

BYLAW 1046/GEN/2018

A BYLAW OF THE TOWN OF FAIRVIEW, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF STANDARDIZING ENFORCEMENT OF BYLAWS AND PENALTIES FOR OFFENCES.

WHEREAS Section 7 of the Municipal Government Act, R.S.A. 2000 Chapter M-26, of the Province of Alberta, gives Council the authority to pass bylaws respecting the enforcement of bylaws; AND

WHEREAS Council considers it desirable to promote consistent enforcement and penalties across all bylaws;

NOW THEREFORE, 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 “Enforcement and Penalties Bylaw”.
2. Definitions
 - (a) *Bylaw Enforcement Officer*: an individual appointed by the Town pursuant to the *Municipal Government Act* to enforce the Town’s Bylaws and includes a member of the Royal Canadian Mounted Police and any Peace Officer employed by the Town.
 - (b) *Council*: the Municipal Council for the Town of Fairview.
 - (c) *Designated Officer*: a Bylaw Enforcement Officer, or any other Person who has been appointed by Council from time to time, for the purpose of inspections or enforcement pursuant to this Bylaw.
 - (d) *Occupant*: any Person other than the registered Owner who is in possession of the Property, including, but not restricted to, a lessee, licensee, tenant or agent of the Owner.
 - (e) *Order*: issued by a Designated Officer as described in Section 545 or Section 546 of the *Municipal Government Act*, as applicable.
 - (f) *Owner*:
 - (i) any Person registered as the Owner of Property under the *Land Titles Act*;
 - (ii) a Person who is recorded as the Owner of Property on the Assessment Role of the Town;
 - (iii) a Person who has become the beneficial Owner of the Property, including by entering into a Purchase and Sale Agreement, whether they have

purchased or otherwise acquired directed from the Owner or from another Purchaser, and who has not yet become the registered Owner thereof;

- (iv) a Person holding himself out as the Person exercising the power or authority of Ownership or, who for the time being exercises the powers and authority of Ownership over the Property;
 - (v) a Person in control of Property under construction; or
 - (vi) a Person who is the Occupant of the Property.
- (g) *Person*: a corporation, partnership, or individual, and the heirs, executors, administrators or other legal representative of an individual.
- (h) *Town*: The Town of Fairview, in the Province of Alberta.

3. Enforcement

- (a) For an inspection or enforcement under this Bylaw, a Bylaw Enforcement Officer is a Designated Officer of the Town.
- (b) Nothing in this Bylaw restricts the Town or any of its Designated Officers to the specifically mentioned sections of the *Municipal Government Act*. All appropriate sections of the *Municipal Government Act* shall be considered.
- (c) Inspections will be performed as directed in Sections 542 and 543 of the *Municipal Government Act*.
- (d) Where contravention of a Town Bylaw has occurred or is occurring, a Designated Officer may issue an Order as directed in Sections 545 and 546 of the *Municipal Government Act*.
- (e) An order issued pursuant to a Town Bylaw is deemed to have been served on the Person to whom it is addressed:
 - (i) In the case of an individual, when the Order has been delivered personally to the individual or left for the individual at their presumed residence with a Person on the premises who appears to be at least eighteen (18) year of age;
 - (ii) In the case of a partnership of corporation, when the Order has been delivered personally to an employee or agent of the partnership or corporation at either the registered office or business address of the partnership or corporation;
 - (iii) Upon confirmation of receipt of the Order being received by registered mail;

- (iv) Where the above methods are unsuccessful or impractical, electronic service of the documents may be utilized where the Person has provided the Town with an email address and in accordance with Section 608 of the *Municipal Government Act*; OR
 - (v) When the Town is unsuccessful in its attempts to serve the Order using the methods above or the above methods are impractical or not expected to be timely, a copy of the Order may be placed on a conspicuous place on the Property referred to in the Order. After posting the order in such way, the Order is considered served at the same date and time of its posting.
 - (f) A Person to whom an Order is issued may request a review of the Order by council as directed in Section 547 of the *Municipal Government Act*.
 - (g) Where the Town proceeds with remedial actions, Sections 549, 550 and 551 of the *Municipal Government Act* shall direct such actions.
 - (h) Costs for such remedial actions shall be recovered under the authority of Sections 549, 550 and 551 of the *Municipal Government Act*.
4. Offences and Penalties
- (a) Regardless of whether an Order has been issued, any person who contravenes any provision of a Town Bylaw by doing any act or thing which the person is prohibited from doing, or by failing to do any act or thing the person is required to do, is guilty of an offence pursuant to the Bylaw.
 - (b) Any person guilty of an offence is liable, upon summary conviction, to a penalty as set out in Schedule "A" herein.
 - (c) A Designated Officer is hereby authorized is issue a Violation Tag to any Person whom the Officer has reasonable grounds to believe has contravened any provision of Town Bylaws.
 - (d) A Violation Tag shall be served using the same methods provided for service of an Order in this Bylaw.
 - (e) A Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - (i) The name of the Person to whom the Violation Tag is issued;
 - (ii) A description of the Property upon which the offence has been committed, if applicable;

- (iii) The appropriate penalty for the offence as specified in the Schedule "A" of this Bylaw;
 - (iv) That the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and
 - (v) Any other information as may be required by the Chief Administrative Officer.
- (f) Where a Violation Tag has been issued, the Person to whom it has been issued may, in lieu of being prosecuted for the offence pay to the Town Office the penalty specified on the Violation Tag.
 - (g) If a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Designated Officer is hereby authorized to issue a Violation Ticket pursuant to Part 2 or 3 of the *Provincial Offences Procedure Act*.
 - (h) Notwithstanding the previous item, a Designated Officer is hereby authorized to immediately issue a Violation Ticket to any Person to whom the Officer has reasonable grounds to believe has contravened any provision of a Town Bylaw.
 - (i) A Violation Ticket shall be served in accordance with the *Provincial Offences Procedure Act*.

5. Interpretation and Coming into Force

- (a) 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.
- (b) The provisions of this Bylaw are not intended to restrict or reduce the express statutory authority of a Designated Officer operating lawfully.
- (c) This Bylaw amends the following Bylaws in the specified manner:
 - (i) Removes Sections 41 through 50, inclusive, of the Animal Control Bylaw, Bylaw # 989/AC/2012.
 - (ii) Removes Schedule B of the Animal Control Bylaw Amendment, Bylaw # 1020/AC/2015.
 - (iii) Removes Sections 6 and 7 of the Nuisance Bylaw, Bylaw # 942/G/2009.
 - (iv) Removes Schedules A and B of the Nuisance Bylaw, Bylaw # 942/G/2009.

- (v) Removes Section 15 of the Town of Fairview Business Licensing Bylaw, Bylaw # 846/LIC/2001.
 - (vi) Removes Sections 35 through 37, inclusive, of the Traffic Bylaw, Bylaw # 965/TR/2010.
 - (vii) Removes Schedule A of the Traffic Bylaw, Bylaw # 965/TR/2010.
 - (viii) Removes Section 4 of the Snow Removal Bylaw, Bylaw # 937/TR/2009.
 - (ix) Removes Schedule A of the Snow Removal Bylaw, Bylaw # 937/TR/2009.
 - (x) Removes Sections 10 through 12, inclusive, of the Fire Bylaw, Bylaw # 961/PS/2010.
 - (xi) Removes Part I of Schedule A of the Fire Bylaw, Bylaw # 961/PS/2010.
- (d) This Bylaw shall come into force upon receipt of its third and final reading.

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

Signatures on original document

Gordon Macleod, Mayor

Signatures on original document

Daryl Greenhill, Chief Administrative Officer

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SCHEDULE "A" - Specified Penalties

1. Animal Control Bylaw

PART III – LICENSING		
Section 4	Fail to obtain valid dog license	\$100.00
Section 4	Fail to obtain valid cat license	\$30.00
Section 6.1	Fail to ensure license is worn by dog	\$75.00
Section 6.1	Fail to ensure license is worn by cat	\$20.00
Section 13	Keep more than the maximum number of animals allowed	\$200.00
PART IV – DANGEROUS DOGS		
Section 20.1	Dangerous dog kills another animal	\$1000.00
Section 20.2	Dangerous dog bites, chases or attacks a person or animal	\$750.00
Section 20.3	Dangerous dog threatens person or animal	\$500.00
Section 21	Fail to confine dangerous dog when on the owner's premises	\$300.00
Section 21.2.1	Fail to restrain by leash and controlled by person 18 years or older	\$300.00
Section 21.2.2	Fail to confine within securely locked pen or structure	\$300.00
Section 21.4	Fail to attach appropriate signage	\$300.00
Section 21.5	Fail to muzzle or constrain when off premises of owner	\$300.00
PART V – GENERAL OFFENCES		
Section 22	Allow animal to run at large	
	First offense	\$50.00
	Second offense, within one year	\$100.00
	Third offense, within one year	\$200.00
	Fourth and subsequent offenses, within one year	\$400.00
Section 23	Fail to immediately remove defecation from property	\$50.00
Section 24	Fail to keep property sanitary	
	First offense	\$50.00
	Second offense, within one year	\$125.00
	Third offense, within one year	\$300.00
	Fourth and subsequent offenses, within one year	\$500.00
Section 25	Allow animal to bark or howl excessively or otherwise disturb quiet	
	First offense	\$50.00
	Second offense, within one year	\$125.00
	Third offense, within one year	\$300.00
	Fourth and subsequent offenses, within one year	\$500.00
Section 26	Allow animal to damage public or private property	
	First offense	\$50.00

	Second offense, within one year	\$125.00
	Third offense, within one year	\$300.00
	Fourth and subsequent offenses, within one year	\$500.00
Section 27.1	Allow animal to bite, chase or attack another person or animal	\$100.00
Section 27.2	Allow animal to kill another animal	\$750.00
Section 27.3	Allow animal to chase motor vehicle	\$100.00
Section 27.4	Allow animal to threaten another person or animal	\$100.00
Section 30	Tease, torment, abuse, injure or neglect any animal	\$400.00
PART VI - LIVESTOCK		
Section 31	Have livestock within Town boundaries	\$100.00

2. Town of Fairview Business Licensing Bylaw

ALL OFFENSES		
Minimum penalty		\$250.00
Maximum penalty		\$2500.00

3. Cannabis Consumption Bylaw

ALL OFFENSES		
First offense, within one year		\$100.00
Second offense, within one year		\$200.00
Third and subsequent offenses, within one year		\$400.00

4. Community Standards Bylaw

ALL OFFENSES		
First offense, within one year		\$100.00
Second offense, within one year		\$200.00
Third and subsequent offenses, within one year		\$400.00

5. Fire Bylaw

Section 3.2	Use or construction of fire pit without permit	\$150.00
Section 4.1	Failure to obtain permit for or comply with conditions for open air fire	\$200.00 <i>plus extinguishing cost</i>
Section 4.2	Allow or cause fire in "burning barrel"	\$300
Section 5.1	Allow or cause non-compliant recreational fire	\$200
Section 6.1	Purchase or discharge fireworks without valid permit	\$300
Section 6.3	Discharge fireworks during fire ban	\$300
Section 7.4	Allow or cause fire during fire ban	\$300
Section 9.1	Failure to extinguish or report fire	\$150

Section 9.2	Allow or cause fire producing nuisance smoke	\$250
Section 9.3	Report or cause reporting of a false alarm	
	First offense	\$75
	Second offense	\$200
	Third and subsequent offenses	\$300
Section 9.4	Obstruct any member of fire department	\$200
Section 9.5	Damage or destroy fire department apparatus or equipment	\$1500
Section 9.6	Drive vehicle over fire apparatus or hose	\$500
Section 9.7	Falsely represent fire department member	\$250
Section 9.8	Obstruct or interfere with fire equipment	\$200
Section 9.9	Deposit items creating ignition hazard	\$200
Section 9.10	Provide false information on application for permit	\$200
Section 9.11	Allow unattended fire or burn prohibited items	\$300

6. Traffic Bylaw

PART I – OPERATION OF VEHICLES		
Section 3	Drive vehicle damaging highway	\$200.00 <i>plus repair costs</i>
Section 4	Unsecured loads	\$150.00
Section 5	Drive vehicle on parkland	\$200.00
Section 7.2	Exceed weight limit for road ban	\$100.00
Section 7.3	Operate vehicle on closed road	\$100.00
PART II – PARKING		
Section 9.1	Left turn over centre line	\$50.00
Section 9.2	Reverse out of parking spot over centre line	\$50.00
Section 9.3	Vehicle parked more than 72 hours	\$100.00
Section 9.4	Park in contravention of traffic control device	\$150.00
Section 10	Unlawfully parked in alleyway	\$100.00
Section 11	Unlawfully parked in disabled parking spot	\$200.00
Section 13.1	Unlawfully parked trailer or recreational vehicle	\$150.00
Section 13.2	Detached trailer parked on highway	\$100.00
Section 14	Unlawfully parked or stopped vehicle	\$100.00
Section 15	Unauthorized parking in a commercial zone	\$100.00
Section 17	Unlawfully parked on private property	\$200.00
PART III – SNOW		
Section 18	Parking a vehicle obstructing snow removal operations	\$100.00
Section 19	Unlawfully place snow on roadway or private property	\$100.00
Section 20	Excess snow on roof/eaves causing dangerous condition	\$150.00
PART IV – BICYCLES, SKATEBOARDS & HORSES		
Section 21.1	Ride bicycle on sidewalk	\$50.00

Section 21.2	Ride/use roller skate, roller blade or skateboard unsafely on sidewalk	\$50.00
Section 21.3	Ride bicycle with improper equipment at night	\$100.00
Section 21.4	Unlawful crossing of highway (jaywalking)	\$50.00
Section 21.5	Improper operation of horse-drawn implement	\$100.00
Section 21.6	Failure to remove horse defecation	\$150.00
PART V – SPECIAL HIGHWAY EVENTS		
Section 22	Unlawful parade or procession	\$200.00
PART VI – GENERAL		
Section 24	Unlawful operation of off-highway vehicle	
	First offense	\$100.00
	Second and subsequent offenses, within one year	\$200.00
Section 25	Allow or construct encroachment to sidewalk or highway	\$100.00
Section 26.1	Washing vehicle leaving material upon sidewalk or highway	\$100.00
Section 26.2	Deposit material on highway or sidewalk	\$150.00
Section 26.3	Create obstruction to highway	\$150.00
Section 26.4	Vegetation causing visibility hazard to traffic	\$150.00
Section 26.5	Allow visibility hazard to traffic	\$150.00
Section 27	Unauthorized Commercial waste container on highway or public property	\$200.00
Section 28	Post bill or affix poster without permission	\$50.00
Section 29	Tamper with or remove manhole cover	\$100.00
PART VII – TRUCK & DANGEROUS GOODS ROUTES		
Section 30.1	Drive or park heavy vehicle off truck route	\$300.00
Section 30.2	Operate engine brakes within town limits	\$200.00
Section 31.1	Transport dangerous goods off dangerous goods route	\$300.00

7. Applicable to all Bylaws

OTHER OFFENSES		
	Interfere with, impede or hinder a Bylaw Enforcement Officer	\$500.00
	Non-compliance with order	\$300.00
	Offenses not specifically mentioned in the above tables	\$100.00