



# DRAYTON VALLEY

*'Pulling Together'*

## **BYLAW NO. 2015/08/P**

BEING A BYLAW OF THE TOWN OF DRAYTON VALLEY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING COMMUNITY STANDARDS AND REGULATING, CONTROLLING AND ABATING NUISANCES AND DANGEROUS AND UNSIGHTLY PREMISES WITHIN THE TOWN OF DRAYTON VALLEY.

**WHEREAS** in accordance with the *Municipal Government Act* being Chapter M 26 of the Revised Statutes of Alberta, 2000, and amendments thereto, allows for a municipality may pass bylaws to regulate, manage and control unsightly property within the municipality;

**AND WHEREAS** and pursuant to Part 2, Division 1, section 7 of the *Municipal Government Act* 2000, being Chapter M. 26.1 of the Revised Statutes of Alberta, the Council of a municipality is authorized to pass bylaws with respect to the health, safety and well-being of its community,

**AND WHEREAS** pursuant to section 66(2) of the *Safety Codes Act* a Council may make bylaws respecting the following matters:

- (a) Minimum maintenance standards for buildings and structures; and
- (b) Unsightly or derelict buildings or structures;

**AND WHEREAS** pursuant to the *Agricultural Pests Act* and the *Weed Control Act*, a Council may pass certain bylaws and appoint Inspectors;

**AND WHEREAS**, the Town of Drayton Valley is desirous to manage the maintenance of unsightly properties within the Town of Drayton Valley;

**NOW THEREFORE**, the Council of the Town of Drayton Valley, duly assembled, hereby enacts as follows:

**1. TITLE**

This Bylaw may be cited as the "Community Standards Bylaw" of the Town of Drayton Valley.

## 2. PURPOSE

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

## 3. DEFINITIONS

In this Bylaw, including this section, unless the context otherwise requires:

*abandoned equipment* means equipment, furniture or machinery, which has been rendered inoperative by reason of its disassembly, damage, age or the deterioration of its original 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 in an inoperative condition;

*abandoned vehicle* means the entire or any portion of any motor vehicle, where that vehicle:

- a. is in rusted, wholly or partially wrecked, dismantled, or inoperative condition, and is not located within a structure or located on property such that it can be concealed from view; or
- b. has no current license plate attached to it and, in respect of which, no registration certificate has been issued for the current year; and
- c. is inoperative by reason of missing or disassembled parts or equipment, and is not located within a structure or located on property such that it can be concealed from view;

*boulevard* means that part of a highway that is not a roadway; and is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;

*building* includes a structure and any part of a building or structure (including but not limited to decks, patios, porticos, balconies, porches, overhangs, eaves, steps, landings, and carports) placed in, on or over land whether or not it is so affixed to become transferred without special mention by a transfer or sale of the land;

*Bylaw Enforcement Officer* means an individual or individuals appointed by the Town pursuant to the *Municipal Government Act*, to enforce the Town's Bylaws, and includes a member of the Royal Canadian Mounted police and any Special Constable employed by the Town;

*construction site* means a parcel of land upon which a building, structure, or a portion thereof is being constructed or repaired;

*Council* means the Municipal Council for the Town of Drayton Valley;

*Designated Officer* means a Bylaw Enforcement Officer, or any other person who has been appointed by Council from time to time, for the purpose of inspections or enforcement pursuant to this Bylaw;

*Development Authority* means the person or persons appointed pursuant to the Development Authority Bylaw, as amended;

*disturbance* means the interruption of the peace and quiet of a neighbourhood;

*graffiti* means the offensive defacement or disfigurement of any property or object, through the performance of any of the following acts:

- a. the application of any substance, including paint, ink, stain or whitewash to any surface;
- b. the affixing of any substance, including paper, fabric, or plastic, by any form of adhesion that does not remove cleanly when pulled away from the applied surface; or
- c. the marking, scratching, etching or other alteration or disfigurement of any surface;

which may have been performed without the authorization of the owner of the property;

*highway* means the same as defined in the *Traffic Safety Act*;

*motor vehicle* means a motor vehicle, as defined in the *Traffic Safety Act*;

*noxious weed* has the same meaning as in the *Weed Control Act*;

*nuisance* means a condition, or the use of, or an emission from property which, in the reasonable opinion of a designated officer, or the chief administrative officer, constitutes an interference with the use and enjoyment of other private or public property, and includes, without limiting the foregoing, noise or/and unsightly premises. Conditions constituting a nuisance on property include, but are not limited to:

- a. the accumulation of refuse or other waste products;

- b. grass in excess of fifteen (15) centimeters in length, or the presence of weeds, which in the opinion of a designated officer, are excessive or which demonstrate neglect by the owner;
- c. the accumulation of animal waste material, yard material, ashes or scrap building material;
- d. the accumulation of abandoned vehicles, abandoned equipment or household appliances;
- e. the accumulation of damaged, dismantled or derelict vehicles or motor vehicles, whether insured or registered or not;
- f. the presence or accumulation of animal carcasses, hazardous materials, noxious fumes, manure or sewage;
- g. the accumulation of stagnant water which may support the breeding of mosquitoes or other pests;
- h. the presence of shrubs, trees, weeds 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 or public place, including the obstruction of sight lines necessary for the safe operation of motor vehicles on a highway within the Town;
- i. any construction project or activity not completed within two (2) years of the date the Building Permit for the project or activity was issued by the Town or, if no Permit was required, within two (2) years of the start construction;
- j. the failure to dispose of refuse or other waste products accumulating in temporary storage containers upon the property;
- k. 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 or improvements, or portions of buildings, structures or improvements;
  - ii. broken or missing windows, siding, shingles, shutters, eaves or other building material; and

- iii. fences, whether decorative or functional in nature, such that they become deteriorated, unsightly or present a safety hazard.

*obstruction* means an encroachment, excavation, structure, object, thing, or any other obstacle that interferes with, or prevents the vision, passage, maintenance or use of any public property by vehicles or pedestrians;

*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;

*occupy or occupies* means residing on or to be in apparent possession or control of property;

*Order* means an Order issued by a designated officer as described in Section 545 or Section 546 of the *Municipal Government Act*, as applicable;

*owner* means

- a. any person registered as the owner of property under the *Land Titles Act*;
- b. a person who is recorded as the owner of property on the assessment role of the Town.
- c. a person who has become the beneficial owner of the property, including by entering into a Purchase and Sale Agreement, whether they have purchased or otherwise acquired directed from the owner or from another purchaser, and who has not yet become the registered owner thereof;
- d. a person holding himself out as the person exercising the power of authority of ownership or, who for the time being exercises the powers and authority of ownership over the property.
- e. a person in control of property under construction; or
- f. a person, tenant or renter who is the occupant of the property under a lease, license or permit;

*Peace Officer* means a person appointed as a Peace Officer pursuant to section 7 of the *Peace Officer Act*, S.A. 2006, chapter P-35, and also includes but is not limited to a Police Officer, Royal Canadian Mounted Police Officer, Special Constable, Bylaw Enforcement Officer, Safety Codes Officer, or a person designated by Council to enforce the provisions of this Bylaw;

*person* means a corporation, partnership, or individual, and the heirs, executors, personal representatives or other legal representative of an individual, joint venture, proprietorship, association, or society;

*Permit* means a written permit issued by the Town;

*property* means any lands, buildings, structures, improvements, or premises, or any personal property located thereupon, located within the municipal boundaries of the Town;

*public place* means any highway, parkland, public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, and includes any open space to which the public may have or are permitted to have access whether on pavement or otherwise, that is owned by the Town of Drayton Valley;

*refuse* means all solid and liquid waste including, but not limited to, broken dishes, cans, glass, rags, cast-off clothing, waste paper, cigarette butts, cardboard, containers, organic and inorganic yard and garden waste, garbage, fuels, chemicals, hazardous materials, abandoned vehicles, abandoned equipment, tires, paint, automotive liquids, manure, animal waste or any other form of waste or litter;

*reasonable state of repair* means the condition of being:

- a. structurally sound,
- b. free from significant damage;
- c. free from rot or other deterioration; and
- d. safe for its intended use;

*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;

*special event* means activities, including parades, occurring in the Town which are open to or intended to attract the general public and will take place in or on publicly owned lands or facilities;

*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;

*Town* means the Town of Drayton Valley, in the Province of Alberta;

*Town Manager* means the Chief Administrative Officer of the Town or his delegate;

*unsightly premises* means any property, whether land, buildings, improvements to lands and buildings, personal property or any other combination of the above, located within the Town that, in the reasonable opinion of a designated officer, or the Chief Administrative Officer, detrimentally affects the repose, amenities, use, value or enjoyment of the surrounding properties in reasonable proximity to the subject premises, or is otherwise detrimental to the surrounding area or in an unsightly condition as defined by the *Municipal Government Act*;

*Violation Tag* means a tag or similar document issued by the Town for the purpose of notifying a person that an offence has been committed for which a prosecution may follow;

*Violation Ticket* means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*;

*waste bin* (also referred to as a dumpster) means a metal container of three-, four- or six- yard capacity used for the collection of waste for commercial, industrial, institutional and high density residential sites;

*waste receptacle* (also referred to as a *tote cart*) means a plastic container of specific volume, with hinged lid and wheels, which is supplied by the Town or by a designate of the Town;

*weeds* means any plant that is designated in the *Weed Control Act* of Alberta as “prohibited” or “noxious”, and shall also include any fungus which may be destructive or injurious to gardens, lawns, trees or shrubs.

#### **4. NUISANCE AND UNSIGHTLY PREMISES**

4.1 An owner of property shall not cause or allow that property, or his/her use of that property, to constitute a nuisance.

4.2 An owner of property shall not cause, or allow that property to become, a danger to public safety, an unsightly premises, or allow a property to show signs of a serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area.

4.3 No owner shall cause, permit or allow refuse, abandoned equipment, abandoned vehicles, discarded, dilapidated furniture or household appliances, loose garbage, rubbish, packaging material, scrap metals, scrap lumber, tires, parts of disassembled machinery, equipment or appliances and motor vehicle parts, boxes, whether of any apparent value or not, to collect, accumulate or to be stored upon his property, or to accumulate in any building or structure within the Town, except in appropriate containers provided for the temporary storage

of refuse or other waste materials for pick-up and disposal at a sanitary landfill, recycling centre or other waste management facility, or except as otherwise permitted pursuant to a statute, or this or another Bylaw.

4.4 Any nuisance occurring within a boulevard or sidewalk under the care of an adjacent property owner is considered a contravention of this Bylaw by that owner.

4.5 **Salvage or Storage Yard Storage**  
All outdoor storage yards or salvage yards, auto wreckers or other businesses which, by their nature, appear to be untidy shall be obscured by approved screening from visibility by adjacent properties.

## **5. BUILDING MAINTENANCE STANDARDS**

5.1 All buildings, structures, improvements, fixtures, renovations and additions to property shall be maintained so that:

- a. the foundations,
- b. exterior walls,
- c. roof,
- d. windows, including frames, shutters and awnings,
- e. exterior signage
- f. doors, including frames and awnings,
- g. exterior stairs, steps and sidewalks,
- h. decks, porches, balconies, landings and patios,
- i. overhands and eaves,
- j. fences, and
- k. other similar structures.

are kept in a reasonable state of repair. Buildings shall be secured so as to prevent 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.

- 5.2 Any person who owns or occupies land shall keep every tree (including all shrubs, bushes and plants) pruned so that the tree is free of wood or organic material that is dead or dying, or encroachment beyond the owner's property. Trees which overhang streets or sidewalks shall be maintained so that no branches or other organic material encroach within two (2) metres above the street or sidewalk.

5.3 Unoccupied Buildings

- a. If a building normally intended for human habitation is unoccupied for a period exceeding thirty (30) days, such that the building appears abandoned, then any door or window opening in the building may be covered with a solid piece of wood but only if the wood is:
- i. installed from the exterior and fitted within the frame of the opening in a watertight manner;
  - ii. of a thickness sufficient to prevent unauthorized entry into the building;
  - iii. secured in a manner sufficient to prevent unauthorized entry into the building; and
  - iv. coated with an opaque protective finish in a manner that is not detrimental to the surrounding area;

unless such measures are implemented in the case of an emergency, including but not limited to a fire or a natural disaster.

- b. If a building normally intended for human habitation is unoccupied then the person who owns the property shall be responsible to ensure that:
- i. every walk and driveway on the property shall be maintained clear of all snow and ice;
  - ii. grass shall not be permitted to grow higher than fifteen (15) centimetres;
  - iii. noxious weeds shall be destroyed; and

- iv. any graffiti, vandalism or damage to the property is removed or repaired within a period of not less than seventy-two (72) hours from when such graffiti, vandalism or damage occurred.

## **6. MAINTENANCE OF SIDEWALKS**

- 6.1 The occupant of any property within the Town shall be responsible for the adjacent municipal sidewalk. Responsibilities shall include, but may not be limited to:
  - a. remove and clear away all snow, ice, dirt, weeds and all other obstructions within forty-eight (48) hours of the time that such snow, ice, or other obstruction was deposited thereon;
  - b. remove the accumulation of fallen leaves, refuse or other debris from the sidewalk; and
  - c. prevent any obstacles or obstructions, such as but not limited to electrical extension cords, from extending across sidewalks, unless mitigation steps satisfactory to the Bylaw Officer are taken to limit the hazard or danger to the public.
- 6.2 The Town may, after the expiration of the forty-eight (48) hours aforesaid, remove and clean away all snow, ice, dirt and all other obstructions, as defined in this Bylaw, required to be removed by this section and charge the expenses thereof to the owner or occupant.
- 6.3 For the purpose of this section, snow, dirt and other obstructions will be considered reasonably removed and cleared when the sidewalk is cleaned for the entire width of the sidewalk to the sidewalk surface as completely as reasonable possible.
- 6.4 For a building located on the property and within three (3.0) metres of a highway, the occupant of the property shall remove snow or ice accumulations on the roof or eaves, or from downspouts of the building, and while removing the snow or ice hazard, shall take due care and attention for the safety of vehicles and pedestrians passing.

## **7. MAINTENANCE OF BOULEVARDS**

- 7.1 The owner of any property within the Town shall be responsible for the adjacent boulevard. Responsibilities shall include, but may not be limited to:
  - a. keeping any grass on the boulevard cut to a reasonable length;

- b. removing the accumulation of fallen leaves, refuse or other debris from the boulevard; and
- c. cutting or trimming grass around trees, shrubs, sign posts, hydrants, and other municipal structures located within the boulevard.

7.2 Notwithstanding any other provisions of this Bylaw, no person shall:

- a. remove, damage or alter any tree or municipal structure located on a boulevard; or
- b. prune, cut, repair or perform any other work on any tree or municipal structure on a boulevard;

unless ordered or permitted to do so by the Town Manager.

## 7. **GRAFFITI**

7.3 No person shall place graffiti or cause it to be placed on any property.

7.4 Every property owner or occupant shall ensure that graffiti placed on their property is removed, painted over, or otherwise permanently blocked from public view within seventy-two (72) hours of the graffiti being placed.

## 8. **WASTE MANAGEMENT**

### 8.1 Waste Receptacles

No person shall place, cause or permit to be placed any waste receptacle or tote cart on property they own or occupy unless the waste receptacle or tote cart is:

- a. equipped with a lid or cover capable of completely covering the contents; and
- b. kept closed or covered at all times except for actual loading or unloading of waste.

### 8.2 Waste Bins

No person shall place, cause or permit to be placed any waste bin or dumpster on land they own or occupy unless the waste bin or dumpster is:

- a. placed and screened in compliance with the Town's Land Use Bylaw;

- b. kept closed or covered at all times except for actual loading or unloading of waste; and
- c. contains only material that will not emit odour and will not be blown out of the bin.

### 8.3 Construction Waste

- a. Each construction site shall have a waste container to ensure that construction materials are placed in the container to prevent the material from being blown away from or throughout the construction site.
- b. No loose construction material is to be stored or accumulated on a construction site unless it is made incapable of being blown away from or throughout the construction area.
- c. No owner of a construction site shall fail to have a waste container on a construction site.
- d. No owner of a construction site shall fail to ensure that construction materials are placed in a waste container to prevent materials from being blown away from or throughout the construction site.
- e. No owner of a construction site shall allow loose construction material to be stored or accumulated on a construction site unless it is made incapable of being blown away from and throughout the construction site.

## 9. LITTERING

- 9.1 No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any Town property, including any street, alley, lane, sidewalk, parking lot, park, or other public place or water course:
- a. a cardboard or wooden box, carton, container, or receptacle of any kind;
  - b. a wrapper, envelope, or covering of any kind, whether paper or not, from food or confectionary;
  - c. paper of any kind, whether or not containing written or printed matter thereon;
  - d. any human, animal, or vegetable matter or waste;

- e. any glass, crockery, nails, tacks, barbed-wire or other breakable or sharp objects;
  - f. scrap metal, scrap lumber, tires, dismantled, wrecked or dilapidated motor vehicles or parts thereof;
  - g. any motor vehicle or any part of any motor vehicle which may, in whole or in part, obstruct any highway, street, alley, lane, bi-way or other public place;
  - h. any vehicle fuels, fluids or oils, of any kind;
  - i. dirt, sand, gravel, filth, or rubbish of any kind, including but not limited to cigarette butts or gum, whether similar or dissimilar to the foregoing.
- 9.2 A person who has placed, deposited or thrown or caused to be placed, deposited or thrown anything or any matter mentioned in section 10.1 upon any street, lane, alley, sidewalk, parking place, park or other public place or water course shall forthwith remove it.

**10. REPAIR OF MOTOR VEHICLES**

- 10.1 Except for emergency situations, such changing a flat tire or vehicle break-down requiring immediate repair, no person may conduct any repair work on motor vehicles, including mechanical repairs, auto body work, frame repair, collision repair, auto painting, or modifications to the body or rebuilding of a motor vehicle, on any site in a residential district unless they have obtained a valid Business License issued by the Town of Drayton Valley to do so.
- 10.2 This prohibition shall not apply to routine maintenance work done on any vehicle owned, operated and registered in the name of the owner or resident of the property, provided that:
- a. the activity does not create a nuisance or result in neighbourhood noise complaints;
  - b. there is no escape of offensive, annoying or noxious odours, fumes or smoke from the site;
  - c. vehicle fluids, oil, gasoline products and other hazardous materials are properly stored and disposed of and not swept or washed into the lanes, alleys, streets, or down storm sewers;

- d. all discarded vehicle parts and materials are properly stored and disposed of from the site;
- e. no power washing of motor or power train is performed on the site;
- f. all Building and Fire Code regulations are met.

11. **URINATING**

No person shall urinate or deposit any human waste in any public place, other than a public washroom.

12. **FLYERS ON VEHICLES**

No person shall place, deposit or throw, or cause to be placed, deposited or thrown upon or into any motor vehicle, which is parked on any street, lane, alley, parking lot or other public place, any leaflet, pamphlet, poster, handbill, flyer or any paper containing printed or written matter, whether advertising or not, with the exception of any Violation Ticket, Violation Tag, or other enforcement document placed by a Peace Officer, pursuant to lawful authority.

13. **POSTERS ON WALLS AND SIGN POSTS**

13.1 No person shall post or exhibit, or cause, permit or allow to be posted or exhibited, on a highway, public place, street furniture or utility device, any placard, playbill, poster, printed or other notice, sign, writing or picture, without the prior written permission of the Development Authority.

13.2 The Bylaw Enforcement Officer is hereby authorized to remove and destroy any such placard, playbill, poster, printed or other notice, sign, writing or picture placed upon or installed without the permission required by section 14.1 above.

14. **FIGHTING, LOITERING AND THROWING PROJECTILES**

14.1 No person shall participate in a fight or other similar physical confrontation in any public place or any place to which the public is allowed access.

14.2 No person shall loiter and thereby obstruct any other person in any public place.

14.3 No person shall cast, project or throw any stones, balls of snow or ice, or other projectiles in any manner which is dangerous to the public, or use any bow or arrow, catapult or other such device on any public place.

15. **PANHANDLING**

15.1 No person shall engage in panhandling:

- a. Between the hours of 6:00 pm and 8:00 am;
- b. From any person who at the time is an occupant or engaged in operating a motor vehicle;
- c. From a person who has refused or declined the solicitation;
- d. So as to obstruct the passage of, walk next to, or follow the person being solicited;
- e. Within ten (10) metres of the entrance to a bank, credit union, trust company, or other financial institution where cash can be withdrawn; or
- f. Within ten (10) metres of an automated teller machine or other device from which cash can be electronically accessed.

16. **LIGHT POLLUTION**

16.1 No owner of a property shall cause or allow an outdoor light to be oriented or unshielded such that it shines directly into an adjacent dwelling unit.

16.2 Where an outdoor light is permitted or required pursuant to a Land Use Bylaw, a Development Permit or a similar approval, the Land Use Bylaw, Development Permit or similar approval shall take precedence over this Bylaw, and the light shall not constitute a violation of section 16.1.

17. **CHARITY COLLECTION SITES**

17.1 No person shall dump or deposit household garbage or other litter at a charity collection site.

17.2 No person shall scavenge from or disturb any material, bag or box in or at a charity collection site, whether or not that material, bag or box is contained in a receptacle or resting upon the ground.

18. **NUISANCE TO ADJACENT PROPERTY**

18.1 **Water, Eavestroughs and Downspouts**

- a. No owner 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 of a property shall direct any rainwater downspout, eavestrough, hose or similar device on the property towards the front or rear of the property or a side yard which does not abut another property unless it is pre-existing, otherwise authorized or would be considered unreasonable or impractical to change.
- c. No owner of a property shall allow a flow of water from a hose or similar device, rain water, downspout or eavestrough to be directed over a public sidewalk so as to be a hazard to any person.

18.2 **Compost Sites**

- a. No owner of a property shall place or allow to be placed cat feces, dog feces, animal parts or animal meat on a composting pile or in a composting container on the property.
- b. No owner of a property shall allow an open composting pile on the premises within three (3) metres of an adjacent dwelling house, measured from the nearest part of the open composting pile to the nearest part of the adjacent dwelling house.
- c. Every owner who allows a composting container or composting pile to remain on a property must ensure that it is maintained in such a manner that it does not become a nuisance by creating offensive odours or attracting pests.

19. **NO USE OF TOWN PROPERTY**

- 19.1 No person shall place, pile, or store any material or equipment on Town property unless under exceptional circumstances and with the approval without first applying for and obtaining a permit for such purpose from the Town Engineer; such permit will be issued solely at the discretion of the Town Engineer. The Town Engineer is hereby authorized to make provisions and regulations for the granting of such permits and to set the charges and terms in respect thereof.



19.2 Any person placing, or causing to be placed, any material or equipment or any other obstruction on Town property without a permit shall remove, or cause to be removed, the obstruction within twenty-four (24) hours of receiving notice from the Town. If the person fails to remove or cause to be removed, the material or equipment within twenty-four (24) hours of receiving notice from the Town, the Town Manager may authorize the removal of the material or equipment. All costs associated with the removal and disposal of the material or equipment, as well as the cost to repair any damage to the Town property as a result of the unpermitted storage, shall be borne solely by the person responsible for the placement of the material or equipment.

20. **AUTHORITY TO REMOVE**

The Town Manager, or designate, may authorize any Town employee, or other person, to remove and put in storage or destroy anything placed upon Town property in contravention of this Bylaw.

21. **ENFORCEMENT**

21.1 Enforcement pursuant to Section 20 of this Bylaw shall be carried out by a Designated Officer of the Town, as defined within the foregoing section 3.

21.2 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 *Municipal Government Act*, in order to carry out an inspection, enforcement or other action required or authorized by this Bylaw, the *Municipal Government Act*, or any other statute.

21.3 Before conducting an inspection pursuant to section 20.2, a Designated Officer shall provide the owner of the property with reasonable notice as required by the *Municipal Government Act*.

21.4 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 or any other person responsible for the contravention, or any or all of them.

21.5 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 *Municipal Government Act*.

21.6 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 *Municipal Government Act*.

- 21.7 An Order issued by a designated officer under section 20.6 may:
- 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:
    - i. the removal of matter or thing from the property, which constitutes the nuisance;
    - ii. the construction or installation of a garbage bin or enclosure or the repair of an existing garbage enclosure;
    - iii. entering into a cleanliness agreement in a form to the satisfaction of the Designated Officer; and
    - iv. offering the owner of the property an opportunity to enter into any other voluntary agreement with the Town to keep the property clean, tidy and free of nuisances and include measures to prevent the reoccurrence of the contravention;
  - c. require the owner of any dangerous structure to eliminate the danger to public safety in a manner specified, or to remove or demolish the structure and level the site;
  - d. require the owner of the unsightly premises to:
    - i. improve the appearance of the property in the manner specified; or
    - ii. in the case of a structure or improvement to lands, to improve the appearance of the structure or improvement, or to remove or to demolish the structure or improvement and level the site;
  - e. in the case of an excavation or hole, require the owner of the property upon which the excavation or hole is located to eliminate the danger to public safety in any manner specified, including filling in the excavation or hole and leveling the site, or securely fencing and monitoring the site to the satisfaction of the Designated Officer.
  - f. state a time frame within which the owner must comply with the directions provided in the Order;

- g. state that if the owner does not comply with the Order within the time frame specified, the Town may take any action or measure reasonably necessary to remedy the condition of the lands, structure or improvement, at the expense of the owner with such expenses being recoverable in accordance with the provisions of this Bylaw and the *Municipal Government Act.*; and
  - h. shall notify the owner of the right to apply, by written notice, for a review of the Order by Council, and the required fee for such an application as set out at Schedule "A".
- 21.8 An Order issued pursuant to this Bylaw is deemed to have been served on the person to whom it is addressed:
- a. upon Canada Post confirmation of receipt of the Order by way of registered mail to the person to whom it is addressed, or their designate; or
  - b. 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.
- 21.9 In the event that the Town is unsuccessful in its attempts to serve the Order pursuant to section 20.8 above, a Designated Officer may post a copy of the Order in a conspicuous place on the property referred to in the Order, when 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.
- 21.10 A person to whom an Order is issued pursuant to sections 20.7 may request a review of the Order, by written notice to Council. Such request must be filed with the Executive Assistant for the Town, or her designate, within fourteen (14) days of the date on which the Order is received by that person.
- 21.11 Upon review of the Order, Council may:
- a. confirm the Order;
  - b. vary a portion or all of the Order;
  - c. substitute a portion or all of the Order; or
  - d. cancel the Order.

- 21.12 The Town may register a Caveat pursuant to the *Land Titles Act* and the *Municipal Government Act* in respect to any Order issued under this Bylaw, against the Certificate of Title for the property that is the subject of the Order.
- 21.13 If a Caveat is registered pursuant to section 20.12 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.
- 21.14 All expenses and costs associated with the Order, its enforcement and collection shall be added to the tax roll for the property pursuant to the *Municipal Government Act*.

22. **RIGHT TO REMEDY**

- 22.1 The Town may take whatever action or measures necessary to deal with an unsightly, nuisance or unsafe property if:
- a. the Town has issued a written Order under section 20 of this Bylaw;
  - b. the Order contains the statements referred to in sections 20.7(g) of this Bylaw;
  - c. the person to whom the Order is directed has not complied with the Order within the time specified in the Order; and
  - d. the review periods respecting the Order have passed or, if a review has been made, the review has been decided and it allows the Town to take the action or measures.
- 22.2 The expenses and costs of an action or measure taken by the Town under section 20 are an amount owing to the Town by the person who was required to do something pursuant to the Order.
- 22.3 The amount owing to the Town under section 20 may be added to the tax roll of the parcel of land affected by the Order.
- 22.4 If the Town sells all or a part of a structure or improvement that has been removed pursuant to this Bylaw, the proceeds of the sale must 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.

23. **OFFENCES AND PENALTIES:**

23.1 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 to:

- a. payment of the penalty as set out in Schedule "A" hereto; or
- b. for any offence for which there is no penalty specified, to a penalty of not less than two hundred (\$200.00) dollars and not more than ten thousand (\$10,000.00) dollars;

and in default of payment of any penalty, to imprisonment for up to six (6) months.

23.2 A Designated Officer or a Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw, may issue and serve:

- a. a Violation Tag allowing payment of the specified penalty to the Town, which payment will be accepted by the Town in lieu of prosecution for the offence; or
- b. a Violation Ticket, allowing a voluntary payment of the specified penalty to the Provincial Court, or, requiring a person to appear in Court without the alternative of making a voluntary payment;

and the recording of the payment of a specified penalty made to the Town pursuant to a Municipal Tag or the Provincial Court of Alberta pursuant to a Violation Ticket shall constitute an acceptance of a guilty plea and conviction of the offence.

23.3 Service of a Violation Tag shall be sufficient if it is:

- a. personally served;
- b. left with the person on the premises who has the appearance of being at least eighteen (18) years of age; or
- c. sent and served by regular mail to the person or corporation's last known mailing address.

- 23.4 A Violation Tag shall be in a form approved by the Town Manager, and shall state:
- a. the name of the person to whom the violation tag is issued;
  - b. a description of the property upon which the offence has been committed, particularly a civic address or legal description, if applicable;
  - c. the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
  - d. that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
  - e. any other information as may be required by the Town Manager.
- 23.5 Where a Violation Tag has been issued pursuant to this section, the person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town Office, the penalty specified on the Violation Tag.
- 23.6 In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Designated Officer or Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act* to the person to whom the Violation Tag was issued.
- 23.7 Notwithstanding section 22.6, a Designated Officer or Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any person to whom the Designated Officer or Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 23.8 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*.
- 23.9 The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect for 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.

23.10 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.

23.11 In prosecuting for an offence under sections 8.1 or 8.2, the consent of the property owner or occupant of any premises to place graffiti shall not be a defence under this Bylaw.

24. **INTERPRETATION**

24.1 Words used in the singular include the plural and vice-versa.

24.2 When a word is used in the masculine or feminine it will refer to either gender.

24.3 Words used in the present tense include the other tenses and derivative forms.

24.4 A second or third offence means one or more subsequent offences committed by a person within one year after that person has been convicted of the same offence or has voluntarily paid a fine for the same offence.

25. **SEVERABILITY**

If any provision of this Bylaw is held be invalid by a court of competent jurisdiction, that decision will not affect the validity of the remaining provisions of the Bylaw.

**AND THAT** this Bylaw shall rescind Bylaw No. 86-13 and Bylaw No. 2003/22/P of the Town of Drayton Valley, and shall have force and come into effect from and after the date of third reading thereof.

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_, 2015, A. D.

Read a second time this 16<sup>th</sup> day of September, 2015, A. D., as amended.

Read a third and final time this 16<sup>th</sup> day of September, 2015, A. D., as amended.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
TOWN MANAGER

**SCHEDULE "A"**  
**FINES AND PENALTIES**

Section	Violation	Penalty		
		First Offence	Second Offence	Third Offence
4.1	Cause or allow property to constitute a nuisance	\$150.00	\$300.00	\$600.00
4.2	Cause or allow property to constitute a danger, become unsightly or disregard maintenance	\$150.00	\$300.00	\$600.00
4.3	Cause or allow the accumulation or collection of refuse, appliances, etc.	\$200.00	\$400.00	\$800.00
4.4	Cause or allow the accumulation or collection of refuse, appliances, etc. in a building or structure	\$200.00	\$400.00	\$800.00
4.7	Fail to screen a salvage or storage yard, auto wrecker, etc.	\$200.00	\$400.00	\$800.00
5.1 & 5.2	Fail to maintain a building, structure or improvement	\$100.00	\$200.00	\$400.00
5.3	Fail to maintain trees or shrubs	\$100.00	\$200.00	\$400.00
5.4	Fail to maintain unoccupied building or property	\$150.00	\$300.00	\$600.00
6.1	Fail to maintain sidewalks	\$100.00	\$200.00	\$400.00
7.1	Fail to maintain boulevard	\$100.00	\$200.00	\$400.00
7.2	Remove or damage a tree or municipal structure on boulevard	\$100.00	\$200.00	\$400.00
8.1	Place graffiti on property	\$150.00	\$300.00	\$600.00
8.2	Fail to remove graffiti within 72 hours	\$100.00	\$200.00	\$400.00
9.1	Use of unacceptable tote cart	\$50.00	\$100.00	\$200.00
9.2	Improper use of waste bin	\$100.00	\$200.00	\$400.00
9.3	Fail to install or use waste container at construction site	\$150.00	\$300.00	\$600.00
10.1	Litter on public lands	\$100.00	\$200.00	\$300.00
10.2	Fail to remove litter	\$150.00	\$300.00	\$600.00
11.1	Conduct automobile repair work in residential district without Business License approval	\$200.00	\$400.00	\$800.00
12.1	Urinate or deposit human waste in a public place	\$150.00	\$300.00	\$600.00



13	Place a flyer, pamphlet, etc. on a vehicle parked in a public place	\$50.00	\$100.00	\$200.00
14.1	Post or exhibit on a highway, public place, street furniture or utility device, any placard, playbill, poster, printed or other notice, sign, writing or picture, without prior written permission	\$100.00	\$200.00	\$400.00
15.1, 15.2	Fight or loiter in public	\$100.00	\$200.00	\$300.00
16.1, 16.2 & 16.3	Panhandle contrary to Bylaw	\$100.00	\$200.00	\$400.00
17.1	Cause or allow an outdoor light to shine directly into an adjacent dwelling	\$50.00	\$100.00	\$200.00
18.1	Dump or deposit garbage or litter at a charity collection site	\$75.00	\$150.00	\$300.00
18.2	Scavenge from or disturb a charity collection site	\$50.00	\$100.00	\$200.00
19.1	Allow water from a hose or similar device to be directed towards an adjacent property or a sidewalk	\$50.00	\$100.00	\$200.00
19.2 a	Place feces, animal parts or meat on a composting pile	\$50.00	\$100.00	\$200.00
19.2 b	Allow an open composting pile within three (3) metres of an adjacent dwelling house	\$75.00	\$150.00	\$300.00
19.2 c	Fail to maintain a composting pile so that it does not cause odour or attract pests	\$75.00	\$150.00	\$300.00
20.1	Place, pile, or store any material or equipment on Town property without a permit	\$100.00	\$200.00	\$400.00
20.2	Fail to remove material or equipment from Town property within 24 hours	\$150.00	\$300.00	\$600.00

Application fee for review of the Order by Council: \$300.00  
1415827;September 17, 2015