

BYLAW NO. 1076

**BEING A BYLAW OF THE TOWN OF MAYERTHORPE WITH RESPECT TO
PROPERTY MAINTENANCE**

WHEREAS, the Town of Mayerthorpe has the authority pursuant to Section 7(a) of the Municipal Government Act R.S.A. 2000, cM-26, as amended, to pass bylaws for municipal purposes.

NOW THEREFORE, the Council of the Town of Mayerthorpe enacts as follows:

PART I – PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE

1. The purpose of this bylaw is to regulate the appearance and maintenance on privately owned **property** and immediately adjacent areas in order to promote the safe, enjoyable and reasonable use of such **property** for the benefit of all citizens of the **Town**.
2. This Bylaw shall be known as the “**Property Maintenance Bylaw**”.

DEFINITIONS

3. In this bylaw, unless the context otherwise requires:
 - (a) “Boulevard” means that part of a **Highway** that: lies directly between the **property** line of any **property** to the center of the **Highway** and includes any ditch adjacent to any road that abuts, flanks or otherwise comes in contact with the **property** line of any **property**. This also includes the land between the **property** line and the center of any alley way at the rear of any **property**.
 - (b) “CAO” means the Chief Administrative Officer for the Town of Mayerthorpe or his/her delegate.
 - (c) “Excessive” means exceeding what is usual, necessary or proper.
 - (d) “Highway” the same meaning as in the Traffic Safety Act and included any road, street, avenue, alley or parking lot within the municipal boundaries of Mayerthorpe..
 - (e) “Motor Vehicle” has the same meaning as in the Traffic Safety Act.
 - (f) “Municipal Tag” means a ticket alleging an offence issued pursuant to the authority of a bylaw of the **Town**.

- (g) “Occupy” , “Occupies” or “Occupant” means residing on or to be in apparent possession or control of **property**.
- (h) “Own” or “Owns” means:
 - (i) in the case of land, to be registered under the Land Titles Act as the owner of the fee simple estate in a parcel of land; or
 - (ii) in the case of personal **property**, to be in lawful possession or have the right to exercise control over it or to be the registered owner of it.
- (i) “Person” means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative.
- (j) “Property” means a parcel of land including any improvements:
- (k) “Sidewalk” means that part of the **Highway** especially adapted to the use or ordinarily used by pedestrians and includes that part of a **Highway** between the curb line or, where there is no curb line, the edge of the roadway, and the adjacent **property** line whether or not it is paved or unpaved; and
- (l) “Town” means the Town of Mayerthorpe.
- (m) “Violation Ticket” has the same meaning as in the Provincial Offences Procedure Act.

RULES FOR INTERPRETATION

- 4. The table of contents, marginal notes and headings in this bylaw are for reference purposes only.

PART II – PROPERTY MAINTENANCE

DEFINITIONS

- 5. In this Part, “**Building**” includes a structure and any part of a **Building** or structure placed in, on or over land whether or not it is so affixed to become transferred without special mention by a transfer or sale of the land.

HIGHWAY OCCUPANCY

6. For the purpose of the Part, a **Person** who **Owns** or **Occupies** land shall be considered to **Occupy** that portion of any **Highway** between the **property** line and the center of the **Highway**.

LAND

7. A **Person** shall not cause or permit a nuisance to exist on land they **Own** or **Occupy**.

8. For the purpose of greater certainty a nuisance, in respect of land, means land that shows signs of a serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which include:

- (a) **excessive** accumulation of uncovered material including but not limited to **Building** materials, appliances, household goods, boxes, tires, vehicle parts, garbage or refuse, whether of any apparent value or not;
- (b) smelly or messy compost heaps;
- (c) unkempt grass or weeds higher than 15 centimeters;
- (d) **excessive** accumulation of grass clippings, or fallen leaves;
- (e) production of any **excessively** offensive odors including those caused by animal feces;
- (f) any tree, shrub, other type of vegetation or any structure:
 - (i) that interferes or could interfere with any public work or utility;
 - (ii) that obstructs any **sidewalk** adjacent to the land; or
 - (iii) that interferes with the lawful enjoyment of adjacent **Property** owners.
- (g) unauthorized drainage of water from one **person's property** to another;
- (h) unauthorized storage or accumulation of pipes, scrap materials, shipping containers, wood, vehicles, storage facilities or similar items.

9. A **Person** shall not cause or permit any loose litter, garbage or refuse in the area used for the storage or such materials or in the area used for the placement of such materials for collection on land they **own** or **occupy**.

SIDEWALKS

10. (1) The **Owner** or **Occupant** of any private **Property** adjacent to a **sidewalk** shall be deemed responsible for the removal of ice or snow down to the pavement from that portion of the **sidewalk**.

(a) with respect to residential properties, within 48 hours after the ice or snow has been deposited; and

(b) with respect to business properties, within 24 hours after the ice and snow has been deposited.

(2) No **person** shall remove snow, ice, dirt, debris or other materials from any **sidewalk** or other **property** and place such snow, ice, dirt, debris or other materials:

(a) onto any portion of a **Highway**; except to the extent that removal of the snow and ice to private **property** is impractical;

(b) onto any other public place adjacent to such **property**; or

(c) onto any private **property** other than their own.

(3) Every **Occupant** or **Owner** of every **Building** abutting on or within 3 meters of any **sidewalk**, **Highway** or other public place shall, remove snow or ice that has accumulated on the roof, eaves or awnings to the extent that a danger is created to **persons** passing or vehicles legally parked. The corrective action shall be undertaken with due care for the warning and safety of **Persons** passing or vehicles parked.

(4) If water drips from a building or awning upon a **sidewalk**, the **Owner** or **Occupier** of the premises shall clean the **sidewalk** to prevent ice from forming thereon.

(5) For noncompliance of Section 10 (1), (2), (3), or (4), the **Town** may serve an order requiring that **person** to remove the ice or snow within the time specified by the order. Failure to comply with the order may result in the **Town** undertaking the work. The expenses and costs thereof as determined by the **CAO** are an amount owing to the **Town** by the **person** to whom the order was issued. Where the **Owner** or **Occupant** fails to pay such costs and expenses the amount thereof may be collected by civil action when in contravention of Sections 10 (2), or (3) or added to the tax roll of the **property** and collected in like manner as taxes when in contravention of Section 10 (1) or (4).

(6) Unless a **person** has first obtained written permission from the **Town**, or unless permitted by Bylaw, no **person** shall place or cause to be placed any cord, rope, hose, drainage devise or other horizontal or vertical feature over a **sidewalk**.

BOULEVARDS

11. A **person** shall maintain any **Boulevard** adjacent to land they **Own** or **Occupy** by:

(a) keeping any grass on the **Boulevard** cut to a height of not more than 15 centimeters;

(b) removing any accumulation of fallen leaves, grass trimmings or other debris.

UNOCCUPIED BUILDINGS

12. (1) If a **Building** normally intended for human habitation is unoccupied then any door or window opening in the **Building** shall be secured in a manner sufficient to prevent unauthorized entry into the **Building** while at the same time not detracting from the appearance of the **Building**.

(2) If a **Building** normally intended for human habitation is unoccupied for any length of time, the **Owner** shall ensure that arrangements are made for the clearing of all snow and ice from any **sidewalk** adjacent to the said **Property**.

PART III – ENFORCEMENT

OFFENCE

13. A **Person** who contravenes this Bylaw is guilty of an offence.

CONTINUING OFFENCE

14. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect to each day, or part of a day, on which it continues and a **Person** guilty of such an offence is liable to a fine in the amount not less than that established by this Bylaw for each such day.

VICARIOUS LIABILITY

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

CORPORATIONS AND PARTNERSHIPS

16. (1) When a corporation commits an offence under this Bylaw, every principal director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to 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.

(2) If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

FINES AND PENALTIES

17. (1) A **Person** who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than six months for non-payment of a fine.

(2) Without restricting the generality of subsection (1), the following fine amounts are established for use on **Municipal Tags** and **Violation Tickets** if a voluntary payment option is offered.

- (a) \$250.00 for any offence under Sections 22(2) or 23;
- (b) \$85.00 for any offence under Section 10;
- (c) \$100.00 for any offence under Sections 7, 8, 9 or 11;
- (d) Fines double for any similar subsequent offence.

MUNICIPAL TAG

18. (1) If a **Municipal Tag** is issued in respect of an offence, the **Municipal Tag** must specify the fine amount established by this Bylaw for the offence.

(2) A **Municipal Tag** issued under this Bylaw may be served:

- (a) by delivering it personally to the individual;
- (b) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age;
- (c) by mail to the address shown on the tax roll of the **Town** or at the Land Titles Registry.

(3) In the case of a Corporation, a **Municipal Tag** may be served:

- (a) by delivering personally to any director or officer of the corporation;
- (b) by delivering it personally to a **person** apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or

(c) by mail to the registered office of the corporation.

PAYMENT IN LIEU OF PROSECUTION

19. A **Person** who commits an Offence may, if a **Municipal Tag** is issued in respect of the offence, pay the fine amount established by this Bylaw for the offence and if the amount is paid on or before the required date, the **person** will not be prosecuted for the offence.

VIOLATION TICKET

20. If a **Violation Ticket** is issued in respect of an offence, the **Violation Ticket** may:

- (a) specify the fine amount established by this Bylaw for the offence; or
- (b) require a **person** to appear in court without the alternative of making a voluntary payment.

VOLUNTARY PAYMENT

21. A **Person** who commits an offence may:

- (a) if a **Violation Ticket** is issued in respect of the offence; and
- (b) if the **Violation Ticket** specifies the fine amount established by this Bylaw for the offence;

make a voluntary payment equal to the specified fine.

ORDER TO COMPLY

22. (1) If the **CAO** believes, on reasonable grounds, that a **Person** is contravening any provision of this bylaw, the **CAO** may, by written order, require any **Person** responsible for the contravention to remedy it.

(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 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 **Town** will take the action or measure.

(3) A **Person** named in and served with an order issued pursuant to this section shall comply with any action or measure required to be taken within the time specified.

(4) An order issued pursuant to this section may be served:

(a) by delivering it personally to the individual;

(b) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age;

(c) by mail to the address shown on the tax roll of the **Town** or at the Land Titles Registry.

(5) In the case of a Corporation, an order may be served:

(a) by delivering personally to any director or officer of the corporation;

(b) by delivering it personally to a **person** apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or

(c) by mail to the registered office of the corporation.

OBSTRUCTION

23. A **Person** shall not obstruct or hinder any **person** in the exercise or performance of the **Person's** powers pursuant to this Bylaw.

PART IV – GENERAL

POWERS OF THE CHIEF ADMINISTRATIVE OFFICER

24. Without restricting any other power, duty or function granted by this Bylaw the CAO may:

(a) carry out any inspections to determine compliance with this Bylaw;

(b) take any steps or carry out any actions required to enforce this Bylaw;

(c) take any steps or carry out any actions required to remedy a contravention of this Bylaw;

(d) establish investigation and enforcement procedures with respect to residential, commercial, industrial or other types of **property** and such procedures may differ depending on the type of **property** in question;

(e) establish forms for the purpose of this Bylaw; and

(f) delegate any powers, duties or functions under this Bylaw to an employee of the **Town**.

SEVERABILITY

25. Should any provision of this Bylaw be invalid, then such invalid provisions shall be severed and the remaining Bylaw shall be maintained.

REPEAL

26. Bylaw No. 921 is hereby repealed.

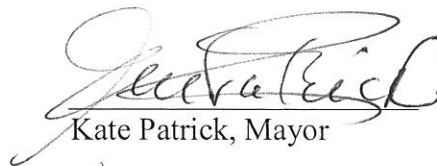
NUMBER AND GENDER REFERENCES

27. All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female **Person**, or a corporation or partnership.

Read a first time this 27th day of November, 2017.

Read a second time this 11th day of December, 2017.

Read a third time and duly passed this 11th day of December, 2017.



Kate Patrick, Mayor



Karen St. Martin, CAO