

REQUEST FOR DECISION

TITLE:	Proposed Bylaw - <i>Community Standards Bylaw #19-25</i> (1 st Reading)
DATE:	May 5, 2025
PRESENTED BY:	Trent Kure, Manager of Municipal Enforcement
ATTACHMENTS:	(Draft) Bylaw #19.25 – <i>Community Standards Bylaw</i> (1 st Reading) Community Standards Bylaw Survey Results

SUMMARY:

At the Regular Council Meeting (RCM) on March 3, 2025, Administration informed Council of its desire to repeal both *Community Standards Bylaw #06.19* and *Tourism Corridor Property Standards Bylaw #04.19* and replace them with one consolidated property standards bylaw. This change is based on legal advice noting that having two bylaws covering the same topics can create challenges for enforcement, as they provide conflicting standards. Feedback from residents, gathered through a public survey, played a key role in shaping the new bylaw to ensure it reflects community values. The updated bylaw aims to support safe, clean, and welcoming neighbourhoods by setting fair and practical standards for all properties in Drumheller.

RECOMMENDATION:

That Council gives first reading to proposed *Community Standards Bylaw #19.25*, as presented, and sets a Public Hearing on June 2, 2025.

DISCUSSION:

Variances between this Bylaw and the two previous Bylaws, as well as the results of the public engagement survey will be discussed in further detail below.

SURVEY RESULTS

Survey results indicate that all issues presented were considered important to some degree by respondents. No issue received more responses deeming it unimportant than important. Respondents were also asked to rank each issue from one (most important) to six (least important). The issues most commonly ranked as most important were:

1. Household goods or garbage accumulation
2. Nuisance noise
3. Littering
4. Unkept vegetation
5. Building maintenance
6. Dilapidated vehicles

However, survey results can be interpreted in a number of ways. For example, below is another list that indicates the most common responses ranked at number six (least important):

1. Nuisance noise
2. Unkept vegetation
3. Dilapidated vehicles
4. Building maintenance

5. Littering
6. Household goods and garbage accumulation

This variance highlights the need to interpret the data contextually and in full. For example, 74 respondents ranked nuisance noise as most important, while 99 ranked it least important. These insights will be referenced throughout this Request for Decision and inform proposed bylaw changes

ACCUMULATION OF MATERIALS

Of 311 survey respondents, 122 people deemed household goods and garbage accumulation to be an extremely important issue and 100 felt it was very important. Overall, the regulation and enforcement of this issue seems to enjoy a very high level of public support.

Slight modifications have been made to the wording within this section, as compared to the current Bylaw. The phrase “such that the accumulation is visible from a person viewing from outside the premises” currently accompanies the household goods and garbage accumulation section of *Community Standards Bylaw #06.19*. Enforcement has found this wording has enabled problematic hoarding situations that negatively impact the community to persist. In practice, this section will not impinge on an individual who has a few neatly stacked items or bags of recyclables in their yard; however, it will prevent resolution of complaints often deemed valid and detrimental to the community.

Additionally, this proposed Bylaw prohibits accumulation of yard waste, piles of dirt or gravel unless present for a project, and any goods deemed as a fire hazard. These items are not included in the current *Community Standards Bylaw 06.19*.

DERELICT VEHICLES AND FRONT YARD PARKING

In practice, and in the survey, enforcement of derelict vehicles remains a topic of debate. In the survey, 90 people consider derelict vehicles to be an extremely important issue, while 95 regard them as somewhat important, which represents the most neutral response. The *Community Standards Bylaw 06.19* defines a derelict vehicle in a manner that allows for broad interpretation, whereby any vehicle considered unsightly could be classified as derelict. Applying this broad standard to vehicles poses significant enforcement challenges. Several people in Town own and operate older vehicles that, under this definition, could be considered derelict. The proposed draft introduces a more specific definition, stating that a vehicle would be considered derelict if it has parts removed, is substantially damaged, or is unable to be operated safely.

While this does represent a slight modification to the existing derelict vehicle standards, this Bylaw does prohibit parking in the front yard of properties in locations that are not paved or developed. This new regulation introduces a new authority that was not present in previous property maintenance bylaws, aimed at mitigating the adverse impacts of vehicles within residential neighbourhoods.

SIDEWALK CLEARING AND SNOW REMOVAL

The authority for sidewalk clearing currently is derived from *Preservation of Sidewalk and Governing Encroachments on Highway Bylaw 02.07 Amending Bylaw 22.21*. This Bylaw requires residents to clear snow and ice from sidewalks adjacent to their property within 24 hours of accumulation. Additionally, it allows the Town to clear sidewalks at the property owner's expense if they do not comply with the regulations. These authorities have been incorporated into the proposed draft Bylaw, as the current Bylaw does not provide provisions for

issuing fines for non-compliance. Under draft, repeat offenders could be subject to a fine of \$300.00 for failing to maintain sidewalks.

LITTERING

Of 307 answers to the question seeking the importance level of littering, only 13 responses indicated the issue was not of some level of importance. As such, a much more robust littering section has been created within this proposed Bylaw that would assist in enforcing littering and all forms of illegal dumping. The current regulation in *Community Standards Bylaw #06.19* only prohibits littering of “waste material.”

Additionally, this current proposed section creates an offence for not only littering itself, but also for failing to remove litter when directed to by an enforcement officer.

OTHER CHANGES

Derelict machinery and the safe storage of outdoor appliances are currently regulated by the same section in *Community Standards Bylaw #06.19*. These two issues are now found in sections of their own. Additionally, derelict machinery now includes machinery that is not in use for its intended purpose for extended periods of time. The storage of derelict equipment on a person's premises in such situations is prohibited.

Community Standards Bylaw #06.19 prohibits a property owner from allowing branches from trees on their property to overhang above or into adjacent properties. Drumheller has numerous large and older trees in several areas. In cases of non-compliance with the Bylaw, the Town may need to perform tree removal at the property owner's expense. Legal counsel has advised that it is preferable to address such situations through civil channels moving forward, as enforcement by the Town carries inherent risks, including potential property damage during tree removal. In the current draft, vegetation is only prohibited from overhanging sidewalks, impairing visibility on roadways, and interfering with utilities.

Several of our Bylaws differ in their provisions within penalties sections. Enforcement has found that the usage of specified penalties limits the flexibility available to the Town's legal counsel when seeking resolutions in contested court cases. This said, it is important that enforcement officers are provided with clear penalty guidelines, so fines issued are consistent with Council's intentions. This draft Bylaw specifies penalties to be used by enforcement officers; however, the section that enables fines in this Bylaw allows grants Town-retained lawyers the discretion to lower fines to seek resolution without trial, or request higher fines when situations are deemed appropriate.

Additionally, minor changes have been made to the fine amounts themselves. Matters deemed to impact public safety or significantly impact another person are set higher than the smaller, more minor maintenance standards, such as long grass or weeds.

FINANCIAL IMPACT:

The most significant financial consideration of this Bylaw is that prosecution often comes with legal fees. Depending on a variety of factors, lawyers retained for enforcement purposes generally cost between \$350.00/hour and \$600.00/hour.

When Enforcement Orders are brought before a court, it is the Town's stance to request costs be awarded in the event of a successful application. Case law traditionally favours this stance; however, some Court Justices are more lenient when awarding costs. Additionally, the costs of

performing work for non-compliance is done at the expense of the offender, so these costs are generally recouped.

Also noteworthy is that prosecution of fines can be a costly endeavor. Each time fines are issued, the Town advises our counsel of the first appearance date at court, and sometimes legal fees are incurred even to have accused persons convicted in absence. However, as the Town relies on a local law firm for prosecution of Bylaw offences, some costs are minimized by keeping this work local. This said, when Bylaw matters are required to go to a trial, the costs of doing so typically cost between \$1,500.00 and \$5,000.00 depending on number of witnesses, amount of evidence to be introduced, or other length of trial preparation time.

STRATEGIC POLICY ALIGNMENT:

Promoting a well-maintained and clean community is a priority of this Council.

COMMUNICATION STRATEGY:

Extensive communication efforts have been taken prior to first reading with the survey, as well as in-person discussions at an open house, a Downtown Community Business Association Meeting, and informal coffee shop style engagement sessions. A Public Hearing for this proposed Bylaw is requested for the June 2, 2025, Regular Council Meeting. Additionally, Administration will be releasing the results of the survey on Town social media sites and through other platforms in the near future.

MOTION:

That Council gives first reading to *Community Standards Bylaw #19.25*, as presented, and sets a Public Hearing date for June 2, 2025.



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Chief Administrative Officer

TOWN OF DRUMHELLER
BYLAW NUMBER 19.25
DEPARTMENT: EMERGENCY AND PROTECTIVE SERVICES

COMMUNITY STANDARDS BYLAW

A BYLAW OF THE TOWN OF DRUMHELLER, IN THE PROVINCE OF ALBERTA, FOR THE
PURPOSE OF REGULATING NEIGHBOURHOOD NUISANCES, SAFETY, AND UNSIGHTLY
PROPERTIES

WHEREAS the *Municipal Government Act, RSA 2000 c.M-26* 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 2000 c.M-26* authorizes a municipality to pass bylaws respecting nuisances, including unsightly property;

AND WHEREAS the *Municipal Government Act, RSA 2000 c.M-26* authorizes a municipality to pass bylaws regarding the remedying of contraventions of bylaws;

AND WHEREAS the *Traffic Safety Act, RSA 2000 c.T-6* authorizes a municipality to regulate and control vehicle, pedestrian, and animal traffic, as well as parking on the streets and on other property within the municipality;

AND WHEREAS the Town of Drumheller deems it desirable to establish regulations which maintain and improve neighbourhood livability;

NOW, THEREFORE the Council of the Town of Drumheller in the Province of Alberta, enacts as follows:

1. CITATION

1.1 This Bylaw shall be cited as the *Town of Drumheller "Community Standards Bylaw."*

2. DEFINITIONS

2.1 For the purposes of this Bylaw, the following definitions shall apply:

- a) "*Chief Administrative Officer*" or "CAO" means the person appointed as *Chief Administrative Officer* for the *Town of Drumheller*, or their designate;
- b) "*Community Standards Appeal Board*" means the board established by the *Community Standards Appeal Board Bylaw* for hearing appeals of *enforcement orders* and certain other matters;
- c) "*Community Standards Appeal Board Bylaw*" means *Community Standards Appeal Board Bylaw #31.24*, as amended from time to time and its successor legislation;
- d) "*Council*" means the Mayor and Councillors of the *Town of Drumheller*;
- e) "*Derelict machinery*" means machinery that is significantly aged, or in poor condition, or not in use on a regular basis for its intended purpose;

- f) "*Derelict vehicle*" means a vehicle that is incapable of being safely operated, or is partially or fully dismantled, or is substantially damaged;
- g) "*Enforcement Order*" means an order written pursuant to section 545 or 546 of the *Municipal Government Act*;
- h) "*Fire Chief*" means the individual appointed as the head of Fire Services, or their designate;
- i) "*Good repair*" means a condition where the building or structure does not exhibit significant damage, peeling surfaces, broken, missing, or fallen parts, rot or other significant deterioration, openings which are not secured, or other visual lack of general maintenance;
- j) "*Graffiti*" means words, figures, letters, drawings, symbols, or stickers applied, scribbled, scratched, etched, sprayed or attached on or to a surface of a *premises* without permission of the *owner* and the Town;
- k) "*Highway*" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
 - i) a sidewalk, including a boulevard adjacent to the sidewalk;
 - ii) if a ditch lies adjacent to and parallel with the roadway, the ditch; and
 - iii) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be;but does not include a place declared by regulation not to be a highway;
- l) "*Municipal Government Act*" or "*MGA*" means the *Municipal Government Act, R.S.A. 2000 M-26*, as amended from time to time, and its successor legislation;
- m) "*Night-time*" means the period beginning at 10:00 PM and ending at 7:00 AM if the following day is a weekday or 9:00 AM if the following day is a weekend;
- n) "*Notice to Remedy*" means a written notice pursuant to this Bylaw that instructs a *person* to remedy a condition that is not in compliance with any provision of this Bylaw within a specified timeframe;
- o) "*Nuisance*" means anything that causes annoyance, disturbance, offence, or injury to a reasonable person;
- p) "*Occupier*" means a person residing in, or in apparent control of a property, whether the occupation is pursuant to a lease, rental agreement, license, or permit;

- q) "Owner" means any person listed on title as the registered owner of any real or personal property at the Alberta Land Titles Office;
- r) "Peace Officer" has the same meaning given to it in the *Provincial Offences Procedures Act*;
- s) "Person" means a natural person or a corporation, and includes a partnership, an association or a group of people acting in concert unless the content explicitly necessarily implies otherwise;
- t) "Premises" means the external surface of all buildings or structures, or the whole or part of any parcel of real property, including the land immediately adjacent to any building, buildings, or structures;
- u) "*Provincial Offences Procedures Act*" means the *Provincial Offences Procedure Act, R.S.A 2000 P-34*, as amended from time to time and its successor legislation.
- v) "Public place" means every place in *Town* to which the public have access as of right or by invitation, express or implied;
- w) "*Recreational Vehicle*" means a vehicle used or intended for primarily recreational use, and without restricting the generality of the foregoing, includes any motor home, holiday trailer, trailer, camper, tent trailer, any van or bus converted for use as a recreational vehicle, boat trailer, ATV trailer or non-commercial utility trailer;
- x) "Roadway" means that part of a highway intended for use by vehicular traffic;
- y) "Sidewalk" means that part of a *highway* especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between:
 - i) the curb line, or
 - ii) where there is no curb line, the edge of the roadway,
and the adjacent property line, whether or not it is paved or improved;
- z) "*Town of Drumheller*" or "*Town*" means the *Town of Drumheller*, a municipal corporation in the Province of Alberta, and includes the area contained within the corporate boundaries of the *Town of Drumheller*, as the context may require;
- aa) "*Traffic Safety Act*" means the *Traffic Safety Act, R.S.A 2000, T-6*, as amended from time to time and its successor legislation.
- bb) "*Unightly condition*" means in respect of a structure, includes a structure whose exterior shows signs of physical deterioration, and, in respect of land, includes land that shows serious disregard for general maintenance or upkeep;
- cc) "*Violation Tag*" means a form of ticket prescribed by the *Town* for a Bylaw offence that provides a *person* with an opportunity to pay an amount to the *Town* in lieu of prosecution;

- dd) “*Violation Ticket*” has the same meaning given to it in the *Provincial Offences Procedures Act*.

3. SCOPE

- 3.1 This Bylaw applies to all *persons* and *premises* within the corporate boundaries of the *Town of Drumheller*.

4. UNSIGHTLY PREMISES AND PROPERTY MAINTENANCE

- 4.1 No *owner* or *occupier* of a premises shall allow their premises to be in unsightly condition.

- 4.2 No *owner* or *occupier* of a premises shall allow the following on the *premises*:

- a) animal remains, the accumulation of animal feces, or any material likely to attract pests or create unpleasant odors;
 - b) the accumulation of yard waste including grass, tree branches, or hedge clippings;
 - c) piles of dirt, gravel, or other similar materials, unless the *owner* or *occupier* can establish that a bona fide and permitted construction or renovation project is being carried out on that premises and the materials relate to the project taking place and are screened from view on *highways*, excluding alleyways;
 - d) the accumulation of garbage, loose refuse, or litter;
 - e) the accumulation of boxes, packaging materials, household goods or furniture, or appliances not commonly kept outdoors;
 - f) freezers or refrigerators, unless secured with a padlock or similar device and properly screened from public view;
 - g) derelict vehicles, the accumulation of auto parts or tires, or derelict machinery;
 - h) the open or exposed storage of any quantities of industrial fluid including engine oils, brake fluid, or antifreeze;
 - i) construction materials, whether new or used, unless the *owner* or *occupier* can establish that a bona fide and permitted construction or renovation project is being carried out on that premises and the materials relate to the project taking place and are stacked neatly and screened from view on highways, excluding alleyways; or
 - j) an accumulation of any material that, in the opinion of the Fire Chief, may create a fire hazard that constitutes a threat to public safety.
- 4.3 An *owner* or *occupier* must ensure that all grass or grasses on the *premises* are reasonably maintained to ensure they are not in *unsightly condition* or unreasonably long in comparison to the typical height of grass or grasses on adjacent or neighbouring properties. This section does not apply to:

- a) golf courses;
- b) parks or natural area under the direction and control of the *Town*; or
- c) areas under the direction and control of *Town* including boulevards adjacent to major highways.

4.4 No *owner* or *occupier* of *premises* shall allow tree branches, shrubs, or any other type of vegetation to obstruct the paved or improved portion of the *sidewalk*, interfere with any public work or utility, or impair visibility required for safe traffic flow at any intersection adjacent to their *premises*.

4.5 No *owner* or *occupier* of *premises* shall permit any violation of the *Weed Control Act* on the premises.

5.0 SIDEWALK MAINTENANCE AND SNOW CONTROL

5.1 Every *owner* or *occupier* of property in the *Town* shall keep clear every *sidewalk* adjacent to their property and remove all snow, ice, dirt, or other obstructions within 24 hours of the time that such snow, ice, dirt, or other obstruction was deposited thereon. This section does not apply to:

- a) the *sidewalks* of the Alberta Transportation Corridor comprised of Highway 9, Highway 9/56, and 2nd Street West, as these *sidewalks* will be kept clear of snow, ice, dirt, and other debris by the *Town*.

5.2 If an *owner* or *occupier* fails to clear the snow, ice, dirt, or other debris within 24 hours of the time it was deposited on any *sidewalk* adjacent to their property, the *Town* may remove all snow, ice, dirt, and other debris at the expense of the *owner* or *occupier*; in the event of non-payment of said expenses, such expenses shall be added to the tax roll of the adjacent parcel and shall be recovered in the same manner as other taxes, pursuant to the *Municipal Government Act*.

5.3 For the purposes of section 5.1 and 5.2, snow, dirt and other obstructions will be considered reasonably removed and cleared when the *sidewalk* is cleaned for the entire width and length of the *sidewalk* of the paved or improved portion of the *sidewalk* surface as completely and as reasonably possible.

5.4 Any *owner* or *occupier* within three (3) metres of a *roadway* within the *Town* is required to remove or cause to be removed any accumulated snow or ice from the roof, eaves, or downspouts of their buildings if it poses a potential hazard to vehicles or pedestrians. During the removal process, owners or occupiers shall exercise due care and attention to ensure the safety of passing vehicles and pedestrians.

6. FRONT YARD PARKING

6.1 No *owner* or *occupier* of a *premises* shall park or allow to be parked any motor vehicle or *recreational vehicle* in the front yard of the *premises* in any location that is not a driveway or hard-surfaced parking stall.

7. BUILDING, STRUCTURE, AND FENCE MAINTENANCE

- 7.1 No *owner* or *occupier* of *premises* shall allow a building, structure, or fence to become a safety hazard, in the opinion of the *Peace Officer*.
- 7.2 Every *owner* or *occupier* of *premises* shall ensure the following are maintained in *good repair*.
- a) Fences and their structural members;
 - b) Buildings, structures, and their structural members including:
 - i) foundations and foundation walls;
 - ii) exterior walls and their components;
 - iii) roofs;
 - iv) windows and their casings; and
 - v) doors and their frames;
 - c) Protective or decorative finishes of all exterior surfaces of a building or fence;
 - d) Exterior stairs, landings, porches, balconies and decks, and;
 - e) Signs or decorative fixtures.

8. ADDRESSING

- 8.1 The *owner* or *occupier* of a *premises* on which a building has been erected shall display the number, as described in the civic address, assigned to the *premises* at a location plainly visible from the street in front of the *premises*.
- 8.2 The *owner* or *occupier* of a *premises* on which a building has been erected that has access to a lane or back alley shall display the number, as described in the civic address, assigned to the *premises* at a location plainly visible from the lane or back alley.

9. NUISANCES ESCAPING PREMISES

- 9.1 No *owner* or *occupier* of *premises* shall allow an activity to continue on the *premises* if it is likely to annoy and disturb a reasonable person and constitute a *nuisance* in the opinion of a *Peace Officer*.
- 9.2 No *owner* or *occupier* of *premises* shall allow water from a hose, eavestrough, downspout, or similar device on the *premises* to be directed towards an adjacent *premises* if it is likely the water from the device will enter the adjacent *premises*.
- 9.3 No *owner* or *occupier* of *premises* shall allow water from a hose, eavestrough, downspout, or similar device on the *premises* to be directed over a public *sidewalk*.

- 9.4 All rainwater or runoff collected in eavestroughs or other similar device on a *premises* shall be directed onto that *premises*.
- 9.5 No *owner* or *occupier* of *premises* shall allow an outdoor light to shine directly into an adjacent *premises*.
- 9.6 No *owner* or *occupier* of *premises* shall engage in any activity that allows smoke, dust, or other airborne matter that may disturb a reasonable person without taking reasonable precautions to minimize its impact on the surrounding area.
- 9.7 No *owner* or *occupier* of *premises* shall allow items such as flyers, papers, or other loose debris to escape the *premises* onto an adjacent *premises* or *highway*.

10. LITTERING

- 10.1 No person shall place, deposit, or throw, or cause to be placed, deposited, or thrown on any *public place*, *highway*, or private *premises* any of the following:
- a) Snow, ice, dirt, sand, gravel, leaves or any similar items;
 - b) Any human, animal, or vegetable matter or waste;
 - c) Any wrappers, papers, garbage, or any similar items;
 - d) Any glass, nails, tacks, or other similar sharp objects;
 - e) Any vehicle parts, scrap wood or metal, household items or furniture, boxes or packaging, or any other similar items; or
 - f) Any oils or industrial fluids.
- 10.2 A person who a *Peace Officer* believes, on reasonable grounds, has contravened section 10.1 shall, upon receiving instruction from the *Peace Officer*, remove the item immediately without delay.
- 10.3 The *Chief Administrative Officer*, or designate, may authorize any *Town* employee to remove and put in storage, or destroy, any item placed on *Town* property in contravention of this Bylaw.

11. WASTE COLLECTION

- 11.1 No *owner* or *occupier* of a *premises* shall permit commercial or residential waste to be stored in such a manner that allows any material to be blown, spilled or otherwise dispersed from waste collection receptacles.
- 11.2 No *owner* or *occupier* shall fill a waste collection receptacle beyond the point at which the lid can be fully closed.

11.3 All cart-style waste collection receptacles provided by the *Town* shall be returned to their assigned *premises* from the waste collection point by the end of the scheduled collection day and screened from public view.

11.4 All dumpsters on *premises* shall be screened from view from all *highways*, excluding alleyways.

12. GRAFFITI

12.1 No *person* or *owner* shall place *graffiti* or cause it to be placed on any *premises* within the *Town*.

12.2 An *owner* or *occupier* shall ensure that *graffiti* placed on their premises is removed, painted over, or otherwise blocked from the public view.

13. PROHIBITED NOISE

13.1 A *person* shall not cause or permit any noise that is likely to disturb the peace of a reasonable *person*.

13.2 No *owner* or *occupier* shall permit their *premises* to be used so that noise from the *premises* is likely to annoy or disturb a reasonable *person*.

13.3 Factors considered when determining when noise is likely to disturb the peace of or annoy a reasonable *person* are:

- a) the type, volume, and duration of sound;
- b) the time of day and day of the week;
- c) the use of surrounding area;
- d) any past history between the involved parties; and
- e) any other factor deemed reasonable in the sole opinion of a *Peace Officer*.

13.4 No *person* shall operate a power lawn mower, a motorized garden tool, a power tool outside of an enclosed building, a snow or leaf blowing device, or any other similar equipment creating a noise or disturbance which may be heard in an adjacent building during the *night-time*.

13.5 No *person* shall operate a noise amplifying device from any *premises*, park, or other *public place* which may be heard in an adjacent building during the *night-time*.

13.6 No drinking establishment or other commercial entity shall permit any noise to emanate from their *premises* that disturbs the peace of or annoys a reasonable *person* in an adjacent building.

13.7 No *person* operating or carrying on an industrial activity shall make more noise than is necessary in the normal method of performing or carrying on that activity.

14. AUTHORIZED PROHIBITED NOISE EXEMPTIONS

14.1 A person may make a written application to the *Chief Administrative Officer*, or designate, for a temporary permit allowing noise or sound levels that would otherwise violate this Bylaw.

- a) Any application made under this Section must be made at least five (5) business days prior to the proposed activity and must contain sufficient information pertaining to the activity for which the exemption is being sought;
- b) Upon receiving an application under this Section, the Chief Administrative Officer, or designate, may, in their sole discretion:
 - i) issue a temporary permit granting an exemption;
 - ii) issue a temporary permit granting an exemption, with certain conditions; or
 - iii) refuse to issue a temporary permit.
- c) Where the Chief Administrative Officer considers it appropriate, a temporary permit under this section may be revoked at any time.

14.2 The following activities are exempt from the provisions of section 14:

- a) emergency construction work carried out by the *Town* or contractors authorized by the *Town*;
- b) snow removal activities carried out in areas not adjacent to residential districts; and
- c) snow removal activities conducted by the *Town* or contractors authorized by the *Town* if it is in the best interest of the public and their safety and it will be at a time where there will be minimal vehicular or pedestrian traffic that may obstruct operations.

15. INSPECTIONS

15.1 A *Peace Officer*, may upon giving reasonable notice to the *owner* or *occupier*, enter onto a *premises* if they have reasonable grounds to believe that there may be a contravention of this Bylaw that requires inspection, remedy, enforcement or action, in accordance with section 542 of the *Municipal Government Act*.

15.2 During the course of an inspection under section 15.1, a *Peace Officer* may request anything to be produced to assist in the inspection, remedy, enforcement or action, and may make copies of anything related to the inspection, remedy, enforcement or action.

15.3 If a *person* refuses to allow or interferes with the entry, inspection, enforcement or action or refuses to produce anything to assist in the inspection, remedy, enforcement or action, the *Town* may apply to the Court of Kings Bench for an order under section 543 of the *Municipal Government Act*.

16. NOTICE TO REMEDY

- 16.1 If a *Peace Officer* considers any *premises* to be in contravention of any section of this Bylaw, the *Peace Officer* may provide instruction to the *owner* or *occupier* of *premises* to remedy the conditions in a written *Notice to Remedy*.
- 16.2 The *Notice to Remedy* shall include:
- a) the address and/or physical location where the remedial action is required;
 - b) the condition or conditions that are in violation of this Bylaw;
 - c) the remedial action that is required
 - d) the deadline for the completion of the remedial action, which shall be no less than seven (7) days and no more than one (1) year from the date of service.
- 16.3 Any *owner* or *occupier* who receives a *Notice to Remedy* and fails to fully comply with the requirements of the *Notice to Remedy* in the timeframe allotted commits an offence under this Bylaw.

17. ENFORCEMENT ORDERS

- 17.1 If the *Chief Administrative Officer*, or designate, finds a *premises* to be in violation of this Bylaw they may issue an *Enforcement Order* in accordance with section 545 or 546 of the *Municipal Government Act* that provides instruction to remedy the conditions found to be in violation of this Bylaw.
- 17.2 Any *owner* or *occupier* who receives an *Enforcement Order* and fails to fully comply with the requirements of the *Enforcement Order* commits an offence under this Bylaw.
- 17.3 If an *owner* or *occupier* receives an *Enforcement Order* and fails to fully comply with its requirements, the *Town* may take action to remedy the contraventions on the *Enforcement Order* at the *owner* or *occupier's* expense; this expense shall be added to the tax roll of the *owner* and the *Town* shall recover the expense in the same manner as other taxes, pursuant to the *Municipal Government Act*.
- 17.4 Any person who receives an *Enforcement Order* may, by written notice within fifteen (15) calendar days after the date the order is received, request that the *Enforcement Order* be reviewed by the *Community Standards Appeal Board*.
- 17.5 The application for appeal, and the review of the *Enforcement Order* shall be done in accordance with the *Community Standards Appeal Board Bylaw*.
- 17.6 When an *Enforcement Order* has been issued to an *owner* or *occupier* and similar non-compliant conditions are of a reoccurring nature, the *Town* may apply to the Court of Kings Bench for an injunction, in accordance with section 554 of the *Municipal Government Act*, that may allow the *Town* to remedy future contraventions without providing notice to the *owner* or *occupier*.

18. SERVICE OF NOTICES AND ORDERS

18.1 A *Notice to Remedy* or an *Enforcement Order* pursuant to this Bylaw may be served:

- a) personally, upon the *owner* or *occupier*;
- b) to a competent *person*, who appears to be over the age of 18, residing with the *owner* or *occupier*;
- c) by mailing a copy, via registered mail, to the *owner* or *occupier* at their last known postal address; or
- d) by positing it in a conspicuous place on the *premises* it has been issued to.

19. FINES AND PENALTIES

19.1 A *person* who contravenes or fails to comply with a provision of any section of this Bylaw is guilty of an offence and shall be liable, upon summary conviction to a penalty not less than \$100.00 and not exceeding \$5000.00, or to imprisonment for not more than six months for non-payment of a fine. Specified penalties to be issued by *Peace Officers* are found in Schedule A.

19.2 Offences of a continuing nature shall be deemed to constitute a separate offence for each day or part of a day that the offence continues.

19.3 Any *person* who is found in contravention of the same section of this Bylaw on more than one occasion shall be liable to an increased penalty for the contravention if the section violated is in Schedule A.

19.3 A *Peace Officer* that 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 voluntary payment of the specified penalty to the *Town*, for which payment will be accepted by the *Town* in lieu of prosecution for the offence; or
- b) a violation ticket, allowing voluntary payment of the specified penalty to the court, or requiring a person to appear in court without the alternative of making a voluntary payment.

19.4 The recording of the payment of the specified penalty made to the *Town* pursuant to a *municipal tag* or the court pursuant to a *violation ticket* shall constitute acceptance of a guilty plea and conviction for the offence.

19.5 A *violation tag* pursuant to this Bylaw may be served:

- a) personally, upon the *person* to whom it is addressed;
- b) to a competent *person*, who appears to be over the age of 18, residing with the *person* to whom it is addressed; or

- c) by mailing a copy, via registered mail, to the *person* to whom it is addressed at their last known postal address.

19.6 Where a *violation tag* has been issued and the specified penalty has not been paid within the prescribed time, a *Peace Officer* is authorized to issue a *violation ticket* pursuant to the *Provincial Offences Procedure Act*.

19.7 Nothing in this Bylaw shall prevent a *Peace Officer* from immediately issuing and serving a *violation ticket* to a *person* for a contravention of this Bylaw, even if a *violation tag* has not been issued.

20. SCHEDULES

20.1 Schedule A forms part of this Bylaw.

21. SEVERABILITY

21.1 If any portion of this Bylaw is found to be invalid, that portion shall be severed from the remainder of the Bylaw and shall not invalidate the whole Bylaw.

22. TRANSITIONAL

22.1 This Bylaw comes into full force and effect upon third and final reading.

22.2 Upon third reading of Bylaw #19.25, Bylaw #04.19 – Tourism Corridor Property Standards and Bylaw #06.19 – Community Standards Bylaw and all amendments thereto are hereby repealed.

READ A FIRST TIME THIS 5th DAY OF may, 2025

READ A SECOND TIME THIS _____ DAY OF _____, 2025

READ A THIRD AND FINAL TIME THIS _____ DAY OF _____, 2025

MAYOR

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE 'A' – SPECIFIED PENALTIES FOR *PEACE OFFICERS*

Bylaw Section Number	Description of Offence	First Offence	Second and Subsequent Offence(s)
General Penalties	All violations of this Bylaw not specified within this schedule	\$150.00	\$250.00
4.1	<i>Premises in unsightly condition</i>	\$250.00	\$250.00
4.2	Prohibited accumulation on <i>premises</i>	\$250.00	\$250.00
4.3	Fail to maintain grass or grasses	\$250.00	\$250.00
5.1 - 5.4	Fail to maintain sidewalk adjacent to property	\$300.00	\$500.00
6.1	Parking vehicle in <i>front yard</i>	\$100.00	\$150.00
7.1	Building or fence constitute a safety hazard	\$300.00	\$500.00
7.2	Failure to maintain building or fence	\$250.00	\$250.00
9.2 – 9.4	Failure to properly control water runoff	\$250.00	\$500.00
10.1	Littering	\$300.00	\$500.00
10.2	Fail to remove litter when directed	\$250.00	\$500.00

Bylaw Section Number	Description of Offence	First Offence	Second and Subsequent Offence(s)
11.1	Permit waste to escape receptacle	\$250.00	\$500.00
12.1	Place graffiti	\$500.00	\$1000.00
13.1 – 13.7	Allow Prohibited Noise	\$250.00	\$500.00
16.2	Fail to comply with <i>Notice to Remedy</i>	\$100.00	\$250.00
17.3	Fail to comply with <i>Enforcement Order</i>	\$500.00	\$1000.00