



Town of Bowden
Box 338, 2101 20th Ave
Bowden, Alberta, T0M 0K0

Town of Bowden – Province of Alberta
COMMUNITY STANDARDS BYLAW
04 / 2023 (Draft #3 for Council Open House)

Whereas the Municipal Government Act, RSA2000, Chapter M-26 provides that Council may pass bylaws for municipal purposes respecting the following matters:

- i. safety, health and welfare of people, and the protection of people & property,
- ii. people, activities, and things in, on or near a public place or place that is open to the public,
- iii. nuisance including unsightly premises,
- iv. transport and transportation systems.

And whereas the Municipal Government Act authorizes a municipality to pass enactments that:

- i. provide for the enforcement of bylaws,
- ii. impose penalties, fees, and charges,
- iii. allow for the remedying of contraventions of bylaws,
- iv. provide for inspections to determine if bylaws are being complied with,
- v. provide for a system of licences, permits or approvals (including the imposition of terms and conditions that must be satisfied in order to receive or keep such licences, permits or approvals).

And whereas the Traffic Safety Act, RSA2000, Chapter T-6 provides that the Council of a Municipality may pass bylaws with respect to highways under its direction, control, and management including but not limited to:

- i. use of highways,
- ii. parking of vehicles,
- iii. vehicle noise,
- iv. impounding vehicles.

And whereas it is deemed expedient and desirable for the Town of Bowden to prohibit certain activities in order to maintain standards of public order within the Municipality:

Now therefore, the Municipal Council of the Town of Bowden hereby enacts as follows:

1 SHORT TITLE

This bylaw may be known as, and cited as, the “Community Standards Bylaw”.

2 PURPOSE

To promote responsible neighbourly behaviour and to provide and establish by bylaw regulations for the control of noise, nuisances, unsightly premises, unacceptable behaviour, and other matters that may adversely affect reasonable standards of community living.

3 DEFINITIONS

In this bylaw the following definitions apply:

Abandoned Property

Means,

- a) any building, structure, or improvement where the owner has or appears to have relinquished rights or possession, for example, including but not limited to, property in a derelict or uninhabited state, or an empty property that poses a health risk or danger to the public.
- b) any building, structure, or improvement where the owner has or appears to have no intention to maintain or ensure that the property remains fit for purpose or where the property becomes unacceptable in terms of appearance (unsightly) or code or standard.
- c) any building, structure, or improvement where the owner has forfeited the rights to ownership.

Advertising

Means any message (the content of which is controlled directly or indirectly by the advertiser) expressed in any language and communicated in any medium with the intent to influence their choice, opinion or behaviour and includes, advocacy advertising, government advertising, political advertising, and election advertising as defined by the Canadian Code of Advertising Standards.

Acceptable

Means to satisfy a tolerable, satisfactory, or socially agreeable requirement or standard.

Adjoining Neighbour

Means an owner or occupant of a property that is contiguous to a subject property along a common property line (and may include any property close by or across a street). Where the subject property is located on a corner lot, an adjoining neighbour includes an owner or occupant of property that is adjacent to the subject property across a lane or alleyway.

Authorized Person

Means any person appointed to act on behalf of the Town of Bowden.

Bullying

Means repeated verbal or physical abuse, threats, taunts, teasing, name calling or abusive communication, either directly or through any indirect medium or means, including social media.

Burning Hazard

Means an actual or potential occurrence of fire that could endanger another person or property.

Bylaw

Means this bylaw, and all other Town bylaws made pursuant to the authority of the MGA, and includes any regulation, enactment or policy made pursuant to the authority of this or any other Town bylaw.

CAO (Chief Administrative Officer)

Is the person appointed by Council into the position of Chief Administrative Officer for the Town of Bowden in accordance with the MGA and is the administrative head of the Municipality (and includes any person given designated responsibilities by the CAO).

Civil Disturbance

Means any act of violence or disorder or unacceptable behaviour prejudicial to public law and order, including but not limited to, riots, acts of violence, insurrections, or unlawful obstructions, gatherings, and assemblies.

Damage

Means destruction, impairment, or physical harm to either property or personal effects, in such a way as to spoil its visual aesthetics, value, usefulness or normal function.

Derelict Vehicle

Means a vehicle that is not roadworthy, unregistered, not insured, or equipped for use on a public road, including, but not limited to, has missing parts, has missing licence plates, has been abandoned or is unsightly (dilapidated).

Designated Officer

Means a person to whom the CAO has delegated powers, duties or functions as permitted under the authority of the MGA or any other person with powers enabled under any other order or enactment, including but not limited to:

- a) any person appointed by the Town as a Bylaw Enforcement Officer,
- b) a Red Deer County Inspector or Officer empowered under an intermunicipal collaboration agreement,
- c) any Inspector appointed by a Minister with responsibilities defined or authorized under enactment,
- d) any person by virtue of appointment to another office, including but not limited to, RCMP Officers, Customs & Excise Officers, a Peace Officer (contracted or otherwise), a Sheriff or Fish & Wildlife Officer.

Discharge (fireworks or firearms)

Means to fire or attempt to: ignite, explode, set off, or cause to be fired.

Dispose of (disposal)

Includes, discharge, deposit, dump, throw, drop, discard, abandon, spill, leak, pour, emit, or empty.

Drone

Means an Unmanned Aerial Vehicle (UAV) or Remotely Piloted Aircraft (RPA).

Easement

Means land where there is a nonpossessory right of use / or right to enter upon / or enactment preventing it from being used for certain purposes, including but not limited to:

- a) access, rights of way, and driveway easements,
- b) utility & telecommunications easements,
- c) parking,
- d) access to recreational land easements,
- e) facility repair & maintenance easements,
- f) fires escape or fire equipment easements.

Excessive

Means an amount too great to be considered reasonable or acceptable, ie: exceeding what is usual, proper, necessary, or normal.

Fight

Means any confrontation, disagreement or struggle involving violent, verbal, or physical contact between two or more people.

Firearm

Means a barrelled device from which any shot, bullet or other projectile can be discharged and that is capable of causing bodily injury or death to a person and includes any frame or receiver of such a barrelled device and anything that can be adapted for use as a firearm.

Firearm (replica)

Means any device that is designed or intended to resemble a firearm.

Fire Hazard

Means an accumulation of material, that through its location, condition or arrangement may be (accidentally or intentionally) ignited and if ignited create a burning hazard.

Fireworks

Includes consumer fireworks, display fireworks, special effects pyrotechnics, and firecrackers.

Graffiti

Means means the defacement or disfigurement of any private or public property or object, without the owner's consent, through carrying out any of the following acts:

- a) the application of any substance, including paint, ink, stain, or whitewash to any surface,
- b) the affixing of any form off adhesion that does not remove cleanly when pulled away from the applied surface,
- c) the marking, scratching, etching or other alteration or disfigurement of any surface or object.

(Note: Graffiti is considered as vandalism under the Criminal Code of Canada and is a mischief offence).

Harassment

Means any communicating with another person or groups of persons in a manner that could reasonably cause offence or humiliation, including conduct, comment, or actions, and includes references to a person's race, religious beliefs, disability, age, marital status, source of income, family status, gender, sexual orientation; and includes a sexual solicitation or advance.

Hate

Means any communication or attack on a person's fundamental rights and freedoms and on acceptable values of respect, equality, and inclusion.

Highway

Means means a highway as defined by the Traffic Safety Act, RSA2000, c. T-6 including, but not limited to:

- a) a thoroughfare, street, road, service road, trail, avenue, parkway, driveway, lane, alley, square, 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,
- b) a sidewalk, including a boulevard or easement adjacent to the sidewalk,
- c) any ditch or culvert that lies adjacent to and parallel with the highway.

Loiter (loitering)

Means to stand or wait around or move slowly about without apparent purpose or action.

Matter

Means any solid, liquid or gas material or product.

MGA

Means the Municipal Government Act, RSA2000, Chapter M-26, (as amended over time).

Municipality

Means the Town of Bowden.

Negligent (negligence)

Means a failure to exercise a degree of care that would be taken by another reasonable person in the same circumstances.

Noise

Means sound, which in the opinion of the CAO or a Designated Officer of the Town, with regard to all contributing factors and circumstances including the time of day and the nature of the activity generating the sound, is likely to unreasonably annoy or disturb a person(s) or to injure, endanger or detract from the comfort, health, peace, or safety of other persons within the Town.

Nuisance

Means any act or deed, or omission, or thing, which in the opinion of the CAO, or Designated Officer is, or could reasonably be expected to be annoying, harassing, unpleasant, troublesome, destructive, harmful, inconvenient, or injurious to another person and / or their property, including but not limited to:

- a) any activity that unreasonably interferes with the use and enjoyment of any public place, building, park, or highway,
- b) any activity that unreasonably interferes with the use and enjoyment of a private property,
- c) any activity that causes injury or harm to the health, comfort, or convenience of an occupier of a public or private property.

Occupant

A person (other than an owner) occupying or exercising control over, or having right to occupy or exercise control over, land or property or buildings either as a tenant or lessee for the purpose of residential or commercial activity under agreement with the owner of the land or property or buildings.

Off Highway Vehicle (OHV)

Means any motorized form of transportation built and designed for cross country travel on land, water, snow, ice, or on other natural terrain including, but not limited to, quads, all-terrain vehicles (ATV's), side by sides, four wheel drive off road vehicles, golf carts, and motorcycles or any vehicle that does not satisfy the Vehicle Equipment Regulation 122/2009.

Owner (of a Property / Premise)

Means the person who is:

- a) the registered / legal owner of a property or premise,
- b) an authorized occupier of a property or premise,
- c) the person who has lawful possession of a property or premise,
- d) the person who has the right to exercise control over a property or premise,
- e) in control or development of a property or premise under construction.

Panhandling

Means any request for or act of solicitation of an immediate or gratuitous donation of money, food, or other goods, excluding any approved organization or individual permitted to solicit for charitable donations either by consent of the CAO or pursuant to the Charitable Fund-Raising Act.

Person

A person occupying or exercising control over, or having right to occupy or exercise control over, land or property or buildings or an animal or a vehicle and includes:

- a) an individual (resident / non-resident or visitor),
- b) a legal entity or business entity, including a firm, developer, contractor, association, partnership, society, or corporation,
- c) unless the context otherwise requires, this does not include the Town.

Pest

Means any animal (living organism or species, specifically excluding human beings), which causes or could reasonably be expected to cause annoyance, damage, or injury to another animal, person, or property.

Power Tool

Includes any tool powered by an engine, or motor or battery or compressed air.

Premise

Means any building or structure or any part or portion of a building or structure, including any land used in connection with that building or structure for the purposes of:

- a) providing parking for vehicles,
- b) displaying or storing vehicles, equipment or other articles or things,
- c) enhancing the appearance or use of the building or structure,
- d) carrying out activities that are ancillary to the activities carried in or on that building or structure.

Prohibited Debris

Means any material that when burned will result in the release into the atmosphere of dense smoke or toxic air contaminants.

Property

Means:

- a) any public or private land,
- b) any building or structure (either residential or non-residential / occupied or unoccupied),
- c) both or part of a) & b),

situated within the Municipality.

Provincial Offences Procedure Act

Means the Provincial Offences Procedure Act, RSA2000, Chapter P-34.

Public Health Guidance

Means any advice, recommendations, directives, orders, or instructions given or made in respect of public health, by any of the following:

- a) the Government of Canada, or an officer or employee of the Government of Canada including the Chief Public Health Officer,
- b) a Minister or a department of the Government of Alberta or an officer or employee of the Government of Alberta including the Chief Medical Officer of Health,
- c) a regional health authority, or a member, employee, or agent of a regional health authority,
- d) the Alberta Emergency Management Agency,
- e) the CAO, or a Designated Officer of the municipality,
- f) the Town of Bowden Emergency Management Committee as established under the requirement of the Emergency Management Act, RSA 2000 Chapter E-6.8.

Public Property (or Place or Land)

Means any place within the Town to which the public may have either express or implied public access including, but not limited to, a highway, street, road, trail, lane, alley, sidewalk, boulevard, school, playing field, park, playground, public building and / or any fixture or object located in a public place.

Pursuant to

Means to execute, carry out or investigate an activity in accordance with the requirements of a statute, ruling, policy, order, or request.

Rates & Fees Bylaw

A bylaw passed by the Town to allow Town Administration to set fees, rates, and charges for the provision of services and the enforcement of penalties within the Municipality.

Reasonable (unreasonable)

Means to satisfy a tolerable, satisfactory, or agreeable requirement or standard or to satisfy the time by which an action must be carried out.

Reasonably Practicable

Means fulfilling a legislative or practical obligation in a way that:

- a) is feasible given the circumstances and,
- b) would be considered appropriate by a reasonable person in similar circumstances.

Recreational Vehicle

Means travel trailer, fifth wheel trailer, folding camper trailer, truck camper, toy hauler, and any other vehicle constructed or adapted or equipped as a temporary dwelling place, living place, or sleeping place.

Red Deer County

Means the municipal corporation of Red Deer County in the Province of Alberta.

Remedial Order (or order)

An order to remedy contraventions issued in accordance with sections 545 & 546 of the MGA.

Residential District

Means an area (as defined by the Town of Bowden Land Use Bylaw) zoned as R1, R1A, R2, R3, R4 and PFR.

Self-Propelled Vehicles

Means a vehicle propelled by an engine or motor including, but not limited to, motor scooters, electric scooters, electric vehicles, auto cycles, e-bikes, or disability vehicles.

Signs

Includes posters, banners, advertising signage, business signage, signboards, temporary signs, election signs.

Smoking or Vaping Activity

Means the use of any solid, liquid or gas substance or manufactured smoking or vaping product (including electronic cigarettes, vapourizers, bongs) containing either controlled / uncontrolled or legal / illegal material.

Sound Equipment

Means any sound amplification device, (including but not limited to, radio, television, music system, public address system).

Specific Penalty

Means an amount payable in respect of offences in accordance with this bylaw.

Town

Means the municipal corporation of the Town of Bowden in the Province of Alberta.

Trespass

Means a trespass committed under the Trespass to Premises Act RSA2000, Chapter T-7.

Unacceptable

Means to not satisfy a tolerable, satisfactory, or socially agreeable requirement or standard.

Unlawful Assembly

Is a group of people who assemble in such a manner as to cause, or fear to cause,

- a) a nuisance,
- b) a disturbance of the peace, a disorderly commotion, or a civil disorder,
- c) by their activity and without reasonable cause the provocation of other persons to disturb the peace.

Unightly Property / Premise

Means any property or premise, or part of, which displays evidence of a disregard for general maintenance or upkeep, as a result of, including but not limited to:

- a) an accumulation of animal waste, or animal material, or the accumulation of material contaminated by animal waste,
- b) an unacceptable form of containment device, structure, or animal shelter,
- c) solid waste, commercial waste, construction waste, electronic waste, hazardous waste, oversize waste, recyclable waste, residential waste, yard waste as set out and defined within the provisions of the Town of Bowden Solid Waste Bylaw,
- d) uncut grass, dust, or weeds,
- e) the whole or any part of any vehicle, or any vehicle that is not registered with the Motor Vehicle Registry for the current year, or a vehicle (or part of) which is inoperative by reason of disrepair, removed parts or missing equipment,
- f) equipment or machinery which has been rendered inoperative by reason of disassembly, age, or mechanical condition, including any household equipment or appliance,
- g) anything which is deemed to have a detrimental or adverse visual impact to an adjoining neighbour, the surrounding area, or anything which may lead to the decline of the market value of another property within the surrounding area.

Unused Vehicle

Means a vehicle that is roadworthy and registered but is not currently in use by the owner or keeper.

Vehicle

Means any device in, on or by which a person or thing may be transported or drawn on a highway, including, but not limited to, passenger cars, commercial vehicles, recreational vehicles, self-propelled vehicles, restricted use vehicles, farm equipment, construction equipment (wheeled or tracked), school buses, trailers, all-terrain vehicles, off highway vehicles, utility terrain vehicle, motorcycles, bicycles, and electric vehicles.

Waste (Solid Waste / Litter / Refuse)

Means, any matter, or combination of matter, including, but not limited to,

- a) domestic household material, recyclable materials, trade, construction, renovation and demolition material, hazardous material, and oversize (bulky) items
- b) organic material including tree stumps, tree trunks, branches, roots, turf, and other non-putrescence material,
- c) anything designated as waste in the Environmental Protection and Enhancement Act including hazardous material & non-acceptable material.

Weapon

Means, anything used, designed to be used or intended for use,

- a) in causing death, harm or injury to another person or property,
- b) for the purpose of threatening or intimidating any person.

Words (interpretation)

- a) “may” is to be interpreted as permissive (allowed but not obligatory, optional).
- b) “must” is to be interpreted as imperative (obligatory, mandatory, required, unavoidable).
- c) “shall” is to be interpreted as “must”.
- d) “should” is to be interpreted as a recommended (desirable, not required to conform).
- e) “including but not limited to” means when listing a number of items, does not limit the bylaw term to only those words or those items listed.

Yard Waste

Means, waste material of an organic matter formed as a result of gardening or horticultural activities including but not limited to, grass, tree & hedge cuttings, sod, decomposing plants, weeds & leaves.

4 GENERAL PROVISIONS, REGULATION & PROHIBITIONS

PART 1 GENERAL BEHAVIOURS

Public Behaviour

4.1.1

No person shall behave in an unacceptable manner when assembled in a group in or near a public place, including but not limited to:

- i. inciting hatred, harassment, or discrimination against another person or group of persons,
- ii. causing a civil disturbance,
- iii. in contravention of any public health guidance, recommendation, or directive.

4.1.2

No person or groups of persons shall congregate, meet, or gather in an unlawful assembly.

4.1.3

No person shall conduct any unacceptable activity or unreasonable behaviour in, on, near to, or in view of, any public property, public place or a private property that is not their own, that in doing so creates a nuisance, including but not limited to:

- i. harassment,
- ii. bullying,
- iii. shouting, yelling, and singing,
- iv. using insulting or obscene language,
- v. being intoxicated,
- vi. acting in a disorderly manner, exposing, or exhibiting an indecent act,
- vii. obstructing, impeding, threatening, intimidating, bullying, hazing, or harassing another person,
- viii. making physical contact with another person,
- ix. loitering or assembling with other persons while intoxicated by alcohol or under the influence of cannabis or any other illicit drug,
- x. loitering or assembling with other persons where there are reasonable grounds to believe the assembly will disturb the peace, create a nuisance, or result in unacceptable behaviour,
- xi. urinating or defecating other than an intended facility for such use,
- xii. vomiting, spitting of saliva or other material from the mouth,
- xiii. throwing or propelling an object that is likely to cause injury to another person or damage to property.

4.1.4

No person shall enter or trespass on any property, premise, or land without the permission of the owner and must leave the property premise or land if directed to do so by notice, either verbally, in writing or by signage.

4.1.5

No person shall participate, or aid or abet another person, in a fight or physical confrontation in any public place.

4.1.6

No person shall bully any person in a public place or where interactions are neighbour to neighbour or face to face.

No person shall participate in or encourage by any means (including social media) the bullying of another person in any public place.

Graffiti

4.1.7

No person shall cause or permit graffiti to be placed on any property or premise.

4.1.8

No owner or occupant of a property shall cause, allow, or permit graffiti on their property so as to be visible from another property or public place which is deemed to be a nuisance, unauthorized, unsightly, offensive, or hate motivated.

4.1.9

Within 72 hours the owner of a property must take reasonable steps to minimize the visual impact of the graffiti on their property.

4.1.10

The owner of a property or premise is responsible for removing, painting over, or covering all graffiti from public view within 14 days or in a time frame agreed by the CAO or Designated Officer of the Town.

Panhandling

4.1.11

No person shall engage in panhandling activity in any public place, using spoken, written, or printed word, bodily gestures, signs.

Any activity, deemed as being either panhandling or the permitted soliciting for charitable donations must not:

- i. take place between the hours of 7:00pm and 8:00am,
- ii. be in a manner that obstructs or impedes the passage of another person or pedestrian or vehicle,
- iii. be in a manner which insults, threatens, coerces, or intimidates another person,
- iv. be made to any person who is an occupant within a motor vehicle,
- v. be to a person who has already refused or declined the solicitation.

4.1.12

The provisions within section 4.1.11 of this bylaw do not include the solicitation of charitable donations allowed or authorized pursuant to the Charitable Fundraising Act, RSA 2000, Chapter C-9 or persons or organizations acting under the authority or permit of the CAO.

Cold Calling, Flyers & Debris

4.1.13

No person shall make an unsolicited business call on someone in an attempt to sell goods or services unless permitted to do so (by Town licence or enactment).

4.1.14

All commercial businesses operating on a temporary basis within the Town must have a current business licence prior to commencing any form of cold calling or marketing activities.

4.1.15

No person shall deposit, place, or dispose of papers, flyers, or commercial literature on any property or premise where the property owner or occupant has placed a sign or notice indicating that the material is not wanted with the exception of permitted Federal, Provincial, or Municipal Government information or material, including but not limited to, election information, official town notices etc.

4.4.16

No person shall deposit, place, or dispose of any leaflet, pamphlet, poster, handbill, flyer, or paper, on any motor vehicle parked on any street, lane, parking lot or other public place with the exception of permitted Federal, Provincial, or Municipal Government notices / violation tickets.

4.1.17

The owner of a property or premise is responsible for papers and flyers placed on their property whether or not they solicited for the delivery of such material.

The owner of a property or premise is therefore responsible for ensuring that matter such as papers, flyers, litter debris and other types of loose material are adequately contained so that they do not reach, or settle in, an adjacent or neighbouring property.

4.1.18

A Designated Officer is authorized to remove and destroy anything, including but not limited to handbills, flyers, notices, placed or posted on a motor vehicle, public building, public notice board, or public place or private property if deemed to be a nuisance, unauthorized, unsightly, offensive, or hate motivated.

Littering & Garbage

4.1.19

No person shall dispose of any item or waste (garbage, litter, or refuse) in a public place except in a receptacle designated and intended for the collection of waste.

4.1.20

No person shall dispose of any item or waste (garbage, litter, or refuse) in a charity collection site or a recycling collection site other than items intended for collection at that site.

4.1.21

No person shall scavenge, or disturb, or empty any item from:

- i. any receptacle or container designated and intended for the collection of garbage, litter, or refuse,
- ii. a recycling collection site or container,
- iii. a charity collection site,

4.1.22

No person shall dispose of any item or waste from a vehicle in a public place except in a receptacle designated and intended for such use.

Garage Sales / Yard Sales

4.1.23

No owner or occupant of a property or premise shall hold or permit a garage sale / yard sale to be held for more than three consecutive days.

4.1.24

Garage sales / yard sales are not permitted on public property unless specifically authorized by the CAO.

4.1.25

Garage sales / yard sales are not permitted to take place between the hours of 10.00pm and 8.00am. Items for sale must be removed from sight during these restricted hours.

4.1.26

Items displayed for sale must be kept in a tidy and orderly condition and must not create a nuisance to neighbouring properties.

4.1.27

Garage sales / yard sales signs must not be placed on public land or attached to any public infrastructure. Signs must be removed promptly at the end of the period of the garage sale / yard sale.

Disposal of Waste

4.1.28

A person must not illegally or without consent or without license dispose of any matter or waste in a public place or private property so as to avoid disposal costs, create a nuisance or an unsightly premise, (unless in an approved waste collection container, curbside container, authorized dump, or collection point).

4.1.29

No person, owner or occupant shall carry out any act which contravenes any approval, requirement, direction, or order issued by Alberta Environment, or any other enforcement agency, or the CAO, with respect to the disposal of waste.

4.1.30

All non-residential waste, namely construction waste, hazardous waste, retail waste, agricultural waste, and commercial waste must be disposed of in compliance with the Environmental Protection & Enhancement Act, or any other enactment, regulation, or order made under the provisions of this bylaw, the Town's Solid Waste Bylaw, or any other regulatory body.

4.1.31

No person, owner or occupant shall allow a dilapidated appliance to remain on a property (for a period greater than 3 days) such that the appliance is:

- i. unsightly,
- ii. a fire hazard,
- iii. a health & safety risk

4.1.32

Persons using the RV Sani Dump must not use the facility when notified as being closed, in subzero temperatures, or in contravention of any notice or order placed on site.

Activities Generating Emissions

4.1.33

No person shall engage in, or allow any activity that produces, excessive smoke, steam, dust, noxious emissions, offensive odours, or smell (including cannabis and other recreational products), waste material or airborne matter that:

- i. creates a nuisance,
- ii. creates a toxic, noxious, or harmful hazard,
- iii. damages property,
- iv. affects the health and safety of another person.

4.1.34

Nothing in this bylaw prohibits a person from engaging in any smoking or vaping activity where permitted by Federal or Provincial enactment, with the exception that, no person shall engage in or allow any

smoking or vaping activity that produces an unacceptable smell, vapour, odour, emission, or residue that creates a:

- i. nuisance in a public place
- ii. nuisance in an area to which members of the public have access as of right or by express or implied invitation,
- iii. nuisance to persons in a neighbouring property,
- iv. health or safety hazard to another person,
- v. or which contravenes the provisions of the Town's Cannabis Consumption Bylaw or any Town policy.

Activities in Parks & Public Places

4.1.35

No person shall provide, engage in, or be present at any event, performance, concert, or exhibition without the permit or authority of the CAO.

4.1.36

No person shall install or use a loudspeaker system, public address system or any other device for the transmission of sound in any open public place without the permit or authority of the CAO.

4.1.37

No person shall remove, damage, deface or tamper with anything in a public park, recreational area, or public place including but not limited to, lawns, trees, shrubs and other foliage, signs, fixtures, structures, playground equipment, benches, waste bins and enclosures.

4.1.38

No person shall allow any animal to defecate in a public park, recreational area, or public place. If this occurs the owner or person in control of the animal shall immediately remove the feces and dispose of it in an acceptable and sanitary manner.

4.1.39

No person while in a public park, recreational area, or public place shall:

- i. provide any event, performance, concert, or exhibition that has not been previously approved,
- ii. disobey any official Town sign,
- iii. sell, display, or distribute any goods or services or conduct any business, retail, or commercial activity (unless such activity is approved, permitted, and licensed),
- iv. interfere with the exclusive use of any area granted to another person or group,
- v. operate or park a motor vehicle, off-road vehicle, or recreational vehicle,
- vi. build a structure, erect equipment, set up a camp or any form of abode, or light a fire,
- vii. play any sport, contest or recreational activity that causes a safety hazard including but not limited to archery, golf, or disk golf,
- viii. enter any area to which access has been prohibited or regulated by signage or fencing,
- ix. interfere with the use of a designated area within a park or public place to which exclusive use has been granted,
- x. conduct any activity that has been prohibited or regulated by signage or notice.

4.1.40

Some or all of the provisions within section 4.1.39 of this bylaw may not apply to persons or organizations acting under the authority or permit of the CAO (or with the express written agreement of the CAO).

Visual Surveillance Cameras

4.1.41

No person shall install visual surveillance equipment, including video cameras, night vision devices, or electronic listening devices capable of permitting either:

- stationary images,
- scanned / moving images,
- real time viewing,
- listening and recording (images or conversation),

that are designed, implemented, or operated so as to listen or view or record persons or property beyond the perimeter of the land or property or premise owned, leased, or rented by the occupant and / or which exceeds any reasonable expectation of privacy.

4.1.42

No person shall hide or disguise visual surveillance equipment so as to prevent observation of the direction in which they are aimed.

4.1.43

Security cameras in nonresidential areas are permitted subject to any reasonable expectations of privacy and providing that do not create a nuisance.

Advertising

4.1.44

The content of all advertising (on display within the Town or delivered / made available to residents), must not violate the Canadian Code of Advertising Standards.

This applies to:

- i. advertisers promoting the use of goods or services,
- ii. corporations, organizations, or institutions seeking to improve their public image or advance a point of view.

4.1.45

Advertisements must not:

- i. condone any form of personal discrimination or incite hate or harassment, based on race, national origin, religion, sex, or age,
- ii. appear to exploit, condone, or incite violence or encourage unlawful activity or behaviour,
- iii. demean, denigrate, or disparage any person, group of persons, or organization,
- iv. undermine acceptable human dignity or that do not meet standards of public decency or that do not satisfy a tolerable, satisfactory, or socially agreeable requirement or standard.

Hate

4.1.46

No person may conduct any activity, including but not limited to verbal or written communication, signage, or visible representation, that advocates or promotes hatred against another person, identifiable group, or the community at large.

PART 2 NOISE

4.2.1

No person shall make, continue to make, cause, permit, or allow to any unacceptable or excessive noise to be made likely to unreasonably annoy or disturb a person(s) or to injure, endanger or detract from the comfort, health, peace, or safety of other persons within the Town.

This includes, recreational, occupational, promotional, DIY, construction, industrial and vehicle noise except where temporarily approved, relaxed, or permitted by the CAO or a Designated Officer.

4.2.2

No person, either owner or occupant, shall permit property to be used (that they own or occupy) so that an unacceptable or excessive noise is created that would create a nuisance.

4.2.3

Consideration on what determines unacceptable or excessive noise includes:

- i. the type, volume, and duration of the sound / noise,
- ii. the time of the day and day of the week,
- iii. proximity of the sound to other sleeping facilities, whether residential or commercial,
- iv. the nature and use of the surrounding area,
- v. whether the sound is recurrent, intermittent, or constant,
- vi. any other relevant factor.

4.2.4

No person shall use, operate, permit, or allow to be used any hand tool, power tool, garden tool (including but not limited to, lawnmowers, tillers, leaf blowers,) machinery, or equipment (including but not limited to, snow blowers, compressors, and generators), so as to create an unacceptable or excessive noise or disturbance during the hours of 11.00pm until 7.30am during any day.

4.2.5

No person shall use, operate, permit, or allow to be used any sound equipment or other broadcasting system so as to create an unacceptable or excessive noise or disturbance, or nuisance, whether indoor, outdoors or on private or public property.

4.2.6

No person shall use, operate, permit, or allow to be used any vehicle so as to create an unacceptable or excessive noise or disturbance whether on private or public property, including but not limited to, repair / maintenance work, revving the engine, engine retarder brakes, or from sound equipment installed within the vehicle.

4.2.7

Private contractors carrying out snow removal must ensure that noise abatement practices are followed between the hours 11.00pm and 7.30am in a manner that is least disruptive to residents.

Snow removal between the hours of 6.00am and 7.30am is allowed in Commercial and Industrial designated land use districts (ie: nonresidential areas).

4.2.8

Animal noise restrictions are addressed through the provisions of the Town's Animal Control Bylaw.

Exceptions

4.2.9

The regulation of noise, does not apply to:

- i. Town approved activities, (for example the firehall siren),
- ii. the temporary relaxation of any provision of this bylaw authorized by the CAO or a Designated Officer due to special circumstances, (for example, the operation of snow removal equipment within a 48-hour period following a snowfall, etc),
- iii. the temporary relaxation of any provision of this bylaw by the CAO or a Designated Officer for approved special events, (including but not limited to, parades, firework displays, concerts, rodeo events, etc),
- iv. normal or emergency work carried out by the Town or contractors employed by the Town,
- v. emergency service vehicles, (whether responding to an emergency or training),
- vi. the carrying on of a commercial, industrial, or farming activity where the activity is a permitted use, or an approved discretionary use under the Land Use Bylaw (providing noise levels are not greater than what is necessary or customary in the normal method or process of performing or carrying on of that activity), and, all necessary permits, licences, approvals have been obtained in accordance with any other enactment or Town bylaw.

4.2.10

The regulation of noise, by the provisions of this bylaw, does not apply to:

- i. Federal or Provincial agencies,
- ii. noise created by vehicle through traffic on Provincial highways,
- iii. railway related noise created by Canadian Pacific Railway (and their sub-contractors).

PART 3 PROPERTY & PROPERTY MAINTENANCE

General

4.3.1

The owner of a property is responsible for the actions and responsibilities of an occupant of their property.

Interference

4.3.2

No person shall:

- i. damage, destroy, deface, tamper, or interfere with any private or public property that they do not own,
- ii. remove, move, alter, deface, conceal, or destroy any Town sign, road sign or notice.

General Owner / Occupant Responsibilities

4.3.3

The owner or occupant of a property or premise or vacant lot:

- i. shall not conduct any activity upon the property or premise which creates a nuisance or a hazard or which allow the property to become an unsightly property,
- ii. shall maintain the property structure, yard, enclosures, and landscaped areas, in an acceptable state of upkeep so as not to create a nuisance, or hazard or allow the property to become an unsightly property,
- iii. is responsible for not creating or doing anything which is deemed to have a detrimental or adverse visual impact to an adjoining neighbour, the surrounding area, or anything which may lead to the decline of the market value of another property within the surrounding area.

Privacy screening may be allowed (at the discretion of, to the satisfaction of and with the permission of the CAO) as a feature to obstruct all or part of an unsightly property provided that the screen does not create a nuisance or impede sightlines or falls outside of a permitted structure according to the provisions of the Town of Bowden Land Use Bylaw.

4.3.4

The owner or occupant of a property or premise or vacant lot shall maintain any boulevard or alley adjacent to the land they own or occupy in an acceptable state of upkeep so as not to create a nuisance or hazard or allow the boulevard or alley to become unsightly.

4.3.5

The owner or occupant of a property or premise must secure all vacant or unoccupied buildings or structures so as to prevent unauthorized access, occupation, damage, vandalism and to prevent a health, safety, or fire hazard.

Abandoned Properties

4.3.6

The owner of a property that has or will become an abandoned property shall ensure that the property is made secure against unauthorized entry or occupation, vandalism or other intentional damage or fire hazard by means or material standards or specifications that are acceptable to the CAO (or designate) or Designated Officer, including but not limited to, securing all entries, or installing fencing or other perimeter barriers.

4.3.7

The owner of an abandoned property must put into effect any repairs or remedial work within the timescales and standards as notified to the owner by the CAO or Designated Officer.

4.3.8

If an abandoned property has not been secured or repaired in accordance with this bylaw, the owner of the abandoned property shall be responsible for payment of any invoice from the Municipality for any actual or material costs incurred by the Municipality, including but not limited to, the costs of attendance of the CAO or Designated Officer, or Building Inspector or Fire Department Inspector.

4.3.9

Any costs not paid by the owner in accordance with section 4.3.8 of this bylaw that remain unpaid by 31 December in any calendar year will be added to the tax roll as an additional tax against the subject property and collected in the same manner as property taxes in the Municipality.

Enclosures

4.3.10

The owner or occupant of a property or premise or vacant lot:

- i. must ensure that all fences, screens, retaining walls, structural members, and other enclosure types are maintained in a structurally sound condition, in good repair, and free from safety hazards,
- ii. must not construct a fence within any residential area wholly or partly of barbed wire or any other material or matter that may cause injury or pose an unacceptable risk to health and safety,
- iii. notwithstanding provision 4.3.10 (ii) a fence within a commercial, or industrial district may be partly constructed of barbed wire or some other approved type of entry protection material provided that this is no closer to the ground than 2.0 meters.

Excavations

4.3.11

The owner or occupant of a property or premise must not allow an excavation, drain, ditch, or other form of groundwork to become or remain a danger to public safety.

Excavations must not lead to the ponding of water, unstable soil conditions or an adverse diversion of water flows.

Excavations that affect or damage an easement, boulevard, back alley, lane, sidewalk, utility right of way, access right of way or Town utility must be made good, graded, and landscaped to the satisfaction of the Town.

Signs

4.3.12

The owner or occupant of a property or premise:

- i. must ensure that all signs, supporting structures, and fastenings that are damaged, broken, excessively faded, or worn are removed, refinished, or repaired,
- ii. must ensure that the sign is relevant for the purpose intended or permitted,
- iii. must ensure that the sign is free from misinformation or offensive wording, symbols, or graphics.

Signs may be allowed (at the discretion of, to the satisfaction of and with the permission of the CAO) provided that the sign does not create a nuisance or impede sightlines or falls outside of a permitted structure according to the provisions of the Town of Bowden Land Use Bylaw.

Civic Address

4.3.13

The owner or occupant of a property or premise must display the civic number assigned to the property plainly visible in a location where the number can be viewed from the street in front of the property.

Accumulation of Materials

4.3.14

The owner or occupant of a property or premise or vacant lot:

- i. must ensure that all parts of a property or premise are kept free from the accumulation of matter, including but not limited to, junk, garbage, refuse, furniture, household goods, appliances, yard waste, animal remains, animal waste, metal, lumber, and any other waste material, manmade or natural,
- ii. must ensure that all parts of a property or premise are kept free from the accumulation of any other matter that creates unpleasant odours, or is likely to attract pests, or which may create a fire hazard or a health and safety risk,
- iii. must ensure that all parts of a property or premise are kept free from dilapidated, collapsed, unsafe or unfinished structures,
- iv. must ensure that no vehicle, trailer, boat, machinery, or any other mechanical equipment, (or remnant or part or disassembly of such items) are parked, stored, or kept on a property in a dilapidated, unsafe, discarded, dismantled or inoperative condition.

4.3.15

The owner or occupant of an outdoor salvage yard, auto wreckers, or any other business storing materials or matter on the property must not allow the property to become unsightly or unprepossessing. An approved screening enclosure is required to obscure the property and its content from public view.

4.3.16

The owner or occupant of a property or premise or vacant lot must not allow the accumulation of building or construction materials, whether new or used, unless it can be established that a construction or renovation undertaking is being carried out at that site.

Snow & Ice & Other Debris Removal

4.3.17

The owner or occupant of a property or premise or vacant land:

- i. shall ensure that snow, ice and / or other debris is removed from any public sidewalk located adjacent to the property or vacant land whether from natural or manmade means within 24 hours of occurrence or deposit,
- ii. should clear the snow, ice, or debris from the entire width of the sidewalk, as far as reasonably possible, to the extent that walking on the sidewalk is safe and unobstructed,
- iii. shall make arrangements to ensure that the sidewalks are cleared if absent from the property for an extended period of time,

4.3.18

Snow removal operations should not take place in residential districts between the hours of 11.00pm and 7.30am where noise from that activity may create a nuisance.

4.3.19

No person shall place, dispose of, or permit to be placed, snow, ice, dirt, debris or other material on any road, boulevard, back alley, lane, sidewalk, utility right of way, or access right of way.

4.3.20

No person must damage any sidewalk, pavement, curb, hydrant, sign or other form of Town or utility company infrastructure while engaged in snow, ice, or debris removal. Every person must take due care and precaution for the warning and safety of persons passing.

4.3.21

No person shall place an electrical cord (plug in) across a sidewalk so as to create an unacceptable safety hazard.

4.3.22

All persons:

- i. must ensure that vehicles (and any other form of obstruction including driveway ramps) are removed from public streets or alleyways when required and in accordance with any Town instructions or notices, as required so as to allow for safe and efficient snow removal operations,
- ii. must not willfully obstruct or hinder any Designated Officer, Town employee or Town contractor during snow removal operations.

Water Structures & Sump Pumps

4.3.22

The owner or occupant of a property or premise:

- i. shall ensure that catch basins, storm drains ditches and swales are not obstructed by material or property disposed of or stored by the owner or occupant,
- ii. shall ensure that downspouts be installed so as to be directed to the front and the rear of a property only, unless permitted otherwise, and that they are wholly contained within the property boundaries,
- iii. must ensure that sump pumps:
 - a) do not discharge water into the Town's wastewater system by direct connection to either the premise's service line or to the wastewater main,
 - b) do not discharge water into Town's wastewater system indirectly by way of a floor drain, laundry drain or any other connection to the wastewater system,
 - c) only discharge water from the sump or dry well onto the surface of the ground outside the building,
- iv. must ensure that weeping tiles are not installed in a manner that drains sub surface or groundwater via a direct or indirect connection to the Town's wastewater system.

4.3.23

No person shall make any direct or indirect discharge of water (or other material) or make any connection for either stormwater or surface water collected by drainage in weeping tiles, eavestroughs, downspouts, sumps, sump pumps or roof spouts, into the municipal wastewater system.

4.3.24

No person shall create or allow a water course, pond, pool of water / surface water that becomes or remains a nuisance or that poses a danger or health & safety risk.

4.3.25

No person shall construct, place, install (or allow) a water structure in the front of a property or premise including but not limited to, a swimming pool, hot tub, whirlpool, paddling pool, or water slide.

4.3.26

All persons are responsible for ensuring that any water structure satisfies the requirements of the Alberta Building Codes regulation, and for ensuring that all necessary permits, licences, approvals have been obtained in accordance with any other enactment or Town bylaw.

Buffering

4.3.27

Property that, because of its use, occupancy, or other reasons, creates a nuisance to other properties in the neighbourhood shall be buffered from these properties so as to minimize the effect of the nuisance by the provision and maintenance of:

- i. a barrier or deflectors to prevent lighting and vehicle headlights from shining directly into a dwelling unit,
- ii. a barrier to prevent wind-blown waste, wrappings, debris, and similar things from littering or settling on adjacent properties,
- iii. a visual screen or fence, of uniform construction and appropriate to the nature of the adjacent use, to minimize the visual impact of nuisances to persons at grade on adjacent properties or a public highway; and
- iv. the provision and maintenance of a barrier of sufficient size and strength to prevent the dumping of debris or refuse in yards or vacant property.

Light Pollution

4.3.28

The owner or occupant of a property or premise must ensure that all onsite lighting, including lighting on the exterior of a building and landscaping lighting, shall not:

- i. create a nuisance or unnecessary glare, or light trespass on adjacent or neighbouring properties,
- ii. create glare or interfere with motorists, the safe operation of motor vehicles or interfere with the visibility of traffic signs or signals.

Pest Control

4.3.29

The owner or occupant of a property or premise must ensure that the property or premise is kept free of rodents, vermin, insects, wildlife, and other pests and kept free of conditions that may encourage infestation by rodents, vermin, insects, wildlife, and other pests,

4.3.30

A person shall not feed, attempt to feed, deposit, or dispose of food on private property or in a public place for consumption by game, endangered, livestock, pest, or nuisance animals.

PART 4 TREES, SHRUBS, GREEN WASTE

General Conditions

4.4.1

No person shall cut down, remove, damage, or attach any device to a tree in a boulevard or public place including parks, the cemetery, or other natural areas,

4.4.2

The Town has the right to remove, trim or prune, any tree on public or private land which in any way interferes with, or endangers any municipal or public utility, or which creates a hazard to vehicle or pedestrian traffic.

4.4.3

Any tree on private land that is deemed to be:

- i. a nuisance must be removed or trimmed,
- ii. unsafe must be removed or trimmed to make safe.

The Town will take any action deemed necessary for a tree that is not removed or trimmed by the owner or occupant of a property or premise within a reasonable time period. This may result in a cost recovery charge being made against the owner or occupant.

4.4.4

A public utility may perform any pruning activity as necessary to comply with safety regulations or to ensure the operation of the facility providing that prior notice is given to the CAO and that the work is carried out in accordance with accepted arboricultural practices and at no cost to the Town.

Composting

4.4.5

Residential yard waste and compost material disposed of on residential properties for residential pick up and collection by the Town must be done in accordance with the provisions of this bylaw, the Town's Solid Waste Bylaw, or any Town policy.

4.4.6

No person shall dispose of any waste or compost material at the Town's compost collection sites which are deemed to be non-acceptable waste items as per the provisions of the Town's Solid Waste Bylaw, any directive or as indicated on notice or notice board at the collection site.

4.4.7

No person shall dispose of any waste or compost material at the Town's burn pit collection site which are deemed to be non-acceptable waste items as per the provisions of the Town's Solid Waste Bylaw, any directive or as indicated on any notice or notice board at the collection site.

4.4.8

Every owner or occupier who allows a composting container or compost pile to be kept on a residential property must ensure that it is maintained in such a manner that it does not become a nuisance by:

- i. creating offensive odours,
- ii. attracting pest and other wild animals.

Residential Branch Pickup

4.4.9

The Town will pick up tree branches in accordance with the provisions of any Town bylaw or policy or directive in effect at that time.

The owner or occupant of a property or premise is responsible for ensuring that residential pick-up items comply with the stated requirements. Items not placed in compliance with these requirements will become the responsibility of the owner or occupant for disposal.

4.4.10

Yard waste must not be placed or left uncollected in any area where in doing so it becomes a hazard or a nuisance.

Grass, and other Vegetation

4.4.11

The owner or occupant of a property or premise is required to control all grass, vegetation, or other herbaceous matter on their property and on any boulevard or easement which abuts or joins the property including up to the centre of lanes or alleys at the rear or side of a property.

4.4.12

The owner or occupant of a property or premise:

- i. shall ensure that lawns, shrubs, hedges, and trees do not become overgrown, and ensure that yards are kept free of heavy undergrowth and weeds,
- ii. shall safely remove any dead, diseased, dying, or dangerous trees, shrubs, vegetation, or herbaceous matter,
- iii. shall not allow grass, vegetation, or other herbaceous matter to exceed a height of 15 centimeters,
- iv. is responsible for removing, trimming, pruning all trees, shrubs, grass, vegetation, or herbaceous matter adjacent to / abutting to / overhanging from their property which encroaches on a road, boulevard, back alley, lane, sidewalk, utility right of way, access right of way, Town utility, utility company pole / line, fire hydrant, sight line, or traffic control device / sign.

- v. must remove all trees or shrubs or herbaceous matter that conceal, damage, interfere or could interfere (either wholly or partly), with a Town utility, utility company pole / line, fire hydrant, or which interferes or could interfere with any person or vehicle that has use of a public road, boulevard, back alley, lane, sidewalk, access right of way, or utility right of way.
- vi. must remove all trees or shrubs or herbaceous matter that due to deterioration or unsafe condition are a hazard or which,
 - a) obstruct the safety of the public,
 - b) could interfere or affect the safety of vehicle traffic or pedestrian movement,
 - c) obstruct a vehicle sight line or traffic control device,

Weeds and Invasive Plants

4.4.13

The owner or occupant of a property or premise:

- i. is required to act so as to prevent or inhibit any infestation of noxious weeds and invasive plants on a property,
- ii. is required to remove all noxious weeds and invasive plants from the property including adjacent / abutting boulevards, easements, lanes, and alleyways,
- iii. shall remove and destroy any noxious weed or invasive plant (including the seed) in accordance with the Weed Control Act, RSA2000, Chapter W-5.1,
- iv. shall not use any unapproved or prohibited poison, chemical, pesticide or herbicide,
- v. shall only use an approved poison, chemical, pesticide or herbicide in accordance with the manufacturers label recommendations and in a manner so as not to create a nuisance or damage to adjacent properties and so as not to create a health and safety risk,
- vi. shall not willfully obstruct or hinder any Designated Officer to enter private land or private property to make enquiries, take samples, enforce a notice or that prevents the Designated Officer to enforce and monitor compliance with the Weed Control Act, this bylaw, or any other enactment.

Exceptions

4.4.14

The provisions within Part 4 of this bylaw where relevant, do not apply to:

- i. parks, natural areas, or municipal reserves, under the direction and control of the Town,
- ii. agricultural farmland, open natural spaces, or areas subject to naturalization programs,

PART 5 VEHICLES

4.5.1

No person shall allow a vehicle, off-highway vehicle, or self-propelled vehicle to become a nuisance through excessive noise, or excessive or unacceptable use or operation.

4.5.2

No person shall operate an off-highway vehicle within the Town on a highway unless it is licensed, registered, insured, and meets all of the provisions of the Alberta Traffic Safety Act.

4.5.3

No person shall park a vehicle on any land owned by the Municipality, including but not limited to, boulevards, playgrounds, parks & recreation areas, alleyways, or utility rights of way, except in public parking places designated for lawful public parking.

4.5.4

No person shall park a vehicle on or in any place restricted, prohibited or limited by a traffic control device or some other form of warning sign or notification or pavement marking.

4.5.5

Unless otherwise approved or directed by a designated officer no person shall park a vehicle:

- i. within 5 metres of an intersection, stop sign, yield sign or crosswalk,
- ii. within 2 metres of a fire hydrant,
- iii. facing oncoming traffic,
- iv. if a street maintenance prohibition is in effect (by time and date),
- v. within 1.5 metres of access to a garage, private road, driveway or designated no parking place.

4.5.6

No vehicle shall be parked on private property without the consent (implied or given) of the owner or person in lawful possession or control of the property.

4.5.7

No person shall wash, or power wash a vehicle in a public street or place.

4.5.8

No person shall wash, or power wash a vehicle on private property which results in debris or loose material, or wastewater to settle in an adjacent or neighbouring property, or which creates a nuisance or a hazard.

4.5.9

A person who owns, occupies, or who has control of a vehicle must not at any time allow the vehicle to remain continuously running for longer than 20 minutes when it is stationary in a residential district.

Vehicle Repair

4.5.10

No person may conduct any repair work on a motor vehicle, off-road vehicle, hobby vehicle or dilapidated vehicle, including but not limited to mechanical repairs, body work, paintwork, oil changes or modifications in a residential district so that it:

- i. becomes unsightly,
- ii. creates a nuisance or unacceptable noise,
- iii. creates unacceptable odours, fumes, smoke, or chemical pollution,
- iv. creates a health and safety hazard.

Vehicles under repair as a commercial trading activity are not permitted in residential areas.

4.5.11

All vehicle fluids, paint products and other hazardous material must be properly disposed of and must not be flushed in either the Town's storm water or wastewater systems.

4.5.12

All automobile parts, materials, and equipment (either new or discarded) must be properly stored and must not be allowed to become unsightly or have a detrimental or adverse visual impact on an adjoining neighbour.

Derelict and Unused Vehicles

4.5.13

Derelict vehicles are not permitted to be parked on any Town street, alleyway, or public place including places designated for public vehicle parking.

4.5.14

Unused vehicles may be parked on a Town street adjacent to the owner's property providing they are roadworthy and registered and do not create a nuisance.

Unused vehicles must be capable of being moved (legally) at times when notification is given by the Town for winter roads maintenance operations or for any other reasonable request, including for example, but not limited to, repairs to a water main or the resurfacing of the road.

4.5.15

Derelict vehicles may be impounded after a period of 72 hours (vehicles with missing plates are deemed to be unregistered).

4.5.16

Any vehicle which is illegally parked, or which creates a public safety risk, or which adversely affects traffic flows, or which obstructs Town operations, emergency vehicles or utility servicing can be removed and impounded without notice.

4.5.17

Any fees for impoundment, storage, recovery, or disposal remain with the owner of the vehicle.

4.5.18

Liability for any loss of personal effects from within the vehicle while being impounded or in storage remains with the owner of the vehicle.

4.5.19

A derelict or dilapidated vehicle must not be stored on the front of a property so as to become unsightly or have a detrimental or adverse visual impact.

4.5.20

All persons must fulfill the responsibilities and duties legislated under any statutory enactment. All vehicles must be operated in accordance with the provisions of the Road Traffic Act, and any other enactment, regulation, or order, the provisions of this bylaw and any other Town Bylaw.

Recreational Vehicles

4.5.21

Within a residential district a person must not park or allow a recreational vehicle to be parked in front of a property on any Town street for more than 36 consecutive hours.

During this period the recreational vehicle must be attached to a vehicle by which it can be drawn, propelled, or moved.

After a period of 36 hours the recreational vehicle must be moved to an off-highway location for at least 48 hours before it may be parked again on a highway.

4.5.22

Recreational vehicles cannot be parked on any alleyway, or public place including places designated for public vehicle parking unless authorized by the CAO.

4.5.23

No person shall park a recreational vehicle on any portion of a residential lot that is not specifically constructed as a driveway or parking pad.

4.5.24

When a recreational vehicle is parked on a Town street it cannot be used as a dwelling or sleeping place.

4.5.25

Parked recreational vehicles cannot obstruct the view of intersections, crosswalks, playgrounds, or street signs or obstruct the safe movement of vehicle or pedestrian traffic or create a hazard.

4.5.26

Parked recreational vehicles cannot be parked on top of, or overhang, a utility right of way, a sidewalk or any part of a street designated as a no parking zone.

4.5.27

For the purpose of the provisions made in 4.5.21 to 4.5.26 inclusive recreational vehicles is defined as including, boats on trailers, or any other machine or equipment on a flatbed trailer.

Self-Propelled Vehicles

4.5.28

Any person operating a self-propelled vehicle must:

- i. yield the right of way to pedestrians and all other users,
- ii. ride to the right side of any path or trail (or in accordance with any signage),
- iii. equip the self-propelled vehicle with brakes and a bell or horn,
- iv. not use the vehicle to carry more persons than the number for which it was designed.

Exceptions

4.5.29

The provisions within Part 5 (Vehicles) of this bylaw do not apply to:

- i. Town operations or emergency work carried out by the Town or contractors employed by the Town,
- ii. the temporary relaxation of any provision authorized by the CAO due to special circumstances, or for approved special events,
- iii. commercial equipment, including but not limited to, excavators or bobcats while operating in the normal course of their work or bona fide activity,
- iv. the loading / unloading of off-highway vehicles for transportation purposes,
- v. an emergency or situation of a serious nature,
- vi. Red Deer County Fire Department either as part of fire service operations or training.

PART 6 FIREARMS & WEAPONS

4.6.1

No person, other than those persons authorized by Federal or Provincial legislation, shall carry on person, or transport or use or intend to use, a prohibited firearm, prohibited ammunition, a prohibited weapon or a prohibited device within any public property or area or place within the Town.

4.6.2

No person, other than those persons authorized by Federal or Provincial legislation, shall carry on person, or transport a loaded firearm or any other device that is capable of discharging a projectile within any public property or area or place within the Town.

4.6.3

No person other than those persons authorized by Federal or Provincial legislation, shall discharge a firearm, or any other device that is capable of discharging a projectile within the limits of the Town (either on private property or a public place, area or land) including but not limited to, a rifle, shotgun, handgun, black powder gun, antique gun, air gun (all types), CO² gun (all types), bow, crossbow, flare gun, replica gun, kit gun or homemade / converted gun.

4.6.4

All persons are deemed to have committed an offence under the provisions of this bylaw, who without lawful excuse, fail to adhere to a condition of a licence, a registration requirement, a permit, a prohibition, or contravene any legal enactment including the Federal Firearms Act & Regulations and the Criminal Code of Canada.

4.6.5

No person shall use a firearm, or any other device that is capable of discharging a projectile for the purpose of hunting, including but not limited to, killing, injuring, harassing, flushing, or capturing an animal within the Town.

4.6.6

The use or discharge of a tranquilizer gun or device by a competent or licensed person, including but not limited to, a Veterinarian, Fish & Wildlife Officer, or Animal Control Officer in the performance of their duties is exempted from the provisions of this bylaw.

4.6.7

No person shall carry on person, or use, or intend to use any weapon that may harm or injure another person or property or for the purpose of threatening or intimidating any person.

4.6.8

Any replica firearm used in any way within the Town will be considered to be a firearm and will be treated as such under any applicable federal, provincial, or municipal legislation.

4.6.9

All firearms offences under this bylaw or any other statutory legislation will be reported to the RCMP.

PART 7 FIRE

4.7.1.

Except where allowed by permit no person shall burn, or allow to be burned, a fire on any property or premise, or public place or park.

4.7.2

No person shall burn, or allow to be burned, a fire on any property or premise that violates any condition of a Fire Ban Notice or Fire Restriction Notice Order issued by Red Deer County.

4.7.3

Where a fire is permitted, every person who builds, ignites, or allows a fire on a property or premise must ensure that the fire is under control and is not left unsupervised at any time.

4.7.4

An outdoor fire is not permitted to burn on a property or premise between the hours of 12.00am (midnight) and 9.00am on any day of the week.

4.7.5

No fire is permitted at any time on any property or premise of materials, including but not limited to:

- i. treated or painted lumber with preservatives including oils, glues, and resins,
- ii. rubber, (including tires), plastic, paint,
- iii. chemicals, toxic substances,
- iv. wet or unseasoned wood,
- v. yard waste & garbage,
- vi. animal carcasses / cadavers,
- vii. combustible / explosive material (fuels, oils, propane).

4.7.6

No fire is permitted that creates any prohibited debris or such that the smoke emitted from the fire causes a nuisance, or a safety concern or which impairs visibility on a public highway or street.

4.7.7

Fires in firepits are subject to the Town's Fire Bylaw or any order issued by Red Deer County.

4.7.8

Fire permits are issued in accordance with Red Deer County Fire Department procedures and regulations and the provisions of the Town's Fire Bylaw.

4.7.9

No person shall discharge fireworks unless prior approval is given either by the CAO or the Fire Chief and must be in accordance with any conditions of any permit issued or stated terms as given either by the Town or Red Deer County Fire Department.

4.7.10

If, in the opinion of the CAO or any member of Red Deer County Fire Department:

- i. material, if ignited could create a fire hazard,
- ii. a fire (or fireworks) creates a burning hazard,
- iii. a fire poses a health & safety risk,
- iv. a person does not comply with the requirements of this bylaw,

appropriate action may be taken to ensure that the hazard or fire (or fireworks) no longer pose a risk to any other person or property.

4.7.11

Notwithstanding any permission or permit given or any provision within this or any other Town bylaw the CAO or the Fire Chief may at any time issue an order that prohibits any person from building or igniting a fire (or setting off fireworks) at any time on any property or premise.

4.7.12

No person may obstruct, interfere with, or hinder the CAO, Fire Chief, or a Fire Safety Codes Officer in the carrying out of their duties and responsibilities under this bylaw, or any other enactment, order, or Town bylaw.

4.7.13 Exceptions

The provisions within Part 7 (Fire) of this Bylaw do not apply to:

- i. Town operations or emergency work carried out by the Town or contractors employed by the Town,
- ii. the temporary relaxation of any provision authorized by the CAO or the Fire Chief due to special circumstances, or for approved special events,
- iii. Red Deer County Fire Department either as part of fire service operations or training.

PART 8 AERIAL ACTIVITIES

4.8.1

No person shall fly, or permit to fly, a drone unless this is carried out in accordance with Transport Canada regulations including licensing, certification, airworthiness, pilot training, insurance liability and operating rules, (conditions as regulated in the Transport Canada Aeronautical Information Manual).

4.8.2

No person shall fly, or permit to fly, a drone overhead a neighbouring property, or within 30 meters of other persons or animals.

4.8.3

No person shall fly, or permit to fly, a drone in a manner so as to create a nuisance, or unacceptable noise, or in a way that might injure or endanger another person, animal, property, or critical infrastructure.

4.8.4

Any person operating a drone must immediately cease operations in the event of any malfunction of any command or control links that affects the performance or flight characteristics of the drone.

4.8.5

In the event of an incident or accident to public or private property this must be reported to the Town Administration Office (and in accordance with the provisions of Transport Canada regulations).

4.8.6

No person shall possess or operate a handheld laser (over 1 milliwatt) at any time.

4.8.7

No person shall operate a laser light show unless permitted to do so by the CAO and in accordance with Transport Canada regulations.

4.8.8

The provisions within Part 8 (Aerial Activities) of this bylaw apply regardless of the purpose of use, including but not limited to, recreational, commercial, and research use.

4.8.9 Exceptions

The provisions within Part 8 (Aerial Activities) of this bylaw do not apply to:

- i. the temporary relaxation of any provision as authorized by the CAO, including but not limited to, Town operations, special circumstances, or for approved special events,
- ii. any Designated Officer acting under authority, or agreement or in the normal course of their duties (either operational or training) including but not limited to, Peace Officers, RCMP, Red Deer County Fire Department.

5 DESIGNATION OF AUTHORITY

5.1

Council authorizes the CAO to conduct all actions necessary in order to fulfill the responsibilities and duties legislated under any statutory enactment, regulation, order, this bylaw, or any other Town bylaw.

5.2

Without limitation, the CAO is empowered to provide for:

- i. administering or enforcing the provisions of this bylaw,
- ii. granting licenses, approvals and permissions as set out in this bylaw,
- iii. approving exemptions to this bylaw
- iv. imposing penalties or waiving penalties where appropriate or necessary
- v. imposing additional restrictions as deemed necessary in the public interest.
- vi. any action or decision deemed as being reasonably practicable.

The provisions within any section of this bylaw where relevant do not apply in cases where there is a temporary relaxation of any provision made by the CAO or a Designated Officer due to special circumstances or other special arrangements.

5.3

The CAO may establish rates, charges, penalties, or fees for any costs incurred or material used for remedial purposes including, but not limited to,

- i. the cleanup and removal of any waste or yard waste
- ii. the removal and storage cost of impounded vehicle or unused vehicle,
- iii. the maintenance and repair of any unsightly property / premise or abandoned property,
- iv. non-specific infractions of any part of this bylaw

5.4

The CAO may delegate powers to Designated Officers as deemed appropriate or necessary.

5.5

No person may obstruct, interfere with, or hinder the CAO, or a Designated Officer of the Town, in the carrying out of their duties and responsibilities under this bylaw, or any other enactment, order, or Town bylaw.

5.6

A Designated Officer may conduct patrols within the Town for the purposes of enforcing the provisions of this bylaw.

5.7

The CAO may declare any activity to be deemed as being:

- i. dangerous,
- ii. nuisance,
- iii. unacceptable,
- iv. excessive,
- v. unreasonable,
- vi. unsightly,

as necessary, or appropriate, in order to fulfill the provisions of this bylaw or to act responsibly in the best interests of the community.

5.8

The CAO may, upon giving reasonable notice of time to a person or owner or occupant, may enter any private, retail, or commercial premise to carry out an inspection, enforcement, remedy, or any action authorized or required by either, order, enactment, or this bylaw (as provided for in Part 13, Division 4, Enforcement of Municipal Law of the MGA).

5.9

The CAO or Designated Officer may in certain circumstances seize and confiscate any noise making equipment, devices, or items dependent upon the context, nature, and severity of the matter.

5.10

The CAO may issue a written warning that:

- i. directs a person to take action to remedy any contravention of this bylaw,
- ii. states the action the Town will take to remedy the contravention.

This may lead to the issue of:

- i. a specific penalty for contravention of a provision or for an offence as identified within this or any other Town bylaw,
- ii. an unspecified administrative penalty for infractions of any part of provision of this bylaw,
- iii. the issue of a remedial order to remedy the infraction (in accordance with Part 13, Division 4, Enforcement of Municipal Law of the MGA),
- iv. civil proceedings through the courts,
- v. any or all of i) to iv) above.

5.11

Not every matter can be addressed through regulation within this bylaw. In the interest of minimizing any misunderstanding and maintaining harmonious community relationships, all persons should liaise directly with the Town on any matter that may adversely affect community living.

6 DELEGATION OF AUTHORITY

Section 708 of the MGA allows for an Intermunicipal Collaboration to provide for the delivery and funding of intermunicipal services.

The Town of Bowden and Red Deer County have entered into a Municipal Services Agreement that allows Red Deer County to provide the following services:

- i. Fire & Rescue,
- ii. Weed Control,
- iii. Road Maintenance,
- iv. Road Traffic Enforcement,
- v. Bylaw Enforcement,
- vi. Building Safety & Fire Codes.

Red Deer County Officers are empowered under the joint Municipal Services Agreement and this bylaw to conduct all actions necessary in order to fulfill the responsibilities and duties legislated under any statutory enactment, regulation, order, this bylaw, or any other Town bylaw or Town policy where applicable or relevant within the Town of Bowden municipal boundaries.

7 LIABILITY & APPEAL

7.1

No action for damages shall be taken against the Town or any Designated Officer acting under the authority of this bylaw or the enforcement of the provisions of this bylaw or any other statutory enactment or order.

7.2

Any penalty or order issued under this bylaw shall not affect or remove in full or part any liability for claims or damages that may arise under a civil action brought to a Court in relation to an offence committed under this bylaw or any other enactment.

7.3 Right of Appeal

Any person who considers themselves to be aggrieved by a decision of the CAO (or a Designated Officer of the Town) made under this bylaw may appeal the decision in accordance with the appeal procedures stated within Bylaw Enforcement Policy 05 / 2023.

8 APPLICABILITY

8.1

This bylaw applies to all persons present within the Town.

8.2

No person shall obstruct, hinder, or interfere with any person while exercising or performing their duties or powers pursuant to the provisions of this bylaw, or any other enactment.

8.3

Exceptions (either permanent or temporary) to any provision within this bylaw:

- i. are at the discretion of the CAO, due to special circumstances, arrangements or need,
- ii. are as stated in this bylaw,
- iii. may apply to any Designated Officer or person acting under authority, or agreement or in the normal course of their official duties, for example: Peace Officers, RCMP, Fire Department.

8.4

Any person who contravenes any provision of this bylaw, by negligence, or by doing any act or thing which is prohibited, or by failing to do any act or thing that is required, is guilty of an offence in accordance with this bylaw or any other enactment.

8.5

Under Provincial legislation (Provincial Offences Procedures Act), the provision of the Criminal Code extends liability beyond the person who committed the offence as follows:

Persons are deemed party to an offence who:

- i. actually commit the offence,
- ii. do anything for the purpose of aiding a person to commit an offence, or,
- iii. abet any person in committing an offence.

8.6 Proof of Exception

In cases where a person alleges that an exception to the provisions of this bylaw applies, the burden of proof remains with that person, on a balance of probability.

8.7

Nothing in this bylaw (either by inclusion or omission) exempts any person from any statutory enactment, regulation, code, or Ministerial Order, including but not limited to the:

- i. Criminal Code of Canada,
- ii. Firearms Act of Canada,
- iii. Canadian Code of Advertising Standards,
- iv. Municipal Government Act, RSA2000, Chapter M-26,
- v. Trespass to Premises Act, RSA2000, Chapter T-7,
- vi. Petty Trespass Act, RSA2000, Chapter P-11,
- vii. Public Health Act (and Regulation), RSA2000, Chapter P-37,
- viii. Traffic Safety Act, RSA2000, Chapter T-6, (and all Regulations part of),
- ix. Alberta Safety Codes Act, RSA2000, Chapter S-1 and the Alberta Fire Code Regulation,
- x. Weed Control Act, RSA2008, Chapter W-5.1,
- xi. Tobacco and Smoking Reduction Act, RSA2005, Chapter T-3.8,
- xii. Gaming, Liquor & Cannabis Act, RSA2000, G-1,
- xiii. Environmental Protection and Enhancement Act, RSA2000, Chapter E-12,
- xiv. Charitable Fund-raising Act, RSA2000, Chapter C-9,
- xv. any other applicable or relevant Town of Bowden Bylaw, policy, directive, or order.

8.8

All references in this bylaw to an act, statute, regulation, or other bylaw refer to the current version of that enactment, as amended or replaced from time to time including all successor legislation.

8.9

All schedules attached to this bylaw form part of this bylaw.

9 SEVERABILITY

Every provision of this bylaw is independent of all other provisions. If any provision of this bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.

10 BYLAW PRECEDENCE

This bylaw supersedes and takes precedence over all previously passed bylaws that make reference to matters of nuisance, noise or community standards.

Bylaw **04-2014** and all amendments thereto are hereby repealed (Nuisance Bylaw).

Bylaw **12-2001** and all amendments thereto are hereby repealed (Noise Control Bylaw).

This bylaw will come into effect on the final day of passing and signature thereof.

Read a first time in open council this 27 day of March 2023,

Read a second time in open council this __ day of __ 2023__,

and finally passed by unanimous consent of the Councillor's present.

Read a third time in open council this __ day of __ 2023__,

Robb Stuart, Mayor

Rudy Friesen, Chief Administrative Officer

Community Standards Bylaw SCHEDULE A Enforcement & Penalties

A1

Any contravention of any provision of this bylaw may be enforced by the provisions contained within the Municipal Government Act (Division 4, Enforcement of Municipal Law), the Provincial Offences Procedures Act, R.S.A. 2000 Chapter P-24 or any other Provincial enactment or order where valid and enforceable.

A2

Any person who:

- i. contravenes a provision of this bylaw is guilty of an offence,
- ii. fails to do any act or thing a person is required to do, is guilty of an offence.

A3

This may lead to the issue of:

- i. a verbal or written warning,
- ii. a violation ticket for a specific penalty for the contravention of a provision of this bylaw in accordance with the Provincial Offences Procedures Act,
- iii. an unspecified penalty of a variable amount of not less than \$250.00 up to a maximum of \$10000.00 for any general contravention of this bylaw as either a penalty fee, surcharge, late payment charge and / or for the compensation for damages or the recovery of costs,
- iv. any or all of i) to iii) above.

A4

This bylaw is enforceable either by the CAO or a Designated Officer.

A5 Specific Penalties

Bylaw Reference	1 st offence	repeat offence(s)
Part 1 General Behaviours	\$150.00	\$300.00
except Disposal of Waste 4.1.28	\$250.00	\$500.00
Part 2 Noise	\$150.00	\$300.00
Part 3 Property & Property Maintenance	\$150.00	\$300.00
Part 4 Trees, Shrubs, Green Waste	\$100.00	\$250.00
Part 5 Motor Vehicles	\$250.00	\$500.00
Part 6 Firearms & Weapons	\$500.00	\$1000.00
Part 7 Fire	\$250.00	\$500.00
Part 8 Aerial Activities	\$250.00	\$500.00

A6

All persons must rectify the circumstances which give rise to an offence within the stipulated time period. Any continuance thereafter shall be deemed to be a new (subsequent) offence incurring further additional penalties.

A7 Administrative Penalties

Any person who contravenes any provision of this bylaw (other than those specific penalties listed in A5) will be subject to an unspecified penalty (as stated in A3 iii) the actual amount of which will be determined and applied at the discretion of the CAO.

These penalties can vary and reflect the seriousness of the contravention.

Administrative penalties are determined by the CAO on a case-by-case basis.

Factors that are considered in deciding the amount of an administrative penalty are:

- i. the severity of the contravention and the scale of adverse effects caused by it,
- ii. the degree of willfulness or negligence in the contravention,
- iii. what steps have been taken to prevent the contravention or its reoccurrence.

Administrative penalties are intended for more serious bylaw contraventions with the maximum fine determined by the CAO subject to any maximum amount imposed by the MGA (currently \$10000.00).

A8

All persons are responsible for all costs associated with the implementation of any measures taken, or required to be taken, by the Town (or any other regulatory body) to meet the provisions of this bylaw or for any,

- i. remedial action,
- ii. repair to property, or personal effects,
- iii. recovery of costs.

A9

Any penalty issued under this bylaw does not affect or remove in full or part any liability for damages that may arise under a civil action brought to Court in relation to an offence committed under this bylaw or any other enactment.

A10 Enforcement.

A10.a

A written or verbal warning informs the recipient that they are contravening a specific legislative or regulatory requirement and will recommend a course of action to achieve compliance.

A Remedial Order may be issued to remedy the infraction in accordance with section 545 and 546 of the Municipal Government Act.

Written and verbal warnings create a formal record of non-compliance and in cases where a warning is ignored or repeated this may lead to an escalated enforcement response.

A10.b

A bylaw violation ticket for a specific penalty for the contravention of a provision of this Bylaw is a form of prosecution under the Provincial Offences Procedures Act, that allows the Town to deal effectively with easily observable cases of non-compliance.

A10.c

Administrative penalties are monetary penalties that are applied at the discretion of the CAO if it is determined that legislative or regulatory requirements have been contravened. Penalties can vary and reflect the seriousness of the contravention.

Administrative penalties are determined by the CAO on a case-by-case basis. Factors that are considered in deciding an administrative penalty are:

- i. the severity of the contravention and the scale of adverse effects caused by it,
- ii. the degree of willfulness or negligence in the contravention,
- iii. what steps have been taken to prevent the contravention or its reoccurrence.

A10.d

The Town's enforcement model follows a general approach (knowing however that each situation may have unique circumstances which may require a different approach to be taken) which is typically as follows:

- i. communication,
- ii. education,
- iii. collaboration,
- iv. compliance.

It is the policy of the Town to work considerately in collaboration with all parties on any matter that adversely affects community living in order to arrive at an effective and agreeable solution.

Our overall philosophy historically has been (and continues to be) to resolve issues or complaints received through a process of community engagement and education with the overall aim to ensure that all bylaws are followed by everyone for the benefit of all residents within our community.

A10.e

Reference should be made to the Town of Bowden Bylaw Enforcement Policy 05 / 2023