



Smoky Lake County
Meeting Agenda
County Council Committee of the Whole Meeting
October 19, 2026 - 10:00 AM
In Person - Council Chambers
4612 - McDougall Drive, Smoky Lake, Alberta
Please join using this link:
<https://video.businessconnect.telus.com/join/056276178>

1. CALLED TO ORDER
2. ADOPTION OF AGENDA
3. REQUESTS FOR DISCUSSION
 - 3.1. Policy 03-39 Dust Control
 - 3.2. Policy 03-14 Road Haul Agreement
 - 3.3. Bylaw 1500-26 - Recreational Vehicles Bylaw
 - 3.4. Draft Bylaw 1517-26 - Agricultural Service Board & Terms of Reference
 - 3.5. Bylaw 1512-26 - Emergency Infrastructure Protection
 - 3.6. Bylaw No. 1518-26 - Joint Municipal Weed and Pest appeal Committee
 - 3.7. Bylaw No. 1464-24 Non-Residential Tax Incentive
4. NEXT MEETINGS
 - Thursday, October 21, 2026, Organizational/Regular County Council Meeting at 9:00 a.m.
 - Thursday, November 12, 2026, County Council Budget Meeting at 9:00 a.m.
 - Thursday, November 26, 2026, Regular County Council Meeting at 9:00 a.m.
 - Wednesday, December 16, 2026, Regular County Council Meeting at 9:00 a.m.
5. IN CAMERA

5.1. Closed Session - Access to Information and Protection of Privacy Act
(ATIA), Pursuant to Section 19: Third Party Business Interest; Tax
Incentive Bylaw Application

5.2. Closed Session - Access to Information and Protection of Privacy Act
(ATIA), Pursuant to Section 26- Intergovernmental Relations;
Annexation

6. ADJOURNMENT



Request for Discussion (RFD)

Meeting Date: October 19, 2026,

Agenda Item: #3.1

Topic: Policy 03-38 – Dust Control

Presented By: Chyenne Shaw, Chief Administrative Officer & Kyle Winterbottom, Director of Infrastructure.

Recommendation

That the Committee of the Whole discuss the proposed Dust Control Policy changes and the information requested under Resolution 20260917-657, including equipment retrofitting or upfitting, the injection dust control product, municipal charges and associated delivery costs, for consideration at a future Regular Council meeting.

Background:

At the September 17, 2026, Council meeting, Council passed Resolution 20260917-657, moved by Councillor Kully: "That Smoky Lake County Council direct Administration to bring back further information for the required equipment retrofitting/upfitting and the injection dust control product, including comparative information regarding dust control charges and associated costs from other municipalities, and report back to Council by the September 29, 2026, Special Council Meeting."

The September 17 Request for Decision identified a gap between resident fees and the estimated cost of providing dust control. It proposed one scheduled application, revised resident fees, one application form and annual fee reviews using current equipment rates and actual delivery costs. The resolution supplied requests further information; it does not approve the proposed fees or establish an equipment purchase or product selection.

The attached Request for Decision summarizes the existing and proposed policy provisions. Its topic and filename refer to Policy 03-38, while its recommendation and body refer to Policy 03-39. The correct policy number should be confirmed before the matter returns for approval. The full current and proposed policy texts are not included in the supplied attachment, so the policy comparison below reflects the Request for Decision's summary.

Policy changes previously presented

Item	Previous policy as reported	Proposed policy as reported
MG-30	Two applications on a standard 100-metre section for \$850.	One 100-metre application for \$2,300 plus GST.
Blade Mix Oil	Standard 100-metre treatment for \$2,700.	One 100-metre application for \$9,500 plus GST.
Additional length	Full cost without a defined increment or calculation method.	10-metre increments at estimated full cost.
Fee review	Historical fixed fees.	Annual review using current ARHCA equipment rates or documented internal rates, supplier prices, fully burdened labour, hauling, mobilization



Request for Discussion (RFD)

		and administration.
Administration	References to first and second applications.	One annual form and one scheduled application; May 31 deadline retained.
Maintenance and warranty	No guarantee; roadway could be returned to gravel.	No guarantee or refund after application and no obligation to reapply after necessary road maintenance, as summarized in the earlier report.

Information requested by Council

Milling and injection dust control cost estimate

Public Works has provided an estimated cost to mill existing or new dust control to a depth of six inches over a section measuring 100 metres long by 6.7 metres wide.

Cost component	Basis	Estimated cost
Dust control fluid	Quoted at 4 litres per cubic metre and \$0.30 per litre; quantity requires confirmation	\$804.00
Gravel	20 tonnes at \$34 per tonne	\$680.00
Grader	Equipment cost	\$232.00
Reclaimer	Equipment cost	\$655.00
Equipment hauling	Transportation cost	\$275.00
Packer	Equipment cost	\$155.00
Total estimated cost per 100 metres		\$2,801.00

The supplied cost components total \$2,801.00. Before this estimate is used to establish resident fees, Administration should confirm whether it includes labour, mobilization, road preparation, administration and applicable taxes.

Clarification required: The quoted fluid cost of \$804 corresponds to 4 litres per square metre, rather than per cubic metre. At a six-inch depth, the treatment volume is approximately 102.11 cubic metres; applying 4 litres per cubic metre at \$0.30 per litre would cost approximately \$122.53. The intended application rate and fluid quantity must therefore be confirmed before the total is finalized.

This estimate provides treatment costs but does not identify equipment retrofitting or purchase costs, product service life, or comparative municipal charges. Those portions of Council's information request remain to be addressed.



Request for Discussion (RFD)

Benefits:

Reviewing the requested information would help Council compare service levels, resident affordability, product performance and total program costs. Separating capital and operating costs would support a clearer decision on equipment investment and annual fees. Consistent municipal comparisons would help Council determine the level of subsidy, if any, it wishes to provide.

Disadvantages:

The proposed fees would increase resident costs and may reduce participation. One MG-30 application would replace the two applications described in the previous program. Equipment modifications could create upfront costs, ongoing maintenance requirements and demands on staff and fleet availability. Product performance, weather and road maintenance may affect treatment life and value for money.

Alternatives

1. **Not increase charge to residents**
2. **Increase charge to residents but offer a subsidy to seniors**

Financial Implications:

The September 17 report identified historical estimated costs of \$2,844.86 for two MG-30 applications over 100 metres, compared with a resident fee of \$850, resulting in an estimated County subsidy of \$1,994.86. For Blade Mix Oil, the estimated cost was \$8,196.84 against a resident fee of \$2,700, resulting in an estimated subsidy of \$5,496.84. These historical figures do not establish current delivery costs.

The previously proposed fees were \$2,300 plus GST for one 100-metre MG-30 application and \$9,500 plus GST for one 100-metre Blade Mix Oil application. Updated costs are required to confirm the recovery achieved by these fees, particularly because the historical MG-30 estimate included two applications.

Public Works has since provided an estimated cost of \$2,801 per 100 metres for milling existing or new dust control to a depth of six inches over a width of 6.7 metres. This estimate includes fluid, gravel, grader, reclaimer, equipment hauling and packer costs. The fluid application rate and quantity require confirmation before the estimate is finalized. Administration must also confirm whether labour, mobilization, administration and applicable taxes are included.

The treatment estimate does not identify separate equipment purchase or retrofitting costs. Once the full delivery cost is confirmed, Council can consider an appropriate resident fee and determine whether the County will recover the full cost or provide a defined subsidy. Any required capital expenditure and funding source would require separate consideration.



Request for Discussion (RFD)

Legislation:

- Municipal Government Act
- County Associated Bylaws and Policies

Intergovernmental: N/A

Strategic Alignment:

Priority 2 Service Delivery and Community Wellbeing: considers consistent service standards and resident affordability.

Priority 3 Asset Management and Infrastructure Sustainability: considers road condition, equipment needs and treatment performance.

Priority 4 Economic Development and Financial Sustainability: supports transparent fees, defined subsidies and informed equipment investment.

Enclosure(s):

1. Proposed Dust Control Policy
2. Current Dust control Policy

Signature of the CAO: 



Smoky Lake County Policy

Title: **Dust Control**

Category: Public Works Services (PW)

<u>Policy #</u>	<u>Version</u>
03-38	15

LEGISLATIVE REFERENCE:

- Municipal Government Act, RSA 2000,
- Traffic Safety Act, RSA 2000,
- Environmental Protection and Enhancement Act, RSA 2000,
- Smoky Lake County Bylaw and Policies as amended

PURPOSE:

To establish a consistent, transparent and financially sustainable program for applying dust suppressant to County roadways adjacent to residences and at other locations approved by the County.

STATEMENT:

Smoky Lake County recognizes that dust from gravel roads may create health, safety and nuisance concerns. The County may provide dust control where operationally feasible, using products and methods that are considered safe, effective and cost-conscious. Applicant fees are intended to recover the County's estimated direct and indirect costs of providing the service

OBJECTIVE:

To define eligibility, application requirements, fees, installation standards, maintenance responsibilities and limitations for the County's dust control program.

	<u>Date</u>	<u>Council Resolution #</u>	<u>Version</u>
Adopted	Month, day, year	Motion #	01
Amended			
Reviewed			



GUIDELINES & PROCEDURE:

1. Statement

- .1. The County may provide dust suppression on municipal roadways adjacent to occupied residences, subject to this policy, approved funding, suitable road and weather conditions, product availability and operational priorities.
- .2. The County will select and use dust suppressant products that it considers environmentally appropriate, operationally suitable and cost-effective.
- .3. The County may maintain, grade, rework, remove or return a treated roadway to gravel whenever required for safety, drainage, rideability, road preservation or operational needs.
- .4. The annual dust control program will normally be delivered in late spring or early summer. Timing may change because of weather, road conditions, procurement, contractor availability or other operational requirements.

2 Definitions

Term	Definition
Applicant	The registered landowner, occupant with the landowner's written authorization, municipality, business, contractor or other party requesting dust control.
Blade Mix Oil	A mineral-based dust suppressant mixed into aggregate and placed on the roadway surface.
Dust Control	Measures used to reduce dust on a gravel roadway.
Exceptional Road	An active, high-use arterial or feeder gravel road identified by the County.
Haul Road	A municipal road used regularly or temporarily for commercial hauling.
MG-30	A proprietary chloride-based dust suppressant applied to a prepared gravel roadway surface.
Treatment Area	The length and width of roadway approved by the County for one dust suppressant application.

3 Rural Residences

- A. An applicant may request one dust control application for a minimum treatment length of 100 metres adjacent to an occupied rural residence.
- B. The applicant may select MG-30 or Blade Mix Oil, subject to product availability, road suitability and final approval by the Public Works Manager or designate.
- C. The following 2026 fees apply to the first 100 metres and must be paid in full before the application deadline:



Treatment	Applications	Minimum Length	2026 Applicant Fee
MG-30	One	100 metres	\$2,300 plus GST
Blade Mix Oil	One	100 metres	\$9,500 plus GST

- D. Fees are based on estimated full cost, including suppressant and aggregate, hauling, equipment, fully burdened labour, mobilization and administration. Equipment costs will be based on the current Alberta Roadbuilders and Heavy Construction Association Equipment Rental Rates Guide, or the County's documented internal rate where it better reflects actual cost. Product and aggregate costs will be based on current supplier pricing.
- E. Administration will review fees annually before applications open. Council may establish the annual fee through the County's Fees and Charges Bylaw or by resolution. If actual procurement or delivery costs materially exceed the published fee before work is scheduled, the applicant may accept the revised fee or receive a refund.
- F. Additional length beyond 100 metres must be purchased in 10-metre increments at the County's estimated full cost. The rate will be calculated for the treatment selected using the current cost components described in section 3.4 and confirmed to the applicant before payment.
- G. complete application and full payment must be received by May 31 each year. Late or incomplete applications may be declined. The County will use one application form for both treatment options.
- H. The County will determine the exact location and limits of the treatment after considering the residence, intersections, approaches, drainage, sight lines, utilities, road geometry and safe equipment operation.
- I. The County will install signage where it determines signage is required.
- J. Residents of a neighbouring municipality whose residence is adjacent to a roadway under Smoky Lake County's jurisdiction may apply. Installation requires County approval and any intermunicipal authorization the County considers necessary.
- K. A treatment is intended for one dust control season. No carry-forward or automatic renewal applies; a new application and payment are required each year.

4 Hamlets and Multi Lot Country Residential Subdivisions

- A. Dust control in a hamlet or multi-lot country residential subdivision will be considered only for a complete street or cul-de-sac. A single coordinated application must identify all participating properties and be accompanied by the full fee for the entire approved treatment area.
- B. Where costs are shared among residents, collection and allocation of contributions are the applicants' responsibility. The County will not begin work until the total required fee has been paid.

5 Warranty and Road Maintenance

- A. The County does not guarantee or warrant the effectiveness or life expectancy of an MG-30 or Blade Mix Oil dust suppressant application. Results may be affected by traffic, weather, road condition, maintenance, drainage and other factors beyond the County's control. Once the suppressant has been applied, no refund will be issued.
- B. The County may grade, rework, remove or return the treated roadway to gravel whenever it considers this necessary without Warning or Notice. to eliminate potholes, correct a safety concern, restore drainage, preserve the roadway or complete other maintenance. This does not obligate the County to reapply MG-30 or Blade Mix Oil or to refund any portion of the fee.
- C. The applicant accepts that ordinary County road maintenance may reduce or end the effectiveness of the treatment during the season.



6 County Funded and Third Party Dust Control

- A. Subject to approved budget funding, the County may provide dust control at County cost on: designated County gravel haul routes;
- i. exceptional roads with permanent, active and high traffic volumes, consistent with the County Road Policy; and
 - ii. another location approved by Council resolution or required by the County for operational or safety reasons.
 - iii. Where an occasional or intermittent haul causes a temporary dust concern, the Public Works Manager or designate may arrange water or another temporary suppression measure where operationally appropriate.
 - iv. This policy does not apply where dust control is required by a subdivision or development agreement, permit, road use agreement, haul road agreement or other approval. The responsible developer, business, trucking firm or contractor must provide and pay for the required dust control.
 - v. A party using a municipal roadway to haul logs, sand, gravel or other commodities is responsible for dust control for the duration of the haul in accordance with the applicable County agreement, approval or policy.



Schedule A

Dust Control Application and Agreement

Application deadline: May 31 | Minimum treatment length: 100 metres

Applicant Information

Applicant name	
Mailing address	
Phone	
Email	
Registered landowner name if different	
Legal land description	
Rural address	
Subdivision name if applicable	

Treatment Request

Select one treatment option:

Select	Treatment	One 100 metre application	Additional length requested
☐	MG-30	\$2,300 plus GST	_____ metres
☐	Blade Mix Oil	\$9,500 plus GST	_____ metres

Additional length is sold in 10-metre increments at estimated full cost. County staff will confirm the approved location, total length and final fee before scheduling.

Requested Location

Describe the treatment location and attach a sketch or mark the location on a County map:

Applicant Agreement

1. I request one dust control application at the location approved by Smoky Lake County and agree to pay the full fee before work is scheduled.



2. I understand that scheduling depends on weather, road conditions, product and contractor availability, program routing and County operational priorities.
3. I understand that the County determines the product suitability, placement, limits and installation method and may decline or modify the request for safety or operational reasons.
4. I understand that the County does not guarantee effectiveness or service life and that no refund will be issued after the suppressant is applied.
5. I understand that the County may grade, rework, remove or return the treated roadway to gravel when necessary, without reapplication or refund.
6. I confirm that I am the registered landowner or have attached the registered landowner's written authorization.

Signatures

Applicant signature	Date
County approval	Date

County Use

Approved Treatment	Approved Length	Base Fee	Additional Length Fee	GST	Total Paid

Work order / receipt number: _____ Installation date: _____

SMOKY LAKE COUNTY



Title: Dust Control		Policy No.: 39-14
Section: 03	Code: P-R	Page No.: 1 of 6 E

Legislation Reference:	Municipal Government Act
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Purpose:	To specify guidelines for the provision of dust control suppression applications to areas of municipal roadways adjacent to residences.
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Policy Statement and Guidelines:

1. STATEMENT:

- 1.1 County recognizes that dust from gravel roads may create health, safety or general nuisance concerns for residents and therefore, provides a dust suppression program to mitigate the impact of dust in front of residences.
- 1.2 The County will implement the use of products for dust suppression which are environmentally safe and cost effective.
- 1.3 The County reserves the right to maintain or rework the application as required for safety and rideability.
- 1.4 The dust control suppression program usually commences in late spring and can continue through the summer months.
- 1.5 The County does not guarantee, in any way, the effectiveness of the dust control treatment agent or application for the purpose intended. Once the suppressant has been applied no refunds will be made.

2. DEFINITIONS:

- 2.1 **Blade Mix Oil:** Mineral substance agent mixed with gravel to be on road surface for dust suppression.
- 2.2 **MG-30 (Magnesium Chloride):** A treatment agent for road surface that can be applied for dust suppression.
- 2.3 **Dust Control:** Measures to suppress dust on roads in front of residence.
- 2.4 **Exceptional Roads:** Active and high usage arterial and feeder gravel roads.
- 2.5 **Haul Roads:** Designated roads used regularly for hauling purposes.

Title: Dust Control		Policy No.: 39-14	
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Policy Statement and Guidelines:

3. RURAL RESIDENCES:

- 3.1 The County will arrange for dust control on roads in front of a residence with a fee for **Blade Mix Oil** - 2 ½ inch thickness for \$2,700.00; and a fee for **MG-30** of \$850.00 with two applications of treatment and application.

BLADE MIX OIL			MG-30 (MAGNESIUM CHLORIDE)		
County Cost		2 ½"	County Cost		1 st Application
Gravel 1	86 Tonne of ¾" at \$26.00	\$2,236.00	20 Tonne of 1" at \$26.00	\$ 520.00	\$ 0.00
Total	Material	\$2,236.00	Material	\$ 520.00	\$ 0.00
Equipment 2	Tandem Oil Truck: 2 hours at \$100.00	\$ 200.00	Water Truck: 1.5 hours at \$100.00 1.0 hour at \$100.00	\$ 150.00	\$ 100.00
	Graders: Grader 1: 2.0 hours at \$244.00 Grader 2: 1.5 hours at \$244.00	\$ 488.00 \$ 366.00	Grader: 2.0 hours at \$244.00 1.0 hour at \$244.00	\$ 488.00	\$ 244.00
	Double Drum Packer: 1.0 hours at \$100.00	\$ 100.00	Smooth Drum Packer: 1.5 hours at \$102.00	\$ 153.00	
Total	Equipment	\$ 1,154.00	Equipment	\$ 791.00	\$ 344.00
Labour 3	Oil Truck Operator 2.0 hours at \$43.49	\$ 86.98	Water Truck Operator 1.5 hours at \$43.49 1.0 hour at \$43.49	\$ 65.24	\$ 43.49
	Grader Operator 1: 2.0 hours at \$43.49	\$ 86.98	Grader Operator 1: 2.0 hours at \$43.49 1.0 hour at \$43.49	\$ 86.98	\$ 43.49
	Grader Operator 2: 1.5 hours at \$43.49	\$ 65.24			
	Double Drum Packer Operator: 1.0 hours at \$36.44	\$ 36.44	Smooth Drum Packer Operator: 1.5 hours at \$36.44	\$ 54.66	
Total	Labour	\$ 275.64	Labour	\$ 206.88	\$ 86.98
	Sub-Total	\$ 3,665.64	Sub-Total	\$ 1,517.88	\$ 430.98
Oil 4	4720 Litres at \$0.96	\$ 4,531.20	1500 Litres at \$0.31 1100 Litres at \$0.31	\$ 465.00	\$ 341.00
Project	Oil Dust Control Project:100m (330 ft) application	2 hours	MG-30 Dust Control Project:100m (330 ft) application	2.0 hours	1 hour
Total	PROJECT COST	\$ 8,196.84	PROJECT COST	\$ 1,982.88	\$ 861.98
Total	Residence: Fee	\$2,700.00	Residence: Fee	\$ 850.00	\$ 0.00

1 Gravel: Cost includes the cost of crushing & dewatering plus the average of the cost for trucking and labour to each division.

2 Equipment: Cost includes the estimated cost of amortization, insurance, maintenance, and fuel.

3 Labour: Includes the employee hourly salary plus 23% for payroll costs and benefits.

4 Oil/MG30: Costs are the estimated purchase cost.

Overhead: Has not been allocated. Overhead is the cost that the count you would incur even if the project did not take place.

Direct Costs: Are the costs that can be cost effectively allocated to the project (gravel, equipment, labour, and oil/MG-30).

Indirect Costs: Cannot be cost effectively allocated to the project, but are impacted by the project (small supplies, supervisor costs, etc.)

- 3.2 Request for dust control along with payment should be received by the County on or before May 31st of each year. Minimum of two advertisements: one in the Month of March and one in the Month of April of the current year.

Title: Dust Control		Policy No.: 39-14
Section: 03	Code: P-R	Page No.: 3 of 6 E

Policy Statement and Guidelines:

- 3.3 The resident will have their choice of MG-30 or blade mix oil as dust control suppressant.
- 3.4 MG-30 Dust Control suppressant shall consist of two (2) applications. The initial application shall take place in late Spring. Upon inspection during the Month of September, a decision will be made on whether to proceed with the second application at the time or wait until the following Spring season. Conditions of the Dust Control shall dictate the decision made.
- 3.5 Payment must be made in advance when the request for dust treatment is submitted. Requests are to be submitted to the Public Works Department by completing **Schedule "A": Application for Dust Control Suppression.**
- 3.6 The length for the dust control provided under this policy will be minimum of 100 meters (330 feet), and any additional length of dust treatment will be a full cost to the applicant.
- 3.7 The County will be responsible for erecting proper signage, when necessary.
- 3.8 Residents of neighboring municipalities who reside adjacent to a road under the jurisdiction of Smoky Lake County may apply for dust control suppression under this policy but will require prior approval of Council before installation proceeds.
- 3.9 The County reserves the right to rework or remove dust control applications at its own discretion. Normally, dust control applications are good for one dust control season.

4. HAMLETS AND MULTI-LOT COUNTRY RESIDENTIAL:

- 4.1 The County hamlets and multi-lot Country residential subdivisions dust control will only be applied to whole street lengths or cul-de-sac streets, on provision that application is made on behalf of all adjacent residences, and the amount paid shall be the standard fee for each resident.

5. WARRANTY:

- 5.1 The County does not guarantee or warrant any life expectancy of the dust control **MG-30 or Blade Mix Oil** suppressant applications.
 - 5.1.1 The treated roadway can be reverted to gravel when it is deemed necessary by the County, which would allow for grading of the road to eliminate potholes, and that will not obligate the County to re-apply Blade Mix Oil or MG-30 to the road.

Title: Dust Control		Policy No.: 39-14
Section: 03	Code: P-R	Page No.: 4 of 6 E

Policy Statement and Guidelines:

6. PRIVATE RESIDENTIAL DRIVEWAYS:

- 6.1 The County shall apply dust control at their own cost provided there is funding in the budget to the following areas:
 - 6.1.1 County designated gravel haul routes.
 - 6.1.2 County exceptional roads that have a permanent, active, high volume of traffic, as per *Policy Reference – Policy 03-15: Road Policy*.
 - 6.1.3 Any other location deemed necessary by County Council by Council resolution.
- 6.2 In areas where occasional or intermittent gravel hauls may cause dust problems, the Public Works Manager shall arrange for a water truck to provide temporary dust suppression as deemed appropriate.
- 6.3 This policy is not applicable where oiling or other dust suppressant is required as a condition of a subdivision development agreement.
- 6.4 In the case where municipal roadways are being used to haul commodities such as logs, sand and gravel, etc., the trucking firm or contractor shall be responsible for providing dust control for the duration of the haul as per *Policy Reference – Policy 03-14: Haul Road Agreement*.

	Date	Resolution Number
Approved	January 21, 1993	# 142 - Page # 5518
Amended	January 28, 1993	# 166 - Page # 5524
Amended	February 14, 1994	# 216 - Page # 5646
Amended	March 6, 1997	# 303 - Page # 6182
Amended	August 26, 1999	# 571 - Page # 6690
Amended	May 25, 2000	# 461 - Page # 6866
Amended	January 10, 2008	# 166-08 - Page # 8567
Amended	November 16, 2012	# 124-12 - Page # 10309
Amended	February 21, 2013	# 404-13 - Page # 10472
Amended	January 29, 2015	# 311-15 - Page # 11577
Amended	April 28, 2016	# 577-16 - Page # 12214
Amended	February 14, 2018	# 304-18 - Page # 12955
Amended	March 28, 2019	# 506-19 - Page # 13571
Amended	December 12, 2024	# 164-24 - Page # 15813



Schedule "A"

APPLICATION FOR DUST CONTROL SUPPRESSION

THIS AGREEMENT made this _____ day of _____, A.D., 20____.

BETWEEN:

SMOKY LAKE COUNTY
(hereinafter called "the Municipality")

OF THE FIRST PART

Name

Mailing Address

Phone Numbers: Residence Work Cellular
(hereinafter called "the Landowner")

OF THE SECOND PART

Legal Land Description:

Quarter

Section

Township

Range

W4

Legal Address:

Sub-division Name:

WHEREAS the Landowner hereby make application for a Dust Control Agent of the following:

☐ Blade Mix Oil Dust Control Suppressant: **\$ 2,700.00**

☐ MG-30 Dust Control Suppressant **\$ 850.00**

☐ Length: 100 meters (330 feet) ☐ Additional Length: _____

to be applied by the Smoky Lake County Public Works Department to the municipal roadway adjacent to the landowner residence as indicated above and as described on the plan herein.

The Applicant hereby agrees to the following terms and conditions:

1. Dust Control Suppressant to be applied to the identified road upon completion of the application for by the applicant and pre-payment of the calculated fee. Scheduling of the work shall be subject to regular dust control treatment program priorities and in combination with other requests due to cost effectiveness.
2. The applicant shall pay full cost of additional length over the 100 meters (330 feet) in its entirety.
3. **Smoky Lake County** does not warrant the effectiveness of the dust control agent. Once the agent has been applied, no refunds of the application fee will be made.
 - 3.1 The County does not guarantee or warrant any life expectancy of the dust control **Blade Mix Oil or MG-30** treatment application.
 - 3.1.1 The treated roadway can be reverted back to gravel when it is deemed necessary by the County, which would allow for grading of the road to eliminate potholes, and that will not obligate the County to re-apply blade mix oil or MG-30 to the road.

4. The dust control treatment program usually commences in late spring and can continue through the summer months.
5. The "Landowner", covenant and agree with the said municipality, for myself, my heir, executors, administrators and assigns that I shall not have any claim for loss or damage caused by reason of the performance work of the said application of dust control suppression program adjacent to my property, whether such loss or damage is the result of the negligence of any servant, agent, or employee of the said municipality, or otherwise.
6. Please show exact location of dust control placement:

7. Calculation of Total Fee:

BLADE MIX OIL			MG-30		
County Cost		2 1/2"	County Cost	1 st Application	2 nd Application
Total	PROJECT COST	\$ 8,196.84	PROJECT COST	\$ 1,982.88	\$ 861.98
Total	Residence: Fee	\$2,700.00	Residence: Fee	\$ 850.00	\$ 0.00

Cost of first 100 meters (330 feet) = _____

Add: Additional length = _____

Total Fee Required = \$ _____

8. Applicants who wish to be considered for the dust control suppression program must apply each year no later than May 31st.

IN WITNESS WHEREOF has hereunto acknowledge and accept the terms and conditions on the day and year first above written.

SIGNED

Applicant

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SMOKY LAKE COUNTY

Per:





Request for Discussion (RFD)

Meeting Date: October 19, 2026

Agenda Item: #3.2

Topic: Proposed Road Use Agreement Policy and existing Road Haul Agreement

Presented By: Chyenne Shaw, Chief Administration Officer & Kyle Winterbottom, Director of Infrastructure.

Recommendation

That the Committee of the Whole discuss the proposed Road Use Agreement Policy and provide feedback for Council's consideration at a future Regular Council meeting. Formal policy approval and any direction to Administration would be considered by Council at that meeting.

Background:

The proposed Road Use Agreement Policy updates the existing haul road policy and its three schedules. The principal change is to place responsibility for haul-related grading, maintenance and repairs on the company using the road, with a stated method for charging for County grading. The draft also introduces a \$250 annual application fee per company.

The existing Schedule A, section 2.5.4, assigns all road maintenance other than dust control to the County, at the County's discretion. It also contains broader company obligations for damage and County expenses in section 5.2. The draft replaces this mixed wording with express company maintenance duties and documented cost recovery. The existing Schedule C already requires alternate empty routes to remain safe and passable and requires haulers to repair damage or compensate the County; those obligations are largely retained.

The following comparison identifies substantive changes and requirements that continue. It is based on the two policy documents provided.

Item	Existing Road Haul Agreement	Proposed Road Use Agreement
Maintenance responsibility	Schedule A assigns maintenance other than dust control to the County; separate damage and expense obligations also apply.	Company maintains loaded and approved empty routes at its cost, including haul-related grading, dust control and repairs.
County grading charges	No express ARHCA hourly grading formula is stated.	County grading caused by the haul or failure to maintain is billed using current ARHCA Guide equipment rates, recorded hours and applicable published fuel adjustments, without duplicating included costs.
Application fee	No annual application fee is stated.	\$250 per company each calendar year, including renewal years; separate from maintenance, repairs, security and applicable aggregate levies.
Minor hauls	Schedule B records permission, route, loads, timing and special provisions.	Schedule B adds express maintenance duties, grading charges, annual fee tracking, dust control and company acknowledgement.



Request for Discussion (RFD)

Inspections and restoration	Schedule A permits inspections; Schedule C expressly addresses pre-haul condition and restoration.	Express monitoring and restoration duties apply to the haul route generally, with chargeable work documented and invoiced.
Existing controls retained	Major and minor hauls, agricultural review threshold, routes, road bans, wet weather restrictions, dust control and suspension provisions.	Retains these controls and the three-schedule structure; uses Director of Infrastructure or designate and County-approved dust control methods.
Security and empty routes	Schedule A security up to \$20,000 per mile, with aggregate haulers exempt; Schedule C requires Council approval and separate security.	Retains these arrangements, including separate empty-route security, up to 30 days' retention after written completion notice and proportional repair costs using trip counts.

Benefits:

The draft gives haulers clearer responsibility for the road impacts of their operations and provides a consistent basis for recovering County grading costs. Applying express conditions to minor hauls improves consistency. Recorded equipment hours, inspections and documented road condition would support transparent invoicing and help distinguish haul-related work from ordinary County maintenance.

Disadvantages:

Haulers would face a new annual fee and potentially greater maintenance costs. Smaller operators may find these costs more difficult to absorb. Administration would need to track annual fees, inspect roads, authorize maintenance work, record equipment time and manage invoices. Disputes may arise over existing damage, ordinary road wear or the share attributable to each operator where several companies use the same road.

Financial Implications:

The proposed fee would generate \$250 annually for each company subject to the policy. Total revenue cannot be estimated from the information provided because the number of paying companies is not identified. The fee is per company, rather than per load or route, and does not include maintenance or repair costs.

The draft would allow recovery of haul-related County grading using current ARHCA Guide equipment rates and recorded hours, including applicable published fuel adjustments. Actual recovery would depend on hauling activity and County work performed. Inspection, recordkeeping and collection would require staff time. No quantified net budget impact has been established.

Legislation:

Both documents identify the Municipal Government Act as a legislative reference. The draft also references applicable County road ban and restriction bylaws, the Community Aggregate Payment Levy Bylaw and related County policies, as amended. These are references in the supplied policies; the comparison does not establish the legal effect of individual provisions. Before adoption, the



Request for Discussion (RFD)

final policy, fee and agreement wording should be checked for consistency with the applicable bylaws and approval authorities.

Intergovernmental:

The proposal concerns roads under County control and management. Hauls that also use provincial highways or neighbouring municipalities' roads may require coordination with the relevant road authority. County approval would address the County route and conditions. No new intermunicipal agreement or external funding is identified in the draft.

Strategic Alignment:

Priority 3 Asset Management and Infrastructure Sustainability: protects road condition and clarifies responsibility for damage and restoration.

Priority 4 Economic Development and Financial Sustainability: establishes clearer cost recovery and more predictable requirements for businesses using County roads.

Enclosure(s):

1. Proposed Road Use Agreement Policy, including Schedules A, B and C.
2. Existing Road Haul Agreement policy, including Schedules A, B and C.

Signature of the CAO: _____

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Smoky Lake County Policy

Title: **Road Haul Agreement**

Category: Public Works Services (PW)

<u>Policy #</u>	<u>Version</u>
03-14	13

LEGISLATIVE REFERENCE:

- Municipal Government Act;
- applicable County road ban and restriction bylaws;
- Community Aggregate Payment Levy Bylaw;
- and related County policies, as amended.

PURPOSE:

To protect roads under Smoky Lake County's control and management by establishing approval requirements, maintenance responsibilities and cost recovery for hauling activities.

Definitions

"Company" means the individual, business or contractor undertaking the haul, including its employees, agents and subcontractors.

"Haul Road" means a County road designated for a specific hauling activity.

"Major Hauling" activity means heavy and multiple loads carried out over a relatively long period, as determined by the County.

"Minor Hauling" activity means hauling that the County determines does not constitute a major haul. Examples include non-aggregate hauling or aggregate hauling of no more than five trailer loads per day, with each load not exceeding 30 tonnes and the total project not exceeding 500 metric tonnes. Agricultural industry activity is addressed in section 2.4.

"ARHCA Guide" means the Alberta Roadbuilders & Heavy Construction Association Equipment Rental Rates Guide, including applicable published addenda in effect when the work is performed.

STATEMENT:

Companies using County roads for hauling must comply with approved routes and conditions. The company is responsible for maintaining the designated road during its hauling operations and for repairing damage caused by those operations. County grading required in connection with the haul is chargeable to the company.

OBJECTIVE:

To establish consistent requirements for major and minor hauls, annual application fees, inspections, dust control, road maintenance, repair and enforcement.

	<u>Date</u>	<u>Council Resolution #</u>	<u>Version</u>
Adopted	Month, day, year	Motion #	01
Amended			
Reviewed			



GUIDELINES & PROCEDURE:

1. Approval and annual application fee
 - 1.1. A company undertaking a major haul must enter into the Haul Road Agreement in Schedule A before hauling begins. Minor hauls require approval using Schedule B.
 - 1.2. An annual application fee of \$250 per company is payable with the initial application and annually thereafter before hauling continues in a new calendar year. The fee is separate from security deposits, applicable aggregate levies and maintenance or repair charges. Payment does not authorize an unapproved route or haul.
 - 1.3. The Director of Infrastructure or designate will identify the approved haul route and conditions. An alternate empty truck route requires Schedule C and Council approval before use. Changes to an approved route require written County approval.
 - 1.4. Contractors or custom haulers of manure, silage or forage undertaking more than eight combined truck loads in a 24-hour period must contact the Director of Infrastructure before hauling. Following a road review, the Manager or designate may require a Haul Road Agreement.
 - 1.5. The company must notify the County before starting and upon completing a haul, comply with road bans and restrictions, and stop hauling during or after rain or snow that noticeably softens The road.
2. Road maintenance and County charges
 - 2.1. The company is responsible, at its own cost, for maintaining the designated haul road and any approved empty truck route while using those roads. Maintenance includes grading, dust control and repairs required because of its hauling operations. Roads must remain safe and passable for all users.
 - 2.2. The company must arrange maintenance to the satisfaction of the Director of Infrastructure or designate. Work within the County Road allowance requires prior County authorization and must meet County requirements for equipment, methods and timing.
 - 2.3. The company must monitor road conditions throughout the haul and promptly address rutting, potholes, loose material, dust and other conditions arising from its operations. Unsafe conditions must be reported to the County immediately.
 - 2.4. If the County must grade the road because of the company's hauling operations or failure to maintain the road, the company will be charged for the grading at the applicable equipment rates in the current ARHCA Guide. Charges will be based on the equipment used and recorded hours, with applicable published fuel adjustments. No cost component included in the guide rate will be charged twice.
 - 2.5. County grading does not relieve the company of its continuing maintenance responsibilities. The County may undertake work immediately where necessary to protect public safety or prevent further road damage.
 - 2.6. The County may inspect the route before, during and after hauling. Upon completion, the company must restore damage caused by its operations to the road's documented pre-haul condition, to the County's satisfaction, or compensate the County for required repairs.
 - 2.7. The County will document chargeable work and invoice the company. The annual application fee does not include County grading or other maintenance and repair costs arising from the haul.
3. Dust control and compliance



- 3.1. The company must provide dust control throughout the haul using water or other County-approved products and methods. Safety Data Sheets must be provided for products proposed for application.
- 3.2. The County may suspend hauling when road conditions are unsafe or approval conditions are not met. Hauling may resume only with County authorization.
- 3.3. Security deposits, indemnity obligations and other agreement conditions are set out in Schedules A and C. Any aggregate levy remains subject to the applicable County bylaw.



Schedule A Haul Road Agreement

Agreement details Information

Agreement date _____

Annual application year _____

Parties **Smoky Lake County (the County) and the Company identified below**

Company legal name _____

Address _____

Contact and title _____

Phone and email _____

The County permits the Company to use the approved route for the hauling activity described below, subject to this agreement, Policy 03-14 and the attached schedules.

Hauling details Information

Activity and material _____

Estimated loads and total tonnage _____

Start date _____

Expected completion _____

Approved loaded route

Approved empty route

1 Permission and operating conditions

Section Conditions

1.1 Notification and route changes The Company will notify the County before hauling starts and when it is completed. Route changes require written County approval. Any alternate empty route requires an approved Schedule C.

1.2 Agreement term and annual fee The agreement remains in effect from execution unless replaced or terminated by the County. The \$250 annual application fee must be paid before hauling in each calendar year, including renewal years. Material changes to routes or conditions may require a new agreement.

1.3 Road restrictions and weather The Company will comply with all County road bans, weight restrictions and approval conditions. No hauling is permitted during or after rain or snow that noticeably softens the road.



Section

Conditions

1.4 Maintenance responsibilities

The Company is responsible for maintaining the approved haul and empty truck roads at its own cost throughout its use, including grading, dust control and repairs arising from the haul. Roads must remain safe and passable. Maintenance work requires County authorization and must meet County standards.

1.5 County grading charges

If County grading is required because of the haul or the Company's failure to maintain the road, the Company will pay the applicable current ARHCA Guide equipment rates for recorded hours, including applicable published fuel adjustments. Components included in the rate will not be billed twice.

Additional conditions

Details

Dust control method approved by County

Noise control and other conditions



Schedule B Financial and enforcement conditions

2 Financial responsibilities

Section	Conditions
2.1 Annual fee and costs	The Company will pay the \$250 annual application fee and all costs of complying with the permission conditions. The fee does not include grading, maintenance, repairs, security or applicable aggregate levies.
2.2 Security deposit	The County may require a negotiated security deposit not exceeding \$20,000 per mile. Aggregate haulers are exempt from this security requirement under Schedule A. Any security required for an alternate empty route is addressed separately in Schedule C.
2.3 Security instruments and release	Required security must be provided as a certified cheque, irrevocable letter of credit or another instrument acceptable to the County. Security will be refunded or released upon expiry, subject to settlement of outstanding obligations; it may be retained at the Company's request for a new agreement.
2.4 Aggregate levies	Aggregate shipments remain subject to the County's Community Aggregate Payment Levy Bylaw. No duplicate aggregate levy will be imposed contrary to that bylaw.

3 Inspections and noncompliance

Section	Conditions
3.1 Inspections and repairs	The County may inspect the route before, during and after the haul. The Company will repair damage caused by its operations or reimburse County repair costs, to the County's satisfaction.
3.2 Stopping hauling	The County may stop hauling where conditions are not being fulfilled or road safety requires it. County work does not transfer the Company's maintenance obligations to the County.

4 Indemnity and damage

Section	Conditions
4.1 Indemnity	The Company shall indemnify and save harmless the County, its Councillors, directors, officers, employees, agents and representatives from liabilities, claims, suits, actions, losses, costs, damages and expenses, including solicitor and client costs, arising from the Company's breach or nonperformance of this agreement or a negligent act or omission of the Company or its directors, officers, employees, agents or representatives in connection with this agreement.
4.2 Damage and County expenses	The Company will pay for damage to bridges or other property resulting from its hauling activity and County expenses associated with that activity, including inspection, escort, supervision, repair and maintenance, and shall indemnify and save harmless the County in connection with those obligations.



The signatories acknowledge Policy 03-14 and all attached conditions and schedules.

Signatures

Information

Company representative signature

Date

Printed name and title

Authorized County representative signature

Date

Printed name and title



Schedule C Permission and Provision Form for Minor Hauls

Application details Information

Application year _____
Date and time received _____
Company name _____
Contact person _____
Phone and email _____
Material and purpose _____
Estimated loads per day _____
Tonnes per load _____
Total tonnes _____
Haul dates and times _____

Designated route _____

Conditions of permission

Item Conditions

Notification, restrictions and maintenance The Company must notify the County before hauling, comply with road bans and restrictions, and stop when moisture noticeably softens the road. The Company is responsible for maintaining the road while using it, including grading, dust control and repairs arising from its operations, to the County's satisfaction.

County grading charges County grading required because of the haul or the Company's failure to maintain the road will be billed at applicable current ARHCA Guide equipment rates for recorded hours, including applicable published fuel adjustments. Components included in the rate will not be billed twice.

Annual application fee The annual application fee is \$250 per company. If already paid for the application year, record the receipt below. The fee does not include grading, maintenance or repair charges.

Approval details

Information

Annual fee received or prior receipt number _____

Approved dust control method _____

Special provisions _____



Company acknowledgement

Date

County approval

Date

Printed name and title



Policy adoption and amendment history

Status	Date	Resolution
Approved	April 15, 2004	414
Amended	March 29, 2007	284-07
Amended	August 16, 2007	548-07
Amended	September 25, 2008	682-08
Amended	September 17, 2009	792-09
Amended	May 26, 2011	554-11
Amended	May 23, 2013	665-13
Amended	June 26, 2013	758-13
Amended	May 7, 2014	542-14
Amended	March 26, 2015	510-15
Amended	October 19, 2017	1172-17
Amended	April 30, 2020	723-20



Request for Discussion

Meeting Date: Monday, October 19, 2026

Agenda Item: **#3.3**

Topic: Recreational Vehicles Bylaw 1500-26

Presented By: Jordan Ruegg, Planning and Development Manager

Background:

Smoky Lake County Council tasked administration with conducting a jurisdictional scan of other municipalities to determine how many recreational vehicles (RVs) are permitted on agricultural properties and whether those RVs are subject to any regulations. Currently, Smoky Lake County Bylaw No. 1500-26, adopted on March 26, 2026, limits the number of RVs permissible within agricultural areas depending on the size of the parcel – maximum of 3 RVs up to 20.0 acres in size; 4 RVs between 20.01-40.0 acres; and 5 RVs on parcels greater than 40.0 acres in size. The Bylaw also limits the number of RVs in Hamlets (2) and Lake Subdivision Areas (3) and prohibits RVs from being permanently connected to utilities. (**Enclosure #1**).

Jurisdictional Scan

County of Wetaskiwin

- **Permanent**
 - RVs allowed on parcels of land less than forty (40) acres in size = **three (3)**.
 - RVs allowed on parcels of land that are greater than forty (40) acres in size = **four (4)**.
- **Temporary (for family functions/weddings/etc.)**
 - RVs allowed on parcels of land that are less than one (1) acre in area and have a dwelling present = **five (5)**.
 - RVs allowed on parcels of land that are between one (1) acre and two (2) acres in area and have a dwelling present = **ten (10)**.
 - RVs allowed on parcels of land between two (2) acres and less than twenty (20) acres in area = **twenty (20)**.
 - RVs allowed on parcels of land that are greater than twenty (20) acres in area = **thirty (30)**.
 - **All temporary RVs are subject to Recreational Units During Family Functions Policy**
 - Maximum duration = 96 hours/ 4 days.
 - May only be allowed to have temporary RVs twice a year/property (additional requests can be allowed at the discretion of the CAO).
 - The use or function must abide by all Municipal, Provincial, and Federal legislation, including, but not limited to the County's Noise Bylaw and regulatory requirements for the disposal of wastewater.



Request for Discussion

Thorhild County

- **Permanent**
 - Year-round placement of two (2) RVs on a parcel within the AG District shall be allowed without a Development Permit.
- **Temporary (for family functions/weddings/etc.)**
 - Additional RVs shall be permitted in the AG District for a maximum of four (4) consecutive days.
 - No Development Permit is required.
 - No maximum number of temporary RVs is specified.
 - No recreational vehicle shall be permanently connected to any utility or municipal service, such as power, gas, water supply or sanitary sewage disposal facilities unless the recreational vehicle is located in an approved recreational vehicle park.

Lac Ste. Anne County

- **Permanent**
 - A maximum of six (6) Recreational Vehicles are permitted to be permanently placed on a parcel.
 - The number of Recreational Vehicles may exceed the number outlined in Section 9.1.7(b) on a temporary basis for no more than twenty-one (21) days in a monthly period.
 - Recreational Vehicles shall be solely for private personal use. No fee, payment or other consideration shall be charged or collected for placement of the Recreational Vehicle(s) on the parcel and the Recreational Vehicles shall not be used for a commercial purpose.
 - The placement of Recreational Vehicle(s) shall comply with the applicable site setback requirements and other regulations of the applicable district.
 - The placement of the Recreational Vehicle(s) shall not, in the opinion of the Development Authority, result in any one or more of:
 - 1) Offensive or Objectionable conditions;
 - 2) Adverse impacts on the use, enjoyment or value of neighbouring parcels, or;
 - 3) Adverse impacts on the capacity, operation or condition of any Public Utility or municipal infrastructure including highways or roads.

Foothills County

- **Permanent**



Request for Discussion

- A maximum of five (5) Recreational Vehicles are permitted to be permanently placed on a parcel anywhere outside of a hamlet.

Westlock County

- **Permanent**
 - A maximum of three (3) Recreational Vehicles are permitted to be permanently placed on a parcel anywhere outside of a hamlet.
 - A Development Permit may be approved, at the discretion of the Development Authority, for up to one (1) additional recreational vehicle on an annual basis.
 - Tent trailers and truck campers stored on a lot shall be allowed without a development permit and shall not be included in the maximum RV density calculation.

Rocky View County

- **Permanent**
 - A maximum of three (3) Recreational Vehicles are permitted to be permanently placed on a parcel of land up to 20.01 acres in area.
 - A maximum of four (4) Recreational Vehicles are permitted to be permanently placed on a parcel of land between 20.01 acres and 39.78 acres in area.
 - A maximum of five (5) Recreational Vehicles are permitted to be permanently placed on a parcel of land greater than 39.78 acres in area.

Administrative Review:

Since Bylaw No. 1500-26 was adopted, a request was made to allow for the temporary placement of more than 5 RVs on a parcel of agricultural land in excess of 40.0 acres in size for a construction project along Highway 28. Neither the County's Land Use Bylaw nor Bylaw No. 1500-26 contemplates this scenario.

Recommendations:

- Amend Bylaw No. 1500-26 to allow for administration to approve of additional RVs on agricultural land for specific reasons (e.g. family gatherings, events, temporary accommodation for projects, etc.).
- Amend Bylaw No. 1500-26 to establish an application process, including specifying required information in support of an application, timelines of approval, etc.).

Signature of the CAO: _____

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**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1500-26**

A Bylaw of Smoky Lake County, in the Province of Alberta for the purpose of regulating Recreational Vehicles (RVs) in Smoky Lake County.

WHEREAS, pursuant to the provisions of the Municipal Government Act RSA 2000 Ch. M-26.1, 7(i) with amendments thereto, a Council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under this or any other enactment including the creation of offences and for each offence, imposing a penalty; and

WHEREAS the penalties approved by this bylaw will replace existing penalties in several bylaws.

NOW THEREFORE the Council of Smoky Lake County, duly assembled, hereby enacts as follows:

1. Title

- a. This Bylaw may be cited as "Smoky Lake County Recreational Vehicles (RV) Bylaw".

2. Definitions

- a. **Agricultural, Crown Lands, and other Areas means** those places within Smoky Lake County that are Zoned Agriculture (AG) District, Victoria Agriculture (A1) District, Victoria Residential (R3) District, Victoria Commercial District (C2) District, Highway Commercial (C1) District, Industrial (M1) District, Rural Industrial District (M2), Community and Institutional (P) District.
- b. **Hamlet Area** means those places within Smoky Lake County that are Zoned Hamlet General (HG) District under the Land Use Bylaw such as Warspite, Bellis, Edwand, and Spedden.
- c. **Land Use Bylaw** means the Land Use Bylaw adopted by Smoky Lake County, as amended.
- d. **Recreational Vehicle** means a vehicle primarily designed as temporary living quarters for recreational camping or travelling, which either has its own motor power or is mounted onto or drawn by another vehicle.
- e. **Subdivision and Lake Subdivision Area** means those places within Smoky Lake County that are Zoned Country Residential (R1) District or Residential (Cluster) Conservation (R2) District such as Hanmore, Haynes Estate, Sandy Lane Park at Mons Lake, Mons Lake Estates, Mons View Resort, Bonnie Lake Resort, Hillside Acres at Whitefish Lake, Birchland at Garner Lake, Parkview at Garner Lake, Sunset Beach at Garner Lake, and Wayetenau Lake Subdivision.
- f. **Zoned** means the land use district as established by the Smoky Lake County Land Use Bylaw.

3. Regulations

- a. The year-round placement of up to 2 (two) Recreational Vehicles is permitted in Hamlet Areas.
- b. The year-round placement of up to 3 (three) Recreational Vehicles is permitted in Subdivision and Lake Subdivision Areas.
- c. Additional Recreational Vehicles may be permitted for up to a maximum of 4 (four) consecutive days within the Hamlet and Subdivision, and Lake Subdivision Areas.
 - i. Additional Recreational Vehicles shall be removed from the site for a minimum of 24 (twenty-four) hours before the 4 (four) consecutive day occupation period may be renewed.
- d. The year-round placement of Recreational Vehicles in Agricultural, Crown Lands and Other Areas shall conform to the following:
 - i. **Parcels less than 20.0 acres in size** = a maximum of 3 (three) Recreational Vehicles are permitted.
 - ii. **Parcels between 20.01 acres and 40.0 acres in size** = a maximum of 4 (four) Recreational Vehicles are permitted.
 - iii. **Parcels greater than 40.01 acres in size** = a maximum of 5 (five) Recreational Vehicles are permitted.
- e. No Recreational Vehicle shall be permanently connected to any utility or municipal service, such as power, gas, water supply, or sanitary sewage disposal facilities unless the recreational vehicle is located in an approved recreational vehicle park and has been permitted under the County's Land Use Bylaw.

4. Penalty

- a. The following penalties may be applied in the event of an offence or violation:
 - i. 1st Offence: \$500.00.
 - ii. 2nd Offence: \$1,000.00.
 - iii. 3rd Offence: Not less than \$2,500.00 and not more than \$10,000.00.
- b. Each day on which an offence occurs may be considered to be an additional and separate offence.

5. Repeal & Severability

- a. Bylaw No. 1432-23 is repealed upon adoption of this Bylaw.

- b. If any portion of this Bylaw is found to be invalid, the remaining portions remain in effect.

6. Effective Date

- a. This Bylaw comes into force and effect upon it receiving Third Reading.

Received First Reading this 26 day of March, 2026

Received Second Reading this 26 day of March, 2026

Received Unanimous Consent for Third Reading this 26 day of March, 2026

Received Third Reading this 26 day of March, 2026

Signature Apon Request

Craig Lukinuk, Reeve

Seal

Signature Apon Request

Chyenne Shaw, Chief Administrative Officer



Request for Discussion(RFD)

Meeting Date: October 19, 2026

Agenda Item: #3.4

Topic: Review of Agricultural Service Board Bylaw 1517-26 and Term of Reference

Presented By: Director of Community Services, Sebastien Dutrisac

Recommendation:

That Smoky Lake County Council adopts the amended Agricultural Service Board Terms of References.

Background:

It is considered a Best Management Practice for a municipal council to review the bylaws and Committee Terms of References on a regular basis. Under the Municipal Government Act (MGA):

- Section 145 allows a council, by bylaw, to establish council committees and other bodies, and to set their functions and procedures.
- Section 146 provides that a council committee may consist entirely of councillors, entirely of persons who are not councillors, or a combination of both.

Council therefore has ongoing authority and responsibility for the existence, structure, membership, and operation of these bodies. While the MGA does not impose a rigid statutory timetable requiring a formal “composition review” every year for everybody, the practical reality of appointments, term expires, vacancies, and changing municipal needs makes regular review both necessary and expected.

Good governance and accountability

Regular review supports transparency, helps manage conflicts of interest and quorum issues, identifies bodies that may no longer be needed, and aligns with broader public-sector expectations of stewardship.

Common municipal practice

Many Alberta municipalities already conduct annual or multi-year reviews of membership, composition, and terms of reference as part of appointment cycles or governance policies. Alberta Municipal Affairs guidance (including councillor and CAO handbooks) treats council oversight of committees and boards as a core responsibility.

Practical recommendation

Annual appointment/reappointment processes (often tied to the organizational meeting).
Periodic deeper reviews of mandates and composition (for example every 3–4 years or after elections).

Benefits:

Relevance and effectiveness

Community needs, legislation, and municipal priorities evolve. Periodic review ensures terms of reference, skills/representation balance, and reporting requirements remain fit for purpose. In summary, regular review of the composition of boards and committees is consistent with the MGA, supports effective local governance, and is standard good practice for Alberta municipal councils.

Additional benefits would also include having more ambassadors in the community having a better understanding of the roles and responsibility of a municipality



Request for Discussion(RFD)

Disadvantages:

Loss of an entire committee may reduce historical knowledge if all the appointed members are replaced at once. A rotational sunset clause would be beneficial unless a lack of volunteers or applicants as the lack would hinder proper rotation.

Alternatives:

1- That Council accepts the RFD for information.

Financial Implications: N/A

Legislation: N/A

Intergovernmental: N/A

Strategic Alignment:

- Service Delivery and Community Wellbeing
- Economic Development

Enclosure(s):

- 1. Draft 2026 ASB Bylaw**
- 2. Current ASB Term of Reference**
- 3. Draft ASB Term of Reference**

Signature of the CAO: _____

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SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1517-26

BEING A BYLAW OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA TO
ESTABLISH AN AGRICULTURAL SERVICE BOARD

*****-***

WHEREAS, Section 145 of the *Municipal Government Act*, RS.A. 2000, Chapter M-26 authorizes Smoky Lake County Council to pass bylaws relating to the establishment and function of Council Committees and other bodies;

AND WHEREAS, the *Agricultural Service Board Act*, RS.A. 2000, Chapter A-10, authorizes Council to pass a bylaw to establish an Agricultural Service Board;

AND WHEREAS, Smoky Lake County Council deems it desirable and necessary to establish an Agricultural Service Board;

NOW THEREFORE, be it resolved that the Council of Smoky Lake County in the Province of Alberta, duly assembled hereby enacts as follows:



PART ONE: TITLE

- 1.1 This Bylaw shall be cited as the "**Agricultural Service Board Bylaw**".

PART TWO: PURPOSE

- 2.1 The purpose of this Bylaw is to establish the Agricultural Service Board and to provide that the Agricultural Service Board will act as an advisory body and will assist County Council and Ministry in matters of mutual concern.

PART THREE: DEFINITIONS

- 3.1 **"Act"**: means the *Agricultural Service Board Act*, RSA 2000, c-A-10, and successive Acts and amendments thereto.
- 3.2 **"Board"**: means the Smoky Lake County Agricultural Service Board.
- 3.3 **"Council"**: means the Reeve and Councillors duly elected in the Smoky Lake
- 3.4 **"Councillor"**: is a Member duly elected as a Councilor as defined in the *Municipal Government Act*.
- 3.5 **"County"**: means the geographic area contained within the boundaries of the municipality of Smoky Lake County.
- 3.6 **"Meeting"**: means an Agricultural Service Board meeting.
- 3.7 **"Member"**: means a member of the Agricultural Service Board.
- 3.8 **"Annual General Meeting"**: means an annual Meeting of the Board to appoint the Chairperson and Vice Chairperson.
- 3.9 **"Procedural Bylaw"**: means the Bylaw governing Council and Council committee meetings as adopted by Council from time to time.

PART FOUR: ESTABLISHMENT OF THE AGRICULTURAL SERVICE BOARD

- 4.1 The County's Agricultural Service Board is hereby established.

PART FIVE: MEMBERSHIP, TERM AND RENUMERATION

- 5.1 Members of the Board shall be appointed by Council and shall consist of two (2) Council members and three (3) Members-at-Large.
- 5.2 Annually, at the first Board meeting following the County Organizational Meeting, the majority of the members of the Board shall elect a Council member to act as a Chairperson and a second Council member to act as Vice-Chairperson for the Board.
- 5.3 Members of the Board shall be remunerated as per the rate set by County Council annually at the County Organizational Meeting and paid meals and mileage at the same rate as stated in the Council Remuneration and Expenses Policy.

PART SIX: QUORUM & VOTING

- 6.1 Three voting members of the board shall constitute quorum.
- 6.2 All decisions of the Board shall be determined by a simple majority vote.
- 6.3 A person who is a member of the Board ceases to be a member if without being authorized by a resolution of the Board, he/she is absent from 3 consecutive regular meetings of the Board.

PART SEVEN: MEETINGS AND CONDUCT OF BUSINESS

- 7.1 The Board shall adhere to the County's Procedural Bylaw, as applicable.
- 7.2 In the absence of any applicable provisions of the Procedural Bylaw, the Board may establish its own procedure.
- 7.3 The Board shall meet a minimum of three (3) times per year, or at the call of the Chair.
- 7.4 If a meeting is not required or additional meetings are necessary, they will be at the call of the chair.
- 7.5 The Chairperson and in his or her absence the Vice-Chairperson shall preside at Board meetings and carry out the following duties:
 - 7.5.1 Represent the Board at official functions with approval,
 - 7.5.2 Speak to Board related items that arise during Council or other meetings, including bringing forward Board recommendations that require Council approval.
 - 7.5.3 Communicate with the Agricultural Fieldman or designate regarding Board agenda items.

PART EIGHT: FUNCTIONS AND DUTIES

- 8.1 The Board shall:
 - 8.1.1 exercise on behalf of Council all the powers and perform all the duties that are conferred on it by Council under the *Agricultural Service Board Act*, RSA 2000, c. A-10 or any other Act with respect to agricultural matters.
 - 8.1.2 act as an advisory body and assist the Council and the Minister, in matters of mutual concern.
 - 8.1.3 advise on and help organize and direct weed and pest control and soil and water conservation programs.
 - 8.1.4 assist in the control of animal disease under the *Animal Health Act*.

- 8.1.5 promote, enhance and protect viable and sustainable agriculture with a view to improving the economic viability of the agricultural producer.
- 8.1.6 promote and develop agricultural policies to meet the needs of the municipality.
- 8.2 Decision making authority rests with the Board within the approved Board budget and the Agricultural Service Board Term of Reference.

PART NINE: FUNDING

The Board will have the draft budget reviewed and submitted to Council annually in a timely fashion for budget deliberation.

PART TEN: AGENDA AND MINUTES

- 10.1 Preparation and distribution of meeting agendas and minutes will be the responsibility of administrative support assigned to carry out this function.
- 10.2 Board minutes act as a board report to Council and are provided for Council approval.

PART ELEVEN: ADMINISTRATION

- 11.1 The Agricultural Fieldman shall act as an administrative officer to the Board in carrying out the functions, duties and powers of the Board.
- 11.2 The Members appointed to the Agricultural Service board have a duty of care, loyalty, and compliance to Smoky Lake County to act in good faith, not disclose confidential information and due diligence of care in upholding the credibility and sustainability of the County and the Board.
- 11.3 **REPEAL and EFFECTIVE DATE**

That Bylaw No. 1441-23 is hereby repealed.

This Bylaw shall come into force and effect on the final date of passing thereof.

Read a First time this XXth day of XXXX, 2026.

Read a Second time this XXth day of XXXX, 2026.

Read a Third and Final time this XXth day of XXXX, 2026 and finally passed.

SMOKY LAKE COUNTY



Title: Agricultural Service Board Producer-at-Large: Terms of Reference	Policy No.: 19-03
Section: 62	Code: P-A
	Page No.: 1 of 4

Legislation Reference:	Alberta Provincial Statutes
-------------------------------	-----------------------------

Purpose:	Establish a process to fulfill the appointment of Producer-at-Large as a member on the Agricultural Service Board.
-----------------	--

Policy Statement and Guidelines:	
1. STATEMENT:	
1.1	Smoky Lake County Council has established an Agricultural Service Board Bylaw No. 1441-23 that advises on the development of agricultural programs and services to promote and enhance viable sustainable agriculture in the County.
2. OBJECTIVE:	
2.1	To seek appointment for three (3) Producer-at-Large positions on the Agricultural Service Board in the County.
2.2	Producer-at-Large members will be compensated for meeting and expenses incurred while acting as a Board member at the rate set by Council resolution.
3. GUIDELINES:	
3.1	Appointment of Producers-at-Large:
3.1.1	Smoky Lake County will advertise for ASB Producers-at-Large prior to its annual organizational meeting in election year.
3.2	Selection
3.2.1	Applications will be reviewed by County Council.
3.2.2	County Council at its sole discretion will appoint three (3) Producer-at-Large members.
3.2.3	The selected members as Producer-at-Large will be appointed for a four (4) year term.
3.2.4	Orientation will be provided for applicants to discuss position, responsibilities, and the role of Agricultural Service Board within Alberta.

Title: Agricultural Service Board: Terms of Reference		Policy No.: 19-03
Section: 62	Code: P-A	Page No.: 2 of 4

Policy Statement and Guidelines:

4. PROCEDURE:

- 4.1 Interested applicants shall submit an application form in writing as specified in **Schedule "A": Application For Producer-At-Large** completing each section in detailed outlining Agricultural related experience, Community Involvement and why interested in serving on the Agricultural Service Board (ASB).
- 4.2 Applicants should be actively farming and must be familiar with current agricultural practices and trends that affect producers in Smoky Lake County.

	Date	Resolution Number
Approved	October 21, 2010	# 978-10 - Page # 9491
Amended	May 9, 2016	# 687-16 - Page # 12241
Amended	April 27, 2023	

Schedule "A"
Agricultural Service Board Application for Producer-at-Large



Smoky Lake County
Agricultural Service Board
Producer-at-Large Application Form

Personal Information (Please print or type)

Title (Mr./Mrs./etc.)

Full Name

Town/City

Province

Postal Code

Phone

Email

Are you a resident of Smoky Lake County? Yes/No

If yes, how long?

Are you actively farming within Smoky Lake County? Yes/No

Are you an employee of Smoky Lake County? Yes/No

By completing and submitting this form you are consenting to the confidential review of your application by County Council, County Representatives and Representatives from the respective Board/Committee you are applying for. If appointed, your name would appear in the record of the meeting as well as a committee member listing, which are public documents.

I accept the release of my name to the general public: Yes / No

Completed application forms can be submitted to Smoky Lake County by either:

Email: county@smokylakecounty.ab.ca

Mail: Smoky Lake County, Box 310, Smoky Lake, AB T0A 3C0

Deliver to: Smoky Lake County Main Office, 4612 McDougall Drive, Smoky Lake

Interest and Qualifications

Please answer each of the following questions, in relation to the committee and describe your relevant education, expertise, work or real-life experience.

Are you an active producer within Smoky Lake County? Please describe your farming operation.

Do you have any previous Board experience? Please elaborate.

How will Smoky Lake County benefit from your participation on the Agricultural Service Board?

What special skills or knowledge would you bring to the Board?

Are there any professional or personal constraints to your time that could interfere with serving on the Board?

Describe your understanding of the purpose and function of the Agricultural Service Board and how it operates.

What would make for a satisfying Board experience for you? What are you hoping to get out of being on this Board?

Do you foresee any limitation to you being on this Board in terms of personal interests that could conflict? If so, please elaborate.

Any other information you would like to add?

Signature

Date

**Smoky Lake County
Agricultural Service Board
Terms of Reference**

*Approved Month, day, year by Resolution xxxxxx

1. Authority

The Agricultural Service Board's (the Board) authority is derived from the *Agricultural Service Board Act* R.S.A. 2000 Chapter A-10 (the Act). Section 3(4) of the Act states that the Board must exercise on behalf of Council all the powers and perform all the duties that are conferred on it by Council, under this or any other enactment, with respect to agricultural matters. All policy changes and expenditures must be approved by Council.

2. Purpose

- 2.1. In accordance with Section 2 of the Act, the Board shall carry out the following duties: Provide recommendations to Council and the Minister on matters within the Board's mandate.
- 2.2. Express the Board's decisions, intentions, or positions to relevant organizations through local, regional, or provincial resolutions.
- 2.3. Advise Council on new and existing policies and programs related to municipal agricultural services.
- 2.4. Provide Agricultural Services administration with feedback and recommendations on new and existing procedural matters.
- 2.5. Report any Notifiable or Reportable Diseases under the Animal Health Act to the Chief Provincial Veterinary Office.
- 2.6. Act as an ambassador to our producers and the general public regarding provincial acts, municipal policies, and programs related to agriculture.
- 2.7. Serve as the Soil Conservation Appeal Board when an appeal is submitted under the Soil Conservation Act.
- 2.8. Act as a liaison and information conduit between agricultural producers, residents, and Council regarding agricultural matters

3. Membership

the Members will be appointed annually by a resolution of Council at its annual Organizational Meeting. Vacant positions will be advertised for two weeks and only those who submit applications in the prescribed form will be considered by Council. As per Section 3(3) of the Act, the membership of the Board must include persons who are familiar with agricultural concerns and issues and who are qualified to develop policies consistent with the Act.

Interested applicants shall apply form in writing as specified in Schedule “A”: Application For Producer-At-Large

4. Chairperson and Vice-Chairperson

The positions of Chairperson and Vice-Chairperson will be determined annually by Council at it's annual Organizational Meeting. The terms of these positions are one year and can be renewed at Council's discretion.

5. Term of Membership

All Members will be appointed to a one-year term, and their appointment may be renewed annually for an unlimited number of years, at Council's discretion. A person who is a Member of the Board ceases to be a Member of the Board if, without being authorized by a resolution of the Board, the Member is absent from three (3) consecutive regular meetings of the Board. A vacancy on the Board does not impair the right of the remaining Members to act if a majority of the Members remain.

The Board must present drafts of the following in a form acceptable to Council containing the information required by Council for approval: budgets, strategic business plans, resolutions, policies, and a summary of its activities for the preceding year.

6. Meeting Arrangements and Frequency

The Board will meet no fewer than four (4) times per year, and no more than twelve (12) times per year. The Chairperson and Agricultural Fieldman will confer and determine when a meeting may be required. Every reasonable effort will be made to ensure that meetings are scheduled on dates and times that are mutually convenient for all Members.

7. Governance and procedural matters

Voting Members shall include Three (3) Members-at-large and Two (2) Members of Council. Two alternates from each group shall be appointed and may only vote in the absence of the appointed Members.

A majority of votes is required for a motion to be carried. A tied vote will result in a lost motion. Council shall make every effort to ensure that the Board is comprised of Members with diverse knowledge on agricultural matters.

Quorum for a meeting shall be 3 Members.

8. Agenda

The Agricultural Fieldman, in consultation with the Chairperson, is responsible for the preparation and circulation of meeting agendas.

9. Funding- Per Diem & Expenses

Members will be remunerated as per Smoky Lake County Policy xxx- Travel and Subsistence, and Policy xxx- Council and Board Remuneration.

10. Agricultural Fieldman

Pursuant to Section 8(1) and 8(3) of the Act

- 10.1. The Agricultural Fieldman appointed and employed by the County will implement agricultural policies and programs and to manage the agricultural resources of the municipality.
- 10.2. The Agricultural Fieldman shall act as a designated officer of the municipality
 - 10.2.1. in carrying out the functions, duties and powers of the municipality under any Act relating to agriculture, and
 - 10.2.2. in implementing projects respecting agriculture agreed on between Council and the Minister.
- 10.3. An Agricultural Fieldman is, in the municipality employing that Fieldman,
 - 10.3.1. A Municipal Weed Inspector under the Weed Control Act,
 - 10.3.2. A Municipal Pest Inspector under the Agricultural Pests Act, and
 - 10.3.3. A Municipal Soil Conservation Officer under the Soil Conservation Act.

11. Administrative Support

The Smoky Lake County Agricultural Services Department will provide administrative support to the Board.

12. Participation by Others

The Chair may authorize the attendance and participation of resource staff and other persons who may have information or other resources that may be of interest to the Board.

Under Section 6 of the Act, in order to assist the Board, the Minister may designate an employee under the administration of the Minister as a Minister's representative (a) to advise the Board on government programs, agricultural problems, and needs of the municipality, and (b) to assist the Board, on the request of the Board, in the discharge of its duties.



Schedule "A"

Agricultural Service Board Committee Member Application Form

Date: _____

Name of Applicant: _____

Mailing Address: _____

Phone number: _____

Email Address: _____

Are you a resident of Smoky Lake County? Yes/No

If yes, how long?

Are you actively farming within Smoky Lake County? Yes/No

Are you an employee of Smoky Lake County? Yes/No

By completing and submitting this form you are consenting to the confidential review of your application by County Council, County Representatives and Representatives from the respective Board/Committee you are applying for. If appointed, your name would appear in the record of the meeting as well as a committee member listing, which are public documents.

I accept the release of my name to the general public: Yes/No

Completed application forms can be submitted to Smoky Lake County by either:

Email: **General County email? Or general Ag Services email?**

Mail: Smoky Lake County, Box 310, Smoky Lake, AB T0A 3C0

Deliver to: Smoky Lake County Main Office, 4612 McDougall Drive, Smoky Lake

The personal information requested on this form is being collected under the authority of Section 4(c) of the Protection of Privacy Act (POPA) for the purpose of planning, administering, evaluating, and delivering municipal programs and services. The information will be only used for the purpose for which it was collected. For further information about the collection and use of this information please contact the Agricultural Services office and/or Privacy Officer by email privacyofficer@smokylakecounty.ab.ca call 780-656-3730.

Interest and Qualifications

Please answer each of the following questions, in relation to the committee and describe your relevant education, expertise, work or experience.

Are you an active producer within Smoky Lake County? Please describe your farming operation.

Do you have any previous Board experience? Please elaborate.

How will Smoky Lake County benefit from your participation on the Agricultural Service Board?

What special skills or knowledge would you bring to the Board?

Are there any professional or personal constraints to your time that could interfere with serving on the Board?

Describe your understanding of the purpose and function of the Agricultural Service Board and how it operates.

What would make for a satisfying Board experience for you? What are you hoping to get out of being on this Board?

Do you foresee any limitation to you being on this Board in terms of personal interests that could conflict? If so, please elaborate.

Any other information you would like to add?

Signature

Date



Request for Discussion(RFD)

Meeting Date: October 19, 2026,

Agenda Item: #3.5

Topic: Emergency Infrastructure Protection Bylaw No. 1512-26

Presented By: Sebastien Dutrisac, Manager of Agricultural Services

Recommendation:

That Smoky Lake County Council directs administration to put the draft bylaw on the agenda for adoption.

Background:

After the Request for Discussion was reviewed by Council on September 17, 2026, a motion was made to bring a RFD Bylaw No. 1512-26 to the following meeting. The Emergency Infrastructure Protection Bylaw is proposed to give access during an emergency event or incident that would not trigger a declaration of a State of Local Disaster (SOLE) and severe enough to require urgent measures to be undertaken. The bylaw directly supports the services delivery and protection of county infrastructure, may or may not appear in the County's separate Bylaws such as Fire Protective Services Bylaw. Examples of emergency events or incidents, but not limited to:

- Flooding (by weather event and/or compounded by the surrounding wildlife activities)
- Wind Sheer or windstorm
- Tornado
- Earthquake,
- Landslides
- Sinkholes

Benefits:

The new bylaw would encompass all other disasters not listed under our other bylaws while simultaneously avoiding declaring a nonessential state of local emergency for localized incidents. In addition, clarifying and defining the officer's duties and powers would minimize potential misunderstandings and challenges.

Disadvantages:

N/A.

Alternatives

- 1. That Smoky Lake County Council accepts the RFD as information.**

Financial Implications:

Reduces the litigation as well as the cost due to delayed response in requesting access to land.

Legislation:

Soil Conservation Act



Request for Discussion(RFD)

Municipal Government Act

Intergovernmental:

Not applicable

Strategic Alignment:

Asset Management and Infrastructure

Enclosure(s):

1. Draft Emergency Infrastructure Protection Bylaw
2. Draft Emergency Entry onto Private Land Protocol
3. Draft Notice of Entry Form

Signature of the CAO: _____



SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO, 1512-26

A BYLAW OF THE MUNICIPALITY OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA, OR THE PROTECTION OF MUNICIPAL INFRASTRUCTURE DURING ENVIRONMENTAL HAZARDS AND EMERGENCIES.

WHEREAS the Municipal Government Act authorizes Council to pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the Municipal Government Act authorizes Council to appoint Designated Officers to administer and enforce municipal bylaws;

AND WHEREAS the Soil Conservation Act provides authority respecting soil conservation and erosion control;

AND WHEREAS Council considers it necessary to establish procedures to protect municipal infrastructure from environmental hazards and emergencies.

NOW THEREFORE the Council of Smoky Lake County enacts as follows:

1. NAME:

- 1.1 This Bylaw may be referred to as the "Smoky Lake County Emergency Infrastructure Protection Bylaw."

2. PURPOSE

- 2.1 To protect municipal infrastructure from environmental hazards.
- 2.2 To establish procedures for inspections, emergency protective measures, remediation and enforcement.
- 2.3 To authorize designated officers to administer this Bylaw in accordance with provincial legislation.

3. DEFINITIONS

For this Bylaw, the following definitions will apply:

- 3.1 **“Apparatus”** - means any vehicle provided with machinery, devices, Equipment or materials for the emergency, as well as any vehicles used for transporting staff or supplies.
- 3.2 **“Chief Administrative Officer”** - means the person appointed by Council to the position of Chief Administrative Officer (hereinafter may be referred to as “CAO”) for the Municipality, under the Municipal Government Act
- 3.3 **“Council”** – means the Reeve and Councilors duly elected in Smoky Lake County and who are eligible to continue to hold office.
- 3.4 **“Equipment”** - means any tools, contrivances, devices or materials used by the County to combat an Incident or other Emergency.
- 3.5 **Emergency** - means a sudden and temporary event that requires prompt co-ordination of action or special regulation of persons or property to protect the safety, health or welfare of people or to limit damage to property or the environment;
- 3.6 **Incident** - includes erosion or potential erosion of infrastructure, flooding or potential of flooding, wind shears, windstorms, tornadoes, earthquake, landslides, sinkholes, or other emergency presenting danger or possible danger to life, municipal infrastructure, or property
- 3.7 **Municipal Officer** – means CAO, Fire Chief, Deputy Fire Chief, Agricultural Fieldman, and Community Peace Officer

4. RIGHT OF ENTRY

- 4.1 As described under Section 19 of the *Soil Conservation Act* an officer or a member of a Soil conservation appeal committee or any person authorized by one of them may, at any reasonable time, enter onto land for the purposes of
- a) determining, in respect of that land,
 - i. whether appropriate measures are being taken
 - A. to prevent soil loss or deterioration from taking place, or
 - B. in the case where soil loss or deterioration is taking place, to stop the loss or deterioration from continuing,
 - or
 - ii. whether remedial measures set out in a notice are being properly carried out, or
 - b) carrying out remedial measures set out in a notice.

4.2 As described under Section 542 of the Municipal Government Act,

- (1) If this or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or the structure to be entered to carry out the inspection, remedy, enforcement or action,
- a) enter on that land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the enactment of this bylaw,
 - b) request anything to be produced to assist in the inspection, remedy, enforcement or action,
 - c) enter on that land or structure with the apparatus and/or equipment required to address the incident/ emergency, and
 - d) make copies of anything related to the inspection, remedy, enforcement or action.

4. NOTICE

- 4.1. Any notice provided for in this Bylaw shall be in writing.
- 4.2. Service of any notice provided for in this Bylaw may be made as follows:
- i. personally, upon the person to be served;
 - ii. by posting on the property and mailing the copy to the person to be served by registered mail or certified mail to the last known post office address of the person to be served, and service shall be deemed to be effected at the time the copy is delivered by an official of the post office to the person to be served or to any person receiving it on their behalf;
 - iii. where the property is not occupied, by posting on the property and mailing the notice by registered mail or certified mail to the mailing address noted on the Municipality's tax roll for that property;
 - iv. by phone call and/or email accompanied with option a), b), or c) where imminent actions are required, or
 - v. as directed by the Court

5. REVIEW

- 5.1. This Bylaw should be reviewed at least every two years from its adoption, or as deemed necessary from time to time.

6. PREVAILANCE

6.1. To the extent that a provision of this bylaw is found to conflict with another bylaw or policy of Smoky Lake County, this bylaw shall prevail.

7. REPEAL & SEVERABILITY:

- 7.1. Previous Bylaw is repealed upon adoption of this bylaw.
- 7.2. If any part of this Bylaw is found to be invalid, it is the intention of Council that the remaining sections remain in force until repealed or otherwise amended.

8. EFFECTIVE DATE:

8.1. This Bylaw comes into force and effect upon receiving Third Reading.

READ A FIRST TIME IN COUNCIL THIS DAY OF , AD .2026

READ A SECOND TIME IN COUNCIL THIS DAY OF , AD 2026.

READ A THIRD AND FINAL TIME WITH THE CONSENT OF COUNCIL THIS DAY OF , AD 2026.

Reeve

Chief Administrative Officer



Smoky Lake County Protocol

Title: **Emergency Entry onto Private Land**

Category: Emergency Disaster Services (EDS)

SWP #
EDS-__

Version
01

LEGISLATIVE REFERENCE:

Municipal Government Act (MGA) s. 542(3): In an emergency or extraordinary circumstances, a designated officer may enter land or a structure without reasonable notice, without entering at a reasonable hour, and without the owner's or occupant's consent.

MGA s. 541: "Emergency" includes a situation in which there is imminent danger to public safety or of serious harm to property.

MGA s. 551: A municipality may take whatever actions or measures are necessary to eliminate the emergency.

EMA s. 24 (when a State of Local Emergency is declared): Broader powers, including authorizing warrantless entry in the course of implementing an emergency plan or program.

PURPOSE:

This Code establishes consistent procedures for municipal staff, contractors, and authorized agents when entering private land or structures during an emergency or extraordinary circumstances. It ensures legal compliance, accountability, documentation of contact attempts, and clear authorization/sign-off.

STATEMENT:

This Code does not create new legal powers; it operationalizes existing statutory authority.

DEFINITIONS:

Emergency Entry: Entry authorized under MGA s. 542(3) or EMA s. 24 without normal notice/consent.

Designated Officer: Person authorized under the MGA or municipal bylaw (e.g., CAO, Director of Emergency Management, Fire Chief, Peace Officer, Bylaw Officer, Agricultural Fieldman).

Authorized Agent: Contractor or third party acting under written direction of a Designated Officer.

Contact Attempt: Any reasonable effort to notify the owner/occupant before or during entry.

OBJECTIVE:

SCOPE:

When Emergency entry is authorized: Entry without prior notice/consent is permitted only when:

- There is an imminent danger to public safety or serious harm to property is imminent; or,
- A State of Local Emergency (SOLE) has been declared, and entry is required to implement the municipal emergency plan/program; or,
- Extraordinary circumstances exist that make normal notice impractical or dangerous.

If the situation does not meet these criteria, normal MGA s. 542(1) notice requirements apply.

RECORDS MANAGEMENT:

Retain the completed Authorization & Sign-Off Form, photos, contact logs, and related reports for a minimum of [7 years] or as required by the municipal records retention schedule and POPA considerations.



REVIEW CYCLE:

ROLES & RESPONSIBILITIES:

Contact & Notification Protocol (Pre-Entry or Concurrent)

Even though notice is not legally required in an emergency, staff must make reasonable contact attempts and document them. Priority or urgency will dictate

- Method,
- Minimum Requirement
- Documentation

Such as

Level 1

Phone / Text (owner or known occupant)

At least 1 attempt if contact info is available

Time, number called, result

Level 2

Door knock / verbal announcement on site

Loud, clear announcement of identity and purpose

Time, who answered (if any)

Level 3

Written notice left on site

Standard municipal "Emergency Entry Notice" form left in a conspicuous place

Photo of notice in place + time

Level 4

Neighbouring property / alternate contact

If primary contact fails and time allows

Name of neighbour and message left

Rule: Do not delay life-safety actions solely to complete contact attempts. Document why attempts were limited or skipped.

PROCEDURES:

Authorization & Sign-Off Protocol

Before entry (or as soon as practicable):

On-scene decision – The attending Designated Officer decides that emergency entry is necessary.

Verbal or electronic authorization – If the Designated Officer is not on scene, they must authorize entry (radio, phone, or digital message).

Sign-off form – Complete the Emergency Entry Authorization (see Appendix A) & Sign-Off Form (see Appendix B) as soon as operationally feasible.

Minimum fields to be filled:

Date, time, and location of entry

Nature of the emergency / justification

Name and position of authorizing Designated Officer

Names of all persons entering

Description of actions taken

Contact attempts made (or reason none were made)

Any damage observed or caused

Time of exit and condition left

EMERGENCY PROCEDURES:



On-Site Conduct

Always display or produce municipal identification.

Announce presence and purpose if anyone is present.

Minimize damage; take only actions necessary to eliminate the emergency.

Photograph/video the site before and after actions when safe and practical.

Restore the site as soon as practicable if the municipality caused disturbance (MGA practice for utilities applies by analogy).

Leave a completed Emergency Entry Notice if no one was present.

	<u>Date</u>	<u>Emergency Committee</u>	<u>Version</u>
Adopted	Month, day, year	Resolution #	01
Amended			
Reviewed			

Schedule A

NOTICE OF EMERGENCY ENTRY ONTO TO LAND
Emergency Protection of Infrastructure Bylaw
Smoky Lake County

To (owner or occupant of land or property)

_____ of (address) _____

You are hereby notified that (description of land or Infrastructure or other property) _____ located on/by _____ quarter of section _____ township _____ range _____ west of the _____ meridian, Alberta, as indicated on the diagram below, contains or is likely to contain a threat to infrastructure, property or persons _____, which has been declared an emergency situation and you being notified of entry to take the following proactive and/or reactive measures:

(description of measures to be taken, including the material, if any, to be used against the emergency)

NW	NE
SW	SE

Date of Entry: _____ Time In: _____ Time Out: _____

Contact Attempts Made

☐ Phone/Text – Time(s): _____ Result: _____

☐ Door knock / verbal – Time: _____ Result: _____

☐ Written notice left – Time: _____ Photo taken: Yes / No

☐ Other: _____

☐ No contact attempts possible – Reason: _____

Persons Entering (Name / Position / Agency): _____

Actions Taken: _____

Damage Observed or Caused: ☐ None ☐ Yes – describe & photograph: _____

Restoration Required: ☐ No ☐ Yes – details: _____

All of the above measures will be completed within _____ days from the date of issue of this notice. This notice is issued under section 551 of the *Municipal Government Act* :A municipality may take whatever actions or measures are necessary to eliminate the emergency.

Date of Issue: _____

Designated Officer : _____

Telephone Number: _____

File No.: _____

**Reprinted from the
Municipal Government Act
Emergency Management Act**

Municipal Government Act

Municipal inspections and enforcement

542(1) If this or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or the structure to be entered to carry out the inspection, remedy, enforcement or action, (a) enter on that land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the enactment or bylaw, (b) request anything to be produced to assist in the inspection, remedy, enforcement or action, and (c) make copies of anything related to the inspection, remedy, enforcement or action.

542(3) In an emergency or in extraordinary circumstances, the designated officer need not give reasonable notice or enter at a reasonable hour and may do the things in subsection (1)(a) and (c) without the consent of the owner or occupant.

Emergencies

551(1) Despite sections 549 and 550, in an emergency a municipality may take whatever actions or measures are necessary to eliminate the emergency.

Emergency Management Act

Powers of local authority

24(1) On the making of a declaration of a state of local emergency and for the duration of the state of local emergency, the local authority may do all acts and take all necessary proceedings including the following:

- (a)** cause any emergency plan or program to be put into operation;
- (b)** exercise any power given to the Minister under section 19(1) in relation to the part of the municipality affected by the declaration;
- (c)** authorize any persons at any time to exercise, in the operation of an emergency plan or program, any power given to the Minister under section 19(1) in relation to any part of the municipality affected by a declaration of a state of local emergency.

The personal information requested on this form is collected under the authority of Section 4(c) of the Protection of Privacy Act (POPA) for the purpose of planning, administering, evaluating, and delivering municipal programs and services. The information will be only used for the purpose for which it was collected. For further information about the collection and use of this information please contact the County Administration and/or Privacy Officer by email privacyofficer@smokylakecounty.ab.ca or call 780-656-3730.



Request for Discussion(RFD)

Meeting Date: October 19, 2026,

Agenda Item: 3.6

Topic: Joint Municipal Weed and Pest appeal Committee Bylaw No. 1518-26

Presented By: Sebastien Dutrisac, Manager of Agricultural Services

For discussion and review

Background:

Under the *Agricultural Pest Act* (APA) of Alberta Section 14 subsection 5 “A local authority shall annually appoint a committee to hear and determine appeals under this section and on receipt of a notice of appeal a local authority shall refer the appeal to that committee” as well as under the *Weed Control Act* (WCA) Section 19 subsection 1 “A local authority shall establish, at least annually, an independent appeal panel to determine appeals of inspector’s notices, local authority’s notices and debt recovery notices”.

After the Request for Decision (RFD) was reviewed by the ASB on May 26, 2026, and a RFD reviewed by Council on May 28, the following Resolution No: 20260528- 344 was carried, *That Smoky Lake County Council direct administration to investigate the creation of a Regional Weed and Pest Appeal Committee for Smoky Lake County and continue to seek interested neighbouring municipalities for 2027.*

At this point in time, Lac La Biche County and Thorhild County has reviewed and accepted the proposed Joint Municipal Weed and Pest Appeal Committee MOU and Bylaw and administration has committed to bring the MOU and Draft Bylaw for adoption.

Benefits:

The current appointment of a Weed and Pest Appeal Committee under the WCA and APA achieves legislative compliance for the 2026 ASB audit. The creation of a Regional Weed and Pest Appeal committee should increase the number of applicants for the position if the regional collaboration includes the caveat that an appointee from a municipality will not sit on the appeal panel hearing an appeal within the same municipality they reside in. The intent is to have each municipality cover the cost of their own appointees that are sitting at a neighbouring municipal appeal. This initiative would decrease the likelihood of a committee member be in a compromising position when having to decide on an appeal of neighbouring producer therefore increasing the objectivity of the verdict and decreasing potential conflict between neighbours.

Disadvantages:

N/A.

Alternatives

1. That Smoky Lake County Council accepts the RFD as information.

Financial Implications:

Potential variance in mileage paid for the panel appointees.



Request for Discussion(RFD)

Legislation:

1. Alberta Weed Control Act
2. Agricultural Pests Act
3. Municipal Government Act

Intergovernmental:

Not applicable

Strategic Alignment:

Regional Collaboration & Modernization

Enclosure(s):

1. **Draft Memorandum of Understanding**
2. **Draft Intermunicipal Weed and Pest Appeal Board Bylaw**

Signature of the CAO: _____

A solid black rectangular box used to redact the signature of the CAO.

Intermunicipal Weed and Pest Appeal Board

Memorandum of Understanding

File No: _____

TIDS MEMORANDUM OF AGREEMENT is made as of the ____ day of _____, 20__

BETWEEN

Lac La Biche County, a Municipal Corporation in the Province of Alberta, of 13422 HWY 881, Lac La Biche, AB T0A 2C0 of the Province of Alberta,

- and-

Smoky Lake County, a Municipal Corporation in the Province of Alberta, of 4612 McDougall Drive, Smoky Lake, AB T0A 3C0 of the Province of Alberta,

- and-

County, a Municipal Corporation in the Province of Alberta, of 801 - 1st Street Box 10 Thorhild, AB T0A 3J0 of the Province of Alberta,

WHEREAS, municipalities are required under Provincial Legislation to annually appoint an appeal board to hear appeals under the *AGRICULTURAL PESTS ACT* and *WEED CONTROL ACT*, the above municipalities wish to create a shared board to ensure impartial application of the aforementioned Provincial Acts

-

- THEREFORE, pursuant to the *Agricultural Pests Act* and the *Weed Control Act*, the parties hereto, in consideration of the mutual promises and covenants hereinafter contained, AGREE AS FOLLOWS:

1. To develop a list of Members-At-Large to sit on an **Intermunicipal Weed and Pest Appeal Board** (hereinafter referred to as "the Board")
 - a. Each Municipality shall supply at least 3 members for the Board.
 - b. Each Municipality shall communicate to those volunteering that they are applying to an Intermunicipal Weed and Pest Appeal Board. It must be clarified that in the event of an appeal, members **WILL** be expected to travel to the municipality hosting the appeal.
 - c. Each Municipality shall clarify for those volunteering that they will be paid according to the municipality holding the appeals policies, mileage, and per diem rate, as applicable to each municipality.

2. To appoint all Municipal Members-At-Large within each municipality as members of the Weed and Pest Appeal Board.
3. To share the contact information of those Members-At-Large who volunteer for the intermunicipal boards amongst all Municipal members of this Memorandum of Understanding to be utilized for Weed and Pest Appeals.
4. To educate members on the *Agricultural Pests Act* and *Weed Control Act*, applicable Provincial Regulations, and Municipal Bylaw and Policy, so that if an appeal occurs the Board members are informed.
5. To utilize the Intermunicipal Weed and Pest Appeal Board should the municipality be served with notice of an impending appeal to better ensure impartiality of Municipal Appeal Boards for the *Agricultural Pests Act* and *Weed Control Act* appeal process by utilizing an Intermunicipal approach.

IN WITNESS WHEREOF this Agreement has been duly executed by the parties.

**Executed on behalf of the
Municipality by:**

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO, 1518-26**

**A BYLAW OF THE MUNICIPALITY OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA,
TO PARTAKE IN AN INTERMUNICIPAL WEED AND PEST APPEAL BOARD.**

WHEREAS, under the Weed Control Act of Alberta, S.A. 2008, Chapter W-5.1, Section 19(1), municipalities shall establish, at least annually, an independent appeal panel to determine appeals of inspector's notices, local authority's notices and debt recovery notices;

AND WHEREAS, under the Agricultural Pests Act of Alberta, R.S.A. 2000, Chapter A-8, 14(5), municipalities shall, at the beginning of each calendar year, appoint annually appoint a committee to hear and determine appeals

NOW THEREFORE under authority and subject to the provisions of the MGA, and by virtue of all other enabling powers, the Council of Smoky Lake County, duly assembled, enacts as follows:

1. NAME:

- 1.1 This Bylaw may be referred to as the " Intermunicipal Weed and Pest Appeal Board Bylaw"

2. DEFINITIONS

For this Bylaw, the following definitions will apply:

- 2.1. *Agricultural Pest Act* - The *Agricultural Pest Act* (R.S.A.2000 Chapter A-8) and the *Pest and Nuisance Control Regulation* (A.R. 184/2001) and any successor thereto.
- 2.2. Appellant - means the person who has served written notice of an appeal to the Clerk of the Board from a Notice or Inspector's Notice, or Local Authority's Notice, or a Debt Recovery Notice issued under the *Agricultural Pest Act*, or the *Weed Control Act*.
- 2.3. Board - means the Intermunicipal Weed and Pest Appeal Board.
- 2.4. Clerk - means the person appointed by Council to act as the Clerk of the Board.
- 2.5. County - means the municipality of Smoky Lake County
- 2.6. Debt Recovery Notice - a statement of the expenses and a demand for payment on the owner of the land, property or livestock in respect of which the work was carried out to fulfill the requirements of an Inspector's notice or a local authority's notice.
- 2.7. Inspector's Notice - a legally binding document demanding compliance by a specified deadline and outlining acceptable options under the following legislation: *Agricultural Pest Act* or the *Weed Control Act*.

- 2.8. Local Authorities Notice – Notice issued by a local authority to control noxious weeds and to destroy prohibited noxious weeds to the owners and occupants of land in a subdivided area that does not exceed 20 acres.
- 2.9. Notice(s) – relates to all notices and Pest Detention Tag.
- 2.10. Members at Large” are members from the participating municipalities who are appointed to the Intermunicipal Weed and Pest Appeal Board
- 2.11. *Weed Control Act - Weed Control Act*, (R.S.A. 2008, c. W-5.1) and *Weed Control Regulation* (A.R. 19/2010) and any successor thereto.

3. INTERMUNICIPAL WEED AND PEST APPEAL BOARD

- 3.1 An Intermunicipal Weed and Pest Appeal Board is established.
- 3.2 No person who is an employee shall be appointed to the board by Council, subject to the provisions of this Bylaw.
- 3.3 The Board will consist of three (3) members from each of the other municipalities.
- 3.4 Council will appoint members to the Board, by resolution, at the annual organizational meeting, for a one (1) year term.
- 3.5 A member of the Board may be re-appointed upon the expiry of the term.
- 3.6 Council may terminate the appointment of any member of the Board, by resolution, at any time.
- 3.7 In the event a vacancy occurs on the Board, Council will appoint a new member to serve the remainder of the existing term.
- 3.8 Members of the Board may be entitled to remuneration and travel and other expenses as established by Council, from time to time.

4. POWERS AND DUTIES

- 4.1 The Board shall decide upon all appeals referred to it by the Clerk of the Board including an:
 - a) Appeal of a Weed Notice issued by a Weed Inspector;
 - b) Appeal of a Local Authorities Notice issued by the municipality;
 - c) Appeal of a Pest Notice issued by a Pest Inspector;
 - d) Appeal of a Notice or Tag issued by a Pest Inspector;
 - e) Appeal of debt recovery notices issued by the local authority.
- 4.2 The Board shall perform other such duties as described or implied in this Bylaw or as may be assigned to it by Council.

5. ORGANIZATIONS

- 5.1 Members of the Board shall elect one of themselves as Chair.
- 5.2 Members of the Board shall elect one of themselves as Vice-Chair.
- 5.3 Chair and Vice-Chair shall hold office for the duration of an appeal to the Board.

6. BUSINESS

- 6.1 Four (4) members of the Board constitute a quorum.
- 6.2 A Member of the Board who is for any reason unable to attend the whole or part of an appeal shall not participate in the deliberations or decision by the Board

upon that appeal.

- 6.3 The decision of the majority of the members of the Board present at a meeting duly convened is deemed to be the decision of the whole Board.
- 6.4 In the event of a tie vote, the decision shall be deemed to be decided in the negative.
- 6.5 An order, decision, approval, notice or other things made, given or issued by the Board must be signed on its behalf by its Chairman, Vice-Chairman or a Member elected to act as Chairman and the Clerk.
- 6.6 The Board shall issue its decision upon an appeal in writing together with reasons for the decision pursuant to the provisions of the Act.
- 6.7 Upon receipt of a notice of decision of appeal duly filed pursuant to the provisions of the Act, and of this Bylaw, the Clerk may convene a special meeting of the Board to consider what persons are affected by the appeal and should be notified thereof. The Board is allowed to hold a special meeting to:
 - a) Determine who should be notified of the Board hearing; and
 - b) Determine whether any members of the Board are unable or ineligible to attend the hearing due to absence, pecuniary interest or provisions within the Act.
- 6.8 The hearing of the appeal pursuant to the Act shall be held in public and all people who wish to attend shall be entitled to do so.
- 6.9 The Board shall meet to hear appeals as frequently as is necessary, and in any event within five (5) days of receipt of a notice of appeal duly filed pursuant to the Act.

7 CLERK OF THE BOARD

- 7.1 The Council shall appoint a Clerk of the Board who may be a County employee.
- 7.2 The Clerk shall attend all meetings and hearings of the Board, but shall not vote on matters before the Board.
- 7.3 The Clerk of the Board shall perform such functions as may be necessary to ensure that the Board is in full compliance with its duties under the Act and this Bylaw.
- 7.4 The Clerk of the Board shall attend all meetings of the Board and shall keep the following records with respect thereto:
 - a) the minutes of all meetings and hearings;
 - b) all appeal notices;
 - c) records of all notices of hearings and of persons to whom they were sent;
 - d) copies of all written representations to the Board;
 - e) notes as to each representation;
 - f) the names and addresses of those making representations at the hearing;
 - g) the decision of the Board;
 - h) the reasons for the decision of the Board;
 - i) the vote of the members of the Board on the decision;

- j) records of all notices of decision and of persons to whom they were sent;
- k) all notices, decisions and orders made on an appeal from the decisions of the Board; and
- l) such other matters as the Board may direct or the Clerk may determine.

7.5 The Clerk of the Board shall notify all members of the Board of the arrangements for the holding of each hearing and other meetings of the Board.

7.6 The Clerk of the Board shall make available for public inspection before the commencement of the hearing, all relevant documents and materials including:

- a) all applications, notices, stop orders, and decisions related to the appeal; and
- b) written notice of appeal from individuals who believe that they are affected by the decision, order, or notice.

8 PROVINCE OF ALBERTA APPEAL PROCEDURE

8.1 The Clerk of the Board shall keep on file all notices of applications made for leave to appeal, where applicable, to the Court of Appeal or to the Minister of the Government of Alberta with the Agriculture portfolio from decisions of the Board issued pursuant to the Act.

9 SEVERABILITY PROVISION

9.1 Should any provision of this Bylaw be invalid then such invalid provision shall be severed, and the remaining Bylaw shall be maintained.

10 PREVAILANCE

10.1 To the extent that a provision of this bylaw is found to conflict with another bylaw or policy of Smoky Lake County, this bylaw shall prevail.

11 EFFECTIVE DATE:

11.1 This Bylaw comes into force and effect upon it receiving Third Reading.

READ A FIRST TIME IN COUNCIL THIS DAY OF , AD .202

READ A SECOND TIME IN COUNCIL THIS DAY OF , AD 202.

READ A THIRD AND FINAL TIME WITH THE CONSENT OF COUNCIL THIS DAY OF , AD 202.

Reeve

Chief Administrative Officer



Request for Discussion(RFD)

Meeting Date: October 19, 2026,

Agenda Item: #3.7

Topic: Review of Bylaw No. 1464-24 — Non-Residential Development Municipal Tax Incentive Bylaw

Presented By: Chyenne Shaw, Chief Administrative Officer, & Nicole Cherniwchan, Director of Corporate Services

Recommendation

That the Committee of the Whole discuss the administrative, financial and procedural issues identified in Bylaw No. 1464-24 and provide feedback on potential amendments for consideration at a future Regular Council meeting.

Background:

Bylaw No. 1464-24 received third and final reading on January 23, 2025. Its purpose is to encourage new non-residential development, expansion and investment by providing municipal property tax relief on eligible increases in improvement assessment.

The bylaw establishes eligibility requirements, assigns initial application decisions to the CAO, requires Tax Incentive Agreements and provides an appeal process to Council.

Review of the bylaw during consideration of current applications has identified several provisions that require clarification. These include the extent of administrative approval authority, the absence of financial limits, treatment of assessment appeals, calculation of eligible assessment, payment timelines and incomplete exemption schedules.

These general issues affect administration of the program overall and should be considered separately from the merits of any individual application. This report identifies policy and drafting concerns; it does not conclude that the bylaw is invalid.

Issues identified

1. CAO approval authority has no financial threshold

Reference: Sections 5.1–5.5 and 11

Section 5.4 requires the CAO to consider complete applications and either grant the exemption and enter into an agreement or reject the application with written reasons.

The bylaw does not establish a maximum dollar amount that the CAO may approve or a process for referring significant applications directly to Council. Council's express role in individual application decisions is through the appeal process.

This creates a governance concern where an application could result in a substantial reduction in municipal revenue. The bylaw also does not clearly identify how financial sustainability concerns should influence a decision where an applicant otherwise satisfies the eligibility criteria.



Request for Discussion(RFD)

As CAO, I am not comfortable approving significant tax exemptions administratively without clearer financial limits and decision criteria. However, that concern does not itself establish a separate refusal criterion under the existing bylaw.

Discussion: Should the bylaw establish approval thresholds, a defined Council decision process for larger applications, and clearer criteria governing discretion?

2. No maximum exemption or overall program budget

Reference: Section 6 and Schedule A

Schedule A provides 100% municipal tax relief in Year 1 for every eligible assessment tier. Year 2 relief is 50% for increases up to \$5 million and 75% for increases greater than \$5 million.

The bylaw contains no maximum exemption per property, applicant or related group of applicants. It also has no annual program ceiling or requirement to assess the combined impact of approved agreements.

Consequently, financial exposure increases with the size and number of eligible applications.

Discussion: Should Council establish a maximum benefit, an annual program allocation, or reporting requirements for outstanding incentive commitments?

3. Active assessment complaints prevent eligibility

Reference: Section 3.1.4

The registered owner or assessed person must not be involved in litigation with the County, expressly including an Assessment Review Board complaint.

This means an applicant disputing its assessment may be ineligible even where the development otherwise meets the program requirements. A promise to withdraw an assessment complaint does not satisfy the wording while the complaint remains active.

The clause also extends beyond disputes concerning the property or development being considered. It does not define the types or stages of other litigation that trigger ineligibility.

Discussion: Should this restriction remain, be narrowed or be replaced with a process that calculates the incentive after an assessment dispute is resolved? The implications for applicants exercising assessment complaint rights should receive legal review before amendments are finalized.

4. Tax payment requirements and refund timing need alignment

Reference: Sections 3.1.1, 5.6 and 7.1–7.2

Section 3.1.1 requires current taxes to be paid in full as an eligibility condition. Section 7 also



Request for Discussion(RFD)

requires full payment before a refund.

Section 7.2.2 states that payment must be made within 30 working days after current taxes are paid in full. However, an application may be submitted after taxes have been paid, and the agreement or eligibility review may remain incomplete when that period expires.

Section 5.6 separately prevents a refund until the agreement is fully executed.

Discussion: Should the refund deadline begin after the last required step is completed, including full tax payment, approval, execution of the agreement and verification of eligibility?

The bylaw should also distinguish clearly between outstanding current taxes and arrears. Its definition of arrears applies after December 31, but its eligibility requirements require current taxes to be paid even before they become arrears.

5. Eligible assessment calculations are not sufficiently detailed

Reference: Sections 2.8, 2.18–2.19, 3.1.5 and 6

The bylaw intends to provide relief on assessment increases attributable to new or renovated improvements. However, Section 6 does not provide a complete calculation formula.

It does not clearly explain how to separate increases caused by physical development from market changes, reassessment corrections or changes affecting existing improvements. It also does not establish a detailed method for phased construction, multiple improvements, assessment reductions or subsequent assessment appeal decisions.

Discussion: Should the bylaw prescribe a formula using an assessor-confirmed eligible improvement increase, the applicable municipal tax rate and the Schedule A percentage?

Clear rules are also needed for whether an exemption tier remains fixed at approval or changes with later assessment values.

6. Exemption levels and duration are incomplete

Reference: Schedule A and Section 7.2.1

Schedule A includes rows for Years 3 and 4 but leaves the exemption percentages blank. Only Years 1 and 2 contain stated benefits.

Blank entries create uncertainty about the intended program duration. They should not be interpreted as authorizing additional relief.

The assessment bands also move from \$500,000 to \$500,001 and from \$1,000,000 to \$1,000,001 without explaining how any intermediate values would be treated.



Request for Discussion(RFD)

Discussion: Should Schedule A expressly establish a two-year program and remove the unused rows, or should Council consider a different duration? Assessment ranges should also be written as continuous thresholds.

7. The higher assessment tier creates a significant benefit increase

Reference: Schedule A

An eligible assessment increase exceeding \$5 million receives 75% relief in Year 2, compared with 50% for the lower tiers.

The schedule appears to apply the higher percentage to the entire eligible increase rather than only the portion exceeding \$5 million. Crossing that threshold could therefore produce a substantial increase in the exemption.

Discussion: Is this result intended, or should the program use a consistent percentage, graduated calculation or maximum benefit?

8. Completed development can qualify without a clear application window

Reference: Sections 2.8, 4.4, 8.1 and 9.1.1

Applicants are encouraged to apply before construction, but advance application is not mandatory. The bylaw does not specify a maximum period between completion of development and an application. It also requires interpretation of the relationship between the minimum 2024 base assessment year, program availability after the 2023 assessment year and the prohibition on exemptions for taxation years before approval.

This may allow relief for completed development without demonstrating that the incentive influenced the investment decision.

Discussion: Should eligibility include a defined construction or completion period, an application window and clearer assessment-year examples?

9. Infrastructure deductions are broad and difficult to apply

Reference: Section 6.1.2

The CAO may reduce an exemption by the total cost of municipal infrastructure required to support a development. Where those costs exceed the exemption, the provision states that the assessed person may be responsible for the difference.

The bylaw does not define eligible infrastructure costs, allocation methods, timing or treatment of infrastructure benefiting multiple properties. It also does not explain how costs already recovered through another agreement or charge would be addressed.

The wording about payment of the difference requires clarification of the applicable authority and collection mechanism.



Request for Discussion(RFD)

Discussion: Should infrastructure deductions use defined, documented costs and expressly prevent duplicate recovery? The provision concerning additional applicant payments should receive legal review.

10. Cancellation and repayment provisions need clarification

Reference: Sections 7.2.3 and 10

Section 7.2.3 provides for cancellation where current taxes remain unpaid at December 31. Section 10 permits cancellation where eligibility criteria or agreement conditions are not met. The bylaw does not clearly explain whether previously issued refunds must be repaid, how any repayment is calculated or recovered, or how ownership changes affect an agreement.

It also does not clearly reconcile automatic cancellation under Section 7 with the written cancellation decision and appeal requirements in Sections 10 and 11.

Discussion: Should the bylaw establish consistent notice, cancellation, repayment and ownership-transfer provisions?

11. Appeal procedures require more detail

Reference: Sections 5.4.2, 10.3 and 11

The bylaw establishes a 30-day appeal period, a \$500 non-refundable fee and Council's available remedies. It does not specify hearing timelines, submission deadlines, notice requirements, opportunities to respond or requirements for Council's written reasons.

It also does not expressly explain the limits of Council's appeal remedies in relation to the substantive eligibility criteria.

Discussion: Should the bylaw establish a clearer hearing process and confirm that appeal decisions must remain consistent with the bylaw and applicable legislation?

12. Application documentation and drafting require improvement

Reference: Schedule B and Sections 2–11

Schedule B requires a Corporate Registry Record, Land Titles Certificate and application fee. It does not specifically request the construction dates, assessment history, development costs or compliance declarations needed to verify several eligibility requirements.

The bylaw also contains numbering and wording errors. For example, the clauses beneath Section 9.2 are numbered 9.1.1–9.1.5. These inconsistencies make references and administration more difficult.

Discussion: Should Council consider a replacement bylaw with a revised application form, standard



Request for Discussion(RFD)

agreement and administrative checklist?

Benefits:

Reviewing the bylaw would provide clearer expectations for applicants and more consistent administration. Defined approval authority, calculation methods and financial limits would help Council manage the program's effect on municipal revenue.

A revised bylaw could preserve support for investment while improving transparency, accountability and equitable treatment of applicants.

Disadvantages:

Amendments may change the benefits available to future applicants or make the program less attractive. Preparing revised provisions would require administrative, assessment and legal resources.

Changes made while applications are pending could create uncertainty. Any amendment should therefore address its effective date, existing agreements and pending applications.

Alternatives

- Consider targeted amendments addressing approval authority, financial limits, eligibility, calculations, payment and appeals.
- Consider replacing the bylaw with a revised program supported by a standard application and agreement.
- Retain the existing bylaw and develop administrative guidance where the wording permits, recognizing that guidance cannot resolve provisions requiring amendment.
- Consider ending the program through a future repeal bylaw, with appropriate treatment of existing agreements and pending applications.

Financial Implications:

The bylaw authorizes substantial municipal tax relief without a stated maximum benefit or overall program ceiling. The financial impact depends on the number of approved applications, eligible assessment increases, applicable municipal tax rates and exemption percentages.

Program costs also include application review, assessment verification, agreement preparation, annual monitoring, refunds and appeals.

A review should consider total outstanding commitments, anticipated future applications and the effect on County revenue. Any revised financial limits should include clear provisions for existing agreements and pending applications.

Legislation

Municipal Government Act, RSA 2000, c M-26, Section 364.2: Provides the statutory framework for municipal tax incentive bylaws intended to encourage eligible development and investment.

Bylaw No. 1464-24: Establishes the County's current program requirements. Potential changes should return to Regular Council through the appropriate bylaw amendment or replacement process.



Request for Discussion(RFD)

Legal review should focus on litigation restrictions, decision authority, infrastructure cost recovery, cancellation and repayment, appeals, and transitional treatment.

Legislation:

Municipal Government Act, RSA 2000, c M-26, Section 364.2: The statutory framework referenced by the bylaw. Alberta Municipal Affairs confirms that municipalities may establish tax incentive programs by bylaw to encourage non-residential investment and development.

Bylaw No. 1464-24: Establishes the County's current program requirements. Potential changes should return to Regular Council through the appropriate bylaw amendment or replacement process.

Legal review should focus on litigation restrictions, decision authority, infrastructure cost recovery, cancellation and repayment, appeals, and transitional treatment.

Intergovernmental:

Changes may affect businesses, investors and regional economic development partners considering investment in Smoky Lake County.

The program applies to municipal property taxes. Sections 6.1.3 and 6.2 exclude requisitions, so the County bears the municipal revenue reduction without reducing those requisition obligations.

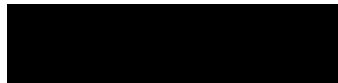
Strategic Alignment:

Priority 4 — Economic Development and Financial Sustainability: Supports a clear investment incentive program while protecting municipal revenue, accountability and equitable treatment.

Enclosure(s):

1. **Bylaw No. 1464-24 — Non-Residential Development Municipal Tax Incentive Bylaw.**

Signature of the CAO: _____



SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1464-24

BEING A BYLAW OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF PROVIDING A MUNICIPAL PROPERTY TAX EXEMPTION FOR NON-RESIDENTIAL DEVELOPMENT OR EXPANSIONS.

WHEREAS the *Municipal Government Act*, R.S.A. 2000 and amendments thereto, a municipality may offer multi-year tax exemptions, partial exemptions, or deferrals, in accordance with section 364.2 of the *Municipal Government Act*, for non-residential development and machinery and equipment;

AND WHEREAS Smoky Lake County seeks to provide an incentive to grow its property tax base and provide increased employment opportunities for County residents by attracting investment. The intent of this Bylaw is to provide a municipal tax incentive to attract commercial and industrial investors and promote expansion by existing investors through providing an exemption to a portion of municipal property taxes attributable to the differential between the pre-construction assessment and the post-construction assessment for eligible property;

NOW THEREFORE, the Council of Smoky Lake County in the Province of Alberta, duly assembled hereby enacts as follows:

1. THE PURPOSE OF THIS BYLAW IS TO:

- 1.1 Encourage the development or revitalization of non-residential properties and machinery and equipment in Smoky Lake County for the general benefit of the municipality;
- 1.2 Establish a tax exemption for eligible property in accordance with section 364.2 of the *Municipal Government Act* when there is a new development or a renovated development that meets the criteria and requirements set out in this bylaw;
- 1.3 Provide a process for an application for tax exemption under this bylaw; and
- 1.4 Provide a process for Council to review the refusal or cancellation of a tax exemption under this bylaw.
- 1.5 The Bylaw is cited as the “Non-Residential Development Municipal Tax Incentive Bylaw”

2. DEFINITIONS

When used in this Bylaw:

- 2.1 “Act” means *Municipal Government Act*, RSA 2000, M-26, as amended or repealed and replaced for time to time;
- 2.2 “Affiliated Party” means a party that directly or indirectly, through one or more persons, corporations, or partnerships, controls, is controlled by, or is under common control with an assessed person;
- 2.3 “Appeal Fee” means the fee established by this bylaw to be paid at the time an appeal application is submitted pursuant to this bylaw
- 2.4 “Application Fee” means the fee established by this bylaw to be paid at the time an application is submitted pursuant to this bylaw;
- 2.5 “Arrear taxes” shall mean taxes remaining unpaid after December 31 of the year in which they are levied;
- 2.6 “Assessed Person” means an assessed person as defined under section 284(1) of the Act, or an authorized agent for assessed person;
- 2.7 “Assessment” means a value of property as defined under section 284(1) of the act;
- 2.8 “Base Assessment Year” means the assessment year immediately prior to the assessment year that has an increase in improvement assessment as a result of new development or renovated development, not be prior to the 2024 assessment year;
- 2.9 “Chief Administration Officer” (CAO) means the Chief Administrative Officer of the County, or delegate;

- 2.10 “Complete Application” means an application submitted pursuant to this bylaw that includes the application fee, the application form, any information and documents set out on the application and any additional application requirements for the tax incentives under this bylaw;
- 2.11 “County” shall mean the municipal corporation of Smoky Lake County;
- 2.12 “Council” means all of the councilors of the County, including the chief elected official for the County;
- 2.13 “Current taxes” means the property taxes levied for the current tax year;
- 2.14 “Decision” means the decision to grant an exemption, to reject an exemption application, or to cancel an exemption;
- 2.15 “Eligible Property” means property within Assessment Class 2 – Non-residential and Assessment Class 4 – Machinery and Equipment as defined in the Act that meet the criteria set out in section 3 of this bylaw. This bylaw shall specifically exclude Linear Property from Eligible Property;
- 2.16 “Exemption” means the portion of municipal property taxes for eligible property that has been determined to be exempt and subject to refund, in accordance with this bylaw, and which are computed separately under this bylaw;
- 2.17 “Improvement(s)” has the meaning given to it in section 284(1) of the Act;
- 2.18 “Improvement Assessment Change” means the change in an Assessment attributed solely to an improvement or improvements on a property;
- 2.19 “Improvement Assessment” refers to the portion of the assessment attributed to all improvements on the property.
- 2.20 “Land Assessment” refers to the portion of assessment attributed to the value of land.
- 2.21 “Linear Property” has the meaning given to it in section 284(1) of the Act;
- 2.22 “Non-residential” means the type of property falling within the assessment class specified in section 297(1)(b) of the Act. This bylaw shall specifically exclude the land assessment and linear property as defined in the Act;
- 2.23 “Machinery and Equipment” (M&E) has the meaning given to it in section 297(1)(d) of the Act and associated regulation(s) i.e. (Matters Relating to Assessment Regulation, as amended from time to time);
- 2.24 “New Development” shall mean new improvements on an eligible property that results in an increased improvement assessment of that Property;
- 2.25 “Renovated Development” means renovations or physical additions to existing improvements on an eligible property that results in an increase to the improvement assessment of that property;
- 2.26 “Tax Incentive Agreement” means a written agreement between the county and the Assessed Person setting out the terms and conditions applicable to the eligible property for exemption of municipal property tax and shall be the result of the calculation reference in section 6 of this bylaw; and
- 2.27 “Working day” shall mean days the County’s central administration building is open to serve the public

3. CRITERIA FOR TAX INCETIVE AGREEMENT

- 3.1. New Developments and Renovated Developments may be eligible for an exemption and Tax Incentive Agreement provided that:
 - 3.1.1 The property subject to the New Development or Renovated Development must not have any arrear taxes or have amounts owing with regards to property tax, utilities, or other fees owing to the County. Current taxes must be paid in full.
 - 3.1.2 The property subject to the New Development or Renovated Development must not have development compliance issues, be in violation of a development agreement, or be in violation of the *Safety Codes Act* at any time during the taxation years for which the exemption applies to the new development or renovated development;

- 3.1.3 All applicable provincial or federal approvals and permits must be in place with respect to the property subject to the New Development or renovated development;
- 3.1.4 The registered property owner or the Assessed Person, excluding any authorized agent, of the property to the New Development or Renovated Development is not involved in some form of litigation (including an Assessment Review Board Complaint) with the County; and
- 3.1.5 The current Improvement Assessment for the New Development or Renovated Development on the subject property must have increased by at least \$20,000 compared to the Base Assessment Year, not prior to the 2024 assessment year. The change in valuation for the Assessment of land is excluded from this from this calculation.
- 3.2. Under this bylaw, the Exemption or Tax Incentive Agreement will not apply to:
 - 3.2.1. Linear Property, or
 - 3.2.2. the Land Assessment.

4. APPLICATION FOR TAX INCENTIVE AGREEMENT

- 4.1. The Assessed Person of the property subject to the application must submit a Complete Application to the County, and the County has the discretion to reject applications that are incomplete, or ineligible.
- 4.2. As part of a Complete Application, the Assessed Person must agree to enter into Tax Incentive Agreement with the County, on the form prescribed by the County, if their application is approved for an Exemption.
- 4.3. Assessed Persons must submit a non-refundable application fee of \$500 (five hundred Canadian dollars) concurrent with Complete Application.
- 4.4. Applicants are encouraged to submit a complete application for an exemption prior to commencement of construction.
 - 4.4.1. The final deadline for submission for an application for an exemption to be granted in the same tax year is October 31 of that tax year.
 - 4.4.2. Any applications received after October 31 of the given year will be considered for an Exemption for the following tax year.
- 4.5. Notwithstanding the Complete application requirements, the County may require any additional information that, in the discretion of the County, is necessary to complete the application.
- 4.6. Assessed Persons whose application is returned as incomplete or ineligible may resubmit an application without payment of an Application Fee.
- 4.7. The County will advise an Assessed Person in writing if their application is accepted for consideration, refused, or rejected. Applications accepted for consideration will become the property of the County and may not be returned.

5. CONSIDERATION OF APPLICATIONS

- 5.1. The CAO shall receive and consider Complete Applications within the provisions of this Bylaw and may consult with, obtain information from, and verify information with other employees or agents of the County, other governments, government agencies, or persons.
- 5.2. The CAO may, at any time, require an Assessed Person to provide any documents the County deems necessary to verify any information contained in a Complete Application or to confirm ongoing compliance with the eligibility criteria of the Exemption.
- 5.3. The CAO may take into consideration other agreements including those which have the Assessed Person or Affiliated Party and the County as parties, or other municipal incentives which may apply to the Assessed Person or Affiliated Party.
- 5.4. The CAO will consider each Complete Application and shall either:
 - 5.4.1 Grant the Exemption and enter into a Tax Incentive Agreement with the Assessed Person; or

- 5.4.2 Reject the application and advise the Assessed Person with written reasons as why the application was rejected. The written reasons shall also provide the date by which an appeal to council must be submitted.
- 5.5. The County shall enter into a Tax Incentive Agreement with the Assessed Person if an Exemption is granted under section 5.4.1 of this Bylaw
- 5.6. The Exemption shall not be refunded until the Tax Incentive Agreement is fully executed.

6. CALCULATION OF THE EXEMPTION

- 6.1. Subject to section 6.2 of this bylaw, the amount of the exemption will be calculated as Follows:
 - 6.1.1 The municipal taxes subject to Exemption shall be in accordance with *Schedule A – Exemptions Levels & Duration*.
 - 6.1.2 Should the county determine that the installation of municipal infrastructure is required to support the New or Renovated Development, a reduction of the exemption may apply that equals the total costs associated with the installation of municipal infrastructure as determined by the county CAO. Should the cost associated with the installation of municipal infrastructure exceed the exemption amount, the exemption shall not apply and the Assessed Person may be responsible to pay for the differential between what the exemption amount would be and the costs associated with the installation of municipal infrastructure
 - 6.1.3 Only the municipal portion of property taxes is eligible for exemption.
- 6.2. No Exemption will be granted respecting any requisitions

7. PAYMENT OF EXEMPTION

- 7.1. The Exemption as calculated in accordance with section 6 of this Bylaw shall be paid to the Assessed Person as a refund of a portion of the Current Taxes of the eligible Property, subject to the Current Taxes for the Taxation year first being paid in full.
- 7.2. Subject to the terms of the Tax Incentive Agreement:
 - 7.2.1 The amount of the Exemption shall be paid to the Assessed Person each year for the period established in *Schedule A – Exemptions Levels & Duration*
 - 7.2.2 Payment shall be made to the Assessed Person within thirty (30) Working days from the date Current Taxes are paid in full; and
 - 7.2.3 If the Current Taxes are not paid in full by December 31 of any year, then the Exemption shall not be paid to the Assessed Person for that year, the Tax Incentive Agreement shall be considered cancelled, and the Assessed Person shall not be eligible to receive an exemption for any subsequent years.

8. DURARTION OF THE EXEMPTION PROGRAM

- 8.1. The Exemption program as authorized by this Bylaw will be available for Eligible Property commencing after the 2023 assessment year and shall operate in accordance with the terms of this bylaw until such time as this bylaw is amended or repealed.

9. TAX INCENTIVE AGREEMENT

- 9.1. A Tax Incentive Agreement will be required for all granted Exemptions.
- 9.2. The Tax Incentive Agreement will include the following:
 - 9.1.1 The taxation years to which the Exemption applies, which will not include any taxation year earlier than the taxation year in which the Exemption is granted;
 - 9.1.2 Conditions, the breach of which will result in cancellation of the Tax Incentive Agreement and the exemption, and the taxation year or years to which the condition applies;
 - 9.1.3 The date which the exemption will begin;
 - 9.1.4 The exemption percentages, to be calculated and allocated in accordance with section 6 of this Bylaw; and
 - 9.1.5 Any other information or conditions provided by the County.

10. CANCELLATION OF EXEMPTION

- 10.1. If at any time after an Exemption is granted, the County determines that:
 - 10.1.1 The Assessed Person, their application, or the property subject to the application did not meet or ceases to meet any of criteria in which formed the basis of granting the exemption; or
 - 10.1.2 There was a breach of any condition of the Tax Incentive Agreement;The CAO may cancel the exemption for the taxation year or years in which the criterion was not met or to which the condition applies
- 10.2. The county may, at any time, require an Assessed Person to provide any documents the County deems necessary to verify compliance with the conditions of the Tax Incentive Agreement
- 10.3. A written decision to cancel an exemption must be provided to the Applicant and must include reasons for the cancellation, identify the taxation year or years to which the cancellation applies, and provide the date by which an application for an appeal to council must be made.

11. APPEAL TO COUNCIL

- 11.1. An Assessed Person may appeal to Council in the following situations:
 - 11.1.1 An application for Exemption is refused or rejected;
 - 11.1.2 An Exemption is cancelled for one or more taxation years;
 - 11.1.3 A Tax Incentive Agreement is cancelled; or
 - 11.1.4 The content of the Tax Incentive Agreement is inconsistent with this Bylaw or the Act
- 11.2. A request for appeal must be submitted in writing to the CAO within 30 days of:
 - 11.2.1 Written notice being sent to the Assessed Person that an application has been refused or rejected;
 - 11.2.2 Written notice being sent to the Assessed Person that an Exemption is cancelled for one or more taxation years;
 - 11.2.3 A Tax Incentive Agreement being cancelled; or
 - 11.2.4 The execution of a Tax Incentive Agreement as the case may be.
- 11.3. An Assessed Person must submit a non-refundable appeal fee of \$500 (Canadian dollars) concurrent with the appeal
- 11.4. Council will consider an appeal at:
 - 11.4.1 A regularly scheduled meeting of council; or
 - 11.4.2 A special meeting of Council
- 11.5. Remedies available to Council upon conclusion of an appeal are:
 - 11.5.1 Council may uphold or revoke a decision of the CAO with respect to the outcome of an application or cancellation of an Exemption or Tax Incentive Agreement; or
 - 11.5.2 Council can revise or direct the CAO to revise a Tax Incentive Agreement.
- 11.6. In accordance with section 460(7) of the Act, complaints about Decision may not be made to the Assessment review board

12. SEVERABILITY

- 12.1. Should any provision of the Bylaw be declared to be invalid, then such invalid provision shall be severed, and the remaining Bylaw shall be maintained.

This bylaw shall take effect on the date of the third and Final Reading.

READ a First Time this 8th day of August, 2024.

READ a Second Time this 14th day of November, 2024.

READ a Third and Final Time this 23rd day of January, 2025 and finally passed by Council.

SIGNED COPY AVAILABLE UPON REQUEST

Jered Serben, Reeve

S E A L

SIGNED COPY AVAILABLE UPON REQUEST

Kevin Lucas, Chief Administrative Officer

SCHEDULE A – Municipal Tax Exemption Levels & Duration

	New or Increase Assessment			
Assessment Increase	\$20,000-\$500,000	\$500,001-\$1,000,000	\$1,000,001-\$5,000,000	Greater than \$5,000,000
Year 1	100%	100%	100%	100%
Year 2	50%	50%	50%	75%
Year 3				
Year 4				

SCHEDULE B – Non-Residential Tax Incentive Application
Pursuant to Bylaw No. 1464-24: Non-Residential Development
Municipal Tax Incentive Bylaw

1. APPLICANT INFORMATION:

Applicant Name	
Registered Corporate Name, if different	
Mailing Address of Applicant	
Corporate Registry Office Address of Applicant:	

2. AGENT FOR APPLICANT INFORMATION:

Name of Authorized Agent:	
Mailing Address:	
Email Address:	
Phone Number:	

3. DESCRIBE BUSINESS ACTIVITY:

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4. PROPERTY INFORMATION:

Assessed Person	
Legal Description of Assessed Property:	
Property Tax Roll #	

5. THE FOLLOWING MUST BE ATTACHED TO THE APPLICATION:

- *Corporate Registry record*
- *Land Titles Certificate*
- *Payment of application fee*

6. I/We the undersigned acknowledge

- that this application and any attached material provided with the application, will become the property of the County, and may not be returned,
- that information in this application may be included in reports that are available to the public,
- that I/we understand the conditions of eligibility and further terms set out in bylaw 1464-24(Non-Residential Tax Incentive Bylaw), and
- that I/we have authority to request taxation exemption on the above-mentioned property

Print Name and Position

Signature

Print Name and Position

Signature