

MUNICIPALITY OF CROWSNEST PASS
BYLAW NO. 798, 2010

A BYLAW OF THE MUNICIPALITY OF CROWSNEST PASS IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING AND IMPROVING COMMUNITY STANDARDS.

WHEREAS under Section 7 of the Municipal Government Act R.S.A. 2000, Chapter M-26, as amended or repealed and replaced from time to time, a Council may pass Bylaws establishing community standards: and

WHEREAS unhealthy, dangerous, potentially dangerous and unattractive premises are a detriment to surrounding properties and the community generally; and

WHEREAS Council deems it advisable to pass a Bylaw to regulate community standards; and

WHEREAS the purpose of this Bylaw is to improve the safety and beauty of the Municipality of Crowsnest Pass;

NOW THEREFORE, THE COUNCIL OF THE MUNICIPALITY OF CROWSNEST PASS ENACTS AS FOLLOWS:

1. This Bylaw shall be cited as the “COMMUNITY STANDARDS BYLAW”.
2. In this Bylaw, unless the context otherwise requires, the term:
 - A. “**ABANDONED EQUIPMENT**” means equipment or machinery, which has been rendered inoperative by reason of its disassembly, age or mechanical condition, and includes any household appliance stored outside of a residence or other building regardless of whether or not in an inoperative condition.
 - B. “**ANIMAL MATERIAL**” means any animal excrement and includes all material accumulated on premises from pet pens, yards, stables, veterinary clinics or hospitals, kennels or feed lots;
 - C. “**ASHES**” means the powdery residue accumulated on premises left after the combustion of any substance and includes any partially burnt wood, charcoal or coal;
 - D. “**BUILDING MATERIAL**” means all construction and demolition material accumulated on premises while constructing, altering, repairing or demolishing any structure and includes, but is not limited to, earth, vegetation or rock displaced during such construction, alteration or repair;
 - E. “**COMPLIANCE ORDER**” means an Order to remedy a contravention of the terms of this Bylaw.
 - F. “**COUNCIL**” means the Council of the Municipality of Crowsnest Pass;
 - G. “**EXEMPTION ORDER**” means a written order issued by the Community Standards Appeal Board, granting an Owner a time-limited exemption from specific terms of this Bylaw.
 - H. “**ENFORCEMENT OFFICER**” means any member of the R.C.M.P. or a Bylaw Enforcement Officer or the Chief Administrative officer or any designate, of the Municipality of Crowsnest Pass.
 - I. “**EXTERIOR VISIBLE RENOVATION**” means those renovations that can be commenced without a building permit yet are visible to adjoining properties and roadways and would include but not be limited to: roof repair or replacement, exterior siding replacement or repair, window and door replacement, foundation repair and yard improvements.
 - J. “**HARDSHIP EXEMPTION ORDER**” means a written order issued by the Community Standards Appeal Board, granting an Owner a time-limited exemption from specific terms of this Bylaw due to health, financial hardship or other reason.

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- K. **“GARBAGE”** means but is not limited to: all solid wastes, bagged or loose, rubbish, abandoned goods, piles of refuse, machine parts, iron, scrap lumber, household furniture and beds and cement blocks or broken cement placed on lands.
- L. **“HOUSEHOLD APPLIANCES”** means the following but not limited to: fridges, stoves, washers, dryers, microwaves, vacuums, water heaters, furnaces and any other parts of appliances that are or had been used in the normal operation of a household whether operational or not.
- M. **“GOOD REPAIR”** means a condition where something is free from: significant damage, peeling surfaces, broken, missing or fallen parts, rot or other significant deterioration, openings which are not secured against trespassers, or other visual evidence of a lack of general maintenance
- N. **“JUNKED VEHICLES”** shall mean a vehicle that:
- i. is in rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
 - ii. is not located wholly within a building or located on property such that it can be concealed from view, or does not form part of the business enterprise lawfully being operated on that property; and/or
 - iii. has no current license plate, and/or has no registration certificate, or Motor Vehicle Insurance
- O. **“PERSON”** includes a corporation, an individual, and the heirs, executors, administrators or other legal representatives of an individual.
- P. **PUBLIC WORKS SUPERINTENDENT**” means the person designated by the Chief Administrative Officer as the Public Works Superintendent;
- Q. **“OWNER”** means any of the following:
- i. a Person registered as the owner of property under the *Land Titles Act*, R.S.A.2000, c.L-4, as amended or repealed and replaced from time to time;
 - ii. a Person who is recorded as the Owner of the Property on the assessment roll of the Municipality;
 - iii. A Person who has purchased or otherwise acquired the Property, whether he has purchased or otherwise acquired directly from the Owner or from another purchaser, and has not become the registered Owner thereof;
 - iv. A Person holding himself as the person having the powers and authority of ownership or for who the time being, exercises the powers and authority of ownership;
 - v. A Person controlling the Property under construction;
 - vi. A Person who is the Occupant of the Property under a rental agreement, lease, license or permit.
- R. **“OCCUPANT”** means any person other than the owner who has a legal or equitable interest in land or other property, including but not restricted to a lessee, occupant or agent or the owner;
- S. **“PREMISES”** means any land, building or property within the municipal boundaries of the Municipality;
- T. **“OFFENDING PREMISES”** means any Property, whether land, buildings, improvements to lands or buildings, personal property, or any other combination of the above, located on land within the Municipality that, in the opinion of a Designated Bylaw Enforcement Officer or Chief Administrative Officer is unsightly to such an extent as to detrimentally affect the repose, 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 by the Municipal Government Act.

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- U. **“STRUCTURE”** Includes any building, retaining wall, scaffolding, garbage container, trailer, mobile home, shed or portable shack.
 - V. **“COMMUNITY STANDARDS APPEAL BOARD”** hereinafter referred to as “The Board” means Council of the Municipality of Crowsnest Pass convened to hear and determine appeals lodged against a Compliance Order and to consider applications for a Hardship Exemption; or a Council appointed Community Standards Committee of Council with the authority to determine appeals lodged against a Compliance Order and to consider applications for a Hardship Exemption.
 - W. **“VIOLATION TAG”** means a tag or similar document issued by the Municipality of Crowsnest Pass pursuant to Section 7(i) of the Municipal Government Act.
 - X. **“VIOLATION TICKET”** means a ticket or similar document issued by the Municipality of Crowsnest Pass pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, c.P-21.5, as amended.
 - Y. **“WORK FORCE”** means employees of the Municipality of Crowsnest Pass or contract workers engaged by the Municipality for the purposes of enforcing a Compliance Order;
 - Z. **“YARD MATERIAL”** means organic matter formed as a result of gardening or horticultural pursuits and includes grass, leaves, tree and hedge cuttings and clippings.
3. The Person or owner responsible for the land shall not allow his lands to be Offending Premises. Conditions constituting Offending Premises may include, but shall not be limited to:
- A. The accumulation of rubbish, bottles, cans, boxes, or packaging materials, household furniture or other household goods, construction debris or other waste products on property such that the accumulation is visible to a person viewing from outside the property;
 - B. Any placement of refuse, automobiles, abandoned automobiles, equipment, abandoned equipment on public or Municipal lands directly adjacent to the property
 - C. Uncut grass or the presence of weeds, which in the opinion of the Bylaw Enforcement Officer, are excessive or which demonstrate neglect by the Owner;
 - D. The accumulation of animal material, yard material, ashes or scrap building material;
 - E. The accumulation of abandoned vehicles, junked vehicles, abandoned equipment, and or Machine Parts or Household Appliances;
 - F. The presence or accumulation of animal carcasses, hazardous materials, noxious fumes, manure or sewage;
 - G. The presence of any existing signs visible from a public roadway that may be in a state of disrepair, require painting or be detrimental to adjoining properties and their current land use;
 - H. The presence of trees, shrubs, weeds or other vegetation which as a result of its location on the Property has caused, or is potentially dangerous to adjacent Property, including Municipal or Public Lands;
 - I. The failure to dispose of Garbage or other waste products accumulating in temporary storage containers upon the property within a reasonable time;
 - J. The lack of repair or maintenance of buildings, equipment or structures on property including but not limited to:
 - i. The significant deterioration of buildings, structures or improvements, or portions of buildings, structures or improvements including fences and sheds;

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- ii. Broken or missing windows, siding, shingles, shutters, eaves or other building material normally attached to the building during the course of original construction.
 - iii. Significant fading, chipping or peeling of painted areas or deterioration of the exterior of buildings, structures or improvements on the Property.
 - iv. The presence of excavations, materials or any other hazard or condition that poses a danger to public safety or is determined to be unsightly to adjoining property owners.
4. Sidewalks and Municipal owned boulevards adjacent to a persons' private property shall be maintained to be visually pleasing or match the landscaping of the front yard and be clear of all debris, garbage, yard material and tree branches so as not to interfere with use of the sidewalks or curbs.
5. Parking of any vehicles, trailers, recreational vehicles or equipment with attached/unattached wheels on Municipal owned boulevards will not be allowed
6. Parking of seasonal and recreational vehicles on residential streets shall not be allowed between the dates of October 1st and April 30th.
7. Parking of any personal vehicles, commercial vehicles, trailers, recreational vehicles or any other equipment on wheels (attached/unattached) shall be on designated driveways and prepared parking areas only and such parking area shall not exceed 15% of the total property area. This shall apply to R1, R1A, R4 and R5 land use districts.
8. No person shall cause, permit or allow materials identified as such in this bylaw to collect, accumulate or be upon lands owned or occupied by him including public and Municipal lands directly adjacent to his property unless such site is designated by the Municipality as a sanitary landfill or is otherwise permitted under this Bylaw.
9. During active construction, disposition of construction material shall be done in accordance with the building permit time limitations and shall be collected and hauled from the site in appropriate containers in a timely manner. Storage of construction materials must be accomplished in a safe and orderly manner and be located entirely on the land where the construction is underway or this action will be considered in contravention of this Bylaw.
10. Exterior Visible Renovations not requiring a building permit are to be completed within ninety days from the time of commencement.
11. Every property owner or person shall ensure that graffiti placed on their premises is removed, painted over, or otherwise permanently blocked from public view within five (5) days of application.
12. In determining whether premises are in contravention of this Bylaw, an Enforcement Officer shall have regard to the zoning.
13. Automotive repairs: No person may conduct repair work on motor vehicles, including engine replacement, auto bodywork, frame repair, collision repair, auto painting, modifications to the body or rebuilding of a motor vehicle, on any site in a residential area unless it is completed within a structure or garage suited for the purpose and out of public view, unless such land use has been approved by a Municipal authority.

This prohibition shall not apply to routine maintenance work done on any vehicles owned, operated, registered and insured in the name of the owner or occupant of premises, 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 site;

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C. Vehicle fluids, oil, gasoline products or other hazardous materials are properly stored and disposed of and not swept or washed into lanes, streets, or down storm sewers;

D. All discarded vehicle parts and materials are properly stored or disposed of away from the site.

13.1 Residents can apply for a permit from the Municipality to undertake replacement of an engine to be completed on their property outside of a structure or garage for a maximum of a **two (2) week** permit. Such permits would be available from the Municipality at a cost of **\$20.00**. **There will be no extensions of the original permit.**

14. An Enforcement Officer, for the purposes of ensuring that the provisions of the Bylaw are being complied with, may enter in or upon an Owner's land or structure, in accordance with Section 542 of the Municipal Government Act, to carry out an inspection, enforcement or other action required or authorized by this Bylaw. If the property is found to be in violation of this bylaw the owner will be charged for the inspection as per Attachment One (Fee Schedule).

15. If, in the opinion of an Enforcement Officer, any land within the Municipality is an Offending Premises, the Designated Officer may issue a Compliance Order requiring the Owner or Occupant to:

- A. remove the material goods, Garbage, Abandoned Equipment, Junked Vehicles or any other items identified in this bylaw causing the property to be an Offending Premises;
- B. complete the Exterior Visible Renovation within a specific time period;
- C. improve the appearance of the property in the manner specified;
- D. if the property is a structure, to remove or demolish the structure and level the site.

16. A Compliance Order issued pursuant to Section 15,

- A. shall describe the premises by name, if any, and the municipal address and legal description.
- B. shall state that the premises contravene the provisions of this Bylaw.
- C. shall give reasonable particulars of the extent of the clean up, removal, clearing or other actions required to be made.
- D. shall state the time within which the clean up, removal, clearing or other actions are to be done, but not less than fifteen days (15) from the date of the order.
- E. shall state that if the required actions are not done within the time specified, the Municipality Work Force will carry out the actions required and charge the cost thereof against the person or persons to whom the Order is directed, and if such person or persons do not pay the costs, the costs shall be charged against the premises concerned as taxes due and owing in respect of that property and recovered as such.
- F. shall state that an appeal of the Order may be made in writing to the Board if the appeal is lodged in accordance with Attachment One (Fee Schedule) with the Chief Administrative Officer or designate within fifteen (15) working days of the documented receipt of the Order.
- G. A copy of the Order shall be served on the owner and occupant of the premises by one or more of the following methods:
 - i. by personal delivery to the person or persons intended to be served, or
 - ii. by mailing the Order to the person to be served by Registered Mail to the last known Post Office address of that person, and the service shall be deemed to be effective fourteen (14) days following the date of mailing, or

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- iii. where the premises is not occupied, by mailing the notice by Registered Mail to the address noted on the Municipality's tax roll for that premises, and service shall be deemed to be effective fourteen (14) days following the date of mailing, or
 - iv. by leaving the Compliance Order for the Owner at his residence with a person on the premises who appears to be at least eighteen (18) years of age, or
 - v. by posting the Clean Up Notice in a conspicuous place on the land referred to on the order, when the Enforcement Officer has reason to believe that the owner to whom the order is addressed is evading service or no other means of service is available, or
 - vi. as directed by an order of the Court.
- H. The Compliance Order shall require the person to whom it is addressed, within a period of not more than thirty (30) days from the date of receipt of the Order to remedy the condition of the property in accordance with the direction of the Order and remove, demolish or place in waste receptacles for pick up such materials as appropriate.
- I. The Enforcement Officer may extend the time for doing anything that is required to be done by the terms of the Order up to a maximum of one hundred and eighty (180) days.
- J. If an Enforcement Officer considers any property to have any matter or thing that constitutes an environmental or health hazard, the Enforcement Officer will report the situation to the appropriate Government Agency as soon as reasonably possible, and the owner and occupant shall be so advised.
- 17. Council hereby authorizes and establishes the Board as a Committee of Council to hear appeals arising from a Compliance Order issued pursuant to this Bylaw.**
- A. Where a Compliance Order is issued pursuant to Section 15, such Order may be appealed in writing within fifteen (15) working days to the Chief Administrative Officer or designate.
 - B. The Chief Administrative Officer or designate shall upon receipt of the Notice of Appeal, set a date for the hearing of the Appeal which shall be held within thirty (30) days from the receipt of the Notice of Appeal.
 - C. Each Notice of Appeal shall:
 - i. state with reasonable exactness the grounds of appeal, and
 - ii. state the name, address and interest of the appellant in the property, and
 - iii. be dated and signed by the appellant or on his behalf, by his agent, and if signed by an agent, shall state the name and address of the agent.
 - iv. include a payment as per Attachment One (fee schedule)
 - D. Where a Compliance Order is appealed pursuant to subsection 17(A) the Order is stayed pending a final decision by the Board on the merits of the appeal.
 - E. The Board that hears an appeal may uphold, vary, or revoke the Compliance Order. In exceptional cases, the Board may determine that it is in the combined best interest of the Municipality and the appellant, to issue an Exemption Order. An Exemption Order will identify the appellant, the property, the section(s) of this Bylaw for which the exemption applies, and the period (not to exceed five years) for which the exemption is valid. Upon expiry of an Exemption Order, a person may apply to the Board for further extension.
 - F. Should the appeal be successful, the appeal fee will be waived and returned to the appellant.
 - G. The Board may extend the time period for meeting the conditions of the Compliance Order.

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- H. The Board will consider applications for a Hardship Exemption Order be it for reasons of health, financial hardship or other reason. In order to be considered for such an exemption, an applicant must complete a form available from the Municipality, must be the owner of the affected property, as defined in Section 2, Q, (i) of this Bylaw, and must provide evidence that they are in receipt of the Federal Guaranteed Income Supplement. A Hardship Exemption Order will identify the owner, the property, the section(s) of this Bylaw for which the exemption applies, and the period (not to exceed five years) for which the exemption is valid. Upon expiry of a Hardship Exemption Order, a person may apply to the Board for further extension. A Hardship Exemption Order will be considered void, upon any change of ownership of the affected property.
- I. The Board may direct anything to be done that an Enforcement Officer can direct to be done, either in addition or in substitution for the direction in the Order appealed.

18. Conduct of Appeals:

- A. When hearing an Appeal, the Community Standard Board: shall
 - i. conduct the Hearing in public;
 - ii. not be bound by the technical rules of evidence, and
 - iii. afford every person concerned, the opportunity to be heard, to submit evidence, and to hear the evidence of others, and
 - iv. adopt rules of procedure for hearing appeals currently in use by the Council, and Rules of Order shall be as per the Municipal Procedures Bylaw, and.
 - v. consider each appeal having regard to the circumstances and merit of the case and the applicable provisions of this and other Municipal Bylaws and the Municipal Government Act.

19. The person to whom an Order is directed shall comply with the directions of the Order as set out in the Order by the Enforcement Officer, or the requirements or directions set out in any decision of the Board.

20. Noncompliance:

- A. If a person to whom a Compliance Order is directed under this Bylaw fails to carry out the Order within the time stated or within the time limit ruled by the Board in the case of an Order that is appealed, an Enforcement Officer shall access the property or structure in accordance with Section 14 of this Bylaw and take whatever actions are necessary to deal with the unsightly condition of the premises.
- B. The Municipality Work Force or persons appointed by it may remove fencing or other obstructions in carrying out the Order and shall replace or repair any fencing or other obstructions removed or damaged in the course of carrying out the Order.
- C. The expenses incurred by the Municipality in carrying out an Order under this Section constitutes a debt owing to the Municipality from the person to whom the Order is directed.
- D. Within thirty (30) days of ascertaining the amount of the expenses incurred by the Municipality in carrying out the Order, the Chief Financial Officer shall send a demand for payment of these expenses to the person to whom the Order was directed.
- E. Should payment of said expenses not be made within sixty (60) days, the Director of Finance and Systems shall place the amount of the expenses incurred in carrying out the Order on the tax role as an additional tax against the land and that amount:
 - vi. forms a lien on the land in favour of the Municipality, and
 - vii. shall be deemed to be taxes imposed and assessed on the land and delinquent under the Municipal Government Act from the date the

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expenses were incurred, and that Act applies to the enforcement, collection and recovery of the amount.

- F. Where the Municipality carried out an Order under this Section the work forces shall deposit any material removed from the premises at a location designated by the Public Works Superintendent.
 - G. When material removed from said premises under Subsection (F) is removed to a location specified by the Public Works Superintendent, the Public Works Superintendent may direct that the material be disposed of if the person to whom the Order has been issued does not remove the material within fourteen (14) days of being requested in writing to do so by the Public Works Superintendent.
- 21.** A person who fails to meet the conditions of a Compliance Order is guilty of an offence. An Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to such persons.
- A. A person to whom a Violation Tag has been issued, is liable for the fines as set out in Attachment 1 (Fee Schedule)
 - B. An Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Enforcement Officer has reasonable and probable grounds to believe has contravened any provisions of this Bylaw.
 - C. A Violation Tag may be issued to such person either personally or by mailing a copy to such person at his last known post office address.
 - D. The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - i. the name of the Owner of land;
 - ii. a description of the land;
 - iii. the offence;
 - iv. the appropriate penalty for the offence in addition to the inspection fee as specified in Attachment 1 (Fee Schedule).
 - v. that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag
 - vi. any other information as may be required by the Chief Administrative officer
 - E. Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by an Enforcement officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
 - F. Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality's Treasurer the penalty specified on the Violation Tag.
 - G. In those cases where a Violation Tag has been issued and if the penalty specified on a Violation Tag has not been paid within the prescribed time, then an Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, c.P-21.5, as amended.
 - H. Notwithstanding anything to the contrary in this Bylaw, an Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Tag to any person who the Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 22.** Should any provision of this bylaw be invalid, then such invalid provisions shall be severed and the remaining bylaw shall be maintained.
- 23.** This bylaw comes into full force and effect upon third and final reading.

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24. Bylaw 534,2000 is hereby repealed.

Read a first time this 20th day of April, 2010.

Read a second time this 18th day of May, 2010.

Read a third and final time, this 18th day of May, 2010.

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Original Signed

Mayor

Original Signed

Chief Administrative Officer

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Attachment 1, Fee Schedule

- (i) First offence, TWO HUNDRED AND FIFTY (\$250.00) Dollars
- (ii) Second offence, FIVE HUNDRED (\$500.00) Dollars
- (iii) Third and subsequent offences, ONE THOUSAND (\$1,000.00) Dollars
- (iv) Cost of Inspections, FIFTY (\$50.00) Dollars
- (v) Cost of Appeals, ONE HUNDRED (\$100.00) Dollars
- (vi) Cost of Permit for Engine Replacement, TWENTY (\$20.00) Dollars
(2 week period; no extensions permitted)