



**CITY OF BROOKS
BYLAW NO. 20/01**

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO CONTROL AND REGULATE ELECTRICAL CORDS OVER SIDEWALKS.

WHEREAS, the *Municipal Government Act* RSA 2000, c M-26 authorizes a Council to pass Bylaws for the safety, health and welfare of people and the protection of people and property.

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

1. TITLE:

100. This Bylaw may be referred to as the “Electrical Cord Bylaw”.

2. INTERPRETATION:

200. In this Bylaw, unless the content otherwise requires,

201. “**Act**” means the *Municipal Government Act*, RSA 2000, c M-26 as amended or repealed and replaced from time to time;

202. “**Bylaw**” means the City of Brooks Bylaw No. 20/01 as may be amended from time to time;

203. “**Chief Administrative Officer**” means the Chief Administrative Officer of the City of Brooks, regardless of any subsequent title that may be conferred on that officer by Council or statute, or his/her designate;

204. “**City**” means the City of Brooks, a Municipal Corporation in the Province of Alberta, or the geographical area contained within the boundaries of the City of Brooks, as the context may require;

205. “**Council**” means the Municipal Council of the City of Brooks;

206. “**Peace Officer**” means a Bylaw Enforcement Officer appointed by the City of Brooks pursuant to Section 555 of the *Municipal Government Act* and for the purpose of enforcement of this Bylaw, also includes a Community Peace Officer or a member of the Royal Canadian Mounted Police;

207. “**Violation Tag**” means a tag or similar document issued by the City pursuant to the Act; and,

208. **“Violation Ticket”** means a ticket issued pursuant to the *Provincial Offences Procedures Act*, RSA 2000, c P-34, as amended and any Regulations thereto.

3. GENERAL:

300. No person shall erect an electrical cord over a sidewalk at a height of less than eight (8) feet (2.5 meters), and in no event shall a person lay an electrical cord on a sidewalk.

4. ENFORCEMENT:

400. A Peace Officer is for the purposes of enforcement of this Bylaw, a Designated Officer of the City.

401. Fines and penalties imposed on a conviction for an offence under this Bylaw are an amount owing to the City.

402. The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges or costs from which that Person is liable under the provisions of this Bylaw or any other Bylaw.

403. Any Person who breaches, contravenes or does not comply with any provision of the Bylaw is guilty of an offence and liable:

404. upon the issuance of a Violation Tag to the specified penalty as listed on Schedule “A” attached to and forming part of this Bylaw; or,

405. upon summary conviction to a fine of not less than the amount specified on Schedule “A” attached to and forming part of this Bylaw for each offence, exclusive of costs; or,

406. to a fine of not more than \$10,000 or to imprisonment for not more than one (1) year, or to both fine and imprisonment.

407. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who has contravened any provision of this Bylaw.

408. A Violation Tag shall be deemed to be sufficiently served if:

409. served personally on the accused; or,

410. mailed to the address of the registered owner of the vehicle concerned; or,

411. served personally upon the manager, secretary, receptionist or other officer or person apparently in charge at any

Premises of the accused, or by mailing a copy to such accused.

412. A Violation Tag shall state:
 413. the name of the person or registered owner of the vehicle or other information to adequately identify the person;
 414. approximate location of where the offence took place;
 415. the offence;
 416. the penalty for the offence set out on Schedule "A" of the Bylaw;
 417. that the penalty shall be paid within fourteen (14) days from the issuance of the Violation Tag; and,
 418. any other information deemed necessary by the Chief Administrative Officer or by the provisions of the Act or the *Provincial Offences Procedure Act*, RSA 2000, c P-34 as amended.
419. Where a breach of this Bylaw is of a continuing nature, each day on which it continues or is repeated shall constitute a separate offence and shall be liable to a separate penalty.
420. Where a Violation Tag has been issued for breach of any provision of this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified on the Violation Tag.
421. Nothing in the Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.
422. If a Person upon whom a Violation Tag is served above fails to pay the voluntary payment within the time specified, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended, or as repealed and replaced from time to time.
423. The Person to whom a Violation Ticket has been issued pursuant to the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended, or as repealed from time to time, may plead guilty by making a voluntary payment in respect to the summons by delivering to the Provincial court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided for in Schedule "A" to this Bylaw.

424. Any Person who is guilty by way of summary conviction of an offense under the provisions of this Bylaw shall be liable for a fine of not less than the amount specified for that particular breach of this Bylaw, plus associated court costs pursuant to Part II of the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended, or as repealed from time to time.

Remedial Orders

425. A Peace Officer is hereby authorized and empowered to issue a remedial order to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
426. A remedial order written pursuant to this Bylaw may:
- 427. direct a Person to stop doing something, or to change the way in which the Person is doing it;
 - 428. direct a Person to take any action or measures necessary to remedy the contravention of this Bylaw, and, if necessary, to prevent a reoccurrence of the contravention;
 - 429. state a time within which a Person must comply with the directions; and,
 - 430. state that if the Person does not comply with the directions within a specified time, the City will take the action or measures at the expense of the Person.
431. A remedial order written pursuant to this Bylaw may be served:
- 432. in the case of an individual:
 - 433. by physically delivering it to the Person; or,
 - 434. by mail addressed to the Person at their apparent place of residence or at any address for the Person on the tax roll of the City or at the Land Titles registry. A remedial order is deemed to be received seven (7) days after it is mailed.
 - 435. in the case of a company or corporation or other such entity:
 - 436. by physically delivering it to any director or officer of the company;
 - 437. by physically delivering it to a Person apparently in charge of an office of the company at an address held out by the company to be its address; or,

438. by mail addressed to the registered office of the company. A remedial order is deemed to be received seven (7) days after it is mailed.
439. If, in the opinion of a Peace Officer, service of the remedial order cannot be reasonably affected, or if the Peace Officer believes that the owner and/or occupier of the Premises is evading service, the Peace Officer may post the remedial order in a conspicuous place on the Premises to which the remedial order relates, or on the private dwelling place of the Owner of the Premises, as registered at the Land Titles Office or on the municipal tax roll for the Premises, and the remedial order shall be deemed to be served upon the expiry of three (3) days after the remedial order is posted.
440. Every Person who fails to comply with a remedial order issued pursuant to this Bylaw within the time set out in the remedial order commits an offence.
441. If the Person to whom a remedial order has been issued fails to comply with the remedial order within the time specified therein, the City may take whatever steps are necessary to remedy the contravention of this Bylaw and the cost of doing so becomes a debt owing to the City by the Person to whom the order was issued.
442. If, in the opinion of the Chief Administrative Officer, a contravention of this Bylaw requires immediate action, the City may perform any work necessary to address the contravention of this Bylaw without prior notice or a remedial order and all costs incurred by the City will be payable by the Person alleged to have contravened this Bylaw.

5. REPEAL

500. That Bylaw No. 85/571, 94/05, 97/05 and 99/13 and any amendments thereto are hereby repealed.

6. SEVERABILITY

600. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

7. EFFECTIVE DATE

700. This Bylaw shall take effect at the date of final passing thereof.

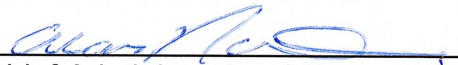
Read a first time this 30th day of March, 2020.

Read a second time this 30th day of March, 2020.

Read a third time and adopted this 30th day of March, 2020.



Mayor



Chief Administrative Officer

**SCHEDULE "A" – SPECIFIED PENALTIES
BYLAW 20/01**

Offence	Penalties	Subsection
Erect electrical over sidewalk at less than eight (8) feet or lay electrical cord across sidewalk.	\$50.00	300