



Corporation of the Town of Bow Island
Bylaw 2023:06
Community Standards

BEING A BYLAW OF THE TOWN OF BOW ISLAND IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING, CONTROLLING, AND ABATING PUBLIC NUISANCES, UNTIDY PREMISES AND UNSIGHTLY PREMISES BY COMMUNITY STANDARDS GUIDANCE.

WHEREAS pursuant to section 7 of the *Municipal Government Act*, a Council may pass bylaws for municipal purposes respecting the following matters:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) nuisances, including unsightly property; and
- (c) the enforcement of bylaws made under the *Municipal Government Act*.

WHEREAS Council deems it necessary to implement a bylaw to establish and enforce minimum standards relating to the state of maintenance of property, to regulate, control and abate nuisances generally, and to regulate untidy and unsightly premises within the Town of Bow Island;

NOW THEREFORE, the Council of the Town of Bow Island pursuant to that authority conferred upon it by the laws of the Province of Alberta, enacts as follows:

1. TITLE

1.1 This bylaw may be cited as the Community Standards Bylaw.

2. PURPOSE

2.1 The purpose of this bylaw is to regulate the conduct and activities of people on privately owned property and immediately adjacent areas in order to promote the safe, enjoyable and reasonable use of such property for the benefit of all citizens of the Town.

3. DEFINITIONS

3.1 In this bylaw:

- (a) “Boulevard” means that portion of a street which lies between the roadway and the property line of the land abutting the said street.
- (b) “Building Material” means all construction and demolition material accumulated on a premises while constructing, altering, repairing or demolishing any structure and includes, but is not limited to, earth, concrete, wood debris, vegetation or rock displaced during such construction, alteration or repair;
- (c) “Council” means the Council of the Town of Bow Island.
- (d) “Court” means the Provincial Court of Alberta;
- (e) “Litter” shall have the same meaning as in the *Litter Act* and the regulations there under.
- (f) “Motor Vehicle(s)” shall have the same meaning as in the *Traffic Safety Act* and the regulations there under.
- (g) “Municipal Enforcement Officer” means a Community Peace Officer, Special Constable or a member of the Royal Canadian Mounted Police or any other person so authorized to act on behalf of the Council of the Town of Bow Island.



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- (h) “Occupier” means any person other than the Owner who is actually occupying, legally responsible for or in possession of the Property, including, but not limited to, a lessee, licensee, tenant or agent of the Owner.
- (i) “Owner” means:
- i. a person who is registered under the *Land Titles Act* as the owner of the land or;
 - ii. a person who has purchased or otherwise acquired the land, whether he has purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not become the registered owner thereof or;
 - iii. a person holding himself out as the person having the powers and authority of ownership or who for the time being exercises the powers and authority of ownership or;
 - iv. a person controlling the property under construction.
- (j) “Property” means a parcel of land and includes the improvements located on the land.
- (k) “Reasonable Notice” means 48 hours notice.
- (l) “Refuse” means all solid and liquid wastes including, but not limited to, broken dishes, cans, glass, rags, cast-off clothing, waste paper, cardboard, containers, organic and inorganic yard and garden waste, garbage, fuels, abandoned equipment, abandoned vehicles, tires, or any other form of waste or litter.
- (m) “Town” means the Town of Bow Island.
- (n) “Violation Ticket” means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act* and any regulations there under.
- (o) “Weeds” means a plant that is not valued where it is growing and is usually of vigorous growth especially: one that tends to overgrow or choke out more desirable plants, a weedy growth of plants, a plant that grows and is unwanted, OR a plant designated in accordance with the regulations as a prohibited noxious weed and includes the plant’s seeds as per the *Alberta Weed Control Act* or the regulations there under. An example of unwanted weeds may include but is not limited to kochia, foxtail, as well as noxious weeds as per the Alberta Noxious Weed Control list.

4. NUISANCE

- 4.1 An Owner or Occupier shall not cause, allow or permit a nuisance to exist on land they own or occupy.
- 4.2 For the purpose of greater certainty, a nuisance shall mean any act, deed, omission or thing, which is or could reasonably be expected to be annoying, troublesome, destructive, harmful, inconvenient or injurious to another person and/or their property, or anything troublesome or bothersome to other people for which complaints are received by the Town Municipal Office or Municipal Enforcement Officer, whether or not such act, or deed or omission or thing constitutes nuisance at common law.
- 4.3 An Owner or Occupier of a property shall not allow water runoff or drainage to cause a nuisance or safety concern or interfere with pedestrian traffic.

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5. UNSIGHTLY PROPERTY

5.1 An Owner or Occupier shall not cause, allow or permit the land they own or occupy to be unsightly.

5.2 For the purpose of greater certainty, unsightly means land or improvements which, in the opinion of the Municipal Enforcement Officer, show signs of a serious disregard for general maintenance or upkeep, whether or not it is detrimental to the surrounding area, some examples of which include:

- (a) excessive accumulation of material, including, but not limited to building materials, appliances, household goods, boxes, tires, grass, tree and hedge clippings, animal material, waste material, vehicle parts, garbage or refuse, whether of any apparent value or not;
- (b) any loose litter, garbage or refuse whether located in a storage area, collection area or elsewhere on the land;
- (c) damaged, dismantled or derelict vehicles or motor vehicles, whether insured or registered or not; of which do not exceed a reasonable number of vehicles per household (based on the Municipal Enforcement Officers discretion).
- (d) smelly or messy compost heaps;
- (e) in respect of a building or other structure, a building or other structure whose exterior, in the opinion of the Municipal Enforcement Officer, shows signs of neglect, incomplete repair or upkeep, significant physical deterioration, including damage, rot, or other deterioration;
- (f) in respect of a building, any inappropriate infiltration of air, moisture or water into the building due to peeling, unpainted or untreated surfaces, missing shingles or other roofing materials, broken or missing windows or doors, or any other hole or opening in the building;
- (g) fences, signs, billboards, garbage containers, playground equipment, accessory buildings or anything used or erected on the land which, in the opinion of the Municipal Enforcement Officer, is not kept in a reasonable state of repair; and
- (h) any accessible excavation, ditch, drain or standing water that could pose a danger to the public.

6. UNTIDY PROPERTY

6.1 An Owner or Occupier shall not cause, allow or permit the land they own or occupy to be untidy.

6.2 For the purpose of greater certainty, untidy means land or improvements which, in the opinion of the Municipal Enforcement Officer, are not in keeping with the condition of surrounding properties, including land or improvements that may have a detrimental effect on the market value of property in the surrounding area, or general maintenance of said property including upkeep. Examples of which include:

- (a) any land or improvements which, in the opinion of the Municipal Enforcement Officer, are not regularly maintained;
- (b) unkempt grass or weeds (as defined in this bylaw) of which show obvious neglect and no maintenance.
- (c) any tree, shrub, other type of vegetation or any structure that:

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- i. interferes or could interfere with any garbage or recycling service vehicle, public work or utility, or vehicle and/or pedestrian traffic.
 - ii. obstructs any sidewalk adjacent to the land; or
 - iii. impairs the visibility required for safe traffic flow at any intersection adjacent to the land;
- (d) any vegetation that is not cut or trimmed or is not free of weeds.
 - (e) any tree, shrub, hedge, or vegetation which show signs of decay and rot and are in general unsightly condition; and
any land that is not protected by suitable ground cover which prevents erosion of the soil or the devaluation of neighbouring property.

7. SNOW REMOVAL

- 7.1 The owner or occupant of any premises adjoining a public sidewalk shall clear away any snow, ice, dirt or other obstruction from the public sidewalk within forty eight (48) hours after the time such snow, ice, dirt or other obstruction was deposited or formed on the public sidewalk.
- 7.2 In the event said material of snow, ice, dirt or other obstruction is formed or deposited on a public sidewalk and is not cleared within the required time the Town of Bow Island may cause the public sidewalk to be cleared at the expense of the owner or occupant of the premises adjoining the public sidewalk OR a Municipal Violation Ticket, pursuant to Schedule "A" of this Bylaw may also be issued to the legal land owner adjacent to the public sidewalk, driveway or boulevard from where the snow was or was not removed.
- 7.3 The Town of Bow Island or its designates may render the account for the expense incurred by subsection (7.2) in writing to either the owner or the occupant of the premises adjoining the public sidewalk and the person to whom the account was rendered shall pay the same upon receipt thereof.
- 7.4 If the Town of Bow Island does not receive the payment of the expense incurred in cleaning a public sidewalk as provided in this section within ten days of the date on which the account was mailed or delivered to the occupant or to the owner, the Town may charge the same against the property adjoining or adjoining the portion of the public sidewalk which was cleared by the Town of Bow Island as a special assessment to be recovered.
- 7.5 A person shall not place snow or ice taken from a driveway, walkway parking surface or boulevard, and place or pile said snow/ice on any street, laneway, avenue or roadway owned and maintained by the Town of Bow Island.
- 7.6 Snow may be piled on to the grass and paved boulevards however it may not encroach onto roadways, laneways, sidewalks or otherwise interfere with any vehicular or pedestrian traffic.

8. BOULEVARDS

- 8.1 An Owner or Occupier shall maintain any boulevard adjacent to land they own or occupy by:
- (a) keeping any grass on the boulevard cut to a reasonable length and controlling all weeds; and
 - (b) removing any accumulation of fallen leaves or other debris.

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9. GRAFFITI

9.1 An Owner or Occupier shall remove any graffiti displayed on a building or other structure on the land they own or occupy within 14 days.

10. EXEMPTIONS & EXCEPTIONS

10.1 The provisions in this bylaw shall not be interpreted to prevent bona fide work diligently carried out in accordance with a development permit issued by the development authority.

10.2 The Owner or Occupier of land on which work is being carried out in accordance with a development permit issued by the development authority for the Town shall ensure that all reasonable steps are taken to minimize the duration and visual impact of any resulting untidiness or unsightliness of the lands they own or occupy.

10.3 Whether or not an Owner or Occupier has taken all reasonable steps to minimize the duration and visual impact of any resulting untidiness or unsightliness of the lands they own or occupy is a question of fact to be determined by the Court hearing a prosecution of an offence pursuant to the provisions of this bylaw.

11. CONTROL OF LITTER

11.1 No person shall place, deposit, throw or cause to be placed, deposited or thrown any litter upon any street, land, sidewalk, parking lot, park, playground or other public place or water course or on any land not his own, except in a receptacle provided for such purpose.

11.2 All private or general contractors shall during the construction, renovation or demolition of a building, keep the land in a reasonable condition so as not to constitute a nuisance and shall secure all manner of debris so as to prevent it from blowing onto any other private or public property.

11.3 A person who has placed, deposited or thrown or caused to be placed, deposited or thrown any litter upon any street, lane, sidewalk, parking place, park, playground or other public place or water course or on any property not his own shall forthwith remove it.

11.4 Commercial businesses and industrial or commercial zoned properties shall prevent litter and debris from blowing and piling on adjacent properties. The owners and/or tenants of commercial businesses shall use any means necessary to control litter and debris from their business, which may include routine garbage collection from adjacent properties, of which their garbage or litter has encroached.

12. PROPERTIES FENCED

12.1 All properties which by their very nature appear to be untidy or unsightly, shall be obscured from view by approved screening from surrounding property, determined by the Municipal Enforcement Officers discretion, and may be directed to comply with installation of adequate fencing.

13. PILING OR STORING MATERIAL OR EQUIPMENT ON TOWN PROPERTY

13.1 No person shall place, pile or store any material, whether organic, compost, manufactured or any kind of equipment on Town owned property without first obtaining approval for such purposes from the Town.

13.2 Any person placing or causing to be placed any material or equipment on any Town property without first obtaining approval shall remove or cause the removal thereof within 24 hours.

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14. DAMAGE TO TOWN INFRASTRUCTURE

14.1 No person shall neglect to repair or replace or have repaired or replaced any town owned infrastructure of which become damaged, disturbed, or destroyed by contractors, sub-contractors, homeowners, or tenants during work on said properties or adjacent properties whether owned by the Town or not. This includes and is not limited to sidewalks, boulevards, driveways, green spaces, alleys, roads, trees, parking lots, and fencing.

15. ENFORCEMENT

15.1 The Municipal Enforcement Officer may, for the purpose of ensuring that the provisions of this Bylaw are being complied with, enter upon any Property, in accordance with s.542 of the *Municipal Government Act*, to carry out an inspection, enforcement or other action required or authorized by this bylaw, the *Municipal Government Act*, or other statute.

15.2 When exercising his authority to enter onto a Property for inspection or enforcement under s.15.1 of this bylaw, the Municipal Enforcement Officer shall provide the Owner or Occupier of the Property with Reasonable Notice.

15.3 Where a Municipal Enforcement Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, the Municipal Enforcement Officer may commence enforcement against such person by issuing a written order to the person giving a specified time to remedy the violation.

15.4 Where a Municipal Enforcement Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, the Municipal Enforcement Officer may commence court proceedings against such person by:

- (a) Issuing the person a Violation Ticket pursuant to the provision of Part 2 of the *Provincial Offences Procedure Act*; or
- (b) Swearing out an Information and Complaint against the person.

15.5 Where a Municipal Enforcement Officer issues a Violation Ticket in accordance with section 14.4 of this bylaw, the Officer may either:

- (a) Require the person to pay the specified penalty as provided for the offence in section 15 of this bylaw by including such specified penalty in the Violation Ticket; or
- (b) Require a Court appearance of the person where the Municipal Enforcement Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*.

15.6 No provision of this bylaw or any action taken pursuant to any provision of this bylaw shall restrict, limit, prevent or preclude the Town from pursuing any other remedy in relation to a Property provided by the *Municipal Government Act*, or any other law of the Province of Alberta.

15.7 Notwithstanding whether a Violation Ticket has been issued under section 14.4 of this bylaw, any Owner or Occupier who contravenes this bylaw may be issued an order by a Municipal Enforcement Officer to remedy the contravention in any manner deemed necessary in the circumstances pursuant to section 545 or section 546 of the *Municipal Government Act*.

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16. PENALTIES

- 16.1 Any person who contravenes any provision of this bylaw is guilty of an offence and is liable to a penalty as set out in Schedule "A" of this bylaw.
- 16.2 Where a contravention of this bylaw is of a continuing nature, more than one Violation Ticket may be issued by a Municipal Enforcement Officer provided however, that no more than one Violation Ticket shall be issued for each day that the contravention continues.
- 16.3 If the Municipal Enforcement Officer has reasonable grounds to believe that a person has contravened any provisions of this bylaw, such Officer may serve upon such person an offence ticket allowing payment of the specified penalty to the Town, which payment shall be accepted by the Town in lieu of prosecution for the offence.

17. AUTHORITY TO ENTER LANDS

- 17.1 Subject to s. 543 of the *Municipal Government Act*, a Municipal Enforcement Officer may, after giving Reasonable Notice to the Owner or Occupier of the land, enter the land to carry out the inspection, remedy, enforcement or action:
- (a) enter such land at any reasonable time, and carry out the inspection, enforcement or action authorized or required by this bylaw;
 - (b) request anything be produced to assist in the inspection, remedy, enforcement or action, and;
 - (c) make copies of anything related to the inspection, remedy, enforcement or action.

- 17.2 The Municipal Enforcement Officer must, on request, display or produce identification showing that the person is authorized to make the entry.

18. SEVERABILITY

- 18.1 If at any time, any provisions of this bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid or ultra vires provision.

19. RESCINDING BYLAW

- 19.1 This bylaw rescinds Bylaw 2015:02.

20. GENDER

- 20.1 In this bylaw, whenever the male gender is specified it shall be interpreted as meaning both male and female as applicable.

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This bylaw shall come into force and take effect upon the final passing and proper signature thereof.

READ a first time this 24th day of April, 2023.

READ a second time this 8th day of May, 2023.

READ a third time and passed this 8th day of May, 2023.


MAYOR


CAO



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SCHEDULE "A"

SPECIFIED PENALTIES

SECTION	DESCRIPTION	FIRST OFFENCE	SECOND OFFENCE
4	Nuisance	\$250.00	\$500.00
5	Unsanitary Property	\$250.00	\$500.00
6	Untidy Property	\$100.00	\$200.00
7	Snow Removal	\$100.00	\$200.00
8	Boulevards	\$100.00	\$200.00
9	Graffiti	\$250.00	\$500.00
11	Litter	\$250.00	\$500.00
12	Fail to comply with Fencing requirements	\$250.00	\$500.00
13	Piling or Storing on town Property	\$250.00	\$500.00
14	Damage to Town Infrastructure	\$250.00	\$500.00