

## BYLAW 1047/GEN/2018

### A BYLAW OF THE TOWN OF FAIRVIEW, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING, CONTROLLING AND ABATING NUISANCES, NOISE, DANGEROUS AND UNSIGHTLY PREMISES.

WHEREAS Council deems it desirable to promote maintenance of property within the Town, tidy and safe living conditions and to minimize nuisance to other persons, AND

WHEREAS Sections 7 and 8 of the Municipal Government Act, R.S.A. 2000 Chapter M-26, of the Province of Alberta, gives Council the authority to pass such a bylaw;

NOW THEREFORE, The Council of the Town of Fairview, in the Province of Alberta, enacts the following:

1. This Bylaw may be referred to as the Town of Fairview “Community Standards Bylaw”.
2. Definitions – This bylaw uses the following terms, as well as other terms defined in the Enforcement and Penalties Bylaw.
  - (a) *Abandoned Equipment*: equipment or machinery, which has been rendered inoperative by reason of its disassembly, damage, age or the deterioration of its mechanical condition, and includes, but is not limited to, any household appliances stored outside of a residence or other Structure, regardless of whether the household appliance is in an inoperative condition.
  - (b) *Abandoned Vehicle*: the entirety or any portion of any Motor Vehicle, where that vehicle:
    - (i) is in a rusted, wholly or partially wrecked, dismantled, or inoperative condition, and is not located within a Structure or located on Property such that it can be concealed from view; or
    - (ii) has no current license plate attached to it and, in respect of which, no registration certificate has been issued for the current year; or
    - (iii) is inoperative by reason of missing or disassembled parts or equipment and is not located within a Structure or located on Property such that it can be concealed from view.
  - (c) *Bylaw Enforcement Officer*: as defined in the Enforcement and Penalties Bylaw.
  - (d) *Council*: the Municipal Council for the Town of Fairview.
  - (e) *Designated Officer*: as defined in the Enforcement and Penalties Bylaw.
  - (f) *Front Yard*: as defined in the Land Use Bylaw.
  - (g) *Motor Vehicle*: as defined in the *Traffic Safety Act*.
  - (h) *Nuisance*: a condition or an emission from Property which in the opinion of a Designated Officer, following the guidelines contained in this bylaw, constitutes an unreasonable

interference with the use and enjoyment of other private or public Property, and includes, without limiting the foregoing, Noise or an Unsightly Premises.

- (i) *Noise*: any sound which is reasonably likely to disturb the peace of others.
- (j) *Occupant*: as defined in the Enforcement and Penalties Bylaw.
- (k) *Owner*: as defined in the Enforcement and Penalties Bylaw.
- (l) *Person*: as defined in the Enforcement and Penalties Bylaw.
- (m) *Permit*: a written Permit issued by the Town pursuant to this Bylaw.
- (n) *Property*: any lands, buildings, Structures or premises, or any personal property located thereupon, within the municipal boundaries of the Town.
- (o) *Refuse*: all solid and liquid waste including, but not limited to, broken dishes, cans, glass, rags, cast-off clothing, waste paper, cardboard, containers, organic and inorganic yard and garden waste, garbage, fuels, chemicals, hazardous materials, Abandoned Vehicles, Abandoned Equipment, tires, manure, scrap building material or any other form of waste or litter.
- (p) *Reasonable State of Repair*: the condition of being:
  - (i) structurally sound;
  - (ii) free from significant damage;
  - (iii) free from rot or other deterioration; and
  - (iv) safe for its intended use.
- (q) *Structure*: A building, item or improvement placed in, on, or over land, whether or not it is affixed to the land. Some examples include a fence, wall, barricade, concrete pad, slab, pole, sign, drop box, waste bin, storage container, satellite dish, utility box or appliance.
- (r) *Town*: The Town of Fairview, in the Province of Alberta.
- (s) *Unsightly Premises*: Any Property, whether land, buildings, improvements to lands and buildings, personal property or any other combination of the above, located within the Town that, in the opinion of a Designated Officer, is unsightly to such an extent as to detrimentally affect the repose, amenities, use, value or enjoyment of the surrounding Properties in reasonable proximity to the Unsightly Premises, or is otherwise detrimental to the surrounding area or in an Unsightly condition as defined by the *Municipal Government Act*.
- (t) *Weed*: Any plant that is regulated by the *Weed Control Act* and shall also include any fungus which may be destructive or injurious to gardens, lawns, trees or shrubs.
- (u) *Weekday Hours*: Any non-holiday weekday (Monday-Friday) between the hours of 7 a.m. and 10 p.m.

- (v) *Weekend Hours*: Any Saturday, Sunday or statutory holiday recognized in Alberta, between the hours of 9 a.m. and 10 p.m.

### 3. Nuisances and Unsightly or Dangerous Premises

- (a) An Owner of Property shall not cause or allow that Property or the use of that Property to constitute a Nuisance.
- (b) An Owner of Property shall not cause or allow that Property to become a danger to public safety or an Unsightly Premises.
- (c) An Owner of Property shall not permit or allow, and no Person shall cause Refuse, Abandoned Equipment or Abandoned Vehicles be stored upon:
  - (i) Property owned by another Person or Owner; or
  - (ii) Property owned or occupied by him or under his responsibility;
- (d) Notwithstanding Section 3(c), Refuse, Abandoned Equipment or Abandoned Vehicles may be placed:
  - (i) In an appropriate container placed for temporarily collecting it; or
  - (ii) At a Refuse management facility; or
  - (iii) In a Refuse disposal system established by the Town.
- (e) Conditions constituting a Nuisance include, but are not limited to:
  - (i) Refuse stored upon Property;
  - (ii) grass more than ten centimeters in length or the presence of Weeds;
  - (iii) the accumulation of Abandoned Vehicles, Abandoned Equipment or household appliances;
  - (iv) the presence of animal carcasses, hazardous materials, noxious fumes or sewage;
  - (v) stagnant water or other attractants which support the breeding of mosquitoes or other pests;
  - (vi) the presence of shrubs, trees, Weeds or other vegetation which, because of its location on the Property has caused or is causing damage to adjacent properties, or which is obstructing a sidewalk, highway or public place, including the obstruction of sight lines necessary for the safe operation of Motor Vehicles on a highway within the Town;
  - (vii) the failure to dispose of Refuse or other waste products stored in temporary containers upon the Property;

- (viii) the failure to keep Property in a Reasonable State of Repair, including a lack of repair or maintenance of Structures, which includes but is not limited to:
  - (A) significant deterioration of Structures or portions of Structures;
  - (B) broken or missing windows, siding, shingles, shutters, eaves or other building material; or
  - (C) significant fading, chipping, peeling or absence of painted areas on Structures; or
  - (D) inappropriate infiltration of air, moisture or water into the Structure due to peeling, unpainted, untreated or missing surfaces, broken or missing windows or doors, or any other hole or opening in the building.
- (f) A person shall not set out waste for collection at any front yard or curbside collection location before 4:00 p.m. on the day before the collection date.
- (g) A person shall not leave waste containers at any front yard or curbside collection location later than noon on the day after the collection date.
- (h) Nothing in Section 3 is intended to prohibit using refuse material for composting. Such material such be kept in such an orderly, non-offensive and non-odorous manner as is reasonable possible. Hazardous materials such as, but not limited to, fecal matter and carcasses shall not be used as compost material. No compost material shall be stored in the front yard.

#### 4. Noise

- (a) A person may be found guilty of a contravention of Section 4 if:
  - (i) The decibel level is measured and exceeds a limit prescribed by this bylaw; or
  - (ii) The decibel level, although not measured, is reasonably likely to disturb the peace.
- (b) In determining if a sound is reasonably likely to disturb the peace, the following criteria may be considered:
  - (i) Type, apparent volume and duration of the sound;
  - (ii) Time of day and day of week;
  - (iii) Nature and use of the surrounding area;
  - (iv) Decibel level; and
  - (v) Any other relevant factor.
- (c) Except as otherwise permitted pursuant to this Bylaw, no Person shall:

- (i) cause or emit a Noise within the Town;
  - (ii) operate, or permit the operation of a vehicle owned or leased by him, in a manner that causes a Noise.
- (d) No Owner shall permit Property he or she owns to be used in a manner such that a Noise is created on the Property.
- (e) The Town may, upon receipt of a written request, issue a Permit to a Person for suspending the application of the Noise prevention provisions of this Bylaw. Any written request submitted by a Person pursuant to this Section must specify the dates and hours of the day for which the Permit is sought. Any Permit issued by the Town shall set out the hours and dates during which the Permit is in effect and may include any other condition or limitations the Town determines to be warranted in the circumstances. A Permit issued shall be produced to a Bylaw Enforcement Officer upon demand. The authority to issue a Permit may be delegated by Council to the chief administrative officer or to any other Person by resolution of Council from time to time.
- (f) Regardless of whether a Noise is generated, no Person shall engage in any construction, maintenance, or other similar activity on any Property that has the potential to create a Noise outside of Weekday Hours or Weekend Hours.
- (g) A person shall not operate a motor vehicle, including motor cycle, that is capable of:
- (i) Emitting any sound exceeding 92 dB(A), as measured at 50 centimetres from the exhaust outlet, while the engine is at idle; or
  - (ii) Emitting any sound exceeding 96 dB(A), as measured at 50 centimetres from the exhaust outlet, while the engine is at any speed greater than idle.
- (h) A person shall not cause or permit any sound exceeding 65 dB(A), as measured at the property line of a property zoned for residential use, during Weekday Hours or Weekend Hours.
- (i) Notwithstanding Section 4(h), the provisions do not apply to noise up to:
- (i) 70 dB(A) lasting a total period not exceeding two hours in any one day; or
  - (ii) 75 dB(A) lasting a total period not exceeding one hour in any one day; or
  - (iii) 80 dB(A) lasting a total period not exceeding 30 minutes in any one day; or
  - (iv) 85 dB(A) lasting a total period not exceeding 15 minutes in any one day.
- (j) A person shall not cause or permit any sound exceeding 50 dB(A), as measured at the property line of a property zoned for use as residential, outside of Weekday Hours or Weekend Hours.

- (k) A person shall not cause or permit any sound exceeding 60 dB(A), as measured at the property line of a property zoned for use other than residential, outside of Weekday Hours or Weekend Hours.
- (l) Notwithstanding Section 4, the provisions do not apply:
  - (i) to work carried on by Town staff, agents or contractors, while engaged in activity authorized by the Town; or
  - (ii) to work performed in response to an emergency.

5. Sidewalk Maintenance

- (a) Every Owner within the Town shall remove or cause to be removed and cleared away all snow, ice, dirt or other debris from that part of the sidewalk that is adjacent to the Owner's property, within forty-eight (48) hours of deposit, if located within areas zoned residential and within twenty-four (24) hours of deposit, if located within any other zone. Snow and ice shall be considered removed with the Sidewalk is cleared for the entire width of the Sidewalk, down to the Sidewalk surface as completely as reasonably possible.

6. Light

- (a) No Owner shall allow an outdoor light to shine directly into the living or sleeping areas of an adjacent dwelling house unless the outdoor light is permitted or required pursuant to the Land Use Bylaw, a development permit or a similar approval.

7. Interpretation and Coming into Force

- (a) In the absence of evidence to the contrary, if a motor vehicle is involved in any offence referred to in this Bylaw, the registered owner of that vehicle is deemed to be the person causing the offence. If the registration of the motor vehicle is not current, the last registered owner shall be deemed to be the person causing the offence.
- (b) Should any provision of this Bylaw be deemed by a competent court to be invalid, then the invalid provision shall be severed, and the remainder of the Bylaw shall be maintained.
- (c) Bylaws 942/G/2009 and 937/TR/2009 are hereby repealed.
- (d) This Bylaw shall come into force upon receipt of its third and final reading.

Read a first time this 2<sup>nd</sup> day of October 2018  
Read a second time this 2<sup>nd</sup> day of October 2018  
Council unanimously resolved to proceed to third reading this 2<sup>nd</sup> day of October 2018  
Read a third time this 2<sup>nd</sup> day of October 2018

Signatures on original document

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Gordon Macleod, Mayor

Signatures on original document

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Daryl Greenhill, Chief Administrative Officer