

**MUNICIPALITY OF JASPER
BYLAW #208**

**BEING A BYLAW OF THE MUNICIPALITY OF JASPER IN THE PROVINCE OF ALBERTA TO
PROVIDE FOR THE REGULATION AND CONTROL OF MUNICIPAL STORAGE LOTS.**

WHEREAS the Council of the Municipality of Jasper finds it desirable to regulate the use of Municipal storage lots in the Town;

AND WHEREAS Council finds it desirable to offset the cost to the taxpayer of operating Municipal storage lots by requiring persons using such lots to pay a fee for such use;

AND WHEREAS the Municipal Government Act (RSA 2000, cM-26) provides in Part 2 for the Council of the Specialized Municipality of Jasper to pass bylaws respecting the regulation and control of the operations of a Municipality;

NOW THEREFORE BE IT RESOLVED that the Council of the Specialized Municipality of Jasper, in the Province of Alberta, duly assembled, enacts:

1. CITATION

- 1.1. This Bylaw may be cited as the "Jasper Municipal Storage Lot Bylaw 2018".
- 1.2. Municipality of Jasper bylaw #136, the "Jasper Municipal Storage Lot Bylaw 2010A" is hereby repealed.

2. DEFINITIONS

- 2.1. In this Bylaw:
 - 2.1.1. "Annual Storage Agreement" shall mean the Annual Storage Agreement provided for in this bylaw;
 - 2.1.2. "Bylaw Enforcement Officer" shall mean a person appointed by the Chief Administrative Officer as a Bylaw Enforcement Officer pursuant to the provisions of the Jasper Municipal Enforcement Officer Bylaw;
 - 2.1.3. "Licensing and Enforcement Manager" shall mean the Municipality of Jasper's Licensing and Enforcement Manager as appointed by the Chief Administrative Officer, or his designate;
 - 2.1.4. "Motor Vehicle" means a motor vehicle as defined in the Traffic Safety Act (RSA 2000, cT-6);
 - 2.1.5. "Chief Administrative Officer" shall mean the individual duly appointed to that position for the Municipality of Jasper at any given time and includes any Person authorized to act for and in the name of that individual;
 - 2.1.6. "Municipality" shall mean the Municipality of Jasper in Jasper National Park in the Province of Alberta;
 - 2.1.7. "Owner" means, with respect to a motor vehicle, a person who holds a subsisting certificate of registration issued pursuant to provisions of the Traffic Safety Act (RSA 2000, cT-6) or, in the case of a motor vehicle no longer the subject of such a valid certificate of registration, the person named as the Owner in the most recently issued certificate of registration unless that person can provide proof of sale of the motor vehicle;

- 2.1.8. "Registration Fee" shall mean the Registration Fee established pursuant to this Bylaw;
- 2.1.9. "Trailer" shall mean a Vehicle so designed that it may be attached to or drawn by a motor Vehicle and intended to transport property or persons and includes any Trailer that is designed, constructed and equipped as a dwelling place, living abode or a sleeping place either permanently or temporarily, but does not include machinery or equipment used in the construction or maintenance of Roadways;
- 2.1.10. "Municipal Storage Lots" shall mean the storage lots used by the Municipality and located in the Town of Jasper at:
 - 2.1.10.1. Block S, Lots 26 & 27;
 - 2.1.10.2. Block S, Lots 1 & 2; and
 - 2.1.10.3. Block S, Lots 47, 48 & 49.
- 2.1.11. Words importing the masculine gender shall include the feminine gender whenever the context so requires and vice versa.
- 2.1.12. Words importing the singular shall include the plural whenever the context so requires and vice versa.

3. STORAGE LOTS

- 3.1. Subject to Section 3.2 herein, municipal storage lots shall be operated by the Licensing and Enforcement Manager who is authorized by this Bylaw to:
 - 3.1.1. designate specific lots or portions of lots for use by specific types of vehicles; and
 - 3.1.2. make such operational decisions as may be required for efficient and effective operation of the Storage Lots.
- 3.2. The Chief Administrative Officer is authorized by this Bylaw to delegate operation of the Storage Lots to a non-profit society or association.

4. USER ELIGIBILITY

- 4.1. Every person storing property in a Municipal Storage Lot shall:
 - 4.1.1. Be an eligible resident of the Municipality of Jasper as defined in the National Parks Lease and Licence of Occupation Regulations (1991) SOR/92-25, and provide proof thereof upon request;
 - 4.1.2. Maintain a current and signed Annual Storage Agreement and abide by the terms and requirements of such agreement; and
 - 4.1.3. Pay the applicable fees as set out in Schedule "A" of this Bylaw.
- 4.2. Any person who does not meet, or ceases to meet, the requirements set out in Section 4.1 herein shall be ineligible to store property in a Municipal Storage Lot.

5. PROPERTY CONDITIONS

- 5.1. All property stored in a Municipal Storage Lot shall meet the conditions herein.
- 5.2. Every Motor Vehicle, self-propelled recreational vehicle, Trailer, truck and camper combination, and boat and Trailer combination stored in a Municipal Storage Lot shall at all times when within such lot be:
 - 5.2.1. the subject of an Annual Storage Agreement, renewable by October 15 of each year;
 - 5.2.2. marked as required by the Licensing and Enforcement Manager;
 - 5.2.3. roadworthy as described in applicable Alberta provincial legislation;
 - 5.2.4. legally and properly registered with the Province of Alberta for use on public roadways;
 - 5.2.5. the subject of valid insurance sufficient to allow it to be legally operated on a public roadway; and
 - 5.2.6. the subject of valid insurance for fire, theft and vandalism.
- 5.3. Every truck camper not stored on a truck and every boat not stored on a Trailer in a Municipal Storage Lot shall at all times be:
 - 5.3.1. the subject of an Annual Storage Agreement;
 - 5.3.2. marked as required by the Licensing and Enforcement Manager; and
 - 5.3.3. the subject of valid insurance for fire, theft and vandalism.
- 5.4. If property insurance or motor vehicle registration lapses prior to the annual renewal date of the storage agreement respecting such property or vehicle, the onus shall be on the owner to ensure that the Licensing and Enforcement Manager is provided with the renewed registration or insurance documents.
- 5.5. Any unregistered motor vehicle or uninsured property of any kind stored in municipal lots will be considered abandoned in a public place and will be seized by the Municipality and disposed of as provided for by law.

6. REGISTRATION FEE

- 6.1. Every Motor Vehicle, self-propelled recreational vehicle, Trailer, boat and Trailer combination, truck and camper combination, camper not stored on a trailer and boat not stored on a trailer or other property stored in a Municipal Storage Lot shall be subject to the annual Registration Fee specified in Schedule "A" of this Bylaw;
- 6.2. Every Registration Fee payable for placement of property on a Municipal Storage Lot pursuant to Section 6.1 herein shall be paid in advance of placement of such property in the lot or, in the case of property already stored in the lot by October 15 of each year.

7. CAPACITIES

- 7.1. In recognition of the finite capacity of the Municipal Storage Lots, the Licensing and Enforcement Manager shall determine in his sole discretion when a Storage Lot has reached capacity and is

unable to accommodate additional property and, in the event that demand for storage exceeds available capacity, he shall determine what property or properties can be accommodated in the lots.

8. PROCEDURE FOR POTENTIAL LOT CLOSURES

- 8.1. In the event Council ceases operating Municipal Storage Lots, owners of property stored in the lots shall be notified on or about April 1st of the year in which operations will cease that their property must be removed from the lot within ninety (90) days of notification.
- 8.2. In the event an Owner fails to remove property in respect of which notice is provided pursuant to Section 8.1 herein within the specified period such property shall be considered abandoned in a public place and shall be seized by the Municipality and disposed of as provided for by law.

9. FORFEITURE OF PROPERTY

- 9.1. In respect of any property left in any Municipal Storage Lot in contravention of any provision of this Bylaw the Licensing and Enforcement Manager shall forward to the address provided by the property Owner in that Owner's Annual Storage Agreement a registered letter providing the property owner with notice that his or her property must be removed from the lot within sixty (60) days.
- 9.2. Should a property Owner fail to remedy any and all contraventions of this bylaw within sixty (60) days of provision of notice pursuant to Section 9.1 herein, the property in respect of which the contraventions have occurred shall be forfeit to the Municipality and the Municipality shall dispose of the property in such manner as it deems appropriate.

10. PENALTIES

- 10.1. Any Person who contravenes this Bylaw is guilty of an offence.
- 10.2. Any Person contravening the provisions of this Bylaw shall be liable for penalties set out in such section or set out in Schedule "B" of this Bylaw.
- 10.3. A notice or form commonly called an Offence Ticket having printed wording approved by the Chief Administrative Officer, may be issued by a Bylaw Enforcement Officer to any person alleged to have breached any provision of this Bylaw, and the said notice shall require the payment to the Municipality of Jasper in the amount specified in this Bylaw or the regulations pursuant to the Provincial Offences Procedure Act (RSA 2000, cP-34).
- 10.4. An Offence Ticket shall be deemed to be sufficiently served:
 - 10.4.1 if served personally on the accused; or
 - 10.4.2 if mailed to the address of the Owner or person accused.
- 10.5. In lieu of prosecution, the person named in the Offence Ticket may elect to voluntarily make payment to the Municipality of Jasper in the amount of the specified penalty.
- 10.6. If the payment specified in the Municipality of Jasper Offence Ticket is not paid in accordance with the terms and in the timeframe required by the ticket, a prosecution may be commenced for the alleged contravention of this Bylaw.

10.7 Except as provided otherwise in this Bylaw, a Person who is guilty of an offence under this Bylaw for which a penalty is not otherwise provided, is liable to a fine of not more than \$65.00 and, in default, such penalties as are provided for by the Provincial Offences Procedure Act (RSA 2000, cP-34).

11. SEVERANCE

11.1. If any provision herein is adjudged by a Court of competent jurisdiction to be invalid for any reason, then that provision shall be severed from the remainder of this Bylaw and all other provisions of this Bylaw shall remain valid and enforceable.

11.2. If any provision herein is adjudged to be repugnant to any federal regulation or legislation, this Bylaw shall continue in full force and effect but any such repugnant provision shall be of no force or effect until such time as the repugnancy is removed by repeal or amendment of the federal legislation or regulation.

12. COMING INTO EFFECT

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

12.2. At the time of coming into effect of this bylaw, the provisions of this bylaw shall apply to all property stored in a Municipal storage lot.

READ a first time this 3rd day of April, 2018

READ a second time this 5th day of June, 2018

READ a third time and finally passed this 19th day of June, 2018

Mayor

Chief Administrative Officer

SCHEDULE "A"

Fees

Effective October 1, 2018

Registration Fee	\$295.00
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The Registration Fee will increase by 2% on January 1 of each subsequent year.

SCHEDULE "B"

Penalties

<u>Section</u>	<u>Description</u>	<u>Amount</u>
6.2	Late payment of Registration Fee	\$65.00
9.2	Forfeiture of Property	Cost of disposal plus 25%