

CITY COUNCIL

AGENDA

Monday, March 16, 2015 – Council Chambers, City Hall

Call to Order:	2:30 PM
Recess:	5:00 PM to 6:00 PM
Public Hearing(s):	6:00 PM

1. IN CAMERA MEETING

1.1. Motion to In Camera - Human Resources Matter (FOIP - Section 23(1))

1.2. Motion to Revert to Open Meeting

2. MINUTES

2.1. Confirmation of the Minutes of the Monday, March 2, 2015 Regular Council Meeting

(Agenda Pages 1 – 5)

3. POINT OF INTEREST

4. UNFINISHED BUSINESS

4.1. The Red Deer Alcohol & Drug Strategy

(Agenda Pages 6 – 10)

4.1.a. Motion to Lift from Table

- 4.2. Bylaw Amendments Related Enterprise Business Application
(Agenda Pages 11 – 136)
 - 4.2.a. Motion to Lift from the Table
 - 4.2.b. The License Bylaw Amendment 3159/B-2015
Consideration of First Reading of the Bylaw
(Agenda Pages 15 – 43)
 - 4.2.c. The Escort Service Bylaw Amendment 3319/A-2015
Consideration of First Reading of the Bylaw
(Agenda Pages 44 – 62)
 - 4.2.d. The Limousine and Sedan Bylaw Amendment 3394/A-2015
Consideration of First Reading of the Bylaw
(Agenda Pages 63 – 79)
 - 4.2.e. The Taxi Business Bylaw Amendment 3282/A-2015
Consideration of First Reading of the Bylaw
(Agenda Pages 80 – 124)
 - 4.2.f. The Drinking Establishment Licensing Bylaw Amendment 3332/A-2015
Consideration of First Reading of the Bylaw
(Agenda Pages 125 – 137)

5. REPORTS

- 5.1. Fees and Charges
(Agenda Pages 138 – 141)

6. PUBLIC HEARINGS

- 6.1. Proposed Partial Road Closure Bylaw 3538/2015 and Land Use Bylaw
Amendment 3357/B-2015
Redesignation from Road to AI-Future Urban Development District
(Agenda Pages 142 – 151)
 - 6.1.a. Proposed Partial Road Closure Bylaw 3538/2015
 - 6.1.a.i. Consideration of Second Reading of the Bylaw
 - 6.1.a.ii. Consideration of Third Reading of the Bylaw

6.1.b. Land Use Bylaw Amendment 3357/B-2015

6.1.b.i. Consideration of Second Reading of the Bylaw

6.1.b.ii. Consideration of Third Reading of the Bylaw

6.2. Proposed Partial Road Closure Bylaw 3541/2015 and Land Use Bylaw
Amendment 3357/C-2015
Redesignation in Queens Business Park to P1 - Parks and Recreation District

(Agenda Pages 152 – 160)

6.2.a. Proposed Partial Road Closure Bylaw 3541/2015

6.2.a.i. Consideration of Second Reading of the Bylaw

6.2.a.ii. Consideration of Third Reading of the Bylaw

6.2.b. Land Use Bylaw Amendment 3357/C-2015

6.2.b.i. Consideration of Second Reading of the Bylaw

6.2.b.ii. Consideration of Third Reading of the Bylaw

- 6.3. Timberlands North Neighbourhood Area Structure Plan Amendments - Bylaw 3217/A-2015
Land Use Bylaw Amendment - Bylaw 3357/D-2015
(Agenda Pages 161 – 182)

- 6.3.a. Timberlands North Neighbourhood Area Structure Plan Bylaw Amendment 3217/A-2015

- 6.3.a.i. Consideration of Second Reading of the Bylaw

- 6.3.a.ii. Consideration of Third Reading of the Bylaw

- 6.3.b. Land Use Bylaw Amendment 3357/D-2015

- 6.3.b.i. Consideration of Second Reading of the Bylaw

- 6.3.b.ii. Consideration of Third Reading of the Bylaw

7. NOTICES OF MOTION

- 7.1. Notice of Motion Submitted by Councillor Buck Buchanan - Re: Crime Mapping
(Agenda Pages 183 – 205)

8. ADJOURNMENT



U N A P P R O V E D - M I N U T E S

**of the Red Deer City Council Regular Meeting
held on Monday, March 2, 2015
commenced at 2:34 P.M.**

PRESENT: Mayor Tara Veer
Councillor Buck Buchanan
Councillor Paul Harris
Councillor Ken Johnston
Councillor Lawrence Lee
Councillor Lynne Mulder
Councillor Frank Wong

City Manager, Craig Curtis
Director of Corporate Transformation, Lisa Perkins
Acting Director of Communications & Strategic Planning, Tara Shand
Director of Corporate Services, Paul Goranson
Director of Community Services, Sarah Cockerill
Director of Development Services, Elaine Vincent
Director of Human Resources, Kristy Svoboda
Acting Director of Planning Services, Tara Lodewyk
City Clerk, Frieda McDougall
Deputy City Clerk, Angie Keibel
Corporate Meeting Coordinator, Louise Maher

ABSENT: Councillor Tanya Handley
Councillor Dianne Wyntjes

**I. MINUTES****I.1. Confirmation of the Minutes of the Monday, February 23, 2015
Regular Council Meeting**

Moved by Councillor Buck Buchanan, seconded by Councillor Lawrence Lee

Resolved that Council of The City of Red Deer hereby approves the Minutes of the February 23, 2015 Regular Council Meeting as transcribed.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong

MOTION CARRIED

2. REPORTS**2.1. Updated Economy Charter**

Moved by Councillor Lawrence Lee, seconded by Councillor Buck Buchanan

Resolved that Council of the City of Red Deer having considered the report from the Land and Economic Department re: Updated Economy Charter dated February 25, 2015 hereby endorses the Economy Charter as presented.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong

MOTION CARRIED

3. UNFINISHED BUSINESS**3.1. Bylaw Amendments Related to Enterprise Business Applications**

Moved by Councillor Lynne Mulder, seconded by Councillor Paul Harris

Resolved that Council of The City of Red Deer hereby agrees to lift from the table consideration of Bylaw Amendments Related to Enterprise Business Applications.

**IN FAVOUR:**

Mayor Tara Veer, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong

MOTION TO LIFT FROM THE TABLE CARRIED

Moved by Councillor Ken Johnston, seconded by Councillor Paul Harris

Resolved that Council of the City of Red Deer, having considered the report from Inspections and Licensing dated February 25, 2015 re: Bylaw Amendments Related to Enterprise Business Applications, hereby agrees to re-table the following bylaws: 3159/B-2015, 3319/A-2015, 3394/A-2015, 3282/A-2015 and 3332/A-2015 to the March 16, 2015 City Council Meeting to provide Administration with additional time to compile the requested information.

IN FAVOUR:

Mayor Tara Veer, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong

MOTION TO RE-TABLE CARRIED**4. BYLAWS****4.1. Loan Bylaw 3539/2015 - 2019 Canada Winter Games Interim Operating Expenditures
Consideration of Second and Third Readings**

Moved by Councillor Ken Johnston, seconded by Councillor Frank Wong

SECOND READING: That Loan Bylaw 3539/2015 (2019 Canada Winter Games Interim Operating Expenditures up to \$2 million) be read a second time.

IN FAVOUR:

Mayor Tara Veer, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong

MOTION CARRIED

Moved by Councillor Ken Johnston, seconded by Councillor Frank Wong

THIRD READING: That Bylaw 3539/2015 be read a third time.

**IN FAVOUR:**

Mayor Tara Veer, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong

MOTION CARRIED

5. NOTICE OF MOTION**5.1 Notice of Motion Submitted by Councillor Buck Buchanan
Re: Crime Mapping**

The following Notice of Motion was introduced by Councillor Buck Buchanan:

Whereas crime mapping was first established in 1829 in Iowa when two individuals created maps to reflect the relationship between violent property crimes and educational levels. (Iowa State University Graduate Thesis, 2013).

Whereas the Neighbourhood Watch Organization have conducted Police and Fire log reports to the public dating back to 2001.

Whereas by providing information to the public, this will help citizens become more aware of what is happening in the community and even ultimately reduce the number of crimes that occur, or assist police in solving crimes, and engage residents in how to reduce and prevent crimes from taking place.

Whereas it was stated in the Ipsos Reid Surveys for The City of Red Deer that crime is within the top 4 important priorities that need to be addressed by the City out of a list of 11.

Whereas crime mapping is a technology that combines geographical data with police report data with intentions to display the information on a map to analyze where, how and why crime occurs. There is no cost for set up, assistance, and maintenance for just the crime mapping program.

Whereas crime maps do not pin point the exact location that a crime took place. The crimes that are plotted are located in a general area, and are not associated with any specific civic address so as to protect the privacy of victims.

Whereas various sizes of cities across Canada such as Toronto, Kelowna, Saskatoon, Regina, St. Albert, Waterloo, Owen Sound, Fredericton, Medicine Hat, Victoria, and Lethbridge have been successful with crime mapping in their communities.

Therefore be it resolved that Council of The City of Red Deer collaborate with RCMP detachments within Red Deer and the Central Alberta Crime Prevention Centre to develop a crime mapping system for the community.



6. ADJOURNMENT

Moved by Councillor Ken Johnston, seconded by Councillor Lawrence Lee

Resolved that Council of The City of Red Deer hereby agrees to adjourn the Monday, March 2, 2015 Regular Council Meeting of Red Deer City Council at 3:04 p.m.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Paul Harris, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong

MOTION CARRIED

MAYOR

CITY CLERK



February 17, 2015

Red Deer Alcohol and Drug Strategy

Charter Safety, Social Planning

Report Summary & Recommendation:

At the Monday, November 24, 2014 Council meeting, the following resolution was adopted:

Resolved that Council of The City of Red Deer, having considered the draft Red Deer Alcohol and Drug Strategy Report from the Central Alberta Addictions Consortium, hereby receives the Red Deer Alcohol & Drug Strategy as a 'made in Red Deer' community planning tool.

At that meeting, Council also tabled a component of this strategy which proposed that the Community Safety Ad Hoc Committee identifies the appropriate City support role and strategy within the community plan, as follows:

Resolved that Council of The City of Red Deer, having considered the draft Red Deer Alcohol and Drug Strategy Report from the Central Alberta Addictions Consortium, hereby agrees to further table consideration of this report for up to three months to provide for a further understanding of the Community Safety Ad Hoc Committee's role

The Community Safety Ad Hoc Committee will use this plan to accomplish its outcomes of:

1. A strategic plan for crime prevention and community safety,
2. A funding model and distribution process that supports community safety investments that align with the established vision, principles and goals and improve the quality of life of individuals and the community, and
3. A governance structure and policy document for a Red Deer community based crime prevention and community safety "arm's length" model.

As the Social Planning department, within its existing resources, will continue to support the Consortium in moving the plan forward it is recommended that this report be received for information.

City Manager Comments:

I support the recommendation of Administration that this item be accepted for information.

Craig Curtis
City Manager



Proposed Resolution

Resolved that Council of The City of Red Deer hereby agrees to lift from the table consideration of the Red Deer Alcohol and Drug Strategy Report.



Report Originally Submitted
to the November 24, 2014
City Council Meeting

September 2, 2014

The Red Deer Alcohol & Drug Strategy

Social Planning

Report Summary & Recommendation:

The Safety Charter identifies Strategy 4 as the Drug and Alcohol Roadmap for a Healthy Community. The Social Planning Department has been working collaboratively with the Central Alberta Addictions Consortium (CAAC) to fulfill the strategy goals and outcomes, resulting in the development of a 'made in Red Deer' strategy – *The Red Deer Alcohol & Drug Strategy*.

City Council considered this report and presentation by the Central Alberta Addictions Consortium at their open meeting on October 27, 2014 and agreed to table the report to the November 24, 2014 Council meeting allowing administration time to review:

1. The word "receive" versus endorse; and
2. The Safety Ad-Hoc Committees capacity to undertake this work.

Administration is confident in the appropriateness of the original recommendation. A meeting was held with the Mayor, City Manager and representatives of the Central Alberta Addictions Consortium to clarify the intent of the recommendation and a letter has since been received from the organization.

City Manager Comments:

I support Council's consideration of the motion tabled by Council as set out below.

Craig Curtis
City Manager

Proposed Resolution

Resolved that Council of The City of Red Deer hereby agrees to lift from the table consideration of The Red Deer Alcohol & Drug Strategy Report.

Resolved that Council of The City of Red Deer, having considered the draft Red Deer Alcohol and Drug Strategy Report from the Central Alberta Addictions Consortium hereby:

1. Receives The Red Deer Alcohol & Drug Strategy as a 'made in Red Deer' community planning tool; and
2. Refers this work to the Red Deer Community Safety Ad-Hoc Committee in order to engage in community consultation, identify the appropriate City role and strategy within the community plan and bring forward recommendations to Council.



Report Details

Background:

The Central Alberta Addictions Consortium (CAAC) presented the *Red Deer Alcohol and Drug Strategy* to City Council on October 27, 2014. Following the Council meeting, representatives from CAAC were able to meet with the Mayor and City Manager to discuss the administrative recommendation and subsequent tabling motion approved by Council.

A letter has been received from CAAC indicating support for the administrative recommendation and offering to be of continued support to The City in moving forward with the report recommendations.

Discussion:

The administrative recommendation presented to City Council on October 27, 2014 was to receive the report as a community planning tool, and to refer the work to the new Red Deer Community Safety Ad-Hoc Committee. The scope and nature of the Community Safety Ad-Hoc Committee has been deemed suitable and appropriate by administration for the purpose of helping The City in determining necessary roles and strategies to advance recommendations from this report through the organization.

Analysis:

The original administrative recommendations that accompanied the *Red Deer Alcohol and Drug Strategy* presentation on October 27, 2014 to receive the report and refer the work to the Red Deer Community Safety Ad-Hoc Committee should be upheld by City Council.



November 6, 2014

To Red Deer's Mayor and City Council:

The Central Alberta Addictions Consortium would like to take the time to thank you for allowing us to present The Red Deer Alcohol and Drug Strategy. We appreciate the time you've taken to read this document, as indicated by your informed questions. Also, thank you for your patience with the technological problem in our presentation: Here is the link to the video we had intended to include entitled *Redirecting the River*. <http://www.frameworksinstitute.org/canada.html>

We are available to answer any further questions council may have regarding the Red Deer Alcohol and Drug Strategy. Also, in order to support thorough reflection, we have opted to eliminate any timelines on support of this document. Our goal is to ensure the document is well-understood and that it is supported on a mutually acceptable level before we go forward with a public release. We have therefore decided to post-pone the release of the document as was originally slated for National Addictions Awareness Week, November 17th-23rd.

The Central Alberta Addictions Consortium would also like to note that referring our work to the Red Deer Community Safety Ad-Hoc Committee was unexpected. This Safety Committee sounds like a wonderful opportunity to provide leadership and direction to the specific needs of the downtown area and all of Red Deer in terms of safety and crime prevention. We feel that, while the Red Deer Alcohol and Drug Strategy does align with this work in part, that it is not a fit as a whole.

As per our conversation with Mayor Veer and Craig Curtis, City Manager last Friday, we realize The City does not want "ownership" of this document. We feel that City support is best outlined as: 1) continued support from the Social Planning department as has been throughout the development of the Strategy, 2) assistance in working with land-use and other City by-laws, and 3) political and governmental advocacy on behalf of the issues presented. This assistance has been, and will continue to be, instrumental in implementing these objectives.

In the interests of presenting the best possible strategy for Red Deer, we would like to make ourselves available to either present again to council or to speak with interested individuals on the work we have done. We invite you to contact our co-chairs Kath Hoffman or Jennifer Vanderschaeghe at any time.

Thank you again for your interest and support.
The Central Alberta Addictions Consortium

Cc: Craig Curtis, City Manager
Sarah Cockerill, Director of Community Services
Scott Cameron, Social Planning Manager
Ryan Veldkamp, Social Planning Community Facilitator

FILE COPY

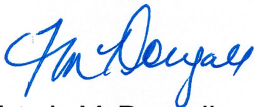
DATE: March 19, 2015
TO: Sarah Cockerill, Director of Community Services
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Red Deer Alcohol and Drug Strategy

Reference Report:

Charter Safety, Social Planning, dated February 17, 2015.

This report was submitted for Council's information. No further action is required.

Report Back to Council: No



Frieda McDougall
Manager

- c. P. Goranson, Director of Corporate Services
S. Cameron, Social Planning Manager



March 03, 2015

Licensing Bylaw Amendments

Inspections and Licensing

Report Summary & Recommendation:

Amendments to the Drinking Establishment Licensing, Taxi Business, Limousine and Sedan, Escort Service, and License bylaws are proposed to provide minor amendments related to process and customer service improvements linked to system improvements within the Enterprise Business Applications (EBA) project. The proposed amendments are also aligned with the Economy Charter, and the strategy around developing systems and processes to ensure a seamless customer experience for businesses.

On February 23, 2015, Council considered the initial report from Inspections & Licensing related to the proposed amendments to the various licensing bylaws. First readings of the bylaws were tabled for one week to allow Administration further time to compile additional information requested by Council. The following resolution was passed:

“Resolved that Council of The City of Red Deer, having considered the report from Inspections & Licensing dated February 9, 2015 re: Bylaw Amendments Related to Enterprise Business Applications, hereby agrees to table the following bylaws: 3159/B-2015, 3319/A-2015, 3394/A-2015, 3282/A-2015 and 3332/A-2015 for one week to allow Administration additional time to compile the requested information.”

Further to that resolution, Administration requested a further re-tabling of the readings at the meeting of March 2, 2015. The following resolution was passed:

“Resolved that Council of the City of Red Deer, having considered the report from Inspections and Licensing dated February 25, 2015 re: Bylaw Amendments Related to Enterprise Business Applications, hereby agrees to re-table the following bylaws: 3159/B-2015, 3319/A-2015, 3394/A-2015, 3282/A-2015 and 3332/A-2015 to the March 16, 2015 City Council Meeting to provide Administration with additional time to compile the requested information.”

It is recommended that the following bylaws receive first reading, with a return to Council on March 30, 2015 for 2nd and 3rd readings:

- The License Bylaw 3159/B-2015
- The Escort Service Bylaw 3319/A-2015
- The Limousine and Sedan Bylaw 3394/A-2015
- The Taxi Business Bylaw 3282/A-2015
- The Drinking Establishment Licensing Bylaw 3332/A-2015



City Manager Comments:

I support the recommendation of Administration and recommend Council consider first reading of Bylaw 3159/B-2015, 3319/A-2015, 3394/A-2015, 3282/A-2015 and 3332/A-2015. If first reading is approved, these bylaws will be brought for consideration of second and third readings at the March 30, 2015 meeting of City Council.

Craig Curtis
City Manager

Proposed Resolution

Resolved that Council of the City of Red Deer hereby agrees to lift from the table consideration of Bylaw Amendments 3159/B-2015, 3319/A-2015, 3394/A-2015 3282/A-2015 and 3332/A-2015.

That Council consider first reading of The License Bylaw Amendment 3159/B-2015 at this time.

That Council consider first reading of The Escort Service Bylaw Amendment 3319/A-2015 at this time.

That Council consider first reading of The Limousine and Sedan Bylaw Amendment 3394/A-2015 at this time.

That Council consider first reading of The Taxi Business Bylaw Amendment 3282/A-2015 at this time.

That Council consider first reading of The Drinking Establishment Licensing Bylaw Amendment 3332/A-2015 at this time.

Report Details

Background:

The Inspections & Licensing department embarked on a significant review of internal and cross departmental processes in 2013 through the use of process mapping. Most staff have completed training in Process Mapping, Lean Office, and Process Metrics principles and techniques to explore opportunities for improvements, helpful to the implementation of new system improvements over the coming year.

In reviewing our current processes, we have identified ideas and action items, which will result in enhancements to many of our processes, make staff's work more efficient, and deliver better customer service. One of these items relates directly to the packaging of the license-related bylaws, and includes amending the term of a license, and subsequently the proration of fees due to the change in the license term.



Discussion:

Amendments are required to the Drinking Establishment Licensing, Taxi Business, Limousine and Sedan, Escort Service, and License Bylaws in order to provide customers with a greater sense of certainty and consistency when applying for their licenses. The proposed amendments are directly related to process improvements identified through a significant amount of work throughout the department related to process mapping, and will be implemented into the Licensing system with the EBA, which is scheduled for roll out on May 11, 2015.

The proposed amendments that are required to each of the five bylaws, relate to the term of licenses required under each of the bylaws. Currently, the bylaws contain provisions for annual license terms, whereas the proposed amendments include terms based on the calendar year, with licenses expiring on December 31.

The other proposed amendments are intended to mitigate citizen impact from Administration's internal process change, and relate to the prorating of license fees for new applicants.

Analysis:

There are two components to the proposed bylaw amendments: the transition period for existing license holders for 2015, and the future impact on new license applicants.

Transition Period for Existing Licensees

For the transition period in 2015, all businesses with an active license in the existing Licensing system will receive a statement in May, at the go live date. The intention is to bring every existing licensee to the calendar year term, with their license now expiring on December 31, 2015. The statement will identify whether the licensee has a credit on their account, or whether they owe additional fees to extend the validity of their license until the end of the year.

Any existing license with an expiration date in 2016, purchased prior to May 1, will receive a credit to their account, which can then be applied to their license fees for next year.

Licensees whose license expires between May 1 and December 31 will receive a statement indicating that they owe fees to take their license to the end of the year.

In either circumstance, the license fees will be prorated at a monthly rate for this transition period only. If the amount owing is less than \$5, no payment will be required.



To close this transition period, toward the end of the year, all of those existing businesses will again receive a statement. This statement will be for the payment of their 2016 license fees, which will complete the transition to the calendar year term and will be consistently sent to them at the end of each subsequent year.

Future Impact on New Applicants

The second component of the proposed amendments relates to the future impact on new license applicants. These amendments will only affect those applicants that apply for new licenses. There will be no effect to existing license holders, as they will have been transitioned to the new term, as explained above. Commencing on May 1, 2015, any new license applicant will pay the required license fee, specific to the bylaw.

To give a representation of the potential impact related to new applicants, the number of new license applicants between July 1 and December 31, 2014 was approximately 277. The previous year's new applicants were approximately 124.

Administration recognizes that in order to mitigate potential customer impact, proration of license fees should occur. There is a variation in the cost of a license, from \$35 for a Chauffeur's License to \$5,000 for an Escort Agency License. The proposed bylaw amendment would prorate these fees monthly for any new applicant.

For example, should a new Escort Agency make application for an Agency License with a \$5,000 license fee, the following situations could occur:

- a) If the license was purchased in November 2015, the applicant would pay \$833.33 ($\$5,000/12 \text{ months} \times 2 \text{ months remaining in 2015}$). At the end of the year, they would receive a statement for \$5,000, which would be for the entire 2016 year.
- b) If purchased in March 2016, the applicant would pay \$4,166.67 for the remaining period of 2016. They would receive a statement at the end of the year for all of 2017.

The proposed amendments will provide customers with a greater sense of certainty when applying for their licensing needs online. Administration has attempted to mitigate potential customer impact from the required process change by implementing a transition period to account for existing licensees, and has further considered the future impact to new applicants.

**STRIKETHROUGH
VERSION**

BYLAW NO. 3159/96

Being a bylaw of The City of Red Deer to control, regulate and license businesses within the city.

THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

PART I

SHORT TITLE AND DEFINITIONS

1 This bylaw may be cited as "The License Bylaw".

2 In this bylaw,

"Advertiser" means:

- (a) Any person who distributes advertising material and samples from door to door;
- (b) Any person who walks about the streets on foot carrying an advertising placard or sign;
- (c) Any person who employs a vehicle, animal, or other device for the purpose of advertising any business on City streets;

"Advertising" means the business of an advertiser or the employment of others to act as advertisers;

"Amusement Arcade" means a business where three or more machines, games or devices are kept for the purpose of furnishing entertainment or amusement to the public for a fee;

"Auctioneer" means any person who sells, offers for sale, or intends to sell goods, chattels or anything whatsoever by public auction;

"Auctioneering" means the business conducted by an auctioneer;

¹**"Bed & Breakfast"** means a detached dwelling occupied by the property owner of the Bed & Breakfast host as a primary residence, in which are offered overnight accommodation and a breakfast meal, for rent to travelling guests who are temporarily visiting the Red Deer area, in compliance with the regulations contained in the Land Use Bylaw:

"Billiard rooms" means a business where billiards or pool tables or similar tables are kept for the use of the public;

"Boxing" and **"Wrestling"** means the business of conducting or sponsoring any professional boxing or wrestling contest;

"Building Mover" and **"Demolition"** means any person who engages in the business of moving or demolishing houses or other structures;

"Business" shall have the meaning set out in the Municipal Government Act;

"Circus and Other Shows" means the business of maintaining and operating a shooting gallery, carnival, midway, mechanical ride, menagerie, animal show, wax works, side show, rodeo, display of juggling, riding, rope walking, sleight of hand tricks, or other exhibitions with the use of animals and equipment, and providing entertainment to the public for a fee in the form of musical and theatrical productions, none of which originate in the City and are not sponsored by local youth groups, community organizations, the Westerner Exposition Association, Red Deer International Folk Festival, or the Recreation Department of the City;

"Cleaner", "Dyers" and "Launderers" means the business of dry-cleaning, dying, cleaning, sponging or pressing of clothes, feathers, furs or any fabric or textile whatsoever;

"Commercial Agent" or **"Direct Sellers"** means the business of going from place to place for the purpose of selling goods or services when the transactions are negotiated by telephone or at the buyer's residence, but does not include a bonafide commercial traveller;

"Commercial Traveller" means and includes any person who is a manufacturer's agent or salesman who sells goods directly to businesses and distributors or sells such goods in wholesale lots;

¹ 3159/C-2001

³**"Contractor (General)"** means the business of accepting contracts for the erection, alteration, construction, repair of buildings or structures of any kind or the person or firm engaged in such business, as the context requires, and includes any subcontractor or subtrade, as listed in Schedule 'A' section 13, or any owner of property or any agent of the owner who supervises the erection, construction, alteration and repair of buildings or structures where a general contractor is not engaged in the project;

"Detective" or **"Security Patrol"** shall have the same meaning as set out in the Private Investigators and Security Guard Act;

¹**"Farmer's Market"** means the business of conducting a public open market at which various vendors of goods lease a stall or space from a holder of a provincial market approval and situate at the location approved by the City from time to time.

²**"Festival"** means any music festival, dance festival, rock festival, rave, or similar musical or entertainment activity likely to attract 50 persons or more in any one 24 hour period, at which music is provided by paid or amateur performers, or by pre-recorded means, which is held at any place within the city and to which members of the public are invited or admitted at charge, or free of cost, but shall not include:

- (a) any activity conducted by a religious organization recognized by federal, municipal or provincial agencies as such for tax exemption purposes;
- (b) any activity conducted by a recognized government agency;
- (c) any activity conducted by any other organization or service club, which the Manager is satisfied, is a non-profit organization, notwithstanding that such organization might

¹ 3159/B-96

² 3159/A-2001 / ³ 3159/A-2008

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not be registered for income tax purposes with Revenue Canada;

- (d) any activity promoted or conducted by the Red Deer Westerner Exposition Association on lands or premises under its direct control;
- (e) does not include any event which takes place at premises which are licensed under the Alberta Gaming and Liquor Act.

"Hawker/Peddler" means a person who goes about the City selling goods, wares, merchandise, food, fish, corn, or food products from a vehicle or trailer or one that locates on any street or roadway other than at a building which is his permanent place of business, and where the merchandise is delivered at the time the sale is made;

¹**"Home Music Instructor/Instruction"** means the instruction of students in musical instruments, voice and musical theory for formal educational purposes from a dwelling unit subject to regulations of the Land Use Bylaw;

"Home Occupation" shall have the meaning set out in the City Land Use Bylaw;

"Janitor Service" means the business of cleaning or maintaining in a clean condition all or any part of the interior or exterior of buildings and dwelling houses and includes the business of cleaning rugs and upholstery and the washing of the exterior and interior of windows;

¹ 3159/C-2001

"Mall Kiosk" means a stall, table, booth, or other type of readily movable business premises, not affixed to real property and occupied or operated for the purpose of providing services or of displaying and offering for sale any goods, wares, or merchandise in a mall or shopping centre or similar locations;

"Manager" means the Inspections and Licensing Manager of the City;

"Massage" or **"Massages"** means kneading, manipulating, rubbing, touching or physically stimulating, by direct or indirect means, a person's body or part thereof, but does not include medical or therapeutic treatment given by a person duly qualified, licensed or registered so to do under the laws of the Province of Alberta;

"Massage Clinic" means a business where massages are performed or offered to the public;

"Massage Therapist" means a person who administers a massage;

"Medical Health Officer" means the Public Health Inspector for the Province of Alberta;

"Mobile Vending Unit or Canteen" means a motor vehicle, trailer, or similar mobile structure exceeding 3.3 m², designed for the purpose of preparing and offering the of sale food products, which does not contain customer seating and is capable of being moved;

"Non-resident" means a person who does not reside in the City, provided that if such person pays to the City a business tax in respect of a business, he shall be deemed for the purpose of that business to be a resident;

"Pawnbroker" means the business of lending money on the pledge or pawning of personal property on the condition that it may be redeemed, and includes any person engaged in such business;

"Photographer" means a person or firm carrying on the business of taking photographs or videotapes;

"Public Bath" means a business operating as a steam Finnish, Turkish or Russian bath;

"Push Cart Vending Unit" means a push cart or similar mobile structure not exceeding 3.3 sq. m, intended to be moved from location to location for the purpose of offering for sale food products, beverages or flowers.

"Resident", for the purpose of this Bylaw, means a person, firm or corporation that:

- (a) is located or resides within the boundaries of the City, or
- (b) provides the space and services including office area and telephone from premises that are listed on the business tax roll, or
- (c) has an occupancy permit issued under the Land Use Bylaw; and
- (d) satisfies the Manager that he intends to carry on business within the City for not less than six months;

"Retail Salesperson" means any person who sells or agrees to sell any services, goods, or property of any nature or kind wherever situate, as individual items or in small quantities, as opposed to wholesale lots, directly to the consumer from any location within the City; but shall not include charitable organizations, local youth groups, community service organizations and auctioneers;

"Second Hand Dealer" means the business of operating premises for, and the carrying on of, the purchasing, selling or exchanging of articles or things of any kind or nature which have been worn or used and shall without limiting the generality of the foregoing, include the business of purchasing, selling, exchanging or in any way dealing in scrap metal or junk;

"Sub-Contractor" means the business of contracting to provide a special service in relation to a particular trade as outlined in Schedule "A" or the person or firm engaged in such business, as the context requires;

"Trade Fairs/Shows" means an event that hosts a group of 5 or more vendors at a single location, displaying to the public the types of goods, wares, merchandise, food or service that they have available for sale. Trade fairs include all agricultural events, entertainment events, community events, energy/resource events, arts/crafts events, and collector's events (including, but not limited to, comics, stamps, coins, cards);

"Transient Trader" means a non-resident who as principal, employee or agent sells or attempts to sell goods or services at premises not otherwise licensed by the City for that sales activity and in particular, at a motel, hotel or the Westerner site or any other location approved by the Manager;

"Vehicle" shall have the meaning set out in the Highway Traffic Act, R.S.A. 1980;

PART 2

APPOINTMENT, POWERS AND DUTIES OF INSPECTIONS AND LICENSING MANAGER

- 3 All licenses issued under this Bylaw shall be in a form approved by the Manager.
- 4 The Manager has the authority to:
 - (a) grant, refuse to grant, revoke, renew or refuse to renew licenses under this Bylaw;
 - (b) maintain appropriate records pertaining to the licensing of businesses, infractions of this Bylaw, and generally all matter arising out of the application and enforcement of this Bylaw;
 - (c) enforce the provisions of this Bylaw.
- 5 The Manager shall refuse to grant or renew a license, and shall revoke or suspend a license, if in his opinion, and upon reasonable grounds, he believes that:
 - (a) The applicant is not bona fide;
 - (b)¹ The applicant or the Licensee has contravened the provisions or requirements of this bylaw or any other bylaw of the City, or any enactment of the Province of Alberta;
 - (c) The applicant or Licensee is not worthy of public trust;
 - (d) The applicant or Licensee has withheld or concealed information from the Manager, his designate, or a peace officer, or has provided false information on any application for a license;

¹ 3159/A-96

- (e) The Licensee refuses to admit the Manager, his designate, a peace officer, or any other person authorized by this bylaw or any Statute of the Province of Alberta, into the premises, vehicles or apparatus from which the business is carried out;
 - (f) There are other just and reasonable grounds for so doing.
- 6 The Manager may suspend the effect of revocation of a license upon the performance by the Licensee of any conditions stated in writing by the Manager.
- 7
 - (1) Notice of the cancellation or suspension of a license may be given by personal delivery of such notice to the Licensee or by mailing a double registered letter to the Licensee at his place of business or residence as shown on the license.
 - (2) The Licensee shall immediately upon being given verbal notice, or upon being served with written notice of the revocation of his license, terminate the operation of his business.
- ¹⁸ (1)² If the Manager refuses to grant or renew a license or revokes or suspends a license, the applicant or Licensee may appeal the decision to the Red Deer Appeal & Review Board, in accordance with relevant procedures as outlined in the City of Red Deer Committees Bylaw.

PART 3

GENERAL REGULATIONS REGARDING LICENSES

- 9 ³(1) No person shall carry on any business referred to in this Bylaw or in Schedule "A" attached hereto, without first being the holder of a valid and subsisting license to do so and having paid to the City the fee required under Schedule "A".
- ⁴(2) The fees listed in Schedule "A" may be reduced by pro-rata on a monthly basis for each month or partial month from the date the License is first issued until December 31 of that year for any Licensee who has not obtained a License in the past.

¹ 3159/A-2008

² 3159/A-2009

³ 3159/B-2015

⁴ 3159/B-2015

- 10 The issuance of a license under this bylaw does not authorize or permit the Licensee to carry on business or any activity under such license contrary to the provisions of the City Land Use Bylaw.
- 11 ¹~~(1) Each license shall be valid for a period of one year from the date of issuance.~~
- (1) All licenses issued pursuant to this Bylaw shall be valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.
- (2) All licenses issued remain the property of the City.
- 12 (1) All licenses issued shall be conspicuously displayed at or near the main entrance of businesses that are carried on at a fixed location.
- (2) All licenses issued to businesses that are not carried on at a fixed location shall be carried on the person of the Licensee or in or on the vehicle or apparatus from which such business is carried on and shall be shown to the Manager, his designate, a bylaw enforcement officer, or peace officer upon demand.
- 13 The Manager or his designate may issue concurrent licenses to businesses which carry on their business from several locations, vehicles or apparatus simultaneously.
- 14 (1) A commercial agent representing a company or business and working in conjunction with a person who holds a home occupation license for same may be licensed under that home occupation for a resident license fee as a commercial agent.
- (2) Commercial agents working in conjunction with a person who holds a home occupation license must produce proof of that arrangement satisfactory to the Manager.
- 15 Each additional business operated from a licensed home occupation site will be charged a resident license fee.
- 16 No transfer of a license shall have any effect:

¹ 3159/B-2015

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- (a) without the prior written approval of the Manager;
- (b) without the transferee paying therefore a fee of \$10.00.

- 17 No business whether or not licensed under this Bylaw, shall use any highway within the control, management or direction of the City for the purposes of display, advertising, or carrying on any business without first obtaining permission as required by the City.
- 18 No owner or manager of a hotel, motel, mall, commercial business or other property shall knowingly allow, suffer, or permit any person to carry on any business or activity thereon without such person being the holder of a subsisting license where required under this bylaw.

PART 4

EXCEPTIONS TO LICENSE REQUIREMENT

- 19 No license is required for the carrying on of any business that:
- (a) is carried on in the Exhibition Grounds during the Westerner Exposition;
 - (b) is carried on in conjunction with the activities of the Red Deer International Folk Festival;
 - (c) is an amateur boxing or wrestling match;
 - (d) consists of vending machines that are placed to be accessible only to the employees of the Licensee and are not intended for the use of the public;
 - (e) is a concession run by the City or its employees on behalf of the City;
 - (f)¹ is carried on by a vendor of goods only as part of the activities of a Farmer's Market.
- 20 Where, in the Manager's opinion, a natural combination of businesses are carried on or will be carried on by the Licensee or prospective Licensee in

¹ 3159/B-96

a subcontractors or sub-trades category, the Manager may waive payment of the fee for all but one of those businesses.

PENALTIES

¹21

- (a) A person who breaches any of the provisions of this bylaw shall be guilty of an offence and shall be liable upon conviction to a fine of not less than \$250 and not more than \$10,000, exclusive of costs and, in default of this payment, to imprisonment for a period not exceeding six months.
- (b) A person who breaches any of the provisions of this bylaw where the breach is of a continuing nature shall, in addition to the penalties set forth in section 21(a), pay a penalty of not less than \$250 for each day that the breach continues.

22 Where contravention of this Bylaw is the non-payment of the license fee, the Judge or Justice presiding in Court may direct payment of the license fee in addition to the penalty imposed.

PART 5

REGULATIONS RESPECTING SPECIFIC LICENSES

AMUSEMENT ARCADE

- 23 The Owner and the Manager of an Amusement Arcade shall be jointly and severally responsible for providing proper and adequate continuous supervision and control of the premises on which the business is carried on at all times when the same are open to the public.
- 24 At all times when an Amusement Arcade is open to the public either the Owner or a Manager employed by the Owner shall be personally present on the said premises.
- 25 No person shall act as Manager for an Amusement Arcade unless he or she is the full age of 18 years.

¹ 3159/A-2008

- 26 The Owner or Manager of an Amusement Arcade shall not employ any person of less than 18 years of age in connection in any way with the operation of an Amusement Arcade.
- 27 The Owner, Manager, and any employee engaged in the operation of an Amusement Arcade shall not suffer, allow or permit persons not actively making use of the amusement, sport or arcade machines located on the premises, to loiter upon the said premises.
- 28 No person under the age of 14 years shall be permitted on the premises of an Amusement Arcade unless accompanied by a parent or guardian.
- 29 An Amusement Arcade license shall not be required in respect of rides operated for the amusement of children.

BILLIARD ROOMS

- 30 No Owner or Manager of a billiard room shall permit any person under the age of 14 years to enter, frequent or attend at the billiard room unless accompanied by a parent or guardian.
- 31 The Owner or Manager of a billiard room shall inquire and determine the age of any person who has entered the billiard room, whom he has reason to believe is under the age of 14 years.
- 32 The Owner or Manager of a billiard room shall request any person who is not 14 years of age or older, or who fails or refuses to prove that he is 14 years of age or older, to leave the billiard room.

CONTRACTORS

¹33

- (a) The Manager may suspend or revoke a Contractor's license where the Licensee has:
- (i) commenced any development prior to obtaining all necessary permits; or
 - (ii) failed to commence or complete development within the time required by the Land Use Bylaw and in accordance with a

¹ 3159/A-2008

permit issued according to the Land Use Bylaw or has failed to comply with any of the conditions of the permit.

- (b) The Manager may refuse to renew a Contractor's license if permits issued more than one year prior to the license renewal date remain outstanding as a result of required inspections that have not been completed or safety concerns that have not been addressed to the satisfaction of the Safety Codes Officer involved.
- (c) The suspension or revocation of a Contractor's license may be for the remaining of the existing license period and for an additional maximum period of 24 months thereafter or a lesser period as the Manager deems appropriate."

¹33.1 Notwithstanding anything contained in this bylaw, the Contractor shall complete all outstanding developments that are the subject of the suspension, revocation, or renewal refusal of the license, to the satisfaction of the Safety Codes Officer. The penalty for failing to complete outstanding developments is contained in Section 21 of this Bylaw."

²34 A suspension, revocation, or renewal refusal of a license shall not be effective until:

- (a) The Manager has given 14 days written notice to the Licensee of the proposed suspension, revocation, or renewal refusal; and
- (b) The Licensee has not appealed the proposed suspension, revocation, or renewal refusal within the allotted appeal period, or having filed an appeal, the appeal has been heard as specified in this bylaw and has been denied."

BOOK AGENTS (CANVASSERS)

35 Seven clear days prior to the commencement of his business operation every person to whom a book agent license is issued shall provide the following information to the Manager and shall advise the Manager of any changes in the following information in writing:

- (a) the names of the persons comprising his sales crew;

¹ 3159/A-2008

² 3159/A-2008

- (b) the place or places of residence of the members of his sales crew, together with their addresses in the City;
- (c) the Provincial license number of each sales person.

- 36 Where any person is an employee of a book agent, such employee may take out a license for the period running concurrently with the period of the license issued to the employer.
- 37 Not more than 4 employees' licenses shall be issued for each employer's license.

FESTIVALS

- 38 No person shall operate, maintain, conduct, advertise, sell or furnish tickets for any outdoor or indoor festival in the City unless he shall have obtained a license from the City to operate or conduct such festival.
- 39¹ Applications for licenses to conduct a festival shall be made in writing to the Manager not less than 90 days prior to the commencement date of the festival and shall contain the following information:
- (a) the name, age, residence and the mailing address of the person making such application. If the application is made by a partnership, the name and addresses of the partners shall appear. When the applicant is a corporation, the application shall be signed by the President, Vice President and Secretary of such corporation and shall contain the addresses of such corporate officers, and the names and addresses of the directors of the company, and shall have annexed thereto, a certified copy of the Articles of Incorporation of the company;
 - (b) a written statement of the kind, character or type of festival which the applicant proposes to conduct, operate or carry on;
 - (c) the address or legal description of the place where the proposed festival is to be conducted, operated or carried on, together with the proof of ownership of such place, and a statement signed by the owner of such place indicating his consent that such place be used for the proposed festival;

¹ 3159/A-2001

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- (d) the date or dates and the hours during which the festival is to be conducted;
- (e) an estimate of the number of customers, spectators, participants and other persons expected to attend the festival for each day it is conducted;
- (f) a detailed written explanation of the applicant's plans to provide security and fire protection, internal and external police protection, water supplies and facilities, medical facilities and services, food supplies and facilities, vehicle access and on-site traffic control, off-site parking arrangements, and if it is proposed or expected that spectators or participants will remain at night or overnight, arrangements for illuminating the premises and for camping or similar facilities. Such plans shall include provision to be made for spectators in excess of the estimate, provisions for the removal of rubbish after the event has concluded, and shall have attached thereto a plot-plan showing the arrangements of the facilities including those for parking, egress and ingress;
- (g) confirmation from the David Thompson Regional Health Authority that the proposal meets all the standards required under the Public Health Act of Alberta and any regulations thereunder, and any standards established by the City;
- (h) confirmation from the Red Deer Fire Department that the arrangements made by the applicant comply with the relevant fire codes and regulations thereto; and
- (i) a letter from a licensed insurance company undertaking to issue a Certificate of Public Liability and property damage insurance in the amount not less than \$1,000,000.00.

40

Upon receipt of the application and the information required herein, and upon payment by the applicant to the City of the license fee required in Schedule "A", the Manager may issue a license to the applicant for the festival, subject to all or any of the following conditions:

- (a) that the applicant enter into an agreement in form satisfactory to the City undertaking to indemnify and save harmless the City from, of and against all claims, demands, suits, judgements, and actions of every nature or kind arising out of the operation of the festival;
- (b) that the applicant post an irrevocable letter of credit or cash security in the sum of \$50,000.00 with The City, together with a

letter of authority directed to The City and granting unto The City unrestricted powers to use all or any portion of the funds so secured for the purpose of providing police and fire protection and ambulance services for the festival and for the purpose of making payment of all costs related to site clean-up, property damage, garbage removal, and any other expenses to which The City is put either directly or indirectly as a result of the conduct and operation of the festival, should any or all of the foregoing expenses remain unpaid for a period of 30 days following the conclusion of the said festival. The applicant may be required by The City to provide such evidence as The City may require to satisfy The City that all expenses referred to herein have been paid in full; and

- (c) such further and other conditions as the Manager in his discretion considers necessary or advisable having regard to the nature of the festival and the arrangements which have been made by the applicant to provide adequate police protection, water, food, sanitation and medical facilities.

- 41 No festival license shall be issued for any site other than lands designated under the Land Use Bylaw for such purpose.

MESSAGE CLINIC

- 42 No license shall be issued for a massage clinic until the applicant provides to the Manager:

- (a) a letter of approval of the proposed massage clinic from the David Thompson Regional Health Authority; and

- (b) a valid massage therapist's license issued to the applicant.

- 43 Every applicant must use his own legal name in making an application for a license and no such license shall be issued to any person in any name other than his own legal name.

- 44 The premises of every massage clinic shall be kept in a clean and sanitary condition at all times.

- 45 Each owner and operator of a massage clinic, shall ensure that no person other than a licensed massage therapist shall be present at the massage of any person.

- 46 No washroom, toilet, sink or basin used for domestic purposes shall be used in connection with a massage clinic.
- 47 No owner or operator shall permit in any massage clinic owned or operated by him the offering, selling, giving, performing or soliciting of any service other than massages, or the selling, giving, trading or offering of any goods unless the owner of the said massage clinic obtains the consent of the City to so permit such trade, calling, business or occupation and, subject to the discretion of the City, a description of such services or goods is endorsed on the license for the massage clinic.
- 48 No food or beverage shall be prepared, consumed, kept for sale, sold, bought, given or offered free of charge in any massage clinic provided that:
- (a) there may be installed in a massage clinic a vending machine which dispenses non-alcoholic beverages only; and
 - (b) persons employed by or under contract of services to an owner or operator of a massage clinic, and such owner or operator, may prepare food for their own use and consume food in a room in such massage clinic used exclusively for such purposes.
- 49 No person under the age of 18 may be or act as an owner or operator of a massage clinic or provide any services therein.
- 50 No owner or operator of a massage clinic, or a massage therapist shall:
- (a) provide a massage, or any other service or services, in a massage clinic to a person who is or appears to be intoxicated by alcohol or under the influence of a drug or to any person whose appearance or condition provides reasonable cause to believe that the provision of such services to such person may cause illness or injury to him;
 - (b) permit any person who appears to be intoxicated by alcohol or under the influence of a drug to enter or remain in any massage clinic operated by him;

- (c) use or permit to be used any camera or other photographic or recording device in, upon or at a massage clinic by any person other than a Peace Officer, Medical Health Officer or a Public Health Inspector acting under his direction, or a Bylaw Enforcement Officer of the City, or
- (d) provide any movies, slide shows, games of skill, or sports activities on or in the premises occupied by a massage clinic or any activity or entertainment of any kind other than those approved by the City on issuance of the license for the massage clinic.

51 Except where massage services have been approved as an accessory use to an existing business holding a valid occupancy permit:

- (a) no massage therapist shall perform massage services at any place other than the premises of a massage clinic licensed under this bylaw;
- (b) no massage therapist shall provide massage as an approved accessory use where two or more massage therapists are employed unless a massage clinic license is issued for such use.

52 No person shall perform or administer a massage unless he or she is licensed as a massage therapist under this Bylaw.

53 No massage therapist license shall be issued unless the applicant:

- (a) is the holder of Certificate of Proficiency in Body Massage; or
- (b) is the holder of a written statement from the Medical Health Officer for the David Thompson Regional Health Authority that the applicant has qualifications equivalent to those required for a Certificate of Proficiency in Body Massage; and
- (c) is the holder of a health inspection certificate or employed at a massage clinic holding a health inspection certificate.

54 No person shall operate a massage clinic unless he is the holder of a valid massage therapist license.

55 The Manager may at any time require any person who performs massages in a massage clinic to be medically examined by the Medical Officer of Health or a Medical Doctor designated by him and the Medical Health Officer may make a report of such examination to the Manager.

- 56 No owner's license shall be transferred and if an owner sells, leases or otherwise disposes of a massage clinic or the premises or part thereof upon or in which a massage clinic is operated, the license in respect of such massage clinic shall, notwithstanding any other provision of this bylaw, terminate.
- 57 Any Bylaw Enforcement Officer, Peace Officer, or any other person authorized by the Manager, may inspect any premises for which a massage clinic license has been issued at all reasonable times. Any person who refuses admission to any such person or who refuses to produce his license when called upon by any such person to do so, shall be guilty of an offence.

PAWN BROKER

- 58 No Pawn Brokers license shall be issued to any person who carries on business as an auctioneer, or as a second hand dealer.
- 59 Every pawn broker shall keep a book or other record in a form satisfactory to the Manager in which shall be recorded in permanent form at the end of each transaction the following information:
- (a) an accurate description of the property pawned or pledged, including serial numbers, makes and models, etc.;
 - (b) the date and time such property was acquired by the pawn broker;
 - (c) the rate of interest to be paid by the pledgor;
 - (d) the name, address and an accurate description of the person from whom the property was acquired.
- 60 No entry in such book or record shall be erased, obliterated or defaced, nor shall any portion thereof be torn out or removed.

- 61 Every pawn broker shall at the time of each transaction deliver to the person pawning or pledging personal property with him a personal note or memorandum signed by him containing a summary of the items set forth in Section 59. No charge shall be made or received by the pawn broker for such note or memorandum.
- 62 The books or records and any personal property in a pawn broker's premises shall be open for inspection at all times by any peace officer, or the Manager.
- 63 Each pawn broker shall before 12:00 o'clock noon on any day his business premises is open for business deliver to The City Detachment of the R.C.M.P. a detailed and accurate description of all personal property received by him upon pledge or pawn during the period preceding 10:00 o'clock in the forenoon of that day and after 10:00 o'clock in the forenoon of the previous day on which his shop was last open for business, including:
- (a) the date and time of day when each property was received;
 - (b) the serial or folio number in the pawn broker's book or record; and
 - (c) the name, address and a detailed description of the person or persons from whom the pledge or pawn was received, including the description of the clothing and any other distinguishing feature of the pledgor.
- 64 Such report shall be made in form approved by the Manager.
- 65 When any property is redeemed or sold, the pawn broker shall enter into such book or record:
- (a) The name and address of the person purchasing or redeeming such property; and
 - (b) The date of redemption or sale.
- 66 No pawn broker shall permit any property received by him as a pledge or pawn or otherwise as security for any loan, to be redeemed or removed from his place of business until at least 72 hours has elapsed from the time of first receiving such property, and no property shall be sold until a period of three months has elapsed from the time such property was received by the pawn broker.

- 67 No pawn broker shall take any property as a pledge or pawn for security for any loan from any of the following persons:
- (a) any person who appears to be intoxicated by alcohol or under the influence of drugs;
 - (b) any person under the age of 18 years;
 - (c) any person who the pawn broker believes to have a criminal record or to have acquired the property illegally;
- 68 No pawn broker shall employ to take or receive any pawn or pledge, any person under 18 years of age nor any person who has been convicted of theft or possession of stolen property.
- 69 No pawn broker shall purchase or otherwise acquire any personal property which is second hand except where such personal property has been sold as an unredeemed pledge or pawn and is re-acquired from the purchaser.

SECOND HAND DEALERS

- 70 A person shall not be required to hold a license for dealing in second hand goods where the second hand goods are accepted as part of the consideration for the purchase price of new goods.
- 71 Each second hand dealer shall keep a book or other record in duplicate containing the following information:
- (a) an accurate description of the second hand goods including serial numbers, makes and models and any distinguishing features, including the fact that the serial number had been removed or is missing;
 - (b) the date and time of the day when such second hand goods were acquired;
 - (c) the name, address and an accurate description of the person from whom the second hand goods were acquired; and
 - (d) the amount paid by the dealer for the second hand goods.

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- 72 No entry made in such book or record shall be erased, obliterated or defaced nor shall any portion thereof be torn out or removed.
- 73 The book or record required herein and any personal property in the second hand dealer's place of business shall be open to inspection at all times by any Peace Officer, a Bylaw Enforcement Officer, or the Manager and the duplicate copy of such book or record shall be delivered to the Peace Officer, the Bylaw Enforcement Officer, or the Manager upon request.
- 74 No second hand dealer shall dispose of or undertake the repair of any second hand goods until 72 hours have elapsed from the time of acquisition of such goods.
- 75 Each second hand dealer shall keep separate and apart from his other goods those goods referred to in Section 74 until the time set forth in that section has elapsed.
- 76 Sections 71 to 75 inclusive do not apply to:
- (a) the purchase of second hand goods, wares, merchandise or other effect bargained for or delivered to the purchaser at any place outside the City, although such person disposes of the same within the City;
 - (b) persons who deal in second hand books;
 - (c) auctioneers;
 - (d) thrift shops and clothing banks operated by any church or charitable organization.

PUSH CART VENDING UNITS AND MOBILE VENDING UNITS

- 77 Push cart vending units may be permitted at locations approved by the Manager, on public or private property.
- 78 Mobile vending units or mobile canteens may be permitted at locations approved by the Manager, on public or private property.
- 79 Licenses issued to hawkers or the vendors of unprepared food items shall be subject to a condition that there will be no signs posted on private or public lands. Only one sign, not to exceed two feet by two feet may be located on the vehicle or kiosk.

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REPEAL AND TRANSITIONAL

80 License Bylaw No. 2846/84 is repealed.

~~81¹ All licenses issued under Bylaw 2846/84 shall continue in force for a period of 12 months from the date of their issue as if issued under this bylaw.~~

81 The following provisions apply to any license issued under this bylaw in 2015:

- (a) For licenses issued after May 1, 2015, the license fees set out in Schedule "A" shall be reduced pro-rata on a monthly basis for each month or partial month from the date the license is first issued until December 31;
- (b) For licenses issued before May 1, 2015, provided the licensee has paid the fee for a license which was to be valid for 12 months, the license will expire on December 31, 2015 and the licensee shall receive a pro-rated credit for all remaining months or partial months which, at the licensee's discretion may be applied to the licensee's 2016 license fees or refunded to the licensee.

READ A FIRST TIME IN OPEN COUNCIL this 11 day of March A.D. 1996.

READ A SECOND TIME IN OPEN COUNCIL this 11 day of March A.D. 1996.

READ A THIRD TIME IN OPEN COUNCIL this 11 day of March A.D. 1996.

AND SIGNED BY THE MAYOR AND CITY CLERK this 11 day of March A.D. 1996.

"G. D. SURKAN"

MAYOR

"KELLY KLOSS"

CITY CLERK

¹ 3159/B-2015

Bylaw No. 3159/96

SCHEDULE "A"

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Schedule of Fees¹

Type of Business		Resident	Non-Resident
1	Advertising on foot or vehicle	\$ 60.00	\$ 180.00
2	Ambulance - per vehicle	60.00	180.00
3	Amusement Arcade	60.00	N/A
4	Arts or Crafts - sale by the Artist when the sale is not conducted under the auspices of the Allied Arts Council	NIL	60.00
	Allied Arts Council Crafts Sale	120.00	N/A
5	Auctioneer	60.00	180.50
6	Public Bath, Health or Fitness Club or Facility, Gymnasium, Tanning Salon	60.00	N/A
6.1	Bed & Breakfast	180.50	N/A
7	Billiard Room	60.00	N/A
8	Boxing and Wrestling (Professional)	60.00	180.00
9	Building Movers/Demolition	60.00	360.00
10	Christmas Tree Vendor	330.00	440.00
Note: Where the applicant holds a current business license from the City or is on the City business tax roll the license fee shall be \$267.50			
11	Circus or other Show (excepting a festival) per day	120.00	240.00
12	Cleaner, Dyers or Launderers - per business	N/A	360.00

¹ 3159/B-96, 3159/A-2001, 3159/C-2001, 3159/A-2013, 3159/A-2015

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SCHEDULE "A"

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Type of Business	Resident	Non-Resident
13 Contractor -including sub-contractor and sub-tradesman such as, but not limited to, excavator, concrete placer, plasterer, stucco drywaller, brick layer, stone mason, building mover, landscaper, floor layer or finisher, painter and paper hanger, roofing and siding, applicator, structural steel erector, insulator, carpenter and cabinet maker and wood worker, plumber and gas fitter, electrical contractor, sheet metal worker, steam fitters	60.00	360.00
14 Detective or Security Patrol Agency	60.00	180.00
15 Commercial Agent or Direct Sellers	60.00	360.00
16 Employee of a Commercial Agent	60.00	180.00
17 Farmer's Market - \$330.00 annual fee		
18 Festival - per day or part thereof, whether or not such day is a public holiday	1,095.00	1,095.00
19 Hawkers or Pedlars (per location)	60.00	360.00
19.1 Home Music Instructor/Instruction	60.00	N/A
20 Home Occupation	180.00	N/A
21 Janitor Service	N/A	180.00

Bylaw No. 3159/96

SCHEDULE "A"

Page 3 of 4

Type of Business	Resident	Non-Resident
22 Mall Kiosk - annual fee		
(a) up to 500 sq. ft.	N/A	360.00
(b) over 500 sq. ft.	N/A	1,095.00
23 Massage Clinic	120.00	N/A
24 Massage Therapist	60.00	60.00
25 Mobile Vending Unit or Canteen	120.00	360.00
26 Pawnbroker, Second Hand Dealer	60.00	N/A
27 Phrenologist, Fortune Teller, Hypnotist, Palmist, Card Reader, Graphologist or other similar occupation	240.00	600.00
28 Photographer	NIL	360.00
29 Push Cart Vending Units	60.00	
30 Street Entertainers	24.00	24.00
31 Trade Fair or Trade Show:		
(a) No Charge where Red Deer residents and businesses may participate;		
(b) Where Red Deer residents and businesses may not participate, the fee will be \$820.00 per annum plus \$360.00 for each day the show is in operation.		

Bylaw No. 3159/96

SCHEDULE "A"

Page 4 of 4

Type of Business	Resident	Non-Resident
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- 32 Transient Trader - \$825.00 annual fee plus \$360.00 per day for each day that a sale is conducted. In addition, the license will not be valid until:
- (a) 30 days after the City has:
 - (i) placed a notice in a local daily newspaper of the granting of a license to a Transient Trader, and
 - (ii) given notice in writing to any person who has filed with the City a request for notice of the granting of Transient Traders license and has paid an annual fee of \$22.00 to cover the cost of such notice; and
 - (b) the applicant has paid the license fee and the cost of advertising.

- 33 Westerner Exposition Association - \$1,095.00 per year

This License includes permission for the conduct of Trade Fairs and Trade Shows and sale of any goods, property or services being offered in conjunction with those events, provided those events are open to participation by Red Deer residents and businesses. In that case, the participants in the Trade Fair or Trade Show do not require individual licenses.

Where Red Deer residents and businesses are not permitted to participate in the event, then a Trade Fair or Trade Show license is required.

**PROPOSED
AMENDMENT**

BYLAW NO. 3159/B-2015

Being a Bylaw to amend Bylaw No. 3159/96 The License Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3159/96 is hereby amended as follows:

1. By renumbering section 9 to section 9(1).

2. By adding a new section 9(2) as follows:

“9 (2) The fees listed in Schedule “A” may be reduced by pro-rata on a monthly basis for each month or partial month from the date the License is first issued until December 31 of that year for any Licensee who has not obtained a License in the past.”

3. By removing section 11(1) in its entirety and replacing it as follows:

“11 (1) All licenses issued pursuant to this Bylaw shall be valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.”

4. By deleting section 81 in its entirety.

5. By adding a new section 81 as follows:

“81 The following provisions apply to any license issued under this bylaw in 2015:

- (a) For licenses issued after May 1, 2015, the license fees set out in Schedule “A” shall be reduced pro-rata on a monthly basis for each month or partial month from the date the license is first issued until December 31;
- (b) For licenses issued before May 1, 2015, provided the licensee has paid the fee for a license which was to be valid for 12 months, the license will expire on December 31, 2015 and the licensee shall receive a pro-rated credit for all remaining months or partial months which, at the licensee’s discretion may be applied to the licensee’s 2016 license fees or refunded to the licensee.”

6. These amendments shall come into force on May 1, 2015.

READ A FIRST TIME IN COUNCIL this day of 2015.

READ A SECOND TIME IN COUNCIL this day of 2015.

READ A THIRD TIME IN COUNCIL this day of 2015.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2015.

MAYOR

CITY CLERK

**STRIKETHROUGH
VERSION**

BYLAW NO. 3319/2003

WHEREAS the *Municipal Government Act*, Revised Statutes of Alberta, 2000, Chapter M-26, and amendments thereto, empowers a Council to pass bylaws respecting the safety, health and welfare of people and the protection of people and property, as well as businesses, business activities, and persons engaged in business;

AND WHEREAS the *Municipal Government Act*, R.S.A., 2002, Chapter M-26 and amendments thereto empowers a Council by bylaw to regulate and provide for a system of licenses, permits, or approvals;

COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, ENACTS
AS FOLLOWS:

1. This Bylaw may be called the "Escort Service Bylaw".

PART I – PURPOSE, DEFINITIONS AND INTERPRETATION PURPOSE:

2. The purpose of this Bylaw is to establish a system of licensing Escort Service and Agency businesses in order to:
 - a) Prohibit the conduct of these businesses until a license has been granted;
 - b) help protect the safety, health and welfare of people engaged in, or receiving the services provided by these businesses; and
 - c) establish license fees that reflect the costs associated with policing, administering and regulating these businesses.

DEFINITIONS:

3. In this Bylaw, unless the context otherwise requires:
- a) **“Escort”** means a person who for a fee provides a period of companionship for a limited period of time; provides private modeling, strip tease or exotic dancing; or provides any of the services offered by an Escort agency;
 - b) **“Escort Service or Agency”** means any business which offers to provide the services of Escorts;
 - c) **“Independent Escort Service or Escort Agency”** means any business which is owned, operated and serviced by one Escort;
 - d) **“Licensee”** means any person who holds any license pursuant to this Bylaw.

PART II – ESCORT SERVICE OR ESCORT AGENCY LICENSING

4. Before any person may provide the services of an Escort Service or Agency, a written application must be made to the License Inspector for an Escort Agency License and a license issued.
5. An Escort Agency License may not be issued to:
- a) an individual under the age of 18 years;
 - b) a partnership with any partner under the age of 18 years; or

- c) a corporation with any shareholder, director, or officer under the age of 18 years.

6. Every application for the issue or renewal of an Escort Agency License must be in a form prescribed by the License Inspector and must contain at least the following information regarding the applicant:

- a) If the applicant is an individual:
 - i) family name and all given names;
 - ii) date and place of birth; and
 - iii) a photograph to be taken in the format required by the License Inspector;
- b) If the applicant is a partnership:
 - i) the family name and all given names for each partner;
 - ii) the date and place of birth for each partner; and
 - iii) a photograph of each partner to be taken in the format required by the License Inspector;
- c) If the applicant is a corporation:
 - i) the legal name of the corporation;
 - ii) the corporate access number;

- iii) the family name, all given names and the date and place of birth for each individual shareholder;
 - iv) the legal name and corporate access number for each corporate shareholder;
 - v) the family name, all given names and the date and place of birth for each director; and
 - vi) the family name, all given names and the date and place of birth for each officer;
- d) For all applicants:
- i) the complete legal name of each person employed by the Escort Agency whether by direct employment, independent contract, or otherwise;
 - ii) the business address and mailing address of the Escort Agency;
 - iii) all business telephone numbers used by the Escort Agency including, but not limited to, cellular phones, digital phones, pagers and fax lines;
 - iv) all names used by the Escort Agency;
 - v) all electronic mail addresses used by the Escort Agency; and
 - vi) all internet computer addresses used by the Escort Agency.

7. Every application for the issue or renewal of an Escort Agency License must be personally signed by:

- a) the individual named in the application;
- b) each partner named in the application; or
- c) each director of a corporation named in the application;

as the case may be.

~~8¹. Every Escort Agency License is valid for a period of 12 months from the date that it is issued unless revoked earlier pursuant to this Bylaw.~~

8. Every Escort Agency License is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.

PART III - INDEPENDENT ESCORT AGENCY LICENSING

9. An Independent Escort Agency License may not be issued to:

- a) an individual under the age of 18 years;
- b) a partnership; or
- c) a corporation with any shareholder, director or officer under the age of 18 years.

10. An Independent Escort Agency License may only be issued to an individual if that individual is the owner and operator of the Escort Agency and the only Escort working for that Escort Agency.

¹ 3319/A-2015

11. An Independent Escort Agency License may only be issued to a corporation if the only Escort working for that Agency is the sole shareholder, director, and officer of that corporation.
12. Every application for the issue or renewal of an Independent Escort Agency License must be in a form prescribed by the License Inspector and must contain at least the following information regarding the applicant:
 - (a) If the applicant is an individual:
 - i) family name and all given names;
 - ii) date and place of birth; and
 - iii) a photograph to be taken in the format required by the License Inspector;
 - b) If the applicant is a corporation:
 - i) the legal name of the corporation;
 - ii) the corporate access number;
 - iii) the family name, all given names and the date and place of birth for the sole shareholder, director and officer;
 - c) For all applicants:
 - i) the business address and mailing address of the Independent Escort Agency;

- ii) all business telephone numbers used by the Independent Escort Agency including, but not limited to, cellular phones, digital phones, pagers and fax lines;
- iii) all names used by the Independent Escort Agency;
- iv) all electronic mail addresses used by the Independent Escort Agency;
- v) all internet computer addresses used by the Independent Escort Agency.

13. Every application for the issue or renewal of an Independent Escort Agency License must be personally signed by:

- a) the individual named in the application ; or
- b) the sole shareholder, director and officer of the corporation named in the application;

as the case may be.

~~14.² ————— Every Independent Escort Agency License is valid for a period of 12 months from the date that it is issued unless revoked earlier pursuant to this Bylaw.~~

14. Every Independent Escort Agency License is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.

² 3319/A-2015

PART IV – ESCORT LICENSING

15. Before any person may provide the services of an Escort, a written application must be made to the City License Inspector for an Escort License and a license issued.
16. An Escort License may not be issued to:
 - a) an individual under the age of 18 years; or
 - b) a partnership or a corporation.
17. Every application for the issue or renewal of an Escort License must be in a form prescribed by the License Inspector and must contain the following information:
 - a) family name and all given names;
 - b) date and place of birth;
 - c) residence address and mailing address;
 - d) residence telephone number;
 - e) Licensed Escort Agency through which the Escort will be employed;
 - f) other names used by the Escort, to a maximum of three;
 - g) a photograph to be taken in the format required by the License Inspector.

18. Every application for the issue or renewal of an Escort License must be personally signed by the individual named in the application.

~~19.³ Every Escort License is valid for a period of 12 months from the date that it is issued unless revoked earlier pursuant to this Bylaw.~~

19. Every Escort License is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.

PART V – POLICE REFERRAL

20. The License Inspector may refer every application for the issue or renewal of a License to the Chief of Police.
21. The Chief of Police may, upon receipt of an application for the issue of a License, make or cause to be made any investigations reasonably required to determine whether the issue or renewal of the License would endanger the safety, health or welfare of people or the protection of people or property.
22. Such investigations must include, but are not limited to, a criminal record check of all individuals named anywhere in the application.
23. If the Chief of Police believes, on reasonable grounds, that the issue or renewal of a License would endanger the safety, health or welfare of people or the protection of people or property then the Chief of Police must notify the License Inspector forthwith, in writing.
24. If the License Inspector is notified, in writing, that the Chief of Police believes, on reasonable grounds, that the issue or renewal of a License would endanger the safety, health or welfare of people or the protection of

³ 3319/A-2015

people or property, then the License Inspector shall not issue or renew the License.

25. If an application for the issue or renewal of a License has been referred to the Chief of Police and if no written response has been received from the Chief of Police within 5 days from the date of the referral, then the License Inspector may proceed on the basis that the Chief of Police does not believe, on reasonable grounds, that the issue or renewal of the License would endanger the safety, health or welfare of people or the protection of people or property.

PART VI – OFFENCES

26. No person shall engage in the business of or operate as an Escort without holding a valid and subsisting Escort License.
27. No person under the age of 18 years shall engage in the business of or operate as an Escort.
28. No person shall engage in the business of or operate as an Escort except through an introduction arranged by an Agency.
29. No Escort shall advertise or promote their services in any fashion using a name other than the name on the License issued to the Escort unless the Escort has first provided the name in writing to the License Inspector.
30. No person shall engage in the business of or operate as an Escort Agency without holding a valid and subsisting Escort Agency License or Independent Escort Agency License.

31. No person holding a valid and subsisting Independent Escort Agency License shall employ any additional Escorts.
32. No person or Escort Agency shall employ an Escort unless the Escort has a valid and subsisting Escort License.
33. No person or Escort Agency shall employ an Escort under the age of 18 years.
34. No Escort Agency shall advertise or promote their services in any fashion using:
 - a) a telephone number;
 - b) a name;
 - c) an electronic mail address; or
 - d) an internet addressunless the Escort Agency has first provided the number, name or address in writing to the License Inspector.
35. No person shall supply incorrect, incomplete or misleading information in an application for the issue or renewal of a License.
36. A Licensee shall notify the License Inspector forthwith, in writing, of any change to any of the information contained in the most recent application for the issue or renewal of a License.
37. A Licensee shall provide their License forthwith when requested to do so by a Peace Officer.

PART VII – SUSPENSIONS AND REVOCATIONS

38. Suspension of a license issued pursuant to this bylaw may be:
- a) for the unexpired term of the license; or
 - b) where the suspension is for non-compliance with any bylaw, including this bylaw, until the holder of the suspended license has, in the opinion of the License Inspector, complied with that bylaw.
39. A license may be revoked or suspended for non-compliance with any bylaw of the City including this bylaw notwithstanding that the holder of the license has not been prosecuted for a contravention of that bylaw.
40. A license may be revoked if the Chief of Police notifies the License Inspector that a licensee has been convicted of a criminal or other offence, the nature of which causes the Chief of Police to believe on reasonable grounds that the continued licensing of the licensee would endanger the safety, health, or welfare of the people or the protection of people or property.

PART VIII APPEAL

- 41.⁴ An applicant may appeal the License Inspector's decision to the Red Deer Appeal & Review Board in writing within 14 days after the license has been refused, revoked, or suspended, as outlined in the Committees Bylaw.

⁴ 3319/A-2009

PART IX – GENERAL

42. (a) The fees payable for a License required under this bylaw are set out in Schedule “A” and are non-refundable.
- ⁵(b) The fees listed in Schedule “A” may be reduced by pro-rata on a monthly basis for each month or partial month from the date the License is first issued until December 31 of that year for any Licensee who has not obtained a License in the past.
43. A License issued pursuant to this bylaw is the property of the City and may not be transferred.
44. No License may be issued or renewed if the applicant, or any individual or corporation named in the application, has an unpaid fine owing to the City for an offence under this bylaw.
45. A copy of a record of the City, certified by the License Inspector as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
46. In any prosecution for an offence, where a question arises as to whether a person had a valid and subsisting License, the burden is on that person to establish that the License was valid and subsisting.

PART X - CONTRAVENTION OF THE BYLAW

47. Any person who contravenes any portion of this bylaw is guilty of an offence and is liable on summary conviction to the fines set out in

⁵ 3319/A-2015

Schedule "B" herein, and shall render the offender liable to cancellation or suspension of the license issued to such person.

48. A person who contravenes or does not comply with a provision of Part VI of this bylaw may, if the Violation Ticket issued in respect of the offence contains a specified penalty amount, pay this amount in which case the person will not be prosecuted in court for the contravention.
49. If a specified penalty amount is included in a Violation Ticket issued in respect of an offence under this bylaw, the amount must be that specified in Schedule B.
50. A person who is found guilty of an offence under this bylaw is liable to a fine in an amount not less than that specified in Schedule B, and not exceeding \$10,000.00.
51. If a person is found guilty of an offence under this bylaw, and the conduct that gives rise to the offence involves the non-payment of a fee which remains unpaid, the court shall, in addition to any fine, impose a penalty equivalent to the amount of the unpaid fee.
52. If a person is found guilty of an offence under this bylaw, the court may, in addition to any other penalty imposed, order the person to comply with this bylaw.
53. This Bylaw comes into force and effect upon passage by Council at third reading.
54. Bylaw No. 2794/82 is hereby repealed.

⁶PART XI – TRANSITIONAL

55. The following provisions apply to any License issued under this bylaw in 2015:

- (a) For Licenses issued after May 1, 2015, the license fees set out in Schedule “A” shall be reduced pro-rata on a monthly basis for each month or partial month from the date the license is first issued until December 31;
- (b) For Licenses issued before May 1, 2015, provided the Licensee has paid the fee for a License which was to be valid for 12 months, the License will expire on December 31, 2015 and the Licensee shall receive a pro-rated credit for all remaining months or partial months which, at the Licensee’s discretion may be applied to the Licensee’s 2016 License Fees or refunded to the Licensee.

READ A FIRST TIME IN OPEN COUNCIL this 6th day of October, 2003
 READ A SECOND TIME IN OPEN COUNCIL this 6th day of October, 2003
 READ A THIRD TIME IN OPEN COUNCIL this 6th day of October, 2003
 AND SIGNED BY THE MAYOR AND CITY CLERK this 6th day of October, 2003

“G.D. Surkan”

“Kelly Kloss”

MAYOR

CITY CLERK

⁶ 3319/A-2015

SCHEDULE "A"**FEES**

	<u>Fee</u>
1. License to operate an escort service or escort agency	\$5,000.00
2. License to operate an independent escort service or escort agency	\$1,500.00
3. License to act as an Escort	\$300.00

SCHEDULE "B"
FINES

<u>Offence</u>	<u>Section</u>	<u>Fine</u>
Unlicensed Escort	26	\$2,500.00
Underage Escort	27	\$500.00
Escort Operating Without Escort Agency	28	\$2,500.00
Escort Advertising or Promoting Non-Listed Name	29	\$500.00
Unlicensed Escort Agency	30	\$7,500.00
Multiple Escorts on Independent Escort Agency License	31	\$5,000.00
Employing Services of Unlicensed Escort	32	\$2,500.00
Employing Underage Escort	33	\$5,000.00
Agency Advertising Non-Registered or Non-Listed information	34	\$500.00
Incorrect, Incomplete or Misleading Information	35	\$500.00
Fail to Provide Change of Information	36	\$500.00
Fail to Provide License	37	\$500.00

**PROPOSED
AMENDMENT****BYLAW NO. 3319/A-2015**

Being a Bylaw to amend Bylaw No. 3319/2003 The Escort Service Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3319/2003 is hereby amended as follows:

1. By removing section 8 in its entirety and replacing it as follows:

“8 Every Escort Agency License is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.”

2. By removing section 14 in its entirety and replacing it as follows:

“14 Every Independent Escort Agency License is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.”

3. By removing section 19 in its entirety and replacing it as follows:

“19 Every Escort License is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.”

4. By renumbering section 42 to 42(a).

5. By adding a new section 42(b) as follows:

“42 (b) The fees listed in Schedule “A” may be reduced by pro-rata on a monthly basis for each month or partial month from the date the License is first issued until December 31 of that year for any Licensee who has not obtained a License in the past.”

6. By adding a new section 55 as follows:

“PART XI – TRANSITIONAL

55 The following provisions apply to any License issued under this bylaw in 2015:

- (a) For Licenses issued after May 1, 2015, the license fees set out in Schedule “A” shall be reduced pro-rata on a monthly basis for each month or partial month from the date the license is first issued until December 31;
- (b) For Licenses issued before May 1, 2015, provided the Licensee has paid the fee for a License which was to be valid for 12 months, the License will expire on December 31, 2015 and the Licensee shall receive a pro-rated credit for all remaining months or partial months which, at the Licensee’s discretion may be applied to the Licensee’s 2016 License Fees or refunded to the Licensee.”

READ A FIRST TIME IN COUNCIL this day of 2015.

READ A SECOND TIME IN COUNCIL this day of 2015.

READ A THIRD TIME IN COUNCIL this day of 2015.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2015.

MAYOR

CITY CLERK

**STRIKETHROUGH
VERSION**

BYLAW NO. 3394/2007

A Bylaw to License and Regulate the use of Limousines and Sedans for hire within the limits of The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 This Bylaw may be cited as the Limousine and Sedan Bylaw.

2 DEFINITIONS

In this Bylaw unless otherwise specified:

“Bylaw Enforcement Officer” means any person authorized to enforce City bylaws and includes the License Inspector;

“Chauffeur” means any person who is in possession of a current and valid City of Red Deer Chauffeur License;

“Chauffeur License” means a license issued to a person for the purpose of driving a limousine or sedan;

“License Inspector” means the Inspections and Licensing Manager for The City or any designated member of the Inspections and Licensing Department for The City;

“Limousine” means a motor vehicle for hire, not equipped with a meter, to transport persons, which has a minimum seating capacity of five (5) passengers in the rear compartment which shall include, but is not limited to, formal limousine, stretched limousine, super, mega and ultra stretched limousines;

“Limousine Service” means the business of providing limousines for transporting persons;

“Limousine Vehicle Identification License” means The City of Red Deer identification issued under this bylaw for attachment to a limousine vehicle;

“Mechanical Fitness Report” means a form approved by the License Inspector and signed by a licensed mechanic which shall contain such information as the License Inspector may require but in any event shall certify that the vehicle is safe, fit and include information as to the safety and condition of the steering mechanism, brake system, bodywork, including conditions of doors and locks,

windows, electrical light and signal systems, exhaust system, tire wear and condition and that the vehicle is suitable to convey passengers;

“Motor Vehicle for hire” means a vehicle propelled by any power other than muscular power;

“Non-resident” means a person, business or corporation that is not a resident as defined in this bylaw;

“Peace Officer”, “Special Constable”, and “Bylaw Enforcement Officer” means any employee of The City appointed as a Special Constable or Bylaw Enforcement Officer and any member of the Canadian Corps of Commissionaires or the City Detachment of the R.C.M.P. appointed or assigned to enforce the provisions of this bylaw;

“Person” means a natural person or body corporate and includes a partnership, a group of persons acting in concert, or an association;

“Pre-scheduled” means a minimum of one (1) hour before a trip begins;

“Resident” means a person, business or corporation that has a business location in the city of Red Deer with a valid Occupancy Permit or resides in the city of Red Deer, and has a valid Home Occupation License for a Limousine or Sedan Service;

“Sedan” means a full sized, four door, motor vehicle for hire, not equipped with a meter, to transport persons. which has a maximum seating capacity of not more than four (4) passengers in the rear compartment;

“Sedan Service” means the business of providing sedans for transporting persons;

“Sedan Vehicle Identification License” means The City of Red Deer identification issued under this bylaw for attachment to a sedan vehicle;

“Single Event” means the use of a Limousine or Sedan in a twenty four (24) hour period once in a calendar year”.

3 LICENSES – BUSINESS AND VEHICLES

ALL APPLICANTS

- (1) No person shall operate a Limousine Service or Sedan Service or Limousine or Sedan without the following:

- (a) a valid Occupancy Permit, Home Occupation License or Non Resident Business License obtained pursuant to The City of Red Deer bylaws,
 - (b) a City of Red Deer Chauffeur License,
 - (c) a Limousine Vehicle or Sedan Vehicle License Identification tag attached to each Limousine or Sedan as issued hereunder.
- (2) Any person who wishes to operate a Limousine Service or Sedan Service or Limousine Vehicle or Sedan Vehicle shall obtain the applicable licenses by making application to the License Inspector and paying the applicable fee as set out in Schedule "A".
- (3) All applications shall be in writing and shall include identification of the registered owner, mechanical inspection, and proof of valid insurance with respect to all limousines and sedans to be used and the following information:

NON-CORPORATION

- (i) full name, address and telephone number of the business and the individual completing the application;
- (ii) list of all convictions, both criminal and traffic, in any jurisdiction;
- (iii) such other information as the License Inspector may reasonably require.

CORPORATION

- (iv) corporate name, business address and telephone number of the corporation and the individual completing the application;
- (v) copy of minutes and articles of incorporation, Certificate of Incorporation and Certificate of Good Standing with respect to the corporation;
- (vi) full name, address and telephone number of all shareholders, directors and office holders of the corporation;
- (vii) list of all convictions of the corporation, its shareholders and directors both criminal and traffic in any jurisdiction;
- (viii) such other information that the License Inspector may reasonably require.

4 CHAUFFEUR LICENSES

- (1) No person shall drive a Limousine or Sedan or act as a Limousine or Sedan Chauffeur without being in possession of a valid City of Red Deer Chauffeur License obtained pursuant to this bylaw. A licensed automotive mechanic may perform a test drive and not be in breach of this section.
- (2) Any person who wishes to drive a Limousine or Sedan or act as a Limousine or Sedan Chauffeur shall obtain the applicable license by making application to the License Inspector and paying the applicable fee set out in Schedule "A".
- (3) The application shall be in writing and shall contain the following information:
 - (a) full and correct name, address and telephone number of the applicant as well as the name and current address of the licensed business employing the applicant;
 - (b) evidence that the applicant is properly licensed under the laws of the Province of Alberta for the class of vehicle that will be operated;
 - (c) current abstract of driving record from the Province of Alberta and from any territory or Province where the applicant has previously had a drivers license, dated within 30 days of application date;
 - (d) a list of all convictions, criminal, traffic and otherwise in any jurisdiction;
 - (e) such other information that the License Inspector may reasonably require;
 - (f) on initial application, evidence the applicant has completed a driver improvement course recognized by the City, taken within 6 months of application OR proof the applicant is registered to take a driver improvement course within 30 days of application date.

5 ¹TERM AND RENEWAL OF LICENSES

- ~~(1) A Chauffeurs License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.~~

¹ 3394/A-2015

- ~~(2) A Limousine Business License or Sedan Business License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.~~
- ~~(3) A Limousine Vehicle Identification License or Sedan Vehicle Identification License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.~~
- ~~(4) A renewal application for any license required by this bylaw shall be made no later than January 31 of the year for which the license is to be renewed. If a renewal application is not received by January 31, it will be deemed expired and a new application will be required.~~
- (1) A Chauffeur License is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.
- (2) A Limousine Business License or Sedan Business License is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.
- (3) A Limousine Vehicle Identification License or Sedan Vehicle Identification License is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.
- (4) A renewal application for any license issued under this bylaw shall be made no later than December 31. If a renewal application is not received by December 31, the license will be deemed expired and a new application will be required.

6 DUTY TO ADVISE OF CHANGE IN INFORMATION

A licensee must advise The City of any changes in the information required under Sections 3 and 4;

- (a) on an application to renew its license; and
- (b) during the currency of any license, within 30 days of any changes to such information.

7 TRANSFER OF VEHICLE IDENTIFICATION LICENSE TO ANOTHER VEHICLE

- (1) Should a vehicle licensee desire to substitute another limousine or sedan motor vehicle for any limousine or sedan motor vehicle for which an identification tag has been issued, such licensee shall deliver to the License Inspector the identification tag issued and the information concerning the limousine or sedan motor vehicle to be substituted as the License Inspector may require, including;
 - a) a Mechanical Fitness Report;
 - b) evidence of registration;
 - c) evidence of insurance;
 - d) such other information as the License Inspector may reasonably require to ensure conformity with this bylaw.
- (2) When the License Inspector is satisfied that the motor vehicle proposed to be substituted complies with this bylaw and is safe, fit and suitable for use and that the above conditions have been met, he shall, upon payment by the licensee of the fee required in Schedule "A", reissue to the licensee the vehicle identification tag for the motor vehicle so substituted.

8 OPERATING REQUIREMENTS

- (1) A person operating a Limousine or Sedan or Limousine service or Sedan service;
 - (a) shall not operate on a fixed or scheduled route;
 - (b) shall not cruise city streets or highways for the purpose of soliciting work;
 - (c) shall not occupy a marked taxi stand;
 - (d) shall not pick up passengers in a marked taxi zone or taxicab stand;
 - (e) Shall not accept passengers unless the service was previously scheduled a minimum of one (1) hour in advance;
 - (f) shall ensure all trips are pre-scheduled, contracts are signed and log books are kept in the vehicle, as to the date and time the trip is booked, the date and time of the trip, number of passengers, place of pick up and destination for each trip;

- (g) shall ensure all signed contracts and log books are kept safe and secure for a minimum of one year from the time of the trip;
- (h) shall ensure that when on duty will present a clean, neat and well groomed appearance and
- (i) shall wear clothing that is neat, clean and appropriate for transporting persons;
- (j) shall ensure the minimum rates are charged in accordance with Schedule B.

9 POWERS OF LICENSE INSPECTOR

- (1) The License Inspector is hereby authorized to:
 - (a) inspect or cause to be inspected any vehicle which is used to provide services under this bylaw;
 - (b) refuse to issue or renew any license where, in the reasonable opinion of the License Inspector, the applicant does not comply with the requirements of this bylaw;
 - (c) revoke or suspend any license if, in the reasonable opinion of the License Inspector, the licensee has not complied with or is breaching any provision of this bylaw;
 - (d) revoke or refuse to issue a Chauffeur License under this bylaw where, in the reasonable opinion of the License Inspector, the person applying for a license or to whom a license has been issued:
 - (i) has a driving record which makes the driver unfit to drive a public conveyance;
 - (ii) the character, conduct or state of health makes the driver unfit to drive a public conveyance;
 - (iii) the driver does not comply with the requirements or is in breach of any of the provisions of this bylaw;
 - (e) require a driver to undergo additional driver improvement or driver training courses;
 - (f) prescribe and authorize the forms, licenses and certificates to be used or issued under this bylaw.

10 INSPECTION OF DOCUMENTS

Every licensee under this bylaw shall upon the demand of the License Inspector, Bylaw Enforcement Officer or Peace Officer produce any license or document, which the licensee may be required to have under this bylaw.

11 MECHANICAL FITNESS OF VEHICLES

- (1) The License Inspector may require any vehicle used to provide services under this bylaw to undergo such inspections for safety and mechanical fitness and to undergo such repairs as in the reasonable discretion of the License Inspector is deemed necessary for the safety of the public; such inspections are not limited to but may include as follows:
 - (a) the yearly provision of a Mechanical Fitness Report prepared by a licensed mechanic;
 - (b) the repair and correction of any deficiencies and the provision of a further Mechanical Fitness Report confirming same.
- (2) All costs of inspections and repairs shall be paid for by the licensee.
- (3) No person shall obstruct or interfere with any inspection required under this bylaw.

12² APPEAL

A decision of the License Inspector made pursuant to Sec. 9 (1), (b), (c), and (d) of this bylaw may be appealed to the Red Deer Appeal & Review Board, in accordance with the procedures as outlined in The City of Red Deer Committees Bylaw.

13 ANNUAL LICENSE FEES

- (1) ³The License Fees under this bylaw are set out in Schedule "A" annexed hereto and made part of this bylaw.
- (2) ⁴The fees listed in Schedule "A" may be reduced by pro-rata on a monthly basis for each month or partial month from the date the License is first

² 3394/A-2009

³ 3394/A-2015

⁴ 3394/A-2015

issued until December 31 of that year for any Licensee who has not obtained a License in the past.

14 RATES TO BE CHARGED FOR LIMOUSINE OR SEDAN SERVICES

The minimum rate to be charged for the hire of a Limousine or Sedan is set out in Schedule "B" annexed hereto and made part of this bylaw. There shall be no charges for portions of an hour for the first hour. After the first hour, portions of no less than half hour increments may be charged.

15 OFFENCES AND PENALTIES

- (1) Any person who contravenes the provisions of this bylaw shown in Schedule "C" is guilty of an offence and liable to pay a fine as specified in Schedule "C" which is annexed hereto and made part of this bylaw.
- (2) Any person who contravenes a provision of this bylaw not listed in Schedule "C" is guilty of an offence and liable upon summary conviction to pay a fine of not less than \$250.00 and not more than \$2500.00 and in default of payment to imprisonment for a period not exceeding 6 months.
- (3) Any person who contravenes any provision of this bylaw and is found guilty of a second or subsequent offence is liable upon summary conviction to pay a fine of not less than \$5000.00 and not more than \$10,000.00 and in default of payment to imprisonment for a period not exceeding six months.
- (4) A Peace Officer, License Inspector, or Bylaw Enforcement Officer who has reasonable grounds to believe that any person has contravened any provision of this bylaw shall:
 - (a) in the case of a contravention set out in Schedule "C" serve upon such person an offence ticket allowing for payment of the specified penalty to The City in lieu of prosecution of the offence;
 - (b) in all other instances serve upon such person a summons requiring the person to appear in court;
 - (c) authorize the removal, or cause to be removed, any vehicle found operating in contravention of this bylaw.
 - (i) No impounded vehicle shall be released to its owner or his agent until the impounding charge and removal charge on the vehicle have been paid, such charges shall be in addition

to any fine or penalty imposed in respect of any such violation, or to any payment made in lieu of prosecution herein provided. The City is not responsible for impounding, towing, or removal charges.

- (5) In addition to any penalty(s) the person must pay the applicable license fee(s).

16 EXEMPTIONS

Notwithstanding any other provision in this bylaw the License Inspector may grant an exemption for the following;

- (1) Taxi's licensed under the Taxi Business Bylaw;
- (2) City of Red Deer Transit Services;
- (3) private courtesy transportation such as provided by a car dealership or garage for its customers, and
- (4) transporting operations connected with adult or senior living residences for which no fee is charged;
- (5) busing operations connected with Public or Separate School Boards;
- (6) motor vehicles used in the course of providing care to clients who require personal assistance with activities of daily living;
- (7) Funeral vehicles operating within the scope of a funeral service.

17 GENERAL

- (1) All Limousine Business, Sedan Business and Chauffeur licenses issued pursuant to this bylaw are the property of the City and may not be transferred.
- (2) No license may be issued or renewed if the applicant, or any individual or corporation named in the application, has an unpaid fine owing to the City for an offence under this bylaw.
- (3) A copy of a record of the City, certified by the Inspections and Licensing Manager as a true copy of the original, shall be admitted as evidence as

prima facia proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

- (4) In any prosecution for an offence, where a question arises as to whether a person had a valid and subsisting License, the burden is on that person to establish that the License was valid and subsisting.

18 SEVERABILITY

The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.

19 TRANSITIONAL

- (1) ⁵Notwithstanding anything in this bylaw, a Limousine Service, Limousine vehicle, Sedan Service, Sedan vehicle or chauffeur in existence as at the date of this bylaw shall not be guilty of the offence of not having a license, provided that they are in possession of a valid license(s) by noon of October 1, 2007.
- (2) ⁶The following provisions apply to any license issued under this bylaw in 2015:
- (a) For licenses issued after May 1, 2015, the license fees set out in Schedule "A" shall be reduced pro-rata on a monthly basis for each month or partial month from the date the license is first issued until December 31;
- (b) For licenses issued before May 1, 2015, provided the licensee has paid the fee for a license which was to be valid for 12 months, the license will expire on December 31, 2015 and the licensee shall receive a pro-rated credit for all remaining months or partial months which, at the licensee's discretion may be applied to the licensee's 2016 license fees or refunded to the licensee.

⁵ 3394/A-2015

⁶ 3394/A-2015

READ A FIRST TIME IN OPEN COUNCIL this 30th day of July 2007.

READ A SECOND TIME IN OPEN COUNCIL this 30th day of July 2007.

READ A THIRD TIME IN OPEN COUNCIL this 30th day of July 2007.

AND SIGNED BY THE MAYOR AND CITY CLERK this 30th day of July 2007.

“Morris Flewwelling”

MAYOR

“Kelly Kloss”

CITY CLERK

Schedule A - FEES

⁷~~All Licenses expire January 31 of the following year in which they were issued~~

YEAR	2007	2008
Resident Limousine Service License	\$ 65.00	\$ 200.00
Resident Single Event Limousine License - one per calendar year	35.00	100.00
Non-Resident Limousine Service License	135.00	400.00
Non-Resident Single Event Limousine License - one per calendar year	65.00	200.00
Limousine Vehicle Identification License	15.00	40.00
Chauffeur License	10.00	35.00
Resident Sedan Service License	65.00	200.00
Resident Single Event Sedan License - one per calendar year	35.00	100.00
Non-Resident Sedan Service License	135.00	400.00
Non-Resident Single Event Sedan License - one per calendar year	65.00	200.00
Sedan Vehicle Identification License	15.00	40.00
Limousine or Sedan Vehicle Identification License - Replacement or Transfer	35.00	35.00
Re-instatement Fee – Any License	100.00	100.00

⁷ 3394/A-2015

Schedule B - RATES

SEDAN

A minimum rate of \$60.00 shall be charged for the first hour. After the first hour, portions of no less than half hour increments may be charged.

LIMOUSINE

A minimum rate of \$100.00 shall be charged for the first hour. After the first hour, portions of no less than half hour increments may be charged.

There will be an annual rate increase applied to each rate. It will be calculated by using the amount of the Alberta average Consumer Price Index (CPI) rounded to the nearest dollar and will be effective October 1 of each year, starting October 2008.

Schedule C - FINES

		<u>1st Offence</u>	<u>2nd & subsequent Offence</u>
3 (1)(a)	Operating without a Limousine Business or Sedan Business License	\$1500.00	Mandatory Court Appearance
3 (1)(c)	Operating without a Limousine Vehicle or Sedan Vehicle Identification License	\$1500.00	Mandatory Court Appearance
4 (1)	driving without a Chauffeur License	\$1500.00	Mandatory Court Appearance
8 (1)(a)	Operate on fixed route	\$1000.00	Mandatory Court Appearance
8 (1)(b)	Cruising city street or highway	\$1000.00	Mandatory Court Appearance
8 (1)(c)	Occupy a marked taxi stand	\$1000.00	Mandatory Court Appearance
8 (1)(d)	Picking up passengers in marked taxi zone/stand	\$1000.00	Mandatory Court Appearance
8 (1)(e)	Picking up non-pre-scheduled passengers	\$1000.00	Mandatory Court Appearance
8 (1)(f) 8 (1)(g)	Failing to have the proper documents	\$1000.00	Suspension
8 (1)(j)	Not ensuring minimum rate charged	\$1000.00	Suspension

**PROPOSED
AMENDMENT**

BYLAW NO. 3394/A-2015

Being a Bylaw to amend Bylaw No. 3394/2007 The Limousine and Sedan Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3394/2007 is hereby amended as follows:

1. By removing section 5 in its entirety and replacing it as follows:

- “5 (1) A Chauffeur License is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.
- (2) A Limousine Business License or Sedan Business License is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.
- (3) A Limousine Vehicle Identification License or Sedan Vehicle Identification License is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.
- (4) A renewal application for any license issued under this bylaw shall be made no later than December 31. If a renewal application is not received by December 31, the license will be deemed expired and a new application will be required.”

2. Renumbering section 13 to section 13(1).

3. By adding a new section 13(2) as follows:

- “13 (2) The fees listed in Schedule “A” may be reduced by pro-rata on a monthly basis for each month or partial month from the date the License is first issued until December 31 of that year for any Licensee who has not obtained a License in the past.”

4. By renumbering section 19 to section 19(1).

5. By adding a new section 19(2) as follows:

- “19 (2) The following provisions apply to any license issued under this bylaw in 2015:

- | | | |
|---|--------|-------|
| READ A FIRST TIME IN COUNCIL this | day of | 2015. |
| READ A SECOND TIME IN COUNCIL | day of | 2015. |
| READ A THIRD TIME IN COUNCIL this | day of | 2015. |
| AND SIGNED BY THE MAYOR AND CITY CLERK this | day of | 2015. |

CITY CLERK

**STRIKETHROUGH
VERSION****BYLAW NO. 3282/2001**

WHEREAS pursuant to sections 7 and 8 of the *Municipal Government Act*, R.S.A., 1980, and amendments thereto, Council may pass bylaws for municipal purposes, including the following matters:

- a) the safety and protection of people;
- b) transportation and transportation systems;
- c) business and business activities;
- d) licensing;
- e) fees, rates, and fares that may be charged for the hire of taxis;

and may generally pass bylaws to regulate or prohibit businesses, deal with any business activity, and provide for any system of licenses;

AND WHEREAS Council deems it advisable to generally regulate the taxi business in the City of Red Deer, including the number of taxis, licensing, as well as rates and fares;

COUNCIL OF THE CITY ENACTS AS FOLLOWS:

- 1 This Bylaw may be called the "Taxi Business Bylaw".

TITLE AND DEFINITIONS

- 2 In this bylaw:

¹ Deleted

Applicant” means a person who applies for a license or renewal of a license by this bylaw;

“Broker” means a person to whom a taxi broker license has been issued;

“Bylaw Enforcement Officer” means any person authorized to enforce City Bylaws and includes the License Inspector;

²“Independent Owner/Operator” means a person who owns and operates a taxi without the service of a taxi broker;

“Licensee” means a person holding a valid and subsisting license issued pursuant to this bylaw;

“License Inspector” means the Inspections and Licensing Manager for the City or any member of the License Inspection Department;

³“Deleted

“Mechanical Fitness Report” means a report in a form approved by the License Inspector and signed by a licensed mechanic, which report shall contain such information as the License Inspector may require, but in any event, shall certify that the vehicle is safe, fit, and suitable for use as a taxi and include information as to the safety and condition of the steering mechanism, brake system, body work, including condition of doors and locks, windows, electrical light and signal systems, exhaust system and tire

¹ 3282/B-2008

² 3282/A-2010

³ 3282/A-2001

wear and condition, and that the vehicle is suitable for the conveyance of passengers;

"Motor Vehicle" means a vehicle propelled by any power other than muscular power;

¹ Deleted

"Person" means a natural person or a body corporate and includes a partnership, a group of persons acting in concert, or an association, unless the context explicitly or by necessary implication otherwise requires;

²"Qualified Applicant" means a person who has worked in the taxi industry in the City in the capacity of a taxi driver or broker for a period of 1200 hours in a calendar year for two consecutive years immediately prior to such person's application for a taxi license plate. The period of two consecutive years shall be deemed not to be interrupted by reason only of periods of vacation or absences due to illness not exceeding three months in total, unless approved by the License Inspector"

"Registered Owner" means a person who is the owner of a motor vehicle, or who is purchasing a motor vehicle under a lease-option to purchase or similar purchase agreement;

"Resident" means a person, firm or corporation that:

- (i) is located or resides within the boundaries of the City; or
- (ii) provides the space and services including office area and

¹ 3282/B-2008

² 3282/B-2008, 3282/A-2010

telephone from premises that are listed on the business tax roll; or

- (iii) has an occupancy permit issued under the Land Use Bylaw; and
- (iv) satisfies the License Inspector that he intends to carry on business within the City for not less than six months;

"Taxi Business" means the business of operating taxis and includes accepting calls for the dispatch of taxis and the dispatching taxis, as well as the operation of any motor vehicle such as a bus, mini-bus or van for hire by the public at large, but does not include handicap busing, private courtesy transportation such as provided by a car dealership or garage for its customers, or busing operations connected with adult or senior residences;

"Taxi Broker's License" means a license issued by the License Inspector under this bylaw, authorizing a person to operate a taxi business;

"Taxi" and "Taxicab" means a motor vehicle equipped with a meter and operated by a driver licensed and in compliance with the requirements of this Bylaw;

¹ "Taxi Driver" means any person who is licensed to drive a taxi and is the holder of a valid and subsisting Taxi Driver's License issued under this bylaw."

²"Taxi License Plate" means the City identification plate issued under this

¹ 3282/B-2008

² 3282/B-2008

bylaw for attachment to a motor vehicle licensing such vehicle for use as a taxi,”

"Taxi Licensee" means a person who holds a subsisting taxi license plate issued under this bylaw;

"Taxi Meter" means a mechanical apparatus or device for automatically measuring and registering the distance travelled by a taxi and the fee corresponding to the distance at the rate specified in this bylaw.

¹"Wheelchair Accessible Vehicle Taxi License Plate" means the City identification plate issued under this bylaw for attachment to a wheelchair accessible motor vehicle, licensing such vehicle for use as a wheelchair accessible taxi;”

²2.1 (1) An Independent Owner/Operator must be:

- a) a taxi licensee;
- b) a taxi driver; and
- c) a maximum of two persons who are
 - (i) registered owners of the taxi, or
 - (ii) the only shareholders of a corporation that owns the taxi.

(2) An Independent Owner/Operator must maintain:

- a) a business address approved by the License Inspector;
- b) a telephone communication system from the business address and from the taxi;
- c) a vehicle colour registered with the License Inspector; and

¹ 3282/B-2008

² 3282/A-2010

- d) a taxi marked and painted in accordance with this Bylaw.
- (3) An Independent Owner/Operator may only operate one taxi.
- ~~(4) ¹ An Independent Owner/Operator must pay an annual fee as specified in Schedule "A"~~
- (4) ²(a) An Independent Owner/Operator must pay an annual fee as specified in Schedule "A".
- (b) The fees listed in Schedule "A" may be reduced by pro-rata on a monthly basis for each month or partial month from the date the taxi license plate is first issued until December 31 of that year for any Independent Owner/Operator who has not obtained a taxi license plate in the past.
- (5) An Independent Owner/Operator shall operate the taxi in accordance with all the requirements of this Bylaw.

LICENSING OF TAXI BUSINESS - BROKERS

- 3 (1) A Broker's license may only be issued if an applicant has:
 - a) at least 3 licensed taxis registered for use in the taxi business;
 - b) registered a colour or combination of colours for taxis, distinctive from other brokers or licensees ("identification colours");
 - c) supplied a list of the motor vehicles which will be used in the taxi business.

¹ 3282/A-2015

² 3282/A-2015

- (2) A broker shall within 72 hours of any additions to or deletions from the list of vehicles under section 3(1) (c), inform the License Inspector of such changes.
- (3) Anyone may obtain a copy of the list of all vehicles used by a broker on application to the License Inspector and on payment of the fee specified in Schedule "A".
- (4) The License Inspector has the authority to approve the overall design of taxi cabs in order to ensure that taxi cabs associated with different brokers can be readily distinguished. This authority shall include approval of the colour of all or any part of the vehicle, the design, size, colour of lettering, logos, and insignia, and the type of signs or accessories that may be marked upon or affixed to the exterior of the vehicle.

NON-CORPORATION

- 4 (1) Any person, other than a corporation, desiring to obtain a taxi broker's license or to renew such license, shall make application to the License Inspector.
- (2) The application shall be in writing in a form to be required by the License Inspector, shall be signed by the applicant, and shall include the following information:
 - a) the full and correct name, address and telephone number of the applicant;
 - b)¹ Deleted.

¹ 3282/A-2003

- c) a list of all convictions of the applicant for any offences under the laws of Canada or of any of its provinces or territories, or of the person's country of origin before residing in Canada;
- d) such other information as the License Inspector may reasonably require.

CORPORATIONS

- 5 (1) If the applicant for a taxi broker's license is a corporation, then such corporation shall make an application to the License Inspector.
- (2) The application shall be in writing and in a form to be required by the License Inspector, shall be signed by all the corporate officers of the applicant, and shall include the following information:
- a) the correct corporate name, business address and telephone number of the corporation;
 - b) a copy of the corporate minutes and articles of incorporation, including the Certificate of Incorporation and a Certificate of Good Standing relative to the corporation;
 - c) the full and correct name, address and telephone number of all the shareholders and directors;
 - d) a list of all convictions of the corporation, its shareholders and directors, for any offences under the laws of Canada or of any of its provinces or territories, and under the laws of the country of original of the applicant and of its shareholders and directors before their

residing in Canada.

~~⁴RENEWAL OF BROKER'S LICENSE~~

~~6 ——— A renewal application shall be made not later than January 31 of the year for which the broker's license is to be renewed. An application for a new license may be made at any time during the year. In all cases, the application shall include:~~

- ~~a) ——— payment of the fee required in Schedule "A";~~
- ~~b) ——— proof that the applicant qualifies for a taxi broker's license under section 3(1)(a);~~
- ~~c) ——— the list of the motor vehicles required under section 3(1)(c).~~

APPLICATIONS AND RENEWALS – BROKER'S LICENSES

- 6 (1) An application for a new broker's license may be made at any time during the year. In all cases, the application shall include:
- a) payment of the fee required in Schedule "A";
 - b) proof that the applicant qualifies for a taxi broker's license under section 3(1)(a);
 - c) the list of the motor vehicles required under section 3(1)(c); and
 - d) the fees listed in Schedule "A" may be reduced by pro-rata on a monthly basis for each month or partial month from the date the

Broker's License is first issued until December 31 of that year for any Broker who has not obtained a License in the past.

(2) A renewal application for a broker's license issued under this bylaw shall be made no later than December 31. If a renewal application is not received by December 31, the license will be deemed expired and a new application will be required.

(3) A taxi broker's license is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.

7¹ ~~(1) A taxi broker's license is valid only until January 31 of the year following the issuance.~~

~~(2)~~ A taxi broker's license is and always remains the property of the City and cannot be sold, assigned or transferred to any person except in accordance with this bylaw.

REVOCATION OF BROKER'S LICENSE

8 Should a broker at any time cease to meet any of the requirements of this bylaw, including section 3(a), the broker's license is automatically revoked.

9 Each broker operating in the City shall locate its office and communication centre in an area designated in the City Land Use Bylaw for such use.

DISPUTES RESPECTING COLOURS

10 Should a dispute arise between brokers respecting the registration and use of the same or similar identification colours, without limiting the authority of

the License Inspector's approval, priority of choice may be given to a broker who has utilized the colours in dispute in the City for the longest period of time. With the approval of the License Inspector two or more brokers may agree to use the same colours.

HOURS OF OPERATION

- 11 Each broker shall provide 7 days per week and 24 hours per day taxi service available to residents of the City.

TRANSFER OF SALE OF BROKER'S BUSINESS

- 12 A broker who intends to sell or dispose of its taxi business either in whole or in part or, if a corporation through the sale in whole or in part of shares, shall immediately notify the License Inspector of the name or names of the proposed purchaser, the proposed date of such sale and the particulars of the proposed sale or disposition.

PURCHASE OF BROKER'S BUSINESS

- 13 The Purchaser of a broker's business must apply for a taxi broker's license as required under this bylaw.
- 14 ² If a Purchaser qualifies under this bylaw for a taxi broker's license, upon the payment of fees required, and upon the selling broker surrendering to the License Inspector its taxi broker's license and the delivery of all taxi license plates, the License Inspector shall issue to the purchaser a taxi broker's license and the taxi license plates."

¹ 3282/A-2015

² 3282/B-2008

NUMBER AND ALLOCATION OF TAXI LICENSE PLATES

- 15 (1)¹ The maximum number of taxi license plates that may be issued each year under this bylaw (the “licenses available”) shall be as follows:
- (i) equal to the number of licenses issued as of December 31 in the immediately preceding year and under which taxis were, in fact, operated for a minimum of 30 weeks in that calendar year; or
 - (ii) one taxi license plate per 750 persons of the city population based on the population of the city determined in the most recent census, whichever is greater; and
 - (iii) one wheelchair accessible vehicle taxi license plate per 15,000 persons of the city population based on the population of the city determined in the most recent census.”
- (2) For the purpose of determining compliance with the requirement that taxis shall have been operated under a particular taxi license plate for the necessary 30 weeks, the License Inspector may require the applicant to produce copies of stand rental agreements establishing the necessary 30 week period or such other proof as the License Inspector may reasonably deem necessary.
- (3) Notwithstanding the foregoing, where, because of a combination of factors such as illness, vacation or other special circumstances, the taxi is not operated for a period of 30 consecutive weeks, the License Inspector may decide that the taxi shall nevertheless be included in the calculations for

¹ 3282/B-2008

the purpose of determining the maximum number of taxi license plates to be issued.

~~(4)¹ A qualified applicant who held a taxi license plate or plates in the immediately preceding year shall be entitled, on application to be made on or before January 31 of the current year, to receive the same number of taxi license plates for the current year in priority to new applicants. Thereafter, if additional taxi license plates are still available, and there are more qualified applicants, the allocation of those license plates shall be determined by a random draw conducted by the License Inspector in the last week of August of each year."~~

(4)¹ A qualified applicant who holds a taxi license plate or plates in the expiring year shall be entitled, on application to be made on or before December 31 of the expiring year, to receive the same number of taxi license plates for the upcoming year in priority to new applicants. Thereafter, if additional taxi license plates are still available, and there are more qualified applicants, the allocation of those license plates shall be determined by a random draw conducted by the License Inspector in the last week of August of each year.

(5) License plates which are surrendered or revoked shall not thereafter be reissued.

~~(6)² A qualified applicant who held a wheelchair accessible vehicle taxi license plate or plates in the immediately preceding year shall be entitled, on application to be made on or before January 31 of the current year, to receive the same number of wheelchair accessible vehicle taxi license plates for the current year in priority to new applicants. Thereafter, if~~

¹ 3282/B-2008

² 3282/B-2008

~~—additional wheelchair accessible vehicle taxi license plates are still available, the allocation of those wheelchair accessible vehicle taxi license plates shall be determined by an evaluation of proposals received by the License Inspector on or before August 1. The proposals shall be evaluated based on preset criteria established by the License Inspector from time to time.~~

(6) A qualified applicant who holds a wheelchair accessible vehicle taxi license plate or plates in the expiring year shall be entitled, on application to be made on or before December 31 of the expiring year, to receive the same number of wheelchair accessible vehicle taxi license plates for the upcoming year in priority to new applicants. Thereafter, if additional wheelchair accessible vehicle taxi license plates are still available, the allocation of those wheelchair accessible vehicle license plates shall be determined by an evaluation of proposals received by the License Inspector on or before August 1. The proposals shall be evaluated based on preset criteria established by the License Inspector from time to time.

(7)² Should any company not apply for its wheelchair accessible license plate, the allocation of that plate or plates shall be determined by an evaluation of proposals received by the License Inspector on or before August 1. The proposals shall be evaluated based on preset criteria established by the License Inspector from time to time.”

16³ (1) Excepting a broker, no more than 2 taxi license plates shall be issued to a taxi licensee.

(2) Notwithstanding subsection 16 (1), if a person who is not already a broker wins a third taxi license plate by way of draw, that person may hold the

¹ 3282/A-2015

² 3282/B-2008

³ 3282/A-2010

third taxi license plate for a period of two (2) months starting the day on which the third taxi license plate was won.

- (3) During the two (2) month period referred to in subsection 16(2), the person shall submit an application to the License Inspector for a broker's license and:
- a) if the broker's license is granted the person will be permitted to keep the third taxi license plate.
 - b) if the broker's license is not granted the person will not be permitted to keep the third taxi license plate and that person shall immediately return it to the License Inspector.

APPLICATION FOR TAXI LICENSE PLATE

- 17 Any person who wishes to obtain a taxi license plate shall deliver to the License Inspector an application in writing in a form required by the License Inspector, signed by the applicant, and include the following information and documentation:
- a) the full and correct name, address and telephone number of the applicant;
 - b) evidence that the applicant is a qualified applicant as defined by this bylaw;
 - c) evidence identifying:
 - i) the registered owner of the motor vehicle proposed for use as a taxi;

- ii) the holder of valid insurance for the operation of the vehicle as a taxi.
- d) a Mechanical Fitness Report for such motor vehicle and the presentation of the motor vehicle for inspection by the License Inspector at such time and place as may be required by the License Inspector;
- e) payment of the fee required;
- f) evidence the vehicle is painted in the registered identification colours of the broker with which the vehicle will be affiliated, or in the case of a vehicle which is operated independently, evidence that the vehicle is painted in the identification colours approved by the License Inspector from time to time;
- g) if there is no vehicle to which a taxi license plate is to be attached, then to provide to the License Inspector within 22 weeks of January 15th of the year of the application, the information required herein, failing which, any plate issued is automatically cancelled;
- h) in the case of a corporate applicant, the last annual corporate return of the corporation, a copy of the Certificate of Incorporation, Articles of Incorporation and a Certificate of Good Standing relative to the corporation and the full names, addresses and telephone numbers of all shareholders and directors of the corporation. Where the shareholder or director of a corporate applicant is also a corporation, the full names, addresses and telephone numbers of the shareholders and directors of such corporation, as well as the last annual corporate return, Articles of Incorporation, and a Certificate of Good Standing relative to the corporation.

APPLICATION FOR WHEELCHAIR ACCESSIBLE PLATE

- 18 A applicant who wishes to obtain a wheelchair accessible vehicle taxi license plate shall make application to the License Inspector in accordance with the provisions of this bylaw and in addition shall provide proof to the satisfaction of the License Inspector that the vehicle in respect of which the plate is to be issued meets the requirements set forth in the document known as C.S.A. D409-92 "Motor Vehicles for the Transportation of Persons with Physical Disabilities" or any replacement for that document, or replacement regulations or requirements that may apply from time to time to the transport of persons with physical disabilities.

LICENSE INSPECTOR AUTHORITY

- 19 Taxi license plates must be renewed annually and such renewal applications must follow the requirements and procedures set out in sections 15, 16, and 17.
- 20 A taxi licensee operating a taxi under affiliation with a broker shall provide to the License Inspector the identity of the broker and shall provide such additional reasonable information in regard to the affiliation as the License Inspector may reasonably require, including copies of any written agreements between the licensee and the broker.
- 21 If a broker ceases to be the holder of a valid taxi broker's license, then the broker shall cease to operate any taxis and shall immediately return the taxi license plates issued to it to the License Inspector.

~~22¹ A taxi license plate shall be valid only until January 31 in the year following the year in which it was issued.~~

22 A taxi license plate is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.

23 Taxi license plates and any other plates or insignia required by provincial law or regulations shall be placed on the taxi at locations directed by the City or the Government of Alberta.

TAXI LICENSE PLATES REMAIN THE PROPERTY OF THE CITY

24 (1) All taxi license plates are and always remain the property of the City and shall not be sold, leased, assigned or transferred to any person except in accordance with this bylaw. No consideration may be charged by any person for the use of such plates.

(2) The penalty for a breach of this section shall be revocation of the plate. Additionally, anyone who breaches this provision shall be prohibited from being involved in the taxi industry in the City for a period of 5 years and shall have all licenses, permits, and plates held by them revoked.

TRANSFER OF TAXI LICENSE PLATES TO ANOTHER VEHICLE

25 (1) Should a taxi licensee desire to substitute another motor vehicle for any taxi for which taxi license plates have been issued, such licensee shall deliver to the License Inspector the taxi license plates issued for such taxi, together with such information concerning the motor vehicle to be substituted as the License Inspector may require, including:

¹ 3282/A-2015

- a) a Mechanical Fitness Report;
 - b) evidence that the vehicle is painted in appropriate colours;
 - c) evidence of insurance;
 - d) such other information as the License Inspector may reasonably require to ensure conformity with this bylaw.
- (2) When the License Inspector is satisfied that the motor vehicle proposed to be substituted complies with this bylaw and is safe, fit and suitable for use as a taxi and that the above conditions have been met, he shall, upon payment by the taxi licensee of the fee required in Schedule "A", reissue to the taxi licensee the taxi license plate for the motor vehicle so substituted. No taxi license plate shall be reissued if by so doing, the taxi licensee would hold more taxi license plates than the number permitted by section 15(1).

STANDBY TAXI

- 26 (1) On payment of the transfer fee, a taxi licensee may apply to register one standby taxi to be used in substitution for a taxi that is removed from service for repair.
- (2) A standby taxi may be used for a period not exceeding 60 consecutive days and then only as a replacement for a taxi which is being repaired.
- (3) A licensee who wishes to use a registered stand-by taxi in substitution for a taxi, must first notify the License Inspector and all brokers in the City of Red Deer and provide the following information, and must do so immediately by FAX:

- a) name of licensee;
 - b) description of taxi being repaired – colours and number;
 - c) description of stand-by taxi – colours and number;
 - d) taxi license plate number;
 - e) date of commencement of use of stand-by taxi.
- (4) After this notification and information has been provided, the taxi license plate may be removed from the taxi being repaired and be attached to the stand-by taxi, which may then be put into service as a taxi.
- (5) When the taxi is repaired and ready to return to service, the licensee shall first notify the License Inspector and all brokers of the following information and may do so by FAX:
- a) name of licensee;
 - b) description of taxi which was repaired – colours and number;
 - c) description of stand-by taxi – colours and number;
 - d) taxi license plate number and;
 - e) date of return to use of the repaired taxi.

- (6) After Section 26(5) has been complied with and on payment of the transfer fee, the taxi license plate may be removed from the stand-by taxi and be re-attached to the taxi and the taxi may be returned to service.
- (7) A stand-by taxi may not be used as a taxi, including use as a taxi on delivery service, unless sections 26(3) and (4) have been complied with.
- (8) When a stand-by taxi is not required for use as a taxi, it may be used as a private vehicle.
- (9) It is an offence for any licensee to:
 - a) use a stand-by taxi as a taxi unless a taxi license plate is attached to it;
 - b) use a stand-by taxi or return a taxi to service without first having given the required notices.
- (10) For each breach of section 26(9) the License Inspector shall revoke one taxi license held by the offending licensee.

TRANSFER OF TAXI LICENSE PLATES

- 27 (1) Should a taxi licensee desire to transfer any taxi license plate to another person, such licensee shall deliver the taxi license plate to the License Inspector.
- (2) The proposed transferee of a taxi license plate shall make application to the License Inspector for the transfer of the taxi license plate in such form as may be required by the License Inspector and will provide such information as may reasonably be required by the License Inspector.

- (3) No transfer of a taxi license plate shall be approved unless:
- a) ¹ the taxi licensee proposing the transfer has been the holder of the taxi license plate for not less than the two consecutive years immediately prior to the date of the proposed transfer, unless the taxi licensee is proposing the transfer due to ill health, proof of which shall be supplied to the satisfaction of the License Inspector;"
 - b) the proposed transferee shall comply with the requirements of section 17; and
 - c) the proposed transferee has paid the fee required in Schedule "A".
 - (d) ²The fees listed in Schedule "A" may be reduced by pro-rata on a monthly basis for each month or partial month from the date the taxi license plate is first issued until December 31 of that year for any taxi licensee who has not obtained a License in the past.

DEATH OF TAXI LICENSEE

- 28 (1) The Executor of the estate, or if there is no Executor named under a will then the next of kin or personal representative of the deceased taxi licensee as designated by a Judge of the Surrogate Court of Alberta, may for a period of not more than 120 days after the date of death of the taxi licensee:
- (a) continue to operate the licensed taxi; and

¹ 3282/B-2008

² 3282/A-2015

- (b) exercise the powers of a taxi licensee to arrange for the transfer of the taxi and the taxi license plate set out in section 27.
- (2) If the taxi license plate is not transferred within the time period set out herein, the taxi license plate ceases to be valid and must be surrendered to the License Inspector.

LICENSING OF TAXI DRIVERS

- 29 (1) Any person who wishes to obtain a taxi driver's license or to renew such license, shall apply to the License Inspector, in writing in a form required by the License Inspector and signed by the applicant, including the following information:
- a) the full and correct name, address, and telephone number of the applicant;
 - b) the physical description of the applicant;
 - c)¹ Deleted;
 - d) a list of all convictions of the applicant for any offences under the laws of Canada or of any of its provinces, or territories, or country of origin before residing in Canada;
 - e) a declaration of any physical or medical disability of the applicant;
 - f) a list of all the provinces or territories in Canada in which the applicant has at any time been issued a license to drive a motor vehicle;

¹ 3282/A-2003

- g) evidence that the applicant is properly licensed to drive a motor vehicle under the laws of the Province of Alberta;
 - h)¹ the applicant's original driving abstract issued from the Motor Vehicles Branch of the Solicitor General's Office for the Province of Alberta or, if applicable, from any province or territory in which the applicant has formerly resided, dated within 45 days of the date of application;
 - i)² on initial application, or on subsequent applications when a taxi driver's license has lapsed for three months or has been revoked by the License Inspector, provide proof that the applicant has successfully completed a driver improvement course recognized by the City within 365 days prior to the date of application, or proof that the applicant will take the course within 30 days of the date of application."
 - j) the fee in the amount set out in Schedule "A".
 - (k) ¹The fees listed in Schedule "A" may be reduced by pro-rata on a monthly basis for each month or partial month from the date the taxi driver's license is first issued until December 31 of that year for any taxi licensee who has not obtained a License in the past.
- (2) Each taxi driver licensee shall inform the City in a timely manner of any change in the address and telephone number at which the licensee may be contacted during normal business hours.

¹ 3282/B-2008

² 3282/B-2008

~~30² A taxi driver's license shall be valid until January 31 in the year following the year in which it was issued.~~

30 A taxi driver's license is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.

31 (1) Each taxi driver when operating a taxi shall:

- a) prominently display his taxi driver's license in such a position inside the taxi so that it is clearly visible to all passengers in the taxi;
- b) be neatly dressed, clean, well behaved and courteous to passengers;
- c) not permit to be carried in his taxi, at any time, a greater number of passengers than the vehicle manufacturer's recommended seating capacity or the number of manufacturer's installed seatbelts, whichever is lesser;
- d) not demand payment of any fees or benefits not specifically authorized by this bylaw;
- e) after completion of every trip, inspect the taxi and, if he finds any article lost or left therein, deliver the same to the broker for return to the owner, if known. If the owner is not known, the broker shall deliver the article to the City Detachment of the R.C.M.P, who shall deal with the matter according to law. If unclaimed after 30 days, such article shall be returned to the broker for return to the taxi driver;

¹ 3282/A-2015

² 3282/A-2015

- f) unless otherwise directed by a passenger, drive passengers by the most direct practicable route to their destination; and
- g) whenever requested by a passenger, issue a receipt for the amount of the taxi fare paid by such passenger.

31 (2)¹ Each taxi driver shall inform the License Inspector in writing immediately of any change in the status of their Provincial Driver's License or of any health issues that may compromise their ability to drive a taxi."

TAXI METERS

32 The taxi meter in a taxi shall:

- a) automatically register the distance and the correct fee or charge in accordance with the tariff of fees specified in Schedule "B";
- b) be so installed and adjusted as to automatically operate while the taxi is under hire, whether the taxi is in motion or standing;
- c) be in such location as to be plainly visible to passengers in the taxi;
- d) be sealed as required by this bylaw;
- e) be installed in the taxi in such manner as the License Inspector may direct; and

¹ 3282/B-2008

- f) be so illuminated that the fare can be read at all times by a passenger in the front or rear seats of such taxi.

33 The taxi licensee shall produce all taxi meters to be inspected, tested for accuracy and registration, and sealed by the License Inspector before being used. The taxi licensee shall not less than once every 6 months thereafter or, upon the request of the License Inspector, produce all such taxi meters to the License Inspector for inspection and accuracy testing.

34¹ Where a taxi meter ceases to operate or register properly at a time when the office of the License Inspector is not open, the taxi licensee or taxi driver, upon driving the taxi to the office of the City Detachment of the R.C.M.P., may remove the seal from the meter, repair the meter and have the meter resealed by a peace officer. The taxi licensee shall present the taxi to the License Inspector for meter testing and resealing on the next day that the office of the License Inspector is open for business. Should the meter be found to be accurate, no charges shall be laid under this bylaw.

35 If a taxi meter is incorrectly recording the distance and corresponding charge or fee, the taxi licensee shall forthwith notify the License Inspector who shall cause such taxi meter to be reinspected and retested. If found to be defective, such taxi meter shall not be used until it is repaired, retested and resealed by the License Inspector.

2 Deleted

REGULATIONS RESPECTING TAXI CONDITIONS AND MECHANICAL FITNESS

36 A taxi licensee shall, once every 6 months following the issuance of the

¹ 3282/A-2002

² 3282/A-2007

taxi license plate, have a complete mechanical fitness inspection made of the taxi by a licensed mechanic and provide a Mechanical Fitness Report to the License Inspector.

37 (1)¹ If a Mechanical Fitness Report does not certify that a taxi is safe, fit and Suitable for such use, no person shall permit the taxi to be driven as a taxi unless and until all deficiencies have been corrected and repaired and a further Mechanical Fitness Report for such taxi confirming the repairs and certifying that it is safe, fit and suitable for use as a taxi has been delivered to the License Inspector.

37 (2)¹ Notwithstanding anything contained in section 37(1), no person shall permit any vehicle to be driven as a taxi if the vehicle is older than 13 model years, effective January 1, 2013. Exceptions may be authorized for wheelchair accessible vehicles only following a written request to and vehicle inspection by the License Inspector.”

38 The License Inspector may at any time require a taxi to be inspected by a Licensed Mechanic designated by the City, at such time and place as the License Inspector may designate and the taxi licensee shall deliver such taxi at the time and place so designed.

39 All costs of inspection of a taxi shall be paid for by the taxi licensee

40 No person shall obstruct or interfere with any inspection that may be required under this bylaw.

41 Upon completion of any inspection, a Mechanical Fitness Report, including confirmation of repairs made, shall be delivered forthwith to the License

¹ 3282/B-2008, 3282/A-2010

Inspector.

TAXI LICENSEE TO ENSURE TAXI CONDITION

- 42 (1) The taxi licensee shall at all times ensure that the taxi is clean, in good condition, and mechanically maintained so as to be safe and suitable for use as a taxi. Without limitation, this shall include general appearance of the vehicle both exterior and interior, windshield, body condition, and tires.
- (2) No taxi licensee shall operate or permit the operation of a vehicle if a licensed mechanic is unable to certify the vehicle as safe and suitable for use as a taxi.

BROKER TO ENSURE TAXI CONDITION

- 43 (1) The Broker shall at all times ensure that all taxis owned by or affiliated with him under his taxi broker's license are clean, in good condition, and mechanically maintained so as to be safe and suitable for use as a taxi.
- (2) No broker shall operate or permit the operation of a taxi if a licensed mechanic is unable to certify the taxi as safe and suitable for use as a taxi.

RECORDING OF TRIPS

- 44 Each driver shall keep or cause to be kept a record on a form approved by the License Inspector showing:
- a) the time and date when each customer is picked up;
 - b) the location at which each customer is picked up; and

¹ 3282/B-2008, 3282/A-2010

- c) the destination at which each customer is discharged.

INSPECTION OF DOCUMENTS

- 45 Each broker, taxi licensee and taxi driver shall, upon the demand of a peace officer, license inspector or bylaw enforcement officer produce any permit, identification card, registration card, license or other document which they may, from time to time, be required to have under this bylaw.

SCANNER

- 46 No broker or taxi licensee shall allow a radio scanner or any other device capable of monitoring the radio signals of any other broker or taxi licensee to be installed or carried in any taxi.

TAXI AND PLATE IDENTIFICATION NUMBER

- 47 The name and vehicle identification number of a taxi owned, operated or affiliated with a broker shall be prominently displayed on each taxi or its roof light in lettering not less than 2 inches in height to the satisfaction of the License Inspector. The vehicle identification number and the number of the taxi license plate affixed to the taxi must be the same.

CAR TOP AND WINDOW ADVERTISING

- 48 Subject to the approval of the License Inspector and the following, roof top advertising may be placed on taxis:
 - a) signs must be a commercially manufactured unit and approved by the License Inspector and may display advertising visible only from the sides of the vehicle;

- b) illumination of advertising shall not exceed 40 watts and shall be non-flashing;
- c) advertising messages shall not exceed 15 inches in height;
- d) advertising should be of good taste, subject to approval of the License Inspector;
- e) advertising signs shall display the word "taxi" visible to the front and rear of the taxi at least as prominent as the advertising;
- f) perforated vinyl window film advertising may be displayed on the rear side windows and rear window, subject to the approval of the License Inspector.

POWERS OF THE LICENSE INSPECTOR

49 The License Inspector is hereby authorized to:

- a) refuse to issue, renew or transfer any taxi broker's license where the applicant or broker does not, in the reasonable opinion of the License Inspector, comply with the requirements of this bylaw;
- b) revoke or suspend a taxi broker's license if, in the reasonable opinion of the License Inspector, the broker has not complied with the requirements of this bylaw or is breaching any provision of this bylaw;
- c) refuse to issue, renew or transfer any taxi license plate for any taxi which, in the opinion of the License Inspector, does not comply with the requirements of this bylaw;

- d) revoke or suspend a taxi license plate for any taxi which, in the opinion of the License Inspector, does not comply with the requirements of this bylaw;
- e) refuse to issue a taxi driver's license to any person or to renew a taxi driver's license issued to any person under this bylaw;
 - i) where that person has a driving record which, in the opinion of the License Inspector, makes him unfit to drive a taxi; or
 - ii) where the character, conduct or state of health of that person is such that he is, in the opinion of the License Inspector, unfit to drive a taxi;
- f) revoke or suspend a taxi driver's license:
 - i) where the taxi driver acquires a driving record which, in the opinion of the License Inspector, makes him unfit to drive a public conveyance; or
 - ii) where the character, conduct or state of health of the taxi driver becomes such that he is, in the opinion of the License Inspector, unfit to drive a public conveyance; or
 - iii) where the taxi driver does not, in the opinion of the License Inspector, comply with the requirements of this bylaw or is in breach of any provision of this bylaw; or
 - iv) where a taxi driver's license was issued to a person who is enrolled in an approved driver improvement course and such

person does not complete and pass such course within 30 days of the date of application for a license;

- g) revoke or suspend any license when, in the opinion of the License Inspector, the holder of that license has breached any provision of this bylaw;
- h) prescribe and authorize the forms, license and certificates to be used or issued under this bylaw.

50 A suspension of any license by the License Inspector may be:

- a) for a period of time not exceeding the unexpired term of the license;
or
- b) where the suspension is for non-compliance with this bylaw, until the requirements of the bylaw, in the opinion of the License Inspector have been met.

51 Any license issued under this bylaw may be revoked or suspended by the License Inspector for non-compliance with the requirements of this bylaw notwithstanding that the holder of the License has not been formally charged, prosecuted or convicted for a contravention of this bylaw.

POWERS OF PEACE OFFICERS

52 In addition to any other general powers he may have, a peace officer is authorized to:

- a) suspend a taxi license plate with respect to any taxi which does not, in the opinion of the peace officer comply with this bylaw, or is in

breach of any provision of this bylaw;

- b) suspend a taxi driver's license issued under this bylaw:
 - i) where the taxi driver has or obtains a driving record or conviction which, in the opinion of the peace officer, makes him unfit to drive a public conveyance; or
 - ii) where the character, conduct or state of health of the taxi driver is such or has become such that he is, in the opinion of the peace officer, unfit to drive a public conveyance; or
 - iii) where the taxi driver does not, in the opinion of the peace officer, comply with the requirements of this bylaw.

53 Where a taxi license plate or a taxi driver's license is suspended by a peace officer, the peace officer shall, as soon as practical, forward notification of the suspension and the reasons therefor to the License Inspector.

54 The suspension of a taxi license plate or a taxi driver's license by a peace officer shall not exceed 72 hours, unless otherwise permitted by law.

APPEAL

55¹ Any decision of the License Inspector under section 50 of this bylaw may be appealed to the Red Deer Appeal & Review Board by the broker, licensee, or driver in accordance with the relevant procedures as outlined in The City of Red Deer Committees Bylaw.

¹ 3282/A-2007, 3282/A-2009

RATES

- 56 (1) The fees to be charged passengers carried in taxis in the City are those set out on Schedule "B" annexed hereto and made part of this bylaw.
- (2) No taxi licensee or taxi driver or any other person shall charge or collect a greater or lesser amount than is specified in Schedule "B".

OFFENCES AND PENALTIES

- 57¹ No Person shall carry on a taxi business without being an Independent Owner/Operator or the holder of a valid and subsisting taxi broker's license.
- 58 No person shall operate or permit a motor vehicle to be operated as a taxi unless a taxi license plate has been issued for that motor vehicle.
- 59 No person shall operate or permit the operation of a taxi bearing registered identification colours of a broker unless that vehicle is owned or operated by that broker or unless the owner of the vehicle is affiliated with that broker.
- 60² (1) No broker or taxi licensee shall, either directly or indirectly, permit any person to drive a taxi unless that person is the holder of a subsisting taxi driver's license.
- (2)¹ Notwithstanding Section 60 (1), a mechanic or any person in his/her employment may drive a taxi while engaged in repairs or routine maintenance of the taxi without holding a subsisting taxi drivers license.

¹ 3282/A-2010

² 3282/A-2004

- 61 No taxi licensee shall permit any taxi license plate to be attached to, or be used in connection with any motor vehicle other than the taxi for which the taxi license plate was issued.
- 62 No taxi licensee shall allow or permit the operation of a taxi when that taxi does not comply with this bylaw.
- 63 No taxi licensee shall allow or permit a taxi to be operated when the taxi meter fails to comply with any of the requirements of this bylaw.
- 64 Subject to section 34, no taxi licensee shall allow or permit a taxi to be operated unless the seal placed on the taxi meter is unbroken.
- 65 No person shall drive a taxi within the City without being the holder of a subsisting taxi driver's license.
- 66² No person shall drive a wheelchair accessible vehicle taxi within the City of Red Deer without being the holder of a valid and subsisting taxi driver's license."
- 67 It is an offence to fail to provide priority for the use of wheelchair accessible vehicle taxis to persons with physical disabilities who are in wheelchairs.
- 68 No person shall supply false or misleading information in an application for any license, permit, Mechanical Fitness Report, certificate or other document submitted or filed with the License Inspector.

¹ 3282/A-2007

² 3282/B-2008

- 69² No broker, taxi licensee or person operating any taxi shall display or allow the display of any advertising material upon the taxi other than as required or permitted by sections 48 and 49.1
- 70³ Any person who contravenes Sections 11, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, and 69, of this bylaw is guilty of an offence and liable upon summary conviction to a fine as specified in Schedule "C" of this bylaw and, in default of payment thereof, to imprisonment for a period not exceeding six months."
- 71 Any person who contravenes any other provision or requirement of this bylaw shall be guilty of an offence and shall pay a specified penalty of \$110.00.
- 72 Any peace officer, license inspector or bylaw enforcement officer who has reasonable grounds to believe that any person has contravened any provision of this bylaw shall:
- a) ¹ in the case of a contravention set out in section 71, serve upon such person a summons requiring the individual to appear in court;
 - b) in all other instances, serve upon such person an offence ticket allowing for the payment of the specified penalty to the City in lieu of prosecution for the offence.
- 73 Bylaw No. 3076/92 is hereby repealed.

² 3282/A-2007

³ 3282/B-2008

²TRANSITIONAL

74 The following provisions apply to any license issued under this bylaw in 2015:

- (a) For licenses issued after May 1, 2015, the license fees set out in Schedule "A" shall be reduced pro-rata on a monthly basis for each month or partial month from the date the license is first issued until December 31;
- (b) For licenses issued before May 1, 2015, provided the Licensee has paid the fee for a license which was to be valid for 12 months, the license will expire on December 31, 2015 and the Licensee shall receive a pro-rated credit for all remaining months or partial months which, at the Licensee's discretion may be applied to the Licensee's 2016 license fees or refunded to the Licensee.

READ A FIRST TIME IN OPEN COUNCIL this 18th day of June 2001.

READ A SECOND TIME IN OPEN COUNCIL this 18th day of June 2001.

READ A THIRD TIME IN OPEN COUNCIL this 18th day of June 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this 18th day of June 2001.

"G.D. Surkan"

"Kelly Kloss"

MAYOR

CITY CLERK

¹ 3282/A-2007

² 3282/A-2015

SCHEDULE "A"

¹ANNUAL LICENSE FEES

Page 1 of 1

The Taxi Business Bylaw Annual License Fees shall be as provided for in City Council Policy 4415-C Taxi Business Fees and Metered Fare Rates.”

¹ 3282/B-2008

¹SCHEDULE "B"

The Taxi Business Bylaw Metered Fare Rates shall be as provided for in City Council Policy 4415-C Taxi Business Metered Fare Rates."

¹ 3282/B-2008

¹ **“SCHEDULE “C”****PENALTIES**

Section	Description	First Offence	Second Offence	Third Offence
11	Broker failing to provide seven days a week, 24 hours a day taxi service	\$250	\$500	\$750
58	Operating a taxi without a taxi license plate	\$750	\$1,000	\$1,250
59	Operating a taxi bearing the colors of a broker without affiliation with that broker	\$250	\$500	\$750
60(1)	Permitting, as a broker or licensee, a person without a taxi driver's license to drive a taxi	\$500	\$750	\$1,000
61	Permitting a taxi license plate to be attached to a vehicle other than that for which the taxi license plate was issued	\$500	\$750	\$1,000
62	Permitting the operation of a taxi that does not comply with the bylaw	\$500	\$750	\$1,000
63	Permitting a taxi to be operated when the taxi meter does not comply with the bylaw	\$250	\$500	\$750
64	Permitting a taxi to be operated with a broken seal on the taxi meter	\$500	\$750	\$1,000
65	Driving a taxi without a taxi driver's license	\$1,000	\$1,500	\$2,000
66	Driving a wheelchair accessible vehicle taxi without a taxi driver's license	\$1,000	\$1,500	\$2,000
67	Failing to provide priority to persons in wheelchairs to use wheelchair accessible vehicle taxis	\$750	\$1,000	\$1,250

¹ 3282/B-2008

68	Supplying false or misleading information to the License Inspector	\$750	\$1,000	\$1,250
69	Displaying advertising that does not comply with the bylaw	\$250	\$500	\$750

In all other respects, Bylaw No. 3282/2001 is hereby ratified and confirmed.

**PROPOSED
AMENDMENT****BYLAW NO. 3282/A-2015**

Being a Bylaw to amend Bylaw No. 3282/2001 The Taxi Business Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3282/2001 is hereby amended as follows:

1. By renumbering section 2.1(4) to 2.1(4)(a).

2. By adding section 2.1(4)(b) as follows:

“2.1 4(b) The fees listed in Schedule “A” may be reduced by pro-rata on a monthly basis for each month or partial month from the date the taxi license plate is first issued until December 31 of that year for any Independent Owner/Operator who has not obtained a taxi license plate in the past.”

3. By deleting section 6 in its entirety and replacing it as follows:

“APPLICATIONS AND RENEWALS – BROKER’S LICENSES

- 6 (1) An application for a new broker’s license may be made at any time during the year. In all cases, the application shall include:
- a) payment of the fee required in Schedule “A”;
 - b) proof that the applicant qualifies for a taxi broker’s license under section 3(1)(a);
 - c) the list of the motor vehicles required under section 3(1)(c); and
 - d) the fees listed in Schedule “A” may be reduced by pro-rata on a monthly basis for each month or partial month from the date the Broker’s License is first issued until December 31 of that year for any Broker who has not obtained a License in the past.
- (2) A renewal application for a broker’s license issued under this bylaw shall be made no later than December 31. If a renewal application is not received by December 31, the license will be deemed expired and a new application will be required.
- (3) A taxi broker’s license is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued. ”

4. By deleting section 7(1) in its entirety and renumbering 7(2) to 7.
5. By deleting section 15(4) in its entirety and replacing it as follows:

“15 (4) A qualified applicant who holds a taxi license plate or plates in the expiring year shall be entitled, on application to be made on or before December 31 of the expiring year, to receive the same number of taxi license plates for the upcoming year in priority to new applicants. Thereafter, if additional taxi license plates are still available, and there are more qualified applicants, the allocation of those license plates shall be determined by a random draw conducted by the License Inspector in the last week of August of each year.”
6. By deleting section 15(6) in its entirety and replacing it as follows:

“15 (6) A qualified applicant who holds a wheelchair accessible vehicle taxi license plate or plates in the expiring year shall be entitled, on application to be made on or before December 31 of the expiring year, to receive the same number of wheelchair accessible vehicle taxi license plates for the upcoming year in priority to new applicants. Thereafter, if additional wheelchair accessible vehicle taxi license plates are still available, the allocation of those wheelchair accessible vehicle license plates shall be determined by an evaluation of proposals received by the License Inspector on or before August 1. The proposals shall be evaluated based on preset criteria established by the License Inspector from time to time.”
7. By deleting section 22 in its entirety and replacing it as follows:

“22 A taxi license plate is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued.”
8. By adding a new section 27(3)(d) as follows:

“27 (3)(d) The fees listed in Schedule “A” may be reduced by pro-rata on a monthly basis for each month or partial month from the date the taxi license plate is first issued until December 31 of that year for any taxi licensee who has not obtained a License in the past.
9. By adding a new section 29(1)(k) as follows:

“29 (1)(k) The fees listed in Schedule “A” may be reduced by pro-rata on a monthly basis for each month or partial month from the date the taxi driver’s license

10. By deleting section 30 in its entirety and replacing it as follows:

11. By adding a new section 74 as follows:

74 The following provisions apply to any license issued under this bylaw in 2015:

12. These amendments shall come into force on May 1, 2015.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2015.

CITY CLERK

**STRIKETHROUGH
VERSION**

BYLAW NO. 3332/2004

Being A Bylaw to Regulate and License Drinking Establishments in Red Deer.

WHEREAS Council has the authority to pass bylaws for municipal purposes respecting:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) people, activities and things in, on or near a public place or place that is open to the public;
- (c) the regulation of businesses, business activities and persons engaged in business; and
- (d) for the licensing of businesses.

AND WHEREAS the operation of Drinking Establishments in the City of Red Deer has resulted in a significant increase in problems associated with the use of Drinking Establishments by patrons, including disorderly conduct, violent altercations in the street, breaches of traffic and parking regulations, vandalism, littering, noise, and other disturbances of the peace;

AND WHEREAS the City of Red Deer has incurred substantial additional expense in order to deal with these problems, including increased costs relating to policing, bylaw enforcement, and street cleaning;

AND WHEREAS Council deems it advisable to enact a bylaw to provide for the licensing and regulation of Drinking Establishments so as to minimize their adverse impacts upon the community and so as to protect public safety;

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

- 1 This bylaw may be referred to as the "Drinking Establishment Licensing Bylaw".

Definitions

- 2 In this bylaw, the following words shall have the following meanings:

- (a) **"Drinking Establishment"** means a business the primary purpose of which is the sale of alcoholic beverages for consumption on the premises in which the business is located and the secondary purposes of which may include entertainment, dancing, music, the preparation and sale of food for consumption on the premises, take-out food services, the sale of alcoholic beverages for consumption away from the premises, and entertainment. A Drinking Establishment includes any premises in respect of which a "Class A"

Liquor License has been issued by the Alberta Gaming and Liquor Commission and where the terms of the license prohibit minors.

- (b) **“Licence Inspector”** means the City employee occupying the position of License Inspector or any other person designated by the Inspections and Licensing Manager to perform the duties of that position.

License Required

- 3 No person shall operate a Drinking Establishment without being in possession of a valid license issued by the City of Red Deer under this bylaw.

Application for License

- 4 A person wishing to obtain a license for a Drinking Establishment may apply to the City Inspections and Licensing Department by paying the applicable license fee and by submitting an application in the form established by the Inspections and Licensing Manager from time to time and containing the following information:

- (a) the full names and addresses of the following persons:
 - (i) the owner of the Drinking Establishment business (“applicant”);
 - (ii) where the owner is a corporate entity, the directors and shareholders of the corporation;
 - (iii) where the owner is a partnership, the individual partners or the individual directors and shareholders of the corporate members of the partnership, whichever is applicable;
 - (iv) the manager of the Drinking Establishment.
- (b) the name and address of the registered owner of the premises in which the Drinking Establishment is or will be located; and
- (c) a description of the usual types of events to be held at the Drinking Establishment, including the hours of operation and the method by which admission (if any) will be charged.

Duty to Advise of Change in Information

- 5 A licensee must advise the City of any changes in the information required under section 4:
- (a) on an application to renew its license; and
 - (b) during the currency of any license, within 30 days of any change to such information.

Consultation and Approvals

- 6¹ (a) The Inspections & Licensing Manager may consult with agencies such as the RCMP; and Alberta Gaming and Liquor Commission to determine whether they are in possession of information which, in the opinion of the Inspections & Licensing Manager, renders it inappropriate for an applicant to be issued a license.
- (b) The Inspections & Licensing Manager may determine that it is inappropriate to issue or renew a license to an applicant where the safety, health or welfare of the public may be at risk due to the issuance or renewal of a license.

License Fee

- 7² 3^(a) A Drinking Establishment shall pay an annual non-refundable fee as specified in Schedule "A" based on the size of the establishment. For this purpose, the size of the establishment shall be determined by the occupancy load or maximum number of persons entitled to be in the establishment at any one time as specified in the Occupancy Permit issued by the City of Red Deer for such establishment ("occupancy load").
- (b) ⁴The fees listed in Schedule "A" may be reduced by pro-rata on a monthly basis for each month or partial month from the date the License is first issued until December 31 of that year for any Licensee who has not obtained a License in the past.

Duration of License

- 8 (a) ~~⁵Every Drinking Establishment license is valid for a period of 12 months from the date that it is issued unless sooner suspended or revoked.~~
- (a) Every Drinking Establishment license is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued, unless sooner suspended or revoked.
- (b)⁶ Subject to Section 6 (b), a licensee shall be entitled to renew its license from year to year, provided that the licensee completes the renewal documentation prescribed by The City, pays the license fee and otherwise complies with the requirements of this bylaw.

¹ 3332/B-2012

² 3332/B-2012

³ 3332/A-2015

⁴ 3332/A-2015

⁵ 3332/A-2015

⁶ 3332/B-2012

Mandatory Requirements

9 The owner and manager of a Drinking Establishment must:

- (a) adhere to the provisions of all bylaws, enactments or regulations which apply to the Drinking Establishment, including the Alberta Building Code and the Alberta Fire Code;
- (b) maintain in place a plan to the reasonable satisfaction of the Inspections and Licensing Manager which includes provisions for:
 - (i) first aid for patrons of the establishment; and
 - (ii) outside inspection and clean up in the vicinity of the Drinking Establishment during and after the hours of operation.
- (c) display the Drinking Establishment license in a prominent location;
- (d) require its manager and staff, on the request of a member of the RCMP, a license inspector or a bylaw enforcement officer, to:
 - (i) assist the member of the RCMP, license inspector or bylaw enforcement officer in carrying out an inspection of the premises, and
 - (ii) point out the location of the Drinking Establishment license so that it may be examined.

Conditions Attached to License

10 Where events have occurred in connection with the operation of a Drinking Establishment that put at risk the safety, health, welfare or property of members of the public or of the patrons or employees of the Drinking Establishment, whether prior to the enactment of this bylaw, or during the currency of a license, the Inspections and Licensing Manager may include in the license for that Drinking Establishment specific conditions which are intended to deal with that risk, including conditions respecting the following matters:

- (a) the number and qualifications of security personnel who must be available at the Drinking Establishment;
- (b) the procedures required to be in place to address emergency medical and security concerns;
- (c) noise abatement measures which must be made to ensure noise outside or within the venue is minimized;

- (d) requirements that the owner and manager install and maintain a system of video camera surveillance, including specific requirements as to the number and type of cameras, their location and hours of operation, and the procedures governing the retention of copies of video tapes or other visual surveillance recordings;
- (e) a requirement that the owner and manager install, maintain and operate an airport-style metal detecting security gate of a model and type and in a manner specified by the Inspections and Licensing Manager, for the purpose of identifying and barring entry to anyone carrying metal weapons;
- (f) a requirement that the owner enter into an agreement specifying the conditions set out herein, including such additional conditions as may be required by the Inspections and Licensing Manager pursuant to the provisions of subparagraph (g). Such agreement may, but need not, set out the terms and provisions which will give rise to a revocation or suspension of any license granted under this Bylaw; and
- (g) such additional conditions consistent with the foregoing requirements, as are, in the opinion of the Inspections and Licensing Manager, reasonably necessary to protect the safety, health, welfare, and property of the patrons and employees of the Drinking Establishment;

Revocation or Suspension of License

11 The Inspections and Licensing Manager may suspend any license granted under this bylaw where:

- (a) the applicant has been charged with an offence under or fails to comply with any bylaw of the City including this bylaw;
- (b) the applicant has provided false or misleading information in his or her application;
- (c) the applicant breaches any condition of a license granted under this bylaw;
- (d) the applicant or any of the officers, agents or employees of the Drinking Establishment denies entry to the premises of the Drinking Establishment by a member of the RCMP, a License Inspector or a bylaw enforcement officer exercising powers of inspection under section 18 of this Bylaw;
- (e)¹ it appears to the Inspections and Licensing Manager that the operation of the Drinking Establishment has resulted in a breach of the peace or of the Community Standards Bylaw.

¹ 3332/A-2009

12. The Inspections and Licensing Manager may suspend a license for non-compliance either with this Bylaw or with a condition of the license, until the requirements of this bylaw or of the condition of the license have been met, or until the Inspections and Licensing Manager is reasonably satisfied that appropriate measures have been taken to prevent a recurrence of the non-compliance.
13. The Inspections and Licensing Manager may permanently revoke a license where:
 - (a) in the reasonable opinion of the Inspections and Licensing Manager, the continued operation of the establishment would endanger the safety, health or welfare of the public; or
 - (b) the license has been suspended once and grounds exist under section 10 to suspend the license for a second time within a period of 24 months.
14. A suspension or revocation of a license shall not be effective until:
 - (a) the Inspections & Licensing Manager has given 7 days written notice to the Licensee of the proposed suspension or revocation; and
 - (b) the Licensee has not appealed the proposed suspension or revocation or, having filed an appeal, until 7 days after the appeal has been dealt with as hereinafter specified and the Appeal Committee has denied such appeal.
- 15¹ A Licensee may appeal:
 - (a) a condition of its license;
 - (b) the proposed suspension or revocation of its license; or
 - (c) a refusal to issue or renew a license

by filing an appeal with Legislative & Administrative Services, within 14 days of the date it receives notice of the condition, the suspension or revocation or the refusal, in accordance with the relevant procedures as outlined in The City of Red Deer Committees Bylaw.
- 16² Deleted

¹ 3332/A-2009

² 3332/A-2009

17¹ Where the Red Deer Appeals & Review Board decides that the Inspections and Licensing Manager wrongly failed to issue or renew a license, the Inspections and Licensing Manager shall issue or renew the license, subject to any conditions imposed pursuant to section 9.

²18³ Deleted

Inspection of premises and facilities

19 A License Inspector, bylaw enforcement officer or member of the RCMP may enter and inspect the premises of any licensed Drinking Establishment at any reasonable time, including during its hours of operation:

- (a) to determine if the facilities meet the requirements of this bylaw, other applicable bylaws of the City or any other laws or regulations which the license inspector, bylaw enforcement officer or member of the RCMP is authorized to enforce;
- (b) to ensure that the licensee is complying with the requirements of this bylaw, the conditions attached to a license issued under this bylaw and other applicable bylaws of the City or any other laws or regulations which the license inspector, bylaw enforcement officer or member of the RCMP is authorized to enforce;
- (c) in the case of a facility whose Drinking Establishment license has been suspended, to examine the premises to determine whether the conditions leading to the suspension of the license have been corrected.

Obstruction of Inspector

20 No person may hinder, obstruct or impede a license inspector, bylaw enforcement officer or member of the RCMP in the performance of his or her duties or in the exercise of his or her powers of inspection under this bylaw.

Offences

21 It is an offence for the owner or manager of a Drinking Establishment to fail to comply with or to breach any term or condition of a license granted hereunder.

22⁴ (a) A person who contravenes or fails to comply with any provision of this bylaw is guilty of an offence and liable upon summary conviction to the specified penalty of \$500.00 for a first offence, \$1,000.00 for a second offence and \$1,500.00 for a third or subsequent offence, and in default of payment of any penalty, to imprisonment for up to 6 months.

¹ 3332/A-2009

² 3332/A-2006

³ 3332/A-2009

⁴ 3332/A-2012

- (b) Where a peace officer or bylaw enforcement officer reasonably believes that a person has contravened any provision of this bylaw, the peace officer or bylaw enforcement officer may, in addition to any other remedy at law, serve upon the person a municipal ticket, in the form used by the City, allowing payment of the penalty as set out in section 21(a) of this bylaw for the particular offence, which payment will be accepted by the City in lieu of prosecution of the offence, or, a peace officer or bylaw enforcement officer may issue a violation ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, allowing a voluntary payment of the penalty as set out in section 21(a) of this bylaw, or, requiring a person to appear in court without the alternative of making a voluntary payment. The recording of the payment of a penalty made to the City or the Provincial Court of Alberta shall constitute an acceptance of a guilty plea and conviction for the offence.
- (c) Any peace officer or bylaw enforcement officer who reasonably believes that a person has contravened any provision of this bylaw may seize and take possession of any licenses where the same are revoked or suspended, or otherwise required to be returned to the City.
- (d) Any person who contravenes the same provision of this bylaw within twelve months after the date of the first contravention, is liable to the specified penalties for such second, third or subsequent offence in the amount set out in section 21(a) of this bylaw.
- (e) A person who breaches any of the provisions of this bylaw where the breach is of a continuing nature, shall, in addition to the penalty set forth in section 21(a), pay a penalty of \$500.00 for each day that the breach continues.
- (f) This section shall not prevent any peace officer or bylaw enforcement officer from issuing a violation ticket pursuant to the provisions of the *Provincial Offences Procedure Act*, without first issuing a municipal ticket.
- (g) If a person is found guilty of an offence under this bylaw, and the conduct giving rise to the offence involves the non-payment of a fee which remains unpaid, the court shall, in addition to any other penalty imposed, impose a penalty equivalent to the amount of the unpaid fee.
- (h) If a person is found guilty of an offence under this bylaw, the court may, in addition to any other penalty imposed, order the person to comply with this bylaw.

General

- 23¹ A License issued pursuant to this bylaw is the property of the City and may not be transferred.
- 24² No License may be issued or renewed if the applicant, or any individual or corporation named in the application, has an unpaid fine owing to the City for an offence under this bylaw.
- 25³ A copy of a record of the City, certified by the Inspections and Licensing Manager as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
- 26⁴ In any prosecution for an offence, where a question arises as to whether a person had a valid and subsisting License, the burden is on that person to establish that the License was valid and subsisting.

Severability

- 27⁵ The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.

Transitional

- 28⁶ Notwithstanding anything in this Bylaw, a Drinking Establishment in existence as at the date of this Bylaw shall not be guilty of the offence of not having a license, provided that the Drinking Establishment is in possession of a license by noon of Friday, August 13, 2004.

- ⁷29 The following provisions apply to any license issued under this bylaw in 2015:

- a) For licenses issued after May 1, 2015, the license fees set out in Schedule "A" shall be reduced pro-rata on a monthly basis for each month or partial month from the date the license is first issued until December 31;
- b) For licenses issued before May 1, 2015, provided the licensee has paid the fee for a license which was to be valid for 12 months, the license will expire on December 31, 2015 and the licensee shall receive a pro-rated credit for all remaining months or partial months which, at the licensee's

¹ 3332/A-2012

² 3332/A-2012

³ 3332/A-2012

⁴ 3332/A-2012

⁵ 3332/A-2012

⁶ 3332/A-2012

⁷ 3332/A-2015

discretion may be applied to the licensee's 2016 license fees or refunded to the licensee

Effective Date

~~¹29²—This Bylaw shall come into effect on third reading.~~

READ A FIRST TIME IN OPEN COUNCIL this 17th day of May 2004

READ A SECOND TIME IN OPEN COUNCIL this 17th day of May 2004

READ A THIRD TIME IN OPEN COUNCIL this 14th day of June 2004

AND SIGNED BY THE MAYOR AND CITY CLERK this 14th day of June 2004

"G.D. Surkan"

MAYOR

"Kelly Kloss"

CITY CLERK

¹ 3332/A-2015

² 3332/A-2012

SCHEDULE "A"
DRINKING ESTABLISHMENT LICENSE FEES

- | | | |
|----|--|------------|
| 1. | Drinking Establishment (Occupancy limit 1 - 299) | \$ 100.00 |
| 2. | Drinking Establishment (Occupancy limit 300 - 499) | \$1,000.00 |
| 3. | Drinking Establishment (Occupancy limit 500 +) | \$5,000.00 |

**PROPOSED
AMENDMENT****BYLAW NO. 3332/A-2015**

Being a Bylaw to amend Bylaw No. 3332/2004 The Drinking Establishment Licensing Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3332/2004 is hereby amended as follows:

1. By renumbering section 7 to section 7(a).

2. By adding a new section 7(b) as follows:

“7 (b) The fees listed in Schedule “A” may be reduced by pro-rata on a monthly basis for each month or partial month from the date the License is first issued until December 31 of that year for any Licensee who has not obtained a License in the past.”

3. By removing section 8(a) in its entirety and replacing it as follows:

“8 (a) Every Drinking Establishment license is valid for a calendar year, or portion thereof remaining, and shall expire on December 31 of the year in which it was issued, unless sooner suspended or revoked.”

4. By deleting section 29 in its entirety and replacing it as follows:

“29 The following provisions apply to any license issued under this bylaw in 2015:

- (a) For licenses issued after May 1, 2015, the license fees set out in Schedule “A” shall be reduced pro-rata on a monthly basis for each month or partial month from the date the license is first issued until December 31;
- (b) For licenses issued before May 1, 2015, provided the licensee has paid the fee for a license which was to be valid for 12 months, the license will expire on December 31, 2015 and the licensee shall receive a pro-rated credit for all remaining months or partial months which, at the licensee’s discretion may be applied to the licensee’s 2016 license fees or refunded to the licensee.”

5. These amendments shall come into force on May 1, 2015.

READ A FIRST TIME IN COUNCIL this day of 2015.

READ A SECOND TIME IN COUNCIL this day of 2015.

READ A THIRD TIME IN COUNCIL this day of 2015.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2015.

MAYOR

CITY CLERK

FILE COPY

DATE: March 19, 2015

TO: Erin Stuart, Acting Inspections and Licensing Manager

FROM: Frieda McDougall, Legislative Services Manager

SUBJECT: Bylaw Amendments Related to Enterprise
Business Applications
Consideration of First Reading of the Bylaw

Reference Report:

Inspections and Licensing, dated March 3, 2015.

Bylaw Reading

At the Monday, March 16, 2015 Regular Council Meeting, Council gave first reading to That License Bylaw 3159/B-2015, The Escort Service Bylaw 3319/A-2015, The Limousine and Sedan Bylaw 3394/A-2015, The Taxi Business Bylaw 3282/A-2015, and The Drinking Establishment Licensing Bylaw 3332/A-2015 – amendments to provide process and customer service improvements within the Enterprise Business Application.

Report back to Council: Yes

Comments/Further Action:

These bylaws will come back to the March 30, 2015 Regular Council Meeting for consideration of Second and Third Readings.



Frieda McDougall
Manager

- c. Corporate Meeting Coordinator
T. Lodewyk, Acting Director of Planning Services



March 06, 2015

Fees and Charges Governance Process Policy

Corporate Services Division

Report Summary & Recommendation:

Over the past two years a Fees and Charges Evaluation Project Team has been working diligently to develop a consistent and standardized approach to user fees through an organizational policy that provides a transparent and accountable decision-making structure for both Council and Administration to follow.

It is recommended, The City of Red Deer adopts a well-balanced framework which incorporates and represents the importance and influence of each of the 3 core bases;

- Understanding the cost to provide the goods or services;
- Understanding the benefit of providing the goods or services and
- Understanding there are important market factors that must be considered

On March 3rd, at Governance and Process Committee, Council passed the following resolution;

“Resolved that the Governance & Policy Committee, having considered the Fees and Charges presentation and policy dated March 3, 2015 presented by Administration, hereby endorses the Fees and Charges Policy as presented and forwards this to Council for consideration.”

On March 16th, 2015 Council will be asked to adopt new Fees and Charges Governance Process Policy GP-F-2.5. This will be the first step in formalizing a new standardized practice within The City of Red Deer for evaluating and establishing user fees and charges for goods and services.

City Manager Comments:

I support the recommendation of Administration.

Craig Curtis
City Manager

Proposed Resolution

Resolved that Council of City of Red Deer, having considered the report from Corporate Services re: Fees and Charges Governance Process Policy, dated March 06, 2015, hereby adopts Council Governance Process Policy GP-F-2.5: Fees and Charges as presented.



Report Details

Background:

The fees and charges review project was initiated in 2012 as a tactic contributing to the Financial Sustainability strategy under the Effectiveness Charter.

PURPOSE

The project purpose is to successfully develop a consistent and standardized approach to user fees through an organizational policy that provides a transparent and accountable decision making structure for both Council and Administration to follow.

GUIDING PRINCIPLES

Back in February 2013; Council provided the project guiding principles to support the development and design of the review. The principles reviewed:

- Benefits
- Cost
- Management of Public Assets
- Allocation of Resource
- Property Tax or General Tax-Supported
- Tax-supported subsidy for individuals

SCOPE

This project was to review the evaluation process of establishing and updating fees and charges within the City excluding utilities, fines, penalties and internal transfers.

RESEARCH

Generally speaking, our research concluded that most public sector fee structures are classically built on one of the following three bases:

- Benefits based systems – where services and programs are evaluated for their contribution to the overall good and are ranked against one another. These systems typically end up with heavy subsidization rates.
- Cost based systems – where some form of cost recovery modelling is created, typically resulting in charging all users the same rates, regardless of cost. These types of systems often assume that the service types provide equal benefit values.
- Market based systems – these systems heavily rely on research around what consumers are willing to pay for a service and what the demand levels are for a particular service. This system most closely aligns with private sector pricing models.

GOVERNANCE

- Establishing fees and charges starts and stops with Council.
- Council defines the evaluation framework and the City's purposes as a foundation to the Community Benefit Tool.



- Council will ultimately approve fees and charges within the Enterprise Business Planning process.
- Council has the authority and accountability to determine what business we should be in, at what service level and finally at what price.

A number of engagement sessions and workshops have been held over the past 2 years, leading us to the development of a policy suite for implementation of the new proposed evaluation program.

On March 3, 2015 Council was presented with a preliminary draft Governance Process Policy for Fees and Charges.

Proposed Fees and Charges Evaluation Framework

It is recommended, The City of Red Deer adopts a well-balanced framework which incorporates and represents the importance and influence of each of the 3 core bases;

- Understanding the cost to provide the goods or services;
- Understanding the benefit of providing the goods or services and
- Understanding there are important market factors that must be considered.

SUSTAINABILITY

In order to ensure consistent monitoring and evaluation of the city's fees; a reoccurring monitoring schedule be developed that would ensure that a fee would be reviewed regularly.

POLICY SUITE

The Review has resulted in a recommendation from the project team, of a policy suite being implemented within The City of Red Deer to accommodate the many facets of this work as follows:

- A Council Governance Process Policy
- A Fees and Charges Bylaw
- Corporate Policy /Procedures

TRANSITION CONSIDERATIONS

Once Council policy is endorsed, Administration will continue to finalize a formal transition plan, the plan will be developed with members of the Corporate and Operational Leadership Teams as well as the Divisional Controllers.

It is anticipated that to complete the inaugural cycle of implementation it will likely take us 4 budget cycles to review all existing fees, It is critical that much of this work is strategically aligned with other priorities within the organization to mitigate resource capacity strains to the best of our abilities.

During the transition it is feasible that we may continue to see proposed fee increases following CPI.

	Council Policy	
	Fees & Charges	
	Policy Type:	GOVERNANCE PROCESS GP-F-2.5

Council will establish fees and charges to enable accessibility and to create equity for citizens, and to support long-term financial sustainability, ensuring the protection of The City's financial interests.

1. Fees and Charges are:

- 1.1. Fair and equitable, ensuring those who benefit from consumption of a good or service, contribute to some or all of the cost recovery of the benefit;
- 1.2. Defensible in that data is available to support the fee or charge;
- 1.3. Clear, understandable, transparent and standardized;
- 1.4. In alignment with regulatory and/or legislated requirements;
- 1.5. Presented for approval on a regular cyclical basis; and
- 1.6. Able to be phased-in to minimize impact to customers.

2. The following are considered when establishing fees and charges for City services:

2.1. Community Benefit:

- 2.1.1. Is representative of the benefit to society at large, derived from an individual's consumption of a good or service as a way of assessing application of potential subsidization.

2.2. Full Cost Accounting:

- 2.2.1. Uses the estimated total cost of providing the good or service as the starting point for the fee calculation.

2.3. Market and Consumer Analysis:

- 2.3.1. Takes into account the dynamics of comparable markets with similar products or services.

3. In addition to the preceding considerations, utility consumer rates will also:

- 3.1. Adhere to generally accepted rate making standards.

Document History

Policy Adopted	
----------------	--

DATE: March 19, 2015
TO: Tricia Hercina, Divisional Strategist
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Fees and Charges Governance Process Policy

Reference Report:

Corporate Services, dated March 6, 2015.

Resolution:

At the Monday, March 16, 2015 Regular Council Meeting, Council passed the following Resolution:

Resolved that Council of City of Red Deer, having considered the report from Corporate Services re: Fees and Charges Governance Process Policy, dated March 06, 2015, hereby adopts Council Governance Process Policy GP-F-2.5: Fees and Charges as presented.

Report back to Council: No



Frieda McDougall
Manager

- c. P. Goranson, Director of Corporate Services
D. Krejci, Chief Financial Officer



March 09, 2015

Partial Road Closure Bylaw 3538/2015

Land Use Bylaw Amendment 3357/B-2015

Consideration of Second & Third Reading

Legislative Services

Report Summary & Recommendation:

Summary:

The attached report is being brought forward from the Monday, February 23, 2015 Council Meeting.

Recommendation:

That Council consider giving second and third readings to Partial Road Closure Bylaw 3538/2015, a bylaw to close approximately 0.13 hectares (0.32 acres) from Road Plan 122 3002 and approximately 0.09 hectares (0.22 acres) from the balance of the NE ¼ Sec 26; 38-27-W4M.

That Council also consider giving second and third readings to Land Use Bylaw Amendment 3357/B-2015, a bylaw to redesignate the closed portion of road to the A1 – Future Urban Development District.

The partial road closure and redesignation will facilitate the provision of utility infrastructure on the north east sector of Red Deer, which is necessary for future urban development in this area.

Report Details

Background:

At the Monday, February 23, 2015 Council Meeting, Council gave first reading to Partial Road Closure Bylaw 3538/2015 and Land Use Bylaw Amendment 3357/B-2015.

In accordance with Section 606 of the Municipal Government Act, these bylaws are required to be advertised for two consecutive weeks. Advertisements were placed in the Red Deer Advocate on February 27, 2015 and March 06, 2015 with no comments being received. A Public Hearing will be held on Monday, March 16, 2015 at 6:00 p.m. during Council's regular meeting. Letters were sent to the owners of properties in the affected area.



Original Report Submitted to
the February 23, 2015 City
Council Meeting

January 19, 2015

Road Closure and Land Use Bylaw Amendment

Bylaw 3538/2015 and Bylaw 3357/B-2015

Planning Department and Land & Economic Development

Report Summary & Recommendation:

In 2010 The City began negotiations with ATCO Gas to provide ATCO with land for a GATE 4 Station to facilitate future development within the northeast sector of the City. This land swap stems from the 55 Street Extension project wherein the City obtained a small ATCO parcel situated in the 55 Street roadway in exchange for ATCO obtaining a site in the northeast sector of the city. Administration and ATCO have agreed upon a 0.22 hectare (0.55 acre) area of land within the NE ¼ Sec 26; 38-27-W4M.



In order to transfer the proposed parcel to ATCO, it is necessary to adopt two bylaws to close a portion of a road and redesignate that closed portion of road to the *AI – Future Urban Development District*. The proposed parcel can then be subdivided out and the title transferred to ATCO Gas.

Planning and Land & Economic Development recommend Council support Bylaw 3538/2015 and Bylaw 3357/B-2015.



City Manager Comments:

I support the recommendation of Administration that Council consider first reading of Bylaw 3538/2015 and Bylaw 3357/B-2015. If first reading is approved these bylaws will be brought for consideration of second and third readings at the March 16, 2015 meeting of City Council.

Craig Curtis
City Manager

Proposed Resolution

That Council consider first reading of Road Closure Bylaw 3538/2015 at this time.

That Council consider first reading of Land Use Bylaw Amendment 3357/B-2015 at this time.

Report Details

Background:

A gate station regulates natural gas from high pressure transmission lines to lower pressure distribution lines that deliver natural gas to homes and other end users. Gate stations are part of the infrastructure that is needed to provide utility services as new urban development occurs.

The land required by ATCO Gas will be comprised of approximately 0.13 hectares (0.32 acres) from Road Plan 122 3002 and approximately 0.09 hectares (0.22 acres) from the balance of the NE ¼ Sec 26; 38-27-W4M, which is owned by the City.

The adoption of the two proposed bylaws is necessary so that the proposed parcel can be subdivided out and the title transferred to ATCO Gas.

Discussion:

The proposed partial road closure and redesignation will facilitate the development of infrastructure necessary for future urban development in the northeast sector of Red Deer.



Analysis:

The proposed bylaws were referred to internal and external stakeholders as well as ten (10) adjacent landowners. There were no objections from stakeholders and no written comments were received from adjacent landowners.

The proposed bylaws will facilitate the provision of utility infrastructure on the north east sector of Red Deer, which is necessary for future urban development in this area.



GATE STATIONS

Large Station

What is a gate station?

- A gate station regulates natural gas from high pressure transmission lines to lower pressure distribution lines that deliver natural gas to homes.
- The upgrade or expansion of existing stations or the construction of a new station is required by ATCO Gas to maintain adequate system pressures and to meet industry safety codes. This ensures the safe, reliable delivery of natural gas to neighbourhoods.
- A gate station contains equipment that automatically reduces and regulates pressure in the downstream pipeline. These facilities:
 - allow for the safe delivery of natural gas to communities
 - provide heat to the gas stream, which allows pressure to be reduced
 - accurately measure gas flow

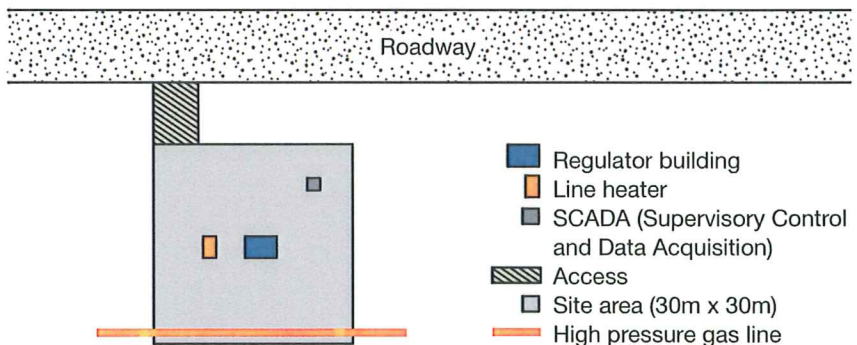
Minimal impact to your neighbourhood

- Gate stations are designed to blend in with the surrounding community.
- Gate stations are designed in accordance with all applicable codes, including Canadian Standards Association Z662, the Alberta Electrical Code and the Alberta Occupational Health and Safety Code. These codes ensure the safety of the facility for ATCO Gas employees and nearby residents.

Ideal locations for a gate station site

- Close proximity to a high-pressure natural gas transmission line
- Dry, flat land which permits placement of gravel
- No other utilities present (electrical, storm, water, sewer, other pipelines)
- Allows for appropriate safety access
- Meets municipality road setback requirements
- Free of environmentally sensitive conditions
- Appropriate size (usually 30 m x 30 m for large stations) that can be fenced according to Occupational Health and Safety regulations for hazardous areas.

Large station layout (top view)



INFORMATION

Examples of gate stations

*Typical large station**Large station site with privacy fence**Large station designed to match community look***Large station designed to match community look****Contact us**

For more information, call your local ATCO Gas office during regular business hours.

ATCO Gas Corporate Office

10035 - 105 Street
Edmonton, AB T5J 2V6
atcogas.com

**ATCO Gas does its best to ensure gate stations match the architectural controls established by developers. However, some controls may be considered beyond suitable expenditures. This could include flat-rock siding, detailed brick work, custom roofing and certain types of fencing. In these cases, ATCO Gas may ask the developer to assist in covering excess expenses.*

ROAD CLOSURE BYLAW NO. 3538/2015

Being a bylaw to close portions of road in the City of Red Deer, as described herein.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

- 1 The following portions of roadway in the City of Red Deer are hereby closed:

Plan 1223002

All that portion of Road lying within Area 'A' (Gate Station Site),

Plan _____

Containing 0.128 hectares more or less

Excepting thereout all mines and minerals.

READ A FIRST TIME IN OPEN COUNCIL this 23RD day of February 2015.

READ A SECOND TIME IN OPEN COUNCIL this 16th day of March 2015.

READ A THIRD TIME IN OPEN COUNCIL this 16th day of March 2015.

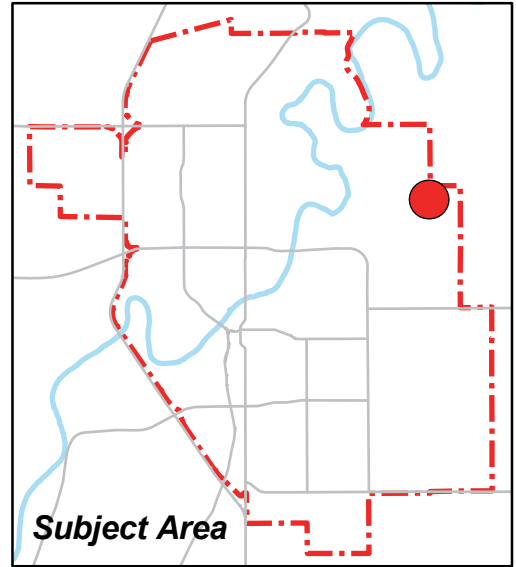
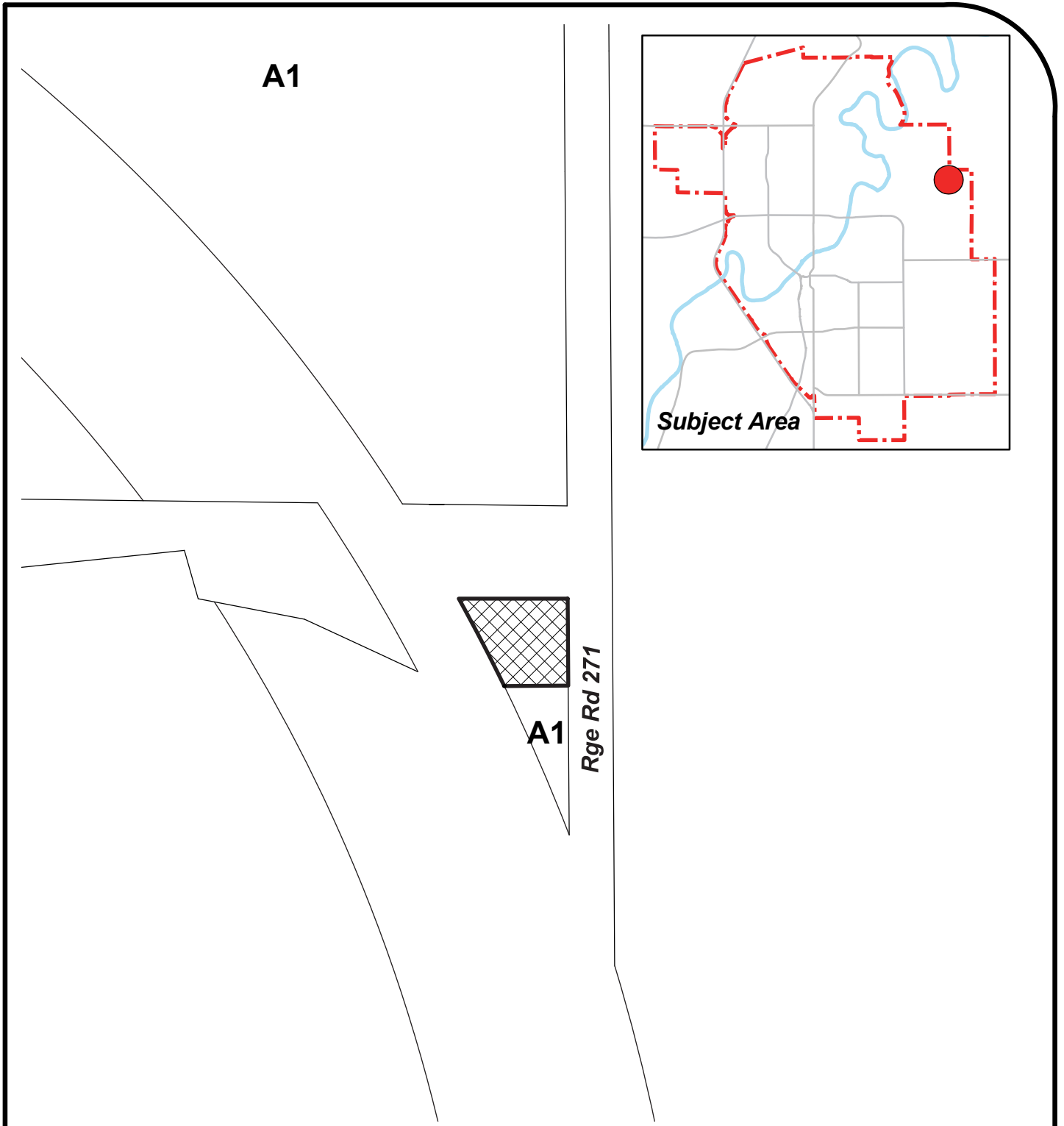
AND SIGNED BY THE MAYOR AND CITY CLERK this 16th day of March 2015.

MAYOR

CITY CLERK



Schedule A
Road Closure Bylaw 3538 / 2015



Change District from:



Area of Road to be Closed

Affected District:

Not Applicable

Proposed Amendment

Map: **3 / 2015**

Bylaw: **3538 / 2015**

Date: **Jan. 19, 2015**

BYLAW NO. 3357/B-2015

Being a Bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of The City of Red Deer as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3357/2006 is hereby amended as follows:

1. The land shown in crosshatch in the sketch attached as Schedule A to this Bylaw is redesignated from Road to A1 – Future Urban Development District.
2. The “Land Use District Map R19” contained in “Schedule A” of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map 2 / 2015 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 23rd day of February 2015.

READ A SECOND TIME IN OPEN COUNCIL this 16th day of March 2015.

READ A THIRD TIME IN OPEN COUNCIL this 16th day of March 2015.

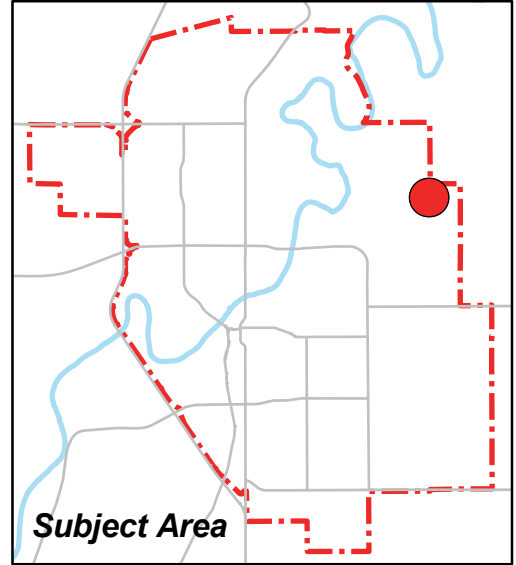
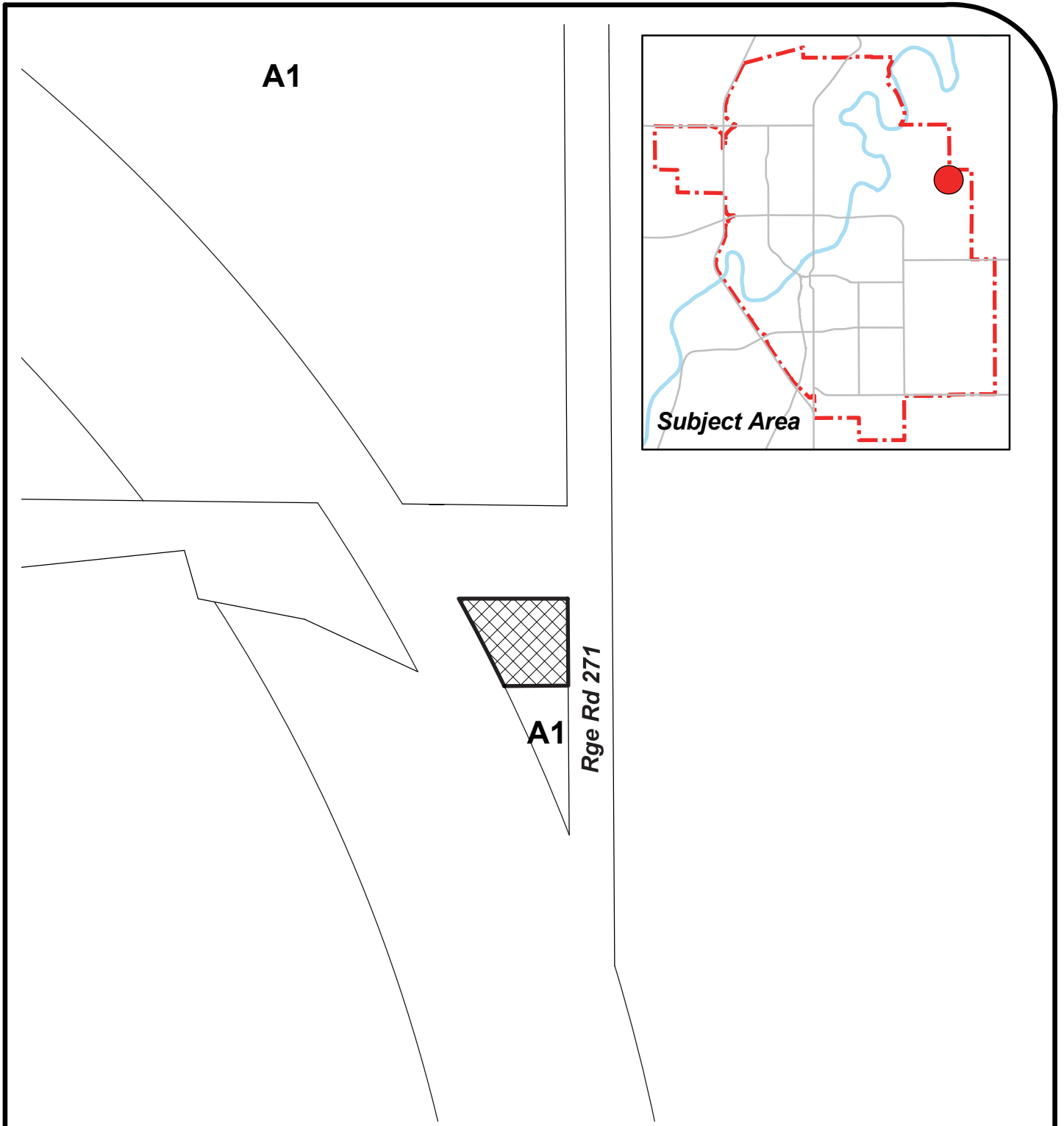
AND SIGNED BY THE MAYOR AND CITY CLERK this 16th day of March 2015.

MAYOR

CITY CLERK



Schedule A
Proposed Amendment to Land Use Bylaw 3357/2006



Change District from:



Road to A1 - Future Urban Development District

Affected District:

Not Applicable

Proposed Amendment

Map: **2 / 2015**

Bylaw: **3357 / B-2015**

Date: **Jan. 19, 2015**

DATE: March 19, 2015

TO: Angus Schaffenburg, Acting Planning Services Manager

FROM: Frieda McDougall, Legislative Services Manager

SUBJECT: Proposed Partial Road Closure Bylaw 3538/2015
Land Use Bylaw Amendment 3357/B-2015
Consideration of Second and Third Readings

Reference Report:

Legislative Services, dated March 9, 2015 and Planning Services, dated January 19, 2015.

Bylaw Reading:

At the Monday, March 16, 2015 Regular Council Meeting, Council gave second and third readings to Proposed Partial Road Closure Bylaw 3538/2015 – a bylaw to facilitate rezoning and location of an Atco gate station.

Also at that meeting, Council gave second and third readings to Land Use Bylaw Amendment 3357/B-2015 – an amendment to rezone from Road to AI – Future Urban Development District.

Report back to Council: No

Comments/Further Action:

These bylaws are attached for your information.



Frieda McDougall
Manager
/ attach.

- c. Corporate Meeting Coordinator
T. Lodewyk, Acting Director of Planning Services
J. Sennema, Land & Economic Development Services Manager
O. Toews, Senior Planner

The City of Red Deer
Bylaw Readings

FILE COPY

Moved by Councillor: BUCHANAN Seconded by Councillor: WONG

That Road Closure Bylaw 3538/2015: To close the portion of road contained within Plan 1223002

BE READ A FIRST TIME IN OPEN COUNCIL this 23rd day of FEBRUARY 2015.

BE READ A SECOND TIME IN OPEN COUNCIL this 16th day of MARCH 2015.

BE READ A THIRD TIME IN OPEN COUNCIL this 16th day of MARCH 2015.

REMINDER FOR COUNCIL MEMBERS: YOU MUST BE IN ATTENDANCE AT ALL OR A PORTION OF THE PUBLIC HEARING IN ORDER TO PARTICIPATE IN DEBATE AND VOTE ON 2nd AND 3rd READINGS OF THIS BYLAW.

ROAD CLOSURE BYLAW NO. 3538/2015

FILE COPY

Being a bylaw to close portions of road in the City of Red Deer, as described herein.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

- 1 The following portions of roadway in the City of Red Deer are hereby closed:

Plan 1223002

All that portion of Road lying within Area 'A' (Gate Station Site),

Plan _____

Containing 0.128 hectares more or less


Excepting thereout all mines and minerals.

READ A FIRST TIME IN OPEN COUNCIL this 23rd day of February 2015.

READ A SECOND TIME IN OPEN COUNCIL this 16th day of March 2015.

READ A THIRD TIME IN OPEN COUNCIL this 16th day of March 2015.

AND SIGNED BY THE MAYOR AND CITY CLERK this 16th day of March 2015.



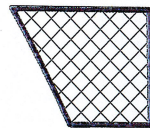
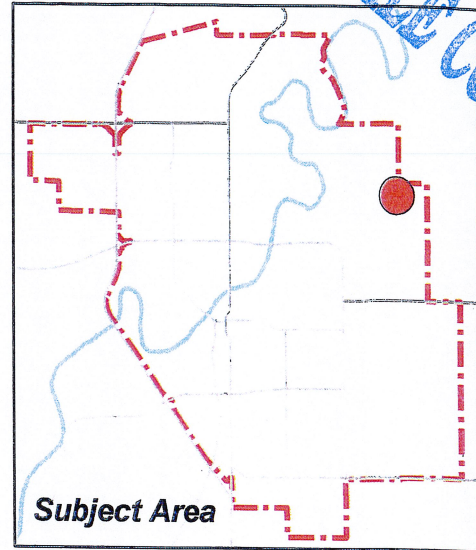
MAYOR



CITY CLERK

FILE COPY

A1



A1

Rge Rd 271

Change District from:



Area of Road to be Closed

Affected District:

Not Applicable

Proposed Amendment

Map: 3 / 2015

Bylaw: 3538 / 2015

Date: Jan. 19, 2015

The City of Red Deer
Bylaw Readings

FILE COPY

Moved by Councillor: Lee Seconded by Councillor: Mulder

**That Land Use Bylaw Amendment 3357/B-2015: Rezoning of Road to A1 –
Future Urban Development District**

BE READ A FIRST TIME IN OPEN COUNCIL this 23rd day of February 2015.

BE READ A SECOND TIME IN OPEN COUNCIL this 16 day of March 2015.

BE READ A THIRD TIME IN OPEN COUNCIL this 16 day of March 2015.

**REMINDER FOR COUNCIL MEMBERS: YOU MUST BE IN ATTENDANCE AT ALL OR
A PORTION OF THE PUBLIC HEARING IN ORDER TO PARTICIPATE IN DEBATE
AND VOTE ON 2nd AND 3rd READINGS OF THIS BYLAW.**

BYLAW NO. 3357/B-2015

Being a Bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of The City of Red Deer as described herein.

FILE COPY

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3357/2006 is hereby amended as follows:

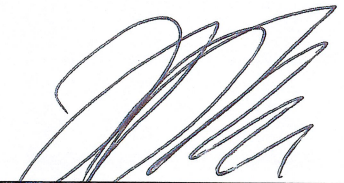
1. The land shown in crosshatch in the sketch attached as Schedule A to this Bylaw is redesignated from Road to A1 – Future Urban Development District.
2. The “Land Use District Map R19” contained in “Schedule A” of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map 2 / 2015 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 23rd day of February 2015.

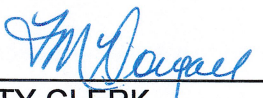
READ A SECOND TIME IN OPEN COUNCIL this 16th day of March 2015.

READ A THIRD TIME IN OPEN COUNCIL this 16th day of March 2015.

AND SIGNED BY THE MAYOR AND CITY CLERK this 16th day of March 2015.



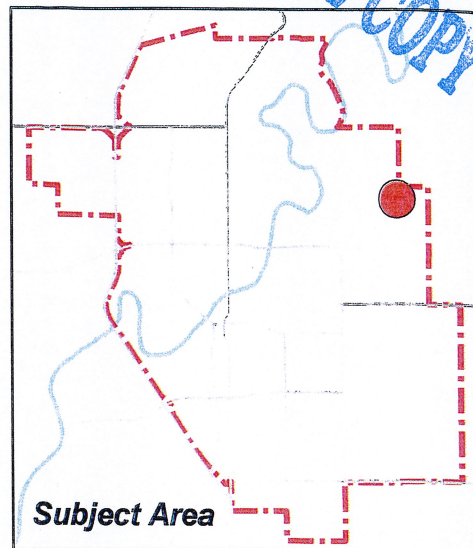
MAYOR



CITY CLERK

FILE COPY

A1



A1

Rge Rd 271

Change District from:



Road to A1 - Future Urban Development District

Affected District:

Not Applicable

Proposed Amendment

Map: 2 / 2015

Bylaw: 3357 / B-2015

Date: Jan. 19, 2015



Your File: Land Use Bylaw Amendment 3357/B-2015
Our File: 15-REDD01

May 4, 2015

**Re: Land Use Bylaw Amendment 3357/B-2015
Road Closure Bylaw 2538/2015
Your Property at 5008-55 ST**

The Engineering Department of ATCO GAS, an Operating Name of ATCO Gas and Pipelines Ltd. has reviewed the above-named plan and have no objections, subject to the following:

CONDITIONS TO SUBDIVIDE:

1. ATCO Gas' existing Right-of-Way or other land rights shall be carried forward and registered on any newly created lots.
2. Work of any nature (i.e. grading, paving, stockpiling, landscaping, berms, etc.) affecting the surface of ATCO Gas' right-of-way must first receive prior written consent from ATCO Gas' Land Administration Department (780) 420-4135.
3. Should it be necessary to lower, relocate or make any alterations to our existing pipelines and/or appurtenances due to this project, contact ATCO Gas' Distribution Engineer at (403) 357-5220. If alterations are required, the cost shall be borne by owner/developer.
4. There is an existing ATCO Pipelines High Pressure facility in this area. Please ensure that this proposal is forwarded to ATCO Pipelines (780) 420-7562, 9th Floor, ATCO Centre, 10035 - 105 Street, Edmonton, Alberta T5J 2V6.

FOR YOUR INFORMATION:

1. Each lot is to have a separate service line.
2. When gas service is required for the individual lots, the owner/developer shall contact the local ATCO Gas office at 403-357-5200 to discuss their service requirements, timing and the associated costs
3. Remember to contact Alberta One-Call at 1-800-242-3447 to have the gas lines located at least 48 hours prior to any excavation.

If you have any questions or concerns, please do not hesitate to call.

Yours truly,

for Godswill Onwunali, E.I.T.
District Engineer
Red Deer District Operations

cc Nicole Smith



March 09, 2015

Road Closure Bylaw 3541/2015

Land Use Bylaw Amendment 3357/C-2015

Consideration of Second & Third Reading

Legislative Services

Report Summary & Recommendation:

The attached report is being brought forward from the Monday, February 23, 2015 Council meeting.

Recommendation:

That Council consider giving second and third readings to Partial Road Closure Bylaw 3541/2015, a bylaw to close approximately 1.11 hectares (2.74 acres) of Range Road 281 located between the NE ¼ Sec 35; 38-28-W4M and the NW ¼ Sec 36; 38-28-W4M in the Queens Industrial Area.

Council also consider giving second and third readings to Land Use Bylaw Amendment 3357/C-2015, a bylaw to redesignate the closed portion of the road to the PI – Parks and Recreation District.

The partial road closure and redesignation will facilitate the subsequent dedication of the subject area as municipal reserve (MR) in conformance to the Queens Business Park Industrial Area Structure Plan (N ½ Section 36).

Report Details

Background:

At the Monday, February 23, 2015 Council Meeting, Council gave first reading to Road Closure Bylaw 3541/2015 and Land Use Bylaw 3357/C-2015.

In accordance with Section 606 of the Municipal Government Act, these bylaws are required to be advertised for two consecutive weeks. Advertisements were placed in the Red Deer Advocate on February 27, 2015 & March 06, 2015 with no comments being received. A Public Hearing will be held on Monday, March 16, 2015 at 6:00 p.m. during Council's regular meeting.



Report Originally Submitted
to the February 23, 2015
City Council Meeting

January 26, 2015

Road Closure and Land Use Bylaw Amendment Bylaw 3541/2015 and Bylaw 3357/C-2015

Planning Department and Land & Economic Development

Report Summary & Recommendation:

The proposal will achieve several things:

- Bylaw 3541/2015 will close approximately 1.11 hectares (2.74 acres) of Range Road 281 located between the NE ¼ Sec 35; 38-28-W4M and the NW ¼ Sec 36; 38-28-W4M in the Queens industrial area.
- Bylaw 3357/C-2015 will redesignate (rezone) the closed portion of road to the *PI – Parks and Recreation District*, and
- The partial road closure and redesignation will facilitate the subsequent dedication of the subject area as municipal reserve (MR) in conformance to the Queens Business Park Industrial Area Structure Plan (N ½ Section 36).

Planning and Land & Economic Development recommend Council support Bylaw 3541/2015 and Bylaw 3357/C-2015.

City Manager Comments:

I support the recommendation of Administration that Council consider first reading of Bylaw 3541/2015 and Bylaw 3357/C-2015. If first reading is approved, these bylaws will be brought for consideration of second and third readings at the March 16, 2015 meeting of City Council.

Craig Curtis
City Manager

Proposed Resolution

That Council consider first reading of Road Closure Bylaw 3541/2015 at this time.

That Council consider first reading of Land Use Bylaw Amendment 3357/B-2015 at this time.



Report Details

Background:

The subject portion of Range Road 281 is no longer required since a new north-south collector road (Quinton Drive) has been provided to link Highway 11A to 79 Street in accordance with the Queens Business Park Industrial Area Structure Plan (N ½ Section 36). The closed portion of road is to be dedicated as municipal reserve (MR) in conformance to the Queens Business Park IASP. The *Municipal Government Act* outlines the allowable uses for an MR parcel and these are reflected in the Land Use Bylaw's PI – Parks and Recreation District.

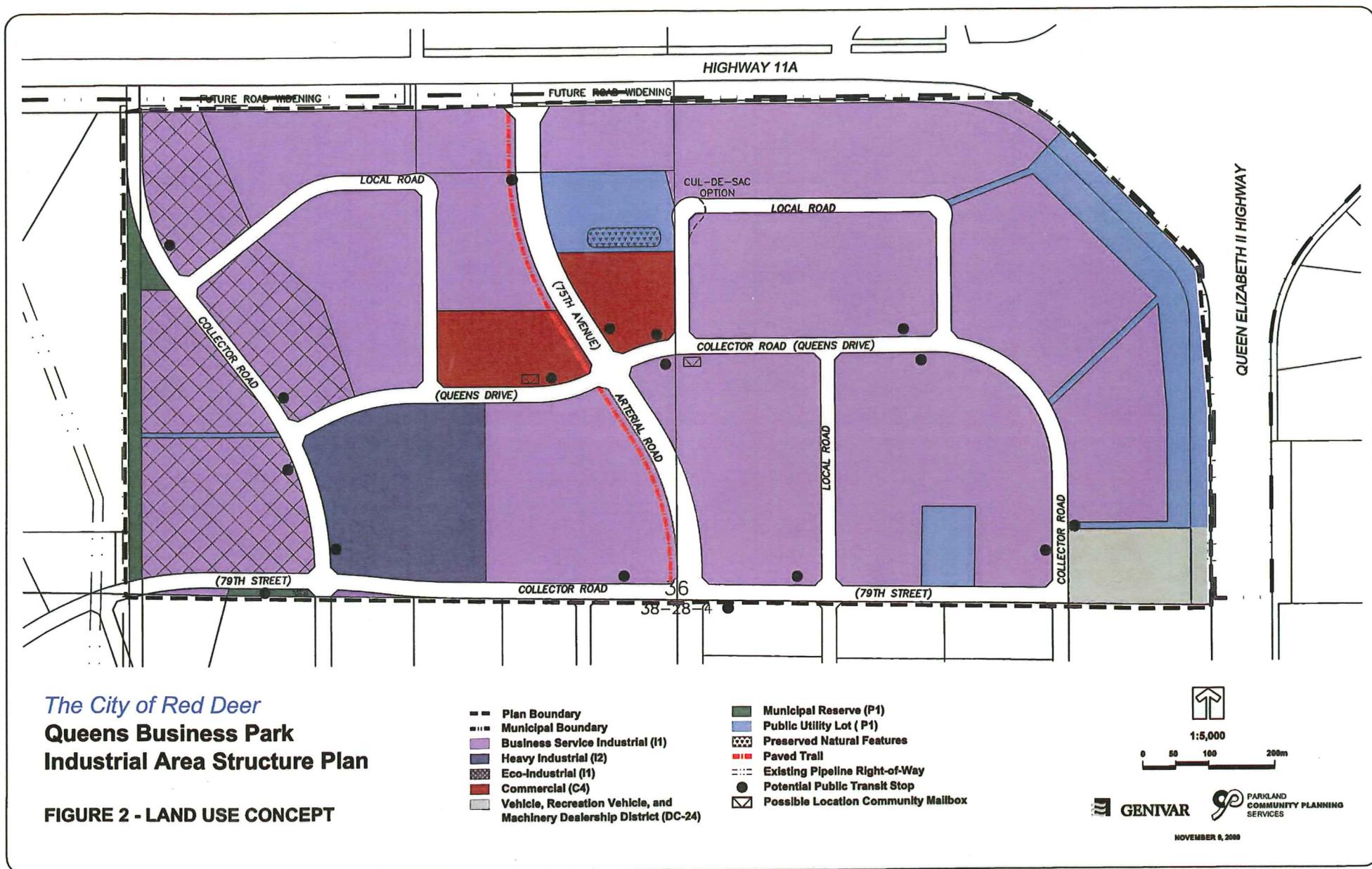
Discussion:

The proposed partial road closure, redesignation and dedication of municipal reserve conform to the Queens Business Park IASP. The resulting municipal reserve (MR) parcel will act as a buffer between the industrial uses on the east side of the subject area and the proposed wetland / environmental reserve (ER) area to the west of the subject area as shown in the West QE2 Major Area Structure Plan (MASP).

Analysis:

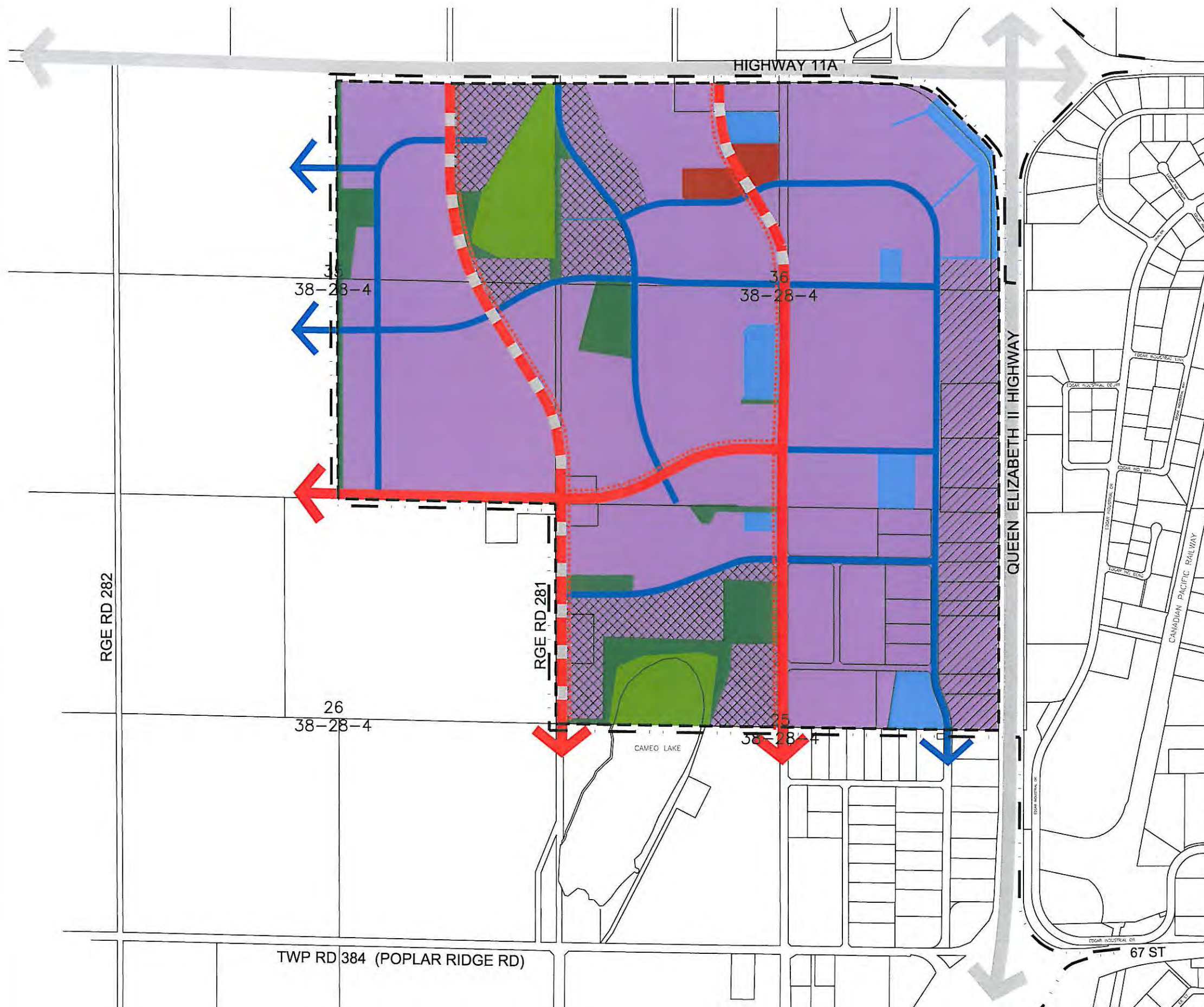
The proposed bylaws were referred to internal and external stakeholders as well as two (2) adjacent landowners. There were no objections to the closure and redesignation from stakeholders and no written comments were received from adjacent landowners.

The proposed bylaws conform to the provisions of the Queens Business Park IASP and will facilitate further development within the Queens industrial area.

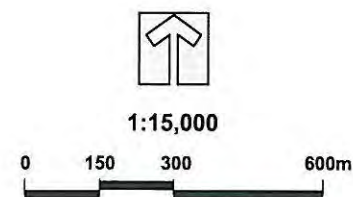


The City of Red Deer **West QE2** **Major Area Structure Plan**

FIGURE 3 - LAND USE CONCEPT



- Plan Boundary
- .- Municipal Boundary
- Expressway
- Arterial Road - Undivided
- Arterial Road - Divided
- Collector Road
- Paved Trail
- Industrial & Business Service
- Eco-Industrial Park
- Vehicle, Recreational Vehicle, and Machinery Dealership District
- Commercial
- Municipal Reserve
- Environmental Reserve
- Public Utility



GENTIVAR

PARKLAND
COMMUNITY PLANNING
SERVICES

NOVEMBER 12, 2009

ROAD CLOSURE BYLAW NO. 3541/2015

Being a bylaw to close portions of road in the City of Red Deer, as described herein.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

- 1 The following portions of roadway in the City of Red Deer are hereby closed:

Meridian 4 Range 28 Township 38

All that portion of original government road allowance adjoining the west boundary of the north west quarter of Section 36 which lies south of the curvilinear production of the south west limit of Quinton Drive as shown on Plan 142 0488 and which also lies north of the curvilinear production of the north limit of 79th Street as shown on Plan 142 0488, excepting thereout all mines and minerals.

READ A FIRST TIME IN OPEN COUNCIL this 23rd day of February 2015.

READ A SECOND TIME IN OPEN COUNCIL this 16th day of March 2015.

READ A THIRD TIME IN OPEN COUNCIL this 16th day of March 2015.

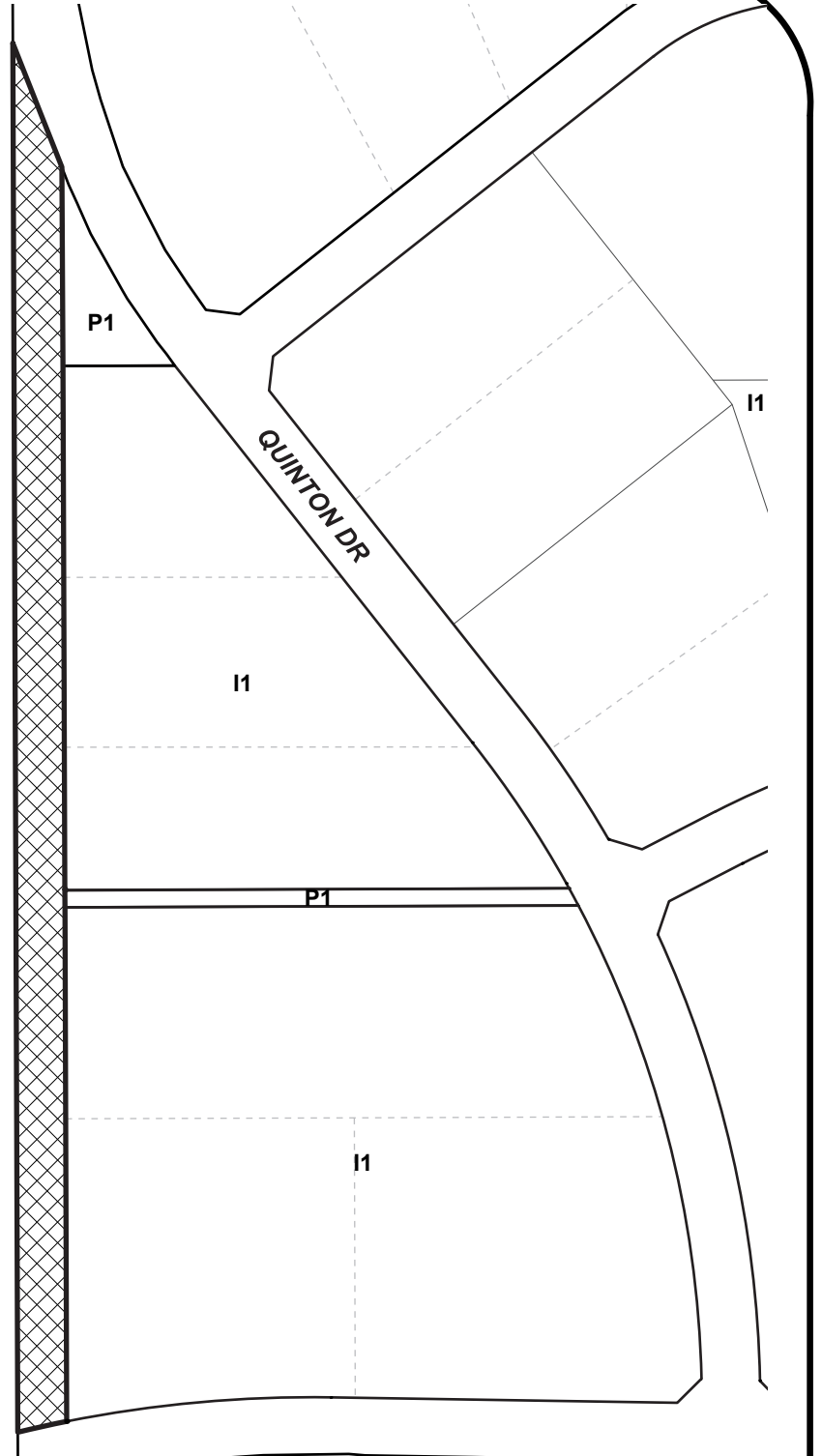
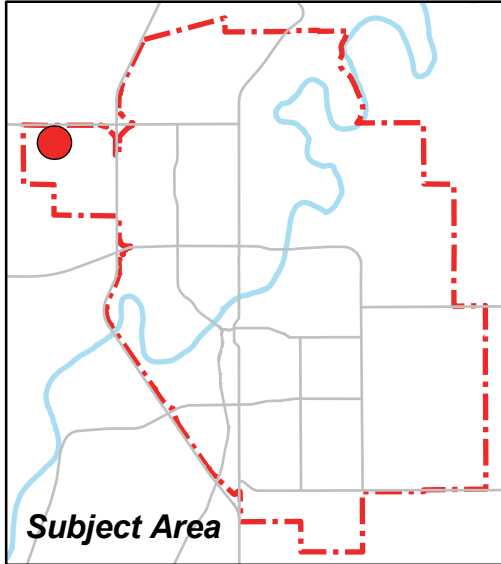
AND SIGNED BY THE MAYOR AND CITY CLERK this 16th day of March 2015.

MAYOR

CITY CLERK



Schedule "A"
Road Closure Bylaw 3541/2015



Road Closure:



Area of Road to be Closed

Affected District:

Not Applicable

Proposed Amendment

Map: **4 / 2015**

Bylaw: **3541 / 2015**

Date: **Dec. 23, 2014**

BYLAW NO. 3357/C – 2015

Being a Bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of The City of Red Deer as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3357/2006 is hereby amended as follows:

1. The land shown in crosshatch in the sketch attached as Schedule “A” to this Bylaw is redesignated from Road to P1 – Parks and Recreation District.
2. The “Land Use District Map G21” contained in “Schedule A” of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map 5 / 2015 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 23rd day of February 2015.

READ A SECOND TIME IN OPEN COUNCIL this 16th day of March 2015.

READ A THIRD TIME IN OPEN COUNCIL this 16th day of March 2015.

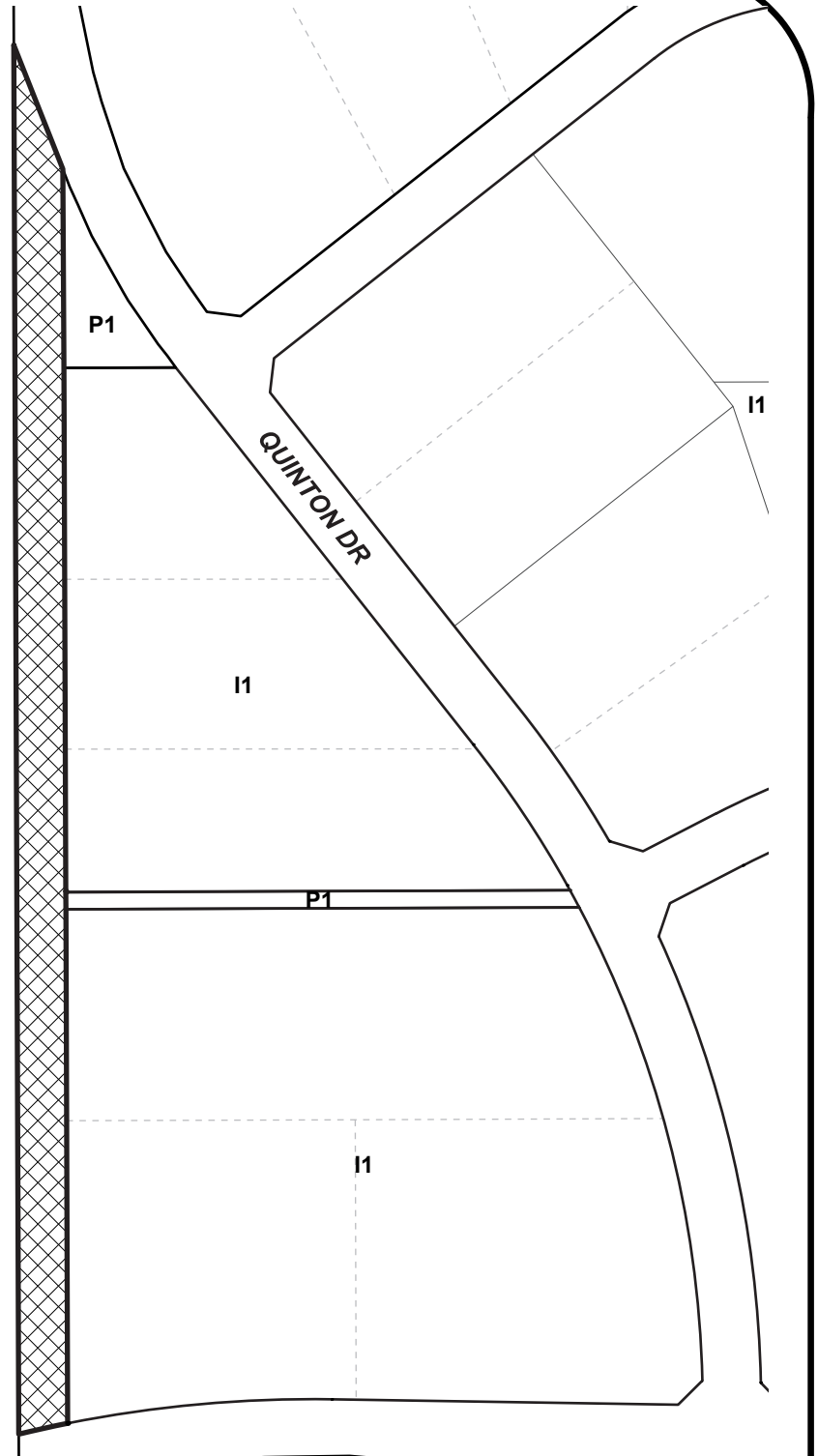
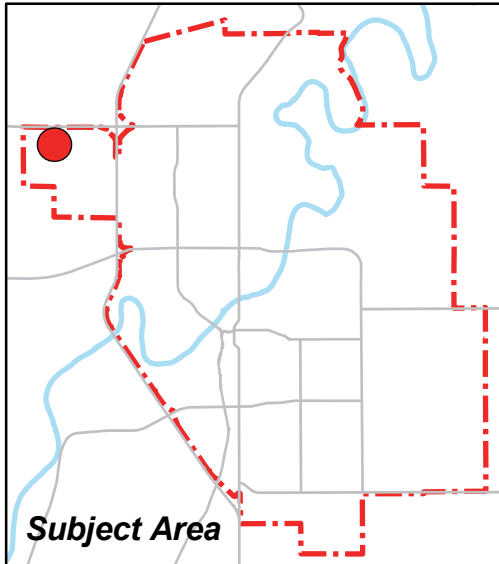
AND SIGNED BY THE MAYOR AND CITY CLERK this 16th day of March 2015.

MAYOR

CITY CLERK



Schedule "A"
Proposed Amendment to Land Use Bylaw 3357/2006



Change District From:



Road to P1 - Parks and Recreation District

Affected District:

Not Applicable

Proposed Amendment

Map: **5 / 2015**

Bylaw: **3357 / C-2015**

Date: **Dec. 23, 2014**

FILE COPY

DATE: March 19, 2015

TO: Angus Schaffenburg, Acting Planning Services Manager

FROM: Frieda McDougall, Legislative Services Manager

SUBJECT: Proposed Partial Road Closure Bylaw 3541/2015
Land Use Bylaw Amendment 3357/C-2015
Consideration of Second and Third Readings of the Bylaw

Reference Report:

Legislative Services, dated March 9, 2015, Planning Services, dated January 26, 2015 and Land & Economic Development Services, dated January 26, 2015.

Bylaw Reading:

At the Monday, March 16, 2015 Regular Council Meeting, Council gave Second and Third readings to Proposed Partial Road Closure Bylaw 3541/2015 – a bylaw to facilitate rezoning to PI Parks and Recreation District Redesignation as (MR) Municipal Reserve.

Also at that meeting, Council gave Second and Third readings to Land Use Bylaw Amendment 3357/C-2015 – an amendment to Redesignation from “Road” to PI – Parks and Recreation District – Queens Business Park.

Report back to Council: No

Comments/Further Action:

These bylaws are attached for your information.



Frieda McDougall
Manager
/attach.

- c. T. Lodewyk, Acting Director of Planning Services
J. Sennema, Land & Economic Development Services Manager
Corporate Meeting Coordinator
O. Toews, Senior Planner

The City of Red Deer
Bylaw Readings

FILE COPY

Moved by Councillor: Muelster Seconded by Councillor: Loe

That Road Closure Bylaw 3541/2015: To close approximately 1.11 hectares of Range Road 281 located between the NE ¼ Sec 35; 38-28-W4M and the NW ¼ Sec 36; 38-28-W4M in the Queens Industrial Area

BE READ A FIRST TIME IN OPEN COUNCIL this 23rd day of Feb 2015.

BE READ A SECOND TIME IN OPEN COUNCIL this 16th day of MAR 2015.

BE READ A THIRD TIME IN OPEN COUNCIL this 16th day of MAR 2015.

REMINDER FOR COUNCIL MEMBERS: YOU MUST BE IN ATTENDANCE AT ALL OR A PORTION OF THE PUBLIC HEARING IN ORDER TO PARTICIPATE IN DEBATE AND VOTE ON 2nd AND 3rd READINGS OF THIS BYLAW.

ROAD CLOSURE BYLAW NO. 3541/2015

FILE COPY

Being a bylaw to close portions of road in the City of Red Deer, as described herein.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

- 1 The following portions of roadway in the City of Red Deer are hereby closed:

Meridian 4 Range 28 Township 38


All that portion of original government road allowance adjoining the west boundary of the north west quarter of Section 36 which lies south of the curvilinear production of the south west limit of Quinton Drive as shown on Plan 142 0488 and which also lies north of the curvilinear production of the north limit of 79th Street as shown on Plan 142 0488, excepting thereout all mines and minerals.

READ A FIRST TIME IN OPEN COUNCIL this 23rd day of February 2015.

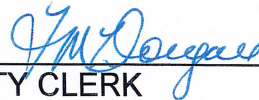
READ A SECOND TIME IN OPEN COUNCIL this 16th day of March 2015.

READ A THIRD TIME IN OPEN COUNCIL this 16th day of March 2015.

AND SIGNED BY THE MAYOR AND CITY CLERK this 16th day of March 2015.

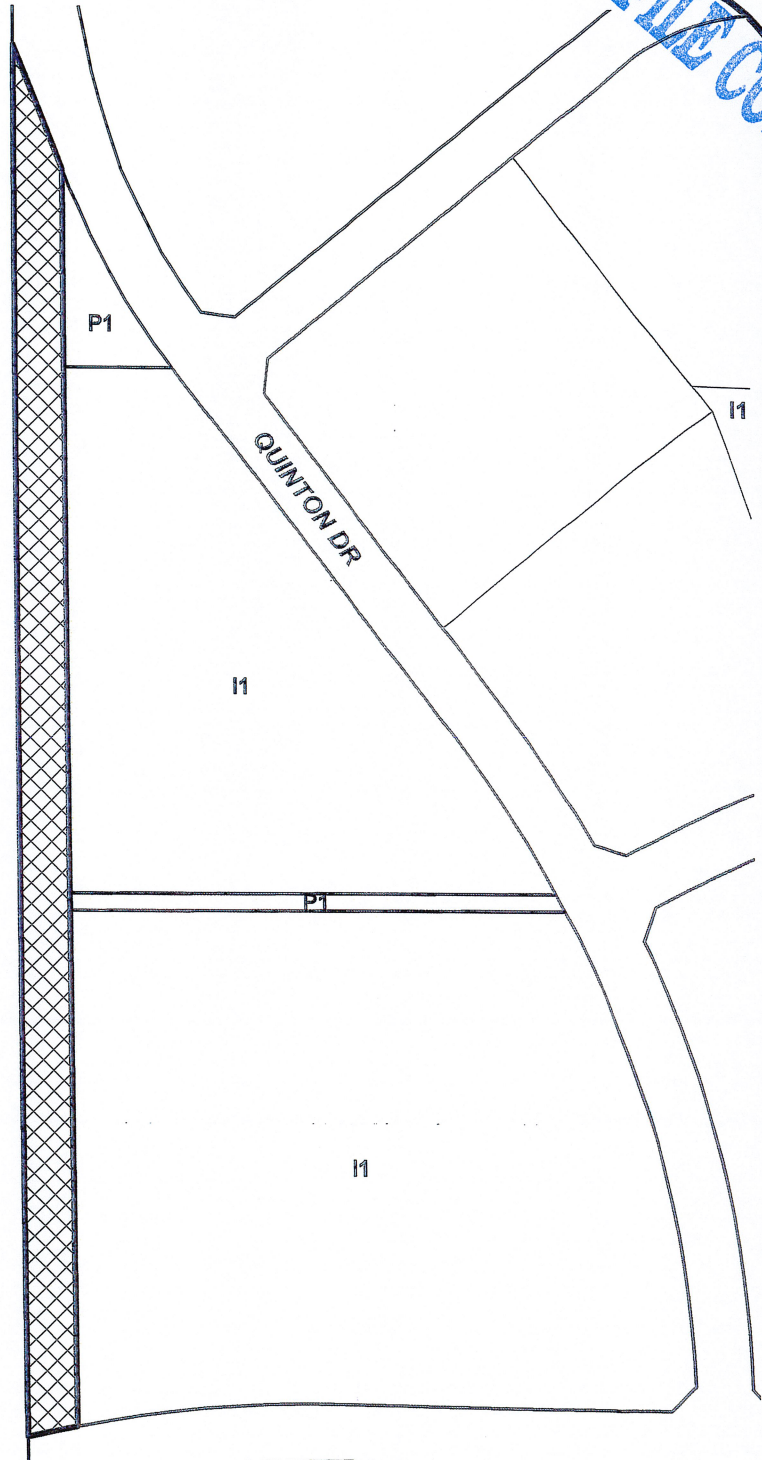
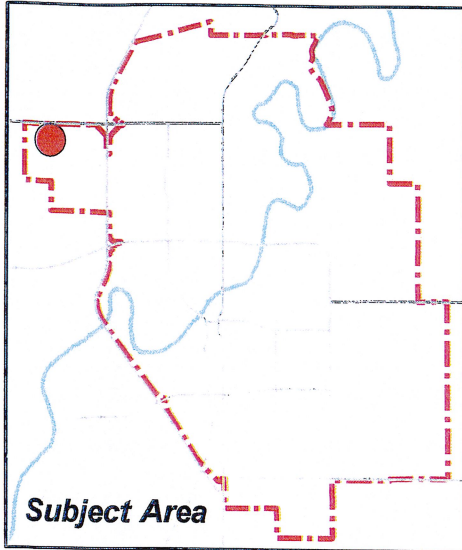


MAYOR



CITY CLERK

FILE COPY



Road Closure:



Area of Road to be Closed

Affected District:

Not Applicable

Proposed Amendment

Map: 4 / 2015

Bylaw: 3541 / 2015

Date: Dec. 23, 2014

The City of Red Deer
Bylaw Readings

FILE COPY

Moved by Councillor: Wentjes Seconded by Councillor: Andrews
Wentjes Mulder

**That Land Use Bylaw Amendment 3357/C-2015: Rezoning of Road to P1 –
Parks and Recreation District.**

BE READ A FIRST TIME IN OPEN COUNCIL this 23rd day of February 2015.

BE READ A SECOND TIME IN OPEN COUNCIL this 15th day of March 2015.

BE READ A THIRD TIME IN OPEN COUNCIL this 15th day of March 2015.

**REMINDER FOR COUNCIL MEMBERS: YOU MUST BE IN ATTENDANCE AT ALL OR
A PORTION OF THE PUBLIC HEARING IN ORDER TO PARTICIPATE IN DEBATE
AND VOTE ON 2nd AND 3rd READINGS OF THIS BYLAW.**

BYLAW NO. 3357/C – 2015

Being a Bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of The City of Red Deer as described herein.

FILE COPY

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3357/2006 is hereby amended as follows:

1. The land shown in crosshatch in the sketch attached as Schedule "A" to this Bylaw is redesignated from Road to P1 – Parks and Recreation District.
2. The "Land Use District Map G21" contained in "Schedule A" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map 5 / 2015 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 23rd day of February 2015.

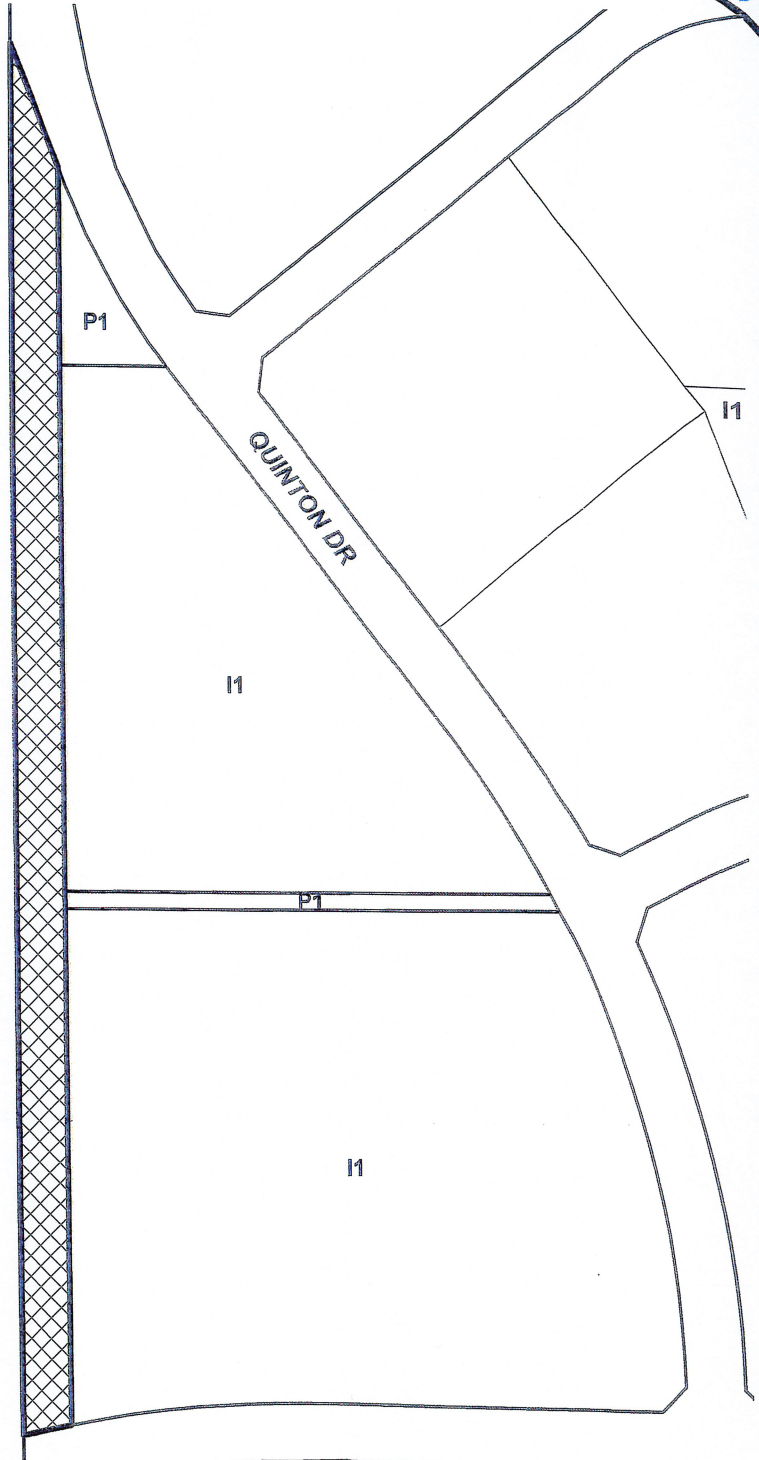
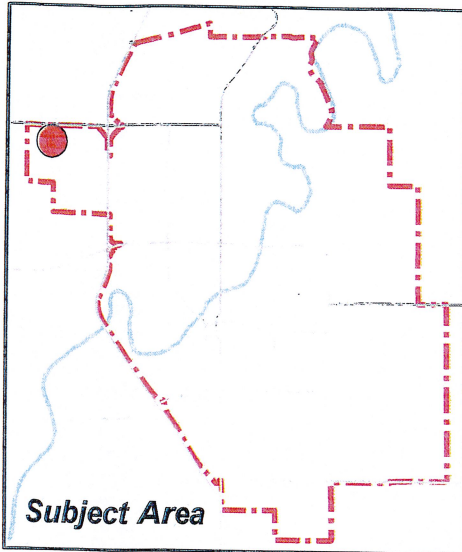
READ A SECOND TIME IN OPEN COUNCIL this 16th day of March 2015.

READ A THIRD TIME IN OPEN COUNCIL this 16th day of March 2015.

AND SIGNED BY THE MAYOR AND CITY CLERK this 16th day of March 2015.


MAYOR


CITY CLERK



Change District From:



Road to P1 - Parks and Recreation District

Affected District:

Not Applicable

Proposed Amendment

Map: 5 / 2015

Bylaw: 3357 / C-2015

Date: Dec. 23, 2014



March 09, 2015

Timberlands North Neighbourhood Area Structure Plan Amendment – Bylaw 3217/A-2015

Land Use Bylaw Amendment 3357/D-2015

Consideration of Second & Third Reading

Legislative Services

Report Summary & Recommendation:

Summary:

The attached report is being brought forward from the Monday, February 23, 2015 Council Meeting.

Recommendation:

That Council consider giving second and third readings to Timberlands North Neighbourhood Area Structure Plan Bylaw Amendment 3217/A-2015 and Land Use Bylaw Amendment 3357/D-2015.

Report Details

Background:

At the Monday, February 23, 2015 Council Meeting, Council gave first reading to Timberlands North Neighbourhood Area Structure Plan Bylaw Amendment 3217/A-2015 and Land Use Bylaw Amendment 3357/D-2015.

In accordance with Section 606 of the Municipal Government Act, these bylaws are required to be advertised for two consecutive weeks. Advertisements were placed in the Red Deer Advocate on February 27, 2015 and March 06, 2015 with no comments being received. A Public Hearing will be held on Monday, March 16, 2015 at 6:00 p.m. during Council's regular meeting. Letters were sent to the owners of properties in the affected area.



Original Report Submitted
to the February 23, 2015
City Council Meeting

February 2, 2015

Timberlands North Neighbourhood Area Structure Plan Amendments – Bylaw 3217/A-2015

Land Use Bylaw Amendments – Bylaw 3357/D-2015

Planning Department

Report Summary & Recommendation:

The Planning Department has received a request from developers to amend portions of the Land Use Bylaw (LUB) and the Timberlands North Neighbourhood Area Structure Plan (NASP). The NASP guides the future subdivision and development of lands and the LUB contains uses and development standards that carry out the intent of the NASP.

Planning staff are supportive of the majority of the proposed NASP and LUB amendments for the following reasons:

1. The proposed changes continue to speak to the original intention of the Timberland North NASP and related land use districts; and
2. The proposed changes are minor and do not impact existing developments.

The Municipal Planning Commission has reviewed the proposed amendments; a copy of their correspondence is attached.

Planning staff recommend that Council give first reading to the Timberlands North Neighbourhood Area Structure Plan amending Bylaw 3217/A-2015. Subject to first reading of 3217/A-2015, Planning recommends Council proceed with first reading of Land Use Bylaw amendment 3357/D-2015.

City Manager Comments:

I support the recommendation of Administration that Council consider first reading of Bylaw 3217/A-2015 and Bylaw 3357/D-2015. If first reading is approved, these bylaws will be brought for consideration of second and third readings at the March 16, 2015 meeting of City Council.

Craig Curtis
City Manager



Proposed Resolution

That Council consider first reading of Timberlands North Neighbourhood Area Structure Plan Amendment 3217/A-2015 at this time.

That Council consider first reading of Land Use Bylaw Amendment 3357/D-2015 at this time.

Report Details

Background:

The Timberlands North NASP, adopted on August 19, 2013, reflected a new vision for The City. Now that lot sales are occurring and construction projects are underway, there are some tweaks needed to the NASP and the LUB to ensure the development of Timberlands North is functional, economic and supports the original intent of the plan. The interrelationship between the NASP and LUB is very important to note; the governing NASP set the direction for the land use districts created in the LUB to carry out the intent of the NASP. Hence, amendments are needed to both the NASP and LUB.

To bring the Timberlands North vision into fruition, the following new land use districts were created in the LUB in 2013:

- RIC Residential (Carriage Home) District;
- RIWS Residential (Wide/Shallow Lot) District;
- RLW Residential (Live Work) District;
- R2T Residential (Town House) District; and
- C5 Commercial (Mixed Use) District.

These new land use districts are not restricted to the Timberlands North neighbourhood; some are included in the recently approved Evergreen NASP. The Planning Department has consulted with both developers currently working with the new land use districts to determine the minor changes needed to these districts.

Discussion:

The proposed amendments were requested by developers working with the new land use districts. A copy of one of the developers' written request and the proposed amending bylaws are attached for your review. The other developer did not provide a written submission.



The table below summarizes the requested amendments and changes that are recommended by administration to the LUB and the Timberlands North NASP.

Requested Amendments	Recommended Amendments/Rationale
<p>I. Remove the “fixed” front yard setback for single detached dwellings. This fixed front yard setback increases servicing costs, lot affordability, prevents tree planting in the front yard, and does not allow for any flexibility in dwelling and site design.</p>	<p><i>Recommended NASP amendment:</i></p> <p>Amend section 5.1 Single Detached Dwelling to remove the word “maximum” where dwelling setbacks from the front are addressed.</p> <p><i>Recommended LUB amendments:</i></p> <p>Remove the word “fixed” from the front yard setbacks listed in the R1 (specific to Timberlands North), RIWS, RIC, and R2T Districts and treat the prescribed front yard setbacks as a minimum. Attribute a maximum front yard setback for the R1 (specific to Timberlands North), RIC, and R2T Districts to ensure dwellings are pushed closer to the street.</p> <p><i>Rationale:</i></p> <p>The land use districts with “fixed” front yard setbacks are the R1 specific to the Timberlands North development (fixed at 3 m), RIWS (fixed at 3.8 m), RIC (fixed at 3 m), and the R2T (fixed at 3 m). These “fixed” front yard setbacks are intended to push dwellings closer to the street for a more intimate streetscape.</p> <p>Planning staff are recommending a maximum front yard setbacks for the R1 (specific to Timberlands North), RIC and R2T Districts to ensure dwellings are situated closer to the street than what has traditionally been built. A maximum front yard setback is not recommended for the RIWS District because the lots are shallow and dwellings will naturally be pushed closer to the front yard boundary to achieve a functional floor plan.</p> <p>Section 5.1 of the NASP states the main portion of a single detached dwelling will be setback a <u>maximum</u> of 3 m from the sidewalk.</p>



Requested Amendments	Recommended Amendments/Rationale
<p>2. Revisit the way the front yard setback for front attached garages are measured. The conventional approach to measuring front yard setbacks has been from the front property boundary. A consistent approach to measuring front yard setbacks is requested.</p>	<p><i>Recommended LUB amendments:</i></p> <p>Delete “from the back of sidewalk” as the measurement reference entirely for front attached garage front yard setbacks in the RI (specific to Timberlands North), RIC, RIWS, and R2T Districts.</p> <p><i>Rationale:</i></p> <p>This method to measuring the front yard setback of front attached garages is limited to the RI (specific to Timberlands North), RIC, RIWS and R2T Districts. The intention was to ensure dwelling units are located closer to the street, with front attached garage dominance reduced by pushing them further back from face of the livable portion of the house via staggered setbacks.</p> <p>A consistent approach to determining setbacks is preferable for City administration and the general public. Regardless of whether this setback is measured from the sidewalk or the front property boundary, the intent to reduce garage dominance will remain.</p>
<p>3. Allow for a reduced minimum front yard setback for RIC parcels that front onto a park.</p>	<p><i>Recommended LUB amendment:</i></p> <p>Amend the RIC District to have a 2 m minimum front yard setback for park facing lots; all other RIC parcels would continue to require a 3 m minimum front yard setback.</p> <p><i>Rationale:</i></p> <p>Timberlands North has a few RIC parcels that front onto a park. A 3 m front yard setback is excessive for a parcel that fronts onto a park. A 2 m minimum setback is still needed to ensure a future porch, stairs or other projections remain on private land.</p>
<p>4. Remove the requirement for a mandatory front porch for all detached dwellings in the RIWS District. This requirement does not provide flexibility in dwelling design and was not the intention of</p>	<p><i>Recommended LUB amendments:</i></p> <p>Amend the RIWS District General Purpose to remove reference to the “mandatory” porch and replace it with “strongly encouraged”. Amend the detached dwelling permitted use to remove reference to “mandatory porch”.</p>



Requested Amendments	Recommended Amendments/Rationale
the NASP.	<p><i>Rationale:</i></p> <p>The NASP encourages front porches but does not state they are mandatory.</p> <p>Requiring porches on every RIWS dwelling limits flexibility in design. There are other options available to create architectural interest and “eyes on the street” (e.g. stoops, verandas, etc.).</p>
<p>5. Increase the maximum site coverage in the RIWS from 45% to 55%. The 55% maximum site coverage is consistent with the City of Airdrie’s wide-shallow District, and by increasing the maximum site coverage the City will ensure an adequate building footprint on these lots. Furthermore, there are situations where the maximum allowable building envelope exceeds 45% of the total lot area.</p>	<p><i>Recommended LUB amendments:</i></p> <p>Planning is not supportive of this requested amendment.</p> <p><i>Rationale:</i></p> <p>Site coverage calculation is determined by adding up the area of a parcel covered by the detached dwelling and accessory building(s). Over and above this calculation is a requirement that landscaping occupy 30% (sometimes more) of each parcel. The remaining portion of the parcel is set aside for a driveway, sidewalks, decks, etc.</p> <p>The RIWS District maximum site coverage is already on the higher end of what other districts established for detached dwellings require in the City. Once the minimum landscaping of 30% is completed, 25% of the parcel remains for the driveway, sidewalks, decks, etc. If the 45% maximum site coverage is increased to 55%, only 15% of the site will be available for the driveway, sidewalks, decks, etc.</p> <p>If the maximum site coverage standards are not reasonable for a particular development, the applicant may apply for a variance. Furthermore, a prescribed maximum site coverage attributed to a parcel does not have to correlate with the prescribed setbacks (building envelope).</p>
<p>6. Revisit the 7.5m maximum garage width for front attached garages in the RIWS District to allow for more</p>	<p><i>Recommended LUB amendment:</i></p> <p>Amend the maximum width of a front attached garage and driveway in the RIWS District to not more than</p>



Requested Amendments	Recommended Amendments/Rationale
flexibility in dwelling design.	<p>60% of the entire front face exposure of the dwelling unit (live and garage portion combined).</p> <p><i>Rationale:</i></p> <p>The intention of restricting the maximum garage width in the RIWS District to 7.5 m was to reduce the dominance of the mandatory front attached garage. Planning has revisited this approach and is proposing a different method to reducing garage dominance while providing design flexibility relative to lot size.</p>
<p>7. Remove the prescribed lot frontage minimums of 12 m for dwellings with attached garages, and 15 m for dwellings with double garages in the RIWS District. These regulations create issues with building plans.</p>	<p><i>Recommended LUB amendment:</i></p> <p>Planning is not supportive of these requested amendments.</p> <p><i>Rationale:</i></p> <p>The RIWS District General Purpose states RIWS parcels have a wider frontage and a shallower depth compared to a typical R1 lot. The 12 m minimum lot frontage for dwellings with attached single garages is the same minimum lot frontage prescribed in the R1 District. At the very least RIWS District lots must have a 12 m frontage to differentiate between the R1 and the RIWS Districts .</p> <p>A minimum garage width has been established to reduce the dominance of the front attached garage. Because of this, detached dwellings with double attached garages will inherently require a wider lot so staff are comfortable with leaving the two minimum lot frontages as they are currently written.</p>
<p>8. Reduce the minimum side yard setback in the RIWS District to 1.2 m (from 1.5 m) as it provides greater flexibility in design.</p>	<p><i>Recommended LUB amendment:</i></p> <p>Planning is not supportive of this requested amendment.</p> <p><i>Rationale:</i></p> <p>The 1.5 m side yard setback is consistent with the other residential districts. The exceptions to this 1.5 m side yard setback are the small lot residential districts created for the purpose of achieving a higher density,</p>



Requested Amendments	Recommended Amendments/Rationale
	<p>more compact residential product. The RIWS District creates a wide lot. If a situation arises where siting a dwelling on a RIWS lot cannot be done within the 1.5 m side yard setback, a variance may be applied for.</p>
<p>9. Allow for flexibility in the RIWS District maximum lot depth. Prescribing a minimum and maximum lot depth works fine for grid road patterns, but is inflexible for situations where natural features prevent a grid road pattern, where road curvatures exist, or where the district will be transitioning into another district.</p>	<p><i>Recommended LUB amendment:</i></p> <p>Amend the RIWS lot depth standard to allow for a lot depth variance in specific situations only.</p> <p><i>Rationale:</i></p> <p>The RIWS District prescribes a maximum lot depth of 27 m and a minimum of 24 m. This was done to ensure the wide-shallow product keeps true to the intent of the district. Planning agrees the minimum and maximum lot depths are inflexible when it comes to road curvatures, working around natural features, and when transitioning into another land use district.</p>
<p>10. Allow covered decks to encroach into the rear yard of RIWS District lots. The RIWS lots are shallow with small building pockets.</p>	<p><i>Recommended LUB amendment:</i></p> <p>An amendment is not recommended at this time.</p> <p><i>Rationale:</i></p> <p>Future amendments are needed to the section of the LUB pertaining to allowable projections into yard setbacks. This matter has been flagged for further review.</p>
<p>11. Ensure that the C5 District located south of the access road from 30th Avenue is required to have at least one building with an active commercial ground floor and residential above (horizontal mixed use).</p>	<p><i>Recommended LUB amendment:</i></p> <p>Add a site specific use for this portion of the property that requires at least one (1) mixed use building with commercial on the main floor and residential above be constructed.</p> <p><i>Rationale:</i></p> <p>Including a mandatory residential component on the site is seen as a way to achieve the mixed-use character envisioned for the site. This amendment has been recommended by Legal to align the land use with the contractual agreement between the City and the developer that there be at least one building with an active commercial ground floor and residential units above and is supported by the developer.</p>



Requested Amendments	Recommended Amendments/Rationale
	<p>The C5 District does accommodate this type of development, however it does not make it mandatory.</p> <p>The NASP states mixed use buildings are to frame the major gateway, which is the access road from 30th Avenue, and are required to have an active street face.</p>
<p>12. Revisit the permitted uses in the C5 District to ensure they are compatible with residential uses above.</p>	<p><i>Recommended LUB amendment:</i></p> <p>Move “commercial entertainment facility” and “commercial recreation facility” from the permitted use category to the discretionary use category. Remove “commercial service facility” from permitted uses.</p> <p><i>Rationale:</i></p> <p>This amendment was highlighted when staff worked on the site specific amendment to the C5 District south of the access road from 30th Avenue (requested amendment #11). The C5 District is intended for mixed use developments, but accommodates horizontal and vertical mixed use. Staff re-examined the permitted uses and determined that “commercial entertainment facility” and “commercial recreation facility” are better suited as discretionary use because they can accommodate more intensive commercial uses that may not be compatible with residential uses above. “Commercial service facility” is already a discretionary use so staff is suggesting the use is simply removed from the permitted use category.</p>
<p>13. Revise Section 3.11 Restrictions on Corner Site Lines as they do not consider the cross-sections envisioned in the Timberlands North NASP</p>	<p><i>Recommended LUB amendment:</i></p> <p>The recommendation to remove the “fixed” component of the front yard setbacks negates the need for this amendment.</p> <p><i>Rationale:</i></p> <p>The restrictions on corner site lines are in place to ensure vehicular and pedestrian safety. The “fixed” front yard setbacks in some of the districts would force a dwelling to be partially situated within the corner sight line restriction area.</p>



Requested Amendments	Recommended Amendments/Rationale
<p>14. The R3 District east of Thornburn Avenue is intended to function as a larger multi-family development but is separated by a Public Utility Lot (PUL) which will make site development difficult.</p>	<p><i>Recommended NASP amendments:</i></p> <p>Revise Figure 3.1 – Timberlands Land Use Concept, and amend the text in section 4.1 Mixed Use Commercial to reflect the expanded C5 District size from 4.81 hectares (11.88 acres) to 5.28 hectares (13.05 acres).</p> <p><i>Recommended LUB amendment:</i></p> <p>Redistrict Lot 7 Block 14 and Lot 6 P.U.L to the C5 District to reflect the amended district boundaries and redistrict Lot 5 P.U.L. to P1 Parks and Recreation District.</p> <p><i>Rationale:</i></p> <p>The PUL does act as a logical boundary between the two land uses and the PUL bisecting the larger R3 parcel will render it difficult to plan a cohesive multi-family development.</p> <p>The western limit of the PUL is still identified as A1 Future Urban Development District. It is practice to designate PULs the same district as adjacent lands, which in this case the parcels immediately to the north and south are P1 Parks and Recreation District.</p>

Consultation:

Planning met with the two developers currently working with the land use districts to discuss the minor changes needed. Circulation to adjacent landowners was not conducted because the area is undeveloped and the proposed amendments are keeping with the intent of the NASP and the LUB.

Internal departments commented on the proposed amendments; where applicable, alterations to the amendments have been made to reflect comments and/or concerns raised.

Analysis:

Planning is not supportive of the requested amendments:

- Increasing the maximum site coverage in the RIWS District from 45% to 55%;
- Removing the prescribed minimum lot widths from the RIWS District; and



- Reducing side yard setbacks for the RIWS District from the current 1.5 m to 1.2 m.

The Planning Department supports the remaining amendments because:

- The changes do not impact existing developments;
- There is developer support for the amendments;
- Minor amendments were expected because the NASP envisions a new vision for The City; and
- The intent of what the Timberlands North NASP is trying to achieve is maintained.

Planning staff recommend that Council give first reading to the Timberlands North Neighbourhood Area Structure Plan amending Bylaw 3217/A-2015. Subject to first reading of 3217/A-2015, Planning recommends Council proceed with first reading of Land Use Bylaw Amendment 3357/D-2015.



MUNICIPAL PLANNING COMMISSION

Date: February 11, 2015

To: Red Deer City Council

From: Municipal Planning Commission

Subject: Amendments to the Land Use Bylaw and the Timberlands North Neighbourhood Area Structure Plan (NASP)

At the February 11, 2015 meeting of the Municipal Planning Commission, the Commission discussed proposed amendments of the Timberlands North Neighbourhood Area Structure Plan (NASP) Bylaw 3217/A-2015 and Land Use Bylaw Amendments – Bylaw 3357/D-2015. The motion as set out below was introduced and passed:

Resolved that the Municipal Planning Commission, having considered the proposed amendments of the Timberlands North Neighbourhood Area Structure Plan (NASP) Bylaw 3217/A-2015, and Land Use Bylaw Amendments – Bylaw 3357/D-2015 and presented by Administration, hereby endorses the proposed amendments to the Timberlands North Neighbourhood Area Structure Plan (NASP) Bylaw 3217/A-2015, and the Land Use Bylaw 3357/D-2015, and forwards this to Council for consideration.

The above is submitted for Council's consideration.

Respectfully submitted,

 Councillor Dianne Wyntjes
Acting Chair, Municipal Planning Commission

c: Kim Fowler, Director of Planning Services
Tara Lodewyk, Manager of Planning
Jolene Tejkl, Senior Planner



JAN 07 2015

January 5, 2015

Planning Services, City of Red Deer
Box 5008, 4914 – 48 Avenue
Red Deer, Alberta
T4N 3T4

Attention: Jolene Tejkl, RPP MCIP

RE: R1WS Bylaw Amendments

Further to our meeting on December 17th, please find the following suggestions for consideration in the bylaw amendment process:

- Front porches to be encouraged, rather than mandatory.
- Site Coverage Maximum: Increase to 55% rather than 45%.
In order to ensure adequate building footprint size, it is suggested that the Site Coverage Maximum is increased to 55%. There are several instances where the building pocket size of the lot is larger than 45% of the Lot Area. The 55% Site Coverage Maximum is consistent with other municipalities similar wide shallow bylaws (ie. Airdrie). Concerns about site coverage may partially be alleviated by a 20m road cross section that includes 3M treed boulevards.
- Front Yard Setback to be a minimum of 3.8 m for the live portion of the dwelling rather than "fixed". Fixing a front yard setback at this distance creates many negative implications affecting increased servicing cost, affordability, reduced variety of built form, and negative impact to streetscape through the inability to plant trees in the front yard.
- Given the shallow depth of lots and small building pockets, it is suggested that a covered deck be allowed to encroach into the rear yard by a reasonable amount. We would suggest 3m is in the range of reasonable.
- Side Yard Minimum: Consider 1.25m side yards.
This would be consistent with the existing side yard currently allowed under the R1G and R1N districts. Moving to a 1.25 m side yard would allow the building frontage to increase by 0.5 m adding approximately 80 square feet to the building pocket. This additional 80 square feet could mean the difference between a three bedroom home and a two bedroom home. The additional width creates greater flexibility for interior floor plans and variety of housing options in addition to

allowing wider building frontage which is central to the original intent of the R1WS bylaw.

- Corner Site Lines (related to Part 3 Figure 2B of the Land Use Bylaw): The existing bylaw requiring fixed front yard setbacks at 3.8m for the live portion of dwelling is in significant conflict with Figure 2B on corner lots, rendering the ability to build on a corner lot severely restricted. However, the above suggested revisions would alleviate this to a degree. It is suggested that the diagram in Figure 2B be reviewed in relation to the R1WS bylaw utilizing a typical 15m local road cross section to identify any significant conflicts.
- Lot Depth: The current bylaw allows only 3m of flexibility providing both a minimum and a maximum Lot Depth. The inclusion of a maximum Lot Depth is inconsistent with all other existing single family land use districts. The result is significantly reduced flexibility in community design especially in non-linear applications and areas with natural features.
It is also important to note that the existing maximum of 27m differs significantly to the minimum lot depth of 30m observed in the vast majority of other residential land use districts. The absence of any overlap in lot depths creates additional challenges in community design.
- Lot Frontage Minimum (related to single car garage and double car garage) & Maximum Garage Width: The existing bylaw requires a minimum 15m Lot Frontage in order to have a double garage. In addition, the bylaw places a maximum requirement of 7.5m (24.6 feet) on the width of the garage. We recommend that this minimum lot frontage requirement for a double garage in addition to the maximum garage width be removed from the bylaw and a proportion of House/Garage Ratio be introduced to replace this language. Similar bylaws in other municipalities use a ratio of 1:2 (House:Garage). Example: 36' wide building has a maximum garage width of 24'.

We strongly recommend that the proportion of the Garage not be less than 60%. Existing garage proportions in current residential bylaws (R1 and R1G) are most typically in the 75% to 85% range. We believe that creating a maximum in the 60% area meets the intent of the R1WS bylaw of reducing the prominence of the garage in addition to balancing the demands of consumers.

Moving to a proportion in the 50/50 range creates significant issues from a building plan, affordability, and market acceptance perspective. For example, lots would need to be 54' wide to accommodate a small double garage at 22' wide, rather than 47' wide lot frontage using a 40/60 proportion. This is a 5' wide difference in lot width amounting to a \$15,000 to \$20,000 increase in lot price that a consumer would have to absorb in order to have a double garage.

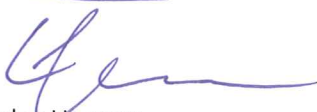
The resulting effect of moving to a 50/50 proportion would be most notably reduced affordability for the consumer further resulting in a lack of market acceptance when competing with other product types and municipalities.

(Please note that the existing wording in the bylaw allows a 7.5 m garage width on a 15m lot frontage resulting in a 12m wide building frontage. This results in a House:Garage Ratio of 37:63.) We agree with the original intent of these controls in the existing bylaw in this 40/60 range.

We appreciate the opportunity to provide initial comments in the amendment process for consideration by the Planning Department and we are excited to bring this type of product to the Red Deer market in Evergreen.

Sincerely,

Melcor Developments Ltd.



Tyler Hansen
Assistant Development Manager, Red Deer Region
Community Development

BYLAW NO. 3217/A-2015

Being a Bylaw to amend Bylaw No. 3217/B-2013, the Timberlands North Neighbourhood Area Structure Plan of The City of Red Deer as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3217/B-2013 is hereby amended as follows:

1. Figure **3.1 – Timberlands Land Use Concept Plan** is amended in accordance with the revised Figure 3.1 – Timberlands Land Use Concept Plan attached hereto and forming part of the bylaw.
2. Section **4.1 Mixed Use Commercial** is amended by deleting the first sentence and replacing it with the following:

The Timberlands North mixed use commercial, constituting some 5.28 hectares (13.05 acres), is located on the western portion of the site, bordering either side of the entry greenway from 30th Avenue.
3. Section **5.1 Single Detached Residential District** is amended by deleting the fourth sentence and replacing it with the following:

The main portion of the house is set back a short distance from the front sidewalk (a minimum of 3 metres) and the garage is set back from the front plane of the main house by a minimum of 3 metres.

READ A FIRST TIME IN OPEN COUNCIL this23rdday ofFebruary2015.

READ A SECOND TIME IN OPEN COUNCIL this16thday ofMarch2015.

READ A THIRD TIME IN OPEN COUNCIL this16thday ofMarch2015.

AND SIGNED BY THE MAYOR AND CITY CLERK th16thday ofMarch2015.

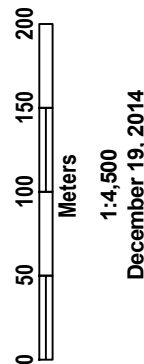
MAYOR

CITY CLERK

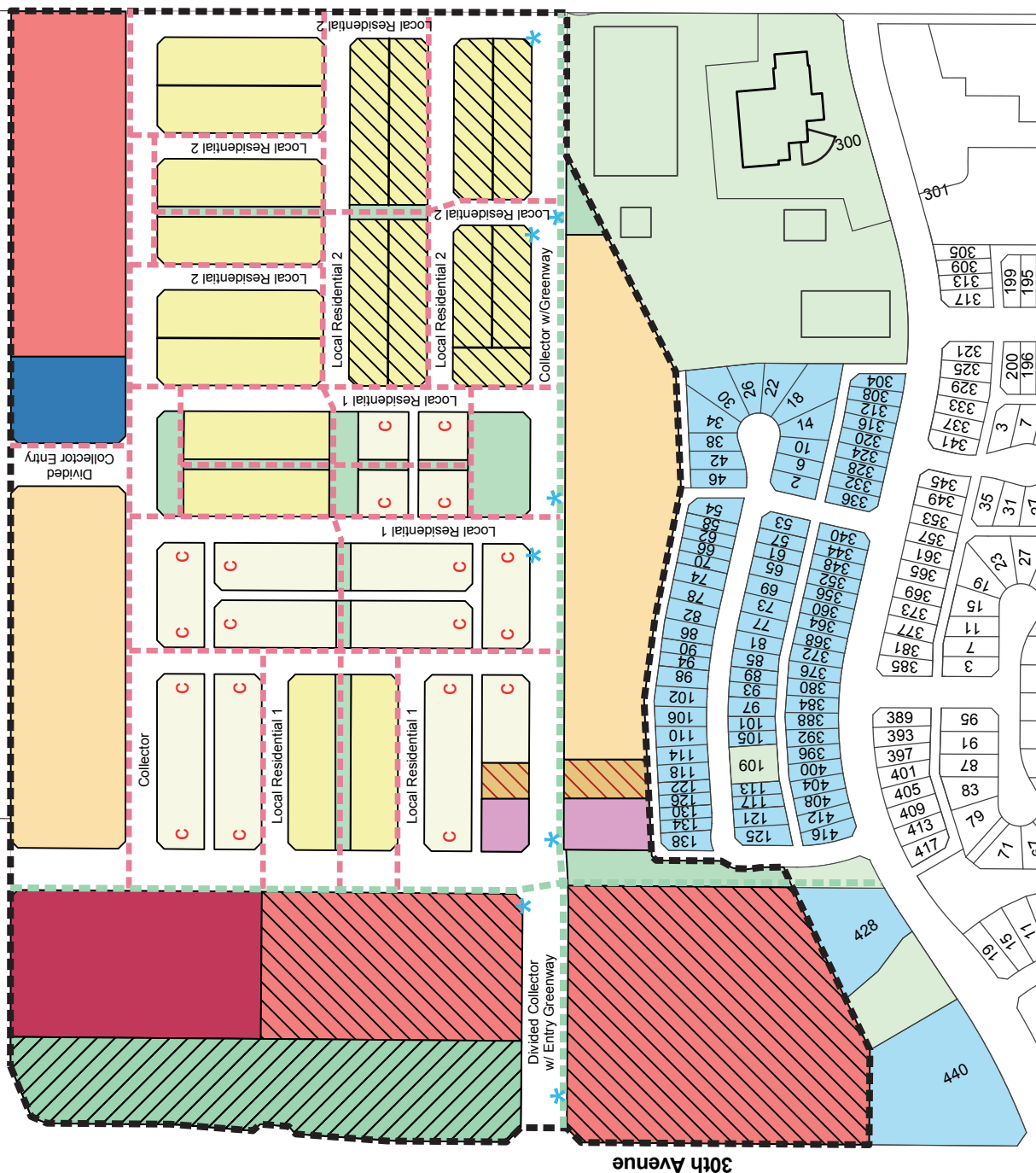
Land Uses (LUB District)

- Single Detached Residential (R-1)
- Single Detached Residential - Wide Shallows (R1WS)*
- Single Detached Residential - Carriage Homes (R1C)*
- Town House Residential (R2T)*
- Multi-Family Residential (R3)
- Live-Work (RLW)*
- Transitional Lots - Town House or Carriage Home (RLW)*
- Mixed Use - Commercial, Residential (C5)*
- Arterial Commercial (C4)
- Park Space / Municipal Reserve (P1)
- PUL/Storm Water Management (P1)
- Emergency Services (PS) / Alternate Arterial Commercial (C4)
- Bus Stop
- Carriage Home
- Greenway Connection
- Pathway Connection
- NASP Boundary

* Denotes a new land use district, which will need consideration



67th Street



TIMBERLANDS NORTH
NEIGHBOURHOOD AREA STRUCTURE PLAN



Figure 3.1 - TIMBERLANDS LAND USE
CONCEPT PLAN

BYLAW NO. 3357/D-2015

Being a Bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of The City of Red Deer as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3357/2006 is hereby amended as follows:

1. The land shown cross-hatched in the sketch attached as Schedule A "Map 6/2015" to this bylaw is redistricted from R3 Residential (Multiple Family) District to C5 Commercial (Mixed Use) District.
2. The land shown with horizontal lines in the sketch attached as Schedule A "Map 6/2015" to this bylaw is redistricted from A1 Future Urban Development District to P1 Parks and Recreation District.
3. The "Land Use District Map Q17" contained in Schedule A of the Land Use Bylaw is hereby amended in accordance with the Schedule A "Map 6/2015" attached hereto and forming part of the bylaw.
4. Section **4.1 R1 Residential (Low Density) District, (2)(a) Table 4.1 R1 Regulations** is amended by deleting the existing "Front Yard Set Back" and replacing it with the following new "Front Yard Set Back" Requirements:

Front Yard Set Back	6.0 m, except for the R1 zoned lands located within the Timberlands North Neighbourhood Area Structure Plan area (south of 67 Street and east of 30 Avenue) where the front yard setback is: <ul style="list-style-type: none"> • Minimum 3.0 m and a maximum of 4.5 m for the live portion of a dwelling unit, and • Minimum 6.0 m for any front attached garage portion of a dwelling unit
---------------------	--

5. Section **4.1.1 Residential (Carriage Home) District, (3)(a) Table 4.1.1 R1C Regulations – Principle Dwelling Unit** is amended by deleting the existing "Front Yard Setback" and replacing it with the following new "Front Yard Minimum" requirements:

Front Yard Set Back	<ul style="list-style-type: none"> • Minimum 3.0 m and maximum 4.5 m for the live portion of a dwelling unit, except when a parcel fronts onto a P1 Parks and Recreation District, then the minimum is 2 m and the maximum is 3 m, and • Minimum 6.0 m for any front attached garage portion of a dwelling unit
---------------------	---

6. Section **4.1.2 R1WS Residential (Wide/Shallow Lot) District, General Purpose** is amended by deleting the existing General Purpose and replacing it with the following revised General Purpose:

The general purpose of this District is to provide residential lots that have a wide frontage and a shallow depth intended to reduce the dominance of front attached garages from the street. Development will consist of detached dwelling units with articulated front elevations through the use of dormers, bays, porches and gable ends. Front attached garages

cannot be closer to the street than the live portion of the house. Front porches are strongly encouraged and are allowed to encroach into the minimum front yard.

7. Section **4.1.2 R1WS Residential (Wide/Shallow Lot) District, (1)(a) Permitted Uses** is amended by deleting (ii) "Detached Dwelling Unit with mandatory front attached garage and mandatory front porch, subject to section 4.1.2(2)(b) Use Provisions" and replacing with the following:

(a) Permitted Uses	
(ii) Detached Dwelling Unit with mandatory front attached garage, subject to section 4.1.2(2)(b)	

8. Section **4.1.2 R1WS Residential (Wide/Shallow Lot) District, (2)(a) Table 4.1.2 R1WS Regulations** is amended by deleting the existing "Front Yard Setback" and replacing it with the following new "Front Yard Minimum" requirements:

Front Yard Minimum	<ul style="list-style-type: none"> • 3.8 m for the live portion of a dwelling unit, and • 6.0 m for the front attached garage portion of the dwelling unit
--------------------	--

9. Section **4.1.2 R1WS Residential (Wide/Shallow Lot) District, (2)(a) Table 4.1.2 R1WS Regulations** is amended by adding the following to "Lot Depth":

"A lot depth maximum variation may be considered in the following situations as long as the lot remains wider than it is deep:

- When lot configuration is impacted by natural features;
- When lot configuration is impacted by road design; and
- When a lot transitions into another land use district."

10. Section **4.1.2 R1WS Residential (Wide/Shallow Lot) District, (2)(b) Table 4.1.2 R1WS Use Provisions** is amended by replacing the maximum width of a front attached garage with the following:

The width of the front attached garage cannot be greater than 60% of the entire front face exposure of the dwelling unit (live and garage portion combined). The driveway cannot be wider than the width of the front attached garage.
--

11. Section **4.4.1 R2T Residential (Town House) District, (2) R2T Regulations** is amended by deleting the existing "Front Yard Setback" and replacing it with the following new "Front Yard Minimum" Requirements:

Front Yard Set Backs	<ul style="list-style-type: none"> • Minimum 3.0 m and maximum 4.5 m for the live portion of a dwelling unit, and • Minimum 6.0 m for any front attached garage portion of a dwelling unit
----------------------	--

12. Section **5.6.1 C5 Commercial (Mixed Use) District, 1. C5 Permitted and Discretionary Use Table** is amended by deleting the existing (a) Permitted Uses and replacing it with the following new (a) Permitted Uses:

(a) Permitted Uses	
(i) Day care facility	
(ii) Dwelling units above the ground floor	

(iii) Health and medical services
(iv) Home music instructor/instruction, subject to section 4.7(10)
(v) Home occupations which, in the opinion of the Development Officer, will not generate traffic subject to section 4.7(8)
(vi) Live work unit subject to section 4.3.2(2)(b)
(vii) Merchandise sales and/or rental (excluding industrial goods, motor vehicles, machinery and fuel and all uses where primary focus is adult oriented merchandise and/or entertainment)
(viii) Multiple family building with a minimum density of 35 dwelling units/hectare
(ix) Multi-attached buildings with a minimum density of 35 dwelling units/hectare
(x) Restaurant without drive through
(xi) Sale of residential units from a show office/suite
(xii) Signs, subject to section 3.3 and 3.4:
(1) Awning and canopy signs
(2) Fascia signs
(3) Neighbourhood identification sign
(4) Projecting signs

13. Section 5.6.1 C5 Commercial (Mixed Use) District, 1. C5 Permitted and Discretionary Use Table is amended by deleting the existing (b) Discretionary Uses and replacing it with the following new (b) Discretionary Uses:

(b) Discretionary Uses
(i) Accessory building or use
(ii) Assisted living facility
(iii) Commercial entertainment facility
(iv) Commercial recreation facility
(v) Commercial service facility
(vi) Drinking establishment (adult entertainment prohibited) and subject to section 5.7(8)
(vii) Office in total not to exceed 10% of the gross commercial floor area of the building within which it is located
(viii) Parking lot/parking structure
(ix) Place of worship or assembly
(x) Public and quasi-public buildings
(xi) Transportation communications or utility facility
(xii) Outdoor display or sale of goods
(xiii) Restaurant with drive through
(xiv) Sale of fuel
(xv) Signs subject to section 3.3 and 3.4:
(1) Freestanding
(2) Portable signs
(3) Painted wall signs
(4) Wall signs

14. Section **8.22 Exceptions Respecting Land Use, 1. Areas Specifically Designated for a Particular Use** is amended by adding the following new subsection:

- (aa) The location highlighted below, south of Timberlands Drive and abutting the road right-of-way, shall be restricted to a mixed use building as described herein. A portion of the said building must abut Timberlands Drive. The building shall be comprised of at-grade (main floor) commercial use and 3-storeys of multi-family

residential use above. Above at-grade uses shall be limited to multi-family residential. The building shall have an active commercial street face built close to or abutting Timberlands Drive. For further clarity, the restrictions of this Section 8.22 (aa) shall be considered fundamental land use restrictions applicable to this location highlighted below; and, the restrictions of this Section 8.22 (aa) shall 'overlay' or restrict and limit the listed permitted and discretionary uses of any general Land Use District (e.g. C5 District) that may otherwise apply to the location highlighted below.



READ A FIRST TIME IN OPEN COUNCIL this 23rd day of February 2015.

READ A SECOND TIME IN OPEN COUNCIL this 16th day of March 2015.

READ A THIRD TIME IN OPEN COUNCIL this 16th day of March 2015.

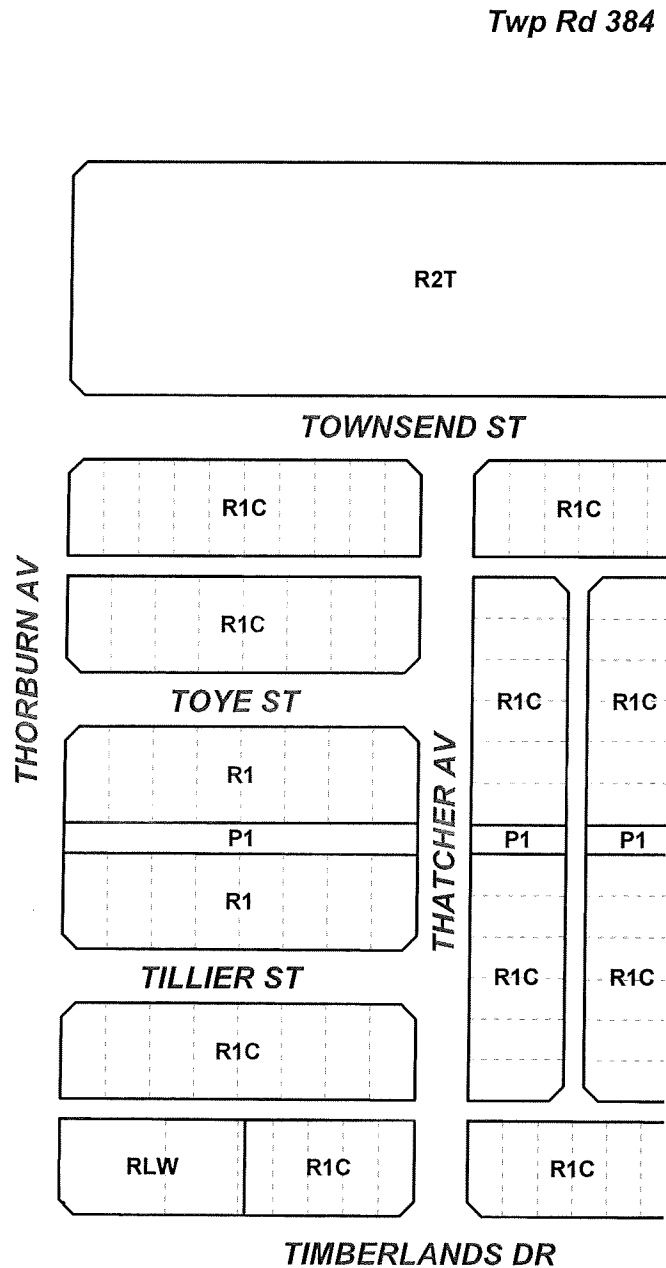
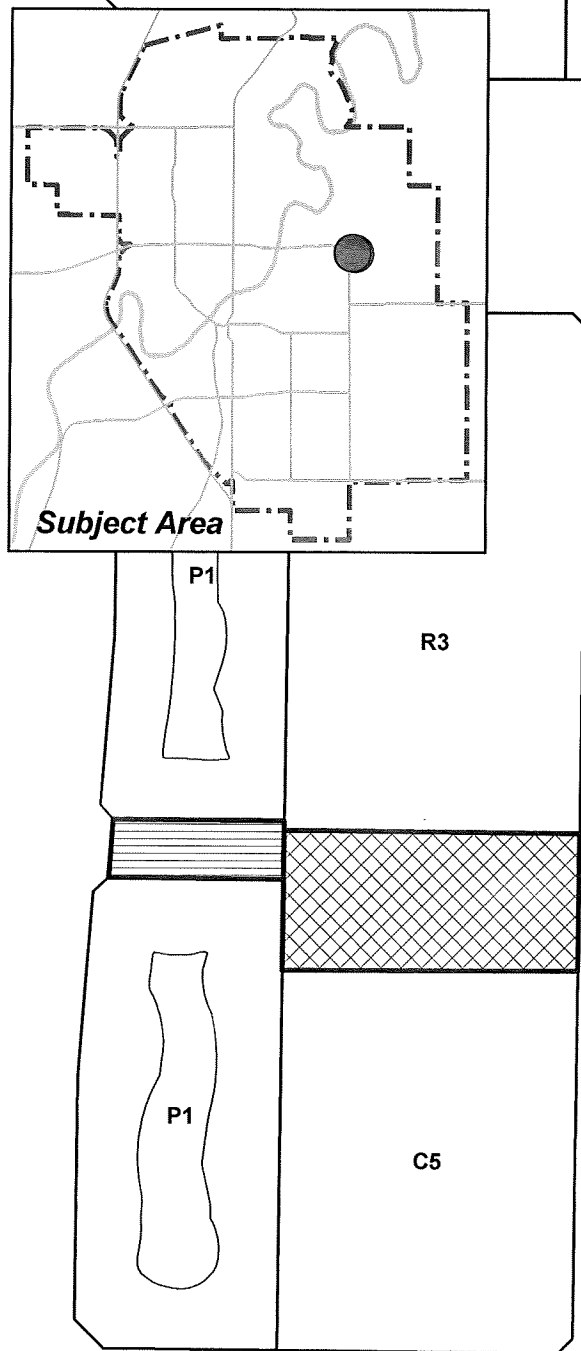
AND SIGNED BY THE MAYOR AND CITY CLERK this 16th day of March 2015.

MAYOR

CITY CLERK



Proposed Amendment to Land Use Bylaw 3357/2006



Change District from:



R3 to C5 - Commercial (Mixed Use) District



A1 to P1 - Parks and Recreation District

Affected District:

R3 - Residential (Multiple Family) District

A1 - Future Urban Development District

Proposed Amendment

Map: 6 / 2015

Bylaw: 3357 / D-2015

Date: Dec. 19, 2014

DATE: March 19, 2015
TO: Angus Schaffenburg, Acting Planning Services Manager
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Timberlands North Neighbourhood Area Structure Plan
Amendments – Bylaw 3217/A-2015 and Bylaw 3357/D-2015
Consideration of Second and Third Readings of the Bylaw

Reference Report:

Legislative Services, dated March 9, 2015 and Planning Services, dated February 2, 2015.

Bylaw Reading:

At the Monday, March 16, 2015 Regular Council Meeting, Council gave Second and Third readings to Timberlands North Neighbourhood Area Structure Plan Bylaw Amendments 3217/A-2015 – minor amendments to facilitate development and 3357/D-2015 – a Land use Bylaw Amendment .

Report back to Council: No

Comments/Further Action:

These bylaws are attached for your information.



Frieda McDougall
Manager
/attach.

- c. Corporate Meeting Coordinator
T. Lodewyk, Acting Director of Planning Services
J. Tejkl, Senior Planner

The City of Red Deer
Bylaw Readings

FILE COPY

Moved by Councillor: Harris Seconded by Councillor: Dianne Wyntjes
Wyntjes Wilde

**That Timberlands North Neighbourhood Area Structure Plan Bylaw
Amendment 3217/A-2015**

BE READ A FIRST TIME IN OPEN COUNCIL this 23 day of February 2015.

BE READ A SECOND TIME IN OPEN COUNCIL this 15th day of March 2015.

BE READ A THIRD TIME IN OPEN COUNCIL this 15th day of March 2015.

**REMINDER FOR COUNCIL MEMBERS: YOU MUST BE IN ATTENDANCE AT ALL OR
A PORTION OF THE PUBLIC HEARING IN ORDER TO PARTICIPATE IN DEBATE
AND VOTE ON 2nd AND 3rd READINGS OF THIS BYLAW.**

BYLAW NO. 3217/A-2015

FILE COPY

Being a Bylaw to amend Bylaw No. 3217/B-2013, the Timberlands North Neighbourhood Area Structure Plan of The City of Red Deer as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3217/B-2013 is hereby amended as follows:

1. Figure **3.1 – Timberlands Land Use Concept Plan** is amended in accordance with the revised Figure 3.1 – Timberlands Land Use Concept Plan attached hereto and forming part of the bylaw.
2. Section **4.1 Mixed Use Commercial** is amended by deleting the first sentence and replacing it with the following:

The Timberlands North mixed use commercial, constituting some 5.28 hectares (13.05 acres), is located on the western portion of the site, bordering either side of the entry greenway from 30th Avenue.

3. Section **5.1 Single Detached Residential District** is amended by deleting the fourth sentence and replacing it with the following:

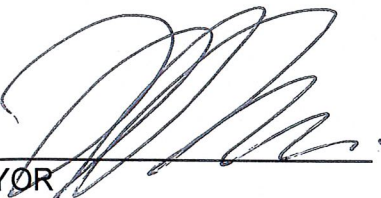
The main portion of the house is set back a short distance from the front sidewalk (a minimum of 3 metres) and the garage is set back from the front plane of the main house by a minimum of 3 metres.

READ A FIRST TIME IN OPEN COUNCIL this 23rd day of February 2015.

READ A SECOND TIME IN OPEN COUNCIL this 16th day of March 2015.

READ A THIRD TIME IN OPEN COUNCIL this 16th day of March 2015.

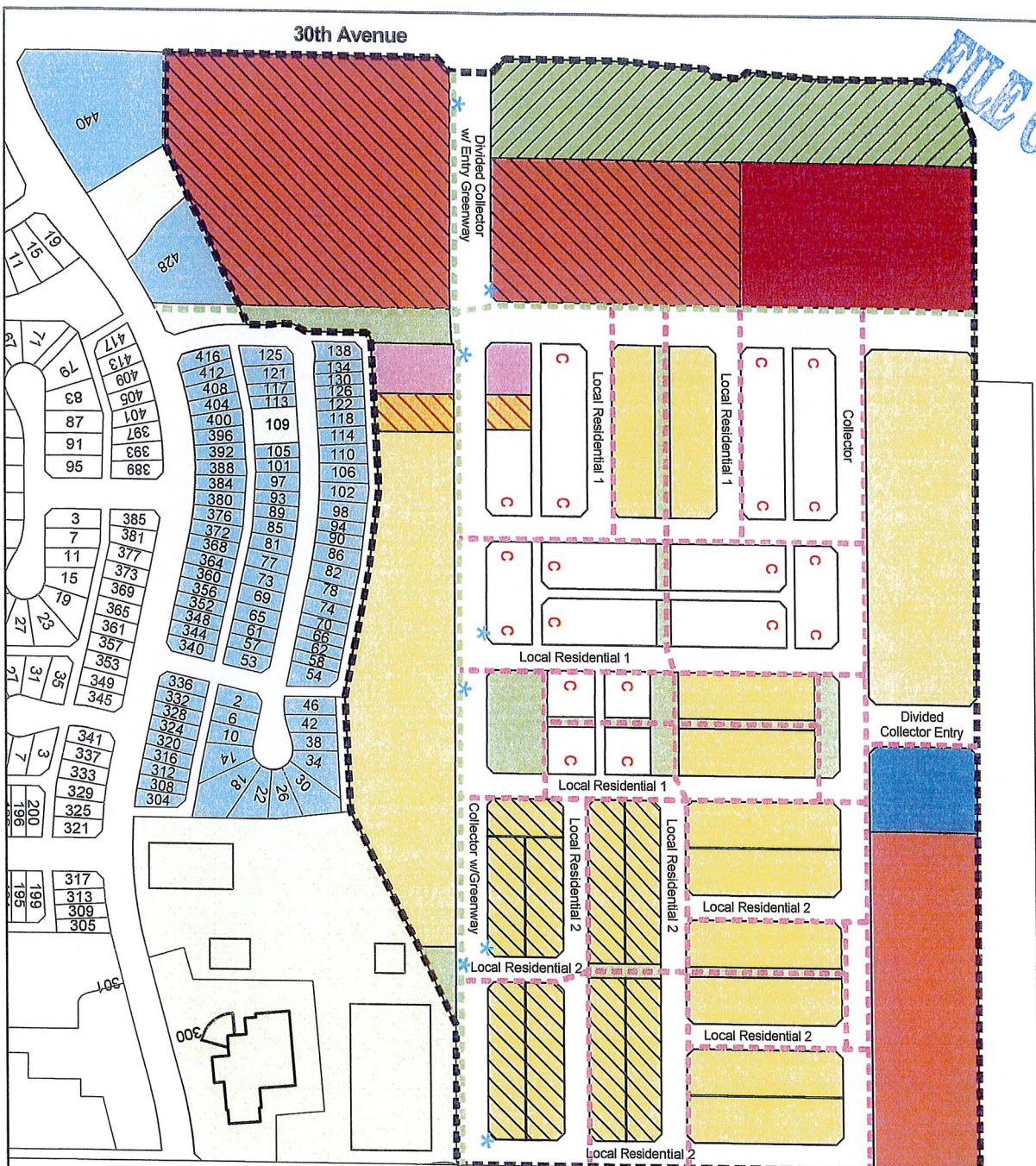
AND SIGNED BY THE MAYOR AND CITY CLERK this 16th day of March 2015.


MAYOR


CITY CLERK

FILE COPY

67th Street



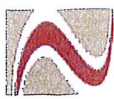
Land Uses (LUB District)

- Single Detached Residential (R-1)
- Single Detached Residential - Wide Shallows (R1WS)*
- Single Detached Residential - Carriage Homes (R1C)*
- Town House Residential (R2T)*
- Multifamily Residential (R3)
- Live-Work (RLW)*
- Transitional Lots - Town House or Carriage Home (RLW)*
- Mixed Use - Commercial, Residential (C5)*
- Arterial Commercial (C4)
- Park Space / Municipal Reserve (P1)
- PUL/Storm Water Management (P1)
- Emergency Services (PS) / Alternate Arterial Commercial (C4)
- Bus Stop
- Carriage Home
- Greenway Connection
- Pathway Connection
- NASP Boundary

* Denotes a new land use district, which will need consideration



1:4,500
December 19, 2014



THE CITY OF
Red Deer

TIMBERLANDS NORTH NEIGHBOURHOOD AREA STRUCTURE PLAN

Figure 3.1 - TIMBERLANDS LAND USE
CONCEPT PLAN

The City of Red Deer
Bylaw Readings

FILE COPY

Moved by Councillor:

Phyton

Seconded by Councillor:

Handley

That Land Use Bylaw Amendment 3357/D-2015

BE READ A FIRST TIME IN OPEN COUNCIL this

23rd

day of

Feb.

2015. ✓

BE READ A SECOND TIME IN OPEN COUNCIL this

16th

day of

March

2015.

BE READ A THIRD TIME IN OPEN COUNCIL this

16th

day of

March

2015.

REMINDER FOR COUNCIL MEMBERS: YOU MUST BE IN ATTENDANCE AT ALL OR A PORTION OF THE PUBLIC HEARING IN ORDER TO PARTICIPATE IN DEBATE AND VOTE ON 2nd AND 3rd READINGS OF THIS BYLAW.

BYLAW NO. 3357/D-2015

FILE COPY

Being a Bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of The City of Red Deer as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3357/2006 is hereby amended as follows:

1. The land shown cross-hatched in the sketch attached as Schedule A "Map 6/2015" to this bylaw is redistricted from R3 Residential (Multiple Family) District to C5 Commercial (Mixed Use) District.
2. The land shown with horizontal lines in the sketch attached as Schedule A "Map 6/2015" to this bylaw is redistricted from A1 Future Urban Development District to P1 Parks and Recreation District.
3. The "Land Use District Map Q17" contained in Schedule A of the Land Use Bylaw is hereby amended in accordance with the Schedule A "Map 6/2015" attached hereto and forming part of the bylaw.
4. Section **4.1 R1 Residential (Low Density) District, (2)(a) Table 4.1 R1 Regulations** is amended by deleting the existing "Front Yard Set Back" and replacing it with the following new "Front Yard Set Back" Requirements:

Front Yard Set Back	6.0 m, except for the R1 zoned lands located within the Timberlands North Neighbourhood Area Structure Plan area (south of 67 Street and east of 30 Avenue) where the front yard setback is: <ul style="list-style-type: none">• Minimum 3.0 m and a maximum of 4.5 m for the live portion of a dwelling unit, and• Minimum 6.0 m for any front attached garage portion of a dwelling unit
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5. Section **4.1.1 Residential (Carriage Home) District, (3)(a) Table 4.1.1 R1C Regulations – Principle Dwelling Unit** is amended by deleting the existing "Front Yard Setback" and replacing it with the following new "Front Yard Minimum" requirements:

Front Yard Set Back	<ul style="list-style-type: none">• Minimum 3.0 m and maximum 4.5 m for the live portion of a dwelling unit, except when a parcel fronts onto a P1 Parks and Recreation District, then the minimum is 2 m and the maximum is 3 m, and• Minimum 6.0 m for any front attached garage portion of a dwelling unit
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6. Section **4.1.2 R1WS Residential (Wide/Shallow Lot) District, General Purpose** is amended by deleting the existing General Purpose and replacing it with the following revised General Purpose:

The general purpose of this District is to provide residential lots that have a wide frontage and a shallow depth intended to reduce the dominance of front attached garages from the street. Development will consist of detached dwelling units with articulated front elevations through the use of dormers, bays, porches and gable ends. Front attached garages

cannot be closer to the street than the live portion of the house. Front porches are strongly encouraged and are allowed to encroach into the minimum front yard.

7. Section **4.1.2 R1WS Residential (Wide/Shallow Lot) District, (1)(a) Permitted Uses** is amended by deleting (ii) "Detached Dwelling Unit with mandatory front attached garage and mandatory front porch, subject to section 4.1.2(2)(b) Use Provisions" and replacing with the following:

(a) Permitted Uses	
(ii)	Detached Dwelling Unit with mandatory front attached garage, subject to section 4.1.2(2)(b)

8. Section **4.1.2 R1WS Residential (Wide/Shallow Lot) District, (2)(a) Table 4.1.2 R1WS Regulations** is amended by deleting the existing "Front Yard Setback" and replacing it with the following new "Front Yard Minimum" requirements:

Front Yard Minimum	<ul style="list-style-type: none">• 3.8 m for the live portion of a dwelling unit, and• 6.0 m for the front attached garage portion of the dwelling unit
--------------------	---

9. Section **4.1.2 R1WS Residential (Wide/Shallow Lot) District, (2)(a) Table 4.1.2 R1WS Regulations** is amended by adding the following to "Lot Depth":

"A lot depth maximum variation may be considered in the following situations as long as the lot remains wider than it is deep:

- When lot configuration is impacted by natural features;
- When lot configuration is impacted by road design; and
- When a lot transitions into another land use district."

10. Section **4.1.2 R1WS Residential (Wide/Shallow Lot) District, (2)(b) Table 4.1.2 R1WS Use Provisions** is amended by replacing the maximum width of a front attached garage with the following:

The width of the front attached garage cannot be greater than 60% of the entire front face exposure of the dwelling unit (live and garage portion combined). The driveway cannot be wider than the width of the front attached garage.

11. Section **4.4.1 R2T Residential (Town House) District, (2) R2T Regulations** is amended by deleting the existing "Front Yard Setback" and replacing it with the following new "Front Yard Minimum" Requirements:

Front Yard Set Backs	<ul style="list-style-type: none">• Minimum 3.0 m and maximum 4.5 m for the live portion of a dwelling unit, and• Minimum 6.0 m for any front attached garage portion of a dwelling unit
----------------------	---

12. Section **5.6.1 C5 Commercial (Mixed Use) District, 1. C5 Permitted and Discretionary Use Table** is amended by deleting the existing (a) Permitted Uses and replacing it with the following new (a) Permitted Uses:

(a) Permitted Uses	
(i)	Day care facility
(ii)	Dwelling units above the ground floor

(iii) Health and medical services
(iv) Home music instructor/instruction, subject to section 4.7(10)
(v) Home occupations which, in the opinion of the Development Officer, will not generate traffic subject to section 4.7(8)
(vi) Live work unit subject to section 4.3.2(2)(b)
(vii) Merchandise sales and/or rental (excluding industrial goods, motor vehicles, machinery and fuel and all uses where primary focus is adult oriented merchandise and/or entertainment)
(viii) Multiple family building with a minimum density of 35 dwelling units/hectare
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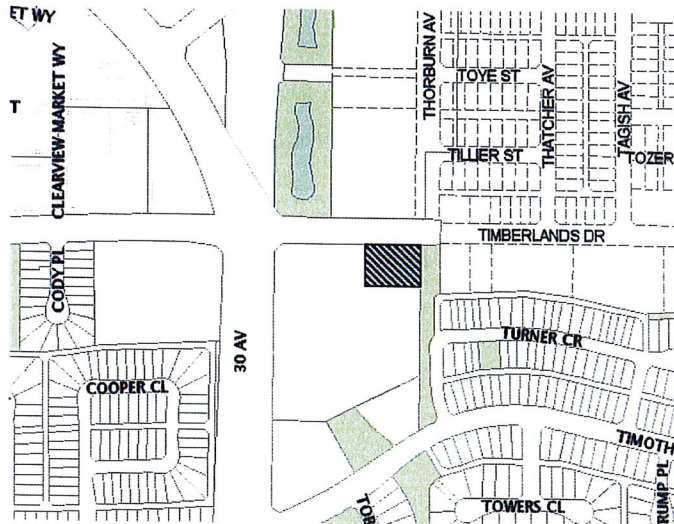
13. Section 5.6.1 C5 Commercial (Mixed Use) District, 1. C5 Permitted and Discretionary Use Table is amended by deleting the existing (b) Discretionary Uses and replacing it with the following new (b) Discretionary Uses:

(b) Discretionary Uses
(i) Accessory building or use
(ii) Assisted living facility
(iii) Commercial entertainment facility
(iv) Commercial recreation facility
(v) Commercial service facility
(vi) Drinking establishment (adult entertainment prohibited) and subject to section 5.7(8)
(vii) Office in total not to exceed 10% of the gross commercial floor area of the building within which it is located
(viii) Parking lot/parking structure
(ix) Place of worship or assembly
(x) Public and quasi-public buildings
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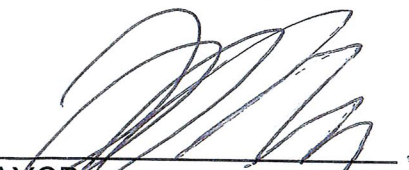
14. Section 8.22 Exceptions Respecting Land Use, 1. Areas Specifically Designated for a Particular Use is amended by adding the following new subsection:


- (aa) The location highlighted below, south of Timberlands Drive and abutting the road right-of-way, shall be restricted to a mixed use building as described herein. A portion of the said building must abut Timberlands Drive. The building shall be comprised of at-grade (main floor) commercial use and 3-storeys of multi-family

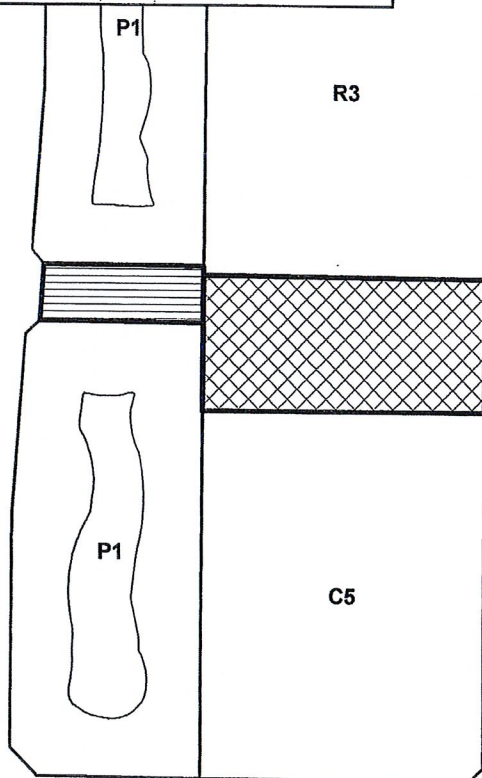
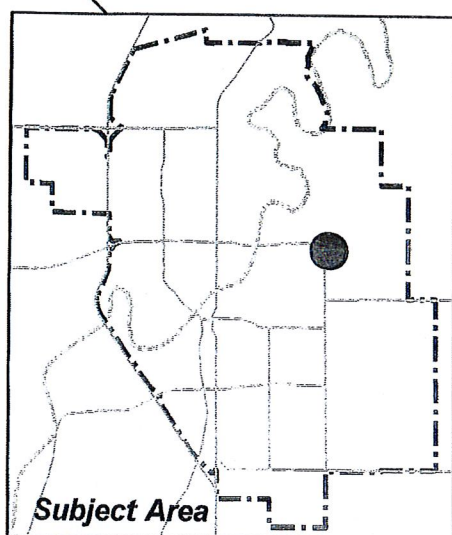
residential use above. Above at-grade uses shall be limited to multi-family residential. The building shall have an active commercial street face built close to or abutting Timberlands Drive. For further clarity, the restrictions of this Section 8.22 (aa) shall be considered fundamental land use restrictions applicable to this location highlighted below; and, the restrictions of this Section 8.22 (aa) shall 'overlay' or restrict and limit the listed permitted and discretionary uses of any general Land Use District (e.g. C5 District) that may otherwise apply to the location highlighted below.



READ A FIRST TIME IN OPEN COUNCIL this 23rd day of February 2015.
 READ A SECOND TIME IN OPEN COUNCIL this 16th day of March 2015.
 READ A THIRD TIME IN OPEN COUNCIL this 16th day of March 2015.
 AND SIGNED BY THE MAYOR AND CITY CLERK this 16th day of March 2015.


 MAYOR


 CITY CLERK



THORBURN AV

TOWNSEND ST

TOYE ST

TILLIER ST

THATCHER AV

TIMBERLANDS DR

R2T

R1C

R1C

R1C

R1

P1

R1

R1C

RLW

R1C

R1C

R1C

P1

P1

R1C

R1C

R1C

Change District from:



R3 to C5 - Commercial (Mixed Use) District



A1 to P1 - Parks and Recreation District

Affected District:

R3 - Residential (Multiple Family) District

A1 - Future Urban Development District

Proposed Amendment

Map: **6 / 2015**

Bylaw: **3357 / D-2015**

Date: **Dec. 19, 2014**



January 08, 2015

Notice of Motion Submitted by Councillor Buck Buchanan re: Crime Mapping

Legislative Services

Report Summary & Recommendation:

This Notice of Motion was submitted by Councillor Buck Buchanan at the Monday, March 02, 2015 Council meeting.

This item is now being presented for Council's consideration.

City Manager Comments:

The issue of crime mapping is one that has been considered by many municipalities and was very popular in the 1980s, with many police and community agencies discontinuing their use in the late 1990s. When first introduced, crime maps allowed law enforcement to identify trouble areas so they might schedule additional patrols and focus resources. In modern day policing, Crime Analysts now use an increasingly large and credible data pool that acknowledges the size and complexity of the information encompassed within it, to study patterns and probabilities in crime to focus on immediate problems in the community.

Crime mapping should be taken with careful consideration and the attached articles outline some pros and cons of proceeding. Essentially the major benefit is to increase public awareness and community knowledge of where crime is occurring. On the negative side, the mapping of a spike of crime in a neighbourhood can lead to spatial labelling, resulting in insurance rates and property values affected. (refer to attached article: "Crime Mapping and the Real World", pages 220-222)

In relation to the Notice of Motion (paragraph 5), the RCMP disagrees that there is no cost with gathering the data and determining an appropriate mapping process. Further, the advice from the RCMP is that crime mapping is one of many tools which can be deployed in crime prevention, and one that needs to be contextualized and used judiciously.

City administration supports the concept of crime mapping but believes that it must be considered as part of the overall safety charter and as part of the new Ad Hoc Safety Committee's initiatives. Therefore, the real question facing the City is: what priority should be given to crime mapping and how does it fit with an overall safety strategy?



With this in mind, it is proposed that the final portion of the Notice of Motion be amended as follows:

“Therefore be it resolved that the City of Red Deer collaborate with RCMP Detachment and the Community Safety Ad Hoc Committee to explore the concept of crime mapping as an element of the overall Safety Strategy.”

Craig Curtis
City Manager

Proposed Resolution:

Whereas crime mapping was first established in 1829 in Iowa when two individuals created maps to reflect the relationship between violent property crimes and educational levels. (Iowa State University Graduate Thesis, 2013).

Whereas the Neighbourhood Watch Organization have conducted Police and Fire log reports to the public dating back to 2001.

Whereas by providing information to the public, this will help citizens become more aware of what is happening in the community and even ultimately reduce the number of crimes that occur, or assist police in solving crimes, and engage residents in how to reduce and prevent crimes from taking place.

Whereas it was stated in the Ipsos Reid Surveys for The City of Red Deer that crime is within the top 4 important priorities that need to be addressed by the City out of a list of 11.

Whereas crime mapping is a technology that combines geographical data with police report data with intentions to display the information on a map to analyze where, how and why crime occurs. There is no cost for set up, assistance, and maintenance for just the crime mapping program.

Whereas crime maps do not pin point the exact location that a crime took place. The crimes that are plotted are located in a general area, and are not associated with any specific civic address so as to protect the privacy of victims.

Whereas various sizes of cities across Canada such as Toronto, Kelowna, Saskatoon, Regina, St. Albert, Waterloo, Owen Sound, Fredericton, Medicine Hat, Victoria, and Lethbridge have been successful with crime mapping in their communities.

Therefore be it resolved that the City of Red Deer collaborate with the RCMP Detachment and the Community Safety Ad Hoc Committee to explore the concept of crime mapping as an element of the overall Safety Strategy.

**Background:**

At the Monday, March 02, 2015 City Council Meeting, the following Notice of Motion was introduced by Councillor Buck Buchanan:

Whereas crime mapping was first established in 1829 in Iowa when two individuals created maps to reflect the relationship between violent property crimes and educational levels. (Iowa State University Graduate Thesis, 2013).

Whereas the Neighbourhood Watch Organization have conducted Police and Fire log reports to the public dating back to 2001.

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Whereas various sizes of cities across Canada such as Toronto, Kelowna, Saskatoon, Regina, St. Albert, Waterloo, Owen Sound, Fredericton, Medicine Hat, Victoria, and Lethbridge have been successful with crime mapping in their communities.

Therefore be it resolved that The City of Red Deer collaborate with the RCMP detachments within Red Deer and the Central Alberta Crime Prevention Centre to develop a crime mapping system for the community.

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DAMNED IF YOU DON'T, DAMNED IF YOU DO: CRIME MAPPING AND ITS IMPLICATIONS IN THE REAL WORLD

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A small but growing North American trend is the publication of maps of crime on the Internet. A number of web sites allow observers to view the spatial distribution of crime in various American cities, often to a considerable resolution, and increasingly in an interactive format. The use of Geographical Information Systems (GIS) technology to map crime is a rapidly expanding field that is, as this paper will explain, still in a developmental stage, and a number of technical and ethical issues remain to be resolved.

The public right to information about local crime has to be balanced by a respect for the privacy of crime victims. Various techniques are being developed to assist crime mappers to aggregate spatial data, both to make their product easier to comprehend and to protect identification of the addresses of crime victims. These data aggregation techniques, while preventing identification of individuals, may also be inadvertently producing maps with the appearance of 'greater risk' in low crime areas. When some types of crime mapping have the potential to cause falling house prices, increasing insurance premiums or business abandonment, conflicts may exist between providing a public service and protecting the individual, leaving the cartographer vulnerable to litigation.

Keywords: Crime mapping; Spatial labelling; Geocoding; Ethics

INTRODUCTION

When members of the public are asked to list their main areas of concern, crime is usually at (or very near) the top. A BBC poll reported in the *Economist* (1995) found that people were more worried about violent crime than unemployment, inflation, the state of the health service or education. The public seems to have an insatiable appetite for news on criminal activity, as witnessed by the proclivity of crime-oriented television programmes and newspaper articles. Fiction and fact seem to be almost indistinguishable, such that a number of studies of the fear of crime have shown that the public in general are not good at evaluating their realistic likelihood of victimisation (Economist, 1995; Grabosky, 1995; Borooah and Carcach, 1997; Kemshall, 1997).

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Police services are now attempting to counter not just the level of criminal activity, but also the public perception of crime victimisation. A number of police services have the reduction of public fear of crime built into their mission statements.

Fortunately, the police are ideally placed to reassure and inform the public. Most sectors of society have a higher-than-realistic fear of crime, particularly the elderly. In the current 'risk society', the police are positioned as the 'gatekeepers' to information about crime (Ericson and Haggerty, 1997) with the attendant responsibility of informing the public and the outside world. Indeed as Ericson and Haggerty note; "Most of the crime-related knowledge produced by the police is disseminated to other institutions" (1997, p. 5). A 1997 US Bureau of Justice Statistics report found that 35% of local police departments provided the public with access to crime statistics or maps, and in departments with a catchment population over 100,000, this figure increased to 80% (Wartell and McEwen, 2001). This public and institutional (both internal and external) thirst for information, however, imposes a drain on police resources and assets that might be better used elsewhere. As a result, the Internet offers what seems to appear to be an ideal medium for dissemination of information that, once automated in some fashion, might provide savings in time and human resources. Information can also be controlled by the police to ensure that a less dramatic slant is placed on the data and information.

Maps can be an ideal way to convey crime-risk information and have been used within some police services for a few years. A number of US police agencies are now using crime maps on the Internet to inform the public about relative risk. The maps are used because they are easy to understand and are able to convey data, that used to be shown in tabular format, in a more informative way.

Although there are currently no agencies in the UK or Australia mapping crime for public access over the Internet, a number of law enforcement agencies are examining the possibility of developing an online mapping capability. This would therefore seem an ideal time to examine some of the technical and ethical issues surrounding crime mapping.

There are a number of factors to consider in this area, including the respect of individual privacy, and the accuracy of the subsequent mapped information. This article will examine sources of error in the creation of maps of crime, and begins with a discussion of personal privacy and the errors inherent in crime map production. It continues by examining the problems associated with the use of the Internet for crime mapping before concluding with the proposition that there is the potential for both progress and for problems in this area, highlighting that further work is required.

PERSONAL PRIVACY

One point with which few people disagree is the notion that personal privacy should be protected. Few victims of crime would be happy to report details of their victimisation to the police knowing that they would be identifiable moments later via the Internet. For example, victims of a burglary would not want their address to be in the public domain, advertising that their property was vulnerable to burglary. Even when an actual address is not available, it may be possible to extrapolate the address of the victim from a dot on a map. The privacy of crime victims is not in dispute. Various

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countries and states have created, or are in the process of creating, legislation to protect the privacy of people who report crime to the authorities. In many cases this legislation, which places severe restraints on criminologists and those seeking to assist the police with strategic research, can dictate that the information can only be used for the purpose for which it was given. There is currently some debate as to whether the crime victims who supply information are in fact doing so to catch a specific criminal (the offender of their specific incident) or to help catch criminals in general (leaving open the criminological research potential of crime data).

The corollary of this legislative condition is that crime data must be masked or aggregated in some fashion prior to being disseminated beyond the criminal justice system. The many processes of aggregation can result in the production of a number of errors in crime data that are, in turn, replicated in crime maps. The errors resulting from aggregation must be understood to fully appreciate the potential and disadvantages of these maps. This paper is intended to be interpreted constructively. The author is a firm supporter of this technology for both policing intelligence and strategic criminological research, however appreciates that this technology is not yet perfected for crime mapping. As Peter Grabosky has said, just because we might wish to analyse engineering failures does not mean we should forsake the use of bridges and buildings, hence just because problems are identified with some types of crime prevention, it does not mean that we should dismiss the whole area of research and policy (1996). The conclusions drawn here promote a realistic appraisal of the current 'State of the Union' of geocoding in the areas of law enforcement, Internet protocol and Geographical Information Systems (GIS), which can not only serve as a warning in research and policy areas that have not received sufficient attention, but also as a research agenda for the future. The discussion might also be timely for policy considerations in countries such as the United Kingdom and Australia which have high levels of Internet access, but have yet to foray into the area of public crime mapping. The following sections seek to provide a brief overview of the existing potential for error in crime mapping.

MAPPING CRIME

In most countries, the police are the main body responsible for the collation of recorded crime information. Attitudes and legislation differ from country to country but in general, aggregated and summarised information of this nature is considered to be public property and can be viewed by the population. In the US, unlike Europe or Australia, much crime information collected by public agencies is deemed to be public records. A number of US law enforcement agencies are taking a lead by disseminating this information, not in tabular statistical form, but visually, showing the distribution of crime in an area over a period of time (see www.ojp.usdoj/cmrc). Wartell and McEwen (2001) report that in May 2000, the Crime Mapping Research Center was aware of 38 agencies that had maps of crime available for viewing on the Internet. The quality of the information varies from site to site; some show a static map with preselected dates and specific types of crime, while others are interactive and permit the viewer to select dates and types of crime. A more up-to-date list of law-enforcement crime-map sites is available from the Crime Mapping Research Center (www.ojp.usdoj/cmrc). Wartell and McEwen (2001, pp. 5-6) list a number of

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benefits for law enforcement that develop Internet crime mapping projects. These are summarised below:

1. Providing crime maps on the Internet may provide a saving in police workload,
2. Increased community knowledge about crime may increase community co-operation,
3. Maps can assist in community policing and problem solving,
4. Maps can increase public awareness of neighbourhood problems,
5. Maps can facilitate partnerships with researchers and other agencies,
6. Data provision by the police service can help prevent its figures from being misinterpreted,
7. Maps and data increase police department accountability.

Thirty-eight sites showing crime maps may not seem numerous given that the US is a mosaic of about 19,000 relatively autonomous law enforcement agencies, but given the attendance at crime mapping conferences and the level of activity of the Crime Mapping Research Center this number is set to increase. It is worth noting that, irrespective of the generally agreed need for confidentiality, the majority of these sites actually display the exact crime location as a point on a map. With the current paradigm of community policing there is a clear appeal for a technological solution that both informs and engages the public. However the publishing of maps on the Internet relies on a technology that is not yet firmly established, and on which development is still taking place. Automated maps of crime require human and computer processing through a number of stages, each of which can introduce a degree of error. While it might be stimulating to work in an innovative area of criminal justice and information technology, representing the gatekeeper of this knowledge also confers responsibility and a need to recognise the limitations of this emerging science.

LIES, DAMNED LIES AND WEB PAGES

Crime is always a matter of public interest, and it is frequently an emotive issue. This was highlighted most noticeably in the UK in 2000 when a tabloid newspaper, the News of the World, began to publish the personal details (including addresses) of convicted sex offenders. Although the paper did publish warnings advising against public action, the vigilante mobs were soon out in force. Warning pages are frequently ignored, if they are even read at all. One doctor in Wales had her property daubed with threatening graffiti when an apparently illiterate individual could not tell the difference between 'paedophile' and 'paediatrician'. Similar problems exist on the Internet where caveats can be ignored, and pages containing disclaimers regarding limitations or data accuracy can be avoided in direct links or immediately clicked past, unread. Few people read the licence agreements with new software packages once they have loaded more than a couple of new programs, and the situation regarding caveat and warning pages on the Internet is similar.

Much of the debate about the suitability of criminal justice information available via the Internet has already taken place due to the requirements placed on US law enforcement by 'Megan's Law'. Seven year old Megan Kanka was killed in 1994 by a sex offender who lived across the road from her house. Subsequently the 'Jacob

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Wetterling Crimes Against Children and Sexually Violent Offender Registration Act¹ was amended by President Clinton to require US states to make available to the public the details and locations of all sex offenders. A number of agencies, such as the Virginia State Police¹, make this information available over the Internet. Debate is still ongoing as to the accuracy of these databases, and their impact on the criminal justice administration. Police in the UK reported losing contact with a number of registered sex offenders once the News of the World began their campaign against paedophiles.

Disseminating information about crime to the public is different from passing information to criminal justice professionals. The latter group is generally aware of the limitations of recorded crime data, both in terms of the accuracy of individual records, and the veracity of total numbers.

Giving information to the public is a different matter, and while some people are highly educated and knowledgeable about criminal justice, this does not hold for the majority. As Herbert Dreyfus has recognised, "...no one assumes responsibility for the accuracy of the information on the Web. The information has become so anonymous that no one knows or cares where it came from. Of course, in so far as one does not take action on the information, no one really cares if it is reliable." (Dreyfus, 1999, p. 16). With maps of crime on the Internet however, there is a very real possibility that policy makers, local community groups, vigilante mobs (especially with the case of maps displaying the residences of sex offenders) or any number of interested parties might convert information into action. Accuracy and accountability become issues at this point, however, fewer web pages are now carrying information that indicates who actually created the page, and by implication, who is prepared to testify to the accuracy thereof. You might find a link to a webmaster, but lack of personal details makes it harder to contact an individual if the webmaster fails to reply to a query. It is also harder to attribute blame. Beyond static information sites that do not frequently change much information, there are web sites that constantly and automatically update themselves by referring to databases maintained on automated servers. Pages that retrieve information from databases seem to have an implied acceptance that they automatically portray truth: it would almost be heretical to suggest that an error could have occurred or that the information is out of date. Examples can be easily found in the web sites of airlines that offer on-line ticketing. Many sites offer the ability to select from a number of flight times and destinations, but how often do you see a sentence along the lines of "If you think any of this information is wrong, e-mail Bob.Smith@airline.com"? There is an assumption that the database is infallible and will always return the requested data, that the information it contains is devoid of error, and if 'facts' are disgorged from a computer, then they must be true.

Crime Recording and Geocoding

If we now go on to examine the possible sources of error in a geographical database of crime, it will be seen that the information available to generate a web page might deviate considerably from the actual spatial distribution and volume of crime. Before

¹Virginia State Police Sex Offender and Crimes Against Minors Registry Home Page: <http://sex-offender.vsp.state.va.us/cool-ICE/> (accessed 24 Sept 2001).

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a crime can be mapped, it must go through a complex process capable of introducing error at every point. Research on the 'dark figure' of crime (that portion of the total crime in a community that is never reported to authorities) immediately tells us that some types of crime are considerably under-reported (Coleman and Moynihan, 1996) suggesting that any eventual map will underestimate the actual instances of criminal activity. An easy solution to this trail of error potential is to add the caveat that a map shows only those locations of crimes reported to and recorded by the police, but as mentioned earlier, caveats and warning pages are not necessarily heeded. Spatial accuracy is also a major concern in crime mapping. Once a crime is reported to a police officer, accurate recording relies on the victim knowing the correct incident location, conveying this to the police officer, and that officer dutifully recording the correct location. An additional source of error springs from the necessity to geocode crime locations to generate a point on a map. The science of geocoding is still under development and data quality varies from state to state, and across international boundaries (Harries, 1999). Arguably, for geocoding purposes, the British AddressPoint data is one of the most accurate in the world. AddressPoint is a database that contains *x* and *y* coordinates for every address in the UK. Unfortunately, it is also expensive, and the prohibitive cost can limit its widespread use. In other countries, the use of centre-line geocoding can limit the accuracy of a geocoded point, placing a dot, tens (or occasionally, hundreds) of metres from the actual crime location. Centre-line geocoding uses collections of street segments (generally a single line purporting to represent the centre of the road) containing address ranges as attributes. A software geocoding 'engine' estimates the location of an address based on the address range attributes and the street segment direction and length.

Different agencies can achieve different success rates of geocoding, with some able to geocode nearly 100% of their data. Others have published maps with little more than 70% of the available data mapped. Geocoding crime locations that do not occur at or near premises creates an additional problem. Some crime sites, such as robberies in the street or crimes in rural locations, are difficult to geocode with any degree of reasonable accuracy. Ratcliffe (2001), expanding on the work of Harries (1999), provides a 10-point summary of geocoding errors that gives some flavour of the multitude of possible errors in the geocoding process:

1. Out-of-date street directories that do not recognise new addresses or roads.
2. Abbreviations of street and road names (for example, 'gdns.' in place of 'gardens') that cannot be recognised by geocoding software.
3. Local name variations that do not match database entries.
4. Address duplication problems that are caused by dozens of streets with the same name across a city.
5. Non-existent addresses caused by typographical errors (for example, '3700 Chestnut Street' that should read '370 Chestnut Street').
6. Line simplification that does not reflect the true curves of a street and places geocoded points in the wrong place. Line simplification is the process of using sections of small, straight lines to represent curved and winding roads. It is commonly done with GIS to reduce file sizes and to simplify the visualisation of bending roads and shapes.
7. Noise in the address file that causes geocoding software to skip records. Additional terms in addresses such as 'outside 12 Smith Street' or 'near 12 Smith Street' can be unreadable to many geocoding programs.

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8. The inability to geocode non-address locations, such as 50 m along a street, or in a rural location a few miles from a town.
9. General geocoding imprecision that places a point some distance from the actual address.
10. Ambiguous or vague addresses that make it impossible to identify an actual address.

The trauma of geocoding might be thought to be the last challenge prior to map generation, but of course these individual points must be masked or aggregated in some fashion prior to being viewed by the general public, if the privacy of the individual is to be truly protected. There are a number of different aggregation processes. Some generate a smoothed surface of event density, while others aggregate crime distribution to fixed boundaries such as census tracts. The former can be undertaken by a variety of means that produce different outputs from the same data, while the latter is vulnerable to the Modifiable Areal Unit Problem (MAUP), identified as a serious problem by a number of authors (Openshaw, 1984; Bailey and Gatrell, 1995; Unwin, 1996). The MAUP can occur when a change in the position of boundaries can generate different maps with the same data, inviting different interpretations. To demonstrate the potential for discord, this paper will now review two methods that seek to go beyond many current smoothing processes by generating definite hotspot areas.

COMPARISON OF TWO HOTSPOT METHODS

The software package for the Spatial and Temporal Analysis of Crime (STAC) has been in existence for many years now, and is probably the most widely used software for delineating crime hotspot areas in use by American police agencies. It is available free of charge from the Illinois Criminal Justice Information Authority. STAC uses a combination of statistical routines to show hotspot areas as standard deviational ellipses (ICJIA, 1996). The limitations of this software have been discussed elsewhere (Ratcliffe and McCullagh, 2001), but it has undoubtedly been a significant innovation in the past, and remains a popular product. The Getis and Ord G_i^* statistic is one of a newer range of techniques termed Local Indicators of Spatial Association, or LISA statistics (Anselin, 1995). LISA statistics have already been used in the study of crime (Chakravorty, 1995; Ratcliffe and McCullagh, 1999), and in the following example the methodology for the LISA statistic uses the process described in Ratcliffe and McCullagh (1999). Although this methodology has not yet been made easily available for crime mappers and still requires programming skill on their part, the technique has been favourably reviewed at more than one Crime Mapping Research Center International Annual Conference.

The data for this study are taken from the Eastern Suburbs of Sydney (Australia) and draw on six months of burglary data containing 783 incidents (two separate periods of April to July 1998 and November 1998 to March 1999 have been combined). Figure 1 shows the Eastern Beaches Local Area Command, a basic command unit of the New South Wales Police Service. It is a generally affluent area with compact housing just East of the Sydney CBD. Figure 1a depicts the 783 incidents where the size of the circle indicates the number of incidents that have occurred at the same location (the largest circle has a value of 11). This is useful as a way to show the distribution of

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all incidents in the dataset, but has its limitations. As the number of incidents increases, the functionality of the map to accurately convey the areas of higher crime intensity diminishes as the viewer is swamped with too much information. Secondly, the larger dots can either obscure smaller dots, or can themselves be obscured by lots of smaller symbols placed over them. If the road network is shown, the location of individual premises could be calculated with enough effort. Figure 1(b) shows the same set of 783 data points displayed as STAC hotspots (grey ellipses) and Gi* hotspot regions (black bordered regions). Both of these techniques employed the same parameters where possible².

As can be seen from Fig. 1b, there are seven STAC hotspot regions marked, each indicated by a standard deviational ellipse. There are many more hotspot regions indicated by the Getis Ord Gi* statistical analysis, varying greatly in area and shape. The relative merits of each system could be discussed in relation to the underlying geography of the crime distribution or the application to police operational intelligence. For example, one quantitative method to decide the most appropriate hotspot detection method might count how many actual crime locations are contained within the hotspots, with the argument that an ideal system will identify those regions with the highest density of points within the smallest area, aiming for the highest number of points per square kilometre. This approach would be suited to police operational use as, even with high density/high rise housing areas, police can still derive value in

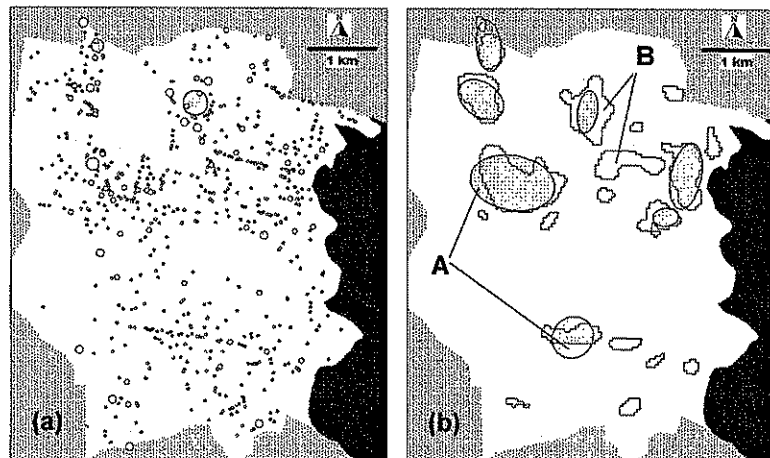


FIGURE 1 (a) shows the location of all 783 burglary incidents in the Eastern Beaches Local Area. Command of the New South Wales Police Service (Sydney, Australia) with circle size weighted to reflect the number of repeat incidents at each location, (b) shows hotspot regions defined for the same data as (a) by both STAC (grey ellipses) and the Ratcliffe and McCullagh method employing a Gi* algorithm (solid black outlined areas). In figure (b) areas marked 'A' show example areas that are within STAC hotspots and not Gi* regions, while 'B' areas show examples of the reverse.

²For the technically-minded, the STAC hotspots were generated by choosing a 200m search over a rectangular pattern with a minimum number of 5 points per hotspot. Further methodological details are available in ICJIA (1996). The Getis Ord Gi* method used a resolution of 40m, a bandwidth of 200m, and Gi* fixed radius of 120m, a quartic kernel algorithm for the surface interpolation, and a *p* value of less than 0.01 for the Bonferroni test. Details of the full methodology are available in Ratcliffe and McCullagh (1999).

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identifying those areas with the highest level of crime irrespective of population density. If this rule was applied, then Table I shows that the highest density of points is found here by using the Getis Ord G_i^* statistical approach. Although the G_i^* regions cover a larger part of the study area, they have a higher density of points within the regions. A converse operational policing argument might argue that there are too many hotspot regions generated using the G_i^* approach, and what operational commanders need is something simpler. With fewer hotspots, even if they are slightly less accurate, the STAC regions are easier to prioritise for resource allocation and to explain to patrolling officers.

The main point from this is that while many areas are overlapping, there are also regions that are only hotspots according to STAC (example areas are indicated 'A'), and others are only hotspots according to the G_i^* analysis (example areas marked 'B'). This lack of correlation across significant areas of the map indicates that living and working in a crime hotspot is not only a function of the location of surrounding crime, but also of the analytical process applied to that crime data. Choice of hotspot detection algorithm will influence the map display and subsequent interpretation, giving the choice of computer program a political inclination. Ignoring this dimension of the software is to believe in what Corbett and Marx have termed the fallacy of technical neutrality (Corbett and Marx, 1991). Different analytical processes can be applied to different problems, and a number of different equable techniques could be applied to the same data, in the same way as has been done here. The problem is that in the absence of an unambiguous 'right' answer, different techniques can arguably be applied to the same data generating different answers that could be interpreted as equally right, or equally wrong.

This example is used here to demonstrate the capacity for discord in analytical processes that could be translated into error and imprecision when mapping solutions are used. At the time of writing this article, the author is unaware of any site that currently shows hotspot maps using STAC or G_i^* to the public, though they are used as internal dissemination tools within the police and criminal justice system. Maps that show hotspot surfaces are available publicly on the Internet³, as are maps that shade crime amount by census tract⁴, arguably an even more questionable technique

TABLE I Comparison of hotspot methods from Fig. 1(b). Although the Getis Ord G_i^* approach generates hotspots that cover a larger area, these regions are more tailored to the spatial pattern of the crime points, and contains a far higher number of points, resulting in a more dense pattern of points per km²

	<i>Total area of hotspot regions (% of study area)</i>	<i>Points contained in regions (% of all points)</i>	<i>Density of points (points/km²)</i>
STAC ellipses	2.02 km ² (8.7%)	240 (31%)	119
Getis Ord G_i^*	2.81 km ² (12.1%)	399 (51%)	142

³Internet links are notorious for going dead prior to the publication of an article, but one example was available at the time of writing at www.ci.mesa.az.us/police/crime_analysis, and others through the links page of the Crime Mapping Research Center (www.ojp.usdoj.gov/cmrc). Accessed 24 September 2001.

⁴Same caveat as the previous footnote should apply, but try Tempe, Arizona Part 1 crimes map at www.tempe.gov/cau/, or again through the Crime Mapping Research Center (www.ojp.usdoj.gov/cmrc). Both pages accessed 24 September 2001.

due to the difficulties with the modifiable areal unit problem. Space does not permit here, but a number of articles demonstrate the limitations and problems of mapping in this way (Openshaw, 1984; Bailey and Gatrell, 1995; Unwin, 1996).

CONSEQUENCES OF MAPPING ERROR

The geographer and GIS expert Stan Openshaw recognised the potential pitfalls that face GIS users when deciding to use the technology for potential public benefit, and he could have been easily talking about law enforcement. He noted the potential for well-meaning decisions based on GIS having a detrimental effect. "To put it more bluntly, when GISs are used, there is a danger of some GIS-inspired decisions killing people, ruining businesses, and wasting public resources" (Openshaw, 1993, p. 451). He went on to list four types of GIS sin⁵:

1. Type 1 – When a GIS application fails completely,
2. Type 2 – When a GIS application causes measurable harm,
3. Type 3 – When GIS is not used and the lack of use results in a poorer decision, and
4. Type 4 – When vendors make GIS so complex that it is impossible for users to improve the system.

Given the recent commercialisation that has taken place in the GIS industry, and the number of associated programming languages that are available for modern GIS, it is to be hoped that type 1 and type 4 GIS sins are now few and far between. The quandary that can occur with the current picture of crime mapping is the conflict between the potential to commit either a type 2 or type 3 GIS sin. A type 3 incident can occur if maps are not employed when their use would educate the public, inform police officers and criminal justice officials responsible for resource allocation and policy making, and assist detectives in case investigation. Certainly the first reason is a primary rationale for going to the effort of putting crime maps on the web at all, and other reasons were discussed earlier in this paper.

But if an area is labelled a crime hotspot by mistake, or a geocoding error places a dot indicating a sex offender's house in the wrong place, what are the possible consequences? Before identifying areas of concern it should be pointed out that there are some positive consequences of residing in an erroneously labelled high crime area. With the current paradigm of targeted policing, residents of a region accidentally perceived to have a crime problem are likely to receive prioritised policing and possible greater access to scarce crime prevention resources. This is of course to the detriment of more needy areas, but there can be little dispute that the residents would be unlikely to complain about additional policing and safer streets as a result!

The reality is that there are potentially a greater number of negative factors associated with the label of 'high crime area'. Public access to maps that show high crime regions may affect insurance premiums and even the accessibility of insurance, residential and commercial property prices may suffer as a result, and good employees may be unwilling to work in high crime regions. This last factor might therefore impact on the quality of education available to schoolchildren in the region, the skill level of workers

⁵Openshaw actually lists four types of GIS 'crime'. To avoid confusion the term 'sin' is used here.

available to local businesses and the quality and experience of the local police service. In the place of a resident who owns a business in an area labelled as 'high crime' in error, whom might they blame? They might see their children receive a worsening standard of education as all the good teachers get jobs elsewhere, their business unable to fill available positions, and the value of their home depreciating. This could certainly be in Openshaw's area of causing measurable harm; a type 2 GIS sin, and in an information-rich society it would be a relatively simple process to generate some measure of loss or harm.

The paradox is the possibility of being too reticent in publication and inadvertently causing a type 3 event, where crime continues to be a problem because the spatial analysis that identified the problem was not publicly available for fear of litigation. Megan's Law, mentioned earlier in this paper, was legislation born from a desire to prevent further serious crimes being the result of insufficient public access to information. A similar desire to protect agencies from future litigation is no doubt behind the collection of US legislation loosely termed 'Clery's Law'. The 1990 legislation requires universities and colleges in the US to show their campus crime statistics on a centralised web site. Six thousand seven hundred colleges are eligible with a maximum fine of US\$25,000 possible for each unreported crime. The law⁶ was named for 19-year-old Jeanne Clery who was killed in 1986 in a dormitory room at Lehigh University in Bethlehem, Pennsylvania. Unbeknown to Jeanne Clery or her parents, there had been 38 violent crimes on campus in the preceding three years⁷.

Spatial Labelling

The type of neighbourhood problems discussed in the previous section (such as falling property prices and deteriorating educational standards) could be seen as the result of spatial labelling. Labelling theory relates to the possibility that stigmatisation can generate the formation of criminal subcultures (Braithwaite, 1989; Williams, 1994), though empirical work has questioned its validity in certain circumstances (Weatherburn and Coumarelos, 1994). Spatial labelling is the notion that negative impressions and stigmas can be attached to an area, with a knock-on effect on the tolerance to crime of the residents and people passing through the region.

The mere identification of a place as dangerous or rowdy sends a signal. Persons who are risk-averse and who value tranquillity will be inclined to avoid such a location, while those who would be producers and consumers of risk would be attracted to such a place. Where signals of danger do not initially reflect empirical reality, they may operate as self-fulfilling prophecies, transforming the image and reality of a place (Grabosky, 1996).

Crime mappers run the risk of starting a downward trend by labelling an area as 'high crime'. Large-scale public dissemination of maps highlighting high crime areas is certainly likely to have an adverse affect on a number of socio-economic indicators such as real estate value. Given that some of the areas may not actually experience a great deal of crime, flawed publicly-available crime maps might provide the first

⁶Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 USC 1092 (f) as a part of the Higher Education Act of 1965.

⁷More information is available at <http://www.campusafety.org/> (accessed 24 September 2001).

'broken window' to initiate the spiral of decay described by 'Broken-Windows' theory (Wilson and Kelling, 1982), a crime generation scenario that the police can ironically play an important part in preventing at an early stage (Weatherburn and Grabosky, 1999). This self-fulfilling prophecy of secondary deviance might be perceived by a litigation-oriented community as the fault of the cartographer, blamed for a case of 'erroneous spatial labelling'.

ETHICS

To summarise the dilemma, the crime mapper is left with the situation that maps of crime published on the Internet can provide a public good, by informing and educating the public as to their realistic level of risk in different locations, but the necessity to aggregate the data to protect the individual privacy of crime victims introduces an element of inaccuracy. The result of this necessary blurring of data integrity can generate the cartographic appearance of greater risk in low crime areas and vice versa.

Is there a role for utilitarianism here? The principle of act utilitarianism has been applied previously in a law-enforcement situation in the area of recruiting informants (Cooper and Murphy, 1997), and there is some overlap in general arguments. Act utilitarianism suggests a course of action that produces the best results with regard to satisfaction for society as a whole. It is also possible to derive rules, based on utilitarian principles as a more constructive guide (Boylan, 2000, p. 85). Act utilitarian theory might therefore suggest that the general benefit of a more enlightened and crime-aware broad public far outweighs the problems that might occur from public interpretation of less accurate areas of the map. A rule utilitarian approach might, however, draw up a rule that if sufficient portions of the map are inaccurate, then the cartographic image should not go on public display. This type of rule would be specific enough to be useful and not broad enough to simply be a restatement of an act utilitarian principle. However, this rule is open to interpretation. What constitutes a significantly large portion of the map? How much is considered to be too much error? In this case, consider Fig. 1(b). Are the discrepancies between the STAC hotspots and the Gi* hotspots insignificant enough to warrant publication on the web of a STAC hotspot map?

It is possible to take an alternative view, which is the view from well beneath the parapet of a police service legal department. Protection from litigation is undoubtedly a high concern in such arenas (the only concern?) and a more restrictive rule of 'any map that might leave the department vulnerable to litigation must not be published' would seem sensible to such an organisation. If so, then could we publish any map of crime, given the sources of error outlined earlier in this paper? And if that is the case, where does public good lie in such a discussion?

Professional ethics is another area that can contribute to a discussion on the value of data integrity. The field of professional ethics is certainly a broad one and it could be easily argued that ethics does apply to mappers of crime data. Those involved have varying ethical and legal obligations to others (colleagues and public) and these obligations may change depending on the audience for their work. Weckert and Adeney quote the Australian Computer Society Code of Ethics when they explain that members should "endeavour to preserve the integrity and security of others' information" (Weckert and Adeney, 1997). The term 'preserve' is open to interpretation, but still

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brings us back to the core of the dilemma: given that you have to aggregate data to produce an acceptable output, and aggregation introduces error, how do you produce maps of crime and still maintain data integrity?

CONCLUDING COMMENTS

As an indication of the complexity of the issue, consider the case of the police department in Redding, California. They have responded to Megan's Law by showing on their web site, maps of registered sex offenders living near a number of schools. The following disclaimer accompanies the maps:

PLEASE NOTE: The symbols identifying the street location DO NOT represent the exact location of where the offender lives. The symbols have been enlarged and offset to keep an exact location from being determined.⁸

The problem that they have tried to address is the confidentiality issue and to avoid an exact location being determined. The advantage for parents of children at the school may be clear, but some local residents may be upset to have a symbol showing the location of a sex offender offset so that it sits right on their house, and then enlarged. It is hardly likely to improve the resale value of their property. The value of this 'offset and enlarge' approach may be questionable, but the caveat is a sensible attempt to deal with some of the issues. It remains to be seen (possibly in some future litigation) if it is sufficient to protect the police department. Litigation is a growth industry in many developed world countries and the public service cartographer might be vulnerable. Once the map is in the public domain, it is beyond the control of the mapmaker, and a caveat can be easily separated from the original image. One suggestion to make is to improve the technology and analytical techniques, but many of the errors inherent in the geocoding process are human and occur before the cartographer even sees the data. As knowledge about the spatial and temporal dimensions of crime increases it is becoming apparent that crime hotspots also vary over time (Ratcliffe, 2000). A crime hotspot during the afternoon could easily become one of the safest neighbourhoods after nightfall increasing the complexity of crime distribution that must be conveyed to the public.

The whole area of crime maps on the Internet seems to require further discussion. The US approach indicates that the information is important enough to publish on the Internet, but this medium does not reach the whole community. Only those with access to the Internet will be able to make informed decisions regarding crime around suburbs and schools and be better educated. It is a sad reality that the least fortunate in society are the most victimised and it could be argued that their need to information is the most pressing. Is the Internet therefore the most effective method of sharing information?

Misinterpretation, or worse, accurate interpretation of erroneous information is always a possibility. "We know that if we do not establish a legal regime that constrains citizens' access to weapons, the likelihood that innocent people will be shot increases. In information societies, information is comparable to guns and ammunition"

⁸Capitalisation in original. Source: http://ci.redding.ca.us/rpd/rpdmap_enterprise.html (accessed 24 September 2001).

(Hoven, 1999, p. 34–35). There is a real responsibility placed on crime mappers to maintain the highest levels of data integrity and to convey to their new Internet audience the limitations of that data and the limitations of the methods they have used to preserve the identity of victims.

Maps of crime are an effective method of communicating crime hotspots to law enforcement agencies, especially when there is often discord between the perceptions of police officers and the actual distribution of crime (Ratcliffe and McCullagh, 2001). The mapping of crime for public consumption would also appear to have real potential to engage the public with local community problems, but it would appear that further work is necessary to improve some of the technical issues, and as the number of web sites increases, a wary eye should be kept on the socio-economic and ethical situation.

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the guardian

Crime maps, policing and fear

Daniel Bear and Murray Lee discuss the pros and cons of the Home Office's new crime mapping website

Daniel Bear and Murray Lee

theguardian.com, Wednesday 2 February 2011 11.25 GMT



Crime maps: 'Knowledge is a good thing, and the community should hold police accountable'. Photograph: Alamy

Daniel Bear: Sometimes a crime map is just a crime map



6,500 anti-social incidents a day across England, 34,463 anti-social incidents across London in December, and 44 violent offences last month on Glovers Court in Preston. These are stark numbers indeed. The new crime mapping initiative put forward yesterday by the Home Office creates transparency about the amount of crime in our neighbourhoods. It's also apparently quite popular, receiving a reported 18 million hits per hour yesterday, causing the site to crash for most of the day. But the government putting local criminal behaviour on your computer screen is only the first step towards better accountability and community policing.

While undoubtedly a powerful tool, the primary debate surrounding the new map has been whether it is helpful or harmful. In particular, critics have focused on the potential of the map to decimate home values in areas labelled as problematic. This is a legitimate concern for homeowners. However, less detailed ward-based mapping has been available from the Met for some time now without any reported harm, and with the added ability to see trends in crime; a feature the new system currently lacks.

Will it be a helpful tool, as the policing minister, Nick Herbert, believes when he says, "... we are giving people the information and power to hold their local forces to account and ensure that crime in their neighbourhood is driven down"? Possibly, but only if it's paired with real accountability measures. The home secretary wants people to, "challenge [police] about how issues are being dealt with". If the goal is truly accountability, the map fails to provide any useful information on actual police responses to crime. For example, it gives no insight to citizens concerned about the disproportionate use of stop-and-search powers on some communities. To live up to the quoted aspirations, the map needs to be built into a more robust tool showing solutions, not just tips on protecting your belongings.

Questions of the map's helpfulness versus harmfulness fail to dig down to a bigger issue that Herbert and Theresa May are overlooking. They want to show you the scary crime numbers and give you the contact information for your local Safer Neighbourhood Team (SNT). However, crime occurrences aren't always about police inadequacy. By slashing the education and benefits packages that help have been shown to deter young people from criminal behaviour, the government risks a reversal in the decade-long decrease in crime. You need to combine your policing strategy with the social services and opportunities necessary to foster a strong community. Herbert has implicitly pointed the finger at police, when in fact, it's a much larger set of issues.

So yes, knowledge is a good thing, and the community should hold police accountable. But this map doesn't do much beyond provide a facade of empowerment, implicitly blame the police for crime arising often from structural inadequacies, and prevent meaningful measures of accountability. Nobody really benefits from the map in its current state ... and yet I stayed on the site for an hour and a half.

- Daniel Bear is a PhD candidate at LSE, studying street level policing in London

Murray Lee: Fear of crime bears little relation to statistics on the ground



If criminologists and crime prevention specialists wanted increased access to data they got it – and so did everybody else, with the launch of the Home Office's new interactive website. In many ways this is not surprising. Data about crime – and a whole range of social indicators – has become increasingly democratised since the 1960s when many western governments began to suspect that statistics might have more utility beyond the walls of their own agencies. Since this time the public has become ever more cognisant (and sometimes cynical) of official statistics. Numbers are powerful.

Crime statistics are complex numbers and their generation is the result of a range of policing practices, the public's willingness to report a broad range of offences, and a plethora of legal categories and political and policy strategies. Moreover, much, if not

most, crime is not reported. That means that crime statistics are inherently imperfect. Of course, that doesn't make them useless, it just means they need to be scrutinised with due care. Crime maps based on such statistics are equally complex and equally imperfect. The question then is whether this imperfect data is really useful to local communities and to what use is it likely to be put?

We often see the police as the solution to crime problems and so it goes for the rationale of this new initiative. The assumption articulated by Nick Herbert seems to be that a well informed public will consult their local crime map and hold local police "to account" for crime. Assuming this is what occurs, this may have some interesting effects on policing strategies, perhaps leading to reactive rather than proactive intelligence-led practices. One irony might also be that detections could be pushed up as a result of intensive reactive policing practices resulting in the statistical perception that crime is actually rising in a locality.

If this measure is aimed at reducing fear of crime and increasing public confidence in policing it's unlikely to have the desired effect. Research into fear of crime has constantly indicated that the link between crime fear and recorded levels of crime is spurious. Even when recorded crime rates fall a significant percentage of the public assume crime is on the increase. Indeed, the release of such data may have the unintended consequence of increasing fear of crime as more attention is drawn to crime in the neighbourhood. People almost always believe crime is worse "elsewhere" than their own neighbourhood. There is a chance this initiative might bring the crime problem back home in the public imagination.

Criminologist David Garland has argued that the public is increasingly being asked manage their own risk of becoming a victim of crime – in criminological speak this is termed "responsibilisation". One only has to look at the expanding plethora of crime and safety instruction manuals produced by numerous agencies and organisation to find evidence of this. In many ways the public release of these crime maps is an extension of this individual or community responsibilisation. If crime is occurring in your street you'll be empowered (or responsibilised) to take the necessary steps to address it. That might be OK for well-heeled organised communities but is likely to fail in communities that might be less homogeneous or organised.

Crime maps are wonderfully seductive. They reduce complex social phenomena to a limited number of dots or shading on a cartographic representation of space. They are not however representations of reality but sociopolitical artefacts. Democratising information about crime may well be desirable, but these maps are unlikely to be a

magic bullet in the fight against crime. If there is a lesson to be drawn from a history of fear-of-crime research, it is that the more we attempted to measure and analyse fear of crime in attempts to allay fear, the more fearful the public became.

- Murray Lee is a director of the Sydney Institute of Criminology



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DATE: March 19, 2015
TO: Angie Keibel, Deputy City Clerk
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Notice of Motion submitted by Councillor Buck Buchanan
Re: Crime Mapping

Reference Report:

Legislative Services, dated January 8, 2015.

Resolution:

At the Monday, March 16, 2015 Regular Council Meeting, Council considered the following Resolution:

Resolved that Council of The City of Red Deer, having considered the report from Legislative Services, dated January 8, 2015 re: Age Friendly Red Deer hereby agrees to support the following:

Whereas crime mapping was first established in 1829 in Iowa when two individuals created maps to reflect the relationship between violent property crimes and educational levels. (Iowa State University Graduate Thesis, 2013).

Whereas the Neighbourhood Watch Organization have conducted Police and Fire log reports to the public dating back to 2001.

Whereas by providing information to the public, this will help citizens become more aware of what is happening in the community and even ultimately reduce the number of crimes that occur, or assist police in solving crimes, and engage residents in how to reduce and prevent crimes from taking place.

Whereas it was stated in the Ipsos Reid Surveys for The City of Red Deer that crime is within the top 4 important priorities that need to be addressed by the City out of a list of 11.

Whereas crime mapping is a technology that combines geographical data with police report data with intentions to display the information on a map to analyze where, how and why crime occurs. There is no cost for set up, assistance, and maintenance for just the crime mapping program.

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Notice of Motion submitted by Councillor Buchanan:
Crime Mapping

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Whereas crime maps do not pin point the exact location that a crime took place. The crimes that are plotted are located in a general area, and are not associated with any specific civic address so as to protect the privacy of victims.

Whereas various sizes of cities across Canada such as Toronto, Kelowna, Saskatoon, Regina, St. Albert, Waterloo, Owen Sound, Fredericton, Medicine Hat, Victoria, and Lethbridge have been successful with crime mapping in their communities.

Therefore be it resolved that the City of Red Deer collaborate with the RCMP Detachment and the Community Safety Ad Hoc Committee to explore the concept of crime mapping as an element of the overall Safety Strategy.

Report back to Council: No



Frieda McDougall
Manager

- c. S. Cockerill, Director of Community Services
S. Tod, RCMP Superintendent
Councillor B.Buchanan