

Bylaw 17554

A Bylaw to amend Bylaw 12800, as amended,
The Edmonton Zoning Bylaw
Amendment No. 2186

WHEREAS City Council at its meeting of February 22, 2001, gave third reading to Bylaw 12800, as amended; and

WHEREAS Council considers it desirable to amend the text of the Edmonton Zoning Bylaw;

NOW THEREFORE after due compliance with the relevant provisions of the Municipal Government Act RSA 2000, ch. M-26, as amended, the Municipal Council of the City of Edmonton duly assembled enacts as follows:

1. Bylaw 12800, as amended, The Edmonton Zoning Bylaw is hereby further amended by:

a) deleting subsection 23.2 and replacing with the following:

“23.2 Offences

1. Any owner, lessee, tenant or occupant of land, a building, a structure or a Sign thereon, who, with respect to such land, building, structure:

a. contravenes; or

b. causes, allows or permits a contravention of any provision of this Bylaw;

commits an offence.

2. It is an offence for any person:

a. to construct a building or structure;

b. to make an addition or alteration thereto;

c. to commence a Use or change of intensity of Use; or

d. to place a Sign on land;

for which a Development Permit is required but has not been approved or is not valid under this Bylaw.

3. It is an offence for any person to undertake development in contravention of an approved Development Permit, including any conditions of approval.
4. It is an offence for any person not to take the corrective measures specified in a Violation Notice issued pursuant to subsection 23.3.
5. It is an offence for any person to continue to develop after a Development Permit has been cancelled or suspended.
6. Notwithstanding section 23.2(2), it is an offence to undertake development of a single Storey Accessory Building without a valid and approved Development Permit when a Development Permit is required.
7. Notwithstanding section 23.2(2), it is an offence to construct a fence, wall or gate exceeding the maximum Height prescribed in this Bylaw without a valid and approved Development Permit when a Development Permit is required.
8. Notwithstanding section 23.2(2), it is an offence to construct a Platform Structure without a valid and approved Development Permit when a Development Permit is required.
9. Notwithstanding section 23.2(2), it is an offence to keep an object in a residential zone that is prohibited or restricted under section 45 of this Bylaw without a valid and approved Development Permit when a Development Permit is required.
10. Notwithstanding section 23.2(2), it is an offence to hardsurface an area within a Front Yard or a flanking Side Yard in a way that contravenes subsection 54.1(4) or subsection 54.1(5) of this Bylaw without a valid and approved Development Permit when a Development Permit is required.
11. It is an offence not to display a development permit notification sign when a development permit notification sign is required, whether or not listed as a Development Permit condition.
12. Notwithstanding section 23.2(2), it is an offence to display a Temporary Sign without a valid and approved Development Permit when a Development Permit is required.
13. It is an offence not to display the Sign ownership in a visible location on a Temporary Sign. It is an offence to deface, obscure or otherwise render the ownership identification illegible.
14. It is an offence to display a Temporary Sign without a development permit approval tag issued by the City of Edmonton.
15. It is an offence to have a Sign in an abandoned state.”

- b) deleting subsection 23.3 and replacing with the following:

“23.3 Enforcement

1. When the City reasonably believes that an offence has been committed or is occurring, the City may notify either the owner of the land, the building or the structure, the person in possession of the land, building or structure, the person responsible for the violation, including the applicant for the Development Permit, or any or all of them, of the contravention of this Bylaw, by:
 - a. delivering a Violation Notice delivered either in person, by facsimile or by ordinary mail:
 - i. to the owner of the land, building or structure, or the person in possession of the land, building or structure, at the address listed on the tax roll for the land in question; or
 - ii. to the applicant for the Development Permit, at the applicant's address as listed on the Development Permit application; or
 - iii. to the owner of the Sign, at a location where the owner carries on business.
 - b. notwithstanding the preceding subsection, for Temporary Sign offences, the Violation Notice shall be deemed to be delivered when the City provides verbal notification of the Violation Notice to the owner of the Temporary Sign.
2. The Violation Notice shall state the following:
 - a. the nature of the offence;
 - b. the corrective measures required to remedy the offence and comply with this Bylaw;
 - c. the time within which such corrective measures must be performed; and
 - d. any penalty for not complying with the Violation Notice, if the corrective measures are not completed within the time specified.
3. The appearance of the name of any person, organization, corporation or other ownership on a Sign is prima facie proof that the person, organization, corporation or owner named thereon caused or permitted the Sign to be placed on land, and the person, organization, corporation or owner is responsible for any contravention of the provisions of this Bylaw and the offence.
4. The City is not required to issue a Violation Notice before commencing any other enforcement action under the Municipal Government Act, or this Bylaw, or at all.”

- c) adding the following new subsection 23.4:

“23.4 Penalties

1. A person who is guilty of an offence shall pay the applicable penalty amount specified in Section 23A.
2. Where there is a minimum penalty listed for an offence in Section 23A, that amount is the minimum penalty for that offence.
3. A subsequent offence means an offence committed by a person after that person has already been convicted of the same offence or has voluntarily paid a fine for the same offence.”

- d) deleting “Section 23A - Specified Penalties for Offences” and replacing with the following:

“Section 23A – Specified Penalties for Offences”

Offence	Section	Minimum Penalty First Offence	Minimum Penalty Subsequent Offence
General Offences:			
Development without a Development Permit	23.2(2)	\$1,000.00	\$2,500.00
Development in contravention of a Development Permit	23.2(3)	\$1,000.00	\$2,500.00
Failure to Comply with a Violation Notice	23.2(4)	\$500.00	\$1,000.00
Continuing development after a Development Permit has been cancelled or suspended	23.2(5)	\$1,000.00	\$2,500.00
Specific Offences:			
Development of a Single Storey Accessory Building without a Development Permit	23.2(6)	\$250.00	\$500.00
Construction of fence, wall or gate exceeding maximum Height regulations without a Development Permit	23.2(7)	\$250.00	\$500.00
Construction of a Platform Structure without a Development Permit	23.2(8)	\$250.00	\$500.00
Prohibited or restricted object in a residential zone without a Development Permit	23.2(9)	\$250.00	\$500.00
Hardsurfacing in contravention of subsection 54.1(4) or 54.1(5) without a Development Permit	23.2(10)	\$250.00	\$500.00
Failing to display a development permit notification sign	23.2(11)	\$500.00	\$1,000.00

Sign Offences:			
Temporary Sign without a Development Permit	23.2(12)	\$250.00	\$500.00
Temporary Sign without visible and legible Sign ownership	23.2(13)	\$250.00	\$500.00
Temporary Sign without a valid development permit approval tag	23.2(14)	\$250.00	\$500.00
Sign in an abandoned state	23.2(15)	\$250.00	\$500.00
Freestanding On-premise and Off-premise Sign, including Digital Sign, without a Development Permit	23.2(2)	\$1,000.00	\$2,500.00
Freestanding On-premise and Off-premise Sign, including Digital Sign, in contravention of Development Permit	23.2(3)	\$1,000.00	\$2,500.00
Other Sign Development, without a Development Permit	23.2(2)	\$500.00	\$1,000.00
Other Sign Development in contravention of Development Permit	23.2(3)	\$500.00	\$1,000.00

2. This bylaw shall come into effect on May 2, 2016.

READ a first time this day of , A. D. 2016;

READ a second time this _____ day of _____, A. D. 2016;

READ a third time this _____ day of _____, A. D. 2016;

SIGNED and PASSED this _____ day of _____, A. D. 2016.

THE CITY OF EDMONTON

MAYOR

CITY CLERK