

**BYLAW NO.665
OF THE VILLAGE OF BERWYN
TO ESTABLISH LAND USE ENFORCEMENT REGULATIONS**

A Bylaw of the Village of Berwyn, in the province of Alberta, for the purpose of amending the Village of Berwyn Land Use Bylaw No. 601 as amended.

WHEREAS Pursuant to Sections 230, 606 and 692 of the Province of Alberta Municipal Government Act, a Council may amend a Land Use Bylaw, and

WHEREAS The Council of the Village of Berwyn, in the Province of Alberta, deems it necessary to amend the Village of Berwyn Land Use Bylaw No. 601 for the purpose of establishing regulations regarding alternative energy,

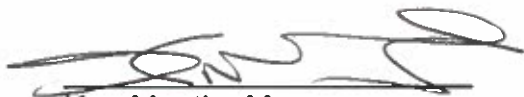
NOW
THEREFORE The Council of the Village of Berwyn, in the Province of Alberta, IN COUNCIL DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. Add the following to Section 1.5 Definitions
"ALTERNATIVE ENERGY TECHNOLOGY" means any system, device or structure that is used to collect natural energy sources, such as the sun, wind, or geothermal sources to generate thermal, electrical, or mechanical energy to use as an alternative to fossil fuels and other non-renewable resources in order to reduce the negative impacts on the natural environment. Typical examples include but not limited to solar collectors, small wind energy systems and geothermal energy systems.
2. Add the following to Section 1.5 Definitions
"SOLAR COLLECTOR" means any device used to absorb sunlight that is part of a system used to convert solar radiation energy into thermal or electrical energy;
3. Add the Following to Section 1.5 Definitions
"SMALL WIND ENERGY SYSTEM" means a wind energy conversion system consisting of a wind turbine rotating on either a vertical or horizontal axis, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 5 kW, and which is intended to provide electrical power for use onsite;
4. Add the following to Section 1.5 Definitions
"GEOTHERMAL ENERGY SYSTEM" means a renewable source of energy that employs the use of a heat pump to warm or cool air by utilising the constant temperatures of the Earth.
5. Add the following Section 16: Enforcement and Penalties:
 - (1) Where the Development Officer or any other persons or agency authorized by Council to perform bylaw enforcement, finds that a development or use of land or buildings is in contravention with:

- (a) the Municipal Government Act or any amendments thereto;
 - (b) a development permit;
 - (c) a subdivision approval; or
 - (d) this Land Use Bylaw;
- the Development Officer or any other persons or agency authorized by Council to perform bylaw enforcement may, by written notice, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention, or all of them to:
- (e) stop the development or use of the land or buildings in whole or in part as directed by the notice;
 - (f) demolish, remove or replace the development; or
 - (g) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act and regulations thereto, a development permit, a subdivision approval, an order or decision of the *Subdivision and Development Appeal Board* or this Bylaw within the time frame specified in the notice.
- (2) A person who receives a notice pursuant to subsection (1), other than a notice of an order or decision of the Subdivision and Development Appeal Board, may appeal to the Subdivision and Development Appeal Board.
- (3) Where a person fails or refuses to comply with an order pursuant to subsection (1), the municipality may:
- (a) apply to the courts to enter upon the land or building and take such action as is necessary to carry out the order and all of the costs incurred in so doing may be placed on the tax roll against the property concerned and shall be collected in the same manner as taxes;
 - (b) instruct the Development Officer or any other persons or agency authorized by Council to perform bylaw enforcement, to have an application made to the Court of Queen's Bench of Alberta for an injunction restraining the non-compliance; or
 - (c) apply to the Court of Queen's Bench of Alberta to have a charge laid for an offence under this Bylaw.
- (4) Contravention of any provision of this Bylaw constitutes an offence and any person convicted thereof may be liable to a penalty in the amount of:
- (a) a fine of \$500.00 for a first offence, \$1000.00 for a second offence, and \$2,500.00 for a third or subsequent offence; and

- (b) shall be subject to the costs and expenses pursuant to subsections (3) and (4).
 - (5) Where a person is found guilty of an offence pursuant to this Section, the municipality may, in addition to any other penalty imposed, order the person to comply with the Act and any regulations thereto, a development permit, a subdivision approval, an order or decision of the Subdivision and Development Appeal Board, or this Bylaw.
 - (6) The offenses and penalties in Subsection 4 are supplementary to Sections 557, and 565 to 569 inclusive of the Municipal Government Act and amendments thereto, under which any person who commences a development and fails or neglects to obtain a development permit or comply with a condition of a permit, is guilty of an offence.
 - (7) A person applying for, or in possession of a valid development permit is not relieved from full responsibility for complying with development in accordance with:
 - (a) The requirements of the Safety Codes Act, and regulations including the Alberta Building Code, Alberta Fire Code, and the Environmental Protection and Enhancement Act;
 - (b) The requirements of any federal, provincial or municipal enactment or any other law; and
 - (c) The conditions of any caveat, covenant, easement or other instrument affecting a building or land.
 - (7) The Town is not responsible for, nor does the Town have any obligation whatsoever to determine any other legislation which may apply to a development, nor monitor or enforce compliance with such legislation.
 - (8) Pursuant to the Municipal Government Act, a designated officer may only enter land or a building if:
 - (a) The owner or person in possession of it gives their consent to the entry; or
 - (b) The entry is authorized by an Order of the court of Queen's Bench of Alberta;
 - (c) And then, only for the purpose of ensuring compliance with the Municipal Government Act and the Regulations thereunder, or this Bylaw.
- 6. This Bylaw shall take force and effect on the date of its final passage.**


First Reading given on the 28 day of November, 2019.



Ken Montie, Mayor

Greg Gayton, Chief Administrative Officer

Second Reading given on the 27 day of February, 2020.



Ken Montie, Mayor

Greg Gayton, Chief Administrative Officer

Third Reading and Assent given on the 27 day of February, 2020.



Ken Montie, Mayor

Greg Gayton, Chief Administrative Officer