

# BRAZEAU COUNTY

BYLAW NO: 1098-22

**BEING A BYLAW OF BRAZEAU COUNTY, IN THE PROVINCE OF ALBERTA, TO REGULATE NEIGHBOURHOOD NUISANCE, SAFETY AND LIVABILITY ISSUES.**

**WHEREAS**, pursuant to section 7 of the *Municipal Government Act*, RSA 2000, c. M-26, a council may pass bylaws for municipal purposes respecting the following matters:

- a) the safety, health and welfare of people and the protection of people and property;
- b) people, activities and things in, on, or near a public place or a place that is open to the public;
- c) nuisances, including unsightly property; and
- d) the enforcement of bylaws made under the *Municipal Government Act* or any other enactment.

**AND WHEREAS**, pursuant to section 66(2) of the *Safety Codes Act* RSA 2000, c. S-1 a municipality may make bylaws respecting the following matters:

- (a) minimum maintenance standards for buildings and structures; and
- (b) unsightly or derelict buildings or structures.

**AND WHEREAS** the *Agricultural Pests Act* RSA 2000, c. A-8 and *Weed Control Act* RSA 2000, c. W-5, as amended, grants certain powers and jurisdiction to municipalities regarding Pests and Weeds;

**AND WHEREAS**, Council deems it expedient and in the public interest to regulate standards to deter unhealthy, dangerous, potentially dangerous or unsightly property and nuisances;

**NOW THEREFORE** the Brazeau County Council, duly assembled, hereby enacts as follows:

## **PART 1 –TITLE, DEFINITIONS AND INTERPRETATION**

### **1. SHORT TITLE**

1.1 This Bylaw shall be cited as the Brazeau County “Community Standards Bylaw”.

### **2. DEFINITIONS**

2.1 In this Bylaw the following words or terms have the following meanings:

- (a) “Agricultural Lands” means Agricultural Lands, including land zoned as Agricultural (AG) and Agricultural Holdings (AGH) within the Brazeau County Land Use Bylaw.

- (b) "Agricultural Operation(s)" has the same meaning as in the *Agricultural Operation Practices Act*, but is limited to include only operations within lands zoned as Agricultural Lands as defined by this Bylaw.
- (c) "Boulevard" has the same meaning as in the *Traffic Safety Act*.
- (d) "Chief Administrative Officer" or "CAO" means the individual appointed to the position of Chief Administrative Officer of Brazeau County by Council and includes the designate of the Chief Administrative Officer.
- (e) "Council" means the municipal Council of Brazeau County.
- (f) "County" means the municipal corporation of Brazeau County.
- (g) "Debris" means all solid and liquid waste including, but not limited to, broken dishes, cans, glass, rags, discarded clothing, wastepaper, cardboard, containers, garbage, fuels, chemicals, hazardous materials, tires, manure or any other form of waste or litter.
- (h) "Derelict Equipment" includes equipment or machinery which has been abandoned; equipment or machinery which is inoperative by reason of its disassembly, age, mechanical condition or other cause; or any household appliance stored outside of a residence or other building regardless of whether or not the appliance is in an operative condition.
- (i) "Derelict Vehicle" means the whole or any part of any motor vehicle that:
  - i. is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, or inoperative condition; and
  - ii. is not located in a building or is otherwise concealed from view.
- (j) "Designated Officer" means the Chief Administrative Officer, a Peace Officer and/or any other person appointed by the Chief Administrative Officer.
- (k) "Dwelling" has the same meaning as dwelling-house in the *Criminal Code*.
- (l) "Garbage" means any household or commercial rubbish including, but not limited to, cartons, bottles, cans, containers, packaging, wrapping material, wastepaper, cardboard, or food, as well as discarded clothing, fabric, furniture, or other household items.
- (m) "Good Repair" means a condition where none of the following is present:
  - i. significant damage or visible structural damage;
  - ii. peeling, faded or chipped paint and/or surfaces;
  - iii. broken, missing or fallen parts, including windows, siding, shutters, eaves, and other building material;

- iv. rot or significant deterioration;
  - v. openings which are not secured against unauthorized access or adverse weather conditions; or
  - vi. other visible evidence of a lack of general maintenance.
- (n) "Graffiti" means any image, lettering or scratching, scrawled, painted or marked in any manner on Property without the consent of the property Owner.
- (o) "Hamlet" means the Hamlets of Buck Creek, Cynthia, Lodgepole, Poplar Ridge, Rocky Rapids, and Violet Grove, or any other Hamlet which may be designated by the County after this Bylaw comes into effect.
- (p) "Industrial property" means any land designated by Brazeau County's Land Use Bylaw as Commercial, Industrial, Natural Resource Extraction and Processing or within a Direct Control District, where the applicable land use guidelines allow for commercial, industrial or natural resource extraction and processing uses.
- (q) "Municipal Government Act" means the *Municipal Government Act*, R.S.A. 2000, c. M-26.
- (r) "Multi-lot Subdivision" has the same meaning as defined in the Brazeau County Land Use Bylaw.
- (s) "Occupant" means any Person other than the Owner who is in possession of the Property, including but not restricted to, a lessee, licensee, tenant or agent of the Owner, or any person residing at, or exercising control over or in regard to, the Property.
- (t) "Order to Remedy" means an order as described in Section 545 or Section 546 of the *Municipal Government Act*
- (u) "Owner" means:
- i. any Person registered as the owner of Property pursuant to the *Land Titles Act*;
  - ii. a Person who is recorded as the assessed person of the Property on the assessment roll of the County;
  - iii. a Person who has purchased or otherwise acquired a Property, whether the Person 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 themselves out as the person having the powers and authority of ownership or a person whom in the time being exercises the powers and authority of ownership; or
  - v. a Person controlling the Property during construction;

- (v) "Peace Officer" means any member of the Royal Canadian Mounted Police, and any bylaw enforcement officer or community peace officer, or other person appointed by the County to enforce County Bylaws.
- (w) "Person" has the same meaning as in the *Interpretation Act*.
- (x) "Property" means:
  - i. the whole or part of any parcel of land, including the buildings, Structures or improvements thereon; or
  - ii. where the context so requires, personal property.
- (y) "Provincial Offences Procedures Act" means the *Provincial Offences Procedures Act*, R.S.A. 2000c. P-34.
- (z) "Recreational Vehicle" means a licensed vehicle or means a licensed vehicle or portable structure, designed to be moved by a vehicle, to provide temporary sleeping accommodation for travel and recreation purposes. Recreational vehicles include, but are not limited to, motor homes, campers, tiny homes on a mobile platform, and holiday trailers. Recreational vehicles do not include modular or mobile homes and must not be skirted or provide for the attachment or use of any projections including, but not limited to, decks and carports.
- (aa) "Residential Area" means any land that is:
  - i. designated by Brazeau County's Land Use Bylaw as being within one of the Residential Districts, or within a Direct Control (DC) District, where the applicable land use guidelines allow for residential use; or
  - ii. within a Hamlet; or
  - iii. within a Multi-lot Subdivision including, but not limited to, the following: Kimberly Heights, Hilltop Acres, Rex Block, Cottonwood Acres, Beaver Estates, The Ranch Country Estates, Birchwood Village, Westbank Acres, Fairway Meadows, Birchfield Acres, Sunset Acres, Par View Estates, Country Club Estates, Greenwood Estates, and Lindale.
- (bb) "Structure" means any form of physical construction, whether built on site or moved in, including but not limited to any building, retaining wall, scaffolding, fence, shed, portable shack or other similar types of construction, improvement or fixture erected or placed in, on, over or under land, whether or not it is affixed to the land.
- (cc) "Violation Tag" means a tag or similar document issued by the County pursuant to the *Municipal Government Act* which alleges a bylaw offence and provides the Person with the opportunity to pay an amount to the County in lieu of prosecution for the offence.
- (dd) "Violation Ticket" has the same meaning as in the *Provincial Offences Procedure Act*.

### **3. INTERPRETATION**

- 3.1 The headings in this Bylaw are for guidance and convenience only.
- 3.2 Every provision in this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 3.3 Any reference to the provisions of a statute of Alberta is a reference to that statute as amended or repealed and replaced from time to time.

## **PART 2 – PROPERTY MAINTENANCE**

### **4. NUISANCE PROPERTIES**

- 4.1 No Person shall cause, allow or permit a nuisance to exist on any Property for which they are the Owner or Occupant.
- 4.2 For the purpose of greater certainty, a nuisance includes any Property, that in the opinion of a Designated Officer, shows a serious disregard for general maintenance or upkeep, whether or not it is detrimental to the surrounding area, or is a danger to public safety or Property, some examples of which include, but are not limited, to the following:
  - (a) excessive accumulation of materials, including but not limited to, household goods, boxes, tires, vehicle parts, Garbage, glass, containers, Debris, refuse and any other form of waste or litter whether of any apparent value or not;
  - (b) the failure to dispose of Garbage, Debris, refuse or other waste products from temporary storage containers on the Property within a reasonable time;
  - (c) the presence of trees, shrubs, weeds or other vegetation which, as a result of its location of the Property, has caused or may cause danger, or has caused or may cause damage, inconvenience or devaluation to adjacent Property;
  - (d) excessively damaged or structurally unsound fence or retaining wall;
  - (e) the placement of any Property on, in or under Property owned or operated by the County without the written approval of the County;
  - (f) the presence of an open excavation, materials or any other hazard or condition which poses a danger to public safety;
  - (g) any Graffiti or vandalism that is visible from any surrounding Property; and
  - (h) a Structure that is not in Good Repair.

- 4.3 Section 4.2 shall not apply with respect to a Property designated as Agricultural Lands if, in the opinion of the Designated Officer, the nuisance is screened so as not to be visible from outside the subject parcel.

### **PART 3 – STANDARDS AND MAINTAINANCE IN RESIDENTIAL AREAS**

#### **5. STANDARDS**

- 5.1 In addition to Section 4 – Nuisance Properties, there are additional standards applicable for Residential Areas.

- 5.2 For the purpose of greater certainty, a nuisance includes any Property located in Residential Areas, that in the opinion of a Designated Officer, shows a serious disregard for general maintenance or upkeep, whether or not it is detrimental to the surrounding area, or is a danger to public safety or Property, some examples of which include, but are not limited, to the following:

- (a) excessive accumulation of materials, including but not limited to, inoperable or unsightly equipment or machinery, building materials, household goods, boxes, tires, vehicle parts, Garbage, organic and inorganic waste, manure, glass, containers, Debris, refuse and any other form of waste or litter whether of any apparent value or not;
- (b) any household appliance stored outside, whether or not the appliance is operational;
- (c) storage of Derelict Vehicle(s), whether insured or registered or not;
- (d) storage of Derelict Equipment;
- (e) uncut grass, or the presence of weeds, which in the opinion of the Designated Officer, is excessive or which demonstrate neglect;
- (f) the presence of accumulation of feces, animal material, or carcasses

- 5.3 All Property in a Residential Area shall be maintained by the Owner or Occupant in Good Repair, including but not limited to:

- (a) foundation;
- (b) exterior walls;
- (c) roof;
- (d) windows, including frames, shutters and awnings;
- (e) doors, including frames and awnings;
- (f) stairs, steps and sidewalks;
- (g) fences; and
- (h) balconies, decks, landings, patios and porches.

## **6. MAINTENANCE**

- 6.1 The Owner or Occupant of Property in a Residential Area shall remove snow and ice from any sidewalk adjacent to their Property within a reasonable time after the snow or ice is deposited.
- 6.2 No Person shall deposit snow or ice upon any Property that is not their own, including a sidewalk, Boulevard or road.
- 6.3 The Owner or Occupant of Property in a Residential Area shall ensure any sidewalk adjacent to their Property is free from any litter or similar Debris and shall not cause or permit any obstruction of, or create a nuisance condition on, that sidewalk.
- 6.4 The Owner or Occupant of Property in a Residential Area shall maintain any Boulevard adjacent to their Property or adjacent to the sidewalk thereto by:
- (a) keeping any grass on the Boulevard cut, or by matching the landscaping for the front yard; and
  - (b) removing any accumulation of fallen leaves, branches, grass clippings, litter, Garbage or similar Debris of any form within a reasonable time, as not to interfere with use of the sidewalk or curbs.

## **PART 4 – RECREATIONAL VEHICLES**

### **7. RECREATION VEHICLES – STORAGE AND USE**

- 7.1 The Owner of Agricultural Lands and Residential Area lands, may park, store or use Recreational Vehicles without an approved campground permit, within the following limits:
- (a) One (1) Recreational Vehicle on a parcel smaller than 0.4 ha (1.0 ac) in size;
  - (b) Three (3) recreational vehicles on a parcel between 0.41 ha (1.1 ac) and 2.0 ha (5.0 acres) in size;
  - (c) Four (4) recreational vehicles on a parcel between than 2.1 ha (5.1 ac) and 6.1 ha (15.0 acres) in size; and
  - (d) Ten (10) recreational vehicles on a parcel larger than 6. 1ha (15.0 ac) in size.
- 7.2 Section 7.1 of this Bylaw does not apply in the Birchwood Country Condominium District or approved Campgrounds, where Recreational Vehicles may stay in developed sites.

## **PART 5 – EXCLUSIONS AND EXEMPTIONS**

### **8. EXCLUSIONS AND EXEMPTIONS**

- 8.1 Standards, requirements and prohibitions within this Bylaw do not apply to the County, County-owned Property or County operations.
- 8.2 Nuisances directly relating to, caused by, or as a result of authorized ongoing Agricultural Operations are exempt from this Bylaw.

## **PART 6 – ENFORCEMENT**

### **9. INSPECTIONS**

- 9.1 For the purpose of ensuring that the provisions of this Bylaw are being complied with, a Designated Officer may enter in or upon any Property excluding dwellings, in accordance with Section 542 of the *Municipal Government Act*, to carry out an inspection, enforcement or other actions required.

### **10. ORDER TO REMEDY**

- 10.1 A Designated Officer is hereby authorized to issue an Order to Remedy pursuant to Sections 545 or 546 of the *Municipal Government Act*.
- 10.2 A Person who fails to meet conditions of an Order to Remedy is guilty of an offence.

### **11. OFFENCES AND PENALTIES**

- 11.1 A Person who contravenes a provision of this Bylaw is guilty of an offence.
- 11.2 A Person who is guilty of an offence is liable:
- (a) in the case of a Violation Tag, to a fine as prescribed in Schedule “A” of this Bylaw; and
  - (b) in the case of a Violation Ticket, a specified penalty in an amount equivalent to that prescribed by Schedule “A”, or, upon summary conviction, to a fine and/or other penalty not to be less than the specified penalty in Schedule “A”, and not to exceed the maximum amount or other penalties provided for by the *Municipal Government Act*.
- 11.3 The payment of a Violation Tag or a Violation Ticket shall not relieve a Person from the necessity of paying any fees, charges, or costs or expenses for which that Person is liable under this Bylaw or any other Bylaw, or enactment. Nor shall payment relieve the Person from the necessity of complying with this Bylaw
- 11.4 Nothing in this Bylaw shall be construed to limit or hinder the ability of the County to issue an Order to Remedy, or an order pursuant to section 645 of the *Municipal Government Act*.



## **12. VIOLATION TAGS**

- 12.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any Person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 12.2 A Violation Tag shall be served upon a Person personally, by mailing a copy to the Person by registered mail at their last known postal address, or by leaving it with a Person at the Person's residence who has the appearance of being at least 18 years of age.
- 12.3 The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- (a) the name of the Person;
  - (b) a description of the Property upon which the offence was committed;
  - (c) the offence;
  - (d) the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
  - (e) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tags; and
  - (f) any other information as may be required by the Chief Administrative Officer.

Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Peace Officer with respect to the continuing contravention, provided however, that no more than one Violation Tag will be issued for each day that the contravention continues.

## **13. VIOLATION TICKETS**

- 13.1 In those cases where a Violation Tag has been issued and the penalties specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
- 13.2 Notwithstanding Section 12.1 of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

## **PART 7 - GENERAL**

### **14. OBSTRUCTION**

- 14.1 No Person shall obstruct, hinder or impede any Designated Officer, or County employee, contractor, agent, or other Person in the exercise of any of their powers or duties under this Bylaw.

## **15. VICARIOUS LIABILITY**

- 15.1 For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent exercising the powers or performing the duties on behalf of the Person under their agency relationship.

## **16. CORPORATIONS AND PARTNERSHIPS**

- 16.1 When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence, or assented to, acquiesced or participated in the act or omission that constitutes the offence, is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- 16.2 If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

## **17. POWERS OF THE CHIEF ADMINISTRATIVE OFFICER**

- 17.1 Without restricting any other power, duty or function granted by this Bylaw, the Chief Administrative Officer may:
- (a) take any steps or carry out any actions required to enforce this Bylaw;
  - (b) take any steps or carry out any actions required to remedy a contravention of this Bylaw;
  - (c) establish investigation and enforcement procedures with respect to residential, commercial, industrial or other types of property and such procedures may differ depending on the type of property in question;
  - (d) establish forms for the purposes of this Bylaw; and
  - (e) delegate any powers, duties or functions under this Bylaw to another Designated Officer or employee of the County.
- 17.2 Notwithstanding Section 9.1 of this Bylaw, the Chief Administrative Officer may carry out any inspection to determine compliance with this Bylaw.

## **PART 8 – REPEAL**

### **18. REPEAL**

- 18.1 This Bylaw repeals Bylaw 751-11.

**PART 9 – EFFECTIVE DATE**

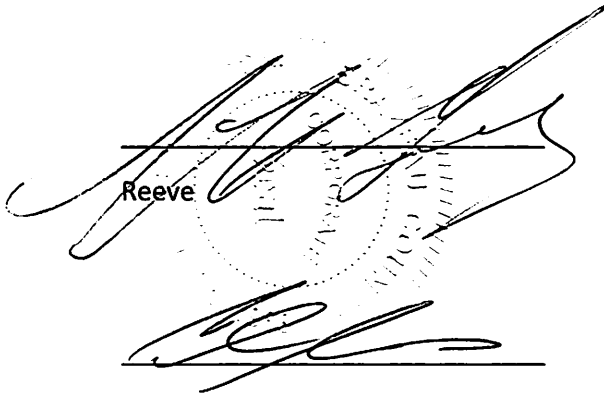
**19. ENACTMENT**

19.1 This Bylaw shall come into effect after third reading and upon being signed.

**READ** a first time this 6<sup>th</sup> day of September 2022,

**READ** a second time this 22<sup>nd</sup> day of November 2022,

**READ** a third time and finally passed this 22<sup>nd</sup> day of November 2022.



Acting Chief Administrative Officer

**SCHEDULE "A"**

**Fines and Penalties**

<b>OFFENCE</b>	<b>SECTION</b>	<b>VIOLATION TAG</b>	<b>FIRST OFFENCE</b>	<b>SECOND OFFENCE</b>	<b>THIRD AND SUBSEQUENT OFFENCE</b>
<b>Causing, allowing, or permitting a nuisance to exist on Property</b>	4.1	\$150.00	\$300.00	\$400.00	\$500.00
<b>Failure to maintain Property in a Residential Area in Good Repair</b>	5.1/5.2	\$150.00	\$300.00	\$400.00	\$500.00
<b>Failure to clear snow or ice from a sidewalk</b>	6.1	\$50.00	\$100.00	\$200.00	\$250.00
<b>Depositing snow or ice onto a Property not their own</b>	6.2	\$50.00	\$100.00	\$200.00	\$250.00
<b>Failure to ensure sidewalk adjacent to Property is free of any litter, obstruction, or nuisance</b>	6.3	\$75.00	\$150.00	\$250.00	\$300.00
<b>Failure to maintain Boulevard adjacent to Property</b>	6.4	\$50.00	\$100.00	\$200.00	\$250.00
<b>Failure to meet the conditions of an Order to Remedy</b>	9.2	\$200.00	\$400.00	\$500.00	\$1000.00
<b>Obstruction of Designated Officer, et al, in exercise of powers or duties under the Bylaw</b>	13.1	\$250.00	\$500.00	\$500.00	\$500.00