

Town of Daysland

BYLAW NUMBER 2019-650

COMMUNITY STANDARDS BYLAW

Being a Bylaw of the Town of Daysland in the Province of Alberta to prohibit certain activities in order to prevent and compel the abatement of noise, nuisances, unsightly premises and public disturbances.

WHEREAS, under the authority of the Municipal Government Act, being Chapter M-26 the Revised Statutes of Alberta and amendments thereto, a Council may pass bylaws respecting the following matters:

- a) the safety, health and welfare of people and the protection of people and property;
- b) nuisances, including unsightly properties; and
- c) clearing of all snow, ice, dirt and other obstructions from the sidewalks situated on land adjoining the property owned by them.

AND WHEREAS, under the authority of the Safety Codes Act, being Chapter S-1 of the Revised Statutes of Alberta and amendments thereto, a Council may pass bylaws regarding maintenance standards for buildings and other structures;

NOW THEREFORE, the Council of the Town of Daysland, in the Province of Alberta, duly assembled enacts as follows:

SECTION ONE – SHORT TITLE:

- 1.1 This Bylaw will be cited as the “Community Standards Bylaw”.

SECTION TWO – ENFORCEMENT

- 2.1 The Town of Daysland is not required to enforce this Bylaw or parts of this Bylaw. In deciding whether to enforce this Bylaw or parts of this Bylaw the Town may take into account any practical concerns, including available municipal budget and personnel resources.

SECTION THREE – DEFINITIONS:

- 3.1 “Alley” means a narrow highway or public thoroughfare, which provides a secondary means of access to a lot or lots intended chiefly to provide access to the rear of buildings and parcels of land;
- 3.2 “Boulevard” means:
- a) that part of a highway that is not a roadway; and
 - b) is that part of the sidewalk that is not especially adapted to the use of, or ordinarily used by pedestrians, and includes the undeveloped road allowance adjacent to a laneway;

- 3.3 “Bylaw Enforcement Officer” means a Bylaw Enforcement Officer appointed by the Town pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26, to enforce Town Bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Community Peace Officer appointed under the *Peace Officer Act*, R.S.A. 2006, c. P-3.5;
- 3.4 “Chief Administrative Officer” means the person appointed to act in the position of Chief Administrative Officer for the Town, or a person designated to act on the Chief Administrative Officer’s behalf;
- 3.5 “Designated Officer” means the Development Officer, Community Peace Officer or any Manager that the Chief Administrative Officer designates to perform functions within the Town of Daysland;
- 3.6 “Development Authority” means the person, commission or organization authorized to exercise development powers and perform duties on behalf of the Town;
- 3.7 “Fireworks” means fireworks listed in the Explosives Regulations, 2013 SOR/2013-211 and the Alberta Fire Code;
- 3.8 “Good Repair” means maintaining the condition of an object or structure such that it does not become untidy, unsightly or dangerous and such that the object or structure can continue to be used in the means that was originally intended;
- 3.9 “Graffiti” means the defacement or disfigurement of any property or object, through the performance of any of the following acts:
- a) the application of any substance, including paint, ink, stain or whitewash to any surface; or
 - b) the affixing of any substance, including paper, fabric or plastic, by any form of adhesion, that does not remove cleanly when pulled away from the applied surface; or
 - c) the marking, scratching, etching or other alteration or disfigurement of any surface;
- 3.10 “Littering” means knowingly leaving, improperly placing, depositing or throwing of any unwanted item, refuse or debris on any public or private property so as to be a nuisance or health concern;
- 3.11 “Nuisance” means any activity or thing which arises from unreasonable, unwarranted or unlawful use by any person on a premises or property so as to produce an annoyance, inconvenience or discomfort to the public, or create annoyance or inconvenience to people living, working or pursuing activities in the vicinity of the premises or property, and anything by act or omission that causes or permits a condition to exist which injures or endangers the public health, safety or welfare, or may reasonably be anticipated to be likely to injure or endanger public health, safety or welfare;
- 3.12 “Noise” means any sound having regard for all circumstances, including the time of day and the nature of the activity generating the sound, likely to unreasonably annoy or disturb persons or

to injure, endanger or detract from the comfort, repose, health, peace and safety of persons within the boundary of the Town;

- 3.13 “Occupant” means residing on or to be in apparent possession or control of premises or property or; property pursuant to a written or verbal rental or lease agreement, license or permit;
- 3.14 “Order to Remedy” means written notice issued pursuant to this Bylaw to remedy a condition that is not in compliance with any provision of this Bylaw or any applicable Bylaw within the Town including the Land Use Bylaw or an order written pursuant to Section 545 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;
- 3.15 “Owner” means a person:
- a) who is registered under the *Land Titles Act*, R.S.A. 2000, c. L-4 and amendments thereto as the owner of a parcel of land;
 - b) who is recorded as the owner of a premises or property on the tax assessment roll of the Municipality of Town of Daysland;
 - c) who has purchased or otherwise acquired a parcel of land, whether he or she has purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not yet become the registered owner thereof;
 - d) holding himself or herself out as the person having the powers and authority of ownership of a premise or a property or who, for the time being, exercises the powers and authority of ownership;
 - e) in possession or control of a premises or property under construction;
- 3.16 “Park” (Open Space) means an area of public land, whether in a manicured or natural state, specifically designed or reserved for the enjoyment of the general public, having facilities for rest and/or passive recreation, including trails, playing fields and picnic areas;
- 3.17 “Peace Officer” means a Community Peace Officer, Bylaw Enforcement Officer, RCMP Officer or another person appointed and authorized by the Town to enforce Bylaws of the Town;
- 3.18 “Playground” means an area of public land that is developed for active outdoor play or recreation use, primarily by children, and containing recreational equipment and structures such as slides and swings;
- 3.19 “Premises” means any external surfaces of all structures and the whole or part of any parcel of real property, including property immediately adjacent to any structure, and includes all forms of vegetation and including any property or structures owned or leased by the Municipality including up to the center of lanes or alleys at the rear or side of the premises;
- 3.20 “Property” means:
- a) in the case of land, a parcel of land including any structures; or,
 - b) in other cases, personal property.

- 3.21 “Provincial Offences Procedure Act” means the *Provincial Offences Procedure Act* R.S.A. 2000, c. P-34, and the regulations thereof, as amended or replaced from time to time;
- 3.22 “Public Place” means any place, including privately owned or leased property, to which the public reasonably has access of right or by invitation or is permitted to have access;
- 3.23 “Recreational Vehicle” also known as an RV, means a vehicle as defined in Section 1 of the *Traffic Safety Act* that is designed to provide temporary living quarters to be used for travel, recreation, leisure or vacation purposes;
- 3.24 “Resident” means a person, whose primary residence is in the Town of Daysland, and Province of Alberta;
- 3.25 “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 it is paved or not;
- 3.26 “Sports Field” means an outdoor area designed and intended for use in a specific sporting event and includes soccer fields, baseball diamonds, tennis courts and similar areas;
- 3.27 “Town” means the Town of Daysland;
- 3.28 “Untidy and Unsightly Premises or Property” means any premises or property, or part of it, which is characterized by visual evidence of a lack of general maintenance and upkeep or the excessive accumulation on the premises or property of:
- a) garbage, animal or human excrement, sewage, weeds, tree pruning or dead grass, the whole or a part of an animal carcass, dirt, soil, gravel, rocks, petroleum products, hazardous materials, disassembled equipment or machinery, broken household chattels or goods; or
 - b) the whole or any part of any vehicle or vehicles which are not registered with a Motor Vehicle Registry for the current year and which are inoperative by reason or disrepair, removed parts or missing equipment; or
 - c) equipment or machinery which has been rendered inoperative by reason of disassembly, age or mechanical condition, including household appliances; or
 - d) animal material, ashes, building material, refuse or debris as defined in this bylaw; or
 - e) any other form of scrap, litter, trash or waste of any kind;
- 3.29 “Weeds” means the definition found in the *Weed Control Act*, R.S.A. 2008 c. W-5.1 and amendments thereto;

For the purpose of this Bylaw, all terms referred to and not defined in this Bylaw are as defined in the Land Use Bylaw and amendments thereto.

SECTION FOUR – CONTROL OF WEEDS AND UNMAINTAINED VEGETATION ON PREMISES OR PROPERTY

- 4.1 Cut, mow or carry out measures designed to inhibit propagation of nuisance or noxious weeds on the premises or property that is infested with weeds;
- 4.2 Cut, mow or carry out measures designed to inhibit propagation of uncontrolled grass or other vegetation on the premises from April 1st through to October 31st, to ensure it does not exceed 8 cm in height. This includes the sidewalks immediately adjacent to their property.
- 4.3 Prune any and all trees or shrubs that interfere with any public utility or public works, traffic control devices or curb sight lines, that are/or could be a public safety hazard, including lines, poles, conduits, pipes, sewer or other works of the Town of Daysland or utility company on their premise or property;
- 4.4 Prune any tree, shrub or other vegetation which interferes or could interfere with any person or vehicle using a publicly owned or maintained sidewalk, street or alley;
- 4.5 Destroy the restricted weed if specified by a Peace Officer or Weed Inspector pursuant to the *Weed Control Act*, R.S.A. 2008, c. W-5.1 and amendments thereto; or
- 4.6 Carry out other measures as prescribed by a Peace Officer or Weed Inspector pursuant to the *Weed Control Act*, R.S.A. 2008, c. W-5.1 and amendments thereto.

SECTION FIVE – NOISE

- 5.1 No person shall cause or permit any noise that annoys or disturbs the peace of any other person;
- 5.2 No person shall permit property that they own or control to be used so that noise from the property annoys or disturbs the peace of any other person;
- 5.3 In determining what constitutes noise likely to annoy or disturb the peace of other persons, consideration may be given, but is not limited to:
 - a) type, volume and duration of the sound;
 - b) time of day and day of week;
 - c) nature and use of the surrounding area;
- 5.4 No owner or manager or other person in charge of premises where liquor is served to the public shall permit any noise to emanate from such premises such that it annoys or disturbs any person outside the boundary of the premises. Section 5(3) of this Bylaw provides to this provision;
- 5.5 No person may activate or apply engine retarder brakes in the Town, except persons operating Emergency Services Vehicles in the course of responding to an emergency.

SECTION SIX – INDUSTRIAL NOISE

- 6.1 Nothing in this Bylaw shall prevent the continual operation or carrying on of an industrial activity where the activity is one which:
 - a) is a permitted use; or
 - b) is an approved discretionary use;
- 6.2 In the operation or carrying on of an industrial 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.

SECTION SEVEN – CONSTRUCTION NOISE

- 7.1 Unless permission from the Town Development Authority is first obtained, no person shall carry on with construction of any type, on any type of structure, which involves hammering, sawing or the use of mechanical tools, or equipment capable of creating a sound which may be heard beyond the boundaries of the site which the activity is being carried on, in any district other than a district designated in the Land Use Bylaw as a industrial district; between the hours of 10:00 p.m. and 7:00 a.m. on any day except Sunday, and between the hours of 10:00 p.m. Saturdays and 9:00 a.m. on Sundays.
- 7.2 Unless permission from the Town Development Authority is first obtained, no person shall use, operate or allow to be used or operated any machinery or equipment so as to create a noise, or disturbance which may be heard in a residential building between the hours of 10:00 p.m. and 7:00 a.m. on any day except Sunday, and between the hours of 10:00 p.m. Saturdays and 9:00 a.m. on Sundays.

Exceptions:

- 7.3 The provisions in Section 6.1 and 6.2 do not apply to work carried on by the Town, or by a contractor carrying out the instructions of the Town.
- 7.4 The provisions in Section 6.1 and 6.2 do not apply to contractors carrying out snow removal from commercial or industrial sites which are not adjacent to residential districts.
- 7.5 In the case of snow removal from commercial or industrial sites located adjacent to residential districts, and where in the reasonable opinion of the Development Authority it is necessary to ensure the peace and quiet of residents, the Development Authority may require noise abatement practices including one or both of the following conditions;
- a) a requirement that snow not be removed between 12:00 a.m. and 06:00 a.m.;
 - b) a requirement that snow be removed from a site in a sequence which is least disruptive to the peace and quiet of residents.
- 7.6 Construction Waste
- a) Each construction site shall have a waste container to ensure that waste construction materials are placed in the container and completely covered over when not in use to prevent the material from being blown away from the construction site.
 - b) No loose construction material is to be stored or accumulated on a construction site unless it is not capable of being blown around the construction area.

SECTION EIGHT – NUISANCE AND UNSIGHTLY PROPERTY

- 8.1 Nuisance and unsightliness for the purpose of this Bylaw includes any use of or activity upon any property such that the condition of the property is offensive to any person, or shows signs of disregard for general maintenance and upkeep or is unsightly, or has or may have a detrimental impact upon any person, or other property in the neighborhood, and without limiting the generality of the foregoing, includes the following:
- a) the failure to maintain grass, weeds, shrubs, trees or other landscaping features incidental to a landscaped area;

- b) the failure to destroy restricted weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds;
- c) the growth of trees or shrubs in such a manner that they interfere with or endanger visibility to street signage or sidewalk roadway clearance;
- d) the storage or accumulation of any material, that creates unpleasant odours, any material that attracts pests, or any animal remains, parts of animal remains or animal feces;
- e) the storage or accumulation of, or failure to dispose of, discarded or dilapidated furniture or household appliances such as refrigerators, freezers, washers and dryers, etc. loose garbage, rubbish, packaging material, scrap metals, scrap lumber, tires, parts of disassembled machinery, equipment or appliances and motor vehicle parts;
- f) the causing of opaque or dense smoke and permitting such smoke to be emitted into the atmosphere for a period in excess of 6 minutes in any one hour, or at a point other than the opening to the atmosphere of the flue, stack or chimney, unless specifically authorized by the Chief Administration Officer;
- g) the generation of excessive dust and permitting such dust to escape from the property;
- h) the use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;
- i) the storage or accumulation of any damaged, dismantled, dilapidated or derelict vehicle or motor vehicle, whether registered or insured or not, on any residential or commercial site, except vehicles that are stored in an approved accessory or temporary building;
- j) the failure to maintain an accessory building, structure or fence such that it deteriorates, becomes unsightly or becomes a safety hazard;
- k) the failure to fence or secure an excavation, culvert, ditch or other depression so that it does not become a danger to public safety;
- l) the posting or exhibiting of posters, signs, billboards, placards, writings or pictures upon any fence or wall on any property, where the same are dilapidated and in an unsightly condition;
- m) the burning of anything other than dry, untreated, clean wood in a residential wood fireplace or an approved fire pit.

8.2 No person being an owner, agent of the owner, lessee or occupier of any property within the Town shall permit such property, or the activities upon such property to be or remain a nuisance, unsightly or a safety hazard.

8.3 Where an owner or occupier anticipates being absent, the owner or occupier must make arrangements to ensure the sidewalks are maintained in accordance with this bylaw.

8.4 **Obligation to Maintain Property**

- a) All structures shall be kept in good repair and shall be free from health and fire hazards;
- b) In the event that an owner or occupant neglects to repair or maintain a damaged or deteriorating fence, the Town may require the owner of the subject premises to repair, rehabilitate or replace their portion of fence through the enforcement of this bylaw. The maintenance and/or replacement of any fence shall be the sole responsibility of the owner;
- c) The owner, agent, lessee, or occupant of a premise shall prevent stagnant water from remaining on any such Premises and becoming a breeding place for mosquitos and other pests;

- d) Any fence that has been constructed by a subdivision developer to the Town's satisfaction shall become the property of the owner of the lot or lots upon which it is situated, and maintenance shall be the responsibility of the registered owner. Any maintenance or repairs shall be done to meet its original design.
- 8.5 Permit nuisance, danger or risk to health and safety:
- a) No owner or occupant of a premise shall permit any excavation, depression, drain, ditch, watercourse, pond, surface water, refuse or other matter of thing upon private land, street, road, or in or about any building to be or to remain a Nuisance or danger to public health or safety.
- 8.6 Improper drainage of eaves troughs and downspouts:
- a) an owner or occupant of a premises shall direct any rainwater downspout or eaves trough on the premises towards the front or rear of the premises or a side yard which does not abut another premise unless it is pre-existing, otherwise authorized or would be considered unreasonable to impractical to change.
 - b) no owner or occupant of a premise shall allow a flow of water from a hose or similar device, rain water, downspout or eaves trough to be directed over a public sidewalk so as to be a hazard to any person.
- 8.7 Failure to repair or maintain boulevard and sidewalks:
An owner or occupant of a premises shall maintain any boulevard or sidewalk adjacent to the premises or property by:
- a) Keeping the grass on the boulevard cut to a length of no more than 8 cm in height.
 - b) removing any accumulation of fallen leaves or other refuse or debris; and
 - c) keeping the sidewalk weed free and free of pebbles, dirt etc.
- 8.8 Subject to obtaining written permission from the Municipality, any owner who chooses to utilize any landscaping material other than natural grass (e.g. Crushed rock, mulch, artificial turf, hard-surfacing, plantings etc.) on the boulevard or any other publicly owned premises or property adjacent to their premises or property, assumes responsibility for all maintenance of such landscaping material and the repair of damage to such landscaping material, regardless of cause.
- 8.9 Notwithstanding the above, if the Municipality is responsible for the damage due to the repair of public utilities, the Municipality will only cover the cost to repair the damage with natural grass.
- 8.10 Any person who contravenes any part of Section Eight is guilty of an offence.

SECTION NINE – REPAIR OF MOTOR VEHICLES

- 9.1 No person may conduct any repair work on motor vehicles, including mechanical repairs, auto body work, frame repair, collision repair, auto painting, auto detailing or modifications to the body or rebuilding of a motor vehicle, on any site in a residential district;

- a) This prohibition shall not apply to routine maintenance work, such as oil changes, done on any vehicles owned, operated and registered in the name of the owner or occupant of premises, provided that:
 - i. The work is done in a garage that is capable of having the doors and windows closed;
 - ii. The activity does not create a nuisance or noise complaints from neighborhood;
 - iii. There is no escape of offensive, annoying or noxious odours, fumes or smoke from the site;
 - iv. Vehicle fluids, oil, gasoline products or other hazardous materials are properly stored and disposed of and not swept or washed into lanes, streets or down storm sewers;
 - v. All discarded vehicle parts and materials are properly stored and disposed of from the site;

9.2 No power washing of motor or power train is performed on the site.

SECTION TEN – NUISANCE AND UNSIGHTLY PROPERTY ENFORCEMENT

10.1 A Designated Officer may, after giving reasonable notice to the owner or occupier of the property, enter upon the said property and carry out an inspection;

10.2 Upon completion of the inspection, the Designated Officer may direct the owner or occupant of the property to:

- a) cease the activity which causes the nuisance or unsightly property;
- b) change the way in which such person is carrying out any activity;
- c) direct any person to take any action or measure necessary to compel the elimination or abatement of the nuisance or unsightly property, including, but not limited to:
 - i. The removal of any thing or matter from the property, which constitutes the nuisance or unsightliness;
 - ii. The construction or installation of a garbage bin or enclosure, or the repair of an existing garbage enclosure;
 - iii. Enter into a cleanliness agreement in a form to the satisfaction of the Designated Officer.
- d) specify the time within which such person must comply with the directions contained in the notice; and
- e) notify the owner or occupant that, if compliance with the notice is not affected within a specified time, the municipality will take the actions or measures specified in the notice to abate the nuisance or unsightly property, at the expense of the owner or occupier;
- f) offer the owner or occupant of the property an opportunity to enter into any other voluntary agreement with the Town to keep the premises clean, tidy and free of nuisances.

10.3 Any person who refuses to allow an inspection if the premises under Section 10(1) is guilty of an offence.

10.4 Any person who fails to comply with a direction made under Section 10(2) is guilty of an offence.

10.5 No person shall cause or permit or undertake any activity upon any Town property, which is a nuisance.

10.6 **Fireworks**

- a) No person shall have in his/her possession, sell, offer for sale, give away or otherwise distribute, discharge, fire or set off any fireworks in the Town of Daysland.
- b) The Fire Chief or his designate may issue, for the purpose of special events or display a permit for the storage, handling and setting off fireworks to the holder of a Firework Supervisor Card issued pursuant to the Explosives Act, R.S.C. 1985, c. E-17 and its regulations.

SECTION ELEVEN – GRAFFITI

- 11.1 No person shall place graffiti or cause it to be placed on any property.
- 11.2 Every property owner shall ensure that graffiti placed on their premises is removed, painted over, or otherwise permanently blocked from public view within a reasonable time.
- 11.3 A property owner who breaches the provisions of Section 11(2) and who has failed to comply with an Order issued under Section 545 of the *Municipal Government Act*, R.S.A. 2000 c. M-26, is guilty of an offence.
- 11.4 In prosecuting an offence under this Part, the consent of the property owner of any premises to place graffiti thereon shall not be a defence under this Bylaw.

SECTION TWELVE - LITTERING

- 12.1 No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any Town property, including any street, lane, sidewalk, parking lot, park, public transportation vehicle, public transportation shelter, or other public place or water course:
 - a) a cardboard or wooden box, carton, container, or receptacle of any kind;
 - b) a paper, wrapper, envelope or covering of any kind, whether paper or not, from food or confectionery;
 - c) paper of any kind, whether or not containing written or printed matter thereon;
 - d) any human, animal or vegetable matter or waste;
 - e) any glass, crockery, nails, tacks, barbed-wire or other breakable or sharp objects;
 - f) scrap metal, scrap lumber, tires, dismantled, wrecked or dilapidated motor vehicles or parts there from;
 - g) any motor vehicle or any part of any motor vehicle which may, in whole or in part, obstruct any highway, street, lane, alley or other public place;
 - h) dirt, filth or rubbish of any kind whether similar or dissimilar to the foregoing.
- 12.2 A person who has placed, deposited or thrown, or caused to be placed or thrown anything or any matter mentioned in Section 12(1) upon any street, lane, sidewalk, parking place, park, public transportation vehicle, public transportation shelter or other public transportation facility or other public place or water course shall forthwith remove it.

Authority to Remove

- 12.3 The Chief Administrative Officer may authorize any town employee, or other person, to remove and put in storage or destroy anything placed upon Town property in contravention of this Bylaw.

SECTION THIRTEEN – OBSTRUCTION OF A PEACE OFFICER

- 13.1 No person shall obstruct, interfere with or hinder any Peace Officer in the carrying out of their duties and responsibilities under this Bylaw.

SECTION FOURTEEN – SNOW REMOVAL

- 14.1 All persons owning a property or occupying premises in the Town shall remove and clear away all snow, ice, dirt and other obstructions from the sidewalk situated on land adjoining the property owned or occupied by them within forty-eight (48) hours of the time that such snow, ice, dirt or obstruction was deposited thereon.
- 14.2 The Town may, after the expiration of forty-eight hours, remove and clean away all snow, dirt and other obstructions required to be removed by Section 11(1) and charge the expenses to the owner or occupant. If the cost of such work against the owner(s) or person in default is not paid within sixty (60) days, such expenses shall be charged against the property as a special assessment to be recovered in another manner such as other taxes pursuant to the provisions of the *Municipal Government Act*, R.S.A. 2000 c. M-26.
- 14.3 An occupant, or owner(s) of a building within three (3.0) meters of a highway, shall remove snow or ice whenever it accumulates on the roof or eaves, or downspouts of the building to eliminate a potential danger to vehicles or pedestrians. While removing the snow or ice hazard, an occupant or owner(s) shall take due care and attention for the safety of vehicles or pedestrians passing.
- 14.4 No person shall place, or cause to be placed, upon any highway any snow, ice, dirt or other obstruction.

SECTION FIFTEEN– DUMP STATION

- 15.1 No person shall interfere, tamper, bypass, break, obstruct or render inoperative the disposal port for the dump station drain, unit or mechanism;
- 15.2 No person shall permit the dumping of items harmful to the wastewater treatment process such as toxic chemicals, fats/oils and greases, non-flushable wipes or other debris not considered human waste;
- 15.3 No person shall leave the dump station unclean, whether inadvertently or otherwise;
- 15.4 No person shall use the dump station hose to fill water tanks, jugs, containers or use the hose for any reason other than to clean any mess caused at dump station.

SECTION SIXTEEN – VIOLATION TAGS

- 16.1 An Enforcement Officer may, for the purposes of ensuring that this bylaw is complied with, enter in or upon the property in accordance with section 542 of the MGA to carry out an inspection, enforcement or other action required or authorized by this bylaw.
- 16.2 If an Enforcement Officer determines that a nuisance exists, or that the inspected property has become unsightly or untidy, or that a danger to the public safety exists the Enforcement Officer may direct the owner or occupant of the property upon which a nuisance or unsightly or untidy condition exists as follows:
- (a) Issue a verbal or written warning to remedy the problem,
 - (b) Issue a violation tag specifying a voluntary penalty to be paid,
 - (c) Issue a violation ticket specifying a voluntary penalty to be paid,
 - (d) Issue a violation ticket directing that the owner or occupant appear before a Provincial Court Judge,
 - (e) Issue an order under section 545 or 546 of the MGA to remedy the nuisance or unsightly condition.
 - (f) Any combination of the above.
- 16.3 Each order
- (a) Shall describe the premises by name, if any, and the municipal address or legal land description.
 - (b) Shall state the contravention pursuant to the provisions of this bylaw.
 - (c) Shall give reasonable particulars of the extent of the remedy, clean up, removal, clearing or other actions required to be made.
 - (d) Shall state the time within which the required actions are to be completed.
 - (e) Shall state that if the required actions are not completed within the time specified, the Town may undertake to carry out the actions pursuant to the MGA and charge the cost thereof against the person to whom the order is directed, and if said person does not pay the costs, the costs shall be charged against the premises concerned as taxes due and owing in respect of that property, and recovered as such.
 - (f) Shall state that a person receiving a written Order may request that Council review the Order.
 - (g) Shall state that a request for Council to review the Order must be written, including the reasons for requesting a review, dated, and signed by the appellant and delivered to the

Town Administrator within fourteen (14) days after the Order was issued pursuant to section 546 of the MGA is received by the person.

- 16.4 Within thirty (30) days of receiving a request, Council will review the Order and may vary, revoke, or uphold the Order and the time stipulated by the Order to remedy the nuisance or unsightly condition.
- 16.5 A copy of the Order shall be served on any owners or occupants of the premises
- (a) By being delivered personally to the person who is intended to be served, or
 - (b) By being left with a person apparently over the age of eighteen (18) and residing with the owners or occupants of the premises, or
 - (c) By being mailed to the person who is to be served using Registered Mail to the last known postal address of the person to be served, and service shall be deemed to be affected fifteen (15) clear days after the date the registered letter was received at the post office to which it was directed, or
 - (d) As directed by the Court.
- 16.6 The Enforcement Officer may, at his discretion, extend the time for doing anything directed in the Order considering the circumstances involved.
- 16.7 If the person to whom the order is directed does not satisfactorily comply with the directions of the Order as specified by an Enforcement Officer or, in the event of a review, as specified by Council:
- (a) An Enforcement Offer may enter into a process to enforce the terms of an Order in accordance with provisions pursuant to the MGA.
 - (b) The expenses incurred to process and execute an Order constitute a debt owed to the Town from the person to whom the Order is directed.
 - (c) The Town Administrator shall send a demand for payment of these expenses by regular mail to the person to whom the Order was directed.
 - (d) If the person to whom the Order was directed fails to pay, the expenses incurred by the Town will become an amount owing to the Town and may be added to the tax roll pursuant to the MGA.
- 16.8 Where the Town carries out an Order, the workers shall deposit any materials, vehicles, buildings, erection or structures at a location as designated by an Enforcement Officer and said property shall be disposed of in a manner determined by an Enforcement Officer.
- 16.9 Any moneys collected from the disposition of materials, vehicles, buildings, erections or structures may be applied against the costs incurred by the Town to execute the Order.

SECTION SEVENTEEN – PENALTIES

17.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and shall be liable to payment of the penalty:

- a) specified in Schedule “A” hereto; or
- b) for any offence for which there is no penalty specified, to a penalty of not less than \$150.00 and not more than \$10,000.00.

17.2 If a violation ticket is issued in respect of an offence, the violation ticket may:

- a) specify the fine amount established by this Bylaw for the offence; or
- b) summons a person to appear in Court without the alternative of making a voluntary payment.

SECTION EIGHTEEN – SEVERABILITY AND TRANSITION

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

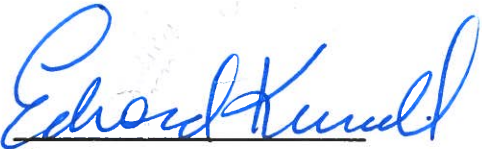
18.1 Upon passing of Bylaw 2019-650, Unsightly Bylaw 2007-467 is hereby repealed.


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

Read a first time this 28th day of Oct., 2019

Read a second time this 28th day of Oct., 2019

Read a third time this 28th day of Oct., 2019



Mayor


Chief Administrative Officer

Schedule A

Community Standards Bylaw Fines

Particulars	Section	Penalty
Control weeds and unmaintained vegetation on premises or property	4.1 – 4.6	\$250.00
Second offence within 1 year		\$500.00
Third and subsequent offences within 1 year		\$750.00
Cause noise	5.1 – 5.5	\$250.00
Second offence within 1 year		\$500.00
Third and subsequent offences within 1 year		\$750.00
Permit noise from property	5.4	\$250.00
Second offence within 1 year		\$500.00
Third and subsequent offences within 1 year		\$750.00
Activate or apply engine retarder brakes	5.5	\$250.00
Industrial or construction noise	6.1 – 6.2	\$150.00
Second offence within 1 year		\$300.00
Third and subsequent offences within 1 year		\$600.00
Permit a nuisance on private property or Permit unsightly property	8.1 – 8.10	\$250.00
Second offense within 1 year		\$500.00
Third and subsequent offences within 1 year		\$1,000.00
Automobile repairs in residential area	9.1 – 9.2	\$250.00
Second offense within 1 year		\$500.00
Third and subsequent offences within 1 year		\$1,000.00
Refuse to allow an inspection	10.1 – 10.5	COURT
Failure to comply with an order	10.2	\$500.00
Second offence within one year		\$750.00
Third and subsequent offences within 1 year		\$1,000.00
Nuisance upon Town property	10.5	\$500.00
Discharging fireworks without a permit	10.6	\$500.00
Place graffiti on property	11.1 – 11.4	\$500.00
Second offence within 1 year		\$1,000.00
Third and subsequent offences within 1 year		\$2,500.00

Failure to comply with graffiti order	11.3	\$150.00
\$150.00 per each day that breach continues		
Litter on Town property	12.1	\$150.00
Second offence within 1 year		\$250.00
Third and subsequent offences within one year		
Failure to remove litter on Town property	12.2	\$150.00
Second offence within 1 year		\$250.00
Third and subsequent offences within 1 year		\$500.00
Obstruct a Peace Officer	13.1	
First offence		\$250.00
Second offence		\$500.00
Failure to Remove Snow	14.1 – 14.4	\$250.00
Second offence		\$500.00
RV Dump Station	15.1 – 15.4	
Dump station offences		\$500.00