

BYLAW 990

TOWN OF BEAVERLODGE

A BYLAW OF THE TOWN OF BEAVERLODGE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSES OF REGULATING, CONTROLLING AND REDUCING NUISANCES, UNSIGHTLY PREMISES AND DANGEROUS CONDITIONS WITHIN THE TOWN OF BEAVERLODGE

WHEREAS the most current Municipal Government Act, as amended or repealed and replaced from time to time, grants the Town of Beaverlodge the authority to pass bylaws for municipal purposes including providing for the safety, health and welfare of people, and the regulation and prevention of Nuisances, including Noise and Unsightly and Dangerous Premises;

AND WHEREAS, the Safety Codes Act, R.S.A. 2000, c. S-1, as amended or repealed and replaced from time to time, grants the Town of Beaverlodge the authority to pass bylaws regarding maintenance standards for buildings and other structures;

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

PART 1: SHORT TITLE

- 1.1 This Bylaw may be cited as the "Nuisance and Unsightly Premises Bylaw".

PART 2: DEFINITIONS

- 2.1 "Act" means the most current Municipal Government Act as amended or repealed and replaced from time to time.
- 2.2 "Adjacent Boulevard" means a boulevard which abuts, flanks or adjoins a Property, and any lands that lie directly between the boundary of a Property and an adjacent highway, road or alley.
- 2.3 "Composting" means the managed practice of recycling organic material, including food and yard waste, through biological degradation in a container or pile, to create useable soil conditioner.
- 2.4 "Council" means the Municipal Council of the Town of Beaverlodge.
- 2.5 "Deface" means to spoil the surface or appearance of something, includes:
- A. drawing or writing;
 - B. mar or disfigure; OR
 - C. graffiti and/or tagging
- 2.6 "Derelict Equipment" means equipment or machinery which has been rendered inoperative by reason of its disassembly, damage, age or deterioration of its mechanical condition and includes, but is not limited to, any household appliances stored outside of

a residence or other structure, regardless of whether the household appliance is an inoperative condition.

- 2.7 “Derelict Vehicle” means the entirety or any portion of any motor vehicle, where that vehicle:
- A. is in a rusted, wholly or partially damaged, dismantled, or inoperative condition, and is not located within a structure or located on Property such that it can be concealed from view surrounding public and private lands; OR
 - B. has no subsisting license plate attached to it and, in respect of which, no registration certificate has been issued for the current year.
- 2.8 “Designated Officer” means a Designated Officer as defined in the Act, or a delegate thereof.
- 2.9 “Ditch” means a narrow channel dug in the ground, typically used for drainage alongside a road or the edge of a property.
- 2.10 “Motor Vehicle” means a motor vehicle, as defined in the *Traffic Safety Act*, R.S.A. 2000. C. T-6, as amended and repealed or replaced from time to time.
- 2.11 “Noise” means any sound which, in the opinion of a Peace Officer, having regard to the circumstances, including the time of day, location, duration, and the nature of the activity generating the sound, is likely to annoy or disturb persons or to injure, endanger or detract from the comfort, repose, health peace or safety of Persons within the Town.
- 2.12 “Noise Permit” means a permit issued by the CAO, pursuant to Section 10.3 of this Bylaw.
- 2.13 “Nuisance” includes the physical condition of, use of, or an emission from, Property or a structure which, in the opinion of a Designated Officer or the CAO, constitutes an unreasonable interference with the use and enjoyment of other private or public Property, and includes, without limiting the foregoing, an Unsightly Premises.
- 2.14 “Occupant” means any Person so than the registered Owner who is in possession of the Property, including, but not restricted to, a lessee, licensee, tenant, or agent of the Owner.
- 2.15 “Order” means an Order issued by a Designated Officer described in Section 545 or 546 of the Act, as applicable.
- 2.16 "Owner" means:
- A. any Person registered as the Owner of Property under the *Land Titles Act*, R.S.A. 2000, c. L-4, as amended or repealed from time to time;
 - B. a Person who is recorded as the Owner of Property on the Assessment Roll of the Town;

- C. a Person holding himself out as the Person exercising the power or authority of Ownership or, who for the time being exercises the powers and authority of Ownership over the Property;
 - D. a Person in control of Property under construction; OR
 - E. a Person who occupies the Property under a lease, license or permit
- 2.17 "Peace Officer" means a member of the Royal Canadian Mounted Police, a Community Peace Officer appointed by the Town, or a Bylaw Enforcement Officer appointed to enforce the Town's Bylaws.
- 2.18 "Person" means a corporation, partnership, or individual, and the heirs, executors, administrators, or other legal representative of an individual.
- 2.19 "Pest" means an animal, bird, reptile or insect that may, in the opinion of a Designated Officer, cause annoyance or harm to a person, animal or plant and includes any organism declared as a pest or nuisance pursuant to the *Agricultural Pests Act*, R.S.A. 2000, c. A-8, as amended or repealed and replaced from time to time.
- 2.20 "Property" means any lands, buildings, structures or premises, or any personal property located thereupon, within the municipal boundaries of the Town.
- 2.21 "*Provincial Offences Procedure Act*" means the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time.
- 2.22 "Reasonable State of Repair" means the condition of being:
- A. structurally sound;
 - B. free from significant physical or aesthetic damage;
 - C. free from rot or other deterioration; AND
 - D. safe for its intended use
- 2.23 "Refuse" includes, but is not limited to:
- A. all solid and liquid waste, debris, junk or effluent belonging to or associated with a house or household or any industry, trade or business;
 - B. vehicle parts or accessories;
 - C. furniture, appliances, machinery or parts thereof;
 - D. bottles, cans, and recyclable materials;
 - E. animal excrement; AND
 - F. any unused or unusable material that by reason of its state, condition or excessive accumulation, in the opinion of Designated Officer, appears:
 - I. to have been discarded or derelict; OR
 - II. to be useless or of no particular value; OR
 - III. to be used up or worn out in whole or part.
- 2.24 "Town" means the Town of Beaverlodge, in the Province of Alberta.
- 2.25 "CAO" means the Chief Administrative Officer of the Town of Beaverlodge or a designate thereof.

- 2.26 "Unsightly Premises" means any Property, whether land, buildings, improvements to lands and buildings, or any other combination thereof, located within the Town that, in the opinion of a Designated Officer, is Unsightly to such an extent as to detrimentally affect the amenities, use, value or enjoyment of surrounding Properties in reasonable proximity to the Unsightly Premises, or is otherwise detrimental to the surrounding area or in an Unsightly condition as defined by the Act.
- 2.27 "Municipal 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.
- 2.28 "Violation Ticket" means a ticket issued pursuant to Part II of the *Provincial Offenses Procedure Act*.
- 2.29 A Reference to a Provincial Statute within this Bylaw is a reference to the R.S.A. 2000 version, as amended, or repealed and replaced, from time to time.

PART 3: NUISANCE

- 3.1 An Owner or Occupant of a Property shall not cause, permit or allow that Property or a use of that Property to constitute a Nuisance.
- A. No person shall deface private or public property within Town Limits without prior consent from Property Owner.
- 3.2 An Owner or Occupant who has permitted or allowed a Nuisance to exist on an Adjacent Boulevard shall be deemed to have permitted or allowed a Nuisance on their Property.
- 3.3 Conditions constituting a Nuisance include, but are not limited to:
- A. the accumulation of Refuse on Property;
 - B. grass in excess of fifteen {15} centimeters in length, or the presence vegetation which, in the opinion of a Peace Officer, demonstrates neglect by the Owner;
 - C. the accumulation of animal material, yard material, ashes or scrap building material;
 - D. the presence of Derelict Vehicles or Derelict Equipment;
 - E. the presence or accumulation of animal carcasses, hazardous materials, noxious fumes, manure or sewage;
 - F. the presence of shrubs, trees, or other vegetation which, as a result of its location on the Property has caused or is causing damage to adjacent properties, or which is obstructing a sidewalk, highway, public place, public works or public utility, including the obstruction of sight lines necessary for the safe operation of Motor Vehicles on a highway within the Town;
 - G. the failure to dispose of Refuse or other waste products accumulating in temporary storage containers on the Property;

- H. the presence of weeds on a Property;
- I. the failure to keep Property in a Reasonable State of Repair, including a lack of repair or maintenance of buildings, structures or property, which includes but is not limited to:
 - i. the significant deterioration of buildings, structures, fences or improvements, or portions of buildings, structures or improvements;
 - ii. broken or missing windows, doors, doorframes, siding, stairs, steps, landings, balconies, patios, fences, shingles, shutters, eaves, or other any building material;
 - iii. significant fading, chipping, peeling, rotting or absence of paint on areas of buildings, structures, fences or improvements on Property; AND
 - iv. conditions that may create a danger to public safety in the opinion of a Designated Officer
- J. The presence of graffiti on a Property

3.4 Notwithstanding anything in Sections 2.5 or 3.3(d), a freezer or refrigerator shall not constitute Derelict Equipment:

- A. where it is kept closed, secured and locked; or
- B. where such appliance is inoperative,
 - I. measures have been taken to prevent the opening and closing of the appliance, such as the removal of the door;
 - II. not more than one inoperative freezer or refrigerator is present on the Property; AND
 - III. the appliance is not visible from surrounding public or private lands

PART 4: UNSIGHTLY AND DANGEROUS PREMISES

- 4.1 An Owner or Occupant of a Property shall not cause, permit or allow that Property to become a danger to public safety or an Unsightly Premises.
- 4.2 No Owner or Occupant shall cause, permit or allow Refuse, Derelict Equipment or Derelict Vehicles to collect, accumulate or to be stored upon their Property.
- 4.3 No Owner, Occupant or other Person shall cause, permit or allow Refuse, Derelict Equipment or Derelict Vehicles to accumulate in any building or structure, except in appropriate containers provided for the temporary storage of Refuse or other waste materials for pick-up and disposal at a sanitary land fill, recycling centre or other waste management facility, or except as otherwise permitted pursuant to a statute or this, or another bylaw.

- 4.4 No Person shall cause, permit or allow a Derelict Vehicle to be parked, stored or left in any driveway or yard with the exception of any tow facility or salvage yard.
- 4.5 No Person shall cause, permit or allow a vehicle to be used for the storage of Refuse.
- 4.6 An Owner or Occupant of a Property may cause, permit or allow for the temporary storage of materials or Refuse resulting from the construction, demolition or alteration of a Property to be stored on the Property provided that:
- I. it is removed in its entirety from the Property on a regular basis;
 - II. it will not pose a fire risk or a risk to the health or safety of the public; and
 - III. it is not stored in an unsightly manner;
- ...as determined by a Designated Officer, in his or her sole discretion.
- 4.7 An Owner or Occupant may store firewood, building materials, and garden equipment in the rear or side yard provided that such storage does not exceed ten (10) percent of the yard area in which it is stored and is, in the opinion of a Peace Officer or Designated Officer, neatly piled and does not constitute an unreasonable fire hazard.

PART 5: VEGETATION AND PEST CONTROL

- 5.1 An Owner or Occupant of a Property shall ensure that all vegetation on that Property is maintained and is not overgrown or unsightly.
- 5.2 No Owner or Occupant of a Property shall plant or allow vegetation in any location on his or her Property which, in the opinion of a Designated Officer, may adversely affect the safety of the public.
- 5.3 An Owner or Occupant of a Property shall take reasonable steps to prevent attracting, sustaining and breeding of Pests on that Property.
- 5.4 An Owner or Occupant of a Property shall maintain all Adjacent Boulevards in accordance with the provisions of this Part.

PART 6: COMPOSTING

- 6.1 No Owner or Occupant of a Property shall place or allow to be placed domestic animal feces, animal parts or animal meat on a Composting pile or in a Composting container on his Property.
- 6.2 No Owner or Occupant of a Property shall place or establish an open composting pile on his Property within ten (10) metres of an adjacent Property, measured from the nearest part of the Composting pile to the nearest part of the adjacent property line.
- 6.3 An owner or occupant who places or allows a Composting container or Composting pile to remain on his Property shall take all reasonable steps to ensure that it does not become a Nuisance or attract Pests.

PART 7: REFUSE

- 7.1 An Owner or Occupant of a Property shall not cause, permit or allow Refuse to accumulate on that property.
- 7.2 No Person shall place Refuse on Property other than their own, including public property, except in a waste receptacle provided for depositing Refuse.
- 7.3 No Person shall place Refuse on Town Property without first obtaining written approval from the Town
- 7.4 A Person who places Refuse on Town Property shall remove that Refuse and reclaim the Property to its original condition.
- 7.5 Subject to Section 4.6, Refuse resulting from the construction, demolition or alteration of a Property, may be placed on the Property on a temporary basis, in a manner that will not to constitute a Nuisance.

PART 8: DRAINAGE

- 8.1 No Owner or Occupant of a Property shall allow a flow of water from a hose or similar device on the Property to be directed towards an adjacent Property if there is a reasonable likelihood that the water from the hose or similar device will enter the adjacent Property in a manner or quantity likely to interfere with the adjacent property.
- 8.2 No Owner or Occupant of a Property shall allow a rainwater downspout or eavestrough on the Property to be directed towards an adjacent Property if there is a reasonable likelihood that the water from the downspout or eavestrough will enter the adjacent Property.
- 8.3 No Owner or Occupant of a Property shall push/pile or allow to be pushed/piled snow, mud, composting materials or waste into a ditch, lane way or easement, in a manner or quantity likely to interfere with the drainage/flow of water.

PART 9: SMOKE, PARTICULATE AND LIGHT POLLUTION

- 9.1 No Owner or Occupant of a Property shall engage in an activity likely to allow smoke, dust, gas or any similar airborne particulates or gases to escape from the Property which, in the opinion of a Designated Officer, is likely to disturb another Person.
- 9.2 No Owner or Occupant of a Property shall allow an outdoor light to shine directly into the living areas of an adjacent Property in a manner which, in the opinion of a Designated Officer, is likely to disturb an Owner or Occupant of an adjacent Property.
- 9.3 No Owner or Occupant of a Property shall allow an outdoor light on that Property to shine in a manner which, in the opinion of a Designated Officer, is likely to interfere with public safety

PART 10: NOISE

- 10.1 Except to the extent permitted by this Bylaw, no Person shall:

- A. cause a Noise within the Town
 - B. operate, or permit any other Person to operate, a Motor Vehicle that causes a Noise within the Town; OR
 - C. operate, or permit any other Person to operate, an off-highway vehicle that causes a Noise within the Town
- 10.2 No Owner or Occupant shall allow a Property to be used in such a way that a Noise originates from the Property.
- 10.3 The CAO may, upon written request, issue a Noise Permit to a Person for the purpose of suspending the provisions of this Part, and such Noise Permit shall specify the dates and hours during which the Noise may occur.
- 10.4 A Noise Permit issued under this Part shall be produced to a Peace Officer upon demand.
- 10.5 This Part does not apply to:
- A. work carried out by the Town or its agents, employees, servants, contractors or employees, acting within the scope of their agency, contract or employment, as the case may be;
 - B. Persons using domestic equipment including lawnmowers, snow blowers, garden tillers, and vacuum cleaners, and Persons Owning or Occupying Property where such equipment is being used, if:
 - I. the Noise is of a temporary or intermittent nature;
 - II. the Equipment is properly maintained and operated in a normal manner for that type of equipment; and
 - III. the Noise occurs between the hours of 7:00 am and 10:00 pm;
 - C. Persons using heating or air conditioning units, if the heating or air conditioning unit is properly maintained and being used in a normal manner;
 - D. Community events, where such event is authorized by the Town.

PART 11: ENFORCEMENT

- 11.1 The Owner of any Property shall be responsible for all activities on the Property and for ensuring that the Property is not or does not become a Nuisance or Unsightly Property, and for remedying any contravention of this Bylaw.
- 11.2 A Designated Officer may, for the purpose of ensuring that the provisions of this Bylaw are being complied with, enter upon any Property or into any structure, in accordance with Section 542 of the Act, in order to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the Act, or any other statute.

- 11.3 Before conducting an inspection pursuant to Section 11.2, a Designated Officer shall provide the Owner or Occupant of the Property with reasonable notice as required by the Act.
- 11.4 Where contravention of this Bylaw has occurred or is occurring, a Designated Officer may issue an Order to the Owner, Occupant, or Person responsible for the contravention, or any or all of them, pursuant to Section 545 of the Act, in the case of a Nuisance, Noise or Unsightly Premises, or pursuant to Section 546 of the Act, in the case of a danger to public safety.
- 11.5 An Order issued by a Designated Officer under Section 11.4 may, in the case of a Noise, Nuisance or Unsightly Premises:
- A. direct the Person to whom the Order is issued to stop doing something, or change the way in which the Person is doing that thing;
 - B. direct the Person to take any action or measure necessary to remedy the contravention of this Bylaw, including but not limited to the cessation of an activity, cessation of a Noise, the cutting or removal of vegetation, and the removal or demolition of the structure or improvement that is in contravention of this Bylaw and, if necessary, to prevent the reoccurrence of the contravention;
 - C. state a time period within which the Person responsible must comply with directions stated in the Order;
 - D. state that if the Person does not comply with the directions provided within the Order within the time period specified, the Town may take any action or measure reasonably necessary to remedy the contravention at the expense of the Person responsible, with such expenses being recoverable against the Person responsible, in accordance with the provisions of the Act; AND
 - E. notify the Person responsible of the right to apply by written notice for a review of the Order by Town Council, and any fee required for such an application, as set out in the Town of Beaverlodge's most current Fees Bylaw.
- 11.6 Any expenses or costs of any action or measure taken by the Town pursuant to this Bylaw are an amount owing to the Town by the Owner, Occupant or any other Person responsible for the contravention, or any or all of them.
- 11.7 If the Town sells all or a part of a structure or improvement, or the contents of a structure or improvement that have been removed pursuant to this Bylaw, the proceeds of the sale may be used to pay the expenses and costs incurred by the Town in the enforcement of the Order issued, and any excess proceeds must be paid to the Owner, Occupant, or Person responsible for the contravention if entitled to them.

- 11.8 The expenses and costs incurred by the Town in the enforcement of this Bylaw may be collected as a civil debt or added to the tax roll for the Property pursuant to the Act.
- 11.9 The Town may register a caveat pursuant to the *Land Titles Act* and the Act in respect of any Order issued under this Bylaw, against the Certificate of Title for the Property that is the subject of the Order.
- 11.10 If a caveat is registered pursuant to Section 11.13 of this Bylaw, the Town must discharge the caveat when the Order has been complied with or when the Town has performed the actions or measures necessary to remedy the contravention as stated in the Order.
- 11.11 An Order issued pursuant to this Bylaw is deemed to have been served on the Person who it is addressed when the Order has been:
- A. (in the case of an individual) delivered personally to the individual, or left for the individual at his or her residence with a Person on the Premises who appears to be at least eighteen (18) years of age; OR
 - B. Upon confirmation of receipt of the Order by the Person to whom it is addressed by registered mail;
 - C. In the case of a partnership or corporation, by registered mail or personal delivery to either the registered office or business address of the partnership or corporation;
 - D. In the event that the Town is unsuccessful in its attempts to serve the order pursuant to Sections 11.15 A, B, or C above, a Designated Officer may post a copy of the Order in a conspicuous place on the Property referred to in the Order, where the Designated Officer has reason to believe that the Person to whom the Order is addressed is evading service, and that there is no other reasonable means of service available.
- 11.12 Nothing in this Bylaw shall be construed as to limit the ability of the Town to issue an Order pursuant to Section 546 of the Act where a property is deemed to be an Unsightly Premises.

PART 12: OFFENCES AND PENALTIES

- 12.1 Regardless of whether an Order has been issued pursuant to this Bylaw, any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a penalty as set out in Schedule "A" herein.
- 12.2 Any person who fails to comply with an Order issued pursuant to Part 11 of this Bylaw is guilty of an offence.
- 12.3 Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.
- 12.4 A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

- 12.5 A Municipal Tag shall be served:
- A. upon the Person personally, or by leaving it with the Person on the premises who has the appearance of being at least eighteen (18) years of age; OR
 - B. in the case of a corporation or partnership, by serving the Municipal Tag personally upon the Manager, Corporate Secretary or other Officer, or Person apparently in charge of a branch office, by mailing a copy to such Person by registered mail.
- 12.6 A Municipal Tag shall be in a form approved by the CAO, and shall state:
- A. the name of the Person to whom the Municipal 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. that the penalty shall be paid within thirty (30) days of the issuance of the Municipal Tag in order to avoid prosecution; AND
 - F. any other information as may be required by the CAO
- 12.7 Where a Municipal Tag has been issued pursuant to Section 12.4, the Person to whom the Municipal Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town Office the penalty specified on the Municipal Tag.
- 12.8 In the event that a Municipal Tag has been issued and the penalty specified on the Municipal Tag has not been paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act to the Person to whom the Municipal Tag was issued.
- 12.9 Notwithstanding Section 12.8, a Peace Officer is authorized and empowered to immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 12.10 A Violation Ticket issued with respect to a violation of this Bylaw may be served upon the Person responsible for the contravention in accordance with the Provincial Offences Procedure Act.
- 12.11 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 by this Bylaw.
- 12.12 Where a Clerk of the Court records in the court records the receipt of a voluntary payment pursuant to this Bylaw and the Provincial Offences Procedure Act, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and imposition of a fine in the amount of the specified penalty.

PART 13: SEVERABILITY AND COMING INTO FORCE

13.1 Should any provision of this Bylaw be invalid, then the invalid provision shall be severed and the remainder of the Bylaw shall be maintained.

13.2 Bylaw 975 is hereby repealed.

READ a first time this 27 of April, 2020

READ a second time this 25 of May, 2020

READ a third time this 25 of May, 2020



Gary Rycroft, Mayor



Tina Letendre, Acting CAO

BYLAW 990

TOWN OF BEAVERLODGE

A BYLAW OF THE TOWN OF BEAVERLODGE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSES OF REGULATING, CONTROLLING AND REDUCING NUISANCES, UNSIGHTLY PREMISES AND DANGEROUS CONDITIONS WITHIN THE TOWN OF BEAVERLODGE

Fee Schedule "A"

PENALTIES

3. NUISANCE

Any condition on or around the property that is deemed a nuisance	\$100.00
3.1 a) defacing private and/or public property	\$150.00
3.1 b) owner or occupier of a property permit/allow the presence of graffiti	\$150.00

4. DANGEROUS BUILDINGS AND STRUCTURES

Direct Order Non-compliance Administrative fee	\$ 50.00*
*plus the total costs for the required work	

12. OFFENCES AND PENALTIES

1 st non-compliance offence	\$200.00
2 nd non-compliance offence	\$300.00
3 rd non-compliance offence	\$500.00