



BYLAW #2023-870
VILLAGE OF CARBON
COMMUNITY STANDARDS BYLAW

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, authorizes a council to pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, authorizes a council to pass bylaws for municipal purposes respecting nuisances, including unsightly property;

AND WHEREAS Council believes the regulation of nuisances through a Community Standards Bylaw would benefit the community as a whole;

AND WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, authorizes a council to pass bylaws for municipal purposes respecting people, activities and things in, on or near a public place or a place that is open to the public;

AND WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, authorizes a council to pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment;

NOW THEREFORE, the Council of the Village of Carbon, in the Province of Alberta, duly assembled enacts Bylaw #2022-867 hereafter known as the Community Standards Bylaw.

PART I – PURPOSE, DEFINITIONS AND INTERPRETATIONS

BYLAW TITLE

1.1 This Bylaw shall be known as the “Community Standards Bylaw”.

DEFINITIONS

1.2 In this Bylaw, unless the context otherwise requires:

- a. **“Boulevard”** means that part of a highway that:
 - i. is not a roadway; and
 - ii. is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians, and includes the undeveloped road allowance adjacent to a laneway;
- b. **“Bylaw Enforcement Officer”** means a Bylaw Enforcement Officer appointed by the Village pursuant to the *Municipal Government Act* to enforce Village Bylaws, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Community Peace Officer appointed under the *Peace Officer Act*, S.A. 2006, c. P-3.5;

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- c. **“CAO”** means the chief administrative officer of the Village or his/her delegate;
- d. **“Village”** means the Village of Carbon;
- e. **“Highway”** has the same meaning as in the *Traffic Safety Act*, R.S.A. 2000, c. T-6;
- f. **“Motor Vehicle”** has the same meaning as in the *Traffic Safety Act*, R.S.A. 2000, c. T-6;
- g. **“Municipal Tag”** means a tag or similar document issued by the Village pursuant the *Municipal Government Act* that alleges a bylaw offence and provides a person with the opportunity to pay an amount to the Village in lieu of prosecution for the offence;
- h. **“Occupy”** or **“Occupies”** means residing on or to be in apparent possession or control of Property;
- i. **“Own”** or **“Owns”** means:
 - i. in the case of land, to be registered under the *Land Titles Act*, R.S.A. 2000, c. L-4, as the owner of the fee simple estate in a parcel of land; or
 - ii. in the case of personal property, to be in lawful possession or have the right to exercise control over it or to be the registered owner of it;
- j. **“Person”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- k. **“Property”** means:
 - i. in the case of land, a parcel of land including any buildings; or
 - ii. in other cases, personal property;
- l. **“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;
- m. **“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; and
- n. **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34.
- o. **Zones:**
 - i. Residential Area – means those areas of the municipality zoned as Single Detached Residential District, General Residential District, Multiple Unit Residential District and Small Holdings Residential District under the Village’s Land Use Bylaw;

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- ii. Commercial Area – means those areas of the municipality zoned as Central Commercial District and Light Industrial District under the Village’s Land Use Bylaw.

RULES FOR INTEPRETATION

- 1.3 The table of contents, marginal notes and headings in this Bylaw are for reference purposes only.

PART II – PUBLIC BEHAVIOURS

LITTERING

- 2.1 A Person shall not leave any garbage, litter or other refuse in a Public Place except in a receptacle designated and intended for such use.

FLYERS

- 2.2 A Person shall not place, deposit or throw upon or into any Motor Vehicle any leaflet, pamphlet, poster, handbill, flyer or any paper containing printed or written matter, whether advertising or not, with the exception of a Municipal Tag or Violation Ticket issued pursuant to lawful authority.
- 2.3 A Person shall not deposit any leaflet, pamphlet, poster, handbill, flyer or any paper containing printed or written matter, whether advertising or not on a Property 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.

PART III – PROPERTY MAINTENANCE

DEFINITIONS

- 3.1 In this Part:
 - a. **“Building”** includes anything constructed or placed on, in, over or under land whether or not it is affixed to that land;
 - b. **“Nuisance”** means any use of or activity on land which demonstrates a disregard for the general maintenance and upkeep of Property so as to produce a material annoyance, inconvenience or discomfort to other Persons, whether or not it is detrimental to the surrounding area, some examples of which include, but are not limited to, the following:
 - i. excessive accumulation of material including but not limited to building materials, appliances, household goods, boxes, tires, vehicle parts, garbage or refuse, whether of any apparent value or not;
 - ii. loose litter, garbage, construction debris or refuse whether located in a storage area, collection area or elsewhere on the land;
 - iii. damaged, dismantled or derelict vehicles or Motor Vehicles, whether insured or registered or not;



- iv. smelly or messy compost heaps;
 - v. grass or weeds higher than 13 centimetres;
 - vi. production of excessive dust, dirt or smoke;
 - vii. production of any generally offensive odours;
 - viii. open or exposed storage of industrial fluids, including engine oil, brake fluid or anti-freeze;
 - ix. use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;
 - x. any tree, shrub or other type of vegetation or any structure:
 - 1. that obstructs any Sidewalk or portion thereof adjacent to the land;
 - 2. that encroaches onto or covers any Sidewalk adjacent to the land;
 - 3. that impairs the visibility required for safe traffic flow at any intersection adjacent to the land; or
 - 4. that has any rot or other deterioration;
 - xi. the failure to destroy prohibited weeds, or prevent the spread or scattering of nuisance weeds;
 - xii. any accessible excavation, ditch, drain or standing water that could pose a danger to the public; and
 - xiii. any construction project or activity not completed within 5 years of the date the development/building permit for the project or activity was issued by the Village or, if no permit was issued or required, within 5 years of starting construction.
- c. **“Unsightly” or “Untidy”** means:
- i. a Property that because of its condition or the accumulation of refuse is detrimental to the use and enjoyment of the surrounding area or neighboring properties;
 - ii. in respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, serious disregard for general maintenance, upkeep or repair, or which constitutes a Nuisance;
 - iii. in respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep, or which constitutes a Nuisance; or
 - iv. in an unsightly condition within the meaning of s. 546 of the Municipal Government Act.

Nuisance, Unsightly and Untidy Lands

3.2 A Person shall not cause or permit a Nuisance to exist on Property which they Own or Occupy.

- 3.3 A Person shall not allow Property which they Own or Occupy to be or to become Unightly or Untidy.
- 3.4 No Owner or Occupant of a Property shall have or allow in or on the Property, the accumulation of:
- a. any material that creates unpleasant odour;
 - b. any material likely to attract animals, pests or wildlife; or
 - c. animal remains, parts of animal remains or animal feces.
- 3.5 A Person shall not have or allow the following to accumulate on Property which they Own or Occupy such that the accumulation is visible to a Person viewing from outside the Property:
- a. loose garbage and bagged garbage;
 - b. bottles, cans, boxes or packaging materials;
 - c. household furniture or other household goods;
 - d. automobile parts;
 - e. parts of or disassembled machinery, equipment or appliances; or
 - f. yard waste, including grass, tree and hedge cuttings, leaves and other refuse.

SIDEWALKS

- 3.6 Landowners within the Village of Carbon are required to remove all snow, ice, dirt, and other obstructions from any Sidewalk adjacent to Property which they Own or Occupy within 48 hours after all snow, ice, dirt, and other obstructions has been deposited.
- 3.7 If a Landowner fails to remove all snow, ice, dirt, and other obstructions from any Sidewalk adjacent to Property they Own or Occupy within 48 hours after the snow, ice, dirt, and other obstructions has been deposited, the Village may carry out the removal of snow, ice, dirt, and other obstructions or contract out the removal of snow, ice, dirt, and other obstructions, with all the costs and expenses involved charged to the Person responsible for the removal and any unpaid costs or expenses shall be added to the tax roll for the Property to be recovered in the same manner as other taxes pursuant to the provisions of the *Municipal Government Act*.
- 3.8 A Landowner shall ensure that there are no obstructions on, over (e.g. overhanging trees or other landscaping must be trimmed to leave clear at least two (2) metres in height) or beside any Sidewalk. This includes but is not limited to: extension cords, debris, overgrown grass, leaves, tree limbs and hedges.

BOULEVARDS

- 3.9 A Person shall maintain any Boulevard adjacent to land they Own or Occupy by:
- a. keeping any grass on the Boulevard cut to a length of no more than 13 centimetres;

- b. removing any accumulation of fallen leaves or other debris; and
- c. notifying the Village if tree maintenance is required.

BUILDINGS

- 3.10 A Person shall not cause or permit a Nuisance to exist in respect of any Building on land they Own or Occupy.
- 3.11 For the purpose of greater certainty, a Nuisance in respect of a Building means a Building showing signs of serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which include, but are not limited to, the following:
- a. any damage to the Building;
 - b. any rot or other deterioration within the Building;
 - c. any inappropriate infiltration of air, moisture or water into the Building due to peeling, unpainted or untreated surfaces, missing shingles or other roofing materials, broken or missing windows or doors, or any other hole or opening in the Building; or
 - d. any mobile home or other Building that requires skirting that is missing skirting.

UNOCCUPIED OR UNSECURED BUILDINGS

- 3.12 If a Building, normally intended for human habitation is unoccupied and is left unsecured with open door and/or window openings, the Owner of the Property, shall ensure that each door and window opening be covered with a solid piece of wood that is;
- a. installed from the exterior and fitted within the frame of the opening in a watertight manner;
 - b. of a thickness sufficient to prevent unauthorized entry into the Building;
 - c. secured in a manner sufficient to prevent unauthorized entry into the Building;
 - d. coated with an opaque protective finish in a manner that will prevent wood rot and is visually not detrimental to the surrounding area.

CONSTRUCTION WASTE

- 3.13 Each construction site shall have a waste container or secure containment area of adequate design to ensure that waste construction materials that are placed inside will be prevented from being blown away from the construction site.
- 3.14 No Person shall allow loose construction materials to be stored or accumulated on a construction site they Own or Occupy unless it is:
- a. stacked or stored on the Property in an orderly manner; and
 - b. not capable of being blown around the construction area or off the construction site.

MOTOR VEHICLES

Storage of Vehicles

- 3.15 All Motor Vehicles, including but not limited to trailers, recreational vehicles and other vehicles, that are stored on a Residential Property shall:
- a. be stored on an approved parking pad as per Land Use Bylaw #2018-804;
 - b. be stored in an orderly manner and not haphazardly; and
 - c. not interfere with the use of a roadway, lane or sidewalk or impede reasonable access to a neighbouring Property.

Repair of Motor Vehicles in a Residential District on a Residential Property Outside of a Garage Building

- 3.16 Routine maintenance work may be performed on any Motor Vehicles owned, operated or registered in the name of the Person who Owns or Occupies the Property on which the work is being performed, provided that:
- a. the activity does not create a Nuisance or noise complaints from neighbours;
 - b. there is no escape of offensive, annoying or noxious odors, fumes or smoke from the Property;
 - c. vehicle fluids, oil, gasoline products or other hazardous materials are properly stored and disposed of and not swept or washed into lanes, streets, or down storm sewers;
 - d. all discarded vehicle parts and materials are properly stored and disposed of;
 - e. no power washing of motor or power train is performed on the Property; and
 - f. all building and fire code regulations are met.

Repair of Motor Vehicles in a Residential District on a Residential Property Within a Garage Building

- 3.17 Maintenance work may be performed on a Motor Vehicle within a garage building, provided that:
- a. the activity does not create a Nuisance or noise complaints from neighbours;
 - b. there is no escape of offensive, annoying or noxious odors, fumes or smoke from the Property;
 - c. vehicle fluids, oil, gasoline products or other hazardous materials are properly stored and disposed of and not swept or washed into lanes, streets, or down storm sewers;
 - d. all discarded vehicle parts and materials are properly stored and disposed of;
 - e. no power washing of motor or power train is performed on the Property; and
 - f. all building and fire code regulations are met.
- 3.18 When maintenance work is being performed on a Motor Vehicle, the garage doors must be closed when no Person is working on the Motor Vehicle which is located in the garage.



Repair of Motor Vehicles in all Non-Residential Districts

- 3.19 Maintenance work may be performed on a Motor Vehicle in non-residential districts, provided that:
- a. the activity does not create a Nuisance or noise complaints from neighbours;
 - b. there is no escape of offensive, annoying or noxious odors, fumes or smoke from the Property;
 - c. vehicle fluids, oil, gasoline products or other hazardous materials are properly stored and disposed of and not swept or washed into lanes, streets, or down storm sewers;
 - d. all discarded vehicle parts and materials are properly stored and disposed of;
 - e. no power washing of motor or power train is performed on the Property; and
 - f. all building and fire code regulations are met.
- 3.20 Maintenance work on a Motor Vehicle shall not be performed outside of a Building except for emergency repair work.

Repair of Motor Vehicles on a Road, Alley or Public Space

- 3.21 No maintenance work may be performed on a Motor Vehicle on a roadway, lane or other Public Place except for emergency repair work to a Motor Vehicle.
- 3.22 Emergency repair work includes the following:
- a. boosting;
 - b. tire changes; or
 - c. towing services.

Derelict Vehicles

- 3.23 A derelict vehicle is one that:
- a. is dismantled, in disrepair, abandoned;
 - b. is not insured or registered, not road worthy;
 - c. has roots, trees, grass growing in/through the parts;
 - d. has one or more tires that are flat and not repaired, or one or more tires are missing from the vehicle; or
 - e. is being used for storage.
- 3.24 Derelict vehicles are prohibited in the Village of Carbon and shall be removed from the Property. Failure by the Person who Owns the Property to remove a derelict vehicle as required and in a timely manner may result in the Village issuing an order and removing the derelict vehicle to a compound for 14 days. The owner of the derelict vehicle or owner of the Property may reclaim the vehicle during this time. After 14 days, the derelict vehicle will be removed from the compound and taken to a scrap yard for disposal. All costs for removal, compound fees, and scrapping fees will be charged to the owner of the Property

and failure to pay such charges will result in the charges being added to the tax role for that Property.

Project Vehicles, etc.

- 3.25 Notwithstanding the prohibition on derelict vehicles and the regulations applicable to the repair of Motor Vehicles, project vehicles, antique vehicles or decorative vehicles may, upon application to the CAO, be exempted from one or more provisions of this Bylaw.
- 3.26 In approving the placement and storage of project vehicles, antique vehicles or decorative vehicles, the CAO shall take into consideration whether the vehicles are being worked on and the manner in which the vehicles are being stored or displayed.
- 3.27 All vehicles approved under this section must comply with the approval of the CAO, be stored or displayed on an approved parking pad and either have tires or be placed on appropriate stands or blocks for safety.
- 3.28 No vehicle approved under this section shall be used as a sign for a business or used as a planter.

REFRIGERATORS, FREEZERS, APPLIANCES AND WATER HEATERS

- 3.29 A Person shall not place, cause or permit to be placed a refrigerator, freezer or other similar appliance on land they Own or Occupy unless effective measures have been taken to prevent the opening and closing of the appliance.
- 3.30 Without limiting the generality of the foregoing section, measures considered to be effective may include, but are not limited to, the following:
 - a. the removal of the door from the appliance;
 - b. the removal of the door handle mechanism if this prevents opening and closing of the door;
 - c. the removal of the door hinges;
 - d. the locking of the appliance; or
 - e. otherwise wrapping or containing the appliance so that the interior is inaccessible.
- 3.31 A refrigerator, freezer, appliance or water heater not in use must be removed from the property to an appropriate disposal/storage facility within 14 days from the placing of the unit outside.
- 3.32 If an appliance is not in compliance with the above (3.30 a-e), for Safety reasons, the Village may issue an order and contract for the removal of the offending appliance with 72 hours notice to the person who Owns the Property. All fees for pickup, disposal and mileage for disposal will be charged to the person who Owns the Property and failure to pay the charges to the Village will result in all charges being added to the tax role for that Property.

PART IV – NOISE CONTROL

DEFINITIONS

4.1 In this Part:

- a. **“Holiday”** means New Year’s Day, Alberta Family Day, Good Friday, Victoria Day, Canada Day, Civic Holiday, Labour Day, National Day for Truth and Reconciliation Day, Thanksgiving Day, Remembrance Day, and Christmas Day of every year;
- b. **“Noise”** means any sound that is reasonably likely to annoy or disturb the peace of others;
- c. **“Weekday”** means Monday through Friday; and
- d. **“Weekend”** means Saturday through Sunday.

PROHIBITED NOISE

- 4.2 A Person shall not cause or permit any Noise that annoys or disturbs the peace of any other Person.
- 4.3 A Person shall not cause or permit Property they Own or Occupy to be used so that Noise from the Property annoys or disturbs the peace of any other Person.

CRITERIA

- 4.4 In determining what sound is reasonably likely to annoy or disturb the peace of others, consideration may be given to, but is not limited to, the following criteria:
 - a. type, volume, and duration of the sound;
 - b. time of day and day of week; and
 - c. nature and use of the surrounding area.

CONSTRUCTION ACTIVITY NOISE

- 4.5 A Person shall not cause or permit any construction activity on Property they Own or Occupy before 7:00 a.m. or after 11:00 p.m. on a Weekday or before 8:00 a.m. or after 11:00 p.m. on a Weekend or Holiday.
- 4.6 A Person shall not cause or permit the operation of any type of construction equipment in a residential area without effective muffling devices in good working order and in constant operation.

MOTOR VEHICLES NOISE

- 4.7 If a Motor Vehicle is the cause of any sound that contravenes a provision of this Bylaw, the Owner of that Motor Vehicle is liable for the contravention, which sound includes but is not limited to:
 - a. racing of an engine while stationary;
 - b. operation of a motor vehicle in such a way that the tires squeal;

- c. operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other sounds due to improperly secured load or equipment or inadequate maintenance; or
- d. operation of an engine or motor in, or on, an motor vehicle or item of attached auxiliary equipment for a continuous period exceeding five (5) minutes, while stationary in a residential area unless:
 - i. the original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the motor vehicle in which case such recommended period shall not be exceeded;
 - ii. operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to, operation of ready-mix concrete trucks, lift platforms;
 - iii. weather conditions justify the use of heating or refrigerating systems powered by the motor or engine for the safety and welfare of the operator, passengers, or animals, or the preservation of perishable cargo, and the vehicle is stationary for the purposes of delivery or unloading;
 - iv. prevailing low temperatures make longer idling periods necessary, or
 - v. the idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of antifreeze, cleaning of the fuel system; or
 - vi. carburetor or the like work when such work is performed other than for profit.

4.8 The use of Dynamic Braking or engine braking or engine retarder brakes is prohibited.

ANIMAL NOISE

4.9 No person shall allow a domestic pet, or any other animal kept or used for any purpose other than agricultural purposes, to emit persistent barking, calling, whining, or other persistent noise.

MUSIC AND OTHER NOISE

4.10 No person within the municipality shall emit or cause or permit the emission of sound resulting from the operation of any stereo, or other electronic device designed to create, transmit, reproduce or amplify sound in or on a motor vehicle which is audible at a distance of 8 meters (26feet) from such motor vehicle.

4.11 No person within the municipality shall permit the sound from or sound created by any radio, phonograph, tape player, television, electronic device, public address system, sound equipment, loud speaker, amplifier, or any musical or sound producing instrument of whatever kind when the same is played or operated in such manner or with such volume as to disturb the peace, quiet, comfort or repose of any individual inside or outside of any office, dwelling house, apartment, hotel/motel or any other type of residence.

EXCEPTIONS

- 4.12 Unless otherwise provided in this Bylaw, the prohibition of all noise as listed above applies at all times of the day or night excepting the following exceptions:
- a. Nothing in this part prohibits:
 - i. a person who is an employee or authorized agent of the Village from producing certain sounds while acting within the scope of their functions, duties or powers;
 - ii. situations where the CAO has issued a permit allowing the production of certain sounds on whatever conditions the CAO deems appropriate. An example of this may be fireworks, rodeos, petting zoo, concerts; or
 - iii. emergency Service vehicles in service for the immediate health, safety or welfare of inhabitants or the preservation or restoration of property, unless such sound or vibration is clearly of a longer duration or nature than is reasonably necessary for the accomplishment of such emergency purpose.

PART V – ENFORCEMENT

OFFENCE

- 5.1 Any Person who contravenes any provisions of this Bylaw is guilty of an offence and liable upon summary conviction:
- a. for the first offence, to a specified penalty as set out in the Master Rates Bylaw 2022-868;
 - b. for the second or subsequent offence occurring within 365 days of the previous offence, to a specified penalty of double the original penalty as set out in the Master Rates Bylaw 2022-868 ; or
 - c. where no specific penalty is specified, a penalty of not less than One Hundred (\$100.00) Dollars and not more than Two Thousand Five Hundred Dollars (\$2,500.00) to be imposed in the discretion of the Court having jurisdiction, having regard to s. 7(i) of the *Municipal Government Act*.

MUNICIPAL TAG

- 5.2 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Municipal Tag to any Person or Property owner who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provisions of this Bylaw.
- 5.3 Where a Municipal Tag is issued pursuant to this Bylaw, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay the Village the penalty specified on the Municipal Tag.

VIOLATION TICKET

- 5.4 If the penalty specified on the Municipal Tag is not paid within the prescribed time period, then it is hereby authorized and empowered to be placed on the landowners Municipal taxes on December 31 of the current tax year.
- 5.5 Notwithstanding anything else in this Bylaw, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Master Rates Bylaw 2022-868* as amended, to any Person who the Peace Officer has reasonable grounds to believe has contravened any provisions of this Bylaw.
- 5.6 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may;
 - a. specify the fine amount established in the Master Rates Bylaw 2022-868 for the offence; or

CONTINUING OFFENCE

- 5.7 In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

VICARIOUS LIABILITY

- 5.8 For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent exercising the powers or performing the duties on behalf of the Person under their agency relationship.

CORPORATIONS AND PARTNERSHIPS

- 5.9 When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- 5.10 If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

ORDER TO COMPLY

- 5.11 Notwithstanding anything else in this Bylaw:
 - a. If the CAO believes, on reasonable grounds, that a Person is contravening any provision of this Bylaw, including where any Property in the Village is deemed by a Bylaw Enforcement Officer to be Untidy, Unsightly, or a Nuisance, the CAO may, by written order, require any Person responsible for the contravention to remedy it.

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- b. The order may:
 - i. direct a Person to stop doing something, or to change the way in which the Person is doing it;
 - ii. direct a Person to take any action or measures necessary to remedy the contravention of the Bylaw and, if necessary, to prevent a re-occurrence of the contravention;
 - iii. state a time within which the Person must comply with the directions; and
 - iv. state that if the Person does not comply with the directions within a specified time, the Village will take the action or measure.
- c. 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.
- d. An order issued pursuant to this section may be served:
 - i. In the case of an individual:
 - 1. by delivering it personally to the individual;
 - 2. by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or
 - 3. by mail addressed to the individual at their apparent place of residence or at any address for the individual on the tax roll of the Village or at the Land Titles registry;
 - ii. In the case of a corporation:
 - 1. by delivering it personally to any director or officer of the corporation;
 - 2. by delivering it personally to a Person apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or
 - 3. by mail addressed to the registered office of the corporation.

OBSTRUCTION – FAILURE TO COMPLY

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

5.13 A person shall not fail to comply with an order to remedy that is duly issued in accordance with this Bylaw.

PART VI – GENERAL

POWERS OF THE CAO

- 6.1 Without restricting any other power, duty or function granted by this Bylaw, the CAO may:
- a. carry out any inspections to determine compliance with this Bylaw;
 - b. take any steps or carry out any actions required to enforce this Bylaw;
 - c. take any steps or carry out any actions required to remedy a contravention of this Bylaw;
 - d. in accordance with Schedule "B" attached hereto and forming part of this Bylaw, establish investigation and enforcement procedures with respect to residential, commercial, industrial or other types of property and such procedures may differ depending on the type of property in question;
 - e. establish areas where activities restricted by this Bylaw are permitted;
 - f. establish forms for the purposes of this Bylaw;
 - g. issue permits with such terms and conditions as are deemed appropriate;
 - h. establish the criteria to be met for a permit pursuant to this Bylaw;
 - i. delegate any powers, duties or functions under this Bylaw to an employee of the Village; and
 - j. appoint inspectors for the purposes of the *Agricultural Pest Act*, R.S.A. 2000, c. A-8.

PERMITS

- 6.2 A Person to whom a permit has been issued pursuant to this Bylaw, and any Person carrying out an activity otherwise regulated, restricted or prohibited by this Bylaw pursuant to such permit, shall comply with any terms or conditions forming part of the permit.
- 6.3 A Person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this Bylaw.
- 6.4 If any term or condition of a permit issued pursuant to this Bylaw is contravened or if a false or misleading statement or false or misleading information was provided to obtain the permit, the CAO may immediately cancel the permit.

PROOF OF PERMIT

- 6.5 The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this Bylaw is on the Person alleging the existence of such a permit on a balance of probabilities.

CERTIFIED COPY OF RECORD

- 6.6 A copy of a record of the Village, certified by the CAO as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

NUMBER AND GENDER REFERENCES

NO. 101

- 6.7 All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

SEVERABILITY

- 6.8 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.

The Village, a Bylaw Enforcement Officer or any Person who inspects Property under this Bylaw or any person who performs work on behalf of the Village is not liable for any damages caused by the inspection, the work or disposing of anything referred to in an Order.

PART VII – TRANSITIONAL

REPEALS

- 7.1 The following bylaw(s) are repealed upon passage of this Bylaw: 2022-867 Community Standards Bylaw

ENACTMENT

- 7.2 This Bylaw shall come into force and effect when it receives Third and Final reading and is duly signed.

Read a FIRST time in Council this 21st day of February, 2023.

Read a SECOND time in Council this 21st day of February, 2023.

Motion to proceed to Third and Final reading. **CARRIED UNANIMOUSLY.**

Read a THIRD time in Council and finally passed this 21st day of February, 2023.



Mayor Bryan Peever



CAO Vanessa Van der Meer

SCHEDULE "A"

Enforcement Guidelines Respecting the Community Standards Bylaw

1. Intent of this Bylaw

The intent of this Bylaw is to promote community living standards that reflect the belief that community members should be able to reasonably enjoy their health and well-being where they live and work and be protected from unwanted and unwarranted nuisances.

This Bylaw is intended to recognize and account for the fact that sensitivity to nuisances varies greatly from individual to individual and to limit community nuisance exposure to levels that are considered to be within the normal range of sensitivity to such nuisances. It may not, therefore, be possible to resolve all issues to the satisfaction of those individuals with sensitivities beyond this normal range.

2. Expectations and Responsibilities of Community Members

Community members have the right to contact the CAO if they feel they are being negatively affected by a nuisance addressed by this Bylaw. All community members have a responsibility to be reasonable in their expectations of how the dispute may be resolved. Council encourages the promotion of community living standards by which all community members are expected to try and show consideration and respect to their neighbours in order to avoid complaints under this Bylaw.

3. Nuisance Complaint Assessment

If a nuisance complaint is received, it will be assessed based on the criteria of duration, frequency and intensity, taking into consideration the time of day, the day of the week, land use zoning and the type of nuisance. Whether or not enforcement action is taken and, if so, the form of enforcement action taken is in the discretion of the CAO.

4. Permits, Licenses, Exceptions and Exemptions

There are many reasonable cases where the CAO may issue permits or licenses for exceptions or exemptions to this Bylaw, to facilitate the operation of community festivals, industrial processes and emergency equipment. Where compliance with the requirements of the noise and nuisance regulations is not considered desirable or possible, those responsible for construction projects, certain operations or special events, may make application to the CAO for a temporary exemption or permit.

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