

**BYLAW 21-10
TOWN OF BLACK DIAMOND**

BEING A BYLAW TO AMEND REVISED LAND USE BYLAW NO. 21-06 OF THE TOWN OF BLACK DIAMOND, IN THE PROVINCE OF ALBERTA

WHEREAS Pursuant to the provisions of the Municipal Government Act, RSA 2000 Council of the Town of Black Diamond in the Province of Alberta (hereinafter called the "Council") has adopted Revised Land Use Bylaw No. 21-06; and

WHEREAS The Council deems it desirable to amend Revised Land Use Bylaw No. 21-06 to address the parking of recreational vehicles and trailers in residential districts;

NOW THEREFORE: The Council hereby enacts that Revised Land Use Bylaw No. 21-06 be amended as follows:

1.0 Section 2.1 Interpretation is amended by deleting:

"recreational vehicle" means a portable structure designed and built to be carried on a vehicle, or a unit designed and built to be transported on its own wheels to provide temporary living accommodation for travel and recreational purposes and includes, but is not limited to, such vehicles as a motor home, car camper, a holiday (travel) trailer and a tent trailer, but does not include a mobile home. "Holiday trailer" or "travel trailer" has a corresponding meaning.

and replacing it with:

"recreational unit" means any vehicle, conveyance, or other type of unit or trailer, whether motorized, towed, self-propelled, or otherwise transportable and used for recreational, utility, or similar purposes, and includes, but is not limited to, motor homes (Class A, B, or C), travel trailers, fifth-wheel trailers, tent trailers, livestock/horse trailers, utility trailers, truck campers, off-highway vehicles, boats and other watercraft, and all trailers used to carry or transport any such item.

2.0 Section 6.5 is amended by deleting:

1) Part 13, Division 5 of the Act governs offenses and penalties. Section 557 of the Act is provided for information purposes only:

"557 A person who contravenes or does not comply with

a) a provision of this Division,

a.1) a provision of Part 17 or the regulations under Part 17,

a.2) a land use bylaw as defined in Part 17,

a.3) an order under section 645,

a.4) a development permit or subdivision approval or a condition of a permit or approval under Part 17,

a.5) a decision of a subdivision and development appeal board or the Municipal Government Board under Part 17,

a.6) section 436.24

b) a direction or order of the Minister, or

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- c) an order under section 545, 546, 551 or 567
 - d) section 436.05
- or who obstructs or hinders any person in the exercise or performance of his powers under Part 17 or the regulations under Part 17 is guilty of an offence.”

and replacing it with:

- 1) A person who contravenes this By-Law or obstructs or hinders any person in performance of these powers or duties under this By-Law, is guilty of an offence and is liable to a fine specified in Appendix D to this Bylaw and if no fine is specified, to a fine of not more than ten thousand dollars (\$10,000.00) in accordance with the Act.
- 2) The Development Officer or any other person identified as a designated officer by the Council for the purposes of this Section shall be authorized to issue violation tickets in respect to any contravention of this Bylaw.
- 3) A violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the Town.
- 4) Each day that a breach of the Bylaw has occurred may be considered to be a separate offence.
- 5) If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.
- 6) If the person who was served with a violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall be as specified in Appendix D for each offense.

3.0 The following Fine Schedule is added as Schedule D:

Violation	Fine
Development without a valid Development Permit	\$250
Failure to comply with Development Permit conditions	\$250
Failure to comply with signage regulations	\$250
Failure to comply with regulations in low and medium density residential districts	\$250
Failure to comply with regulations in all districts other than low and medium density residential districts	\$500

4.0 Section 8.10.1 is amended by deleting the words “or street” so that it reads as follows:

“No person shall keep in or on any part of a site ~~or street~~ in any Residential District.”

5.0 Section 8.10.1 is amended by adding the following:

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- e) any recreational unit in the front yard:
 - i. Except from April 1 to October 31 of any given year, when
 - a) such units may be parked on the private front driveway;
 - b) a maximum of two (2) units will be allowed;
 - c) all portions of the unit are to be set back a minimum of 1 m from the back of the sidewalk or 1.5 m from the back of the curb, where there is no sidewalk; and
 - d) the units shall not be occupied for more than fifteen (15) days in a year for no more than three (3) consecutive days at a time.

6.0 Section 8.10 is amended by adding 8.10.2:

- 2) In addition to Section 8.10.1(e), a person may park two (2) recreational units in the rear or side yard of a lot year-round, where the units shall not be occupied for more than fifteen (15) days in a year for no more than three (3) consecutive days at a time.

7.0 Section 8.14 is amended by adding 8.14.5(f):

- f) In the R-1, R-1A, R-1C, and R-2 Districts one off-street parking pad may be permitted per parcel in the front setback to a maximum width of 9.15 m (30 ft) unless otherwise approved by the Development Authority. The parking pad shall be constructed of materials suitable to support vehicle traffic such as gravel, concrete, or asphalt.

8.0 Section 10.5.5 is amended by deleting the following:

- a) Parking of recreational vehicles will be prohibited within the front yards and on the streets, except for a 24 hr. period for trip or RV storage preparation.

THIS BYLAW shall take effect on the date of the third and final reading.

READ A FIRST TIME this 7th day of July A.D. 2021.

PUBLIC HEARING held August 18 A.D. 2021.

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READ A SECOND TIME this 18th day of August A.D. 2021.

READ A THIRD AND FINAL TIME this 18th day of August A.D. 2021.

V. Shree Doodhi
MAYOR

Ulraa Staples
LEGISLATIVE SERVICES MANAGER

August 23, 2021
Date signed

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