

**BYLAW #2019-03
VILLAGE OF ACME
IN THE
PROVINCE OF ALBERTA
COMMUNITY STANDARDS BYLAW**

**A BYLAW FOR THE PURPOSE OF REGULATING, CONTROLLING, AND ABATING NUISANCES
AND REMEDYING DANGEROUS AND UNSIGHTLY PREMISES**

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended or repealed and replaced from time to time, provides the Council of the Village of Acme the authority to pass bylaws respecting Nuisances and dangerous and unsightly premises;

AND WHEREAS the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended or repealed and replaced from time to time provides the Council of the Village of Acme with the authority to establish minimum standards for the maintenance of buildings and structures;

AND WHEREAS Council of the Village of Acme deems it expedient and in the public's interest to pass a Bylaw to establish and enforce minimum standards relating to the state of maintenance of property and to regulate, control and abate Nuisances, and dangerous and unsightly premises within the Village of Acme;

NOW THEREFORE the Council of the Village of Acme pursuant to the authority conferred upon it by the laws of the Province of Alberta, enacts as follows:

SECTION 1 - SHORT TITLE

1.1 This Bylaw may be cited as the Village of Acme "Community Standards Bylaw".

SECTION 2 - DEFINITIONS

- 2.1 **"Chief Administrative Officer (CAO)"** means that person appointed to the position and title by the Municipal Council of the Village of Acme and includes any person appointed by the CAO to act as his/her delegate;
- 2.2 **"Council"** means the Municipal Council of the Village of Acme.
- 2.3 **"Derelict Equipment"** means equipment or machinery, which has been rendered inoperative by reason of its disassembly, age or mechanical condition, and includes any household appliance stored outside of a residence or other building regardless of whether or not it is in an inoperative condition.

- 2.4 **"Derelict Vehicle"** means the whole or any part of any motor vehicle or farm implement that:
- 2.4.1 is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, or inoperative condition, and is not located in a building; or
 - 2.4.2 has no current license plate attached to it and in respect of which, no registration certificate has been issued for the current year;
- 2.5 **"Peace Officer"** means any member of the RCMP, Special Constable, Community Peace Officer or Bylaw Enforcement Officer.
- 2.6 **"Municipal Government Act"** means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time.
- 2.7 **"Municipal Tag"** means a written notice, on a form approved by the CAO, issued by a Peace Officer, to advise a person that a violation of this Bylaw has occurred and that, by payment of a specified amount for the offence within a set time period, that person will avoid prosecution for the offence.
- 2.8 **"Nuisance"** means any condition or use of Property which, in the opinion of a Peace Officer or the CAO constitutes an unreasonable interference with the use and enjoyment of other Property and includes but is not limited to noise and those conditions set out at Section 3.5.
- 2.9 **"Occupant"** means any person other 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.
- 2.10 **"Owner"** means:
- 2.10.1 any Person registered as the owner of property under the *Land Titles Act*, R.S.A. 2000, c.L-4, as amended or repealed and replaced from time to time;
 - 2.10.2 a Person who is recorded as the Owner of the Property on the assessment roll of the Village;
 - 2.10.3 a Person who has purchased or otherwise acquired the Property, whether he has purchased or otherwise acquired directly from the Owner or from another purchaser, and has not become the registered Owner thereof;
 - 2.10.4 a Person holding himself out as the person having the powers and authority of ownership or for whom the time being exercises the powers and authority of ownership;

- 2.10.5 a Person controlling the Property under construction; or
- 2.10.6 a Person who is the Occupant of the Property under a lease, license or permit.
- 2.11 "**Person**" includes a corporation, an individual, and the heirs, executors, administrators or other legal representatives of an individual.
- 2.12 "**Property**" means any privately owned lands, buildings or structures within the municipal boundaries of the Village. This includes public boulevards, alleys, sidewalks or lands that flank or abut the Property.
- 2.13 "**Provincial Offences Procedures Act**" means the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time.
- 2.14 "**Provincial Violation Ticket**" means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, as amended, and any regulations thereunder.
- 2.15 "**Public Lands**" means all lands under the ownership and control of Her Majesty the Queen in Right of Canada, Her Majesty the Queen in Right of Alberta, or the Village of Acme.
- 2.16 "**Reasonable State of Repair**" means the condition of being:
- 2.16.1 structurally sound;
 - 2.16.2 free from damage;
 - 2.16.3 free from rot or other deterioration; and
 - 2.16.4 safe for its intended use.
- 2.17 "**Refuse**" means all solid and liquid wastes including, but not limited to, broken dishes, cans, glass, rags, cast-off clothing, waste paper, cardboard, containers, organic and inorganic yard and garden waste, garbage, fuels, chemicals, hazardous materials, abandoned vehicles, abandoned equipment, tires, manure or any other form of waste or litter.
- 2.18 "**Remedial Order**" means an order as described in Section 545 or Section 546 of the *Municipal Government Act*.
- 2.19 "**Unightly Premises**" means any Property, whether land, buildings, improvements to lands or buildings, personal property, or any other combination of the above, located on land within the Village that is:

- 2.19.1 detrimental to the surrounding area, including causing the decline of market value of property in the surrounding area;
 - 2.19.2 A structure whose exterior shows signs of significant physical deterioration; and
 - 2.19.3 Lands that show signs of serious disregard for general maintenance or upkeep
- 2.20 **“Village”** means the Village of Acme and its corporate boundaries.

SECTION 3 - PROHIBITIONS

- 3.1 An Owner or Occupant of Property shall not cause or allow that Property or his use of that Property to constitute a Nuisance. Conditions constituting a Nuisance, danger and/or Unsightly Premise may include, but shall not be limited to:
- 3.1.1 the accumulation of rubbish, Refuse or other waste products on the Property;
 - 3.1.2 uncut grass or the presence of weeds, which in the opinion of a Peace Officer, demonstrate neglect by the Owner;
 - 3.1.3 the parking or storage of any operational or Derelict Vehicle or Equipment on a lawn, garden or other surface other than areas prepared for parking, such as a graveled, concrete or asphalt driveway in a residential district;
 - 3.1.4 the accumulation of animal material, yard material, ashes or scrap building material;
 - 3.1.5 the accumulation of Derelict Vehicles, Derelict Equipment or household appliances in a residential district;
 - 3.1.6 the presence or accumulation of animal carcasses, hazardous materials, noxious fumes, manure or sewage;
 - 3.1.7 the presence of trees, shrubs, weeds or other vegetation which as a result of its location on the Property has caused, or is causing damage to adjacent Property, including Public Lands;
 - 3.1.8 the failure to keep hedges and trees from encroaching on or interfering with or damaging adjacent Property, public sidewalks, roads, alleys or encroaching on water, sewer or power lines;
 - 3.1.9 the failure to manage any blight or disease of trees, shrubs, vegetable or plant life that is

- liable to spread to other properties;
- 3.1.10 the permission or proliferation of any insect or other pest that is likely to spread disease, be destructive or dangerous or otherwise become a nuisance;
- 3.1.11 the failure to dispose of Refuse or other waste products accumulating in temporary storage containers upon the Property;
- 3.1.12 the failure to keep all buildings, structures and improvements to Property in a Reasonable State of Repair, including but not limited to:
 - 3.1.12.1 the foundations;
 - 3.1.12.2 exterior walls;
 - 3.1.12.3 roof;
 - 3.1.12.4 windows, including frames, shutters and awnings;
 - 3.1.12.5 doors, including frames and awnings;
 - 3.1.12.6 steps and sidewalks; and
 - 3.1.12.7 fences
- 3.1.13 the failure to keep all fixtures, improvements, renovations, or additions to any building, structure or improvement on Property in a Reasonable State of Repair, including but not limited to:
 - 3.1.13.1 exterior stairs;
 - 3.1.13.2 porches;
 - 3.1.13.3 decks;
 - 3.1.13.4 patios;
 - 3.1.13.5 landings;
 - 3.1.13.6 balconies; or
 - 3.1.13.7 any similar structure.
- 3.1.14 the presence of excavations, structures, materials or any other hazard or condition which poses a danger to public safety

- 3.2 Notwithstanding section 3.1, the storage of some listed materials may be permitted if a valid Development Permit has been approved for Properties located outside residential districts.
- 3.3 Notwithstanding Section 3.1.6 the accumulation of manure or other animal waste on Property located in an agricultural district shall not constitute a Nuisance under this Bylaw.

SECTION 4 - ENFORCEMENT

- 4.1 A Peace Officer is hereby authorized and empowered to issue a Remedial Order, Municipal Tag and/or Provincial Violation Ticket to any Person, whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 4.2 A Peace Officer may, for the purpose of ensuring that the provisions of this Bylaw are being complied with, enter in or upon any Property, in accordance with Section 542 of the *Municipal Government Act*, to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the *Municipal Government Act*, or other statute.
- 4.3 When exercising their authority to enter onto Property for inspection or enforcement under Section 5.2, a Peace Officer shall provide the Owner or Occupant of the Property with reasonable notice as required by the Municipal Government Act.
- 4.4 If a Municipal Tag is issued in respect of an offence, the Person receiving the Municipal Tag may pay the fine amount as per the amount specified on the Municipal Tag on or before the required date in order to avoid further prosecution for the offence.
- 4.5 If a Provincial Violation Ticket is issued in respect of an offence, the Person receiving the Provincial Violation ticket may pay the fine amount as per the amount specified on the Violation Ticket on or before the required date in order to avoid further prosecution for the offence.
- 4.6 No Person shall obstruct, hinder or impede any authorized representative of the Village in the exercise of their powers or duties pursuant to this Bylaw.

SECTION 5 - OFFENCES AND PENALTIES

- 5.1 Any person violating a provision of this Bylaw is guilty of an offence and is liable to pay the amount as set out in Schedule "A" Specified Penalties of this bylaw, or any enforcement costs described in Section 7 of this Bylaw.

SECTION 6 - DEEMED SERVED

- 6.1 A Municipal Tag issued by a Peace Officer pursuant to any of the provisions of this Bylaw shall be deemed to have been duly given and served on the person whom it is addressed:
 - 6.1.1 being personally delivered to the person named on the Municipal Tag; or
 - 6.1.2 upon sending the Municipal Tag by regular mail to the address as is shown on the assessment roll. A Municipal Tag will be considered served after 5 (five) business days upon mailing.

- 6.2 A Remedial Order issued by a Peace Officer pursuant to any of the provisions of this Bylaw shall be deemed to have been duly given and served on the person whom it is addressed:
 - 6.2.1 being personally delivered to the person named on the Remedial Order; or
 - 6.2.2 upon sending the Remedial Order by regular mail to the address as is shown on the assessment roll. A Remedial Order will be considered served after 5 (five) business days upon mailing; or
 - 6.2.3 upon being posted on a conspicuous place on the property that is in contravention.

- 6.3 A Provincial Violation Ticket issued by a Peace Officer pursuant to any of the provisions of this Bylaw shall be deemed to have been duly given and served:
 - 6.3.1 on the Person to whom it is addressed pursuant to the Provincial Offences Procedures Act or;
 - 6.3.2 swearing an Information and Complaint against the person; or
 - 6.3.3 by leaving a copy for such person at his/her residence with an individual at the residence who appears to be at least 18 years of age, and such service shall be adequate for the purposes of this Bylaw.

- 6.4 A Provincial Violation Ticket may be served on a Person which is a corporation, either:
 - 6.4.1 by sending it by registered mail to the registered office of the corporation. A Provincial Violation Ticket will be considered served after 5 (five) business days upon mailing; or
 - 6.4.2 by delivering it personally to the manager, secretary or other executive officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address, and such service shall be adequate

for the purposes of this Bylaw.

- 6.5 This Section does not prevent a Peace Officer from issuing a Provincial Violation Ticket requiring a Court appearance by the Defendant in accordance with the Provincial Offences Procedures Act.

SECTION 7 – RECOVERY OF ENFORCEMENT COSTS

- 7.1 The expenses incurred by the Village in carrying out enforcement action pursuant to this Bylaw constitutes a debt owing to the Village from the Person responsible for the Bylaw contravention and may be collected by civil action for debt in a court of competent jurisdiction, in accordance with the Municipal Government Act.

- 7.2 In the event of the Village carrying out enforcement action pursuant to a Remedial Order, the CAO is responsible for sending a demand for payment of enforcement expenses incurred by the Village, per Schedule A, to the Owner of the property where the infraction took place. If the Owner fails to pay the enforcement expenses incurred by the Village within the time frame set out in the demand for payment, the CAO shall place the unpaid expense amount onto the tax roll of the subject Property and that amount:

7.2.1 is deemed to for all purposes to be a tax imposed under Division 2 of Part 10 of the Municipal Government Act from the date it was added to the tax roll, and

7.2.2 forms a special lien against the Land in favour of the Village from the date it was added to the tax roll for the Land, in accordance with the Municipal Government Act.

SECTION 8 - GENERAL

- 8.1 If any Section or parts of this Bylaw are found in any court of law to be illegal, or are otherwise invalid and beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

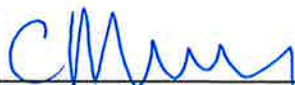
8.2 Bylaw 2018-10 and all amendments thereto are hereby repealed.

8.3 This Bylaw shall come into effect after third reading and upon being signed.

READ a first time this 10th day of June 2019.




Bruce McLeod
Mayor

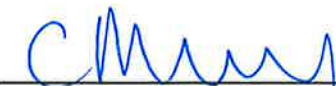


Catherine Murray
Chief Administrative Officer

READ a second time this 10th day of June 2019.



Bruce McLeod
Mayor




Catherine Murray
Chief Administrative Officer

MOTION TO PROCEED TO THIRD READING CARRIED UNANIMOUSLY

READ a third and final time and passed this 10th day of June 2019.



Bruce McLeod
Mayor



Catherine Murray
Chief Administrative Officer

SCHEDULE "A"

Section	Penalties Description of Violation	Penalty Amount
3.1	causing or allowing a Property to constitute a Nuisance, danger and/or Unsightly Premise	\$200
3.1.1	accumulation of rubbish, refuse or other waste products	\$200
3.1.2	uncut grass or the presence of weeds, parking on a lawn, garden or other surface other than areas prepared for parking	\$200
3.1.3	accumulation of animal material, yard material, ashes or scrap building material;	\$200
3.1.4	accumulation of Derelict Vehicles, Derelict Equipment or household appliances in a residential district;	\$200
3.1.5	presence or accumulation of animal carcasses, hazardous materials, noxious fumes, manure or sewage	\$200
3.1.6	trees, shrubs, weeds or other vegetation damaging Property	\$200
3.1.7	encroaching hedges and trees	\$200
3.1.8	failure to managed blight or disease if trees, shrubs, vegetables or plant life	\$200
3.1.9	permission or proliferation of insects or pests	\$200
3.1.10	Refuse or other waste accumulation in temporary storage containers	\$200
3.1.11	failure to keep buildings, structures and improvements to Property in a Reasonable State of Repair	\$200
3.1.12	failure to keep foundations in a Reasonable State of Repair	\$200
3.1.12.1	failure to keep exterior walls in a Reasonable State of Repair	\$200
3.1.12.2	failure to keep roof in a Reasonable State of Repair	\$200
3.1.12.3	failure to keep windows/frames/shutters/awnings in a Reasonable State of Repair	\$200
3.1.12.4	failure to keep doors/frames/awnings in a Reasonable State of Repair	\$200
3.1.12.5	failure to keep steps and sidewalks in a Reasonable State of Repair	\$200
3.1.12.6		

3.1.12.7	failure to keep fences in a Reasonable State of Repair	\$200
3.1.13	failure to keep all fixtures, improvements, renovations or additions in a Reasonable State of Repair	\$200
3.1.13.1	failure to keep exterior stairs in a Reasonable State of Repair	\$200
3.1.13.2	failure to keep porches in a Reasonable State of Repair	\$200
3.1.13.3	failure to keep decks in a Reasonable State of Repair	\$200
3.1.13.4	failure to keep patios in a Reasonable State of Repair	\$200
3.1.13.5	failure to keep landings in a Reasonable State of Repair	\$200
3.1.13.6	failure to keep balconies in a Reasonable State of Repair	\$200
3.1.13.7	failure to keep similar structures in a Reasonable State of Repair	\$200
3.1.14	Presence of excavations, structures, materials or other hazards that pose a danger to public safety	\$200
	Failure to comply with a Remedial Order	\$250
	Subsequent Offence	\$500

Administrative Fees

Per Section 7, The Village may carry out enforcement action pursuant to a Remedial Order. When work is completed by a third party, the Owner shall be invoiced at the rate charged by the third-party vendor. When work is completed by Village of Acme Personnel and equipment, the Owner shall be invoiced at the following rates:

Description	Charge	Amount/Hour
Grass Cutting	Hourly rate per person including equipment cost	\$75
Weed Whipping	Hourly rate per person including equipment cost	\$75
Refuse Clearing	Hourly rate per person including equipment cost	\$150