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A Guide to Alberta's Municipal Environmental Bylaws: Overview and Examples

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Table of Contents

Glossary	v
List of Tables and Figures.....	vi
Acknowledgements	vii
1. Purpose.....	1
2. Catalysts for Municipal Environmental Bylaws.....	2
3. Municipal Authority to Pass Environmental Bylaws.....	3
3.1 What is the ‘environment’ in the context of municipal environmental bylaws?	3
3.2 Are municipal corporations a ‘level of government’?	4
3.3 How do municipal councils take action to achieve municipal purposes?.....	9
3.4 What is the difference between a municipal policy and a bylaw?	9
3.5 What is municipal ‘general jurisdiction to pass bylaws’?	10
3.6 What are municipal ‘special powers’ to pass bylaws?.....	10
3.7 Why was the Spraytech decision important to Alberta municipalities?	11
4. Anatomy of a Bylaw Passed under ‘General Jurisdiction to Pass Bylaws’	12
5. Examples of Municipal Environmental Bylaws in Alberta	16
5.1 Bylaws that amend environmental policies in statutory plans under Part 17	16
5.2 Land use bylaws to implement environmental policies in statutory plans	20
5.3 Environmental bylaws passed under MGA Part 2: Section 7 and Section 8	26
5.4 Reserve and environmental reserve bylaws passed under Section 7 and Section 8 .	28
5.5 Environmental bylaws arising from City Charter Regulations.....	31
5.6 Environmental bylaws passed under MGA Part 3: Public Utilities and Roads.....	33
5.7 Environmental bylaws arising under the municipal purpose to foster the well-being of the environment	36
6. Recommendations for Five Critical Environmental Bylaws	38
6.1 Conserve and manage riparian lands and natural infrastructure.....	38
6.2 Prohibit development and buildings in identified flood hazard areas.....	43
6.3 Require public transit in downtown core	45
6.4 Regulate and control use of alternate forms of energy	47
6.5 Regulate and control use of storm drainage through fit-for-use bylaw provisions...	49
7. Concluding Remarks.....	50
8. Table of Notable Municipal Environmental Bylaws in Alberta	51

Glossary

<u>Acronym</u>	<u>Expanded Term</u>
ABCA	Alberta Court of Appeal
ABMGB	Alberta Municipal Government Board
ALSA	<i>Alberta Land Stewardship Act</i>
ARP	Area redevelopment plan
ASP	Area structure plan
CEPA	<i>Canada Environmental Protection Act</i>
Constitution	Canadian Constitution
EPEA	<i>Environmental Protection and Enhancement Act</i>
Frameworks	Environmental management frameworks associated with regional plans under ALSA
GMBs	Growth Management Boards
Guide	<i>Guide to Alberta Municipal Environmental Bylaws: Overview and Examples</i>
IDP	Intermunicipal development plan
LUF	<i>Alberta Land-use Framework</i>
LUPS	<i>Land Use Policies, 1996</i>
MDP	Municipal development plan
MGA	<i>Municipal Government Act</i>
MMGA	<i>Modernized Municipal Government Act</i>
Part 2	Part 2 of the MGA: General Jurisdiction to Pass Bylaws
Part 3	Part 3 of the MGA: Special Powers
Part 17	Part 17 of the MGA: Planning and Development
Part 17.1	Part 17.1 of the MGA: Growth Management Boards
Part 17.2	Part 17.2 of the MGA: Intermunicipal Collaboration Frameworks
RTRIAs	Red Tape Reduction Implementation Acts
Section 7	Section 7 of the MGA
Section 8	Section 8 of the MGA
SCC	Supreme Court of Canada
SDAB	Subdivision and Development Appeal Board
SSRP	<i>South Saskatchewan Regional Plan, 2014-2024</i>
Tribunal	Land and Property Rights Tribunal

List of Tables and Figures

		Page
Table 1:	Table of Notable Alberta Municipal Environmental Bylaws	52
Figure 1:	Major Amendments to Alberta Municipal Planning Law since 1994	8

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1. Purpose

A Guide to Alberta Municipal Environmental Bylaws: Overview and Examples (Guide) is written for the layperson, especially members of municipal councils and administration. The general public may also find the information useful when engaged in environmental bylaw preparation, implementation, and enforcement processes.

The primary purpose of the Guide is to provide an overview of municipal authority to enact environmental bylaws, and describe these bylaws as they have emerged in certain municipalities to address complex ecosystem dynamics. The secondary purpose is to provide examples of environmental bylaws that could be used as starting points by municipal councils and administrators when developing similar bylaws. Information is provided in a series of discussions and examples with legal analyses when relevant, as follows:

❖ **Municipal Authority**

Municipal authority to pass environmental bylaws is clarified in relation to provincial and federal enactments. The environment is defined in this context.

❖ **Anatomy of a Municipal Environmental Bylaw**

The ‘anatomy of a bylaw’ is presented, using Okotoks’ Idle-Free Bylaw as the context for discussion.

❖ **Examples of Municipal Environmental Bylaws in Alberta**

Examples of environmental bylaws from Alberta cities are reviewed to discover patterns of municipal authority, bylaw purpose, environmental component managed, and critical content. Relevant administrative review and judicial decisions arising from bylaw implementation are noted. The focus is on environmental bylaws emerging in the cities of Calgary, Edmonton, Lethbridge, Medicine Hat, Red Deer, and St. Albert, and the rural municipality of Strathcona County. However, there are numerous environmental bylaws emerging in smaller cities, towns, and rural municipalities that are also discussed where appropriate.

❖ **Recommendations for Five Critical Environmental Bylaws**

Five recommendations for critical municipal environmental bylaws are provided for Alberta municipalities large enough to employ bylaw enforcement officers sufficient for successful bylaw implementation.

❖ **Table of Notable Municipal Environmental Bylaws**

A Table of Notable Municipal Environmental Bylaws (Table) in force in Alberta up until December 2023 is provided. The Table indicates whether the environmental bylaw regulates and controls human activities that may negatively impact the air, land, water, biodiversity, organic or inorganic materials, or climate change. All the bylaws in the Table reflect the desire to respond to emergent issues arising from ecosystem dynamics. The Table is a snapshot in time and will necessarily need updating in two to five years.

2. Catalysts for Municipal Environmental Bylaws

Environmental management is an emergent governance issue in municipalities in Alberta where two of the five purposes of municipal corporations are to ‘foster the well-being of the environment,’ and ‘to develop and maintain safe and viable communities.’¹ A healthy environment is critical to the health and welfare of citizens, and the safety and viability of communities,² especially in the face of climate change.³

Municipal land-use decision-makers face more environmental management issues than ever before. Water scarcity and risks of drought are growing concerns, especially in the southern regions, while severe storms, flooding and wildfires continue to devastate communities throughout Alberta.⁴ Significant loss of natural infrastructure has occurred during ‘stripping and grading’ of land to prepare for linear servicing infrastructure and eventual intensification of human use. Increased emissions from transportation and energy consumption, combined with releases of deleterious substances on the land and into water bodies have affected local air and water quality. Environmental degradation on local and regional landscapes continues to affect human health and prosperity, while adversely affecting native biodiversity and ecosystem dynamics.⁵

Municipal councils, elected to govern the people and lands within defined geopolitical boundaries are facing tremendous pressure to respond to these catalysts for change using the bylaw-passing powers found in the *Municipal Government Act* (MGA)⁶ and other enactments.⁷

Recently, the Alberta government responded to the increasing environmental impacts associated with rapid population and economic growth exacerbated by changing weather patterns, and enabled municipal participation in local and regional environmental management ‘to foster the

¹ *Municipal Government Act*, RSA 2000, c M-26 [MGA], s 3.

² 114957 *Canada Ltée (Spraytech, Société d'arrosage) v Hudson (Town)*, 2001 SCC 40, [Spraytech] at para 2: ‘The case arises in an era in which matters of governance are often examined through the lens of the principle of subsidiarity. This is the proposition that law-making and implementation are often best achieved at a level of government that is not only effective, but also closest to the citizens affected and thus most responsive to their needs, to local distinctiveness, and to population diversity. La Forest J wrote for the majority in **R v Hydro-Québec, [1997] 3 SCR 213**, that “the protection of the environment is a major challenge of our time. It is an international problem, one that requires action by governments at all levels” (at para 127). His reasons in that case also quoted with approval a passage from *Our Common Future*, the report produced in 1987 by the United Nations’ World Commission on the Environment and Development. The so-called “Brundtland Commission” recommended that “local governments [should be] empowered to exceed, but not to lower, national norms” (at para 220).’

³ Mary Ellen Tyler, “Climate Risk Assessment and Adaptation Considerations for Municipal Governance”, Volume 15:43 (2023), online (pdf): *University of Calgary School of Public Policy, Future of Municipal Government Series* https://www.policyschool.ca/wp-content/uploads/2023/03/AUMA-UP44ResearchPaper.ClimateRiskAssessment.Tyler_.pdf [Tyler].

⁴ *Ibid.*

⁵ World Health Organization, “Connecting global priorities: biodiversity and human health,” World Health Organization and Secretariat of the Convention on Biological Diversity, 2015.

⁶ MGA, *supra* note 1.

⁷ *Ibid.*, s 1(j): “enactment” means (i) an Act of the Legislature of Alberta and a regulation made under an Act of the Legislature of Alberta, and (ii) an Act of the Parliament of Canada and a statutory instrument made under an Act of the Parliament of Canada, but does not include a bylaw made by a council.’

well-being of the environment.’⁸ In some municipalities, environmental bylaws have emerged as tools to prohibit or regulate and control human activities that are known to negatively impact environmental well-being at the local and regional geopolitical scales.⁹

Municipalities are cautiously embracing environmental bylaws, especially in cities such as Edmonton and Calgary where new city charter regulations amend section 7 of the MGA (Section 7) and add subsection 7(1) (h.1). The amended Section 7 under city charter regulations specifically authorizes the two cities to enact environmental bylaws to protect the environment and to adapt to climate change.¹⁰ Smaller cities, towns, and rural areas do not have this same direct legislative authority. However, under Section 7 all municipalities have ‘general jurisdiction to pass bylaws’ to regulate and control human activities that may affect the health and welfare of citizens and their property: these ‘health and welfare bylaws’ may be considered to be environmental bylaws. Environmental bylaws also arise under the authority provided by federal and provincial enactments, and other parts of the MGA, especially, Part 3 of the MGA: Special Bylaws (Part 3) and Part 17 of the MGA: Planning and Development (Part 17).

3. Municipal Authority to Pass Environmental Bylaws

In this Guide, municipal authority to pass environmental bylaws is presented as a series of Questions and Answers that restate or expand upon discussion found in *A Guide to the Basics and What’s New in Alberta’s Municipal Legislation for Environmental Management*.¹¹

3.1 What is the ‘environment’ in the context of municipal environmental bylaws?

In Canada, there is no universal legislative definition of the environment used by all provinces. While the ‘environment,’ is not defined in the MGA, the definition in the Alberta *Environmental Protection and Enhancement Act* (EPEA)¹² can be used when interpreting the MGA in accordance with the principal of statutory authority, statutes *in pari materia*.¹³

⁸ Judy Stewart, “A Guide to the Basics and What’s New in Alberta’s Municipal Legislation for Environmental Management,” Occasional Paper # 80 (2023), online: *Canadian Institute of Resources Law* <https://cir.ca/publications/occasional-papers/80-89> [Stewart 2023].

⁹ *Ibid.*

¹⁰ See e.g., *City of Calgary Charter, 2018, Regulation*, Alta Reg 40/2018, [Calgary Charter] s 4: ‘Modification of Act 4(1) This section modifies the Act as it is to be read for the purposes of being applied to the City. (2) Section 7 of the Act is to be renumbered as section 7(1), and (a) in subsection (1), (i) the following is added after clause (h): (h.1) the well-being of the environment, including bylaws providing for the creation, implementation and management of programs respecting any or all of the following: (i) contaminated, vacant, derelict or under-utilized sites; (ii) climate change adaptation and greenhouse gas emission reduction; (iii) environmental conservation and stewardship; (iv) the protection of biodiversity and habitat; (v) the conservation and efficient use of energy; (vi) waste reduction, diversion, recycling and management.’

¹¹ Stewart 2023, *supra* note 8.

¹² *Environmental Protection and Enhancement Act*, RSA 2000, c E-12 [EPEA].

¹³ Judy Stewart, “Do Recent Amendments to Alberta’s Municipal Government Act Enable Management of Surface Water Resources and Air Quality,” (2017) 55 Alta L Rev 1009 [Stewart 2017] at 1012: ‘The statutes *in pari materia* rule of statutory construction may be used to import the EPEA definition of environment into the MGA. In Black’s Law Dictionary, *in pari materia* means: “On the same subject; relating to the same matter. It is a canon of

“Environment” means the components of the earth and includes

- (i) air, land and water,
- (ii) all layers of the atmosphere,
- (iii) all organic and inorganic matter and living organisms, and
- (iv) the interacting natural systems that include components referred to in subclauses (i) to (iii).¹⁴

This same definition is used in in other enactments, for example the Alberta *Water Act*, (Water Act),¹⁵ and the federal *Canadian Environmental Protection Act* (CEPA).¹⁶ The ‘interacting natural systems’ referred to in clause 1(t)(iv) above reflect society’s current understanding of complex ecosystem dynamics.¹⁷ However, generally speaking, Alberta’s legislation and municipal environmental bylaws do not attempt to regulate ecosystem dynamics.

Instead, municipalities respond and adapt to ecosystem dynamics over time¹⁸ by restricting and regulating and controlling certain human activities and land uses that are known to negatively impact environmental components individually and collectively. Emergent technology is also used to adapt to ecosystem change.

3.2 Are municipal corporations a ‘level of government’?

No. The Canadian Constitution, 1867 (Constitution)¹⁹ provides for only two ‘levels of government:’ federal, and provincial.²⁰

At their respective geopolitical scales, the federal and provincial governments have ‘overlapping jurisdiction and responsibilities’ to regulate and control human activities that may directly or

construction that statutes that are *in pari materia* may be construed together, so that inconsistencies in one statute may be resolved by looking at another statute on the same subject.”

¹⁴ EPEA, *supra* note 12, s 1(t).

¹⁵ *Water Act*, RSA, 2000, c W-6 [Water Act].

¹⁶ *Canadian Environmental Protection Act*, SC 1999, c 33 [CEPA].

¹⁷ See William S Yackinous, *Understanding complex ecosystem dynamics: A systems and engineering perspective*, London: Academic Press, (2015) at 57-60 for a discussion of function, structure and process in complex systems. See also M Molnar, et al, (2021): *Ecosystem Services*; Chapter 5 in *Canada in a Changing Climate: National Issues Report*, (eds) FJ Warren & N Lulham; Government of Canada, Ottawa, Ontario.

¹⁸ Judy Stewart, “A Citizen’s Guide to Ecology and Law in Alberta,” Occasional Paper # 77 (2022), online: *Canadian Institute of Resources Law*, <https://ciril.ca/publications/occasional-papers/70-79> [Stewart 2022]. See also Sara L. Jaremko, “Legislative Frameworks for Urban Biodiversity, Ecosystems and Wildlife in Alberta,” “Occasional Paper # 65 (2018), online: *Canadian Institute of Resources Law* <https://ciril.ca/publications/occasional-papers/60-69>.

¹⁹ For a complete list of the legislation that is included in the Canadian Constitution, see *Constitution Act, 1982*, s 52(2), being Schedule B to the Canada Act 1982 (UK), 1982, c 11 [Constitution].

²⁰ *Ibid*, ss 91 & 92.

indirectly negatively impact the environment.²¹ However, the ten Canadian provinces have exclusive jurisdiction over local matters, including ‘municipal corporations’ run by ‘municipal councils’ elected to provide local governance for the people and the lands within delineated geopolitical boundaries.²² For example, in Alberta, the MGA enables formation, amalgamation, and dissolution of municipal corporations.

Alberta’s municipal corporations are not a level of government, despite the descriptor in the MGA. Also, they are not ‘business corporations,’ intended to create wealth for shareholders. Municipal councils only have authority delegated through the MGA and other provincial and federal enactments²³ to pass bylaws for municipal purposes.²⁴ This includes any authority to participate in environmental management at local and regional scales.²⁵

Municipal environmental bylaws and provincial or federal environmental laws and regulations are put in place for different reasons. Traditionally, municipal councils did not take action to protect the environment *per se*, because such regulatory interventions were considered the responsibilities and functions of provincial and federal governments under the Constitution. Environmental laws and regulations enacted by the provinces and the federal government generally regulate the diversion and use of provincially and federally owned natural resources (such as water, forests, minerals, and oil and gas), and grant licenses, permits and approvals for the release of limited quantities of emissions and deleterious substances into the environment.

In Alberta, Section 7 health and welfare bylaws²⁶ have been traditionally enacted as nuisance bylaws, or community standard bylaws to prohibit, or regulate and control human activities that unreasonably pollute the local environment, thereby causing direct harm to people and property. An example of a recent community standards bylaw that addresses local emergent environmental issues is Strathcona County’s Community Standards Bylaw 57-2022.²⁷ Among other things, this bylaw addresses restrictions based on local air quality advisories and nuisance smoke. However,

²¹ *Friends of the Oldman River Society v Canada (Minister of Transport)*, [1992] 1 SCR 3. See also the recent 2023 SCC decision: *Reference re Impact Assessment Act*, 2023 SCC 23.

‘Classifying environmental legislation presents a challenge because the “environment” is not a head of power under s. 91 or 92 of the Constitution Act, 1867. Environmental management cuts across many different areas of constitutional responsibility. Accordingly, neither level of government has exclusive jurisdiction over the whole of the “environment” or over all “environmental assessment”. Both levels of government can legislate in respect of certain aspects of environmental protection, including certain aspects of the environmental assessment of physical activities. Shared federal and provincial responsibility for environmental impact assessment is neither unusual nor unworkable; rather, it is a central feature of environmental decision making in Canada. This is consistent with the double aspect doctrine, which reflects the idea that the same fact situation can be regulated from different perspectives, one falling within s. 91 and the other falling within s. 92.’

²² Stewart 2017, *supra* note 13. Stewart explains the powers, duties, and functions of Alberta municipalities regarding the environment. See also Stewart 2023, *supra* note 8.

²³ See note 7.

²⁴ See *Spraytech*, *supra* note 2, at para 1.

²⁵ Stewart 2023, *supra* note 8.

²⁶ MGA, *supra* note 1, Part 1, sections 7-11.

²⁷ Strathcona County, *Bylaw 57-2022 Community Standards Bylaw* (2022), online (pdf): https://strathconacablob.blob.core.windows.net/files/files/lis_-_bylaw_57-2022_community_standards_bylaw.pdf.

such a bylaw applies only within municipal boundaries, unless a neighbouring municipality agrees to be bound by another community's bylaw provisions.²⁸

By way of contrast, federal environmental laws and regulations, such as CEPA apply in every province in the country, while provincial statutes and regulations, such as Alberta's EPEA apply in every municipality in Alberta.

In other Canadian provinces, such as in British Columbia, the municipal statute²⁹ authorizes municipal councils to enact environmental bylaws to protect and preserve the local environment as the local government sees fit.³⁰ However, in Alberta the EPEA provides environmental laws and regulations that apply in all municipalities regardless of local environmental policies or geopolitical size and population.

Over the last twenty years, the Alberta government developed new legislation, and significantly amended other enactments that have cumulatively affected municipal authority and responsibilities to collaborate with neighbours in planning for growth and intermunicipal servicing at the regional-scale, and to participate in local and regional environmental management.

The *Alberta Land Stewardship Act* (ALSA)³¹ was enacted in 2009 to implement provincial land-use policies from the *Land-use Framework*, [LUF]³² which was adopted by the Alberta Legislature in 2008.

All municipal statutory plans and land use decisions made under Part 17 must be consistent with the ALSA.³³

²⁸ MGA, *supra* note 1, see s 12 that authorizes the process for agreement between municipalities re: bylaws.

²⁹ *Municipal Act*, RSBC 1996, c 323. British Columbia is a leader in developing municipal environmental bylaws.

³⁰ See District of North Vancouver, *Bylaw 6515: A bylaw to protect, preserve and conserve our natural setting and ecological systems of watercourses, trees, soils, lands and visual assets of the District of North Vancouver pursuant to sections 523, 551, 553, 723, 725 (h), 920 (7), 923, and Division 4.1 of the Municipal Act RSBC 1996, c 323* (2022), online (pdf): <https://www.dnv.org/sites/default/files/bylaws/Bylaw%206515.pdf>.

³¹ *Alberta Land Stewardship Act*, SA 2009, c A-26.8 [ALSA].

³² Government of Alberta, "Land-use Framework," (2008), online (pdf):

<https://landuse.alberta.ca/LandUse%20Documents/Land-use%20Framework%20-%202008-12.pdf>.

³³ MGA, *supra* note 1, s 618.3. See the recent decision in *Robinson v Foothills County*, 2021 ABLPRT 884 [Foothills], where the Land and Property Rights Tribunal (Tribunal) determined, as follows: 'Pursuant to s.618.3 of the *Act* municipal authorities must make planning decisions consistent with the provisions of any applicable regional plan enacted pursuant to the *Alberta Land Stewardship Act* (ALSA). The LPRT is bound by the same provision. The SSRP was enacted by Alberta in 2014 and Foothills County is within its boundaries. The LPRT reviewed the SSRP with particular reference to the sections highlighted by the SA, and concluded these provisions discourage, if not prohibit, the further subdivision of the subject property. Section 8.26 is especially relevant in that it addresses risks to health, public safety and loss to property damage due to a variety of water hazards including flooding. The LPRT finds that, given the evidence related to flood risk, approval of the proposed subdivision would be inconsistent with the relevant provisions of the SSRP (at para 37).'

See also *1121256 Alberta Ltd v Foothills County*, 2019 ABMGB 21.

The ALSA also requires municipal participation in regional systems for environmental management,³⁴ for example, in southern Alberta in accordance with environmental management frameworks (SSRP Frameworks)³⁵ used to implement the *South Saskatchewan Regional Plan, 2014-2024* (SSRP).³⁶ In accordance with the plan and the Frameworks, when thresholds to environmental limits are reached, regional-scale environmental responses are triggered, and municipalities are expected to respond by enacting and enforcing bylaw provisions.³⁷

Following adoption of LUF and enactment of ALSA, a ‘preamble’ was added to the MGA in 2016 through the *Modernized Municipal Government Act* (MMGA),³⁸ providing context for various subsequent amendments to the MGA. These statements include that:

- Alberta’s municipalities, governed by democratically elected officials, are established by the province, and are empowered to provide responsible and accountable local governance in order to create and sustain safe and viable communities;
- **Alberta’s municipalities play an important role in Alberta’s economic, environmental and social prosperity today and in the future;**
- the Government of Alberta recognizes the importance of working together with Alberta’s municipalities in a spirit of partnership to co-operatively and collaboratively advance the interests of Albertans generally; and
- the Government of Alberta recognizes that Alberta’s municipalities have varying interests and capacity levels that require flexible approaches to support local, intermunicipal and regional needs.³⁹ (Emphasis added.)

³⁴ See Government of Alberta, “Environmental Management Frameworks for the South Saskatchewan Region” (2014), online (pdf): <https://open.alberta.ca/dataset/012b7c48-ada3-49d7-8de8-a378ef785078/resource/8c8ceb08-d138-417b-a7a7-3bd9ed3acb57/download/ssrp-environmentalmanagementfs-jul21-2014.pdf> [SSRP Frameworks]. ‘Building on existing Alberta government environmental policy, legislation and regulation, frameworks provide regional context for the long-term management of existing activities and for future development... A management framework: identifies desired regional objectives; identifies key indicators and regional threshold values, including triggers and limits; sets the foundation for ongoing monitoring; requires evaluation and reporting on results; and provides for communication of the results to Albertans.’

³⁵*Ibid*, see Table 10 in both documents.

³⁶ Government of Alberta, “South Saskatchewan Regional Plan, 2014-2024” (amended May 2018), online (pdf): <https://open.alberta.ca/dataset/13ccde6d-34c9-45e4-8c67-6a251225ad33/resource/e643d015-3e53-4950-99e6-beb49c71b368/download/south-saskatchewan-regional-plan-2014-2024-may-2018.pdf>.

³⁷ SSRP Frameworks, *supra* note 34. See Table 10 in both documents.

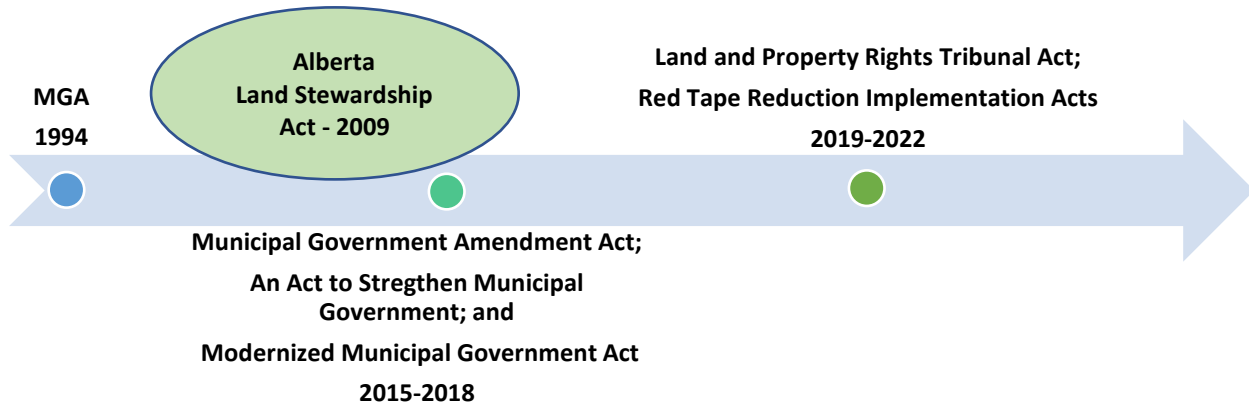
³⁸ *Modernized Municipal Government Act*, SA 2016, c 24 [MMGA].

³⁹ *Ibid*, Preamble.

Reflecting the spirit and intent of the Preamble, amendments to the MGA and other provincial legislation and regulations continued under Alberta’s *Red Tape Reduction Implementation Acts*⁴⁰ until late December 2022.⁴¹

Figure 1 below illustrates a timeline from 1994 (when the MGA was first enacted) to December 2022 showing significant legislative change affecting municipal authority to engage in environmental management at local and regional scales.

Figure 1: Major Amendments to Alberta Municipal Planning Law since 1994



Source: Stewart 2023, *supra* note 8 at 1.

⁴⁰ For summaries of the Red Tape Reduction Implementation Acts, see Government of Alberta, “Implementing Red Tape Reduction,” (pdf) online: <https://www.alberta.ca/implementing-red-tape-reduction.aspx#bill-21>:

- ‘The Red Tape Reduction Statutes Amendment Act, 2022, (formerly Bill 21) amends 15 pieces of legislation across 9 different ministries, supporting economic growth and job creation while saving Albertans time and money.
- The *Red Tape Reduction Implementation Act, 2021 (No. 2)* (formerly Bill 80) received royal assent on December 8, 2021 and updates 9 legislation items within the following themes: economic growth and job creation, smart regulation, and improving service delivery.
- The *Red Tape Reduction Implementation Act, 2021* (formerly Bill 62) received royal assent on June 21, 2021 and updates 8 sets of legislation within the following themes: economic growth and job creation, smart regulation, improving service delivery, digital transformation, and harmonization (the ability for jurisdictions to work better together).
- The *Red Tape Reduction Implementation Act, 2020 (No. 2)* (formerly Bill 48) received royal assent on December 9, 2020. Amendments were made to 12 pieces of legislation to cut red tape and make it easier for businesses to operate, including speeding up approval times and clarifying rules. Amendments also focused on digital transformation, creating jurisdictional harmonization and improving service delivery.
- The *Red Tape Reduction Implementation Act, 2020* (formerly Bill 22) received royal assent on July 23, 2020. Amendments were made to 14 pieces of legislation to promote job creation and support economic growth, expedite government approvals, eliminate outdated requirements, and reduce the administrative burden on municipalities.
- The *Red Tape Reduction Implementation Act, 2019* (formerly Bill 25) came into force December 5, 2019. It included changes to 11 pieces of legislation to reduce red tape, streamline overburdened processes and eliminate outdated rules.’

⁴¹ Stewart 2023, *supra* note 8.

3.3 How do municipal councils take action to achieve municipal purposes?

Municipal councils take action to achieve municipal purposes through simple resolutions of the majority of council members or by bylaws. Sometimes, the MGA or another enactment provides that a certain action may only be taken by a council by bylaw.⁴² Resolutions and bylaws must be passed in public at duly constituted regular or special meetings of council.⁴³ Given the new municipal purpose added to the MGA in 2017,⁴⁴ a resolution or bylaw is within the jurisdiction of municipal governments if passed to foster the well-being of the environment at the local scale.

3.4 What is the difference between a municipal policy and a bylaw?

Most municipal policy documents are adopted through council resolution and are not legally enforceable in Alberta courts. Municipal policies usually emerge to guide the actions of municipal administrators who are faced with emergent issues where consistency is required when responding to the actions and concerns of citizens or taxpayers. For example, a municipal council in a drought-prone community may make the policy decision that water conservation is a local priority, directing staff to implement water conservation programs within municipal buildings. They may set up voluntary programs to encourage citizens to retrofit or repair leaking plumbing fixtures.

If a council wishes to impose water restrictions on its citizens, the council must do so through bylaw. The council might pass a water conservation bylaw that measures, restricts and fines excessive water consumption, requiring that all new residential properties use water conserving plumbing fixtures⁴⁵ and drought resistant landscaping materials. Unlike policies, bylaw provisions are legally enforceable through Alberta court processes.

All bylaws require ‘three readings’ before they can be enacted: meaning that bylaws must be presented in their final form on three separate occasions to council for decision-making. For most bylaws passed under council’s general jurisdiction to pass bylaws and the authority found in other parts of the MGA, council may give all three readings of a bylaw at the same council meeting.

A planning and development bylaw passed under Part 17 requires a public hearing after second reading of the bylaw to provide opportunities for the public to make oral and written submissions on the subject matter of the bylaw or amendment. After hearing from the public, a council may give second and third reading to the proposed bylaw if they do not wish to make any changes based on public input. Usually, a council will make some amendments to such a bylaw and then second and third reading of the amended bylaw may happen together at a different council meeting.

⁴² MGA, *supra* note 1, s 180(1). ‘A council may act only by resolution or bylaw:

(2) Where a council or municipality is required or authorized under this or any other enactment or bylaw to do something by bylaw, it may only be done by bylaw.

(3) Where a council is required or authorized under this or any other enactment or bylaw to do something by resolution or to do something without specifying that it be done by bylaw or resolution, it may be done by bylaw or resolution.’

⁴³ *Ibid.*

⁴⁴ Stewart 2023, *supra* note 8.

⁴⁵ Town of Cochrane, *Bylaw 04-2013: Water Utility Bylaw* (2013), online: <https://www.cochrane.ca/Archive.aspx?AMID=36>, s 16.2: requires efficient plumbing fixtures.

3.5 What is municipal ‘general jurisdiction to pass bylaws’?

Under Part 2, Section 7 and section 8 of the MGA (Section 8), municipalities have ‘general jurisdiction’ to pass and enforce bylaws for municipal purposes regarding the following:

- the safety, health and welfare of people and the protection of people and property;
- people, activities and things in, on or near a public place or place that is open to the public;
- nuisances, including unsightly property;
- transport and transportation systems;
- businesses, business activities and persons engaged in business;
- services provided by or on behalf of the municipality;
- public utilities; and
- wild and domestic animals and activities in relation to them.⁴⁶

Recently, Section 7 and Section 8 have been used by some Alberta councils to regulate and control unreasonable human activities that have negative impacts on the local environment *per se*, recognizing that these impacts could affect the health and welfare of citizens.

Many of the municipal environmental bylaws discussed in this Guide are passed under the authority provided in Section 7 and Section 8.

3.6 What are municipal ‘special powers’ to pass bylaws?

Under Part 3, municipal councils have been delegated ‘special powers’⁴⁷ to pass bylaws and regulate and control a suite of public utilities within municipal boundaries.⁴⁸ These include complex and dynamic systems of combined natural, green, and grey infrastructure for providing:

- water or steam;
- sewage disposal;
- public transportation operated by or on behalf of the municipality;
- irrigation;
- drainage;
- fuel;
- electric power;
- heat;
- waste management; and
- residential and commercial street lighting.⁴⁹

⁴⁶ MGA, *supra* note 1, s 7.

⁴⁷ Stewart 2023, *supra* note 8. See also MGA, *supra* note 1, Part 3 [Part 3].

⁴⁸ Part 3, *supra* note 47, ss 16–27.6. The Alberta government has developed design standards for local roads and bridges: Government of Alberta, “Local Road Bridges” (3 January 2022), online (pdf): <https://www.alberta.ca/local-road-bridges.aspx>.

⁴⁹ MGA, *supra* note 1, s 1(y) defines public utilities. See also, Part 3, Division 3: Public Utilities.

All public utility systems are inextricably connected to the environment, especially land and water, and their operations also frequently impact the air and biodiversity, leading to ecosystem dynamics. Operation and maintenance of public utilities may also impact other municipalities both upstream and downstream from the municipality where they are constructed.⁵⁰

Construction, maintenance, and operation of most public utilities are regulated through EPEA, the Water Act, and other provincial and federal enactments. These complex systems with linear canals, pipelines, transmission poles and wires, and grey infrastructure provided by or on behalf of municipalities are highly regulated. However, they are also particularly vulnerable to the effects of severe weather events arising from climate change. Uncertainty and increased risk of system failure affects these complex local and regional public utility systems.⁵¹

As a result, some municipalities are adopting climate resiliency and adaptation policies and plans to prepare for and respond to more frequent and increasingly severe weather events.⁵² These climate adaption policies and adaptation strategies are being incorporated into Part 17 statutory plans and land use bylaws.⁵³

3.7 Why was the Spraytech decision important to Alberta municipalities?

Municipalities must ensure that bylaws are consistent with federal and provincial enactments. If a court rules that a bylaw or a provision in a bylaw is inconsistent with the MGA or an enactment, the inconsistent bylaw or provision will be void and treated as if it were never passed.

Since 2001 and the Supreme Court of Canada (SCC) decision in *114957 Canada Ltée (Spraytech, Société d'arrosage) v. Hudson (Town)* (Spraytech),⁵⁴ health and welfare bylaws, enacted under statutory authority similar Part 2, Section 7 and Section 8, have been utilized by Canadian municipalities to manage human activities that are known to have local environmental impacts.

In Spraytech, Justice Lebel (as he then was) found that the Town of Hudson's pesticide bylaw was consistent with Quebec's provincial law that regulated the application of pesticides. He found that dual compliance was possible: a person could comply with both the provincial law and the local bylaw and not be in violation of either. In his decision, Justice Lebel clarified that municipalities have authority to address the use and protection of the local environment when addressing neighbourhood concerns regarding land-use and property, as follows:

In the present case, the subject matter of the by-law lies within the ambit of normal local government activities. It concerns the use and protection of the local environment within the community. The regulation targets

⁵⁰ Stewart 2023, *supra* note 8.

⁵¹ Tyler, *supra* note 3.

⁵² *Ibid.*

⁵³ See City of Edmonton, *Draft Zoning Bylaw* (2023), online: <https://edmonton.konveio.net/draft-zoning-bylaw-may-2023>.

⁵⁴ Spraytech, *supra* note 2.

problems of use of land and property, and addresses neighbourhood concerns that have always been within the realm of local government activity.⁵⁵

Spraytech is regularly upheld in Canadian court decisions. Before Spraytech, local nuisance and community standards bylaws were used by Alberta municipalities to control dust and smoke and to address emergent local environmental management issues, such as weed control.⁵⁶ Since Spraytech, several environmental bylaws have been enacted in Alberta to protect the health and welfare of citizens and the local environment *per se*, for example, by regulating and controlling harmful emissions from idling vehicles near schools that may affect children and other citizens who suffer from chronic respiratory diseases.⁵⁷

Various federal and provincial enactments require municipal action, such as the Alberta *Weed Control Act*⁵⁸ and the *Tobacco Smoking and Vaping Reduction Act*.⁵⁹ In some towns and cities, the municipal bylaws that address weed control or smoking and vaping in public places are more restrictive than the provincial regulation in order to deal with emergent local issues.

A good example of municipal imposition of stricter standards can be found in the Town of Banff's *Bylaw 467: Smoke Free Public Places Bylaw*,⁶⁰ passed in 2022 to address the emergent local concern with smoke from vaping. The bylaw's purpose is "to impose additional restrictions on smoking and vaping in order to limit the known detrimental health-related effects of second-hand smoke for residents and visitors including youth and vulnerable populations, and to reduce negative impacts from these public health hazards on the enjoyment of public places."⁶¹

4. Anatomy of a Bylaw Passed under 'General Jurisdiction to Pass Bylaws'

Municipal environmental bylaws are unique to the community and address specific local environmental management issues. A bylaw passed in Edmonton or Calgary may not be suitable in Red Deer or Lethbridge, or a small urban or rural municipality. Passing a bylaw will be pointless if there is insufficient public support or allocated budget to implement or enforce the bylaw, or where the municipality lacks sufficient numbers of trained bylaw enforcement officers.

Typically, municipal environmental bylaws emerge from federal and provincial laws and regulations and environmental management policies and plans. For example, control of weeds, dust, smoke from wood-burning stoves, water conservation, waste management, brownfield clean-up, and other environmental matters are already regulated and controlled by the Alberta

⁵⁵ *Ibid*, at para 54.

⁵⁶ See City of Calgary, *Bylaw Number 32M2023 Being a Bylaw of the City of Calgary to Repeal and Replace Bylaw 5M2004, the Community Standards Bylaw* (2023), online: <https://www.calgary.ca/bylaws/community-standards.html>.

⁵⁷ Town of Okotoks, *Bylaw 18-15: Okotoks Idling Bylaw* (2018), online: <https://www.okotoks.ca/your-government/your-council/town-bylaws> [Okotoks Idle-Free Bylaw].

⁵⁸ *Weed Control Act*, RSA 2000, c W-5.1. See also *Weed Control Regulation*, Alta Reg 19/2010, s 8: Municipal designations of noxious and prohibited noxious.

⁵⁹ *Tobacco Smoking and Vaping Reduction Act*, SA 2005, c T-3.8.

⁶⁰ Town of Banff, *Bylaw 467: Smoke Free Public Places Bylaw* (2022), online: <https://banff.ca/DocumentCenter/View/14742/Bylaw-467-Smoke-Free-Public-Places?bidId=>.

⁶¹ *Ibid*, Preamble.

government through the EPEA, but may be particularly problematic at the local scale where additional controls are necessary.

Environmental bylaws often emerge from the bottom-up when citizens identify a recurring or problematic local environmental management issue. Bylaws also emerge top-down when council responds to local or regional environmental concerns and asks administration to research how the council may put rules in place to manage human activities that need to be prohibited or regulated and controlled to address the problem. A good example of the emergence of an environmental bylaw from top-down inquiry is Lac La Biche's Bylaw 20-036 passed to conserve and manage environmental reserves lands and natural areas owned by the municipality.⁶²

An example of a local environmental bylaw that reflects input from council and administration and the general public is the Town of Okotoks Bylaw 18-15: Idle-Free Bylaw (Okotoks Idle-Free Bylaw) that emerged from the town's sustainability strategy.

Okotoks Idle Free Bylaw provides the context to discuss 'Anatomy of an Environmental Bylaw' passed under the authority of Section 7 and Section 8. The bylaw regulates and controls excessive idling of vehicles that create poor air quality conditions at the local scale.

The Okotoks Idle-Free Bylaw was passed following extensive research about air pollution and municipal authority. Public engagement was a critical component, and as a result of public input, the bylaw recognizes changing weather conditions, for example excessively cold weather. The bylaw provides for some exemptions, such as to allow for idling by emergency vehicles.

Generally speaking, such bylaws follow much the same general pattern, as shown below:

- ❖ **Title;**
- ❖ **Municipal Authority;**
- ❖ **Statement of Intent to Enact a Bylaw;**
- ❖ **Short Title;**
- ❖ **Interpretation,**
- ❖ **Body:** General Prohibitions, Exemptions;
- ❖ **Permits Required;**
- ❖ **Penalties;**
- ❖ **Enforcement;**
- ❖ **Severability;**
- ❖ **General Provisions;**
- ❖ **Enactment:** Date of Third Reading and Passing, Mayor/Reeve Signature.

⁶² See Lac La Biche County, *Bylaw 20-036 A Bylaw of Lac La Biche County in the Province of Alberta for the Purpose of Protecting and Enhancing the Environment Through the Use and Operation of Environmental Reserves and Natural Areas of Protection within Lac La Biche County*, online: <https://www.laclabichecounty.com/Home/DownloadDocument?docId=d9cc1fdc-220d-456a-937a-e865a0fc88da> [LLB Bylaw]. See also, Lacombe County, *Use and Management of County Reserve Lands Policy*, (2019), online: <https://www.lacombecounty.com/en/living-here/resources/Documents/RC8-Use-and-Management-of-County-Reserve-Lands.pdf>, s 2: Environmental Reserves, and see the need for special use permits.



ANATOMY OF A MUNICIPAL ENVIRONMENTAL BYLAW

TITLE:

BYLAW 18-15 A BYLAW OF THE TOWN OF OKOTOKS IN THE PROVINCE OF ALBERTA TO REGULATE VEHICLE IDLING (This is the 18th bylaw passed in Okotoks in 2015.)

AUTHORITY: A series of “whereas” statements provide authority to pass the bylaw.

WHEREAS pursuant to Section 13 of the Traffic Safety Act Revised Statutes of Alberta 2000, Chapter T-6 and amendments thereto, a municipality may, by bylaw, regulate, control, and prohibit the stopping, standing, or parking of vehicles in the municipality; and

WHEREAS pursuant to Section 7 (a) of the Municipal Government Act Revised Statutes of Alberta 2000 Chapter M- 26, and amendments thereto, a municipality may, by bylaw, regulate, prohibit and impose requirements with respect to the protection and enhancement of the well-being of its community in relation to the emission of smoke, fumes and other effluvia that is liable to foul or contaminate the atmosphere; and

WHEREAS motor vehicles emit smoke and fumes which are the source of particulate matter, nitrogen oxide, carbon monoxides, sulphur dioxide and other volatile organic compounds that are liable to foul or contaminate the atmosphere; and

WHEREAS Council deems it desirable to regulate the idling of vehicles.

The new municipal purpose to foster the well-being of the environment had not come into force until 2017, well after this bylaw received third reading by Okotoks council.

STATEMENT OF INTENT TO ENACT:

NOW THEREFORE the Council of the Town of Okotoks enacts as follows:

SHORT TITLE:

This Bylaw may be known as the "Idle Free Bylaw."

INTERPRETATION:

Terms are defined as they are to be understood when used in the bylaw.

BODY:

General prohibitions on idling

Exemptions

(Permits if required)

PENALTIES AND ENFORCEMENT:

Provisions explaining consequences of non-compliance, and enforcement procedures.

Example: *Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than Ten Thousand (\$10, 000) Dollars, imprisonment for a term not exceeding six (6) months, or both.*

Example: *Any Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw may issue and serve: a) a violation tag allowing a payment of the specified penalty to the Town; or b) a violation ticket allowing payment according to the provisions of the Provincial Offences Procedure Act, Revised Statutes of Alberta 2000, Chapter P- 34 and amendments thereto. (Emphasis added.)*

SEVERABILITY:

It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

GENERAL PROVISIONS:

Commonly referred to as ‘boiler plate’ provisions, these explain specific aspects of bylaw interpretation and enforcement used in Alberta municipalities.

ENACTMENT:

*This Bylaw shall come into full force and effect upon third and final reading.
READ A FIRST TIME this 29th day of June, 2015.
READ A SECOND TIME this 28th day of September, 2015.
READ A THIRD TIME AND PASSED this 28th day of September, 2015.*

MAYOR’S OR REEVE’S SIGNATURE



Environmental bylaws such as Okotoks Idle-Free Bylaw come into force at the beginning of the day that they receive third reading, unless otherwise provided in the MGA or any other enactment, or in the bylaw itself.⁶³ Bylaws are enforced through the Alberta Provincial Court, and fines and penalties are rarely onerous, with maximum fines set by law: for each offence \$10,000 or imprisonment for one year, or both.⁶⁴

Enforcement of a Section 7 bylaw, such as Okotoks Idle-Free Bylaw, can be problematic if the bylaw is improperly drafted or if a bylaw enforcement officer is unable to provide sufficient evidence to support that an offence has occurred. Local bylaw enforcement officers (often called peace officers) are tasked with preparing for court proceedings and must be familiar with the bylaw, and how to administer violation tags. They may need to find witnesses to a violation, and acquire scientific evidence that supports that an infraction has occurred.

While every Alberta municipality has unique branding for environmental bylaws passed under Section 7 and Section 8, most follow the patterns described above, as will be further illustrated through the examples provided in the next section of this Guide. However, bylaws passed under Part 17 to adopt or amend statutory plans and to pass or amend land use bylaws have entirely different formats. Part 17 bylaws include land use bylaws that municipalities use to implement environmental management policies in federal and provincial enactments as well as in policy documents and municipal statutory plans adopted locally, as discussed later in this Guide.

⁶³ MGA, *supra* note 1 s 190.

⁶⁴ *Ibid*, ss 7(i) & (ii).

5. Examples of Municipal Environmental Bylaws in Alberta

After 2017, the new municipal purpose of fostering the well-being of the environment was added to the MGA, and the city charter regulations were enacted for Edmonton and Calgary, providing legislative catalysts for passing environmental bylaws. Several of these environmental bylaws are reviewed below, with a focus on those emerging since 2017 in the cities of Calgary, Edmonton, Lethbridge, Medicine Hat, Red Deer, and St. Albert, and the rural municipality of Strathcona County. Notable environmental bylaws have also emerged in smaller cities, towns, and rural areas both before and after 2017, and some of these are included below and in the Table.

Examples of environmental bylaws are categorized below according to the authority councils used to pass the bylaws. The commentary below each bylaw identifies the bylaw's overall purpose and which environmental component (air, land, water, biodiversity, inorganic materials, and climate change) is being managed. Any relevant review or interpretation by an administrative body or court in Alberta is noted. All the bylaws in this section reflect municipal response or adaptation to complex ecosystem dynamics. The structure of this section is as follows:

- 5.1 Bylaws that amend environmental policies in statutory plans under Part 17;**
- 5.2 Land use bylaws to implement environmental policies in statutory plans;**
- 5.3 Environmental bylaws passed under MGA Part 2: Section 7 and Section 8;**
- 5.4 Reserve and environmental reserve bylaws passed under Section 7 and Section 8;**
- 5.5 Environmental bylaws arising from City Charter Regulations;**
- 5.6 Environmental bylaws passed under MGA Part 3: Public Utilities and Roads; and**
- 5.7 Environmental bylaws arising under the municipal purpose to foster the well-being of the environment.**

Many environmental bylaws are authorized by provisions in the MGA in conjunction with other enactments. For example, the Okotoks Idle-Free Bylaw discussed above in the 'Anatomy of an Environmental Bylaw' is authorized by the Alberta *Traffic Safety Act*⁶⁵ and the MGA provisions.

5.1 Bylaws that amend environmental policies in statutory plans under Part 17

One mechanism that municipalities use to respond to the LUF, the ALSA, and the new municipal purpose to foster the well-being of the environment is to amend environmental policies in statutory planning documents, such as the Municipal Development Plan (MDP), Area Structure Plans (ASPs) and Area Redevelopment Plans (ARPs). Two adjacent municipalities may also wish to amend the Intermunicipal Development Plan (IDP) to reflect shared environmental policies or commitments to regional-scale servicing infrastructure, such as to promote water conservation, or locate water supply and wastewater pipelines in an ecologically sensitive manner within the jointly planned lands.

⁶⁵ *Traffic Safety Act*, RSA 2000, c T-6.

It should be noted that the definition of statutory plan in section 616(dd) of the MGA was expanded by the city charter regulations for Calgary and Edmonton,⁶⁶ allowing the cities to adopt other planning documents as statutory plans.⁶⁷

All Part 17 statutory documents must be adopted by bylaw. While there is a simple anatomy of a bylaw used to adopt or amend a statutory plan, as shown below, the statutory plan adopted as a schedule to the bylaw is usually unique to the municipality and comprehensive, setting out the municipality's development policies and strategies to achieve desired outcomes. Statutory documents may include any specific environmental policies for all (MDP) or part of the municipality (IDP, ASPs and ARPs).

Although not considered to be statutory plans, recently developed Intermunicipal Collaboration Frameworks (ICFs)⁶⁸ authorized by Part 17.2 of the MGA (Part 17.2) and growth plans authorized by Part 17.1 of the MGA (Part 17.1)⁶⁹ must also be adopted by bylaw. ICFs and growth plans also act as catalysts for environmental management policies being amended into local statutory plans.

Anatomy of a Part 17 Bylaw to Amend a Statutory Plan:

- ❖ **Bylaw Name;**
- ❖ **Authority;**
- ❖ **Resolution to pass the bylaw;**
- ❖ **Short title;**
- ❖ **Schedule 'A' being the statutory plan;**
- ❖ **Rescinding of previous bylaws that adopted the previous statutory plan;**
- ❖ **Bylaw coming into force;**
- ❖ **Severability;**
- ❖ **Readings;**
- ❖ **Mayor's Signature.**

5.1.1 Example: Edmonton: Bylaw 7188 - Land, water, biodiversity

In 2018, Edmonton council amended Bylaw 7188, the North Saskatchewan River Valley Redevelopment Plan North, indicating that “the River Valley and Ravine System shall be primarily

⁶⁶ See Calgary Charter, *supra* note 10, s 4(31)(e): clause (dd) [of section 616] is to be read as follows: ‘(dd) “statutory plan” means (i) an intermunicipal development plan, (ii) a municipal development plan, (iii) an area structure plan, (iv) an area redevelopment plan, and (v) an additional statutory plan under section 635.1’ adopted by the City under Division 4.’

⁶⁷ But see *Go Outdoor Advertising Ltd v Development Authority of the City of Edmonton*, 2021 ABESDAB 10021 para 26, where the Edmonton SDAB held that *The Calgary Trail Land Use Study* was not a statutory plan as defined in the *City of Edmonton Charter, 2018 Regulation*, Alta Reg 39/2018.

⁶⁸ MGA, *supra* note 1, Part 17.2: Intermunicipal Collaboration Frameworks. See also, Stewart 2023, *supra* note 8 for an in-depth discussion on the use of ICFs to address intermunicipal environmental management.

⁶⁹ MGA, *supra* note 1, Part 17.1: Growth Management Boards. See also Stewart 2023 *supra* note 8 for a discussion of growth management plans.

used for major urban and natural parks and environmental protection uses.”⁷⁰ The purpose of the revisions was to “protect the North Saskatchewan River Valley and Ravine System as part of Edmonton's valuable open space heritage and to establish the principles for future implementation plans and programmes for parks development and the retention of the designated residential areas of Rossdale and Cloverdale.”⁷¹

Part 17 provided the authority for amending Bylaw 7188. The environmental components being managed through Bylaw 7188 are primarily land, specifically riparian land, and water. However, policies in the ARP also manage habitat for biodiversity associated with the North Saskatchewan River ecosystem.

Bylaw 7188 was reviewed by the Court of Queen’s Bench (as it then was) in 2009, and interpreted by the Edmonton Subdivision and Development Appeal Board (EDSDAB) in 2016⁷² and 2018.⁷³ In *Ms P Rockwell Development Authority of the City of Edmonton* (Rockwell), the Board noted its duty to determine whether the overall greater public interest outweighs the individual landowner’s rights to develop their land in the circumstances.⁷⁴

Since 2017, several municipalities have also amended their MDPs, ASPs, and ARPs to clarify local and regional-scale environmental management policies. For example, the *Town of Okotoks Bylaw 19-22* to adopt the new MDP, *Uniquely Okotoks*⁷⁵ includes policies and strategies for environmental management, community resiliency, and climate change adaption. Other examples of similar innovative bylaws are provided in the Table.

5.1.2 Example: Okotoks MDP: *Uniquely Okotoks* - Land, water, air, biodiversity, inorganic materials, and climate change

In 2021, Okotoks council passed Bylaw 02-21 (as later amended by Bylaw 19-22) and attached the MDP: *Uniquely Okotoks* as Schedule A. The purpose of the MDP is stated as follows:

The Municipal Development Plan (MDP) is a statutory plan that is the overarching visioning and policy document outlining land-use planning and development for the Town of Okotoks. The primary function of the MDP is to provide guidance on the long-range planning and physical growth of the Town. It also addresses the social, economic, cultural, historical, physical and environmental health of the community.⁷⁶

⁷⁰ City of Edmonton, *Bylaw 7188: North Saskatchewan River Valley Area Redevelopment Plan* (5 November 2018), online (pdf): https://www.edmonton.ca/sites/default/files/public-files/documents/plans_in_effect/North_Saskatchewan_River_ARP_Consolidation.pdf.

⁷¹ *Ibid*, Purpose Statement.

⁷² *Rossdale Community League and G Shelley v Development Authority of the City of Edmonton*, 2016 ABESDAB 10205.

⁷³ *Ms P Rockwell v Development Authority of the City of Edmonton*, 2018 ABESDAB 10030 [Rockwell].

⁷⁴ *Ibid*, at para 215.

⁷⁵ Town of Okotoks, *Bylaw 02-21: Uniquely Okotoks* (2021), online (pdf): <https://www.okotoks.ca/sites/default/files/2021-01/Approved%20Municipal%20Development%20Plan.pdf> [Uniquely Okotoks] Part C: 4: ‘Climate Change, Community Resilience + Environment’ at 99.

⁷⁶ *Ibid*, at 3.

MDPs are mandated by Part 17. Many of the environmental policies in *Uniquely Okotoks* are distinctive to Okotoks, including environmental policies emerging from the adoption of the Okotoks *Environmental Master Plan*, and *Resilient Okotoks: Climate Action Plan 2021-2033*.⁷⁷ Those policy documents are intended to manage land, riparian areas, water quantity and quality, air quality, biodiversity, and in response to climate change and complex ecosystem dynamics.

Any municipality looking to integrate environmental policies in their statutory plans, especially their MDP to foster the well-being of the local environment might want to look at *Uniquely Okotoks* and the town's environmental plans and programs for guidance.

Ensuring that environmental policies are included in all statutory documents with implementation strategies further articulated through land use bylaw provisions may ensure that the Land and Property Rights Tribunal (Tribunal) and the courts uphold those policies when applications for development permits or subdivision approvals are denied and subsequently appealed. Sturgeon County's MDP (Bylaw 1313/13)⁷⁸ provides a good example. In the 2020 appeal, *Kinsella v Sturgeon County (Subdivision Authority)*, (Kinsella)⁷⁹ the Alberta Municipal Government Board (ABMGB) made it clear that planning policies found in the county's MDP with implementation strategies articulated through land use bylaw provisions should be upheld on appeal, unless greater land use planning reasons to not do so exist. The ABMGB stated:

[32] ... The MGB will be reluctant to waive LUB standards and MDP policies where doing so is inconsistent with the broader planning objectives and goals embodied by these and other documents in planning framework, including regional plans, growth plans, other statutory plans, and the *Act*.

[33] As already explained above, the MGB finds there are insufficient land use planning reasons to depart from the MDP and LUB in this case, and that doing so would result in premature fragmentation that will interfere with the County's planning outcomes and cause difficulty for future planning and development. The proposed subdivision is also inconsistent with the EMRGP and requires additional pre-subdivision planning to ensure long term servicing and orderly development.⁸⁰

In 2019, the ABMGB refused the appeal in *Byers v Sturgeon County (Subdivision Authority)* (Byers)⁸¹ of a decision of the county's subdivision authority to reject subdivision of a small acreage from a parent parcel. The appeal was heard by the ABMGB because the proposed subdivision was adjacent to a body of water. The ABMGB agreed with Sturgeon County's decision to refuse the subdivision application because it did not conform to the county's MDP or land use bylaw with respect to density requirements.⁸²

⁷⁷ Town of Okotoks, *Environmental Master Plan* (2020), online: <https://www.okotoks.ca/your-community/green-living/climate-action>. See also Town of Okotoks, *Climate Action Plan: Resilient Okotoks, 2021-2033* (2021), online: <https://www.okotoks.ca/your-community/green-living/climate-action>.

⁷⁸ Sturgeon County, *Bylaw 1313/13: Municipal Development Plan* (2014), online: <https://www.sturgeoncounty.ca/resources/municipal-development-plan/>.

⁷⁹ 2020 ABMGB 51 [Kinsella].

⁸⁰ *Ibid*, at paras 32-33.

⁸¹ 2019 ABMGB 1 [Byers].

⁸² See *Foothills*, *supra* note 33. Appellant sought subdivision of a portion of land located in Foothills County of the town of Okotoks. The application was refused for failure to comply with the requirements of the MDP. See also

5.1.3 Example: St. Albert Bylaw 20/2020: MDP: *Flourish: Growing to 100 K - Land, water, air, biodiversity, inorganic materials, and climate change*

In 2020, St Albert council amended their MDP. *Flourish: Growing to 100K* (Flourish).⁸³ The MDP is mandated by Part 17. Flourish is unique to the City of St. Albert in much the same way that *Uniquely Okotoks* is unique to Okotoks in that it responds to environmental issues unique to that community. The purpose of the MDP is stated as follows:

Flourish is the City of St. Albert's Municipal Development Plan (MDP). It is a comprehensive, city-wide plan for growth and change, envisioning a future population of 100,000, and up to 13,000 new jobs over the coming decades. Flourish contains a growth strategy and planned urban structure that shape the physical growth of the city. The Plan's goals, policies, and strategic directions complement the growth strategy, taking a holistic approach that integrates the City's environmental, economic, social, and cultural aspirations.⁸⁴

Figure 2 in Flourish reflects the complexity of laws and policies affecting local land use planning, and demonstrates how the Edmonton Metropolitan Region Board's growth plan⁸⁵ has been used to frame many of St. Albert's local environmental policies.

The environmental components managed through Flourish include land, riparian areas, air and water quality, and biodiversity, as the municipality responds and adapts to climate change and complex ecosystem dynamics at both the local and regional scales.

5.2 Land use bylaws to implement environmental policies in statutory plans

All municipalities must have a land use bylaw,⁸⁶ which is the regulatory tool that municipalities use to implement environmental policies found in statutory plans such as the IDP, MDP, ASPs, and ARPs. Land use bylaws are unique to the municipalities that adopt them. They are complex and dynamic documents that do not follow any set patterns, although certain rules required by Part 17 are included in every land use bylaw.⁸⁷ The rules found in a land use bylaw are enforceable through Alberta court processes.

The Summer Village of Grandview's *Draft Bylaw 371: Land Use Bylaw*⁸⁸ put before council in November, 2023, provides an example of an emergent land use bylaw responding to the complexity of local ecosystem dynamics in small lakeshore communities around Pigeon Lake.

Bruch v MD of Foothills, 2019 ABMGB 3, where an application for subdivision was also refused for failure to comply with the requirements of the MDP.

⁸³ City of St. Albert, *Bylaw 20/2020: MDP Flourish: Growing to 100K* (2021) [Flourish], online: <https://stalbert.ca/dev/mdp/>.

⁸⁴ *Ibid*, What is Flourish?

⁸⁵ Edmonton Region Growth Management Board, *Re-Imagine, Plan Build* (2017, as amended in 2020), online: <https://www.emrb.ca/growth-plan>.

⁸⁶ MGA, *supra* note 1, s 640(1).

⁸⁷ *Ibid*.

⁸⁸ Summer Village of Grandview's *Draft Bylaw 371: Land Use Bylaw* (2023), online: <https://grandview.ca/2023/11/21/draft-grandview-land-use-bylaw-371-and-open-house-powerpoint-presentation/>.

A land use bylaw may prohibit or regulate and control the use and development of land.⁸⁹ It designates all land within municipal boundaries into land use districts that allow for at least one permitted use, and any number of discretionary uses.⁹⁰ Land use bylaws also regulate the types of conditions that may be put in a development permit.⁹¹ Furthermore, when approving development permits or plans of subdivision, development authorities must ensure that lands are suitable for the intended land use.⁹² Therefore, wetlands and marshy lands and lands subject to flooding, subsidence or collapse are generally not suitable for residential or commercial development.

Land use bylaws are regularly amended to include new bylaw provisions to protect components of the environment, such as environmentally significant areas and landscape features. Foothills County's *Bylaw 60/2014: Land Use Bylaw*⁹³, amended as recently as December 2023, provides a good example of how changes in provincial legislation, local, and regional policies, public engagement, and ecosystem dynamics drive amendments to protect the environment.

Community values regarding management of environmental components change over time. A recent Alberta Court of Appeal (ABCA) decision⁹⁴ confirmed that land use bylaws reflect community development standards and ensure that everyone who lives in the municipality understands what kind of land uses will be permitted on certain lands.⁹⁵ Rules must be predictable where landowners have reasonable expectations that the rules will be applied fairly and equally no matter who is applying for a development permit or for subdivision approval. The ABCA stated that these are fundamental concepts of Canadian planning law.⁹⁶

⁸⁹ MGA, *supra* note 1, s 640(1.1).

⁹⁰ *Ibid*, s 640 (2).

⁹¹ *Ibid*. ⁹²See *Matters Related to Subdivision and Development Regulation*, Alta Reg 84/2022 [SDR]; MGA *supra* note 1, s 654(1)(a). See also *Hoogland v County of Wetaskiwin No 10 (Subdivision Authority)* 2022 ABLPRT 1409 [Hoogland], and *K Keshwani-Opper v Sturgeon County (Subdivision Authority)*, 2019 ABMGB 12.

⁹²See *Matters Related to Subdivision and Development Regulation*, Alta Reg 84/2022 [SDR]; MGA *supra* note 1, s 654(1)(a). See also *Hoogland v County of Wetaskiwin No 10 (Subdivision Authority)* 2022 ABLPRT 1409 [Hoogland], and *K Keshwani-Opper v Sturgeon County (Subdivision Authority)*, 2019 ABMGB 12.

⁹³ Foothills County, *Bylaw 60/2014: Land Use Bylaw* (17 December 2014), online (pdf):

https://www.foothillscountyab.ca/sites/default/files/2024-01/Consolidated%20LUB%20updated%20December%2023_0.pdf.

⁹⁴ *Edmonton (City of) Library Board v Edmonton (City of)*, 2021 ABCA 355 [Edmonton City].

⁹⁵ *Ibid*, at paras 33-34

‘[33] The MGA establishes how municipalities can achieve these broad objectives. That includes creating statutory plans and land use bylaws in planning growth within their regions. Land use bylaws establish development standards so that everyone understands, at least broadly, the uses to which land can be put and the limits of those uses. The rules are predictable, and there is an expectation they will be applied fairly and equally. [34] A land use bylaw “may prohibit or regulate and control the use and development of land and buildings in a municipality”: s 640(1.1) of the MGA. Among other things, a land use bylaw must set out the permitted uses and the discretionary uses of land or buildings: s 640(2)(b) of the MGA. A development permit must be issued if the proposed development is for a permitted use and otherwise complies with the land use bylaw: s 642(1) of the MGA. If the proposed development is for a permitted use that does not comply with all the requirements of the land use bylaw, the developer can apply to an appeal board for a variance of the bylaw requirements.’

⁹⁶ See Stewart 2023, *supra* note 8. See also *Love v Flagstaff (County of) Subdivision and Development Appeal Board*, 2002 ABCA 292 [Love] at paras 26-29 & 85: ‘85 It is evident from a review of Part 17 of the Act that its purpose, or object, is to regulate the planning and development of land in Alberta in a manner as consistent as

Alberta's requirements and a municipality's rules for subdividing land are also found in the land use bylaw. If a person applies to the local subdivision authority for approval of a proposed plan of subdivision, the rules for subdivision found in the land use bylaw and in provincial laws and regulations will be applied.⁹⁷

In 2002, in *Love v Flagstaff (County of) Subdivision and Development Appeal Board (Love)*,⁹⁸ the ABCA provided significant commentary about the need for the judiciary to balance individual rights and the public interest when determining disputes concerning land use and development. The ABCA said that protecting private property rights remains one of the fundamental concepts of Canada's democratic system of government, even though in limited circumstances those rights must be over-riden in the overall greater public interest, for example to protect bodies of water from pollution.

Writing for the majority, Chief Justice Fraser set out some of the critical components of Alberta planning law that are based on shared community values and expectations for land development; stating that Albertans value "orderly and economic development; preservation of quality of life and the environment; respect for individual rights; and recognition of the limited extent to which the overall public interest may legitimately override individual rights".⁹⁹

Land use bylaws may also contain provisions that protect environmentally significant natural sites that has been designated as 'historic resources' under section 1(e) of the *Historical Resources Act*,¹⁰⁰ as follows:

"historic resource" means any work of nature or of humans that is primarily of value for its palaeontological, archaeological, prehistoric, historic, cultural, **natural**, scientific or esthetic interest including, but not limited to, a palaeontological, archaeological, prehistoric, historic or **natural site**, structure or object. (Emphasis added.)

5.2.1 Example: St Albert Land Use Bylaw 9/2005 (Consolidated by Bylaw 8/2023)¹⁰¹ - Land, water, and biodiversity

In 2023, St. Albert amended Bylaw 9/2005 (the Land Use Bylaw) through Bylaw 8/2023. The purpose of Section 10.1 Public Parks land use district addresses several discretionary uses and only one permitted use, as follows:

The purpose of the Public Park District is to: (a) provide parks along with complementary facilities throughout the City for the purpose of public recreation; (b) conserve and enhance the cultural, recreational and natural

possible with community values. In so doing, it strikes an appropriate balance between the rights of property owners and the larger public interest inherent in the planned, orderly and safe development of lands. In this regard, s.617 contains an authoritative statement of legislative purpose and relevant community values.⁹⁷

⁹⁷ See SDR *supra* note 92.

⁹⁸ Love, *supra* note 96.

⁹⁹ *Ibid*, at para 26.

¹⁰⁰ *Historical Resources Act*, RSA 2000, c H-9. See also City of Calgary, *Bylaw Number 8M2017 Being a Bylaw of the City of Calgary to Designate Confederation Park as a Municipal Historic Resource* (2017), online; <https://publicaccess.calgary.ca/searchCCProc/index.htm>.

¹⁰¹ City of St. Albert, *Bylaw 8/2023: St. Albert Land Use Bylaw*, 2023, online: <https://stalbert.ca/cosa/bylaws/>

resources of the Sturgeon River Valley; and (c) protect lands in the Sturgeon River flood risk area from subdivision and development which would disrupt normal hydrological action or increase the risk of damage from flooding, in accordance with the Section 6.10 of this Bylaw.

In addition, section 6.11 of the bylaw provides rules for developing land adjacent to designated flood hazard areas within St. Albert where a designated flood line has been identified.

Part 17 provides authority for Bylaw 8/2023. The environmental components being managed through Bylaw 8/2023 are primarily land, specifically riparian land, but policies also manage water and biodiversity as the city responds to complex ecosystem dynamics.

5.2.2 Example: Town of Okotoks 17-21, *Okotoks Land Use Bylaw (consolidated to June 27 2023)*¹⁰² – Land, water, biodiversity

On 2021, Okotoks' council passed Bylaw 17-21, *Okotoks Land Use Bylaw* (Okotoks LUB). The purpose of the Okotoks LUB is stated, as follows:

The purpose of this Land Use Bylaw, hereby known as “the Bylaw”, is to enable sustainable Development based on the principles and policies of the Okotoks Municipal Development Plan. To accomplish this, the Bylaw organizes sustainable Development patterns by character Districts with the knowledge that Development decisions made today will impact future generations.¹⁰³

Of note, Okotoks LUB includes a ‘Flood Hazard Overlay’ that applies in all land use districts subject to the overlay.¹⁰⁴ The overlay restrictions take precedence over the rules in all land use districts. In light of Okotoks’ environmental management innovations, section 2.2 of the Okotoks LUB is set out in its entirety, as follows:

2.2 FLOOD HAZARD OVERLAY

- A. The purpose of the Flood Hazard Overlay is to identify lands within the Municipality that are liable to flooding during high-water events and to provide regulations so Development can be undertaken in a safe manner.
- B. Lands subject to the Flood Hazard Overlay are identified in the Flood Hazard Overlay Map (Map 2.20) and are further delineated as being either Floodway or Flood Fringe.
- C. Where there is a conflict between the Flood Hazard Overlay and a District, the Flood Hazard Overlay takes precedence.
- D. Lands in the Floodway shall be subject to the following Development standards:
 1. Notwithstanding the listed Uses for any District, including Direct Control Districts, only Public Utility and Recreation - Passive are Permitted Uses for lands within the Floodway, and there shall be no other Permitted Uses or Discretionary Uses for such lands;
 2. No new Development or new road construction shall be allowed that has the potential to increase the obstruction of floodwaters or the potential for a detrimental effect on the hydrological system, water quality, or any existing Development;
 3. No new Buildings or other Structures shall be allowed except to: A. Accommodate Public Utilities or erosion control measures; or B. Replace an existing Building or Structure on the same location provided

¹⁰² Town of Okotoks, *Okotoks Land Use Bylaw 17-21*, (2021), online: <https://www.okotoks.ca/sites/default/files/2023-06/Land%20Use%20Bylaw%2017-21%20Consolidated%202023-06%20web.pdf> [Okotoks LUB].

¹⁰³ *Ibid*, s 1.1.

¹⁰⁴ *Ibid*, s 2.2.

that the hazards associated with flooding can be overcome in a manner that is acceptable to the Development Authority.

4. No excavation or stockpile or alteration of Grades shall be permitted within undisturbed Sites.¹⁰⁵ (Emphasis added.)

In addition, Okotoks' land use bylaw includes a 'Natural Area' land use district with a few permitted and several discretionary uses, but where the primary intent is to protect and enhance natural areas and natural assets throughout the municipality. The provisions in the Natural Area land use district are subject to the Flood Hazard Overlay where it applies.

Part 17 provided authority for Okotoks' council to amend Bylaw 17-21. The environmental components being managed are primarily land, specifically riparian land, but provisions also incidentally manage water quality and improve habitat for biodiversity. The new bylaw provisions reflect adaptation to both ecosystem dynamics and climate change.

5.2.3. Example: City of Airdrie Land Use Bylaw B-01/2016 (Consolidated 2023.) – Land, water, air, biodiversity

In 2016, Airdrie's council passed Bylaw B-01/2016, Airdrie's land use bylaw.¹⁰⁶ The purpose of bylaw is provided in section 1.3 of the bylaw, as follows:

1.3 Purpose

- (1) The purpose of the Bylaw is to facilitate the orderly, economical and beneficial development and use of land and buildings within the City and for that purpose the Bylaw, among other things,
 - (a) Divides the City into land use districts;
 - (b) Prescribes and regulates for each land use district, the purpose for which the land and buildings may be used;
 - (c) Establishes the roles of the Development Authorities;
 - (d) Establishes the method of making decisions on applications for land use redesignations and Development Permits, including the issuing of Development Permits;
 - (e) Sets out the method of appealing any decision relative to this Bylaw; and
 - (f) Prescribes the procedures to notify landowners, residents, and citizens likely to be affected by the issuance of a Development Permit or Land Use Bylaw amendment.
- (2) This Bylaw is intended to be applied in a manner that serves to implement statutory plans that have been adopted by the City.
- (3) This Bylaw shall be used in conjunction with the policies and procedures as adopted and amended by Council from time to time.¹⁰⁷

The purpose statement is unique to Airdrie and provides clear messaging for how council intends provisions of the land use bylaw to be interpreted. Municipalities in the process of amending their land use bylaws may wish to provide a similar purpose statement to clarify council's development policies and aid in interpretation.

¹⁰⁵ Okotoks LUB, *supra* note 102 at 77. The capitalized words are defined in the bylaw and have specific meanings attributed.

¹⁰⁶ City of Airdrie, *Land Use Bylaw B-01/2016 (Consolidated to 2023)*, online: <https://www.airdrie.ca/getDocument.cfm?ID=9587> [Airdrie LUB].

¹⁰⁷ *Ibid*, s 1.3.

Of interest, Airdrie's council included section 7.8 in the land use bylaw to provide rules of general application in all land use districts to restrict development near water bodies and watercourses, as follows:

7.8 Development near Water Bodies and Watercourses

- (1) Land which is subject to flooding or subsidence, or which is marshy or unstable, shall not be developed in any way except as it satisfies the provisions of this section, to the satisfaction of the Development Authority.
- (2) No development shall be permitted in riparian areas or wetlands, except for renovations and maintenance to the following buildings and structures;
 - (a) Existing approved uses, buildings, and structures;
 - (b) Existing General Agricultural Operation uses;
 - (c) Existing parks;
 - (d) Existing playgrounds;
 - (e) Natural areas;
 - (f) Existing parking areas (limited to surface parking associated with recreational facilities, parks, or playgrounds);
 - (g) Existing recreational facilities (outdoor);
 - (h) Gates, fences, and other means of enclosure less than 1.8 metres in height;
 - (i) Public and quasi-public installations and facilities;
 - (j) Roads and pathways;
- (3) If development occurs in riparian areas or wetlands in accordance with the above requirements, the developer shall construct an equivalent riparian/wetland facility to replace the land that was destroyed through development.
- (4) Development shall be set back from riparian areas or wetlands to the satisfaction of the Subdivision or Development Authority.
- (5) A master drainage plan or a lot drainage plan, when the Subdivision or Development Authority requires one, shall be prepared to the satisfaction of the Subdivision or Development Authority.
- (6) Areas requiring topographic reconstruction shall be reconstructed in accordance with the approved master drainage plan or lot drainage plan, and the finished surface contours shall not direct surface drainage onto adjoining lots.
- (7) A stormwater management plan, when the Subdivision or Development Authority requires one, shall be prepared by a qualified professional, to the satisfaction of the Subdivision or Development Authority, and shall include but not necessarily be limited to:
 - (a) Geotechnical investigation to determine soil characteristics and the potential for erosion and bank instability;
 - (b) Hydrogeological investigations to determine the recharge/discharge characteristics of groundwater and general flow patterns;
 - (c) Inventory of existing drainage features and flow routes;
 - (d) Recommendations of methods for silt and erosion control;
 - (e) Recommendations and implementation plan to achieve greater percentage of pervious surfaces in all area of subdivision and development;
 - (f) Recommendations of most appropriate streetscapes, stormwater detention ponds, and landscapes to achieve no net increase in velocity to post-development off-site flows;
 - (g) Recommendations and implementation plan of naturoscaping component for all post-development landscaped areas;
 - (h) Recommendations to minimize soil compaction during stripping, grading, servicing, and development;
 - (i) Recommendations on the most appropriate method of post-development stormwater routing and stormwater control.

- (8) An erosion and sediment control plan, when required by the Subdivision or Development Authority, shall establish methods of silt and erosion control.¹⁰⁸

The environmental components being managed through these provisions include land and water, specifically steep slopes, riparian lands and wetlands, along with air and biodiversity, responding to local ecosystem dynamics. In 2023, the bylaw was reviewed by the Tribunal in *Ball v City of Airdrie (Development Authority)*,¹⁰⁹ but the Development Permit in question was a permitted use and the subject matter of the appeal was held to be not within the jurisdiction of the Tribunal.

5.3 Environmental bylaws passed under MGA Part 2: Section 7 and Section 8

Environmental bylaws passed under Part 2: Section 7 and Section 8 ‘general jurisdiction to pass bylaws,’ are quite common in Alberta. These bylaws respond to local emergent environmental issues that may be harmful to the environment *per se*, and cause harm to people, property, or the local economy. The examples below illustrate a few types of emergent environmental issues that municipalities are addressing through this type of bylaw.

5.3.1 Example: Regional Municipality of Wood Buffalo – Bylaw 23/004 – Biodiversity

In 2023, the Regional Municipality of Wood Buffalo passed *Bylaw 23/004 A Bylaw to Regulate the Keeping of Hens in the Regional Municipality of Wood Buffalo*.¹¹⁰ The purpose of the bylaw was to address an emergent problem of managing poultry raised in residential areas for egg production. Neighbours were being affected by noise, smell and pests attracted to the henhouses and eggs. Council did not specify the authority they used to pass the bylaw.

The environmental component being managed is local biodiversity. There are a number of communities using ‘hen bylaws’ to restrict where people may keep hens in residential and commercial land use districts.¹¹¹ As more urban centers annex rural lands and more people in urban centers close to large rural municipalities embrace the philosophy of growing their own food, this issue will keep arising. For example, in January 2023, the Town of Coaldale used the authority of Section 7 to pass *Bylaw 862-R-01-23: Domestic Animal Bylaw*¹¹² to address several emergent local issues related to keeping domestic and wild animals, including keeping or poultry, livestock, and even rabbits within town boundaries.

¹⁰⁸ Airdrie LUB, *supra* note 106, s 7.8.

¹⁰⁹ 2023 ABLPRT 378 [Ball].

¹¹⁰ Regional Municipality of Wood Buffalo, *Bylaw 23/004 A Bylaw to Regulate the Keeping of Hens in the Regional Municipality of Wood Buffalo* (2023), online (pdf): <https://www.rmwb.ca/en/bylaw-and-animal-services/resources/Bylaw-2023.004-Backyard-Hens.pdf>.

¹¹¹ See City of St. Albert, *Bylaw No. 32/2018 Hen Bylaw* (2018), online (pdf): https://stalbert.ca/site/assets/files/4416/bylaw_32-2018_consolidated_by_bylaw_29_2022.pdf.

¹¹² Town of Coaldale, *Bylaw 862-R-01-23: Domestic Animal Bylaw* (2023), online (pdf): <https://www.coaldale.ca/sites/default/files/uploads/bylaws-policies/Domestic%20Animal%20Bylaw%20862-R-01-23.pdf>.

5.3.2 Example: St. Albert Bylaw 16/2007 Idle Free Bylaw – Air Quality

In 2007, St. Alberta Council passed *Bylaw 16/2007: A Bylaw to Regulate Vehicle Idling*.¹¹³ The purpose of the bylaw is clearly stated to reduce harmful vehicle emissions and improve air quality within St. Albert. Council relied on Section 7 for authority to pass the bylaw.

The environmental component being managed is local air quality in response to community concerns and local ecosystem dynamics.

5.3.3 Example: Lethbridge Drainage Bylaw,¹¹⁴ amended by Bylaw 5594 (Consolidated to 2020) – Water quality and biodiversity

In 2016, Lethbridge council amended *Bylaw 5594, the Drainage Bylaw* to regulate and control prohibited materials from being released in the storm drainage system. The original drainage bylaw passed in 2004 used the authority provided in Part 2, Section 7 and Section 8. In 2016, the Council passed the revised bylaw under the authority of Part 3, to regulate public utilities, such as storm drainage systems.

Recognizing that storm drainage is untreated and flows directly into receiving water bodies, prohibited materials are defined in section 2.23 of the bylaw, as follows:

2.23 “Prohibited Material” means any Substance that may, directly or indirectly, obstruct the flow of Water within the Storm Drainage System or may have a Negative Impact, and includes, but is not limited to:

- 2.23.1 soil, sediment, waste or other solid matter;
- 2.23.2 fecal matter, Animal Waste;
- 2.23.3 cooking oils and greases;
- 2.23.4 gasoline, motor oil, transmission fluid, and antifreeze;
- 2.23.5 solvents;
- 2.23.6 paint;
- 2.23.7 cement or concrete wastes;
- 2.23.8 sawdust, wood, fibreboard or construction material;
- 2.23.9 Yard Waste;
- 2.23.10 pesticides, herbicides or fertilizers;
- 2.23.11 Biomedical Waste or General Medical Waste;
- 2.23.12 Hazardous Waste;
- 2.23.13 Industrial Waste;
- 2.23.14 soaps or detergents;
- 2.23.15 Water from hot tubs; and
- 2.23.16 any Substance or combination of Substances that emits an odor;
- 2.23.17 Aquatic Invasive Species.¹¹⁵ (Capitalized words are defined in the bylaw.)

The bylaw reflects ecosystem dynamics regarding several emergent contaminants, such as biomedical waste, water from hot tubs, and aquatic invasive species. Provisions manage water quality and biodiversity, especially fish and fauna in receiving water bodies and watercourses.

¹¹³ City of St. Albert, *Bylaw 16/2007: Idle-Free Bylaw*, online (pdf): <https://stalbert.ca/cosa/bylaws/>

¹¹⁴ City of Lethbridge, *Bylaw 5594 Drainage Bylaw* (2016), online (pdf): <https://www.lethbridge.ca/media/f5vg2bur/5594y-drainage-bylaw.pdf> [Lethbridge Drainage Bylaw].¹¹⁵ *Ibid*, s 2.24.

¹¹⁵ *Ibid*, s 2.24.

As an emergent trend, it should be noted that applications for development permits and plans of subdivisions that may negatively impact water quality are being carefully scrutinized by development authorities, subdivision authorities, and administrative boards and the Tribunal when applicants appeal conditions placed on permits and approvals. For example, in the 2020 decision *1840101 Alberta Ltd v Lac Ste Anne County* (Lac Ste. Anne),¹¹⁶ the ABMGB refused to grant the application for subdivision on the basis that the intended use would unreasonably impact water quality.

5.3.4 Example: City of Lethbridge Bylaw 6296 Clean Energy Improvement Tax Bylaw¹¹⁷ – Air quality and climate change

In 2021, Lethbridge council passed *Bylaw 6296, the Clean Energy Improvement Tax Bylaw*. The purpose of the bylaw is to establish a Clean Energy Improvement Program. The bylaw enables the Clean Energy Improvement Tax that facilitates the construction and installation of qualified clean energy improvements on eligible properties. Lethbridge council used the general jurisdiction to pass bylaws found in Section 7 and Section 8 to pass the bylaw.

In 2018, the Alberta government passed the *An Act to Enable Clean Energy Improvements*¹¹⁸ that amends the MGA, enabling municipalities to create clean air improvement tax programs in order to fund eligible property owners who wish to install alternative energy facilities. Several municipalities have clean energy improvement bylaws in place similar to the one in Lethbridge. Devon, Canmore and Rocky Mountain House were early adopters of the legislation, creating borrowing bylaws and setting out criteria for funding in accordance with the legislation.¹¹⁹ Since then, many other municipalities are following suit, as noted in the Table.

5.4 Reserve and environmental reserve bylaws passed under Section 7 and Section 8

Almost all municipalities own some environmental reserves (ER) that were required to be dedicated to the municipality during land subdivision processes. These lands are considered unsuitable for development and too hazardous to accommodate homes and businesses. They may be prone to natural hazards, such as land subsidence or flooding. Once a subdivision is registered at the Land Titles Office, the ownership and title to any ER parcels transfer to the municipality. As owners, municipalities have the authority and the responsibility to manage human activities on these lands.

Most lands required to be dedicated to a municipality as ER have been formed by or reflect the presence of water, for example steep slopes, ravines, dry drainage courses, and wetlands. Strips of

¹¹⁶ 2020 ABMGB 35 [Lac Ste. Anne].

¹¹⁷ City of Lethbridge, *Bylaw 6296 Clean Energy Improvement Bylaw*, (2021), online: <https://www.lethbridge.ca/media/bszpxybh/bylaw-6296-clean-energy-improvement-tax-bylaw.pdf>.

¹¹⁸ SA 2018, c 6. [Clean Energy Improvements Act].

¹¹⁹ See Rebecca Kauffman, “Here Comes the Sun: Solar Law in Alberta” (2021), online: *Environmental Law Centre of Alberta* <https://canlii.ca/t/tt28>.

riparian lands adjacent to wetlands, creeks, streams, and rivers that flood during snowmelt and heavy precipitation events may also be required to be dedicated.

The few Alberta municipalities that have put a specific ER bylaw in place have done so because the public were accessing these lands and using them inappropriately for activities such as building development, camping, cutting down trees and bushes, mowing the vegetation, and using off highway vehicles to access the bed and shore of the body of water through these lands. Each ER bylaw reflects local environmental issues, and there is no-one-by-law-fits-all.

ER bylaws set out when and how members of the public are permitted to access and use these municipally owned lands. Some human activities may be prohibited, for example tree cutting and using dirt bikes and off highway vehicles that damage and pollute the land and water. Some activities may be regulated and controlled through the requirements to obtain permits, such as camping and hosting community events. Other activities may be permitted, such as hiking and birdwatching on designated trails.

A good example of the arduous process of trying to pass a specific ER bylaw is Lac La Biche County's¹²⁰ attempt to manage ER lands around lakes from unauthorized and inappropriate public use. The council strived for over three years to understand the wants and needs of their citizens and made many compromises before producing a final draft. The bylaw may still be in draft form to this day because lakeside property owners do not understand that ER are municipally owned lands. The municipal owner has general bylaw passing authority to regulate and control public access and use of these lands to protect the environment, the public, and the municipality under occupier's liability laws.¹²¹

Many municipalities regulate and control access and use to ER through parks and municipal property bylaws, and some of these bylaws are included below and in the Table.

5.4.1 Example: Edmonton Bylaw 12306 – Land

In 2001, Edmonton Council passed Bylaw 12308: Unauthorized Use of Parkland.¹²² Unauthorized Use was defined in the bylaw as follows:

“Unauthorized Use” means the exercise of dominion or control over Parkland by constructing, storing, erecting, or placing anything on Parkland or by maintaining or altering such Parkland where not required or allowed by the City Manager. Examples of such dominion or control include, but are not limited to, the following:

- (i) a driveway, parking pad or site, stairway, walkway, pool, patio, deck, wall, fence, shed or other structure;
- (ii) landscaping, gardens and irrigation or electrical systems;
- (iii) drainage facilities including but not limited to pipes, catch basins, sumps, swales, detention ponds and ancillary structures;
- (iv) staging, scaffolding or other structure, material, machinery or tools used or to be used in connection with the erection, alteration, demolition, repair or painting of any structure; and

¹²⁰ See LLB Bylaw, *supra*, note 62.

¹²¹ See *Occupier's Liability Act*, RSA 2000, c O-4.

¹²² City of Edmonton, *Bylaw 12308 Unauthorized Use of Parkland* (2001), online (pdf). [Edmonton Bylaw 12308].

- (v) digging, cutting, excavating or filling.¹²³

The authority Edmonton Council used to pass the bylaw was section 7(b) of the MGA, whereby Council may pass bylaws for municipal purposes respecting people, activities, and things in, on or near a public place or place that is open to the public.

Bylaw 12308 was the subject matter of an appeal to the EDSAB) in *Ms. P. Rockwell v Development Authority of the City of Edmonton* (Rockwell).¹²⁴ In that appeal, Rockwell suggested that the landowner's construction of a house on land adjacent to the North Saskatchewan River Valley Park would constitute an 'unauthorized use' of parkland. The EDSAB disagreed and concluded that the development would not encroach on parkland, rendering Rockwell's concerns about unauthorized use moot.

Bylaw 12308 was passed proactively, long before the MMGA and significant changes to municipal authority to pass bylaws for environmental management because Edmonton council recognized that the city needed to ensure that municipally owned reserves and other city parks and playgrounds needed to be protected from unauthorized use.

5.4.2 Example: County of Wetaskiwin – Bylaw 2018/53 – Land

In 2018, the County of Wetaskiwin passed Bylaw 2018/53¹²⁵ for the regulation of municipal reserve, environmental reserve, conservation reserve, and public utility lots. Bylaw 2018/53 suggests that the authority for this bylaw can be found in Section 7, but there is no explicit reference to any aspect of Section 7 that would support the claim. Similarly, the purpose of the bylaw is not clearly stated, and the bylaw lends itself to misinterpretation and judicial review, however no review has occurred to date. The county might have used Section 7 and the municipal purpose: 'to foster the well-being of the environment' to support the provisions. The environmental component being managed is primarily municipally owned land.

5.4.3 Example: Strathcona County – Bylaw 8-2007¹²⁶ – Land

In 2007, long before the MGA amendments, Strathcona County passed Bylaw 8-2007, the Unauthorized Use of County Property Bylaw. The purpose of the bylaw "is to regulate the Unauthorized Use of County Property, to promote the safe, enjoyable and reasonable use of such land and to protect and conserve natural ecosystems for the benefit of all citizens of the County."¹²⁷ Unauthorized use is defined. 'County Property' is defined to include roads, public utilities and all forms of reserves, including ER.

¹²³ *Ibid*, s 2(h). 'Interpretation' section.

¹²⁴ 2018 EDSAB 10030 [Rockwell].

¹²⁵ County of Wetaskiwin, *Bylaw 2018/53*, (2018), online: <https://www.county.wetaskiwin.ab.ca/DocumentCenter/View/2323/Municipal-Environmental-and-Conservation-Reserve-Bylaw#:~:text=2018%2F53%20is%20a%20Bylaw,Reserve%20and%20Public%20Utility%20Lot.>

¹²⁶ Strathcona County, *Bylaw 8-2007: Unauthorized Use of County Property Bylaw*, (2007), online (pdf): https://strathconacablob.blob.core.windows.net/files/files/lls-bylaw_8-2007_unauthorized_use_of_county_property_consolidated_november_6_2007.pdf.

¹²⁷ *Ibid*, s 2.1.

Land is the environmental component being managed through Bylaw 8-2007.

The authority that Strathcona County used to pass the bylaw included Section 7, Section 8, and Part 3, Special Powers to Pass Bylaws.

In 2010, Lethbridge County passed a similar *Parks Bylaw, Bylaw 5651*¹²⁸ under general jurisdiction to pass bylaws to regulate access and use of public parks.

5.5 Environmental bylaws arising from City Charter Regulations

5.5.1 Example: Calgary Single-Use Item Reduction Bylaw: Charter Bylaw 1H2023 – Inorganic Materials

In 2023, in response to federal legislation, Calgary council passed *Charter Bylaw 1H2023 Being a Charter Bylaw of the City of Calgary to Regulate Single-Use Items*.¹²⁹ The purpose of the bylaw is ‘to reduce the number of single-use items entering the waste stream and the environment, and to promote reusable alternatives.’ The bylaw took effect in January 2024. Council used authority to pass the bylaw found in Section 7 of the MGA as modified by Calgary’s charter regulation, as follows:

AND WHEREAS pursuant to section 7 of the *Municipal Government Act*, Council may pass bylaws respecting businesses, business activities and persons engaged in business;

AND WHEREAS pursuant to section 7 of the *Municipal Government Act* as modified by section 4 of the *City of Calgary Charter, 2018 Regulation*, AR 40/2018, Council may pass bylaws respecting the well-being of the environment, including bylaws providing for the creation, implementation and management of programs respecting waste reduction, diversion, recycling and management ...¹³⁰

In early February 2024, due to public outcry, city council took steps to hold a public hearing with the intention to repeal the bylaw.¹³¹ The results of the public hearing were unknown at the time of writing.

5.5.2 Example: City of Edmonton Charter Bylaw 20117: Single-Use Item Reduction Bylaw – Inorganic materials.

¹²⁸ City of Lethbridge, *Bylaw 5651 Parks Bylaw* (2010), online (pdf): <https://www.lethbridge.ca/media/cfkcabwz/5651y-parks-bylaw.pdf>.

¹²⁹ City of Calgary, *Charter Bylaw 1H2013 Being a Charter Bylaw of the City of Calgary to regulate Single-Use Items* (2023), online (pdf) [Calgary Single Use Bylaw]. See also regulation under CEPA, *Single-use Plastics Prohibition Regulations*, SOR/2022-138 [Single-Use Plastics Regulation].

¹³⁰ Calgary Single Use Bylaw, *supra* note 129. See the Preamble.

¹³¹ Joel Dryden, ‘Calgary city council approves repeal process for single-use items bylaw’ (2024) *CBC News*, online: <https://www.cbc.ca/news/canada/calgary/single-use-plastics-calgary-council-bylaw-1.7099179>.

In 2022, Edmonton council passed Bylaw 20117: *Single Use Item Reduction Bylaw*¹³² to reduce the use of single-use items. Effective since July 1, 2023, the purpose of the bylaw is “to regulate single-use items to reduce waste and litter, increase recycling and other responsible management of waste, and encourage the use of reusable alternatives.”¹³³

Council used the authority in Section 7 as amended by the Edmonton city charter regulation, as well as the new purpose of fostering the well-being of the environment, as follows:

WHEREAS, pursuant to section 7 of the Municipal Government Act, as amended by the *City of Edmonton Charter, 2018 Regulation*, AR 39/2018 a Council may pass bylaws for municipal purposes respecting the well-being of the environment, including bylaws providing for the creation, implementation and management of programs respecting waste reduction, diversion, recycling and management;

AND WHEREAS, pursuant to section 7 of the Municipal Government Act, a Council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business, and the enforcement of bylaws ...¹³⁴

Edmonton council recognized the detrimental effects of single-use items on human and environmental health, as well as the aesthetics of the community and adopted both a 25-year Waste Strategy and the first in a series of ‘Waste Reduction Roadmaps’, which set targets related to reducing the production of waste in the city and decreasing the portion of waste that is landfilled. The city wishes to reduce the number of single-use items entering the waste stream and the environment, reduce or eliminate non-recyclable single-use items used by businesses, and promote reusable alternatives.¹³⁵ The bylaw manages inorganic materials entering the waste stream.

5.5.3 City of Calgary BYLAW NUMBER 2H2023¹³⁶ BEING A CHARTER BYLAW OF THE CITY OF CALGARY TO AMEND THE LAND USE BYLAW 1P2007 (IP2023-0362) – Land, water, air, biodiversity, climate change

In 2023, Calgary’s council passed Bylaw 2H2023 to amend the land use bylaw in order to include regulations and controls for climate change adaption in accordance with the new charter regulation provisions. The authority to pass the bylaw is provided as follows:

WHEREAS it is desirable to amend the Land Use Bylaw 1P2007, as amended;

¹³² City of Edmonton, *Charter Bylaw 20117: Single-Use Item Reduction Bylaw* (2023), online (pdf): <https://www.edmonton.ca/sites/default/files/public-files/Bylaw20117.pdf?cb=1688754093>. [Edmonton Single Use Bylaw].

¹³³ Edmonton Single Use Bylaw, *supra* note 132, s 1.

¹³⁴ *Ibid*, Preamble.

¹³⁵ *Ibid*.

¹³⁶ City of Calgary, *Bylaw Number 2H2023 Being a Charter Bylaw of the City of Calgary to Amend the Land Use Bylaw 1P2007 (IP2023-0362)*, (2023), online: <https://www.calgary.ca/bylaws/city-bylaw-library.html> [Calgary LUB].

AND WHEREAS Section 4 of the City of Calgary Charter, 2018 Regulation, AR 40/2018 (“the Charter”) modifies the Municipal Government Act, R.S.A. 2000, c.M-26, as amended (the “Act”) as it is to be read for the purposes of being applied to the City of Calgary;

AND WHEREAS Section 617 of the Act has been amended by Section 4(32) of the Charter to explicitly clarify that the purpose of a land use bylaw passed under Part 17 of the Act includes the promotion of environmental sustainability and stewardship;

AND WHEREAS the amendments to the Land Use Bylaw 1P2007 contained herein are related to the promotion of environmental sustainability and stewardship;

AND WHEREAS Council has held a public hearing as required by Section 692 of the Act and by Section 9 of the Charter.¹³⁷

The *Calgary Charter Regulation*¹³⁸ amended section 617 of the MGA, adding that the purpose of planning and development in the city is to promote environmental sustainability and stewardship. No specific bylaw provisions have been included to address climate change. In time, the amended bylaw will be updated and reviewed by the local SDAB, the Tribunal and the courts, but there have been no reviews to date.

5.6 Environmental bylaws passed under MGA Part 3: Public Utilities and Roads

5.6.1 Example: Airdrie Drainage Bylaw: Bylaw B-03/2014¹³⁹ – Water

In 2014, the Airdrie’s Council passed Bylaw B-03/2014, the Drainage Bylaw citing authority under Part 3 regarding public utilities, combined with some Section 7 and Section 8 provisions.

The Drainage Bylaw was consolidated in 2022, reflecting amendments made up to and including May 6, 2019 when the bylaw was significantly amended.

Bylaw provisions prohibit the release of certain hazardous substances and prohibited materials (as defined in the bylaw) into Airdrie’s storm sewers to prevent ‘adverse effects’. “Storm Drainage must not be diverted, used or re-used for any purpose without written approval from the City Manager and the applicable Provincial and or Federal agencies.”¹⁴⁰ An offence under the bylaw is a strict liability offence for the purpose of enforcement. The environmental component being managed is surface water quality.

¹³⁷ Calgary LUB, *supra* note 136. Preamble.

¹³⁸ Calgary Charter, *supra* note 10.

¹³⁹ City of Airdrie, *Bylaw No. B-03/2014: Drainage Bylaw*, (Consolidated to December 2022), (2022) online: <https://www.airdrie.ca/getDocument.cfm?ID=10408> [Airdrie Drainage Bylaw].

¹⁴⁰ *Ibid*, s 10.1

5.6.2 Example: Calgary Bylaw 37M2005 Stormwater and Storm Sewers Bylaw¹⁴¹ - Water quality, riparian lands, biodiversity

In 2005, Calgary Council passed Bylaw 37M2005 to regulate storm sewers and stormwater in the city. The bylaw was recently amended in May 2021. The purposes of the bylaw are stated, as follows:

1.1 The purposes of this Bylaw are:

- (a) to protect the Stormwater System from damage, obstruction, interference, unauthorized use, alteration, installation or removal of connections to the Stormwater System, or the release of prohibited materials;
- (b) to protect The City's employees, infrastructure, environment and the public from exposure to dangerous conditions;
- (c) to protect, control and monitor the volume and ensure the quality of water entering the Stormwater System;
- (d) to provide a system of rates, fees, and charges for various types of use of the Stormwater System; and
- (e) to provide a system of permits or other permissions that facilitate the imposing of conditions on releases to the Stormwater System.¹⁴²

The authority city council used to pass the bylaw is a combination of Section 7, Section 8, and Part 3. The bylaw prohibits the release of prohibited materials into storm sewers in the city that may have an adverse effect. Prohibited materials are defined, as follows:

"Prohibited Material" means any Substance that may, directly or indirectly, obstruct the flow of Water within the Stormwater System or may have an Adverse Effect and includes, but is not limited to:

- (i) soil, sediment, waste or other solid matter;
- (ii) fecal matter, Animal Waste, dead animals or animal parts;
- (iii) cooking oils and greases;
- (iv) gasoline, motor oil, transmission fluid, and antifreeze;
- (v) solvents;
- (vi) paint;
- (vii) cement or concrete wastes;
- (viii) sawdust, wood, fibreboard or construction material;
- (ix) Yard Waste;
- (x) pesticides, herbicides or fertilizers;
- (xi) Biomedical Waste or General Medical Waste;
- (xii) Hazardous Substances;
- (xiii) Industrial Waste;
- (xiv) soaps, detergents or other chemical products;
- (xv) Water from hot tubs;
- (xvi) any Substance or combination of Substances that emits an odour;
- (xvii) fish and other aquatic fauna and flora not authorized by the Director, Water Services or the Director, Community Planning;
- (xviii) industrial plastics including plastic pellets, flakes or powder; and

¹⁴¹City of Calgary, *Bylaw 37M2005*, (2005 consolidated to 2022), (Consolidated to 2022), (2022) online: <https://publicaccess.calgary.ca/lldm01/livelink.exe?func=ccpa.general&msgID=AsAsKKsgKS&msgAction=Download> [Calgary Stormwater Bylaw].

¹⁴² Calgary Stormwater Bylaw, *supra* note 141, s 1.1.

(xix) general refuse and domestic litter.¹⁴³ (Capitalized words are defined in the bylaw.)

An “adverse effect” means impairment of or damage to, or the ability to cause impairment of or damage to: (i) the Stormwater System; (ii) human health or safety; (iii) property; or (iv) the environment.”¹⁴⁴

The environmental components being managed are riparian lands, water quality and biodiversity in receiving waterbodies, reflecting complex ecosystem dynamics. Bylaw 37M2005 has been amended several times since inception with the most recent amendment in May, 2021.

The bylaw is regularly reviewed and applied by the city’s SDAB during development and subdivision appeals. However, in the 2022 case, *SDAB2022-0016* (2022 CGYSDAB)¹⁴⁵ the SDAB noted that because lot grading and drainage are regulated and controlled through stand alone bylaws rather than through the city’s land use bylaw, they are not part of the SDAB’s review when a development permit is appealed.¹⁴⁶

Calgary’s stormwater bylaw is comprehensive and provides a good starting point for other municipalities to consider when managing the adverse effects to the local environment caused by certain materials entering receiving bodies of water and associated riparian lands through local storm sewers and drainage systems.

Some Alberta municipalities are passing drainage bylaws to address local concerns regarding this emergent issue. Others are including storm drainage management provisions in their land use bylaw provisions in response to 2022 CGYSDAB. These various approaches are noted in the Table.

5.6.3 Example: Lethbridge Lot Grading Bylaw – Bylaw 5917¹⁴⁷ – Land, water, biodiversity

In 2015, Lethbridge council passed Bylaw 5917 to regulate and control lot grading throughout the municipality. Stripping and grading of land prior to development requires a permit. Council used the authority provided in Part 3 and well as Sections 7 and 8 to pass the bylaw. The bylaw regulates and controls stripping and grading prior to development, and requires grading plans and permits before removal of soil commences.

5.6.4 Example: Calgary Lot Grading Bylaw 32M2004¹⁴⁸ – Land, water

¹⁴³ *Ibid*, s 2(1)(t). Note that many of the listed prohibited materials are also defined for the purpose of the bylaw and reflect the city’s desire to manage emergent pollutants and ecosystem dynamics arising as a result.

¹⁴⁴ *Ibid*, s 2(1)(a.01). “Adverse Effect.”

¹⁴⁵ 2022 CGYSDAB 16.

¹⁴⁶ *Ibid*, at para 101.

¹⁴⁷ City of Lethbridge, *Bylaw 5917, Lot Grading Bylaw* (2015), online (pdf):

<https://www.lethbridge.ca/media/3rfjpbpu/5917-lot-grading-bylaw.pdf> [Lethbridge Lot Grading Bylaw].

¹⁴⁸ City of Calgary, *Bylaw Number 32M2004 Being a Bylaw of the City of Calgary to Regulate the Surface Grades of Properties*, (2004., as amended in 2021), online (pdf): <https://www.calgary.ca/water/stormwater/lot-grading->

In 2004, Calgary passed Bylaw 32M2004 to regulate surface grades of properties. The bylaw was amended in 2021. The purpose of the bylaw is “to ensure that properties are graded at the completion of construction processes in compliance with approved grades.”¹⁴⁹ Storm drainage is a required consideration.

Permits for lot grading are issued following approval of a development permit. The authority the city used to pass the bylaw was a combination of Section 7, Section 8, Part 3, and Part 17.

2022 CGYSDAB illustrates that Calgary’s lot grading permits do not arise under Calgary’s land use bylaw, but through this bylaw. As a result, as was done in that appeal, the SDAB may decide not to consider issues relating to lot grading and storm drainage when a development permit is appealed. But note that in *A Batra v Development Authority of the City of Edmonton*, (Batra)¹⁵⁰ the Edmonton SDAB said in 2020 that:

The Board agrees that it does not have authority to grant Building Permits or to assess or enforce compliance with the Building Code or other City bylaws including drainage bylaws. However, that does not preclude the Board from considering evidence before it concerning issues such as noise and drainage from a planning perspective to determine whether neighbouring parcels of land will experience material adverse impacts and therefore, whether a variance ought to be granted per section 687(3)(d) of the *Municipal Government Act*.¹⁵¹

5.7 Environmental bylaws arising under the municipal purpose to foster the well-being of the environment

See Calgary Charter Bylaw 1H2013 and Edmonton Charter Bylaw 20117 to regulate and reduce single use items as discussed in subsection 5.5 of this Guide where fostering the well-being of the environment is used as authority in conjunction with Section 7 and the respective city charter regulations.

5.7.1 Example: Strathcona County – Bylaw 34-2022,¹⁵² Clean Energy Improvement Program Bylaw – Air quality, climate change

In 2022, Strathcona County passed the Clean Energy Improvement Program Bylaw to assist owners with the purchase, construction, and installation of clean energy improvements. The bylaw finances the Clean Energy Improvement Program adopted by the county. Strathcona County passed the bylaw under the authority of the municipal purpose in section 3(a.1) of the MGA to foster the well-being of the environment. Bylaw 34-2022 manages air quality and adapts to climate change in accordance with federal and provincial legislation.¹⁵³

[bylaw.html#:~:text=The%20Lot%20Grading%20Bylaw%20ensures%2C%20that%20at%20the%20time%20of,the%20requirements%20of%20this%20bylaw](#) [Calgary Lot Grading Bylaw].

¹⁴⁹ *Ibid*, Preamble.

¹⁵⁰ 2020 ABESDAB 10003 [Batra].

¹⁵¹ *Ibid*, at para 27.

¹⁵² Strathcona County, *Bylaw 34-2022, Clean Energy Improvement Program Bylaw* (2022), online (pdf): <https://www.strathcona.ca/council-county/bylaws-and-policies/frequently-requested-bylaws/?query=clean+energy+improvement>.

¹⁵³ See Commission for Environmental Cooperation, “Summary of Environmental Law in Canada” (2003), online: <https://moose.cec.org/moose/lawdatabase/cadoc.cfm?varlan=english&topic=8#intro>.

Using the same authority, in 2021, Lethbridge Council passed Bylaw 6296,¹⁵⁴ a similar Clean Energy Improvement Program Tax Bylaw to facilitate the construction and installation of qualified clean energy improvements to eligible properties under the general jurisdiction to pass bylaws.

5.7.2 Example: Athabasca Bylaw 007-2022 Revised Clean Energy Improvement Tax Bylaw¹⁵⁵ - Air, Climate Change, Inorganic Materials

In 2022 Athabasca council passed *Bylaw 007-2022, the Revised Clean Energy Improvement Tax Bylaw*, “to establish a Clean Energy Improvement Program to enable clean energy improvements for eligible properties in the municipality.”¹⁵⁶ The provisions of the bylaw are similar to those found in Lethbridge and Strathcona County, as they all arise from the *An Act to Enable Clean Energy Improvements*,¹⁵⁷ in conjunction with section 390.3 of the MGA.

To pass the bylaw, Athabasca Council used the authority provided in the municipal purpose to foster the well-being of the environment and section 390.3 of the MGA that enables municipal Clean Energy Improvement Programs.

5.7.3 Example: Wetaskiwin Bylaw 1913-18 Plastic Checkout Bag Bylaw¹⁵⁸ Inorganic materials, land

In 2018, relying on Section 7 and the municipal purpose ‘to foster the well-being of the environment,’ the Wetaskiwin Council passed Bylaw 1913-18, regulating and controlling plastic bags handed out in retail checkouts to reduce the presence of plastic bags in the community.

However, the bylaw exempts some plastic bags, including single-use plastic bags used for:

- i. carrying fruits or vegetables;
- ii. containing fresh meat or fish products;
- iii. containing bulk food items or bulk hardware items;
- iv. freshly prepared bakery items or other food items;
- v. wrapping flowers or potted plants;
- vi. clothes immediately following professional laundering or dry-cleaning;
- vii. dirty, greasy, or hazardous products or materials.¹⁵⁹

¹⁵⁴ City of Lethbridge, *Bylaw 6296 A Bylaw of the City of Lethbridge to Establish the Clean Energy Improvement Program and Clean Energy Improvement Tax Bylaw* (2021), online (pdf):

<https://www.lethbridge.ca/media/bszpxybh/bylaw-6296-clean-energy-improvement-tax-bylaw.pdf>.

¹⁵⁵ Town of Athabasca, *Bylaw 007-2022, Revised Clean Air Improvement Tax Bylaw*, (2022), online (pdf):

<https://athabasca.civicweb.net/filepro/document/5540/Bylaw%20007-2022%20-%20Revised%20Clean%20Energy%20Improvement%20Tax%20Bylaw.pdf>

¹⁵⁶ *Ibid*, Preamble.

¹⁵⁷ Clean Energy Improvements Act, *supra* note 118.

¹⁵⁸ Wetaskiwin, *Bylaw 1913-18 Plastic Check out Bag Bylaw*, (2018), online (pdf):

<https://www.wetaskiwin.ca/DocumentCenter/View/3221/Bylaw-1913-18---Plastic-Checkout-Bags-w-1918-amendment?bidId=>

¹⁵⁹ *Ibid*, s 4(a).

The environmental components being managed are land and inorganic materials. The bylaw was passed prior to the federal legislation and regulations because the presence of plastic bags was a local emergent issue.

As more environmental issues arise in Alberta municipalities, the authority to pass environmental bylaws cited may reflect the municipal purpose to foster the well-being of the environment in conjunction with Section 7, Section 8, Part 3, Part 17, or any other part of the MGA or another enactment, such as *An Act to Enable Clean Energy Improvements* or the federal regulation under CEPA that prohibits single-use plastics.¹⁶⁰

6. Recommendations for Five Critical Environmental Bylaws

As Alberta continues to urbanize, municipalities need to pass critical environmental bylaws to foster the well-being of the environment and ensure the health and welfare of citizens and business owners.

The five critical environmental bylaws recommended below are necessary throughout Alberta, no matter the size, population of the municipality, or local political will. They are critical to environmental well-being and municipal viability in the face of climate change. Each recommendation is accompanied by an explanation, followed by examples, if any, of restrictions, regulations, and controls that other municipalities have imposed. Relevant recent administrative and administrative reviews touching on the environmental issues are presented.

6.1 Conserve and manage riparian lands and natural infrastructure

Municipal councils must consider the adverse effects that residential and commercial/industrial land development may have on riparian lands adjacent to bodies of water. A growing body of scientific evidence supports that riparian lands and natural infrastructure, such as wetlands, ravines, natural drainage courses and steep slopes, provide significant ecological benefits to communities,¹⁶¹ including mitigating against floods, droughts, and wildfire. What all these landscape features have in common is the presence of water during some months of the year.

Natural infrastructure, as the term implies provides natural systems for the movement of water from uplands to receiving bodies of water: the infrastructure has been formed naturally by the flow of water over time.

The body of scientific evidence supporting management of natural infrastructure, especially riparian lands, is now being reviewed by administrative appeal boards. For example, in the recent 2021 ABMGB decision, *Alberta Environment and Parks v Summer Village of South View*

¹⁶⁰ Single-Use Plastics Regulations, *supra* note 129.

¹⁶¹ See Science Direct, *Riparian Ecosystem*, (2020), online: <https://www.sciencedirect.com/topics/earth-and-planetary-sciences/riparian-ecosystem>. See also National Research Council, “Riparian areas: functions and strategies for management” (2002), online: *National Academies Press* https://books.google.ca/books?hl=en&lr=&id=gV-bAgAAQBAJ&oi=fnd&pg=PT13&dq=ecological+functions+of+riparian+lands&ots=n9eIW0GwIA&sig=ukqOp_FDvJDIWuWA2yPVMLQH55o#v=onepage&q=ecological%20functions%20of%20riparian%20lands&f=false.

(*Subdivision Authority*) (Parks),¹⁶² the ABMGB noted the growing body of evidence indicating how shoreline development negatively affects the key ecological functions that these riparian lands provide. In *Parks*, after reviewing the evidence in a watershed riparian assessment, the ABMGB provided three key observations about management of riparian lands.

First, that the level of ‘riparian intactness’ is important, and when these areas have already been impacted that does not mean that more shoreline development should be approved, nor that the municipality ought to decrease the amount of ER to be dedicated should the lands be the subject matter of a subdivision application. ER widths might actually need to be increased.

Second, the ABMGB relied on the *Alberta Land Use Policies*¹⁶³ that have been in place since 1996 to encourage riparian land management. These policies still apply everywhere in Alberta where a regional plan, such as the SSRP does not exist. Where a regional plan does exist, similar riparian land management policies have been put in place.

Third, the ABMGB described that late spring or early summer is the most appropriate time for a land surveyor to establish a natural boundary line of a lake, because then vegetation will have emerged. The type and extent of vegetation on riparian lands is critical for determining the shoreline and the legal bank of a water body. The ABMGB stated:

[32] ...The 2018 Sturgeon Watershed Riparian Assessment assessed the Summer Village of South View as having very low riparian intactness. Provincial policies require the ER and it should be maintained. With respect to the amount of ER, a survey should be conducted during the late spring or early summer when vegetation has emerged, to establish the boundary of the lake.¹⁶⁴

When a surveyor is determining the ‘natural boundary’ of a body of water, the determination of the legal bank of a shoreline and the extent of the bed and shore of a lake are defined in the *Surveys Act*,¹⁶⁵ as follows:

Natural boundary

17(1) A surveyor who needs to determine the position of a natural boundary when performing a survey under this Act may do so by any survey method that has the effect of determining its location at the time of survey, relative to the surveyed boundaries of the affected parcel.

(2) When surveying a natural boundary that is a body of water, the surveyor shall determine the position of the line where the bed and shore of the body of water cease and the line is to be referred to as the bank of the body of water.

(3) For the purposes of this section, the bed and shore of a body of water shall be the land covered so long by water as to wrest it from vegetation or as to mark a distinct character on the vegetation where it extends into the water or on the soil itself.¹⁶⁶ (Emphasis added.)

¹⁶² 2021 ABMGB 15 [Parks] at para 32.

¹⁶³ Alberta Municipal Affairs, *Land Use Policies* (1996), online (pdf): <https://open.alberta.ca/dataset/7a02d9d4-be82-4019-b05e-4205df30cfe/resource/b2993476-6864-4903-8a77-917300f760fa/download/1996-landusepoliciesmga.pdf>.

¹⁶⁴ Parks, *supra* note 162 at para 32.

¹⁶⁵ *Surveys Act*, RSA 2000, c S-26, s 17: ‘Natural boundary.’

¹⁶⁶ *Ibid*, s 17.

The federal government has also acknowledged that riparian lands and wetlands are critical components of natural infrastructure to sustain water quantity and quality. There is now a federal “Natural Infrastructure Fund”¹⁶⁷ that provides resources to help municipalities manage natural infrastructure and hybrid infrastructure that incorporates natural infrastructure and human-made forms, such as constructed wetlands and grassy swales. The federal webpage describes the important benefits of managing natural infrastructure and hybrid infrastructure, as follows:

Natural infrastructure is a way for communities to use their ecosystems to improve quality of life, reduce pollution, enhance biodiversity and habitats, and build resilience to climate change. Examples of natural infrastructure include urban forests, street trees, wetlands, living dykes, bioswales, and naturalized coastal restoration.

Hybrid infrastructure incorporates elements of engineered grey infrastructure to enhance or support natural infrastructure and/or the use of ecosystem processes. Examples of hybrid infrastructure include green roofs and walls, and naturalized stormwater pond.¹⁶⁸

Some examples of ER bylaws are provided in this Guide to illustrate how the need for such a bylaw may arise in a community, and the critical restrictions and controls that might be included in such a bylaw. As discussed in section 5 of this Guide, the best two examples of the intensive municipal land use decision making process to create such a bylaw arose in Lac La Biche and Lacombe County, and culminated in a Draft Environmental Reserve Bylaw in Lac La Biche and an ER policy in Lacombe County.

Riparian lands and natural infrastructure are often located on private lands. However, the municipality does not need to own the lands as ERs or municipal reserves in order to regulate and control the development of buildings and other human uses of private lands.¹⁶⁹ In section 5 of this Guide, there are a few examples of MDP policies, land use bylaw provisions, and ‘overlays’ that can be implemented through land use bylaws to restrict development on lands no matter who owns them or what land use district applies. Some overlays found in land use bylaws are included in the Table.

The Town of Canmore’s *Bylaw 2018-22: Revised Land Use Bylaw*¹⁷⁰ includes both Natural Area and Conservation Area land use districts and a series of ‘development overlays’ that restrict subdivision of lands and development in flood hazard areas and adjacent to steep slopes. The development rules for all land use districts mapped within the overlays are subordinate to the overlay development policies and rules. These bylaw provisions provide an excellent example of how a municipality might use development overlays to foster the well-being of the environment

¹⁶⁷ Government of Canada, “Natural Infrastructure Fund” (2023), online: <https://www.infrastructure.gc.ca/nif-fin/index-eng.html> [Natural Infrastructure Fund].

¹⁶⁸ Natural Infrastructure Fund, *supra* note 167.

¹⁶⁹ See MGA, *supra*, note 86, s 640.

¹⁷⁰ Town of Canmore, *Bylaw 2018-22: Revised Land Use Bylaw* (2022), online: <https://www.canmore.ca/public/download/files/232559>. See Section 6: Miscellaneous Land Use Districts, and Section 7: Development Overlays, ss 6 & 7.

and protect environmentally significant lands, natural infrastructure, wildlife corridors and habitat, and bodies of water.

A second methodology for using land use bylaw provisions to implement environmental policies about riparian lands is found in regional plans, such as the SSRP, the *Alberta Land Use Policies*, growth plans, and statutory documents, such as the MDP is to create a ‘Natural Area’ land use district where only certain new land uses are permitted, with perhaps some discretionary uses for existing dwellings or commercial buildings.

Airdrie’s Land Use Bylaw provides a good example of how land uses adjacent to bodies of water are regulated and controlled through Natural Area land use district provisions that limit permitted uses and prescribe limited discretionary uses. Okotoks’ LUB and St. Albert’s LUB are also good examples of how natural area designations may be used to manage riparian lands and other environmentally significant lands in their communities. The draft land use bylaw in the Summer Village of Grandview discussed above in Section 5.2 of this Guide, is an eye-opener regarding the socio-ecological issues associated with shoreline management adjacent to lakes.

In two recent decisions, first by the ABMGB, and then by the Tribunal, it was clarified that conserving and managing riparian areas and natural infrastructure associated with water is no longer an optional consideration. In *Whitby v County of Wetaskiwin No 10* (Subdivision Authority) (Whitby),¹⁷¹ the ABMGB found that the objective of Wetaskiwin’s MDP was, among other things to protect environmentally sensitive areas, protect the county residents from potential damage, and sustain the ecological integrity of the area. Wetaskiwin County’s Development Authority had conditionally approved a subdivision of an 88.32 parcel fragmented by Horseshoe Creek, with a requirement for dedication of ER along the creek. The applicants appealed the ER condition, but the ABMGB decided that Horseshoe Creek needed to be protected and preserved in its current natural state in perpetuity. This decision required dedication of an ER as an appropriate tool to implement MDP policy to protect environmentally significant areas.

In *M Marston v Clearwater County (Subdivision Authority)*,¹⁷² the Tribunal varied a condition regarding ER Easement (ERE) to ensure wetlands and watercourses had appropriate protection according to policies found in the county’s MDP and the *Alberta Land Use Policies*, as follows:

[33] The application and sketch have insufficient detail to identify all areas requiring protection by ERE. To ensure accurate and complete protection of these areas, the LPRT varied Condition 1 to require identification of the boundaries of the water courses and wetland(s) by an Alberta Land Surveyor. These boundaries may be used to determine any additional areas to be protected by a 20 m or 10 m ERE buffer in line with the County’s MDP and Alberta Environment and Protected Areas’ advisory document ‘Stepping Back From the Water’, as well as the LUP Goal 5.¹⁷³

Two notable building development setback models based on functionality of riparian lands that help development authorities to work with developers and landowners to delineate appropriate building development setback from bodies of water have emerged since 2017. One tool is *Stepping*

¹⁷¹ 2019 ABMGB 44 [Whitby].

¹⁷² 2023 ABLPRT 299[Marsden].

¹⁷³ *Ibid*, at para 33.

Back From the Water,¹⁷⁴ a provincial guidance document, designed to be used by municipal planners when determining appropriate building development setbacks from bodies of water when new development is proposed.

A second tool is the Riparian Setback Matrix Model (RSMM)¹⁷⁵ developed by Aquality Environmental Consulting Ltd. that is adapted to the political and ecological landscape for each municipality that embraces the technology. In 2022, Lac La Biche County passed *Bylaw 22-003: the Lac La Biche East Area Structure Plan*,¹⁷⁶ requiring developers to implement the setbacks from bodies of water in the county based on the RSMM. The RSMM was adapted for Lac La Biche, reflecting both environmental management policies and scientifically strategies and outcomes for protecting the water quality in Lac La Biche and other bodies of water in the county. The Lac La Biche RSMM comes with a developer's guide specific to Lac La Biche describing the required setbacks from the bodies of water.

Many municipalities do not require development permits for stripping and grading prior to issuance of a development permit. As a result, environmentally significant lands, such as riparian lands and seasonal wetlands are destroyed during stripping and grading to prepare the land for subsequent construction of servicing infrastructure. In 2015, Lethbridge council passed Bylaw 5917,¹⁷⁷ the Lot Grading Bylaw that requires grading plans and permits before lot grading commences. This is a simple example of how every municipality in Alberta might ensure that natural infrastructure essential for healthy functioning ecosystem dynamics and resilient communities is maintained prior to stripping and grading.

In 2021, Mountain View County passed *Bylaw 23/21: Eagle Valley Area Structure Plan*¹⁷⁸ that included several planning policies for identifying and protecting environmentally significant areas. Highlighting the emergent problem of conserving riparian lands and wetlands, the plan provides:

Changes in legislation and better definitions of riparian areas and wetlands made it possible to more easily rank these areas according to their ecological value and what protection measures should be taken.¹⁷⁹

The emergent issue of managing riparian lands and wetlands recognized by Mountain View County in 2021 has become a critical environmental management issue. It is highly recommended that municipalities in Alberta make necessary amendments to environmental management policies in

¹⁷⁴ Government of Alberta, "Stepping Back From the Water, A Beneficial Management Practices Guide for New Development Near Water Bodies in Alberta's Settled Region" (2012), online (pdf): <https://open.alberta.ca/dataset/1c70eb43-a211-4e9c-82c3-9ffd07f64932/resource/6e524f7c-0c19-4253-a0f6-62a0e2166b04/download/2012-steppingbackfromwater-guide-2012.pdf> [Stepping Back].

¹⁷⁵ Aquality Environmental Consulting Ltd, "Riparian Setback Matrix Model" (nd), online: <http://aquality.ca/rsmm>[RSMM].

¹⁷⁶ Lac La Biche County, *Bylaw 22-003: the Lac La Biche East Area Structure Plan* (2022), online: <https://www.laclabichcounty.com/Home/DownloadDocument?docId=d4891796-da8e-4c1d-8623-d3db680ca756>.

¹⁷⁷ See Lethbridge Lot Grading Bylaw, *supra* note 147.

¹⁷⁸ Mountain View County, *Bylaw 23/21: Eagle Valley Area Structure Plan* (2021), online: <https://www.mountainviewcounty.com/Home/DownloadDocument?docId=c67dad41-c1cd-471f-8a0e-7e4af6329a97>.

¹⁷⁹ *Ibid* at 14.

their statutory documents, especially MDP, ASPs, and ARPs, and amend their land use bylaw provisions to implement riparian land management policies.

6.2 Prohibit development and buildings in identified flood hazard areas

Flooding has become a major environmental management issue in communities that were built up along rivers and tributaries due to unpredictable weather patterns associated with climate change. The provincial government has developed new tools for identifying flood hazard areas along major river systems.¹⁸⁰ Online mapping tools are available for access by municipal land use decision makers through floodsalberta.ca.¹⁸¹ In response to the increased risks of flooding and these new tools, some municipalities have amended their land use bylaws to regulate and control new development or redevelopment in flood hazard areas identified through floodsalberta.ca.¹⁸²

In their land use bylaws, some municipalities are requiring increased building development setbacks from bodies of water. Some are requiring that expert geotechnical and hydrological reports be provided by landowners and developers to ensure that the lands are fit for the intended purpose where flooding may be an issue. In the 2021 decision of the ABMGB, *Singh v Strathcona County (Subdivision Authority)*, (*Singh*)¹⁸³ the ABMGB denied the appeal of a conditional subdivision approval and deemed that the application was incomplete without the required geotechnical assessment to ensure that the lands were suitable for the intended use. The ABMGB provided as follows:

[31] Policy 4.6.8 of the ACP [Area Concept Plan] requires that a geotechnical assessment conducted by a qualified professional be prepared when lands to be subdivided contain a waterbody, as is the case of the subject. The SA [Subdivision Authority] explained that a geotechnical report is also required to ensure the subject is suitable for the purpose intended. It will provide necessary information including ground water levels, soil suitability, special design consideration, and setbacks to water bodies on the property. The report must identify a contiguous suitable development area in accordance with the Strathcona County Design and Construction standards.¹⁸⁴

The ABMGB's decision in *Singh* is quite different from the 2021 decision in *Braun v County of Warner No 5 (Subdivision Authority)* [Braun],¹⁸⁵ where the ABMGB upheld the appeal and the condition requiring a geotechnical report to address risk of flooding in low-lying areas. The ABMGB said that geotechnical report as a condition of subdivision was not appropriate. Instead, the ABMGB required only that a caveat be placed on title to parcels in the low-lying areas, stating that a geotechnical report would be required for each parcel before the county would issue a development permit in the future:

¹⁸⁰ See Stewart 2023, *supra* note 8 at 26-27.

¹⁸¹ Government of Alberta, "A new approach to mapping floodways in Alberta" (2021), online (pdf): <https://open.alberta.ca/dataset/269b99f1-ba1e-46eb-b048-c27b8df636/resource/1ba942c5-ade6-43ae-9101-e53098642d10/download/aep-new-approach-mapping-floodways-in-alberta-2021-09.pdf>. [Flood Risk Mapping].

¹⁸² *Ibid.*

¹⁸³ 2021 ABMGB 36 [Singh].

¹⁸⁴ *Ibid.*, at para 31.

¹⁸⁵ 2021 ABMGB 30[Braun].

[21] The MGB is satisfied the concerns with respect to potential flooding due to lack of drainage in the low-lying area can be addressed with a stormwater management plan. The Appellant had already intended to regrade the area, and a properly designed plan would retain water in a location where it would not adversely affect the potential building site or the access to the parcel. The MGB considered the SA's position that such information should be submitted for evaluation prior to approval. While in many cases it is appropriate to require a report prior to approval, in this case a prior to endorsement condition will be sufficient. In this respect, the condition imposed is similar to the requirement for a professional soils analysis to ensure that the soil characteristics are capable of supporting a septic field, which is also information necessary to determine site suitability.

[22] With respect to the SA's concern about a high water table and potential impact on residential development on the parcel to be created, the MGB determined a requirement for preparation of a geotechnical evaluation prior to obtaining a building permit would alleviate such concerns. While not typical, the requirement for a pre-construction geotechnical report is common on sites with potentially challenging soil conditions and cannot be prepared without a specific location on the parcel and the building footprint. Accordingly, it is more appropriately a condition of construction, not a condition of subdivision; therefore, the MGB added a condition to register a caveat advising of these requirements on the title to be created.¹⁸⁶

One example of increased building development setbacks from water bodies is the recent amendments to the land use bylaw in the Town of Canmore through *Bylaw 2023-18 Land Use Bylaw (Canmore LUB)*¹⁸⁷ The amending bylaw applies to specific sections of the Revised Land Use Bylaw 2018-22. The Canmore LUB, provides as follows:

2.4.8 Setbacks from Bodies of Water

- 2.4.8.1 In neighbourhoods or residential subdivisions established after September 22, 1998, buildings and development, other than public access and utilities, shall be set back a minimum of 60 m from the bank of the Bow River and 20 m from the banks of all other naturally occurring watercourses and waterbodies.
- 2.4.8.2 For redevelopment within subdivisions approved before September 22, 1998, buildings and structures shall be set back a minimum distance of 20 m from the bank of Canmore Creek, Policeman Creek, Spring Creek, Cougar Creek, the Bow River and any other naturally occurring permanent streams and channels of these bodies of water.¹⁸⁸

These provisions address both new development and redevelopment of these lands in light of the recent flood events that destroyed buildings in Canmore's flood hazard areas.

Given the economic and social-cultural risks associated with flooding, the City of Red Deer recently addressed flood hazards through provisions in the land use bylaw, as follows:

7.9 Flood Plain Overlay Provisions

1. Flood Risk Overlays

- (a) Figure 16 shown for illustrative purposes, shall apply to any site included in flood fringe and floodway areas identified therein.
- (b) The general purpose of these provisions is to provide for the safe and efficient use of lands within the defined floodway and flood fringe of the Waskasoo Creek and a portion of the Red Deer River by way of prohibiting

¹⁸⁶ Braun, *supra* note 185 at paras 21–22.

¹⁸⁷ Town of Canmore, *Bylaw 2023-18 Land Use Bylaw (2023)*, online: <https://www.canmore.ca/public/download/files/232559>. [Canmore LUB].

¹⁸⁸ *Ibid*, s 2.4.8.

the construction of new buildings or structures in the floodway and allowing development and redevelopment of buildings or structures in the flood fringe, only if these facilities are satisfactorily flood proofed.¹⁸⁹

The provisions are simply written, providing clear directives to the development authority and landowners/developers. The only permitted uses in the floodway are private open space, ER, natural areas, parks, bridge support structures, and related roadways.¹⁹⁰ No new buildings are permitted. In the flood fringe, land use is subject to floodproofing, as follows: “[i]ndustrial, commercial, institutional, or residential development will not be permitted in the flood fringe unless the area is flood proofed by filling to a level equivalent to the 1:100 year flood level plus 0.3 m.”¹⁹¹

In addition to outright prohibition of buildings in the floodway, or requirements for floodproofing in the flood fringe, using additional building development setbacks leaves room for the bodies of water to flood which is natural and healthy for the water body and the associated riparian ecosystem.

Given the major changes to section 640 of the MGA granting broad municipal authority to regulate and control development of buildings, municipalities do not have to own the lands in identified flood hazard areas in order to regulate and control how people use privately-owned lands.¹⁹²

Municipalities might also determine that changing climate patterns require drastic changes to locating major municipal infrastructure for water and wastewater treatment and distribution lines in flood hazard areas. This one significant policy change would ensure that these costly facilities and pipelines are not at risk when fast moving floodwaters inundate gravel floodplains, saving billions of dollars in repairs and lost enterprise. Such a policy would also help municipalities avoid emergency responses when sewage and treated water pipelines located in riparian lands in proximity to bodies of water are damaged during construction and maintenance activities.¹⁹³

Where municipalities have access to provincially identified flood hazard maps, it is prudent that they develop appropriate building development setbacks adjacent to flood hazard areas as soon as possible. In this way, new development and potential redevelopment of buildings will not be threatened by unpredictable flood events associated with climate change and unpredictable weather patterns.

6.3 Require public transit in downtown core

In cities and large urban centers, MDPs, ASPs, and ARPS are being amended to include policies and requirements for public transportation systems and transit-oriented development (TOD). TOD

¹⁸⁹ City of Red Deer, *Bylaw 3357/2006: Land Use Bylaw* (2006), online: <https://www.reddeer.ca/city-government/bylaws/land-use-bylaw/> [Red Deer LUB].

¹⁹⁰ *Ibid*, s 7.9.

¹⁹¹ *Ibid*.

¹⁹² Stewart 2023, *supra* note 8 at 46.

¹⁹³ Michael Rodrigues, “Sewage leaks into Bow River in Cochrane; Calgary urges residents to stay away from river”, *Calgary Herald* (22 October 2023), online: <https://calgaryherald.com/news/local-news/sewage-leak-cochrane-bow-river-calgary>.

is designed with more compact forms of residential housing and ensures that people can get to work through public transit system, while reducing the need for cars and parking within subdivisions. TOD uses less land and protects more of a municipality's natural infrastructure from development.

Perhaps the best example of TOD is found in Edmonton's *Bylaw 15200 Capital City Downtown Plan*.¹⁹⁴ Section 4 of the plan addresses sustainability, alternate forms of transportation, such as cycling and public transit, and air quality. Although the document addresses Edmonton's unique environmental issues in the downtown core, it provides good policy examples for other municipalities facing similar transit issues. The plan sets out a number of new policy directions and bold initiatives to meet the ever-changing needs and aspirations of downtown stakeholders. The new plan will renew the vision for downtown Edmonton, as follows:

- Renew the vision for the Downtown;
- Respond to the needs of residents, students, workers, business owners, and many other downtown stakeholders;
- Build on the achievements and momentum provided by the successes of the 1997 Plan;
- Capitalize on other major initiatives underway within the Downtown and area;
- Provide up-to-date policies and competitive strategies for a stronger Downtown, to guide development for the next 10 to 15 years;
- Initiate a comprehensive 10-year Plan implementation program outlining a series of strategic public investments;
- Engage a wide range of partners in Plan-related project implementation; and
- Provide updated zoning with urban design regulations to raise the standard of design and to encourage sustainable development in the Downtown.¹⁹⁵ (Emphasis added.)

In Calgary, section 2.6 of the MDP addresses the need for a public transportation as one aspect of developing a Climate-Resilient City, as follows:

Towards a Climate-Resilient City

Calgary's climate is changing, creating new risks and new opportunities. In order to meet these challenges, The City must integrate climate resilience across the organization, including long range planning. How the city grows and develops has a significant impact on greenhouse gas emissions and the capacity to adapt to changing climatic conditions. The Climate Resilience Strategy was adopted in 2018 and aims to maximize the climate resilience of Calgary. The City of Calgary is committed to reducing GHG emissions to reduce the impacts of climate change and making Calgary more resilient to climate related events.

...

The MDP supports addressing climate change and creating a climate resilient community through the implementation of the Climate Resilience Strategy and its Climate Adaptation and Mitigation Action Plan in addition to:

¹⁹⁴ City of Edmonton, *Bylaw 15200: Capital City Downtown Plan* (2013), online: <https://www.edmonton.ca/sites/default/files/public-files/assets/PDF/C15200.pdf?cb=1691433539> [Edmonton Downtown Plan].

¹⁹⁵ *Ibid*, at 1.

- Protecting environmentally-sensitive areas and natural infrastructure to conserve biodiversity and contribute to people's quality of life, the quality of communities and the quality of ecological systems.
- Creating a more compact urban form that uses less land and, therefore, reduces habitat loss and fragmentation and adverse impacts on wildlife, vegetation and water quality and quantity.
- Reducing the number of impervious surfaces by incorporating site level and neighbourhood level stormwater source control practices.
- Supporting mixed-use developments that provide opportunities for more local travel choices by walking, wheeling and transit.
- Facilitating economic energy-efficient buildings and creating opportunities for renewable energy generation that reduces dependence on fossil fuels.¹⁹⁶

Strathcona County's *Bylaw 25-2021: Transit Bylaw*¹⁹⁷ was passed in 2021 under the authority of Section 7 and Section 8. The bylaw implements county operation of a public transportation system, including vehicles and facilities, which is known as Strathcona Transit.

In 2019, the Town of Cochrane passed *Bylaw 22/19, Transit Bylaw*.¹⁹⁸ The purpose of the bylaw is to regulate and control the public transportation system and the conduct of users on the public transportation system within the Town of Cochrane. The bylaw was passed under authority of Section 7, Section 8, and Part 3. Similarly, in 2019, the City of Grande Prairie passed *Bylaw c-1282: The Transit System Bylaw*.¹⁹⁹

Although not always specifically stated in transit bylaws reviewed in this Guide, one of the objectives in passing bylaws to operate public transit systems is to improve local air quality by reducing the number of vehicles in heavily used transportation corridors. Additionally, in cities and urban areas, offering a public transit system is often cited as one strategy to mitigate against mitigate climate change.

6.4 Regulate and control use of alternate forms of energy

A number of municipalities are passing bylaws to assist landowners with installation of alternative forms of energy such as solar arrays and small wind power generators pursuant to *An Act to Enable Clean Energy Improvements*²⁰⁰ that was passed by the Alberta government in 2018.

These installations on private property not only produce energy for the landowner but contribute to the provincial energy grid. Strathcona County, Lethbridge and Athabasca were early adopters of the enabling legislation and they all cited the municipal purpose to foster the well-being of the environment as authority to engage in the programs and develop Clean Energy Improvement Tax (CEIT) bylaws. These bylaws were reviewed in section 5 of this Guide.

¹⁹⁶ City of Calgary, *Municipal Development Plan* (2020), online (pdf): <https://www.calgary.ca/planning/municipal-development-plan.html>, s 2.6 Towards a Climate-Resilient City.

¹⁹⁷ Strathcona County, *Bylaw 25-2021: Transit Bylaw* (2021), online (pdf): <https://strathconacablob.blob.core.windows.net/files/files/at-lls-bylaws-25-2021-transit-bylaw.pdf>.

¹⁹⁸ Town of Cochrane, *Bylaw 22/19 Transit Bylaw* (2019), online: <https://www.cochrane.ca/ArchiveCenter/ViewFile/Item/231#:~:text=No%20person%2C%20other%20than%20a%20person%20authorized%20by%20the%20CAO,are%20intended%20for%20passenger%20use.>

¹⁹⁹ City of Grande Prairie, *Bylaw C-1282 The Transit System Bylaw* (2019), online: <https://cityofgp.com/sites/default/files/2022-01/bc1282.pdf>.

²⁰⁰ Strathcona Clean Energy Improvement Bylaw, *supra* note 152.

Both Canmore and Pincher Creek passed similar CEIT bylaws in September 2022. Other municipalities embraced the opportunity in 2023 as illustrated in the Table.

The Alberta government advises that participation in the Alberta *Clean Energy Improvement Program*²⁰¹ is voluntary for municipalities and landowners, as follows:

The program is voluntary for municipalities and property owners.

- Municipalities that wish to participate need to pass a bylaw and will work with Energy Efficiency Alberta to develop and deliver the program to residents.
- Energy Efficiency Alberta will administer the program on behalf of the municipality.
- Property owners pay for any clean energy upgrades through their property taxes.
- The amount can be paid off at any time.
- Any outstanding repayments remain with the property. If the property is sold, the new owners take on the repayments.²⁰²

Through this voluntary program, eligible clean energy improvements are available to residential and commercial properties and farmland to promote energy efficiency or on-site renewable energy such as solar power, upgraded insulation and high-efficiency heating. For a list of eligible projects, municipalities may wish to visit the provincial website about the program.²⁰³

For a very recent example of a Clean Energy Improvement Tax Bylaw, see Town of Okotoks' *Bylaw 29-23: Clean Energy Improvement Program Tax Bylaw*.²⁰⁴ The town webpage encourages installation of high efficiency furnaces; triple pane windows; combined heat and power systems; increased insulation; tankless water heaters; and other energy efficiency installations as approved.

In addition to CEITs, in other municipalities, such as the Town of Cochrane and the City of Airdrie, provisions have been included in the land use bylaw to regulate and control installation of solar collectors (arrays) and small wind turbines.²⁰⁵ In both those communities, both the availability of new technology and the environmental values of community leaders were catalysts for these land use bylaw amendments.

Other communities are using statutory documents to develop energy efficiency and alternative forms of energy production policies. In 2019, the City of Grande Prairie adopted *Bylaw C-1372A: the Bear Creek North Area Structure Plan*²⁰⁶ that includes policies and strategies for energy

²⁰¹ Government of Alberta, "Clean Energy Improvement Program", online: <https://albertabusinessgrants.ca/grants/clean-energy-improvement-program-|-government-of-alberta/> [CEIP].

²⁰² *Ibid.*

²⁰³ *Ibid.*

²⁰⁴ Town of Okotoks, *Bylaw 29-23: Clean Energy Improvement Program Tax* (2023), online: <https://www.okotoks.ca/your-community/green-living/rebates-incentives/clean-energy-improvement-program-ceip>.

²⁰⁵ Town of Cochrane, *Bylaw 01/2022: Land Use Bylaw* (2022), online: <https://www.cochrane.ca/media/369>, ss 8.4—8.5. See also Airdrie LUB, *supra* note 106, ss 7.27 & 7.30: Solar Collectors, and section 7.27: Renewable Energy Systems.

²⁰⁶ City of Grande Prairie, *Bylaw C-1372A: Bear Creek North Area Structure Plan* (2019), online (pdf): <https://cityofgp.com/sites/default/files/2022-09/bc1372%20Office%20Consolidation.pdf>.

efficiency within the Neighbourhood Center Concept. The policies include “Neighbourhood Centre Development Guidelines”, as follows:

4. Neighbourhood Centre Development Guidelines

(i) All building forms should apply the principles of Leadership in Energy and Environmental Design for Neighbourhood Developments (LEED ND) to promote public health, reduce air pollution, energy consumption, and greenhouse gas emissions. Applying these principles can also help foster walkability and community well-being. This can be achieved through adopting some or all of the following:

- i) The application of green building technology and orienting buildings to take advantage of solar energy from south facing exposure;
- ii) The promotion of water conservation through the use of untreated stormwater for irrigation and other similar conservation methods;
- iii) Designing for a variety of ages and abilities; and
- iv) Utilizing renewable energy resources and distribution systems ...

(j) Energy efficiency should be part of the design considerations for all subdivisions and buildings. Design considerations should include:

- i) Neighbourhoods, streets, buildings and parks oriented to maximize passive solar gain;
- ii) The use of geo-thermal energy, district energy and co-generation/combined heat and power; and iii) In consultation with utility companies, the feasibility of using street energy efficient and aesthetically pleasing light fixtures that can at the same time minimize light pollution; and

(k) A district energy assessment, and/or co-generation/combined heat and power system, and/or geo-thermal energy assessment may be required at the OP stage.²⁰⁷

Grande Prairie has demonstrated that there are many opportunities for municipalities to promote energy efficiency and alternative forms of energy production through policies and strategies in statutory planning documents.

6.5 Regulate and control use of storm drainage through fit-for-use bylaw provisions

Increased and unpredictable quantities and rates of flow of storm drainage are an emergent problem faced by municipalities during severe weather events associated with a changing climate. All municipalities are required to manage storm drainage in urban areas. While municipalities such as Calgary may have a specific storm drainage bylaw, other smaller urban and rural municipalities address storm drainage management through statutory documents and provisions in the land use bylaw.

Urban storm drainage collection and treatment facilities and infrastructure are developed in accordance with EPEA and the *Wastewater and Storm Drainage Regulation*,²⁰⁸ in combination with the Water Act and the *Code of Practice for Outfall Structures on Water Bodies*.²⁰⁹

²⁰⁷ *Ibid* at 15.

²⁰⁸ Alta Reg 119/1993 [the Regulation].

²⁰⁹ Government of Alberta, *Code of Practice for Outfall Structures on Water Bodies, Made under the Water Act and the Water (Ministerial) Regulation* (24 June 2013), online; https://kings-printer.alberta.ca/570.cfm?frm_isbn=9780779771691&search_by=link.

Most urban municipalities in Alberta have developed master drainage plans to deal with storm drainage within local boundaries. If the municipality has an approved master drainage plan under the Water Act, then developers within municipal boundaries do not have to apply for a Water Act approval for the proposed storm drainage facilities and infrastructure on a project-by-project basis. Municipal development authorities require landowners and developers to implement master drainage plans when approving applications for development permits and plans of subdivision plan applications.

Municipalities usually become the owners and operators of storm drainage collection and treatment facilities and storm drainage infrastructure developed under master drainage plans. As a result, they own storm drainage collection and treatment facilities and constructed wetlands created to collect and treat storm drainage in major urban subdivisions. The water in these facilities is considered surface water owned by Alberta.

Because it is surface water, the diversion and use of storm drainage from storm drainage collection and treatment facilities is regulated through provisions of the Water Act. However, a recent amendment to the *Water Act (Ministerial) Regulation*²¹⁰ now exempts municipal diversion and use of up to 6250 cubic metres per year of storm drainage from an approved facility from the need to obtain a water license to divert and use the storm drainage.²¹¹

However, storm drainage must meet certain standards of treatment and must be fit for intended use. In many water-scarce municipalities in southern Alberta, it is recommended that storm drainage usage bylaws be put in place as soon as possible to regulate and control how the municipality will treat and use storm drainage as an alternative source of water for firefighting and irrigation.

In 2021, the Town of Pincher Creek updated *Bylaw 1630-21: Storm Drainage Bylaw*²¹² to include restrictions on the use and re-use of surface water and storm drainage from any storm drainage facility as defined in the bylaw. In that bylaw, surface water is defined to include snowmelt. The bylaw exempts rainwater collected in rain barrels located above ground that may be used for outdoor use on properties. While the provisions are loosely provided as part of an overall storm drainage bylaw, Pincher Creek is taking steps in the right direction to address this emergent problem.

7. Concluding Remarks

It is now common knowledge that a healthy environment is necessary to sustain a healthy, prosperous, and resilient community able to adapt to climate change in these uncertain times. In

²¹⁰ *Water Act (Ministerial) Regulation*, Alta Reg 205/1998, as amended. see Schedule 3, s 1(c 1).

²¹¹ Government of Alberta, “Stormwater Use Regulation Amendment: Removing Barriers to Stormwater Use” (26 April 2023) online (pdf): <https://open.alberta.ca/dataset/9af3e1cb-1f67-4d6e-bccd-e84c8ea388c1/resource/6d6dc567-586e-4ed2-854f-b9c0c8b25891/download/epa-stormwater-use-regulation-amendment-removing-barriers-2023.pdf>.

²¹² Town of Pincher Creek, *Bylaw 1630-21: Storm Drainage Bylaw* (2021), online (pdf): [http://pinchercreek.ca/bylaw_files/Bylaws/Storm%20Drainage%20Bylaw%20\(1630-21\).pdf](http://pinchercreek.ca/bylaw_files/Bylaws/Storm%20Drainage%20Bylaw%20(1630-21).pdf), s 5.7.

acknowledgement, councils in many Alberta municipalities, such as Okotoks and Red Deer,²¹³ are developing Environmental Master Plans to address local environmental management issues, organized around the environmental components discussed in this Guide.²¹⁴ These plans are provided as living documents, providing guidance and direction to administration, citizens, taxpayers, and the general public about municipal intentions to foster the well-being of the environment as society adapts to ecosystem dynamics.

This Guide provides an overview of municipal environmental bylaws in force in Alberta on December 31, 2023. The Table below does not include every such bylaw in every municipality in Alberta. It is not intended to. Rather, the Guide provides examples of emergent environmental bylaws where certain municipalities are facing issues unique to that community. These examples may provide starting points for further research by the public, municipal councils, and municipal administrators who are facing similar local and regional-scale environmental issues.

Whether the municipal councils referred to in this Guide are using the authority granted to them through the MGA Part 2, Part 3, Part 17, or another enactment, the purpose of the bylaws is to manage components of the environment in order to sustain the health and welfare of citizens. The bylaws also ensure municipal long-term sustainability in the face of a rapidly changing complex socio-ecological system.

8. Table of Notable Municipal Environmental Bylaws in Alberta

The Table provides noteworthy environmental bylaws from the cities of Calgary, Edmonton, Lethbridge, Medicine Hat, Red Deer and St. Albert and Strathcona County. As noted, some of these bylaws pre-dated the MGA amendments from 2015 to 2023. Before those amendments, forward-thinking municipalities struggled to find authority to engage in local environmental management and sometimes had to defend their bylaws through court processes.

That primary set of bylaws in the Table is augmented with a series of unique or innovative environmental bylaws, some of which also pre-date the MGA amendments, passed in other Alberta cities and towns.

While close to one thousand bylaws were reviewed to develop this Guide, the Table provides a mere glimpse of the complex ecosystem dynamics that are acting as catalysts for emergent municipal environmental bylaws in Alberta. Many of the bylaws reviewed were not included in the Table, simply due to space constraints. New bylaws will continue to emerge in 2024 and beyond, and the Table will need to be revised and updated.

What the Table reflects is that the cumulative effects of ongoing complex ecosystem dynamics have the greatest impact on the lands and people at the local and regional scales. Therefore, these

²¹³ City of Red Deer, *Environmental Master Plan: Our Environment, Our Future* (2019), online (pdf): <https://www.reddeer.ca/media/reddeerca/city-services/environment-and-conservation/our-corporate-initiatives/2019-Environmental-Master-Plan.pdf>.

²¹⁴ *Ibid*, see EMP Focus Areas: water, waste, energy, ecology, community design and air.

impacts are usually addressed most effectively at those scales where people and their property may be adversely affected.

In the Table, hyperlinks are provided for each of the bylaws for ease of reference, but please note that the links may not always work in the future as municipalities and others manage and amend their websites and webpages.

Table 1: Notable Municipal Environmental Bylaws in Alberta

Municipality/ Bylaw	Authority/ Purpose	Component of Environment	Notes/ Review
<p>Calgary</p> <p>Charter Bylaw 1H2023</p> <p>Single-Use Items Bylaw</p>	<ul style="list-style-type: none"> • Section 7 – General jurisdiction • Municipal purpose: to foster the well-being of the environment <p>Purpose: to reduce the number of single-use items entering the waste stream and the environment, and to promote reusable alternatives.</p>	<p>Inorganic Material</p> <p>Land</p>	<p>Came into force in 2024. However, in early February city council took steps to repeal the bylaw due to negative public feedback.</p> <p>See similar bylaws in Edmonton and St. Albert</p>
<p>Calgary</p> <p>Bylaw 37M2005</p> <p>Stormwater Bylaw</p>	<p>Part 3: Public Utilities</p> <p>Purposes: to (a) to protect the Stormwater System from damage, obstruction, interference, unauthorized use, alteration, installation or removal of connections to the Stormwater System, or the release of prohibited materials; (b) to protect The City’s employees, infrastructure, environment and the public from exposure to dangerous conditions; c) to protect, control and monitor the volume and ensure the quality of water entering the Stormwater System; (d) to provide a system of rates, fees, and charges for various types of use of the Stormwater System; and (e) to provide a system of permits or other permissions that facilitate the imposing of conditions on releases to the Stormwater System.</p>	<p>Water</p> <p>Land</p>	<p><i>SDAB2019-0074 (Re), 2019 CGYSDAB 74</i></p> <p><i>SDAB2017-0051 (Re), 2017 CGYSDAB 51</i></p> <p><i>SDAB2011-0100 (Re), 2011 CGYSDAB 100.</i></p> <p>SDAB required compliance with bylaws as a condition of DP.</p>
<p>Calgary</p> <p>Bylaw 23M2002</p> <p>Tree Protection Bylaw</p>	<p>Section 7 – General jurisdiction</p> <p>Purpose: to protect, preserve and retain trees in public spaces owned or controlled by the city.</p>	<p>Biodiversity</p> <p>Land</p>	<p><i>SDAB2018-0012 (Re), 2018 CGYSDAB 12.</i></p> <p>SDAB spoke to need for compliance.</p> <p>Several smaller communities have passed similar bylaws to protect urban forests.</p>
<p>Calgary</p> <p>Bylaw 8M2017</p> <p>Designate Confederation</p>	<p><i>Historical Resources Act, RSA 2000, c H-9</i></p> <p>Purpose: to designate Confederation Park as a Municipal Historic Resource.</p>	<p>Land of Significant Historic Value</p>	<p>None</p> <p>Several communities have designated ecologically significant as historical resources, especially when of significant cultural value.</p>

Park as a Municipal Historic Resource			
Calgary Bylaw 32M2023 Community Standards Bylaw	Section 7 – General jurisdiction Purpose: to regulate neighbourhood nuisance safety and liveability issues.	Land Air	Previous provisions have been reviewed by the local SDAB and the courts. New provisions have not been reviewed.
Calgary Municipal Development Plan 2020 (Revised in 2022)	<ul style="list-style-type: none"> Part 17, s 617 Calgary City Charter Purpose: See Section 2.6: to conserve, protect, and restore the natural environment – policies are provided for climate resiliency.	All components Climate change	New provisions have not been reviewed. Most communities in Calgary Metropolitan Area have revised or are in the process of revising their MDPs to comply with the Growth Plan.
Calgary Charter Bylaw 2H2023 (Amends Land Use Bylaw 1P2007) Land Use Bylaw	<ul style="list-style-type: none"> Section 7 as amended by Calgary Charter Regulation Part 17, s 617 as amended by Calgary Charter Regulation Purpose: to promote environmental sustainability and stewardship through the city’s land use bylaw.	Land Water Air Biodiversity	Bylaw 1P2007 has been reviewed by the local SDAB, the Tribunal and the courts. However, the new provisions have not been reviewed.
Calgary Bylaw 14M2012 Wastewater Bylaw	<ul style="list-style-type: none"> Section 7 – General jurisdiction Section 8 – General jurisdiction Municipal purposes Purpose: to (a) to protect the wastewater system and its processes from damage, obstruction, toxic upset, or loss of efficiency; (b) to protect The City’s employees and the public from exposure to hazardous conditions; (c) to control the flow and composition of releases of wastewater and substances to the wastewater system; (d) to provide for a system of rates, fees and charges for various types of use of the wastewater system; (e) to provide for a system of permits or other permissions that facilitate the imposing of conditions on releases to the wastewater system.	Water Riparian Land	SDAB2017-0048 (Re), 2017 CGYSDAB 48 (CanLII) SDAB required compliance with the bylaw as a condition of approval. Wastewater bylaws are being revised and improved, especially in rural communities and lakeshore communities to provide a public utility and ensure that private septic systems and privies are eliminated. Most have a list of prohibited substances.
Calgary Bylaw 40M2006 Water Utility Bylaw	Part 3: Public Utilities Purpose: to supply and distribute water to residents, industrial and commercial users, for fire protection, and to all other customers within or outside city boundaries.	Water	Requires water meters and use of water conservation fixtures. Use a tiered water rate system. Water utility bylaws often require water conservation and regulate usage during water shortages.
Calgary Bylaw 4M2020	Section 7 – General jurisdiction	Organic and Inorganic Materials	SDAB2011-0132 (Re) , 2011 CanLII 101019 (AB SDAB).

Waste Bylaw	Purpose: to regulate and control the storage, collection and disposal of waste within the City of Calgary;		The SDAB noted that the bylaw had stringent requirements for waste and recycling. See a more recent solid waste bylaw passed in 2022 <i>Town of Coaldale Bylaw 852-C-05-22: Solid Waste Bylaw</i> that similarly restricts the contents of residential waste.
Calgary Bylaw 9M2020 Encroachment Bylaw	<ul style="list-style-type: none"> • <i>Land Titles Act, RSA 2000, c L-4, s 72</i> • <i>MGA, s 651.2</i> Purpose: to maintain and operate effective and safe services and to enable public access to lands intended for public use and enjoyment. Regulate and control Encroachments (as defined) on City owned land, property and interests (as defined). Includes ERs.	Land (owned by the city) Water and Riparian Lands	<i>SDAB2009-0240 (Re), 2009 CGYSDAB 240.</i> The developer was required to remove all encroachments on overland drainage right of way.
Calgary Bylaw 11M2019 Parks and Pathways Bylaw	Section 7 – General jurisdiction Purpose: to (a) encourage the shared use of parks and pathways through accessible and inclusive mix of activities year-round for the benefit and enjoyment of Calgarians; (b) ensure users of the park are respectful to each other and the environment and leave the park in a healthy condition for current and future users; (c) where there is conflict, prioritize environmental protection over landscaping and the use of park space.	Land Natural Areas Water Biodiversity	<i>Calgary (City) v Bullock (Occupy Calgary), 2011 ABQB 764.</i> The bylaw did not violate Charter Rights and upheld enforcement of the bylaw. Some communities are addressing the environmental management issues through bylaws that prohibit unauthorized use of all municipal property, including parks.
Calgary Bylaw 23M2018 Smoking and Vaping Bylaw	Section 7 – General jurisdiction Purpose: to regulate smoking and vaping of tobacco, cannabis, and other substances.	Air Quality	None See <i>Banff Bylaw 467: Smoke Free Public Places</i> for a 2023 version.
Edmonton Charter Bylaw 20117 Single-Use Item Reduction Bylaw	<ul style="list-style-type: none"> • Section 7 – General jurisdiction – as amended by Edmonton Charter Regulation • Municipal purpose to foster the well-being of the environment Purpose: to regulate single-use items to reduce waste and litter, increase recycling and other responsible management of waste, and encourage the use of reusable alternatives	Inorganic material	None
Edmonton Charter Bylaw 20000 Edmonton City Plan (MDP)	Part 17 To provide planning and development policies for land use and development within city boundaries. This unique MDP uses a systems approach to planning and development.	All Components Climate Change	See <i>Qualico Developments West Ltd v City of Edmonton (Subdivision Authority), 2021 ABLPRT 661.</i> Tribunal allowed appeal even though the proposed development did not comply with Edmonton’s planning documents.

	Sets strategies to reduce carbon emissions. Creates green and blue networks to protect riparian land, parks, and land and water resources.		
Edmonton Bylaw 18825 Public Tree Bylaw	No clearly stated authority. Purpose: to preserve and protect trees in public spaces owned by the City of Edmonton.	Biodiversity	<i>FCX Developments v Development Authority of the City of Edmonton, 2023 ABESDAB 10080.</i> <i>YEG Builders v Development Authority of the City of Edmonton, 2023 ABESDAB 10044.</i> Compliance with bylaw was required.
Edmonton Bylaw 13145 Animal Licensing and Control Bylaw	Section 7 – General jurisdiction Purpose: to establish a system of licensing and control with respect to animals within the City.	Biodiversity	None Controls prohibited animals, use of leg traps and keeping of pigeons.
Edmonton Bylaw 15200 Capital City Downtown Plan	Part 17 Purpose: to preserve and sustain Edmonton's environment, improve livability, transform urban form, shift transportation modes, ensure financial stability, and diversify economy.	All Components Climate Change	See <i>Wigalo Holding Ltd v Development Authority of the City of Edmonton, 2017 ABESDAB 10080.</i> Local SDAB upheld the plan's policies to discourage single vehicle use and promote a walkable public domain.
Edmonton Bylaw 19114 Clean Energy Improvement Pilot Program Tax Bylaw	<ul style="list-style-type: none"> • MGA, ss 252(2) & 390.3 • <i>Clean Energy Improvements Regulation, Alta Reg 212/2018</i> Purpose: to establish a clean energy improvement program in accordance with Part 10, Division 6.1 of the Act, to borrow money to fund the Program, to set the terms and conditions of that Program, and to authorize the levying of a tax on the tax roll for properties taking part in the Program.	Air Quality Climate Change	None See 2023 <i>Banff Bylaw 469: Clean Energy Improvement Tax Bylaw</i> as a recent example in a smaller community.
Edmonton Bylaw 17431 Energy Transition Climate Resilience Committee Bylaw	MGA, ss 145, 154 & 203 Purpose: to establish the Energy Transition Climate Resilience Committee.	Climate Change	The mandate of the Energy Transition Climate Resilience Committee is comprehensive and advisory to council regarding policies, strategies and programs.
Edmonton Bylaw 14600 (Consolidated Feb. 2023) Community Standards Bylaw	<ul style="list-style-type: none"> • Section 7 – General jurisdiction • <i>Safety Codes Act, RSA 2000, c S-1, s 66(2)</i> • <i>Agricultural Pests Act, RSA 2000, c A-8</i> • <i>Weed Control Act, SA 2008, c W-51</i> Purpose: to regulate the conduct and activities of people on privately owned property and immediately adjacent areas	All Components	Bylaw provisions are regularly reviewed by the local SDAB, the Tribunal and the courts but new provisions have now been reviewed. Addresses weeds, odours, emissions, and idling.

	in order to promote the safe, enjoyable and reasonable use of such property for the benefit of all citizens of the City.		
Edmonton Proposed Charter Bylaw 20001 (Amends Zoning Bylaw 12800) Zoning Bylaw	Part 17, s 617 (amended by Edmonton Charter Regulation) Purpose: to repeal the current Edmonton Zoning Bylaw (Bylaw 12800) and replace it with a new Edmonton Zoning Bylaw (Charter Bylaw 20001). Edmonton's Zoning Bylaw is an important regulatory tool that determines what can be built where. The proposed new bylaw aligns with The City Plan's direction to support Edmonton in becoming a healthy, urban, climate-resilient city of 2 million people.	Land Climate Change	Public consultation underway. <i>See Ms P Rockwell v Development Authority of the City of Edmonton, 2018 ABESDAB 10030.</i> Local SDA upheld the Development Authority's approval of a development permit in the river valley.
Edmonton Bylaw 18093 Drainage Bylaw	Section 7 – General jurisdiction Section 8 – General jurisdiction Purpose: to regulate surface drainage on public and private land and to foster the well-being of the environment by prohibiting the release of dangerous or hazardous matters into the sewerage system.	Water Riparian Land	<i>A Batra v Development Authority of the City of Edmonton, 2020 ABESDAB 10003.</i> SDAB required compliance.
Edmonton Bylaw 20363 Waste Services Bylaw	Section 7 – General jurisdiction Purposes: (a) to establish a public utility to be the exclusive provider of routine scheduled residential waste collection and disposal as a Waste Utility Service from homes in the City of Edmonton; (b) to establish and operate City Waste Facilities as a non-exclusive Waste Utility Service; (c) to charge rates and fees to fund collection services and to fund or contribute towards other Waste Utility Services; and, (d) to regulate the storage and disposal of non-residential waste to the extent necessary to: (i) prevent non-residential waste disposal through residential collection services; and, (ii) to recover unfunded costs of disposal from persons who dispose of non-residential waste at city facilities.	Organic and Inorganic Materials	None Municipal waste bylaws regulate storage and disposal of residential waste. Some are now regulating non-residential waste storage and disposal (see <i>Banff Bylaw 377-1: Non-Residential Waste Bylaw</i>).
Edmonton Bylaw 2202 (Revised and consolidated to Feb. 2021) Parkland Bylaw	Section 7 – General jurisdiction Purpose: to regulate the conduct and activities of people on Parkland in order to promote the safe, enjoyable and reasonable use of such property and to protect and preserve natural ecosystems for the benefit of all citizens of the City.	Land Water Biodiversity	Provisions restrict activities and protect the environment.
Edmonton Bylaw 7188	Part 17 Purpose: to protect the North Saskatchewan River Valley and Ravine System as part of Edmonton's valuable	Land Riparian Lands	See section 5.1.1 of this Guide.

The North Saskatchewan River Valley Redevelopment Plan North,	open space heritage and to establish the principles for future implementation plans and programmes for parks development and the retention of the designated residential areas of Rosedale and Cloverdale.	Water	
Edmonton Bylaw 14614 Public Places Bylaw (Consolidated to 2021)	Section 7 – General jurisdiction Purpose: to regulate the conduct and activities of people in public places to promote the safe, enjoyable, and reasonable use of such property for the benefit of all citizens.	Land Air Quality	Regulates smoking, littering, feeding of wildlife, etc.
Lethbridge Bylaw 6044 Weed Control Bylaw 2017	<ul style="list-style-type: none"> • Section 7 – General jurisdiction • Section 8 – General jurisdiction • <i>Weed Control Act, SA 2008, c W-5.1</i> • <i>Weed Control Regulation, Alta Reg 19/2010</i> Purpose: to control or destroy said noxious or prohibited noxious weeds both on public property and private property.	Biodiversity Land	None
Lethbridge Bylaw 3383 Wild or Domestic Animals Bylaw	<ul style="list-style-type: none"> • General Jurisdiction • MGA, s 164 Purpose: to regulate the keeping of wild or domestic animals.	Biodiversity	None
Lethbridge Bylaw 5651 (Consolidated to 2010) Parks Bylaw	General jurisdiction to pass bylaws Purpose: to regulate access and use of public parks.	Land Biodiversity	None
Lethbridge Bylaw 5594 Drainage Bylaw	General jurisdiction Purpose: to regulate storm sewers and storm drainage within the city.	Water Biodiversity Ecosystem Dynamics	Prohibited substances include several emergent contaminants harmful to water quality, fish, and aquatic species.
Lethbridge Bylaw 5917 Lot Grading Bylaw	General jurisdiction Part 3: Public Utilities Purpose: to stipulate the conditions, requirements, and fees for permits for the grading of a lot upon which a building is sited.	Land Water	Applicant for permit must identify drainage patterns, among other things.
Lethbridge Bylaw 3236 Fluoridation By-Law	The Public Health Act To provide for fluoridation of the communal water supply.	Water	None

<p>Lethbridge</p> <p>Bylaw 6296</p> <p>Clean Energy Improvement Bylaw 2021</p>	<p>General jurisdiction</p> <p>Purpose: to establish the Clean Energy Improvement Program and the Clean Energy Improvement Tax that facilitates the construction and installation of qualified clean energy improvements to eligible properties.</p>	<p>Air</p> <p>Climate Change</p>	<p>None</p>
<p>Lethbridge</p> <p>Bylaw 6300</p> <p>Land Use Bylaw</p>	<p>Part 17</p> <p>Purpose: to preserve or improve land and Buildings, and establish, improve or relocate Public Roadways, public utilities and other services in the area which is the subject of the River Valley Area Redevelopment Plan.</p>	<p>Land</p> <p>Water</p> <p>Biodiversity</p>	<p>Regulates and controls land use in the River Valley in accordance with the River Valley Redevelopment Plan.</p>
<p>Lethbridge</p> <p>Bylaw 5277</p> <p>River Valley Redevelopment Plan</p>	<p>Part 17</p> <p>Purpose: to provide direction to guide the development of the Oldman River Valley area within the City. This Area Redevelopment Plan does not propose a set land use pattern for the redevelopment area, but establishes parameters within which various options may occur.</p>	<p>Land</p> <p>Water</p> <p>Biodiversity</p>	<p>Protecting the river valley will be achieved through land use control measures, land use by-law, and development guidelines.</p>
<p>Lethbridge</p> <p>Bylaw 6146 (Consolidated 2022)</p> <p>Waste Bylaw</p>	<ul style="list-style-type: none"> • Municipal purposes-safe and viable community • Part 3: Public utilities • General jurisdiction <p>Purpose: to regulate and control the storage, collection, processing and disposal of Waste within the City, and to levy rates and fees for certain services provided by the City.</p>	<p>Organic and Inorganic Materials</p>	<p>Addresses sharps and household hazardous waste.</p>
<p>Lethbridge</p> <p>Bylaw 3999 (Consolidated 2022)</p> <p>Water Service Bylaw</p>	<p>Part 3</p> <p>Purpose: to make provisions for management and control of the water works system of the City and to establish a tariff of water rates and charges.</p>	<p>Water</p>	<p>Water metering, restrictions and tiered rates for consumption.</p>
<p>Lethbridge</p> <p>Bylaw 22-001</p> <p>Land Use Bylaw</p>	<p>Part 17</p> <p>Purpose: regulate and control land use in Lethbridge.</p>	<p>Land</p> <p>Water</p> <p>Climate Change</p>	<p>See Part 3, Division 4, s 54 – wind power.</p> <p>See also Valley land use district.</p>
<p>Medicine Hat</p> <p>Bylaw 4218</p> <p>Tree Preservation Bylaw</p>	<p>Section 7 – General jurisdiction</p> <p>Purpose: to protect Public Trees and prevent the spread of tree related diseases such as Dutch Elm Disease.</p>	<p>Biodiversity</p>	<p>None</p>

Medicine Hat Bylaw 4708 Clean Energy Bylaw	MGA, s 390.3 Purpose: to establish a Clean Energy Improvement Program.	Air Quality	None
Medicine Hat Bylaw 2527 Parks and Recreational Areas Bylaw	Authority not clearly stated. Purpose: to regulate the use of parks and recreational areas.	Land	None
Medicine Hat Bylaw 1982 Weed Control Bylaw	<i>Weed Control Act</i> , SA 2008, c W-5.1 Purpose: to regulate and control weeds.	Biodiversity	None
Medicine Hat Bylaw 4136 Outdoor Smoking and Vaping Bylaw	Section 7 – General jurisdiction Purpose: to prohibit smoking in outdoor places.	Air Quality	See City of St. Albert Smoking Bylaw 1/2004.
Red Deer Bylaw 3357/2006 Land Use Bylaw	Part 17 Purpose: to regulate and control land use.	Land Water	See section 7.9: Flood Plain Overlay Provisions.
Red Deer Bylaw 3554/2015 North of 11A Major Area Structure Plan	Part 17 Purpose: to provide the broad planning direction for development in a manner which facilitates the pillars of sustainability and provide for a desirable place for healthy living, education, work and recreation for individuals and families of all ages and with varying needs and desires.	Land Biodiversity	See section 2.3(7): to protect ecologically sensitive areas and biodiversity while enhancing parks and open spaces. See also section 3.1: Natural Areas
Red Deer Bylaw 3345/2005 Smoke Free Bylaw	Section 7 – General jurisdiction Purpose: to impose additional restrictions on the smoking, vaping and other forms of consumption of cannabis in public places to prevent behaviours and conduct that may have a negative impact on the enjoyment of public places.	Air Quality	None
Red Deer Bylaw 2584/78 Weed Control Bylaw	<ul style="list-style-type: none"> • <i>Weed Control Act</i>, SA 2008, c W-5.1 • General jurisdiction Purpose: to regulate the control of noxious weeds in the City of Red Deer.	Biodiversity	None
Red Deer	Section 7 – General jurisdiction	Land	None

<p>Bylaw 3255/2000</p> <p>Parks and Public Facilities Bylaw</p>	<p>Purpose: to provide for the control and management of parks and public facilities.</p>		
<p>Red Deer</p> <p>Bylaw 3517/2014</p> <p>Chicken Bylaw</p>	<p>Section 7 – General jurisdiction Section 8 – General jurisdiction</p> <p>Purpose: to regulate the keeping of chickens in urban areas.</p>	Biodiversity	See Athabasca Bylaw 0011-2022: Backyard Hen Bylaw.
<p>Strathcona County</p> <p>Bylaw 20-2017</p> <p>MDP: Forwarding our Future Together</p>	<p>Part 17</p> <p>Purpose: Strathcona County’s Municipal Development Plan sets out the guidelines for orderly growth and development in the County over the next 20 years and beyond. The Municipal Development Plan provides a comprehensive long-term land use policy framework for present and projected growth and development.</p>	<p>Land</p> <p>Water</p> <p>Biodiversity</p> <p>Climate Change</p>	<p>Includes a policy section on environmental conservation and management.</p> <p>Focus on protecting Beaver Hills Moraine.</p>
<p>Strathcona County</p> <p>Bylaw 68-2005</p> <p>Unauthorized Use of Conservation Easements</p>	<ul style="list-style-type: none"> Section 7 – General jurisdiction Environmental Protection and Enhancement Act, RSA 2000, c E-12 <p>Purpose: to protect and enhance the environment through the use and enforcement of environmental and conservation easements.</p>	<p>Land</p> <p>Water</p> <p>Biodiversity</p>	Pre-dates MGA amendments
<p>Strathcona County</p> <p>Bylaw 8-2007</p> <p>Unauthorized Use of County Property</p>	<p>Section 7 – General jurisdiction Section 8 – General jurisdiction</p> <p>Part 3</p> <p>Purpose: to regulate the ‘unauthorized use’ of county property – includes roads, public utility lots, ER, and other reserves.</p>	<p>Land</p> <p>Water</p> <p>Biodiversity</p>	Pre-dates MGA amendments
<p>Strathcona County</p> <p>Bylaw 34-2022</p> <p>Clean Energy Improvement Bylaw</p>	<p>Municipal Purpose: 3(a.1): to foster the well-being of the environment.</p> <p>Purpose: to assist owners with the purchase, construction, and installation of clean energy improvements.</p>	<p>Air</p> <p>Climate change</p>	None
<p>Strathcona County</p> <p>Bylaw 32-2017</p> <p>Surface Drainage and Site Grading</p>	<ul style="list-style-type: none"> Section 7 – General jurisdiction Part 3: Public Utilities <p>Purpose: to regulate the surface drainage and site grading on private and public lands.</p>	<p>Water</p> <p>Land</p>	<p>Regulates the types of storm drainage that may be directed to natural water bodies and storm drainage systems.</p> <p>See Okotoks Bylaw 37-23: Grading and Landscaping.</p>
<p>Strathcona County</p>	<ul style="list-style-type: none"> Section 7 – General jurisdiction Section 8 – General jurisdiction 	Biodiversity	None

<p>Bylaw 53-2022</p> <p>Responsible Livestock Ownership Bylaw</p>	<ul style="list-style-type: none"> • Municipal Purpose: Section 3(c): to develop safe and viable communities • MGA, s 542 <p>Purpose: to establish rules governing livestock within the County.</p>		
<p>Strathcona County</p> <p>Bylaw 57-2022</p> <p>Community Standards Bylaw</p>	<ul style="list-style-type: none"> • Section 7 – General jurisdiction • Section 8 – General jurisdiction • Municipal purpose: 3(c) re safe and viable communities. • MGA, s 542 <p>Purposes: (a) prevent disputes between neighbours by providing guidance on issues that affect relationships between neighbours; (b) set standards of residential property maintenance and use; (c) protect public spaces; and (d) set standards for community safe.</p>	<p>Land</p> <p>Air</p>	<p>See Division 4: Wood Burning Appliances and Nuisance Smoke. See also Public Spaces: Division 2: Idling and emergent problem of charity donation bins.</p>
<p>Strathcona County</p> <p>Bylaw 21-2013 (Consolidated in 2022)</p> <p>Parks Bylaw</p>	<p>No clearly stated authority.</p> <p>Purpose: to regulate public parks and recreational areas.</p>	<p>Land</p> <p>Water</p> <p>Air</p> <p>Biodiversity</p>	<p>Includes prohibitions on emergent problems environmental management issues, such as swimming and boating in storm drainage ponds and use of Off-Highway Vehicles. Unique issues addressed through prohibitions and requirements for permits.</p>
<p>Strathcona County</p> <p>Bylaw 25-2021</p> <p>Transit Bylaw</p>	<p>Section 7 – General jurisdiction Section 8 – General jurisdiction Part 3: Public Utilities</p> <p>Purpose: to operate a public transportation system.</p>	<p>Air</p> <p>Climate Change</p>	<p>None</p>
<p>Strathcona County</p> <p>Bylaw 38-2017</p> <p>Sewer and Wastewater System Bylaw</p>	<p>Part 3: Public Utilities</p> <p>Purpose: to set out the terms and conditions to regulate services between private drainage systems and the sewer system, regulate the sewer system, prevent damage to or misuse of the sewer system, and regulate drainage around private structures and buildings.</p>	<p>Water</p> <p>Land</p>	<p>Prohibits certain materials and hazardous waste releases into sewers.</p> <p>Requires some pre-treatment facilities before wastewater may be released into the county’s system.</p>
<p>Strathcona County</p> <p>Bylaw 16-2016 (Consolidated in 2022)</p> <p>Water System Bylaw</p>	<p>Part 3: Public Utilities</p> <p>Purpose: to provide a water supply and distribution system.</p>	<p>Water</p>	<p>All systems are metered.</p>

<p>Strathcona County</p> <p>Bylaw 39-2014</p> <p>Waste Management Bylaw</p>	<p>Part 3: Public Utilities</p> <p>Purpose: to provide a system for waste collection and recycling.</p>	<p>Land</p> <p>Inorganic and Organic Material</p>	<p>Restricts quantities and types of waste.</p> <p>Addresses emergent waste products and disposal. Good example of a well-written and easy to understand waste management bylaw.</p>
<p>Strathcona County</p> <p>Bylaw 6-2015 (Consolidated to 2023)</p> <p>Land Use Bylaw</p>	<p>Part 17</p> <p>Purpose: to regulate and control land use.</p> <p>Unique in its approach – “conservation land use district”: purpose is to provide for the preservation of environmentally sensitive lands which have significant natural capability for conservation, passive recreation, and education.</p>	<p>Land</p> <p>Water</p> <p>Air</p>	<p>See Part 10 for comprehensive land use regulations for Environment, Open Spaces and Service Zoning Districts</p>
<p>St. Albert</p> <p>Bylaw 22/2015</p> <p>Water Conservation Bylaw</p>	<p>Section 7 – General jurisdiction</p> <p>Purpose: to promote the efficient use of water in the community and reduce water waste.</p>	<p>Water</p>	<p>None</p>
<p>St. Albert</p> <p>Bylaw 20/2020</p> <p>MDP: Flourish: Growing to 100 K</p>	<p>Part 17</p> <p>Purpose: the Plan’s goals, policies, and strategic directions complement the growth strategy, taking a holistic approach that integrates the City’s environmental, economic, social, and cultural aspirations.</p>	<p>Land</p> <p>Water</p> <p>Air</p> <p>Biodiversity</p>	<p>Policies reflect understanding of unpredictable future.</p>
<p>St. Albert</p> <p>Bylaw 34/2017</p> <p>Urban Beekeeping Bylaw</p>	<p>Section 7 – General jurisdiction Section 8 – General jurisdiction</p> <p>Purpose: to regulate bee-keeping in St. Albert.</p>	<p>Biodiversity</p>	<p>None</p>
<p>St. Albert</p> <p>Bylaw 9/2005 (Revised through Bylaw 8/2023)</p> <p>Land Use Bylaw</p>	<p>Part 17</p> <p>Purpose: to regulate and control development and buildings in the city.</p>	<p>Land</p> <p>Water</p> <p>Biodiversity</p>	<p>None</p> <p>Only permitted use is parks with several discretionary uses.</p> <p>Provides setbacks and restrictions within the identified floor hazard areas and restricts new development in the parks land use district.</p>
<p>St. Albert</p> <p>Bylaw 23/2017</p> <p>Transit Bylaw</p>	<p>Section 7 – General jurisdiction</p> <p>Purpose: to operate a public transportation system.</p>	<p>Air Quality</p>	<p>None</p>

<p>St. Albert</p> <p>Bylaw 5/2001 (Consolidated in 2023)</p> <p>City of St. Albert Water Bylaw</p>	<p>Part 3: Public Utilities</p> <p>Purpose: to provide a water supply and distribution system.</p>	<p>Water</p>	<p>Water metering system is unique: see section 10(6) Residential consumption charges: 2023 \$1.85/cubic metre Outdoor watering: \$2.76/cubic meter.</p> <p><i>An applicant who wishes to obtain water solely for the purposes of watering a lawn, garden, or an outdoor water service, may apply to the City Engineer for the installation of an additional water meter to monitor water use for those purposes.</i></p>
<p>St. Albert</p> <p>Bylaw 5/98</p> <p>Dutch Elm Disease Bylaw</p>	<p><i>Agricultural Pests Act, RSA 2000, c A-8</i></p> <p>Purpose: to control and prevent the spread of Dutch Elm Disease.</p>	<p>Biodiversity</p>	<p>None</p>
<p>St. Albert</p> <p>Bylaw 32/2018 (Consolidated 2022 after amendments in 2021)</p> <p>Hen Bylaw</p>	<p>Section 7 – General jurisdiction Section 8 – General jurisdiction</p> <p>Purpose: to enable hen keeping as urban agriculture, if the Hen Keeper is the holder of a valid Hen Licence and remains at all times in compliance with the provisions of this bylaw.</p>	<p>Biodiversity</p>	<p>None</p>
<p>St. Albert</p> <p>Bylaw 16/2007</p> <p>Idle-Free Bylaw</p>	<p>Section 7 – General jurisdiction</p> <p>Purpose: to reduce harmful vehicle emissions and improve air quality.</p>	<p>Air Quality</p>	<p>None</p> <p>See Okotoks Bylaw 18-15.</p>
<p>St. Albert</p> <p>Bylaw 9/2016</p> <p>Community Gardening Bylaw</p>	<p>Part 17, s 676(1)</p> <p>Purpose: to approve the Use of Lands Designated as Environmental Reserve for Community Gardening</p>	<p>Land</p> <p>Biodiversity</p>	<p>Uses existing authority to address emergent local environmental issue.</p>
<p>St. Albert</p> <p>Bylaw 31/2011</p> <p>White Spruce Forest Bylaw</p>	<p><i>Historical Resources Act, RSA 2000, c H-9</i></p> <p>Purpose: to designate White Spruce Forest as a Municipal Historic Resource.</p>	<p>Land</p> <p>Biodiversity</p>	<p>None</p>
<p>St. Albert</p> <p>Bylaw 6/2018</p> <p>Sanitary Sewer Bylaw</p>	<ul style="list-style-type: none"> • Section 7 – General jurisdiction • Section 8 – General jurisdiction • Part 3 – Public Utilities <p>Purpose: to protect the City’s Sanitary Sewer System through Sanitary Sewer Requirements and to ensure that prohibited and toxic waste are not released into the system.</p>	<p>Water</p>	<p>None</p>
<p>St. Albert</p> <p>Bylaw 26/2021</p>	<p>No clearly stated authority.</p>	<p>Air</p> <p>Climate Change</p>	<p>None</p>

Clean Energy Improvement Tax Bylaw	Purpose: to enable clean energy improvements to be made to eligible properties.		
St. Albert Bylaw 7/2022 Parks Bylaw	Section 7 – General jurisdiction Purpose: to regulate the conduct and activities of people in Parks in order to provide for the safe, enjoyable, and respectful use of Parks, to provide for the protection of Parks and to protect and preserve natural environments for the benefit of all residents of the City.	Land Water Biodiversity	None
Airdrie Bylaw B-13/2009 (Consolidated to 2019) Parks Bylaw	Section 7 – General jurisdiction Purpose: to ensure the protection of public utilities such as the urban forest, boulevards, parks, and other infrastructure.	Land Water Biodiversity	Prohibits a number of emergent uses of park land.
Airdrie Bylaw B-01/2016 (Consolidated in 2023) Land Use Bylaw	Part 17 Purpose: to facilitate the orderly, economical, and beneficial development and use of land and buildings within the City and for that purpose the Bylaw. <ul style="list-style-type: none"> • Uses Direct Control to protect environmentally significant natural areas. • Regulates solar arrays, and alternate energy installations. • Regulates landscaping requiring xeriscaping. • Overlays apply in addition to regulations in all land use districts. 	Land Water Biodiversity Climate Change	General regulations that apply in all land use districts requires setbacks near water bodies and water courses and restricts development in floodplains and floodways (see LUB, s 7).
Airdrie Bylaw B-03/2014 Drainage Bylaw	<ul style="list-style-type: none"> • Section 7 – General jurisdiction • Part 3: Public Utilities Purpose: to regulate storm sewers and storm drainage.	Water Land	Defines prohibited substances to include emergent environmental issues.
Airdrie Bylaw B-09/2012 (Consolidated 2023) Community Standards Bylaw	<ul style="list-style-type: none"> • Section 7 – General jurisdiction • Section 8 – General jurisdiction • Safety Codes Act, RSA 2000, c S-1 Purpose: to establish and enforce the community standards for private property.	Land Water	None
Athabasca Bylaw 006-2019	MGA, s 708.28(1) Adopts an Intermunicipal Collaboration Agreement by bylaw. Example of complex intermunicipal planning and servicing	Land	Intermunicipal collaboration to provide water, wastewater and waste removal services through regional servicing commissions.

Intermunicipal Collaboration Framework	between municipalities with shared borders.		
Athabasca Bylaw 006-2021 (Revised in 2022) Clean Energy Improvement Tax Bylaw	<ul style="list-style-type: none"> Section 7 – General jurisdiction Section 3: to foster the well-being of the environment. <p>Purpose: to facilitate the implementation of clean energy improvements to residential and/or commercial properties, through the use of a local taxation mechanism, to provide security for repayment of the financing.</p>	Air quality Climate Change	None
Athabasca Bylaw 002-2019 Responsible Pet Ownership By-law	<p>Section 7 – General jurisdiction</p> <p>Purpose: to control ownership of wild and domestic animal</p>	Biodiversity	Innovative control the spread of rabies – see Bylaw Part VIII.
Athabasca Bylaw 14-10 MDP	<p>Part 17</p> <p>Purpose: to serve as a road map, guiding the community to its future destination for years to come. In order to provide comprehensive guidance, the Plan addresses not only future development and infrastructure needs, but also provides policies which link the physical and social development of the community in a way that is easy to read and understand.</p>	Land Biodiversity	See Section 3.4: Includes policies for “Low Net Negative Environmental Impact”.
Athabasca Bylaw 007-2019 Athabasca Landing Areas Redevelopment Plan	<p>Part 17, s 634</p> <p>Purpose: to adopt an area redevelopment plan to preserve or improve land and buildings; to rehabilitate, remove, construct, or replace buildings; to establish, improve, or relocate roads, public utilities, or other services; and to facilitate any other development.</p>	Land Water	Riverfront ARP: Environmental Principles 3.2.1 Protect and improve the ecology of the waterfront for public use and enjoyment. ... 3.2.3 Refine and modify the flood fringe area for development and/or public use. 3.2.4 Achieve best available environmental stewardship.
Athabasca Bylaw 001-2019 Utility Bylaw	<p>Section 7 – General jurisdiction</p> <p>Purpose: to provide for the regulation and control of water supply and sewer systems and to provide for the rates payable for such service.</p>	Water	One bylaw addresses emergent issues in providing utilities for water and wastewater.
Banff Bylaw 377 Non-Residential Waste Bylaw	<p>No clearly stated authority.</p> <p>Purpose: to establish and maintain a system for the collection of Non-Residential waste.</p>	Organic and Inorganic Materials Land	Regulates storage and disposal of non-residential waste, including construction waste and waste from industry.

<p>Banff</p> <p>Bylaw 467</p> <p>Smoke Free Public Places Bylaw</p>	<ul style="list-style-type: none"> • Section 7 – General jurisdiction • <i>Tobacco Smoking and Vaping Reduction Act, SA 2005, c T-3.8</i> <p>Purpose: to impose additional restrictions on smoking and vaping in order to limit the known detrimental health-related effects of second-hand smoke for residents and visitors including youth and vulnerable populations, and to reduce negative impacts from these public health hazards on the enjoyment of public places.</p>	<p>Air Quality</p>	<p>Addresses an emergent local issue with vaping in public places.</p>
<p>Banff</p> <p>Bylaw 36-3</p> <p>Explosives Bylaw</p>	<ul style="list-style-type: none"> • Section 7 – General jurisdiction • <i>Explosives Act, RSC 1985, c E-17</i> <p>Purpose: to regulate the possession, storage, use or sale of explosives.</p>	<p>Land</p> <p>Air Quality</p>	<p>Emergent local issue.</p> <p>See <i>Canmore Bylaw 32-96: Blasting Explosives Bylaw</i>.</p>
<p>Banff</p> <p>Bylaw 468</p> <p>Single Use Item Reduction Bylaw</p>	<p>Section 7 – General jurisdiction</p> <p>Purpose: to regulate the distribution of single-use items in Banff to reduce problematic unnecessary waste and foster the use of reusable alternatives.</p>	<p>Land</p> <p>Organic and Inorganic Materials</p>	<p>Banff uses general jurisdiction to pass and enforce this bylaw.</p>
<p>Banff</p> <p>Land Use Bylaw</p>	<ul style="list-style-type: none"> • Part 17 • <i>Canadian Environmental Assessment Act – should be updated,</i> <p>Purpose: to regulate land use.</p>	<p>Land</p> <p>Water</p>	<p>All development and subdivision require an environmental assessment under federal law. Unique to Banff as federal land.</p>
<p>Chestermere</p> <p>Bylaw 006-21</p> <p>Temporary Beaches and Recreational Areas Near Water Bylaw</p>	<ul style="list-style-type: none"> • Section 8(c) – General jurisdiction • <i>Alberta Safe Beaches Protocol</i> <p>Purpose: to provide for the management of City beaches and lakefront recreational areas.</p>	<p>Land</p> <p>Water</p> <p>Biodiversity</p>	<p>Regulates entry to demarcated beaches. Restricts use of personal hibachis, barbeques etc.</p> <p>Fires only allowed in municipal pits and facilities.</p>
<p>Chestermere</p> <p>Bylaw 003-21</p> <p>Chestermere Public Transit Bylaw</p>	<p>Section 7 – General jurisdiction</p> <p>Purpose: to regulate the conduct of users of the public transit system provided by the City.</p>	<p>Air Quality</p>	<p>None</p>
<p>Chestermere</p> <p>Bylaw 010-14</p> <p>Lake Weed Residential Bin Bylaw</p>	<p>Section 7 – General jurisdiction</p> <p>Purpose: to regulate the removal of lake weeds from lakefront residential properties.</p>	<p>Water</p> <p>Land</p> <p>Biodiversity</p>	<p>None</p> <p>Unique bylaw that separates lake weeds as a special waste stream and allows for the removal of ‘lake weeds’.</p>
<p>Chestermere</p> <p>Bylaw 020-21</p>	<p>Section 7 – General jurisdiction</p> <p>Section 8 – General jurisdiction</p>	<p>Air Quality</p>	<p>Regulates emissions from mobile vendors and requires compliance with local community standards bylaw.</p>

Mobile Vendors Bylaw	Purpose: to establish provisions for the permitting of mobile vendor operations.		
Chestermere Bylaw 022-23 Community Standards Bylaw	Section 7 – General jurisdiction Purpose: to regulate human activities that create nuisances and violate community standards.	Land Air Water Biodiversity	Regulates human, including fire pits, barbeques, etc. Addresses several emergent issues relating to local nuisances including boat launches.
Canmore Bylaw 2018-22 (Revised in 2022) Revised Land Use Bylaw	Part 17 Purpose: to build a community based on the vision of the Town’s Municipal Development Plan, and to regulate and control the use and development of land and buildings within the Municipality to achieve efficient, orderly, and economical development of land. After September 22, 1998, buildings and development, other than public access and utilities, shall be set back a minimum of 60m from the bank of the Bow River and 20 m from the banks of all other naturally occurring watercourses and waterbodies [2023-18]. Includes land use districts for ER and MR protected in natural state (s 6.3); private environmentally significant lands (s 6.4); and Conservation of Wildlands (s. 6.5). Wildlife corridors and wildlands are protected. Overlays address flood hazards; high groundwater; groundwater protection; and steep creek hazards. Overlays take precedence over development policies in all land use districts subject to the overlays.	Land Water Biodiversity	<i>See Gruman v Canmore (Town), 2018 ABQB 507. QB found the decision was unreasonable because council did not require the mandatory EIA.</i> General regulations that apply in all districts include slope analysis and setbacks from bodies of water. Before September 22, 1998, buildings and structures shall be set back a minimum distance of 20 m from the bank of Canmore Creek, Policeman Creek, Spring Creek, Cougar Creek, the Bow River, and any other naturally occurring permanent streams and channels of these bodies of water [2023-18].
Canmore Bylaw 2019-09 Parks Bylaw	Section 7 – General jurisdiction (Not stated) Purpose: to regulate use of parks.	Land Water Biodiversity	Provides a list of prohibited activities including removal of vegetation and harm to wildlife and rappelling into a body of water or boating on Quarry Lake.
Canmore Bylaw 2022-16 Community Standards Bylaw	Not s] clearly stated. Purpose: to establish community standards.		Section 4 addresses wildlife attractants and repeals Wildlife Attractant Bylaw 2017-10 and Wildlife Amending Bylaw 2019-23.
Canmore Bylaw 2019-25 Intermunicipal Development Plan	Part 17 Purpose: to adopt the Town of Canmore – MD of Bighorn Intermunicipal Development Plan.	Land Water Biodiversity	Sections 2.2.3 and 2.2.4 Address policies for future development in environmentally significant areas and lands with steep creek hazards and risk mitigation. Addresses wildlife protection and wildlife habitat.

<p>Canmore</p> <p>Bylaw 2019-10</p> <p>Tree Protection Bylaw</p>	<p>No clearly stated authority.</p> <p>Purpose: to protect trees on town land and to prohibit planting of trees on public land.</p>	<p>Land</p> <p>Biodiversity</p>	<p>None</p>
<p>Coaldale</p> <p>Bylaw 872-P-05-23</p> <p>Northwest Area Structure Plan</p>	<p>Part 17</p> <p>Purpose: to adopt the Northwest Area Structure Plan and policies for future development of the lands.</p>	<p>Land</p> <p>Water</p>	<p>Storm drainage is a major issue in that area that regularly floods.</p> <p>Section 6 of the ASP addresses nine significant emergent local issues directly related to storm drainage management.</p>
<p>Coaldale</p> <p>Bylaw 820-P-06-21</p> <p>South Coaldale Area Structure Plan</p>	<p>Part 17</p> <p>Purpose: to adopt the South Coaldale Area Structure Plan.</p>	<p>Land</p> <p>Water</p>	<p>Storm drainage management is addressed in the section dealing with ‘Drainage and Stormwater Management’. The background to the policies explains the complexity of managing storm drainage in Coaldale. Refers to use of Low Impact development processes and technology.</p>
<p>Coaldale</p> <p>Bylaw 763-R-07-19</p> <p>Sanitary Sewer Services Bylaw</p>	<p>No clearly stated authority.</p> <p>Purpose: to provide for the regulation of the sanitary sewer system and to establish a sanitary sewer rates system.</p>	<p>Water</p> <p>Organic and Inorganic Materials</p>	<p>To hook up to the system, the town may require 5.10.2.1 a fat, oil, and grease inceptor; and/or 5.10.2.2 a sand and grit inceptor to address emergent local issues.</p>
<p>Cochrane</p> <p>Bylaw 04-2013</p> <p>Water Utility Bylaw</p>	<p>Part 3: Public Utilities</p> <p>Purpose: to operate a water system as a public utility for the purpose of supplying and distributing potable water to residents, industrial and commercial users, for fire protection, and to all other customers in the Town of Cochrane and subject to Council approval to customers outside the Town boundaries. Requires water efficient plumbing fixtures, water metering and a tiered water consumption rate.</p>	<p>Water</p>	<p>Tiered rate system where you pay more the more you consume. Introduces a water license connection fee for new and expanded development.</p> <p>See also Airdrie Bylaw B-04/2019.</p>
<p>Foothills</p> <p>Bylaw 27/2009</p> <p>Dark Sky Bylaw</p>	<p>No clearly stated authority.</p> <p>Purpose: to regulate the type of light source and fixture that is to be installed by any person in the MD, thereby mitigating further light pollution, and reducing existing light pollution, that is shown (in certain instances) to adversely affect astronomical observation, plant and animal cycles, and the safety and health of those persons within the MD.</p>	<p>Biodiversity</p> <p>Light Pollution</p>	<p>The bylaw brought immediate effect to the prohibition on inefficient incandescent light bulbs for outdoor use.</p> <p>See federal regulation to phase out the sale and use of inefficient light bulbs by 2012.</p>
<p>Foothills</p> <p>Bylaw 26/2021</p>	<p>Section 7 – General jurisdiction</p> <p>Section 8 – General jurisdiction</p>	<p>Biodiversity</p>	<p>Several towns and cities have banned or regulated and controlled</p>

Fireworks Bylaw	Purpose: to regulate and control the sale and setting off of fireworks.	Climate Change	fireworks, requiring permits. This is a recent example.
Foothills Bylaw 15/2019 Responsible Dog Ownership Bylaw	Section 7 – General jurisdiction Purpose: to authorize the regulation and control of dogs, for the purpose of promoting responsible dog ownership and ensuring the maintenance of public safety throughout the municipality.	Biodiversity	Specific to dogs and local management issues, including vicious dogs, communicable diseases, rabies, and mandatory removal of feces.
Foothills Bylaw 1/2021 Foothills County Water Use and Conservation Bylaw	No clearly stated authority. Purpose: to govern water use and water conservation measures during events of water shortage.	Water Climate Change (Drought)	Addresses the emergent issue of water scarcity in rural municipalities within the South Saskatchewan River Basin. Section 4 of bylaw prohibits water wastage. Provides for and regulates list of ‘non-essential water uses’: <ul style="list-style-type: none"> • Washing of vehicles • Washing/pressure washing of streets, sidewalks, parking lots, and other paved areas or building exteriors, unless necessary for maintaining public sanitation/safety. • Irrigation of lawns, trees, athletic fields and ornamental plants (including through timed or programmed sprinkler systems). • Filling of recreational or decorative fountains, swimming pools, hot tubs, or public recreation facilities (skating, curling, pools, etc.). • Water for construction purposes, such as grading and compacting. Any other uses deemed non-essential by the CAO on an event specific basis, given the severity and specific circumstances of the specific event.
Foothills Bylaw 52/2016 MDP	Part 17 Purpose: to put policies in place for land use and development in the county. See section on Environment Conservation and Open Space – addresses importance of protecting riparian areas. Developers must use the MD of Foothills’ Riparian Setback Matrix Model. References the growth management strategy.	Land Water Biodiversity	<i>1121256 Alberta Ltd v Foothills County, 2019 ABMGB 21; Bruch v MD of Foothills, 2019 ABMGB 3.</i> Applications for subdivision were refused for failure to comply with the requirements of the MDP.
Fort McLeod	Part 17.2, s 708.28(1)	Land	None

<p>Bylaw 1908</p> <p>Willow Creek Regional Intermunicipal Collaboration Framework</p>	<p>Purpose: to adopt the Willow Creek Regional Intermunicipal Collaboration Framework.</p>	<p>Water</p>	<p>Storm drainage systems are managed locally but reflect regional policy direction.</p>
<p>Fort McLeod</p> <p>Bylaw 1949 and Bylaw 1922</p> <p>Intermunicipal Development Plan</p>	<p>Part 17</p> <p>Purpose: an intermunicipal development plan is a statutory document prepared for and adopted by two or more municipalities, which deals with land use planning matters of mutual interest. The complexity of intermunicipal development plans requires unique problem solving, negotiation, and cooperation to reach mutual agreement.</p>	<p>Land</p> <p>Water</p> <p>Climate Change</p>	<p>Section 9 of the plan addresses local emergent environmental management issues through six land use and development policies.</p> <p>Reducing impacts on Old Man River and Willow Creek are priority, while wetlands are to be preserved through Alberta Wetland Policy.</p> <p>Addresses alternate forms of energy – especially commercial wind turbines.</p>
<p>Grande Prairie</p> <p>Bylaw C-1278B</p> <p>Smoke Free Public Places Bylaw</p>	<ul style="list-style-type: none"> • Section 7 – General jurisdiction • <i>Tobacco, Smoking and Vaping Reduction Act, SA 2005, cT-3.8,</i> <p>Purpose: to regulate, restrict, or prohibit smoking.</p>	<p>Air Quality</p>	<p>Restricts smoking cannabis as an emergent local issue.</p>
<p>Grande Prairie</p> <p>Bylaw C-1078 (Amended and Consolidated in 2021)</p> <p>The Use of Public Lands Bylaw</p>	<p>Section 7 – General jurisdiction</p> <p>Purpose: to regulate use of public lands and provide for penalties for unauthorized use,</p> <p><i>“Unauthorized Use” means a Person accessing on or over Public Lands or constructing, storing, erecting or placing anything on/under or over Public Land for any purpose without written consent from the City.</i></p>	<p>Land</p>	<p>Restricts use of public lands, including ER, MR, storm water management facilities, and public utility lots.</p> <p>Includes restrictions on fires, camping, use of off-highway vehicles and emergent local environmental management issues. Provides maps describing public lands.</p> <p>Section 6(a) further describes unauthorized use.</p>
<p>Grande Prairie</p> <p>Bylaw C-1372 (Amended and Consolidated in 2019)</p> <p>Bear Creek North Area Structure Plan</p>	<p>Part 17</p> <p>Purpose: to adopt the Bear Creek North Area Structure Plan.</p>	<p>Land</p> <p>Water</p> <p>Biodiversity</p> <p>Climate Change</p>	<p>Section 3.5.8 Protects Bear Creek, environmentally significant areas, and wetlands.</p> <p>Protects wildlife corridors.</p> <p>Promotes energy efficiency and alternative forms of energy: see section addressing ‘Neighbourhood Center Development Guidelines.’</p> <p>Uses a number of guiding principles to frame policies in the ASP, including: 2.3.4 Maximize Environmental Sensitivity: Conserve the Bear</p>

			Creek corridor and area wetlands as part of a natural local habitat and connected stormwater system, and link this green infrastructure network with the proposed Bear Creek North trail and environmental system; 2.3.11 Energy Efficiency: Promote and explore opportunities for the development of alternative energy and energy efficient buildings and subdivisions to reduce the carbon footprint of future neighbourhoods
Grand Prairie Bylaw C-1310 Parkland Bylaw	Section 7 – General jurisdiction Section 8 – General jurisdiction Purpose: to regulate the use of Parkland.	Land Water Biodiversity	Addresses emergent local issues with unauthorized use of city parks.
Grande Prairie Bylaw C-1067 Dust Treatment Tax Bylaw	No clearly stated authority. Purpose: to raise revenue to provide for the costs of the dust treatment of gravel roads located within Richmond Industrial Park and estimated to be \$49,000.00.	Air Quality	Addresses an environmental issue specific to a part of the municipality.
Grande Prairie Bylaw C-1260 (Consolidated in 2022) City of Grande Prairie Land Use Bylaw	Part 17 Purpose: to provide for land use and development on all lands within the city.	Land Water Climate Change	<i>Wiebe v County of Grande Prairie No 1 (Subdivision Authority), 2022 ABLPRT 223. Tribunal upheld access conditions given proximity to intermittent bodies of water.</i> See Part 7, s 36: General Regulations that apply in all land use districts (protection of Bear Creek Valley). See also s 38: Small Wind Energy Systems; and Solar Collectors.
Lac La Biche County Bylaw 21-018 Lac La Biche Watershed Management Plan Steering Committee Bylaw	MGA: Part 5: Division 1: Councils and Council Committees Purpose: to establish the Lac La Biche County Watershed Management Plan Steering Committee.	Water Land	Advisory to council regarding implementation of the watershed management plan.
Lac La Biche County Bylaw 20-036 DRAFT Environmental Reserve Bylaw	Section 7 – General jurisdiction Purpose: to ensure public safety and natural preservation of these lands, to prevent pollution of adjacent water bodies, and to provide public access to and beside the bed and shore of adjacent water bodies.	Land Water Biodiversity	Remains in draft due to public controversy.

<p>Lac La Biche County</p> <p>Bylaw 21-008</p> <p>Waterworks Connection Bylaw 15-001 Amending Bylaw</p>	<p>Part 3: Public Utilities</p> <p>Purpose: to extend the time for owners in water and sewer connection area to connect with municipal water and sanitary sewage works and to provide for re-inspection of private sanitary sewage septic systems.</p>	<p>Water Biodiversity</p>	<p>Lac La Biche County faces local problem of ensuring proper inspections of long-term and grandfathered private sewage septic systems and ensuring they are connected to the municipal system.</p>
<p>Lac La Biche County</p> <p>Bylaw 18-029</p> <p>Lac La Biche County/Municipal District of Bonnyville Intermunicipal Development Plan</p>	<p>Part 17</p> <p>Purpose: to adopt the Lac La Biche County/Municipal District of Bonnyville Intermunicipal Development Plan.</p>	<p>Water Land</p>	<p>See Section 3.3 on the Environment. Most of the policies address watershed management issues, requires understanding of impacts of development on both land and water.</p>
<p>Lac La Biche County</p> <p>Bylaw 22-003</p> <p>Lac La Biche East Area Structure Plan</p>	<p>Part 17, s 633</p> <p>Purpose: to adopt the Lac La Biche East Area Structure Plan.</p> <p><i>The plan supports environmentally sustainable principles and best management practices and standards and ecological conservation.</i></p>	<p>Land Water Biodiversity</p>	<p>The Lac La Biche County Riparian Setback Matrix provides a model for development industry. The Riparian Setback Matrix Model establishes unique environmental reserve setbacks to lakes, streams, brooks, creeks, wetlands, and intermittent water drainage courses.</p>
<p>Lac Ste. Anne County</p> <p>Bylaw 05-2016</p> <p>Off-Highway Vehicle Bylaw</p>	<p>Section 7 – General jurisdiction Traffic Safety Act, RSA 2000, c T-6</p> <p>Purpose: to regulate the use of off-highway vehicles in the county.</p>	<p>Land Water</p>	<p>Emergent issue of off-highway vehicles, use on public lands adjacent to bodies of water. This is a problem in many lake communities where ER parcels have been required to be dedicated during subdivision processes.</p>
<p>Lac Ste. Anne County</p> <p>Bylaw 10-19</p> <p>Prohibited Animals Bylaw</p>	<p>Section 7 – General jurisdiction Section 8 – General jurisdiction</p> <p>Purpose: to prohibit people from keeping prohibited animals in the county.</p>	<p>Biodiversity</p>	<p>Local issue with wild boars.</p> <p>See also Mountain View County Bylaw 10-19: Animal Control Bylaw where wild boar is a prohibited animal.</p>
<p>Lac Ste. Anne County</p> <p>Bylaw 08-2021</p> <p>Barrhead County/Lac Ste. Anne Intermunicipal Development Plan</p>	<p>Part 17</p> <p>Purpose: to adopt the Barrhead County/Lac Ste. Anne Intermunicipal Development Plan.</p>	<p>Land Water Biodiversity</p>	<p>See Section 7 of the plan regarding ‘Environmental Policies’. Includes policies for managing environmentally significant areas; ER; setbacks from natural areas; ecosystem health; connectivity; open space; and watershed management.</p>
<p>Lac Ste. Anne County</p>	<p>Part 17</p>	<p>Land Water</p>	<p><i>1840101 Alberta Ltd v Lac Ste Anne County 2020 ABMGB 35. The ABMGB refused to grant</i></p>

<p>Bylaw 22-2017 Land Use Bylaw</p>	<p>Purpose: to regulate, control, and/or prohibit the use and development of land and buildings within Lac Ste. Anne County to ensure health and safety of its inhabitants, and also achieve the orderly and economic development of land.</p>	<p>Biodiversity</p>	<p>the application for subdivision on the basis that the intended use would unreasonably impact water quality.</p>
<p>Mountain View County Bylaw 23/21 Eagle Valley Area Structure Plan</p>	<p>Part 17 Purpose: to adopt the Eagle Valley Area Structure Plan. Includes development policies in the planning area to protect wildlife habitat and wildlife corridors along the Red Deer River. <i>Management of the natural environment is important in order to conserve the ecological integrity of the plan area. Priority will be placed on protecting the water quality and natural hydrology, minimizing habitat disturbance, and protecting and enhancing the environmental qualities that make the area a desirable place to live. Within the plan area, there are many sites that are considered to be environmentally significant or hazardous for development. These include the Red Deer River, Eagle Creek, wetlands, fen areas, and many springs. Major river corridors (Red Deer River and James River), valley topography, and valley slope breaks comprise key wildlife and biodiversity zones.</i></p>	<p>Land Water Biodiversity</p>	<p>See Section 2.6: Environmentally Significant Lands; Part 4.2: Environmental Area Overlay. And Part 4.3: Red Deer River Corridor Overlay. See also, section 5 that provides development policies for the ‘Environment’ generally. The Plan defines riparian habitat; riparian buffers; steep slopes; wetlands; watercourses; and wildlife corridors.</p>
<p>Mountain View County Bylaw 53/94 Scentless Chamomile Bylaw</p>	<ul style="list-style-type: none"> • <i>Weed Control Act, SA 2008, s W-5.1</i> • <i>Weed Control Regulation, Alta Reg 19/2010</i> <p>Purpose: Scentless Chamomile is designated as a prohibited noxious weed within the County of Mountain View as per Section 9 of the Weed Control Regulations of Alberta, AR 19/2010.</p>	<p>Biodiversity</p>	<p>Local emergent issue with controlling the spread of Scentless Chamomile. See also <i>Bylaw 46/04: Wild Caraway Seed Bylaw</i>.</p>
<p>Mountain View County Bylaw 11/20 Topsoil Bylaw</p>	<ul style="list-style-type: none"> • <i>Section 7 – General jurisdiction</i> • <i>Soil Conservation Act, RSA 2000, c S-15</i> <p>Purpose: to regulate removal and import of topsoil as defined.</p>	<p>Inorganic Materials Land Biodiversity</p>	<p>Local emergent issue with removal and import of topsoil. Requires a Topsoil Permit. <i>“Topsoil” means any portion of the surface layer of mineral soil (‘A’ horizon) as defined by the Canadian System of Soil Classification (CSCC) often enriched with organic matter that provides an adequate medium for the germination and growth of Bylaw No. 11/20 Topsoil Page 2 plants. It often contains the majority of the plant roots and is referred to as the plough layer in agriculture soils</i></p>

<p>Mountain View County</p> <p>Bylaw 06/21</p> <p>Water and Wastewater Utilities Bylaw</p>	<p>Reference to MGA, s 33, but no clearly stated authority.</p> <p>Purpose: to regulate and control water and sewage systems.</p> <p><i>The provision of water and wastewater services supports the County's desire to provide environmentally friendly developments.</i></p>	<p>Land</p> <p>Water</p>	<p>Section 3.01(a) <i>Except as permitted in this Bylaw, no person shall construct or maintain any privy, privy vault, septic tank, cess pool, field or other facility intended or used for the onsite collection or disposal of wastewater.</i></p>
<p>Mountain View County</p> <p>Bylaw 20/20 and Bylaw 21/21</p> <p>MDP and Land Use Bylaw</p>	<p>Part 17</p> <p>Purpose: to provide land use policies and regulations for land development and subdivision.</p>	<p>Land</p>	<p><i>Sweet v Mountain View County (Subdivision Authority), 2023 ABLPRT 274.</i></p> <p>Subdivision plan denied – did not comply with MDP and LUB</p>
<p>Okotoks</p> <p>Bylaw 18-15</p> <p>Idle Free Bylaw</p>	<ul style="list-style-type: none"> • Section 7(a) – General jurisdiction • <i>Traffic Safety Act, RSA 2000, c T-6, s 13</i> <p>Purpose is to regulate idling of vehicles to protect local air quality.</p>	<p>Air Quality</p>	<p>Pre-dates the MGA amendments.</p> <p>See similar bylaws emerging across the province, for example in St. Albert.</p>
<p>Okotoks</p> <p>Bylaw 19-22</p> <p>Municipal Development Plan</p>	<p>Part 17</p> <p>Purpose: to provide guidance on the long-range planning and physical growth of the Town. MDP also addresses the social, economic, cultural, historical, physical and environmental health of the community.</p>	<p>All Components</p> <p>Climate Change</p>	<p>See full discussion of the unique nature of this MDP in Section 5 of this Guide.</p>
<p>Okotoks</p> <p>Bylaw 17-21</p> <p>Land Use Bylaw</p>	<p>Part 17</p> <p>Purpose: to regulate and control land use and the development of buildings.</p>	<p>Land</p> <p>Water</p>	<p>See Section 5 of this Guide for full discussion of innovations.</p>
<p>Okotoks</p> <p>Bylaw 23-21</p> <p>Water Bylaw</p>	<p>Part 3: Public Utilities</p> <p>Purpose: to regulate and control the Town's provision of water to residents, promote water conservation by residents and businesses and ensure that there is no cross-contamination of water. The Bylaws recognizes that there may be periods of water shortage. Implements the Town's Water Shortage Response Plan 2022. See Okotoks Environmental Management Plan.</p>	<p>Water</p>	<p>See similar prohibitions on water wastage in Town of Pincher Creek <i>Bylaw 1631-22: Water Utility Bylaw.</i></p>
<p>Okotoks</p> <p>Bylaw 22-12 (Amends Bylaws 20-19 and 21-21)</p>	<p>General jurisdiction (although no clearly stated authority)</p>	<p>Land</p> <p>Water</p>	<p>See section 8 prohibiting access to storm water ponds for skating, swimming, diving, boating, etc.</p> <p>Also restricts camping in parks.</p>

Open Spaces and Recreation Facilities Bylaw	Purpose: to regulate the use of open spaces and recreational facilities.		
Okotoks Bylaw 25-10 The Controlled Substance Property Bylaw	Section 7 – General jurisdiction Purpose: to prohibit, regulate and control properties used for the manufacture and distribution of controlled substances.	Land Air Quality Water	Emergent environmental issue in many communities in Alberta: produces noxious fumes, leads to excessive use of water and energy, and destruction of property.
Okotoks Bylaw 24-21 Storm Drainage Bylaw	Section 7 – General jurisdiction (although no clearly stated authority) Purpose: to regulate storm sewers and storm drainage.	Water Land	Prohibits release of emergent problem substances into storm drains and sewers: animal waste; medical and biomedical waste; industrial waste; and other ‘prohibited materials.’
Okotoks Bylaw 28-21 Deer and Wildlife Feeding and Attractants Bylaw	Section 7 – General jurisdiction (although no clearly stated authority) Purpose: to regulate activities in relation to wildlife attractants and the feeding of deer and other wildlife.	Biodiversity	Provides a list of ‘wildlife attractants.’ Emergent environmental management issue in urban centers in Calgary region.
Pincher Creek Bylaw 1605-22 The Garbage Utility Bylaw of the Town of Pincher Creek	Part 3: Public Utilities Purpose: to regulate garbage utility services		Section 4.3 addresses the local emergent issue of burning garbage, recycling of cardboard, disposal of ‘wet garbage’, and disposal of oil by-products in sewer systems.
Pincher Creek Bylaw 1630-21 Storm Drainage Bylaw	<ul style="list-style-type: none">• Section 7 – General jurisdiction• Section 8 – General jurisdiction• Part 3: Public Utilities Purpose: to regulate the storm sewers and storm drainage systems	Land Water Biodiversity	See section 5.7 that addresses use and re-use of storm drainage for any purpose. Bylaw regulates releases into storm drainage systems. The list of hazardous and prohibited substances includes aquatic invasive species.
Rocky View County Bylaw C-5756-2003 The Municipal Land and Reserves Bylaw	Section 7 – General jurisdiction Purpose: to regulate use of municipally owned lands and reserves.	Land Water Biodiversity	Pre-dates the MGA amendments. Prohibits and regulates human activities on municipally owned lands that are likely to harm people, cause pollution or damage the ecosystem. Includes regulation of hunting and trapping and camping.
Rocky View County Bylaw C-7141-2012	Section 7 – General jurisdiction Section 8 – General jurisdiction	Water Land	Pre-dates the MGA amendments. Prohibits offsite pumping of storm drainage from private land onto municipal land. Addresses flooding caused by storm drainage release.

Offsite Pumping Bylaw	Purpose: to regulate offsite pumping onto municipal property.		
Spruce Grove Bylaw C-967-16 Construction Site Cleanliness Bylaw	No clearly stated authority. Purpose: to regulate cleanliness of construction sites.	Inorganic Materials Land	Emergent environmental management issue in many communities experiencing rapid population and economic growth. Prohibits storage of construction materials on roads and municipal lands. Prohibits release of construction materials into storm sewers and drainage facilities.
Spruce Grove Bylaw C-1109-20 Single-Use Items Reduction Bylaw	Section 7 – General jurisdiction Section 3: to foster the well-being of the environment. Purpose: to regulate and reduce the presence of Single-Use Items entering the waste stream and the environment.	Inorganic Materials Land	Similar to bylaws in Calgary and Edmonton. Prohibits checkout plastic bags with exemptions. Prohibits plastic straws and polystyrene foam food service ware, with exceptions.
Spruce Grove Bylaw C-1045-18 Surface Drainage Bylaw	No clearly stated authority. Purpose: to regulate and control lot grading and drainage.	Land Water	All development and subdivision require approved surface drainage plans that must include plans for protecting environmentally significant areas and a stormwater management plan. Approved lot grading plan required before a development permit will be issued.
Spruce Grove Bylaw C-896-14 Tree Protection Bylaw	<ul style="list-style-type: none"> • <i>Agricultural Pests Act, RSA 2000, c A-8</i> • <i>Pest and Nuisance Control Regulation, Alta Reg 184/2001</i> Purpose: to protect, preserve and retain trees in public spaces owned or controlled by the City for the ecological goods and services they provide.	Biodiversity Land	Prevent spread of Dutch Elm Disease and protect the urban forest. Lists ecosystem goods and services: improvement of air quality by removal of gaseous pollutants and dust particulates; absorption of carbon dioxide; climate moderation and energy conservation; storm water retention; wildlife habitat; aesthetics; and general improvement of quality of life.
Stettler County Bylaw 1662-21 South Shore Area Structure Plan Bylaw	Part 17 Purpose: to adopt the South Shore Area Structure Plan. Adopts implementation strategies for the Buffalo Lake Integrated Shoreline Management Plan.	Land Water	This Plan has been prepared pursuant to the Buffalo Lake Intermunicipal Development Plan. The IDP was prepared and adopted by the five municipalities adjacent to Buffalo Lake being the Summer Village of Rochon Sands, the Summer Village of White Sands, the County of Stettler No. 6, Camrose County and Lacombe County. The purpose of the IDP is to ensure that a cooperative and coordinated policy framework is in place for managing the development and use of lands adjacent Buffalo Lake.

<p>Sturgeon County</p> <p>Bylaw 1476/20</p> <p>Burning Bylaw</p>	<ul style="list-style-type: none"> • Section 7 – General jurisdiction • <i>Forest and Prairie Protection Act</i> RSA 2000 c.F-19, <p>Purpose: to prevent and control fires.</p>	<p>Biodiversity</p> <p>Air quality</p> <p>Land</p>	<p>All fires at any time of year require a fire permit that is non-transferable. Unless exempted specifically, includes burning in an incinerator, in a burn barrel, a large brush pile, a windrow pile, or a structure.</p>
<p>Sturgeon County</p> <p>Bylaw 1403/18</p> <p>Regulating the Operation of Off-Highway Vehicles Within Sturgeon County Bylaw</p>	<p><i>Traffic Safety Act</i>, RSA 2000, c T-6, ss 120(4); 120(5) & 128</p> <p>Purpose: to regulate operation and use of Off-Highway Vehicles on highways and ERs.</p>	<p>Land</p> <p>Water</p>	<p>Regulates hours of operation, noise, speed and for other emergent local issues.</p> <p>May not operate within an environmental reserve (see subsection 3(m).</p>
<p>Sturgeon County</p> <p>Bylaw 1558/21</p> <p>Surface Drainage Bylaw</p>	<ul style="list-style-type: none"> • Section 7 – General jurisdiction • Part 3: Public Utilities <p>Purpose: to regulate and control surface drainage on private and public lands.</p>		<p>5.3 No Owner or Person shall: (a) cause or allow the filling, draining, redirection, or other alteration of any naturally occurring surface drainage feature, body of water, watercourse, or wetland area without first obtaining all required authorizations from the County and any provincial and federal regulatory authority having jurisdiction in relation the proposed alteration.</p>
<p>Sturgeon County</p> <p>Bylaw 1508/20</p> <p>Animal Control Bylaw</p>	<p>Section 7 – General jurisdiction</p> <p>Purpose: to regulate and control keeping of domestic and wild animals in the county.</p>	<p>Biodiversity</p> <p>Land</p>	<p>Addresses communicable diseases; limits numbers of animals in different parts of the county and in different land use districts; and regulates and controls urban hens and other livestock. No prohibited animals.</p>
<p>Sturgeon County</p> <p>Bylaw 1603/22</p> <p>Cardiff Park Bylaw</p>	<p>Section 7 – General jurisdiction</p> <p>Purpose: to regulate use of Cardiff Park.</p>	<p>Land</p> <p>Water</p> <p>Biodiversity</p>	<p>Specific to emergent environmental management issues emerging in Cardiff Park including swimming, boating, use of off-highway vehicles, and domestic animals.</p>
<p>Sturgeon County</p> <p>Bylaw 1385/17 (Consolidated in 20201.)</p> <p>Land Use Bylaw</p>	<p>Part 17</p> <p>Purpose: to regulate and control the use and development of land and buildings.</p>	<p>Land</p> <p>Water</p> <p>Biodiversity</p>	<p>Regularly challenged.</p> <p>See <i>Hebert v Sturgeon County (Subdivision Authority)</i>, 2020 ABMGB 6.</p> <p>See also <i>Kinsella v Sturgeon County (Subdivision Authority and Kinsella v Sturgeon County (Subdivision Authority)</i> referenced in sub section 5.1.2 of this Guide.</p>
<p>Summer Village of Grandview</p> <p>Bylaw 363</p>	<p>Section 7 – General jurisdiction</p> <p>Section 8 – General jurisdiction</p>	<p>Land</p> <p>Water</p>	<p>Restricts a number of activities and prohibits others on municipal property, including storage of boat docks and use of off-highway</p>

Municipal Properties Bylaw	Purpose: to protect the long-term viability of municipal properties and control activities for the safety of the residents.		vehicles on reserve lands when there is no ice on the lake, and fires. Municipal property broadly defined.
Summer Village of Grandview Bylaw 298 Fertilizer and Herbicide Bylaw	Section 7 – General jurisdiction Purpose: to restrict the use of fertilizers and herbicides.	Organic and Inorganic Materials Land Water	Prohibits fertilizer application throughout the community to protect water quality in Pigeon Lake.
Summer Village of Grandview Bylaw 371 (DRAFT) November, 2023) Land Use Bylaw	Part 17 Purpose: to regulate and control the development of land and buildings	Land Water Biodiversity (see fisheries protection)	See Sections 1.3.9 and 1.3.10: the purpose of the LUB is to maintain and enhance the natural resources of the Pigeon Lake ecosystem and minimize negative impacts. Also to follow the recommendations of the Pigeon Lake Watershed Management Plan. Shoreline protection features prominently.
Summer Village of Grandview Bylaw 355 MDP	Part 17 Purpose: the MDP is a tool for managing growth and development and includes policy direction for land use activities within the Summer Village.	Land Water Biodiversity	See Section 6: Pigeon lake Watershed. Includes goal and policies to protect Pigeon Lake from and minimize negative impacts of development on water quality.
County of Wetaskiwin Bylaw 2018/53 Municipal Reserve, Environmental Reserve, Conservation Reserve and Public Utility Lot Bylaw	Section 7 – General jurisdiction Purpose not clearly stated, but regulates use of reserve lands and other municipally owned lands.	Land Water Biodiversity	None
Wetaskiwin Bylaw 1913-18 Plastic Checkout Bag Bylaw	Section 7 – General jurisdiction Section 3: to foster the well-being of the environment. Purpose: (a) to prohibit the distribution or sale of single-use plastic and biodegradable plastic (polyethylene) checkout bags less than 2 mils (0.05 millimeters) thick; and (b) to reduce the use of single-use paper checkout bags.	Organic and inorganic materials Land	Followed the MMGA and the new municipal purpose. Pre-dated federal enactment ²¹⁵

²¹⁵ Government of Canada, “Single Use Plastic Regulations-Overview”, (18 April 2023), online: <https://www.canada.ca/en/environment-climate-change/services/managing-reducing-waste/reduce-plastic-waste/single-use-plastic-overview.html>.

<p>Wetaskiwin</p> <p>Bylaw 1941-20</p> <p>Storm Sewer Bylaw</p>	<p>Section 7 – General jurisdiction</p> <p>Purpose: to regulate storm sewer usage and release of storm drainage. Includes a comprehensive list of prohibited materials includes flora and fauna not authorized for release.</p>	<p>Water</p> <p>Land</p>	<p>See Section 25 Discharges to Storm Sewer or Watercourse. Comprehensive prohibitions and regulations including any substance ‘that may impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse.’</p>
<p>Wetaskiwin</p> <p>Bylaw 1804-13, (Revised October 15, 2020)</p> <p>Land Use Bylaw</p>	<p>Part 17</p> <p>Purpose: establishes rules and regulations that apply to how properties can be used or developed in the City of Wetaskiwin. The LUB divides the community into land use districts and determines the permitted and discretionary uses within that district.</p>	<p>Land</p> <p>Water</p> <p>Biodiversity</p>	<p>See <i>Hoogland v County of Wetaskiwin No. 10 (Subdivision Authority)</i> 2022 ABLPRT 1409. See also <i>Whitby v County of Wetaskiwin No 10 (Subdivision Authority)</i>. Both cases discussed in this Guide.</p>
<p>Regional Municipality of Wood Buffalo</p> <p>Bylaw 23/004</p> <p>Backyard Hen Bylaw</p>	<p>Section 7 – General jurisdiction Section 8 – General jurisdiction</p> <p>Purpose: to address an emergent problem of managing hens being raised in the municipality for egg production where neighbours were being affected.</p>	<p>Biodiversity</p>	<p>Pre-dates the MGA amendments.</p>
<p>Regional Municipality of Wood Buffalo</p> <p>Bylaw 18/005</p> <p>Fort Chipewyan Area Structure Plan</p>	<p>Part 17</p> <p>Purpose: to adopt the Fort Chipewyan Area Structure Plan.</p>	<p>Land</p> <p>Water</p> <p>Biodiversity</p>	<p>Adheres to the Lower Athabasca Regional Land Use Plan and acknowledges and Addresses protects indigenous rights for hunting, fishing and trapping.</p> <p>First land development principle is to protect the natural environment and promote an enhanced lakefront.</p> <p>Lands located 200 km north of Fort McMurray. Contains many natural areas, environmentally significant landscapes and First Nations traditional lands.</p>