



Council Workshop
Council Chambers
February 21, 2017
6:00 p.m.

1. Call to Order
2. Modification to or Adoption of Agenda
3. Adoption of Minutes
 - 3.1 February 6, 2017 Council Workshop
4. Snow Bylaw 01.17, Bylaw 03.17 Amendment - discussion
5. Use of Recording Devices in Council Meetings - discussion
6. Broadband report (attached) and power point presentation (to be presented at the Workshop)
7. Future topics for Council Workshop and Council Meeting Agendas
Topics currently identified:

Thompson – Jan 23, 2017 – Access to Exit Interviews
Blatchford – Jan 30, 2017 – Business Incentives
Blatchford – Feb 6, 2017 – Contracting of Arena Services
8. In-Camera
 - 9.1 Land/Encroachment – FOIPP Section 16
9. Adjournment

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Council Workshop
 Council Chambers
 February 6, 2017
 7:00 p.m.

In attendance: Mayor Leslie, Councillors: Verna McFadden, Cheri Funke, Nolan Blatchford, and Myron Thompson

Absent: Councillors: Chris Vardas and Paul Isaac

Staff in attendance:

Angie Lucas, CAO (Interim)
 Vic Pirie, Director of Finance and Administration
 Jim Hall, Operations Manager
 Ian James, Community Services Manager
 Cynthia Robey, Legislative Executive Assistant

1. Call to Order

Mayor Leslie called the Workshop to order at 7:00 p.m.

2. Modification to or Adoption of Agenda

Councillor Funke moved that the Town of Sundre Council adopt the February 6, 2017 Workshop Agenda with the following addition:

- Verbal Report – Councillor Thompson - Repurposing of Foothills Lodge

Carried

3. Adoption of Minutes

Councillor Blatchford moved that the Town of Sundre adopt the January 23, 2017 Workshop Minutes, as presented. **Carried**

4. Proposed Flag Policy

Mr. Ian James, Community Services Manager, presented the proposed A-008-00 Flag Policy for review and discussion prior to this Policy being brought to the February 27, 2017 Regular Meeting of Council for approval.

The Town of Sundre wishes to recognize the Historical Flag Policy as set out by the Minister of Canadian Heritage. Properly and appropriately displayed flags signify honour and respect for Canada's history while providing opportunities to bestow an honour or express a collective sense of sorrow



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through the action of lowering flags to half-mast. The purpose of this Policy is to provide consistent and accurate guidelines for displaying and maintaining the National Flag of Canada, Province of Alberta, Territories, Town of Sundre as well as other flags when being flown in or on Town-Owned Facilities.

5. Proposed Snow Removal Policy - Roads

Mr. Jim Hall, Operations Manager, presented the proposed D-018-00 Street Snow Plowing/Removal and Ice Control Policy for review and discussion prior to this Policy being brought to the February 27, 2017 Regular Meeting of Council for approval, if it is ready.

The Town of Sundre, within the resources allocated by Town Council, will plow and/or remove snow and ice, as reasonably practical on designated roadways and Town-Owned Facilities.

- Mayor Leslie asked how is the concern/complaint process handled? Mr. Hall responded by saying that all concerns are put on concern forms and given to Operations to respond to.
- Councillor Funke asked if the parking lots that are not Town-Owned, won't be cleared of snow and ice anymore (i.e., the Aquaplex) and will this be stated in the Procedure? Administration responded by saying that the Policy will cover Town-Owned facilities only.
- Administration spoke to clarify why Procedures aren't being brought to Council. The explanation is that Procedures are created and approved and signed off by the Chief Administrative Officer but will be brought to Council for information.
- Council reviewed the maps provided by Operations and a discussion commenced to clarify which areas the Town is responsible for clearing snow and ice.
- A suggestion was made to Administration to amend the wording in the Policy statement to include that the Town will potentially consider to add future contracts/agreements within that Policy statement.

6. Proposed Snow Removal Policy - Sidewalks

Mr. Jim Hall, Operations Manager, presented the proposed D-019-00 Sidewalk and Trail Snow Plowing Policy for review and discussion prior to this Policy being brought to the February 27, 2017 Regular Meeting of Council for approval, if it is ready.

The Town of Sundre, within the resources allocated by the Town Council, will plow and/or remove snow and ice, as reasonably practical on designated sidewalks, sidewalks adjacent to municipal property and the designated trails on the trail system within the Town boundaries.

Initials



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- Councillor Funke asked if the Bylaw will be ready by February 27, 2017. Administration indicated that the Bylaw may either be brought forward before this date in a Council Workshop or may be presented during the February 27, 2017 Regular Council Meeting, if it is ready.
- Mayor Leslie asked Administration to consider amending the wording of the Policy statement in order to cover potential liability issues.
- Mayor Leslie asked Administration and Operations for feedback concerning the sidewalks that border Alberta Transportation roads.

7. Recycle Centre discussion

- Administration handed out correspondence received from Mountain View Waste Commission. This correspondence was sent to the Town of Sundre, and all nearby municipalities who have Recycling Depots in operation. Topics in this letter covered were: 1) An increase in overflowing at the bins at unmanned Recycling Depots throughout the member municipality area. 2) Commercial companies within the member municipalities are using these sites but the original intent was to aid in the collection of recyclable material from residential users only. Use of these sites by commercial users will add more tipping fees and more cost to the clean up of unwanted waste at these sites. 3) Administration is yet to firm up the direction with Mountain View County concerning the follow-up from the joint meeting between the Town and of Mountain View County, however education on the use of the Recycle Centre via websites and the newspaper will happen in the near future.

8. CAO Job Description

Administration presented Council with an updated position description for the Chief Administrative Officer to replace the document that was completed in 2015. Council asked Administration to bring back a clearer copy that shows specifically what changes were made from the original document.

9. 2017 – 2018 Operating Budget

Mr. Vic Pirie, Director of Finance and Administration presented the 2017-2018 Operating Budget document to Council for review and discuss. Mr. Pirie indicated that this document will be posted on the website for residents to view.

- Mayor Leslie asked if a statement concerning the three year budget could be added, as per Municipal Government Act regulation changes. Further, Mayor Leslie said that the five year Capital Plan should be celebrated, by highlighting in bold within this document, as it is the first time this has been done since the 1950's.

Initials



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10. Viability Assessment - discussion

- Mayor Leslie spoke about a letter he has written which speaks to the topic of viability. Mayor Leslie hopes to post this document on the website and to also provide it to the Sundre Round-Up this coming week.
- Councillor Thompson reiterated that he believes Sundre is viable and sustainable.
- Mayor Leslie summarized what Council now knows about this topic.

11. Future Topics for Council Workshop and Council Meeting Agendas

- Councillor Thompson – property owners who are not residents in this Town should have a voice.
- Councillor Blatchford – business incentive programs, and the possibility of contracting out the services to maintain the Arena.

13. Verbal Report - Foothills Lodge

- Councillor Thompson spoke about the details of a meeting he attended concerning the repurposing of Foothills Lodge. Topics that were covered in this meeting was medical facility, educational items, and business incubation.

14. In-Camera

15. Adjournment

Councillor Funke moved that the Town of Sundre Council conclude the Workshop at 8:50 p.m. **Carried**

Mayor

I hereby certify these minutes are correct.

Interim Chief Administrative Officer

Initials



REQUEST FOR DECISION

COUNCIL DATE: February 27, 2017

SUBJECT: Bylaw 01.17

ORIGINATING DEPARTMENT: Bylaw Services

AGENDA ITEM: 8.4

BACKGROUND/PROPOSAL:

To coincide with updating of the Town's Snow Removal Policy and Procedures for town owned roadways, walking areas, parking lots and town owned lands, it has been determined that a standalone Snow Removal Bylaw that supports the efforts of the Snow Removal Policy and Procedures is needed.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES:

This new Bylaw maintains some of the current rules in place in Traffic Bylaw 789 and the Unsightly Premises and Snow Removal Bylaw 819 with some minor adjustments and puts them in one specific Bylaw rather than two different Bylaws.

ADMINISTRATION RECOMMENDATIONS:

Administration recommends that Bylaw No.01.17 be given First Reading.

Administration recommends that Bylaw No.01.17 be given Second and Third Reading.

COSTS/SOURCE OF FUNDING:

None

MOTION:

MOTION 1:

The Town of Sundre Council moves to give first reading of Bylaw No. 01.17, being a bylaw to control the removal of snow and ice from any highway, parking lots, sidewalks, awnings, canopies, marquees and other encroachments extending over any sidewalk within the town of Sundre.

AND

MOTION 2:

The Town of Sundre Council moves to give second reading of Bylaw No. 01.17, being a bylaw to control the removal of snow and ice from any highway, parking lots, sidewalks, awnings, canopies, marquees and other encroachments extending over any sidewalk within the town of Sundre.

AND

MOTION 3:

The Town of Sundre Council moves that Bylaw No. 01.17, being a bylaw to control the removal of snow and ice from any highway, parking lots, sidewalks, awnings, canopies, marquees and other encroachments extending over any sidewalk within the town of Sundre be read a third and final time

ATTACHMENTS:

Bylaw No. 3.17

Bylaw No. 789

Bylaw No. 819

Bylaw No. 1.17

Date Reviewed: _____ CAO: _____

**TOWN OF SUNDRE
BYLAW NO. 01.17
SNOW REMOVAL BYLAW**

WHEREAS, The *Municipal Government Act*, Revised Statutes of Alberta, RSA 2000, C.M. 26 and amendments thereto, section 7(a) provides that a Municipal Council may pass a Bylaw for purposes respecting the safety, health and welfare of people and the protection of people and property.

AND WHEREAS, pursuant *section 553(1)(g.1) of the Municipal Government Act* RSA 2000, c. M-26 council may add unpaid expenses and costs incurred by the municipality for removing snow and ice to the tax roll of a parcel of land.

AND WHEREAS, the Council of the Town of Sundre deems it expedient to pass a Bylaw to control the removal of snow and ice from any highway, parking lots, sidewalks, awnings, canopies, marquees and other encroachments extending over any sidewalk within the town of Sundre.

NOW, THEREFORE, the Council of the Town of Sundre, in the Province of Alberta, hereby enacts as follows:

1. TITLE

1.1 This Bylaw may be cited as the “Snow Removal Bylaw”.

1.2 Where another Town Bylaw is referenced anywhere within the Snow Removal Bylaw, it shall be deemed to refer to that Bylaw currently in effect and will include any and all amendments to such Bylaw or any other Bylaw passed in substitution thereof.

2. DEFINITIONS

2.1 In this Bylaw, unless the context otherwise requires:

a) **“agent”** means every person who, by mutual consent, acts for the benefit of another, including sales representatives, hawkers or employees.

b) **“awning”** means a folding or collapsible cover capable of being extended from or retracted to the building or structure to which it is attached;

c) **“boulevard”** means the strip of land between the curb and the sidewalk and between the sidewalk and the property line, or where there is no sidewalk, the strip of land between the curb and the property line. Where there is no curb, the meaning shall be extended to include the strip of land between the near edge of the roadway and the property line;

d) **“canopy”** means a non-retractable, solid projection which extends from the face of a building and includes, among other things, a structure commonly known as the theatre marquee but does not include architectural features such as lintels, sills, moldings, architraves, and pediments;

e) **“Council”** means the Council of the Town of Sundre;

f) **“highway”** in accordance with the *Traffic Safety Act* means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles.

g) **“landowner”** includes an occupier, tenant, a person in control of property, and the person shown as the owner of the property on the land title for that property;

h) **“Peace Officer”** means a person so appointed, and includes any inspector designated by Council or the Chief Administrative Officer, to perform the duties of Community Peace Officer with respect to the enforcement of this Bylaw; and includes a Bylaw Officer or a Member of the Royal Canadian Mounted Police

i) **“person”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;

j) **“property”** means a parcel of land including any buildings;

k) **“sidewalk”** means that portion of a street set aside for the use of and ordinarily used by pedestrians, whether or not the surface of such portion is covered with gravel, concrete, asphalt, or other type of paving;

l) **“Town”** means the Town of Sundre or the area contained within the Town boundaries as the context requires;

3. REMOVAL OF SNOW, ICE AND SLUSH

3.1 Whenever snow or ice is deposited on the sidewalk or sidewalks fronting or abutting occupied property, the landowner or agent of the premises shall remove the snow or ice from such portion of the sidewalks within twenty-four (24) hours after the same has fallen, formed or been deposited thereon.

3.2 Where the property is not occupied, the landowner shall provide for the clearing away of snow or ice from the sidewalks fronting or abutting such premises within twenty-four (24) hours after the same has fallen, formed or been deposited thereon.

3.3 Whenever snow or ice is deposited on the sidewalk or sidewalks fronting or abutting property which are occupied by other than one family residence, the landowner of such property shall remove or cause to be removed all snow or ice from such portion of the sidewalk or sidewalks within twenty-four (24) hours after the same has fallen, formed or been deposited thereon.

3.4 A landowner who has an awning, canopy, marquee or other encroachment extending from a portion of his property over a sidewalk or other portion of a highway shall endeavor to keep the said awning, canopy, marquee or other encroachment free from snow or ice so that the snow or ice will not deposit or drip upon the sidewalk or highway below.

3.5 The landowner shall cause to be cleaned up any water from melting snow or ice on any awning, canopy, marquee or other encroachment of the sidewalk and take the necessary precautions to ensure that an icy or dangerous situation is not allowed to exist on the highway or sidewalk.

3.6 A person may, in such a way as not to injure or unduly interfere with any other person lawfully using the sidewalk, use a power driven device commonly referred to as a walk behind snow blower, that is sufficiently light and of such construction that it will not damage the surface of the sidewalk or town owned property, to remove snow or ice from any portion of the sidewalk from which the person is required to remove by provision of this Bylaw.

3.7 A person who removes snow or ice from public or private sidewalks and/or public or private driveways and/or parking area shall not deposit said snow or ice upon any highway, boulevard, sidewalk, or town owned land regardless of where the said snow or ice is removed from.

3.8 A person shall not impede storm sewer run off or block access to any storm sewer grate, traffic control device or fire hydrant.

3.9 The Town may cause a highway to be cleared of vehicles for the purpose of snow removal. After the Town posting or signing notice of snow removal on said highways, vehicles blocking snow removal equipment may be towed and impounded at the registered vehicle owner's expense.

3.10 In the event that the landowner as required, fails or neglects to remove and clear away all snow or ice from the sidewalks within the said number of hours, the Town may cause the snow or ice to be removed from such sidewalk and may charge the cost of the work plus ten percent (10%) administration fee against the property as a special assessment to be recovered in a like manner as with other taxes as against the goods and chattels of the occupant, in the same manner as if such expenses were taxes levied pursuant to the *Municipal Government Act*.

3.11 For the purpose of Section 3, snow and ice will be considered removed when the sidewalk is cleaned for the entire width of the sidewalk to the sidewalk surface as completely as reasonably possible.

3.12 For the purpose of Section 3, in the case of a sidewalk being below grade resulting in repeated coverage by ice or water through drainage of melted snow or rain, the sidewalk must be cleaned as completely as reasonably possible and a non-slip, non-corrosive and salt-free material such as sand or similar material must be scattered on the surface of the sidewalk as frequently as required to maximize traction for pedestrians.

3.13 For the purpose of Section 3, where an Owner of a Premise reasonably anticipates being absent, the Owner must make arrangements to ensure the sidewalks are maintained in accordance with this Bylaw

3.14 Notwithstanding section 3.7, a person may acquire permission, in writing from the Town of Sundre's Director of Operations or designate to pile snow on town land in an approved location.

4. PENALTIES

4.1 Any person who contravenes any provision or requirement of this Bylaw is guilty of an offence and upon summary conviction is liable to a fine of not more than ten thousand dollars (\$10,000.00) and in default of payment, to imprisonment for a term not exceeding six (6) months.

4.2 A person who has committed an offence under this Bylaw is liable, upon summary conviction to a fine, as specified in Schedule "A", which schedule may, from time to time, be amended by resolution of Council.

4.3 Where a Peace Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Violation Ticket in accordance with Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34.

4.4 Notwithstanding Section 4.3, a Peace Officer may, in lieu of prosecution, issue to any person by personal service or regular mail, a Bylaw Violation Tag in a form as approved by the Chief Administration Officer.

4.5 A person who has been issued a Bylaw Violation Tag in respect of a contravention of this Bylaw and who has fully paid the penalty in lieu of prosecution prescribed thereon within the time allowed for payment shall not be liable to prosecution for the contravention.

4.6 This section shall not prevent any officer from issuing a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34, or from laying an information instead of issuing a violation ticket.

4.7 A Court of competent jurisdiction shall not relieve the person so fined from any liability to pay to the Town any expenses arising from the Town having to remove the snow, ice or slush.

5 GENERAL

5.1 That whenever the singular, masculine gender is used in this Bylaw, the same shall include the plural, feminine and neuter gender whenever the context so requires.

5.2 THAT this Bylaw comes into force and effect upon receiving third and final reading and being duly signed.

Read a first time this _____ day of _____, 2017.

Read a second time this _____ day of _____, 2017.

Read a third time and final time this _____ day of _____, 2017.

MAYOR

CHIEF ADMINISTRATIVE OFFICER



REQUEST FOR DECISION

COUNCIL DATE: February 27, 2017

SUBJECT: Bylaw 03.17

ORIGINATING DEPARTMENT: Bylaw Services

AGENDA ITEM: 8.3

BACKGROUND/PROPOSAL:

To coincide with updating of the Town's Snow Removal Policy and Procedures for town owned roadways, walking areas, parking lots and town owned lands, it has been determined that a standalone Snow Removal Bylaw that supports the efforts of the Snow Removal Policy and Procedures is needed. As a result of this new bylaw it has become necessary to amend the sections of the Traffic Bylaw 789 and the Unsightly Premises and Snow Removal Bylaw 819

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES:

This new Bylaw maintains some of the current rules in place in Traffic Bylaw 789 and the Unsightly Premises and Snow Removal Bylaw 819 with some minor adjustments and puts them in one specific Bylaw rather than two different Bylaws.

ADMINISTRATION RECOMMENDATIONS:

Administration recommends that Bylaw No.03.17 be given First Reading.

Administration recommends that Bylaw No.03.17 be given Second and Third Reading.

COSTS/SOURCE OF FUNDING:

None

MOTION:

MOTION 1:

The Town of Sundre Council moves to give first reading of Bylaw No. 3.17, being a bylaw to amend Bylaws 789 and 819

AND

MOTION 2:

The Town of Sundre Council moves to give second reading of Bylaw No. 3.17, being a bylaw to amend Bylaws 789 and 819

AND

MOTION 3:

The Town of Sundre Council moves that Bylaw No. 3.17, being a bylaw to amend Bylaws 789 and 819 be presented for third reading

AND

MOTION 4:

That the Town of Sundre Council moves that Bylaw 03.17, being a bylaw to amend Bylaws 789 and 819, be read a third and final time.

ATTACHMENTS:

Bylaw No. 3.17

Bylaw No. 789

Bylaw No. 819

Bylaw No. 1.17

Date Reviewed: _____ CAO: _____

TOWN OF SUNDRE
BYLAW NO. 03.17

BEING A BYLAW OF THE TOWN OF SUNDRE TO AMEND THE TRAFFIC BYLAW 789
AND THE UNSIGHTLY AND SNOW REMOVAL BYLAW 819

WHEREAS Sec. 7 of the *Municipal Government Act*, R.S.A. 2000, c.M-26 as amended, provides that a Council may pass bylaws with respect to the safety, health and welfare of people and the protection of people and property; and people; activities and things, in, on or near a Public Place or place that is open to the public;

AND WHEREAS Sec. 13 and 14 of the *Traffic Safety Act*, R.S.A. 2000, Chapter T-6, as amended authorizes a Council to make bylaws to regulate and control Vehicle, animal and pedestrian traffic;

AND WHEREAS Sec. 13 and 14 of the *Traffic Safety Act*, R.S.A. 2000, Chapter T-6, as amended, provides that a municipality may regulate the operation of Off-Highway Vehicles along Highways within the municipality's care and control;

AND WHEREAS Sec. 13 and 14 of the *Traffic Safety Act*, R.S.A. 2000, Chapter T -6, as amended, authorizes the Council of the Town of Sundre to limit and restrict such gross weights on a secondary road, rural road or street;

AND WHEREAS Sec. 13 and 14 of the *Traffic Safety Act*, R.S.A, 2000, Chapter T-6, as amended, authorizes the Council of a municipal district or county to limit and restrict such gross weights on a secondary road, rural road or street;

AND WHEREAS the Minister of Transportation and Utilities (now referred to as the "Minister of Transportation"), pursuant to the *Chapter T -6 Section 3 of the Public Highways Development Act R.S.A. 2000 chapter P-38*, may by order, designate any existing Highway as a primary Highway, and has the direction, control and management of all primary Highways;

AND WHEREAS, Section 191(1) of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 and amendments thereto authorizes Council adopt a bylaw to amend a Bylaw;

NOW THEREFORE, the Council of the Town of Sundre, in the Province of Alberta hereby enacts as follows:

1. THAT **Bylaw No. 789**, is hereby amended by **DELETING** Section 13.20 "All owners, occupants or tenants of land or premises with a commercial designation under the Land Use Bylaw, shall remove or cause to be removed and cleared away snow, ice, dirt, debris or other obstruction from any sidewalk adjoining their commercial property owned or occupied by them, such removal to be completed within forty-eight (48) hours of the time when the snow, ice, dirt, or other obstruction was formed or deposited thereon."
2. THAT **Bylaw No. 789**, is hereby amended by **DELETING** Section 13.21

“No person being the Owner, Occupant or Tenant of any Lands or Premises with any land use designation other than commercial under the Land Use Bylaw, shall fail to remove Snow or Ice from a Municipality Sidewalk abutting on the front or flank of their property within 48 hours of being notified, in writing, to do so by the Chief Administrative Officer or Delegate.”

3. THAT **Bylaw No. 819**, is hereby amended by **DELETING** Section 7
“An Owner of a Premise shall ensure the removal from any improved public sidewalk located adjacent to the Premise, including private driveway crossings, all snow and ice deposited, whether from natural or unnatural means, within 24 hours of deposit.”
4. THAT **Bylaw No. 819**, is hereby amended by **DELETING** Section 8
“For the purpose of Section 7, snow and ice will be considered removed when the sidewalk is cleaned for the entire width of the sidewalk to the sidewalk surface as completely as reasonably possible.”
5. THAT **Bylaw No. 819**, is hereby amended by **DELETING** Section 9
“For the purpose of Section 7, in the case of a sidewalk being below grade resulting in repeated coverage by ice or water through drainage of melted snow or rain, the sidewalk must be cleaned as completely as reasonably possible and a non-slip, non-corrosive and salt-free material such as sand or similar material must be scattered on the surface of the sidewalk as frequently as required to maximize traction for pedestrians.”
6. THAT **Bylaw No. 819**, is hereby amended by **DELETING** Section 10
“For the purpose of Section 7, where an Owner of a Premise reasonably anticipates being absent, the Owner must make arrangements to ensure the sidewalks are maintained in accordance with this Bylaw.”
7. THAT this bylaw shall be passed and become effective when it receives Third and Final reading and is signed by the Mayor and Chief Administrative Officer.

READ A FIRST TIME IN OPEN COUNCIL THIS ____ DAY OF _____, 2017

READ A SECOND TIME IN OPEN COUNCIL THIS ____ DAY OF ____, 2017

READ A THIRD AND FINAL TIME IN OPEN COUNCIL THIS 27 DAY OF February, 2017

Mayor

Chief Administrative Officer

Town of Sundre Bylaw No. 789

BEING A BYLAW OF THE TOWN OF SUNDRE TO CONTROL AND REGULATE THE USE OF HIGHWAYS AND PUBLIC PLACES WITHIN THE TOWN OF SUNDRE, THE TRAFFIC AND PEDESTRIANS MOVING THEREON AND THE PARKING OF VEHICLES ON THE HIGHWAYS.

WHEREAS Sec. 7 of the *Municipal Government Act*, R.S.A. 2000, c.M-26 as amended, provides that a Council may pass bylaws with respect to the safety, health and welfare of people and the protection of people and property; and people; activities and things, in, on or near a Public Place or place that is open to the public;

AND WHEREAS Sec. 13 and 14 of the *Traffic Safety Act*, R.S.A. 2000, Chapter T-6, as amended authorizes a Council to make bylaws to regulate and control Vehicle, animal and pedestrian traffic;

AND WHEREAS Sec. 13 and 14 of the *Traffic Safety Act*, R.S.A. 2000, Chapter T-6, as amended, provides that a municipality may regulate the operation of Off-Highway Vehicles along Highways within the municipality's care and control;

AND WHEREAS Sec. 13 and 14 of the *Traffic Safety Act*, R.S.A. 2000, Chapter T-6, as amended, provides that the Minister may, by order in writing, authorize the council of a municipal district, or the Minister of Municipal Affairs in the case of a special area, improvement district, municipality, town or village, to increase, limit or restrict the maximum gross weight that may be borne by a tire, an axle or an axle group, or any of them, or the maximum gross weight that may be borne by a Vehicle or combination of Vehicles on a secondary road, rural road or street, for a period or periods that the council determines;

AND WHEREAS Sec. 13 and 14 of the *Traffic Safety Act*, R.S.A. 2000, Chapter T-6, as amended, authorizes the Council of the Town of Sundre to limit and restrict such gross weights on a secondary road, rural road or street;

AND WHEREAS Sec. 13 and 14 of the *Traffic Safety Act*, R.S.A. 2000, Chapter T-6, as amended, authorizes the Council of a municipal district or county to limit and restrict such gross weights on a secondary road, rural road or street;

AND WHEREAS Sec. 13 and 14 of the *Traffic Safety Act*, R.S.A. 2000, Chapter T-6, as amended, provides that a local authority may make bylaws with respect to Highways under its direction, control and management, designating the route and time of travel of Vehicles transporting dangerous goods, prohibiting the carriage of dangerous goods, and specifying restrictions or conditions to ensure the safe transportation in or by a means of transport, safe storage and controls necessary for public safety;

AND WHEREAS the Minister of Transportation and Utilities (now referred to as the "Minister of Transportation"), pursuant to the *Chapter T-6 Section 3 of the Public Highways Development Act* R.S.A. 2000 chapter P-38, may by order, designate any existing Highway as a primary Highway, and has the direction, control and management of all primary Highways;

NOW THEREFORE, the Council of the Town of Sundre in the Province of Alberta, duly assembled, enacts as follows:

Town of Sundre Bylaw No. 789

SECTION 1 TITLE

This Bylaw may be cited as the "Town of Sundre Traffic Bylaw."

SECTION 2 DEFINITIONS

In this Bylaw all words shall have the same meaning as the *Traffic Safety Act, R.S.A. 2000, Chapter T-6*, as amended, except as otherwise defined;

- (a) "Act" means the *Traffic Safety Act, R.S.A. 2000, Chapter T-6*, as amended;
- (b) "Administration" means the general operations of the Municipality, including all personnel, financial and other related resources, as permitted by the *Municipal Government Act, RSA 2000, C. M-26*, as amended, and any successor legislation.
- (c) "Boulevard" means, in a urban area, that part of a highway that;
 - i) is not a roadway and
 - ii) is that part of a sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians.
- (d) "Chief Administrative Officer" (CAO) means the Chief Administrative Officer or designate for the Municipality and whatever subsequent title may be conferred on that officer by Council resolution or statute.
- (e) "Council" shall mean the Council of the Town of Sundre
- (f) "Crossing" means that areas used or constructed to provide access to private property from any highway and shall be all that area from the edge of roadway to the private property line;
- (g) "Curb" means the actual curb if there is one and, if there is not an actual curb in existence, shall mean the division point of Highway between that part thereof intended for the use of vehicles and that part thereof intended for the use of pedestrians;
- (h) "Dangerous Goods" means any product, substance or organism specified in or included by its nature in any of the classes listed in the Regulations under the *Dangerous Good Transportation and Handling Act, R.S.A. 2000, c. D-4*, as amended;
- (i) "Delegate" means an employee of the Town of Sundre appointed as a Special Constable or a Bylaw Enforcement Officer.
- (j) "Disabled Person Vehicle" means a vehicle identified as such by either an Alberta license plate starting with the letter "A" or an official placard, clearly displayed in the vehicle bearing the international symbol of the disabled;

Town of Sundre Bylaw No. 789

- (k) "Heavy Vehicle" means a vehicle, with or without a load, exceeding anyone of the following:
 - i) Two axles;
 - ii) Eleven (11) metres in length;
 - iii) A maximum allowable weight of 4,500 kilograms;
 - iv) Notwithstanding the foregoing, a municipal service vehicle is excluded from this definition;

- l) "Hazard" means a risk or danger or to expose to a risk, danger or peril;

- m) "Highway" means the term *Highway* as defined in the Act and includes winter roads and ice bridges within the Municipality;

- n) "Holiday" means:
 - i) New Year's Day;
 - ii) Family Day (3rd Monday in February);
 - iii) Good Friday;
 - iv) Victoria Day (the First Monday immediately preceding the 25th day of May in each year);
 - v) Canada Day;
 - vi) Heritage Day (the first Monday of August);
 - vii) Labour Day (first Monday in September);
 - viii) Thanksgiving Day (second Monday in October) when proclaimed as a holiday by the Government of Canada or the Government of the Province of Alberta;
 - ix) Remembrance Day;
 - x) Christmas Day;
 - xi) Boxing Day; and
 - xii) Any civic holiday proclaimed by Council.

- o) "Loading Zone" means a portion of the street adjacent to the curb designated for the exclusive use of vehicles loading or unloading passengers or materials.

- p) "Mobile Unit" means:
 - i) Any vacation trailer, house trailer or re-locatable trailer;
- q) Any structure, whether ordinarily equipped with wheels or not, that is constructed or manufactured to be moved from one (1) point to another by being towed or carried and to provide living accommodation for or other use by one (1) or more persons;

- r) "Municipality" means the Town of Sundre

- s) "Off-highway vehicle" means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel,
 - i) 4-wheel drive vehicles;
 - ii) low pressure tire vehicles;

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- iii) motorcycles and related 2-wheel vehicles;
- iv) amphibious machines;
- v) all terrain vehicles;
- vi) miniature motor vehicles;
- vii) snow machines;
- viii) minibikes;
- ix) any other means of transportation that is propelled by any power other than muscular power or wind;

(a)but does not include

- ii) motor boats, or;
- iii) any other vehicle exempted from being an off-highway vehicle by regulation.
- t) "Operator" means the registered owner thereof or if not the registered owner, the person driving or in the position of control over the vehicle;
- u) "Parade" or "Procession" means a group of vehicles, animals, pedestrians or combination thereof on a highway which is likely to block, obstruct, impede, hinder or otherwise interfere with pedestrian or vehicular traffic on a highway excluding a funeral procession;
- v) "Parade Marshall" means the person designated as "parade marshall" for the purpose of traffic control under a parade permit;
- w) "Park" means a tract of land reserved for public use, as for recreation, an enclosed playing field, or stadium. A place where vehicles may be stored or left. All municipally owned property by the Town of Sundre which the public has access to;
- x) "Park", "Parked", and "Parking" or any word or expression of similar connotation or import shall mean a vehicle remaining stationary in one place whether or not the vehicle is occupied, excluding vehicles stationary in one place;
- y) while actually engaged in loading or unloading passengers; or;
- z) in compliance with the traffic control device or the direction of a peace officer;
- aa) "Passenger Loading or Unloading Space" shall mean a space on the vehicle portion of a highway posted with a traffic control device permitting parking therein for a period necessary to load or unload passengers, provided such period is fifteen (15) minutes or less, except in front of a hotel when only ten (10) minutes parking may be allowed and

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the traffic control device shall indicate the time or times when the space is restricted to these purposes;

- bb) "Peace Officer" means a peace officer as defined in the Traffic Safety Act and includes a Bylaw Enforcement Officer as appointed by Council from time to time;
- cc) "Person" means any individual, corporation, society, association, partnership or firm;
- dd) "Post" means to erect, place or mark traffic control devices;
- ee) "Primary Highway" as defined in the Public Highways Development Act, RSA 2000, Chapter P-38;
- ff) "Private Road or Driveway" means a private way or place for vehicular traffic not open to the use of the general public.
- gg) "Public Places" means properties that are owned by the Municipality;
- hh) "Secondary Road (Highway)" as defined in the Public Highways Development Act, RSA 2000, Chapter P-38
- ii) "Street Furniture" means every curb, sidewalk, pole, traffic sign, waste receptacle, bus bench, bus enclosure, tree, plant, grass, hydrant, fence, utility, utility service or any other property belonging to the Municipality capable of being marked, defaced or damaged;
- jj) "Taxi Zone" means a portion of a roadway adjacent to the curb authorized and posted for the exclusive use of taxicabs or taxicab companies;
- kk) "Town Foreman" means the Town Foreman for the Town of Sundre.
- ll) "Track" means to allow, cause or permit any dirt, soil, mud, gravel, sand, clay, lime, fertilizer, manure, substance or material of any nature or kind whatsoever to become loose or detached or blow, drop, spill or fall from any vehicle, appurtenances, or tires onto any highway or land in the vicinity of any highway;
- mm) "Traffic Control Device" means any authorized sign, signal, marking or device placed, marked or erected for the purpose of regulating, warning or guiding traffic or pedestrian movement;
- nn) "Transit Vehicle" means a vehicle used for public transportation including school buses;

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- oo) "Transit Zone" means the area parallel to the curbside of the roadway and within fifteen (15) meters of either side of a transit zone sign;
- pp) "Truck Route" means the streets or avenues within the Town that have been posted with signs indicating truck ingress or egress;
- qq) "Vehicle" means a device in, on or by which a person or thing may be transported or drawn and includes a combination of vehicles but does not include a mobility aid;
- rr) "Violation Tag" means a tag or similar documents issued by the Municipality pursuant to the *Municipal Government Act*, R.S.A. 2000, chapter M-26, as amended;
- ss) "Violation Ticket" means a ticket issued pursuant to Part II or Part III of the *Provincial Offences Procedure Act*, R.S.A. 2000, chapter P-34, as amended and the regulations there under;
- tt) "Work Zone" means an area designated by traffic control devices as a work zone for the purpose of maintenance, construction, or repairs on or near a Highway.

SECTION 3 APPLICATION

3.0 This Bylaw shall not apply to:

- a) Primary Highways; which have a posted speed in excess of 70 Kilometers per hour or more
- b) Public roads within Indian Reserves pursuant to clause 9(c) of the Transportation Transitional Funding Agreement executed between Alberta Transportation (formerly Alberta Transportation and Utilities) and the Municipality;

SECTION 4 OPERATION OF VEHICLES

- 4.0 Every person shall obey the instructions of traffic control devices unless otherwise directed by a Peace Officer or Parade Marshall during a Parade or Procession.
- 4.1 No person shall stop a vehicle or permit a vehicle to be left upon any highway in such a manner to block, obstruct, impede or hinder traffic on the highway unless the person has been

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granted the authority in writing to do so by the Chief Administrative Officer or delegate, the Councilor by Statute, and then only in strict compliance with the authority granted.

- 4.2 Notwithstanding Section 4.1, where the obstruction caused by a vehicle is unavoidable due to mechanical failure, the person will not be in breach of Section 4.1, provided the person promptly takes measures to remove such vehicles from the highway.
- 4.3 Notwithstanding any other provision of this Bylaw, where a transit vehicle is stopped at or has approached within ten (10) meters of an intersection and has indicated by signal that the driver intends to turn right at such intersection then the driver of a vehicle traveling in the same direction shall not overtake or pass to the right of such transit vehicles.
- 4.4 Every Transit vehicle shall carry a notice on the rear near the turning signal reading "DONOT PASS ON RIGHT WHEN SIGNAL ON" or similar words to that effect.
- 4.5 No person shall pass or attempt to pass another vehicle traveling in the same direction while on a bridge.
- 4.6 No person shall drive on or over a hose, line or similar equipment of the Municipal Fire Department which has been placed on a roadway, except where the express consent of an official of the municipal Fire Department has been obtained.
- 4.7 No person shall drive or walk on or over newly installed thermal inlay, painted line, epoxy, or other material, on any roadway where a work zone is posted.

SECTION 5 SPEED

- 5.0 No person shall operate a vehicle greater than 40 kilometers per hour on any roadway unless otherwise authorized in this Bylaw.
- 5.1 On any day in which school is held, no person shall operate a vehicle within a school zone or at any rate of speed greater than thirty (30) kilometers per hour between the hours of 08:00 and 16:00.
- 5.2 No person shall operate a vehicle within a playground zone at any rate of speed greater than thirty (30) kilometers per hour between the hours of 08:30 to one hour after sunset.
- 5.3 No person shall operate a vehicle in excess of the posted maximum speed within the Municipality.
- 5.4 No person shall drive a motor vehicle in any alley or highway intended chiefly to give access to the rear of buildings and parcel of land at a greater speed than 15 kilometers per hour.
- 5.5 A person driving a vehicle shall obey the instructions set out by any applicable control device.

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5.6 A person driving a vehicle that is about to enter onto a highway from another highway that is marked by a stop sign shall bring the vehicle to a stop;

- a) before entering on the intersecting roadway and at a point no further than 3 metres back from the intersecting roadway, or;
- b) in the case where there is,
 - i) a marked crosswalk on the near side of the intersection, immediately before entering on the crosswalk, or;
 - ii) a marked stop line on the near side of the intersection, at the stop line.

SECTION 6 PEDESTRIANS

6.0 No pedestrian shall cross:

- a) a roadway on a bridge;
- b) a roadway within one hundred (100) metres in any direction on the approach to a bridge; other than at an intersection or a posted crosswalk.

6.1 No person shall stand in a group of three (3) or more persons or so near to each other on any highway as to obstruct the entrance to buildings or to obstruct or prevent other persons using such highways and forthwith after request has been made by a Peace Officer shall disperse and move away.

6.2 Nothing in this Bylaw shall be construed as prohibiting the assembling of persons for the purpose of watching a duly authorized parade or procession.

SECTION 7 PARKING

7.0 The Council is hereby authorized and empowered to designate and properly mark portions of highways where parking is restricted to any particular class or classes of vehicles. No person shall park a vehicle other than a vehicle of such class or classes on portions of highway so marked.

7.1 The Council may designate and cause to be properly marked portions of highways prohibiting parking at any time.

7.2 The Council may designate portions of a highway limited as to time for parking of vehicles and cause the same to be properly marked by signs.

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- 7.3 The Council is hereby authorized and empowered to designate the location of traffic control signals, devices and signs.
- 7.4 The Chief Administrative Officer shall cause a record to be kept of the location of all traffic control devices, traffic control signals, parking regulation and truck routes, and said record shall be open for public inspection during normal business hours.
- 7.5 No person shall park or permit a vehicle to be parked on a highway contrary to a traffic control device or in a manner that impedes the flow of traffic.
- 7.6 Unless permitted by a traffic control device, a person shall not park or permit a vehicle to be parked on any winter road or portion thereof.
- 7.7 Unless required or permitted by the Act, this Bylaw or by a traffic control device, or in compliance with the directions of a peace officer, or to avoid conflict with other traffic, a driver shall not stop or park a vehicle:
- a) at an intersection nearer than five (5) metres to the projection of the curb line immediately ahead or immediately to the rear;
 - b) within five (5) metres on the approach to a stop sign or yield signs;
 - c) within five (5) metres of any fire hydrant, or when the hydrant is not located at the curb, within five (5) metres of the point on the edge of the roadway nearest the hydrant;
 - d) within five (5) metres of the approach to a crosswalk;
 - e) at an intersection nearer than 5 metres to the projection of the corner property line immediately ahead or immediately to the rear, except when his vehicle is parked in a space where a parking meter or other traffic control device indicates parking is permitted.
- 7.8 Notwithstanding any other provision in this Bylaw, the Chief Administrative Officer or delegate is hereby authorized to cause moveable signs to be posted on or near a highway to indicate "No Parking", or "Street Maintenance" and when so posted, such signs shall take precedence over all other traffic control devices.
- 7.9 No person shall park or permit to be parked a vehicle on a highway from the time signs referred to in Section 7.3 have been posted, until such signs have been removed.
- 7.10 No person shall park or permit to be parked, a vehicle on the posted portion of such highway during the ninety-six (96) hour period following the time the traffic control devices were posted where the vehicle was parked prior to the posting of the traffic control devices as described in Section 7.3.

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- 7.11 No person shall park or operate a vehicle in contravention of any sign or traffic control device posted in accordance with Sections 7.1, 7.2 and 7.3.
- 7.12 No person shall park or permit to be parked, a vehicle on the roadway side of a vehicle already parked at the curb or edge of a roadway.
- 7.13 Any vehicle parked contrary to this Bylaw may be towed away at the owner's sole expense.
- 7.14 Except when actually taking or discharging passengers, no person shall park a vehicle at the following locations:
- a) in a passenger loading or unloading space posted as such by a traffic control device;
 - b) on any portion of highway posted as "No Parking".
- 7.15 No person shall park a vehicle on any alley unless a traffic control device otherwise permits, except for the following purposes:
- a) the loading or unloading of goods from a commercial vehicle for a period not exceeding thirty (30) minutes;
 - b) the loading or unloading of goods or passengers from a vehicle other than a commercial vehicle for a period not exceeding five (5) minutes.
 - c) the loading or unloading of a handicap person.
- 7.16 Notwithstanding Subsections 7.14 (a) and (b) above, no person, while loading or unloading passengers or goods, shall park in such a manner as may obstruct the passage *of* other vehicles along the alley.
- 7.17 Where a traffic control device restricts the parking of vehicles to a specific time limit, it shall be an offence to park a vehicle in excess of the time or dates posted, except for the following class of vehicle(s):
- a) vehicles being used by Government employees and identified as such (Municipal, Provincial or Federal);
 - b) marked public utility vehicles, while the operators are actually engaged in the course of their employment (utility companies are Town of Sundre, Aquilla, Monarch Cable and Telus or representatives of utility companies);
 - c) vehicles used by elected Government officials and identified as such;

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- d) The Chief Administration Officer is hereby authorized to add or delete Government employees vehicles, public utility vehicles or representative of utility companies and vehicles used by elected officials as required without consent or approval of Council.
- 7.18 Section 7.17 above shall only apply between the hours of 09:00 and 18:00, and shall not apply on a Saturday, Sunday or Holiday unless otherwise indicated by a traffic control device.
- 7.19 No person shall park a vehicle or permit a vehicle to be parked on private property without the permission or authorization of the owner of the private property or a person having lawful possession or control of the private property.
- 7.20 Where a parking area is provided on private land, used for commercial or industrial purposes, for the parking of the vehicles of persons who are customers or patrons of or who is clearly designed as being set aside for parking only of vehicles of customers or patrons of or persons doing business with the owner, tenant, occupant or other person in charge of the land, a person who is not immediately after being parked or leaving the vehicles either a customer or patron or person doing business with the owner, tenant, occupant or person in charge of the said land as indicated in the designation unless he has verbal or written permission from the said owner, tenant, occupant or other person in charge, shall not park or leave a vehicle on the parking area so designated.
- 7.21 No person shall park a vehicle or permit a vehicle to be parked on any land owned by the Municipality which the Municipality uses or permits to be used as a playground, recreation area, utility lot, or public park, except in such areas designated or posted for parking.
- 7.22 No person shall park a vehicle or permit a vehicle to be parked in any parking space upon land owned or controlled by the Municipality where such space has been reserved, as indicated by a traffic control device, for a vehicle operated by a municipal employee, officer, or Council Member.
- 7.23 No person shall park a vehicle or permit a vehicle to be parked in any parking lot owned by the Municipality in contravention of a traffic control device posted in the said parking lot.
- 7.24 No person shall park or permit to be parked, any trailer upon any highway unless the said trailer is attached to a vehicle by which it may be propelled or drawn and when so attached, the trailer shall be deemed part of the vehicle and subject to the provisions pertaining to vehicles.
- 7.25 No person shall occupy or permit any other person to occupy a mobile unit upon a Highway or upon municipal property unless such property has been designated for use as a mobile unit park.
- 7.26 No person shall park or permit to be parked a vehicle on any highway for more than seventy-two (72) consecutive hours unless otherwise permitted by the Chief Administrative Officer or delegate in writing.

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- 7.27 Except for emergency vehicles, no person shall park or stop or permit to be parked or stopped, a vehicle on any highway, public place or private property in space posted as a fire lane.
- 7.28 Nothing in this part shall be construed as to allow parking contrary to any other provision of this Bylaw.
- 7.29 A person being in charge or control of a garage, service station, radio shop or other premises where repairs or installations are made to vehicles for compensation, shall not park or permit to be parked a vehicle which is left in their possession for the carrying out of repairs or installations or for any such related purpose, on a highway unless specifically required or permitted by:
- a) another provision of this or another bylaw;
 - b) a traffic control device; or
 - c) the Traffic Safety Act
- 7.30 No person shall park or permit to be parked, a vehicle on any highway or on private land, in space posted for disabled persons parking unless such vehicle is designated as a disabled persons vehicle.
- 7.31 Where a traffic control device upon a highway restricts parking thereon to residents, no person not a resident of the said area, shall park or permit to be parked a vehicle:
- a) at anytime; or
 - b) in excess of the time so designated and posted on a traffic control device, unless such vehicle displays a permit issued by the Chief Administrative Officer or delegate.
- 7.32 No person shall park or permit to be parked, a vehicle in such a manner so as to obstruct an emergency exit.
- 7.33 No person shall park or permit to be parked, a vehicle in such a manner so as to obstruct the entrance or exit of a fire hall or ambulance station.
- 7.34 A person shall not park or stand a vehicle or permit such vehicle to remain parked in such a manner as to interfere with the proper operation of any vehicle used by the Fire Department or any other emergency vehicle.
- 7.35 Any vehicle parked contrary to Section 7.34 may be towed away at the owner's expense.
- 7.36 No person shall park a vehicle in a lane, provided that lanes may be used for such period of time as may be reasonably necessary for the loading or unloading of passengers or goods from a vehicle, providing that the vehicle concerned in such loading or unloading of passengers or goods does not so obstruct the lane as to prevent other vehicles or persons

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from passing along such lanes while the loading or unloading of passengers or goods is taking place.

- 7.37 The Council may designate portions of the highway as a passenger or truck loading or unloading zone and may cause such space to be marked with a sign designating the area as "Loading Zone."
- 7.38 No person shall park or stand a vehicle in a pedestrian or truck loading or unloading zone for a period of time longer than 15 minutes.
- 7.39 No person shall park any commercial vehicle, truck, engine or trailer or truck of the design capacity of more than one ton or length of more than 6.1 meters, upon any highway where such parking is expressly prohibited except for the purpose of loading or unloading such vehicle.
- 7.40 No person shall angle park any vehicle over one 2730 kilograms (6018.6 pounds) or that exceeds 6.5 meters (21.3 feet) in overall length on any street or avenue in the Town of Sundre.
- 7.41 Where a sign or signs prohibits such parking, no person shall park any vehicle in front of or adjacent to any building in the course of erection or repair.
- 7.42 Where a sign or signs prohibits such parking, no person shall park any vehicle near any area designated as a funeral no parking area.
- 7.43 No person shall stand or park any vehicle on any street for the purpose of greasing or repairing such vehicle.
- 7.44 No person shall stand or park upon any highway (a) any vehicle displayed for sale, or (b) a vehicle displaying advertising directing persons to any commercial premises.
- 7.45 No person shall stand or park any vehicle with motor running, in such a manner and such a location as to cause a disturbance.
- 7.46 No person shall park or stand any vehicle on any land owned by the Town of Sundre which the Town uses or permits to be used as a playground, recreation area or public park except on such part thereof as may be designated by the Council with a sign or signs for vehicle parking.
- 7.47 No person shall allow a vehicle of more than 2,730 kg. (6,018.6 lbs.) (GVW) and/or a length of 6.5 m (21.3 ft.) to be parked or stored in a residential district, except for a holiday trailer, motor home, camper or large boat.
- 7.48 No person shall move any motor vehicle over or across any curb, sidewalk or boulevard unless such curb has been lowered or otherwise constructed to form a suitable crossing a driveway.

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7.49 No person shall park a vehicle:

- a) on a sidewalk or boulevard, or,
- b) on a crosswalk or on any part of a crosswalk, or,
- c) within an intersection other than immediately next to the curb in a “T” intersection, or,
- d) in such manner as to obstruct the access to or exit from any building being used for public gathering, and shall include all fire exits, hospital entrances and emergency patient care parking areas;
- e) at any place where signs or marks prohibit parking;
- f) in front of any school exit or entrance,
- g) parallel with the curb on any roadway, and headed in the direction of vehicular traffic movement, with the right hand curb-side wheels of such vehicle within 500 millimeters of the curb;
- h) upon any street which has been signed and marked for angle parking, parallel to and between the marks on such street with one front wheel not more than 500 millimeters from the curb;
- i) upon any street where angle parking is indicated by signs only, at an angle of between 30 and 60 degrees to the curb, with one front wheel not more than 500 millimeters from the curb;
- j) where parking stalls have been marked on any street, between the lines or markings indicating the limits of a single parking stall; provided that where any vehicle exceeds the length of a single parking stall; such vehicle may occupy two, but not more than two parking stalls.

SECTION 8 SPECIAL CLASSES OF VEHICLES

8.0 No person shall:

- a) park, or permit to be parked, a vehicle on a highway, where that vehicle contains dangerous goods;

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- b) park or permit to be parked, a vehicle within 15 metres of any building, where that vehicle contains dangerous goods.
- 8.1 Section 8 above does not apply where the vehicle is parked while loading or unloading the dangerous goods in the ordinary course of business.
- 8.2 No person shall operate a vehicle or trailer or combination thereof on a highway under the direction, control and management of the Municipality other than in accordance with the weight and load limitations as specified in the *Traffic Safety Act* and the Regulations there under, as amended.
- 8.3 Notwithstanding Section 8.2 above, Chief Administrative Officer or delegate may:
- a) issue a single trip or an open permit to an applicant for any number of trips and for such a period of time as he deems advisable, with permit conditions applied describing routing, time of day or other restrictions as deemed necessary for the safe movement of the load or loads;
 - b) issue a permit to an applicant who telephones, or provides by telegram or facsimile transmission, the information required for a permit.
- 8.4 No person shall operate a vehicle in respect of which an overload or over-dimensional permit is issued pursuant to the *Traffic Safety Act* on a highway under the direction, control and management of the Municipality unless:
- a) the Chief Administrative Officer or delegate has given approval;
 - b) the owner, operator, driver or mover of the vehicle shall agree to be responsible for all damages which may be caused to the highway by reason of driving, operating or moving of any such vehicle upon the highway; and;
 - c) if requested by the Chief Administrative Officer or delegate, the owner, operator, driver, or mover of the vehicle posts a bond sufficient to cover the cost of repairing possible damages to the highway, landscaping and street furniture in an amount satisfactory to the Municipality.
- 8.5 In case of any dispute arising as to the weight of any vehicle, the same shall be weighed upon a certified scale and the weighing of the vehicle shall be deemed to be conclusive.
- 8.6 Unless a permit to do so has been issued by the Chief Administrative Officer or delegate, no person shall operate on a highway:
- a) a vehicle or trailer having metal spikes, lugs, cleats, or bands projecting from the surface of the wheel or tire on such vehicle;

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b) any vehicle or trailer having skids or tracks.

8.7 No person shall engage a vehicle's engine-retarder brakes where posted in the Municipality.

SECTION 9 TRUCK ROUTES

9.0 A person who holds a permit shall be responsible for all costs and expenses incurred by the Municipality for the repair of any curb stops, valves, hydrants, sidewalks, curbs, pavement, landscaping and any other such appurtenances to highways resulting from hauls made pursuant to any permits issued under this Bylaw.

9.1 The Chief Administrative Officer or delegate may, at their discretion, cancel or suspend a permit without notice, and may consider factors including, but not limited to weather, environmental hazards, and vehicular traffic.

9.2 The Chief Administrative Officer or delegate has authority to:

- a) prohibit the use on a highway by a heavy vehicle, or by a class or classes thereof, for a period or periods that the Chief Administrative Officer or delegate determines;
- b) limit or restrict the speed of a heavy vehicle, or of a class or classes thereof, using a highway for a period or periods that the Chief Administrative Officer or delegate determines; and;
- c) increase, limit or restrict the maximum gross weight that may be borne by a heavy vehicle or combination of vehicles on a highway for a period or periods that the Chief Administrative Officer or delegate determines.

SECTION 10 PARADES AND PROCESSIONS

10.0 No person shall hold, join, march or participate in any parade or procession unless a permit has been obtained from the CAO or Council.

10.1 The CAO or Council may issue a parade permit to a person under this part where the person has complied with the requirements of Section 10.2 below.

10.2 Any person desiring to hold a parade or procession within the Municipality shall, at least, three (3) weeks prior to the time he desires to hold the parade or procession, make an application in writing to the CAO or Council containing the following information:

- a) the name and address of the person wishing to sponsor a parade or procession and, if the person is an organization, then the name and address of the contact person;

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- b) the day, date, and times during which the parade or procession will be held;
- c) the route of the parade or procession and written certification from the protective services department that such route is satisfactory to the said department;
- d) the approximate number of persons and vehicles participating in the parade or procession;
- e) the nature and object of the parade or procession;
- f) the approximate size, number and nature of flags, banners, placards, and such other similar items to be carried or displayed;
- g) funeral processions require only suitable notice to the CAO or council, suitable notice is defined as written notice received within 24 hrs of the scheduled funeral proceeding;
- h) the wording and symbols to be exhibited on the items listed in Subsection (f) above; and;
- i) proof of liability insurance.

10.3 The Council may unconditionally approve, approve with conditions or refuse an application for a Parade Permit.

10.4 Where a Parade Permit is granted allowing floats, vehicles, or animals to be placed in or on the route of a parade or procession, the person or persons sponsoring the parade or procession shall indemnify and save harmless the Municipality from and against any and all claims for injury to any person or persons and damage to any real or personal property arising by reasons of or in any way connected with the entry, placing, or operation of the vehicles, floats, or animals in the parade or procession, and whether arising out of, directly or indirectly caused by any act or omission, of the Municipality its authorities or agents.

10.5 Where a Parade Permit has been granted;

- a) the Chief Administrative Officer or delegate may temporarily close for all or some types of traffic all or portions of the highway along or near the route set out in the permit for the anticipated time of the parade or procession and for such additional time as necessary to clear the highway or highways of normal traffic; and;
- b) the Chief Administrative Officer or delegate may temporarily suspend parking and loading privileges on all or a portion of the highways on the proposed route of the parade or procession.

10.6 No parade or procession shall obstruct any highway for a longer period than is required.

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10.7 Any vehicle in a funeral procession, except the lead vehicle, may, during the daylight hours, enter an intersection without stopping if;

- a) the headlamps of the vehicle are alight;
- b) the vehicle is traveling immediately behind the vehicle in front of it so as to form a continuous line of traffic, and;
- c) the passage into the intersection can be made in safety.

10.8 A peace officer or parade marshall may regulate and direct traffic in the vicinity of any parade or procession and all persons shall obey the orders and directions of the peace officer or parade marshall.

10.9 No pedestrian or person operating any vehicle (excluding emergency vehicles) or riding a horse shall break through the ranks of any authorized parade or procession.

10.10 No person shall hold or take part in any parade or procession unless a permit has been issued in accordance with the provisions of this Bylaw.

10.11 No person shall take part in the organization or conduct of a parade or procession, which forms up, attempts to form up, or is carried on, without a permit having been obtained pursuant to this Bylaw.

10.12 If any funeral procession is in the process of formation or proceeding along any highway, any peace officer may regulate all traffic in the vicinity and all persons whether on foot, on horse or in a vehicle shall obey the order and the direction of the peace officer so regulating the traffic.

10.13 Before a funeral procession enters upon, crosses or turns onto a highway designated an marked as a through traffic street by a stop sign, the first vehicle in the funeral procession shall come to a complete stop in the manner required by this Bylaw and shall not drive the vehicle into the intersection until it is safe to do so. A vehicle that follows in the funeral procession may then enter into the intersection without stopping provided the headlamps are alight. The provisions of this subsection shall not apply at intersection where traffic is controlled by a peace officer or by a traffic control signal.

10.14 No person driving any vehicle or riding a horse shall drive or ride through, nor shall any pedestrian walk through, the ranks of any military or funeral procession (the vehicles of which have their lights on), or through the ranks of any other authorized parade or procession, or in any way obstruct, impede or interfere with the same.

SECTION 11 PEDESTRIANS

11.0 No person shall cross or loiter on any highway, crosswalk or sidewalk in such a manner as to obstruct vehicular or pedestrian traffic.

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- 11.1 No pedestrian shall cross any street or avenue except within a crosswalk.
- 11.2 Where crosswalks are marked in the school zone, no person shall cross any street or avenue within a block of such school zone between the hours of 8:00 a.m. and 4:00 p.m. on a school day, except within the limits of a marked crosswalk.
- 11.3 No group of three or more persons shall stand so near to each other on any highway, crosswalk or sidewalk as to obstruct the entrance to any building or to obstruct or prevent other persons using such highway, crosswalk or sidewalk. Every person being a member of such group shall forthwith after request being made by a peace officer disburse and move away.
- 11.4 No person shall stand upon or along a roadway for the purpose of soliciting a ride.
- 11.5 No person shall ride on any part of an automobile not designed or intended for the use of passengers.
- 11.6 At intersections where traffic is controlled by traffic lights or peace officers, pedestrians shall remain on the sidewalk until the proper signal for them to proceed is displayed or given.
- 11.7 Wherever practical, pedestrians shall move upon the right half of crosswalks and sidewalks where meeting other users approaching from the opposite direction.
- 11.8 No person shall board or alight from any vehicle while such vehicle is in motion.

SECTION 12: AUTHORITY OF THE CHIEF ADMINISTRATIVE OFFICER

- 12.0 The Chief Administrative Officer or delegate is hereby delegated the authority to prescribe where traffic control devices are to be posted, including, but not limited to traffic control devices restricting the speed of vehicles and includes;
- a) to divide the surface of a roadway into traffic lanes marked by solid or broken lines;
 - b) to prohibit “U” turns at any intersection;
 - c) to designate any intersection or other place on a highway as an intersection or place at which no left hand turn or right hand turn shall be made;
 - d) to designate as a one-way traffic street any roadway or portion thereof;
 - e) to designate “school zones” and “playground zones”;

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- f) to designate “truck routes”;
 - g) to set apart as a through street any highway or part of a highway and to control entry to any highway by means of a “stop sign or yield sign”;
 - h) to designate a cross walk upon any highway;
 - i) to designate parking stands or stalls for use of any particular class of vehicle;
 - j) to close or restrict the use of any highway, subway, bridge or overpass or any part of any highway, subway, bridge or overpass as to the full width thereof or as to part of the width thereof with respect to any class or classes of vehicles or with respect to any class or classes of pedestrians;
 - k) to prohibit, restrict or regulate the parking of vehicles of any particular class of vehicles on any highway or other public place or any portion thereof during such hours as he may determine;
 - l) to designate and mark guide lines for angle or parallel parking on any highway or other public place or any portion thereof;
 - m) alongside or opposite any street excavation or obstruction when the stopping or parking would obstruct traffic, or;
 - n) on any bridge or in any subway or on the approaches thereto, or;
 - o) at any other place where a traffic control device prohibits stopping or parking, during such times as stopping or parking is so prohibited.
- 12.1 The Chief Administrative Officer or delegate is hereby authorized to designate any highway for through traffic purposes. Such highway shall be properly posted if stop signs or yield signs are erected at all intersections of such highways.
- 12.2 The posting of traffic control devices by the Chief Administrative Officer or delegate is hereby deemed to be made pursuant to this Bylaw.
- 12.3 The Chief Administrative Officer or delegate shall maintain a record of all the locations of traffic control devices, which shall be open to public inspection during normal business hours.
- 12.4 The Chief Administrative Officer or delegate is hereby authorized to designate crosswalks upon any highway and to cause the same to be posted.

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- 12.5 The Chief Administrative Officer or delegate is hereby authorized to designate any highway intersection or other place on a highway as a place at which no left hand turn or no right hand turn or both shall be made and shall cause the same to be posted.
- 12.6 The Chief Administrative Officer or delegate is hereby authorized to designate any intersection or other place on a highway, including, but not limited to where a railway right-of-way crosses a highway, as a place where U-turns are prohibited and shall cause the same to be posted.
- 12.7 The Council may designate a highway or any portion thereof, for one-way traffic only and instruct the Chief Administrative Officer or delegate to cause the same to be posted.
- 12.8 The Chief Administrative Officer or delegate is hereby authorized to designate school zones and playground zones and shall cause the same to be posted.
- 12.9 The Chief Administrative Officer or delegate is hereby authorized to designate transit zones and shall cause the same to be posted.
- 12.10 The Chief Administrative Officer or delegate is hereby authorized to designate any highway upon which no parking is permitted and to cause the same to be posted.
- 12.11 The Chief Administrative Officer or delegate is hereby authorized to designate a portion of a highway or public place where parking is limited or prohibited to a period of time or wholly prohibited, or prohibited to a class or classes of vehicles, or both, and to cause the same to be posted.
- 12.12 The Chief Administrative Officer or delegate is hereby authorized to designate Municipality employee parking areas and to cause the same to be posted.
- 12.13 The Chief Administrative Officer or delegate is hereby authorized to designate angle or parallel parking on any highway and to cause the same to be posted.
- 12.14 The Chief Administrative Officer or delegate is hereby authorized to designate the non-standard distance a vehicle maybe parked from an intersection and cause the same to be posted.
- 12.15 The Chief Administrative Officer or delegate is hereby authorized to designate truck routes or dangerous goods routes as approved by the Council and cause the same to be posted.
- 12.16 The Chief Administrative Officer or delegate is hereby authorized to impose limitations or restrictions on loads traveling on highways and cause the same to be posted.
- 12.17 The Chief Administrative Officer or delegate is hereby authorized to designate the maximum loading permitted on any highway or bridge and to cause the same to be posted.
- 12.18 The Chief Administrative Officer or delegate shall post, as the Chief Administrative Officer or delegate considers necessary to notify persons using the highway(s) of the prohibition, increase or restriction of load limitations.

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- 12.19 The Chief Administrative Officer or delegate is hereby authorized to close or open any existing median or divider on any highway.
- 12.20 The Chief Administrative Officer or delegate is hereby authorized to issue or revoke permits on behalf of the Municipality where such permits are required under provisions of this Bylaw.
- 12.21 The Chief Administrative Officer or delegate is hereby authorized to designate temporarily closure of any street, road, lane or public highway or any part thereof at any time where a construction or maintenance project on or adjacent to the highway or public place may create a hazard and shall cause the same to be posted.
- 12.22 The Chief Administrative Officer or delegate is hereby authorized to designate mobile unit parks and shall cause the same to be posted.
- 12.23 The Chief Administrative Officer or delegate is hereby authorized to designate public parking lots and shall cause the same to be posted.
- 12.24 The Chief Administrative Officer or delegate is hereby authorized to designate temporary road closures and shall cause the same to be posted.
- 12.25 The Chief Administrative Officer or delegate is hereby authorized to divide any highway into lanes and to designate those lanes for through traffic, or for left turning or right turning traffic only or for any combination of through, left turning or right turning traffic and shall cause the same to be posted.

SECTION 13 PUBLIC PLACES

- 13.0 No person shall place or permit to be placed an electrical cord, above the surface of any sidewalk.
- 13.1 Notwithstanding Section 13.0 of this Part, an electrical cord may be suspended from private property to a highway if said cord is suspended not less than 2.4 metres above the surface of a sidewalk and supported by sturdy poles or stanchions firmly and suitably anchored in the owner's property. The said poles or stanchions may only be erected and remain in place from November 1 to March 30 of any year.
- 13.2 No person shall in any way damage or otherwise vandalize any street furniture on any highway, park reserve, or public place.
- 13.3 No person shall place, abandon, throw, deposit or allow to be placed, abandoned, thrown or deposited any litter, which shall include but not be limited to nails, tacks, glass, crockery, barbed or other wire, scrap metal, bottle, paper, paper carton or other paper or any other container, substance or thing on any highway or public place or from any bridge or overpass structure onto any highway, public place, river or stream.
- 13.4 In the event that any load or any portion thereof becomes loose or detached or blows, drops, spills or falls from any vehicle onto any highway, it shall be the duty of the driver of

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the vehicle forthwith to take all reasonable precautions to safeguard traffic and also to remove such material from such highway.

- 13.5 The Chief Administrative Officer or delegate may order the person who left, or allowed to be left or placed litter or load, to remove same within a period of twenty-four (24) hours and, in default, the Chief Administrative Officer or delegate shall cause the litter to be removed. In cases where an immediate public hazard is created, in the opinion of the Municipality or its duly authorized representative, notice as provided for above is not required.
- 13.6 No person shall drive, operate or permit to be driven or operated, any vehicle or equipment of any nature or kind in such a manner as to track upon a highway.
- 13.7 Any person who tracks upon a highway shall be liable to cleanup or remove the substance or material tracked upon the highway.
- 13.8 No person shall drive, operate or permit to be driven or operated any vehicle or equipment of any nature or kind which is involved in the transport of any dirt, soil, mud, gravel, sand, clay, lime, fertilizer, manure, substance or material of any nature or kind whatsoever where there is less than seventy-five (75) millimetres from the top edge of the side containment structure of the vehicle or equipment to the highest point of the surface of the transported material.
- 13.9 No person shall drive, operate or permit to be driven or operated any vehicle or equipment of any nature or kind which is involved in the transport of any dirt, soil, mud, gravel, sand, clay, lime, fertilizer, manure, substance or material of any nature or kind whatsoever excluding snow, unless the transported material is completely covered and secured by a tarpaulin or similar covering.
- 13.10 Except as authorized by the Chief Administrative Officer or delegate;
- a) no person shall deface, paint, chalk, stencil or mark any highway or street furniture;
 - b) no person shall place any advertising, legend or sign of any kind upon any highway or street furniture;
 - c) no person shall post or exhibit or cause to be posted or exhibited any notice, placard, bill or printing or other type of notice whatsoever upon any highway or street furniture;
 - d) no person shall remove any traffic control device or other street furniture;
 - e) no person shall climb or interfere with any bridge, telephone, signal service, fire alarm, electric wire, lamp, post, tower or pole connected with the lighting, gas, telephone, transit, fire protection system or any other utility system or work of the Municipality.
- 13.11 Except as authorized by Council, no person shall encroach, place or construct any permanent object so that it encroaches or obstructs any highway, or other public place.

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- a) The Chief Administrative Officer or designate may approve temporary encroachments for up to thirty (30) days, which impose only minor controlled impact on traffic or parking, with conditions including suspension of existing or imposing temporary parking restrictions.
- 13.12 Any person placing or causing any obstruction to be placed in or upon any highway, curb or public place shall remove or cause the removal of such obstruction within twenty-four (24) hours of being notified to do so by the Chief Administrative Officer or delegate. After the expiration of the said twenty-four (24) hours, the Chief Administrative Officer or delegate shall remove or cause the removal of such obstruction.
- 13.13 Except as authorized by the Chief Administrative Officer or delegate, no person shall break, tear or remove any planking, pavement, sidewalk, curbing, concrete, cement or other road surface nor make any excavations in or under any street, lane, park or public place in the Municipality without first obtaining a development Permit issued by the Chief Administrative Officer or delegate.
- 13.14 Every person who obtains a Development Permit shall comply with all terms and conditions of the Development Permit
- 13.15 The Chief Administrative Officer or delegate may establish and levy service charges for any work done by the Municipality or its agents as a requirement under the Development Permit, except to recover costs for permit administration and inspection.
- 13.16 No owner, tenant or occupier of any property shall erect, obstruct, use, or permit to remain upon or along the boundary of their lane or premises near any highway in the Urban Service Area in the Municipality, any fence wholly constructed of barbed wire.
- 13.17 Where a fence, in the Urban Service Area, is partly constructed of barbed wire, the barbed wire part shall be no closer to the ground than 2.0 metres.
- 13.18 The owner, assessed owner, tenant or occupant of any land adjoining any highway or public place in the Municipality shall cause all trees, shrubs and bushes which overhang the highway or public place to be properly trimmed, and cut back, so as to prevent the obstruction of pedestrians or vehicles and/or the interference with good visibility for safe traffic flow.
- 13.19 Any person who fails to comply with Section 13.16 shall be given notice in writing by the Chief Administrative Officer or delegate. If the barbed wire is not removed as directed within twenty-four (24) hours after being served notice, the Municipality may have out said work carried out.
- 13.20 Deleted as per Bylaw 03.17
- 13.21 Deleted as per Bylaw 03.17
- 13.22 Where a person being the owner, occupant or tenant of any lands or premises fails or neglects to comply with direction given by the Municipality under this Part, in addition to

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any other remedy available for non-compliance with this Part, the Municipality may cause the identified repairs or removal to be completed. The cost thereof shall be paid to the Municipality upon demand. Failing payment such cost shall be added to the tax roll of the property.

- 13.23 No person shall remove dirt, debris or any other material from any sidewalk by causing such material to be placed upon any other portion of the highway or other public place.
- 13.24 No person shall place, or permit to be placed, any snow, ice, dirt, debris or other material removed from private property onto the highways or other public places of the Municipality except as authorized in writing by the Chief Administrative Officer or delegate.
- 13.25 Every occupant, and in case there is no occupant, the owner of every house, shop, building, church or chapel, abutting on or erected within three (3) metres of any highway or public place shall, whenever snow or ice shall accumulate on the roof or eaves of such building, to an extent that a potential danger is created to persons passing, cause the hazard to be removed at once, and every person, while removing the same shall take due and proper care and precaution for the warning and safety of persons passing.
- 13.26 A person who has an awning extending from a portion of the premises over a highway or portion thereof shall keep the awning free from snow or ice to prevent water dripping to the sidewalk or roadway below.
- 13.27 If water drips from an awning upon a highway the owner or occupier of the premises shall clean the sidewalk or roadway portion thereof to prevent ice from forming thereon.
- 13.28 No person shall play on any street or lane within the municipality in any fashion as to create an obstacle for the vehicle users of the highway and the purpose that the highway was intended.
- 13.29 No person shall cast, project or throw any stones or other projectiles dangerous to the public or use bow and arrow, catapult or other such contrivance on, onto or across any highway or other public place.
- 13.30 No person shall drive or operate a motor vehicle on or across any boulevard, park, utility lot, utility right-of-way, Municipal Reserve, or other publicly owned lands, not designated for vehicular use, without the permission of the Chief Administrative Officer or delegate.
- 13.31 No person responsible for the delivery of construction materials or who is responsible for a construction site shall permit materials delivered to the site to remain on a roadway or sidewalk beyond the end of the workday.
- 13.32 No person shall operate a vehicle defined as an off-highway vehicle upon a highway as defined in this bylaw in the Town of Sundre.
- 13.33 No person shall operate a vehicle defined as an off-highway vehicle in any park as defined in this bylaw in the Town of Sundre.

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SECTION 14 OFFENCES AND POWERS OF PEACE OFFICERS

- 14.0 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon conviction to a minimum and specified fine as set out in Schedule a attached hereto and forming part of this Bylaw. If there is no specific fine listed in Schedule A for a particular offence, the minimum specified fine shall be \$100.00.
- 14.1 A peace officer is hereby authorized to remove or cause to be removed, any vehicle or trailer:
- a) parked in contravention of a provision of this Bylaw; or;
 - b) where emergency conditions require that the vehicle or trailer be removed.
- 14.2 Any vehicle or trailer removed pursuant to Section 14.1 above may be moved to:
- a) a nearby highway; or;
 - b) a place designated by the Municipality where it will remain impounded until claimed by the owner.
- 14.3 No impounded vehicle or trailer shall be released to its owner or their agent until the removal and impounding charges have been paid.
- 14.4 All charges for removal and impounding shall be in addition to any fine or penalty imposed in respect of any such violation or to any payment made in lieu of prosecution as provided for in this Bylaw.
- 14.5 In order to determine the time which a vehicle has been parked in a location where parking is restricted to a specific time, a peace officer may place a chalk mark on the tread face of the tire of a parked or stopped vehicle without the peace officer or the Municipality incurring any liability relating thereto.
- 14.6 A peace officer is hereby authorized and empowered to issue a violation tag to any person, who the peace officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 14.7 A peace officer is hereby authorized to deploy speed measurement devices, including Doppler radar, laser speed measurement device, photo radar and vehicle clocking methods, for the purpose of determining the speed of moving motor vehicles.
- 14.8 Peace Officers are hereby authorized to direct traffic in conformity with the provisions of this Bylaw.

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- 14.9 In case of fire or other emergency, or in order to expedite traffic or safeguard pedestrians, Peace Officers are hereby authorized to direct traffic in such a manner as they deem necessary, whether or not in conformity with the provisions of this Bylaw.
- 14.10 In case of fire or other emergency, if no peace officer is present, members of the fire department are hereby authorized to direct traffic in such manner, as they deem necessary, whether or not in conformity with the provision of this Bylaw.
- 14.11 Every person shall comply with any traffic signal or direction of a peace officer, or of any member of the fire department in the case of a fire or other emergency.
- 14.12 Every peace officer is, and is deemed to be, duly authorized and entitled to place an erasable chalk mark on the tread face of the tire of a parked or stopped vehicle without that peace officer or the municipality incurring the parking provisions of this Bylaw.
- 14.13 Every peace officer is and is deemed to be, duly authorized and required to enforce the provisions of the Traffic Safety Act R.S.A. 2000, Chapter T-6 and of this Bylaw.
- 14.14 Any peace officer is, and is deemed to be, duly authorized to impound and remove from the highway, street, avenue, alley, lane or parking lot or other public place, a vehicle in respect of which charges have not been paid or of a vehicle in violation of a provision of this Bylaw and all costs incurred may be recovered by the Town by action in any court of competent jurisdiction.
- 14.15 Any peace officer is, and is deemed to be, duly authorized to impound and remove vehicles from fire exits, hospital entrances, and emergency patient care parking areas, immediately and all costs incurred shall be borne by the registered owner.
- 14.16 A violation tag may be issued to such person
- a) personally;
 - b) by mailing a copy to such person at their last known post office address;
 - c) by leaving it for the defendant at their residence with a person on the premises who appears to be at least 18 years of age; and;
 - d) attached or left upon the vehicle in respect to which the offence is alleged to have been committed.
- 14.17 Where a contravention of this Bylaw is of a continuing nature, further violation tags may be issued by a peace officer.

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- 14.18 Where a violation tag is issued pursuant to this Bylaw, the person to whom the violation tag is issued may in lieu of being prosecuted for the offence, pay to the Municipality the penalty specified on the violation tag.
- 14.19 Nothing in this Bylaw shall prevent a peace officer from immediately issuing a violation ticket.
- 14.20 In those cases where a violation tag has been issued and if the specified penalty on the violation tag has not been paid within the prescribed time, then a peace officer is hereby authorized 'to issue a violation ticket pursuant to Part II or Part III of *the Provincial Offences Procedure Act*, to any person who the peace officer has reasonable grounds to believe has contravened any provision of the Bylaw.
- 14.21 Notwithstanding any provision of this Bylaw, a peace officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person who the peace officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 14.22 After the issuance of a violation ticket concerning a vehicle for a first violation of this Bylaw, should the vehicle remain parked in excess of the time permitted on the traffic control device for a further period, then a second violation ticket may be issued.
- 14.23 Any person to whom a violation ticket has been issued may make a voluntary payment in respect of the violation ticket by delivering the violation ticket along with an amount equal to that specified for the offence as set out in this Bylaw, to the Provincial Court office specified on the violation ticket.
- 14.24 The violation tag shall be in form approved by the Chief Administrative Officer.

SECTION 15 MISCELLANEOUS

- 15.0 No person shall be upon the roadway on roller skates, in-line skates, skateboard, riding on a coaster, sled, skis, toy vehicle, tricycle, or a similar device except while crossing such roadway at a crosswalk or intersection.
- 15.1 Section 15.0 does not apply to a person riding a bicycle.
- 15.2 A person riding a bicycle on any sidewalk, footpath or walkway where pedestrians are also allowed, shall ride the bicycle only in such a way that it will not interfere with a pedestrian lawfully on or using the said sidewalk, footpath or walkway and shall at all times obey all Traffic Control Devices.
- 15.3 No person traveling on a bicycle shall cling to or attach their self or their to a vehicle on a roadway. No person shall drive or operate a vehicle on a roadway having in tow any of the vehicles or devices referred to in Sections 15.

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- 15.4 No person shall carry any other person upon any bicycle or motorcycle on any street or avenue except when such bicycle or motorcycle is equipped to carry passengers in a seat or sidecar forming part of such bicycle or motorcycle.
- 15.5 No person shall ride a bicycle or a horse on a sidewalk, slip path or boulevard.
- 15.6 Unless he has first obtained the written permission of the Town of Sundre or unless otherwise permitted by a Bylaw of the Town of Sundre, no person shall:
- a) erect any doorstep, porch, railing, or other projection in, into, over or upon any street, avenue sidewalk or boulevard;
 - b) place any electrical cord over a sidewalk unless it is erected at least 2.4 meters over the sidewalk and in no event shall an electrical cord be laid on a sidewalk;
 - c) place or cause to be placed on any street, avenue, sidewalk or boulevard anything, which obstructs the free use of such street, avenue, sidewalk or boulevard.
- 15.7 No person shall, without authorization from the Town of Sundre, deposit any earth, rocks, trees, sand, gravel, snow, ice, garbage, rubbish, or other substances or objects on any street, avenue, sidewalk or boulevard within the Town of Sundre, and if such deposits have been made without authorization and the Town removes the same, the expense therefore shall be chargeable to the person responsible, either the owner, occupier, agent, assign, successor or lessee of the abutting and adjacent land which shall be in addition to any fine or penalty imposed by this Bylaw.
- 15.8 No occupier of any premises shall permit the unrestricted flow of any water from such premises over any street, avenue, sidewalk or boulevard.
- 15.9 No person shall leave parked on any street or avenue, any trailer, semi-trailer, mobile drilling equipment or any other vehicle which has been detached from any vehicle which is used to draw such trailer, semi-trailer, mobile drilling equipments or other vehicle.
- 15.10 If the Council is satisfied that any tree, hedge, fence or shrub planted or erected on private property, interferes with or obstructs the view of the driver of any vehicle, they may require the owner of that property, by giving thirty (30) days registered notice, to eliminate or rectify the obstruction, and if such owner does not eliminate the obstruction within thirty (30) days, the Council may direct the work done and the full cost thereof charged to the owner.
- 15.11 No person shall not park or permit to be parked any vehicle on any highway for the purposes of effecting repairs to the vehicle, excepting only to effect emergency repairs in the case of a breakdown not allowing a vehicle to be moved.
- 15.12 No person shall park or permit to be parked on any highway, any non-operative motor

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vehicle.

- 15.13 Sections 15.11 and 15.12 do not apply to a vehicle which has been parked because of a breakdown or other emergency if the person in charge or control of the vehicle can establish that he has taken immediate action to arrange for the removal of the vehicle forthwith.
- 15.14 No person shall wash a vehicle upon any highway or drain the radiator of any vehicle upon any highway so as to result in water, slush or ice forming upon a highway or public sidewalk.
- 15.15 No person shall coast on any highway on a sled, toboggan, skis, roller-skates or skateboards.
- 15.16 No person traveling upon any bicycle, motorcycle, coaster, sled, skis, roller-skates, or any toy vehicle shall cling to, or attach themselves or his conveyance to any vehicle upon any street.

SECTION 16: BICYCLES AND MOTOR SCOOTERS

- 16.1 Any infringement of the Bylaw with relations to bicycles may result in the impoundment of said bicycle by and at the discretion of a peace officer for a period not exceeding sixty (60) days.
- 16.2 Any infringement of this Bylaw by any juvenile as defined in “The Young Offenders Act”, may result in the impoundment of the said bicycle or motor scooter at the discretion of the peace officer for a period of:
- a) first offence seven (7) days
 - b) second offence fourteen (14) days
 - c) third and subsequent offences twenty-eight (28) days

SECTION 17: MUNICIPAL PROPERTY

- 17.1 The operator of a motor vehicle shall not operate in the following areas within the Town of Sundre:
- a) all public reserves within the Town of Sundre;

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- b) on any part of the face of “Snake Hill” or on top of any part of the “Snake Hill” area located in the N.E. ¼ of Section 4 Township 33, Range 5, West of the 5th Meridian.

SECTION 18: MAXIMUM WEIGHTS, OVER DIMENSION AND HEAVY VEHICLES

- 18.1 For the purpose of this section “maximum weight” means;
 - a) the maximum weight permitted for a vehicle and load pursuant to the official registration certificate or interim registration certificate issued by the Province of Alberta for such vehicles or;
 - b) if there is no such official registration certificate or interim registration certificate for a vehicle then the combined weight of the vehicle and heaviest load may be carried in accordance with provisions of the Public Service Vehicles Act and regulations thereunder.
- 18.2 Unless a person has first obtained a permit as provided in subsection (7) of this section, a person shall not drive or have on a highway a vehicle or combination of attached vehicles with a weight including or excluding any load thereon, in excess of maximum weight.
- 18.3 Wherever in his opinion, there is a contravention of subsection (2) of this section, a peace officer may order the driver or other person in charge or control of a vehicle or combination of attached vehicles suspected of being on a highway in contravention of such subsection, to take such vehicle or combination of attached vehicles to the nearest adequate weigh scale to determine the weight of such vehicle or combination of attached vehicles and load carried thereon. The weight slip or slips shall be given to the peace officer and may be retained by them and if the weight of any loaded vehicle or combination of attached loaded vehicles is in excess of maximum weight, the peace officer, in addition to any prosecution for contravention of subsection (2) hereof, may require that any load or portion thereof in excess of maximum weight shall be removed before the vehicle or combination of attached vehicles is again taken upon the highway.
- 18.4 A weight slip given to a peace officer under subsection (3) of this section and submitted by them in evidence in court shall be prima facia proof of the authenticity of the weigh slip and of the particulars thereon submitted in evidence, and of the accuracy of the weigh scale used.
- 18.5 A person driving or in charge or control of a vehicle or combination of attached vehicles suspected by a peace office of being on a highway in contravention or subsection (2) of this section shall, when requested by the peace officer, produce for such officer’s inspection any official registration certificate or interim registration certificate for such vehicle or vehicles that may have been issued by the Government of the Province of Alberta showing the

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maximum of such vehicle or combination of attached vehicles.

- 18.6 Particulars obtained by a peace officer from a registration certificate produced to him under subsection (5) of this section and submitted by them as evidence in court shall be prima facia proof of the authenticity of such certificate and of the particulars thereon submitted in evidence.
- 18.7 Notwithstanding the other of this section, a person may apply to the Town Fire Marshall for a permit to allow on a highway a vehicle or combination of attached vehicles with a weight in excess of maximum weight. The Town Foreman may grant such a permit for such purposes and for such periods as he may set out therein or may refuse to grant a permit, and from any such refusal there shall be an appeal to the Council of the Town.
- 18.8 No person shall move any vehicle upon the highways of the Town if such vehicle exceeds any of the maximum dimensions set out below, unless a special permit to do so is first obtained from the Provincial Authorities or Chief Administrative Officer;
- a) width 2.4 meters:
 - b) height (from road surface to top of load), 4.1 meters;
 - c) wheel base length of single unit – 10.7 meters.
 - d) maximum over all wheel base length of any vehicle or combination of vehicle or combination of vehicles including trailers and semi-trailers 19.8 meters.
- 18.9 The Council may designate and cause to be properly marked, any highway or portions thereof as “Truck Routes”.
- 18.10 Subject to the provisions of Subsections 8.11 and 8.12 of this Bylaw, no person shall drive or operate a vehicle in excess of 11 tones Gross Vehicle Weight on any highways of the Town, except solely upon those portions of highways expressly designated as truck routes pursuant to subsection.
- 18.11 No persons shall be convicted of an offence under this section if they prove to the satisfaction of the Judge trying the case that;
- a) persons were at the time engaged in the delivery or collection of goods, wares or merchandise to or from bona fide customers of the owner of such over weight or over dimension vehicle, the premises of which said customers have abut a highway prohibited to such vehicles;
 - b) persons were going to or from the business premises of the owner of the over weight over dimension vehicle concerned where the business premises of said owner abut on a

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highway prohibited to such vehicles;

- c) persons were going to or from the business premises abutting a highway prohibited to over weight over dimension vehicles for the purpose of servicing or repair to such vehicles; and that such over weight over dimension vehicles was being operated upon a highway prohibited to over weight over dimension vehicles which constitutes the most direct and practical route between the premises referred to in sub clauses (a), (b), and (c) and the portion of the highway designated as a truck route;
- d) persons were pulling a motor vehicle disabled by accident or otherwise from a highway prohibited to over weight over dimension vehicles;
- e) persons were driving a public passenger vehicle in respect of which the owner holds a subsisting certificate from highway traffic board of the province of alberta.

18.12 This section shall not apply to a vehicle owned or in the services of the Town and being actually used in the service of the Town.

18.13 No person driving or in charge or control of a vehicle equipped with Engine Retarder Brakes shall cause the said Engine Retarder Brakes to be operated within the corporate limits of the Town of Sundre.

SECTION 19: VEHICLES WITH LUGS

19.0 No person shall drive, propel or move on any highway any vehicle having metal spikes, lugs, cleats, or hands projecting from the surface of the wheel or tire of such vehicle, or any vehicle having a stub tractor tread and excluding studded tires.

SECTION 20: TAXI CABS

20.0 The Council is hereby authorized and empowered to designate and properly mark by signs certain stalls or parking spaces to be known as "taxicab stands", for the exclusive use of vehicles for hire

20.1 Any person carrying on the business of letting vehicles for hire, hereinafter called a "taxicab operator", may apply to the Council for the location of one taxicab stand in front of each place of business of the taxicab operator, but the taxicab operator will only be allotted space for the parking of one taxicab free of charge.

20.2 The Council may prescribe from time to time the fees to be charged a taxicab operator for each additional parking space or stall, and may charge the cost of installing and maintaining signs to the taxicab operator.

Town of Sundre Bylaw No. 789

- 20.3 No person shall park any vehicle in a taxicab stand except the taxicab operator for whom the taxicab stand is reserved, or a person authorized by the taxicab operator, and the vehicle must be a taxicab then on duty and available for public hire.
- 20.4 No person shall park a vehicle for hire on a roadway other than in the space reserved as a taxicab stand during the hours of nine a.m. and five p.m., Monday to Saturday inclusive, of any week other than on a public holiday.
- 20.5 Notwithstanding the other provisions of this section, a Peace Officer may permit taxicabs, while waiting for hire, to stand at a designated place to provide accommodation for the public attending any special function or event.

SECTION 21: HORSE DRAWN VEHICLES

- 21.0 Every person having the charge or control of any horse drawn vehicle on a highway shall remain upon such vehicle while it is in motion, or shall walk beside the horse or horses drawing such vehicle.
- 21.1 No person shall tie a horse to any post, hook or ring or in any way across a pavement, boulevard, sidewalk or crossing so as to impede or obstruct traffic or cause danger to pedestrians.
- 21.2 Every person driving a horse drawn vehicle on a highway between one half hour before sunset and one half hour before sunrise shall carry on the left side of such vehicle, a lighted lamp or lamps plainly visible at a distance of not less than 15.2 meters from the front and 15.2 meters from the rear of such vehicle.
- 21.3 A person riding an animal or driving an animal driven vehicle on a highway;
- a) has all the rights, and;
 - b) is subject to all the duties of a driver listed in the Traffic Safety Act. (RSA 2000 Chapter T-6)

SECTION 22: EMERGENCIES

- 22.0 In any case where by reason of any emergency or of any special circumstance which in the opinion of any peace officer makes its desirable and in the public interest to:
- a) temporarily close in any area of the town any highway in whole or in part of traffic or;

Town of Sundre Bylaw No. 789

- b) temporarily suspend in any area of the town, parking privileges granted by provisions of this or any bylaw;
- 22.1 A peace officer may, for such period of time as they deem necessary to meet such emergency or special circumstances, take such measures for the temporary closing of such highway of the suspension of parking privileges and place barricades or post appropriate notices on or near the highway concerned as they may consider it to be necessary in the circumstances.
- 22.2 In any case of fire within the Town, any peace officer or member of the fire brigade of the Town may designate in any manner a line or lines near the location of the fire beyond which no member of the public shall pass, and no un-authorized person, whether on foot, or on horse or in a vehicle shall cross such line or lines.
- 22.3 The senior officer present of the fire department of the Town of Sundre or any person acting under their instruction shall have the right to move or cause to be moved any vehicle which may deem necessary to be moved or have moved for the purpose of carrying out any duty, work or undertaking of the fire department of the Town of Sundre.
- 22.4 The provisions of this Bylaw regulating the operation, movement, stopping and parking of vehicles shall not apply to any emergency vehicle while it is responding to an emergency call and sounding its siren and flashing its warning lights, or while attending at any emergency call, this exemption shall not excuse the driver of any such vehicle from exercising due care for the safety of other traffic.
- 22.5 The provisions of this Bylaw prohibiting stopping or parking or weight limits shall not apply to:
- a) municipal or provincial utility vehicles;
 - b) vehicles of a public utility corporation;
 - c) wrecking vehicles;

While such vehicles are actually engaged in work requiring them to be operated in contravention of any of such provisions provided they have a flashing amber light in operation thereon on said vehicle. This exemption shall not relieve the driver of any such vehicle from taking due precaution to indicate the presence of such vehicle on any street while still parked or stopped.

22.6 Use of Flashing Green Lights

Town of Sundre Bylaw No. 789

- a) Full-time or volunteer firefighters may carry on or in a vehicle, other than an emergency vehicle, a lamp that produces intermittent flashes of green light and may operate the lamp if the vehicle is proceeding to a fire or other emergency;
- b) No person other than a full-time or volunteer firefighter shall operate a lamp that produces intermittent flashes of green light;
- c) Nothing in this section shall be construed so as to permit a full-time or volunteer firefighter to operate a vehicle in contravention of the *Traffic Safety Act R.S.A 2000, Chapter T-6*

SECTION 23: MINIMUM AND SPECIFIED PENALTIES

23.0 The minimum and specified penalties for a violation of any provision of this Bylaw are shown in Schedule A of this Bylaw.

SECTION 24: SEVERABILITY

24.0 Each provision of this Bylaw is independent of all other provisions. If a Court of competent jurisdiction declares any such provision invalid, all other provisions of this Bylaw will remain valid and enforceable.

SECTION 25: STRICT LIABILITY OFFENCE

25.0 It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability

SECTION 26: REPEALED

26.0 Upon third and final reading of this Bylaw and acceptance of its entirety, Bylaw No. 765 is hereby repealed.

SECTION 27: EFFECTIVE DATE

27.0 This his bylaw shall come into force and effect upon it receiving third reading by Council.

Read a first time this 27 day of February, 2017.

Town of Sundre Bylaw No. 789

Read a second time this 27 day of February, 2017.

Read a third time this 27 day of February, 2017.

Mayor

Chief Administrative Officer

Town of Sundre Bylaw No. 789

SCHEDULE A

PENALTIES AND FINES

SECTION NO.		OFFENSE FINE (\$)
4.1	Obstructing traffic without authority	\$100.00
4.3	Passing transit buses on right contrary to buses turn signal	\$100.00
4.5	Passing vehicles going the same direction on bridge	\$100.00
4.6	Driving across fire department hose	\$150.00
4.7	Driving or walking over thermal inlay or painted line in posted "Work Zone"	\$150.00
5.0, 5.1, 5.2, 5.3, 5.4	Speed	Violations as per Traffic Safety Act Penalty Schedule
5.5	Traffic Control Device	\$150.00
5.6	Stop Sign	\$250.00
6.0(a)	Pedestrian cross road on bridge	\$50.00
6.0(b)	Pedestrian cross bridge other than intersection	\$50.00
7.7	Parking within 5 meters of intersection traffic signs, hydrant, crosswalk	\$50.00
7.5, 7.6	Parking a vehicle in a posted area indicating "No Parking" or "Street Maintenance"	\$100.00
7.14(a)	Parking a vehicle in a posted "Passenger Loading Zone"	\$50.00
7.14(b)	Parking a vehicle in a posted "No Parking Zone"	\$50.00
7.10	Parking a vehicle 96 Hrs prior as per Traffic Control Device	\$50.00
7.11	Parking a vehicle as per Traffic Control Device	\$50.00
7.12	Parking a vehicle parallel to another parked parallel	\$50.00
7.15	Parking a vehicle in alleyway	\$50.00
7.16	Parking a vehicle to obstruct vehicle passage	\$50.00
7.17	Parking vehicle contrary to times and dates	\$50.00
7.19	Park a vehicle without permission on Private property	\$50.00
7.21	Park a vehicle in land denoted as Playground, lot, park etc.	\$100.00

Town of Sundre Bylaw No. 789

SECTION NO.		OFFENSE FINE (\$)
7.22	Park a vehicle on Municipally controlled land as indicated by Traffic Control Device	\$50.00
7.23	Park a vehicle prohibit by municipality where prohibited by traffic control device	\$50.00
7.24	Parking an Unattached Trailer on Highway	\$50.00
7.25	Occupancy of Mobile Unit on Highway or Municipal Property	\$100.00
7.26	Parking in excess 72 hrs	\$50.00
7.27	Parking in a posted "Fire Lane"	\$100.00
7.29	Service stations parking vehicles on street	\$500.00
7.30	Parking vehicle in stall posted for a Disabled Person(s) Vehicle	\$500.00
7.31	Parking vehicle in a Restricted Residential area	\$50.00
7.32	Parking vehicle in an "Emergency Exit"	\$100.00
7.33	Parking in the entrance to Fire Hall and/or Ambulance.	\$100.00
7.34	Parking in a "Fire Lane"	\$100.00
7.37	Parking in vehicle Loading Zone	\$50.00
7.38	Parking in vehicle loading zone over 15 mins	\$50.00
7.39	Vehicle over 1 Tone or 6.1 m where prohibited	\$100.00
7.40	Angle park 1 Ton vehicle or 6.1 m vehicle	\$100.00
7.41	Prohibited parking building under repair	\$50.00
7.42	Prohibited parking funeral vehicles	\$50.00
7.43	Greasing or repairing vehicle on street	\$100.00
7.44	For Sale sign on vehicle on highway	\$50.00
7.45	Loud vehicles	\$100.00
7.46	GVW exceed 2730 kg except trailers etc	\$50.00
7.47	Move vehicle over curb, sidewalk, boulevard without Suitable driveway in place	\$50.00
7.48	Unauthorized Parking Playground Public Park	\$50.00
7.49	Park Vehicles	
	a) Sidewalk	\$50.00
	b) Crosswalk	\$50.00

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c) T-intersections	\$50.00
d) Obstruct entrances, exits	\$50.00
e) Traffic control devices	\$50.00
f) Schools	\$50.00
g) Improper parallel parking	\$50.00
h) Improper angle park	\$50.00
i) Parking wrong side of road way	\$50.00
j) Occupy two parking stalls	\$50.00

SECTION NO.		OFFENSE FINE (\$)
8.0(a)	Park vehicle containing dangerous goods	\$100.00
8.0(b)	Within 15 m of building	\$100.00
8.2	operate vehicle or trailer over weight and load dimensions	\$150.00
8.5	Overweight vehicles.	\$500.00/1000kg
8.7	Use of engine retarder brakes near residential property.	\$150.00
9.0	Violation of provisions of route permit.	\$150.00
10.0	No valid parade permit.	\$100.00
10.9	Breaking through ranks of a funeral procession.	\$100.00
10.10	Partaking in Parade without permit	\$100.00
10.11	No permit for Parade	\$100.00
10.12	Disobey Peace Officer direction	\$200.00
11.1	Loitering on Highway	\$50.00
11.2	Jaywalking	\$50.00
11.3	Crosswalk usage	\$50.00
11.4	Refusal to disburse when obstructing Peace Officer	\$200.00
11.5	Soliciting a ride	\$50.00
11.6	Riding unsafly in a vehicle	\$100.00
11.7	Disobey traffic control signal	\$100.00

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SECTION NO.		OFFENSE FINE (\$)
11.9	Boarding or alighting a moving vehicle	\$100.00
11.14	Travel through Parade on Procession	\$100.00
13.0	Placement of cable or electrical cord on Highway (includes a sidewalk).	\$50.00
13.2	Damage to any street furniture.	\$100.00 + Replacement cost
13.3	Littering	\$200.00 + clean up cost
13.6	Tracking onto Municipality streets or land.	Min. \$500.00 + clean up cost
13.8	Transport of material where there is less than 75 millimeters from the top edge of the containment structure.	\$150.00
13.9	Transport of unsecured load.	\$150.00
13.10(a)	Defacing highway or street furniture	\$150.00 + Repair cost
13.10(b) (c) (e)	Place advertisement, climb or interfere	\$500.00
13.11	Place or construct encroachments or obstruction to highway or public place.	Min. \$500.00 + Repair cost
13.13	Operating without excavation permit.	Min. \$500.00 + Rehab. Cost
13.14	Non compliance development permit	\$250.00
13.17	Fence partly constructed of barb wire in urban area be no closer to ground than 2.0 Metres.	\$100.00
13.18	Plants Overhanging Highway	\$100.00
13.23	Remove debris sidewalk and place on highway	\$100.00
13.24	Remove debris private property place on highway	\$100.00
13.26	Failure to clean snow from eaves/awnings.	\$100.00
13.27	Failure to prevent ice from forming from water drips	\$100.00

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SECTION NO.		OFFENSE FINE (\$)
13.28	Playing on roadway	\$50.00
13.29	Throwing objects across highway	\$100.00
13.30	Drive vehicle on property other than roadway	\$100.00
13.31	Construction material left on roadway, sidewalk	\$50.00
13.32	Operate off-highway vehicle on highway	\$100.00
13.33	Operate off-highway vehicle in a park	\$100.00
15.0	Illegal use of devices on highway	\$50.00
15.1	Repairing vehicles on roadway.	\$100.00
15.2	Non operative motor vehicle parked on highway.	\$100.00
15.3	Clinging to vehicle while on a device	\$50.00
15.4	Riding Double	\$50.00
15.5	Riding on sidewalk	\$50.00
15.6 (a)	Building onto highway	\$500.00+ cleanup
15.6 (b)	Electrical Cord Sidewalk	\$50.00
15.6 (c)	Obstructing Roadway	\$100.00
15.7	Dumping on Town property	\$100.00 + cleanup
15.8	Damming water	\$100.00 + cleanup
15.9	Detached equipment/ vehicle on town street	\$50.00
15.10	Hedge obstruction removal	\$50.00
15.11	Repair vehicle on highway	\$100.00
15.12	Non operative vehicle on highway	\$100.00
15.14	Wash vehicle or drain antifreeze	\$100.00 + cleanup
15.15	Skateboard or rollerblade on highway	\$50.00
18.2	overload without permit	\$50.00
18.8	Over dimensionalized (oversized) vehicle	\$50.00

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18.10	Vehicle gross weight over 11 tonnes	\$200.00
18.13	Use of engine retarder brakes within Town of Sundre	\$100.00
19	Vehicle with lugs	\$50.00
SECTION NO.	OFFENSE FINE (\$)	
20.4	Taxi stand only	\$50.00
20.5	Taxi parked where prohibited	\$50.00
21.1	Person in charge of horse highway	\$50.00
21.2	Horse obstructing traffic	\$50.00
21.3	Times and conditions for horses on highway	\$50.00

**TOWN OF SUNDRE
BYLAW NO. 819
UNSIGHTLY PREMISES AND SNOW REMOVAL BYLAW**

Being a bylaw to regulate and abate nuisance and unsightly premises and to require timely snow removal within the Town of Sundre, Alberta.

WHEREAS Section 7 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 permits the Council to pass bylaws respecting nuisances, including unsightly property; the safety, health and welfare of people; and the protection of people and property; and

WHEREAS the Council deems it necessary to provide for an efficient means of regulating and encouraging the abatement of unsightly premises within the Town of Sundre; and

WHEREAS the Council deems it necessary to require the timely removal of ice & snow from the sidewalks located within the Town of Sundre; and

WHEREAS the Council deems it necessary to repeal and replace Bylaw No. 745, the existing "Unsightly Premises Bylaw", and Sections 13.20 and 13.21 of Bylaw No. 789, the present snow-removal provisions of the "Traffic and Pedestrian Bylaw".

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF SUNDRE IN THE PROVINCE OF ALBERTA, DULY ASEMBLED, ENACTS AS FOLLOWS:

TITLE

1. This Bylaw may be cited as the "Unsightly Premises and Snow Removal Bylaw".

DEFINITIONS

2. In this Bylaw, unless the context otherwise requires:
 - (a) **"Administration Fee"** means a fee added to actual expenses incurred by the Town for measures taken pursuant to Section 17 of this Bylaw and such fee is equal to the greater of \$25.00 or 15 percent of actual expenses incurred by the Town;
 - (b) **"Animal Material"** means any animal excrement and includes all material accumulated on a premises from pet pens or pet yards, stables, veterinary clinics, animal hospitals, kennels or feed lots;
 - (c) **"Ashes"** means the powdery residue accumulated on a premises left after the

combustion of any substance and includes any partially burnt wood, charcoal or coal;

- (d) **"Building Material"** means material or debris which may result from the construction, renovation or demolition of any building or other structure and includes, but is not limited to, wood, gypsum board, roofing, vinyl siding, metal, packaging material and containers of building material, gravel, concrete and asphalt and any earth, rocks and vegetation displaced during such construction, renovation or demolition of any building or other structure;
- (e) **"Chief Administrative Officer"** means a Municipal official employed by the Town of Sundre in the position Chief Administrative Officer or, in his/her absence, the person appointed as Acting Chief Administrative Officer;
- (f) **"Control"** in reference to weeds means:
 - (i) Cut, mow or carry out measures designed to inhibit propagation of the weed, or
 - (ii) Destroy the weed if specified by a Bylaw Enforcement Officer or Weed Inspector employed by the Town of Sundre, or
 - (iii) Carry out other measures as prescribed by a Bylaw Enforcement Officer or Weed Inspector employed by the Town of Sundre;
- (g) **"Council"** means the Council of the Town of Sundre;
- (h) **"Court"** means the Provincial Court of Alberta;
- (i) **"Enforcement Officer"** means a Bylaw Enforcement Officer or Special Constable employed by the Town, and includes a member of the R.C.M.P. who is authorised to enforce Bylaws of the Town of Sundre;
- (j) **"Garbage"** means any household or commercial rubbish including, but not limited to, boxes, cartons, bottles, cans, containers, packaging, wrapping material, waste paper, cardboard, food, discarded clothing or fabric and discarded household items;
- (k) **"Including"** when introducing a list of items, does not limit the meaning of the words to those items or to items of a similar kind;
- (l) **"Municipal Government Act"** means the Municipal Government Act, R.S.A.

2000, Chapter M-26, as amended or replaced from time to time;

- (m) **“Owner”** of a property or Premise means:
 - (i) a Person who is registered under the Land Titles Act as the owner of the land;
 - (ii) a Person who is recorded as the owner of the property on the tax assessment roll of the Town;
 - (iii) a Person who has purchased or otherwise acquired the land, whether he has purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not yet become the registered owner thereof;
 - (iv) a Person holding himself out as the person having the powers and authority of ownership of the property or Premise or who for the time being exercises the powers and authority of ownership;
 - (v) a Person controlling the property or Premise under construction; or
 - (vi) a Person who is the occupant of the property or Premise pursuant to a rental or lease agreement, license or permit;
- (n) **“Notice”** means a notice issued pursuant to this Bylaw to remedy a condition that is not in compliance with any provision of this Bylaw;
- (o) **“Person”** means an individual or any business entity including a firm, partnership, association, corporation, company, or society;
- (p) **“Premise”** means any land situated in whole or in part within the Town including the external surfaces of all buildings and land immediately adjacent to any building or buildings and includes any land or buildings owned or leased by the Town;
- (q) **“Provincial Offences Procedure Act”** means the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34, and the regulations thereof, as amended or replaced from time to time;
- (r) **“Residential building”** means a structure used as a residence containing one or more dwelling units, including a house, multi-family dwelling, apartment building, hospital, lodging house, hotel, motel, mobile home, tent, trailer, motor

home, camper or recreational vehicle of any type;

- (s) ***“Residential development”*** means any land that is the site of one or more Residential Buildings, excepting farms, ranches, and other land which is used for purely agricultural purposes;
- (t) ***“Town”*** means the municipal corporation of the Town of Sundre in the Province of Alberta, or the area located within Sundre’s corporate limits, as the context requires;
- (u) ***“Unsightly premise”*** means any property or part of it that exhibits visual evidence of a lack of general maintenance and upkeep, including the excessive accumulation on the premises of:
 - (i) garbage, animal or human excrement, sewage, the whole or a part of an animal carcass, dirt, soil, gravel, rocks, petroleum products, hazardous materials, disassembled equipment or machinery, broken household chattels or goods;
 - (ii) the whole or any part of any vehicle or vehicles which are not registered with the Motor Vehicle Registry for the current year and which are inoperative by reason of disrepair, removed parts or missing equipment;
 - (iii) equipment or machinery which has been rendered inoperative by reason of disassembly, age or mechanical condition, including household appliances;
 - (iv) animal material, ashes, building material, garbage, and yard material as defined in this Bylaw; or
 - (v) any other form of scrap, litter, trash, or waste of any kind;
- (v) ***“Vehicle”*** has the same meaning as defined in the *Traffic Safety Act*;
- (w) ***“Yard material”*** means waste material of an organic nature formed as a result of gardening, horticultural pursuits, or agricultural activities and includes grass, tree and hedge cuttings, waste sod and decomposing plants, leaves and weeds.

GENERAL PROHIBITION

3. No Owner or Owners of a Premise shall cause, allow or permit the Premise to become

Bylaw No. 819

or to continue to be an Unsightly Premise as defined in this Bylaw.

4. (a) Whether or not a particular Premise exhibits visual evidence of a lack of general maintenance, including the excessive accumulation of the materials listed in Section 2(u) of this Bylaw, are questions of fact to be determined by a Court hearing a prosecution, pursuant to the provisions of this Bylaw.
- (b) When making the determination during a trial as to whether a particular Premise constitutes an “Unsightly Premise” the Court’s considerations shall include any admissible evidence as to:
 - (i) the general condition and state of tidiness of the neighbouring or surrounding Premises;
 - (ii) the location and permitted use of the Premise and whether or not the Premise is located within a Residential Development;
 - (iii) the period of time the Premise has been in the state complained of;
 - (iv) whether or not the Premise is undergoing construction or renovation, and the period of time that such activity has been ongoing; and
 - (v) any other circumstances or factors relating to the Premise which the Court deems are relevant to the said determination.

WEEDS, GRASS AND TREES

5. An Owner of a Premise is required to control all weeds and grass on the Premise, and on any boulevard which abuts or adjoins the Premise, including up to the center of lanes or alleys at the rear or side of the Premise.
6. An Owner of a Premise is required to remove any and all trees that, due to deterioration of condition or for any other reason, are a public safety hazard.

SNOW ON SIDEWALKS

7. Deleted as per Bylaw 03.17
8. Deleted as per Bylaw 03.17

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9. Deleted as per Bylaw 03.17

10. Deleted as per Bylaw 03.17

CONSTRUCTION SITES

11. An owner of a Premise shall ensure that building material and waste building material on a premise is contained and secured in such a manner that prevents such material from being blown off or scattered from the property.

12. Waste building material shall be removed or secured as quickly as possible by means of appropriate containers.

EXEMPTIONS & EXCEPTIONS

13. The provisions of this Bylaw shall not be interpreted to prevent bona fide and permitted commercial, industrial, agricultural, construction, demolition, renovation, landscaping, clean-up, storage or other related activities from being carried out on, or in relation to a Premise.

14. The Owner of a Premise that carries on, or permits the carrying on of any activities referred to in Section 13 of this Bylaw shall ensure that all reasonable steps are taken to minimise the duration and visual impact of any resulting untidiness or unsightliness of the Premise.

15. Whether or not an Owner has taken “all reasonable steps” to minimise the duration and visual impact of any resulting untidiness or unsightliness of a Premise, as referred to in Section 14 of this Bylaw, is a question of fact to be determined by the Court hearing a prosecution pursuant to the provisions of this Bylaw.

ENFORCEMENT

16. Where a Premise is found to be in non-compliance with any provision of this Bylaw, the Owner of the Premise may be served with a Notice containing the following:

(i) The address and/or physical location where remedial action is required;

(ii) The condition or conditions that are not in compliance with this Bylaw;

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- (iii) The remedial action that is required; and
 - (iv) The deadline for completion of the remedial action required.
- 17. Where a Notice regarding the removal of snow or ice from sidewalks is issued and served on the Owner of a Premise and the specified remedial action is not taken by the specified deadline, the Town may take all reasonable measures to remedy in a timely manner any or all conditions specified in the Notice.
- 18. Any Notice issued pursuant to Section 16 will be deemed to have been sufficiently served upon the Owner of the Premise:
 - (i) When served personally upon the Owner, or served substitutionally upon any person who is 18 years of age or older who resides in the subject Premise, if the Premise is occupied by the Owner;
 - (ii) When served personally upon an occupant of the Premise who is 18 years of age or older or the manager or person apparently in charge of the Premise, if the Premise is not occupied by the Owner;
 - (iii) When posted at a conspicuous location on the Premise;
 - (iv) When given verbally by an Enforcement Officer to the Owner or any occupant of the Premise who is 18 years or older, and where said verbal Notice includes all the information required by Section 16; and
 - (v) When mailed by regular or registered mail to the Owner of the Premise using the address provided by the Owner and on record with the Town of Sundre.
- 19. Where a Notice has been issued to an Owner pursuant to Section 16 of this Bylaw in relation to Section 7 (snow and ice on sidewalks) of this Bylaw and another similar non-compliant condition occurs within the same winter season, no further Notice is required before action pursuant to Section 17 of this Bylaw may be taken by the Town to remedy the condition
- 20. Where measures are taken by the Town pursuant to Section 17 of this Bylaw following a failure to comply with a Notice issued in relation Section 7 (snow and ice on sidewalks) of this Bylaw, all Town expenses and costs, including an administration fee, may be added to the tax roll of the subject Premise and recovered by the Town as municipal taxes. ***(Municipal Government Act, Section 553(1)(g.1))***.
- 21. The Owner of a Premise who has been issued a Notice pursuant to Section 16 of this

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Bylaw shall fully comply with the Notice within the time allowed for compliance.

22. Where an Enforcement Officer has reasonable grounds to believe that a Person has contravened any provision of this Bylaw, the Enforcement Officer may commence proceedings against such Person by:
 - (a) Issuing the Person a Violation Ticket pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act;
 - (b) Swearing out an Information and Complaint against the Person; or
 - (c) In lieu of prosecution, issuing the Person a Bylaw Violation Tag.

23. Where an Enforcement Officer issues a Person a Violation Ticket in accordance with Section 22(a) of this Bylaw, the Officer may either:
 - (a) allow the Person to pay the specified penalty as provided for in Sections 27 and 28 of this Bylaw by indicating such specified penalty on the Violation Ticket; or
 - (b) require a Court appearance of the Person where the Enforcement Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act.

24. Where a Bylaw Violation Tag issued to a Person is not paid within 14 days of the date of issue, the Enforcement Officer may proceed by way of prosecution in accordance with Section 22(a) or 22(b) of this Bylaw.

25. No provision of this Bylaw nor any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude the Town from pursuing any other remedy in relation to a Premises provided by the Municipal Government Act, or any other law of the Province of Alberta.

GENERAL PENALTY PROVISION

26. Any Person that violates any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of \$10,000 or in default of payment of the fine to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts.

MINIMUM AND SPECIFIED PENALTIES

27. The specified penalty for a violation of any provision of this Bylaw is a fine in the amount of \$500, and the minimum fine prescribed is \$300.
28. Notwithstanding Section 27 of this Bylaw, if a Person violates the same provision of this Bylaw twice within a one-year period, the minimum and specified penalty for the second such violation shall be a fine in the amount of \$1000.
29. The penalty in lieu of prosecution for a violation of any provision of this Bylaw proceeded with in accordance with Section 22(c) of this Bylaw is a fine in the amount of \$250.

APPEALS

30. A Notice issued in relation to snow and ice on sidewalks (Section 7) may be appealed in writing to the Chief Administrative Officer not later than 48 hours after the date of service of the Notice, except in the case of service by mail in accordance with Section 18(v), in which case the written Appeal must be received within 10 days of the date of mailing of the Notice.
31. Where remedial measures are taken pursuant to Section 17 of this bylaw and cost recovery action is commenced by the Town, an appeal as to the amount of the debt only may be made in writing to the Chief Administrative Officer within 10 days of being notified of such recovery action.
32. A decision on an appeal made pursuant to Section 30 or Section 31 of this Bylaw will be communicated to the appellant verbally or in writing within 7 days of receipt of the appeal.
33. A decision made by the Chief Administrative Officer on an appeal made pursuant to Section 30 or Section 31 may be appealed in writing to the Town Council within 15 days of the date of the decision
34. A decision on an appeal made pursuant to Section 33 will be made by Town Council within 30 days of receipt of the appeal and a decision will be communicated to appellant verbally or in writing within 7 days of the decision.

SEVERABILITY

35. Each provision of this Bylaw is independent of all other provisions. If any such provision

Bylaw No. 819

is declared invalid by a Court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

STRICT LIABILITY OFFENCE

36. It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

REPEAL

37. Bylaw No. 745 and Sections 13.20 and 13.21 of Bylaw 789 are repealed on the date that this Bylaw comes into force and effect.

EFFECTIVE DATE

38. This bylaw shall come into force and effect upon it receiving third reading by Council.

Read a first time this 27 day of February, 2017.

Read a second time this 27 day of February, 2017.

Read a third time this 27 day of February, 2017.

Mayor

Chief Administrative Officer

(5) No matter other than that stated in the notice calling the special council meeting may be transacted at the meeting unless the council is present at the meeting and the council agrees to deal with the matter in question.

1994 cM-26.1 s194

Council committee meetings

195 The municipality must give at least 24 hours' notice of a council committee meeting

- (a) to the members of the council committee, and
- (b) to the public.

1994 cM-26.1 s195

Method of giving notice

196(1) Notice of a council or council committee meeting is deemed to have been given to a councillor or member of a council committee if the notice is delivered to an adult person at the councillor's or member's home or place of business.

(2) Notice of a council or council committee meeting to the public is sufficient if the notice is given in a manner specified by council.

1994 cM-26.1 s196

Public presence at meetings

197(1) Councils and council committees must conduct their meetings in public unless subsection (2) or (2.1) applies.

(2) Councils and council committees may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act*.

(2.1) A municipal planning commission, subdivision authority, development authority or subdivision and development appeal board established under Part 17 may deliberate and make its decisions in meetings closed to the public.

(3) When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting held in public.

1994 cM-26.1 ss197,738;1995 c24 s23

Right of public to be present

198 Everyone has a right to be present at council meetings and council committee meetings conducted in public unless the person chairing the meeting expels a person for improper conduct.

1994 cM-26.1 s198

Meeting through electronic communications

199(1) A council meeting or council committee meeting may be conducted by means of electronic or other communication facilities if

- (a) notice is given to the public of the meeting, including the way in which it is to be conducted,
- (b) the facilities enable the public to watch or listen to the meeting at a place specified in that notice and a designated officer is in attendance at that place, and
- (c) the facilities enable all the meeting's participants to watch or hear each other.

(2) Councillors participating in a meeting held by means of a communication facility are deemed to be present at the meeting.

1994 cM-26.1 s199

Power to require taking of oath

200 A council or council committee may require a person appearing before it or making any claim or submission to it to do so under oath.

1994 cM-26.1 s200

Part 6 Municipal Organization and Administration

Council's principal role in municipal organization

201(1) A council is responsible for

- (a) developing and evaluating the policies and programs of the municipality;
- (b) making sure that the powers, duties and functions of the municipality are appropriately carried out;
- (c) carrying out the powers, duties and functions expressly given to it under this or any other enactment.

(2) A council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the chief administrative officer or a designated officer.

1994 cM-26.1 s201

Exercise of certain powers and duties

202(1) Where

Update on Broadband Feasibility Research Report

February 21, 2017



Town of Sundre

Department of Economic Development

Department of Finance and Administration

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Departments: Economic Development and Finance & Administration

Function: Utility and Economic Driver

Project Name: Broadband development

Proposed Budget Years: 2018 and 2019

1. Background and Executive Summary

This project was started by CAO Dave Dubauskas in 2015 and provided with enough funding to conduct research into the feasibility of Sundre becoming a gigabit community via broadband fibre optics, and to prepare for its installation to help the community become future-ready. For various reasons, broadband is an economic driver, the requirement for which is becoming an eventuality across the world. The move toward ensuring communities become “Gigabit communities”, in other words, communities with the capability to reach a minimum of one gigabit¹ (Gb) per second download and upload speeds, is happening now.

In fact, the Canadian Radio and Television Commission recently ruled in December, 2016, that “a well-developed broadband infrastructure is essential for Canadians to

¹ Gb refers to gigabit. A bit is a unit of measurement, measuring the size of digital information. A gigabit is equal to 1000³ bits of digital information. *N.B.: A bit is similar to, though different in size from a byte. A bit is 1/8th the size of a byte. Internet transmission speeds are typically expressed in bits, whereas most files are expressed in bytes. For example, a 1 gigabyte file will take 8 seconds to transfer on a 1 gigabit per second (Gbps) connection. Bits are expressed with a small ‘b’ (i.e. Gb) while bytes are expressed with a large ‘B’ (i.e. GB).*

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participate in the digital economy,”² and that “[b]y the end of 2021, 90% of Canadian homes and businesses should have access to broadband speeds of at least:

- **50 Mbps for downloads** (data that consumers are *receiving from* the Internet, including files, web sites, pictures, music, and movies)
- **10 Mbps for uploads** (data that consumers are *sending to* the Internet)”

With the understanding that broadband is a requirement in today’s economy prior even to the CRTC ruling, and prior to Mr. Dubauskas taking extended leave and subsequently retiring, TaylorWarwick Consulting was hired to complete an economic feasibility study. As an extension of the study, Administrative staff researched for due diligence various broadband operational options and their successes/failures and benefits/weaknesses in a number of communities. Administration also met with a number of major telecommunications companies to discuss their interest in investing into Sundre. We also learned as much as possible about current and future technology.

Part of Administration’s research also included a conduit survey on the usability of existing underground conduit located in about one quarter of the Town. This survey found that a portion of the conduit is indeed usable, which will lead to reduced investment costs, should the Town move forward in this direction.

As part of our feasibility research, since no public consultation has occurred, Administration decided to be as conservative as possible (while also being realistic) with regard to projected adoption rates. In fact, Administration instructed the consultant to update the financial projections further by reducing projected adoption rates up to a third. Administration’s intent was to calculate the viability of investing into broadband based on very conservative uptake.

² “Internet Speed and Performance” Canadian Radio and Television Commission, date modified 2016-12-21, accessed January 6, 2016 from <http://www.crtc.gc.ca/eng/internet/performance.htm>

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The financial analysis attached to this report is the most up-to-date, and reflects multiple months of refinement. It is worth noting that the projected cost to introduce fibre-to-the-premise (FTTP) in Sundre has been reduced substantially from the initial assumed costs originally presented at the outset of this project.

The final estimate reflects the cost to deploy FTTP to 100% of Sundre's residences and businesses, via a combination of aerial deployment and buried conduit. As a community-owned network, Sundre would be eligible to deploy most of the network aerially. When including apartment units, the aerial portion of the proposed deployment would cover a full 86% of premises. It also reflects the cost associated with assembling an electronics hub that would light the fibre optics (a challenge moving forward will be determining the location of the electronics hub). The electronics hub will be approximately the size of a small room.

The Financial Review submitted by TaylorWarwick Consulting assumes that fibre optic conduit would be permitted by Alberta Transportation to cross the Red Deer River along the Red Deer River Bridge to the East Side Area of Sundre. Plus, the assumed roll-out includes aerial deployment to 27 industrial properties within the west Sundre industrial area, located in Mountain View County.

After earning a proposed \$70 per premise per month paid to Sundre by internet service providers (ISPs), a total of \$2.75 million in capital financing would be required over the initial four (4) year period of the deployment. \$1.35 million would be required the first year (2018).

The fibre network would be open to any ISP willing to pay the required carrying fee. If only one ISP were to partner with the Town, the service would be far superior to anything currently offered, though competition would still exist (similar to the way

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Calgary's publicly-owned Enmax Corporation competes with other private power companies and still makes a profit).

Once penetration targets are met, annual profits are expected to be about \$30,000 to \$80,000 from years 2023 to 2028, then \$90,000 to \$116,000+ from years 2029 and onward. In fact, assuming a 30% penetration rate within 4 years to residences and 50% to businesses, the net cumulative revenue after debt servicing (our total operational profit from positive cash flow) would be about \$540,000 by the year 2031. Cash flow positivity would commence in the year 2023 (based on a conservative 30/50 penetration rate), and earn the Town of Sundre incrementally increasing annual profits.

The fibre optic network's operations and maintenance would require no Town staff and would be completely outsourced to a third party, such as O-Net.

It is important to note that there will continue to be competing technologies with fibre optics moving into the future. Technologies currently being developed will focus in the future on wireless internet service provision via cellular data signals. With the eventual advent of 5G wireless technology, high-speed internet will be able to be beamed into rural areas, and will likely be a technology that helps the CRTC's national objectives.

Fibre optics will however, moving into the future, continue to be superior to data signals due to the sheer bandwidth potential associated with the physical infrastructure's use of light to transmit data, and the various colour spectrum wavelengths that have yet to be exploited for the purpose of data transmission. Fibre optics are also not limited by line-of-sight issues. Line-of-sight issues will continue to be a challenge for wireless services, similar to the way we still have areas where cellular signals are weak or are lost depending on the nearby structures or physical location of a cellular device. Combatting the issue of line-of-sight will involve the construction of a great number of expensive

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wireless transmission towers. Another weakness associated with 5G includes its potential to be scaled up. For instance, according to our consultant, doing something as simple as increasing the provision of download or upload speeds would require extra capital and hardware. This compares to fibre optics, where the full potential to provide internet speeds at full capacity exists already in the fibre optic conduit and scaling speeds up would require no additional resources.

The value of the economic development potential of a fibre optic network is clear; beyond this, due to the potential earning power associated with having a community-owned network (which could be used to put profits toward reserves for future capital projects, reduced taxes, etc.), Administration believes it is a venture worth pursuing further by seeking public input.

2. Research to Date

2.1. Regulatory Framework

Certain regulatory considerations exist at various levels of government. Here is a cursory examination of several key considerations.

2.1.1. Federal

The Canadian Radio & Television Commission (CRTC) regulates the use of mass communications, including the distribution of internet. In addition to helping Canadian content and companies thrive, the CRTC helps ensure that smaller entities are able to compete with the larger established telecommunications companies, such as Telus, Bell, Rogers and Shaw.

The CRTC in December, 2016 recognized the need for a “well-developed broadband infrastructure,” and established Telecom Regulatory Policy CRTC-2016-496³, and sets out actions and justification to help Canadians more appropriately connect with the digital economy. As part of their action targets, the CRTC hopes “[b]y the end of 2021, 90% of Canadian homes and businesses should have access to broadband speeds of at least:

- **50 Mbps for downloads** (data that consumers are *receiving from* the Internet, including files, web sites, pictures, music, and movies)
- **10 Mbps for uploads** (data that consumers are *sending to* the Internet)”

³ “Telecom Regulatory Policy CRTC 2016-496” Canadian Radio and Television Commission, accessed January 6, 2017 from <http://www.crtc.gc.ca/eng/archive/2016/2016-496.htm>

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With regard to regulations over internet networks, the following is a quote from the Assistant General Manager of O-Net: “[T]here is currently no requirement forcing companies to provide open access to competitors if any single company owns the network. How the network operates is entirely determined by the network owner.”

The importance of addressing the needs of the digital economy, as recognized by the CRTC represents an important consideration should Sundre follow the path to a community-owned network.

2.1.2. Provincial

Following discussions with the provincial economic development specialist tasked with crafting a provincial broadband adoption toolkit, the chief provincial regulatory considerations relate to: a) the Municipal Governance Act, which is currently under review for revision, and b) provincial rights of way.

The provincial specialist acknowledged that to the best of his knowledge, provincial regulations are not heavy and or otherwise non-existent.

2.1.3. Municipal

According to the Strategy and Technology Officer (STO) at the Town of Olds, who worked with utility companies and O-Net during the lead-up to O-Net’s launch, certain regulations the municipality can control to its benefit include the creation of Municipal Access Agreements with large telecom companies and utility companies. The representative recommended that agreements should stress that any conduits installed must be multi-use, and not exclusive to the large telecoms. This protects the municipality’s ability to affordably lay fibre.

Other regulations that the municipality can control include land-use mandates ensuring all new developments feature underground conduit to each premise.

2.2. Discussions with Municipalities

2.2.1. Didsbury - Telus

Administration met with Didsbury’s Manager of Development and Legislative Services, who informed us that Telus was a great addition to the Town. He was very happy to have Telus in Didsbury and did not remark on any outright downsides to having them come and install the fibre network.

Later, Administration discussed with their Operational Services Manager any issues pertaining to Telus’s installation. The sole issue they had was the time requirement imposed on their staff to respond to the abundance of ‘First Calls’ placed by Telus to locate utility infrastructure during the construction phase.

Although Telus installed, owns and controls the network in Didsbury, it is unclear whether they constructed an actual complete Fibre-to-the-Premise network. From our information, it is likely to be only a partial installation consisting instead of a less-desirable wireless Wide Area Network (WAN).

2.2.2. Vulcan - Axia

We spoke with the Vulcan Business Development Society (VBDS), the organization responsible for economic development in the Vulcan and County area. The VBDS informed us that although uptake was generally lower than expected, Axia’s broadband is useful to help promote the community and they are still investing in the Town, indicating continued profit potential for the

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company. We were told that at least two businesses had relocated to Vulcan from High River following the installation of fibre optics (though we cannot confirm it was *because* of fibre optics; currently a consultant is conducting a study on the community economic outcome of broadband introduction to the community).

(Full disclosure: Sundre's Economic Development Officer and author of this report worked with Axia and promoted their work during the market research and installation phases of their broadband network in Vulcan.)

2.2.3. Olds – O-Net

The Strategy and Technology Officer (STO) at the Town of Olds was able to provide useful information pertaining to the logistics and legislative framework needed to prepare for the installation of a fibre optic network. The STO seems to be positive about the value of the installation.

After also speaking with O-Net, we found that there was major concern at the Town about the fact it cost up to a total of \$18 million over several tranches. However, many of these concerns have since been allayed, as there has apparently been benefit to the community in the form of new investment, significant commercial adoption of O-Net's services, new residential recruitment, and social benefits associated with free public Wi-Fi in Uptown Olds and at the Olds hospital.

O-Net informed us that they also conducted a webpage analysis of local commercial businesses. Through this analysis, they attempted to search for and find businesses on the web, social media and other means of e-commerce. They found that four years ago, at the onset of O-Net, an astounding 82% of

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businesses had no website. A recent analysis has found that since commercial businesses have been adopting O-Net this number has been halved – now only 44% of local businesses have no online presence. Therefore, this shows that as a result of O-Net’s improved service capacity, businesses were forced to think beyond simply transactional services – they were able to get creative and improve their brands and business development tactics.

Socially, O-Net is very community oriented; they provide free internet service in Olds’s downtown and at the hospital.

2.3. Discussions with Internet Service Providers

2.3.1. Telus

Telus is a large telecommunications company providing phone, television and internet services (referred to collectively as triple-play service). Telus initially informed us that they would be willing to consider introducing fibre optics into Sundre, however they backtracked and suggested they would not be able to install fibre optics as affordably as the Town or a smaller entity would, due to CRTC regulations (they did not specify which regulations).

On a side note, Telus’s mobility division is, however, currently offering a pilot internet provision project to rural Mountain View County. Telus is supplying a device that taps into cellular data signals and broadcasts the cellular data signal within peoples’ homes to provide internet, like a router. However, a local Telus representative informed us there is no guarantee of high-speed service, and the physical nature and location of peoples’ homes can also be an impediment (just like a weak cell service).

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Pros:

- a) Ability to provide 4G wireless cell phone signals in community.

Cons:

Although it is currently a moot point since Telus has indicated they will not be able to install fibre optics in Sundre, assuming they were to change this position, we did note several outcomes that we feel are not ideal about a Telus operation. In terms of our own expectations about revenue-generation and service excellence for the Town of Sundre and its residents, these issues include:

- a) Although Telus paid for the installation in Didsbury, they did not install a complete Fibre-to-the-Premise network; it was allegedly only a partial installation consisting of in part, a Wide Area Network (WAN) wireless signal. We can expect the same to occur in Sundre. This is not ideal for the speeds that will be required in the near future. It's considered a cheaper, less effective route to service delivery.
- b) Telus pays absolutely no linear taxes, fees or royalties to the municipality.
- c) Telus operates a closed network, which means it is the only company that they allow to utilize the fibre optics lines, thus not allowing for competition or business development.

Note: new CRTC regulations might change this.

- d) Telus will not partner with any municipality and maintains sole ownership over the network.
- e) Money going to Telus leaves the community and diminishes the potential social return on investment.

Conclusion

Administration feels that a Telus-only controlled network would be the least desirable option for a) the Town of Sundre; b) consumers; and c) economic

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development potential. However, this option is moot since Telus has indicated they will not be constructing a network in Sundre.

2.3.2. Axia Connect

Axia Connect will soon be in nine (9) Alberta communities, providing triple-play service. Axia Connect is a wholly owned subsidiary of Axia NetMedia (together to be referred to as “Axia”), the company responsible for operating the provincial SuperNet system until 2018. Axia confirmed that they would be interested in coming to Sundre to install fibre optics, and that they would have an open network to allow competition. It is worth noting that Axia is not bound by the CRTC’s rules for the large incumbents and are not required to have an open network.

Axia’s consumer prices are similar to O-Net’s and other service providers. They provide symmetrical speeds for both uploading and downloading. This is important because upload speeds help to benefit businesses, while downloading speeds help improve service quality for consumers.

However, there are certain strategic factors that must be considered with regard to Axia and its future viability. Currently, Axia NetMedia operates the Bell-owned and Province-regulated SuperNet fibre optic system, which connects 429 Alberta communities to the internet with broadband speeds. Axia NetMedia’s contract to operate the SuperNet ends in early-mid 2018. We understand that there are rumours suggesting the province is seeking to find another operator for various reasons. According to TaylorWarwick Consulting, these reasons include Axia Connect’s “non-transparent use of the SuperNet to support Axia Connect

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communities”⁴ (and, as noted above, the SuperNet is operated by Axia Connect’s parent company Axia NetMedia). Therefore, it’s reasonable to assume that Axia has been actively seeking communities to sign with them since the company might be able to reference the number of communities they have registered as leverage during negotiations with the province. If Axia loses the contract, the company’s financial situation might change, which could affect Axia’s ability to 1) build in Sundre, and 2) continue to operate in Sundre if they do begin installations in the community.

Administration reminds the reader that this possibility is conjecture and merely to be taken into consideration within a full situational context.

Pros:

- a) Axia is very easy to work with, and provides good customer service and full Fibre-to-the-Premise internet (not relying on WAN, like Telus apparently does).
- b) Axia will pay for the entire installation of broadband.
- c) Axia provides an open network. The service is open to other companies that can pay a carrying fee to Axia to provide internet services – therefore consumers are not relegated to only Axia (as is the case with Telus), which supports competition. However, they are not bound to this.
- d) Town telephone bills would be substantially reduced with the adoption of VOIP service provided by Axia.

⁴ Email from Craig Dobson, of TaylorWarwick Consulting Ltd., to Jon Allan, Economic Development Officer with Town of Sundre on January 30, 2016 at 06:56 am.

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Cons:

- a) Axia pays absolutely zero linear taxes, fees, royalties or otherwise to the municipality.
- b) Axia maintains complete strategic control and ownership over the network.
- c) Axia is not willing to partner or share a stake in the ownership of the broadband network.
- d) Money going to Axia leaves the community and diminishes the potential social return on investment.

Conclusion

If a Town-developed network were not feasible, then Axia might remain a viable secondary option. However, due to the fact that Axia will provide no property taxes and will lead to capital flight out of the community, we believe that in the medium to long-term it is not ideal.

2.3.3. Shaw Communications

Shaw Communications Ltd. (Shaw) is a large national media company headquartered in western Canada, similar to Telus; it provides triple-play services, as well. Administration met with Shaw in November 2016, after the company expressed an interest in returning to Sundre as a service provider. Shaw was very eager to become an ISP on a Sundre-owned network, but they were explicit about the fact they will not be investing into any sort of network on their own.

Their reasoning was similar to Telus's: the CRTC regulations imposed on the large telecoms are different versus community-owned or smaller networks.

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Pros:

- a) Shaw could pay Sundre a monthly amount per premise per month in perpetuity to the Town of Sundre as a carrying fee if they sign on as an ISP, depending on the partnership model and negotiated agreements.
- b) The addition of another competitor in Sundre will help drive consumer rates down.

Cons:

- a) Should they decide to partner with the Town, the presence of Shaw would merely be as a service provider, not as an invested network operator.

Conclusion:

In addition to other ISPs such as O-Net, Shaw would be a sought-after client that could use a Town-owned network and pay the Town a fee for doing so. By offering multiple service providers to residents and consumers, the likelihood of an ISP using a Town-owned network increases, therefore increasing the odds of Sundre earning revenue from multiple sources off the single network.

2.3.4. O-Net

O-Net operates a community-owned full service company providing triple play service. According to O-Net, their most lucrative service is internet. Although O-Net is the service provider, the Olds Institute owns the physical fibre optics. O-Net is owned by Olds Institute (OI). As noted in a section above, approximately \$18 million was spent establishing O-Net and the OI-owned broadband infrastructure, of which, we were informed that \$2.5 million came from provincial coffers via the Government of Alberta's Major Community Facilities Program; a portion of funds also came from the Rural Alberta Development Fund (which, according to sources, is currently not funded).



O-Net went through some issues initially while starting up their company. These problems were twofold. First, they attempted to utilize a European technology for the provision of television services, which did not function. This problem caused customers to question the viability of O-Net, and it led to expensive lessons learned. And second, they used a 10-year debenture to pay for their capital expenditures instead of a safer 30-year repayment plan, thus forcing debt servicing repayments beyond which they had prepared for.

Now, 4 years into operations O-Net has allegedly become operationally profitable, despite these challenges.

Pros:

- a) O-Net is a community-oriented organization and is not purely profit-motivated.
- b) O-Net generates revenue that can be reinvested directly into the community.
- c) O-Net could pay Sundre about \$70 per premise per month in perpetuity to the Town of Sundre as a carrying fee, depending on the partnership model and negotiated agreements.
- d) Capital would remain regionally local.
- e) Town telephone bills would be substantially reduced with the adoption of VOIP service provided by O-Net.

Cons:

- a) Should they decide to partner with the Town, the presence of O-Net would merely be as a service provider, not as an invested network owner.

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Conclusion

O-Net is a highly desirable partner. If Shaw were to become an ISP partner as well, by offering multiple service providers to residents and consumers, the likelihood of an ISP using a Town-owned network increases, therefore increasing the odds of Sundre earning revenue from multiple sources off the single network. Since O-Net has finally managed to grow to a point that their problems are minimized, and since they have expressed a willingness to provide internet services to public facilities at no cost, they represent the most ideal company to partner with to launch broadband into Sundre. O-Net has also indicated they would be capable of providing full service maintenance of the network, for an operational fee.

2.4. Other Considerations

2.4.1. Technological Considerations

Fibre optics currently utilize just a fraction of the light-colour spectrum available to transmit information; as fibre optic technology advances, a fibre optic network will be able to be more fully utilized.

Meanwhile, as information communications technology evolves, non-FTTP technologies such as point-to-multipoint wireless WAN will continue to improve - though line of sight and building construction materials today still affect service quality. Companies like Google, Cisco and Qualcomm are currently developing impressive advances in this field, particularly in the area of 5G. Qualcomm in particular has shown substantial success developing the next iteration of this cellular technology.

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In the future, assuming cellular service providers do not gouge consumers, 5G will be able to affordably connect everything outside of the home with broadband (including driverless cars and drones); and with home internet routers connected to data or cell towers, broadband internet in the future will be streamed into the home via home internet routers that connect with mobile signals, as opposed to requiring physical lines like fibre optics. Wireless technology and fibre optics are in effect complementary: one offers mobility, while the other offers bandwidth. As the Town of Sundre’s consultant with TaylorWarwick noted, “[w]hen one is used to substitute for the other, there are trade-offs to be made.”⁵ Noteworthy, in Sundre tests using wireless technology with the existing 4G network are currently being undertaken by Telus.

According to CCG Consulting (a telecommunications consultancy), via the company’s blog site, “very few people realize ... that almost none of the supposed 4G networks in [the USA] actually meet 4G standards.”⁶

“[L]ong before we see an actual 5G deployment, we are first going to see the deployment of LTE (Long Term Evolution)-Advanced followed by generations of improvements that are best described as pre-5G.”⁷

Although “the ultimate goal of 5G is to be able to deliver 50 Mbps speeds everywhere,”⁸ based on advice by our consultant with TaylorWarwick

⁵ Email from Craig Dobson, of TaylorWarwick Consulting Ltd., to Jon Allan, Economic Development Officer with Town of Sundre on January 30, 2016 at 06:56 am.

⁶ “Looking Closer at 5G,” POTs and PANs blogsite by CCG Consulting, October 3, 2016, accessed January 25, 2017 from <https://potsandpansbyccg.com/2016/10/03/looking-closer-at-5g/>

⁷ *ibid.*

⁸ *ibid.*

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Consulting, fibre optics will, moving into the future, continue to be superior to 5G data signals for multiple reasons, including:

a) The sheer bandwidth potential associated with fibre optics' physical infrastructure's use of light to transmit data, and the various colour spectrum wavelengths that have yet to be exploited for the purpose of data transmission;

b) Line-of-sight issues, which will continue to be a challenge for wireless services as well, similar to the way there are still areas where cellular signals are weak or are lost depending on the nearby structures or physical location of a cellular device;

c) Planning considerations, due to the fact that for a proper wireless broadband data network to be installed in an urban area, multiple pieces of transmitting equipment will need to be installed – as densely as one every block (including on towers, roof tops, street lights, etc.);

d) Most upload speeds provided by wireless cellular signals will not be provided symmetrically (we can expect to see 50 Mbps down, and only 10 Mbps up); and

e) The cost to scale up speeds will be very high since data signals are limited to the hardware on the tower, which would need to be replaced to scale up, unlike fibre optics which has the potential to provide essentially unlimited bandwidth through its physical infrastructure right from the start.

It's worth noting that the telecommunications industry will likely finalize their standards for 5G rollout by the year 2020. However, upgrading to 5G "in steps will be expensive for the cellular providers and they are not likely to implement changes too quickly."⁹ Therefore, it would "not be surprising to be at least until 2030 until there is a cellular system in place that fully meets the 5G standard" in

⁹ *ibid.*

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the United States – and we can expect Canadian infrastructure to be in synch with theirs.

Physical obstructions notwithstanding, and assuming mobile service providers compete with fair pricing, in the future 5G internet supplied by wireless carriers will likely suffice for many consumers so long as signals supplied by 5G are high enough in data speeds.

2.4.2. Consumer Usage Considerations

According to Cisco, “80% of cellphone use is done indoors, mostly using WiFi.”¹⁰ With the growing adoption of internet-connected devices, broadband usage is growing rapidly. In fact, broadband usage requirements typically double every 2 years according to ‘Neilson’s Law,’ which has been fairly accurate in its estimates since the 1980s. According to Neilson’s Law, if the typical (U.S.) household requires 20 Mbps of service today, 150 Mbps requirement will be essential in five (5) years – and a full 1 Gbps will be required in ten (10) years, which with current technologies only fibre optics can meet. Home-based broadband requirements are increasing due to the sheer number of connected devices – including everything from thermostats to dishwashers. See Figures 1 and 2, below, which were taken from a presentation by Calix Inc. to O-Net, to see graphs depicting broadband requirements according to Neilson’s Law.¹¹

¹⁰ *ibid.*

¹¹ Calix Presentation at O-Net Offices in Olds, Alberta on July 26, 2016

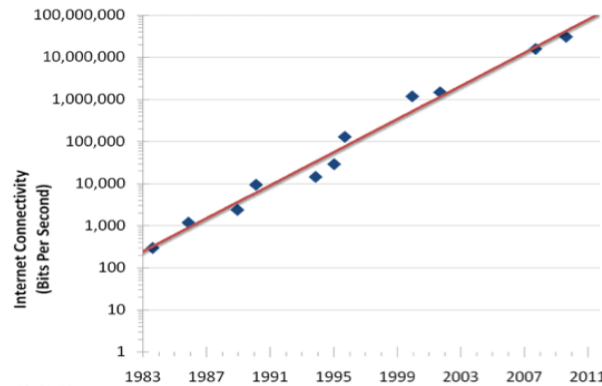
Fig. 1

Peak Bandwidth Growth over Time?

Following somewhat behind Moore's Law

Nielson's Law

- Internet peak consumption doubles every 2 years



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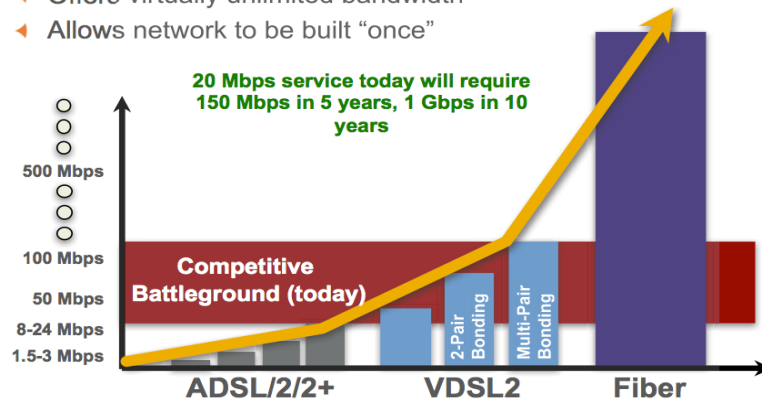


Fig. 2

Why Fiber?

Bandwidth growth is exponential

- Fiber is the path to long-term sustainability
- Offers virtually unlimited bandwidth
- Allows network to be built “once”



We have already experienced this rate of growth

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2.4.3. Government-funding Considerations

The federal department of Innovation, Science and Economic Development (ISED) previously funded a project called 'Connecting Canadians,' which supplied internet access to underserved rural and remote areas.

Administration discussed with ISED management a proposal that they submitted to the federal government caucus for a new project that would be an expansion of the Connecting Canadians program.

In December 2016, Administration learned the program would be accepting grant applications starting in January 2017, but that a Sundre-owned network would not be eligible for grant funding as a result of the existence of the SuperNet.

Worthy of note is the CRTC ruling that all Canadians must have access to 50 Mbps service by the year 2021, meanwhile the grant program only assists rural and remote communities achieve access to 5 Mbps.

As a result of the SuperNet, ISED has indicated that most of Alberta will not be eligible since the SuperNet acts as a point-of-presence (POP) capable of supplying access to broadband internet. However, Administration is not content with this decision by ISED, since having the SuperNet POP does not guarantee broadband access to the general community and population; it is tantamount to there being a large water tower, full of water, on Snake Hill, with no pipes to provide the water to any of the premises in Town.

3. Case Studies on Effects of Being a Gigabit Community

3.1. Longmont, CO (NextLight)

Some of the fastest internet in the US; funded via bond-offering to raise required \$40.3 million. Prices are fairly low and adoption rates are allegedly profitable. Service is only about 2 years old.

3.2. Sandy, OR (SandyNet)

Same as above – utilized bond to pay for investment. SandyNet has been operational for 15 years (initially as a DSL provider, now as a fibre optic provider) and does not require tax-payer subsidies; it is profitable.

3.3. Charleston, SC (GigaFi)

Service developed to attract young and educated employees for a new Boeing facility; it worked.

3.4. Key Takeaways for Market Adoption

Offer a differentiated experience.

- 1) Ensure that the service offers the right service mix (i.e. including the option to sign up for up to 1 Gig service speeds);
- 2) Showcase the superiority of a broadband network in their home;
- 3) Develop strong brand identity and know your consumers' behaviour. (O-Net has a developing brand identity, though market research would still be required to more properly understand Sundre residents'/consumers' behaviour).

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3.5. Key Business Success Factors

- 1) Most important is to get **high penetration rates** (break even could be 15% adoption; but the real money is made with >35% adoption).
- 2) Ensure a **higher ARPU** (annual revenue per unit, or household) – but since penetration is even more important, ensure rates are competitive enough to drive demand.
- 3) Have **fast service velocity** –ensure that newly installed services translate into cash flow by registering customers quickly (in other words, speed of deployment).
- 4) **Lower operating costs** – and invest into **skilled people**.

4. Socio-Economic and Financial Impacts to Sundre

4.1. Socio-Economic Analysis

Administration has learned more about the beneficial outcomes associated with broadband investment. Separated into three subsections below, here are some of our key socio-economic findings.

4.1.1. Business - Enterprise

Fibre optics are a fundamental element of modern economic development; they are required to be future-ready, and to compete in an information-driven society. Although becoming a so-called Gigabit community cannot guarantee growth, there is significant risk to doing nothing (especially in the future).

This is why companies like Telus, Google and Axia are developing Gigabit communities of their own. Consumers and businesses will be forced to utilize the technology as we move into the future, which makes the investment into the infrastructure very strategic. Broadband infrastructure is needed to compete now and into the future.

Some companies, like Telus, have installed partial fibre optic networks and relied on WAN to fill the gaps; this is insufficient. Consider the following: Although most people might only have a requirement for 20 Mbps today. In 5 years the average requirement will be 150 Mbps – and it will be 1 Gbps in ten years. Since the 1980s, data usage has doubled approximately every 2 years (this trend has been projected correctly since the 1980s, according to ‘Nielson’s Law’).

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Broadband helps entrepreneurs create businesses and to serve technology savvy consumers and businesses. It is a fundamental requirement to competing in an increasingly global information-driven economy.

4.1.2. Residents - Consumers

To allow for people to maintain the quality of living that they expect, and further to attract workers to communities, developing fibre optic networks is a strategy that has been used successfully (for example in Charleston, SC as above, and in Olds). Broadband infrastructure supports the lifestyle that the modern workforce expects.

By becoming a Gigabit community, Sundre would remain attractive as a destination for many new residents and families into the future. There would be no constraints, no boundaries, no limits, and with the highest quality video, voice and data service.

Even with regard to our large baby-boomer and seniors' population, the infrastructure would allow this increasingly connected retiring population to remain connected to family, friends, and information.

4.1.3. Social – Community

Some proponents of broadband assert that the average assessment value of properties in a community will increase by up to 2% once broadband is introduced, which if true would increase municipal revenues. Unfortunately, all assertions in this regard have been found to be only anecdotal and without data.

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Regardless, the social return on investment by broadband – if managed and controlled by the community – has been found in other areas, including:

- a) via the connections made possible with distant relatives for seniors;
- b) via the ability to augment competitiveness and business development for small businesses and non-profits;
- c) via the provision of broadband for medical servicing and file sharing;
- d) via the access to information and creativity possible at educational institutions;
- e) via the ability to have residents augment their quality of life by connecting more to the ‘internet of things’;
- f) via the ability to have municipalities develop ‘smart’ infrastructure that can continually track, send and receive data about any myriad of things (i.e. gas lines monitoring; water and wastewater monitoring; synchronization of traffic lights in large communities; transit; etc.); and
- g) when community-owned, via the municipality earning dividends off the service that can be used to help pay for community services.

4.2. Financial

4.2.1. Capital Cost Funding Model Options to Move Forward

As part of the review process, administration reviewed several funding models with the Town’s consultant TaylorWarwick Consulting Ltd. Through an exhaustive review, it was determined that a modified Model D provided the best option as it results in a high return on investment while limiting risk.

Model A – Town pays for entire network up front and works with ISP to maximize penetration and market adoption.

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Model B – All paid for upfront, but Town only pays for dark fibre while separate entity pays for electronics portion to light the fibre via P3.

Model C – Town pays for whole network, but only homes and areas as demand necessitates.

Model D – Town pays for whole network, but first only to homes and areas serviceable by aerial installation, then install buried conduit once enough operational profit is generated by the aerial-installed zones.

Modified Model D – Town pays for whole network, but in first year only to homes and areas serviceable by aerial installation, then in second year install buried conduit in those areas unable to be serviced with aerial fibre. Operations would be contracted out and the Town would receive a wholesale fee from ISPs on a per connection basis.

Model E – Town engages the services of a third party, such as Axia, to provide the capital infrastructure and broadband services to the community.

4.2.2. Financial Impact on Sundre

Attached is a *Financial Review, 2016-11-05, by TaylorWarwick Consulting Limited* based on the modified Model D option stated above.

In developing the financial review the consulting firm was directed to reduce the market penetration rates to more conservative estimates for both residential and commercial connections. Over four years, we conservatively estimated that maximum residential market penetration will

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be 30% and maximum commercial penetration will be 50%. Original estimates utilized a market penetration rate in year four of 40% for residential and 60% for commercial. While the original estimates may be achievable for the Town of Sundre, utilizing a lower penetration rate reduces the risk to the Town as the lower rates are more easily achieved.

In addition, the modified Model D reduces the level of capital required from \$4,000,000 to \$2,742,519. The reduction arises from utilizing greater aerial connectivity and utilizing a portion of existing conduit where available. It also reflects the income generated in the first years as a result of the business model utilizing a wholesaling fee to be charged to ISPs. The reduced borrowing requirements will result in a lower annual debenture repayment schedule over a twenty-year period. The lower annual payment again reduces the risk to the Town.

Administration, in reviewing the financial estimates of the consultant have modified the consultant's estimates further, as follows:

- Reduced residential and commercial annual growth from 2.8% to 1.0%. The reduction more accurately reflects the population growth over the 2011 to 2016 time period of 4.6% as identified in the 2016 Statistics Canada census.¹² This change reduces the number of residential and commercial units potentially available for connection. Utilizing a more conservative growth rate again reduces the risk associated with the project.

¹² "Population and Dwelling Count Highlight Tables, 2016 Census" Statistics Canada, accessed February 15, 2017 from <http://www12.statcan.gc.ca/census-recensement/2016/dp-pd/hlt-fst/pd-pl/Table.cfm?Lang=Eng&T=302&SR=1&S=86&O=A&RPP=9999&PR=48#map-popup>

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- Increased revenue inflation index from 1% to 2% annually. The increase in the inflation index for revenue matches the inflation index used for expenses. The wholesale fee rate is established by Council and would be charged to ISPs through an agreement with each provider. The rate is controllable by Council and could be increased or decreased above the model 2% estimate whenever an agreement is negotiated with an ISP.

The revised financial estimates are attached for Council's review. In summary the revised estimates demonstrate:

- After two years, there is a positive operational cash flow (revenue minus expenditures not including capital expenditures) that grows over the remaining 13-year time horizon.
- After five years, there is a positive net cash flow (revenue minus expenditures including capital expenditures) that grows over the remaining 10-year time horizon.
- At the conclusion of 15 years, there is an accumulative \$540,000 available for reserves or other uses as determined by Council.
- Following the 15 years, net cash flows of approximately \$130,000 or more will be available to future Councils, per year.

4.2.3. Tax implications

Under the modified Model D option there is potentially no impact on the mill rate or taxes.

The model utilizes the infrastructure reserve to provide funding to offset the shortfalls in the first five years of operations; total borrowed from the infrastructure reserve will peak at \$246,801 by the fifth year. Thereafter,

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wholesale broadband operations begin repaying the funds to the infrastructure reserve with full repayment occurring in the eleventh year.

Following full repayment, if net operational profits are allocated to the infrastructure reserve, it would result in an additional \$540,000 contributed to it by the fifteenth year.

There is risk associated with the endeavour. If the wholesaling of broadband operations were unsuccessful after full implementation of debenture borrowing, the Town would be responsible for annual debenture payments of \$187,441 for the balance of the 20-year debenture. Based on the current Town assessment of \$362,397,820 such an imposition would result in an additional 0.542 mills for both the residential and commercial mill rates. The 2016 residential mill rate of 7.291 would increase 7.43% to 8.133 mills while the commercial mill rate of 11.200 would increase 4.84% to 11.742 mills.

Noteworthy, once fully constructed, there would be an impact on our debenture borrowing abilities, as the broadband project would require \$2,742,519 over the first four years of the operations. Such an amount is potentially limiting to the Town for other capital projects. However, it would not impact the 2017 – 2021 capital plan and the projects contained in the plan that require borrowing.

The primary rewards of the modified Model D option include:

- Economic benefits to the business and residential communities of Sundre.

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- Based on 2% annual revenue inflation and a conservative 30/50 penetration rate, there would be a positive cash flow commencing in the 11th year.
- No annual operational requirements on the Town's operations or staff, as the operations will be contracted out to a third party.

The primary risks of the modified Model D option include:

- If the operations fail, the Town becomes responsible for the payment of the annual debenture associated with the broadband operations, resulting in increases in the mill rate for both residents and the business community.
- Future technological advances may compete against fibre-based operations (ie. 5G).

It must be noted that Model E provides the same economic benefits to the business and residential communities without incurring any financial risk, as all operational and capital costs are the responsibility of the ISP.

However, in such a situation the Town has no opportunity to participate in the downstream financial benefits as any surplus remains with the private provider. Additionally, the provider may restrict other ISPs to the network, thus reducing potential competition resulting in higher fee charges to the resident and business communities. The Town would also lose any opportunity for strategic control over the infrastructure asset.

5. Administrative Recommendations

5.1. Recommendation

Administration recommends that, when weighted against costs, benefits, risk and opportunity, the Town of Sundre move forward with determining the public support for a Town-owned broadband fibre optic network since it is potentially quite feasible, vis-à-vis a fully private model (Model E).

NOTE: With the understanding that the projections presented in the financial model are an exceptionally conservative scenario, there are caveats that would need to be met before moving forward with an actual Town-owned network.

Caveats are:

- 1) Conduct recommended comprehensive public consultation to determine actual projected penetration rates;*
- 2) If penetration rates are favourable, ensure carrying-fee negotiated with ISPs such as O-Net is sufficient to generate a net operational profit within 5 years;*
- 3) Need to continue advocating for funding from either province or federal government (i.e. via expanded and updated Federal 'Connecting Canadians' program, perhaps) to assist with making launch more lucrative.*

Once the public consultation is completed, and assuming the caveats above were met, to see the network come to fruition Administration would likely recommend moving forward with **Capital Cost Modified Model D** shown in section **4.1.1** above.

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Modified Model D – Primary preference: Town pays for whole network, but in first year only to homes and areas serviceable by aerial installation, then in second year install buried conduit in those areas unable to be serviced with aerial fibre. Operations would be contracted out and the Town would receive a wholesale fee from ISPs on a per connection basis.

5.2. Alternative Recommendation

Town Administration does not conduct a public study to determine demand, and instead invites Axia to own, install, operate and control a private broadband utility network.

5.3. Rationale for Not Recommending Other Options

Model A – Town pays for entire network up front and works with ISP to maximize penetration and market adoption.

This would put an exorbitant amount of capital pressure on the Town; it is more feasible to spread it out over two years, as noted in modified Model D.

Model B – All paid for upfront, but Town only pays for dark fibre while separate entity pays for electronics portion to light the fibre via P3.

This would curtail the operational profits available to the Town, and potentially force the payback period to take longer. However, it is an option worth exploring under the right conditions.

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Model C – This would involve investing into broadband infrastructure as demand necessitates by zone and selling wholesale network access to an ISP.

This route would slow down penetration rates, which are essential to generating income quickly and maximizing profit.

Model D – This would involve investing into the 86% of premises and households in Sundre that may be provided network access via aerial deployment first. Then, it would involve waiting until this proportion of the network generates enough operational profit to cover the equivalent debt servicing cost of paying for the remaining 14% of the community that would require a buried conduit.

If this route were followed, the total savings between 2018 and 2025 (when underground deployment would likely occur) would be just \$86,000. Yet the lack of service to those residences without aerial deployment would create the semblance of a two-tiered public system. Moreover, the opportunity cost in terms of lost revenue potential from the 14% of the community that would remain unserved would reach a total of almost \$400,000 by 2031, therefore completely negating the initial \$86,000 in deployment savings.

6. Next Steps

6.1. Recommendation – Modified Model D

- 1) **Ongoing:** Advocate for provincial and federal funding to subsidize the cost of this unique and progressive project.
- 2) **February:** Initiate recommendation to conduct public consultations, in order to:
 - a. Determine market demand for broadband internet; and
 - b. Determine if public is open and willing to having the Town invest public dollars into broadband infrastructure as a revenue-generation opportunity.
- 3) **June:** Return to Council with updated report to determine whether Town should proceed.
- 4) **Summer:**
 - a. Conduct survey with Fortis of 582 aerial poles in Sundre to ensure they would be prepared to carry the weight of fibre cable. *(Note: our consultant is confident that they almost certainly would, but the survey is a necessity for due diligence)*
 - b. Issue Request for Proposal for company to undertake deployment.
 - c. Determine location in Town to house network electronics hub.
 - d. Finalize required financial structure prior to deployment.
 - e. Advertise open network opportunity and set up agreements with willing internet service providers.
- 5) **Fall 2017:** Inclusion into the 2018 capital plan for the buried conduit portion.

6.2. Alternative Recommendation

If Council declines to undertake the broadband initiative, invite Axia to install fibre optics in the community, with the understanding that Sundre would maintain zero



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control over the network and receive no direct financial return in equity or royalties or linear taxes in perpetuity.

Broadband Costing
February 2017

2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032

Financial Parameters

Residential Growth/Yr		2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Aerial	1.00%	1,096	1,107	1,118	1,129	1,141	1,152	1,163	1,175	1,187	1,199	1,211	1,223	1,235	1,247	1,260	1,272
Buried	1.00%	249	251	254	257	259	262	264	267	270	272	275	278	281	283	286	289
Total		1,345	1,358	1,372	1,386	1,400	1,414	1,428	1,442	1,456	1,471	1,486	1,501	1,516	1,531	1,546	1,562
Apartments	0.00%	133	133	133	133	133	133	133	133	133	133	133	133	133	133	133	133
Commerical	1.00%	158	160	161	163	164	166	168	169	171	173	175	176	178	180	182	183
MDU Bldgs	0.00%	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6

Penetration Rates

Residential																	
Aerial	11.00%	20.00%	25.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%
Buried	0.00%	11.00%	20.00%	25.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%	30.00%
Commerical																	
Aerial	15.00%	30.00%	40.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%
Buried	0.00%	15.00%	30.00%	40.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%

Deployment Year

Aerial	1	2	3	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Buried	0	1	2	3	4	4	4	4	4	4	4	4	4	4	4	4	4

Client Counts - Installed Base

Brownfield																	
Residential																	
Aerial	121	219	274	329	329	329	329	329	329	329	329	329	329	329	329	329	329
Buried	-	28	50	63	75	75	75	75	75	75	75	75	75	75	75	75	75
	121	247	324	392	404	404	404	404	404	404	404	404	404	404	404	404	404
Apartments - Aerial	15	27	33	40	40	40	40	40	40	40	40	40	40	40	40	40	40
Commerical - Aerial	24	47	63	79	79	79	79	79	79	79	79	79	79	79	79	79	79
Greenfield																	
Residential																	
Aerial	-	2	6	10	13	17	20	24	27	31	34	38	42	45	49	53	53
Buried	-	-	1	1	2	3	4	5	5	6	7	8	9	10	10	11	11
	-	2	6	11	16	20	24	28	33	37	41	46	50	55	60	64	64

Residential																		
Aerial	56,780	164,155	245,030	308,171	345,837	355,911	366,282	376,959	387,950	399,266	410,915	422,908	435,255	447,966	461,052	474,525	5,658,961	
Buried	-	11,851	34,287	51,228	64,497	72,452	74,640	76,895	79,217	81,609	84,074	86,613	89,228	91,923	94,699	97,559	1,090,772	
	<u>56,780</u>	<u>176,006</u>	<u>279,316</u>	<u>359,400</u>	<u>410,334</u>	<u>428,363</u>	<u>440,922</u>	<u>453,853</u>	<u>467,167</u>	<u>480,875</u>	<u>494,989</u>	<u>509,521</u>	<u>524,483</u>	<u>539,889</u>	<u>555,751</u>	<u>572,084</u>	<u>6,749,733</u>	
Commerical - Aerial	9,954	30,662	49,091	65,013	74,377	76,623	78,937	81,321	83,777	86,307	88,913	91,598	94,365	97,215	100,150	103,175	1,211,477	
Total Residential	56,780	176,006	279,316	359,400	410,334	428,363	440,922	453,853	467,167	480,875	494,989	509,521	524,483	539,889	555,751	572,084	6,749,733	
Total Commerical	9,954	30,662	49,091	65,013	74,377	76,623	78,937	81,321	83,777	86,307	88,913	91,598	94,365	97,215	100,150	103,175	1,211,477	
Total Revenues	66,734	206,669	328,407	424,412	484,710	504,986	519,859	535,174	550,944	567,182	583,902	601,119	618,848	637,103	655,902	675,259	7,961,210	

Broadband Costing
February 2017

		2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
Inflation	2.00%	1,000	1,020	1,040	1,061	1,082	1,104	1,126	1,149	1,172	1,195	1,219	1,243	1,268	1,294	1,319	1,346	
First Year		50.00%																
Administration																		
Professional Fees - reg., legal, accting	2,200	1,100	2,244	2,289	2,335	2,381	2,429	2,478	2,527	2,578	2,629	2,682	2,735	2,790	2,846	2,903	2,961	
Postage/Freight	600	300	612	624	637	649	662	676	689	703	717	731	746	761	776	792	808	
Office Cleaning	1,800	900	1,836	1,873	1,910	1,948	1,987	2,027	2,068	2,109	2,151	2,194	2,238	2,283	2,328	2,375	2,423	
Utilites	3,600	1,800	3,672	3,745	3,820	3,897	3,975	4,054	4,135	4,218	4,302	4,388	4,476	4,566	4,657	4,750	4,845	
Insurance	3,200	1,600	3,264	3,329	3,396	3,464	3,533	3,604	3,676	3,749	3,824	3,901	3,979	4,058	4,140	4,222	4,307	
		5,700	11,628	11,861	12,098	12,340	12,587	12,838	13,095	13,357	13,624	13,897	14,174	14,458	14,747	15,042	15,343	206,788
Operations	105,000																	
O-Net Management contract	135,000	52,500	120,000	140,454	143,263	146,128	149,051	152,032	155,073	158,174	161,337	164,564	167,856	171,213	174,637	178,130	181,692	
Bandwith																		
Telephone	1,412	706	1,440	1,469	1,498	1,528	1,559	1,590	1,622	1,654	1,687	1,721	1,756	1,791	1,827	1,863	1,900	
Television	24,000	12,000	24,480	24,970	25,469	25,978	26,498	27,028	27,568	28,120	28,682	29,256	29,841	30,438	31,047	31,667	32,301	
Internet	14,082	7,041	14,364	14,651	14,944	15,243	15,548	15,859	16,176	16,499	16,829	17,166	17,509	17,859	18,217	18,581	18,953	
YYCIX Charges	4,800	2,400	4,896	4,994	5,094	5,196	5,300	5,406	5,514	5,624	5,736	5,851	5,968	6,088	6,209	6,333	6,460	
Compass - Calix	7,128	3,564	7,271	7,416	7,564	15,431	15,740	16,055	16,376	16,703	17,037	17,378	17,726	18,080	18,442	18,810	19,187	
Pole Rental \$1.50 x 624 poies x 12	11,232	5,616	11,457	11,686	11,919	12,158	12,401	12,649	12,902	13,160	13,423	13,692	13,966	14,245	14,530	14,820	15,117	
		83,827	183,907	205,639	209,752	221,663	226,096	230,618	235,230	239,935	244,733	249,628	254,621	259,713	264,907	270,206	275,610	3,656,084
Maintenance																		
Building	-	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	
Outside Plant	-	4,643	9,751	10,468	11,139	11,283	11,326	11,371	11,418	11,468	11,520	11,574	11,631	11,691	11,754	11,820		
Opto-Electronics - h/w spares	-	6,567	9,178	10,743	12,179	12,474	12,611	12,714	12,830	12,936	13,032	13,207	13,285	13,391	13,445	13,508		
CPE electronics - h/w spares (ONTs)	-	364	748	1,010	1,266	1,334	1,371	1,410	1,450	1,492	1,536	1,582	1,631	1,681	1,734	1,789		
	-	13,574	21,677	24,221	26,584	27,091	27,308	27,495	27,698	27,896	28,088	28,363	28,547	28,763	28,933	29,117	395,355	
Sub Total		89,527	209,109	239,177	246,071	260,586	265,773	270,764	275,820	280,990	286,254	291,613	297,158	302,718	308,417	314,181	320,070	4,258,227
Operating Expenditure Contingency	5.00%	4,476	10,455	11,959	12,304	13,029	13,289	13,538	13,791	14,049	14,313	14,581	14,858	15,136	15,421	15,709	16,003	
Total Operating Expenditures		94,003	219,565	251,136	258,374	273,616	279,062	284,302	289,611	295,039	300,566	306,193	312,016	317,854	323,838	329,890	336,073	4,471,139

Broadband Costing
February 2017

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
Capital Expenditures																	
Professional Services	389,328	179,672	37,542	36,786	9,769	5,331	5,589	5,861	6,146	6,444	6,757	7,085	7,429	7,790	8,168	8,565	
Physical Space	80,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
OSP Network																	
Transit	7,500	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Feeder & Distribution	349,440	402,026	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Drops	107,320	108,800	71,692	67,152	14,354	4,301	4,510	4,729	4,958	5,199	5,452	5,716	5,994	6,285	6,590	6,910	
Electronics																	
Opto-electronics	182,766	87,038	52,156	47,890	9,816	4,576	3,449	3,844	3,545	3,192	5,826	2,626	3,508	1,796	2,030	1,960	
UPS	36,124	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Customer Premise Equipment	12,147	12,776	8,744	8,534	2,275	1,230	1,286	1,345	1,406	1,470	1,537	1,607	1,681	1,758	1,838	1,923	
	1,164,625	790,312	170,134	160,362	36,214	15,438	14,834	15,779	16,055	16,305	19,572	17,034	18,612	17,629	18,626	19,358	2,510,889
Capital Contingency - 20%	232,925	158,062	34,027	32,072	7,243	3,088	2,967	3,156	3,211	3,261	3,914	3,407	3,722	3,526	3,725	3,872	
Total Capital Needs	1,397,550	948,374	204,161	192,434	43,457	18,526	17,801	18,935	19,266	19,566	23,486	20,441	22,334	21,155	22,351	23,230	3,013,067

Debt Service - 20 Yrs	1,397,550	948,374	204,161	192,434														2,742,519
Rate - Feb 14/17 - 3.243%																		
Annual Payment	95,517	64,818	13,954	13,152														
50% in First Year of Borrowings	47,759	80,168	134,903	173,888	180,865	187,441	187,441	187,441	187,441	187,441	187,441	187,441	187,441	187,441	187,441	187,441	187,441	

Capital Expenditures Funded by Operations																		
Capital Expenditures	1,397,550	948,374	204,161	192,434	43,457	18,526	17,801	18,935	19,266	19,566	23,486	20,441	22,334	21,155	22,351	23,230		
Debt Services	1,397,550	948,374	204,161	192,434	-	-	-	-	-	-	-	-	-	-	-	-		
Cap Exp funded by Operations	-	0	(0)	0	43,457	18,526	17,801	18,935	19,266	19,566	23,486	20,441	22,334	21,155	22,351	23,230		

Broadband Costing
February 2017

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
Revenues	66,734	206,669	328,407	424,412	484,710	504,986	519,859	535,174	550,944	567,182	583,902	601,119	618,848	637,103	655,902	675,259	-
Operating Expenditures	94,003	219,565	251,136	258,374	273,616	279,062	284,302	289,611	295,039	300,566	306,193	312,016	317,854	323,838	329,890	336,073	-
Sub Total	(27,270)	(12,896)	77,271	166,038	211,095	225,924	235,557	245,563	255,905	266,615	277,709	289,103	300,994	313,265	326,012	339,186	3,490,072
Capital Expenditures	-	0	(0)	0	43,457	18,526	17,801	18,935	19,266	19,566	23,486	20,441	22,334	21,155	22,351	23,230	
Debt Servicing	47,759	80,168	134,903	173,888	180,865	187,441	187,441	187,441	187,441	187,441	187,441	187,441	187,441	187,441	187,441	187,441	
Net Surplus/(Deficit)	(75,028)	(93,064)	(57,631)	(7,851)	(13,227)	19,958	30,315	39,187	49,198	59,608	66,781	81,221	91,218	104,669	116,220	128,515	
Infrastructure Reserve																	
Opening Balance	-	(75,028)	(168,092)	(225,723)	(233,574)	(246,801)	(226,843)	(196,528)	(157,341)	(108,143)	(48,535)	18,247	99,468	190,686	295,356	411,576	
Transferred to Operations	(75,028)	(93,064)	(57,631)	(7,851)	(13,227)	19,958	-	-	-	-	-	-	-	-	-	-	
Sub Total	(75,028)	(168,092)	(225,723)	(233,574)	(246,801)	(226,843)	(226,843)	(196,528)	(157,341)	(108,143)	(48,535)	18,247	99,468	190,686	295,356	411,576	
Transferred fm Operations	-	-	-	-	-	-	30,315	39,187	49,198	59,608	66,781	81,221	91,218	104,669	116,220	128,515	
Amount Owing to Infrastructure	(75,028)	(168,092)	(225,723)	(233,574)	(246,801)	(226,843)	(196,528)	(157,341)	(108,143)	(48,535)	18,247	99,468	190,686	295,356	411,576	540,091	

Broadband Strategy and Business Case

Context

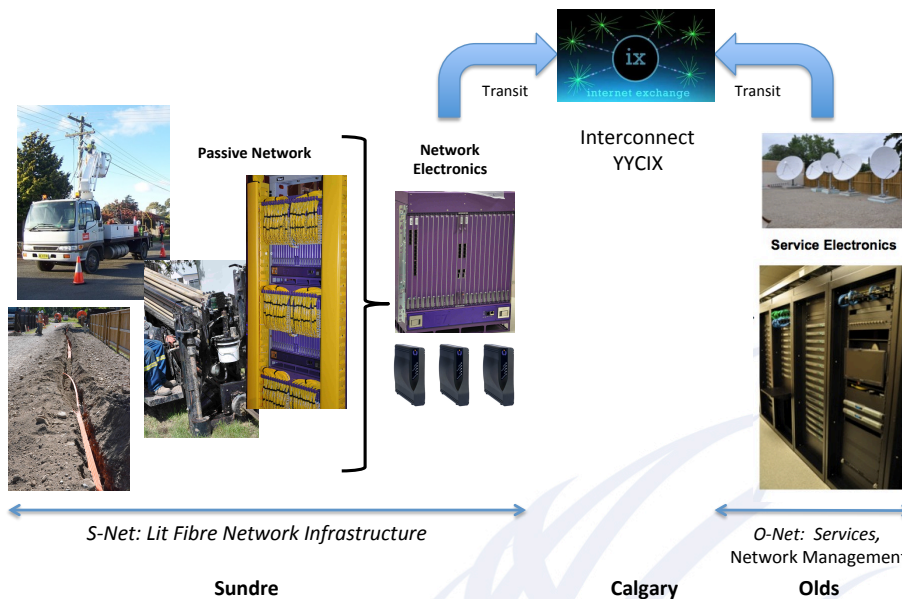
Last spring, Taylor Warwick completed for the Town of Sundre, a Broadband Strategy and Business. The results were presented to Council on April 25, 2016. Upon further review, the Town requested more detailed financials for the option in which the Town deploys and retains ownership of a lit fibre-optic network passing every home and business in both Sundre and the adjacent industrial area. The Town would both outsource network monitoring, maintenance, and on-going operations of the network to a competent third party and provide Internet, telephone, and television service providers wholesale access to their network.

Last summer, the Town Sundre contracted O-Net to provide a report on the integrity of the buried plant abandoned by Monarch/Shaw Cable systems and obtained a quote from O-Net for outsourced network operations. The network would be operated on a open-access and the initial provider of triple-play services (i.e., Internet, voice/telephony, and broadcast television) to Sundre would be O-Net.

On October 7, a review of this latter scenario was submitted. Since then, an updated quotation for the required opto-electronic equipment has been received and incorporated and the financials have been reviewed and updated. As well, Sundre expressed interest in the financials associated with initially completing the aerial build in 2017 and then delaying the buried portion until revenues from the aerial portion are sufficient to cover the increased principal and interest payments on the additional capital borrowed to complete the buried build.

Structure: Open Lit Network – A Review

The proposed structure is shown schematically below. The Town of Sundre would arrange to design, finance, and deploy a mixed buried/aerial home-run fibre network that will pass all 1,503 homes and businesses in the Town and the adjacent industrial area. A Calix E7-20 system with 844E and 844GE ONTs will be deployed to light the network. The E7-20 will connect to a 10 Gb/s Axia link at Axia’s point-of-presence (POP) at the Fire-Hall. Transit from the POP to the Internet Exchange in Calgary (YYCIX) and a cross-connect link to the O-Net switch at YYCIX will be arranged and paid for by Sundre.

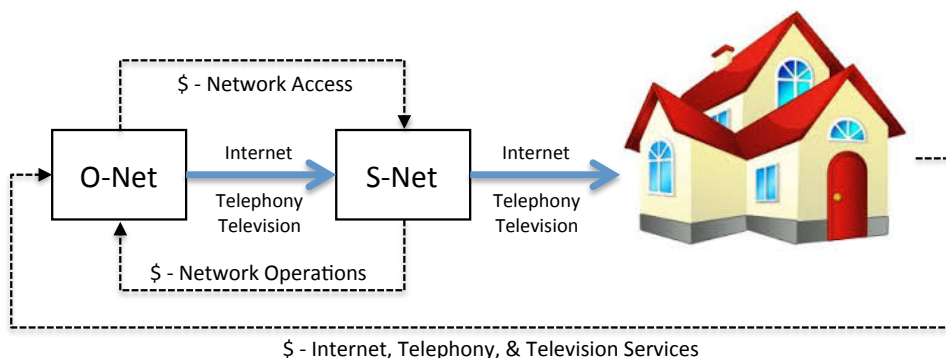


At YYCIX, the Sundre network (S-Net) will connect to O-Net and O-Net will provide triple-play (Internet, telephone, and television) services to the folks in Sundre and invoice them appropriately. As the services provider, all marketing, service sign-ups and installations, invoicing, and customer support will be the responsibility of O-Net. Triple-play service packaging will largely be the same as in Olds, but pricing may differ.

As the initial services will be provided by O-Net, responsibility for CLEC (for voice services) and BDU licensing (for television services) and/or exemptions will remain with O-Net. A summary of the capital and operational responsibilities appears in the table below.

	Responsibility			Responsibility	
	S-Net	O-Net		S-Net	O-Net
Lit Fibre Network Infrastructure			Service Infrastructure		
OSP - conduit, fibre, HH's			Headend		
Feeder & distribution	✓		Television		
Drops	✓		Channel lineup, packaging		✓
CO			Video-on-demand, PPV		✓
Environmental, HVAC	✓		Electronic program guide		✓
UPS	✓		CRTC licensing		✓
Racks	✓		Local channel insertion		✓
Security	✓		Emergency alert		✓
Network Electronics			Voice		
Opto-electronics: OLT, ONTs	✓		Number porting		✓
Compass Flow Analyzer	✓		Local service		✓
& Customer Connect S/W	✓		LD services		✓
Switch - enables open access	*		Call management services		✓
Uninterruptible power	✓		x11 (911, 411, 311)		✓
Bandwidth			CRTC licensing		✓
Transit - CO - YYCIX			Internet		
Connection to Axia's POP	✓		Static ID		✓
Transit to YYCIX	✓		Dynamic ID		✓
YYCIX - space, power	✓		Email		✓
X-connect	✓		Websapce		✓
Transit - YYCIX - Olds		✓	Cloud, remote BU		✓
Gateway Services		✓	Firewalls, security		✓
			Customer Premise Equipment		
			Whole-home-DVR		✓
* Not required initially					

A schematic showing service delivery and money-flows appears below.



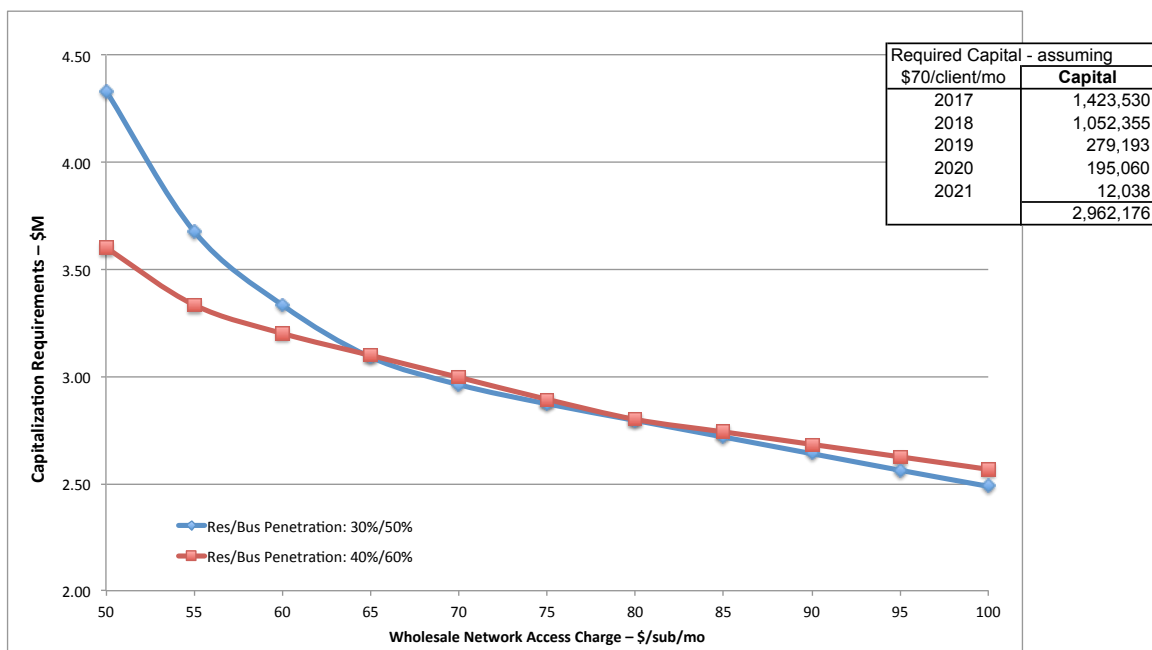
O-Net will pay to use to S-Net to connect with and deliver their services to residential, commercial, and industrial clients in Sundre. For convenience, S-Net will outsource network operations to O-Net. Network operations includes arranging for client connections (client surveys, drops, and opto-electronics) to the network as well as network monitoring, operations, locating, and repair services. Contractor charges for drop installations and repair of cable-cut repairs as well as costs for the optical network terminals (ONTs) required in client premises to convert optical signals to electrical ones, including installation, will be billed back to S-Net. Monthly costs for the Calix Compass Flow Analyzer and Customer Connect Plus software required to maintain the network and premise gateways (ONTs) will be S-Net’s responsibility.

Financials – Update from October 7, 2016

Based on the meeting with O-Net, the financial models were updated to reflect the above. More specifically:

- Sundre hires a project manager and via an RFP, has the passive (dark) network deployed. Aerial is deployed in 2017 and the buried portion is completed sometime thereafter. As not all the Monarch conduit plant is usable, costs will be marginally higher than those taken to Council.
- Opto-electronics costs are from an official 2016-10 Calix quotation. Over the past year, prices have come down ~20.6k in capital and 3.3k operationally (decreased s/w licensing fees).
- Configuration of the opto-electronics is outsourced to O-Net for a one-time fee of \$146,000 + \$320 for each subscriber premise brought online. Drop and ONT costs are borne by Sundre.
- Wholesale revenue from O-Net is assumed to be on a fixed price per client basis, regardless of which services the client subscribes to.
- Ongoing operational management of the lit network is outsourced to O-Net. First year charges are \$105,000 and years 2 to 4 were quoted at \$135,000. Given the network would start coming online in July, a July-June timeframe is assumed for these rates. The yr 2-4 rate is assumed to carry through to 2032 and based on this quotation, the operational contingency was reduced to 5%.
- Financing is via two loans. A short term (7yr) loan (1.862%) to cover the opto-electronics and a thirty-year ACFA loan (2.891%) to cover everything else (outside plant + initial operating deficits). Interest rates are as per the ACFA rates as of 2016-11-01. As they don't publish a 7 yr rate (perhaps this term is not allowed), the 10 yr rate was used.
- Market penetration rates for residential and business services are assumed to level off in the 4th year after deployment to 30% and 50% respectively.

The results appear below for the scenario which assumes the aerial deployment in 2017 and buried deployment in 2018. The blue line shows required capital as a function of the wholesale access rate for the 30%/50% penetration assumption above and the red line shows it for the 40%/60% case.¹ Interestingly, the results are essentially identical throughout the 70 to 90 \$/client/mo range. From \$70/client/mo, each dollar increase in the rate decreases capital requirements by \$15,500.



¹ You'll note that for 30/50% penetration, the capital requirement has decreased \$650k over that shown in the Oct. 7 financials. That this is significantly more than the capital adjustments made in the model is due to the fact that at a wholesale rate of \$50/mo, there is an on-going deficit. Hence, this increase reflects 16 years worth of operational deficits.

Given

- O-Net service wholesale rates run at ~75/client/mo, not including marketing and sales, and
- triple-play service rates can't really exceed \$160-170/mo if they are to be competitive,

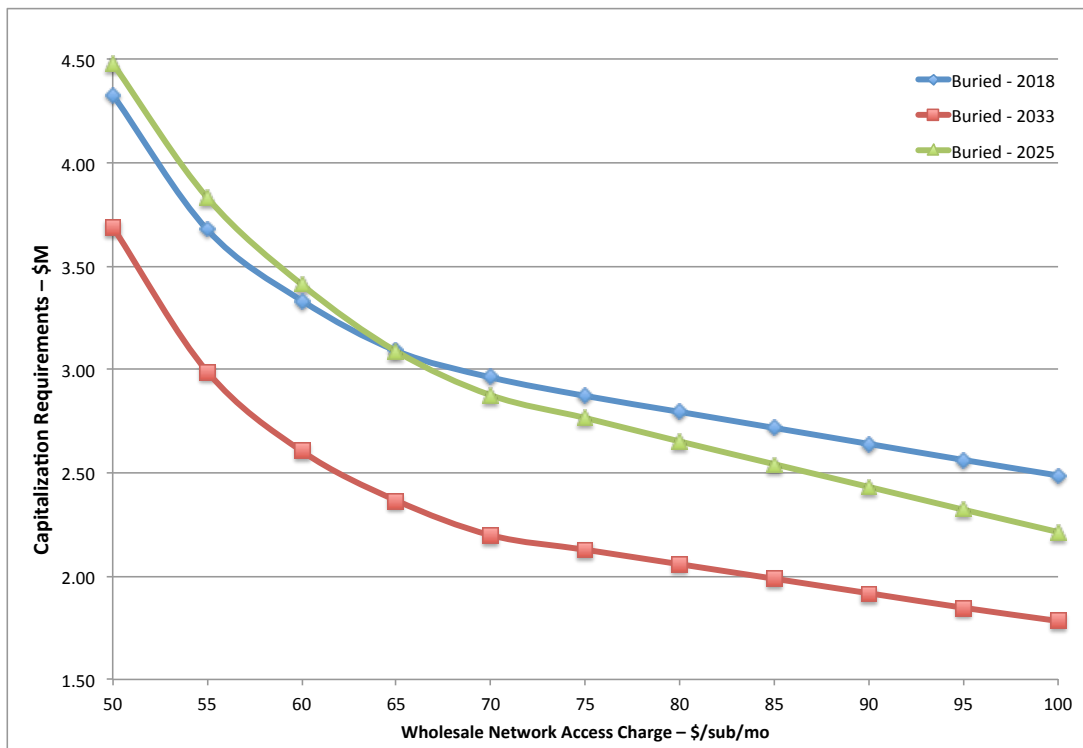
a wholesale rate above \$70/mo isn't likely to work well. At \$70/mo, based on the above, \$2.96M in capital financing would be required over the initial five-year period. As shown in the above breakdown, only \$1.42M would be required the first year (2017).

Financials – Delay the Buried Build

When including apartment units, the aerial portion of the proposed deployment covers 86% of the premises. Unfortunately, some 28% of the capital is required to pick up the remaining 14%. As servicing the remaining 14% of the premises only increases opex by 10%, the additional premises contribute disproportionately to the bottom-line net margin.

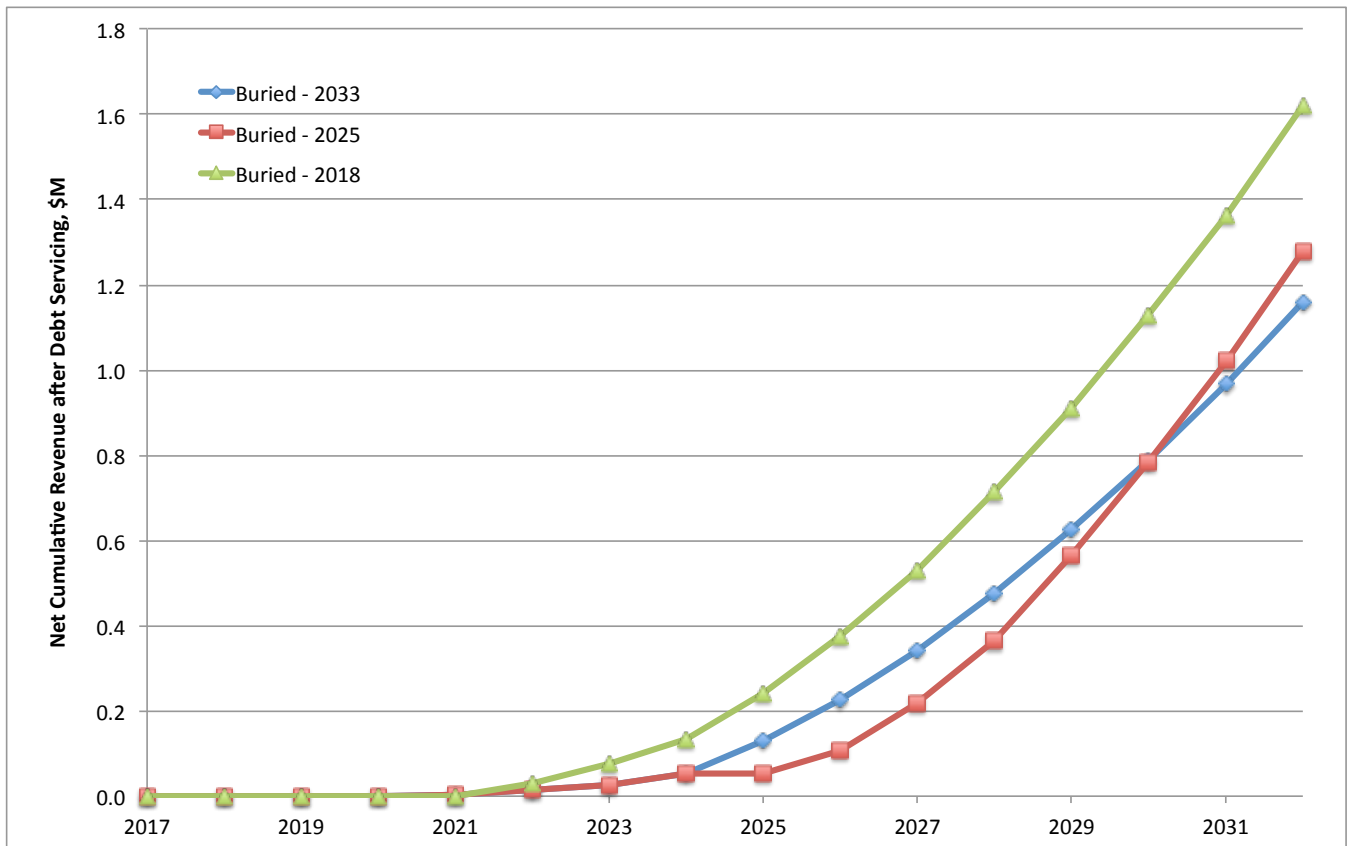
	Residential	Business	Total		Revenue (@ 5yr)		OpEx (@ 5yr)		CapEx (cum @ 5yr)		OpEx/Client/mo
			Premises	% of Build	\$	%	\$	%	\$	%	
Market Penetration 2017/18 build	30%	50%			493,566	100%	347,149	100%	2,786,000	100%	
Aerial	369	79	448	86%	427,548	87%	312,744	90%	1,992,000	72%	58.21
Buried	75	0	75	14%	66,018	13%	34,405	10%	794,000	28%	38.38

Given the additional capital required to complete the buried build is ~794k, principal and interest payments on an additional 30 yr ACFA loan to cover the build will come to ~\$40k/yr. Net cashflow after debt servicing for the aerial portion of the build exceeds 40k in year 2025, assuming a wholesale network charge of \$70/client/mo. A chart showing the required capital as a function of the wholesale network charge for the three scenarios (aerial only – or a buried build in 2033 after the model ends; a 2018 buried deployment as assumed in the previous section, and a 2025 build) appears below for the assumed 30%/50% res/bus penetration rates.



Indeed, not deploying to the buried areas does save capital, but deploying in 2025 versus 2018 saves only about \$86k in required capital (the effect of the increased cashflow and using it to cover the debt payments).

The flip side is that if the buried areas are not deployed, the revenue from those areas is lost. The affect on the cumulative net revenue accruing to Sundre for the three scenarios appears below.



Clearly, the sooner the build is completed, the greater the benefit to the Town. Interestingly, though, if the build is delayed until 2025, the town earns less revenue than from the aerial only build – at least in the short term (due to the increased debt payments). Over the longer term, the 2025 build will pay off.

Acronyms

- ACFA Alberta Capital Finance Authority
- BDU broadcast distribution undertaking
- CLEC competitive local exchange carrier
- CRP Calgary Regional Partnership
- FTTP fibre-to-the-premise
- Gb/s gigabit per second (10⁹ bits per second)
- M mega (10⁶)
- mo month
- NPV net present value
- O-Net an ISP based in Olds
- ONT optical network terminal
- RFP request for proposal
- S-Net Sundre-Net, the organization that will be responsible for the lit fibre network in Sundre

Tranche 7								0	0	0	0	0	0	0	0	0	0	0	0
Long Term Loan - Interest on Tranche 1	34,642	33,894	33,124	32,332	31,517	30,678	29,815	28,926	28,012	27,071	26,103	25,106	24,081	23,025	21,939				430,266
Tranche 2		27,760	27,160	26,544	25,909	25,256	24,583	23,892	23,180	22,447	21,693	20,917	20,118	19,297	18,451				327,205
Tranche 3			6,529	6,388	6,243	6,094	5,940	5,782	5,619	5,452	5,279	5,102	4,920	4,732	4,538				72,617
Tranche 4				4,232	4,141	4,047	3,950	3,850	3,748	3,642	3,534	3,422	3,307	3,189	3,067				44,130
Tranche 5					346	339	331	323	315	307	298	289	280	271	261				3,359
Tranche 6						0	0	0	0	0	0	0	0	0	0				0
Tranche 7							0	0	0	0	0	0	0	0	0				0
Tranche 8								0	0	0	0	0	0	0	0				0
Tranche 9									0	0	0	0	0	0	0				0
Tranche 10										0	0	0	0	0	0				0
Tranche 11											0	0	0	0	0				0
Tranche 12												0	0	0	0				0
Tranche 13													0	0	0				0
Tranche 14														0	0				0
Tranche 15															0				0
Line of Credit																			0
subtotal 1	94,003	257,200	316,777	329,311	347,149	350,167	352,556	354,942	357,530	360,677	364,084	367,772	371,516	375,346	379,180	383,080			5,361,291

										1%	1%	1%	1%	1%	1%	1%			
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Capital Expenditures

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	Totals
Professional Services	389,328	179,672	37,542	36,786	9,769	5,331	5,589	5,861	6,146	6,444	6,757	7,085	7,429	7,790	8,168	8,565	728,260
Physical Space	80,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	80,000
OSP Network																	
Transit	7,500	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7,500
Feeder & distribution	349,440	402,026	0	0	0	0	0	0	0	0	0	0	0	0	0	0	751,466
Drops	107,320	108,800	71,692	67,152	14,354	4,301	4,510	4,729	4,958	5,199	5,452	5,716	5,994	6,285	6,590	6,910	429,963
Electronics																	
Opto-electronics	182,766	87,038	52,156	47,890	9,816	4,576	3,449	3,844	3,545	3,192	5,826	2,626	3,508	1,796	2,030	1,960	416,018
Concentration & Routing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Firewall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
UPS	36,124	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	36,124
Tools & test equipment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Staff Computers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Back office IT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Customer Premise Equipment	12,147	12,776	8,744	8,534	2,275	1,230	1,286	1,345	1,406	1,470	1,537	1,607	1,681	1,758	1,838	1,923	61,557
Vehicles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Capital expenditure contingency	232,925	158,062	34,027	32,072	7,243	3,088	2,967	3,156	3,211	3,261	3,914	3,407	3,722	3,526	3,725	3,872	502,178
subtotal 1	1,397,551	948,374	204,161	192,435	43,456	18,525	17,801	18,934	19,265	19,566	23,486	20,441	22,335	21,155	22,352	23,229	3,013,066

Capital Cost Allowance

Annual CCA Calculation																	
Inside Plant, data infrastructure, electronics (Class 46)																	
Undeprec. capital cost at BoY	0	196,382	196,382	196,382	10,778	17,821	17,410	16,212	15,759	15,239	14,630	16,500	15,148	15,014	13,531	12,760	
Additions/deletions during the year	231,037	99,814	60,900	56,425	12,091	5,806	4,735	5,189	4,951	4,662	7,363	4,233	5,189	3,554	3,868	3,883	513,700
Inside Plant CCA	34,656	73,887	68,050	67,378	5,047	6,217	5,933	5,642	5,470	5,271	5,493	5,585	5,323	5,037	4,640	4,410	
Outside Plant (Class 42)																	
Undeprec. capital cost at BoY	0	436,405	436,405	436,405	46,972	54,828	52,292	50,256	48,670	47,491	46,679	46,202	46,031	46,142	46,513	47,126	
Additions/deletions during the year	464,260	510,826	71,692	67,152	14,354	4,301	4,510	4,729	4,958	5,199	5,452	5,716	5,994	6,285	6,590	6,910	1,188,929
Outside Plant CCA	27,856	83,018	56,670	56,398	6,498	6,837	6,546	6,314	6,138	6,011	5,929	5,887	5,883	5,914	5,977	6,070	
Buildings (Class 1)																	
Undeprec. capital cost at BoY	0	78,400	78,400	78,400	3,641	3,496	3,356	3,222	3,093	2,969	2,850	2,736	2,627	2,522	2,421	2,324	
Additions/deletions during the year	80,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	80,000
Building CCA	1,600	3,136	3,136	3,136	146	140	134	129	124	119	114	109	105	101	97	93	
Vehicles (Class 10)																	
Undeprec. capital cost at BoY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Additions/deletions during the year	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vehicles CCA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incremental CCA for the year	64,111	160,041	127,856	126,912	11,690	13,195	12,613	12,085	11,732	11,401	11,536	11,582	11,311	11,052	10,713	10,573	618,402
Accumulated CCA	64,111	224,152	352,008	465,073	376,475	243,253	88,421	12,085	11,732	11,401	11,536	11,582	11,311	11,052	10,713	10,573	1,915,478
Unclaimed CCA at eoy	0	0	13,846	100,289	146,417	167,444	88,421	12,085	11,732	11,401	11,536	11,582	11,311	11,052	10,713	10,573	

	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	Totals
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Earnings & Tax

Earnings before tax - EBITDA	-25,979	-48,738	13,846	100,289	146,417	167,444	183,873	201,015	218,693	236,577	254,997	273,960	293,724	314,291	335,778	358,157	
Claimed CCA	0	0	13,846	100,289	146,417	167,444	88,421	12,085	11,732	11,401	11,536	11,582	11,311	11,052	10,713	10,573	
Taxable Income	-25,979	-48,738	0	0	0	0	95,452	188,930	206,961	225,177	243,460	262,379	282,413	303,239	325,065	347,584	2,405,941
Corporate Tax	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Net after tax earnings	-25,979	-48,738	0	0	0	0	95,452	188,930	206,961	225,177	243,460	262,379	282,413	303,239	325,065	347,584	2,405,941
NET Cashflow – after tax	-1,423,530	-997,112	-190,315	-92,146	102,960	148,919	166,072	182,081	199,428	217,012	231,510	253,519	271,389	293,136	313,426	334,928	
cum	-1,423,530	-2,420,642	-2,610,957	-2,703,103	-2,600,142	-2,451,223	-2,285,151	-2,103,070	-1,903,643	-1,686,631	-1,455,121	-1,201,602	-930,213	-637,076	-323,650	11,277	
Financing																	
Grants & Equity contribution	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Grant & equity balance	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cashflow after grant/equity funding	-1,423,530	-997,112	-190,315	-92,146	102,960	148,919	166,072	182,081	199,428	217,012	231,510	253,519	271,389	293,136	313,426	334,928	
Local bond contribution	0	0															
Unused bond balance	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bond service	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sinking fund contribution	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sinking fund balance	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cashflow after bond issue	-1,423,530	-997,112	-190,315	-92,146	102,960	148,919	166,072	182,081	199,428	217,012	231,510	253,519	271,389	293,136	313,426	334,928	
Short Term Loan contribution	218,890	87,038	52,156	47,890	0	0	0										
Short term loan principal balance	281,110	194,072	141,916	94,025	94,025	94,025	94,025	94,025	94,025	94,025	94,025	94,025	94,025	94,025	94,025	94,025	
Loan Repayment - Tranche 1		29,559	30,111	30,675	31,249	31,833	32,429	33,035									218,890
Loan Repayment - Tranche 2			11,753	11,973	12,197	12,425	12,658	12,895	13,136								87,038
Loan Repayment - Tranche 3				7,043	7,175	7,309	7,446	7,585	7,727	7,871							52,156
Loan Repayment - Tranche 4					6,467	6,588	6,711	6,837	6,965	7,095	7,228						47,890
Loan Repayment - Tranche 5						0	0	0	0	0	0	0					0
Loan Repayment - Tranche 6							0	0	0	0	0	0	0				0
Loan Repayment - Tranche 7								0	0	0	0	0	0	0			0
Short term loan balance	281,110	223,630	213,339	215,140	272,228	330,383	389,627	449,978	477,806	492,772	500,000	500,000	500,000	500,000	500,000	500,000	
Cashflow after short term loan	-1,204,640	-910,074	-138,159	-44,256	102,960	148,919	166,072	182,081	199,428	217,012	231,510	253,519	271,389	293,136	313,426	334,928	
Cashflow after debt issue & payments	-1,204,640	-965,317	-227,037	-147,170	-12,038	30,910	45,232	58,339	106,364	134,909	155,192	182,417	198,216	217,833	235,930	255,175	
Long Term Loan contribution	1,204,640	965,317	227,037	147,170	12,038	0	0	0	0	0	0	0	0	0	0	0	
Long term loan principal balance	1,795,360	830,043	603,006	455,837	443,799	443,799	443,799	443,799	443,799	443,799	443,799	443,799	443,799	443,799	443,799	443,799	
Loan Repayment - Tranche 1		25,684	26,432	27,202	27,994	28,809	29,648	30,511	31,400	32,314	33,255	34,223	35,220	36,245	37,301	38,387	474,623
Loan Repayment - Tranche 2			20,582	21,181	21,798	22,432	23,086	23,758	24,450	25,161	25,894	26,648	27,424	28,223	29,045	29,890	349,570
Loan Repayment - Tranche 3				4,841	4,982	5,127	5,276	5,430	5,588	5,750	5,918	6,090	6,267	6,450	6,638	6,831	75,187
Loan Repayment - Tranche 4					3,138	3,229	3,323	3,420	3,520	3,622	3,728	3,836	3,948	4,063	4,181	4,303	44,310
Loan Repayment - Tranche 5						257	264	272	280	288	296	305	314	323	332	342	3,272
Loan Repayment - Tranche 6							0	0	0	0	0	0	0	0	0	0	0
Loan Repayment - Tranche 7								0	0	0	0	0	0	0	0	0	0
Loan Repayment - Tranche 8									0	0	0	0	0	0	0	0	0
Loan Repayment - Tranche 9										0	0	0	0	0	0	0	0
Loan Repayment - Tranche 10											0	0	0	0	0	0	0
Loan Repayment - Tranche 11												0	0	0	0	0	0
Loan Repayment - Tranche 12													0	0	0	0	0
Loan Repayment - Tranche 13														0	0	0	0
Loan Repayment - Tranche 14															0	0	0
Loan Repayment - Tranche 15																0	0
Long term loan balance	1,795,360	855,727	675,704	581,757	627,630	687,484	749,080	812,471	877,707	944,842	1,013,933	1,085,035	1,158,208	1,233,512	1,311,008	1,390,761	
Cashflow after debt issue & payments	0	0	0	0	0	30,910	45,232	58,339	106,364	134,909	155,192	182,417	198,216	217,833	235,930	255,175	
Line of Credit – Operations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
LoC Balance	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Cashflow after LoC draw	0	0	0	0	0	30,910	45,232	58,339	106,364	134,909	155,192	182,417	198,216	217,833	235,930	255,175	

