



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

Town of Bowden – Province of Alberta RATES, FEES, CHARGES, & PENALTIES BYLAW 01 / 2023

A Bylaw of the Town of Bowden, in the Province of Alberta, pursuant to the provisions of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta,

Whereas the Municipal Government Act, RSA2000, Chapter M-26 (as amended over time) Part 2 Bylaws, Section 7 provides that Council may pass bylaws for municipal purposes respecting:

- i. the services provided by or on behalf of the municipality,
- ii. the enforcement of bylaws including fines & penalties.

And whereas the Municipal Government Act, RSA2000, Chapter M-26 (as amended over time) Part 2 Bylaws, Section 8 provides that Council may pass bylaws for municipal purposes respecting, including but not limited to:

- i. the provision of a system of licences, permits or approvals,
- ii. the establishment of taxes for the purpose of raising revenue,
- iii. the establishment of fees for persons or businesses who do not reside or maintain a place of business within the municipality,
- iv. intermunicipal licencing programs.

And whereas the Council of the Town of Bowden wishes to incorporate in one bylaw rates, fees, charges, levy's, fines, and penalties so as to facilitate a regular review, appraisal and public transparency of such rates, fees, charges, levy's fines, and penalties.

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

1 SHORT TITLE

This bylaw may be known as and cited as the "Rates & Fees Bylaw".

2 PURPOSE

The purpose of this bylaw is to set rates, fees, charges, levies, fines, and penalties that will be charged for the services provided by the Town.

3 DEFINITIONS

In this bylaw (and the attached Schedules) the following definitions apply:

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 the 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).

Council

Means the duly elected Municipal Council of the Town of Bowden.

Municipality

Means the Town of Bowden, a municipal corporation within the Province of Alberta.

MGA

Means the Municipal Government Act, RSA2000, Chapter M-26, and any regulations made thereunder, as amended over time.

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 (not owned by the Municipality) 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.

Owner

Means a person who is one or more of the following:

- a) the registered / legal owner of the property,
- b) recorded as the owner of the property on the assessment roll of the Town,
- c) an authorized occupier of a property or premise,
- d) the person who has lawful possession of a property or premise,
- e) the person who has the right to exercise control over a property or premise,
- f) in control or development of a property or premise under construction.
- g) a person who is in control of an animal or vehicle or equipment

Person

Means any of the following:

- 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) a trustee, executor, administrator, agent, or employee of either a) or b),
- d) unless the context otherwise requires, this does not include the Town.

Premise

Means any of the following:

- a) private land
- b) any building or a structure (either occupied or unoccupied)
- c) both or part of a) & b)

In addition, 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.

Property

Means any of the following:

- a) any public or private land,
 - b) any building or structure (either residential or non-residential / occupied or unoccupied),
 - c) a parcel of land as registered with Alberta Land Titles.
 - d) both or part of a) & b),
- situated within the Municipality.

Pursuant to

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

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.

Remedial Order

An order to remedy contraventions issued in accordance with section 545 of the MGA.

Resident

Means a person who resides within a Town of Bowden address (postal code T0M 0K0), or an organization that is based within the Municipality, or any person, group or team as determined by the CAO as being a "resident" at the sole discretion of the CAO (on a case-by-case basis, without setting of any precedent).

Residential

Means a premise where no commercial activity or business is carried out (unless authorized by permit through a Business Licence).

Town

Means the municipal corporation of the Town of Bowden.

Words (interpretation)

- i. "may" is to be interpreted as permissive (allowed but not obligatory, optional).
- ii. "must" is to be interpreted as imperative (obligatory, mandatory, required, unavoidable).
- iii. "shall" is to be interpreted as "must".
- iv. "should" is to be interpreted as a recommended (desirable, not required to conform).
- v. "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.

4 DESIGNATION OF AUTHORITY

4.1 Authority of Council

Council will set rates, fees, charges, levies, penalties, and fines as set out in within this bylaw.

4.2 Authority of the CAO

4.2.1

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.

4.2.2

Without limitation, the CAO is empowered to provide for:

- i. administering or enforcing the provisions of this bylaw,
- ii. facilitating the billing and collecting of fees & penalties,
- iii. granting licences, approvals and permissions as set out in this bylaw,
- iv. approving exemptions to this bylaw or waiving penalties where appropriate or necessary,
- v. imposing additional costs or penalties associated with the collection of unpaid rates, fees, charges, and fines,
- vi. the recovery of any unforeseen costs associated with the provision of Town services,
- vii. any action or decision deemed as being reasonably practicable.

4.2.3

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 due to special circumstances or other special arrangements.

4.2.4

Where rates have not been established for a particular service, the CAO may establish and levy charges for services on a cost recovery basis for those services provided by the Town.

4.2.5

The CAO has the authority to make an exception to any rates, fees, charges, fines, or penalties contained within this bylaw at his / her own discretion without precedent in response to abnormal circumstance or needs or situation at the time (eg: an emergency action).

4.2.6

The CAO has the authority to impose unspecified rates, fees, charges, fines, or penalties at his / her own discretion, without precedent, dependent upon the context, nature, and severity of a matter or the specific nature of a bylaw offence.

4.2.7

(i)

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.

(ii)

This may lead to the issue of:

- i. a written warning,
- ii. a specific penalty listed for an offence as identified within this bylaw or any other Town bylaw,
- iii. an unspecified penalty of not less than \$50 up to a maximum of \$15000 for any offence,
- iv. the issue of a Remedial Order to remedy the infraction in accordance with Division 4 Enforcement of Municipal Law and section 545 of the Municipal Government Act,
- v. any or all of i) to iv) above.

4.2.8

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

4.2.9 Right of Appeal

Any person who considers themselves exempt of a rate, fee, charge, levy, fine or penalty or considers themselves aggrieved by a decision of the CAO (or a Designated Officer of the Town), may make an appeal to Council in accordance with the procedures outlined within the Council Procedural Bylaw 08 / 2020.

Council's decision in respect of an appeal will be final and binding.

5 APPLICABILITY

5.1

This bylaw applies to all persons, owners, occupants, residents, customers, and businesses within the Town of Bowden municipal boundaries.

5.2

General Sales Tax (GST) will be applied in accordance with the statutory requirements of the Canada Customs and Revenue Agency (CRA) where applicable.

5.3

Nothing in this bylaw (either by inclusion or omission) exempts or relieves any person from:

- i. complying with the provision of any federal, provincial, enactment, code, or regulation,
- ii. any requirement of any lawful permit, order, or licence,
- iii. any fine, charge, fee or rate charge made by any other federal or provincial legislation or regulatory body.

5.4

The rates, fees, charges, levy's, fines and penalties stated within this bylaw may be enforced by the provisions contained within the Municipal Government Act (Part 13, Division, 4 Enforcement of Municipal Law), the Provincial Offences Procedures Act, R.S.A. 2000 C. P-24, or any other Provincial or Federal regulation where valid and enforceable.

5.5

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.

5.6

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.

6 SCHEDULES

6.1 Schedules attached to this bylaw:

Schedule A	Administration & Public Works
Schedule B	Business Licence
Schedule C	Recreation (Arena)
Schedule D	Planning / Development & Property Tax
Schedule E	Utilities
Schedule F	Cemetery
Schedule G	Animal Licencing
Schedule H	Bylaw Control & Enforcement Penalties

6.2

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

7 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.

The addition or amendment of a rate, fee, charge, levy, fine or penalty in any section of this bylaw shall only affect that particular section of this bylaw and all other sections shall remain in full force and effect.

8 BYLAW PRECEDENCE

This bylaw (and the attached schedules) supersedes and takes precedence over all previously passed bylaws that make reference to, or include specific fees, charges, rates, levies, fines or penalties.

Bylaw **02 / 2022** and all amendments thereto are hereby repealed.

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

Read a first time in open council this 13th day of February 2023,

Read a second time in open council this 13th day of February 2023,

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

Read a third time in open council this 13th day of February 2023.



Robb Stuart
Mayor



Rudy Friesen
Chief Administrative Officer

SCHEDULE A Administration & Public Works

Service Description	Unit of Measure	\$ (GST included)
Office Services		
Photocopy	Per page single sided	\$0.25
Fax / email	Per page (incoming / outgoing)	\$1.00
Finance (Accounts Receivable)		
Bank charges re: NSF & returned cheques	Per occurrence	\$25.00
Overdue Accounts (terms 30 days net)	Balances outstanding per month	2% ① (plus GST)
Town Newsletter Advertising Rates ②	Business card size (colour)	\$12.00
	Half page (colour)	\$50.00
	Full page (colour)	\$100.00
Copies of Financial Statements or Bylaws	Per document	\$20.00
General Administration Fee	Per hour	\$25.00
Services provided under the Freedom of Information & Protection of Privacy Act (FOIP)	Per section 93 FOIP Act revised Nov 2019 (or as amended over time)	No greater than actual cost
Public Works		(no GST)
Hydrovac disposal of waste (by agreement with CAO)	Per load	\$50.00
General labour (by agreement with CAO)	Per hour	\$50.00

Notes

①

Payment terms on all account balances for goods & services supplied as invoiced is 30 days.

Payment must be made in full within stated payment terms.

An interest penalty of 2% per month will be levied on all outstanding balances.

②

Material content and payment for Newsletter Advertising must be submitted prior to the 15th day of the month the Newsletter is published.

The minimum contractual term is three months.

SCHEDULE B Business Licence

Service Description	Unit of Measure	\$ (GST included)
Licence Fee		
Business Licence - resident	Per calendar year	\$25.00
Business Licence - non-resident	Per calendar year	\$100.00
Business Licence - resident (after Aug 31 st)	Per month pro rata	\$5.00
Business Licence - non-resident (after Aug 31 st)	Per month pro rata	\$10.00
Business Licence - resident (temporary) ❶	Per licence	\$25.00
Business Licence - non-resident (temporary) ❶	Per licence	\$50.00
Penalties		(no GST)
Breach of Business Licence Bylaw	Per occurrence	\$250 to \$1000
Breach of Business Licence Bylaw	Repeat of offence	\$500 to \$2500

Notes

❶ A temporary Business Licence is valid for a period of two weeks only.

SCHEDULE C Recreation (Arena)

Service Description	Unit of Measure	\$ (plus GST)
Winter Ice Rental Rates^②	Minimum time charged 1 hour	
Prime time (4:00pm until closing & weekends)	Additional time charged per ½ hour	
Resident (youth team or group)	Per hour	\$90.00
Non-Resident (youth team or group)	Per hour	\$130.00
Resident (adult)	Per hour	\$140.00
Non-Resident (adult)	Per hour	\$160.00
Non-Prime time	additional time charged per ½ hour	
Youth	Per hour	\$85.00
Adult	Per hour	\$110.00
Bowden School	Per student per rental time slot	\$1.05
Upstairs lobby	Per event / booking	\$25.00
Arena – Summer Rental Rates		
Youth	Per hour	\$65.00
Adult	Per hour	\$85.00
Resident “non profit”	Per day	\$381.15
Resident “commercial event”	Per day	\$444.68
Non-Resident “commercial event”	Per day	\$571.73
Rink Board Advertising ^①		(plus GST)
Wall Board (standard size 96” x 48”)	Per annum	\$300.00
Rink Board (dasher board size 96” x 30”)	Per annum (3-year contract)	\$400.00
	Annual (1-year contract)	\$500.00
Installation	Per sign	\$100.00

Notes

- ① The artwork design and manufacture of each sign is not included in these fees.
 ② An interest penalty of 2% per month will be levied on all outstanding balances.

SCHEDULE D Planning / Development & Property Tax

Service Description	Unit of Measure	\$ (GST not included)
Property Tax		
Tax Certificate	Per roll number	\$25.00
Assessment Appeal Submission Fee	Per appeal	\$50.00
Tax Penalties (section 344 MGA applies)		
Current Year (as per Taxation & Property Assessment Notice)	Payment in full by June 30 th (or by Tax “TIPPS” program)	No penalty
Current Year (as per Taxation & Property Assessment Notice)	Later than June 30 th deadline	12%❶
Tax Arrears	All outstanding balances	15%❷
Appeal of Property Assessment	Residential	\$50.00
	Commercial	\$300.00
General Administration Fee	Per hour	\$25.00
Landowner Assessment Record / Tax Searches		\$20.00
Land Use Bylaw		
Off Site Levy	Residential (per Hectare)	\$15000
	Commercial (per Hectare)	\$15000
	Industrial (per Hectare)	\$15000
Land Use Planning & Development		
Planning & Development Service Fees	rates determined by Red Deer County ❸	
Land Use Bylaw		
Penalties for specified offences under the Land Use Bylaw	First Offence	Written Warning
	Second Offence	\$250.00
	Third Offence	\$500.00
	Fourth Offence	\$1000.00
Penalties for unspecified offences under the Land Use Bylaw	Not less than	\$250.00
	Not more than	\$10000.00

Notes

❶ Tax payment must be made in full by June 30th. A penalty of 12% will be levied on the amount of any remaining balance.

❷ Current year taxes and penalties (combined) that remain unpaid by December 31st within any tax year become "tax arrears" and are subject to a further tax penalty of 15% effective January 1st. Property Owners who default on payments under the monthly Tax Payment Program (TIPPS) will incur tax penalties as set out in ❶ above and ❷.

❸ Red Deer County is the approved Development Authority under a Municipal Services Agreement between the Town of Bowden and Red Deer County. Please refer to the Planning & Development page of the Red Deer County web site.

<http://www.rdcountry.ca/170/Planning-Development>

SCHEDULE E Utilities

Specific Services & Penalties	Unit of Measure	\$ (GST included)
Water Supply & Services		
Water meters & radio readers	Per meter / radio reader	Cost (plus 10%)
Meter inspection & testing (refunded only if meter is faulty)	Deposit	\$400.00
Utility reconnection fee	Per occurrence (plus cost)	\$55.00
Tampering with or operating utility shut-off valve	Per occurrence	\$300.00
Penalty for utility account arrears	all outstanding balances	Monthly 2%
Service charge per account per month	Monthly	\$10.00
Water consumption	Actual per cubic meter (1m ³)	\$3.10
Bulk Water	Actual per cubic meter (1m ³)	\$5.00
Sanitary Sewer (wastewater)		
Service charge per account per month	Monthly	\$10.00
Usage fee (calculated pro rata on metered water)	Per cubic meter (1m ³)	\$3.20
Flat rate fee per business ^① (where applicable)	Monthly	\$50.00
Garbage & Recycling		
Solid Waste Cart Collection ^② (max 3 carts per property)	Monthly per cart	\$11.00
Recycling Cart Collection ^② (max 3 carts per property)	Monthly per cart	\$11.00
Cart replacement	Per cart	\$85.00 (plus GST)

Notes

① A Flat rate fee will be levied on commercial businesses, to cover wastewater charges, where no water meter is connected but sanitary sewer service is provided.

② Residential participation is mandatory – commercial participation is optional.

SCHEDULE F Cemetery

Service Description	Unit of Measure	\$
Sale of Plots		(plus GST)
Resident		
Grave Plot	Per plot	\$300.00
Field of Honour	Per plot	\$150.00
Non-Resident ^❶		
Grave Plot	Per plot	\$1000.00
Field of Honour	Per plot	\$150.00
Preparation of Plots		
Monday to Friday 8.00am to 3.30pm		
Open & Closure of burial plot (casket)	Per plot	\$600.00
Open & Closure of burial plot (cremains)	Per plot	\$250.00
After 3.30pm on weekdays, weekends, Stat Holiday ^❷		
Open & Closure of burial plot (casket)	Per plot	\$750.00
Open & Closure of burial plot (cremains)	Per plot	\$350.00
Vaults (for cremains)	Per unit	\$150.00 (no GST)
Columbarium		(GST included)
Niche (Resident) (includes first opening & plaque installation)	Per unit	\$900.00
Niche (Non Resident) (includes first opening & plaque installation)	Per unit	\$1400.00
Niche (Veteran or Veteran's spouse) (includes first opening & plaque installation)	Per unit	\$450.00
Second & subsequent opening (Mon to Fri 8.00am to 3.30pm)	Per opening	\$100.00
Second & subsequent opening (after normal working hours)	Per opening	\$150.00
Memory Wall or Niche Plaques (rates as per Nelson Granite)	Per plaque	variable
Installation of Memory Wall Plaques	Per installation	\$52.50
Disinterment (by agreement with CAO)	By agreement	variable

Notes

❶ Non-Resident is defined as an individual who has never resided in either the Town of Bowden or Red Deer County.

❷ Where a lot is either opened or closed (in part) after 3.30pm or at a weekend or on a statutory holiday or when hard frost conditions persist then the higher rate applies.

SCHEDULE G Animal Licencing

Specific Fees	Unit of Measure	\$ (GST included)
Licence Fee		
Licence purchased before 31st Jan in current year		
Spayed or neutered dog	Annually per calendar year	\$15.00
Unaltered dog	Annually per calendar year	\$20.00
Vicious or dangerous dog❶ (subject to Court Order)	Annually per calendar year	\$250.00
Licence purchased after 31st Jan and before 31st Jul		
Spayed or neutered dog	Annually per calendar year	\$30.00
Unaltered dog	Annually per calendar year	\$40.00
Vicious or dangerous dog ❶ (subject to Court Order)	Annually per calendar year	\$250.00
New resident fee or fee for new pet		
Spayed or neutered dog	after 31 st July	\$15.00
Unaltered dog	after 31 st July	\$20.00
Other Fees		
Hobby Licence (purchased anytime)		\$50.00
Transfer of licence		No Fee
Service or guide dog (Owner has Service Dog Identification Card)		No Fee
Replacement tag	Per request	\$5.00
Impoundment and capture fees	Cost recovery basis	variable
Veterinary fees	As incurred	cost

Notes

❶ As defined and subject to provisions contained within the Town of Bowden Animal Control Bylaw.

SCHEDULE H Bylaw Control & Enforcement Penalties

H1

Reference should be made to all Town of Bowden bylaws for any other applicable rates, fees, and charges that are not specifically contained within this bylaw.

H2

Reference should be made to all Town of Bowden bylaws for any other fines or penalties that are not specifically contained within this bylaw, but which are associated specifically with the contravention of a provision within that bylaw.

H3

Reference should be made to the provisions set out in this bylaw specifically in terms 4.2.4, 4.2.5, and 4.2.6 with regard to ad-hoc, exceptional or additional rates, fees, charges, levies, fines, or bylaw control or enforcement penalties.