

**BYLAW NO. 2023-04
VILLAGE OF BEISEKER
COMMUNITY STANDARDS BYLAW**

BEING A BYLAW TO REGULATE AND ABATE NUISANCES AND UNSIGHTLY PREMISES WITHIN THE VILLAGE OF BEISEKER, IN THE PROVINCE OF ALBERTA.

WHEREAS the MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, Chapter M-26 provides that COUNCIL may pass bylaws for municipal purposes respecting a variety of matters including but not limited to: the safety, health and welfare of people and the protection of people and PROPERTY; nuisances, people, activities, and things in on or near a public place or place that is open to the public and matters pertaining to the CONTROL and operation of OPEN SPACE AREAs

AND WHEREAS COUNCIL of the VILLAGE of Beiseker deems it expedient and in the public's interest to pass a bylaw to regulate, CONTROL and abate disruptive and annoying activity within the VILLAGE of Beiseker and established hours of operation for OPEN SPACE AREAs within the VILLAGE of Beiseker

WHEREAS the COUNCIL deems it necessary to provide for an efficient means of regulating and encouraging the abatement of unsightly PROPERTY and related nuisances within the VILLAGE of Beiseker; and

WHEREAS the COUNCIL deems it necessary to repeal and replace Bylaw No. 2016-04, "Community Standards Bylaw".

NOW, THEREFORE, THE COUNCIL OF THE VILLAGE OF BEISEKER IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

SECTION 1 - TITLE and DEFINITIONS

1.1 This Bylaw may be cited as the VILLAGE of Beiseker "**Community Standards Bylaw**".

1.2 DEFINITIONS

In this Bylaw, unless the context otherwise requires are adopted for the purpose of interpretation and application of this:

- (a) "**ADMINISTRATION FEE**" means a fee added to the actual expenses incurred by the VILLAGE for remedial measures or appeal taken pursuant to the provisions of this Bylaw.
- (b) "**ALLEYWAYS**" means a HIGHWAY intended primarily for VEHICLE access to the rear or side of properties. For the purposes of this bylaw, the area to be maintained is to the center of the ALLEYWAYS.
- (c) "**ANIMAL MATERIAL**" means any animal excrement, offal, carcasses, or parts thereof.
- (d) "**ASHES**" means the powdery residue that remains or results from the combustion of any substance and includes any partially burnt wood, charcoal, or coal.
- (e) "**BOULEVARD**" means that portion of a road right-of-way located between the PROPERTY line and the curb, and may include but not limited to, sidewalks and bulb-outs.

- (f) **"BUILDING MATERIAL"** means all material or debris associated with the construction, renovation, or demolition of any building or other STRUCTURE and includes, but is not limited to; wood, gypsum board, roofing, pipe, wiring, vinyl siding, metal, packaging material, containers, gravel, concrete, asphalt, and any earth, vegetation, or rock displaced or stockpiled during such construction, renovation, or demolition.
- (g) **"BULLY OR BULLYING"** means the intentional, repeated, and hostile or demeaning behaviour by an individual or group, either directly or through a medium whatsoever, where the behaviour results in physical, emotional, or mental harm, fear, or distress to one or more individuals, based on, but not limited to ability, race, ethnicity, gender or sexual orientation or identity.
- (h) **"BUSKING"** means performing in a public space in exchange for voluntary donations.
- (i) **"CAO"** means the Chief Administrative Officer of the VILLAGE of Beiseker or, his/her delegate.
- (j) **"COMPLAINT"** refers to the initial reported contravention of this Bylaw, whether such COMPLAINT is made by a member of the public, an employee of the VILLAGE, or is self-generated by an ENFORCEMENT OFFICER in order to prevent continued or further contravention of the provisions of this Bylaw.
- (k) **"CONTROL"** in reference to WEEDS, vegetation, and grass, means:
(1) cut, mow, trim or carry out other measures designed to inhibit propagation that does not exceed a height of fifteen (15) centimeters (6 inches); and/or
(2) destroy any weed or vegetation specified by an ENFORCEMENT OFFICER, Weed Inspector or agent employed by the VILLAGE of Beiseker; and/or
(3) removal leaves or other YARD WASTE; and/or
(4) carry out other measures as prescribed by an ENFORCEMENT OFFICER, Weed Inspector or agent employed by the VILLAGE of Beiseker.
- (l) **"COUNCIL"** means the COUNCIL of the VILLAGE of Beiseker.
- (m) **"COURT"** means the Provincial COURT of Alberta.
- (n) **"ENFORCEMENT OFFICER"** means a Community Peace Officer, Bylaw ENFORCEMENT OFFICER, RCMP Officer or another PERSON appointed by the VILLAGE and who is authorized to enforce Bylaws of the VILLAGE of Beiseker.
- (o) **"ENFORCEMENT ORDER"** means a notice issued pursuant to the provisions of this Bylaw requiring an OWNER to remedy any condition of a PROPERTY or PREMISES that is not in compliance with any provision of this Bylaw.
- (p) **"GRAFFITI"** means words, figures, letters, or drawings, scribbled, scratched, painted, or sprayed or stickers applied upon any surface without the written approval from the VILLAGE of Beiseker.

- (q) **“HIGHWAY”** means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way 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 passage or parking of vehicles and includes:
- (1) a sidewalk, including a boulevard adjacent to the sidewalk; and
 - (2) if a ditch lies adjacent to and parallel with the roadway, the ditch, and
 - (3) if the 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
 - (4) does not include a place declared by regulation not to be a highway.
- (r) **"LITTER"** means any household or commercial item including, but not limited to; any article, raw or processed material, solid or liquid material or product, combination of solid or liquid materials, wood, metal, plastics, glass, fabrics, paper, any other discarded household or commercial appliances or items or any other matter, substance, or items which have been, or appears to have been discarded, abandoned, or in any way disposed of.
- (s) **“MUNICIPAL GOVERNMENT ACT”** means the MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, Chapter M 26, as amended or replaced from time to time.
- (t) **"NOISE"** means any sound which in the opinion of an ENFORCEMENT OFFICER having regard for all circumstances, including but not limited to; the time of day and the nature of the activity generating the sound, is likely to unreasonably annoy, aggravate, or disturb PERSONS, or to injure, endanger or detract from the comfort, peace, or repose of PERSONS, and includes but is not limited to loud music, shouting, banging, and other similarly disturbing activities.
- (u) **“NUSIANCE”** means any act or deed or omission or thing or condition which is or could reasonably be expected to be annoying, troublesome, destructive, harmful, inconvenient, or injurious or cause danger to other people or the general public or because of its attraction to children or other PERSONS who may be likely not to recognize its dangerous quality; or an act in relation to land which by its unnecessary repetition causes irritation or annoyance or both to neighbors.
- (v) **"OPEN SPACE AREA"** shall mean any of the following:
- (1) any land in the VILLAGE which is developed, used, leased, controlled, or managed by the VILLAGE as a public park, sports field, playground, or recreational area, including, without restricting the generality of the foregoing, all lands in the VILLAGE which are jointly controlled or managed by the VILLAGE and an Educational Authority or other Government owned PROPERTY for any of the purposes previously described;
 - (2) any land acquired by the VILLAGE through the subdivision process as reserve or Public Utility lot;
 - (3) any land used as a HIGHWAY buffer strip, whether on a permanent or temporary basis;
 - (4) any land designated by resolution of COUNCIL as an OPEN SPACE AREA for the purposes of this bylaw; or
 - (5) any land developed by the VILLAGE as a pathway, ALLEYWAY, BOULEVARD, or road.

- (w) **"ENFORCEMENT ORDER"** means a notice issued pursuant to the provisions of this Bylaw requiring an OWNER to remedy any condition of a PROPERTY or PREMISES that is not in compliance with any provision of this Bylaw.
- (x) **"OWNER"** of a PROPERTY or PREMISES means:
- (1) a PERSON who is shown as the OWNER of the PROPERTY on the subject Land Title;
 - (2) a PERSON who is recorded as the OWNER of the PROPERTY on the tax assessment roll of the VILLAGE;
 - (3) a PERSON who is an occupant of the PROPERTY or PREMISES pursuant to a rental or lease agreement, license, or permit, or who otherwise occupies the PROPERTY or PREMISES with the permission or consent of the legal OWNER;
 - (4) a PERSON who has purchased or otherwise acquired the land, whether he has purchased or otherwise acquired the land directly from the OWNER or from another purchaser, and who has not yet become the registered OWNER thereof;
 - (5) a PERSON holding himself out as a PERSON having the powers and authority of ownership or CONTROL of the PROPERTY or PREMISES, or any PERSON, who for the time being, exercises the powers and authority of ownership or CONTROL of the PROPERTY or PREMISES;
 - (6) or a PERSON, business, corporation, or partnership controlling or managing the PROPERTY or PREMISES while under construction, renovation, or demolition.
- (y) **"PANHANDLING"** shall mean the personal, verbal, and direct solicitation by a PERSON of gratuitous donations of money, food, or goods of any kind, from any member of the public, but does not include a solicitation allowed or authorized pursuant to the Charitable Fundraising Act, or any other legislation permitting the solicitation of charitable donations.;
- (z) **"PARK LIKE"** means an area of land landscaped with grass and is free of WEEDS, garbage, or rubbish.
- (aa) **"PERSON"** means an individual or any business entity including a firm, partnership, association, contractor, corporation, company, or society.
- (bb) **"PEST"** means any animal, bird, reptile, or insect which causes or could reasonably be expected to cause annoyance or damage or injury to any PERSON or animal or plant.
- (cc) **"PREMISES"** means the lands, buildings, and other STRUCTUREs of any PROPERTY situated in whole or in part within the VILLAGE, and includes any land or buildings owned or leased by the VILLAGE.
- (dd) **"PROPERTY"** shall have the same meaning as PREMISES and shall include but not limited to any PROPERTY in which a PERSON has a legal or equitable interest in, such as an animal or VEHICLE.
- (ee) **"PROVINCIAL PROCEDURE ACT"** means the *PROVINCIAL PROCEDURE ACT*, R.S.A. 2000, Chapter P-34, and the regulations thereof, as amended or replaced from time to time.

- (ff) **“RECREATIONAL VEHICLE”** means a vehicle or trailer that is designed, constructed, and equipped, either temporarily or permanently, as an accommodation for travel, vacation, or recreational use and includes a travel trailer, motorized homes, slide-in campers, chassis-mounted campers, boats, all-terrain vehicles, off-highway vehicles, snowmobiles, and tent trailers, whether licensed or unlicensed.
- (gg) **“RESIDENTIAL PROPERTY”** means any land that is the site of one or more residential buildings, excepting farms, ranches, and other land which is primarily used for bona fide industrial, agricultural, or commercial purposes.
- (hh) **“STRUCTURE”** means a building, any part of a building or STRUCTURE or other thing, erected, or placed in, on, over or under land whether or not it is affixed to the lands.
- (ii) **“UNSIGHTLY PREMISES”** means any PREMISES or part thereof that clearly shows signs of neglect, or which otherwise exhibits a significant lack of general maintenance, clean-up, or upkeep, and whether or not it impacts the PROPERTY values of the PROPERTY or other properties in the area and which includes but is not limited to:
- (1) any land upon which there is an excessive, unusual, or unreasonable accumulation of animal material, ashes, YARD WASTE, BUILDING MATERIAL, LITTER, WEEDS, grass, sewage, hazardous materials, piles of soil, clay or rubble, petroleum products, or any other form of scrap, LITTER, or waste of any kind, the production of any generally offensive odors; or
 - (2) parts of disassembled or non-functioning VEHICLES or RECREATIONAL VEHICLES (including tires/wheels), appliances, machinery, equipment, or power tools; industrial equipment, components, or heavy machinery;
 - (3) disused, damaged, or stored household or commercial chattels, furniture, carpet, bicycles, toys, or appliances; or
 - (4) disused, damaged, or stored VEHICLES, trailers, ATV’s, motorcycles, boats, or RECREATIONAL VEHICLES, including but not limited to any such items that are inoperative by reason of disrepair, removed or missing parts, age, damage, or which are otherwise not in a legally roadworthy or functioning condition including unlicensed VEHICLES or trailers; or
 - (5) any building, STRUCTURE, or other improvement that exhibits significant physical deterioration, including but not limited to buildings and STRUCTUREs that suffer from: broken (or missing) windows, siding, shingles, shutters, eaves, roofing or finishing materials; or
 - (6) clearly visible exterior or structural deterioration, damage, or decay, including but not limited to significant fading, chipping, or peeling of painted surfaces; or
 - (7) the presence of trees, shrubs, or other vegetation that are placed or are growing in such a manner that they interfere with the use of or obstruct visibility of street signage, sidewalks, roadway clearance, municipal works, or public utilities.
- (jj) **“UTILITY TRAILER”** means a vehicle so designed that it may be attached to or drawn by a motor vehicle and intended to transport property, goods, etc.;
- (kk) **“VEHICLE”** means a device in, on or by which a PERSON or thing may be transported or drawn on a HIGHWAY and includes a combination of VEHICLES but does not include a mobility aide.

- (ll) "VILLAGE" means the municipal corporation of the VILLAGE of Beiseker in the Province of Alberta, or the area located within the VILLAGE of Beiseker's corporate limits, as the context requires.
- (mm) "VIOLATION TAG" means a municipal ticket alleging an offence issued pursuant to the authority of a bylaw of the VILLAGE of Beiseker.
- (nn) "VIOLATION TICKET" has the same meaning as in the *Provincial Offences Procedures Act*.
- (oo) "WASTE RECEPTACLE" means a container designed or used for containing LITTER that may be awaiting collection and disposal.
- (pp) "WEEDS" mean any plant that is objectionable or interferes with the activities of people and which has economical, ecological, or aesthetic implication for a PROPERTY including dandelions.
- (qq) "YARD WASTE" means waste material of an organic nature, formed as a result of gardening, landscaping, horticultural pursuits, or agricultural activities and includes grass, tree or shrub cuttings, waste sod and decomposing plants, leaves, WEEDS and noxious or prohibited noxious WEEDS.

SECTION 2 - APPLICATION.

- 2.1 Nothing in this Bylaw relieves a PERSON from complying with any provision of any federal or provincial law or regulation, another bylaw, or any requirement of any lawful permit, order, or license.
- 2.2 Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes, and convenience only, and shall not form part of this Bylaw.
- 2.3 Where this Bylaw refers to another Act, Bylaw, Regulation, or agency, it includes reference to any Act, Bylaw, Regulation, or agency that may be substituted therefore.
- 2.4 All the schedules attached to this Bylaw shall form a part of this Bylaw.
- 2.5 Standards and requirements in prohibitions contained in this Bylaw shall apply to:
 - (a) Residential Properties;
 - (b) Vacant lots within Residential Areas;
 - (c) Commercial Properties; and
 - (d) Industrial Properties.
- 2.6 This Bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.

SECTION 3 - GENERAL PROHIBITION (including prohibited items)

- 3.1 No OWNER or Occupant of a PREMISES shall allow that PROPERTY to become or continue to be Unightly or a Nuisance as defined in this Bylaw.

- 3.2** No OWNER or Occupant of a PREMISES shall allow that PROPERTY to become or continue to be a risk of danger to the public, themselves, or to other PREMISES or PROPERTY.
- 3.3** No OWNER or Occupant of a PREMISES shall fail to ensure that ALLEYSWAYS that are adjacent to the PROPERTY are kept clear of, LITTER, WEEDS, grass, VEHICLES, or any type of STRUCTURE.
- 3.4** No OWNER or Occupant of a PREMISES shall allow any LITTER, or any type of materials placed in a WASTE RECEPTACLE to accumulate to the extent that it becomes unsightly or otherwise detrimental to adjacent or neighbouring properties including Public Land.
- 3.5** No OWNER or Occupant of a PREMISES shall allow any LITTER or any type of materials to be placed in a VEHICLE or trailer located on any HIGHWAY located within the VILLAGE of Beiseker for a period of no longer than seven (7) days without prior permission of the VILLAGE.
- 3.6** No OWNER or Occupant of a PREMISES shall allow any LITTER, or any type of materials stored on a PROPERTY or HIGHWAY to remain uncovered and must be completely secured in such a manner so that no portion of the load can escape, blow, drop, spill, or fall onto other lands or HIGHWAY.
- 3.7** No PERSON shall place, deposit, throw or cause to be placed, deposited, or thrown, any LITTER or other substance upon any HIGHWAY, public parking lot or Public Lands.
- 3.8** No OWNER or Occupant of a Premise shall permit the accumulation of dirt, stones, old implements, automobiles and parts of automobiles, trailers and campers, scrap iron, lumber, BUILDING MATERIALS, or any other LITTER that may cause any unsightly condition or hazard or nuisance within or on such PROPERTY.
- 3.9** No OWNER or Occupant of a RESIDENTIAL PROPERTY shall conduct a business without having a development permit from the VILLAGE of Beiseker.
- 3.10** No OWNER or Occupant of a PREMISES shall allow any activity or conduct of any PERSON occupying or using the PREMISES to become or continue to be a nuisance or a risk of danger to the public, or otherwise interfere with other PERSON's repose, comfort, or peaceful enjoyment of their PROPERTY.
- 3.11** No OWNER or Occupant of a PREMISES shall allow open or exposed storage of any industrial fluid, including but not limited to engine oil, brake fluid, battery fluid, or antifreeze, or any other fluid that could have a negative environmental impact.
- 3.12** No OWNER or Occupant shall allow or cause opaque or dense smoke or dust to be emitted into the atmosphere from any lands, buildings, or PREMISES within the VILLAGE of Beiseker.
- 3.13** No OWNER or Occupant of a PREMISES shall fail to prevent stagnant water from remaining on any such PROPERTY that potentially becomes a breeding place for mosquitoes or other Pests.

- 3.14 No OWNER or Occupant of a PREMISES shall permit the accumulation of Animal Material on the PROPERTY.
- 3.15 No OWNER or Occupant of a PREMISES shall allow a VEHICLE or RECREATIONAL VEHICLE OR UTILITY TRAILER to be parked on any part of a PROPERTY except on a driveway or a parking pad that meets the following requirements:
- a) no more than one (1) principle driveway and two (2) parking pads per property; and
 - b) must be comprised of asphalt, concrete or gravel; and
- 3.16 When making the determination as to whether a particular PREMISES is unsightly, or as to whether the OWNER has allowed the PREMISES or its Occupiers to become or continue to be a nuisance or risk of danger to other PERSONS or PROPERTY, the ENFORCEMENT OFFICER may consider any admissible evidence as to:
- (a) the general condition and state of upkeep and tidiness, whether or not it impacts or causes the decline of market value of PROPERTY in the surrounding area; or
 - (b) the nature, size, location and permitted use of the PREMISES; or
 - (c) the nature of the unsightly PROPERTY or nuisance COMPLAINT, and the period of time that such condition has persisted; or
 - (d) whether the PREMISES has been issued a permit to undergo construction, renovation or demolition, and the period of time that such activity has been ongoing; or
 - (e) whether the OWNER or Occupant of the PREMISES had been previously notified or warned by an ENFORCEMENT OFFICER that the PREMISES is not being kept in compliance with the provisions of this Bylaw; or
 - (f) any other circumstances or factors relating to the PREMISES which a COURT may consider relevant to the subject determination.
- 3.17 No OWNER or Occupant of any PREMISES shall allow a refrigerator or freezer to remain on the exterior of the PREMISES without first ensuring that the appliance is in working condition, that it is not visible to a PERSON viewing from outside the PROPERTY, and that the door to the refrigerator and/or freezer is securely locked with a padlock and key or similar device.

SECTION 4 - WEEDS, GRASS, AND TREES

- 4.1 No OWNER or Occupant of a PREMISES shall fail to CONTROL grass, trees, saplings, shrubs, and any WEEDS on their PREMISES.
- 4.2 No OWNER or Occupant of a PREMISES shall fail to CONTROL grass, trees, saplings, shrubs, or any WEEDS on a Boulevard which is adjacent to their PREMISES.
- 4.3 No OWNER or Occupant of a PREMISES shall fail to CONTROL grass, trees, saplings, shrubs, or any WEEDS adjacent to PREMISES they own or occupy.

- 4.4** No OWNER or Occupant of a Vacant PROPERTY shall fail to maintain the PREMISES in a PARK LIKE manner.
- 4.5** Notwithstanding Section 4.4, the VILLAGE maintains the right to determine if a Vacant PROPERTY requires grass seeding or sod.
- 4.6** No OWNER or Occupant of a Premise shall fail to maintain hedges used as fencing or screening to a height of no more than;
(a) Frontage – one (1) meter (3.3 feet) (frontage meaning the area from the front property line to the front of the principle building); and
(b) Side and back – two (2) meters (6.6 feet)
- 4.7** Notwithstanding Section 4.6 corner properties must maintain hedges that abut or flank a roadway to the height of one (1) meter (3.3 feet)
- 4.8** No OWNER or Occupant of a PREMISES shall fail to remove any trees, saplings, shrubs, or parts thereof:
(a) that overhang or encroach upon public PROPERTY;
(b) which, due to a deterioration of condition or for any other reason, becomes or creates a traffic or public safety hazard; or
(c) which become unsightly or which create a risk of causing damage to, VILLAGE PROPERTY, public utilities or impedes the use of VILLAGE PROPERTY.
- 4.9** No OWNER or Occupant of a PREMISES shall allow:
(a) trees or other vegetation growing on the PREMISES interferes with or endangers the lines, poles, conduits, pipes, sewers, or other public utilities within the VILLAGE.
- 4.10** No OWNER or Occupant of a PREMISES shall fail to ensure that;
(a) any tree branches that overhang a HIGHWAY or ALLEYWAY shall be pruned to a height of at least 4.27 meters (14 feet), and shall not encroach over the PROPERTY line to allow non-obstructed flow of traffic through these thoroughfares;
(b) any tree branches that overhang a sidewalk shall be pruned to a height of at least 2.14 meters (7 feet) and shall not encroach over the sidewalk to obstruct or prevent the flow of pedestrian traffic.
- 4.11** No OWNER or Occupant of a PREMISES shall allow to go unchecked, any blight or disease of trees or shrubs or vegetable or plant life that is liable to spread to other trees or shrubs or plant life within the VILLAGE.
- 4.12** Section 4 shall not apply to PUBLIC LANDS under the direction and CONTROL of the VILLAGE when conditions do not allow for access, resources are not available, or the work poses a risk to person or property in order to maintain the lands.
- 4.13** No PERSON shall plant or CONTROL any trees or bushes on any PUBLIC LANDS that are the responsibility of the VILLAGE.

- 4.14 No OWNER or Occupant of a PREMISES shall fail to ensure the removal of the accumulation of dead grass, brush, or other vegetation from the PREMISES, or that it is otherwise CONTROLLED.
- 4.15 Where branches, foliage, roots, or other parts of trees, shrubs, or other vegetation growing on a PREMISES extend beyond the PROPERTY lines of the PREMISES, and are interfering with or obstructing any line, lighting, HIGHWAYS, sewers or other public works of the VILLAGE, an ENFORCEMENT OFFICER may authorize, with or without notice to the OWNER of the subject PREMISES, the immediate removal of any such interference or obstruction.

SECTION 5 - GENERAL PROPERTY AND BUILDING MAINTENANCE STANDARDS – OWNERS’ DUTIES

- 5.1 No OWNER or Occupant of a PREMISES shall permit any building, STRUCTURE, or erection of any kind whatsoever, or any excavation, depression, drain or ditch, watercourse, pond, surface water, LITTER, or other matter or thing upon private lands, HIGHWAYS or in or about any building, to be or to remain a nuisance or danger to public health or safety. This includes public areas that are adjacent to private lands such as boulevards or alleyways that the OWNER or Occupant are responsible for.
- 5.2 No OWNER or Occupant of a PREMISES shall allow the PROPERTY, buildings or any STRUCTURE located thereon, to fail to be maintained and to visibly appear to be in disrepair. This includes, but is not limited to:
- (a) fences and their structural member;
 - (b) foundations and foundation walls;
 - (c) all exterior walls of a STRUCTURE or dwelling;
 - (d) windows and their casings;
 - (e) roofs of all STRUCTURES and dwellings;
 - (f) protective or decorative finishes on a fence or STRUCTURE;
 - (g) sidewalks, parking spaces, driveways, and similar areas; and
 - (h) exterior stairs, landings, porches, balconies, and decks.
- 5.3 No OWNER of any Vacant Building shall fail to ensure that the PROPERTY is always secured in such a manner sufficient to prevent unauthorized entry into the STRUCTURE.

SECTION 6 - VEHICLES AND EQUIPMENT

- 6.1 No OWNER or Occupant of a RESIDENTIAL PROPERTY shall be permitted to keep a VEHICLE, RECREATIONAL VEHICLE or UTILITY TRAILER outside of a building on the PREMISES unless the VEHICLE, RECREATIONAL VEHICLE or UTILITY TRAILER is parked on an approved parking pad.
- 6.2 No OWNER or Occupant shall park or store a VEHICLE:
- (a) less than three (3) meters (9.84 feet) from a permanent STRUCTURE without all wheels and tires attached.

- 6.3 No PERSON on a RESIDENTIAL PROPERTY shall conduct any routine maintenance, personal auto body work, frame repairs, collision repair, auto painting or modifications to the body of a VEHICLE or RECREATIONAL VEHICLE or the rebuilding of a VEHICLE or RECREATIONAL VEHICLE on a RESIDENTIAL PROPERTY: unless
- (a) the activity does not create a nuisance or NOISE COMPLAINT from the neighborhood;
 - (b) there is no escape of offensive, annoying, or noxious odors/fumes or smoke from the PROPERTY;
 - (c) all VEHICLE or RECREATIONAL VEHICLE fluid, oil, gasoline products or other hazardous material are properly stored and/or disposed of and not swept or washed onto any HIGHWAY or down any storm or sanitary sewer;
 - (d) all discarded VEHICLE or RECREATIONAL VEHICLE parts and materials are stored within a building and/or disposed of from the PREMISES; and
 - (e) no power washing of motor or powertrain is performed on the PREMISES.
- 6.4 No OWNER or Occupant of any PREMISES shall permit a VEHICLE or RECREATIONAL VEHICLE located on the PREMISES to create or emit NOISE that disturbs or annoys a PERSON including but not limited to:
- (a) NOISE from excessive engine revving; or
 - (b) NOISE or sound from, horn, stereo and amplification equipment.
- 6.5 Any OWNER of a VEHICLE or RECREATIONAL VEHICLE shall be liable for any contravention in this Bylaw unless the OWNER, on a balance of probabilities, satisfies a COURT that, at the time the motor VEHICLE or RECREATIONAL VEHICLE was involved in the contravention, the OWNER was not present in the motor VEHICLE or RECREATIONAL VEHICLE and the PERSON was operating the VEHICLE or RECREATIONAL VEHICLE without the OWNER'S express or implied consent.

SECTION 7 - SALVAGE OR PARTS YARDS

- 7.1 All outdoor salvage yards, auto wreckers, or other businesses, which by their nature appear to be untidy or unsightly, shall be obscured from view by an approved screening from surrounding PROPERTY as approved by the CAO.

SECTION 8 - CONSTRUCTION SITES

- 8.1 No OWNER or Occupant of a Premise under construction, renovation or demolition shall fail to ensure all BUILDING MATERIALS and waste BUILDING MATERIALS on the PREMISES are contained and secured in such a manner that prevents such material from being blown off the STRUCTURE or scattered throughout or off the PROPERTY.
- 8.2 No OWNER or Occupant of a Premise under construction, renovation or demolition shall fail to ensure that waste BUILDING MATERIALS and other LITTER are contained in an approved, adequate, and secured WASTE RECEPTACLE and that the WASTE RECEPTACLE is emptied within seventy-two (72) hours of it becoming full and incapable of reasonably containing any further material.
- 8.3 No OWNER or Occupant of a Premise under construction, renovation or demolition shall fail to ensure that the PROPERTY, BUILDING MATERIALS and equipment are kept in an orderly fashion, and that the

PROPERTY is kept free of excessive amounts of LITTER and BUILDINGS MATERIALS or any other materials associated with the construction, renovation, or demolition.

- 8.4 The VILLAGE may withhold municipal services to an OWNER or Occupant of a premise under construction, renovation, or demolition, or to a homebuilder, developer or other PERSON or company undertaking such activity in relation to the PROPERTY, until any condition of the PROPERTY that is in contravention of this Bylaw has been remedied.
- 8.5 No OWNER or Occupant of a Premise within the VILLAGE shall cause or permit any construction project to start before 8:00 AM or continue after 9:00 PM.
- 8.6 No PERSON shall in the operation or carrying on of a construction, renovation or demolition project make more NOISE than is necessary in the normal method of performing or carrying on that project.

SECTION 9 - STORING MATERIAL, VEHICLES OR EQUIPMENT ON VILLAGE PROPERTY

- 9.1 No PERSON shall place, pile, or store any material, VEHICLES, RECREATIONAL VEHICLE, or equipment on VILLAGE owned PROPERTY.
- 9.2 Any PERSON placing, or causing to be placed, any LITTER, VEHICLES, RECREATIONAL VEHICLE, or equipment on any VILLAGE owned PROPERTY shall remove or cause the removal thereof within twenty-four (24) hours after having been notified to do so.
- 9.3 Failure to remove any LITTER, VEHICLES, RECREATIONAL VEHICLE, or equipment from VILLAGE owned PROPERTY will result in the authorized removal of the obstruction and completion of any necessary repairs. The expense of doing so shall be recoverable as a debt owed to the VILLAGE OF BEISEKER.
- 9.4 When Item 9.3 has been enforced, property coming into the possession will be retained for thirty (30) days from the date it comes into possession of the VILLAGE, unless it is unsafe, unsanitary, or perishable in which case it will be disposed of immediately.
- 9.5 If property that has been seized per Section 9.4, is not claimed within thirty (30) days of the date it comes into possession, the property may be disposed of by public auction, or as the COUNCIL directs. Proceeds of the sale of this property, less the cost of expenses to remove, repair and/or store the property, will be held for the original owner for a period of ninety (90) days. If the remaining proceeds are not claimed within ninety (90) days from the date of sale, the rights of the owner to the property are extinguished and the sale proceeds will belong to the VILLAGE.
- 9.6 Sections 9.4 and 9.5 are in accordance with Section 610 (1)(2) of the *Municipal Government Act*.

SECTION 10 - PLACARDS, POSTER, OR PLAYBILLS

- 10.1 No PERSON shall place, post, or erect, or cause, permit or allow to be posted or exhibited, on any wall, PROPERTY, fence, park, or land owned by the VILLAGE, or on any Public Utility pole, Traffic CONTROL Device and on or adjacent to a HIGHWAY or public place, without permission from the VILLAGE of Beiseker.
(a) any sign, placard, playbill, poster, writing, or picture.
- 10.2 An ENFORCEMENT OFFICER is authorized to remove and destroy any placard, playbill, poster, writing or picture that has been erected or is being maintained without VILLAGE permission.

SECTION 11 - GRAFFITI PREVENTION AND ABATEMENT

- 11.1 No PERSON shall create or apply GRAFFITI on or to any PREMISES, STRUCTURE, VEHICLE, within the VILLAGE of Beiseker, unless prior written approval for the creation or application of the GRAFFITI had been granted by the VILLAGE.
- 11.2 No OWNER of a PREMISES whether presently occupied or not shall fail to ensure that any GRAFFITI, or any other message that has been placed on the exterior surfaces of any STRUCTURES, chattels, signs, or other PROPERTY located on the PREMISES, is removed, painted over, or otherwise eliminated not later than seven (7) days after the OWNER of the PREMISES has been notified by an ENFORCEMENT OFFICER of the presence of the subject GRAFFITI or offensive message.

SECTION 12 - OPEN SPACES

- 12.1 An ENFORCEMENT OFFICER shall have the authority to remove any PERSON in contravention of Item 12.2 to 12.6
- 12.2 No PERSON shall within an OPEN SPACE:
(a) camp;
(b) erect a tent; or
(c) build or place any STRUCTURE.
- 12.3 No PERSON shall operate sound amplifying equipment or make any NOISE from any park or other public space which may cause a disturbance without prior written approval from the CAO.
- 12.4 No PERSON shall ignite or allow a fire to burn in an OPEN SPACE AREA except in a fire pit or other receptacle intended for such use and provided by the VILLAGE.
- 12.5 No PERSON shall operate any barbeque or stove in any OPEN SPACE AREA, other than the Village Campground, unless authorized by the CAO, or unless such barbeque or stove is provided by the VILLAGE.

- 12.6 No PERSON shall engage in any conduct or activity in any OPEN SPACE AREA which may:
- (a) Injure any other user of an open space;
 - (b) disturb the use or enjoyment of the open space by any other user of an open space;
 - (c) damage an open space or an amenity in an open space; or
 - (d) be inconsistent with the purpose of an open space.

SECTION 13 – PUBLIC BEHAVIOUR

- 13.1 No PERSON shall conduct themselves or behave in a manner that unreasonably disturbs other PERSONS in the VILLAGE or unreasonably interferes with the other PERSON’S enjoyment within the VILLAGE.
- 13.2 No PERSON shall urinate, defecate, or deposit any human waste in any OPEN SPACE AREA.
- 13.3 No PERSON shall spit at or on any PERSON or in any OPEN SPACE AREA.
- 13.4 A PERSON shall not participate in a fight or other similar physical confrontation in any OPEN SPACE AREA or any PREMISES owned, operated, or managed by the VILLAGE.
- 13.5 Notwithstanding Section 13.4 this prohibition does not apply to participants in an organized sporting event, who are governed by the rules of conduct of that sporting event.
- 13.6 No PERSON shall throw or propel an object, or act in any other way, in an OPEN SPACE AREA or PREMISES owned, operated, or managed by the VILLAGE, that is reasonably likely to cause injury to another PERSON or damage to a PREMISES.
- 13.7 No PERSON shall BULLY any PERSON in any OPEN SPACE AREA or PREMISES owned, operated, or managed by the VILLAGE.
- 13.8 No PERSON shall engage in PANHANDLING within the VILLAGE.
- 13.9 No PERSON shall BUSK within the VILLAGE without authorization of the CAO.

SECTION 14 - EXEMPTIONS & EXCEPTIONS

- 14.1 The provisions of this Bylaw shall not be interpreted in a way that prevents bona fide and lawfully permitted commercial, industrial, agricultural, construction, demolition, renovation, landscaping, clean-up, storage, or other legally approved activities from being carried out on, or in a PREMISES.
- 14.2 An OWNER or Occupant of a PREMISES that legally carries on or permits the carrying on of any of the activities referred to in Section 8 of this Bylaw shall ensure that all reasonable steps are taken to minimize the duration, visual impact of any resulting untidiness or unsightly condition, or any other disturbance.

SECTION 15 – VICARIOUS LIABILITY

- 15.1 For the purposes of this Bylaw an act or omission:
- (a) 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 during the employee’s employment with the PERSON or agent exercising the powers or performing the duties on behalf of the PERSON under their agency relationship.
 - (b) by a corporation;
 - (i) 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 or 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.
 - (c) by a partnership;
 - (i) 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.
- 15.2 Where measures are carried out pursuant to this Bylaw, neither the VILLAGE, their employees nor contractors may be held financially or otherwise liable in any way.

SECTION 16 – ENFORCEMENT

GENERAL

- 16.1 No PERSON shall prevent or obstruct an ENFORCEMENT OFFICER from carrying out their duties as duly authorized by the provisions of this Bylaw or by the provisions of the *MUNICIPAL GOVERNMENT ACT*.
- 16.2 No PERSON shall fail to comply with an ENFORCEMENT ORDER.

INSPECTIONS

- 16.3 An ENFORCEMENT OFFICER may, for the purpose of performing their duties and exercising their powers under this bylaw, at any reasonable hour, after giving reasonable notice to the OWNER or PERSON(s), enter and inspect any lands or PREMISES within the VILLAGE of Beiseker.
- 16.4 Any PERSON who enters PROPERTY to remedy any condition as authorized by this bylaw shall not incur any liability, therefore.
- 16.5 If an ENFORCEMENT OFFICER considers any PREMISES or PROPERTY to be in contravention of any section of this Bylaw, the ENFORCEMENT OFFICER may issue a verbal or written ENFORCEMENT ORDER to the OWNER to remedy any condition(s) of the subject PREMISES or PROPERTY that have been found to be in contravention of this Bylaw.

- 16.6** A PERSON who:
- (a) refuses to allow or interferes with the entry, inspection, enforcement, or action referred to in Section 16; or
 - (b) refuses to produce anything to assist in the inspection, remedy, enforcement, or action referred to in Section 16, the VILLAGE may apply to the COURT for an ORDER under Section 543(2) of the *MUNICIPAL GOVERNMENT ACT*.
- 16.7** Notwithstanding Section 16.3, An ENFORCEMENT OFFICER need not give reasonable notice or to enter the lands at a reasonable hour and may enter onto lands without the consent of the owner or occupant in an emergency or in extraordinary circumstances.

ENFORCEMENT ORDER (APPENDIX "A")

- 16.8** Where PREMISES are found to be in violation of any provisions of this Bylaw, the ENFORCEMENT OFFICER in accordance with Section 545 or 546 of the *MUNICIPAL GOVERNMENT ACT* issue a written ENFORCEMENT ORDER to the OWNER of the PREMISES to remedy the condition on the PREMISES which violates this bylaw.
- 16.9** An ENFORCEMENT ORDER written pursuant to Section 16.5 may:
- (a) direct a PERSON to stop doing something or to change the way in which the PERSON is doing it; and
 - (b) direct the OWNER of a building in disrepair, to eliminate the danger to public safety in the manner specified, or remove and demolish the building and level the site; and
 - (c) direct the OWNER of the PREMISES that contains an excavation or hole, to eliminate the danger to public safety in a specified manner or fill in the excavation or hole and level the site.
- 16.10** Each ENFORCEMENT ORDER shall:
- (a) describe the PREMISES by its Municipal address; and
 - (b) identify the date that it is issued; and
 - (c) state how the PREMISES contravenes the provisions of this Bylaw; and
 - (d) provide any actions or measures required to be taken to remedy the contraventions of this Bylaw;
and
 - (e) state the time within which a PERSON must comply with the directions; and
 - (f) state that if all the required actions are not done within the time specified the VILLAGE may;
 - (i) carry out the actions required and charge the cost thereof against the OWNER; and/or
 - (ii) cause a VIOLATION TAG to be served upon the OWNER; and/or
 - (iii) cause a VIOLATION TICKET to be served upon the OWNER pursuant to *the PROVINCIAL OFFENCE PROCEDURE ACT*.

SERVICE OF AN ORDER

- 16.11** Service of an ENFORCEMENT ORDER upon an OWNER shall be sufficient if it is:
- (a) personally, served upon the OWNER; or
 - (b) served by regular mail to the last address on the VILLAGE tax roll; or
 - (c) served personally upon an occupant of the PREMISES who is eighteen (18) years of age or older, or upon an agent or employee of the OWNER, or upon a PERSON apparently in charge of the PREMISES, if the PREMISES is not occupied by the OWNER; or
 - (d) posted in a conspicuous place on the PREMISES to which the ENFORCEMENT ORDER relates; or
 - (e) posted in a conspicuous place on the private dwelling place of the OWNER of the PREMISES that is in contravention.
- 16.12** An ENFORCEMENT ORDER is deemed to be served:
- (a) upon the expiry of three (3) days after the order is posted in a conspicuous place; or
 - (b) on the day it is left with the OWNER or PERSON as described in Section 16.10; or
 - (c) seven (7) days after mailing, when mailed by regular mail to the OWNER.
- 16.13** Service of an ENFORCEMENT ORDER to a Company or Corporation or other such entity, shall be sufficient if it is:
- (a) served by physically delivering it to any director or officer of the company, or corporation, or other entity; or
 - (b) served by physically delivering it to a PERSON apparently in charge of an office of the company, corporation, or other entity, at an address held out by the company, corporation, or other alien to be its address; or
 - (c) by regular mail addressed to the registered office of the company, corporation, or other entity.
- 16.14** An Application for an extension of the deadline prescribed by an ENFORCEMENT ORDER for the completion of the remedial action required may be applied for in writing to the ENFORCEMENT OFFICER who issued the said Order within seven (7) days from the time of mailing of the Order, or the extension request may be received by phone and must include the reasons why the deadline extension is required. Any such deadline extension authorized by the ENFORCEMENT OFFICER may not extend more than thirty (30) days past the original prescribed deadline for completion, and any such extension is issued at the sole discretion of the ENFORCEMENT OFFICER.
- 16.15** Notwithstanding Section 16.14 of this Bylaw, where an OWNER of a PREMISES is issued an Order in relation to non-compliance with Section 9 (Storing Material, VEHICLES, or Equipment on VILLAGE PROPERTY) and Section 11 (Removal of GRAFFITI) of this Bylaw the deadline for completion of the remedial action shall be no longer than seven (7) days from the date the Order was issued, and an application for a deadline extension pursuant to Section 16.14 of this Bylaw is not permitted.
- 16.16** Where the Specified Remedial Action is not completed on or before the deadline prescribed by an ENFORCEMENT ORDER issued in relation to non-compliance of this Bylaw, the VILLAGE may take all necessary and reasonable measures to remedy the subject non-compliant conditions. All VILLAGE expenses and costs incurred, including an Administration Fee, associated with the subject remediation is a debt owing to the VILLAGE and will be subject to cost recovery proceedings.

- 16.17** Where an ENFORCEMENT ORDER has been previously issued to an OWNER of a PREMISES pursuant to this Bylaw in relation to non-compliance, and if another similar non-compliant condition has occurred within a six (6) month period, the necessary and required remedial action may be undertaken by the VILLAGE. No further ENFORCEMENT ORDER will necessarily be issued under these circumstances. All VILLAGE expenses and costs incurred, including an Administration Fee, associated with the subject remediation is a debt owing to the VILLAGE and will be subject to cost recovery proceedings.
- 16.18** Where remedial measures are carried out by the VILLAGE pursuant to Section 16.16 or Section 16.17 of this Bylaw, neither the VILLAGE nor any employees or contractors thereof may be held financially liable in any way in relation to any such remedial actions taken.

APPEALS

- 16.19** Where an ENFORCEMENT ORDER is issued pursuant to this Bylaw, excluding ENFORCEMENT ORDERS issued in relation to non-compliance with Section 4 (WEEDS, Grass and Trees) and Section 9 (Storing Material, VEHICLES or Equipment on VILLAGE PROPERTY) of this Bylaw, the ENFORCEMENT ORDER may be appealed to COUNCIL, by delivering a written Appeal in Appendix "B" with the payment of the Administration Fee in Schedule "A" to the VILLAGE Office within seven (7) days of the due date stated in the subject ENFORCEMENT ORDER. The appeal must be fully completed and provide a detailed basis for the appeal. The appeal must be made by the PERSON to whom the subject ENFORCEMENT ORDER was directed, or their authorized designates.
- 16.20** Upon receipt of an appeal submitted pursuant to Section 16.19, COUNCIL, at the next regularly scheduled Council Meeting, will review the subject ENFORCEMENT ORDER, the Enforcement file, the Bylaw, the appeal, and any materials provided therewith. The COUNCIL may decide to uphold, vary, or revoke the subject ENFORCEMENT ORDER, and the CAO will communicate such decision to the appellant in writing within five (5) of the decision of COUNCIL. The decision mailed will be deemed served seven (7) days after mailing.
- 16.21** Where an Appeal of an ENFORCEMENT ORDER is submitted in accordance with the provisions of Section 16.19 of this Bylaw, the time period remaining before the expiry of the deadline for compliance as prescribed by the subject ENFORCEMENT ORDER shall be suspended until the final determination of the appeal has been provided to the appellant.

ISSUANCE OF VIOLATION TAG OR VIOLATION TICKET

- 16.22** An ENFORCEMENT OFFICER is authorized to issue a VIOLATION TAG or VIOLATION TICKET to any PERSON that the ENFORCEMENT OFFICER believes, on reasonable and probable grounds, has contravened any provision of this Bylaw or failed to comply with an ENFORCEMENT ORDER.
- 16.23** Where an ENFORCEMENT OFFICER has reasonable grounds to believe that a PERSON has contravened any provision of this Bylaw, the ENFORCEMENT OFFICER may commence proceedings against such PERSON by:

- (a) in lieu of prosecution, issuing the PERSON a VIOLATION TAG in a form approved by the CAO and pursuant to this Bylaw; or
- (b) issuing the PERSON, a VIOLATION TICKET pursuant to the provisions of the *Provincial Procedure Act*;
or
- (c) swearing out an INFORMATION and COMPLAINT against the PERSON pursuant to the provisions of the *Provincial Procedure Act*.

16.24 A VIOLATION TAG may be issued to a PERSON in PERSON, or by mailing a copy to the PERSON at his or her last known address.

A VIOLATION TAG is deemed served seven (7) days from the date it was issued.

16.25 If the penalty specified on the VIOLATION TAG served to a PERSON is not paid within a prescribed time period, the ENFORCEMENT OFFICER is authorized is to issue a VIOLATION TICKET pursuant to the *Provincial Offences Procedures Act*

16.26 Notwithstanding any other provision of this Bylaw, an ENFORCEMENT OFFICER is authorized to immediately issue a VIOLATION TICKET pursuant to *the Provincial Offences Procedures Act*.

16.27 Nothing in this Bylaw shall prevent an ENFORCEMENT OFFICER from issuing a VIOLATION TICKET for the mandatory COURT appearance of any PERSON who contravenes any provision of this Bylaw.

SECTION 17 - GENERAL PENALTY PROVISION

17.1 Any PERSON that violates any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of \$10,000 or in default of payment of the fine to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts.

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

17.3 Any PERSON who is found in contravention of the same section of this bylaw on more than one occasion will be liable to an increased penalty for that contravention if the section violated in Schedule "A" stipulates increased fines for second and third offences.

17.4 No provision of this Bylaw nor any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude an ENFORCEMENT OFFICER or the VILLAGE from pursuing any other action or remedy in relation to a PERSON, PREMISES, or NUISANCE as provided by the provisions of the MUNICIPAL GOVERNMENT ACT, any other law of the Province of Alberta, or any other Bylaw of the VILLAGE.

SECTION 18 - MINIMUM AND SPECIFIED PENALTIES

- 18.1 The specified and minimum penalties, and penalties in lieu of prosecution payable for a violation of any of the provisions of this Bylaw are as is set out in “Schedule “A”, which is hereunto attached to and forms part of this Bylaw, and which may be amended from time to time by a resolution of VILLAGE COUNCIL.
- 18.2 Where any Person contravenes the same provision of this Bylaw twice within a three (3) month period, the specified penalty payable in respect of the second contravention is double that amount shown in Schedule “A” of this Bylaw.
- 18.3 Where any Person contravenes the same provision of this Bylaw three or more times within a twelve (12) month period, the specified penalty payable in respect of the third or subsequent contravention is triple the minimum penalty amount of the fine as shown in Schedule “A” of this Bylaw.
- 18.4 A VIOLATION TICKET issued pursuant to the *Provincial Offences Procedures Act* pleads guilty by making a voluntary payment in respect to the summons, by delivering it to the Provincial COURT on or before the initial appearance date the VIOLATION TICKET together with the amount equal to the specified penalty for the offence provided for in schedule “A” of this Bylaw.
- 18.5 Any PERSON who is guilty by way of summary conviction of an offence under the provisions of this Bylaw shall be liable for a fine of not less than the amount specified for that breach of this Bylaw.

SECTION 19 - SEVERABILITY

- 19.1 It is the intention of VILLAGE COUNCIL that each provision of this Bylaw should be considered as being separate and severable from all other provisions. Should any section or provision of this Bylaw be found to have been improperly enacted, or otherwise of no force or effect, then such section or provision shall be regarded as being severable from the remainder of this Bylaw, and that the Bylaw remaining after such severance shall remain of full force and effect.

SECTION 20 - STRICT LIABILITY OFFENCE

- 20.1 It is the intention of VILLAGE COUNCIL that all offences created by this Bylaw be interpreted to be strict liability offences.

SECTION 21 - REPEAL OF PRIOR BYLAWS

- 21.1 The following Bylaws are hereby rescinded on the date that this Bylaw comes into force and effect:
Bylaw 2016-04 Community Standards Bylaw
Bylaw 2005-06 Noise Bylaw
Bylaw 2006-13 Curfew Bylaw

SECTION 22 - EFFECTIVE DATE

22.1 This bylaw shall come into force and effect upon it receiving third reading by COUNCIL.

READ A FIRST TIME this 24TH day of April, 2023

READ A SECOND TIME this 15th day of May, 2023

READ A THIRD AND FINAL TIME this 15th day of May, 2023

Mayor

Chief Administrative Officer

SCHEDULE “A”

SECTION	DESCRIPTION	MINIMUM PENALTY	MAXIMUM PENALTY
	Administration Appeal Fee (See Section 16.8) \$100.00		
	<u>SECTION 3 - GENERAL PROHIBITION (including prohibited items)</u>		
3.1	allow that PROPERTY to become or continue to be Unightly or a Nuisance	\$250.00	\$500.00
3.2	allow that PROPERTY to become or continue to be a risk of danger to the public, themselves, or to other PREMISES or PROPERTY	\$500.00	\$1,000.00
3.3	fail to ensure that ALLEYSWAYS that are adjacent to the PROPERTY are kept clear of, LITTER, WEEDS, GRASS, VEHICLES, or any type of STRUCTURE	\$250.00	\$500.00
3.4	allow any LITTER, or any type of materials placed in a WASTE RECEPTACLE to accumulate to the extent that it becomes unsightly or otherwise detrimental to adjacent or neighbouring properties or Public Lands	\$250.00	\$500.00
3.5	allow any LITTER or any type of materials to be placed in a VEHICLE or trailer located on any HIGHWAY located within the VILLAGE of Beiseker for a period of no longer than seven (7) days without prior permission of the VILLAGE	\$250.00	\$500.00
3.6	allow any LITTER, or any type of materials stored on a PROPERTY or HIGHWAY to remain uncovered and must be completely secured such a manner escape, blow, drop, spill, or fall onto other lands or HIGHWAY	\$250.00	\$500.00
3.7	place, deposit, throw or cause to be placed, deposited, or thrown any LITTER, or other substance upon any HIGHWAY, public parking lot or Public Lands	\$250.00	\$500.00
3.8	permit the accumulation dirt, stones, old implements, automobiles, and parts of automobiles, trailers and campers, scrap iron, lumber, BUILDING MATERIALS, or any other LITTER that causes any unsightly condition or hazard or nuisance	\$250.00	\$500.00
3.9	conduct a business without having a development permit from the VILLAGE of Beiseker	\$250.00	\$500.00
3.10	allow any activity or conduct of any PERSON occupying or using the PREMISES to become or continue to be a nuisance or a risk of danger to the public, or otherwise interfere with other PERSON’s repose, comfort or peaceful enjoyment of their PROPERTY	\$250.00	\$500.00
3.11	allow open or exposed storage of any industrial fluid, including but not limited to engine oil, brake fluid, battery fluid, or antifreeze	\$250.00	\$500.00
3.12	allow or cause opaque or dense smoke or dust to be emitted into the atmosphere from any lands, buildings, or PREMISES within the VILLAGE of Beiseker	\$250.00	\$500.00
3.13	fail to prevent stagnant water from remaining on any such PROPERTY that potentially becomes a breeding place for mosquitoes or other Pests	\$250.00	\$500.00
3.14	permit the accumulation of Animal Material on the PROPERTY	\$250.00	\$500.00
3.15	allow a VEHICLE or RECREATIONAL VEHICLE, RECREATIONAL VEHICLE OR UTILITY TRAILER to be parked on any part of a PROPERTY except on a driveway or an approved parking pad	\$250.00	\$500.00
3.17	allow a refrigerator or freezer to remain on the exterior of the PREMISES without first ensuring that the appliance is in working condition, and that it is not visible to a PERSON viewing from outside the PROPERTY, and that the door	\$250.00	\$500.00

	to the refrigerator and/or freezer is securely locked		
<u>SECTION 4 - WEEDS, GRASS, AND TREES</u>			
4.1	fail to CONTROL grass, trees, saplings, shrubs, and any WEEDS on their PREMISES	\$250.00	\$500.00
4.2	fail to CONTROL grass, trees, saplings, shrubs, or any WEEDS on a Boulevard which is adjacent to their PREMISES	\$250.00	\$250.00
4.3	fail to CONTROL grass, trees, saplings, shrubs, or any WEEDS in any ALLEYWAYS adjacent to PREMISES they own or occupy	\$250.00	\$500.00
4.4	fail to maintain the PREMISES in a PARK LIKE manner	\$250.00	\$500.00
4.6	fail to maintain hedge height used as fencing or screening	\$250.00	\$500.00
4.8	fail to remove any trees, saplings, shrubs, or parts thereof that overhang or encroach upon public PROPERTY;	\$250.00	\$500.00
4.9	allow trees / vegetation growing on the PREMISES interferes with or endangers the lines, poles, conduits, pipes, sewers, or other public utilities within the VILLAGE	\$500.00	\$1,000.00
4.10	fail to ensure that;		
	(a) any tree branches that overhang a HIGHWAY or ALLEYWAY are pruned to a height of at least 4.27 meters (14 feet), and encroach over the PROPERTY line obstructing flow of traffic	\$250.00	\$500.00
	(b) any tree branches that overhang a sidewalk shall be pruned to a height of at least 2.14 meters (7 feet) and shall not encroach over the sidewalk to obstruct or prevent the flow of pedestrian traffic	\$250.00	\$500.00
4.11	allow to go unchecked, any blight or disease of trees or shrubs or vegetable or plant life that is liable to spread to other trees or shrubs or plant life within the VILLAGE	\$500.00	\$1,000.00
4.13	plant or CONTROL any trees or bushes on any PUBLIC LANDS	\$250.00	\$500.00
4.14	fail to ensure that any accumulation of dead grass, brush or other vegetation is not removed from the PREMISES, or that is otherwise CONTROLLED	\$500.00	\$1000.00
SECTION 5 - GENERAL PROPERTY AND BUILDING MAINTENANCE STANDARDS			
		\$250.00	\$500.00
5.1	permit any building, STRUCTURE, or erection of any kind whatsoever, or any excavation, depression, drain or ditch, watercourse, pond, surface water, LITTER, or other matter or thing upon private lands, HIGHWAYS or in or about any building, to be or to remain a nuisance or danger to public health or safety	\$500.00	\$1,000.00
5.2	fail to maintain buildings or a STRUCTURE on the property	\$250.00	\$500.00
5.3	fail to ensure any Vacant Building on a PROPERTY is always secured sufficient to prevent unauthorized entry	\$250.00	\$500.00
SECTION 6 – VEHICLES/ RECREATIONAL VEHICLE AND EQUIPMENT			
6.1	Keep any VEHICLE/ RECREATIONAL VEHICLE/UTILITY TRAILER outside of a building on the PREMISES, not on an approved parking pad	\$250.00	\$500.00
6.2	store a VEHICLE/ RECREATIONAL VEHICLE less than three (3) meters (9.84 feet) from a permanent STRUCTURE without all wheels and tires attached	\$250.00	\$500.00
6.3	conduct any routine maintenance, personal auto body work, frame repairs, collision repair, auto painting or modifications to the body of a VEHICLE or	\$250.00	\$500.00

	RECREATIONAL VEHICLE or the rebuilding of a VEHICLE or RECREATIONAL VEHICLE on a RESIDENTIAL PROPERTY where conditions of Section 6.4 are not complied with.		
6.5	permit a VEHICLE/ RECREATIONAL VEHICLE located on the PREMISES to create or emit NOISE that disturbs or annoys a PERSON	\$250.00	\$500.00
	<u>SECTION 7 - SALVAGE OR PARTS YARDS</u>		
7.1	fail to screen an outdoor salvage yard, auto wreckers, or other businesses, which by their nature appear to be untidy or unsightly	\$500.00	\$1,000.00
	<u>SECTION 8 – CONSTRUCTION SITES</u>		
8.1	fail to ensure all BUILDING MATERIALS and waste BUILDING MATERIALS on the PREMISES are contained and secured	\$250.00	\$500.00
8.2	fail to ensure that waste BUILDING MATERIALS and other LITTER are contained in an approved, adequate, and secured WASTE RECEPTACLE and emptied within seventy-two (72) hours of it becoming full	\$250.00	\$500.00
8.3	fail to ensure that the PROPERTY, BUILDING MATERIALS and equipment are kept in an orderly fashion, and free of excessive amounts of LITTER and BUILDINGS MATERIALS	\$250.00	\$500.00
8.5	cause or permit any construction project a start time before 8:00 AM or after 9:00 PM	\$250.00	\$500.00
8.6	operate or carrying on of a construction, renovation or demolition project making more NOISE than necessary in the normal method of performing or carrying on that project	\$250.00	\$500.00
	<u>SECTION 9 - STORING MATERIAL, VEHICLES OR EQUIPMENT ON VILLAGE PROPERTY</u>		
9.1	place, pile, or store any material, VEHICLES or equipment on VILLAGE owned PROPERTY	\$250.00	\$500.00
	<u>SECTION 10 - PLACARDS, POSTER, OR PLAYBILLS</u>		
10.1	place, post, or erect, or cause, permit or allow to be posted or exhibited, on any wall, PROPERTY, fence, park, or land owned by the VILLAGE/ Public Utility pole/ Traffic CONTROL Device and or adjacent to a HIGHWAY or public place	\$150.00	\$300.00
	<u>SECTION 11 - GRAFFITI PREVENTION AND ABATEMENT</u>		
11.1	create or apply GRAFFITI on or to any PREMISES, STRUCTURE, VEHICLE	\$250.00	\$500.00
11.2	fail to ensure that any GRAFFITI, is removed, painted over, or otherwise eliminated more than seven (7) days after being notified by an ENFORCEMENT OFFICER	\$500.00	\$1,000.00
	<u>SECTION 12 - OPEN SPACES</u>		
12.2	within an OPEN SPACE AREA; camp, erect a tent or build or place any structure	\$250.00	\$500.00
12.3	operate sound amplifying equipment or make any NOISE from any park or other public space causing a disturbance without CAO approval	\$250.00	\$500.00
12.4	ignite or allow a fire to burn in an OPEN SPACE AREA	\$500.00	\$1,000.00
12.5	operate any barbeque or stove in any OPEN SPACE AREA	\$250.00	\$500.00

12.6	engage in any conduct or activity in any OPEN SPACE AREA which may:		
	(a) Injure any other user of an open space;	\$500.00	\$1,000.00
	(b) disturb the use or enjoyment of the open space by any other user of an open space;	\$250.00	\$500.00
	(c) damage an open space or an amenity in an open space; or	\$500.00	\$1,000.00
	(d) be inconsistent with the purpose of an open space	\$250.00	\$500.00
	<u>SECTION 13 – PUBLIC BEHAVIOUR</u>		
13.1	conduct or behave in a manner that unreasonably disturbs other PERSONS in the VILLAGE or unreasonably interferes with the other PERONS’ enjoyment within the VILLAGE	\$250.00	\$500.00
13.2	urinate, defecate, or deposit any human waste in any OPEN SPACE AREA	\$500.00	\$1,000.00
13.3	spit at or on any PERSON or in any OPEN SPACE AREA	\$250.00	\$500.00
13.4	participate in a fight or other similar physical confrontation in any OPEN SPACE AREA or any PREMISES owned, operated, or managed by the VILLAGE	\$500.00	\$1,000.00
13.6	throw or propel an object, or act in any other way, in an OPEN SPACE AREA or PREMISES owned, operated, or managed by the VILLAGE, that is likely to cause injury to another PERSON or damage to a PREMISES	\$500.00	\$1,000.00
13.7	BULLY any PERSON in any OPEN SPACE AREA or PREMISES owned, operated, or managed by the VILLAGE	\$250.00	\$500.00
13.8	engage in PANHANDLING within the VILLAGE	\$250.00	\$500.00
13.9	BUSK within the VILLAGE without authorization of the CAO	\$250.00	\$500.00
	<u>SECTION 16 – ENFORCEMENT</u>		
16.1	prevent or obstruct an ENFORCEMENT OFFICER from carrying out their duties	\$500.00	\$1,000.00
16.2	fail to comply with an ENFORCEMENT ORDER	\$500.00	\$1,000.00



APPENDIX "A"

ENFORCEMENT SERVICES
403-947-3774 OFFICE 403-807-9838
bylaw@beiseker.com

ENFORCEMENT ORDER
Section 545/546 Municipal Government Act

(SAMPLE)

HAND DELIVERED _____

REGULAR MAIL _____

MAILED: _____

[Person(s) Responsible]
[insert address or addresses]
Dear Sir/Madam:

Re: [Summary of Contravention]

In my capacity as Designated Officer, I hereby issue this Order pursuant to s.545/546 of the *Municipal Government Act*, to the above-named parties, as a person [*or persons*] responsible for contraventions of the following sections of Bylaw [*insert bylaw name and number*]:

[insert the section numbers and summary of the contraventions]

Section 545 of the Municipal Government Act states that:

- (1) If a designated officer finds that a person is contravening this or any other enactment that the municipality is authorized to enforce or a bylaw, the designated officer may, by written order, require the person responsible for the contravention to remedy it if the circumstances so require.
- (2) The order may
- (a) direct a person to stop doing something, or to change the way in which the person is doing it;
 - (b) direct a person to take any action or measures necessary to remedy the contravention of the enactment or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and, if necessary, to prevent a re-occurrence of the contravention;
 - (c) state a time within which the person must comply with the directions;
 - (d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

Section 546 of the Municipal Government Act states that:

- (a) "detrimental to the surrounding area" including the decline of market value of property in the surrounding area;
- (b) "unsightly condition"
 - (i) in respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, and;
 - (ii) in respect of land, includes land that shows signs of serious disregard for general maintenance or upkeep.

As a Designated Officer for the Village of Beiseker I have determined that the above reference bylaw section(s) have been contravened on the following basis:

[A summary of the evidence of the contraventions]

You are hereby ordered to comply with the **[bylaw]** by completing the following within the time limits imposed by this Order:

[insert requirements in detail.]

The above steps must be fully completed on or before

[insert relevant deadlines]

Pursuant to s. 549/550 of the *Municipal Government Act*, you are hereby advised that the **Village of Beiseker** may take whatever actions or measures as are necessary to eliminate contravention and prevent its reoccurrence. If you do not comply with this Enforcement Order within the specified time, the **Village of Beiseker** will take whatever actions the Municipality determines to be necessary to remedy the contraventions set out in this Order, at your expense. This may include commencing an application in the Court of King's Bench under section 554 of the *Municipal Government Act*, for a permanent injunction and other orders necessary to address the contraventions. Please be advised that the expenses and costs of actions or measures taken by the **Village of Beiseker** under this section are an amount owing to the **Village of Beiseker** by the person or person to whom this Order has been issued.

Pursuant to s.553, costs and expenses incurred by the **Village of Beiseker** may be added to the tax roll of the lands owned by the recipient(s) of this Order, where the contravention is occurring on all or part of the Lands.

An owner or occupier or other person to whom this Enforcement Order is directed and who considers themselves aggrieved by the Enforcement Order, may by written notice request that Council of the **Village of Beiseker** review the Order within fourteen (14) days of the date the Order is received. This appeal shall be sent to the **Village of Beiseker** at the following address:

PO Box 349 700 – 1 Avenue Beiseker, AB T0M 0G0

ATTN: CAO

Yours truly,
Beiseker Enforcement Services

Name: #
Community Peace Officer

APPENDIX "B"
NOTICE OF APPEAL

(Pursuant to Section 547(1) of the MUNICIPAL GOVERNMENT ACT)

If you wish to have an Order given pursuant to Section 545 or Section 546 of the MUNICIPAL GOVERNMENT ACT reviewed, you must deliver this Notice to the Chief Administrative Officer for the VILLAGE of Beiseker within seven (7) days after receipt of the Order.

**TO: Chief Administrative Officer
VILLAGE of Beiseker
P.O. Box 349
700 – 1st Avenue
Beiseker, Alberta
T0M 0G0**

I, _____, having been named in an ENFORCEMENT ORDER # _____
(Name of OWNER)

_____, relating to PROPERTY at: _____
(Date) (Municipal Address)

in the VILLAGE of Beiseker. I hereby request a review of the ENFORCEMENT ORDER by the VILLAGE OF BEISEKER COUNCIL. I would like COUNCIL to consider the following reasons for this review:

MAILING ADDRESS: _____

PHONE NUMBERS: _____

DATE: _____ SIGNED: _____



APPENDIX "C"

**BUSKING APPLICATION
Performer Information**

Full Name _____

If under 18 years of age _____ Name of Guardian _____

Group or performance name _____

Group Members _____

Address _____ City _____ Province _____

Postal Code _____ Primary Phone _____ Secondary _____

Phone _____ Email Website _____ Emergency Contact _____

Name: _____ Phone: _____

Entertainment Information

MUSICAL Performance _____ ART Performance _____ OTHER (specify) _____

Brief Description (including any items used i.e., instruments, art supplies, props, amplification)

Performance Experience (training or previous experience)

Conditions

1. All performances must be suitable for a family audience
2. Buskers will have a neat and clean appearance
3. Buskers may not use drugs or alcohol or appear intoxicated
4. Buskers must demonstrate a reasonable degree of proficiency in their performance
5. Aggressive or persistent solicitation of donations is not permitted
6. The Village of Beiseker reserves the right, at their discretion, to halt performances for any reason
7. The Village of Beiseker is not liable for any loss or damage
8. Buskers must agree to all rules and regulations and sign the Buskers License Agreement.

THE VILLAGE OF BEISEKER BUSKING LICENSE

Dated this ____ Day of ____ 20____,

BETWEEN:

THE VILLAGE OF BEISEKER

700 – 1 Avenue Beiseker, AB T0M 0G0
Tel: (403) 947-3774 Fax: (403) 947-2146
(Hereinafter referred to as “the Licensor”)

AND:

NAME: _____
ADDRESS: _____
PHONE: _____
EMAIL: _____

(Hereinafter referred to as the “the Licensee”)

The Licensee is welcome to perform within the Village of Beiseker with the understanding that the following Rules & Regulations must be always abided by, and the terms of this Agreement are binding, upon execution by the Licensee.

- 1) PREMISES. The Licensee is permitted to perform only in the designated busking area. The Licensor reserves the right to restrict times and locations of permitted performances, without notice.
- 2) CONDUCT. The Licensee will perform on the Premises in a professional manner. The Licensee may open his/her music case or set up a small canister to receive donations. The Licensee MAY NOT SOLICIT donations. The Licensee will not engage in any practice of unethical or deceptive advertising or behaviour which would, in the opinion of the Licensor, tend to lower the character of the Village of Beiseker. When asked, the Licensee must identify him or herself to any Village of Beiseker maintenance, security, management, and staff. Under no circumstances is the Licensee permitted to sell, advertise, or solicit any products, services, or business otherwise.
- 4) EQUIPMENT. The Licensee can only use electronic equipment such as amplifiers and/or microphones in designated locations. Drums and brass instruments must be pre-approved. The Village of Beiseker is not responsible for any lost, stolen, or damaged equipment.
- 5) PREMISES. The Licensee will maintain the Premises in a neat and tidy condition and will not make any alterations to the premises or within the Village of Beiseker.
- 6) SIGNAGE. The Licensee will not put up any signage without prior permission.

7) HOURS OF BUSINESS. The Licensee will conduct business on the Premises only during the hours which has been permitted by the Licensee.

8) INDEMNITY. The Licensee will indemnify the Licensor and save it harmless from and against any and all claims, actions, damages, liability and expenses, including lawyer's and other professional fees, in connection with loss of life, personal injury, damage to property and/or any other loss or injury whatsoever arising from or out of the occupancy or use by you within the Village of Beiseker occasioned wholly or in part by any act or omission of the Licensee, its officers, agents, contractors, employees, or by anyone permitted by the Licensee to be on the Premises. The Licensee will also pay all costs, expenses and legal fees incurred by the Licensor in enforcing the covenants and agreements in this License Agreement.

9) MISCELLANEOUS. The Licensor will always abide by all the above stated rules and regulations. It is understood that any reference herein to Licensee, applies directly to party names above. The Licensor or Licensor's representative including maintenance, security or management may ask the Licensee to stop performance at any time due to excessive volume, inappropriate content, or for any other reason at the sole discretion of the Licensor, or its representatives.

10) TERMINATION. The Licensor reserves the right to terminate and may revoke the Licensee's approval to perform, at any time, without prior notice or explanation. Upon revoking of this Agreement by the Licensor, it is deemed to be terminated and expired. Further renewal of the Agreement must then be discussed with the Village of Beiseker.

LICENSEE: Name: _____

Signature: _____

Date: _____

LICENSOR: THE VILLAGE OF BEISEKER

Title: _____

Signature: _____

Date: _____

FOR OFFICE USE ONLY Renewal
 Application attached.

New permit

Permit No.:

Approval: Expiry:

Commencement:
