

**BYLAW NO. 03-2012
OF THE
VILLAGE OF WABAMUN**

A BYLAW OF THE VILLAGE OF WABAMUN IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING, CONTROLLING AND ABATING NUISANCES, NOISE, DANGEROUS AND UNSIGHTLY PREMISES AND LIVEABILITY ISSUES

WHEREAS, the Municipal Government Act; RSA 2000 c. M26, and amendments thereto, authorizes a municipality to pass Bylaws respecting the safety, health and welfare of people and protection of people and property

AND WHEREAS, the Municipal Government Act; RSA 200 c. M26, and amendments thereto, authorizes a municipality to pass Bylaws regarding the remedying of contraventions of Bylaws

AND WHEREAS, it is desirable for regulations which affect neighbourhood liveability to be located, as much as possible, in one Bylaw

NOW THEREFORE, the Council of the Village of Wabamun duly assembled and under the authority of the Municipal Government Act as amended, hereby enacts the following:

SHORT TITLE: This Bylaw may be cited as the Community Standards or the Liveability Bylaw

SECTION 1 – DEFINITIONS AND INTERPRETATIONS:

BOAT - motor powered water vehicles

CHIEF ADMINISTRATIVE OFFICER- Person designated by Council as the Chief Administrative Officer OR Village Administrator OR that Person's designate

COMPOSTING - The managed practice of recycling organic material, including food and yard waste, through biological degradation in a container or pile, to create a useable soil conditioner

COUNCIL - The Village of Wabamun Elected Officials

ENFORCEMENT OFFICER – A Bylaw Enforcement Officer or a Community Peace Officer or a Village Employee delegated with the authority to enforce the Bylaws of the Village of Wabamun

GRAFFITTI - Any words, figures, letters or drawings scribbled, scratched or spray painted on a surface with or without the consent of the Owner of the Property on which they are placed

HIGHWAY – A main public road and especially one connecting towns and cities, a main route of transport whether privately or publicly owned, includes a sidewalk, adjacent properties to roadway or sidewalk such as a boulevard or ditch; any thoroughfare unless a physical place has been declared by regulation not to be a highway

INDUSTRIAL FLUIDS - Includes, but is not limited to, engine oil, brake fluid, anti-freeze or hydraulic fluid

LAND USE BYLAW - Village of Wabamun Land Use Bylaw, and amendments thereto

MOTOR VEHICLE – A vehicle propelled by any power other than muscular power or a moped, does not include a bicycle, a power bicycle, aircraft, a motor vehicle that runs on rails, or an implement of husbandry

MUNICIPAL GOVERNMENT ACT - The Municipal Government Act, RSA 2000, c. M-26 and amendments thereto (MGA)

NOISE - Any sound which, in the opinion of an Enforcement Officer or the Municipal Administrator, having regard for all circumstances, including the time of day, location, nature of the activity generating the sound and the duration, is likely to significantly annoy or disturb Persons, or to injure, endanger or detract from the reasonable comfort, repose, health, peace or safety of Persons within the boundaries of the Village

NUISANCE – A condition, or the use of, or an emission from a Property which, in the opinion of an Enforcement Officer or the Municipal Administrator, constitutes an unreasonable interference with the use and enjoyment of other private or public Property, and includes, without limiting the foregoing, Noise or an Unsightly Premises.

NUISANCE ANIMAL - Any animal, bird, insect or plant that destroys or harms, or is likely to, any land, Person and/or Property

OCCUPANT - Any Person other than the registered owner who is in possession of the Property, including but not restricted to, a lessee, tenant or agent of the Owner

OPEN COMPOSTING PILE - A composting site which is not fully contained in a structure

MOTORIZED GARDEN TOOL – Any tool used for horticulture or home yard and garden care powered by an electric or internal combustion engine of any kind

ORDER - An Order as described in Section 545 or Section 546 of the Municipal Government Act, and amendments thereto, and/or SECTION 11 of this Bylaw

OWNER - The person, corporation or business registered under the Land Titles Act as owner of the land

PARK - The reserve lands, recreational lands, and other lands within the Village of Wabamun boundaries which are owned by or controlled by the Village

PERSON - Includes a corporation, an individual, and the heirs, executors, administrators or other legal representatives of an individual

PROPERTY - Any land, buildings, structures or premises, or any personal Property located thereupon within the municipal boundaries of the Village

PUBLIC PROPERTY - Any land owned by or under the control of the Village

RECREATIONAL VEHICLE - A vehicle designed to be transported on its own wheels or by other - (including units mounted permanently or otherwise on trucks), designed, constructed, reconstructed or added to by accessories in such a manner as will permit its use for sleeping or living purposes for one or more person and used exclusively by tourist(s) or transient(s) on a generally short term basis which would include but are not limited to a travel trailer, tent trailer, motor home, etc.

RECREATION VEHICLE STORAGE - Development used for the outdoor storage of tent trailers, travel trailers, motor homes or similar recreational vehicles

TRAILER – A vehicle so designed that it may be attached to or drawn by a motor vehicle or tractor and is intended to transport people or property

UNSIGHTLY PREMISES - Any Property, whether land, building, improvements to lands and buildings, personal property or any other combination of the above, located within the Village that, in the opinion of a Designated Officer or the Municipal Administrator, is unsightly to such an extent as to detrimentally affect the repose, amenities, use, value or enjoyment of the surrounding Properties in reasonable proximity to the Unsightly Premises, or is otherwise detrimental to the surrounding area or in an Unsightly condition as defined by the *Municipal Government Act*.

SECTION 2 – UNSIGHTLY PREMISES

- 2(1) The standards, requirements and prohibitions for Unsightly Premises, described in Section One, shall apply to all properties within the Village of Wabamun
- 2(2) No Owner or Occupant of a Property shall allow a property to become unsightly because of its condition or the accumulation of
- a) Any material that creates unpleasant odours;
 - b) Animal remains, parts of animal remains, or animal waste;
 - c) Loose garbage;
 - d) Bottles, cans, boxes or packing materials;
 - e) Household furniture or other household goods;
 - f) Automobile parts;
 - g) Parts of or disassembled machinery, equipment or appliances;
 - h) Yard waste, including grass, tree and hedge cuttings but excluding ground cover and the contents of a composting pile as defined in this Bylaw; OR
 - i) Any material(s) that is likely to attract nuisance animals or pests

- 2(3) No Owner or Occupant of a Property shall allow the open or exposed storage on the Property of any industrial fluid.
- 2(4) It shall not be an offence for an Owner or Occupant of a Property to allow an appliance on their property
- a) If the appliance is not within sight from the roadway out front of the property AND
 - b) The appliance remains locked at all times with a padlock and key or similar safety lock device.

SECTION 3 – BUILDING MATERIALS

- 3(1) No Owner or Occupant of property shall allow on the Property the accumulation of building materials, whether new or used, unless that Owner or Occupant can establish that a construction or renovation undertaking is being carried out on the property and that
- a) The project has begun or the beginning of work is imminent;
 - b) The materials found on the property relates to the project taking place on the property in a quantity reasonable to complete the project AND
 - c) The work on the project has not been suspended for a period in excess of one hundred and twenty (120) days.
- 3(2) An Owner or Occupant of a property shall ensure that all building materials stored on a property are not in contravention of Section 2 and are stacked or stored in an orderly and safe manner.

SECTION 4 – VEHICLES

- 4(1) No Person, Owner or Occupant of a property shall have more than two (2) unregistered or inoperative motor vehicles within sight from the roadway out front of the property.

SECTION 5 – GRAFFITI PREVENTION AND ABATEMENT

- 5(1) No Person shall create or apply graffiti as described in Section One.
- 5(2) Every Owner or Occupant of a Property shall be responsible for removing or having removed any graffiti on their property by painting over or otherwise permanently blocking it from public view.

SECTION 6 – MAINTENANCE OF BUILDINGS, STRUCTURES AND FENCES

- 6(1) For the purpose of this Section:
- a) No Owner or Occupier of a Property shall allow an accessory building, structure or fence to become a safety hazard.
 - b) No Owner or Occupier of a Property shall allow an accessory building, structure or fence to become unsightly.
 - c) Fence material must meet the approval of the Development Authority.

SECTION 7 – COMPOSTING

- 7(1) As described in Section One, for the purposes of this Section:
- a) No Owner or Occupant of a Property shall place or allow to be placed animal waste, parts or meat on a composting pile or in composting container on the property;
 - b) No Owner or Occupant of a Property shall allow an open composting pile on the premises within ten (10) meters 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 or Occupant of a Property who allows a composting container or open 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 an offensive odor or attracting pests.

SECTION 8 – NOISE

- 8(1) in addition to the description in Section One and for the purpose of this Section:
- a) Construction - the temporary process of demolishing or building any structure or repairing or improving a building that already exists, including landscaping, home repairs, property improvement, and any work in connection with that process
 - b) Daytime - the period:
 - i. Beginning at 7:00 am and ending at 10pm of the same day on weekdays or Saturday
 - ii. Beginning at 9:00 am and ending at 10:00 pm of the same day on Sunday
 - c) Night time - the period beginning at 10:00 pm every day and ending the following day:
 - i. At 7:00 am if the following day is a weekday or Saturday
 - ii. At 9:00 am if the following day is a Sunday or Statutory Holiday

- d) Power Tool - includes any tool powered by an engine or motor, regardless of whether the mechanism is powered by compressed air, electricity or fossil fuel;
 - e) Signaling Device - any device that produces an audible sound used for the purpose of drawing an individual's attention, including a horn, gong, bell, klaxon or public address system;
 - f) Truck - any vehicle that has a gross allowable maximum vehicle weight in excess of five thousand four hundred and fifty (5,450) kilograms as listed on the official registration certificate issued by the government of the Province of Alberta, regardless of the vehicles' actual weight at a specific time and includes a truck-tractor and tractor trailer including a refrigeration unit;
- 8(2) Except to the extent it is allowed by this Bylaw no Person shall make, continue, cause or allow to be made or continued any loud, unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other Persons within the Village.
- 8(3) No Person being the Owner, Tenant, or Occupier of Property shall allow or permit such Property to be used so that noise which occurs therein or emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any Person or Person within the Village.
- 8(4) A person who owns, occupies or controls a truck must not at any time allow it to remain running for longer than twenty (20) minutes when it is stationary in a Residential District or within one hundred and fifty (150) meters of a Residential District.
- 8(5) The following does not apply to and will not be considered in contravention of this Bylaw
- a) The ringing of bells in churches, religious establishments and schools;
 - b) The sounding of any alarm or warning to announce a fire or other emergency;
 - c) The playing of a band in connection with a parade allowed pursuant to Village Bylaw;
 - d) The use of signaling devices on vehicles in the normal operation for the purpose of giving warnings to other vehicles or Persons;
 - e) The noon siren;
 - f) Work carried on by Village staff, agents, contractors or servants, while engaged in activity authorized by the Village; OR
 - g) Reasonable activity occurring in the daytime hours with consideration given to others.
- 8(6) This Section does not purport to regulate the cumulative effect of noise created by vehicular traffic on roads.
- 8(7) The Municipal Administrator may, at their sole discretion
- a) Waive any requirement of this Section;
 - b) Make a determination on a written application for a temporary permit allowing for noise that would otherwise violate this Bylaw after the applicant has provided all the necessary information and submitted the application within the time frame allowed as required in Policy;
 - c) Impose any conditions on the issuance or use of the permit the Municipal Administrator considers appropriate; AND/OR
 - d) Revoke any temporary permit that has been issued, where the Municipal Administrator determines the applicant has not taken sufficient measures to minimize the noise.

SECTION 9 – MAJOR EVENTS

- 9(1) The Municipal Administrator may, at their sole discretion
- a) Waive any requirement of Section 8;
 - b) Make a determination on a written application for a temporary permit allowing for a Major Event that would otherwise violate this Bylaw after the applicant has provided all the necessary information and submitted the application within the time frame allowed as required in Policy;
 - c) Impose any conditions on the issuance or use of the permit the Municipal Administrator considers appropriate including the advertisement of the Major Event; AND/OR
 - d) Revoke any temporary permit that has been issued, where the Municipal Administrator determines the applicant has not taken sufficient measures to minimize the noise.
- 9(2) Any approval or rejection of an application for a Major Event permit may be appealed by an affected Person to the Municipal Administrator within fourteen (14) days of the date of notice.

SECTION 10 – CIVIC ADDRESS

- 10(1) The Owner or Occupant of a property on which a dwelling unit has been erected shall display a municipal address sign at all times at a location plainly visible day or night from the roadway to which the property is addressed.

SECTION 11 – ENFORCEMENT ORDERS

- 11(1) For the purpose of an inspection or enforcement under this Bylaw, an Enforcement Officer is a Designated Officer of the Village.
- 11(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.
- 11(3) Before conducting an inspection pursuant to Section 11.2, a Designated Officer shall provide the Owner or Occupant of the Property with reasonable notice as required by the *Municipal Government Act*.
- 11(4) 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*, in the case of a Nuisance or Noise, or pursuant to Section 546 of the *Municipal Government Act*, in the case of a danger to public safety or Unightly Premises.
- 11(5) Every Order written with respect to this Bylaw must:
- a) Identify the person to whom it is directed;
 - b) Identify the Property to which the Order relates by municipal address or legal description;
 - c) Identify the date it was issued;
 - d) Identify how the Property fails to comply with this or other Bylaws;
 - e) Identify the specific provisions of the Bylaw the Property contravenes;
 - f) Identify the nature of the action required to be taken to bring the Property into compliance;
 - g) Identify the time within which the action must be completed
 - h) State that every Person who fails to comply with an Order issued pursuant to this Bylaw within the time set out in the Order commits an offence and will be fined according to the penalties set out in the Master Rates and Schedules Bylaw.
 - i) State that if the required action is not completed within the time specified, the Village may take whatever action or measures are necessary to remedy the contravention, including but not limited to
 - a. Stop action
 - b. The cutting or removal of trees, shrubs, and foliage
 - c. The removal or demolition of a structure or improvement
 - d. Improvement of lands or the appearance of a structure or improvement
 - e. The filling in of an excavation or hole AND/OR
 - f. Levelling of a site or the return of the land to its' original state
 - j) State that the expenses and costs of any action or measures taken by the Village pursuant to this Bylaw to remedy the contravention(s) are at the expense of the Person to whom the Order is directed;
 - k) State that the expenses and costs incurred by the Village 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*.
 - l) State that the Village 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.
 - m) Notify the Person to whom an Order is issued of their right to request a review of the Order as set out in Section 12.
- 11(6) An Order written pursuant to this Bylaw will be deemed to have been served on the Owner or Occupant when the Order has been:
- a) Personally delivered to the Owner or Occupant;
 - b) Five (5) days after the Order was sent to the Owner or Occupant via registered mail, addressed to the last known postal address; OR
 - c) Posted in a conspicuous place on the Property referred to on the Order, when the Designated Officer has reason to believe:
 - a. That the Owner or Occupant to whom the order is addressed is evading service; OR
 - b. No other - of service is available.

SECTION 12 – APPEAL OF ORDERS

- 12(1) Any Person to Whom an Order is issued has the right to request a review of the Order by filing an appeal in writing to the Village Council within fourteen (14) of the receipt of the Order.

- 12(2) An appeal filed pursuant to this Section must state the name of the appellant, the municipal address of the Property to which the order being appealed from relates, a day time telephone contact number at which the appellant may be reached and an address at which documents in relation to the appeal may be delivered.
- 12(3) The appellant may provide additional information, material or evidence in the submission package relevant for consideration at the appeal review.
- 12(4) The written appeal must be accompanied by the non-refundable fee, as set out in Wabamun Master Rates and Schedule Bylaw.
- 12(5) Pursuant to Section 547 of the Municipal Government Act, the Village Council may be required to review appeals filed regarding:
 - a) Orders issued pursuant to this Bylaw;
 - b) Orders issued pursuant to Section 545 of the Act, and amendments thereto, regarding contraventions of other Bylaws or enactments that the Village is authorized to enforce; and
 - c) Orders issued pursuant to Section 546 of the Act, and amendments thereto.
- 12(6) Upon review of the Order, Council may confirm, vary, substitute or cancel the Order.

SECTION 13 – EXERCISE OF DISCRETION

- 13(1) The Village of Wabamun has the discretion to enforce this Bylaw and is not liable of any outcomes should an Enforcement Officer or the Municipal Administrator decide not to enforce this Bylaw if acting in good faith.

SECTION 14 – GENERAL

- 14(1) Should any provision of the Bylaw be found invalid, the invalid provision shall be severed and the remaining Bylaw shall be maintained.
- 14(2) The Rates and Schedules of this Bylaw are an integral part of the Bylaw and are included the Master Rates and Schedules Bylaw.
- 14(3) Bylaws 03-2007, 07-2004, 15-93 are hereby repealed.
- 14(4) This Bylaw shall come into force upon receipt of its third and final reading.

READ A FIRST TIME IN COUNCIL THIS 24th DAY OF APRIL, A.D. 2012.

READ A SECOND TIME IN COUNCIL THIS 11TH DAY OF JUNE, A.D. 2012.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 11TH DAY OF JUNE, A.D. 2012.

SIGNED BY THE CEO THIS DATE

CHIEF ELECTED OFFICIAL

SIGNED BY THE CAO THIS DATE

MUNICIPAL ADMINISTRATOR