

Bylaw No. 1000- Amended

BEING a Bylaw of the Town of Carstairs, in the Province of Alberta, to regulate Commercial Nuisance, Safety and Livability Issues.

WHEREAS, Section 7(a) of the Municipal Government Act, Chapter M-26RSA 2010 as amended; a council may pass bylaws for municipal purposes respecting the following matter of the safety, health and welfare of people and the protection of people and property;

AND WHEREAS, the Municipal Government Act authorizes a municipality to pass bylaws commercial nuisances, including unsightly property;

AND WHEREAS it is desirable for regulations which affect neighborhood livability to be located, as much as possible, in one bylaw;

NOW THEREFORE, the Council of the Town of Carstairs, in the Province of Alberta, duly assembled, enacts as follows:

1. This Bylaw shall be cited as the "Commercial District Standards Bylaw".
2. The owner of any real property, as registered on title at the Land Titles Office is ultimately responsible for all activities on the property which may constitute prohibition of this Bylaw.
3. Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial law or regulation, other bylaw or any requirements of any lawful permit order or license.
4. Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes references to any Act, bylaw, regulation or agency that may be substituted therefore.
5. Every provision of this Bylaw is independent of all other provision and if any provision of this Bylaw is declared invalid for any reason by a Court or competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
6. In this Bylaw:
 - a. **Automobile Parts** includes, but is not limited to, any vehicle part or collection of vehicles parts, or one or more vehicles that are dilapidated, derelict or not in operable condition;
 - b. **Bylaw Enforcement Officer** means a person authorized by Council to carry out the provisions of this bylaw, or the Chief Administrative Officer of the Town of Carstairs, or a member of the Royal Canadian Mounted Police;
 - c. **Chief Administrative Officer** means a person appointed as such under the Municipal Government Act by the Town of Carstairs Council;
 - d. **Lane** means an alley intended primarily for access to the rear of the Premises;
 - e. **Litter** means any solid or liquid material or product or combination of products but not limited to: any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, plant or tree material, human or animal excrement or sewage or the whole or part of an animal carcass or the whole or part of any article, raw or processed material which can be used for construction of building.
 - f. **Officer** includes a Bylaw Enforcement Officer and a member of the RCMP.
 - g. **Owner** includes a corporation other legal entities and an individual having charge or control of a premises; the owner of any real property, as registered on title at the Land Titles Office.
 - h. **Premises** includes the external surface of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building of buildings;
 - i. **Remedial Order** means an order written pursuant to Section 545 and Section 546 of the Municipal Government Act.
 - j. **Structure** means a building, garage, shed, fence or other improvement erected or place in, on, over or under land, whether or not it is affixed to the land;
 - k. **Work Forces** include employees of the Town of Carstairs and Person under contract to The Town.

- l. **Boulevard** means the strip of land between the curb and the property line.
- m. **Graffiti** means words, figures, letters, drawings or stickers applied, scribbled, scratched, etched, sprayed or attached on or to the surface of any Premises, Structure, or other property.

Untidy Properties

Scope

- 7. The standards, requirements and prohibitions contained in this Part shall apply to:
 - a. Commercial Zoned Premises;
 - b. Vacant lots within Commercial zoned areas;

Accumulation of Materials

- 8. Unless otherwise permitted, no owner of a Premise shall allow on the Premise, the accumulation of:
 - a. Any material that creates unpleasant odors;
 - b. Any material likely to attract pests; or
 - c. Animal remains, parts of animal remains, or animal feces.
 - d. Loose garbage;
 - e. Bottles, cans, boxes or packaging materials;
 - f. Household furniture or other household goods;
 - g. Automobiles (derelict)
 - h. Automobile Parts;
 - i. Parts of or disassembled machinery, equipment or appliances; and
 - j. Yard waste, including grass, tree and hedge cuttings.
 - k. Appliances, Fridges and Freezers.
 - l. No owner of a premise shall allow the open or exposed storage on the Premises of any industrial fluid , including engine oil, brake fluid or antifreeze
 - m. Weed means a wild plant that grows in an unwanted place and is usually of vigorous growth.

Outdoor Storage of Building Materials

- 9. No owner of real property shall allow on the Premise the accumulation of building materials, whether new or used, unless that the owner or occupier can establish that a construction or renovation undertaking is being carried out on the Premise or for the normal course of the permitted business.

Any persons that hold a valid Town of Carstairs Building Permit may be exempt from this clause.

Nuisances Escaping Property

Water, Eavestroughs and Downspouts

- 10. No owner of a Premise shall allow a flow of water from a hose, eave or similar device on the Premise to be directed towards an adjacent premise.

Weeds, Grass and Trees

Weed Inspectors

11. The Chief Administrative Officer may appoint Weed Inspectors to enforce the Weed Control Act, S.A. 2008

Noxious Weeds

12. Owners must control the growth of noxious weeds and must destroy any prohibited noxious weeds on their property as per the Weed Control Act, S.A. 2008.

Grass/Weed Control

13. No owner of a Premise shall allow grass or weeds on the Premise to exceed 15 centimeters.

Trees

14. Owner shall prune, remove or otherwise maintain trees and shrubs that interfere with or endanger traffic control devices, utility lines, poles, pipes, sewers, sidewalks, streets and alleyways or other works of the Town or Public Utility.
15. No person shall plant trees or shrubbery on Town Lands or cause trees or shrubbery to be planted on Town Lands without prior written authorization from the Chief Administrative Officer.

The above section shall apply to vacant lots within residential areas and the grass on any boulevard that lies directly between the boundary of a parcel of land and an adjacent highway, road or alley.

Sidewalks

16. The Owner or Occupier of any premise within the Town of Carstairs shall remove and clear away all snow, ice, dirt or other obstructions from the sidewalk adjoining such premises within seventy two (72) hours.
17. No owner shall place or allow to be placed any obstruction on any sidewalk, street or roadway without written consent of the Town of Carstairs.

Maintenance of Buildings, Structures And Fences

Interpretation

18. For the purpose of this Part:
- a. "Fence" includes a privately built fence and a developer-built community screening fence;
 - b. "Good Repair" means a condition where something is free from;
 - i) Significant damage;
 - ii) Rot or other significant deterioration;
 - c. "Structure" includes any building, retaining wall, shed or portable shack.

Obligation to Maintain

19. No owner or occupier of a Premise shall allow a Structure or Fence to become a safety hazard.
20. Every owner or occupier of a Premise shall ensure the following are maintained in Good Repair;
- a. Fences and their structural members;
 - b. Structures and their structural members including:
 - i) Foundations and foundation walls;
 - ii) Exterior walls and their components;
 - iii) Roofs;
 - iv) Windows and their casings;
 - v) Doors and their frames;

- c. Protective or decorative finishes of all exterior surfaces of a Structure or Fence; and
- d. Exterior stairs, landings, porches, balconies and decks.
- e. Vacant buildings must be secured at all times.

Addressing

- 21. The owner of a Premise on which a dwelling unit has been erected or is under construction shall display the number assigned to the property at the location plainly visible from the street in front of the Premise to which the property is addressed. Minimum 3 inches in size.

Light

- 22. No owner or occupier of a Premise shall allow an outdoor light to shine directly into the living or sleeping areas of an adjacent dwelling house.

Graffiti Prevention and Abatement

- 23. Owners must ensure that any graffiti that has been applied to their property is repaired/removed. If the graffiti is offensive in nature it must be removed within 24 hours, otherwise it must be removed within one week. In addition no person shall create or apply Graffiti on or to any;
 - a. Publically owned property or premises.

Donation Sites

- 24. For the purposes of this Part:
 - a. Charity Collection Site means an area accessible to the public, which is marked by signs identifying the name of a charity and identifying the area for the collection of donated goods, and which contains a receptacle or bin for the collection of donated goods, and which contains a receptacle of bin for the collection of donated goods.
- 25. No Person shall dump or deposit household garbage or other waste at a Charity Collection site.

Recycling Sites:

- 26. No Person shall dump or deposit household garbage, branches or other waste at the Town of Carstairs Recycle site that is contrary to the posted signage.

Littering

- 27. No person shall place, deposit, or throw any litter upon any:
 - a. Street;
 - b. Land;
 - c. Sidewalk;
 - d. Parking lots;
 - e. Recycle Centre
 - f. Park;
 - g. Playground;
 - h. Water course or;
 - i. Other public place
- 28. All private or general contractors shall during the construction, renovation or demolition of a building, keep the land in a reasonable condition so as not to constitute a nuisance and shall secure all manner of debris so as to prevent from blowing onto any other Private or public property.

Storage on Town Property

29. No person shall place, pile or store any material or equipment on Town owned property without first obtaining approval for such purpose from the C.A.O. for the Town of Carstairs.

Remedial Orders and Appeals

30. Every Remedial Order written with respect to this Bylaw must:
- Indicate the Person to whom it is directed;
 - Identify the property to which the Remedial Order related by municipal address or legal description;
 - Identify the date that is issued;
 - Identify how the Premise fails to comply with this or another bylaw;
 - Identify the specific provision of the Bylaw the Premise contravenes;
 - Identify the nature of the remedial action required to be taken to bring the Premise into compliance;
 - Identify the time within which the remedial action must be completed.
 - Indicate that if the required remedial action is not completed within the time specified, the Town may take whatever action or measures are necessary to remedy the contravention;
 - Indicated that the expenses and costs referred to in this Section may be attached to the tax roll of the property if such costs are not paid by the specified time;
 - Indicate that an appeal lies from the Remedial Order to the town Council, if a notice of appeal is filed in writing with the Chief Administrative Officer within seven days of the receipt of the Remedial Order.
31. Every Person who fails to comply with a Remedial Order issued pursuant to this Bylaw within the time set out in the Remedial Order commits an offence.


Enforcement

32. Any person who contravenes any provision of this Bylaw by:
- Doing any act which the Person is prohibited from doing; or
 - Failing to do any act the Person is required to do: is guilty of an offence.
33. All fines for contravention of this Bylaw are outlined in schedule "T" of the current Rates and Fees Bylaw.
34. This Bylaw is to amend Bylaw No. 1000 and repeals Nuisance Bylaw 891 & Bylaw 901.
35. This Bylaw shall come in force and effect on the final date of passing thereof.

READ A FIRST TIME THIS 23RD DAY OF SEPTEMBER, A.D., 2019

READ A SECOND TIME THIS 23RD DAY OF SEPTEMBER, A.D., 2019

READ A THIRD AND FINAL TIME THIS 23RD DAY OF SEPTEMBER, A.D., 2019


Lance Colby, Mayor


Carl McDonnell, CAO