

BYLAW 03 - 2023
COMMUNITY STANDARDS BYLAW

A BYLAW OF THE TOWN OF BARRHEAD A MUNICIPAL CORPORATION IN THE PROVINCE OF ALBERTA

WHEREAS, pursuant to Section 7 of the *Municipal Government Act*, R.S.A., 2000, a Municipal Council may pass Bylaws, for municipal purposes respecting the following matters:

- a) the safety, health and welfare of People and protection of Property
- b) nuisances including unsightly properties

WHEREAS, the *Municipal Government Act*, R.S.A. empowers a Municipal Council to impose a fine for infractions of a Bylaw;

NOW THEREFORE, the Municipal Council of the Town of Barrhead, in the Province of Alberta, duly assembled in a regular meeting, hereby enacts as follows:

PART I – PURPOSE, DEFINITIONS & INTERPRETATION

1 – PURPOSE

The purpose of this Bylaw is to regulate Property, and the conduct and activities of people on privately owned Properties and immediately adjacent areas in order to promote the safe, enjoyable and reasonable use of such properties for the benefit of all citizens of the Town.

2 – DEFINITIONS

Boulevard	has the same meaning as in the <i>Traffic Safety Act</i> ;
Building	includes anything constructed or placed on, in, over or under land, whether or not it is so affixed to the land as to become transferred without special mention in a transfer or sale of land;
CAO	means the Chief Administrative Officer or designate of the Town of Barrhead;
Enforcement Officer	means a Peace Officer, Bylaw Enforcement Officer, RCMP, or any other Person authorized by the Council of the Town of Barrhead to enforce the provisions of this Bylaw;
Highway	has the same meaning as in the <i>Traffic Safety Act</i> ;
Litter	means any solid or liquid material or product or combination of solid or liquid materials or products, including, but not limited to: <ul style="list-style-type: none">(i) any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, or sewage or the whole or a part of an animal carcass or;(ii) the whole or part of any article, raw or processed material, motor vehicle or other machinery, that is disposed of, or;(iii) any other material or product that is designated as litter in the Alberta Environmental Protection and Enhancement Act, as amended;
Municipal Council	means the Municipal Council of the Town of Barrhead;

Municipal Ticket	means a ticket issued on behalf of the Town which alleges an offence issued pursuant to the authority of a Bylaw of the Town of Barrhead;
Occupy/Occupies/Occupant	means a Person residing on or in or a Person who is in apparent possession or control of Property;
Owner	means: <ul style="list-style-type: none"> (i) in respect of land, the Person who is registered under the <i>Land Titles Act</i> as the Owner of the fee simple estate in the land; and (ii) in respect of Property other than land, the Person in lawful possession of it;
Person	means any individual, firm, partnership, association, corporation, trustee, executor, administrator, contractor, agent or other legal entity or representative;
Property	means any and all of a parcel of land or improvements on land, or items or personal property;
Sidewalk	has the same meaning as in the <i>Traffic Safety Act</i> ;
Structure	means a building or other thing erected or placed in, on, over or under land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of the land;
Town	means the Municipal Corporation of the Town of Barrhead;
Violation Ticket	has the same meaning as in the <i>Provincial Offence Procedures Act</i> .

3 – INTERPRETATION

- a) This Bylaw may be referred to as the “Community Standards Bylaw.”
- b) Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is found to be invalid for any reason by a Court of Law, all other provisions of this Bylaw shall remain valid and enforceable.
- c) Marginal notes and headings in this Bylaw are for reference purposes only.
- d) Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial law or regulation.
- e) Wherever the singular or masculine is used throughout this Bylaw, the same shall be construed as meaning the plural or feminine respectively.
- f) Where a word or term is defined by this bylaw, derivatives of that word or term will be interpreted to have the same general meaning of the defined word or term, as the context may require.

PART II - PROPERTY MAINTENANCE

1 – LAND & BUILDINGS

- a) For the purposes of this part, a person who owns or occupies land shall be considered to occupy that portion of Highway between the property line of that person’s land and the center line of the Highway.
- b) A Person shall not cause or permit a nuisance or unsightly condition to exist on land they own or Occupy.

- c) No owner or occupier shall cause or permit a nuisance or unsightly condition to exist on the property they own or occupy, that is detrimental to the surrounding area, including but not limited to:
- i. excessive accumulation of material including building materials, appliances, household goods, boxes, tires, vehicle parts, whether of apparent value or not, etc.;
 - ii. loose litter, garbage or refuse, whether located in a storage area, collection area or elsewhere on the land;
 - iii. damaged, immobile, dismantled or derelict vehicles whether insured or registered or not;
 - iv. smelly or messy compost heaps;
 - v. unkempt grass or weeds on Property;
 - vi. production of dust, dirt or smoke;
 - vii. production of any generally offensive odour; and
 - iv. any tree shrub or other type of vegetation or any structure:
 - that interferes or could interfere with any public work or utility,
 - that obstructs any sidewalk adjacent to the land, or
 - that impairs visibility required for safe traffic flow at any intersection adjacent to the land.
- d) Every owner or occupier shall ensure the steps, walkways, driveways, parking spaces etc. are maintained in good repair so as to allow the safe passage of emergency services under normal use and weather conditions.

2 – UNOCCUPIED BUILDINGS

- a) A building normally intended for human habitation that is unoccupied shall have all doors or window openings in the building secured in a manner sufficient to prevent unauthorized entry into the building, while at the same time not detracting from the appearance of the building.
- b) The owner of a building that is unoccupied shall ensure that arrangements are made for maintaining the Property, including but not limited to:
- i. cutting the grass, removing the weeds and litter;
 - ii. maintaining any fence, retaining wall, or other improvements in good repair; and
 - iii. clearing snow, ice or any obstruction from any sidewalk adjacent to the said property.

3 – WATER, EAVES TROUGHS, DOWNSPOUTS

- a) 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 it is likely that the water from the hose or similar device will enter the adjacent Property.
- b) An owner or occupant of a property shall direct any rainwater, downspout or eaves trough on the property towards:
- i. the front of the property;
 - ii. the rear of the property;
 - iii. a side yard which does not abut another property; or
 - iv. a side yard which abuts another property provided there is a minimum of 6 metres of permeable ground between the outfall of the downspout or eaves trough and the adjacent property.

4 – SNOW, ICE, DEBRIS & OBSTRUCTIONS

- a) The owner or occupant of any private property adjacent to a sidewalk shall be responsible for the removal of ice or snow from the sidewalk between their property adjacent to their property, within forty-eight (48) hours after the ice or snow has been deposited.

- b) No person shall remove snow, ice, dirt, debris or other materials from any sidewalk or other property and place such items:
 - i. onto any portion of a highway;
 - ii. onto any other public place adjacent to such property; or
 - iii. onto any private property other than their own.
- c) An Occupant or Person who rents, owns, or leases a building shall be deemed responsible for any object or good disposed of or from the premises onto any portion of a Highway.
- d) The owner or occupant who has an awning, canopy, marquee or other encroachment extending over a sidewalk or other portion of a highway shall endeavor to keep the said extension free from snow or ice so that it will not deposit or drip onto the sidewalk.
- e) The owner or occupant shall clean up the snow or ice on the sidewalk and ensure that an icy or dangerous situation is not allow to exist on a sidewalk.
- f) No person shall place any goods, wares, merchandise or any other article upon a Sidewalk or Highway outside any shop, warehouse or building so as to obstruct pedestrian or vehicular traffic.
- g) Any sign, notice or other object placed on or beside a Highway or other public lands, shall be removed without notice or warning to the owner.

5 - CONSTRUCTION PRACTICES

- a) Any owner or occupant carrying out demolition, construction, renovation or improvements within Town shall be responsible for any damage to streets, lanes, Sidewalks, curb, gutters, water and sewer mains and lines, manholes, trees and landscaping as a result of the work being done.
- b) Any Person carrying out any demolition, construction, renovation or any improvement work within the Town shall:
 - i. ensure that all excavation and construction materials and debris are kept within the property lines of the lot or parcel of land upon which the work is done and ensure that the property is secure and does not pose a danger to public safety. Stockpiling of materials is not permitted on public streets or Boulevards;
 - ii. ensure that all existing sidewalks, curbs and gutters adjacent to the building/construction site must be protected and kept free of debris during construction and allow for safe passage of pedestrian traffic. Any damage caused by such work shall be repaired at the expense of the owner and/or the person the person doing the work;
 - iii. all construction material, debris and litter are to be confined to the lot or parcel upon which the work is done and cleared away regularly, and upon completion of construction.

PART III - MISCELLANEOUS RESTRICTIONS AND PROHIBITIONS

- 1. Unless otherwise lawfully authorized, no Person within Town limits, shall convey a firearm, pellet gun, B.B. gun, air gun, paintball gun or gas operated gun in which a round of ammunition is in the gun or in a magazine that is attached to the gun.
- 2. No Person shall discharge a firearm, pellet gun, B.B. gun, paint ball gun or gas-powered gun within the Town limits unless:
 - a) the CAO or a Peace Officer may authorize the discharge of a firearm or gun for animal control purposes, special events or within range facilities of a gun club or similar organizations.
- 3. No Person shall shoot an arrow from a bow of any nature, or discharge a sling shot or device of any kind which will propel a projectile, over, across, or along any portion of a Highway, public place or upon any land owned by the Town unless authorized by the Town.

4. No Person shall allow a vehicle to leak engine oil, transmission fluid or any environmentally harmful fluids of any type on to a public Highway or street within the Town. A vehicle leaking such fluids shall be deemed to constitute a danger to public safety and may be towed away and the fluids removed from the street at the expense of the registered Owner of the vehicle.
5. No Person shall dispose of anything into a sewer, manhole, or catch basin excepting those Persons authorized by issuance of a permit by the CAO and at those sites designated by that permit.
6. No Person shall tamper with or remove a manhole cover or valve cover from its seat-base without authorization by the CAO.
7. No Person other than the Owner or Occupant, Town representative or collection contractor shall interfere with, disturb the contents of, remove material from or add addition material to any waste collection container located on any residential or commercial Property within the Town.
8. No Person shall place 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 opening and closing of the appliance which may include:
 - a) the complete removal of the door;
 - b) removal of the door handle mechanism if this prevents opening and closing of the appliance;
 - c) removal of the door hinges; and
 - d) locking the appliance to prevent access.
9. No Person shall obstruct or hinder any Person, Peace Officer, Bylaw Enforcement Officer, staff member or contracted service provider in the exercise or performance of their powers, or the Town's powers, pursuant to this Bylaw.
10. No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any Town property, including street, lane, sidewalk, parking lot, park, public facility or other public place or water course any refuse debris or litter.
11. No owner or occupant or employee of a resident or commercial business in Town shall:
 - a) dispose of any litter at a location not designated by the Town as a disposal site.
 - b) place any litter on any property at which they are not the owner or occupier of.
 - c) place any litter into a container/dumpster/receptacle that has not been designated or registered for their use.

PART IV – ENFORCEMENT

1 – OFFENCE

- a) A Person who contravenes, breaches or fails to comply with this Bylaw is guilty of an offence.
- b) In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence for each day that the offence 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.

2 – FINES AND PENALTIES

- a) A Person who contravenes, breaches or fails to comply with this Bylaw is guilty of an offence and is liable to a fine as listed in Schedule "A" of this Bylaw
- b) If a Municipal Tag is issued in respect of an offence, the Municipal Tag must specify the fine amount established by this Bylaw for the offence.
- c) A Person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this Bylaw for the offence and if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.

- d) If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- i. specify the fine established by this Bylaw for the offence; or
 - ii. require a Person to appear in court without the alternative of making a voluntary payment;
 - iii. in the case of a corporation:
 - be served personally to any director or officer of the corporation
 - be served 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
 - be served by mail addressed to the registered office of the corporation.
- e) Notwithstanding whether a Municipal Tag or Violation Ticket has been issued pursuant to this Bylaw, any Owner/Occupant who contravenes this Bylaw may also be issued an Order to Remedy pursuant to Sections 545 or 546 of *Municipal Government Act*.

3 – AUTHORITY TO ISSUE MUNICIPAL TAGS AND VIOLATION TICKETS

An Enforcement Officer employed by or contracted by the Town, is hereby authorized to issue Municipal Tickets or Violation Tickets pursuant to this Bylaw.

4 – AUTHORITY TO ENTER LANDS

- a) Without restricting any other power, duty or function granted by this bylaw, an enforcement officer may:
- i. carry out any inspections to determine compliance with this bylaw;
 - ii. take any steps or carry out any actions required to enforce this bylaw;
 - iii. take any steps or carry out any actions required to remedy a contravention of this bylaw;

5 – APPEAL PROCEDURE

- a) The Owner or person who receives an Order pursuant to this Bylaw may request the CAO to review that Order by written notice.
- i. the written request for a review of an Order issued must be received by the Town Administration within 7 days of the receipt of the Order;
 - ii. upon receipt of a written appeal the CAO will review the Order, the enforcement file, the bylaw and any other materials provided therewith. The CAO may decide to uphold, vary or revoke the Order and will communicate in writing within 10 days of receipt of the appeal, including where applicable the date by which the upheld or varied Order must be complied with.

6 – SEVERABILITY

- a) All sections of this Bylaw are separate and severable. Should any section or part of this Bylaw be deemed invalid or inoperative by any court or administrative body for any reason, the remaining sections shall remain valid and in full force and effect.

7 – ADMINISTRATION

- a) Where the provisions of this Bylaw conflict with any other Bylaw enacted by The Town of Barrhead, the provisions of this Bylaw shall apply.
- b) Bylaw No. 10-2020 is hereby rescinded.

Read a first time this 13th day of June, A.D., 2023.

TOWN OF BARRHEAD



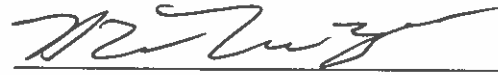
Mayor, Dave McKenzie



CAO, Edward LeBlanc

Read a second time this 13th day of June, A.D., 2023.

TOWN OF BARRHEAD



Mayor, Dave McKenzie



CAO, Edward LeBlanc

Read a third time this 13th day of June, 2023 and passed.

TOWN OF BARRHEAD



Mayor, Dave McKenzie



CAO, Edward LeBlanc

SCHEDULE "A"

Any person who is in contravention of any part of the following sections of this Bylaw shall be subject to:

OFFENCES	SECTION	PENALTY
Land & Building	Part II Section 1	\$300.00
Unoccupied Buildings	Part II Section 2	\$300.00
Water Runoff	Part II Section 3	\$250.00
Snow removal, ice & debris	Part II Section 4	\$250.00
Construction Practices	Part II Section 5	\$250.00
Miscellaneous Restrictions & Prohibitions	Part III, Sections 1-11	\$250.00

Contravention of any and each Bylaw provision:

Any work carried out by the Town and costs associated will be charged to the owner/occupant including an additional administration fee of \$350.

Any person who commits a second or third or subsequent offence shall be liable for the increase penalties below:

Second Offence
within any twelve (12) month period

Double the above Penalties

Third and Subsequent Offence
within any twelve (12) month period

Triple the above Penalties