

COMMUNITY STANDARDS BYLAW NO. 661

VILLAGE OF BERWYN

**BEING A BYLAW OF THE VILLAGE OF BERWYN, IN THE PROVINCE OF ALBERTA, TO
ESTABLISH STANDARDS AND REGULATE ISSUES THAT ADDRESS COMMUNITY
LIVEABILITY AND SAFETY WITHIN THE VILLAGE OF BERWYN**

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended from time to time, authorizes a municipality to pass Bylaws respecting the safety, health, welfare and the protection of people and property; and

WHEREAS the *Municipal Government Act* authorizes a municipality to pass Bylaws respecting nuisances, including unsightly and dangerous conditions; and

WHEREAS the *Municipal Government Act* authorizes a municipality to pass Bylaws regarding the remedying of contraventions of Bylaws;

NOW THEREFORE, the Council of the Village of Berwyn, in the Province of Alberta, duly assembled, enacts as follows:

PART I – TITLE, PURPOSE AND DEFINITIONS

Title

1. This Bylaw may be cited as the "Community Standards Bylaw".

Purpose

2. The purpose of this Bylaw is to establish reasonable and enforceable community standards that promote a safe, liveable and enjoyable environment within the Village of Berwyn.

Definitions

3. In this Bylaw,
 - a) **"Accessory Building"** means an accessory building within the meaning of the Village of Berwyn's Land Use Bylaw, as amended from time to time;
 - b) **"Act"** means the Municipal Government Act, as amended from time to time;
 - c) **"Appliance"** means a device or piece of equipment, such as a stove, refrigerator, clothes washer, clothes dryer, dishwasher, hot water tank and other equipment that are designed to perform a specific task, typically domestic in nature;
 - d) **"Authorized Person"** means any person as authorized to act on behalf of the Council of the Village of Berwyn;
 - e) **"Building"** includes anything constructed or placed on, in, over or under land.
 - f) **"Bylaw Enforcement Officer"** means a Bylaw Enforcement Officer appointed by the Village pursuant to the Act for the purpose of enforcing Municipal Bylaws. A Bylaw Enforcement Officer is a Designated Officer for the purposes of enforcing this Bylaw;
 - g) **"CAO"** means the Chief Administrative Officer of the Village of Berwyn;
 - h) **"Council"** means the duly elected Municipal Council of the Village of Berwyn;
 - i) **"Dangerous Condition"** means dangerous or likely to cause danger to health, life or property;

- j) **“Derelict Motor Vehicle”** means a motor vehicle that is inoperative by reason of removed wheels, battery, motor, transmission or other parts or equipment necessary for its operation, or in a state of disrepair or is unsightly by reason of missing doors, glass or body parts.
- k) **“Fire”** includes any combustion whether or not a flame is present or visible;
- l) **“Good State of Repair”** means the condition of being:
 - i. structurally sound;
 - ii. free from damage or defect;
 - iii. free from rot or other deterioration;
 - iv. safe for its intended use;
 - v. clean; and
 - vi. properly maintained as defined in this Bylaw;
- m) **“Maintenance”** means the process of maintaining a structure, building or object, examples of which include but are not limited to:
 - i. restoring or replacing the foundations, walls, columns, beams, floor and roof slabs;
 - ii. removing or replacing loose or unsecured objects and materials;
 - iii. painting; and
 - iv. carrying out such other work as may be necessary to ensure that the building or structure is in a good state of repair;
- n) **“Motor Vehicle”** means a motor vehicle as defined in the *Traffic Safety Act*, as amended from time to time;
- o) **“Municipal Tag”** means a ticket alleging an offence issued pursuant to the authority of a bylaw of the Village of Berwyn, in accordance with the *Provincial Offences Procedure Act* and any Regulations thereunder.
- p) **“Noxious Weed”** means a plant designated in accordance with the *Alberta Weed Control Act* and Regulations as a noxious weed and includes plant seeds.
- q) **“Nuisance”** means a dangerous, unsightly or other condition that, in the opinion of the Village:
 - i. is detrimental to, or interferes with, the value, use and enjoyment of other properties; or
 - ii. causes annoyance or detracts from the comfort, peace and repose of other persons;
- r) **“Occupant”** means any person other than the registered owner who is in possession of the property, including but not restricted to a lessee, a licensee or tenant of the property;
- s) **“Order”** means an order issued in accordance with this Bylaw;
- t) **“Owner”** means:
 - i. in respect of land, the person registered under the *Land Titles Act* as the owner of the fee simple estate in a parcel of land; or

- ii. in respect of personal property, the person in lawful possession of it;
- u) **“Person”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- v) **“Pest”** means any animal, insect or diseases deemed by the Council of the Village of Berwyn to be dangerous, destructive or a nuisance to human life, plants, and/or animals and other property.
- w) **“Property”** means a parcel of land, or an improvement, or both;
- x) **“Provincial Offences Procedure Act”** means the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended from time to time;
- y) **“Refuse”** includes, but is not limited to:
 - i. all solid and liquid waste, and debris, junk or effluent belonging to or associated with a house or household or any industry, trade or business;
 - ii. vehicle parts or accessories; furniture, appliances, machinery or parts thereof; animal excrement; and
 - iii. any unused or unusable material that, in the opinion of the Bylaw Enforcement Officer appears to
 - (a) have been discarded or abandoned, or
 - (b) be useless or of no particular value, or
 - (c) be used up or worn out in whole or in partby reason of its state, condition or excessive accumulation;
- z) **“Structure”** means a building or other thing erected or placed in, on, over or under land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of the land. Some examples of structure include:
 - (a) fence, wall, or barricade;
 - (b) concrete pad, slab, or base;
 - (c) pole, sign, or post;
 - (d) mailbox, courier, or customer drop box;
 - (e) waste bin or storage container; or
 - (f) satellite dish, utility box, or appliance;
- aa) **“Unsightly Property”** means:
 - i. in respect of a structure, includes a structure whose exterior shows signs of significant physical deterioration, and
 - ii. in respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeepwhether or not the condition is detrimental to the surrounding area;
- bb) **“Vehicle”** has the same meaning as in the *Traffic Safety Act*;
- cc) **“Village”** means the Corporation of the Village of Berwyn;

- dd) “**Violation Ticket**” means a ticket issued pursuant to the *Provincial Offences Procedure Act* and any Regulations thereunder.

PART II – GENERAL REGULATIONS

4. All owners and occupants of property within the corporate boundaries of the Village of Berwyn shall be responsible for complying with this Bylaw.
5. Where there is more than one owner or occupant of a property, all the owners and occupants of that property are jointly and severally responsible to ensure that the property complies with this Bylaw.
6. An owner or occupant of a property who claims an exception from the application of a particular standard or provision of this Bylaw shall have the burden of proving that such an exception exists.
7. Nothing in this Bylaw relieves a person from compliance with any applicable Federal and Provincial laws and regulations or other municipal bylaws and requirements of the Village of Berwyn.

PART III – PROPERTY MAINTENANCE

Duty to Maintain

8. All property, including land, buildings, structures and improvements, shall be kept and maintained in a good state of repair in accordance with the prescribed minimum standards outlined in this part.
9. No person shall use, permit or cause the occupancy of any building that is in a dangerous condition as described in Part VI of this Bylaw.

Structural Components of Buildings and Structures

10. The structural components of any building or structure, including roofs, stairs, railings, porches, decks, joists, rafters, beams, columns, foundations, floors, walls and ceilings shall be:
 - a) capable of performing the functions that they were intended to perform; and
 - b) maintained in a good state of repair in accordance with the prescribed minimum standards outlined in this part, where applicable.

Exterior Walls

11. All exterior walls and surfaces of buildings and structures shall be:
 - c) made of materials which provide adequate protection from the weather.
 - d) covered with an application of paint, stain, stucco, brick, stone facing, siding or other similar protective surface to protect them from deterioration due to moisture penetration.
 - e) free of holes, breaks, loose or rotting boards or timbers or any other conditions which might permit rain or dampness into the interior walls or the interior spaces of the building or structure.

Roofs

12. The roof of any building or structure, including their components, such as the shingles, fascia boards, soffit, cornice and flashing, shall be maintained in a watertight condition to prevent deterioration or leakage of water into the building or structure, or the entry of vermin.
13. Loose materials, including dangerous accumulations of snow or ice, shall be removed from the roof of a building or structure as soon as reasonably possible to prevent damage to the building or injury to persons in or near the building or structure.
14. Water run off from a roof shall be drained away from a building or structure to prevent dampness in the walls, ceilings or floors in the building or structure, but it shall not drain onto a public street or neighbouring property to create a hazardous condition.
15. Eaves troughs, downspouts, and extensions of a building or structure shall be watertight and maintained in a good state of repair.
16. Every roof shall have adequate ventilation provided by roof top and soffit venting to meet National Building Code requirements.

Chimneys

17. Chimneys, flue pipes, smoke stacks and gas vents shall be maintained in a good state of repair to prevent gases, water or any other substance from leaking into the building or structure.
18. Any defective masonry or metal components of a building or structure shall be repaired or replaced as needed.
19. Chimneys, flue chimneys, flue pipes and smoke stacks of a building or structure shall be kept clear of obstructions.

Exterior Doors, Storm Doors, Windows and Screens

20. A door shall be provided at each entrance to a building and when closed it shall be tight-fitting and weatherproof.
21. Exterior doors, storm doors and storm windows of a building shall be weather-tight and kept in a good state of repair.
22. Exterior doors of a building or structure shall have an acceptable locking mechanism.

Fireplace

23. Fireplace and similar installations shall be:
 - a) located at least one metre from the property line, any combustible material, or building or structure other than the one containing the fireplace;
 - b) be constructed entirely from brick, concrete block, heavy gauge metal, or other non-combustible material;
 - c) installed in accordance with the manufacturer's instructions;
 - d) connected to approved chimneys, smoke pipes, flues or gas vents maintained in accordance with section 17, 18 and 19.

Accessory Buildings

24. Accessory buildings shall be:
- a) equipped with doors or closures and kept secured;
 - b) kept in a good state of repair; and
 - c) kept free of health, fire and safety hazards.

Sidewalks, Boulevards, Alleys, Laneways and Parking Lots

25. No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any street, lane, sidewalk, boulevard, parking lot, park or other public place:
- a) a cardboard or wooden box, carton, container or receptacle of any kind;
 - b) a paper, wrapper, envelope, or covering of any kind whether paper or not;
 - c) paper of any kind, whether or not containing written or printed matter on it;
 - d) any animal or vegetable matter or waste;
 - e) any glass, crockery, nails;
 - f) any wires or electrical cords;
 - g) scrap metal, scrap lumber, discarded tires, dismantled, wrecked or derelict motor vehicle parts; and/or
 - h) refuse of any kind whether similar or dissimilar to the foregoing.

Trees, Grass, Weed and Pest Control

26. All occupants shall be responsible for cutting and maintaining grass on their property, including any boulevard, lanes and alleys flanking or abutting the property.
27. For the purpose of section 26, grass maintenance shall include:
- a) the eradication of any nuisance, restricted or noxious weeds as identified in the *Weed Control Act*; and
 - b) the removal of any dead grass or weed that may harbour vermin or insects, and/or cause an unsightly condition.
28. The following grass conditions shall be maintained on all lots, yards, developments and vacant properties within the Village:
- a) Occupied Parcels
 - i. Grass shall be maintained at a height not exceeding four inches (4");
 - ii. Weeds and weed seeds are to be controlled or destroyed by any means consistent with good agricultural practices.
 - b) Vacant Parcels
 - i. Grass shall be maintained at a height not exceeding eight inches (8")
 - ii. Weeds and weed seeds shall be controlled or destroyed immediately.
29. All occupants shall prune, remove or otherwise maintain any trees and shrubs on their property so that they do not interfere with, endanger or impede, the use of public sidewalks, streets, utility lines, poles, pipes, fire hydrants, sewers or any other municipal infrastructure.

30. No person shall permit the proliferation of, or harbour, any insect, animal, or other pest that is likely to spread disease, be destructive or dangerous, or otherwise become a nuisance.
31. Nothing in this Part relieves a person from complying with the *Weed Control Act*.

Building Materials

32. No owner or occupant of a property shall allow the accumulation of building materials on the property, whether new or used, unless the owner or occupant can establish that a construction, renovation, alteration, repair, or demolition work is being carried out on the property and that:
 - a) the work has begun or the commencement of the work is imminent;
 - b) the building materials found on the property directly relate to the work taking place on the property in a quantity reasonable to complete the work;
 - c) the work has not been suspended for a period in excess of sixty (60) days; and
 - d) the work has a finite completion date.
33. An owner or occupier of property shall ensure that all building materials stored on a property for the purposes of imminent or ongoing construction, renovation, alteration, repair, or demolition work, which are not in contravention of section 32 are stacked or stored in an orderly and tidy manner.
34. Despite section 33, it shall not be an offence to store a small amount of neatly stacked materials on a property for basic property maintenance.

Appliances

35. No owner or occupier of a property shall allow an appliance to remain on the property such that the appliance is visible from the exterior of the property.
36. Notwithstanding section 35, it shall not be an offence for an owner or occupier of a property to allow a refrigerator to remain outside on a property, subject to the condition that:
 - a) the hinges and latches, or lid or doors of the unit are removed;
 - b) the refrigerator remains locked at all times with a padlock and key or similar device; and
 - c) the refrigerator is not visible from the street

Tidiness and Waste Disposal

37. No person shall permit the accumulation of dirt, litter, garbage, waste, refuse or any other waste material on their property so as to cause an unsightly or dangerous condition or nuisance.
38. A person shall not place, cause or permit to be placed any dirt, litter, garbage, waste, refuse or any other waste material upon the privately-owned property of another person.
39. An owner or occupant of a property shall ensure that clippings from lawns, shrubs and trees are gathered in bundles, boxes or bags and placed beside the waste receptacle for garbage pickup.
40. A person shall not set out waste for collection at any front yard or curbside collection location before 10:00 p.m. on the day before the collection date.

41. A person shall not leave waste containers at any front yard or curbside collection point later than 10:00 pm of the date of the collection date.
42. A person shall not place waste intended for residential collection or waste generated from a non-residential property in a public waste container.
43. A person shall not place, cause or permit to be placed any waste bin on land they own or occupy unless the waste bin is:
 - a) equipped with a lid or cover capable of completely covering the waste bin; and
 - b) kept closed or covered at all times except for the actual loading or unloading of waste.

Graffiti and Nuisance Art

44. No person shall post, exhibit, or distribute placards, posters, advertisements, graffiti, writings or pictures, or make pictures or drawings which are indecent, that may tend to corrupt or demoralize, on or to any:
 - a) property;
 - b) structure;
 - c) public place; or
 - d) other property which is owned or occupied by another person, the Village or a utility service provider.
45. Every owner or occupier of a property shall ensure that graffiti placed on their property is removed, painted over, or otherwise blocked from public view.

Fences and other Enclosures

46. Fences and other approved enclosures shall be kept:
 - a) in a good state of repair,
 - b) weather resistant,
 - c) free from accident hazards, and

Snow Removal

47. An owner or occupant of a property that has:
 - a) a fire hydrant located on the boulevard abutting the property, and/or
 - b) a sidewalk abutting the property on any side
 - c) shall remove snow a minimum of 1.5 m. from around the fire hydrant and/or on the sidewalk within a period of forty-eight (48) hours after a snowfall.
48. Snow or ice removed from around a fire hydrant, Village sidewalks or private property shall not be shoveled or placed on any Village street, avenue, lane or sidewalk or other Village property, excepting for businesses located on the following:
 - a) 51st Street from 50th Avenue to 52nd Avenue

Derelict and Unused Vehicles

49. No person shall permit the accumulation of wrecked or derelict vehicles, including unsightly and abandoned vehicles on a property they own or occupy;
50. Vehicles being repaired or restored must be kept in a garage, a carport, or in a completely screened space in the rear or side yard of the property;
51. No motor vehicle which is incapable of movement under its own power shall be stored in a residential district except:
 - a) in an emergency;
 - b) for one antique "project vehicle" –only one "project vehicle" and which is screened will be allowed in residential districts of the Village of Berwyn;
 - c) Derelict vehicles or parts shall not remain uncovered for more than 14 consecutive days.

Unoccupied Buildings

52. If a building normally intended for human habitation is unoccupied, then:
 - a) any door or window opening in the building 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;
 - ii. of a thickness sufficient to prevent unauthorized entry into the building;
 - iii. secured in a manner sufficient to prevent unauthorized entry into the building; and
 - iv. coated with an opaque protective finish in a manner that is not detrimental to the surrounding area.

Fire Safety

53. The operations and use of fire and fire receptacles within the Village shall be in accordance with the Village of Berwyn Fires Services Bylaw, as amended from time to

PART III – NOISE CONTROL

General Prohibitions

54. No person shall cause or permit any loud, unnecessary or unusual noise that annoys, disturbs, injures, endangers or detracts from the comfort, repose, peace, safety or health of another person.
55. No owner or occupant of a property shall permit their property to be used in a way that produces noise described in section 54.
56. In determining if a sound is reasonably likely to disturb the peace of others, the following criteria may be considered:
 - a) type, volume, and duration of the sound;
 - b) time of day and day of week;
 - c) nature and use of the surrounding area;
 - d) decibel level, if measured; and
 - e) any other relevant factor.

Domestic Noise

57. Between the hours of 11:00 pm and 7:00 am on any given day, no person shall cause or permit to be made any noise, emitting from but not limited to, shouting, fighting, electronic or acoustical, devices, lawnmowers, garden tillers or mechanical tools and equipment.

Construction Noise

58. Without written permission of the Development Officer, no person shall, between the hours of 11:00 pm and 7:00 am on any given day, carryout construction, repair or demolition of any type of structure that produces noise, including but not limited to, hammering, sawing, or the use of any power tools or construction equipment capable of creating a sound which may be heard beyond the boundaries of the site on which such activity is taking place.

Motor Vehicle Noise

59. No person shall permit a vehicle located on a property to emit noise which emanates from that property and disturbs or annoys a person nearby or adjacent properties, including noise from aggressive engine revving and stereo and amplification equipment in the vehicle.
60. No person shall permit the motor of any diesel-powered vehicle to remain running while the vehicle is not in motion for more than fifteen (15) minutes, unless the temperature is -15°C or lower.
61. Nothing in this Bylaw relieves a person from complying with the Traffic Safety Bylaw.

Pet/Animal Noise

62. Subject to the Animal Control Bylaw, a person who keeps any animal on their property shall ensure that no disturbance is created for others in the form of barking, howling or other noise.

Special Events

63. Organizers of special events occurring within the boundaries of the Village shall submit an application for a Special Events Permit, which may allow noise otherwise not permitted by the provisions of this Bylaw.
64. All applications for Special Events Permits must be submitted, in writing, a minimum of thirty (30) days prior to the event.
65. Applications will be reviewed by the Chief Administrative Officer and conditions may be attached to any permit granted.
66. The provisions of this part do not apply to:
- a) work being carried out by Village staff or its agents, contractors or servants while engaged in an activity authorized by the Village;
 - b) service vehicles engaged in or attending to an emergency situation or operation, including vehicles owned or operated by:
 - i. Village of Berwyn Public Works Department;
 - ii. Village of Berwyn Fire Department;
 - iii. Alberta Health Services;

- iv. RCMP;
- v. Electric, gas and telephone utilities.

PART VI – UNSIGHTLY AND DANGEROUS CONDITIONS AND NUISANCE

67. No person shall cause or permit land they own or occupy to become unsightly or dangerous or constitute a nuisance, as defined in this Bylaw.
68. For the purpose of greater clarity, in respect of land, unsightly or dangerous conditions or nuisance include, but not limited to:
- a) excessive accumulation of material, including but are not limited to
 - i. appliances,
 - ii. household goods, boxes, tires,
 - iii. vehicle parts,
 - iv. 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) any loose building or construction materials, any accumulation of construction-related garbage or refuse, or any untidy work or storage areas on the land;
 - d) damaged, dismantled or derelict vehicles or motor vehicles, whether insured or registered or not;
 - e) any vehicle displaying graffiti that is visible from any surrounding property;
 - f) smelly or messy compost heaps;
 - g) unkempt grass or weeds higher than 4 inches for an occupied building and 8 inches for an unoccupied building;
 - h) production of excessive dust, dirt or smoke;
 - i) production of any generally offensive odours;
 - j) any tree, shrub, other type of vegetation or any structure that
 - i. interferes or could interfere with any public work or utility,
 - ii. obstructs any sidewalk adjacent to the land, or
 - iii. impairs the visibility required for safe traffic flow at any intersection adjacent to the land;
 - k) the accumulation of snow or ice on a sidewalk that, due to failure to comply with section 47, impairs the use of the sidewalk or poses a tripping hazard; and
 - l) any accessible excavation, ditch, drain or standing water that could pose a danger to the public.
69. A person shall not cause or permit any building or structure on land they own or occupy to become unsightly or dangerous or constitute a nuisance.
70. For the purpose of greater certainty, in respect of a building or structure, unsightly or dangerous condition or nuisance include, but not are limited to:
- a) any damage to the building or structure;

- b) any graffiti or nuisance art displayed on the building or structure that is visible from any surrounding property;
- c) any peeling, unpainted or untreated exterior surfaces, missing shingles or other roofing materials, broken or missing windows or doors, or any other hole or opening in the building;
- d) any accumulation of snow or ice accumulation on the roof, eaves or awnings such that may cause a danger to the public;
- e) any building or structure that was not completed within five years of the date the development and/or building permit for the project was issued or within five years of starting construction; and
- f) nuisance noise, as defined in section 54 of this Bylaw.
- g) the use of fire or fire receptacle in a manner contrary to the Fire Services Bylaw and creating a nuisance or dangerous condition.

PART VII – ENFORCEMENT

Municipal Inspections

- 71. A Bylaw Enforcement Officer may enter into or upon any property within the Village for the purpose of determining whether the provisions of this Bylaw are being complied with.
- 72. Municipal inspections shall be conducted in accordance with the Act.
- 73. An owner or occupant of a property that is subject to an inspection shall:
 - a) not refuse to allow entry or obstruct a Bylaw Enforcement Officer or a person authorized to perform an inspection pursuant to this Bylaw on behalf of the Village.
 - b) cooperate with the person authorized to perform the inspections by supplying any information or thing requested to assist with the inspections.
- 74. Where in the opinion of the Bylaw Enforcement Officer a contravention of this Bylaw has occurred following an inspection, the Bylaw Enforcement Officer may issue to the owner or occupant or the person committing the offence:
 - a) a municipal violation tag; or
 - b) a provincial violation ticket; or
 - c) a written order to remedy the contravention, subject to the approval of the CAO,
 - d) or a, b and c.
- 75. At the discretion of the Bylaw Enforcement Officer and review from the CAO, a warning letter or notice may be issued or given to a person who has committed an offence, to provide them with the opportunity to remedy the contravention before the issuance of a violation ticket or written order.
- 76. If a person who has been issued or given a warning letter or notice remedies the contravention by the time indicated in the notice or letter to the satisfaction of the Bylaw Enforcement Officer, a violation ticket or written order shall not be issued.

Municipal Tag

77. Where a municipal tag is issued in respect of an offence, the municipal tag must specify:
- a) the name of the offender;
 - b) the offence;
 - c) the fine amount established for the offence as specified in Schedule "A" of this Bylaw;
 - d) the time period required for the fine to be paid;
 - e) where the fine must be paid; and
 - f) any other information as may be required by the Chief Administrative Officer of the Village of Berwyn.
78. The person to whom a municipal tag is issued may, in lieu of being prosecuted for the offence(s), pay to the Village of Berwyn the penalty specified on the violation ticket on or before the required date.

Violation Ticket

79. Where a violation ticket is issued in respect of an offence, the violation ticket may:
- a) specify the fine amount established for the offence as specified in Schedule "A" of this Bylaw; or
 - b) require a person to appear in court without the alternative of making a voluntary payment.
80. The person to whom a violation ticket is issued with a fine may, in lieu of being prosecuted for the offence(s), make a voluntary payment equal to the specified fine.

Order to Remedy a Contravention

81. A written order issued for a contravention of this Bylaw may, in the case of unsightly property, require the owner of the property that is in an unsightly condition to:
- a) improve the appearance of the property in the manner specified; or
 - b) if the property is a structure, remove or demolish the structure and level the site.
82. A written order issued for a contravention of this Bylaw may, in the case of a dangerous condition or nuisance, require the owner or occupant of the property or the person responsible for the contravention, to eliminate the danger to public safety or nuisance in the manner specified, including:
- a) where the danger to public safety or nuisance is due to a structure or building, to remove or demolish the structure or building and level the site;
 - b) where the danger to public safety or nuisance is due to an excavation or hole, to fill in the excavation or hole and level the site;
 - c) where the danger to public safety or nuisance is due to an outdoor fire, to
 - i. limit the duration or frequency of an outdoor fire;
 - ii. only cause or permit an outdoor fire at certain times;
 - iii. modify, remove or relocate a fire pit, fireplace or other portable fire receptacle; or
 - iv. undertake any other action reasonably required to ensure that outdoor fires are not reasonably likely to disturb the peace of others.

- d) where the nuisance is due to noise, to
 - i. limit the duration or frequency of noise;
 - ii. only cause or permit noise at certain times;
 - iii. reduce the intensity of the noise;
 - iv. remove or relocate a structure or thing or stop an activity responsible for generating the noise; or
 - v. undertake any other action reasonably required to ensure that noise is not reasonably likely disturb the peace of others.

83. A written order issued for a contravention of this Bylaw must state

- a) the name of the offender;
- b) the offence;
- c) the date on which the order was made;
- d) the actions that must be undertaken to remedy the contravention;
- e) the time within which the person must comply with the order;
- f) that if the person does not comply with the directions within the specified time, the Village may take any action or measures reasonably necessary to remedy the contravention at the expense of the person.
- g) that the person to whom the order is issued may appeal the order by requesting a review of the order by Council and include any information relevant to submitting such a request.

84. The notice of an order issued for a contravention of this Bylaw must be sent or given to the person(s) referred to in section 74 on the same day the decision is made and:

- a) delivered by registered mail; or
- b) served by hand to the person; or
- c) posted conspicuously on the property referred to in the order, when the Bylaw Enforcement Officer has reason to believe that the person(s) to whom the order is addressed is/are evading service.

Caveat

85. The Village may, in accordance with the Act, register a caveat under the *Land Titles Act* in respect of an order issued under this Bylaw against the certificate of title for the land that is the subject of the order.

86. A caveat registered under section 85 shall be discharged only when the order has been complied with or when the municipality has performed the actions or measures referred to in the order.

Appeal Procedure

87. A person who receives a written order to remedy a contravention of this Bylaw may by written notice request Council to review the order within seven (7) days after the date the order is received.

88. For the purpose of section 87, the date of receipt of the written order is deemed to be:

- a) seven (7) days from the date the notice is mailed; or
- b) the same day the notice is served by hand to the person(s); or

- c) the same day the notice is conspicuously posted on the property referred to in the order.

89. A request for review of an order by Council must contain reasons for the appeal.

90. Council may, after reviewing an order at the request of the person to whom the order was directed

- a) confirm,
- b) vary,
- c) substitute, or
- d) cancel

the order.

Municipal Remedying of a Contravention

91. If a person to whom an order issued pursuant to this Bylaw fails to comply with the order within the time specified in the order and

- a) the appeal period respecting the order has passed, or
- b) if an appeal has been made, the appeal has been decided and it allows the Municipality to enforce the order,

the Village may take whatever actions or measures are necessary to deal with the unsightly condition or eliminate the danger to public safety in accordance with the Act.

92. Notwithstanding section 91, in an emergency, the Village may take whatever actions or measures are necessary to eliminate the emergency.

93. The expenses and costs of any action or measures taken by the Village under this Bylaw are an amount owing to the Village by the person who was required to do something by the order.

94. The Village may, in accordance with the Act, sell all or part of a building, structure or improvement that has been removed under an order or in an emergency, to recover the expenses and costs associated with enforcing the order or addressing the emergency. Any excess proceeds shall be paid to the person entitled to them.

Court Appeal

95. A person affected by the decision of Council under this Bylaw may appeal to the Court of Queen's Bench in accordance with the Act.

Offences and Penalties

96. A person who contravenes any provision of this Bylaw is guilty of an offence and includes, but not limited to:

- a) failing to comply with a warning letter or notice issued or given a Bylaw Enforcement Officer;
- b) failing to pay a fine on a violation ticket;
- c) failing to comply with a written order made pursuant to this Bylaw;
- d) obstructing or hindering a Bylaw Enforcement Officer or another person acting under the authority of this Bylaw.

SCHEDULE "A"

FEES AND SPECIFIED PENALTIES

Option 2 For Consideration

FEES

Administrative Fee for filing a Request for Review of an Order: \$100.00

SPECIFIED PENALTIES

OFFENCE:

VIOLATION TICKET

Minimum Fine

Maximum Fine

Contravention of any provision of Bylaw No. 661 (1st Offence) \$100.00 \$150.00

Second Offence within one year \$200.00 \$300.00

Third offence within one year \$400.00 \$600.00

Fourth or subsequent offence within one year \$5,000.00 \$10,000.00

- 97. A person who is guilty of an offence under this Bylaw is liable:
 - a) to a fine as prescribed in schedule A of this Bylaw; or
 - b) upon summary conviction, to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than one (1) year or both.
- 98. In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a 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 separate offence.

PART VIII – REPEALS

- 99. The following Bylaws are repealed upon coming into force of this Bylaw:
 - a) Bylaw No. 617 Community Standards Bylaw and amendments thereto; and
 - b) Bylaw No. 657 Village of Berwyn Noise Abatement Bylaw and amendments thereto.

PART IX SEVERABILITY AND EFFECTIVE DATE

Severability

- 100. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction then the invalid portion shall be severed.

Effective Date

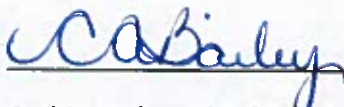
- 101. This Bylaw shall take force and effect on the date of its final passage.

First Reading given on the 12 day of September 2019.




~~Ken Montie, Mayor~~ ^{JS}

Lisa Johnson, Deputy Mayor



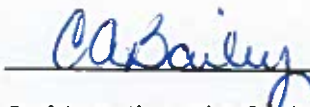
Cathie Bailey, Chief Administrative Officer

Second Reading given on the 26 day of September 2019.



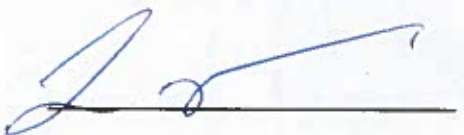
~~Ken Montie, Mayor~~ ^{JS}

Lisa Johnson, Deputy Mayor



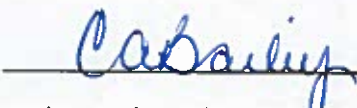
Cathie Bailey, Chief Administrative Officer

Third Reading and Assent given on the 26 day of September 2019.



~~Ken Montie, Mayor~~ ^{JS}

Lisa Johnson, Deputy Mayor



Cathie Bailey, Chief Administrative Officer