

BYLAW NO. 2019-07

**A BYLAW OF THE SUMMER VILLAGE OF PARKLAND BEACH
IN THE PROVINCE OF ALBERTA
TO ESTABLISH COMMUNITY STANDARDS FOR THE SUMMER VILLAGE**

WHEREAS under the provisions of the *Municipal Government Act*, RSA 2000, Chapter M-26, and amendments thereto, the Council of the Summer Village of Parkland Beach may pass Bylaws respecting the health and safety of the community and to control dangerous and untidy properties; and

WHEREAS under the provisions of the *Municipal Government Act*, and amendments thereto, the Council may make provisions that it deems necessary to carry out the purposes of the Bylaw; and

WHEREAS the Council deems it desirable and necessary to promote the maintenance of properties, within the corporate limits of the Summer Village;

NOW THEREFORE the Council of the Summer Village of Parkland Beach in the Province of Alberta, duly assembled, enacts as follows:

1. SHORT TITLE

1.1 This Bylaw will be cited as the "Community Standards Bylaw".

2. DEFINITIONS

- 2.1 **"Building Material"** means all construction and demolition material accumulated on a property while storing, constructing, altering, repairing or demolishing any structure and includes, but is not limited to, earth, vegetation, or rock displaced during such storing, construction, alteration or repair;
- 2.2 **"Chief Administrative Officer"** means the person appointed to act in the position of Chief Administrative Officer for the Summer Village of Parkland Beach or a person designated to act on the Chief Administrative Officer's behalf;
- 2.3 **"Damage"** includes, but is not limited to, cutting, breaking, burning, scratching, painting graffiti, or making temporary or permanent markings;
- 2.4 **"Garbage"** includes, but is not limited to, any rubbish, refuse, papers, packages, containers, bottles, cans, manure, animal or human excrement or sewage or the whole or a part of an animal carcass, dirt, soil, gravel, rocks, sod, petroleum products, hazardous materials, disassembled equipment or machinery, broken household furnishings or appliances, boxes, cartons, discarded fabrics, any material composed of organic matter which is or may become decomposed, including the by-products from the preparation, consumption or storage of food;
- 2.5 **"Litter"** means any unwanted item, garbage, refuse or debris that is left, improperly placed, deposited or thrown on any public or private property so as to be a nuisance or health concern;

- 2.6 **“Nuisance”** means any activity or thing which arises from unreasonable, unwarranted or unlawful use by any person of a premises or property so as to produce an annoyance, inconvenience or discomfort to the public, or create annoyance or inconvenience to people living, working or pursuing activities in the vicinity of the premises or property, and, anything by act or omission that causes or permits a condition to exist which injures or endangers the public health, safety or welfare, or may reasonably be anticipated to injure or endanger public health, safety or welfare;
- 2.7 **“Occupant”** means a person:
- a) residing on or to be in apparent possession or control of premises or property or;
 - b) residing on or in possession of a property pursuant to a written or verbal rental or lease agreement, license or permit;
- 2.8 **“Order to Remedy”** means written notice issued pursuant to this bylaw to remedy a condition that is not in compliance with a provision of this bylaw or of any applicable bylaw within the Summer Village including the *Land Use Bylaw* or an order written pursuant to the *Municipal Government Act*, R.S.A. 2000 c. M-26 and amendments thereto;
- 2.9 **“Owner”** means a person or persons, a firm, company or corporation that is:
- a) registered under the *Land Titles Act*, R.S.A. 2000, c. L-4 and amendments thereto, as the owner of a parcel of land;
 - b) who is recorded as the owner of a premises or property on the tax assessment roll of the Summer Village of Parkland Beach;
 - c) who has purchased or otherwise acquired a parcel of land, whether he or she has purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not yet become the registered owner thereof;
 - d) holding himself or herself out as the person having the powers and authority of ownership of a premises or property or who for the time being exercises the powers and authority of ownership;
 - e) in possession or control of a premises or property under construction;
- 2.10 **“Park”** means an area of public land, whether in a manicured or natural state, specifically designed or reserved for the enjoyment of the general public, which may have facilities for rest and/or passive recreation, including trails, playing fields, picnic areas, and reserves;
- 2.11 **“Peace Officer”** means a member of the Royal Canadian Mounted Police, or
- a) a Community Peace Officer; or
 - b) a Bylaw Enforcement Officer;

appointed and authorized by the Summer Village to enforce bylaws of the Summer Village, or in the absence of an appointed Community Peace Officer or Bylaw Officer, the Chief Administrative Officer shall act in this capacity;

- 2.12 **“Premises”** means any external surfaces of all structures and the whole or part of any parcel of real property, including property immediately adjacent to any structure, and includes all forms of vegetation;
- 2.13 **“Property”** means:
- a) in the case of land, a parcel of land including any structures;
 - b) in other cases, personal property;
- 2.14 **“Summer Village”** means the Municipal Corporation of the Summer Village of Parkland Beach;
- 2.15 **“Untidy or Unsightly Premises or Property”** means any premises or property, or part of it, which is characterized by visual evidence of a lack of general maintenance and upkeep or the excessive accumulation on the premises or property of:
- a) garbage, animal or human excrement, sewage, weeds, tree branches, uncut or dead grass, the whole or a part of an animal carcass, dirt, soil, gravel, rocks, petroleum products, hazardous materials, disassembled equipment or machinery, broken household chattels or goods; or
 - b) the whole or any part of any vehicle or vehicles which are not registered with a Motor Vehicle Registry for the current year and which are inoperative by reason of disrepair, removed parts or missing equipment; or
 - c) equipment or machinery which has been rendered inoperative by reason of disassembly, age or mechanical condition, including household appliances; or
 - d) ashes, building material, refuse or debris; or
 - e) any other form of scrap, litter, trash or waste of any kind.

3. **NUISANCE and UNSIGHTLY PROPERTY**

- 3.1 Nuisance and unsightliness for the purpose of this bylaw includes any use of or activity upon any property such that the condition of the property is offensive, or shows signs of disregard for general maintenance and upkeep, or is untidy, unsightly, or dangerous to health and safety of any person; or has or may have a detrimental impact upon any person or other property in the neighborhood. Without limiting the generality of the foregoing, no person shall cause, or permit, or undertake an activity that is a nuisance or creates an unsightly condition, including but not limited to the following:
- a) the failure to maintain grass, weeds or general ground cover vegetation on any parcel of land at a height less than 20 cm (8 inches) in length;
 - b) the failure to maintain shrubs, trees or other landscaping features;
 - c) the failure to destroy restricted weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds;
 - d) the growth of trees or shrubs in such a manner that they interfere with or endanger visibility to street signage or roadway clearance;

- e) the storage or accumulation of any material that creates unpleasant odours, any material that attracts pests, any animal remains or animal feces;
- f) the storage or accumulation of, or failure to dispose of, discarded or dilapidated furniture, household appliances, loose garbage, rubbish, packing material, scrap metals, scrap lumber, building material, tires, parts of disassembled machinery, equipment or appliances and motor vehicle parts;
- g) the generation of excessive dust or dense smoke;
- h) the use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;
- i) the storage or accumulation of any damaged, dismantled, dilapidated or derelict vehicle or motor vehicle, whether registered or insured or not, on any residential or commercial site, except vehicles that are stored in an approved accessory or temporary building;
- j) the failure to maintain any accessory building, structure, or fence such that it deteriorates, becomes unsightly or becomes a safety hazard;
- k) the failure to fence or secure an excavation, culvert, ditch or other depression so that it does not become a danger to public safety;
- l) the burning of anything other than dry, untreated, clean wood in a residential wood fireplace or an approved fire pit.

3.2 No person shall cause or permit or undertake any activity upon any Summer Village public property, which is a nuisance, creates an unsightly condition, or causes damage to the premises.

4. COMMUNITY STANDARDS ENFORCEMENT

- 4.1 A Peace Officer may, after giving reasonable notice to the owner or occupant of a property, enter upon said property and carry out an inspection.
- 4.2 Upon completion of the inspection, the Peace Officer may, by written notice, direct the owner or occupant of the property to:
- a) cease an activity which causes a nuisance or unsightly condition;
 - b) change the way in which such person is carrying out any activity;
 - c) take any action or measure necessary for the elimination or abatement of a nuisance or unsightly condition, including, but not limited to:
 - (i) the removal of any thing or matter from the property, which constitutes a nuisance or unsightliness;
 - (ii) the construction or installation of a garbage bin or enclosure, or the repair of an existing garbage enclosure; or

(iii) enter into a cleanliness agreement in a form to the satisfaction of the Chief Administrative Officer.

4.3 A notice issued under section 4.2 will:

- a) specify a time within which the owner or occupant must comply with the directions contained in the notice, and any means of appeal; and
- b) notify the owner or occupant that, if compliance with the notice is not affected within the specified time, the municipality will take the actions or measures necessary to abate the nuisance or unsightly condition defined in the notice at the expense of the owner or occupier, and that such expenses may be added to the tax roll account of the property.

4.4 Any person who refuses to allow an inspection of the premises under section 4.1 is guilty of an offence.

4.5 Any person who fails to comply with a direction made under section 4.2 is guilty of an offence.

5. LITTERING

5.1 No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any Summer Village property, including any street, path, ditch, parking lot, park, or other public place or water course, any garbage or litter of any kind.

5.2 A person who has placed, deposited or thrown, or caused to be placed or thrown any thing, garbage, matter or litter upon any street, path, parking lot, park, or other public place or water course shall forthwith remove it.

5.3 The Chief Administrative Officer may authorize any Summer Village employee, contractor, or Peace Officer, to remove and put in storage or to remove and destroy any thing or personal property placed upon Summer Village property.

6. OBSTRUCTION OF A PEACE OFFICER

6.1 No person shall obstruct, interfere with or hinder any Peace Officer in the carrying out of their duties and responsibilities under this bylaw.

7. PENALTIES

7.1 Any person who contravenes any provision of this bylaw is guilty of an offence and shall be liable to payment of the penalty specified in Schedule "A", which is attached to and forms part of this bylaw, or

- a) for any offence for which there is no penalty specified, to a penalty of not less than \$150.00 and not more than \$10,000.00;
- b) in default of payment of any penalty, to imprisonment for up to 6 months.

7.2 A Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to the *Provincial Offences Procedure Act*, RSA 2000 c. P-34 and amendments thereto, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.

7.3 If a violation ticket is issued in respect of an offence, the violation ticket may:

- a) specify the fine amount established by this bylaw for the offence; or
- b) summons a person to appear in Court without the alternative of making a voluntary payment.

7.4 If a violation ticket is issued with respect to an offence and that violation ticket specifies the fine amount established by this bylaw for the offence, a person may make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Summer Village of Parkland Beach municipal office.

8. SEVERABILITY AND TRANSITION

8.1 The invalidity of any provision of this bylaw shall not affect the validity of the remainder.

8.2 This bylaw takes effect as of the date of third and final reading and upon such final passage Bylaw No. 2001-01 shall be repealed.

READ A FIRST TIME this 19th day of August, 2019

READ A SECOND TIME this 16th day of September, 2019

READ A THIRD TIME and passed this 16th day of September, 2019

Blair Morton

Mayor

Katey White

Chief Administrative Officer

“SCHEDULE A”

FEES

<u>PARTICULARS</u>	<u>SECTION</u>	<u>PENALTY</u>
Littering	5.1	\$ 150.00
Nuisance or Unsightly Condition on Private Property	3.1	\$ 250.00
– second offence within 1 year		\$ 400.00
– third and subsequent offences within 1 year		\$ 500.00
Nuisance or Damage on Public Property	3.2	\$ 500.00
Obstruction of a Peace Officer	6.1	\$ 250.00
Offence Not Listed, minimum	7.1 a	\$ 150.00
Refusal to Allow an Inspection	4.4	COURT