

**TOWN OF BOWDEN
PROVINCE OF ALBERTA**

**BYLAW 01-2009
(LAND USE BYLAW 01-2000 AMENDMENT #9)**

A BYLAW OF THE TOWN OF BOWDEN, IN THE PROVINCE OF ALBERTA, PURSUANT TO PROVISIONS OF THE MUNICIPAL GOVERNMENT ACT, BEING CHAPTER M-26 OF THE REVISED STATUTES OF ALBERTA 2000 AND AMENDMENTS THERETO, TO PROVIDE FOR THE AMENDMENT OF THE LAND USE BYLAW 01-2000, AS AMENDED.

WHEREAS Municipal Council deems it necessary and expedient to amend the Land Use Bylaw:

NOW THEREFORE the Municipal Council of the Town of Bowden; duly assembled, enacts that Bylaw 01-2000 is hereby amended as follows:

1. SCHEDULE B: 2(2) Objects Prohibited or Restricted in Yards as follows:

By the replacement of section 2(2) (b) with the following:

- (b) A maximum of one (1) holiday trailer or motor home or camper or non-commercial trailer, or off-road vehicle (including snowmobiles), or boat, or bus may be parked on a hard surface pad or driveway in the front yard of a residence provided that:
- (i) the unit must be parked so as to be fully contained on a hard surface pad or driveway; and
 - (ii) no portion of the unit is situated closer than 1.5 m (4.92 ft.) from the interior edge (property side) of the roadway curb; and
 - (iii) where there is a sidewalk, no portion of the unit shall be closer than 0.3 m (1.0 ft) to the edge of the sidewalk; and
 - (iv) the unit shall not be situated closer than 1 m (3.28 ft.) from the side boundary of the parcel; and
 - (v) that the unit on a corner parcel shall not be situated closer to the street than the main building on the side of the parcel that is not the front parcel boundary; and
 - (vi) that the combined full width of the constructed hard surface pad and driveway in the front yard of a residence does not exceed 10 m (32.28 ft.).

2. SCHEDULE B: 2(2) Objects Prohibited or Restricted in Yards as follows:

By the replacement of section 2(2) (d) with the following:

- (d) Other than one tractor truck unit which may be parked in a rear yard, no commercial motor vehicle exceeding 5,897 kg (13,000 lbs GVW) or commercial trailer exceeding 6.5 m (21.3ft) in length may remain or be parked in a residential district for longer than is necessary to load or unload.

3. SECTION 1.3: DEFINITIONS is amended as follows:

By adding the following Definition:

“hard surface pad” means a pad constructed out of concrete or asphalt or paving stones, and may also mean two (2) full length strips of concrete or asphalt or paving stones for the wheel path area of a vehicle or trailer, the width of which shall be calculated as being measured from the outside edge of one strip to the outside edge of the other strip.

4. SECTION: 2.6 Contravention:

By replacement of Section 2.6 with the following:

2.6 Contravention and Enforcement

- (1) The provisions of this Bylaw may be enforced by way of stop order, injunction, specified penalty or such other relief as may be available under the *Municipal Government Act*.
- (2) A Designated Officer may inspect premises and lands in accordance with the provisions of the *Municipal Government Act* where there are reasonable grounds to believe that the premises are being used in contravention of this Bylaw. Without limiting the generality of the foregoing, such reasonable grounds would include:
 - (a) complaints from the public that premises are being used contrary to the Bylaw,
 - (b) the observations of a designated officer that there is excessive traffic, parking problems, accumulated debris in a yard or any other apparent breach of this Bylaw.
- (3) For the purpose of inspecting premises pursuant to this bylaw and the *Municipal Government Act*, the following shall be Designated Officers:
 - (a) a Bylaw Enforcement Officer,
 - (b) a Development Officer or anyone designated by the Development Officer,
 - (c) the Chief Administrative Officer or anyone designated by the Chief Administrative Officer.
- (4) If the Development Officer/Municipal Planning Commission find that a development, land use or use of a building is not in conformity with
 - (a) the Land Use Bylaw, Part 17 of the Municipal Government Act or Subdivision and Development Regulation, or
 - (b) a development permit or subdivision approval,the Development Officer/Municipal Planning Commission may, by written notice, order the owner, the person in possession of the land or building, or the person responsible for the contravention, or any or all of them, to
 - (c) stop the development or use of the land or building in whole or in part as directed by the notice,
 - (d) demolish, remove or replace the development, or
 - (e) carry out other actions required by the notice so that the development or use of the land or building complies with the Land Use Bylaw, Part 17 of the Municipal Government Act or Subdivision and Development Regulation, a

development permit or subdivision approval,
and in such order establish a time for reasonable compliance with such order.

(5) If a person fails or refuses to comply with an order under subsection (4) or an order of the Subdivision and Development Appeal Board made pursuant to Part 17 of the Municipal Government Act, the municipality may enter on the land or building and take any action necessary to carry out the order.

(6) The municipality may register a caveat under the Land Titles Act in respect of an order referred to in subsection (4) against the certificate of title for the land that is the subject of the order, but if it does so the municipality must discharge the caveat when the order has been complied with.

5. SECTION 2.8: Offences and Penalties:

By adding the following subsections:

(2) A person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable upon summary conviction to the specified penalty set out in Schedule D, or in the case of an offence for which there is no specified penalty, to a fine of not less than \$250.00 and not more the \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

(3) Where a Designated Officer reasonably believes that a person has contravened any provision of this Bylaw, the Designated Officer may, in addition to any other remedy at law, serve upon the person a violation ticket, in the form provided under the Provincial Offences Procedures Act, allowing payment of the specified penalty for the offence as provided in Schedule D of this Bylaw, and the recording of such payment by the Provincial Court of Alberta shall constitute acceptance of a guilty plea and the imposition of a fine in the amount of the specified penalty.

(4) The levying and payment of any penalty, or the imprisonment for any period as provided for in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs for which he is liable under the provisions of this Bylaw or the *Municipal Government Act*.

(5) Where a person is convicted of a second, third or subsequent offence under a particular section of this Bylaw, and where that offence has occurred within 12 months after the date of the occurrence of the first offence under that section of this Bylaw, the specified penalties applicable upon conviction for such second, third or subsequent offence shall be the amount set out in Schedule D.

(6) This section shall not prevent any Designated Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedures Act, or from the laying of information in lieu of issuing a violation ticket or enforcement by way of stop order, injunction, specified penalty or such other relief as may be available under the *Municipal Government Act*.

6. SCHEDULE D: Specified Penalties for Offences under the Land Use Bylaw

By adding the following Schedule:

SCHEDULE D: Specified Penalties for Offences under the Land Use Bylaw

First Offence: Written Warning
Second Offence: \$250.00
Third Offence: \$500.00
Fourth Offence: \$1,000.00

NOWHEREFORE this bylaw shall take effect on the date of Third and Final Reading.

Read a first time the 9th day of February, 2009.

Read a second time the 23rd day of March, 2009.

Read a third and final time the 23rd day of March, 2009.

March 23, 2009
Date

Mayor Cody Berggren

Lori Conkin, Chief Administrative Officer