

**COMMUNITY STANDARDS BYLAW
BYLAW NO.1151**

BYLAW NO. 1151 **A Bylaw to provide for the control and abatement of untidy and unsightly premises.**

WHEREAS, pursuant to the Municipal Government Act, 2000 and amendments thereto, Council may, by Bylaw, regulate untidy and unsightly premises, nuisances, pests, and buildings dangerous to public safety.

And whereas the Council of the Town of Grimshaw deems it proper and expedient to pass such a Bylaw;

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

PART 1 – SHORT TITLE

This Bylaw may be cited as the “Community Standards Bylaw”.

PART 2 – DEFINITIONS

- a. **“Authorized Person”** shall mean any person as authorized to act on behalf of the Council of the Town of Grimshaw.
- b. **“Bylaw Enforcement Officer”** shall mean any person so authorized to act on behalf of the Council of the Town of Grimshaw.
- c. **“Council”** shall mean the Council of the Town of Grimshaw.
- d. **“Derelict Motor Vehicle”** means a motor vehicle that is inoperative by reason of removed wheels, battery, motor, transmission or other parts or equipment necessary for its operation, or in a state of disrepair or is unsightly by reason of missing doors, glass or body parts.
- e. **“Pest”** shall mean any plant, animal, insect or diseases deemed by the Council of the Town of Grimshaw to be dangerous, destructive or a nuisance to human life, plants, and /or animals and other property.
- f. **“Noxious Weed”** shall mean a plant designated in accordance with the Alberta Weed Control Act regulations as a noxious weed and includes the plant seeds.
- g. **“Unsightly or Untidy”** –any property as deemed by an Authorized Person or Council to be unsightly or untidy.
- h. **“Occupant”** shall mean the owner or agent of the owner of lands and premises therein or on and shall include a corporation, lessee, or tenant.
- i. **“Real Property”** shall mean a parcel of land, an improvement, or a parcel of land and any improvements attached to the land.

PART 3 - REGULATIONS

- a. All occupants shall be required to cut the grass on any boulevard, which abuts flanks or adjoins the property occupied by him/her. This includes lanes or alleys at the rear of the premises or property.
- b. All occupants shall be responsible for the eradication of any excessive concentration of dandelions or noxious weeds and for cutting of grass upon any property so owned, leased or occupied.
- c. Having regard to the height of the grass on adjacent or surrounding parcels, the following grass conditions shall exist on all lots, yards, developments and vacant properties within the Corporate Limits of the Town of Grimshaw and shall be maintained at respectable levels such as:
 - 1) Vacant Parcels:
 - i) Grass shall be maintained at a height not to exceed eight inches (8").
 - ii) Weeds and weed seeds are to be controlled or destroyed by any means consistent with good agricultural practices.
 - 2) Occupied Parcels:
 - i) Grass shall be maintained at a height not to exceed four inches (4").
 - ii) Weeds and weed seeds controlled or destroyed immediately.
- d. All occupants shall prune, remove or otherwise maintain trees and shrubs on their own property that interfere with or endanger utility lines, poles, sidewalks, pipes, sewers or other related works on their own real property.
- e. All occupants shall remove from their real property any dead grass or brush or rubbish which may be untidy or unsightly or may harbor vermin or pests therein.
- f. All occupants shall ensure that clippings from lawns, shrubs and trees are gathered in bundles, boxes or bags and placed beside the waste receptacle for garbage pickup. Clippings shall not be deposited loose in alleys or elsewhere within the Town.
- g. No person shall permit the accumulation of dirt, stones, appliances, furniture, old implements, automobiles, scrap iron or any rubbish so as to cause an unsightly condition, hazard or nuisance.
- h. No person shall permit the proliferation of, or harbor, any insect, animal, or other pest that is likely to spread disease, be destructive or dangerous, or otherwise become a nuisance.
- i. No owner shall cause, allow or permit a building structure, erection, excavation or hole on his real property land to become ruinous, dilapidated, unsafe, unprotected or dangerous to public safety or health.
- j. No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any street, lane, sidewalk, parking lot, park or other public place.
 - i. a cardboard or wooden box, carton, container or receptacle of any kind,
 - ii. a paper, wrapper, envelope, or covering of any kind whether paper or not,
 - iii. paper of any kind, whether or not containing written or printed matter on it,
 - iv. any animal or vegetable matter or waste,

- v. any glass, crockery, nails,
 - vi. any wires or electrical cords,
 - vii. scrap metal, scrap lumber, discarded tires, dismantled, wrecked or derelict motor vehicle parts there from,
 - viii. rubbish of any kind whether similar or dissimilar to the foregoing.
- k. No person shall by doing, or failing to do, any act, deed, thing, or action, to create a nuisance.
- l. No owner or occupier of real property shall permit or cause that property to become or remain unsightly.
- m. No owner or occupier of real property, or their agents, shall fail to clear such property of brush, trees, noxious weeds, or other growths when directed to do so by the Town of Grimshaw.
- n. No person shall post, exhibit, or distribute placards, posters, advertisements, graffiti, writings or pictures, or make pictures or drawings which are indecent, that may tend to corrupt or demoralize, on walls or fences or elsewhere, or adjacent to any highway, or other public place.
- o. In relation to the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia,
- i). require the owners or occupiers of real property, or their agents, to eliminate or reduce the fouling or contaminating of atmosphere through these emissions,
 - ii). prescribe measures and precautions to be taken for the purpose of subparagraph 1.
 - iii). establish limits not to be exceeded for those emissions
- p. The Town of Grimshaw may order the removal, cutting down, or trimming of any trees, shrubs, hedges, or bushes growing or standing on land adjacent to a road which the Council believes the safety or convenience of the public so requires, or where the trees, shrubs, hedges, or bushes become injurious to the road, sidewalk or works, at the expense of the owners or occupiers of the land on which they grow or stand. Before exercising the powers above the Council shall give to the owner or occupier of the land notice requiring him within 7 days from the date of the notice to remove, cut down, or trim the trees, shrubs, hedges, or bushes designated in the notice; and if the owner or occupier defaults, the Town of Grimshaw, by its employees and others, may enter and effect the removal, cutting down or trimming at the expense of the person defaulting.
- q. No person shall permit a nuisance in any condition on or around property that is untidy, unsightly, offensive, and dangerous to health or which interferes with the use or enjoyment of other property, and includes:
- i. uncut grasses or weeds in the property that are longer than four (4) inches
 - ii. trees or shrubs that interfere with civic works or any public utilities
 - iii. dense or opaque smoke or dust emitted into the atmosphere
 - iv. foul smelling compost heaps
- r. No person shall permit the accumulation of wrecked or derelict vehicles, or those that are unsightly and abandoned, derelict or inoperable vehicles- vehicles being repaired or restored must be kept in a garage, a carport, or in a completely screened space in the rear or side yard of the property. The Town of Grimshaw requires that no motor vehicle which is incapable of movement under its own power shall be stored in a residential district except:
- i. In an emergency

- ii. For one antique “project vehicle” –only one “project vehicle” and which is screened will be allowed in residential districts of the Town of Grimshaw
 - iii. Derelict vehicles or parts shall not remain uncovered for more than 14 consecutive days
- s. No person shall permit the accumulation of any material including garbage, building materials, tires, boxes, machines or machine parts.
- t. No person in control of any land or premises shall permit said property to exist in a state inconsistent with the surrounding area.
- u. That every occupant and in case there be no occupant then the owner of every property in the Town of Grimshaw, shall remove snow and /or ice from Town sidewalks that abut their property as follows:
 - i. Within a period of forty eight (48) hours after every snowfall, freezing rain, or other weather condition that has left the sidewalk covered with snow and/or ice shall remove the snow and/or ice on that portion of the public sidewalk that abuts their property.
 - ii. Snow and /or ice removed from town sidewalks or private property shall not be shoveled or placed on any street, avenue, lane or other Town property; excepting for businesses located on the following:
 - b) 50th Street from 55th Avenue to 50th Avenue
 - c) 54th Avenue from 51st Street to the alley east of 50th Street
 - d) 55th Avenue from 51st Street to 49th Street
 - e) 53rd Avenue from 51st Street to the alley east of 50th Street
 - iii. No person shall cause any damage to any sidewalk in the Town of Grimshaw by striking, picking or cutting the same with any shovel, pick, crowbar or other metal tool, whether such person is engaged in removing snow or ice from such sidewalk or not.
- v. That every occupant and in case there be no occupant then the owner of every property in the Town of Grimshaw that has a fire hydrant located on the boulevard abutting their property, shall remove snow from around the fire hydrant within a 2 meter radius within a period of forty eight (48) hours after every snowfall. Snow removed from around the fire hydrant shall not be shoveled or placed on any town streets, avenue, lane or sidewalk excepting for businesses exempt pursuant to Section 3.u) (ii).

PART 4 – FAILING TO REMEDY CONDITION

- a. When in the opinion of the officer, a condition exists which contravenes any of the provisions of this Bylaw, the Enforcement Officer may issue a written warning notice to the owner, agent, and/or occupier of the land in question advising them of the condition, and directing that the condition be rectified within a specific length of time. Except in extraordinary situations the maximum time allowed to rectify a condition will be 7 days.

PART 5 - VIOLATION AND PENALTY

Any person who:

- a. Violates or does any act or things which violate any provision of the Bylaw.
- b. Suffers or permits any act or thing to be done in violation or contravention of any of the provisions of this Bylaw; or
- c. Neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw shall be guilty of an offence and shall be liable upon summary conviction to as per Schedule A.

- d. Any person who enters property to remedy a condition as directed by order of Council shall be deemed to have the authorizations of Council and shall not incur any liability therefor.
- e. The Town of Grimshaw Bylaw Enforcement Officer is hereby authorized and empowered to issue a Town of Grimshaw Violation Ticket to any person, who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- f. A Town of Grimshaw Violation Ticket may be issued to such person:
 - i. by personal service on that person.
 - ii. by mailing a copy of such to person at the last known possible address.
- g. The Violation Ticket must be in a form approved by the Chief Administrative Officer of the Town of Grimshaw and must state:
 - i. the name of the Offender;
 - ii. the offence;
 - iii. the appropriate penalty for the offence as specified in Schedule "A";
 - iv. that the penalty must be paid within 21 days of the issuance of the Violation Ticket;
 - v. any other information as may be required by the Chief Administrative Officer of the Town of Grimshaw;
- h. Where a contravention of this Bylaw is of a continuing nature, the Bylaw Enforcement Officer may issue further Town of Grimshaw Violation Tickets, provided however, that no more than one Violation Ticket must be issued for each day that the contravention continues.
- i. Where a Town of Grimshaw Violation Ticket is issued, the person to whom the Violation Ticket is issued may, in lieu of being prosecuted for the offences, pay to the Town of Grimshaw the penalty specified on the Violation Ticket.
- j. Nothing in this Bylaw must prevent the Bylaw Enforcement Officer from immediately issuing a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act.

PART 6 VIOLATION TICKET – PART II OF THE PROVINCIAL OFFENCES PROCEDURE ACT

- a. In those cases where a Town of Grimshaw Violation Ticket has been issued and if the penalty specified on a Town of Grimshaw Violation Ticket has not been paid within the prescribed time, then an Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part ii of the *Provincial Offences Procedure Act, Chapter P-34, R.S.A. 2000 as amended*.
- b. Notwithstanding Section 6.a of this Bylaw, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part ii of the *Provincial Offences Act, Chapter P-34, R.S.A. 2000*, as amended, to any person who the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

PART 7 SEVERABILITY PROVISION

- a. Should any provision of this Bylaw be invalid then such invalid provision will be severed from this Bylaw and such severance will not affect the validity of the remaining portions of this Bylaw, except to the extent necessary to give effect to such severance.

PART 8 APPEAL PROCEDURES

- a. Any person who receives a written order under this Bylaw may request Council to review the order by written notice.
- b. After reviewing the order, the council may confirm, vary, substitute or cancel the order.

Appeal of the Council decisions:

A person affected by the decision of council under this section may appeal to the Court of Queen's bench within 30 days of the date the decision is served on the person if:

- i. The procedure required to be followed by this Act is not followed, or
- ii. The decision is patently unreasonable.
- c. The application for the appeal must state the reasons for the appeal.
- d. The Court may:
 - i. Confirm the decision.
 - ii. Declare the decision invalid and send the matter back to Council with directions.

Upon third and final reading of this Bylaw, Bylaw No. 1065, 1087 and 1094 are rescinded.

RECEIVED FIRST READING THIS
26 DAY OF FEBRUARY, 2014
IN THE TOWN OF GRIMSHAW
IN THE PROVINCE OF ALBERTA

(MAYOR)

(CAO)

RECEIVED SECOND READING THIS
26 DAY OF FEBRUARY, 2014
IN THE TOWN OF GRIMSHAW
IN THE PROVINCE OF ALBERTA

(MAYOR)

(CAO)

THIRD READING AND ASSENT GIVEN
THIS 26 DAY OF FEBRUARY, 2014
IN THE TOWN OF GRIMSHAW
IN THE PROVINCE OF ALBERTA

(MAYOR)

(CAO)

SCHEDULE "A"
BYLAW 1151
Fines & Fees Schedule

<u>Description</u>	<u>Fine</u>
Unightly & Untidy Premises	\$100.00
Failure to cut grass, control weeds or plants	\$100.00
Failure to control a noxious weed or plant	\$150.00
Failure to shovel sidewalk clear of ice/snow	\$50.00
Failure to shovel around a fire hydrant	\$50.00
Accumulation of rubbish, etc.	\$100.00
Dumping of rubbish, etc.	\$200.00
Placing Graffiti on a property	\$100.00

Every person who violates a provision of this Bylaw for which no other penalty is provided under Schedule A is guilty of an offence and is punishable upon summary conviction to a fine not exceeding one thousand dollars (\$1000.00).

Second Offense within a year	DOUBLE FINE
Third Offense within a year	TRIPLE FINE

Should any property owner, agent, lessee or occupier fail, neglect, or refuse to remedy the condition as directed by the Bylaw Enforcement Officer, or Authorized Person, the Town of Grimshaw may cause the work to be performed to remedy the condition and charge the costs of such work **(a minimum charge of \$50.00) plus a \$30.00 Administration Fee** as follows:

- i. To recover the same as a debt due to the Town of Grimshaw.
- ii. To charge the cost against the land and recover the cost as such.