

VILLAGE OF MANNVILLE

Bylaw # 2010 – 764

Community Standards Bylaw

BEING A BY-LAW OF COUNCIL OF THE VILLAGE OF MANNVILLE TO PROVIDE FOR THE ESTABLISHMENT OF A COMMUNITY STANDARDS BYLAW.

WHEREAS Section 7 of the Municipal Government Act, RSA 2000, Chapter M-26, and amendment thereto (hereafter referred to as “MGA”) authorizes the Council of the Village of Mannville to pass bylaws related to the safety, health and welfare of people and the protection of people and property, and nuisances, including unsightly property;

AND WHEREAS the *Safety Codes Act*, RSA 2000 Chapter S-1 allows a Municipality to make bylaws respecting fires, minimum maintenance standards for buildings and structures, and unsightly or derelict buildings or structures;

AND WHEREAS pursuant to the *Agricultural Pests Act* RSA 2000 Chapter A 8, as amended and the *Weed Control Act* RSA 2008 Chapter W-5.1 as amended, the Village of Mannville is granted certain powers and jurisdiction related to weeds and pests;

AND WHEREAS the Village of Mannville wishes to establish certain the community standards and minimum requirements for the maintenance of land, buildings and real property;

NOW THEREFORE, the Council of the Village of Mannville in the Province of Alberta, duly assembled hereby enacts as follows.

1. PART 1 - DEFINITIONS AND INTERPRETATION

1.1. This Bylaw may be referred to as the “Community Standards Bylaw”.

1.2. In this Bylaw, unless the context otherwise requires, the following words or terms will have the following meanings:

(b) "**Building**" includes a structure or any part of a building or structure placed in, on or over land whether or not it is affixed to the land and would or would not be transferred with the land without special mention. Without restricting the generality of the foregoing, “Building” includes a mobile home or a trailer capable of being utilized for sleeping or eating purposes;

(c) "**Bylaw**" means a Municipal Bylaw, and includes any amendments thereto;

(d) "**Council**" means the elected Council of The Village of Mannville, in the Province of Alberta,

(e) "**Derelict Vehicle**" means any automobile, tractor, truck, trailer, snow vehicle, all terrain vehicle, farm implement or other vehicle, or any part thereof, that:

- i. is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, abandoned, or inoperative condition; or
- ii. does not have a current license plate attached to it, or for which no current registration certificate has been produced; and
- iii. is not completely stored within a structure for which a valid development permit exists, or otherwise located on a property such that it is concealed from view.

(f) "**Land**" means land registered with the Land Titles Office of the Province of Alberta which is located within the corporate limits of the Village of Mannville, and includes residential, commercial and industrial Land;

VILLAGE OF MANNVILLE

Bylaw # 2010 – 764

Community Standards Bylaw

- (g) “**Municipality**” means a municipality, as defined by the MGA;
- (h) “**Municipal Manager**” means the Person holding the position of Chief Administrative Officer for the Village;
- (i) “**Municipal Violation Tag**” means a Village issued notice that alleges an offense and provides a person with the opportunity to pay an amount to the Village in lieu of prosecution for the offense;
- (j) “**Naturalized Area**” means an area of land within which, in the sole opinion of a Standards Officer, there exists or has been practiced a method of random garden plant distribution that simulates the growth of plants in the natural environment and; does not include any nuisance, noxious or restricted weeds as identified in the *Weed Control Act*; and is not located in the front yard of a Property;
- (j) “**Occupy**” or “**Occupies**” means residing on or to be in apparent possession or control of Property;
- (k) “**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;
- (l) “**Peace Officer**” means a Bylaw Enforcement Officer appointed by the Village pursuant to the MGA Sec 555 (1) and is responsible for the preservation and maintenance of the public peace; or a member of the Royal Canadian Mounted Police, a member of a municipal police service, or a Special Constable appointed by the Village of Mannville pursuant to the provisions of the *Police Act*, R.S.A. 2000, c.P-17, as amended or repealed and replaced from time to time;
- (m) “**Person**” means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative, or their successors, assigns, heirs or estates;
- (n) “**Property**” means a parcel of land, including any buildings, structures or improvements thereon, or where the context so requires, a chattel;
- (o) “**Residential**” means a parcel of land zoned for residential living within the Village;
- (p) “**Standard**” means the minimum acceptable condition;
- (q) “**Standards Officer**” means the individual appointed by Village of Mannville Council to administer this Bylaw;
- (r) “**Non Residential**” means a parcel of land zoned either Commercial or Industrial for the purposes of operating businesses within the Village of Mannville;
- (s) “**Vehicle**” means a device in, on or by which a Person or thing may be transported or drawn on a Highway, or off Highway, and includes a combination of Vehicles but does not include a wheel chair or similar mobility aid;
- (t) “**Village**” means the Village of Mannville , a municipal corporation in the Province of Alberta;

VILLAGE OF MANNVILLE

Bylaw # 2010 – 764

Community Standards Bylaw

(u) “Village Property” means property owned by or under the control of the Village of Mannville.

1.3 In this Bylaw, whenever the male gender is specified it shall be interpreted as meaning both male and female, as may be applicable.

1.4 The Owner of any Property, is responsible for all activities on the Property that may constitute a prohibition or breach of this Bylaw.

1.5 The registered owner of Land, in accordance with the records of the Alberta Land Titles Office, is liable for any offences or contraventions of this Bylaw related to or committed on those Lands.

1.6 Nothing contained in sections 1.4 or 1.5 of this Bylaw prevents or restricts any prosecution or enforcement action against any other Person who may have breached or contravened this Bylaw.

1.7 In determining whether an offence has occurred pursuant to this Bylaw, a Designated Officer will have regard to the zoning of land, as provided for by the Village’s Land Use Bylaw. However, nothing contained herein shall derogate from the requirements of the Land Use Bylaw.

1.8 In the event that any provision or part of this Bylaw is determined by a Court of competent jurisdiction to be invalid, such invalidity of a portion of this Bylaw shall not effect the remainder, and the invalid portion shall be severed from this Bylaw so that the remaining portions of this Bylaw shall remain in force and effect.

2. PART 2 - PROPERTY MAINTENANCE

Land

2.1 No person shall cause or permit a nuisance or unsightly premises to exist on Land they own or occupy.

2.2 For the purpose of greater certainty, a nuisance or unsightly premises with respect to Land means a condition that, in the opinion of a Standards Officer, indicates a serious disregard for general maintenance or upkeep, a disregard for the standards contained in this Bylaw, or a danger to public safety or property, some examples of which include, but are not limited to the following:

(a) excessive accumulation of material including but not limited to construction equipment or machinery, building materials, appliances, household goods, boxes, tires, vehicle parts, garbage or refuse, whether of any apparent value or not;

(b) any loose litter, garbage or refuse whether located in a storage area, collection area or elsewhere on the land;

(c) Derelict Vehicles in residential or commercial land use districts, however, this standard will not apply:

- (i) if a single (1) vehicle is in the process of being restored, (eg: hobby vehicle) and being currently worked on;
- (ii) to licensed automotive repair garages provided they keep and repair said vehicles in an orderly and timely manner (not to exceed one month) and are located within the appropriate land use district.

(d) more than four (4) tires;

(e) less than four (4) tires if, in the opinion of the Standards Officer, they are not stacked neatly or are not reusable;

VILLAGE OF MANNVILLE

Bylaw # 2010 – 764

Community Standards Bylaw

- (f) compost, which, in the opinion of a Standards Officer, produces offensive odours or is unsightly in appearance; or anything which produces an excessive amount of dust, dirt, smoke or;
- (g) excessive amounts of animal materials or feces, which, in the opinion of a Standards Officer, is likely to produce excessive odour, is unsightly in appearance, or is likely to attract pests;
- (h) grass or weeds which exceeds a height of 15 centimetres (6 inches), unless it forms part of "Naturalized Area"; and for greater certainty shall apply to
- (i) vacant lots within residential areas
 - (ii) grass/weeds on any boulevard that lies directly in front or bordering owner's parcel.
 - (iii) between the boundary of a parcel of land and an adjacent highway, road or alley.
- (i) storage of household furniture and items including, but not limited to, couches, loveseats, chairs, desks, tables;
- (j) fences, retaining walls, or similar structures which, in the opinion of a Standards Officer, is not structurally sound, or excessively damaged;
- (k) the presence of trees, shrubs or other vegetation which is dead or diseased, or which is otherwise hazardous or dangerous or could otherwise interfere with a public work or utility, or obstructing a sidewalk, or could impair the visibility required for the safe flow of traffic;
- (l) the presence of an excavation or any other hazard or condition which, in the opinion of a Standards Officer, poses a danger to the public.

Buildings and Structures

2.3 No person shall cause or permit a Nuisance or an Unsightly Premises to exist with respect to any building or structure on Land they own or occupy.

2.4 For the purpose of greater certainty, a Nuisance or Unsightly Premise with respect to buildings or structures means a condition, that in the opinion of a Designated Officer, indicates a serious disregard for general maintenance or upkeep of the building or structure, a disregard for the standards contained in this Bylaw or a danger to public safety or property, some examples which include but are not limited to the following:

- (a) the lack of repair or maintenance of buildings, structures or improvements, including but not limited to:
 - i. the significant deterioration of buildings, structures, or improvements, or portions of buildings, structures or improvements;
 - ii. broken or missing windows, siding, shingles, shutters, eaves or other building material; or
 - iii. significant fading, chipping or peeling or painted areas of buildings, structures or improvements on Property.
- (b) any graffiti displayed on the building that is visible from any surrounding property;

VILLAGE OF MANNVILLE

Bylaw # 2010 – 764

Community Standards Bylaw

- (c) the presence of excavations, structures, materials or any other hazard or condition which poses a danger to public safety;
- (d) accessory buildings which, in the opinion of a Standards Officer, are not kept in good repair, or are not free from health, fire or safety hazards; and
- (e) fences, retaining walls or similar structures which, in the opinion of a Standards Officer, are not structurally sound or are excessively damaged.

3. PART 3 – MISCELLANEOUS STANDARDS

Unoccupied or Abandoned Buildings

3.1 Any building which is intended for human habitation and is unoccupied for more than two (2) months, or such longer period of time as a Standards Officer may allow, shall have all of its openings, including all doors and windows, covered and secured with wood or other suitable materials which may be allowed by a Standards Officer, all of which will be of a suitable thickness and will be secured in a manner which will prevent unauthorized entry into the building.

3.2 Any building which is normally intended for human habitation and which has been declared to be unfit for human habitation by a health or building authority, or other such other authority with jurisdiction, shall, within 24 months of such declaration, either be remediated to the satisfaction of the authority making the Order, or removed or demolished, failing which, the owner of the property will have committed an offence under this Bylaw, and shall be liable therefore.

Scavenging/Scrounging

3.3 No person shall collect, take, remove, salvage or convert to his or her own use any garbage, discarded matter or any other material from a curbside collection or alley location unless the person is:

- (a) the person who initially placed the material for collection;
- (b) an employee or agent of the Village of Mannville; or
- (c) an employee or member of any organization or corporation, which has been duly authorized by the Municipality to carry out the collection of Garbage (eg: waste disposal company providing services to the Village).

4. PART 4 – STANDARDS OFFICER

4.1 The Chief Administrative Officer of the Village of Mannville, including an acting or interim Chief Administrative Officer, as may be applicable, is hereby appointed and designated as a Standards Officer for the purpose of this Bylaw. Without restricting the generality of the foregoing, the Standards Officer shall administer this Bylaw on behalf of the Village of Mannville, and may do all those things permitted or authorized by this Bylaw. In addition to the above, the Standards Officer is also authorized and designated to issue Orders pursuant to ss. 545 and 546 of the *Municipal Government Act*, and to take such further action ancillary thereto as the Standards Officer deems appropriate.

4.2 The Standards Officer is hereby authorized to delegate any of the Standards Officers powers pursuant to this Bylaw, or the *Municipal Government Act*, to another employee of the Village of Mannville.

VILLAGE OF MANNVILLE

Bylaw # 2010 – 764

Community Standards Bylaw

4.3 A Standards Officer who becomes aware of a contravention of this Bylaw will endeavour to provide the offending person with a written warning in regard to the contravention. However, the lack of such a warning, or any irregularity in regard to such a warning, shall not invalidate any action taken pursuant to this Bylaw, or the *Municipal Government Act*, including the issuance of Municipal Tags, Violation Tickets, or Orders pursuant to the *Municipal Government Act*.

4.4 A Standards Officer who issues an Order pursuant to s. 546 or s. 546 of the *Municipal Government Act*, shall issue the notice in a form, and with the content, required by the Municipal Government Act. Without restricting the generality of the foregoing, any such Order shall contain a statement to the effect that if the person to whom the Order is directed has not complied with the Order within the time specified in the Order, that the Village, or its agents, may enter on to the property and carry out the actions required by the Order at the cost and expense of the person to whom the Order is directed, and that any such cost or expense will be an amount owing to the Village of Mannville.

4.5 Any person to whom an Order is directed pursuant to s. 545 or 546 of the *Municipal Government Act*, shall have such rights of review or appeal as provided for in the *Municipal Government Act*.

5. PART 5 - OFFENSES

5.1 A person who contravenes or breaches this Bylaw is guilty of an offense.

5.2 When a corporation commits an offense under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offense or assented to or acquiesced or participated in the act or omission that constitutes the offense is guilty of the offense whether or not the corporation has been prosecuted for the offense.

5.3 If a partner or a partnership is guilty of an offense under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offense or assented to or acquiesced or participated in the act or omission that constitutes the offense is guilty of the offense.

5.4 Any contravention of this Bylaw which continues on an ongoing basis for more than one day constitutes a separate offence with respect to each and every day during which the contravention continues, and a Person guilty of such an offense is liable to such fines or penalties established by this Bylaw for each separate offense.

5.5 Any person who contravenes or breaches this Bylaw is guilty of an offense under this Bylaw and liable to the fines or penalties prescribed in Schedule 1, attached hereto and forming part of this Bylaw.

5.6 All fines or payments imposed pursuant to a Municipal Violation Tag are due and payable to the Village of Mannville within 30 days of the date upon which the Municipal Violation Tag is issued.

5.7 A Peace Officer is hereby authorized to issue Municipal Violation Tags on behalf of the Village with respect to any offense under this Bylaw where the Peace Officer has reasonable grounds to believe that a contravention or breach of this Bylaw has occurred.

5.8 A Municipal Violation Tag shall be in a form approved by the Chief Administrative Officer of the Village of Mannville, and shall state:

(a) the name of the Owner and/or Occupant of the Property;

VILLAGE OF MANNVILLE

Bylaw # 2010 – 764

Community Standards Bylaw

- (b) a description of the Property;
- (c) the offence;
- (d) the appropriate penalty or payment for the offence as specified in Schedule "A" of this Bylaw;
- (e) that the penalty shall be paid within thirty (30) days of the issuance of a Violation Tag; and
- (f) any other information as may be required by the Chief Administrative Officer.

5.9 Where a Municipal Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offense, pay the penalty specified on the Violation Tag to the Village of Mannville.

6. PART 6 - VIOLATION TICKETS

6.1 A Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, as amended or repealed and replaced from time to time, in regard to any offence under this Bylaw. Without restricting the generality of the foregoing, a Peace Officer may issue a Violation Ticket when a Municipal Violation Tag has not been paid within the prescribed time, however, this shall not restrict a Peace Officer from issuing a Violation Ticket immediately regardless of whether a Municipal Violation Tag has been previously issued, or not.

6.2 A person who is guilty of an offense for which a Violation Ticket has been issued, is subject to a specified penalty in the amount equivalent to that which is prescribed in Schedule "A" of this Bylaw, or upon summary conviction, to a fine and/or other penalty not to be less than the specified penalty prescribed in Schedule "A" and not to exceed the maximum amount or other penalties provided for by the *Municipal Government Act*.

This Bylaw shall come into force and effect after the third reading hereof, and upon being signed in accordance with the Municipal Government Act.

READ a first time September 28, 2010

READ a second time this October 13, 2010

READ a third time and passed this 30 day of June, 2011

"AL GOOD"

MAYOR

"Candace Dueck"

CHIEF ADMINISTRATIVE OFFICER

Date Signed: June 30, 2011

VILLAGE OF MANNVILLE

Bylaw # 2010 – 764

Community Standards Bylaw

SCHEDULE A – SPECIFIED PENALTIES

Offense	Specified Penalty or Voluntary Payment
First offense of any provision of this Bylaw	\$100.00 plus, any additional costs incurred, in the event that the Village was or will be required to remedy the contravention, including a 10% administration fee.
Second offense of any provision of this Bylaw	\$200.00 plus, any additional costs incurred, in the event that the Village was or will be required to remedy the contravention, including a 10% administration fee.
Third offense of any provision of this Bylaw	\$300.00 plus, any additional costs incurred, in the event that the Village was or will be required to remedy the contravention, including a 10% administration fee.

For the purpose of the above schedule, any offense which occurs within two years of a previous offense will be considered as a subsequent offense.

VILLAGE OF MANNVILLE

Bylaw # 2010 – 764

Community Standards Bylaw

BYLAW VIOLATION TICKET

Village of Mannville

Box 180

Mannville, Alberta T0B 2W0

This tag is issued for breach of Section _____

Bylaw # _____

DATE: _____

TIME: _____

Legal Description/Civic Address: _____

Name of Occupant: _____

Owner if different from Occupant: _____

Penalty Amount: \$ _____

Warning:# _____

Offense:

Details/Particulars:

Consequence/Action to be taken: _____

Time Frame allowed for compliance:

Failure to pay the designated penalty within the time frame allotted may result in prosecution.

Issuer: _____ Ticket # _____