A	Yes-2 days	N/A

From this comparison three types of registration processes were identified:

1. **Registration with no restrictions** – Anyone can register for programs once they are open to the public. Most municipalities have a registration process without restrictions, recognizing that it allows community residents the choice to access swimming lessons that work with their family's schedules and lifestyles.
2. **Registration of member versus non-members** – This registration process provides advantages to those people who hold current memberships to a specific facility. Facilities offered either an advanced registration period, membership pricing, or a combination of both. This type of registration process requires that memberships are current at the time of registration and for the duration of the program. These types of policies occur only where major multi-use recreation facilities have pool facilities.
3. **Registration of residents versus non-residents** – This registration process gives priority to residents, whether it is an advance registration date or additional fees for non-residents. There was one municipality surveyed (Cochrane) that did have an advanced registration date for residents, however, this was restricted to in person and phone in registrations only.

Implementation:

The implementation of this policy can be done relatively easy from a technical perspective. Our current software systems do allow resident/non-resident verification although implementation would not begin until early 2017 given that the programs have already been set up and entered for the fall of 2016. The system has a built-in setting that allows for the municipality to create a resident-only registration period which would ensure the online registration service can still function normally. As long as the address for the registrant in the software is correct, then the system will only allow residents to register during the prescribed period of time before non-residents can register.

The current recreation administrative software provider (Class Systems) has previously notified the City that they are discontinuing support for this software program. As such, it is not known which provider will be chosen to replace Class and what their capacity is for resident/non-resident requirements. If Council chooses to implement a policy in this regard, Administration will ensure this requirement is included in the request for proposal scheduled to go out this June. In an optimum circumstance, the policy would be implemented to coincide with the new software roll-out.

In order for implementation to proceed, the following processes would need to be put in place:

1. All accounts would need to be set up in person prior to registration day. The option to set up accounts online to register for City programs would not be provided since residency cannot be verified electronically.
2. A system would need to be put in place to periodically verify that the residency entered into the system is still correct and the resident has not moved elsewhere.
3. For all existing customer accounts, it would be assumed that addresses are correct unless the resident informs staff otherwise.
4. Upon the establishment of a new account, a residency verification process would be followed that would require registrants to show one of the following:
  - a) Valid drivers license
  - b) Most recent tax role notice
  - c) Utility bill from within the last 6 months
  - d) Any government issued I.D. that contains an address. (for renters)

It would be assumed that the child is a resident at the location provided by the parent.

The technical implementation of such a policy is not difficult and would not result in a significant additional cost to the City financially. Additional staff time may be required if there are any complaints related to policy enforcement.

### Policy Considerations

While policies creating residential requirements can seem simple enough on the surface, there are many underlying challenges with the implementation that need to be considered.

#### **Choice**

To allow citizens the choice to access swimming lessons that work with their family's schedules and lifestyles, it is beneficial to have a relationship with our neighbouring municipalities. While there are those registering for City of Fort Saskatchewan lessons who reside outside the City, this is consistent with the number of Fort Saskatchewan residents signing up for aquatic programs in other municipalities. Fort Saskatchewan residents may sign up for lessons in other communities for reasons, such as work location, pool design preference, swim club association, and specialty training (leadership programs, diving, synchronized swimming, etc.), in addition to the ability to find programming that better meets their schedules.

We would anticipate that if we created barriers to outside residents registering in our programs, our residents would eventually become subject to the same barriers in other municipalities. This would then reduce the choices for those who need or want the aquatic options available in other locations. One example would be a resident who wished to participate in a diving club, which is a program not offered at the Harbour Pool.

#### **Philosophy**

It is important to distinguish the fact that resident requirement policies are different from those where customers can choose preferential services through "member programs" offered by businesses. Those programs are entered into by choice by paying additional fees in exchange for preferential services. Resident/non-resident policies are essentially non-voluntary policies that divide customers into two groups based on a predetermined criteria. In this case, the consequences of picking "winners and losers" must be done with great care and the consequences fully understood.

#### **Intermunicipal Relationships**

While policies do exist that create resident versus non-resident requirements for municipal services, such policies are not the norm across Alberta. There are a significant number of examples that can be noted daily, where the residents within any one municipality utilize the services within another jurisdiction. Roads, recreation facilities, social support programs, cultural programming, etc. As a general rule, municipalities accept the "give and take" that exists between themselves and their regional neighbors as being the most efficient and seamless way to provide services to the region as a whole. If all municipalities put up barriers for those outside of their jurisdiction, there would need to be far more services provided within individual municipalities, which affects economies of scale and increases the size of government.

### **Community versus Municipality**

A “trade area” is the geographic area from which a community generates business and encompasses those who identify with the community as being their gathering place. It is important to remember that the City’s trade area is not limited by our municipal boundaries. The trade area extends well beyond municipal borders and is based more on travel distances to important services. Those residents who live outside our municipal boundaries, but inside our trade area are important members of our community from both a social, and economic development perspective. Enacting policies that treat certain members of our trade area differently than others can have a negative impact on local business as it creates negative attitudes towards the City as being a community that cares more for those within the urban area. Building a strong sense of community should not stop at our municipal borders but should be welcoming to all who contribute to our community.

In addition, many people own, operate, or work for local businesses and may not reside within the City, but choose to shop and participate in events and programs here. The potential exists that businesses owners and employees who are an integral part of the community will be negatively affected by resident/non-resident policies.

### **Effectiveness and Customer Service**

Designing and implementing a system that proves residency is easier when looking at adult residency. Drivers licences along with a current tax role or utility bill would work for most homes (for a renter who does not pay the taxes or utility bill, perhaps a current credit card bill or other verification would need to be provided). Challenges will still exist for someone who perhaps doesn’t carry a driver licence, but then other photo ID could be accepted assuming it contains an address.

The bigger challenge is that children and youth do not carry identification. We now live in an age where blended families or single parent families are not uncommon. Many children do not carry the same last names of their parents. Proving the residency of an adult does not guarantee you will know the residency of a child. It would not be difficult for a local adult to register a child on behalf of a non-resident family member. Great care would have to be taken if the municipality chooses to challenge the residency of a potential registrant so as to not offend. If a “laid-back” approach is taken then our policy will be abused. If a strong approach is taken to enforcement then we risk situations where we offend those from blended families, adoptions, foster homes etc.

Regardless of the approach used, the fact that children do not carry identification. would limit the effectiveness of the program. Some of the more recent birth certificates do contain parent information but this would again become problematic in situations where children are with foster parents, grandparents, or other living arrangements.

In addition, variations in custody arrangements would require a clear definition of “resident”. Children may stay with a parent half the time, on the weekends, every second weekend, etc.

Frequent violations of the policy (lying) will create database issues in that data on addresses, emergency contact information, and other important information will not be accurate. For example, if a child is involved in a serious incident during an aquatics program, and they were registered by a resident on behalf of a non-resident, contacting the parent of the child may become a challenge.

### **Summary:**

The implementation of a residency/non-residency policy is not difficult to implement and will not require significant resources. The challenge is with the effectiveness of the residency verification process. Administration does not recommend the adoption of resident versus non/resident registration policies due to the factors previously noted which detail the many implementation challenges and “spill-over” effects from such a policy. Doing so does not increase the amount of spaces available for lessons, but will simply rearrange who gets priority. There will still be local citizens who are not able to register in their program of choice. While some of the challenges noted regarding residency verification may seem cumbersome, swimming is considered a “life skill”. It involves imparting safety skills that may save a child’s life and allows them to safely participate in indoor and outdoor aquatic environments.

It is recommended that the municipality maintain a strong focus on the planning and approval process for new aquatics spaces as the municipality continues to grow, as per the recently approved Recreation Facilities and Parks Master Plan.

### **Financial Implications:**

Advanced registrations periods require additional staffing resources to support Customer Service Representatives. This would require approximately 56 hours per year allotted customer staff costs. This amount would be on-going to accommodate the additional registration days that would be added per year but would not be a significant amount of money.

### **Internal Impacts:**

Due to timing for the Leisure Guide publications, no changes to the registration process are able to occur until 2017. The Fall 2016 Programming and Leisure Guide input process have already been completed.

### **Alternatives:**

1. That Council maintain the current registration process, which does not restrict access based on residency. (No motion required)
2. That Council direct Administration to implement an advanced registration system that includes a two day “resident only” registration period beginning with the winter 2017 program session and bring forward a budget request in the 2017 budget process including all additional operating costs related to implementation.

### **Recommendation:**

That Council maintain the current registration process, which does not restrict access based on residency. (No motion required)

Prepared by:	Lindsay Poitras Aquatics Operation Supervisor, Harbour Pool	Date: May 16, 2016
Approved by:	Troy Fleming General Manager, Infrastructure & Community Services	Date: May 18, 2016
Reviewed by:	Kelly Kloss City Manager	Date: May 19, 2016
Submitted to:	City Council	Date: May 24, 2016

# CITY OF FORT SASKATCHEWAN

## Fort Gymnastics Club

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### **Purpose:**

To provide the background behind the analysis and consultation of gymnastics during the recent Recreation Facility and Parks Master Plan (RFPMP) Update.

### **Background:**

The Fort Gymnastics Club (FGC) has submitted a letter outlining concerns regarding their current facility and challenges related to securing a new facility to accommodate their growing membership base.

The FGC is currently located in Fort Station Mall, and are renting space from the Life Church. The Club is made up of 25 paid employees and 300 children. Prior to 2014, FGC was based out of the gymnasium at the Dow Centennial Centre (DCC) utilizing a multi-purpose rental space where equipment needed to be set-up and taken down each evening. Due to the inconvenience of having to do such an extensive set-up and take down process each day, and the space constraints due to their growth, the Club chose to lease space from the Life Church in the Fort Saskatchewan Mall.

Since then, the FGC has been working to find a more permanent home that has adequate space and allows for permanent equipment set-up. As per the letter from the Club dated April 14, 2016, a pending deal between themselves and a developer has fallen through, which leaves them in a position where they have to restart their search for space. In addition, the Club believes they are at risk of losing their current space due to ongoing legal issues between their landlord and the property owner.

Municipal support for the sport of gymnastics varies widely across Alberta. There are many examples where gymnastic clubs are successfully run privately with no municipal support, and there are examples where municipalities have partnered with gymnastic clubs to have facilities built where the club either pays for portions of the capital cost or a lease is charged that is at or near marketplace rates. The difference between the sport of gymnastics and many other sports and recreation activities is that gymnastic clubs have exclusive-use space requirements. This means that while their programs can cater to a wide range of age groups (although the vast majority of their programming is for children and youth), their spaces are not shared amongst other groups. Almost all gymnastic clubs require a significant amount of space (roughly 15,000 square feet in this case) that is leased exclusively to the club. This differs from many other municipally supported activities that take place in rentable spaces that can be used by a variety of different user groups or used for public spontaneous use programming. It is this difference that leads to the wide variations in how gymnastics is supported across the province.

In addition to space considerations, gymnastic clubs often run four year-round sessions that enable greater revenue generation. Gymnastics utilizes spaces that have standard utility costs associated with regular commercial buildings, which differs from facilities such as aquatics and ice arenas that in addition to higher capital investment costs (for ice plants, pool mechanical, etc.) come with much higher operating costs. The lower operating cost environment is what creates the possibility for gymnastic clubs to be self-supporting. That said, labour, capital, and operating cost increases that have affected municipalities in the last 15 years also affect gymnastic programs.

## **Analysis**

The 2015 RFPMP Update was initiated in early 2014 with the intent of clarifying the priorities and needs of the community as they related to recreation services. A significant amount of public consultation was undertaken, in addition to research, related to capital and operating costs. The Plan included recommendations on projects, community priorities, and project timing, which included a three phased approach to implementation of the Plan. The RFPMP Update included a detailed financial impact analysis and recommendations on funding sources for the various projects.

The public engagement process included workshops, open houses, community surveys, and feedback collected from local stakeholder organizations and residents. During this consultation process, the FGC indicated that they were negotiating a new lease-to-own agreement at a commercial property that was expected to meet the needs of the Club for the next 15 years. As such, the Club was mentioned in the RFPMP Update as being an important stakeholder in the recreation community, but that municipal support was not required for their program needs.

The RFPMP Update includes a clear timeline and financial plan for all future recreation amenities within the City of Fort Saskatchewan, for the next 12 years. As the current request of the FGC was not included in this plan, any support given to the Club would mean that the financial projections, financial impacts, and implementation priorities would need to be revisited. The scope of work involved overall, in order to properly analyze this request would be:

1. An analysis of comparable service levels in other communities.
2. Creation of options for new space construction including concept drawings and capital cost estimates.
3. Financial impact assessment of each option including impacts on tax rates.
4. Revision of the current 10-year Capital Plan to include the impacts of any changes to current long term capital priorities.
5. Revision of the RFPMP Update.

The City currently does not have any space that could accommodate the needs of the FGC, and a new space would most likely take 2 - 3 years from funding approval to completion, depending on the size and technical requirements. In addition, Administration is currently working on the implementation plans approved by Council under the RFPMP Update during the 2016 budget process. The field turf and curling rink projects alone require significant time and resources. As such, revisiting the RFPMP Update would require external support and budget approval from Council in order to do the background research and analysis for Council to make a fully informed decision on this request.

Council must also be mindful of the 2017 Aquatic Services Plebiscite as the outcome of this process has significant implications on the City's debt load and tax rates. Any decision made prior to October of 2017 will need to be considered in the context of the long-term capital needs outlined in the City's 10-year Capital Plan.

## **Alternatives:**

If Council wishes to further explore the FGC's request, a better understanding of the options and the implications of doing so is required. Beyond receiving this presentation as information, two alternatives are:

1. That Administration bring forward, as part of the 2017 budget process, a project addressing the presentation made by Fort Gymnastics that includes the scope of work listed above for consideration.
2. That Administration bring forward, as part of the June 14, 2016 Council meeting, a 2016 budget amendment for a project addressing the presentation made by Fort Gymnastics that includes the scope of work listed above for consideration.

**Enclosure:**

Fort Gymnastics Club Letter.

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File No.:

Prepared by:	Barb Shuman Director, Recreation Services	Date: May 4, 2016
Approved by:	Troy Fleming General Manager, Infrastructure and Community Services	Date: May 18, 2016
Reviewed by:	Kelly Kloss City Manager	Date: May 18, 2016
Submitted to:	Council	Date: May 24, 2016



Mailing Address  
c/o FSMSA  
PO Box 3071  
Fort Saskatchewan, AB T8L 2T1  
Phone: 780-998-1835

Located at  
10420 99 Avenue  
Fort Saskatchewan, AB

To City of Fort Saskatchewan City Council,

The Fort Gymnastics Club is wishing to update council on our facility situation as well as request some assistance.

Last fall the club entered into an agreement with Haro Developments for the old Canadian Tire location (approx. 14,700 square feet). This agreement had some conditions for both parties. One of our conditions was obtaining the development permit. Working with planning and development, the permit was approved and included a reasonable number of parking stalls (38). March 31 was our deadline for condition removal and the gymnastics club was able to remove all of our conditions.

Haro had two conditions - Approving the amount of parking required by the city was one of Haro conditions of the agreement (as parking on the site was limited) and the other being approval of our budget for the build outs. Both came in very reasonable. Haro did not remove their conditions and this has made the original agreement null and void.

Haro has indicated that they would renegotiate on a smaller space. They would like to shrink the original square footage by 3650 square feet to allow them to lease that extra space to a doggy day care.

We could make the smaller square footage work for our basic equipment but that leaves us no extra room for expansion or adding the new equipment required for the additional programming we would need to be able to support the lease costs. We were hoping that our next move would be our final move into a permanent location where we would be able to offer new programming which we don't currently have, specifically a boy's competitive program which we have numerous requests for but have no space or equipment to host. The smaller square footage would mean it would not be as permanent as we had hoped it would be and we anticipate that, similar to our current location, we would outgrow it quickly.

Along with the decrease in square footage offered, Haro has proposed a new pricing structure for the smaller space which would cost substantially more, so in the end, rather than saving money in a smaller space, we would pay more than the larger space was going to cost us but receive less. Unfortunately, the smaller space doesn't allow us to offer as many programs meaning that we cannot financially make the increase cost work for our budget and we feel it is not a financially responsible option for the gymnastics club.

The club's current space is at risk as we lease from the Life Church and they are currently in a legal battle with Haro about the space and should the church be removed, then we will also be removed and without a new space to move to, we have no place to call home and run classes.

This leaves 25 paid employees and 300 children per session disappointed and having to travel for gymnastics classes as they will have no gymnastics in Fort Saskatchewan.

To give you some history on the Club and its growth in the community, Fort Gymnastics was originally run out of the Fort High School back in 1988 (this is the earliest meeting minute records that we were able to obtain, but the club was registered back in 1975) and had 91 members which included both athletes and coaches.

In January 1991, the club moved into the Old Jail Gymnasium and in 1992 had 115 members which included both coaches and athletes.

In the fall 2004 session, the club moved to the Dow Centennial centre where it had 204 registered athletes. This jump in registration was due to the fact that people were expecting the new facility to be fully set up unlike the set up/take down that happened at the jail gym. This was not the case and they club saw a drop back to 127 gymnasts by January 2005 session.

In fall 2007 session, which was Leanne Cameron's first session as head coach, the club had 88 athletes registered and was running only two evening a week (which had been the schedule for many years).

In January 2009 session, the club added Friday evenings to their bookings and by Spring 2010 session the registration was up to 110 gymnasts. The club maintained 120-140 gymnasts per session (three sessions a year) while in its last few years at the DCC.

When the club moved to its current location in the Fort Mall, registration jumped to 170 for the fall session, 181 for the winter session (2013) and 210 in the spring of 2013.

This 2015/2016 season, each session has maintained over 300 athletes and the club now runs four sessions a year which includes fall and winter 12 week sessions, spring 10 week session and summer day camps and summer session recreation and competitive classes.

On top of the number of children we provide gymnastics to, we also provide full time or part time employment for students, and stay at home moms needing additional income as well as full time career coaches. Many of our retired competitive gymnasts become coaches as Fort Gymnastics has strived to create a nurturing and positive atmosphere where the students love for the sport grows and develops so that they wish to pass on their knowledge and passion to the next generation.

We currently employ 25 people who range from 14-50+ in age and coach 4-35 hours a week. Many of our coaches have been part of Fort Gymnastics for 15+ years.

Other municipalities have assisted their gymnastics clubs by providing facilities or financing assistance for a facility.

Sherwood Park's Salto Gymnastics Club is in a building owned by the County and they pay a reasonable sum for rent each year (approx. \$60,000 for the year). Their facility has over 11,000 square feet of gym equipment space and additional space for offices, change room/bathrooms, birthday party/preschool and dance room.

Red Deer's Exelta Gymnastics Club is in a multi-use recreation facility (similar to our Dow Center), which contains a pool, ice surface, soccer pitch, rock climbing, fitness facilities and more. The Gymnastics Club has 21,500 square feet of space which includes 17,000 square feet of equipment space and the additional square footage contains offices, dance room, party

rooms, viewing, etc. The Club paid 1 million to be part of the facility and they have exclusive use of their space.

Airdrie Edge Gymnastics is in a similar set up to Red Deer and has a similar history to the Fort Gymnastics. They were in schools and renting space as a set up and take down gym. Their growth allowed them to obtain their 6,000 square foot facility which they quickly outgrew and were then able to move to their current space in the multi-use recreation facility owned by the City. Their current space is 24,000 square feet.

Spruce Grove is the most recent facility that has had their municipality's assistance. They had initially wished to be part of the Tri-Leisure Center but were unable to get the Tri-Region (Spruce Grove, Town of Stony Plain and the County of Parkland) to agree on this. The City of Spruce Grove then agreed to build them a separate building which was 33,000 square feet and the club leases just over 22,000 square feet. They have entered a long term (20 year) lease and pay \$13,000 per month which covers all their utilities and rent and allows them exclusive use of the space. They have 17,000 square feet of gymnastics space and the remainder of their square footage is dance room, party rooms, offices, bathrooms, etc. The City maintains ownership and use of the remaining 11,000 square feet where they have offices for recreational facility staff as well as their own rental facilities. The total building cost was 10.4 million and the Gymnastics Club pays rent for their space (so the City maintains ownership of the entire building).

Fort Gymnastics members are not limited to Fort Saskatchewan. We have members from Lamont, Bruderheim, Gibbons, Bon Accord, Sherwood Park and Edmonton. Our current Level 6 competitive team is made up of 10 girls, and of these 10, 4 of these girls are residents of Fort Saskatchewan and the others travel three to four nights a week into our City to attend gymnastics classes. As with our recreational families who also travel in from surrounding areas, the parents typically do not wish to drop off their child and drive all the way back home just to return again a short while later. These families will spend their time (and therefore their money) in our City where they will shop for groceries, go out for dinner at one of our many restaurants and do their shopping.

We understand that there is a surplus in the budget and it has been "put in the bank for a rainy day" and that the Land Purchase Reserve can help cover land for a future fire hall and recreation facilities. We are a recreation facility that is having a rainy day. We would like the City's assistance to build a suitable facility. We have made this request in the past and wanted to be included in the rec master plan, however, our request has become more urgent. We have a few options and are very willing to work with the City to come to an agreement about the facility. We need both land and a building. The gymnastics club has stood on its own for a long time and now we are asking the City to step in to help as they have with every other sport by providing them facilities.

The club is unable to finance such a large purchase alone (as we are a not for profit and do not have a down payment large enough), however, we have prepared a budget and business plan that show we are able to make payments on a loan.

Option 1: The City and the gymnastics club together, obtain a loan for the building which the gymnastics club will be responsible for paying for. The building, when paid for, would then be an asset of the FSMSA.

Option 2: The City finances the building and the gymnastics club pays rent on the facility as a lifelong lease. The club has exclusive use of the facility and the building would then be the City's asset.

Option 3: The City provides the down payment for the club to obtain the building loan on their own. The club and the City could agree on the terms of this down payment, whether it is a loan which the club repays or whether the City provides it without the expectation of repayment.

For all options we are asking that the City provide the land in which to build the building on. We are also open to other suggestions or options which the City believes are feasible for both parties.

The club has been vigilant in applying for grants for the build (this process began when the initial agreement with Haro was signed) and we already have a few sponsors lined up as soon as we have a confirmed location and we will be obtaining more when all is finalized. The club has also increased fundraising efforts and is doing all it can to bring in the funds required for a new facility but we still need your help.

Thank you for your time and we look forward to being able to present in front of council as soon as possible.

Yours truly,

Susan Carson

President of Fort Gymnastics

Email: [president@fortsaskgymnastics.ca](mailto:president@fortsaskgymnastics.ca)

# CITY OF FORT SASKATCHEWAN

## RCMP 2016/2017 Annual Performance Plan Priorities

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### **Motion:**

That Council approve the three recommended RCMP 2016/2017 Annual Performance Plan priorities as identified in the May 24, 2016 Council Report.

### **Purpose:**

To request Council approval of the recommended RCMP 2016/2017 Annual Performance Plan priorities.

### **Background:**

The Municipal Police Service Agreement empowers a municipality to work with its police agency to set annual priorities, goals and objectives. These form the foundation of an Annual Performance Plan (APP) produced by the RCMP and define the priorities for the upcoming year. Through quarterly reporting, the APP will be used to measure the performance of the Detachment and its Officer in Charge.

The APP priorities incorporate Council feedback along with input from the Director of Protective Services, Policing Committee, community groups and partner agencies (i.e. Building Bridges, Chamber of Commerce and Eastgate Business Park business owners group).

The recommended APP priorities are consistent with those of the RCMP and Alberta's Provincial Justice & Solicitor General Minister.

In no particular order, the APP priorities are:

- to improve traffic safety (includes education, enforcement and engineering activities)
- to reduce substance abuse (includes education and enforcement activities)
- to reduce crime frequency and severity (includes focus on domestic abuse, habitual offenders, crime prevention, and improved quality and timeliness of investigations related activities). 'K' Division has made this a Divisional priority.

Each priority includes two or more objectives and a number of activities and performance measures. Objectives and activities are assigned to individual "owners" to ensure proper follow-through occurs and are expected to enhance police visibility and accountability. Priorities are tracked and reported on a quarterly basis.

The APP can accommodate emerging issues that arise throughout the year.

### **Topic Identification/Outcomes:**

APP priorities are intended to reduce the greatest risks of harm to our community, whether physical, social, emotional, economical or reputational. The recommended priorities, and a description of each, are as follows:

1. Improving Traffic Safety – careless or hazardous operation of motor vehicles puts other roadway users at risk. Traffic collisions directly and indirectly affect communities through injury, lost productivity and emergency responder or other costs. This priority contributes to the safety of motorists, bicyclists and pedestrians on roadways, pathways and trails.

Four objectives support this priority: reducing the number and severity of injuries and property damage collisions; enhancing traffic education; identifying and removing impaired

drivers from our roadways; and identifying and sharing engineering related concerns with our Infrastructure Department to help improve roadway safety.

2. Reducing Substance Abuse – substance abuse negatively affects communities by contributing to family and social disorder. Illicit drug use is linked to crime, organized crime and criminality.

Two objectives support this priority: reducing possession of illegal drugs and trafficking; and reducing illegal tobacco use and distribution.

3. Reducing Crime and Crime Severity – crimes impact individuals, families and businesses.

Five objectives support this priority: reducing the number and severity of crimes against persons; reducing the number of property crimes; enhancing the monitoring of habitual offenders; improving the quality and timeliness of criminal investigations; and enhancing crime prevention.

While domestic abuse is not a stand-alone priority, it is strongly emphasized within this priority. Reducing incidences of domestic abuse continues to be a Division priority and will be addressed through education, enforcement and crime prevention activities. Our Detachment will continue to work in partnership with community groups such as the Fort Saskatchewan Families First Society.

#### **Policy/Council Priorities:**

The development and approval of APP priorities supports Goals One and Three of the 2014-17 Strategic Plan by contributing “to our community as a preferred location to live, work and play” and fostering “a livable and safe community.”

#### **Community Sustainability Plan:**

The APP priorities contribute to a safe and welcoming community, Principle A in the Community Sustainability Plan Update (2014).

#### **Intergovernmental Involvement:**

Fort Saskatchewan’s RCMP Annual Performance Plan priorities support Federal and Provincial police priorities.

#### **External Communications/Participation:**

Following Council approval, priorities will be submitted to the RCMP’s Central Alberta District, on record as the APP priorities for the Detachment. They will also be widely communicated within the Detachment for implementation by the members. The APP priorities will be shared with the community through media and during group and/or partner agency meetings.

#### **Recommendation:**

That Council approve the three recommended RCMP 2016/2017 Annual Performance Plan priorities as identified in the May 24, 2016 Council Report.

**Enclosures:**

RCMP 2015/2016 Annual Performance Plan Priorities Final Report

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Prepared by:	S/Sgt. Craig O'Neill Detachment Commander, Fort Saskatchewan	Date: May 10, 2016
	Brad Ward Director, Protective Services	Date: May 10, 2016
Approved by:	Brenda Rauckman General Manager, Corporate and Protective Services	Date: May 17, 2016
Reviewed by:	Kelly Kloss City Manager	Date: May 19, 2016
Submitted to:	City Council	Date: May 24, 2016



## RCMP 2015/2016 Annual Performance Plan Priorities Final Report

The **Annual Performance Plan Priorities (APP)** for 2015/2016 were developed based on Council direction and community consultation. Four priorities were set and measurable initiatives developed to support progress in each area.

The results achieved and overall contribution to community safety are as follows:

### 1. Traffic Safety:

During the reporting period, the RCMP Detachment, Municipal Enforcement and local Integrated Traffic Units engaged in 106 traffic operations. These operations, in addition to numerous directed traffic enforcement activities and general patrols, led to opportunities to educate the public and enforce applicable traffic laws. These activities increased the visibility of both RCMP and Municipal Enforcement officers, and contributed to safety for users of our roads.

- This past year saw the City maintain zero fatalities from motor vehicle collisions. When compared to the previous APP year, injury collisions increased by 1 to 52 but remained fewer than 2013.
- Property damage collisions increased by 34 to 650. This includes 63 collisions that fell below the threshold for mandatory reporting.
- We are achieving good results through enforcement, education and engineering in partnership with the Infrastructure Management Department but there is room to improve.
- A continuing area of concern for residents of Fort Saskatchewan is excessive traffic noise. Officers remain vigilant to the issue. The final quarter of the reporting period saw 8 traffic operations and 36 charges laid in proximity to the locations of concern.

The following chart provides a three year view of common traffic statistics:

OFFENCE	2013	2014	2015
Injury Collisions	57	51	52
Property Damage Collisions	608	616	650
Criminal Code Driving	312	231	251
Violation Tickets	1916	4195	3374

### 2. Substance Abuse (Drugs):

This priority is focused on both education and enforcement. Our commitment to substance abuse education includes talks to various groups, media releases and delivery of the Drug Abuse Resistance Education (DARE) and Start Smart, Stay Safe (S4) programs to students of elementary and junior high schools in our city.

- Our educational efforts have empowered citizens with the knowledge to make good choices.

- DARE and Start Smart, Stay Safe (S4) programs were delivered to 837 students in our schools through 35 presentations.
- During this APP period, drug enforcement remained a focus and 145 cases were investigated, down 9% from 160 cases the previous year.
- 36 individuals were arrested and charged with a variety of drug related offenses resulting in 38 charges. One arrest resulted in a seizure of over a quarter pound of methamphetamines.
- Increased intelligence led drug enforcement has contributed to Fort Saskatchewan remaining one of the safest communities to live in.

The following chart provides a three year view of common drug related statistics:

<b>DRUG ENFORCEMENT</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Number of Persons Charged	38	33	36
Number of Files Cleared by Charge	47	17	38
Cash Seized	\$17,630.00	\$7,110.35	\$3,250.00
Street Value of Drugs Seized	\$102,900.00	\$11,383.50	\$24,049.00

### **3. Crime Prevention:**

This priority focused on working with youth, seniors and businesses. Extra attention was given to reducing instances of domestic abuse.

- Activities and information were shared with our Building Bridges group which resulted in mutually beneficial partnerships.
- Some of the activities from this past APP period include:
  - Take Back the Night, bringing attention to violence against women partnership with the Fort Saskatchewan Families First Society;
  - 16 presentations made to seniors on the subject of fraud;
  - presentations to students and citizens on the subject of bullying/cyber-bullying;
  - participation in Pink Shirt Day to bring attention to bullying prevention;
  - RCMP joined forces with Family and Community Support Services, Fire, EMS and other stakeholders to provide presentations and demonstrations through the Prevent Alcohol and Risk-Related Trauma in Youth (PARTY) program;
  - presentations provided to Outreach and Fort Saskatchewan high school students on a variety of topics;
  - media releases were dispatched on the subjects of Halloween safety, bike safety and various other topics.

### **4. Crime Reduction:**

This priority focused on collaboration between RCMP and Municipal Enforcement officers to fortify strong and lasting relationships, as well as, a visible police and enforcement presence. The prevention efforts paid dividends that are difficult to capture in a metric.

- Detachment members were actively involved in monitoring 26 prolific offenders. This led to 64 charges being laid for a variety of offences.
- Crimes against persons decreased 14.1% to 517 occurrences from 602 in 2014.

- Property crime remained fairly constant decreasing slightly (about 2.4%) to 1326 occurrences from 1359 in 2014.
- Other factors contributing to the decrease in crimes this year include:
  - issuing 113 “Positive Tickets” to youth observed obeying the laws or doing good deeds. This is up from 85 positive tickets that were issued in 2014;
  - foot patrols throughout the community providing citizens with invaluable face time at various businesses, parks, schools and establishments;
  - red serge duty was conducted at various community events (Remembrance Day, Canada Day, Sheep Drop, Trade Show, Much Music Dance and Career Day);
  - the Detachment partnered with MIX 107.9 to co-host the morning shows with officers speaking of their experiences as police officers, talking about family violence and volunteer month;
  - the Detachment has significantly increased its public profile in the community and we hear this feedback from citizens on a routine basis.

The setting, tracking and reporting of activities supporting the APP allows the Detachment to focus on proactive targeted activities. The process of setting the APP priorities and developing supporting initiatives based on Council direction and community input ensures these priorities are connected to community concerns and address local needs.

# CITY OF FORT SASKATCHEWAN

## Animal Control Bylaw C7-16

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### **Motions:**

1. That Council give first reading to Animal Control Bylaw C7-16.
2. That Council give second reading to Animal Control Bylaw C7-16.
3. That Council provide unanimous consent to proceed with third and final reading of Animal Control Bylaw C7-16.
4. That Council give third and final reading to Animal Control Bylaw C7-16.

### **Purpose:**

To request the passing of Animal Control Bylaw C7-16.

### **Background:**

Animal Control Bylaw C1-02 was approved on February 12, 2002, and was subsequently amended on April 22, 2014 (Bylaw C5-14). In 2015, Animal Control Services became part of Municipal Enforcement, transitioning from a part-time, one-person contract. With the change came enhanced services and extended hours of operation.

As part of the transition, Municipal Enforcement undertook an evaluation of the current Animal Control Bylaw C1-02 beginning with bylaw reviews of neighboring communities (Edmonton, Leduc, St. Albert, Morinville, Strathcona County and Parkland County). Research supported the need to make substantial changes and resulted in a complete re-write of the Bylaw.

Appendix 1 provides a comprehensive summary of the proposed changes, however some of the notable changes are:

- The use of plain language improves readability for residents making it easier to comprehend and comply with the Bylaw.
- Nuisance dog category has been added.
- Restricted dog category has replaced the vicious dog category.
- Service dog category has been added.
- Residents will be permitted to license and house up to three dogs and/or three cats within any one municipal address in the City versus the previous limit of up to two dogs and/or two cats.
- Prohibited animals are now defined in the Bylaw.

### **Plans/Standards/Legislation:**

Bylaw C7-16 supports Fort Saskatchewan's Strategic Plan in two distinct ways. First, as animals play a major part in the lives of residents, it promotes long-term sustainability of our community as a preferred location to live, work, and play (Position for Growth). Second, the Bylaw clarifies responsibilities of pet ownership and will permit Municipal Enforcement to foster a livable and safe community (Vibrant and Thriving Communities).

**Financial Implications:**

Changes to fines will position Fort Saskatchewan’s fines at the median/mean average of neighboring communities and should result in a modest \$1,500 increase in fine revenue over 2015 (\$9,743 vs. \$8,243).

Changes to the City’s Fees and Charges Bylaw regarding licensing of animals will be brought forward at a future Council meeting.

**Recommendation:**

That Council give three readings to Animal Control Bylaw C7-16.

**Attachments:**

1. Appendix 1 – Summary of Changes to the Animal Control Bylaw
2. Bylaw C7-16 – New Animal Control Bylaw
3. Bylaw C1-02 – Current Animal Control Bylaw (Consolidated Version)

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Prepared by:	Ed Barden Supervisor, Municipal Enforcement	Date: May 2, 2016
	Brad Ward Director, Protective Services	Date: May 6, 2016
Approved by:	Brenda Rauckman General Manager, Corporate and Protective Services	Date: May 18, 2016
Reviewed by:	Kelly Kloss City Manager	Date: May 19, 2016
Submitted to:	City Council	Date: May 24, 2016

## Summary of Changes to the Animal Control Bylaw

### Bylaw C7-16 (new) vs. Bylaw C1-02 (current)

#### Readability

1. Simplified and plain language used throughout the Bylaw.

#### Title

2. Short Title added.

#### Definitions (Section 2)

3. There have been a number of revisions made to the Definitions section, including:
  - a. Livestock replaces Domestic Animal as a category in the Bylaw and clearly defines what species of animals are included. Livestock is common terminology used by neighbouring communities and is more descriptive than Domestic Animal.
  - b. Nuisance Dog has been added. A Nuisance Dog is one that has been subject of three or more convictions within the previous three years.
  - c. Off-Leash Area has been added.
  - d. The definition of Owner was simplified.
  - e. Prohibited Animals are now defined. Prohibited Animals are described as livestock, bees, poisonous snakes, poisonous reptiles, poisonous insets, and animals in the adult form or weighing more than 5 kilograms or the young of that animal.
  - f. Restricted Dog replaces Vicious Dog. It pertains to dangerous dogs or dogs that have chased, attacked or bitten a person or animal, or has been subject of an Order under the *Dangerous Dog Act*.
  - g. Service Dog is now defined. The Bylaw includes accommodations for a dog trained to do work or perform tasks for people with disabilities. It also defines locations where service dogs are to be admitted when accompanying a person requiring the use of a service dog.

#### Substantive Changes

4. The previous limit of two dogs and/or two cats has been increased to permit three dogs and/or three cats. This is consistent with bylaws of neighbouring communities.
5. Controls and restrictions related to Prohibited Animals are clearly articulated.
6. Enforcement in Section 13 introduces standard language intended for this and future bylaws.

**Fees and Fines**

14. Fines were aligned with regional comparators, leaving Fort Saskatchewan in the mid-range.

**Impact on Fees and Charges Bylaw C5-16**

15. New categories of dogs will necessitate an amendment to licensing in Fees and Charges Bylaw C5-16, which will be brought before Council in the near future.

## ANIMAL CONTROL BYLAW

BYLAW C7-16  
SPECIFIED PENALTIES

Proposed Penalties Bylaw C7-16				Previous Bylaw Fines		Regional Comparisons	
Section	Offence	Penalty 1 <sup>st</sup> Offence	Penalty 2 <sup>nd</sup> and Subsequent Offence	Bylaw C1-02 Fines  Fine Doubles for 2nd Offense within 1 year	Variance Bylaw C1-02 to Bylaw C7-16	Range of Fines	Average Fine Amt.
						Regional Comparatives include Edmonton, Sherwood Park, St. Albert, Morinville, Leduc and Parkland County	
3.1	Failure to obtain a Dog or Cat Licence	\$150	\$300	\$50	\$100-200	\$200-400	\$250
3.1	Failure to obtain a Nuisance Dog Licence	\$250	\$500				\$250
3.1	Failure to obtain a Restricted Dog Licence	\$500	\$1000	\$500	0	\$500-2000	\$500
4.1	Harbouring more than three dogs, nuisance dogs, or restricted dogs	\$100	\$200	\$30/day	Variable	\$250-500	\$250
4.2	Harbouring more than three cats	\$100	\$200	\$30/day	Variable		\$100
4.3	Permitting dog or cat to be at large	\$150	\$300	\$50	\$100-200	\$200-400	\$150
4.3	Permitting a nuisance dog to be at large	\$250	\$500		0		\$250
4.3	Permitting a restricted dog to be at large	\$500	\$1000	\$500	0	\$500-1500	\$1000
4.6	Failure to display/wear a valid Licence tag	\$100	\$200	\$100	0	\$30-200 \$30 is under review	\$100

APPENDIX 1

	Offence	Penalty 1 <sup>st</sup> Offence	Penalty 2 <sup>nd</sup> and Subsequent Offence	Bylaw C1-02 Fines  Fine Doubles for 2nd Offense within 1 year	Variance  Bylaw C1-02 to Bylaw Cxx-16	Range of Fines	Average Fine Amt.
						Regional Comparatives include Edmonton, Sherwood Park, St. Albert, Morinville, Leduc and Parkland County	
4.7	Allowing a dog, nuisance dog, restricted dog, or cat to cause damage to public or private property	\$150	\$300	\$150	0	\$150-250	\$250
4.8(a)	Allowing a dog, nuisance dog, restricted dog, or cat to threaten or bite a person	\$250	\$500	\$150	\$100	\$250-1000	\$500
4.8(b)	Allowing a dog, nuisance dog, restricted dog, or cat to chase a motor vehicle	\$100	\$200	\$100	0	\$100-250	\$250
4.8(c)	Allowing a dog, nuisance dog, restricted dog, or cat to chase a person	\$100	\$200	\$100	0	\$200-250	\$250
4.8(d)	Allowing a dog, nuisance dog, restricted dog, or cat to harass, attack, injure or kill another dog, nuisance dog, restricted dog, or cat	\$250	\$500			\$500	\$500
4.10	Provoking or abusing a dog, nuisance dog, restricted dog, or cat	\$250	\$500	\$250	0	\$250	\$250

APPENDIX 1

Section	Offence	Penalty 1 <sup>st</sup> Offence	Penalty 2 <sup>nd</sup> and Subsequent Offence	Bylaw C1-02 Fines  Fine Doubles for 2nd Offense within 1 year	Variance  Bylaw C1-02 to Bylaw Cxx-16	Range of Fines	Average Fine Amt.
						Regional Comparatives include Edmonton, Sherwood Park, St. Albert, Morinville, Leduc and Parkland County	
5.1	Failure to remove a dog, nuisance dog, restricted dog, or cat defecation from private or public property, other than the property of the owner	\$150	\$300	\$150	0	\$150-500	\$250
5.3	Failure to ensure that defecation left by the animal on the property of the owner does not accumulate to an extent it is reasonably likely to annoy or pose a health risk to others	\$150	\$300	\$150	0	\$250	\$250
6.1	Permitting a dog, nuisance dog, restricted dog, or cat to bark, howl, or meow excessively	\$150	\$300	\$150	0	\$100-400	\$250
7.1	Failure to meet the conditions of a Nuisance Dog Licence	\$250	\$500			\$250-500	\$250
8.1	Failure to insure a restricted dog	\$150	\$300	\$150	0	\$150-500	\$150
8.5	Failure to follow restricted dog conditions, when off the owner's premises	\$1000	\$2000	\$1000	0	\$1000	\$1000
8.6	Failure to follow restricted dog conditions, when on the owner's premises	\$1000	\$2000	\$1000	0	\$1000	\$1000

APPENDIX 1

Section	Offence	Penalty 1 <sup>st</sup> Offence	Penalty 2 <sup>nd</sup> and Subsequent Offence	Bylaw C1-02 Fines  Fine Doubles for 2nd Offense within 1 year	Variance  Bylaw C1-02 to Bylaw Cxx-16	Range of Fines	Average Fine Amt.
						Regional Comparatives include Edmonton, Sherwood Park, St. Albert, Morinville, Leduc and Parkland County	
9.1	Harbouring prohibited animals	\$250	\$500			\$100-500	\$300
9.3	Harbouring more than four pigeons or rabbits, in any combination	\$100	\$200	\$100	0	N/A	N/A
9.4	Failure to follow conditions of owning pigeons or rabbits	\$150	\$300	\$150	0	N/A	N/A
12.1	Any person who deliberately or willfully and with malicious intent, injures, hurts or harms any animal	\$250	\$500	\$250	0	\$250-500	\$250
12.2	Refuse to allow a service or guide dog in the company of a person requiring its assistance to enter any building or property accessible to the public	\$250.	\$500				\$3000 Provincial Act Fine
12.3	Allowing an animal in any City transit vehicle or facility that is not in an enclosed carrier or held at all times	\$100	\$200			\$25 - 100	\$75
12.4	Use of an illegal trap	\$250	\$500			\$500-1000	\$500
12.7	Interfere or obstruct a Peace Officer attempting to seize or having seized an animal subject to impoundment	\$500	\$1000	\$500	0	\$250-2500	\$950

APPENDIX 1

Section	Offence	Penalty 1 <sup>st</sup> Offence	Penalty 2 <sup>nd</sup> and Subsequent Offence	Bylaw C1-02 Fines  Fine Doubles for 2nd Offense within 1 year	Variance  Bylaw C1-02 to Bylaw Cxx-16	Range of Fines	Average Fine Amt.
						Regional Comparatives include Edmonton, Sherwood Park, St. Albert, Morinville, Leduc and Parkland County	
12.8	No person shall provide false or misleading information to a Peace Officer or to the City	\$500	\$1000	\$500	0	\$250-2500	\$950
13.4	Interfere with a Peace Officer in the exercise of their powers and duties under this Bylaw	\$500	\$1000	\$500	0	\$250-2500	\$950



## CITY OF FORT SASKATCHEWAN

### ANIMAL CONTROL BYLAW

#### BYLAW NO. C7-16

### A BYLAW OF THE CITY OF FORT SASKATCHEWAN IN THE PROVINCE OF ALBERTA TO AUTHORIZE THE REGULATION AND CONTROL OF DOMESTICATED ANIMALS IN THE CITY OF FORT SASKATCHEWAN

The Council of the City of Fort Saskatchewan, duly assembled enacts the “Animal Control Bylaw” as follows:

#### 1. **SHORT TITLE**

This Bylaw is called the “Animal Control Bylaw”.

#### 2. **DEFINITIONS**

For the purposes of this Bylaw:

- a. “Animal Shelter” shall mean the premises designated by the City for the purpose of impounding and caring for all dogs, cats, and other animals found to be contravening any section of this Bylaw.
- b. “At Large” shall mean and includes the situation where:
  - i. a dog, nuisance dog, restricted dog, or cat is found on any place other than the owner’s property; and
  - ii. while on such place, the dog, nuisance dog, restricted dog, or cat is not being restrained by a leash and under the effective control of the owner or someone acting on behalf of and with the authority of the owner, as required by this Bylaw.
- c. “Cat” shall mean either a male or female of the felidae family.
- d. “City” shall mean the City of Fort Saskatchewan.
- e. “City Manager” shall mean the City’s Chief Administrative Officer or designate.
- f. “Council” shall mean the municipal Council for the City of Fort Saskatchewan.
- g. “Dog” shall mean either a male or female member of the canidae family, other than a nuisance dog or restricted dog.
- h. “Guide Dog” shall mean a dog trained as a guide for a visually impaired person and identified on an identification card issued by the Canadian National Institute for the Blind under the provisions of the *Blind Persons’ Rights Act*.

- i. "Herding Dog" shall mean a dog trained to herd sheep situated on public or private property, for the sole purpose of rounding up or herding sheep, as part of the City's Sheep Grazing Program.
- j. "Licence" shall mean a Licence issued pursuant to this Bylaw.
- k. "Livestock" shall mean poultry, horses, cattle, sheep, swine, goats, donkeys and mules.
- l. "Municipal Tag" shall mean a tag or similar document issued by the City pursuant to the *Municipal Government Act* (MGA) for the purpose of notifying a person that an offence has been committed, and which fine or prosecution may follow.
- m. "Nuisance Dog" shall mean any dog that has been the subject of three or more convictions within the previous three years for any combination of offences listed in Section 4, Section 5, or Section 6 in this Bylaw.
- n. "Off-Leash Area" shall mean an area designated by the City Manager where a dog or nuisance dog is permitted, and is not required to be held by a leash.
- o. "Order" shall mean a written order pursuant to the MGA, to remedy a contravention of this Bylaw.
- p. "Owner" shall mean any person:
  - i. named on a Licence; or
  - ii. in actual or apparent possession or control of the animal, or property where an animal resides.
- q. "Peace Officer" shall mean a Peace Officer as defined in the *Provincial Offences Procedure Act*.
- r. "Prohibited Animal" shall mean any of the following:
  - i. livestock;
  - ii. bees;
  - iii. poisonous snakes, poisonous reptiles, or poisonous insects; and
  - iv. any other animal except a dog, nuisance dog, restricted dog, or cat, in the adult form or weighing more than 5 kilograms, or the young of that animal.
- s. "Restricted Dog" shall mean any dog which:
  - i. has chased, attacked or bitten any person or animal causing physical injury, and resulted in a conviction under this Bylaw;
  - ii. has chased, attacked or bitten any person or animal on more than one occasion, with or without causing physical injury, which resulted in separate convictions under this Bylaw; or
  - iii. has been made the subject of an Order under the *Dangerous Dogs Act*.

- t. "Service Dog" shall mean a dog individually trained by a recognized agency to do work or perform tasks for people with disabilities.
- u. "Violation Ticket" shall mean a Violation Ticket as defined in the *Provincial Offences Procedure Act*.

### **3. LICENSING**

- 3.1 The owner shall not own, keep or harbour any dog, nuisance dog, restricted dog, or cat over the age of six months within the City, unless the animal is licensed pursuant to this Bylaw.
- 3.2 Any herding dog that is part of the City's Sheep Grazing Program shall be exempt from licensing conditions noted in Section 3.1.
- 3.3 Before the issue or renewal of a Licence, the owner must submit to the City:
  - a. the Licence fee as established by the City's Fees & Charges Bylaw;
  - b. if applicable, proof of the dog, nuisance dog, restricted dog, or cat being spayed or neutered, in a form acceptable to the City; and
  - c. any additional information required by the City.
- 3.4 The City may refuse to issue a Licence unless it is satisfied that:
  - a. at least one person named on the Licence is at least 18 years of age;
  - b. all applicable fees have been paid; and
  - c. all required information has been provided.
- 3.5 The term of the Licence shall be from the date of issuance to January 31 of the following calendar year.
- 3.6 Licences issued under this Bylaw shall not be transferrable between a dog, nuisance dog, restricted dog, or cat.

### **4. REGULATION OF DOGS AND CATS**

- 4.1 No more than three dogs, nuisance dogs, or restricted dogs, in any combination, shall be kept at any municipal address within the City. This Section shall not apply:
  - a. in the case of dogs, nuisance dogs, or restricted dogs under the age of six months;
  - b. if the person has a valid Business Licence to operate a small animal breeding/boarding establishment or the general business of a pet store pursuant to other applicable City bylaws; or
  - c. to any veterinary clinic or hospital.

- 4.2 No more than three cats shall be kept at any municipal address within the City. This Section shall not apply:
- a. in the case of cats under the age of six months;
  - b. if the person has a valid Business Licence to operate a small animal breeding/boarding establishment or the general business of a pet store pursuant to other applicable City bylaws; or
  - c. to any veterinary clinic or hospital.
- 4.3 The owner or any other person having care or control of a dog, nuisance dog, restricted dog, or cat shall not permit the animal to be at large within the City.
- 4.4 Notwithstanding Section 4.3, this Section shall not apply to:
- a. herding dogs when they are actively engaged in rounding-up or herding sheep, and under control of the owner or any other person; or
  - b. when the animal is within a designated off-leash area.
- 4.5 A person who takes control of a dog, nuisance dog, restricted dog, or cat who is at-large shall notify the City, provide the required information and surrender the animal to a Peace Officer, if directed to do so.
- 4.6 When off the owner's premises, the owner of a dog, nuisance dog, restricted dog, or cat shall at all times ensure the Licence tag issued by the City is displayed.
- 4.7 The owner of a dog, nuisance dog, restricted dog, or cat shall not permit the animal to damage public or private property.
- 4.8 The owner of a dog, nuisance dog, restricted dog, or cat shall not permit the animal to:
- a. threaten or bite a person;
  - b. chase a motor vehicle;
  - c. chase a person, or
  - d. harass, attack, injure or kill another dog, nuisance dog, restricted dog, or cat belonging to another person.
- 4.9 Section 4.8 shall not apply if the dog, nuisance dog, restricted dog, or cat threatens, chases, attacks or bites:
- a. a trespasser on the property where its owner resides; or
  - b. a person who is physically abusing or provoking the animal.
- 4.10 A person shall not provoke or abuse a dog, nuisance dog, restricted dog, or cat in any manner that could reasonably expect the animal to:
- a. damage property;

- b. chase, attack or bite any person or animal, which could cause physical injury; or
- c. bark, howl, or meow.

## **5. DEFECATION**

- 5.1 The owner of a dog, nuisance dog, restricted dog, or cat shall remove any defecation left by the animal on public or private property, other than the owner's property.
- 5.2 Section 5.1 shall not apply to a visually impaired person being assisted by a guide dog.
- 5.3 The owner of a dog, nuisance dog, restricted dog, or cat, shall ensure that defecation left by the animal on the property of the owner does not accumulate to an extent that it is reasonably likely to annoy or pose a health risk to others.

## **6. NOISE**

- 6.1 The owner of a dog, nuisance dog, restricted dog, or cat shall not permit the animal to bark, howl, or meow excessively.
- 6.2 In determining whether the barking, howling or meowing is reasonably likely to disturb the peace of others, consideration may be given, but not necessarily limited, to the:
  - a. proximity of the complainant(s) to the property where the animal is located;
  - b. duration of the barking, howling or meowing;
  - c. time of day and day of the week;
  - d. nature and use of the surrounding area, and
  - e. effect of the barking, howling or meowing on the complainant(s).

## **7. NUISANCE DOGS**

- 7.1 Upon issuing a Nuisance Dog Licence or upon 15 days written notice to the owner, the City Manager may impose any of the following conditions:
  - a. that the owner keep the nuisance dog indoors or secured in a fully enclosed outdoor pen;
  - b. that the owner ensure the nuisance dog is muzzled while outdoors;
  - c. that the owner undertake repairs to the property where the nuisance dog resides to ensure compliance with this Bylaw;

- d. that the owner and nuisance dog together complete a specified Behavioural Modification Course; or
  - e. other conditions deemed reasonable.
- 7.2 An owner may appeal the conditions imposed on a Nuisance Dog Licence to Council within 14 days, pursuant to the provisions of Section 13.3.
- 7.3 An owner shall not contravene any condition of a Nuisance Dog Licence.
- 7.4 An owner may apply for a Licence after one full calendar year of no violations under this Bylaw, and with written approval of the City Manager.

**8. RESTRICTED DOGS**

- 8.1 An owner of a restricted dog shall have liability insurance specifically covering any potential damages for personal injury or property damage caused by the restricted dog in an amount not less than two million dollars (\$2,000,000.00).
- 8.2 The owner of a restricted dog shall provide proof of insurance to the City upon request.
- 8.3 The certificate of insurance shall contain a provision requiring the owner or issuer to immediately notify the City in writing, should the policy expire, be cancelled or terminated.
- 8.4 Upon cancellation, expiry or termination of the certificate of insurance, the Restricted Dog Licence becomes null and void.
- 8.5 When off the premises of the owner, including an off-leash area, the owner shall ensure a restricted dog is at all times:
- a. muzzled;
  - b. held on a leash not exceeding two metres in length; and
  - c. under the effective control of the owner or someone over the age of 18 years.
- 8.6 When on the premises of the owner:
- a. the restricted dog shall be under the effective control of someone over the age of 18 years, when indoors;
  - b. have signs posted alerting the public that a restricted dog is located on the premises;
  - c. the restricted dog shall be secured in a fully enclosed holding pen, when outdoors; and

- d. the restricted dog shall be muzzled and secured by a chain preventing the restricted dog from entering within two metres of the premises' boundary, when outdoors.
- 8.7 Whether through observation or investigation, a Peace Officer determines a dog to be a restricted dog, they shall in writing:
- a. inform the owner that the dog has been determined to be a restricted dog;
  - b. inform the owner of the requirements for keeping a restricted dog, in accordance with the provisions of this Bylaw; and
  - c. inform the owner that should there be any contravention in the conditions of keeping a restricted dog, the owner will be subject to fines or other enforcement under this Bylaw or the *Dangerous Dogs Act*.
- 8.8 In addition to the remedies set forth in this Bylaw, if a Peace Officer determines that a restricted dog is in contravention of this Bylaw, they may make a complaint pursuant to the *Dangerous Dogs Act* for an Order or direction that the animal be controlled or destroyed.

## **9. CONTROL OF OTHER ANIMALS**

- 9.1 Unless permission has been granted by the City Manager, a person shall not keep or have prohibited animals on any premises within the City.
- 9.2 Any property within the City where the owner resides shall not keep or have any prohibited animal, unless:
- a. the prohibited animal is participating in a parade, circus, rodeo, agricultural show, or any other similar function approved by the City;
  - b. a Development Permit for agriculture use is in effect for the premises; or
  - c. permission to do so has been granted by the City Manager.
- 9.3 A person may keep or own no more than four pigeons or rabbits, in any combination, on any premises within the City.
- 9.4 The owner shall at all times have the pigeons or rabbits:
- a. secured in one or more fully enclosed pen(s);
  - b. maintained in a clean, sanitary and inoffensive condition; and
  - c. not located within two meters of the premises' boundary.
- 9.5 If a Peace Officer determines that pigeons or rabbits are not being kept in accordance with this Bylaw or that the animals have caused damage to the property of another person, a Peace Officer may direct the owner to restrain, dispose of, or destroy the animals.

**10. SERIOUS WOUND**

- 10.1 A Peace Officer may seize and impound any animal alleged to have seriously injured or killed a person or animal.
- 10.2 Before seizing and impounding any animal, the Peace Officer must consider whether the animal was acting in self-defence, or while in the course of attempting to prevent a person from committing an unlawful act.
- 10.3 An animal seized may not be impounded for more than 21 days, unless an Order or court proceeding for the animal's destruction has commenced within that time.

**11. SEIZURE AND IMPOUNDING**

- 11.1 A Peace Officer is authorized to seize and impound any animal found contrary to any provision in this Bylaw.
- 11.2 The City shall keep all animals seized and impounded pursuant to this Bylaw for a period of at least 48 hours, excluding statutory holidays.
- 11.3 Any animal seized and impounded pursuant to the *Animal Protection Act* shall be addressed in a manner consistent with the provisions of that Act.
- 11.4 Any animal seized pursuant to this Bylaw may be returned to the owner or designate upon payment of outstanding fees associated with animal Licences, shelter, care, and treatment.

**12. OTHER REGULATIONS**

- 12.1 Any person who deliberately or willfully and with malicious intent, injures, hurts or otherwise harms any animal, shall be guilty of an offence.
- 12.2 A person shall not refuse to allow a service or guide dog in the company of a person requiring its assistance, to enter any building or property that is accessible to the public.
- 12.3 With exception to a service or guide dog, a person shall not have an animal in any City transit vehicle or facility, unless:
  - a. it is within a fully enclosed carrier; or
  - b. it is carried or held by the person at all times.
- 12.4 Unless otherwise permitted by law, a person shall not leave a leg hold or foot hold trap in any place where it may reasonably capture any animal.
- 12.5 It is the owner's responsibility to prove the age of a dog, nuisance dog, restricted dog, or cat, based on best evidence.
- 12.6 It is the owner's responsibility to prove that a dog, nuisance dog, restricted dog, or cat has a valid Licence.

- 12.7 A person shall not:
- a. interfere with or attempt to obstruct a Peace Officer who is attempting to seize or has seized an animal that is subject to impoundment, pursuant to this Bylaw;
  - b. open the vehicle or enclosure in which an animal is being held, pursuant to seizure or impoundment;
  - c. remove, or attempt to remove, any animal from the possession of a Peace Officer; or
  - d. untie, loosen or otherwise free an animal that has been tied or otherwise held by a Peace Officer.
- 12.8 A person shall not provide false or misleading information to any Peace Officer or the City.

**13. ENFORCEMENT**

- 13.1 Orders to Remedy Contraventions:
- a. If the City Manager finds that a person is contravening this Bylaw, the City Manager may by written Order in accordance with the MGA, require any person responsible for the contravention to remedy it.
  - b. The Order may:
    - i. direct a person to stop doing something, or to change the way in which they are doing it;
    - ii. direct a person to take any action necessary to remedy the contravention of this Bylaw to prevent a re-occurrence of the contravention;
    - iii. state a specified time to comply; and
    - iv. state that if the person does not comply within a specified time, the City shall take necessary action, at the expense of the person.
  - c. The expenses and costs resulting from action taken by the City under this Section, are due and payable by the person in contravention of this Bylaw.
  - d. The City may, in accordance with the MGA, add outstanding amounts for unpaid expenses and costs referred to in Section 13.1.c to a property Tax Roll, if the contravention of the Bylaw occurred on all or part of the owner's property.

13.2 Service of Order:

- a. In the case of an individual, an Order issued in accordance with this Bylaw may be served:
  - i. by delivering it personally to the individual;
  - ii. by leaving it for the individual at their apparent place of residence, with someone who appears to be at least 18 years of age; or
  - iii. by registered mail addressed to the individual at their apparent place of residence, or to any address for the individual on the property Tax Roll of the City.
- b. In the case of a corporation, an Order issued in accordance with this Bylaw may be served:
  - i. by delivering it personally to any director or officer of the corporation;
  - ii. by delivering it personally to a person apparently in charge of an office of the corporation at an address believed to be the corporation's address; or
  - iii. by registered mail addressed to the registered office of the corporation.

13.3 Review by Council:

- a. A person who receives a written notice or Order under this Bylaw, may submit a written request for Council to review the notice or Order within 14 days after the date it was received.
- b. After review, Council may confirm, vary, substitute or cancel the notice or Order.

13.4 Offence:

- a. A person who contravenes any provision of this Bylaw is guilty of an offence.
- b. A person shall not interfere with a Peace Officer in the exercise of their powers and duties under this Bylaw.

13.5 Vicarious Liability:

For the purpose of this Bylaw, an act or omission by the owner or another person acting on their behalf is deemed to be an act or omission of the owner, if the act or omission occurred in the course of exercising the powers or performing any duties on behalf of the owner.

13.6 Corporations and Partnerships:

- a. 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, or agreed or participated in the act or omission that constitutes the offence, is guilty of the offence whether or not the corporation has been prosecuted.
- b. If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act, who agreed or participated in the act or omission that constitutes the offence, is guilty of the offence.

13.7 Fines and Penalties:

- a. A person who is guilty of an offence is liable for a fine pursuant to Schedule "A", not to exceed ten thousand dollars (\$10,000.00) or for the imprisonment of not more than six months for non-payment of a fine, as per the MGA.
- b. Without restricting the generality of Section 13.7.a, the fine amounts set out in Schedule "A" are established for use on Municipal Tags and Violation Tickets, if a voluntary payment option is offered.

13.8 Municipal Tag:

- a. A Peace Officer is hereby authorized to issue a Municipal Tag to any person who the Peace Officer believes has contravened any provision of this Bylaw.
- b. A Municipal Tag may be issued:
  - i. personally; or
  - ii. by mailing a copy to such person at their last known municipal address.

13.9 The Municipal Tag shall be in a form approved by the City Manager and shall state:

- a. the name of the person;
- b. the offence;
- c. the specified penalty established by this Bylaw for the offence;
- d. that the penalty shall be paid within seven days of the issuance; and
- e. any other information as may be required by the City Manager.

13.10 Payment in Lieu of Prosecution:

Where a Municipal Tag is issued pursuant to this Bylaw, the person to whom it is issued may, in lieu of being prosecuted for the offence, pay the penalty to the City, specified within the prescribed time indicated on the Municipal Tag.

13.11 Violation Ticket:

- a. Where a Municipal Tag has been issued and the specified penalty has not been paid within the prescribed time, the Peace Officer is authorized to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
- b. Notwithstanding Section 13.11.a, a Peace Officer is hereby authorized to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any person who the Peace Officer believes has contravened any provision of this Bylaw.

13.12 Where a Violation Ticket is issued in respect of an offence, it 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.

13.13 Voluntary Payment:

- a. A person who commits an offence may submit the voluntary payment noting the specified penalty to the Provincial Court Clerk, on or before the initial appearance date indicated on the Violation Ticket, if:
  - i. the Violation Ticket is issued with respect to the offence; and
  - ii. the Violation Ticket specifies the fine amount established by this Bylaw for the offence;

**14. POWERS OF THE CITY MANAGER**

14.1 Without restricting any other power, duty, or function granted by this or any other Bylaw, the City Manager may:

- a. carry out inspections to determine compliance with this Bylaw;
- b. take steps or carry out actions required to enforce this Bylaw;
- c. take necessary steps or carry out actions required to remedy a contravention of this Bylaw;
- d. establish forms for the purposes of this Bylaw;

- e. establish an animal shelter for seized and impounded animals; to make rules and regulations for an animal shelter; and to regulate the conduct and form of an animal shelter, pursuant to this Bylaw;
- f. establish off-leash area(s);
- g. approve any parade, circus, rodeo, agricultural show, or any similar function which contains prohibited animals, within the City; and
- h. delegate powers, duties or functions under this Bylaw to an employee of the City.

**15. GENDER REFERENCES**

All references in this Bylaw will be read with such changes in number and gender as may be appropriate, and references shall be read as a corporation or partnership, and pronouns shall be deemed to not be gender specific.

**16. INTERPRETATION**

16.1 References to provisions of statutes, rules or regulations shall be deemed to include references to such provisions as amended, modified or re-enacted from time to time.

16.2 Nothing in this Bylaw relieves any person from compliance with any other bylaw or applicable federal or provincial law, regulation or enactment.

**17. SEVERABILITY**

If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the Bylaw is deemed valid.

**18. EFFECTIVE DATE**

This Bylaw becomes effective upon third and final reading.

**19. PRIOR BYLAWS**

This Bylaw supersedes and takes precedence over all previously passed bylaws which refer to animal control, as well as any previously passed resolutions which may be in conflict with this Bylaw.

**20. REPEAL OF BYLAWS**

Upon third reading of Bylaw C7-16, Bylaw C1-02 and all amendments thereto are hereby repealed.

READ a first time this                      day of    2016.

READ a second time this                      day of    2016.

READ a third time and passed this                      day of    2016.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DIRECTOR, LEGISLATIVE SERVICES

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

**CITY OF FORT SASKATCHEWAN  
ANIMAL CONTROL BYLAW**

**BYLAW NO. C7-16**

**SCHEDULE "A"  
SPECIFIED PENALTIES**

<b>Section</b>	<b>Offence</b>	<b>Penalty 1<sup>st</sup> Offence</b>	<b>Penalty 2<sup>nd</sup> and Subsequent Offence</b>
3.1	Failure to obtain a Dog or Cat Licence	\$150	\$300
3.1	Failure to obtain a Nuisance Dog Licence	\$250	\$500
3.1	Failure to obtain a Restricted Dog Licence	\$500	\$1000
4.1	Harbouring more than three dogs, nuisance dogs, or restricted dogs	\$100	\$200
4.2	Harbouring more than three cats	\$100	\$200
4.3	Permitting dog or cat to be at large	\$150	\$300
4.3	Permitting a nuisance dog to be at large	\$250	\$500
4.3	Permitting a restricted dog to be at large	\$500	\$1000
4.6	Failure to display/wear a valid Licence tag	\$100	\$200
4.7	Allowing a dog, nuisance dog, restricted dog, or cat cause damage to public or private property	\$150	\$300
4.8(a)	Allowing a dog, nuisance dog, restricted dog, or cat threaten or bite a person	\$250	\$500
4.8(b)	Allowing a dog, nuisance dog, restricted dog, or cat chase a motor vehicle	\$100	\$200
4.8(c)	Allowing a dog, nuisance dog, restricted dog, or cat chase a person	\$100	\$200
4.8(d)	Allowing a dog, nuisance dog, restricted dog, or cat to harass, attack, injure or kill another dog, nuisance dog, restricted dog, or cat	\$250	\$500
4.10	Provoking or abusing a dog, nuisance dog, restricted dog, or cat	\$250	\$500

5.1	Failure to remove dog, nuisance dog, restricted dog, or cat defecation from private or public property, other than the property of the owner	\$150	\$300
5.3	Failure to ensure that defecation left by the animal on the property of the owner does not accumulate to an extent that it is reasonably likely to annoy or pose a health risk to others	\$150	\$300
6.1	Permitting a dog, nuisance dog, restricted dog, or cat to bark, howl, or meow excessively	\$150	\$300
7.1	Failure to meet the conditions of a Nuisance Dog Licence	\$250	\$500
8.1	Failure to insure a restricted dog	\$150	\$300
8.5	Failure to follow restricted dog conditions, when off the owner's premises	\$1000	\$2000
8.6	Failure to follow restricted dog conditions, when on the owner's premises	\$1000	\$2000
9.1	Harbouring prohibited animals	\$250	\$500
9.3	Harbouring more than four pigeons or rabbits, in any combination	\$100	\$200
9.4	Failure to follow conditions of owning pigeons or rabbits	\$150	\$300
12.1	Any person who deliberately or willfully and with malicious intent, injures, hurts or otherwise harms any animal	\$250	\$500
12.2	Refuse to allow a service or guide dog in the company of a person requiring its assistance to enter any building or property accessible to the public	\$250	\$500
12.3	Allowing an animal in any City transit vehicle or facility that is not in an enclosed carrier or held at all times	\$100	\$200
12.4	Use of an illegal trap	\$250	\$500
12.7	Interfere or obstruct a Peace Officer who is attempting to or has seized an animal under this Bylaw	\$500	\$1000

12.8	Provide false or misleading information to a Peace Officer or the City	\$500	\$1000
13.4	Interfere with a Peace Officer in the exercise of their powers and duties under this Bylaw	\$500	\$1000

**This document is consolidated into a single publication for the convenience of users. The Official Bylaw and all amendments thereto are available from the Legislative Services Department and should be consulted in interpreting and applying this Bylaw. In the case of any dispute, the original Animal Control Bylaw and amendments must be consulted.**

## **CITY OF FORT SASKATCHEWAN**

### **BYLAW C1-02**

#### **BEING A BYLAW OF THE CITY OF FORT SASKATCHEWAN IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING AND CONTROLLING DOMESTICATED ANIMALS IN THE CORPORATE LIMITS OF THE CITY OF FORT SASKATCHEWAN**

WHEREAS the Council wishes to restrain and regulate the running-at-large of Dogs and Cats in the City of Fort Saskatchewan; and

WHEREAS the Council deems it expedient to license Dogs and Cats in the City of Fort Saskatchewan; and

WHEREAS the Council wishes to regulate the keeping of domestic animals and poultry; and

WHEREAS the *Municipal Government Act* RSA 2000, Chapter M-26 authorizes Council to pass such a Bylaw;

NOW, THEREFORE, the Council of the City of Fort Saskatchewan duly assembled enacts as follows:

#### **PART I**

#### **DEFINITIONS**

- 1.1 This Bylaw may be cited as "THE FORT SASKATCHEWAN ANIMAL CONTROL BYLAW."
- 1.2 In this Bylaw, unless the context otherwise requires, the following definitions shall apply:
  - (a) "ANIMAL CONTROL OFFICER" shall mean any person or persons duly authorized by the City to enforce the provisions of this Bylaw, including, but not limited to the Poundkeeper;
  - (b) "ANIMAL SHELTER" shall mean the premises designated by the City for the purpose of impounding and caring for all Dogs and Cats found to be contravening any section of this Bylaw;
  - (c) "CAT" shall mean either a male or female of the felidae family;
  - (d) "CITY" shall mean the municipal corporation of the City of Fort Saskatchewan;
  - (e) "COUNCIL" shall mean the City Council for the municipal corporation of the City of Fort Saskatchewan;

- (f) "DOG" shall mean either a male or female of the canidae family;
- (g) "DOMESTIC ANIMAL" shall mean an animal that is not wild and lives in or near the habitations of man, and includes, but is not limited to a cow, a pig, a horse, a sheep, a rabbit, a skunk, a snake, a chicken, a turkey, a duck, a goose, and a pigeon;
- (h) "DWELLING UNIT" shall mean a self-contained living premises with cooking, eating, living, sleeping and sanitary facilities for domestic use of one or more individuals;"
- (i) "GUARD DOG" shall mean a Dog trained to patrol privately owned, residential or non-residential property, whether or not accompanied by its Owner or someone acting on behalf of and with the authority of its Owner for the purpose of protecting said property against, inter alia, break-in, theft, trespass, and vandalism;
- (j) "GUIDE DOG" shall mean a Dog trained as a guide for a blind person and identified on an identification card issued by the Canadian National Institute for the Blind under the provisions of the *Blind Persons' Rights Act* RSA 2000, Chapter B-3 and amendments thereto;
- (k) "HERDING DOG" shall mean a Dog trained to herd sheep situated on privately owned, non-residential property, for the sole purpose of rounding up or herding sheep located on the said property;
- (l) "KENNEL" shall mean any place owned by any person, group of persons, or corporation engaged in the commercial business of breeding, buying, selling or boarding animals of any kind;
- (m) "OWNER" shall mean any person owning, possessing or having the charge or control over a Domestic Animal or Dog or Cat and shall include the occupier of a house or premises, or where there are more occupiers than one in a house or premises let in separate apartments or lodgings, or otherwise, the occupier of that particular part of the house or premises, in which the Domestic Animal is kept, harbored or permitted to live or remain at the time a breach of this Bylaw is committed unless the aforesaid occupier established that he/she was not the owner of the Domestic Animal or Dog or Cat at that time;
- (n) "PERMITTED LEASH" shall mean a leash adequate to restrain the attached Dog or Cat which leash shall be not longer than two (2) meters;
- (o) "POUNDKEEPER" shall include the Animal Control Officer and any person or persons duly authorized to operate the Animal Shelter;
- (p) "PUBLIC PROPERTY AREA" shall mean all property owned by or under the control and management of the City and located within the City limits;
- (q) "RUNNING AT LARGE" shall mean and include the situation where:
  - (i) a Dog or Cat is on any place other than the parcel of land which the dwelling of the Owner of such Dog or Cat is located; and

- (ii) while on such place, the Dog or Cat is not being restrained by a Permitted Leash and under the effective control of the Owner or someone acting on behalf of and with the authority of the Owner as required by this Bylaw.

The phrase "At Large" when used in this Bylaw shall be synonymous with "Running at Large";

- (r) "SECURE AND LOCKED PEN" shall have secure sides and a secure top and, if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of thirty-five (35) centimeters;
- (s) "SERIOUS WOUND" shall mean an injury resulting from a Dog bite, which causes the skin to be broken, or the flesh to be torn;
- (t) "TRANQUILIZER GUN" shall mean a pistol of Kap-Chur or similar manufacture capable of propelling a dart containing a drug approved by a qualified veterinary surgeon and
- (u) "VICIOUS DOG" shall mean any Dog which:
  - i) shows a propensity, disposition or potential to attack or injure, without provocation, humans or other animals;
  - ii) is a continuing threat of serious harm to humans or other animals;
  - iii) without provocation, chases any person in a threatening manner;
  - iv) has inflicted a Serious Wound upon a human or upon a Domestic Animal without provocation;
  - v) is deemed to be dangerous by a Justice under the provisions of the *Dangerous Dogs Act* RSA 2000, Chapter D-3 and amendments thereto;
  - vi) is owned or harbored for the purpose of dog fighting;
  - vii) is a Guard Dog.

## PART II

### LICENSING

#### Section 1

- 1.1 No person residing at any Dwelling Unit shall be the Owner and/or house more than two (2) Dogs and/or two (2) Cats older than 6 months at any one time.

#### Section 2

- 2.1 No person shall own, keep or harbor any Dog or Cat over the age of six (6) months within the City limits unless such Dog or Cat is licensed as herein provided.

- 2.2 In any prosecution or proceeding for a contravention of this Section, the burden of proof as to the age of the Dog or Cat and that the person charged under this Section is not the Owner of the said Dog or Cat shall rest upon the person so charged.

### Section 3

- 3.1 <sup>1</sup>The Owner of every Dog or Cat in the City shall each year pay to the City the appropriate license fee, as set out in the City's current Fees and Charges Bylaw.
- 3.2 <sup>2</sup>Where a Dog is deemed to be dangerous pursuant to the provisions of the *Dangerous Dogs Act RSA 2000, Chapter D-3* or is determined to be a Vicious Dog pursuant to the provisions of this Bylaw, the Owner of said Dog shall be required to obtain a Vicious Dog license; the appropriate license fee for same being set out in the City's current Fees and Charges Bylaw.

### Section 4

- 4.1 Every person who resides within the limits of the City and being the Owner of a Dog or Cat shall, before the 31<sup>st</sup> day of January in each year, obtain a license for the Dog or Cat for the current calendar year.

### Section 5

- 5.1 Every person residing in the City who becomes the Owner of a Dog or Cat after January 31<sup>st</sup> in any year, and every person who takes up residence within the City after January 31<sup>st</sup> in any year, and who is the Owner of a Dog or Cat which is not then licensed in accordance with this Bylaw, shall license said Dog or Cat and pay the license fee herein provided, within fifteen (15) days after becoming the Owner of the said Dog or Cat, or being the Owner of the said Dog or Cat and taking up residence within the City.

### Section 6

- 6.1 A Dog or Cat Owner shall provide the following information with each application for a Dog or Cat license;
- a) name and address of the Owner;
  - b) name and description of the Dog or Cat to be licensed;
  - c) the breed or cross-breed of the Dog or Cat;
  - d) to benefit from the reduced license fee, a veterinarian's certificate indicating the Dog or Cat is spayed or neutered or a statutory declaration executed by the Owner stating that the Dog or Cat is spayed or neutered;
  - e) tattoo or nose print number (if available); and
  - f) such other relevant and necessary information as may be required by the City with respect to the application.

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<sup>1</sup> C5-14

<sup>2</sup> C5-14

### Section 7

- 7.1 Every person who becomes the Owner of a Dog or Cat which is currently licensed in accordance with the provisions of this Bylaw, shall provide the City with his name, street address and the license number of the Dog or Cat within fifteen (15) days after becoming the Owner of the said Dog or Cat.

### Section 8

- 8.1 Licenses issued under this Bylaw shall not be transferable from one Dog or Cat to another.

### Section 9

- 9.1 Upon payment of the required license fee, the Owner will be supplied with a license tag.

### Section 10

- 10.1 Every Owner shall ensure that the license tag is either securely fastened to a choke chain, collar, or harness which must be worn by the Dog or Cat at all times or is in the possession of the Owner and available upon request whenever the Dog or Cat is on property other than the property of the Dog or Cat Owner or property owned, leased or rented by the Owner.

### Section 11

- 11.1 <sup>3</sup>The Owner of a Dog or Cat which has been duly licensed under this Bylaw, may obtain a license tag to replace a license tag which has been lost, upon payment of the license tag replacement fee as set out in the City's current Fees and Charges Bylaw.

### Section 12

- 12.1 In addition to the provisions of Part II, Sections 1 to 11 inclusive, where a Dog is deemed to be dangerous pursuant to the provisions of the *Dangerous Dogs Act* RSA 2000, Chapter D-3 or is determined to be a Vicious Dog pursuant to the provisions of this Bylaw, the Owner of such Dog shall:
- a) obtain a Vicious Dog tag as specified by the City which is to be worn by such Dog at all times;
  - b) have such Dog tattooed to the satisfaction of the Animal Control Officer, for the purpose of identifying such Dog as being a Vicious Dog.
- 12.2 As a condition of obtaining a Vicious Dog license, the Owner shall have in place a policy of liability insurance in a form satisfactory to the City of Fort Saskatchewan providing third party liability coverage in a minimum amount of \$1,000,000.00 for injuries caused by the Owner's Vicious Dog.
- 12.3 The liability policy shall contain a provision requiring the issuer to immediately notify the City in writing should the policy expire or be cancelled or terminated.

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<sup>3</sup> C5-14  
City of Fort Saskatchewan  
Animal Control Bylaw C1-02  
Office Consolidation 2015

- 12.4 Upon cancellation, expiry or termination of the liability policy, the Vicious Dog License is null and void.

### Section 13

- 13.1 The provisions of Part II, Sections 1 to 12 inclusive, shall not apply to the following:
- a) persons temporarily in the City for a period not exceeding four (4) weeks;
  - b) holders of a valid development permit, issued pursuant to the Land Use Bylaw, authorizing the operation of a Kennel;
  - c) blind persons holding an identification card proving ownership of a Guide Dog for their use;
  - d) persons caring for a Dog or Cat for a period of no longer than thirty (30) days, once per year, where the Owner of the Dog or Cat resides outside the municipal boundaries.

## PART III

### CONTROL OF DOGS AND CATS

#### Section 1

- 1.1 The Owner of a Dog or Cat shall not permit such Dog or Cat to be At Large within the corporate limits of the City.
- 1.2 When a Dog or Cat is found to be At Large, its Owner shall be deemed to have failed or refused to comply with the requirements of Subsection 1.1.
- 1.3 Subsections 1.1 and 1.2 shall further not apply in the case of a Guard Dog, where said Dog is actively engaged in patrolling privately-owned, residential or non-residential property provided:
- a) the perimeter of the property being patrolled is sufficiently secured by way of a continuous fence or other form of barricade or barrier so as to prevent such Dog from escaping therefrom;
  - b) signs are posted around the perimeter of the said property alerting the public that the said property is patrolled by a Guard Dog; and
  - c) the said Dog is under the effective control of its Owner, or someone over the age of sixteen (16) years acting on behalf of and with the authority of the Owner, as required by this Bylaw, while said person is in attendance on the property being patrolled.
- 1.4 Subsections 1.1 and 1.2 shall further not apply in the case of a Herding Dog, where said Dog is actively engaged in rounding up or herding sheep on privately owned, non-residential property, provided the said Dog is under the effective control of its Owner or someone acting on behalf of and with the authority of the Owner, as required by this

Bylaw, while said person is in attendance on the property being patrolled by the Herding Dog.

## Section 2

- 2.1 The City may post signs indicating those Public Property Areas within the City wherein the presence of Dogs or Cats whether At Large or under the control of the Owner, is expressly prohibited. The Owner of the Dog or Cat found in such assigned areas shall have committed an offence under this Bylaw.

This Section shall not apply to a blind Owner of a Guide Dog, or a blind person being assisted by a Guide Dog.

## Section 3

- 3.1 The Owner of a female Dog or Cat in heat shall, during the whole period that such Dog or Cat is in heat, keep such Dog or Cat confined and housed in the residence of the said Owner, or in a licensed Kennel.
- 3.2 Where a female Dog or Cat in heat is confined and housed in the residence of its Owner, such Dog or Cat shall be permitted outside the said residence for the sole purpose of permitting such Dog or Cat to defecate on the property of the residence of said Owner.

## Section 4

- 4.1 No Owner shall permit his Dog or Cat to damage public or private property.
- 4.2 When public or private property is damaged by a Dog or Cat, its Owner shall be deemed to have failed or refused to comply with the requirements of Subsection 4.1.

## Section 5

- 5.1 If a Dog or Cat defecates on any public or private property other than the property of its Owner, the Owner shall cause such defecation to be removed immediately.
- 5.2 Subsection 5.1 shall not apply to a blind Owner of a Guide Dog, or a blind person being assisted by a Guide Dog.
- 5.3 When an Owner of a Dog or Cat is observed to leave the public or private property upon which his or her Dog or Cat has defecated without removing such defecation, such Owner shall be deemed to have failed or refused to comply with the requirements of Subsection 5.1.
- 5.4 The Owner of any property where an Animal is kept shall maintain such property at all times in a clean, sanitary and inoffensive condition.

## Section 6

- 6.1 No Owner shall permit his Dog to bark or howl excessively or his Cat to meow or howl excessively.
- 6.2 Where a Dog or Cat disturbs the quiet of any person, the Owner of such Dog or Cat shall be deemed to have failed or refused to comply with the requirements of Subsection 6.1.

### Section 7

- 7.1 The Owner of a Dog shall not permit his Dog to:
- a) threaten or bite people;
  - b) chase motor vehicles;
  - c) chase people; or
  - d) attack, harass, injure or kill pets belonging to other persons.
- 7.2 Where a Dog chases, threatens or bites any person, or chases any motor vehicles, or injures or harasses any pet belonging to other persons, the Owner of said Dog shall be deemed to have failed or refused to comply with the requirements of Subsection 7.1.
- 7.3 An Owner shall not be deemed to have failed or refused to comply with the requirements of Subsection 7.1 where his Dog threatens, chases, attacks or bites:
- a) a trespasser on the property where its Owner resides, or in the case of a Guard Dog, or Herding Dog, a trespasser on the property being patrolled by said Dog pursuant to the provisions of Subsection 1.3 and 1.4 respectively of this Part; or
  - b) a person who is physically abusing or teasing said Dog.
- 7.4 In addition to any other penalty that may be imposed under this Section, the Animal Control Officer or Poundkeeper may make a complaint under the *Dangerous Dogs Act* RSA 2000, Chapter D-3 for an Order directing, inter alia, that such Dog be controlled or destroyed.
- 7.5 Every person who fails to comply with any Order issued pursuant to Subsection 7.4 is guilty of an offence under this Bylaw.

### Section 8

- 8.1 The Owner of a Vicious Dog shall take all necessary steps to ensure that such Dog does not bite, chase or attack any person or other animal, whether the person or animal is on the property of the Owner or not.

### Section 9

- 9.1 The Owner of a Vicious Dog shall not permit, suffer or allow such Vicious Dog to be on any Public Property Area or private property that is not owned or under the control of such Owner, unless the Vicious Dog is:
- a) muzzled;
  - b) on a Permitted Leash; and
  - c) under the effective control of the Owner or someone over the age of sixteen (16) years acting on behalf of and with the authority of the Owner as required by this Bylaw.

- 9.2 Paragraphs 9.1(a) and 9.1(b) shall not apply where the Vicious Dog is confined within a Secure and Locked Pen, or where the Vicious Dog is in a building or enclosure in attendance at a bona fide dog show.
- 9.3 Subsection 9.1 shall not apply in the case of a Guard Dog, where said Dog is actively engaged in patrolling privately owned, non-residential property in accordance with the provisions of Subsection 1.3 of this Part.

#### Section 10

- 10.1 At all times while a Vicious Dog is on the property on which its Owner resides, the Owner shall either keep such Dog confined indoors and under the effective control of a person over the age of sixteen (16) years, acting on behalf of and with the authority of the owner as required by this Bylaw, or confined in a Secure and Locked Pen capable of preventing the entry of young children.
- 10.2 Where a Vicious Dog is on private property owned by, or under the control of its Owner, said Owner shall not allow the Vicious Dog to be outdoors or out of a Secure and Locked Pen unless the Vicious Dog is on a Permitted Leash and under the effective control of the Owner or someone over the age of sixteen (16) years acting on behalf of and with the authority of the Owner as required by this Bylaw.
- 10.3 Subsection 10.2 shall not apply in the case of a Guard Dog, where said Dog is actively engaged in patrolling privately owned, non-residential property or under the control of its Owner, or someone over the age of sixteen (16) years acting on behalf of and with the authority of the Owner in accordance with the provisions of Subsection 1.3 of this Part.

#### Section 11

- 11.1 The Owner of a Dog which the Owner believes to be a Vicious Dog, shall keep such Dog in accordance with the provisions of Sections 9 and 10 of this Part.

#### Section 12

- 12.1 When the Animal Control Officer or Poundkeeper determines that a Dog is a Vicious Dog either through personal observation or after an investigation initiated by a complaint, he/she shall in writing:
- a) inform the Owner that said Dog has been determined to be a Vicious Dog;
  - b) require the Owner to keep said Dog in accordance with the provisions of this Bylaw respecting Vicious Dogs;
  - c) inform the Owner that, if said Vicious Dog is not kept in accordance with the provisions of this Bylaw with respect to Vicious Dogs, the owner will be fined, or subject to enforcement action pursuant to Section 13 of this Part.

#### Section 13

- 13.1 In addition to the remedies set forth in this Bylaw, if the Animal Control Officer or Poundkeeper determines that a Vicious Dog is not being kept in accordance with this Bylaw, he/she shall:

- a) make a complaint pursuant to the *Dangerous Dogs Act* RSA 2000, Chapter D-3 for an order/direction that such dog be controlled or destroyed;
- b) make an application pursuant to the *Municipal Government Act* RSA 2000, Chapter M-26 for an Order directing that such Dog be controlled in accordance with this Bylaw or be removed from the City.

#### Section 14

- 14.1 Where a Dog is deemed to be dangerous pursuant to the provisions of the *Dangerous Dogs Act* RSA 2000, Chapter D-3 or is determined to be a Vicious Dog pursuant to the provisions of this Bylaw, the Owner of such Dog shall:
- a) post signs on his or her premises alerting the public that a Vicious Dog is located on said premises;
  - b) not breed or sell such Dog within the city; and
  - c) notify the Animal Control Officer or Poundkeeper should said Dog be At Large.

#### Section 15

- 15.1 The Animal Control Officer is authorized to capture and impound all Dogs and Cats found contrary to the provisions of this Bylaw.
- 15.2 In enforcement of the jurisdiction provided in Subsection 15.1, the Animal Control Officer is hereby authorized to enter any privately-owned premises at reasonable times.
- 15.3 The authority of an Animal Control Officer to enter privately-owned premises does not extend to include the entry of a building used as a dwelling house.
- 15.4 When all reasonable attempts to capture a Dog or Dogs have failed, the Animal Control Officer is hereby authorized to use a Tranquilizer Gun in order to effect said capture.
- 15.5 To assist in the seizure of Cats At Large, cat traps may be utilized by the Animal Control Officer.

#### Section 16

- 16.1 No person, whether or not he/she is the Owner of a Dog or Cat which is being or has been pursued or captured shall:
- a) interfere with or attempt to obstruct an Animal Control Officer who is attempting to capture or who has captured any Dog or Cat in accordance with the provisions of this Bylaw;
  - b) unlock or unlatch or otherwise open the vehicle or cat trap in which Dogs or Cats captured for impoundment have been placed, so as to allow or attempt to allow any Dog or Cat to escape therefrom; or
  - c) remove or attempt to remove any Dog or Cat from the possession of the Animal Control Officer or Poundkeeper.

16.2 No person shall:

- a) entice a Cat to enter a cat trap; or
- b) tease a Cat caught in a cat trap; or
- c) throw or poke any object into a cat trap when a Cat is caught therein.

### Section 17

- 17.1 The Poundkeeper shall keep all Dogs or Cats captured and impounded pursuant to the provisions of this Bylaw for a period of at least seventy-two (72) hours excluding Sundays and statutory holidays.
- 17.2 During this period, any Dog or Cat may be redeemed by its Owner or agent of the Owner upon payment of:
- a) the appropriate fine, where applicable, payable to the City;
  - b) the appropriate license fee when a Dog or Cat is not licensed, payable to the City; and
  - c) a per diem impounding fee, as established in the Pound Services and Animal and Pest Control Contract, payable to the Contractor.
- 17.3 If a Dog or Cat is not redeemed within the seventy-two (72) hours referred to in Subsection 17.1, said Dog or Cat may be destroyed or sold to a person other than the Owner, upon payment to the City of all applicable fees and fines as referred to in Subsection 17.2.
- 17.4 The Poundkeeper shall report any apparent illness, communicable disease, injury or unhealthy condition of any impounded Dog or Cat to a veterinarian and act immediately upon the veterinarian's recommendations. The Owner of the Dog or Cat may be responsible for all resulting charges.
- 17.5 When, in the judgment of a licensed veterinarian, a Dog or Cat should be destroyed for humane reasons, such Dog or Cat may not be redeemed.
- 17.6 No action for damages shall be taken against any person acting under the authority of this Bylaw for destruction or disposal of a Dog or Cat.

### Section 18

- 18.1 Where a Dog has inflicted a Serious Wound, the person who has received the said wound, or the Owner of said Dog, where said Owner is aware of the Serious Wound being inflicted, shall promptly report the occurrence to the Animal Control Officer.
- 18.2 Upon demand of the Animal Control Officer, the Owner shall forthwith surrender any Dog which has inflicted a Serious Wound upon any person.
- 18.3 Where a Dog is captured pursuant to this Section, the Animal Control Officer may quarantine such Dog, which shall not be released from such quarantine except by written permission of a licensed veterinarian.

18.4 Quarantine shall be at the Animal Shelter.

## PART IV

### CONTROL OF DOMESTIC ANIMALS

#### Section 1

- 1.1 No Domestic Animal (other than a rabbit or pigeon in respect of Subsections 1.2 and 1.3 of this Part) may be kept within the City's municipal boundaries unless;
- a) there is in existence a duly authorized Development Permit for a permitted or discretionary use with respect to the property upon which such Domestic Animal is kept, which Permit does not itself prohibit the keeping of the type of Domestic Animal kept thereon; or
  - b) the keeping of such Domestic Animal is, or is necessarily, incidental to an existing non-conforming use of the property on which such Domestic Animal is kept.
- 1.2 No person is permitted to own or keep more than four (4) pigeons or rabbits, or any combination thereof, on any property located within the municipal boundaries.
- 1.3 Any person keeping pigeons or rabbits pursuant to this Part, shall keep same in one or more Secure and Locked Pens, kept in a clean and sanitary condition. The pens may not be closer than one and one half (1 ½) meters from the nearest property boundary .

#### Section 2

- 2.1 An Animal Control Officer is authorized to investigate any complaints arising from the keeping of pigeons or rabbits. Where, pursuant to said investigation, the Animal Control Officer determines that:
- a) the pigeons or rabbits are not being kept in accordance with the provisions of this Bylaw; or
  - b) the said pigeons or rabbits have caused damage to the property of another person, the Animal Control Officer may direct the Owner of said pigeons or rabbits to comply with the provisions of this Bylaw and without limiting the generality of the foregoing, may direct the said Owner to restrain, dispose of, or destroy same.

## PART V

### RABIES CONTROL

#### Section 1

- 1.1 In the event of an outbreak or a threatened outbreak of rabies or any disease affecting any animal and which may be transmitted to human beings, Council may, by resolution, order and direct that all animals shall be kept securely tied up by the Owner or shall be otherwise effectively confined. Any animal found At Large in contravention of this Section shall be impounded.

## Section 2

- 2.1 Upon demand made by the Animal Control Officer, an Owner shall forthwith surrender any animal which the Animal Control Officer has reasonable and probable grounds to suspect of having been exposed to rabies, for supervised quarantine which expense shall be borne by the Owner, and the animal may be reclaimed by the Owner once adjudged free of rabies, upon payment of confinement expenses and upon compliance with the licensing provisions of this Bylaw.

## Section 3

- 3.1 When an animal under quarantine has been diagnosed as rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, the Poundkeeper shall immediately send the head of such animal to the appropriate health department for pathological examination and shall notify the Public Health Officer of reports, human contacts and the diagnosis made of the suspected animal.

## Section 4

- 4.1 During such period of rabies quarantine as herein mentioned, every animal bitten by an animal adjudged to be rabid, shall either be forthwith destroyed or shall be treated for rabies infection by a licensed veterinarian, at the Owner's expense.

## Section 5

- 5.1 Except as provided herein or in any other applicable legislation, no person other than the Animal or Pest Control Officer shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal which has bitten a human; nor remove the same from City limits without written permission from the Poundkeeper.

## Section 6

- 6.1 The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the Poundkeeper.

## Section 7

- 7.1 The Poundkeeper shall direct the disposition of any animal found to be infected with rabies.

## PART VI

### PENALTIES

#### Section 1

- 1.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a fine as set out in Schedule "A" attached hereto.

## Section 2

- 2.1 A penalty of two (2) times the applicable fine as provided in Schedule "A" shall be levied against an Owner who commits, for a second time, any infraction of this Bylaw, providing that such infraction is committed within one (1) year of the committing of the first infraction if it is the same Dog, Cat or Domestic Animal or another Dog, Cat or Domestic Animal owned by the same person.

## Section 3

- 3.1 The offence ticket shall be sufficiently served if served by:
- a) double registered mail addressed to the Owner of the Dog, Cat or Domestic Animal concerned;
  - b) handing the offence ticket to the Owner of the Dog, Cat or Domestic Animal concerned or to any adult at the place of residence of the said Owner.

## Section 4

- 4.1 Where an offence ticket is issued pursuant to this Bylaw, the following procedures shall apply:
- a) every offence ticket shall provide for payment to be made to the City of Fort Saskatchewan within seven (7) days from the date of the offence ticket. If payment is made within the time limit, such payment shall be accepted in lieu of prosecution;
  - b) should payment not be made within fifteen (15) days from the date of issue of the offence ticket, a complaint shall be laid before a provincial court judge and prosecution for the alleged offence shall proceed as though no offence ticket had been issued;
  - c) a person convicted of the offence specified on the offence ticket shall be subject to a fine in an amount not less than the penalty amount and other charges related thereto plus Court costs. Any accumulated pound fees are subject to fees set by the Animal and Pest Control Contract.

## PART VII

### GENERAL

## Section 1

- 1.1 Any person who hinders, delays or obstructs any person or persons engaged in enforcing any provision of this Bylaw, or impounding any Dogs, Cats or other animal liable to be impounded under the provisions of this Bylaw, shall, for each and every hindrance, delay or obstruction, be guilty of an offence and liable, upon summary conviction, to a fine as provided in Schedule "A" attached hereto.

Section 2

- 2.1 Any person who deliberately or willfully and with malicious intent, injures, hurts or otherwise harms any animal shall be guilty of an offence and liable, upon summary conviction, to a fine as provided in Schedule "A" attached hereto.

Section 3

- 3.1 Each Section of this Bylaw shall be read and construed as being separate and severable from each other Section. Furthermore, should any Section or Part of this Bylaw be found to have been improperly enacted for any reason, then such Section or Part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

Section 4

- 4.1 Bylaw C4-89, and all amendments thereto, is hereby repealed.

Section 5

- 5.1 This bylaw shall come into force and effect upon third and final reading thereof.

**(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, R.S.A. 2000,c.M-26 and Bylaw C5-13, and printed under the Director, Legislative Service's authority)**

**Bylaw C1-02, passed by Council, February 12, 2002**

**Amendments:**

**Bylaw C5-14, April 22, 2014**

### SCHEDULE "A" TO BYLAW C1-02

#### PENALTIES

- |   |                  |
|---|------------------|
| 1. <sup>4</sup> Harboring more than two (2) Dogs and/or two (2) Cats  | \$ 30.00 per day |
| 2. <sup>5</sup> Failure to obtain a Dog or Cat license:   | \$ 50.00         |
| 3. Failure to obtain a Vicious Dog license:   | \$ 500.00        |
| 4. Failure to produce proof of a valid and subsisting liability insurance policy as required for a Vicious Dog license to remain in full force and effect:                          | \$ 100.00        |
| 5. Failure to keep in force a Vicious Dog license:  | \$ 500.00        |
| 6. <sup>6</sup> Failure to ensure that a collar and license tag are worn when a Dog or Cat is off the premises of the Owner:  | \$ 50.00         |
| 7. Failure to ensure that a collar and license tag are worn when a Vicious Dog is off the premises of the Owner:  | \$ 100.00        |
| 8. Failure of an Owner to have a Vicious Dog tattooed or the failure of an Owner to ensure that a Vicious Dog is wearing a Vicious Dog tag as required by Part II, Subsection 12.1: | \$ 50.00         |
| 9. <sup>7</sup> Permitting a Dog or Cat to be At Large:   | \$ 50.00         |
| 10. Permitting a Vicious Dog to be At Large:  | \$ 500.00        |
| 11. <sup>8</sup> Permitting a Dog or Cat to be in an area where the presence of Dogs or Cats is prohibited by a sign:   | \$ 100.00        |
| 12. Permitting a Vicious Dog or Cat to be in an area where the presence of Dogs or Cats is prohibited by a sign:  | \$ 100.00        |
| 13. <sup>9</sup> Failure to confine and house a female Dog or Cat in heat in accordance with Part III, Section 3:   | \$ 100.00        |
| 14. <sup>10</sup> Permitting a Dog or Cat to damage a Public Property Area or private property other than the property of the Owner of said Dog or Cat:                             | \$ 150.00        |

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<sup>4</sup> C5-14

<sup>5</sup> C5-14

<sup>6</sup> C5-14

<sup>7</sup> C5-14

<sup>8</sup> C5-14

<sup>9</sup> C5-14

<sup>10</sup> C5-14

15. <sup>11</sup>Failure to remove a Dog's or Cat's defecation from a Public Property Area or private property other than the property of the Owner of said Dog or Cat: \$ 150.00
16. Failure to keep property in a clean, sanitary, and inoffensive condition \$ 30.00 per day
17. <sup>12</sup>Permitting a Dog to bark or howl excessively or Cat to meow or howl excessively : \$ 150.00
18. Violations of Part III, Paragraphs 7.1(a) to 7.1(d) inclusive as follows:
  - <sup>13</sup>III 7.1(a) \$ 150.00
  - <sup>14</sup>III 7.1(b) \$ 100.00
  - <sup>15</sup>III 7.1(c) \$ 100.00
  - <sup>16</sup>III 7.1(d) \$ 150.00
19. <sup>17</sup>If a Vicious Dog bites or attacks a person or animal causing injury: \$2000.00
20. <sup>18</sup>Failure to muzzle or otherwise secure a Vicious Dog when off the premises of the Owner: \$ 1000.00
21. <sup>19</sup>Failure to confine a Vicious Dog when on the premises of the Owner in accordance with this Bylaw: \$ 1000.00
22. <sup>20</sup>Failure to post warning signs of a Vicious Dog on the premises: \$ 250.00
23. <sup>21</sup>Breeding or selling a Vicious Dog within the municipality: \$ 500.00
24. <sup>22</sup>Failure to advise authorities if a Vicious Dog becomes At Large: \$ 500.00
25. <sup>23</sup>Interference with the enforcement of this Bylaw, including Part III, Sections 16 and 17 and Part V: \$ 250.00
26. <sup>24</sup>Failure to advise the authorities where a Dog has inflicted a Serious Wound: \$ 500.00
27. <sup>25</sup>Refusal of an Owner to surrender to the authorities a Dog which has inflicted a Serious Wound: \$ 500.00
28. <sup>26</sup>Keeping any Domestic Animal contrary to Part IV, Section 1.1: \$ 100.00

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<sup>11</sup> C5-14

<sup>12</sup> C5-14

<sup>13</sup> C5-14

<sup>14</sup> C5-14

<sup>15</sup> C5-14

<sup>16</sup> C5-14

<sup>17</sup> C5-14

<sup>18</sup> C5-14

<sup>19</sup> C5-14

<sup>20</sup> C5-14

<sup>21</sup> C5-14

<sup>22</sup> C5-14

<sup>23</sup> C5-14

<sup>24</sup> C5-14

<sup>25</sup> C5-14

<sup>26</sup> C5-14

- |   |   |
|---|---|
| 29. <sup>27</sup> Keeping a greater number of pigeons and rabbits than permitted by this Bylaw:   | \$ 100.00                                     |
| 30. <sup>28</sup> Failure to confine pigeons and rabbits in accordance with this Bylaw:   | \$ 150.00                                     |
| 31. <sup>29</sup> Refusal of an Owner to comply with an Order of an Animal Control Officer respecting the keeping of pigeons and rabbits owned by said Owner: | \$ 250.00                                     |
| 32. <sup>30</sup> Any offence under this Bylaw for which a penalty is not otherwise provided:   | \$ 100.00                                     |
| 33. Second or subsequent offence within one (1) year as outlined in Part VI, Section 2:   | Double the amount of fine for a first offence |
| 34. <sup>31</sup> Harming an animal in accordance with Part VII, Section 2:   | \$ 250.00                                     |
| 35. Declaring false information in respect to the spaying and neutering of a Dog or Cat for licensing purposes:   | \$ 100.00                                     |
| 36. <sup>32</sup> Failure to provide proof of a license tag when a Dog or Cat is off the premises of the Owner:   | \$ 100.00                                     |

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<sup>27</sup> C5-14

<sup>28</sup> C5-14

<sup>29</sup> C5-14

<sup>30</sup> C5-14

<sup>31</sup> C5-14

<sup>32</sup> C5-14

# CITY OF FORT SASKATCHEWAN

## Confidential Land Matter

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### **Motion:**

That Council approve the recommendation (Alternative #1) put forward in the confidential in-camera report presented to Council on May 24, 2016 regarding land matters.

### **Purpose:**

For Council to provide direction as per the in-camera land matter presented on May 24, 2016

### **Background:**

This matter is considered confidential under the *Freedom of Information and Protection of Privacy Act* (FOIP). Section 24 states:

#### ***“Advice from officials***

24(1) *The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to reveal:*

- (c) *positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the Government of Alberta or a public body, or considerations that relate to those negotiations.”*

This matter will be made public when appropriate.

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File No.:

Prepared/Approved by:	Troy Fleming General Manager, Infrastructure & Community Services	Date: May 18, 2016
Reviewed by:	Kelly Kloss City Manager	Date: May 18, 2016
Submitted to:	City Council	Date: May 24, 2016