

PROPOSED

CPS2021-0739
ATTACHMENT 1

BYLAW NUMBER 48M2021

BEING A BYLAW OF THE CITY OF CALGARY TO AMEND THE LICENCE AND COMMUNITY STANDARDS APPEAL BOARD BYLAW

WHEREAS Council has considered CPS2021-0739 and considers it necessary to amend Bylaw 50M2021, the Licence and Community Standards Appeal Board Bylaw;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. Bylaw 50M2011, the Licence and Community Standards Appeal Board Bylaw, as amended, is hereby further amended.

Amendments to Definitions

2. (1) In section 2 the definition of “*community standards appeal*” is deleted.
- (2) In the definition of “*licence*” in section 2 the words “(xi) Massage Licence Bylaw 51M97” are deleted and the following is substituted:

“(xi) Massage Licence Bylaw 52M2012;”.
- (3) In the definition of “*licence*” in section 2 the following is added at the end:

“(xii) The Body Rub Licence Bylaw 53M2012;
(xiii) Responsible Pet Ownership Bylaw 47M2021;”.
- (4) In section 2, the definition of “*remedial order*” is deleted and the following is substituted:

“‘*remedial order*’ means an order issued pursuant to section 545 of the Municipal Government Act, R.S.A. 2000, c. M-26 to enforce that Act, or any other enactment or bylaw that the municipality is authorized to enforce including:

 - (i) the Community Standards Bylaw 5M2004;
 - (ii) the Encroachment Bylaw 9M2020;
 - (iii) the Responsible Pet Ownership Bylaw 47M2021;
 - (iv) the Parks & Pathways Bylaw 11M2019; or
 - (v) any other *City* bylaw that may be enforced by way of a remedial order;”
- (5) In section 2, the following definition is added after the definition of “*Council*”:

“‘*Designated RPO Member*’ means a member of the Board designated by Council to hear appeals under the Responsible Pet Ownership Bylaw pursuant to section 16(6);”

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3. Subsection 4(2)(b) is deleted and the following is substituted:

“(b) *remedial order* appeals and appeals from other decisions and orders pursuant to section 9 of this bylaw; and”

Addition of Responsible Pet Ownership Appeals

4. The following is added after section 6 as section 6.1:

- “6.1 (1) The Board may also hear appeals under the Responsible Pet Ownership Bylaw 47M2021 respecting the following decisions on permits, licences, conditions, and designations:
- (a) the decision to refuse to issue or renew a licence or permit or to revoke such a licence or permit pursuant to sections 5, 10, 31, 32, 34, and 39 of the Responsible Pet Ownership Bylaw;
 - (b) the decision to designate an Animal as a Nuisance Animal or the denial of an application to lift a Nuisance Animal designation;
 - (c) the decision to designate an Animal as a Vicious Animal;
 - (d) a decision to impose a condition on the owner of an Animal or a licence or permit holder pursuant to:
 - (i) section 47(1) or 47(3) (Nuisance Animal Conditions imposed by the Chief Bylaw Officer);
 - (ii) section 57(1) or 57(3) (Vicious Animal Conditions imposed by the Chief Bylaw Officer); or
 - (iii) section 33 (conditions on Livestock licences and permits).
- (2) Only a *person* who is the owner of the Animal that is the subject of the decision may seek an appeal pursuant to subsection (1).
- (3) When hearing an appeal pursuant to subsection (1), the *Board* may:
- (a) confirm the refusal or revocation of the licence or permit;
 - (b) direct that a licence or permit be issued;
 - (c) reinstate the revoked *licence* or permit;
 - (d) confirm, remove, or vary a condition imposed pursuant to sections 33, 47(1), 47(3), 57(1), 57(3) of the Responsible Pet Ownership Bylaw;
 - (e) confirm or remove a Nuisance Animal designation;
 - (f) confirm or remove a Vicious Animal designation; and
 - (g) impose conditions on an Animal, licence or permit or the licensee or permit holder.

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- (4) The *Board* cannot remove or vary conditions that are imposed on the Owner of an Animal under the provisions of the Responsible Pet Ownership Bylaw except for those identified as subject to appeal in section 6.1(1).”
5. The following is added after section 7 as section 7.1:
 - “7.1 (1) An *appellant* seeking an appeal pursuant to subsection 6.1(1) must submit a notice of appeal to the *City Clerk* within fourteen (14) days of the date on which the *appellant* received notice of the decision under the Responsible Pet Ownership Bylaw 47M2021 that is subject to the appeal.
 - (2) The *City Clerk* must, upon receipt of a notice of appeal pursuant to subsection (1), schedule a hearing within sixty (60) days from the date the notice of appeal is filed.”
6. In section 8, by adding the words “or 7.1(1)” after the words “subsection 7(1)”.

Amendments to Timelines, Board composition, and Procedure

7. In subsections 7(2) and 10(3), the words “30 days” are deleted and the following is substituted in both:

“sixty (60) days”.
8. The heading before section 9, “Community Standards Appeal”, is deleted and the following is substituted:

“Remedial Order Appeals and Other Appeals”.
9. (1) In subsection 16(1), by deleting the word “five” and substituting the following:

“ten”.

 - (2) By adding the following at the end of section 16 as subsection 16(6):

“(6) When appointing members to the *Board*, *Council* must designate two or more members to hear appeals of decisions made under the Responsible Pet Ownership Bylaw 47M2021.”
10. By deleting section 20 in its entirety and substituting:
 - “20. (1) The members of the *Board* may hear appeals in panels of no more than five (5) members, so long as the quorum requirements are satisfied.
 - (2) The quorum of the *Board* is any three members except that quorum for hearings under section 6.1 requires that two members of the panel be *Designated RPO Members*.
 - (3) A panel of the *Board* has all the powers, duties and responsibilities of the *Board*.
 - (4) Each member of the *Board* present at a meeting of the *Board* shall have a vote except for the member chairing the meeting who shall not vote

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except to break a tie amongst the remaining members of the *Board*.

(5) The decision of the majority of the members present at the hearing of an appeal constitutes the decision of the Board.

(6) A decision of a panel is a decision of the *Board*.”

11. By deleting section 23 in its entirety and substituting the following:

“23. The *Board* may schedule meetings as deemed necessary in the Chair’s sole discretion.”

12. By deleting section 24 in its entirety and substituting the following:

“24. A *person* who requests an audio recording of a hearing of the Board must pay to the *City* a fifty dollar (\$50.00) administration fee.”

13. By deleting sections 25 and 26 in their entirety as well as the heading “Repeal” preceding those sections.

Coming into Force

14. This Bylaw comes into force on the day it is passed except that sections 4, 5, and 6 come into force on January 1st, 2022.

READ A FIRST TIME ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

CITY CLERK

SIGNED ON _____