

**TOWN OF MORINVILLE
PROVINCE OF ALBERTA**

BYLAW 27/2010

Community Standards Bylaw

A BYLAW OF THE MUNICIPALITY OF MORINVILLE, IN THE PROVINCE OF ALBERTA, RESPECTING COMMUNITY STANDARDS.

WHEREAS, Section 7, Part 2, Division 1 of the Municipal Government Act, RSA 2000 Chapter M-26 authorizes a council to pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS, Section 7, Part 2, Division 1 of the Municipal Government Act, RSA 2000 Chapter M-26 authorizes a council to pass bylaws for municipal purposes respecting nuisances, including unsightly premises or property;

AND WHEREAS, pursuant to Sections 542, 543, 545, 546 (0.1), 546.1, 547, 549, and 550 of Municipal Government Act, RSA 2000 Chapter M-26, Council believes the regulation through a Community Standards Bylaw would benefit the community as a whole;

NOW THEREFORE, the Municipal Council of Morinville, Alberta duly assembled, hereby enacts as follows:

PART I

1.0 DEFINITIONS

1.1 This Bylaw means and shall be known as the "Community Standards Bylaw".

1.2 In this Bylaw, except where otherwise defined or specified:

1.2.1 "**BOULEVARD**" means the same as in the Traffic Safety Act, R.S.A. 2000 T-6 as amended or repealed and replaced from time to time.

1.2.2 "**BUILDING MATERIAL**" means any construction material which may result from the construction, renovation, or demolition of any structure and includes, but is not limited to, wood, gypsum, board, vinyl siding, metal, bricking, packaging material and containers of construction material, gravel, concrete and asphalt and any earth, rocks and vegetation displaced during such construction, renovation or demolition of any structure.

1.2.3 "**CARRY ON**" means to carry on, continue, operate, perform, hold, occupy or use a thing object or practice.

1.2.4 "**CHIEF ADMINISTRATIVE OFFICER (CAO)**" means the Chief Administrative Officer of Morinville, or the Director(s) or Department(s) designated by the Chief Administrative Officer.

1.2.5 "**CONTROL IN REFERENCE TO WEEDS AND UNMAINTAINED VEGETATION ON PREMISES OR PROPERTY**" means, with the exception of farmland or natural grasslands:

- i. cut, mow, or carry out measures designed to inhibit propagation of nuisance or noxious weeds so that no more than 1/3 of the premises or property be infested with weeds;

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- ii. cut, mow or carry out measures designed to inhibit propagation of uncontrolled grass or other vegetation at least once per month from May 1st through to October 31st to ensure it does not exceed 15 cm (6") in height, weather permitting;
- iii. remove or prune any and all trees that, due to a deterioration or condition or for any other reason interfere with any public utility or public works, or curb sight lines, and are or could be a public safety hazard, including lines, poles, conduits, pipes, sewer or other works of the Municipality on their premises or property;
- iv. remove or prune any shrub which is or could be a nuisance to any person using a publicly owned or maintained sidewalk or street;
- v. destroy the restricted weed if specified by a Peace Officer or Weed Inspector pursuant to the Weed Control Act; or,
- vi. carry out other measures as prescribed by a Peace Officer or Weed Inspector pursuant to the Weed Control Act.

1.2.6 **"COUNCIL"** means the duly elected municipal council of Morinville.

1.2.7 **"DEBRIS"** means building material or refuse arising from building construction or development.

1.2.8 **"DWELLING UNIT"** means a complete dwelling, a self-contained portion of a dwelling, or a set or suite of rooms which contains sleeping, cooking, living and separated or shared toilet facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for one (1) household, and which is not separated from direct access to the outside by another separate dwelling unit. Notwithstanding the foregoing, a recreational vehicle kept on a residential premises or property that is used or intended to be used for living accommodation shall be considered a dwelling unit for the purposes of this bylaw.

1.2.9 **"FENCE"** means the inclusion of a privately built fence and a developer-built community screening fence, or noise attenuation fencing.

1.2.10 **"GRAFFITI"** means words, figures, letters, drawings, initials, symbols, marks or slogans scribbled, scratched or sprayed on a surface of a premises or property.

1.2.11 **"HEDGE"** means a line of closely spaced shrubs, tree species or tightly planted vegetation, planted and trained in such a way as to form a barrier or to mark the boundary of an area.

1.2.12 **"HIGHWAY"** means the same as in the Traffic Safety Act, R.S.A. 2000, Chapter T-6 as amended or repealed and replaced from time to time.

1.2.13 **"JUNKED VEHICLE"** means any vehicle that is not located in an enclosed structure such that the vehicle, or any portion thereof, would not be visible from a highway or another premises or property and:

- i. the whole of any part of any vehicle which are not currently registered or licenced in accordance with Alberta Motor Vehicle Registries for the current year;
- ii. are inoperative or incapable of movement under its own power by reason of disrepair, removed parts or missing equipment; or,

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- iii. does not form part of the business enterprise with a valid business licence lawfully being operated on that premises or property.
- 1.2.14 **“LAND USE BYLAW”** means the Morinville Land Use Bylaw, as amended from time to time.
- 1.2.15 **“MOTOR VEHICLE”** means the same as in the Traffic Safety Act, R.S.A 2000, Chapter T-6 as amended or repealed and replaced from time to time.
- 1.2.16 **“MEDICAL OFFICER OF HEALTH”** means the individual that holds that position for the Health Region at any given time and includes any person authorized to act for and in the name of that individual.
- 1.2.17 **“MORINVILLE”** means the Municipality of the Town of Morinville.
- 1.2.18 **“MUNICIPAL GOVERNMENT ACT (MGA)”** means the Municipal Government Act, RSA 2000 Ch. M-26, as amended or repealed and replaced from time to time.
- 1.2.19 **“MUNICIPALITY”** means the Municipality of the Town of Morinville.
- 1.2.20 **“NUISANCE”** means any activity or thing which arises from unreasonable, unwarranted or unlawful use by a person of their own premises or property so as to produce a material annoyance, inconvenience or discomfort to the public or create annoyance or inconvenience to people living, working or pursuing activities in the vicinity of the premises or property; and, anything by act or omission that causes or permits a condition to exist which injures or endangers the public health, safety or welfare, or may reasonably be anticipated to be likely to injure or endanger public health, safety or welfare.
- 1.2.21 **“NOTICE”** means any notice issued pursuant to this Bylaw to remedy a condition that is not in compliance with any provision of this Bylaw or any applicable bylaw within Morinville including the Land Use Bylaw.
- 1.2.22 **“OCCUPY OR OCCUPIES”** means residing on or to be in apparent possession or control of premises or property.
- 1.2.23 **“OWNER”** means a person:
 - i. who is registered under the Land Titles Act as the owner of a parcel of land;
 - ii. who is recorded as the owner of a premises or property on the tax assessment roll of the Municipality of Morinville;
 - iii. who has purchased or otherwise acquired a parcel of land, whether he has purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not yet become the registered owner thereof;
 - iv. holding himself out as the person having the powers and authority of ownership of a premises or property or who for the time being exercises the powers and authority of ownership;
 - v. in possession or control of a premises or property under construction; or,
 - vi. who is the occupant of a premises or property pursuant to a written or verbal rental or lease agreement, license or permit.

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- 1.2.24 **“PEACE OFFICER”** means a member of the Royal Canadian Mounted Police or a Community Peace Officer appointed pursuant to the provisions the Police Act of Alberta R.S.A. 2000, Chapter P-17, as amended or repealed and replaced from time to time.
- 1.2.25 **“PERSON”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator, or other legal representative.
- 1.2.26 **“PREMISES”** means any external surfaces of all structures and the whole or part of any parcel of real property, including property immediately adjacent to any structure and includes all forms of vegetation and including any property or structures owned or leased by the Municipality.
- 1.2.27 **“PROPERTY”** means:
- i. in the case of land, a parcel of land including any structures; or,
 - ii. in other cases, personal property.
- 1.2.28 **“PUBLIC PLACE”** means any premises or property, whether publicly or privately owned, to which members of the public have access as a right or by express or implied invitation, whether on payment of any fee or not and shall also mean:
- i. a highway, road, street, sidewalk, lane or other thoroughfare;
 - ii. a parking lot;
 - iii. a place or building to which the public has or is permitted to have access;
 - iv. a park or playground or any other place of public resort of amusement;
 - v. in relation to a person who blocks an entrance;
 - vi. to an occupied building to which the public has or is permitted to have access without the consent of the occupant;
 - vii. for the purposes of Sections 3.1, a public transportation vehicle or public transportation shelter;
 - viii. the entrance to the such building so blocked; or,
 - ix. any occupied premises or property.
- 1.2.29 **“RECREATIONAL VEHICLE”** means a vehicle or trailer that provides temporary accommodation for recreation or travel purposes and includes any motor home, travel trailer, fifth wheel trailer, a camper when it is not mounted on a truck, but placed on the ground, a stand or otherwise stored, or any similar vehicles, but does not include small utility trailers, camper van conversions, tent trailers, campers mounted on trucks, off-road vehicles or watercraft and trailers to transport them, unless they are being used as a dwelling unit, in which case they will be considered Recreational Vehicles for the purposes of this bylaw.
- 1.2.30 **“REFUSE”** means articles including, but not limited to, loose scrap or litter including cigarettes or cigarette “butts/ends”, solid waste such as rubber, metal, glass, plastic, paper, cardboard, fabric, food, garbage bags, grass cuttings, shrubbery and tree prunings, weeds, garden waste, the whole or part of an animal carcass, animal or human feces, sewage, manure, dirt, soil, ash, gravel, rocks, or any other such waste of a decomposing or non-decomposing matter which may or may not harbour vermin or pests therein; petroleum products, hazardous materials, disassembled equipment and machinery, discarded household chattels or goods; and/or equipment or machinery which has been rendered inoperative by reason of disassembly, age or mechanical condition, including household appliances.

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- 1.2.31 **“REMEDIAL ORDER”** means an order written pursuant to Section 545 of the Municipal Government Act as amended or repealed and replaced from time to time.
- 1.2.32 **“SIDEWALK”** means the same as in the Traffic Safety Act, R.S.A. 2000 T-6 as amended or repealed and replaced from time to time.
- 1.2.33 **“STRUCTURE”** means any structure, including but not limited to a building, fence, retaining wall, scaffolding, shed, portable shack, or other similar types of construction.
- 1.2.34 **“STRUCTURES IN DISREPAIR”** means premises or property with:
- i. significant damage;
 - ii. peeling surfaces;
 - iii. broken, missing or fallen parts;
 - iv. rot or other significant deterioration;
 - v. openings which are secured against trespassers or infiltration or air and precipitation; or,
 - vi. other visual evidence of a lack of general maintenance.
- 1.2.35 **“UNTIDY AND UNSIGHTLY PREMISES OR PROPERTY”** means:
- i. premises or property where, in the opinion of the Peace Officer, there is visual evidence of physical deterioration, or which creates or has the potential to create unsafe or dangerous conditions which may threaten public safety, characterized by a lack of general maintenance and upkeep and/or by the unacceptable storage, accumulation and/or collection on the premises or property of building material, debris, refuse, and/or structures in disrepair.
 - ii. In addition to Section 1.2.35i., untidy and unsightly premises or property, in respect of land, also means land where there is visual evidence of unacceptable, in the opinion of the Peace Officer, general maintenance or upkeep or which poses or could pose a danger to public safety, which includes:
 - a. an excavation, hole or general untidy and unsightly condition of the premises or property;
 - b. properties that fail to control weeds and maintain vegetation on the premises or property and on any boulevard which abuts or joins the premises or property they own or occupy including up to the centre of lanes or alleys at the rear or side of the premises or property;
 - c. the unacceptable accumulation of junked vehicles other than where approved for such use under the Land Use Bylaw;
 - d. more than one recreational vehicle on a parcel of land kept in a residential area;
 - e. the encroachment of trees and shrubs onto adjacent properties; or,
 - f. the unacceptable accumulation of stagnant water is or could become a breeding place for mosquitoes, other pests, or a hazard to children, the general public and animals (except in those areas designated and developed for the purpose of holding runoff water).
- 1.2.36 **“VEHICLE”** means the same as in the Motor Vehicle Administration Act as amended or repealed and replaced from time to time.

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1.2.37 **“VIOLATION TICKET”** means the same as in the Provincial Offences Procedure Act, R.S.A 2000, Chapter P-34 as amended or repealed and replaced from time to time.

1.2.38 **“WEEDS”** means the definitions found in the Weed Control Act as amended or repealed and replaced from time to time.

PART II

2.0 PROPERTY MAINTENANCE

2.1 Untidy and Unsightly Premises or Property

2.1.1 For the purposes of this Section, all terms referred to and not defined in this Bylaw are as defined in the Land Use Bylaw.

2.1.2 Any owner of untidy or unsightly premises or property is required to remedy the situation upon notice of a Peace Officer under this bylaw.

2.1.3 No person shall keep or permit in any part of any yard within any residential premises or property:

- i. any vehicle, loaded or unloaded, of a gross vehicle weight in excess of 5,500 kg (~12,125 lbs.) for longer than is reasonably necessary to load or unload the vehicle;
- ii. automotive vehicles, commercial vehicles, off-road vehicles or watercraft including trailers to transport them, motorcycles, utility trailers or such other vehicles or trailers which are similar to the foregoing, being parked in a front yard except on or within an area approved for such use under the Land Use Bylaw; or
- iii. notwithstanding Section 2.1.3(i), more than one (1) recreation vehicle ensuring that:
 - a. the recreational vehicle shall not be used as a dwelling unit, and
 - b. no portion of the recreational vehicle shall be located in a front yard, or in the case of a corner site in the minimum required side yard abutting the roadway; and
 - c. notwithstanding Section 2.1.3(iii)(b), from April 1 to October 31, a recreational vehicle may be located in a front yard of a site with no rear lane, or in the case of a corner site in the minimum required side yard abutting a roadway, provided the vehicle is located on a hard-surfaced parking area approved for such use under the Land Use Bylaw setback at least 0.9 m (~3.0 ft.) from the sidewalk or curb if there is no sidewalk abutting the road.

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2.2 Nuisances and Obligations of Owners of Premises or Property

2.2.1 Any owner of any premises or property within the municipality who allows or causes to allow untidy or unsightly premises or property they own or occupy, or allows or causes to allow any of the following to exist, occur or emanate from premises or property they own or occupy, will be considered to have a nuisance on their premises or property, contrary to this bylaw:

- i. refrain from engaging in any activity or use of their premises or property that results in the production of offensive odours, excessive dust or smoke, or similar conditions which represent a nuisance to adjacent owners or the general public in the area of the premises or property;
- ii. refrain from planting or growing any tree, shrub, or other type of vegetation or placing any structure that interferes with or could interfere with an intersection or traffic flow adjacent to the premises or property;
- iii. refrain from allowing any accessible excavation, ditch, drain or standing water that poses or could pose a danger to the public; and
- iv. refrain from allowing any accumulation of refuse on the premises or property and ensure refuse is stored in weather-proof and animal-proof containers on the premises or property.

2.2.2 Any owner of any premises or property within the municipality shall:

- i. refrain from removing or pruning trees or shrubs on boulevards that are the responsibility of the Municipality;
- ii. refrain from planting trees or shrubs on boulevards without written permission from the Municipality. At the sole cost of the owner, the Municipality may remove any unauthorized trees or shrubs or require that the owner undertake their removal; and
- iii. follow all water use instructions from the Municipality with respect to watering lawns and shall replace dead grasses on the lawn.

2.3 Construction of Premises or Property

2.3.1 An owner of a premises or property under construction shall ensure that building materials or debris on the premises or property are removed or contained and secured in such a manner that prevents such building material or debris from being blown off or scattered from the premises or property.

2.3.2 No person shall keep or permit in any part of a premises or property, an excavation or debris during construction or renovation unless said excavation is properly secured or debris is stored in a container and removed within a reasonable period of time of being filled or required to complete the stage of renovation or construction, unless said excavation or debris is allowed pursuant to the Land Use Bylaw.

2.3.3 Upon such container being filled, it must be completely secured in such a manner so that no portion of the load can escape, blow, drop, spill, or fall onto a highway or premises or property adjacent thereto. It must then be transported to an appropriate location designated for the disposal of such building materials or debris.

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2.3.4 An owner of a premises or property under construction or renovation shall not pile or store any building materials or debris related to the construction or renovation on the street, sidewalk or any premises or property owned by the Municipality or other landowners without written permission to do so.

2.3.5 An owner of a premises or property or premises shall adhere to any applicable requirements of the Morinville Land Use Bylaw.

2.4 Boulevards

2.4.1 A person shall maintain any boulevard adjacent to the premises or property they own or occupy by:

- i. keeping any grass on the boulevard cut to a length of no more than 15 cm (~6 inches);
- ii. removing any accumulation of fallen leaves or other refuse or debris;
- iii. replace dead grasses; and
- iv. notifying the Municipality if tree maintenance is required.

2.4.2 Subject to obtaining written permission from the Municipality, any owner who chooses to utilize any landscaping material other than natural grass (e.g. crushed rock, mulch, artificial turf, hard-surfacing, plantings, etc.) in the boulevard or any other publicly owned premises or property adjacent to their premises or property assumes responsibility for all maintenance of such landscaping material and the repair of damage to such landscaping material, regardless of cause.

2.4.3 Notwithstanding Section 2.4.2, if the Municipality is responsible for the damage due to the repair of public utilities, the Municipality will only cover the cost to repair the damage with natural grass.

2.5 Structures

2.5.1 Every owner or occupant of a premises or property shall ensure the following are maintained in good repair:

- i. fences; and,
- ii. structures and their structural members including but not limited to:
 - a. foundations and foundation walls,
 - b. exterior walls and their components including finishing material and paint,
 - c. roofs,
 - d. windows and their casings,
 - e. doors and their frames,
 - f. protective or decorative finishes or all exterior surfaces of a structure or fence, and
 - g. exterior stairs, landings, porches, balconies, decks.

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- 2.5.2 If a structure normally intended for human habitation is unoccupied, then any door or window opening in the structure may be covered with a solid piece of wood but only if the wood is:
- i. installed from the exterior and fitted within the frame of the opening in a watertight manner; and,
 - ii. of a thickness sufficient to prevent unauthorized entry into the structure; and,
- 2.6 Refrigerators and Freezers and Appliances
- 2.6.1 A person disposing or removing a refrigerator, freezer or other similar appliance shall not place, cause or permit the refrigerator, freezer or other similar appliance to be placed on premises or property they own or occupy while in the process of disposal or removal unless effective measures have been taken to prevent the opening and closing of the refrigerator, freezer or other similar appliance.
- 2.6.2 Without limiting the generality of Section 2.6.1, measures considered to be effective may include:
- i. complete removal of the door of the appliance;
 - ii. the removal of the door handle mechanism if this prevents opening and closing of the door;
 - iii. the removal of the door hinges;
 - iv. locking the appliance; or,
 - v. otherwise wrapping or containing the appliance so that the interior is inaccessible.
- 2.6.3 Notwithstanding Sections 2.6.1 and 2.6.2, it shall not be an offence for an owner or occupier of a premises or property to allow an operable refrigerator, freezer or other similar appliance on a premises or property:
- i. if the refrigerator is not visible to a person from the front line of the premises or property as defined in the Land Use Bylaw; and,
 - ii. the refrigerator, freezer or similar appliance remains locked at all times with a padlock and key or similar device.
- 2.6.4 Notwithstanding Sections 2.6.1 through 2.6.3, an exception for retail and commercial businesses with a valid business licence shall exist subject to any applicable requirements of the Land Use Bylaw.
- 2.7 Refuse, Flyers and Graffiti
- 2.7.1 An owner, lessee, or occupier of a premises or property shall ensure that loose refuse or debris are collected and contained on the premises or property so that they do not escape onto adjacent or other neighbouring properties.
- 2.7.2 An owner, lessee, or occupier of a premises or property is responsible for papers and flyers on their premises or property regardless of whether they solicited for the delivery of these papers or flyers.
- 2.7.3 No person shall deposit commercial flyers on a premises or property where signs or notices have been posted and are clearly visible at the entrance to a dwelling unit indicating that such material is not wanted.

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- 2.7.4 No person shall create or apply graffiti and every owner or occupier of a premises or property shall ensure that any graffiti placed on their premises or property is removed, painted over, or otherwise permanently blocked from public view within fourteen (14) days of receiving written notice from a Peace Officer.
- 2.7.5 Notwithstanding Section 2.7.4, signs, street painting, graphic art, street art, murals and other similar art work on buildings, premises, sidewalks and other specified areas may be allowed where the owner has granted consent and where sanctioned and authorized by the Municipality in accordance with any applicable bylaws of the Municipality including any relevant provisions of the Land Use Bylaw.

PART III

3.0 PUBLIC BEHAVIOUR

3.1 Littering

- 3.1.1 No person shall leave, place, deposit or throw upon any public place any refuse or debris except in a receptacle designated and intended for such use.
- 3.1.2 A person who has left, placed, deposited or thrown any matter mentioned in Section 3.1.1 upon any public place shall forthwith remove it.

3.2 Urination and Defecation

- 3.2.1 A person shall not urinate or defecate in public except in a facility designed and intended for such use.

PART IV

4.0 POWERS OF PEACE OFFICERS

4.1 Inspections

- 4.1.1 Peace Officers are hereby authorized in accordance with Section 542 of the Municipal Government Act to enter into any premises or property after giving reasonable notice to the owner of the premises or property to be inspected; and to inspect for conditions that may contravene or fail to comply with the provisions of this Bylaw.
- 4.1.2 A Peace Officer, when investigating an alleged contravention of this Bylaw is hereby authorized to enter upon any premises or property other than a dwelling unit, to inspect for conditions that may contravene the provisions of this Bylaw. A Peace Officer may thereafter issue a verbal or written order to the Owner to remedy any condition(s) of the subject Premises or Property that have been found to be in contravention of this Bylaw.

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4.1.3 If a person

- i. Refuses to allow or interferes with the entry, inspection, enforcement or action referred to in Sections 4.1.1 or 4.1.2, or
- ii. Refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in Sections 4.1.1 or 4.1.2, the municipality may apply to the Court of Queen's Bench for an order under Section 543(2) of the Municipal Government Act.

4.1.4 A Peace Officer, when investigating an alleged contravention of this Bylaw may also issue a violation ticket.

4.2 Orders by Peace Officer

4.2.1 Where premises or property are found to be in violation of any provisions of this Bylaw, the Peace Officer may in accordance with Section 545 of the Municipal Government Act issue a written order to the owner of the premises or property to remedy the condition on the premises or property which violates this Bylaw.

4.2.2 an order written pursuant to Section 4.2.1 may:

- i. direct a person to stop doing something, or to change the way in which the person is doing it;
- ii. direct a person to take any action or measures necessary to remedy the contravention of the enactment or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and, if necessary, to prevent a re-occurrence of the contravention;
- iii. state a time within which the person must comply with the directions;
- iv. state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

4.2.3 Without limiting the powers under Sections 4.2.1 and 4.2.2, an order written pursuant to Section 4.2.1 may:

- i. require the owner of a structure in disrepair to eliminate the danger to public safety in the matter specified, or remove and demolish the structure and level the site;
- ii. require the owner of the premises or property that contains the excavation or hole to eliminate the danger to public safety in the manner specified, or fill in the excavation or hole and level the site;
- iii. require the owner of the premises or property to relocate or remove any vehicle, including recreational vehicles and junked vehicles, that does not comply with this bylaw in the manner specified in the order;
- iv. require the owner of the untidy and unsightly premises or property or that creates a nuisance to improve the condition of the premises or property in the manner specified in the order or if the premises or property is a structure, to remove or demolish the structure and level the site; and/or,
- v. require the owner, lessee, occupant of the premises or property to remove graffiti that is in an unsightly or nuisance condition to improve the appearance of the premises or property in the manner specified in the order.

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4.2.4 The Peace Officer shall give not less than seven (7) days from the date of the notice being issued for compliance with the notice. During this period for compliance, a person may appeal the notice with the appeals section of this Bylaw.

4.3 Service of a Notice

4.3.1 A notice by a Peace Officer shall be deemed to be sufficiently served if:

- i. served personally on the individual or corporation named in the order;
- ii. mailed to the last known address of the registered owner of premises or property, or to the person concerned;
- iii. it is left with a person apparently over the age of 16 years at the place of abode of the person to whom the notice is addressed;
- iv. it is posted in a conspicuous place on the premises or property referred to on the notice; or,
- v. in the opinion of a Peace Officer, service of the written order cannot be reasonably affected, or if the Peace Officer believes that the owner of the premises or property is evading service, the Peace Officer may post the written order in a conspicuous place on the premises or property to which the written order relates, or on the private dwelling place of the owner of the premises or property, and the written order shall be deemed to be served upon the expiry of three (3) days after the written order is posted.

4.4 Failure to Comply with Notice

4.4.1 When an owner fails to remedy a contravention of this bylaw within the time allowed in an order issued under Section 4.2 of this Bylaw, the Town may exercise its powers under s. 546.1, 549 or 550 of the Municipal Government Act in its discretion, including but not limited to entering upon the premises or property to perform or complete the work necessary to remedy the violation of this Bylaw. The costs incurred by the Town to remedy the violation, as well as any applicable fines under this Bylaw, will be billed to the owner and will be amounts owing to the Town. If the costs are not paid in the time specified by the Town, the costs may be charged against the premises or property as a special assessment to be recovered in the same manner as other taxes and in accordance with s.553, 553.1 or 553.2 of the MGA.

4.4.2 Every person who fails to comply with a written order issued pursuant to this section within the time set out in the written order commits an offence.

4.5 Penalties and Enforcement

4.5.1 Any person who contravenes any sections and provisions of this Bylaw is guilty of an offence and is liable for the penalty set out in Schedule A of this Bylaw.

4.5.2 When a person is alleged to have contravened any provision of this Bylaw, a Peace Officer may issue a violation ticket pursuant to the Provincial Offences Procedure Act, R.S.A 2000 c. P-24.

4.5.3 In addition, any owner, agent, lessee or occupier of any premises or property within the Municipality who fails to comply with Part II of this Bylaw will be liable for fines listed in Schedule A.

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- 4.5.4 Any items of value, in the opinion of CAO and the Peace Officer, removed pursuant to Section 4.4.1, will be removed to a place of safekeeping and will:
- i. be subject to a daily fee for storage costs; and
 - ii. if unclaimed within ninety (90) days of removal, will be sold or disposed of at the discretion of the Municipality.
- 4.5.5 If the municipality sells all or a part of a structure that has been removed under 4.2, the proceeds of the sale must be used to pay the expenses and costs of the removal and any excess proceeds must be paid to the person entitled to them.
- 4.5.6 The imposition of a violation ticket or summary conviction in court shall not relieve any person so fined of any costs incurred in having work performed by the Municipality or agents of the Municipality where authorized by this Bylaw.
- 4.5.7 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.
- 4.5.8 A person shall not obstruct or hinder any person in the exercise of performance of the person's powers pursuant to this Bylaw.
- 4.5.9 The municipality may register a caveat under the Land Titles Act in respect of an order made under Section 4.2 dealing with a dangerous structure, excavation or hole or untidy and unsightly premises or property against the certificate of title for the land that is the subject of the order.
- 4.5.10 If a municipality registers a caveat under Section 4.5.9, the municipality must discharge the caveat when the order has been complied with or when the municipality has performed the actions or measures referred to in the order.
- 4.5.11 When
- i. a structure is being constructed in contravention of this bylaw,
 - ii. a contravention of this bylaw is of a continuing nature, or
 - iii. any person is carrying on business or is doing any act, matter or thing without having paid money required to be paid by this bylaw,
- in addition to any other remedy and penalty imposed by this bylaw, the municipality may apply to the Court of Queen's Bench for an injunction or other order.
- 4.5.12 Emergencies
- i. In an emergency or in extraordinary circumstances, the designated officer need not give reasonable notice or enter at a reasonable hour and may do the things in subsection (1)(a) and (c) of Section 542 of the Municipal Government Act without the consent of the owner or occupant.
 - ii. Pursuant to Section 551 of the Municipal Government Act, in an emergency the municipality may take whatever actions or measures are necessary to eliminate the emergency.

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4.6 Appeals

- 4.6.1 A person who receives a written order to comply with a section pursuant to this Bylaw may by written notice within 14 days after the date the order is received, request Council to review the order.
- 4.6.2 For the purposes of this Part of this Bylaw, an order is deemed received when sent, given or served by mail, and the document is properly addressed and sent by prepaid regular mail, unless the contrary is proven, the service shall be presumed to be effected seven (7) days from the date of mailing if the document is mailed in Alberta to an address in Alberta. In the event of a dispute, the Interpretation Act, as amended, shall apply.
- 4.6.3 After reviewing the order, Council may confirm, vary, substitute or cancel the order.
- 4.6.4 Notwithstanding Sections 4.6.1 and 4.6.2, this subsection does not apply to violation tickets written by a Peace Officer.
- 4.6.5 If a person considers himself aggrieved by a decision under Section 4.6.2, he may appeal the decision by originating Notice to the Court of Queen's Bench:
- i. in the case of an appeal of an order under section 545 of the Municipal Government Act, within 30 days after the date the decision under section 547 of the Municipal Government Act is served on the person affected by the decision, and,
 - ii. in the case of an appeal of an order under section 546 of the Municipal Government Act, within 15 days after the date the decision under section 547 of the Municipal Government Act is served on the person affected by the decision.
- 4.6.6 For the purposes 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 employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.

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4.7 Severability

4.7.1 If any section or part of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

That Bylaw 15/2008 is hereby rescinded.

That this Bylaw shall come into full force and effect upon the final passing thereof.

READ a first time this 28th day of June, 2011

READ a second time this 12th day of July, 2011

READ a third time and finally passed this 9th day of August, 2011

R. Lloyd Bertschi
Mayor

Debbie Oyarzun
Interim CAO

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Schedule A – Penalties

Section	Specified Penalty	Second or Subsequent Offence in the Same Calendar Year	Third or Subsequent Offence in the Same Calendar Year
2.1.3	\$200.00	\$400.00	
2.2.1	\$200.00	\$400.00	\$600.00
2.2.2	\$200.00	\$400.00	
2.3.1-2.3.4	\$200.00	\$400.00	\$600.00
2.4.1(i)-(iii)	\$100.00	\$200.00	
2.5	\$200.00	\$400.00	
2.6.1-2.6.3	\$100.00	\$200.00	\$300.00
2.7.1	\$150.00	\$300.00	
2.7.4	\$250.00	\$500.00	
3.1 and 3.2	\$150.00	\$300.00	