

**BEAVER COUNTY
BYLAW NO. 25-1164**

**A BYLAW OF BEAVER COUNTY IN THE PROVINCE OF ALBERTA
FOR THE PURPOSE OF SETTING STANDARDS FOR COMMUNITY LIVING**

WHEREAS pursuant to Section 7 of the *Municipal Government Act*, RSA 2000, c. M-26, as amended, a council may pass a Bylaw respecting the following matters:

- a) The safety, health, and welfare of people and the protection of people and property,
- b) Nuisances, including unsightly property,
- c) Enforcing Bylaws, including creating offences and imposing fines and penalties, and
- d) Remediating Bylaw contraventions.

AND WHEREAS, pursuant to Section 8 of the *Municipal Government Act*, a council may pass a Bylaw to provide for a system of licenses, permits, or approvals and to prohibit any development, activity, industry, business, or thing until a license, permit, or approval has been granted;

AND WHEREAS, pursuant to Section 542 of the *Municipal Government Act*, a council may pass a Bylaw to authorize a designated officer to inspect land or a structure, remedy a contravention of a Bylaw, and enforce a Bylaw;

NOW THEREFORE the Council of Beaver County, in the Province of Alberta, duly assembled, enacts as follows:

**PART I
PURPOSE, DEFINITIONS, AND INTERPRETATION**

1. This Bylaw may be cited as the "Community Standards Bylaw".
2. The purpose of this Bylaw is to:
 - a) Set standards for community safety,
 - b) Set standards of residential property maintenance and use,
 - c) Protect public spaces,
 - d) Prevent disputes between neighbours by providing guidance on issues that affect relationships between neighbours,
 - e) Establish fines for contraventions of the Bylaw, and
 - f) Enable enforcement of contraventions of the Bylaw.
3. In this Bylaw:
 - a) **Abandoned Equipment** means any Motor Vehicle, equipment, farm equipment, machinery, tank, and household appliance whether whole or in parts that:
 - i) is inoperative because of disassembly or mechanical condition,
 - ii) is rusted, dismantled, wrecked, or shows significant damage, and,which is not located in a building, covered, or located on the property so it is screened from view.
 - b) **Bylaw Enforcement Officer** means an individual appointed as such by the County, a Peace Officer, a Designated Officer of the County, and any member of the RCMP.
 - c) **Construction** means work done in, on, or to land or structures including renovation, new construction, additions and alterations, demolition, excavation, grading, filling, major landscaping, and the erection, assembly or installation of structures, machinery, and equipment.
 - d) **Construction Equipment** means any equipment and tools associated with or used for Construction, including but not limited to, derricks, hoists, lifts, material-handling equipment, tools, and delivery trucks.
 - e) **Council** means the elected officials of Beaver County duly assembled.
 - f) **County** means the municipal district of Beaver County established under the authority of the *Municipal Government Act*, and the municipal boundaries thereof as the context requires.
 - g) **Designated Officer** means the Designated Officer of the County and delegate(s).
 - h) **Excessive Noise** means sound, not including gunfire, which in the opinion of a Bylaw Enforcement Officer is likely to disturb the peace, rest, quiet, and enjoyment of people in the vicinity, considering
 - i) the time of day,
 - ii) the duration, quality, or decibel level of the sound,
 - iii) the activity generating the sound, and

- iv) the Land Use Bylaw district.
- i) **Front Yard** means the portion of a parcel of land extending from the front lot line to the nearest wall of the principal building, not including projections, and across the full width of the parcel.
- j) **Graffiti** means any letters, symbols, marks, messages, images, writing, inscriptions or stickers that are applied, etched, sprayed, painted, drawn, or scratched on a surface without the consent of the Owner and without legal authority.
- k) **Hamlet** means an unincorporated community in Beaver County designated as such by Council in accordance with the *Municipal Government Act*.
- l) **Highway** has the same meaning as in the *Traffic Safety Act*.
- m) **Land Use Bylaw** means Land Use Bylaw 24-1154, as amended from time to time.
- n) **Motor Vehicle** has the same meaning as in the *Traffic Safety Act*.
- o) **Municipal Government Act** means the *Municipal Government Act*, RSA 2000, c M-26, as amended.
- p) **Nuisance** means any emission from, use of, or condition on a parcel which a Bylaw Enforcement Officer has reasonable grounds to believe will pose a public safety or environmental hazard, or interfere with the peace, rest, quiet and enjoyment of people on adjacent property, including:
 - i) scattered, accumulated, or uncontained Refuse,
 - ii) stagnant water, spilled or pooled liquid waste,
 - iii) uncontrolled grass or Weeds,
 - iv) vectors for vermin, Pests, or disease,
 - v) improperly stored explosives or hazardous materials,
 - vi) improperly stored or spilled chemicals, fuels, or lubricants,
 - vii) odours, fumes, dust, or noxious smoke,
 - viii) insufficiently shielded outdoor lights,
 - ix) vegetation encroaching onto public property,
 - x) unsecured or open excavations and vacant structures,
 - xi) Excessive Noise and Unsightly Premises.
- q) **Occupier** means person authorized by the Owner to occupy a part or the whole of any parcel.
- r) **Off-Highway Vehicle** has the same meaning as in the *Traffic Safety Act*.
- s) **Owner** means:
 - i) a person with the apparent care, charge, custody, possession, or control of a thing,
 - ii) a person named in the registration of or receipt for chattel, or
 - iii) a person named on the title of a thing pursuant to any Bylaw or legislation, including the *Land Titles Act*, RSA 2000, c L-4 and the *Traffic Safety Act*.
- t) **Park** means to allow a Motor Vehicle (whether occupied or not) to stop and stand in place, except:
 - i) when stopped and standing temporarily for the purpose of and while engaged in loading or unloading passengers and cargo, or
 - ii) when stopped and standing in obedience to a Bylaw Enforcement Officer or Traffic Control Device.
- u) **Peace Officer** means an individual appointed by the Province of Alberta under the *Peace Officer Act*, SA 2006, c P-3.5, a member of the RCMP, or a Bylaw Enforcement Officer.
- v) **Pest** has the same meaning as in the *Agricultural Pests Act*, RSA 2000, c A-8.
- w) **Provincial Offences Procedure Act** means the *Provincial Offences Procedure Act*, RSA 2000, c P-34.
- x) **Public Place** means any property to which members of the public have the right of access by express or implied invitation, regardless of payment of a fee.
- y) **Public Utility** means land or infrastructure used to provide water, steam, sewage disposal, drainage, fuel, electricity, heat, waste management, and telecommunications for public consumption, benefit, convenience, or use.
- z) **Rear Yard** means the portion of a parcel extending from the rear wall of the principal building, not including projections, across the full width of the parcel to the rear lot line.
- aa) **Recreational Vehicle** means a Motor Vehicle or trailer with living quarters and designed for temporary accommodation.
- bb) **Refuse** means any solid, liquid, and gaseous waste such as garbage, yard and land clearing debris, manure, scrap, rubble, process waste, medical waste (sharps), carcasses, wastewater, uncontained fuel, lubricant, or chemicals, and Abandoned Equipment.
- cc) **Residence** means a structure, or portion of a structure, lawfully occupied as a dwelling by an Owner or Occupier but excludes the land and structure(s) surrounding the Residence.
- dd) **Residential Property** means any property for which the primary use is residential as identified in the Land Use Bylaw.

- ee) **Side Yard** means that portion of a parcel between the nearest side wall of principal building, not including projections, and the nearest side property line, extending between the Front Yard and Rear Yard.
 - ff) **Traffic Safety Act** means the *Traffic Safety Act*, RSA 2000, c T-6.
 - gg) **Unlicensed Vehicle** means a Motor Vehicle which lacks a current license plate in respect of which a registration certificate has been issued for the current year.
 - hh) **Unightly Premise** means real property including land, structures, and fences which the Bylaw Enforcement Officer has reasonable and probable grounds to believe:
 - i) shows signs of significant physical deterioration, including broken or missing siding, shingles, doors or windows; peeling paint or rotting wood; sagging stairs, porches, roofs, additions, or fences; significant unrepaired damage,
 - ii) hosts Nuisance conditions or shows a serious disregard for general maintenance and upkeep of the land,
 - iii) is detrimental to the surrounding area, or
 - iv) interferes with the peace, rest and quiet enjoyment of adjacent property.
 - ii) **Weed** has the same meaning as in the *Weed Control Act, Statutes of Alberta, 2008 Chapter W-5.1 and any amendments thereto*.
4. The following rules apply to interpretation of this Bylaw:
- a) The term “including” means “including, but not limited to”,
 - b) Specific examples provided for clarification of a general term do not limit the generality of the general term,
 - c) Headings, titles, and preambles are intended to assist in the interpretation of this Bylaw,
 - d) Reference to one gender includes all genders, and the singular includes the plural as the context requires,
 - e) Every provision is independent of all other provisions, and if any provision is declared invalid by a court of law, all other provisions remain valid and enforceable,
 - f) References to other Bylaws and enactments including their related regulations and their amendments and replacements, and
 - g) Offences under this Bylaw are strict liability offences.
5. Nothing in this Bylaw relieves a person from the obligation to comply with provisions of any other Bylaw or enactment, or the requirements of a permit, order, or license issued under another Bylaw or enactment.

PART II NEIGHBOUR RELATIONS

Division 1 Excessive Noise

6. Except as permitted under this Bylaw, no Owner, Occupier, or other person may:
- a) cause, permit, or allow Excessive Noise to be generated from any public or private property,
 - b) operate or allow any person to operate a Motor Vehicle without an exhaust muffler, or
 - c) operate or allow any person to operate an Off-Highway Vehicle that causes Excessive Noise.
7. Noise generated by the following is not Excessive Noise:
- a) Construction and Construction Equipment used between the hours of 7:00 am and 11:00 pm,
 - b) Equipment used for agricultural operations or processing in accordance with the Land Use Bylaw,
 - c) Work carried on by the County or its employees, agents, or contractors, within the scope of their engagement,
 - d) Alarms to announce or respond to a fire or other emergency or disaster, including emergency vehicle sirens,
 - e) Domestic activity such as lawnmowing, snow blowing, tilling, vacuum cleaning, sawing, and hammering occurring between 7:00 am and 11:00 pm,
 - f) HVAC equipment in good working order, and
 - g) Ordinary or customary commercial, industrial or other uses or activities on land for which the activity is authorized under the Land Use Bylaw.

Division 2 Nuisances and Unightly Premises

8. No Owner or Occupier of property may cause, permit, or allow a Nuisance on, at, or from that property.

9. No Owner and Occupier of property may cause, permit, or allow that property to become an Unsightly Premise.
10. Except as allowed by this Bylaw, the Owner or Occupier of a property may not cause, permit, or allow Refuse to accumulate or be stored anywhere on that property except temporarily, while contained, and if regularly disposed of at a sanitary landfill, recycling centre, or other appropriate waste management facility.
 - a) The collection, removal, and disposal of Refuse in the Hamlet of Bruce is subject to the additional regulations contained in Bylaw 22-1127, as amended.
11. An Owner or Occupier using outdoor lights on their property must equip the outdoor lights with downward shielding to limit light emissions above the horizontal plane, into adjacent property, or over a Highway, to prevent Nuisances or hazardous conditions such as distracting motorists or interfering with visibility.

**Division 3
Graffiti**

12. No person may place, create, apply, permit, or allow Graffiti on any structure, vegetation, Motor Vehicle or other thing if it is visible from any surrounding area.
13. The Owner or Occupier of a property with Graffiti that is visible from the surrounding area must remove or paint over the Graffiti upon notice from the County and within the prescribed time in the notice.

**PART III
RESIDENTIAL AND HAMLET PROPERTY STANDARDS**

14. Except as otherwise set out, all provisions in Part III apply only to Residential Property and properties in Hamlets.

**Division 1
Construction Materials and Refuse**

15. The Owner or Occupier must not cause, permit, or allow Construction materials or Refuse to accumulate on the exterior unless:
 - a) the Construction:
 - i) is currently taking place,
 - ii) will start within 30 days,
 - iii) has been completed in the previous 30 days on that property, or
 - iv) has not been suspended longer than 120 days and has a defined completion date;
 - b) the Construction materials and Refuse are an amount reasonable for the size and scope of the project;
 - c) the Construction materials are stored in an orderly, organized manner; and
 - d) the Refuse is contained, prevented from blowing around or off the property, and regularly removed.
16. Construction materials for routine or regular property maintenance may be stored in the Side Yard or Rear Yard if stored in an orderly, organized manner and prevented from blowing around or off the property.

**Division 2
Building, Yard, and Fence Maintenance**

17. The Owner and Occupier must not allow or permit the accumulation of Refuse in a location visible to any neighbouring property or Public Place for longer than one week.
18. The Owner and Occupier must ensure any structures, excavations, or holes on their property determined by the Bylaw Enforcement Officer to be dangerous or unsafe are eliminated or properly secured.
19. A Bylaw Enforcement Officer may temporarily exempt a person from complying with Section 18 if construction is occurring, hazards are properly secured from public access, and warning signs are posted.
20. The Owner and Occupier of a property must ensure that all structures and land are free of infestations of vermin, Pests, and disease and any vector for such infestations.

21. A Designated Officer or a Bylaw Enforcement Officer may require the Owner or Occupant to provide proof that a known infestation has been treated by a registered pesticide service provider.
22. The Owner and Occupier of a property must ensure their trees, shrubs, and other vegetation do not interfere with:
 - a) access to the property for fire fighting,
 - b) a Public Utility, or
 - c) free passage and sightlines of pedestrians or Motor Vehicles on adjacent public property, including their view of traffic control devices.
23. The Owner and Occupier of a Hamlet Property must ensure that grass in their Front Yard, Side Yards, and Rear Yard does not exceed a height of 15 centimetres and that Weeds are cut or pulled before reproducing.
24. No person may cultivate or allow uncontrolled grass, plants, shrubs, trees, and other wild features in full life cycle in their Front Yard or Side Yard of a Hamlet property.
25. No Owner or Occupier may store Abandoned Equipment on a property in a location visible to neighbouring properties or a Public Place.

Division 3 Parking on Property

26. No person may Park, or allow or permit the Parking of, a Motor Vehicle in the Front Yard or Side Yard anywhere other than in a location designated and developed as a driveway or a parking stall with a paved or graveled surface.
27. No Owner or Occupier may allow more than five Motor Vehicles to be Parked on any Hamlet property.
28. No more than five Motor Vehicles may be Parked on a Hamlet property and on the Highway abutting that property, in total.
29. Other than in a Hamlet, no person may Park Motor Vehicles on a road unless temporarily permitted by a Designated Officer to facilitate a special event.
30. Subject to the requirements of the Land Use Bylaw, the Owner or Occupier may not Park or allow anyone else to Park a Recreational Vehicle:
 - a) In the Front Yard or Side Yard of a property, except in a place designated for Parking as described in the Land Use Bylaw,
 - b) Partly or wholly blocking a Sidewalk or Highway,
 - c) Without an external device to prevent the Recreational Vehicle from rolling, such as chocks, or
 - d) On or overhanging a Public Utility, unless Parked wholly on a driveway.
31. Subject to the provisions of the Land Use Bylaw, Owners and Occupiers may not Park or allow anyone else to Park:
 - a) More than two Recreational Vehicles on a Hamlet property at any time, or
 - b) A combined total of more than three Unlicensed Vehicles and Recreational Vehicles on a Hamlet property at any time, or
 - c) More than five Recreational Vehicles on a Residential Property for longer than 14 consecutive days, or
 - d) More than two Unlicensed Vehicles on a Residential Property.

PART IV PUBLIC SPACES

Division 1 Littering

32. No person may deposit Refuse in any Public Place except into a receptacle provided for the collection of litter.
33. If Refuse is deposited in a Public Place from a Motor Vehicle, the Owner of that vehicle is deemed to have contravened the Bylaw.

**PART V
INSPECTIONS, ORDERS, PERMITS, AND SERVICE**

**Division 1
Inspections and Orders**

34. A Bylaw Enforcement Officer and a Designated Officer, for the purpose of ensuring the provisions of this Bylaw are being complied with, may after giving reasonable notice, enter in or upon land or a structure except a Residence, at any reasonable time to carry out an inspection, enforcement or action in accordance with the *Municipal Government Act*.
35. If a Bylaw Enforcement Officer or Designated Officer believes on reasonable and probable grounds that a person has contravened any provision of this Bylaw, he or she may issue a written Order that requires that person to remedy the contravention.

**Division 2
Noise Permits**

36. A Designated Officer may issue a permit to allow Excessive Noise to be generated provided an application is submitted including:
- a) The hours when the Excessive Noise will occur,
 - b) The activity generating the sound and the expected volume,
 - c) The location where the sound will be generated and identification of Residences, businesses, farm operations, or other affected land uses in proximity, and
 - d) Mitigation efforts to abate the sound,
 - e) Any other information the County requires, including an inspection of the site, and
 - f) The permit fee set by Council Bylaw.
37. Noise permits may be issued if the Designated Officer is satisfied that the applicant has:
- a) Complied with all application requirements,
 - b) Has not committed an Excessive Noise offence under this Bylaw in the past 36 months, and
 - c) Has not previously had a Noise permit revoked.
38. A Designated Officer may:
- a) Issue a one-time or a recurring permit,
 - b) Decline to issue any permit, or
 - c) Impose conditions, restrictions, or changes necessary for a permit, such as:
 - i) Public notices,
 - ii) Site requirements for health and safety,
 - iii) Site inspection(s),
 - iv) Additional abatement or different hours, volume, or location for the Noise.
39. A Designated Officer may vary the conditions of a Noise permit after it is issued or revoke the permit, if:
- a) The permit holder provided false or misleading information in the application,
 - b) The information or records provided in the application are outdated or incorrect,
 - c) The circumstances described in the application materially changed, or
 - d) The applicant is convicted of an Excessive Noise offence under this Bylaw.
40. Every person receiving a Noise permit must comply with the conditions and restrictions listed in that permit.
41. Permits are not transferable between locations or people and are valid only on the day and time specified.

**PART VI
ENFORCEMENT**

42. The County is not obliged or required to enforce this Bylaw at any time, and may consider available municipal resources when deciding if, when, or to what degree to enforce.
43. 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 exercising the powers or performing the duties on behalf of the person under their agency relationship.

44. 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.
45. 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.
46. A person who contravenes any provision of this Bylaw is guilty of an offence.
47. A person who is guilty of an offence is liable to a fine in an amount not less than that established in Schedule "A" and not exceeding \$10,000.00.
48. 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 date on which it continues and a person is 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.
49. Without restricting the generality of section 47 the fine amounts set out in Schedule "A" are established for use on violation tickets if a voluntary payment option is offered.
50. A Bylaw Enforcement Officer is hereby authorized and empowered to issue a violation ticket pursuant to the *Provincial Offences Procedure Act* to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
51. 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.
52. A person who commits an offence may make a voluntary payment by submitting to a Clerk of the Court of Justice, on or before the initial appearance date indicated on the violation ticket, the specified penalty set out on the violation ticket if:
 - a) A violation ticket is issued in respect of the offence, and
 - b) The violation ticket specifies the fine amount established by this Bylaw for the offence.
53. Nothing in this Bylaw shall be construed to limit or hinder the ability of the County to take other enforcement measures available under this or another enactment including the ability to issue an order pursuant to section 545, 546 or 645 of the *Municipal Government Act*.
54. It is an offence for any person to obstruct, hinder, or impede a Bylaw Enforcement Officer, Designated Officer, or County employee, contractor or agent in the exercise of their powers or duties under this Bylaw.

PART VII DECISIONS AND REVIEWS

55. The following matters are within the authority of a Designated Officer to decide:
 - a) Prescribing the forms for a permit,
 - b) Where this Bylaw allows activities to be restricted or permitted, designating the areas where those activities are restricted or permitted,
 - c) Determining and imposing conditions and restrictions on a permit, and
 - d) Amending or revoking a permit.

PART VIII TRANSITIONAL

56. Except as otherwise set out in this Bylaw, this Bylaw applies to all property within the County and to any structure thereon, whether constructed before or after passage of this Bylaw.
57. Schedule A forms part of this Bylaw.
58. If any portion of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions of the Bylaw.

59. Bylaw 02-839 is hereby repealed.

60. Bylaw 09-957 is hereby repealed.

61. This Bylaw shall take effect on the date of its third and final reading and upon signature.

READ A FIRST TIME this _____ day of _____, 20 _____.

READ A SECOND TIME this _____ day of _____, 20 _____.

READ A THIRD TIME this _____ day of _____, 20 _____.

REEVE

CHIEF ADMINISTRATIVE OFFICER

DATE SIGNED

**SCHEDULE A
COMMUNITY STANDARDS BYLAW 25-1164
SPECIFIED PENALTIES**

Section	Offence	1st Offence	2nd Offence within one- year period	3rd and Subsequent Offence within one-year period
6a)	Excessive Noise from Property	\$250	\$500	\$1000
6b)	Operate Motor Vehicle without Muffler	\$250	\$500	\$1000
6c)	Off-Highway Vehicle Causing Excessive Noise	\$250	\$500	\$1000
8	Cause or Permit a Nuisance	\$300	\$500	\$1000
9	Cause or Permit an Unsightly Premise	\$300	\$500	\$1000
10	Accumulated Refuse on a Property	\$300	\$500	\$1000
11	Outdoor Light Nuisance	\$300	\$500	\$1000
12	Place or Allow Graffiti in View	\$300	\$500	\$1000
13	Fail to Remove Graffiti After Notice	\$100	\$250	\$ 500
15c)	Disorderly Construction Materials	\$500	\$750	\$1000
15d)	Uncontrolled Construction Refuse	\$500	\$750	\$1000
17	Visible Refuse Accumulation	\$250	\$750	\$1000
18	Dangerous or Unsafe Condition	\$500	\$750	\$1000
20	Allow Infestation of Pests/Vermin	\$250	\$500	\$1000
22	Nuisance Vegetation	\$250	\$500	\$1000
23	Uncut Grass or Weeds	\$250	\$500	\$1000
24	Allow Uncontrolled Vegetation	\$500	\$750	\$1000
25	Store Visible Abandoned Equipment	\$500	\$750	\$1000
26	Park Motor Vehicle in Yard	\$500	\$750	\$1000
27/28	Park Excess Motor Vehicles - Hamlet	\$250	\$500	\$1000
29	Park Motor Vehicle on Road	\$300	\$600	\$1000
30	Park Recreational Vehicle Improperly	\$300	\$500	\$1000
31a)	Park Excess Recreational Vehicles - Hamlet	\$300	\$500	\$1000
31b)	Park Excess Unlicensed Motor or Recreational Vehicles - Hamlet	\$300	\$500	\$1000
31c)	Excess Recreational Vehicles - Residential	\$300	\$500	\$1000
31d)	Excess Unlicensed Vehicles - Residential	\$300	\$500	\$1000
32	Deposit Refuse in Public Place	\$200	\$300	\$ 400
40	Fail to Comply with Noise Permit	\$500	N/A	N/A
54	Obstruct Peace Officer	\$500	\$750	\$1000