



## BYLAW NO. 09-2020

### BEING A BYLAW OF THE VILLAGE OF WABAMUN, IN THE PROVINCE OF ALBERTA, TO REGULATE NEIGHBOURHOOD NUISANCE, SAFETY AND QUALITY OF LIFE MATTERS

**WHEREAS,** pursuant to the *Municipal Government Act (MGA)*; a Council may pass bylaws for municipal purposes respecting the following matters:

- a) The safety, health and welfare of people and the protection of people and Property;
- b) Nuisances, including unsightly Property;
- c) People, activities and things in, on or near a public place or a place that is open to the public; and
- d) The enforcement of bylaws;

**AND WHEREAS,** pursuant to the *Safety Codes Act*, a Council may pass bylaws respecting the following matters:

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

**AND WHEREAS,** it is desirable for regulations which affect neighbourhood quality of life matters to be located, as much as possible, in one Bylaw

**NOW THEREFORE,** the Council of the Village of Wabamun, in the Province of Alberta, duly assembled and under the authority of the *MGA* as amended, enacts as follows:

1. **SHORT TITLE:** This Bylaw shall be known as the “**Community Standards Bylaw**”.

2. **DEFINITIONS AND INTERPRETATIONS:**

**Boat** means water vehicles whether motor powered or not

**Boulevard** means that part of a Highway that:

- a. Is not a roadway; and
- b. 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 placed on or over land whether or not it is so affixed to be transferred without special mention by a transfer or sale of that land;

**Charity Collection Site** means an area accessible to the public, which is marked by signs identifying the name of a charity and identifying the area for the collection of donated goods, and which contains a receptacle or bin for the collection of donated goods;

**Chief Administrative Officer (CAO)** means the Chief Administrative Officer or their delegate;

**Composting** means 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** means The Municipal Council of the Village of Wabamun duly elected under the *Local Authorities Election Act*;

**Drinking Establishment** means any business, organization, or individual that holds a liquor license issued by the Alberta Gaming and Liquor Commission;

**Graffiti** means 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** has the same meaning as in the *Traffic Safety Act*;

**Holiday** includes:

- a. every Sunday;
- b. New Year's Day, Alberta Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day;
- c. December 26, or when that date falls on a Monday, then December 27;

**Industrial Fluids** includes, but is not limited to, engine oil, brake fluid, anti-freeze or hydraulic fluid;

**Motor Vehicle** has the same meaning as in the *Traffic Safety Act*;

**Municipal Government Act (MGA)** means the *Municipal Government Act*, RSA 2000, Chapter M-26 and amendments thereto;

**Noise** means any sound which, in the opinion of an Peace Officer or CAO, 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** means a condition, or the use of, or an emission from a Property which, in the opinion of an Peace Officer or the CAO, 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 Odour** means any odour caused by smoke, decomposing materials, animal feces or other airborne matter that is excessive and deemed to be offensive, or reasonably interferes with the lawful enjoyment of another Person's Property;

**Occupant** means 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;

**Occupy** or **Occupies** means residing on or to be in apparent possession or control of Property;

**Open Composting Pile** means a composting site which is not fully contained in a structure;

**Order** means an Order as described in Section 545 or Section 546 of the *MGA*, and amendments thereto, and/or SECTION 25 of this Bylaw

**Own** or **Owens** means:

- a. In the case of land, to be registered under the *Land Titles Act* as the owner of the fee simple estate in a parcel of land; or
- b. In the case of Personal Property, to be in lawful possession or have the right to exercise control over it or to be the registered owner of it;

**Owner** means the Person, corporation or business registered under the Land Titles Act as owner of the land;

**Panhandling** means to communicate, in Person, using the spoken, written or printed word, a gesture or another means, for the purpose of receiving money or another thing of value, regardless of whether consideration is offered or provided in return but does not include a solicitation allowed or authorized pursuant to the *Charitable Fundraising Act*, or any other legislation permitting the solicitation of charitable donations;

**Park** means the reserve lands, recreational lands, and other lands within the Village boundaries which are owned by or controlled by the Village;

**Peace Officer** has the same meaning as in the *Provincial Offences Procedure Act*;

**Person** includes a corporation, an individual, and the heirs, executors, administrators or other legal representatives of an individual;

**Property** means a parcel of land including any Buildings within the Village boundaries;

**Public Place** means any place within the Municipality to which the public may have either expressed or implied access;

**Public Property** means any land owned by or under the control of the Village to which the public reasonably has or is permitted to have access;

**Residential District** means a district as described as such in the Wabamun Land Use Bylaw, as amended from time to time;

**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;

**Street Furniture** includes items such as poles, traffic control devices, waste receptacle, benches, bus enclosures, trees, plants, grass, utilities, planters, bicycle racks, newspaper boxes or any other similar Property placed on a Highway or Public Place;

**Structure** means anything constructed or erected on the ground, or attached to something on the ground, and includes all buildings;

**Telecommunication** means any transmission, emission or reception of signs, signals, writing, images or sounds or intelligence of any nature by wire, radio, visual or other electronic methods;

**Trailer** means 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;

**Unightly Premises** means 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 the CAO or the Peace Officer, 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 Unightly Premises, or is otherwise detrimental to the surrounding area or in an Unightly condition as defined by the *MGA*;

**Village** means the Village of Wabamun, a municipal corporation in the Province of Alberta, and

where the context so requires, means the area of land within the corporate boundaries thereof;

**Violation Tag** means a notice or tag in a form as approved by the CAO, issued by the Village allowing a voluntary payment option of a fine established under this Bylaw;

**Violation Ticket** means a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act*, as amended and any regulations thereto.

### **3. RULES OF INTERPRETATION**

- 3.1 Nothing in this Bylaw relieves a Person from complying with any provision of any Provincial or Federal legislation, other bylaw or any requirement of any lawful permit, order or license.
- 3.2 The headings in this Bylaw are for guidance purposes and convenience only.
- 3.3 Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 3.4 Any reference to the provisions of a statute of Alberta is a reference to that statute as amended, from time to time.

### **4. UNSIGHTLY PREMISES**

- 4.1 The standards, requirements and prohibitions for Unsightly Premises, described in Section Two, shall apply to all properties within the Village.
- 4.2 No Owner or Occupant of a Property in a Residential District shall allow a Property to become unsightly because of its condition or the accumulation of:
  - a. of material including but not limited to building materials, appliances, household goods, boxes, bottles, cans, tires, vehicle parts, whether of any apparent value or not;
  - b. animal remains, parts of animal remains, or animal waste;
  - c. any loose litter, garbage, construction debris or refuse where located in a storage area or elsewhere on a Property;
  - d. damaged, dismantled or derelict Motor Vehicles, Boats or Trailers, whether insured or registered or not ;
  - e. compost heap piles emanating a Nuisance Odour;
  - f. grass higher than 15 centimetres;

- g. excessive weeds;
- h. production of excessive dust, dirt or smoke;
- i. production of any generally offensive odours;
- j. any tree, shrub, other type of vegetation or any Building:
  - i. That interferes or could interfere with any public work or utility;
  - ii. that obstructs any sidewalk adjacent to the Property
  - iii. that impairs the visibility required for safe traffic flow at any intersection adjacent to the Property; or
  - iv. that has any rot or other deterioration
- k. any accessible excavation, ditch, drain or standing water that could pose a danger to the public;
- l. any exterior damage or deterioration to a building, including but not limited to peeling, unpainted or untreated surfaces, missing siding, shingles, windows or doors, or any other hole or opening in the building
- m. any exterior damage or deterioration to a fence, including, but not limited to peeling, unpainted or untreated surfaces and missing or rotting fence boards or posts

4.3 No Owner or Occupant of a Property in a Residential District shall allow the open or exposed storage on the Property of any industrial fluid.

4.4 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.

4.5 Any construction project or activity is unsightly if:

- a. it is not completed within five years of starting construction, or
- b. where work on the project or activity has been suspended for a period exceeding 120 days.

## **5. MOTOR VEHICLES AND REPAIRING OF MOTOR VEHICLES**

5.1 No Person, Owner or Occupant of a Property in a Residential District shall have more than two (2) unregistered or inoperative Motor Vehicles on that Property.

- 5.2 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 premises in a residential district unless they have obtained a valid Development Permit for a home occupation and an annual business license issued by the Village
- 5.3 This prohibition shall not apply to routine maintenance work done on any vehicle owned, operated and registered in the name of the Owner or Occupant of the Property, provided that:
- a. the activity does not create a nuisance or noise complaints from the neighborhood;
  - b. there is no escape of offensive, annoying or noxious odors, fumes or smoke from the premises;
  - c. vehicle fluids, oil, gasoline products or other hazardous material are properly stored and disposed of and not swept or washed into lanes, streets, or down storm or sanitary sewers;
  - d. all discarded vehicle parts and materials are properly stored and disposed of from the premises;
  - e. no power washing of motor or power train is performed on the premises; and
  - f. all Building and Fire Code regulations are met.

## **6. GRAFFITI**

- 6.1 No Person shall place any graffiti or cause it to be placed on any Property.
- 6.2 Every Property owner or Occupant of a Property shall ensure that graffiti placed on their Property is removed, painted over or otherwise permanently blocked from public view within seven (7) days.
- 6.3 A Property owner, who breaches the provisions of 6.2, where, following the issuance of and failure to comply with an Order under section 545 of the *MGA*, shall be liable to payment of a penalty as prescribed in the Schedule "A".

## **7. COMPOSTING**

- 7.1 As described in Section Two (2), 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.



## 8. NOISE

- 8.1 In addition to the description in Section Two (2) 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 10:00 pm 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 or holiday
  - 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 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 In determining what constitutes noise likely to annoy or disturb the peace of any other Person, considerations may be given, but are not limited to:
- a. type, volume, and duration of sound;

- b. time of day, and day of the week;
  - c. nature and use of the surrounding area.
- 8.5 No Person shall yell, scream or swear in any public place thereby creating a disturbance.
- 8.6 No drinking establishment shall permit any noise to emanate from the premises of such drinking establishment such that it annoys or disturbs any other Person outside the boundary of the drinking establishment.
- 8.7 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.
- 8.8 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.
- 8.9 This Section does not purport to regulate the cumulative effect of noise created by vehicular traffic on roads.
- 8.10 The CAO 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 CAO considers appropriate; AND/OR
  - d. revoke any temporary permit that has been issued, where the CAO determines the applicant has not taken sufficient measures to minimize the noise.



## **9. MAJOR EVENTS**

9.1 The CAO 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 CAO considers appropriate including the advertisement of the Major Event; AND/OR
- d. revoke any temporary permit that has been issued, where the CAO 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 CAO within fourteen (14) days of the date of notice.

## **10. ADDRESSING**

10.1 Every legally registered parcel of land within the Village shall be designated an address number, by the CAO, which may include numbers, words or any combination of numbers and words.

10.2 A Person who owns a Property shall cause the address number assigned pursuant to subsection 12.1 to be displayed, at all times, on the Property at a location plainly visible from the roadway adjacent to the Property and from any alley that may be adjacent to the Property.

10.3 A Person who owns a Property shall maintain the address number in good condition and shall not cause or permit the visibility of the address number to be obscured.

## **11. SIDEWALKS**

11.1 A Person shall remove snow and ice from any Sidewalk adjacent to Property they own or occupy within 48 hours after the snow or ice has been deposited.

11.2 A Person shall not deposit snow or ice:

- a. upon any Highway;
- b. upon or in any drainage ditch, culvert or catch basin;
- c. in any Public Place;
- d. on private Property that is not their own; or
- e. in a location that restricts access to, or visibility or operation of, a fire hydrant.

11.3 If a Person fails to comply with subsection 11.1 or 11.2 the Village may arrange to have the Highway, Public Property, Sidewalk cleared and the expenses and costs incurred by the Village for removing the snow and ice shall be paid upon demand and if unpaid may be added to the tax roll.

## **12. BOULEVARDS**

12.1 The Owner of any Property within the Village 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 length of no more than 15 centimetres;
- b. removing any excessive accumulation of weeds, fallen leaves or other debris; and
- c. cutting or trimming grass around trees, shrubs, sign posts, hydrants and other municipal structures located within the boulevard.

## **13. LITTERING**

13.1 No Person shall place, deposit or throw or cause to be place, deposited or thrown upon any Village Property, including any street, 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 paper, 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 there from;
- g. any Motor Vehicle or any part of any Motor Vehicle which may, in whole or in part, obstruct any highway, street, lane, alley, bi-way or other public place, or
- h. dirt, filth or rubbish of any kind whether similar or dissimilar to the foregoing.

13.2 A Person who has placed, deposited or thrown or caused to be placed, deposited or thrown anything or any matter mention in subsection 13.1 shall forthwith remove it.

13.3 A Person shall not scavenge from or disturb any goods located at a Charity Collection Site.

## **14. SPITTING/HUMAN WASTE**

14.1 No Person shall urinate or deposit human waste in any Public Place or on Public Property or

in view of a Public Place.

14.2 No Person shall spit at or on any Person in or near a Public Place or on Public Property.

**15. FIGHTING/LOITERING**

15.1 No Person shall engage in a fight or any physical confrontation in any public place or any place to which the public is allowed access.

15.2 Subsection 15.1 does not apply to participants of an organized sporting event who are governed by the rules of conduct of that sporting event.

15.2 No Person shall be a member of an assembly of three or more Person in any public place or any place to which the public is allowed access where a Peace Officer has reasonable grounds to believe the assembly will disturb the peace of the neighbourhood, and any such Person shall disperse as requested by a Peace Officer.

15.3 No Person shall loiter and thereby obstruct any Person in any public place.

**16. AUTHORITY TO REMOVE**

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

**17. FLYERS ON VEHICLES**

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

**18. PANHANDLING**

18.1 No Person shall engage in panhandling:

- a. as a group of two or more Persons;
- 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 such solicitation;

- d. so as to obstruct the passage of, walk next to, ahead of, or follow the Person being solicited;
- e. within 10 metres of the entrance to a bank, credit union, trust company or other financial institution where cash can be withdrawn; or
- f. within 10 metres of an automated teller machine or other device from which cash can be electronically accessed.

## **19. ROOFS AND AWNINGS**

- 19.1 A Person shall maintain any roof or awning that extends over a sidewalk from a building they own or occupy free of snow and ice.

## **20. WATER, EAVES TROUGHS, DOWNSPOUTS AND SUMP PUMPS**

- 20.1 A Person shall direct any rainwater, downspout or eaves trough on a Property they own or occupy towards:
- a. the front of the Property;
  - b. the rear of the Property;
  - c. the side yard which does not abut another Property; or
  - d. a side yard which abuts another Property only if there is a minimum of six (6) metres of permeable ground between the outfall of the downspout or eaves trough and the adjacent Property.
- 20.2 No Person shall cause or permit any water from a sump pump, rainwater, downspout or eaves trough to be directed from a Property they own or occupy onto:
- a. an adjacent Property; or
  - b. an adjacent alley, street, sidewalk or other public place in any manner that is likely to cause damage or to create a danger.

## **21. ODOUR**

- 21.1 No Person shall cause, permit or engage in any activity that allows any nuisance odour to originate from a premises or residential building that reasonably interferes with the lawful enjoyment of any other Person's Property.

## **22. PLACEMENT OF BILLS, SIGNS AND DISPLAYS**

- 22.1 A Person shall not attach any advertisement, poster, notice or other similar item on any sign, utility pole, tree, fence or other fixture located on Property or place or cause to be

placed any freestanding sign, notice or display on Property, unless the item is placed in accordance with the governing rules at a specific location approved for that purpose.

- 22.2 Where a Person has placed something that is permitted by this section, that Person shall
- a. ensure that the thing does not cause a nuisance by becoming litter, unsightly or a hazard to users of the Property, and
  - b. remove and properly dispose of the thing within 24 hours of the passing of the event if the thing refers to a specific event.
- 22.3 The CAO is authorized to designate locations on Property Owned by the Village where items described in this section may be posted and establish rules for the placement of such items.
- 22.4 Refer to Wabamun Land Use Bylaw, as amended from time to time, for further regulations regarding signage.

### **23. DANGEROUS ACTIONS**

- 23.1 A Person shall not throw or propel an object, or act in any other way, in a Public Place that is reasonably likely to cause injury to another Person or damage to Property.

### **24. STREET FURNITURE**

- 24.1 A Person shall not climb on, overturn, alter, deface, damage, destroy, tamper or otherwise interfere with any Street Furniture.

### **25. VIOLATION TAGS AND VIOLATION TICKETS**

- 25.1 Any 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 a payment of the specified penalty to the Village; or
  - b. a violation ticket allowing payment according to the provisions of the *Provincial Offences Procedures Act*.
- 25.2 Service of a violation tag will be sufficient if it is:
- a. Personally served; or
  - b. served by regular mail to the Person's last known mailing address.
- 25.3 If a violation ticket is issued in respect to an offence, the violation ticket may:
- a. specify the fine amount established by this Bylaw for the offence; or
  - b. require a Person to appear in Court without the alternative of making a voluntary



payment.

25.4 A Person who commits an offence may:

- a. if a violation ticket is issued in respect of the offence; and
- b. if the violation ticket specifies the fine amount established by this Bylaw for the offence, make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Courthouse specified on the violation ticket.

## **26. ORDERS**

26.1 An officer designated by the CAO may, by written order, require a Person responsible for the contravention to remedy the contravention.

26.2 The written order shall:

- a. state a time within which the owner must comply with the order; and
- b. state that if the owner does not comply with the order within a specified time; the Village will undertake the action or measure at the expense of the owner and if unpaid may be added to the tax roll of the affected Property.

26.3 The Village may, in respect of an order, register a caveat under the *Land Titles Act* against the certificate of title for the land that is the subject of the order.

## **27. APPEAL OF ORDERS**

27.1 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 Council within fourteen (14) of the receipt of the Order.

27.2 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.

27.3 The appellant may provide additional information, material or evidence in the submission package relevant for consideration at the appeal review.

27.4 The written appeal must be accompanied by the non-refundable fee, as set out in Schedule "A".

27.5 Pursuant to Section 547 of the *MGA*, the 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.

27.6 Upon review of the Order, Council may confirm, vary, substitute or cancel the Order.

## **28. EXERCISE OF DISCRETION**

28.1 The Village of Wabamun has the discretion to enforce this Bylaw and is not liable of any outcomes should a Peace Officer or the CAO decides not to enforce this Bylaw if acting in good faith.

## **29. SEVERABILITY**

29.1 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.

## **30. GENERAL**

30.1 Bylaws 03-2012 and Policy #PWXX, Part - Public Works, Section - Unsightly Policy are hereby repealed.

30.2 This Bylaw shall come into force upon receipt of its third and final reading.

READ A FIRST TIME IN COUNCIL THIS 15<sup>th</sup> DAY OF SEPTEMBER, 2020

READ A SECOND TIME IN COUNCIL THIS 15<sup>th</sup> DAY OF SEPTEMBER, 2020

UNANIMOUS CONSENT TO GO TO THIRD READING THIS 15<sup>th</sup> DAY OF SEPTEMBER, 2020

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 15<sup>th</sup> DAY OF SEPTEMBER, 2020

\_\_\_\_\_  
Signed by the CEO this date

\_\_\_\_\_  
CHIEF ELECTED OFFICIAL

\_\_\_\_\_  
Signed by the CAO this date

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

## SCHEDULE "A" ENFORCEMENT FINES

For any offence for which a fine is not established \$100.00

| Section |   | 1 <sup>st</sup> Offence | 2 <sup>nd</sup> Offence<br>Within One (1) year | 3 <sup>rd</sup> and Subsequent<br>Offences<br>Within One (1) year |
|---------|---|-------------------------|--|---|
| 4       | Unightly Premises                                     | 150.00                  | 300.00   | 500.00  |
| 5       | Motor Vehicles &<br>Repairing of Motor<br>Vehicles    | 250.00                  | 500.00   | 1,000.00  |
| 6       | Graffiti  | 250.00                  | 500.00   | 750.00  |
| 7       | Composting  | 100.00                  | 200.00   | 300.00  |
| 8       | Noise   | 250.00                  | 500.00   | 1,000.00  |
| 10      | Addressing  | 50.00                   | 100.00   | 150.00  |
| 11      | Sidewalks   | 250.00                  | 500.00   | 750.00  |
| 12      | Boulevards  | 250.00                  | 500.00   | 750.00  |
| 13      | Littering   | 100.00                  | 200.00   | 300.00  |
| 14      | Spitting/Human Waste                                  | 250.00                  | 500.00   | 750.00  |
| 15      | Fighting/Loitering                                    | 250.00                  | 500.00   | 1,000.00  |
| 17      | Flyers on Vehicles                                    | 50.00                   | 100.00   | 200.00  |
| 18      | Panhandling   | 75.00                   | 100.00   | 150.00  |
| 19      | Roof and Awnings                                      | 250.00                  | 500.00   | 750.00  |
| 20      | Water, Eaves Troughs,<br>Downspouts and Sump<br>Pumps | 250.00                  | 500.00   | 750.00  |
| 21      | Odour   | 150.00                  | 300.00   | 450.00  |
| 22      | Placement of Bills, Signs<br>and Displays             | 250.00                  | 500.00   | 1,000.00  |
| 23      | Dangerous Actions                                     | 250.00                  | 500.00   | 1,000.00  |
| 24      | Street Furniture                                      | 250.00                  | 500.00   | 750.00  |

Appeal Fee - \$200.00 non-refundable.