

**MUNICIPALITY OF JASPER**  
**BYLAW 2026 #286**

**BEING A BYLAW IN THE MUNICIPALITY OF JASPER IN THE PROVINCE OF ALBERTA TO ADDRESS ENCROACHMENT ON MUNICIPAL LANDS IN THE TOWN OF JASPER.**

**WHEREAS** the Municipality of Jasper manages municipal lands, streets, open spaces, and municipal parcels for public use and municipal purposes;

**AND WHEREAS** existing and future encroachments on Municipal Land may interfere with public access, municipal operations, municipal services, or infrastructure

**AND WHEREAS** Council considers it necessary to regulate encroachments in a clear, consistent, and enforceable manner;

**NOW THEREFORE** the Council of the Municipality of Jasper enacts as follows:

**1. CITATION**

- 1.1 This Bylaw may be cited as the “Jasper Encroachment Bylaw 2026”
- 1.2 The purpose of this Bylaw is to:
  - 1.2.1 Regulate, authorize, and manage encroachments on municipal lands;
  - 1.2.2 Protect public access, municipal operations, services, and infrastructure; and
  - 1.2.3 Provide clarity and consistency in the administration and enforcement of encroachments.
- 1.3 Authority and Application:
  - 1.3.1 This Bylaw is enacted pursuant to the Municipality of Jasper’s bylaw-making authority under federal legislation, including the *Canada National Parks Act*, the *Parks Canada Agency Act*, and the regulations and instruments made thereunder.
  - 1.3.2 This Bylaw applies to all Municipal Land as defined herein.
  - 1.3.3 Where a conflict exists between this Bylaw and another Municipal bylaw, the more restrictive provision shall prevail.
  - 1.3.4 Nothing in this Bylaw limits or replaces the application of the *Canada National Parks Act* or regulations made thereunder.

**2. DEFINITIONS**

- 2.1 “Council” means the Council of the Municipality of Jasper.
- 2.2 “Chief Administrative Officer” or “C.A.O” means the Chief Administrative Officer who is the individual duly appointed to that position for the Municipality of Jasper at any given time and includes any person authorized to act for and in the name of that individual or designate.
- 2.3 “Designated Officer” means a Peace Officer or any other person authorized in writing by the Municipality to administer or enforce this Bylaw.
- 2.4 “Encroachment” means any permanent or temporary structure, improvement, or object that is constructed, placed, erected, or maintained on, over, or under Municipal Land, and includes, without limitation:

- 2.4.1 Buildings and building projections;
- 2.4.2 Accessory structures, fences, and walls;
- 2.4.3 Hard or soft landscaping, paving, fill, or retaining structures;
- 2.4.4 Utilities, signs, light fixtures, and similar installations; and
- 2.4.5 Any other structure or improvement occupying Municipal Land.
- 2.5 “Encroachment Agreement” means a written agreement or authorization issued by the Municipality, which may include a licence, permit, or other form of approval, authorizing an encroachment on Municipal Land, and which shall include, at minimum:
  - 2.5.1 Identification and location of the encroachment;
  - 2.5.2 Term and termination provisions;
  - 2.5.3 Responsibility for costs, repair, and removal;
  - 2.5.4 Indemnification of the Municipality; and
  - 2.5.5 A requirement for removal upon notice.
- 2.6 “Fence” means a vertical physical barrier constructed to provide visual screening or to prevent unauthorized access, or both.
- 2.7 “Leaseholder” means:
  - 2.7.1 A grantee or other legal entity holding a valid lease or licence of occupation with the federal Crown for the use of land in Jasper National Park;
  - 2.7.2 Canadian National Railway, in respect of lots or land parcels held by the railway;
  - 2.7.3 Jasper National Park of Canada, with respect to lots or land parcels held by the Crown.
- 2.8 “Lessee” shall mean the holder of a lease or licence of occupation for land in the Town of Jasper.
- 2.9 “Measurements” shall account for errors introduced by survey measurements. Compliance measurements shall be rounded to one significant figure (e.g., 0.25–0.39 m rounded to 0.4 m).
- 2.10 “Municipal Land” means land held, controlled, or used by the Municipality pursuant to lease, licence, agreement, or other federal authorization, including streets, open spaces, and municipal parcels under municipal management.
- 2.11 “Municipal Parcel” means any land held, controlled, or used by the Municipality, excluding streets or open spaces.
- 2.12 “Peace Officer” means:
  - 2.12.1 A member of the Royal Canadian Mounted Police;
  - 2.12.2 A Community Peace Officer appointed by the Solicitor General of Alberta; or
  - 2.12.3 A person appointed as a bylaw enforcement officer pursuant to the *Municipal Government Act*, as amended;

- 2.13 “Permanent Structure” means a structure fixed to the ground or to another structure by foundations, footings, piles, or other permanent means, or intended to remain indefinitely.
- 2.14 “Property Owner” means the leaseholder of land adjacent to Municipal Land who requires or may require an encroachment agreement.
- 2.15 “Street” means any thoroughfare, highway, road, trail, avenue, viaduct, lane, alley, square, bridge, causeway, trestle, walkway, or similar place administered by the Municipality and open to public use, including the full road right-of-way, sidewalks, boulevards, and utility corridors or rights-of-way associated with it.
- 2.16 “Temporary Structure” means a structure not permanently affixed to the ground and intended for short-term or seasonal use.
- 2.17 “Ticket” means a notice issued by a Designated Officer pursuant to the *Provincial Offences Procedure Act* to a person alleged to have contravened this Bylaw, indicating a fine payable for the alleged offence as set out in Schedule D.
- 2.18 “Utility” means one or more of the following:
  - 2.18.1 Distribution systems for gas, electricity, telecommunications, data transmission, cable television, and oil and petroleum transmission facilities;
  - 2.18.2 Facilities for storage, transmission, treatment, distribution, or supply of water;
  - 2.18.3 Facilities for collection, treatment, movement, or disposal of sanitary sewage, including pumping stations; and
  - 2.18.4 Stormwater drainage facilities, including collection, treatment, pumping stations, ponds, and wetlands.

### **3. PROHIBITION OF ENCROACHMENTS**

- 3.1 No person shall create, maintain, or permit an encroachment on Municipal Land except where:
  - 3.1.1 Authorized in writing by the Municipality; or
  - 3.1.2 Permitted under the criteria outlined in Schedules B and C of this Bylaw.
- 3.2 Authorized Encroachments on, or extending onto Streets, open spaces, or Municipal Parcels shall not exceed 0.3 metres unless authorized in writing by the Municipality or otherwise permitted under Schedules B and C of this Bylaw.
- 3.3 Encroachments are prohibited:
  - 3.3.1 On emergency access routes;
  - 3.3.2 No encroachment on Municipal Land located within the Cabin Creek Riparian Zone, being the area within 30 metres of the high-water mark as shown in Schedule A, is permitted;
  - 3.3.3 On or adjacent to Municipal Land or any land parcel containing overhead electrical lines.

- 3.4 Encroachments which are contrary to this Bylaw must be removed at the direction of the Municipality.
- 3.5 Encroachments created after September 10, 2013, require written approval from the Municipality. Any Encroachment which has not received approval from the Municipality after this date shall be removed.
- 3.6 An Encroachment which is contrary to this Bylaw constitutes an unlawful occupation of Municipal Land and may be treated as trespass for the purposes of enforcement, removal, and cost recovery.

#### **4. EXISTING ENCROACHMENTS**

- 4.1 An Encroachment existing prior to the adoption of this Bylaw does not become permitted by reason of its existence.
- 4.2 The Municipality may require an Encroachment existing prior to the adoption of this Bylaw to be:
  - 4.2.1 Removed;
  - 4.2.2 Authorized by an Encroachment Agreement; or
  - 4.2.3 Acknowledged as a minor Encroachment subject to conditions.
- 4.3 Encroachments existing prior to the adoption of this Bylaw, including those with an encroachment agreement, may be required to be removed within one month or after reasonable notice as stated in writing by the Municipality, where:
  - 4.3.1 Municipal works are required;
  - 4.3.2 Public safety or access is affected; or
  - 4.3.3 The Encroachment is expanded, rebuilt, or structurally altered.

#### **5. PERMITTED ENCROACHMENTS**

- 5.1 Minor Encroachments meeting criteria in **Schedules B and C** do not require an Encroachment Agreement.
- 5.2 Permitted Encroachments shall not:
  - 5.2.1 Impede pedestrian or vehicle access;
  - 5.2.2 Interfere with municipal operations, infrastructure, or utilities;
  - 5.2.3 Create a safety hazard; or
  - 5.2.4 Restrict emergency access.
- 5.3 Encroachments within utility rights-of-way require acceptance by the affected Utility. Encroachments within federal easements remain subject to Parks Canada approval.
- 5.4 All permitted Encroachments remain subject to this Bylaw and may be required to be removed, relocated, or altered at the direction of the Municipality.
- 5.5 Authorization of a permitted Encroachment does not create a right or entitlement to compensation.

#### **6. MAINTENANCE AND ALTERATION**

6.1 Authorized Encroachments shall not be:

6.1.1 Enlarged, relocated, or structurally altered except for routine maintenance;

6.1.2 Reconstructed if damaged beyond 75% of replacement value without Municipal authorization.

**7. REMOVAL AND COST RECOVERY**

7.1 Property Owners must remove Encroachments upon written notice:

7.1.1 Within 30 days, or within a shorter period specified by the Municipality where circumstances require; or

7.1.2 Within 14 days if the encroachment affects emergency access.

7.2 Notwithstanding any other provision of this Bylaw, the Municipality may immediately remove an Encroachment without prior notice where, in the opinion of the Municipality, the Encroachment:

7.2.1 Poses a danger to public safety;

7.2.2 Obstructs emergency access; or

7.2.3 Interferes with municipal infrastructure or Utilities.

7.3 Costs incurred by the Town may be recovered by adding the amount to the Property Owner's tax roll or by any other lawful means, in accordance with the *Municipal Government Act*. For greater certainty, such recovery is intended to apply where an encroachment is located on, or extends onto, the Property Owner's land. Where an encroachment is not located on the Property Owner's land, the Town will not add such costs to the tax roll unless the costs are otherwise recoverable in respect of that land under the *Municipal Government Act*.

7.4 Where a dispute exists regarding location or extent of an Encroachment, the Municipality may require an assessment by a certified Canada Land Surveyor, and the CAO shall finally determine the matter based on that assessment.

**8. APPLICATION AND ADMINISTRATION**

8.1 Property Owners seeking authorization for an Encroachment must submit:

8.1.1 Real Property Report;

8.1.2 A copy of the applicable lease agreement;

8.1.3 Applicable fees;

8.1.4 Photographs; and

8.1.5 A written explanation regarding the type of Encroachment and the reasoning for the Encroachment.

8.2 Applications shall be circulated to relevant Municipal departments.

8.3 Encroachment Agreements shall address:

8.3.1 The location and identification of the Encroachment;

- 8.3.2 The term of the authorization and conditions for termination;
- 8.3.3 Responsibility for construction, maintenance, repair, and removal;
- 8.3.4 Allocation of costs associated with the Encroachment;
- 8.3.5 Indemnification of the Municipality, its agents, and licensees;
- 8.3.6 A requirement for removal upon notice by the Municipality; and
- 8.3.7 Such other terms as the Municipality deems advisable under the circumstances.

## **9. APPROVAL AND APPEAL PROCESS**

- 9.1 The CAO or their designate may approve, refuse, or impose conditions on an application for an Encroachment authorization.
- 9.2 Decisions shall be issued in writing.
- 9.3 An applicant may appeal a decision within fourteen (14) days of reception to Council.
- 9.4 Appeals shall be considered in accordance with the procedures established by Council.

## **10. DELEGATION**

- 10.1 Council delegates authority to the Chief Administrative Officer or their designate to administer and enforce this Bylaw, including approval, refusal, amendment, or termination of Encroachment authorizations.

## **11. NOTICE**

- 11.1 Notices under this Bylaw shall be in writing and may be served by:
  - 11.1.1 Personal delivery;
  - 11.1.2 Registered mail;
  - 11.1.3 Posting on the Encroachment or adjacent property; or
  - 11.1.4 Electronic delivery.
- 11.2 Notice is deemed received:
  - 11.2.1 Immediately if delivered or posted;
  - 11.2.2 Five (5) days after mailing; or
  - 11.2.3 On the date of electronic transmission.

## **12. ENFORCEMENT AND ENTRY**

- 12.1 This Bylaw may be enforced by a designated municipal officer or Peace Officer.
- 12.2 A Designated Officer or Peace Officer may issue a ticket under this Bylaw to any person alleged to have contravened a provision, specifying the offence and fine amount set out in Schedule D of this Bylaw.
  - 12.2.1 A ticket issued under this Bylaw shall be issued pursuant to the *Provincial Offences Procedure Act* (Alberta) as amended, and the regulations made thereunder.
  - 12.2.2 The form and printed wording of a ticket issued under this Bylaw shall be approved by the Chief Administrative Officer or their designate.

- 12.3 A Designated Officer or Peace Officer may, upon providing reasonable notice, enter onto land where an Encroachment exists or is believed to exist, excluding a dwelling unit.

### **13. OFFENCES AND PENALTIES**

- 13.1 A person who contravenes this Bylaw is guilty of an offence.
- 13.2 Each calendar day during which an offence continues constitutes a separate offence.
- 13.3 Fines for offences are set out in Schedule D of this Bylaw, and such fines constitute specified minimum penalties.
- 13.4 Payment of a fine, penalty, or violation ticket issued by a Designated Officer or Peace Officer under this Bylaw does not relieve a person from their obligation to remove, relocate, or otherwise remedy an Encroachment in accordance with this Bylaw. Compliance with Encroachment removal requirements is mandatory, and each day the Encroachment remains constitutes a separate offence.
- 13.5 A notice to remedy issued under this Bylaw does not constitute a penalty or offence. Failure to comply with a notice may result in issuance of a ticket under this Bylaw.

### **14. NO VESTED RIGHTS OR COMPENSATION**

- 14.1 Authorization of an Encroachment does not create a property interest, exclusive possession, or entitlement to compensation.
- 14.2 No compensation shall be payable by the Municipality for the removal, alteration, or loss of use of any Encroachment, whether authorized or unauthorized.

### **15. SEVERABILITY**

- 15.1 If any provision of this Bylaw is found invalid, it shall be severed without affecting the remainder.

### **16. COMING INTO FORCE**

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

**READ** a first time this 7th day of July, 2026

**READ** a second time this 7th day of July, 2026

**READ** a third time and finally passed this 4th day of August, 2026

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Mayor

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Chief Administrative Officer

**SCHEDULE A**  
**CABIN CREEK RIPARIAN ZONE**



## **SCHEDULE B**

### **PERMITTED STREET ENCROACHMENTS**

#### **1. GENERAL CONDITIONS**

- 1.1 The Encroachments listed in this Schedule are permitted without an Encroachment Agreement, provided that all general and specific conditions of this Bylaw are met.
- 1.2 All permitted Encroachments under this Schedule:
  - 1.2.1 Shall not impede pedestrian or vehicle access;
  - 1.2.2 Shall not interfere with municipal infrastructure or Utilities;
  - 1.2.3 Shall not create a safety hazard;
  - 1.2.4 Shall not restrict emergency access; and
  - 1.2.5 May be required to be removed at any time at the direction of the Municipality.

#### **2. AUTHORIZATION AND DOCUMENTATION**

- 2.1 Authorization under this Schedule does not create a right or entitlement to compensation.
- 2.2 Minor Encroachments permitted under this Schedule shall be acknowledged in writing by the Municipality.
- 2.3 The form and issuance of such acknowledgement shall be approved by the Chief Administrative Officer or their designate and may be updated administratively without amending this Bylaw.

#### **3. ACCESS STRUCTURES TO A DWELLING**

- 3.1 The following structures providing direct access to a residential dwelling, and compliant with applicable Jasper National Park land use policies and regulations, are permitted;
  - 3.1.1 Front driveways;
  - 3.1.2 Sidewalks and walkways;
  - 3.1.3 Steps; and
  - 3.1.4 Special needs access structures including ramps, lifts, elevators, and fire escapes.
- 3.2 Retaining walls, landscaping features, or decorative structures that do not directly facilitate access are not permitted under this section.

#### **4. DRIVEWAY ACCESSING LANES**

- 4.1 Driveway accessing lanes are permitted where:
  - 4.1.1 The driveway is constructed of asphalt, gravel, shale, concrete, or similar material; and

4.1.2 The driveway encroaches no more than **0.3 meters** into a gravel lane, as determined by the Municipality.

4.2 Hard-surfaced driveways encroaching into a hard-surfaced lane may be permitted where acceptable to the Municipality and which do not interfere with drainage or maintenance.

## 5. FENCES

5.1 Fences creating an enclosure may encroach no more than **0.3 meters**, provided that the total Encroachment area from any property does not exceed **4.6 square meters**.

5.2 Linear fence projections extending from a fence located on private property may encroach:

5.2.1 To the back of an existing sidewalk; or

5.2.2 To a maximum of **1.0 meter** from the curb where no sidewalk exists.

## 6. PORTABLE ACCESSORY STRUCTURES

6.1 Portable sheds and similar accessory structures are permitted where:

6.1.1 The structure is not on footings;

6.1.2 The structure is under **10.0 square meters** in area; and

6.1.3 The Encroachment does not exceed **0.3 meters**.

## 7. RETAINING WALLS

7.1 Retaining walls are permitted where:

7.1.1 The wall does not exceed **0.2 meters** in height; and

7.1.2 The wall is not located within **2.0 meters** of above-ground Utilities.

## 8. NON-PERMANENT SURFACE IMPROVEMENTS

8.1 The following non-permanent surface improvements are permitted:

8.1.1 Movable planters and border materials under **0.2 meters** in height;

8.1.2 Sod, seed, and low-level landscaping including shrubs, excluding trees and deep-rooted vegetation;

8.1.3 Surface-level landscape rocks; or

8.1.4 Surface interlocking blocks.

## 9. MUNICIPAL OPERATIONS

9.1 Any Encroachment constructed for municipal purposes by or on behalf of the Municipality, including bollards, subdivision entrance features, guard rails, and animal-proof garbage containers, is permitted.

## **SCHEDULE C**

### **PERMITTED ENCROACHMENTS INTO UTILITY RIGHTS OF WAY OR CORRIDORS**

#### **1. GENERAL CONDITIONS**

- 1.1 The Encroachments listed in this Schedule are permitted without an Encroachment Agreement, provided all general and specific conditions of this Bylaw are met.
- 1.2 All permitted Encroachments under this Schedule:
  - 1.2.1 Shall not impede municipal operations, maintenance, or emergency access;
  - 1.2.2 Shall not interfere with Utilities or above-ground or below-ground infrastructure;
  - 1.2.3 Shall not create a safety hazard;
  - 1.2.4 May be required to be removed at any time at the direction of the Municipality; and
  - 1.2.5 Authorization under this Schedule does not create a right or entitlement to compensation.

#### **2. SURFACE VEHICLE DRIVEWAYS AND PARKING AREAS**

- 2.1 Driveways and parking areas located within utility rights-of-way or corridors are permitted if:
  - 2.1.1 They are constructed of asphalt, gravel, shale, concrete, or similar material; and
  - 2.1.2 They do not interfere with Utility maintenance or municipal operations.

#### **3. PEDESTRIAN WALKWAYS AND SIDEWALKS**

- 3.1 Surface pedestrian sidewalks and walkways are permitted provided they do not interfere with Utilities or municipal operations.

#### **4. LANDSCAPING AND NON-PERMANENT SURFACE IMPROVEMENTS**

- 4.1 The following surface improvements are permitted:
  - 4.1.1 Sod, seed, and low-level landscaping including shrubs, excluding trees and other deep-rooted vegetation;
  - 4.1.2 Portable sheds and other portable accessory buildings not on footings and under **10.0 square meters** in area.
  - 4.1.3 Retaining walls not exceeding **0.2 meters** in height and not located within **2.0 meters** of above-ground utility facilities;
  - 4.1.4 Movable planters and border materials under **0.3 meters** in height;
  - 4.1.5 Surface-level landscape rocks not exceeding **0.5 meters** in height; and
  - 4.1.6 Municipal animal-proof garbage containers and concrete pads.

## **5. MUNICIPAL WORKS**

- 5.1 Any Encroachment constructed for municipal purposes by or on behalf of the Municipality, including bollards, sound barriers, subdivision entrance features, and guard rails, is permitted.

## **6. REVIEW AND REVOCATION**

- 6.1 The Municipality may require the removal, relocation, or alteration of any Encroachment at any time to ensure safe operation and maintenance of Utilities or municipal property.
- 6.2 Property Owners are responsible for all costs associated with removal, repair, or relocation of Encroachments.

## **SCHEDULE D**

### **PENALTIES**

1. A person who contravenes this Bylaw is guilty of an offence.
2. The following minimum specified penalties apply to offences under this Bylaw:  
**Fine**

|     |                                                         |       |
|-----|---------------------------------------------------------|-------|
| 2.1 | First offence                                           | \$250 |
| 2.2 | Second offence within twelve (12) months                | \$500 |
| 2.3 | Third and subsequent offences within twelve (12) months | \$750 |
3. Where an offence continues for one calendar day, each calendar day constitutes a separate offence and is subject to a separate fine.
4. In addition to any fine imposed, the Municipality may recover any cost incurred to remedy the contravention as a municipal debt.
5. The fines set out in this Schedule may be enforced by ticket as provided in Section 12.2 and 13.4 of this Bylaw.