

The Town of Bruderheim
Community Standards Bylaw
Bylaw No. 45-2016

This Bylaw being No. 45-2016 of the Town of Bruderheim, in the Province of Alberta, for the purpose of establishing a Community Standards Bylaw for the Town of Bruderheim.

WHEREAS under the provisions of the *Municipal Government Act, RSA 2000, Chapter M-26*, the Council of the Town of Bruderheim may pass a Bylaw for the purpose of prohibiting certain activities in order to prevent and compel the abatement of Noise, Nuisances, Unsightly Premises and public disturbances within the corporate limits of the Town of Bruderheim;

AND WHEREAS it is desirable for regulations which affect neighborhood liability to be located, as much as possible, in one bylaw;

NOW THEREFORE, the Council of the Town of Bruderheim, duly assembled, enacts as follows:

This bylaw is cited as the Town of Bruderheim "Community Standards Bylaw"

1. DEFINITIONS

- 1.1. "Act" means the Municipal Government Act, R.S.A 2000 c. M-26;
- 1.2. "Automotive Parts" includes, but is not limited to, any part of a Motor Vehicle or collection of Motor Vehicle parts;
- 1.3. "Boulevard" means that part of a highway in an urban area that:
 - a) 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;
- 1.4. "Building Material" means material or debris which may result from the construction, renovation, or demolition of any building or other Structure and includes, but is not limited to wood, gypsum board, roofing, vinyl siding, metal, packaging material and containers of Building material, gravel, concrete and asphalt and any earth, rocks and vegetation displaced during such construction, renovation or demolition of any building or other Structure;
- 1.5. "Charity Collection Site" means an area accessible to the public, which is marked by signs identifying the name of a charity and identifying the area for the collection of donated goods, and which contains a receptacle or bin for the collection of donated goods;
- 1.6. "Chief Administrative Officer (CAO)" means the Chief Administrative Officer as appointed by the Town of Bruderheim Council;
- 1.7. "Court" means the Provincial Court of Alberta;
- 1.8. "Detrimental to the Surrounding Area" means causing the decline of the market value of property to the surrounding area;
- 1.9. "Dismantled Vehicle" means a motor vehicle or trailer that has become dilapidated or disassembled which may include but not limited to flat tires, missing tires and rims, fenders, doors, windows, hoods, trunks and boxes;
- 1.10. "Emergency" shall mean any situation in which there is imminent danger to the general public or a potential danger to the property or surrounding property;
- 1.11. "Fence" includes a privately built fence and developer built community screening fence;
- 1.12. "Fire" means any combustible material in a state of combustion;
- 1.13. "Fire Chief" means the Fire Chief of Lamont County and Bruderheim Fire District;
- 1.14. "Fire Department" means the Lamont County and Bruderheim Fire District;

- 1.15. "Garbage" means any rubbish, refuse, papers, packages, containers, bottles, cans, manure, animal or human excrement, sewage, the whole or a part of an animal carcass, dirt, soil, gravel, rocks, sod, petroleum products, hazardous materials, disassembled equipment or machinery, broken household furnishing or appliances, boxes, cartons, discarded fabrics, any materials composed or organic matter which has or may become decomposed, including the by-products from the preparation, consumption or storage of food;
- 1.16. "Garden" means an area of land or a container in which flowers, vegetables, fruits or herbs are cultivated;
- 1.17. "Good Repair" means a condition where something is free from significant damage, peeling surfaces, broke, missing or fallen parts, rot or other significant deterioration, openings which are not secured against trespassers, infiltration, precipitation, or other visual evidence of a lack of general maintenance;
- 1.18. "Graffiti" means words, figures, letters, drawings or stickers applied, scribbles, scratched, etched, sprayed or attached on or to the surface of any Premises, Structure, or other Property;
- 1.19. "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, land, alley, square, bridge, causeway, trestle way or other place or 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:
 - a) A Sidewalk, including a Boulevard adjacent to a Sidewalk;
 - b) If a ditch lies adjacent to and parallel with the Roadway, the ditch; and
 - c) 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;
- 1.20. "Industrial Fluids" includes, but is not limited to engine oil, brake fluid, anti-freeze or hydraulic fluid;
- 1.21. "Inspector" means any person(s) designated by the Town of Bruderheim to enter and inspect property in accordance with the provisions of this Bylaw;
- 1.22. "Lane" means an alley intended primarily for access to the rear of Premises located adjacent to the alley;
- 1.23. "Motor Vehicle" shall mean a vehicle propelled by any power other than muscular power, or a moped but does not include bicycles, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails;
- 1.24. "Nuisance" includes any use of or activity upon any property which is offensive to any Person, or has or may have a detrimental impact upon any Person or other property in the neighbourhood;
- 1.25. "Occupant" means any Person occupying any Property, or having control over the condition of any Property and the activities conducted on the Property, whether he is the Owner or lessee of such Property, or whether such Person resides thereon or conducts business thereon;
- 1.26. "Order" means an Order issued pursuant to this Bylaw to remedy a condition that is not in compliance with any provision of this Bylaw;
- 1.27. "Owner" means a Person who:
 - a) In the case of land, is registered under the Land Titles Act as Owner of the fee simple estate in a parcel of land; or
 - b) In the case of personal Property, is in lawful possession, or has the right to exercise control over it, or is the registered Owner of it;
- 1.28. "Peace Officer" includes a Bylaw Enforcement Officer, a Community Peace Officer or a member of the Royal Canadian Mounted Police;

- 1.29. "Person" includes a corporation, other legal entities or an individual;
- 1.30. "Pest" means any animal, bird, reptile, or insect which causes, or could reasonably be expected to cause annoyance, damage, or injury to any Person, animal or plant;
- 1.31. "Premises" includes the external surface of all buildings and the whole or part of any parcel of real Property, including the land immediately adjacent to any structure and includes all forms of vegetation and including any Property or Structures owned or leased by the Town;
- 1.32. "Property" means a parcel of land including any buildings or, where the context so requires, a chattel;
- 1.33. "Public Place" means any Property, whether publicly or privately owned, to which members of the public have access as of right, or by express or implied invitation, whether on payment of any fee or not;
- 1.34. "Recreational Vehicle" means a vehicle or trailer that is designed, constructed and equipped, either temporary or permanently as a temporary accommodation for travel, vacation, or recreational use, and includes duly licensed travel trailers, motorized homes, slide-in campers, chassis mounted campers, tent trailers, boats and all-terrain vehicles;
- 1.35. "Residential Building" means a Structure that contains one or more dwelling units including a house, multi-family dwelling, housing project, apartment building, lodging house, senior citizen complex or hospital;
- 1.36. "Roadway" means that part of a Highway intended for use by vehicular traffic;
- 1.37. "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;
- 1.38. "Statutory Holiday" means any day deemed by the Federal or Provincial Governments or the Town of Bruderheim to be a holiday;
- 1.39. "Structure" means any structure, including but not limited to a building, fence, retaining wall, scaffolding, shed, portable shack, or other similar types of construction;
- 1.40. "Town" means the Town of Bruderheim;
- 1.41. "Trailer" means a vehicle so designed that it:
 - a) May be attached to or drawn by a Motor Vehicle or tractor; and
 - b) Is intended to transport property or Persons, and includes any Vehicle defined by regulation as a Trailer but does not include machinery or equipment solely used in the construction or maintenance of Highways;
- 1.42. "Unightly Premises" means any structure or property located in the Town that in the opinion of the Inspector, Peace Officer or Chief Administrative Officer, is unsightly to such an extent as to detrimentally affect the amenities, use, value or enjoyment of the surrounding lands in reasonable proximity to the unsightly premises, or is otherwise detrimental to the surrounding area or in an unsightly condition as defined in the Act;
- 1.43. "Violation Tag" means a tag or similar document issued by the Town pursuant to the Act for the purpose of notifying a Person that an offence has been committed for which a prosecution may follow;
- 1.44. "Violation Ticket" has the same meaning as in the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time;

- 1.45. "Yard Material" means any waste material of an organic nature formed as result of gardening, horticultural pursuits, or agricultural activities including Grass, tree and hedge cuttings, waste sod and decomposing plants, leaves and weeds;

2. GENERAL

- 2.1. The Property Owner of any real property, is ultimately responsible for all activities on the property which may constitute prohibition of this Bylaw.
- 2.2. Nothing in this Bylaw relieves a person from complying with any Federal or Provincial law or regulation, other Bylaw or any requirements of any lawful permit.
- 2.3. Where this Bylaw refers to another act, Bylaw, regulation or agency, it includes reference to any act, Bylaw, regular or agency that may be substituted therefore.
- 2.4. Every provision in this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 2.5. All schedules attached to this Bylaw shall form part of this Bylaw.

3. ADDRESSING

- 3.1. The Owner or Occupant of a Premises on which a dwelling unit has been erected shall display the number assigned to the Property at a location plainly visible from the street in front of the Premises to which the Property is addressed.
- 3.2. The Owner or Occupant of a Premises on which a dwelling unit has been erected that has access to a Lane shall display the number assigned to the Property at a location plainly visible from the Lane.

4. CHARITY COLLECTION SITES

- 4.1. No Person shall dump or deposit household garbage or other Litter at a Charity Collection Site.
- 4.2. No Person shall scavenge from or disturb any material, bag or box in or at Charity Collection Site, whether or not that material, bag, box is contained in a receptacle or resting upon the ground.

5. NOISE

- 5.1. Except to the extent it is allowed by this Bylaw, no person shall make, continue, cause or allow to be made or continued any loud, unnecessary or unusual noise which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other Persons within the limits of the Town.
- 5.2. Domestic Noise:
- a) No Person shall operate a power or hand mower or chainsaw in a residential area unless:
- (i) It is between the hours of 8:00 a.m. and 10:00 p.m., Monday to Friday;
or
- (ii) It is between the hours of 9:00 a.m. and 10:00 p.m., Saturday, Sunday and statutory holidays.
- 5.3. Snow clearing device:
- a) No Person shall operate a snow clearing device powered by an engine of any type in a residential area except during the hours described in Section 5.2.
- 5.4. Construction Noise:
- a) No Person shall carry on construction activities of any type which involves hammering, sawing or the use of any mechanical tools or equipment capable of creating a sound which may be heard beyond the boundaries of the site

on which the activity is being carried on in any district other than one designated in the Land Use Bylaw as an Agricultural District or an Industrial District unless it is between the hours of 8:00 a.m. to 9:00 p.m. Monday to Friday, and 9:00 a.m. to 9:00 p.m. Saturday, Sunday and statutory holidays.

- b) The provision of the section does not apply to any work of an emergency nature.

6. NUISANCE

- 6.1. A nuisance, for the purpose of this Bylaw, is any condition on or around a Property that is untidy, unsightly, offensive, and dangerous to health and safety to any person, or has or may have a detrimental impact upon any person or other property in the neighborhood, or which interferes with the use and enjoyment of other adjacent property, and without limiting the generality of the foregoing includes the following:
 - a) Trees or shrubs that interfere with driver visibility, civic works or any public utilities;
 - b) Dense or opaque dust emitted into the atmosphere;
 - c) Compost heaps that emit foul odors or attract pests or vermin;
 - d) The storage or accumulation of dilapidated or derelict vehicles or the storage of more than two (2) unregistered motor vehicles on any one residential property regardless of their condition or how neatly they might be stored, except for motor vehicles that are being stored in a permitted accessory building or a temporary structure with approved municipal permits;
 - e) Wrecked, inoperable or dismantled vehicles, or those that are unsightly and abandoned;
 - f) No person shall park a vehicle or recreational vehicle on private property within one (1) metre of a sidewalk;
 - g) No person shall park a motor vehicle or recreational vehicle in the front portion of the living space of a residential property. Failure to comply with this section shall result in the motor vehicle or recreational vehicle being towed at the Registered Owners expense, unless it's a designated driveway space;
 - h) Any loose materials including garbage and building materials.
- 6.2. The following sets out the standards by which grass and weeds must be kept:
 - a) Uncut grass or weeds on any parcel of land shall be maintained at a height not to exceed 15cm (6 inches) in length;
 - b) Property owners are required to maintain the front, rear or side portions or boulevards adjacent to their Property;
- 6.3. No Property Owner shall cause or allow any building, and/or structure, or fence, to become an unsightly premise or in a condition where its appearance and/or condition is a safety hazard or is detrimental to the surrounding area.
- 6.4. No Property Owner shall permit the accumulation of piles of dirt, stone, garden waste, turf, trees, shrubbery, old implements, disassembled or broken vehicles, inoperable off highway vehicles, scarp iron, lumber, glass, furniture, appliances, bicycles, lawn mowers, food containers, waste paper or cardboard on his or her property.
- 6.5. No Property Owner shall dump or cause to be dumped any rubbish, garbage, waste petroleum products (either liquid or solid), or dispose of any material in an area within the Town except at locations specifically designated by the Chief Administrative Officer.
- 6.6. All existing natural gas, electrical, water, sewer, or other services to the site of an abandoned building, structure, or excavation shall be shut off. All external natural gas, electrical, water, sewer lines shall be capped. Cleanout caps shall be properly secured, caulked or soddering into place.

- 6.7. Property Owners, tenants and agents must prevent the occurrence of, or immediately remedy, any Nuisance.

7. NUISANCE ESCAPING PROPERTY

7.1. Water, Eavestroughs and Downspouts

- a) No Owner or Occupant of a Premises shall allow a flow of water from a hose or similar device on the Premises to be directed towards an adjacent Premises if it is likely that the water from the hose or similar device will enter the adjacent Premises.
- b) An Owner or Occupant of a Premises shall direct any rainwater downspout or eavestrough on the Premises towards the front or rear of the Premises or a side yard which does not abut another Premises unless it is pre-existing, otherwise authorized or would be considered unreasonable or impractical to change.
- c) No Owner or Occupant of a 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 so as to be a hazard to any Person.

7.2. Dust or Airborne Matter

- a) No Person shall engage in any activity that is likely to allow dust or other airborne matter that may disturb any other Person to escape the Premises without taking reasonable precautions to ensure that the dust or other airborne matter does not escape the Premises.

7.3. Outdoor Lighting

- a) No Owner or Occupant of a Premises shall allow an outdoor light to point or shine directly into the living or sleeping areas of an adjacent dwelling house.
- b) An outdoor light shall not constitute a violation of Subsection (i) if the Owner or Occupant of the Premises shields the light from pointing or shining directly at the living or sleeping areas of the adjacent dwelling house.
- c) Where an outdoor light is permitted or required by the Town, that approval or requirement shall take precedence over this Bylaw, and the light shall not constitute a violation of Subsection (i).

7.4. Flyers and Debris

- a) An Owner or Occupant of a 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 neighbouring properties.
- b) An Owner or Occupant of a Premises is responsible for papers and flyers on their Premises regardless of whether they solicited for the delivery of these papers or flyers.
- c) No Person responsible for the operation of a business engaged in the distribution of commercial flyers shall allow the deposit of their commercial flyers on a Premises where signs or notices have been posted and are clearly visible at the entrance of a dwelling unit, indicating that such material is not wanted.

8. UNSIGHTLY PREMISES

8.1. Accumulation of Materials

- a) No Owner or Occupant of a Premises shall allow on the Premises the accumulation of yard material, animal remains, parts of animal remains, animal feces, any material that creates unpleasant odours or is likely to attract Pests, or disassembled machinery, equipment and appliances and parts thereof.
- b) No Owner or Occupant of a Premises shall allow the open or exposed storage on the Premises of any industrial fluid.
- c) No Owner or Occupant of a Premises shall allow loose garbage, bottles, cans, boxes, packaging materials, household furniture or other household

goods to accumulate on the Premises such that the accumulation is visible to a Person viewing from outside the Property.

8.2. Appliances

- a) No Owner or Occupant of any Premises shall allow any appliances to remain on the Premises such that the appliance is visible to a Person viewing from outside the Property unless authorized by the Town.

8.3. Boulevards

- a) Every Owner or Occupant of a Premises shall maintain any Boulevard adjacent to that Premises by keeping any grass on the Boulevard cut to a reasonable length, and removing any accumulation of fallen leaves or other debris.

8.4. Compost Sites

- a) No Owner or Occupant of a Premises shall place or allow to be placed cat feces, dog feces, animal parts or animal meat on a Composting Pile or in a Composting container on the Premises.
- b) No Owner or Occupant of a Premises shall allow an open Composting pile on the Premise within three (3) metres of an adjacent dwelling house, measured from the nearest part of the open Composting pile to the nearest part of the adjacent dwelling house.
- c) Every Owner or Occupant who allows a Composting container or Composting pile to remain on a Premises must ensure that it is maintained in such a manner that it does not become a Nuisance by creating offensive odours or attracting Pests.

8.5. Construction Sites

- a) Each construction site shall have a waste container to ensure that waste construction materials are placed in the container to prevent the material from being blown away from the construction site.
- b) A waste container on a construction site must be designed and/or have the capacity to contain all waste construction material within the container to ensure that the waste construction material is not capable of blowing off the construction site.
- c) No construction material is to be stored or accumulated on a construction site unless it is not capable of being blown away from the construction site.

8.6. Graffiti

- a) No Person shall create or apply Graffiti except at a site that has been designated by the Town;
- b) Every Owner or Occupant of a Premise shall, within a reasonable time, ensure that Graffiti placed on their Premises is removed, painted over, or otherwise permanently blocked from public view except at a site that has been designated by the Town.

8.7. Maintenance of Grass and Other Plants

- a) Pursuant to Section 26 of the *Alberta Weed Control Act*, as amended or repealed or replaced from time to time, a Person is the Owner or Occupant of the Highway to the Highways midpoint to the extent that the Person is the Owner or Occupier of the land that borders the Highway.
- b) No Owner or Occupier of a Premises shall allow grass or other Herbaceous Plants on the Premises to exceed a height of 15cm (6 inches).
- c) This section shall not apply to golf courses, maintained Gardens, parks or natural areas under the direction and control of the Town, or areas under the direction and control of the Town including Boulevards adjacent to major Roadways, and areas subject to naturalization efforts.

- d) This section will apply to vacant lots within residential areas and the grass on any Boulevard that lies directly between the boundary of a parcel of land and the adjacent Highway, Roadway or alley.

8.8. Motor Vehicles

- a) No Person may conduct any repair work on a Motor Vehicle, including mechanical repairs, auto body work, frame repair, collision repair, auto painting or modifications to the body or rebuilding of a Motor Vehicle, on any Premises in a residential district unless:
 - (i) the activity does not create a Nuisance or noise complaints from the neighbourhood;
 - (ii) there is no escape of offensive, annoying, or noxious odors fumes or smoke from the premises;
 - (iii) vehicle fluids, oil, gasoline products or other hazardous material are properly disposed of and not swept or washed onto a Highway or down storm or sanitary sewers;
 - (iv) all discarded Automobile parts and materials are properly stored and disposed of from the Premises; and
 - (v) the activity is routine maintenance work done on any Motor Vehicle owned, operated, and registered in the name of the Owner or Occupant of the Premises, provided that all building and fire code regulations are met.
- b) No Owner or Occupant of a Premises shall allow the accumulation of Automobile Parts on the Premises unless they are contained in a Structure which has been approved by the Town.
- c) No Owner or Occupant of a Premises shall allow the storage or accumulation of dilapidated or derelict vehicles or the storage of more than two (2) unregistered motor vehicles on any one residential property regardless of their condition or how neatly they might be stored, except for motor vehicles that are being stored in a permitted accessory building or a temporary structure with approved municipal permits.
- d) No Owner or Occupant of a Premises shall park or store a Motor Vehicle, Recreational Vehicle, Trailer, or boat in the front yard of a Premises and wholly or partially on turf, lawn, dirt, gravel or other non-hard surfaced areas.

8.9. Obligation to Maintain Property

- a) No Owner or Occupant of a Premises shall allow a Structure or Fence to become a safety hazard.
- b) Every Owner or Occupant of a Premises shall ensure the following are maintained in Good Repair:
 - (i) Fences and their structural members; and
 - (ii) Structures and their structural members, including foundations and foundation walls, exterior walls and their components, roofs, windows and their casing, doors and their frames, protective or decorative finishes of all exterior surfaces of a Structure or Fence, and exterior stairs, landings, porches, balconies and decks.
- c) No Owner or Occupant of a Premises shall allow a Nuisance to exist in respect of any building on the Premises.
- d) The Owner, agent, lessee, or Occupant of a Premises shall prevent stagnant water from remaining on any such Premises and becoming a breeding place for mosquitoes or other Pests.
- e) No Owner or Occupant of a Premises shall permit any excavation, depression, drain, ditch, watercourse, pond, surface water, refuse or other matter of thing upon private land, street, road, or in about any building to be or to remain a Nuisance or danger to public health or safety.

8.10. Outdoor Storage of Building Materials

- a) No Owner or Occupant of a Premises shall allow on the Premises the accumulation of Building Materials, whether new or used, unless that Owner or Occupier can establish a construction or renovation undertaking is being carried out on the Premises and that:
 - (i) the project has begun or the beginning of work is imminent;
 - (ii) the materials found on the Premises relate to the project taking place on the Premises of a quantity reasonable to complete the project; and
 - (iii) the work on the project has not been suspended for a period in excess of one-hundred and twenty days (120).
- b) An Owner or Occupant of a Premises shall ensure that all Building Materials stored on a Premises that are not in contravention of Subsection (i) are stacked or stored in an orderly manner.
- c) Notwithstanding anything in this Part, it shall not be an offence to store a small amount of neatly stacked materials on a Premises for basic Property maintenance.

8.11. Unoccupied Buildings

- a) If a building normally intended for human habitation is unoccupied then every walk and driveway on the Property shall be maintained clear of all snow and ice by the Owner.

9. DANGEROUS BUILDINGS AND STRUCTURES

- 9.1. The Property Owner(s) of properties in the Town, shall ensure that any building(s) in a state of disrepair shall be demolished and removed from the property.
- 9.2. If any building(s) are in a state of disrepair they shall be restored to a useable and safe condition in accordance with the Building Standards and Codes and with the required demolition or building permits.
- 9.3. No Property Owner shall cause or allow his or her property to be a danger to public safety through the presence of excavations, structures, materials or any other hazard or condition posing a risk to public safety.
- 9.4. If a cleanup notice under this section of the Bylaw is not complied with within fourteen (14) days of the date of the notice, the Inspector shall have the right to direct any person to do the work required by the order. The cost of doing the work required, plus an administration fee (as per Schedule "B"), may be recovered from the Property Owner as debt due to the Town of Bruderheim or such costs may be charged against the property taxes due and owing, pursuant to the Municipal Government Act, R.S.A 2000 M-26, Section 553.

10. OUTDOOR FIRES

- 10.1. In this part a fire hazard means a possible source of danger or risk of injury or harm by fire to a Person or Property.
- 10.2. Where the Fire Chief or Peace Officer determines a fire hazard to exist, they may order the Owner or Occupier to reduce or remove the hazard within a fixed time.

11. FIRE PIT STANDARDS

- 11.1. In this part a fire pit means an outdoor receptacle used for recreational fire that meets the following specifications:
 - a) The location is at least 3.0 meters (10 feet) from any Building, Property line or combustible material;
 - b) The height of the fire pit must be less than 0.6 meters (2 feet) high;
 - c) The opening does not exceed 1 meter (3 feet) in width or in diameter;
 - d) Have enclosed sides made from bricks, concrete or heavy gauged metal;
 - e) It has spark arrester mesh screen cover with an opening larger than 1.25 cm (1/2 inches);

- f) Is not located over an underground utilities or under any above ground wires.
- 11.2. When using a fire pit there shall be no burning of grass, weeds, tree limbs, garden refuse, garbage or other material and not anything in contrary of federal, provincial or municipal legislation or regulations.
- 11.3. Every Owner or Occupier who builds, ignites or allows a fire in the approved fire pit must insure that:
 - a) Only dry or seasoned wood intended for recreational purposes is used;
 - b) A means of extinguishing the fire is kept on hand at all times while the fire is burning;
 - c) The flames from the fire do not exceed 1 meter in height at any time;
 - d) The fire is supervised at all times by a responsible person;
 - e) Prior to leaving the fire, the fire is extinguished completely, leaving only cold ashes.

12. FIRE BAN

- 12.1. Notwithstanding any provision of this or any other bylaw the Fire Chief or their designate may declare a partial or complete ban on burning of any kind within the Town Limits.
- 12.2. No person shall build, ignite or allow any kind of Fire contrary to a fire ban declared by the Fire Chief or their designate.

13. ENFORCEMENT

- 13.1. A Peace Officer is hereby authorized to enforce the provisions of this Bylaw, or any person appointed by Council.

14. ORDER TO REMEDY

- 14.1. Pursuant to the *Municipal Government Act*, if a designate officer believes, on reasonable grounds, that a Person is contravening this bylaw, the designated officer may, by written order require any Person responsible for the contravention to remedy it.
- 14.2. The order 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 this Bylaw and if necessary to prevent a re-occurrence 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 Town will take the necessary actions or measure required to remedy the contravention, at the expense of the Person.
- 14.3. Pursuant to the *Municipal Government Act* the expenses and cost of an action or measure taken by the Town under this section are an amount owing to the Town by the Person who contravened the bylaw.
- 14.4. Pursuant to the *Municipal Government Act*, a Council may add the following amount to the tax roll of a parcel of land:
 - a) Unpaid expenses and costs referred to in the *Municipal Government Act*, if the Owner of the Property contravened the Bylaw and the contravention occurred on all or part of the Property.
 - b) Any administrative charges as set in Policy by Council resolution as amended from time to time.
- 14.5. A Person named in and served with an order issued pursuant to this section shall comply with any action or measure required to be taken within the time specified.

14.6. An order issued pursuant to this section may be served:

- a) in the case of an individual:
 - (i) by delivering it personally to the individual;
 - (ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age;
 - (iii) by registered mail addressed to the individual at their apparent place of residence or to any address for the individual on the tax roll of the Town;
- b) in the case of a corporation:
 - (i) by delivering personally to any director or officer of the corporation;
 - (ii) by delivering it personally to a Person apparently in charge of an office of the corporation at an address held by the corporation to be its address; or
 - (iii) by registered mail addressed to the registered office of the corporation.

15. OBSTRUCTION

15.1. A Person shall not obstruct or hinder any Person in the exercise or performance of the Person's powers pursuant to this bylaw.

16. GENERAL

16.1. Without restricting any other power, duty or function granted by this bylaw, the Chief Administrative Officer or any Peace Officer may:

- a) Carry out any inspection to determine compliance with this Bylaw, or take any steps or carry out any action required to enforce this Bylaw, or
- b) Take any steps or carry out any actions required to remedy a contravention of this Bylaw, or
- c) Establish investigation and enforcement procedures with respect to the Property and such procedures may differ depending on the type of Property in question.

17. APPEAL PROCEDURE

17.1. A Person who receives a written order under this bylaw may request Council to review the order by delivering a written request on completed form attached to their written notice, to the Chief Administrative Officer within fourteen (14) days of the date the order is received. The order shall be deemed received within 5 days of mailing.

17.2. After reviewing the clean-up order Council may confirm, vary, substitute or cancel the order.

18. OFFENCE

18.1. A Person who contravenes any provision of this bylaw is guilty of an offence.

19. OFFENCES & PENALTIES

19.1. A Person who is guilty of an offence is liable, upon summary conviction, to a specified penalty for that offence as set out in Schedule "A" to this Bylaw.

19.2. Notwithstanding Section 13.1 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within ONE (1) year of committing a first offence under this Bylaw, is liable upon summary conviction to the fine as set out in Schedule "A" of this Bylaw, for that offence.

19.3. Under no circumstances shall a person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

20. VIOLATION TAGS

- 20.1. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 20.2. A Violation Tag may be served:
- a) in the case of the individual:
 - (i) by delivering it personally to the individual;
 - (ii) by leaving it for the individual at the apparent place of residence with someone who appears to be at least 18 years of age; or
 - (iii) by mail addressed to the individual at the apparent place of residence or to any address for the individual on the tax roll of the Town.
 - b) In the case of a corporation:
 - (i) by delivering it personally to the individual;
 - (ii) by leaving it for the individual at the apparent place of residence or to any address for the individual on the tax roll of the Town; and
 - (iii) by mail addressed to the registered office of the corporation.
- 20.3. A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the Chief Administrative officer or delegate, and shall state:
- a) The name of the person to whom the Violation Tag is issued;
 - b) A description of the Property upon which the offence has been committed, if applicable;
 - c) A description of the offence and the applicable bylaw section;
 - d) The appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
 - e) The time period in which the specified penalty must be paid in order to avoid prosecution for the alleged offence; and
 - f) Any other information as required by the CAO.
- 20.4. Where a Violation Tag has been issued pursuant to this Bylaw, the person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town, the penalty specified on the Violation Tag.
- 20.5. Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

21. VIOLATION TICKETS

- 21.1. In those cases where a Violation Tag has been issued, and if the penalty is not paid within the prescribed time period, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any Person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 21.2. Notwithstanding the foregoing provision of this bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any Person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 21.3. A Violation Ticket issued with respect to a contravention of this bylaw shall be served on the Person responsible for the contravention in accordance to the *Provincial Offences Procedure Act*.
- 21.4. The Person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided for in Schedule "A" of this bylaw.

- 21.5. When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to Section 20.4 and the Provincial Offences Procedure Act, the act of recording constitutes acceptance of a fine in the amount of the specified penalty.

22. SEVERABILITY

- 22.1. It is the intention of Council that each separate provision of this bylaw shall be deemed independent of all other provisions, and it is further the intention of Council that if any provision of this bylaw be declared invalid, that provision shall be deemed to be severed and all other provisions of the bylaw shall remain in force and effect.

23. RESCIND

- 23.1. That Bylaws rescinds the following bylaws and all amendments thereto:
- a) Noise Control Bylaw – Bylaw 10-2011
 - b) Nuisance and Unsightly Premises Bylaw – Bylaw 11-2011


24. EFFECTIVE DATE

- 24.1. This bylaw shall come into full force and effect upon the date of the Third and final reading

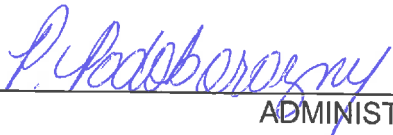
Read a first time this ___ day of June, 2016

Read a second time this 06 day of July, 2016

Read a third time and finally passed this 06 day of July, 2016.



(DEPUTY) MAYOR



ADMINISTRATION

Date signed: 06 July 2016

Schedule "A"

Section	Offence	Penalty Offence 1 st	Penalty Offence 2 nd	Violation Ticket Offence 1 st	Violation Ticket Offence 2 nd
3	Address in front	\$100.00	\$150.00	\$200.00	\$250.00
5	Noise	\$100.00	\$150.00	\$200.00	\$250.00
6.1(a)	Tree interferes with public works	\$100.00	\$150.00	\$200.00	\$250.00
6.1(a)	Tree obstructing sidewalk or highway	\$100.00	\$150.00	\$200.00	\$250.00
6.1(a)	Tree impairing visibility	\$100.00	\$150.00	\$200.00	\$250.00
6.1(c)	Creating odor	\$100.00	\$150.00	\$200.00	\$250.00
6.1(d)	More than 2 derelict vehicles	\$100.00	\$150.00	\$200.00	\$250.00
6.1(g)	Vehicle in front yard	\$100.00	\$150.00	\$200.00	\$250.00
6.2/8.7	Unkept grass	\$100.00	\$150.00	\$200.00	\$250.00
6.3	Property showing significant deterioration	\$100.00	\$150.00	\$200.00	\$250.00
6.3	Unightly Premises	\$100.00	\$150.00	\$200.00	\$250.00
6.4	Excessive accumulation of materials	\$100.00	\$150.00	\$200.00	\$250.00
6.5	Loose litter garbage not properly stored	\$100.00	\$150.00	\$200.00	\$250.00
7.1(a)	Water flowing onto adjacent property	\$100.00	\$150.00	\$200.00	\$250.00
7.1(c)	Objects on sidewalk to cause obstruction	\$100.00	\$150.00	\$200.00	\$250.00
8.5	Debris during construction or demolition	\$100.00	\$150.00	\$200.00	\$250.00
8.8a(iii)	Disposing into sewer	\$100.00	\$150.00	\$200.00	\$250.00
9	No securing unoccupied building	\$100.00	\$150.00	\$200.00	\$250.00
10.1	Fire hazard	\$100.00	\$150.00	\$200.00	\$250.00
11.1	Fire pit not meeting guidelines	\$100.00	\$150.00	\$200.00	\$250.00
11.1(b)	Fire pit opening to large	\$100.00	\$150.00	\$200.00	\$250.00
11.1(c)	Non-combustible material	\$100.00	\$150.00	\$200.00	\$250.00
11.1(d)	Fire pit with no spark arrester	\$100.00	\$150.00	\$200.00	\$250.00
11.1(e)	Fire pit placed over or under utility line	\$100.00	\$150.00	\$200.00	\$250.00
11.3(a)	Burning of non-seasoned wood	\$100.00	\$150.00	\$200.00	\$250.00
11.3(b)	No means of extinguishing	\$100.00	\$150.00	\$200.00	\$250.00

11.3(d)	No supervisor	\$100.00	\$150.00		\$200.00	\$250.00
12	Burning while there is a fire ban	\$100.00	\$150.00		\$200.00	\$250.00