

## TOWN OF MUNDARE

### BYLAW NO 949/23

The council of the Town of Mundare, duly assembled, hereby enacts

1. This Bylaw may be cited as the "Community Standards Bylaw".

#### DEFINITIONS

2. In this bylaw
  - (a) "building material" means all construction and demolition material accumulated on a premises 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.
  - (b) "detrimental to the surrounding area" means causing the decline of the market value of property to the surrounding area.
  - (c) "dismantled vehicle" means a motor vehicle or trailer that has become dilapidated or disassembled which may include but not limited to flat tires, missing tires and rims, fenders, doors, windows, hoods, trunks and boxes.
  - (d) "emergency" shall mean any situation in which there is imminent danger to the general public or a potential danger to the property or surrounding properties.
  - (e) "garbage" means 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 materials composed or organic matter which is or may become decomposed, including the by-products from the preparation, consumption or storage of food.
  - (f) "inspector" means any person(s) designated to enter and inspect property in accordance with the provisions of this bylaw and includes peace officers and the CAO.
  - (g) "motor vehicle" shall mean a vehicle propelled by any power other than muscular power, or a moped but does not include a bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails.

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- (h) “peace officer” means
  - (i) any member of the Royal Canadian Mounted Police;
  - (ii) any member of a Municipal Police Service;
  - (iii) any Community Peace Officer;
  - (iv) any Bylaw Enforcement Officer;
- (i) “property owner” means a person or persons, a firm, company or corporation that is registered on the town tax roll and Alberta Land Titles office.
- (j) “property” is any lands, buildings or premises in the Town.
- (k) “recreational vehicle” means a vehicle or trailer that is designed, constructed and equipped, either temporary or permanently as a temporary accommodation for travel, vacation, or recreational use, and includes duly licensed travel trailers, motorized homes, slide-in campers, chassis mounted campers, tent trailers, boats and all-terrain vehicles.
- (l) “state of disrepair” means
  - (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, or;
  - (iii) significant fading, chipping or peeling of painted areas of buildings, structures or improvements on property;
- (m) “unsightly premises” shall mean any structure or property located within the Town that in the opinion of the Inspector, is unsightly to such an extent as to detrimentally affect the amenities, use, value or enjoyment of the surrounding lands in reasonable proximity to the unsightly premises, or is otherwise detrimental to the surrounding area or in an unsightly condition as defined in the Municipal Government Act;

## NUISANCE

3. A nuisance, for the purpose of this Bylaw, is any condition on or around a property that is untidy, unsightly, offensive, and dangerous to health and safety to any person, or has or may have a detrimental impact upon any person or other property in the neighborhood, or which interferes with the use and enjoyment of other adjacent property, and without limiting the generality of the foregoing includes the following:
- (a) trees or shrubs that interfere with driver visibility, civic works or any public utilities;
  - (b) dense or opaque dust emitted into the atmosphere;
  - (c) compost heaps that emit foul odors or attract pests or vermin;

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- (d) the storage or accumulation of dilapidated or derelict vehicles or the storage of more than two (2) unregistered or inoperable motor vehicles on any one residential property regardless of their condition or how neatly they might be stored, except for motor vehicles that are being stored in a permitted accessory building or a temporary structure with approved municipal permits;
  - (e) wrecked, inoperable or dismantled vehicles, or those that are unsightly and abandoned;
  - (f) no person shall park a motor vehicle or recreational vehicle in the front yard of a residential property unless parked on a driveway. Failure to comply with this section shall result in the motor vehicle or recreational vehicle being towed at the Registered Owners expense;
  - (g) any loose materials including garbage and building materials;
  - (h) any accessible excavation, ditch, drain or standing water that could pose a danger to the public;
  - (i) grass or weeds on any parcel of land shall be maintained at a height not to exceed 15cm (6 inches) in length;
4. A person shall maintain any boulevard or the back alley adjacent to property they own or occupy by:
- (a) Keeping any grass on the boulevard/back alley to a length of no more than 15 cm (6 inches) including trimming along any fence/structure;
  - (b) removing any excessive accumulation of weeds, fallen leaves or other debris.
5. If a Person fails to comply with section 4, the town may, in addition to any other remedy available, take steps to bring the boulevard/back alley into compliance with section 4, and the expenses and costs incurred by the Town in doing so shall be paid, upon demand, by the Person who has failed to comply with section 4.
6. No property owner shall cause or allow any building, and/or structure, trees, shrubs or fence to become an unsightly premise or in a condition where its appearance and/or condition is a safety hazard or is detrimental to the surrounding area.
7. No property owner shall permit the accumulation of piles of dirt, stone, garden waste, turf, trees, shrubbery, old implements, disassembled or broken vehicles, inoperable off highway vehicles, scrap iron, lumber, glass, furniture, appliances, bicycles, lawn mowers, food containers, waste paper or cardboard on his or her property.

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8. No property owner shall dump or cause to be dumped any rubbish, garbage, waste petroleum products (either liquid or solid), or dispose of any material in an area within the Town except at locations specifically designated by the CAO.
9. All existing natural gas, electrical, water, sewer or other services to the site of an abandoned building, structure, or excavation shall be shut off. All external natural gas, electrical, water, sewer lines shall be capped. Cleanout caps shall be properly secured, caulked or soldered into place.
10. Property owners, tenants and agents must prevent the occurrence of, or immediately remedy, any nuisance.

### **DANGEROUS BUILDINGS AND STRUCTURES**

11. The owner(s) of a property(ies) in the Town, shall ensure that any building(s) in a state of disrepair shall be restored or demolished and removed from the property.
12. If any building is being restored to a usable and safe condition, the restoration must be in accordance with the Building Standards and Codes and with the required development and building permits.
13. No property owner shall cause or allow his or her property to be a danger to public safety through the presence of excavations, structures, materials or any other hazard or condition posing a risk to public safety

### **ROOFS AND AWNINGS**

14. 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.

### **WATER, EAVES AND DOWNSPOUTS**

15. A Person shall not cause or permit any 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.

### **PROHIBITED NOISE**

16. A Person shall not cause or permit any noise that is reasonably likely to disturb the peace of another individual.
17. A Person shall not cause or permit Property they Own or Occupy to be used so that noise from the Property disturbs the peace of another individual.

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18. In determining if a sound is reasonably likely to disturb the peace of other, a Peace Officer may consider the following criteria:
  - a. type, volume, and duration of the sound;
  - b. time of day and day of week;
  - c. nature and use of the surrounding area; and
  - d. any other relevant factor.
19. A Person shall not cause or permit any construction activity on or adjacent to any property zoned for residential use before 7:00 a.m. or after 10:00 p.m. Monday through Friday or before 9:00 a.m. or after 10:00 p.m. on Saturday or Sunday.
20. The Chief Administrative Officer may issue a permit, on whatever conditions the Chief Administrative Officer considers appropriate, authorizing the production of noise in a manner, or of a type, that would otherwise contravene this Part.
21. Nothing in this Part prohibits:
  - a. an employee or authorized agent of the Municipality from producing noise while acting within the scope of their functions, duties or powers;
  - b. the production of noise in accordance with a permit granted pursuant to section 24; or
  - c. any activity that is carried out in accordance with the conditions of a validly issued development permit issued by the Municipality or an activity that constitutes a legal non-conforming use for which no development permit is required pursuant to the provisions of the *Municipal Government Act*.

### **INSPECTION AND DIRECTION**

22. The CAO may designate anyone he deems appropriate to be an inspector.
23. Any inspector may enter any public or private property to conduct an inspection within the Town and may inspect for nuisances.
24. After an inspection, an inspector may issue a notice to maintain property which shall specify a deadline for compliance and shall outline specific instructions to remedy the nuisance.
25. The notice to maintain property will be in a form approved by the CAO.

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26. The Town must serve the notice to maintain property by delivering it or sending it by mail to the property owner(s) by way of:
- (a) delivering it in person to the owners or;
  - (b) posting it to the door of a building or in any other conspicuous place on the property, and is effective on the day of posting or;
  - (c) hand deliver or;
  - (d) regular mail or.
  - (e) e-mail or
  - (f) fax

### **APPEAL PROCEDURE**

27. Any person who receives a order under this bylaw may, by written notice, request council to review the order within (7) seven days.
28. Council may confirm, rescind or vary the notice that was given.
29. A person affected by the decision of council may appeal to the Court of Queen's bench within 30 days after the date of the decision of council if:
- (a) the procedure required to be followed is not followed
  - (b) the decision is patently unreasonable

### **PENALTIES**

30. If the property owner has not complied with notice to maintain property by the specified deadline, an inspector shall have the right to direct any person to do the work required by the order. The cost of doing the work required, plus an administration fee (as per Schedule "A"), may be recovered from the property owner as debt due to the Town or such costs may be charged against the property taxes due and owing, pursuant to the Municipal Government Act.

### **GENERAL**

31. The Town, or any inspector who inspects any property under this Bylaw, or any person who performs any work on behalf of the Town to remedy a nuisance is not liable for any damages caused by the inspection, the work, or disposition of any material in order to complete the work set out in the notice to maintain property.

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- 32. The property owner of any real property is ultimately responsible for all activities on the property which may constitute prohibition of this bylaw.
- 33. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.
- 34. Nothing in this bylaw will operate to relieve any person from complying with any Federal, Provincial or other Town law, order, regulation or bylaw.
- 35. Should any provision of this bylaw be deemed invalid, then such invalid provision may be severed and the remaining bylaw shall be maintained.
- 36. Bylaw 902/20 and all amendments thereto are hereby rescinded.

READ for a first time on November 14, 2023.

READ for a second time on November 14, 2023.

READ for a third time with the unanimous consent of all councillors present on November 14, 2023.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
CAO

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## SCHEDULE "A"

SECTION:	AMOUNT
3     Creating a nuisance	\$250.00
4     Failure to maintain a boulevard/back alley	\$250.00
6     Unsightly Premise	\$250.00
7     Illegal accumulation	\$250.00
8     Illegal dumping	\$250.00
15    Illegal Drainage	\$250.00
16, 17	
19    Noise disturbance	\$250.00
30    Administration fee for every lot requiring enforcement	\$100.00

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