

BYLAW 7:2012

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BYLAW 7:2012

BEING A BYLAW OF THE TOWN OF IRRICANA WITH A PURPOSE OF ESTABLISHING AND ENFORCING THE COMMUNITY STANDARDS FOR PROPERTY WITHIN THE TOWN OF IRRICANA.

WHEREAS under the authority and subject to the provisions of the Municipal Government Act, (RSA 2000, Chapter M-26) and amendments thereto, Council may pass Bylaws establishing the standards for the maintenance and occupancy of property and prohibit the use of property that does not conform to the prescribed standards; and

WHEREAS under the authority and subject to the provisions of the Municipal Government Act, Council may pass Bylaws preventing and compelling the abatement of nuisances generally, and regulating untidy and unsightly premises; and

WHEREAS Council wishes to improve the safety and beauty of Irricana through the regulation of nuisances that would benefit the municipality overall; and

WHEREAS the Municipal Government Act authorizes a municipality to pass Bylaws regarding the remedying of contraventions of bylaws; and

WHEREAS it is desirable for regulations affecting the community standards of property within Irricana to be located, as much as possible, in one bylaw;

NOW THEREFORE, the Council of the Town of Irricana, in the Province of Alberta, enacts as follows:

SECTION 1 – TITLE

1.1 This Bylaw may be cited as the “**Community Standards Bylaw**”.

SECTION 2 – DEFINITIONS

2.1 In this Bylaw:

- a) “Appeal Board” means the Town of Irricana Council.
- b) “Approved” means acceptable to the Appeal Board or Designated Officer, or his designate;
- c) “Art Mural” means a mural for a designated surface and location that has been deliberately placed and implemented for the purpose of beautifying the specific location;
- d) “CAO” means the Chief Administrative Officer or designate;
- e) “Construction” means the temporary process of demolishing or building any structure, or repairing or improving a building that already exists, including landscaping, home repair, property improvement and any work in connection with that process;
- f) “Council” means the Municipal Council of the Town of Irricana.
- g) “Day-time” means the period:
 - i) beginning at 7:00 a.m. (0700 hours) and ending at 10:00 p.m. (2200 hours) of the same day on Weekdays; or
 - ii) beginning at 9:00 p.m. (0900 hours) and ending at 10:00 p.m. (2200 hours) of the same day on a Weekend;
- h) “Designated Officer” means a person appointed to a position established under the *Municipal Government Act*;

- i) “Development Permit” means a document issued by the Town, authorizing a development pursuant to the Land Use Bylaw, and includes plans and conditions of approval;
- j) “Good Repair” means maintaining the condition of an object or structure such that it does not become derelict, untidy, unsightly or dangerous and such that the object or structure can continue to be used in the means that it was originally intended;
- k) “Graffiti” means one or more letters, symbols, figures, etchings, scratches, inscriptions, stains or other markings or thing that disfigure however affixed on the structure or thing, but for greater certainty, does not include an art mural;
- l) ”Highway” means highway defined in the *Traffic Safety Act, RSA 2000, Chapter T-6* as amended.
- m) “Municipal Ticket” means a ticket alleging an offence issued pursuant to the authority of a bylaw of the Town;
- n) “Non-residential” means the use or occupancy of a building or land or part thereof for any purpose other than residential;
- o) “Nuisance” for the purpose of this Bylaw 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.
- p) “Occupant” means the owner of any premises who resides or carries on any kind of business therein or any person or Corporation residing therein or carrying on business therein as a lessee or the owner or pursuant to a License of Occupation granted by the owner or the owner of any vacant premises;
- q) “Owner” means the person(s) listed on the title of a parcel of land at the Land Titles Office or in the case of a vehicle, the person registered as the vehicle owner with the Driver and Motor Vehicle Registry;
- r) “Peace Officer” means a member of the Royal Canadian Mounted Police, a Peace Officer, and a Bylaw Enforcement Officer.
- s) “Person” shall mean and includes a corporation, other legal entities and an individual having charge or control of a Premises.
- t) “Premises” means the external surfaces of all buildings and the whole or part of any land, including land immediately adjacent to any building or buildings, situated in whole or in part within the Town and includes any land or buildings owned or leased by the Town;
- u) “Public Place” means a place to which the public have or are permitted to have access including:
 - i) Municipally owned or leased real property, and without restricting the generality of the forgoing, includes streets, sidewalks, lanes, parks and recreation areas, and;
 - ii) privately owned or leased real property, upon complaint only by the owner or tenant, and without restricting the generality of the foregoing includes places of business.
- v) “Standards” means the standards set out in this bylaw;
- w) “Town” means the Town of Irricana.
- x) ”Unsightly” means unpleasant or offensive to look at.

- y) “Untidy” means disorderly and unorganized.
- z) “Violation Tag” means a ticket alleging an offence issued pursuant to the authority of a bylaw of the Town;
- aa) “Violation Ticket” has the same meaning as in the *Provincial Offenses Procedures Act*;
- bb) “Yard Material” 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.

SECTION 3 – GENERAL

- 3.1 The owner of any real property, as registered on title at the Land Titles Office is ultimately responsible for all activities on the property which may constitute prohibition of this bylaw.
- 3.2 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.
- 3.3 Every provision of 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.

SECTION 4 – PROPERTIES- UNSIGHTLY

- 4.1 No Owner or owners of Premises shall cause, allow or permit the Premise to become or to continue to be Unsightly or Untidy as defined in this bylaw.
- 4.2 No person shall dump or cause to be dumped any rubbish, garbage, waste, either solid or liquid, petroleum products, industrial or commercial waste products or by-products or to dispose of any material whatsoever in, about, near, or upon any Premises within the Town except at such place or places specifically designated by Council and in such a manner as may be prescribed from time to time.
- 4.3 All Premises shall be kept free of animal feces, debris and/or rubbish.
- 4.4 Trees, plant and vegetation shall be maintained in a healthy and vigorous state of growth, and so as to not become unsightly, unsafe or a nuisance to neighboring properties.
- 4.5 No person and/or Owner of any residential Premises shall allow on the Premises the accumulation of building materials, whether new or used, unless that person or Owner can establish that a Construction or renovation undertaking is being carried out on the Premises and that:
 - a) the project has begun or the beginning of work is within thirty (30) days;
 - b) the materials found on the Premises relates to the project taking place on the Premises in a quantity reasonable to complete the project; and
 - c) the work on the project has not been suspended for a period in excess of one hundred and twenty (120) days.
- 4.6 A person and/or Owner of Premises shall ensure that all building materials stored on a Premises, that are not in contravention of Section 5.6, are stacked or stored in an orderly manner;
- 4.7 It shall not be an offense of this bylaw to store a small amount of neatly stacked material on a Premise for basic property maintenance.

- 4.8 Any vehicle, automobile parts or mechanical equipment or object on any Non-Residential land which is in a wrecked or dismantled condition shall be removed from the land, unless a storage area is defined and enclosed with an approved fence and visually screened which prevents the object(s) from being viewed from any neighbouring or public areas, to the satisfaction of the Designated Officer.
- 4.9 Any outdoor storage area on Non-residential land shall not be permitted unless the outdoor storage area is the subject of an approved Development Permit and is visually screened to the satisfaction of the Designated Officer.
- 4.10 All Residential Premises shall be kept free of any vehicle, trailer, or object which is in a wrecked, discarded, or in abandoned condition.
- 4.11 A person being the owner, lessee, tenant, agent, manager, or occupant of any residential land or Premises within the Town shall allow a dilapidated vehicle to remain on the aforementioned land or Premises provided that:
- a) the vehicle is contained within a structure, approved under the Land Use Bylaw for the Town, which prevents it from being viewed from any neighbouring property or public area.
 - b) the vehicle is covered by a tarpaulin or other device acceptable to the Chief Administrative Officer which prevents it being viewed from any neighbouring property or public area.
- 4.12 No owner or occupier of a Premise shall allow a refrigerator or freezer to remain outside on the Premises without first ensuring that the hinges and latches, or lid or doors of the unit have been removed.
- 4.13 No owner or occupier of a Premise shall allow any appliance to remain on the Premises such that the appliance is visible to a person viewing from outside the property.
- 4.14 Any structure shall be kept in good repair and shall be free from health and fire hazards.
- 4.15 Every person and/or owner of a Premises shall ensure the following areas are maintained in Good Repair;
- a) Fences and their structural members;
 - b) Structures and their structural members, including:
 - i) foundations and foundation walls;
 - ii) exterior walls and their components;
 - iii) roofs;
 - iv) windows and their casings;
 - v) doors and their frames;
 - c) protective or decorative finishes of all exterior surfaces of a structure or fence, and
 - d) exterior stairs, landings, porches, balconies and decks.
- 4.16 In the event that an owner neglects to repair or maintain damaged or deteriorating fencing, the Town may require the owner of the subject Premises to repair, rehabilitate or replace their portion of the fence through the enforcement of this bylaw.
- 4.17 Once any rear-yard to rear-yard fence has been constructed by a subdivision developer to the Town's satisfaction, it shall become the property of the lot or lots upon which it is situated, and maintenance shall be the responsibility of the respective property owner.
- 4.18 No person shall create or apply Graffiti.

- 4.19 A Designated Officer that finds Graffiti displayed as indicated in this section may give written Notice to the owner or occupant of the structure to remedy the condition within a reasonable time period specified in the notice.
- 4.20 If a building normally intended for human habitation is unoccupied, then any door, opening or window opening in the building should be securely closed or may be covered with a solid piece of wood to prevent any unauthorized entry into the building.
- 4.21 No Person and /or Owner of a Premises shall allow an excavation, drain, ditch or other depression in the ground to become or remain a danger to public safety.

SECTION 5 – NUISANCES ESCAPING PROPERTY

- 5.1 Whether a thing or activity annoys or disturbs a Person or otherwise constitutes a nuisance is a question of fact to be determined by a Court hearing a prosecution pursuant to this part of the Bylaw.
- 5.2 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:
- a) the frequency of the activity;
 - b) the intensity and duration of the activity;
 - c) the time of day or season;
 - d) the nature of the surrounding area;
 - e) the effect of the thing or activity on a complainant or complainants; and
 - f) the effect of the thing or activity on the surrounding area.
- 5.3 No owner or occupier of a Premises shall allow a flow of water from a hose or rainwater downspout or similar device on the Premises to be directed towards an adjacent Premises if it is likely that the water from the device will enter the adjacent Premises.
- 5.4 No person shall alter surface elevations or surface grades of any land such that it may cause or have potential to cause a nuisance, hazard or damage to an adjacent property.
- 5.5 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.
- 5.6 No owner or occupier of a Premises shall allow an outdoor light to shine directly into the living or sleeping areas of an adjacent dwelling house.
- 5.7 No Person shall deposit commercial flyers on a Premises where signs or notices have been posted and are clearly visible at the entrance to a dwelling unit, indicating that such material is not wanted.
- 5.8 No owner or occupier of a Premises shall fail to maintain grass or grasses on the Premises to exceed a height of twenty (20) centimeters.
- 5.9 No owner or occupier of a Premises shall fail to destroy restricted weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds pursuant to the Weed Control Act, RSA 2010 and amendments thereto.

SECTION 6 – NOISE

- 6.1 In this Section the following definitions apply, unless the context otherwise requires:
- a)“Court” means the Provincial Court of Alberta;
 - b)“Daytime” means the period:

- i) beginning at 7:00 A.M. and ending at 10:00 P.M. of the same day on weekdays and;
 - ii) beginning at 8:00 A.M. and ending at 10:00 P.M. of the same day on a weekend;
- c) “Emergency Vehicle” has the same meaning as in the Traffic Safety Act RSA 2000 Chapter T-6;
- d) “Garbage Truck” means any Vehicle equipped for transporting refuse or any Vehicle equipped to load, unload, and transport containers for handling refuse;
- e) “Holiday” has the same meaning as in the Interpretation Act, RSA 2000 Chapter I-8, as amended or replaced from time to time;
- f) “Motorized Power Tool” means any tool or implement that is powered by an electric or internal combustion motor, or compressed air, including snow blowers, lawn mowers and motorized garden tools.
- g) “Municipal Government Act” means the Municipal Government Act, RSA 2000 c.M.26, as amended or replaced from time to time;
- h) “Night-time” means the period beginning at 10:01 P.M. and ending the following day at:
- i) 6:59 A.M. if the following day is a weekday; or
 - ii) 7:59 A.M. if the following day is a weekend;
- i) “Noise” means any sound that annoys, aggravates, endangers or disturbs humans or animals, or which detracts from the comfort, peace, or repose of humans, including any loud music or outcry, clamour, shouting, or any other sound that is loud, harsh or otherwise undesirable;
- j) “Outdoor Public Event” means an outdoor concert, sporting event, festival, attraction or similar event, whether held on private or public property, to which the public-at-large is invited or admitted, with or without charge;
- k) “Provincial Offences Procedure Act” means the Provincial Offences Procedure Act, RSA 2000 c. P-34, and the regulations thereof, as amended or replaced from time to time;
- l) “Residential Building” means a structure used as a residence containing one or more dwelling units, including a house, multi-family dwelling, apartment building, hospital, lodging house, hotel, motel, mobile home, tent, trailer, motor home, camper or recreational vehicle of any type;
- m) “Residential Development” means any land defined as such in the Land Use Bylaw;
- n) “Signaling Device” means any device that produces an audible sound used for the purpose of drawing a person’s attention, including a horn, gong, bell, klaxon or public address system;
- o) “Speaker System” means any sound amplification device that converts electrical impulses into sound, whether the device is independent or incorporated into a radio, stereo, television, computer, or public address system, including any such device located in a building, vehicle, or portable self-contained unit;
- p) “Tractor-Trailer” means the combination of a Truck-Tractor and a Trailer as those terms are defined in the Traffic Safety Act;

q) "Traffic Safety Act" means the Traffic Safety Act, RSA 2000, Chapter T-6, as amended or replaced from time to time;

r) "Truck" means any Vehicle that has a gross vehicle weight in excess of 5500 kilograms but does not include a concrete-mixer, Tractor-Trailer, or Garbage Truck;

s) "Vehicle" has the same meaning as in the Traffic Safety Act;

t) "Weekday" means Monday through Saturday, inclusive, with the exception of any holidays;

u) "Weekend" means Sunday and any other holiday.

6.2 No Person shall in either the Daytime or the Night-time:

a) make, continue, cause, or allow to be made or continued any excessive, unnecessary, or unusual Noise of any type; or

b) allow or permit any real or personal property that is owned, occupied or controlled by that Person to be used in a way that allows excessive, unnecessary, or unusual Noise of any type to emanate from such property; or

c) operate, allow or permit the operation of a Speaker System of any type at an unnecessarily loud volume, thereby creating excessive Noise.

d) operate, allow or permit the operation of any equipment, machinery, appliances or mechanical devices, thereby creating excessive Noise.

6.3 Whether or not a particular sound complained of constitutes a Noise, or is an "excessive, unnecessary or unusual Noise" are questions of fact to be determined by a Court hearing a prosecution pursuant to the provisions of this bylaw.

6.4 When making the determination as to whether a particular sound constitutes an "excessive, unnecessary or unusual Noise" the Court shall consider any admissible evidence as to:

a) the time of the disturbance complained of and whether it was during the Daytime or the Night-time;

b) the location of the disturbance and whether or not the disturbance occurred in a Residential Development;

c) the duration and nature of the disturbance;

d) any other circumstances or factors relating to the disturbance which the Court deems are relevant to the said determination.

6.5 Where a business, commercial or agricultural or industrial activity otherwise lawfully permitted at a location within the Town necessarily involves the creation of Noise, as defined by this Bylaw:

a) the Person owning, operating, or controlling the activity; or

b) the Person owning or controlling the property upon or within which the activity is allowed to take place

shall take all reasonable steps to ensure that the Noise created by the said activity is minimized as much as practicable, in all the circumstances.

6.6 Whether or not an activity referred to in Section 7.5 of this Bylaw "necessarily" involves the creation of Noise, and whether or not the Person controlling the said activity has taken "all the reasonable steps" to minimize such Noise are questions

of fact to be determined by a Court hearing a prosecution pursuant to this Bylaw.

- 6.7 No Person shall operate, allow or permit the operation of:
- a) a Motorized Power Tool outside of any building or structure;
 - b) a model aircraft, boat, vehicle, or similar device that is powered by an internal combustion engine; or
 - c) a Signaling Device of any kind, including a vehicle horn,
- in a Residential Development in the Nighttime.
- 6.8 No Person who owns, operates or controls a Truck-Tractor or Tractor-Trailer shall allow such vehicle to remain running for a period in excess of 20 minutes when it is stationary within a Residential Development.
- 6.9 No Person shall carry on, allow or permit the carrying on of construction outside of any building or structure within a Residential Development in the Nighttime.
- 6.10 No Person who owns, operates or controls a vehicle equipped with engine retarder brakes shall allow such brakes to be engaged in any area within the Town limits.
- 6.11 No Person who owns, operates or controls a Truck, concrete mixer, Tractor-Trailer or Garbage Truck shall allow or permit such vehicle to be loaded or unloaded within a Residential Development during the Nighttime.
- 6.12 No Person who owns, operates or controls a vehicle equipped with an audible alarm system shall allow such system to be activated repeatedly or excessively, whether such activation is due to system malfunction, improper installation or setting, or any other reason.
- 6.13 No Person who owns, operates or controls a vehicle equipped with a stereo, boom box or other amplified speaker system shall allow such system to be activated repeatedly or excessively.
- 6.14 No Person who owns, operates or controls a vehicle shall allow the engine of the vehicle to be raced or otherwise operated so as to cause excessive and unnecessary Noise.
- 6.15 Notwithstanding other provisions in the bylaw, the Town may, upon written application, grant permission to extend the hours of Nighttime during which amplification equipment may be used at an outdoor public event.
- 6.16 In exercising its authority pursuant to Section 15, the Town may grant its permission with or without conditions.
- 6.17 That permission will be in the form of an “Outdoor Public Events License”.
- 6.18 That the “Outdoor Public Events License” be attached to this Bylaw as Schedule “A”.
- 6.19 That should the event be held at “Founders Park” that the permission obtained from the Town for extension of hours may be used at the event to extend the hours of “Quiet Time” as defined *The Parks Control Bylaw*.
- 6.20 The provisions of this bylaw do not apply to:
- a) Emergency Vehicles;
 - b) construction activities and related Noise during the daytime;
 - c) work performed in relation to a highway or public utility by the owner or operator of the public utility, or its contractors;

d) the aeronautical related activities of any airports located within or nearby the Town;

e) any activity within the sole jurisdiction of the Government of Canada or the Province of Alberta.

6.21 The provisions of this Bylaw must not be interpreted to prevent:

a) the ringing of bells in churches, religious establishments, and schools;

b) the use of Signaling Devices on Vehicles in their normal operation for the purpose of giving warnings to other drivers or pedestrians;

c) the sounding of any alarm or warning to announce a fire or other emergency;

d) work carried on by the Town or by a contractor carrying out the instructions of the Town to meet an emergency;

e) the playing of a band or other activities relating to a lawful parade or public demonstration.

SECTION 7 – SPITTING/URINATING

7.1 No Person shall urinate or deposit any human waste in any public place or in any place to which the public is allowed access, other than a public washroom.

7.2 No Person shall spit at any person or on any public or private property that they do not own.

SECTION 8 – ADDRESSING

8.1 All owners or occupiers of a Premises are to display the numbers assigned to their land, building, units or sub-units.

SECTION 9 - BULLYING

9.1 No Person shall bully any person in any public place.

9.2 No Person shall participate in or encourage by verbal or public means in the bullying of any person in any public place.

SECTION 10 - CURFEW

10.1 No child fifteen (15) years of age or under who is unaccompanied by a parent or guardian shall be in any public place between the hours of 11:00 p.m. and 6:00 a.m.

10.2 That a child to whom the Bylaw applies who is found in a public place during the hours so fixed, may be verbally warned to go home by a Peace Officer and if after the warning the child refuses or fails to go home, he may be taken to his home or to a shelter by the Peace Officer.

10.3 Any parent or guardian who permits a child to contravene this Bylaw is guilty of an offence and liable upon summary conviction as indicated in Schedule “A” attached to this Bylaw.

SECTION 11 – SIDEWALK CLEARING

11.1 The Owner or occupant of a Premises adjacent to a sidewalk that runs in front or back or along side of the Premises where:

a) such sidewalk runs parallel to and directly adjacent to a Highway; or

b) such sidewalk runs parallel to and adjacent to a street, where the sidewalk and street are separated only by a grassed or otherwise surfaced boulevard;

shall remove all snow, ice, dirt and other obstructions from sidewalks within twenty-four (24) hours.

- 11.2 The Town is hereby authorized to provide for the clearing of sidewalks adjacent to a Premises where snow, ice or debris has not been cleared within twenty-four (24) hours and the expenses of such removal shall be charged to the owner or occupier.
- 11.3 In the event that that non-payment of expenses for clearing sidewalks by owner or occupant, the expense will be:
- a) in the case of the property owner, added as an amount owing to the property tax roll to be recovered in a like manner as with other taxes.
 - b) in the case of a property occupant who is not the registered owner of the property, collected in a like manner as any other outstanding amount owing to the municipality.
- 11.4 Expenses for clearing sidewalks shall be calculated on a per front-foot basis at a rate set by resolution of Council.
- 11.5 The Owner or occupant of a Premises adjacent to a sidewalk shall not allow any hedge, shrub or tree which may overhang from such Premises to interfere with pedestrian traffic lawfully using such sidewalks.

SECTION 12 – ADMINISTRATION AND ENFORCEMENT

- 12.1 The Chief Administrative Officer or designate are responsible for the administration of this Bylaw.
- 12.2 A Person who contravenes this Bylaw is guilty of an offense.
- 12.3 A Person who believes that a contravention to this Bylaw has occurred or continues to occur must bring their concerns to the attention of the Chief Administrative Officer for enforcement purposes.
- 12.4 A Designated Officer may enter into or upon any Land or Building within the Town, pursuant to authority set out in the *Municipal Government Act* for the purpose of ensuring compliance with this Bylaw. The Designated Officer may from time to time elicit the assistance of a Peace Officer.

NOTICES

- 12.5 Where any Premises in the Town is deemed to be in contravention of this Bylaw, the Designated Officer may give Notice in writing.
- 12.6 Notice shall describe the property by:
- a) municipal address or location; and/or
 - b) legal description;
- 12.7 Notice shall:
- a) state that the Premises fails to comply with the Standards;
 - b) give reasonable particulars of the repairs, demolition, clearing or other actions required to be made;
 - c) state the time within which the repairs, demotion, clearing, or other actions are to be done;

d) unless otherwise stated, give not less than seven (7) days notice from the date of delivery for its compliance with the exception of a Notice issued under Section 12.1; and

e) state that if the repairs or other actions are not done within the time specified, the Town may carry out the repairs or other actions required and charge the cost thereof against the Premises concerned as taxes due and owing in respect of those Premises.

12.8 A copy of the Notice shall be served upon the Owner or Occupant of the Premises.

12.9 A Notice given by the Designated Officer pursuant to any of the provisions of this Bylaw shall be deemed to have been duly given and served on the Person to whom it is addressed:

a) on the Notice being personally delivered to the Owner/Occupant to whom it is addressed;

b) on sending it by mail in a prepaid cover addressed to the last known postal address of the Owner/Occupant to whom the Notice is addressed;

c) on posting the Notice in a conspicuous place on the Land referred to in the Notice or on a Building or erections thereon, when the Designated Officer has reason to believe:

i) that the Person to whom the Notice is addressed is evading service thereof, or

ii) for any reason it is improbable that the Notice will be received by the Person to whom it is addressed within seven (7) days of the date of the Notice if it is delivered in any of the ways mentioned in this Section.

12.10 If, after the day designated for the compliance in any Notice given pursuant to this Bylaw, the Owner fails to remedy the condition stated in the Notice, the Designated Officer may determine if there is an infraction and issue a Remedial Order.

12.11 A Designated Officer is hereby authorized and empowered to issue a Remedial Order to any person who the Designated Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

REMEDIAL ORDERS AND APPEALS

12.12 Every remedial order written with respect to this bylaw must:

a) indicate the person to whom it is directed;

b) identify the property to which the remedial order relates by municipal address or legal description;

c) the date that it is issued;

d) identify how the Premises fails to comply with this or another bylaw;

e) identify the specific provisions of the Bylaw the Premises contravenes;

f) identify the nature of the remedial action required to be taken to bring the Premises into compliance;

g) identify the time within which the remedial action must be completed;

h) indicate that if the required remedial action is not completed within the time specified, the Town may take whatever action or measures are necessary to remedy the contravention;

i) indicate that the expenses and costs of any action or measures taken by the Town under this section are an amount owing to the Town by the person to whom the order is directed;

j) indicate that the expenses and costs referred to in the section may be attached to the tax roll of the property if such costs are not paid by a specified time;

k) indicate that an appeal lies from the remedial order to the Appeal Board, if a notice of appeal is filed in writing with the Town within 14 days of the receipt of the remedial order.

12.13 Every remedial order written with respect to provisions of another bylaw must contain the same information as set out in subsection (4.1) as modified as necessary in the context of that bylaw.

12.14 A remedial order pursuant to this bylaw may be served personally upon the owner of the Premises to which it relates, or it may be left with a person apparently over the age of 18 years at the Premises.

12.15 If, in the opinion of a Peace Officer, service of the remedial order cannot be reasonably affected, or if a Peace Officer believes that the owner of the Premises is evading service, a Peace Officer may post the remedial order in a conspicuous place on the Premises to which the remedial order relates, or on the private dwelling place of the owner of the premises, as registered at the Land Titles Office or on the municipal tax roll for the Premises, and the remedial order shall be deemed to be served upon the expiry of three (3) days after the remedial order is posted.

12.16 Every person who fails to comply with a remedial order issued pursuant to this bylaw within the time set out in the remedial order commits an offence.

12.17 Appeal of Remedial Orders:

a) A person to whom a remedial order is directed may seek a review of the remedial order by filing an appeal in writing with the Town within fourteen (14) days of receiving the order issued under the provisions of Section 545 of the Municipal Government Act and within seven (7) days of receiving the order issued under Section 546 of the Municipal Government Act. Appeals will not be granted to the Sidewalk Clearing Section of this Bylaw.

b) Each Notice of Appeal shall:

i) state with reasonable detail, the grounds of appeal:

ii) state the name, address and interest of the appellant in the Premises;

iii) be in the form determined by the CAO and must be accompanied by the appropriate fee;

iv) be dated and signed by the appellant or on his behalf by his agent and, if signed by an agent shall state the name and address of the agent as well as that of the appellant.

12.18 The Appeal Board shall:

a) hold a hearing within thirty (30) days after receipt of the Notice of Appeal;

- b) ensure that the notice of the hearing is mailed to the appellant at least five (5) days prior to the date of the hearing;
- c) consider each appeal having due regard to the circumstances and merits of the case and to this Bylaw;
- d) the Appeal Board may confirm, revoke or modify the decision of the Designated Officer.

12.19 When hearing an appeal, the Appeal Board shall:

- a) not be bound by the rules of evidence applicable to courts of civil or criminal jurisdiction;
- b) afford to every Person concerned the opportunity to be heard, to submit evidence of others; and
- c) make and keep a written record of its proceeding which shall be in the form of a summary of the evidence presented to it at the hearing.

12.20 In determining an appeal, the Appeal Board:

- a) may confirm, revoke or vary the Notice of Appeal; and
- b) shall render its decision in writing to the appellant within fifteen (15) days from the date of decision.

SECTION 13 – VIOLATION TICKETS AND PENALTIES

13.1 Where a Peace Officer or Designated Officer has reasonable grounds to believe that a Person has violated any provision of this Bylaw, the Officer may commence Court proceedings against such Person by:

- a) issuing the Person a Violation Ticket pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*; or
- b) swearing out an information and complaint against the Person.

13.2 Where a Peace/Designated Officer issues a Person a Violation Ticket in accordance with Section 14.1 of this Bylaw, the Officer may either:

- a) allow the Person to pay the specified penalty as provided for the offence in Schedule “A” of this Bylaw in the Violation Ticket; or
- b) require a Court appearance of the Person where the Peace/Designated Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*.

SECTION 14 – GENERAL PENALTY PROVISIONS

- 14.1 Any Person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a maximum fine of \$10,000 or in default of payment of the fine to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts.
- 14.2 The specified penalties for an offence committed pursuant to this bylaw are set out in the attached Schedule “A”.
- 14.3 The minimum specified penalty for a violation of this Bylaw is set out in the attached Schedule “A”.
- 14.4 Notwithstanding Section 15.3 of this Bylaw, if a Person violates the same provision of this Bylaw twice within a one year period, the minimum and

specified penalty for the second such violation shall be double the amount set out in Section 15.3.

SECTION 15 - REPEALS AND COMMENCEMENT

15.1 The following bylaws are repealed on the date that his bylaw comes into force and affect:

- a) Bylaw 13:81 Abatement of Nuisance Generally and Regulating Untidy and Unsightly Premises
- b) Bylaw 13:83 Pasteurization of Milk
- c) Bylaw 2:84 Curfew
- d) Bylaw 6:84 Abatement of Derelict Buildings
- e) Bylaw 7:84 Regulation of Nuisances and Unsightly or Untidy Premises
- f) Bylaw 14:85 Control Nuisances and Unsightly Property (amendment)
- g) Bylaw 13:87 Regulation of Nuisances and Unsightly or Untidy Premises (amendment)
- h) Bylaw 7:90 Curfew (amendment)
- i) Bylaw 4:92 Noise Control Bylaw
- j) Bylaw 1:93 House Numbers
- k) Bylaw 6:95 Clearing of all Sidewalks of Snow, Ice, Dirt and Other Obstructions
- l) Bylaw 6:2007 Unsightly Premises
- m) Bylaw 9:2007 Noise Control

15.2 This Bylaw shall come into force and effect upon it receiving Third and Final Reading and is signed.

Read a first time this 7th day of June, 2012.

Read a second time this 7th day of June, 2012.

Read a third time and passed this 18th day of June, 2012.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"

COMMUNITY STANDARDS BYLAW

7:2012

SCHEDULE OF FINES

SECTION	OFFENCE	MINIMUM PENALTY	SPECIFIED PENALTY
4.1-4.21	Properties-Unsightly	\$250.00	\$350.00
5.1-5.9	Nuisances Escaping Property	\$250.00	\$350.00
6.2-6.21	Noise	\$250.00	\$350.00
7.1-7.2	Spitting/Urinating	\$250.00	\$350.00
8	Addressing	\$100.00	\$100.00
9.1-9.2	Bullying	\$200.00	\$300.00
10.1-10.3	Curfew	\$100.00	\$200.00
11.1-11.5	Sidewalk Clearing	\$100.00	\$200.00