

TOWN OF DRUMHELLER
Community Standards
Bylaw Number 06.19

Being a Bylaw of the Town of Drumheller in the Province of Alberta for the purposes of prohibiting certain activities in order to prevent and compel abatement of noise, nuisances, unsightly premises, control weeds and public disturbances.

WHEREAS the *Municipal Government Act*, being Chapter M-26 or the revised Statutes of Alberta and amendments thereto, provide that the Council of a municipality may pass bylaws for municipal purposes respecting nuisances, including unsightly property.

WHEREAS the *Municipal Government Act* authorizes a municipality to pass bylaws respecting safety, health and welfare of people and protection of people and property;

WHEREAS the *Municipal Government Act* authorizes a municipality to pass bylaws respecting the remedying of contraventions of bylaws;

WHEREAS the *Traffic Safety Act* authorizes a municipality to pass bylaws with respect to Highways under its direction, control and management and the parking of vehicles on public and private property;

WHEREAS the *Safety Codes Act* authorizes a municipality to pass bylaws respecting the minimum maintenance standards for buildings and structures; and unsightly or derelict buildings or structures;

AND WHEREAS community standards are intended to be reviewed regularly and amended as Council deems appropriate. Council's desire is to influence respect for each other as neighbors and balance enforcement with the livability of neighbors and neighborhoods.

NOW THEREFORE the Council of the Town of Drumheller, in the Province of Alberta, duly assembled, enacts the following:

PART 1 – INTERPRETATION

- 1.1 This Bylaw shall be cited as the "Community Standards Bylaw".
- 1.2 This Bylaw applies to all Premises within the corporate boundaries of the Town of Drumheller.
- 1.3 Nothing in this Bylaw shall be interpreted as conflicting with any Provincial or Federal legislation.
- 1.4 Where any provision of this Bylaw conflicts with any Provincial or Federal legislation, the Provincial or Federal legislation shall take precedence.

- 1.5 Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw remain valid and in force.
- 1.6 Nothing in this Bylaw relieves a Person from complying with any provisions of any Provincial or Federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or license.
- 1.7 All of the schedules attached to this Bylaw form a part of this bylaw.

PART 2 – DEFINITIONS

“Appeal” means the appeal of;

- (i) An Order issued pursuant to the Community Standards Bylaw;
- (ii) An Order issued pursuant to Section 545 of the *Municipal Government Act* regarding contraventions of other bylaws or enactments that the Town is authorized to enforce; or
- (iii) An Order issued pursuant to Section 546 of the *Municipal Government Act*

“Appeal Board” shall mean the Community Standards Appeal Board as established by the Community Standards Appeal Bylaw

“Boulevard” means that part of a Highway that is not a roadway.

“Building” means any structure used or intended for supporting or sheltering any use or occupation.

“Building Material” means all construction and demolition material including the packaging material accumulated on Premises arising from the construction, alteration, repair or demolition of any structure and includes, but is not limited to, earth, vegetation or rock displaced during such construction, alteration, repair or demolition;

“Bylaw Violation Tag” is a ticket or summons issued for an allegation of a Bylaw infraction and is issued by a Peace Officer and only enforceable in the Town.

“Chief Administrative Officer” shall mean a Municipal Official employed by the Town of Drumheller in the position of Chief Administrative Officer, or in his/her absence, the person appointed as Acting Chief Administrative Officer; or designate.

“Council” means the Municipal Council of the Town of Drumheller.

“Court” shall mean any Provincial Court of Alberta.

“Day Time” means the period beginning at 7:00 am and ending at 10:00 pm of the same day, on weekdays; or beginning at 9:00 am and ending at 10:00 pm of the same day, on the weekend.

“Derelict Equipment” means equipment or machinery, which has been rendered inoperative by reason of its disassembly, damage, age or mechanical condition, and includes, but is not limited to, any household appliance stored outside of a residence or other structure.

“Derelict Vehicle” means a vehicle, whether or not in operating condition; or has all or part of its structures removed or dismantled, or is in a dilapidated or unsightly condition.

“Fire Receptacle” includes a permanently affixed outdoor fire place or a portable fire pit where fuel source may be wood, gas or any other combustible substance.

“Good Repair” means a condition where the structure does not exhibit: significant damage, peeling surfaces, broken, missing, or fallen parts, rot or other significant deterioration, openings which are not secured, or other visual evidence of lack of general maintenance.

“Graffiti” means words, figures, letters, drawings, symbols, or stickers applied, scribbled, scratched, etched, sprayed or attached on or to a surface of the premises without permission of the owner and in public view.

“Highway” as stated in the Traffic Safety Act, R.S.A. 2000, c T-6 means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes (i) a sidewalk, including a boulevard adjacent to the sidewalk, (ii) if a ditch lies adjacent to and parallel with the roadway, the ditch, and (iii) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be, but does not include a place declared by regulation not to be a highway.

“Landscaping Standards” as set out in the Town of Drumheller’s Landscaping Policy.

“Land Use Bylaw” means the Town of Drumheller Land Use Bylaw and any amendment to the Land Use Bylaw.

“Lane” shall mean an alley intended primarily for access to the rear of Premises located adjacent to the alley.

“Night Time” means a period beginning at 10:00 pm and ending on the following day at 7:00 am, if the following day is a Week Day or 9:00 am if the following day is a Weekend.

“Noise” means any sound that is reasonably likely to disturb the peace of others.

“Notice” shall mean a notice issued pursuant to this bylaw to remedy a condition that is not in compliance with any provision of this bylaw.

“Nuisance” for the purpose of this bylaw includes any use of or activity upon any premises which is offensive to any person, or has or may have a detrimental impact upon any person or other premises in the neighborhood.

“Occupier” means residing on or to be in possession or control of the Premises.

“Order” means a written order identifying a contravention of this Bylaw and stipulating the actions that the Owner or Occupier shall take to remedy the contravention.

“Owner” of Premises is a Person who is registered under the Land Titles Act as the Owner of the Premises.

“Peace Officer” shall mean a Community Peace Officer, Bylaw Enforcement Officer, Police of Jurisdiction or other person appointed by the Town and who is authorized to enforce Bylaws of the Town of Drumheller.

“Person” shall mean an individual person, a corporation, association, partnership or other recognized legal entity.

“Premises” shall mean any land situated in whole or in part within the Town including the external surface of all buildings and land immediately adjacent to any building or buildings and including any land or buildings owned or leased by the Town.

“Property” shall have the same meaning as Premises.

“*Provincial Offences Procedures Act*” means the Provincial Offenses Procedures Act, R.S.A. 2000, Chapter P-34 and the regulations thereof, as amended or replaced from time to time.

“Public Place” means any place within the Town to which the public may have either express or implied access including, but not limited to, areas such as streets, sidewalks, pathways, trails, and any fixture or sculpture located in such area.

“Screened” means a fence, wall, berm, hedge or other barrier providing visual and/or acoustic separation of sites.

“Sidewalk” means that part of the highway especially adapted to the use of or ordinarily used by pedestrians and includes that part of a highway between the curb line or, where there is no curb line, the edge of the roadway, and the adjacent property line whether or not it is paved or unpaved.

“Town” means the Town of Drumheller, a municipal corporation and, where the context so requires, the area included within the boundaries of the said municipal corporation.

“Unsightly Premises” means in respect of a Building, includes a Building whose exterior shows signs of significant physical deterioration, and in respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep.

“Vehicle” means a device in, on or by which a person or thing may be transported or drawn on a highway and includes a combination of vehicles but does not include a mobility aid.

“Violation Ticket” means an offence notice issued by means of a Violation Ticket as described in Part 2 of the *Provincial Offences Procedures Act*.

“Waste” as stated in the *Environmental Protection and Enhancement Act*, R.S.A. 2000, Chapter E-12 means any solid or liquid material or product or combination of solid or liquid material or product, including, but not limited to, rubbish, refuse, garbage, paper, packaging, containers, bottles, cans, manure, human or animal excrement, sewage or the whole or a part of an animal carcass, or the whole or part of any article, raw or processed material, vehicle or other machinery that is disposed of and any other thing that is designated as waste in the regulations.

“Waste Collection Cart” means a cart that is supplied by the Town designed to receive Waste then rolled to a collection point and emptied by an automated collection truck.

“Waste Container” means a commercial bin provided by the Occupier specifically marketed to store Waste and excludes containers that are meant for other purposes.

“Weeds” means plants designated as noxious and nuisance weeds as defined in the *Weed Control Act*, RSA 2000 cW-5 and Alberta Regulation 171/2001, as amended or replaced from time to time.

“Week Day” means Monday through Friday, inclusive, for the purpose of this Bylaw, unless it fall on a Holiday.

“Weekend” means Saturday, Sunday and any other Holiday.

“Yard Waste” shall mean any waste material of an organic nature formed as a result of gardening, horticultural pursuits, or agricultural activities including grass, tree and hedge cuttings, waste sod and decomposing plants, leaves and weeds.

PART 3 – CARE OF PREMISES

UNSIGHTLY PREMISES

3.01 No Owner or Occupier of Premises shall allow their Premises to be in unsightly condition.

ACCUMULATION OF MATERIALS

3.02 No Owner or Occupier of Premises shall allow on the Premises, the accumulation of: any material that creates unpleasant odors; any material likely to attract pests; or animal remains, parts of animal remains, or animal feces.

3.03 No Owner or Occupier of Premises shall allow the open or exposed storage on the Premises of any quantities of industrial fluid, including engine oil, brake fluid or antifreeze.

3.04 No Owner or Occupier of Premises shall allow the following to accumulate on the Premises such that the accumulation is visible to a Person viewing from outside the Premises; loose garbage; bottles, cans, boxes or packaging materials; and household furniture or other household goods.

3.05 No Owner or Occupier of Premises shall allow the accumulation of automobile parts, abandoned vehicles, or Derelict Vehicles to remain or to be parked on Premises, unless it is suitably housed to the satisfaction of the Chief Administrative Officer.

3.06 No Owner or Occupier of Premises shall allow any Derelict Equipment to remain on the Premises without first ensuring that the hinges, latches, lids or doors of the unit have been removed and is not visible to a Person viewing from outside the Premises.

3.07 No Owner or Occupier of Premises shall allow the accumulation of Building Material, whether new or used, unless that owner or occupier can establish that a construction or renovation is being carried out on the Premises and the materials relate to the project taking place and are stacked or stored in an orderly manner. Materials are to be properly Screened from viewing.

WASTE COLLECTION

3.08 No Owner or Occupier of Premises shall allow commercial or residential Waste to be stored in such a manner that allows any material to be blown, spilled or otherwise dispersed from the Waste Collection Carts. Do not overfill the container beyond its normal, lid closed capacity. Waste Collection Carts shall be returned to the Premises from the collection point by the end of collection day.

3.09 No Owner or Occupier of Premises shall allow commercial Waste to be stored in such a manner that allows any material to be blown, spilled or otherwise dispersed from the Waste Containers. Do not overfill the container beyond its normal, lid closed capacity. All Waste Containers shall be Screened at the discretion of the Chief Administrative Officer.

3.10 No Owner of Occupier shall allow any renovation material to escape a rented industrial Waste Container while the container is on their Premises.

GRASS, TREES & WEEDS

3.11 No Owner or Occupier of Premises shall allow grass or grasses on the Premises to exceed a height of 20 centimeters including any boulevard that lies directly between the boundary of parcel of land and an adjacent highway, road or alley.

This Section shall not apply to:

- (i) Golf courses; or
- (ii) Parks and natural area under the direction and control of Town of Drumheller; or
- (iii) Areas under the direction and control of Town of Drumheller Roads including boulevards adjacent to major roadways.

3.12 No Owner or Occupier of Premises shall allow tree branches, shrubs or other type of vegetation on the Premises to overhang onto neighboring Premises, obstruct the sidewalk, interfere with any public work or utility, and impair the visibility required for safe traffic flow at any intersection adjacent to the land. The Owner or Occupier of Premises shall remove all dead branches and trees from the Premises.

3.13 No Owner or Occupier of Premises shall permit any violation of *The Weed Control Act*, R.S.A. 2008, c W-5.1 on the Premises.

NUISANCES ESCAPING PREMISES

3.14 No Owner or Occupier of Premises shall allow a thing or activity to annoy or disturb a Person or otherwise constitute a Nuisance. A Nuisance is a question of fact to be determined by a Court hearing a prosecution pursuant to this Section of the Bylaw.

(a) In making a determination with respect to an offence under this Section a Court may take into consideration any or all of the following factors:

- (i) the frequency of the activity;
- (ii) the intensity and duration of the activity;
- (iii) the time of day or season;
- (iv) the nature of the surrounding area;
- (iv) the effect of the thing or activity on a complainant or complainants;
and
- (v) the effect of the thing or activity on the surrounding area.

3.15 No Owner or Occupier of Premises shall allow a flow of water from a hose, eavestrough or downspout or similar device on the Premises to be directed towards an adjacent Premises if it is likely the water from the device will enter the adjacent Premises. The flow shall be directed onto the Owner of Occupier's Premises.

3.16 No Owner or Occupier of Premises shall allow a flow of water from a hose or similar device, rain water, downspout or eavestrough to be directed over a public sidewalk.

3.17 A person shall not engage in any activity that is likely to allow smoke, dust or other airborne matter that may disturb any other Person to escape the Premises without taking reasonable precautions to ensure that the smoke, dust or other airborne matter does not escape the Premises.

3.18 No Owner or Occupier of Premises shall allow an outdoor light to shine directly into adjacent Premises.

3.19 An Owner or Occupier of Premises shall ensure that articles such as papers, flyers and loose debris are collected and contained on the Premises so that they do not escape onto adjacent or other neighboring Premises.

3.20 No Person shall place or permit to be placed, any snow, ice, dirt, leaves, debris or other material from their Premises onto a Highway, Town land or other private Property.

MAINTENANCE OF BUILDINGS AND FENCES

3.21 No Owner or Occupier of Premises shall allow a Building or fence to become a safety hazard.

3.22 Every Owner or Occupier of Premises shall ensure the following are maintained in Good Repair:

- (i) Fences and their structural members;
- (ii) Buildings and their structural members, including:
 - 1. Foundations and foundation walls;
 - 2. Exterior walls and their components;
 - 3. Roofs;
 - 4. Windows and their casings;
 - 5. Doors and their frames;
- (iii) Protective or decorative finishes of all exterior surfaces of a Building or fence; and
- (iv) Exterior stairs, landings, porches, balconies and decks.

3.23 If a Building has a broken window or door opening it shall be repaired within a reasonable time period as determined by the Chief Administrative Officer. The damaged area shall be covered with a solid piece of wood or other suitable material to prevent unauthorized access to the Building. The material shall be installed subject to the satisfaction of the Development Authority and shall be:

- (i) installed from the exterior and fitted within the frame of the opening in a watertight manner;
- (ii) of a thickness sufficient to prevent unauthorized entry into the Building;
- (iii) secured in a manner sufficient to prevent unauthorized entry into the Building; and

- (iv) complimentary to the exterior of the Building.

SIGNAGE

3.24 Placement of standardized business signs on Town roads will be allowed conditional upon;

- (i) Sign to be a standardized sign as approved by Alberta Transportation and/or the Town.
- (ii) Applicant provides the standardized sign at their expense and commits to ongoing sign maintenance/replacement to the satisfaction of the Town. The applicant is responsible to install or remove sign if required.
- (iii) Installation of the sign will be in compliance with the intent of safety requirements per Land Use Bylaw regarding intersections.
- (iv) A maximum of two signs (one from each direction of travel).
- (v) Where a business has ceased operations, all signage shall be removed within four (4) weeks, failing which the Town will remove sign at the cost of the Owner or Occupier of the Premises in which the business previously operated.
- (vi) No posters shall be affixed to any municipal infrastructure for more than 24 hours without approval by the Town.

FIRE ON PREMISES

3.25 Except for a fire which is in compliance with the Fire Department Bylaw, no Person shall ignite or allow to be ignited a fire in a Fire Receptacle that does not comply with the requirements of this Bylaw.

3.26 A fire in a Fire Receptacle shall be supervised at all times.

3.27 No Person shall burn, at any time, on any Premises, the following materials:

- (i) treated or painted lumber;
- (ii) lumber products containing glue or resin;
- (iii) wet or unseasoned wood;
- (iv) leaves, brush or yard waste;
- (v) garbage;
- (vi) rubber, tires or plastic; or
- (vii) any animal carcass or part thereof.

GRAFFITI PREVENTION AND ABATEMENT

3.28 No Person or Owner shall place Graffiti or cause it to be placed on any Premises.

3.29 An Owner or Occupier of Premises shall, within 5 days of a Notice issued by a Peace Officer, ensure that Graffiti placed on their Premises is removed, painted over, or otherwise permanently blocked from public view.

EXCAVATIONS AND PONDING WATER

3.30 No Owner or Occupier of Premises shall allow an excavation, drain, ditch or other depression in the ground to become or remain a danger to public safety.

3.31 If, in the opinion of a Peace Officer, a water-course, pond or other surface of water becomes or remains a Nuisance or poses a danger to public safety, a Peace Officer may declare the water-course, pond or other surface water a Nuisance and require the Owner or Occupier of the Premises to eliminate the Nuisance or danger.

ADDRESSING

3.32 The Owner or Occupier of Premises on which a Building has been erected shall display the number assigned to the Premises at a location plainly visible from the street in front of the Premises.

3.33 The Owner or Occupier of Premises on which a Building has been erected that has access to a Lane shall display the number assigned to the Premises at a location plainly visible from the Lane.

LITTERING

3.34 No Person shall place, deposit or throw or cause to be placed, deposited or thrown upon any Premises, including any street, lane, sidewalk, parking lot, park, public transportation vehicle, or other public place or water course any Waste material.

PROHIBITED NOISE

3.35 A Person shall not cause or permit any Noise that annoys or disturbs the peace of any other Person.

3.36 A Person shall not permit Premises they own or occupy to be used so that Noise from the Premises annoys or disturbs the peace of any other Person.

3.37 In determining what constitutes noise likely to annoy or disturb the peace of others, the following criteria may be considered:

- (i) type, volume, and duration of the sound;
- (ii) time of day and day of week;

- (iii) nature and use of the surrounding area;
- (iv) any other relevant factor.

3.38 No Person shall operate a hand or power lawn mower, leaf blower, snow removal device or other device creating a noise or disturbance which may be heard in a residential building between the hours of 10:00 pm and 7:00 am on a Week Day and from 10:00 pm to 9:00 am on a Weekend.

3.39 No Person shall operate sound amplifying equipment from any Premises, park or other public space which may be heard in a residential building between the hours of 10:00 pm and 7:00 am on a Week Day and from 10:00 pm to 9:00 am on a Weekend.

3.40 A Person who owns, keeps, houses, harbours, or allows to stay on Premises an animal which by reason of barking, or howling, disturbs Persons in the vicinity of Premises is guilty of an offence under this bylaw.

3.41 No drinking establishment shall permit any noise to emanate from the premises of such drinking establishment such that it annoys or disturbs any other person outside the boundary of the drinking establishment.

3.42 In the operation or carrying on of an industrial or construction activity, the person operating or carrying on that activity shall make no more noise than is necessary in the normal method of performing or carrying on that activity.

3.43 A Person who owns, occupies or controls a truck-tractor or tractor-trailer must not at any time allow it to remain running for longer than 20 minutes when it is stationary in a residential district or within 50 meters of a residential development.

3.44 Permits

- (i) A Person may make a written application to the Chief Administrative Officer for a temporary permit allowing for noise or sound levels that would otherwise violate this Bylaw.
- (ii) Any application must be made at least 5 business days prior to the proposed activity and must contain sufficient information pertaining to the activity for which the exemption is sought.
- (iii) Upon receipt of an application, the Chief Administrative Officer may issue the temporary permit, where the Chief Administrative Officer determines those circumstances make it impractical for the applicant to comply with this Bylaw; impose any conditions on the issuance or use of the permit that the Chief Administrative Officer considers appropriate; refuse to issue a permit; or revoke the temporary permit that has been issued, where the Chief Administrative Officer determines that the applicant has not taken sufficient measures to minimize the noise or sound levels.

3.45 Exemptions

- (i) A Person may operate a snow clearing device powered by an engine for the purpose of clearing snow from Highways, school, commercial or industrial sites located adjacent to or within residential districts if it is in the best interest of the public and their safety and at a time when there will be minimal vehicular and/or pedestrian traffic that may obstruct such snow removal operations.

PART 4 – POWERS OF PEACE OFFICERS

INSPECTIONS

4.01 A Peace Officer and Chief Administrative Officer are hereby authorized in accordance with Section 542 of the *Municipal Government Act* to enter any Premises after giving reasonable notice to the Owner or Occupier of the Premises to be inspected; and to inspect for conditions that may contravene or fail to comply with the provisions of this Bylaw upon having reasonable and probable grounds.

4.02 If a Peace Officer considers any Premises to be in contravention of any section of this Bylaw, the Peace Officer may issue a verbal or written Order to the Owner or Occupier to remedy any condition(s) of the subject Premises that have been found to be in contravention of this Bylaw.

4.03 If a Person

- (a) Refuses to allow or interferes with the entry, inspection, enforcement or action referred to in Sections 4.01 or 4.02, or
- (b) Refuses to produce anything to asset in the inspection, remedy, enforcement or action referred to in Sections 4.01 or 4.02, the municipality may apply to the Court of Queen's Bench for an Order under Section 543(2) of the *Municipal Government Act*.

ISSUANCE OF BYLAW VIOLATION TAG/PROVINCIAL VIOLATION TICKET

4.04 A Peace Officer is authorized to issue a Bylaw Violation Tag to any Person that the Peace Officer believes on reasonable and probable grounds has contravened any provision of this Bylaw.

- (a) Notwithstanding any other provision of this Bylaw a Peace Officer is authorized to immediately issue a Province of Alberta Violation Ticket pursuant to the *Provincial Offences Procedures Act*.
- (b) A Bylaw Violation Tag may be issued to a Person personally, or by mailing a copy to the person at his or her last known address.
- (c) Nothing in this Bylaw shall prevent a Peace Officer from issuing a Bylaw Violation Tag or Provincial Violation Ticket for the mandatory court appearance of any person who contravenes any provision of this Bylaw.
- (d) If the penalty specified on the Bylaw Violation Tag served to a Person is not paid within a prescribed time period then a Peace Officer is authorized to

issue a Provincial Violation Ticket pursuant to the *Provincial Offences Procedures Act*.

ORDERS BY PEACE OFFICER

4.05 Where Premises are found to be in violation of any provisions of this Bylaw, the Peace Officer may in accordance with Section 545 of the *Municipal Government Act* issue a written Order to the Owner or Occupier of the Premises to remedy the condition on the Premises which violates this Bylaw.

4.06 An Order written pursuant to Section 4.05 may:

- (a) Direct a Person to stop doing something, or to change the way in which the person is doing it;
- (b) Direct a Person to take any action or measures necessary to remedy the contravention of the enactment or bylaw, including the removal or demolition of a Building that has been erected or placed in contravention of a bylaw, and if necessary, to prevent a reoccurrence of the contravention;
- (c) State a time within which the Person must comply with the directions;
- (d) State that if the Person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

4.07 Without limiting the powers under Section 4.05 and 4.06, an order written pursuant to Section 4.05 may:

- (a) Require the owner of a Building in disrepair to eliminate the danger to the public safety in the matter specified, or remove and demolish the Building and level the site;
- (b) Require the Owner of the Premises that contains the excavation or hole to eliminate the danger to public safety in the manner specified, or fill in the excavation or hole and level the site;
- (c) Require the Owner of Premises that is in an unsightly condition improve the appearance of the Premises in the manner specified, or if the Premises is a Building, remove or demolish the Building and level the site.

SERVICE OF AN ORDER

4.08 Service of an Order upon an Owner shall be sufficient if it is:

- (i) Personally served upon the Owner or Occupant;
- (ii) Only served by mail if the Premises is not occupied by the Owner;
- (a) Left with a competent Person residing with said Owner or Occupier; or
- (b) Posted to the door of the Premises or in any other conspicuous place on the Premises.

- 4.09 Such Orders shall be deemed to have been received:
- (a) seven (7) days from the date of mailing; or
 - (b) on the day it is left with a competent Person residing with an Owner or Occupier or posted on the Premises.
- 4.10 Each Order shall:
- (a) Describe the Premises by its municipal address and legal description;
 - (b) Identify the date that it is issued;
 - (c) State how the Premises contravenes the provisions of this Bylaw;
 - (d) Give reasonable particulars of the extent of the clean-up, removal, clearing or other actions required to be made;
 - (e) State the time within which the clean-up, removal, clearing or other actions are to be done;
 - (f) State that if the required actions are not done within the time specified, the Town may:
 - (i) Carry out the actions required and charge the cost thereof against the Owner or Occupier; or
 - (ii) Cause a Violation Ticket to be served upon the Owner or Occupier pursuant to Part 2 of the Provincial Offences Procedure Act;

FAILURE TO COMPLY WITH AN ORDER

4.11 When an Owner or Occupier fails to remedy a contravention of this Bylaw within the time allowed in an Order issued under Section 4.09 of this Bylaw, the Town may exercise its powers under s 546.1, 549 or 550 of the *Municipal Government Act* in its discretion, including but not limited to entering upon the Premises to perform or complete the work necessary to remedy the violation of this Bylaw. The costs incurred by the Town to remedy the violation, as well as any applicable fines under this Bylaw, will be billed to the Person registered under the *Land Titles Act* and will be amounts owing to the Town. If the costs are not paid in the time specified by the Town, the costs may be charged against the property as a special assessment to be recovered in the same manner as other taxes and in accordance with Section 553, 553.1 or 553.2 of the MGA.

4.12 Every Person who fails to comply with a written Order issued pursuant to this section within the time set out in the written Order commits an offence.

4.13 An Owner or Occupier served with an Order may comply with the Order by entering into a written agreement with the Town, for the Town to carry out the actions required by the Order.

4.14 The Chief Administrative Officer may take whatever actions or measures necessary to eliminate any danger to public or deal with unsightly conditions of the Premises in accordance to powers and authority provided to a municipality through the *Municipal Government Act* Section 550. Pursuant to the Section 551 of the *Municipal*

Government Act, in an emergency the municipality may take whatever actions or measures are necessary to eliminate the emergency.

REVIEW BY COUNCIL / APPEALS

4.15 A Person who receives a written Order to comply with section 545 of the *Municipal Government Act*, may by written notice within 14 days after the date the Order is received, request Council to review the Order.

4.16 A Person who receives a written Order to comply with section 546 of the *Municipal Government Act*, may by written notice within 7 days after the date the Order is received, request Council to review the Order.

4.17 After reviewing the Order, Council may confirm, vary, substitute or cancel the Order.

4.18 If a Person considers himself aggrieved by a decision under 4.16, he may appeal the decision by originating notice to the Court of Queen's Bench:

(i) in the case of an Appeal of an Order under section 545 of the *Municipal Government Act*, within 30 days after the date the decision under section 547 of the *Municipal Government Act* is served on the person affected by the decision, and,

(ii) in the case of an Appeal of an Order under section 546 of the *Municipal Government Act*, within 15 days after the date the decision under section 547 of the *Municipal Government Act* is served on the person affected by the decision.

4.19 For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person under their agency relationship.

GENERAL PENALTY PROVISION

4.20 Any Person who contravenes any provision of this Bylaw is guilty of a summary conviction offence punishable by a fine of not less than fifty dollars and not exceeding five thousand dollars or to imprisonment for a period not exceeding six (6) months or both. Mandatory minimum penalties for offences of this Bylaw are listed in Schedule 'A'.

4.21 Offences of a continuing nature shall be deemed to constitute a separate offence for each day or part of a day that the offence continues.

4.22 Any Person who is found in contravention of the same section of this Bylaw on more than one occasion will be liable to an increased penalty for that contravention if the Section violated in Schedule 'A' stipulates increased fines for second and third offences.

APPEALS UNDER THE WEED CONTROL ACT

4.23 Community Standards Appeal Board:

- (a) The Community Standards Appeal Board shall constitute the independent committee contemplated by Section 19 of the *Weed Control Act* to hear appeals of orders or notices relating to this Section and the *Weed Control Act*.
- (b) Any appeal filed pursuant to the *Weed Control Act* or this Section shall be heard by the Community Standards Appeal Board within five (5) days of the receipt of the notice of appeal by the Chief Administrative Officer.
- (c) A notice of appeal respecting this Section must be delivered personally or sent by certified or registered mail to the Chief Administrative Officer within 10 days of the issuance of the Order or Notice.
- (d) Pursuant to the *Weed Control Act* and the Regulation, any notice of appeal filed with respect to a notice under this Section or the *Weed Control Act* shall be accompanied by a deposit in the amount of \$500.00, which shall be refunded if the applicant's appeal is successful.

PART 5 - COMMENCEMENTS

This bylaw shall take effect on the date of the 3rd and final reading

The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.

- 1) Community Standards Bylaw 16-10 and Amendments are hereby repealed.

The Bylaw shall come into force and effect upon final passing.

Read a first time this 18th day of March, 2019.

Read a second time this 29th day of April, 2019.

Read a third time this 29th day of April, 2019.



Mayor



Chief Administrative Officer

Schedule A

COMMUNITY STANDARDS BYLAW FINES

Accumulation of Offensive Material	3.02	\$ 250.00
a) second offence		\$ 500.00
b) third and subsequent offences		\$ 750.00
Exposed Storage of Harmful Fluids	3.03	\$ 250.00
Accumulation of Material Visible from Off Premises	3.04-3.07	\$ 250.00
a) second offence		\$ 500.00
b) third and subsequent offences within same calendar year		\$ 750.00
Derelict Equipment	3.06	\$ 500.00
Waste Infraction	3.08-3.10	\$ 250.00
a) second offence		\$ 500.00
b) third and subsequent offences within same calendar year		\$ 750.00
Failure to maintain grass	3.11	\$ 250.00
a) second offence within 1 year		\$ 500.00
b) third and subsequent offences within same calendar year		\$ 750.00
Failure to maintain trees and shrubs	3.12	\$ 250.00
a) second offence within 1 year		\$ 500.00
b) third and subsequent offences within same calendar year		\$ 750.00
Failure to destroy weeds	3.13	\$ 250.00
a) second offence within 1 year		\$ 500.00
b) third and subsequent offences within same calendar year		\$ 750.00
Direct water flow to adjoining Premises	3.15	\$ 250.00
Improper direction of downspout	3.16	\$ 500.00
Smoke or dust escaping Premises	3.17	\$ 500.00
Light directed to adjacent Premises	3.18	\$ 300.00
Flyers and Debris escaping premises	3.19	\$ 300.00
Improper disposal of snow, ice, dirt, leaves, debris	3.20	\$ 300.00
Accessory Building or fence safety hazard	3.21	\$ 300.00

Accessory Building or fence unsightly	3.22	\$ 300.00
Dilapidated / Damaged Building	3.23	\$ 300.00
Signage Infraction	3.24	\$ 250.00
Prohibited or Non-Compliant Fire	3.25	\$ 500.00
Unsupervised Fire	3.26	\$ 500.00
Burn Prohibited Materials	3.27	\$ 500.00
Placing Graffiti on Premises	3.28-3:29	\$ 250.00
a) second offence within 1 year		\$ 500.00
b) third and subsequent offences within same calendar year		\$ 750.00
Hazardous excavation, drain, ditch or depression	3.30	\$ 300.00
Improper address or failure to address the front of Premises facing street	3.32	\$ 300.00
Improper address or failure to address the rear of Premises adjacent to lane	3.33	\$ 300.00
Depositing litter on Public Place	3.34	\$ 250.00
a) second offence within 1 year		\$ 500.00
b) third and subsequent offences within same calendar year		\$ 750.00
Prohibited Noise	3.35-3.43	\$ 250.00
a) second offence within 1 year		\$ 500.00
b) Third and subsequent offences within same calendar year		\$ 750.00
Failure to Comply with a Notice or an Order	4.11	\$ 500.00

*The fine for the first offence may be waived if the offender successfully completes Community Service Hours as directed by the Town.