

**TOWN OF TURNER VALLEY
BYLAW NO. 20-1107**

PROPERTY RESPONSIBILITY BYLAW

Being a bylaw to regulate and abate nuisance and Unsightly Premises and to require timely snow removal within the Town of Turner Valley, Alberta.

WHEREAS Section 7 of the Municipal Government Act, R.S.A. 2000, Chapter M-26 permits the Council to pass bylaws respecting nuisances, including unsightly property; the safety, health, and welfare of people; and the protection of people and property; and

WHEREAS the Council deems it necessary to provide for an efficient means of regulating and encouraging the abatement of Unsightly Premises & related nuisances within the Town of Turner Valley; and

WHEREAS the Council deems it necessary to require the timely removal of ice and snow from the sidewalks located within the Town of Turner Valley; and

WHEREAS the Council deems it necessary to provide guidelines for the enforcement of this bylaw.

NOW, THEREFORE, the Council of the Town of Turner Valley in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE

This Bylaw may be cited as the "Property Responsibility Bylaw".

2. DEFINITIONS

2.1 In this Bylaw, unless the context otherwise requires:

- (a) **"Animal Material"** means any animal excrement, offal, carcasses or parts thereof, and includes all material accumulated on a premise from the operation of pet pens, pet yards, kennels, stables, veterinary clinics or animal hospitals;
- (b) **"Ashes"** means the powdery residue accumulated on a premise left after the combustion of any substance and includes any partially burnt wood, charcoal or coal;

- (c) **"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 during such construction, renovation or demolition;
- (d) **"Chief Administrative Officer"** means a Municipal official employed by the Town of Turner Valley in the position Chief Administrative Officer or, in his/her absence, the Person appointed as Acting Chief Administrative Officer;
- (e) **"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 Town, or self-generated by an Enforcement Officer in order to prevent continued or further contravention of the provisions of this Bylaw;
- (f) **"Control"** in reference to weeds and grass means to:
 - i. Cut, mow, or carry out other measures designed to inhibit propagation of the weed, or the excessive growth of grass; or
 - ii. Destroy the weed if specified by a Community Peace Officer, Bylaw Enforcement Officer or Weed Inspector employed by the Town of Turner Valley; or
 - iii. Carry out other measures as prescribed by a Community Peace Officer, Bylaw Enforcement Officer or Weed Inspector employed by the Town of Turner Valley;
- (g) **"Council"** means the Council of the Town of Turner Valley;
- (h) **"Court"** means the Provincial Court of Alberta, or such other Court as may have jurisdiction to hear any relevant matter arising out of this Bylaw.
- (j) **"Enforcement Guidelines"** means an articulate set of criteria, made pursuant to this bylaw, to assist in determining the expectations and responsibilities of property Owners, and to assist Enforcement Officers in assessing and addressing a reported contravention of this Bylaw.
- (k) **"Enforcement Officer"** means a Community Peace Officer, Bylaw Enforcement Officer, RCMP Constable or other Person appointed by the Town and who is authorized to enforce Bylaws of the Town of Turner Valley;
- (l) **"Garbage"** means any household or commercial rubbish including, but not limited to, boxes, cartons, bottles, cans, containers, packaging, wrapping material, waste paper, cardboard, food, organic waste, discarded clothing or fabric and any other discarded household or commercial items;

- (m) **"Graffiti"** means words, figures, letters or drawings scribbled, scratched, painted or sprayed upon any surface without the consent of the Owner of the building or other surface upon which such Graffiti has been placed;
- (n) **"Including or Includes"** when introducing a list of items, does not limit the meaning of the words to those items or to items of a similar kind;
- (o) **"Municipal Government Act"** means the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended or replaced from time to time;
- (p) **"Owner"** of a property or Premises means:
 - (i) a Person who is shown as the Owner of the property on the subject Land Title;
 - (ii) a Person who is recorded as the Owner of the property on the tax assessment roll of the Town;
 - (iii) a Person who is an occupant of the property or Premises pursuant to a rental or lease agreement, licence or permit, or who otherwise occupies the property or Premises with the permission or consent of the legal Owner;
 - (iv) 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;
 - (v) 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;
 - (vi) a Person controlling or managing the property or Premises under construction;
- (q) **"Notice"** means a written Notice issued pursuant to Section 11 of this Bylaw, or an Order issued pursuant to the provisions of the Municipal Government Act of Alberta, to remedy any condition of a property or Premises that is not in compliance with any provision of this Bylaw;
- (r) **"Person"** means an individual or any other legal entity including a firm, partnership, joint venture, proprietorship, corporation, association, or society;
- (s) **"Premises"** means the lands, buildings, and other structures located within the property lines of any property situated in whole or in part within the Town, and includes any land or buildings owned or leased by the Town;
- (t) **"Provincial Offences Procedure Act"** means the *Provincial Offences Procedure Act*, R.S.A. 2000, Chapter P-34, and the regulations thereof, as amended or replaced from time to time;

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- (u) **"Residential Building"** means a permanent or semi-permanent structure that is used as a residence, including a house, multi-family dwelling, condominium complex, apartment building, hospital, lodging house, hotel, motel, or mobile/manufactured home, and includes a trailer, motor home, camper or tent that is lawfully situated on private property or within an approved and designated campground;
- (v) **"Residential Development"** 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;
- (w) **"Town"** means the municipal corporation of the Town of Turner Valley in the Province of Alberta, or the area located within the Town of Turner Valley's corporate limits, as the context requires;
- (x) **"Trailer"** has the same meaning as defined in the Traffic Safety Act R.S.A. 2000, Chapter T-6
- (y) **"Unightly 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 includes:
- (z) Any land upon which there is an excessive, unusual, or unreasonable accumulation of:
 - i. Animal material, Yard Material, Building Material, Garbage, human excrement, sewage, hazardous materials, piles of soil, clay or rubble, petroleum products, metal, plastics, fabrics, used containers, paper products, or any other form of scrap, litter, trash, junk, or waste of any kind;
 - ii. parts of disassembled Vehicles (including tires/wheels), appliances, machinery, equipment, or power tools;
 - iii. surplus, disused, damaged or stored household or commercial chattels; or
 - iv. surplus, disused, damaged or stored Vehicles, trailers, motorcycles, bicycles and recreational Vehicles, including 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.

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- (aa) Any building, structure, or other improvement that exhibits significant physical deterioration, including buildings and structures that suffer from:
 - i. broken (or missing) windows, siding, shingles, shutters, eaves, roofing or finishing materials; or
 - ii. clearly visible exterior or structural deterioration, damage or decay, including significant fading, chipping or peeling of painted surfaces;
- (bb) **"Vehicle"** has the same meaning as defined in the *Traffic Safety Act*, R.S.A. 2000, Chapter T-6, and includes any motorized Vehicle that is in an inoperable condition or is unable to be moved under its own power;
- (cc) **"Violation Tag"** means a tag or similar document issued by the Town pursuant to the provisions of the Municipal Government Act.
- (dd) **"Yard Material"** 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 and weeds.

3. GENERAL PROHIBITION

- 3.1 No Owner or Owners of Premises shall cause, permit or allow the Premises to become or to continue to be an Unsightly Premises as defined in this Bylaw.
- 3.2 No Owner of Premises shall allow, permit or continue to allow or permit any of the following:
 - a) a Vehicle, regardless of condition, as defined in the Traffic Safety Act
 - b) a trailer or camper
 - c) a Recreational Vehicle
 - d) a Off High Vehicle as defined in the Traffic Safety Act
 - e) any self-propelled mechanical or construction equipment
 - f) a boat or Personal watercraft
 - g) storage containers or moving pods

to be parked or stored on the property, except upon a driveway constructed of either crushed gravel, cement, concrete, pavement, aggregate, on any other materials unless otherwise approved by the Chief Administrative Officer or pursuant to a development permit or other valid permit issued by the Town.

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- 3.3 Section 3.2 of this bylaw does not apply to Vehicles and trailers that are in the immediate process of loading or unloading, or trailers that are actively involved in construction or demolition on the Premises, or where the beginning of such work is imminent.
- 3.4 Whether or not a particular Premise is "characterized by visual evidence of a lack of general maintenance" as a result of the "excessive accumulation" of the materials listed in section 2.1 (z) of this Bylaw are questions of fact to be determined by a Court hearing a prosecution pursuant to the provisions of this bylaw.
- 3.5 No Owner or Owners of a Premises shall cause, permit or allow the Premises to become or continue to be a risk of danger to public safety, to themselves, or to other Persons, Premises or property.
- 3.6 No Owner or Owners of a Premises shall cause, permit or allow the actions 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 to otherwise interfere with other Persons' repose, comfort or peaceful enjoyment of their property.
- 3.7 No Owner or Owners of a Premises shall permit or allow any Person occupying or using the Premises to store or accumulate Building Materials on the Premises, whether new or used, unless the Owner can establish that construction or renovation work is actively being carried out on the Premises.
- 3.8 The Owner of a Premises shall ensure that any Building Materials, that are not in contravention of Section 3.7 are stacked or stored in an orderly fashion.
- 3.9 When making the determination as to whether a particular Premises is an Unsightly Premises, or as to whether the Owner of a Premises 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 Court may consider any admissible evidence as to:
- a) the general condition and state of upkeep and tidiness of other Premises located in the same neighbourhood, community or vicinity;
 - b) the nature, size, location and permitted use of the Premises, and whether or not the Premises is located within a Residential Development;
 - c) the nature of the unsightly or nuisance condition complained of, and the period of time that such condition has persisted;
 - d) whether the Premises is undergoing construction, renovation, or demolition, and the period of time that such activity has been ongoing;
 - e) whether the Owner 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; and

- f) any other circumstances or factors relating to the Premises which the Court considers are relevant to the subject determination.

3.10 The Owner of a Premises, whether presently occupied or not shall ensure that:

- a) Trees or any other vegetation growing on the property does not interfere with or endanger the lines, poles, conduit, pipes sewers or any other public works of the Town;
- b) Garbage, litter, Building Material Yard Material or any other household materials is not blown off the Premises, or otherwise scattered beyond the property boundaries of the Premises; and
- c) any drainage swale on their property is not partially or completely blocked by the presence of any material or structure

3.11 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, highway, sidewalk, or other public works of the Town, a Peace Officer may authorize, with or without Notice to the Owner of the of the subject Premises, the immediate removal of any such interference or obstruction.

3.12 Where remedial measures are carried out pursuant to Section 3.11 of this Bylaw, neither the Town nor its employees or contractors thereof may be held financially liable in any way in relation to remedial actions taken.

4. **WEEDS, GRASS, PESTS, SMOKE, ODOURS and WATER**

4.1 Every occupant or Owner of any property or Premises within the Town shall:

- a) Control all trees, saplings, weeds and grass on the Premises, in the alley, and on any boulevard, which abuts or adjoins the Premises, including up to the center of lanes or alleys at the rear or side of the Premises, in accordance with the management practices set out by the Alberta Environmental Protection and Enhancement Act for Integrated Pest Management (IPM) program.
- b) No occupant or Owner will allow weeds and grasses on the Premises, alley or boulevard to exceed a height of 15 centimeters
- c) Remove any trees, shrubs, foliage, or parts thereof:
 - i. that overhang or encroach upon public property, and which, due to a deterioration of condition or for any other reason, become or create a traffic or public safety hazard or,
 - ii. which become unsightly or which create a risk of causing damage to public property or impedes the use of public property.

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- d) Remove from such property dead grass or brush or rubbish which is untidy or unsightly, or may harbour or attract vermin or pests thereon;
- 4.2 Section 4.1 of this Bylaw shall not apply to grass and weeds (excluding weeds classified as noxious or noxious prohibited) on public lands (excepting boulevards and alleys located adjacent to private premises) or on Premises located in areas defined in the Land Use Bylaw as Urban Reserve(UR), Public Service(PS), or any other land owned or controlled by the Town.
- 4.3 No Person or Owner of Premises shall cause, permit or allow dense smoke or dust to be omitted from a premise and into the atmosphere from any lands, building or Premises, that negatively impacts another person's comfort or peaceful enjoyment of their property.
- 4.4 No Person or Owner of Premises shall cause, permit or allow noxious or offensive odors to be omitted from a premise and into the atmosphere from any lands, building or Premises, that negatively impacts another person's comfort or peaceful enjoyment of their property

5. SNOW ON SIDEWALKS

- 5.1 An Owner of a Premises shall ensure:
 - a) That every reasonable means is used to ensure the removal from any public sidewalk located adjacent to the Premises, including private driveway crossings, all snow and ice deposited thereon, whether from natural or unnatural means, within 24 hours of such deposit; and
 - b) that the snow and ice removed pursuant to Section 5.1 is not placed upon any highway or other public property administered by the Town.
- 5.2 For the purpose of Section 5.1:
 - a) snow and ice will be considered removed when the sidewalk is cleaned for the entire width of the sidewalk to the sidewalk surface as completely as reasonably possible;
 - b) in the case of a sidewalk being below grade resulting in repeated coverage by ice or water through drainage of melted snow or rain, the sidewalk must be cleaned as completely as reasonably possible and a non-slip, non-corrosive and environmentally-friendly material such as sand or similar material must be scattered on the surface of the sidewalk as frequently as required to maximize traction for pedestrians; and
 - c) where an Owner of a Premises reasonably anticipates being absent, the Owner is required to make arrangements to ensure the sidewalks are maintained in accordance with this Bylaw during such absence.

6. WATER, EAVESTROUGHTS AND DOWNSPOUTS

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- 6.1 No Owner of a Premises shall permit, allow or cause water to flow or be directed from a hose or similar device on the Premises is directed towards an adjacent Premises if it likely that the water from the hose or similar device will enter the adjacent Premises.
- 6.2 The Owner of a Premises shall ensure that any rainwater downspout or eavestrough on the Premises towards:
 - a) the front of the Premises
 - b) the rear of the Premises
 - c) a sideyard that does not abut another premise, or
 - d) a side yard that abuts another premise, only if there is a minimum of six (6) meters of permeable ground between the outfall of the downspout or eavestrough and the adjacent Premises
- 6.3 No Owner of a premise shall allow, permit or cause water from a premise to directly drain on to public property, such as with the use of a sump pump or hose.

7. CONSTRUCTION SITES

- 7.1 An Owner of a Premises or property under construction, renovation or demolition shall ensure that 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 or scattered throughout or from the property.
- 7.2 An Owner of a Premises or property under construction or renovation shall ensure that waste Building Materials and other refuse are removed from the property or collected and securely contained in appropriate waste bins or containers, on a daily basis.

8. GRAFFITI

- 8.1 The Owner or Owners of a Premises shall take all reasonable steps to ensure that any Graffiti placed on the exterior surfaces of any structures, chattels, or other property on the Premises is removed, painted over, or otherwise eliminated from public view within fourteen (14) days of the Owner of the Premises being notified by an Enforcement Officer of the presence of the subject Graffiti and the requirement under this Bylaw that it be removed.

9. ILLEGAL DUMPING

- 9.1 No Person shall Personally, nor by his employee, servant or agent discard, place, deposit or leave any Garbage, refuse, debris, or any other material upon any public property, other than in officially designated areas, within the Town.
- 9.2. No Person shall Personally, nor by his employee, servant or agent discard, place, deposit or leave any Garbage, refuse, debris, or any other material upon any private property, without the permission of the Owner of such property.
- 9.3. Any Person who has contravened Section 9.1 or Section 9.2 of this Bylaw shall, within twenty-four hours after being so directed by an Enforcement Officer, remove the subject Garbage, refuse, debris or other material from the property and place it in the nearest officially designated area.
- 9.4 Where Garbage, refuse, debris or any other material has been discarded or left on private property without permission, the Owner of the private property is responsible for removal of such discarded material, and the Owner of the private property is responsible for ensuring that the subject property is maintained in compliance with the provisions of this Bylaw.

10. EXEMPTIONS & EXCEPTIONS

- 10.1. The provisions of this Bylaw shall not be interpreted to prevent 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 relation to a Premises.
- 10.2. The Owner or Owners of a Premises that legally carries on, or permits the carrying on of any of the activities referred to in Section 10.1 of this Bylaw shall ensure that all reasonable steps are taken to minimize the duration and visual impact of any resulting untidiness or unsightly condition of the Premises.
- 10.3 When making the determination, as required by Section 10.2, as to whether the Owner of a Premises has taken "all reasonable steps to minimize the duration and visual impact" of the unsightly condition resulting from the particular legally permitted activity, the Court's considerations may include any admissible evidence as to any of the factors noted in Section 3.9 of this Bylaw.

11. BYLAW COMPLIANCE NOTICES AND ORDERS

- 11.1. Where the Owner of a Premises is found to be in non-compliance with any provision of this Bylaw, an Enforcement Officer may issue and serve upon the Owner of the Premises a bylaw compliance Notice containing the following:
- a) The address and/or physical location where remedial action is required.
 - b) The condition or conditions that are not in compliance with this Bylaw.
 - c) The remedial action that is required.
 - d) The deadline for completion of the remedial action required (Excepting Notices issued in relation to Sections 4 and 5 (weed and grass control or snow and ice removal). The deadline for completion of the remedial action must not be less than 14 days from the date of service of the Notice and must not be greater than 30 days from the date of service of the Notice.
 - e) Where the Notice or Order regarding the removal of weeds or the cutting of grass is issued and served pursuant to this Section, and the specified remedial action is not taken within 72 hours, the Town may take all reasonable measures to remedy in a timely manner any or all conditions specified in the Notice or Order.
- 11.2 An application for an extension of the deadline prescribed by a Notice or Order for the completion of the remedial action required (excepting Notices issued in relation to weed and grass control or snow and ice removal) must be applied for in writing to the Enforcement Officer within 7 days of receipt of the Notice or Order. This application must include the reasons why the deadline extension is required. Any deadline extension allowed may not extend more than 30 days past the deadline date on the Notice or Order, and any such extension is issued at the sole discretion of the Enforcement Officer.
- 11.3 Where a Notice or Order regarding the removal of snow or ice from sidewalks is issued and served pursuant to this Section, and the specified remedial action is not taken within twenty-four hours, the Town may take all reasonable measures to remedy in a timely manner any or all conditions specified in the Notice or Order.
- 11.4 Where a Notice or Order regarding the removal of weeds or the cutting of grass is issued and served pursuant to this Section, and the specified remedial action is not taken within 72 hours, the Town may take all reasonable measures to remedy in a timely manner any or all conditions specified in the Notice or Order.
- 11.5 Any Notice or Order issued pursuant to this Section will be deemed to have been sufficiently served upon the Owner of the Premises:

- a) When served Personally upon the Owner, or served substantially upon any Person who is 18 years of age or older who resides in the subject Premises, if the Premises is occupied by the Owner;
 - b) When served Personally upon an occupant of the Premises who is 18 years of age or older, or the manager or Person apparently in charge of the Premises, if the Premises is not occupied by the Owner;
 - c) When posted at a conspicuous location on the Premises; or
 - d) When mailed by regular mail to the Owner of the Premises using the address provided by the Owner and on record with the Town of Turner Valley as the mailing address for the Owner of the Premises.
- 11.6 Where a Notice has been previously issued to an Owner pursuant to this Section in relation to Sections 4 and 5 (weeds and grass control or snow and ice removal) of this Bylaw and another similar non-compliant condition occurs within the same winter or summer season, no further Notice or Order is required before action pursuant to this Section may be taken by the Town to remedy the condition.
- 11.7 The Owner of a Premises who has been issued a remedial Notice pursuant to Section 11.1 of this Bylaw shall fully comply with the Notice within the initial or subsequently extended time allowed for the subject remedial measures to be completed.
- 11.8 The Owner of a Premises is responsible for all expenses incurred to remedy the Bylaw contravention. If the Owner of a Premises does not comply with a Bylaw Compliance Notice within the specified time, the Town may take remedial actions or measures at the expense of the Owner pursuant to the provisions of the Municipal Government Act.
- 11.9 In the event that any Person fails or neglects or refuses to remedy any condition which has been found to be in contravention of this bylaw, after having been issued a Notice or Order to remedy such, in accordance with the provisions of the Municipal Government Act, Council or a designated Committee of Council may cause such work to be completed as is considered necessary to remedy such condition and charge the cost of such work to the Owner or occupant and in default of payment:
- a) The Town may recover the cost as a debt due to the municipality, or
 - b) Charge the cost against the land concerned as taxes due and owing in respect of that land and to recover the cost as such.

12. APPEALS OF BYLAW COMPLIANCE NOTICES

- 12.1 Any remedial Notice issued pursuant to Section 11 of this Bylaw, excepting Notices issued in relation to Section 4 and 5 (weeds and grass or snow and ice on sidewalks), may be appealed to Council or a designated Committee of Council by delivering a written appeal to the Town Office within 7 days of the Owner's receipt of the subject Notice.

- 12.2 Upon receipt of a written appeal submitted pursuant to Section 12.1, to Council or a designated Committee of Council will review the subject remedial Notice, the enforcement file, the Bylaw, the written appeal, and any materials provided therewith. The Council or designated Committee of Council may decide to uphold, vary, or revoke the subject remedial Notice, and will communicate such decision to the appellant in writing within 10 days of the receipt of the appeal, including, where applicable, the date by which the upheld or varied remedial Notice must be complied with.
- 12.3 Where remedial measures are taken pursuant to Sections 11.3 or 11.4 of this Bylaw (weeds and grass or snow and ice on sidewalks) and cost recovery action is commenced by the Town, an appeal only as to the amount of the debt owing to the Town may be made to Council or a designated Committee of Council by delivering a written appeal to the Town Office within seven (7) days of the Owner being notified of such cost recovery action.
- 12.4 Upon receipt of a written appeal submitted pursuant to Section 12.3, the Council or a designated Committee of Council will review the subject remedial Notice, the enforcement file, the bylaw, the costs of the remedial action taken by the Town, the written appeal, and any other circumstances that are considered relevant to the subject appeal. The Council or a designated Committee of Council may decide to uphold, vary, or cancel the subject debt owing to the Town, and will communicate such decision to the appellant in writing within 10 days of the receipt of the appeal.

13. DUTY OF OWNER – RIGHT OF ENTRY FOR INSPECTION

- 13.1 No Owner, agent of the Owner, lessee or occupier of any lands, buildings or Premises within the Town shall permit allow the property to be or remain untidy or unsightly, or to be or to remain dangerous to public safety or health.
- 13.2 The CAO and other duly appointed Town officials are charged with the responsibility and authority to enforce and carry out the provisions of this Bylaw. Any Person so authorized and/or contracted by the CAO or the Council to carry out any inspection and remedial work on a premise or property pursuant to the provisions of this Bylaw shall have the right to enter upon any such property, other than a dwelling house, to carry out such inspections or work.
- 13.3 An Enforcement Officer, when investigating an alleged contravention of this Bylaw, is hereby authorized to enter upon any lands, buildings or Premises, other than a dwelling house, to inspect for conditions that may constitute a nuisance, or that otherwise contravene the provisions of this bylaw. An Enforcement Officer may thereafter issue a verbal or written warning or a Bylaw Compliance Notice to the Owner or occupant thereof to remedy any conditions(s) of the subject premise or property that have been found to be in contravention of this bylaw.

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14. ENFORCEMENT

- 14.1 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) Issuing the Person, a Violation Ticket pursuant to the provisions of the Provincial Offences Procedure Act;
 - b) Swearing out an Information and Complaint against the Person; or
 - c) In lieu of prosecution, issuing the Person a Bylaw Violation Tag in a form as approved by the Chief Administrative Officer.
- 14.2 Where an Enforcement Officer issues a Person a Violation Ticket in accordance with Section 14.1(a) of this Bylaw, the Officer may either:
- a) Allow the Person to pay the specified penalty as provided for in Appendix "A", which is hereunto attached and forms part of this Bylaw, by indicating such specified penalty on the Violation Ticket; or
 - b) Require a Court appearance of the Person where the Enforcement Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act.
- 14.3. Where a Bylaw Violation Tag is issued to a Person and is not paid within 14 days of the date of issue, the Enforcement Officer may proceed by way of prosecution in accordance with Sections 14.1(a) or 14.1(b) of this Bylaw.
- 14.4 Notwithstanding any other provision of this bylaw, a Enforcement Officer, upon receiving and reviewing a nuisance or unsightly premise complaint, shall assess the nuisance complained of in accordance with the Enforcement Guidelines, hereunto attached to this Bylaw as Appendix B. The investigating officer shall then recommend or take whatever actions are considered appropriate to address the complaint, in all of the circumstances.
- 14.5 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 Town from pursuing any other action or remedy in relation to a Person, Premises, or nuisance provided by the Municipal Government Act, any other law of the Province of Alberta, or any other Bylaw of the Town.

15. GENERAL PENALTY PROVISION

- 15.1 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.

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16. MINIMUM AND SPECIFIED PENALTIES

- 16.1 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 Appendix "A", which is hereunto attached to and forms part of this Bylaw, and which may be amended from time to time.

17. SEVERABILITY

- 17.1 It is the intention of Town 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.

18. STRICT LIABILITY OFFENCE

- 18.1. It is the intention of Town Council that all offences created by this Bylaw be interpreted to be strict liability offences.

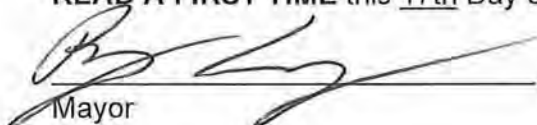
19. REPEAL OF PRIOR BYLAWS

- 19.1. Bylaw No. 12-1016, The Unsightly Premises and Snow Removal Bylaw, is hereby repealed on the date that this Bylaw comes into force and effect.

20. EFFECTIVE DATE

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

READ A FIRST TIME this 17th Day of August, 2020


Mayor


Chief Administrative Officer

READ A SECOND TIME this 8th Day of September, 2020


Mayor


Chief Administrative Officer

READ A THIRD AND FINAL TIME this 8th Day of September, 2020


Mayor


Chief Administrative Officer

APPENDIX "A"
Property Responsibility Bylaw

PENALTIES

SECTION	OFFENCE	SPECIFIED PENALTY	MINIMUM PENALTY
3.1	Permit/cause /allow Premises to be unsightly	\$1,000.00	\$750.00
3.2	Fail to park/store Vehicle/trailer/OHV on driveway	\$250.00	\$150.00
3.5	Allow premise to become a danger to public safety	\$1000.00	\$750.00
3.6	Allow activity on Premises to become a nuisance	\$1000.00	\$500.00
3.7	Owner allow excessive accumulation of Building Materials	\$500.00	\$200.00
3.8	Owner fail to store Building Materials in orderly fashion	\$500.00	\$200.00
3.10(a)	Allow trees/foliage to interfere with public utility	\$750.00	\$500.00
3.10(b)	Allow/permit debris to blown off property	\$500.00	\$200.00
3.10(ic)	Allow/cause/permit blockage of swale	\$350.00	\$200.00
4.1(a)	Fail to control grass/weeds on boulevard/alley	\$350.00	\$200.00
4.1(b)	Fail to maintain/control grass/weeds	\$350.00	\$200.00
4.1(c)	Allow tree/foliage to encroach upon public property/ impede public property	\$250.00	\$150.00
4.1(e)	Fail to remove dead brush/grass or rubbish, that may attract pests or vermin	\$250.00	\$150.00
4.3	Allow/permit/cause smoke/dust to impact enjoyment of others property	\$250.00	\$150.00
4.4	Allow/permit/cause noxious/offensive odors to impact others enjoyment of property	\$250.00	\$150.00
5.1(a)	Owner fail to remove snow/ice from sidewalk within 24 hours of deposit	\$250.00	\$150.00

5.1(b)	Deposit snow/ice onto highway or public lands	\$250.00	\$150.00
5.2	Fail to apply non-slip material onto ice-covered sidewalk	\$250.00	\$150.00
6.1	Owner improperly drain water on to adjacent premises	\$250.00	\$150.00
6.2	Owner improperly direct downspout or eavestrough	\$250.00	\$150.00
6.3	Owner drain water directly on to public property	\$250.00	\$150.00
7.1	Fail to secure materials on construction sites	\$750.00	\$350.00
7.2	Fail to secure construction waste on site	\$750.00	\$350.00
8.1	Owner fail to remove Graffiti within 14 days	\$250.00	\$150.00
9.1	Dumping on public property	\$500.00	\$250.00
9.2	Dumping on private property	\$500.00	\$250.00
9.3	Fail to remove dumped material as directed	\$500.00	\$250.00
10.2	Fail to minimize duration and impact of unsightly condition resulting from lawful and permitted activities	\$500.00	\$250.00
11.7	Fail to comply with Notice	\$1500.00	\$750.00

1. If a Person violates the same provision of this Bylaw twice within a three-year period, the minimum and specified penalties for the second such violation shall be double the amounts provided above.
2. If a Person violates the same provision of this Bylaw three or more times within a five-year period, the minimum and specified penalties for the third or subsequent such violation shall be triple the amounts provided above.
3. The penalty in lieu of prosecution payable for a violation will be the minimum penalty as provided above.

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APPENDIX "B"
Property Responsibility
Bylaw Enforcement Guidelines

The main goal of this Property Responsibility Bylaw is to protect community members and the municipality from unwanted and unwarranted nuisances, whether they are unwanted airborne or visual nuisances. The Town of Turner Valley respects its community values which preserve and protect its rural and urban character. Members of the community should be able to reasonably enjoy their health and well-being where they live and work.

The basis for the review of complaints under this Bylaw is the belief that a given nuisance is a function of an unreasonable combination of duration, frequency, and intensity of any given airborne or visual irritant. In general, if a reported nuisance is assessed as significant, it could be considered to be "unreasonable" and enforcement would be required. In addition, if a nuisance is fairly frequent, fairly intense, and fairly long-lasting, it too could be considered as being an unreasonable nuisance requiring enforcement action.

The criteria have been set to not interfere with "reasonable" activities in the Town, but to discourage "unreasonable" activities, those that are gratuitous and unnecessary, and that are offensive to some. The ideas of "necessary" and "unnecessary" activities are important concepts that arise frequently in the Bylaws. Certain disturbances are "necessary" such as in the case of emergency responses, maintenance activities or industrial processes.

The Bylaw recognizes and accounts for the fact that sensitivity to intrusive nuisances varies greatly from individual to individual as does the willingness to formally voice concerns when disturbed by such nuisances. Residents have varying expectations of their environments as well as Personal issues and attitudes that may develop around a nuisance issue. This Bylaw is intended to limit community nuisance exposures to levels that are within the normal range of sensitivity to such nuisances. It may not, therefore, be possible to resolve all issues to the satisfaction of those individuals with sensitivities beyond this normal range. In addition to this primary goal of community protection the Bylaw is also intended to accomplish this task with fairness and respect for all parties involved. The Bylaw can also serve as an educational medium, explaining why actions are taken in some circumstances and not in others.

These Enforcement Guidelines also set out expectations of how nuisance complaints will be assessed and addressed by enforcement Personnel. In addition, the Bylaw outlines the issues surrounding exceptions and exemptions to these Guidelines such as in the case of seasonal community celebrations.

Expectations and Responsibilities of Community Members

Community members always have the right to contact Bylaw Enforcement if they feel they are being negatively affected by a nuisance addressed by this Bylaw. Complainants and those that are the subject of complaints under this Bylaw can be private residents, individuals that are employed locally, local business Owners and/or public organizations (such as the Town of Turner Valley). All community members have a responsibility to be reasonable in their expectations of how the dispute may be resolved.

This includes the expectation that they may be asked to first try and resolve a complaint through direct dialog between the involved parties. If this fails or is undesirable, they can expect that Bylaw Enforcement may attempt to mediate a satisfactory resolution. If this fails or is undesirable, they can expect that Bylaw Enforcement could take further enforcement action against the offending party, if the nuisance is found to exceed normally tolerated thresholds and, therefore, amounts to an "unnecessary" or "unreasonable" nuisance. The Council of the Town of Turner Valley encourages the promotion of Turner Valley being a destination community, by which all community members are expected to try and show consideration and respect to their neighbours in order to prevent Bylaw complaints.

This may include waiting to do something that might be considered offensive, until those that might be affected are not present. It may also mean notifying neighbours well in advance that something potentially bothersome may take place. These Guidelines are expected to be the starting point for all parties involved in a dispute.

Filing Complaints

If a member of the Turner Valley community files a Bylaw complaint with respect to airborne or visual nuisances, Bylaw Enforcement will assess the nuisance and report back to the complainant on how the complaint was assessed.

Nuisance Complaint Assessment

If a nuisance complaint is received, it will be assessed on the basis of duration, frequency, and intensity. Refer to 'Types of Nuisances' for detailed descriptions. Remedial action may be taken based on these and the following conditions:

- a) the time of day,
- b) the day of the week,
- c) community zoning, and
- d) the type of nuisance.

Time of day refers to the idea that thresholds for nuisances at night are generally lower than they are during the day. During the day, ambient conditions mask less intense nuisances, eliminating the need to have strict controls on them. However, at night, the same nuisances can be more apparent.

Day of week refers to the idea that thresholds for nuisances on weekends can be lower than they are during weekdays, with respect to the time of day. Weekends are more commonly associated with rest and relaxation, and these Bylaws seek to encourage a reduced level of nuisance activity during these times of the week.

Community zoning refers to the idea that the Town of Turner Valley is broken into residential, commercial, and industrial zones. It is reasonable to assume that nuisance levels can and should be different in these different zones. Industrial zones can be expected to have higher thresholds than residential zones, for example. Likewise, commercial zones may qualify for higher thresholds of certain kinds of nuisances during business hours. This consideration strikes a reasonable compromise between business and residential community members.

Type of nuisance refers to airborne and visual nuisances. These are detailed and explained more fully below.

Types of Nuisances

Airborne

For the purpose of the evaluation of complaints, airborne nuisances are divided into two classes:

1. **Particulate emissions**, which include any airborne emissions of matter that can be demonstrated to accumulate. Examples include, but are not limited to dust, smoke, herbicides, snow, water, litter, Garbage, fluids, pollen/seeds, grass and leaves;
2. **Noxious emissions**, which include any other airborne emissions that generally cannot be shown to accumulate. Examples include, but are not limited to offensive smells, fumes and gases. Sources may include, but are not limited to composting, fires, idling Vehicles, food preparation, Garbage, fecal matter, industrial processes, and herbicides.

Frequency

1. occurs once
2. occurs regularly but infrequently e.g. weekly or monthly
3. occurs regularly and frequently e.g. daily or several times a day

Duration

1. the nuisance is only present for a matter of minutes when it occurs
2. the nuisance is present for a matter of hours when it occurs
3. the nuisance is present for a matter of days when it occurs

Intensity, for airborne nuisances, refers to how strong the noxious nuisance is in its offensiveness, or how much accumulation takes place in the case of particulates.

1. Noticeable and mildly disagreeable for noxious emissions; light accumulation is evident, causing no damage and/or little inconvenience, for particulate emissions.
2. Obvious and distracting for noxious emissions; moderate accumulation is evident, causing no damage but moderate inconvenience, for particulate emissions.
3. Obvious to all and completely distracting for noxious emissions; heavy accumulation is evident, possibly causing damage and/or at least causing a major inconvenience, for particulate emissions.

Visual

For the purpose of the evaluation of complaints, visual nuisances can be considered to be:

Aesthetically distasteful, unsightly, and/or visually offensive properties or conditions which may reasonably be regarded as having an impact on the enjoyment of one's own property or property value and/or negatively impact community safety.

Examples include, but are not limited to unkempt yards, accumulations of Garbage or refuse, out of-place non-decorative items (e.g. refrigerators on the lawn) and collections of rusting or inoperable Vehicles.

Frequency

1. occurs once
2. occurs regularly but infrequently e.g. weekly or monthly
3. occurs regularly and frequently e.g. daily or several times a day

Duration

1. the nuisance is only present for a matter of a day or more when it occurs
2. the nuisance is present for a matter of a week or more when it occurs
3. the nuisance is present for a matter of a month or more when it occurs.

Intensity, for visual nuisances, refers to how generally offensive the nuisance is, and to what impact it may have on property value and/or safety.

1. Noticeable and mildly disagreeable to one/few people, presenting no clear impact on property value and/or safety.
2. Obvious and distracting to some people, presenting a clear though minor impact on property value and/or public safety.
3. Obvious to all and completely distracting for most people, presenting a major impact on surrounding property values, and/or presenting a clear concern with respect to public safety.

Jurisdiction

At all times, where there may be overlap, relevant provincial and federal laws will supercede these Guidelines. For example, if toxic fumes are being discharged, such offences can and should be dealt with under provincial legislation e.g. the Alberta Environmental Protection Enhancement Act. Likewise, in many cases where safety is at risk, relevant provincial and federal laws will supercede any provisions in this Bylaw.

Nevertheless, the Bylaw does allow the Town of Turner Valley Bylaw Enforcement Officers to take various enforcement actions, if required, to assist other government agencies in relation to the remediation of dangerous nuisances.

Permits, Licenses, Exceptions and Exemptions

There are many reasonable cases where the Town will issue permits or licenses for exceptions or exemptions to this Bylaw, to facilitate the operation of community festivals, industrial processes, and emergency equipment. Where compliance with the requirements of the noise and nuisance regulations is not considered desirable or possible, those responsible for construction projects, certain operations, or special events, may make application to the Town for a temporary exemption or permit. It must be accompanied by a detailed explanation of why the permit is necessary and what measures will be taken to control nuisance issues. In issuing an exemption permit, should one be granted, Town staff may impose any requirements and/or conditions felt necessary to control and/or minimize the disturbance from the exempted activities.

Similarly, but with a generally longer time frame, businesses can apply for an ongoing exemption from specific terms of this Bylaw when they apply for a business license from the Town. As with permits, the request for exemption must be accompanied by a detailed explanation of why the exemption is necessary and what measures will be taken to control nuisance issues. In issuing an exemption, should one be granted, Town staff may impose any requirements and/or conditions felt necessary to control and/or minimize the disturbance from the exempted activities.

As for exceptions, there are some reasonable cases where it is not in the Town's best interest that this Bylaw applies during specific and recurrent situations and conditions. The following list itemizes some examples of common activities or situations where some of the terms of this Bylaw would not apply, by exception:

1. The operation of a snow clearing device powered by an engine for the purpose of removal of snow and ice from streets, parking lots and sidewalks during "daytime" hours;
2. Police, fire or other emergency Personnel Vehicles and equipment being operated in relation to an emergency;
3. Vehicles and equipment used to make emergency repairs to public utilities and services;
4. Any Person performing work of an emergency nature for the preservation or protection of life, health, or property, with the onus being on the Person performing the work to show that the work was of an emergency nature;
5. Transit buses operated by a public authority;
6. Events held under authority of a Special Event Permit issued by the Town;
7. Operation of farm Vehicles during planting and harvesting; Operation of Town equipment for street or other maintenance.

Responding to Complaints

If a given nuisance complained of is assessed an overall rating that does not meet the enforcement threshold for the given conditions (community zoning area, type of nuisance), the complainant will be encouraged to discuss the matter with the other party in hopes of resolving the matter amicably and to prevent future escalation. Formal or informal mediation may also be offered by Bylaw Enforcement in order to educate the parties and hopefully resolve the matter. However, as the rating of the nuisance was below the enforcement threshold, Bylaw Enforcement would not be in a position to insist that the party emitting the nuisance change his behaviour. Nevertheless, in accordance with these Guidelines, Bylaw Enforcement will encourage the party being complained of to do what he can to help reduce the impact on the complainant. The complainant will also be encouraged to take reasonable actions to reduce the impact of the nuisance on himself.



If, the nuisance complained of is assessed an overall rating by Bylaw Enforcement that does meet or exceed the enforcement threshold for the given conditions, the complainant will have a basis for expecting enforcement action to be taken. The party emitting the nuisance will be expected to remediate the nuisance, and to bring his activities into compliance with the subject Bylaw.

The complainant will be encouraged to discuss the matter with the offending party in hopes of resolving the matter without Bylaw Enforcement intervention. If this is rejected or if it fails, Bylaw Enforcement may offer formal or informal mediation to attempt to resolve the dispute and may attempt encouraging the parties to resolve the matter through compromise. However, as the rating of the nuisance exceeded the enforcement threshold, Bylaw Enforcement would also have to consider whether enforcement and/or punitive action should be taken pursuant to the provisions of the subject Bylaw immediately, at some future time (i.e.: after a warning has been ignored), or at all.

It should also be noted that under this system, the assessment of a nuisance may fall below the enforcement threshold at the time of the initial complaint. However, if the nuisance is not eliminated within a reasonable length of time, its nuisance assessment may well increase over time to eventually exceed the enforcement threshold. These Guidelines are generally intended to encourage community members to be good neighbours at the outset of nuisance-related complaints/disputes, and to make bona fide attempts to acceptably resolve these matters between the parties. These Guidelines are to allow the party emitting a nuisance a reasonable period of time to rectify the situation to the satisfaction of the complaining party before requiring enforcement and/or punitive measures to be taken by Bylaw Enforcement Officers.