



**BYLAW NO. 994/ADM/2022
COMMUNITY STANDARDS BYLAW
MUNICIPAL DISTRICT OF FAIRVIEW NO. 136**

A BYLAW OF THE MUNICIPAL DISTRICT OF FAIRVIEW NO. 136 IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING, CONTROLLING AND ABATING NUISANCES, NOISE, DANGEROUS AND UNSIGHTLY PREMISES.

WHEREAS Council deems it desirous to promote maintenance of property within the Municipal District of Fairview No. 136, tidy and safe living conditions and to minimize nuisance to other persons, AND

WHEREAS Sections 7 and 8 of the Municipal Government Act, R.S.A. 2000 Chapter M-26, of the Province of Alberta, gives Council the authority to pass such a bylaw;

NOW THEREFORE, The Council of the Municipal District of Fairview No. 136, in the Province of Alberta, enacts the following:

1.0 INTERPRETATION AND APPLICATION

- 1.1 This Bylaw may be referred to as the Municipal District of Fairview No. 136 “**Community Standards Bylaw**”.
- 1.2 Nothing in this bylaw shall prevent bona fide Agricultural Practices.
- 1.3 This bylaw shall apply to Property within the boundaries of the Hamlets of Bluesky and Whitelaw.
- 1.4 This bylaw shall not affect any property recognized by the Municipal District of Fairview No. 136 as a sanitary landfill site, recycling centre or other waste management facility.

2.0 DEFINITIONS

2.1 This bylaw uses the following terms;

- a) **Abandoned Equipment:** equipment or machinery, which has been rendered inoperative by reason of its disassembly, damage, age or the deterioration of its mechanical condition, and includes, but is not limited to, any household appliances stored outside of a residence or other Structure, regardless of whether the household appliance is in an inoperative condition.
- b) **Abandoned Vehicle:** the entirety or any portion of any Motor Vehicle, where that vehicle:
 - (i) is in a rusted, wholly or partially wrecked, dismantled, or inoperative condition, and is not located within a Structure or located on Property such that it can be concealed from view; or
 - (ii) has no current license plate attached to it and, in respect of which, no registration certificate has been issued for the current year; or
 - (iii) is inoperative by reason of missing or disassembled parts or equipment and is not located within a Structure or located on Property such that it can be

concealed from view.

- c) **Agricultural Practices:** agricultural practices that are conducted in a manner consistent with appropriate and accepted customs and standards as established and followed by similar agricultural operations under similar circumstances and, without limiting the generality of the foregoing, includes the use of innovative technology with advanced management practices.
- d) **Bylaw Enforcement Officer:** the designated officer(s) appointed for the enforcement of municipal bylaws for the Municipal District of Fairview No. 136.
- e) **Compost:** 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.
- f) **Council:** the Council of the Municipal District of Fairview No. 136.
- g) **Designated Officer:** a Bylaw Enforcement Officer, or any other Person who has been appointed by Council from time to time, for the purpose of inspections or enforcement of bylaws for the Municipal District of Fairview No. 136.
- h) **Front Yard:** as defined by the Municipal District of Fairview No. 136's Land Use Bylaw.
- i) **Land Titles Act:** the *Land Titles Act*, being Chapter L-4 of the Revised Statutes of Alberta 2000, as amended from time to time.
- j) **Land Use Bylaw:** the Municipal District of Fairview No. 136's Land Use Bylaw No. 876, as amended or replaced from time to time.
- k) **Municipal Government Act (MGA):** the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta 2000, as amended from time to time.
- l) **Motor Vehicle:** as defined in the *Traffic Safety Act*, being Chapter T-6 of the Revised Statutes of Alberta 2000, as amended from time to time.
- m) **Municipality:** the Municipal District of Fairview No. 136, in the Province of Alberta.
- n) **Nuisance:** a condition or an emission from Property which, in the opinion of a Designated Officer, following the guidelines contained in this bylaw, constitutes an unreasonable interference with the use and enjoyment of other private or public Property, and includes, without limiting the foregoing, Noise or an Unightly Premises.
- o) **Nuisance Animal:** any animal identified in section 3(1) of the *Pest and Nuisance Control Regulation* under the *Agricultural Pests Act*, being Chapter A-8 of the Revised Statutes of Alberta 2000, as amended from time to time.
- p) **Noise:** any sound which is reasonably likely to disturb the peace of others.
- q) **Occupant:** any Person, other than the registered Owner, who is possession of the Property, including, but not restricted to, a lease, licensee, tenant or agent of the Owner.
- r) **Owner:**
 - (i) a Person registered as Owner of Property under the *Land Titles Act*.

- (ii) a Person who is recorded as the Owner of Property on the Assessment Roll of the Municipal District of Fairview No. 136;
 - (iii) a Person who has purchased or otherwise acquired the Property, whether they have purchased or otherwise acquired the Property directly from the Owner or from another purchaser, and has not become the registered owner thereof;
 - (iv) a Person holding himself out as the Person exercising the power or authority of Ownership or who, for the time being, exercises the powers and authority of Ownership over the Property;
 - (v) a Person in control of Property under construction; or
 - (vi) a Person who is the Occupant of the Property.
- s) **Person:** a corporation, partnership, or individual, and the heirs, executors, administrators or other legal representatives of an individual.
- t) **Permit:** a written Permit issued by the Municipal District of Fairview No. 136 pursuant to this Bylaw.
- u) **Property:** any lands, buildings, Structures or premises, or any personal property located thereupon, within the municipal boundaries of the Hamlets of Bluesky and Whitelaw.
- v) **Refuse:** all solid and liquid waste including, but not limited to:
- organic and inorganic household, garden and yard waste;
 - cardboard, paper products, discarded fabrics;
 - scrap building materials;
 - bottles, cans, cartons, or other containers;
 - Abandoned Vehicles, Abandoned Equipment;
 - petroleum products, chemicals, hazardous materials;
 - tires,
 - manure or sewage;
 - whole or part of animal carcasses; or
 - any other form of garbage, rubbish, waste or litter.
- w) **Reasonable State of Repair:** the condition of being:
- (i) structurally sound;
 - (ii) free from significant damage;
 - (iii) free from rot or other deterioration; and
 - (iv) safe for its intended use.
- x) **Recreational Vehicle:** as defined in the Municipal District of Fairview No. 136's Land Use Bylaw.
- y) **Structure:** A building, item or improvement placed in, on, or over land, whether or not it is affixed to the land. Some examples include a fence, wall, barricade, concrete pad, slab, pole, sign, drop box, waste bin, storage container, satellite dish, utility box or appliance.
- z) **Traffic Control Device:** any sign, signal, marking or device placed, marked or erected under the authority of this bylaw or the *Traffic Safety Act* for the purpose of regulating, warning or guiding traffic.

aa) **Unsightly Premises:** Any Property, whether land, buildings, improvements to lands and buildings, personal property or any other combination of the above, located within the Municipality that, in the opinion of a Designated 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 Unsightly Premises, or is otherwise detrimental to the surrounding area or in an Unsightly condition as defined by the *Municipal Government Act*.

bb) **Weed:** Any plant that is regulated by the *Weed Control Act* and shall also include any fungus which may be destructive or injurious to gardens, lawns, trees or shrubs.

cc) **Weed Control Act:** the *Weed Control Act*, being Chapter W-5.1 of the Revised Statutes of Alberta 2000, as amended from time to time.

dd) **Weekday Hours:** Any non-holiday weekday (Monday-Friday) between the hours of 7 a.m. and 10 p.m.

ee) **Weekend Hours:** Any Saturday, Sunday or statutory holiday recognized in Alberta, between the hours of 9 a.m. and 10 p.m.

3.0 NUISANCES, UNSIGHTLY OR DANGEROUS PREMISES

3.1 An Owner of Property shall not cause or allow that Property to become a danger to the health or safety of the public.

3.2 An Owner of Property shall not cause or allow that Property to pose an environmental concern or fire hazard.

3.3 An Owner of Property shall not cause or allow that Property to become an Unsightly Premises.

3.4 An Owner of Property shall not cause or allow that Property or the use of that Property to constitute a Nuisance. Conditions constituting a nuisance include, but are not limited to:

a) the accumulation of Refuse on the Property;

b) grass more than fifteen centimeters in length or the presence of Weeds;

c) the accumulation of Abandoned Vehicles or Abandoned Equipment;

d) the presence of whole or part of animal carcasses, hazardous materials, noxious fumes or sewage;

e) stagnant water or other attractants which support the breeding of mosquitoes or other pests;

f) the presence of shrubs, trees, Weeds or other vegetation which, because of its location on the Property has caused or is causing damage to adjacent properties, or which is obstructing a sidewalk, municipal road or public place, including the obstruction of sight lines necessary for the safe operation of Motor Vehicles on a municipal road;

g) the failure to dispose of Refuse or other waste products stored in temporary containers upon the Property;

- h) the failure to keep Property in a Reasonable State of Repair, including a lack of repair or maintenance of Structures, which includes but is not limited to:
 - (i) significant deterioration of Structures or portions of Structures;
 - (ii) broken or missing windows, siding, shingles, shutters, eaves or other building material; or
 - (iii) significant fading, chipping, peeling or absence of painted areas on Structures; or
 - (iv) inappropriate infiltration of air, moisture or water into the Structure due to peeling, unpainted, untreated or missing surfaces, broken or missing windows or doors, or any other hole or opening in the building.
- 3.5 An Owner of Property shall not permit or allow, and no Person shall cause Refuse, Abandoned Equipment or Abandoned Vehicles be stored upon:
 - a) Property owned by another Person or Owner; or
 - b) Property owned or occupied by him or under his responsibility;
- 3.6 Notwithstanding Section 3.5, Refuse, Abandoned Equipment or Abandoned Vehicles may be placed:
 - a) in an appropriate container placed for temporarily collecting it; or
 - b) at a Refuse management facility; or
 - c) in a Refuse disposal system established by the Municipality.
- 3.7 A person shall not set out waste for collection at any front yard or curbside collection location before 4:00 p.m. on the day before the collection date.
- 3.8 A person shall not leave waste containers at any front yard or curbside collection location later than noon on the day after the collection date.
- 3.9 Nothing in Section 3 is intended to prohibit using refuse material for composting.
 - a) Hazardous materials including, but not limited to, fecal matter and whole or parts of animal carcasses, shall not be used as compost material.
 - b) Compost material shall be in a container or pile in such a manner that:
 - (i) It is as orderly, non-offensive and non-odorous as is reasonably possible;
 - (ii) It does not constitute a Nuisance; and,
 - (iii) It does not attract Nuisance Animals.
 - c) No compost material shall be stored in the front yard.

4.0 NOISE

- 4.1 A person may be found guilty of a contravention of section 4 if:
 - a) The decibel level is measured and exceeds a limit prescribed by this bylaw; or
 - b) The decibel level, although not measured, is reasonably likely to disturb the peace.
- 4.2 In determining if a sound is reasonably likely to disturb the peace, the following criteria may be considered:
 - a) Type, apparent volume and duration of the sound;
 - b) Time of day and day of week;
 - c) Nature and use of the surrounding area;

- d) Decibel level; and
 - e) Any other relevant factor.
- 4.3 Except as otherwise permitted pursuant to this Bylaw, no Person shall:
- a) cause or emit a Noise within the Hamlets of Bluesky and Whitelaw;
 - b) operate, or permit the operation of a vehicle owned or leased by him, in a manner that causes a Noise.
- 4.4 No Owner shall permit Property he or she owns to be used in a manner such that a Noise is created on the Property.
- 4.5 The Municipality may, upon receipt of a written request, issue a Permit to a Person for suspending the application of the Noise prevention provisions of this Bylaw. Any written request submitted by a Person pursuant to this Section must specify the dates and hours of the day for which the Permit is sought. Any Permit issued by the Municipality shall set out the hours and dates during which the Permit is in effect and may include any other condition or limitations the Municipality determines to be warranted in the circumstances. A Permit issued shall be produced to a Bylaw Enforcement Officer upon demand. The authority to issue a Permit may be delegated by Council to the chief administrative officer or to any other Person by resolution of Council from time to time.
- 4.6 Regardless of whether a Noise is generated, no Person shall engage in any construction, maintenance, or other similar activity on any Property that has the potential to create a Noise outside of Weekday Hours or Weekend Hours.
- 4.7 A person shall not operate a motor vehicle, including motorcycle, that is capable of:
- a) Emitting any sound exceeding 92 dB(A), as measured at 50 centimetres from the exhaust outlet, while the engine is at idle; or
 - b) Emitting any sound exceeding 96 dB(A), as measured at 50 centimetres from the exhaust outlet, while the engine is at any speed greater than idle.
- 4.8 A person shall not cause or permit any sound exceeding 65 dB(A), as measured at the property line of a property zoned for residential use, during Weekday Hours or Weekend Hours.
- 4.9 Notwithstanding Section 4.8, the provisions do not apply to noise up to:
- a) 70 dB(A) lasting a total period not exceeding two hours in any one day; or
 - b) 75 dB(A) lasting a total period not exceeding one hour in any one day; or
 - c) 80 dB(A) lasting a total period not exceeding 30 minutes in any one day; or
 - d) 85 dB(A) lasting a total period not exceeding 15 minutes in any one day.
- 4.10 A person shall not cause or permit any sound exceeding 50 dB(A), as measured at the property line of a property zoned for use as residential, outside of Weekday Hours or Weekend Hours.
- 4.11 A person shall not cause or permit any sound exceeding 60 dB(A), as measured at the property line of a property zoned for use other than residential, outside of Weekday Hours or Weekend Hours.
- 4.12 Notwithstanding Section 4, the provisions do not apply:
- a) to work carried on by Municipality staff, agents or contractors, while engaged in activity authorized by the Municipality; or

b) to work performed in response to an emergency.

5.0 LIGHT

5.1 No Owner shall allow an outdoor light to shine directly into the living or sleeping areas of an adjacent dwelling house unless the outdoor light is permitted or required pursuant to the Land Use Bylaw, a development permit or a similar approval.

6.0 SIDEWALK MAINTENANCE

6.1 Every Owner within the Municipality shall remove or cause to be removed and cleared away all snow, ice, dirt or other debris from that part of the sidewalk that is adjacent to the Owner's property, within forty-eight (48) hours of deposit, if located within areas zoned residential and within twenty-four (24) hours of deposit, if located within any other zone. Snow and ice shall be considered removed with the Sidewalk is cleared for the entire width of the Sidewalk, down to the Sidewalk surface as completely as reasonably possible.

6.2 A Person shall not construct or cause to be constructed, erect, or place any installation or device, which shall open over, obstruct or in any way encroach upon a sidewalk, without permission from the Director, Public Works of the Municipality.

6.3 An Owner of Property shall not allow trees, shrubs, bushes, grasses, or other vegetation to encroach upon a sidewalk from their Property.

7.0 VEHICLES

7.1 An Owner of Property shall not allow the number of Recreational Vehicles stored or parked on the Property to exceed the number of Recreational Vehicles permitted by the Municipal District of Fairview No. 136 Land Use Bylaw.

7.2 An Owner of Property shall not allow a Recreational Vehicle to be parked on Property for living and sleeping accommodation by a bona fide tourist for a period exceeding that permitted by the Municipal District of Fairview No. 136 Land Use Bylaw.

7.3 At no time shall a Motor Vehicle or Recreational Vehicle be stored in any front yard other than in a parking area where Motor Vehicles or Recreational Vehicles are intended to be parked.

8.0 ENFORCEMENT

8.1 For an inspection or enforcement under this Bylaw, a Bylaw Enforcement Officer is a Designated Officer of the Municipality.

8.2 Nothing in this Bylaw restricts the Municipality or any of its Designated Officers to specifically mentioned sections of the *Municipal Government Act*. All appropriate sections of the *Municipal Government Act* shall be considered.

8.3 Inspections will be performed as directed in Sections 542 and 543 of the *Municipal Government Act*.

8.4 Where contraventions of this "Community Standards Bylaw" has occurred or is occurring, a Designated Officer may issue an Order as directed in Sections 545 and 546 of the *Municipal Government Act*.

- 8.5 An order issued pursuant to this “Community Standards Bylaw” is deemed to have been served on the Person to whom it is addressed:
- (i) In the case of an individual, when the Order had been delivered personally to the individual or left for the individual at their presumed residence with a Person on the premises who appears to be at least (18) years of age;
 - (ii) In the case of a partnership or corporation, when the Order has been delivered personally to an employee or agent of the partnership or corporation at either the registered office or business address of the partnership or corporation;
 - (iii) Upon confirmation of receipt of the Order being received by registered mail;
 - (iv) Where the above methods are unsuccessful or impractical, electronic service of the documents may be utilized where the Person has provided the Municipality with an email address and in accordance with Section 608 of the *Municipal Government Act*; OR
 - (v) When the Municipality is unsuccessful in its attempts to serve the Order using the methods above or the above methods are impractical or not expected to be timely, a copy of the Order may be placed on a conspicuous place on the Property referred to in the Order. After posting the order in such way, the Order is considered served at the same date and time of posting.

8.5 A person to whom an Order is issued may request a review of the Order by council as directed in Section 537 of the *Municipal Government Act*.

8.6 Where the Municipality proceeds with remedial actions, Sections 549, 550 and 551 of the *Municipal Government Act* shall direct such actions.

8.7 Costs for such remedial actions shall be recovered under the authority of Sections 549, 550 and 551 of the *Municipal Government Act*.

9.0 OFFENCES AND PENALTIES

9.1 Regardless of whether an Order has been issued, any person who contravenes any provision of this Bylaw by doing any act or thing which the person is prohibited from doing, or by failing to do any act or thing the person is required to do, is guilty of an offence pursuant to this Bylaw. Any person guilty of an offence is liable, upon summary conviction, to a penalty as set out in Schedule “A” herein.

9.2 A Designated Officer is hereby authorized to issue a Violation Tag to any Person whom the Designated Officer has responsible grounds to believe has contravened any provision of this Bylaw.

9.3 A Violation Tag shall be served using the same methods provided for serve of an Order in this Bylaw.

9.4 A Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:

- (i) The name of the Person to whom the Violation Tag is issued;
- (ii) A description of the Property upon which the offence has been committed, if applicable;
- (iii) The appropriate penalty for the offence as specified in Schedule “A” of this Bylaw;
- (iv) That the penalty shall be paid within (30) days of the issuance of the Violation Tag; and
- (v) Any other information as may be required by the Chief Administrative Officer.

- 9.5 Where a Violation Tag has been issued, the Person to whom it has been issued may, in lieu of being prosecuted for the offence pay to the Municipal District of Fairview No. 136 Office the penalty specified on the Violation Tag.
- 9.6 If a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Designated Officer is hereby authorized to issue a Violation Ticket pursuant to Part 2 or 3 of the *Provincial Offences Procedures Act*.
- 9.7 Notwithstanding the previous item, a Designated Officer is hereby authorized to immediately issue a Violation Ticket to any Person to whom the Designated Officer has reasonable grounds to believe has contravened any provision this Bylaw.
- 9.8 A Violation Ticket shall be served in accordance with the *Provincial Offences Procedure Act*.

10.0 SEVERABILITY

- 10.1 Should any provision of this Bylaw be deemed by a competent court to be invalid, then the invalid provision shall be severed, and the remainder of the Bylaw shall be maintained.

11.0 EFFECTIVE DATE

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

Read a first time this day of **2022.**

Read a second time this day of **2022.**

Read a third and final time this day of **2022.**

Reeve Philip Kolodychuk

CAO Robert Jorgensen

SCHEDULE "A"

Section	OFFENCE	First Offence	Second Offence	Third Offence
3	Nuisance and Unsightly or Dangerous Premises;			
	Property that Constitute a Nuisance	\$200.00	\$400.00	\$600.00
	Property that is a Danger to the Public	\$200.00	\$400.00	\$600.00
	Property that is Unsightly	\$200.00	\$400.00	\$600.00
	Storing Abandoned Equipment on Property (ex. Appliances)	\$200.00	\$400.00	\$600.00
	Storing Abandoned Vehicles on Property (ex. Inoperative, dismantled)	\$200.00	\$400.00	\$600.00
	Failure to keep Property in a Reasonable State of Repair	\$200.00	\$400.00	\$600.00
4	Noise			
	Causing sounds outside Weekday Hours or Weekend Hours	\$200.00	\$400.00	\$600.00
5	Sidewalk Maintenance			
	Snow and Ice not removed within 48 hrs	\$200.00	\$400.00	\$600.00
6	Light			
	No owner shall allow an outdoor light to shine directly into the living or sleeping areas of an adjacent dwelling house.	\$200.00	\$400.00	\$600.00